



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**ITEM 12.1.1**  
**Appeals Standing Committee**  
**October 12, 2017**

**TO:** Chair and Members of Appeals Standing Committee

**SUBMITTED BY:** **ORIGINAL SIGNED**

\_\_\_\_\_  
Kelly Denty, Acting Director, Planning & Development

**DATE:** October 2, 2017

**SUBJECT:** **Appeal Report – Case # 295377 and 295523, 145 Herring Cove Road, Halifax**

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**ORIGIN**

Staff, pursuant to the *Halifax Regional Municipality Charter* (the “Charter”).

**LEGISLATIVE AUTHORITY**

Sections 355, 356 and 3(q) of the *Halifax Regional Municipality Charter*, S.N.S., 2008 C.39.

**MOTION FOR CONSIDERATION**

In accordance with Section 58 of Administrative Order One, the motion before the Appeals Standing Committee is to allow the appeal.

**RECOMMENDATION**

It is recommended that the Appeals Standing Committee uphold the Order of the Administrator and thereby deny the appeal.

**BACKGROUND:**

There have been eight previous dangerous or unsightly cases at the property. Seven cases were closed as owner compliance and one case required HRM to complete a remedy to address the violation(s).

A complaint was received by service request on June 26, 2017. The complainant stated the house and yard are in a state of disrepair.

The derelict 4 door black Honda has been removed from the property, therefore, the appeal for Case # 295523 (derelict vehicle) is closed as owner compliance.

This report will focus on the appeal dated July 27, 2017 by the property owner of the Order to Remedy under Case # 295377 (debris).

**CHRONOLOGY OF CASE ACTIVITIES:**

- 27-Jun-2017 The Compliance Officer conducted a site inspection with the property owner at 145 Herring Cove Road, hereinafter referred to as “the property” (attached as Appendix B). The Compliance Officer noted an accumulation of debris and a derelict vehicle.
- 28-Jun-2017 The Compliance Officer conducted a site inspection with the property owner and noted the debris and derelict vehicle violations remain. The Compliance Officer issued two 14-day Notice of Violations to remove the debris and derelict vehicle. (attached as Appendix C and D).
- 18-Jul-2017 The Compliance Officer conducted a site inspection and noted no change to the debris and derelict vehicle violations.
- 21-Jul-2017 The Compliance Officer conducted a site inspection and noted no change to the debris and derelict vehicle violations. The Compliance Officer issued two Orders to Remedy and posted them to the property (attached as Appendix E and F).
- 27-Jul-2017 The property owner submitted a Notice of Appeal to the Municipal Clerk’s Office (attached as Appendix G).
- 31-Jul-2017 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 3-Aug-2017 The Municipal Clerk’s Office sent the property owner a letter advising the appeal would be heard at the September 14, 2017 Appeals Standing Committee meeting.
- 22-Aug-2017 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 24-Aug-2017 The Municipal Clerk’s Office sent the property owner a letter (attached as Appendix H) advising the appeal was rescheduled to the October 12, 2017 Appeals Standing Committee meeting.
- 14-Sep-2017 The Compliance Officer conducted a site inspection and noted the derelict vehicle has been removed however, the debris violations still exist.

### **FINANCIAL IMPLICATIONS**

There are no financial implications if the owner complies with the Order. If the Municipality is required to complete the work, the costs will form a debt against the property which may be collected in the same manner as taxes pursuant to the Halifax Regional Municipality Charter, S.N.S., 2008, C.39.

### **ALTERNATIVES**

The state of the property suggests no viable alternative.

### **RISK CONSIDERATIONS**

There are no significant risks associated with the recommendations in this report. The risk consideration rates low.

### **ENVIRONMENTAL IMPLICATIONS**

Avoids unsafe living conditions which aligns with Sustainability Principle #4 of the Corporate Sustainability Filter.

### **ATTACHMENTS**

- Appendix A: Legislative Authority – Halifax Regional Municipality Charter
- Appendix B: Copy of the Nova Scotia Property Records Map
- Appendix C: Copy of the 14-day Violation notice dated June 28, 2017
- Appendix D: Copy of the 14-day Violation notice dated June 28, 2017
- Appendix E: Copy of the Order to Remedy (debris) dated July 21, 2017
- Appendix F: Copy of the Order to Remedy (derelict vehicle) dated July 21, 2017
- Appendix G: Copy of the Notice to Appeal dated July 27, 2017
- Appendix H: Copy of the letter from the Clerk's Office dated August 24, 2017

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A copy of this report can be obtained online at Halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared For: Doug Teeft, Compliance Officer, By-law Standards, 902.229.1698

ORIGINAL SIGNED

Report Approved By: \_\_\_\_\_  
Penny J. Henneberry, Manager, Buildings and Compliance, 902.579.0250

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**Halifax Regional Municipality Charter ('HRM Charter') Subsection 355 (1) 356 and 3 (q)**

HRM Charter, subsection 355(1) as follows:

- 355 (1) The Council may, by policy, delegate some or all of its authority pursuant to this Part, except the authority to order demolition, to the Administrator.

HRM Charter, subsection 356(1) as follows:

- 356 (1) Where a property is dangerous or unsightly, the Council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.

HRM Charter, subsections 356(2), (3A), as follows:

- 356 (2) An owner may appeal an order of the Administrator to the Council or to the committee to which the Council has delegated its authority within seven days after the order is made.
- (3A) Where the Council or the committee varies or overturns the order of the Administrator, the Council or committee shall provide reasons to be recorded in the minutes of the Council or committee meeting.

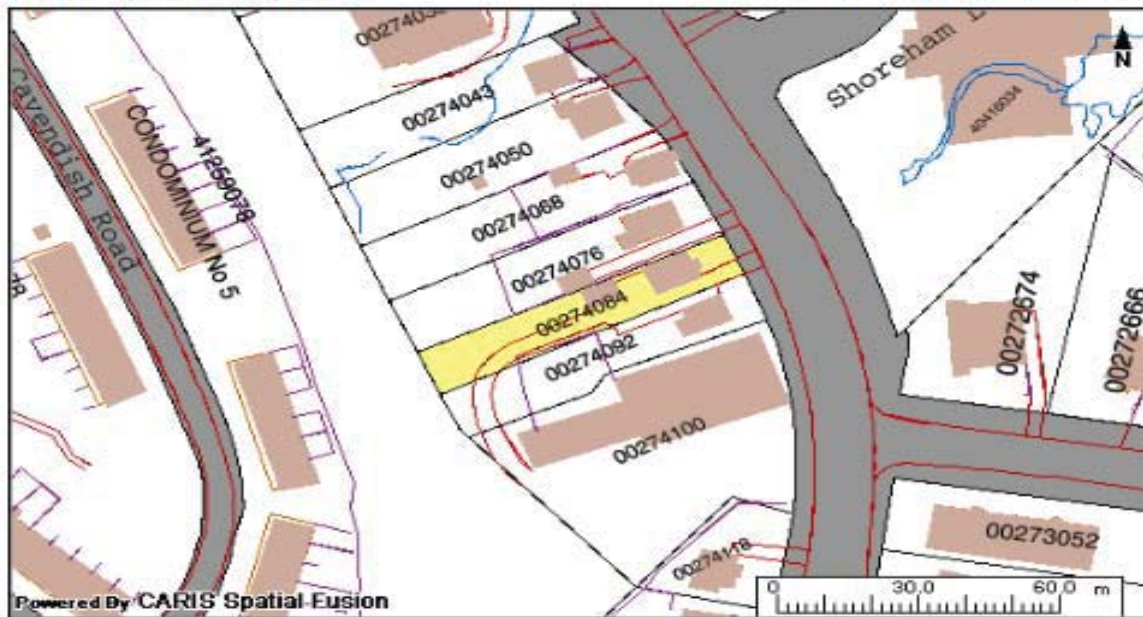
HRM Charter, subsection 3(q) as follows:

- (q) "dangerous or unsightly" means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
  - (ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material,
  - (iia) an accumulation or collection of materials or refuse that is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, or
  - (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property or a building or structure with or without structural deficiencies
  - (iv) that is in a ruinous or dilapidated condition,
  - (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,
  - (vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
  - (vii) that is an allurement to children who may play there to their danger,
  - (viii) constituting a hazard to the health or safety of the public,
  - (ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained,
  - (x) that is a fire hazard to itself or to surrounding lands or buildings,
  - (xi) that has been excavated or had fill placed on it in a manner that results in a hazard, or
  - (xii) that is in a poor state of hygiene or cleanliness;



## Property Online Map

Date: Sep 20, 2017 10:01:24 AM



PID:	00274084	Owner:	CHRISTINE WALKER	AAN:	03098265
County:	HALIFAX COUNTY	Address:	145 HERRING COVE ROAD	Value:	\$130,400 (2017 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION		HALIFAX		

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [*Land Registration Act* subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

**Property Online version 2.0**

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# HALIFAX

# Municipal Compliance

## Notice of Violation

Notice Served Upon: Name 145 Herring Cove Road  
or address Halifax, NS

This is to advise that you are in violation of the following municipal and/or provincial legislation:

- HRM By-law A-700 Animals
- HRM By-law C-300 Civic Addressing
- HRM By-law C-501 Vending
- HRM Charter, Part XV Respecting Dangerous or Unightly Premises
- HRM By-law N-300 Nuisances
- HRM By-law S-300 Streets
- HRM By-law S-600 Solid Waste
- HRM By-law S-801 Temporary Signs
- HRM By-law S-1000 Sidewalk Cafes
- HRM By-law T-1000 Taxi & Limousine
- Other: \_\_\_\_\_

**Details of violation(s):**

Accumulation of Debris including but not limited to seaweed, scrap metal, Plastic Buckets, Plastic Totes, Tugs Discarded Household Items, furniture, tires, vehicle parts, bags, Broken lawn furniture, and any other Scattered Debris litter on the property.

**Violation(s) to be rectified as per the following:**

Remove the Above

**Notice of Re-inspection:**

A re-inspection will be performed on July 12/17 to confirm the above noted violations have been rectified. If you have any queries regarding this matter, please contact the issuing Officer prior to the re-inspection date.

Issuing Officer N. Northrup  
902 476 6567

Date (dd/mm/yy) 28/06/17  
Time (hh/mm) 1425

Issuing Officer Phone Number

Time (hh/mm)

**Original Signed**

295377

Issuing Officer Signature

Case Number

# HALIFAX

## Municipal Compliance

### Notice of Violation

Notice Served Upon: Name 145 Herring Cove Road  
or address Halifax, NS

This is to advise that you are in violation of the following municipal and/or provincial legislation:

- |   |   |
|---|---|
| <input type="checkbox"/> HRM By-law A-700 Animals   | <input type="checkbox"/> HRM By-law S-300 Streets           |
| <input type="checkbox"/> HRM By-law C-300 Civic Addressing  | <input type="checkbox"/> HRM By-law S-600 Solid Waste       |
| <input type="checkbox"/> HRM By-law C-501 Vending   | <input type="checkbox"/> HRM By-law S-801 Temporary Signs   |
| <input checked="" type="checkbox"/> HRM Charter, Part XV Respecting Dangerous or Unsightly Premises | <input type="checkbox"/> HRM By-law S-1000 Sidewalk Cafes   |
| <input type="checkbox"/> HRM By-law N-300 Nuisances   | <input type="checkbox"/> HRM By-law T-1000 Taxi & Limousine |
|   | <input type="checkbox"/> Other: _____                       |

Details of violation(s):

Black 4dr Honda deemed Noeolict due to expired MVT, Lack of current registration, Bedon and missing parts and the condition in which it remains on the property

Violation(s) to be rectified as per the following:

Remove the Above vehicle

Notice of Re-inspection:

A re-inspection will be performed on July 12/17 to confirm the above noted violations have been rectified. If you have any queries regarding this matter, please contact the issuing Officer prior to the re-inspection date.

Issuing Officer K Northrup  
902 476 6567

Issuing Officer Phone Number  
**Original Signed**

Issuing Officer Signature

Date (dd/mm/yy) 28/06/17

Time (hh/mm) 1425

Case Number 295523

For information on municipal legislation visit the Halifax Website at [www.halifax.ca/legislation](http://www.halifax.ca/legislation) or call the Citizen Contact Centre at 311. If calling outside the HRM but within NS call 1-800-835-6428 toll free.

# HALIFAX

## ORDER TO REMEDY DANGEROUS OR UNSIGHTLY PREMISES

**IN THE MATTER OF:** Section 356 of The Halifax Regional Municipality Charter, S.N.S., 2008, C.39  
Hereinafter referred to as the "Charter"

- and -

**IN THE MATTER OF:** Property located at 145 HERRING COVE RD, HALIFAX, NS,  
PID # 00274084 Tax # 3098265 Case # 295377  
Hereinafter referred to as the "Property"

**TO:** CHRISTINE WALKER  
145 HERRING COVE RD, HALIFAX, NS, B3P 1K6

**WHEREAS** you are the owner(s) of the Property;

**AND WHEREAS** located on the Property is an unsightly or dangerous condition due to an accumulation of debris including but not limited to scrap wood, scrap metal, scrap wire, plastic buckets, plastic totes and tubs, jugs, discarded house hold items, furniture, tires, rims vehicle parts, tarps, broken lawn furniture, metal shelving units, car bumper, truck cap, broken bicycles, broken wheel barrows, pool, pool accessories, broken tools, propane tanks, bbqs, bagged waste, windows, discarded sports equipment, Christmas ornaments discarded electronics and any other scattered debris and litter, in accordance with Section 3(q) of the Charter;

**TAKE NOTICE** that you are hereby Ordered to remedy the condition of the Property by removing the accumulation of debris including but not limited to scrap wood, scrap metal, scrap wire, plastic buckets, plastic totes and tubs, jugs, discarded house hold items, furniture, tires, rims, vehicle parts, tarps, broken lawn furniture, metal shelving units, car bumper, truck cap, broken bicycles, broken wheel barrows, pool, pool accessories, broken tools, propane tanks, bbqs, bagged waste, windows, discarded sports equipment, Christmas ornaments discarded electronics and any other scattered debris and litter, so as to leave the Property in a neat, tidy, environmentally compliant and safe condition;

**TAKE FURTHER NOTICE** that you have the right to appeal this Order to the Appeals Standing Committee of the Halifax Regional Municipality ("HRM") by filing a Notice of Appeal with the Municipal Clerk by mail at City Hall, P.O. Box 1749, Halifax, NS, B3J 3A5 or by fax to (902) 490-4208, within seven (7) days after the Order is posted in a conspicuous place upon the Property or served upon you;

**AND FURTHER TAKE NOTICE** that your failure to comply with the requirements of this Order within seven (7) days after service, the Administrator, or any person authorized by the Administrator, may enter upon the Property without warrant or other legal process and carry out the work specified in this Order.

**AND FURTHER TAKE NOTICE** that the costs of complying with this Order, including the cost of completing the work specified herein, incurred by the Halifax Regional Municipality ("HRM") or its agents, is a debt payable by you to HRM and that HRM has a first lien on the Property in the amount of the debt which may be collected in the same manner and with the same rights and remedies as rates and taxes pursuant to the Charter;

**AND FURTHER TAKE NOTICE** that upon service of this Order any person who aids, assists, permits or causes a dangerous or unsightly condition or fails to comply with the terms of this Order is liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) and every day during which the condition is not remedied is a separate offense.

DATED at Halifax, Nova Scotia this 21st of July, 2017 AD.

KIM NORTHROP  
COMPLIANCE OFFICER  
Phone: (902)476-6567 x

  
SCOTT HILL  
Administrator  
Halifax Regional Municipality



# HALIFAX

## ORDER TO REMEDY DANGEROUS OR UNSIGHTLY PREMISES

**IN THE MATTER OF:** Section 356 of The Halifax Regional Municipality Charter, S.N.S., 2008 , C.39  
Hereinafter referred to as the "Charter"

- and -

**IN THE MATTER OF:** Property located at 145 HERRING COVE RD, HALIFAX, NS,  
PID # 00274084 Tax # 3098265 Case # 295523  
Hereinafter referred to as the "Property"

**TO:** CHRISTINE WALKER  
145 HERRING COVE RD, HALIFAX, NS, B3P 1K6

**WHEREAS** you are the owner(s) of the Property;

**AND WHEREAS** located on the Property is an unsightly or dangerous condition due to black 4dr Honda deemed derelict due to expired mvi, lack of current registration, broken and missing parts, and the condition in which it remains on the property, in accordance with Section 3(q) of the Charter;

**TAKE NOTICE** that you are hereby Ordered to remedy the condition of the Property by removing or repairing black 4dr Honda, so as to leave the Property in a neat, tidy, environmentally compliant and safe condition;

**TAKE FURTHER NOTICE** that you have the right to appeal this Order to the Appeals Standing Committee of the Halifax Regional Municipality ("HRM") by filing a Notice of Appeal with the Municipal Clerk by mail at City Hall, P.O. Box 1749, Halifax, NS, B3J 3A5 or by fax to (902) 490-4208, within seven (7) days after the Order is posted in a conspicuous place upon the Property or served upon you;

**AND FURTHER TAKE NOTICE** that your failure to comply with the requirements of this Order within seven (7) days after service, the Administrator, or any person authorized by the Administrator, may enter upon the Property without warrant or other legal process and carry out the work specified in this Order.

**AND FURTHER TAKE NOTICE** that the costs of complying with this Order, including the cost of completing the work specified herein, incurred by the Halifax Regional Municipality ("HRM") or its agents, is a debt payable by you to HRM and that HRM has a first lien on the Property in the amount of the debt which may be collected in the same manner and with the same rights and remedies as rates and taxes pursuant to the Charter;

**AND FURTHER TAKE NOTICE** that upon service of this Order any person who aids, assists, permits or causes a dangerous or unsightly condition or fails to comply with the terms of this Order is liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) and every day during which the condition is not remedied is a separate offense.

**DATED** at Halifax, Nova Scotia this 21st of July, 2017 AD.

KIM NORTHROP  
COMPLIANCE OFFICER  
Phone: (902)476-6567 x

**Original Signed**  
SCOTT HILL  
Administrator  
Halifax Regional Municipality

27 July 2017

I Christine Walker do wish to  
Appeal these two (2) orders

PID#00274084 tax#3098266 Case#295523  
PID#00274084 tax#3098265 Case#295377

So giving Notice of Appeal

Christine Walker  
145 Herring Cove Rd  
Hfx NS B3P 1K6  
[Redacted]

HALIFAX REGIONAL  
MUNICIPALITY  
JUL 28 2017  
Original Signed  
MUNICIPAL CLERK

Thank You

Original Signed

VALID

		<b>REGISTERED DOMESTIC</b> CUSTOMER RECEIPT	<b>RECOMMANDÉ RÉGIME INTÉRIEUR</b> REÇU DU CLIENT	
<b>To / Destinataire</b> Name / Nom		FOR DELIVERY CONFIRMATION / CONFIRMATION DE LA LIVRAISON www.canadapost.ca or/ou www.postescanada.ca 1 888 550-6333 <small>CPC Tracking Number / Numéro de repérage de la BCP</small>		
Address / Adresse		City / Prov. / Postal Code / Ville / Prov. / Code postal		
Declared Value / Valeur déclarée \$		<b>RN 190 914 452 CA</b> 33-086-584 (14-06)		

**REGISTERED MAIL**

August 24, 2017

Christine Walker  
 145 Herring Cove Road  
 Halifax, NS B3P 1K6

**Re: Case 295523 and 295377, 145 Herring Cove Road, Halifax**

This is to advise that your appeal have been rescheduled and will be heard by the Appeals Committee on **Thursday, October 12, 2017**. The hearing will be held in the Council Chamber, 3<sup>rd</sup> Floor, City Hall, 1841 Argyle Street, Halifax. Please arrive for 10 a.m., but note that there may be other cases heard before yours on the agenda.

The staff report for these cases will be posted online to the Appeals Standing Committee agenda page by end of day Thursday, October 5, 2017. If you require a hard copy of the report, please contact our office.

<https://www.halifax.ca/city-hall/agendas-meetings-reports?category=131>

Should you be unable to attend, you may have a representative attend to speak to the Committee at the hearing. Please note that your representative is required to have a letter signed by you giving permission. You or your representative will be permitted up to 10 minutes to make a verbal submission. A copy of the appeals process is attached. If neither you nor a representative appears, the hearing will proceed and you will be advised of the Committee's decision.

If you have any questions regarding this process, please contact me at 902-490-6519.

Sincerely,

**Original Signed**

Krista Vining  
 Legislative Assistant  
 Office of the Municipal Clerk

cc: Tanya Phillips, Manager, By-law Standards  
 Scott Hill, Supervisor, Regional Compliance  
 Erin Dobson, Supervisor, Support Services  
 Natalie Matheson, Adjudication Clerk  
 Kim Northrop, Compliance Officer

Enclosure: Order of Proceedings for Appeals Standing Committee