



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

Item 12.1.1
Appeals Standing Committee
January 12, 2017

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY: ORIGINAL SIGNED

Bob Bjerke, Chief Planner and Director, Planning & Development

DATE: December 30, 2016

SUBJECT: Appeal Report – Case #269605, 2043 Prospect Road, Hatchet Lake

ORIGIN

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

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that the Appeals Standing Committee reconsider the matter and allow the appeal.

BACKGROUND:

There have been six previous dangerous or unsightly cases at the property. All six cases were closed as owner compliance.

A complaint was received by service request on March 17, 2016. The complainant stated concerns with the mobile home and general unsightliness of the property.

On March 23, 2016 the Compliance Officer conducted a site inspection at 2043 Prospect Road, hereinafter referred to as “the property” (attached as Appendix A). The Compliance Officer noted two structures on the property: a vacant, boarded up building and a mobile home in a ruinous and dilapidated condition.

On August 4, 2016, the Compliance Officer attended the Appeals Standing Committee to request an Order to Demolish for the mobile home. The Committee granted the request and issued the Demolition Order. The property owner was not present at the meeting.

On September 7, 2016, the property owner was issued Permit # 154748 to replace the shingles, windows and doors of the mobile home.

On September 8, 2016, the property owner contacted the Municipal Clerk’s Office to request reconsideration of the Order to Demolish.

On October 6, 2016, the property owner attended the Appeals Standing Committee to request a reconsideration of the Order to Demolish. The Committee heard the reconsideration and defeated a motion to rescind the Order. The Committee then passed a motion to amend the Order by removing the demolition language and stating that the mobile home was to be removed from the property within 60 days.

This case was originally scheduled to be heard at the December 8, 2016 Appeals Standing Committee meeting but was rescheduled to the January meeting at the request of the property owner.

This report will focus on the appeal dated October 23, 2016 by the property owner of the Order to Remedy issued on October 6, 2016 under Case # 269605.

CHRONOLOGY OF CASE ACTIVITIES:

- 18-Oct-2016 The Compliance Officer conducted a site inspection and noted the violation still exists. The amended Order to Remedy (attached as Appendix B) was posted at the property and a copy was sent via registered mail to the property owner.
- 23-Oct-2016 The property owner submitted a Notice of Appeal to the Municipal Clerk’s Office (attached as Appendix C).
- 01-Nov-2016 The Compliance Officer conducted a site inspection and noted the violation still exists.
The Compliance Officer contacted the property owner in regards to the pending Appeals Standing Committee Meeting.
- 29-Nov-2016 The Compliance Officer conducted a site inspection and noted that the mobile home has new windows, doors and siding.
- 19-Dec-2016 The Compliance Officer conducted a site inspection and noted that the mobile home was not connected to power, sewer or water service and is not removed pursuant to the Order.

28-Dec-2016 The Building Official conducted a site inspection and has approved his final inspection of Permit # 154748. The Permit was for exterior maintenance of the mobile home and could not view the interior. The Building Official spoke with the property owner who advised that the interior does require renovations. The Building Official noted that the mobile home is currently unoccupied.

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 to the recommendation by Staff.

RISK CONSIDERATIONS

There are no significant risks associated with the recommendation 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: Copy of the Nova Scotia Property Records Map
Appendix B: Copy of the Order to Remedy dated October 18, 2016
Appendix C: Copy of the Notice to Appeal dated October 23, 2016

A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared For: Mark Prosser, Compliance Officer, By-law Standards, 902.478.2894

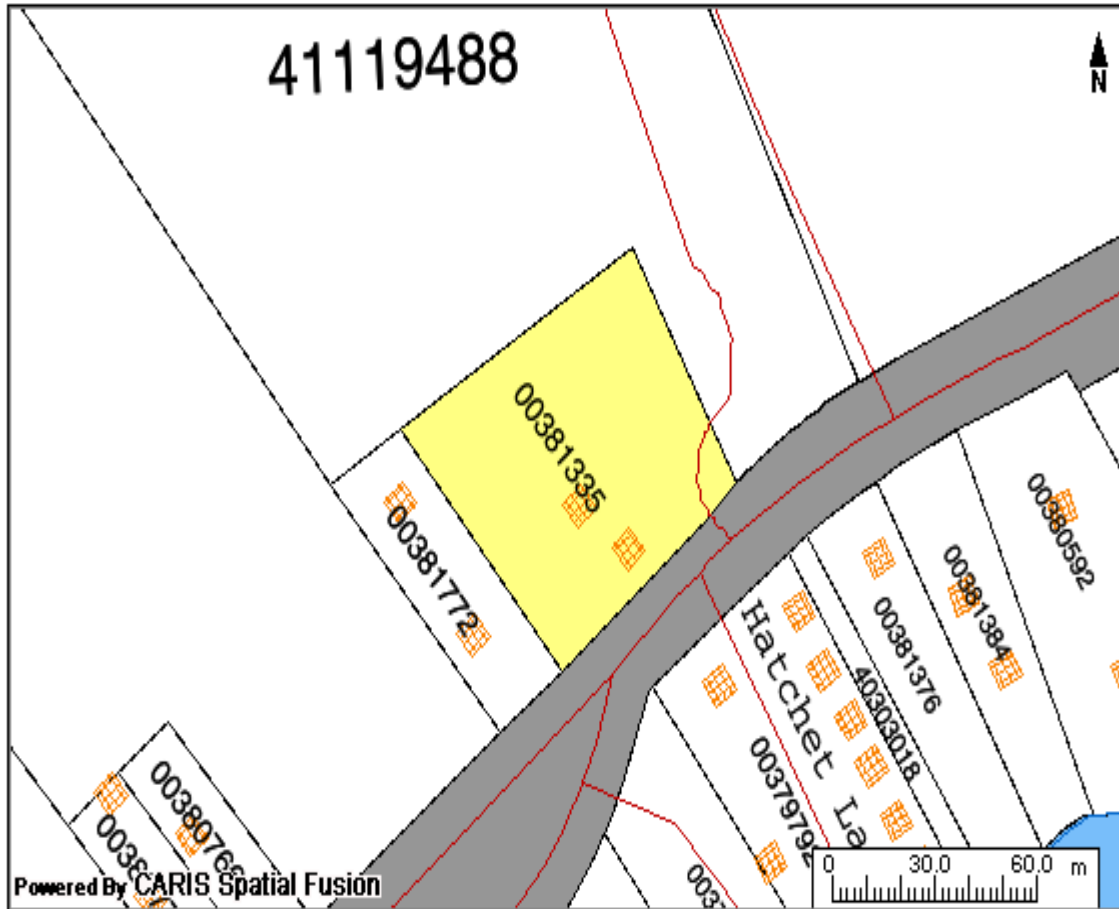
Report Approved By: ORIGINAL SIGNED

Jim Donovan, Manager, Buildings and Compliance, 902.476.8211



Property Online Map

Date: Dec 21, 2016 11:36:44 AM



PID:	00381335	Owner:	SUNRISE PARK INTER-FAITH CEMETERY LTD.	AAN:	04243889
County:	HALIFAX COUNTY	Address:	2043 PROSPECT ROAD HATCHET LAKE	Value:	\$74,300 (2016 COMMERCIAL TAXABLE)
LR Status:	LAND REGISTRATION				

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

HALIFAX REGIONAL MUNICIPALITY
 OCT 18 2016
 Original Signed
 MUNICIPAL CLERK

AMENDED 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 2043 PROSPECT RD, HATCHET LAKE, NS, PID # 00381335 Tax # 4243889 Case # 269605 Hereinafter referred to as the "Property"

TO: SUNRISE PARK INTER-FAITH CEMETERY LTD.

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

AND WHEREAS located on the Property is an unsightly or dangerous condition due to an accessory structure (mobile home) deemed derelict as it appears to be disused or abandoned by reason of age and appearance including but not limited to broken windows, failing roof shingles, no power or utilities, broken soffit and fascia, missing interior walls, rotten wooden subfloor, flat tires, holes in interior walls and ceiling and other deteriorated features, 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 accessory building (mobile home) from the property, including but not limited to the disconnecting any and all utility connections to the standard set by each respective utility service provider, 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 sixty (60) 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 18th of October, 2016 AD.

MARK PROSSER
COMPLIANCE OFFICER
Phone: (902)478-2894 x

Original Signed
 SCOTT HILL
 Administrator
 Halifax Regional Municipality

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OCT 23- 2016

To whom it may concern:
 Standing Committee of the Halifax Reg. Municip.

According to Mr. Prosser, there are details with his report Oct. 18, 2016 which is not true.

- ① Roof Shingles, he said failing roof shingles.
- ①A New Roof Shingles on the roof.
- ② Broken Doffit and fascia.
- ②B New fascia waiting for new Doffit.
- ③ missing interior walls
- ③C I remove the interior walls to make open concept.
- ④ Rotten wooden floor.
- ④B Mr Prosser took a picture through the window and the picture he has is the underlay which was under the carpet. No ROTTEN SUB FLOOR.
- ⑤ That this one side mobile home, other side of mobile tire are in full. Reason tire on one side is down because it keep to level.
- ⑥ Trailer when putting a new roof on.
- ⑥A Holes in interior walls.
- ⑥B He would only have one spot under next a window where I took the panel board of.
- ⑦ He did unsightly damages.
- ⑦B Mr Prosser needs to explain those words.

I have a building permit. took to look to get that permit.

I am in a C2 Zone which allows me to work on mobile homes.

Winter is coming, and I need the winter to do all repairs and make mobile home June 2017

The

Original Signed