



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

**Item 12.1.2**  
**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 23, 2016

**SUBJECT:** **Appeal Report – Case #280988 and 282093, PID 00421842, and Case #281072 for PID 00421834, Hammonds Plains**

---

**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**

The question before the Appeals Standing Committee is whether to allow or deny the appeal before them.

**BACKGROUND:**

This report is addressing appeals for violations located at two separate properties; civic 1937 Hammonds Plains Road and an adjacent vacant lot (no civic address); both properties are owned by the same individual. There have been eleven dangerous or unsightly cases on these properties over the past three years.

From September 2015 to May 2016, the property owner had three appeals heard by the Committee for these same properties. The Committee heard the appeals on several dates and denied all three. The last date of compliance was July 31, 2016. The property owner completed the work and all cases were closed with owner compliance.

A new complaint was received by service request on September 13, 2016 and cases were opened. The complainant stated that, despite previous complaints, the property remains unsightly.

This report will focus on the appeals dated October 10, 2016 by the property owner of the following: Case# 280988 (debris) and Case# 282093 (derelict vehicles) and Case # 281072 (debris).

**CHRONOLOGY OF CASE ACTIVITIES:**

- 15-Sep-2016 The Compliance Officer conducted a site inspection at 1937 Hammonds Plains Road and PID 00421834, hereinafter referred to as “the properties” (attached as Appendix A and B) and noted an accumulation of debris and derelict vehicles.
- 03-Oct-2016 The Compliance Officer conducted a site inspection and noted the violations still exist. Three Orders were posted at the properties and copies were sent via registered mail to the property owner (attached as Appendix C, D and E).
- 04-Oct-2016 The Compliance Officer spoke to the property owner and discussed the requirements to bring the properties into compliance. The property owner advised he would like to purchase a shipping container and place it on the property to store these items. The Compliance Officer explained the requirements to obtain a Permit for the shipping container and stated that the property owner should apply for a Permit before proceeding.
- 10-Oct-2016 The property owner submitted a Notice of Appeal to the Municipal Clerk’s Office (attached as Appendix F).
- 11-Oct-2016 The Municipal Clerk’s Office sent the property owner a letter advising the appeals would be heard at the January 12, 2017 Appeals Standing Committee meeting (attached as Appendix G)
- 13-Oct-2016 The Compliance Officer spoke with the property owner and reviewed what was required to bring the property into compliance. The property owner advised that he has appealed the Orders that were issued for the properties.
- 20-Dec-2016 The Compliance Officer conducted a site inspection and noted violations exist.

**FINANCIAL IMPLICATIONS**

There are no financial implications if the owner complies with the Orders. 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 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 for 1937 Hammonds Plains Road
- Appendix B: Copy of the Nova Scotia Property Records Map for PID 00421834
- Appendix C: Copy of the Order to Remedy dated October 3, 2016 for debris (case#280988)
- Appendix D: Copy of the Order to Remedy dated October 3, 2016 for derelict vehicles (case#282093)
- Appendix E: Copy of the Order to Remedy dated October 3, 2016 for debris (case#281072)
- Appendix F: Copy of the Notice to Appeal dated October 10, 2016
- Appendix G: Copy of the letter from the Clerk's Office dated December 11, 2016

---

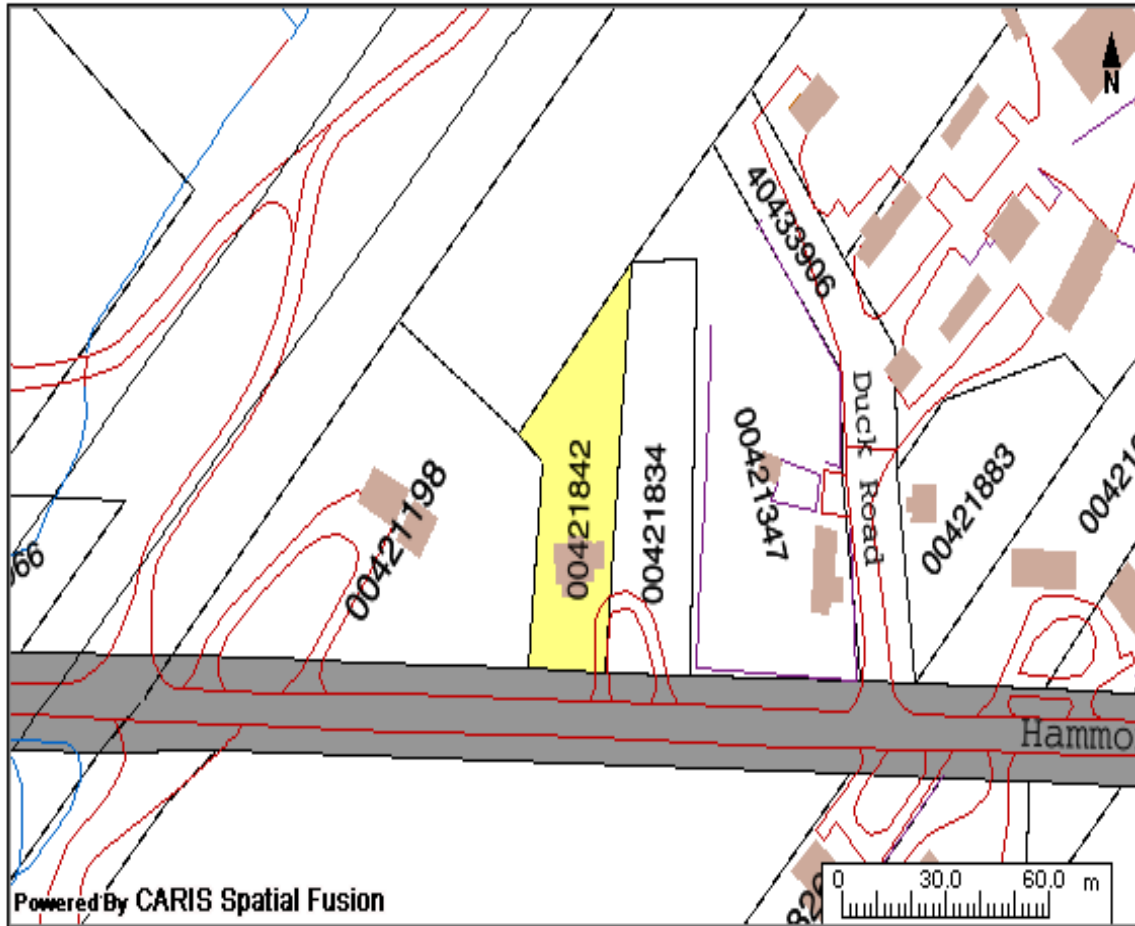
A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared For: Trevor Oliver, Compliance Officer, By-law Standards, 902.476.4257

Report Approved By: ORIGINAL SIGNED  
\_\_\_\_\_  
Jim Donovan, Manager, Buildings and Compliance, 902.476.8211

## Property Online Map

Date: Dec 21, 2016 12:32:29 PM



PID:	00421842	Owner:	THOMAS MOORE	AAN:	02949822
County:	HALIFAX COUNTY		WILLIAM MOORE	Value:	\$134,300 (2016 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION	Address:	1937 HAMMONDS PLAINS ROAD HAMMONDS PLAINS		

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.

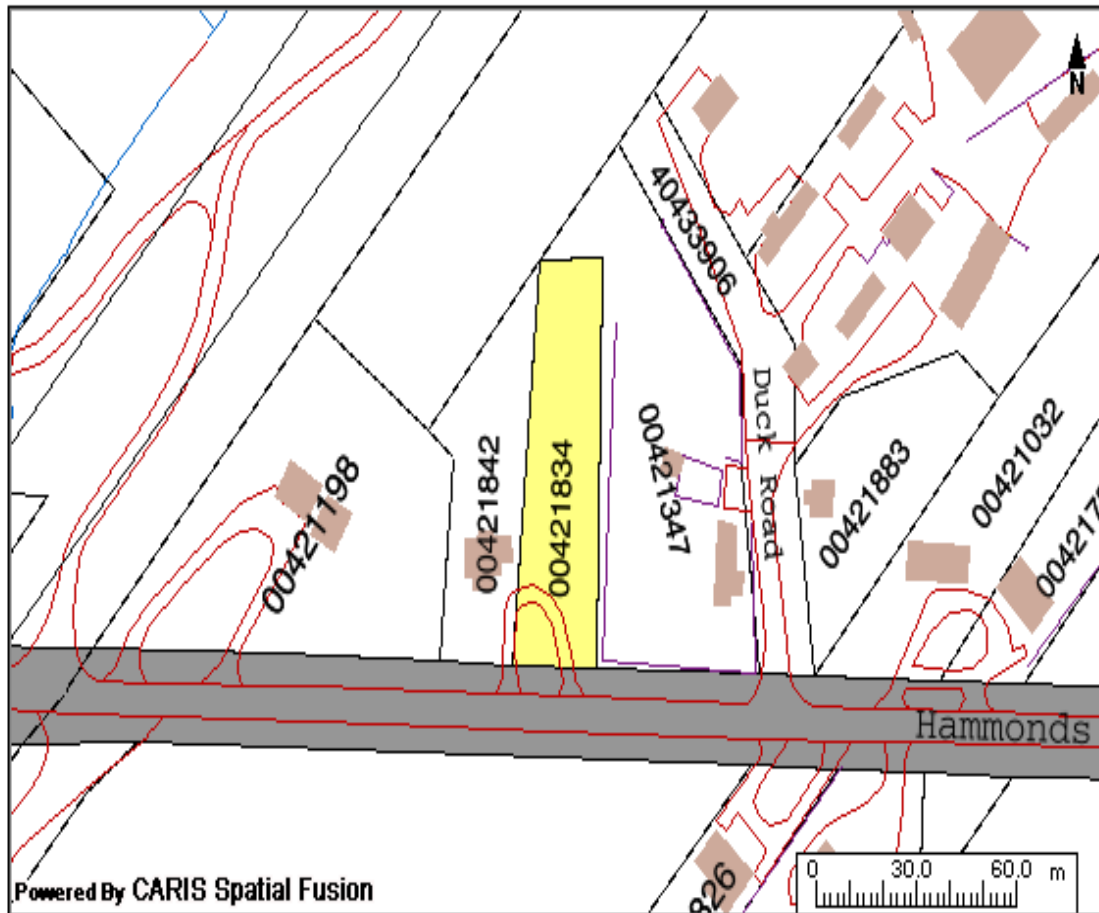
### Property Online version 2.0

This page and all contents are copyright © 1999-2003, [Government of Nova Scotia](http://www.gov.ns.ca), all rights reserved.



## Property Online Map

Date: Dec 21, 2016 12:34:20 PM



PID:	00421834	Owner:	THOMAS MOORE	AAN:	02949849
County:	HALIFAX COUNTY		WILLIAM MOORE	Value:	\$73,000 (2016 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION	Address:	HAMMONDS PLAINS ROAD HAMMONDS PLAINS		

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

This page and all contents are copyright © 1999-2003, [Government of Nova Scotia](http://www.gov.ns.ca), all rights reserved.

# 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 1937 HAMMONDS PLAINS RD, HAMMONDS PLAINS,  
NS,  
PID # 00421842 Tax # 2949822 Case # 280988

Hereinafter referred to as the "Property"

**TO:** WILLIAM MOORE  
1937 HAMMONDS PLAINS RD, HAMMONDS PLAINS, NS, B4B 1P4  
THOMAS MOORE  
1937 HAMMONDS PLAINS RD, HAMMONDS PLAINS, NS, B4B 1P4

**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 assorted construction materials, siding, insulation, scrap wood, metal, plastic, tools, glass, windows, doors, tarpaulin, carpet, cardboard, bottles, buckets, automotive parts, wheels, tires, litter and other scattered debris, 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 assorted construction materials, siding, insulation, scrap wood, metal, plastic, tools, glass, windows, doors, tarpaulin, carpet, cardboard, bottles, buckets, automotive parts, wheels, tires, liter and other scattered debris, 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 3rd of October, 2016 AD.

TREVOR OLIVER  
COMPLIANCE OFFICER  
Phone: (902)476-4257 x

  
ERIN DOBSON  
Administrator  
Halifax Regional Municipality

HALIFAX REGIONAL  
MUNICIPALITY  
OCT 03 2016  
Original Signed  
MUNICIPAL CLERK



**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 1937 HAMMONDS PLAINS RD, HAMMONDS PLAINS,  
NS,  
PID # 00421842 Tax # 2949822 Case # 282093  
Hereinafter referred to as the "Property"

**TO:** WILLIAM MOORE  
1937 HAMMONDS PLAINS RD, HAMMONDS PLAINS, NS, B4B 1P4  
THOMAS MOORE  
1937 HAMMONDS PLAINS RD, HAMMONDS PLAINS, NS, B4B 1P4

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

**AND WHEREAS** located on the Property is an unsightly or dangerous condition due to a black Dodge Raider and a stripped black motorcycle are deemed derelict due to the fact that they appear to be disused or abandoned by reason of their age, appearance, mechanical condition or their lack of licence plates or current vehicle registration, in accordance with Section 3(q) of the Charter;

**TAKE NOTICE** that you are hereby Ordered to remedy the condition of the Property by repairing or removing the black Dodge Raider and the black stripped motorcycle, 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 3rd of October, 2016 AD.

TREVOR OLIVER  
COMPLIANCE OFFICER  
Phone: (902)476-4257 x

Original Signed  
ERIN DOBSON  
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 PID # 00421834, HAMMONDS PLAINS, NS  
PID # 00421834 Tax # 2949849 Case # 281072  
Hereinafter referred to as the "Property"

**TO:** WILLIAM MOORE  
1937 HAMMONDS PLAINS RD, HAMMONDS PLAINS, NS, B4B 1P4  
THOMAS MOORE  
1937 HAMMONDS PLAINS RD, HAMMONDS PLAINS, NS, B4B 1P4

**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 assorted construction materials, beams, tools, scrap wood, metal, plastic, insulation, oil tank, tarpaulin, automotive parts, buckets, litter and other scattered debris, 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 assorted construction materials, beams, tools, scrap wood, metal, plastic, insulation, oil tank, tarpaulin, automotive parts, buckets, litter and other scattered debris, 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 3rd of October, 2016 AD.

Original Signed

TREVOR OLIVER  
COMPLIANCE OFFICER  
Phone: (902)476-4257 x

ERIN DOBSON  
Administrator  
Halifax Regional Municipality



**Appendix F**

---

**Stewart, April**

**From:** Thomas Moore [REDACTED]  
**Sent:** October-10-16 10:18 PM  
**To:** Office, Clerks  
**Subject:** Appeals

HALIFAX REGIONAL  
MUNICIPALITY  
OCT 11 2016  
Original Signed  
MUNICIPAL CLERK

I am writing to appeal case #281072, 282093 n 280988. Please contact me with any questions, and when a date has been set for the matter.  
Best regards,  
Thomas Moore

**VALID**

CANADA POST / POSTES CANADA		<b>REGISTERED DOMESTIC</b>	<b>RECOMMANDÉ RÉGIME INTÉRIEUR</b>	<b>R</b>
		CUSTOMER RECEIPT	REÇU DU CLIENT	
To / Destinataire	Name / Nom			
Address / Adresse				
City / Prov. / Postal Code	Ville / Prov. / Code postal			
Declared Value / Valeur déclarée	\$			
33-886-584 (14-05)		RN 133 171 399 CA		

**REGISTERED MAIL**

October 11, 2016

Mr. Thomas Moore  
1937 Hammonds Plains Road  
Hammonds Plains B4B 1P4

Re: **Case 282093 & 280988, Property located at 1937 Hammonds Plains Road, Hammonds Plains**  
**Case 281072, Property located at PID 00421834, Hammonds Plains Road, Hammonds Plains**

Mr. Moore,

This is to advise that your appeal will be heard by the Appeals Committee on **Thursday, January 12, 2016**. 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.

Should you be unable to attend, you may have a representative attend to present the appeal to the Committee. Please note that your representative is required to have a letter signed by you giving permission. You or your representative may have witnesses or other evidence in support of the appeal and 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
- Trevor Oliver, Compliance Officer

Enclosure: Order of Proceedings for Appeals Standing Committee

**HALIFAX**

Halifax Regional Municipality  
PO Box 1749, Halifax, Nova Scotia  
Canada B3J 3A5

halifax.ca