



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

Item 12.1.5
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 #283375, 6323 Liverpool St, Halifax**

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:

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

A complaint was received by service request on October 24, 2016. The complainant stated there were unsightly vehicles in the driveway.

This report will focus on the appeal dated November 14, 2016 by the property owner of the Order to Remedy issued on November 7, 2016 under Case # 283375.

CHRONOLOGY OF CASE ACTIVITIES:

- 26-Oct-2016 The Compliance Officer conducted a site inspection at 6323 Liverpool St, hereinafter referred to as “the property” (attached as Appendix A) and noted a white VW van with parts missing and a silver VW car. A 7 day Notice of Violation (attached as Appendix B) was posted to the property to remove or repair both vehicles.
- 03-Nov-2016 The Compliance Officer conducted a site inspection and noted the silver VW car had been removed and the white VW van remains. The VW van is considered derelict as it has flat tires, missing gas tank, dislodged interior and exterior mechanical parts and is in a state of general disrepair not being roadworthy. Due to the state of the remaining vehicle the violation is deemed to remain.
- 07-Nov-2016 The Compliance Officer received a voicemail from the tenant. The Compliance Officer returned the call and in-turn left a voicemail for the tenant.
- The Compliance Officer conducted a site inspection and noted the violation exists. A 7 day Order to Remedy (attached as Appendix C) was posted to the property.
- 08-Nov-2016 The Compliance Officer spoke to the property owner who advised they would move the derelict vehicle into the garage. The Compliance Officer advised they would be back to the property for a re-inspection.
- A copy of the Order to Remedy was sent via registered mail.
- 14-Nov-2016 The property owner submitted a Notice of Appeal to the Municipal Clerk’s Office attached as Appendix D).
- The Municipal Clerk’s Office sent the property owner a letter advising the appeal would be heard at the January 12, 2017 Appeals Standing Committee meeting (attached as Appendix E).
- 12-Dec-2016 The Compliance Officer conducted a site inspection and noted the violation exists.
- 13-Dec-2016 The Compliance Officer spoke to the property owner and inquired on their intentions for the derelict vehicle. The property owner advised they have do not intend to move the vehicle and wish to attend the Appeals Standing Committee meeting.
- 20-Dec-2016 The Compliance Officer conducted a site inspection and noted the violations remain.

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

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 Notice of Violation dated October 26, 2016
- Appendix C: Copy of the Order to Remedy dated November 7, 2016
- Appendix D: Copy of the Notice to Appeal dated November 14, 2016
- Appendix E: Copy of the letter from the Clerk's Office dated November 14, 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.

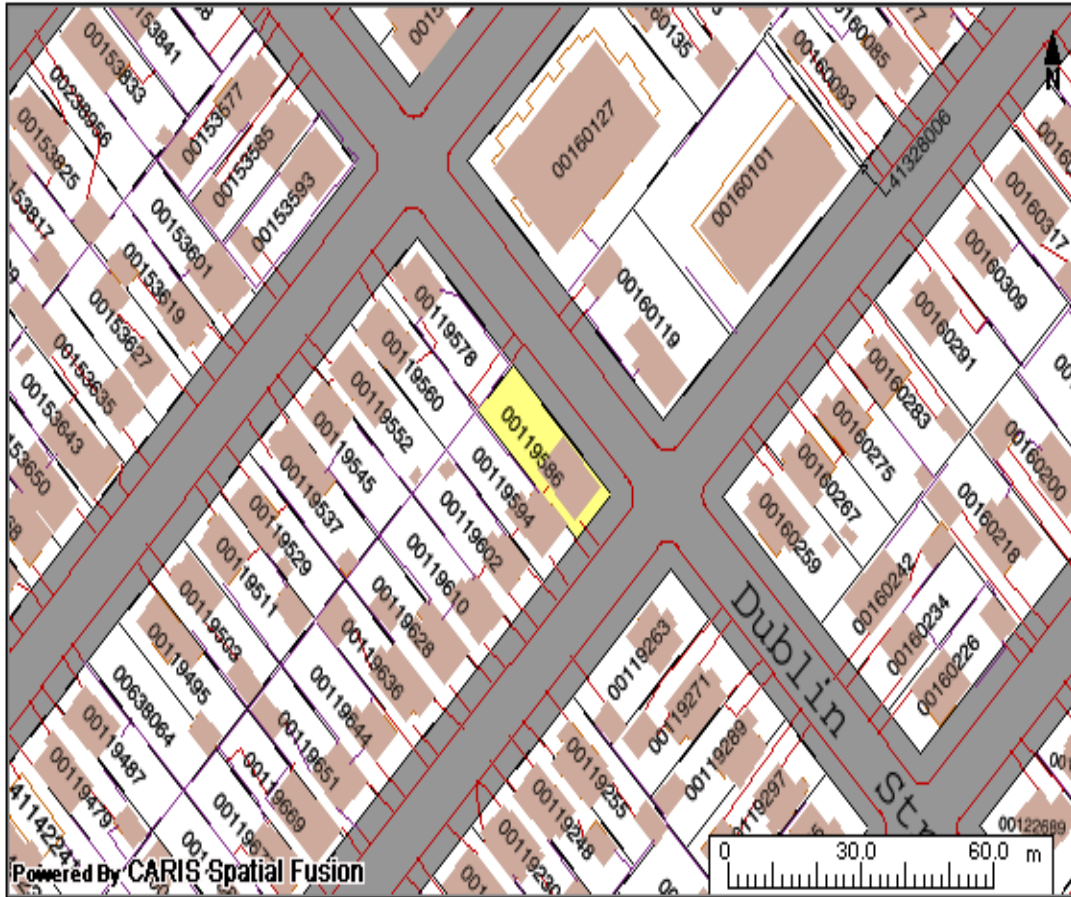
Report Prepared For: Ben Amini, Compliance Officer, By-law Standards, 902.877.6742

Report Approved By: ORIGINAL SIGNED

Jim Donovan, Manager, Buildings and Compliance, 902.476.8211

Property Online Map

Date: Dec 21, 2016 12:39:31 PM



PID:	00119586	Owner:	PETER EWALD MELZER	AAN:	02231948
County:	HALIFAX COUNTY	Address:	6323 LIVERPOOL STREET	Value:	\$348,300 (2016 RESIDENTIAL TAXABLE)
LR Status:	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 _____
or address 6373 Liverpool St.

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 Unightly 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):

An accumulation of debris including but not limited to, derelict vehicles.

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

Remove/repair all derelict vehicles

Notice of Re-inspection:

A re-inspection will be performed on 2016-11-02 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.

Ben Amini
Issuing Officer

26/10/16
Date (dd/mm/yy)

902-877-6942
Issuing Officer Phone Number

1000
Time (hh/mm)

Original Signed
Issuing Officer Signature

283395
Case Number

HALIFAX

ORDER TO REMEDY DANGEROUS OR UNSIGHTLY PREMISES

IN THE MATTER OF: Section 358 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 8323 LIVERPOOL ST, HALIFAX, NS
PID # 00119588 Tax # 2231948 Case # 283375
Hereinafter referred to as the "Property"

HALIFAX REGIONAL
MUNICIPALITY
NOV 07 2016
Original Signed
MUNICIPAL CLERK

TO: PETER EWALD MELZER
[REDACTED]

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

AND WHEREAS located on the Property is an unsightly or dangerous condition due to a white VW van that is derelict due to the fact that it appears to be disused or abandoned by reason of its age, appearance, mechanical condition or its lack of license plate 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 derelict white VW van, 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.


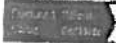

DATED at Halifax, Nova Scotia this 7th of November, 2016 AD

BEN AMINI
COMPLIANCE OFFICER
Phone: (902)877-6742 x

SCOTT HILL
Administrator
Halifax Regional Municipality

Original signed

Appendix E

		REGISTERED DOMESTIC CUSTOMER RECEIPT	RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT	
To	Destinataire			
Name	Nom			
Address	Adresse			
City / Prov. / Postal Code	Ville / Prov. / Code postal			
				
33-988-584 (1-800)		RN 190 914 086 CA		

November 14, 2016

REGISTERED MAIL

Peter Ewald Melzer

Re: Case 283376, Property Located at 6323 Liverpool St., Halifax, NS

Dear Mr. Melzer:

This is to advise that your appeal will be heard by the Appeals Committee on Thursday, January 12, 2017. The hearing will be held in the Council Chamber, 3rd 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 this case will be posted online to the Appeals Standing Committee agenda page by end of day Thursday, January 5, 2017. <http://www.halifax.ca/ordinance/SC/committees/index.cfm> if you require a hard copy of the report, please contact our office.

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 appeal 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 Dobeon, Supervisor, Support Services
Natalie Matheson, Adjudication Clerk
Ben Aminl, 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