



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

Item No. 12.1.2
Appeals Standing Committee
September 12, 2019

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY: **ORIGINAL SIGNED**
Conor O’Dea, Manager, Buildings and Compliance

DATE: September 6, 2019

SUBJECT: Appeal Report – Case 328298, 185 Tanner Frederick Road, Glen Haven

ORIGIN

Appeal of an Order to Remedy the condition of a property pursuant to the Dangerous or Unsightly provisions of 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 no previous dangerous or unsightly cases at the property. There is one open case for debris at the property.

The property is zoned MRR-1(Mixed Rural Residential) and a review of the Hansen database system shows there was one permit for a single unit dwelling that was issued to the property owner on August 7, 2009.

A complaint was received by service request on April 13, 2019. The complainant stated there were dogs running loose on the property. During the site visit the Compliance Officer observed dangerous and unsightly violations at the property.

This report will focus on the appeal dated August 6, 2019 by the property owner of the Order to Remedy derelict vehicles for Case # 328298.

CHRONOLOGY OF CASE ACTIVITIES:

- 18-Apr-2019 The Compliance Officer conducted a site inspection at 185 Tanner Frederick Road, Glen Haven hereinafter referred to as “the property” (attached as Appendix B). The Compliance Officer noted a red Toyota 4 door SUV, a black Honda 2 door CRX, a black Toyota SUV, a green Toyota SUV, a blue Toyota SUV and a Green 4-wheeler.
- 07-May-2019 The Compliance Officer mailed a Notice of Violation (attached as Appendix C) to the property owner.
- 08-May-2019 The Compliance Officer left a voicemail for the property owner and requested a call back.
- 09-Jul-2019 The Compliance Officer conducted a site inspection and noted no change to the condition of the property. The Compliance Officer spoke to a relative of the property owner and provided a business card requesting the property owner make contact.
- The Compliance Officer received a phone call from the spouse of the property owner who was inquiring about the violations and why they needed to be removed. The Compliance Officer advised of the definition of derelict vehicles under the bylaw.
- 25-Jul-2019 The Compliance Officer conducted a site inspection and noted no change to the condition of the property. The Compliance Officer met on site with the property owner and advised of the violations and what was required to bring the property into compliance.
- 31-Jul-2019 The Compliance Officer conducted a site inspection with Police and noted no change to the condition of the property. The spouse of the property owner was on site and advised of the violations that needed to be addressed. A 14-day Order to Remedy (attached as Appendix D) was posted on the property and a copy was also sent via registered mail to the property owner.
- 06-Aug-2019 The property owner submitted a Notice of Appeal (attached as Appendix E) to the Municipal Clerk’s Office.
- 14-Aug-2019 The Municipal Clerk’s Office sent the property owner a letter advising the appeal would be heard at the September 12, 2019 Appeals Standing Committee meeting (attached as Appendix F).

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 Appeals Standing Committee may vary or overturn the Order to Remedy and in doing so, must provide reasons to be recorded in the minutes of the committee meeting.

RISK CONSIDERATIONS

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

ENVIRONMENTAL IMPLICATIONS

No environmental impact identified.

ATTACHMENTS

- Appendix A: Legislative Authority – Halifax Regional Municipality Charter
- Appendix B: Copy of the Nova Scotia Property Records Map
- Appendix C: Copy of the Notice of Violation dated May 7, 2019
- Appendix D: Copy of the Order to Remedy dated July 31, 2019
- Appendix E: Copy of the Notice of Appeal dated August 6, 2019
- Appendix F: Copy of the letter from the Clerk's Office dated August 14, 2019

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: Kim Northrop, Compliance Officer II, By-law Standards, 902.476.6567

Report Approved By: **ORIGINAL SIGNED**
Tanya Phillips, Program Manager, By-law Standards 902.490.4491

Appendix A

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: Aug 27, 2019 2:20:40 PM



PID: 41280405	Owner: CRAIG THOMAS RUSSELL COVEY	AAN: 10225647
County: HALIFAX COUNTY	CRAIG THOMAS RUSSELL COVEY	Value: \$224,500 (2019 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION	Address: 185 TANNER FREDERICK ROAD GLEN HAVEN	\$52,900 (2019 RESOURCE TAXABLE)

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 185 Tanter Frederick Rd
or address Alan Haven, 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-300 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):

The following vehicles deemed derelict due to the condition in which they remain on the property, beyond or missing parts, lack of current m.v. and no registration. (1) Black 2dr Honda CRX (2) Black Toyota S.U.V. (3) Red Toyota S.U.V. (4) Blue Toyota S.U.V. (5) Green Toyota S.U.V. + (6) Green four wheeler.

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

Being vehicles back to a condition which they are no longer derelict OR remove the vehicles from the property.

Notice of Re-inspection:

A re-inspection will be performed on May 23/19 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.

[Signature]
Issuing Officer
902 476 6567

07/05/19
Date (dd/mm/yy)

Issuing Officer Phone Number

17:30
Time (hh/mm)

Original Signed

328298
Case Number

Issuing Officer Signature

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 185 TANNER FREDERICK RD, GLEN HAVEN, NS,
PID # 41280405 Tax # 10225647 Case # 328298
Hereinafter referred to as the "Property"

TO: CRAIG THOMAS RUSSELL COVEY
185 TANNER FREDERICK RD, GLEN HAVEN, NS, B3Z 2R8
DAVID CHARLES LEGALLEY
185 TANNER FREDERICK RD, GLEN HAVEN, NS, B3Z 2R8

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

AND WHEREAS located on the Property is an unsightly or dangerous condition due to multiple vehicles that have been deemed to be derelict as they appear to be disused or abandoned by reason of their age, appearance, mechanical condition or lack of license plate or current vehicle registration: a black 2dr Honda crx, a blue Toyota suv, a red Toyota suv, a black Toyota truck and a green Toyota suv, 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 vehicles, 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 fourteen (14) 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 31st of July, 2019 AD. **Original Signed**

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

SCOTT HILL
Administrator
Halifax Regional Municipality

HALIFAX

NOTICE OF APPEAL REGARDING AN ORDER TO REMEDY DANGEROUS OR UNSIGHTLY PREMISES

IN THE MATTER OF:

Property located at 185 Tanner Frederick Rd Glen Haven NS
Case # 328298
PID # _____
Tax # _____

I Craig Covey wish to file this Written Notice of Appeal in relation to the Order I received dated the 31 day of July, 2019 from the Compliance Officer respecting the above noted Property.

The reason for appeal is:

No complaints filed about property (vehicles) from neighbors/ passerbyers. Property is not usable from road or from neighbouring property. Vehicles are for use to repair

*Hearings of the Appeals Standing Committee are open to the public and any information, including personal information, which is provided or obtained in relation to your appeal, will be a matter of public record.

DATED at Tantallon, Nova Scotia this 06 day of August, 2019.

Craig [Redacted] Covey
Legal Name of Appellant (please print)

Signature of Appellant

Preferred Name

185 Tanner Frederick Rd
(Address) (Apt)

Glen Haven B3Z 2R8
(City) (Postal Code)

SEND TO:
Office of the Municipal Clerk
P.O. Box 1749
Halifax, NS B3J 3A5
Fax: 902-490-4208
Email: clerks@halifax.ca

Deliver in person: City Hall, 1841 Argyle Street, Halifax (Mon-Fri, 8:30am-4:30pm)



Contact Number of Email [Redacted]

Appendix F

August 14, 2019

REGISTERED MAIL

Craig Covey
185 Tanner Frederick Road,
French Village, NS B3Z 2R8

		REGISTERED DOMESTIC	RECOMMANDÉ RÉGIME INTÉRIEUR		
		CUSTOMER RECEIPT	REÇU DU CLIENT		
À		Destinataire			
Name	Nom			FOR DELIVERY CONFIRMATION	CONFIRMATION DE LA LIVRAISON
Address	Adresse			canadapost.ca	postescanada.ca
City / Prov. / Postal Code	Ville / Prov. / Code postal			or/ou	
				1 888 550-6333	
Declared Value	Valeur déclarée	\$		CPC Tracking Number	Numéro de repérage de la SCP
				RN 389 561 682 CA	
33-066-584 (17-12)					

Re: Case 328298 – 185 Tanner Frederick Road, French Village NS

This is to advise that your appeal of the Order to Remedy Dangerous and Unightly Premises for the property located at 185 Tanner Frederick Road will be heard by the Appeals Standing Committee on **September 12th, 2019**. The hearing will be held in the Council Chamber, 3rd Floor, City Hall, 1841 Argyle Street, Halifax, in a public session, open to the public and media. 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 matter will be posted online to the Appeals Standing Committee web page at Halifax.ca by end of day Friday, September 6th, 2019. (<https://www.halifax.ca/city-hall/agendas-meetings-reports?category=131>) 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 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

Simon Ross-Siegel
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
Karen MacDonald, Senior Solicitor, HRM Legal Services
Kim Northrop, 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