



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

Item No. 12.1.3
Appeals Standing Committee
December 12, 2019

TO: Chair and Members of Appeals Standing Committee

-ORIGINAL SIGNED-

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

DATE: November 22, 2019

SUBJECT: Appeal Report – Case 336180, 63 Hamshaw Drive, Halifax

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 four previous dangerous or unsightly cases at the property. All have been closed owner compliance

The property is zoned US (Urban Settlement) and a review of the Hansen database system shows there was one permit requested by the property owner for a cottage that was declined.

A complaint was received by service request on September 22, 2019. The complainant stated there were syringes outside of an abandoned van on an empty lot.

This report will focus on the appeal dated October 24, 2019 by the property owner of the Order to Remedy derelict vehicle for Case # 336180.

CHRONOLOGY OF CASE ACTIVITIES:

- 23-Sep-2019 The Compliance Officer conducted a site inspection at 63 Hamshaw Drive, Halifax, hereinafter referred to as “the property” (attached as Appendix B). The Compliance Officer noted a silver Dodge Caravan with no plates and expired MVI. The Compliance Officer noted it appears someone had been sleeping in the rear of the van as the seats were folded down and bedding was noted.
- Halifax Regional Police and a disposal company removed the syringes from the property.
- A female resident of the neighborhood confirmed that a male has been sleeping in the van and police have previously been called.
- 03-Oct-2019 The Compliance Officer spoke with the property owner and advised what was required to bring the property into compliance.
- A 7-day Notice of Violation (attached as Appendix C) was mailed to the property owner via registered mail.
- 09-Oct-2019 The Regional Coordinator contacted the property owner regarding a service request received. The property owner was advised of the violation and what was required to bring the property into compliance including the definition of derelict and the appeal process for if an Order to Remedy is issued.
- 11-Oct-2019 The Compliance Officer conducted a site inspection and noted the violation remains.
- 13-Oct-2019 The property owner asked the Compliance Officer how to appeal the Notice of Violation. The Compliance Officer advised the appeal process does not begin until an Order to Remedy has been issued.
- 18-Oct-2019 The Compliance Officer conducted a site inspection and noted the violation remains.
- A 7-day Order to Remedy (attached as Appendix D) was posted on the derelict vehicle. A copy was sent via registered mail to the property owner.
- 24-Oct-2019 The property owner submitted a Notice of Appeal (attached as Appendix E) to the Municipal Clerk’s Office.
- 31-Oct-2019 The Municipal Clerk’s Office sent the property owner a letter advising the appeal would be heard at the December 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 October 3, 2019
- Appendix D: Copy of the Order to Remedy dated October 18, 2019
- Appendix E: Copy of the Notice of Appeal dated October 24, 2019
- Appendix F: Copy of the letter from the Clerk's Office dated October 31, 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: 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.

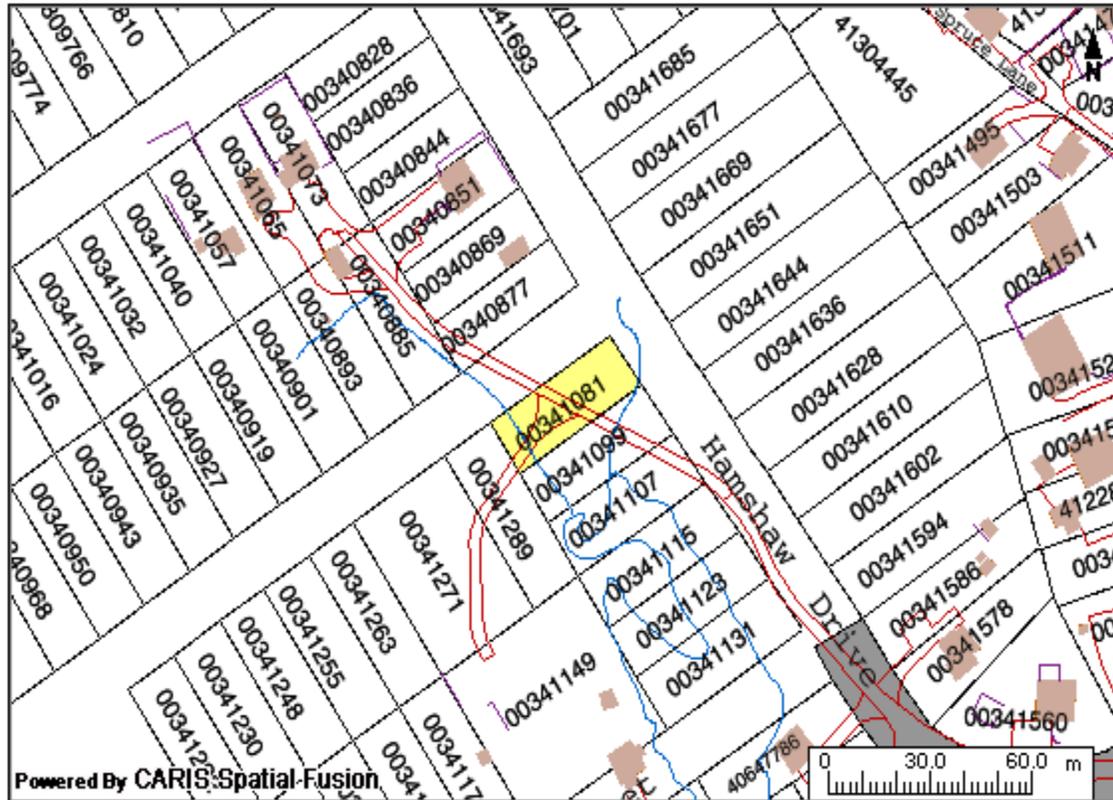
HRM Charter, subsection 3(q) as follows:

- (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: Nov 19, 2019 1:29:59 PM



PID: 00341081 Owner: HISHAM AL-HAMMADI AAN: 01432338
County: HALIFAX COUNTY Address: 63 HAMSHAW DRIVE Value: \$3,500 (2019 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 Hisham - AL - Hammadi
or address 63 HANSHAW DRIVE
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):

Silver Dodge Caravan SE deemed unsafe
due to expired mvt (PN07630 - Oct 2017) lack
of current vehicle registration (NO PLATE)
and being disused

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

Remove vehicle from property

Notice of Re-inspection:

A re-inspection will be performed on Oct 10 / 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.

K Northrup
Issuing Officer
902 476 6567

03 / 10 / 19
Date (dd/mm/yy)

Issuing Officer Phone Number

1140
Time (hh/mm)

Original Signed

Issuing Officer signature

336180
Case Number

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 63 HAMSHAW DR, HALIFAX, NS,
PID # 00341081 Tax # 1432338 Case # 336180
Hereinafter referred to as the "Property"

TO: HISHAM AL-HAMMADI
3045 ROBIE ST SUITE 100, HALIFAX, NS, B3K 4P6

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

AND WHEREAS located on the Property is an unsightly or dangerous condition due to a silver Dodge Caravan SE that has been deemed derelict as it appears to be disused or abandoned by reason of its age, appearance, mechanical condition or 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 silver Dodge Caravan SE, 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 18th of October, 2019 AD.

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

Original Signed

SCOTT HILL
Administrator
Halifax Regional Municipality

HALIFAX

HALIFAX REGIONAL MUNICIPALITY
OCT 24 2019
Original Signed
MUNICIPAL CLERK

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

IN THE MATTER OF:

Property located at 63 HAMSHAW DR.
Case # 336180
PID # _____
Tax # _____

I Fahmi Alhammadi wish to file this Written Notice of Appeal in relation to the Order I received dated the 18 day of Oct, 2019 from the Compliance Officer respecting the above noted Property.

The reason for appeal is:

* I own the van AND the lot AND it is basic Right to enjoy ownership of Property.

* Racially motivated compliance.

* Need enquiry Investigation in Relation to issued compliances
*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.

Since 2010, and Refusal of Permit issuance and motivation Behind Callers, and the Results of THE HATE CRIME FIRE incident

DATED at Halifax, Nova Scotia this 24 day of Oct, 2019.

Fahmi Alhammadi
Legal Name of Appellant (please print)

Preferred Name

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)

Original Signed

Signature of Appellant

(Address)

(Apt)

Halifax
(City)

(Postal Code)

Contact Number or Email

when my van and car that were parked at the lot were set on fire.

Appendix F

October 31, 2019

REGISTERED MAIL

Hisham Al-hammadi



Declared Valeur
Value déclarée

03 086-586 (11-12)

FOR DELIVERY CONFIRMATION
canadapost.ca
or/ou
1 888 550-6333
CONFIRMATION DE LA LIVRAISON
postescanada.ca
CPC Tracking Number Numéro de repérage de la SCP
RN 389 562 011 CA

Re: Case 336180 – 63 Hamshaw Drive, Halifax, NS

This is to advise that your appeal of the Order to Remedy Dangerous and Unightly Premises for the property located at 63 Hamshaw Drive will be heard by the Appeals Standing Committee on **December 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, December 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 Regional Municipality
P.O. Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

halifax.ca