



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

**Item No. 12.1.1**  
**Appeals Standing Committee**  
**February 13, 2020**

**TO:** Chair and Members of Appeals Standing Committee

Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Tanya Phillips, Program Manager, By-law Standards

**DATE:** February 3, 2020

**SUBJECT:** Appeal Report – Case 331963, 290 Les Collins Avenue, West Chezzetcook

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**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.

A complaint was received by service request on July 8, 2019. The complainant stated there were approximately 15 bags of garbage and derelict vehicles on the property.

The Compliance Officer issued two Orders for the property: one Order for derelict vehicles (Case# 338693) and one Order for an accumulation of debris (Case# 331963). The property owner is appealing the Order to Remedy for debris violations.

The Order to Remedy for debris violations was issued on November 21, 2019. On December 10, 2019 the Compliance Officer conducted a site inspection and identified additional debris violations which resulted in a subsequent Order to Remedy being issued to capture all violations noted at the property.

The property is zoned R-BA (Auxiliary Dwelling Unit Zone) and a review of the Hansen database system shows that in 2007 a permit was applied for to construct a single unit dwelling as the mobile home was destroyed by fire, however permit 88456 was cancelled as the building was not constructed at the property.

This report will focus on the appeal dated December 3, 2019 by the property owner of the Order to Remedy debris for case# 331963.

**CHRONOLOGY OF CASE ACTIVITIES:**

10-July-2019 The Compliance Officer conducted a site inspection at 290 Les Collins Avenue, West Chezzetcook, hereinafter referred to as “the property” (attached as Appendix B). The Compliance Officer noted that the property was fenced with a locked gate limiting the Compliance Officer's access to the main portion of the property. The Compliance Officer observed an accumulation of debris and a derelict vehicle at the property.

The Compliance Officer phoned the property owner and a party who identified themselves as the property owner's father answered. The property owner's father advised that the property owner was not available, but he could pass along a message. The Compliance Officer advised the property owners father that there were debris and derelict vehicle violations at a property owned by the property owner.

The property owners father stated that they had been trying to get their daughter to clean-up the property and remove the derelict truck for the past number of years. The property owners father stated that they would have the property owner address the issues and contact the Compliance Officer.

The Compliance Officer received a phone call from the property owner's father. The father advised the Compliance Officer that they sent a message to the property owner, who was in Cape Breton and requested that they contact the Compliance Officer. The father also advised they would speak with the property owner to see how they can help bring the property into compliance.

12-July-2019 The Compliance Officer received a voice message from the property owner's father advising that they would contact the Compliance Officer on the 13<sup>th</sup> or 14<sup>th</sup> of July to see what is required to bring the property into compliance.

16-July-2019 The Compliance Officer received a phone message from the property owner who provided their contact number and advised that the signal can be poor in the location she is working in Cape Breton. The property owner requested that the Compliance Officer leave them a message if no answer is received.

- 19-July-2019 The Compliance Officer left a phone message for the property owner explaining the complaint and violations noted at the property. The Compliance Officer requested the property owner contact them to discuss what actions required to bring the property into compliance. The Officer further advised that if the property owner is not able to communicate due to their location they may appoint a representative who can work with the Compliance Officer on their behalf.
- 22-July-2019 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 25-July-2019 The Compliance Officer phoned the property owner's father who advised the Compliance Officer that the property owner was still away for work. The property owner's father advised he is going to have the work completed to bring the property into compliance and requested a 2-3-week extension. The property owner's father requested that HRM contact him if there are any further issues with the property.
- 14-Aug-2019 The Compliance Officer conducted a site inspection and noted the violations remain and tarped items were observed as well.
- 23-Aug-2019 The Compliance Officer conducted a site inspection and noted the violations still exist.  
  
The Compliance Officer left a phone message for the property owner's father advising that the violations still exist and requested a call back to discuss a compliance plan.
- 16-Sept-2019 The Compliance Officer conducted a site inspection and noted the violations still exist.  
  
The Compliance Officer left a phone message for the property owner's father advising the property remained in violation, he will be issuing an Order to Remedy and explained the remedy process should the property not be brought into compliance.
- 3-Oct-2019 The Compliance Officer conducted a site inspection and noted the property remained in violation and the debris appeared to now be covered by a pool liner, deflated pool accessories and tarps.  
  
The Compliance Officer attempted to phone the property owner's father, however no answer was received, and he was not able to leave a message, but received an automated message stating "call rejected" before the line disconnected.
- 15-Nov-2019 The Compliance Officer conducted a site inspection and noted the violations still exist.
- 21-Nov-2019 The Compliance Officer conducted a site inspection and noted the violations remain. A 7-day Order to Remedy (attached as Appendix C) for debris was posted at the property. A copy was also mailed to the property owner.  
  
The Compliance Officer left a detailed phone message for the property owner advising that a 7-day Order to Remedy was posted at the property and explained the remedy process.
- 3-Dec-2019 The property owner submitted a Notice of Appeal (attached as Appendix D) to the Municipal Clerk's Office which was forwarded to Buildings and Compliance on December 10, 2019.
- 5-Dec-2019 The Compliance Officer conducted a site inspection and was able to access the fenced in portion of the property. The Compliance Officer noted the fence was tied together with a broken extension cord. The Compliance Officer noted several out buildings with missing doors that were filled with debris as well as an accumulation of scattered debris around the property.

- 10-Dec-2019 The Compliance Officer conducted a site inspection and noted the violations remain. An updated Order to Remedy (attached as Appendix E) for debris violations was posted at the property. A copy was also mailed to the property owner.
- 3-Jan-2020 The Compliance Officer conducted a site inspection and noted the property remained in violation and the Orders to Remedy had been removed.
- 9-Jan-2020 The Municipal Clerk's Office sent the property owner a letter advising the appeal would be heard at the February 13, 2020 Appeals Standing Committee meeting (attached as Appendix F).
- 13-Jan-2020 A Compliance Officer conducted a site inspection and noted that the violations still exist.

### **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 Order to Remedy dated November 21, 2019  
Appendix D: Copy of the Notice of Appeal dated December 3, 2019  
Appendix E: Copy of the Order to Remedy dated December 10, 2019  
Appendix F: Copy of the letter from the Clerk's Office dated January 9, 2020

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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: Allen Byng, Compliance Officer II, By-law Standards, 902.225.9197

Original Signed

Report Approved By: \_\_\_\_\_  
Andrea MacDonald, Program Manager, License Standards 902.490.7371

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## 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.

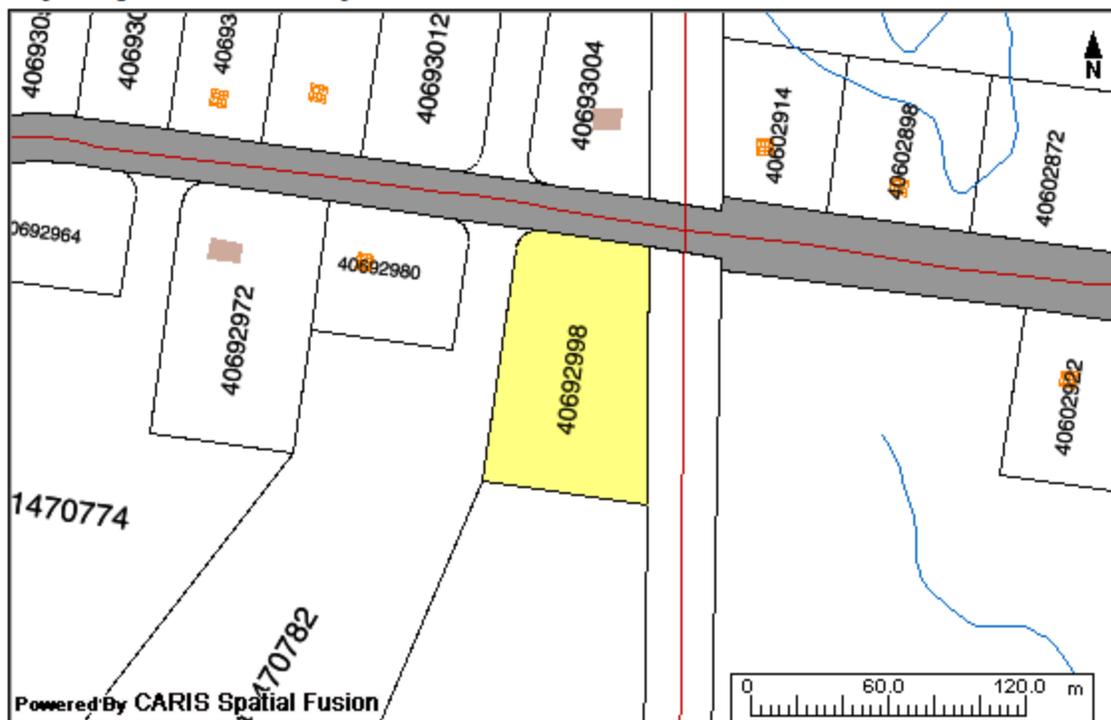
HRM Charter, subsection 3(q) as follows:

- (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: Jan 29, 2020 2:54:26 PM



PID:	40692998	Owner:	CHRISTINA PHILPITTS	AAN:	09504664
County:	HALIFAX COUNTY	Address:	290 LES COLLINS AVENUE	Value:	\$45,500 (2020 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION		WEST CHEZZETCOOK		

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

## 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 290 LES COLLINS AVE, WEST CHEZZETCOOK, NS,  
PID # [REDACTED] Tax # [REDACTED] Case # 331963  
Hereinafter referred to as the "Property"

**TO:** CHRISTINA PHILPITTS  
8150 HIGHWAY 7, MUSQUODOBOIT HARBOUR, NS, B0J 2L0

**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: scattered recyclables, scrap wood, vehicle parts, vacuum cleaner, kids toys in disrepair, pool liner, fence panels, car seat, pool equipment, tarps/covers, bagged solid waste 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: scattered recyclables, scrap wood, vehicle parts, vacuum cleaner, kids toys in disrepair, pool liner, fence panels, car seat, pool equipment, tarps/covers, bagged solid waste 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;

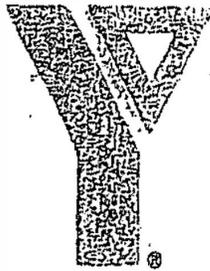
**AND FURTHER TAKE NOTICE** that upon service of this Order any person who aids, assists, permits or causes a dangerous or unsightly condition or fails to comply with the terms of this Order is liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than 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 21st of November, 2019 AD. [REDACTED]

ALLEN BYNG  
COMPLIANCE OFFICER  
Phone: (902)225-9197 x

SCOTT HILL  
Administrator  
Halifax Regional Municipality

DEC/03/2019/TUE 12:11 PM



5228 # 7 Highway  
Porter's Lake, NS B3E 1J8  
Phone: (902) 827-5110  
Fax: (902) 827-5870

HALIFAX REGIONAL  
MUNICIPALITY  
DEC 03 2019  
AS  
MUNICIPAL CLERK

**Fax**

To: Appeals Standing Committee From: Christina Philpitt  
Company: Date: Dec 3/2019

Fax: 902-490-4208 Pages: Including cover

Re: Cleaning up my property. [Redacted] / my daughters phone # Thank you

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

Comments:

This is a "Notice of Appeals" for my property at 290 LES COLLINS Ave, Chesapeake, NS. PID# [Redacted], Case# 331963. I am requesting more time due to a injury and waiting for Unemployment. I had intended to have it Cleared up months ago but my injuries are worse then I thought. I am requesting a 1 month only to complete the task. I am Enclosing a doctors note as proof that I am injured. Thank you Christina Philpitt

# HALIFAX

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**IN THE MATTER OF:** Section 356 of The Halifax Regional Municipality Charter, S.N.S., 2008, C.39  
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- and -

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PID # [REDACTED] Tax # [REDACTED] Case # 331963  
Hereinafter referred to as the "Property"

**TO:** CHRISTINA PHILPITTS  
290 LES COLLINS AVE, WEST CHEZZETCOOK, NS, B0J 1N0

**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: recyclables, scrap wood, scrap metals, electronics, coolers, tools, automotive parts, barrels, tarps, pool liners, pool equipment, broken toys, bagged solid waste, plastic containers, tires, fence panels, furniture, lawn mowers, bed frames, Styrofoam, windows, pet carriers, exercise equipment, basketball nets, oil tanks, barbecues, televisions, appliances, cookware, lockers, patio furniture, propane tanks, bicycles, blankets, 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: recyclables, scrap wood, scrap metals, electronics, coolers, tools, automotive parts, barrels, tarps, pool liners, pool equipment, broken toys, bagged solid waste, plastic containers, tires, furniture, lawn mowers, bed frames, Styrofoam, windows, pet carriers, exercise equipment, basketball nets, oil tanks, barbecues, televisions, appliances, cookware, lockers, patio furniture, propane tanks, bicycles, blankets and other scattered debris, so as to leave the Property in a neat, tidy, environmentally compliant and safe condition;

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**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 10th of December, 2019 AD.

ALLEN BYNG  
COMPLIANCE OFFICER  
Phone: (902)225-9197 x

[REDACTED]  
SCOTT HILL  
Administrator  
Halifax Regional Municipality

# Appendix F



**REGISTERED  
DOMESTIC**  
CUSTOMER RECEIPT

**RECOMMANDÉ  
RÉGIME INTÉRIEUR**  
REÇU DU CLIENT



January 9, 2020

<b>To</b>		<b>Destinataire</b>	
Name	Nom	<b>FOR DELIVERY CONFIRMATION</b>	
Address		<b>CONFIRMATION DE LA LIVRAISON</b>	
City / Prov. / Postal Code		1 888 550-6333	
Declared Value		CPC Tracking Number	
\$		RN 389 561 912 CA	
33-088-584 (17-12)		Numéro de repêchage de la BCP	

## REGISTERED MAIL

Christina Philpitt  
290 Les Collins Avenue  
West Chezzetcook, NS B0J 1N0

**Re: Case # 331963 – 290 Les Collins Avenue, West Chezzetcook NS**

This is to advise that your appeal will be heard by the Appeals Committee on **Thursday, February 13<sup>th</sup>, 2020**. The hearing will be held in the Council Chamber, 3<sup>rd</sup> 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, February 7<sup>th</sup>, 2020. (<https://www.halifax.ca/city-hall/agendas-meetings-reports?category=131>) If you require a hard copy of the report, please contact our office.

If filing an appeal, be advised that your submission and appeal documents will form part of the public record, and will be posted on-line at [www.halifax.ca](http://www.halifax.ca). If you feel that information you consider to be personal is necessary for your appeal, please attach that as a separate document, clearly marked "PERSONAL". It will be provided to the committee and/or council members and staff, and will form part of the public record, but it will not be posted on-line. You will be contacted if there are any concerns.

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,

[Redacted Signature]  
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  
Allen Byng, Compliance Officer



City of Halifax Municipal Administration  
902-490-6519 Halifax, Nova Scotia  
www.halifax.ca

01/09/2020