



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

Item No. 12.1.2
Appeals Standing Committee
September 10, 2020

TO: Chair and Members of Appeals Standing Committee

Original Signed

SUBMITTED BY:

Conor O’Dea, Manager, Buildings and Compliance

DATE: August 31, 2020

SUBJECT: Appeal Report – Case 344160, 2582 Prospect Road, Whites Lake

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 has been one previous dangerous or unsightly case at the property closed with owner compliance. There is an active Land Use case related to a Commercial Automotive Business which is being managed by the Compliance Officer.

The property is zoned I-3 (Local Service Zone) and a review of the Hansen database system shows no permits have been issued for this property.

A complaint was received by service request on May 1, 2020. The complainant stated the property is unsightly with an accumulation of cars, tires, debris, a dozer and that the property owner has vehicles located on a private lane as well.

There has been one subsequent complaint regarding the property.

This report will focus on the appeal dated July 14, 2020 by the property owner of the Order to Remedy for the accumulation of debris (case # 344160).

CHRONOLOGY OF CASE ACTIVITIES:

02-May-2020 The Compliance Officer conducted a site inspection at 2582 Prospect Road, Whites Lake thereafter referred to as “the property” (attached as Appendix B).

The Compliance Officer noted an accumulation of debris including but not limited to assorted construction materials and automotive parts.

The property owner arrived during the inspection and advised the Compliance Officer that they have a commercial property and a trucking business, and they rent the garage to a party who does mechanical work. The Compliance Officer noted seeing a Motor Vehicle Inspection Station sign on the wall of the garage.

The Compliance Officer issued the property owner a 14-day Notice of Violation (attached as Appendix C) and the property owner advised they would get started on the debris removal.

04-Jul-2020 The Compliance Officer conducted a site inspection and noted the property remained in violation.

08-Jul-2020 The Compliance Officer left a phone message for the property owner advising an Order to Remedy will be issued for the debris violation.

10-Jul-2020 The Compliance Officer conducted a site inspection at the property and noted no progress in the debris removal and posted a 14-day Order to Remedy (attached as Appendix D) at the property. A copy was also sent to the property owner via registered mail.

14-Jul-2020 The property owner submitted a Notice of Appeal (attached as Appendix E) to the Municipal Clerk’s Office.

27-Jul-2020 The Municipal Clerk’s Office sent the property owner a letter advising the appeal would be heard at the September 10, 2020 Appeals Standing Committee meeting (attached as Appendix F).

27-Aug-2020 The Compliance Officer conducted a site inspection and noted most of the items had been removed. The Compliance Officer noted scattered metal at the rear of the property that still needed to be removed.

28-Aug-2020 The Compliance Officer called the property owner to acknowledge the work completed to date and that there was only the remaining violation of metal at the rear of the yard that needed to be removed.

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 impacts 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 2, 2020
- Appendix D: Copy of the Order to Remedy dated July 10, 2020
- Appendix E: Copy of the Notice of Appeal dated July 14, 2020
- Appendix F: Copy of the letter from the Clerk's Office dated July 27, 2020

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: Trevor Oliver, Compliance Officer II, By-law Standards, 902.476.4257

Original Signed

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;

Appendix B



Property Online Map

Date: Aug 20, 2020 11:03:18 AM



PID: 40547531 Owner: ROBERT JAMES THOMPSON AAN: 07679912
County: HALIFAX COUNTY Address: 2582 PROSPECT ROAD Value: \$190,300 (2020 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION WHITES LAKE \$32,400 (2020 COMMERCIAL 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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Notice of Violation

Notice Served Upon: Name 2584 Prospect Road
or address Whitby St. Nova Scotia

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 Unsanitary 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):

Debris including but not limited to unsorted construction materials, automotive parts, wheels, tires, tools, bags of recyclables, scrap wood, metal, plastic and other unsorted debris

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

Remove all the debris

Notice of Re-inspection:

A re-inspection will be performed on May 16, 2020 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.

Trevor Oliver
Issuing Officer
902-476-4257
Issuing Officer Phone Number
Original Signed
Issuing Officer Signature

02/05/20
Date (dd/mm/yy)
1523
Time (hh/mm)
344160
Case Number

Appendix D



**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 2582 PROSPECT RD, WHITES LAKE, NS,
[REDACTED] Case # 344160
Hereinafter referred to as the "Property"

TO: ROBERT JAMES THOMPSON
[REDACTED]

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, scrap wood, metal, plastic, table, automotive parts, fenders, routers, drive shafts, wheels, tires, milk crates, shopping cart, oil drums, bucket, barrels, tarpaulin 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, scrap wood, metal, plastic, table, automotive parts, fenders, routers, drive shafts, wheels, tires, milk crates, shopping cart, oil drums, bucket, barrels, tarpaulin 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 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 July, 2020 AD.

Original Signed

10:35:04 -03'00'

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

SCOTT HILL
Administrator
Halifax Regional Municipality

VALID

July 14/20

9 Robert Thompson Appeal

this Case # 344160

2582 Prospect R.O. Whites Lake

Original Signed

HALIFAX REGIONAL MUNICIPALITY
JUL 17 2020 Original Signed
MUNICIPAL CLERK

Personnel soignant, merci

Thanks, healthcare workers

Municipal Clerk

City Hall

P.O. Box 1749

HF# MS. B3J-3A5

Appendix F



**REGISTERED
DOMESTIC**

CUSTOMER RECEIPT

**RECOMMANDÉ
RÉGIME INTÉRIEUR**

REÇU DU CLIENT



July 27, 2020

REGISTERED MAIL

Robert (Bob) Thompson



To		Destinataire	
Name		Nom	
Address		Adresse	
City / Prov. / Postal Code		Ville / Prov. / Code postal	
Declared Value	\$		
33-086-584 (17-12)		CPC Tracking Number / Numéro de repérage de la BCP	

FOR DELIVERY CONFIRMATION / CONFIRMATION DE LA LIVRAISON

canadapost.ca / postescanada.ca

1 888 550-6333

RN 389 561 815 CA

Re: Appeal of Order to Remedy Case 344160: 2582 Prospect Road, Whites Lake

This letter confirms receipt of your appeal of the Order to Remedy issued July 10, 2020 (Case 344160).

Due to public health measures resulting from COVID-19 appeal hearings are not able to be scheduled in person and will be done virtually. Your appeal hearing has been scheduled for **Thursday, September 10, 2020 at 10:00 a.m.** Details on how the virtual meeting and order of proceedings will be sent in a subsequent letter at a later time.

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 4, 2020 <https://www.halifax.ca/city-hall/agendas-meetings-reports>. If you require a hard copy of the report, please contact our office.

Please 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. 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 the virtual meeting, you may have a representative attend on your behalf to present your appeal to the Committee. Please note that your representative is required to have a letter signed by you giving permission and may be asked to provide it to the Clerk's Office in advance of the meeting. If you intend on having someone speak on your behalf or a witness, please have them contact me so arrangements can be made to give them the virtual meeting details. Documents and photographs, if any, need to be provided to the Clerk's Office three (3) days in advance of the hearing. If neither you nor a representative attends the virtual meeting, 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 902-490-6520.

Sincerely,

Original Signed

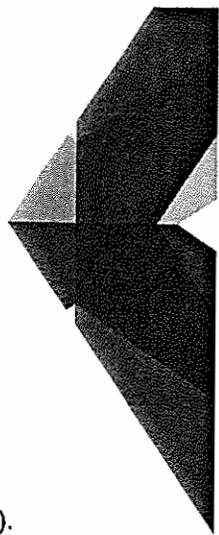
Krista Vining
Legislative Assistant
Office of the Municipal Clerk

- cc: Tanya Phillips, Manager By-law Standards
- Scott Hill, Regional Coordinator By-law
- Natalie Matheson, Support Services Supervisor, Municipal Compliance
- Laurie Lauder, Adjudication Clerk



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

halifax.ca



Appendix F

Trevor Oliver, Compliance Officer
Karen MacDonald, Senior Solicitor, HRM Legal Services
Phoebe Rai, Deputy Clerk