



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

**Item No. 12.1.3**  
**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 344335/344419, 10720 Peggys Cove Road, Glen Margaret

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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. There is one active Land Use case regarding Construction and Marine activity that is being managed by the Compliance Officer.

The property is zoned MRR-1 (Mixed Rural Residential Zone) and a review of the Hansen database system shows a permit was issued to the property in 2005 to construct a 10'x40' addition to a storage shed.

A complaint was received by service request on May 5, 2020. The complainant stated there were derelict vehicles all over the property.

This report will focus on the appeal dated August 7, 2020 by the property owner of the Order to Remedy for the accumulation of debris (case # 344335) and derelict vehicles (case # 344419).

**CHRONOLOGY OF CASE ACTIVITES:**

- 08-May-2020 The Compliance Officer conducted a site inspection at 10720 Peggys Cove Road, Glen Margaret 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, scrap wood, metal, plastic, automotive and marine parts and derelict vehicles on the property.
- The Compliance Officer issued a 14-day Notice of Violation for debris (attached as Appendix C) and a 7-day Notice of Violation for derelict vehicles (attached as Appendix D) to the property owner during the site inspection. The property owner advised the Compliance Officer that they would remove the debris.
- 03-Jun-2020 The Compliance Officer conducted a site inspection and noted the debris and derelict vehicle violations remained. The property owner advised the Compliance Officer that they will remove the debris and the derelict vehicles would be towed soon. The Compliance Officer explained the Order, appeal and remedy process to the property owner.
- 23-Jun-2020 The Compliance Officer conducted a site inspection and noted the debris and derelict vehicle violations remained. The Compliance Officer walked the property with the property owner and showed them the debris to be removed. The property owner told the Compliance Officer they will be renting a construction bin for the debris and will be calling a salvage yard to remove the vehicles. The Compliance Officer advised the property owner that they would reinspect the property in two weeks.
- 30-Jul-2020 The Compliance Officer conducted a site inspection and noted the debris and derelict vehicle violations remained. The Compliance Officer posted a 14-day Order to Remedy for debris (case # 344335) (attached as Appendix E) and a 7-day Order to Remedy for derelict vehicles (case # 344419) (attached as Appendix F) at the property. Copies of the Orders were also sent to the property owner via registered mail.
- 07-Aug-2020 The property owner submitted a Notice of Appeal (attached as Appendix G) to the Municipal Clerk’s Office.
- 10-Aug-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 H).

- 12-Aug-2020 The Compliance Officer spoke with the property owner by phone and discussed the appeal for more time. The property owner advised the Compliance Officer that they will complete the debris and derelict vehicle removal by the end of August 2020. The Compliance Officer thanked the property owner for their efforts.
- 27-Aug-2020 The Compliance Officer conducted a site inspection and noted the debris and derelict vehicle 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 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 344335 dated May 8, 2020  
Appendix D: Copy of the Notice of Violation 344419 dated May 8, 2020  
Appendix E: Copy of the Order to Remedy 344335 dated July 30, 2020  
Appendix F: Copy of the Order to Remedy 344335 dated July 30, 2020  
Appendix G: Copy of the Notice of Appeal dated August 7, 2020  
Appendix H: Copy of the letter from the Clerk's Office dated August 10, 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: 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

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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;

## Appendix B



### Property Online Map

Date: Aug 20, 2020 11:27:30 AM



PID:	40060972	Owner:	JOHN DAVID MCSHANE	AAN:	02888262
County:	HALIFAX COUNTY	Address:	10720 PEGGYS COVE ROAD	Value:	\$398,700 (2020 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION		GLEN MARGARET		

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 10 720 Peopis Cove Road  
or address St. Marguerite, 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 unwanted construction materials, automotive parts, marine parts, scrap wood, metal, plastic, tools, siding, pipes, bags of solid waste, bags of recyclables, and other scattered 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 22, 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

08/05/20  
Date (dd/mm/yy)

902-476-4257  
Issuing Officer Phone Number

1120  
Time (hh/mm)

**Original Signed**  
Issuing Officer Signature

344335  
Case Number

## Notice of Violation

Notice Served Upon: Name 10720 Peggy's Cove Road  
or address St. Margarets, 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 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):

Derelict vehicles including a white international  
Truckster and a two tone silver and burgundy  
Chrysler Silverado

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

Repair or remove the white international  
Truckster and the two tone silver and burgundy  
Chrysler Silverado

Notice of Re-inspection:

A re-inspection will be performed on May 15, 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

08/05/20  
Date (dd/mm/yy)

1120  
Time (hh/mm)

TBD  
Case Number



**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 10720 PEGGYS COVE RD, GLEN MARGARET, NS,  
[REDACTED] [REDACTED] Case # 344335

Hereinafter referred to as the "Property"

**TO:** JOHN DAVID MCSHANE  
[REDACTED] [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, marine equipment, automotive parts, quarter panels, fans, wheels, tires, scrap wood, scrap metal, bbq, plastic, sink, set tub, table, deep freezer, cardboard, window, toilets, nets, rope, buckets, roof shingles, bags of solid waste, bags of recyclables, fuel tanks, tarpaulin, paint cans, tools, composite decking, vinyl siding, fish tanks, pvc piping, buoys, cinder blocks, rubber dinghy, door panels, wooden barrels, metal fencing, litter 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, marine equipment, automotive parts, quarter panels, fans, wheels, tires, scrap wood, scrap metal, bbq, plastic, sink, set tub, table, deep freezer, cardboard, window, toilets, nets, rope, buckets, roof shingles, bags of solid waste, bags of recyclables, fuel tanks, tarpaulin, paint cans, tools, composite decking, vinyl siding, fish tanks, pvc piping, buoys, cinder blocks, rubber dinghy, door panels, wooden barrels, metal fencing, litter 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.

**Original Signed**

**DATED** at Halifax, Nova Scotia this 30th of July, 2020 AD.

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

\_\_\_\_\_  
SCOTT HILL  
Administrator  
Halifax Regional Municipality





**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 10720 PEGGYS COVE RD, GLEN MARGARET, NS,  
[REDACTED] [REDACTED] Case # 344419  
Hereinafter referred to as the "Property"

**TO:** JOHN DAVID MCSHANE  
[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 International Loadstar and a two-toned silver and burgundy Chevrolet Silverado that have been deemed to be derelict due to the fact that they appear to be disused or abandoned by reason of their age, appearance, mechanical condition or their lack of license plates 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 white International Loadstar and the two-toned silver and burgundy Chevrolet Silverado, 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.

**Original Signed**

**DATED** at Halifax, Nova Scotia this 30th of July, 2020 AD.

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

\_\_\_\_\_  
SCOTT HILL  
Administrator  
Halifax Regional Municipality

## Appendix G

Stewart, April

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**From:** John McShane [REDACTED]  
**Sent:** Friday, August 7, 2020 3:51 PM  
**To:** Office, Clerks  
**Subject:** [External Email] Case number 344419 and case number 344335

*[This email has been received from an external person or system]*

**VALID**

Attention Phoede Rai

It was a pleasure speaking with you this afternoon

please refer to the above noted case numbers for my property which is 10720 Peggy's Cove Rd., Glen Margaret Nova Scotia

my name is John Mcshane

I am the owner of the property

I've been working with Trevor Oliver in the last few weeks

Just to tidy up a few things on my property

it is a very busy time for us and I was away for a few days approximately a week

when I return Mr. Oliver had posted in order to remedy onto the premises

It is my intention to get my yard cleaned up but I would like to appeal the timeframe to give me a bit more time to accomplish that

Because of the pandemic very hard to get any services for instants the dumpster in somebody to tow away my own vehicles

I was told that you have seven days to appeal and as soon as I return on Wednesday evening Thursday morning I tried to get in touch with people

I made several calls and sent an email to Natalie Madison on Thursday and she return my email this morning saying that it was not her department

I just need a little bit more time to get things rectified thank you and have a great day

John Mcshane [REDACTED]



# Appendix H



**REGISTERED  
DOMESTIC**  
CUSTOMER RECEIPT

**RECOMMANDÉ  
RÉGIME INTÉRIEUR**  
REÇU DU CLIENT



August 10, 2020

## REGISTERED MAIL & EMAIL

John McShane  
1 [REDACTED]  
C [REDACTED]

<b>To</b>	<b>Destinataire</b>	<b>FOR DELIVERY CONFIRMATION</b>	<b>CONFIRMATION DE LA LIVRAISON</b>
<b>Name</b>	<b>Nom</b>	canadapost.ca	postescanada.ca
<b>Address</b>	<b>Adresse</b>	or/ou	
<b>City / Prov. / Postal Code</b>	<b>Ville / Prov. / Code postal</b>	1 888 550-6333	
<b>Declared Value</b>	<b>Valeur déclarée</b> \$	CPC Tracking Number / Numéro de repérage de la SCP	
		RN 389 561 838 CA	
31-086-584 (17-12)			

**Re: Appeal of Order to Remedy Cases 344419 and 344335, 10720 Peggy's Cove Road, Glen Margaret**

This letter confirms receipt of your appeal of the Orders to Remedy issued July 30, 2020 (Cases 344419 and 344335).

Your appeal hearing has been scheduled for **Thursday, September 10, 2020 at 10:00 a.m.** Details on how the meeting will be held (virtual or in person) 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](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 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
- Trevor Oliver, Compliance Officer



Halifax Regional Municipality  
P.O. Box 1719, Halifax, Nova Scotia  
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halifax.ca