



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

Item No. 7.1.1
Appeals Standing Committee
March 11, 2021

TO: Chair and Members of Appeals Standing Committee

Original signed

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

DATE: March 1, 2021

SUBJECT: Appeal Report – Case 351480, 332 Beaver Bank Rd, Beaver Bank

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 which were closed as owner compliance.

The property is zoned MU-1 (Mixed Use 1 Zone) and a review of the Hansen database system shows no permits have been issued to the property owner.

A complaint was received by service request on December 9, 2020. The complaint stated the property was unsightly due to an accumulation of garbage and debris on the property. The Compliance Officer conducted a site inspection and noted an accumulation of assorted debris and derelict vehicle violations. The Compliance Officer managed the derelict vehicle violation under a separate case which was closed as owner compliance.

There have been no subsequent complaints regarding the property.

This report will focus on the appeal dated February 11, 2021 by the property owner of the Order to Remedy for the debris violations (case # 351480).

CHRONOLOGY OF CASE ACTIVITIES:

- 10-Dec-2020 The Compliance Officer spoke with the property owner by phone, explained the complaint and advised that they would conduct a site inspection and leave instructions on the front door.
- The Compliance Officer conducted a site inspection at 332 Beaver Bank Rd, Beaver Bank thereafter referred to as “the property” (attached as Appendix B).
- The Compliance Officer walked the property with the property owner’s son who advised that the accumulation of assorted debris belonged to them. The Compliance Officer noted the accumulation of debris made it difficult to move safely on the property. The Compliance Officer issued a 7-day Notice of Violation (attached as Appendix C) to the property owner’s son and an agreement was made that all debris at the front of the house would be cleaned up, properly stored or removed within 7 days or an Order to Remedy would be issued.
- 23-Jan-2021 The Compliance Officer conducted a site inspection and noted the property was snow covered making it difficult to determine progress.
- 04-Feb-2021 The Compliance Officer conducted a site inspection and noted the violation still exists. The Compliance Officer posted a 14-day Order to Remedy (attached as Appendix D) at the property.
- 11-Feb-2021 The property owner submitted a Notice of Appeal (attached as Appendix E) to the Municipal Clerk’s Office.
- 18-Feb-2021 The Municipal Clerk’s Office sent the property owner a letter advising the appeal would be heard at the March 11, 2021 Appeals Standing Committee meeting (attached as Appendix F).
- 22-Feb-2021 The Compliance Officer sent a copy of the Order to Remedy posted on February 4, 2021 to the property owner through registered mail.

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 December 10, 2020
- Appendix D: Copy of the Order to Remedy dated February 4, 2021
- Appendix E: Copy of the Notice of Appeal dated February 11, 2021
- Appendix F: Copy of the letter from the Clerk's Office dated February 18, 2021

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: Nick Irvine, Compliance Officer II, By-law Standards, 902.471.3240

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:

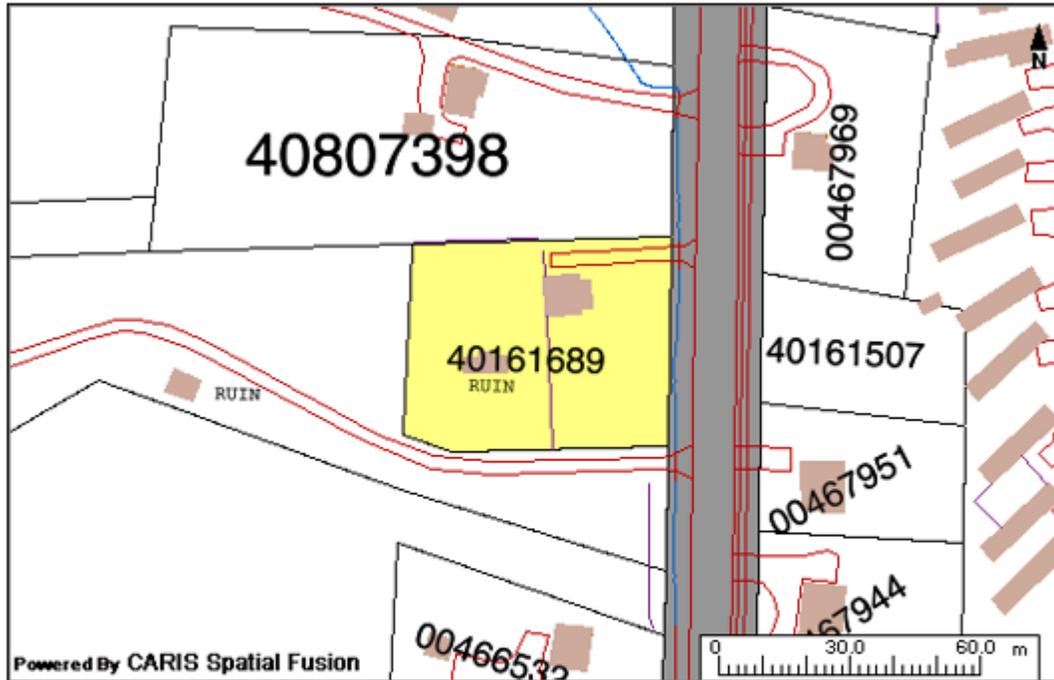
- (q) "dangerous or unsightly" means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: Feb 22, 2021 9:42:24 AM



PID:	40161689	Owner:	MARJORIE ELIZABETH MACLEOD	AAN:	02906899
County:	HALIFAX COUNTY		MARJORIE ELIZABETH MACLEOD	Value:	\$150,600 (2021 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION	Address:	332 BEAVER BANK ROAD BEAVER BANK		

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

HALIFAX

Municipal Compliance

Notice of Violation

Notice Served Upon: Name _____
or address 332 Beaver Brook Rd

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 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):

an accumulation of debris including but not limited to construction materials, auto parts, scrap metal, wires, bagged solid waste, scrap wood, scrap plastic, containers, cans, pylon, glass, doors, tarps, tires, and any scattered debris

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

remove or properly store all above items

Notice of Re-inspection:

A re-inspection will be performed on Dec 17/2020 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.

Nick Irvine
Issuing Officer

902 471 3240
Issuing Officer Phone Number

Original signed

Issuing Officer Signature

Dec 10/2020
Date (dd/mm/yy)

1255
Time (hh/mm)

351480
Case Number

For information on municipal legislation visit the Halifax Website at www.halifax.ca/legislation or call the Citizen Contact Centre at 311. If calling outside the HRM but within NS call 1-800-835-6428 toll free.

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 332 BEAVER BANK RD, BEAVER BANK, NS,
Case # 351480
Hereinafter referred to as the "Property"

TO: MARJORIE E MACLEOD

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 buckets, truck cap, discarded auto parts, wire, scrap metal, bricks, yard tools, rims, pylons, scrap wood, scrap plastic, compressor, gas jugs, milk crates, gas cylinders coolers, cardboard, hoses, road signs, cans, cloth, siding, lights, discarded sawhorse, discarded table saw, windows, jars, tires, plywood, lattice, pipe, glass, doors, chain, tarps, welding tank and other scattered debris and litter, 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 buckets, truck cap, discarded auto parts, wire, scrap metal, bricks, yard tools, rims, pylons, scrap wood, scrap plastic, compressor, gas jugs, milk crates, gas cylinders, coolers, cardboard, hoses, road signs, cans, cloth, siding, lights, discarded sawhorse, discarded table saw, windows, jars, tires, plywood, lattice, pipe, glass, doors, chain, tarps, welding tank and other scattered debris and litter, 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 4th of February, 2021 AD.

Original signed

NICK IRVINE
COMPLIANCE OFFICER
Phone: (902)471-3240 x

SCOTT HILL
Administrator
Halifax Regional Municipality

Appendix E

Notice of Appeal

Case # 351480

332 Beaver Bank Rd

Original signed

F.O.A.

Appendix F

February 18, 2021

REGISTERED MAIL

MARJORIE MACLEOD

CANADA POST / POSTES CANADA		REGISTERED DOMESTIC	RECOMMANDÉ RÉGIME INTÉRIEUR	R
		CUSTOMER RECEIPT	REÇU DU CLIENT	
To / À	MARJORIE	Name / Nom		
Address / Adresse				
City / Prov. / Postal Code		Ville / Prov. / Code postal		
Declared Value / Valeur déclarée	\$			
	33-086-584 (17-12)			
		FOR DELIVERY CONFIRMATION / CONFIRMATION DE LA LIVRAISON		
		canadapost.ca	postes.canada.ca	
		1 888 550-6333		
		CPC Tracking Number / Numéro de repérage de la BCP	RN 388 308 450 CA	

Re: Appeal to Order to Remedy Case 351480: 332 Beaverbank Rd, Beaver Bank, NS.

The letter confirms receipt of your appeal of the Order to Remedy issued February 4th, 2021.

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 March 11, 2021 at 10:00a.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, March 5, 2021. (<https://www.halifax.ca/city-hall/agendas-meetings-reports?category=131>) 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 your 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 (902-490-6521).

Sincerely,
Original signed

Liam Power

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
Nick Irvine, Compliance Officer

HALIFAX

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

halifax.ca