



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

Item No. 12.1.2
Appeals Standing Committee
March 9, 2023

TO: Chair and Members of Appeals Standing Committee

Original Signed

SUBMITTED BY: _____
Andrea MacDonald, Acting Director, Compliance

DATE: February 23, 2023

SUBJECT: Appeal Report – Case 2023 001344, 64 Alder Drive, Head of Jeddore

ORIGIN

Appeal of an Orders 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 Orders of the Administrator and thereby deny the appeal.

BACKGROUND:

There have been ten previous dangerous or unsightly cases at the property. Nine cases were closed as owner compliance and one appeal was granted by the Appeals Standing Committee on October 6, 2016.

The most recent case was created due to a change in condition and debris violations at the property.

The property is zoned MU (mixed use).

A complaint was received by service request on January 18, 2023. The complainant stated the property has been reported several times and it is still a mess with garbage all over the property.

There have been no subsequent complaints regarding the property.

This report will focus on the appeal dated February 8, 2023, by the property owner of the Order to Remedy for the debris violations.

CHRONOLOGY OF CASE ACTIVITIES:

- 29-Jan-2023 The Compliance Officer conducted a site inspection at 64 Alder Drive, Head of Jeddore hereinafter referred to as “the property” (attached as Appendix B).
- The Compliance Officer noted an accumulation of scattered debris on the property. The Compliance Officer knocked on the door of the dwelling but received no answer.
- 31-Jan-2023 Upon review of the database system, the Compliance Officer noted another case related to debris at the property. The Compliance Officer consulted with the other Officer and confirmed that there had been a change in the violations at the property. This case was created to capture all current violations on site.
- 01-Feb-2023 The Compliance Officer attended the property to conduct a site inspection. The Compliance Officer knocked on the door of the dwelling but received no answer.
- The Compliance Officer posted an Order to Remedy (attached as Appendix C) for the debris violations at the property. A copy was also sent registered mail to the property owner.
- The Compliance Officer phoned the property owner who confirmed they received the Order to Remedy and expressed their frustration. The Compliance Officer advised the property owner that they would work with them to gain compliance and if there was inclement weather, an extension could be provided.
- 08-Feb-2023 The Compliance Officer received a phone message from the property owner. The property owner stated they were aware the deadline for the Order to Remedy was today however, they had not completed the work and requested an extension.
- The property owner further advised they now have time off work so they can complete the necessary work at the property.
- The property owner submitted a Notice of Appeal (attached as Appendix D) to the Municipal Clerk’s Office.

- 09-Feb-2023 The Municipal Clerk's Office sent the property owner a letter advising the appeal would be heard at the March 9, 2023, Appeals Standing Committee meeting (attached as Appendix E).
- 15-Feb-2023 The Compliance Officer conducted a site inspection and spoke with the property owner on site. The Compliance Officer advised the property owner that they received a copy of their appeal. The property owner expressed that they felt harassed by their neighbors and was sick of HRM coming on their property and actioning violations. The Compliance Officer advised the property owner that they had attempted to work with the property owner however progress has not been made to clean up the property. The Compliance Officer reviewed the current state of the property with the property owner and explained the violations that needed to be addressed.

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 Orders to Remedy dated February 1, 2023
Appendix D: Copy of the Notice of Appeal dated February 8, 2023
Appendix E: Copy of the letter from the Clerk's Office dated February 9, 2023

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: Tristan Zinck, Compliance Officer II, By-law Standards, 902.292.5146

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: Feb 13, 2023 1:21:17 PM



PID:	00627513	Owner:	JESSICA CELESTE PEARCE	AAN:	03815722
County:	HALIFAX COUNTY		JESSICA CELESTE PEARCE	Value:	\$91,800 (2023 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION	Address:	64 ALDER DRIVE HEAD OF JEDDORE		

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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**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 64 ALDER DR, HEAD OF JEDDORE, NS B0J2L0;
[REDACTED]
Case # CF-2023-001344;
Hereinafter referred to as the "Property"

TO: JESSICA CELESTE PEARCE
Mailing Address: [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 tarps, bagged waste, bagged recyclables, discarded household items, tires, rims, sinks, pallets, scrap wood, scrap plastic, crates, tote bins, cooler, cardboard, discarded fencing 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 tarps, bagged waste, bagged recyclables, discarded household items, tires, rims, sinks, pallets, scrap wood, scrap plastic, crates, tote bins, cooler, cardboard, discarded fencing 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 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 Wednesday, Feb. 1 2023.

Original signed

TRISTAN ZINCK
COMPLIANCE OFFICER
Phone: (902) 292-5146

SCOTT HILL
Administrator
Halifax Regional Municipality

Appendix D Fax Transmission

Halifax Public
Libraries

Date Feb 8th

Pages including this cover 3

To	
Name	<u>HRM</u>
Organization	<u>Office of the Municipale Clerk</u>
Fax Number	<u>902 490 4208</u>

From	
Name	<u>Jessica Pearce</u>
Branch / Department	<u></u>
Contact Number	<u>[REDACTED]</u>
Fax Number	<u></u>

Message
<u>Notice of Appeal .</u>

Appendix D

HALIFAX

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

IN THE MATTER OF:

Property located at 64 Alder Dr Head Jeddore

Case # CF-2023-001344 NS BOS 2LO

PID # [REDACTED]

Tax # [REDACTED]

VALID

I Jessica Pearce wish to file this Written Notice of Appeal in relation to the Order I received dated the 1 day of February, 2023 from the Compliance Officer respecting the above noted Property.

The reason for appeal is:

bagged recycle + garbage out on garbage day? Tires +
totes used for planters, fencing + scrap wood for future

projects. Harassment from neighbour done through
government. Property not dangerous. Who determines what's

*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. unsightly?

Property behind mine has yard of metal. Future improvements
Submitted by: planned would like 90 days reprieve.

Property Owner(s) Guardian, Trustee, or Power of Attorney* Agent of Property Owner(s)*

Other, Please Specify* _____ *written authorization of property owner required

DATED at 64 Alder Dr, Nova Scotia this 8th day of February, 2023.

Jessica Pearce
Legal Name of Appellant (please print)

Jessica
Preferred Name

[REDACTED]

[REDACTED]

(Address) (Apt)

[REDACTED]

(City) (Postal Code)

[REDACTED]

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)

Appendix E

		REGISTERED DOMESTIC	RECOMMANDÉ RÉGIME INTÉRIEUR	
		CUSTOMER RECEIPT	REÇU DU CLIENT	
To	Destinataire			
Name	Nom	FOR DELIVERY CONFIRMATION	CONFIRMATION DE LA LIVRAISON	
Address	Adresse	canadapost.ca	postescanada.ca	
City / Prov. / Postal Code	Ville / Prov. / Code postal	1 888 550-6333		
Declared Value	Valeur déclarée	CSC Tracking Number / Numéro de suivi de la SCP		
	\$			
33-086-584 (17-12)				

February 9, 2023

REGISTERED MAIL

Jessica Pearce


Re: Case # CF-2023-001344, Property Located at 64 Alder Drive, Head Jeddore

This is to advise that your appeal will be heard by the Appeals Committee on **Thursday, March 9, 2023**. The hearing will be held in the Council Chamber, 3rd Floor, City Hall, 1841 Argyle Street, Halifax. Please arrive for 10:00 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 www.halifax.ca by end of day Friday, March 3, 2023. 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, 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 902.223.1046.

Sincerely
Original signed


Acting Deputy Clerk
Office of the Municipal Clerk

- cc: Tanya Phillips, Manager, By-law Standards
- Scott Hill, Regional Coordinator By-law
- Laurie Lauder, Adjudication Clerk
- Tristan Zinck, Compliance Officer

Enclosure: Order of Proceedings for Appeals Standing Committee



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

halifax.ca

Appendix E

Order of Proceedings for Appeals Standing Committee

The Chair will open each of the hearings and address the following:

- The Chair will ask the Appellant (property owner) to identify themselves and provide their contact information
- If a person is appearing on behalf of an Appellant who is not present (legal counsel, family member, friend), they must provide written authorization to act on the Appellant's behalf
- The Chair will briefly explain the hearing will proceed (as follows):
- Staff Presentation: The HRM staff presenter explains the basis for the order under review and presents evidence in support of the order (including any documents or recent photos of the property, if applicable)
- The Committee may ask questions of the HRM staff presenter for clarification
- The Appellant may ask questions of the HRM staff presenter for clarification
- Non-party witnesses* may be permitted to provide factual evidence relevant to the appeal
- The Appellant may ask questions of non-party witnesses for clarification
- Appellant's Presentation: The Appellant is granted reasonable time to present evidence in support of the appeal (documents/photos/witnesses)
- The Committee may ask questions to the Appellant and/or their witnesses
- The Appellant or their representative is then permitted up to 10 minutes to make a verbal submission in support of their case to reverse the order
- The Committee may ask questions to the Appellant and also further questions of HRM staff (subject to Appellant's response to the answers)
- Staff may ask questions to the Appellant (subject to Appellant's response to the answers)
- The Committee then debates their decision and renders a decision with the Appellant or their representative present
- Upon motion the Committee may move In Camera (In Private) to obtain confidential legal advice at any time during the process
- The Committee has four (4) options:
 - cancel the order (allow the appeal)
 - amend the order (change the conditions)
 - keep the order as is (appeal dismissed)
 - continue the hearing at a later date (defer)

*Non-Party Witnesses

Persons who are not parties to the appeal may be permitted to provide relevant evidence of factual matters within their personal knowledge to the Appeals Standing Committee. Non-party witnesses will be given an appropriate amount of time to present their information.

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.

The Appeals Standing Committee meetings begin at 10:00 a.m. and cases will be heard as they appear on the approved agenda.