



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

**Item No. 12.1.2**  
**Appeals Standing Committee**  
**May 11, 2023**

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

**SUBMITTED BY:** Original Signed  
\_\_\_\_\_  
Andrea MacDonald, Acting Director, Compliance

**DATE:** April 27, 2023

**SUBJECT:** Appeal Report – Case 2023 005862, 2786 & 2788 Agricola Street, Halifax

**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 Orders of the Administrator and thereby deny the appeal.

**BACKGROUND:**

There have been nine previous dangerous or unsightly cases at the property. Six cases were closed with owner compliance and three were closed with HRM completing immediate board-up remedies to the structure.

The property is zoned CEN-2 (centre 2). There are three separate civic addresses associated with this property. The violations observed at each civic are identified separately on the Orders. The front facing civic is 2786 Agricola and the building at the rear of the property is civic 2788.

A complaint was received by service request on March 20, 2023. The complainant reported the property was an absolute eyesore due to broken windows, overgrowth, and garbage.

There have been four subsequent complaints regarding the property.

This report will focus on the appeal dated April 5, 2023, by the property owner of the Orders to Remedy for violations including: debris, graffiti, fencing, and broken windows.

**CHRONOLOGY OF CASE ACTIVITIES:**

21-Mar-2023 The Compliance Officer conducted a site inspection at 2786 & 2788 Agricola Street, Halifax hereinafter referred to as “the property” (attached as Appendix B).

The Compliance Officer noted that access points on the ground level of the building located at the rear of the property were secure and the Officer took photos of the debris scattered around the property.

The Officer determined that violations included open access through the bottom windows, the fence barrier was insufficient, and debris including a mattress, shopping carts and a ladder.

22-Mar-2023 The Compliance Officer conducted a site inspection and noted that the building at the rear of the property had a lack of maintenance to the structure and open access through broken windows. The Officer also noted graffiti on the exterior walls and an accumulation of debris throughout the property.

27-Mar-2023 The Supervisor Regional Compliance conducted a site inspection with the investigating Officer and noted that trespassers had made two cuts through the 7-foot chain link fence that partially surrounded the front of the building. The fence addressed the areas where the brickwork and parapets had decayed and fallen to the ground. There was a ladder up to one of the windows to provide entry to the building and the investigating Officer observed that the ceiling had recently collapsed.

29-Mar-2023 The Compliance Officer conducted a site inspection and noted the violations remained. The Compliance Officer posted Orders to Remedy for debris (attached as Appendix C), the fence (attached as Appendix D), graffiti (attached as Appendix E), and the broken windows on the structure (attached as Appendix F). Copies of the Orders were sent to the property owner through registered mail.

The Compliance Officer left a voice message for the property owner advising of the posted Orders and that copies were sent through email.

The Compliance Officer phoned the property owner who confirmed they received the Orders. The Compliance Officer explained the work required and the property owner responded that they would have contractors address the violations.

30-Mar-2023 The property manager phoned the Compliance Officer. The Compliance Officer explained the violations and the property manager advised that they would complete the work.

31-Mar-2023 The property manager emailed the Compliance Officer and advised that they intend to comply with the Orders, however needed more time.

05-Apr-2023 The Compliance Officer met with the property manager on site, conducted a site inspection and noted some debris had been removed, portions of graffiti had been covered, and some broken fencing had been removed. The Compliance Officer itemized the remaining violations that needed to be addressed to bring the property into compliance.

The property owner submitted a Notice of Appeal (attached as Appendix G) to the Municipal Clerk's Office.

06-Apr-2023 The Municipal Clerk's Office sent the property owner a letter advising the appeal would be heard at the May 11, 2023, Appeals Standing Committee meeting (attached as Appendix H).

Due to the ongoing maintenance issues with the building, a structural integrity report was requested to capture the current state of the property. The building is not structural compromised to the point that demolition be recommended. The Building Official submitted a Structural Integrity Report for the main structure (attached as Appendix I).

The overall comments were that due to safety concerns no entry was gained. It is recommended that the falling brick veneer be secured or removed and access to the building be restricted.

11-Apr-2023 The Compliance Officer conducted a site inspection and noted improvements to the property including: broken windows had been secured, attempts had been made to address the graffiti and progress had been made on removing and/or repairing the fencing. The debris violations remained unchanged and there was no perimeter fencing around the southwest area of the main building.

The property manager and Compliance Officer exchanged emails regarding the state of the property. The property manager advised they were boarding-up windows today and noted that areas where they had covered graffiti had been tagged again. The Compliance Officer advised they would attend the property to determine if compliance has been reached.

13-Apr-2023 The Compliance Officer emailed the property manager and advised that violations remained and they would reinspect the property on April 18, 2023.

The property manager emailed the Compliance Officer and advised all accessible windows has been secured however they don't know how to address the graffiti.

The property manager also stated that they didn't understand what was meant by lack of exterior maintenance and they were trying to find the wiring for the fence reinstallation.

The property owner emailed the Compliance Officer and advised they were working on bringing the property into compliance; however, they filed an appeal.

20-Apr-2023 The Compliance Officer conducted a site inspection and noted that windows on the lower level of the rear building were broken allowing for open access. The Compliance Officer phoned the property manager and advised of the open access. The property manager stated that they would send a contractor to meet the Compliance Officer at the property.

While on site, the Officer noted that there had been significant repairs/removal/addition of fencing. The debris violations remained along with the graffiti, broken windows and lack of exterior maintenance.

The Compliance Officer spoke with the contractor upon their arrival and reviewed the violations that needed to be addressed.

21-Apr-2023 The Compliance Officer conducted a site inspection and spoke with a contractor on site who was actively working on securing the open access to the building.

22-Apr-2023 The Compliance Officer conducted a site inspection and noted that the building had been secured.

### **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 moderate for any individuals that may enter the structure.

### **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 Order to Remedy dated March 29, 2023
  - Appendix D: Copy of the Order to Remedy dated March 29, 2023
  - Appendix E: Copy of the Order to Remedy dated March 29, 2023
  - Appendix F: Copy of the Order to Remedy dated March 29, 2023
  - Appendix G: Copy of the Notice of Appeal dated April 5, 2023
  - Appendix H: Copy of the letter from the Clerk's Office dated April 6, 2023
  - Appendix I: Copy of the Structural Integrity Report dated March 30, 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: Peter Popperl, Compliance Officer II, By-law Standards, 902.499.7241

Original Signed

Report Approved by: \_\_\_\_\_  
Tanya Phillips, Program Manager, By-law Standards, Compliance 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:

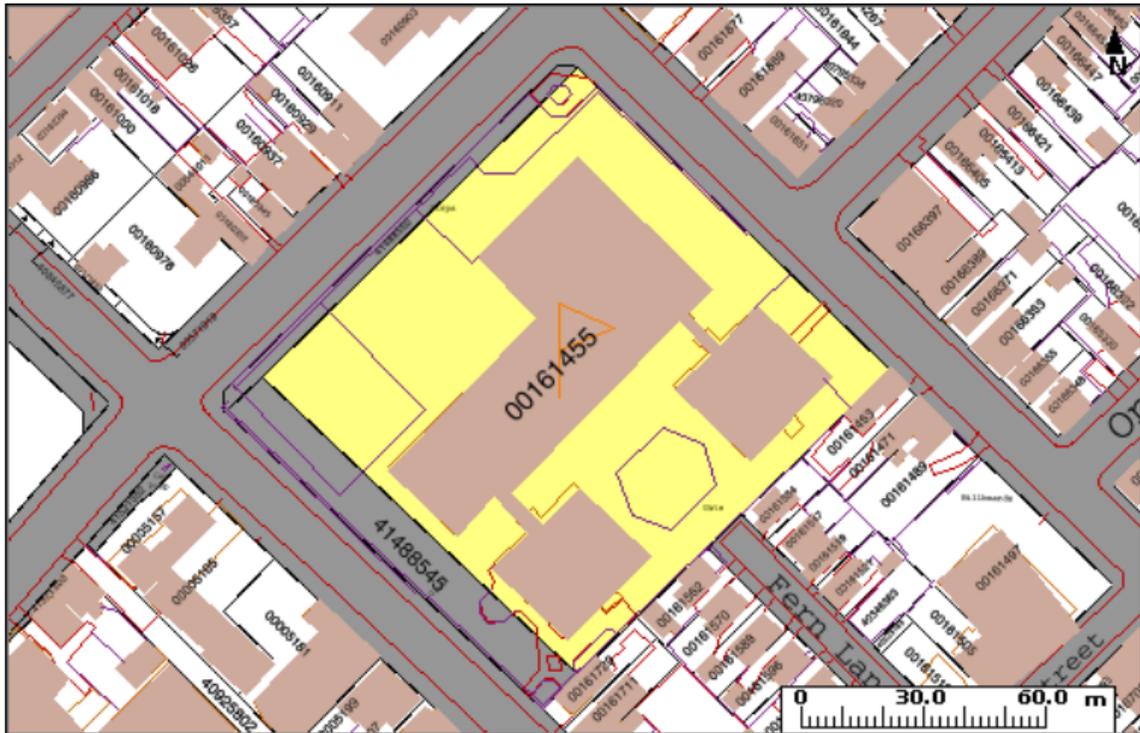
- (q) "dangerous or unsightly" means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: Apr 3, 2023 11:22:18 AM



|            |                   |          |                          |        |                                       |
|------------|-------------------|----------|--------------------------|--------|---------------------------------------|
| PID:       | 00161455          | Owner:   | BANC INVESTMENTS LIMITED | AAN:   | 00356964                              |
| County:    | HALIFAX COUNTY    |          |                          | Value: | \$4,485,800 (2023 COMMERCIAL TAXABLE) |
| LR Status: | LAND REGISTRATION | Address: | AGRICOLA STREET HALIFAX  |        |                                       |

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 2786 AGRICOLA ST, HALIFAX, NS B3K4E1;  
Case # CF-2023-005862;  
Hereinafter referred to as the "Property"

**TO:** BANC INVESTMENTS LIMITED

**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 a mattress, bagged waste, cardboard, scrap wood, buckets, scrap metal, loose 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 a mattress, bagged waste, cardboard, scrap wood, buckets, scrap metal, loose 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 29<sup>th</sup> March 2023.

**Original signed**

PETER POPPEREL  
COMPLIANCE OFFICER  
Phone: 902-499-7241

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



**ORDER TO REMEDY  
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**IN THE MATTER OF:** Property located at 2786 AGRICOLA ST, HALIFAX, NS B3K4E1;  
Case # CF-2023-005862;  
Hereinafter referred to as the "Property"

**TO:** BANC INVESTMENTS LIMITED

**WHEREAS** you are the owner(s) of the Property;

**AND WHEREAS** located on the Property is an unsightly or dangerous condition due to a lack of maintenance to the fences around the property or near the buildings resulting broken or missing sections including but not limited to fence posts and chain link fencing, 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 replacing resulting broken or missing sections including but not limited to fence posts and chain link fencing, 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 thirty (30) 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 29<sup>th</sup> March 2023.

**Original signed**

PETER POPPEREL  
COMPLIANCE OFFICER  
Phone: 902-499-7241

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



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**- and -**

**IN THE MATTER OF:** Property located at 2786 AGRICOLA ST, HALIFAX, NS B3K4E1;  
Case # CF-2023-005862;  
Hereinafter referred to as the "Property"

**TO:** BANC INVESTMENTS LIMITED

**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 graffiti on the building, 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 or painting over the graffiti, 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 thirty (30) 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 29<sup>th</sup> March 2023.

**Original signed**

PETER POPPEREL  
COMPLIANCE OFFICER  
Phone: 902-499-7241

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



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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 -**

**IN THE MATTER OF:** Property located at 2786 AGRICOLA ST, HALIFAX, NS B3K4E1;  
Case # CF-2023-005862;  
Hereinafter referred to as the "Property"

**TO:** BANC INVESTMENTS LIMITED

**WHEREAS** you are the owner(s) of the Property;

**AND WHEREAS** located on the Property is an unsightly or dangerous condition due lack of maintenance to the building resulting in broken windows, 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 boarding over the broken windows, 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 29<sup>th</sup> March 2023.

**Original signed**

PETER POPPEREL  
COMPLIANCE OFFICER  
Phone: 902-499-7241

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

**Appendix G**



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

IN THE MATTER OF: Property located at 2786 Agricola Street, Halifax, NS B3K 4E1  
Case # CF-2023-005862  
PID # 00161455  
Tax # 00356964

I Banc Investments Limited wish to file this Written Notice of Appeal in relation to the Order I received dated the 4th day of April, 2023 from the Compliance Officer respecting the above noted Property.

**The reason for appeal is:**

~~BANC Investments Limited has received numerous requests to comply with applicable by-laws and has done so in a responsive and diligent manner, over the last two plus years of ownership of the property. Records will show those requests and BANC complying. However, HRM and entities for which it is responsible have not assisted in investigating and prosecuting repeat trespassers and vandals while these vandals continue to attack and trespass on the property with impunity. The damage done to BANC's property is the result of these failures to enforce the law and not any fault of BANC's. This notice to comply should be quashed by the Appeal Committee for all such infractions involving trespassing both today and moving forward.~~

\*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.

**Submitted by:**

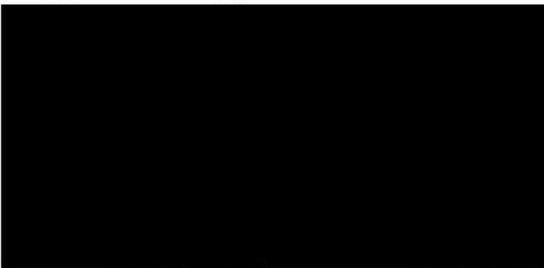
Property Owner(s)  Guardian, Trustee, or Power of Attorney\*  Agent of Property Owner(s)\*  
 Other, Please Specify \* Richard Norman, counsel to Banc Investments Limited \*written authorization of property owner required

**DATED** at Halifax, Nova Scotia this 5th day of April, 2023.

Banc Investments Limited  
**Legal Name of Appellant (please print)**

**Original signed**  
**Signature of Appellant**

**Preferred Name**



Contact Number or Email

**SEND TO:**  
**Office of the Municipal Clerk**  
P.O. Box 1749  
Halifax, NS B3J 3A5  
Fax: 902-490-4208  
Email: [clerks@halifax.ca](mailto:clerks@halifax.ca)  
  
Deliver in person: City Hall, 1841 Argyle Street, Halifax (Mon-Fri. 8:30am-4:30pm)

# Appendix H



**REGISTERED  
DOMESTIC**  
CUSTOMER RECEIPT

**RECOMMANDÉ  
RÉGIME INTÉRIEUR**  
REÇU DU CLIENT



|                            |  |                             |                                      |                     |   |                           |  |
|----------------------------|--|-----------------------------|--------------------------------------|---------------------|---|---------------------------|--|
| <b>To</b>                  |  | <b>Destinataire</b>         | <b>FOR DELIVERY<br/>CONFIRMATION</b> |                     | <b>CONFIRMATION<br/>DE LA LIVRAISON</b> |                           |  |
| Name                       |  | Nom                         |                                      | canadapost.ca       |   | postescanada.ca           |  |
| Address                    |  | Adresse                     |                                      | 1 888 550-6333      |   |                           |  |
| City / Prov. / Postal Code |  | Ville / Prov. / Code postal |                                      | CPC Tracking Number |   | Numéro de suivi de la BCP |  |
| Declared Value             |  | Valeur déclarée             |                                      | \$                  |   | 73-088-550 (17-12)        |  |

April 6, 2023

**REGISTERED MAIL & EMAIL**

Banc Investment Ltd.  
c/o Alex Halef, President and CEO

**Re: Case # CF-2023-005862, Property located at 2786 Agricola Street, Halifax**

This is to advise that your appeal of the four Orders to Remedy issued March 29, 2023 will be heard by the Appeals Standing Committee on **Thursday, May 11, 2023**. The hearing will be held in the Council Chamber, 3<sup>rd</sup> 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](http://www.halifax.ca) by end of day Friday, May 5, 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](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 902.223.1046.

Sincerely,  
**Original signed**

Krista Vining  
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  
Peter Popperel, Compliance Officer

Enclosure: Order of Proceedings for Appeals Standing Committee



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

[halifax.ca](http://halifax.ca)

## Appendix H

### Order of Proceedings for Appeals Standing Committee

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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.

# Appendix I



Building Official's Report

Planning and Development  
PO Box 1749  
Halifax, NS B3J 3A5

Pursuant to Part XV of the Halifax Regional Municipality Charter  
As requested by the By-Law Compliance Officer, an inspection of the property located at:

|                                  |          |                 |
|----------------------------------|----------|-----------------|
| Property Address                 | PID      | Inspection Date |
| 2788 Agricola Street, Halifax NS | 00161455 | March 30 2023   |

| Building Feature   | Condition Relative to Habitability and Structural Integrity   |
|--------------------|---|
| Main Structure     | <ul style="list-style-type: none"> <li>• Vacant two storey brick building at South-West corner of lot.</li> <li>• Entrances to the building have been secured.</li> <li>• Majority of the windows are broken and are open allowing entry of climatic elements and wildlife.</li> <li>• Bricks are falling from the exterior cladding.</li> <li>• Site fence is not secure.</li> </ul> |
| Foundation         | <ul style="list-style-type: none"> <li>• Cracks in multiple locations of the foundation.</li> </ul>   |
| Heating Appliances | <ul style="list-style-type: none"> <li>• Undetermined.</li> </ul>   |
| Chimney            | <ul style="list-style-type: none"> <li>• None Inspected.</li> </ul>   |
| Roof               | <ul style="list-style-type: none"> <li>• Low slope roof, unable to verify condition.</li> </ul>   |
| Building Services  | <ul style="list-style-type: none"> <li>• Water/sewer could not be determined.</li> </ul>  |

| Public Safety Considerations   |
|--|
| <ul style="list-style-type: none"> <li>• Access to the building can be made from broken windows.</li> <li>• Ladder on site to access second storey window.</li> <li>• Falling brick veneer.</li> </ul> |

| Comments Regarding Repair or Demolition   |
|---|
| <ul style="list-style-type: none"> <li>• Observations of this structure were made from the exterior; due to safety concerns no entry was gained.</li> <li>• Recommended that the falling brick veneer be secured or removed.</li> <li>• Recommended that access to the building be restricted.</li> </ul> |

|                                  |                        |                        |
|----------------------------------|------------------------|------------------------|
| Hugh Layton                      | <b>Original signed</b> | <b>Original signed</b> |
| Building Official (please print) | Signature              | Supervisor's Initials  |