



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

**Item No. 12.1.3**  
**Appeals Standing Committee**  
**May 11, 2023**

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

Original Signed

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

**DATE:** May 1, 2023

**SUBJECT:** Appeal Report – Case 2023 006603, 923 Highway 7, Westphal

**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 eight previous dangerous or unsightly cases at the property. All cases were closed as owner compliance.

Two of the previous cases were appealed by the property owner. These cases were heard at the April 14, 2022 Appeals Standing Committee meeting. The Committee upheld the Orders and the property owner completed the work required and complied.

The property is zoned C-4 (highway commercial).

A review of the HRM database system shows no permits issued for the property.

A complaint was received by service request on March 27, 2023. The complainant reported the property as unsightly and continuing to decline due to the accumulation of tires, garbage, and debris.

There have been no subsequent complaints regarding the property.

This report will focus on the appeal dated April 10, 2023, by the property owner of the Orders to Remedy for the debris and derelict vehicle violations.

**CHRONOLOGY OF CASE ACTIVITIES:**

28-Mar-2023 The Compliance Officer emailed the property owner, explained the complaint and advised they would be inspecting the property this week.

The property owner replied to the Compliance Officer through email and advised that they would attend the property, speak with the tenants and would be in touch with the Compliance Officer.

29-Mar-2023 The Compliance Officer conducted a site inspection at 923 Highway 7, Westphal hereinafter referred to as “the property” (attached as Appendix B). The Compliance Officer noted multiple derelict vehicles, numerous tires, broken glass, wood and a pile of cement.

The property owner phoned the Compliance Officer and said they were upset because they understood that the Compliance Officer conducted the site inspection today. The Compliance Officer tried to respond however the property owner ended the call.

The Compliance Officer emailed the property owner and advised that site inspections were required. The Officer further advised that they could work with the property owner on a reasonable time frame for compliance. The Compliance Officer requested that the property owner advise them of how much time they required to complete the work.

04-Apr-2023 The Compliance Officer conducted a site inspection and spoke with the property owner on site. The property owner advised the Compliance Officer that the tenants were applying for a permit for a used car dealership and all of the vehicles in the yard would be moved to the inside of the building.

The Compliance Officer handed the property owner an Order to Remedy for debris (attached as Appendix C) and an Order to Remedy for derelict vehicles (attached as Appendix D) at the property. Copies of the Orders were also sent to the property owner through registered mail.

- 10-Apr-2023 The property owner submitted a Notice of Appeal (attached as Appendix F) to the Municipal Clerk's Office.
- 11-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 G).

### **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 Order to Remedy dated April 4, 2023  
Appendix D: Copy of the Order to Remedy dated April 4, 2023  
Appendix E: Copy of the Notice of Appeal dated April 10, 2023  
Appendix F: Copy of the letter from the Clerk's Office dated April 11, 2023

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A copy of this report can be obtained online at [Halifax.ca](http://Halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared For: Christine Fox, Compliance Officer II, By-law Standards, 902.478.8206

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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 17, 2023 1:32:38 PM



PID:	40380669	Owner:	MEDCO PROPERTIES INC.	AAN:	06097022
County:	HALIFAX COUNTY	Address:	923 HIGHWAY 7 WESTPHAL	Value:	\$195,600 (2023 COMMERCIAL TAXABLE)
LR Status:	LAND REGISTRATION				

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 923 HIGHWAY 7, WESTPHAL, NS B2W3V2;  
Case # CF-2023-006603;  
Hereinafter referred to as the "Property"

**TO:** MEDCO PROPERTIES INC

**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 ceramic tiles, scrap wood, scrap metal, tires, dismantled office cubical, barrel, commercial display, gas can, wheelbarrow, pvc pipes, broken awning, doors, oil tank, discarded auto parts, 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 ceramic tiles, scrap wood, scrap metal, tires, dismantled office cubical, barrel, commercial display, gas can, wheelbarrow, pvc pipes, broken awning, doors, oil tank, discarded auto parts, 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 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 4<sup>th</sup> April 2023.

**Original signed**

CHRISTINE FOX  
COMPLIANCE OFFICER  
Phone: 902-478-8206

\_\_\_\_\_  
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 923 HIGHWAY 7, WESTPHAL, NS B2W3V2;  
Case # CF-2023-006603;  
Hereinafter referred to as the "Property"

**TO:** MEDCO PROPERTIES INC

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

**AND WHEREAS** located on the Property is an unsightly or dangerous condition due to white tractor trailer trailers, white ford cube vans E450, and a white Chevrolet boxed truck have been deemed to be derelict as they appear to be disused or abandoned by reason of their age, appearance, mechanical condition or lack of license plate 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 to white tractor trailer trailers, white ford cube vans E450, and a white Chevrolet boxed truck, 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 4<sup>th</sup> April 2023.

**Original signed**

CHRISTINE FOX  
COMPLIANCE OFFICER  
Phone: 902-478-8206

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

## Appendix E

Vining, Krista

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**From:** Edgard Hoyeck [REDACTED]  
**Sent:** Monday, April 10, 2023 10:29 PM  
**To:** Vining, Krista  
**Subject:** [External Email] Re Cases # CF-2023-006603 and CF-2023-006603

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

[REDACTED]  
[REDACTED] I wish to appeal both Cases # CF-2023-006603 and CF-2023-006603 and hoping again you may be able to make sure it gets to the right desk.

Yours truly,  
-Edgard Hoyeck.

**VALID**

# Appendix F

April 11, 2023

REGISTERED MAIL & EMAIL [REDACTED]

Medco Properties Inc.  
c/o Edgard Hoyeck  
[REDACTED]

**Re: Cases CF-2023-006603, 923 Highway 7, Westphal**

This is to advise that your appeal of the two Orders to Remedy issued April 4, 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  
Christine Fox, Compliance Officer II

		<b>REGISTERED DOMESTIC</b> CUSTOMER RECEIPT	<b>RECOMMANDÉ RÉGIME INTÉRIEUR</b> REÇU DU CLIENT											
<b>To / Destinataire</b> Name / Nom		<table border="1"> <tr> <td>FOR DELIVERY CONFIRMATION</td> <td>CONFIRMATION DE LA LIVRAISON</td> </tr> <tr> <td>canadapost.ca</td> <td>postescanada.ca</td> </tr> <tr> <td colspan="2" style="text-align: center;">or/ou</td> </tr> <tr> <td colspan="2" style="text-align: center;">1 888 550-6333</td> </tr> <tr> <td>CPC Tracking Number</td> <td>Numéro de suivi de la CPC</td> </tr> </table>			FOR DELIVERY CONFIRMATION	CONFIRMATION DE LA LIVRAISON	canadapost.ca	postescanada.ca	or/ou		1 888 550-6333		CPC Tracking Number	Numéro de suivi de la CPC
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<b>Address / Adresse</b> City / Prov. / Postal Code / Ville / Prov. / Code postal		<table border="1"> <tr> <td>Declared Value / Valeur déclarée</td> <td>\$</td> </tr> <tr> <td colspan="2" style="text-align: center;">33-086-584 (17-12)</td> </tr> </table>			Declared Value / Valeur déclarée	\$	33-086-584 (17-12)							
Declared Value / Valeur déclarée	\$													
33-086-584 (17-12)														

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 F

### 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.