



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

**Item No. 12.1.1**  
**Appeals Standing Committee**  
**June 8, 2023**

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

Original Signed

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

**DATE:** May 29, 2023

**SUBJECT:** Appeal Report – Case 2023 008028, 6323 Liverpool 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 Order of the Administrator and thereby deny the appeal.

**BACKGROUND:**

There has been one previous dangerous or unsightly case at the property. The property owner appealed the Order regarding derelict vehicles at the January 12, 2017, meeting of the Appeals Standing Committee where the appeal was denied. The property owner complied and case was closed with owner compliance.

The property is zoned ER-2 (established residential).

A complaint was received by service request on April 11, 2023. The complainant reported the property as dangerous and unsightly due to holes in a fence, rotting lumber being stored in the backyard and a failing brick driveway where it meets the HRM sidewalk.

This report will focus on the appeal dated May 9, 2023, by the property owner of the Order to Remedy for the wooden fence.

**CHRONOLOGY OF CASE ACTIVITIES:**

- 12-Apr-2023 The Compliance Officer conducted a site inspection at 6323 Liverpool Street, Halifax hereinafter referred to as “the property” (attached as Appendix B).
- The Compliance Officer noted lumber stacked neatly in the backyard, some of the driveway bricks had separated from the sidewalk, new unused bricks were on site, and 3-4 sections of fence were missing lattice. The Compliance Officer spoke with a tenant on site who provided the property owner’s contact information.
- 18-Apr-2023 The Compliance Officer left a voicemail at two separate phone numbers for the property owners explaining the violation and requested they contact the Compliance Officer.
- 19-Apr-2023 The property owner and Compliance Officer exchanged voice mail messages and were unable to speak directly.
- 25-Apr-2023 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- The Compliance Officer posted a 7-day Notice of Violation for the fence (attached as Appendix C) at the property.
- 02-May-2023 The Compliance Officer conducted a site inspection and noted that no work had been done, the fence was still in disrepair with many sections missing wood components and lattice. The Compliance Officer also noted the missing bricks in the driveway near the HRM sidewalk remained a safety issue.
- 03-May-2023 The Compliance Officer attended the property and confirmed the violation remained unchanged. The property owner was on site and the Compliance Officer explained the violations and hand delivered the 7-day Order to Remedy (attached as Appendix D). The Compliance Officer also advised that they had referred the complaint referencing the brick driveway hazard to Transportation and Public Works. The property owner advised that they would fix the lattice but planned to replace the entire fence and had the wood required in the backyard. The property owner also advised that they would Appeal the Order. A copy of the Order was also sent to the property owner through registered mail.

09-May-2023 The property owner submitted a Notice of Appeal (attached as Appendix E) to the Municipal Clerk's Office.

09-May-2023 The Municipal Clerk's Office sent the property owner a letter advising the appeal would be heard at the June 8, 2023, Appeals Standing Committee meeting (attached as Appendix F).

### **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 April 25, 2023  
Appendix D: Copy of the Order to Remedy dated May 3, 2023  
Appendix E: Copy of the Notice of Appeal dated May 9, 2023  
Appendix F: Copy of the letter from the Clerk's Office dated May 9, 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: Tristan Zinck, Compliance Officer II, By-law Standards, 902.292.5146

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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: May 17, 2023 8:39:50 AM



PID:	00119586	Owner:	PETER EWALD MELZER	AAN:	02231948
County:	HALIFAX COUNTY	Address:	6323 LIVERPOOL STREET HALIFAX	Value:	\$524,000 (2023 RESIDENTIAL 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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### Notice of Violation

Notice Served Upon: \_\_\_\_\_

Address: 6322 Liverpool St

This is to advise that you are in violation of the following municipal and/or provincial legislation:

- |  |   |
|--|---|
| <input type="checkbox"/> HRM By-law A-700 Animals  | <input type="checkbox"/> HRM By-law S-300 Streets           |
| <input type="checkbox"/> HRM By-law C-300 Civic Addressing   | <input type="checkbox"/> HRM By-law S-600 Solid Waste       |
| <input type="checkbox"/> HRM By-law C-501 Vending  | <input type="checkbox"/> HRM By-law S-801 Temporary Signs   |
| <input checked="" type="checkbox"/> HRM Charter, Part XV Respecting Dangerous or Unightly 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):

broken fence - missing / broken parts

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

fix the fence. (or remove)

Notice of Re-inspection:

A re-inspection will be performed on May 2, 2023 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.

Mr. Triston Zuehl  
Issuing Officer

25/04/23  
Date (dd/mm/yy)

912 292 5146  
Issuing Officer Phone Number

1550 hrs  
Time (hh/mm)

Original signed

Issuing Officer Signature

Case Number



**ORDER TO REMEDY  
DANGEROUS OR UNSIGHTLY PREMISES**

**IN THE MATTER OF:** Section 356 of The Halifax Regional Municipality Charter, S.N.S., 2008 , C.39  
Hereinafter referred to as the "Charter"

**- and -**

**IN THE MATTER OF:** Property located at 6323 LIVERPOOL ST, HALIFAX, NS B3L1Y1;  
Case # CF-2023-008028;  
Hereinafter referred to as the "Property"

**TO:** PETER EWALD MELZER

**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 wooden fence resulting in deteriorating and missing wooden components including but not limited to railings, lattice, supports and other deteriorating features, 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 the deteriorating and missing wooden components including but not limited to railings, lattice, supports and other deteriorating features, 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, May 3, 2023. **Original signed**

TRISTAN ZINCK  
COMPLIANCE OFFICER  
Phone: 902-292-5146

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SCOTT HILL  
Administrator  
Halifax Regional Municipality

Appendix E

HALIFAX

VALID

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

IN THE MATTER OF:

Property located at 6323 LIVERPOOL ST

Case # CF-2023-000028

PID #

Tax #

I PETER MELZER wish to file this Written Notice of Appeal in relation to the Order I received dated the 4 day of MAY, 2023 from the Compliance Officer respecting the above noted Property.

The reason for appeal is:

THE LATTICE PANELS ARE BEING KICK OUT BY SOMEONE

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\* \*written authorization of property owner required

DATED at MAY 09, Nova Scotia this 9 day of MAY, 2023.

PETER MELZER

Original signed

Legal Name of Appellant (please print)

Signature of Appellant

Preferred Name

(Address)

(Apt)

SEND TO: Office of the Municipal Clerk P.O. Box 1749 Halifax, NS B3J 3A5 Fax: 902-490-4208 Email: clerks@halifax.ca

(City)

(Postal Code)

Deliver in person: City Hall, 1841 Argyle Street, Halifax (Mon-Fri, 8:30am-4:30pm)

Contact Number or Email

## Appendix F

May 9, 2023

### REGISTERED MAIL

Peter Melzer  
[REDACTED]

		<b>REGISTERED DOMESTIC</b>	<b>RECOMMANDÉ RÉGIME INTÉRIEUR</b>	
		CUSTOMER RECEIPT	REÇU DU CLIENT	
<b>To</b>	<b>Destinataire</b>			
Name	Nom			
Address	Adresse			
City / Prov. / Postal Code	Ville / Prov. / Code postal			
Declared Value	Valeur déclarée			
	\$			
33-085-584 (17-12)				
		FOR DELIVERY CONFIRMATION	CONFIRMATION DE LA LIVRAISON	
		canadapost.ca	postescanada.ca	
		1 888 550-6333		
		CPC Tracking Number	Nombre de registre de la SCP	
		[REDACTED]		

**Re: Cases CF-2023-008028, Property located at 6323 Liverpool Street, Halifax**

This is to advise that your appeal of the Order to Remedy issued May 3, 2023 will be heard by the Appeals Standing Committee on **Thursday, June 8, 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, June 2, 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, Supervisor Regional Compliance  
Vicki Aguinaga, Supervisor Support Services  
Laurie Lauder, Adjudication Clerk  
Tristan Zinck, Compliance Officer II

Enclosure: Order of Proceedings for Appeals Standing Committee

# HALIFAX

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.