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Item No. 12.1.1
Appeals Standing Committee
May 11, 2023

TO: Chair and Members of Appeals Standing Committee

Original Signed

SUBMITTED BY: _____
Peter Duncan, Director, Engineering & Building Standards, Planning and
Development

DATE: April 28, 2023

SUBJECT: Appeal Report – Case 2022 024822 – 620 Lucasville Road, Lucasville

ORIGIN

Appeal of an Order to Remedy the condition of a property pursuant to the noncompliant conditions under the Halifax Regional Municipality Bylaw M-200, Respecting Standards for Residential Occupancies, made pursuant to Section 188 and Section 199 of the Halifax Regional Charter Chapter 39 of The Acts of 2008

LEGISLATIVE AUTHORITY

Section 32 of the *Halifax Regional Municipality ByLaw M200*.

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 Authority Having Jurisdiction and thereby deny the appeal.

BACKGROUND:

Residential Standards are regulated by the [Residential Standards By-law, M-200](#). There have been no previous M200 complaints on this property.

The property is zoned MU-1, with a single unit dwelling and a residential accessory building on the property.

A complaint was received by service request on December 12, 2022. The complainant stated the only heat in the house was from two heat pumps and the house was not warm, there are holes in the foundation, the roof leaks in the rain, there is a broken window, a rotten wall, and rodents. The caller stated that they had notified the owner, but the owner is not fixing the issues.

Three subsequent complaints were received regarding M200 violations on this property. Additional life safety concerns were identified and managed under a separate case.

Multiple attempts were made by the Supervisor and acting Supervisor of Building Standards to contact the property owner by phone and email between March 13th and April 4th, 2023, all attempts at contact went unanswered.

This report will focus on the appeal dated Feb 27th, 2023 by the property owner for the Order to Remedy for the noncompliant conditions under M200.

Chronology of case activities:

The following is a chronology of events associated with this case:

15-Dec-2022 The Assistant Building Official (ABO) conducted a site inspection at 620 Lucasville Rd, Lucasville hereinafter referred to as “the property” (attached as Appendix B).

The ABO observed the following:

- the indoor temperature was below 21 degrees while the heat pumps were operating;
- there was evidence of multiple leaks in the basement originating from the foundation walls;
- the kitchen sink tap was loose enough to likely create future leaks;
- the sunroom addition was showing signs of structural failure – including the roof being partially caved in;
- multiple electrical outlets throughout the house were loose enough to cause possible electrical shorts;
- the guards at the front deck were not secure and unsafe;
- that the chimney is showing signs of advanced deterioration;
- the furnace label indicated it had not been inspected since 2011;
- there was evidence of rodent activity;
- there were multiple missing or broken windows throughout the house;
- there was no smoke alarm in the basement and no Carbon Monoxide (CO) alarms in the house;
- there were serious structural concerns relating to the attached garage;
- the interior stair treads were loose to the point of being a safety hazard;
- a rear entry door was not reasonably weather tight or secure;
- the kitchen exhaust did not vent to the outdoors; and,
- the front entry stairs were unsafe due to unacceptable differences in riser height.

- The ABO spoke with the owner and advised them that there was insufficient heat in the building and that this issue needed to be addressed immediately.
- 16-Dec-2022 The ABO issued a Notice of Violation to the property owner via email. (Attached as appendix C).
- The ABO received a call from the owner who stated that they would have Wilson's inspect the furnace but that they were unable to contact the tenant to provide access to the building.
- The ABO contacted the tenant to advise them to arrange entry with the owner.
- 19-Dec-2022 The property owner called and spoke to an ABO and stated that they were unable to contact the tenant to arrange entry to repair the furnace. The ABO called the tenant and advised them to arrange entry with the owner, the tenant requested 24 hours notice to enter the property. The ABO called the property owner to advise of the tenant's request for 24 hours notice and the property owner agreed to provide that, the property owner confirmed they would reach out to the tenant again.
- 22-Feb-2023 The ABO issued an Order to Remedy for the property, sent via email to the property owner. (attached as appendix D)
- 27-Feb-2023 The property owner submitted a Notice of Appeal (attached as Appendix E) to the Municipal Clerk's Office.
- 03-Mar-2023 The ABO received confirmation that a contractor had been scheduled to replace the oil tank on March 9th, 2023 to restore heat to the building.
- 06-Mar-2023 The owner emailed the ABO to advise that they would likely not be proceeding with the replacement of the oil tank. The ABO advised that it was a violation of the M200 Bylaw to not provide heat in a rental unit.
- 04-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 F).

DISCUSSION

There were multiple significant infractions of the M200 Bylaw found at this property, including insufficient heat, structural safety concerns in multiple locations, significant leaks and multiple missing or broken windows. In addition to these major concerns there was a high number of moderate safety concerns with the building including damaged plumbing fixtures and electrical components, and damaged stair treads or guards. It is uncommon to identify such a high number of infractions on one property or within one dwelling unit.

It was identified that the issue causing insufficient heat was an expired oil tank, staff confirmed that a contractor had been obtained to replace the tank, but the work was not completed as scheduled.

In addition to the initial infractions found at this property, as a result of subsequent complaints from the tenant, additional infractions were identified, including no water, burst water lines, no hot water, and a damaged tub faucet that was not allowing the water to be turned off.

At the time of writing this report, the water supply to the building has been restored, the burst water lines and tub faucet have been repaired by the property owner. The hot water tank and the oil tank have been remedied by HRM to restore heat and hot water to the building.

This report focuses on the remaining outstanding items on the Order to Remedy issued on Feb 22. (attached as Appendix D).

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 lien 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 Municipal Bylaw M200
- Appendix B: Copy of the Nova Scotia Property Records Map
- Appendix C: Copy of the Notice of Violation dated December 16, 2022
- Appendix D: Copy of the Order to Remedy dated February 22, 2023
- Appendix E: Copy of the Notice of Appeal dated February 27, 2023
- Appendix F: Copy of the letter from the Clerk's Office dated April 4, 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.

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**HALIFAX REGIONAL MUNICIPALITY
BY-LAW M-200
RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES**

BE IT ENACTED by the Council of the Halifax Regional Municipality pursuant to the *Halifax Regional Municipality Charter* as follows.

1. (1) This By-law shall be known as “By-law M-200” and shall be cited as the “Standards For Residential Occupancies By-law.” It shall apply to all residential occupancies within Halifax Regional Municipality.
- (2) Where a provision of this By-law conflicts with the provision of another By-law in force within the Municipality, the provision that establishes the higher standards to protect the health, safety, and welfare of the general public shall prevail.
- (3) All residential occupancies within Halifax Regional Municipality shall comply with all applicable legislation, including the *Building Code Act*, the *Nova Scotia Building Code Regulations*, the *Fire Safety Act* and the *Fire Safety Regulations*.

Part 1: INTERPRETATION

2. (1) Unless otherwise defined herein, definitions contained in the current *Building Code Act*, *Fire Safety Act*, *Nova Scotia Building Code Regulations*, the *Halifax Regional Municipality Charter* and the Nova Scotia Building Code also apply to this By-law.
- (2) In this By-law:
 - (a) “Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;
 - (b) repealed;
 - (c) “bathroom” means a habitable room containing at least one toilet, one wash basin and a tub or shower;
 - (d) “Building Code” means the Nova Scotia Building Code in effect at the time of inspection;
 - (e) “*Building Code Act*” means the *Nova Scotia Building Code Act*, R.S.N.S., c.46, as amended from time to time;
 - (f) “dwelling unit” means a suite operated as a house keeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;
 - (g) “fire alarm system” means an interconnected set of electric or electronic devices, including smoke detectors, heat detectors, pull stations, alarm bell and control panel, working together to detect and sound an alarm in the building when smoke or fire is present or upon manual activation of a pull station;

(ga) “fire safety floor plan” means an oriented floor plan that includes the location of all exits, primary exit routes, pulls stations, and fire extinguishers;

(h) “fire separation” means a construction assembly that acts as a barrier against the spread of fire;

(i) “habitable room” means a room designed for or which may be used for living, sleeping, eating or cooking;

(j) “Inspector” means a person appointed by the Municipality as a Building Official or a Municipal Fire Inspector;

(k) “kitchen” means a habitable room containing a sink, storage area(s), a counter or work area(s) and space provided for cooking and refrigeration appliances including suitable electrical or gas connections;

(l) repealed;

(la) “mini-suite” means a single room or series of rooms occupied or intended to be occupied under a separate tenancy that shares either kitchen or bathroom facilities with no less than three other separate tenancies, but does not include:

(i) a dwelling unit; or

(ii) an institution under the *Homes for Special Care Act* or any other general or special Act;

(m) “Municipality” means the Halifax Regional Municipality (HRM);

(n) “Order to Comply” means a notice to the owner of a building to correct any violations of this By-law;

(o) “owner” includes any one or combination of the following as defined in the *Halifax Regional Municipality Charter*:

(i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building;

(ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; and

(iii) in the absence of proof to the contrary, the person assessed for the property.

(p) “person” means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in subsection 3(bc) of the *Halifax Regional Municipality Charter*, and includes the heirs, executors or other legal representatives of a person, or owner;

(pa) “rental housing” means a residential property or a portion of a residential property occupied by someone other than the owner, for which an occupant pays rent to the owner;

(q) “residential occupancy” means the occupancy or use of a building or part thereof for sleeping accommodation but shall not include buildings where people are harboured or detained and does not include hunting camps, cottages or other similar seasonal residences;

(r) repealed;

(s) “smoke alarm” means a combined smoke detector and an audible alarm device designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within that room or suite;

(sa) “suite” means a single room or series of rooms of complementary use, operated or intended to be operated under a single tenancy, and includes dwelling units, individual guest rooms, and mini-suites; and

(t) “waterproof finish” means ceramic, plastic, sheet vinyl, laminated linoleum or other material rendering a surface impermeable to water.

Part 2: GENERAL REQUIREMENTS

General Duties and Obligations

3. The standards of this By-law are minimum standards.
4. The owner of a building shall maintain the building to the standards as provided in this By-law.
5. Notwithstanding section 4, the owner of a building shall maintain the building to at least the standard to which it was required to be built, unless otherwise specified in this By-law.

Inspections

6. (1) Where an inspection is required or conducted pursuant to this By-law:
 - (a) the Inspector may enter in or upon land or premises at a reasonable time without a warrant;
 - (b) except in an emergency, the Inspector shall not enter a room or place actually being used as a dwelling without the consent of the occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the occupier at least twenty-four (24) hours in advance; and
 - (c) where a person refuses to allow the Inspector to exercise, or attempts to interfere or interferes with the Inspector in the exercise of a power granted pursuant to this By-law, the Inspector may apply to a judge of the Supreme Court of Nova Scotia for an Order:
 - (i) to allow the Inspector entry to the building; and

- (ii) restraining a person from further interference.

Part 3: GENERAL MAINTENANCE STANDARDS

Fire Prevention

- 7. (1) The owner of every building shall install a fire alarm system in conformance with the requirements of articles **9.10.18.2** and **9.10.18.4** of the Nova Scotia Building Code.
- (2) Fire alarm systems shall be maintained in an operational condition at all times.
- (3) All required fire separations required by the Nova Scotia Building Code shall be installed and maintained so as to prevent the spread of fire from one compartment to the next.

Structural Soundness

- 8. (1) Every part of a building shall be maintained in a structurally sound condition so as to be capable of safely sustaining the load to which it may normally be subjected.
- (2) The Inspector may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation meets the prescribed requirements.

Interior Walls, Ceilings and Floors

- 9. (1) Every floor, ceiling and interior surface of every wall in a building shall be maintained free from dampness.
- (2) Every wall, partition, ceiling and floor in a habitable area or a bathroom of a building shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings, loose, warped or broken boards or other defects.
- (3) Every floor in a bathroom, toilet room, kitchen, shower room and laundry room shall be impervious to water.
- (4) Walls surrounding showers or bathtubs shall be waterproof and the waterproof finish shall be maintained to a height of not less than:
 - (a) 1.8 m above the floor in shower stalls;
 - (b) 1.2 m above the rims of bathtubs equipped with showers; and
 - (c) 400 mm above the rims of bathtubs not equipped with showers.

Foundations and Exterior Walls

- 10. (1) Every basement, cellar, crawl space and similar space shall be ventilated and free from excessive dampness so as not to cause damage to remainder of building.
- (2) The assembly of every exterior wall of a building and all components shall be maintained, weather tight, free from loose or unsecured objects and materials, prevent

the entrance of insects and animals and prevent deterioration due to weather, insects or animals.

- (3) All foundation supports forming part of a building shall be maintained in good repair so as to prevent settlement of the building.

Pest Control & Building Health

11. (1) Buildings shall be kept free of rodents and insects at all times.
 - (2) Methods used for removing such pests shall be in accordance with the provisions of the *Pest Control Products Act*.
 - (3) Maintenance shall be provided to prevent significant visual damage to surfaces resulting from dampness.
 - (4) Where an Inspector has grounds to believe an unsafe or hazardous condition exists the Inspector may order, at the expense of the owner, tests be conducted by qualified professionals.

Windows and Doors

12. (1) Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft free.
 - (2) All windows that are required to be operable shall have suitable hardware so as to allow the window to be locked or otherwise secured from the inside.
 - (3) Doors between an attached garage and the remainder of the building shall be fitted with weather stripping and a self-closing device to prevent the passage of gases into the remainder of the building.

Egress

13. (1) Every dwelling or dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the dwelling to exterior grade level.
 - (2) Buildings equipped with a fire escape as a secondary means of egress shall maintain the escape in good condition, be free from obstructions and easily accessed through a window or door operable from inside without requiring keys or specialized knowledge to open.
 - (3) Any required egress shall not pass through a room in another dwelling unit or a service room.
 - (4) Where egress windows are provided, they shall not require keys or specialized knowledge to operate.

Stairs, Decks, and Balconies

14. (1) Interior and exterior decks, stairs, porches, balconies and landings shall be maintained in good repair so as to be structurally sound, free of holes, cracks, and other defects which may constitute accident hazards.

- (2) Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are decayed or deteriorated shall be repaired or replaced.
- (3) A handrail and guard shall be installed on all stairs comprised of more than three (3) risers.

Fireplaces, Fuel-burning Appliances, and Chimneys

15. (1) Every fuel-fired appliance intended for use as a heating source shall meet the requirements of the applicable CSA Standard.
- (2) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent smoke, fumes or gases from entering the building.
- (3) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.
- (4) Equipment that burns fuel in a building shall be vented to the outside air by means of a chimney, flue, smoke pipe, vent pipe or a similar duct.
- (5) Every fireplace used, capable of being used, or intended to be used in a building for burning fuel in an open fire shall be maintained in good repair and so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures and shall be vented to the outside air by means of a chimney.
- (6) All connections between liquid or gaseous fuel burning equipment in a dwelling and the source of liquid or gaseous fuel shall be maintained in good repair and shall meet the requirements of all applicable standards.
- (7) If in the opinion of the Inspector there is doubt as to the safety of the heating system or parts thereof the Inspector may, at the expense of the owner, direct that tests of materials, equipment, devices, construction methods be made or sufficient evidence or proof be submitted where such evidence or proof is necessary to determine whether the material, equipment, device or construction meets the prescribed requirements.

Heating

16. Every building shall be equipped with suitable heating facilities for maintaining an indoor ambient temperature of 21 degrees Celsius, which shall be obtainable throughout all occupied areas.

Plumbing Facilities and Fixtures

17. (1) All water supply pipes shall be provided with a supply of potable running water from:
 - (a) a source approved by the Halifax Regional Water Commission or from an approved on-site well; or
 - (b) by an alternative potable water supply source.
- (2) All bathroom, kitchen and laundry plumbing fixtures shall supply:

- (a) hot and cold running water; and
 - (b) hot water capable of being supplied at a temperature of not less than 43 degrees Celsius and a temperature of not more than 60 degrees Celsius;
- (3) A mixing valve shall be provided where required by the Nova Scotia *Building Code*.
- (4) All plumbing fixtures shall be:
- (a) connected to the sewage system through water seal traps; and
 - (b) vented to protect the water seal traps in a manner acceptable to the Inspector.
- (5) Every fixture shall be of such materials, construction and design that will ensure the exposed surfaces of all parts are:
- (a) hard, smooth, impervious to hot and cold water;
 - (b) readily accessible for cleansing; and
 - (c) free from blemishes, cracks, or other imperfections that may harbor germs or impede thorough cleansing.
- (6) Plumbing, including drains, water supply pipes, toilets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- (7) All service water heaters or coils used to supply hot water to plumbing fixtures shall be equipped with:
- (a) a temperature relief valve designed to open and discharge sufficient water to keep the temperature of the water from exceeding 99 degrees Celsius; and
 - (b) a pressure relief valve designed to open when the water pressure reaches the rated working pressure of the tank.

Electrical System

18. (1) Every building to which this By-law applies shall be wired for electricity and shall be connected to an approved electrical supply.
- (2) All electrical services shall conform to the regulations established by the Canadian Electrical Code.
- (3) The electrical wiring, fixtures, switches, receptacles, and appliances located or used in every building shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards.
- (4) Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture and a conveniently located switch to control that fixture.

- (5) Lighting fixtures and appliances installed throughout buildings and dwellings, including stairways, corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid hazards during normal use.
- (6) If in the opinion of the Inspector there is doubt as to the safety of the electrical system or parts thereof the Inspector may, at the expense of the owner, direct that tests of materials, equipment, devices and construction methods be performed, or sufficient evidence or proof be submitted, where such evidence or proof is necessary to determine whether the material, equipment, device or construction meets the prescribed requirements.

Ventilation

19. (1) All enclosed areas including basements, cellars, crawl spaces, and attics or roof spaces, shall be ventilated as required by the Nova Scotia Building Code.
- (2) Every bathroom or toilet room shall be equipped with:
 - (a) an operable window; or
 - (b) a mechanical exhaust fan which shall be maintained in good working order.
- (3) All mechanical ventilation systems shall be maintained in good working order.

Elevating Devices

20. Elevators and other elevating devices, including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and hold a current provincial license to operate.

Part 4 RENTAL HOUSING

General Provisions

21. (1) This part shall not relieve any owner of rental housing from compliance with the provisions in Parts 1, 2, 3 and 6 of this By-law or any other applicable legislation.
- (2) Repealed.

Life Safety Provisions

22. (1) All doors from dwelling units that lead to common areas shall be solid core or equivalent, equipped with self closures and provided with working locks that are operable from inside without requiring keys or specialized knowledge.
- (2) No person shall cook in a sleeping room with a device that uses resistive heating elements or open flame.
- (3) Each floor serving a common area shall:
 - (i) have at minimum a 5 lb ABC type portable fire extinguisher in a conspicuous location that is readily available in the event of a fire, and

- (ii) have a fire safety floor plan prominently posted as approved by the Inspector.
- (4) Emergency lighting shall be installed in all common areas.
- (5) Every fuel-fired appliance used as a central heating source for more than one suite shall be located in a room separated from the remainder of the building by a fire separation.

Guards

- 22A. (1) Every open side of a stairway or flat roof to which access may be gained through a doorway, terrace, balcony, porch, landing, ramp or stairwell shall have a guard and handrail conforming to the requirements of the current Nova Scotia Building Code.
- (2) Guards and handrails shall be maintained in a structurally sound condition so as to be capable of safely sustaining the load to which it may normally be subjected.

Bathrooms

- 23. Repealed.
- 23A Bathroom plumbing fixtures shall be maintained to ensure that the water in the fixtures flows and drains free from obstruction.

Kitchens

- 24. (1) When provided, every kitchen shall be equipped with:
 - (a) a sink that is equipped with hot and cold running water that flows and drains free from obstruction and is surrounded by surfaces impervious to grease and water;
 - (b) a storage area of not less than 0.23 m³;
 - (c) a counter or work area at least 0.61 metres in width by 1.22 metres in length, exclusive of the sink, and covered with a material that is impervious to water and grease and is easily cleanable; and
 - (d) a space provided for cooking and refrigeration appliances including electrical or gas connections.
- (2) Where cooking facilities have been provided, ensure that all appliances are in a clean and safe working condition.
- (3) When provided, every kitchen, including all cabinetry, fixtures and fittings provided, shall be maintained free from defective and missing components.

Smoke and Carbon Monoxide Alarms

- 24A. (1) All dwelling units shall be equipped with smoke alarms conforming to this section.
- (2) Subject to subsection (1) buildings equipped a fire alarm system are exempt, provided the system includes heat or smoke detection.
- (3) Smoke alarms shall be located:

- (a) on each storey including basements;
 - (b) in each sleeping room; and
 - (c) in a location between the sleeping rooms and the remainder of the building, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
- (4) Where more than one smoke alarm is required in a dwelling unit, the smoke alarms shall be interconnected so that the activation of one alarm will cause all alarms within the dwelling unit to sound.
- (5) Interconnection of smoke alarms may be either wireless or wired.
- (6) Smoke alarms shall be photoelectric and conform to CAN/ULC-S531.
- (7) Smoke alarms shall be installed on or near the ceiling or as required by the manufacturer.
- (8) All residential occupancies shall be equipped with Carbon Monoxide (CO) alarms conforming to this section.
- (9) Where a fuel-burning appliance is installed in a suite of residential occupancy, a CO alarm shall be installed:
- (a) inside each sleeping room, or
 - (b) outside each bedroom, within 5 m of each sleeping room door, measured following corridors and doorways.
- (10) Where a fuel-burning appliance is installed in a service room that is not in a suite of residential occupancy, a CO alarm shall be installed:
- (a) either inside each sleeping room, or if outside, within 5 m of each sleeping room door, measured following corridors and doorways, in every suite of residential occupancy that shares a wall or floor/ceiling assembly with the service room, and
 - (b) in the service room.
- (11) For each suite of residential occupancy that shares a wall or floor/ceiling assembly with a storage garage or that is adjacent to an attic or crawl space to which the storage garage is also adjacent, a CO alarm shall be installed:
- (a) inside each sleeping room, or
 - (b) outside each sleeping room door, within 5 m of each sleeping room door, measured following corridors and doorways.
- (12) All CO alarms required in this section shall conform to CAN/CSA 6.19.

Sleeping Rooms

25. A sleeping room shall:

- (a) have a minimum floor area of 8 m² and a minimum ceiling height of 1.95 metres;
- (b) have a minimum floor area of 5 m² per occupant, where occupied by more than one person;
- (ba) have:
 - (i) a door, window or skylight opening directly to an outside space capable of providing natural ventilation, with the sum of the openings being no less than five (5) percent of the floor area of the sleeping room, or
 - (ii) mechanical ventilation equivalent to (i);
- (bb) have windows which meet the egress requirements of the Nova Scotia Building Code or be provided with an exterior exit; and
- (c) not serve any other uses such as a lobby, hallway, closet, bathroom, laundry room, stairway, kitchen or service room.

Electrical

26. (1) Electrical power shall be normally available at all times in all parts of every occupied building.
- (2) Repealed.
- (2a) Subject to subsection (1), no person shall cause the electrical power to be disconnected to any occupied area of the building.
- (3) In sleeping rooms, bathrooms, laundry rooms or combinations thereof:
- (a) where the separation distance between shower, tub, or shower/tub combination and a duplex receptacle is less than 3 metres the receptacle shall be protected by ground fault interruption; and
 - (b) in no instance shall duplex receptacles be placed any closer than 1 metre to a shower, tub, or shower/tub combination.

Laundry Rooms

- 26A. (1) All laundry rooms shall include signs indicating that lint traps in laundry equipment shall be cleaned before and after each use of the equipment.
- (2) Except where otherwise required by the Building Code, all common laundry rooms not within a dwelling unit shall:
- (a) not open into a protected exit, and
 - (b) be separated from the remainder of the building by a fire separation that need not have a fire-resistance rating.

Windows

27. Repealed.

Windows and Doors

27A. (1) Windows and doors shall be protected from exposure to precipitation with paint, sealer or cladding made of vinyl, aluminum, or a comparable material.

(2) All windows that open shall be equipped with screens.

Additional Provisions

28. Repealed.

Garbage and Maintenance of Common Spaces

28A. (1) The owner shall provide receptacles, as required by By-law S-600, the *Solid Waste Resource Collection and Disposal By-law*, to ensure containment of collectible waste to prevent the escape of waste materials into the environment.

(2) Common spaces shall be maintained in a clean and sanitary condition at all times, free of debris, open garbage, clutter, standing water and excessive moisture.

Parking

28B. The owner shall limit front yard vehicle access and parking to the designated parking areas as required by the applicable land-use by-law.

Noise

28C.(1) Upon a tenant's conviction of an offence under By-law N-200, the *Noise By-law*, and by Notice of the Inspector, the owner shall develop a written mitigation plan with the tenant in a format prescribed by the Inspector.

(2) The owner shall provide the mitigation plan to the Inspector within 7 days of the Notice.

Maintenance Provisions

28D. A system of regular maintenance and inspection shall be established as required in the Nova Scotia Fire Code or as listed below, whichever is more stringent.

(1) Ducts serving dryers shall be inspected and cleaned as required, but at a minimum at intervals not greater than 12 months.

(2) Smoke alarms shall be inspected, cleaned, and tested at intervals required by the manufacturer but at a minimum at intervals not greater than 12 months.

(3) Every chimney, flue and flue pipe shall be inspected to identify any dangerous condition:

(i) at intervals not greater than 12 months,

(ii) at the time of addition of any connected appliance, and

(iii) after any chimney fire.

- (4) Ventilation fans and filters including bathroom exhaust fans, range hood fans, and heat recovery ventilators shall be inspected and cleaned or replaced as required by the manufacturer.
- (5) Fuel fired heating equipment shall be inspected and maintained as required by the manufacturer. A record of such maintenance shall be readily available onsite.
- (6) Fire extinguishers shall be maintained in good repair and inspected monthly for defects or damage.
- (7) Emergency lighting shall be maintained in good repair and tested monthly by creating a simulated power loss.
- (8) All suites of residential occupancy shall be inspected at intervals not greater than 12 months to ensure all smoke alarms and Carbon Monoxide (CO) alarms required to be installed in the suites are installed, and correctly located, in the suites.

Part 4A: MINI-SUITES

General Provisions

- 28E. (1) This part shall not relieve any owner of a mini-suite from complying with all of the other standards of this By-law or any other applicable legislation.
- (2) The owner shall maintain common spaces in a clean, secure and sanitary condition at all times and without limiting the generality of the foregoing shall:
 - (a) provide working locks on all tenant suites that are operable from inside without requiring keys or specialized knowledge; and
 - (b) not permit the use of any shared bathroom or shared kitchen for laundry.

Life Safety Provisions

- 28F. (1) Every mini-suite shall be separated from the remainder of the floor area with a fire separation including a solid core door with a self-closing device and positive latching mechanism acceptable to the Inspector.
- (2) Every floor level containing mini-suites shall be served by at least one (1) exit or acceptable means of emergency egress.
 - (3) All floor assemblies shall be constructed as fire separations.
 - (4) At least one copy of the fire safety floor plan shall be prominently posted on each floor as approved by the Inspector.

Bathrooms

- 28G. (1) Every shared bathroom or toilet room shall be fully enclosed and provided with a door equipped with a locking device and latch.

- (2) Where a bathroom or toilet room is shared by occupants an entrance shall be provided from a common passage way, hallway, corridor or other common space to the bathroom.
- (3) At least one bathroom must be provided for every six occupants or less.

Electrical

28H. Every habitable room in a building shall have at least two duplex receptacles.

Smoke and Carbon Monoxide Alarms

- 28I. (1) All mini-suites and common areas serving mini-suites shall be equipped with smoke alarms conforming to this section.
- (2) Buildings equipped with a fire alarm system are exempt, provided the system includes heat or smoke detection.
 - (3) A smoke alarm shall be located:
 - (a) on each storey including the basement level;
 - (b) in every kitchen, service room, and laundry room;
 - (c) in each sleeping room; and
 - (d) in a location between the sleeping rooms and the remainder of the mini-suite, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
 - (4) Where more than one smoke alarm is required within a mini-suite, the smoke alarms within the suite shall be interconnected so that the activation of one alarm will cause all alarms within the mini-suite to sound.
 - (5) Where more than one smoke alarm is required in common spaces serving mini-suites, the smoke alarms shall be interconnected so that the activation of one alarm will cause all alarms within the common spaces to sound.
 - (6) Interconnection of smoke alarms may be either wireless or wired.
 - (7) Smoke alarms shall be photoelectric and conform to CAN/ULC-S531.
 - (8) Smoke alarms shall have no disconnect switch between the fuse or breaker and the device.
 - (9) Smoke alarms shall be installed on or near the ceiling or as required by the manufacturer.
 - (10) All mini-suites shall be equipped with Carbon Monoxide (CO) alarms conforming to this section.
 - (11) Where a fuel-burning appliance is installed in a mini-suite, a CO alarm shall be installed:
 - (a) inside each sleeping room, or

- (b) outside each sleeping room, within 5 m of each sleeping room door, measured following corridors and doorways.
- (12) Where a fuel-burning appliance is installed in a service room that is not in a mini-suite, a CO alarm shall be installed:
- (a) either inside each sleeping room, or if outside, within 5 m of each sleeping room door, measured following corridors and doorways;
 - (b) in every mini-suite that shares a wall, floor or ceiling assembly with the service room; and
 - (c) in the service room.
- (13) For each mini-suite that shares a wall, floor or ceiling assembly with a storage garage or that is adjacent to an attic or crawl space to which the storage garage is also adjacent, a CO alarm shall be installed:
- (a) inside each sleeping room, or
 - (b) outside each sleeping room door, within 5 m of each sleeping room door, measured following corridors and doorways.
- (14) All CO alarms required in this section shall conform to CAN/CSA 6.19.

Part 5: ADMINISTRATIVE RESPONSIBILITIES

Powers of License Administrator

29. Repealed.

Licensing Requirements

30. Repealed.

31. Repealed.

Orders by the Inspector

32. (1) If after an inspection, the Inspector is satisfied that in some respect the building does not conform to the standards prescribed in this By-law, the Inspector:
- (a) shall serve or cause to be served to the owner(s) of the property, an Order to Comply; and
 - (b) may at the same time post a copy of such Order to Comply in a prominent place within or on the premises for which it is issued or provide all occupants of the building with a copy.
- (2) Every Order to Comply shall contain:
- (a) the standards to which the building does not comply;

(b) the date after which the building will be subject to a re-inspection to confirm compliance with the Order to Comply; and

(c) the action that will be taken against the owner, should the building not comply to the prescribed standards at the time of the re-inspection.

- (3) Where an Order to Comply has been served upon an owner, and the owner provides the Inspector with a schedule outlining specific time frames within which the work specified in the Order to Comply will be completed, the Inspector may accept or amend the schedule at which time the schedule will become a part of the Order to Comply.
- (4) Repealed.
- (5) Where an owner fails to comply with the requirements of an Order to Comply within the time specified in the Order to Comply, the Inspector may enter upon the property and carry out the work specified in the Order to Comply.

Appeals

33. (1) An owner may appeal an Order to Comply to the Appeals Committee within four days after the Order to Comply is served.
 - (2) Repealed.
34. An appeal shall be commenced by filing a written notice with the Municipal Clerk which clearly states the grounds for the appeal.
35. If the applicant files an appeal, but the Appeals Committee is not scheduled to meet before the date the work is to be completed according to the Order to Comply, the Order to Comply shall be held in abeyance until the Appeals Committee has rendered its decision on the appeal.
36. After hearing an appeal, the Appeals Committee may:
 - (a) deny the appeal;
 - (b) allow the appeal and reverse the decision of the Inspector; or
 - (c) make any decision the Inspector could have made under this By-law.

Cost of Work

37. If the Council, a committee, the Inspector or another employee of the HRM causes work to be done pursuant to section 32 the owner shall be fully responsible for the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment.
38. In addition to any other remedies at law, if the Council, a committee, the Inspector or another employee of the HRM causes work to be done pursuant to this By-law, the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion

of the work until the date of payment, is a first lien on the principle use property upon which, or for the benefit of which, the work was done.

Service

39. (1) Any Notice, Order, decision or other document required to be served under this By-law may be served personally, by mailing it to the person at the latest address shown on the assessment roll or the application for the license, by electronic mail or by facsimile.
- (2) A Notice, Order, decision or other document is deemed to have been served on the third day after it was sent.

Penalties

40. (1) Repealed.
- (1a) A person who
- (a) violates a provision of this By-law or of an Order issued in accordance with this By-law;
 - (b) fails to do anything required by this By-law or an Order issued in accordance with this By-law;
 - (c) permits anything to be done in violation of this By-law or of an Order issued in accordance with this By-law; or
 - (d) obstructs or hinders any person in the performance of their duties under this By-law or under any Order issued in accordance with this By-law,
- is guilty of an offence.
- (2) Every person who commits an offence under this By-law shall be liable, upon summary conviction, to a penalty of not less than
- (a) for the first offence to a penalty of not less than one hundred and fifty dollars (\$150.00) and not more than ten thousand dollars (\$10,000.00) and in default of payment, to imprisonment for a term of not more than two (2) months;
 - (b) for the second offence to a penalty of not less than two hundred and fifty dollars (\$250.00) and not more than ten thousand dollars (\$10,000.00) and in default of payment, to imprisonment for a term of not more than two (2) months;
 - (c) for the third offence or any subsequent offence to a penalty of not less than four hundred and fifty dollars (\$450.00) and not more than ten thousand dollars (\$10,000.00) and in default of payment, to imprisonment for a term of not more than two (2) months.

- (2a) Every day during which an offence pursuant to subsection (1a) continues is a separate offence.
- (3) Repealed.
- (4) In addition to a fine imposed for contravening a provision of this By-law, a judge may order the person to comply with the provision or order under which the person was convicted, within the time specified in the order.

Repeal

41. The following By-law is hereby repealed:

HRM By-law M-100, the Minimum Standards By-law

Done and passed in Council this 19th day of July, 2016

MAYOR

ACTING MUNICIPAL CLERK

I, Sherrill Murphy, Acting Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on, July 19, 2016.

Sherrill Murphy, Acting Municipal Clerk

Notice of Motion:	May 31, 2016
First Reading:	June 14, 2016
Notice of Public Hearing Publication:	July 2, 2016
Second Reading:	July 19, 2016
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	July 23, 2016

Amendment #1 (By-law M-201)

Notice of Motion:	September 22, 2020
First Reading:	September 30, 2020
Notice of Second Reading Publication:	October 24, 2020
Second Reading:	November 10, 2020
Approval by Minister of Municipal Affairs and Housing:	N/A
Effective Date:	November 14, 2020

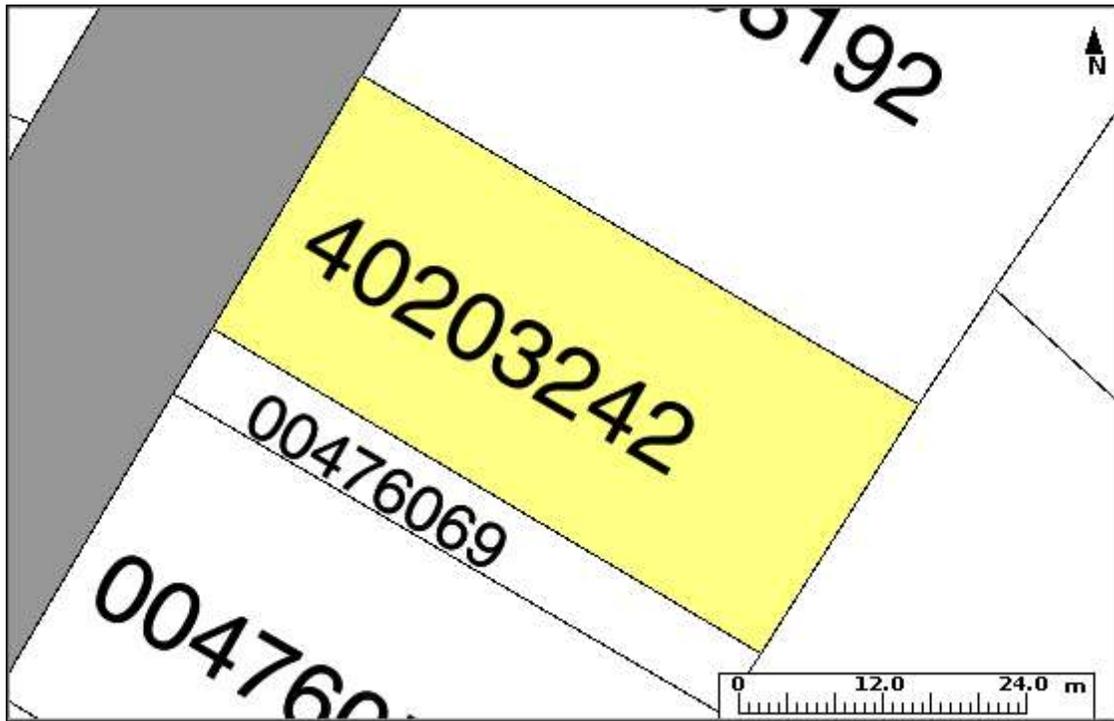
Amendment #2 (By-law M-202)

Notice of Motion:	January 10, 2023
First Reading:	January 24, 2023
Notice of Second Reading Publication:	March 18, 2023
Second Reading:	April 4, 2023
Approval of Minister of Municipal Affairs & Housing:	N/A
Effective Date:	April 15, 2023



Property Online Map

Date: **May 1, 2023 12:10:00 PM**



PID: 40203242	Owner: DUMEBRAYE JAROD KPOLUGBO	AAN: 03671968
County: HALIFAX COUNTY		Value: \$215,400 (2023 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION	Address: 620 LUCASVILLE ROAD LUCASVILLE	

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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Visit: December 15, 2022

Phone: 902-266-4459

Email: meagan.best@halifax.ca

Notice of Violation - First Notice

File Number: CF-2022-024822

RESPONSIBLE PARTY DUMBURAYE KPOLUGBO 	DATE OF NOTICE Dec 16, 2022
PROPERTY IN VIOLATION 620 LUCASVILLE RD, LUCASVILLE, NS B4B1R9	OFFICER Meagan Best 902-266-4459 

On Dec 16, 2022 the property in violation was inspected/investigated and the following condition(s) or activity was found which violate the Halifax Regional Municipality Code. Based on these the property is deemed:

IN VIOLATION

The property will remain in this status until all the violations below are corrected. You are the person responsible for the correction of these violations.



Failure to correct the violations listed above before the correct date may result in:

- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Basement, Cellar, Crawl Space and Similar Space Free From Excessive Dampness

M-200: (10)(1)

Code

M-200 (10)(1)

Basement, Cellar, Crawl Space and Similar Space Free From Excessive Dampness

Every basement, cellar, crawl space and similar space shall be ventilated and free from excessive dampness so as not to cause damage to remainder of building.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that there were multiple areas in the basement which showed signs of recent leaking.

You are hereby ordered to investigate and repair the source of the leak(s), as well as any damages caused by the leak(s)

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Plumbing - Free From Leaks, Defects, and Freezing

M-200: (17)(6)

Code

M-200 (17)(6)

Plumbing - Free From Leaks, Defects, and Freezing

Plumbing, including drains, water supply pipes, toilets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the kitchen sink tap is quite loose.

Ensure the fixture is securely installed and cannot move.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Decks, Stairs, Porches, etc. - Good Repair

M-200: (14)(1)

Code

M-200 (14)(1)

Decks, Stairs, Porches, etc. - Good Repair

Interior and exterior decks, stairs, porches, balconies and landings shall be maintained in good repair so as to be structurally sound, free of holes, cracks, and other defects which may constitute accident hazards.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the sunroom addition at the back of the house shows significant signs of structural failure, including the roof being partially caved in.

You are hereby ordered to make any repairs necessary to render this area safe for the tenants. Any work which involves structural members must be conducted under a Building Permit which you would be required to obtain before commencing work.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Electrical System - Direct Tests

M-200: (18)(6)

Code

M-200 (18)(6)

Electrical System - Direct Tests

If in the opinion of the Inspector there is doubt as to the safety of the electrical system or parts thereof the Inspector may, at the expense of the owner, direct that tests of materials, equipment, devices and construction methods be performed, or sufficient evidence or proof be submitted, where such evidence or proof is necessary to determine whether the material, equipment, device or construction meets the prescribed requirements.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that most of the duplex receptacles in the house are quite loose within the wall and do not appear to be secured properly.

You are hereby ordered to obtain the services of a technician to assess and repair the receptacles.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Existing Guards and Handrail

M-200: (22)(3)

Code

M-200 (22)(3)

Existing Guards and Handrail

In the case where guards and handrails are required to be maintained, they shall be maintained to the standard to which they were built.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that several of the guards serving the front deck are loose and may not be able to support the load of a falling person

Ensure all guards and handrails are securely fastened and are no longer loose.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Fuel Fired Components - Prevent From Entering Building

M-200: (15)(2)

Code

M-200 (15)(2)

Fuel Fired Components - Prevent From Entering Building

Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent smoke, fumes or gases from entering the building.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that some of the interior portion of the brick chimney shows signs of mortar deterioration.

You are hereby ordered to obtain the services of a WETT certified technician to assess the chimney and flue system which serves the furnace in the basement. All reports and recommendations shall be sent to the above-signed immediately upon receipt and all recommendations shall be carried out as part of this order.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Heating System - Direct Tests

M-200: (15)(7)

Code

M-200 (15)(7)

Heating System - Direct Tests

If in the opinion of the Inspector there is doubt as to the safety of the heating system or parts thereof the Inspector may, at the expense of the owner, direct that tests of materials, equipment, devices, construction methods be made or sufficient evidence or proof be submitted where such evidence or proof is necessary to determine whether the material, equipment, device or construction meets the prescribed requirements.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the furnace in the basement seems to have not been inspected since 2011.

You are hereby ordered to obtain the services of a certified technician to inspect and service the furnace. All reports and recommendations shall be sent to the above-signed immediately upon receipt and all recommendations shall be carried out as part of this order.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Fixtures Protected by Traps

M-200: (17)(4)(a)

Code

M-200 (17)(4)(a)

Fixtures Protected by Traps

All plumbing fixtures shall be connected to the sewage system through water seal traps.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the dishwasher and washing machine seem to both discharge outside, possibly into an open septic tank. These appliances each require the discharge plumbing to have a trap and proper venting, especially given where the pipe leads, there is possibility of sewer gas entering the home.

You are hereby ordered to install venting and traps as required to meet the current Plumbing Code.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Indoor Ambient Temperature

M-200: (16)

Code

M-200 (21)(2)(a)

Indoor Ambient Temperature

The owner shall maintain an indoor ambient temperature of 21 degrees Celsius throughout all occupied areas.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the average temperature in the house was well below the required 21 degrees Celsius.

You are hereby ordered to immediately take measures to ensure the indoor ambient temperature can be maintained at 21 degrees Celsius at all time.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Kept Free of Rodents and Insects

M-200: (11)(1)

Code

M-200 (11)(1)

Kept Free of Rodents and Insects

Buildings shall be kept free of rodents and insects at all times.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that there is significant evidence of rodent activity. A rodent was observed during the inspection.

You are hereby ordered to obtain professional pest control. All reports and recommendations shall be sent to the above-signed immediately upon receipt and all recommendations shall be carried out as part of this order

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Kitchen - Cooking and Refrigeration Appliances

M-200: (24)(1)(d)

Code

M-200 (24)(1)(d)

Kitchen - Cooking and Refrigeration Appliances

Every kitchen shall be equipped with a space provided for cooking and refrigeration appliances including electrical or gas connections.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the oven does not reliably work.

Ensure provided cooking appliances work as intended

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Windows, Doors, Skylights, and Basement or Cellar Hatchways - Weathertight

M-200: (12)(1)

Code

M-200 (12)(1)

Windows, Doors, Skylights, and Basement or Cellar Hatchways - Weathertight

Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft free.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that there were multiple missing and broken windows throughout the house.

You are hereby ordered to replace and repair all windows as required to me the above-noted section of the M-200 by-law.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Rooms Requiring Smoke Alarms

M-200: (28)(1)(d)(iv)

Code

M-200 (28)(1)(d)(iv)

Rooms Requiring Smoke Alarms

All sleeping rooms, kitchens, service rooms and laundry rooms shall be equipped with smoke alarms

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that there were no smoke alarms in the basement/service room. Further, it was noted that no carbon monoxide (CO) alarms installed in the house.

You are hereby ordered to immediately install at least 1 (one) CO alarm on each floor and to ensure there are smoke alarms on every level of the house, including basement. These alarms may be combination units.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Structural Soundness

M200

Code

8(1)

Maintained Structurally Sound

Every part of a building shall be maintained in a structurally sound condition so as to be capable of safely sustaining the load to which it may normally be subjected.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the attached garage seems to be in a state of disrepair. There are concerns about the integrity and waterproofness of the roof.

You are hereby ordered to repair the attached garage as required so that it is rendered safe. Any work which involves structural members must be conducted under a Building Permit which you would be required to obtain before commencing work.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Existing Stair Treads, Risers, or Structural Members - Deteriorated

M-200: (14)(2)

Code

M-200 (14)(2)

Existing Stair Treads, Risers, or Structural Members - Deteriorated

Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are decayed or deteriorated shall be repaired or replaced.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that several of the interior stair treads are loose and move when the occupant travels up the stairs.

Ensure all stair treads are securely fastened to the supporting structures.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Windows, Doors, Skylights, and Basement or Cellar Hatchways - Weathertight

M-200: (12)(1)

Code

M-200 (12)(1)

Windows, Doors, Skylights, and Basement or Cellar Hatchways - Weathertight

Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft free.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the small door at the back of the house leading into the basement is not weather tight or secured against entry.

You are hereby ordered to make the necessary adjustments to the above-mentioned door so that it meets the M-200 by-law requirements.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Mechanical Ventilation System

M-200: (19)(3)

Code

M-200 (19)(3)

Mechanical Ventilation System

All mechanical ventilation systems shall be maintained in good working order.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the kitchen exhaust does not vent outside, the exhaust vent on the outside of the house is blocked, which is preventing the range hood from operating as intended.

Ensure the kitchen range hood can exhaust directly outside in a safe manner.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Foundation - Good Repair

M-200: (10)(3)

Code

M-200 (10)(3)

Foundation - Good Repair

All foundation supports forming part of a building shall be maintained in good repair so as to prevent settlement of the building.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that there are several cracks in the foundation wall serving the attached garage and bedroom above.

You are hereby ordered to make the necessary repairs so the foundation meets the above-mentioned section of the M-200 by-law. Any work which involves structural members must be conducted under a Building Permit which you would be required to obtain before commencing work.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Decks, Stairs, Porches, etc. - Good Repair

M-200: (14)(1)

Code

M-200 (14)(1)

Decks, Stairs, Porches, etc. - Good Repair

Interior and exterior decks, stairs, porches, balconies and landings shall be maintained in good repair so as to be structurally sound, free of holes, cracks, and other defects which may constitute accident hazards.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the stairs leading up to the front door pose a tripping hazard as they are not even in either height or depth.

Ensure the above-noted stairs are made safe.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM



ORDER TO REMEDY RESIDENTIAL OCCUPANCY CONDITIONS

IN THE MATTER OF: Halifax Regional Municipality Bylaw M-200 Respecting Standards for Residential Occupancies, made pursuant to Section 188 and Section 199 of the Halifax Regional Charter Chapter 39 of The Acts of 2008

- and -

IN THE MATTER OF: Property located at **620 Lucasville Road, Lucasville, NS B4B 1R9**

PID: 40203242 AAN: 03671968 Case # CF-2022-024822

hereinafter referred to as the "Property"

TO: **DUMBREAYE KPOLUGBO** [REDACTED]

WHEREAS you are the owner of the Property;

AND WHEREAS the Property does not comply with minimum standards prescribed by HRM Bylaw M-200 Respecting Residential Occupancies in that deficiencies were found;

TAKE NOTICE that you are hereby required to Immediately remedy the condition of the Property as specified in Attachment A of this Order;

TAKE FURTHER NOTICE that the Property will be re-inspected on or after **March 24, 2023** to confirm completion of the work specified in this Order;

AND FURTHER TAKE NOTICE that you have the right to appeal this Order to the Halifax Regional Municipality's Appeals Standing Committee by filing a Notice of Appeal with the Municipal Clerk at City Hall, PO Box 1749, Halifax, NS, B3J 3A5 within four (4) days after the order is deemed to be served upon the owner;

AND FURTHER TAKE NOTICE that in the event of your failure to comply with the requirements of this Order within the time specified, any person authorized by Building Official, or other person authorized by the Halifax Regional Municipality (the "Municipality" may enter in or upon any land or premises of the property without warrant or other legal process and carry out the work specified in this Order and the actual cost of carrying out the work specified in this Order may be recovered as a debt from you by action brought by the Halifax Regional Municipality;

AND FURTHER TAKE NOTICE that the actual cost of carrying out the work specified in this Order is a debt payable by you to the Municipality and the Municipality 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 *Assessment Act*, RSNS 1989, C.23;

* The requirement to comply with this Order under the Standards for Residential Occupancies shall not relieve the owner of the Property from compliance with the requirements of other Acts of the Province of Nova Scotia, or of the By-Laws of the Halifax Regional Municipality.

* Without limiting the generality of the previous clause, the Order to Remedy the Property does not intend or in any way validate or confirm that the Property is in compliance with the applicable Land Use By-Law. This Order, and/or any improvements made to the Property under this Order, does not waive the Property Owner's requirement to ensure the Property complies with the uses permitted in the Land Use By-Law.

**See Attachment "A", Attaching to and forming part of this Order to Remedy
(Pages 2 to 8)**

**DATED at Halifax, Nova Scotia
this 22nd day of February, AD 2023.**

Assistant Building Official
Meagan Best
Phone: 902-266-4459
Email: meagan.best@halifax.ca

VIOLATION

Dec 16, 2022 - M200 - Basement, Cellar, Crawl Space and Similar Space Free From Excessive Dampness

M-200: (10)(1)

Code

M-200 (10)(1)

Basement, Cellar, Crawl Space and Similar Space Free From Excessive Dampness

Every basement, cellar, crawl space and similar space shall be ventilated and free from excessive dampness so as not to cause damage to remainder of building.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that there were multiple areas in the basement which showed signs of recent leaking.

You are hereby ordered to investigate and repair the source of the leak(s), as well as any damages caused by the leak(s)

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Decks, Stairs, Porches, etc. - Good Repair

M-200: (14)(1)

Code

M-200 (14)(1)

Decks, Stairs, Porches, etc. - Good Repair

Interior and exterior decks, stairs, porches, balconies and landings shall be maintained in good repair so as to be structurally sound, free of holes, cracks, and other defects which may constitute accident hazards.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the sunroom addition at the back of the house shows significant signs of structural failure, including the roof being partially caved in.

You are hereby ordered to make any repairs necessary to render this area safe for the tenants. Any work which involves structural members must be conducted under a Building Permit which you would be required to obtain before commencing work.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:

- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Existing Guards and Handrail

M-200: (22)(3)

Code

M-200 (22)(3)

Existing Guards and Handrail

In the case where guards and handrails are required to be maintained, they shall be maintained to the standard to which they were built.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that several of the guards serving the front deck are loose and may not be able to support the load of a falling person

Ensure all guards and handrails are securely fastened and are no longer loose.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Rooms Requiring Smoke Alarms

M-200: (28)(1)(d)(iv)

Code

M-200 (28)(1)(d)(iv)

Rooms Requiring Smoke Alarms

All sleeping rooms, kitchens, service rooms and laundry rooms shall be equipped with smoke alarms

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that there were no smoke alarms in the basement/service room. Further, it was noted that no carbon monoxide (CO) alarms installed in the house.

You are hereby ordered to **immediately** install at least 1 (one) CO alarm on each floor and to ensure there are smoke alarms on every level of the house, including basement. These alarms may be combination units.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Heating System - Direct Tests

M-200: (15)(7)

Code

M-200 (15)(7)

Heating System - Direct Tests

If in the opinion of the Inspector there is doubt as to the safety of the heating system or parts thereof the Inspector may, at the expense of the owner, direct that tests of materials, equipment, devices, construction methods be made or sufficient evidence or proof be submitted where such evidence or proof is necessary to determine whether the material, equipment, device or construction meets the prescribed requirements.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the furnace in the basement seems to have not been inspected since 2011.

You are hereby ordered to **immediately** obtain the services of a certified technician to inspect and service the furnace. All reports and recommendations shall be sent to the above-signed immediately upon receipt and all recommendations shall be carried out as part of this order.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Fixtures Protected by Traps

M-200: (17)(4)(a)

Code

M-200 (17)(4)(a)

Fixtures Protected by Traps

All plumbing fixtures shall be connected to the sewage system through water seal traps.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the dishwasher and washing machine seem to both discharge outside, possibly into an open septic tank. These appliances each require the discharge plumbing to have a trap and proper venting, especially given where the pipe leads, there is possibility of sewer gas entering the home.

You are hereby ordered to install venting and traps as required to meet the current Plumbing Code.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Indoor Ambient Temperature

M-200: (16)

Code

M-200 (21)(2)(a)

Indoor Ambient Temperature

The owner shall maintain an indoor ambient temperature of 21 degrees Celsius throughout all occupied areas.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the average temperature in the house was well below the required 21 degrees Celsius.

You are hereby ordered to **immediately** take measures to ensure the indoor ambient temperature can be maintained at 21 degrees Celsius at all time.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Decks, Stairs, Porches, etc. - Good Repair

M-200: (14)(1)

Code

M-200 (14)(1)

Decks, Stairs, Porches, etc. - Good Repair

Interior and exterior decks, stairs, porches, balconies and landings shall be maintained in good repair so as to be structurally sound, free of holes, cracks, and other defects which may constitute accident hazards.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the stairs leading up to the front door pose a tripping hazard as they are not even in either height or depth.

Ensure the above-noted stairs are made safe.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Kitchen - Cooking and Refrigeration Appliances

M-200: (24)(1)(d)

Code

M-200 (24)(1)(d)

Kitchen - Cooking and Refrigeration Appliances

Every kitchen shall be equipped with a space provided for cooking and refrigeration appliances including electrical or gas connections.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the oven does not reliably work.

Ensure provided cooking appliances work as intended

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Windows, Doors, Skylights, and Basement or Cellar Hatchways - Weathertight

M-200: (12)(1)

Code

M-200 (12)(1)

Windows, Doors, Skylights, and Basement or Cellar Hatchways - Weathertight

Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft free.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that there were multiple missing and broken windows throughout the house.

You are hereby ordered to replace and repair all windows as required to meet the above-noted section of the M-200 by-law.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Mechanical Ventilation System

M-200: (19)(3)

Code

M-200 (19)(3)

Mechanical Ventilation System

All mechanical ventilation systems shall be maintained in good working order.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the kitchen exhaust does not vent outside, the exhaust vent on the outside of the house is blocked, which is preventing the range hood from operating as intended.

Ensure the kitchen range hood can exhaust directly outside in a safe manner.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Structural Soundness

M200

Code

8(1)

Maintained Structurally Sound

Every part of a building shall be maintained in a structurally sound condition so as to be capable of safely sustaining the load to which it may normally be subjected.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the attached garage seems to be in a state of disrepair. There are concerns about the integrity and waterproofness of the roof.

You are hereby ordered to repair the attached garage as required so that it is rendered safe. Any work which involves structural members must be conducted under a Building Permit which you would be required to obtain before commencing work.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Existing Stair Treads, Risers, or Structural Members - Deteriorated

M-200: (14)(2)

Code

M-200 (14)(2)

Existing Stair Treads, Risers, or Structural Members - Deteriorated

Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are decayed or deteriorated shall be repaired or replaced.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that several of the interior stair treads are loose and move when the occupant travels up the stairs.

Ensure all stair treads are securely fastened to the supporting structures.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Windows, Doors, Skylights, and Basement or Cellar Hatchways - Weathertight

M-200: (12)(1)

Code

M-200 (12)(1)

Windows, Doors, Skylights, and Basement or Cellar Hatchways - Weathertight

Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft free.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the small door at the back of the house leading into the basement is not weather tight or secured against entry.

You are hereby ordered to make the necessary adjustments to the above-mentioned door so that it meets the M-200 by-law requirements.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily



Assistant Building Official
Meagan Best
Phone: 902-266-4459
Email: meagan.best@halifax.ca

DATED at Halifax, Nova Scotia
this 22nd day of February, AD 2023.



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

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

February 28, 2023

**REGISTERED MAIL
&
EMAIL:** [REDACTED]

Dumebraye Jarod (DJ) Kpoluqbo
[REDACTED]

Re: Case # CF-2022-024822, Property Located at 620 Lucasville Road, Lucasville, NS

This is to advise that your appeal will be heard by the Appeals Committee on **Thursday, April 13, 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 Thursday, April 6, 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
[REDACTED]

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
Meagan Best, Assistant Building Official

Enclosure: Order of Proceedings for Appeals Standing Committee

HALIFAX

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

halifax.ca

HALIFAX

VALID

NOTICE OF APPEAL
REGARDING
BY-LAW M-200
AN ORDER TO REMEDY RESIDENTIAL OCCUPANCY CONDITIONS

HALIFAX REGIONAL
MUNICIPALITY
FEB 27 2023
KJ
MUNICIPAL CLERK

Property located at 620 Lucasville Rd, Lucasville NS B4B 1R9
Unit # _____
Case # CF-2022-024822
PID # 40203242

I Dumebraye "DJ" Kpolugbo wish to file this Written Notice of Appeal in relation to the Order I received dated the 22 day of February, 2023 from the Compliance Officer respecting the above noted Property.

The reason for appeal is:

Some of the violations listed have been addressed (front deck steps and handrails replaced, oven replaced, plumber aware of water not draining to septic and has not come yet after reminder calls). I have tried to remedy the heating issue but the house requires a new oil tank before the furnace can be assessed. Also, the electrician who secured the outlet fixtures did not complete the work in the basement, so I was not able to use the sump pump to drain the water from the edge of the wall. _____ time has prevented other violations from being addressed. _____ plumbing repaired and had the toilet reset at this time as well as per my tenant's request.

_____ (I was notified of the order to remedy on February 24 _____ I am open to having the city send contractors to the house as soon as possible _____ I will not be able to fix these issues by March 24 _____)

*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.

DATED at Drummondville, Qc, Nova Scotia this 25 day of February, 2023.

Dumebraye Jarod Kpolugbo
Legal Name of Appellant (please print)
DJ
Preferred Name

Signature of Appellant

(Address) (Apt)

(City) (Postal Code)

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

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

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.



**ORDER TO REMEDY
RESIDENTIAL OCCUPANCY CONDITIONS**

IN THE MATTER OF: Halifax Regional Municipality Bylaw M-200 Respecting Standards for Residential Occupancies, made pursuant to Section 188 and Section 199 of the Halifax Regional Charter Chapter 39 of The Acts of 2008

- and -

IN THE MATTER OF: Property located at **620 Lucasville Road, Lucasville, NS B4B 1R9**
PID: 40203242 AAN: 03671968 Case # CF-2022-024822
hereinafter referred to as the "Property"

TO: **DUMEBRAYE KPOLUGBO** 

WHEREAS you are the owner of the Property;

AND WHEREAS the Property does not comply with minimum standards prescribed by HRM Bylaw M-200 Respecting Residential Occupancies in that deficiencies were found;

TAKE NOTICE that you are hereby required to Immediately remedy the condition of the Property as specified in Attachment A of this Order;

TAKE FURTHER NOTICE that the Property will be re-inspected on or after **March 24, 2023** to confirm completion of the work specified in this Order;

AND FURTHER TAKE NOTICE that you have the right to appeal this Order to the Halifax Regional Municipality's Appeals Standing Committee by filing a Notice of Appeal with the Municipal Clerk at City Hall, PO Box 1749, Halifax, NS, B3J 3A5 within four (4 days after the order is deemed to be served upon the owner;

AND FURTHER TAKE NOTICE that in the event of your failure to comply with the requirements of this Order within the time specified, any person authorized by Building Official, or other person authorized by the Halifax Regional Municipality (the "Municipality" may enter in or upon any land or premises of the property without warrant or other legal process and carry out the work specified in this Order and the actual cost of carrying out the work specified in this Order may be recovered as a debt from you by action brought by the Halifax Regional Municipality;

AND FURTHER TAKE NOTICE that the actual cost of carrying out the work specified in this Order is a debt payable by you to the Municipality and the Municipality 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 *Assessment Act*, RSNS 1989, C.23;

* The requirement to comply with this Order under the Standards for Residential Occupancies shall not relieve the owner of the Property from compliance with the requirements of other Acts of the Province of Nova Scotia, or of the By-Laws of the Halifax Regional Municipality.

* Without limiting the generality of the previous clause, the Order to Remedy the Property does not intend or in any way validate or confirm that the Property is in compliance with the applicable Land Use By-Law. This Order, and/or any improvements made to the Property under this Order, does not waive the Property Owner's requirement to ensure the Property complies with the uses permitted in the Land Use By-Law.

See Attachment "A", Attaching to and forming part of this Order to Remedy
(Pages 2 to 8)

DATED at Halifax, Nova Scotia
this 22nd day of February, AD 2023.


Assistant Building Official
Meagan Best
Phone: 902-266-4459
Email: meagan.best@halifax.ca

VIOLATION

Dec 16, 2022 - M200 - Basement, Cellar, Crawl Space and Similar Space Free From Excessive Dampness

M-200: (10)(1)

Code

M-200 (10)(1)

Basement, Cellar, Crawl Space and Similar Space Free From Excessive Dampness

Every basement, cellar, crawl space and similar space shall be ventilated and free from excessive dampness so as not to cause damage to remainder of building.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that there were multiple areas in the basement which showed signs of recent leaking.

You are hereby ordered to investigate and repair the source of the leak(s), as well as any damages caused by the leak(s)

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Decks, Stairs, Porches, etc. - Good Repair

M-200: (14)(1)

Code

M-200 (14)(1)

Decks, Stairs, Porches, etc. - Good Repair

Interior and exterior decks, stairs, porches, balconies and landings shall be maintained in good repair so as to be structurally sound, free of holes, cracks, and other defects which may constitute accident hazards.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the sunroom addition at the back of the house shows significant signs of structural failure, including the roof being partially caved in.

You are hereby ordered to make any repairs necessary to render this area safe for the tenants. Any work which involves structural members must be conducted under a Building Permit which you would be required to obtain before commencing work.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:

- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Existing Guards and Handrail

M-200: (22)(3)

Code

M-200 (22)(3)

Existing Guards and Handrail

In the case where guards and handrails are required to be maintained, they shall be maintained to the standard to which they were built.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that several of the guards serving the front deck are loose and may not be able to support the load of a falling person

Ensure all guards and handrails are securely fastened and are no longer loose.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Rooms Requiring Smoke Alarms

M-200: (28)(1)(d)(iv)

Code

M-200 (28)(1)(d)(iv)

Rooms Requiring Smoke Alarms

All sleeping rooms, kitchens, service rooms and laundry rooms shall be equipped with smoke alarms

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that there were no smoke alarms in the basement/service room. Further, it was noted that no carbon monoxide (CO) alarms installed in the house.

You are hereby ordered to immediately install at least 1 (one) CO alarm on each floor and to ensure there are smoke alarms on every level of the house, including basement. These alarms may be combination units.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Heating System - Direct Tests

M-200: (15)(7)

Code

M-200 (15)(7)

Heating System - Direct Tests

If in the opinion of the Inspector there is doubt as to the safety of the heating system or parts thereof the Inspector may, at the expense of the owner, direct that tests of materials, equipment, devices, construction methods be made or sufficient evidence or proof be submitted where such evidence or proof is necessary to determine whether the material, equipment, device or construction meets the prescribed requirements.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the furnace in the basement seems to have not been inspected since 2011.

You are hereby ordered to immediately obtain the services of a certified technician to inspect and service the furnace. All reports and recommendations shall be sent to the above-signed immediately upon receipt and all recommendations shall be carried out as part of this order.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Fixtures Protected by Traps

M-200: (17)(4)(a)

Code

M-200 (17)(4)(a)

Fixtures Protected by Traps

All plumbing fixtures shall be connected to the sewage system through water seal traps.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the dishwasher and washing machine seem to both discharge outside, possibly into an open septic tank. These appliances each require the discharge plumbing to have a trap and proper venting, especially given where the pipe leads, there is possibility of sewer gas entering the home.

You are hereby ordered to install venting and traps as required to meet the current Plumbing Code.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:

- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Indoor Ambient Temperature

M-200: (16)

Code

M-200 (21)(2)(a)

Indoor Ambient Temperature

The owner shall maintain an indoor ambient temperature of 21 degrees Celsius throughout all occupied areas.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the average temperature in the house was well below the required 21 degrees Celsius.

You are hereby ordered to immediately take measures to ensure the indoor ambient temperature can be maintained at 21 degrees Celsius at all time.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Decks, Stairs, Porches, etc. - Good Repair

M-200: (14)(1)

Code

M-200 (14)(1)

Decks, Stairs, Porches, etc. - Good Repair

Interior and exterior decks, stairs, porches, balconies and landings shall be maintained in good repair so as to be structurally sound, free of holes, cracks, and other defects which may constitute accident hazards.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the stairs leading up to the front door pose a tripping hazard as they are not even in either height or depth.

Ensure the above-noted stairs are made safe.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Kitchen - Cooking and Refrigeration Appliances

M-200: (24)(1)(d)

Code

M-200 (24)(1)(d)

Kitchen - Cooking and Refrigeration Appliances

Every kitchen shall be equipped with a space provided for cooking and refrigeration appliances including electrical or gas connections.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the oven does not reliably work.

Ensure provided cooking appliances work as intended

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Windows, Doors, Skylights, and Basement or Cellar Hatchways - Weathertight

M-200: (12)(1)

Code

M-200 (12)(1)

Windows, Doors, Skylights, and Basement or Cellar Hatchways - Weathertight

Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft free.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that there were multiple missing and broken windows throughout the house.

You are hereby ordered to replace and repair all windows as required to meet the above-noted section of the M-200 by-law.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Mechanical Ventilation System

M-200: (19)(3)

Code

M-200 (19)(3)

Mechanical Ventilation System

All mechanical ventilation systems shall be maintained in good working order.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the kitchen exhaust does not vent outside, the exhaust vent on the outside of the house is blocked, which is preventing the range hood from operating as intended.

Ensure the kitchen range hood can exhaust directly outside in a safe manner.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Structural Soundness

M200

Code

8(1)

Maintained Structurally Sound

Every part of a building shall be maintained in a structurally sound condition so as to be capable of safely sustaining the load to which it may normally be subjected.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the attached garage seems to be in a state of disrepair. There are concerns about the integrity and waterproofness of the roof.

You are hereby ordered to repair the attached garage as required so that it is rendered safe. Any work which involves structural members must be conducted under a Building Permit which you would be required to obtain before commencing work.

Resolve By	Fine	Charged
Jan 6, 2023	\$237.50	Daily



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

VIOLATION

Dec 16, 2022 - M200 - Existing Stair Treads, Risers, or Structural Members - Deteriorated

M-200: (14)(2)

Code

M-200 (14)(2)

Existing Stair Treads, Risers, or Structural Members - Deteriorated

Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are decayed or deteriorated shall be repaired or replaced.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that several of the interior stair treads are loose and move when the occupant travels up the stairs.

Ensure all stair treads are securely fastened to the supporting structures.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

VIOLATION

Dec 16, 2022 - M200 - Windows, Doors, Skylights, and Basement or Cellar Hatchways - Weathertight

M-200: (12)(1)

Code

M-200 (12)(1)

Windows, Doors, Skylights, and Basement or Cellar Hatchways - Weathertight

Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft free.

See By-law M-200

Inspector Comments

During a minimum standards inspection conducted on Dec 15, 2022, it was noted that the small door at the back of the house leading into the basement is not weather tight or secured against entry.

You are hereby ordered to make the necessary adjustments to the above-mentioned door so that it meets the M-200 by-law requirements.

Resolve By	Fine	Charged
Mar 24, 2023	\$237.50	Daily

**DATED at Halifax, Nova Scotia
this 22nd day of February, AD 2023.**



**Assistant Building Official
Meagan Best
Phone: 902-266-4459
Email: meagan.best@halifax.ca**



Failure to correct the violations listed above before the correct date may result in:
- a Summary Offense ticket
- labour and material costs for work performed by HRM

April 3, 2023

**REGISTERED MAIL
&
EMAIL:** [REDACTED]

Dumebraye Jarod (DJ) Kpolugbo
[REDACTED]

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

Re: Case CF-2022-024822, Property located at 620 Lucasville Road, Lucasville, NS

Please note By-law staff are looking to reach you to discuss your case.

This is to advise that your appeal has been **rescheduled** and will now be heard by the Appeals Standing Committee on **Thursday, May 11, 2023**. This change in date will not impact on your appeal. 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 Thursday, May 4, 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 online. 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 your case or the new date, please contact Allison Patriquin, Supervisor Building Standards, 902.483.3499.

Sincerely,

[REDACTED]
Krista Vining
Acting Deputy Clerk
Office of the Municipal Clerk

cc: Tanya Phillips, Manager, By-law Standards
Meagan Best, Assistant Building Official
Allison Patriquin, Supervisor Building Standards

Enclosure: Order of Proceedings for Appeals Standing Committee

HALIFAX

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

halifax.ca

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.