



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

**Item No. 12.1.1**  
**Appeals Standing Committee**  
**March 10, 2022**

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

Original Signed

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

**DATE:** February 28, 2022

**SUBJECT:** **Appeal Report – Cases 366041, 5659 Bloomfield Street, Halifax**

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**ORIGIN**

Appeal of an Order to Remedy the condition of a property pursuant to the Dangerous or Unsightly provisions of the *Halifax Regional Municipality Charter* (the "Charter").

**LEGISLATIVE AUTHORITY**

Sections 355, 356 and 3(q) of the *Halifax Regional Municipality Charter*, S.N.S., 2008 C.39.

**MOTION FOR CONSIDERATION**

In accordance with Section 58 of Administrative Order One, the motion before the Appeals Standing Committee is to allow the appeal.

**RECOMMENDATION**

It is recommended that the Appeals Standing Committee uphold the Order of the Administrator and thereby deny the appeal.

**BACKGROUND:**

There have been two previous dangerous or unsightly cases at the property; one closed owner compliance and the other with a remedy completed by HRM to bring the property into compliance.

The property is zoned ER-1.

A complaint was received by service request on December 3, 2021. The complainant stated the property owner at this location collects cans and bottles and stores them in the backyard which makes the property look unsightly.

There have been no subsequent complaints regarding the property.

This report will focus on the appeal dated January 12, 2022 by the property owner of the Order to Remedy for the debris.

**CHRONOLOGY OF CASE ACTIVITIES:**

04-Dec-2021 The Compliance Officer conducted a site inspection at 5659 Bloomfield Street, Halifax hereinafter referred to as “the property” (attached as Appendix B).

The Compliance Officer was unable to access the backyard due to a locked padlock on the gate door. From a neighboring property the Compliance Officer was able to observe wood pallets that were leaning against tarps, bags of recyclables, plastic containers, and buckets.

05-Jan-2022 The Compliance Officer conducted a site inspection and noted the violation remained. The Compliance Officer posted the Order to Remedy (attached as Appendix C) at the property.

The Compliance Officer attempted to contact the property owner however was unsuccessful in making contact as the number on file didn't correspond with the listed property owner's name.

12-Jan-2022 The property owner submitted a Notice of Appeal (attached as Appendix D) to the Municipal Clerk's Office.

13-Jan-2022 The Municipal Clerk's Office sent the property owner a letter advising the appeal would be heard at the March 10, 2022 Appeals Standing Committee meeting (attached as Appendix E).

**FINANCIAL IMPLICATIONS**

There are no financial implications if the owner complies with the Order. If the Municipality is required to complete the work, the costs will form a debt against the property which may be collected in the same manner as taxes pursuant to the Halifax Regional Municipality Charter, S.N.S., 2008, C.39.

### **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.

### **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.

### **ATTACHMENTS**

- Appendix A: Legislative Authority – Halifax Regional Municipality Charter
  - Appendix B: Copy of the Nova Scotia Property Records Map
  - Appendix C: Copy of the Order to Remedy dated January 5, 2022
  - Appendix D: Copy of the Notice of Appeal dated January 12, 2022
  - Appendix E: Copy of the letter from the Clerk's Office dated January 13, 2022
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A copy of this report can be obtained online at Halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared For:      Roody Mitri, Compliance Officer II, By-law Standards, 902.237.2814

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## Appendix A

### **Halifax Regional Municipality Charter ('HRM Charter') Subsection 355 (1) 356 and 3 (q)**

HRM Charter, subsection 355(1) as follows:

- 355 (1) The Council may, by policy, delegate some or all of its authority pursuant to this Part, except the authority to order demolition, to the Administrator.

HRM Charter, subsection 356(1) as follows:

- 356 (1) Where a property is dangerous or unsightly, the Council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.

HRM Charter, subsections 356(2), (3A), as follows:

- 356 (2) An owner may appeal an order of the Administrator to the Council or to the committee to which the Council has delegated its authority within seven days after the order is made.
- (3A) Where the Council or the committee varies or overturns the order of the Administrator, the Council or committee shall provide reasons to be recorded in the minutes of the Council or committee meeting.

HRM Charter, subsection 3(q) as follows:

- (q) "dangerous or unsightly" means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
  - (ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material,
  - (iia) an accumulation or collection of materials or refuse that is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, or
  - (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property or a building or structure with or without structural deficiencies
  - (iv) that is in a ruinous or dilapidated condition,
  - (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,
  - (vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
  - (vii) that is an allurement to children who may play there to their danger,
  - (viii) constituting a hazard to the health or safety of the public,
  - (ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained,
  - (x) that is a fire hazard to itself or to surrounding lands or buildings,
  - (xi) that has been excavated or had fill placed on it in a manner that results in a hazard, or
  - (xii) that is in a poor state of hygiene or cleanliness;

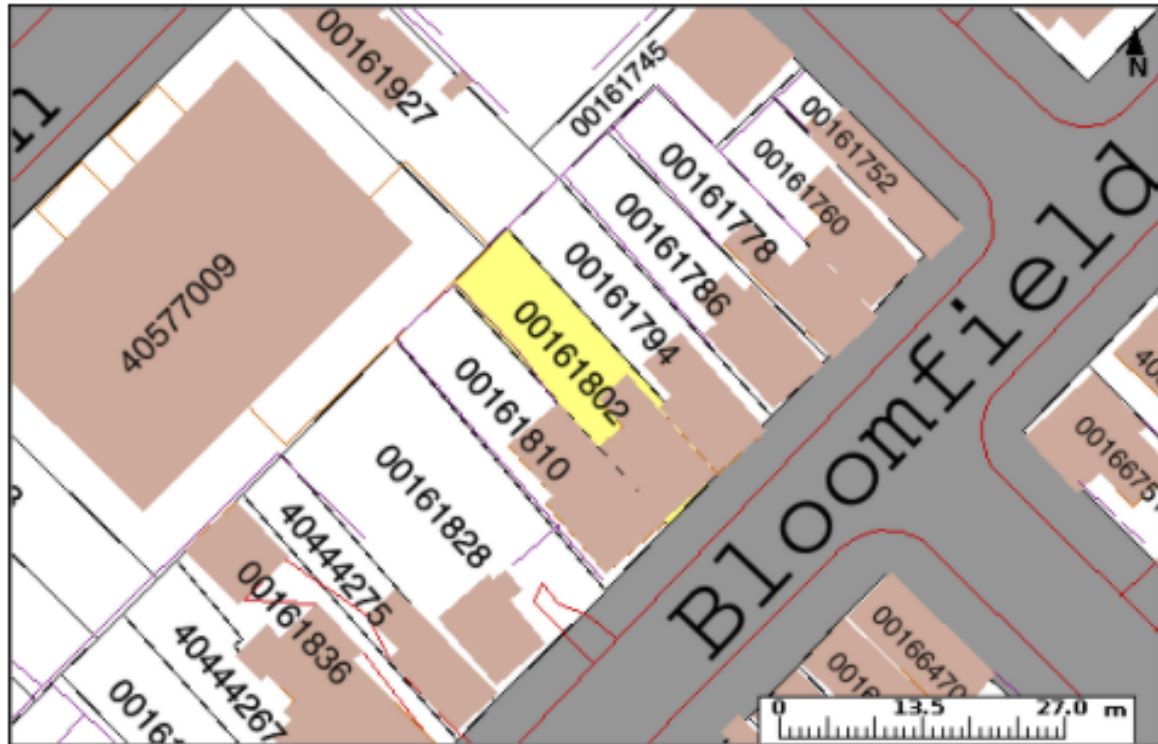
## Appendix B

**PROPERTY** Online

**NOVA SCOTIA**  
Service Nova Scotia and Municipal Relations

### Property Online Map

Date: Feb 22, 2022 11:26:10 AM



PID: 00161802	Owner: JOHN ALEXANDER WRIGHT	AAN: 01966502
County: HALIFAX COUNTY	KEN-PORTER	Value: \$364,100 (2022 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION	Address: 5659 BLOOMFIELD STREET	HALIFAX

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [*Land Registration Act* subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

#### Property Online version 2.0

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# HALIFAX

## **ORDER TO REMEDY DANGEROUS OR UNSIGHTLY PREMISES**

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

**- and -**

**IN THE MATTER OF:** Property located at 5659 BLOOMFIELD ST, HALIFAX, NS,  
Case # 366041

Hereinafter referred to as the "Property"

**TO:** JOHN ALEXANDER WRIGHT  
&  
KEN-PORTER

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

**AND WHEREAS** located on the Property is an unsightly or dangerous condition due to an accumulation of debris including but not limited to tarps, bags of recyclables, wood pallets, scrap wood, loose solid waste, and other scattered debris, in accordance with Section 3(q) of the Charter;

**TAKE NOTICE** that you are hereby Ordered to remedy the condition of the Property by removing the accumulation of debris including but not limited to tarps, bags of recyclables, wood pallets, scrap wood, loose solid waste, and other scattered debris, so as to leave the Property in a neat, tidy, environmentally compliant and safe condition;

**TAKE FURTHER NOTICE** that you have the right to appeal this Order to the Appeals Standing Committee of the Halifax Regional Municipality ("HRM") by filing a Notice of Appeal with the Municipal Clerk by mail at City Hall, P.O. Box 1749, Halifax, NS, B3J 3A5 or by fax to (902) 490-4208, within seven (7) days after the Order is posted in a conspicuous place upon the Property or served upon you;

**AND FURTHER TAKE NOTICE** that your failure to comply with the requirements of this Order within seven (7) days after service, the Administrator, or any person authorized by the Administrator, may enter upon the Property without warrant or other legal process and carry out the work specified in this Order.

**AND FURTHER TAKE NOTICE** that the costs of complying with this Order, including the cost of completing the work specified herein, incurred by the Halifax Regional Municipality ("HRM") or its agents, is a debt payable by you to HRM and that HRM has a first lien on the Property in the amount of the debt which may be collected in the same manner and with the same rights and remedies as rates and taxes pursuant to the Charter;

**AND FURTHER TAKE NOTICE** that upon service of this Order any person who aids, assists, permits or causes a dangerous or unsightly condition or fails to comply with the terms of this Order is liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) and every day during which the condition is not remedied is a separate offense.

**DATED** at Halifax, Nova Scotia this 5th of January, 2022 AD. **Original Signed**

ROODY MITRI  
COMPLIANCE OFFICER  
Phone: (902)237-2814 x

SCOTT HILL  
Administrator  
Halifax Regional Municipality

## Appendix D

# VALID

HALIFAX REGIONAL  
MUNICIPALITY

January 12, 2022

MUNICIPAL CLERK

**From:** [Office, Clerks](#)  
**To:** [Vining, Krista](#)  
**Subject:** FW: [External Email] RE: Order to Remedy. Case #366041, dated 2022-01-05  
**Date:** Wednesday, January 12, 2022 7:36:45 AM

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**From:** John Wright [REDACTED]  
**Sent:** Tuesday, January 11, 2022 5:30 PM  
**To:** Office, Clerks <clerks@halifax.ca>  
**Subject:** [External Email] RE: Order to Remedy. Case #366041, dated 2022-01-05

Attachment is the following in a Word document.

INTHEMATTEROF

Property located at 5659 Bloomfield Street, Halifax, NS

Case# 366041

I John Wright wish to file this Written Notice of Appeal in relation to the Order I received dated the January 5<sup>th</sup>, 2022 from the Compliance Officer Roodi Mitri respecting the above noted Property.

The reason for appeal is:

There is no dangerous or toxic material, no garbage, no derelict vehicles on my property. Nothing that presents harm, danger or inconvenience to anyone. I've been told by several HRM employees that material kept under tarpaulins or otherwise out of sight is "OK".

| **DATED** at Halifax, Nova Scotia, January 11, 2022.

John Wright

5659 Bloomfield St., Halifax, Nova Scotia, B3K-1T1

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John Wright  
[REDACTED]

## Appendix E

January 13, 2022

### REGISTERED MAIL & EMAIL

John Wright  
5659 Bloomfield Street  
Halifax, NS B3K 1T1

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

### Re: Case 366041 Property located at 5659 Bloomfield Street, Halifax

This is to advise that your appeal will be heard on **Thursday, March 10, 2022 at 10:00am** by the Appeals Standing Committee. Details on the meeting location (virtual or in-person) and order of proceedings will be sent in a subsequent letter, at a later date.

The staff report for this matter will be posted online to the Appeals Standing Committee webpage at Halifax.ca by end of day the Friday prior to your hearing. 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 online at 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 form part of the public record but 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. If neither you or a representative appears, the hearing will proceed, and you will be advised of the Committee's decision.

If you have any questions, please contact me at 902.223.1046 or [vingk@halifax.ca](mailto:vingk@halifax.ca).

Sincerely,

**Original Signed**

 Krista Vining  
Legislative Assistant  
Office of the Municipal Clerk

cc: Tanya Phillips, Manager, By-law Standards  
Scott Hill, Regional Coordinator By-law  
Natalie Matheson, Support Services Supervisor, Municipal Compliance  
Laurie Lauder, Adjudication Clerk  
Roddy Mitri, Compliance Officer

**HALIFAX**

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

halifax.ca