



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

Item No. 12.1.4
Appeals Standing Committee
July 11, 2024

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY: Original Signed
Andrea MacDonald, Director, Community Standards and Compliance

DATE: June 28, 2024

SUBJECT: **Appeal Report – Case CF-2024-010560 607 Mushaboom Road,
Mushaboom**

ORIGIN

Appeal of Order to Remedy the condition of properties 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 no previous dangerous or unsightly cases at the property.

The property is zoned RE (Rural Enterprise).

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

A complaint was received on April 23, 2024, reporting the property to be unsightly. The caller stated that there is loose debris from garbage bags throughout the property and debris such as lawn mowers left in the yard. The building on the property is in bad shape with the door wide open and the roof is in disrepair.

CHRONOLOGY OF CASE ACTIVITIES:

- 29-Apr-2024 The Compliance Officer conducted a site inspection at 607 Mushaboom Road, Mushaboom, PID 00577627, hereinafter referred to as “the property” (attached as Appendix B). The inspection revealed an accumulation of debris including but not limited to bagged solid waste, used construction material, used indoor appliances, propane tanks, used tires, used vehicle parts, used indoor furniture, scrap metal, and loose scattered debris. The site inspection did not reveal any open access.
- A Notice of Violation was issued and left at the property (attached as Appendix C).
- The Compliance Officer attempted to contact the property owner via phone but was unable to reach them.
- 30-May-2024 The Compliance Officer conducted a site inspection and noted that the debris violations still exist. The Compliance Officer tried to contact the property owner and left a voicemail message.
- 31-May-2024 The Compliance Officer requested a 7-Day Order to Remedy for bagged solid waste, used tires, used vehicle parts, used construction materials, scrap metal, scrap wood, used indoor furniture, used indoor appliances, and loose scattered debris.
- 5-Jun-2024 The Compliance Officer conducted a site inspection and noted that the violations still exist. A 7- day Order to Remedy was posted at the property and a copy was sent via registered mail to the property owner (attached as Appendix D).
- 10-Jun-2024 The Compliance Officer received a phone call from the property owner as they had queries regarding the remedy process. The Compliance Officer advised the property owner that a reinspection would be conducted on June 12, 2024.
- 12-Jun-2024 The Compliance Officer conducted a site inspection and noted no change in the condition of the property.
- 12-Jun-2024 The property owner submitted a Notice of Appeal to the Municipal Clerk’s Office (attached as Appendix E).

12-Jun-2024 The Municipal Clerk's Office sent the property owner a letter advising the appeal was scheduled for the July 11, 2024, Appeals Standing Committee meeting (attached as Appendix F).

FINANCIAL IMPLICATIONS

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

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 Map
Appendix C: Copy of the Notice of Violation – dated April 29, 2024
Appendix D: Copy of the Order to Remedy – dated June 5, 2024
Appendix E: Copy of the letter of appeal dated June 12, 2024
Appendix F: Copy of the letter from the Clerk's Office dated June 12, 2024

A copy of this report can be obtained online at Halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared For: Peter Popperl, Compliance Officer II, By-law Standards, 902.499.7241

Appendix A

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

HRM Charter, subsection 355(1) as follows:

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

HRM Charter, subsection 356(1) as follows:

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

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

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

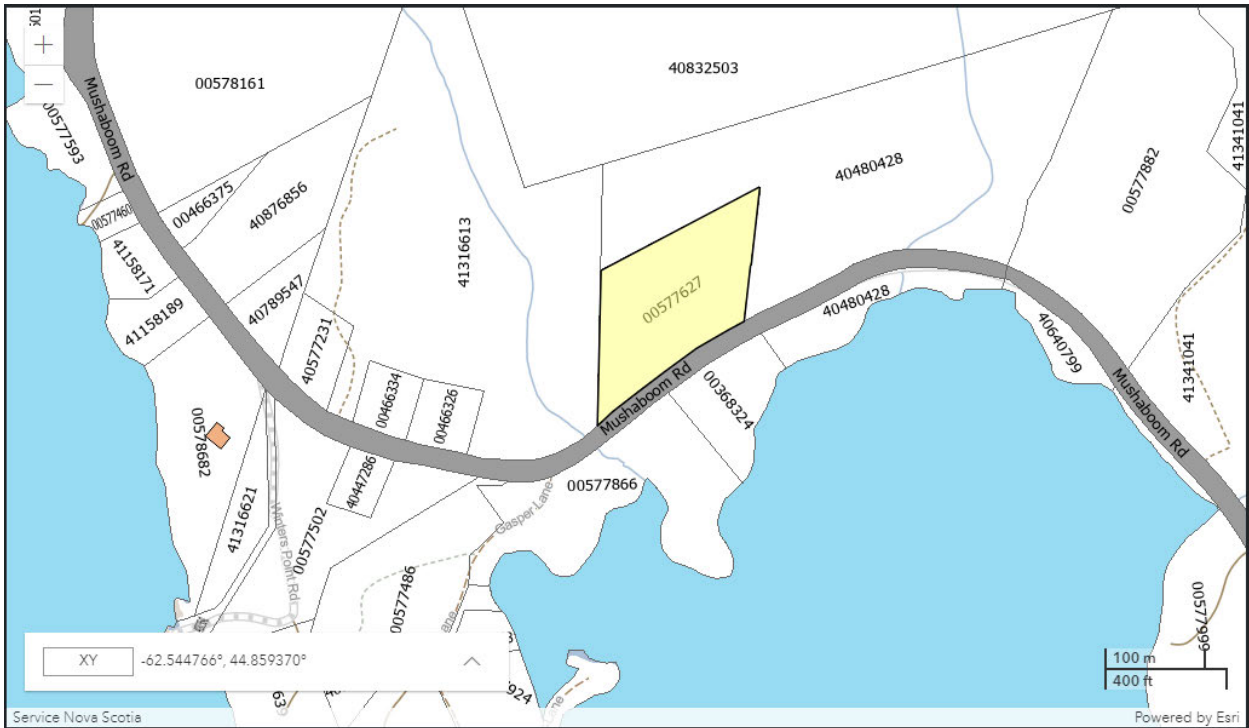
HRM Charter, subsection 3(q) as follows:

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

Appendix B



Property Online Map



Property Information	
PID:	00577627 Details
AAN:	00417734
Value:	\$89,600.00 (2024 RESIDENTIAL TAXABLE)
Address:	607 MUSHABOOM ROAD MUSHABOOM
County:	HALIFAX COUNTY
Owner:	VERNA ELIZABETH PUBLICOVER
LR:	NOT LAND REGISTRATION

HALIFAX

Buildings and Compliance

Notice of Violation

Notice Served Upon: _____

Address: 607 MUSHROOM RD, MUSHROOM

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

- HRM By-law A-700 Animals
- HRM By-law C-300 Civic Addressing
- HRM By-law C-501 Vending
- HRM Charter, Part XV Respecting Dangerous or Unightly Premises
- HRM By-law N-300 Nuisances
- HRM By-law S-300 Streets
- HRM By-law S-600 Solid Waste
- HRM By-law S-801 Temporary Signs
- HRM By-law S-1000 Sidewalk Cafes
- HRM By-law T-1000 Taxi & Limousine
- Other: _____

Details of violation(s):

AN ACCUMULATION OF DEBRIS INCLUDING BUT NOT LIMITED TO BAGGED SOLID WASTE, USED CONSTRUCTION MATERIALS, USED INDOOR APPLIANCES, PROPALE TRUCKS, USED TIRES, USED VEHICLE PARTS USED INDOOR FURNITURE, SCRAP METAL, AND LOOSE SCATTERED DEBRIS.

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

REMOVE ABOVE VIOLATIONS FROM THE PROPERTY

Notice of Re-inspection:

A re-inspection will be performed on MAY 13 2024 to confirm the above noted violations have been rectified. If you have any queries regarding this matter, please contact the issuing Officer prior to the re-inspection date.

Peter Popper
Issuing Officer

29/04/24
Date (dd/mm/yy)

902-499-7241
Issuing Officer Phone Number

Time (hh/mm)

Original Signed

2024-010560
Case Number

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 607 MUSHABOOM RD, MUSHABOOM, NS B0J3H0;

Case # CF-2024-010560;
Hereinafter referred to as the "Property"

TO: **VERNA ELIZABETH PUBLICOVER**

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 bagged solid waste, tires, wheels, vehicle batteries, used vehicle parts, used construction materials, scrap metal, scrap wood, indoor furniture, indoor appliances, textiles, discarded outdoor furniture, buckets, plastic shelves, scrap siding, hoses, milk crates, metal shed frame, cardboard, paint cans, rugs, recyclables, and other scattered litter and 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 bagged solid waste, tires, wheels, vehicle batteries, used vehicle parts, used construction materials, scrap metal, scrap wood, indoor furniture, indoor appliances, textiles, discarded outdoor furniture, buckets, plastic shelves, scrap siding, hoses, milk crates, metal shed frame, cardboard, paint cans, rugs, recyclables, and other scattered litter and 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 June 5, 2024.

PETER POPPERL
COMPLIANCE OFFICER
Phone: (902) 499-7241

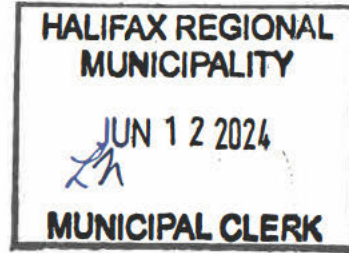
Original Signed

SCOTT HILL
Administrator
Halifax Regional Municipality

Appendix E

Notice of Appeal
Case # CF - 2024 - 010560

City Hall
PO Box 1749
Halifax, NS
B3J 3A5



Attention: Municipal Clerk

This letter is to officially lodge an appeal on case CF - 2024 - 010560 so that I may have more time to get the property cleaned up at 607 Mushaboom Rd., Mushaboom, NS B0J 3H0.

[REDACTED]

[REDACTED]

I would very much appreciate an extension to this order until the end of the summer so that I can get this property cleaned up. If you need to contact me please feel free to reach me on my cell at [REDACTED]

Thanks for your consideration of this matter.

[REDACTED] Original Signed [REDACTED]

V. Elizabeth Publicover
[REDACTED]

Appendix E



Service Nova Scotia
Residential Tenancies
Phone: (902) 424-5200
Toll Free: 1-800-670-4357

Order of the Director

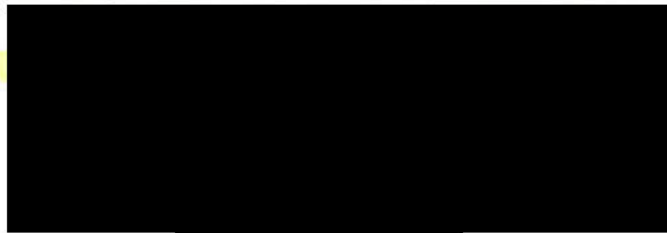
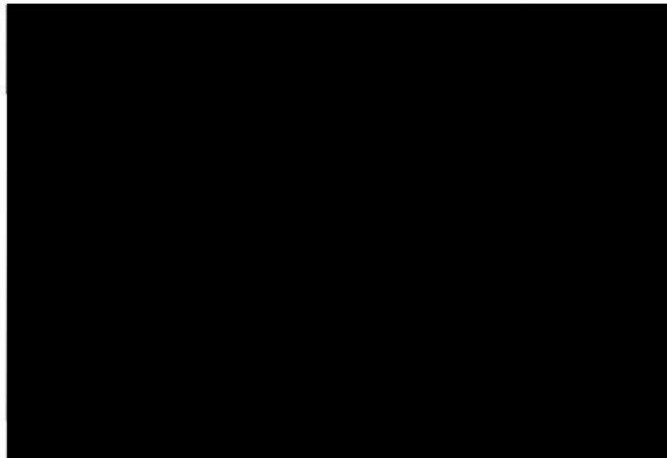
File Number: [REDACTED]

Address of Rental Unit: 607 Mushaboom Rd
Mushaboom NS

Applicant: [REDACTED] (Tenant)
Address: 607 Mushaboom Rd
Mushaboom NS B0J 3H0

Respondent: Elizabeth
Publicover (Landlord)
Address: [REDACTED]

Value of Application to Director: \$0.00
Date of Application(s): 10-OCT-2023



Signed: **Original Signed** Date: 07-DEC-2023
Residential Tenancy
Officer

An Appeal may be filed within ten (10) days of the date of this Order at the Small Claims Court for your area. If no appeal is filed, this Order may be made an Order of the Small Claims Court.

Appendix F

June 12, 2024

REGISTERED MAIL

V. Elizabeth Publicover



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

Re: Case CF-2024-010560, 607 Mushaboom Road, Mushaboom

This is to advise that your appeal will be heard by the Appeals Standing Committee on **Thursday, July 11, 2024**

This meeting will happen in-person in the Council Chamber at Halifax City Hall, 1841 Argyle Street, Halifax. All visitors to City Hall must sign-in at the security desk and show government-issued photo ID; more detail is attached.

Please arrive for 10:00 a.m. but note that there may be other cases heard before yours on the agenda.

If you cannot attend in person and must participate using Zoom, please let me know no later than 4:30pm on the business day prior to the meeting.

The staff report for this matter will be posted online to the Appeals Standing Committee web page at Halifax.ca by end of day Friday, July 5, 2024. If you require a hard copy of the report, please contact our office.

If filing an appeal, 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 Standing 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 wish to include images, video or audio as part of your appeal presentation to the Standing Committee, you must notify me by end of day Tuesday, July 9, 2024 to allow for technical preparation and testing.

Should you be unable to attend, you may have a representative attend to present the appeal to the Standing 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 Standing Committee's decision.

If you have any questions regarding this process, please contact me at 902.240.7164 and lovasia@halifax.ca.

HALIFAX

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

halifax.ca

Appendix F

Sincerely,

Original Signed

Andrea Lovasi-Wood
Legislative Assistant
Office of the Municipal Clerk

cc: Tanya Phillips, Manager, By-law Standards
Scott Hill, Supervisor, Regional Compliance
Vicki Aguinaga, Supervisor, Support Services
Michelle LaPierre, Adjudication Clerk
Blair Leger, Adjudication Clerk
Peter Popperl, Compliance Officer

Enclosures:

- Information – Attending In Person Meetings
- Order of Proceedings for Appeals Standing Committee

Attending In-Person Meetings

There are sign-in procedures in place for everyone visiting Halifax City Hall for all meetings and events.

All visitors, including media, must sign-in at the security desk, located at the main (Grand Parade) entrance of City Hall. Visitors who use the accessible entrance on Argyle Street will be escorted to the security desk by staff.

All visitors must present federal, provincial, or territorial government-issued photo ID to security. They also must provide their first and last name and the reason for their visit. If a visitor does not have government issued photo ID, they may present two pieces of federal, provincial, or territorial government-issued ID, two pieces of documentation (e.g. bills) or a combination of two pieces of government-issued ID/documentation as long as they both include their first and last name.

For children younger than 18, one piece of government-issued identification, such as an original birth certificate, health card, passport or non-government-issued ID (e.g. student card) is recommended but not mandatory as long as the child is accompanying a parent/guardian.

Once signed-in, visitors will be given a visitor badge to wear while they're in City Hall. This badge must be visible during their entire visit and be returned to security staff as they're leaving the building.

If visitors require the use of an elevator, they can notify a member of staff who can assist.

Visitors are reminded that no signs or placards are permitted in City Hall.

For questions about attending a meeting in City Hall, contact the Municipal Clerk's Office.

<https://www.halifax.ca/city-hall/regional-council/attending-person-meetings>

Appendix F

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.