



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

Item No. 12.1.2
Appeals Standing Committee
September 5, 2024

TO: Chair and Members of Appeals Standing Committee

FROM: Tanya Phillips, Acting Director, Community Standards and Compliance

DATE: August 27, 2024

SUBJECT: **Appeal Report – Case CF-2024-009151 5969 College Street, Halifax**

ORIGIN

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

RECOMMENDATION

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

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 CEN-2 (Centre 2) under the Regional Centre Land Use By-law.

A review of the HRM database system shows no permits have been issued for the property related to the work required to be carried out under this case.

A complaint was received on April 16, 2024. The complainant stated the building on the property has peeling paint.

The property is a registered heritage property and therefore any maintenance or alterations must meet certain criteria under the *Heritage Property Act*. This status does not preclude the property owner from maintaining the property so as not to be dangerous or unsightly as per the Halifax Charter.

The property owner has made an application to HRM for a development agreement and substantial alteration to a heritage property. The substantial alteration application has been approved by Regional Council. The application for the development agreement is currently under review by HRM Planning

and Development and is subject to approval or refusal by Community Council. The application does not preclude the property owner from maintaining the property so as not to be dangerous or unsightly as per the Halifax Charter.

DISCUSSION

18-APR-2024 The Compliance Officer conducted a site inspection at 5969 College Street, Halifax, hereinafter referred to as “the property” (attached as Appendix B).

A site inspection revealed a lack of maintenance to the exterior of the building due to peeling and/or missing paint. While on site, the Compliance Officer spoke with an individual who identified themselves as the contractor working for the property representative. The contractor connected the Compliance Officer and the property owner via telephone. The property owner was advised of the complaint and violations at the property.

The property owner stated that there is a redevelopment application in for the entire block. The Compliance Officer advised the property owner they would review the application with the respective staff in HRM that oversee these matters. In the interim, a 60-day Notice of Violation was issued and handed to the contractor (attached as Appendix C).

18-JUN-2024 The Compliance Officer conducted a site inspection and noted that the violations still exist.

20-JUN-2024 The Compliance Officer conducted a site inspection and noted no change to the condition of the property. The Officer posted a 60-day Order to Remedy on the property. A copy of the Order was also sent to the property owner via registered mail. (attached as Appendix D).

28-JUN-2024 The property representative submitted a Notice of Appeal (attached as Appendix E) to the Municipal Clerk’s Office. Included in the Notice of Appeal was a suggestion that a stop work order had been placed on the property.

02-JUL-2024 The Municipal Clerk’s Officer reached out to the Manager of Building Standards to inquire about a possible stop work order against the property.

The Manager of Building Standards advised the following: “Halifax Building Standards has not issued a stop work order. In discussion with a representative from Nova Scotia Occupational Health and Safety, they confirmed that the province has an Order issued to submit engineering documents/design prior to moving the wooden structures”. This expectation from the Provincial Government does not preclude the property owner from maintaining the property so as not to be dangerous or unsightly as per the Halifax Charter.

05-JUL-2024 The Municipal Clerk’s Office provided the information regarding the alleged stop work order to the representative for the property owner. The Clerk’s Office reiterated that HRM has no stop work orders against the property.

25-JUL-2024 The Municipal Clerk’s Office sent the property owner a letter advising the appeal was scheduled for the September 5, 2024, Appeals Standing Committee meeting (attached as Appendix F).

22-AUG-2024 The Compliance Officer attended the property, knocked on the door, but no one answered. The Compliance Officer noted that the violations still exist.

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 CONSIDERATION

There are no significant risks associated with the recommendations in this report. The risk consideration rates low.

COMMUNITY ENGAGEMENT

No community engagement was required.

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.

LEGISLATIVE AUTHORITY

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

ATTACHMENTS

- Appendix A: Legislative Authority – Halifax Regional Municipality Charter
- Appendix B: Copy of the Nova Scotia Property Records Map
- Appendix C: Copy of 60-day Notice of Violation dated April 18, 2024
- Appendix D: Copy of 60-day Order to Remedy June 20, 2024
- Appendix E: Copy of the Notice of Appeal dated June 28, 2024
- Appendix F: Copy of the letter from the Clerk's Office dated July 25, 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, Community Standards & Compliance, 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 A

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

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

Appendix B



Property Online Map

Date: August 24, 2024 08:37:12



PID:	00135509	Address:	5969 COLLEGE STREET	AAN:	01429019
County:	HALIFAX COUNTY		HALIFAX	Value:	\$664,700.00 (2024)
LR:	LAND REGISTRATION		LOT 20 & 21		RESIDENTIAL TAXABLE
		Owner:	3088962 NOVA SCOTIA LIMITED		

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 1.0

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 If you have comments regarding our site please direct them to: propertyonline@novascotia.ca
 Please feel free to [Submit Problems](#) you find with the Property Online web site.

HALIFAX

Buildings and Compliance

Notice of Violation

Notice Served Upon: _____

Address: 5969 COLLEGE ST, HALIFAX

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 Unsightly 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):

A LACK OF MAINTENANCE TO THE DWELLING INCLUDING BUT NOT LIMITED TO CHIPPING AND PEELING PAINT TO THE EXTERIOR WALLS.

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

SCRAPING AND PAINTING EXTERIOR WALLS OR REPAIRING EXTERIOR WALLS.

Notice of Re-inspection:

A re-inspection will be performed on JUNE 18, 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 POPPERL
Issuing Officer

18/04/24
Date (dd/mm/yy)

902-499-7241
Issuing Officer Phone Number

10:17
Time (hh/mm)

Original Signed

2024-009715
Case Number



**ORDER TO REMEDY
DANGEROUS OR UNSIGHTLY PREMISES**

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

- and -

IN THE MATTER OF: Property located at 5969 COLLEGE ST, HALIFAX, NS B3H1X6;

Case # CF-2024-009715;
Hereinafter referred to as the "Property"

TO: 3088962 NOVA SCOTIA LIMITED

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

AND WHEREAS located on the Property is an unsightly or dangerous condition due to a lack of exterior maintenance to the dwelling resulting in failed and or peeling paint, damaged wood components, and missing shingles, shakes and or siding, including but not limited to exterior walls, soffit, fascia, window and door trims, front deck and other deteriorating features, in accordance with Section 3(q) of the Charter;

TAKE NOTICE that you are hereby Ordered to remedy the condition of the Property by scrapping and painting the exterior of the dwelling including but not limited to the walls, soffit, fascia, window and door trims, front deck, replacing the missing shingles, shakes, and or siding, as well as repairing all deteriorated exterior features, so as to leave the Property in a neat, tidy, environmentally compliant and safe condition;

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

AND FURTHER TAKE NOTICE that your failure to comply with the requirements of this Order within sixty (60) 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 20, 2024.

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

SCOTT HILL
Administrator
Halifax Regional Municipality

Lovasi-Wood, Andrea

From: Office, Clerks
Sent: Friday, June 28, 2024 1:52 PM
To: Lovasi-Wood, Andrea
Subject: FW: Notice of Appeal to Appeals Standing Committee
Attachments: Notice of Appeal to Appeals Standing Committee - 5989 College St 1406-0542-9261 v.1.pdf; Notice of Appeal to Appeals Standing Committee - 5969 College St 1385-2472-6797 v.2.pdf

Hi Andrea – see below & attached which I’ve logged for ASC. The two attached documents are for two Cases at neighbouring civic addresses.
April

From: Kelly, Michelle (Halifax) [REDACTED]
Sent: Friday, June 28, 2024 1:21 PM
To: Office, Clerks <clerks@halifax.ca>
Cc: [REDACTED]
Subject: [External Email] Notice of Appeal to Appeals Standing Committee

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

Please see attached Notice of Appeal.

Thank you,
Michelle

Michelle Kelly, KC
she/her
Partner | Lawyer | Cox & Palmer



[Our Halifax office has relocated to Nova Centre. Visit our Office Move webpage to update your address book.](#)

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

IN THE MATTER OF: Section 356 of the *Halifax Regional Municipality Charter*, SNS, c. 39

- and -

IN THE MATTER OF: Property located at 5989 College Street, Halifax, Nova Scotia; PID #00135525; [REDACTED] Case # CF-2024-009701

(hereinafter referred to as the "Property")

3088962 Nova Scotia Limited, wishes to file this Written Notice of Appeal in relation to the Order it received dated 20th day of June, 2024, from the Compliance Officer respecting the above noted Property.

The reason for appeal is:

1. The order requires rectification of the Property's condition including scrapping and painting; however, there is currently a stop work order on the site as we await approval of a new Development Agreement following the loss of an abutting building;
2. The paint that is located on this Property is lead paint and the Province had previously advised that no such scrapping or removal of such paint was allowable given the hazardous nature of the lead paint.
3. Overall, the work being ordered is directly prohibited at the Property currently and therefore any action ordered is directly prohibited on the Property.

*Hearings of the Appeals Standing Committee are open to the public and any information, including personal information, which is provided or obtained in relation to your appeal, will be a matter of public record.

Submitted by: Property Owner(s) Guardian, Trustee, or Power of Attorney* Agent of Property Owner(s)* Other, Please Specify* _____ *written authorization of property owner required

HALIFAX REGIONAL
MUNICIPALITY

June 28, 2024

MUNICIPAL CLERK

DATED at Halifax, Nova Scotia this 28th day of June, 2024.

3088962 Nova Scotia Limited

Legal Name of Appellant

Original Signed

Michelle Kelly, KC
Solicitor for the Appellant

TO: Municipal Clerk
Halifax Regional Municipality
City Hall
PO Box 1749
Halifax, NS B3J 3A5
Email - clerks@halifax.ca

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

IN THE MATTER OF: Section 356 of the *Halifax Regional Municipality Charter, SNS, c. 39*

- and -

IN THE MATTER OF: Property located at 5969 College Street, Halifax, Nova Scotia; PID #00135509; [REDACTED]
Case # CF-2024-009715

(hereinafter referred to as the "Property")

3088962 Nova Scotia Limited, wishes to file this Written Notice of Appeal in relation to the Order it received dated 20th day of June, 2024, from the Compliance Officer respecting the above noted Property.

The reason for appeal is:

1. The order requires rectification of the Property's condition including scrapping and painting; however, there is currently a stop work order on the site as we await approval of a new Development Agreement following the loss of an abutting building;
2. The paint that is located on this Property is lead paint and the Province had previously advised that no such scrapping or removal of such paint was allowable given the hazardous nature of the lead paint.
3. Overall, the work being ordered is directly prohibited at the Property currently and therefore any action ordered is directly prohibited on the Property.

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Submitted by: Property Owner(s) Guardian, Trustee, or Power of Attorney* Agent of Property Owner(s)* Other, Please Specify* _____ *written authorization of property owner required

HALIFAX REGIONAL
MUNICIPALITY

June 28, 2024

MUNICIPAL CLERK

DATED at Halifax, Nova Scotia this 28th day of June, 2024.

3088962 Nova Scotia Limited

Legal Name of Appellant

Original Signed

Michelle Kelly, KC
Solicitor for the Appellant

TO: Municipal Clerk
Halifax Regional Municipality
City Hall
PO Box 1749
Halifax, NS B3J 3A5
Email - clerks@halifax.ca



**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 5989 COLLEGE ST, HALIFAX, NS B3H1X6;
PID # 00135525; [REDACTED]
Case # CF-2024-009701;
Hereinafter referred to as the "Property"

TO: 3088962 NOVA SCOTIA LIMITED
[REDACTED]

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

AND WHEREAS located on the Property is an unsightly or dangerous condition due to a lack of exterior maintenance to the dwelling resulting in failed and or peeling paint, deteriorating and broken wooden components including, but not limited to exterior walls, soffit, fascia, window and door trims, balconies, verandahs, front and back steps and decks, attached accessory building and other deteriorating features, in accordance with Section 3(q) of the Charter;

TAKE NOTICE that you are hereby Ordered to remedy the condition of the Property by repairing or replacing the deteriorating wooden components and then scraping and painting the dwelling including, but not limited to exterior walls, soffit, fascia, window and door trims, balconies, verandahs, front and back steps and decks, attached accessory building and other deteriorating features, so as to leave the Property in a neat, tidy, environmentally compliant and safe condition;

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

AND FURTHER TAKE NOTICE that your failure to comply with the requirements of this Order within sixty(60) 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 20th June 2024.

PETER POPPERL
COMPLIANCE OFFICER
Phone: 902-499-7241

Original Signed

SCOTT HILL
Administrator
Halifax Regional Municipality



**ORDER TO REMEDY
DANGEROUS OR UNSIGHTLY PREMISES**

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

- and -

IN THE MATTER OF: Property located at 5969 COLLEGE ST, HALIFAX, NS B3H1X6;
PID # 00135509; T [REDACTED]
Case # CF-2024-009715;
Hereinafter referred to as the "Property"

TO: **3088962 NOVA SCOTIA LIMITED**
[REDACTED]

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

AND WHEREAS located on the Property is an unsightly or dangerous condition due to a lack of exterior maintenance to the dwelling resulting in failed and or peeling paint, damaged wood components, and missing shingles, shakes and or siding, including but not limited to exterior walls, soffit, fascia, window and door trims, front deck and other deteriorating features, in accordance with Section 3(q) of the Charter;

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DATED at Halifax, Nova Scotia this June 20, 2024.

Original Signed

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

SCOTT HILL
Administrator
Halifax Regional Municipality

Lovasi-Wood, Andrea

Subject: FW: Notice of Appeal to Appeals Standing Committee
Attachments: 1452 Carlton Street - BPCOM-2022-14429- Refusal Letter.pdf

From: Kelly, Michelle (Halifax) [REDACTED]
Sent: Thursday, July 18, 2024 10:55 AM
To: Lovasi-Wood, Andrea <lovasia@halifax.ca>
Subject: [External Email] RE: Notice of Appeal to Appeals Standing Committee

Hi Andrea – I apologize for the delay.

My client had a live Development Agreement for the site and that Development Agreement was found to be voided in March of 2023 when there was an incident on the site which resulted in the collapse of a building (while it was being lifted). Following the collapse the Province issued a stop work order on the site. The Province has also been clear that we cannot sand or strip the buildings as they contain lead paint. Therefore, we attempted to proceed in an expedited way to continue work on the adjacent buildings but we were denied (see attached letter). We have had various back and forth conversations with Aaron Murnaghan and Meg MacDougall but the take away to allow the project to advance, was my client was required to re-engage with Zzap to assist in coming up with a new Development Agreement. To date, that process is still underway. I have reached out to Mr. Murnaghan, as has Connor Wallace of Zzap, to get his understanding of whether any work is permitted. Our directions were that it was not and in fact, when we attempted to suggest other work on the remaining buildings could proceed, we received this letter (attached). Unfortunately, we have not heard back yet from Mr. Murnaghan but I have asked my client to follow up again to try and get a firm response on this.

I hope this helps for now.

Thanks,
Michelle

Michelle Kelly, KC
she/her
Partner | Lawyer | Cox & Palmer

[REDACTED]
[REDACTED]

From: Lovasi-Wood, Andrea <lovasia@halifax.ca>
Sent: Wednesday, July 17, 2024 4:20 PM
To: Kelly, Michelle (Halifax) [REDACTED]
Subject: RE: Notice of Appeal to Appeals Standing Committee

WARNING - This Message originated outside your organization. Please be cautious when opening attachments or clicking on links.

Hi Michelle,

Appendix E

I would like to follow up on my July 5, 2024 email and ask if you could you please provide me copies of any documents and/or information that you have regarding a stop work order issued for 5989 and 5969 College Street, Halifax.

Best regards,
Andrea

ANDREA LOVASI-WOOD
SHE/HER

LEGISLATIVE ASSISTANT
MUNICIPAL CLERK'S OFFICE | LEGAL & LEGISLATIVE SERVICES

C. 902.240.7164

HALIFAX

From: Lovasi-Wood, Andrea
Sent: Friday, July 5, 2024 2:02 PM
To: Kelly, Michelle (Halifax) [REDACTED]
Subject: RE: Notice of Appeal to Appeals Standing Committee

Hi Michelle,

I acknowledge receipt of your July 5, 2024 email regarding your appeals of the Orders to Remedy issued for Case CF-2024-009701, 5989 College Street, Halifax and CF-2024-009715, 5969 College Street, Halifax.

While I review this email further, I would like to advise you that the Manager of Building Standards has indicated that no stop work orders were issued by Halifax Regional Municipality against either property. To assist me with reviewing your July 5th email could you please provide me copies of any documents and/or information that you have regarding a stop work order issued for these two properties.

Best regards,
Andrea

ANDREA LOVASI-WOOD
SHE/HER

LEGISLATIVE ASSISTANT
MUNICIPAL CLERK'S OFFICE | LEGAL & LEGISLATIVE SERVICES

C. 902.240.7164

HALIFAX

From: Kelly, Michelle (Halifax) [REDACTED]
Sent: Friday, July 5, 2024 9:53 AM
To: Lovasi-Wood, Andrea <lovasia@halifax.ca>
Subject: [External Email] RE: Notice of Appeal to Appeals Standing Committee

Dear Ms. Lovasi-Wood:

Thank you for your letter. I have reviewed and although the Order is dated June 20, 2024, it was not sent to my client until June 26, 2024 (the same day he retrieved the letter and then took immediate action.) My client was also travelling and given a stop work order on the Properties in issue, was not attending the Properties regularly given the direction of HRM that had been provided. Therefore, "notice" was not given until June 26, 2024 given the actions of HRM. As such, I would suggest that an extension is not necessary given Notice was only affected on June 26, 2024 and our appeal was filed two days later.

I look forward to your response.

Thank you,
Michelle

Michelle Kelly, KC
she/her
Partner | Lawyer | Cox & Palmer

[REDACTED]
[REDACTED]
[REDACTED]

From: Lovasi-Wood, Andrea <lovasia@halifax.ca>
Sent: Thursday, July 4, 2024 10:41 AM
To: Kelly, Michelle (Halifax) [REDACTED]
Subject: RE: Notice of Appeal to Appeals Standing Committee

WARNING - This Message originated outside your organization. Please be cautious when opening attachments or clicking on links.

Hello Michelle Kelly,

In response to your June 28, 2024 email regarding Case CF-2024-009701, 5989 College Street, Halifax and CF-2024-009715, 5969 College Street, Halifax, please see the attached letter. A hard copy will follow via registered mail. Please let me know if you have any questions.

Best regards,

Andrea

ANDREA LOVASI-WOOD

SHE/HER

LEGISLATIVE ASSISTANT

September 14, 2023

Teal Architects
[REDACTED]

Dear Mr. Emodi:

RE: Development Permit Application #BPCOM-2022-14429 – 1456 Carlton Street, Halifax, PID #00135483

Development Services is in receipt of the above application, which seeks approval for Phase 1 – Multi-Unit Construction. This property has an approved Development Agreement dated April 28, 2022 between the Halifax Regional Municipality and 3088982 Nova Scotia Limited.

Phase 1 of the development is outlined in Schedule C-1 and includes 1452 Carleton Street. The plans provided with application BPCOM-2022-14429 indicate that 1452 Carleton Street will be relocated to a new foundation as per the building relocation plan.

Correspondence from Aaron Murnaghan, Principal Heritage Planner/ Heritage Officer to Peter Rouvalis (CC, Tom Emodi – Principal, Teal Architects) dated April 28th, 2023 has confirmed 1452 Carleton Street has collapsed and cannot proceed with substantive alterations as per the report dated January 29, 2022.

Section 3.8.1 of the development agreement states:

Substantial Alterations

Development located within Phase 1 shall conform with the substantial alterations granted by Halifax Regional Council on January 29, 2019 and as outlined in the staff report dated November 9, 2018, titled Case H00456: Substantial Alterations to municipality registered heritage properties at 5969 College Street and 1452 & 1456 Carlton Street, Halifax.

Where it has been confirmed by the Heritage Officer that 1452 Carleton Street, which is included in Phase 1, no longer meets Section 3.8.1, substantial alterations, the approval of the Development Permit associated with BPCOM-2022-14429 is refused.

Pursuant to Section 262(3) of the Halifax Regional Municipality Charter, this refusal may be appealed to the Nova Scotia Utility and Review Board, Box 1692, Unit “M”, 3rd Floor, Summit Place, 1601 Lower Water Street, Halifax NS B3J 3S3; Fax: 902-424-3919; Email: board@novascotia.ca. Should you wish to appeal, your appeal must be filed **October 1st, 2023**. You can file your appeal with the Board by delivering it personally, or by mail, e-mail, or fax. Please note that the notice of appeal must actually be received by the Board before the filing deadline.

Respectfully,

[REDACTED]
Original Signed

Appendix E

Stephanie Norman
Principal Planner / Development Officer
Halifax Regional Municipality
Tel 782.640.0702
Email normans@halifax.ca

CC: B. Kiley, N.S. Utility and Review Board

Appendix E

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Our Halifax office has relocated to Nova Centre. Visit our Office Move webpage to update your address book.](#)



July 25, 2024

REGISTERED MAIL & EMAIL - [Redacted]

3088962 Nova Scotia Limited
C/O Michelle Kelly, KC
Solicitor for the Appellant



Re: Cases CF-2024-009701, 5989 College Street, Halifax and CF-2024-009715, 5969 College Street, Halifax

This is to advise that your appeals filed with respect to the above matters will be heard by the Appeals Standing Committee on **Thursday, September 5, 2024**.

Normally the appeal period for Orders to Remedy is within the seven days from the date an Order to Remedy was posted on a conspicuous place upon the property, as detailed in my July 4, 2024 letter. However, upon review of your July 5, 2024 and July 18, 2024 emails and the specific circumstances of this matter we are prepared to deem that the appeal period commenced when the two Orders to Remedy were served on the property owner, which was on the third day after the two Orders to Remedy were sent to the property owner in the mail, in accordance with s. 373(2) of the *Halifax Regional Municipality Charter*:

- 373 (1) Any notice, decision or other document required to be served pursuant to this Act may be served personally, by mailing it to the person at the latest address shown on the assessment roll, by electronic mail or by facsimile.
- (2) A notice, decision or other document is deemed to have been served on the third day after it was sent.

The Orders to Remedy were mailed on June 20, 2024 and were deemed to have been served on the property owner on June 23, 2024. The appeal of the Orders to Remedy needed to be filed within seven days of this date, namely June 30, 2024. As the two Notices of Appeal were received within these seven days on June 28, 2024 these two appeals are considered valid. This interpretation of the start date of the appeal period is done on a without prejudice basis with respect to any possible future dangerous or unsightly premises matters relating to these two properties.

The Appeals Standing Committee's September 5, 2024 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.

Appendix F

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, August 30, 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, September 3, 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.

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.