



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

**Item No. 12.1.2**  
**Appeals Standing Committee**  
**January 16, 2025**

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

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

**DATE:** January 7, 2025

**SUBJECT:** Appeal Report – Case CF-2023-034905 5 Wallace Street, Dartmouth

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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 cases at the property. The property owner completed the work and both cases were closed as owner compliance.

The property is zoned ER-3 (Established Residential 3) under the [Regional Centre Land Use By-law](#).

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

A complaint was received by service request on December 27, 2023. The complainant stated the property looks like a junk yard, with old fencing, old cans, and old cars.

The Compliance Officer and property owner worked together on a compliance plan for a number of months. The property owner completed some of the work however, a significant amount of debris remained on site and due to these ongoing violations, an Order to Remedy was issued.

The case is going forward as a result of an appeal by the property owner for an Order to Remedy for debris violations at the property.

**CHRONOLOGY OF CASE ACTIVITIES:**

- 3-JAN-2024 The Compliance Officer conducted a site inspection at 5 Wallace Street, Dartmouth (hereinafter referred to as "the property"), as documented in Appendix B.
- The Compliance Officer knocked on the front door of the dwelling and was greeted by a resident. The Compliance Officer explained the reason for the visit and advised that a site inspection would be conducted.
- The Compliance Officer provided the resident with a Notice of Violation for debris violations (attached as Appendix C). The Compliance Officer advised the resident that a follow-up inspection would be conducted in two weeks.
- 11-JAN-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the front door of the dwelling and a resident answered the door. The Compliance Officer advised that they were there to conduct a follow-up inspection.
- The site inspection revealed that some debris had been removed from the property since the previous visit. The Compliance Officer advised the resident that another follow-up inspection would be performed in two weeks.
- 25-JAN-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the front door of the dwelling and a resident answered the door. The site inspection revealed that some debris had been removed from the property since the previous visit.
- 13-FEB-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the front door of the dwelling and the property owner answered the door. The site inspection revealed that some debris had been removed from the property since the previous visit. The Compliance Officer advised the resident that another follow-up inspection would be performed in two weeks.

- 26-FEB-2024 An additional complaint was received about the property. The complainant stated that there was garbage, metal pieces, plastic, and engines all over the driveway.
- 6-MAR-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the front door of the dwelling and received no answer.
- The site inspection revealed that more debris had been removed from the property, however a significant amount of debris remained.
- 22-MAR-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the front door and the property owner answered the door. The site inspection revealed that more debris had been removed since the last inspection, however a significant amount of debris remained.
- The property owner advised the Compliance Officer that no progress would be made in the following two weeks due to family obligations.
- 22-APR-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the front door and the property owner answered the door. The site inspection revealed that some debris had been removed since the last inspection. The Compliance Officer also noted that materials had been sorted and organized.
- 10-MAY-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the front door and received no answer.
- The site inspection revealed that more debris had been removed since the last inspection, however a significant amount of debris remained.
- 13-JUN-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the front door and the property owner answered the door. The property owner advised that minimal debris had been removed since the previous visit due to personal circumstances. The site inspection revealed no significant progress had been made since the previous visit.
- 10-JUL-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the front door and the property owner answered the door. The Compliance Officer advised that they were there to conduct a follow-up inspection.
- The site inspection revealed that more debris had been removed since the last inspection.
- 1-AUG-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the front door and the property owner answered the door. The site inspection revealed that more debris had been removed since the last inspection.
- 5-SEP-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the front door and the property owner answered the door. The site inspection revealed that more debris had been removed since the last inspection.
- The Compliance Officer advised that the next inspection would occur in three weeks.

26-SEP-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the front door and the property owner answered the door. The site inspection revealed that debris remained.

The property owner advised that they were unable to complete work at the property due to personal circumstances. The property owner stated that they hoped to remove some debris over the weekend.

17-OCT-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the front door and the property owner answered the door. The site inspection revealed that more debris had been removed since the last inspection.

20-NOV-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the front door and the property owner answered the door. The site inspection revealed that more debris had been removed since the last inspection, however a significant amount of debris remained.

The Compliance Officer advised the property owner that they would be requesting an Order to Remedy to have the remaining debris removed.

The Compliance Officer obtained a signed Order to Remedy (attached as Appendix D) to be issued on November 21, 2024, for an accumulation of debris including but not limited to scrap wood, scrap metal, old plastics, used bins, propane tanks, scrap power equipment, used vehicle parts, and/or loose scattered debris.

21-NOV-2024 The Compliance Officer attended the property. The Compliance Officer knocked on the front door and the property owner answered the door. The Compliance Officer provided the property owner with the Order to Remedy for the debris violations. The Compliance Officer explained the work required to bring the property into compliance and the appeal process.

22-NOV-2024 The Clerk's Office received a Notice of Appeal (attached as Appendix E) dated November 21, 2024, submitted by the property owners.

25-NOV-2024 The Municipal Clerk's Office sent the property owner a letter advising the appeal was scheduled for the January 16, 2025, Appeals Standing Committee meeting (attached as Appendix F).

14-DEC-2024 The Compliance Officer attended the property. The Compliance Officer knocked on the front door and the property owner answered the door. The site inspection revealed that most of the debris remained on site.

### **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**

There are no environmental implications associated with the recommendation contained within this report.

### **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 Notice of Violation dated January 3, 2024
- Appendix D: Copy of Order to Remedy dated November 21, 2024
- Appendix E: Copy of the Notice of Appeal dated November 21, 2024
- Appendix F: Copy of the letter from the Clerk’s Office dated November 25, 2024

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A copy of this report can be obtained online at [Halifax.ca](http://Halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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

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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;



## Property Online Map



**PID:** 00081083  
**County:** HALIFAX COUNTY  
**LR:** LAND REGISTRATION

**Address:** 5 WALLACE STREET  
 DARTMOUTH  
 LOT 88  
**Owner:** MARCELL MARIE HALL  
 PHILIP JOSEPH HALL  
 PHILIP HALL

**AAN:** 01765647  
**Value:** \$258,800.00 (2024)  
 RESIDENTIAL TAXABLE

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](mailto:propertyonline@novascotia.ca)  
 Please feel free to [Submit Problems](#) you find with the Property Online web site.

# Appendix C

# HALIFAX

## Buildings & Compliance

### Notice of Violation

Notice Served Upon: Name \_\_\_\_\_  
or address 5 WALLACE ST, DARTMOUTH

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

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

Details of violation(s):

AN ACCUMULATION OF DEBRIS INCLUDING BUT NOT LIMITED TO SCRAP WOOD, SCRAP METAL, OLD PLASTICS, USED BINS, PROPANE TANKS, SCRAP POWER EQUIPMENT, USED VEHICLES PARTS, AND/OR LOOSE SCATTERED DEBRIS

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

REMOVE THE ABOVE NOTED VIOLATIONS FROM THE PROPERTY

Notice of Re-inspection:

A re-inspection will be performed on Jan 10, 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

03/01/24  
Date (dd/mm/yy)

902-499-7241  
Issuing Officer Phone Number

\_\_\_\_\_  
Time (hh/mm)

Original Signed

2023-034905  
Case Number

For information on municipal legislation visit the HRM Website at [www.halifax.ca](http://www.halifax.ca) or call 311.  
If calling outside the HRM but within NS call 1-800-835-6428 toll free



# 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 5 WALLACE ST, DARTMOUTH, NS B3A3G5;  
Case # CF-2023-034905;  
Hereinafter referred to as the "Property"

**TO:** PHILIP JOSEPH HALL, MARCELL MARIE HALL

**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 scrap wood, scrap metal, old plastics, used bins, propane tanks, scrap power equipment, used vehicle parts, air conditioner, Christmas lights, bagged recyclables, PVC pipe, discarded tools, disused tarps, sand other scattered debris and litter, 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 scrap wood, scrap metal, old plastics, used bins, propane tanks, scrap power equipment, used vehicle parts, air conditioner, Christmas lights, bagged recyclables, PVC pipe, discarded tools, disused tarps, sand other scattered debris and litter, 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 thirty (30) 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 November 21, 2024.

Original Signed

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

SCOTT HILL  
Administrator  
Halifax Regional Municipality



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

IN THE MATTER OF: Property located at 5 Wallace Street Dartmouth NS B3A 3G5


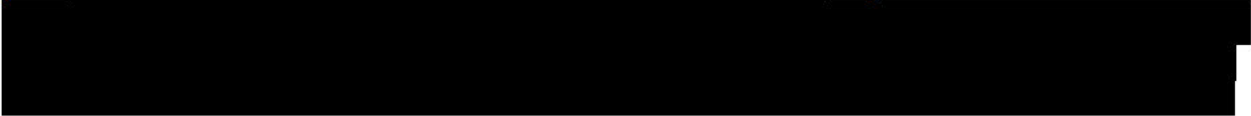
Case # CF-2023-034905

PID # 0081083

Tax # 01765647

I Philip Hall and Marcell Hall 21 wish to file this Written Notice of Appeal in relation to  
the Order I received dated the \_\_\_\_\_ day of november, 24 from the Compliance  
Officer respecting the above noted Property.

The reason for appeal is:

I have been continuously working at this and plan to keep going until finished. I work 2  
jobs . I get one weekend of a month  


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

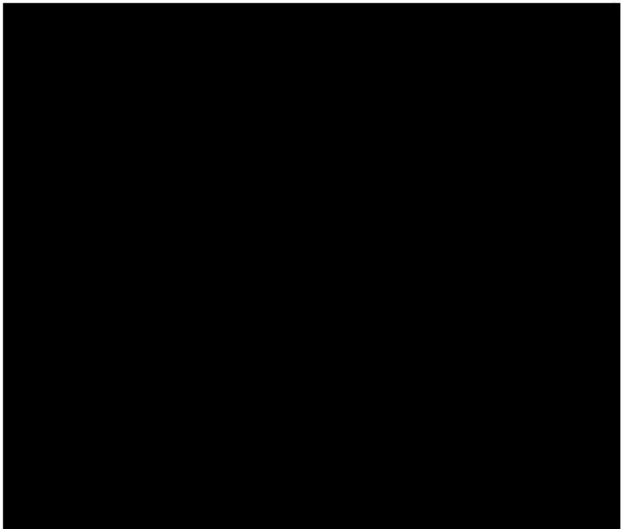
Submitted by:

- Property Owner(s)  Guardian, Trustee, or Power of Attorney\*  Agent of Property Owner(s)\*
- Other, Please Specify\* \_\_\_\_\_ *\*written authorization of property owner required*

DATED at Dartmouth, Nova Scotia this 21 day of November, 2024.


Philip Hall  
Legal Name of Appellant (please print)

Phil  
Preferred Name



SEND TO:  
**Office of the Municipal Clerk**  
P.O. Box 1749  
Halifax, NS B3J 3A5  
Fax: 902-490-4208  
Email: [clerks@halifax.ca](mailto:clerks@halifax.ca)  
  
Deliver in person: City Hall, 1841 Argyle  
Street Halifax (Mon-Fri 8:30am-4:30pm)

## Appendix E



We are both 62 years old.

Phil Hall

November 25, 2024

EMAIL - [REDACTED]

Philip Hall and Marcell Hall  
[REDACTED]

**Re: Case CF-2023-034905, 5 Wallace Street, Dartmouth**

This is to advise that your appeal will be heard by the Appeals Standing Committee on **Thursday, January 16, 2025**

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, January 10, 2025. 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](http://www.halifax.ca). If you feel that information you consider to be personal is necessary for your appeal, please attach that as a separate document, clearly marked "PERSONAL". It will be provided to the 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, January 14, 2025 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](mailto: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  
Lori Scolaro, 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>

## Order of Proceedings for Appeals Standing Committee

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The Chair will open each of the hearings and address the following:

- The Chair will ask the Appellant (property owner) to identify themselves and provide their contact information
- If a person is appearing on behalf of an Appellant who is not present (legal counsel, family member, friend), they must provide written authorization to act on the Appellant's behalf
- The Chair will briefly explain the hearing will proceed (as follows):
- Staff Presentation: The HRM staff presenter explains the basis for the order under review and presents evidence in support of the order (including any documents or recent photos of the property, if applicable)
- The Committee may ask questions of the HRM staff presenter for clarification
- The Appellant may ask questions of the HRM staff presenter for clarification
- Non-party witnesses\* may be permitted to provide factual evidence relevant to the appeal
- The Appellant may ask questions of non-party witnesses for clarification
- Appellant's Presentation: The Appellant is granted reasonable time to present evidence in support of the appeal (documents/photos/witnesses)
- The Committee may ask questions to the Appellant and/or their witnesses
- The Appellant or their representative is then permitted up to 10 minutes to make a verbal submission in support of their case to reverse the order
- The Committee may ask questions to the Appellant and also further questions of HRM staff (subject to Appellant's response to the answers)
- Staff may ask questions to the Appellant (subject to Appellant's response to the answers)
- The Committee then debates their decision and renders a decision with the Appellant or their representative present
- Upon motion the Committee may move In Camera (In Private) to obtain confidential legal advice at any time during the process
- The Committee has four (4) options:
  - cancel the order (allow the appeal)
  - amend the order (change the conditions)
  - keep the order as is (appeal dismissed)
  - continue the hearing at a later date (defer)

### \*Non-Party Witnesses

Persons who are not parties to the appeal may be permitted to provide relevant evidence of factual matters within their personal knowledge to the Appeals Standing Committee. Non-party witnesses will be given an appropriate amount of time to present their information.

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

The Appeals Standing Committee meetings begin at 10:00 a.m. and cases will be heard as they appear on the approved agenda.