



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

Item No. 12.1.1
Appeals Standing Committee
May 8, 2025

TO: Chair and Members of Appeals Standing Committee

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

DATE: April 16, 2025

SUBJECT: Appeal Report – Case CF-2025-002500 137 Charles Road, Timberlea

ORIGIN

Appeal of 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 no previous dangerous or unsightly cases at the property. The property is zoned CDD (Comprehensive Development District) under the [Halifax Mainland Land Use By-law](#).

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

A complaint was received on January 27, 2025, stating that there are pieces of wood and rocks spread around the front lawn of 137 Charles Road, Timberlea.

CHRONOLOGY OF CASE ACTIVITIES:

28-JAN-2025 The Compliance Officer contacted the property owner by telephone and advised of the complaint for 137 Charles Road, Timberlea, hereinafter referred to as “the property” (attached as Appendix B).

The property owner explained to the Compliance Officer that the wood and rocks are artwork.

The Compliance Officer conducted a site inspection and noted an accumulation of debris including but not limited to scrap wood, scrap metal, scrap steel, cedar, windows, doors, a refrigerator, coolers, tires, cans, tarps, plastic buckets, totes with contents inside, piping, glass tables, plastic chairs, and other scattered debris.

The Compliance Officer left a 7-Day Notice of Violation (attached as Appendix C), on the front door of the residence along with an education card for Dangerous and Unsightly Properties.

10-FEB-2025 The Compliance Officer conducted a site inspection and noted that the condition of the front of the property appeared unchanged. Due to an accumulation of snow, the Compliance Officer was unable to inspect the rear of the property.

10-MAR-2025 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.

13-MAR-2025 The Compliance Officer attended the property and knocked on the door but received no response.

The Compliance Officer posted a 30-Day Order to Remedy on the front door (attached as Appendix D) for an accumulation of debris including but not limited to scrap wood, scrap metal, cedar sections, aluminum cans, paint cans, rusted cans, appliances, a bathtub, sinks, broken lawn furniture, metal pipes, tires, rims, wire, windows, doors, tarps, plastic buckets, glass, plastic, tables, chairs, coolers, and other scattered debris and litter.

The property owner arrived on site as the Compliance Officer was leaving. The Compliance Officer advised the property owner of the Order to Remedy and provided information on the appeal process. The property owner advised the Compliance Officer that he would begin clean-up of the property.

18-MAR-2025 The Clerk’s Office received a Notice of Appeal (attached as Appendix E) dated March 18, 2025, submitted by the property owners.

- 20-MAR-2025 The Municipal Clerk's Office sent the property owner a letter advising the appeal was scheduled for the Appeals Standing Committee meeting on May 8, 2025, (attached as Appendix F).
- 14-APR-2025 The notification letter sent by the Municipal Clerk's Office on March 20, 2025, was returned as unclaimed. The Municipal Clerk's Office spoke with the property owner and sent a second letter by registered mail to the property owner (attached as Appendix G).
- 15-APR-2025 The Municipal Clerk's Office sent a copy of the notification letter to the property owner via email (attached as Appendix H).
- 17-APR-2025 The Compliance Officer attended the property and noted that some items had been relocated however, the overall condition of the property remained the same.

FINANCIAL IMPLICATIONS

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

RISK CONSIDERATIONS

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

ENVIRONMENTAL IMPLICATIONS

No environmental impacts identified.

ALTERNATIVES

The Appeals Standing Committee may vary or overturn the Order to Remedy and in doing so, must provide reasons to be recorded in the minutes of the committee meeting.

ATTACHMENTS

- Appendix A: Legislative Authority – Halifax Regional Municipality Charter
Appendix B: Copy of the Nova Scotia Property Records Map
Appendix C: Copy of the Notice of Violation dated January 28, 2025
Appendix D: Copy of Order to Remedy dated March 13, 2025
Appendix E: Copy of the Notice of Appeal dated March 18, 2025
Appendix F: Copy of the letter from the Clerk's Office dated March 20, 2025
Appendix G: Copy of the letter from the Clerk's Office dated April 14, 2025
Appendix H: Copy of the letter from the Clerk's Office dated April 15, 2025

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: Kimberley Northrop, Compliance Officer II, Community Standards & Compliance, 902.476.6567

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

Date: April 16, 2025 11:07:10



PID: 40749160
County: HALIFAX COUNTY
LR: LAND REGISTRATION

Address: 137 CHARLES ROAD
TIMBERLEA
LOT 507
Owner: SARAH LYNN MCLERNON
JASON LEONARD RANGER

AAN: 08963657
Value: \$390,500.00 (2025
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

This page and all contents are copyright © 1999-2025, [Government of Nova Scotia](#), all rights reserved.
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: 137 Charles Rd Timberlea, NS

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):

Accumulation of debris including but not limited to scrap wood, scrap metal, scrap steel, cedar windows, doors, fridge, coolers, tires, cans, traps, plastic buckets, totes with containers, piping, glass tables, plastic chairs, and any other debris scattered on the property

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

Remove the above

Notice of Re-inspection:

A re-inspection will be performed on Feb 4/25 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.

Issuing Officer

K Northrop
902 476 6567

Issuing Officer Phone Number

Date (dd/mm/yy)

28/01/25

Time (hh/mm)

1125

Case Number

2500



**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 137 CHARLES RD, TIMBERLEA, NS B3T1N3;
Case # CF-2025-002500;
Hereinafter referred to as the "Property"

TO: SARAH LYNN MCLERNON & JASON LEONARD RANGER

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, cedar sections, aluminum cans, paint cans, rusted cans, appliances, bathtub , sinks, broken lawn furniture, metal pipes, tires, rims, wire, windows, doors, tarps, plastic buckets, glass, plastic, tables, chairs, coolers, and any 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, cedar sections, aluminum cans, paint cans, rusted cans, appliances, bathtub , sinks, broken lawn furniture, metal pipes, tires, rims, wire, windows, doors, tarps, plastic buckets, glass, plastic, tables, chairs, coolers, and any 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 March 13, 2025.

KIMBERLEY NORTHROP
COMPLIANCE OFFICER
Phone: 902-476-6567


LORI SCOLARO
Administrator
Halifax Regional Municipality

Appendix E

Appeal of Order to Remedy.

Property located at 137 Charles Road, Timberlea, NS B3T 1N3

Case # CF-2025-002500

We wish to appeal this order.

Jason Ranger
[REDACTED]

HALIFAX REGIONAL
MUNICIPALITY

MAR 18 2025

MUNICIPAL CLERK

Appendix F

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

March 20, 2025

REGISTERED MAIL

Jason Ranger and Sarah McLernon

Re: Case CF-2025-002500, 137 Charles Road, Timberlea

This is to advise that your appeal will be heard by the Appeals Standing Committee on **Thursday, May 8, 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, May 2, 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. 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, May 6, 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.

HALIFAX

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

halifax.ca

Appendix F

Sincerely,



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
Kimberley Northrop, 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.

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<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.

Appendix G

April 14, 2025

REGISTERED MAIL

&

EMAIL – [REDACTED]

Jason Ranger and Sarah McLernon
[REDACTED]

Re: Case CF-2025-002500, 137 Charles Road, Timberlea

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HALIFAX

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

halifax.ca

Appendix G

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,



Andrea Lovasi-Wood
Legislative Assistant
Office of the Municipal Clerk

cc: Tanya Phillips, Manager, By-law Standards
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Vicki Aguinaga, Supervisor, Support Services
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[REDACTED]

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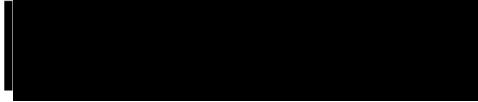
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Andrea Lovasi-Wood
Legislative Assistant
Office of the Municipal Clerk

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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 H

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.