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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

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

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

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