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Item No. 12.1.3
Appeals Standing Committee
January 16, 2025

TO: Chair and Members of Appeals Standing Committee

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

DATE: January 6, 2025

SUBJECT: **Appeal Report – Case CF-2024-035420 115 Lake Loon Road, Lake Loon**

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 has been one previous case at the property. The case was closed as owner compliant.

The property is zoned C-2 (General Commercial) Zone under the [North Preston/Lake Major/Lake Loon/Cherry Brook/East Preston 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 May 30, 2023. The complainant stated there is an old truck, trailer, tires, and garbage scattered around the property. The complainant also stated that the paint on the dwelling is peeling.

A case was opened and an Order to Remedy was issued on June 29, 2023. The Compliance Officer and property owner worked together on a compliance plan and the case was closed as owner compliant on November 26, 2024. However, additional debris was brought to the property and a subsequent Order to Remedy was issued to address the violations.

This appeal is for the subsequent Order to Remedy that was issued on November 27, 2024.

CHRONOLOGY OF CASE ACTIVITIES:

26-NOV-2024 The Compliance Officer conducted a site inspection at 115 Lake Loon Road, Lake Loon (hereinafter referred to as "the property"), as documented in Appendix B.

The Compliance Officer knocked on the front door of the dwelling and received no response. The Compliance Officer noted an accumulation of debris including but not limited to scrap wood, used tires, used rims, used plastic bins, scrap metal, used metal flashing, used downspouts, used buckets, old tarps, used indoor furniture, bagged recyclables, used windows, used vehicle parts, used doors, used welding tanks, used water cooler, used flooring, used roofing shingles, used lighting, used plastic pipes, and loose scattered debris.

27-NOV-2024 An Order to Remedy (attached as Appendix C) was posted at the property and sent via registered mail to the property owner.

The Compliance Officer sent an email to the property owner advising of the Order to Remedy.

28-NOV-2024 The Compliance Officer received a voicemail from the tenant who resides at the property.

The Compliance Officer returned the tenant's phone call and advised the tenant of the violations to be removed from the property. The Compliance Officer advised the tenant that the property owner may submit an appeal and reviewed the appeal process.

3-DEC-2024 The Clerk's Office received a Notice of Appeal (attached as Appendix D) dated December 2, 2024, submitted by the property owners.

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

15-DEC-2024 The Compliance Officer conducted a site inspection at the property. The Compliance Officer knocked on the door and received no response.

The Compliance Officer noted that the debris violations are still present at the property.

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 Order to Remedy dated November 27, 2024
- Appendix D: Copy of the Notice of Appeal dated December 2, 2024
- Appendix E: Copy of the letter from the Clerk's Office dated December 3, 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
