



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

Item No. 12.1.1
Appeals Standing Committee
April 13, 2023

TO: Chair and Members of Appeals Standing Committee

Original Signed

SUBMITTED BY: _____
Andrea MacDonald, Acting Director, Compliance

DATE: April 3, 2023

SUBJECT: **Appeal Report – Case 2022 012646, 96 Causeway Road, Seaforth**

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 Orders 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 RE (rural enterprise).

A complaint was received by service request on July 21, 2022. The complainant stated that they were concerned about business activities taking place at the property including work on vehicles and salvaging vehicles resulting in noise violations, the smell of burning chemicals and environmental concerns due to motor oil seeping into the ground.

There have been no subsequent complaints regarding the property.

This report will focus on the appeal dated February 26, 2023, by the property owner of the Orders to Remedy for the debris and derelict vehicle violations.

CHRONOLOGY OF CASE ACTIVITIES:

30-Aug-2022 The Compliance Officer conducted a site inspection at 96 Causeway Road, Seaforth hereinafter referred to as “the property” (attached as Appendix B).

The Compliance Officer noted there was no civic address at the entrance to the property. This concern is being managed by the Compliance Officer separately from the debris and derelict vehicle violations.

The Compliance Officer noted that the area along the driveway and around the Quonset hut was filled with derelict vehicles, vehicle parts and other debris. The Compliance Officer also noted a smell in the air from either welding or cutting metal.

The derelict vehicles at the property included a black Kenworth semi-tractor that was in the center of the driveway, an F350 dump truck, a blue suburban or similar, a two-tone gray Ford pickup, an old red dump truck or flatbed, a stripped blue semi-tractor with the cab and frame remaining, a white and orange Ford truck, and some sort of red truck further back into the trees. Inside the Quonset hut was another partially scrapped semi-tractor.

The debris on the property included vehicle parts such as radiators, bumpers, hoods, plow blades, frame parts, doors, dump beds, tires, wheels, brakes, and axles. Other waste and debris included appliance parts, barrels, ductwork, siding, toolboxes, oil barrels, oil jugs, oil tanks and discarded wood.

07-Oct-2022 The Compliance Officer phoned the complainant to discuss their concerns with the property. The Compliance Officer recommended that they contact NS Dept. of the Environment regarding the environmental concerns.

04-Nov-2022 The Compliance Officer conducted a site inspection and noted the condition of the property remained the same other than another truck in the driveway lane. The Officer noted that the property owner was on site with another individual.

The Compliance Officer spoke with the property owner. The property owner stated that they were not operating a salvage yard and they owned everything on the property. The Compliance Officer asked if the property owner owned a business at another location.

The property owner stated that this property was used as an accessory to their business at another location and that they had been doing this for decades. The Compliance Officer explained that there was no permit on file and that the property owner required a development permit for the business use at the property.

The Compliance Officer also advised the property owner that the debris at the property needed to be addressed. The property owner stated that if their property was considered in violation, they would call in complaints for other properties in the area.

The Compliance Officer issued a 60-day Notice of Violation (attached as Appendix C) to the property owner for the derelict vehicle and debris violations and advised that they have 60 days to comply. The property owner interrupted and stated it had taken 50 years for the property to come to this condition and it wasn't going to be cleaned up in 60 days. The Compliance Officer explained that they would be flexible in extending the timeline if the property owner started the work and was making progress on bringing the property into compliance.

- 03-Feb-2023 The Compliance Officer conducted a site inspection and noted the violations still exist. There was no significant change to the condition of the property.
- 21-Feb-2023 The Compliance Officer conducted a site inspection and noted an excavator was blocking access to the rear of the property. The Officer noted the derelict vehicle and debris violations were still on site. The Compliance Officer posted Orders to Remedy for the derelict vehicles (attached as Appendix D) and the debris violations (attached as Appendix E) on the door of the Quonset Hut.
- 24-Feb-2023 A copy of the Orders to Remedy were sent through registered mail to the property owner.
- 26-Feb-2023 The property owner submitted a Notice of Appeal (attached as Appendix F) to the Municipal Clerk's Office.
- 27-Feb-2023 The Municipal Clerk's Office sent the property owner a letter advising the appeal would be heard at the April 13, 2023, Appeals Standing Committee meeting (attached as Appendix G).

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.

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.

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.

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 November 4, 2022
 - Appendix D: Copy of the Order to Remedy dated February 21, 2023
 - Appendix E: Copy of the Order to Remedy dated February 21, 2023
 - Appendix F: Copy of the Notice of Appeal dated February 26, 2023
 - Appendix G: Copy of the letter from the Clerk's Office dated February 27, 2023
-

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: Valerie Rodger, Compliance Officer II, By-law Standards, 902.476.1708

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.

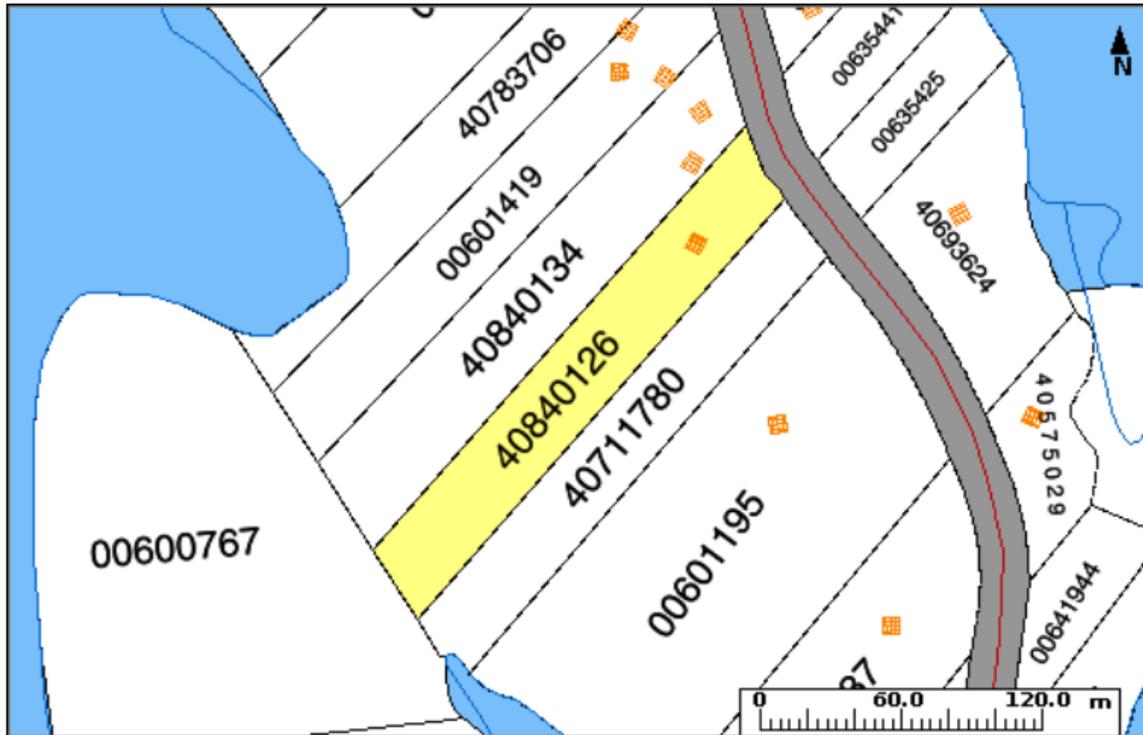
HRM Charter, subsection 3(q) as follows:

- (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: Mar 20, 2023 11:15:26 AM



PID: 40840126 Owner: RONALD LEROY KEIZER AAN: 09126465
County: HALIFAX COUNTY ELIZABETH JEAN KEIZER Value: \$77,000 (2023 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION Address: 96 CAUSEWAY ROAD
SEAFORTH

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 2.0

This page and all contents are copyright © 1999-2003, [Government of Nova Scotia](http://www.gov.ns.ca), all rights reserved.

Notice of Violation

Notice Served Upon: _____

Address: _____

96 Causeway Rd, Seafortn.

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):

accumulation of debris including but not limited to derelict vehicles, automotive and machinery parts, oil tanks, scrap wood, scrap metal, and other assorted debris & scattered trash.

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

- repair or remove derelict vehicles
- remove all waste and debris

Notice of Re-inspection:

A re-inspection will be performed on 2023 Jan 03 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.

Valerie Rodger
Issuing Officer

902-476-1708
Issuing Officer Phone Number

Original signed

Issuing Officer Signature

04 Nov 2022
Date (dd/mm/yy)

11:05
Time (hh/mm)

22-2646
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 96 CAUSEWAY RD, SEAFORTH, NS B0J1N0;
Case # CF-2022-012646;
Hereinafter referred to as the "Property"

TO: ELIZABETH JEAN KEIZER & RONALD LEROY KEIZER

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

AND WHEREAS located on the Property is an unsightly or dangerous condition due to a white over orange Ford pickup, a red dump truck, and a blue sedan that have been deemed to be derelict by reason of their age, appearance, or mechanical condition or lack of license plate or current vehicle registration, 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 or repairing the white over orange Ford pickup, the red dump truck, and the blue, 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 21st February, 2023 AD.

Original signed

VALERIE RODGER
COMPLIANCE OFFICER Phone:
902-476-1708

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
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- and -

IN THE MATTER OF: Property located at 96 CAUSEWAY RD, SEAFORTH, NS B0J1N0;
Case # CF-2022-012646;
Hereinafter referred to as the "Property"

TO: ELIZABETH JEAN KEIZER & RONALD LEROY KEIZER

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 waste and debris, including but not limited to: vehicle carcasses (including blue cab on frame, blue Ford pickup, grey and yellow coupe, grey Ford pickup, and blue Suburban-style SUV); vehicle parts including tires, wheels, engine cowl, salt spreaders, dump unit, doors, grills, filters, drivelines, differentials, hoses, plow blades, flatbed trailers frames, cabs, seats, steering columns, radiators, exhausts, engine, bumpers, and various other parts; and general debris including pallets, pylons, oil tank, barrels, buckets, cans, corrugated metal, glass, scrap wood, scrap metal, and other waste and debris, 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 waste and debris, including but not limited to: vehicle carcasses (including blue cab on frame, blue Ford pickup, grey and yellow coupe, grey Ford pickup, and blue Suburban-style SUV); vehicle parts including tires, wheels, engine cowl, salt spreaders, dump unit, doors, grills, filters, drivelines, differentials, hoses, plow blades, flatbed trailers frames, cabs, seats, steering columns, radiators, exhausts, engine, bumpers, and various other parts; and general debris including pallets, pylons, oil tank, barrels, buckets, cans, corrugated metal, glass, scrap wood, scrap metal, and other waste and debris., 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 21st February, 2023 AD.

Original signed

VALERIE RODGER
COMPLIANCE OFFICER Phone:
902-476-1708

SCOTT HILL
Administrator
Halifax Regional Municipality

Appendix F

HALIFAX

VALID

NOTICE OF APPEAL REGARDING

AN ORDER TO REMEDY DANGEROUS OR UNSIGHTLY PREMISES
HALIFAX REGIONAL MUNICIPALITY
IN THE MATTER OF:
FEB 27 2023
MUNICIPAL CLERK

REMEDY DANGEROUS OR UNSIGHTLY PREMISES

Property located at 96 Causeway Road, Seaforth B3K1N0
Case # CF-2022-012646
PID # _____
Tax # _____

I Ronald Leroy Keizer wish to file this Written Notice of Appeal in relation to the Order I received dated the 23 day of February, 2023 from the Compliance Officer respecting the above noted Property.

The reason for appeal is:

Due to the current weather conditions
I am requesting more time.

*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 Porters Lake, Nova Scotia this 25 day of February, 2023.
Original signed

Legal Name of Appellant (please print)

Signature of Appellant

Preferred Name

(Address)

(Apt)

SEND TO:
Office of the Municipal Clerk
P.O. Box 1749
Halifax, NS B3J 3A5
Fax: 902-490-4208
Email: clerks@halifax.ca

(City)

(Postal Code)

Contact Number or Email

Deliver in person: City Hall, 1841 Argyle Street, Halifax (Mon-Fri, 8:30am-4:30pm)

Appendix G

February 27, 2023

REGISTERED MAIL

Ronald Keizer
[REDACTED]

CANADA POST / POSTES CANADA		REGISTERED DOMESTIC CUSTOMER RECEIPT	RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT	R
NO	Destinataire			
Name	Nom			
Address	Adresse			
City / Prov. / Postal Code	Ville / Prov. / Code postal			
Declared Value / Valeur déclarée	\$			
33-866-584 (17-12)		FOR DELIVERY CONFIRMATION / CONFIRMATION DE LA LIVRAISON canadapost.ca / postescanada.ca 1 888 550-6333		

Re: Case # CF-2022-012646, Property located at 96 Causeway Road, Seaforth

This is to advise that your appeal will be heard by the Appeals Committee on **Thursday, April 13, 2023**. The hearing will be held in the Council Chamber, 3rd Floor, City Hall, 1841 Argyle Street, Halifax. Please arrive for 10:00 a.m. but note that there may be other cases heard before yours on the agenda.

The staff report for this matter will be posted online to the Appeals Standing Committee web page at www.halifax.ca by end of day Thursday, April 6, 2023. If you require a hard copy of the report, please contact our office.

Please 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 committee and/or council members and staff, and will form part of the public record, but it will not be posted on-line. You will be contacted if there are any concerns.

Should you be unable to attend, you may have a representative attend to present the appeal to the 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 Committee's decision.

If you have any questions regarding this process, please contact me at 902.223.1046.

Sincerely,

Original signed

Krista Vining
Acting Deputy Clerk
Office of the Municipal Clerk

cc: Tanya Phillips, Manager, By-law Standards
Scott Hill, Regional Coordinator By-law
Laurie Lauder, Adjudication Clerk
Valerie Rodgers, Compliance Officer

Enclosure: Order of Proceedings for Appeals Standing Committee

HALIFAX

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

halifax.ca

Appendix G

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.