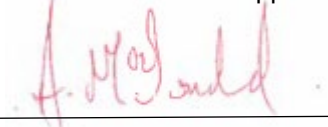


HALIFAX

P.O. Box 1749
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Item No. 12.1.1
Appeals Standing Committee
September 7, 2023

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY: 
Andrea MacDonald, Acting Director, Compliance

DATE: August 29, 2023

SUBJECT: Appeal Report – Case 2023 013060, 51 Winchester Avenue, Halifax

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 two previous dangerous or unsightly cases at the property. One case was closed with owner compliance. There is a pending demolition order for the accessory structure which was issued by the Appeals Standing Committee on June 9, 2022. During the contractor site meeting on May 12, 2023, staff noted 3 derelict vehicles on the property which posed an obstruction to the demolition work being carried out.

The property is zoned R-1 (single family dwelling).

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

There have been no subsequent complaints regarding the property.

This report will focus on the appeal dated June 28, 2023, by the property owner of the Orders to Remedy for the derelict vehicles.

CHRONOLOGY OF CASE ACTIVITIES:

16-Jun-2023 The Compliance Officer conducted a site inspection at 51 Winchester Avenue, Halifax hereinafter referred to as “the property” (attached as Appendix B).

The Compliance Officer noted that the 3 derelict vehicles remained on the property. The derelict vehicles included a red Toyota sunk into the ground, a black Kia with no plate and expired MVI, and an old, rusted, Chevrolet.

21-Jun-2023 The Compliance Officer conducted a site inspection and noted the derelict vehicles remained. The Compliance Officer posted a 7-day Order to Remedy the derelict vehicles (attached as Appendix C) at the property. Copies were also sent to the property owner through email and registered mail.

28-Jun-2023 The property owner submitted a Notice of Appeal (attached as Appendix D) to the Municipal Clerk’s Office.

29-Jun-2023 The Municipal Clerk’s Office sent the property owner a letter advising the appeal was rescheduled to the September 7, 2023, Appeals Standing Committee meeting (attached as Appendix E).

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 Order to Remedy derelict vehicles dated June 21, 2023
- Appendix D: Copy of the Notice of Appeal dated June 28, 2023
- Appendix E: Copy of the letter from the Clerk's Office dated June 29, 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: Thomas Murdoch, Compliance Officer II, By-law Standards, 902.943.9213
