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Item No. 6
Halifax Regional Council
March 18, 2014

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by Director

SUBMITTED BY: _____
Brad Anguish, Director, Community & Recreation Services

DATE: February 12, 2014

SUBJECT: Status of Dangerous or Unsightly Orders

INFORMATION REPORT

ORIGIN

The “*Dangerous and Unsightly Premises Amendment (2011) Act*”. Amendment to the *Halifax Regional Charter* requires the Administrator to report to Council on the status of dangerous or unsightly property Orders including any remedial progress.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter 189, 2008, c.39, section 355 (3)

BACKGROUND

On September 30, 2013, Municipal Compliance staff were advised by Legal Services staff of an amendment to the *Halifax Regional Municipality Charter*, Part XV, 355(3) which requires staff to table a public report to Council on the status of dangerous or unsightly Orders (attached as appendix A). Legal Services confirmed the amendments were passed on May 11, 2011 by the Province in legislation called the, “*Dangerous and Unsightly Premises Amendment (2011) Act*”. The Act received royal assent on May 19, 2011 and was proclaimed to law on January 10, 2012.

DISCUSSION

The Administrator for Part XV, Dangerous or Unsightly Premises is appointed by the Chief Administrative Officer. The position is part of the Municipal Compliance section of Community & Recreation Services. As the requirement to report to Council on Orders issued by the Administrator dates back to January 10, 2012, staff are providing 2012 and 2013 data in this report.

Orders to Remedy are generally addressed in one of three ways:

- Compliance by a property owner,
- Appeal by a property owner, or
- Remedy by HRM.

If a property owner appeals an Order, the case is heard by the Appeals Standing Committee. The Committee will determine if the appeal is granted or denied. If the appeal is granted, there will be no remedy required and the case is closed.

There are circumstances where an Order is issued and the remedial progress is pending re-inspection. Typical examples include Orders issued in the Fall and placed in abeyance, due to inclement weather, and re-inspected in the Spring. Given that this report is completed for the calendar year, the number of re-inspections (below) reflects that there are 54 re-inspections that will be completed from 2013 and 1 re-inspection from 2012 in the Spring of 2014. The lesser number of re-inspections from 2012 reflects that remedies were completed throughout 2013 and the 2012 data updated accordingly.

The below table provides the status of Orders issued in 2012 and 2013.

Remedial Progress of Orders	2012	2013
Total # of Orders	789	775
owner compliance	681	646
remedy complete by HRM	104	75
pending re-inspection	1	54
appeal(s) granted by Appeals Standing Committee	3	0

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMUNITY ENGAGEMENT

Compliance Officers make every effort to speak directly to property owner(s) regarding any Order to Remedy issued for violations at their property. Orders are also posted on the property and a copy is sent through registered mail to the property owner.

Property owners have the option to appeal the Order within 7 days of the Order being posted. The appeal is heard in a public meeting by the Appeals Standing Committee.

ATTACHMENTS

Appendix A: Excerpt from *Halifax Regional Charter*, Part XV section 355

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Tanya Phillips, Manager, By-law Standards, 490-4491

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Report Approved by: Jim Donovan, Manager, Municipal Compliance, 490-6224

Appendix A

Excerpt, *Halifax Regional Municipality Charter*, Part XV Dangerous or Unsightly Premises

“Authority to delegate and requirement to report

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.

(2) The Council may, by policy, delegate its authority pursuant to this Part, or such of its authority as is not delegated to the Administrator, to a community council or to a standing committee, for all or part of the Municipality.

(3) The Administrator shall at least twice per year table a public report to the Council describing the status of dangerous or unsightly property orders including remedial progress made regarding properties for which orders were issued pursuant to this Part. 2008, c. 39, s. 355; 2011, c. 4, s. 3.”