

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** Antigonish County (Municipality) v. Harvey Myatt Enterprises Ltd.,  
2006 NSSC 333

**Date:** 20061109

**Docket:** S.AT. 215554

**Registry:** Antigonish

**Between:**

Municipality of the County of Antigonish

Plaintiff

v.

Harvey Myatt Enterprises Limited, a body corporate  
and Vern MacLeod, carrying on business  
as Vern's Tire Service

Defendants

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**Judge:** The Honourable Justice Hilroy S. Nathanson

**Heard:** May 10, 11 and 12, 2006, at Antigonish, Nova Scotia

**Subject:** Municipal Law - dangerous or unsightly premises

**Summary:** The basis for these claims are allegations that large vehicles entered defendants' property for work which was noisy and which was performed beyond normal working hours, on weekends and holidays, and some exited via a residential street where they interfered with other vehicle traffic and children going to and from a mailbox and school buses. Old tires, parts and equipment were allowed to accumulate in the rear yard where children sometimes played.

**Issue:**

- (1.) Is the property dangerous or unsightly?
- (2.) If so, what work is required to remedy the condition by removal, demolition or repair?
- (3.) Should an order issue under s. 184 of the Municipal Government Act enjoining production of noise from the property in contravention of s. 11 of the Municipality's Mischiefs and Nuisances By-Law?

**Result:**

- (1.) Applying objective standards, the property was dangerous and unsightly.

- (2.) Defendant MacLeod was ordered to remove all tires, parts and equipment from exterior areas each day no later than one hour after the usual closing time; to erect barriers across the two driveways leading to and from the residential street so as to prevent large trucks and other vehicles from exiting from the defendants' property onto the residential street and vice versa and to deter children from entering the property.
- (3.) The automotive tire service was maintained or operated in such manner as to cause annoyance to the occupants of neighbouring residential properties and the public. A fine of \$100.00 was imposed.