



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

**Item No. 12.2.2**  
**Appeals Standing Committee**  
**April 12, 2018**

**TO:** Chair and Members of Appeals Standing Committee

**SUBMITTED BY:** ~~-Original Signed-~~  
\_\_\_\_\_  
Steve Higgins, Acting Director, Planning & Development

**DATE:** March 22, 2018

**SUBJECT:** Demolition Report – Case #303697, 110 Montague Road, Lake Loon

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#### **ORIGIN**

Staff, pursuant to 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.

#### **RECOMMENDATION**

It is recommended that the Committee pass the following resolution:

The Committee finds the property to be dangerous or unsightly as per section 3(q) of the Charter and as per section 356 of the Charter, **orders demolition** of the accessory structure, including but not limited to, the removal of all demolition debris, backfilling of any foundation or crawl space, and disconnecting any and all utility connections to the standard set by each respective utility service provider, so as to leave the property in a neat, tidy, environmentally compliant and safe condition within thirty (30) days after the Order is posted in a conspicuous place upon the property or personally served upon the owner. Otherwise, the Municipality will exercise its rights as set forth under Part XV (15) of the Charter.

**BACKGROUND:**

There have been fourteen previous dangerous or unsightly cases at the property dating back to 2010. The property owner completed the work and all cases were closed as owner compliance.

This case is a result of a service request received on November 23, 2017. The complainant advised of a deteriorated shed with a compromised roof covered with a shredded tarp.

The Compliance Officer attended the property on November 24, 2017 and noted a deteriorated accessory structure and scattered debris in the front yard.

The Compliance Officer managed the debris violations under case#303762 which was closed as owner compliance on January 5, 2018.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated structure located at 110 Montague Road, Lake Loon.

**CHRONOLOGY OF CASE ACTIVITIES:**

24-Nov-2017 The Compliance Officer conducted a site inspection at 110 Montague Road, Lake Loon, hereinafter referred to as “the property” (attached as Appendix B) and noted a deteriorated accessory structure, including but not limited to rotten wood and a missing support post.

The property owner was at the property and the Compliance Officer issued a Notice of Violation (attached as Appendix C) to repair or remove the structure. The Compliance Officer also discussed with the property owner the work required to bring the property into compliance.

2-Dec-2017 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.

11-Dec-2017 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.

5-Jan-2018 The Compliance Officer conducted a site inspection and noted the debris was removed however, there was no change to the condition of the accessory structure.

9-Feb-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the accessory structure.

12-Feb-2018 The Building Official submitted a structural integrity report for the building (attached as Appendix E).

The overall comments regarding the structure are, “Observations of this structure were made from the exterior, due to safety concerns no entry was gained. Lack of maintenance has allowed climatic elements to penetrate the buildings envelope, causing structural members to rot, contributing to the collapse of the roof and immanent failure of the remainder of the superstructure. Repairing this structure would not be reasonable due to the degree of decay of the superstructure”.

23-Mar-2018 The Compliance Officer posted a Notice to Appear (attached as Appendix F) at the property. A copy of the Notice was also sent via registered mail.

### **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 state of the property suggests no viable alternative to the recommendation by Staff.

### **RISK CONSIDERATIONS**

The risk consideration rates moderate. The building presents an allurements and due to the advanced state of deterioration, the building poses a safety risk to individuals if they were to enter.

### **ENVIRONMENTAL IMPLICATIONS**

Avoids unsafe living conditions which aligns with Sustainability Principle #4 of the Corporate Sustainability Filter.

### **ATTACHMENTS**

- Appendix A: Copy of the 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 24, 2017
- Appendix D: Copy of the Building Official's Report dated February 12, 2018
- Appendix E: Copy of the Notice to Appear dated March 23, 2018

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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: Carrie Butler, Compliance Officer II, By-law Standards, 902.476.1080

***-Original Signed-***

Report Approved By:

\_\_\_\_\_  
Penny J. Henneberry, Manager, Buildings and Compliance, 902.579.0250

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# APPENDIX A

## Halifax Regional Municipality Charter ("HRM Charter) Subsection 355, 356 and 3(q)

HRM Charter, subsection 355 (1) (2) 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.
- (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.

HRM Charter, subsections 356(1)(3), 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.
- (3) Where it is proposed to order demolition, before the order is made not less than seven days notice must be given to the owner specifying the date, time and place of the meeting at which the order will be considered and that the owner will be given the opportunity to appear and be heard before any order is made.

HRM Charter, subsection 3(q) as follows:

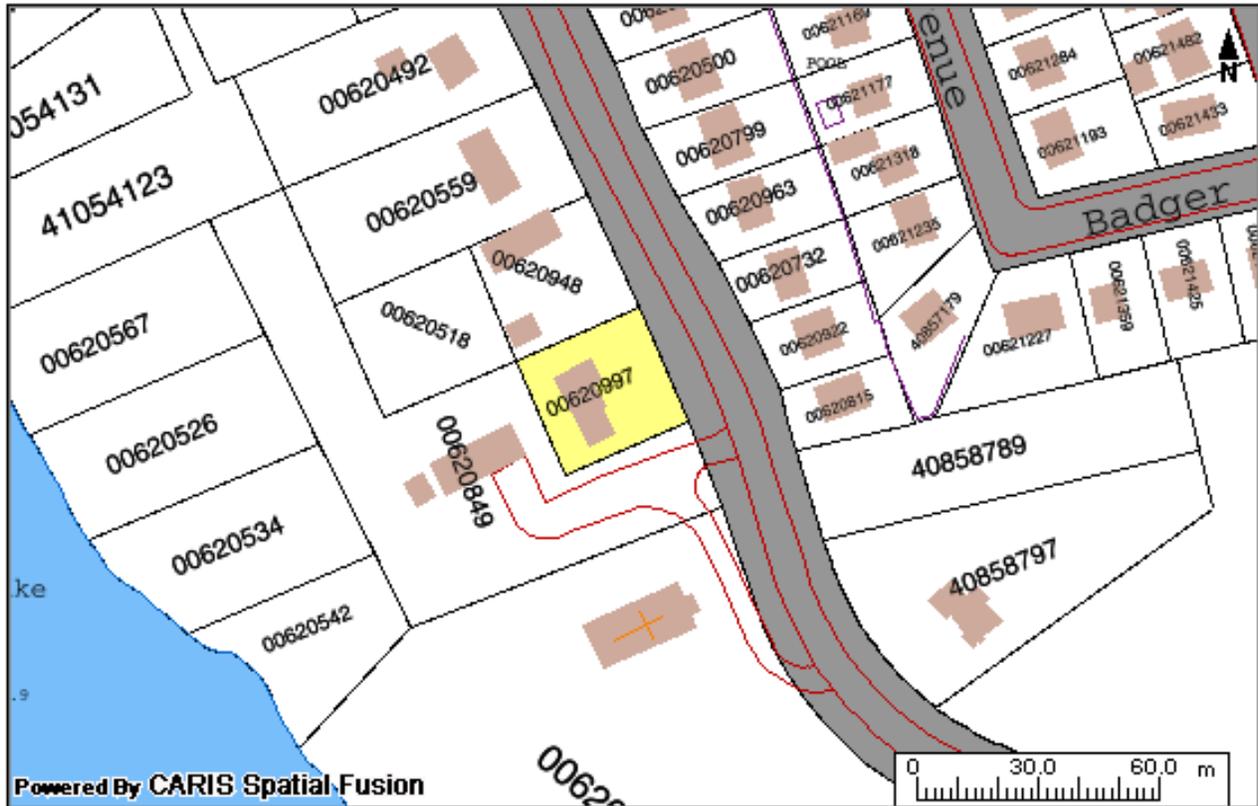
- (q) "dangerous or unsightly" means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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;

# APPENDIX B



## Property Online Map

Date: Mar 22, 2018 2:41:42 PM



PID:	00620997	Owner:	JOSEPH TERRANCE CHISHOLM	AAN:	04154134
County:	HALIFAX COUNTY		EILEEN LORRAINE CHISHOLM	Value:	\$197,500 (2018 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION	Address:	110 MONTAGUE ROAD LAKE LOON		

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

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# APPENDIX C

# HALIFAX

## Municipal Compliance

### Notice of Violation

Notice Served Upon: Name \_\_\_\_\_  
or address 112 Montague Rd

This is to advise that you are in violation of the following municipal and/or provincial legislation:

- |   |   |
|---|---|
| <input type="checkbox"/> HRM By-law A-300 Animals   | <input type="checkbox"/> HRM By-law S-300 Streets           |
| <input type="checkbox"/> HRM By-law C-300 Civic Addressing  | <input type="checkbox"/> HRM By-law S-600 Solid Waste       |
| <input type="checkbox"/> HRM By-law C-501 Vending   | <input type="checkbox"/> HRM By-law S-801 Temporary Signs   |
| <input checked="" type="checkbox"/> HRM Charter, Part XV Respecting Dangerous or Unsightly Premises | <input type="checkbox"/> HRM By-law S-1000 Sidewalk Cafes   |
| <input type="checkbox"/> HRM By-law N-300 Nuisances   | <input type="checkbox"/> HRM By-law T-1000 Taxi & Limousine |
|   | <input type="checkbox"/> Other: _____                       |

Details of violation(s):

A structure that is deteriorating and/or in a state of disrepair, that may be dangerous due to its falling wood, missing support post, and other deteriorating features

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

Repairs to remove the structure

Notice of Re-inspection:

A re-inspection will be performed on Jan 5 2017 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.

C. B. HUC  
Issuing Officer  
(902) 436-1080  
Issuing Officer Phone Number  
[Redacted Signature]  
Issuing Officer Signature

24-11-2017  
Date (dd/mm/yy)  
14:28  
Time (hh/mm)  
303697  
Case Number

For information on municipal legislation visit the Halifax Website at [www.halifax.ca/legislation](http://www.halifax.ca/legislation) or call the Citizen Contact Centre at 311. If calling outside the HRM but within NS call 1-800-835-6428 toll free.

# APPENDIX D



## Building Official's Report

Planning and Development  
PO Box 1749  
Halifax, NS B3J 3A5

Pursuant to Part XV of the Halifax Regional Municipality Charter  
As requested by the By-Law Compliance Officer, an inspection of the property located at:

Property Address	PID	Inspection Date
110 Montague Road, Lake Loon	00620997	February 12, 2018

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> <li>Single storey wood frame accessory building.</li> <li>The roof has partially collapsed and the exterior walls are in a state of imminent failure due to the decay of the structural members of both the wall and roof.</li> </ul>
Foundation	<ul style="list-style-type: none"> <li>Wood foundation that is rotten from the ingress of the elements from the partially collapsed roof.</li> </ul>
Heating Appliances	<ul style="list-style-type: none"> <li>Undetermined</li> </ul>
Chimney	<ul style="list-style-type: none"> <li>None</li> </ul>
Roof	<ul style="list-style-type: none"> <li>Asphalt roofing material is in extremely poor condition and the 40 percent of the roof structure has partially collapsed.</li> </ul>

Public Safety Considerations
<ul style="list-style-type: none"> <li>The building is a safety hazard in its current condition and could collapse at any time.</li> <li>Entrance to the building is not secured.</li> <li>All exterior walls are in varying stages of decay and show signs of lateral stress caused by the collapse of the roof and debris piled against the walls.</li> </ul>

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> <li>Observations of this structure were made from the exterior; due to safety concerns no entry was gained.</li> <li>Lack of maintenance has allowed climatic elements to penetrate the buildings envelope, causing the structural members to rot, contributing to the collapse of the roof and the imminent failure of the remainder of the superstructure.</li> <li>Repairing this structure would not be reasonable due to degree of decay of the superstructure.</li> </ul>

Paul Guest		
Building Official (please print)	Original Signed	Original Signed
	Signature	Supervisor's Initials

# APPENDIX E

## HALIFAX

### NOTICE TO APPEAR

**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:** 110 Montague Road, Lake Loon; Nova Scotia;  
Hereinafter referred to as the "Property"

-and-

**IN THE MATTER OF:** Deteriorated and decayed structure  
Hereinafter referred to as the "Building"

**TO:** Joseph and Eileen Chisholm

**WHEREAS** you are the owner of the Property;

**AND WHEREAS** situated on the Property is the Building identified as dangerous or unsightly as per section 3(q) of the Charter;

**TAKE NOTICE** that you are hereby requested to appear before the Appeals Standing Committee ("Committee") at 10:00am on April 12, 2018 in the Council Chambers, 3<sup>rd</sup> Floor, City Hall, 1841 Argyle Street, Halifax, Nova Scotia;

At which time the Committee will consider the following application:

**APPLICATION** by Staff for an Order pursuant to section 356 of the Charter, to require demolition of the Building, removal of all demolition debris, backfilling of any basement or crawl space and the disconnection of any and all utility connections to the standard set by the service provider within thirty (30) days of the date of the Order.

**SECTION 356(3) OF THE CHARTER** provides the opportunity for the owner of the Property to appear and be heard by the Committee;

**DATED** at Halifax, Nova Scotia this 23<sup>rd</sup> March, 2018

Carrie Butler  
Compliance Officer  
902-476-1080

  
Original Signed  
Scott Hill  
Administrator  
Halifax Regional Municipality