



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

Item No. 12.2.3
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 #296569, 63 Pinecrest Drive, Dartmouth

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 five previous dangerous or unsightly cases at the property. Four cases were closed as owner compliance. One case was related to landscaping and due to winter weather the file was closed.

This case is a result of a service request received on July 17, 2017. The complainant advised of a deteriorated shed.

The Compliance Officer attended the property on July 18, 2017 and noted an open shed with damage to the back-right side corner including exposed insulation with rotten beams and studs. The side of the shed was laying against a wooden fence between 63 and 65 Pinecrest Drive.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated shed located at 63 Pinecrest Drive, Dartmouth. The property owner has not applied for a demolition or building permit to date.

CHRONOLOGY OF CASE ACTIVITIES:

- 18-July-2017 The Compliance Officer conducted a site inspection at 63 Pinecrest Drive, Dartmouth, hereinafter referred to as “the property” (attached as Appendix B). The Compliance Officer noted an open shed with damage to the back-right side corner including exposed insulation with rotten beams and studs.
- The Compliance Officer issued a Notice of Violation (attached as Appendix C) to repair and secure the shed. The Compliance Officer spoke with the property owner and explained the work required to bring the property into compliance. The property owner told the Compliance Officer that he has been off work with an injury and would secure the door and try to get help repairing the shed.
- 31-July-2017 The Compliance Officer conducted a site inspection and noted the door to the shed was secure and that the pieces of the shed that were falling off had been removed.
- 1-Sept-2017 The Compliance Officer conducted a site inspection and spoke with the property owner. The property owner advised they were moving and will be completing the repairs as they wish to sell the property.
- The Compliance Officer provided an extension to the property owner to complete the work required to the shed (attached as Appendix D).
- 1-Nov-2017 The Compliance Officer conducted a site inspection and noted the home was vacant and without electricity, the shed remained in disrepair, the grass was not cut and bags of solid waste were scattered on the property.
- 2-Nov-2017 The Compliance Officer emailed an Order to Remedy (attached as Appendix E) to the property owner and a copy was also sent via registered mail.
- 6-Nov-2017 The Compliance Officer conducted a site inspection and noted no change to the condition of the property. The Compliance Officer posted the Order to Remedy at the property.
- 15-Nov-2017 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 25-Jan-2018 The Compliance Officer conducted a site inspection with the Supervisor, Regional Compliance and noted an accessory structure in a state of disrepair. Damage to the

structure included, exposed walls, collapsing roof with large holes, open access due to damage around the frame and missing siding.

1-Feb-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.

2-Feb-2018 The Compliance Officer contacted the property owner and advised that the case will be going forward to the Appeals Standing Committee to seek a Demolition Order for the accessory structure. The property owner told the Compliance Officer he understood and requested that HRM keep him updated.

20-Mar-2018 The Building Official submitted a structural integrity report for the property (attached as Appendix F).

The overall comments regarding the accessory structure are, "Observations of this structure were made from the exterior; no entry was gained. Lack of maintenance has allowed climatic elements to penetrate the building's envelope, causing deterioration of the structure and interior wallboard. Repairing this structure would not be reasonable due to the degree of deterioration of the building envelope."

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

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 July 18, 2017
- Appendix D: Copy of the Notice of Violation dated September 1, 2017
- Appendix E: Copy of the Order to Remedy dated November 6, 2017
- Appendix F: Copy of the Building Official's Report dated March 20, 2018
- Appendix G: Copy of the Notice to Appear dated March 23, 2018

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: Kory O'Neill, Compliance Officer II, By-law Standards, 902.293.1406

-Original Signed-

Report Approved By: Penny J. Henneberry, Manager, Buildings and Compliance, 902.579.0250

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:

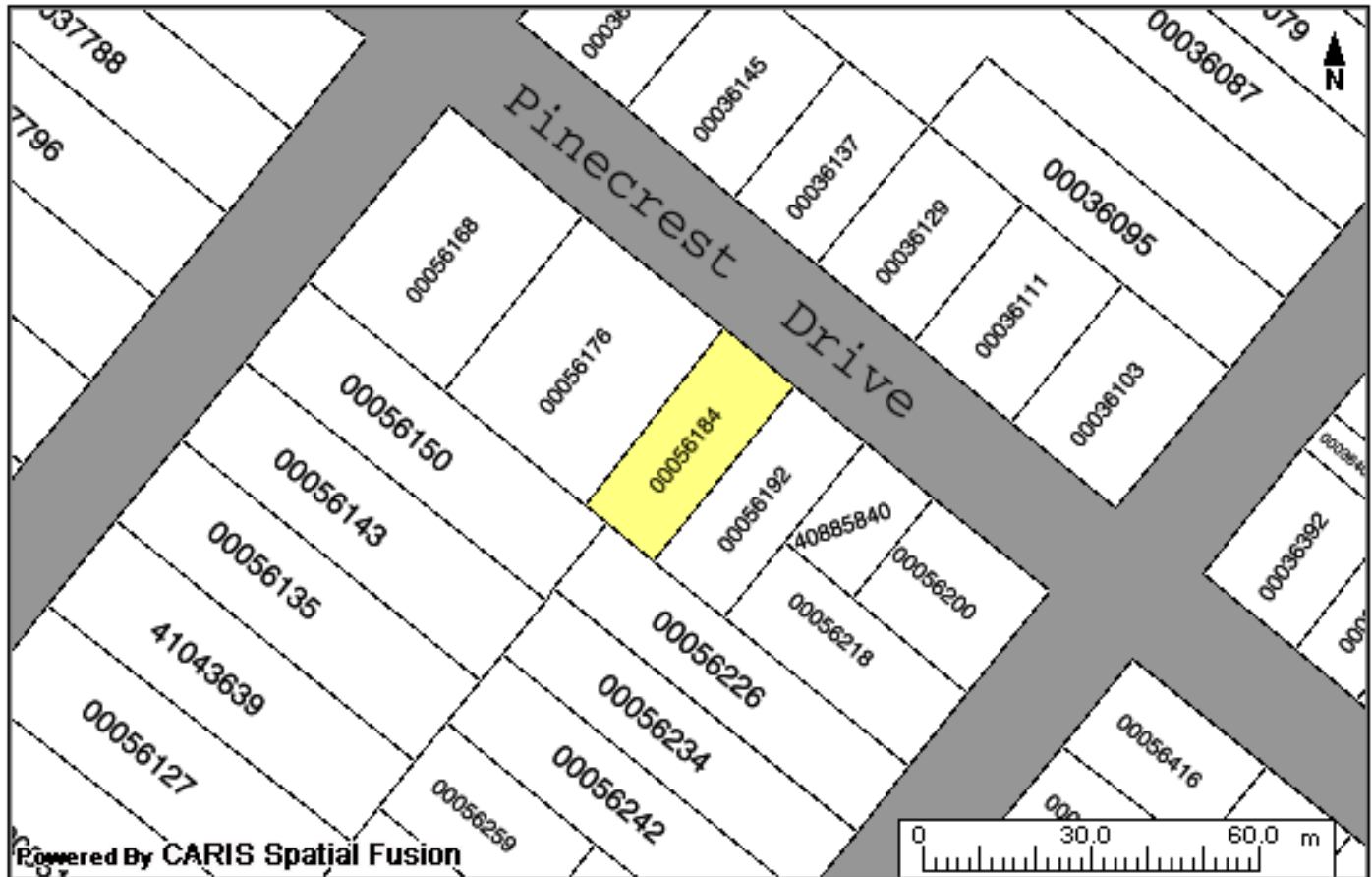
- (q) "dangerous or unsightly" means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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 8, 2018 11:56:49 AM



PID: 00056184 **Owner:** LUKE JONATHAN O'HEARN **AAN:** 02915294
County: HALIFAX COUNTY LUKE JONATHAN O'HEARN **Value:** \$147,200 (2018 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION **Address:** 63 PINECREST DRIVE DARTMOUTH

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 623 Pinecrest Dr.

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

- | | |
|--|---|
| <input type="checkbox"/> HRM By-law A-700 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 Unightly 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 lack of exterior maintenance to the dwelling including but not limited to shed with right back corner rotting & falling off. unsecured building

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

Repair, scrape, and paint the lack of exterior maintenance to the dwelling including but not limited to the back right corner of the shed. secure the doorway to the shed.

Notice of Re-inspection:

A re-inspection will be performed on AUG 1, 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.

D. Johnson
Issuing Officer
902-720-6827
Issuing Officer Phone Number
[Redacted]
Issuing Officer Signature

18/07/2017
Date (dd/mm/yy)
184615
Time (hh/mm)
291-569
Case Number

APPENDIX D

HALIFAX

Municipal Compliance

Notice of Violation

Notice Served Upon: Name _____
or address 103 Pinercrest Dr.

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

- | | |
|--|---|
| <input type="checkbox"/> HRM By-law A-700 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 Unightly 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 lack of exterior maintenance to the dwelling including but not limited to rotting beams/studs, missing siding and other deteriorated features to accessory building

Violation(s) to be rectified as per the following:
Repairing, Scraping, and painting the lack of exterior maintenance to the dwelling including, but not limited to rotting beams/studs, missing siding and other deteriorated features to accessory building.

Notice of Re-inspection:
A re-inspection will be performed on November 1, 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.

D. Lipson
Issuing Officer
902-220-6827
Issuing Officer Phone Number
[Redacted Signature]
Issuing Officer Signature

11/09/2017
Date (dd/mm/yy)
15:25 hrs
Time (hh/mm)
296569
Case Number

For information on municipal legislation visit the Halifax Website at 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 E

HALIFAX

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 63 PINECREST DR, DARTMOUTH, NS,
PID # 00056184 Tax # 2915294 Case # 296569
Hereinafter referred to as the "Property"

TO: LUKE JONATHAN O'HEARN
63 PINECREST DR, DARTMOUTH, NS, B3A 2J5

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

AND WHEREAS located on the Property is an unsightly or dangerous condition due to a lack of exterior maintenance to the accessory building resulting in but not limited to rotten and deteriorating wooden components, broken fascia, missing exterior siding, sheathing and other deteriorated features and chipped and falling paint on the exterior walls, trims and fascia, in accordance with Section 3(q) of the Charter;

TAKE NOTICE that you are hereby Ordered to remedy the condition of the Property by repairing or replacing the rotten and deteriorating wooden components, repairing the broken fascia, missing siding and other deteriorated features and scraping and painting the accessory structure exterior walls, trims and fascia, 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 6th of November, 2017 AD.

DAWN UPSON
COMPLIANCE OFFICER
Phone: (902)220-6827 x

SCOTT BREL
Administrator
Halifax Regional Municipality

Original Signed

APPENDIX F



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
63 Pinecrest Drive Dartmouth	00056184	March 20, 2018

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Single storey wood frame accessory building. • Wooden shingles on the walls are deteriorated beyond repair. • The walls supporting the roof shows signs of rot and in areas non-existent. • Attempts to support the roof is not effective as the roof structure is decayed. • Areas of wall sheathing have failed, leaving large areas without any exterior walls, exposing the interior wall covering to climatic elements.
Foundation	<ul style="list-style-type: none"> • Slab on grade concrete • Wood foundation sills have deteriorated, causing the superstructure to deflect and become unstable.
Heating Appliances	<ul style="list-style-type: none"> • Undetermined
Chimney	<ul style="list-style-type: none"> • None
Roof	<ul style="list-style-type: none"> • 2x4 rafters for shed roof • Asphalt roofing material is in extremely poor condition. Roof structural members are decayed and no longer suitable for their intended use.

Public Safety Considerations
<ul style="list-style-type: none"> • All exterior walls are in varying stages of decay and show signs stress; without intervention imminent failure is expected. • When the building collapses the abutting property will be affected. • Rodents have gained entry in several areas by chewing through walls and roof.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> • Observations of this structure were made from the exterior; no entry was gained. • Lack of maintenance has allowed climatic elements to penetrate the buildings envelope, causing deterioration of the structure and interior wallboard. • Repairing this structure would not be reasonable due to degree of deterioration of the building envelope.

Troy Mansfield		Brown, 2018.03.2 Rick, 1 09:46:42 -0300'
Building Official (please print)	Signature	Supervisor's Initials

APPENDIX G

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: 63 Pinecrest Drive, Dartmouth; Nova Scotia;
Hereinafter referred to as the "Property"

-and-

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

TO: Luke O'Hearn

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, 3rd 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 23rd March, 2018

Kory O'Neill
Compliance Officer
902-293-1406

Original Signed

Scott Hill
Administrator
Halifax Regional Municipality