

HALIFAX

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

Appeals Standing Committee
December 8, 2016

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY: ORIGINAL SIGNED

Bob Bjerke, Chief Planner and Director, Planning & Development

DATE: November 22, 2016

SUBJECT: Demolition Report – Case #270026, 1188 Susan Drive, Beaver Bank

ORIGIN

Staff, pursuant to the *Halifax Regional Municipality Charter* (the "Charter").

LEGISLATIVE AUTHORITY

Sections 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 building, 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 two previous dangerous or unsightly cases at the property; both have been closed owner compliance.

This case is a result of a service request received on March 26, 2016. The complainant advised the roof has caved in and the mobile home is in disrepair.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated building located at 1188 Susan Drive, Beaver Bank.

CHRONOLOGY OF CASE ACTIVITES:

- 01-Apr-2016 The Compliance Officer conducted a site inspection at 1188 Susan Drive, Beaver Bank, hereinafter referred to as "the property" (attached as Appendix A). The Compliance Officer noted the soffit, fascia and both sides of the trailer were damaged along with the roof being partially collapsed.
- The Compliance Officer obtained contact information for the owner of the mobile home from staff at the mobile home park.
- 04-Apr-2016 The Compliance Officer conducted a site inspection and noted the violation still exists. A 30 day Notice of Violation (attached as Appendix B) was posted at the property.
- 05-Apr-2016 The Compliance Officer contacted the owner of the mobile home and left a voicemail message requesting a return call.
- 05-May-2016 The Compliance Officer received an e-mail stating that the mobile home owner attended a tenancy board meeting with the mobile home park owners. The individuals came to an agreement that the mobile home, shed and patio will be removed from the property by the end of May.
- 19-May-2016 The Compliance Officer contacted staff at the mobile home park who confirmed that the trailer and debris should be removed from the site by May 30th.
- 01-June-2016 The Compliance Officer conducted a site inspection and noted the violation still exists.
- 24-Aug-2016 The Compliance Officer conducted a site inspection and noted that the debris, deck and shed had been removed from the property however, the mobile home has not been removed.
- 26-Aug-2016 The Compliance Officer contacted the mobile home owner and asked when the mobile home would be removed. No timeline was provided by the mobile home owner.
- 14-Sep-2016 The Compliance Officer received a call from an individual who stated that they are planning on purchasing the mobile home. The individual requested two weeks to have the mobile home removed. The Compliance Officer advised the individual that the next site inspection will take place on October 3, 2016 and if the mobile home is not removed, HRM will be proceeding to request a Demolition Order through the Appeals Standing Committee.
- 03-Oct-2016 The Compliance Officer conducted a site inspection and noted the violation still exists.
- 13-Oct-2016 The Building Official submitted a structural integrity report for the mobile home (attached as Appendix C).

The overall comments regarding the structure are that, "the roof had severe structural damage and a major portion of the roof has collapsed. Any repairs to the roof and remaining structure will require an analysis by a Professional Engineer to ensure repairs are in compliance with CSA standards for mobile homes."

- 09-Nov-2016 The Regional Coordinator of By-Law Enforcement spoke to staff at the mobile home park and advised that this case will be proceeding to the Appeals Standing Committee to request a Demolition Order. The Mobile Home park staff confirmed that if an Order is issued, they would be prepared to complete the work.
- 14-Nov-2016 The Compliance Officer conducted a site inspection and noted the violation still exists.
- 21-Nov-2016 The Compliance Officer confirmed with the mobile home park staff that the ownership of the mobile home has not changed. The Compliance Officer contacted the owner of the mobile home and advised that the case will be proceeding to the Appeals Standing Committee meeting of December 8, 2016.
- 28-Nov-2016 The Compliance Officer posted a Notice to Appear (attached as Appendix D) at the property.

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 Nova Scotia Property Records Map
Appendix B: Copy of the Notice of Violation dated April 4, 2016
Appendix C: Copy of the Building Official's report dated October 13, 2016
Appendix D: Copy of the Notice to Appear dated November 28, 2016

A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared For: Henry Boutilier, Compliance Officer, By-law Standards, 902.476.9205

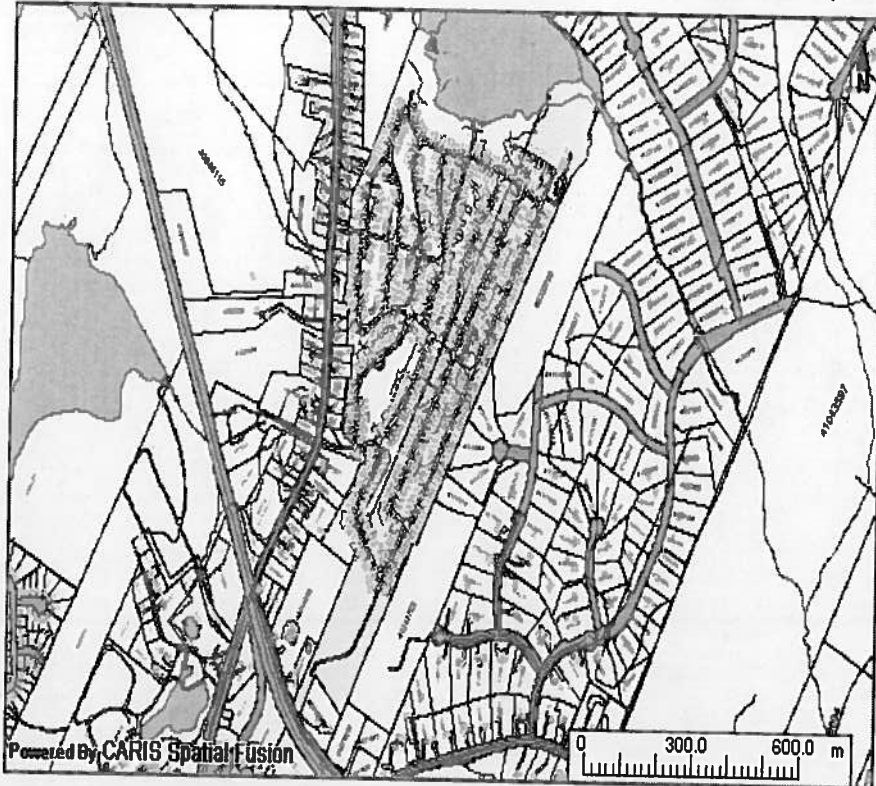
Report Approved By: ORIGINAL SIGNED

Jim Donovan, Manager, Buildings and Compliance, 902.476.8211



Property Online Map

Date: Oct 31, 2016 9:49:02 AM



PID:	40092744	Owner:	WESTPHAL MOBILE HOME COURT LIMITED WESTPHAL MOBILE HOME COURT LIMITED	AAN:	04999231
County:	HALIFAX COUNTY	Address:	[REDACTED] BEAVER BANK	Value:	5118,600 (2016 COMMERCIAL TAXABLE)
LR Status:	LAND REGISTRATION				5220,900 (2016 RESOURCE TAXABLE)

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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HALIFAX

Municipal Compliance

Notice of Violation

Notice Served Upon: Name _____
or address 1188 Susan DR Beaver Bank

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 Unsanitary 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):

The property is in an unsightly or dangerous condition, the mobile home is in a state of disrepair, roof has partially collapsed, skirting around same is missing and fascia and soffits needs replacing.

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

Repair or obtain a Demolition permit to demolish mobile home or remove mobile home and all details associated to clean-up so to bring property into a neat and tidy condition.

Notice of Re-inspection:

A re-inspection will be performed on MAY 4, 2016 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.

Henry Boutilier
Issuing Officer
1902 476-9209
Issuing Officer Phone Number
[Signature]
Original Signed
Issuing Officer Signature

04/04/16
Date (dd/mm/yy)
11:20
Time (hh/mm)
270026
Case Number

Appendix C



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 1188 Susan Drive	PID 40092744	Inspection Date October 13, 2016
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Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Wood framed mobile home. Approximately 50% of the roof has collapsed. • Assessment of this building was done from the exterior, no entry to the interior.
Foundation	<ul style="list-style-type: none"> • No foundation. • Acceptable existing condition to support mobile home.
Heating Appliances	<ul style="list-style-type: none"> • Electric.
Chimney	<ul style="list-style-type: none"> • Not applicable.
Roof	<ul style="list-style-type: none"> • Roof had severe structural damage. A major portion of roof has collapsed.
Building Services	<ul style="list-style-type: none"> • Electrical service connected.

Public Safety Considerations
No safety concerns, the building is secure from trespassers.

Comments Regarding Repair or Demolition
Any repairs to the roof and remaining structure will require an analysis by a Professional Engineer to ensure repairs are in compliance with CSA standards for mobile homes.

Andrew MacLellan Building Official (please print)	Original Signed	Signature	Original Signed	Supervisor's Initials
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Form Jan 2016

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: 1188 Susan Drive, Beaver Bank; Nova Scotia;
Case #270026;
Hereinafter referred to as the "Property"

-and-

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

TO: Westphal Mobile Home Court Limited

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 December 8, 2016 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 Buildings, 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 28th of November, 2016

Henry Boutilier
Compliance Officer
476-9205

Original Signed

Scott Hill
Administrator
Halifax Regional Municipality