



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

Item No. 12.2.2
Appeals Standing Committee
September 13, 2018

TO: Chair and Members of Appeals Standing Committee

ORIGINAL SIGNED

SUBMITTED BY: _____
Kelly Denty, Director, Planning & Development

DATE: August 21, 2018

SUBJECT: Order to Demolish – Case #294696, 13166 Highway 7, Ship Harbour

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 Appeals Standing Committee:

Find 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 no dangerous or unsightly cases at the property.

This case is a result of a service request received on June 15, 2017. The complainant advised of an old garage that's structural integrity might be compromised. The Complainant expressed concerns of it collapsing and being a hazard to traffic due to proximity to the roadway.

The property owner has not applied for a demolition or building permit to date.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated garage located at 13166 Highway 7, Ship Harbour.

CHRONOLOGY OF CASE ACTIVITIES:

- 15-Jun-2017 The Compliance Officer conducted a site inspection at 13166 Highway 7, Ship Harbour, hereinafter referred to as "the property" (attached as Appendix B) and noted an older wooden structure that was in a state of disrepair.
- 21-Jul-2017 The Compliance Officer conducted a site inspection and noted no change to the condition of the property. While on site, the Compliance Officer spoke to the property owner about what was required to bring the property into compliance. The property owner did not want to fix the structure and stated that the building was 145 years old and wasn't going to move. It was determined a structural integrity report for the accessory structure would be required.
- 29-Mar-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property. The Compliance Officer spoke to the spouse of the property owner who advised there were intentions to demolish the structure but was unable to provide a timeline. A business card was left asking the property owner to contact the Compliance Officer.
- The Compliance Officer contacted the property owner and left a voicemail advising time would be provided in the hopes the structure would be demolished and a reinspection would be completed.
- 27-Apr-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property. The Compliance Officer spoke to the property owner who advised that they did not believe the structure was unsafe. The property owner was unable to provide a timeframe for the garage to be repaired. The Compliance Officer advised they would be moving forward with further action.
- 22-May-2018 The Building Official conducted a site inspection and submitted a structural integrity report for the property (attached as Appendix C).
- The overall comments regarding the structure is that "all exterior building components are in varying stages of decay with some areas showing significant signs of stress; without intervention, excessive climatic loads (wind and/or snow loads) will cause structural failure."
- 19-Jul-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.

- 16-Aug-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 30-Aug-2018 The Compliance Officer posted a Notice to Appear (attached as Appendix D) at the property. An additional copy of was 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

No environmental impact identified.

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 Building Official's Report dated May 22, 2018
Appendix D: Copy of the Notice to Appear dated August 30, 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: Victor Lopez, Compliance Officer II, By-law Standards, 902.225.2551

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:

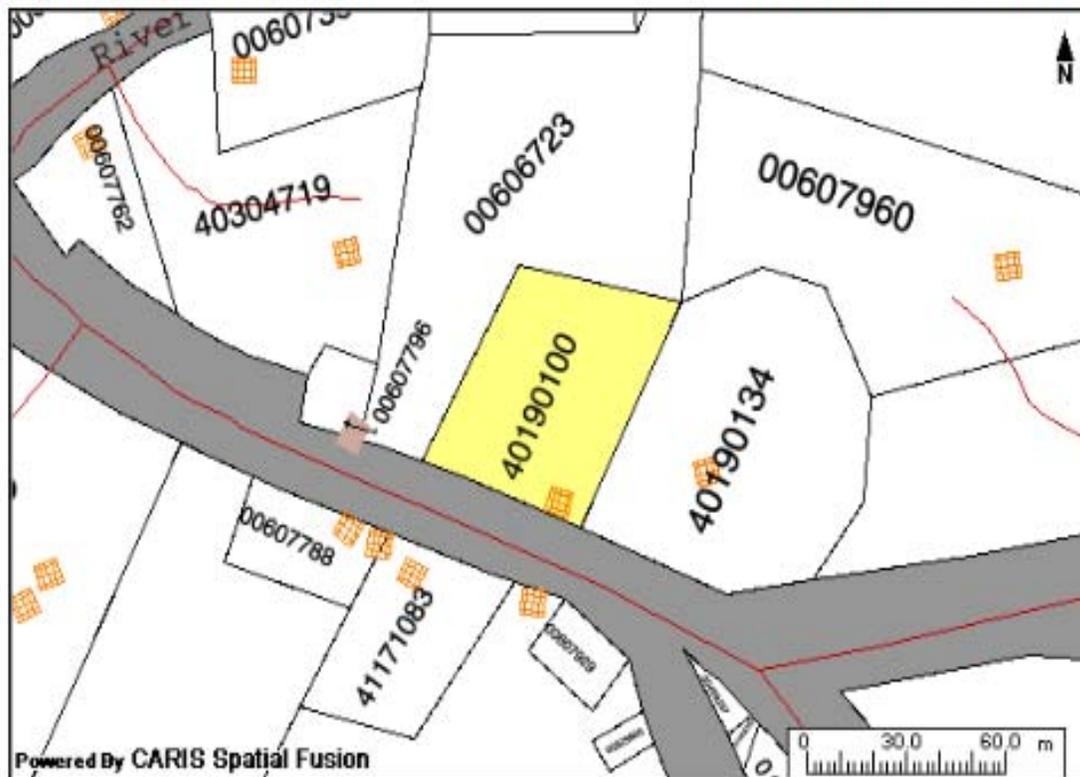
- 356 (1) Where a property is dangerous or unsightly, the Council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.
- (3) Where it is proposed to order demolition, before the order is made not less than seven days notice 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;

Property Online Map

Date: Aug 16, 2018 1:07:37 PM



PID:	40190100	Owner:	CHARLES ERVIN ELLIS RUTT	AAN:	03038017
County:	HALIFAX COUNTY	Address:	13166 HIGHWAY 7	Value:	\$102,200 (2018 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION		SHIP HARBOUR		

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



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
13166 Highway 7, Ship Harbour	40190100	May 22, 2018

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> One storey wood frame accessory building with a storage loft. The building is clad with wooden shingles. In some locations shingles are deteriorated or missing. The walls supporting the roof show significant signs of deflection.
Foundation	<ul style="list-style-type: none"> Wood sill foundation show signs of deterioration.
Heating Appliances	<ul style="list-style-type: none"> Undetermined
Chimney	<ul style="list-style-type: none"> None
Roof	<ul style="list-style-type: none"> Asphalt shingles roofing material is in poor condition with one quarter of roof area without any roofing material. Exposed roof sheathing show signs of decay and no longer suitable for its intended use. Small section of sheathing is missing exposing the interior of the building to climatic elements. Roof structure has begun to fail.

Public Safety Considerations
<ul style="list-style-type: none"> All exterior building components are in varying stages of decay with some areas showing significant signs of stress; without intervention, excessive climatic loads (wind and/or snow loads) will cause structural failure.

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.

JASON THIBEAU	ORIGINAL SIGNED	ORIGINAL SIGNED
Building Official (please print)	Signature	Supervisor's Initials



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: 13166 Highway 7, Ship Harbour; Nova Scotia;
Hereinafter referred to as the "Property"
Case#294696

-and-

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

TO: Charles Rutt

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 September 13, 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 30 August, 2018

Victor Lopez
Compliance Officer
902-225-2551

ORIGINAL SIGNED

Erin Dobson
Administrator
Halifax Regional Municipality