



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

Item No. 12.3.1
Appeals Standing Committee
October 11, 2018

TO: Chair and Members of Appeals Standing Committee

ORIGINAL SIGNED

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

DATE: September 27, 2018

SUBJECT: **Order to Demolish – Case #315810 2070 Waverley Road, Waverley**

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, **order demolition** of the accessory dwelling, 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 previous dangerous or unsightly cases at the property.

There are no permits open for this property.

This case is a result of a service request received on August 9, 2018. The complainant noted the house has collapsed and is a possible fire hazard.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated main building located at 2070 Waverley Road, Waverley.

CHRONOLOGY OF CASE ACTIVITIES:

14-Aug-2018 The Compliance Officer attempted to contact the property owner and left a voicemail.

15-Aug-2018 The Compliance Officer conducted a site inspection at 2070 Waverley Road, Waverley, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted an accessory structure on the property that has become deteriorated and decayed to the point that it has partially collapsed.

17-Aug-2018 The Compliance Officer spoke to the property owner’s representative who advised that the property owners have vacated the building and as a result, the building has not been maintained. The representative also advised that the building used to be a store and is considering reopening it. The Compliance Officer advised that a Building Official would be completing a structural integrity report for the building.

22-Aug-2018 The Building Official submitted a structural integrity report for the building (attached as Appendix C).

The overall comments regarding the structure are: “Building is extremely unsafe to the public. Recommend fencing off the area to unwanted trespassers. Building is structurally unsafe and beyond the point of repair.”

22-Sep-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the accessory structure. The property owner’s representatives were on site and advised they had hired a contractor to demolish the structure. The Compliance Officer advised the property owner’s representatives that a demolition permit would be required.

27-Sep-2018 The Compliance Officer posted a Notice to Appear (attached as Appendix D) 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.

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 allurements 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 C



Planning & Development
 P O Box 1749
 Halifax NS B3J 3A5

Building Officials Report

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
2070 Waverley Rd. Waverley NS	00519769	August 22, 2018

Resulted in the following:

Building Feature	Condition Relative to Habitability and Structural Integrity
Structure (wood frame, masonry, steel, etc)	<ul style="list-style-type: none"> • Single story wood frame construction, one of two dwellings on the property. • South -West corner of the building has collapsed. • Back porch cover is in various stages of failure. • The area which has collapsed has allowed the entrance of climatic elements and rodents to enter the remainder of the building. • The north-east wall of the building (rear) is at a stage of partial collapse showing signs of deflection in the walls.
Foundation (concrete, masonry, etc.)	<ul style="list-style-type: none"> • Undetermined
Heating Services (wood, oil, electric, etc)	<ul style="list-style-type: none"> • Wood
Chimney (steel, masonry, etc.)	<ul style="list-style-type: none"> • Two chimneys were in place, one constructed from masonry the other appeared to be steel. • Masonry brick chimney is structurally unstable.
Roof (asphalt, steel, etc.)	<ul style="list-style-type: none"> • Roof has collapsed on the South-West corner of the building. • The remaining asphalt shingles are in poor condition or non-existent in certain areas. • The porch cover at the back of the building is collapsing.
Services (water, sewer, etc.)	<ul style="list-style-type: none"> • Power lines are still attached to the collapsed portion of the building. • Water and sewage disposal are undetermined.
Other	<ul style="list-style-type: none"> • Due to lack of maintenance this structure has been subject to decay and failure. • Complete failure of the structure is imminent.

Public Safety Considerations
<ul style="list-style-type: none"> • Building is extremely unsafe to the public. Recommend fencing off the area to unwanted trespassers.

Building Official's Overall Recommendation Regarding Demolition
<ul style="list-style-type: none"> • Building is structurally unsafe and beyond the point of repair. • Assessment is based on observations from the exterior, no access to interior of the structure was gained.

<i>Erica Sidle</i>	ORIGINAL SIGNED	ORIGINAL SIGNED
Building Official (please print)	Building Official's Signature	Supervisor's Initials

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: 2070 Waverley Road, Waverley; Nova Scotia;
Hereinafter referred to as the "Property"
Case#315810

-and-

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

TO: Stewart Kane
Shirley Kane

WHEREAS you are the owner of the Property;

AND WHEREAS situated on the Property is the Accessory Structure 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 October 11, 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 September 27, 2018

Original Signed

Kory O'Neill
Compliance Officer
902.293.1406

Scott Hill
Administrator
Halifax Regional Municipality