



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

**Item No. 12.3.2**  
**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 #318292 220 Chandler Drive, Lower Sackville**

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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 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 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 three previous dangerous or unsightly cases at the property; all three cases were closed by HRM completing the work to remedy the property. In addition to this case, the Compliance Officer is also managing a case for a lack of exterior maintenance to the main dwelling.

The property is zoned R-1 and a review of the HRM permit database system shows there are no permits issued to the property owner for this property.

This case is a result of a service request received on May 23, 2018. The complainant noted the property has been abandoned and the roof is falling off the building in the back.

The Compliance Officer is bringing this case forward to the Committee to request a Demolition Order for the deteriorated accessory structure located at 220 Chandler Drive, Lower Sackville.

## **CHRONOLOGY OF CASE ACTIVITIES**

- 25-May-2018 The Compliance Officer conducted a site inspection at 220 Chandler Drive, Lower Sackville, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted an accessory structure in a state of disrepair with a failing roof.
- The Compliance Officer attempted to contact the property owner, the phone number on file was no longer in service.
- 28-May-2018 The Compliance Officer spoke to the property owner’s representative who advised the property owners were both deceased. The representative stated that the heirs have been unable to organize ownership, and therefore, the property has not been taken care of for at least 2 years.
- 31-May-2018 An additional service request was received and the complainant noted the property is in a state of disrepair and the shed is falling down.
- 01-Jun-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 10-Jul-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 30-Jul-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 03-Aug-2018 An additional service request was received and the complainant noted the property has been neglected and the shed is falling down.
- 16-Aug-2018 The Building Official submitted a structural integrity report for the building (attached as Appendix C).
- The overall comments regarding the accessory structure are: “Lack of maintenance has allowed climatic elements to penetrate the buildings envelope contributing to the collapse of the roof and the immanent failure of the remainder of the superstructure. The single-story shed is not structurally sound and has passed its intended serviceable use, demolition is recommended.”
- 03-Sep-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.

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.

### **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 impacts 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 August 16, 2018
- Appendix D: Copy of the Notice to Appear dated September 27, 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: Steven Boutilier, Compliance Officer II, By-law Standards, 902.240.4935

### **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: Sep 20, 2018 9:49:12 AM



PID:	00352450	Owner:	NATHAN WALTERS	AAN:	04807022
County:	HALIFAX COUNTY	Address:	220 CHANDLER DRIVE	Value:	\$188,000 (2018 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION		LOWER SACKVILLE		

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



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
220 Chandler Dr, Lower Sackville N. S	00352450	August 16, 2018

### Resulted in the following:

Building Feature	Condition Relative to Habitability and Structural Integrity
<b>Structure</b> (wood frame, masonry, steel, etc)	<ul style="list-style-type: none"> <li>• Single storey wood frame accessory building.</li> <li>• Portions of the gabion roof structure, soffits and parts of the South-East wall have begun to collapse.</li> <li>• When walking on the floor it began to deflect indicating the floor structure is failing.</li> </ul>
<b>Foundation</b> (concrete, masonry, etc.)	<ul style="list-style-type: none"> <li>• Rock rubble and earth foundation.</li> </ul>
<b>Heating Services</b> (wood, oil, electric, etc)	<ul style="list-style-type: none"> <li>• Undetermined</li> </ul>
<b>Chimney</b> (steel, masonry, etc.)	<ul style="list-style-type: none"> <li>• None.</li> </ul>
<b>Roof</b> (asphalt, steel, etc.)	<ul style="list-style-type: none"> <li>• Asphalt shingles appear to be in relatively good condition.</li> <li>• Portions of the gabion roof structure and soffits are deteriorated and are failing.</li> </ul>
<b>Services</b> (water, sewer, etc.)	<ul style="list-style-type: none"> <li>• Water/sewer could not be determined. However, there is a sink in the shed with plumbing hook ups.</li> <li>• Electrical could not be determined.</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>• Due to lack of maintenance and the ingress of moisture the buildings structure is in various stages of failure.</li> </ul>

Public Safety Considerations
<ul style="list-style-type: none"> <li>• Due to location in residential neighbourhood, it is likely that trespassers will be able to gain access to the structure as it is unlocked. It is recommended to immediately make the building inaccessible to trespassers.</li> </ul>

Building Official's Overall Recommendation Regarding Demolition
<ul style="list-style-type: none"> <li>• Lack of maintenance has allowed climatic elements to penetrate the buildings envelope contributing to the collapse of the roof and the immanent failure of the remainder of the superstructure.</li> <li>• The single-story shed is not structurally sound and has passed its intended serviceable use, demolition is recommended.</li> </ul>

<i>Erica Sidle</i>	<b>Original Signed</b>	<b>Original Signed</b>
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:** 220 Chandler Drive, Lower Sackville; Nova Scotia;  
Hereinafter referred to as the "Property"  
Case#318292

-and-

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

**TO:** Nathan Walters

**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 October 11, 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 September 27, 2018

Steven Boutilier  
Compliance Officer  
902.240.4935

**Original Signed**

\_\_\_\_\_  
Scott Hill  
Administrator  
Halifax Regional Municipality