



P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 12.2.5**  
**Appeals Standing Committee**  
**January 17, 2019**

**TO:** Chair and Members of Appeals Standing Committee

**ORIGINAL SIGNED**

**SUBMITTED BY:** \_\_\_\_\_  
Penny J. Henneberry, Manager, Buildings and Compliance

**DATE:** January 8, 2019

**SUBJECT:** Order to Demolish – Case #322143, 432 Herring Cove Road, Halifax

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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, **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 two previous dangerous or unsightly cases at the property and both cases were closed as owner compliance.

This case is a result of a service request received on September 11, 2018. The complainant noted the accessory structure was falling down and the roof had caved in.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the accessory structure (Case # 322143) located at 432 Herring Cove Road, Halifax.

**CHRONOLOGY OF CASE ACTIVITIES:**

24-Sep-2018 The Compliance Officer conducted a site inspection at 432 Herring Cove Road, Halifax, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted the accessory structure was missing both supports, windows and walls.

The Compliance Officer left a voicemail for the property owner advising of the violations and requesting a call back.

25-Sep-2018 The Compliance Officer received a phone call from the property owner who advised they were in the process of selling the property. The property owner advised they would have demolished the accessory structure however they had allowed the neighbor to store items in the structure and the neighbor has been refusing to remove the items. The Compliance Officer advised they would be moving towards a demolition request should the accessory structure not be repaired or demolished. The property owner requested any paperwork be forwarded to their lawyer.

26-Sep-2018 The Building Official submitted a structural integrity report (attached as Appendix C).

The overall comments regarding the structure are: “Significant collapse in eastern wall and roof section, rot throughout all load bearing members and sill. Building is nearly accessible along the entire outside, as sheathing is missing. Materials rotting at top of structure could pose threat to individuals below, even outside the building itself. Walls and beams rotting throughout. With the compromised roof, snow loads or even continual rain could cause what remains of the structure to collapse. Extensive repair to structure, replacing of all trusses and sheathing, and providing a suitable foundation would be required at minimum in order to maintain this structure.”

10-Oct-2018 The Compliance Officer conducted a site inspection and noted a wall of the structure had failed and was now allowing access to the interior.

The Compliance Officer left a voicemail for the property owner advising the structural integrity report indicated the structure is in a state of disrepair and that they would be moving forward to a request a demolition order. The Compliance Officer requested a call back. An email was also sent to the property owner advising of the open access violation.

11-Oct-2018 The Compliance Officer received a call from the property owner advising the property had been sold and that they would provide the new owner’s contact information via email.

The Compliance Officer received an email containing the new property owner’s contact information.

The Compliance Officer left a voicemail for the new property owner’s lawyer and requested a call back.

- 23-Nov-2018 The Compliance Officer spoke to the new property owner's lawyer regarding the violations. The lawyer advised that to date, they have been unsuccessful in having the neighbor remove their items from the accessory structure.
- The Compliance Officer sent an email to the lawyer providing information on how to obtain a demolition permit and recommended that they bring the property to compliance as soon as possible.
- The Compliance Officer also stated that an Order would be issued for the open access violation and be managed under a separate case.
- 27-Nov-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 30-Nov-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- The Compliance Officer sent an email to the lawyer reiterating the requirements to bring the property into compliance.
- 04-Dec-2018 The Compliance Officer received numerous messages from the neighbor of the property owner who was upset as they felt they had squatter's rights to the structure as they had been using it for years to store items.
- 05-Dec-2018 The Compliance Officer spoke to the neighbor of the property owner and advised that their concerns would be a civil matter between the property owner and the neighbor. The neighbor asked the Compliance Officer to provide their contact information to the new property owner.
- The Compliance Officer provided the contact information to the parties as requested.
- 06-Dec-2018 The Compliance Officer spoke to the property owner about the violation and advised that HRM would be proceeding to request a demolition order for the accessory structure. The Compliance Officer also provided information on how the individual could obtain a demolition permit.
- 07-Dec-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 02-Jan-2019 The Compliance Officer posted the Notice to Appear (attached as Appendix D) at the property. A copy of the Notice was also 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**

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 September 26, 2018
- Appendix D: Copy of the Notice to Appear dated January 2, 2019

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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: Carrie Butler, Compliance Officer II, By-law Standards, 902.476.1080

**ORIGINAL SIGNED**

Report Approved By:

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Tanya Phillips, Program Manager, By-law Standards 902.490.4491

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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.

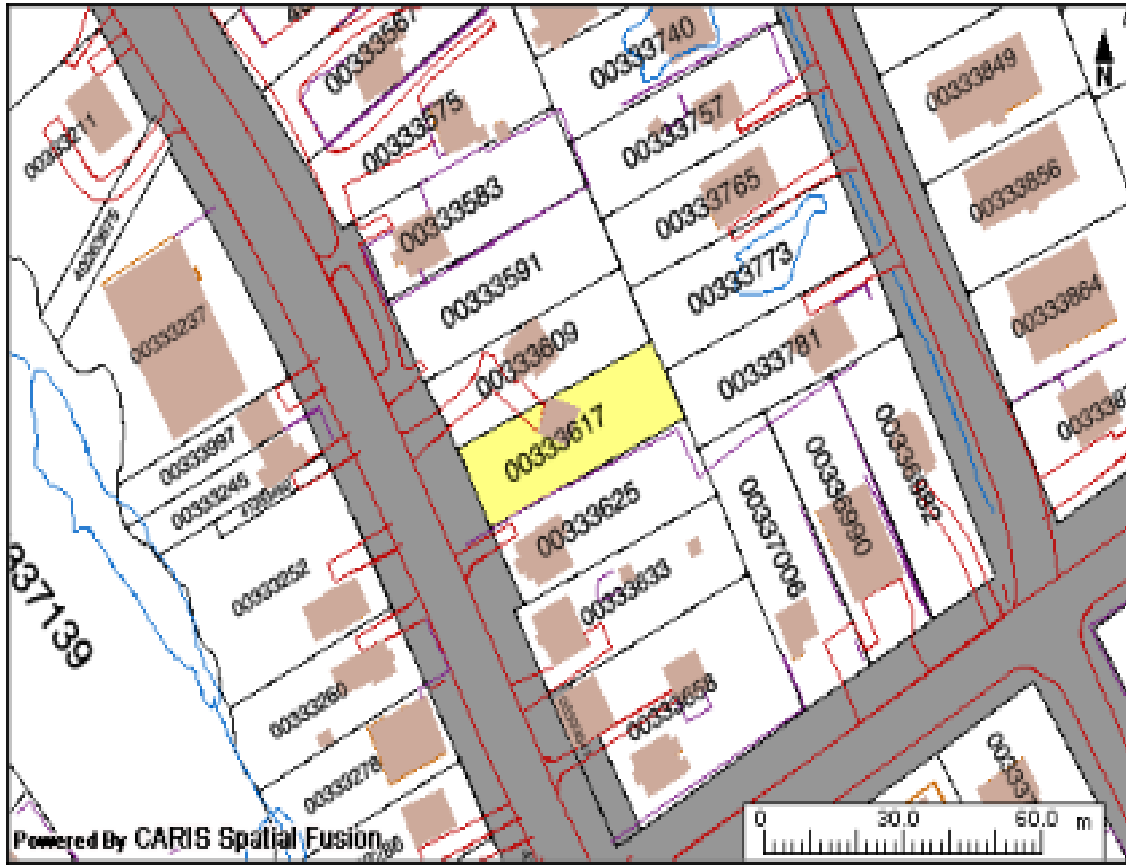
HRM Charter, subsection 3(q) as follows:

- (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;



### Property Online Map

Date: Dec 19, 2018 11:07:23 AM



|            |                   |          |                                  |        |                                     |
|------------|-------------------|----------|----------------------------------|--------|-------------------------------------|
| PID:       | 00333617          | Owner:   | WILLIAM VLAHOS                   | AAN:   | 03983242                            |
| County:    | HALIFAX COUNTY    | Address: | 432 HERRING COVE ROAD<br>HALIFAX | Value: | \$57,000 (2018 RESIDENTIAL TAXABLE) |
| LR Status: | LAND REGISTRATION |          |                                  |        |                                     |

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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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 |
|------------------------------------|----------|-----------------|
| 430/432 Herring Cove Road, Halifax | 00333617 | 26/09/2018      |

| Building Feature                                       | Condition Relative to Habitability and Structural Integrity  |
|--|--|
| <b>Main Structure</b><br>(Right hand side of property) | Structure is a single story wood frame accessory building. Rough dimensions are approximately 22' x 21', and roughly 8' tall. Outside walls are OSB sheathing, with some intermittent horizontal and vertical boarding, and a few odd pieces of vinyl siding. Large portion of the exterior walls are significantly rotted, or missing in some cases. Bowing and buckling in walls can be seen on east face of the structure. Roof structure unable to be clearly determined. Building filled with collapsed materials and debris. Door to structure was locked, however, a large collapse in the eastern wall would allow access. Conditions of structure prevented prevent exploring the interior. Building appears to be mostly taking loading on the exterior corner columns, and to some degree, the debris inside the structure. |
| <b>Foundation</b>                                      | Unable to confirm any sort of foundation; building appears to sit directly on ground. 2"x8" sills, or possibly 8"x8" column laid in place of sill rotted along length of structure, and framing sinking into them.   |
| <b>Heating Appliances</b>                              | Unable to determine if any present.  |
| <b>Chimney</b>   | None present.  |
| <b>Roof</b>  | East side has nearly collapsed completely; large hole in both roof, and east wall.   |
| <b>Building Services</b>                               | Unable to determine if any present.  |

| Public Safety Considerations  |
|---|
| Significant collapse in eastern wall and roof section, rot throughout all load bearing members and sill. Building is nearly accessible along the entire outside, as sheathing is missing. Materials rotting at top of structure could pose threat to individuals below, even outside the building itself. Walls and beams rotting throughout. |

| Comments Regarding Repair or Demolition  |
|--|
| With the compromised roof, snow loads, or even continual rain could cause what remains of the structure to collapse, despite the. Extensive repair to structure, replacing of all trusses and sheathing, and providing a suitable foundation would be required at minimum in order to maintain this structure. |

|                                  |                        |                        |
|----------------------------------|------------------------|------------------------|
| Gregory Henwood                  | <b>Original Signed</b> | <b>Original Signed</b> |
| Building Official (please print) | 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:** 432 Herring Cove Road, Halifax; Nova Scotia;  
Hereinafter referred to as the "Property"  
Case#322143

**-and-**

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

**TO:** William Vlahos

**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 January 17, 2019 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 2 January 2019

**Original Signed**

Carrie Butler  
Compliance Officer  
902-476-1080

Scott Hill  
Administrator  
Halifax Regional Municipality