



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

Item No. 12.2.3
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: December 19, 2018

SUBJECT: **Order to Demolish – Case #305115, 6364 Seaforth Street, Halifax**

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 main 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 six previous dangerous or unsightly cases at the property. Three cases have been closed owner compliance and three have been closed with a remedy completed by HRM.

The property is zoned MU and a review of the Hansen database system shows there are no permits issued to the property owner for this property.

This case is a result of three service requests received on January 5, 2018. The complainants noted the structure is abandoned and part of the roof is caved in.

Six additional service requests have been received for the property.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated main building (Case # 305115) located at 6364 Seaforth Street, Halifax.

CHRONOLOGY OF CASE ACTIVITIES:

- 22-Jan-2018 The Compliance Officer conducted a site inspection at 6364 Seaforth Street, Halifax, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a structure with a partially missing roof.
- 24-Jan-2018 The Compliance Officer posted a Notice of Violation (Appendix C) at the property.
- 14-Mar-2018 The Compliance Officer left a voicemail for the property owner advising of the violation and providing contact information.
- 22-Mar-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 23-Mar-2018 The Compliance Officer posted a 30-day Order to Remedy for exterior maintenance (Appendix D) to the property. A copy was sent via registered mail to the property owner.
- 06-Apr-2018 The Compliance Officer spoke with a relative of the property owner who advised that the property owner is deceased. The family member advised that the family is aware of the violation and is willing to work with the Compliance Officer. The relative requested to see pictures of the property via email to understand the current condition of the property.
- 12-Apr-2018 The Compliance Officer emailed the relative the information they requested.
- 24-Apr-2018 The Compliance Officer received a phone call from the lawyer for the estate. The Compliance Officer provided the lawyer an overview of the violations and what is required to bring the property into compliance.
- 20-May-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.

The Compliance Officer contacted the family member requesting an update on the progress to date.
- 21-May-2018 The Compliance Officer received an email from the family member advising that they would provide an update in a few days.
- 29-May-2018 The Compliance Officer received an email from the family member advising that a contractor would be out at the property during the week to repair the roof.

- 18-Jun-2018 The Compliance Officer conducted a site inspection and noted the hole in the roof appeared to now be caving in and no progress had been made in repairing it.
- 19-Jun-2018 The Compliance Officer received an email from the family member who advised that they were waiting on a quote from a contractor for the repairs.
- 03-Aug-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- The Compliance Officer contacted the family member and asked for a timeline as to when the work would be completed.
- The Compliance Officer received an email from the relative advising they were inquiring with a different contractor.
- 11-Aug-2018 The Compliance Officer spoke with the executor of the property owner's will and the executor asked that a Building Official and Compliance Officer conduct a site inspection to see if the house is habitable as it has been abandoned for approximately 25 years.
- 11-Sep-2018 The Compliance Officer, Building Official and executor of the will conducted a joint site inspection of the property. The Compliance Officer noted no work had been completed at the property. There were a number of issues identified with the interior of the structure including: mold and the kitchen and bathroom facilities were in a state of disrepair. Extensive repairs would be required to bring the structure to a habitable standard.
- The Building Official submitted a structural integrity report for the main building (attached as Appendix E).
- The overall comments regarding the structure are: "The building is in a potential state of structural failure if left unmaintained, collapse of the rear of the roof system is occurring. Continuous weather exposure is causing an air quality concern and health risk due to black growth. Extensive repair is required to make the building habitable again as the building poses a health and safety risk."
- 13-Sep-2018 The Compliance Officer contacted the executor to advise of the structural integrity report.
- 17-Oct-2018 The Compliance Officer was contacted by the family member who requested a copy of the structural integrity report as well as pictures that were taken during the interior site inspection.
- 22-Oct-2018 The Compliance Officer provided the information as requested.
- 06-Nov-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 15-Dec-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 20-Dec-2018 The Compliance Officer posted the Notice to Appear (attached as Appendix F) at the property. A copy of the Notice was sent to the executor and family member.

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 Notice of Violation dated January 24, 2018
- Appendix D: Copy of the Order to Remedy for exterior maintenance dated March 23, 2018
- Appendix E: Copy of the Building Official's Report for the structure dated September 11, 2018
- Appendix F: Copy of the Notice to Appear for the structure dated December 20, 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: Brennan Hartling, Compliance Officer II, By-law Standards, 902.877.6742

ORIGINAL SIGNED

Report Approved By: _____
Tanya Phillips, Program Manager, By-law Standards 902.490.4491

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.

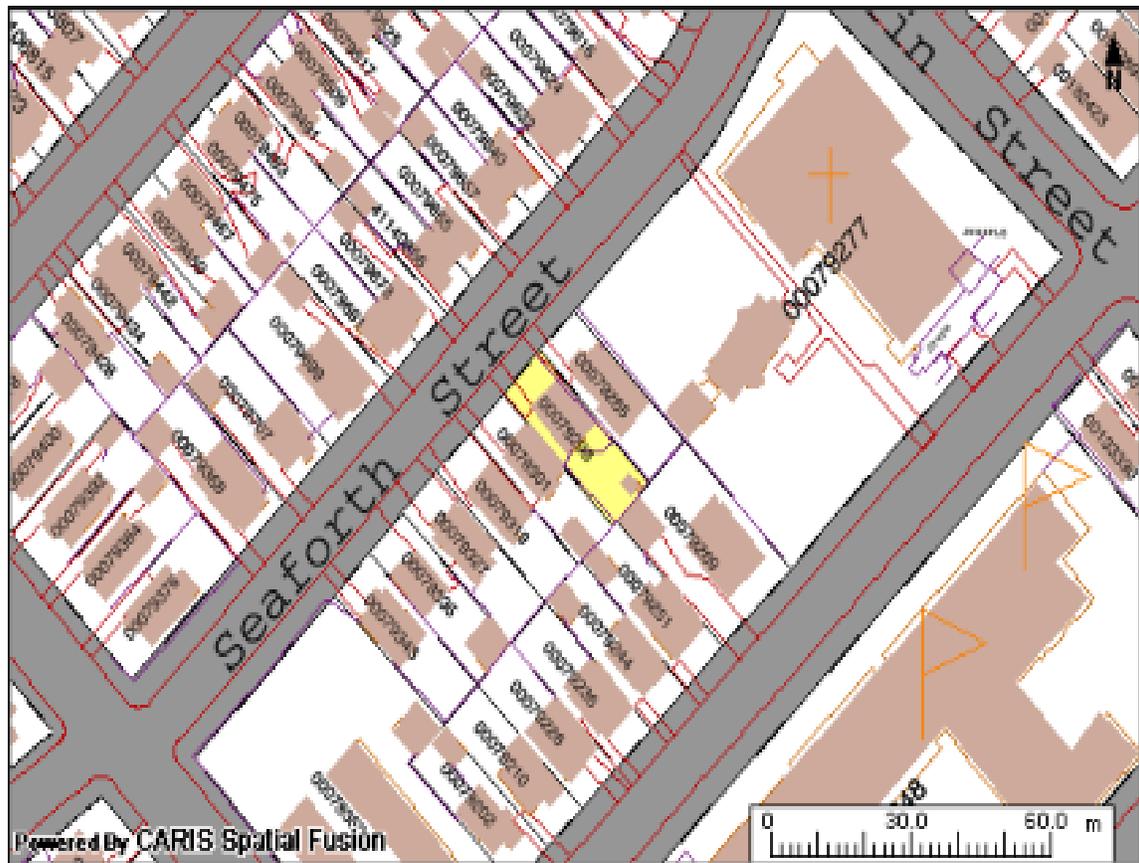
HRM Charter, subsection 3(q) as follows:

- (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 14, 2018 5:01:03 PM



PID:	00079293	Owner:	ALTHEA MYRTLE LITTLE	AAN:	01430114
County:	HALIFAX COUNTY	Address:	6364 SEAFORTH STREET	Value:	\$342,900 (2018 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION		HALIFAX		

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 6364 SEAFORTH DR

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 Unightly 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 dwelling in a state of disrepair including but not limited to; missing section of roof & fascia, soffit, shingles, tar paper, wood sheeting and other missing parts of the roof.

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

Repair the missing section of the roof.

Notice of Re-inspection:

A re-inspection will be performed on March 24th 2018 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.

Brennan Hacking
Issuing Officer

24/01/2018
Date (dd/mm/yy)

902-877-6742
Issuing Officer Phone Number

Time (hh/mm)

Original Signed

305115
Case Number

Issuing Officer Signature

HALIFAX

ORDER TO REMEDY DANGEROUS OR UNSIGHTLY PREMISES

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: Property located at 6364 SEAFORTH ST, HALIFAX, NS,
PID # 00079293 Tax # 1430114 Case # 305115
Hereinafter referred to as the "Property"

TO: ALTHEA M LITTLE
[REDACTED]

WHEREAS you are the owner(s) of the Property;

AND WHEREAS located on the Property is an unsightly or dangerous condition due to a lack of exterior maintenance to the dwelling resulting in damaged and rotten roof decking, missing flashing, missing shingles and missing underlayment and other deteriorating features including but not limited to the roof, in accordance with Section 3(q) of the Charter;

TAKE NOTICE that you are hereby Ordered to remedy the condition of the Property by repairing or replacing the damaged and rotten roof decking, missing flashing, missing shingles and missing underlayment and other deteriorating features including but not limited to the roof, so as to leave the Property in a neat, tidy, environmentally compliant and safe condition;

TAKE FURTHER NOTICE that you have the right to appeal this Order to the Appeals Standing Committee of the Halifax Regional Municipality ("HRM") by filing a Notice of Appeal with the Municipal Clerk by mail at City Hall, P.O. Box 1749, Halifax, NS, B3J 3A5 or by fax to (902) 490-4208, within seven (7) days after the Order is posted in a conspicuous place upon the Property or served upon you;

AND FURTHER TAKE NOTICE that your failure to comply with the requirements of this Order within thirty (30) days after service, the Administrator, or any person authorized by the Administrator, may enter upon the Property without warrant or other legal process and carry out the work specified in this Order.

AND FURTHER TAKE NOTICE that the costs of complying with this Order, including the cost of completing the work specified herein, incurred by the Halifax Regional Municipality ("HRM") or its agents, a debt payable by you to HRM and that HRM has a first lien on the Property in the amount of the debt which may be collected in the same manner and with the same rights and remedies as rates and taxes pursuant to the Charter;

AND FURTHER TAKE NOTICE that upon service of this Order any person who aids, assists, permits or causes a dangerous or unsightly condition or fails to comply with the terms of this Order is liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) and every day during which the condition is not remedied is a separate offense.

DATED at Halifax, Nova Scotia this 23rd of March, 2018 AD.

Original Signed

BRENNAN HARTLING
COMPLIANCE OFFICER
Phone: 902-877-6742 x

SCOTT HILL
Administrator
Halifax Regional Municipality

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
6364 Seaforth st.	00079293	September 11, 2018

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> Two storey wood frame residential building. Exterior is not weather tight, cladding is deteriorated rough sawn vertical boards. Rafter roof structure is in extreme distress and needs immediate repair. Upper walls are subject to failure due to roof failure.
Foundation	<ul style="list-style-type: none"> Typical concrete foundation supporting the superstructure appears structurally adequate.
Heating Appliances	<ul style="list-style-type: none"> Oil fired furnace functionality is unknown and the fuel supply tank potentially has oil within.
Chimney	<ul style="list-style-type: none"> Interior masonry chimney is concealed within walls, structural and functional state unknown.
Services	<ul style="list-style-type: none"> Electricity connected to building by overhead lines, municipal water piped to building.
Roof	<ul style="list-style-type: none"> Asphalt roofing is missing in areas, not secure and provides little protection to weather. Roof structure is in extreme distress and is in a state of failure.

Public Safety Considerations
<ul style="list-style-type: none"> The building is in a potential state of structural failure is left unmaintained, collapse of the rear of the roof system is occurring. Continuous weather exposure is causing an air quality concern and health risk due to black growth (mildew). The building shall not be entered by anyone without proper training and PPE.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> Extensive repair is required to make the building habitable again as the building poses a health and safety risk.

 Building Official (please print)	Original Signed Signature	Original Signed Supervisor's
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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: 6364 Seaforth Street, Halifax; Nova Scotia;
Hereinafter referred to as the "Property"
Case#305115

-and-

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

TO: Althea Myrtle Little

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 20 December 2018

Original Signed

Brennan Hartling
Compliance Officer
902-877-6742

 Scott Hill
Administrator
Halifax Regional Municipality