



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

Item No. 12.2.1
Appeals Standing Committee
February 14, 2019

TO: Chair and Members of Appeals Standing Committee

ORIGINAL SIGNED

SUBMITTED BY: _____
Penny J. Henneberry, Manager, Buildings and Compliance

DATE: February 5, 2019

SUBJECT: Order to Demolish – Case #319308, PID00648287, Smith Road, Bedford

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 has been one previous dangerous or unsightly case at the property. The case was closed as owner compliance.

The property is zoned RR 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 a service request received on October 10, 2018. The complainant noted the windows of the building have been smashed out and the building is not secure, badly deteriorated and is located on a piece of private land within Sandy Lake Park.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated structure (Case # 319308) located at PID 00648287, Smith Road, Bedford.

CHRONOLOGY OF CASE ACTIVITIES:

07-Nov-2018 The Compliance Officer conducted a site inspection at PID 00648287, Smith Road, Bedford, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted the structure had doors and windows removed, there were large holes in the roof and floor and the footings were no longer able to support the structure. There was also evidence of individuals being on site including graffiti, fire pits and broken beer bottles surrounding the structure.

The Compliance Officer left a voicemail for the property owner advising of the open case.

08-Nov-2018 The Compliance Officer left a voicemail for the property owner advising of the violation and requesting a call back.

09-Nov-2018 The Compliance Officer left a voicemail for the property owner advising that HRM would be proceeding to request a Demolition Order for the structure. The Compliance Officer left contact information and requested a call back.

The Compliance Officer conducted a joint site inspection with another Compliance Officer and noted no change to the condition of the property.

28-Nov-2018 The Compliance Officer conducted a joint site inspection with the Building Official and noted no change to the condition of the property.

The Building Official submitted a structural integrity report for the structure (attached as Appendix C).

The overall comments regarding the structure are: “All windows and doors removed, large holes in exterior walls, wooden cribbing rotted, leaning and losing structural adequacy, building leaning due to lack of support. Severe structural damage leaves very little to be recovered or renovated.”

10-Dec-2018 The Compliance Officer spoke with the property owner and advised of the violation and HRM’s process to request a demolition order. The property owner confirmed that the building has been frequently vandalized. The property owner advised they had no issue with demolishing the structure however they want to rebuild at the same location.

The Compliance Officer advised they would review the request and get back to the property owner with clarification on how to proceed.

- 13-Dec-2018 The Compliance Officer spoke to the property owner and advised they would need to speak to the Development Office about rebuilding in the same location. The property owner advised that they were concerned that they could not rebuild at this site. The Compliance Officer advised that HRM's was moving forward with the demolition order and reiterated that the property owners needs to speak to staff with Development Approvals about the potential to rebuild.
- 14-Dec-2018 The Compliance Officer received a phone call from the property owner who advised they were attempting to contact a Development Officer they were familiar with and requested to delay the request for a Demolition Order until January 2019.
- 18-Dec-2018 The Compliance Officer contacted the property owner and advised that if the property owner boarded up the building to secure it from public access that any immediate concern would be addressed. The property owner agreed to secure the structure.
- 19-Dec-2018 The Compliance Officer spoke with the property owner who advised they had secured the building. The property owner sent two photos via text message showing the work completed. The Compliance Officer advised that the case would be proceeding to the February 14, 2019 Appeals Standing Committing meeting to request a demolition order. This timeline provides the opportunity for the property owner time to speak with Development Approvals staff.
- 27-Dec-2018 The Compliance Officer conducted a site inspection and noted the building was secure there were no other changes to the property.
- 10-Jan-2019 The Compliance Officer left a voicemail for the property owner requesting a call back.
- 14-Jan-2019 The Compliance Officer received a voicemail from the property owner stating that they would have to apply for a development permit to rebuild on the same site. The property owner indicated they would not be tearing down the structure and requested a call back.
- 16-Jan-2019 The Compliance Officer spoke with the property owner and advised the property would be moving forward to the February 14, 2018 meeting of the Appeals Standing Committee. The Compliance Officer advised the property owner that they would be given the opportunity to speak at the meeting and explain the circumstances around the current state of the property.
- 04-Feb-2019 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.

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.

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 November 28, 2018
- Appendix D: Copy of the Notice to Appear dated February 4, 2019

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: Steve Boutilier, Compliance Officer II, By-law Standards, 902.240.4935

Report Approved By: **ORIGINAL SIGNED**
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:

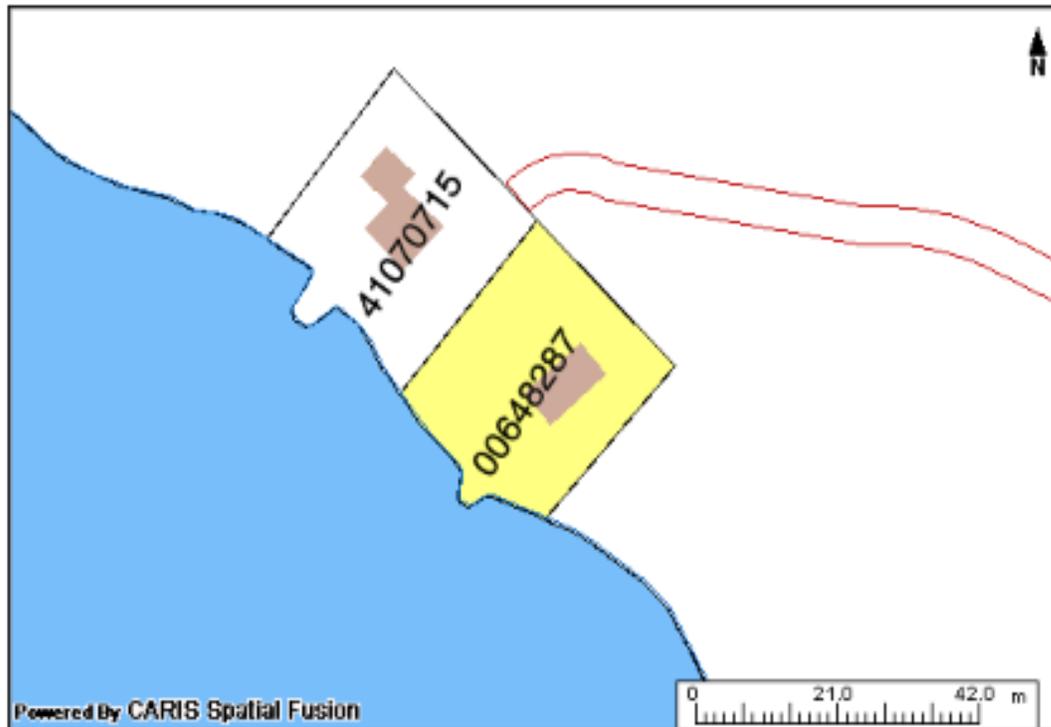
- 356 (1) Where a property is dangerous or unsightly, the Council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.
- (3) Where it is proposed to order demolition, before the order is made not less than seven days notice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

Property Online Map

Date: Feb 4, 2019 8:47:06 AM



PID:	00648287	Owner:	VISNJA PARKER	AAN:	02740869
County:	HALIFAX COUNTY		GREGORY PARKER	Value:	\$106,600 (2019 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION	Address:	SMITH ROAD BEDFORD		

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 No assigned civic – off of Sandy Lake Walking Trail	PID 00648287	Inspection Date November 28, 2018
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Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Wooden construction • Wooden shingle cladding, partly removed in areas • All windows and doors removed • Large holes in exterior walls • Holes in floor sheathing • Front deck collapsed
Foundation	<ul style="list-style-type: none"> • Wooden cribbing, rotted, leaning and losing structural adequacy. • Building leaning due to lack of support
Heating Appliances	<ul style="list-style-type: none"> • None
Chimney	<ul style="list-style-type: none"> • None • Parts of old the manufactured steel chimney are scattered around site
Roof	<ul style="list-style-type: none"> • Asphalt shingles, mostly deteriorated • Several holes through the roof sheathing
Building Services	<ul style="list-style-type: none"> • None

Public Safety Considerations
Holes in walking surface and failing roof structure could be hazardous to those who enter. Building is not secured and is an allurements. Building to be secured or removed.

Comments Regarding Repair or Demolition
Severe structural damage leaves very little to be recovered or renovated.

Brian Jones	Original Signed	Original Signed
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: PID 00648287 Smith Road, Bedford; Nova Scotia;
Hereinafter referred to as the "Property"
Case#319308

-and-

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

TO: Visnja Parker
Gregory Parker

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 February 14, 2019 in Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax, Nova Scotia, a copy of the report can be found Halifax.ca;

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 February 4, 2019

Steven Boutilier
Compliance Officer
902-240-4935

Original Signed

Scott Hill
Administrator
Halifax Regional Municipality