



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

**Item No. 12.2.1**  
**Appeals Standing Committee**  
**May 23, 2019**

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

**SUBMITTED BY:** **ORIGINAL SIGNED**  
Penny J. Henneberry, Manager, Buildings and Compliance

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**DATE:** May 16, 2019

**SUBJECT:** **Order to Demolish – Case #320766, 146 East River Road, Sheet Harbour**

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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 six previous dangerous or unsightly case at the property. Five of the cases were closed with a remedy being completed by HRM. One case remains open for the main dwelling and is under investigation.

The property is zoned RE (Rural Resource) 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 July 30, 2018. The complainant noted that the grass had not been mowed. Upon inspection of the property, the Compliance Officer determined that the accessory structure was in disrepair.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated accessory structure (Case # 320766) located at 146 East River Road, Sheet Harbour.

**CHRONOLOGY OF CASE ACTIVITIES:**

21-Aug-2018 The Compliance Officer conducted a site inspection at 146 East River Road, Sheet Harbour, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted an accessory structure on the property.

The Compliance Officer conducted a search of Hansen database records and was unable to locate contact information for the property owner.

25-Sep-2018 The Compliance Officer conducted a site inspection and noted that changes had occurred to the accessory structure including missing doors and holes in the walls.

26-Oct-2018 The Compliance Officer conducted a site inspection and noted the accessory structure had suffered possible vandalism and was now in a state of disrepair.

14-Nov-2018 The Compliance Officer conducted a site inspection and noted the rear wall of the accessory structure was missing and most of the cladding/sheathing was missing. A Notice of Violation (attached as Appendix C) was posted to the property.

The Compliance Officer conducted another search of multiple databases and was unable to locate contact information for the property owner.

Between 05-Dec-2018 to 08-Jan-2019

The Compliance Officer conducted three site inspections and noted no change to the condition of the property.

15-Jan-2019 The Building Official submitted a structural integrity report for the structure (attached as Appendix D).

The overall comments regarding the accessory structure are: “Due to the lack of structural support of the roof, climatic loading may cause structural failure.”

14-Mar-2019 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.

03-May-2019 The Compliance Officer conducted another search of database records and was unable to locate any contact information for the property owner.

08-May-2019 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.

15-May-2019 The Compliance Officer posted the Notice to Appear (attached as Appendix E) at the property.

### **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 November 14, 2018
- Appendix D: Copy of the Building Official's Report dated January 15, 2019
- Appendix E: Copy of the Notice to Appear dated May 15, 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: Logan Hamilton, Compliance Officer II, By-law Standards, 902.476.3072

Report Approved By: **ORIGINAL SIGNED**  
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.

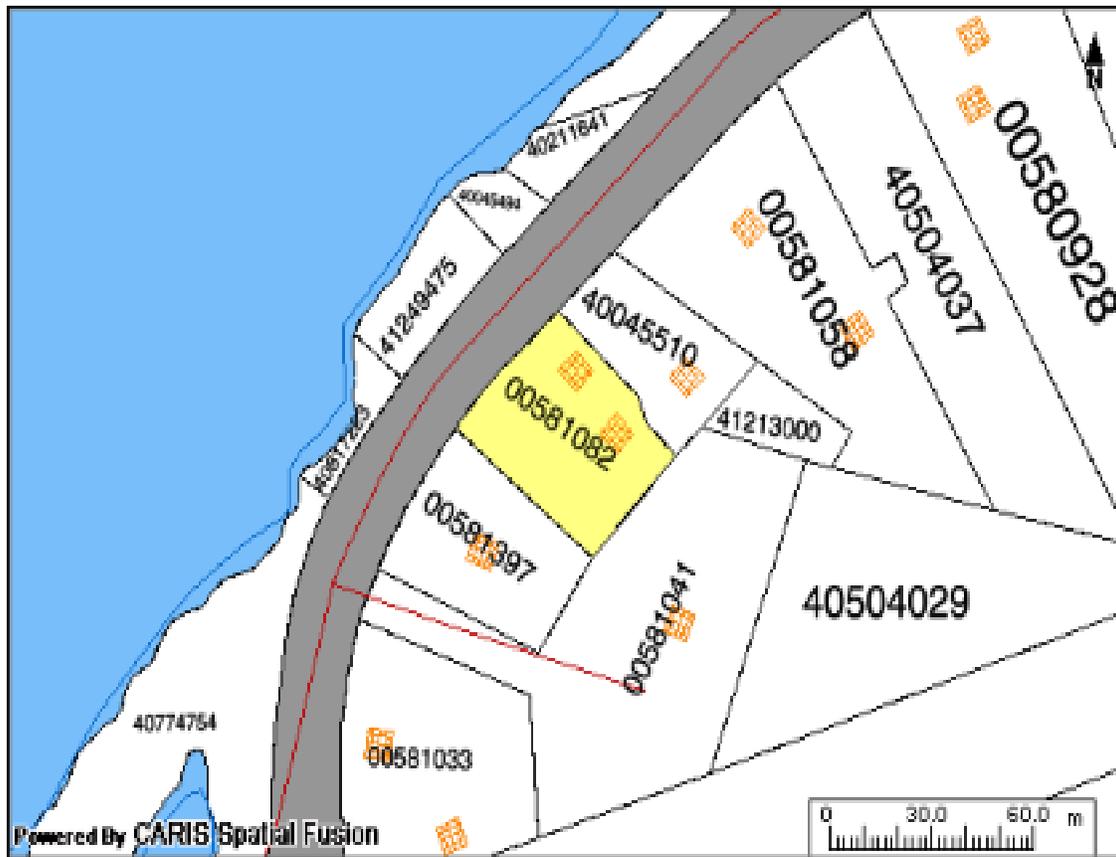
HRM Charter, subsection 3(q) as follows:

- (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: May 13, 2019 4:49:17 PM



PID: 00581082      Owner: SHERON OLGA METCALF      AAN: 02060795  
County: HALIFAX COUNTY      THOMAS OTTO REPRICH      Value: \$42,100 (2019 RESIDENTIAL TAXABLE)  
LR Status: LAND REGISTRATION      Address: 146 EAST RIVER ROAD SHEET HARBOUR

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 146 EAST RIVER ROAD  
or address SAFET HARBOUR

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):

A lack of exterior maintenance to the glassage structure including but not limited to rotten/missing window components, missing walls, missing siding, missing sheathing and cladding, missing doors, and other deteriorated features.

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

Repair or remove the above-noted violations.

Notice of Re-inspection:

A re-inspection will be performed on December 14/19 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.

Logan Hamilton  
Issuing Officer

14/11/2019  
Date (dd/mm/yy)

902 476 3072  
Issuing Officer Phone Number

13:30  
Time (hh/mm)

**Original Signed**  
Issuing Officer Signature

370766  
Case Number

**Appendix D**



**Building Official's Report**

Planning and Development  
 PO Box 1749  
 Halifax, NS B3J 3A5

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
146 East River Rd, Sheet Harbour	00581082	January 15, 2019

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> <li>- Approx. 12 x 20 Wood framed accessory building (Front will be considered the side facing the road)</li> <li>- The rear structural (east) wall is missing.</li> <li>- North wall at the rear has become detached from the floor/sill/foundation and is deflecting outward.</li> <li>- Floor shows signs of rot at edges near the rear.</li> </ul>
Foundation	- Building is level with little to no signs of settlement.
Heating Appliances	N/A
Chimney	N/A
Roof	<ul style="list-style-type: none"> <li>- Approximately 18 square feet of the roof cladding is missing at the rear of the building leaving the wood sheathing exposed to the elements</li> <li>- The structural walls at the Rear have been removed leaving no support for the roof.</li> <li>- Ridge Beam shows some deflection.</li> </ul>
Building Services	N/A

Public Safety Considerations
The building is open to trespassers Due to the lack of structural support of the roof, climatic loading may cause structural failure. Protruding nails throughout the building could cause injury.

Comments Regarding Repair or Demolition
Rear wall must be repaired/ replaced to provide proper support to the roof structure. Rear of the (north) side wall must be repaired to ensure proper structural support for the roof. The building envelope must be made weather tight. Roof cladding must be repaired where damaged. A building permit must be obtained before any structural repairs are undertaken.

Aidan Woodford	<b>Original Signed</b>	<b>Original Signed</b>
Building Official (please print)	signature	Supervisor's Initials



**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:** 146 East River Road, Sheet Harbour; Nova Scotia;  
Hereinafter referred to as the "Property"  
Case # 320766

**-and-**

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

**TO:** **Sheron Metcalf and Thomas Reprich**

**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 May 23, 2019 in Council Chambers, 3<sup>rd</sup> Floor, City Hall, 1841 Argyle Street, Halifax, Nova Scotia, a copy of the report can be found [Halifax.ca](http://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 accessory structure, 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 May 15, 2019.

**Original Signed**

Logan Hamilton  
Compliance Officer  
902-476-3072

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Erin Dobson  
Administrator  
Halifax Regional Municipality