



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

**Item No. 12.2.1**  
**Appeals Standing Committee**  
**September 12, 2019**

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

**SUBMITTED BY:** ORIGINAL SIGNED  
Conor O'Dea, Manager, Buildings and Compliance

**DATE:** September 6, 2019

**SUBJECT:** Order to Demolish – Case #329360, 34 Cranton Drive, Porters Lake

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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 no previous dangerous or unsightly case at the property.

The property is zoned R-A 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 May 27, 2019. The complainant noted concerns that the building was going to fall down.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated accessory structure (Case # 329360) located at 34 Cranton Drive, Porters Lake.

**CHRONOLOGY OF CASE ACTIVITES:**

04-Jun-2019 The Compliance Officer conducted a site inspection at 34 Cranton Drive, Porters Lake, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted an accessory structure on the property that had significant damage to the roof with the left side bowing out.

The Compliance Officer left a voicemail for the property owner advising of the site inspection and left details of the 30-day Notice of Violation (attached as Appendix C) that was posted to the property and requested a call back.

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

The overall comments regarding the accessory structure are: “The roof has collapsed in onto the interior spaces of the building. The roof system has exceeded its life expectancy and no longer is structurally adequate to safely support a structure. Building unstable and unsuitable for any person to enter. Abutting property has a garage roughly 10’-0” from garage in question.”

11-Jul-2019 The Compliance Officer conducted a site inspection and noted the violation remains.

The Compliance Officer contacted a sibling of the property owner who advised they had received the Notice of Violation and that the estate is not settled as there was no will and the matter is being addressed by a public trustee.

26-Aug-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 June 4, 2019
- Appendix D: Copy of the Building Official’s Report dated June 6, 2019
- Appendix E: Copy of the Notice to Appear dated August 26, 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: Brennen Hartling, Compliance Officer II, By-law Standards, 902.877.6742

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:

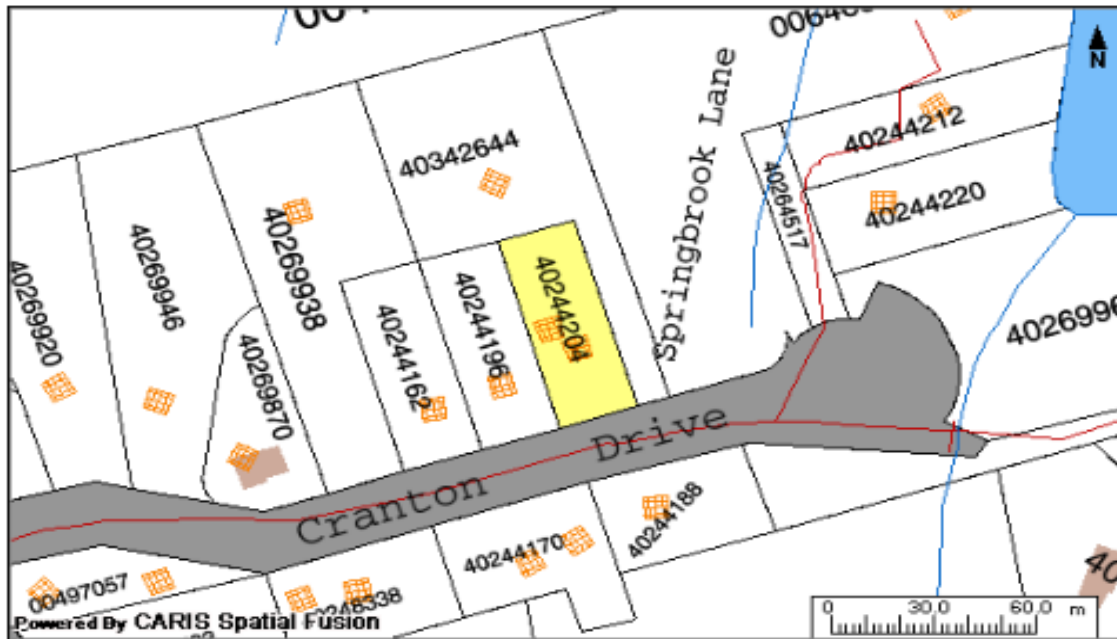
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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;

## Appendix B



### Property Online Map

Date: Aug 21, 2019 10:21:06 AM



PID:	40244204	Owner:	STEVEN MARK REID	AAN:	04800796
County:	HALIFAX COUNTY	Address:	34 CRANTON DRIVE	Value:	\$87,900 (2019 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION		PORTERS LAKE		

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 34 Cranston Dr.  
or address \_\_\_\_\_

This is to advise that you are in violation of the following municipal and/or provincial legislation:

- |   |   |
|---|---|
| <input type="checkbox"/> HRM By-law A-300 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 Unsightly 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 accessory structure resulting in the roof appearing to be in a deteriorated state. The roof is sagging, fascia and soffits rotted, side walls bowing and other deteriorating features.

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

Please repair deteriorated features by repairing roof, fascia, soffits, supporting walls

Notice of Re-inspection:

A re-inspection will be performed on July 4, 2019 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.

C. Butler  
Issuing Officer  
(902) 476-1080  
Issuing Officer Phone Number  
Original Signed  
Issuing Officer Signature

04.06.2019  
Date (dd/mm/yy)  
14:54  
Time (hh/mm)  
329360  
Case Number

For information on municipal legislation visit the Halifax Website at [www.halifax.ca/legislation](http://www.halifax.ca/legislation) or call the Citizen Contact Centre at 311. If calling outside the HRM but within NS call 1-800-835-6428 toll free.

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:

<b>Property Address</b>	<b>PID</b>	<b>Inspection Date</b>
34 Cranton Drive, Porters Lake	40244204	June 6, 2019

<b>Building Feature</b>	<b>Condition Relative to Habitability and Structural Integrity</b>
Main Structure	<ul style="list-style-type: none"> <li>• Wooden construction, Asphalt shingles, Vinyl Siding, metal frame windows</li> <li>• Roof has collapsed along ridge. Left and Right side walls are pushed outwards from the collapse of the roof. There are items resting on walls creating more force on the exterior walls.</li> <li>• Could not safely enter garage due to structural concerns. Garage roof did not fully collapse due to the bookshelf with wood placed on top supporting the ridge.</li> <li>• Soffits on both sides are open to the elements allowing water to enter the garage.</li> <li>• Front door is being pushed outwards from collapse and number of items resting along door.</li> </ul>
Foundation	<ul style="list-style-type: none"> <li>• Concrete foundation appears to be in good condition. Could not verify further due to all the items in garage.</li> </ul>
Heating Appliances	<ul style="list-style-type: none"> <li>• None</li> <li>• Could not verify any heating source on site</li> </ul>
Chimney	<ul style="list-style-type: none"> <li>• None</li> </ul>
Roof	<ul style="list-style-type: none"> <li>• Roof construction is wood with asphalt shingles that have surpassed their life expectancy.</li> <li>• The roof has collapsed in onto the interior spaces of the building.</li> <li>• The roof system has exceeded its life expectancy and no longer is structurally adequate to safely support a structure.</li> </ul>
Building Services	<ul style="list-style-type: none"> <li>• Electrical service only.</li> </ul>

<b>Public Safety Considerations</b>
<ul style="list-style-type: none"> <li>• Garbage and items in garage could pose a potential fire load risk.</li> <li>• Building unstable and unsuitable for any person to enter</li> <li>• Abutting property has a garage roughly 10'-0" away from garage in question.</li> </ul>

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

Clayton Barker Building Official (please print)	Original Signed _____ Signature	Original Signed _____ Supervisor's Initials
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**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:** 34 Cranton Drive, Porters Lake Nova Scotia;  
Hereinafter referred to as the "Property"  
Case # 329360

**-and-**

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

**TO:** Steven Mark Reid

**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 September 12, 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;

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 26<sup>th</sup> day of August, 2019.

Original Signed

Brennen Hartling  
Compliance Officer  
902-877-6742

Tanya Phillips  
Administrator  
Halifax Regional Municipality