



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

Item No. 12.2.2
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 #320978, 980 North Preston Road, North Preston

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 cases at the property. Two cases have been closed as owner compliance and two cases had a remedy completed by HRM. There are currently two cases pending remedy by HRM.

The main structure on the property is scheduled to be demolished as per the Demolition Order that was issued at the January 17, 2019 Appeals Standing Committee meeting. The Compliance Officer advised the property owner of the concerns related to the accessory structure during the investigation of the main structure. An Order to Remedy was initially issued to provide the property owner the options to either repair or remove the structure. The accessory structure remains in a state of disrepair.

The property is zoned RS and a review of the Hansen database system shows there has been one permit issued to a contractor who will be conducting work on behalf of HRM.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated accessory structure (Case # 320978) located at 980 North Preston Road, North Preston.

CHRONOLOGY OF CASE ACTIVITIES:

21-Nov-2018 The Compliance Officer conducted a site inspection at 980 North Preston Road, North Preston, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted that the deteriorated accessory structure was in a state of disrepair.

28-Nov-2018 The Compliance Officer posted a 7-day Order to Remedy (attached as Appendix C) to the property. A copy was sent via registered mail to the property owner.

07-Dec-2018 The Compliance Officer conducted a site inspection and noted the violation remains.

14-Dec-2018 The Compliance Officer spoke to the property owner regarding the violations and what was required to bring the property into compliance.

17-Jan-2019 The Compliance Officer conducted a site inspection and noted the violation still exists.

22-Feb-2019 The Compliance Officer conducted a site inspection and noted the violation still exists.

05-Mar-2019 The Compliance Officer left a voicemail for the property owner advising the violation remains and will be moving forward to request a Demolition Order.

09-May-2019 The Compliance Officer conducted a site inspection and noted the violation still exists.

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

The overall comments regarding the structure are: “Structure is noticeably leaning on the south side. Structure is in very poor condition and is inaccessible. There is broken glass and other debris in the immediate area and the property is located directly across from a public school. Demolition is recommended as the structure is compromised and poses a public safety risk.”

26-Aug-2019 The Compliance Officer posted the Notice to Appear (attached as Appendix E) 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 impacts 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 7-day Order to Remedy dated November 28, 2018
- Appendix D: Copy of the Building Official's Report dated June 7, 2019
- Appendix E: Copy of the Notice to Appear dated August 26, 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: Brennan 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

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.

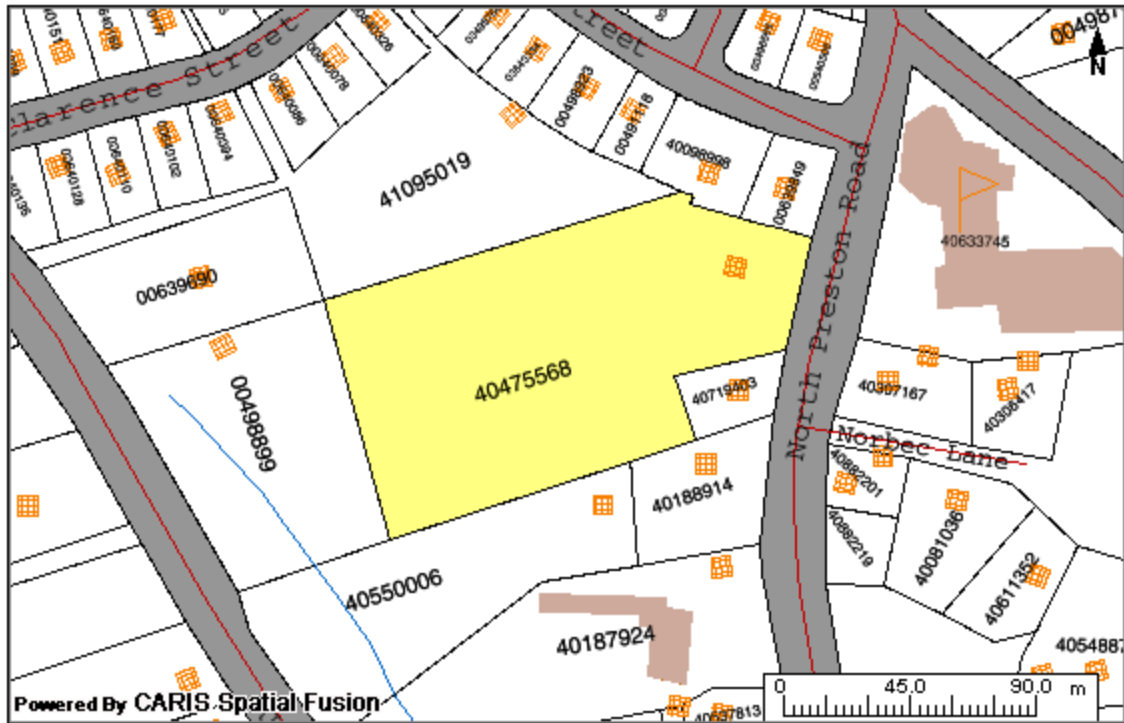
HRM Charter, subsection 3(q) as follows:

- (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: Aug 23, 2019 11:12:12 AM



PID: 40475568	Owner: GEORGE H GRANT EVANGELINE GRANT	AAN: 00590649
County: HALIFAX COUNTY	Address: 980 NORTH PRESTON ROAD NORTH PRESTON	Value: \$87,000 (2019 RESIDENTIAL TAXABLE)
LR Status: NOT 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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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 980 NORTH PRESTON RD, NORTH PRESTON, NS,
PID # 40475568 Tax # 590649 Case # 320978
Hereinafter referred to as the "Property"

TO: EVANGELINE GRANT
281 B WOODFIELD RD, TORONTO, ON, M4L 2W9
GEORGE H GRANT
281 B WOODFIELD RD, TORONTO, ON, M4L 2W9

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 shed resulting in deteriorating wood and failing wooden components including but not limited to exterior walls, floor joists, floor boards, trims, rafters, studs, holes in roof and other deteriorating features, 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 removing the shed and contents, 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 seven (7) 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, is 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 28th of November, 2018 AD.

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

Original Signed
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
980 North Preston Rd. North Preston	40475568	June 7/2019

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Single storey wood frame shed. • Structure is noticeably leaning on the south side. • Windows and door are missing and partially boarded up, allowing entry of wildlife. • Walls are missing siding and the exposed sheathing is in varying stages of decay. • The structure is inaccessible to the interior as the doorway is boarded over.
Foundation	<ul style="list-style-type: none"> • Structure is resting on concrete blocks that have settled, causing the shed to lean.
Heating Appliances	<ul style="list-style-type: none"> • None
Chimney	<ul style="list-style-type: none"> • None
Roof	<ul style="list-style-type: none"> • Asphalt shingles are in very worn and some are missing exposing rotten wood below.
Building Services	<ul style="list-style-type: none"> • None

Public Safety Considerations
<ul style="list-style-type: none"> • Structure is in very poor condition and is inaccessible. There is broken glass and other debris in the immediate area and the property is located directly across the road from a Public School.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> • Demolition is recommended as the structure compromised and poses a public safety risk.

STEPHEN SAWORD 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: 980 North Preston Road, North Preston; Nova Scotia;
Hereinafter referred to as the "Property"
Case # 320978

-and-

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

TO: Evangeline and George Grant

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, 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 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 August 26, 2019.

Original Signed

Brennen Hartling
Compliance Officer
902-877-6742

Tanya Phillips
Administrator
Halifax Regional Municipality