



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

Item No. 12.2.1
Appeals Standing Committee
December 12, 2019

TO: Chair and Members of Appeals Standing Committee

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

DATE: November 21, 2019

SUBJECT: Order to Demolish – Case #338716, 42 Fox Point Lane, Lawrencetown

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 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 has been one previous dangerous or unsightly case at the property; the case was a result of open access to the structure.

The property is zoned RR-1 (Rural Residential Zone) 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 22, 2019. The complainant noted an old cottage that had not been occupied in 10 years and was unsightly.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated main structure (Case # 332757) located at 42 Fox Point Lane, Lawrencetown.

CHRONOLOGY OF CASE ACTIVITIES:

- 22-Jul-2019 The Compliance Officer conducted a site inspection at 42 Fox Point Lane, Lawrencetown, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a vacant property with the front door boarded up. Several sections of the structure had open access due to structural failure and collapse.
- 24-Jul-2019 The Compliance Officer spoke with the property owner and advised of the complaint received and what was required to bring the property into compliance. The property owner advised that the building was received through inheritance and has not been occupied or maintained for 17 years. The Compliance Officer advised that the priority would be to take care of the open access and that due to the deteriorated condition of the structure, HRM would be pursuing a Demolition Order through the Appeals Standing Committee. The property owner advised they have considered demolishing the structure and the Compliance Officer advised that a demolition permit is required before the work can be completed.
- The Compliance Officer conducted a site inspection and noted the violation remains.
- 29-Jul-2019 The Compliance Officer received a voicemail from the property owner advising they had secured the open access to the structure.
- 31-Jul-2019 The Compliance Officer conducted a site inspection and noted the violation still exists.
- 8-Aug-2019 The Building Official submitted a structural integrity report for the structure (attached as Appendix D).
- The overall comments regarding the main structure are: “The floor is sinking towards the middle of the house-indicating a loss of structural support. Building is unstable and unsuitable for any person to enter. Severe structural and weather damage leaves very little to be recovered or renovated.”
- 02-Nov-2019 The Compliance Officer conducted a site inspection and noted the violation remains.
- 04-Nov-2019 The Compliance Officer spoke to the property owner who advised that there is someone interested in purchasing the property. The Compliance Officer updated the property owner that the case was moving forward to the Appeals Standing Committee to request a Demolition Order.
- 28-Nov-2019 The Compliance Officer posted the Notice to Appear (attached as Appendix D) 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 Building Official's Report dated August 8, 2019
- Appendix D: Copy of the Notice to Appear dated November 28, 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: Christine Fox, Compliance Officer II, By-law Standards, 902.476.1205

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:

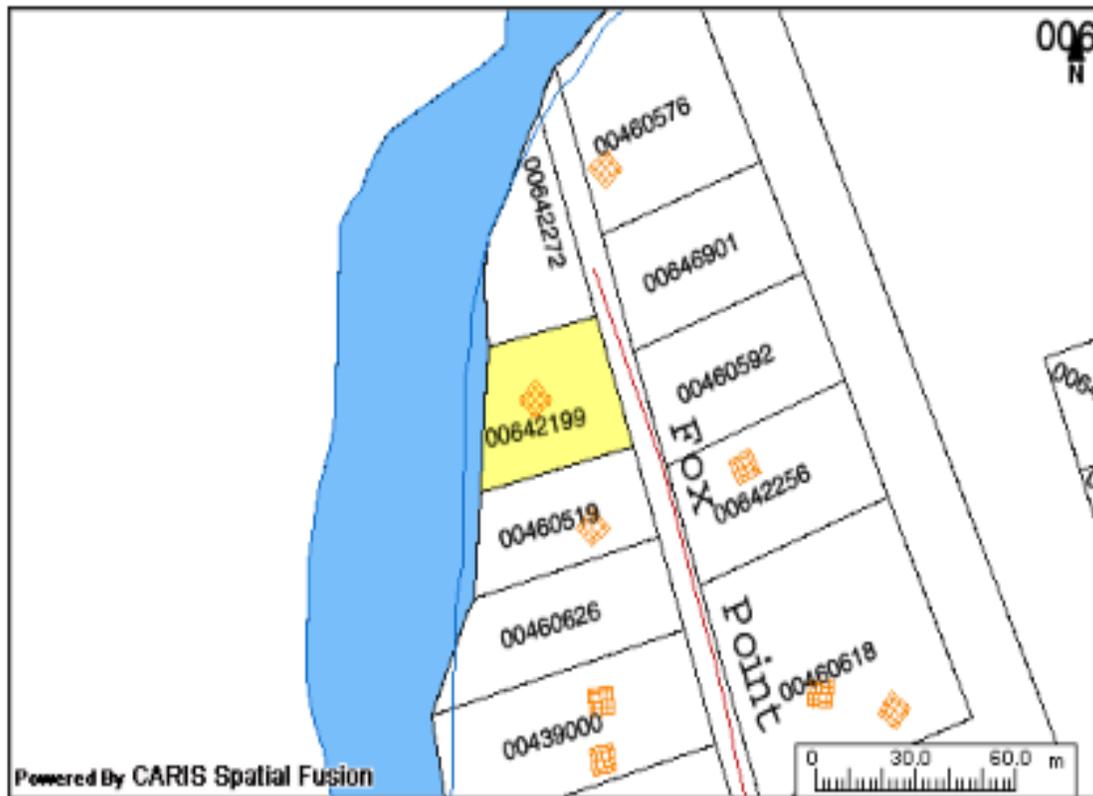
- 356 (1) Where a property is dangerous or unsightly, the Council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.
- (3) Where it is proposed to order demolition, before the order is made not less than seven days notice 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: Nov 18, 2019 11:22:01 AM



PID:	00642199	Owner:	JOSEPH GUY LAWSON	AAN:	02471329
County:	HALIFAX COUNTY		DONALD JAMES LAWSON JR	Value:	\$105,300 (2019 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION	Address:	42 FOX POINT LANE LAWRENCETOWN		

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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Appendix C



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
42 Fox Point Lane	00642199	Aug 8,2019

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • single storey wood frame • windows are broken or missing, and the soffit/facia is open allowing entry of climatic elements and wildlife. • Rear Entry Landing and stairs are collapsed • Could not safely enter the building due to structural concerns • The floor is sinking towards the middle of the house – indicating a loss of structural support
Foundation	<ul style="list-style-type: none"> • Could not determine, building appears to have sunk into the ground, causing the building to lean towards the rear of the property.
Heating Appliances	<ul style="list-style-type: none"> • Could not be determined as entering the building was unsafe.
Chimney	<ul style="list-style-type: none"> • masonry chimney that is leaning, it appears that the house has sunk around the chimney.
Roof	<ul style="list-style-type: none"> • roof construction is wood and asphalt shingles that are at the end of their life expectancy and is failing, from the inside out.
Building Services	<ul style="list-style-type: none"> • power lines go to the building, but it appears the power is cut off. • Could not find evidence of proper sewage disposal.

Public Safety Considerations
<ul style="list-style-type: none"> • Building unstable and unsuitable for any person to enter

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

Greg Jeans	Original Signed	Original Signed
Building Official (please print)	 Signature	Supervisor's Initials

Form Jan 2016

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: 42 Fox Point Lane, Lawrencetown, Nova Scotia;
Hereinafter referred to as the "Property"
Case # 338716

-and-

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

TO: **Joseph Guy Lawson**
Donald James Lawson Jr

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 December 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 28th day of November 2019.

Original Signed

Christine Fox
Compliance Officer
902-476-1205


Scott Hill
Administrator
Halifax Regional Municipality