

HALIFAX

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

Item No. 12.2.2
Appeals Standing Committee
December 12, 2019

TO: Chair and Members of Appeals Standing Committee

Original Signed

SUBMITTED BY: Tanya Phillips, Acting Manager, Buildings and Compliance

DATE: November 14, 2019

SUBJECT: Order to Demolish – Case #330729, 9279 Highway 7, Head of Jeddore

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 have been no previous dangerous or unsightly cases at the property.

The property is zoned MU (Mixed Use 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 June 18, 2019. The complainant noted the property was abandoned and that a hole had developed on the side of the home and was getting larger.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated main structure (Case # 330729) located at 9279 Highway 7, Head of Jeddore.

CHRONOLOGY OF CASE ACTIVITIES:

19-Jun-2019 The Compliance Officer conducted a site inspection at 9279 Highway 7, Head of Jeddore, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a main structure in total disrepair with a large hole in the side of the building due to the rotten wood.

The Compliance Officer was unable to contact the property owner as the phone number was no longer in service.

The Compliance Officer posted a 30-day Notice of Violation (attached as Appendix C) to the property.

08-Aug-2019 The Compliance Officer conducted a site inspection and the violation remains.

15-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: “Left hand side of the building has a hole through the wall to the interior of the building. Also portion of left-hand side wall has rotten wooden members are at risk of total collapse along this side. Building has been open to elements for many years leaving very little to be salvaged. Severe structural and weather damage leaves very little to be recovered or renovated.”

20-Nov-2019 The Compliance Officer conducted a site inspection and noted the violation remains.

28-Nov-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 19, 2019
- Appendix D: Copy of the Building Official's Report August 12, 2019
- Appendix E: 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: Doug Teeft, Compliance Officer II, By-law Standards, 902.229.1698

Report Approved By:

Original
Signed

Andrea MacDonald, Manager, License Standards 902.490.7371

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.

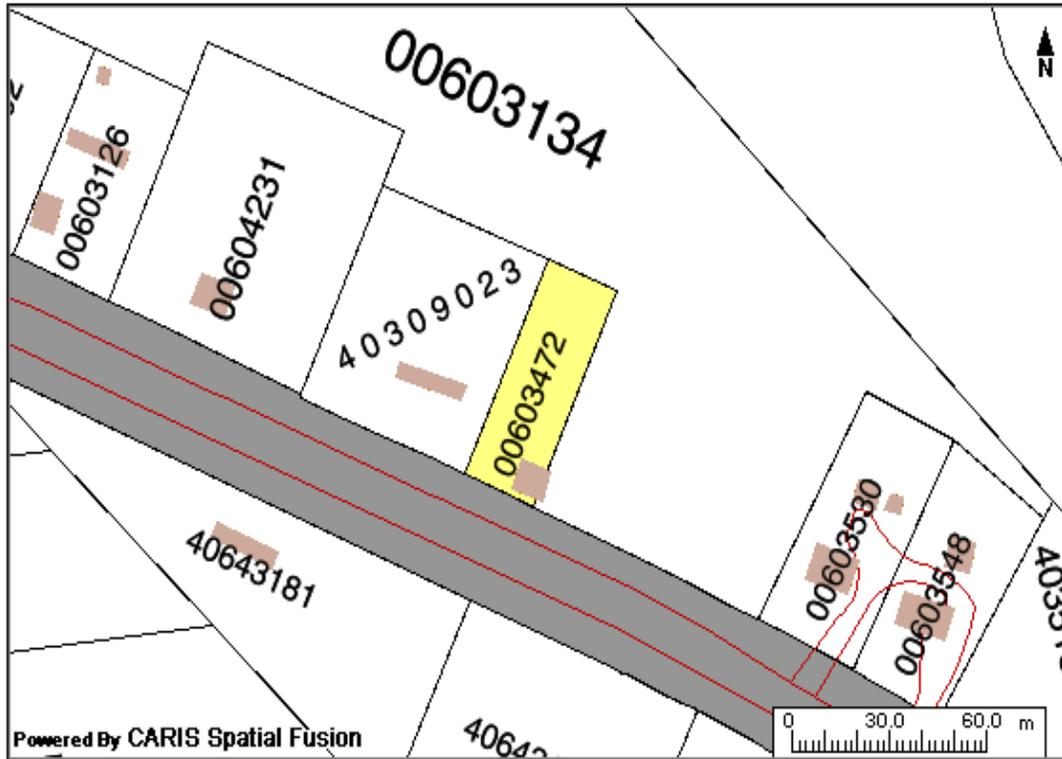
HRM Charter, subsection 3(q) as follows:

- (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: Nov 19, 2019 9:39:59 AM



PID:	00603472	Owner:	DANA ANDREW SAULNIER	AAN:	04145186
County:	HALIFAX COUNTY	Address:	9279 HIGHWAY 7	Value:	\$18,800 (2019 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION		HEAD OF JEDDORE		

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 _____
or address 9279 Highway 7

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 Unsanitary 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):

Condition of building is beyond repair
support walls are badly rotted and structure
is no longer safe to enter

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

The above structure is to be made safe or be
demolished within 30 days

Notice of Re-inspection:

A re-inspection will be performed on July 19 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.

D Teofc
Issuing Officer

902-229-1698
Issuing Officer Phone Number

Original Signed

19/6/19
Date (dd/mm/yy)

3:00 PM
Time (hh/mm)

330729
Case Number

Appendix D



Building Official's Report

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

In 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 9279 Highway 7	PID 00603472	Inspection Date August 12, 2019
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Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Wood frame construction. With many smaller additions added on over the years. • Some newer vinyl windows and old style single pane glass wood frame windows. • Mixture of siding, vinyl, metal and shakes. • Left hand side of the building has a hole through the wall to the interior of the building. Also portion of left-hand side wall has rotten wooden members are at risk of total collapse along this side. • Could not safely enter building due to structural concerns. • Building has been open to elements for many years. Leaving very little to be salvaged.
Foundation	<ul style="list-style-type: none"> • Could not determine due to building appears to have sunk into the ground. Causing the building to have a lean towards the rear of the property.
Heating Appliances	<ul style="list-style-type: none"> • 1 oil furnace (no oil tank on site) • 1 wood stove • Both heating appliances appeared to have not been in use.
Chimney	<ul style="list-style-type: none"> • 1 towards the rear appeared to be serving an old furnace. • 1 in the middle of the building appeared to have served a wood stove.
Roof	<ul style="list-style-type: none"> • Roof construction is wood with asphalt shingles that have surpassed their life expectancy. • Areas where shingles are missing it is open to the elements many leaks and holes in the roof sheathing, causing leaks which are leading to the interior ceilings to fail. • Where roof is unsupported it appears, the roof is sagging into the building.
Building Services	<ul style="list-style-type: none"> • No power on site • Could not find evidence of proper sewage disposal

Public Safety Considerations
<ul style="list-style-type: none"> • Garbage and items in garage could pose a potential fire load risk. • With the large hole on the left-hand side the building can be entered and could pose potential safety risk. • Property is right off the main road and should be fenced to prevent access. • Debris is scattered around the property.

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

Clayton Barker	Original Signed	Original Signed
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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: 9279 Highway 7, Head of Jeddore, Nova Scotia;
Hereinafter referred to as the "Property"
Case # 330729

-and-

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

TO: Dana Andrew Saulnier

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 main 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

Doug Teeft
Compliance Officer
902-229-1698


Scott Hill
Administrator
Halifax Regional Municipality