



P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 12.2.3**  
**Appeals Standing Committee**  
**February 13, 2020**

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

Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Tanya Phillips, Program Manager, By-law Standards

**DATE:** January 31, 2020

**SUBJECT:** Order to Demolish – Case #340499, 954 North Preston Road, North Preston

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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:**

In addition to this case, there is one additional dangerous or unsightly case at the property for debris violations. The debris violations are being managed by the Compliance Officer under a separate case.

The property is zoned RS (Rural Settlement) and a review of the Hansen database system shows that a demolition permit 146092 was issued to the property owner and expired on July 31, 2015. This permit was for another structure that was previously on the property.

This case is a result of a service request received on May 2, 2019. The complainant noted debris at the property.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the accessory structure known as the barn (Case # 340499) located at 954 North Preston Road, North Preston.

**CHRONOLOGY OF CASE ACTIVITIES:**

- 08-May-2019 The Compliance Officer conducted a site inspection at 954 North Preston Road, North Preston, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a deteriorated accessory structure that appeared to be used as a barn.
- 19-Dec-2019 The Compliance Officer conducted a site inspection and noted a cinder block structure with failing roof and walls and large holes in the cement cinder blocks. In addition, the Compliance Officer noted debris violations.
- The property owner was onsite during the site inspection. The property owner advised the Compliance Officer that they were aware the debris needed to be removed and that the bulk of the debris resulted from the collapsed barn. The property owner further advised the Compliance Officer that they wanted to keep the current accessory structure to house chickens.
- 9-Jan-2020 The Building Official submitted a structural integrity report for the structure (attached as Appendix C).
- The overall comments regarding the structure are: “Observations of this structure were made from the exterior as the building was deemed unsafe to enter and to not upset the owner any more than necessary. The building is in an advanced state of decay and there is little, or nothing left to renovate as lack of maintenance has allowed climatic elements to penetrate the buildings envelope.”
- 18-Jan-2020 The Compliance Officer tried to contact the property owner by telephone but was unable to leave a message as the voice mail was full.
- 28-Jan-2020 The Compliance Officer posted the Notice to Appear (attached as Appendix D) at the property.
- 29-Jan-2020 The Compliance Officer spoke with the property owner to advise that the Notice to Appear had been posted and explained the process for the Appeals Standing Committee. The Compliance Officer also advised that they would be on site next week for the debris violations and could speak directly with the property owner if they had further questions.

**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 December 20, 2019
- Appendix D: Copy of the Notice to Appear dated January 28, 2020

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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: Steve Boutilier, Compliance Officer II, By-law Standards, 902.240.4935

Original Signed

Report Approved By: \_\_\_\_\_  
Andrea MacDonald, Program Manager, License Standards 902.490.7371

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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:

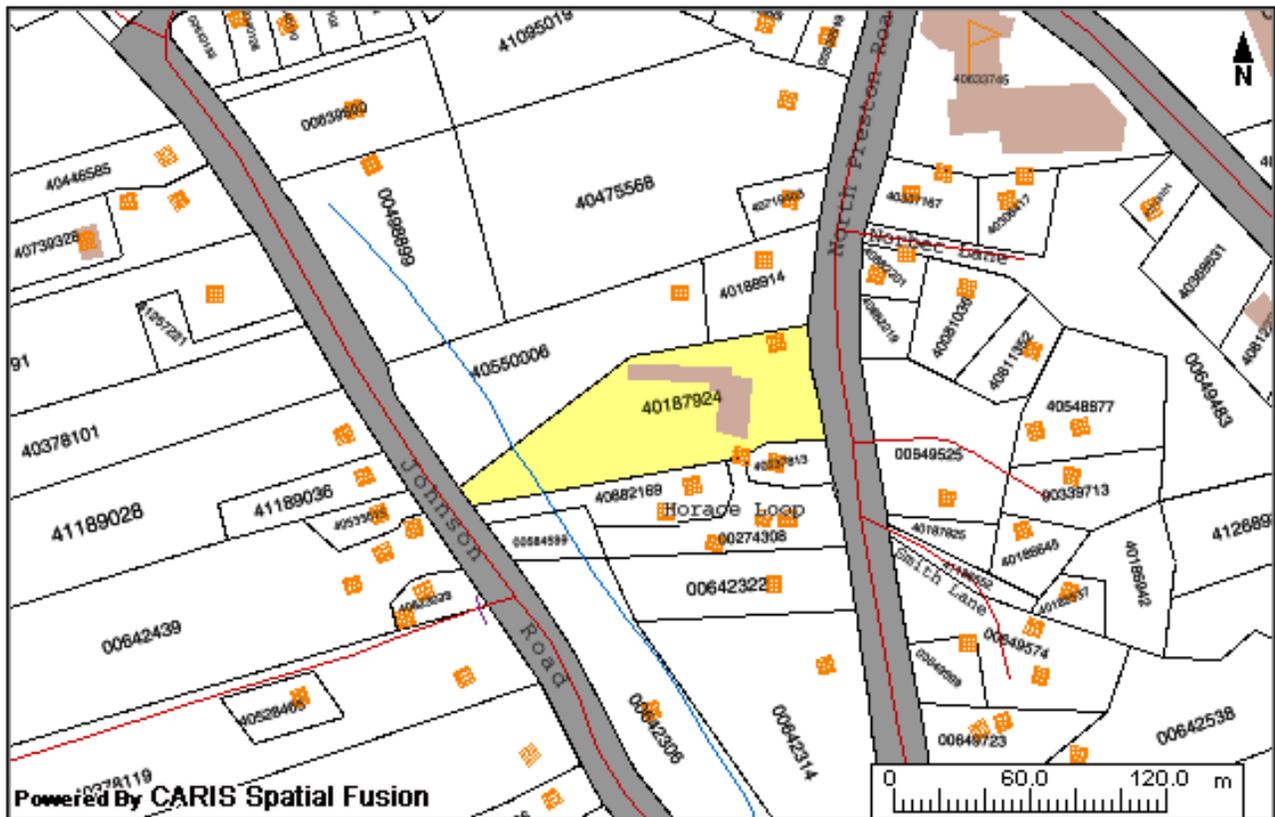
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: Jan 13, 2020 12:46:35 PM



PID:	40187924	Owner:	PRISCILLA SMITH	AAN:	04326245
County:	HALIFAX COUNTY		CHERNESTE NEANTRECE SMITH	Value:	\$56,500 (2019 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION		ELSON VANNIE SMITH		
		Address:	BERNESTA ROBERTA SMITH		
			954 NORTH PRESTON ROAD		
			NORTH PRESTON		

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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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>
954 North Preston Road, North Preston	[REDACTED]	20/12/2019

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> <li>Single storey masonry accessory building. Owner says was previously used a "Pig Barn".</li> <li>Cinder blocks are decaying, cracked and have many holes throughout.</li> <li>Building is used as storage shed/work shop says owners' son</li> </ul>
Foundation	<ul style="list-style-type: none"> <li>Foundation is undetermined</li> </ul>
Heating Appliances	<ul style="list-style-type: none"> <li>Oil heat source is undetermined.</li> <li>Tank located on right side of structure</li> <li>The tank is empty</li> <li>Oil tank is in fair condition, has minor rust spots.</li> </ul>
Chimney	<ul style="list-style-type: none"> <li>Metal chimney is in place, this chimney is not capped or in good repair.</li> </ul>
Roof	<ul style="list-style-type: none"> <li>Stick framed shed (slant) roof</li> <li>Wood members are rotted or broken.</li> <li>Asphalt flat roof, un able to determine condition due to snow coverage.</li> <li>Soffit coverings have fallen from all eaves on structure.</li> </ul>
Building Services	<ul style="list-style-type: none"> <li>Owner says building is wired, unable to locate any hook ups.</li> </ul>

Public Safety Considerations
The building does pose a danger to the public as portions of the masonry construction are in a state of collapse and the wooden elements of the structure show evidence of rot. The building should be secured immediately to prevent access.

Comments Regarding Repair or Demolition
Observations of this structure were made form the exterior as the building was deemed unsafe to enter and to not upset the owner any more than necessary. The building is in an advanced state of decay and there is little, or nothing left to renovate as lack of maintenance has allowed climatic elements to penetrate the buildings envelope.

<i>Brandon Clarke</i>	[REDACTED]	[REDACTED]
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:** 954 North Preston Road, North Preston; Nova Scotia;  
Case # 340499;  
Hereinafter referred to as the "Property"

**-and-**

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

**TO:** **Prescilla Smith**  
**Cherneste Smith**  
**Bernesta Smith**  
**Elson Smith**

**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 February 13, 2020 in the Council Chambers, 3<sup>rd</sup> Floor, City Hall, 1841 Argyle Street, Halifax, Nova Scotia, a copy of the report can be found on 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 28<sup>th</sup> of January 2020

Steve Boutilier  
Compliance Officer  
902.240.4935

  
Scott F...  
Administrator  
Halifax Regional Municipality