



P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 7.2.1**  
**Appeals Standing Committee**  
**December 10, 2020**

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

**SUBMITTED BY:** Conor O’Dea, Manager, Buildings and Compliance

Original Signed

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**DATE:** November 30, 2020

**SUBJECT:** Order to Demolish – Case #345335, 78 Deanery Rd, Lower Ship Harbour

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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 main and 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 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.

Extensive searches have been conducted to try and contact the property owner. The property owner changed addresses multiple times and mail sent to these addresses has been returned to HRM unclaimed.

This case is a result of a service request received on June 12, 2020. The complainant noted that the property has been abandoned for over two years. Concerns were expressed about open access to the vacant summer cottage, a deteriorated deck, the power meter remains connected and there is a boat abandoned at the property.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the cottage and accessory structure (Case # 343335) located at 78 Deanery Rd, Lower Ship Harbour.

**CHRONOLOGY OF CASE ACTIVITIES:**

12-Jun-2020 The Compliance Officer conducted a site inspection at 78 Deanery Rd, Lower Ship Harbour, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted the property was vacant and there were two dilapidated buildings. The Compliance Officer also noted equipment and debris scattered on the property.

The deteriorated main structure did not appear structurally sound with weathered roof shingles, peeling paint, broken gutters, open access through a collapsed picture window and a rotten, unstable deck around the structure.

The deteriorated accessory structure was leaning with potential to collapse. The accessory structure contained an ATV and other items that were exposed to the elements.

The Compliance Officer tried to contact the property owner at the number listed on Hansen database records and found the number not in service. The Compliance Officer and HRM staff conducted additional searches for contact information and unfortunately were unable to find alternate contact information.

27-Jun-2020 A Compliance Officer attended the property registered to the property owner’s former partner to attempt to find contact information for the property owner. The Compliance Officer left a business card at the property requesting contact.

20-Aug-2020 The Compliance Officer received a copy of the structural integrity report (attached as Appendix C).

The overall comments regarding the structure are: “Observations of both these structures was made from the exterior; due to safety concerns no entry was gained.

Regarding the main structure; Lack of maintenance has allowed climatic elements to penetrate the buildings envelope and if not addressed it will not take long for the structure to go beyond the state of repair. Repairing this structure would require a structural engineer to assess and approve the remaining structural elements and require an extensive amount of work.

Regarding the accessory building; This structure is beyond the state of repair. Lack of maintenance has allowed climatic elements to penetrate the buildings envelope contributing to the collapse of the roof and the immanent failure of the rest of the superstructure.”

25-Aug-2020 The Compliance Officer received a call from the property owner’s former partner who advised that they have nothing to do with the property and have not spoken with the property owner in over ten years. The individual advised that they believe the property owner resides in New Brunswick. The individual also stated that they don’t have contact information for the property owner and offered to forward the Compliance Officer’s contact information to the property owner’s mother.

3-Dec- 2020 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 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 Building Official’s Report dated July 15, 2020
- Appendix D: Copy of the Notice to Appear dated December 3, 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: Roody Mitri, Compliance Officer II, By-law Standards, 902.293.1406

Original Signed

Report Approved By: \_\_\_\_\_

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:

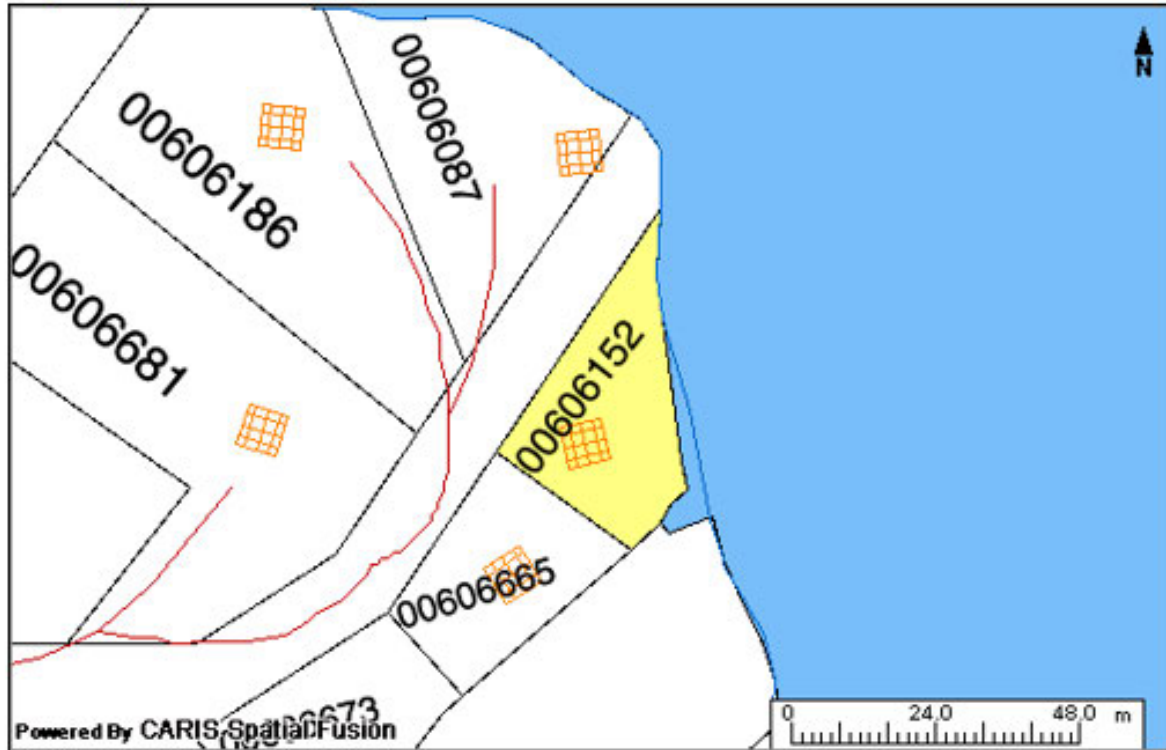
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: Nov 25, 2020 2:51:54 PM



PID: 00606152      Owner: DARRYL EDWARD BARKHOUSE      AAN: 00990299  
County: HALIFAX COUNTY      DARRYL EDWARD BARKHOUSE      Value: \$68,000 (2020 RESIDENTIAL  
LR Status: LAND      Address: 78 DEANERY ROAD      TAXABLE)  
REGISTRATION      LOWER SHIP HARBOUR

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:

Property Address	PID	Inspection Date
78 Deanery Rd, Lower Ship Harbour		July 15 <sup>th</sup> , 2020

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	Both the main structure and accessory building are single story wood frame buildings.
Foundation	Foundations were undetermined on both structures. Accessory building did not show signs of ever having one.
Heating Appliances	Oil heat source is undetermined, oil tank is in fair to good condition, with minor rust and appeared to be empty. Two metal pipe chimneys located on side of main structure. No heating source on or for accessory building.
Chimney	Two metal Chimneys coming from left side of structure, chimneys appear to be in fair condition. Chimney caps are dirty and in need of cleaning.
Roof	Main structure Asphalt roofing material is in extremely poor condition and in areas non-existent. All over hangs and soffits are exposed wood and in a state of disrepair. Accessory structure has metal roofing, material is in fair condition, but roof is collapsing due to exterior walls no longer being able to support. All over hangs and soffits are exposed wood and in a state of disrepair.
Building Services	Electrical meter in place, lines still connected to main structure. No lines running to accessory building.

Public Safety Considerations
<p>The main structure has windows and doors missing, some exterior walls show signs of stress and are missing framing members. Entrance to the building needs to be secured immediately and all decks/porch should not be used.</p> <p>The Accessory structure is a safety hazard in its current condition and could collapse at any time. Recommend the entrance to the building be secured. All windows have been smashed and glass is laying on ground around structure, exterior walls have failed and begun to separate and collapse.</p>

**Comments Regarding Repair or Demolition**

Observations of both these structures was made from the exterior; due to safety concerns no entry was gained.

Regarding the main structure ; Lack of maintenance has allowed climatic elements to penetrate the buildings envelope and if not addressed it will not take long for the structure to go beyond the state of repair. Repairing this structure would require a structural engineer to assess and approve the remaining structural elements and require an extensive amount of work.

Regarding the accessory building; This structure is beyond the state of repair. Lack of maintenance has allowed climatic elements to penetrate the buildings envelope contributing to the collapse of the roof and the immanent failure of the rest of the superstructure

Brandon Clarke

Building Official (please print)

Signature

RB

Supervisor's Initials

Form Jan 2016

**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:** 78 Deanery Rd, Lower Ship Harbour, Nova Scotia;  
Case # 345335;  
Hereinafter referred to as the "Property"

**-and-**

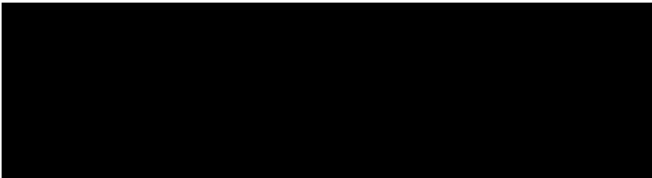
**IN THE MATTER OF:** **Deteriorated and decayed structures**  
Hereinafter referred to as the "Buildings"

**TO:** **Darryl Edward Barkhouse**

**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 10, 2020.



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 and accessory structures, 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 3rd<sup>th</sup> of December 2020 **Original signed**

Roody Mitri  
Compliance Officer  
902.237.2814

  
Scott Hill  
Administrator  
Halifax Regional Municipality