



P.O. Box 1749  
Halifax, Nova Scotia  
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7.2.1

**Item No. 7.2.1**  
**Appeals Standing**  
**Committee March 11, 2021**

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

## Original signed

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

**DATE:** February 26, 2021

**SUBJECT:** Order to Demolish – Case #350398, 9 Nehalennia Way, Seaforth

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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 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 two previous dangerous or unsightly cases at the property closed with owner compliance.

The property is zoned MR (Mixed Resource 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 November 4, 2020. The complainant noted the abandoned structure had not been in use in several years and had a sagging roof, deteriorated floors and there was open access.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the main structure (Case # 350398) located at 9 Nehalennia Way, Seaforth.

**CHRONOLOGY OF CASE ACTIVITIES:**

- 05-Nov-2020 The Compliance Officer conducted a site inspection at 9 Nehalennia Way, Seaforth, hereinafter referred to as “the Property” (attached as Appendix B).
- The Compliance Officer noted a partially collapsed structure with a ceiling collapsing inside, leaning walls, missing interior floor, black mold, unsquared main entrance door frame and exterior maintenance issues.
- The Compliance Officer spoke with the property owner by phone and advised them a structural integrity report would be requested regarding the condition of the structure.
- 06-Nov-2020 A Compliance Officer conducted a site inspection at the property and noted the structure had been secured against open access.
- 09-Nov-2020 The Compliance Officer spoke with the property owner by phone. The property owner advised that they planned to demolish the structure however they do not currently have the funds to complete the work.
- 26-Nov-2020 The Compliance Officer received a copy of the structural integrity report (attached as Appendix C).
- The overall comments are: “Observations of this structure were made from the exterior; no entry was gained due to the instability of the structure. 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. This structure is beyond the state of repair.”
- 27-Nov-2020 The Compliance Officer conducted a site inspection and noted the violation still exists.
- 05-Feb-2021 The Compliance Officer spoke with the property owner by phone and advised that the case would be brought to the Appeals Standing Committee to seek a demolition order.
- 23-Feb- 2021 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 building is a safety hazard in its current condition and could collapse at any time. All exterior walls are not structurally supported and show signs of be stressed horizontally from the interior loading of the collapsing roof.

### **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 November 24, 2020
- Appendix D: Copy of the Copy of the Notice to Appear dated February 23, 2021

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A copy of this report can be obtained online at [Halifax.ca](http://Halifax.ca) or by contacting the Office of the Municipal Clerk at 902-490-4210.

Report Prepared For: Thomas Murdoch, Compliance Officer II, By-law Standards, 902.943.9213

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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:

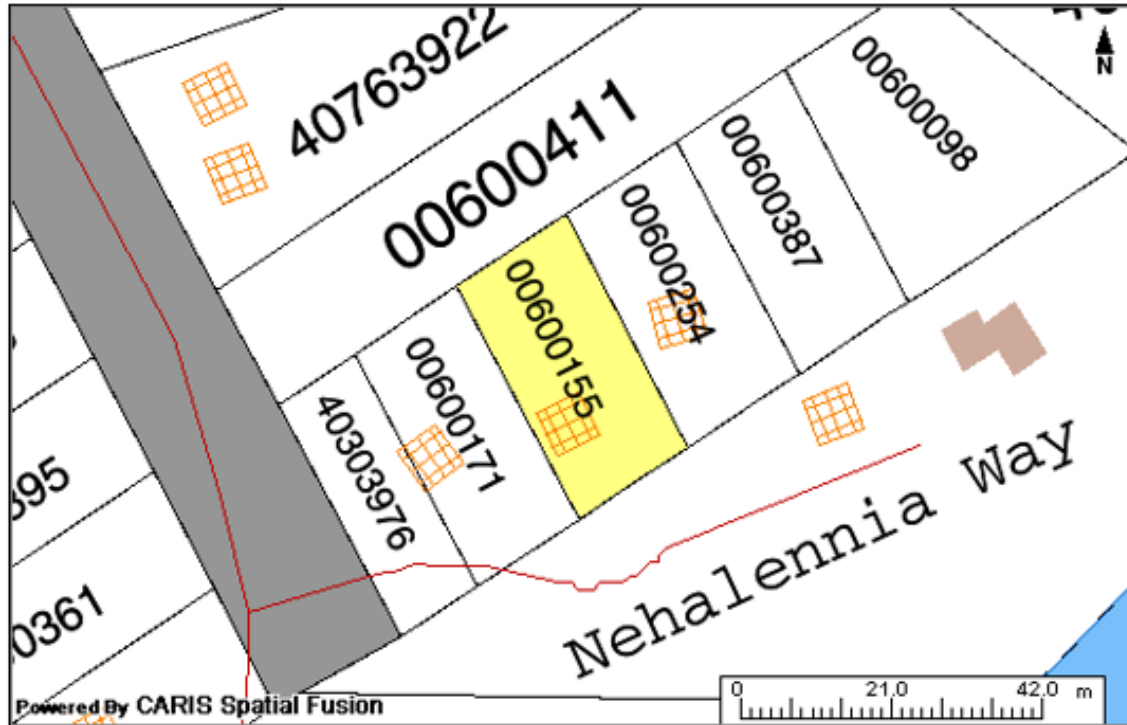
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: Feb 8, 2021 2:36:52 PM



PID: 00600155      Owner: JASON CLIFFORD LUNN      AAN: 01875647  
County: HALIFAX COUNTY      Address: 9 NEHALENNIA WAY      Value: \$45,500 (2021 RESIDENTIAL TAXABLE)  
LR Status: LAND REGISTRATION      SEAFORTH

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
9 Nehalennia Way, Seaforth NS	00600155	11/24/2020

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	The building is a single storey; it is of wood frame construction in varying stages of decay. All windows/doors are broken or missing, and the soffit/facia is open allowing entry of climatic elements and wildlife.
Foundation	Undetermined
Heating Appliances	Undetermined
Chimney	Three Metal chimney venting through deteriorated and sunken roof. 1 located on front side of roof structure, 2 located on rear.
Roof	Asphalt roofing material is in extremely poor condition and the roof structure has partially collapsed.
Building Services	Electrical services are disconnected, appears to be on well and septic.

Public Safety Considerations
The building is a safety hazard in its current condition and could collapse at any time. All exterior walls are not structurally supported and show signs of be stressed horizontally from the interior loading of the collapsing roof.

Comments Regarding Repair or Demolition
Observations of this structure were made from the exterior; no entry was gained due to the instability of the structure. 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. This structure is beyond the state of repair

<b>Brandon Clarke</b>	<b>Original signed</b>	<b>Original signed</b>
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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:** 9 Nehalennia Way, Seaforth, Nova Scotia;  
Case # 350398,  
Hereinafter referred to as the "Property"

**-and-**

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

**TO:** **Jason Clifford Lunn**

**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 March 11, 2021.

**Call in (audio only)**

[Redacted] Canada, Halifax  
[Redacted] Canada (Toll-free)  
Phone Conference ID: [Redacted]

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 23<sup>rd</sup> day of February 2021 **Original Signed**

Thomas Murdoch  
Compliance Officer  
902.943.9213

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Scott Hill  
Administrator  
Halifax Regional Municipality