



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

**Item No. 7.1.2**  
**Appeals Standing Committee**  
**June 10, 2021**

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

- ORIGINAL SIGNED -

**SUBMITTED BY:**

\_\_\_\_\_  
Conor O'Dea, Director, Building and Compliance

**DATE:**

May 31, 2021

**SUBJECT:**

**Order to Demolish – Case #354983, 21 Humbolt Lane, Portuguese Cove**

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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 no previous dangerous or unsightly cases at the property.

The property is zoned F-1 (Fishing Village 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 March 18, 2021. The complainant noted a building abandoned for 15 years or more that collapsed during the last hurricane. The Compliance Officer conducted a site inspection and noted an abandoned derelict building and an accumulation of assorted debris. The Compliance Officer is managing the debris violation under a separate case.

The Compliance Officer spoke with the next of kin and were advised that the property owners are deceased. Unfortunately, a deed could not be obtained by the surviving family and no one is currently maintaining the property. A review of the Hansen database records show that mail has been returned unclaimed to HRM and there is an outstanding tax bill.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the main structure (case # 354983) located at 21 Humbolt Lane, Portuguese Cove.

## **CHRONOLOGY OF CASE ACTIVITIES:**

- 25-Mar-2021 The Compliance Officer conducted a site inspection at 21 Humbolt Lane, Portuguese Cove, hereinafter referred to as “the Property” (attached as Appendix B).
- The Compliance Officer noted a derelict building with rotten, broken, and missing wood and metal components and posted a 14-day Notice of Violation (attached as Appendix C) to repair or remove the building.
- 26-Mar-2021 The Compliance Officer called and spoke with a party related to the deceased property owners through marriage and advised of the Notice of Violation. The party advised that their lawyer was not able to obtain a deed on behalf of the surviving family members and they are no longer involved with the property.
- 09-Apr-2021 The Compliance Officer conducted a site inspection at the property and noted the violation still exists.
- 10-May-2021 The Compliance Officer received a copy of the Building Official’s structural integrity report (attached as Appendix D).
- The overall comments are: “Lack of maintenance has allowed the slab to be in a state of disrepair and the superstructure to be unstable. The structure is beyond the state of repair.”
- 20-May-2021 The Compliance Officer posted a 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.

**RISK CONSIDERATION**

Entrances to the building needs to be secured immediately as it could collapse at any time.

**ENVIRONMENTAL IMPLICATIONS**

No environmental impact identified.

**ALTERNATIVES**

The state of the property suggests no viable alternative to the recommendation by Staff.

**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 March 25, 2021
- Appendix D: Copy of the Copy of the Structural Integrity Report dated May 5,2021
- Appendix E: Copy of the Copy of the Notice to Appear dated May 20, 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 by: Kim Northrup, Compliance Officer II, By-Law Standards, 902.476.6567

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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: May 4, 2021 1:31:56 PM



PID: 00390302      Owner: EVERETT PURCELL      AAN: 10843162  
County: HALIFAX COUNTY      MARY PURCELL      Value: \$78,800 (2021 RESIDENTIAL TAXABLE)  
LR Status: NOT LAND REGISTRATION      Address: 21 HUMBOLT LANE  
PORTUGUESE COVE

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 314 Humbolt Lane  
or address Portuguese Cove NS

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-800 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 Unightly Premises | <input type="checkbox"/> HRM By-law S-1000 Sidewalk Cates   |
| <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):

Building in a state of Disrepair due to Rotten, Broken and or Missing Wood and or metal Components.

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

- Repair or remove  
- obtain proper permits required by HRM to Repair and or remove

Notice of Re-inspection:

A re-inspection will be performed on April 8/21 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.

Issuing Officer KNURTROP

Issuing Officer Phone Number 902-476-6567

Original Signed

Issuing Officer Signature

Date (dd/mm/yy) 25/03/21

Time (hh/mm) 1615

Case Number JBA 354983

For information on municipal legislation visit the Halifax Website at [www.halifax.ca/legislation](http://www.halifax.ca/legislation) or call the Citizen Contact Centre at 311. If calling outside the HRM but within NS call 1-800-835-6428 toll free.

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 |
| 21 HUMBOLT LANE, PORTUGUESE COVE | 00390302 | May 5, 2021     |

| Building Feature   | Condition Relative to Habitability and Structural Integrity  |
|--------------------|--|
| Main Structure     | -Abandoned wood framed, single story storage structure<br>-The structure is open to wildlife and the elements through the broken windows, and missing doors.<br>-Metal siding has deteriorated and corroded. |
| Foundation         | -Concrete slab on grade cracked and in disrepair.  |
| Heating Appliances | -Not applicable  |
| Chimney            | -Not applicable  |
| Roof               | -Asphalt shingles are intact but are at the end of their serviceable life.<br>-Roof trusses are in good condition.   |
| Building Services  | -Not applicable.   |

| Public Safety Considerations   |
|--|
| Entrances to the building needs to be secured immediately as it could collapse at any time |

| Comments Regarding Repair or Demolition  |
|--|
| Lack of maintenance has allowed the slab to be in a state of disrepair and the superstructure to be unstable. The structure is beyond the state of repair. |

|                                  |                        |  |                        |  |
|----------------------------------|------------------------|--|------------------------|--|
| Abbas Yousefi                    | <b>Original signed</b> |  | <b>Original signed</b> |  |
| Building Official (please print) | Signatu                |  | S                      |  |

**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:** 21 Humbolt Lane, Portuguese Cove, Nova Scotia;  
Case # 354983,  
Hereinafter referred to as the "Property"

**-and-**

**IN THE MATTER OF:** **Deteriorated weather exposed structure**  
Hereinafter referred to as the "Building"

**TO:** **Estate of Earl Everett Purcell**  
**Estate of Mary Purcell**

**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 June 10, 2021.

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 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 20<sup>th</sup> day of May 2021

Original signed

Kim Northrop  
Compliance Officer  
902.476.6567

  
\_\_\_\_\_  
Scott Hill  
Administrator  
Halifax Regional Municipality