



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 7.1.3
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 #355330, 38 Sunset Drive, Watt Section

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 RE (Rural 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 April 2, 2021. Halifax Regional Police reported a, “house that is beyond the point of being condemned, abandoned for about 15 years and that there were kids playing on the property and a citizen had to chase them out for their safety.” Halifax Regional Police stated that the door is wide open and can't be secured and from the entrance you can see the floor has collapsed. The Officer wasn't taking a step inside as the house is in that bad a state and the property is accessible so anyone could just walk in and get hurt.

The Compliance Officer conducted a site inspection and noted a deteriorated dwelling with open access as well as minor debris on the property and a lack of exterior maintenance to the accessory structure. The structure was secured by the property owner and the Officer is managing the lack of exterior maintenance to the accessory structure under a separate case.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the main structure (Case # 355330) located at 38 Sunset Drive, Watt Section.

CHRONOLOGY OF CASE ACTIVITIES:

- 06-Apr-2021 The Compliance Officer conducted a site inspection at 38 Sunset Drive, Watt Section, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a deteriorated main structure. The Compliance Officer spoke with the property owner by phone and advised them of the violations at the property.
- 12-Apr-2021 The Compliance Officer left a phone message for the property owner requesting a return call.
- 25-Apr-2021 The Compliance Officer left a phone message for the property owner advising that a Building Official would be conducting a structural integrity inspection at the property and requested the property owner return their call.
- 27-Apr-2021 The Compliance Officer received an email from the property owner who advised that the house was secured against open access and fenced with caution markings. The property owner also advised that the property will be listed for sale. The owner further stated that they understand the dwelling is in poor condition and are removing their personal items.
- 28-Apr-2021 The Compliance Officer received a voice message from the property owner to confirm receipt of their email update on the property being listed for sale. The Compliance Officer responded and send an email to the property owner thanking them for their efforts. The Compliance Officer explained the Appeals Standing Committee process and advised the property owner to obtain a demolition permit if they planned on demolishing the building.
- 05-May-2021 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. This structure is beyond the state of repair.”
- 06-May-2021 The Compliance Officer sent a copy of the structural integrity report to the property owner through email and advised them that HRM will be seeking a Demolition Order for the structure from the Appeals Standing Committee. The Compliance Officer reminded the

- property owner to obtain a permit if they plan to demolish the building.
- 09-May-2021 The Compliance Officer received an email from the property owner who confirmed the property was listed for sale and they plan to focus on completing the work to the accessory structure and request contractor bids for removal and future restoration of the deteriorated building.
- 10-May-2021 The Compliance Officer sent the property owner an email thanking them for the update, requesting they keep the Officer informed should the property be sold and cautioned them to stay safe when removing belongings from the deteriorated building.
- 26-May-2021 The Compliance Officer posted a Notice to Appear (attached as Appendix D) at the property. A copy was sent to the property owner through registered mail.
- 27-May-2021 The Compliance Officer phoned the property owner and explained the Notice to Appear. The property owner advised they were not sure if they would attend the Appeals Standing Committee.

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

The building is a safety hazard in its current condition and 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 Building Official's Report dated April 27, 2021
Appendix D: Copy of the Copy of the Notice to Appear dated May 25, 2021

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 by: Vicki Pelley, Compliance Officer II, By-Law Standards, 902;717.3903

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;

Property Online Map

Date: May 13, 2021 1:11:09 PM



PID:	00579961	Owner:	DAVID M STANTON	AAN:	02508443
County:	HALIFAX COUNTY		CAROLYN A VAUGHAN	Value:	\$67,500 (2021 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION	Address:	38 SUNSET DRIVE WATT SECTION		

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
38 Sunset Dr.	00579961	April 27th

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	-Wood framed, one storey, single unit dwelling -The walls and roof structure exhibit signs of rot and appear to be in a state of collapse
Foundation	-Concrete/stone foundation
Heating Appliances	-Oil heat source is undetermined.
Chimney	-Structurally Sound
Roof	-Asphalt roofing material is in extremely poor condition and the roof structure has partially collapsed. -Shingles are at the end of their serviceable life.
Building Services	-Electrical meter is disconnected. -Well Water -Sewer could not be determined.

Public Safety Considerations
The building is a safety hazard in its current condition and could collapse at any time.

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. -This structure is beyond the state of repair.

Joshua Hirschfeld	Original signed	Original signed
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: 38 Sunset Drive, Watt Section, Nova Scotia;
Case # 355330,
Hereinafter referred to as the "Property"

-and-

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

TO: **David Stainton**
Carolyn Vaughan

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 25th day of May 2021

Original signed

Vicki Pelley
Compliance Officer
902.717.3903

Scott Hill
Administrator
Halifax Regional Municipality