



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

Item No. 7.1.2
Appeals Standing Committee
July 8, 2021

TO: Chair and Members of Appeals Standing Committee

- ORIGINAL SIGNED -

SUBMITTED BY: _____
Conor O'Dea, Director, Buildings and Compliance

DATE: June 24, 2021

SUBJECT: Order to Demolish – Case #344848, 32 Quartz Drive, Halifax

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 dwelling 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 2 previous dangerous or unsightly cases at the property. Both cases were closed by HRM completing a remedy at the property.

In addition to this case, there is one additional dangerous or unsightly case at the property for lack of lawn maintenance violations which is being managed by the Compliance Officer under a separate case.

There was a fire at the property around May 2020 as HRM received dangerous or unsightly complaints regarding the state of the property. Due to the recent fire the property was under investigation and pending insurance reviews therefore HRM did not pursue a case at the time. Staff tried to contact the property owner to advise of the complaints but were unsuccessful in their attempts.

The property is zoned RDD (Residential Development District) and a review of the Hansen database system shows that a permit was issued for the property June 2012 to construct a single unit dwelling. No other permits have been issued as of June 22, 2021.

This case is a result of a service request received on September 10, 2020. The complainant noted a fire damaged house and deck. The house was never properly boarded up and falling debris from the house scattered on the road and onto neighboring properties.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the dwelling and deck (Case # 348848) located at 32 Quartz Drive, Halifax.

CHRONOLOGY OF CASE ACTIVITIES:

- 14-Sep-2020 The Compliance Officer conducted a site inspection at 32 Quartz Drive, Halifax, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a dwelling in a state of disrepair due to falling or missing siding and soffits, and fire damaged OSB and rear deck.
- 22-Sep-2020 The Compliance Officer conducted a site inspection and noted no change to the condition of the property. The Compliance Officer posted a 60-day Notice of Violation (attached as Appendix C) to repair or replace the falling or missing siding and soffits, and fire damaged OSB and rear deck.
- 24-Sep-2020 The Compliance Officer sent a copy of the Notice of Violation to the property owner through registered mail.
- 30-Sep-2020 The Compliance Officer conducted a site inspection and noted the property remained in violation.
- 03-Dec-2020 The Compliance Officer conducted a site inspection and noted the property remained in violation.
- 23-Mar-2021 The Building Official submitted a structural integrity report (attached as Appendix D).

The overall comments regarding the structure are: “Observations of this structure were made from the exterior only, based on this the deck is beyond repair and would require securing to prevent access and demolition. The main structure can be repaired.”
- 28-Apr-2021 The Compliance Officer spoke with the Property Owner’s lawyer by phone who advised there were unable to provide the property owner’s contact information but advised they would provide the property owner with the Compliance Officer’s contact information.

- 29-Apr-2021 The property owner's lawyer phoned the Compliance Officer to inquire about the issues with the property so they could inform the property owner and explained they could not speak with the property owner for a couple of weeks as they were in the hospital. The lawyer confirmed insurance was involved but could not provide further details to the Compliance Officer until they obtained approval from the property owner. The Compliance Officer advised the lawyer they would wait the couple of weeks for the lawyer to reach out to the property owner and obtain approval.
- 09-Jun-2021 The Compliance Officer conducted a site inspection and noted the property remained in violation, including a lack of lawn maintenance.
- 16-Jun-2021 The Compliance Officer attended the mortgage holding bank for the property and obtained contact information for a representative to discuss the property.
- The Compliance Officer phoned the representative from the bank who advised the Compliance Officer they were not the correct representative and took the Compliance Officer's contact information to forward to the correct representative.
- 21-Jun-2021 The Compliance Officer spoke with the representative from the bank and advised they would send them an email containing the requested information.
- The Compliance Officer sent an email to the representative with the requested information.
- 23-Jun-2021 The Compliance Officer posted the Notice to Appear (attached as Appendix E) at the property and noted the violations still exist.
- 24-Jun-2021 The Compliance Officer sent a copy of the Notice to Appear to the property owner through registered mail.

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

Broken glass should be cleaned up in the rear.

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 Notice of Violation dated September 22, 2020
Appendix D: Copy of the Building Official's Report dated March 22, 2021
Appendix E: Copy of the Notice to Appear dated June 23, 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 For: Kevin Berrigan, Compliance Officer II, By-law Standards, 902.471.2051

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;

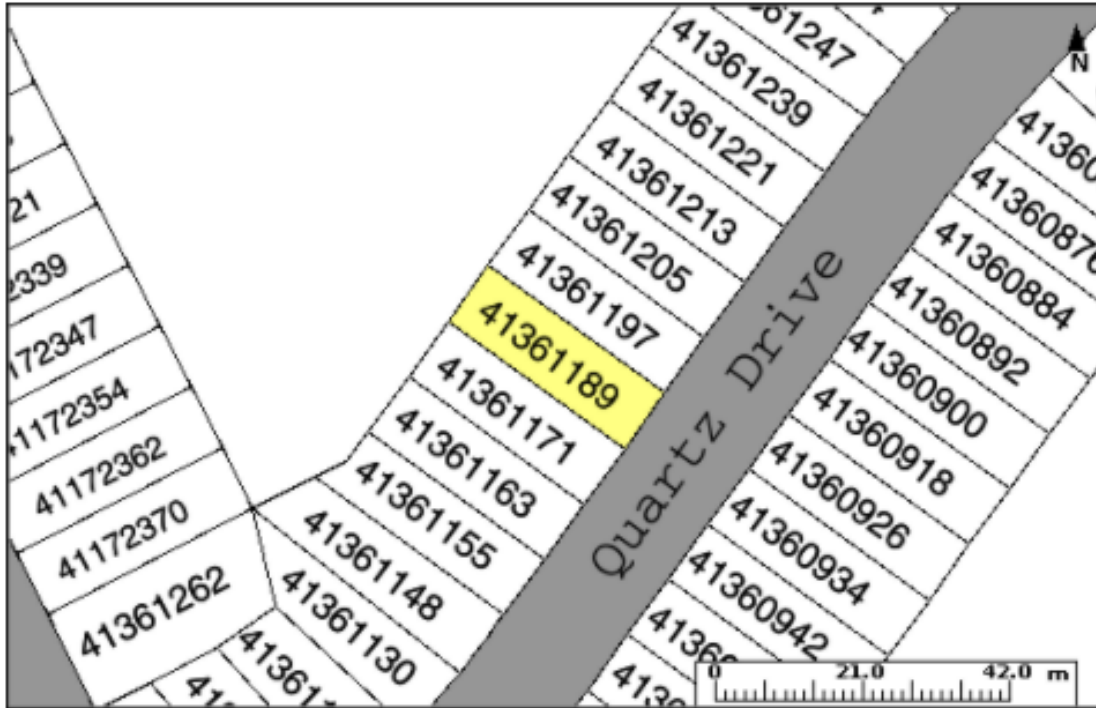
Appendix B

PROPERTY Online

NOVA SCOTIA
Services Nova Scotia and Municipal Relations

Property Online Map

Date: Jun 21, 2021 1:10:22 PM



PID:	41361189	Owner:	LAUREN CLEVELAND	AAN:	10438195
County:	HALIFAX COUNTY		TYLER MCMAHON	Value:	\$309,700 (2021 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION	Address:	32 QUARTZ DRIVE HALIFAX		

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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Notice of Violation

Notice Served Upon: Tyler McMahon & Lauren Cleveland

Address: 32 Quartz Drive, Halifax NS

This is to advise that you are in violation of the following municipal and/or provincial legislation:

- HRM By-law A-700 Animals
- HRM By-law C-300 Civic Addressing
- HRM By-law C-501 Vending
- HRM Charter, Part XV Respecting Dangerous or Unsightly Premises
- HRM By-law N-300 Nuisances
- HRM By-law S-300 Streets
- HRM By-law S-600 Solid Waste
- HRM By-law S-801 Temporary Signs
- HRM By-law S-1000 Sidewalk Cafes
- HRM By-law T-1000 Taxi & Limousine
- Other: _____

Details of violation(s):

Dwelling in a state of dis-repair due to falling or missing siding, soffits, fire damaged OSB, and fire damaged deck at back of property.

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

Please repair or replace all falling or missing siding, soffits, and repair fire damaged OSB and deck.

Notice of Re-inspection:

A re-inspection will be performed on November 22, 2020 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.

Kevin Berrigan

Issuing Officer

(902) 471-2051

Issuing Officer Phone Number

- ORIGINAL SIGNED -

Issuing Officer Signature

22/09/2020

Date (dd/mm/yy)

10:26 hrs

Time (hh/mm)

348848

Case Number

For information on municipal legislation visit the Halifax Website at 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
32 Quartz Dr, Halifax	[REDACTED]	March 22, 2021

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	-Wood framed, two storey, single unit dwelling -The building was involved in a fire which appears to have started at the rear of the house. - The extent of the damage caused by the fire and ingress of the weather elements could not be determined from the exterior. -The structure is open to wildlife and the elements through the soffits in the rear, side and front. -Several windows in the rear have been boarded up.
Foundation	-Concrete foundation in fair condition
Heating Appliances	-heat pump and electric baseboard
Chimney	-Not applicable
Roof	-Asphalt shingled roof sustained minor damages by the fire. -Roof truss conditions could not be determined but are an area of concern.
Building Services	-Electrical meter is connected. -Water/sewer could not be determined.

Public Safety Considerations
Broken glass should be cleaned up in the rear.

Comments Regarding Repair or Demolition
Observations of this structure were made from the exterior only, based on this the deck is beyond repair and would require securing to prevent access and demolition. The main structure can be repaired.

Abbas Yousefi	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: 32 Quartz Drive, Halifax, Nova Scotia;
Case #348848;
Hereinafter referred to as the "Property"

-and-

IN THE MATTER OF: **Fire damaged dwelling**
Hereinafter referred to as the "Building"

TO: **Lauren Cleveland**
Tyler McMahon

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 July 8, 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 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 23rd of June 2021

Original Signed

Kevin Berrigan
Compliance Officer
902.471.2051

Scott Hill
Administrator
Halifax Regional Municipality