



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

**Item No. 7.1.3**  
**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 #356101 and #356133, 2055 Beech Street, Halifax

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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 addition to the main structure and the 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 previously dangerous or unsightly cases at the property.

The property is zoned R-2 (General Residential) and a review of the Hansen database system shows that no permits have been issued for the property as of June 24, 2021.

These cases are a result of a service request received on April 23, 2021. The complainant stated that the property had been vacant for many years and is unsightly with a collapsed back porch and roof, and critters living within the dwelling.

The Compliance Officer is bringing these cases forward to the committee to request a Demolition Order for two separate buildings; the addition to the main structure (Case # 356101) and the accessory structure (Case # 356133) located at 2055 Beech Street, Halifax.

**CHRONOLOGY OF CASE ACTIVITIES:**

24-Apr-2021 The Compliance Officer conducted a site inspection at 2055 Beech Street, Halifax, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted major structural issues with the rear addition of the dwelling including a collapsed roof separating from the main dwelling as well as major structural issues with an accessory structure collapsing into itself.

The Compliance Officer posted two 60-day Notices of Violation to repair or remove the compromised addition (attached as Appendix C) and the accessory structure (attached as Appendix D).

25-Apr-2021 The Compliance Officer phoned the property owner and explained the Notices of Violation posted at the property. The property owner advised the Compliance Officer that they had been trying to fix the property for 3 years but have had right-of-way issues.

27-Apr-2021 The property owner left a phone message for the Compliance Officer requesting a return call.

28-Apr-2021 The Compliance Officer attempted to phone the property owner twice and received messages that the calls could not be completed.

17-May-2021 The Building Official submitted structural integrity reports for the main structure (attached as Appendix E) and the accessory structure (attached as Appendix F).

The overall comments regarding the main structure are: “The addition is beyond the state of repair. Recommendation for the addition to be demolished and the main structure to be repaired to its original condition.”

The overall comments regarding the accessory structure are: “This structure is beyond the state of repair. Recommendation for the accessory structure to be demolished”.

15-Jun-2021 The property owner emailed the Compliance Officer and advised that they hired a contractor to complete the demolition work, the contractor applied for a demolition permit and would provide a start date once the demolition permit has been issued.

16-Jun-2021 The Compliance Officer emailed the property owner and thanked them for the update and requested they continue keep the Compliance Officer informed of timelines moving forward.

- 24-Jun-2021 The Compliance Officer posted two Notices to Appear; one for the main structure (attached as Appendix G) and one for the accessory structure (attached as Appendix H) at the property. Copies of the Notices were sent to the property owner through registered mail.
- 26-Jun-2021 The Building Officials confirmed an application for a demolition permit for this property was received and under review.

### **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**

Main structure: Entrance to the building needs to be secured immediately as it could collapse at any time.  
Accessory structure: The structure is in a state of collapse and access should be prevented immediately.

### **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 April 24, 2021  
Appendix D: Copy of the Notice of Violation dated April 24, 2021  
Appendix E: Building Official's Report May 5, 2021  
Appendix F: Building Official's Report May 5, 2021  
Appendix G: Copy of the Notice to Appear dated June 24, 2021  
Appendix H: Copy of the Notice to Appear dated June 24, 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: Vicki Pelley, Compliance Officer II, By-law Standards, 902.717.3903

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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 allurements 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;



# HALIFAX

# Municipal Compliance

## Notice of Violation

Notice Served Upon: Name \_\_\_\_\_  
or address 2055 Beech St

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

- |   |   |
|---|---|
| <input type="checkbox"/> HRM By-law A-300 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-600 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 Unsightly Premises | <input type="checkbox"/> HRM By-law S-1000 Sidewalk Cafes   |
| <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):

A lack of exterior maintenance to the dwelling resulting in failed and or peeling paint and rotten wood components including but not limited to exterior walls, soffit and fascia, window and door trim, deck and components. \*Rear add-on appears to be compromised beyond repair.\*

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

repair or replace all rotten wooden components and scraping painting the dwelling including but not limited to exterior walls, soffit and fascia, window and door trim, deck and components.

\*IF demolishing APPLY FOR DEMO PERMITS\*

Notice of Re-inspection: (60 days)

A re-inspection will be performed on 23/05/21 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.

Vicki Pelley  
Issuing Officer

24/04/21  
Date (dd/mm/yy)

902-717-3903  
Issuing Officer Phone Number

1350hrs  
Time (hh/mm)

Original signed \_\_\_\_\_

356101  
Case Number

Issuing Officer Signature \_\_\_\_\_

# HALIFAX

# Municipal Compliance

## Notice of Violation

Notice Served Upon: Name \_\_\_\_\_  
or address 2055 Beech St

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

- |   |   |
|---|---|
| <input type="checkbox"/> HRM By-law A-300 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-600 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 Unsightly Premises | <input type="checkbox"/> HRM By-law S-1000 Sidewalk Cafes   |
| <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):

Accessory structure appears to be compromised beyond repair

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

Demolish or repair accessory structure  
★ Apply for demolition permit ★

Notice of Re-inspection: (60 DAYS)

A re-inspection will be performed on 23/05/21 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.

Vicki Pelley  
Issuing Officer

902-717-2403  
Issuing Officer Phone Number  
Original signed

\_\_\_\_\_  
Issuing Officer Signature

24/04/21  
Date (dd/mm/yy)

1550hrs  
Time (hh/mm)

356133  
Case Number

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
2055 Beech Street, Halifax	00022129	May 5, 2021

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> <li>-2 storey, single unit dwelling with addition that has pulled away from the original dwelling.</li> <li>-The main structure is in fair condition.</li> <li>-The additions walls and roof are rotten and caving in.</li> <li>-The additions roof has collapsed, and exterior walls are in a state of immanent failure.</li> <li>-The additions structure is open to wildlife and the elements.</li> </ul>
Foundation	<ul style="list-style-type: none"> <li>-The original concrete foundation of the main structure is in fair condition.</li> <li>-The addition is a raised wood structure.</li> </ul>
Heating Appliances	-Undetermined.
Chimney	-Undetermined.
Roof	<ul style="list-style-type: none"> <li>-Main dwelling roof cannot be determined.</li> <li>-The roof structure on the addition has collapsed.</li> </ul>
Building Services	-Electrical meter in place, lines are still connected.

**Public Safety Considerations**

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

**Comments Regarding Repair or Demolition**

The addition is beyond the state of repair. Recommendation for the addition to be demolished and the main structure to be repaired to its original condition.

Jeff Graham	Original signed	Original signed
Building Official (please print)	Signat	Supervisor's Initials

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
2055 Beech Street, Halifax	00022129	May 5, 2021

Building Feature	Condition Relative to Habitability and Structural Integrity
Accessory Structure	-Single storey wood frame accessory building. -The exterior walls of the structure are rotten and structurally unstable. -The structure is open to wildlife and the elements. -The roof and walls have collapsed.
Foundation	-Undetermined.
Heating Appliances	-None.
Chimney	-None.
Roof	-The roof structure has collapsed.
Building Services	-No building services.

<b>Public Safety Considerations</b>
the structure is in a state of collapse and access should be prevented immediately.

<b>Comments Regarding Repair or Demolition</b>
This structure is beyond the state of repair. Recommendation for the accessory structure to be demolished.

Jeff Graham	<b>Original signed</b>		<b>Original signed</b>
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:** 2055 Beech Street, Halifax, Nova Scotia;  
Case #356101;  
Hereinafter referred to as the "Property"

**-and-**

**IN THE MATTER OF:** **Collapsed addition to the dwelling**  
Hereinafter referred to as the "Building"

**TO:** **Catherine and Douglas McCann**

**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 addition to 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 24<sup>th</sup> of June 2021

**Original Signed**

Vicki Pelley  
Compliance Officer  
902.717.3903

Scott Hill  
Administrator  
Halifax Regional Municipality

**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:** 2055 Beech Street, Halifax, Nova Scotia;  
Case #356133;  
Hereinafter referred to as the "Property"

**-and-**

**IN THE MATTER OF:** **Collapsed accessory structure**  
Hereinafter referred to as the "Building"

**TO:** **Catherine and Douglas McCann**

**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 accessory 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 24<sup>th</sup> of June 2021

Original signed

Vicki Pelley  
Compliance Officer  
902.717.3903

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