



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

Item No. 12.2.1
Appeals Standing Committee
October 14, 2021

TO: Chair and Members of Appeals Standing Committee

Original Signed

SUBMITTED BY: _____
Andrea MacDonald, Acting Director, Buildings and Compliance

DATE: September 30, 2021

SUBJECT: Order to Demolish Case 352902 11 Hartling Lane Sheet Harbour

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 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 were previous dangerous or unsightly cases at the property prior to 2010.

In addition to this case, there are currently two other dangerous or unsightly cases at the property for derelict vehicles and debris violations. These cases are being managed by the Compliance Officer under separate cases.

The property is zoned MU (Mixed Use) and a review of the HRM database system shows that no permits have been issued for the property.

This case is a result of a service request received on January 19, 2021. The complainant noted a fire damaged building that is deteriorated and derelict vehicles.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the fire damaged accessory structure (Case # 352902) located at 11 Hartling Hill Lane, Sheet Harbour.

CHRONOLOGY OF CASE ACTIVITIES:

20-Jan-2021 The Compliance Officer conducted a site inspection at 11 Hartling Hill Lane, Sheet Harbour hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a fire damaged accessory structure with one wall caving into the structure.

The Compliance Officer walked the property with a representative for the property owner. The Compliance Officer issued the individual a 60-day Notice of Violation and explained the work required to bring the property into compliance. The representative advised the Compliance Officer they intend to repair and complete the construction on the accessory structure.

08-Jun-2021 A Compliance Officer conducted a site inspection and noted the violation still exists.

22-Jul-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; no entry was gained due to the instability of the structure. This structure is beyond the state of repair.”

12-Aug-2021 The Compliance Officer left a phone message for the representative for the property owner’s estate requesting a return call.

23-Sep-2021 The Compliance Officer conducted a site inspection with the representative for the property owner. The Compliance Officer hand delivered and explained the Notice to Appear (attached as Appendix E). The Compliance Officer further advised that HRM is seeking a demolition order for the accessory structure due to the deteriorated state of the building and that it poses a safety hazard.

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.

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 January 20, 2021
- Appendix D: Copy of the Building Official's Report dated July 19, 2021
- Appendix E: Copy of the Notice to Appear dated September 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:

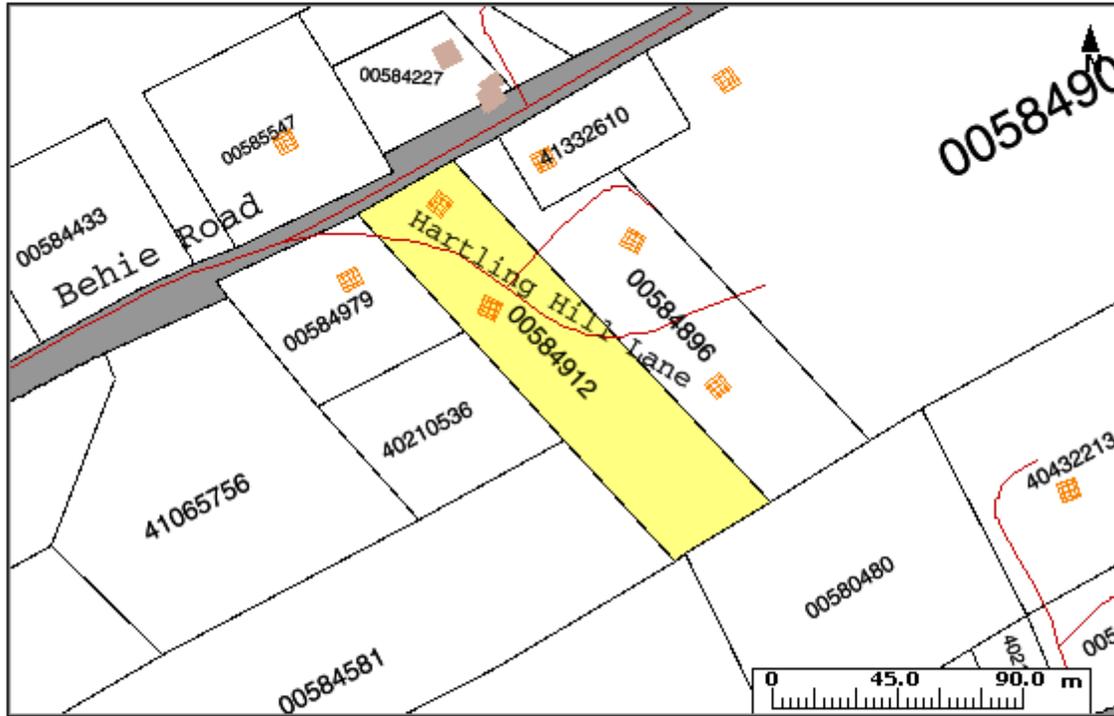
- 356 (1) Where a property is dangerous or unsightly, the Council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.
- (3) Where it is proposed to order demolition, before the order is made not less than seven days notice 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;

Property Online Map

Date: Sep 20, 2021 1:43:55 PM



PID: 00584912	Owner: HAZEL HARTLING	AAN: 01922327
County: HALIFAX COUNTY	Address: 11 HARTLING HILL LANE SHEET HARBOUR	Value: \$42,200 (2021 RESIDENTIAL TAXABLE)
LR Status: NOT LAND REGISTRATION		

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

This page and all contents are copyright © 1999-2003, [Government of Nova Scotia](http://www.gov.nova Scotia.ca), all rights reserved.

Notice of Violation

Notice Served Upon: Name Hazel Hastling Estate and Shawn Hastling
 or address 11 Hastling Hill Lane

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 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):

Dwelling (outbuilding) in a state of dis-repair due to fire, one wall/side of building leaning and causing into building.

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

Repair and complete the construction of the outbuilding.

Notice of Re-inspection:

A re-inspection will be performed on March 22, 2021 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

20/01/2021
 Date (dd/mm/yy)
16:13

Time (hh/mm)
Parent Case 352801

Case Number 352902

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
11 Hartling Hill	00584912	July 19 th 2021

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	-Wood framed one storey accessory structure -The walls exhibit signs of rot and appear to be in a state of collapse -Wood structure is completely exposed to the elements
Foundation	-Concrete
Heating Appliances	-Not applicable
Chimney	-Not applicable
Roof	-Roof has completely collapsed. -Signs of fire damage
Building Services	-Does not appear that any services were connected to this structure

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: 11 Hartling Hill Lane, Sheet Harbour, Nova Scotia;
Case #352902;
Hereinafter referred to as the "Property"

-and-

IN THE MATTER OF: Collapsed, fire damaged accessory structure
Hereinafter referred to as the "Building"

TO: Estate of Hazel Hartling

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 October 14, 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 23rd of September, 2021 **Original Signed**

Kevin Berrigan
Compliance Officer
902.471.2051

Scott Hill
Administrator
Halifax Regional Municipality