



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

Item No. 12.2.1
Appeals Standing Committee
November 18, 2021

TO: Chair and Members of Appeals Standing Committee

Original Signed

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

DATE: November 3, 2021

SUBJECT: **Order to Demolish – Case #360357, 67 Community Center Lane, Windsor Junction**

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 two previous dangerous or unsightly cases regarding the deteriorated building at the property that date back to 2015. The condition of the structure did not meet the threshold for a structurally compromised, deteriorated building, therefore a Demolition Order was not recommended at the time.

The property is zoned R-1B (Suburban Residential) 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 August 7, 2021. The complainant noted a deteriorated abandoned home with cracked foundation and broken upper windows as well as a lack of yard maintenance resulting in overgrowth at the property.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated dwelling (Case # 360357) located at 67 Community Center Lane, Windsor Junction.

CHRONOLOGY OF CASE ACTIVITIES:

- 10-Aug-2021 The Compliance Officer conducted a site inspection at 67 Community Center Lane, Windsor Junction hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a deteriorated dwelling with a cracked and bowing foundation at three exterior walls and broken upper windows as well as an extremely overgrown yard.
- 26-Aug-2021 The Compliance Officer conducted a site inspection with another Compliance Officer. The Officers were able to gain access to the structure through the side of the house and noted the roof was bowing and the foundation supporting the load bearing walls was beginning to collapse with several large cracks in the foundation. The Compliance Officers were able to secure the dwelling before leaving the site.
- 07-Sept-2021 The Building Official submitted a structural integrity report (attached as Appendix C).

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. Lack of maintenance has allowed the foundation to crack and collapse on itself in places, leaving all above wall unsupported. This structure is beyond the state of repair.”
- 04-Oct-2021 The Compliance Officer spoke with the grandchild of the deceased property owners by phone and explained the violations at the property. The grandchild advised the Compliance Officer that their parents had been paying the property taxes however, they are now in long term care and the estate has not been addressed. The grandchild advised that no one from the family has interest in the property. The Compliance Officer explained that the case would be proceeding to the Appeals Standing Committee of Council to seek a Demolition Order for the structure. The Officer confirmed that they would advise of the meeting date should the grandchild or other members from the family wish to attend.
- 28-Oct-2021 The Compliance Officer posted a Notice to Appear (attached as Appendix D) 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.

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 further at any time. Any additional loads to this structure from snow or wind could cause it to collapse further, causing injury to anyone inside or nearby.

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 Building Official's Report dated August 30, 2021
- Appendix D: Copy of the Notice to Appear dated October 28, 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: Thomas Murdoch, Compliance Officer II, By-law Standards, 902.943.9213

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:

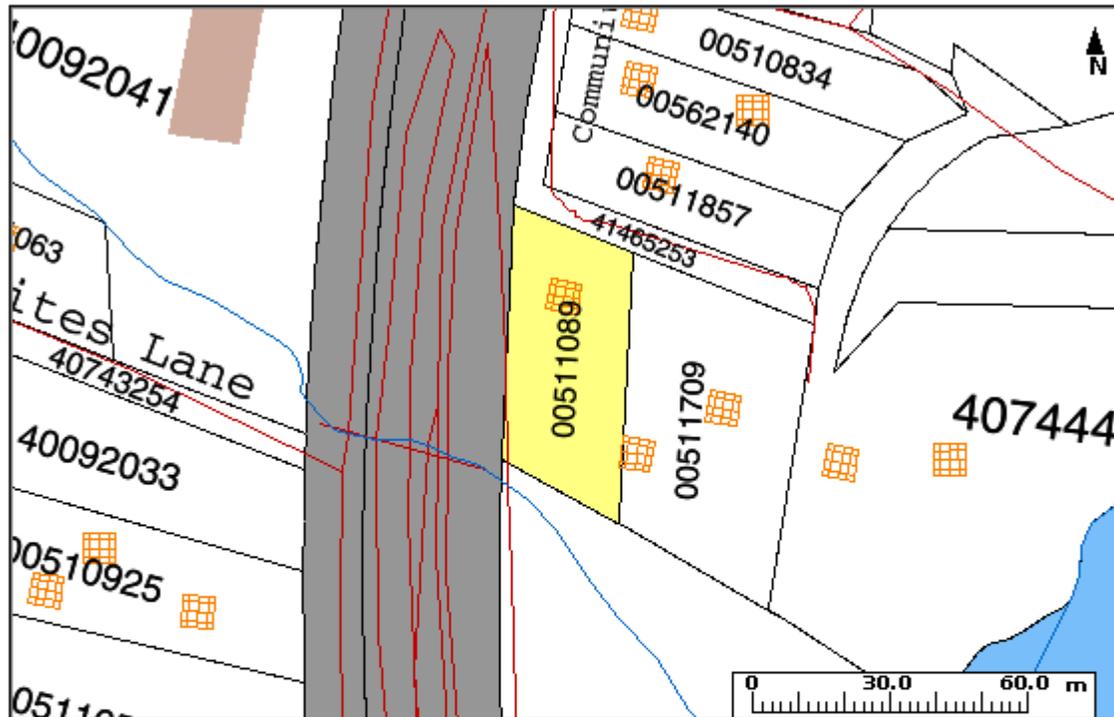
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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;

Appendix B



Property Online Map

Date: Oct 25, 2021 3:06:55 PM



PID: 00511089	Owner: ELMIR DALRYMPLE	AAN: 01078585
County: HALIFAX COUNTY	Address: 67 COMMUNITY CENTER LANE WINDSOR JUNCTION	Value: \$102,100 (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

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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
67 Community Center lane	00511089	Aug 30 2021

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	Main structure is a two-story house approximately 30'x30'. Multiple broken windows and a rotted door.
Foundation	Foundation is in severe disrepair. Multiple large cracks that penetrate through to the inside. Cracks are causing the foundation to fall in on itself on all visible sides. No longer supporting areas of the exterior wood framed walls.
Heating Appliances	Cannot confirm
Chimney	No chimney
Roof	Asphalt shingles in need of repair. Dip in the centre of the roof and bowed out fascia shoes that walls are bowing outward.
Building Services	No electrical services. Other services are unknown

Public Safety Considerations
The building is a safety hazard in its current condition and could collapse further at any time. Any additional loads to this structure from snow or wind could cause it to collapse further, causing injury to anyone inside or nearby, entrance to the building needs to be secured immediately.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> Observations of this structure were made from the exterior; no entry was gained due to the instability of the structure. Lack of maintenance has allowed the foundation to crack and collapse on itself in places, leaving all above wall unsupported. This structure is beyond the state of repair.

James MacDonald	Original Signed	Brettell, Original Signed
Building Official (please print)	<i>u</i> Signature	David 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: 67 Community Center Lane, Windsor Junction, Nova Scotia;
Case #360357;
Hereinafter referred to as the “Property”

-and-

IN THE MATTER OF: Deteriorated dwelling
Hereinafter referred to as the “Building”

TO: **Elmir Dalrymple**

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 November 18, 2021.

This meeting will happen in-person in the City Hall Council Chamber, 1841 Argyle Street, Halifax. As per public health requirements, masks must be worn during in-person meetings other than when an individual is called upon to speak by the Chair. To enter the building and attend the meeting, Proof of Full COVID-19 Vaccination is required. More information about attending in-person meetings can be found here: <https://www.halifax.ca/city-hall/regional-council/attending-person-meetings>

If you cannot attend the meeting in person, you may participate via phone. **If you must use the phone option, please contact Krista Vining, Legislative Assistant 902.490.6521 or viningk@halifax.ca by 4:30pm on Tuesday, November 16, 2021 (two (2) business days before of the meeting).**

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 dwelling, 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 28th of October, 2021

Original Signed

Thomas Murdoch
Compliance Officer
902.943.9213

Scott Hill
Administrator
Halifax Regional Municipality