



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 12.2.1
Appeals Standing Committee
December 8, 2021

TO: Chair and Members of Appeals Standing Committee

Original Signed

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

DATE: November 24, 2021

SUBJECT: Order to Demolish – Case #363073, 63 Pinecrest Drive, Dartmouth

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 have been fifteen previous dangerous or unsightly cases at the property since 2014. Three cases were closed with owner compliance and twelve cases were closed with HRM completing remedies. There have been an additional two dangerous and unsightly cases in July 2017 referencing the deteriorated accessory structure both with a status of case closed.

The property is zoned HR-1 (Higher-Older 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 October 1, 2021. The complainant noted an open upper window and a smashed ground floor window accessed using the green bin.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated accessory structure (Case # 363073) located at 63 Pinecrest Drive, Dartmouth.

CHRONOLOGY OF CASE ACTIVITIES:

- 01-Oct-2021 The Compliance Officer conducted a site inspection at 63 Pinecrest Drive, Dartmouth hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a deteriorated dwelling with a smashed lower window that provided access to the structure. The open access to the dwelling was immediately remedied by HRM while the Compliance Officer was on site.
- The Compliance Officer also noted a severely dilapidated and collapsed accessory structure that had open access due to the door having fallen off. The Compliance Officer will be seeking a structural integrity report for the accessory structure.
- 08-Oct-2021 The Building Official submitted a structural integrity report (attached as Appendix C).
- The overall comments regarding the structure are: “The Building is beyond structural repair.”
- 19-Oct-2021 The Compliance Officer emailed a 7-day Notice of Violation (attached as Appendix D) to the property owner requiring the demolition and removal of the accessory structure and advising if the work isn’t complete the Compliance Officer would seek a Demolition Order.
- 29-Oct-2021 The Compliance Officer conducted a site inspection and noted the violation remained.
- 18-Nov-2021 The Compliance Officer posted a Notice to Appear (attached as Appendix E) at the property.
- 19-Nov-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.

RISK CONSIDERATIONS

The accessory structure presents a medium risk as it appears to be unstable and may collapse at anytime.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were 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 October 7, 2021
- Appendix D: Copy of the Notice of Violation dated October 19, 2021
- Appendix E: Copy of the Notice to Appear dated November 18, 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: Valerie Rodger, Compliance Officer II, By-law Standards, 902.476.1708

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:

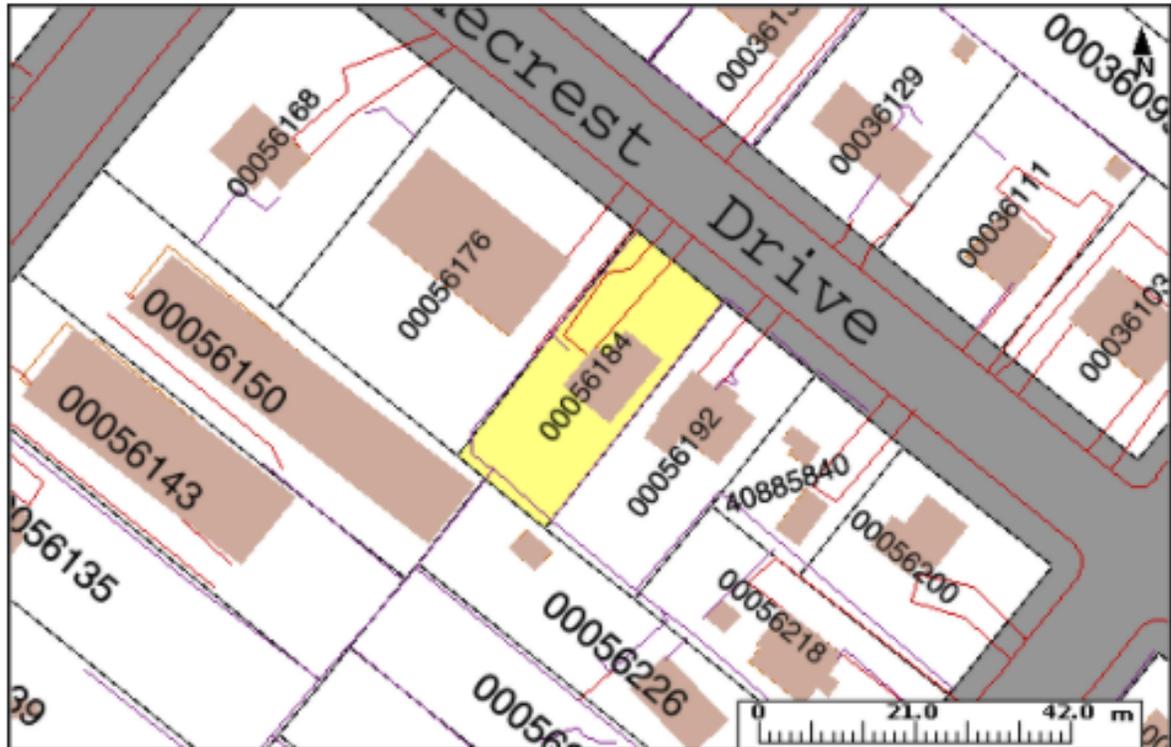
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or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

Date: Nov 12, 2021 11:52:22 AM



PID: 00056184 Owner: LUKE JONATHAN O'HEARN AAN: 02915294
County: HALIFAX COUNTY LUKE JONATHAN O'HEARN Value: \$152,200 (2021 RESIDENTIAL
LR Status: LAND REGISTRATION Address: 63 PINECREST DRIVE TAXABLE)
DARTMOUTH

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
63 Pinecrest Dr	00056184	October 7 th , 2021

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	-Accessory structure approximately 10'x10' wood frame shed. -In general disrepair. -holes in the sheathing. -Doors boarded up, no access to interior. -Structural members are rotten and damaged. -Structure appears to be collapsing.
Foundation	-On sleepers
Heating Appliances	N/A
Chimney	N/A
Roof	-Most of the shingles are missing or damaged. -Large hole on visible side of roof.
Building Services	N/A

Public Safety Considerations
-Property is uninhabited, and structure appears to be unstable. -Unsure of structure's contents.

Comments Regarding Repair or Demolition
The Building is beyond structural repair

James MacDonald	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: 63 Pinecrest Drive, Dartmouth, Nova Scotia;
Case #363073;
Hereinafter referred to as the "Property"

-and-

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

TO: Luke O'Hearn

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 December 8, 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 Monday, December 6, 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 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 18th of November, 2021

Original Signed

Valerie Rodger
Compliance Officer
902.476.1708

Scott Hill
Administrator
Halifax Regional Municipality