



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

Item No. 12.2.1
Appeals Standing Committee
March 10, 2022

TO: Chair and Members of Appeals Standing Committee

Original Signed

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

DATE: February 28, 2022

SUBJECT: Order to Demolish – Case 357111, 6558 Young Street, 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 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 has been one previous dangerous or unsightly case at the property closed as owner compliance.

The property is zoned ER-2 (Established Residential 2).

A review of the HRM database system shows that the property owner applied for two permits for the property. LOTGRADE-2021-19465 has been approved. Permit for the accessory structure 2021-12412 is not approved and is awaiting updated site plans from the applicant.

This case is a result of a service request received on May 24, 2021. The complainant noted that the garage at the back of the property was falling apart and the roof was collapsing.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated accessory structure (Case # 357111 located at 6558 Young Street, Halifax).

CHRONOLOGY OF CASE ACTIVITIES:

31-May-2021 The Compliance Officer conducted a site inspection at 6558 Young Street, Halifax hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a partially collapsed accessory structure at the rear of the property. The rear of the structure appeared to be sitting approximately one foot lower than the front, the roof was bowing at the peak, siding was missing, and the shingles were in poor condition.

The Compliance Officer posted a 14-day Notice of Violation (attached as Appendix C) at the property to remove the deteriorated accessory structure.

The Compliance Officer phoned the property owner but did not get an answer as the voicemail box was full.

14-Jun-2021 The Compliance Officer received a voice message from the property owner who advised that they understood the accessory structure required repair when they purchased the property and were inquiring about next steps.

17-Jun-2021 The Compliance Officer spoke with the property owner by phone and discussed the work required. The Compliance Officer also advised the property owner that the previous owner had been directed to start the necessary work back in the spring of 2021. The property owner advised the Compliance Officer that they would contact the Compliance Officer the following week to provide a timeline for the work to be completed.

23-Jun-2021 The Compliance Officer received an email from the property owner that provided their plans to repair the accessory structure. The property owner stated that they looked at the structure internally and externally and could not find evidence of rot nor damage, the roof sheathing planks were said to be in good condition and they believed the structure to be structurally sound. The property owner advised that they planned to undertake the exterior work necessary to bring the property into compliance including removing and replacing the existing shingles, replacing rotten fascia boards and soffits, and priming, painting, and top coating the entire structure. The property owner offered to meet the Compliance Officer at the property to view the interior of the structure and discuss the work required should the Compliance Officer feel necessary.

03-Jul-2021 The Compliance Officer emailed the property owner and thanked them for providing their plan to repair the structure and recommended they consult an expert to determine if the building was structurally sound. The Compliance Officer advised that they were

requesting that a Building Official complete a structural integrity report and they would seek a demolition order if the building was determined to be unsound.

- 05-Jul-2021 The Compliance Officer received an email from the property owner thanking them for their recommendation and advising that they believed the building was repairable.
- 31-Oct-2021 The Compliance Officer conducted a site inspection and noted the violation remained.
The Compliance Officer requested a Building Official's Report.
- 26-Nov-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 and interior. Repairing this structure would require an extensive amount of work. The foundation of the entire building is in need of major repairs that will provide adequate structural support for the super structure.
- 29-Nov-2021 The Compliance Officer emailed the property owner and advised that they received the structural integrity report, and the case would proceed to the January 13, 2022 Appeals Standing Committee meeting where the Compliance Officer would seek a demolition order for the building. The Compliance Officer explained the Appeals Standing Committee process and that the property owner would have an opportunity to speak for or against the demolition.
- 01-Dec-2021 The Compliance Officer received an email from the property owner thanking them for the explanation of next steps and inquiring where the Notice to Appear and Appeals Report would be delivered. The property owner advised they could meet the Compliance Officer to receive the documentation.
Over the next few days, the Compliance Officer and property owner shared several emails to discuss documentation and request copies also be sent electronically. The Compliance Officer emailed the property owner and confirmed they would be posting documents at the property and could also send them electronically.
- 14-Dec-2021 The Compliance Officer met with the property owner at the property and hand delivered the Notice to Appear. The property owner advised the Compliance Officer that they wished to repair the accessory structure and were working with the permitting office to obtain a permit. The Compliance Officer advised the property owner to bring all documentation with them to the hearing. The property owner showed the Compliance Officer the inside of the garage. The Compliance Officer noted that the garage appeared to be sitting on gravel from the inside and the rear of the garage appeared to have sunk quite a bit.
The Compliance Officer sent a copy of the Notice to Appear to the property owner through registered mail.
- 21-Dec-2021 The Compliance Officer emailed the property owner and advised that the January meeting of the Appeals Standing Committee was cancelled. The Compliance Officer advised the property owner they would be in contact with the next meeting date and also issue an updated Notice to Appear.
- 05-Jan-2022 The Compliance Officer conducted a site inspection and noted no change to the condition of the structure.
- 14-Jan-2022 The Compliance Officer received an email confirmation from staff that the case was scheduled for the March 10, 2022 meeting of the Appeals Standing Committee.

- 27-Jan-2022 The Compliance Officer emailed the property owner and advised that the case was scheduled for the March 10, 2022 meeting of the Appeals Standing Committee and that they would be in touch prior to the meeting.
- 23- Feb-2022 The Compliance Officer posted a Notice to Appear (attached as Appendix E) at the property. An electronic copy was also sent to the property owner.

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

Any additional load to this structure from snow or wind could cause it to collapse causing injury to anyone inside or nearby. Recommend the entrance to the building be secured.

ENVIRONMENTAL IMPLICATIONS

No environmental impact 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 Notice of Violation dated May 31, 2021
Appendix D: Copy of the Building Official's Report dated November 22, 2021
Appendix E: Copy of the Notice to Appear dated February 22, 2022

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:

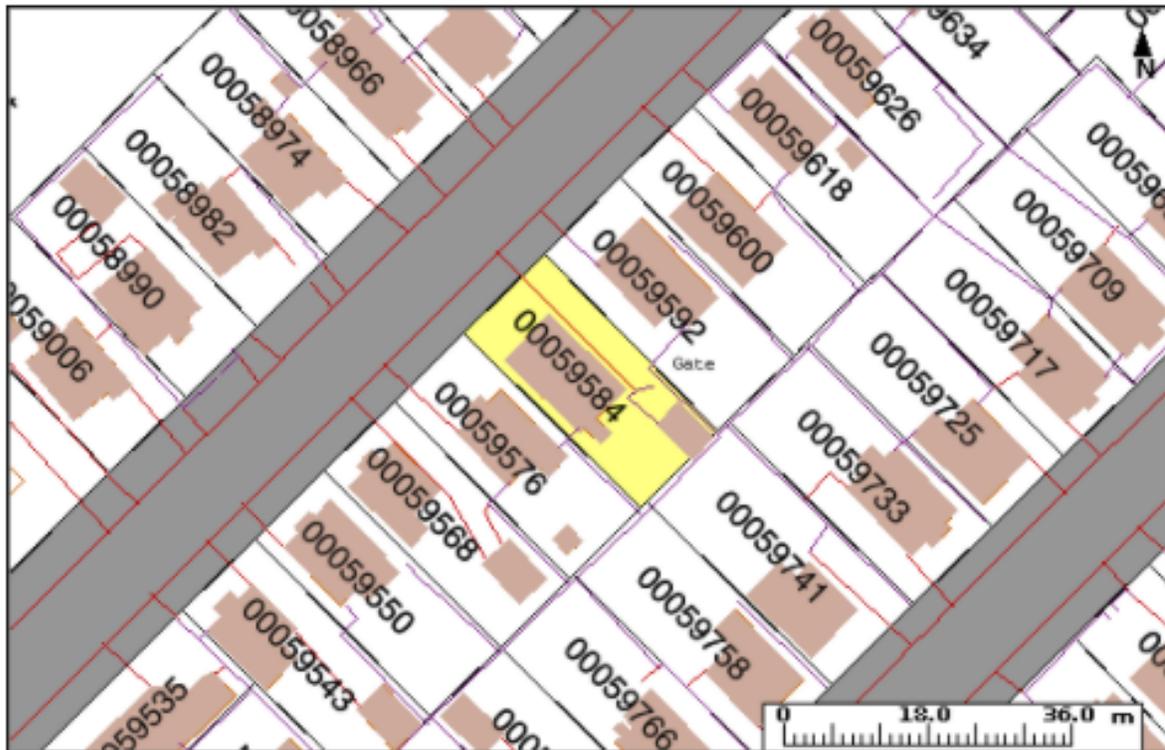
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: Feb 22, 2022 11:15:39 AM



PID: 00059584 Owner: PUDDINGSTONE INC. AAN: 02342693
County: HALIFAX COUNTY Address: YOUNG STREET Value: \$441,000 (2022 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION 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

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

HALIFAX

Municipal Compliance

Notice of Violation

Notice Served Upon: Name _____
or address 6558/6560 YOUNG 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 Unightly 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 IS IN A STATE OF DISREPAIR DUE TO ROTTEN WOOD AND MISSING WOODEN COMPONENTS

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

REMOVE THE ACCESSORY STRUCTURE

Notice of Re-inspection:

A re-inspection will be performed on JUNE 14 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.

T MURDOCH
Issuing Officer

902-943-9213
Issuing Officer Phone Number

Original Signed

Issuing Officer Signature

31/05/21
Date (dd/mm/yy)

1515 11AC
Time (hh/mm)

357111
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
6558 Young Street, Halifax, Nova Scotia	00059584	November 22nd, 2021

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> -Single storey wood frame accessory building with gable roof. -One of the windows is broken and the fascia/soffit is open allowing entry of climatic elements and wildlife. -Exterior walls are bowing and leaning outward. -Not all supports are frost protected. -The exterior walls of the structure are rotten and structurally unstable in areas.
Foundation	-Strip footing at front end of structure, remainder of foundation is undetermined.
Heating Appliances	-None
Chimney	-None
Roof	<ul style="list-style-type: none"> -Asphalt roofing material is in extremely poor condition, and in areas non-existent. -The roof of the structure is rotten at the back side. -Roof framing members are bowed, and in areas structurally compromised.
Building Services	-None.

Public Safety Considerations
<ul style="list-style-type: none"> -Any additional load to this structure from snow or wind could cause it to collapse causing injury to anyone inside or nearby. -Recommend the entrance to the building be secured.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> -Observations of this structure were made from the exterior and interior. -Repairing this structure would require an extensive amount of work. -The foundation of the entire building is in need of major repairs that will provide adequate structural support for the super structure.

Shawn Kennedy	Original Signed	Original Signed 
Building Official (please print)	Signature	Inspector's Initials

Appendix E



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: 6558 Young Street, Halifax, Nova Scotia;
Case #357111;
Hereinafter referred to as the "Property"

-and-

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

TO: **Mike Downward**
Puddingstone Inc.

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 March 10, 2022. Due to public health concerns, the Appeals Standing Committee Thursday, March 10, 2022 meeting will be held virtually.

Zoom Link – *Provided in registered mail document*

Telephone – *Provided in registered mail document*

If you experience any issues or have any questions about the meeting you can contact Krista Vining, Acting Deputy Clerk at 902.223.1046 or viningk@halifax.ca

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 22nd of February 2022

Original Signed

Thomas Murdoch
Compliance Officer
902.943.9213

Scott Hill
Administrator
Halifax Regional Municipality