



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

Item No. 12.2.2
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: **Orders to Demolish – Cases 366129 and 366127, 30 West Petpeswick Road, Musquodoboit 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 main and (3) accessory structures 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 for open access at the property. The case was closed with a remedy completed by HRM to bring the property into compliance.

The property is zoned MU (Mixed Use Zone)

A review of the HRM database system shows that there are no permits issued to the property owner for this property.

This case is a result of a service request received on December 5, 2021. The complainant noted that the single floor abandoned house had broken windows and an open door.

The ownership of the property has been in dispute throughout this case. The Compliance Officer has been in contact with any individuals that have been noted as having an interest in the property including: the listed property owner, the bank and the Trustee Officer.

The Compliance Officer is bringing this case forward to the committee to request Demolition Orders for the main (Case # 366129) and accessory structures (Case # 366127) located at 30 West Petpeswick Road, Musquodoboit Harbour.

CHRONOLOGY OF CASE ACTIVITIES:

06-Dec-2021 The Compliance Officer conducted a site inspection at 30 West Petpeswick Road, Musquodoboit Harbour, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted broken windows, doors and an open brick foundation. There appeared to be extensive damage inside and outside from possible vandalism. The main dwelling was noted to be a wood framed structure with a foundation of concrete blocks. The power meter and oil tank had been removed and the heat source that remained was a wood stove.

The Compliance Officer left a voicemail for the property owner advising of the open access that needed to be secured at the property.

The Compliance Officer received a call from the property owner who advised that the property was involved in a bankruptcy three years ago and they are no longer responsible for the property. The Compliance Officer was provided contact information for potential interested parties.

The Compliance Officer spoke with the law firm representing the Bank and was advised that the bank was not interested in the property. The Officer was directed to work through the Trustee.

The Compliance Officer contacted the Trustee Officer and left a voicemail requesting a call back to discuss the property.

07-Dec-2021 The Compliance Officer conducted a site inspection and noted that the violations remain.

A 30-day Notice of Violation for both the main and accessory structures were posted at the property (attached as Appendix C and D). Copies were sent via registered mail to the property owner.

08-Dec-2021 The Compliance Officer received a voicemail from the Trustee Officer who advised they released their interests to the property. The Trustee Officer provided an alternate contact number for an affiliate of the Bank.

- 09-Dec-2021 The Compliance Officer contacted the affiliate of the Bank that was provided by the Trustee. The Compliance Officer explained the violations and what was required to bring the property into compliance and requested a call back.
- 14-Dec-2021 The property owner left voicemails for the Compliance Officer reiterating that they no longer are associated with the property and provided the last known information for the Trustee.
- 20-Dec-2021 The Building Official submitted a structural integrity report for the main structure (attached as Appendix E).
- The overall comments regarding the main structure are: “The house appears to be leaning southward as a result of the failed foundation. The building is a safety hazard in its current condition and could collapse at anytime. Any additional loads to this structure from snow or wind could cause injury to anyone inside or nearby. The structure is beyond a state of repair.”
- The Building Official submitted a structural integrity report for the accessory structures (attached as Appendix F).
- The overall comments regarding the accessory structures are: “The exterior walls of the structure(s) are rotten and structurally unstable. The structures are open to passer-by’s, wildlife, and climatic elements through roof and walls. Accessory buildings have shifted off of rubble foundation(s) in several locations. This structure is beyond the state of repair.”
- 10-Jan-2022 The Compliance Officer conducted a site inspection and noted no improvement to the main or accessory structures.
- 12-Jan-2022 The Compliance Officer spoke to the affiliate of the Bank and advised of the Appeals Standing Committee and the possibility of demolition. The Compliance Officer requested a call back with the intentions of the Bank and a timeline.
- 26-Jan-2022 The Compliance Officer received a call from the affiliate of the Bank who provided information for the manager that oversaw the property.
- 1-Feb-2022 The manager from the affiliate Bank contacted the Compliance Officer and advised that the mortgage of the property was released in 2019 and that the responsibility for the property remains with the Trustee company and the property owner. The Compliance Officer advised of the possible demolition of the main and accessory structures and that the case was scheduled to be heard at the March 10, 2022 Appeals Standing Committee meeting.
- 02-Feb-2022 The Compliance Officer left a voicemail for the Trustee Officer and requested a call back.
- 22-Feb-2022 The Compliance Officer conducted a site inspection and noted no change to the main and accessory structures. The Notice to Appear (attached as Appendix G) was posted to the property and copies were sent via registered mail 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 for the main structure dated December 7, 2021
- Appendix D: Copy of the Notice of Violation for the accessory structures dated December 7, 2021
- Appendix E: Copy of the Building Official's Report for the main structure dated December 20, 2021
- Appendix F: Copy of the Building Official's Report for the accessory structures dated December 20, 2021
- Appendix G: 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: Trevor Oliver, Compliance Officer II, By-law Standards, 902.476.4257

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:

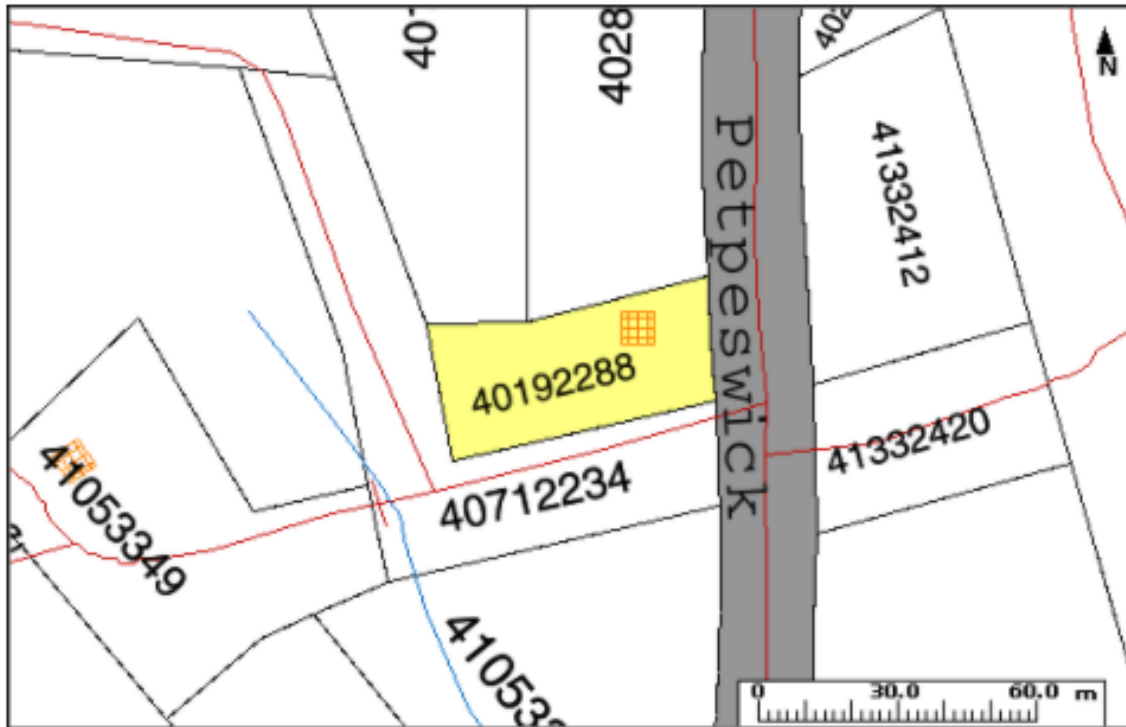
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: Feb 22, 2022 11:20:13 AM



PID:	40192288	Owner:	PATRICK GORDON MURPHY	AAN:	03421139
County:	HALIFAX COUNTY	Address:	30 WEST PETPESWICK	Value:	\$102,400 (2022 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION		ROAD		
			MUSQUODOBOIT HARBOUR		

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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HALIFAX

Municipal Compliance

Notice of Violation

Notice Served Upon: Name 30 West Potemkin Road
or address Municipaliteit Harbour, Nova Scotia

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

- | | |
|---|---|
| <input type="checkbox"/> HRM By-law A-700 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 main dwelling as it is decayed, damaged and in a state of dis-repair.

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

Create a plan of action
Apply for any required permits
Once permits are issued start the work to make the main dwelling habitable or demolish it.

Notice of Re-inspection:

A re-inspection will be performed on Monday 7, 2022 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.

Trevor Oliver
Issuing Officer
902-476-4257
Issuing Officer Phone Number
Original Signed
Issuing Officer Signature

07/12/21
Date (dd/mm/yy)
1255
Time (hh/mm)
366129
Case Number

HALIFAX

Municipal Compliance

Notice of Violation

Notice Served Upon: Name 30 West Rosemunt Road
or address Munusodabait Harbour, Nova Scotia

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

- | | |
|---|---|
| <input type="checkbox"/> HRM By-law A-700 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 three wooden sheds as they are damaged, damaged and in a state of dis-repair.

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

Create a plan of action
Start work to repair, scrape and paint as required
or demolish them.

Notice of Re-inspection:

A re-inspection will be performed on Monday 7, 2022 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.

Trevor Oliver
Issuing Officer

07/12/21
Date (dd/mm/yy)

902-476-4257
Issuing Officer Phone Number

1255
Time (hh/mm)

Original Signed
Issuing Officer Signature

3166127
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 1-800-835-5428 toll free.

Appendix E



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
30 West Petpeswick Road, Mosquodoboit Harbour (Main house)	40192288	December 20, 2021

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Single storey wood frame, single unit dwelling in varying stages of decay. • The structure is open to wildlife and climactic elements through the soffits, exterior walls, and basement. • The house appears to be leaning southward as a result of the failed foundation. • The entryway stairs on the north side of the house have collapsed.
Foundation	<ul style="list-style-type: none"> • Masonry block foundation has completely failed.
Heating Appliances	<ul style="list-style-type: none"> • Oil heat source is undetermined.
Chimney	<ul style="list-style-type: none"> • Visible portion of metal chimney appears to be in good condition.
Roof	<ul style="list-style-type: none"> • Condition of asphalt shingle roof could not be determined at the time of inspection.
Building Services	<ul style="list-style-type: none"> • Electrical meter removed • Electrical service lines still connected.

Public Safety Considerations
<ul style="list-style-type: none"> • The building is a safety hazard in its current condition and could collapse at any time. • Any additional loads to this structure from snow or wind could cause it to collapse causing injury to anyone inside or nearby. • The entrance doors of the building are secured

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. • This structure is beyond the state of repair.

Shawn Kennedy	Original Signed	Original Signed
Building Official (please print)	Sig	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
30 West Petpeswick Road, Mosquodoboit Harbour (SHEDS)	40192288	December 20, 2021

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Single storey wood frame accessory building. • The exterior walls of the structure(s) are rotten and structurally unstable. • The structures are open to passer-by's, wildlife, and climatic elements through roof and walls.
Foundation	<ul style="list-style-type: none"> • Rock rubble and earth foundation. • Accessory buildings have shifted off of rubble foundation(s) in several locations.
Heating Appliances	<ul style="list-style-type: none"> • None
Chimney	<ul style="list-style-type: none"> • None
Roof	<ul style="list-style-type: none"> • Low-slope shed roofs are in poor condition. • Asphalt shingles are intact but at the end of their serviceable life. • Wooden fascia is rotten and collapsing in most areas.
Building Services	<ul style="list-style-type: none"> • None

Public Safety Considerations
<ul style="list-style-type: none"> • The building(s) is open to access from all sides and will be difficult to secure.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> • This structure is beyond the state of repair.

Shawn Kennedy	Original Signed	Original Signed
Building Official (please print)	Signature	

Appendix G



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: 30 West Petpeswick Rd, Musquodoboit Harbour, Nova Scotia;
Case #366129 & #366127;
Hereinafter referred to as the "Property"

-and-

IN THE MATTER OF: Deteriorated Main & (3) Accessory structures
Hereinafter referred to as the "Buildings"

TO: **Patrick G Murphy**

WHEREAS you are the owner of the Property;

AND WHEREAS situated on the Property are Buildings 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 main and (3) accessory buildings, 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 19th of February 2022

Original Signed

Trevor Oliver
Compliance Officer
902.476.4257

Scott Hill
Administrator
Halifax Regional Municipality