



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

**Item No. 12.2.1**  
**Appeals Standing Committee**  
**April 14, 2022**

**TO:** Chair and Members of Appeals Standing Committee

Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Andrea MacDonald, Acting Director, Buildings and Compliance

**DATE:** March 31, 2022

**SUBJECT:** Order to Demolish – Case #368412, 39 Gold Mine Rd, Tangier

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**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 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 no previous dangerous or unsightly cases against the property.

The property is zoned RE (Rural Resource).

A review of the HRM database system shows no permits have been issued for this property.

This case is a result of a service request received on February 23, 2022. The complainant reported that the structure appeared to have been vandalized, storm damaged or both.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated main structure (Case # 368412 located at 39 Gold Mine Rd, Tangier).

**CHRONOLOGY OF CASE ACTIVITIES:**

- 23-Feb-2022 The Compliance Officer phoned the property owner and advised them of a sizable hole in the side of the main structure. The Compliance Officer also advised an inspection of the property would take place on February 24, 2022 and requested that the property owner secure the structure.
- 24-Feb-2022 The Compliance Officer conducted a site inspection at 39 Gold Mine Rd, Tangier hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted that the main structure was vacant and without power, and a sizeable side section of exterior wall was detached due to rotten and failing components.
- The Compliance Officer left a phone message for the property owner requesting a return call.
- 18-Mar-2022 The Building Official submitted a structural integrity report (attached as Appendix C).
- The overall comments regarding the structure are: “All observations of this structure were made from the exterior as the building is too structurally unstable to enter. The structure is beyond the state of repair. Recommend removal as quickly as practical.”
- The Compliance Officer left a message for the property owner requesting a return call.
- 22-Mar-2022 The Compliance Officer received a phone message from the property owner’s daughter requesting a return call.
- 23-Mar-2022 The Compliance Officer phoned the property owner’s daughter and explained the current condition of the structure. The Compliance Officer advised that HRM would be seeking a Demolition Order for the structure at the April Appeals Standing Committee meeting.
- The Compliance Officer received a phone call from the property owner’s son. The Compliance Officer reviewed the same information with the property owner’s son that was reviewed with the property owner’s daughter.
- 29-Mar-2022 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.

### **RISK CONSIDERATIONS**

The dwelling is open to access on all sides and will be difficult to secure safely.  
The building is a safety hazard and could collapse at any time..

### **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 Building Official's Report dated March 17, 2022
- Appendix D: Copy of the Notice to Appear dated March 29, 2022

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A copy of this report can be obtained online at [Halifax.ca](http://Halifax.ca) or by contacting the Office of the Municipal Clerk at 902-490-4210.

Report Prepared For: Peter Popperl, Compliance Officer II, By-law Standards, 902.499.7241

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## 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:

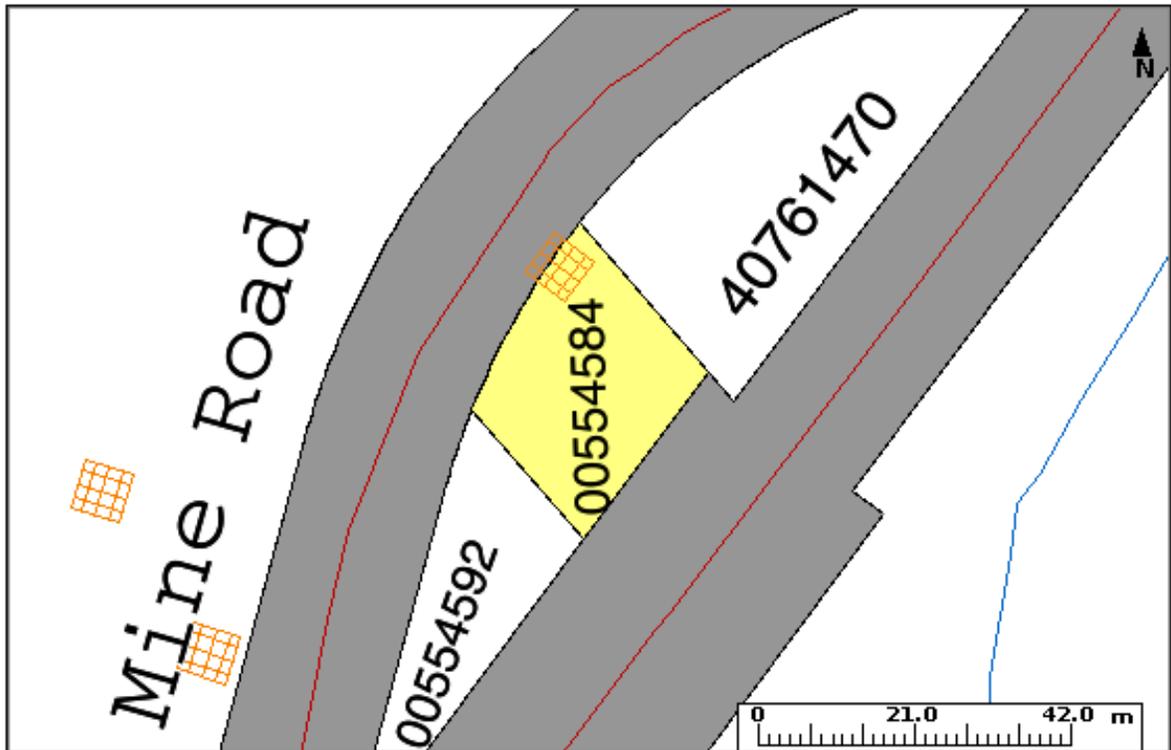
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: Mar 23, 2022 11:52:46 AM



**PID:** 00554584

**County:** HALIFAX COUNTY

**LR Status:** NOT LAND  
REGISTRATION

**Owner:** JEAN BEATRICE  
MACDONALD  
DANIEL ERNEST  
MACDONALD

**Address:** 39 GOLD MINE ROAD  
TANGIER

**AAN:** 02711567

**Value:** \$38,200 (2022 RESIDENTIAL  
TAXABLE)

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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## Appendix C

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
39 Gold Mine Rd, Tangier	00554584	March 17 <sup>th</sup> , 2022

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> <li>-All observations taken from exterior. Dwelling is too unstable to enter.</li> <li>-Two storey wood frame single unit dwelling.</li> <li>-The left exterior wall is rotten, collapsed, and severely caving in. This has resulted in the building being open to passer-by's, wildlife, and climactic elements. Entire structure at risk of imminent failure.</li> <li>-The roof is buckling as a result of rotten and collapsed load-bearing walls.</li> <li>-Main floor system is collapsed in approximately 40% of the dwelling.</li> <li>-Most of the windows are broken.</li> <li>-Front and rear deck are in a state of disrepair</li> </ul>
Foundation	-Foundation appears to be in good condition.
Heating Appliances	<ul style="list-style-type: none"> <li>-Oil heat source is undetermined.</li> <li>-Oil tank is in fair condition, with small amounts of rust visible.</li> <li>-Oil tank is empty and disconnected from the dwelling.</li> </ul>
Chimney	-Masonry brick chimney is structurally unstable. Chimney is in a state of partial collapse.
Roof	-Asphalt roofing material is in extremely poor condition, and the roof structure is severely compromised. Roof at risk of immediate failure.
Building Services	<ul style="list-style-type: none"> <li>-Meter base removed and power lines disconnected.</li> <li>-Water/sewer could not be determined.</li> </ul>

Public Safety Considerations
<ul style="list-style-type: none"> <li>-The dwelling is open to access on all sides and will be difficult to secure safely.</li> <li>-The building is a safety hazard and could collapse at any time.</li> <li>-Recommend openings in the building envelope be secured immediately.</li> </ul>

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> <li>-All observations of this structure were made from the exterior as the building is too structurally unstable to enter.</li> <li>-The structure is beyond the state of repair. Recommend removal as quickly as practical.</li> </ul>

Shawn Kennedy, Assistant Building Official	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:** 39 Gold Mine Rd, Tangier, Nova Scotia;  
Case #368412;  
Hereinafter referred to as the "Property"

**-and-**

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

**TO:** **Daniel Ernest Macdonald**  
**Jean Beatrice MacDonald**

**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 April 14, 2022 in the Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax, Nova Scotia, a copy of the report can be found on 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 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 29<sup>th</sup> of March 2022

**Original signed**

Peter Popperl  
Compliance Officer  
902.499.7241

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Scott Hill  
Administrator  
Halifax Regional Municipality