



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 12.1.2
Appeals Standing Committee
June 9, 2022

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY: Original Signed

Andrea MacDonald, Acting Director, Buildings and Compliance

DATE: May 30, 2022

SUBJECT: Order to Demolish – Case #369428, 213 Fraser Road, Williamswood

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 6 previous dangerous or unsightly cases against the property. Five cases have been closed with owner compliance and one case was closed with a Summary Offence Ticket issued to the property owner for failing to maintain the property.

In addition to this case, the Compliance Officer is managing two active dangerous and unsightly cases at the property; case 368813 regarding an accumulation of assorted debris and case 369427 regarding derelict vehicles.

The property is zoned R-2 (Two-unit dwelling).

A review of the HRM database system shows no active permits for this property.

A complaint was received by service request on March 4, 2022. The complainant stated that the property looked like a junkyard with derelict vehicles.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated main structure (Case # 369428).

CHRONOLOGY OF CASE ACTIVITIES:

- 05-Mar-2022 The Compliance Officer conducted a site inspection at 213 Fraser Road, Williamswood hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a deteriorated main structure, which appeared to formerly be used as a dwelling. The structure had open access through both front and rear doors as well as a large hole in the front exterior wall.
- 20-Mar-2022 The Compliance Officer conducted a site inspection and noted the violation remained and noted no power to the deteriorated structure.
- The Compliance Officer phoned the property owner and did not get an answer and voice mail was not available. The Compliance Officer attempted a second phone number but found the phone number was incorrect.
- 19-Apr-2022 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 only. Structure is beyond the point of reasonable repair. Roof is at high risk of structural failure”
- 12-May-2022 The Compliance Officer conducted a site inspection and noted the violation remained.
- The Compliance Officer attempted to contact the property owner but found the phone number was incorrect.
- The Compliance Officer left a phone message for a Community Outreach & Support representative who had previous authority to act for the property owner and requested a call back.
- 13-May-2022 The Community Outreach & Support representative called the Compliance Officer and provided the property owner’s phone number and advised the Compliance Officer they could explain any paperwork issued to the property owner.
- The Compliance Officer phoned the property owner and explained the violations at the property and inquired about their intentions for the main structure. The property owner

agreed the structure had to come down. The property owner and Compliance Officer agreed to meet at the property on May 18, 2022 to discuss the necessary work.

18-May-2022 The Compliance Officer and property owner met at the property and discussed the violations. The property owner explained they are making arrangements with a friend to clean up the property before listing it for sale. The property owner explained it would take a bit of time to remedy all violations but promised to make progress for future site inspections. The Compliance Officer advised they would be seeking a Demolition Order for the structure at the June 9, 2022 meeting of the Appeals Standing Committee and explained the process. The property owner expressed hope that the structure would be addressed prior to the meeting.

29-May-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 building has several open access points and large amount of debris inside the building and on the surrounding property. The Building is deteriorated and poses a risk to anyone who may enter.

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 April 14, 2022
Appendix D: Copy of the Notice to Appear dated May 25, 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 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: May 18, 2022 9:55:46 AM



PID: 40073439	Owner: EDMUND BUTLER WALSH	AAN: 03093271
County: HALIFAX COUNTY	Address: 213 FRASER ROAD WILLIAMSWOOD	Value: \$86,800 (2022 RESIDENTIAL TAXABLE)
LR Status: 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
213 Fraser Rd, Williamswood, NS B3V 1B7	40073439	April 14, 2022

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> - Single storey wood frame building. - Appears to be a secondary building to a dwelling that has been removed from the property. - No exterior doors, broken windows, and not weather tight. - Two large openings in exterior walls. - Missing floor boards. - Foliage is starting to grow inside of the building. - The gypsum is falling off the ceiling. - Large amount of debris inside the building. - Large amount of debris on the surrounding property.
Foundation	<ul style="list-style-type: none"> - Wood floor on ground. - Supported by large rocks. - Wood floor has failed in middle segment of building.
Heating Appliances	<ul style="list-style-type: none"> - No heating appliance on site.
Chimney	<ul style="list-style-type: none"> - Existing chimney intact. No heating appliance attached inside the structure.
Roof	<ul style="list-style-type: none"> - The roof has partially collapsed in the middle segment of the building. - Asphalt roofing material is in poor condition. Shingles missing.
Building Services	<ul style="list-style-type: none"> - Building is not connected to the electrical grid. - Water/sewer service is undetermined.

Public Safety Considerations
<ul style="list-style-type: none"> - The building has several open access points. - Large amount of debris inside the building and on the surrounding property. - Building must be immediately secured to prevent public access.

Comments Regarding Repair or Demolition

Observations of this structure were made from the exterior only. Structure is beyond the point of reasonable repair. Roof is at high risk of structural failure.

Hannah Kelly

Original signed

Original signed

Building Official (please print)

Form Jan 2016

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: 213 Fraser Rd, Williamswood, Nova Scotia;
Case #369428;
Hereinafter referred to as the “Property”

-and-

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

TO: **Edmund Butler Walsh**

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 June 9, 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 25th of May 2022

Original signed

Thomas Murdoch
Compliance Officer
902.943.9213

Scott Hill
Administrator
Halifax Regional Municipality