



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 12.2.1
Appeals Standing Committee
July 14, 2022

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY: Original Signed

Andrea MacDonald, Acting Director, Compliance

DATE: June 27, 2022

SUBJECT: Order to Demolish – CF 2022 2656, 780 Cow Bay Road, Eastern Passage

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 two previous dangerous or unsightly cases at the property. One case was closed as owner compliance and one case is open and being managed separately.

The property is zoned R-1 (Single family dwelling).

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

The Compliance Officer created this case on April 16, 2022. The original service request and case file began in July 2021. The complainant noted violations at the property including a lack of landscaping, abandoned vehicles, debris and the front doorstep was in disrepair. Some violations have been removed from the property however, the state of the property has continued to be in violation.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated accessory structure (CF#2022 - 2656). The remaining debris and derelict vehicle violations are being managed by the Compliance Officer separately.

CHRONOLOGY OF CASE ACTIVITIES:

- 16-Apr-2022 The Compliance Officer conducted a site inspection at 780 Cow Bay Road, Eastern Passage hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted multiple violations including a lack of yard maintenance, a lack of exterior maintenance, an accumulation of debris, derelict vehicles and a deteriorated accessory structure. The Compliance Officer spoke with neighbors who advised they believed the property owner might not live at the property.
- 18-Apr-2022 The Compliance Officer phoned the property owner and explained the violations over speaker phone. A female who was with the property owner during the call advised the Compliance Officer that the property owner has medical issues that would prevent him from going to the property. The individual said she would contact the property owner’s son to see if he could attend the property. The Compliance Officer provided their contact information to pass on to the property owner’s son.
- 24-Apr-2022 The Compliance Officer conducted a site inspection and noted all violations remained. The Compliance Officer posted a 60-day Notice of Violation (attached as Appendix C) to remove the structurally damaged accessory structure. The Compliance Officer attempted to secure the storm door on the accessory structure but was unable.
- 06-May-2022 The Compliance Officer received a missed call from the property owner’s son. The Compliance Officer left a voice message for the property owner’s son requesting a return call.
- The Compliance Officer received a voicemail from the property owner’s son inquiring about the violations and what was required to bring the property into compliance.
- 08-May-2022 The Compliance Officer left a detailed voice message for the property owner’s son explaining the work to bring the property into compliance.
- 15-May-2022 The Compliance Officer conducted a site inspection and noted the violations remained.
- 25-May-2022 The Compliance Officer conducted a site inspection and noted the violations remained.
- 26-May-2022 The Compliance Officer left a voice message for the property owner advising of the site inspection and asked that they return the call.

- 31-May-2022 The property owner's son and Compliance Officer exchanged voice mail messages for each other and were unable to speak directly.
- 01-Jun-2022 The Building Official submitted a structural integrity report (attached as Appendix D).
The overall comment regarding the structure is: "It would not be cost effective to repair this structure."
- 10-Jun-2022 The Compliance Officer conducted a site inspection and noted the open access to the accessory structure had been addressed and debris on the property appeared to be sorted.
- 23-Jun-2022 The Compliance Officer posted a Notice to Appear (attached as Appendix E) at the property. A copy was sent to the property owner through registered mail, and a copy was emailed to the property owner's son.

The property owner's son phoned the Compliance Officer and discussed the scope of the work to be completed at the property. The property owner's son advised the Compliance Officer that the property owner cannot do the work, the son will do what they can to bring the property into compliance and will require additional time. The Compliance Officer agreed to extend the compliance timeline for the remaining debris and derelict vehicle violations as progress is being made.

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 risk considerations rate low as the building is secured however the building could pose a hazard 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 Notice of Violation dated April 24, 2022
Appendix D: Copy of the Building Official's Report dated May 30, 2022
Appendix E: Copy of the Notice to Appear dated June 23, 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: Kevin Berrigan, Compliance Officer II, By-law Standards, 902.471.2051

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:

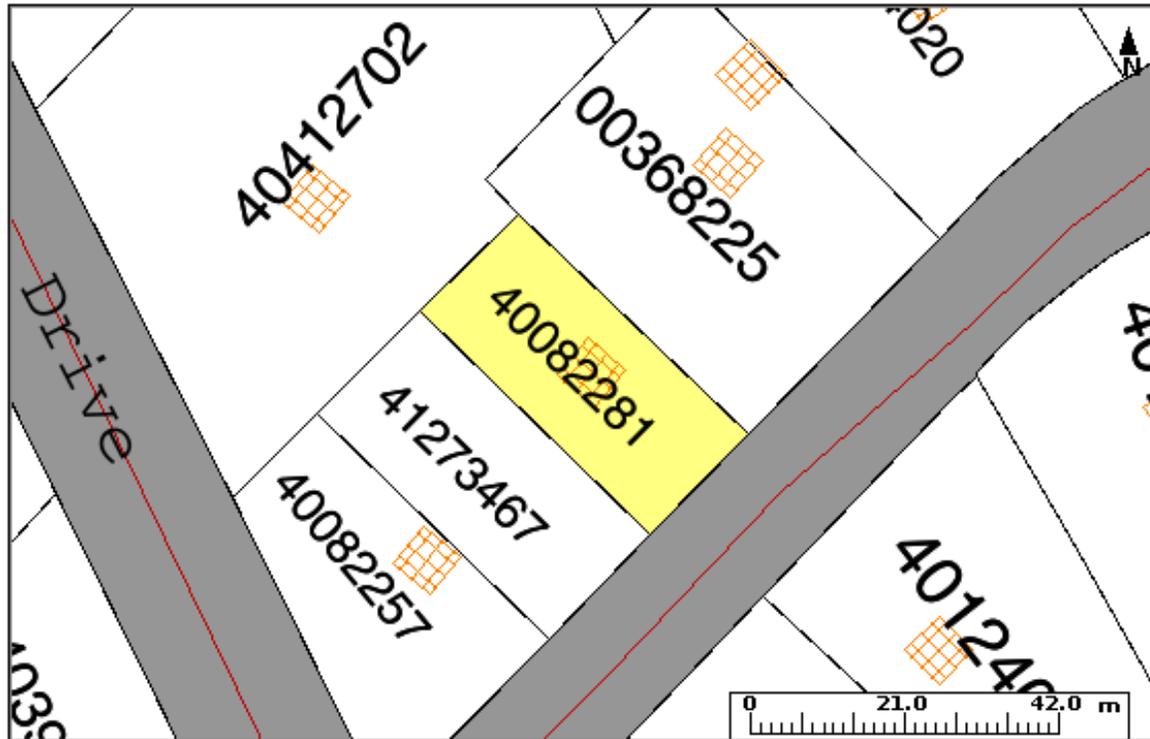
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: Jun 2, 2022 1:02:52 PM



PID: 40082281 Owner: RICHARD COLE AAN: 00843598
County: HALIFAX COUNTY Address: 780 COW BAY ROAD Value: \$133,800 (2022 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION EASTERN PASSAGE

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

HALIFAX

Buildings and Compliance

Notice of Violation

Notice Served Upon: Richard Cole

Address: 750 Cow Bay Road

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 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 (shed/garage) in a state of dis repair due to rotten wood, missing wood components and a failing structure.

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

Remove accessory structure by first obtaining a demolition permit from HRM.

Notice of Re-inspection:

A re-inspection will be performed on June 24 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.

Kevin Bessiga
Issuing Officer

902-471-2051
Issuing Officer Phone Number

Original signed
Issuing Officer Signature

24/06/2022
Date (dd/mm/yy)

15:17
Time (hh/mm)

CS-2022-002256
Case Number

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
780 Cow Bay Road, Eastern Passage.	40082281	May 30, 2022

Building Feature	Condition Relative to Habitability and Structural Integrity
Accessory Structure	Wood constructed accessory structure. The roof has collapsed, and exterior walls are in a state of failure. Walls are exposed without protective sheathing. The building shows signs of uneven settling and structural sagging. The building is not secured.
Foundation	Undeterminable
Heating Appliances	N/A
Chimney	N/A
Roof	Metal roof is non-existent in some areas exposing the structure to the elements and wildlife. The roof has collapsed on most of the building.
Building Services	N/A

Public Safety Considerations
The building is a safety hazard in its current condition and could collapse at any time. Recommend the entrance to the building be secured.

Comments Regarding Repair or Demolition
It would not be cost effective to repair this structure.

Jeffrey Graham	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: 780 Cow Bay Road, Eastern Passage, Nova Scotia;
CF 2022 2656;
Hereinafter referred to as the “Property”

-and-

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

TO: **Richard Cole**

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 July 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 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 23rd of June 2022

Original signed

Kevin Berrigan
Compliance Officer
902.471.2051

Scott Hill
Administrator
Halifax Regional Municipality