



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

Item No. 12.2.3
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 23, 2022

SUBJECT: Order to Demolish – CF 2022 5969, 61 Farrell Street, Dartmouth

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 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 have been four previous dangerous or unsightly cases at the property. One case was closed with HRM completing a remedy and three cases were closed as owner compliance.

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

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

A complaint was received by service request on May 18, 2022. The complainant stated the property was dangerous, unsightly and a health, safety, and fire risk due to a deteriorated shed sinking into the ground.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated accessory structure (CF 2022 5969).

CHRONOLOGY OF CASE ACTIVITIES:

- 18-May-2022 The Compliance Officer conducted a site inspection at 61 Farrell Street, Dartmouth hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted open access to the accessory structure through the side door. In addition, the Officer noted a missing window and side wall that poses an allurements and danger to anyone who may enter the property.
- The Compliance Officer posted a contact notice (attached as Appendix C) to secure open access to the accessory structure and a 30-day Notice of Violation (attached as Appendix D) to repair or demolish the structure at the property.
- The Compliance Officer phoned the property owner regarding the violations and didn't receive an answer nor were they able to leave a voice message.
- 19-May-2022 The Compliance Officer posted an Immediate Order (attached as Appendix E) to secure the structure against open access. A copy was also sent to the property owner through registered mail.
- HRM contractors completed a board-up, securing the structure against open access.
- 25-May-2022 The property owner left a voice message for the Compliance Officer advising they noticed the board-up was completed and requested a phone call.
- 26-May-2022 The Compliance Officer phoned the property owner and explained HRM completed the remedy to secure the building. The Compliance Officer explained the concerns regarding the structure including the options to either repair or remove the structure. The Officer also discussed the process if HRM were to seek a Demolition Order. The property owner explained the deteriorated structure hadn't been used in 15 years and that they couldn't afford the repairs nor demolition. The Compliance Officer provided the property owner contact information for NS Housing as a grant resource to assist with the work required.
- 27-May-2022 The Building Official submitted a structural integrity report (attached as Appendix F).
- The overall comments regarding the structure are: “Building is beyond the state of repair, recommendation would be to demolish the building”.
- 23-June-2022 The Compliance Officer posted a Notice to Appear (attached as Appendix G) 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 risk considerations rate moderate to anyone who may enter as the structure is in a state of disrepair and poses a risk of collapse.

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 Contact Notice dated May 18, 2022
- Appendix D: Copy of the Notice of Violation dated May 18, 2022
- Appendix E: Copy of the Immediate Order dated May 19, 2022
- Appendix F: Copy of the Building Official's Report dated May 27, 2022
- Appendix G: 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: 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:

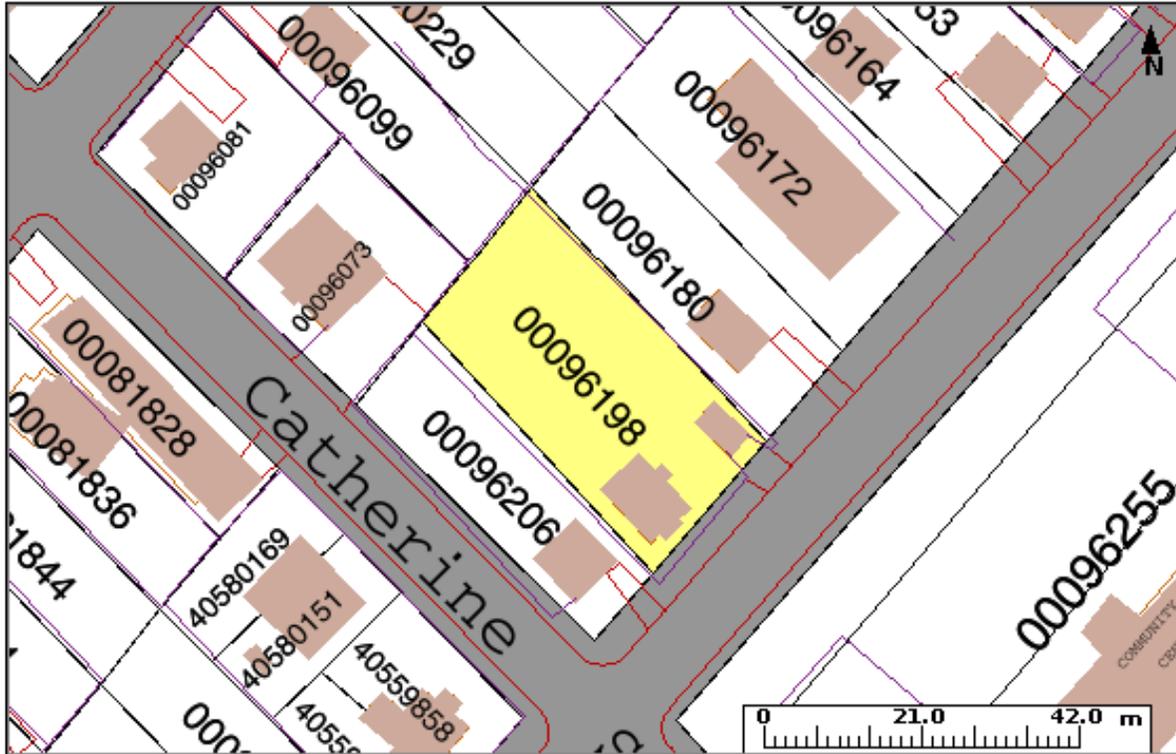
- 356 (1) Where a property is dangerous or unsightly, the Council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.
- (3) Where it is proposed to order demolition, before the order is made not less than seven days notice 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;

Property Online Map

Date: Jun 2, 2022 12:53:19 PM



PID: 00096198	Owner: CATHERINE ANNE PELLERIN	AAN: 03233278
County: HALIFAX COUNTY	Address: 61 FARRELL STREET DARTMOUTH	Value: \$135,600 (2022 RESIDENTIAL TAXABLE)
LR Status: NOT 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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Appendix C

HALIFAX

Municipal Compliance

CONTACT NOTICE		
Service Request #	Date of Visit	Name
Case or License #	Time of Visit	
2022-005969	May 18, 2022 15:03	Catherine Pellerin 61 Fennel Street Dartmouth, Nova Scotia
Municipal Compliance staff:		
<input checked="" type="checkbox"/> would like you to contact them regarding <u>You have until May 19, 2022</u> <u>10am to secure access to the accessory building at</u> <u>61 Fennel Street, Dartmouth, Nova Scotia.</u>		
<input type="checkbox"/> requires more information related to a complaint regarding _____		
<input type="checkbox"/> was in your area responding to your complaint regarding _____		
<input type="checkbox"/> requires a statement regarding _____		
<input type="checkbox"/> is polling the area for the purpose of an investigation regarding _____		
<input type="checkbox"/> may have picked up your dog		
<input checked="" type="checkbox"/> other <u>Please call me with an update as soon</u> <u>as possible</u>		
Please Contact (print)		Phone Number
Trevor Oliver		902-476-4257

Appendix D

HALIFAX

Buildings and Compliance

Notice of Violation

Notice Served Upon: 61 Farrell Street

Address: Dartmouth, 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 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):

The accessory building is damaged, rotten and in a state of dis-repair.

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

Create a plan of action
Obtain all required permits
Start working to repair the accessory building or demolish it

Notice of Re-inspection:

A re-inspection will be performed on June 18, 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

18/05/22
Date (dd/mm/yy)

902-476-4257
Issuing Officer Phone Number

15:03
Time (hh/mm)

Original signed
Issuing Officer Signature

2022-005969
Case Number



**IMMEDIATE ORDER TO REMEDY
DANGEROUS CONDITIONS**

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: Property located at 61 FARRELL ST., DARTMOUTH, NS,
[REDACTED] Case # CF-2022-005969
Hereinafter referred to as the "Property"

TO: CATHERINE ANNE PELLERIN
[REDACTED]

WHEREAS you are the owner(s) of the Property;

AND WHEREAS located on the Property is a dangerous condition due to open access to the accessory building in accordance with Section 3(q) of the Charter;

TAKE NOTICE that you are hereby Ordered to immediately remedy the condition of the Property by securing the open access to the accessory building so as to leave the Property in a neat, tidy, environmentally compliant and safe condition;

AND FURTHER TAKE NOTICE that your failure to immediately comply with this Order may also result in further legal action;

AND FURTHER TAKE NOTICE that your failure to immediately comply with the requirements of this Order, the Administrator, or any person authorized by the Administrator, may enter upon the Property without warrant or other legal process and carry out the work specified in this Order;

AND FURTHER TAKE NOTICE that the costs of complying with this Order, including the cost of completing the work specified herein, incurred by the Halifax Regional Municipality ("HRM") or its agents, is a debt payable by you to HRM and that HRM has a first lien on the Property in the amount of the debt which may be collected in the same manner and with the same rights and remedies as rates and taxes pursuant to the Charter;

AND FURTHER TAKE NOTICE that upon service of this Order, any person who aids, assists, permits or causes a dangerous or unsightly condition or fails to comply with the terms of this Order is liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) and every day during which the condition is not remedied is a separate offense.

DATED at Halifax, Nova Scotia this 19th of May, 2022 AD. **Original signed**

TREVOR OLIVER
COMPLIANCE OFFICER
Phone: 902-476-4257

SCOTT HILL
ADMINISTRATOR,
Halifax Regional Municipality

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
61 Farrell St Dartmouth	00096198	May 27 th , 2022

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	Single storey accessory structure. The roof has partially collapsed. Obvious signs of rotted materials throughout. Walls are bowing and sagging.
Foundation	Appears to be on masonry block.
Heating Appliances	N/A
Chimney	N/A
Roof	Asphalt shingles in extremely poor condition or non-existent. The roof has structurally failed.
Building Services	N/A

Public Safety Considerations
Possible risk of collapse.

Comments Regarding Repair or Demolition
Building is beyond the state or repair, recommendation would be to demolish the building.

Daniel Campagna		Original signed
Building Official (please print)	Signature	Supervisor's Initials

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: 61 Farrell Street, Dartmouth, Nova Scotia;
CF 2022 5969;
Hereinafter referred to as the “Property”

-and-

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

TO: **Catherine Anne Pellerin**

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

Trevor Oliver
Compliance Officer
902.476.4257

Scott Hill
Administrator
Halifax Regional Municipality