



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

**Item No. 12.2.1**  
**Appeals Standing Committee**  
**August 11, 2022**

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

Original signed

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

**DATE:** August 2, 2022

**SUBJECT:** Order to Demolish – Case #366404, 36 Zinck Avenue, Lower Sackville

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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 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. Both cases were closed as owner compliance.

The property is zoned R-1 (Single Unit Dwelling).

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

A complaint was received by service request on December 13, 2021. The complainant stated there were derelict vehicles, appliances, and debris on the property.

A subsequent complaint was received by service request on May 9, 2022. The complainant stated the shed is falling apart, there are derelict vehicles, appliances, and piles of debris in the front and back of the property.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated accessory structure (Case #366404).

**CHRONOLOGY OF CASE ACTIVITIES:**

14-Dec-2021 The Compliance Officer conducted a site inspection at 36 Zinck Avenue, Lower Sackville hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a washer and dryer in the driveway, an accumulation of assorted debris and a deteriorated accessory structure at the property.

The Compliance Officer posted a 14-day Notice of Violation (attached as Appendix C) to repair the deteriorated accessory structure.

The debris violations are being managed by the Compliance Officer under a separate case.

15-Dec-2021 The Compliance Officer left a detailed voice message for the property owner explaining the Notice of Violation and work required to bring the property into compliance.

12-May-2022 The Compliance Officer conducted a site inspection and noted the violations remained. The Compliance Officer left their business card with a babysitter at the property and requested they have the property owner contact them.

16-May-2022 The Compliance Officer left a voice message for the property owner advising that a Building Official would complete a structural integrity report for the accessory structure and requested the property owner call.

19-May-2022 The Compliance Officer and property owner exchanged voice mail messages. The Compliance Officer explained in their message that an Order to Remedy was being posted at the property and requested a return call.

06-Jun-2022 The Building Official submitted a structural integrity report for the main dwelling (attached as Appendix D).

The overall comments regarding the main dwelling are: “The structure is beyond the state of repair, recommended to be demolished.”

28-Jun-2022 The Compliance Officer conducted a site inspection and noted a ladder over the roof of the accessory structure suggesting some work may have started. The Compliance

Officer also noted seeing several items inside the structure that would have to be removed prior to demolition.

The Compliance Officer left a voice message for the property owner explaining the case was progressing to the Appeals Standing Committee to seek a Demolition Order for the accessory structure. The Compliance Officer explained the process including the Notice to Appear and provided their contact information should the property owner have questions.

21-Jul-2022 The Compliance Officer posted a Notice to Appear for the accessory structure (attached as Appendix E) at the property. A copy was sent to the property owner through registered mail.

### **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. The building is open to the elements and difficult to secure. The building is a safety hazard and could collapse at any time. The lack of maintenance has allowed climatic elements to penetrate the building envelope and alleviate the buildings structural integrity.

### **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: Notice of Violation dated December 14, 2021  
Appendix D: Copy of the Building Official's Report dated May 17, 2022  
Appendix E: Copy of the Notice to Appear dated July 21, 2022

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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: Valerie Rodger, Compliance Officer II, By-law Standards, 902.476.1708

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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:

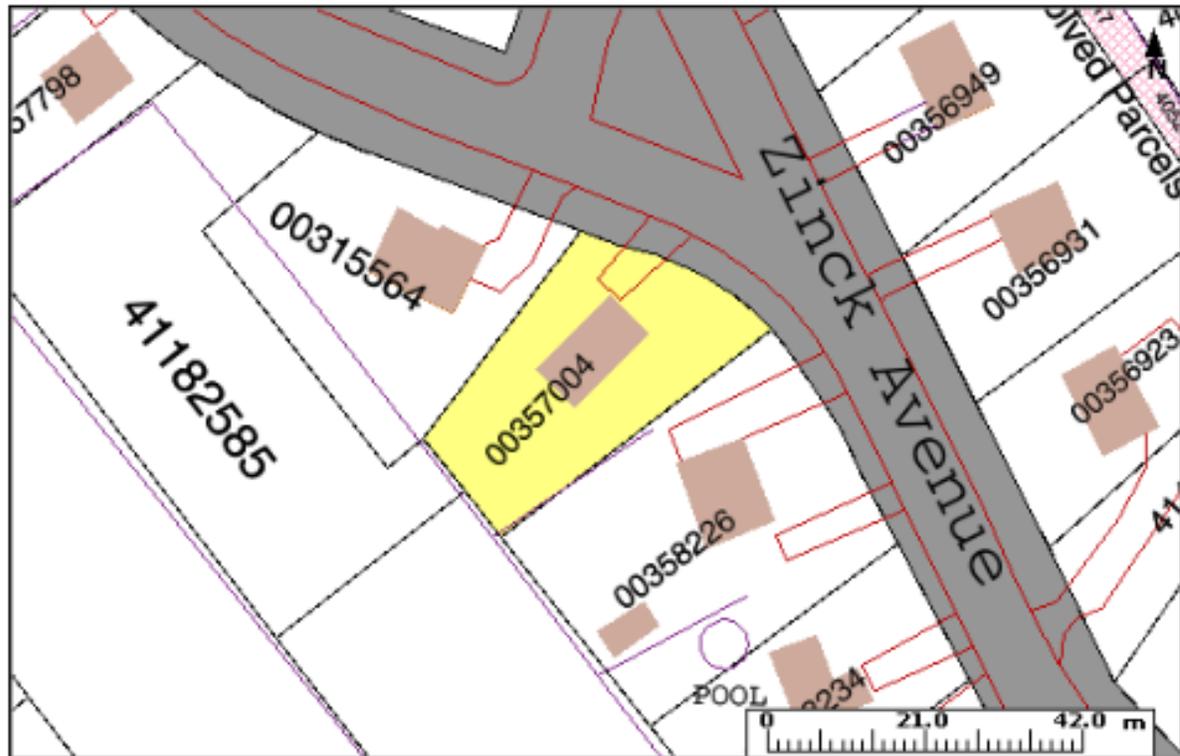
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: Jun 28, 2022 12:40:03 PM



PID:	00357004	Owner:	CONSTANCE BURNS	AAN:	05802296
County:	HALIFAX COUNTY	Address:	36 ZINCK AVENUE	Value:	\$160,000 (2022 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION		LOWER SACKVILLE		

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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### Notice of Violation

Notice Served Upon: \_\_\_\_\_

Address: 36 Zinda Ave

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

- HRM By-law A-700 Animals
- HRM By-law C-300 Civic Addressing
- HRM By-law C-501 Vending
- HRM Charter, Part XV Respecting Dangerous or Unightly Premises
- HRM By-law N-300 Nuisances
- HRM By-law S-300 Streets
- HRM By-law S-600 Solid Waste
- HRM By-law S-801 Temporary Signs
- HRM By-law S-1000 Sidewalk Cafes
- HRM By-law T-1000 Taxi & Limousine
- Other: \_\_\_\_\_

Details of violation(s):

Lack of maintenance to exterior of accessory bldg (shed) resulting in missing shingles, rotted wood, and holes in roof

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

Repair above violations

Notice of Re-inspection:

A re-inspection will be performed on 2021 Dec 28 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.

Valerie Rodger  
Issuing Officer

902-476-1708  
Issuing Officer Phone Number

**Original signed**  
\_\_\_\_\_  
Issuing Officer Signature

14 Dec 2021  
Date (dd/mm/yy)

1455Z  
Time (hh/mm)

TBA  
Case Number

3006404.

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
36 Zinck Ave, Lower Sackville, NS	00357004	May 17 <sup>th</sup> , 2022

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	Single storey wood frame accessory building. All the walls and roof are rotted and caving in.
Foundation	N/A
Heating Appliances	Possible wood stove.
Chimney	Metal chimney has fallen over with the collapse of the roof.
Roof	The roof has collapsed.
Building Services	N/A

Public Safety Considerations
The building is open to the elements and difficult to secure. The building is a safety hazard and could collapse at anytime. The lack of maintenance has allowed climatic elements to penetrate the building envelope and alleviate the buildings structural integrity.

Comments Regarding Repair or Demolition
The structure is beyond the state of repair, recommended to be demolished.

Daniel Campagna		<b>Original signed</b>
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:** 36 Zinck Avenue, Lower Sackville, Nova Scotia;  
Case #366404;  
Hereinafter referred to as the “Property”

**-and-**

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

**TO:** **Constance Burns**

**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 August 11, 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 21<sup>st</sup> of July 2022

**Original signed**

Valerie Rodger  
Compliance Officer  
902.476.1708

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Scott Hill  
Administrator  
Halifax Regional Municipality