



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

Item No. 12.2.2
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 #364920, 49 Battery Drive, Halifax

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 at the property,

The property is zoned H (Holding).

A review of the HRM database system shows a demolition permit application was submitted January 3, 2022, however required documentation remains outstanding from the property owner which is delaying permit approval.

A complaint was received by service request on November 8, 2021. The complainant stated the dwelling is unsightly and the roof is collapsing.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated main structure (Case #364920).

CHRONOLOGY OF CASE ACTIVITIES:

- 09-Nov-2021 The Compliance Officer conducted a site inspection at 49 Battery Drive, Halifax hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a vacant main dwelling in a state of disrepair. The front deck has collapsed, walls are bowed, the roof and eaves have holes, there is no power and the inside of the structure is destroyed with insulation everywhere.
- 26-Nov-2021 The Building Official submitted a structural integrity report for the main dwelling (attached as Appendix C).
- The overall comments regarding the main dwelling are: “Structure should be demolished as it is beyond the point of reasonable repair. Structure is a high risk of collapsing.”
- 02-Dec-2021 The Compliance Officer sent a 21-Day Notice of Violation (attached as Appendix D) to the property owner through registered mail to obtain a demolition permit and demolish the main structure.
- 16-Dec-2021 The Compliance Officer and property owner exchanged voice mail messages.
- The Compliance Officer received a voice message from the property manager regarding the Notice of Violation. The Compliance Officer phoned the property manager who advised that the property was recently purchased. The Compliance Officer reviewed the structural integrity report and that the structure has been deemed compromised and beyond repair. The Compliance Officer reviewed the Appeals Standing Committee process and that the owner has the opportunity to attend if they do not demolish the structure prior to the committee meeting date. The property manager advised that the new owners are working with an architect and the property manager will send the Compliance Officer an email with an update on the demolition permit application.
- The property manager sent the Compliance Officer an email confirming their intent to obtain a demolition permit.
- 24-Dec-2021 The Compliance Officer received an email from the property manager including the property owner’s plan for the structure.
- 30-Dec-2021 The Compliance Officer received an email from the property manager inquiring if the submitted plan was sufficient to close the case. The Compliance Officer advised that the case could not be closed until the structure has been demolished.

The property manager emailed the Compliance Officer and asked for an extension until the end of January to obtain the permit.

The Compliance Officer emailed the property manager and advised that the permit applications can be completed online and that the expectation is they apply for a demolition permit as soon as possible and work towards compliance.

- 12-Jan-2022 The Compliance Officer spoke with the property owner's contractor. The contractor advised that they have an unsubmitted draft application for the demo 2022-00028. Prior to submitting the application they want to know of any restrictions that may impact a rebuild.
- 18-Jan-2022 The Compliance Officer noted the property manager spoke with an HRM Planner regarding the demolition permit and potential restrictions for a rebuild.
- 31-Mar-2022 The Compliance Officer phoned the property owner's contractor and recommended they contact 311 for an update on their demolition permit as there appeared no progress.
- 30-May-2022 The Compliance Officer phoned the property owner's contractor and explained their demolition permit application has not progressed past draft form as their submission was lacking the required documentation. The Compliance Officer further advised that the case would progress to the Appeals Standing Committee. The contractor advised the Compliance Officer they intend to demolish the structure and would call the Compliance Officer in a week.
- 06-Jun-2022 The Compliance Officer spoke with an HRM Planner regarding the structural integrity report and the contractor's inquiry relative to demolition and rebuild restrictions. The Planner advised the Compliance Officer they would contact the contractor and explain what can and cannot be done.
- 17-Jun-2022 The Compliance Officer conducted a site inspection and noted the violation remained.
- 21-Jul-2022 The Compliance Officer posted a Notice to Appear for the main structure (attached as Appendix E) 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 as the building is in a state of failure 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 November 26, 2021
- Appendix D: Notice of Violation dated December 2, 2021
- Appendix E: Copy of the Notice to Appear dated July 21, 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: Kim Northrop, Compliance Officer II, By-law Standards, 902.476.6567

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:

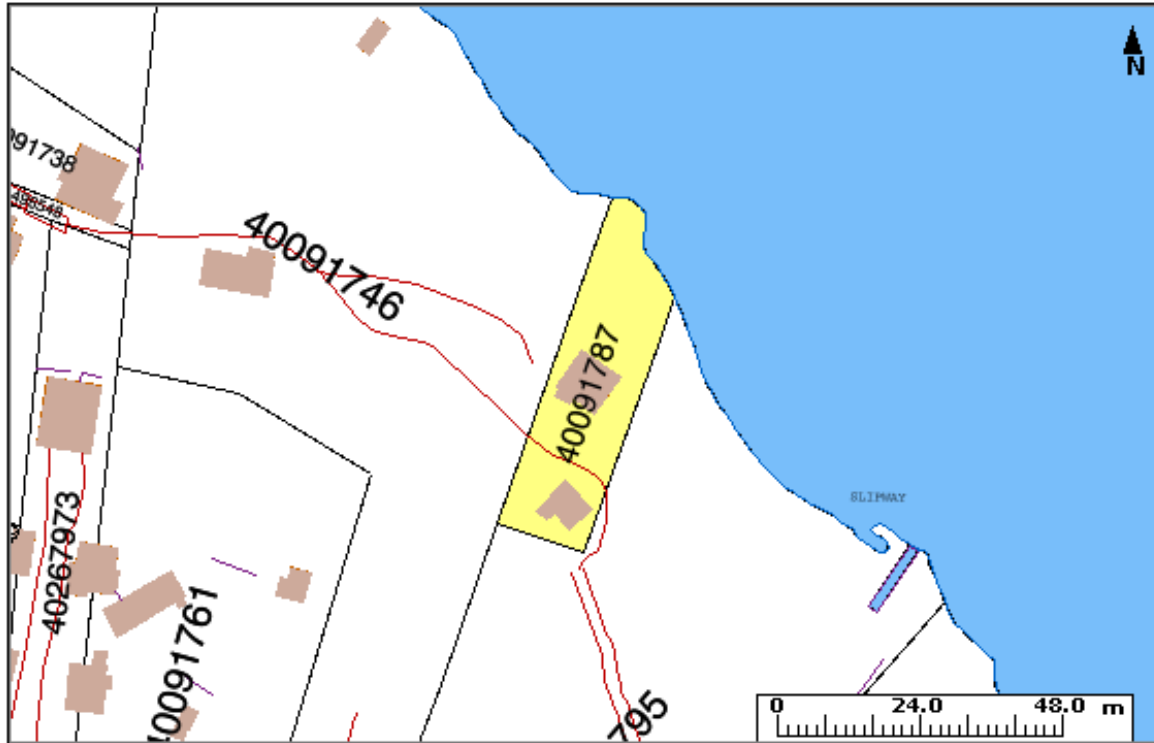
- 356 (1) Where a property is dangerous or unsightly, the Council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.
- (3) Where it is proposed to order demolition, before the order is made not less than seven days notice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

Property Online Map

Date: Jun 27, 2022 8:22:56 AM



PID: 40091787	Owner: ANURADHA MISHRA GUPTA RUDRA RISHI GUPTA	AAN: 00717991
County: HALIFAX COUNTY	Address: 49 BATTERY DRIVE HALIFAX	Value: \$254,100 (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
49 Battery Dr, Halifax	00717991	November 26 th , 2021

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> -Wood framed single unit dwelling. -1 storey above grade. -The structure is rotten and unsafe to enter. - Deck has completely collapsed
Foundation	-Foundation is falling down the hill, causing further structural damage.
Heating Appliances	-Oil tank has been removed from the property. No heat.
Chimney	<ul style="list-style-type: none"> -Brick chimney has separated from the structure and is currently free standing. -Fairly new Selkirk.
Roof	<ul style="list-style-type: none"> -Structural failure in roof system. Large dip in the centre of the roof. -Roof in danger of collapsing. -Fascia rotten and falling off, exposing soffit.
Building Services	-electrical services have been disconnected.

Public Safety Considerations
<ul style="list-style-type: none"> -Open crawl space below the structure filled with garbage. -Possibility of complete structural Failure. -Property must be immediately secured to prevent public access.

Comments Regarding Repair or Demolition
Structure should be demolished as it is beyond the point of reasonable repair. Structure is a high risk of collapsing.

James MacDoanld	Original signed	Original signed
Building Official (please print)	Signature	Supervisor's Initials

Notice of Violation

Notice Served Upon: 49 BATTERY DRIVE
 Address: HALIFAX, NS PID# 40091787

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 Unsightly 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):~~
Dwelling in a state of Disrepair Due to foundation failure. Down chimney separated from steel structure. Structure falling with roof system. Allowing R/O to cave in, Fascia rotten and falling off, deck collapsed, NO power hook up and NO source of heat.

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

- obtain the Proper Permits to Demolish Structure that is beyond the point of reasonable repair.
- Demolish Structure. No permit issued to allow you to do so.

Notice of Re-inspection:

A re-inspection will be performed on Dec 23 / 21 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.

Issuing Officer No. 7
902 476 6567

Issuing Officer Phone Number
Original signed
 Issuing Officer Signature

Date (dd/mm/yy) 02/12/21
 Time (hh/mm) 1:340
 Case Number 364920

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: 49 Battery Drive, Halifax, Nova Scotia;
Case #364920;
Hereinafter referred to as the “Property”

-and-

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

TO: **Anuradha Mishra Gupta**
Rudra Rishi Gupta

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 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 21st of July 2022

Original signed

Kim Northrop
Compliance Officer
902.476.6567

Scott Hill
Administrator
Halifax Regional Municipality