



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

Item No. 12.2.1
Appeals Standing Committee
October 13, 2022

TO: Chair and Members of Appeals Standing Committee

-Original Signed-

SUBMITTED BY: _____
Andrea MacDonald, Acting Director, Compliance

DATE: October 2, 2022

SUBJECT: Order to Demolish – Case #363433, 2307 Cow Bay Road, Cow Bay

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 and 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 five previous dangerous or unsightly cases at the property. The cases were all closed as owner compliance.

The property is zoned P-3 (Provincial Park).

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

A complaint was received by service request on October 5, 2021. The complainant stated the property was dangerous and unsightly due to derelict vehicles and a deteriorated abandoned dwelling at the property.

The Compliance Officer is bringing this case forward to the committee to request Demolition Orders for the deteriorated main and accessory structures (Case #363433).

CHRONOLOGY OF CASE ACTIVITIES:

- 07-Oct-2021 The Compliance Officer conducted a site inspection at 2307 Cow Bay Road, Cow Bay hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted scattered debris, a derelict vehicle, and deteriorated main and accessory structures at the property.
- The debris and derelict vehicle violations are being managed by the Compliance Officer under separate cases.
- 14-Oct-2021 The Compliance Officer conducted a site inspection and noted the violations still exist. The Compliance Officer posted a 7-day Notice of Violation (attached as Appendix C) to obtain demolition permits and remove the deteriorated main and accessory structures.
- 15-Oct-2021 The Compliance Officer phoned the property owner who confirmed they received the posted Notice of Violation. The property owner advised the Compliance Officer that they have been working on the property for years and asked the Compliance Officer if they could contact them prior to the next site inspection so they could meet together on site.
- 21-Oct-2021 The Compliance Officer conducted a site inspection with the property owner. The Compliance Officer noted the violations remain. The property owner advised the Compliance Officer that they were hoping to repair the deteriorated structures. The Compliance Officer advised the property owner that a Building Official would complete Structural Integrity Reports.
- 22-Oct-2021 The Building Official submitted a Structural Integrity Report for the main and accessory structures (attached as Appendix D).
- The overall comments regarding the structures are: “Both structures are beyond the state of repair.”
- 02-Nov-2021 The Compliance Officer conducted a site inspection and noted the violations remained.
- 09-Nov-2021 The Compliance Officer conducted a site inspection and noted the violations remained and the property had a “for sale” sign on it.
- 23-Nov-2021 The Compliance Officer phoned the property owner who advised that they had listed the property for sale “as is where is”. The Compliance Officer advised the property owner that a Structural Integrity Report was completed and as a result, the case would progress to the Appeals Standing Committee to seek demolition orders for the structures.

- 12-Jan-2022 The Compliance Officer completed a site inspection and noted the violations remained.
- 18-Jul-2022 The Compliance Officer completed a site inspection and noted the violations remained.
- 19-Jul-2022 The Compliance Officer left a voice message for the property owner advising them of the results of the site inspection on July 18, 2022.
- 20-Jul-2022 The property owner phoned the Compliance Officer and advised that they experienced health issues and have had interest in the property however, the property has not sold. The Compliance Officer advised the property owner the case would progress to the Appeals Standing Committee to seek demolition Orders for the structures. The Compliance Officer also explained the process and advised they would contact the property owner in August.
- 25-Aug-2022 The Compliance Officer received a phone call from the property owner's friend advising they have removed the debris from the property.
- The Compliance Officer conducted a site inspection and noted the deteriorated structures remained and most of the debris was removed.
- 22-Sep-2022 The Compliance Officer posted a Notice to Appear for the main structure (attached as Appendix E) and the accessory structure (attached as Appendix F) at the property. Copies were 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 as the structures are compromised and would present a risk to anyone who may choose to enter.

ENVIRONMENTAL IMPLICATIONS

No environmental impact identified.

SOCIAL VALUE

No social value was 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 October 14, 2021
- Appendix D: Copy of the Building Official's Report dated October 18, 2021
- Appendix E: Copy of the Notice to Appear dated September 22, 2022
- Appendix F: Copy of the Notice to Appear dated September 22, 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 Northop, 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:

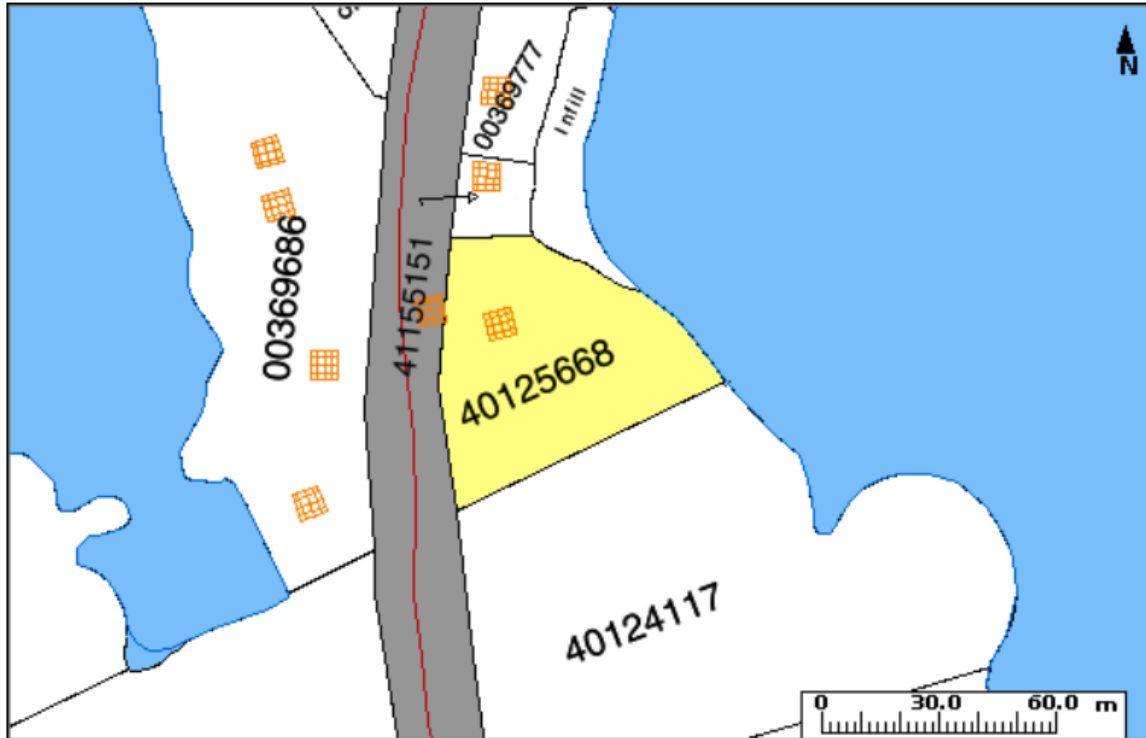
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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 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: Sep 12, 2022 9:23:35 AM



PID: 40125668

County: HALIFAX COUNTY

LR Status: NOT LAND REGISTRATION

Owner: JAMES SAWLER

Address: 2307 COW BAY ROAD
COW BAY

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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HALIFAX

Municipal Compliance

Notice of Violation

Notice Served Upon: Name 2307 Cow Bay Rd
 or address Cow Bay NS

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

- | | |
|--|---|
| <input type="checkbox"/> HRM By-law A-300 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):

Two Buildings Being deemed Derelict Due to failing Broken, missing wood components. Will be requesting both Green building and red building on the property be demolished

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

Remove & obtain the required permits to Demolish Buildings &

Notice of Re-inspection:

A re-inspection will be performed on 21/10/21 ^(to obtain permits required) 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.

<u>K. NORRIS</u> Issuing Officer	<u>14/10/21</u> Date (dd/mm/yy)
<u>902 476 6567</u> Issuing Officer Phone Number	<u>1435</u> Time (hh/mm)
<u>[Redacted]</u> Original signed	<u>348433</u> Case Number
<u>[Redacted]</u> Issuing Officer Signature	

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
2307 Cow Bay Road	40125668	October 18 th , 2021

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure(s)	-Green Structure (possible house at one point) approx. 12x36 -Red Accessory Structure approx. 14x22 -Both structures are rotten and collapsed and structurally unstable. -Both structures are open to the elements and wildlife. -Neither structure is salvageable.
Foundation	-Unable to determine due to large amount of contents inside and around the structures but does not appear to be any sort of footings or foundation below either structure.
Heating Appliances	N/A
Chimney	N/A
Roof	-Both roofs are wood framed with asphalt singles -Both roofs are rotten and mostly collapsed.
Building Services	N/A

Public Safety Considerations
-Property is uninhabited, and structure appears to be unstable. -Unsure of structure contents. -The buildings have open access to them. -Any additional loads to this structure by wind or snow could cause collapse causing injury to anyone inside or nearby. -

Comments Regarding Repair or Demolition
Both structures are beyond the state of repair.

Daniel Campagna	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: 2307 Cow Bay Road, Cow Bay, Nova Scotia;
Case #363433;
Hereinafter referred to as the “Property”

-and-

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

TO: **James Sawler**

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 October 13, 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 22nd of September 2022

Original signed

Kim Northrop
Compliance Officer
902.476.6567

Scott Hill
Administrator
Halifax Regional Municipality

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: 2307 Cow Bay Road, Cow Bay, Nova Scotia;
Case #363433;
Hereinafter referred to as the “Property”

-and-

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

TO: **James Sawler**

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 October 13, 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 22nd of September 2022

Original signed

Kim Northrop
Compliance Officer
902.476.6567

Scott Hill
Administrator
Halifax Regional Municipality