



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

Item No. 12.2.1
Appeals Standing Committee
December 8, 2022

TO: Chair and Members of Appeals Standing Committee

-Original Signed-

SUBMITTED BY: _____
Andrea MacDonald, Acting Director Compliance

DATE: December 1, 2022

SUBJECT: Order to Demolish – Case # 2022 000493, 143 Myra Road, Porters Lake

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 has been 1 previous dangerous or unsightly case at this property. The case was closed with HRM completing the remedy of the violation.

The property is zoned RE- (Rural Enterprise).

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

A complaint was received by service request on March 24, 2022. The complainant stated the house has been vacant for 2 years, it is in a state of disrepair, the roof is caving in and there is still wood and debris over the property.

A subsequent complaint was received on May 30, 2022. The complainant stated the property is unsightly, grass not maintained, roof is starting to cave in and there is debris all over the property.

A subsequent complaint was received on June 24, 2022. The complainant stated the house has been derelict for years, roof is falling apart, doesn't seem structurally sound and debris is around back of the property.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the main structure (Case # 2022 000493).

CHRONOLOGY OF CASE ACTIVITIES:

- 27-Mar-2022 The Compliance Officer conducted a site inspection at 143 Myra Road, Porters Lake hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted the property appeared abandoned. The roof of the main structure was partially collapsed, and there was a hole in the rear bowing wall. There was no power meter and the power stack had been removed. The Compliance Officer also noted debris at the property and is managing the debris violations separately.
- 11-Apr-2022 The Compliance Officer conducted a site inspection and noted the violations remain.
- 31-Jul-2022 The Compliance Officer conducted a site inspection and noted the violations still exist. In addition to previously noted debris, other debris was noted and the grass was overgrown. The Compliance Officer is managing the landscaping violations separately.
- 17-Oct-2022 The Compliance Officer conducted a site inspection and noted the violations remain and the structure appeared to sustain more damage from hurricane Fiona.
- 19-Oct-2022 The Supervisor Regional Compliance conducted a site inspection and noted the roof of the main structure was in an advanced state of decay, the power mast was missing and the rear wall was failing. The Supervisor Regional Compliance spoke with neighbours who expressed frustration with the state of the property. The Supervisor Regional Compliance advised the neighbors that the case remains under investigation.
- 24-Oct-2022 The Compliance Officer conducted a site inspection and noted the violations still exist.
- 31-Oct-2022 The property owner phoned the Compliance Officer to discuss a prior HRM completed remedy. The Compliance Officer advised the property owner this case was progressing to the Appeals Standing Committee meeting where they would seek a demolition Order for the main structure on the property. The property owner advised the Compliance Officer that they believed some additions on the main structure needed to come down,

specifically the garage, but they believed once those were taken down, the original structure was sound.
03-Nov-2022 The Building Official submitted a Structural Integrity Report for the main structure (attached as Appendix C).

The overall comment regarding the structure is: “Lack of maintenance has allowed entry of climactic elements resulting in rotted structural members. The superstructure of the building is beyond the state of repair. Recommend the structure be removed as quickly as practical.”

23-Nov-2022 The Compliance Officer posted a Notice to Appear for the main structure (attached as Appendix D) 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 poses a safety hazard and could further collapse at any time as there are some exterior walls that are no longer supported.

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 October 31, 2022
Appendix D: Copy of the Notice to Appear dated November 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: Thomas Murdoch, Compliance Officer II, By-law Standards, 902-943-9213

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:

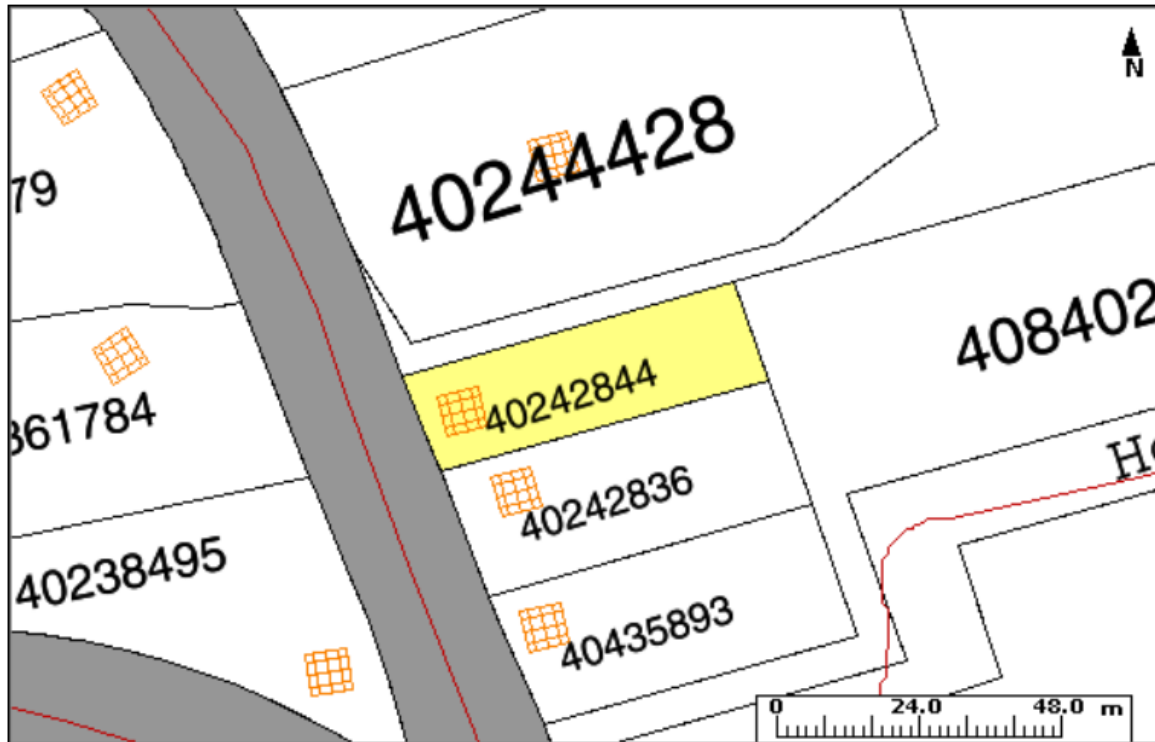
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: Nov 7, 2022 10:19:54 AM



PID:	40242844	Owner:	DANIEL LEON	AAN:	04616944
County:	HALIFAX COUNTY		LEBLANC	Value:	\$102,100 (2022 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION	Address:	CHERYL WAGNER		
			143 MYRA ROAD		
			PORTERS LAKE		

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
143 MYRA RD, PORTERS LAKE, NS	40242844	October 31, 2022

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> The building is 1-storey, wood frame constructed, single unit dwelling with structural components in advanced state of decay. The dwelling has slipped off the foundation at the back right corner. The rear wall has collapsed allowing climactic elements to enter the structure.
Foundation	<ul style="list-style-type: none"> Concrete masonry unit foundation in varying stages of decay.
Heating Appliances	<ul style="list-style-type: none"> Undetermined.
Chimney	<ul style="list-style-type: none"> Two chimneys in a state of disrepair. Movement of the roof system has caused structural damage to the chimneys. The chimneys have severe residue build-up at the cap.
Roof	<ul style="list-style-type: none"> Asphalt roofing material is in extremely poor condition and the roof structure has structurally failed and has partially collapsed in multiple locations.
Building Services	<ul style="list-style-type: none"> Electrical services disconnected from the building. A well cap is present at the front-right side of the property (Approximately 4' from driveway).

Public Safety Considerations
<ul style="list-style-type: none"> The building is a safety hazard and could collapse at any time. Some exterior walls are no longer supported. Any additional loads to the structure could result in complete structural failure. The building is accessible to the public from the rear exterior wall. Entrance into the structure could result in collapse. Recommend the structure be secured immediately.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> Lack of maintenance has allowed entry of climactic elements resulting in rotted structural members. The superstructure of the building is beyond the state of repair. Recommend the structure be removed as quickly as practical.

Shawn Kennedy – Assistant Building Official	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: 143 Myra Road, Porters Lake, Nova Scotia;
Case #2022 000493;
Hereinafter referred to as the "Property"

-and-

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

TO: **DANIEL LEON LEBLANC**
CHERYL WAGNER

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 December 8, 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 24th of November 2022

Original signed

Tom Murdoch
Compliance Officer
902.943.9213

Scott Hill
Administrator
Halifax Regional Municipality