



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

Item No. 12.2.1
Appeals Standing Committee
January 12, 2023

TO: Chair and Members of Appeals Standing Committee

Original Signed

SUBMITTED BY: _____
Andrea MacDonald, Acting Director, Compliance

DATE: January 4, 2023

SUBJECT: Order to Demolish – Case # 2022 007045, 14 Trenholme 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 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 R-2 (Two Family Residential).

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

A complaint was received by service request on May 30, 2022. The complainant stated the retaining wall and shed located on the property are dangerous as they are in a deteriorated condition. The complainant also noted that the property owners are not living at the property and the property is vacant.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the accessory structure (Case # 2022 007045).

CHRONOLOGY OF CASE ACTIVITIES:

- 02-Jun-2022 The Compliance Officer conducted a site inspection at 14 Trenholme Street, Dartmouth hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted that the shed in the backyard was falling over and the retaining wall at the very back of the property was also compromised. The Compliance Officer left a business card in the door at the property.
- 11-Jun-2022 The Compliance Officer conducted a site inspection and noted their business card had been removed and the violation remained. The Compliance Officer posted a 7-day Notice of Violation (attached as appendix C) to repair or remove the deteriorated shed at the property.
- The Compliance Officer attended 39 King Street, the property behind 14 Trenholme Street, as the retaining wall was falling into this property. The Compliance Officer noted no one was home and took photos of the retaining wall. The Officer noted that the wall appeared to be being held up by a tree. The Compliance Officer left their business card at the property.
- 16-Jun-2022 The property owner left a voice message for the Compliance Officer advising they were in the process of having the shed removed but needed more time as they didn't have the finances in place at this time.
- 26-Jun-2022 The Compliance Officer conducted a site inspection and noted no changes in the condition of the shed.
- The Compliance Officer phoned the property owner and asked for a timeline for when the shed may be repaired or removed from the property. The property owner advised that they were still trying to get quotes. The Compliance Officer and property owner agreed the Compliance Officer would return in two weeks and review progress. The Compliance Officer also explained the concerns regarding the retaining wall.
- 12-Sep-2022 The Compliance Officer conducted a site inspection and noted no change to the condition of the shed.
- 21-Sep-2022 The Building Official submitted a Structural Integrity Report for the shed (attached as Appendix D).
- The overall comment regarding the structure is: “Observations of this structure were made from the exterior only. The building will continue to deteriorate if no action is taken. It would not be cost effective to repair the structure.”

- 29-Sep-2022 The Compliance Officer conducted a site inspection and noted that the overgrowth around the shed had been removed, however the shed remained in violation. The Compliance Officer also noted holes through the sides of the structure where the wood was extremely rotten.
- 21-Dec-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 as moderate. The structure is compromised and would pose a risk to those that may wish to 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 Notice of Violation dated June 11, 2022
Appendix D: Copy of the Building Official's Report dated September 15, 2022
Appendix E: Copy of the Notice to Appear dated December 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: Tristan Zinck, Compliance Officer II, By-law Standards, 902-292-5146

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: Dec 1, 2022 11:42:28 AM



PID:	00260240	Owner:	TIMOTHY DALE	AAN:	04999487
County:	HALIFAX COUNTY		SHERWOOD	Value:	\$177,700 (2022 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION	Address:	14 TRENHOLME STREET		
			DARTMOUTH		

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

This page and all contents are copyright © 1999-2003, [Government of Nova Scotia](http://www.gov.ns.ca), all rights reserved.

HALIFAX

Municipal Compliance

Notice of Violation

Notice Served Upon: Name _____
or address 14 Trenholme St

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 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):

Lack of maintenance to a shed resulting in rotten, broken, missing wooden components.

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

repair or remove the shed

Notice of Re-inspection:

A re-inspection will be performed on June 18/22 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.

Tristan Zwick
Issuing Officer

902 292 5146
Issuing Officer Phone Number

Original signed

Issuing Officer Signature

11/06/22
Date (dd/mm/yy)

1230hrs
Time (hh/mm)

2022-007045
Case Number

For information on municipal legislation visit the Halifax Website at www.halifax.ca/legislation or call the Citizen Contact Centre at 311. If calling outside the HRM but within NS call 1-800-835-6428 toll free.

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
14 Trenholme St, Dartmouth, NS B2W1E1	00260240	September 15, 2022

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> - The structure is on the back left corner of the property. - Exterior sheathing is deteriorated and removed on the left side of the structure. - The door has been removed from the structure. - The structure is open to the elements and wildlife. - The structure is leaning towards an adjacent property.
Foundation	<ul style="list-style-type: none"> - The structure is sitting on uneven grade. - Back right corner of the structure is supported by a concrete block and decayed wood.
Heating Appliances	- N/A
Chimney	- N/A
Roof	<ul style="list-style-type: none"> - Roof shingles are at the end of their lifecycle. - Foliage growing on roof shingles
Building Services	- NA

Public Safety Considerations
<ul style="list-style-type: none"> - The structure is leaning towards the adjacent property and fence. - Ability to access the structure through openings. - The building should be secured immediately.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> - Observations of this structure were made from the exterior only. The building will continue to deteriorate if no action is taken. - It would not be cost effective to repair the structure.

Hannah Kelly	Original signed		Original signed
Building Official (please print)	Sig		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: 14 Trenholme Street, Dartmouth, Nova Scotia;
Case #2022 007045;
Hereinafter referred to as the "Property"

-and-

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

TO: **TIMOTHY SHERWOOD**

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 January 12, 2023, 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 21st of December 2022

Original signed

Tristan Zinck
Compliance Officer
902.292.5146

Scott Hill
Administrator
Halifax Regional Municipality