



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

Item No. 12.2.2
Appeals Standing Committee
May 11, 2023

TO: Chair and Members of Appeals Standing Committee

Original Signed

SUBMITTED BY: _____
Andrea MacDonald, Acting Director, Compliance

DATE: May 1, 2023

SUBJECT: **Order to Demolish – Case # 2023 005582, 12315 Highway 224, Middle Musquodoboit**

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 Orders are 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. One case was closed with owner compliance and the other case was for debris violations which are now buried by the partially collapsed structure.

The property is zoned VIL (village).

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

This case was opened by Compliance staff on March 16, 2023, resulting from a site inspection on March 15, 2023, when it was observed that the rear of the main structure had collapsed.

There have been no subsequent complaints.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the main structure (Case # 2023 005582).

CHRONOLOGY OF CASE ACTIVITIES:

15-Mar-2023 Staff were on site to coordinate the remedy of the debris violations when it was noted that the main structure had partially collapsed and was covering the violations.

22-Mar-2023 The Building Official submitted a Structural Integrity Report for the main structure (attached as Appendix C).

The overall comment regarding the main structure is: "Observations of this structure were made from the exterior; no entry was gained due to the instability of the structure. The building will continue to deteriorate if no action is taken. The current state of the building is not structurally sound and not habitable, it would not be cost effective to repair."

27-Mar-2023 The Compliance Officer tried to contact the property owner and found the number not in service.

19-Apr-2023 The Compliance Officer conducted a site inspection at 12315 Highway 224, Middle Musquodoboit hereinafter referred to as "the Property" (attached as Appendix B). The Compliance Officer noted a lot of debris on site and the back of the main structure was collapsing.

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

Risk considerations rate moderate to anyone who may enter the partially collapsed structure.

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 March 21, 2023
- Appendix D: Copy of the Notice to Appear dated April 18, 2023

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: Alexandra Alessi, Compliance Officer II, By-law Standards, 782.640.7542

Original Signed

Report Approved by:

Tanya Phillips, Program Manager, By-law Standards, Compliance 902.490.4491

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:

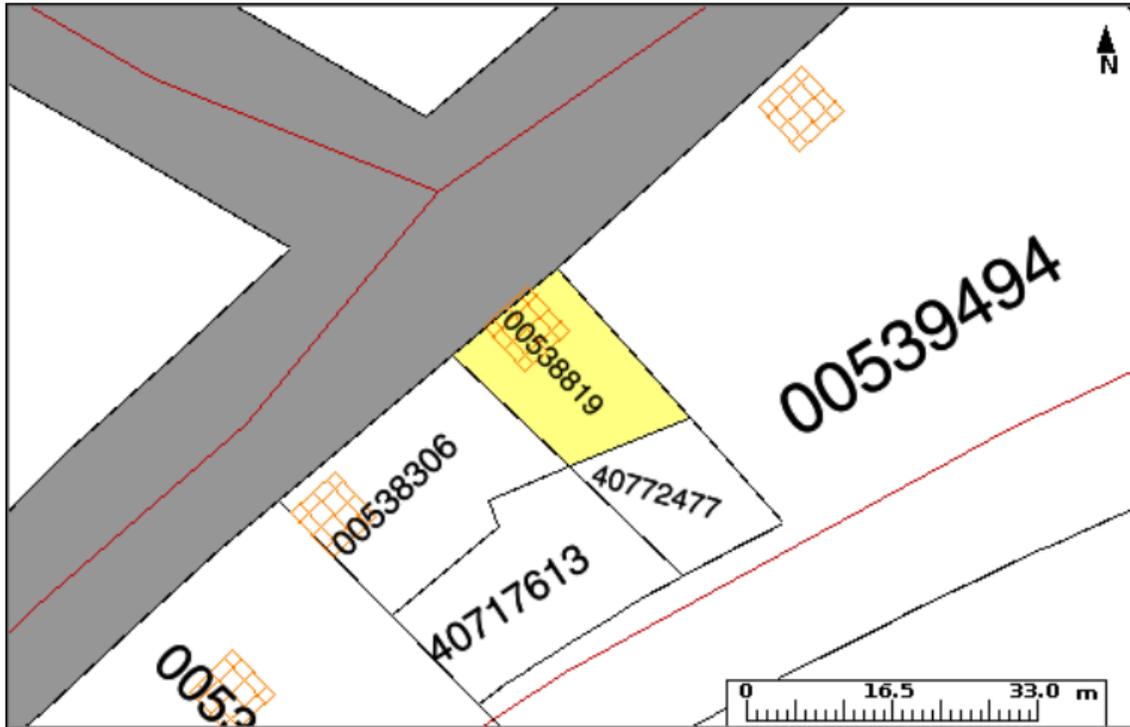
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: Mar 31, 2023 1:34:03 PM



PID:	00538819	Owner:	PETER BRYCE	AAN:	03120848
County:	HALIFAX COUNTY		WILLOUGHBY	Value:	\$87,800 (2023 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION	Address:	12315 HIGHWAY 224 MIDDLE MUSQUODOBOIT		

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
12315 Highway 224, Middle Musquodoboit, NS B0N1X0	00538819	21 March 2023

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> - Two storey wood frame dwelling. - Rear wall has collapsed, exposing the interior of building. - Openings from the rear of property not secure. - Portion of the building is open to the elements and wildlife. - Floor joist have been compromised due to the collapsed exterior wall.
Foundation	<ul style="list-style-type: none"> - Concrete foundation - Quality of foundation under the collapsed wall is undetermined.
Heating Appliances	<ul style="list-style-type: none"> - Undetermined.
Chimney	<ul style="list-style-type: none"> - Chimney above roof appears to be intact. - Interior portion of masonry chimney, undetermined.
Roof	<ul style="list-style-type: none"> - Section of roof sheathing is missing - Roof shingles deteriorating - Roof trusses are unsupported where exterior wall has collapsed.
Building Services	<ul style="list-style-type: none"> - Electric meter shell onsite, appears to not be in working order. - Power lines still connected.

Public Safety Considerations
<ul style="list-style-type: none"> - Rear of the building needs to be secured immediately as it poses risk to public safety.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> - Observations of this structure were made from the exterior; no entry was gained due to the instability of the structure. The building will continue to deteriorate if no action is taken. - The current state of the building is not structurally sound and not habitable, it would not be cost effective to repair.

KC Mangali	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: 12315 Highway 224, Middle Musquodoboit, Nova Scotia;
Case #2023 005582;
Hereinafter referred to as the “Property”

-and-

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

TO: PETER WILLOUGHBY

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 May 11, 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 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 19th of April 2023

Original signed

Alexandra Alessi
Compliance Officer
782.640.7542

Scott Hill
Administrator
Halifax Regional Municipality