



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

**Item No. 8.1.1**  
**Appeals Standing Committee**  
**June 8, 2023**

**TO:** Chair and Members of Appeals Standing Committee

Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Andrea MacDonald, Acting Director Compliance

**DATE:** May 24, 2023

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

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## SUPPLEMENTARY REPORT

### ORIGIN

On December 8, 2022, the following motion of the Appeals Standing Committee was approved as part of the agenda regarding item 12.2.1:

MOVED by Councillor Blackburn, seconded by Councillor Deagle Gammon THAT Case 2022 000493, 143 Myra Road, Porters Lake be deferred to the June 8, 2023 meeting of Appeals Standing Committee. MOTION PUT AND PASSED.

### 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. This case was heard at the December 8, 2022, meeting of the Appeals Standing Committee. It was deferred to the June 8, 2023, meeting to allow the property owner time to carry out their plan to demolish the additions and repair the original structure.

The property is zoned RE- (Rural Enterprise).

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

There were three subsequent complaints received between March 24-June 24, 2022 where the complainants noted concerns related to the vacant house in a state of disrepair, lack of landscaping and debris on the property.

This matter was heard at the December 8, 2022 Appeals Standing Committee meeting where the committee deferred the matter to the June 8, 2023 meeting to provide the property owner time to carry out their plan.

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 violations at the property which are being managed 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. There was additional debris noted and the grass was also 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.
- 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.
- 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 believed 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.”
- 17-Nov-2022 The Compliance Officer conducted a site inspection and noted the property remained in violation.
- 23-Nov-2022 The Compliance Officer phoned the property owner and advised that a Notice to Appear for the December meeting of the Appeals Standing Committee would be posted at the property. The Compliance Officer explained the Notice to Appear and that HRM would request a Demolition Order for the main structure. The property owner advised that they might have HRM conduct the demolition although they disagreed that the structure had come off the foundation and stated that the Structural Integrity Report was incorrect.
- The Compliance Officer advised the property owner that another option would be that the owner could obtain a demolition permit and complete the work themselves.
- The Compliance Officer conducted a site inspection and noted that no work had been completed. The Compliance Officer posted a Notice to Appear for the main structure (attached as Appendix D) at the property. A copy was also sent to the property owner through registered mail.
- 08-Dec-2022 The property owner was present at the Appeals Standing Committee meeting and explained their plan to demolish the additions and repair the original structure. The Appeals Standing Committee deferred the matter to the June 8, 2023, meeting to provide the property owner time to carry out their plan.
- 12-Dec-2022 The Municipal Clerk’s Office sent the property owner a letter advising the appeal was deferred to the June 8, 2023, Appeals Standing Committee meeting (attached as Appendix E).
- 16-May-2023 The Compliance Officer conducted a site inspection and noted that no work appeared to have been completed on the main structure. The Officer noted that the roof was sagging in most places and there was visible wood rot in all exposed areas.
- The Compliance Officer phoned the property owner and inquired about their plan to bring the property into compliance. The property owner advised that they planned to have a dumpster arrive this week and would start working over the May long weekend. The property owner further stated that they planned to remove the extensions from the original house and would evaluate if more needed to be done or if they could restore the original structure. The Compliance Officer advised the property owner they would re-inspect at the end of the month.
- 24-May-2023 The Compliance Officer posted a Notice to Appear for the main structure (attached as Appendix F) 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
- Appendix E: Copy of the Deferral Letter dated December 12, 2022
- Appendix F: Copy of the Notice to Appear dated May 24, 2023

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A copy of this report can be obtained online at [Halifax.ca](http://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

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## 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.

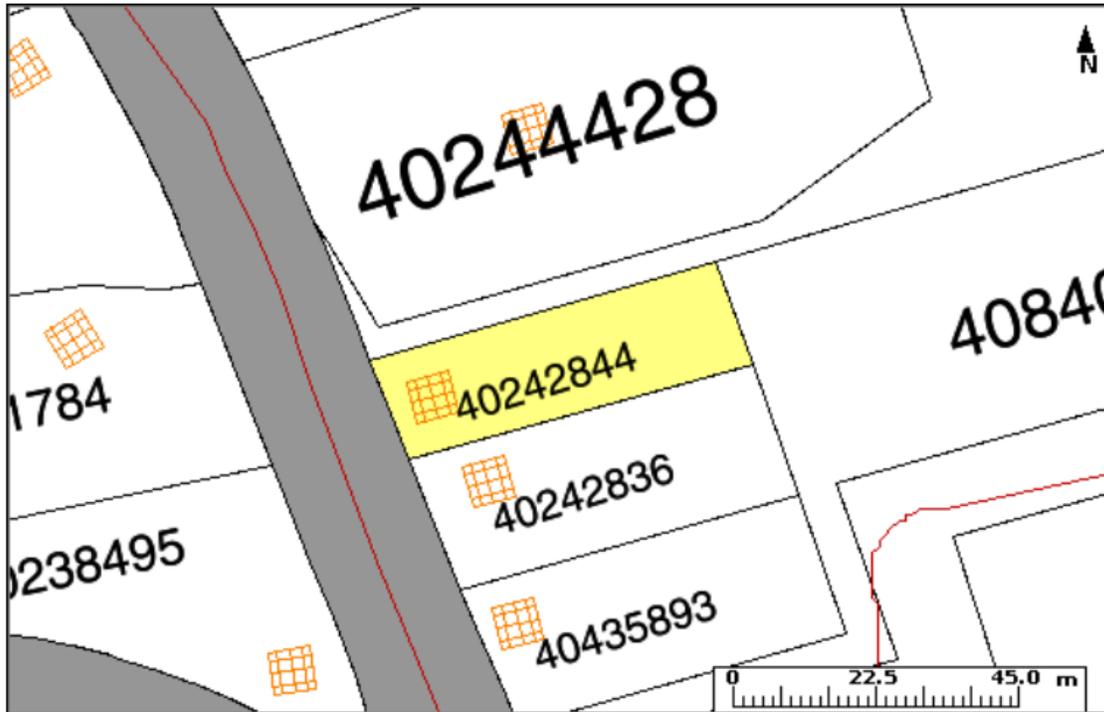
HRM Charter, subsection 3(q) as follows:

- (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: May 17, 2023 8:32:19 AM



PID:	40242844	Owner:	DANIEL LEON	AAN:	04616944
County:	HALIFAX COUNTY		LEBLANC	Value:	\$148,000 (2023 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"> <li>The building is 1-storey, wood frame constructed, single unit dwelling with structural components in advanced state of decay.</li> <li>The dwelling has slipped off the foundation at the back right corner.</li> <li>The rear wall has collapsed allowing climactic elements to enter the structure.</li> </ul>
Foundation	<ul style="list-style-type: none"> <li>Concrete masonry unit foundation in varying stages of decay.</li> </ul>
Heating Appliances	<ul style="list-style-type: none"> <li>Undetermined.</li> </ul>
Chimney	<ul style="list-style-type: none"> <li>Two chimneys in a state of disrepair. Movement of the roof system has caused structural damage to the chimneys.</li> <li>The chimneys have severe residue build-up at the cap.</li> </ul>
Roof	<ul style="list-style-type: none"> <li>Asphalt roofing material is in extremely poor condition and the roof structure has structurally failed and has partially collapsed in multiple locations.</li> </ul>
Building Services	<ul style="list-style-type: none"> <li>Electrical services disconnected from the building.</li> <li>A well cap is present at the front-right side of the property (Approximately 4' from driveway).</li> </ul>

Public Safety Considerations
<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> <li>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.</li> <li>Recommend the structure be removed as quickly as practical.</li> </ul>

Shawn Kennedy – Assistant Building Official	<b>Original signed</b>	<b>Original signed</b>
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 24<sup>th</sup> of November 2022

**Original signed**

Tom Murdoch  
Compliance Officer  
902.943.9213

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Scott Hill  
Administrator  
Halifax Regional Municipality

# Appendix E

CANADA POSTES POST CANADA		<b>REGISTERED DOMESTIC</b> CUSTOMER RECEIPT	<b>RECOMMANDÉ RÉGIME INTÉRIEUR</b> REÇU DU CLIENT	<b>R</b>
To Name	Destinataire Nom	FOR DELIVERY CONFIRMATION		
Address	Adresse	CONFIRMATION DE LA LIVRAISON		
City / Prov. / Postal Code	Ville / Prov. / Code postal	canadapost.ca 1888 550-6333	postescanada.ca	
Declared Value Valeur déclarée	\$	CPC Tracking Number Numéro de repérage de la SCP		
33-085-584 (17-12)				

December 12, 2022

## REGISTERED MAIL

Daniel Leon LeBlanc

**RE: Case 2022 000493 Property located at 143 Myra Road, Porter's Lake**

This is to advise the Appeals Standing Committee heard Case 2022 000493, request for demolition order for the main structure at 143 Myra Road, Porter's Lake and approved the following motion to defer your appeal:

*THAT Case 2002 000493, 143 Myra Road, Porters Lake be deferred to the June 8, 2023 meeting of Appeals Standing Committee.*

If you have any questions regarding the deferral please contact Thomas Murdoch, Compliance Officer II at 902-943-9213.

Sincerely,

**Original signed**

Simon Ross-Siegel  
Legislative Assistant  
Office of the Municipal Clerk

cc: Tanya Phillips, Manager By-law Standards  
Scott Hill, Regional Coordinator By-law  
Laurie Lauder, Adjudication Clerk  
Thomas Murdoch, Compliance Officer II  
Karen MacDonald, Senior Solicitor, HRM Legal Services

# HALIFAX

Halifax Regional Municipality  
PO Box 1749, Halifax, Nova Scotia  
Canada B3J 3A5

halifax.ca

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**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 24<sup>th</sup> of May 2023

**Original signed**

Tom Murdoch  
Compliance Officer  
902.943.9213

Scott Hill  
Administrator  
Halifax Regional Municipality