



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

Item No. 12.2.1
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 # 2023 011047, 3823 Mooseland Road,
Mooseland**

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 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 no previous dangerous or unsightly cases at the property.

The property is zoned RE (rural resource).

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

A complaint was received by service request on May 5, 2023. The complainant reported an abandoned deteriorated camp structure with open access, a collapsed accessory structure, and disconnected power at the property.

There have been no subsequent complaints.

The Compliance Officer is bringing this case forward to the committee to request Demolition Orders for the main and accessory structures (Case # 2023 011047).

CHRONOLOGY OF CASE ACTIVITIES:

09-May-2023 The Compliance Officer conducted a site inspection at 3823 Mooseland Road, Mooseland hereinafter referred to as “the property” (attached as Appendix B).

The Compliance Officer noted open access to the main structure through the open front door. It appeared the door had been secured with a latch and lock that was now broken. The Compliance Officer also noted the back of the accessory structure had collapsed.

10-May-2023 The Compliance Officer conducted a site inspection and noted the violations remained and posted an Immediate Order to Remedy (attached as Appendix C) for the open access. A copy was sent to the property owner through registered mail, including a contact notice requesting that the property owner contact the Compliance Officer to discuss the deteriorated structures.

HRM Contractors secured the open access.

16-May-2023 The Building Official completed Structural Integrity Reports for the main structure (attached as Appendix D) and accessory structure (attached as Appendix E).

The overall comments regarding the main structure are: “Observations of this structure were made from the exterior; no entry was gained due to the instability of the structure. This structure is beyond the state of cost-effective repair. Lack of maintenance has allowed climatic elements to penetrate the buildings envelope contributing to the collapse of the left-hand wall and front porch including supports. The ground floor of the building is not structurally sound and not habitable.”

The overall comments regarding the accessory structure are: “Observations of this structure were made from the exterior; no entry was gained due to the instability of the structure. This structure is beyond the state of cost-effective repair.”

23-May-2023 The Compliance Officer posted a Notice to Appear for the main structure (appendix F) and the accessory structure (attached as Appendix G) 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 for both structures. The structures are deteriorated and pose a risk to anyone who may 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 Immediate Order to Remedy dated May 10, 2023
- Appendix D: Building Official's Report dated May 16, 2023
- Appendix E: Building Official's Report dated May 16, 2023
- Appendix F: Copy of the Notice to Appear dated May 23, 2023
- Appendix G: Copy of the Notice to Appear dated May 23, 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: Allen Byng, Compliance Officer II, By-law Standards, 902.225.9197

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: May 17, 2023 8:35:52 AM



PID: 40310690 Owner: JOSEPH PETER BOUTIN AAN: 01000799
County: HALIFAX COUNTY JOSEPH PETER BOUTIN Value: \$28,000 (2023 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION Address: 3823 MOOSELAND ROAD
MOOSELAND

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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IMMEDIATE ORDER TO REMEDY DANGEROUS CONDITIONS

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: Property located at 3823 MOOSELAND RD, MOOSELAND, NS B0J2J0
Case # CF-2023-011047
Hereinafter referred to as the "Property"

TO: JOSEPH PETER BOUTIN

WHEREAS you are the owner(s) of the Property;

AND WHEREAS located on the Property is a dangerous condition due to open access to the dwelling in accordance with Section 3(q) of the Charter;

TAKE NOTICE that you are hereby Ordered to immediately remedy the condition of the Property by securing the open access to the dwelling so as to leave the Property in a neat, tidy, environmentally compliant and safe condition;

AND FURTHER TAKE NOTICE that your failure to immediately comply with this Order may also result in further legal action;

AND FURTHER TAKE NOTICE that your failure to immediately comply with the requirements of this Order, the Administrator, or any person authorized by the Administrator, may enter upon the Property without warrant or other legal process and carry out the work specified in this Order;

AND FURTHER TAKE NOTICE that the costs of complying with this Order, including the cost of completing the work specified herein, incurred by the Halifax Regional Municipality ("HRM") or its agents, is a debt payable by you to HRM and that HRM has a first lien on the Property in the amount of the debt which may be collected in the same manner and with the same rights and remedies as rates and taxes pursuant to the Charter;

AND FURTHER TAKE NOTICE that upon service of this Order, any person who aids, assists, permits or causes a dangerous or unsightly condition or fails to comply with the terms of this Order is liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) and every day during which the condition is not remedied is a separate offense.

DATED at Halifax, Nova Scotia this 10th of May, 2023 AD.

Original signed

ALLEN BYNG
COMPLIANCE OFFICER
Phone: 902-225-9197

SCOTT HILL
ADMINISTRATOR,
Halifax Regional Municipality

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
3823 Mooseland Rd, Mooseland, NS, B0J 2J0	40310690	05/16/2023

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> - Main structure is a two storey log frame home in various stages of decay. - Rear of the structure at the base of the wall is rotted / decayed. Signs of wood deterioration. - Left side of the structure has rotted/decayed completely with several layers of log beams failing and collapsing, exposing the inside to the elements and compromising the structural integrity of the building. - Stove vent pipe is no longer supported at the top of the vent. The strapping which held it to the structure is disconnected and hanging down. This has caused the vent pipe to start sagging away from the structure.
Foundation	<ul style="list-style-type: none"> - At the front of the home the porch has rotted and buckled away from the structure exposing what looks like the foundation of the building. The exposed area is rotted/decayed.
Heating Appliances	<ul style="list-style-type: none"> - Undetermined - Due to not being able to access the inside of the structure, I could not see the heating source.
Chimney	<ul style="list-style-type: none"> - Chimney appears ok from the outside. (Unable to see the inside of the home)
Roof	<ul style="list-style-type: none"> - Front porch roof overhang is sagging down and separating from the main roof. The support beams holding the roof overhang are no longer structurally sound as the porch has buckled and collapsed. On the far left of the porch the support beam is no longer attached to anything at the base of the beam. And on the far right of the porch the support beam has fallen completely down. The two support beams in the middle are also floating, as the porch has sunk down and away from the structure. - The roof on the structure looks to be compromised as well. You can see the shingles were placed directly over wood, and the shingles are deteriorated in most spots and some shingles are missing. This has caused the roof to be exposed to the elements.
Building Services	<ul style="list-style-type: none"> - Electricity appears to be disconnected. (Fuses removed)

Public Safety Considerations

- The building is a safety hazard in its current condition and could collapse at any time.
- Structure is open to the public and elements on the left hand side where it has collapsed, and should be secured.

Comments Regarding Repair or Demolition

- Observations of this structure were made from the exterior; no entry was gained due to the instability of the structure.
- This structure is beyond the state of cost effective repair.
- Lack of maintenance has allowed climatic elements to penetrate the buildings envelope contributing to the collapse of the left hand wall and front porch including supports.
- The ground floor of the building is not structurally sound and not habitable.

Dane Ordway

Original signed

Original signed

Building Official (please print)

Signature

Supervisor's Initials

Form Jan 2016

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
3823 Mooseland Rd, Mooseland, NS, B0J2J0	40310690	05/16/2023

Building Feature	Condition Relative to Habitability and Structural Integrity
Accessory Structure	- Wood shed to the right of the main structure has fallen apart at the entrance to the shed. The wall/door has fallen away from the structure.
Foundation	N/A
Heating Appliances	N/A
Chimney	N/A
Roof	- Roof has collapsed in on the structure
Building Services	N/A

Public Safety Considerations
<ul style="list-style-type: none"> - Structure is open and accessible to the public - Garbage/debris surrounding the structure

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. - This structure is beyond the state of cost effective repair.

Dane Ordway	Original signed	Original signed
Building Official (please print)	Signatur	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: 3823 Mooseland Road, Mooseland, Nova Scotia;
Case #2023 011047;
Hereinafter referred to as the “Property”

-and-

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

TO: JOSEPH PETER BOUTIN

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 June 8, 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 23rd of May 2023

Original signed

Allen Byng
Compliance Officer
902.225.9197

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: 3823 Mooseland Road, Mooseland, Nova Scotia;
Case #2023 011047;
Hereinafter referred to as the “Property”

-and-

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

TO: JOSEPH PETER BOUTIN

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 June 8, 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 23rd of May 2023

Original signed

Allen Byng
Compliance Officer
902.225.9197

Scott Hill
Administrator
Halifax Regional Municipality