



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

Item No. 12.2.1
Appeals Standing Committee
September 7, 2023

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY: - Original Signed -
Andrea MacDonald, Acting Director, Compliance

DATE: August 29, 2023

SUBJECT: **Order to Demolish – Case # 2023 17718, 36, 42, and 80 Brunt Road, Harrietsfield**

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 dwellings at 36 and 42 Brunt Road, and the barn at 80 Brunt Road 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 significant history at this vacant property including open access and fire damage to the structures. From 2014 – 2020 there were 19 dangerous or unsightly cases at the property. Fifteen cases were closed with owner compliance, and 4 were resolved by HRM completing remedies at the property.

The property ownership changed in January 2022. Since then, there have been 2 dangerous or unsightly cases at the property due to open access. One case was closed with owner compliance and one case was closed with HRM securing the building.

The property is zoned R-6 (rural residential). The structures have different civic addresses however, all three structures are located on the same PID.

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

On June 23, 2023, Halifax Regional Fire Prevention contacted our office as their department reported structural damage to the barn at 80 Brunt Road due to 2 fires that recently occurred at the property. There was also concern expressed that the property posed an allurement and risk to those that may enter.

A subsequent complaint was received on June 25, 2023. The complainant reported that the property is dangerous and unsightly due to a 5-year abandonment, resulting in youths accessing open structures and starting fires, windows are broken or boarded up, and there is debris all over the property.

The Compliance Officer is bringing this case forward to the committee to request Demolition Orders for the three structures including the dwellings at 36 and 42 Brunt Road, and the barn at 80 Brunt Road (Case # 2023 17718).

CHRONOLOGY OF CASE ACTIVITIES:

24-Jun-2023 The Compliance Officer spoke with Halifax Regional Fire, expressed concerns about the ongoing issues and risks the property poses to neighboring properties.

The Compliance Officer conducted a site inspection at 36, 42 and 80 Brunt Road, Harrietsfield hereinafter referred to as “the property” (attached as Appendix B).

The Compliance Officer noted a deteriorated red dwelling with open access at 36 Brunt Road, a deteriorated blue dwelling with open access at 42 Brunt Road, and a deteriorated barn with open access at 80 Brunt Road. The inside of the barn revealed tire tracks from off road vehicles, multiple fire remains, graffiti all over the inside, parts of the ceiling falling in, holes in exterior walls, and the horse stalls were full of wood, hay, and other ignitable debris.

While the Officer was on site, a neighbor approached and expressed their concern with the state of the property.

28-Jun-2023 The Compliance Officer phoned the complainant and advised that the buildings have been secured against open access. The complainant advised that they observed the board-up taking place, stated it would only be temporary, and that they would submit a statement of their concerns to the Officer.

29-Jun-2023 The complainant emailed the Compliance Officer their concerns regarding the property and specifically the deteriorated structures at 36, 42, and 80 Brunt Road. The complainant stated that the structures are full of garbage and extremely run down and they pose an allurement to youth who they see at the property frequently. With the recent wildfires, the complainant expressed their fear of a fire getting out of control at the property.

07-Jul-2023 The Building Official submitted Structural Integrity Reports for the dwelling at 36 Brunt Road (attached as Appendix C), the dwelling at 42 Brunt Road (attached as Appendix D) and the barn at 80 Brunt Road (attached as Appendix E).

The overall comment regarding 36 Brunt Road is: “The dwelling is not structurally sound and not habitable; it would not be cost effective to repair.”

The overall comment regarding 42 Brunt Road is: “Observations of this structure were made from the exterior; due to safety concerns no entry was gained. The dwelling is not structurally sound and not habitable, it would not be cost effective to repair.”

The overall comment regarding 80 Brunt Road is: “The barn is not structurally sound; it would not be cost effective to repair.”

13-Jul-2023 A Halifax Regional Fire Captain sent an email to the Compliance Officer advising that Fire Services responded to two fires at this location on November 29, 2022, and June 21, 2023.

21-Aug-2023 The Compliance Officer posted Notices to Appear on the dwellings at 36 and 42 Brunt Road, and the barn at 80 Brunt Road (attached as appendix F, G, & H respectively)

The Compliance Officer sent the property owner an email, including copies of the Notices to Appear. The Compliance Officer provided contact information for the Municipal Clerk’s Office as the property owner resides out of province and may not be able to attend the Appeals Standing Committee meeting.

The Compliance Officer sent copies of the Notices to Appear 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 structures pose a risk to anyone who may enter and due to the deteriorate state of the buildings, they are unable to be fully secured from public access.

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 #36 dated June 30, 2023
- Appendix D: Copy of the Building Official's Report #42 dated June 30, 2023
- Appendix E: Copy of the Building Official's Report #80 dated June 30, 2023
- Appendix F: Copy of the Notice to Appear #36 dated August 21, 2023
- Appendix G: Copy of the Notice to Appear #42 dated August 21, 2023
- Appendix H: Copy of the Notice to Appear #80 dated August 21, 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: Kim Northrop, Compliance Officer II, By-law Standards, 902.476.6567

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:

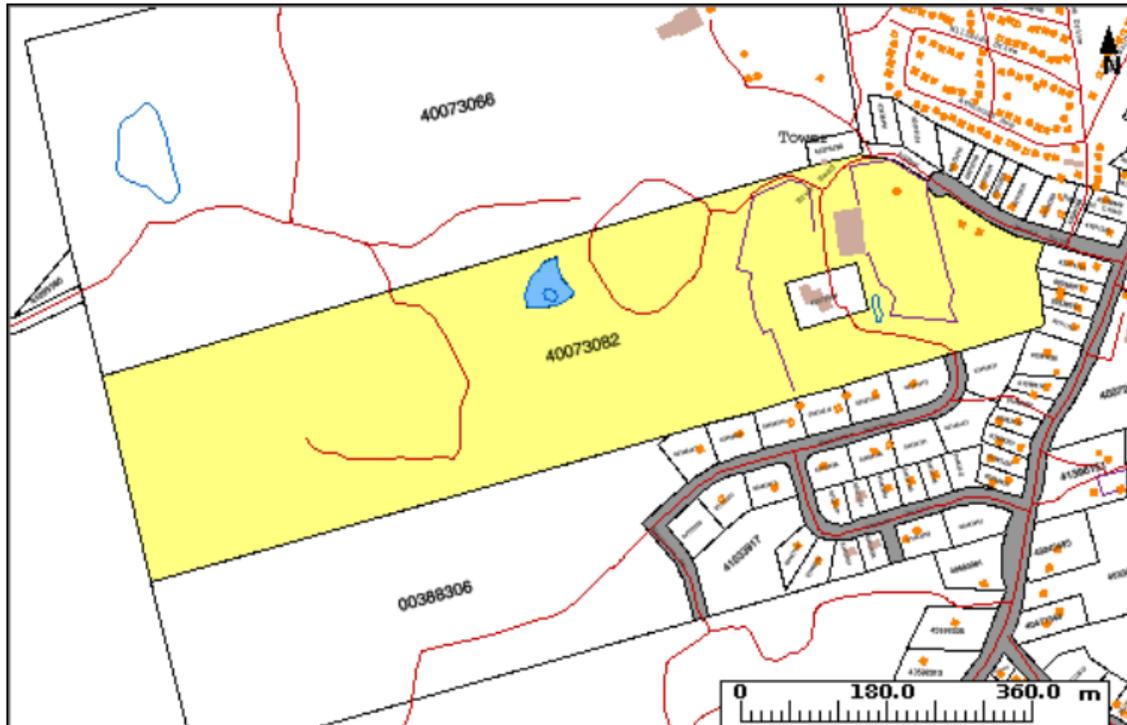
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: Aug 17, 2023 9:44:20 AM



PID: 40073082 Owner: 1262278 B.C. LTD AAN: 02310015
County: HALIFAX COUNTY Address: BRUNT ROAD Value: \$149,300 (2023 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION HARRIETSFIELD \$68,500 (2023 RESOURCE TAXABLE)

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
36 Brunt Rd, Harrietsfield, NS, B3V 1A7	40073082	June 30/2023

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> - Wood frame residential dwelling in a state of decay. - Broken windows and open doors have left the building exposed to the elements, causing excessive moisture/water damage to the interior. - Drywall/plaster from ceilings and walls have collapsed in some areas, exposing the framing to the elements.
Foundation	<ul style="list-style-type: none"> - Unable to determine the state of this foundation.
Heating Appliances	<ul style="list-style-type: none"> - N/A
Chimney	<ul style="list-style-type: none"> - Chimney deteriorated in some areas - Due to exterior damage to the dwelling around the chimney, the chimney is no longer attached to the home in some areas.
Roof	<ul style="list-style-type: none"> - Unable to determine the condition of the roof. Eavestrough falling off
Building Services	<ul style="list-style-type: none"> - Meter disconnected

Public Safety Considerations
<ul style="list-style-type: none"> - The dwelling is a public safety concern due to heavy deterioration and the chimney not being secured.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> - The dwelling is not structurally sound and not habitable, it would not be cost effective to repair. - Photos of the interior were viewed and discussed through CF-2023-16198

Dane Ordway	Original signed	Original signed
Building Official (please print)	Signa	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
42 Brunt Rd, Harrietsfield, NS, B3V 1A7	40073082	June 30 / 2023

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> - Wood frame residential dwelling in a state of decay - Broken windows and open doors have left the building exposed to the elements, causing excessive moisture/water damage to the interior. - Drywall/plaster from ceilings and walls have collapsed in some areas, exposing the framing to the elements.
Foundation	<ul style="list-style-type: none"> - Parging in some areas is deteriorated - At back of the dwelling the siding continues to the ground. A few areas the siding is missing and you can see into the dwelling. The areas around these points show rotten wood on the inside.
Heating Appliances	N/A
Chimney	<ul style="list-style-type: none"> - Unable to view chimney due to heavy overgrowth and trees on the property.
Roof	<ul style="list-style-type: none"> - Unable to see roof due to heavy overgrowth and trees on the property.
Building Services	<ul style="list-style-type: none"> - Meter disconnected

Public Safety Considerations
<ul style="list-style-type: none"> - The dwelling is a public safety concern due to the heavy deterioration, and visible damage caused by the public being able to access the dwelling over several years.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> - Observations of this structure were made from the exterior; due to safety concerns no entry was gained. - The dwelling is not structurally sound and not habitable, it would not be cost effective to repair. - Photos of the interior were viewed and discussed through CF-2023-16198

Dane Ordway	Original signed	Original signed
Building Official (please print)	Signa	Supervisor's Initials

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
80 Brunt Rd, Harrietsfield, NS, B3V 1A7	40073082	June 30/2023

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> - Large wood frame barn with corrugated steel panelling on the exterior - Several areas around the perimeter have been boarded up to prevent any further access due to decay. - Due to damaged/missing panels some framing is exposed and rotted and missing.
Foundation	<ul style="list-style-type: none"> - Unable to determine the state of the foundation
Heating Appliances	<ul style="list-style-type: none"> - N/A
Chimney	<ul style="list-style-type: none"> - N/A
Roof	<ul style="list-style-type: none"> - Roof is in poor condition, and some large areas of roof is missing and have left the interior wood structure exposed to the elements.
Building Services	<ul style="list-style-type: none"> - Unable to determine if meter has been disconnected due to the front being spray painted.

Public Safety Considerations
<ul style="list-style-type: none"> - The barn is a public safety concern due to heavy deterioration and extended exposure to the elements.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> - The barn is not structurally sound, it would not be cost effective to repair.

Dane Ordway	Original signed	Original signed
Building Official (please print)	Signat	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: 36 Brunt Road, Harrietsfield, Nova Scotia;
Case #2023 17718;
Hereinafter referred to as the “Property”

-and-

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

TO: **Jaskirat Jagpal**
126198 B.C. Ltd.

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 September 7, 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 dwelling 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 August 2023

Original signed

Kim Northrop
Compliance Officer
902.476.6567

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: 42 Brunt Road, Harrietsfield, Nova Scotia;
Case #2023 17718;
Hereinafter referred to as the “Property”

-and-

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

TO: **Jaskirat Jagpal**
126198 B.C. Ltd.

WHEREAS you are the owner of the Property;

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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 21st of August 2023

Original signed

Kim Northrop
Compliance Officer
902.476.6567

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: 42 Brunt Road, Harrietsfield, Nova Scotia;
Case #2023 17718;
Hereinafter referred to as the “Property”

-and-

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

TO: **Jaskirat Jagpal**
126198 B.C. Ltd.

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 September 7, 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 barn, 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 August 2023

Original signed

Kim Northrop
Compliance Officer
902.476.6567

Scott Hill
Administrator
Halifax Regional Municipality