



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

Item No. 12.2.2
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 27, 2023

SUBJECT: Order to Demolish – Case # 2022 003792, 2306 Cow Bay Road, Cow Bay

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 accessory buildings 1, 2, 3, and 4 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 two previous dangerous or unsightly cases at the property. Both cases were closed with owner compliance.

The property is zoned P-3 (provincial park).

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

A complaint was received through the Councillor's Office on April 26, 2022. The complainant reported the property as unsightly due to a septic smell from the property and scattered garbage.

No subsequent complaints have been received.

The Compliance Officer is bringing this case forward to the committee to request Demolition Orders for the four accessory structures at the property including buildings identified as 1, 2, 3 and 4 (Case #2022 003792).

CHRONOLOGY OF CASE ACTIVITIES:

01-May-2022 The Compliance Officer phoned the property owner and left a voice message requesting a return call.

The Compliance Officer conducted a site inspection at 2306 Cow Bay Road, Cow Bay hereinafter referred to as "the property" (attached as Appendix B).

The Compliance Officer knocked at the door of the main dwelling and received no response. The Compliance Officer noted several deteriorated structures with debris throughout. The Compliance Officer also noted a lack of exterior maintenance to the main dwelling due to failing paint and missing and rotting wood.

In addition, the Compliance Officer noted an accumulation of scattered debris including metal, wood, disused construction material, bagged solid waste and several derelict vehicles. The Compliance Officer is managing the debris violations separately.

The Compliance Officer requested a Building Official complete Structural Integrity Reports for the four accessory structures at the property and provide a hand drawn map for reference (attached as Appendix C).

09-May-2022 The Compliance Officer conducted a site inspection and noted no change in the condition of the structures. The Compliance Officer knocked at the door of the main dwelling and received no response.

The Compliance Officer posted a 60-day Notice of Violation (attached as Appendix D) for the main dwelling.

11-May-2022 The Compliance Officer was in the area and noticed the property owner was home and Building Officials were on site. The Compliance Officer stopped and spoke with the property owner to explain the violations and work required to bring property into compliance. The property owner explained that they wanted to bring the property into compliance and needed more time. The Compliance Officer advised the property owner that they were willing to provide additional time as long as progress is being made.

19-May-2022 The Building Official submitted Structural Integrity Reports for the accessory structures 1, 2, 3, and 4 (attached as Appendix E, F, G and H respectively).

The overall comment regarding accessory structure 1, 2 and 3 is: “Repairs to the building would not be cost effective.”

The overall comment regarding accessory structure 4 is: “Observations of this structure were made from the exterior; no entry was gained due to the instability of the structure. Repairs to the building would not be cost effective.”

- 03-Jun-2022 The Compliance Officer conducted a site inspection and noted that the structures remained in violation. It was noted that work was being undertaken to address other violations at the property.
- 29-Jun-2022 The Compliance Officer conducted a site inspection and noted that the structures remained in violation. It was noted that work was being undertaken to address other violations at the property.
- 13-Jul-2022 The Compliance Officer conducted a site inspection and noted that the structures remained in violation.
- 06-Aug-2022 The Compliance Officer conducted a site inspection and noted that the structures remained in violation.
- 13-Oct-2022 The Compliance Officer conducted a site inspection and noted that the structures remained in violation.
- 22-Nov-2022 The Compliance Officer conducted a site inspection and noted that the structures remained in violation. The Compliance Officer phoned the property owner and did not get an answer, nor were they able to leave a message.
- The Compliance Officer spoke with the neighbor who advised that they have been helping the owner to bring the property into compliance. The Compliance Officer and the neighbor agreed to meet at the property on November 30th to identify the remaining work to be completed.
- 30-Nov-2022 While on route to the property the Compliance Officer received a call from the neighbor asking to reschedule to December 1st. The Compliance Officer agreed to reschedule.
- 01-Dec-2022 The Compliance Officer met with the neighbor at the property and explained the work required to bring the property into compliance.
- 10-Jan-2023 The Compliance Officer conducted a site inspection and noted some progress to the rear of the dwelling and a ground level window on an accessory structure had been boarded up.
- 07-Mar-2023 The Compliance Officer conducted a site inspection and noted some work had been completed at the property.
- 29-Apr-2023 The Compliance Officer conducted a site inspection and noted the property remained in violation. The Compliance Officer knocked at the door to the dwelling and received no answer. The Compliance Officer phoned the property owner and received no answer, nor were they able to leave a message.

The Compliance Officer phoned the neighbor and explained that the case would move to Order stage and explained the process. The neighbor thanked the Officer for the update.

- 19-May-2023 The Compliance Officer met with the property owner at the property and explained the work required to bring the property into compliance. The property owner stated that a contractor friend could help and would start within the next week or so. The Compliance Officer provided the property owner a one month extension to complete the work.
- 24-Jun-2023 The Compliance Officer conducted a site inspection and noted no progress made at the property since the last site inspection. The Compliance Officer knocked at the door to the dwelling and received not answer.
- The Compliance Officer phoned the property owners and found both contact numbers out of service.
- 28-Jul-2023 The original Compliance Officer accepted another position; therefore, the case was assigned to a new Compliance Officer.
- 22-Aug-2023 The Compliance Officer conducted a site inspection and noted no change in the condition of the structures.
- The Compliance posted Notices to Appear for the accessory structures identified as 1, 2, 3, and 4 (attached as Appendix I, J, K, and L respectively) on the main dwelling at the property. Copies of the Notices to Appear were sent to the property owner through registered mail.
- The Compliance Officer phoned the property owner and left a detailed voicemail explaining the Notices to Appear posted on the property. The Compliance Officer also requested the property owner call back to discuss the file.

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. Due to the deteriorated condition of the structures, they would pose a risk to anyone who 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 Sketched Map of structures on property

- Appendix D: Copy of the Notice of Violation dated May 9, 2022
- Appendix E: Copy of the Structural Integrity Report accessory 1 dated May 11, 2022
- Appendix F: Copy of the Structural Integrity Report accessory 2 dated May 11, 2022
- Appendix G: Copy of the Structural Integrity Report accessory 3 dated May 11, 2022
- Appendix H: Copy of the Structural Integrity Report accessory 4 dated May 11, 2022
- Appendix I: Copy of the Notice to Appear accessory 1 dated August 22, 2023
- Appendix J: Copy of the Notice to Appear accessory 2 dated August 22, 2023
- Appendix K: Copy of the Notice to Appear accessory 3 dated August 22, 2023
- Appendix L: Copy of the Notice to Appear accessory 4 dated August 22, 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: Logan Hamilton, Compliance Officer II, By-law Standards, 902.476.3072

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:

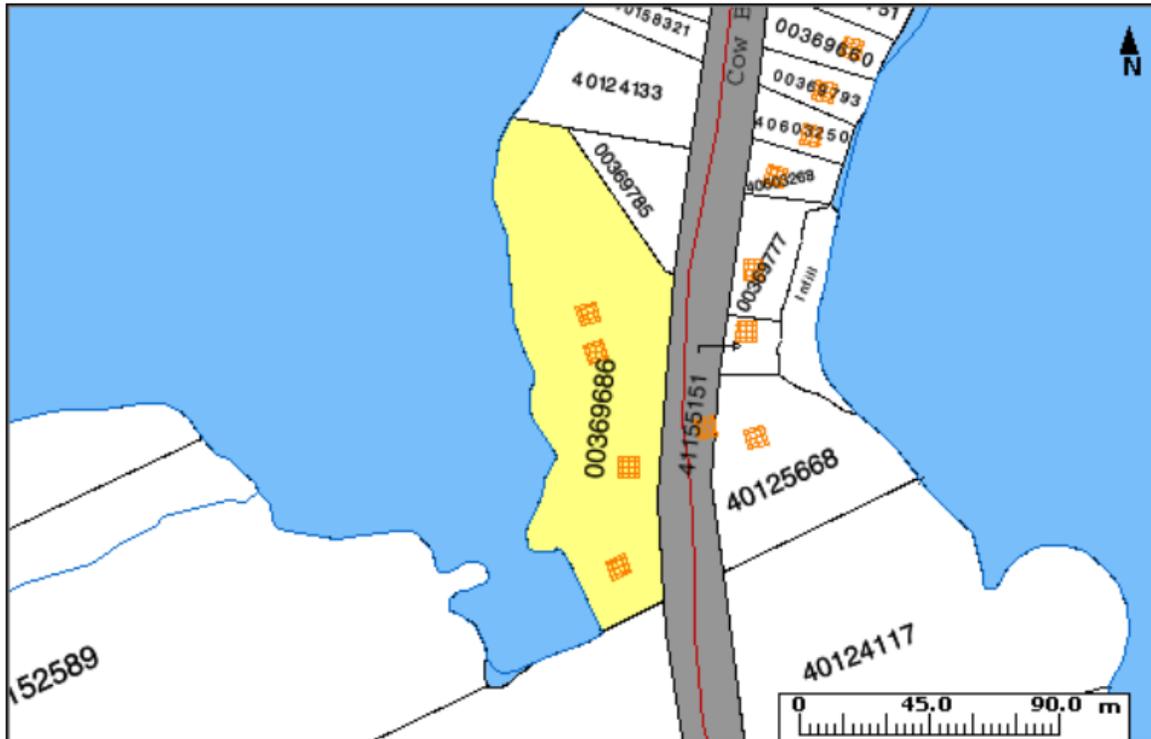
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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 allurements 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: Jul 28, 2023 12:54:14 PM



PID: 00369686 Owner: JAMES SAWLER AAN: 02135752
County: HALIFAX COUNTY Address: COW BAY ROAD Value: \$111,000 (2023 RESIDENTIAL TAXABLE)
LR Status: NOT LAND REGISTRATION COW BAY

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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Request structural integrity report
for all six structures.

Water

Accessory
Structure
#5

Accessory Structure
#4

Main
Structure

Accessory
Structure
#1

Accessory
Structure
#2

Accessory
Structure
#3

Road

Appendix D

HALIFAX Buildings and Compliance

Notice of Violation

Notice Served Upon: James Savelle

Address: 2306 Cas Bay Rd, Cas Bay

This is to advise that you are in violation of the following municipal and/or provincial legislation:

- HRM By-law A-700 Animals
- HRM By-law C-300 Civic Addressing
- HRM By-law C-501 Vending
- HRM Charter, Part XV Respecting Dangerous or Unightly Premises
- HRM By-law N-300 Nuisances
- HRM By-law S-300 Streets
- HRM By-law S-600 Solid Waste
- HRM By-law S-801 Temporary Signs
- HRM By-law S-1000 Sidewalk Cafes
- HRM By-law T-1000 Taxi & Limousine
- Other: _____

Details of violation(s):
Dwellings in such a state of disrepair due to rotten wood, falling paint, collapsed in scales, missing sections of walls, and missing windows.

Violation(s) to be rectified as per the following:
Repair or replace rotten wood components, scrape and paint any areas where it is falling on all five out buildings and house, and replace or repair any missing doors or windows to structures.

Notice of Re-inspection:
A re-inspection will be performed on 60 days 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.

Issuing Officer: Shawn MacPhee
Date (dd/mm/yy): May 9/20
Time (hh/mm): 9:50am
Case Number: CF-2020-003790

Original signed [Redacted]
Issuing Officer Signature

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
2306 Cow Bay Rd, Cow Bay "Building 1"	0036686	May 11, 2022

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Single story wood frame accessory building. • The roof and the rear wall have partially collapsed. The remaining exterior walls and roof show signs of caving in and are beginning to collapse. • Structure is open to the elements.
Foundation	N/A
Heating Appliances	N/A
Chimney	N/A
Roof	<ul style="list-style-type: none"> • Asphalt roofing materials are beyond its life expectancy. Asphalt shingles are cupped, broken, and missing over the entire roof. • Wood boards under asphalt shingles are expose to weather and have signs of rot.
Building Services	N/A

Public Safety Considerations
<ul style="list-style-type: none"> • The building is a safety hazard in its current condition and could collapse at any time. • Back wall has collapsed but inaccessible, due to trees. • Excessive debris on the inside building.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> • Repairs to the building would not be cost effective.

Jeffrey Deveaux	Original signed		Original signed
Building Official (please print)	Signature		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
2306 Cow Bay Rd, Cow Bay "Building 2"	0036686	May 11, 2022

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Single story wood frame accessory building on steel frame. • Walls are wood and plywood without proper siding. Wood sheathing has signs of rot on all sides. • A downed tree has caused structural damage to the roof and the rest of the structure in the rear. • Steel floor system (trailer) is completely rusted and show signs of collapse.
Foundation	N/A
Heating Appliances	N/A
Chimney	N/A
Roof	<ul style="list-style-type: none"> • Asphalt roofing materials are beyond its life expectancy. Asphalt shingles are cupped, broken, and missing over the entire roof.
Building Services	N/A

Public Safety Considerations
<ul style="list-style-type: none"> • No access into building. No immediate safety concerns.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> • Repairs to the building would not be cost effective.

Jeffrey Deveaux	Original signed		Original signed
Building Official (please print)	Signature		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
2306 Cow Bay Rd, Cow Bay "Building 3"	0036686	May 11, 2022

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Single story wood frame accessory building. • Left side is only concrete slab. • Walls are wood and plywood without proper siding. Wood sheathing has signs of rot on all sides. • The exterior wall has collapsed on the left side of the building and roof is beginning to sag. • The structure is open to public, wildlife and the elements • Lots of debris on inside. Floor system undetermined.
Foundation	<ul style="list-style-type: none"> • Rock rubble and earth foundation
Heating Appliances	N/A
Chimney	N/A
Roof	<ul style="list-style-type: none"> • Asphalt roofing material are beyond its life expectancy. Asphalt shingles are cupped, broken, and missing over the entire roof. • Wood boards under asphalt shingles are expose to weather and have signs of rot.
Building Services	<ul style="list-style-type: none"> • Undetermined

Public Safety Considerations
<ul style="list-style-type: none"> • The building is open to access from the collapsed wall and missing front door. Recommend the entrances into the building be secured from public access. • Excessive debris on the inside of the building and the roof is not structural sound.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> • Repairs to the building would not be cost effective.

Jeffrey Deveaux	Original signed		Original signed
Building Official (please print)	Signature		Supervisor's Initials

Appendix G

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
2306 Cow Bay Rd, Cow Bay "Building 4"	0036686	May 11, 2022

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> Structure is wood framed with wood and rock sheathed walls. Majority of building has collapsed.
Foundation	<ul style="list-style-type: none"> Undetermined
Heating Appliances	<ul style="list-style-type: none"> Undetermined
Chimney	N/A
Roof	<ul style="list-style-type: none"> Asphalt roofing material is beyond its life expectancy. Asphalt shingles that remain are cupped, broken, and missing over the entire roof. Roof has partially collapsed over the entire structure.
Building Services	<ul style="list-style-type: none"> Electrical and Water/sewer could not be determined.

Public Safety Considerations
<ul style="list-style-type: none"> The building is a safety hazard in its current condition and could collapse at any time. Recommend the entrances into the building be secured from public access. Excessive debris inside and around building.

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. Repairs to the building would not be cost effective.

Jeffrey Deveaux	Original signed		Original signed
Building Official (please print)	Signature		Supervisor's Initials

Form Jan 2016

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: 2306 Cow Bay Road, Cow Bay, Nova Scotia;
Case #2022 003792;
Hereinafter referred to as the “Property”

-and-

IN THE MATTER OF: Deteriorated accessory building 1
Hereinafter referred to as the “Building”

TO: JAMES SAWLER

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 building, 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 22nd of August 2023

Original signed

Logan Hamilton
Compliance Officer
902.476.3072

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: 2306 Cow Bay Road, Cow Bay, Nova Scotia;
Case #2022 003792;
Hereinafter referred to as the “Property”

-and-

IN THE MATTER OF: Deteriorated accessory building 2
Hereinafter referred to as the “Building”

TO: JAMES SAWLER

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;

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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 22nd of August 2023

Original signed

Logan Hamilton
Compliance Officer
902.476.3072

Scott Hill
Administrator
Halifax Regional Municipality

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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: 2306 Cow Bay Road, Cow Bay, Nova Scotia;
Case #2022 003792;
Hereinafter referred to as the "Property"

-and-

IN THE MATTER OF: Deteriorated accessory building 3
Hereinafter referred to as the "Building"

TO: JAMES SAWLER

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;

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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 22nd of August 2023

Original signed

Logan Hamilton
Compliance Officer
902.476.3072

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: 2306 Cow Bay Road, Cow Bay, Nova Scotia;
Case #2022 003792;
Hereinafter referred to as the "Property"

-and-

IN THE MATTER OF: Deteriorated accessory building 4
Hereinafter referred to as the "Building"

TO: JAMES SAWLER

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;

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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 22nd of August 2023

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Logan Hamilton
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