



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

Item No. 12.3.3
Appeals Standing Committee
April 11, 2024

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY: - Original Signed -
Andrea MacDonald, Director, Community Standards & Compliance

DATE: April 3, 2024

SUBJECT: Order to Demolish—CF-2024-000220, 218 Three Fathom Harbour Rd, Three Fathom Harbour, NS

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 and accessory 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 sixty (60) 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 have been no previous dangerous or unsightly cases at the property.

The property is zoned MR. (Mixed Resource)

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

A complaint was received by service request on January 3, 2024. The complainant stated that there are two buildings in a state of disrepair. One structure appears to be a mobile home and the other structure is a shed. The complainant stated that both buildings have holes in the roof and look to be beyond repair. Caller is worried for public safety as no one lives at the property.

The Compliance Officer is bringing this case forward to the committee to request Demolition Orders for the main structure and the accessory structure. (Case CF-2024-000220)

CHRONOLOGY OF CASE ACTIVITIES:

- 19-JAN-2024 The Compliance Officer conducted a site inspection at 218 Three Fathom Harbour Rd, Three Fathom Harbour hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a primary structure that appears to be a mobile home which is in a deteriorated state. The siding and windows are falling apart, the base of the trailer is broken, and the sliding doors are not able to shut which is allowing the elements into the structure. The second structure appeared to be remnants of an accessory structure or fish shack and half of building has collapsed.
- The Compliance Officer spoke by telephone with the property owner. During the call the property owner informed the Compliance Officer that she and her son had made attempts to have the accessory structure removed approximately 2 years ago but had not been able to find a contractor to do the job. The Compliance Officer advised that the collapsed structure needs to be removed and it is recommended the mobile home be removed as well. The property owner advised that they need to speak with the property owner’s son to discuss a plan and timeline for completing the work.
- 22-JAN-2024 The Compliance Officer requested a Building Official complete a structural integrity report for the main and accessory structures.
- The Compliance Officer spoke with the property owner’s son, who informed the Compliance Officer that arrangements have been made to remove the accessory structure within a couple of weeks.
- 26-JAN-2024 The Building Official submitted a Structural Integrity Report for the main and accessory structure (attached as Appendix C and Appendix D).
- The overall comments regarding the main structure are: The building is a wood framed mobile home, with weathered metal siding. The structure is open to wildlife and the elements through the soffits, and the rear door that is detached. Repairing this structure would require extensive work and would not be cost effective.
- The overall comments regarding the accessory structure are: Single storey wood frame accessory building. The structure has collapsed, and the remaining exterior walls/roof are in a state of imminent failure. The building has multiple openings leaving the building open to access from wildlife, and the elements in multiple locations around the structure. The building is beyond structural repair.

25-MAR-2024 The Compliance Officer posted a Notice to Appear for the main structure and accessory structure (attached as Appendix E) 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 main structure is a hazard due to instability of the structure and presents a danger to anyone who may enter. The accessory building has open access and is a safety hazard in its current condition and could further collapse at any time.

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 SI Report Main Structure dated January 26, 2024
- Appendix D: Copy of the Building Official's SI Report Accessory Structure dated January 26, 2024
- Appendix E: Copy of the Notice to Appear dated March 25, 2024

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: Tristan Zinck, Compliance Officer II, Community Standards Compliance,
902.292.5146

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:

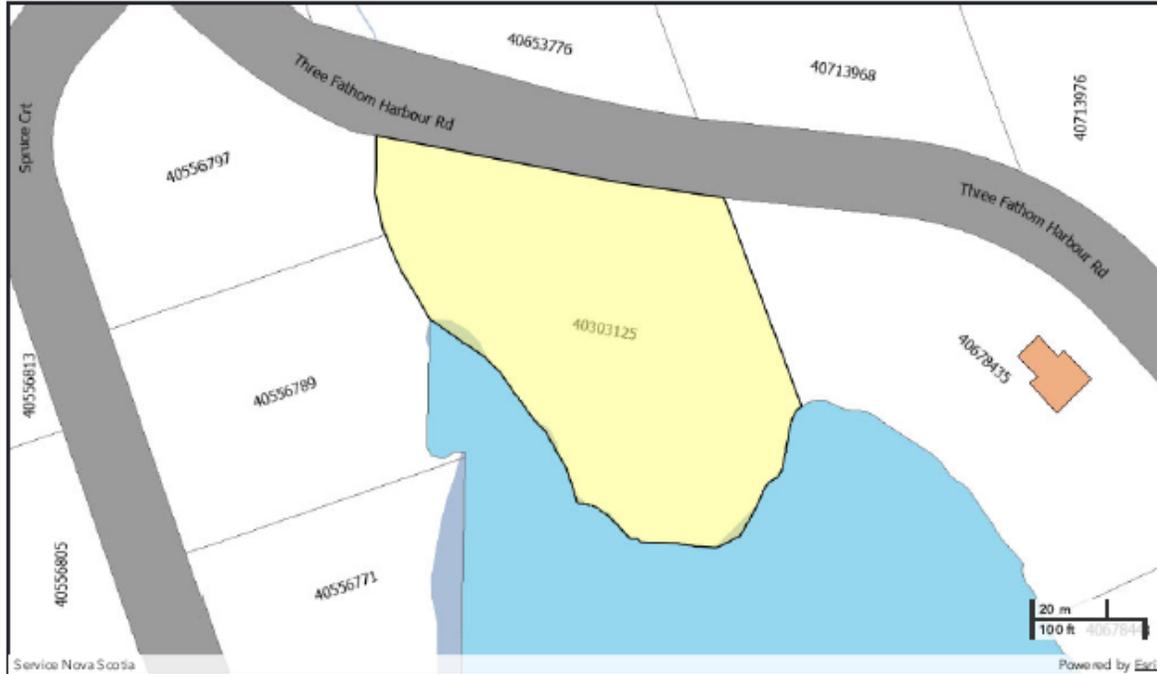
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: March 25, 2024 09:41:05



PID:	40303125	Address:	218 THREE FATHOM HARBOUR ROAD	AAN:	03682242
County:	HALIFAX COUNTY		THREE FATHOM HARBOUR BLOCK X	Value:	\$203,500.00 (2024 RESIDENTIAL TAXABLE)
LR:	LAND REGISTRATION	Owner:	MARGARET ROSE CURRIE		

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 1.0

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Appendix C

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
<i>218 Three Fathom Harbour Road, Three Fathom Harbour</i>	40303125	01/26/2024

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	The building is a wood framed mobile home, with weathered metal siding. The structure is open to wildlife and the elements through the soffits, and the rear door that is detached.
Foundation	Structure is sitting on wood blocks which appeared to be unstable and moved.
Heating Appliances	Undetermined. No oil tank or fuel-fired appliances present at time of inspection.
Chimney	Metal chimney is structurally sound.
Roof	Asphalt roofing material is intact but is at the end of its serviceable life. Soffits in the front of the structure are exposed, along with the front and rear fascia boards appeared to be rotting.
Building Services	No electrical services. Water/sewer could not be determined.

Public Safety Considerations
Recommend the rear entrance to the building be secured.

Comments Regarding Repair or Demolition
Observations were made from the exterior; no entry was gained due to the instability of the structure. Repairing this structure would require extensive work and would not be cost effective.

Victoria Dennis	Original Signed	[Redacted]
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Building Official (please print)

Signature

Supervisor's Initials

Appendix D

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
218 Three Fathom Harbour Road, Three Fathom Harbour	40303125	01/26/2024

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> - Single storey wood frame accessory building. - The structure has collapsed, and the remaining exterior walls/roof are in a state of immanent failure. - The building is open to passer-by's, wildlife, and the elements in multiple locations around the structure.
Foundation	Raised wood structure.
Heating Appliances	N/A.
Chimney	N/A
Roof	Low slope roof that has partially collapsed, remaining roof has unprotected wood sheathing that has structurally failed.
Building Services	No Water, Sewer, or Electrical services are connected to the structure.

Public Safety Considerations
The building is open access and will be difficult to secure, it is a safety hazard in its current condition and could collapse at any time.

Comments Regarding Repair or Demolition
Observations were made from the exterior; no entry was gained due to the instability of the structure. The building is beyond structural repair.

Victoria Dennis	Original Signed	[Redacted]
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: 218 Three Fathom Harbour Rd, Three Fathom Harbour, Nova Scotia;
Case # CF-2024-000220
Hereinafter referred to as the “Property”

-and-

IN THE MATTER OF: Deteriorated main structure and accessory structure
Hereinafter referred to as the “Buildings”

TO: **Margaret R Currie**

WHEREAS you are the owner of the Property;

AND WHEREAS situated on the Property are the Buildings 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 April 11, 2024 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 and 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 25 of March 2024.

Original Signed

Tristan Zinck
Compliance Officer
902-292-5146

Scott Hill
Administrator
Halifax Regional Municipality