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**Item No. 12.2.1**  
**Appeals Standing Committee**  
**July 11, 2024**

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

**SUBMITTED BY:** Original Signed  
Andrea MacDonald, Director, Community Standards and Compliance

**DATE:** July 2, 2024

**SUBJECT:** Order to Demolish–CF-2024-000985, 126 Back Rd, Seaforth, NS

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**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 #1 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 RE (Rural Enterprise).

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 11, 2024. The complainant stated that the property is unsightly, the main dwelling and three accessory structures are in a state of disrepair, and they are worried for public safety.

The Compliance Officer is bringing forward Case CF-2024-000985 to the committee to request Demolition Orders for the main dwelling and accessory structure # 1 as shown in the attached map of structures on property. The remaining two accessory structures have not been deemed deteriorated to the point that staff would seek a demolition order.

**CHRONOLOGY OF CASE ACTIVITIES:**

- 26-JAN-2024 The Compliance Officer conducted a site inspection at 126 Back Road, Seaforth hereinafter referred to as “the Property” (attached as Appendix B). Inspection revealed on the right side of the lot, a completely collapsed wooden structure, scrap wood, roofing, and other scattered debris. There was also a small accessory building next to the debris pile that appeared to be leaning and decayed. At the back of the parcel there are two structures. The Officer noted that the main dwelling is deteriorated, decayed and in poor condition. There are two broken ground floor windows and open access via the basement. The second structure is a barn which is deteriorated, missing siding, roofing and is severely leaning.
- 26-JAN-2024 The Compliance Officer spoke with the property owner’s daughter. The daughter advised that the property owner passed away. The Compliance Officer explained the violations and concerns about the open access to the dwelling. The property owner’s daughter agreed to address the open access within the next 24 hours.
- 27-JAN-2024 The Compliance Officer attended the property and confirmed that the open access had been secured.
- 29-JAN-2024 The Compliance Officer requested Structural Integrity reports on the main structure as well as the three accessory structures. (attached as Appendix C – Map of Structures on Property)
- 02-FEB-2024 The Compliance Officer received the Structural Integrity (SI) reports from the Building Official (attached as Appendix D and Appendix E). The overall recommendation was the main dwelling and accessory structure #1 are deteriorated and present a safety hazard. The full recommendations are below:
- The overall comments regarding the main structure are: The building is a 2-storey wood frame construction in varying stages of decay. Sections of the roof have collapsed, allowing climatic events to enter the building. The building is a safety hazard in its current condition, any additional loads to this structure from snow or wind could cause it to collapse causing injury to anyone inside or nearby.
- The overall comments regarding accessory structure #1 are: Single storey wood frame accessory building. All the walls and roof are rotten and caving in. Sections of the roof have collapsed. The building is a safety hazard in its current condition and could collapse at any time.

- 21-JUN-2024 The Supervisor attended the property with the Compliance Officer to review the current state of the property. Based on the condition of the structure, it was determined to proceed to seek demolition orders for the main dwelling and accessory structure #1 .
- 24-JUN-2024 The Compliance Officer posted a Notice to Appear for the main dwelling and accessory structure #1 (attached as Appendix F) at the property. A copy was also 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 as the main dwelling and accessory structure present a risk to anyone who may enter. Both structures have failed to the point they may 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 Map of Structures on Property
- Appendix D: Copy of the Building Official's SI Report Main Structure dated February 2, 2024
- Appendix E: Copy of the Building Official's SI Report Accessory Structure #1 dated January 31, 2024
- Appendix F: Copy of the Notice to Appear dated June 24, 2024

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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: Humberto Madrigal Sanchez, Compliance Officer II, By-law Standards, 902.399.5365

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## Appendix A

### **Halifax Regional Municipality Charter ('HRM Charter') Subsection 355 (1) 356 and 3 (q)**

HRM Charter, subsection 355(1) 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.

HRM Charter, subsection 356(1) 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.

HRM Charter, subsections 356(2), (3A), as follows:

- 356 (2) An owner may appeal an order of the Administrator to the Council or to the committee to which the Council has delegated its authority within seven days after the order is made.
- (3A) Where the Council or the committee varies or overturns the order of the Administrator, the Council or committee shall provide reasons to be recorded in the minutes of the Council or committee meeting.

HRM Charter, subsection 3(q) as follows:

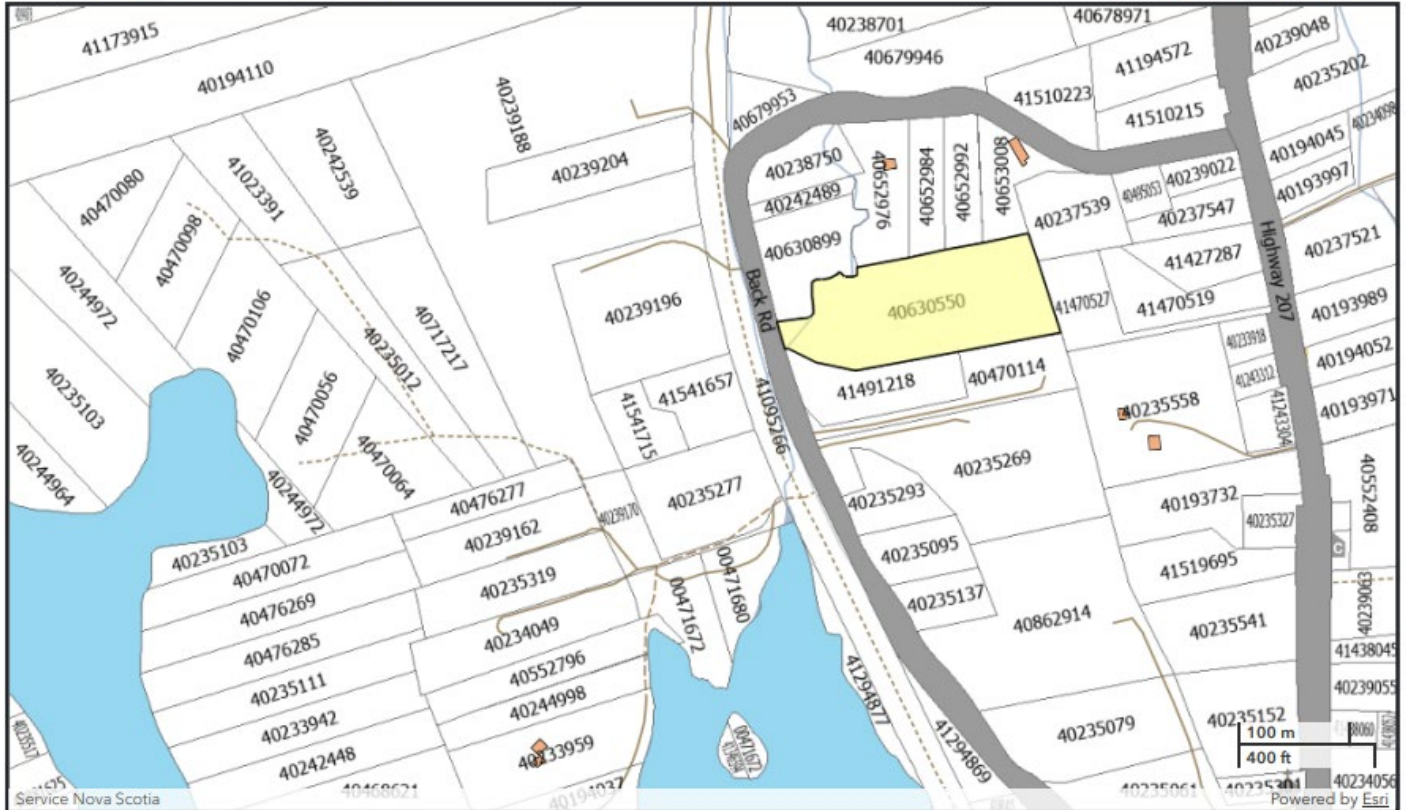
- (q) "dangerous or unsightly" means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or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

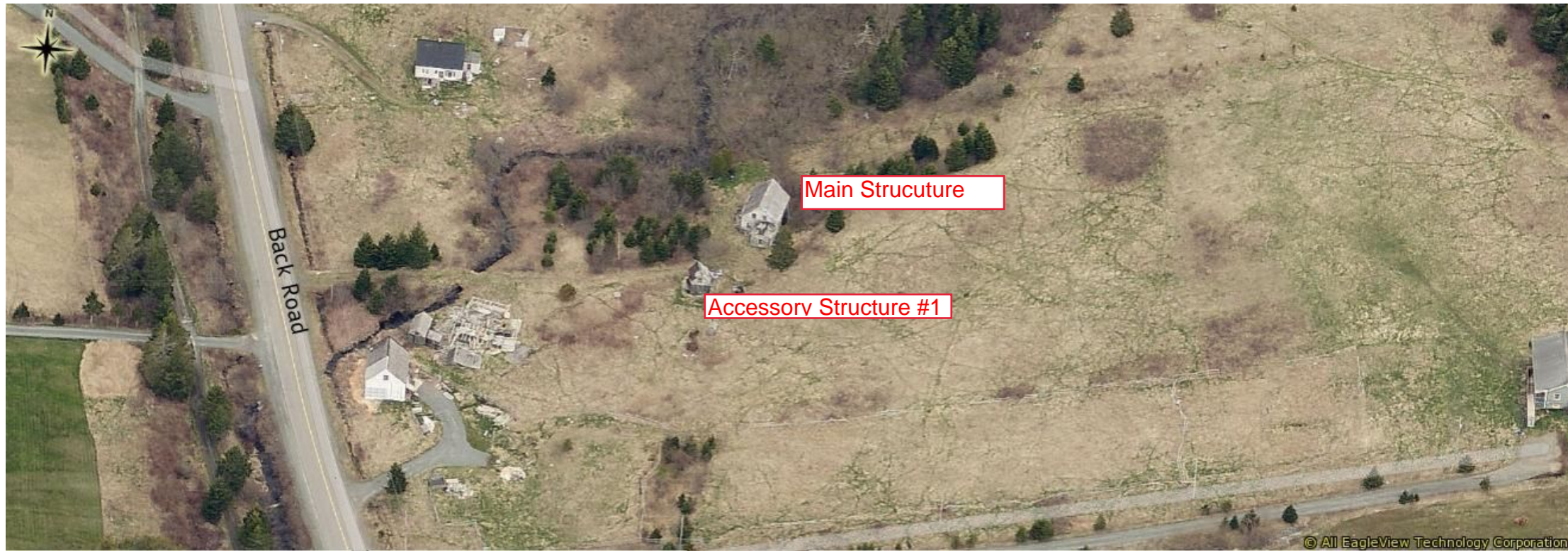
Date: June 17, 2024 10:12:17



<b>PID:</b> 40630550	<b>Address:</b> 126 BACK ROAD	<b>AAN:</b> 03528448
<b>County:</b> HALIFAX COUNTY	SEAFORTH	<b>Value:</b> \$139,400.00 (2024
<b>LR:</b> NOT LAND REGISTRATION	LOT 810NX	RESIDENTIAL TAXABLE)
	<b>Owner:</b> CAROL J WATTERS	\$1,500.00 (2024 RESOURCE
	DENYSE ANNE WATTERS	TAXABLE)

# 126 Back Rd

## Appendix C



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
126 Back Road, Seaforth, NS – Main Dwelling	40630550	Feb 2 2024

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> <li>• <b>The building is a 2-storey wood frame construction in varying stages of decay.</b></li> <li>• Sections of the roof have collapsed. Allowing climatic events to enter the building.</li> <li>• Windows on the South exterior wall are missing glazing which is allowing water to enter the structure.</li> <li>• Exterior wall on West side of structure in advanced decay, with openings allowing weather events and wildlife into the structure.</li> <li>• Two exterior entrances were boarded up.</li> </ul>
Foundation	<ul style="list-style-type: none"> <li>• <b>Concrete foundation is in fair condition.</b></li> <li>• Addition on East side of structure built on rock and rubble foundation.</li> </ul>
Heating Appliances	<ul style="list-style-type: none"> <li>• Unable to determine.</li> </ul>
Chimney	<ul style="list-style-type: none"> <li>• None.</li> </ul>
Roof	<ul style="list-style-type: none"> <li>• Wooden shingles on all sides of the roof are in extremely poor condition and the roof structure has partially collapsed.</li> </ul>
Building Services	<ul style="list-style-type: none"> <li>• Electrical services are connected to the structure.</li> <li>• Unable to determine water or sewer services connected to the structure.</li> </ul>

Public Safety Considerations
<ul style="list-style-type: none"> <li>• The building is a safety hazard in its current condition.</li> <li>• <b>Any additional loads to this structure from snow or wind could cause it to collapse causing injury to anyone inside or nearby.</b></li> </ul>

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> <li>• Observations of this structure were made from the exterior; no entry was gained due to the instability of the structure.</li> <li>• Lack of maintenance has allowed climatic elements to penetrate the buildings envelope contributing to the collapse of the roof and the immanent failure of the rest of the superstructure.</li> <li>• Repairing this structure would require an extensive amount of work.</li> </ul>

Hugh Layton	Original Signed	
Building Official (please print)	Signature	Supervisor's Initials

Appendix E

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
126 Back Road, Seaforth, NS – Accessory Structure #1	40630550	Jan 31 2024

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> <li>• Single storey wood frame accessory building.</li> <li>• All the walls and roof are rotten and caving in.</li> <li>• Sections of the roof have collapsed. Asphalt Shingles are missing on one side of the roof, missing wooded shingles on the other side of the roof.</li> <li>• Some windows are missing glazing which is allowing water to enter the structure.</li> <li>• Window missing on North side of structure and exposed to climatic events.</li> <li>• North wall compromised and leaning away from the structure. Attempts have been made to brace the wall up.</li> </ul>
Foundation	<ul style="list-style-type: none"> <li>• Unable to determine condition or material of the foundation, due to no access into the structure and debris around the exterior of the foundation.</li> </ul>
Heating Appliances	<ul style="list-style-type: none"> <li>• None.</li> </ul>
Chimney	<ul style="list-style-type: none"> <li>• None.</li> </ul>
Roof	<ul style="list-style-type: none"> <li>• Asphalt roofing material on West side of roof is in extremely poor condition and the roof structure has partially collapsed.</li> <li>• Wooden shingles on East side of roof are in extremely poor condition and the roof structure has partially collapsed.</li> </ul>
Building Services	<ul style="list-style-type: none"> <li>• No Water, Sewer, or Electrical services are connected to the structure.</li> </ul>

Public Safety Considerations
<ul style="list-style-type: none"> <li>• The building is a safety hazard in its current condition and could collapse at any time. The North wall is being supported by two diagonal braces.</li> <li>• Access could be gained into the structure through North window that is missing glazing.</li> </ul>

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> <li>• Observations of this structure were made from the exterior; no entry was gained due to the instability of the structure.</li> <li>• Lack of maintenance has allowed climatic elements to penetrate the buildings envelope contributing to the collapse of the roof and the immanent failure of the rest of the superstructure.</li> <li>• Repairing this structure would require an extensive amount of work.</li> </ul>

Hugh Layton	Original Signed	
Building Official (please print)	Signature	Supervisor's Initials



# HALIFAX

## 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:** 126 Back Rd, Seaforth, Nova Scotia;  
Case # CF-2024-000985  
Hereinafter referred to as the "Property"

-and-

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

**TO:** Denyse A Watters & Carol J Watters

**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 July 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 Sixty (60) 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 of June 2024.

Humberto Madrigal Sanchez  
Compliance Officer  
902-399-5365

Original Signed

Scott Hill  
Administrator  
Halifax Regional Municipality