



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 12.2.1
Appeals Standing Committee
September 5, 2024

TO: Chair and Members of Appeals Standing Committee

FROM: Tanya Phillips, Acting Director, Community Standards and Compliance

DATE: August 27, 2024

SUBJECT: **Order to Demolish–CF-2024-010394, 7488 Highway 224, Mill Lake, NS**

ORIGIN

Staff, pursuant to the *Halifax Regional Municipality Charter* (the “Charter”).

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, **order demolition** of the main 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 MU (Mixed Use)

A review of the HRM database system shows no permits have been issued for the property. A complaint was received on April 22, 2024. The complainant stated that the property is unsightly, and the house is falling apart.

The Compliance Officer is bringing forward Case CF-2024-010394 to the committee to request a Demolition Order for the main structure on property.

DISCUSSION

27-APR-2024 The Compliance Officer conducted a site inspection at 7488 Highway 224, Mill Lake hereinafter referred to as “the Property” (attached as Appendix B).

The site inspection revealed the property to be vacant and the main structure appears to be uninhabitable. The structure has collapsed, is leaning to one side, the windows are broken, and the door is off its hinges.

The inspection also revealed an accumulation of debris including but not limited to glass and plastic bottles, vehicle parts such as a truck cab and a bed cap, tires, milk crates, scrape wood, scrap metal and other debris. The debris violations are being managed separately.

03-MAY-2024 The Compliance Officer left a voicemail for the property owner. The Officer requested a return call from the property owner.

09-MAY-2024 The Compliance Officer received the Structural Integrity report from the Building Official, (Attached as Appendix C).

The overall comments regarding the main structure are: The dwelling is a public safety concern due to the heavy deterioration and collapse. The dwelling is not structurally sound and is not habitable, it would not be cost effective to repair.

The Compliance Officer and the property owner spoke via telephone. The Compliance Officer advised the property owner of their site inspection and the findings from the Structural Integrity Report. The property owner advised the Compliance Officer that they would contact the Planning and Development Office to apply for a Demolition Permit.

23-JUN-2024 The Compliance Officer attended the property and observed that no improvements were made since their last site inspection. The Compliance Officer noted that the structure has further deteriorated and presents a risk to anyone who may enter.

08-AUG-2024 The Compliance Officer posted a Notice to Appear (attached as Appendix D) at the property. A copy was also sent to the property owner through registered mail as well as hand delivered to their place of residence.

28-AUG-2024 A review of the POSSE database records show that there is no application for a Demolition Permit for this property on 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. The structure is a safety hazard in its current condition and presents a risk to anyone who may enter.

COMMUNITY ENGAGEMENT

No community engagement was required.

ENVIRONMENTAL IMPLICATIONS

No environmental impact identified.

ALTERNATIVES

The state of the property suggests no viable alternative to the recommendation by Staff.

LEGISLATIVE AUTHORITY

Sections 355, 356 and 3(q) of the *Halifax Regional Municipality Charter*, S.N.S., 2008 C.39.

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 May 7, 2024
- Appendix D: Copy of the Notice to Appear dated August 7, 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, By-law Standards, 902.292.5146

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:

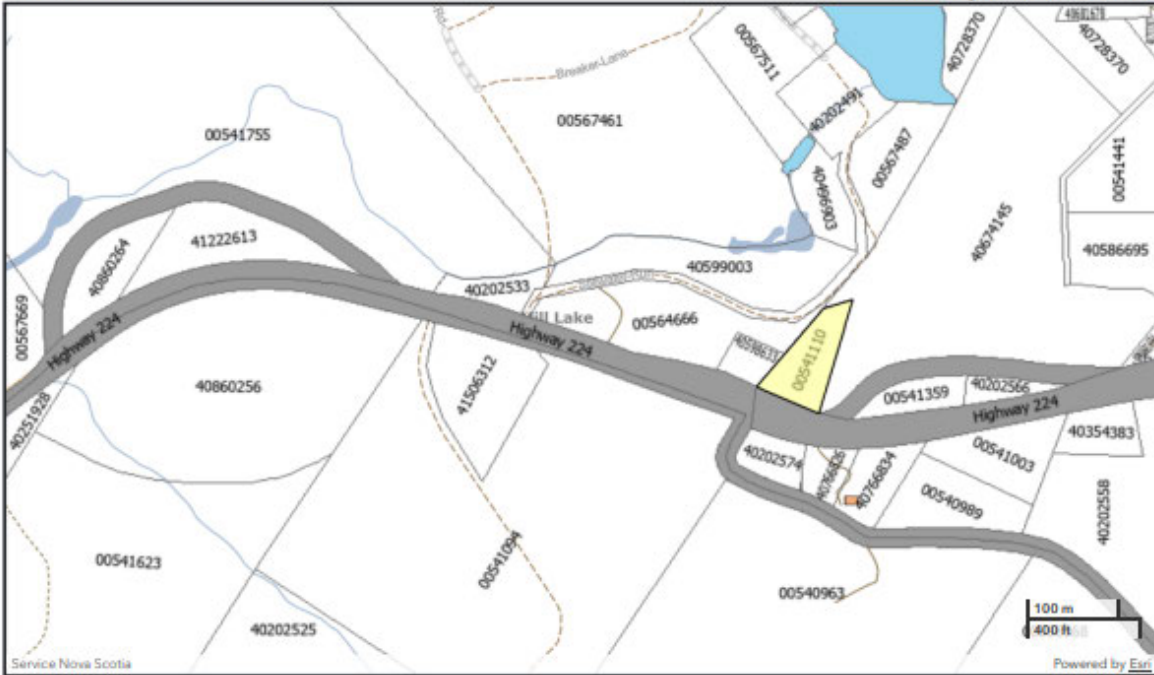
- (q) "dangerous or unsightly" means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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: August 21, 2024 15:43:11



PID:	00541110	Address:	7488 HIGHWAY 224	AAN:	00504149
County:	HALIFAX COUNTY		MILL LAKE	Value:	\$48,400.00 (2024 RESIDENTIAL TAXABLE)
LR:	LAND REGISTRATION	Owner:	WENDY VIOLA HENLEY		

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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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
7488 Highway 224, Mill Lake, NS, B0N 2M0	00541110	May 7 / 2024

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 and is collapsing. - 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"> - Block foundation in some areas is deteriorated to the point of collapse. - The main building foundation appears to be compromised, as the building is sinking/collapsing causing separation of exterior walls.
Heating Appliances	N/A
Chimney	<ul style="list-style-type: none"> - Chimney brick above the roof is deteriorated and missing in some areas.
Roof	<ul style="list-style-type: none"> - Roof has heavy moss growth and is also damaged / missing in some areas.
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 collapse. Recommend boarding up any opening immediately to avoid anyone entering the structure.

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.

Dane Ordway	Original Signed	
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: 7488 Highway 224, Mill Lake, Nova Scotia;
PID # 00541110; Tax # [REDACTED] Case # CF-2024-010394
Hereinafter referred to as the "Property"

-and-

IN THE MATTER OF: Deteriorated primary structure
Hereinafter referred to as the "Building"

TO: **Wendy Henley**

[REDACTED]

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 5, 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 primary 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 7 of August 2024.

Tristan Zinck
Compliance Officer
902-292-5146

Original Signed

Tanya Phillips
Administrator
Halifax Regional Municipality