

HALIFAX

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

Appeals Standing Committee
August 2, 2018

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY:

Original Signed

Kelly Denty, Director, Planning & Development

DATE: July 24, 2018

SUBJECT: Order to Demolish – Case #305184, 209 Scotts Point Road, East Dover

Supplementary Report

ORIGIN

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

- April 12, 2018 deferral of the item by the Appeals Standing Committee.

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:

1. 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 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 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 have been four previous dangerous or unsightly cases at the property. The cases were all closed as owner compliance.

This case is a result of a service request received on January 8, 2018. The complainant advised of a deteriorated and unsafe building and wharf where the debris is falling into the water and affecting the watercourse.

The Compliance Officer attended the property on January 8, 2018 and noted derelict vehicles, debris, scattered wood, large wooden wharf pilings at the shore and multiple deteriorated accessory structures.

The Compliance Officer is addressing the derelict vehicles under case # 305273. An Order to Remedy was issued on February 16, 2018. The Compliance Officer inspected the property on March 9, 2018 and the case was closed as owner compliance.

The Compliance Officer brought a request for a Demolition Order to the April 12, 2018 Appeal Standing Committee meeting. The committee deferred the case until the August 2018 meeting to allow the property owner additional time to complete the work.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated accessory structure (fishing building) located at 209 Scotts Point Road, East Dover.

CHRONOLOGY OF CASE ACTIVITIES:

- 9-Jan-2018 The Compliance Officer conducted a site inspection at 209 Scotts Point Road, East Dover, hereinafter referred to as “the Property” (attached as Appendix B) and noted multiple derelict vehicles and parts throughout the property, scattered wood, and large wooden wharf pilings at the shore. There were multiple deteriorated accessory buildings. This report will focus on the large deteriorated wooden accessory structure suspended over the water with a collapsed roof, collapsing foundation beams and a massive hole in the side of the building.
- 10-Jan-2018 The property owner was at the property when the Compliance Officer conducted the site inspection. The Compliance Officer stated that the accessory structure (fishing building) needed to be repaired or demolished. The Compliance Officer hand delivered a Notice of Violation (attached as Appendix C) to the property owner.
- The property owner and her brother advised that the work would be weather and tide dependent as the building is situated on the coastline.
- 11-Feb-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property. The Compliance Officer spoke with the property owner’s brother and advised him he would be issuing an Order to Remedy for the derelict vehicles and debris and that the accessory structure needed to be repaired or demolished.
- 16-Feb-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property. The Compliance Officer spoke with the property owner’s brother and advised him that HRM would be requesting a Demolition Order for the accessory structure through the Appeals Standing Committee. The property owner’s brother advised the Compliance Officer he intends to have the structure designated as a heritage building.
- 21-Feb-2018 The Building Official submitted a structural integrity report for the building (attached as Appendix D).

The overall comments regarding the structure are: “Building is not secured from the public and the potential for further collapse exists under heavy wind, snow or surf conditions. Building is not safe and would require an extensive renovation to conform to current building codes.”

- 02-Mar-2018 The Compliance Officer was contacted by the complainant who requested an update on the case and when the property would be brought into compliance.
- 23-Mar-2018 The Compliance Officer posted a Notice to Appear (attached as Appendix E) at the property. A copy of the Notice was also sent via registered mail.
- 10-Apr-2018 The Compliance Officer conducted a site inspection and noted the violation remains.
- 12-Apr-2018 The matter was heard before the April 12, 2018 Appeals Standing Committee meeting. The Committee deferred the case to the August 2018 meeting to provide the property owner with additional time.
- 18-Jul-2018 The Compliance Officer conducted a joint site inspection with the property owner and noted the violation remains. The property owner had added galvanized metal support to the sills and jacks on the corner of the structure. The Compliance Officer noted a large amount of lumber had been purchased for the structure. The property owner advised they have not consulted an engineer for the structure.
- 20-Jul-2018 The Municipal Clerk’s Office sent the property owner a letter advising the demolition request would be heard at the August 2, 2018 Appeals Standing Committee meeting (attached as Appendix F).

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.

ALTERNATIVES

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

RISK CONSIDERATIONS

The risk consideration rates moderate. The building presents an allurements and due to the advanced state of deterioration, the building poses a safety risk to individuals if they were to enter.

ENVIRONMENTAL IMPLICATIONS

No environmental implications identified.

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 Notice of Violation dated January 10, 2018
- Appendix D: Copy of the Building Official's Report dated February 21, 2018
- Appendix E: Copy of the Notice to Appear dated March 23, 2018
- Appendix F: Copy of the letter from the Municipal Clerk's Office dated July 20, 2018

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.

Staff Contact: Kory O'Neill, Compliance Officer II, By-law Standards, 902.293.1406

Original Signed

Report Approved By:

Penny J. Henneberry, Manager, Buildings and Compliance, 902.579.0250

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.

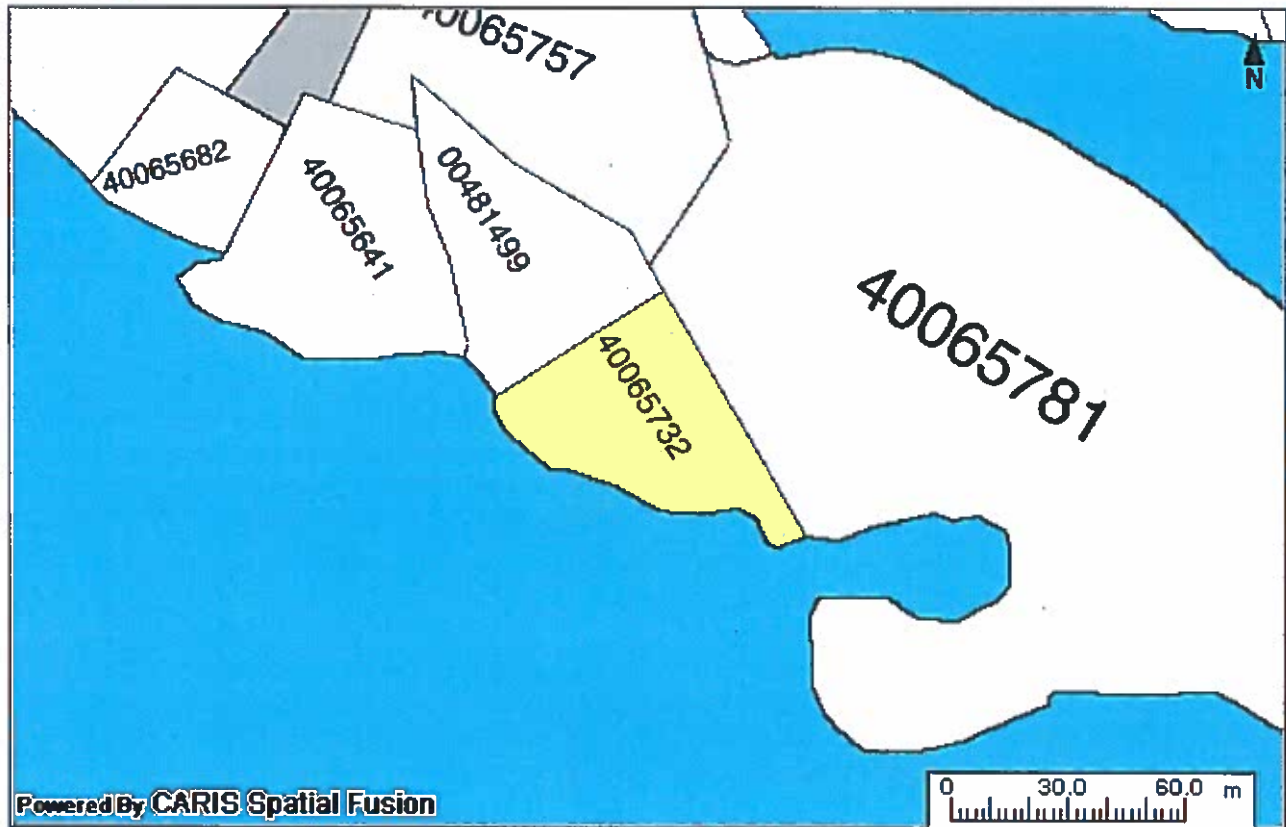
HRM Charter, subsection 3(q) as follows:

- (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,
 - (ia) 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: Mar 7, 2018 12:42:00 PM



PID: 40065732	Owner: PHYLLIS MARIE ZINCK	AAN: 05051266
County: HALIFAX COUNTY	Address: 209 SCOTTS POINT ROAD EAST DOVER	Value: \$174,900 (2018 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION		

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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APPENDIX C

HALIFAX

Municipal Compliance

Notice of Violation

Notice Served Upon: Name _____
or address 209 Scotch Point RD

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

- HRM By-law A-300 Animals
- HRM By-law C-300 Civic Addressing
- HRM By-law C-501 Vending
- HRM Charter, Part XV Respecting Dangerous or Unsanitary 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 Cales
- HRM By-law T-1000 Taxi & Limousine
- Other: _____

Details of violation(s):

Building over water, Roof missing, exterior wall missing, Broken wood, 166 in air.

Violation(s) to be rectified as per the following:

Repair or demolish structure.

Notice of Re-Inspection:

A re-inspection will be performed on Feb 11th/2018 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.

Karen O'Neill
Issuing Officer
102-293-1406

10th/01/2018
Date (dd/mm/yy)
10:10 hrs

ORIGINAL SIGNED

Issuing Officer Signature

305184
Case Number

For information on municipal legislation visit the Halifax Website at www.halifax.ca/legislation or call the Citizen Contact Centre at 311. If calling outside the HRM but within NS call 1-800-839-6429 toll free.

APPENDIX D



Building Official's Report

Planning and Development
 PO Box 1749
 Halifax, NS B3J 3A5

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
209 Scots Point Rd, East Dover	40055732	Feb 21/18

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Building is a wood framed accessory building approximately 15x15' • Cladding is wood and asphalt shingles. • Areas of the cladding and sheathing are missing leaving some wall studs exposed. • The bottom of the exterior wall at the left side of the building has collapsed and the exterior wall is sagging.
Foundation	<ul style="list-style-type: none"> • Supported by wooden posts bearing on large rocks on the shore. • Wooden support post has partially collapsed at left side of building.
Heating Appliances	<ul style="list-style-type: none"> • Unable to confirm.
Chimney	<ul style="list-style-type: none"> • Metal, prefabricated • Extremely rusty, no cap
Roof	<ul style="list-style-type: none"> • Asphalt roof shingles • There is a significant sag at the ridge.
Building Services	<ul style="list-style-type: none"> • No power to the building. • Unable to confirm connection of other services.

Public Safety Considerations
<ul style="list-style-type: none"> • Building is not secured from the public. • The potential for further collapse exists under heavy wind, snow or surf conditions

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> • Building is not safe and would require an extensive renovation to conform to current building codes.

<i>Allison Peterson</i>	ORIGINAL SIGNED	ORIGINAL SIGNED
Building Official (please print)	Signature	Supervisor's Initials

APPENDIX E

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: 209 Scotia Point Road, East Dover, Nova Scotia,
Hereinafter referred to as the "Property"

-and-

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

TO: Phyllis Marie Zinck

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 April 12, 2018 in the Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax, Nova Scotia;

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 23rd of March, 2018

Kory O'Neill
Compliance Officer
902-293-1405

ORIGINAL SIGNED

Scott Hill
Administrator
Halifax Regional Municipality

APPENDIX F

COPY

July 20, 2018

REGISTERED MAIL

Phyllis Marie Zirck
209 Scotts Point Road
East Dover, NS B3Z 3W2



RE: Case 398184 - 209 Scotts Point Road, East Dover

This letter notifies that the Appeals Standing Committee has rescheduled its August 9, 2018 meeting to Thursday, August 2, 2018. Your appeal to the Appeals Standing Committee was heard on April 12, 2018. The Appeals Standing Committee heard the case noted above. They deferred consideration of this case until the next meeting of the Appeals Standing Committee. This is to advise that your appeal will be heard by the Appeals Standing Committee on Thursday, August 2, 2018. The hearing will be held in the Council Chamber, 3rd Floor, City Hall, 1841 Argyle Street, Halifax. Please arrive for 10 a.m. but note that there may be other cases heard before yours on the agenda.

The staff report for this case will be posted online to the Appeals Standing Committee agenda page by end of day on July 26, 2018. <http://www.halifax.ca/boardscom/SCappeals/index.php> If you require a hard copy of the report, please contact our office.

Should you be unable to attend, you may have a representative attend to present the appeal to the Committee. Please note that your representative is required to have a letter signed by you giving permission. You or your representative may have witnesses or other evidence in support of the appeal and will be permitted up to 10 minutes to make a verbal submission. A copy of the appeals process is attached. If neither you nor a representative appears, the hearing will proceed and you will be advised of the Committee's decision.

If you have any questions regarding this process, please contact me at 902-490-6517.

Sincerely,

ORIGINAL SIGNED

Simon Ross-Siegel
Legislative Assistant
Office of the Municipal Clerk

cc: Tanya Phillips, Manager, By-law Standards
Scott Hill, Supervisor, Regional Compliance
Erin Dobson, Supervisor, Support Services
Natalie Matheson, Adjudication Clerk
Kory O'Neill, Compliance Officer II
Karen MacDonald, Senior Solicitor, HRM Legal Services

Enclosure: Order of Proceedings for Appeals Standing Committee

HALIFAX

Halifax Regional Municipality
403 Bras Martini, Halifax, Nova Scotia
Canada B3S 2L7