



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

Item No. 12.2.1
Appeals Standing Committee
February 13, 2020

TO: Chair and Members of Appeals Standing Committee

Original Signed

SUBMITTED BY: _____
Tanya Phillips, Program Manager, By-law Standards

DATE: January 29, 2020

SUBJECT: **Order to Demolish – Case #339693, 110 Lower Prospect Branch Lane,
Lower Prospect**

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 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:

The Compliance Officer noted violations regarding open access to two wells (Case# 339384), an accumulation of debris (Case# 339687), a derelict boat (Case# 339692) and a failing dwelling (Case# 339693). The case involving the open wells was closed by HRM completing a remedy to secure the wells. The debris and derelict boat cases are open and being managed by the Compliance Officer.

There have been no previous dangerous or unsightly cases at the property.

The property is zoned MU-1 (Mixed Use Zone) and a review of the Hansen database system shows there are no permits issued to the property owner for this property.

This case is a result of a service request received on December 4, 2019. The complainant expressed safety concerns and noted the property was abandoned with open access to the failing dwelling allowing for trespassers to enter.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated main structure (Case # 339693) located at 110 Lower Prospect Branch Lane, Lower Prospect.

CHRONOLOGY OF CASE ACTIVITIES:

05-Dec-2019 The Compliance Officer conducted a site inspection at 110 Lower Prospect Branch Lane, Lower Prospect, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a deteriorated main structure with a missing front door, missing or damaged windows, significant damage to the roof and a back wall that has collapsed.

The Compliance Officer spoke to the property representative by phone and advised him of the violations. The property representative advised the Compliance Officer that they live out of province, the property has been vacant for approximately 40 years, there is no estate, and it is unclear who is responsible for the property due to title issues he tried to legally resolve.

18-Dec-2019 The Compliance Officer received a phone call from the property representative inquiring about the Order he received for the property regarding the open wells. The Compliance Officer advised the property representative the work was completed by HRM and to expect to receive Orders for the deteriorated dwelling, the accumulation of debris and the derelict boat where he is the only listed contact.

19-Dec-2019 The Building Official submitted a structural integrity report for the structure (attached as Appendix C).

The overall comments regarding the main structure are: “Observations of this structure were made from the exterior; no entry was gained due to the instability of the structure. This structure is beyond the state of repair and is not habitable.”

30-Jan-2020 The Compliance Officer posted the Notice to Appear (attached as Appendix D) at the property.

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 impact 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 Building Official’s Report December 16, 2019
- Appendix D: Copy of the Notice to Appear dated January 29, 2020

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: Kevin Berrigan, Compliance Officer II, By-law Standards, 902.471.2051

Original Signed

Report Approved By: _____
Andrea MacDonald, Program Manager, License Standards 902.490.7371

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:

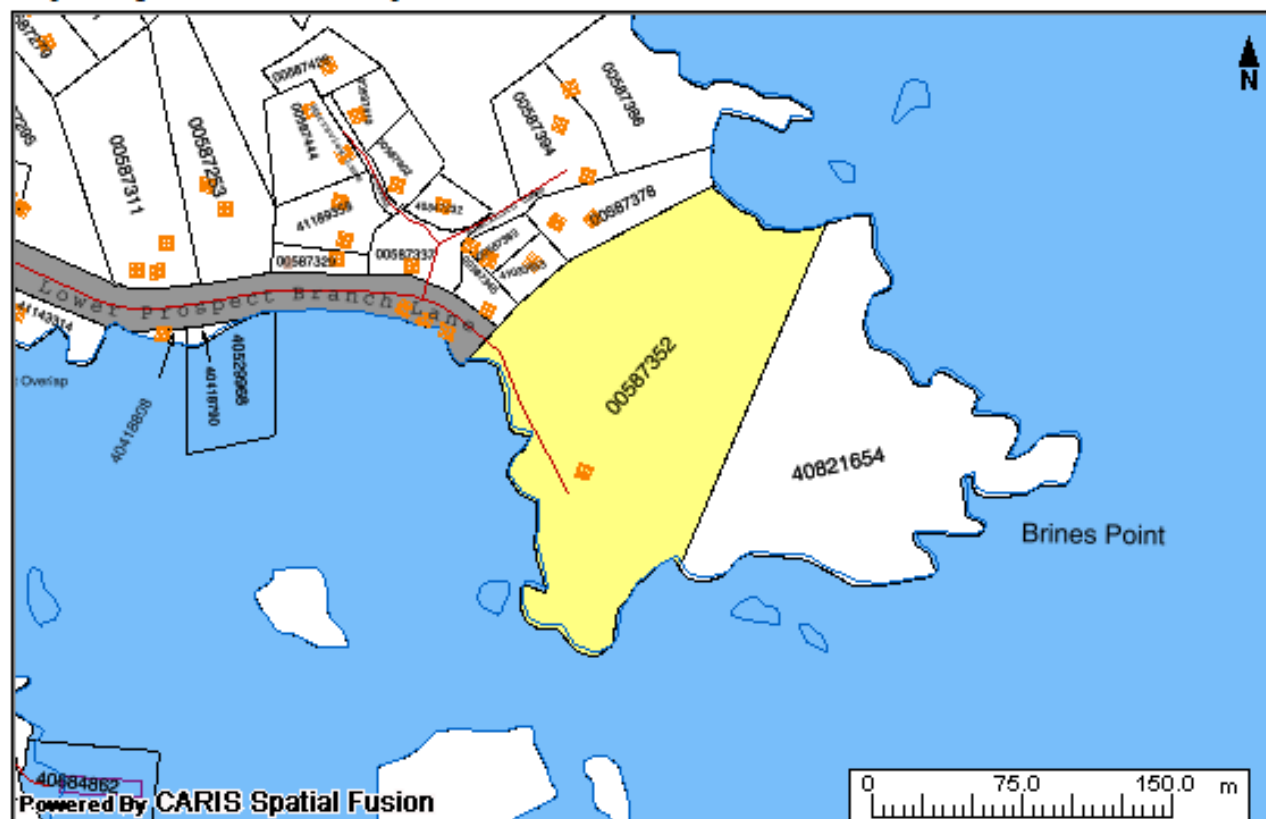
- 356 (1) Where a property is dangerous or unsightly, the Council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.
- (3) Where it is proposed to order demolition, before the order is made not less than seven days notice 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;

Property Online Map

Date: Jan 13, 2020 12:43:16 PM



PID: 00587352	Owner: THOMAS WILLIAM NORRIS	AAN: 03537897
County: HALIFAX COUNTY	Address: 110 LOWER PROSPECT BRANCH LANE	Value: \$139,000 (2019 RESIDENTIAL TAXABLE)
LR Status: NOT LAND REGISTRATION	Lower Prospect	

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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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
110 Lower Prospect Branch Lane, Lower Prospect	[REDACTED]	December 16, 2019

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> Dilapidated wood framed, single storey, single unit dwelling The exterior wall has fallen on the rear side of the building and is open to wildlife and the elements. All exterior walls of the structure are rotten, caving in and structurally unstable.
Foundation	<ul style="list-style-type: none"> Decaying raised wood structure causing the building to lean due to lack of support. Exposed perimeter base is allowing the floor to have no protection from the elements or wildlife and is in varying stages of decay
Heating Appliances	<ul style="list-style-type: none"> Undetermined
Chimney	<ul style="list-style-type: none"> Structurally unstable masonry brick chimney.
Roof	<ul style="list-style-type: none"> Deteriorated roof structure that has collapsed in several areas and is open to the elements.
Building Services	<ul style="list-style-type: none"> Electrical services are disconnected. 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.

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. This structure is beyond the state of repair and is not habitable.

Abbas Yousefi	[REDACTED]	[REDACTED]
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: 110 Lower Prospect Branch Lane, Lower Prospect; Nova Scotia;
Case # 339693;
Hereinafter referred to as the "Property"

-and-

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

TO: **Thomas Norris**

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 February 13, 2020 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, 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 29th of January 2020

Kevin Berrigan
Compliance Officer
902.471.2051


Scott Hill
Administrator
Halifax Regional Municipality