



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

**Item No. 7.1.4**  
**Appeals Standing Committee**  
**June 10, 2021**

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

- ORIGINAL SIGNED -

**SUBMITTED BY:**

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Conor O'Dea, Director, Building and Compliance

**DATE:**

May 31, 2021

**SUBJECT:**

**Order to Demolish – Case #355761, 1228 St. Margarets Bay Road,  
Beechville**

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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 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 no previous dangerous or unsightly cases at the property.

The property is zoned R-1, I-1 (Single Use Dwelling, Light Industry 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 April 15, 2021. The complainant noted an abandoned house with open access through the back door and smashed windows. The complainant expressed concern that the property is an allurements to kids in the area. The Compliance Officer conducted a site inspection and noted a deteriorated dwelling with open access and debris violations. The Officer also noted that the building is located near a middle school. The Compliance Officer managed the open access and debris violations under separate cases. These cases have both been closed as owner compliance.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the main structure (Case # 355761) located 1228 St. Margarets Bay Road, Beechville.

## **CHRONOLOGY OF CASE ACTIVITIES**

- 15-Apr-2021 The Compliance Officer conducted a site inspection at 1228 St. Margarets Bay Road, Beechville, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a deteriorated main structure. The Compliance Officer also spoke with the property owner by phone and advised them of the violations at the property.
- 22-Apr-2021 The Compliance Officer received a copy of the Building Official’s structural integrity report (attached as Appendix C).  
The overall comments are: “Observations of this structure were made from the exterior only, based on this it would be more cost effective to demolish the building compared to having the building repaired to meet National Building Code requirements.”
- 23-Apr-2021 The Compliance Officer conducted a site inspection and noted the violation still exists. The Compliance Officer spoke with the property owner by phone and advised them of the concerns noted in the structural integrity report. The Compliance Officer explained a 30-day Notice of Violation would be issued and the case would proceed to the Appeals Standing Committee to request a demolition order if the building remains in the current state.  
The property owner advised that they plan to demolish the building within the 30 days but may need more time for the debris removal. The Compliance Officer advised the property owner they could provide an extension for the debris clean up if the building is demolished within the 30 days.
- 24-Apr-2021 The Compliance Officer conducted a site inspection and noted the property remained in violation and posted a 30-day Notice of Violation (attached as Appendix D) to demolish or repair the building and to obtain a demolition permit if they wish to demolish the building.
- 26-Apr-2021 The Compliance Officer received a voice mail from the property owner inquiring about how to obtain a demolition permit and requesting a call back.
- 28-Apr-2021 The Compliance Officer received a voice message from the property owner inquiring about how to obtain a demolition permit and requesting a call back.  
The Compliance Officer phoned the property owner and advised them to contact 311 to submit a service request to apply for a demolition permit.  
The Compliance Officer received a voice message from the property owner’s grandson requesting a call back.

- 29-Apr-2021 The Compliance Officer phoned the property owner's grandson who advised they are doing most of the required work and want to understand the requirements of the Notice of Violation. The Compliance Officer explained the requirements of the Notice of Violation, the findings of the structural integrity report and the Appeals Standing Committee process. The Compliance Officer also recommended they contact 311 to submit a service request to apply for a demolition permit.
- 3-May2021 The Compliance Officer received a voice message from the property owner's son-in-law and also from the property owner requesting a call back.
- 4-May-2021 The Compliance Officer phoned the property owner who asked that the Compliance Officer speak to the property owner's son-in-law about the property as they will be removing the building.  
  
The Compliance Officer phoned the property owner's son-in-law who expressed concern about the 30-day timeframe. The Compliance Officer advised the son-in-law that they can be flexible about the timeframe however it is very important that they apply for a demolition permit as soon as possible. The Officer recommended the son-in-law contact 311 to submit a service request to apply for the permit.
- 18-May-2021 The Compliance Officer conducted a drive by of the property and noted no change to the condition of the building.
- 26-May-2021 The Compliance Officer posted a Notice to Appear (attached as Appendix E) at the property. A copy was sent to the property owner through registered mail.
- 27-May-2021 The Compliance Officer phoned the property owner and explained the Notice to Appear. The property owner advised that they applied for a demolition permit and were not sure if they would attend the Appeals Standing Committee meeting.
- 28-May-2021 Staff confirmed in the Hansen database records that an application for a demolition permit submitted by the property owner was received by the Building Standards team.

### **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

### **RISK CONSIDERATION**

The building appears to have shifted on its supports as some are leaning. Further shifting could cause the building to slide off its foundation, potentially injuring anyone in the immediate vicinity when this happens. Broken glass, garbage and exposed nails surrounding the building.

### **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 Report dated April 20, 2021
- Appendix D: Copy of the Notice of Violation dated April 24, 2021
- Appendix E: Copy of the Copy of the Notice to Appear dated May 25, 2021

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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 by: Vicki Pelley, Compliance Officer II, By-Law Standards, 902.717.3903

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## 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:

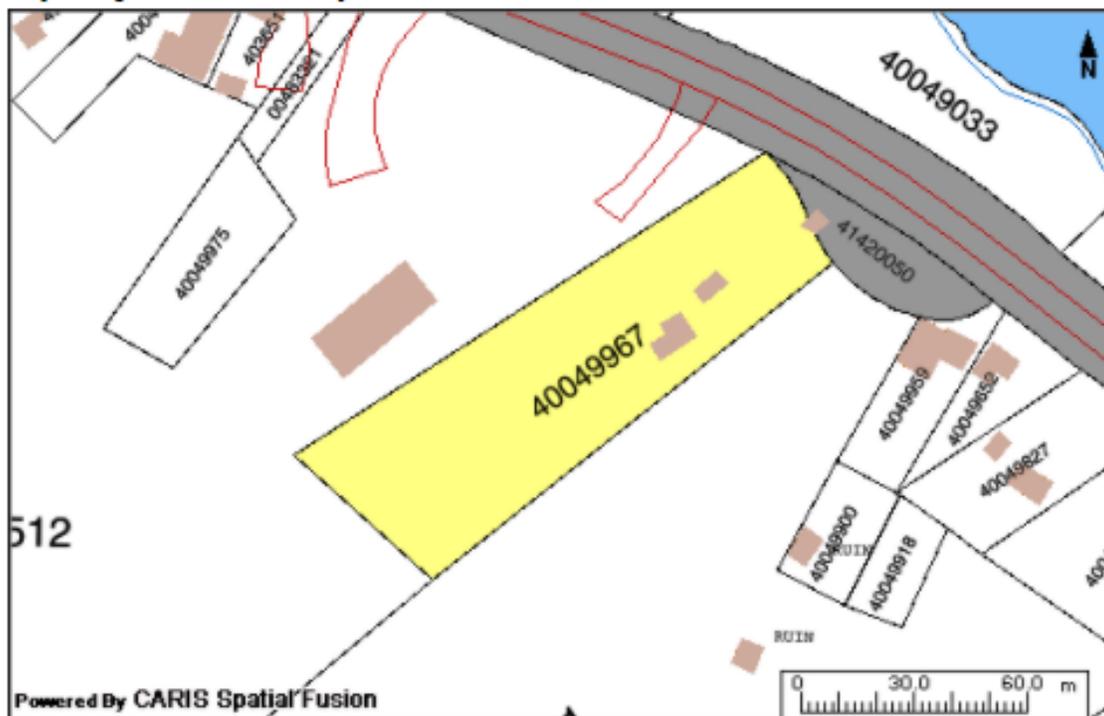
- 356 (1) Where a property is dangerous or unsightly, the Council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.
- (3) Where it is proposed to order demolition, before the order is made not less than seven days notice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

**Property Online Map**

Date: May 4, 2021 1:34:26 PM



<b>PID:</b> 40049967	<b>Owner:</b> OSBORNE JOSEPH WYSE LEO ANDREW SHEPHARD MARTHA BELLA BLACKMORE MARJORIE ELLEN WRIGHT DORIS ELEANOR SHEPHARD SHON SHEPHARD VIRGINIA MADELINE POIRIER MICHAEL JOSEPH SHEPHARD NYCHELLE SHEPHARD SUSAN ELAINE ASSELIN	<b>AAN:</b> 05020468 <b>Value:</b> \$61,600 (2021 RESIDENTIAL TAXABLE)
<b>County:</b> HALIFAX COUNTY	<b>Address:</b> 1228 ST MARGARETS BAY ROAD BEECHVILLE	
<b>LR Status:</b> 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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# Municipal Compliance

## Notice of Violation

Notice Served Upon: Name \_\_\_\_\_  
or address 1228 St. Margaret's Bay Rd

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

- |   |   |
|---|---|
| <input type="checkbox"/> HRM By-law A-300 Animals   | <input type="checkbox"/> HRM By-law S-300 Streets           |
| <input type="checkbox"/> HRM By-law C-300 Civic Addressing  | <input type="checkbox"/> HRM By-law S-600 Solid Waste       |
| <input type="checkbox"/> HRM By-law C-501 Vending   | <input type="checkbox"/> HRM By-law S-801 Temporary Signs   |
| <input checked="" type="checkbox"/> HRM Charter, Part XV Respecting Dangerous or Unsightly Premises | <input type="checkbox"/> HRM By-law S-1000 Sidewalk Cafes   |
| <input type="checkbox"/> HRM By-law N-300 Nuisances   | <input type="checkbox"/> HRM By-law T-1000 Taxi & Limousine |
|   | <input type="checkbox"/> Other: _____                       |

Details of violation(s):

Structure appears to be compromised beyond repair

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

demolish or repair structure.  
★ Apply for demolition permits. ★

Notice of Re-inspection: (30 DAYS)

A re-inspection will be performed on 24/05/21 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.

Vicki Pelley  
Issuing Officer  
Original signed

24/04/21  
Date (dd/mm/yy)

Issuing Officer Phone Number  
902-717-3903

Time (hh/mm)  
1520hrs  
355761  
Case Number

For information on municipal legislation visit the Halifax Website at [www.halifax.ca/legislation](http://www.halifax.ca/legislation) or call the Citizen Contact Centre at 311. If calling outside the HRM but within NS call 1-800-835-6428 toll free.

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
1228 St. Margaret's Bay Road, Halifax	40049967	April 20, 2021

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 windows and door are broken or missing and are boarded up, preventing access to the inside of the building.</li> <li>- The soffit/facia is open in areas allowing entry of climatic elements and wildlife.</li> <li>- The exterior walls of the building were noted to have vinyl siding atop wood shingles. The vinyl siding was falling off and is missing in areas.</li> <li>- When viewed from the outside of the building the floor looked to be rotten and is collapsing in areas.</li> </ul>
Foundation	<ul style="list-style-type: none"> <li>- The building is supported by a mixture of concrete blocks and concrete columns.</li> <li>- At the time of inspection, it was noted that several concrete columns were leaning, suggesting that the building has shifted at some point, and could be in danger of sliding off its supports.</li> <li>- There is an opening leading to the underside/crawl space, allowing wildlife to enter.</li> </ul>
Heating Appliances	-Could not be determined.
Chimney	- Masonry chimney with missing bricks and mortar and appears to be structurally unstable.
Roof	<ul style="list-style-type: none"> <li>- Asphalt shingled roof. The shingles would appear to be at the end of their serviceable life.</li> <li>- The condition of the roof trusses could not be determined.</li> </ul>
Building Services	<ul style="list-style-type: none"> <li>-Electrical meter is not connected.</li> <li>-Water/sewer were not present.</li> </ul>

Public Safety Considerations
<p>The building appears to have shifted on its supports as some are leaning. Further shifting could cause the building to slide off its foundation, potentially injuring anyone in the immediate vicinity when this happens.</p> <p>Broken glass, garbage and exposed nails surrounding the building.</p>

Comments Regarding Repair or Demolition
<p>Observations of this structure were made from the exterior only, based on this it would be more cost effective to demolish the building compared to having the building repaired to meet National Building Code requirements. .</p>

Liam Swartz	<b>Original signed</b>	DB
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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:** 1228 St Margarets Bay Road, Beechville, Nova Scotia;  
Case # 355761,  
Hereinafter referred to as the "Property"

-and-

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

**TO:** **Nychelle Shephard** Doris Shephard  
**Susan Asselin**  
Osborne Wyse, Leo Shephard  
Martha Blackmore, Marjorie Wright  
Shon Shephard, Virginia Poirier  
Michael Shephard

**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 June 10, 2021.

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 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<sup>th</sup> day of May 2021

Original signed

Vicki Pelley  
Compliance Officer  
902.717.3903

\_\_\_\_\_  
Scott Hill  
Administrator  
Halifax Regional Municipality