



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

Item No. 12.1.1
Appeals Standing Committee
June 9, 2022

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY: Original Signed

Andrea MacDonald, Acting Director, Buildings and Compliance

DATE: May 30, 2022

SUBJECT: Order to Demolish – Case #368815, 51 Winchester Avenue, Halifax

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 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 has been 1 previous dangerous or unsightly case closed with owner compliance.

The property is zoned R-1 (Single family dwelling).

A review of the HRM database system shows no active permits for this property.

A complaint was received by service request on March 4, 2022. The complainant stated the roof was caved in on the two-story garage at the property.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated accessory structure (Case # 368815).

CHRONOLOGY OF CASE ACTIVITIES:

06-Mar-2022 The Compliance Officer conducted a site inspection at 51 Winchester Avenue, Halifax hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a multi-level garage with collapsed roof and two bowing exterior walls. The Compliance Officer also noted it appeared no one had been at the property in a while due to overgrowth observed around the front entrance and snow-covered vehicles in the driveway.

The Compliance Officer attempted to call the property owner and found the phone number no longer in service.

The Compliance Officer emailed the property owner and explained they completed a site inspection resulting from a complaint received by HRM and found the garage to be structurally compromised. The Compliance Officer advised that a structural integrity report would be completed by a Building Official and the Compliance Officer would be in touch regarding next steps.

07-Mar-2022 The property owner emailed the Compliance Officer thanking them for reporting the issue and asking the Compliance Officer to keep them informed of their options.

16-Mar-2022 The Building Official submitted a structural integrity report (attached as Appendix C).

The overall comments regarding the structure are: “Lack of maintenance has allowed climatic elements to penetrate the buildings envelope and has rendered the structure beyond a state of repair”.

19-Mar-2022 The Compliance Officer emailed the property owner and advised they received the structural integrity report and would be seeking a Demolition Order at the June 9, 2022 meeting of the Appeals Standing Committee. The Compliance Officer asked for the property owner’s phone number so they could arrange a time to meet to deliver the Notice to Appear and further explained the process of the Committee meeting. The Compliance invited the property owner to contact them with any questions.

The property owner emailed the Compliance Officer and advised that the garage was not in use and could be demolished. The property owner further advised they would not appeal the Committee’s decision and would work out a payment plan with the city to pay for the demolition.

26-May-2022 The Compliance Officer posted a 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.

RISK CONSIDERATIONS

Accessory structure is a safety hazard in its current condition as it could collapse or partially collapse at any time. If collapse occurs, there is risk to neighbouring structures.

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 March 15, 2022
- Appendix D: Copy of the Notice to Appear dated May 25, 2022

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: Thomas Murdoch, Compliance Officer II, By-law Standards, 902.943.9213

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:

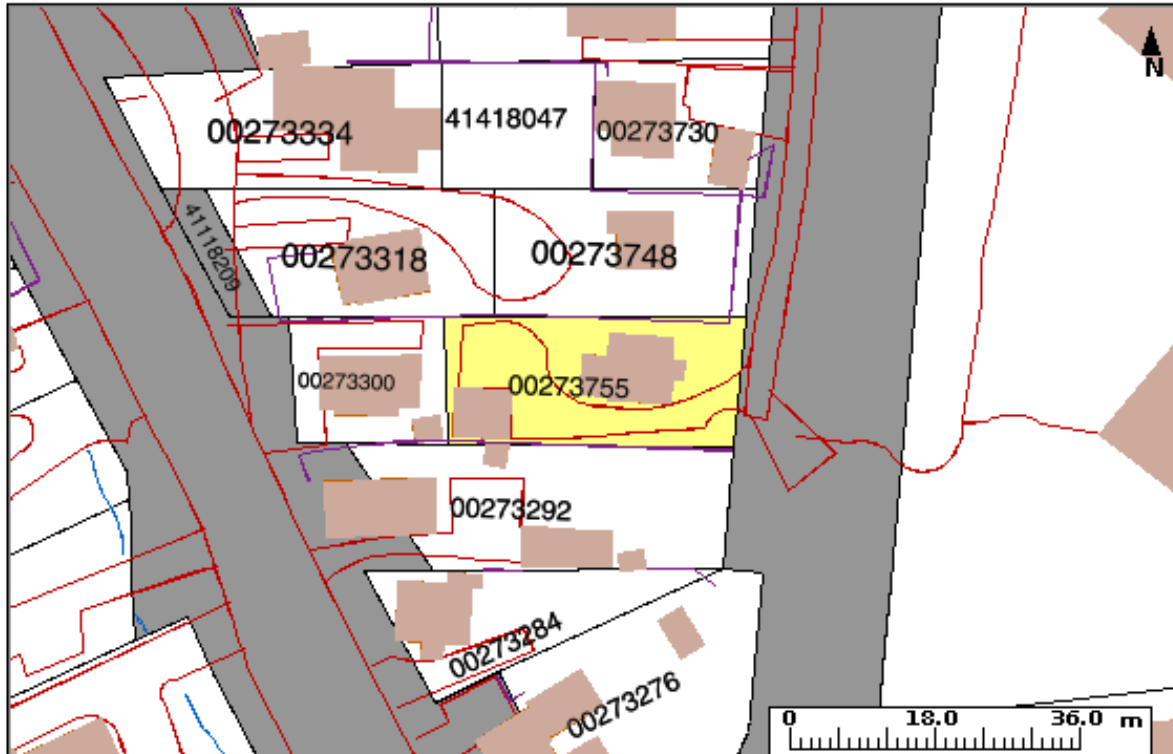
- 356 (1) Where a property is dangerous or unsightly, the Council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.
- (3) Where it is proposed to order demolition, before the order is made not less than seven days notice 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: May 18, 2022 9:59:26 AM



PID: 00273755	Owner: IRIS MARIE ALGUIRE TODD EDWARD ALGUIRE	AAN: 00125563
County: HALIFAX COUNTY		Value: \$154,500 (2022 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION	Address: 51 WINCHESTER AVENUE HALIFAX	

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
51 Winchester Avenue, Halifax, NS B3P 2C9	00273755	March 15, 2022

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Accessory building of wood frame construction, unclear if there is a loft or complete second storey. • Access to interior not possible. • The main structure of the accessory building shows signs of rot. • Several walls of the structure seem to be kicking out at the bottom and bowing inwards at the top. • Broken window on side facing Herring Cove Road. • Remainder of windows do not seem secure due to the wall instability.
Foundation	<ul style="list-style-type: none"> • Concrete block foundation appears to be in good condition. No signs of structural problems
Heating Appliances	<ul style="list-style-type: none"> • Undetermined
Chimney	<ul style="list-style-type: none"> • Not present at time of inspection, however there was an uncovered hole where a chimney of some kind was once installed. • Hole for possible previous chimney is on the side facing Herring Cove Road.
Roof	<ul style="list-style-type: none"> • Wood framed barn style roof with asphalt shingles. • Due to the disrepair of the roof's structural members, a heavy snow could cause collapse. • The roof is in a state of severe disrepair. • Many missing shingles.
Building Services	<ul style="list-style-type: none"> • No visible services hooked up to accessory structure

Public Safety Considerations
<ul style="list-style-type: none"> • Accessory structure is a safety hazard in its current condition as it could collapse or partially collapse at anytime. • If collapse occurs, there is risk to neighbouring structures.

Comments Regarding Repair or Demolition

- Lack of maintenance has allowed climatic elements to penetrate the buildings envelope and has rendered the structure beyond a state of repair.

Meagan Best

Original signed

Original signed

Building Official (please print)

Sig

-

Supervisor's Initials

Form Jan 2016

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: 51 Winchester Ave, Halifax, Nova Scotia;
Case #368815;
Hereinafter referred to as the “Property”

-and-

IN THE MATTER OF: Deteriorated accessory structure
Hereinafter referred to as the “Building”

TO: **Iris Marie Alguire**
Todd Edward Alguire

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 9, 2022 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 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 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 25th of May 2022

Original signed

Thomas Murdoch
Compliance Officer
902.943.9213

Scott Hill
Administrator
Halifax Regional Municipality