



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

**Item No. 12.2.2**  
**Appeals Standing Committee**  
**July 14, 2022**

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

Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Andrea MacDonald, Acting Director, Compliance

**DATE:** June 23, 2022

**SUBJECT:** Order to Demolish – CF 2022 3127, 441 Conrads Road, Queensland

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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 and accessory structures 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 two previous dangerous or unsightly cases at the property. Both cases were closed as owner compliance.

The property is zoned R-2 (Two-unit dwelling).

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

A complaint was received by service request on April 20, 2022. The complainant stated the cottage at this property has broken windows, the roof is broken in spots, there is debris in the backyard and trees are down on the property.

The Compliance Officer is bringing this case forward to the committee to request Demolition Orders for the deteriorated main and accessory structures (CF 2022-3127).

**CHRONOLOGY OF CASE ACTIVITIES:**

- 27-Apr-2022 The Compliance Officer conducted a site inspection at 441 Conrads Road, Queensland hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a vacant main dwelling in a state of decay with broken windows, holes in walls, open doors and trees fallen on the front roof.
- The Compliance Officer also noted an outhouse building that is damaged, decayed and in a state of disrepair.
- The Compliance Officer posted two Thirty-day Notices of Violation (attached as Appendix C and D) to repair or demolish the main dwelling and accessory structure.
- The property owners returned the call from the Compliance Officer. The Compliance Officer explained that there is open access to the main dwelling. The property owners advised the Compliance Officer that the cottage is 100 years old, they plan to demolish it and may have a crew complete the board-up.
- The Compliance Officer was unsure if power was hooked up but noted a light near the rear deck. The Compliance Officer contacted NS Power and the NS Power agent confirmed the power meter was removed in 2019.
- 28-Apr-2022 The Compliance Officer conducted a site inspection and noted the property owner’s contractor was completing the board-up.
- 10-May-2022 The Building Official submitted a structural integrity report for the main dwelling (attached as Appendix E) and the accessory structure (attached at Appendix F).
- The overall comments regarding the main dwelling are: “Due to the advanced state of decay, the wood structure is not capable of being renovated in compliance of the existing building codes.”
- The overall comments regarding the accessory structure are: “This structure is beyond the state of repair.”
- 11-May-2022 The Compliance Officer called the property owners and explained that HRM will be seeking demolition orders for the structures. The property owner advised that the cottage is 100 years old and they want some consideration from HRM for heritage status. The

property owner further advised that they don't have a compliance plan and are considering their options.

The Compliance Officer provided the phone number for HRM Planning so the property owner could speak to a Planner about any required permits and heritage status. The property owner advised that they would contact HRM soon. The Compliance Officer explained the case will be heard at the June or July 2022 Appeals Standing Committee meeting.

- 16-May-2022 The property owner phoned the Compliance Officer and advised that their partner was at the HRM Planning Office trying to work on options for the property and asked the Compliance Officer to provide the PID for 441 Conrads Road. The Compliance Officer provided the property owner the PID and assessment number and asked for the property owner's plan for the structures. The property owner advised that they planned to renovate the structure.
- 20-May-2022 The property owner left a voice message for the Compliance Officer advising they were considering the demolition. The property owner also stated they were looking at options for repair and were waiting to hear from HRM Planning regarding paperwork that was submitted.
- 26-May-2022 The property owner left a voice message for the Compliance Officer advising they were still waiting on contact from HRM Planning regarding the repair work they plan to undertake.
- 30-May-2022 The Compliance Officer called the property owner and the property owner advised they would call HRM again at the end of the week to see if they could obtain the necessary information as they have someone on standby to complete the work.
- 08-Jun-2022 The property owner phoned the Compliance Officer and advised they still have not heard back from HRM Planning regarding the demolition and renovation. The Compliance Officer suggested the property owner call HRM Planning again to see if their file has been reviewed and explained that the case will be going to the July Appeals Standing Committee meeting.
- The Compliance Officer left a voice message for the property owner and advised they emailed the HRM Planning Supervisor requesting they contact the property owner.
- 23-Jun-2022 The Compliance Officer posted two Notices to Appear for the main and accessory structures (attached as Appendix G and H) at the property.
- 27-Jun-2022 The Planning team confirmed they had been in discussion with the property owner regarding options for the property. There have been no permit applications received to date.

### **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 to anyone who may wish to enter either structure.

### **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 Notice of Violation dated April 27, 2022
- Appendix D: Copy of the Notice of Violation dated April 27, 2022
- Appendix E: Copy of the Building Official's Report dated May 3, 2022
- Appendix F: Copy of the Building Official's Report dated May 3, 2022
- Appendix G: Copy of the Notice to Appear dated June 23, 2022
- Appendix H: Copy of the Notice to Appear dated June 23, 2022

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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 For: Trevor Oliver, Compliance Officer II, By-law Standards, 902.476.4257

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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.

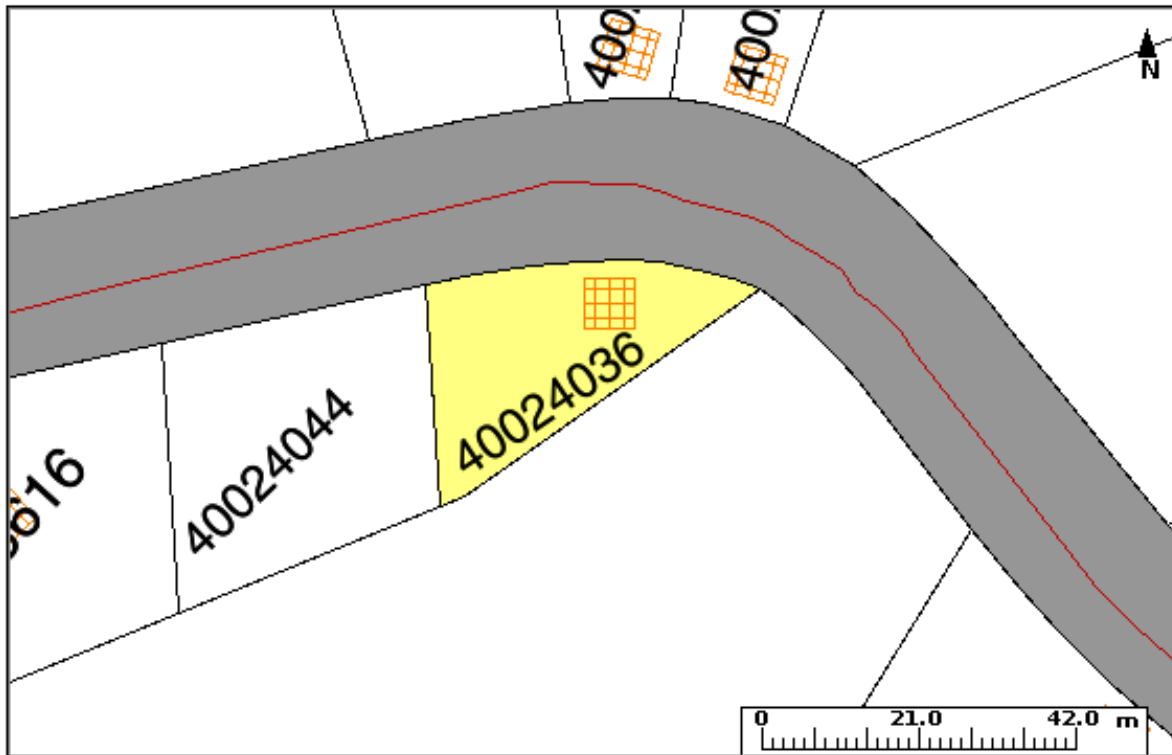
HRM Charter, subsection 3(q) as follows:

- (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 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: Jun 2, 2022 1:11:09 PM



PID: 40024036	Owner: SCOTT DOUGLAS DONKIN	AAN: 03465217
County: HALIFAX COUNTY	THERESA ELIZABETH MACLEAN	Value: \$78,200 (2022 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION	Address: 441 CONRADS ROAD QUEENSLAND	

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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# HALIFAX

## Buildings and Compliance

### Notice of Violation

Notice Served Upon: 441 Conrads Road  
Address: Queensland, Nova Scotia

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

- HRM By-law A-700 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 Cafes
- HRM By-law T-1000 Taxi & Limousine
- Other: \_\_\_\_\_

**Details of violation(s):**

The main dwelling is damaged, decayed and in a state of dis-repair

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

Create a plan of action  
Obtain all required permits  
Repair the main dwelling to make it habitable  
or demolish it

**Notice of Re-inspection:**

A re-inspection will be performed on May 27, 2022 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.

Trevor Oliver  
Issuing Officer

27/04/22  
Date (dd/mm/yy)

902-476-4257  
Issuing Officer Phone Number

1350  
Time (hh/mm)

Original signed 

2022-003127  
Case Number

Issuing Officer Signature

**Appendix D**

# HALIFAX

## Buildings and Compliance

### Notice of Violation

Notice Served Upon: 441 Comacks Road

Address: Queensland, Nova Scotia

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

- |  |   |
|--|---|
| <input type="checkbox"/> HRM By-law A-700 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 Unsanitary 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):

The outhouse is damaged, decayed and in a state of dis-repair

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

Repair the outhouse to make it habitable or demolish it

Notice of Re-inspection:

A re-inspection will be performed on May 27, 2022 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.

Trevor Oliver  
Issuing Officer

27/04/22  
Date (dd/mm/yy)

902-476-4257  
Issuing Officer Phone Number

1350  
Time (hh/mm)

Original signed

Issuing Officer Signature

2022-003127  
Case Number



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
441 Conrads Road, Queensland, Nova Scotia (MAIN DWELLING)	40024036	MAY 3, 2022

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<p>ALL OBSERVATIONS MADE FROM EXTERIOR OF STRUCTURE</p> <ul style="list-style-type: none"> <li>• Single storey log cabin structure.</li> <li>• Exterior walls are rotten and collapsed in several locations.</li> <li>• Beam supporting porch is severely compromised as a result of rot.</li> <li>• The front wall is bowing outward towards Conrads Road.</li> <li>• Exterior walls are deflecting significantly as a result of improper support.</li> </ul>
Foundation	<ul style="list-style-type: none"> <li>• Combination of boulders, concrete footings, and 4x4 posts on bare ground.</li> <li>• The north-west corner of the structure appears to be sitting on the ground with no foundation supporting it.</li> <li>• The south side of the structure is sitting on 4x4 posts that have settled into the ground. The posts are leaning out of plum and are no longer effectively supporting the above loads.</li> </ul>
Heating Appliances	<ul style="list-style-type: none"> <li>• Undetermined.</li> </ul>
Chimney	<ul style="list-style-type: none"> <li>• Two metal chimneys. Both appear to be in good shape.</li> </ul>
Roof	<ul style="list-style-type: none"> <li>• Asphalt roofing material in in extremely poor condition and in areas non-existent.</li> <li>• The ridge beam is severely deflecting in the middle of the structure.</li> <li>• The roof over the porch area is inadequately supported by a rotten beam.</li> </ul>
Building Services	<ul style="list-style-type: none"> <li>• Electrical services disconnected and meter base removed</li> <li>• Water/sewer undetermined</li> </ul>

<b>Public Safety Considerations</b>
The front porch is at risk of collapse and should be secured to prevent access.

<b>Comments Regarding Repair or Demolition</b>
Due to the advanced state of decay, the wood structure is not capable of being renovated in compliance of the existing building codes.

Shawn Kennedy – Assistant Building Official	<b>Original signed</b>	<b>Original signed</b>
Building Official (please print)	Si	Supervisor's Initials

Form Jan 2016

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
441 Conrads Road, Queensland, Nova Scotia (OUTHOUSE)	40024036	MAY 3, 2022

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> <li>• Single storey woof frame accessory building.</li> <li>• All the walls are rotten and collapsed.</li> </ul>
Foundation	<ul style="list-style-type: none"> <li>• None</li> </ul>
Heating Appliances	<ul style="list-style-type: none"> <li>• None</li> </ul>
Chimney	<ul style="list-style-type: none"> <li>• None</li> </ul>
Roof	<ul style="list-style-type: none"> <li>• Completely rotten and caved in.</li> </ul>
Building Services	<ul style="list-style-type: none"> <li>• None</li> </ul>

Public Safety Considerations
<ul style="list-style-type: none"> <li>• Waste tank is still present and poses a potential health hazard</li> </ul>

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> <li>• This structure is beyond the state of repair.</li> </ul>

Shawn Kennedy – Assistant Building Official	<b>Original signed</b>	<b>Original signed</b>
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:** 441 Conrads Road, Queensland, Nova Scotia;  
CF 2022 3127;  
Hereinafter referred to as the “Property”

**-and-**

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

**TO:** **Theresa Elizabeth MacLean**  
**Scott Douglas Donkin**

**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 July 14, 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 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 23<sup>rd</sup> of June 2022

**Original signed**

Trevor Oliver  
Compliance Officer  
902.476.4257

Scott Hill  
Administrator  
Halifax Regional Municipality

**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:** 441 Conrads Road, Queensland, Nova Scotia;  
CF 2022 3127;  
Hereinafter referred to as the “Property”

**-and-**

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

**TO:** **Theresa Elizabeth MacLean**  
**Scott Douglas Donkin**

**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 July 14, 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 23<sup>rd</sup> of June 2022

**Original signed**

Trevor Oliver  
Compliance Officer  
902.476.4257

Scott Hill  
Administrator  
Halifax Regional Municipality