



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

Item No. 12.2.1
Appeals Standing Committee
January 17, 2019

TO: Chair and Members of Appeals Standing Committee

ORIGINAL SIGNED

SUBMITTED BY: _____
Penny J. Henneberry, Manager, Buildings and Compliance

DATE: December 18, 2018

SUBJECT: Order to Demolish – Case #320632, 33 Champlain Avenue, Middle Sackville

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 dwelling, 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 one previous dangerous or unsightly case at the property. The case was closed with a remedy completed by HRM to secure the open access.

The property is zoned MU-2 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 November 8, 2018. The complainant reported there had been a structural fire and no repairs have been completed.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated structure (Case # 320632) located at 33 Champlain Avenue, Middle Sackville.

CHRONOLOGY OF CASE ACTIVITIES:

- 25-Oct-2018 A Building Official created a structural integrity report due to the fire and a copy was sent to the Compliance Officer (attached as Appendix B).
- The overall comments regarding the structure are: “The structure of factory-built building has been severely compromised. All repairs to the existing structure would have to be completed under the supervision of a structural engineer.”
- 20-Nov-2018 The Compliance Officer conducted a site inspection at 33 Champlain Avenue, Middle Sackville, hereinafter referred to as “the Property” (attached as Appendix C). The Compliance Officer noted a mobile home that had been fire damaged.
- 21-Nov-2018 The Compliance Officer attempted to contact the property owner however, the number was not in service.
- The Compliance Officer spoke to a staff member at the mobile home park who advised they have not heard from the owner of the trailer. The individual at the mobile home park provided the contact information they had on file for the owner of the trailer.
- The Compliance Officer left a voicemail on the contact number provided advising they would be seeking a demolition order for the mobile home and requested a call back.
- The Compliance Officer received a voicemail from an individual advising the owner of the trailer was no longer staying at that residence and they are not aware of their plans for the structure. An alternate contact number was provided for the owner of the trailer.
- 27-Nov-2018 The Compliance Officer spoke to an individual at the number provided who advised the owner of the trailer was unavailable. The individual advised they believed the trailer owner was walking away from the structure and leaving the property in its current condition. The Compliance Officer requested a call back from the owner of the trailer and provided the individual with their contact information.
- 17-Dec-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the structure.
- 20-Dec-2018 The Compliance Officer posted the Notice to Appear (attached as Appendix D and E) at the property. A copy of the Notices were also sent via registered mail.

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 Building Official's Report dated October 25, 2018
- Appendix C: Copy of the Nova Scotia Property Records Map
- Appendix D: Copy of the Notice to Appear for the park owner dated December 20, 2018
- Appendix E: Copy of the Notice to Appear for the trailer owner dated December 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.

Report Prepared For: Valerie Rodger, Compliance Officer II, By-law Standards, 902.476.1708

ORIGINAL SIGNED

Report Approved By:

Tanya Phillips, Program Manager, By-law Standards 902-490-4491

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;



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: 33 Champlain Avenue, Middle Sackville; Nova Scotia;
Hereinafter referred to as the "Property"
Case#320632

-and-

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

TO: Westphal Mobile Home Court Limited

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 January 17, 2019 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 20 December 2018.

Original Signed

Valerie Rodger
Compliance Officer
902-476-1708

Scott Hill
Administrator
Halifax Regional Municipality

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: 33 Champlain Avenue, Middle Sackville; Nova Scotia;
Hereinafter referred to as the "Property"
Case#320632

-and-

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

TO: Kendra Swindley
Terry Carroll

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 January 17, 2019 in the Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax, Nova Scotia;

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DATED at Halifax, Nova Scotia this 20 December 2018.

Valerie Rodger
Compliance Officer
902-476-1708

Original Signed

for _____
Scott Hill
Administrator
Halifax Regional Municipality