

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

ITEM 12.2.2
Appeals Standing Committee
May 4, 2017

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY: **ORIGINAL SIGNED**

Bob Bjerke, Chief Planner and Director, Planning & Development

DATE: April 24, 2017

SUBJECT: **Demolition Report – Case #280038, 22 Russell Street, Dartmouth**

ORIGIN

Staff, pursuant to the *Halifax Regional Municipality Charter* (the “Charter”).

LEGISLATIVE AUTHORITY

Sections 356 and 3(q) of the *Halifax Regional Municipality Charter*, S.N.S., 2008 C.39.

RECOMMENDATION

It is recommended that the Committee pass the following resolution:

The Committee finds 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 have been no previous dangerous or unsightly cases at the property.

This case is a result of a service request received on August 31, 2016. The complainant advised there was a dilapidated shed on the property.

A demolition permit for the accessory structure was issued to the property owner on November 4, 2016. The demolition permit expires on May 9, 2017.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated accessory structure located at 22 Russell Street, Dartmouth.

CHRONOLOGY OF CASE ACTIVITIES:

- 02-Sep-2016 The Compliance Officer conducted a site inspection at 22 Russell Street, Dartmouth, hereinafter referred to as “the property” (attached as Appendix A) and noted a dilapidated accessory structure with a sagging roof. The Compliance Officer left a 60 day Notice of Violation (attached as Appendix B) with a resident at the property.
- 24-Oct-2016 The Compliance Officer spoke to the property owner’s significant other who advised they would not be repairing the shed and wanted to demolish it. The Compliance Officer advised that the property owner requires a demolition permit.
- 04-Nov-2016 Demolition Permit #157064 was issued to the property owner with an expiry date of February 3, 2017.
- 03-Feb-2017 The Compliance Officer conducted a site inspection and noted the violation still exists.
- 07-Feb-2017 The Compliance Officer conducted a site inspection and noted the violation still exists.
- 08-Feb-2017 The Compliance Officer received a voicemail from the property owner advising that the demolition was not completed due to personal reasons. The property owner stated that they were going to request an extension for the expiration of the demolition permit.
- 10-Feb-2017 The demolition permit was extended to May 9, 2017. The property owner was advised that no further extension would be provided beyond this date.
- 17-Feb-2017 The Compliance Officer spoke to the property owner. The property owner asked what would be required should they choose to rebuild rather than demolish the structure. The Compliance Officer advised that a permit would be required if the owner wished to rebuild the accessory structure.
- 06-Mar-2017 The Building Official submitted a structural integrity report for the building (attached as Appendix C).

The overall comments regarding the accessory structure are that “the building is a safety hazard in its current condition and could collapse at any time. This structure cannot be repaired to meet current code requirements.”
- 11-Apr-2017 The Compliance Officer conducted a site inspection and noted no change to the condition of the accessory structure.
- 24-Apr-2017 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.

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

Avoids unsafe living conditions which aligns with Sustainability Principle #4 of the Corporate Sustainability Filter.

ATTACHMENTS

- Appendix A: Copy of the Nova Scotia Property Records Map
- Appendix B: Copy of the 60 day Notice of Violation dated September 2, 2016
- Appendix C: Copy of the Building Official's report dated February 22, 2017
- Appendix D: Copy of the Notice to Appear dated April 24, 2017

A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared For: Steven Berkman, Compliance Officer, By-law Standards, 902.476.1482

ORIGINAL SIGNED

Report Approved By: _____
Tanya Phillips, Manager, By-law Standards, 902.476.6438



Property Online Map

Date: Apr 10, 2017 2:57:05 PM



PID: 00070656 Owner: WANDA RUTH MUNRO AAN: 01268376
County: HALIFAX COUNTY Address: 22 RUSSELL STREET Value: \$153,800 (2017 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION DARTMOUTH

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 22 Russell Street
or address Dart, NS

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 Unightly 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):

shed in a state of disrepair including but not limited to sagging roof, holes in roof, broken fascia/soffits boards, missing shingles, and other deteriorated features

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

repair the above noted violations

Notice of Re-inspection:

A re-inspection will be performed on 2 Nov 2016 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.

Steven Beckman
Issuing Officer

02/09/16
Date (dd/mm/yy)

902 476 1482
Issuing Officer Phone Number

0902
Time (hh/mm)

Original Signed
Issuing Officer Signature

280038
Case Number



Building Official's Report

Planning and Development
 PO Box 1749
 Halifax, NS B3J 3A5

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
22 Russell Street, Dartmouth	00070656	February 22, 2017

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Single storey wood frame accessory building. • The roof has partially collapsed and the exterior walls are in a state of imminent failure.
Foundation	<ul style="list-style-type: none"> • Undetermined
Heating Appliances	<ul style="list-style-type: none"> • Undetermined
Chimney	<ul style="list-style-type: none"> • None
Roof	<ul style="list-style-type: none"> • Asphalt roofing material is in extremely poor condition and the 20 percent of the roof structure has partially collapsed.

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. • Entrance to the building is not secured. • All exterior walls are not structurally supported and show signs of lateral stress caused by the collapse of the roof and debris piled against the walls.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> • Observations of this structure were made from the exterior; due to safety concerns no entry was gained. • Lack of maintenance has allowed climatic elements to penetrate the buildings envelope contributing to the collapse of the roof and the immanent failure of the remainder of the superstructure. • This structure cannot be repaired to meet current code requirements.

Paul Guest	Original Signed	Original Signed
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: 22 Russell Street, Dartmouth; Nova Scotia;
Case #280038;
Hereinafter referred to as the "Property"

-and-

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

TO: Wanda Ruth Munro

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 May 4, 2017 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 24th of April, 2017

Steven Berkman
Compliance Officer
476-1482

Original Signed

Tanya Phillips
Administrator
Halifax Regional Municipality