



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

ITEM 12.1.1
Appeals Standing Committee
June 8, 2017

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY: **ORIGINAL SIGNED**

Bob Bjerke, Chief Planner and Director, Planning & Development

DATE: May 29, 2017

SUBJECT: **Demolition Report – Case #280742, 3644 Deal Street, 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 (attached as Appendix A).

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 three previous dangerous or unsightly cases at the property. Two cases were closed as owner compliance and one case required a remedy by HRM to remove the violations.

This case is a result of a service request received on September 8, 2016. The complainant advised that the building was in a state of disrepair and the owner was continuing to use it despite the condition.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated accessory structure located at 3644 Deal Street, Halifax.

CHRONOLOGY OF CASE ACTIVITIES:

- 09-Sep-2016 The Compliance Officer conducted a site inspection at 3644 Deal Street, Halifax, hereinafter referred to as “the property” (attached as Appendix B) and noted an accessory structure in a severe state of disrepair with a sagging roof.
- The Compliance Officer spoke to the property owner regarding the violation.
- 27-Sep-2016 The Compliance Officer conducted a site inspection and noted no change to the condition of the accessory structure. A 30-day Notice of Violation (attached as Appendix C) was left at the property.
- The Compliance Officer left a voicemail for the property owner advising of the Notice of Violation and that the accessory structure needed to be repaired or removed.
- 28-Sep-2016 The Compliance Officer received a voicemail from the property owner advising that they will not be removing the accessory structure.
- 06-Dec-2016 The Compliance Officer conducted a site inspection and noted no change to the condition of the accessory structure.
- 08-Dec-2016 The Compliance Officer conducted a site inspection and noted the violation remains.
- The Compliance Officer received a voicemail from the property owner requesting a meeting.
- 09-Dec-2016 The Compliance Officer met with the property owner and the spouse of the property owner to discuss the accessory structure and requirements to bring the property into compliance. They also discussed the process if HRM were to proceed to request a Demolition Order from the Appeals Standing Committee.
- 13-Dec-2016 The Building Official submitted a structural integrity report for the accessory structure (attached as Appendix D).
- The overall comments regarding the accessory structure are: the structure is compromised evident in the sagging roof, slanting walls and holes in various places allowing climatic conditions to enter the building. The building structure poses a concern for collapse especially when the seasonal conditions such as snow load are taken into account. Extensive repair work would be required to correct structural concerns. Much of the building material does not appear to be salvageable.
- 23-Dec-2016 The Compliance Officer conducted a site inspection and noted no change to the condition of the accessory structure.

- 03-Jan-2017 The Compliance Officer conducted a site inspection and noted no change to the accessory structure.
- 05-Jan-2017 The Compliance Officer left a voicemail for the property owner requesting a return call.
- 18-Jan-2017 The Compliance Officer spoke to the property owner's spouse who advised that the plan is to repair the accessory structure. The Compliance Officer advised that the work should be completed as soon as possible.
- 21-Feb-2017 The Compliance Officer left a voicemail for the property owner requesting a return call.
- 02-Mar-2017 to 18-May-2017
- The Compliance Officer conducted several site inspections and noted no change to the condition of the accessory structure. In addition, the Compliance Officer left voicemail messages for the property owner requesting a return call.
- 29-May-2017 The Compliance Officer posted a Notice to Appear (attached as Appendix E) 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

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.

ALTERNATIVES

The state of the property suggests no viable alternative to the recommendation by Staff.

ATTACHMENTS

- Appendix A: 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 September 27, 2016
- Appendix D: Copy of the Building Official's report dated December 13, 2016
- Appendix E: Copy of the Notice to Appear dated May 29, 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: Mark Prosser, Compliance Officer, By-law Standards, 902.478.2894

ORIGINAL SIGNED

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

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:

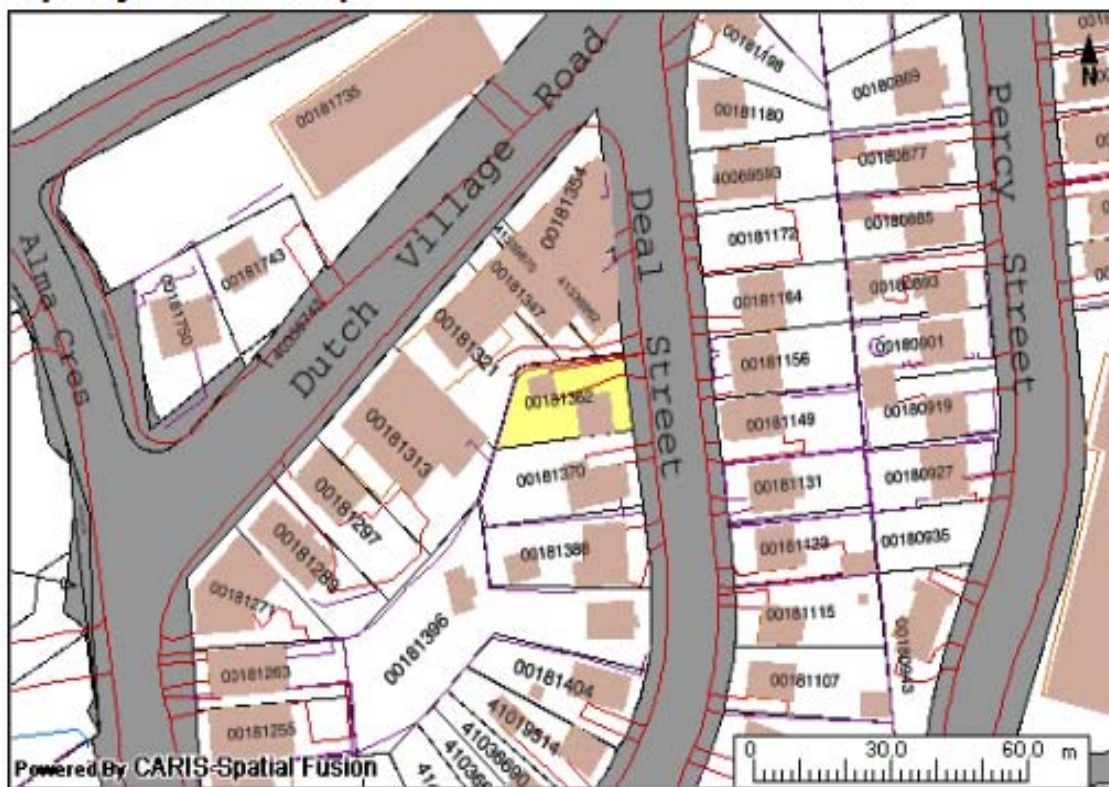
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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;

APPENDIX B



Property Online Map

Date: May 23, 2017 4:21:39 PM



PID: 00181362 Owner: LEO WILLIAM KEHOE AAN: 04946375
County: HALIFAX COUNTY Address: 3644 DEAL STREET Value: \$197,600 (2017 RESIDENTIAL TAXABLE)
LR Status: LAND REGISTRATION 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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APPENDIX C

HALIFAX

Municipal Compliance

Notice of Violation

Notice Served Upon: Name 3644 Deal St
or address _____

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 has decayed, deteriorated and is in a ruinous condition, causing the property to become dangerous and/or unsightly

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

Repair to the standard of the community, demolish or remove the shed.

Notice of Re-inspection:

A re-inspection will be performed on Oct 28 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.

Carrice Butler
Issuing Officer

902-476-1080
Issuing Officer Phone Number

Original Signed
Issuing Officer Signature

27-09-2016
Date (dd/mm/yy)

1057
Time (hh/mm)

280742
Case Number

APPENDIX D HALIFAX

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 3644 Deal St	PID 00181362	Inspection Date Dec. 13, 2016
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Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	Unable to gain entry to the building. Due to debris buried in snow limited access was available to the left side and rear. Observations taken from exterior where it was safe to do so. Structure is compromised evident in the sagging roof, slanting walls and holes in various places allowing climatic conditions to enter the building. Cladding is missing in several places and there are openings at the top of the wall where the roof has shifted as it is starting to sag. Visual evidence suggests collapse of the roof system is possible. This concern increases with winter snow loads. One hole in the right side of the building covered by a tarp could allow access to the building of a person or animals.
Foundation	Unable to determine if the building has a slab under it from the exterior. No foundation wall could be seen. Due to the snow and debris around the site evidence of a slab could not be seen.
Heating Appliances	Unable to confirm from exterior. However the lack of a chimney or proper electrical service suggests it is not heated. No evidence from the exterior of the building being heated.
Chimney	n/a
Roof	Structure is compromised and sagging. Roof shingles are buckled and lifting indicating that the roof is likely to be leaking.
Building Services	It appears that there is an electrical wire running from the house to the building. There is an outside light, extent of electrical inside could not be determined. It could not be determined if there were plumbing services however based on the appearance and condition of the building it would be reasonable to conclude there is probably no plumbing.

Public Safety Considerations
The building structure poses a concern for collapse especially when the seasonal conditions such as snow load are taken into account. The condition of the exterior of the building allowing climatic elements to enter the building will allow the deterioration of the structure to continue. Holes in the building could also allow access for a person or animals. Measures should be taken to ensure public access to the building is restricted until such time as the structural concerns have been addressed.

Comments Regarding Repair or Demolition
Extensive repair work would be required to correct structural concerns. Extensive repair will be required to make the building weather tight to prevent further deterioration of the building. Much of the building material does not appear to be salvageable.

Cory Webb	Original Signed	Original Signed
Building Official (please print)	Signature	Supervisor's Initials

APPENDIX E



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: 3644 Deal Street, Halifax; Nova Scotia;
Case #280742;
Hereinafter referred to as the "Property"

-and-

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

TO: Leo William Kehoe

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 8, 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 29th of May, 2017

Mark Prosser
Compliance Officer
478-2894

Original Signed

Scott Hill
Administrator
Halifax Regional Municipality