



P.O. Box 1749
Halifax, Nova Scotia
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ITEM 12.1.2
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 30, 2017

SUBJECT: **Demolition Report – Case #284706, 58 Spar Crescent, Dartmouth**

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 building, 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:

This property is a duplex and includes 58/60 Spar Crescent. This report will focus on civic 58 Spar Crescent as it is privately owned. Civic number 60 is owned by Central Dartmouth Housing Co-op Limited and is in care and control of the Province of Nova Scotia.

Between January 2006 to date, there have been 27 dangerous or unsightly cases at 58 Spar Crescent. Eleven cases were closed as owner compliance and sixteen cases required that HRM complete a remedy to bring the property into compliance.

The property owner and his son were living at the property until May 2015. On May 7, 2015, a joint site inspection took place between the Compliance Officer and Building Official. The building was deemed uninhabitable and the property owner was issued an Order to Vacate. The property owner voluntarily relocated to another property.

An Order to Remedy was also issued to the property owner for debris violations in the interior of the property. The property owner was unable to bring the property into compliance and HRM completed a remedy on November 19, 2015.

Subsequently, a service request was received on October 23, 2016. The complainant stated that the property's exterior is in a state of disrepair, the building is unsightly, unhealthy and in a disgusting condition. No repairs have been completed to the building and it continues to deteriorate.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated building located at 58 Spar Crescent, Dartmouth.

CHRONOLOGY OF CASE ACTIVITIES:

- 26-Oct-2016 The Compliance Officer conducted a site inspection at 58 Spar Crescent, Dartmouth, hereinafter referred to as "the property" (attached as Appendix B) and noted a house in disrepair.
- 01-Nov-2016 The Compliance Officer conducted a site inspection and noted the deteriorated building.
The Compliance Officer received a phone call from the property owner's daughter-in-law. She advised that the property owner has no interest in the property and is not able to complete the work required to fix the property.
- 21-Nov-2016 The Compliance Officer conducted a site inspection and noted no change to the condition of the building.
- 21-Dec-2016 The Compliance Officer spoke to the property owner who advised they do not have any money to repair the structure nor pay the past due taxes. The property owner advised they had a company remove the oil tank but are unable to complete any additional work.
The Compliance Officer advised of HRM's intention to proceed with a request to the Appeals Standing Committee for a Demolition Order. The property owner advised they would not be able to complete the demolition work.
- 17-May-2017 The Compliance Officer conducted a joint site inspection with the Building Official and noted mold on the walls and ceiling, some of the floors are soft and the ceiling is sagging.
The Building Official submitted a structural integrity report for the property (attached as Appendix C).

The overall comments regarding the structure is that it is recommended the air quality in the building be professionally tested for the existence of mould and microbial contamination. Additionally, in its current state, the building is not habitable and requires extensive remediation.

29-May-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.

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 Building Official's report dated May 17, 2017
Appendix D: 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: Theresa Hickey, Compliance Officer, By-law Standards, 902.476.1364

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:

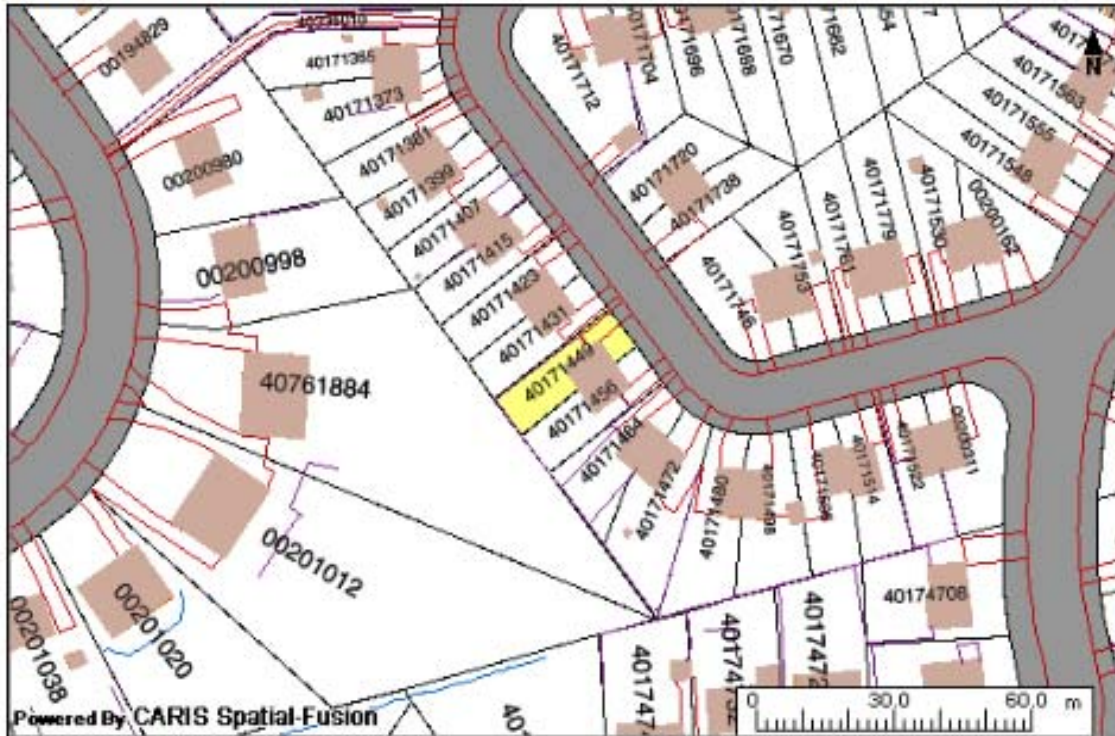
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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 25, 2017 11:23:26 AM



PID:	40171449	Owner:	WILLIAM J ARMSTRONG	AAN:	03133257
County:	HALIFAX COUNTY		SHELLEY A ARMSTRONG	Value:	\$128,700 (2017 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION	Address:	58 SPAR CRESCENT 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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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
58 Spar Crescent, Dartmouth	40171449	May 17, 2017

Building Feature	Condition Relative to Habitability and Structural Integrity
Structure (wood frame, masonry, steel, etc)	<ul style="list-style-type: none"> The building is a two-storey duplex that has not been maintained. The bathroom floor is rotten and has caused water damage to the ceiling below. The floor joist, from what can be seen, are structurally sound. The drywall on ceiling in the bathroom has collapsed and the cause cannot be determined.
Foundation (concrete, masonry, etc.)	<ul style="list-style-type: none"> Masonry block foundation looks structurally sound except for the front North corner that has a 2ft square hole of missing block and the block below the hole is bulging into the building. This is allowing ingress of the elements and wildlife; it is also compromising the support of the super structure.
Heating Services (wood, oil, electric, etc)	<ul style="list-style-type: none"> The Building has no heat; The oil tank has been removed and the oil fired forced air furnace is not operational. Most of the ducting inside is missing or not connected.
Chimney (steel, masonry, etc.)	<ul style="list-style-type: none"> N/A
Roof (asphalt, steel, etc.)	<ul style="list-style-type: none"> The asphalt roofing material is in good condition.
Services (water, sewer, etc.)	<ul style="list-style-type: none"> Electrical services are disconnected. Hot water tank is disconnected and city water supply is shut off. Sewer could not be determined.
Other	<ul style="list-style-type: none"> It is recommended the air quality in the building be professionally tested for the existence of mould and microbial contamination.

Public Safety Considerations
<ul style="list-style-type: none"> Entrance to the building has been secured.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> In its current state the building is not habitable and requires extensive remediation.

Paul Guest	Original Signed	Original Signed
Building Official (please print)	Signature	Supervisor's Initials

APPENDIX D



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: 58 Spar Crescent, Dartmouth; Nova Scotia;
Case #284706;
Hereinafter referred to as the "Property"

-and-

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

TO: William J Armstrong
Shelley A Armstrong

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

Theresa Hickey
Compliance Officer
476-1364

Original Signed

Scott Hill
Administrator
Halifax Regional Municipality