



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

ITEM 12.1.3
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 25, 2017

SUBJECT: **Demolition Report – Case #248534, 2511 Crowell Road, East Lawrencetown**

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:

There have been no previous dangerous or unsightly cases at the property.

This case is a result of a service request received on February 26, 2015. The complainant advised that the property's exterior is in a state of disrepair and the roof has partially collapsed.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated building located at 2511 Crowell Road, East Lawrencetown.

CHRONOLOGY OF CASE ACTIVITIES:

27-Feb-2015 The Compliance Officer conducted a site inspection at 2511 Crowell Road, East Lawrencetown, hereinafter referred to as "the property" (attached as Appendix B). The Compliance Officer noted a house in disrepair, the roof was partially collapsed and mold was covering the walls and doors.

While on site, the Compliance Officer was approached by a neighbour. The neighbour advised the Compliance Officer that the property owner was in the hospital and had asked the neighbour to be a temporary caretaker of the property.

03-Mar-2015 The Compliance Officer conducted a site inspection and noted no change to the condition of the building. An Order to Vacate (attached as Appendix C) was posted at the property.

10-Mar-2015 The Compliance Officer received a letter of permission from the property owner to provide a copy of the Order to Vacate to the social worker assigned to work with the property owner.

03-Jun-2015 The Compliance Officer conducted a site inspection and noted that the building is secure and vacant.

13-Jul-2015 to January 30, 2017

The Compliance Officer conducted several site inspections and noted that the building is secure and vacant.

09-Feb-2017 The Compliance Officer conducted a site inspection with the Building Official and noted no change to the condition of the building.

17-Feb-2017 The Building Official submitted a structural integrity report for the property (attached as Appendix D).

The overall comments regarding the structure are: the dwelling is open to wildlife and the elements and extensive repairs are required.

11-Apr-2017 The Compliance Officer conducted a site inspection and noted the building is secure and vacant.

23-May-2017 The Compliance Officer met with the property owner to discuss the concerns with the building and noted no change to the structure. The property owner did not disagree that the building required demolishing however is unable to attend the Appeals Standing Committee meeting. The Compliance Officer advised that the property owner could write to the members of the committee if he wished.

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 Order to Vacate dated March 2, 2015
- Appendix D: Copy of the Building Official's report dated February 9, 2017
- 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: 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 24, 2017 11:26:57 AM



PID:	00598219	Owner:	LORNA CAREW INNESS WINTON CLARANCE HEMLOW	AAN:	02144115
County:	HALIFAX COUNTY	Address:	2511 CROWELL ROAD EAST LAWRENCETOWN	Value:	\$166,300 (2017 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION				

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

ORDER TO VACATE UNSAFE PROPERTY

THE MATTER OF: Section 358(1) of the Halifax Regional Municipality Charter, S.N.S., 2008, C.39
Hereinafter referred to as the "Charter";

-and-

IN THE MATTER OF: Property located at: 2511 CROWELL RD LAWRENCETOWN, NOVA SCOTIA;
PID # 00598219 Tax # 2144115 Case # 248534

Hereinafter referred to as the "Property"

TO: LORNA CARAW INNESS
2511 CROWELL RD LAWRENCETOWN NS B2Z 1P5

WINTON CLARENCE HEMLOW
2511 CROWELL RD LAWRENCETOWN NS B2Z 1P5

WHEREAS you are the registered owner of the Property;

AND WHEREAS the Property is unsafe due to compromised structure and unsanitary conditions.

AND WHEREAS the condition referred to above at the Property is an immediate danger to public safety;

TAKE NOTICE that you are hereby Ordered to have the Building immediately vacated forthwith and then secured against unauthorized access;

AND FURTHER TAKE NOTICE that your failure to immediately comply with this Order may also result in further legal action;

AND FURTHER TAKE NOTICE that your failure to immediately comply with the requirements of this Order, the Administrator, or any person authorized by the Administrator, may enter upon the Property without warrant or other legal process and carry out the work specified in this Order;

AND FURTHER TAKE NOTICE that the costs of complying with this Order, including the cost of completing the work specified herein, incurred by the Halifax Regional Municipality ("HRM") or its agents, is a debt payable by you to HRM and that HRM has a first lien on the Property in the amount of the debt which may be collected in the same manner and with the same rights and remedies as rates and taxes pursuant to the Charter;

AND FURTHER TAKE NOTICE that upon service of this Order, any person who aids, assists, permits or causes a dangerous or unsightly condition or fails to comply with the terms of this Order is liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) and in default of payment to imprisonment for a period of not more than two (2) months and every day during with the condition is not remedied is a separate offense.

DATED at Halifax, Nova Scotia this 2nd day of March 2015.

TAMAR PRYOR
Compliance Officer
(902) 476-3386

Original Signed

ERIN DOBSON
Administrator
Halifax Regional Municipality

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
2511 Crowell Road	00598219	February 9, 2017

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> Wood framed, two storey, single unit dwelling with attached garage. Windows and doors are all secure and in good condition except bay window with some frame rot. There is rot at the base of the southeast wood framed wall at the garage and a hole into the garage. The ceiling has collapsed in the kitchen(?) and living room.
Foundation	<ul style="list-style-type: none"> Dwelling was constructed upon a formed concrete foundation. The attached garage is on a concrete block foundation. Both foundations appear to be in good repair.
Heating Appliances	<ul style="list-style-type: none"> Oil tank is in fair to good condition, with minor rust at the base of the vent and fill pipes. The tank is empty.
Chimney	<ul style="list-style-type: none"> Masonry chimney with multiple flues. The portion of the chimney above the roof line is missing bricks or parts of bricks
Roof	<p>Roof of House</p> <ul style="list-style-type: none"> Stick-framed hip roof with asphalt shingles. Shingles missing on the southeast facing portion, sheathing is exposed. Vinyl soffits cover have fallen from, or starting to collapse from approximately 60-70% of the eaves. <p>Garage Roof</p> <ul style="list-style-type: none"> The garage roof is a stick-framed flat roof. The roof of the garage is rotten. The exterior roof deck has been covered with multiple layers of tarp (polyethylene) and the wood deck where visible from the soffit is rotten. There is a hole through the roof deck and tarp. The framing to which the landing is attached is rotten.
Building Services	<ul style="list-style-type: none"> Electrical meter in place, lines still connected.

Public Safety Considerations
Dwelling is open to wildlife and the elements.

Comments Regarding Repair or Demolition
Extensive repairs required.

Original Signed	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: 2511 Crowell Road, East Lawrencetown; Nova Scotia;
Case #248534;
Hereinafter referred to as the "Property"

-and-

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

TO: Lorna Carew Inness
Winton Clarence Hemlow

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