

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

ITEM 12.1.4
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 #279154 5736 Highway 357, Elderbank**

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 was one previous dangerous or unsightly case at the property. The property owner completed the work and the case was closed as owner compliance.

The property owner is deceased and the closest relative that the Compliance Officer spoke with was a great-nephew.

This case is a result of a service request received on August 18, 2016. The complainant advised of a deteriorated property in need of a cleanup.

The case is being brought forward to the committee by the Compliance Officer to request a Demolition Order for the deteriorated building located at 5736 Highway 357, Elderbank.

CHRONOLOGY OF CASE ACTIVITIES:

- 25-Aug-2016 The Compliance Officer conducted a site inspection at 5736 Highway 357, Elderbank, hereinafter referred to as “the property” (attached as Appendix B).
- The Compliance Officer noted a dilapidated building with rotten front and back stairs.
- 29-Aug-2016 The Compliance Officer conducted a site inspection and noted the violation remains. A 30 day Notice of Violation (attached as Appendix C) was posted at the property.
- 04-Oct-2016 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 16-Jan-2017 The Building Official submitted a structural integrity report for the structure located at 5736 Highway 357 (attached as Appendix D).
- The overall comments regarding the structure are: any additional loads to this structure from snow or wind could cause it to collapse causing injury to anyone inside or nearby. Due to the advanced state of decay, the wood structure is not capable of being renovated to be compliant with existing building codes.
- 13-Apr-2017 The Compliance Officer conducted a site inspection and noted no change to the condition of the building.
- 19-Apr-2017 The Compliance Officer spoke to the great-nephew of the property owner who advised they were not aware who owned the property and had no additional information to provide.
- 23-May-2017 The Compliance Officer conducted a site inspection and noted the violation remains. The Compliance Officer spoke to a neighbour who advised no one has lived at the property for approximately twenty years.
- The Compliance Officer was unable to obtain any further information of potential relatives of the deceased property owner.
- 29-May-2017 The Compliance Officer posted the 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. However, since the assessed value of the property is less than \$14,000, there is some risk that demolition costs may not be fully recovered.

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 August 29, 2016
- Appendix D: Copy of the Building Official's report dated October 18, 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: Theresa Hickey, Compliance Officer, By-law Standards, 902.476.1364

ORIGINAL SIGNED

Report Approved By: _____
Tanya Phillips, Program Manager, Bylaw 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:

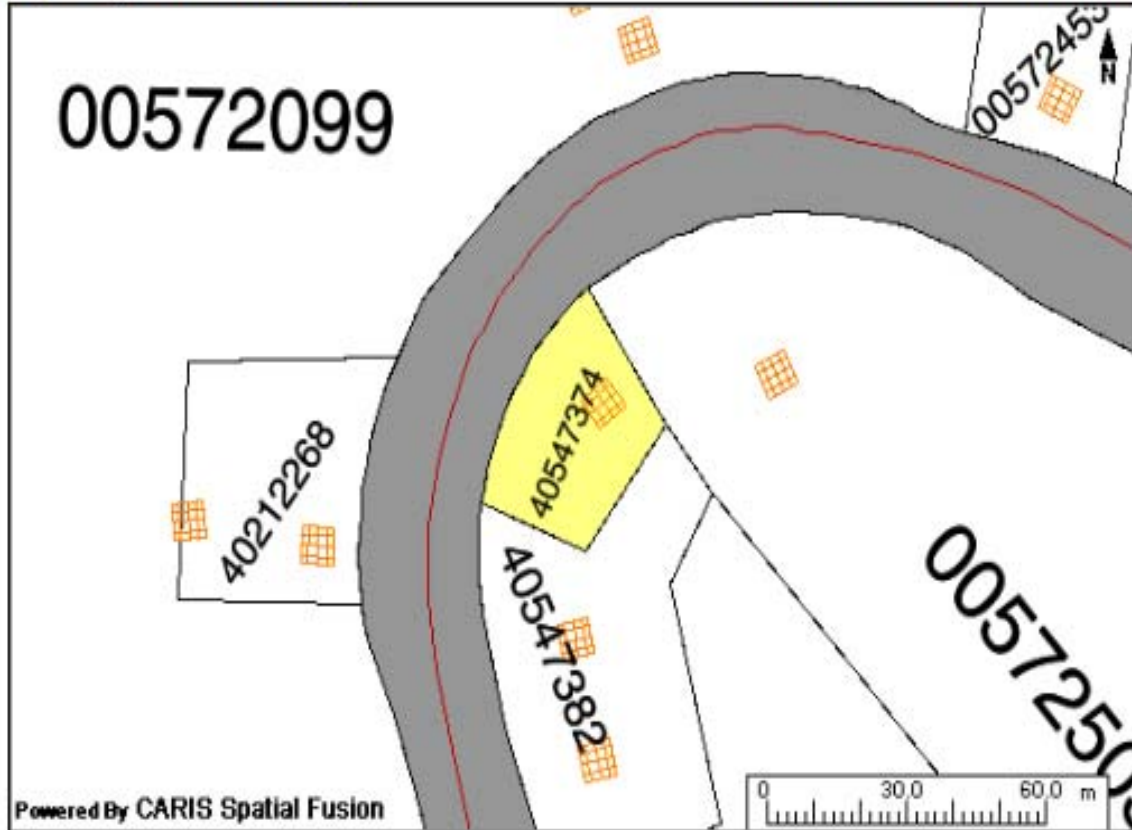
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or 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 4:03:56 PM



PID:	40547374	Owner:	WALTER M OGILVIE	AAN:	10712629
County:	HALIFAX COUNTY	Address:	5736 HIGHWAY	Value:	\$13,700 (2017 RESIDENTIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION		357		
			ELDERBANK		

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.



Municipal Compliance

Notice of Violation

Notice Served Upon: Name _____
or address 5736 Hwy 357, Elderbrook

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):
Lack of maintenance to the building resulting in property becoming derelict, unsightly, and not habitable.

Violation(s) to be rectified as per the following:
Bring the property to a habitable state or demolish.

Notice of Re-inspection:
A re-inspection will be performed on after 2016-09-29 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.

Ben Amini
Issuing Officer

29/08/16
Date (dd/mm/yy)

902-877-6742
Issuing Officer Phone Number

1:00
Time (hh/mm)

Original Signed
Issuing Officer Signature

279154
Case Number

Appendix D



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
5736 Highway 357, Elderbank	40547374	October 18, 2016

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> The building is a 1 storey wood frame construction in varying stages of decay. The structure is open to wildlife and the elements. The sill plate, rim joist and the rest of the floor structure on both the northeast and southwest side of the building under the exterior doors is missing or in an advanced stage of decay.
Foundation	<ul style="list-style-type: none"> Cracks are prevalent in the concrete foundation in multiple locations around the foundation.
Heating Appliances	<ul style="list-style-type: none"> Could not be determined.
Chimney	<ul style="list-style-type: none"> Masonry brick chimney is structurally unstable. The mortar that held the masonry components together is no longer present.
Roof	<ul style="list-style-type: none"> Asphalt shingles are in poor condition on the northeast exposure. Asphalt shingles are in extremely poor condition or non-existent on the southwest exposure. The southwest side has holes in sheathing and the chimney opening, allowing the weather elements to enter the building.
Building Services	<ul style="list-style-type: none"> Electrical services are disconnected. Water/sewer could not be determined.

Public Safety Considerations
<ul style="list-style-type: none"> Any additional loads to this structure from snow or wind could cause it to collapse causing injury to anyone inside or nearby.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> Observations of this structure were made from the exterior, no entry was gained. Due to the advanced state of decay, the wood structure is not capable of being renovated to be in compliance with existing building codes.

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

Form Jan 2016

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: 5736 Highway 357, Elderbank; Nova Scotia;
Case #279154;
Hereinafter referred to as the "Property"

-and-

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

TO: Walter M Oglivie

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