

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

**Appeals Standing Committee
August 2, 2018**

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY:

Original Signed

Kelly Denty, Director, Planning & Development

DATE: July 24, 2018

SUBJECT: Order to Demolish – Case #294995, 1478 Prospect Bay Road, Prospect

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.

RECOMMENDATION

It is recommended that the Appeals Standing Committee:

1. Find the property to be dangerous or unsightly as per section 3(q) of the Charter and as per section 356 of the Charter, **order 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.

There are no permits issued to the property owner for this property.

This case is a result of a service request received on June 20, 2017. The complainant advised that the property was in disrepair. An additional service request was received on September 20, 2017 citing there was an abandoned mobile home unit on the property that looked awful.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated accessory structure (mobile home) located at 1478 Prospect Bay Road, Prospect.

CHRONOLOGY OF CASE ACTIVITIES:

- 6-Jul-2017 The Compliance Officer conducted a site inspection at 1478 Prospect Bay Road, Prospect, hereinafter referred to as “the Property” (attached as Appendix B) and noted a deteriorated mobile home.
- 21-Oct-2017 The Compliance Officer spoke to the property owner and explained the mobile home was unsightly and deemed to be a violation. The Compliance Officer requested the property owner repair and paint the mobile home to bring it into compliance. The property owner advised due to illness they were unable to have the structure painted and requested more time.
- 25-Oct-2017 The Compliance Officer spoke to the property owner and advised that they would be issuing a 60-day Notice of Violation (attached as Appendix C) to paint and repair the accessory structure (mobile home) or remove it from the property. A copy of the notice was also mailed to the property owner.
- 12-Jan-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the accessory structure. The Compliance Officer spoke with the property owner and advised that the next step in the process would be to issue an Order to Remedy to repair or remove the accessory structure.
- 16-Jan-2018 The Compliance Officer spoke with the property owner and advised that the Order to Remedy would be issued in March when weather conditions improve. The property owner advised that they were considering options including repairing, painting or demolishing the accessory structure.
- 06-Apr-2018 The Compliance Officer spoke with the property owner and asked what the status and or plans were for the accessory structure. The property owner advised they had not obtained a contractor to assess the building to date. The Compliance Officer advised that an Order to Remedy would be issued.
- 12-Apr-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 1-May-2018 The Building Official submitted a structural integrity report for the building (attached as Appendix D).

The overall comments regarding the structure are: “The building is supported on wood cribbing approximately 4’ in height and a steel jack post sitting on a concrete block. The cribbing does not provide adequate support in some required locations. The cribbing has

settled significantly and the building is not level. Due to the height of the cribbing, potential for a future unsafe condition exists if further settling takes place.”

05-Jun-2018 The Compliance Officer left a voicemail for the property owner requesting a call back.

06-Jun-2018 The Compliance Officer spoke with the property owner and advised of the results of the structural integrity report. The Compliance Officer advised due to the status of the structure, a Demolition Order would be requested through the Appeals Standing Committee. The property owner agreed that demolition was the best choice for the structure and that they had been in contact with a contractor who agreed to demolish it.

The property owner advised they were currently in the process of removing all items located inside the structure. The property owner further advised their hope is to demolish the structure on their own time frame as they don't do well with deadlines. The Compliance Officer mailed a copy of the structural integrity report to the property owner.

24-Jul-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property. The Compliance Officer posted a Notice to Appear (attached as Appendix E) at the property. A copy of the Notice was also sent via registered mail to the property owner.

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

No environmental impacts identified.

ATTACHMENTS

- Appendix A: Copy of the 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 October 25, 2017
- Appendix D: Copy of the Building Official's Report dated May 1, 2018
- Appendix E: Copy of the Notice to Appear dated July 24, 2018

A copy of this report can be obtained online at Halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Staff Contact: Victor Lopez, Compliance Officer II, By-law Standards, 902.225.2551

Original Signed

Report Approved By:

Penny J. Henneberry, Manager, Buildings and Compliance, 902.579.0250

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:

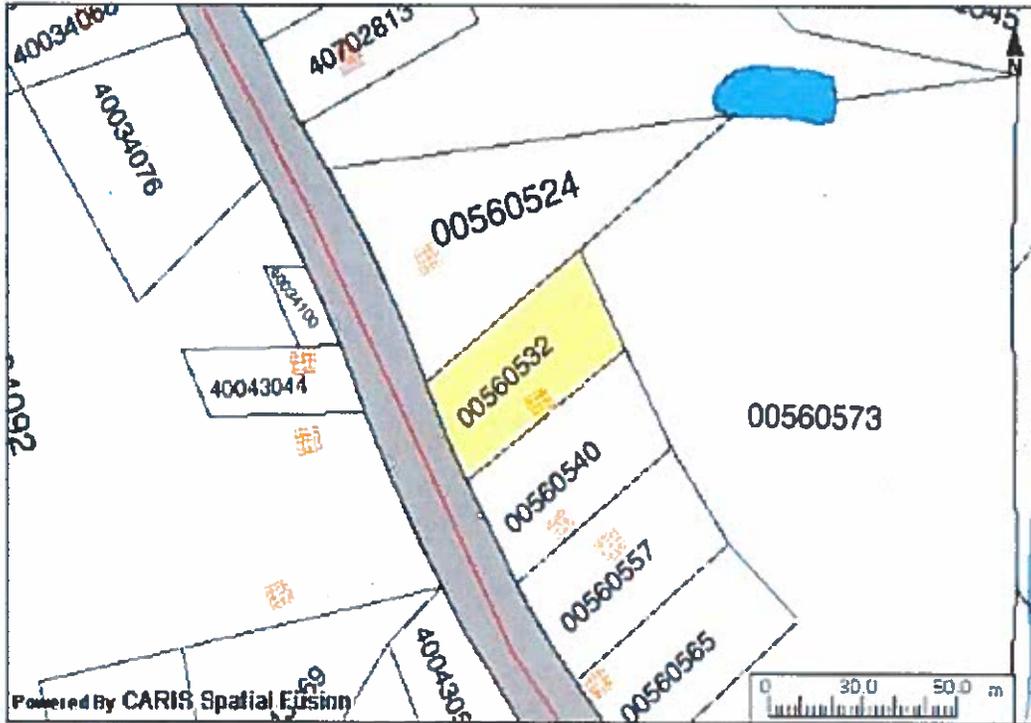
- 356 (1) Where a property is dangerous or unsightly, the Council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.
- (3) Where it is proposed to order demolition, before the order is made not less than seven days notice 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;

Property Online Map

Date: Jul 23, 2018 9:08:26 AM



| | | |
|----------------------------------|--|--|
| PID: 00560532 | Owner: JANET CLINE | 4AN: 04595554 |
| County: HALIFAX COUNTY | JANET MONCKTON | Value: \$67,300 (2018 RESIDENTIAL TAXABLE) |
| LR Status: NOT LAND REGISTRATION | Address: 1475 PROSPECT BAY ROAD PROSPECT | |

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 1478 Prospect Bay Rd
or address Prospect, N.S.

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 Unsightly 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):

the accessory structure is in state of disrepair due to but not limited to chipping and peeling paint and missing proper foundation

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

re-paint the accessory structure and build a proper foundation or remove the accessory structure.

Notice of Re-inspection:

A re-inspection will be performed on _____ 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.

| | |
|---------------------------------------|-----------------------------------|
| _____ Issuing Officer | <u>7/10/17</u> Date (dd/mm/yy) |
| _____ Issuing Officer Phone Number | _____ Time (hh/mm) |
| ORIGINAL SIGNED | <u>214695</u> Case Number |
| _____ Issuing Officer Signature | |

For information on municipal legislation visit the Halifax Website at www.halifax.ca/legislation or call the Citizen Contact Centre at 311. If calling outside the HRM but within NS call 1-800-835-6428 toll free.

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 1478 Prospect Bay Rd | PID 00560532 | Inspection Date May 1, 2018 |
|---|------------------------|---------------------------------------|

| Building Feature | Condition Relative to Habitability and Structural Integrity |
|--------------------|---|
| Main Structure | <ul style="list-style-type: none"> Building is a wood framed accessory building approximately 15'x25' with wood cladding The cladding has extensive water damage and has begun to deteriorate in some areas. The windows are wood framed single pane glass, some frames have extensive water damage and have begun to deteriorate Some window openings have no glass in them and are sealed with plastic and tape. Wooden floor joists are spliced at the centre of the building, proper floor joist support is not provided at this location further weakening the floor. |
| Foundation | <ul style="list-style-type: none"> The building is supported on wood cribbing approximately 4' in height and a steel jack post sitting on a concrete block. The cribbing does not provide adequate support in some required locations. The cribbing has settled significantly and the building is not level. |
| Heating Appliances | <ul style="list-style-type: none"> None apparent. |
| Chimney | <ul style="list-style-type: none"> None. |
| Roof | <ul style="list-style-type: none"> Flat roof, unable to confirm roofing material |
| Building Services | <ul style="list-style-type: none"> None apparent |

| Public Safety Considerations |
|---|
| <ul style="list-style-type: none"> Building is not secured from the public |

| Comments Regarding Repair or Demolition |
|---|
| <ul style="list-style-type: none"> Due to the height of the cribbing, potential for a future unsafe condition exists if further settling takes place. The building requires additional support in areas where structural members are unsupported. Siding and window repairs are required to remediate rot and to secure the building from unwanted access. |

| | | |
|---|-------------------------------------|---|
|  Building Official (please print) | ORIGINAL SIGNED Signature | ORIGINAL SIGNED 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: 1478 Prospect Bay Road, Prospect; Nova Scotia;
Hereinafter referred to as the "Property"
Case#294995

-and-

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

TO: Janet Monckton

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 August 2, 2018 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 24 July, 2018

Victor Lopez
Compliance Officer
902-225-2551

ORIGINAL SIGNED

Scott Hill
Administrator
Halifax Regional Municipality

