

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
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Item No. 12.2.1
Appeals Standing Committee
March 12, 2020

TO: Chair and Members of Appeals Standing Committee

Original Signed

SUBMITTED BY: _____
Conor O'Dea, Manager, Buildings and Compliance

DATE: February 26, 2020

SUBJECT: Order to Demolish – Case #336626, 2149 Crowell Road, 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.

RECOMMENDATION

It is recommended that the Appeals Standing Committee:

Find 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 main 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 2 previous dangerous or unsightly cases at the property. Both cases were closed with remedies completed by HRM.

The property is zoned RR-1 (Rural Residential Zone) and a review of the Hansen database system shows there are no permits issued to the property owner for this property.

This case is a result of a service request received on September 30, 2019. The complainant noted the property was abandoned and violations include a dwelling missing siding with tarps and tires on the roof, an accumulation of scattered garbage and a lack of yard maintenance.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated main structure (Case # 336626) located at 2149 Crowell Road, Lawrencetown.

CHRONOLOGY OF CASE ACTIVITES:

- 03-Oct-2019 The Compliance Officer conducted a site inspection at 2149 Crowell Road, Lawrencetown, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a main structure with substantial damage. The garage side, which looked to be an addition, appeared to be caving in and showing signs of significant rot. The flat garage roof was covered with tarps and an old car tire holding the tarps in place and was accessible via unstable wooden stairs.

The Compliance Officer also noted open access to the dwelling and garage, a large tree obstructing access to the front door of the home, 2 derelict boats, a discarded ride on lawn mower, several 50-gallon barrels in the drainage ditch, an accumulation of debris and a lack of yard maintenance. The Compliance Officer is managing these violations under separate cases.

The Compliance Officer left a message for the property owner requesting a return call.
- 30-Nov-2019 The Building Official submitted a structural integrity report for the structure dated November 26, 2019 (attached as Appendix C).

The overall comments regarding the main structure are: “Observations of this structure were made from the exterior; due to safety concerns no entry was gained. The damage of roof and wall assemblies on the garage side addition are beyond repair down to foundation. Evidence of collapse behind siding at various locations on garage side addition of structure.”
- 16-Dec-2019 The Compliance Officer conducted a site inspection and noted the exposed side of the structure shows continued rot and decay.
- 28-Jan-2020 The Compliance Officer and the Regional Coordinator, Bylaw Enforcement conducted a site inspection and noted the power meter was red tagged and the structure continued to show extensive signs of rot and failure including a collapsed garage roof, collapsing southern exterior walls and severely buckled siding due to exposure to the elements.

The front door was not secured. It was noted that the structure was unoccupied, there was a strong smell of furnace oil and mold and several sections of the roof have collapsed. There is no weather barrier between the addition and the house causing the structure to be exposed to the elements.

27-Feb-2020 The Compliance Officer posted the Notice to Appear (attached as Appendix D) at the property.

The Compliance Officer contacted the Department of the Environment regarding the concerns of the oil smell and that a potential leak may be 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.

ALTERNATIVES

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

RISK CONSIDERATIONS

The risk consideration rates moderate. There has been open access to the building and due to the advanced state of deterioration, the building poses a safety risk to anyone who may enter.

ENVIRONMENTAL IMPLICATIONS

No environmental impact 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 Building Official’s Report dated November 26, 2019
Appendix D: Copy of the Notice to Appear dated February 27, 2020

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.

Report Prepared For: Steve Boutilier, Compliance Officer II, By-law Standards, 902.240.4935
Jonathan Wells, Compliance Officer II, By-law Standards, 902.219.4798

Original Signed

Report Approved By:

Tanya Phillips Program Manager, By-law Standards 902.490.4491

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.

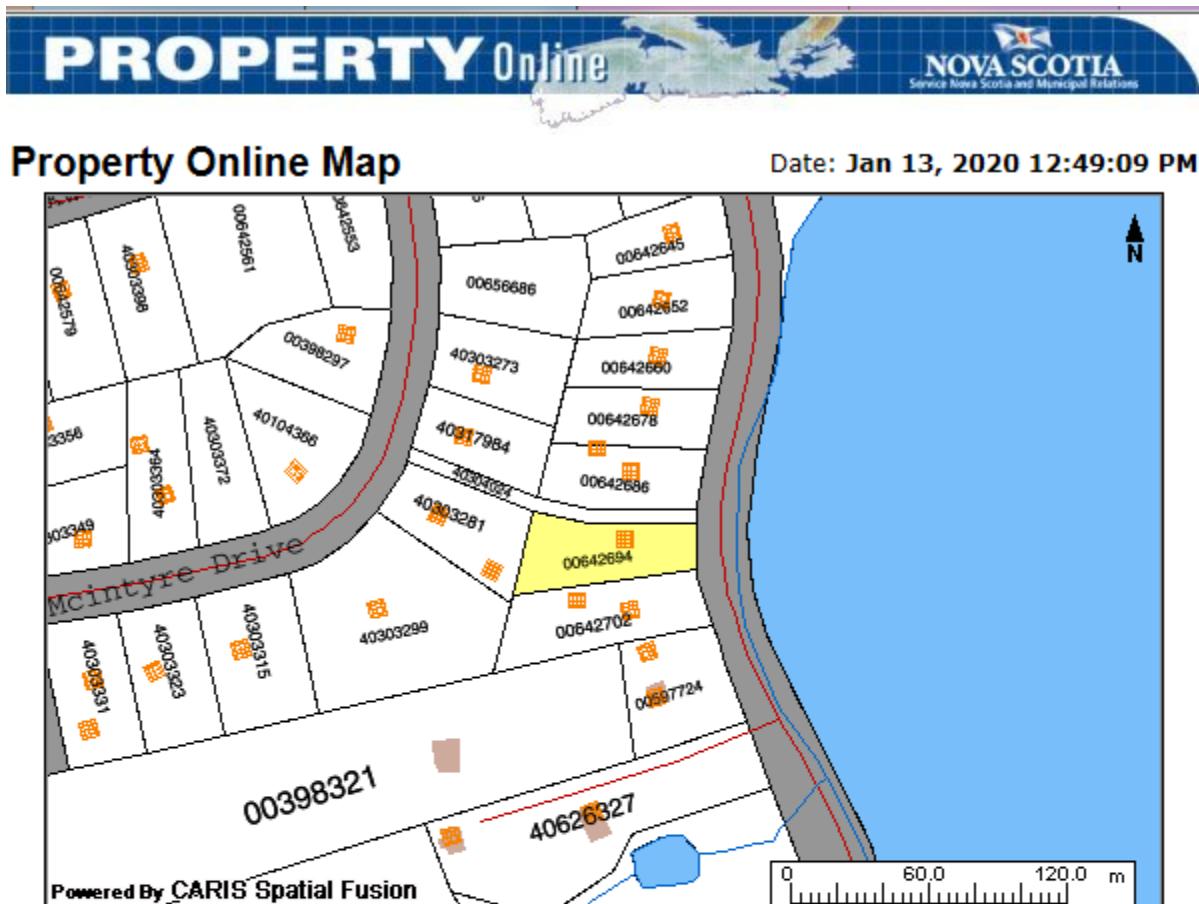
HRM Charter, subsections 356(1)(3), as follows:

- 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



PID: 00642694 Owner: FRANCIS MURRAY REID AAN: 01625063
County: HALIFAX COUNTY Address: 2149 CROWELL ROAD Value: \$218,600 (2019 RESIDENTIAL
LR Status: NOT LAND EAST LAWRENCETOWN TAXABLE)
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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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
2149 Crowell Road, East Lawrencetown	00642694	Nov. 26 th , 2019

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> Single storey wood frame home with lower level walkout basement and garage. Siding bowed out in various areas on garage side of structure. Left exterior wall on garage side damaged and exposed to the elements. Left exterior wall missing siding and plywood sheathing. Plywood sheathing completely rotted, insulation exposed to the outside and studs visible to the outside are rotted. Above garage door, ledger board of balcony deck shifted so does not sit level. Level above garage door could have collapsed. Did not observe the interior due to safety concerns.
Foundation	No issues found.
Heating Appliances	Undetermined.
Chimney	Metal chimney. Cap appears to have slight damage.
Roof	<ul style="list-style-type: none"> Flat roof above garage is unsafe, damaged and unstable. Tires and clear plastic tarps on flat roof and plywood sheathing exposed, rotten and in decay. Plywood and materials on roof not secured and roof is not weather tight and exposed. Remainder of structure is gable roof with asphalt shingles. Asphalt singles in place but old and weathered.
Building Services	Electrical lines connected and meter in place but did not appear operational.

Public Safety Considerations

There is access to the unstable flat roof by the way of exterior stairs at the back of the building. Recommend these stairs be secured.

Comments Regarding Repair or Demolition

- Observations of this structure were made from the exterior; due to safety concerns no entry was gained.
- The damage of roof and wall assemblies on the garage side addition are beyond repair down to foundation.
- Evidence of collapse behind siding at various locations on garage side addition of structure.

Adrian Cleveland	Original Signed	Original Signed
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Building Official (please print)

Signature

Supervisor's Initials



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: 2149 Crowell Road, East Lawrencetown; Nova Scotia;
Case # 336626;
Hereinafter referred to as the "Property"

-and-

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

TO: Francis Murray Reid

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 March 12, 2020 in the Council Chambers, 3rd Floor, City Hall, 1841 Argyle Street, Halifax, Nova Scotia, a copy of the report can be found on Halifax.ca;

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 structure, 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 27th of February 2020

Original Signed

Steve Boutilier
Compliance Officer
902.240.4935


Scott Hill
Administrator
Halifax Regional Municipality