



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

Item No. 12.2.1
Appeals Standing Committee
September 10, 2020

TO: Chair and Members of Appeals Standing Committee

Original Signed

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

DATE: August 20, 2020

SUBJECT: Order to Demolish – Case #339738, 466 Herring Cove Road, Halifax

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 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 four previous dangerous or unsightly cases at the property. All four cases were closed as owner compliance. In addition to this case, a separate case for debris violations surrounding the exterior of the shed was closed as it was determined the debris is subject to the demolition order.

The property is zoned R-4 (Multiple Dwelling Zone) and a review of the Hansen database system shows there are no permits issued to the property owner for this property. On April 24, 2020 the property owner was advised through Service Request 7590395 that a permit would be required to demolish the shed.

This case is a result of a service request received on December 13, 2019. The complainant noted a deteriorated shed.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the accessory structure (Case # 339738) located at 466 Herring Cove Road, Halifax.

CHRONOLOGY OF CASE ACTIVITIES:

15-Dec-2019 The Compliance Officer conducted a site inspection at 466 Herring Cove Road, Halifax, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted an accessory structure in a state of disrepair with rotted and missing siding and sections of missing eaves. The Compliance Officer also noted debris surrounding the exterior of the shed.

The Compliance Officer tried to contact the property owner by phone but received no answer and was unable to leave a message as the voice mail was full.

28-Dec-2019 The Building Official submitted a structural integrity report for the structure (attached as Appendix C).

The overall comments regarding the structure are: “Observations of this structure were made from the exterior; no entry was gained due to the instability of the structure. This structure is beyond the state of repair. Due to the advanced state of decay and collapse in the structure there is nothing that can be recovered.”

29-Dec-2019 The Compliance Officer left a phone message for the property owner advising of the safety concerns related to the structure and further advised HRM would be taking the case to the Appeals Standing Committee to request a Demolition Order.

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

30Jan2020 The Compliance Officer phoned the property owner and advised them of the posted Notice to Appear. The property owner advised the Compliance Officer that they wanted the shed gone and previous arrangements did not work out. The property owner explained that they were upset that the matter was going to the Appeals Standing Committee and stated that they were not interested in attending.

The Compliance Officer sent a copy of the Notice to Appear to the property owner through registered mail.

05-Feb-2020 The Compliance Officer spoke with the property owner by phone and arranged to meet at the property the next day to discuss the work necessary in removing the shed. The property owner advised the Compliance Officer that they hired a crew to remove the shed and were planning logistics for getting equipment up the steep driveway.

- 06-Feb-2020 The Compliance Officer met with the property owner at the property and discussed the work and permit required to remove the shed. The property owner advised that they hired a crew to complete the work. The property owner also advised that they could have the work completed within 30 days of receiving the demolition permit.
- The Compliance Officer advised the property owner that they would review the property owner's plans with management to see if the case could be pulled from the February Appeals Standing Committee meeting and they would follow up with the property owner.
- The Compliance Officer spoke with the property owner by phone and advised them HRM will pull the case from the February meeting and the property owner committed to having the shed down by March 23, 2020.
- 02-Apr-2020 The Compliance Officer conducted a review of the Hansen database system and confirmed there were no permits issued to the property owner for this property.
- 03-Apr-2020 The Compliance Officer spoke with the property owner by phone. The property owner advised the Compliance Officer that their crew would have the shed taken down within the next two weeks and inquired about permits. The Compliance Officer advised the property owner that they would email them the link to HRM's Online Permits.
- The Compliance Officer emailed the property owner the link to Online Permits.
- 01-May-2020 The Compliance Officer conducted a site inspection and noted some of the debris had been removed but no work had started on the shed. The property owner arrived while the Compliance Officer was on site and advised the Compliance Officer that HRM Planning and Development told them due to the size of the shed a permit wasn't required. The Compliance Officer advised the property owner that they would provide a two week extension for the demolition work to be completed. The property owner advised that the work would be completed by that date.
- 13-May-2020 The Compliance Officer conducted a site inspection and noted the shed remained on the property.
- The Compliance Officer tried to call the property owner but received no answer and the voicemail was full.
- The Compliance Officer emailed the property owner requesting a return call and explained that the case will be moving forward to the Appeals Standing Committee.
- 23-Jul-2020 The Compliance Officer emailed the property owner inquiring if the shed had been demolished and advised that the Appeals Standing Committee meetings will resume soon.
- 12-Aug-2020 HRM staff conducted a review of the Hansen database system. It was confirmed no permits have been issued to the property owner for this property.
- 13-Aug-2020 The Compliance Officer drove by the property and observed that the shed remained on the property.
- 17-Aug-2020 The Compliance Officer sent an email to the property owner asking for confirmation that they received the email from Building Standards advising that permits were required for the demolition of the shed.
- 27-Aug-2020 The Compliance Officer is scheduled to post 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.

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 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 December 16, 2019
- Appendix D: Copy of the Notice to Appear dated January 28, 2020
- Appendix E: Copy of the Notice to Appear dated August 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: Kory O'Neill, Compliance Officer II, By-law Standards, 902.293.1406
Kevin Berrigan, Compliance Officer II, By-law Standards 902.471.2051

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.

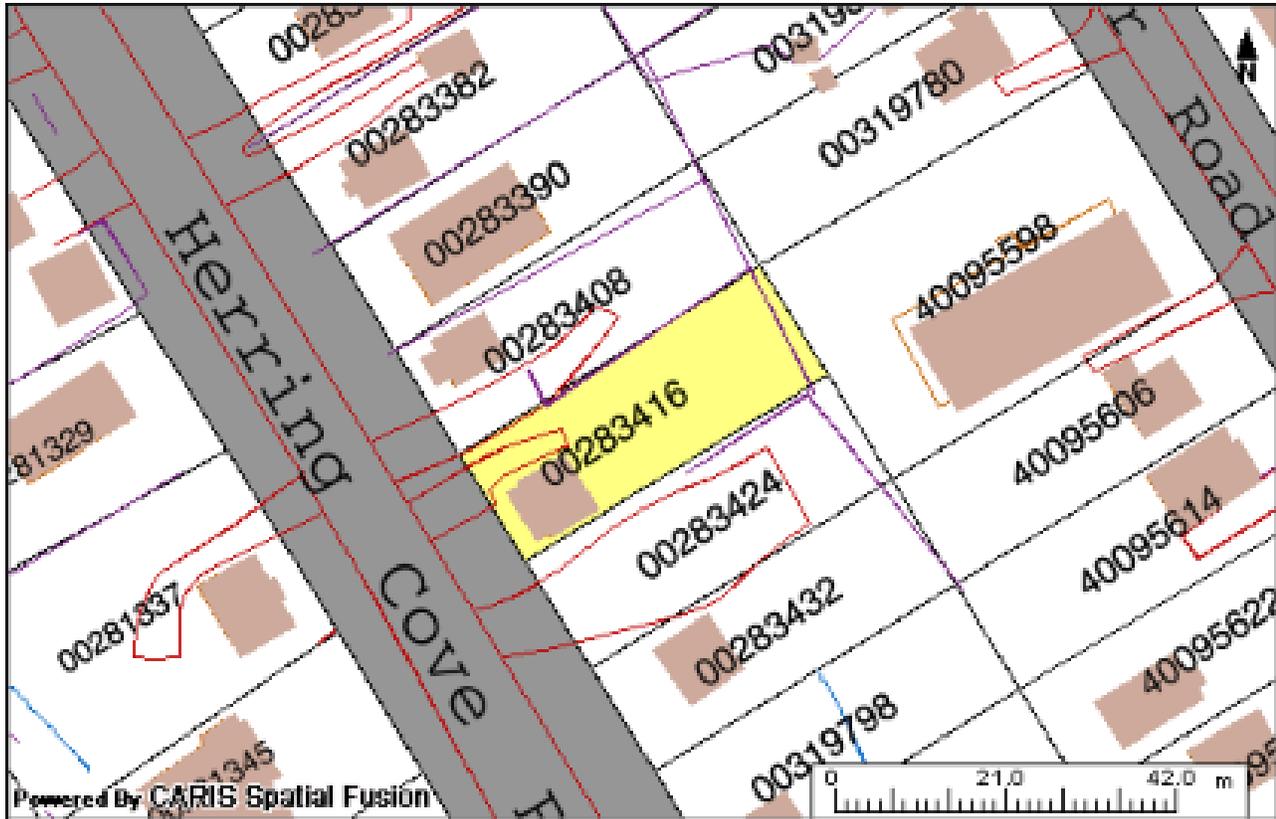
HRM Charter, subsection 3(q) as follows:

- (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 allurements 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: Aug 20, 2020 8:31:27 AM



PID:	00283416	Owner:	WYATT REDMOND	AAN:	01428136
County:	HALIFAX COUNTY	Address:	466 HERRING COVE ROAD	Value:	\$106,200 (2020 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION		HALIFAX		

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 466 Herring Cove Road, Halifax B3R 1W6	PID [REDACTED]	Inspection Date 12/16/2019
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Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Approx. 8x12 wood framed accessory building. • All the walls and roof are rotted, with holes and broken/missing studs. • The roof has partly collapsed with multiple holes and missing roofing material. • The exterior walls of the structure are rotten and structurally unstable. • The structure is open to wildlife and the elements through the soffits, roof and holes through all sides of structure.
Foundation	<ul style="list-style-type: none"> • Undetermined • Could not see any obvious signs of foundations, what looked to be once sill plates for exteriors are now rotted wood.
Heating Appliances	N/A
Chimney	N/A
Roof	<ul style="list-style-type: none"> • Asphalt roofing material is in extremely poor condition and the roof structure has partially collapsed • Soffits and other asphalt roofing material have fallen off, or are no longer present
Building Services	<ul style="list-style-type: none"> • Building has been wired, but no power hook up visibly noted.

Public Safety Considerations
The building is a safety hazard in its current condition and could collapse at any time. 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
Observations of this structure were made from the exterior; no entry was gained due to the instability of the structure. This structure is beyond the state of repair. Due to the advanced state of decay and collapse in the structure there is nothing that can be recovered.

Brandon Clarke	[REDACTED]	[REDACTED]
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: 466 Herring Cove Road, Halifax; Nova Scotia;
Case # 339738;
Hereinafter referred to as the "Property"

-and-

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

TO: Wyatt Redmond

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 February 13, 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;

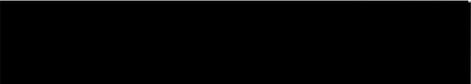
At which time the Committee will consider the following application:

APPLICATION by Staff for an Order pursuant to section 356 of the Charter, to require demolition of the accessory 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 29th of January 2020

Kory O'Neill
Compliance Officer
902.293.1406


Scott Hill
Administrator
Halifax Regional Municipality

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: 466 Herring Cove Road, Halifax; Nova Scotia;
Case # 339738;
Hereinafter referred to as the "Property"

-and-

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

TO: **Wyatt Redmond**

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 September 10, 2020. The meeting format (virtual or in person) is to be determined, details will be provided in a subsequent letter.

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 accessory 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 August 2020

Kevin Berrigan
Compliance Officer
902.471.2051

Original Signed

12:11:35 -03'00'

Scott Hill
Administrator
Halifax Regional Municipality