



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

Item No. 7.1.1
Appeals Standing Committee
February 11, 2020

TO: Chair and Members of Appeals Standing Committee

Original – signed

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

DATE: January 28, 2021

SUBJECT: **Order to Demolish – Case #345615, 46 Community Center Lane, Windsor Junction**

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 has been one previous dangerous or unsightly case at the property closed as owner compliance.

The property is zoned R-1B (Suburban 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 April 3, 2020. The complainant noted that in December 2019, there had been a fire in the house and no repairs have been completed to date. The complainant further stated that the back of the dwelling is badly burned and there are holes in the roof.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the main structure (Case # 343615) located at 46 Community Center Lane, Windsor Junction.

CHRONOLOGY OF CASE ACTIVITIES:

- 04-Apr-2020 The Compliance Officer conducted a site inspection at 46 Community Center Lane, Windsor Junction, hereinafter referred to as “the Property” (attached as Appendix B).
- The Compliance Officer noted a fire damaged dwelling with damage to the exterior wall, windows and roof. All access points were boarded up and a property release form with the business card for a Fire Prevention Officer was posted on the door.
- 09-Apr-2020 The Compliance Officer contacted the property owner who advised that the property has been repossessed by the bank.
- 30-Apr-2020 The Supervisor Regional Compliance conducted a site inspection at the property and noted the fire burnt structure, debris from the fire and that a shipping container was on site. Separate cases are being managed for the debris and shipping container. The Supervisor also noted that there was no notice of repossession from a securing company posted at the property.
- 05-May-2020 The Compliance Officer contacted the property owner and obtained contact information for their Trustee. The Compliance Officer contacted the Trustee’s office who confirmed that the property was repossessed by the bank and that the Trustee had nothing to do with the property. The Compliance Officer obtained the contact information for the lawyer representing the bank.
- The Compliance Officer exchanged voice messages with the lawyer representing the bank. The Compliance Officer advised in the messages that they would email copies of the Notice of Violation(s) to the lawyer.
- 08-May-2020 The Compliance Officer received a voice message from a property manager who is working with the bank and they provided their phone number and requested copies of the Notice of Violation(s).
- 11-May-2020 The Compliance Officer spoke with the property manager and provided details regarding the violations at the property including the fire damaged dwelling, the debris and the shipping container. The property manager advised that they would remedy the debris and shipping container violations and asked if the Compliance Officer thought it best to demolish the structure. The Compliance Officer explained that it is the decision of the property management company and the bank on whether they wish to repair or demolish the structure.
- The Compliance Officer emailed a copy of the 60-day Notice of Violation (attached as Appendix C) to the property manager.

- 21-May-2020 The Compliance Officer received an email from the property manager advising they didn't receive a copy of the Notice of Violation(s).
- 25-May-2020 The Compliance Officer emailed a copy of the Notice of Violation to the property manager and left a phone message asking that the property manager contact the Compliance Officer if they don't receive the documents.
- The Compliance Officer received email confirmation from the property manager that they received the documents.
- The Compliance Officer received a call from the operations manager of a subcontractor of the property manager who advised they will be addressing the debris and shipping container and that the property manager will deal with the demolition of the fire damaged structure. The operations manager advised they would update the Compliance Officer when the debris and shipping container were removed.
- 04-Jun-2020 The Compliance Officer received an email from the property manager advising that the bank had not yet approved the demolition of the dwelling.
- 31-Jul-2020 The Compliance Officer emailed the property manager requesting an update.
- 04-Aug-2020 The Compliance Officer received an email from the property manager advising that they would get back to the Compliance Officer with an update.
- 10-Aug-2020 The Compliance Officer received an email from the property manager advising that the bank was looking into the fire loss prior to deciding how to remedy the dwelling and they would let the Compliance Officer know as soon as they had an update.
- 16-Sep-2020 The Compliance Officer conducted a site inspection and noted no change to the structure.
- 20-Nov-2020 The Compliance Officer emailed the property manager and advised that as the condition of the structure has not changed, the case would be proceeding to the Appeals Standing Committee where a Demolition Order would be requested.
- 01-Dec-2020 The Compliance Officer received a copy of the structural integrity report (attached as Appendix D).
- The overall comments are: "The extent of the damage caused by the fire and ingress of the weather elements could not be determined from the exterior. The structure is open to wildlife and the elements through the broken windows, gable vent, soffit and in the rear second floor windows. The electric meter is disconnected and heat source is undetermined. Observations of this structure were made from the exterior only, based on this the building can be repaired."
- 25-Jan- 2021 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.

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 Notice of Violation dated May 11, 2020
 - Appendix D: Copy of the Building Official's Report dated December 1, 2020
 - Appendix E: Copy of the Notice to Appear dated January 25, 2021
-

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: Roody Mitri, Compliance Officer II, By-law Standards, 902.293.1406

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.

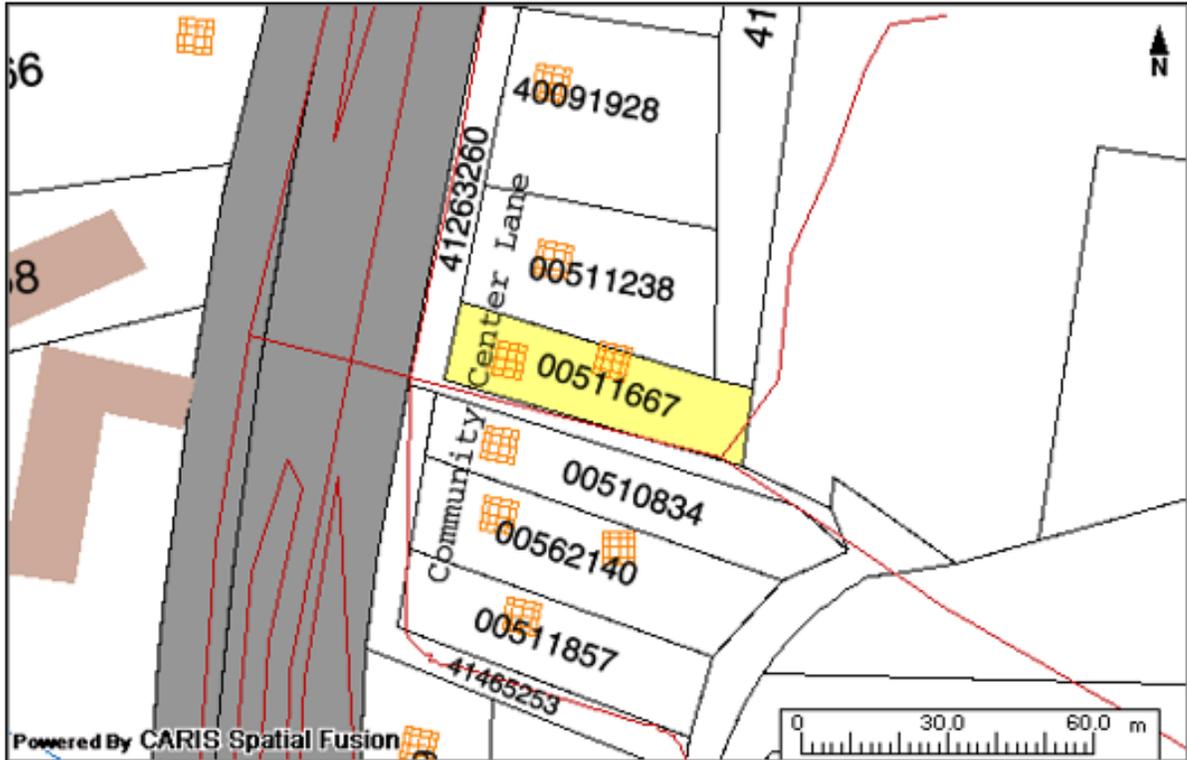
HRM Charter, subsection 3(q) as follows:

- (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: Jan 12, 2021 3:36:07 PM



PID:	00511667	Owner:	LEO PATRICK MEAGHER	AAN:	03188469
County:	HALIFAX COUNTY	Address:	46 COMMUNITY CENTER LANE	Value:	\$126,300 (2021 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION		WINDSOR JUNCTION		

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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Notice of Violation

Notice Served Upon: _____

Address: 46 Community Center Lane, Windsor Junction

This is to advise that you are in violation of the following municipal and/or provincial legislation:

- HRM By-law A-700 Animals
- HRM By-law C-300 Civic Addressing
- HRM By-law C-501 Vending
- HRM Charter, Part XV Respecting Dangerous or Unsanitary Premises
- HRM By-law N-300 Nuisances
- HRM By-law S-300 Streets
- HRM By-law S-600 Solid Waste
- HRM By-law S-801 Temporary Signs
- HRM By-law S-1000 Sidewalk Cafes
- HRM By-law T-1000 Taxi & Limousine
- Other: _____

Details of violation(s):

Fire damaged structure.

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

Repair structure to habitable standard or demolish structure and remove demolition debris.

Notice of Re-inspection:

A re-inspection will be performed on July 11, 2020 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.

R. MITRI

Issuing Officer



Issuing Officer Phone Number
Original signed

Issuing Officer Signature

11/05/2020

Date (dd/mm/yy)

14:55

Time (hh/mm)

343615

Case Number

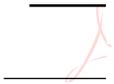
Pursuant to Part XV of the Halifax Regional Municipality Charter
As requested by the By-Law Compliance Officer, an inspection of the property located at:

Property Address	PID	Inspection Date
46 Community Center Lane, Windsor Junction	00511667	December 1, 2020

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> -Wood framed, two storey, single unit dwelling -The building was involved in a fire which appears to have started at the rear of the house. - The extent of the damage caused by the fire and ingress of the weather elements could not be determined from the exterior. -The structure is open to wildlife and the elements through the broken windows, gable vent, soffit and in the rear second floor windows. -Front window has been boarded up.
Foundation	-Concrete foundation in fair condition
Heating Appliances	<ul style="list-style-type: none"> -Oil heat source undetermined. -Oil tank appears to be in the crawl space
Chimney	- Masonry brick chimney is structurally stable.
Roof	-Asphalt shingled roof sustained minor damages by the fire.
Building Services	<ul style="list-style-type: none"> -Electrical meter disconnected. -Water/sewer could not be determined.

Public Safety Considerations
Broken glass should be cleaned up on the front deck.

Comments Regarding Repair or Demolition
Observations of this structure were made from the exterior only, based on this the building can be repaired.

Abbas Yousefi	Original signed		Original signed
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: 46 Community Center Lane, Windsor Junction, Nova Scotia;
Case # 343615;
Hereinafter referred to as the "Property"

-and-

IN THE MATTER OF: **Fire damaged dwelling**
Hereinafter referred to as the "Buildings"

TO: **Leo Patrick Meagher**

Toronto Dominion Bank

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 11, 2021.

Call in (audio only)



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 main and accessory structures, 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 25th of January 2021

Original signed

Roody Mitri
Compliance Officer



Scott Hill
Administrator
Halifax Regional Municipality