



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

Item No. 7.1.2
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 #347344, 3382 Agricola Street, 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 three previous dangerous or unsightly case at the property and all cases were closed as owner compliance. There is one active dangerous or unsightly case for debris violations being managed under a separate case.

The property is zoned R-2 (General 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 August 13, 2020. The complainant noted a dilapidated and potentially dangerous shed on the property.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the accessory structure (Case # 347344) located at 3382 Agricola Street, Halifax.

CHRONOLOGY OF CASE ACTIVITIES:

- 15-Aug-2020 The Compliance Officer conducted a site inspection at 3382 Agricola Street, Halifax, hereinafter referred to as “the Property” (attached as Appendix B).
- The Compliance Officer noted a deteriorated accessory structure with a collapsed roof and bulging main walls. The Compliance Officer also noted the accessory structure contained debris.
- The Compliance Officer posted a 14-day Notice of Violation (attached as Appendix C) on the door of the main structure.
- 06-Oct 2020 The Compliance Officer conducted a site inspection and noted the violation still exists.
- The property owner was onsite during the inspection and confirmed they intend the repair the structure and roof with scrap wood. The Compliance Officer recommended that the property owner engage a professional due to the extensive damage to the structure and noted the contents of the shed appeared damaged due to the leaking roof.
- The Compliance Officer also advised that if the property owner was unable to repair the structure, the case may proceed to the Appeals Standing Committee.
- 01-Nov-2020 The Compliance Officer conducted a site inspection and noted no change to the condition of the structure.
- 02-Dec-2020 The Compliance Officer conducted a site inspection and spoke with the property owner who was on site. The property owner advised they intend on repairing the structure. The Compliance Officer advised the property owner that based on the current state of the structure significant repairs will be required to fix the building.
- 15-Dec-2020 The Compliance Officer conducted a site inspection and noted the violation still exists.
- 21-Dec-2020 The Compliance Officer received a copy of the structural integrity report (attached as Appendix D).
- The overall comments are: “The building is a safety hazard in its current condition and could collapse further at any time. Any additional loads to this structure from snow or wind could cause it to collapse further causing injury to anyone inside or nearby, entrance to the building needs to be secured immediately.”

- 06-Jan-2021 The Compliance Officer conducted a site inspection and the property owner was present. The Compliance Officer advised the property owner that the structure was beyond repair and the case would progress to the Appeals Standing Committee. The Officer confirmed that the property owner would receive details of the meeting date and a copy of the report prior to the meeting. The property owner explained that they still wished to repair the structure and sell their property.
- 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 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 August 15, 2020
Appendix D: Copy of the Building Official's Report dated December 9, 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:

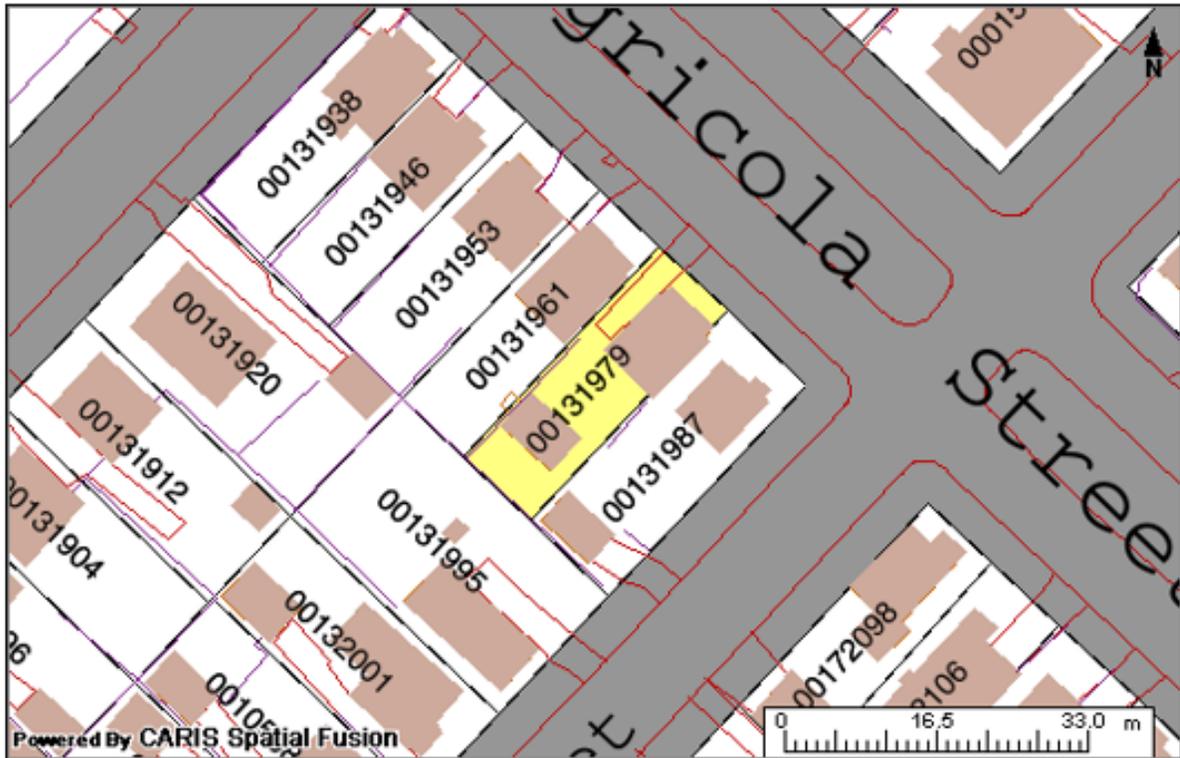
- (q) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or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

Appendix B



Property Online Map

Date: Jan 13, 2021 10:25:00 AM



| | | | | | |
|------------|-----------------------|----------|--------------------------|--------|--------------------------------------|
| PID: | 00131979 | Owner: | PERCY DOUGLAS SIMMONS JR | AAN: | 03718891 |
| County: | HALIFAX COUNTY | Address: | 3382 AGRICOLA STREET | Value: | \$269,200 (2021 RESIDENTIAL TAXABLE) |
| LR Status: | NOT 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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Notice of Violation

Notice Served Upon: Name _____
or address 3382 AGRICOLA ST. - HALIFAX

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 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):

WOODEN ACCESSORY STRUCTURE (SHED) IN A STATE OF DIS-REPAIR DUE TO ROTTEN WOOD, MISSING WOOD COMPONENTS, AND A FAILING STRUCTURE.

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

REMOVE OR REPAIR ACCESSORY STRUCTURE

Notice of Re-inspection:

A re-inspection will be performed on AUG 29 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. MITRE
Issuing Officer

Issuing Officer Phone Number
Original signed

Issuing Officer Signature

15/08/2020
Date (dd/mm/yy)

12:36
Time (hh/mm)

347344
Case Number

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 |
| 3382 Agricola St , Halifax | 00131979 | December 9 th , 2020 |

| Building Feature | Condition Relative to Habitability and Structural Integrity |
|--------------------|--|
| Main Structure | <ul style="list-style-type: none"> Single storey wood frame accessory building. The roof has collapsed, and exterior walls are in a state of immanent failure. |
| Foundation | <ul style="list-style-type: none"> Undetermined |
| Heating Appliances | <ul style="list-style-type: none"> None |
| Chimney | <ul style="list-style-type: none"> None |
| Roof | <ul style="list-style-type: none"> Asphalt shingles are in poor condition or non-existent in areas on roof. Roofing material is in extremely poor condition and the roof structure has collapsed. |
| Building Services | <ul style="list-style-type: none"> None |

| Public Safety Considerations |
|---|
| <ul style="list-style-type: none"> The building is a safety hazard in its current condition and could collapse further at any time. Any additional loads to this structure from snow or wind could cause it to collapse further causing injury to anyone inside or nearby, entrance to the building needs to be secured immediately. |

| 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 instability of the structure. Lack of maintenance has allowed climatic elements to penetrate the buildings envelope contributing to the collapse of the roof and the immanent failure of the rest of the superstructure. This structure is beyond the state of repair. |

| | | |
|----------------------------------|-----------------|-----------------------|
| Brandon Clarke | 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: 3382 Agricola St, Halifax, Nova Scotia;
Case # 347344;
Hereinafter referred to as the "Property"

-and-

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

TO: **Percy Douglas Simmons Jr.**

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