



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

**Item No. 12.2.1**  
**Appeals Standing Committee**  
**September 13, 2018**

**TO:** Chair and Members of Appeals Standing Committee

**SUBMITTED BY:** **ORIGINAL SIGNED**  
\_\_\_\_\_  
Kelly Denty, Director, Planning & Development

**DATE:** August 21, 2018

**SUBJECT:** **Order to Demolish – Case #306102, 15 Fernhill Drive, Dartmouth**

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**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 dwelling, 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 eight previous dangerous or unsightly cases at the property. The cases were all closed as owner compliance.

Halifax Regional Police Officers attended the property in response to a call about a potential break and enter. Police Officers found the door open and they were unable to secure the building. They entered the building and reported collapsed ceilings and spongy floors. The case was then assigned to By-law Standards to address as a dangerous or unsightly property.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated main building located at 15 Fernhill Drive, Dartmouth

**CHRONOLOGY OF CASE ACTIVITIES:**

02-Feb-2018 The Compliance Officer attempted to contact the property owner repeatedly and was unable to reach them.

06-Feb-2018 The Compliance Officer conducted a site inspection at 15 Fernhill Drive, Dartmouth, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted there was no power connected to the building, the roof is failing and the house is for sale.

The Compliance Officer attempted to contact the property owner and was unable to reach them. A voicemail was left for the realtor of the property requesting a call back.

The Compliance Officer spoke with the realtor and explained the violations. The realtor advised they would reach out to the property owner and provide contact information for the Compliance Officer.

The Compliance Officer was contacted by a representative of the property owner. The Compliance Officer advised of the notification received from Halifax Regional Police and that an inspection with a Building Official is required.

07-Feb-2018 The Compliance Officer and representative of the property owner conducted a site inspection. The Compliance Officer noted water damage to ceiling, roof, walls and floors. Mold was also noted throughout the property. The representative advised the property owner is looking to sell the property ‘as is’.

05-Mar-2018 The Building Official submitted a structural integrity report for the building. The Compliance Officer spoke to the property owner and their representative to explain the results of the Structural Integrity report. The Compliance Officer advised that staff will be seeking a Demolition Order from the Appeals Standing Committee.

16-Apr-2018 The Compliance Officer spoke with the property owner and advised the status of the case and that HRM will be proceeding to request a Demolition Order.

26-Apr-2018 The case was scheduled to go to the Appeals Standing Committee meeting for May however, the meeting was cancelled.

The Compliance Officer spoke with the property owner and advised the case will be going to the Appeals Standing Committee at a later date and they will be advised when the new date is scheduled.

- 07-May-2018 The property owner contacted the Compliance Officer to inquire if there has been a new date set. The Compliance Officer advised no date has been confirmed.
- 06-Jul-2018 The property owner contacted the Compliance Officer to ask about the Demolition Order. The Compliance Officer advised that the date has not been set for the committee meeting. The property owner advised an offer was put in on the house.
- 24-Jul-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- The Compliance Officer tried to contact the property owner but there was no answer and they were unable to leave a voicemail message.
- 25-Jul-2018 The Compliance Officer tried to contact the property owner but there was no answer and they were unable to leave a voicemail message.
- The Compliance Officer spoke to the property owner who advised there is no buyer for the property and it remains for sale. The Compliance Officer confirmed that the case is going forward to the September 13, 2018 Appeals Standing Committee meeting.
- 13-Aug-2018 The Compliance Officer received an email from the property owner who advised they had an interested buyer however they wished for the property to be demolished before purchasing.
- The Compliance Officer spoke to the property owner and reviewed their options and confirmed the September 13, 2018 Appeals Standing Committee meeting date.
- 14-Aug-2018 The Building Official submitted a structural integrity report for the building (attached as Appendix C).
- The overall comments regarding the structure are: "The building is a safety hazard in its current condition for anyone that enters the building. Repairing the building would not be reasonable due to length of time the structural members have been exposed to the elements and that it would not be able to be renovated to current code requirements."
- 21-Aug-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 27-Aug-2018 The Compliance Officer posted a Notice to Appear (attached as Appendix D) at the property. A copy of the Notice was also sent via registered mail.

### **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 implications 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 August 14, 2018
- Appendix D: Copy of the Notice to Appear dated August 27, 2018

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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

### **ORIGINAL SIGNED**

Report Approved By: \_\_\_\_\_  
Penny J. Henneberry, Manager, Buildings and Compliance, 902.579.0250

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## 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:

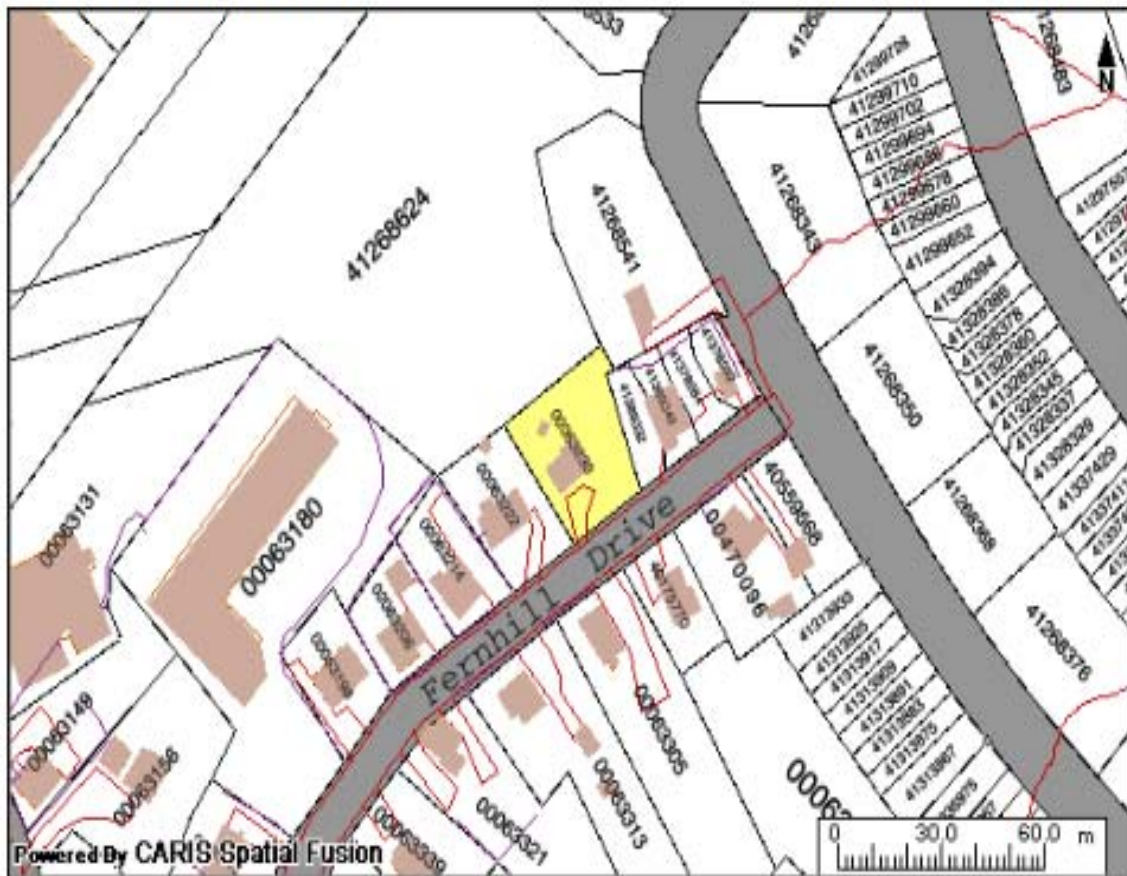
- 356 (1) Where a property is dangerous or unsightly, the Council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.
- (3) Where it is proposed to order demolition, before the order is made not less than seven days notice 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 16, 2018 1:11:33 PM



PID:	00063230	Owner:	JEAN HANLON	AAN:	03828212
County:	HALIFAX COUNTY		JEAN HANLON	Value:	\$78,100 (2018 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION	Address:	15 FERNHILL DRIVE		
			DARTMOUTH		

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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# Appendix C



## Building Official Structural Integrity 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 15 Fernhill Drive, Dartmouth	PID 00063230	Inspection Date August 14, 2018
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Building Feature	Condition Relative to Habitability and Structural Integrity
Structure (wood frame, masonry, steel, etc)	<ul style="list-style-type: none"> <li>The building is a 1 storey and it is of wood frame construction in varying stages of decay.</li> <li>The roof on the northeast side of the building show signs of structural failure. There are two large holes allowing wildlife and the elements to enter the building.</li> <li>The rear deck is a safety hazard as the structural members on the northwest side have collapsed. There is also a hole in the wall that was once a dog door that is allowing the element and wildlife to enter the building.</li> <li>The ceiling has collapsed on the northeast side due to the ingress of the elements and has also affected the floors. The extent of the structural damage to the floor could not be determined. The rear door sill has decayed and compromised all structural members below it.</li> </ul>
Foundation (concrete, masonry, etc.)	<ul style="list-style-type: none"> <li>The concrete foundation appears to be structurally sound with only a few cracks on the southeast and southwest.</li> <li>There is a hole in the foundation on the southeast side that appears to have been a window. that is partially blocked from the interior. There is also an exterior stair well to the basement/crawl space and both are not weather tight and allow the ingress of the elements and wildlife.</li> </ul>
Heating Services (wood, oil, electric, etc)	<ul style="list-style-type: none"> <li>Heat source is undetermined.</li> </ul>
Chimney (steel, masonry, etc.)	<ul style="list-style-type: none"> <li>Masonry brick chimney is structurally sound.</li> </ul>
Roof (asphalt, steel, etc.)	<ul style="list-style-type: none"> <li>Asphalt roofing material is in extremely poor condition and in areas non-existent.</li> <li>The roof is bowing and shows signs of structural failure on the northeast side of the building.</li> </ul>
Services (water, sewer, etc.)	<ul style="list-style-type: none"> <li>Electrical services are disconnected.</li> <li>Water/sewer are city.</li> </ul>

Public Safety Considerations
<ul style="list-style-type: none"> <li>The building is a safety hazard in its current condition for anyone that enters the building.</li> <li>Observations of this structure were made from the exterior, no entry was gained at the time of inspection.</li> </ul>

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> <li>Repairing this building would not be reasonable due to length of time the structural members have been exposed to the elements and that it would not be able to be renovated to current code requirements.</li> </ul>

Paul Guest	<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>
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:** 15 Fernhill Drive, Dartmouth; Nova Scotia;  
Hereinafter referred to as the "Property"  
Case # 306102

**-and-**

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

**TO:** Jean Hanlon

**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 13, 2018 in the Council Chambers, 3<sup>rd</sup> 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 27<sup>th</sup> August, 2018

Kory O'Neill  
Compliance Officer  
902-293-1406

**ORIGINAL SIGNED**

Erin Dobson  
Administrator  
Halifax Regional Municipality