



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

Item No. 12.2.1
Appeals Standing Committee
November 1, 2018

TO: Chair and Members of Appeals Standing Committee

ORIGINAL SIGNED

SUBMITTED BY: _____
Kelly Denty, Director, Planning & Development

DATE: October 24, 2018

SUBJECT: **Order to Demolish – Case #316157 (main dwelling) and #319780 (accessory structure), 801 Pleasant Valley Road, Pleasant Valley**

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 and 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 two previous dangerous or unsightly cases at the property. Both cases were closed with a remedy completed by HRM to secure the open access.

The property is zoned MU and a review of the permit tracking system shows there are no permits issued for this property.

This case is a result of a service request received on August 13, 2018. The complainant noted the house was abandoned and parts of it had caved in.

The Compliance Officer is bringing this case forward to the Committee to request a Demolition Order for the deteriorated main building (Case# 316157) and accessory structure (Case# 319780) located at 801 Pleasant Valley Road, Pleasant Valley.

CHRONOLOGY OF CASE ACTIVITIES:

14-Aug-2018 The Compliance Officer conducted a site inspection at 801 Pleasant Valley Road, Pleasant Valley, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a main dwelling that had open access from a missing door and a large hole in the side of the dwelling. The Compliance Officer also noted a deteriorated accessory structure that was missing windows and a door.

The property is owned jointly and the Compliance Officer spoke with both owners. The Officer spoke with the first owner and advised of the violations and what was required to bring the property into compliance. The owner advised they had not attended the property in 20 years and was unable to complete the work.

The Compliance Officer then spoke with the other property owner and advised of what was required to bring the property into compliance. This second property owner advised they would like to demolish the buildings however were unable to do so due to financial and health reasons. The Compliance Officer explained the remedy process and this second owner advised that the Municipality has their permission to demolish the structures.

15-Aug-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property. The open access violation was remedied by HRM contractors.

23-Aug-2018 The Building Official submitted a structural integrity report for the main building (attached as Appendix C).

The overall comments regarding the structure are: “Building is extremely unsafe to the public. Recommend fencing off the area to unwanted personnel. Due to lack of maintenance the ingress of climatic element has affected the superstructure to a point of being structurally unsafe and is past it’s useful service of heapability. It cannot be reasonably repaired to meet the current requirements of the building code.”

The Building Official submitted a structural integrity report for the accessory structure (attached as Appendix D).

The overall comments regarding the structure are: “Building is unsafe to surrounding public in its current condition.”

18-Sep-2018 The Compliance Officer spoke to the property owner and advised the open access had been boarded up and a demolition request would be heard before the Appeals Standing Committee. The Compliance Officer advised once a date was set, the property owner would receive a Notice to Appear.

- 20-Sep-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 17-Oct-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 24-Oct-2018 The Compliance Officer posted the Notice to Appear (attached as Appendix E and F) at the property. A copy of the Notices were 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 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 for the main structure dated August 23, 2018
Appendix D: Copy of the Building Official's Report for the accessory structure dated August 23, 2018
Appendix E: Copy of the Notice to Appear for the main structure dated October 24, 2018
Appendix F: Copy of the Notice to Appear for the accessory structure dated October 24, 2018

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: Jonathan Wells, Compliance Officer II, By-law Standards, 902.219.4798

Report Approved By: **ORIGINAL SIGNED**

Penny J. Henneberry, Manager, Buildings and Compliance, 902.579.0250

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: Oct 19, 2018 10:01:48 AM



PID: 40538464	Owner: LEO CHESTER BARKHOUSE LINDA MARIE BANKS	AAN: 07673620
County: HALIFAX COUNTY	Address: 801 PLEASANT VALLEY ROAD PLEASANT VALLEY	Value: \$35,300 (2018 RESIDENTIAL TAXABLE)
LR Status: NOT LAND 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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Appendix C



Planning & Development
 P O Box 1749
 Halifax NS B3J 3A5

Building Officials Report

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
801 Pleasant Valley Rd, Pleasant Valley NS	00541433	August 23, 2018

Resulted in the following:

Building Feature	Condition Relative to Habitability and Structural Integrity
Structure	<ul style="list-style-type: none"> • Wood frame single story construction. • Front left sill is rotten, window is falling out of frame due to the collapse/decay of this area. • North-West roof and supporting walls are collapsed allowing entrance of climatic elements. • All soffit and fascia surrounding the building is decaying. • Ingress of climatic elements has caused the building to decay at an accelerated rate. • South-West corner of building is deflecting. • Front deck is decayed, sinking, and structural unsafe.
Foundation	<ul style="list-style-type: none"> • Cinder blocks and concrete. • Stone and rubble. • Very poor condition and is failing in several areas. • South-West corner of building is sinking causing stress on the super structure.
Heating Services	<ul style="list-style-type: none"> • Undetermined, there is a chimney in poor condition.
Chimney	<ul style="list-style-type: none"> • Steel, entire top piece of chimney not present.
Roof	<ul style="list-style-type: none"> • Asphalt shingles are in poor condition, and nonexistent in areas where structural failure has occurred.
Services	<ul style="list-style-type: none"> • Undetermined.
Other	<ul style="list-style-type: none"> • This assessment was carried out from the exterior as no safe access to the interior of the building was gained.

Public Safety Considerations
<ul style="list-style-type: none"> • Building is extremely unsafe to the public. Recommend fencing off the area to unwanted personnel.

Building Official's Overall Recommendation Regarding Demolition
<ul style="list-style-type: none"> • Due to Lack of maintenance the ingress of climatic element has affected the superstructure to a point of being structurally unsafe and is past it's useful service of heapability. It cannot be reasonably repaired to meet the current requirements of the building code.

Original Signed		Original Signed
<i>Erica Sidle</i>	Original Signed	
Building Official (please print)	Building Official's Signature	Supervisor's Initials

Appendix D



Planning & Development
 P O Box 1749
 Halifax NS B3J 3A5

Building Officials Report

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
801 Pleasant Valley Rd, Pleasant Valley NS	00541433	August 23, 2018

Resulted in the following:

Building Feature	Condition Relative to Habitability and Structural Integrity
Structure (wood frame, masonry, steel, etc)	<ul style="list-style-type: none"> • Single story wood frame construction. • Structure is sinking which is causing decay. • Structurally fair condition.
Foundation (concrete, masonry, etc.)	<ul style="list-style-type: none"> • Undetermined
Heating Services (wood, oil, electric, etc)	<ul style="list-style-type: none"> • None
Chimney (steel, masonry, etc.)	<ul style="list-style-type: none"> • None
Roof (asphalt, steel, etc.)	<ul style="list-style-type: none"> • Asphalt shingles in poor condition.
Services (water, sewer, etc.)	<ul style="list-style-type: none"> • None.
Other	<ul style="list-style-type: none"> • Assessment based on external observations as no entry was available.

Public Safety Considerations
<ul style="list-style-type: none"> • Building is unsafe to surrounding public in its current condition. Measures have been taken to ensure no access without specialized equipment.

Building Official's Overall Recommendation Regarding Demolition
<ul style="list-style-type: none"> • Building is currently unsafe. Parts of the accessory building could be re-built.

Original Signed		
<i>Erica Sidle</i>	Original Signed	
Building Official (please print)	Building Official's Signature	Supervisor's Initials

HALIFAX

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: 801 Pleasant Valley Road, Pleasant Valley; Nova Scotia;
Hereinafter referred to as the "Property"
Case#316157

-and-

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

TO: Leo Chester Barkhouse
Linda Marie Banks

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 November 1, 2018 in the, Halifax Hall, 2nd 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 24 October 2018

Jonathan Wells
Compliance Officer
902-219-4798

Original Signed


Scott Hill
Administrator
Halifax Regional Municipality

HALIFAX

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: 801 Pleasant Valley Road, Pleasant Valley; Nova Scotia;
Hereinafter referred to as the "Property"
Case#319780

-and-

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

TO: Leo Chester Barkhouse
Linda Marie Banks

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 November 1, 2018 in the, Halifax Hall, 2nd Floor, City Hall, 1841 Argyle Street, Halifax, Nova Scotia;

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Jonathan Wells
Compliance Officer
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Original Signed


Scott Hill
Administrator
Halifax Regional Municipality