



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

Item No. 12.2.2
Appeals Standing Committee
January 17, 2019

TO: Chair and Members of Appeals Standing Committee

ORIGINAL SIGNED

SUBMITTED BY: _____
Penny J. Henneberry, Manager, Buildings and Compliance

DATE: December 19, 2018

SUBJECT: Order to Demolish – Case #313044, 1605 Terence Bay Road, Terence Bay

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 four previous dangerous or unsightly cases at the property. One case was closed owner compliance and one case was closed as a result of a remedy by HRM. There are two additional cases pending a remedy by HRM.

The property is zoned MU-1 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 June 19, 2018. The complainant noted the house was partially burned and there was assorted debris on the property.

During one of the site inspections, the Compliance Officer learned that the property owner is deceased. The Compliance Officer has been able to connect with a family member of the property owner and has been speaking with them directly.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated main building (Case # 313044) located at 1605 Terence Bay Road, Terence Bay.

CHRONOLOGY OF CASE ACTIVITIES:

- 22-Jun-2018 The Compliance Officer conducted a site inspection at 1605 Terence Bay Road, Terence Bay, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted a partially burned structure with a hole in the roof.
- The Compliance Officer posted a Notice of Violation (attached as Appendix C).
- The debris violations are being managed by the Compliance Officer under a separate case.
- 12-Jul-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property. While on site the Compliance Officer spoke to a relative of the property owner. The Compliance Officer was provided contact information for another family member.
- The Compliance Officer attempted to contact the family member however no voicemail was available.
- 24-Jul-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- The Compliance Officer attempted to contact the family member however no voicemail was available.
- 25-Jul-2018 The Compliance Officer spoke to the family member who advised there was no will therefore ownership of the property has not been determined. The Compliance Officer asked if the family intends to clean up the property. The family member advised that they have no resources to complete the work.
- 14-Aug-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 07-Nov-2018 The Compliance Officer conducted a site inspection and noted the front wall of the property was now missing and the structure was in a further state of disrepair.

- 08-Nov-2018 The Building Official submitted a structural integrity report for the main building (attached as Appendix D).
- The overall comments regarding the structure are: “The building is in a state of structural failure, collapse is occurring. The building shall not be entered by anyone without proper training and PPE. Temporary shoring should be installed if the building remains unattended to. Demolition is recommended as structure is compromised and poses a safety risk.”
- The Compliance Officer attempted to contact the family member however no voicemail was available.
- The Compliance Officer received a call from the family member requesting a call back.
- 09-Nov-2018 The Compliance Officer spoke to the family member and advised that HRM completed work at the property to secure open access to the building and cover an open well.
- The Compliance Officer advised that HRM would be requesting a demolition order for the structure and that the family members would be able to attend the Appeals Standing Committee meeting. The family member advised they would not be in attendance.
- 17-Dec-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 20-Dec-2018 The Compliance Officer posted the Notice to Appear (attached as Appendix E) 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 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 June 22, 2018
- Appendix D: Copy of the Building Official's Report dated November 8, 2018
- Appendix E: Copy of the Notice to Appear dated December 20, 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

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.

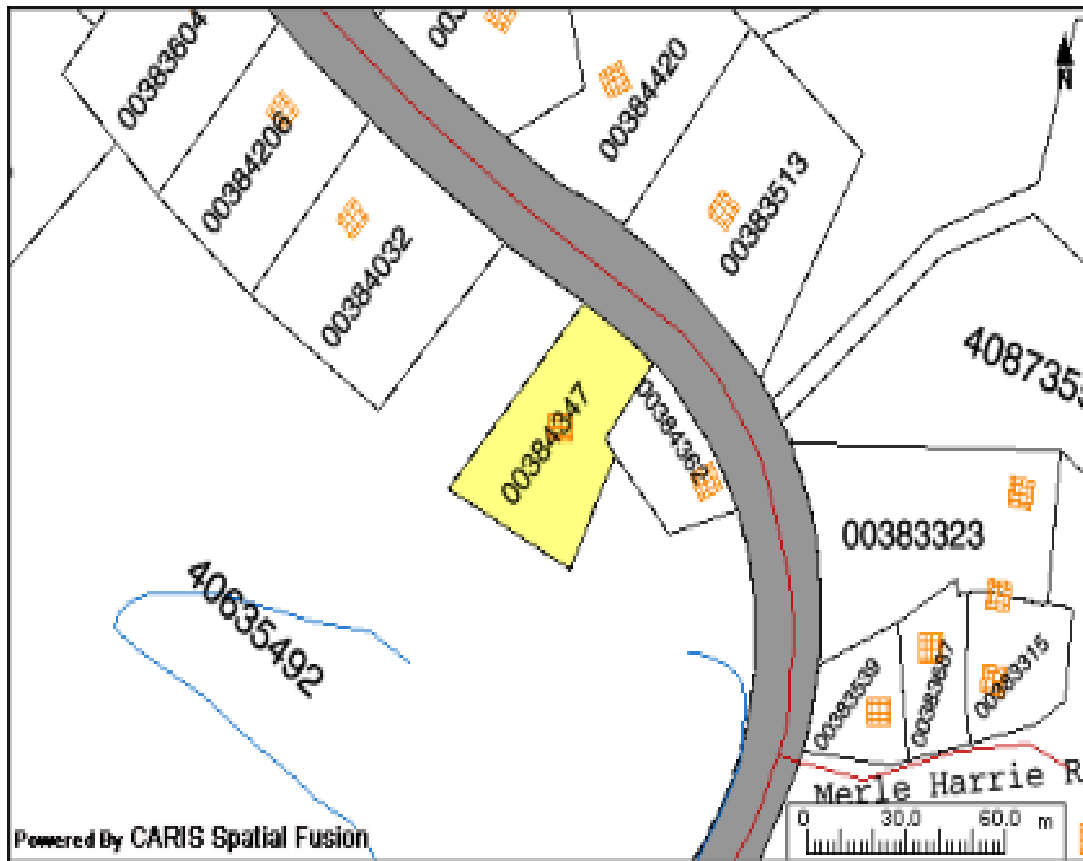
HRM Charter, subsection 3(q) as follows:

- (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 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: Dec 17, 2018 2:26:16 PM



PID: 00384347 Owner: DORIS ELLEN SLAUNWHITE AAN: 04293894
County: HALIFAX COUNTY Address: 1605 TERENCE BAY ROAD Value: \$87,800 (2018 RESIDENTIAL TAXABLE)
LR Status: NOT LAND REGISTRATION TERENCE BAY

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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Municipal Compliance

Notice of Violation

Notice Served Upon: Name _____
or address 1605 Terence Bay Rd, Terence Bay

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 checked="" type="checkbox"/> HRM Charter, Part XV Respecting Dangerous or Unsanitary 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):

A living dwelling not safe for inhabitation.

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

Please tear down living dwelling, and clean up demolition

Notice of Re-inspection:

A re-inspection will be performed on July 23, 2018 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.

Jonathan Wells
Issuing Officer

22/06/18
Date (dd/mm/yy)

902-219-4798
Issuing Officer Phone Number

14/03
Time (hh/mm)

Original Signed

Issuing Officer Signature

313044
Case Number

For information on municipal legislation visit the Halifax Website at www.halifax.ca/legislation or call the Citizen Contact Centre at 311. If calling outside the HRM but within NS call 1-800-835-6428 toll free.

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
1605 Terence Bay Rd.	00384347	November 08, 2018

Building Feature	Condition Relative to Habitability and Structural Integrity
Main Structure	<ul style="list-style-type: none"> • Single storey wood frame building • Exterior is not weather tight; portions of the building's roof and wall assemblies are missing. • Structural components are in extreme distress and beyond repair. • Roof is in a state of structural failure as result of fire damage with portions missing.
Foundation	<ul style="list-style-type: none"> • Foundation consists of wood sills and wood posts.
Heating Appliances	<ul style="list-style-type: none"> • None
Chimney	<ul style="list-style-type: none"> • None
Services	<ul style="list-style-type: none"> • Electrical service is disconnected and meter is removed. • No evidence of private or municipal water service.
Roof	<ul style="list-style-type: none"> • Structure is not secure and provides little protection to weather as there are areas of the roof structure and shingles that are missing. • Roof structure is in extreme distress and is in a state of failure.

Public Safety Considerations
<ul style="list-style-type: none"> • The building is in a state of structural failure, collapse is occurring. • The building shall not be entered by anyone without proper training and PPE. • Temporary shoring should be installed if the building remains unattended to.

Comments Regarding Repair or Demolition
<ul style="list-style-type: none"> • DEMOLITION IS RECOMMENDED AS STRUCTURE IS COMPROMISED AND POSES A SAFETY RISK

<p><i>DUSTIN GARNETT</i> Building Official (please print)</p>	<p>Original Signed _____ Signature</p>	<p>Original Signed _____ Supervisor's Initials</p>
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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: 1605 Terence Bay Road, Terence Bay, Nova Scotia;
Hereinafter referred to as the "Property"
Case#313044

-and-

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

TO: Doris Ellen Slaunwhite

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 January 17, 2019 in the Council Chambers, 3rd 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 20 December 2018

Original Signed

Jonathan Wells
Compliance Officer
902-219-4798

Erin Dobson
Administrator
Halifax Regional Municipality