



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

Item No. 12.2.4
Appeals Standing Committee
January 17, 2019

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY: **ORIGINAL SIGNED**

Penny J. Henneberry, Manager, Buildings and Compliance

DATE: January 7, 2019

SUBJECT: **Order to Demolish – Case #320788, 980 North Preston Road, North Preston**

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 five previous dangerous or unsightly cases at the property. Two cases have been closed as owner compliance and one case had a remedy completed by HRM. There are currently two cases pending remedy by HRM.

The property is zoned RS 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 May 7, 2018. The complainant noted all the windows had been removed from the home and it has been abandoned.

The Compliance Officer is bringing this case forward to the committee to request a Demolition Order for the deteriorated structure (Case # 320788) located at 980 North Preston Road, North Preston.

CHRONOLOGY OF CASE ACTIVITIES:

- 08-May-2018 The Compliance Officer conducted a site inspection at 980 North Preston Road, North Preston, hereinafter referred to as “the Property” (attached as Appendix B). The Compliance Officer noted the building is in a state of disrepair and there appears to have been a structure fire. The Compliance Officer noted the structure is across the street from an elementary school and cannot be secured as there are windows and walls missing.
- The Compliance Officer left a voicemail for the property owner requesting a call back.
- 09-May-2018 The Compliance Officer spoke to the property owner about the open access and what was required to eliminate the current safety issue. The property owner advised they would have a contractor attend and requested pictures of the property. The Compliance Officer sent photos of the property as requested.
- 16-May-2018 The Compliance Officer conducted a site inspection and noted the property was secure. The Compliance Officer left a voicemail for the property owner to thank them for completing the board up. The Compliance Officer noted that debris remained on the property.
- 20-Jun-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- The Compliance Officer left a voicemail for the property owner requesting a call back.
- 11-Jul-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 04-Oct-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property. The Compliance Officer spoke to an individual on site who was later identified to be one of the property owners. The individual stated that they were looking after the property while the property owner was out of province. The individual advised that they intended to tear down the house piece by piece as it has mold and is not worth saving. The Compliance Officer provided the individual a business card and requested they make contact when they began the demolition process.
- 11-Oct-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 30-Oct-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.

- 05-Nov-2018 The Compliance Officer left a voicemail for the property owner requesting a call back.
- 14-Nov-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- The Compliance Officer sent an email and left a voice mail for the property owner requesting they make contact and advise of their intentions for the property.
- 15-Nov-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- The Building Official submitted a structural integrity report for the main building (attached as Appendix C).
- The overall comments regarding the structure are: “The building is a safety hazard in its current condition and an allurement for children. The Nelson Whynder Elementary School is directly across the street. Due to the advanced state of decay, the wood structure would require major renovations and could not reasonably be brought into compliance with the existing building code.”
- 22-Nov-2018 The Compliance Officer conducted a site inspection and noted no change to the condition of the property.
- 14-Dec-2018 The Compliance Officer spoke to the property owner and discussed what was required to bring the property into compliance.
- 15-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 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 allurement 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 dated November 15, 2018

Appendix D: 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: Brennan Hartling, Compliance Officer II, By-law Standards, 902.877.6742

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;



Planning & Development
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Building Officials Report

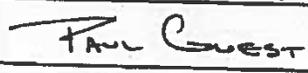
Pursuant to Part XV of the Halifax Regional Municipality Charter
 As requested by the By-Law Compliance Officer, an inspection of the property located at:

Property Address 980 North Preston Road, North Preston	PID 40475568	Inspection Date November 15, 2018
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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"> The building is a 2-storey wood frame construction in varying stages of decay. The brick veneer on the front/west side is cracking and separating from the structure. Several windows are missing, sections of wall sheathing on the south side are missing and the soffit/facia is open allowing entry of climatic elements and wildlife. The structure is open to wildlife and the elements through the soffits, roof and basement. Wood sheathing is decayed and in some places not existent and is not capable of performing it's intended use. The rear deck is in a state of disrepair and unsafe.
Foundation (concrete, masonry, etc.)	<ul style="list-style-type: none"> Masonry block foundation looks structurally sound from the outside but the structural damage being caused by the water in the basement cannot be determined.
Heating Services (wood, oil, electric, etc)	<ul style="list-style-type: none"> None
Chimney (steel, masonry, etc.)	<ul style="list-style-type: none"> Masonry chimney has been removed from the South side of the structure.
Roof (asphalt, steel, etc.)	<ul style="list-style-type: none"> Asphalt roofing material is in extremely poor condition and in areas non-existent.
Services (water, sewer, etc.)	<ul style="list-style-type: none"> Electrical services are disconnected. Water/sewer could not be determined.
Other	<ul style="list-style-type: none"> The building is not habitable

Public Safety Considerations
<ul style="list-style-type: none"> The brick veneer must be secured or removed as it could injure anyone if they were near when it fails. Entrance to the building should be secured immediately and the rear deck/porch should not be accessible. The building is a safety hazard in its current condition and an allurement for children. The Nelson Whynder Elementary school is directly across the street.

Building Official's Overall Recommendation Regarding Demolition		
<ul style="list-style-type: none"> Observations of this structure were made from the exterior; due to safety concerns no entry was gained. Due to the advanced state of decay, the wood structure would require major renovations and could not reasonably be brought into compliance with the existing building code. 		
 Building Official (please print)	Original Signed  Building Official's Signature	Original Signed  Supervisor's Initials

Appendix D

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: 980 North Preston Road, North Preston; Nova Scotia;
Hereinafter referred to as the "Property"
Case#320788

-and-

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

TO: Evangeline and George Grant

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

Brennan Hartling
Compliance Officer
902-877-6742

Original Signed

Scott Hill
Administrator
Halifax Regional Municipality