

**Appeals Standing Committee
June 12, 2014**

TO: Chair and Members of Appeals Standing Committee

SUBMITTED BY: Original Signed
Brad Anguish, Director, Community & Recreation Services

DATE: May 20, 2014

SUBJECT: Demolition Report – Case #223579, 1020 Bellevue Avenue, Halifax

SUPPLEMENTARY REPORT

ORIGIN

Staff, pursuant to the *Halifax Regional Municipality Charter* (the “Charter”).

LEGISLATIVE AUTHORITY

Sections 356 and 3(q) of the *Halifax Regional Municipality Charter*, S.N.S., 2008 C.39.

RECOMMENDATION

It is recommended that the Committee pass the following resolution:

The Committee finds 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 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 of the Charter.

BACKGROUND:

There is a partially constructed wood frame residential building located at 1020 Bellevue Avenue, Halifax. On August 29, 2012, a Stop Work Order was issued to the property owner by Building Standards' staff.

On April 25, 2013, By-law Standards received a complaint and worked with the property owner to secure the building from open access. There have been no further concerns of open access and the building remains secure.

INITIAL COMPLAINT:

12-Nov-2013 A complaint was received through a Hansen service request as follows:
“Residents have been expressing ongoing concern about this property. Construction has been done but it remains incomplete. There is also concern about the safety of having a construction site in the neighborhood.”

CHRONOLOGY OF CASE ACTIVITIES:

15-Nov-2013 A Building Official conducted a site inspection at 1020 Bellevue Avenue, Halifax, hereinafter referred to as the “property” (attached as Appendix A). There was no evidence of construction activity taking place.

13-Dec-2013 The Officer received a copy of the Building Official’s Report and the overall recommendation is “Demolition of the building down to the concrete foundation is recommended to eliminate the potential fire hazard and unsafe conditions due to the unprotected and unrestricted fire load” (attached as Appendix B).

20-Dec-2013 The Compliance Officer conducted a site inspection and posted a 120 day Notice of Violation at the property and sent a copy through registered mail to the property owner (attached as Appendix C).

 The Officer contacted the property owner and explained the violation and requirements to bring the property into compliance.

20-Jan-2014 The Officer conducted a site inspection and noted the violation still exists.

26-Feb-2014 The Officer conducted a site inspection and noted the violation still exists.

07-Mar-2014 The property owner left a phone message for the Officer requesting a return call.

10-Mar-2014 The Officer returned the property owner’s call. The property owner requested an extension to June 30, 2014 so he can hire one company to do both the demolition of the building and rebuilding the new structure. The

- Officer advised the property owner that he would discuss the request with his supervisor.
- 14-Mar-2014 The Officer contacted the property owner and advised that HRM would be seeking a Demolition Order at the May 8th Appeals Standing Committee meeting. If a Demolition Order was issued, the property owner is usually provided 30 days from the date of the meeting to complete the work.
- 28-Mar-2014 The property owner left a phone message for the Officer requesting a return call.
- 01-Apr-2014 The Officer returned the phone call of the property owner. The property owner said he feels the weather has not been favorable and he needs another 30 days to complete the work.
- 02-Apr-2014 The Officer called the property owner and confirmed the case is scheduled for the May 8th Appeals Standing Committee meeting.
- 24-Apr- 2014 The Officer conducted a site inspection and posted the Notice to Appear (attached as Appendix D). A copy was also sent registered mail to the property owner.
- 25-Apr-2014 The Officer called the property owner and left a message advising of the posted Notice and provided details regarding the Appeals Standing Committee meeting scheduled for May 8, 2014.
- 08-May-2014 The Appeals Standing Committee deferred the case to the Appeals Standing Committee meeting scheduled for June 12, 2014.
- The Municipal Clerk's Office sent a letter to the property owner confirming the case had been deferred to June 12, 2014 (attached as Appendix E).
- 20-May-2014 By-law Standards' staff received confirmation that the property owner has applied for a Demolition Permit and the permit was approved and issued to the property owner.
- 29-May-2014 The Officer posted a Notice to Appear at the property (attached as Appendix F). A copy will also be sent registered mail to the property owner.

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.

ENVIRONMENTAL IMPLICATIONS

Avoids unsafe living conditions which aligns with Sustainability Principle #4 of the Corporate Sustainability Filter.

ATTACHMENTS

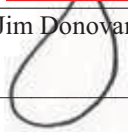
- Appendix A: Copy of the Nova Scotia Property Records Map
- Appendix B: Copy Building Official's Report dated November 15, 2013
- Appendix C: Copy of the Notice of Violation dated December 20, 2013
- Appendix D: Copy of the Notice to Appear dated April 24, 2014
- Appendix E: Copy of the letter from the Municipal Clerk's Office dated May 8, 2014
- Appendix F: Copy of the Notice to Appear dated May 29, 2014

A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared For: Robert Ryan, Compliance Officer, By-Law Standards, Municipal Compliance, 476-1708

Original Signed

Report Approved By:

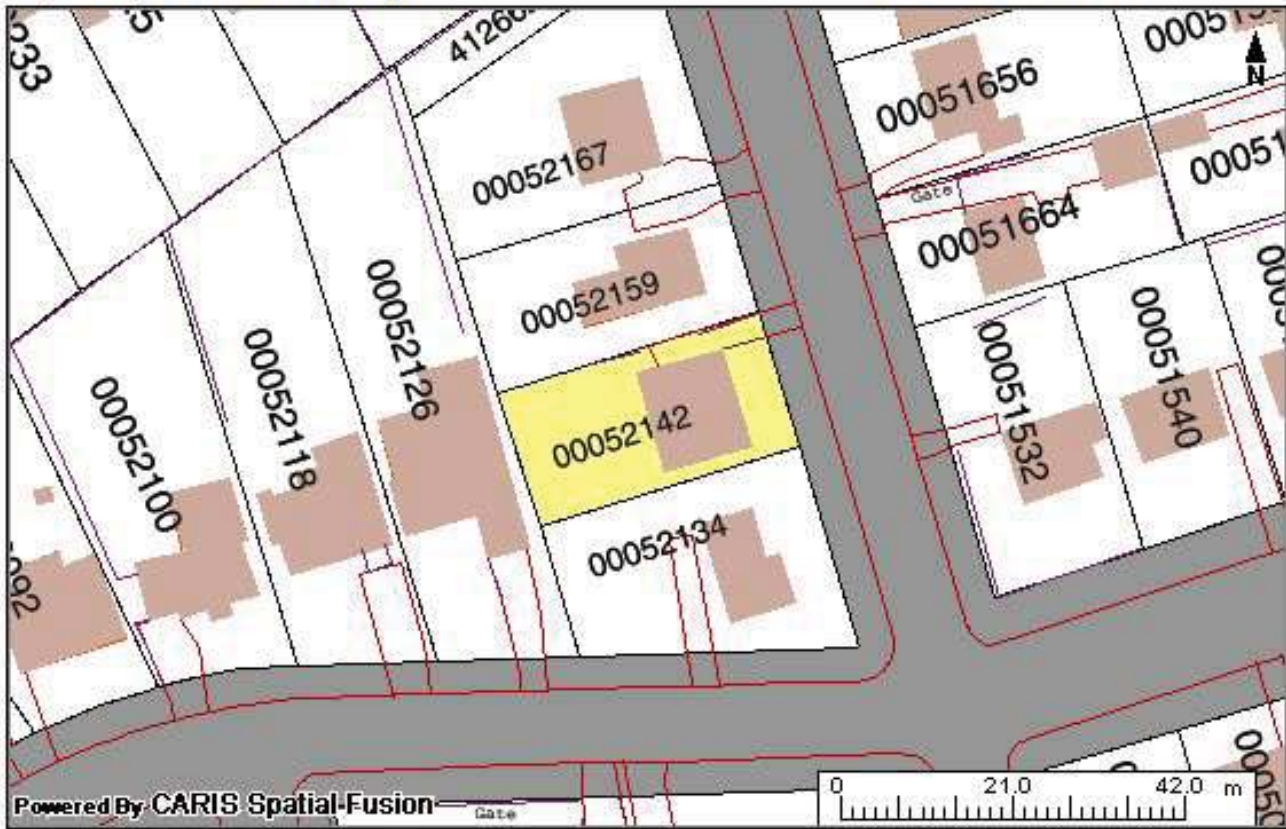

Jim Donovan, Manager, Municipal Compliance, 490-6224

APPENDIX A



Property Online Map

Date: Dec 13, 2013 3:53:14 PM



PID:	00052142	Owner:	TULIKA JHA	AAN:	02236621
County:	HALIFAX COUNTY	Address:	1020 BELLEVUE AVENUE HALIFAX	Value:	\$590,200 (2013 RESIDENTIAL TAXABLE)
LR Status:	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 B



Community & Recreation Services
 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 Enforcement Officer, an inspection of the property located at:

Property Address	PID	Inspection Date
1020 Bellevue Avenue, Halifax, NS	00052142	November 15 ,2013

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"> • 1020 Bellevue Avenue is a partially constructed wood frame residential building (a Stop Work Order was issued on August 29, 2012). • The wood roof assembly is partially shingled. • The structural wood wall and floor framing is partially complete. The exterior wood frame walls are clad in OSB (<i>oriented strand board sheathing</i>). The OSB has suffered from repeated cycles of sun, rain, wind and snow and has begun to delaminate (curl) away from the wooden skeletal frame. • The floor sheathing is constructed of OSB and has expanded and weakened due to excessive moisture from rain and snow. • Windows and doors have not been installed on the building to prevent weather related events such as rain, snow and strong wind from further degradation of the building.
Foundation (concrete, masonry, etc.)	<ul style="list-style-type: none"> • Below grade concrete footings, foundation and basement floor slab do not pose a structural hazard at this time
Heating Services (wood, oil, electric, etc)	<ul style="list-style-type: none"> • Not applicable
Chimney (steel, masonry, etc.)	<ul style="list-style-type: none"> • Not applicable
Roof (asphalt, steel, etc.)	<ul style="list-style-type: none"> • Pre-engineered wood roof truss system is partially constructed. . A portion of roof assembly is incomplete and open to interior of building. The OSB roof sheathing is exposed to weather related events such as rain, snow and strong wind and considered unprotected
Services (water, sewer, etc.)	<ul style="list-style-type: none"> • Not applicable
Other	<ul style="list-style-type: none"> • Not applicable

Public Safety Considerations

- 1.) The property is not monitored for unauthorized access.
- 2.) Partially constructed wood frame building poses a fire hazard with a large fire load that may not be adequately managed to protect the buildings on the adjacent properties. Nova Scotia Building Code requires the building to be constructed in a compartmentalization manner with a minimum of 45 minute fire resistance rating and construction limits for the types of exterior cladding. The Code also has window and door opening limits to prevent the spread of fire from one property to another.
- 3.) The delamination and expansion of the roof, wall and floor sheathing due to excessive moisture from sun, rain and snow will result in the sheathing becoming disconnected and become air-borne in a strong wind weather event.
- 4.) The roof and wall sheathing is considered unsecure and unprotected and can result in degradation of the fasteners and can result in the sheathing becoming disconnected and become air-borne in a strong wind weather event.
- 5.) Further degradation during severe winter weather conditions will accelerate the unsafe conditions of the exposed OSB sheathing, fasteners and wood framing members as previously mentioned.

Building Official's Overall Recommendation Regarding Demolish Request

- Demolition of the building down to the concrete foundation is recommended to eliminate the potential fire hazard and unsafe conditions due to the unprotected and unrestricted fire load.

Michael G. Morgan	Original Signed	Original Signed
Building Official (please print)	Building Official's Signature	Supervisor's Initials

APPENDIX C



By-Law Standards

Notice of Violation

The Property at (posted civic address): 1020 BELLEVUE AVE
HALIFAX

This is to advise that you, the Owner, are in violation of the following municipal and/or provincial legislation:

- HRM By-law C-500 Vending
HRM By-law S-300 Streets
HRM By-law S-600 Solid Waste
HRM Charter, Part XV Respecting Dangerous or Unsightly Premises
HRM By-law S-800 Temporary Signs
HRM By-law C-300 Civic Addressing
HRM By-law T-1000 Taxi & Limousine
Other:

Details of violation(s):

A partially constructed wood frame residential structure that is deteriorated and in a state of disrepair.

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

Complete construction of the residential structure while adhering to all applicable legislation or Demolish the residential structure, including removal of all demolition debris, backfilling of the foundation to the adjacent grade, and capping all service and utility connections.

You, the Property Owner, are requested to bring the Property into compliance. Failure to comply with this Notice may result in the Halifax Regional Municipality Ordering you to comply, remedying the violation at your expense and/or Issuing a Summary Offence Ticket.

Notice of Re-inspection:

A property inspection will be performed on April 21, 2014 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.

Robert Ryan
Issuing Officer
476-1708
Original Signed
Issuing Officer Signature

201213
Date (dd/mm/yy)
Time (hh/mm)
223579
Case Number

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

APPENDIX D



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: 1020 Bellevue Avenue, Halifax; Nova Scotia;
Case #223579;
Hereinafter referred to as the "Property"

-and-

IN THE MATTER OF: Deteriorated partially constructed structure
Hereinafter referred to as the "Building"

TO: Tulika Jha

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 May 8, 2014 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 24th of April, 2014

Robert Ryan
Compliance Officer
476-1708

Original Signed

Scott Hill
Administrator
Halifax Regional Municipality

APPENDIX E



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

May 8, 2014

REGISTERED MAIL

Mr. Tulika Jha
38 Portland Hills Drive
Dartmouth, NS B2W 6L7

Re: Case 223579, 1020 Bellevue Avenue, Halifax

Mr. Jha:

As you are aware, your appeal to the Appeals Standing Committee was heard on May 8, 2014 and was deferred to the next meeting after June 1, 2014, to allow you to have your legal counsel present.

Your appeal will now be heard by the Appeals Standing Committee at **10:00 a.m. on Thursday, June 12, 2014**. The hearing will be held in the Council Chamber, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

If you are unable to attend, you may have a representative attend in your stead to present your appeal to the Committee. If neither you nor a representative appears, the hearing will proceed and you will be advised of the Committee's decision. You or your representative will have a maximum of ten (10) minutes to present your appeal to the Committee. Please note that your representative is required to have a letter signed by you stating he/she is appealing on your behalf.

If you have any queries regarding this process, please contact me at 490-6519.

Sincerely,

Original Signed

Krista Vining
Legislative Assistant

cc: Ms. Tanya Phillips, Manager, By-Law Standards
Ms. Laurie Lauder, Adjudication Clerk, Municipal Compliance
Mr. Scott Hill, Supervisor Regional Compliance, Municipal Compliance
Mr. Robert Ryan, Compliance Officer, By-Law Standards

APPENDIX F



NOTICE TO APPEAR

IN THE MATTER OF: Section 356 of the Halifax Regional Municipality Charter, S.N.S., 2008, C.39
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-and-

IN THE MATTER OF: 1020 Bellevue Avenue, Halifax; Nova Scotia;
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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 29th of May, 2014

Robert Ryan
Compliance Officer
476-1708

Original Signed

Scott Hill
Administrator
Halifax Regional Municipality