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By-Law Enforcement

136 Hammond Street, PO Box 280 Shelburne, NS B0T 1W0, Phone: (902) 875-6773 – Fax: (902) 875-1278

Date: December 9, 2020
To: Trudy Payne, CAO
From: Darrell Locke, Administrator Dangerous or Unsightly Premises
Re: Property located at 1481 Sandy Point Road

This is a summary of the Dangerous or Unsightly Property file that was opened as a result of a complaint received on February 19, 2020 against the property located at 1481 Sandy Point Road.

Recommended Motion:

That the Municipality of the District of Shelburne holds that the condition of property 1481 Sandy Point Road justifies demolition/cleanup and hereby issues an order to demolish the building and cleanup the property located at 1481 Sandy Point Road within thirty (30) days of receipt of this order as per Section 507 of the Municipal Government Act; and authorizes the Warden to sign off on this demolition order.

February 21, 2020

Initial information package compiled identifying the property as owned by Shelburne Bait Company Limited, 65 Bowers Road, RR#1, Shelburne, NS. Recognized agent Michael T. O'Callaghan.

Package contained photographs of the property, Form 1 Complaint Form, Form 2 Initial Site Inspection, and Form 3 Notice, Municipality of the District of Shelburne, Dangerous or Unsightly Property Violation. This package was sent by registered mail on February 25, 2020 and delivered on February 26, 2020.

February 28, 2020

On or about February 28, 2020 an envelope addressed to the CAO was hand delivered to the Administration building by Mr. O'Callaghan. Sometime after the CAO informed me that she had received correspondence from Mr. O'Callaghan and she would provide it to me. I was told by the CAO that she had telephone conversations with Mr. O'Callaghan.

April 17, 2020

Email sent to the CAO from Mr. O'Callaghan with a very vague plan of action for the property suggesting that certain things would be completed by August or September 2020.

August 6, 2020

Letter and information package sent to Mr. O'Callaghan explaining some of his concerns about the Municipal Government Act as it applies to Dangerous or Unightly Property and the authority under the Act for the Administrator to carry out their duties and reassuring Mr. O'Callaghan that Council have the ultimate authority to order demolition. Mr. O'Callaghan was notified that as per his email to the CAO dated April 17, 2020 further action would be delayed until September 30, 2020. Mr. O'Callaghan was again asked to provide a detailed plan of action for the property.

September 14, 2020

There was no response from the information sent on August 6, 2020 so another letter was sent again asking for a plan of action. This package included a copy of the information that was sent by mail on August 6, 2020. This package was sent by registered mail on September 14, 2020 and delivered on September 15, 2020.

October 1, 2020

Letter sent containing Form 4, Order Made Under the Nova Scotia Municipal Government Act, Municipality of the District of Shelburne. This package also contained copies of previous information delivered by registered mail on September 15, 2020, February 26, 2020 as well as a copy of the email sent to the CAO stating that certain things would be done by August or September 2020. A copy of a photograph taken earlier in the day of the day indicated that there had been no improvement with the property. This was sent by registered mail on October 2, 2020 and delivered on October 5, 2020.

October 6, 2020, 10:00

Attended an onsite meeting at 1481 Sandy Point Road at the request of Mr. O'Callaghan. Mr. O'Callaghan says that he has unconfirmed information that if the structure currently on the property is demolished, he would not be permitted to rebuild. I suggested that in my opinion he should confirm whether or not this is in fact true. I further suggested that the building inspector may be able to help with his unconfirmed information and contacted Mr. Goreham and we agreed to meet again on October 7, 2020 at 09:30 to review any information that Mr. Goreham could provide.

October 6, 2020 (afternoon)

I received a phone call from Andrew Goreham (building inspector), while reviewing property information regarding 1481 Sandy Point Road Mr. Goreham discovered some information that he thought that I should see. I attended at the Administration Building and was given copies of deed information, in that information there is a Schedule B attached which is titled Restrictive Deed Covenant and Restrictions. Schedule B section 2. states: The Grantee agrees to keep the warehouse building on the said lands in good

condition at all times. Schedule B section 3 states: The Grantee agrees that if the condition of the aforesaid warehouse building deteriorates to the point that it becomes unsightly, the Grantee will agree to demolish the warehouse building/baiting shed situated on the said lands and will remove any debris from the said lands. At 15:00 hrs. I again met with Mr. O'Callaghan at 1481 Sandy Point Road and provided him with the information from his deed as it relates to the structure on his property.

October 7, 2020, 09:30

Mr. O'Callaghan, Andrew Goreham, and I met at 1481 Sandy Point Road to discuss the condition of the building and any possible restrictions that Mr. Goreham was able to find. Mr. Goreham reported that he could find no possible restrictions that would prevent building a structure on that piece of property after the removal of the current structure. At the request of Mr. O'Callaghan, he was provided an application for a demolition permit by Mr. Goreham. Mr. O'Callaghan stated that he had made his decision, but he did not share with us what his decision was.

October 21, 2020

Building/Demolition Permit was issued to Mike O'Callaghan for 1481 Sandy Point Road. It was explained to Mr. O'Callaghan that although the permit has a one-year term the Dangerous or Unsightly Property Order dates still apply. Mr. O'Callaghan stated that he would expect to have things done by mid to late November.

November 9, 2020

Email sent to Mr. O'Callaghan to follow up on the progress of the demolition that he had stated would be done by mid to late November.

Return email from Mr. O'Callaghan stating that he is still committed to the demo.

November 25, 2020

Email to Mr. O'Callaghan asking if he is going to meet his suggested deadline of mid to late November. No response as of December 9, 2020.

December 7, 2020

Letter to Mr. O'Callaghan containing Form 5, Notice of Meeting, Municipality of the District of Shelburne, Dangerous or Unsightly Property Violation and a photograph of 1481 Sandy Point Road dated November 30, 2020. Sent by registered mail December 7, 2020. At the time of this report this is not showing as delivered.

December 8, 2020

Email to Mr. O'Callaghan further to my email of November 25, 2020 to which there was no response informing Mr. O'Callaghan that I had sent registered mail on December 7, 2020 informing him of his invitation to attend the_ December 14, 2020 Council meeting at 6:30 pm to make any comments that Council may consider and to give him notice that I will be asking Council to consider a motion to ask the Warden to sign Form 6, Order for Demolition Under the Nova Scotia Municipal Government Act, Municipality of the District of Shelburne.

December 9, 2020

An email reply was received by the owner on December 9, 2020 stating that he would be unable to attend the Council meeting and assured staff that the building would be completely removed before the end of this month and that they have a company scheduled to begin demolition the week of the 14th.

Form 6

ORDER FOR DEMOLITION UNDER THE
NOVA SCOTIA MUNICIPAL GOVERNMENT ACT

MUNICIPALITY OF THE DISTRICT OF SHELBURNE

To: Shelburne Bait Company Limited
65 Bowers Road
RR#1, Shelburne, NS
BOT 1W0

Att: Michael T. O'CALLAGHAN

The property located at 1481 SANDY POINT ROAD is in breach of the Dangerous or Unsightly Property provisions of the *Municipal Government Act* due to the following conditions:

- The property contains dilapidated buildings which are dangerous, unsightly, unhealthy or offensive to a person.
- The property or building is in a ruinous or dilapidated condition.
- The property or building is in such a condition that it seriously depreciates the value of the land or buildings in the vicinity.
- The property or building is in such a state of non-repair that it is not suitable for human habitation or business.
- The property or building is an allurement to children who may play there to their danger.
- The property or building constitutes a hazard to the health or safety of the public.
- The property or building is unsightly in relation to the neighboring properties because the exterior finish of the building or landscaping is not maintained.
- The property or building is a fire hazard to itself or to surrounding lands or buildings.

The Council holds that the condition of the property justifies demolition/cleanup.

You are hereby ordered to demolish the building and cleanup the property located at 1481 SANDY POINT ROAD within thirty (30) days of receipt of this Order.

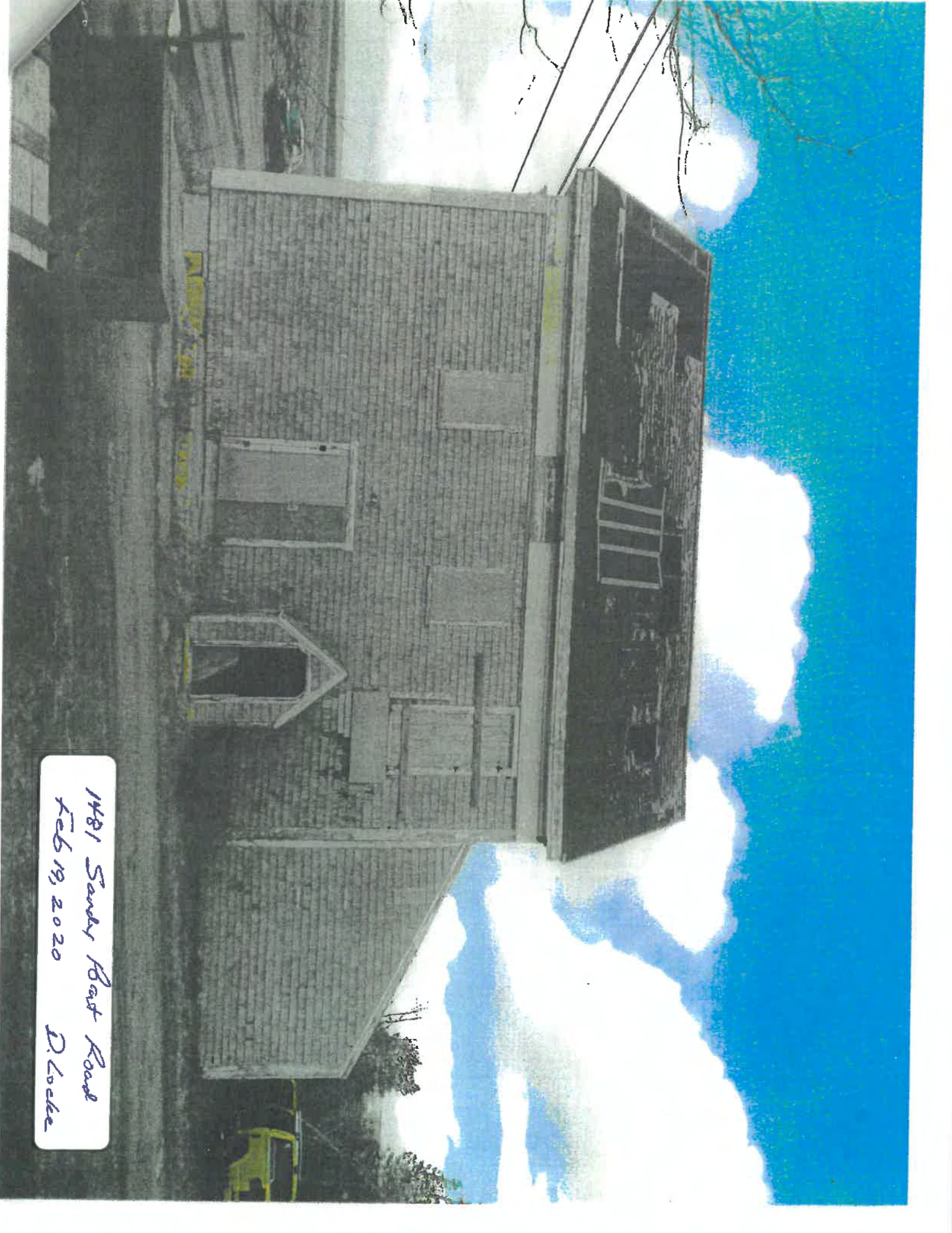
If you fail to comply with the terms of this Order the Administrator or his delegate may enter onto the property to carry out the work specified in this Order. Pursuant to Section 348(6) of the Municipal Government Act, the Administrator may cause any occupants of the building to be removed by force.

Any costs incurred by the Administrator or his delegates in this action will constitute a first lien upon your property pursuant to Section 507 of the *Municipal Government Act* and are enforceable as a tax on your property.

December 14, 2020

Date

Warden



1481 Sandy Point Road
Feb 19, 2020
D. Locke