



**City of Saint John  
Common Council Meeting  
AGENDA**

Monday, June 17, 2019

6:00 pm

8th Floor Common Council Chamber (Ludlow Room), City Hall

Si vous avez besoin des services en français pour une réunion de Conseil communal, veuillez contacter le bureau du greffier communal au 658-2862.

---

	<b>Pages</b>
1. Call to Order	
2. Approval of Minutes	
2.1 Minutes of June 3, 2019	5 - 16
3. Approval of Agenda	
4. Disclosures of Conflict of Interest	
5. Consent Agenda	
5.1 Hockey New Brunswick - Request to Present (Recommendation: Council deny request to present)	17 - 19
5.2 C. Osborne Letter - King St. West - Removal of Heritage Conservation Area (Recommendation: Receive for Information)	20 - 21
5.3 C. Osborne Letter - Report recommending Denial of Heritage Designation of 152 Watson Street (Recommendation: Receive for Information)	22 - 25
5.4 Tenders for Sodium Hypochlorite NaOCl - 2019-681003T (Recommendation in Report)	26 - 29
5.5 2019 Lifeguard Service Agreement Extension Options (Recommendation: Receive for Information)	30 - 31
5.6 Contract No. 2019-16 Asphalt Resurfacing 2019 - Program Adjustment (Recommendation in Report)	32 - 34

5.7	Street Name Change (Recommendation in Report)	35 - 37
5.8	Proposed Public Hearing Date - 149 Broad Street, 81 Bayside Drive and Rescheduled Hearing for 49 Noel Drive (Recommendation in Report)	38 - 40
5.9	Agreement with NB Power for Back-up Fire Protection Services at the Point Lepreau Generating Station (Recommendation in Report)	41 - 55
5.10	Cleanup of Unsightly Properties at Various Locations (Recommendation in Report)	56 - 149
5.11	Green Municipal Project Loan and Grant Agreement - Canada Games Aquatic Center Energy Efficiency Retrofit (Recommendation in Report)	150 - 152
5.12	Summer Arena Bulk Rental License Amendment #3 (Recommendation in Report)	153 - 158
5.13	RFP City of Saint John Benefit Administration (Recommendation in Report)	159 - 196
5.14	Mobile Device Governance Policy Statement (Recommendation in Report)	197 - 213
5.15	Glen Falls Flooding (Recommendation: Receive for Information)	214 - 249
6.	Members Comments	
7.	Proclamation	
8.	Delegations / Presentations	
8.1	Locomotive Horns at Douglas Ave Crossing	250 - 253
9.	Public Hearings - (no hearings scheduled)	
10.	Consideration of By-laws	
10.1	Council Code of Conduct Bylaw LG-5 (1st and 2nd Reading)	254 - 271
10.2	Municipal Plan Amendment, Zoning Bylaw Amendment with Section 59 Conditions - 40, 85-89 and 310 Retail Drive (3rd Reading)	272 - 282
10.3	Municipal Plan Amendment, Zoning Bylaw Amendment with Section Conditions and Supplementary Report - 1007-1019 Millidge Avenue (3rd Reading)	283 - 317
10.4	Zoning Bylaw Amendment with Section 59 Conditions - 1003 Latimore Lake Road (3rd Reading)	318 - 320
11.	Submissions by Council Members	



- 12. Business Matters - Municipal Officers
  - 12.1 Continuous Improvement Initiatives Update (verbal)
  - 12.2 Demolition of Vacant, Dilapidated and Dangerous Building at 22 McLaughlin Road (PID 333930) 321 - 351
  - 12.3 Central Peninsula Plan and Associated Capital Projects Update 352 - 358
  - 12.4 City of Saint John Climate Change Adaptation Plan Presentation 359 - 373
  - 12.5 Ice Strategy Plan B Implementation 374 - 392
- 13. Committee Reports
- 14. Consideration of Issues Separated from Consent Agenda
- 15. General Correspondence
- 16. Supplemental Agenda
- 17. Committee of the Whole
- 18. Adjournment



**City of Saint John  
Common Council Meeting  
Monday, June 17, 2019**

---

**Committee of the Whole**

**1. Call to Order**

Si vous avez besoin des services en français pour une réunion de Conseil communal, veuillez contacter le bureau du greffier communal au 658-2862.

Each of the following items, either in whole or in part, is able to be discussed in private pursuant to the provisions of subsection 68(1) of the Local Governance Act and Council / Committee will make a decision(s) in that respect in Open Session:

**4:00 p.m., 8<sup>th</sup> Floor Boardroom, City Hall**

- 1.1 Approval of Minutes 68(1)
- 1.2 Financial Matter 68(1)(c)
- 1.3 Financial Matter 68(1)(c)
- 1.4 Financial Matter 68(1)(c)
- 1.5 Financial Matter 68(1)(c)
- 1.6 Personnel Matter 68(1)(j)
- 1.7 Financial Matter 68(1)(c)
- 1.8 Financial Matter 68(1)(c)



**Ville de Saint John  
Séance du conseil communal  
Lundi 17 juin 2019  
18 h**

**Salle du conseil communal (salle Ludlow), au 8<sup>e</sup> étage de l'hôtel de ville**

---

**Comité plénier**

**1. Ouverture de la séance**

Si vous souhaitez obtenir des services en français pour une séance du conseil communal, veuillez communiquer avec le bureau du greffier communal au 658-2862.

Chacun des points suivants, en totalité ou en partie, peut faire l'objet d'une discussion en privé en vertu des dispositions prévues au paragraphe 68(1) de la *Loi sur la gouvernance locale*. Le conseil/comité prendra une ou des décisions à cet égard au cours de la séance publique :

**16 h, Salle de conférence, 8<sup>e</sup> étage, hôtel de ville**

- 1.1 Approbation du procès-verbal – paragraphe 68(1)
- 1.2 Question financière, alinéa 68(1)c)
- 1.3 Question financière, alinéa 68(1)c)
- 1.4 Question financière, alinéa 68(1)c)
- 1.5 Question financière, alinéa 68(1)c)
- 1.6 Question relative au personnel, alinéa 68(1)j)
- 1.7 Question financière, alinéa 68(1)c)

**Séance ordinaire**

**1. Ouverture de la séance**

**2. Approbation du procès-verbal**

- 2.1 Procès-verbal du 3 juin 2019

**3. Adoption de l'ordre du jour**

**4. Divulgations de conflits d'intérêts**

**5. Questions soumises à l'approbation du conseil**

- 5.1 Hockey Nouveau-Brunswick – Présentation d’une demande (recommandation : transmettre au greffier pour qu’une date de présentation soit fixée)
- 5.2 Lettre de C. Osborne – Rue King Ouest – Retrait de l’aire de conservation du patrimoine (recommandation : transmettre au Conseil d’aménagement du territoire)
- 5.3 Lettre de C. Osborne – Rapport recommandant le refus de la désignation patrimoniale pour le 152, rue Watson (recommandation : transmettre au Conseil d’aménagement du territoire)
- 5.4 Soumissions relatives à l’hypochlorite de sodium NaOCl – 2019-681003T (recommandation figurant au rapport)
- 5.5 2019 Options de prolongation du contrat de services de sauvetage (recommandation : accepter à titre informatif)
- 5.6 Contrat n° 2019-16 : Resurfacement d’asphalte 2019 – Ajustement au programme (recommandation figurant au rapport)
- 5.7 Changement de nom de rue (recommandation figurant au rapport)
- 5.8 Date proposée de la tenue d’une audience publique – 707, rue Broad, 81 promenade Bayside et changement de date d’audience relativement au 49, promenade Noel (recommandation figurant au rapport)
- 5.9 Entente avec Énergie NB – Services auxiliaires de protection contre les incendies à la centrale nucléaire de Point Lepreau (recommandation figurant au rapport)
- 5.10 Nettoyage de propriétés inesthétiques à divers emplacements (recommandation figurant au rapport)
- 5.11 Prêt du Fonds municipal vert et Entente de subvention – modernisation de l’efficacité énergétique du Centre aquatique des Jeux du Canada (recommandation figurant au rapport)
- 5.12 Mise à jour concernant le Plan de voisinage de la péninsule centrale et les projets d’investissement afférents (recommandation figurant au rapport)
- 5.13 Modification n° 3 du contrat de location en bloc de l’aréna d’été (recommandation figurant au rapport)
- 5.14 Demande de propositions relatives à l’administration des avantages sociaux de la Ville de Saint John (recommandation figurant au rapport)
- 5.15 Énoncé de politique de gouvernance concernant les appareils mobiles (recommandation figurant au rapport)

## **6. Commentaires présentés par les membres**

## **7. Proclamation**

## **8. Délégations et présentations**

- 8.1 Klaxons de locomotives au passage à niveau de l'avenue Douglas

## **9. Audiences publiques – 18 h 30**

## **10. Étude des arrêtés municipaux**

- 10.1 Arrêté sur le code de conduite du conseil LG-5 (première et deuxième lecture)
- 10.2 Modification du plan municipal et de l'Arrêté de zonage, sous réserve des conditions imposées par l'article 59 – 40, 85 à 89 et 310 – promenade Retail (troisième lecture)
- 10.3 Modification du plan municipal et de l'Arrêté de zonage, sous réserve des conditions imposées par l'article 59 et le rapport supplémentaire – 1007 à 1019, avenue Millidge (3<sup>e</sup> lecture)
- 10.4 Modification de l'Arrêté de zonage, sous réserve des conditions imposées par l'article 59 – 1003, chemin du Lac Latimore (troisième lecture)

## **11. Interventions des membres du conseil**

## **12. Affaires municipales évoquées par les fonctionnaires municipaux**

- 12.1 Mise à jour sur les initiatives d'amélioration continue
- 12.2 Démolition de bâtiments vacants, délabrés et dangereux au 22, chemin McLaughlin (NID 333930)
- 12.3 Présentation du plan d'adaptation aux changements climatiques de la Ville de Saint John
- 12.4 Inondation à Glen Falls
- 12.5 Mise en œuvre du plan stratégique B relatif aux patinoires

## **13. Rapports déposés par les comités**

## **14. Étude des sujets écartés des questions soumises à l'approbation du Bureau**

## **15. Correspondance générale**

## **16. Ordre du jour supplémentaire**

## **17. Comité plénier**

## **18. Levée de la séance**



The City of Saint John

MINUTES – REGULAR MEETING  
COMMON COUNCIL OF THE CITY OF SAINT JOHN  
JUNE 3, 2019 AT 6:00 PM  
IN THE COUNCIL CHAMBER

---

Present: Mayor Don Darling  
Deputy Mayor Shirley McAlary  
Councillor-at-Large Gary Sullivan  
Councillor Ward 1 Blake Armstrong  
Councillor Ward 1 Greg Norton  
Councillor Ward 2 Sean Casey  
Councillor Ward 2 John MacKenzie  
Councillor Ward 3 Donna Reardon  
Councillor Ward 3 David Hickey  
Councillor Ward 4 David Merrithew  
Councillor Ward 4 Ray Strowbridge

Also Present: City Manager J. Collin  
Deputy City Manager N. Jacobsen  
City Solicitor J. Nugent  
Fire Chief K. Clifford  
Police Chief B. Connell  
Commissioner Growth and Community Development J. Hamilton  
Commissioner of Finance and Treasurer K. Fudge  
Commissioner of Transportation and Environment M. Hugenholtz  
Commissioner of Saint John Water B. McGovern  
Common Clerk J. Taylor  
Deputy Common Clerk P. Anglin

**1. Call to Order**

**2. Approval of Minutes**

**2.1 Minutes of May 21, 2019**

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the minutes of the meeting of Common Council, held on May 21, 2019, be approved.

MOTION CARRIED.

**3. Approval of Agenda**

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the agenda of this meeting be approved.

MOTION CARRIED.

**4. Disclosures of Conflict of Interest**

**5. Consent Agenda**

5.1 That as recommended by the City Manager, the following resolution be adopted:

WHEREAS the Common Council of The City of Saint John has enacted certain by-laws pursuant to the authority of the *Local Governance Act*, S.N.B. 2017 c.18, and amendments thereto, (the "*Local Governance Act*") including the *Vehicles for Hire By-law*, Bylaw Number M-12, and amendments thereto, and it may designate an Inspector for the administration and enforcement of said By-law;

AND WHEREAS section 72 of the *Local Governance Act* provides that a council may appoint by-law enforcement officers for the local government and may determine their terms of office;

AND WHEREAS section 150(1) of the *Local Governance Act* provides that proceedings for breach of a by-law shall be commenced in the name of the clerk of the municipality or such other person as is designated for that purpose by the council;

NOW THEREFORE BE IT RESOLVED, that Cheryl Smith, is hereby appointed as Inspector and by-law enforcement officer for the administration and enforcement of the *Vehicles for Hire By-law* which received first and second reading by Common Council on July 9, 2018 and third reading on July 30, 2018, being enacted under the *Local Governance Act*, effective immediately, and this authorization shall continue until she ceases to be an

employee of the Saint John Parking Commission or until rescinded by Common Council, whichever comes first;

AND BE IT FURTHER RESOLVED, that Cheryl Smith is hereby designated and authorized to lay informations in the Provincial Court of the Province of New Brunswick for breach of the *Vehicles for Hire By-law*. effective immediately, and this designation and authorization shall continue until she ceases to be an employee of the Saint John Parking Commission or until it is rescinded by Common Council, whichever comes first.

5.2 That as recommended by the City Manager in the submitted report *M&C 2019-133: Adoption of updated Provisions Governing the Procedure and Operation of the Saint John Substandard Properties Appeal Committee*, Common Council adopt the updated Provisions Governing the Procedure and Operation of the Saint John Substandard Properties Appeal Committee as submitted.

5.3 That as recommended by the City Manager in the submitted report *M&C 2019-125: Communities in Bloom – Request for Participation*, the City of Saint John not participate in the 2019 edition of Communities in Bloom.

5.4 That the submitted report *M&C 2019-136: Provincial Funding Agreement – 2018 Provincial Funding*, be received for information.

5.5 That the submitted report *M&C 2019-137: ABC Written Reports – May 2019*, be received for information.

5.6 That as recommended by the Police Chief in the submitted letter Saint John Police Force – Street Event Application – Moonlight Bazaar, Common Council approve the Exemption for the Consumption of Alcohol in a Public Place.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the recommendation set out in each consent agenda item respectively be adopted.

MOTION CARRIED UNANIMOUSLY.

## **6. Members Comments**

Council members commented on various community events.

## **7. Proclamations**

## **8. Delegations/Presentations**

### **8.1 University of New Brunswick**



Larry Hachey, Chair, Board of Governors UNB, presented to Council on the transitioning of UNB from Dr. Eddy Campbell outgoing President to Dr. Paul Mazerolle incoming President and Dr. Petra Hauf as incoming Vice President UNB Saint John Campus.

Dr. Campbell discussed the financial accessibility to post-secondary education and the successful *It Begins Here* campaign that raised \$62 million in student support.

Dr. Petra Hauf discussed the growth agenda for the Saint John campus that also generates economic and population growth in our city. A plan to build a Health & Social Innovation Centre in Saint John is contemplated. The Centre would include UNB, Dalhousie University Medicine, Horizon Health Network, the Saint John Regional Hospital and the New Brunswick Community College.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the University of New Brunswick Presentation be received for information.

MOTION CARRIED.

## **9. Public Hearings 6:30 PM**

### **9.1 Proposed Municipal Plan Amendment, Zoning By-Law Text Amendment, Rezoning and Section 59 Amendment – 40, 85-89 and 310 Retail Drive with Planning Advisory Committee report recommending Approval (1<sup>st</sup> and 2<sup>nd</sup> Reading)**

The Common Clerk advised that the necessary advertising was completed with regard to the proposed Municipal Plan and Re-zoning amendments of a parcel of land located at 40, 85-89 and 310 Retail Drive. Adoption of an amendment to the Municipal Development Plan would amend Subsection 2.3.2 of the Municipal Plan related to Employment Areas within the City Structure; and amend Policy LU-61 and add a new Policy LU-61.1, with respect to residential and mixed-use development with Regional Retail Centres; Adoption of a re-zoning amendment would rezone a parcel of land having an area of approximately 3.99 hectares, located at 310 Retail Drive, also identified as being PID Number 55230544, from Regional Commercial (CR) to a new zone that would permit residential land uses in addition to those uses currently permitted in the Regional Commercial (CR) zone; rezoning a parcel of land having an area of approximately 0.26 hectares, located at 40 Retail Drive, also identified as being PID Number 55196166, from Regional Commercial (CR) to a new zone that would permit residential land uses in addition to those uses currently permitted in the Regional Commercial (CR) zone; and rezoning a parcel of land having an area of approximately 0.26 hectares, located at 85-89 Retail Drive, also identified as being PID Number 55122212, from Mini-Home Park Residential (RP) to a new zone that would permit residential land uses in addition to those uses currently permitted in the Regional

Commercial (CR) zone to provide for residential development within the Regional Retail Centre land use designation. This would allow for a mixed use development proposal consisting of commercial and residential uses, with no written objections received.

Consideration was also given to a report from the Planning Advisory Committee submitting a copy of Planning Staff's report considered at its May 22, 2019 meeting at which the Committee recommended approval as set out in the staff recommendation as described above with Section 59 conditions.

M. Reade, Senior Planner, presented an overview of the staff recommendation and PAC compatible recommendation to provide multiple unit residential development on the East Point site in addition to commercial uses. Retail centre sites are being redeveloped in North America in light of online shopping market changes to allow for the development mixed use residential and commercial concept. This supports the broader goals and policy direction of the City's *Municipal Plan*. The recommendation includes:

- Municipal Plan amendment
  - Regional Retail Centre policies
- Rezoning and Text Amendment
  - New Zone
  - Rezone 3 parcels
- Amend Section 59 Conditions.

The addition of residential use aligns with mixed-use development. Amending existing Section 59 conditions include:

- Allow residential use
- Limit to 200 residential units
- Increase floor area cap
- Service studies review
- Driveway reconfiguration – traffic study.

The Mayor called for members of the public to speak against the amendments with no one presenting.

The Mayor called for members of the public to speak in favour of the amendments with Steve Carson Develop SJ presenting; and John Wheatley, on behalf of the Applicant Horizon Management Limited presenting.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "A Law to Amend the Municipal Plan By-Law" amending Subsection 2.3.2 of the Municipal Plan relating to Employment Areas within the City Structure; and amending Policy LU-61 and adding a new Policy LU-61.1, with respect to residential and mixed-use development within Regional Retail Centres, be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, "A Law to Amend the Municipal Plan By-Law."

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "A Law to Amend the Municipal Plan By-Law" amending Subsection 2.3.2 of the Municipal Plan relating to Employment Areas within the City Structure; and amending Policy LU-61 and adding a new Policy LU-61.1, with respect to residential and mixed-use development within Regional Retail Centres, be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, "A Law to Amend the Municipal Plan By-Law."

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John" be amended by adding "Regional Commercial Residential Zone (CR-R)" to Section 2.2; adding "Regional Commercial Residential Zone (CR-R)" as Section 11.12; adding 11.12(1) Permitted Uses; adding 11.12(2) Conditional Uses; adding 11.12(3) Conditions of Use; adding 11.12(4) Zone Standards; amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 3.99 hectares, located at 310 Retail Drive, also identified as being PID Number 55230544, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.36 hectares, located at 40 Retail Drive, also identified as being PID Number 55196166, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.26 hectares, located at 85-89 Retail Drive, also identified as being PID Number 55122212, from Mini-Home Park Residential (RP) to Regional Commercial Residential (CR-R), be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John."

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John" be amended by adding "Regional Commercial Residential Zone (CR-R)" to Section 2.2; adding "Regional Commercial Residential Zone (CR-R)" as Section 11.12; adding 11.12(1) Permitted Uses; adding 11.12(2) Conditional Uses; adding 11.12(3) Conditions of Use; adding 11.12(4) Zone Standards; amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 3.99 hectares, located at 310 Retail Drive, also identified as being PID Number 55230544, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.36 hectares, located at 40 Retail Drive, also identified as being PID Number 55196166, from Regional Commercial (CR) to Regional Commercial Residential (CR-R); amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 0.26 hectares, located at 85-89 Retail Drive, also identified as being PID Number 55122212, from Mini-Home Park Residential (RP) to Regional Commercial Residential (CR-R), be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John."

9.2 Proposed Municipal Plan Amendment and Rezoning 1007-1019 Millidge Avenue with Planning Advisory Committee report recommending Approval (1<sup>st</sup> and 2<sup>nd</sup> Reading)

The Common Clerk advised that the necessary advertising was completed with regard to the proposed Municipal Plan and Re-zoning amendments of a parcel of land located at 1007-1019 Millidge Avenue which would redesignate on Schedule A of the Municipal Development Plan, land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397, and 00048389, from Stable Area and Park and Natural Area to Employment Area; redesignate on Schedule B of the Municipal Development Plan, land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397, and 00048389, from Stable Residential and Park and Natural Area to Stable Commercial; and rezone land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397, and 00048389,

from One-Unit Residential (R1) to Corridor Commercial (CC), to make an existing legally non-conforming use (Recreational Vehicle Sales and Service, Large) (boat repair) and to construct an additional building at 1007-1019 Millidge Avenue (PIDs 00048389 & 00048397), with no written objections received.

Consideration was also given to a report from the Planning Advisory Committee submitting a copy of Planning Staff's report considered at its May 22, 2019 meeting at which the Committee recommended approval as set out in the staff recommendation as described above with Section 59 conditions.

K. Melanson, Community Planning Manager provided an overview of the file. The existing boat yard is non-conforming but wishes to expand. The applicant is seeking to change the *Municipal Plan* designation and rezone the site in order to facilitate the expansion of an existing non-conforming use (which would become conforming) by constructing a new building.

The Mayor called for members of the public to speak against the amendments with no one presenting.

The Mayor called for members of the public to speak in favour of the amendments with Georgie Ring, applicant, presenting.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "A Law to Amend the Municipal Plan By-Law", amending Schedule A – City Structure, by redesignating a parcel of land with an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397 and 00048389, from Stable Area and Park and Natural Area to Employment Area classification; and amending Schedule B – Future Land Use, by redesignating the same parcel of land from Stable Residential and Park and Natural Area to Stable Commercial classification, be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, "A Law to Amend the Municipal Plan By-Law."

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "A Law to Amend the Municipal Plan By-Law", amending Schedule A – City Structure, by redesignating a parcel of land with an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Numbers 00048397 and 00048389, from Stable Area and Park and Natural Area to Employment Area classification; and amending Schedule B – Future Land Use, by redesignating the same parcel of land from Stable Residential and Park and Natural Area to Stable Commercial classification, be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, "A Law to Amend the Municipal Plan By-Law."

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John", amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Number 00048389 & 00048397 from Two-unit Residential (R2) to Corridor Commercial (CC), be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John."

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John", amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Number 00048389 & 00048397 from Two-unit Residential (R2) to Corridor Commercial (CC), be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John."

9.3 Proposed Zoning By-Law Amendment 1003 Latimore Lake Road with Planning Advisory Committee report recommending Approval (1<sup>st</sup> and 2<sup>nd</sup> Reading)

The Common Clerk advised that the necessary advertising was completed with regard to amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 13 hectares, located at 1003 Latimore Lake Road, also identified as being portions of PID Numbers 00033124 and 00333757, from Rural (RU) to Pits & Quarries (PQ) to expand an existing gravel pit, with no written objections received.

Consideration was also given to a report from the Planning Advisory Committee submitting a copy of Planning staff's report considered at its May 22, 2019 meeting at which the Committee recommended the rezoning of a parcel of land as described above, with Section 59 conditions.

Andy Reid, Planner outlined the staff recommendation to permit the application, as it is significantly different from the previous application that was denied. The application is recommended for approval in this case as permitted under Section 2.10(c) of the Zoning bylaw.

The Mayor called for members of the public to speak against the re-zoning with no one presenting.

The Mayor called for members of the public to speak in favour of the re-zoning with Rick Turner, Hughes Surveys presenting on behalf of the Applicant.

Moved by Deputy Mayor McAlary, seconded by Councillor Armstrong:

RESOLVED that the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John", amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 13 hectares, located at 1003 Latimore Lake Road, also identified as being portions of PID Numbers 00033124 and 00333757, from Rural (RU) to Pits & Quarries (PQ), be read a first time.

MOTION CARRIED.

Read a first time by title, the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John."

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John", amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 13 hectares, located at 1003 Latimore Lake Road, also identified as being portions of PID Numbers 00033124 and 00333757, from Rural (RU) to Pits & Quarries (PQ), be read a second time.

MOTION CARRIED.

Read a second time by title, the by-law entitled, "A Law to Amend the Zoning By-Law of The City of Saint John."

**10. Consideration of By-laws**

**11. Submissions by Council Members**

**12. Business Matters - Municipal Officers**

**12.1 Continuous Improvement Initiative – Greening Our Fleet Policy FAS-010**

K. Loughery, Fleet Operations Manager presented the Fleet Policy strategy as part of the initiative for the City to be carbon neutral by 2023.

Moved by Deputy Mayor McAlary, seconded by Councillor Sullivan:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-129: Greening Our Fleet Policy FAS-010*, Common Council approve the attached City of Saint John Greening Our Fleet Policy Statement FAS-010.

MOTION CARRIED.

#### 12.2 Saint John Major Junior Hockey Club Agreement

Moved by Deputy Mayor McAlary, seconded by Councillor Armstrong:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-134: Saint John Major Junior Hockey Club Agreement*, Common Council:

1. Accept the terms as drafted in the Agreement submitted; and,
2. Direct the Mayor and Common Clerk to execute the Agreement.

AND FURTHER RESOLVED that item 17.1 be moved forward on the Agenda.

MOTION CARRIED with Councillors Casey, Sullivan, and Norton voting nay.

#### 17.1 Saint John Sea Dogs

Moved by Deputy Mayor McAlary, seconded by Councillor Armstrong:

RESOLVED that the matter entitled *Saint John Sea Dogs* considered and recommended by the Committee of the Whole having met on May 6<sup>th</sup>, 2019 be received for information.

MOTION CARRIED.

### 13. **Committee Reports**

#### 13.1 Finance Committee: Safe Clean Drinking Water Project (SCDWP) Reserve Fund

Moved by Deputy Mayor McAlary, seconded by Councillor Reardon:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-131: Safe Clean Drinking Water Project (SCDWP) Reserve Fund*, Common Council approve withdrawing the funds from the Safe Clean Drinking Water Project (SCDWP) Reserve Fund.

MOTION CARRIED.



**13.2 Finance Committee: Reallocation of 2019 Capital Funding - Canada Games Aquatic Centre**

Moved by Deputy Mayor McAlary, seconded by Councillor MacKenzie:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-140: Reallocation of 2019 Capital Funding - Canada Games Aquatic Centre*, Common Council approve reallocating \$28,000 capital funding to the Canada Games Aquatic Centre from the accessibility lift project to two projects, motion detection lighting and flow monitors.

MOTION CARRIED.

**13.3 Finance Committee: 2018 Consolidated Financial Statements**

The Chair of the Finance Committee presented the independent City Auditors Consolidated Financial Statements prepared by Deloitte.

Moved by Councillor Sullivan, seconded by Deputy Mayor McAlary:

RESOLVED that as recommended by the City Manager in the submitted report entitled *M&C 2019-139: 2018 Consolidated Financial Statements*, Common Council approve the City of Saint John Consolidated Financial Statements, the Trust Fund Statements of the City of Saint John, and the Trade and Convention Centre Financial Statements for the fiscal year ended December 31, 2018.

MOTION CARRIED.

**14. Consideration of Issues Separated from Consent Agenda**

**15. General Correspondence**

**16. Supplemental Agenda**

**17. Committee of the Whole**

**18. Adjournment**

Moved by Councillor Sullivan, seconded by Councillor Armstrong:

RESOLVED that the meeting of Common Council held on June 3, 2019, be adjourned.

MOTION CARRIED.

The Mayor declared the meeting adjourned at 9:15 p.m.

# REQUEST TO PRESENT TO COUNCIL FORM

## ABOUT PERSON/GROUP PRESENTING

First Name: **Chris** Last Name: **Green**

Name of Organization/Group (where applicable): **Hockey New Brunswick**

Mailing Address: **225 Porter St.**

City or Town: **Saint John** Province: **New Brunswick** Postal Code: **E2m-7Y4**

Day Time Phone Number: **506-651-4506** Email: **topcornersj@gmail.com**

☐ If you do **NOT** wish to have your personal information (address, phone number, email) become part of the public record, please check this box.

## ABOUT YOUR REQUEST

Topic of Presentation: **Non resident user fees pertaining to public arenas**

Purpose for Presentation (what is the ask of Council): To table any motion pertaining to non resident user fees with regards to minor hockey in Saint John. I am requesting an audience with council before a staff report is read on this matter. It is rumoured to be on June 17<sup>th</sup>.

Background Information: See letter attached

## YOUR SIGNATURE

Signature: **Chris Green**

Date: **2019-06-06**

### FOR USE BY THE CITY OF SAINT JOHN ONLY

Date Received: [Click here to enter a date.](#)

Council Meeting Date: [Click here to enter a date.](#)



---

## **“A Better New Brunswick through Hockey”**

---

**Chris Green**  
Chair ROC4/HNB  
Board of Directors

225 Porter St.  
Saint John N.B.  
(506)651-4506  
topcornersj@gmail.  
com

Dear Mayor & Council:

Hockey New Brunswick prides itself on being a leader in youth wellness. The players who participate within HNB are guided down a path to a better way of life through hockey. They are provided with the skills that are necessary to achieve this goal. A strong community symbolizes our success in this mission.

Hockey New Brunswick urges the Mayor and Council to revisit the failed regional ice strategy that was put forth by the Fundy Regional Service Commission. A collectively and fairly negotiated plan is the only option. Our youth depend on your voice to be that of reason.

The negative ramifications of a non-resident user fee system are irreversible. It has been proven time and again that our youth cannot shoulder the financial burden of their communities. Similar implemented plans have seen detrimental drops in enrollment. The effects of such decline trickle down and negatively impact growth and prosperity. Such things as less usership, fewer small businesses, a drop in ice activity related employment (ie. sporting officials, rink attendants etc.) and the potential for an increase in youth crime should weigh heavy on the decisions of elected officials.

An economic downturn is imminent. Our Hospitality sector will see fewer people visiting our region to partake in tournaments, provincial competitions, clinics, events and games. This will translate into fewer hotel stays, restaurant meals, shopping trips and money being spent in our community.

Minor hockey players within Region 4 call for an immediate Mayor's caucus to solve this looming dilemma. Tax payers, voters and youth alike deserve a solution that is fair, feasible and collectively beneficial for all parties involved.

**Yours in Community**

**Chris Green**



**From:** Chris Osborne [<mailto:schamhorst1943@yahoo.ca>]  
**Sent:** June-05-19 9:45 AM  
**To:** External - CommonClerk  
**Subject:** ATTN: Mayor and Council - Letter Against Removal of the Lower West HCA

### **King St. West - Removal of Heritage Conservation Area**

My name is Christopher Osborne, and I am presently the owner of two historic properties in the West side and pursuing the purchase of a third. I officially requested in December of 2017 that one of my buildings, located one block over from the present Lower West HCA; at 152 Watson Street, be designated as a heritage building so as I may protect its exterior appearance for the long-term. Access to grant monies are something of secondary concern, but I will address that later. My intent is to add my other properties to the Heritage Register, as that will not only protect their value as a contributor to the aesthetic appearance of the street or neighbourhood, but also protect their property and resale values. The retention of value for properties located in HCA's is well documented by City Staff.

I believe that more education and direct conversation is needed between the residents and owners of property in the West Saint John area with the Heritage Development Board. When I was approached over a year ago by Mr. Laskey to sign his petition, it was made clear to me at that time his primary concern was the financial implications of owning a heritage property. When Mr. Laskey made his pitch I was not given any other reason to sign and while I can empathize with his situation, I cannot agree that financial grounds make a good case to remove a building from the HCA. There are programs intended to assist financially, and these programs should be strengthened and better publicized and utilized. The visual integrity of some of the homes in the surrounding area may have been disrupted by poor stewardship, however for the Heritage Development Board or Council to Recommend that more be done to hasten the alterations of the area would be to accelerate decline, not halt it. In fact the Lower West side still retains the vast majority of its original buildings, on their original plots, more reason that the HCA should be expanded, not removed before more of the architectural fabric of the area is lost or destroyed.

There are other properties in the Lower West HCA which contribute to the area, and with removal of designation, they could easily slide backwards, which has been clearly shown with the removal of St. George's Church. Once removed a property is likely to be altered in a non-sympathetic way, further degrading its heritage and resale value for what often amounts to a passing situation or a 'flash in the pan' proposal. I will also note that there are a number of names on the petition, such as our previous neighbour Mike Stuart, who no longer reside in the area, and lived there for only a brief time as a short-term tenant.

As a strong proponent of our Built Heritage I cannot agree with his request to remove the buildings in the Lower West HCA, especially whereas it is my goal to have more added. Reinvestment in property is a significant expense, and while it is true that maintaining a Heritage Property is more costly at times, the bylaw only affects the exterior visual elements, and those in the HCA are free to do as they wish with the rest of the property, something which I believe has been grossly misunderstood and misstated by many in the community. While the applicants building and other in the HCA may not be 100% true to original, few seldom are, as is evidenced by the other application you have received for approval on Orange Street.

Tourists and locals alike can clearly see the benefits of steady and progressive investment in our built heritage in the uptown, and it is imperative that we do not lose sight of the fact that our entire city needs to benefit from the Heritage By-Laws, not just a small selection in the uptown core. I recommend that creative solutions to Mr. Laskey's problems be offered up, rather than removal from the proper zoning for such buildings.

In closing, I would like to read you a short passage from a carpenter's handbook, published in the 1920's with an opening quote written by John Ruskin;

***“When we build, let us think that we build forever. Let it not be for present delight nor for present use alone. Let it be such work as our descendants will thank us for; and let us think, as we lay stone on stone, that a time is to come when those stones will be held sacred because our hands have touched them, and that men will say, as they look upon the labor and wrought substance of them, 'See! This our father did for us.'”***

Christopher Osborne

Past President of Heritage Saint John & Owner of 152 Watson Street, West.

**From:** Chris Osborne [<mailto:schamhorst1943@yahoo.ca>]  
**Sent:** June-05-19 5:04 PM  
**To:** Bob Boyce  
**Cc:** Bob McVicar; Armstrong, Blake; Cc;; Sampson, Emma  
**Subject:** Report Recommending Denial of Heritage Designation of 152 Watson Street

Dear City Staff, Board Members, Council, and Mayor,

Yesterday I acknowledged Emma Sampson's email dated Monday June 3rd at 3:30pm, that I would be able to attend tonight's Heritage Review Board meeting, however I regrettably was remiss in my assertion as I have a conflicting Union Local meeting that I must attend. I therefore, after finding the meeting agenda online and reading through the report from Emma have written the following which I would have intended to read aloud given the opportunity this evening.

While the project to restore Dr. Peters House has remained more or less on hold, pending the civic heritage designation; with hope of accessing the grant programs for the restoration of the exterior of the building, coupled with the protections it gives, we have been far from idle. We recently confirmed the sale of one of our non-heritage properties, which will enable us to reinvest further into our local built heritage.

Furthermore we now own a second historic property, which we were also going to request designation of. The initial research we have done on that property indicates that it was built about 1850, and was in fact owned by a relation and associate of Dr. Peters. I am deeply saddened and somewhat disturbed by the findings as laid out, and have written the following rebuttal, which I hope you will give consideration of:

### **Report Recommending Denial of Heritage Designation of 152 Watson Street**

I have some questions and concerns regarding the denial for Heritage Designation of 152 Watson Street. Based on what I have read in the report to the board, you are denying my application for a few reasons. I wish to address six points.

One; that the property is significant, but spot designations don't work or fit in future plans.

- If spot designations have occurred in the past, and under the current by-laws, why if those examples which were given have been and continue to be a contributing piece of the historic fabric of the city would my application now be denied. Please explain the strong resistance to adding one more property to the register, especially when clearly that building is, as is stated in the report; worthy of other designations and is presently on the Parks Canada list of Historic Places.

Two; that you are understaffed and are unable to add anything new for an indefinite period of time.

- If there is desire to assist us in getting the property Provincially Designated, then why is there such an issue with it being designated by the city? Being also a public servant, in a different capacity than you, I can certainly appreciate the feeling of being understaffed. However I feel that, the excuse of being under staffed is not a professional or appropriate reason to deny a taxpayer access to the resources and services which clearly they should be allowed, especially when the required historical and architectural

information is readily available to document the property's significance. My wife and I have been very understanding of the delays due to changes and workload, but this reason for denial is inappropriate. To go further and suggest that all individual applications for the foreseeable future be denied is unacceptable. Our city needs to prosper, and while to some, the designation of an individual heritage building may be small, the fact remains that these are the buildings that draw people here, keep people here and add to the colourful cultural fabric of the community. These heritage property owners also typically maintain their buildings to a higher standard, which is to the benefit of all, meanwhile protecting and enhancing our local tax base.

Three; that one person a couple blocks over wants their property removed from the heritage conservation zone.

- I take issue with the notion that this one petition; when improperly conducted, poorly formatted and inappropriately presented can, with very limited contact information of the signatories, be considered in any way a factor in the denial of my separate property being designated. Our property stands apart from those and is a cornerstone property and a landmark of the area. As stated in the report, this metric is truly ineffective, and a proper survey of the area would need to be carried out to properly gauge public opinion. Notwithstanding this however, I can personally attest that the public perception and opinion with regards to Heritage Designation is generally misinformed, often swayed by many false rumors, and fueled by those who dislike the idea of being restricted in what they can or cannot do to a heritage property. It is under this inauspicious mindset that the public is then goaded into disliking official heritage designation. I'm certain that your own board member Mr. McVicar, has likely encountered this public aversion towards officially designated properties in his impressive career as a realtor, focusing on our local built heritage. We need to protect more and educate the public on the benefits of our built heritage.

Four; that I only applied to protect the building, and in particular the interior; this is not accurate.

- In the report given in tonight's agenda, there is made no mention that we also made this application to also gain access to the grant programs that we have been told are presently under-utilized. Our project has been on hold pending our hope to gain access to said grant programs, as that would assist us financially in making the necessary repairs. This was mentioned more than once during our contact, and to think that it is not a factor in the application is irrational. Why was this factor ignored and not considered? While our primary concern may be the long term-protection of the building, it is not the only consideration.

Five; the drawn out process to simply be denied after repeated delays, and little communication.

- I also need to address the lengthy delay in receiving this outcome, when the existing bylaws already allow for spot designations, as is clearly evidenced in your report to the board. If information is needed regarding the history or the property it only need be requested and we will provide all documentation we presently possess. I also am concerned about the lack of proper notification/communication regarding this meeting. I was emailed only on Monday, June 3<sup>rd</sup> at 3:30pm that this would be on the agenda, barely 48 hours' notice of the meeting; I was not called or left a voicemail regarding the item on the agenda for the meeting tonight. I again can appreciate what being understaffed is like, but it is not a reason to turn down an application without a discussion, particularly with the property owners. If we were to be denied so readily, why was it not done so immediately instead of prolonging a discouraging 'no' response?

Six; during the past 1.5 years of our application being 'tabled' we were not advised of any desire to review the property, provide additional information or further discuss.



- After the initial meeting to discuss our hopes and plans for the property we were placed in a holding pattern. I had directly requested that I be notified of and meet with any staff wanting to look at the property. I was not contacted before the attached photographs were taken and never have been for any other visits. In a number of instances I enquired as to where our application was, and was initially told that the board was awaiting a consultant's report, which was subsequently told was delayed. I was told that the present legislation would not support individual designation, though it clearly does and there are examples across the city of individual designations. Months passed and a further enquiry as to the status of our submission resulted in us being told that it would now be held up until a by-law review was completed. We are now being told that it is denied for the reasons noted previously. I submit that this file was in fact left to languish and thereby needs further review under the current by-law, not a future by-law which may be a long time coming. The city of Saint John states that it is focused on growth, and as an individual looking to invest in further buildings in this city, this is not giving us a very good impression of the ability for the city to grow. Should growth and development not also include growing the Designated Built-Heritage base as well; that which truly draws people to our city?

Our intention was to purchase and restore more property in the city, and while we presently have a couple projects on the go, we are wondering whether there is a support network to encourage the development of more of our built heritage in a sympathetic manner, not just maintaining the status quo.

Best Regards,  
Christopher & Melissa Osborne

## **Canadian Historic Sites: Occasional Papers in Archaeology and History No. 25**

### **Gothic Revival in Canadian Architecture**

**by Mathilde Brosseau**



25

152 Watson Street, Saint John, N.B

*Constructed:* ca. 1840

*Architect:* John Cunningham

*Material:* wood

The architect designed this house in a particularly romantic manner by embellishing it with details taken from the Gothic Revival repertoire. Thus the ample overhang of the eaves highlights a strip of wooden festoons, the windows are given a very prominent drip moulding and the main entrance, consisting of a door and pointed lateral windows, is set off by a miniature replica of the roof. All these highly three-dimensional details lend a vivacious, fanciful aspect to a type of house that had become traditional at that time. This house was built for a civil servant named George Harding, probably by the architect Cunningham on the recommendation of his father-in-law, Attorney General C.J. Peters, for whom this architect had built an elegant home on Cobourg Street, Saint John, in 1819.

*(Canadian Inventory of Historic Building.)*

25 St. John, N.B., Museum Archives, Peters' Family Papers, Quinton Family Papers, and Ward History: St. John's: 1783-1843, pp. 171-80.

## COUNCIL REPORT

M&C No.	2019-142
Report Date	June 03, 2019
Meeting Date	June 17, 2019
Service Area	Saint John Water

His Worship Mayor Don Darling and Members of Common Council

**SUBJECT: Tenders for Sodium Hypochlorite NaOCl - 2019-681003T**

### OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

### AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>James Margaritis</i> <i>Kendall Mason</i>	<i>Brent McGovern</i>	<i>John Collin</i>

### RECOMMENDATION

It is recommended that the tender for the establishment of a supply agreement for 12% Sodium Hypochlorite chemical used to treat the City's potable water supply be awarded to the lowest bidder, Lavo Inc.

### EXECUTIVE SUMMARY

The purpose of this report is to seek Council's approval for the award of the supply of Sodium Hypochlorite needed for the disinfection of the City's water supply. Over the years the City has had supply agreements with various chemical suppliers for the procurement of this vital chemical. Having these agreements in place guarantees pricing for budget purposes and enhances the efficiency of the procurement process when materials need to be purchased.

Public tender calls for the supply of Sodium Hypochlorite were issued on May 9, 2019. The Tender for Sodium Hypochlorite closed on 2:30 PM Atlantic Standard Time, Tuesday, May 28, 2019. Results indicate that Lavo Inc. had the lowest compliant bid for Sodium Hypochlorite.

### PREVIOUS RESOLUTION

N/A

## ***STRATEGIC ALIGNMENT***

This report demonstrates the City's commitment to **Fiscal Responsibility** while providing for effective and efficient service delivery and supporting the City's commitment to providing safe, clean drinking water.

## ***REPORT***

Sodium Hypochlorite is used for chlorination in the Water Treatment process. Chlorination is a method of water disinfection to allow for the safe consumption as drinking water. Its purpose is to prevent the spread of waterborne diseases by killing or inactivating any pathogens that may be present in the water supply or distribution system. Sodium Hypochlorite is used at the South Bay Wellfield Water Treatment Facility, Harborview Subdivision Wells and at various storage tanks and pumping stations around the city.

Staff evaluated the bids on the basis of cost for each concentration (cost/kg/weight % of NaOCl). It was confirmed that the lowest compliant bid was offered by Lavo Inc. as indicated on the summary below. It is recommended that the 12% product concentration be purchased through Lavo Inc.

## ***SERVICE AND FINANCIAL OUTCOMES***

It is estimated, based on the past 12 months consumption and the unit price bid, that the City will spend approximately \$18,000 to purchase bulk Sodium Hypochlorite.

For comparison purposes, the unit price for bulk Sodium Hypochlorite has gone up by 7.24 % from 2018. However, water consumption has declined slightly over the past year so eventhough the unit price has risen in 2019 the City will spend a similar amount as as was spent in 2018.

This is a planned expenditure and as such funds are provided in the annual Utility Operating Budget.

## ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

### **MATERIALS MANAGEMENT:**

Public tender calls for the supply of Sodium Hypochlorite was issued on Monday, May 9, 2019 and closed at 2:30 PM Atlantic Standard time, Tuesday, May 28, 2019.

Two (2) companies responded to the tender call of Sodium Hypochlorite by submitting bids. The results are as follows (excluding HST):

	UBA INC.		LAVO INC.	
12% PRODUCT CONCENTRATION IN BULK SHIPMENTS OF UP TO 30 TONNES (25,000 L) PLEASE INDICATE SPECIFIC GRAVITY	\$ 0.3055/kg 1.175 S.G	\$ 0.3590/L 1.175 S.G.	\$ 0.278/kg 1.175 S.G.	\$ 0.326/L 1.175 S.G.

*\*Exclusive of HST*

Staff of Materials Management have reviewed both of these tenders and have found them to be complete and formal in every regard. Staff believes that the low tenderer, Lavo Inc. for Sodium Hypochlorite have the necessary resources and expertise to supply the product, and recommend acceptance of their tender.

The above process is in accordance with the City's Procurement Policy and Materials Management support the recommendation being put forth.

**ATTACHMENTS**

N/A



## COUNCIL REPORT

M&C No.	M&C 2019-147
Report Date	June 10, 2019
Meeting Date	June 17, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: 2019 Lifeguard Service Agreement Extension Options***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Marc Doucet</i></b>	<b><i>Tim O'Reilly/ Michael Hugenholtz</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

It is recommended that Common Council receive and file this report.

### ***PREVIOUS RESOLUTION***

On May 21, 2019 Common Council adopted the following resolution: That as recommended by the City Manager in the submitted report M&C 2019-126: 2019 Lifeguard Service, Common Council authorize the Mayor and Common Clerk execute the 2019 Lifeguard Services contract with the Canada Games Aquatic Centre as attached to M&C 2019-126.

### ***REPORT***

The City of Saint John commits to providing lifeguard services seven days per week from late June until Labour Day at Dominion Park, Lily Lake, Fisher Lakes and the Little River Reservoir beaches. The Canada Games Aquatic Centre (CGAC) has successfully provided these services for multiple contracts in the past, most recently for the 2015 through 2018 seasons.

The CGAC has submitted a proposal to continue providing these services for the 2019 season from June 21<sup>st</sup> until September 3<sup>rd</sup>, 2019 for the contracted amount of \$166,776.00 plus HST.

At the request of City staff, the CGAC has also proposed contract extension options for the 2020, 2021 and 2022 seasons. The amounts for each season are as follows:

2020 season : \$170,111.52 plus HST

2021 season : \$173,513.75 plus HST

2022 season : \$176,984.00 plus HST

The May 21, 2019 Council report did not discuss these contract extension options but the agreement that Council endorsed did. Staff believed it was prudent to ensure Council was aware of these extension options. This report provides this awareness.

### ***SERVICE AND FINANCIAL OUTCOMES***

[Click here to enter text.](#)

The proposed contracted amount of \$166, 776.00 plus HST falls within the 2019 Transportations and Environment Services Operating budget allocated for the provision of Lifeguard Services.

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

The City's Materials Management and City Solicitor's Office were consulted in regards to proper procurement procedure and contract development.



## COUNCIL REPORT

M&C No.	2019-152
Report Date	June 11, 2019
Meeting Date	June 17, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Contract No. 2019-16 Asphalt Resurfacing 2019 –Program Adjustment***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Rod Mahaney</i></b>	<b><i>Michael Hugenholtz/Brian Keenan</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

It is recommended that Common Council approve an increase to the Contract award amount to Galbraith Construction Ltd. for Contract 2019-16: Asphalt Resurfacing 2019 from \$5,886,959.54 to \$7,034,967.17

### ***EXECUTIVE SUMMARY***

The purpose of this report is to recommend that Common Council approve an increase to the Contract award amount for Contract 2019-16: Asphalt Resurfacing 2019.

### ***PREVIOUS RESOLUTION***

November 5, 2018; 2019 Water & Sewerage Utility Fund Operating Program Approved.

July 30, 2018; 2019 General Fund Capital Program Approved.

December 18, 2018; 2019 General Fund Operating Program Approved.

### ***STRATEGIC ALIGNMENT***

This report aligns with Council's Priority for Valued Service Delivery, specifically as it relates to investing in sustainable City services and municipal infrastructure.

## **REPORT**

### **BACKGROUND**

On April 08, 2019 (M&C 2019-78), Common Council awarded Contract 2019-16: Asphalt Resurfacing 2019 to Galbraith Construction Ltd. at the tendered price of \$5,886,959.54. In the Financial Implications section of the council report it was identified that there was a \$1,191,000 budget surplus following award of Contract 2019-16.

Further, M&C 2019-78 contained the following statement:

“ It is the intention of City staff to make full use of this budget surplus by adding additional streets to the 2019 asphalt resurfacing contract with the payment to be made at the approved contract unit prices. Staff will report back to Council with a proposed list of additional streets for asphalt resurfacing and for approval to increase the amount of contract 2019-16 accordingly.”

### **ANALYSIS**

Staff is recommending the following streets to be added to Contract 2019-16 Asphalt Resurfacing 2019:

- Lancaster Avenue – Bowlarama to Dufferin Row
- Manawagonish Road – Fairville Boulevard to Manchester Avenue
- McAllister Drive – Rothesay Avenue to Westmorland Road

Asphalt resurfacing of the above additional streets will result in a new contract value of \$7,034,967.17. The additional work will be paid for at the established contract unit prices and sees an increase of 13.50 lane kilometres being added to the original contract bringing the total to 59.11 lane kilometres of asphalt resurfacing for 2019.

Staff is of the opinion that Galbraith Construction Ltd. has the necessary resources and expertise to perform this additional work and the unit prices in this contract are competitive. The asphalt production and placement processes will be closely monitored to ensure conformance with project specifications. Work is presently underway and is expected to continue until October 15, 2019.

## FINANCIAL IMPLICATIONS

The additional contract work would be charged against the approved GTF Capital Budget. Assuming approval of this additional work, an analysis has been completed which includes the estimated amount of work that will be performed by the Contractor and Others.

The analysis is as follows:

Budget	\$ 6,732,400
Project net cost	\$ 6,729,600
Variance (surplus)	\$ 2,800

## POLICY – TENDERING OF CONSTRUCTION CONTRACTS

The recommendation in this report is made in accordance with the provisions of Council's policy for the tendering of construction contracts, the City's General Specifications and the specific project specifications.

## ***SERVICE AND FINANCIAL OUTCOMES***

Asphalt pavements, and concrete curb and sidewalks are essential infrastructure which directly impacts the quality of life in our community. Roadway infrastructure is important to the economic health of the community and citizens expect these assets to be maintained to an acceptable standard. Proper and timely maintenance of all roadway assets will ensure public safety, extend service life of the asset, and achieve best value for the investment.

This project will be completed within the original approved financial budget.

## ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

N/a

## ***ATTACHMENTS***

N/a

## COUNCIL REPORT

M&C No.	2019-144
Report Date	June 06, 2019
Meeting Date	June 17, 2019
Service Area	Corporate Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: STREET NAME CHANGE***

***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Yves Léger</i></b>	<b><i>Stephanie Rackley-Roach</i></b>	<b><i>John Collin</i></b>

***RECOMMENDATION***

It is recommended that Common Council amend the list of Official Street Names and approve the following changes:

1. Remove the name “rue Reserve Street”; and
2. Add the name “voie G. Arrowsmith Way”.

***EXECUTIVE SUMMARY***

A request was received, asking that Reserve Street be renamed G. Arrowsmith Way in honour of Gerald Arrowsmith Sr., the deceased longtime owner of Saint John Spring Works Ltd., which is celebrating 100 years in business, in 2019, at their location on this street.

***PREVIOUS RESOLUTION***

None.

***REPORT***

A request was received, from Jeff Murray, asking that Reserve Street, connecting Rothesay Avenue and Thorne Avenue, be renamed G. Arrowsmith Way in honour of Gerald Arrowsmith Sr., the deceased longtime owner of Saint John Spring Works Ltd. which is celebrating 100 years in business at their location on this street (see map below).

Mr. Arrowsmith served in the Second World War in the Royal Canadian Armoured Corps. He was a lifetime member of Saint Mary's Band after playing with them for 50 years as well as the 3 Field Artillery Band for 40 years. He also played in the New Brunswick Symphony for 5 years. He was the owner and president of Saint John Spring Works Ltd. and worked for the business for 60 years. He also held the position of President of Maritime Auto Radiator Works Ltd. and was a lifetime member of the Knights of Pythias.



Owners of property adjacent to Reserve Street were consulted and were very supportive of the requested street name change.

This proposed street name meets NB 9-1-1 guidelines, therefore Staff has no objection to this street name.

### ***STRATEGIC ALIGNMENT***

Ensuring street names meet NB 9-1-1- guidelines aligns directly with Council's "Vibrant, Safe City" priority.

***SERVICE AND FINANCIAL OUTCOMES***

The costs to the City of Saint John for this change are approximately \$150 associated in replacing the street name signs at either end of the street.

***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Owners of property adjacent to Reserve Street were consulted and were very supportive of the requested street name change.

Transportation and Environmental Services were consulted and will cover the costs from their operating budget.

***ATTACHMENTS***

None.

## COUNCIL REPORT

M&C No.	2019-141
Report Date	June 10, 2019
Meeting Date	June 17, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Proposed Public Hearing Date – 149 Broad Street, 81 Bayside Drive and rescheduled hearing for 49 Noel Drive***

### **OPEN OR CLOSED SESSION**

This matter is to be discussed in open session of Common Council.

### **AUTHORIZATION**

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Kenneth Melanson</i></b>	<b><i>Jacqueline Hamilton</i></b>	<b><i>John Collin</i></b>

### **RECOMMENDATION**

That Common Council schedule the public hearing for the rezoning applications of Jeremy Wayte (Lang Lee) (149 Broad Street), City of Saint John (Everett Erb) (81 Bayside Drive) for Monday July 29, 2019 at 6:30 p.m. in the Ludlow Room, and refer the applications to the Planning Advisory Committee for a report and recommendation.

That Common Council reschedule the public hearing for the Section 59 amendment for Village View Suites (Steve Brittain) (49 Noel Drive) for Monday July 29, 2019 at 6:30 p.m. in the Ludlow Room and in acknowledgement of the error, refund to the applicant the full Section 59 amendment application fee in the amount of \$2,500.

### **EXECUTIVE SUMMARY**

The purpose of this report is to advise Common Council of the rezoning/condition update applications received and to recommend an appropriate public hearing date. The next available public hearing date is July 29, 2019. This report also to also request Common Council reschedule the Public Hearing for 49 Noel Avenue due to an error in the Public Notice.

### **PREVIOUS RESOLUTION**

At its meeting of August 3, 2004, Common Council resolved that:

1. *the Commissioner of Planning and Development receive all applications for amendments to the Zoning By-law and Section 39 [now referred as section*

59] resolutions/ agreements and proceed to prepare the required advertisements; and

2. when applications are received a report will be prepared recommending the appropriate resolution setting the time and place for public hearings and be referred to the Planning Advisory Committee as required by the Community Planning Act.

## REPORT

In response to the motion above, this report indicates the applications received and recommends an appropriate public hearing date. Details of the applications are available in the Common Clerk's office and will form part of the documentation at the public hearings. The following applications have been received:

Name of <u>Applicant</u>	Location	Existing <u>Zone</u>	Proposed <u>Zone</u>	Reason
Jeremy Wayte (Lang Lee)	149 Broad Street	Neighbourhood Community Facility (CFN)	Urban Centre Residential (RC)	To facilitate multi-residential uses within the existing building.
City of Saint John (Everett Erb)	81 Bayside Drive	Neighbourhood Community Facility (CFN)	General Commercial (CG)	To correct a technical mapping error in the transition of the zoning map during ZoneSJ.
Village View Suites (Steve Brittain)	49 Noel Avenue	Mid-Rise Residential (RM)	Section 59 Amendment	Due to an error in the public notice (incorrect hearing date), a new public hearing needs to be scheduled.

### 49 Noel Avenue

As noted above, due to an unfortunate error on the part of Staff – the public hearing notice was advertised with the incorrect hearing date. In order to meet legislative requirements for notice under the *Community Planning Act*, a new hearing must be scheduled with a minimum 21 days notice being given. Staff have worked with the City Solicitor to determine that July 29, 2019 can be achieved to meet this requirement.

Staff have offered an apology to the applicant and are taking every step to minimize any impact of the delay to the applicant's construction schedule. Growth & Community Development Services are committed to customer service excellence and as an acknowledgement of the customer service failing in this case, are recommending that Council refund the full Section 59 application fee of \$2,500. Staff have reviewed the circumstances surrounding the error and are establishing protocols to ensure this error should not occur in the future.



### ***STRATEGIC ALIGNMENT***

While the holding of public hearings is a legislative requirement of the *Community Planning Act*, it is also a key component of a clear and consistent land development process, which provides transparency and predictability to the development community and City residents.

The development approvals process helps fulfill Council's priorities of:

- ensuring Saint John has a competitive business environment for investment,
- supporting business retention and attraction; and
- driving development in accordance with PlanSJ which creates the density required for efficient infrastructure, services and economic growth.

### ***SERVICE AND FINANCIAL OUTCOMES***

The scheduling of the public hearing and referral to the Planning Advisory Committee satisfies the legislative and service requirements as mandated by the *Community Planning Act*.

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Not Applicable

### ***ATTACHMENTS***

None

## COUNCIL REPORT

M&C No.	2018-209
Report Date	June 11, 2019
Meeting Date	June 17, 2019
Service Area	Public Safety Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Agreement with NB Power for Back-up Fire Protection Services at the Point Lepreau Generating Station***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Kevin Clifford</i></b>	<b><i>Kevin Clifford</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

It is recommended that Common Council authorize the Mayor and Common Clerk to execute the attached agreement with NB Power for the purpose of adding an extra six months to the recently expired agreement to provide back-up fire protection services at the Point LePreau Generating Station.

### ***EXECUTIVE SUMMARY***

In 1982, the City of Saint John entered into an agreement with the New Brunswick Power Corporation for the provision of Back-up Fire Protections Service to the utility's Point Lepreau Generating Station. The attached agreement has been amended a couple of times, notably 1999, and 2013, at which times the stand-by fees were increased. This is the second such extension since the last five year agreement concluded in September of 2018.

The City has advised NB Power if an agreement cannot be reached by the conclusion of this particular six month extension that the long standing backup fire protection services relationship will terminate. Positive discussions have been ongoing and the City has presented to NB Power that we are interested in sustaining the emergency response relationship with an enhanced focus on training the Saint John Fire Department on the various types of emergencies that can occur at the Nuclear Power Generating Station. In addition to an enhanced level of training, there needs to be more value for the City for the commitment to provide NB Power Back-Up Fire Protection Services.

This second six month extension is in all other respects identical to the contract that expired in September of 2018 and is intended to provide a commercially

reasonable time period to conclude negotiations of which the city hopes to attain enhanced training and value for the citizens of Saint John.

### ***PREVIOUS RESOLUTION***

Common Council renewed the previous Back-up Fire Protection Agreement with NB Power in August of 2013 and subsequently agreed to the first six month extension in September of 2018.

### ***STRATEGIC ALIGNMENT***

***Vibrant Safe City*** – Contributing as part of a regional response helps to ensure the safety of our larger community.

***Fiscally Responsible*** – Advancing the culture of continuous improvement - securing reimbursement for emergency incident planning, preparation and response is consistent with our fiscally responsible approach.

### ***SERVICE AND FINANCIAL OUTCOMES***

In exchange for the identified stand-by fee, the City is committed to provide emergency response services for NB Power at the Point Lepreau Generating Station. To support competent emergency response, the SJFD is also committed to participating in semi-annual training/orientation and exercises for the Point Lepreau Generating Station.

The emergency response service is triggered upon the City's Public Safety Communications Centre receiving a call for assistance from the Point Lepreau Generating Station. Once a call is received the SJFD will immediately dispatch the following:

- One Incident Commander;
- One Engine and Crew; and
- One Ladder Truck and Crew, or a second Engine and Crew should a Ladder Truck be unavailable.

The City is not required to provide the above if, in the opinion of the Chief it is necessary for any or all of the personnel and / or equipment to remain in or return to the City to provide fire protection services in Saint John.

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

N/A

### ***ATTACHMENTS***

- i) **Agreement with NB Power from September 1<sup>st</sup> 2018 to February 28<sup>th</sup> 2019.**
- ii) **Agreement with NB Power extending six months from the signing date it is approved by resolution of Common Council of the City of Saint John**

This Agreement is made in duplicate by and between:

**THE CITY OF SAINT JOHN**, in the County of Saint John and Province of New Brunswick, a body corporate by Royal Charter (the “City”)

OF THE FIRST PART

- and -

**NEW BRUNSWICK POWER NUCLEAR CORPORATION**, a corporation incorporated under the *Business Corporations Act*, S.N.B. 1981, ch. B-9.1, (“N.B. Power”)

OF THE SECOND PART

WHEREAS N.B. Power is the owner and operator of a Nuclear Generating Station situated at Point Lepreau being in the Counties of Saint John and Charlotte in the Province of New Brunswick (the “Station”);

AND WHEREAS the City is the owner and operator of the Saint John Fire Department (the “SJFD”);

AND WHEREAS N.B. Power may from time to time require back-up fire protection services to supplement its fire protection capabilities at the Station;

AND WHEREAS the City has agreed to provide the service of the SJFD for the aforesaid purpose;

NOW THEREFORE THIS AGREEMENT WITNESSETH as follows:

1. **Responsibilities of the City**

- 1.01 Subject to subsection 1.06 hereof, the SJFD will provide emergency response service for N.B. Power, as dispatched from Saint John, N.B., at the Station.
- 1.02 The SJFD will participate in semi-annual training/orientation sessions and exercises for the Station that are fully sponsored by N.B. Power. It is understood that the personnel of the SJFD who are expected to respond to the Station, should the need arise, will be the crews participating in any such sponsored training/orientation sessions.
- 1.03 Upon the City’s Public Safety Communications Centre receiving a call for assistance from the Station, the SJFD will immediately dispatch thereto from Saint John, N.B. the following:

- (a) One Incident Commander (the “Commander”);
  - (b) One Engine and Crew, consisting of: one (1) Officer and three (3) Fire Fighters; and
  - (c) One Ladder Truck and Crew consisting of: one (1) Officer and three (3) Fire Fighters, or, in the alternative, a second Engine and Crew should a Ladder Truck be unavailable.
- 1.04 The Public Safety Communications Centre will confirm that the call is authentic by calling the Station’s Control Room at (506) 659-2540.
- 1.05 Upon arrival at the Station, the SJFD’s personnel will immediately commence appropriate fire suppression and/or rescue services (as trained for) and will continue such work under the joint direction and supervision of the Station’s Shift Supervisor (the “Supervisor”) or his designate and the Commander, until such time as the Supervisor or his designate and Commander mutually agree that the City’s assistance is no longer required.
- 1.06 It is recognized by the City and N.B. Power that the primary responsibility of the SJFD is to provide fire protection services within the City of Saint John and it is agreed that the City is not required to provide, at the Station, the SJFD personnel and equipment referred to in subsection 1.03 hereof if, in the opinion of the Chief of the SJFD, it is necessary for any or all of the personnel and/or equipment to remain in or return to the City of Saint John to provide fire protection services in Saint John, N.B.
2. **Responsibilities of N.B. Power**
- 2.01 In the event that the back-up assistance of the SJFD is required at the Station, the Supervisor or his delegate will contact the City’s Public Safety Communications Centre by telephone at the telephone number 911. The caller will identify him/herself, briefly explain the situation and request assistance.
- 2.02 The Supervisor will be responsible, in cooperation with the Commander, for the direction, supervision and safety of the SJFD personnel while they are present at the Station.
- 2.03 At all times during which the SJFD personnel are present at the Station in response to a call for assistance, N.B. Power will be responsible to protect the SJFD personnel from exposure to radiation and, at N.B. Power’s expense, will provide the SJFD personnel with meals, dry clothing and such other accommodations as the situation may require, as determined by the Supervisor in consultation with the Commander.
- 2.04 N.B. Power will provide on an ongoing basis the necessary familiarization and/or orientation to the personnel of the SJFD that are required to respond to the Station.

2.05 Any and all specialized training and equipment that is not considered part of traditional structural firefighting, but could be employed when responding to the Station, shall be provided by N.B. Power to the SJFD and shall include, if any, the payment by N.B. Power of all annual certification, recertification, calibration or other occurring or reoccurring costs.

3. **Payment**

3.01 N.B. Power will compensate the City as follows for its services provided hereunder:

- (a) A “standby” fee of \$35,100 for the term identified herein which shall be due within 45 days of this Agreement being duly executed by both parties;
- (b) A “dispatch” fee of \$1,000 for each and every call-out (including cancelled en route calls), regardless of duration;
- (c) A “user fee”, calculated as follows for each person and vehicle provided by the City:

**Each Hour or Part Thereof**

Engine or Ladder Truck     \$300.00

Light Vehicle (excluding cars) \$125.00

Personnel     In accordance with the most current collective agreement between I.A.F.F. Local 771 and the City and the most current management pay scale for the City in place at the time, plus all applicable fringe benefits and WorkSafe NB costs.

- (d) All overtime rates and associated fringe benefit costs incurred by the City that are in place at the time with respect to: 1) the Fire Fighters and Commander(s) who are dispatched to the Station; and 2) the Fire Fighters and Commander(s) who are called-in to restore the on-duty complement of the SJFD. Overtime rates and associated fringe benefit costs shall be in accordance with the most current collective agreements between I.A.F.F. Local 771 and the City and the most current management pay scale for the City at the time.

3.02 The “user fee” identified in paragraph 3.01(c) hereof shall commence one hour after dispatch of the SJFD and shall continue until the last responding Engine, Ladder Truck or Light Vehicle of the SJFD returns to its Fire Station.

3.03 The “dispatch fee” identified in paragraph 3.01(b) hereof shall be in addition to the “user fee”.

- 3.04 All required payments identified in Section 3 hereof shall be made by N.B. Power in full to the City within forty-five (45) days of invoicing.
- 3.05 Reimbursement for training costs does not include the familiarization training referenced in paragraph 1.02, but does include all specialized training, certifications or courses as mutually agreed upon in paragraph 2.05.
- 3.06 The annual “standby” fee identified in paragraph 3.01(a) hereof shall increase annually on the anniversary date of each year of the Term based upon the percentage change to the previous 12 months Consumer Price Index (CPI) for New Brunswick, as determined by Statistics Canada.
- 3.07 If HST is applicable, it shall be in addition to the fees referenced herein.

4. **Term**

This Agreement shall take effect and be binding on the parties hereto for a six (6) month term that shall commence on September 1<sup>st</sup>, 2018 and conclude on February 28<sup>th</sup>, 2019. This Agreement supersedes and replaces all previous agreements respecting the subject matter of this Agreement.

5. **Contact**

The contact person at the Station for clarification of the arrangements herein provided will be the Coordinator of Fire Prevention. The contact person in any emergency will be the Duty Shift Supervisor – Telephone (506) 659-6214.



IN WITNESS WHEREOF the City and N.B. Power have caused this agreement to be duly executed.

Signed, Sealed & Delivered by The City of Saint John on the \_\_\_\_ day of \_\_\_\_\_, 2013.

)  
) THE CITY OF SAINT JOHN  
)  
)  
)  
)  
) \_\_\_\_\_  
) Don Darling, Mayor  
)  
)  
)  
) \_\_\_\_\_  
) Jonathan Taylor, Common Clerk  
)  
)  
) Common Council Resolution Date:  
)  
)  
)

Signed, Sealed & Delivered by the New Brunswick Power Nuclear Corporation on the \_\_\_\_ day of \_\_\_\_\_, 2018.

)  
)  
) NEW BRUNSWICK POWER  
) NUCLEAR CORPORATION  
)  
)  
)  
) \_\_\_\_\_  
) Gaetan Thomas  
) President  
)  
)  
)  
) \_\_\_\_\_  
) Wanda Harrison  
) Corporate Secretary and General Counsel

PROVINCE OF NEW BRUNSWICK

COUNTY OF SAINT JOHN

I, JONATHAN A. TAYLOR, of the City of Saint John, in the County of Saint John and Province of New Brunswick, MAKE OATH AND SAY:-

- 1. THAT I am the Common Clerk of the City of Saint John and have custody of the Common Seal hereof.
- 2. THAT the Seal to the foregoing instrument affixed is the Common Seal of the City of Saint John and that it was so affixed by Order of the Common Council of the said City.
- 3. THAT the signature "Don Darling" to the said instrument is the signature of Don Darling, Mayor of the said City, and the signature "Jonathan A. Taylor" thereto is my own signature.
- 4. THAT we are the proper officers to sign the foregoing instrument on behalf of the City of Saint John.

SWORN TO BEFORE ME at )  
the City of Saint John, in the )  
County of Saint John and )  
Province of New Brunswick )  
this \_\_\_\_ day of \_\_\_\_\_, )  
2018. )  
)  
)  
)  
)  
)  
)  
)  
\_\_\_\_\_)  
)  
)  
Commissioner of Oaths )  
Being a Solicitor )

\_\_\_\_\_)  
Jonathan A. Taylor

PROVINCE OF NEW BRUNSWICK  
COUNTY OF YORK

I, WANDA HARRISON, of the City of Fredericton, in the County of York and Province of New Brunswick, MAKE OATH AND SAY:-

- 1. THAT I am the Corporate Secretary and General Counsel of New Brunswick Power Nuclear Corporation and have custody of the Corporate Seal thereof.
- 2. THAT the Seal to the foregoing instrument affixed is the Corporate Seal of New Brunswick Power Nuclear Corporation and that it was so affixed by Order of the Board of Directors of New Brunswick Power Nuclear Corporation.
- 3. THAT the signature "Gaetan Thomas" to the said instrument is the signature of Gaetan Thomas, President of New Brunswick Power Nuclear Corporation, and the signature "Wanda Harrison" thereto is my own signature.
- 4. THAT we are the proper officers to sign the foregoing instrument on behalf of New Brunswick Power Nuclear Corporation.

SWORN TO BEFORE ME at	)	
the City of Fredericton, in the	)	
County of York and Province	)	
of New Brunswick, this _____	)	
day of _____, 2018.	)	
	)	
	)	
	)	
	)	
	)	_____
	)	Wanda Harrison
	)	
_____	)	
	)	
Commissioner of Oaths	)	
Being a Solicitor	)	

**BACKUP FIRE PROTECTION SERVICES AGREEMENT**  
**For the Point Lepreau Nuclear Generating Station (the "Agreement")**

This Agreement is made in duplicate by and between:

**The City Of Saint John**, in the County of Saint John and Province of New Brunswick, a body corporate by Royal Charter (the "City")

OF THE FIRST PART

-and-

**NEW BRUNSWICK POWER CORPORATION**, a Crown corporation, under and by virtue of the Electricity Act, SNB 2013, c 7, ("NB Power")

OF THE SECOND PART

WHEREAS NB Power is the owner and operator of a Nuclear Generating Station situated at Maces Bay being in the County of Charlotte, in the Province of New Brunswick (the "Station");

AND WHEREAS the City is the owner and operator of the Saint John Fire Department (the "SJFD");

AND WHEREAS NB Power may from time to time require backup fire protection services to supplement its fire protection capabilities at the Station;

AND WHEREAS the City has agreed to provide the service of the SJFD for the aforesaid purpose;

NOW THEREFORE THIS AGREEMENT WITNESSETH as follows:

**1. Responsibilities of the City**

- 1.01 Subject to subsection 1.06 hereof, the SJFD will provide emergency response service for NB Power, as dispatched from Saint John, N.B., at the Station.
- 1.02 The SJFD will participate in semi-annual training/orientation sessions and exercises for the Station that are fully sponsored by NB Power. It is understood that the personnel of the SJFD who are expected to respond to the Station, should the need arise, will be the crews participating in any such sponsored training/ orientation sessions.
- 1.03 Upon the City's Public Safety Communications Centre receiving a call for assistance from the Station, the SJFD will immediately dispatch thereto from Saint John, N.B. the following:
  - (a) One Incident Commander (the "Commander");

- (b) One Engine and Crew, consisting of: one (1) Officer and three (3) Firefighters; and
- (c) One Ladder Truck and Crew consisting of: one (1) Officer and three (3) Firefighters, or, in the alternative, a second Engine and Crew should a Ladder Truck be unavailable.

- 1.04 The Public Safety Communications Centre will confirm that the call is authentic by calling the Station's Control Room at 506-659-2540.
- 1.05 Upon arriving at the Station, the SJFD's personnel will immediately respond to the command post, receive tasking from the Unified Command System, and will continue such work under the joint direction and supervision of the Station's Shift Supervisor ("Supervisor") or his/her designate and the Commander until such time as the Supervisor and the Commander mutually agree that the City's assistance is no longer required. For the purposes of this Agreement, "Unified Command System" is an authority structure in which the role of incident commander is shared by two or more individuals, each already having authority in a different responding agency.
- 1.06 It is recognized by the City and NB Power that the primary responsibility of the SJFD is to provide fire protection services with the City of Saint John and it is agreed that the City is not required to provide, at the Station, the SJFD personnel and equipment referred to in subsection 1.03 hereof if, in the opinion of the Chief of the SJFD, it is necessary for any or all of the personnel and/or equipment to remain in or return to the City of Saint John to provide fire protection services in Saint John, N.B.

## **2. Responsibilities of NB Power**

- 2.01 In the event that the back-up assistance of the SJFD is required at the Station, the NB Power supervisor or his/her delegate will contact the City's Public Safety Communications Centre by telephone at the telephone number 911. The caller will identify him/herself, briefly explain the situation and request assistance.
- 2.02 The Supervisor will be responsible, in cooperation with the Commander, for the direction, supervision and safety of the SJFD personnel while they are present at the Station.
- 2.03 At all times during which the SJFD personnel are present at the Station in response to a call for assistance, NB Power will be responsible to protect the SJFD personnel from exposure to radiation and, at NB Power's expense, will provide the SJFD with meals, dry clothing and such other accommodations as the situation may require, as determined by the Supervisor in consultation with the Commander.
- 2.04 NB Power will provide on an ongoing basis the necessary familiarization and/or orientation to the personnel of the SJFD that are required to respond to the Station.

- 2.05 Any and all specialized training and equipment that is not considered part of traditional structural firefighting, but could be employed when responding to the Station, shall be provided by NB Power to the SJFD and shall include, if any, the payment by NB Power of all annual certification, recertification, calibration or other occurring or reoccurring costs.

3. **Payment**

- 3.01 NB Power will compensate the City as follows for its services provided hereunder:

(a) A "standby" fee of \$35,100.00 paid annually to the City, with the 2018/2019 annual payment due within 45 days of this Agreement being duly executed by both parties;

(b) A "dispatch" fee of \$1,000 for each and every call-out (including cancelled en route calls), regardless of duration;

(c) A "user fee", calculated as follows for each person and vehicle provided by the City:

**Each Hour or Part Thereof**

Engine or Ladder Truck \$300.00

Light Vehicle (excluding cars) \$125.00

Personnel In accordance with the most current collective agreement between I.A.F.F Local 771 and the City and the most current management pay scale for the City in place at the time, plus all applicable fringe benefits and WorkSafe NB costs.

(d) All overtime rates and associated fringe benefit costs incurred by the City that are in place at the time with respect to: 1) the Firefighters and Commander(s) who are dispatched to the Station; and 2) Firefighters and Commander(s) who are called-in to restore the on-duty complement of the SJFD. Overtime rates and associated fringe benefit costs shall be in accordance with the most current collective agreements between I.A.F.F. local 771 and the City and the most current management pay scale for the City at the time.

- 3.02 The "user fee" identified in paragraph 3.01(c) hereof shall commence one hour after dispatch of the SJFD and shall continue until the last responding Engine, Ladder Truck or Light Vehicle of the SJFD returns to its fire station.
- 3.03 The "dispatch fee" identified in paragraph 3.01(b) hereof shall be in addition to the "user fee".

- 3.04 All required payments identified in Section 3 hereof (other than the “standby” fee identified in paragraph 3.01(a) hereof) shall be made by NB Power in full to the City within thirty (30) days of receipt of an acceptable invoice.
- 3.05 Reimbursement for training costs does not include the familiarization training referenced in paragraph 1.02, but does include all specialized training, certifications or courses as mutually agreed upon in paragraph 2.05.
- 3.06 The annual “standby” fee identified in paragraph 3.01(a) hereof shall increase annually on the anniversary date of each year of the Term based upon the percentage change to the previous 12 months Consumer Price Index (CPI) for New Brunswick, as determined by Statistics Canada.
- 3.07 If HST is applicable, it shall be in addition to the fees referenced herein.

4. **Term**

- 4.01 This Agreement shall take effect and be binding on both parties hereto on the date it is approved by the resolution of the Common Council to the City and after this Agreement is duly executed by both Parties and shall continue and remain in force for a period of six (6) months following that date (the “Term”), which Term may be extend for further periods of time as may be mutually agreed by the parties in writing. This Agreement supersedes and replaces all previous agreements respecting the subject matter of this Agreement.
- 4.02 During the Term, NB Power and SJFD will work together to enhance the level of details herein to specifically mandate: roles, training and funding, along with other similar matters pertaining to the renewal of the Agreement.
- 4.03 During the Term, NB Power and the City, will explore the potential for a joint Training initiative.

5. **TERMINATION OF AGREEMENT**

- 5.01 Either party shall have the right, which may be exercised upon the provision of at least sixty (60) days prior written notice to the other party, to terminate the Agreement for any reason. In the event of such termination, NB Power shall pay the City the full amount of any outstanding, non-disputed invoices.
- 5.02 NB Power shall not be liable to the City for loss of anticipated profit upon termination of the Agreement.

6. **Contact**

The contact person at the Station for clarification of the arrangements herein provided will be the NB Power Industrial Fire Chief. The contact person in any emergency will be the Duty Shift Supervisor – Telephone (506) 659-6214.

IN WITNESS WHEREOF the City and NB Power have caused this Agreement to be duly executed.


Signed, Sealed & Delivered by The City of Saint John on the \_\_ day of \_\_\_\_\_, 2019.

)  
) THE CITY OF SAINT JOHN  
)  
) \_\_\_\_\_  
)  
) \_\_\_\_\_  
)  
) Common Council Resolution Date:  
)

Signed, Sealed & Delivered by New Brunswick Power Corporation on the 22 day of March, 2019.

SERVICES JURIDIQUES



)  
) New Brunswick Power Corporation  
)  
)   
) Gaëtan Thomas  
) President and CEO  
)  
)   
) Wanda Harrison  
) Chief Legal Officer  
)



## COUNCIL REPORT

M&C No.	2019-149
Report Date	June 10, 2019
Meeting Date	June 17, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Cleanup of Unsightly Properties at Various Locations***

### **OPEN OR CLOSED SESSION**

This matter is to be discussed in open session of Common Council.

### **AUTHORIZATION**

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Christopher McKiel</i></b>	<b><i>Jacqueline Hamilton / Amy Poffenroth</i></b>	<b><i>John Collin</i></b>

### **RECOMMENDATION**

Your City Manager recommends that Common Council direct one or more of the Officers appointed and designated by Council for the enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, to arrange for the cleanup of the following unsightly properties:

1. 17 Delhi Street, PID# 00014597;
2. 19 Delhi Street, PID# 00014589;
3. 21 Delhi Street, PID# 00014571;
4. 59 Morrison Road, PID# 00327932;
5. 105 Winslow Street, PID# 00363473;
6. 665 Loch Lomond Road, PID# 55102917; and
7. 669 Loch Lomond Road, PID# 55102925.

### **EXECUTIVE SUMMARY**

The unsightly conditions outlined in the attached Notices have not been remedied within the required time frame. Pursuant to the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, Staff is looking for authorization from Council to arrange for the cleanup of the aforementioned properties.

### **PREVIOUS RESOLUTION**

N/A

## **STRATEGIC ALIGNMENT**

This report aligns with Council's Vibrant, Safe City priority.

## **REPORT**

As part of the Community Standards program, Growth and Community Development Services has focused on issues that directly impact the aesthetics, enjoyment and pride of a neighbourhood, including unsightly premises. This involves working closely with property owners to achieve voluntary compliance wherever possible. When voluntary compliance cannot be achieved, it is necessary to issue a formal Notice to Comply.

### ***Property Requiring Further Enforcement Action***

Notices to Comply have been issued for the following properties after efforts to gain voluntary compliance did not come to fruition. Some of these properties are in close proximity. For convenience, a Site ID Letter has been assigned to each of these properties which correspond to the attached photos. The properties at 665 and 669 Loch Lomond Road were the site of the partial demolition of two buildings. Demolition permits were applied for and issued on April 1, 2019. These demolition permits expire on June 30<sup>th</sup>, 2019 and the cleanup of these properties would take place after the expiry of the issued demolition permits.

The unsightly conditions outlined in the attached Notices have not been remedied within the required time frame. Pursuant to the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, Staff is looking for authorization from Council to arrange for the cleanup of the aforementioned properties.

<b><i>Address</i></b>	<b><i>PID #s</i></b>	<b><i>Notice to Comply – Required Compliance Date</i></b>	<b><i>Site ID Letter</i></b>
17 Delhi Street	00014597	May 16 <sup>th</sup> , 2019	A
19 Delhi Street	00014589	June 6 <sup>th</sup> , 2019	B
21 Delhi Street	00014571	June 6 <sup>th</sup> , 2019	C
59 Morrison Road	00327932	May 15 <sup>th</sup> , 2019	D
105 Winslow Street	00363473	May 16 <sup>th</sup> , 2019	E
665 Loch Lomond Road	55102917	April 9 <sup>th</sup> , 2019	F
669 Loch Lomond Road	55102925	April 9 <sup>th</sup> , 2019	G

### ***SERVICE AND FINANCIAL OUTCOMES***

As is written in the *Local Governance Act* that a municipality must commence in the proceedings of remedial action, approval of Common Council is required prior to starting cleanup and demolition activities at the subject property.

Where possible, staff will use internal resources for the cleanup of unsightly properties and the cost will be billed to the property owners. If the use of internal resources is not possible, staff will seek competitive bidding in accordance with the City's purchasing policy and the cost of the work will be billed to the property owners. If the bill is left unpaid, it will be submitted to the Province with a request for reimbursement.

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

The City Solicitor's Office provided ownership verification by obtaining the Certificate of Registered Ownership for the property. Additionally, the City Solicitor's Office registered the Notice to Comply with Service New Brunswick's Land Registry.

### ***ATTACHMENTS***

Notices to Comply and Inspection Reports  
Aerial Photo of Property  
Photos

**FORM 4**  
**NOTICE TO COMPLY – DANGEROUS OR**  
**UNSIGLTY PREMISES**  
*(Local Governance Act, S.N.B., 2017, c.18, s 132(2))*

**Parcel identifier:**

PID # 00014597

Address: Delhi Street, Saint John, New Brunswick

**Owner(s) or Occupier(s):**

Name: Thomas, Allen Gregory

Address: 68 Acadia Crescent, Hampton, New Brunswick, E5N 3A1

Name: Thomas, Susan Wati

Address: 68 Acadia Crescent, Hampton, New Brunswick, E5N 3A1

**Local government giving notice:** The City of Saint John

**By-law contravened:** *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law*, By-law Number M-30 and amendments thereto (the “By-law”).

**Provision(s) contravened:** Subsection 6(1) of the By-law.

**Conditions(s) that exist:** The premise is unsightly by permitting junk, rubbish or refuse to remain on the premise. The conditions of the premises are not in compliance with the standards provided for pursuant to the By-law. The conditions of the premise are described in Schedule “A”, a true copy of the Inspection Report dated April 2, 2019 signed by Mark O’Leary, By-law Enforcement Officer.

**What must be done to correct the condition:** The owner is to remedy the conditions by complying with the required remedial actions of the aforementioned inspection report and bring the building and premises into compliance with the aforesaid By-law.

**Date before which the condition must be corrected:** <sup>1</sup>

Within 30 days of being served with the Notice to Comply.

**Date for giving notice of appeal:** Within 14 days of being served with the Notice to Comply.

**Process to appeal:** The owner may within 14 days after having been served with this Notice to Comply, send a Notice of Appeal by registered mail to the Common Clerk of The City of Saint John, City Hall – 8<sup>th</sup> Floor, 15

**FORMULE 4**  
**AVIS DE CONFORMITÉ – LIEUX**  
**DANGEREUX**  
**OU INESTHÉTIQUES**  
*(Loi sur la gouvernance locale,*  
*L.N.-B. 2017, ch. 18, par. 132(2))*

**Numéro d’identification de la parcelle :**

NID : 00014597

Adresse : rue Delhi, Saint John, Nouveau-Brunswick

**Propriétaire(s) ou occupant(s) :**

Nom : Thomas, Allen Gregory

Adresse : 68 croissant Acadia, Hampton, Nouveau-Brunswick, E5N 3A1

Nom : Thomas, Susan Wati

Adresse : 68 croissant Acadia, Hampton, Nouveau-Brunswick, E5N 3A1

**Gouvernement local signifiant l’avis :** The City of Saint John

**Arrêté enfreint :** *Arrêté relatif aux lieux inesthétiques et aux bâtiments et constructions dangereux de Saint John*, Arrêté numéro M-30, ainsi que ses modifications ci-afférentes (l’ « Arrêté »).

**Disposition(s) enfreinte(s) :** Le paragraphe 6(1) de l’Arrêté.

**Description de la (des) situation(s) :** Les lieux sont inesthétiques en permettant la présence de ferraille, de détritux ou de déchets. Les conditions des lieux ne sont pas en conformité selon les standards prévus dans l’Arrêté. Les conditions des lieux sont décrites à l’annexe « A », une copie conforme du rapport d’inspection en date du 2 avril, 2019 signé par Mark O’Leary, un agent chargé de l’exécution des arrêtés du gouvernement local.

**Ce qu’il y a lieu de faire pour y remédier:** La propriétaire doit restaurer les conditions en se conformant aux recommandations du rapport d’inspection susmentionné et d’amener le bâtiment et les lieux en conformités avec l’Arrêté.

**Délai imparti pour y remédier :** <sup>1</sup>

Dans les 30 jours qui suivent la signification de l’avis de conformité.

**Date limite pour donner l’avis d’appel:** Dans les 14 jours qui suivent la notification de l’avis de conformité.

**Processus d’appel :** La propriétaire peut dans les 14 jours qui suivent la notification de l’avis de conformité, envoyer un avis d’appel par courrier recommandé à la greffière communale de la

Market Square, Saint John, New Brunswick, E2L 4L1.

**Potential penalty for not complying with notice within time set out in notice:**<sup>2</sup> Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

**Local government's authority to undertake repairs or remedy:**<sup>3</sup> Paragraph 12(1)(a) of the By-law states that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

**Dated** at Saint John the 2 day of April, 2019.

**Local government:** The City of Saint John

**Signature of the officer of the local government:**

**Contact information of the officer of the local government:**

Name: Mark O'Leary

Mailing address:

Growth and Community Development Services

The City of Saint John  
15 Market Square  
City Hall Building, 10<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Telephone: (506) 658-2911  
E-mail: mark.o'leary@saintjohn.ca

municipalité, à The City of Saint John, Édifice de l'hôtel de ville, 8<sup>e</sup> étage, 15 carrée Market, Saint John, Nouveau-Brunswick, E2L 4L1.

**Peine possible en cas d'omission de se conformer aux exigences de l'avis dans le délai y imparti :**<sup>2</sup> Le paragraphe 11(1) de l'Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Lorsqu'une infraction prévue au paragraphe 11(1) se poursuit pendant plus d'une journée, l'amende minimale qui peut être imposée est l'amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l'infraction se poursuit conformément à l'alinéa 11(3)b(i).

**Pouvoir du gouvernement local d'entreprendre des réparations ou de remédier à la situation :**<sup>3</sup> Conformément aux alinéa 12(1)(a) de l'Arrêté, si un avis de conformité a été signifié aux termes de l'article 7 de ladite Arrêté et, que le propriétaire ou l'occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu'il est réputé confirmé ou tel qu'il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant et les coûts afférents à l'exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l'occupant et deviennent une créance de la municipalité.

**Fait** à Saint John le 2 avril, 2019

**Gouvernement locale :** The City of Saint John

**Signature du fonctionnaire du gouvernement local:**

**Coordonnées du fonctionnaire du gouvernement local:**

Nom : Mark O'Leary

Adresse postale :

Service de la Croissance et du Développement Communautaire

The City of Saint John  
15 carrée Market  
Édifice de l'hôtel de ville, 10<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Téléphone : (506) 658-2911  
Adresse électronique: mark.o'leary@saintjohn.ca

Fax: (506) 632-6199



**Corporate seal of the local government**

Télécopieur : (506) 632-6199

**Sceau du gouvernement local**

**Notes:**

1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.
2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.
3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

**Notes :**

1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.
2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.
3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l'avis commun d'évaluation et d'impôt foncier des gouvernements local et provincial.

## Inspection Report

### Schedule "A"

Inspection Date : March 12, 2019  
Inspector: Mark O'Leary  
Property Address: Delhi Street, Saint John, New Brunswick  
PID: 00014597

I hereby certify that this document is a true copy of the original.

Dated at Saint John  
this 2 day of April 2019  
[Signature]  
Standards Officer

The inspection of the above mentioned property on March 12, 2019 has revealed that said property is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

Subsection 6(1) of the By-law states:

No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of the premises

- (a) any ashes, junk, rubbish or refuse,
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction,
- (c) a derelict vehicle, equipment or machinery or the body or any part of a vehicle, equipment or machinery, or
- (d) a dilapidated building.

At the property, the following items were noted:

- (a) ashes, junk, rubbish or refuse,
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction.

General comments about the property:

There are several items on the subject property which are considered unsightly. On the property are tar paper, roofing shingles, bricks, scrap wood, scrap metal and an old mattress. The property is in an unsightly condition and is not in compliance with the By-law.

Required remedies:

All the items listed must be removed and properly disposed of at an appropriate landfill site.

Alternatively, should these items remain on the premise for storage, they must be stored in a garage or shed, sufficient in size so as to hold the items and provide full enclosure.

The unsightly conditions at the premise must be remedied and the property brought into compliance with the By-law.

[Signature]  
Report Prepared and Signed by R. Mark O'Leary

April 2, 2019  
Date

[Signature]  
Reviewed and Concurred In By Christopher McKiel, P. Eng.

April 2, 2019  
Date

**NOTICE OF APPEAL  
FORM 1**  
*(Local Governance Act, S.N.B. 2017,  
c. 18, s.134(1))*

**AVIS D'APPEL  
FORMULE 1**  
*(Loi sur la gouvernance locale, L.N.-B. de 2017,  
ch. 18, par.134(1))*

File No.: \_\_\_\_\_

N° du dossier : \_\_\_\_\_

BETWEEN :

ENTRE :

\_\_\_\_\_

\_\_\_\_\_

Appellant(s),

Appelant(s),

- and -

- et -

THE CITY OF SAINT JOHN,

THE CITY OF SAINT JOHN,

Respondent.

Intimée.

Parcel Identifier : PID #

Numéro d'identification de la parcelle : # NID

\_\_\_\_\_

\_\_\_\_\_

Parcel Address: \_\_\_\_\_

Adresse de la parcelle : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Owner(s) or Occupier(s):

Propriétaire(s) ou occupant(s) :

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_



The above named appellant(s) is (are) not satisfied with the terms and conditions set out in the notice that has been given under section 132(3) of the *Local Governance Act* and appeals to the *Saint John Substandard Properties Appeal Committee*.

L'appelant(s) susnommé(s) n'accepte(nt) pas les modalités ou les conditions qui y sont énoncés dans l'avis qui a été notifié aux termes de l'article 132(3) de la *Loi sur la gouvernance locale* et fait appel au *Comité d'appel des propriétés inférieures aux normes de Saint John*.

The appellant's grounds for this appeal are as follows (set out the grounds clearly but briefly):

Les motifs d'appel de l'appelant(s) dans le présent appel sont les suivants (énoncer les motifs de façon claire et concise) :

---

---

---

---

---

---

---

---

---

---

---

---

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Fait à \_\_\_\_\_ le \_\_\_\_\_ 2018.

\_\_\_\_\_  
Signature of owner or occupier

\_\_\_\_\_  
Signature du propriétaire ou l'occupant

The appellant(s) intends to proceed in the English or French language (Please check the appropriate box).

L'appelant(s) a (ont) l'intention d'utiliser la langue française ou anglaise (Veuillez cocher la case appropriée).

*Please forward your Notice of Appeal by registered mail to the clerk of The City of Saint John within **fourteen (14) days** after having been given the notice at the following address:*

*Veillez faire parvenir votre Avis d'appel par courrier recommandé au secrétaire de The City of Saint John dans les **quatorze (14) jours** qui suivent la notification de l'avis à l'adresse suivante :*

Common Clerk's Office  
15 Market Square, City Hall Building, 8<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Bureau du greffier communal  
15 Market Square, Édifice de l'hôtel de ville, 8<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Telephone: 506-658-2862  
Telecopier: 506-674-4214

Téléphone: 506-658-2862  
Télécopieur: 506-674-4214

**Notes:**

**Notes :**

1. A notice that is not appealed within **fourteen (14) days** after having been given the notice shall be deemed to be confirmed.

1. Un avis dont il n'est pas interjeté appel dans les **quatorze (14) jours** qui suivent la notification de l'avis est réputée confirmée.

2. On an appeal, the *Saint John Substandard Properties Appeal Committee* shall hold a hearing into the matter at which the owner(s) or occupier(s) bringing the appeal has (have) a right to be heard and may be represented by counsel.

3. On an appeal, the *Saint John Substandard Properties Appeal Committee* may confirm, modify or rescind the notice or extend the time for complying with the notice.

4. The *Saint John Substandard Properties Appeal Committee* shall provide a copy of its decision to the owner(s) or occupier(s) of the premises, building or structure who brought the appeal within **fourteen (14) days** after making its decision.

5. The owner(s) or occupier(s) provided with a copy of a decision from the *Saint John Substandard Properties Appeal Committee* may appeal the decision to a judge of The Court of Queen's Bench of New Brunswick within **fourteen (14) days** after the copy of the decision was provided to the owner(s) or occupier(s) on the grounds that (a) the procedure required to be followed by the *Local Governance Act* was not followed, or (b) the decision is unreasonable.

2. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit tenir, sur le point en litige, une audience au cours de laquelle le(s) propriétaire(s) ou l'occupant(s) qui interjette(nt) appel a (ont) le droit d'être entendu(s) et peut(vent) se faire représenter par un avocat.

3. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut confirmer, modifier ou annuler l'avis ou proroger le délai pour s'y conformer.

4. Le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit fournir une copie de sa décision au(x) propriétaire(s) ou à l'occupant(s) des lieux, du bâtiment ou de la construction qui lui a(ont) interjeté appel dans les **quatorze (14) jours** suivant la date à laquelle il a rendu sa décision.

5. Le(s) propriétaire(s) ou l'occupant(s) à qui une copie d'une décision a été fournie par le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut(vent), dans les **quatorze (14) jours** qui suivent, interjeter appel de la décision devant un juge de la Cour du Banc de la Reine du Nouveau-Brunswick au motif que (a) la démarche à suivre en vertu de la *Loi sur la gouvernance locale* n'a pas été suivie, ou (b) la décision est déraisonnable.

**FORM 4**  
**NOTICE TO COMPLY – DANGEROUS OR**  
**UNSIGLTY PREMISES**  
*(Local Governance Act, S.N.B., 2017, c.18, s 132(2))*

**Parcel identifier:**

PID # 00014589

Address: 19 Delhi Street, Saint John, New Brunswick

**Owner(s) or Occupier(s):**

Name: 676667 NB Ltd.

Address: PO BOX 7286 Station A, Saint John, New Brunswick, E2L 4S6

**Local government giving notice:** The City of Saint John

**By-law contravened:** *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law*, By-law Number M-30 and amendments thereto (the “By-law”).

**Provision(s) contravened:** Subsection 6(1) of the By-law.

**Conditions(s) that exist:** The premise is unsightly by permitting junk, rubbish or refuse to remain on the premise. The conditions of the premises are not in compliance with the standards provided for pursuant to the By-law. The conditions of the premise are described in Schedule “A”, a true copy of the Inspection Report dated April 2, 2019 signed by Mark O’Leary, By-law Enforcement Officer.

**What must be done to correct the condition:** The owner is to remedy the conditions by complying with the required remedial actions of the aforementioned inspection report and bring the building and premises into compliance with the aforesaid By-law.

**Date before which the condition must be corrected:** <sup>1</sup>

Within 30 days of being served with the Notice to Comply.

**Date for giving notice of appeal:** Within 14 days of being served with the Notice to Comply.

**Process to appeal:** The owner may within 14 days after having been served with this Notice to Comply, send a Notice of Appeal by registered mail to the Common Clerk of The City of Saint John, City Hall – 8<sup>th</sup> Floor, 15 Market Square, Saint John, New Brunswick, E2L 4L1.

**Potential penalty for not complying with notice**

**FORMULE 4**  
**AVIS DE CONFORMITÉ – LIEUX**  
**DANGEREUX**  
**OU INESTHÉTIQUES**  
*(Loi sur la gouvernance locale,*  
*L.N.-B. 2017, ch. 18, par. 132(2))*

**Numéro d’identification de la parcelle :**

NID : 00014589

Adresse : 19 rue Delhi, Saint John, Nouveau-Brunswick

**Propriétaire(s) ou occupant(s) :**

Nom : 676667 NB Ltd.

Adresse : CP 7286 Station A, Saint John Nouveau-Brunswick, E2L 4S6

**Gouvernement local signifiant l’avis :** The City of Saint John

**Arrêté enfreint :** *Arrêté relatif aux lieux inesthétiques et aux bâtiments et constructions dangereux de Saint John*, Arrêté numéro M-30, ainsi que ses modifications ci-afférentes (l’ « Arrêté »).

**Disposition(s) enfreinte(s) :** Le paragraphe 6(1) de l’Arrêté.

**Description de la (des) situation(s) :** Les lieux sont inesthétiques en permettant la présence de ferraille, de détritux ou de déchets. Les conditions des lieux ne sont pas en conformité selon les standards prévus dans l’Arrêté. Les conditions des lieux sont décrites à l’annexe « A », une copie conforme du rapport d’inspection en date du 2 avril, 2019 signé par Mark O’Leary, un agent chargé de l’exécution des arrêtés du gouvernement local.

**Ce qu’il y a lieu de faire pour y remédier:** La propriétaire doit restaurer les conditions en se conformant aux recommandations du rapport d’inspection susmentionné et d’amener le bâtiment et les lieux en conformités avec l’Arrêté.

**Délai imparti pour y remédier :** <sup>1</sup>

Dans les 30 jours qui suivent la signification de l’avis de conformité.

**Date limite pour donner l’avis d’appel:** Dans les 14 jours qui suivent la notification de l’avis de conformité.

**Processus d’appel :** La propriétaire peut dans les 14 jours qui suivent la notification de l’avis de conformité, envoyé un avis d’appel par courrier recommandé à la greffière communale de la municipalité, à The City of Saint John, Édifice de l’hôtel de ville, 8<sup>e</sup> étage, 15 carrée Market, Saint John, Nouveau-Brunswick, E2L 4L1.

**Peine possible en cas d’omission de se conformer**

**within time set out in notice:**<sup>2</sup> Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

**Local government's authority to undertake repairs or remedy:**<sup>3</sup> Paragraph 12(1)(a) of the By-law states that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

**Dated** at Saint John the 2 day of April, 2019.

**Local government:** The City of Saint John

**Signature of the officer of the local government:**

**Contact information of the officer of the local government:**

Name: Mark O'Leary

Mailing address:

Growth and Community Development Services

The City of Saint John  
15 Market Square  
City Hall Building, 10<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Telephone: (506) 658-2911

E-mail: mark.o'leary@saintjohn.ca

Fax: (506) 632-6199

**aux exigences de l'avis dans le délai y imparti :**<sup>2</sup> Le paragraphe 11(1) de l'Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Lorsqu'une infraction prévue au paragraphe 11(1) se poursuit pendant plus d'une journée, l'amende minimale qui peut être imposée est l'amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l'infraction se poursuit conformément à l'alinéa 11(3)(b)(i).

**Pouvoir du gouvernement local d'entreprendre des réparations ou de remédier à la situation :**<sup>3</sup> Conformément aux alinéa 12(1)(a) de l'Arrêté, si un avis de conformité a été signifié aux termes de l'article 7 de ladite Arrêté et, que le propriétaire ou l'occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu'il est réputé confirmé ou tel qu'il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant et les coûts afférents à l'exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l'occupant et deviennent une créance de la municipalité.

**Fait** à Saint John le 2 avril, 2019

**Gouvernement locale :** The City of Saint John

**Signature du fonctionnaire du gouvernement local:**

**Coordonnées du fonctionnaire du gouvernement local:**

Nom : Mark O'Leary

Adresse postale :

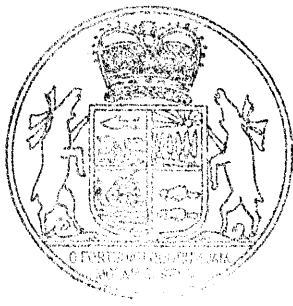
Service de la Croissance et du Développement  
Communautaire

The City of Saint John  
15 carrée Market,  
Édifice de l'hôtel de ville, 10<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Téléphone : (506) 658-2911

Adresse électronique: mark.o'leary@saintjohn.ca

Télécopieur : (506) 632-6199



### Corporate seal of the local government

#### Notes:

1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.
2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.
3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

### Sceau du gouvernement local

#### Notes :

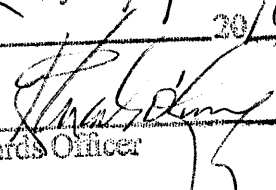
1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.
2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.
3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l'avis commun d'évaluation et d'impôt foncier des gouvernements local et provincial.

## Inspection Report

### Schedule "A"

Inspection Date : March 12, 2019  
Inspector: Mark O'Leary  
Property Address: 19 Delhi Street, Saint John, New Brunswick  
PID: 00014589

I hereby certify that this document is a true copy of the original.

Dated at Saint John  
this 2 day of April  
2019  
  
Standards Officer

The inspection of the above mentioned property on March 12, 2019 has revealed that said property is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

Subsection 6(1) of the By-law states:

No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of the premises

- (a) any ashes, junk, rubbish or refuse,
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction,
- (c) a derelict vehicle, equipment or machinery or the body or any part of a vehicle, equipment or machinery, or
- (d) a dilapidated building.

At the property, the following items were noted:

- (a) ashes, junk, rubbish or refuse,
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction.

General comments about the property:

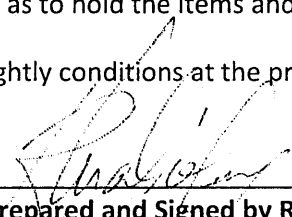
There are several items on the subject property which are considered unsightly. On the property there are an old wooden table, a broken wooden chair, broken wooden cabinets and denim clothing. The property is in an unsightly condition and is not in compliance with the By-law.

Required remedies:

All the items listed must be removed and properly disposed of at an appropriate landfill site.

Alternatively, should these items remain on the premise for storage, they must be stored in a garage or shed, sufficient in size so as to hold the items and provide full enclosure.

The unsightly conditions at the premise must be remedied and the property brought into compliance with the By-law.

  
Report Prepared and Signed by R. Mark O'Leary

Date

April 2, 2019

  
Reviewed and Concurred In By Christopher McKiel, P. Eng.

Date

April 2, 2019

**NOTICE OF APPEAL**  
**FORM 1**  
*(Local Governance Act, S.N.B. 2017,*  
*c. 18, s.134(1))*

**AVIS D'APPEL**  
**FORMULE 1**  
*(Loi sur la gouvernance locale, L.N.-B. de 2017,*  
*ch. 18, par.134(1))*

File No.: \_\_\_\_\_

N° du dossier : \_\_\_\_\_

BETWEEN :

ENTRE :

\_\_\_\_\_

\_\_\_\_\_

Appellant(s),

Appellant(s),

- and -

- et -

THE CITY OF SAINT JOHN,

THE CITY OF SAINT JOHN,

Respondent.

Intimée.

Parcel Identifier : PID #

Numéro d'identification de la parcelle : # NID

\_\_\_\_\_

\_\_\_\_\_

Parcel Address: \_\_\_\_\_

Adresse de la parcelle : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Owner(s) or Occupier(s):

Propriétaire(s) ou occupant(s) :

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

The above named appellant(s) is (are) not satisfied with the terms and conditions set out in the notice that has been given under section 132(3) of the *Local Governance Act* and appeals to the *Saint John Substandard Properties Appeal Committee*.

L'appellant(s) susnommé(s) n'accepte(nt) pas les modalités ou les conditions qui y sont énoncés dans l'avis qui a été notifié aux termes de l'article 132(3) de la *Loi sur la gouvernance locale* et fait appel au *Comité d'appel des propriétés inférieures aux normes de Saint John*.

The appellant's grounds for this appeal are as follows (set out the grounds clearly but briefly):

Les motifs d'appel de l'appellant(s) dans le présent appel sont les suivants (énoncer les motifs de façon claire et concise) :

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Fait à \_\_\_\_\_ le \_\_\_\_\_ 2018.

\_\_\_\_\_  
Signature of owner or occupier

\_\_\_\_\_  
Signature du propriétaire ou l'occupant

The appellant(s) intends to proceed in the English or French language (Please check the appropriate box).

L'appellant(s) a (ont) l'intention d'utiliser la langue française ou anglaise (Veuillez cocher la case appropriée).

*Please forward your Notice of Appeal by registered mail to the clerk of The City of Saint John within **fourteen (14) days** after having been given the notice at the following address:*

*Veillez faire parvenir votre Avis d'appel par courrier recommandé au secrétaire de The City of Saint John dans les **quatorze (14) jours** qui suivent la notification de l'avis à l'adresse suivante :*

Common Clerk's Office  
15 Market Square, City Hall Building, 8<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Bureau du greffier communal  
15 Market Square, Édifice de l'hôtel de ville, 8<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Telephone: 506-658-2862  
Telecopier: 506-674-4214

Téléphone: 506-658-2862  
Télécopieur: 506-674-4214

Notes:

Notes :

1. A notice that is not appealed within **fourteen (14) days** after having been given the notice shall be deemed to be confirmed.

1. Un avis dont il n'est pas interjeté appel dans les **quatorze (14) jours** qui suivent la notification de l'avis est réputée confirmé.



2. On an appeal, the *Saint John Substandard Properties Appeal Committee* shall hold a hearing into the matter at which the owner(s) or occupier(s) bringing the appeal has (have) a right to be heard and may be represented by counsel.
2. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit tenir, sur le point en litige, une audience au cours de laquelle le(s) propriétaire(s) ou l'occupant(s) qui interjette(nt) appel a (ont) le droit d'être entendu(s) et peut(vent) se faire représenter par un avocat.
3. On an appeal, the *Saint John Substandard Properties Appeal Committee* may confirm, modify or rescind the notice or extend the time for complying with the notice.
3. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut confirmer, modifier ou annuler l'avis ou proroger le délai pour s'y conformer.
4. The *Saint John Substandard Properties Appeal Committee* shall provide a copy of its decision to the owner(s) or occupier(s) of the premises, building or structure who brought the appeal within **fourteen (14) days** after making its decision.
4. Le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit fournir une copie de sa décision au(x) propriétaire(s) ou à l'occupant(s) des lieux, du bâtiment ou de la construction qui lui a(ont) interjeté appel dans les **quatorze (14) jours** suivant la date à laquelle il a rendu sa décision.
5. The owner(s) or occupier(s) provided with a copy of a decision from the *Saint John Substandard Properties Appeal Committee* may appeal the decision to a judge of The Court of Queen's Bench of New Brunswick within **fourteen (14) days** after the copy of the decision was provided to the owner(s) or occupier(s) on the grounds that (a) the procedure required to be followed by the *Local Governance Act* was not followed, or (b) the decision is unreasonable.
5. Le(s) propriétaire(s) ou l'occupant(s) à qui une copie d'une décision a été fournie par le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut(vent), dans les **quatorze (14) jours** qui suivent, interjeter appel de la décision devant un juge de la Cour du Banc de la Reine du Nouveau-Brunswick au motif que (a) la démarche à suivre en vertu de la *Loi sur la gouvernance locale* n'a pas été suivie, ou (b) la décision est déraisonnable.

**FORM 4**  
**NOTICE TO COMPLY – DANGEROUS OR**  
**UNSIGLTY PREMISES**  
*(Local Governance Act, S.N.B., 2017, c.18, s 132(2))*

**FORMULE 4**  
**AVIS DE CONFORMITÉ – LIEUX**  
**DANGEREUX**  
**OU INESTHÉTIQUES**  
*(Loi sur la gouvernance locale,*  
*L.N.-B. 2017, ch. 18, par. 132(2))*

**Parcel identifier:**

PID # 00014571

Address: 21 Delhi Street, Saint John, New Brunswick

**Owner(s) or Occupier(s):**

Name: 625487 N.B. Ltd.

Address: 1859 Old Black River Road, Saint John, New Brunswick, E2J 4V5

Name: Hosford, John Thomas

Address: 1859 Old Black River Road, Saint John, New Brunswick, E2J 4V5

**Numéro d'identification de la parcelle :**

NID : 00014571

Adresse : 21 rue Delhi, Saint John, Nouveau-Brunswick

**Propriétaire(s) ou occupant(s) :**

Nom : 625487 N.B. Ltd.

Adresse : 1859 chemin Old Black River, Saint John, Nouveau-Brunswick, E2J 4V5

Nom : Hosford, John Thomas

Adresse : 1859 chemin Old Black River, Saint John, Nouveau-Brunswick, E2J 4V5

**Local government giving notice:** The City of Saint John

**Gouvernement local signifiant l'avis :** The City of Saint John

**By-law contravened:** *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law*, By-law Number M-30 and amendments thereto (the "By-law").

**Arrêté enfreint :** *Arrêté relatif aux lieux inesthétiques et aux bâtiments et constructions dangereux de Saint John*, Arrêté numéro M-30, ainsi que ses modifications ci-afférentes (l'« Arrêté »).

**Provision(s) contravened:** Subsection 6(1) of the By-law.

**Disposition(s) enfreinte(s) :** Le paragraphe 6(1) de l'Arrêté.

**Conditions(s) that exist:** The premise is unsightly by permitting junk, rubbish or refuse to remain on the premise. The conditions of the premises are not in compliance with the standards provided for pursuant to the By-law. The conditions of the premise are described in Schedule "A", a true copy of the Inspection Report dated April 2, 2019 signed by Mark O'Leary, By-law Enforcement Officer.

**Description de la (des) situation(s) :** Les lieux sont inesthétiques en permettant la présence de ferraille, de détritux ou de déchets. Les conditions des lieux ne sont pas en conformité selon les standards prévus dans l'Arrêté. Les conditions des lieux sont décrites à l'annexe « A », une copie conforme du rapport d'inspection en date du 2 avril, 2019 signé par Mark O'Leary, un agent chargé de l'exécution des arrêtés du gouvernement local.

**What must be done to correct the condition:** The owner is to remedy the conditions by complying with the required remedial actions of the aforementioned inspection report and bring the building and premises into compliance with the aforesaid By-law.

**Ce qu'il y a lieu de faire pour y remédier:** La propriétaire doit restaurer les conditions en se conformant aux recommandations du rapport d'inspection susmentionné et d'amener le bâtiment et les lieux en conformités avec l'Arrêté.

**Date before which the condition must be corrected:** <sup>1</sup>

**Délai imparti pour y remédier :** <sup>1</sup>

Within 30 days of being served with the Notice to Comply.

Dans les 30 jours qui suivent la signification de l'avis de conformité.

**Date for giving notice of appeal:** Within 14 days of being served with the Notice to Comply.

**Date limite pour donner l'avis d'appel:** Dans les 14 jours qui suivent la notification de l'avis de conformité.

**Process to appeal:** The owner may within 14 days after having been served with this Notice to Comply, send a Notice of Appeal by registered mail to the Common Clerk of The City of Saint John, City Hall – 8<sup>th</sup> Floor, 15

**Processus d'appel :** La propriétaire peut dans les 14 jours qui suivent la notification de l'avis de conformité, envoyé un avis d'appel par courrier recommandé à la greffière communale de la

Market Square, Saint John, New Brunswick, E2L 4L1.

**Potential penalty for not complying with notice within time set out in notice:**<sup>2</sup> Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

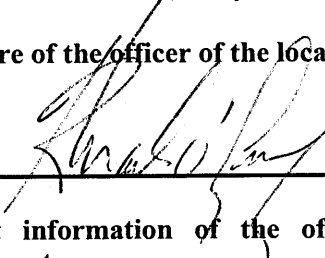
Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

**Local government's authority to undertake repairs or remedy:**<sup>3</sup> Paragraph 12(1)(a) of the By-law states that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

**Dated** at Saint John the 2 day of April, 2019.

**Local government:** The City of Saint John

**Signature of the officer of the local government:**



**Contact information of the officer of the local government:**

Name: Mark O'Leary

Mailing address:

Growth and Community Development Services

The City of Saint John  
15 Market Square  
City Hall Building, 10<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Telephone: (506) 658-2911

E-mail: mark.o'leary@saintjohn.ca

municipalité, à The City of Saint John, Édifice de l'hôtel de ville, 8<sup>e</sup> étage, 15 carrée Market, Saint John, Nouveau-Brunswick, E2L 4L1.

**Peine possible en cas d'omission de se conformer aux exigences de l'avis dans le délai y imparti :**<sup>2</sup>

Le paragraphe 11(1) de l'Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Lorsqu'une infraction prévue au paragraphe 11(1) se poursuit pendant plus d'une journée, l'amende minimale qui peut être imposée est l'amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l'infraction se poursuit conformément à l'alinéa 11(3)(b)(i).

**Pouvoir du gouvernement local d'entreprendre des réparations ou de remédier à la situation :**<sup>3</sup>

Conformément aux alinéa 12(1)(a) de l'Arrêté, si un avis de conformité a été signifié aux termes de l'article 7 de ladite Arrêté et, que le propriétaire ou l'occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu'il est réputé confirmé ou tel qu'il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant et les coûts afférents à l'exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l'occupant et deviennent une créance de la municipalité.

**Fait** à Saint John le 2 avril, 2019

**Gouvernement locale :** The City of Saint John

**Signature du fonctionnaire du gouvernement local:**

**Coordonnées du fonctionnaire du gouvernement local:**

Nom : Mark O'Leary

Adresse postale :

Service de la Croissance et du Développement  
Communautaire

The City of Saint John  
15 carrée Market,  
Édifice de l'hôtel de ville, 10<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Téléphone : (506) 658-2911

Adresse électronique: mark.o'leary@saintjohn.ca

Fax: (506) 632-6199



**Corporate seal of the local government**

Télécopieur : (506) 632-6199

**Sceau du gouvernement local**

**Notes:**

1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.
2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.
3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

**Notes :**

1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.
2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.
3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l'avis commun d'évaluation et d'impôt foncier des gouvernements local et provincial.

## Inspection Report

### Schedule "A"

Inspection Date : March 12, 2019  
Inspector: Mark O'Leary  
Property Address: 21 Delhi Street, Saint John, New Brunswick  
PID: 00014571

I hereby certify that this document is a true copy of the original.

Dated at Saint John  
this 2 day of April  
2019  
[Signature]  
Standards Officer

The inspection of the above mentioned property on March 12, 2019 has revealed that said property is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

Subsection 6(1) of the By-law states:

No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of the premises

- (a) any ashes, junk, rubbish or refuse,
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction,
- (c) a derelict vehicle, equipment or machinery or the body or any part of a vehicle, equipment or machinery, or
- (d) a dilapidated building.

At the property, the following items were noted:

- (a) ashes, junk, rubbish or refuse,
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction.

#### General comments about the property:

There are several items on the subject property which are considered unsightly. On the property there is a bicycle frame, an old upholstered love seat, scrap wood, an old tire, a wooden clothes rack and wooden cupboards. The property is in an unsightly condition and is not in compliance with the By-law.

#### Required remedies:

All the items listed must be removed and properly disposed of at an appropriate landfill site.

Alternatively, should these items remain on the premise for storage, they must be stored in a garage or shed, sufficient in size so as to hold the items and provide full enclosure.

The unsightly conditions at the premise must be remedied and the property brought into compliance with the By-law.

[Signature]  
Report Prepared and Signed by R. Mark O'Leary

Date

April 2, 2019

[Signature]  
Reviewed and Concurred In By Christopher McKiel, P. Eng.

Date

April 2, 2019

**NOTICE OF APPEAL  
FORM 1**  
*(Local Governance Act, S.N.B. 2017,  
c. 18, s.134(1))*

**AVIS D'APPEL  
FORMULE 1**  
*(Loi sur la gouvernance locale, L.N.-B. de 2017,  
ch. 18, par.134(1))*

File No.: \_\_\_\_\_

N° du dossier : \_\_\_\_\_

BETWEEN :

ENTRE :

\_\_\_\_\_

\_\_\_\_\_

Appellant(s),

Appelant(s),

- and -

- et -

THE CITY OF SAINT JOHN,

THE CITY OF SAINT JOHN,

Respondent.

Intimée.

Parcel Identifier : PID #

Numéro d'identification de la parcelle : # NID

\_\_\_\_\_

\_\_\_\_\_

Parcel Address: \_\_\_\_\_

Adresse de la parcelle : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Owner(s) or Occupier(s):

Propriétaire(s) ou occupant(s) :

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

The above named appellant(s) is (are) not satisfied with the terms and conditions set out in the notice that has been given under section 132(3) of the *Local Governance Act* and appeals to the *Saint John Substandard Properties Appeal Committee*.

L'appellant(s) susnommé(s) n'accepte(nt) pas les modalités ou les conditions qui y sont énoncés dans l'avis qui a été notifié aux termes de l'article 132(3) de la *Loi sur la gouvernance locale* et fait appel au *Comité d'appel des propriétés inférieures aux normes de Saint John*.

The appellant's grounds for this appeal are as follows (set out the grounds clearly but briefly):

Les motifs d'appel de l'appellant(s) dans le présent appel sont les suivants (énoncer les motifs de façon claire et concise) :

---

---

---

---

---

---

---

---

---

---

---

---

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Fait à \_\_\_\_\_ le \_\_\_\_\_ 2018.

\_\_\_\_\_  
Signature of owner or occupier

\_\_\_\_\_  
Signature du propriétaire ou l'occupant

The appellant(s) intends to proceed in the English or French language (Please check the appropriate box).

L'appellant(s) a (ont) l'intention d'utiliser la langue française ou anglaise (Veuillez cocher la case appropriée).

*Please forward your Notice of Appeal by registered mail to the clerk of The City of Saint John within **fourteen (14) days** after having been given the notice at the following address:*

*Veillez faire parvenir votre Avis d'appel par courrier recommandé au secrétaire de The City of Saint John dans les **quatorze (14) jours** qui suivent la notification de l'avis à l'adresse suivante :*

Common Clerk's Office  
15 Market Square, City Hall Building, 8<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Bureau du greffier communal  
15 Market Square, Édifice de l'hôtel de ville, 8<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Telephone: 506-658-2862  
Telecopier: 506-674-4214

Téléphone: 506-658-2862  
Télécopieur: 506-674-4214

**Notes:**

**Notes :**

1. A notice that is not appealed within **fourteen (14) days** after having been given the notice shall be deemed to be confirmed.

1. Un avis dont il n'est pas interjeté appel dans les **quatorze (14) jours** qui suivent la notification de l'avis est réputée confirmé.

2. On an appeal, the *Saint John Substandard Properties Appeal Committee* shall hold a hearing into the matter at which the owner(s) or occupier(s) bringing the appeal has (have) a right to be heard and may be represented by counsel.

3. On an appeal, the *Saint John Substandard Properties Appeal Committee* may confirm, modify or rescind the notice or extend the time for complying with the notice.

4. The *Saint John Substandard Properties Appeal Committee* shall provide a copy of its decision to the owner(s) or occupier(s) of the premises, building or structure who brought the appeal within **fourteen (14) days** after making its decision.

5. The owner(s) or occupier(s) provided with a copy of a decision from the *Saint John Substandard Properties Appeal Committee* may appeal the decision to a judge of The Court of Queen's Bench of New Brunswick within **fourteen (14) days** after the copy of the decision was provided to the owner(s) or occupier(s) on the grounds that (a) the procedure required to be followed by the *Local Governance Act* was not followed, or (b) the decision is unreasonable.

2. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit tenir, sur le point en litige, une audience au cours de laquelle le(s) propriétaire(s) ou l'occupant(s) qui interjette(nt) appel a (ont) le droit d'être entendu(s) et peut(vent) se faire représenter par un avocat.

3. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut confirmer, modifier ou annuler l'avis ou proroger le délai pour s'y conformer.

4. Le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit fournir une copie de sa décision au(x) propriétaire(s) ou à l'occupant(s) des lieux, du bâtiment ou de la construction qui lui a(ont) interjeté appel dans les **quatorze (14) jours** suivant la date à laquelle il a rendu sa décision.

5. Le(s) propriétaire(s) ou l'occupant(s) à qui une copie d'une décision a été fournie par le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut(vent), dans les **quatorze (14) jours** qui suivent, interjeter appel de la décision devant un juge de la Cour du Banc de la Reine du Nouveau-Brunswick au motif que (a) la démarche à suivre en vertu de la *Loi sur la gouvernance locale* n'a pas été suivie, ou (b) la décision est déraisonnable.



**FORM 4**  
**NOTICE TO COMPLY – DANGEROUS OR**  
**UNSIGLTY PREMISES**  
*(Local Governance Act, S.N.B., 2017, c.18, s 132(2))*

**FORMULE 4**  
**AVIS DE CONFORMITÉ – LIEUX**  
**DANGEREUX**  
**OU INESTHÉTIQUES**  
*(Loi sur la gouvernance locale,*  
*L.N.-B. 2017, ch. 18, par. 132(2))*

**Parcel identifier:**

PID # 00327932

Address: 59 Morrison Road, Saint John, New Brunswick

**Owner(s) or Occupier(s):**

Name: Driscoll, Stacey Ernest

Address: 59 Morrison Road, Saint John, New Brunswick, E2N 1G8

**Numéro d'identification de la parcelle :**

NID : 00327932

Adresse : 59 chemin Morrison, Saint John, Nouveau-Brunswick

**Propriétaire(s) ou occupant(s) :**

Nom : Driscoll, Stacey Ernest

Adresse : 59 chemin Morrison, Saint John, Nouveau-Brunswick, E2N 1G8

**Local government giving notice:** The City of Saint John

**By-law contravened:** *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law*, By-law Number M-30 and amendments thereto (the "By-law").

**Provision(s) contravened:** Subsection 6(1) of the By-law.

**Conditions(s) that exist:** The premises is unsightly by permitting junk, rubbish or refuse to remain on the premise. The conditions of the premises are not in compliance with the standards provided for pursuant to the By-law. The conditions of the premise are described in Schedule "A", a true copy of the Inspection Report dated April 11, 2019 signed by Mark O'Leary, By-law Enforcement Officer.

**What must be done to correct the condition:** The owner is to remedy the conditions by complying with the required remedial actions of the aforementioned inspection report and bring the building and premises into compliance with the aforesaid By-law.

**Date before which the condition must be corrected:** <sup>1</sup>

Within 30 days of being served with the Notice to Comply.

**Date for giving notice of appeal:** Within 14 days of being served with the Notice to Comply.

**Process to appeal:** The owner may within 14 days after having been served with this Notice to Comply, send a Notice of Appeal by registered mail to the Common Clerk of The City of Saint John, City Hall – 8<sup>th</sup> Floor, 15 Market Square, Saint John, New Brunswick, E2L 4L1.

**Potential penalty for not complying with notice**

**Gouvernement local signifiant l'avis :** The City of Saint John

**Arrêté enfreint :** *Arrêté relatif aux lieux inesthétiques et aux bâtiments et constructions dangereux de Saint John*, Arrêté numéro M-30, ainsi que ses modifications ci-afférentes (l' « Arrêté »).

**Disposition(s) enfreinte(s) :** Le paragraphe 6(1) de l'Arrêté.

**Description de la (des) situation(s) :** Les lieux sont inesthétiques en permettant la présence de ferraille, de détritux ou de déchets. Les conditions des lieux ne sont pas en conformité selon les standards prévus dans l'Arrêté. Les conditions des lieux sont décrites à l'annexe « A », une copie conforme du rapport d'inspection en date du 11 avril, 2019 signé par Mark O'Leary, un agent chargé de l'exécution des arrêtés du gouvernement local.

**Ce qu'il y a lieu de faire pour y remédier:** La propriétaire doit restaurer les conditions en se conformant aux recommandations du rapport d'inspection susmentionné et d'amener le bâtiment et les lieux en conformités avec l'Arrêté.

**Délai imparti pour y remédier :** <sup>1</sup>

Dans les 30 jours qui suivent la signification de l'avis de conformité.

**Date limite pour donner l'avis d'appel:** Dans les 14 jours qui suivent la notification de l'avis de conformité.

**Processus d'appel :** La propriétaire peut dans les 14 jours qui suivent la notification de l'avis de conformité, envoyé un avis d'appel par courrier recommandé à la greffière communale de la municipalité, à The City of Saint John, Édifice de l'hôtel de ville, 8<sup>e</sup> étage, 15 carrée Market, Saint John, Nouveau-Brunswick, E2L 4L1.

**Peine possible en cas d'omission de se conformer**

**within time set out in notice:**<sup>2</sup> Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

**Local government’s authority to undertake repairs or remedy:**<sup>3</sup> Paragraph 12(1)(a) of the By-law states that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

**Dated** at Saint John the 11 day of April, 2019.

**Local government:** The City of Saint John

**Signature of the officer of the local government:**

**Contact information of the officer of the local government:**

Name: Mark O’Leary  
Mailing address:

Growth and Community Development Services

The City of Saint John  
15 Market Square  
City Hall Building, 10<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Telephone: (506) 658-2911  
E-mail: mark.o’leary@saintjohn.ca  
Fax: (506) 632-6199

**aux exigences de l’avis dans le délai y imparti :**<sup>2</sup> Le paragraphe 11(1) de l’Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l’article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d’infraction de la classe F.

Lorsqu’une infraction prévue au paragraphe 11(1) se poursuit pendant plus d’une journée, l’amende minimale qui peut être imposée est l’amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l’infraction se poursuit conformément à l’alinéa 11(3)(b)(i).

**Pouvoir du gouvernement local d’entreprendre des réparations ou de remédier à la situation :**<sup>3</sup> Conformément aux alinéa 12(1)(a) de l’Arrêté, si un avis de conformité a été signifié aux termes de l’article 7 de ladite Arrêté et, que le propriétaire ou l’occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu’il est réputé confirmé ou tel qu’il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant et les coûts afférents à l’exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l’occupant et deviennent une créance de la municipalité.

**Fait** à Saint John le 11 avril, 2019

**Gouvernement locale :** The City of Saint John

**Signature du fonctionnaire du gouvernement local:**

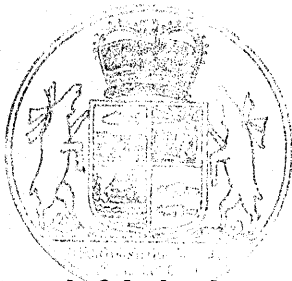
**Coordonnées du fonctionnaire du gouvernement local:**

Nom : Mark O’Leary  
Adresse postale :

Service de la Croissance et du Développement Communautaire

The City of Saint John  
15 carrée Market,  
Édifice de l’hôtel de ville, 10<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Téléphone : (506) 658-2911  
Adresse électronique: mark.o’leary@saintjohn.ca  
Télécopieur : (506) 632-6199



### Corporate seal of the local government

#### Notes:

1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.
2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.
3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

### Sceau du gouvernement local

#### Notes :

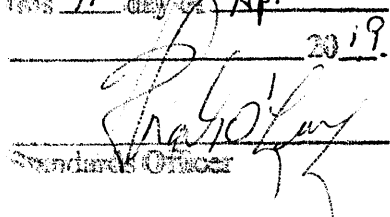
1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.
2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.
3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l'avis commun d'évaluation et d'impôt foncier des gouvernements local et provincial.

## Inspection Report

### Schedule "A"

Inspection Date : March 13, 2019  
Inspector: Mark O'Leary  
Property Address: 59 Morrison Road, Saint John, New Brunswick  
PID: 00327932

I hereby certify that this document is a true copy of the original.

Dated at Saint John  
this 11 day of April  
2019  
  
Inspector

The inspection of the above mentioned property on March 13, 2019 has revealed that said property is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

Subsection 6(1) of the By-law states:

No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of the premises

- (a) any ashes, junk, rubbish or refuse,
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction,
- (c) a derelict vehicle, equipment or machinery or the body or any part of a vehicle, equipment or machinery, or
- (d) a dilapidated building.

At the property, the following items were noted:

- (a) ashes, junk, rubbish or refuse,
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction.
- (c) a derelict vehicle, equipment or machinery or the body or any part of a vehicle, equipment or machinery.

#### General comments about the property:

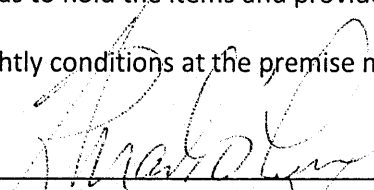
There are several items on the subject property which are considered unsightly. On the property there are garbage bags, scrap wood, plastic barrels, numerous used tires, exercise equipment, blankets, barbeques, a shopping cart, a wood stove, car parts, old plastic tarps, plastic bags, plastic containers, aluminum beverage containers, vacuums, car seats, cardboard, old lawn tractors, gyprock, a wooden cable roll, upholstered furniture, bedroom furniture, lawn mowers, a wood stove, an old freezer, an interior door an exterior door, a small bucket loader and old unused lawn furniture. There is a Chevrolet Van, a Chevrolet pickup truck and a Mercedes four door sedan that don't appear to have been used in some time. The property is in an unsightly condition and is not in compliance with the By-law.

#### Required remedies:

All the items listed must be removed and properly disposed of at an appropriate landfill site.

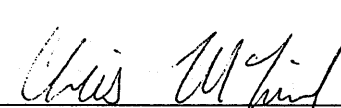
Alternatively, should these items remain on the premise for storage, they must be stored in a garage or shed, sufficient in size so as to hold the items and provide full enclosure.

The unsightly conditions at the premise must be remedied and the property brought into compliance with the By-law.

  
Report Prepared and Signed by R. Mark O'Leary

Date

April 11, 2019

  
Reviewed and Concurred In By Christopher McKiel, P. Eng.

Date

April 11, 2019

**NOTICE OF APPEAL  
FORM 1**  
*(Local Governance Act, S.N.B. 2017,  
c. 18, s.134(1))*

**AVIS D'APPEL  
FORMULE 1**  
*(Loi sur la gouvernance locale, L.N.-B. de 2017,  
ch. 18, par.134(1))*

File No.: \_\_\_\_\_

N° du dossier : \_\_\_\_\_

BETWEEN :

ENTRE :

\_\_\_\_\_

\_\_\_\_\_

Appellant(s),

Appelant(s),

- and -

- et -

THE CITY OF SAINT JOHN,

THE CITY OF SAINT JOHN,

Respondent.

Intimée.

Parcel Identifier : PID #

Numéro d'identification de la parcelle : # NID

\_\_\_\_\_

\_\_\_\_\_

Parcel Address: \_\_\_\_\_

Adresse de la parcelle : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Owner(s) or Occupier(s):

Propriétaire(s) ou occupant(s) :

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

The above named appellant(s) is (are) not satisfied with the terms and conditions set out in the notice that has been given under section 132(3) of the *Local Governance Act* and appeals to the *Saint John Substandard Properties Appeal Committee*.

L'appelant(s) susnommé(s) n'accepte(nt) pas les modalités ou les conditions qui y sont énoncés dans l'avis qui a été notifié aux termes de l'article 132(3) de la *Loi sur la gouvernance locale* et fait appel au *Comité d'appel des propriétés inférieures aux normes de Saint John*.

The appellant's grounds for this appeal are as follows (set out the grounds clearly but briefly):

Les motifs d'appel de l'appelant(s) dans le présent appel sont les suivants (énoncer les motifs de façon claire et concise) :

---

---

---

---

---

---

---

---

---

---

---

---

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Fait à \_\_\_\_\_ le \_\_\_\_\_ 2018.

\_\_\_\_\_  
Signature of owner or occupier

\_\_\_\_\_  
Signature du propriétaire ou l'occupant

The appellant(s) intends to proceed in the English or French language (Please check the appropriate box).

L'appelant(s) a (ont) l'intention d'utiliser la langue française ou anglaise (Veuillez cocher la case appropriée).

Please forward your Notice of Appeal by registered mail to the clerk of The City of Saint John within **fourteen (14) days** after having been given the notice at the following address:

Veillez faire parvenir votre Avis d'appel par courrier recommandé au secrétaire de The City of Saint John dans les **quatorze (14) jours** qui suivent la notification de l'avis à l'adresse suivante :

Common Clerk's Office  
15 Market Square, City Hall Building, 8<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Bureau du greffier communal  
15 Market Square, Édifice de l'hôtel de ville, 8<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Telephone: 506-658-2862  
Telecopier: 506-674-4214

Téléphone: 506-658-2862  
Télécopieur: 506-674-4214

**Notes:**

**Notes :**

1. A notice that is not appealed within **fourteen (14) days** after having been given the notice shall be deemed to be confirmed.

1. Un avis dont il n'est pas interjeté appel dans les **quatorze (14) jours** qui suivent la notification de l'avis est réputée confirmé.

2. On an appeal, the *Saint John Substandard Properties Appeal Committee* shall hold a hearing into the matter at which the owner(s) or occupier(s) bringing the appeal has (have) a right to be heard and may be represented by counsel.
2. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit tenir, sur le point en litige, une audience au cours de laquelle le(s) propriétaire(s) ou l'occupant(s) qui interjette(nt) appel a (ont) le droit d'être entendu(s) et peut(vent) se faire représenter par un avocat.
3. On an appeal, the *Saint John Substandard Properties Appeal Committee* may confirm, modify or rescind the notice or extend the time for complying with the notice.
3. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut confirmer, modifier ou annuler l'avis ou proroger le délai pour s'y conformer.
4. The *Saint John Substandard Properties Appeal Committee* shall provide a copy of its decision to the owner(s) or occupier(s) of the premises, building or structure who brought the appeal within **fourteen (14) days** after making its decision.
4. Le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit fournir une copie de sa décision au(x) propriétaire(s) ou à l'occupant(s) des lieux, du bâtiment ou de la construction qui lui a(ont) interjeté appel dans les **quatorze (14) jours** suivant la date à laquelle il a rendu sa décision.
5. The owner(s) or occupier(s) provided with a copy of a decision from the *Saint John Substandard Properties Appeal Committee* may appeal the decision to a judge of The Court of Queen's Bench of New Brunswick within **fourteen (14) days** after the copy of the decision was provided to the owner(s) or occupier(s) on the grounds that (a) the procedure required to be followed by the *Local Governance Act* was not followed, or (b) the decision is unreasonable.
5. Le(s) propriétaire(s) ou l'occupant(s) à qui une copie d'une décision a été fournie par le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut(vent), dans les **quatorze (14) jours** qui suivent, interjeter appel de la décision devant un juge de la Cour du Banc de la Reine du Nouveau-Brunswick au motif que (a) la démarche à suivre en vertu de la *Loi sur la gouvernance locale* n'a pas été suivie, ou (b) la décision est déraisonnable.

**FORM 4**  
**NOTICE TO COMPLY – DANGEROUS OR**  
**UNSAFETY PREMISES**  
*(Local Governance Act, S.N.B., 2017, c.18, s 132(2))*

**FORMULE 4**  
**AVIS DE CONFORMITÉ – LIEUX**  
**DANGEREUX**  
**OU INESTHÉTIQUES**  
*(Loi sur la gouvernance locale,*  
*L.N.-B. 2017, ch. 18, par. 132(2))*

**Parcel identifier:**

PID # 00363473

Address: 105 Winslow Street, Saint John, New Brunswick

**Owner(s) or Occupier(s):**

Name: Gillette, Ramona Chyerlee

105 Winslow Street, Saint John, New Brunswick E2M 1W4

**Numéro d'identification de la parcelle :**

NID : 00363473

Adresse : 105 rue Winslow, Saint John, Nouveau-Brunswick

**Propriétaire(s) ou occupant(s) :**

Nom : Gillette, Ramona Chyerlee

Adresse : 105 rue Winslow, Saint John, Nouveau-Brunswick E2M 1W4

**Local government giving notice:** The City of Saint John

**Gouvernement local signifiant l'avis :** The City of Saint John

**By-law contravened:** *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law*, By-law Number M-30 and amendments thereto (the "By-law").

**Arrêté enfreint :** *Arrêté relatif aux lieux inesthétiques et aux bâtiments et constructions dangereux de Saint John*, Arrêté numéro M-30, ainsi que ses modifications ci-afférentes (l'« Arrêté »).

**Provision(s) contravened:** Subsection 6(1) of the By-law.

**Disposition(s) enfreinte(s) :** Le paragraphe 6(1) de l'Arrêté.

**Conditions(s) that exist:** The premises is unsightly by permitting junk, rubbish or refuse to remain on the premise. The conditions of the premises are not in compliance with the standards provided for pursuant to the By-law. The conditions of the premise are described in Schedule "A", a true copy of the Inspection Report dated 11 April, 2019 signed by Mark O'Leary, By-law Enforcement Officer.

**Description de la (des) situation(s) :** Les lieux sont inesthétiques en permettant la présence de ferraille, de détritux ou de déchets. Les conditions des lieux ne sont pas en conformité selon les standards prévus dans l'Arrêté. Les conditions des lieux sont décrites à l'annexe « A », une copie conforme du rapport d'inspection en date du 11 avril, 2019 signé par Mark O'Leary, un agent chargé de l'exécution des arrêtés du gouvernement local.

**What must be done to correct the condition:** The owner is to remedy the conditions by complying with the required remedial actions of the aforementioned inspection report and bring the building and premises into compliance with the aforesaid By-law.

**Ce qu'il y a lieu de faire pour y remédier:** La propriétaire doit restaurer les conditions en se conformant aux recommandations du rapport d'inspection susmentionné et d'amener le bâtiment et les lieux en conformités avec l'Arrêté.

**Date before which the condition must be corrected:** <sup>1</sup>

**Délai imparti pour y remédier :** <sup>1</sup>

Within 30 days of being served with the Notice to Comply.

Dans les 30 jours qui suivent la signification de l'avis de conformité.

**Date for giving notice of appeal:** Within 14 days of being served with the Notice to Comply.

**Date limite pour donner l'avis d'appel:** Dans les 14 jours qui suivent la notification de l'avis de conformité.

**Process to appeal:** The owner may within 14 days after having been served with this Notice to Comply, send a Notice of Appeal by registered mail to the Common Clerk of The City of Saint John, City Hall – 8<sup>th</sup> Floor, 15 Market Square, Saint John, New Brunswick, E2L 4L1.

**Processus d'appel :** La propriétaire peut dans les 14 jours qui suivent la notification de l'avis de conformité, envoyé un avis d'appel par courrier recommandé à la greffière communale de la municipalité, à The City of Saint John, Édifice de l'hôtel de ville, 8<sup>e</sup> étage, 15 carrée Market, Saint John, Nouveau-Brunswick, E2L 4L1.

**Potential penalty for not complying with notice**

**Peine possible en cas d'omission de se conformer**



**within time set out in notice:**<sup>2</sup> Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

**Local government's authority to undertake repairs or remedy:**<sup>3</sup> Paragraph 12(1)(a) of the By-law states that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

**Dated** at Saint John the 11 day of April, 2019.

**Local government:** The City of Saint John

**Signature of the officer of the local government:**

**Contact information of the officer of the local government:**

Name: Mark O'Leary

Mailing address:

Growth and Community Development Services

The City of Saint John  
15 Market Square  
City Hall Building, 10<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Telephone: (506) 658-2911

E-mail: mark.o'leary@saintjohn.ca

Fax: (506) 632-6199

**aux exigences de l'avis dans le délai y imparti :**<sup>2</sup> Le paragraphe 11(1) de l'Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Lorsqu'une infraction prévue au paragraphe 11(1) se poursuit pendant plus d'une journée, l'amende minimale qui peut être imposée est l'amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l'infraction se poursuit conformément à l'alinéa 11(3)(b)(i).

**Pouvoir du gouvernement local d'entreprendre des réparations ou de remédier à la situation :**<sup>3</sup> Conformément aux alinéa 12(1)(a) de l'Arrêté, si un avis de conformité a été signifié aux termes de l'article 7 de ladite Arrêté et, que le propriétaire ou l'occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu'il est réputé confirmé ou tel qu'il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant et les coûts afférents à l'exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l'occupant et deviennent une créance de la municipalité.

**Fait** à Saint John le 11 avril, 2019

**Gouvernement locale :** The City of Saint John

**Signature du fonctionnaire du gouvernement local:**

**Coordonnées du fonctionnaire du gouvernement local:**

Nom : Mark O'Leary

Adresse postale :

Service de la Croissance et du Développement  
Communautaire

The City of Saint John  
15 carrée Market,  
Édifice de l'hôtel de ville, 10<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Téléphone : (506) 658-2911

Adresse électronique: mark.o'leary@saintjohn.ca

Télécopieur : (506) 632-6199



**Corporate seal of the local government**

**Notes:**

- 1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.
- 2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.
- 3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

**Sceau du gouvernement local**

**Notes :**

- 1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.
- 2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.
- 3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l'avis commun d'évaluation et d'impôt foncier des gouvernements local et provincial.

Inspection Report

Schedule "A"

I hereby certify that this document is a true copy of the original.

Inspection Date : March 27, 2019  
Inspector: Mark O'Leary  
Property Address: 105 Winslow Street, Saint John, New Brunswick  
PID: 00363473

Covered at Saint John  
this 11 day of April 2019.  
*[Signature]*  
Standards Officer

The inspection of the above mentioned property on March 27, 2019 has revealed that said property is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

Subsection 6(1) of the By-law states:

No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of the premises

- (a) any ashes, junk, rubbish or refuse,
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction,
- (c) a derelict vehicle, equipment or machinery or the body or any part of a vehicle, equipment or machinery, or
- (d) a dilapidated building.

At the property, the following items were noted:

- (a) ashes, junk, rubbish or refuse,
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction.
- (c) a derelict vehicle, equipment or machinery or the body or any part of a vehicle, equipment or machinery.

General comments about the property:

There are several items on the subject property which are considered unsightly. On the property there are, cement blocks, plastic containers, plastic pails, scrap wood, gyprock, garbage bags, tires, numerous plastic storage containers filled with the residue of construction, microwaves, a barbeque, plastic tarps, propane tanks, plastic hose, old windows, rolls of tarpaper, metal mesh fence panels, plastic pipe, furniture cushions and scrap metal. The property is in an unsightly condition and is not in compliance with the By-law.

Required remedies:

All the items listed must be removed and properly disposed of at an appropriate landfill site.

Alternatively, should these items remain on the premises for storage, they must be stored in a garage or shed, sufficient in size so as to hold the items and provide full enclosure.

The unsightly conditions at the premises must be remedied and the property brought into compliance with the By-law.

*[Signature]*  
Report Prepared and Signed by R. Mark O'Leary

Date

*[Signature]*  
Reviewed and Concurred In By Christopher McKiel, P. Eng.

Date

**NOTICE OF APPEAL  
FORM 1**  
*(Local Governance Act, S.N.B. 2017,  
c. 18, s.134(1))*

**AVIS D'APPEL  
FORMULE 1**  
*(Loi sur la gouvernance locale, L.N.-B. de 2017,  
ch. 18, par.134(1))*

File No.: \_\_\_\_\_

N° du dossier : \_\_\_\_\_

BETWEEN :

ENTRE :

\_\_\_\_\_

\_\_\_\_\_

Appellant(s),

Appelant(s),

- and -

- et -

THE CITY OF SAINT JOHN,

THE CITY OF SAINT JOHN,

Respondent.

Intimée.

Parcel Identifier : PID #

Numéro d'identification de la parcelle : # NID

\_\_\_\_\_

\_\_\_\_\_

Parcel Address: \_\_\_\_\_

Adresse de la parcelle : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Owner(s) or Occupier(s):

Propriétaire(s) ou occupant(s) :

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

The above named appellant(s) is (are) not satisfied with the terms and conditions set out in the notice that has been given under section 132(3) of the *Local Governance Act* and appeals to the *Saint John Substandard Properties Appeal Committee*.

L'appelant(s) susnommé(s) n'accepte(nt) pas les modalités ou les conditions qui y sont énoncés dans l'avis qui a été notifié aux termes de l'article 132(3) de la *Loi sur la gouvernance locale* et fait appel au *Comité d'appel des propriétés inférieures aux normes de Saint John*.

The appellant's grounds for this appeal are as follows (set out the grounds clearly but briefly):

Les motifs d'appel de l'appelant(s) dans le présent appel sont les suivants (énoncer les motifs de façon claire et concise) :

---

---

---

---

---

---

---

---

---

---

---

---

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Fait à \_\_\_\_\_ le \_\_\_\_\_ 2018.

\_\_\_\_\_  
Signature of owner or occupier

\_\_\_\_\_  
Signature du propriétaire ou l'occupant

The appellant(s) intends to proceed in the English or French language (Please check the appropriate box).

L'appelant(s) a (ont) l'intention d'utiliser la langue française ou anglaise (Veuillez cocher la case appropriée).

Please forward your Notice of Appeal by registered mail to the clerk of The City of Saint John within **fourteen (14) days** after having been given the notice at the following address:

Veuillez faire parvenir votre Avis d'appel par courrier recommandé au secrétaire de The City of Saint John dans les **quatorze (14) jours** qui suivent la notification de l'avis à l'adresse suivante :

Common Clerk's Office  
15 Market Square, City Hall Building, 8<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Bureau du greffier communal  
15 Market Square, Édifice de l'hôtel de ville, 8<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Telephone: 506-658-2862  
Telecopier: 506-674-4214

Téléphone: 506-658-2862  
Télécopieur: 506-674-4214

**Notes:**

**Notes :**

1. A notice that is not appealed within **fourteen (14) days** after having been given the notice shall be deemed to be confirmed.

1. Un avis dont il n'est pas interjeté appel dans les **quatorze (14) jours** qui suivent la notification de l'avis est réputée confirmé.

2. On an appeal, the *Saint John Substandard Properties Appeal Committee* shall hold a hearing into the matter at which the owner(s) or occupier(s) bringing the appeal has (have) a right to be heard and may be represented by counsel.
2. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit tenir, sur le point en litige, une audience au cours de laquelle le(s) propriétaire(s) ou l'occupant(s) qui interjette(nt) appel a (ont) le droit d'être entendu(s) et peut(vent) se faire représenter par un avocat.
3. On an appeal, the *Saint John Substandard Properties Appeal Committee* may confirm, modify or rescind the notice or extend the time for complying with the notice.
3. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut confirmer, modifier ou annuler l'avis ou proroger le délai pour s'y conformer.
4. The *Saint John Substandard Properties Appeal Committee* shall provide a copy of its decision to the owner(s) or occupier(s) of the premises, building or structure who brought the appeal within **fourteen (14) days** after making its decision.
4. Le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit fournir une copie de sa décision au(x) propriétaire(s) ou à l'occupant(s) des lieux, du bâtiment ou de la construction qui lui a(ont) interjeté appel dans les **quatorze (14) jours** suivant la date à laquelle il a rendu sa décision.
5. The owner(s) or occupier(s) provided with a copy of a decision from the *Saint John Substandard Properties Appeal Committee* may appeal the decision to a judge of The Court of Queen's Bench of New Brunswick within **fourteen (14) days** after the copy of the decision was provided to the owner(s) or occupier(s) on the grounds that (a) the procedure required to be followed by the *Local Governance Act* was not followed, or (b) the decision is unreasonable.
5. Le(s) propriétaire(s) ou l'occupant(s) à qui une copie d'une décision a été fournie par le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut(vent), dans les **quatorze (14) jours** qui suivent, interjeter appel de la décision devant un juge de la Cour du Banc de la Reine du Nouveau-Brunswick au motif que (a) la démarche à suivre en vertu de la *Loi sur la gouvernance locale* n'a pas été suivie, ou (b) la décision est déraisonnable.

**FORM 4**  
**NOTICE TO COMPLY – DANGEROUS OR**  
**UNSIGLTY PREMISES**  
*(Local Governance Act, S.N.B., 2017, c.18, s 132(2))*

**FORMULE 4**  
**AVIS DE CONFORMITÉ – LIEUX**  
**DANGEREUX**  
**OU INESTHÉTIQUES**  
*(Loi sur la gouvernance locale,*  
*L.N.-B. 2017, ch. 18, par. 132(2))*

**Parcel identifier:**

PID # 55102917

Address: 665 Loch Lomond Road, Saint John,  
New Brunswick

**Owner(s) or Occupier(s):**

Name: 037042 N B Inc.

Address: 42 Crown Hill Crescent, Saint John,  
New Brunswick, E2K 2H3

**Numéro d'identification de la parcelle :**

NID : 55102917

Adresse : 665 chemin Loch Lomond, Saint  
John, Nouveau Brunswick

**Propriétaire(s) ou occupant(s) :**

Nom : 037042 N B Inc.

Adresse : 42 croissant Crown Hill, Saint John,  
Nouveau Brunswick, E2K 2H3

**Local government giving notice:** The City of Saint  
John

**Gouvernement local signifiant l'avis :** The City of  
Saint John

**By-law contravened:** *Saint John Unsightly Premises*  
*and Dangerous Buildings and Structures By-Law*, By-  
law Number M-30 and amendments thereto (the "By-  
law").

**Arrêté enfreint :** *Arrêté relatif aux lieux inesthétiques*  
*et aux bâtiments et constructions dangereux de Saint*  
*John*, Arrêté numéro M-30, ainsi que ses  
modifications ci-afférentes (l' « Arrêté »).

**Provision(s) contravened:** Subsection 6(1) of the By-  
law.

**Disposition(s) enfreinte(s) :** Le paragraphe 6(1) de  
l'Arrêté.

**Conditions(s) that exist:** The premise is unsightly by  
permitting junk, rubbish or refuse to remain on the  
premise. The conditions of the premises are not in  
compliance with the standards provided for pursuant to  
the By-law. The conditions of the premise are described  
in Schedule "A", a true copy of the Inspection Report  
dated March 14, 2019 signed by Mark O'Leary, By-law  
Enforcement Officer.

**Description de la (des) situation(s) :** Les lieux sont  
inesthétiques en permettant la présence de ferraille,  
de détritrus ou de déchets. Les conditions des lieux ne  
sont pas en conformité selon les standards prévus dans  
l'Arrêté. Les conditions des lieux sont décrites à  
l'annexe « A », une copie conforme du rapport  
d'inspection en date du 14 mars, 2019 signé par Mark  
O'Leary, un agent chargé de l'exécution des arrêtés  
du gouvernement local.

**What must be done to correct the condition:** The  
owner is to remedy the conditions by complying with  
the required remedial actions of the aforementioned  
inspection report and bring the building and premises  
into compliance with the aforesaid By-law.

**Ce qu'il y a lieu de faire pour y remédier:** La  
propriétaire doit restaurer les conditions en se  
conformant aux recommandations du rapport  
d'inspection susmentionné et d'amener le bâtiment et  
les lieux en conformités avec l'Arrêté.

**Date before which the condition must be corrected:** <sup>1</sup>

**Délai imparti pour y remédier :** <sup>1</sup>

Within 15 days of being served with the Notice to  
Comply.

Dans les 15 jours qui suivent la signification de l'avis  
de conformité.

**Date for giving notice of appeal:** Within 14 days of  
being served with the Notice to Comply.

**Date limite pour donner l'avis d'appel:** Dans les 14  
jours qui suivent la notification de l'avis de  
conformité.

**Process to appeal:** The owner may within 14 days after  
having been served with this Notice to Comply, send a  
Notice of Appeal by registered mail to the Common  
Clerk of The City of Saint John, City Hall – 8<sup>th</sup> Floor, 15  
Market Square, Saint John, New Brunswick, E2L 4L1.

**Processus d'appel :** La propriétaire peut dans les 14  
jours qui suivent la notification de l'avis de  
conformité, envoyé un avis d'appel par courrier  
recommandé à la greffière communale de la  
municipalité, à The City of Saint John, Édifice de  
l'hôtel de ville, 8<sup>e</sup> étage, 15 Market Square, Saint  
John, Nouveau-Brunswick, E2L 4L1.

**Potential penalty for not complying with notice**

**Peine possible en cas d'omission de se conformer**

**within time set out in notice:**<sup>2</sup> Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

**Local government's authority to undertake repairs or remedy:**<sup>3</sup> Paragraph 12(1)(a) of the By-law states that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

**Dated** at Saint John the 14 day of March, 2019.

**Local government:** The City of Saint John

**Signature of the officer of the local government:**

**Contact information of the officer of the local government:**

Name: Mark O'Leary  
Mailing address:

Growth and Community Development Services

The City of Saint John  
15 Market Square  
City Hall Building, 10<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Telephone: (506) 658-2911  
E-mail: mark.o'leary@saintjohn.ca  
Fax: (506) 632-6199

**aux exigences de l'avis dans le délai y imparti :**<sup>2</sup> Le paragraphe 11(1) de l'Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Lorsqu'une infraction prévue au paragraphe 11(1) se poursuit pendant plus d'une journée, l'amende minimale qui peut être imposée est l'amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l'infraction se poursuit conformément à l'alinéa 11(3)(b)(i).

**Pouvoir du gouvernement local d'entreprendre des réparations ou de remédier à la situation :**<sup>3</sup> Conformément aux alinéa 12(1)(a) de l'Arrêté, si un avis de conformité a été signifié aux termes de l'article 7 de ladite Arrêté et, que le propriétaire ou l'occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu'il est réputé confirmé ou tel qu'il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant et les coûts afférents à l'exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l'occupant et deviennent une créance de la municipalité.

**Fait** à Saint John le 14 mars, 2019

**Gouvernement locale :** The City of Saint John

**Signature du fonctionnaire du gouvernement local:**

**Coordonnées du fonctionnaire du gouvernement local:**

Nom : Mark O'Leary  
Adresse postale :

Service de la Croissance et du Développement  
Communautaire

The City of Saint John  
15 Market Square  
Édifice de l'hôtel de ville, 10<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Téléphone : (506) 658-2911  
Adresse électronique: mark.o'leary@saintjohn.ca  
Télécopieur : (506) 632-6199





### Corporate seal of the local government

**Notes:**

1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.
2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.
3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

### Sceau du gouvernement local

**Notes :**

1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.
2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.
3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l'avis commun d'évaluation et d'impôt foncier des gouvernements local et provincial.

# Inspection Report

## Schedule "A"

I hereby certify that this document is a true copy of the original.

Dated at Saint John

this 14 day of March

2019.

Standards Officer

Inspection Date : March 14, 2019

Inspector: Mark O'Leary

Property Address: 665 Loch Lomond Road, Saint John, NB

PID: 55102917

The inspection of the above mentioned property on March 14, 2019 has revealed that said property is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

Subsection 6(1) of the By-law states:

No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of such premises:

- (a) Any ashes, junk, rubbish or refuse,
- (b) An accumulation of wood shavings, paper, sawdust or other residue of production or construction,
- (c) A derelict vehicle, equipment or machinery or the body or any part of a vehicle, equipment or machinery, or
- (d) A dilapidated building.

At the property, the following items were noted:

- (a) Ashes, junk, rubbish or refuse, and
- (b) An accumulation of wood shavings, paper, sawdust or other residue of production or construction.

### General comments about the property:

There are several items on the subject property which are considered unsightly. There are the remnants associated with the demolition of a building sticking out of the ground. Those remnants consist of dimensional lumber, roofing shingles, broken concrete, broken asphalt, fiberglass insulation, plywood, oriented strand board (OSB), gyprock and vinyl siding. The property is in an unsightly condition and is not in compliance with the By-law.

### Required remedies:

All items listed must be removed and properly disposed of at an appropriate landfill site.

The unsightly conditions at the premise must be remedied and the property brought into compliance with the By-law.

Report Prepared and Signed by R. Mark O'Leary

Date

Reviewed and Concurred In By Christopher McKiel, P. Eng.

Date

**NOTICE OF APPEAL  
FORM 1**  
(Local Governance Act, S.N.B. 2017,  
c. 18, s.134(1))

**AVIS D'APPEL  
FORMULE 1**  
(Loi sur la gouvernance locale, L.N.-B. de 2017,  
ch. 18, par.134(1))

File No.: \_\_\_\_\_

N° du dossier : \_\_\_\_\_

BETWEEN :

ENTRE :

\_\_\_\_\_

\_\_\_\_\_

Appellant(s),

Appelant(s),

- and -

- et -

THE CITY OF SAINT JOHN,

THE CITY OF SAINT JOHN,

Respondent.

Intimée.

Parcel Identifier : PID #

Numéro d'identification de la parcelle : # NID

\_\_\_\_\_

\_\_\_\_\_

Parcel Address: \_\_\_\_\_

Adresse de la parcelle : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Owner(s) or Occupier(s):

Propriétaire(s) ou occupant(s) :

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

The above named appellant(s) is (are) not satisfied with the terms and conditions set out in the notice that has been given under section 132(3) of the *Local Governance Act* and appeals to the *Saint John Substandard Properties Appeal Committee*.

L'appelant(s) susnommé(s) n'accepte(nt) pas les modalités ou les conditions qui y sont énoncés dans l'avis qui a été notifié aux termes de l'article 132(3) de la *Loi sur la gouvernance locale* et fait appel au *Comité d'appel des propriétés inférieures aux normes de Saint John*.

The appellant's grounds for this appeal are as follows (set out the grounds clearly but briefly):

Les motifs d'appel de l'appelant(s) dans le présent appel sont les suivants (énoncer les motifs de façon claire et concise) :

---

---

---

---

---

---

---

---

---

---

---

---

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Fait à \_\_\_\_\_ le \_\_\_\_\_ 2018.

\_\_\_\_\_  
Signature of owner or occupier

\_\_\_\_\_  
Signature du propriétaire ou l'occupant

The appellant(s) intends to proceed in the English or French language (Please check the appropriate box).

L'appelant(s) a (ont) l'intention d'utiliser la langue française ou anglaise (Veuillez cocher la case appropriée).

Please forward your Notice of Appeal by registered mail to the clerk of The City of Saint John within **fourteen (14) days** after having been given the notice at the following address:

Veuillez faire parvenir votre Avis d'appel par courrier recommandé au secrétaire de The City of Saint John dans les **quatorze (14) jours** qui suivent la notification de l'avis à l'adresse suivante :

Common Clerk's Office  
15 Market Square, City Hall Building, 8<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Telephone: 506-658-2862  
Telecopier: 506-674-4214

Bureau du greffier communal  
15 Market Square, Édifice de l'hôtel de ville, 8<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Téléphone: 506-658-2862  
Télécopieur: 506-674-4214

Notes:

Notes :

1. A notice that is not appealed within **fourteen (14) days** after having been given the notice shall be deemed to be confirmed.

1. Un avis dont il n'est pas interjeté appel dans les **quatorze (14) jours** qui suivent la notification de l'avis est réputée confirmé.

2. On an appeal, the *Saint John Substandard Properties Appeal Committee* shall hold a hearing into the matter at which the owner(s) or occupier(s) bringing the appeal has (have) a right to be heard and may be represented by counsel.
2. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit tenir, sur le point en litige, une audience au cours de laquelle le(s) propriétaire(s) ou l'occupant(s) qui interjette(nt) appel a (ont) le droit d'être entendu(s) et peut(vent) se faire représenter par un avocat.
3. On an appeal, the *Saint John Substandard Properties Appeal Committee* may confirm, modify or rescind the notice or extend the time for complying with the notice.
3. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut confirmer, modifier ou annuler l'avis ou proroger le délai pour s'y conformer.
4. The *Saint John Substandard Properties Appeal Committee* shall provide a copy of its decision to the owner(s) or occupier(s) of the premises, building or structure who brought the appeal within **fourteen (14) days** after making its decision.
4. Le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit fournir une copie de sa décision au(x) propriétaire(s) ou à l'occupant(s) des lieux, du bâtiment ou de la construction qui lui a(ont) interjeté appel dans les **quatorze (14) jours** suivant la date à laquelle il a rendu sa décision.
5. The owner(s) or occupier(s) provided with a copy of a decision from the *Saint John Substandard Properties Appeal Committee* may appeal the decision to a judge of The Court of Queen's Bench of New Brunswick within **fourteen (14) days** after the copy of the decision was provided to the owner(s) or occupier(s) on the grounds that (a) the procedure required to be followed by the *Local Governance Act* was not followed, or (b) the decision is unreasonable.
5. Le(s) propriétaire(s) ou l'occupant(s) à qui une copie d'une décision a été fournie par le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut(vent), dans les **quatorze (14) jours** qui suivent, interjeter appel de la décision devant un juge de la Cour du Banc de la Reine du Nouveau-Brunswick au motif que (a) la démarche à suivre en vertu de la *Loi sur la gouvernance locale* n'a pas été suivie, ou (b) la décision est déraisonnable.

**FORM 4**  
**NOTICE TO COMPLY – DANGEROUS OR**  
**UNSAFELY PREMISES**  
*(Local Governance Act, S.N.B., 2017, c.18, s 132(2))*

**FORMULE 4**  
**AVIS DE CONFORMITÉ – LIEUX**  
**DANGEREUX**  
**OU INESTHÉTIQUES**  
*(Loi sur la gouvernance locale,*  
*L.N.-B. 2017, ch. 18, par. 132(2))*

**Parcel identifier:**

PID # 55102925

Address: 669 Loch Lomond Road, Saint John,  
New Brunswick

**Owner(s) or Occupier(s):**

Name: 037042 NB Inc.

Address: 42 Crown Hill Crescent, Saint John,  
New Brunswick, E2K 2H3

**Numéro d'identification de la parcelle :**

NID : 55102925

Adresse : 669 chemin Loch Lomond, Saint  
John, Nouveau Brunswick

**Propriétaire(s) ou occupant(s) :**

Nom : 037042 NB Inc.

Adresse : 42 croissant Crown Hill, Saint John,  
Nouveau Brunswick, E2K 2H3

**Local government giving notice:** The City of Saint  
John

**By-law contravened:** *Saint John Unsightly Premises  
and Dangerous Buildings and Structures By-Law*, By-  
law Number M-30 and amendments thereto (the "By-  
law").

**Provision(s) contravened:** Subsection 6(1) of the By-  
law.

**Conditions(s) that exist:** The premise is unsightly by  
permitting junk, rubbish or refuse to remain on the  
premise. The conditions of the premises are not in  
compliance with the standards provided for pursuant to  
the By-law. The conditions of the premise are described  
in Schedule "A", a true copy of the Inspection Report  
dated March 14, 2019 signed by Mark O'Leary, By-law  
Enforcement Officer.

**What must be done to correct the condition:** The  
owner is to remedy the conditions by complying with  
the required remedial actions of the aforementioned  
inspection report and bring the building and premises  
into compliance with the aforesaid By-law.

**Date before which the condition must be corrected:**<sup>1</sup>

Within 15 days of being served with the Notice to  
Comply.

**Date for giving notice of appeal:** Within 14 days of  
being served with the Notice to Comply.

**Process to appeal:** The owner may within 14 days after  
having been served with this Notice to Comply, send a  
Notice of Appeal by registered mail to the Common  
Clerk of The City of Saint John, City Hall – 8<sup>th</sup> Floor, 15  
Market Square, Saint John, New Brunswick, E2L 4L1.

**Potential penalty for not complying with notice**

**Gouvernement local signifiant l'avis :** The City of  
Saint John

**Arrêté enfreint :** *Arrêté relatif aux lieux inesthétiques  
et aux bâtiments et constructions dangereux de Saint  
John*, Arrêté numéro M-30, ainsi que ses  
modifications ci-afférentes (l' « Arrêté »).

**Disposition(s) enfreinte(s) :** Le paragraphe 6(1) de  
l'Arrêté.

**Description de la (des) situation(s) :** Les lieux sont  
inesthétiques en permettant la présence de ferraille,  
de débris ou de déchets. Les conditions des lieux ne  
sont pas en conformité selon les standards prévus dans  
l'Arrêté. Les conditions des lieux sont décrites à  
l'annexe « A », une copie conforme du rapport  
d'inspection en date du 14 mars, 2019 signé par Mark  
O'Leary, un agent chargé de l'exécution des arrêtés  
du gouvernement local.

**Ce qu'il y a lieu de faire pour y remédier:** La  
propriétaire doit restaurer les conditions en se  
conformant aux recommandations du rapport  
d'inspection susmentionné et d'amener le bâtiment et  
les lieux en conformité avec l'Arrêté.

**Délai imparti pour y remédier :**<sup>1</sup>

Dans les 15 jours qui suivent la signification de l'avis  
de conformité.

**Date limite pour donner l'avis d'appel:** Dans les 14  
jours qui suivent la notification de l'avis de  
conformité.

**Processus d'appel :** La propriétaire peut dans les 14  
jours qui suivent la notification de l'avis de  
conformité, envoyé un avis d'appel par courrier  
recommandé à la greffière communale de la  
municipalité, à The City of Saint John, Édifice de  
l'hôtel de ville, 8<sup>e</sup> étage, 15 Market Square, Saint  
John, Nouveau-Brunswick, E2L 4L1.

**Peine possible en cas d'omission de se conformer**

**within time set out in notice:**<sup>2</sup> Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

**Local government’s authority to undertake repairs or remedy:**<sup>3</sup> Paragraph 12(1)(a) of the By-law states that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

**Dated** at Saint John the 14 day of March, 2019.

**Local government:** The City of Saint John

**Signature of the officer of the local government:**

**Contact information of the officer of the local government:**

Name: Mark O’Leary  
Mailing address:

Growth and Community Development Services

The City of Saint John  
15 Market Square  
City Hall Building, 10<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Telephone: (506) 658-2911  
E-mail: mark.o’leary@saintjohn.ca  
Fax: (506) 632-6199

**aux exigences de l’avis dans le délai y imparti :**<sup>2</sup> Le paragraphe 11(1) de l’Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l’article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d’infraction de la classe F.

Lorsqu’une infraction prévue au paragraphe 11(1) se poursuit pendant plus d’une journée, l’amende minimale qui peut être imposée est l’amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l’infraction se poursuit conformément à l’alinéa 11(3)(b)(i).

**Pouvoir du gouvernement local d’entreprendre des réparations ou de remédier à la situation :**<sup>3</sup> Conformément aux alinéa 12(1)a) de l’Arrêté, si un avis de conformité a été signifié aux termes de l’article 7 de ladite Arrêté et, que le propriétaire ou l’occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu’il est réputé confirmé ou tel qu’il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant et les coûts afférents à l’exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l’occupant et deviennent une créance de la municipalité.

**Fait** à Saint John le 14 mars, 2019

**Gouvernement locale :** The City of Saint John

**Signature du fonctionnaire du gouvernement local:**

**Coordonnées du fonctionnaire du gouvernement local:**

Nom : Mark O’Leary  
Adresse postale :

Service de la Croissance et du Développement  
Communautaire

The City of Saint John  
15 Market Square  
Édifice de l’hôtel de ville, 10<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Téléphone : (506) 658-2911  
Adresse électronique: mark.o’leary@saintjohn.ca  
Télécopieur : (506) 632-6199



**Corporate seal of the local government**

**Notes:**

- 1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.
- 2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.
- 3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

**Sceau du gouvernement local**

**Notes :**

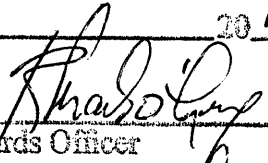
- 1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.
- 2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.
- 3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l'avis commun d'évaluation et d'impôt foncier des gouvernements local et provincial.



Inspection Report

Schedule "A"

I hereby certify that this document is a true copy of the original.

Dated at Saint John  
this 14 day of March  
2019  
  
Standards Officer

Inspection Date : March 14, 2019  
Inspector: Mark O'Leary  
Property Address: 669 Loch Lomond Road, Saint John, NB  
PID: 55102925

The inspection of the above mentioned property on March 14, 2019 has revealed that said property is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

Subsection 6(1) of the By-law states:

No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of such premises:

- (a) Any ashes, junk, rubbish or refuse,
- (b) An accumulation of wood shavings, paper, sawdust or other residue of production or construction,
- (c) A derelict vehicle, equipment or machinery or the body or any part of a vehicle, equipment or machinery, or
- (d) A dilapidated building.

At the property, the following items were noted:

- (a) Ashes, junk, rubbish or refuse, and
- (b) An accumulation of wood shavings, paper, sawdust or other residue of production or construction.

General comments about the property:

There are several items on the subject property which are considered unsightly. There are numerous piles of scrap building material from two buildings that have been torn down and the discarded materials have been placed on the property. These materials consist of dimensional lumber, vinyl siding, gyprock, fiberglass insulation, electrical wire, appliances, OSB board, plywood, roofing shingles, wooden shelving, a bath tub, garbage bags, garage doors, windows, metal pipe, and other items associated with the demolition of a building. The property is in an unsightly condition and is not in compliance with the By-law.

Required remedies:

All the items listed must be removed and properly disposed of at an appropriate landfill site.

The unsightly conditions at the premise must be remedied and the property brought into compliance with the By-law.

  
Report Prepared and Signed by R. Mark O'Leary

March 14, 2019  
Date

  
Reviewed and Concurred In By Christopher McKiel, P. Eng.

March 14, 2019  
Date

**NOTICE OF APPEAL  
FORM 1**  
*(Local Governance Act, S.N.B. 2017,  
c. 18, s.134(1))*

**AVIS D'APPEL  
FORMULE 1**  
*(Loi sur la gouvernance locale, L.N.-B. de 2017,  
ch. 18, par.134(1))*

File No.: \_\_\_\_\_

N° du dossier : \_\_\_\_\_

BETWEEN :

ENTRE :

\_\_\_\_\_

\_\_\_\_\_

Appellant(s),

Appelant(s),

- and -

- et -

THE CITY OF SAINT JOHN,

THE CITY OF SAINT JOHN,

Respondent.

Intimée.

Parcel Identifier : PID #

Numéro d'identification de la parcelle : # NID

\_\_\_\_\_

\_\_\_\_\_

Parcel Address: \_\_\_\_\_

Adresse de la parcelle : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Owner(s) or Occupier(s):

Propriétaire(s) ou occupant(s) :

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

The above named appellant(s) is (are) not satisfied with the terms and conditions set out in the notice that has been given under section 132(3) of the *Local Governance Act* and appeals to the *Saint John Substandard Properties Appeal Committee*.

L'appellant(s) susnommé(s) n'accepte(nt) pas les modalités ou les conditions qui y sont énoncés dans l'avis qui a été notifié aux termes de l'article 132(3) de la *Loi sur la gouvernance locale* et fait appel au *Comité d'appel des propriétés inférieures aux normes de Saint John*.

The appellant's grounds for this appeal are as follows (set out the grounds clearly but briefly):

Les motifs d'appel de l'appellant(s) dans le présent appel sont les suivants (énoncer les motifs de façon claire et concise) :

---

---

---

---

---

---

---

---

---

---

---

---

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Fait à \_\_\_\_\_ le \_\_\_\_\_ 2018.

\_\_\_\_\_  
Signature of owner or occupier

\_\_\_\_\_  
Signature du propriétaire ou l'occupant

The appellant(s) intends to proceed in the English or French language (Please check the appropriate box).

L'appellant(s) a (ont) l'intention d'utiliser la langue française ou anglaise (Veuillez cocher la case appropriée).

*Please forward your Notice of Appeal by registered mail to the clerk of The City of Saint John within **fourteen (14) days** after having been given the notice at the following address:*

*Veillez faire parvenir votre Avis d'appel par courrier recommandé au secrétaire de The City of Saint John dans les **quatorze (14) jours** qui suivent la notification de l'avis à l'adresse suivante :*

Common Clerk's Office  
15 Market Square, City Hall Building, 8<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Bureau du greffier communal  
15 Market Square, Édifice de l'hôtel de ville, 8<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Telephone: 506-658-2862  
Telecopier: 506-674-4214

Téléphone: 506-658-2862  
Télécopieur: 506-674-4214

**Notes:**

**Notes :**

1. A notice that is not appealed within **fourteen (14) days** after having been given the notice shall be deemed to be confirmed.

1. Un avis dont il n'est pas interjeté appel dans les **quatorze (14) jours** qui suivent la notification de l'avis est réputée confirmé.

2. On an appeal, the *Saint John Substandard Properties Appeal Committee* shall hold a hearing into the matter at which the owner(s) or occupier(s) bringing the appeal has (have) a right to be heard and may be represented by counsel.

3. On an appeal, the *Saint John Substandard Properties Appeal Committee* may confirm, modify or rescind the notice or extend the time for complying with the notice.

4. The *Saint John Substandard Properties Appeal Committee* shall provide a copy of its decision to the owner(s) or occupier(s) of the premises, building or structure who brought the appeal within ***fourteen (14) days*** after making its decision.

5. The owner(s) or occupier(s) provided with a copy of a decision from the *Saint John Substandard Properties Appeal Committee* may appeal the decision to a judge of The Court of Queen's Bench of New Brunswick within ***fourteen (14) days*** after the copy of the decision was provided to the owner(s) or occupier(s) on the grounds that (a) the procedure required to be followed by the *Local Governance Act* was not followed, or (b) the decision is unreasonable.

2. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit tenir, sur le point en litige, une audience au cours de laquelle le(s) propriétaire(s) ou l'occupant(s) qui interjette(nt) appel a (ont) le droit d'être entendu(s) et peut(vent) se faire représenter par un avocat.

3. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut confirmer, modifier ou annuler l'avis ou proroger le délai pour s'y conformer.

4. Le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit fournir une copie de sa décision au(x) propriétaire(s) ou à l'occupant(s) des lieux, du bâtiment ou de la construction qui lui a(ont) interjeté appel dans les ***quatorze (14) jours*** suivant la date à laquelle il a rendu sa décision.

5. Le(s) propriétaire(s) ou l'occupant(s) à qui une copie d'une décision a été fournie par le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut(vent), dans les ***quatorze (14) jours*** qui suivent, interjeter appel de la décision devant un juge de la Cour du Banc de la Reine du Nouveau-Brunswick au motif que (a) la démarche à suivre en vertu de la *Loi sur la gouvernance locale* n'a pas été suivie, ou (b) la décision est déraisonnable.



**Map A – 17 Delhi Street, PID 00014597**  
Enhanced Community Standards Pilot Program







**Map B – 19 Delhi Street, PID 00014589**  
Enhanced Community Standards Pilot Program







## Map C – 21 Delhi Street, PID 00014571

Enhanced Community Standards Pilot Program

110

The City of Saint John  
Date: June 10, 2019







**Map D – 59 Morrison Road, PID 00327932**  
Enhanced Community Standards Pilot Program



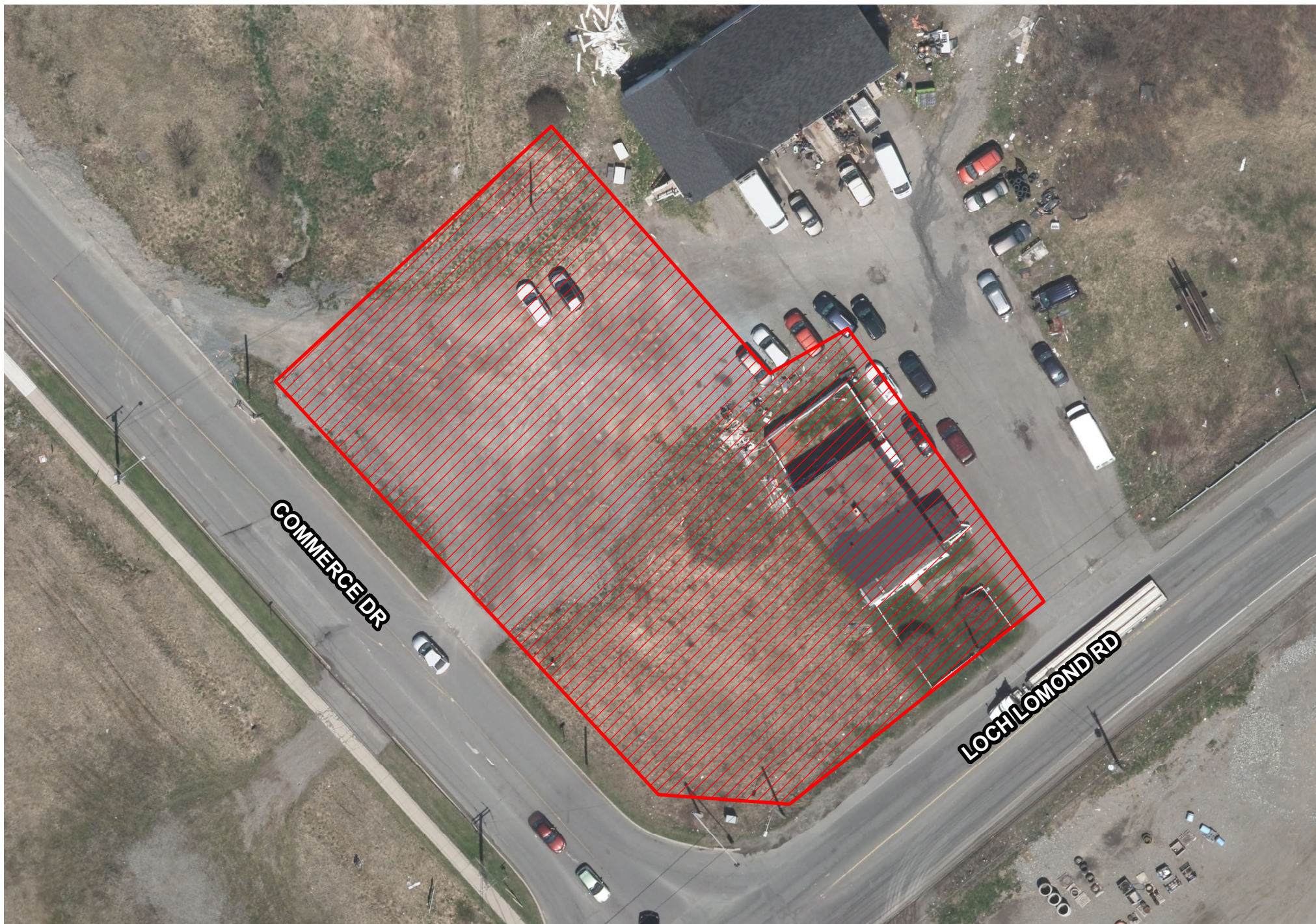




**Map E – 105 Winslow Street, PID 00363473**  
Enhanced Community Standards Pilot Program







**Map F – 665 Loch Lomond Road, PID 55102917**  
Enhanced Community Standards Pilot Program







# Map G – 669 Loch Lomond Road, PID 55102925

Enhanced Community Standards Pilot Program

114

The City of Saint John  
Date: June 12, 2019





# 17 Delhi Street



**June 6, 2019**

**Site Identifier 'A'**

115

**PID# 00014597**



**17 Delhi Street**

**June 6, 2019**

**Site Identifier 'A'**

**PID# 00014597**





**17 Delhi Street**

**June 6, 2019**

**Site Identifier 'A'**

**PID# 00014597**



A photograph of a site with dense green vegetation, dry brush, and a concrete slab. The foreground is filled with low-growing green plants. In the middle ground, there is a large, flat, light-colored concrete slab. To the left, there is a wooden frame structure. The background is filled with tall, dry, brown brush and grass. The text "17 Delhi Street" is overlaid at the top.

**17 Delhi Street**

**June 6, 2019**

**Site Identifier 'A'**

**PID# 00014597**



**19 Delhi Street**

**June 6, 2019**

**Site Identifier 'B'**

**PID# 00014589**





**19 Delhi Street**

**June 6, 2019**

**Site Identifier 'B'**

**PID# 00014589**





**19 Delhi Street**

**June 6, 2019**

**Site Identifier 'B'**

**PID# 00014589**



# 21 Delhi Street



**June 6, 2019**

**Site Identifier 'C'**

122

**PID# 00014521**



# 21 Delhi Street

June 6, 2019

Site Identifier 'C'

PID# 00014521





**21 Delhi Street**

**June 6, 2019**

**Site Identifier 'C'**

**PID# 00014521**



# 59 Morrison Road



May 28, 2019

Site Identifier 'D'

125

PID# 00327932



# 59 Morrison Road



May 28, 2019

Site Identifier 'D'

PID# 00327932



# 59 Morrison Road



May 28, 2019

Site Identifier 'D'

PID# 00327932





**59 Morrison Road**

**May 28, 2019**

**Site Identifier 'D'**

**PID# 00327932**



# 59 Morrison Road



May 28, 2019

Site Identifier 'D'

129

PID# 00327932



**105 Winslow Street**

**May 29, 2019**

**Site Identifier 'E'**

130

**PID# 00363473**



# 105 Winslow Street



May 29, 2019

Site Identifier 'E'

PID# 00363473



**105 Winslow Street**

**May 29, 2019**

**Site Identifier 'E'**

**PID# 00363473**



**105 Winslow Street**

**May 29, 2019**

**Site Identifier 'E'**

**PID# 00363473**



**105 Winslow Street**

**May 29, 2019**

**Site Identifier 'E'**

134

**PID# 00363473**





**665 Loch Lomond Road**

**June 11, 2019**

**Site Identifier 'F'**

**PID# 55102917**



**665 Loch Lomond Road**



**June 11, 2019**

**Site Identifier 'F'**

136

**PID# 55102917**





**669 Loch Lomond Road**

**June 11, 2019**

**Site Identifier 'G'**

**PID# 55102925**





**669 Loch Lomond Road**

**June 11, 2019**

**Site Identifier 'G'**

**PID# 55102925**



# 669 Loch Lomond Road



June 11, 2019

Site Identifier 'G'

PID# 55102925





**669 Loch Lomond Road**

**June 11, 2019**

**Site Identifier 'G'**

**PID# 55102925**



# 669 Loch Lomond Road



June 11, 2019

Site Identifier 'G'

PID# 55102925



# 669 Loch Lomond Road



**June 11, 2019**

**Site Identifier 'G'**

**PID# 55102925**



A large pile of debris and trash is visible next to a brown shipping container. The debris includes wooden planks, cardboard boxes, plastic bags, and other household items. A black leather chair is visible in the foreground. The background shows a hilly landscape under a cloudy sky.

# 669 Loch Lomond Road

June 11, 2019

Site Identifier 'G'

PID# 55102925



**669 Loch Lomond Road**



**June 11, 2019**

**Site Identifier 'G'**

144

**PID# 55102925**



# 669 Loch Lomond Road



June 11, 2019

Site Identifier 'G'

145

PID# 55102925





**669 Loch Lomond Road**

**June 11, 2019**

**Site Identifier 'G'**

**PID# 55102925**



**669 Loch Lomond Road**

**June 11, 2019**

**Site Identifier 'G'**

**PID# 55102925**



# 669 Loch Lomond Road



June 11, 2019

Site Identifier 'G'

PID# 55102925



# 669 Loch Lomond Road



June 11, 2019

Site Identifier 'G'

PID# 55102925



## COUNCIL REPORT

M&C No.	2019-155
Report Date	June 12, 2019
Meeting Date	June 17, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Green Municipal Project Loan and Grant Agreement - Canada Games Aquatic Center Energy Efficiency Retrofit***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Craig Lavigne</i></b>	<b><i>Cathy Graham/Kevin Fudge</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

**RESOLVED:** that the New Brunswick Municipal Finance Corporation issue a debenture to the City of Saint John in the amount of \$1,428,000 for a ten year term.

### ***EXECUTIVE SUMMARY***

The City of Saint John applied for a low interest loan and grant as part of the Green Municipal Fund Project Loan Agreement and was successful in the application and funding is available to be released to the City. The loan and grant was related to the Canada Games Aquatic Centre energy efficiency retrofit projects that were all completed by 2018.

### ***PREVIOUS RESOLUTION***

2018-299 - Green Municipal Project Loan and Grant Agreement - Canada Games Aquatic Center Energy Efficiency Retrofit

### ***REPORT***

The City of Saint John secured a grant and loan as part of the FCM's, Green Municipal Fund Project Loan Agreement. The funding is in relation to the energy efficiency retrofit capital project completed at the Canada Games Aquatic Centre. The energy efficiency improvements included air handling units, heat exchangers, HVAC control upgrades, high efficiency boilers and domestic hot water systems.

As part of this agreement, the money must be dispersed through New Brunswick Municipal Finance Corporation and requires a formal application for financing to be completed.

The term of the loan is \$1,428,000 for 10 years with an interest rate of 3.41%. However, as part of this loan there is a grant for \$214,167, which brings that actual effective rate of the loan below 1%.

***SERVICE AND FINANCIAL OUTCOMES***

This debenture will be a fix charge for the City of Saint John for 10 years.

***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

N/A

***ATTACHMENTS***

FCM Confirmation Letter





FEDERATION  
OF CANADIAN  
MUNICIPALITIES

FÉDÉRATION  
CANADIENNE DES  
MUNICIPALITÉS

**President  
Président**

Bill Karsten  
Councillor  
Halifax Regional  
Municipality, NS

June 11, 2019

**First Vice-President  
Premier vice-président**

Garth Frizzell  
Councillor  
City of Prince George, BC

Samir Yammine  
Energy Manager  
The City of Saint John  
15 Market Square  
Saint John, NB  
E2L 4L1

**Second Vice-President  
Deuxième vice-présidente**

Joanne Vanderheyden  
Mayor  
Municipality of  
Strathroy-Caradoc, ON

**Project Title:** City of Saint John Canada Games Aquatic Centre Energy  
Efficiency Retrofit

**Application Number:** GMF 10098

**Third Vice-President  
Troisième vice-président**

Darren Hill  
Councillor  
City of Saskatoon, SK

Dear Mr. Yammine:

**Past President  
Présidente sortant**

Vicki-May Hamm  
Mairesse  
Ville de Magog, QC

We would like to inform you that your request for disbursement has been reviewed by FCM for the above-mentioned project for the City of Saint John.

This letter is to confirm that the amount of disbursement will be \$1,428,000 for a 10 year term which will be disbursed following notification from the New Brunswick Municipal Finance Corporation. This amount will constitute payment for the final contribution in regard to the Green Municipal Fund Project Loan Agreement.

**Chief Executive Officer  
Chef de la direction**

Brock Carlton  
Ottawa, ON

Please do not hesitate to contact Ms. Nathalie Lapointe, Project Officer, at 613-907-6261 or [nlapointe@fcm.ca](mailto:nlapointe@fcm.ca), should you have any questions or concerns.

Yours sincerely,

Catherine Crawley  
Manager, Capital Projects Funding  
Green Municipal Fund

10, rue Rideau Street,  
Ottawa, Ontario

**Mailing address/  
adresse postale**

24, rue Clarence Street,  
Ottawa, Ontario K1N 5P3

T. 613-241-5221  
F. 613-241-7440

[www.fcm.ca](http://www.fcm.ca)

CC/NL

c: Ms. Catherine Mosher, Managing Director, Banking and Cash Management, New Brunswick Municipal Finance Corporation



## COUNCIL REPORT

M&C No.	M&C 2019 - 153
Report Date	June 12, 2019
Meeting Date	June 17, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Summer Arena Bulk Rental License Amendment #3***

***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Tim O'Reilly</i></b>	<b><i>Michael Hugenholtz</i></b>	<b><i>John Collin</i></b>

***RECOMMENDATION***

Your City Manager recommends Common Council authorize the Mayor and Common Clerk to execute the license amendment #3 between the City of Saint John and 707990 N.B. Inc. as attached to M&C 2019 – 153.

***PREVIOUS RESOLUTIONS***

On March 25, 2019 Common Council endorsed a license with 707990 N.B. Inc. to rent ice time at the City's Hilton Belyea arena in bulk for the months of May through August 2019.

On April 8, 2019 Council endorsed amending the license to provide 707990 N.B. Inc. access to the ice 8:30 AM – 11:30 PM on Saturdays and Sundays through end of August. In error, the original agreement indicated 707990 N.B. Inc. would only have this extended time on weekends until end of June 2019.

On May 21, 2019, at the request of 707990 N.B. Inc., Common Council endorsed a second amendment to the agreement that allowed 707990 N.B. Inc. access to the ice 3:30 PM – 10:30 PM on weekdays for the remainder of May and June 2019. The original agreement indicated access would be 4:30 PM – 11:30 PM. The amendment also clarified one financial term and allowed Fundy Lacrosse to regain access to their storage room at the arena.

***REPORT***

707990 N.B. Inc. has requested another amendment to the license to allow access to the ice 9:00 AM – 3:30 PM on June 24-28, 2019, 9:00 AM – 5:00 PM on



July 1, 2019 (Canada Day), an option access the ice after 5:00 PM on July 1, 2019 and an option to access the ice on August 5, 2019 (New Brunswick Day). The amended license up to now allows 707990 N.B. Inc. access on June 24-28, 2019 starting at 3:30 PM and no access is permitted for July 1, 2019 or August 5, 2019. The amendment attached to this report would permit this access and option of access.

### ***STRATEGIC ALIGNMENT***

Increasing utilization of City of Saint John arenas that generate net revenues in excess of incremental costs contributes to the financial sustainability of these valued recreation assets.

Enhancing the financial sustainability of City arenas will assist Council achieving its priority of investing in recreation that creates a sense of community pride.

### ***SERVICE AND FINANCIAL OUTCOMES***

The license amendment includes a lump sum amount of \$3,216 plus HST for the additional hours of use on June 24-28 and July 1; as well as a \$100.00 + HST per hour rate for the additional times as an option. The revenues generated from this amendment is expected to exceed the incremental service costs. City staff time to service the additional arena use June 24-28, 2019 and to prepare this report and amendment (including City Solicitor's Office) would be considered opportunity costs.

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

The City Solicitor's Office has assisted with the preparation of the attached license amendment.

### ***ATTACHMENTS***

License Amendment #3 with 707990 N.B. Inc.

**License Amendment #3**

BY AND BETWEEN:

**The City of Saint John**, having its City Hall at 15 Market Square, Saint John, New Brunswick, a body corporate by Royal Charter, confirmed and amended by Acts of the Legislative Assembly of the Province of New Brunswick, hereinafter called the "Licensor"

OF THE ONE PART

- and -

**707990 N.B. Inc.**, a company duly incorporated under the laws of the Province of New Brunswick, having its head office at 42 Bayview Drive, in the City of Saint John, County of St. John, Province of New Brunswick, hereinafter called the "Licensee"

OF THE OTHER PART

WHEREAS the Licensor and Licensee entered into a License that was approved by resolution of the Licensor's Common Council on April 8<sup>th</sup>, 2019 and executed on behalf of the Licensee by Andrew Bezeau, President, on April 11<sup>th</sup>, 2019 (the "License"); and

WHEREAS the License was subsequently amended; and

WHEREAS the Licensor and Licensee wish to make certain discrete further amendments to the License;

NOW THEREFORE THIS INDENTURE WITNESSETH that for and in consideration of the charges stipulated in the License and other good and valuable consideration, the receipt of which is hereby acknowledged, the following amendments to the License are agreed to by the Licensor and Licensee:

1. In addition to the times and dates specified in Article 1 of the License, as amended, the Licensee shall:
  - a. have access to and use of the Premises from June 24<sup>th</sup> to June 28<sup>th</sup>, 2019 between the hours of 9:00am until 3:30pm, inclusive, as well as on July 1<sup>st</sup>, 2019 (Canada Day) between the hours of 9:00am until 5:00pm, inclusive, in exchange for the good and valuable consideration of Three Thousand Two Hundred and



Sixteen Dollars (\$3,216.00), plus HST, which shall be added to the installment payment that the Licensee shall make to the Licensor pursuant to Article 2(ii)(c) of the License.

- b. have the option to access and use the Premises after 5:00pm on July 1<sup>st</sup>, 2019 (Canada Day) at an hourly cost of One Hundred Dollars (\$100.00) plus HST, subject to the following additional conditions:
  - i. the Licensee shall rent consecutive hours commencing at 5:00pm, up to but not later than 11:00pm on the aforementioned date, and
  - ii. the Licensee shall exercise this option by providing written notice to the Licensor of not less than ten (10) calendar days prior to July 1<sup>st</sup>, 2019 and shall provide full payment to the Licensor together with the aforementioned written notice.
- c. have the option to access and use the Premises between 9am and 11pm on August 5<sup>th</sup>, 2019 (New Brunswick Day) at an hourly cost of One Hundred Dollars (\$100.00) plus HST, subject to the following additional conditions:
  - i. the Licensee shall rent the Premises for a minimum of four (4) consecutive hours, and
  - ii. the Licensee shall exercise this option by providing written notice to the Licensor of not less than fourteen (14) calendar days prior to August 5<sup>th</sup>, 2019 and shall provide full payment to the Licensor together with the aforementioned written notice.

IN WITNESS WHEREOF the parties hereto have set their corporate seals duly attested by the signatures of their properly authorized officers respectively the day and year first above written.

Signed, sealed and delivered

THE CITY OF SAINT JOHN

\_\_\_\_\_  
Don Darling, Mayor

\_\_\_\_\_  
Jonathan Taylor, Common Clerk

Common Council Resolution:  
April \_\_\_\_, 2019

707990 N.B. Inc.

Per: \_\_\_\_\_  
Andrew Bezeau, President

PROVINCE OF NEW BRUNSWICK

COUNTY OF SAINT JOHN

I, Jonathan Taylor, of the Town of Quispamsis, in the County of Kings and Province of New Brunswick, MAKE OATH AND SAY:

- 1. THAT I am the Common Clerk of The City of Saint John and have custody of the Common Seal hereof.
- 2. THAT the seal to the foregoing instrument affixed is the Common Seal of The City of Saint John and that it was so affixed by Order of the Common Council of the said City.
- 3. THAT the signature “Don Darling” to the said instrument is the signature of W. Donald Darling, Mayor of the said City, and the signature “Jonathan Taylor” thereto is my own signature.
- 4. THAT we are the proper officers to sign the foregoing instrument on behalf of The City of Saint John.

SWORN TO BEFORE ME	)	
at the City of Saint John, in the	)	
County of Saint John and	)	
Province of New Brunswick	)	
this ____ day of _____, 2019	)	
	)	
	)	Jonathan Taylor
_____	)	
	)	
Commissioner of Oaths	)	
Being a Solicitor	)	
	)	



PROVINCE OF NEW BRUNSWICK

1. THAT I am the President of 707990 N.B. Inc., the licensee named in the foregoing instrument and have custody of the corporate seal of the said company and am duly authorized to make this affidavit.

3. THAT the signature “Andrew Bezeau” subscribed to the said instrument is my signature and as I am duly authorized to execute the said instrument.

4. THAT the said document was executed as aforesaid at the \_\_\_\_\_ of \_\_\_\_\_, in the Province of New Brunswick on the \_\_\_\_ day of \_\_\_\_\_, 2019.

SWORN TO BEFORE ME at the )  
 \_\_\_\_\_ of \_\_\_\_\_, )  
 in the County of \_\_\_\_\_ )  
 and Province of New Brunswick )  
 this \_\_\_\_\_ day of \_\_\_\_\_, 2019 )

---

---

Andrew Bezeau

## Commissioner of Oaths Being a Solicitor

## COUNCIL REPORT

M&C No.	2019-32
Report Date	May 08, 2019
Meeting Date	June 17, 2019
Service Area	Corporate Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: RFP City of Saint John Benefit Administration***

***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Leah Robichaud</i></b> <b><i>Stephanie Hossack</i></b>	<b><i>Neil Jacobsen</i></b>	<b><i>John Collin</i></b>

***RECOMMENDATION***

It is recommended that the City remain with the current carriers for employee benefits; Manulife Financial for Extended Health and Dental, Managed Health Care Services Inc. for Prescription Drugs and A.I.G. for Travel Insurance and Accidental Death and Dismemberment Insurance. It is also recommended that Mayor and Common Clerk be authorized to execute contracts with Manulife Financial, Managed Health Care Services Inc., Blue Cross and AIG in the form attached.

***EXECUTIVE SUMMARY***

A request for proposal for employee benefits was issued by Mercer Consulting on behalf of the City of Saint John in the fall 2018. Mercer was engaged to manage the process due to the specialized nature and associated costs. Staff Input was provided by a selection committee representing Human Resources, Finance and Purchasing. Submissions were received from five vendors. After review of "Best and Final submissions" it is recommended that the City Benefit Plans remain, with the existing vendors.

Updated policies have been included from the four providers based on the RFP. Included as well is a renewal of the City's Accidental Death & Dismemberment Insurance through AIG, although not as part of the RFP.



## **PREVIOUS RESOLUTION**

**July 25, 2016: Item 5.15** That as recommended by the City Manager in the submitted report M&C 2016-200: City of Saint John's Prescription Drug Plan – Contract Renewal and Individuals Large Pooling Program, the Mayor and Common Clerk be authorized to execute contracts with Managed Health Care Services Inc. (MHCSI), AIG and with Royal and Sun Alliance Insurance Company of Canada in the form attached to the M&C No. 2016-200 and dated July 25, 2016.

## **REPORT**

The City of Saint John Benefit Plan (the Plan) is an Administrative Services Only (ASO) plan, which means the Plan is responsible for all claims and outsources the claims management to carriers for a fee. Ensuring our administrative fees and financial arrangements are competitive is essential to maintaining financial stability to the Plan. Regular review of provider options also ensures Plan members are receiving satisfactory support, including customer service, online submission options and overall claims administration effectiveness.

All respondents were measured based on Plan Requirements notably maintaining current plan design, member support and underwriting arrangements. Financial considerations including fees and guarantees, travel plan rates, pooling arrangements, deposit requirements and related interest, were also given due consideration in the final assessment.

After review and analysis of the five submissions including a “Best and Final” quote based on our current arrangement, the selection committee made a recommendation to the Benefits Steering Committee. Upon review, the Benefit Steering Committee and Selection Committee recommend continuing with the ASO arrangement as has been in place since 2010, with the new rates and minor adjustments as outlined in the Best and Final submission. Specifically, the current arrangement is with Manulife, Managed Health Care Services Inc. (MHCSI) and AIG.

Manulife Financial provides all Dental and Extended Health claims administration. Extended Health includes such benefits as physiotherapy, vision and medical supplies. Manulife Financial has quoted an improved rate for the fees with no change to our current financial arrangements or plan design.

MHCSI has partnered with Blue Cross to provide Prescription Drug claims administration. They have submitted a reduction in their fees and have added language to protect the plan against litigation related to their formulary decisions.

Travel insurance as well as our Accidental Death and Dismemberment (AD&D) insurance is provided by AIG. It should be noted that the AD&D insurance was not part of the RFP. However, the policy is up for renewal for the same period. There have been no changes to these insurance policies with AIG.

## ***STRATEGIC ALIGNMENT***

With oversight by the Benefit Steering Committee, regular review and benchmarking is conducted to ensure the City of Saint John Benefit Plan remains relevant, sustainable and competitive. The previous Request for Proposal (RFP) was carried out ten years ago to ensure the Plan had the most cost effective administration for both the Plan Members and the Plan Sponsor. This RFP provided confirmation that the City of Saint John Plan continues to be administered with the most cost effective option for fees and services. As such, this RFP process supports Council's priorities, including Fiscal Responsibility and Valued Service Delivery.

## ***SERVICE AND FINANCIAL OUTCOMES***

The City of Saint John Benefit Plan has three providers, each with their own arrangement for Administrative Fees and associated costs.

Manulife Financials fee structure includes a General Administration fee (GA), a Claims Administration fee (CA), and a Profit. These fees are based on a percentage of total claims for the Extended Health and Dental benefits Manulife provides. Manulife has quoted an overall reduction of 0.5% on the GA and CA costs with the profit percentage remaining at 0.5%.

Managed Health Care Services Inc. (MHCSI) provides the prescription drug benefits and the Stop Loss Insurance for these benefits. The fee structure with MHCSI includes Claims Administration and the pooling charge for the Stop Loss Insurance. The CA fee remained at 1.50% and the Pooling rate was reduced from 2.42% to 1.87% for twelve months. In addition, MHCSI has also agreed to update our policy language related to support in the event of litigation due to drug listing decisions. Our current policy provides no protection to the Plan against litigation; the proposal would shift this liability from the City of Saint John Plan to MHCSI.

AIG currently provides Travel Insurance for all Plan members and they have maintained our current rates, which are very competitive as evident throughout the process.

These changes to administrative rates represent a savings of approximately \$24,000 based on the claims history for 2018.

## ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Consultation and review has been provided by Materials Management, Finance and the City Solicitors Office.

**ATTACHMENTS**

Attachment A	Manulife Financial Policy (Extended Health and Dental)
Attachment B	Managed Health Care Service Inc. Policy (Prescription Drugs) including Stop Loss Coverage through Blue Cross
Attachment C	AIG Policy (Out of Province Travel Insurance)
Attachment D	AIG Policy (Accidental Death and Dismemberment Insurance)



M&C No.	2019-32
Report Date	June 12, 2019
Meeting Date	June 17, 2019
Service Area	Corporate Services

# Attachment A

Manulife Financial

Financial Arrangements  
effective May 1, 2019

OUTLINE OF THE FINANCIAL ARRANGEMENTS

Between

CITY OF SAINT JOHN

And

THE MANUFACTURERS LIFE INSURANCE COMPANY

Effective: May 1, 2019

Version : 1

SECTION 1 - GENERAL INFORMATION .....	3
Financial Arrangements Document.....	3
Effective Date of the Financial Arrangement .....	3
Benefit and Financial Arrangement Outline .....	4
Financial Arrangement.....	4
Calculation Of Monthly Statement .....	4
Financial Accounting Details.....	6
I.    Deposits .....	6
Term .....	6
II.   Benefit Payments .....	6
Term .....	6
III.  Administrative Charges .....	6
General Administration Charges.....	6
Benefit Payment Administration Charges .....	6
Profit Charge .....	7
Taxes.....	7
Premium Tax.....	7
Federal Goods and Services Tax (GST) .....	7
Provincial Sales Taxes.....	7
La Taxe de Vente du Quebec (TVQ) .....	7
IV.   Interest Credits and Charges.....	7
Interest On Cash Flow.....	8
V.    Renewal Administrative Charges .....	8
VI.   ASO Benefit Payments Liability .....	9
At Inception:.....	9
At Termination: .....	9
SECTION 2 .....	10
Financial Arrangements for City of Saint John.....	10
I.    Administrative Charges .....	10
General Administration Charges .....	10
Benefit Payments Administration Charges .....	10
Taxes .....	10
Profit Charge .....	10
Booklet and Other Printing Expenses .....	10
Report Preparation Expenses.....	10
Other Non-standard Expenses .....	11



## SECTION 1 - GENERAL INFORMATION

### *Financial Arrangements Document*

This document sets out the terms of the Administrative Services Only (ASO) financial arrangement between **City of Saint John** and The Manufacturers Life Insurance Company (Manulife Financial).

The document contains two major sections. Section 1 outlines Manulife Financial's standard provisions; Section 2 outlines administrative charges.

Manulife Financial reserves the right to amend, upon notification, the terms of Section 1 of this arrangement in accordance with changes in company practices.

Any change to the level of the charges outlined in Section 2 will be communicated to **City of Saint John** as part of the renewal communication.

**IT IS AGREED AND UNDERSTOOD** that the parties herein recognize that they have requested that the present document be drafted in English. Les parties à la présente reconnaissent qu'elles ont demandé à ce que le présent document soit rédigé en anglais

### *Effective Date of the Financial Arrangement*

The effective date of this Financial Arrangement is May 1, 2019.

Since the effective date, the following revisions have been made:

<u>Revision Number</u>	<u>Revision Effective Date</u>	<u>Section Revised</u>	<u>Summary of the Revision</u>

## ***Benefit and Financial Arrangement Outline***

The following ASO benefits are provided under Plan Document number 83059:

- Extended Health
- Dental

## ***Financial Arrangement***

ASO is not an insured plan; it is a service arrangement between Manulife Financial and the plan sponsor. Under this arrangement:

- the plan sponsor assumes the risk for benefit payments;
- Manulife Financial
  - provides benefit payment adjudication services; and
  - provides plan documentation.

The payment basis is a “Billed in Arrears” arrangement. At the inception of the plan, an initial payment equal to 6 weeks of estimated benefit payments, Administrative Service Charges and applicable pool charges and taxes is required. This amount or “float” is required to cover benefit payments made before the first bill is issued and payment received. The float will be reviewed from time to time and adjustments to the amount held may be required to maintain the float at the required level.

## **Calculation Of Monthly Statement**

A Statement is sent to the plan sponsor each month. The amount owing is equal to:

Previous Balance

*Minus*

Total Deposits

*Plus*

New Activity

*Plus*

Interest Charges

*Plus*

---

## Required Float

The balance is payable to Manulife Financial upon receipt of the monthly statement.



## Financial Accounting Details

The following terms are used:

### I. Deposits

<i>Term</i>	<i>Definition</i>
Total deposits	All deposits (including GST, HST, TVQ and any applicable sales taxes) paid in the reporting period, regardless of the date the deposit is due.

### II. Benefit Payments

<i>Term</i>	<i>Definition</i>
Paid benefit payments – EHC, Dental	all payments issued during the reporting period

### III. Administrative Charges

#### General Administration Charges

General Administration charges are the costs to cover the operation of the plan.

#### Benefit Payment Administration Charges

Benefit Payment Administration charges are the costs to cover the management of Benefit Payments.

## Profit Charge

A Profit Charge is applicable to all benefits.

## Taxes

### ***Premium Tax***

Premium tax is payable on all insured elements. In addition, for plan members in Quebec, Ontario\* and Newfoundland, premium tax is payable on ASO benefit payments and administrative service charges.

\* Except for disability plans where the employer pays part of the cost.

The rate of tax is prescribed by the provincial government.

- For tax calculations, the provincial distribution will be based on benefit payment distribution information.

### ***Federal Goods and Services Tax (GST)***

Federal GST is payable in all provinces on ASO contracts that have no insured components. GST is *not* payable when Harmonized Sales Tax (HST) is applicable.

### ***Provincial Sales Taxes***

Provincial sales taxes are payable as legislated.

### ***La Taxe de Vente du Quebec (TVQ)***

TVQ is Quebec Sales Tax payable on Quebec based ASO plans that have no insured components.

## IV. Interest Credits and Charges

The following interest rate basis is used:

Interest Rate Basis	Description
Prime	The average of the 5 largest banks' prime rates in effect at the beginning of the month.

---

## Interest On Cash Flow

Manulife Financial will credit/charge interest over the reporting period. The interest rate used will be prime plus 2% for each day with a negative balance and prime less 1% for each day with a positive balance.

A “Daily Interest” cash flow accounting method is used in order to more accurately calculate the interest on the cash flow incurred over the reporting period. The calculation analyzes cash flow on a daily basis and breaks it down into the following sections:

- Deposits: Interest is calculated based on the date payment is received.
- Benefit Payments: Interest is charged on benefit payments as follows:
  - Based on the assumption that benefit payments are spread evenly over the month, interest on cash flow is calculated from the 15<sup>th</sup> of each month.
- Commissions and Special Charges (e.g., printing, booklets, special reports, etc.): These items are charged on the 15<sup>th</sup> of the month in which the expense was incurred.
- Other Administrative Charges:
  - Claims Administration: Claims Administration Charges are charged on the 15<sup>th</sup> of each month based on Total claim charges for the month.
  - General Administration, Risk Charges, Profit Charges and Premium Tax: The items are charged on the 15<sup>th</sup> of each month based on premium due for the month.

## V. Renewal Administrative Charges

Manulife Financial establishes new Administrative Charges annually. **City of Saint John** will be given 90 days notice of any changes which will become effective on the renewal date.



---

## **VI. ASO Benefit Payments Liability**

### **At Inception:**

At the inception of an ASO plan, benefit or account, only benefit payments incurred on or after the effective date will be paid.

### **At Termination:**

At the termination of an ASO plan, benefit or account, only benefit payments processed up to the end of business on the date of termination will be billed to the plan sponsor; unprocessed benefit payments will be returned to the plan member.

Any unused float will be returned to the plan sponsor.

## SECTION 2

### *Financial Arrangements for City of Saint John*

*for the period May 1, 2019 to April 30, 2020.*

**\*\*\*ASO expenses are guaranteed from May 1<sup>st</sup>, 2019 until April 30<sup>th</sup>, 2022\*\*\***

#### **I. Administrative Charges**

##### **General Administration Charges**

Charge	EHC	Dental
% of total benefit payments charge	1.5%	1.5%

##### **Benefit Payments Administration Charges**

Charge	EHC	Dental
% of total benefit payments charge	3.25%	3.00%

##### **Taxes**

Tax levels are charged as set by federal and provincial legislation.

##### **Profit Charge**

The Profit Charge is a flat 0.5% of total paid benefit payments.

##### **Booklet and Other Printing Expenses**

Actual Costs plus 10%

##### **Report Preparation Expenses**

Actual Costs plus 10%

---

## Other Non-standard Expenses

Actual Costs plus 10%



M&C No.	2019-32
Report Date	June 12, 2019
Meeting Date	June 17, 2019
Service Area	Corporate Services

# Attachment B

MHCSI & Blue Cross agreements  
effective April 1, 2019

MHCSI Amendment Agreement  
Blue Cross ILAP

**THIS AMENDMENT AGREEMENT** dated the \_\_\_\_ day of \_\_\_\_, 2019.

**BETWEEN:**

**MHCSI MANAGED HEALTH CARE SERVICES INC.  
“MHCSI”**

**OF THE ONE PART**

**- and -**

**THE CITY OF SAINT JOHN  
“CLIENT”**

**OF THE SECOND PART**

**RECITALS**

**WHEREAS** the parties entered into a Group Benefit Plan Agreement [“Agreement”] dated the 26<sup>th</sup> day of August 2016.

**AND WHEREAS** the parties have agreed upon amendments and wish to incorporate them into the Agreement.

**AND WHEREAS** the parties have entered into this Amendment Agreement to give effect to their intentions.

**NOW THEREFORE** in consideration of the mutual covenants and agreements herein and the sum of one dollar [\$1.00] and other good and valuable consideration, the receipt of which are hereby acknowledged, the parties agree as follows:

1. That this Amendment Agreement shall be effective April 1, 2019.
2. That section 8.1 shall be deleted and replaced with the following:
  - 8.1 That this Agreement is effective on the date of execution specified above and shall remain in force for an initial term of eight (8) years commencing on the Effective Date, or until terminated as hereinafter provided.
3. That Appendix “A.1” – MHCSI PLAN DOCUMENT shall be deleted and replaced with the attached Appendix “A.1” – MHCSI PLAN DOCUMENT

4. That Appendix "A.2" – CLIENT BENEFIT OUTLINE (CBO) shall be deleted and replaced with the attached Appendix "A.2" – CLIENT BENEFIT OUTLINE (CBO)
5. That section 6.3 shall be added:

6.3 In the event of litigation, arbitration or other challenge due to MHCSI's listing decision or related to a claim decline, prior authorization or drug exclusion, MHCSI shall be responsible for legal fees and reasonable disbursements to defend and shall have the right to approve the legal counsel and any settlement.

Client shall look to its Individual Large Amount Pooling ("ILAP") with Medavie Blue Cross for claim amounts above the ILAP threshold and be responsible for claim awards up to threshold.

6. That all other terms and conditions of the Agreement, except as mentioned herein, shall continue to apply.
7. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their respective successors and, as permitted, assigns.

**IN WITNESS WHEREOF** the parties have executed this Agreement the day and year first above written.

**MHCSI MANAGED HEALTH CARE SERVICES INC.**

Per: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Per: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

**THE CITY OF SAINT JOHN**

Per: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Per: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_



## **APPENDIX "A.1" MHCSI PLAN DOCUMENT**

### **OPTION ONE: MHCSI ELECTRONIC FUNDS TRANSFER ACCOUNT**

Bank: Royal Bank, 5161 George Street, Halifax NS B3J 1M7  
Transit #: 003  
Branch #: 0003  
Account #: 137-230-9

(Note: These transfers cannot be reversed without prior direction from MHCSI.)

### **PARTICIPATING PHARMACY LOCATIONS**

Lawtons Drugs , Sobeys Pharmacy, Sobeys Pharmacy by Mail (SPBM), Foodland Pharmacy, FreshCo Pharmacy, Chalo! FreshCo Pharmacy, Safeway Pharmacy and Thrifty Foods Pharmacy.

### **SUBSIDIARY AND/OR AFFILIATE COMPANIES**

The following subsidiary or affiliate companies of the Client are included as part of the Group named on the Plan Document. (Note: A separate plan document is required for any subsidiary having different criteria.)

<b><u>SUBSIDIARY/AFFILIATE COMPANY NAME</u></b>	<b><u>POLICY#</u></b>
<b><u>The City of Saint John</u></b>	<b><u>91146</u></b>
<b><u>Management</u></b>	<b><u>Section 001, 009</u></b>
<b><u>Inside Workers</u></b>	<b><u>Section 002, 010</u></b>
<b><u>Police</u></b>	<b><u>Section 003, 011</u></b>
<b><u>Fire</u></b>	<b><u>Section 004, 012</u></b>
<b><u>Outside Workers</u></b>	<b><u>Section 005, 013</u></b>
<b><u>Pensioners</u></b>	<b><u>Section 006, 014</u></b>
<b><u>Disabled</u></b>	<b><u>Section 007, 015</u></b>
<b><u>Pensioners Firefighters</u></b>	<b><u>Section 008, 016</u></b>
<b><u> </u></b>	<b><u> </u></b>
<b><u> </u></b>	<b><u> </u></b>

**APPENDIX “A.2” – CLIENT BENEFIT OUTLINE (CB0)**

**Client Name:** City of Saint John

**Amendment Effective Date:** April 1, 2019

**Agreement Effective Date:** May 1, 2016

**Client Mailing Address:** PO Box 1971, Saint John, NB E2L 4L1

**Primary contact:** Human Resources Attn: Leah Robichaud

**Deposit in Trust:** \$250,000 – see Appendix B

**Eligibility:** # lives 1627

Electronic file at start-up Enrollment by email from H/R department

**Benefit Cards:** mailed direct to Members

**Max Plan Age:** none

**Dependent Children Ages:** up to 20<sup>th</sup> birthday

**Dependent Student Ages:** 20 to 25<sup>th</sup> birthday if attending school full-time

**Plan Copay Designs:** 20% copay, minimum \$5.00 copay per claim

**Plan Copay Maximum:** \$400, then fixed \$5.00 copay per claim

**Plan Formulary Design:** Preferred Provider MHCSI Managed Care Plan  
- Doctor No Substitution plan design

**Billing Cycle:** 15<sup>th</sup> of each month

**Stop Loss Insurance:** under policy # 91146 with Medavie Blue Cross, \$50,000 individual Drugs – premium rates are reviewed annually.

March 21, 2019

**RE: City of Saint John – Individual Large Amount Pooling (ILAP)**

Please find below the ILAP renewal for the City of Saint John, effective April 1, 2019.

Under Individual Large Amount Pooling (ILAP), if any one participant's total Drug claims per year exceed the selected pooling threshold, the claims in excess of the threshold will be removed from the experience of the plan.

The renewal pooling charges for City of Saint John are as follows and will be implemented accordingly.

Pooling Threshold	Benefit	Effective Date April 1, 2019
\$50,000	Drugs Only	1.87%

Please note, the charges are guaranteed 12 months from the effective date.



---

Marie Annick Cail  
Corporate Account Manager  
Medavie Blue Cross



M&C No.	2019-32
Report Date	June 12, 2019
Meeting Date	June 17, 2019
Service Area	Corporate Services

# Attachment C

AIG

Out of Province Travel Insurance  
Policy #9026662A  
AIG Privacy Policy & notice

### POLICY AMENDMENT RIDER NO. 3

In consideration of the payment of premium calculated in the manner stated in the policy to which this rider is attached, it is hereby agreed that this policy is amended as follows:

It is further hereby understood and agreed that effective **April 1, 2016** the Maximum Lifetime Benefit as shown under the Declarations Section of the Policy, Item 7, is amended to read as follows:

**Maximum Lifetime Benefit: \$1,000,000.00 per Eligible Person (limited to \$250,000 for Class III only)**

This rider takes effect on **April 1, 2016** 12:01 A.M., Standard Time, at **SAINT JOHN, NEW BRUNSWICK** and it expires concurrently with the policy and is subject to all of the provisions, definitions, limitations and conditions of the policy not inconsistent herewith.

Attached to and made a part of Policy No. **SRG 9026662A** issued to **CITY OF SAINT JOHN** by the AIG Insurance Company of Canada, Canadian Head Office, Toronto, Ontario, but the same shall not be binding on the Company unless countersigned by its duly authorized representative.

Countersigned by \_\_\_\_\_



Authorized Representative

Issue date: March 28, 2019 / ab

## POLICY AMENDMENT RIDER NO. 4

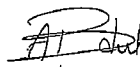
In consideration of the payment of premium calculated in the manner stated in the policy to which this rider is attached, it is hereby agreed that this policy is amended as follows:

It is hereby understood and agreed this policy is renewed for the period commencing **April 1, 2019** and ending **April 1, 2020**.

This rider takes effect on **April 1, 2019** 12:01 A.M., Standard Time, at **SAINT JOHN, NEW BRUNSWICK** and it expires concurrently with the policy and is subject to all of the provisions, definitions, limitations and conditions of the policy not inconsistent herewith.

Attached to and made a part of Policy No. **SRG 9026662A** issued to **CITY OF SAINT JOHN** by the AIG Insurance Company of Canada, Canadian Head Office, Toronto, Ontario, but the same shall not be binding on the Company unless countersigned by its duly authorized representative.

Countersigned by



Authorized Representative

Issue date: April 2, 2019 / ab



## POLICY AMENDMENT RIDER NO. 5

In consideration of the payment of premium calculated in the manner stated in the policy to which this rider is attached, it is hereby agreed that the policy is amended as follows:

1) It is hereby agreed that effective April 1<sup>st</sup>, 2019, the rates are guarantee for 2 years rolling as follows:

### ROLLING 2 YEAR RATE GUARANTEE

The Company agrees to extend the rate guarantee for an additional 2 years, provided the incurred Loss Ratio for the in-force policy period is 70% or below, and the incurred Loss Ratio since Policy inception is 70% or below. Such Loss Ratio shall be calculated six (6) months from the close of the most recent Policy period.

**Incurred Claims** shall mean all claims received by the Company for the Policy Year.

**Incurred Losses** for the Policy year reported after the accounting for that Policy Year, will be included in the calculation for the following year regardless of date of loss.

**IBNR** (reserves for claims Incurred But Not Reported) will be calculated at 7.5% of the Earned Premium for the first Policy Year and 2% for the second Policy Year.

**Policy Year:** Shall mean the period from April 1st to March 31st of each year. The first Policy Year under this agreement will be April 1, 2019 through March 31<sup>st</sup>, 2020.

**Earned Premium:** That portion of premium written that applies to the expired portion of the policy term.

**Incurred Losses:** Shall include all claims paid to the claimant as a result of Incurred Claims, claims pending payment, claims which are being contested, or any change in reserves (increases or decreases) for open claims, and any IBNR (Incurred But Not Reported) claims for the Policy year.

**Loss Ratio:** Shall mean Incurred Losses divided by Earned Premium.

All calculations shall be based upon the Company's records and performed based upon the usual and customary accounting methods as established from time to time by the Company. All calculations shall be final and binding on the Company and the Policyholder.

This rider takes effect on April 1, 2019 12:01 A.M., Standard Time, at SAINT JOHN, NEW BRUNSWICK and it expires concurrently with the policy and is subject to all of the provisions, definitions, limitations and conditions of the policy not inconsistent herewith.

Attached to and made a part of Policy No. SRG 9026662A issued to CITY OF SAINT JOHN by the AIG Insurance Company of Canada, Canadian Head Office, Toronto, Ontario, but the same shall not be binding on the Company unless countersigned by its duly authorized representative.



Countersigned by \_\_\_\_\_  
Authorized Representative

Issue date: April 2, 2019/AB

## POLICY AMENDMENT RIDER NO. 6

In consideration of the payment of premium calculated in the manner stated in the policy to which this rider is attached, it is hereby agreed that this policy is amended as follows:

It is further hereby understood and agreed that effective **April 1, 2019** , **Section 8 - Emergency Out of Province Medical Exclusions & Limitation** in the contract as shown under **point 8(b)** is amended to read as follows:

**(b) the abuse of alcohol consumption or medication or drugs or non-compliance with prescribed medical therapy or treatment whether prior to or during the Insured Person's Trip;**

This rider takes effect on **April 1, 2016** 12:01 A.M., Standard Time, at **SAINT JOHN, NEW BRUNSWICK** and it expires concurrently with the policy and is subject to all of the provisions, definitions, limitations and conditions of the policy not inconsistent herewith.

Attached to and made a part of Policy No. **SRG 9026662A** issued to **CITY OF SAINT JOHN** by the AIG Insurance Company of Canada, Canadian Head Office, Toronto, Ontario, but the same shall not be binding on the Company unless countersigned by its duly authorized representative.

Countersigned by \_\_\_\_\_



Authorized Representative

Issue date: April 2, 2019 / ab

M&C No.	2019-32
Report Date	June 12, 2019
Meeting Date	June 17, 2019
Service Area	Corporate Services

# Attachment D

AIG

Accident Death & Dismemberment  
Insurance  
Policy 9129620 & 9129627



## POLICY AMENDMENT RIDER NO. 9

In consideration of the payment of premium calculated in the manner stated in the policy to which this rider is attached, it is hereby agreed that this policy is amended as follows:

It is hereby understood and agreed this policy is renewed for the period commencing **April 1, 2019** and ending **April 1, 2020**.

This rider takes effect on April 1, 2019 12:01 A.M., Standard Time, at SAINT JOHN, NEW BRUNSWICK and it expires concurrently with the policy and is subject to all of the provisions, definitions, limitations and conditions of the policy not inconsistent herewith.

Attached to and made a part of Policy No. BSC 9129620 issued to CITY OF SAINT JOHN AS ASSOCIATED ESTABLISHMENT 'CITY OF SAINT JOHN POLICE COMMISSION' by the AIG Insurance Company of Canada, Canadian Head Office, Toronto, Ontario, but the same shall not be binding on the Company unless countersigned by its duly authorized representative.

Countersigned by



Authorized Representative

Issue date: April 2, 2019 / ab

## POLICY AMENDMENT RIDER NO. 9


In consideration of the payment of premium calculated in the manner stated in the policy to which this rider is attached, it is hereby agreed that this policy is amended as follows:

It is hereby understood and agreed this policy is renewed for the period commencing **April 1, 2019** and ending **April 1, 2020**.

This rider takes effect on **April 1, 2019** 12:01 A.M., Standard Time, at **SAINT JOHN, NEW BRUNSWICK** and it expires concurrently with the policy and is subject to all of the provisions, definitions, limitations and conditions of the policy not inconsistent herewith.

Attached to and made a part of Policy No. **PAI 9129627** issued to **CITY OF SAINT JOHN AS ASSOCIATED ESTABLISHMENT 'CITY OF SAINT JOHN POLICE COMMISSION'** by the AIG Insurance Company of Canada, Canadian Head Office, Toronto, Ontario, but the same shall not be binding on the Company unless countersigned by its duly authorized representative.

Countersigned by



Authorized Representative

Issue date: April 2, 2019 / ab



**CUSTOMER ADVISORY  
REGARDING THE ENFORCEMENT OF  
ECONOMIC EMBARGOES AND TRADE SANCTIONS**

---

This Trade Sanction Advisory is part of **AIG Insurance Company of Canada** comprehensive compliance program and is meant to serve as a reminder of the existing applicable legal requirements with respect to Trade Sanctions.

Your rights as a policyholder and payments to you, any insured or claimant, for loss under this policy may be affected by the administration and enforcement of economic embargoes and trade sanctions applicable to you, any insured, claimant and/or to the insurer and their respective controlling entities (hereinafter "Trade Sanctions").

**WHAT IS AN ECONOMIC EMBARGO AND/OR TRADE SANCTION**

Trade Sanctions involve the imposition by a country of legal measures to restrict or prohibit trade, services or other economic activity with a target country, entity or individual. For example, the Parliament of Canada has enacted legislation authorizing the imposition of Trade Sanctions through the *United Nations Act*, the *Special Economic Measures Act* and some provisions of the *Export and Import Permits Act*.

Depending upon the identity, domicile, place of incorporation or nationality of the policyholder, insured, claimant, insurer, or the parent company and ultimate controlling entity of the policyholder, insured, claimant or insurer, or the country where the claim arises, Trade Sanctions of foreign countries, including the United States of America, may be applicable. The application of sanctions could necessitate the seizure or freezing of property, including but not limited to the payment of a claim.

Existing Trade Sanctions can be amended, and new Trade Sanctions can be imposed, at any time.

**OBLIGATIONS PLACED ON US AS A RESULT OF TRADE SANCTIONS**

If we determine that you or any insured, additional insured, loss payee, or claimant are on a prohibited list or are connected to a sanctioned country, entity or individual, or a prohibited activity, as designated by the relevant Trade Sanction, we may be required to comply with the requirements of the applicable Trade Sanction, which by way of example, may include blocking or "freezing" property and payment of any funds and the reporting of such occurrences to the relevant authorities within the prescribed time periods, if any.

**POTENTIAL ACTIONS BY US**

Depending upon the requirements of the relevant Trade Sanction:

1. We may be required to immediately cancel your coverage effective on the day that we determine that we have transacted business with an individual or entity associated with your policy on a prohibited list or connected to a sanctioned country as described in the relevant Trade Sanction.
2. If we cancel your coverage, you may not receive a return premium unless permitted pursuant to the relevant Trade Sanction. All blocked or frozen funds will be placed in an interest bearing blocked account established on the books of a financial institution.



3. We may not pay a claim, accept premium or exchange monies or assets of any kind to or with individuals, entities or companies (including a bank) on a prohibited list or connected to, or carrying on business in, a sanctioned country as designated by the relevant Trade Sanction. Furthermore, we may not defend or provide any other benefits under your policy to individuals, entities or companies on a prohibited list or connected to, or carrying on business in, a sanctioned country as designated by the relevant Trade Sanction.

# AIG INSURANCE COMPANY OF CANADA

## PRIVACY PRINCIPLES

### AIG and Individual Privacy

We at AIG Insurance Company of Canada (referred to as "AIG", "we", "our", or "us") abide by these *Privacy Principles* and want you, our applicants, policyholders, insureds, claimants, and any other individuals who provide us with personal information (referred to as "Customers" or "you"), to be aware of how and why we handle personal information. We work hard to respect and maintain your privacy. However, the very nature of our business is such that the collection, use and disclosure of personal information are fundamental to the products and services we provide.

As a worldwide leader in the delivery of insurance products and services, the member companies of American International Group, Inc. ("AIG Companies") offer numerous products and services to many types of consumers and clients in many different countries around the world. Therefore, differing AIG Companies may adopt differing privacy practices to fit their own jurisdiction and business requirements. The AIG Companies Privacy Policy, located at <http://www.aig.com/privacy-policy>, may also be applicable to our Customers as we conduct our business.

For the purposes of these *Privacy Principles* personal information means information that identifies an individual. For example: an individual's name, birth date, address, age, health and financial information is personal information which AIG may collect, use and in certain circumstances, where necessary, disclose, in the course of providing insurance services and carrying on business.

### 1. Consent and Personal Information

AIG obtains consent for the collection, use, and disclosure of personal information, except where consent is not required or is prohibited by law. AIG does not obtain your consent for the collection, use and disclosure of business contact information. By applying for or purchasing AIG's products and services, you are providing your consent to our collection, use, and disclosure of your personal information as set out in these *Privacy Principles*. AIG relies on the broker's advice where the insurance broker tells AIG that we have a Customer's consent to collect information.

Consent may be obtained by AIG and its affiliated companies directly or through the broker, an insurance adjuster, claims administrator, investigator, or lawyer when personal information is collected for claims purposes.

An individual may decline to consent, or revoke consent, to the collection and use of personal information for insurance purposes but in that case, insurance products and related services and the assessment of applications, claims or complaints may be limited or terminated.

### 2. Collecting Personal Information

We may collect information directly from the individual concerned on applications for insurance and through the direct interactions with us, including via AIG websites, software applications made available by us for use on or through computers and mobile devices (the "Apps"), our social media pages set forth in the links in the footer on AIG.com and other means (for example, from your application and claim forms, telephone calls, e-mails and other communications with us, as well as from claim investigators, medical professionals, witnesses or other third parties involved in our

business dealings with you). We also collect information from various third party sources such as: insurance brokers, adjusters, other insurance intermediaries, third party administrators, government, industry associations, and other entities that have information about you. For instance, we may obtain your driving record, claims history and/or credit history, where permitted by law, to assist us in underwriting your application for insurance.

### **3. Using Personal Information**

Personal information is typically collected and used by us for insurance purposes such as: assessing risk, processing applications for insurance coverage, establishing rates, administering insurance products, investigating, and handling claims. AIG also uses personal information to detect and prevent fraud, compile statistics, verify and provide information to insurance industry associations, report to regulatory or industry entities in accordance with laws and prudent insurance industry practices, and conduct market research. This may also include collecting and disclosing personal information about third parties with respect to claims made against AIG Customers.

### **4. Use of Personal information for Marketing Purposes**

AIG may collect and use personal information for marketing purposes, such as identifying and communicating with individuals who are most likely to find AIG products and services of interest. AIG may also disclose personal information to our affiliates to use for marketing purposes to offer you their products and services, which may be of interest to you. You may opt not to have us, or alternatively not to have our affiliates, collect, use or disclose personal information for marketing purposes in which case we will not use or disclose personal information for marketing purposes. Offers of upgraded or additional coverage, special offers and promotional mailings, and offers of additional products and services from our affiliates will not be sent by us. As an AIG customer, you may receive marketing emails regarding AIG products and services. Each marketing email will include an unsubscribe mechanism, available for you at any time to remove your consent.

### **5. Accuracy of Your Personal Information**

AIG maintains procedures to ensure that the information we collect and use is accurate, up-to-date, and as complete as possible. However, we rely on individuals to disclose all material information to us and to inform us of any changes required. With proof of entitlement, a request to correct information in our possession may be made by contacting the Privacy Officer at the address set out below in the section called *"Contacting the Privacy Officer"*.

### **6. Safeguarding Your Information**

We apply appropriate safeguards to our computer networks and physical files and we restrict access to personal information to those AIG employees, authorized administrators, reinsurers, consultants or insurance representatives who need to know that information in order to underwrite, adjudicate or administer insurance products and services.

### **7. Disclosure of Personal Information**

Personal information is sought and exchanged with both affiliated and unaffiliated insurance companies, reinsurers, and insurance industry organizations at the time of assessing an application for insurance and any renewal, extension, variation or cancellation of any issued policy, as well as in the event of any claim, to the extent necessary for industry statistical purposes or to assess and



rate a specific risk, determine the status of coverage, and investigate claims. We also share information to combat fraud; where permitted or required by law; or, at the request of government regulators.

AIG sometimes retains an affiliated company or an independent third party, reinsurer or a technology service provider ("Authorized Administrator") to perform on our behalf, certain functions in support of the products and services we provide. Such functions could include the underwriting, offering or administering of AIG insurance products and services or any related claims. Accordingly, in certain instances these affiliates or third parties will be provided with personal information to the extent that it is necessary in the performance of those specific reinsurance, underwriting, marketing, consulting, administrative, rehabilitative, claims, investigation or related services. AIG obligates these affiliates and third parties to use and take steps to protect personal information in accordance with the requirements of these *Privacy Principles*.

Some Authorized Administrators may be located in the United States of America or another foreign jurisdiction outside of Canada. When this occurs, the collection, use and disclosure of personal information will be subject to the laws of the jurisdiction in which it is situated. By communicating personal information to us, applying for and/or acquiring the products and services of AIG, you hereby consent to the authorized administrators located outside of Canada accessing, processing or storing your personal information (as the case may be) and disclosing such personal information as required by the governing laws of that jurisdiction.

AIG may transfer your personal information as an asset in connection with any contemplated or actual sale, merger or other disposal of all or part of our business or assets, or as part of a corporate reorganization or other change in corporate control, including for the purposes of determining whether to proceed with such transaction or fulfilling any records or other reporting requirements to such parties. In such circumstances, we will ensure that any transfer of personal information is subject to applicable law and reasonable data protection security protocols.

We do not sell our customer lists or other personal information.

## **8. Retention and Access to Your Personal Information**

We retain personal information for the purposes described in these *Privacy Principles* but only for so long as is necessary to fulfill the purpose to underwrite, adjudicate or administer insurance products and services and to meet our legal and contractual obligations. Personal information is stored at one of our offices in Canada or at a location of one of our affiliates in the United States or another foreign country, as required and defined under "*Disclosure of Personal Information*" above. Access to your personal information is limited to our employees, agents and service providers who need access in order to perform their job or provide services to us. Given the nature of insurance and our on-going exposure to potential claims, where necessary, and when legally required, some of the information we collect for insurance purposes is kept indefinitely.

With proof of entitlement, a request to access information in our possession may be made by contacting the Privacy Officer at the address set out below in the section called "*Contacting the Privacy Officer*". The right to access information is not absolute. Therefore, AIG may decline access to information that we have under our control, subject to any legal restrictions or rights of refusal by AIG. Such instances may be as follows:

- the information is subject to a legal privilege;
- the information would reveal personal information about a third party;

- the information could compromise the investigation of a claim;
- the information is confidential commercial information; and
- personal health information that has not been provided to us directly by the individual requesting access.

We may charge a reasonable fee in advance for copying and sending information you have requested and to which you have a right of access.

## 9. Contacting the Privacy Officer

Request for further information, personal information access or any concerns about how we handle your information with AIG should be referred to our Privacy Officer, as follows:

Privacy Officer  
 AIG Insurance Company of Canada  
 120 Bremner Blvd.  
 Suite 2200  
 Toronto, ON  
 Canada M5J 0A8  
 Or at the following e-mail address: [AIGCanadaOmbudsman@aig.com](mailto:AIGCanadaOmbudsman@aig.com)  
 Or you may call us toll free: 1-800-387-4481

## 10. Internet Privacy Practices

We may collect your information through AIG websites or mobile applications. All personal information collected through our websites and mobile applications are subject to these *Privacy Principles*.

We may collect other information (“Other Information”) through our websites or mobile applications that does not reveal your specific identity. Other Information includes but is not limited to:

- browser information;
- information collected through cookies, pixel tags, and other technologies;
- demographic information and other similar information provided by you
- information about your physical location; and
- aggregated information.

We and our third party service providers may collect Other Information in a variety of ways, including the following:

- **Through your internet browser:** Certain information is collected by most websites, such as your IP address (that is, your computer’s address on the internet), screen resolution, operating system type (Windows or Mac) and version, internet browser type and version, time of the visit and the page or pages visited. We use this information for purposes such as calculating our website usage levels, helping diagnose server problems, and administering our website.
- **Using cookies:** Cookies are pieces of information stored directly on the computer you are using. Cookies allow us to recognize your computer and to collect information such as internet browser type, time spent on our website, pages visited, and language preferences. We may use the information for security purposes, to facilitate navigation, to display information more effectively, to personalize your experience while visiting our website, or to

gather statistical information about the usage of our website. Cookies further allow us to present to you the advertisements or offers that are most likely to appeal to you. We may also use cookies to track your responses to our advertisements and we may use cookies or other files to track your use of other websites.

One of the advertisement companies that we use is Google, Inc., trading as DoubleClick. To opt out of the DoubleClick advertisement cookie please visit: <http://www.google.com/intl/en/policies/privacy/#infochoices>. You can refuse to accept other cookies we use by adjusting your browser settings. However, if you do not accept these cookies, you may experience some inconvenience in your use of our website and some online products.

- **Using pixel tags, web beacons, clear GIFs or other similar technologies:** These may be used in connection with some of our website pages and HTML-formatted e-mail messages to, among other things, track the actions of our website users and e-mail recipients, measure the success of our marketing campaigns, and compile statistics about our website usage and response rates.

We use Adobe's Omniture analytics service, which uses cookies and web beacons, to help us understand more about how our website is used by consumers so we can continue to improve it. Adobe does not have the right to use the information we provide to it beyond what is necessary to assist us. For more information on Adobe's Omniture service, including how to opt-out of it, please visit: <http://www.adobe.com/privacy/policy.html#info-manage>.

- **From you:** Some information (for example, your location or preferred means of communication) is collected when you voluntarily provide it. Unless combined with personal information, this information does not identify you personally.
- **Using your physical location:** We may collect the physical location of your device by, for example, using satellite, cell phone tower or Wi-Fi signals. We may use your device's physical location to provide you with personalized location-based services and content, for example, to provide location based reminders or offers when using Apps. We may also share your device's physical location, combined with information about what advertisements you viewed and other information we collect, with our marketing partners to enable them to provide you with more personalized content and to study the effectiveness of advertising campaigns. In some instances, you may be permitted to allow or deny such uses and/or sharing of your device's location, but if you choose to deny such uses and/or sharing, we and/or our marketing partners may not be able to provide you with the applicable personalized services and content. In addition, we may obtain the precise geolocation of your device when you use our mobile applications for purposes of providing travel or other assistance services to our clients who are enrolled in such services. In connection with providing travel or other assistance services, we may share your device's precise geolocation information with our clients and other entities with whom we work. You may opt-out of our collection and sharing of precise geolocation information by deleting the mobile application from your device, by disallowing the mobile application to access location services through the permission system used by your device's operating system, or by following any additional opt-out instructions provided in the privacy notice available within the mobile application.
- **By aggregating information:** We may share non-personally identifiable information collected from you and from through the use of our Apps with our third party service providers in an



anonymous and aggregate form for data analytics use and to ensure you receive a better consumer experience, in order to improve and modify our products and services.

Please note that we may use and disclose Other Information for any purpose, except where we are required to do otherwise under applicable law. If we are required to treat Other Information as personal information under applicable law, then, in addition to the uses listed in this "*Website Privacy Practices*" section, we may use and disclose Other Information for all the purposes for which we use and disclose personal information.

## **11. Third Party Websites**

These *Privacy Principles* do not address, and we are not responsible for, the privacy, information or other practices of any third parties, including any third party operating any website to which our website contains a link. The inclusion of a link on our website does not imply endorsement of the linked site by us or by our group companies.

## **12. Use of Site by Minors**

Our website is not directed to individuals under the age of 18, and we request that these individuals do not provide Personal Information through our website.

## **13. Changes to these Privacy Principles**

AIG Canada reserves the right to modify these *Privacy Principles* from time to time. If these *Privacy Principles* change materially, we will take reasonable measures to notify you, including posting a copy of the revised *Privacy Principles* to our website. Accordingly, we recommend that you review our current *Privacy Principles* from time to time at [www.aig.ca](http://www.aig.ca).

## COUNCIL REPORT

M&C No.	2019-148
Report Date	June 10, 2019
Meeting Date	June 17, 2019
Service Area	Corporate Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Mobile Device Governance Policy Statement***

***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Amy McLennan</i></b>	<b><i>Stephanie Rackley-Roach</i></b>	<b><i>John Collin</i></b>

***RECOMMENDATION***

The City Manager recommends that Common Council:

Approve the Mobile Device Governance Policy Statement, which is incorporated in the draft of the full Mobile Device Governance Policy.

***EXECUTIVE SUMMARY***

There is not currently a policy in place for the governance of mobile devices owned by the City of Saint John. These devices include cellular phones, wireless data devices, and smart phones that are used by employees of the City.

A full Mobile Device Governance Policy (the “Policy”) was drafted in consultation with various stakeholders and was presented to the Senior Leadership Team on March 18, 2019. Following that presentation, minor revisions were made to the Policy based on feedback received and in consultation with the Office of the Common Clerk.

A current draft of the Policy is appended to this report. It will be implemented following Council’s approval of the Mobile Device Governance Policy Statement and the City Manager’s subsequent formal approval of the full Policy.

***PREVIOUS RESOLUTION***

N/A

## **REPORT**

A recent 'Cell Phone Standardization' Continuous Improvement project revealed varying practices and a lack of policy and procedures related to the deployment, usage, and management of City-owned mobile devices. As a result, the need for a policy was identified.

A Mobile Device Governance Policy was drafted, with the following Policy Statement:

*"The purpose of the Mobile Device Governance Policy (the "Policy") for the City of Saint John (the "City") is to define the governing of City-owned mobile devices, which access City corporate information systems.*

*The Policy supports the following corporate objectives:*

- Support employees in their contribution to establish the City of Saint John as a service-based, results oriented, high performance, public service organization by providing mobile devices appropriate to operational needs;*
- Support the customer service needs of the organization by ensuring employees have the means to receive and respond to citizen or corporate requests within established service levels;*
- Provide for sound fiscal management of the organizational cost of mobile devices by the establishment of criteria to guide the deployment of mobile devices based on the operational requirements of a Service Area;*
- Protect the integrity and confidentiality of City data by establishing guidelines for mobile device access to City corporate information systems and for secure mobile device data storage; and*
- Support Corporate Records and Information Management policies and practices in the achievement of efficient and effective information management."*

In terms of scope, the Policy and Policy Statement apply to the use of mobile devices (i.e., cellular phones, wireless data devices, and smart phones) owned by the City and used by employees of the City of Saint John. The Policy does not apply to City of Saint John elected officials, nor members of City of Saint John agencies, boards, and commissions that manage their own devices.

A search for existing documentation revealed a policy drafted by City staff in 2012 relating to the governance of City-owned mobile devices. The Office of the Common Clerk confirmed there was mention of an upcoming policy in 2012, but documentation was not brought back to Council for approval.



In addition to the 2012 draft initiated by previous City staff, similar policies from other municipalities and the Saint John Police Force were reviewed to develop the proposed Policy and Policy Statement; these resources included:

- City of Fredericton – Wireless Usage Guidelines
- City of Moncton – Mobile Device Policy
- Town of Quispamsis – Handheld Operated Electronic (Mobile) Devices Policy
- Saint John Police Force – Mobile Device Usage Operational Policy

Following Council's approval of the Policy Statement, formal approval of the full Policy will be requested from the City Manager prior to implementation.

### ***STRATEGIC ALIGNMENT***

The Mobile Device Governance Policy Statement supports Council's Priority to be Fiscally Responsible by ensuring City-owned assets are used and managed in a consistent, cost-effective, and efficient manner.

### ***SERVICE AND FINANCIAL OUTCOMES***

Implementation of the Policy associated with the Policy Statement will support a consistent approach to the overall use and management of these City-owned assets and assist in maintaining practices to retain the \$51,000.00 in annual savings that resulted from the associated Continuous Improvement project.


### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

In addition to the Senior Leadership Team, the Office of the Common Clerk provided input with regard to the overall Policy.

The Policy was also reviewed by the various members of the associated Continuous Improvement project team, which included representation from Information Technology Services, Materials Management, and the Saint John Police Force.

### ***ATTACHMENTS***

Mobile Device Governance Policy - DRAFT.

 <b>SAINT JOHN</b>	
Subject: Mobile Device Governance	Category: Policy
Policy No.: COS-IT-004	M&C Report No.:
Effective Date:	Next Review Date: (3 years)
Area(s) this policy applies to: City of Saint John employees; excludes elected officials, as well as members of agencies, boards, and commissions that manage their own devices.	Office Responsible for review of this Policy: Information Technology Service
Related Instruments: <ul style="list-style-type: none"> <li>• <b>COS-CC-001</b> Access Policy</li> <li>• <b>COS-CC-003</b> Information Management Policy</li> <li>• <b>COS-CC-004</b> Information Security Policy</li> <li>• <b>COS-ITS-001</b> Internet, Asset, and Electronic Mail Acceptable Use Policy</li> <li>• <b>COS-CC-010</b> Privacy Policy</li> <li>• <b>FAS-014</b> Travel Policy for Employees</li> <li>• Telephony Device Allocation Guideline (Appendix)</li> </ul>	Policy Sponsor: Chief Information Officer (CIO)
	Document Pages: This document consists of 14 pages.
Revision History: <div style="border: 1px solid red; padding: 10px; margin: 10px auto; width: 80%;"> <p style="text-align: center;">Common Clerk's Annotation for Official Record</p> <p>I certify that the –Insert Title-Policy Statement was adopted by resolution of Common Council on Month-Day-Year.</p> <p>I certify that the –Insert Title -Policy was approved by the City Manager on Month-day-Year</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <hr style="width: 200px;"/> <p>Common Clerk</p> </div> <div style="text-align: center;"> <hr style="width: 200px;"/> <p>Date</p> </div> </div> </div>	
Contact: Stephanie Rackley-Roach Telephone: stephanie.rackley-roach@saintjohn.ca Email: (506) 639-8083	

## TABLE OF CONTENTS

1. POLICY STATEMENT .....	3
2. SCOPE .....	3
3. LEGISLATION AND STANDARDS .....	3
4. ROLES AND RESPONSIBILITIES .....	4
5. MONITOR AND REVIEW .....	5
6. IMPLEMENTATION .....	5
7. AUTHORIZATION .....	9
8. RESOURCES .....	9
9. PROCEDURES.....	9
10. GLOSSARY.....	9
11. INQUIRIES.....	11
12. APPENDIX – TELEPHONY DEVICE ALLOCATION GUIDELINE .....	12



## 1. POLICY STATEMENT

The purpose of the Mobile Device Governance Policy (the “Policy”) for the City of Saint John (the “City”) is to define the governing of City-owned mobile devices, which access City corporate information systems.

The Policy supports the following corporate objectives:

- Support employees in their contribution to establish the City of Saint John as a service-based, results oriented, high performance, public service organization by providing mobile devices appropriate to operational needs;
- Support the customer service needs of the organization by ensuring employees have the means to receive and respond to citizen or corporate requests within established service levels;
- Provide for sound fiscal management of the organizational cost of mobile devices by the establishment of criteria to guide the deployment of mobile devices based on the operational requirements of a Service Area;
- Protect the integrity and confidentiality of City data by establishing guidelines for mobile device access to City corporate information systems and for secure mobile device data storage; and
- Support Corporate Records and Information Management policies and practices in the achievement of efficient and effective information management.

## 2. SCOPE

The Policy applies to the use of mobile devices (i.e., cellular phones, wireless data devices, and smart phones) owned by the City and used by employees of the City of Saint John. The Policy does not apply to City of Saint John elected officials, nor members of City of Saint John agencies, boards, and commissions that manage their own devices.

In addition to City-owned mobile devices, sections 6.4 – *Security* and 6.5 – *Monitoring Access* also apply to personal mobile devices used to access City corporate information systems.

The Policy does not apply to laptop computers.

## 3. LEGISLATION AND STANDARDS

The Policy is related to the following policy instruments of the City of Saint John:

- a) **COS-CC-001** [Access Policy](#)
- b) **COS-CC-003** [Information Management Policy](#)
- c) **COS-CC-004** [Information Security Policy](#)
- d) **COS-ITS-001** [Internet, Asset, and Electronic Mail Acceptable Use Policy](#)
- e) **COS-CC-010** [Privacy Policy](#)
- f) **FAS-014** [Travel Policy for Employees](#)

- g) [Telephony Device Allocation Guideline](#) (Appendix)

#### 4. ROLES AND RESPONSIBILITIES

##### I. EMPLOYEES

All employees who use a City-owned mobile device are expected to:

- a) read, understand, and comply with the Policy and the employee's responsibilities outlined therein;
- b) pay in full any expenses indicated in the Policy as being subject to reimbursement by the employee; and
- c) cooperate with any investigation or data search requirements as required by City of Saint John management, local police, or RCMP;

##### II. MANAGERS

In addition to the roles and responsibilities identified for employees, managers must:

- a) be knowledgeable in all aspects of the Policy;
- b) review the Telephony Device Allocation Guideline to determine the appropriate device has been identified prior to authorizing a City-owned mobile device for an employee;
- c) ensure employees have reviewed the Policy, as well as any associated SOPs, and that said review has been recorded on their profile in Safetyhub prior to authorizing a City-owned mobile device;
- d) serve as a resource to employees on the Policy;
- e) personally review, or assign an appropriate designate to review, the monthly billings for City-owned mobile devices they have authorized for their Service Area;
- f) ensure any expenses indicated in the Policy as being subject to reimbursement by the employee are paid in full by the employee; and
- g) take appropriate steps to investigate any possible violation of the Policy.

##### III. INFORMATION TECHNOLOGY SERVICE (IT)

In addition to the responsibilities related to monitoring, security, and mobile device management, IT must:

- a) be knowledgeable in all aspects of the Policy;
- b) ensure the necessary approval has been received from the appropriate manager prior to deploying a City-owned mobile device or adding additional services/travel plans to existing devices;
- c) forward monthly billings for City-owned mobile devices to the appropriate managers and/or designates for review; and
- d) inform the appropriate manager immediately should any violation of the Policy be detected or suspected.

## 5. MONITOR AND REVIEW

The Policy shall be reviewed every three (3) years by IT, or more frequently should changes in technology or other circumstances warrant.

## 6. IMPLEMENTATION

This policy shall be implemented by IT. All current users of City-owned mobile devices shall be required to review the Policy, as well as any associated SOPs, within three (3) months of the module becoming available in Safetyhub.

All future users of City-owned mobile devices shall be required to review the Policy, as well as any associated SOPs, prior to their manager authorizing deployment of a device.

### 6.1 ELIGIBILITY FOR MOBILE DEVICES

Provision of a City-owned mobile device is based on the operational requirements, safety considerations, and service level standards of a Service Area in order to facilitate City business or provide customer service. Mobile devices are issued to users for the express purpose of conducting City business.

The Service Area manager must approve all requests for City-owned mobile devices. In determining approval for a City-owned mobile device, managers should use the Telephony Device Allocation Guideline to determine how best to address the telecommunication needs of an employee.

IT will not provide an employee with a City-owned mobile device until IT receives approval directly from the appropriate manager.

To determine the type of mobile device to provide to an employee, a manager must weigh the cost of providing a cellular phone, smart phone, or wireless data device with regard to service needs. All mobile devices that will be accessing the City's corporate information systems must be selected from makes and models approved by IT, as there may be security implications. Any applicable chargeback fees for devices purchased by a department will continue to be charged to that department until the device is redeployed by IT.

**Mobile devices issued by the City may be removed from a user at the discretion of the Service Area manager or the CIO at any time.**

If a user goes on a period of extended leave of longer than one (1) month, the City-owned mobile device must be returned to IT. A City-owned mobile device may only be retained by an employee on extended leave if special permission is granted by the authorizing manager; the evaluation of the employee's circumstances will be left to the discretion of that manager.



## 6.2 MOBILE DEVICE PURPOSE

### 6.2.1 GENERAL USAGE

City-owned mobile devices are to be used for business purposes related to an employee's duties for the City.

An employee may make limited personal use of a City-owned mobile device to:

- communicate with friends and family;
- pursue independent learning that may not be directly related to the performance of one's employment responsibilities; and
- perform public service, such as non-employment related community and/or volunteer activities.

Limited personal use consists of use that does not interfere with the performance of an employee's duties and occurs on the employee's own time, outside of working hours.

Any additional costs incurred as a result of personal use must be reimbursed by the employee. Please note that if changes should occur in Canada Revenue Agency's tax rules pertaining to the personal use of a corporate mobile device, there is the potential for it to be considered a taxable benefit.

IT does not provide technical support for the personal use of a City-owned mobile device.

A user is not permitted to use call forwarding to redirect incoming calls for a City-issued phone number to a non-City-owned device.

There is zero tolerance for a City-owned mobile device to be used for any commercial undertaking that is unrelated to the user's role as an employee of the City of Saint John.

The use of mobile device features, which shall include but are not necessarily limited to, roaming, special messaging services, video streaming, GPS tracking, and video calling, will be governed by IT as a cost and security control measure; such features may have the potential to result in high data usage or may have other implications. A user must check with IT and their manager prior to using such features and the use must support operational needs.

**A user is not permitted to install third party applications (e.g., social media apps, games, email apps) unless an operational requirement for the application has been determined by their manager and approval has been obtained from IT.** IT will investigate the third party application prior to authorizing installation.

There is zero tolerance for the use of City-owned mobile devices for unlawful or criminal activity and such activity may result in disciplinary action in accordance with the City's established disciplinary policies and procedures.

#### 6.2.2 TRAVEL

Travel outside of Canada may result in significant long distance charges and roaming fees. Users are not permitted to use City-owned mobile devices outside of Canada unless a specific travel plan for the use of a mobile device is arranged with IT prior to travel.

Managers must ensure there is an operational requirement for a travel plan and weigh the benefit of travelling with a mobile device against the cost of a travel plan. Managers must provide travel plan authorization to IT prior to a plan being added.

Any employee that uses a City-owned mobile device outside of Canada without arranging for a mobile device travel plan will be personally responsible for any costs incurred by usage of that device. Should a user wish to add a travel plan for personal use of a mobile device, approval must first be obtained from their manager and the user must reimburse the City for the full cost of that plan.

#### 6.2.3 TETHERING

Tethering to provide access to the Internet for any device not owned by the City using a City-owned mobile device's wireless connection is not permitted. Should data overages result from tethering for personal use, the cost can be substantial and it will be the responsibility of the employee to reimburse the City for overage costs.

#### 6.2.4 DATA AND STORAGE

**Any photos, videos, or other data stored on a City-owned mobile device are subject to the Right to Information and Protection of Privacy Act. Text messages are also considered records. Personal data of any nature is not to be stored on a City-owned mobile device and IT will not be responsible for the back-up or security of such data.**

#### 6.2.5 TERMINATION OF EMPLOYMENT

Upon ending employment with the City of Saint John, the user must return all City-owned mobile devices (and any accompanying accessories) unlocked to IT, and provide any passwords necessary to access the devices; otherwise, the user will be billed for the replacement cost of the equipment.

### 6.3 MOBILE DEVICE MANAGEMENT (MDM)

IT uses mobile device management (MDM) to secure mobile devices and enforce policies remotely. Before connecting a mobile device to City corporate information systems (e.g., email, City of Saint John software), the device must be configured for access by IT.

MDM will only be installed by IT on City-owned mobile devices connecting to City corporate information systems.

MDM enables IT to take actions on mobile devices such as remote wiping, location tracking, application visibility, and hardware feature management.

Any attempt to contravene or bypass MDM will result in immediate disconnection from all City corporate information systems and may be subject to disciplinary action.

Users will not make any modifications to the hardware or software that change the nature of the device. This includes, but is not limited to, applications that avoid or circumvent IT-used MDM.

#### 6.4 SECURITY

All mobile devices accessing City corporate information systems must be protected by a password and users are strictly prohibited from disclosing this password to anyone.

All users of City-owned mobile devices must employ reasonable physical security measures. Users are expected to secure all such devices against being lost or stolen, whether or not they are actually in use and/or being carried.

If a City-owned mobile device and/or its accompanying accessories are lost, stolen, or damaged as a result of the user's negligence (as determined by the authorizing manager), the user will be required to reimburse the City for the replacement cost of the damaged goods and/or the fees related to the cancellation of the service for that device.

In the event of a lost or stolen mobile device, the user must immediately notify IT. IT will remotely wipe the mobile device of all data and lock the device to prevent access by anyone other than IT. The remote wipe will destroy all data on the device, whether it is related to City business or is personal in nature. If the City-owned device is recovered, it will be submitted to IT for re-provisioning.

Users are not permitted to backup City information using any non-City-owned computer, device, or remote data storage.

Any mobile device that is used to access City corporate information systems must adhere to the security protocols and password requirements of IT.

IT will manage security, network, application, and data access using whatever technology solutions it deems suitable. Any attempt to contravene or bypass that security implementation will be deemed an intrusion attempt and will be dealt with in accordance with the City's established disciplinary policies and procedures.

#### 6.5 MONITORING ACCESS

Monitoring is necessary in order to identify accounts or computers that may have been compromised by external parties or users who are not complying with City policies.

IT can establish audit trails for internal review, which may be accessed and used without notice. Such audit trails will be able to track access of mobile devices to City corporate information systems and the resulting reports may be used for investigation of possible breaches and/or misuse. Users agree to and accept that this access and/or connection to City corporate information systems may be monitored to



record dates, times, and duration of access in order to identify unusual usage patterns or other suspicious activity.

## 6.6 MONITORING USAGE

The City may monitor any use of City-owned mobile devices and any access to City corporate information systems. If the City discovers activities or has reason to suspect activities that do not comply with the policies, business practices, or administrative procedures of the City, disciplinary action may be taken in accordance with the City's established disciplinary policies and procedures. Should activities of a criminal nature or activities that may otherwise violate the law be discovered, the City may notify the appropriate authorities.

Webmail and ActiveSync are the only methods approved by IT for accessing corporate email using a personal mobile device.

All users must ensure they are using a secure network when using a mobile device to connect to City corporate information systems and data.

## 7. AUTHORIZATION

The Mobile Device Governance Policy Document is authorized under the authority of the City Manager, on the recommendation of the CIO.

## 8. RESOURCES

Resources reviewed for the development of the Policy included the City of Fredericton's 'Wireless Usage Guidelines', the City of Moncton's 'Mobile Device Policy', the Town of Quispamsis' 'Hand Held Operated Electronic (Mobile) Devices Policy', and the Saint John Police Force's 'Mobile Device Usage Operational Policy', as well as policy documentation drafted in 2012 by previous City of Saint John staff.

## 9. PROCEDURES

Standard operating procedures for the implementation of the Mobile Device Governance Policy shall be developed as appropriate.

## 10. GLOSSARY

- a) **ActiveSync**: a mobile data synchronization app that synchronizes data with handheld devices and desktop computers/servers.

- b) **Cellular Network**: a radio network distributed over land areas called cells that when joined together by cell site transceivers provide radio coverage over a geographic area.
- c) **Corporate Information Systems**: the various software and tracking systems used to conduct the business of a company or organization (e.g., email applications, payroll systems, databases).
- d) **Internet**: a global computer network that provides a variety of information and communication facilities that consists of interconnected networks and uses standardized communication protocols.
- e) **Mobile Devices**: for the purpose of the Policy, the term Mobile Devices refers generally to the following types of devices:
  - i. Cellular Phone – a portable phone that is used to communicate over a wireless network, including smart phones.
  - ii. Wireless Data Device – a device provisioned to use a cellular network to send and receive data. The device does not provide phone voice services. Wireless data devices include, but are not limited to: tablets, wireless internet devices such as internet sticks or air cards, or other peripheral devices that can connect to a computer to enable a computer to send and receive data using a cellular network.
  - iii. Smart Phone – a portable device that combines both cellular phone and wireless data device capabilities, has an operating system that allows the device to run applications, and has internet capabilities.
- f) **Personal Mobile Devices**: mobile devices owned by the device user and not by the City of Saint John.
- g) **Right to Information (RTI)**: refers to the Right to Information and Protection of Privacy Act, S.N.B. 2009, c.R-10.6.
- h) **Safetyhub**: the City of Saint John's online training system for employees.
- i) **Tether**: the use of a smart phone as a modem to provide a laptop, or other data device, with access to the Internet using the phone's wireless data connection. This includes enabling the Personal Hotspot of a smart phone.
- j) **Third-Party Applications**: a software program that is developed by a company other than the manufacturer of the mobile device operating system (e.g., social media apps, games, email apps).
- k) **User**: any employee of the City of Saint John who uses a City-owned mobile device; this excludes elected officials, as well as members of agencies, boards, and commissions.
- l) **Webmail**: any email client (e.g., Microsoft Outlook) implemented as a web application running on a web server.

- m) **Wireless**: for the purpose of the Policy, the term wireless refers to data and/or voice services provided over a cellular network.

## **11. INQUIRIES**

Inquiries about the Mobile Device Governance Policy may be directed to the Chief Information Officer.

## **12. APPENDIX**

Telephony Device Allocation Guideline.

DRAFT



## Telephony Device Allocation Guideline

Responsible Executive: Commissioner of Finance

Responsible Office: Information Technology

Date Issued: July, 2016

Date Last Revised: July, 2016

### TABLE OF CONTENTS

Contacts  
Statement of Guideline  
Reason for This Guideline  
Individuals and Entities Affected by This Guideline  
Exclusions  
Responsibilities  
Best Practices  
Related Documents, Forms and Tools  
Website Address for This Guideline  
History and Updates  
Appendix

### CONTACTS

Subject	Contact	Telephone	Email/Web Address
Guideline Clarification	Commissioner of Finance	658-2951	
Daily Management	Telecommunications Specialist	649-6047	<a href="mailto:servicedesk@saintjohn.ca">servicedesk@saintjohn.ca</a>

### STATEMENT OF GUIDELINE

This guideline directs managers and staff in how to determine which telephony device should be allocated and aides in the establishment of expectations of use as per the role of the user. It promotes a best practice and impacted parties are clear on their role and responsibilities. This guideline is to be read prior to making hardware sections on the IT Access Form.

### REASON FOR THIS GUIDELINE

As part of continuous improvement efforts, it was determine that many staff are allocated two telephony devices (land and cellular) when in many cases one becomes underutilized and they can perform their role with one device. It was also determined that in many cases, expectations of use where not clearly conveyed to staff. Additionally, a new mobility contract provides for some unlimited uses that make it feasible to use one device only.

## **INDIVIDUALS AND AREAS AFFECTED BY THIS GUIDELINE**

All service areas requesting/authorizing a telephony device are subject to this guideline.

## **EXCLUSIONS**

None

## **RESPONSIBILITIES**

### **Commissioner of Finance**

Executive authority supporting adherence to the guideline and ensures the proper resources are in place to execute and uphold this guideline.

### **Manager of Information Technology**

Supports Telecommunications Specialist in daily management of guideline and acts as escalation point for deviations.

### **Telecommunications Specialist**

Coordinates the telecommunications functions specific to this guideline and ensures that the guideline is communicated, understood and followed on a daily basis. Measures adherence and reports deviations to Manager of Information Technology.

### **Managers**

Reads and understands guideline and makes telephony device allocation decisions based on the best practices identified within the guideline.

### **Users**

Reads and understands the guideline and follows best practices as outlined within the guideline.

## **BEST PRACTICES**

### **Preamble**

When possible, only one telephony device should be allocated to staff. When staff receives two devices, one may become underutilized and contributing to costly wastes. However, customer service should not be impacted and considering the City is diverse in services and roles one size does not fit all.

### **Considerations for land line use**

- Generally works normal day shift hours.
- May attend meetings but generally in the office.

- Not in an emergency or 24/7 position/service.
- May or may not be customer facing.
- May or may/not have direct reports
- Can reasonably be away from office and manage contact through good practices of checking voicemails and keeping office attendants up to date.
- Uses computer for most of communication, email/Lync/Skype.
- May be on call but has access to an on call cell.

#### **Considerations for cell use**

- Works different shifts, a cell may be needed for safety reasons
- Very mobile, works in the field (safety and contact to office important)
- In an emergency 24/7 position/service.
- Customer facing (in the field).
- May or may not have direct reports but may coordinate vendors/contractors.
- Out of office frequently, needs to be accessible to direct reports.
- On call, no access to on call cell.

#### **Consideration for both devices (which should be limited)**

- Anticipated high frequency of use for both devices (benchmarked against existing similar roles)
- Lack of defined customer service.
- Cell used primarily for other uses than voice.
- High voicemail instances.
- Frequent lengthy voice situations.
- Emergency or security reasons.

#### **RELATED DOCUMENTS, FORMS AND TOOLS**

- IT Access Form

#### **WEBSITE ADDRESS FOR THIS GUIDELINE**

#### **HISTORY AND UPDATES**

#### **APPENDIX**

There are none at this time.



## COUNCIL REPORT

M&C No.	2019-145
Report Date	June 12, 2019
Meeting Date	June 17, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Glen Falls Flooding***

***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session

***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Monica Boudreault</i></b>	<b><i>Michael Hugenholtz</i></b>	<b><i>John Collin</i></b>

***RECOMMENDATION***

That this report be received and filed.

***EXECUTIVE SUMMARY***

Glen Falls was constructed in a natural floodplain. When severe rainstorms occur more runoff is directed into Marsh Creek than the channel can carry. This is due to insufficient capacity (due in part to the extremely flat topography) and obstructions. Several engineering studies have been commissioned by the City to study the flooding issues dating back to the 1960s. The recommendations of these studies vary in complexity and budget but the common observation in these reports is that Glen Falls will continue to flood during heavy rainfall events and partial solutions are expected to cost tens of millions of dollars.

The unfortunate rain event that occurred on January 23, 2019 caused severe flooding in Glen Falls as well as many other locations in Saint John that do not usually experience flooding. We attribute this flooding to many factors including lack of absorption due to the ground being frozen in addition to a rare and extreme heavy rain event. With climate change these types of events may become more frequent.

### ***PREVIOUS RESOLUTION***

On February 25, 2019 Council resolved that City staff would report back with an overview of the current City storm water management plan specifically surrounding the East side flood plain.

On June 20, 2011 council resolved that the recommendations in the submitted report M & C 2011 -149: Glen Falls Flooding and Residential Relocation be reviewed, vetted and followed up on by the City Manager and City Staff.

### ***STRATEGIC ALIGNMENT***

This aligns with Council's priorities for Valued Service Delivery, Growth and Prosperity and being Fiscally Responsible.

### ***REPORT***

#### ***ENGINEERING***

The Mayor & Council report M&C 2011-149 provides a summary of the studies and work done in the Marsh Creek area. To summarize the report, Glen Falls and the surrounding area was constructed in a natural floodplain. The main issue is that in severe rainstorms more runoff is generated and directed into Marsh Creek than the channel can carry. This is due to insufficient capacity as well as obstructions. One issue with Marsh Creek is that it is extremely flat; Marsh Creek through the flood prone area is 5.0km long and only has 0.90m of vertical drop from the upper reaches of the marsh to the causeway. These capacity and obstruction issues cause the water levels in the upper channels of Marsh Creek to become elevated which leads to flooding.

Much of Glen Falls and surrounding area is also within a tidal floodplain. Tide gates were installed under the Courtenay Bay Causeway to prevent the high tides from the Bay of Fundy from flowing upstream during elevated tide levels. It is important to note that some areas in Glen Falls are actually lower than the high tide level in the Bay of Fundy.

After several severe flooding events occurred during the 1960s and 1970s, the Municipal and Provincial governments commissioned several engineering studies of the area (1974, 1976 and 1984). These studies examined the performance of the Marsh Creek system and tributary streams as well as the primary causes and extent of flooding, flood risk areas and recommendations to mitigate the effects of flooding. Several structural and non-structural recommendations came out of these reports. Low benefit to cost ratios for some of the works recommended by Proctor and Redfern rendered them impractical and, therefore, not all of the suggestions were acted upon. Also, some of the recommendations were not

done because the essential storage component of the whole system, the forebay area behind Courtenay Causeway could not be secured for storage purposes.

Council commissioned development of a Stormwater Management Strategy in June 2006. Terrain Group, Inc. was engaged to develop this initiative through a report. Marsh Creek was a primary area of focus. The main recommendation from the Terrain Group Inc. report to reduce flooding in Glen Falls and the Marsh Creek Drainage Basin was to divert excess runoff from the tributary streams in the upper reaches of the basin into Drury Cove via a closed pipe system. A preliminary design and cost benefit analysis report was completed in December 2009, and included an estimated cost for the construction of the project of \$51,660,000 (in 2009 dollars). Even if this project was completed, there was no guarantee that this work would solve all of the issues in the basin and there was still potential for storm surge flooding in the basin.

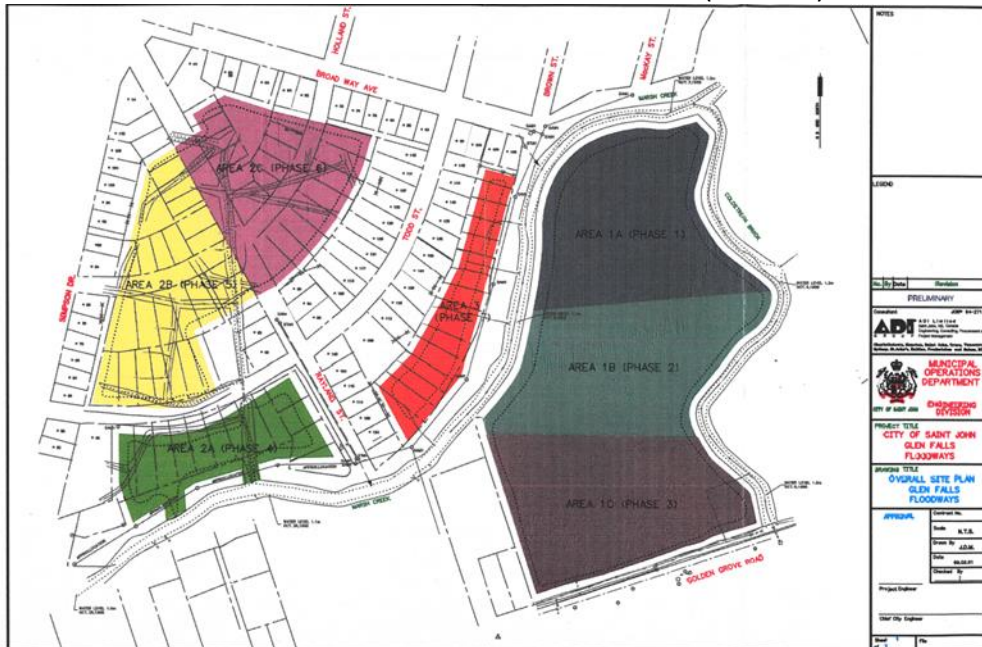
The attached M&C 2011-149, states the following; “while forebay storage is a critical moderating influence on the severity (depth) and duration of upstream flooding that occurs, it is important to also understand that increasing the amount of storage capacity available at this location (e.g. excavation, installation of a pumping station or high capacity operable sluice gates) can further improve but not “eliminate” upstream flooding. Glen Falls will continue to flood when runoff from heavy rainfall events is too great for the narrow channels to handle, causing stream levels to rise and local storm sewers to surcharge”. Despite the fact that improvements to forebay storage cannot eliminate upstream flooding, increased storage capacity in this part of the system has consistently been recommended in engineering studies. In the 2008 Stormwater Management Strategy, recommendations to increase storage capacity at the forebay included installation of a pumping station (estimated at \$11M in the report) or high capacity operable sluice gates (estimated at \$5M in the report), but only after the upstream piped diversion project was completed. Negotiations failed to secure a parcel of the forebay for additional flood storage and then expropriation proceedings were initiated in 1982 but the land was not acquired.

In 2009, a report was completed by GEMTEC Limited titled, *Mystery Lake Flood Control System*. In this report, design of a new outlet control structure for Mystery Lake was examined. The volume of storage that would become available by raising the outlet within the confines of conditions of the site was determined to not be enough to be effective. Also properties upstream would need to be acquired as they would flood if the outlet was raised. A section of Golden Grove Road would also need to be raised.

The ADI Limited report titled *Glen Falls Floodways – Preliminary Design Report* was completed in February 1999 (attached). This report outlined floodway options for alleviating flooding as well as for compensatory storage. This report states that the construction of the floodways should be completed in the order shown to function properly. Therefore, prior to constructing a floodway in the



area highlighted by Councillor Strowbridge (the area bounded by Simpson Drive/Broadway Avenue/Todd Street (Area 2B and Area 2C)), a floodway should be constructed between Marsh Creek and Todd Street (Area 2A).



According to this report, the volume available in floodways 2A, 2B and 2C is approximately 50,000m<sup>3</sup> at an estimated current construction cost of between \$1.5M and \$2M. A floodway with 50,000m<sup>3</sup> of storage would only accommodate 3% of the required 1,630,000m<sup>3</sup> of water that Terrain determined would need to be diverted in a piped system to Drury Cove during a 1:100 year, 24 hour duration storm. In order to retain the full volume required (1,630,000m<sup>3</sup>) in a wetland or pond with a depth of 0.5m, a surface area of 327 Ha would be required. For comparison purposes, the area of the floodway that currently exists between the Golden Grove Road and MacKay Street/Brown Street (Areas 1A, 1B and 1C in the ADI report) is approximately 7.1 Ha.

The City of Saint John is working towards developing a fully operational and calibrated model of the Saint John Sanitary Sewer and Storm Water collection systems. Having a sewer model of municipal infrastructure is an industry best practice as it provides numerous benefits as noted below.

- It serves as a key asset management tool, allowing staff to balance risk against service standards to identify priorities, all while using real system data.
- An important tool to identify where capital investments provide the largest return on investment (ROI), allowing for more informed prioritization of capital projects and the most effective use of public funds.
- For growth and development, the sewer model allows staff to quantify system impacts (storm and sanitary) and assess how system performance will change if a project proceeds and more importantly what key system

modifications would be necessary to allow the growth and development to proceed.

- Aids in quantifying overflows for monitoring and reporting to Regulators.
- Provides the ability to assess climate change impacts.
- Provides key information for the effective design of storm and sanitary systems.

## ***MAINTENANCE***

The City's stormwater drainage systems are on a preventative maintenance inspection and cleaning program that on average have these systems cleaned out about every 4 to 5 years. Special consideration is given to Glen Falls including that prior to every storm event, regardless of the season, City crews inspect catch basins, inlets and outlets in the Glen Falls area to ensure that they are open and functioning properly.

Components of the Glen Falls drainage basin are inspected based on a frequency either determined when these systems were installed or on best practice. The drainage ditches located behind Simpson Drive are inspected, visually, on a regular basis to determine if they require cleaning. Other ditches in the City are only cleaned out and inspected on a work order by work order basis.

The Glen Falls detention pond is on a 2 year inspection schedule. Trained engineering technologists take a representative sample, repeatable every 2 years. Elevations shots are collected and compared back to the original design drawings. Elevation shots were collected in 2017 and compared to the engineered drawing; little deviation was observed during comparisons. Additional elevation shots are planned to be collected during August or September of 2019.

The City will continue to do all it can to reduce the risk of flooding in the Glen Falls area including checking all catch basins and drainage systems prior to any weather event throughout the year; flushing stormwater pipes once every 4 years or as necessary or requested and monitor the elevation of the trenches and the detention pond on a yearly to biennial basis.

## ***DRAINAGE BYLAW AND STORMWATER SUBMISSION***

The Drainage By-law, adopted by Common Council in 2016, addresses the requirements of stormwater drainage when developing in the City of Saint John. The intention of the By-law is to:

- Safeguard the function of existing storm drainage systems;
- clearly communicate storm drainage regulations; and
- mitigate drainage effects to both public and private property.

The Drainage By-law provides for Storm Drainage Submissions to include drainage plans, grading plans, erosion & sedimentation control plans, and

engineering design reports. The submission and approval of these plans provide a means for controlling drainage while considering adjacent properties. Depending on the type of development proposed, the submission requirements may vary. Each site and development project is unique and the submission standards take into account the complexity of the project.

The City, like many other municipalities, has a Storm Drainage Design Criteria Manual to guide storm drainage designs. This Manual, adopted in 2008 and revised in 2016, supports developers, builders, engineers and staff by providing guidance and direction in the preparation of drainage solutions for submissions. In proposing developments, the manual encourages alternate design approaches.

The requirement for a storm drainage submission is typically triggered at the building permit application stage of a project. Storm drainage submissions shall achieve the following:

- Prevent loss of life and to protect structures and property from damage due to flood events;
- Not increasing the amount of stormwater entering a municipal combined sewer;
- Not increasing amount of stormwater entering a municipal storm sewer beyond its capacity (surcharge sewers/culverts/ditches);
- Not creating an adverse effect (erosion, flooding, icing on streets);
- Provide safe and convenient use of streets, lot areas and lots during and following precipitation and snow melt events;
- Preserving designate Watercourses and Wetlands.

Equally important to a competent design is ensuring the system is built in accordance with the approved design. As-built Drawings are required under the Drainage By-law to confirm storm drainage systems are constructed as designed. The Drainage By-law works for the benefit of residents and property owners of the City.

### ***FLOOD RISK AREAS BYLAW***

The Flood Risk Areas By-law applies to the development of land in one of four specific flood risk areas on the east side of Saint John, one of which is the Glen Falls Flood Risk Area.

When developing land in any of the flood risk areas, there is a requirement to ensure that compensatory storage is being created within the same flood plain. The compensatory storage must offset the volume of flood water that will be displaced as a result of the development.

This requires the services from professional engineers and land surveyors who calculate the amount of compensatory storage required for the project, as well



as a plan for how it will be created. At the end of the project, a report from the professionals confirms that the required volume of compensatory storage has been created.

The purpose of the Glen Falls Detention Pond, when it was created in 1999, was to allow for major developments in the East side shopping district by acting as an offset to accommodate the compensatory storage that was required for those projects. 94% of the pond's capacity was used up by 2007 to support those major projects; to date, the pond is at 96% capacity.

Since that time, other land owners have been able to purchase space in the pond to allow for further development, however it is only considered when there is no other viable option available to provide the required compensatory storage.

For very small projects by home owners located within the Glen Falls Flood Risk Area (such as sheds or small garages), because there are few affordable options available for providing compensatory storage, the city may allow a home owner to purchase a small volume in the pond. These requests are few in number (an average of 1-2 requests per year). For all large scale development requests, purchasing compensatory storage within the city-owned pond requires council's approval and it is only brought for consideration after staff has ensured that all other options have been exhausted. This type of request is rare (an average of 2 requests over a 10 year period) because often compensatory storage is typically managed on the development site.

### ***CLIMATE CHANGE***

Many locations throughout the City, including those that typically do not flood experienced flooding during the rain event on January 23<sup>rd</sup>. Many of these locations are not connected to the Glen Falls detention pond and drainage basin. We attribute the flooding to:

- Rare and extreme heavy rain event
- Frozen ground that reduces the ability of rain water to absorb into the ground
- Frozen natural watercourses and ditches which have affected their ability to withstand higher than usual capacities thus reducing their effectiveness
- Surcharging of the City's storm system that lasted for more than 24 hours thus indicating that the systems upstream were full and beyond their capacity. This is a consequence of the bullets above

These unfortunate conditions resulted in flooding throughout the East side including the following locations:

- McAllister Drive (@McDonald's towards Rothesay Avenue)
- Retail Drive (@Rothesay Avenue)

- Anthony's Cove Road
- Ashburn Lake Road
- Rothesay Avenue (the majority of the road)
- Hay Market Square (City Road @ Rothesay Avenue)
- Bayside Drive (@Red Head Road)
- One mile interchange (@Russell Street)

The locations listed above typically do not flood, we attribute this flooding to the factors previously listed resulting in this rare and unfortunate flooding event which experts expect to be exacerbated by climate change in the coming years.

### ***SERVICE AND FINANCIAL OUTCOMES***

The solution presented by the Terrain Group Inc. in 2009 after preliminary design and cost analysis of \$51,660,000 in 2009 which in today's dollars (2019) would be approximately \$65,000, 000 would be a significant expense to the Capital Program

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Input provided by Engineering, Transportation and Environment Services, Building Inspection Services and Infrastructure Development.

### ***ATTACHMENTS***

M&C 2011-149

ADI Limited 1999 Glen Falls Floodway Preliminary Design  
Glen Falls Floodway Preliminary Design Report, February 1, 1999 – ADI Limited

# REPORT TO COMMON COUNCIL



The City of Saint John

M & C 2011- 149

June 13, 2011

His Worship Mayor Ivan Court  
And Members of Common Council

Your Worship and Members of Council:

## **SUBJECT:**

### **Glen Falls Flooding and Residential Relocation**

#### **BACKGROUND**

Council commissioned development of a Stormwater Management Strategy in June 2006 after a particularly heavy rainstorm caused serious flooding in a number of areas of Saint John, including new subdivisions, as well as Marsh Creek and Glen Falls. Terrain consulting engineers (now Genivar) was engaged by Council to develop the Strategy, in which Marsh Creek was again a primary focus of attention and study.

Key findings and recommendations on the Marsh Creek system were included in the Stormwater Management Strategy report presented and adopted by Council in December 2008. Terrain found that the flood risk area for Glen Falls in a 1:100 return period storm event closely approximates the flood risk area outlined in the City's Flood Risk By-law that was adopted in 1980. The latter is based on aerial photos following a severe flooding event in November 1975, and on study work performed over 30 years ago by consulting engineers Proctor and Redfern Limited. Terrain's main recommendation to reduce flooding in heavy rainfall events in Glen Falls and the Marsh Creek Drainage Basin was to divert excess runoff from tributary streams in the upper reaches of the basin into Drury Cove via a closed pipe system. The initial estimate for diversion was expensive (\$18M) but the proposal held the potential to finally "solve" the periodic flooding that has been affecting Glen Falls residents and neighbouring businesses. Accordingly, Terrain was engaged to do preliminary design and a cost benefit analysis for the proposed diversion.

The preliminary design and cost benefit analysis report was tabled in December 2009. The updated cost estimate for construction of the proposed piped diversion was \$51,660,000. This, plus less than universal public support for the project and the potential for storm surge related flooding in the basin, halted further work on the diversion proposal. An idea was then put forward to consider relocation of residents from areas of the flood zone most at risk of future



flooding, and restoration of the vacated areas as natural wetlands. This suggestion was raised at a public meeting for residents of Glen Falls held on Thursday July 15, 2010 at Exhibition Park. The Mayor, members of Council, and City staff were present to provide an overview of the Stormwater Management Strategy and the status of the Preliminary Design and Cost Benefit Analysis for the piped diversion. Residents were encouraged to provide their opinions, thoughts and feedback on the potential for relocation.

While citizens were not universally supportive, interest was expressed in the idea, and in what the details of such a plan might be. Forty three property owners subsequently indicated an interest, one way or another, about the idea of selling and relocating – forty one saying yes they would sell, one saying no, and another expressing interest. Since the meeting two more property owners have indicated their interest in pursuing such an option.

Subsequent to the meeting at Exhibition Park the matter was considered by Council in Committee (land matter) with a staff report suggesting relocation be considered within the context of a comprehensive overall plan to address flooding in the area. Council adopted this position and the purpose of this report is to update Council, review the current situation and propose a comprehensive plan of actions for Council's consideration and direction.

## **ANALYSIS**

### **Why Does Periodic Flooding Continue to Occur in Glen Falls?**

Glen Falls, and much of the surrounding area is built upon a natural flood plain, the same as parts of Fredericton, Maugerville, Oromocto and other communities are built upon the natural flood plain of the Saint John River. In severe rainstorms there is more runoff generated and directed into Marsh Creek than the channels can carry (i.e. the channels are not large enough to handle the volumes of runoff generated).

Insufficient channel capacity, in places reduced further by obstructions, will cause water levels to rise in the upper channels of the Marsh Creek system. As water levels rise above storm sewer outfalls, runoff from streets and private properties cannot drain away as freely and water begins to collect in the pipe systems and to pool around street catch basins and other system inlets. Ponds grow wider and deeper as runoff collects and moves towards lower lying ground. In more severe storms, the channel banks themselves may be overtopped by water, which then flows overland via the path of least resistance.

A more formal summary of contributing factors is reprised below from the Proctor and Redfern engineering reports of 1974 and 1976. Some of the individual issues noted in the points below have been addressed since then, but the basic principles are still applicable.

### **Causes of Flooding**

1. The effect of the Tide on Discharge to the Sea – during high tide when stream flow cannot be discharged from Marsh Creek into the sea, serious flooding can occur when the volume of water

- in the system is greater than the storage volume available within the channel and undeveloped flood plain areas (e.g. forebay; Glen Falls Floodway)
2. Hydraulic Inadequacy of Bridges and Culverts – many bridges and culverts along the Creek did not have adequate capacity to transmit peak flows which occur during heavy rain – this causes a rise in water levels above or behind the structure (backwater effect) – the most significant structures in this regard are the Marsh Creek Bridge (*since replaced with a clear span by NBDOT in 1982*), the Strescon plant on Ashburn Road, and the Rothesay Avenue crossing near McAllister Drive (*since upgraded by NBDOT in 2001*)
  3. Inadequate Channel Capacity – (*the already inadequate capacity of the channels*) to carry flows from heavy rains have been reduced by siltation, overgrown vegetation, debris, and encroachment of building construction.
  4. Development Within the Natural Floodplain – buildings erected within the natural floodplain are subjected to periodic inundation and consequent damages when stream flows exceed the channel capacity.

In addition to being on a natural flood plain for Marsh Creek, much of Glen Falls and surrounding area was once a tidal flood plain – before the introduction of aboideaux (tide gates) prevented the tide of the Bay of Fundy from flowing inland over low lying salt marshes. Some points in Glen Falls are actually lower than the level of the high tide in the Bay of Fundy, which is now held back by the Courtenay Causeway and flood gates under the Causeway.

### **Past Engineering Studies and Remedial Measures**

A series of increasingly more severe and damaging flooding events occurred over a period of 10-15 years in the sixties and seventies – April 1962, February 1970, December 1974, November 1975, January 1976. These led to the commissioning of a series of engineering studies by both the Municipal and Provincial governments, beginning in 1974 by Proctor and Redfern Limited, consulting engineers (P&R 1974; P&R 1976; P&R 1984).

These studies produced an abundance of information on the performance of the Marsh Creek system and tributary streams, primary causes and extent of flooding and flood risk areas, and recommendations to mitigate the effects of flooding. The excerpt above on “**Causes of Flooding**” is one example. Growing out of these studies was a series of recommendations for improvement that included both physical works (structural measures like dykes and dams) and non-structural measures like flood plain management. In fact, one non-structural measure recommended in the 1976 P&R Report was “evacuation” of residents from flood prone areas of Glen Falls – this was not acted on at that time because of the severity of flooding then extant and affecting not only property owners in Glen Falls but elsewhere in the flood risk area as well.

A program of remedial physical works and non-structural measures like the Flood Risk By-law that were of benefit to all affected property owners was chosen over the “evacuation” option. The adopted program was carried out, as far as possible, from 1978-1982 via tri-level government funding agreements (**An Agreement on Flood Damage Reduction For Marsh Creek Watershed**) overseen by a tri-level committee (**The Marsh Creek Flood Damage Reduction Committee**). Physical works like the Upper Glen Falls Reservoir (Dam), maintenance clearing

of channels and ditches, construction of the Marco Polo Bridge were completed or supported with funding from the “Agreement on Flood Damage Reduction For Marsh Creek” under the auspices of the Committee. A number of other improvements were also made by other parties (eg construction of dyke for Floodway #3; replacement of crossings including train trestles with culverts and clear span bridges).



**Upper Glen Falls Reservoir (Dam)**

A list of physical works completed over the years (plus past recommendations not yet acted upon) is attached to this report. Given the work that has been accomplished, the question might well be why does flooding yet occur, and why haven't past efforts been effective in reducing the flood plain footprint and eliminating flooding? The short answer is that not all of the works proposed in the earlier studies (for 1:100 year return protection and 1:25 year return protection) have been able to be carried out for the reasons noted below.

It might appear that the situation essentially remains unchanged given that the flood risk area in the Stormwater Management Strategy mirrors the Flood Risk By-law. However, the November 1975 storm that caused the most serious flooding to date and established the By-law flood risk areas is considered the equivalent of a 1:70 year return event. The flood risk area in the Stormwater Management Strategy reflects a 1:100 year return storm. Similar to the piped diversion recommended by Terrain, low benefit/cost ratios for some of the works recommended by Proctor and Redfern rendered them impractical, and the full 1:100 suite of recommendations was not acted upon. In fact not all of the 1:25 year recommendations could be acted upon, because one essential storage component of the whole system – the forebay area behind Courtenay Causeway - could not be secured for storage purposes.

The flooding situation in the Marsh Creek Drainage system has improved in terms of incidence, severity, and duration. However, periodic flooding has not been eliminated and, realistically, is not likely to be in the future, given the costs involved and other constraints on the system.



For residents, the fact that periodic flooding still affects the Glen is evidence the situation hasn't improved, the problem hasn't been "fixed". Besides the more general flooding episodes there are also local drainage issues in the Glen, the same as in other areas, that can influence perceptions and opinions. Examples of this include runoff in extremely intense rainfall events running from high ground down and through private lots toward the street or creek channel and causing localized flooding conditions, or surcharging storm systems.

The reason that more general flooding still occurs periodically is the same as outlined in the previous section – in particularly heavy rainfall events there is too much runoff generated for the Creek channels to handle (i.e. the natural channels are too small for the amount of water trying to flow through them).

### **Current Conditions**

Discussions about drainage and flooding issues often include descriptions of the size or severity (volume/duration) of rainfall events in terms of a return period e.g. a 1:100 year return period or 1:10 year return period storm. Flood risk and/or flood protection levels may also be expressed as a 1:100 year level of protection, 1:25 year, etc. What exactly do these terms mean and how are they determined?

These terms are simply a way of categorizing any rainfall event by comparison with past rainfall records for a specific area like Saint John, and describing the probability that a certain sized storm, or larger, will happen. Small rainfall events happen more often, larger events less frequently. A 1:100 year return storm is a large storm that has a 1% chance (1/100) of occurring (or being exceeded) in any one year. A 1:20 year return storm is a smaller storm with a 5% chance (1/20) of occurring (or being exceeded) in any one year and a 1:5 year storm is smaller still with a 20% chance (1/5) of occurring in any one year. This doesn't mean that a 1:5 year size storm will occur once in a five year period, or only once, just that the probability of this size of storm or larger occurring is about once in five years - two could actually occur in the same week.

Categorizing rainfall events in this way allows engineers to assess, or design, drainage systems in terms of how much rainfall (and resulting drainage runoff) a system can handle. In this field, engineering assessment is much less precise than, for example, design of a bridge or building, where the strength of materials used and loads to be carried is much more accurately known and calculated.

Volumes of drainage runoff generated are based on assumptions and observations of the nature of the terrain as well as direct flow measurements and computer modeling. Actual storm events are related to "design" storms, although each storm event has unique aspects (in terms of intensity and duration). Run-off generated can also be affected by existing ground conditions (e.g. saturated vs. dry), height of ground water table and the like. In addition to these factors, the amount of flooding that may take place within the Marsh Creek flood plain in any particular event may also be influenced by other variables– e.g. how much storage exists within the system prior to the event (is it full or empty?); functionality of flood control structures – e.g. tide gates;

reservoir outlets (e.g. Lawlor Lake); localized flooding as noted above; presence of beaver dams (West Branch Marsh Creek); point in the tide cycle.

Actual storms may be classified against the design storm criteria to indicate severity. Engineering design size of drainage infrastructure is based on being able to handle certain return period “design” storms. In the Stormwater Management Strategy adopted by Council in December 2008 the principle of a dual system design of both a “minor” component (ditches/pipes) local drainage system and “major” overland component is a requirement for all new developments. The minor system is to be sized to handle a 1:5 year return event, while the major system must be able to handle a 1:100 year return event.

While this dual system design was not a requirement prior to 2008, the recommended programs of individual structural measures to remediate flooding issues in the Marsh Creek drainage system were first targeted to 1:25 year return (1974), then 1:100 year return (1976), and finally 1:25 year return (1979) as benefit/cost ratio and unavailability of land rendered a full program impractical. Individual projects like the Upper Glen Falls Reservoir were designed to detain a 1:100 year return storm to provide protection from downstream flooding, but not all elements of the recommended program were constructed and so the level of flood protection achieved for the Glen and other areas in the flood risk area remains much less.

A key flood protection component of the Marsh Creek drainage system is the downstream storage area (the forebay) that was created behind the Courtenay Causeway when construction was completed in 1963. Without this area for storage and the effective functioning of the tidal gate structure, water levels in the lower Creek are much higher, and flooding more severe all along the system. A staff report in 1990 indicated that flood protection was lower than a 1:5 year return storm when the tide gates were damaged and unable to prevent passage of seawater into the forebay area. The forebay (and tidal gate structure) is a critical feature which will be addressed later in this report.

In 1984 the New Brunswick Department of Environment commissioned Proctor and Redfern to do a “Marsh Creek Project Review” to assess the level of flood protection that had been achieved to that point. The idiosyncracies of the Marsh Creek system made a definitive calculation difficult, but the authors estimated that protection was “in the range of 15-25 years.” They also noted that “culvert blockages, ice, and other local conditions may significantly affect the capacity of existing drainage facilities.”

Despite further improvements in the system since 1984 (e.g. culverts at Simpson Drive and Rothesay Avenue; Glen Falls Floodway) the modeling done by Terrain in 2008 indicates there are a number of properties at risk in a 1:5 year return event, others at risk in a 1:10 year event and so on up to the 1:100 year event. There are also a large number of residential properties in Glen Falls out of the 1:100 flood risk area but also subject to occasional inconvenience caused by periodic flooding of streets.

### **Courtenay Causeway and Forebay Storage**

The causeway across Courtenay Bay was conceived in the 1940's not only to alleviate growing vehicle traffic volumes between the City and Parish of Simonds but also as a means of providing greater downstream storage of flows from Marsh Creek during high tide in the Bay of Fundy. Floods affecting developed areas on the "Great Marsh" stretching from the Haymarket Square to Glen Falls were increasing, as development occurred on the marsh area and uplands around it. In 1948, consulting engineer D.O. Turnbull of Saint John confirmed the feasibility of a causeway in an engineering report to the commissioners of the "Great Marsh Commission". The location he suggested was very nearly the same as the current causeway and he provided preliminary design features (including a tide gate structure) and an associated cost estimate of \$700,000.

Construction of the original (two-lane) Courtenay Causeway was completed in 1963 under a tri-party agreement between the Province of New Brunswick, City of Saint John, and Irving Oil Limited. In exchange for ownership of the reclaimed lands in Courtenay Bay (behind the Causeway), the Irving interests agreed to construct the base for the causeway and government provided the roads and associated amenities. A six culvert tide gate structure was included near the west side of Courtenay Bay. The Causeway was upgraded in the mid-seventies to four lanes with improved access at both ends (Union Street on the west and Bayside Drive on the east).

Porous fill materials in sections of the base allow passage of some seawater into the forebay area behind the Causeway, but with tide gates operating as designed, the Causeway provides a reasonable barrier against the high tides of the Bay of Fundy. This in turn provides a large, and extremely critical, storage area for runoff from Marsh Creek during periods of time when the tide is high. Before the Causeway was built, tide gates were located at the Marsh Bridge road crossing (Rothsay Avenue) east of Haymarket Square. The additional storage space for runoff made available by Courtenay Causeway alleviates flooding issues all along the Marsh Creek system, including Glen Falls. Without the influence of tidewater, normal water levels in the creek are lower and there is more initial storage capacity within the creek channels to handle runoff from heavy rainfall events. The tide gates allow for significant discharge of waters stored in the forebay during low tide, and for continuous downstream flow in Marsh Creek from the upper reaches of the system over the high tide cycle.

While forebay storage is a critical moderating influence on the severity (depth) and duration of upstream flooding that occurs, it is important to also understand that increasing the amount of storage capacity available at this location (e.g. excavation; installation of a pumping station or high capacity operable sluice gates) can further improve but not "eliminate" upstream flooding. Glen Falls will continue to flood when runoff from heavy rainfall events is too great for the narrow channels to handle, causing stream levels to rise and local storm sewers to surcharge.

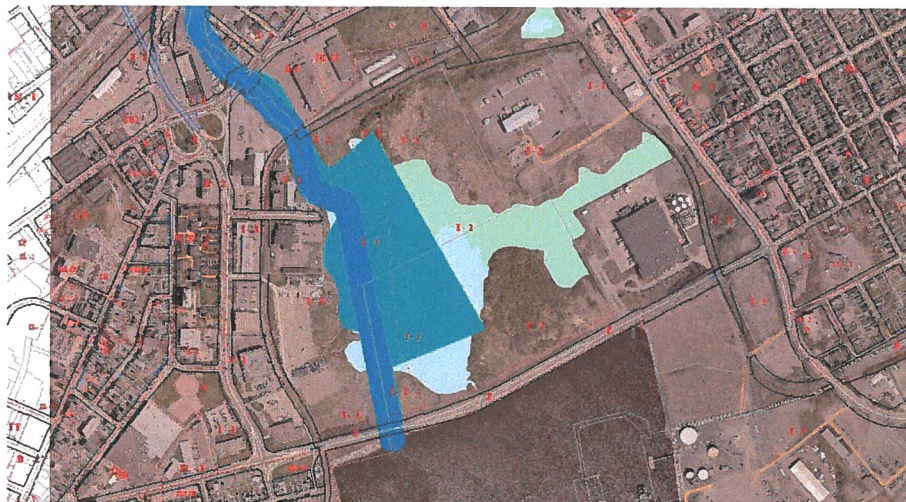
Notwithstanding the fact that improvements to forebay storage cannot eliminate upstream flooding, increased storage capacity in this part of the system has consistently been recommended in engineering studies. In the 2008 Stormwater Management Strategy, recommendations to increase storage capacity at the forebay included installation of a pumping station (estimated at \$11M) or high capacity operable sluice gates (estimated at \$5M), but only



after the upstream piped diversion project was completed. The 1976 Proctor and Redfern report recommended acquisition and excavation of a 57 acre parcel of the forebay for flood storage to meet the objective of a 1:100 year return level of flood protection. This was later reduced to 26.6 acres as a 1:25 year return objective was adopted when the overall remedial program was modified in 1978-79 because of “low economic efficiencies” (i.e. the benefit cost ratio of some component projects were deemed not to warrant the expenditure).

When negotiations failed to secure the necessary lands, expropriation proceedings were initiated in 1982 by the City on behalf of the tri-level government partnership sponsoring the flood reduction program. That process did not acquire the necessary lands. With the inability to secure forebay lands, tri-level agreements expired and the City has worked essentially on its’ own since then (with Provincial assistance for replacement of roadway culverts at Rothesay Avenue and Simpson Drive) to maintain the Creek system, and to fund various capital improvement projects as noted on the attachment. It appears that lower lying areas of the forebay providing storage space for runoff waters has not appreciably changed. Elevation data of the Marsh Creek drainage basin was acquired in the Stormwater Management Study using Lidar technology, so the amount of storage space available may be able to be determined without a land survey.

A 26.6 acre portion of the forebay is included in a flood risk area in the Flood Risk By-law as illustrated on the orthophoto below. Infilling of this area would require a permit and off-setting excavation elsewhere in the flood plain. Future use of the forebay is uncertain and clarification should be sought as part of a comprehensive plan to deal with flooding in the Marsh Creek Drainage Basin.



**Courtenay Bay Causeway and Forebay – Flood Risk Area in Light Blue**

### **Relocation and Risk Mitigation Strategies**

For the purposes of this report, the Glen Falls neighbourhood is that within the area bounded by Rothesay Avenue, Golden Grove Road, Broadway Avenue from Rothesay Avenue to Glen Road, Glen Road to Belgian Road, Belgian Road to John T. McMillan Avenue, John T. McMillan

Avenue to Golden Grove Road and all the homes from Belgian Road out to the dead end of Glen Road. Only the residential homes/properties lying within or touched by the flood plain identified as the “Glen Falls Flood Risk Area” within City BY-LAW NUMBER CP-11 THE FLOOD RISK AREA BY-LAW OF THE CITY OF SAINT JOHN” are considered in the numbers that are referenced in this report.

There are forty five property owners in Glen Falls who have indicated an interest in relocation, either at the public meeting of July 15, 2010 at Exhibition Park, or with City officials following the meeting.

Of these interested property owners, fourteen (14 ) have lots located in areas that could be affected by a return storm of 1:5 years – the total assessed value of these properties is \$1,206,800. However, staff noted there are a total of 63 properties with a 1:5 year flood risk within the Glen Falls area as noted. At an average conservative assessment of \$85,000 per unit, the total assessed value of residential properties within this risk group is \$5,355,000.

Twelve (12) property owners with lots located within the 1:10 year return storm risk area indicated an interest in relocation, including one where the owner is not interested in selling and relocating. The total assessed value of these twelve is \$999,300, less \$115,800 for the person not interested. Overall, there are a total of 92 more properties in the 1:10 year flood risk category over and above the 63 properties in the 1:5 year flood risk area. At an average of \$85,000 in assessed value the total value of these properties would be \$7,820,000, in addition to \$5,335,000 estimated for those with a 1:5 flood risk.

Five (5) more property owners that could be affected in a 1:25 year return storm, or smaller risk, expressed interest in relocation and these properties are assessed at \$457,800. Of the other owners expressing interest in relocation, five (5) have properties within a 1:50 year return storm (\$482,300), four (4) have properties within the 1:100 year return storm flood risk area (\$426,400) and five (5) more (\$517,100) are outside the designated flood plain.

An approach to relocation might be to consider the cost benefit for interested property owners most often affected (ie 1:5 year return period). Of course the potential financial implications of extending such an offer to all in the same flood risk zone has to be understood.

This is not the first time that re-location of affected residents from Glen Falls has been considered. In the Proctor and Redfern Report of 1975-76, “evacuation” of residents was one of five “non-structural” measures considered. In that report it was noted that “of the non-structural measures, residential evacuation presents the possibility of satisfying many of the objectives” (outlined at the beginning of the report). While not feasible at the time, relocation of some number of residents could possibly now be considered as part of an overall solution to flooding in the area.

Appealing though the idea may seem at first, there are certain realities. Higher risk properties are not all located in the same area – because of the relatively flat terrain even small variations in elevation can significantly alter risk categories. Properties at the highest risk of flooding may be

located across the street from those that are out of the flood zone altogether. Logistics of relocation would be complex and the cost of such a program high. Not all residents are in favour of relocating and wonder about the negative effects on their neighbourhood such a program could have. The Glen Falls neighbourhood has many appealing qualities, including proximity to the major commercial district, and it occupies a niche in the market.

Staff updated the 40+ residents who expressed interest in relocation via newsletter in April. More recently in May, staff and Ward 4 Councillors met with members of the “Glen Falls Community Committee” - their objectives include to “improve the quality of life of our residents and to preserve our neighbourhood for our neighbours and for future generations” and “protecting the future of Glen Falls so that it continues to be a vibrant long standing community”. They wish to “work with the City of Saint John to help find economical solutions to the flood water problem with minimal cost to the City and the least effect on the environment.” Of interest is that of those property owners who originally expressed interest in a relocation option, three are represented on the Committee. A program of improvements to public and private properties, similar to initiatives undertaken in other jurisdictions like New Orleans, may be a more practical and manageable proposal as opposed to full scale relocation (see below).



In addition to the above considerations there has been a considerable investment in public infrastructure in Glen Falls – in water and sewer services, storm drainage, streets, curbs and sidewalks. Residents of Glen Falls are one part of the equation. Taxpayers in general are another. Affordability and sustainability of solutions for all stakeholders will be a key to whether relocation would be a large or small component of an overall approach and plan to deal with the flooding issue.



## **Future Steps**

As noted above, relocation of Glen Falls residents must be considered as a possible part of a comprehensive review and plan to address flooding that affects the Marsh Creek Drainage Basin. The piped diversion system proposed by Terrain cannot be justified based on the analysis of benefits to costs, similar to some other physical remedial works that were proposed in earlier engineering studies. However, other works could yield some incremental benefits for current flooding conditions. The most notable of these for Glen Falls flooding are upstream reservoirs at Mystery Lake and Kelly Lake to detain peak flows from entering the Marsh Creek system through Cold Brook. Similarly, an outlet control structure at Ashburn Lake could help reduce flows into the West Branch of Marsh Creek, while providing some benefit to the YMCA property located there.

Reconstruction/replacement of the Mystery Lake Dam with a new outlet control structure is being pursued, preliminary design and a wetland functional assessment and rare species survey has been undertaken, and an Environmental Impact Assessment (EIA) is planned in the 2012 Capital Program. Detention capacity is limited at Mystery Lake while Kelly Lake has more potential detention benefit. Preliminary actions were undertaken for Kelly Lake (lands acquired) and design initiated but not carried through when residents of the area approached Council of the day (1993) requesting that the project not proceed because periodically elevated water levels would negatively impact their properties. Of interest is that recent complaints of wet grounds were received from a property owner upstream of Mystery Lake and attributed to work to restore the structure, even though no work has been undertaken and the stop logs in the spillway have been removed for many years.

The attachment to this correspondence summarizes all remediation measures, proposed and executed, under five broad categories, - 1) detention/diversion, 2) channel efficiency, 3) downstream storage, 4) storage/efficiency, and 5) non-structural measures.

While remediation measures have been the focus of attention to try and improve conditions, continued maintenance of existing channels has always been a concern to prevent matters from worsening. To this end a comprehensive ongoing maintenance program is important, but is hampered by the fact that most of the creek system runs through privately owned lands. Another factor is increasing environmental regulation which prohibits, or complicates, traditional maintenance practices and approaches. The question of who is ultimately responsible for the creek system and its performance is a legal one which should be reviewed by legal staff and a determination made. Notwithstanding, extensive maintenance of the system of ditches in and around Glen Falls leading to Marsh Creek was recently undertaken and completed by City forces. More maintenance effort and resources (funding) in future will be required to maintain this drainage system infrastructure and assets in a restructured program.

Staff has made initial contacts with Provincial Emergency Measures officials seeking information on any flood assistance or relief programs that may be available or accessible to help address situations such as Glen Falls. At present there are no programs specifically dedicated to reducing flood risks but the Federal Government in conjunction with Territorial and Provincial

Governments launched “Canada’s National Disaster Mitigation Strategy” in January 2008. There is no funding directly associated to this initiative, but eligible or approved mitigation measures could be supported through the Build Canada Fund. This is an avenue that could be pursued for designated mitigation projects. A tri-level approach for funding support should again be part of the plan on a go forward basis.

## CONCLUSIONS

The findings of the Stormwater Management Strategy, and Preliminary Design and Cost Benefits Analysis for the proposed piped diversion, leaves little doubt of the inevitability of continued flooding along Marsh Creek, without diversion or without a trend to lower amounts of precipitation and less severe storm events. The level of flood protection currently in place as expressed by “return storm” varies for Glen Falls residents, depending on the ground elevation of their property – some residents are affected by storms of less than 1:5 year return period, others 1:10 year return and upward, and still others are out of the flood risk zone altogether.

Weather appears to be trending to greater precipitation amounts and an increase in the frequency of severe rainfall events. Calculations for “design” storms may have to be revised as years pass and more data is collected. Design storms at best approximate actual rainfall events, but flooding conditions on the ground in the Marsh Creek Drainage Basin reflect other factors as well such as existing ground conditions and pre existing amount of storage available in stream channels and storage areas.

Physical works to provide flood level protection against 1:100 year return storms in this area are uneconomic on a benefit to cost consideration. The inability to secure forebay lands as a component of a 1:25 year protection program makes achievement of higher levels of protection even more remote.

Sea level rise is a factor to consider for low lying areas like Glen Falls and the Marsh Creek Drainage Basin. Flooding conditions will not improve as the sea becomes higher in relation to the Great Marsh area. Indeed the 2008 Stormwater Management Strategy Report identified a real flood risk to the area from storm surge in the Bay of Fundy, in combination with other factors.

Potential mitigation measures (physical works) other than diversion (e.g. construction of a control structure at Mystery Lake, detention at Kelly Lake and Ashburn Lakes, provision of more floodway space and the like) may all yield some incremental improvement to the frequency, severity, and duration of flooding that takes place, but the basic problem would remain for Glen Falls . At times there will be simply too much runoff from upland regions entering channels that are too narrow, shallow, and flat to carry all of the water directed into them, and flooding of Glen Falls and other low lying areas in the Marsh Creek flood plain will continue occur.

The Stormwater Management Strategy clearly indicates that proposed improvements in the lower basin (e.g. CNR culverts, Causeway sluiceway or forebay pumping) will not effectively change (improve) flooding conditions in Glen Falls, on their own. This is consistent with previous study

findings. The outline of the 1:100 flood plain determined by Terrain is almost identical to the Glen Falls and Lower Marsh Creek Flood Risk areas that were established in the Flood Risk By-law, based on earlier work by Proctor and Redfern.

Under the circumstances, relocation of homes and residents away from the most impacted areas has been raised as the only viable and sure way to reduce the impacts of flooding on citizens. Dialogue on this possibility has been opened with residents of the area and feedback received. The purpose of this report is to place the relocation proposal within the context of an overall plan and approach to the negative impacts of continuing periodic episodes of flooding.

There will be costs associated with any mitigation measure. The question will be how much, and then to determine a fair allocation among participating parties. Three levels of government were initially engaged in partnership to deal with the effects of flooding in the Glen Falls area. It would follow that an attempt to implement a plan to “finalize” dealings with flooding on this flood plain and mitigate damages should also involve the three government levels.

Finally the question of forebay storage should be addressed again in some manner, in order to properly consider all other parts of a comprehensive plan to deal with flooding in the Marsh Creek Drainage Basin.

## **RECOMMENDATIONS**

It is recommended that the Common Council:

1. Recognizes that periodic flooding will continue to occur on the Marsh Creek Flood Plain.
2. Continues the process regarding design and reconstruction of a new outlet control structure for Mystery Lake.
3. Reviews the Flood Risk By-law as it may be applied to the flood risk area identified in the forebay; reviews By-law for changes to prevent further residential construction in the flood risk areas; revises flood risk areas based on Stormwater Management Strategy model.
4. Follows up to determine the current storage space available in the forebay area.
5. Prepares a comprehensive program of inspection and maintenance for Marsh Creek Drainage system.
6. Updates a flood response contingency plan in the event of flooding with warnings and public communications for severe events – through Saint John EMO
7. Engages the services of a consultant to determine the benefit and feasibility of constructing detention reservoirs on Kelly Lake and Ashburn Lake and models the performance of Majors Brook.
8. Consults with the YMCA (owners) concerning Ashburn Lake to determine interest in possibly re-building an outlet control structure for the dual purposes of the recreation facility and flood water storage.
9. Consults with appropriate staff of other government levels (eg NBEMO) regarding flood assistance and other programs that may be pertinent to this situation.



10. Consults with owners of the forebay lands to determine current status.
11. Develops a feasible assistance program for private property owners based on an appropriate cost sharing model and pursue tri-level government support.
12. Directs the City Solicitor to review the legal ownership of the creek system and physical structures and responsibilities arising therefrom for maintenance and efficiency performance in carrying flows.

Respectfully submitted,

J.M. Paul Groody P.Eng  
Commissioner,  
Municipal Operations and Engineering

J. Patrick Woods CGA  
City Manager

<b><u>CATEGORY</u></b>	<b><u>Project</u></b>
<b><u>Detention/Diversion</u></b>	<p>Upper Glen Falls Reservoir  Lower Marsh Creek Floodway(#3 - below Strescon)  Lawlor Lake Outlet  Forest Hills Dam  Mystery Lake Dam  Kelly Lake Reservoir  Ashburn Lake Reservoir</p> <p>Dry pond/wetland enhance Majors Brook  West Branch Marsh Creek to Drury Cove  Mystery Lake to Cruickshank Lake (Blackall) &amp; Little R.</p> <p>Piped Diversion - Drury Cove</p>
<b><u>Channel Efficiency</u></b>	<p>Clean channel; debris and vegetation  Maintenance Program  Add Culvert CNR (Below Marsh Bridge)  Replace Culverts Clear Span CNR Below Marsh Bridge  Replace CNR Trestle @ One Mile  Marsh Bridge Add culvert  Marco Polo Bridge  Replace Ashburn Lake Road Bridge  Replace Private Crossing - Strescon  Remove Trestle Bridge MacKay Lumber  Replace Culvert Rothesay Avenue  Replace Culvert Simpson Drive  Replace Culvert Glen Road  Replace Culvert Connaught Ave.</p>
<b><u>Downstream Storage</u></b>	<p>Construct Courtenay Causeway c/w tide gates  Forebay Storage (57 Ac)  Forebay Pumps  Cold Brook Floodway (#1)Excav 15 ac + 15 ac  Majors Brook Floodway (#2) Excav 20 ac + 10 ac  Local Diking/Flood Walls &amp; Pumping- Glen Falls  Local Diking/Flood Walls &amp; Pumping- Majors Brook  Forebay Storage (26 Ac)  Forebay Pumps  Courtenay Bay Storage  Repair/replace tide gates  Glen Falls Floodway  Replace tide gates; install sluice gates or forebay pumps  Study of Causeway; earth dam; higher levee</p>
<b><u>Storage/Efficiency</u></b>	<p>Enlarge/re-align narrow channels</p>

Re-alignment Ashburn Creek to Lower Marsh Creek  
Enlarge Channel from Glen Road to CNR Crossing  
Enlarge channel from Forebay to Strescon

**Non Structural Measures**

Residential Evacuation & Relocation Glen Falls  
Floodplain Management - Flood Zones By-Law  
Flood Warning & Emergency Evacuation  
Flood Proofing  
Flood Insurance  
By-Law Amendments - no new residential until risk reduced  
Study Forebay to establish storage volume & maintain  
Benefits Cost to increase protection evaluated  
Policy of 1:100 protection set  
Buy/expropriaite all lands along watercourses -  
Initiate Negotiations with IOL - gain control of floodway  
Zoning By-law - amended -floodway zone along watercourses  
Consult NBDOT - replace tide gates with pump station  
Storm Drainage Design Criteria Manual  
Increase Controls Over Future Development on Floodplain

**P&R 76** - Water Management Study Marsh Creek Watershed - 1976 Proctor and Redfern Limited

**GFLR 87** - Glen Falls Flood Risk 1987 - Planning and Development

**FAP 90** - Marsh Creek Flood Risk Abatement Program - 1990 - Building and Technical Services

**ACRES/IOL 82**- Forebay Storage Options presented during forebay expropriation process - 1982

**SMS 08** - Stormwater Management Strategy - Terrain - 2008

**ENG** - Engineering Initiated Projects

**GEMTEC 09** - Mystery Lake Flood Control System 2009-2011

**TERR 09** - Preliminary Design and Cost Benefit Analysis 2009

**CADILLAC/AMEC** - McAllister Mall Flood Protection Project 2009-2010

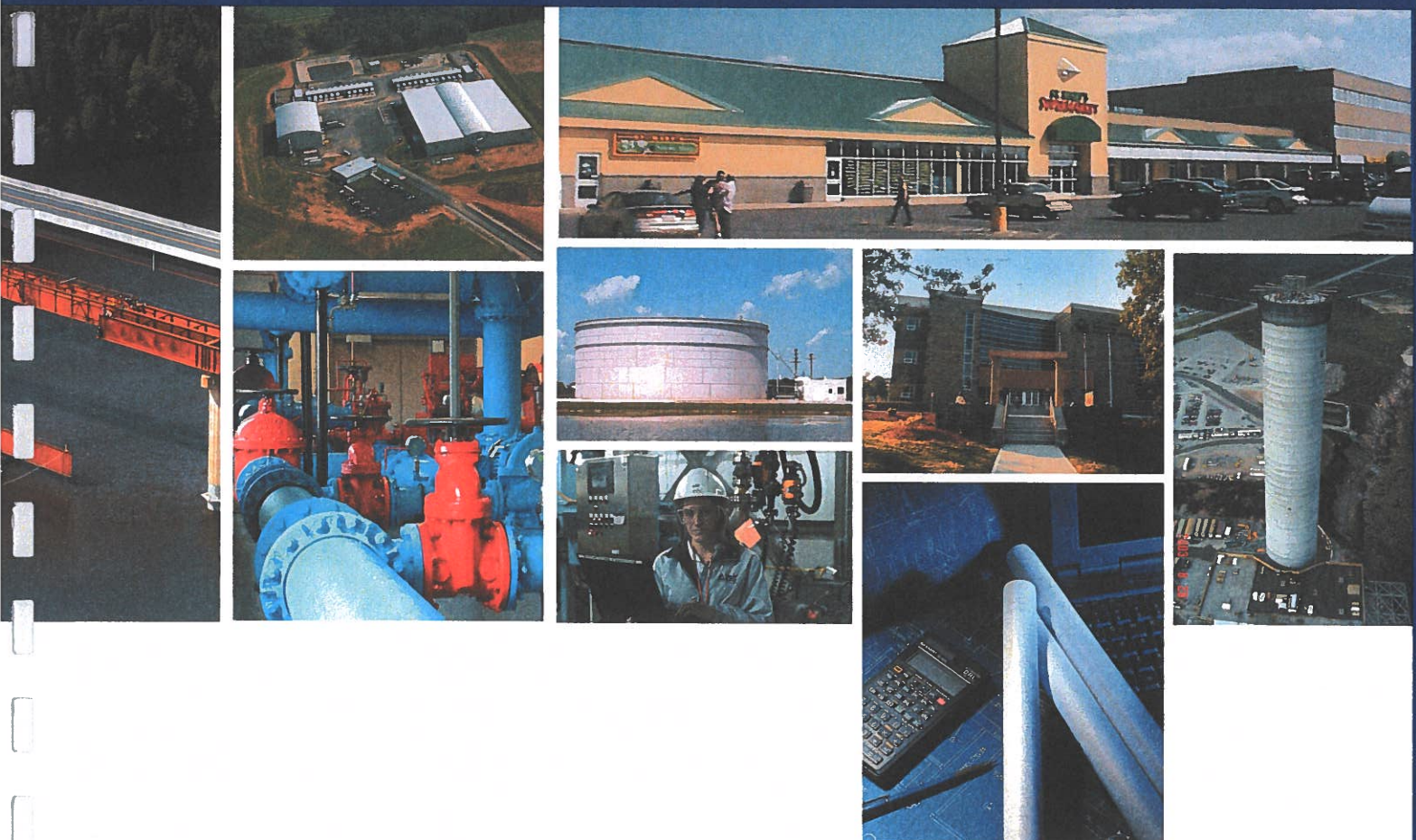
**Turnbull 48** - Report to Great Marsh Commission on Feasibility of a Causeway across Courtenay Bay 1948



<u>Source</u>	<u>Status</u>	<u>Comments</u>
P&R 76	Complete '79	
P&R 76	Complete '79	
P&R 76; Terr 09	Repl. '79; '10	
Eng	Complete '80	
P&R 76; FAP 90 GEMTEC 09	Prelim Design & EIA	
P&R 76; FAP 90	Not pursued 1993; Kelly Lake Res	
Terr 09	Further review req'd	
Cadillac/AMEC	Private initiative - pending	
P&R 76	N/R	
P&R 76	N/R	
SMS 08	Suspended '10 during EIA	
P&R 76	Complete 78-79 City Forces	
P&R 76; GFLR '87	Ongoing	
P&R 76	Complete 78-79 CNR	
FAP 90; SMS 08	Pending	
	Complete - clear span CNR	
P&R 76	Decided on Clear Span	
Modified '77-78	Complete '82 NBDOT	
	Complete NBDOT	
	Complete Strescon Ltd.	
	Removed	
FAP 90	Replaced ' NBDOT	
FAP 90	Replaced ' NBDOT	
Eng '08	Replaced ' 09 CSJ	
Eng '08	Replaced ' 10 CSJ	
D. Turnbull '48	Complete '63	
P&R 76 & Modified	Dropped to 26 ac '78-79	
P&R 76	N/R	
P&R 76	Not pursued	
P&R 76	Not pursued	
P&R 76	N/R	
P&R 76	N/R	
Modified	Expropriation Unsuccessful '82	
Acres '82 IOL	Offered to IOL to build; not pursued	
Acres '82 IOL	Dropped; Expense	
FAP '90		
Eng 99	Constructed '99 & '01	
SMS 08	Pending upstream diversion	
SMS 08	Expense; pending upstream diversion	
P&R 76;	Not pursued - land acquisition & encroachment of structures	

P&R 76;	Not pursued
FAP '90	Not pursued - land acquisition & encroachment of structures
FAP'90	Not pursued - land acquisition & encroachment of structures
P&R 76; Eng 11	N/R originally; reconsideration '11
P&R 76	PNB Legislation& Flood Risk By-law '80
P&R 76	Normal Operting Procedures
P&R 76	Some work done by private owners
P&R 76	N/R or Followed up
GFLR 87	?
GFLR 87	Not pursued
GFLR 87	
FAP '90	
FAP '90	
FAP '90	
FAP '90	
FAP '90	
SMS 08	Adopted '08
SMS 08	

}



---

---

---

---

---

---

---

**Glen Falls Floodways  
Preliminary Design Report**

**ADI Limited  
Project: (85) 0094-271.1  
Date: February 1, 1999**





**GLEN FALLS FLOODWAYS  
PRELIMINARY DESIGN REPORT**

**Prepared For:**

The City of Saint John

**Prepared By:**

ADI Limited  
Hilyard Place, Building "A"  
560 Main Street, Suite 100  
Saint John, NB, Canada E2K 4L5  
Tel: (506) 646-8020  
Fax: (506) 646-8025

FILE: (85) 94-271.1  
DATE: February 1, 1999

This report was prepared by ADI Limited for the account of the City of Saint John.

The material in it reflects ADI Limited's best judgement in light of the information available to it at the time of preparation. Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. ADI Limited accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report.

## 1.0 INTRODUCTION

The Glen Falls area has been subject to flooding conditions during severe storms for many years. During the 1970's, several studies were commissioned by The City of Saint John to determine possible remedial measures that would help alleviate the flooding during storm events. One of the recommendations of the reports was the construction of floodways in the Glen Falls area.

A floodway, as defined by a March 1976 report by Proctor & Redfern Limited entitled 'Water Management Study Marsh Creek Watershed', is "... a designated flooding area where, during severe floods, flood waters are stored, or contained, at known water surface elevations." A floodway is essentially an excavated area that serves as additional storage capacity for flood waters during the storm event. The major benefit of a floodway is the ability to contain the flood waters in an undeveloped area, so that the impact on existing developed areas can be minimized.

The City of Saint John has recognized the floodway as an effective method of alleviating the flooding in the Glen Falls area and has purchased land in the Marsh Creek and Coldstream Brook area for the construction of these floodways. Their purpose will not only be to alleviate flooding but, to provide compensatory storage to allow further development in the flood plain area. This report outlines the preliminary design of the floodways and provides an implementation strategy for the phased construction of the areas as funds become available.

## 2.0 PRELIMINARY DESIGN

One of the first steps was to carry out a topographic survey of each of the properties identified for the floodways. All available information on existing utilities, such as water, sanitary, and storm services, were gathered and incorporated into a site plan along with the survey information to determine the best possible configuration of the floodways.

Test pits were dug at various locations over the site to gather information related to subsurface conditions. Soil samples were analysed and groundwater levels were monitored to determine soil characteristics that would aid in the design. Generally, the soil had been found to be a very soft silty type material.

The available area was estimated to be approximately 11 hectares, with an available storage volume of approximately 140 000 m<sup>3</sup>. The total area was divided into three (3) separate floodways, which can be seen on the overall site plan in Appendix A. The



volume calculations were based on a typical setback of 7.5 metres from a developed property, and 6.0 metres elsewhere. The average depth of water in the floodway during a severe storm event will be approximately 1.2 metres.

The total construction cost is estimated at \$1.52 million. Included in the cost estimate are the construction of access roads required during the excavation process, any culverts required to convey the flow between the existing watercourse and the floodways, and fencing required between the floodways and developed areas. As well, additional landscaping around the perimeter of the floodway was included in the estimate to act as an aesthetic buffer between developed areas. A breakdown of the costs associated with each phase of the project is given in the following section.

### 3.0 IMPLEMENTATION STRATEGY

The three (3) individual floodways have been divided into a total of seven (7) phases. The construction of each phase of each floodway must occur in the same sequence as outlined on the attached site plan for the floodway to function properly. For example, Phase 2B cannot be completed before phase 2A, since phase 2A contains the only access to Marsh Creek. As well, each individual floodway is assigned a priority based on the ease of construction and the best cost/benefit ratio. The relative size of each phase within each floodway can be modified to some extent based on the need at the time and the available funds.

The first priority will be to construct Area 1; the area bounded by Coldstream Brook to the east and Golden Grove Road to the south. This area has the lowest construction cost per cubic metre of volume and all land is presently owned by The City of Saint John. This area has been shown as being divided into three (3) phases.

The second priority will be to construct Area 2; the area to the north of Marsh Creek bounded by Simpson Drive to the west and Broadway Avenue to the north. This area has also been shown as being divided into three (3) subareas to allow for construction to be phased. Most of the area is bounded by existing residential properties, therefore the cost per cubic metre of storage volume is marginally higher than that of Area No. 1, due to the fencing and landscaping requirements.

The third priority will be to construct Area 3; the area to the northwest of Marsh Creek bounded by Todd Street to the north. This is the smallest of the areas and has not been divided into phases. Because of the shape of the area and the fencing and landscaping requirements, the cost per cubic metre is the highest of the three floodways.

**TABLE 1**  
**Comparative Phase Costs**

Phase	Area No.	Estimated Cost	Estimated Cost per Cubic Metre
1	1A	\$ 330 000	\$ 9.64
2	1B	\$ 210 000	\$ 8.91
3	1C	\$ 225 000	\$ 11.28
4	2A	\$ 190 000	\$ 11.52
5	2B	\$ 230 000	\$ 12.70
6	2C	\$ 185 000	\$ 12.03
7	3	\$ 150 000	\$ 13.14
		Estimated Total Cost = \$ 1 520 000	Average = \$ 10.92

It is recommended that construction begin with Area 1A as shown on the overall plan in Appendix A. The estimated cost of this phase is \$ 330 000. Depending upon available funds and, the volume of storage required at the time, the limits of each phase can be modified as required. The sequence of construction, however, is recommended to remain the same.

#### 4.0 SCHEDULE

Topographic surveys, soils investigations and preliminary design drawings and cost estimates have been completed. Final drawings, complete with technical specifications will be submitted by February 15, 1999.

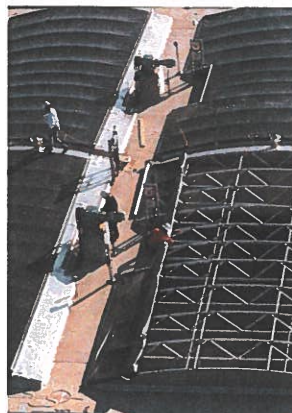
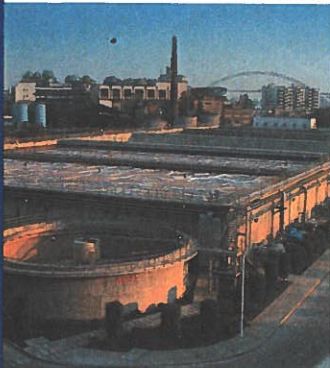
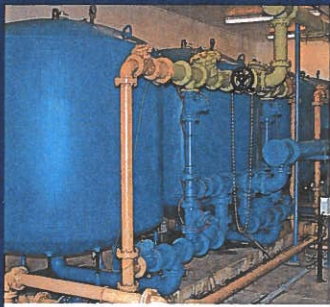
ADI Quality System Checks:			
Submitted by:	G. P. Wasson		
	<small>(name)</small>	<small>(signature)</small>	
Project No.:	(85) 94-271.1	Date:	99.02.04
			<small>(yr / mo / da)</small>
Issue status:	Final	Revision #:	0

**APPENDIX A**

**Overall Site Plan**







---

**WITH OFFICES IN:**

**ALBERTA**

**NOVA SCOTIA**

**NEW BRUNSWICK**

**NEWFOUNDLAND AND LABRADOR**

**PRINCE EDWARD ISLAND**

**MAINE**

**NEW HAMPSHIRE**



**Our Mission:**  
**Success through**  
**satisfied customers**

**[www.adi.ca](http://www.adi.ca)**

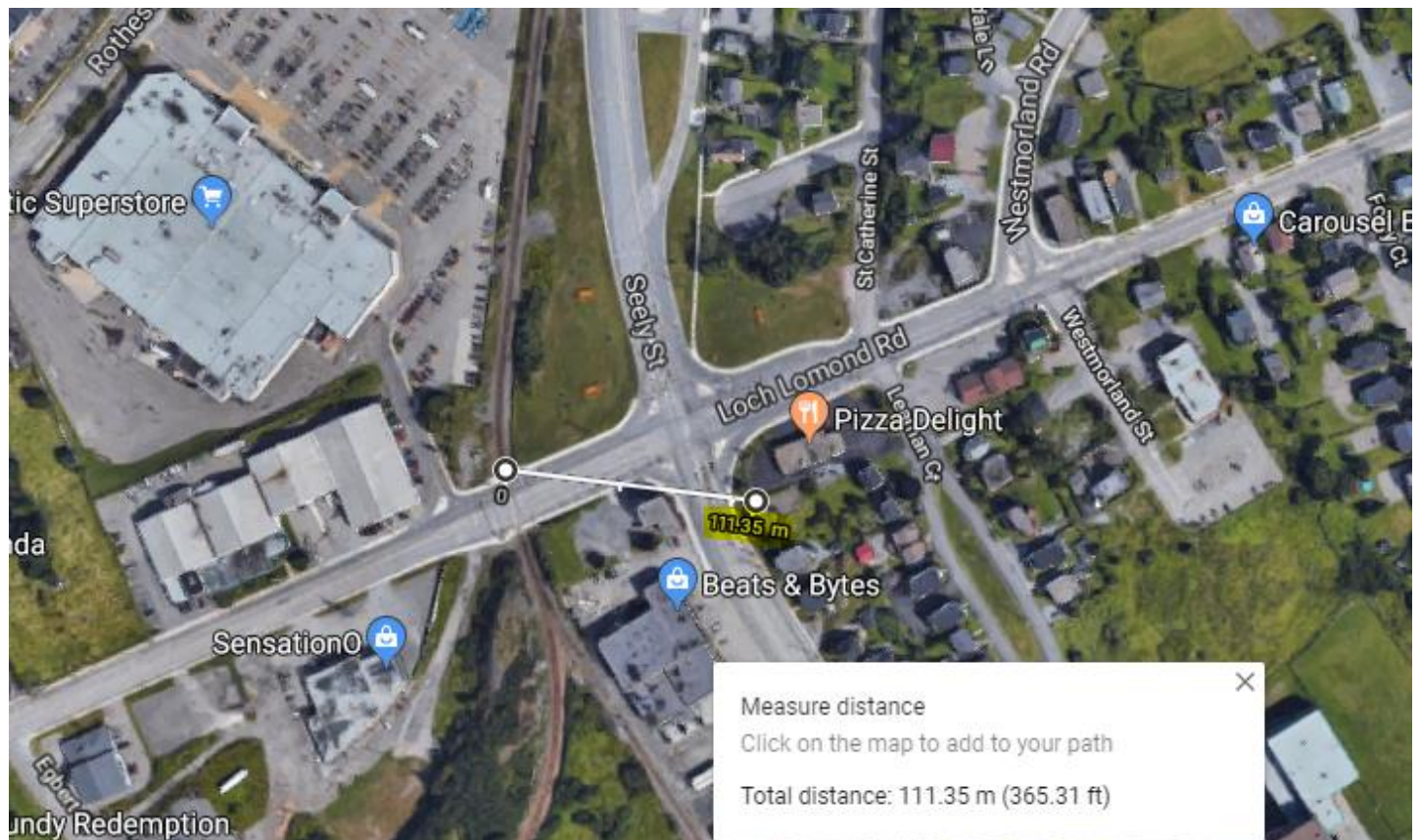
---



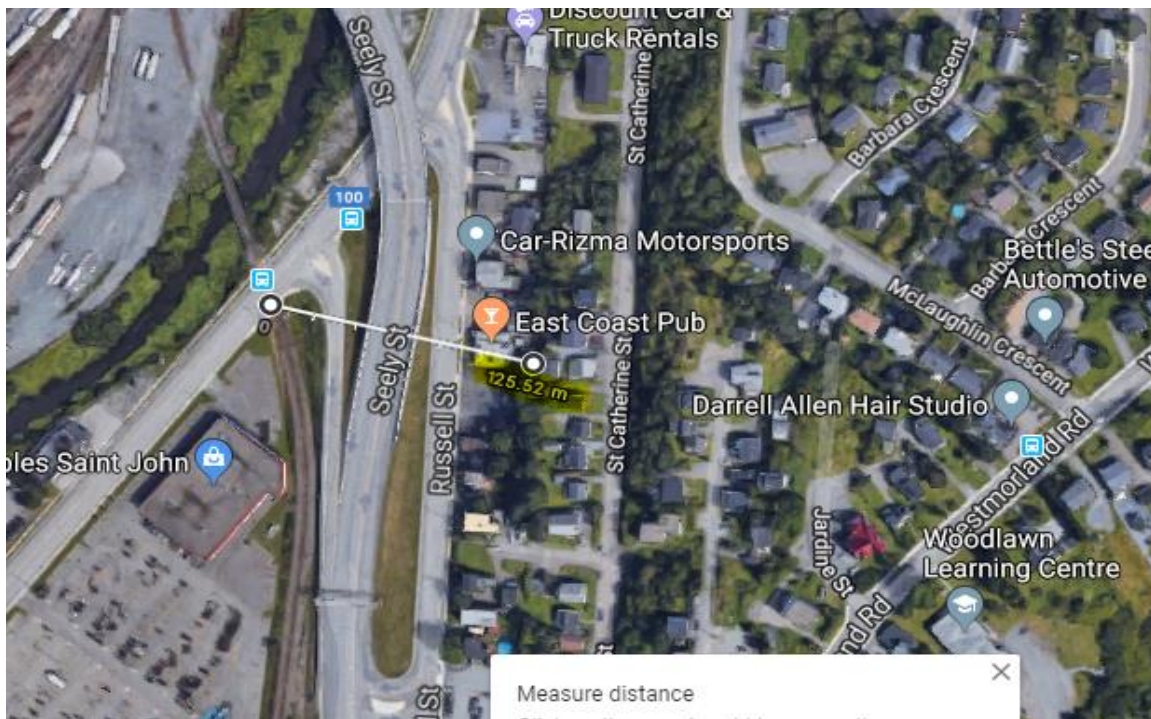
In October 2015 Saint John Common Council passed a motion to ban the blowing of train whistles at 2 level crossings, one on Thorne Avenue and the other on Rothsay Avenue. In the three years plus since that exemption was made I'm not aware of any safety related issues surrounding the exemption.

Representing 55 residential units at 500 Douglas Avenue I am requesting the same consideration be given to the NBSR crossings on Douglas Avenue and Bentley Street. When one looks at the proximity of the NBSR rail tracks at these locations to residential dwellings there are many more residences in closer proximity than the previously mentioned crossings on Thorne and Rothsay Avenues.

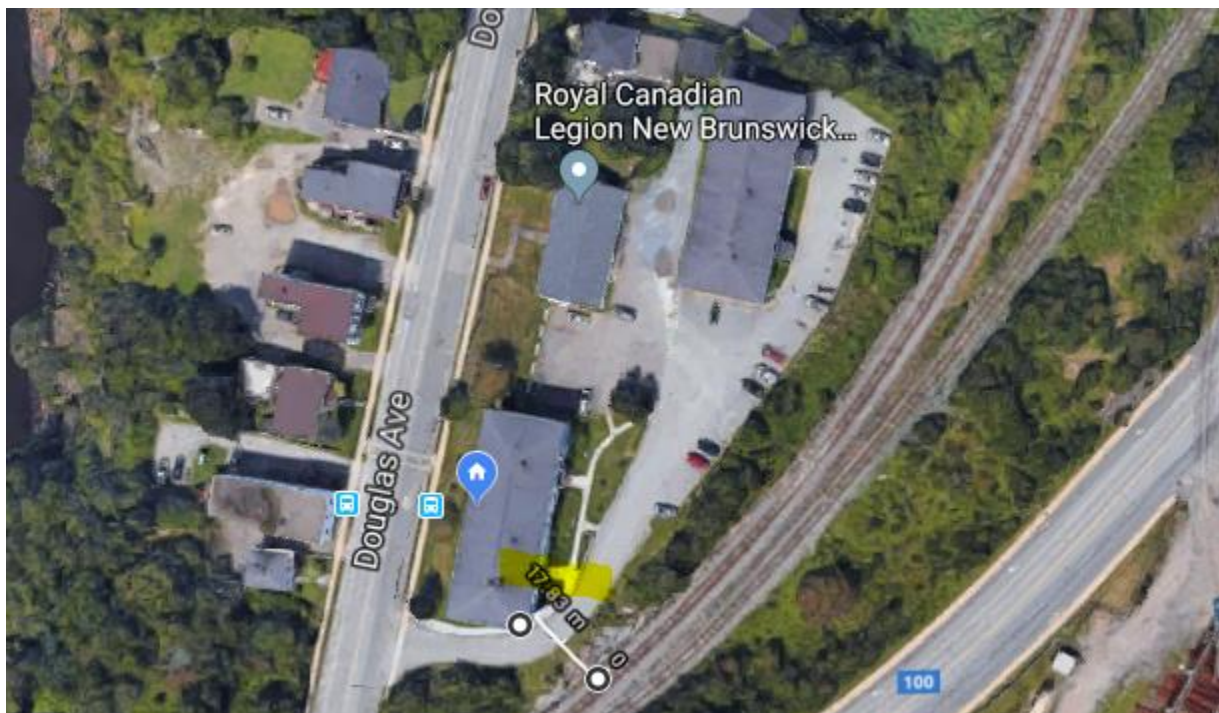
**Below is an example of the proximity of the level crossing on Thorne Ave. to the nearest residence which is about 111 metres or 365 feet**



Below shows the proximity of the nearest residence to the Rothesay Ave. level crossing being 125 meters or 410 feet.



Below shows the proximity of the NBSR level rail crossing to residences at 500 Douglas Avenue being about 18 meters or 59 feet.

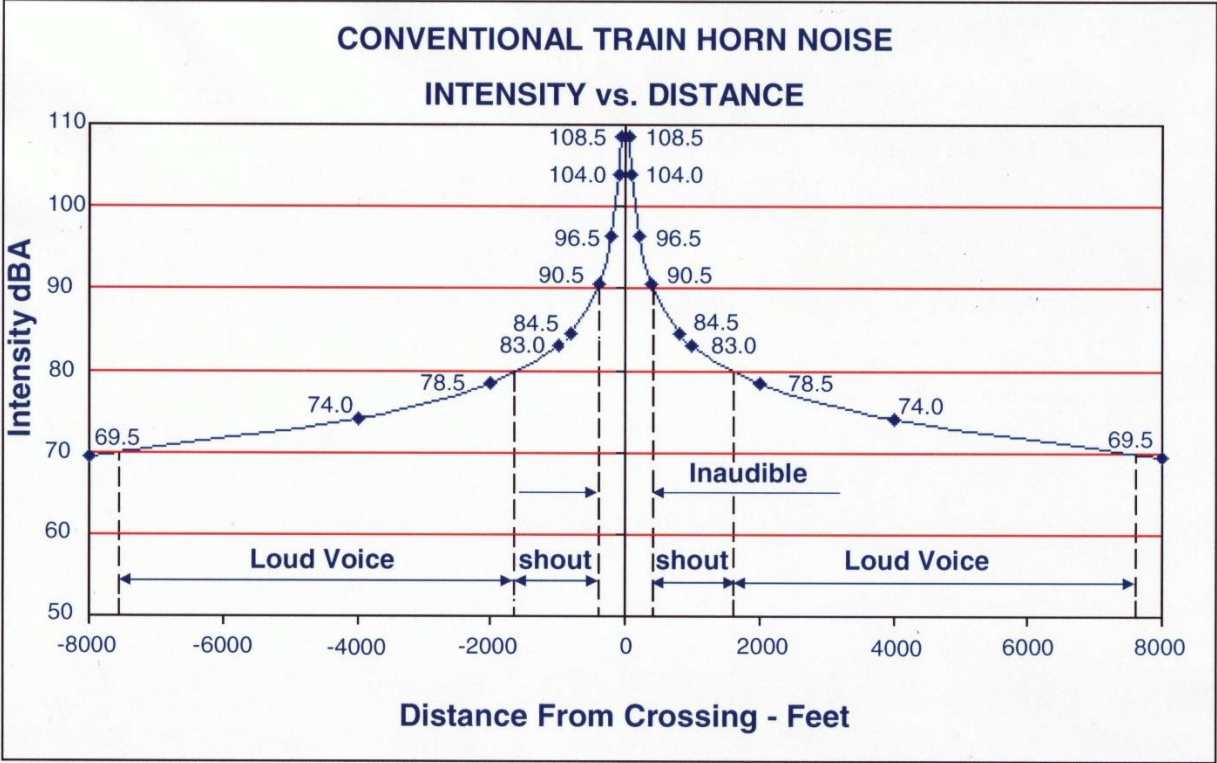


Below shows other residences along Douglas Avenue being about 71 meters or 232 feet from the NBSR line.





Although safety must be paramount, there are health, safety and quality of life issues related to the blaring of locomotive horns at any given hour of the day in our relatively densely populated residential area. It is not uncommon to have several locomotives move through this area between the hours of midnight and 7am that blare their horns in excess of 20 seconds at an extremely loud level. (According to **Train Horns** Delivered, most **train horns** put out about 140 decibels, sometimes up to 150 or more.)



Normal conversation is **about 60 dB**, a lawn mower is about 90 dB, and a loud rock concert is about 120 dB. In general, **sounds above 85 are harmful**, depending on how long and how often you are exposed to them and whether you wear hearing protection, such as earplugs or earmuffs.

So there are safety considerations which are much more likely to have an impact on local residents due to the excessively high noise levels they are exposed to on an ongoing basis.

For an exemption to be made at these crossings there would have to be further safeguards taken such as the installation of gates in addition to the existing lights and warning bells at the Douglas Ave. crossing.

We thank you for taking the opportunity to meet with you and are willing to make a presentation to Common Council to bring further awareness to this issue.

Sincerely,

Paul Brown

President – Saint John County Condominium Corporation # 16

## COUNCIL REPORT

M&C No.	2019-118
Report Date	June 10, 2019
Meeting Date	June 17, 2019
Service Area	Corporate Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Council Code of Conduct Bylaw LG-5***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Patricia Anglin</i></b>	<b><i>Jonathan Taylor</i></b>	<b><i>John JC Collin</i></b>

### ***RECOMMENDATION***

It is recommended that Council proceed with reading the Council Code of Conduct Bylaw LG-5.

### ***EXECUTIVE SUMMARY***

Council approved the content of the Council Code of Conduct Bylaw on October 12, 2018 and referred the bylaw to the Legal Department to compile the bylaw in standard format with translation. The bylaw is now ready for reading.

### ***PREVIOUS RESOLUTION***

October 17, 2018

RESOLVED that as recommended by the City Manager in the submitted report M&C 2018-286: Code of Conduct Bylaw, Common Council approve the content of the submitted Code of Conduct Bylaw and refer to the Legal Department to compile the Bylaw in standard format with translation.

### ***REPORT***

The *Local Governance Act Regulation* 2018-64 lists the matters that must be included in the mandatory Council Code of Conduct Bylaw. These requirements have been included in the submitted bylaw as follows:

Section 2 – Values of Members of Council

Section 3 – Behavior of Members of Council

Section 7 – Use of Local Government Property, Resources and Services by Members of Council

## Section 8 – Use of Communication Tools and Social Media

In addition, the City Manager directed that section 10.4 be added. This provision states that Council Members must continue their obligation not to disclose confidential information following service on Council.

### ***STRATEGIC ALIGNMENT***

[Click here to enter text.](#)

### ***SERVICE AND FINANCIAL OUTCOMES***

[Click here to enter text.](#)

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Legal Services

### ***ATTACHMENTS***

Council Code of Conduct Bylaw LG-5



**A BYLAW RESPECTING THE CODE OF  
CONDUCT FOR ELECTED MEMBERS OF  
THE CITY OF SAINT JOHN**

**BYLAW NUMBER LG-5**

**RECITALS**

WHEREAS the *Local Governance Act*, authorizes and requires local governments to establish a *Code of Conduct Bylaw*; and

AND WHEREAS as stipulated in *New Brunswick Regulation 2018-64*, the *Code of Conduct Bylaw* must include the following mandatory provisions:

- (a) the **values** to which Members of Council are expected to adhere;
- (b) the **behaviour** by the Members of Council toward other Members of Council, officers, employees and residents of the local government, including provisions respecting bullying, discrimination and harassment by Members of Council,
- (c) the **use of local government property, resources and services** by Members of Council; and
- (d) the **use of communication tools and social media** by Members of Council; and

AND WHEREAS a *Code of Conduct* ensures that Members of Council share

**ARRÊTÉ RELATIF AU CODE DE  
DÉONTOLOGIE POUR LES MEMBRES  
ÉLUS DE THE CITY OF SAINT JOHN**

**ARRÊTÉ NUMÉRO LG-5**

**PRÉAMBULE**

ATTENDU QUE, la *Loi sur la gouvernance locale* autorise et exige que les gouvernements locaux prennent un *Arrêté relatif au code de déontologie*;

ET ATTENDU QUE, comme le stipule le *Règlement du Nouveau-Brunswick 2018-64*, l'*Arrêté relatif au code de déontologie* doit inclure les dispositions impératives suivantes :

- a) les **valeurs** auxquelles sont tenus d'adhérer les membres du conseil;
- b) le **comportement** des membres du conseil à l'endroit aussi bien des autres membres que des fonctionnaires, des employés et des résidents du gouvernement local, notamment en ce qui a trait à l'intimidation, à la discrimination et au harcèlement;
- c) l'**utilisation** que peuvent faire les membres du conseil **des biens, des ressources et des services** du gouvernement local;
- d) l'**utilisation** que peuvent faire les membres du conseil **des moyens de communication et des médias sociaux**;

ET ATTENDU QUE, un code de déontologie assure que les membres du conseil partagent une base et une

<p>a common basis and understanding for acceptable conduct extending beyond the legislative provisions governing the conduct of Members of Council, as set out in the <i>Local Governance Act</i>; and</p>	<p>compréhension communes de ce qui est considéré une conduite acceptable qui va au-delà des dispositions législatives qui gouvernent la conduite des membres du conseil, conformément à la <i>Loi sur la gouvernance locale</i>;</p>
--	---

<p>AND WHEREAS as Members of Council, we recognize that our actions have an impact on the lives of all residents and property owners in the community; and</p>	<p>ET ATTENDU QUE, en tant que membre du conseil, nous reconnaissons que nos actions ont un impact sur la vie de tous les résidents et propriétaires dans la communauté;</p>
--	--

<p>AND WHEREAS the establishment of a <i>Code of Conduct Bylaw</i> is consistent with the principles of transparent and accountable government;</p>	<p>ET ATTENDU QUE, l'instauration d'un <i>Arrêté relatif au code de déontologie</i> est en harmonie avec les principes d'un gouvernement transparent et responsable;</p>
---	--

<p>NOW THEREFORE the Common Council of the City of Saint John adopts certain rules in the form of a <i>Code of Conduct Bylaw</i> that further underscores the requirement that elected officials be independent, impartial, and duly responsible in serving their constituents.</p>	<p>À CES CAUSES, le conseil communal de The City of Saint John adopte certaines règles sous la forme d'un <i>Arrêté relatif au code de déontologie</i> qui confirme le besoin que les représentants élus soient indépendants, impartiaux et pleinement responsables alors qu'ils servent leurs électeurs.</p>
---	---

#### **APPLICATION**

1. This *Code of Conduct Bylaw* applies to all Members of Common Council, including the Mayor and Deputy Mayor.

#### **APPLICATION**

1. Le présent *Arrêté relatif au code de déontologie* s'applique à tous les membres du conseil communal, incluant le maire et le maire suppléant.

#### **VALUES OF MEMBERS OF COUNCIL**

2. The values of Members of Council include:

##### **(a) Honesty**

Members of Council shall be truthful and open in their roles as Council

#### **VALEURS DES MEMBRES DU CONSEIL**

2. Les valeurs des membres du conseil incluent :

##### **a) Honnêteté**

Les membres du conseil sont sincères et transparents dans leur rôle comme

Members and as members of the City they serve. membres du conseil et comme membres de la municipalité qu'ils servent.

**(b) Respect**

Members of Council shall treat every person, including other Members of Council, City employees and the public with dignity and respect.

**b) Respect**

Les membres du conseil traitent toute personne, incluant les autres membres du conseil, les employés de la municipalité et le public avec dignité et respect.

**(c) Transparency and Accountability**

Members of Council shall endeavor to conduct and convey Council business and all their duties in an open and transparent manner, other than those discussions that are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.

**c) Transparence et imputabilité**

Les membres du conseil doivent s'efforcer de mener les affaires du conseil et toutes leurs fonctions d'une manière ouverte et transparente, sauf ces discussions qui peuvent être tenues de manière confidentielle à huis clos, afin que les parties prenantes puissent comprendre le processus suivi et les motifs utilisés pour prendre une décision et les raisons pour agir d'une certaine façon.

**(d) Confidentiality**

Members of Council shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by Council to do so. Members shall not take advantage of or obtain private benefit from information that is obtained in the course of or as a result of their official duties or position that is not in the public domain.

**d) Confidentialité**

Les membres du conseil s'abstiennent de divulguer ou de diffuser toute information confidentielle acquise dans le cadre de leurs fonctions sauf lorsque requis par la loi ou autorisé par le conseil d'agir de la sorte. Les membres ne devraient pas tirer parti ou tirer personnellement profit de l'information qui n'est pas du domaine public qui est obtenue dans le cours ou du fait de leurs tâches officielles ou de leur poste.

**(e) Leadership and the Public Interest**

Members of Council shall serve their constituents in a conscientious and diligent manner and act in the best interests of the City. Members of Council are expected to perform their duties in a manner that will bear close

**e) Leadership et intérêt public**

Les membres du conseil servent leurs électeurs d'une manière consciencieuse et avec diligence et agissent dans l'intérêt supérieur de la municipalité. On s'attend à ce que les membres du conseil s'acquittent de

public scrutiny and shall not provide the potential or opportunity for personal benefit, wrongdoing or unethical conduct.

**(f) Responsibility**

Members of Council shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of New Brunswick, including the *Local Governance Act*. This duty includes disclosing actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as Members of Council. Each Member of Council is individually responsible for preventing potential and actual conflicts of interest.

leurs tâches d'une manière qui puisse soutenir un examen rigoureux du public et ne donnent pas lieu à des avantages personnels réels ou perçus, des actes répréhensibles ou un comportement contraire à l'éthique.

**f) Responsabilité**

Les membres du conseil agissent d'une manière responsable et conformément aux lois du Parlement du Canada et de la Législature du Nouveau-Brunswick, dont la *Loi sur la gouvernance locale*. Cette obligation inclut la divulgation de conflits d'intérêts actuels ou potentiels, qu'ils soient financiers ou autrement liés à leurs responsabilités comme membres du conseil. Chaque membre du conseil est responsable individuellement de prévenir les conflits d'intérêts potentiels et actuels.

**BEHAVIOUR OF MEMBERS OF COUNCIL**

**COMPORTEMENT DES MEMBRES DU CONSEIL**

3.1 Members of Council shall conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed.

3.1 Les membres du conseil se comportent de manière professionnelle, avec dignité, et font tout en leur possible pour participer avec diligence aux réunions du conseil, aux comités du conseil et autres instances auxquels ils sont nommés.

3.2 Members of Council shall perform their official duties in accordance with the following general principles:

3.2 Les membres du conseil s'acquittent de leurs fonctions officielles conformément aux principes généraux suivants :

(a) Be honest and open with Council Members, local government staff, and the general public;

a) En étant honnêtes et ouverts avec les membres du conseil, le personnel du gouvernement local et le grand public;



- |  |   |
|--|---|
| (b) Make decisions that are in the best interest of the City as a whole;   | b) En prenant des décisions dans l'intérêt supérieur de la municipalité en général;   |
| (c) Make decisions based on careful and objective consideration and review of the facts;   | c) En prenant des décisions fondées sur un examen attentif et objectif des faits;   |
| (d) Ensure that objectivity, impartiality and transparency are emphasized in decision-making;  | d) En assurant que l'objectivité, l'impartialité et la transparence sont mises en valeur lors du processus décisionnel;   |
| (e) Be accountable for the decisions made by the Council;  | e) En étant responsables des décisions prises par le conseil;   |
| (f) Demonstrate a high level of integrity and professionalism when representing the local government and in dealing with members of the broader community; | f) En démontrant un haut niveau d'intégrité et de professionnalisme lorsqu'ils représentent le gouvernement local et lorsqu'ils font affaire avec les membres de la communauté en général;    |
| (g) Ensure that all duties are performed in compliance with federal and provincial laws, as well as bylaws, policies and procedures adopted by the City.   | g) En s'assurant que toutes les tâches sont accomplies en respectant les lois fédérales et provinciales, ainsi que les arrêtés, les politiques et les procédures adoptés par la municipalité. |

3.3 Members of Council shall at all times serve and be seen to serve their constituents in a conscientious and diligent manner.

3.3 En tout temps, les membres du conseil servent et sont considérés comme servant leurs électeurs d'une manière consciencieuse et avec diligence.

3.4 Members of Council shall conduct their dealings with each other in a way that maintains public confidence in the office to which they have been elected, are open and honest, focus on issues rather than personalities, avoid aggressive, offensive or abusive conduct.

3.4 Lors d'échanges entre eux, les membres du conseil se comportent d'une manière qui maintient la confiance du public dans la fonction pour laquelle ils ont été élus, ils sont ouverts et honnêtes, se concentrent sur les enjeux plutôt que les personnalités, ils évitent un

comportement agressif, offensif ou abusif.

3.5 Members of Council shall treat members of the public, other Council Members, local government staff or individuals providing services on a casual or contractual basis with dignity, understanding and respect.

3.5 Les membres du conseil traitent les citoyens, les autres membres du conseil, le personnel du gouvernement local ou les individus qui offrent des services sur une base occasionnelle ou contractuelle avec dignité, en faisant preuve de compréhension et avec respect.

3.6 Members of Council shall promote the governance framework to ensure their work environment is free from discrimination, bullying, offensive and/or derogatory language, and harassment and that they are in compliance with the local government's policies and procedures, where applicable.

3.6 Les membres du conseil font la promotion du cadre de gouvernance pour garantir que leur environnement de travail est exempt de discrimination, d'intimidation, de langage offensant ou dégradant et de harcèlement, et qu'ils respectent les politiques et procédures du gouvernement local, le cas échéant.

3.7 Without limiting the generality of the foregoing, Members of Council shall not:

3.7 Sans limiter la portée générale de ce qui précède, les membres du conseil :

(a) Make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the person(s) to whom they are directed or about;

a) Ne font pas de commentaires ou de gestes inappropriés à un individu ou à l'égard de celui-ci, alors qu'on sait ou qu'on devrait savoir qu'un tel comportement est offensant pour la personne visée;

(b) Display materials or transmit communications that are inappropriate, offensive, insulting or derogatory;

b) Ne montrent pas de matériel ou ne transmettent pas de messages qui sont inappropriés, offensants, insultants ou dégradants;

(c) Make threats or engage in any abusive activity or course of conduct toward others, including bullying;

c) Ne font pas de menaces ou ne se livrent pas à aucune activité ou n'adoptent pas une attitude abusive envers les autres, y compris l'intimidation;

(d) Vandalize the personal property

d) Ne vandalisent pas la propriété

- |  |  |
|--|--|
| <p>of others;</p> <p>(e) Commit assault of any kind, including making unwanted physical contact, including touching, patting or pinching;</p> <p>(f) Refuse to converse or interact with anyone based on any ground listed in the <i>Human Rights Act</i>.</p> | <p>d'autrui;</p> <p>e) Ne commettent pas d'agression d'aucun type, incluant les contacts physiques non désirés, comme toucher, caresser ou pincer;</p> <p>f) Ne refusent pas de converser ou d'interagir avec quiconque pour quelconque motif énoncé dans la <i>Loi sur les droits de la personne</i>.</p> |
|--|--|

## **CONFLICTS OF INTEREST**

## **CONFLITS D'INTÉRÊTS**

- |   |  |
|---|--|
| <p>4.1 Members of Council have a statutory duty to comply with the Conflict of Interest provisions set out in Part 8 of the <i>Local Governance Act</i>.</p> <p>4.2 Members of Council are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.</p> <p>4.3 It is the individual responsibility of each Member of Council to seek independent legal advice, at the Member's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.</p> | <p>4.1 Les membres du conseil ont une obligation légale de se conformer aux dispositions relatives au conflit d'intérêts énoncées dans la partie 8 de la <i>Loi sur la gouvernance locale</i>.</p> <p>4.2 Les membres du conseil doivent être libres de toute influence indue et ne doivent pas agir ou paraître agir de manière à obtenir un bénéfice financier ou tout autre avantage, pour eux, leur famille, leurs amis, leurs associés, une entreprise ou autrement;</p> <p>4.3 Chaque membre du conseil est personnellement responsable d'obtenir un avis légal indépendant, à ses propres frais, concernant toute situation qui pourrait se solder par un intérêt pécuniaire ou autre type de conflit d'intérêts.</p> |
|---|--|

## **RESPECTING ROLES AND RESPONSIBILITIES**

## **CONCERNANT LES RÔLES ET RESPONSABILITÉS**

- |   |   |
|---|---|
| <p>5.1 Decision-making authority lies with Council, and not any individual Member. No Member shall, unless authorized by Council, attempt to bind the City of Saint John or give direction to employees, agents, contractors,</p> | <p>5.1 Le pouvoir décisionnel revient au conseil et non pas à aucun membre individuellement. À moins d'être autorisé par le conseil, aucun membre ne tente de lier The City of Saint John ou de donner des instructions aux</p> |
|---|---|

consultants or other service providers or prospective vendors to the City.	employés, agents, entrepreneurs, consultants ou autres fournisseurs de services ou fournisseurs potentiels de la municipalité.
5.2 Members of Council shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making process of Council is fostered.	5.2 Les membres du conseil communiquent avec précision les décisions du conseil, même s'ils sont en désaccord avec celles-ci, et ce, afin que le respect du processus décisionnel du conseil soit favorisé.
5.3 Members of Council shall ensure they:	5.3 Les membres du conseil s'assurent :
(a) Focus on their governance role of providing leadership for the community in an open, accountable and transparent manner, establishing strategic direction and providing oversight of the local government;	a) Qu'ils se concentrent sur leur rôle de gouvernance de faire preuve de leadership pour la communauté, d'une manière ouverte, responsable et transparente, en établissant une direction stratégique et en exerçant un rôle de surveillance du gouvernement local;
(b) Respect the role of the local government's staff, which is to provide day-to-day administration of the local government, provide advice and analyses, implement Council decisions, and carry out their responsibilities as required under the <i>Local Governance Act</i> , and any other relevant federal and /or provincial legislation, regulations or bylaws of the local government;	b) Qu'ils respectent le rôle du personnel du gouvernement local qui est de veiller à l'administration quotidienne du gouvernement local, d'offrir des conseils et des analyses, de mettre en œuvre les décisions du conseil et de s'acquitter de leurs responsabilités comme l'exige la <i>Loi sur la gouvernance locale</i> , et toute autre législation fédérale ou provinciale, règlement ou arrêté du gouvernement local;
(c) Respect the role of Council as a whole being the decision-making body for the local government. Only Council as a whole and no single Member including the Mayor has the authority to direct staff,	c) Qu'ils respectent le rôle du conseil dans son ensemble comme l'organe décisionnel du gouvernement local. Seulement le conseil dans son ensemble et aucun membre individuellement,



approve budgets, policy, committee processes and other matters, unless specifically authorized by Council.

incluant le maire, n'a l'autorité de donner des directives au personnel, d'approuver le budget, une politique, des processus d'un comité et d'autres affaires, à moins d'être spécifiquement autorisé par le conseil.

(d) Council as a whole has the authority to approve budgets, and policy statements, including structures and procedures for committees. Authority to act on behalf of Council, including through a committee, can only be delegated by Council.

d) Le conseil dans son ensemble a l'autorité d'approuver le budget et des énoncés de politique, incluant les structures et les procédures associées aux comités. Seul le conseil peut déléguer l'autorité d'agir en son nom, y compris par le biais d'un comité.

## GIFTS AND BENEFITS

## CADEAUX ET AVANTAGES

6.1 In accordance with subsections 96 (a), and (b) of the *Local Governance Act*, a Member of Council shall not:

6.1 Conformément aux paragraphes 96 a) et b) de la *Loi sur la gouvernance locale*, un membre du conseil :

(a) accept any fees, gifts, gratuities or other benefit that could reasonably be seen to influence any decision made by him / her in the carrying out of his / her functions as a Member of Council; or

a) N'accepte aucun honoraire, cadeau, don en argent, ou tout autre avantage qui pourrait raisonnablement être considéré comme pouvant influencer sur toute décision qu'il ou qu'elle prend comme membre du conseil dans l'exercice de ses fonctions; ou

(b) for his or her personal gain, or for the personal gain of a family associate, make use of his or her position or of any information that is obtained in his or her position and is not available to the public.

b) N'utilise pas son poste ou toute information obtenue dans le cadre de son poste qui n'est pas mise à la disposition du public, pour son avantage personnel ou pour celui d'un membre de sa proche famille.

6.2 Members of Council are not

6.2 Les membres du conseil ne sont pas

precluded from accepting:

empêchés d'accepter :

(a) Compensation or benefit authorized by Council;

a) Une rémunération ou un avantage autorisé par le conseil;

(b) Rewards, gifts or benefits not connected with the performance or duties of office;

b) Des récompenses, cadeaux ou avantages qui ne sont pas liés à la performance ou à leurs fonctions;

(c) Services provided without compensation by persons volunteering their time;

c) Les services fournis sans rémunération par des personnes qui donnent de leur temps;

(d) Food, lodging, transportation and entertainment provided by other levels of governments or by other local governments, boards and commissions;

d) De la nourriture, de l'hébergement, du transport ou du divertissement offert par d'autres niveaux de gouvernement ou par d'autres gouvernements locaux, conseils d'administration et commissions;

(e) Reasonable quantities of food and beverages consumed at banquets, receptions, ceremonies and similar events;

e) Des quantités raisonnables de nourriture et de boissons consommées lors de banquets, réceptions, cérémonies et autres événements similaires;

(f) Token gifts such as souvenirs and commemorative gifts that are given in recognition of service for attending an event;

f) Des cadeaux symboliques comme des souvenirs et des cadeaux commémoratifs qui sont donnés en guise de remerciement pour avoir participé à un événement;

(g) Gifts received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

g) Des cadeaux reçus dans le cadre normal et raisonnable du protocole ou d'une obligation sociale liée à leurs fonctions;

**USE OF LOCAL GOVERNMENT PROPERTY, RESOURCES AND SERVICES BY MEMBERS OF COUNCIL**

**UTILISATION PAR LES MEMBRES DU CONSEIL DES BIENS, RESSOURCES ET SERVICES DU GOUVERNEMENT LOCAL**

7.1 No Member of Council shall make

7.1 Aucun membre du conseil n'utilise

use of, or permit the use of any City premises (land, facilities, equipment, supplies, etc.), staff or other resources (computers, networks, websites, social media) other than for carrying out the business of the local government.

ou ne permet l'utilisation de toute propriété de la municipalité (terrain, installations, équipement, matériel, etc.), du personnel ou d'autres ressources (ordinateurs, réseaux, sites Web, médias sociaux) à des fins autres que pour mener les affaires du gouvernement local.

7.2 Members of Council shall avoid waste and extravagance in the provision or use of the City's resources or property belonging to the City.

7.2 Les membres du conseil évitent le gaspillage et les extravagances dans la fourniture ou l'utilisation de ressources de la municipalité ou de biens lui appartenant.

7.3 No Member of Council shall use the facilities, equipment, supplies, services or other resources of the City for any election campaign or campaign-related activities. No Member of Council shall undertake campaign-related activities on City property. No Member of Council shall use the services of persons during working hours in which those persons receive any compensation from the City.

7.3 Aucun membre du conseil n'utilise les installations, l'équipement, le matériel, les services ou autres ressources de la municipalité pour toute campagne électorale ou activités reliées à la campagne. Aucun membre du conseil n'entreprend d'activités reliées à une campagne sur une propriété municipale. Aucun membre du conseil n'utilise les services de personnes au cours des heures de travail où ces personnes reçoivent une rémunération de la municipalité.

#### **USE OF COMMUNICATION TOOLS AND SOCIAL MEDIA**

#### **UTILISATION DES OUTILS DE COMMUNICATION ET DES MÉDIAS SOCIAUX**

8.1 Members of Council shall use communication tools, such as newsletters, websites and social media in a responsible and respectful manner.

8.1 Les membres du conseil utilisent les outils de communication, comme les bulletins d'information, les sites Web et les médias sociaux d'une manière responsable et respectueuse.

8.2 Members of Council must not claim to speak on behalf of Council unless authorized to do so.

8.2 Les membres du conseil ne peuvent prétendre parler au nom du conseil à moins d'en être autorisés.

8.3 Unless Council directs otherwise, the Mayor is Council's official

8.3 À moins que le conseil décide autrement, le maire est le porte-parole

spokesperson and in the absence of the Mayor, it is the Deputy Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.

8.4 A Member of Council who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member of Council personally disagrees with Council's position.

8.5 Members of Council must keep in mind they are always representative of the City of Saint John, including when engaging in social media activities, and Members of Council are encouraged to identify when views expressed are theirs alone and not official City of Saint John communication.

8.6 Members of Council shall not use communication tools and social media to engage in criticism of other Members of Council, the City staff or the general public.

8.7 Members of Council shall not engage in or encourage bullying, flaming, or shaming of any other social media users. These types of interactions on social media misplace the focus of interaction on attacking individuals rather than engaging in constructive discussion or debate. This manner of communication is inconsistent with the Code of Conduct and unbecoming of the office that

officiel du conseil et en l'absence du maire, cela revient au maire suppléant. Toutes les demandes des médias concernant la position du conseil sur un enjeu sont transmises au porte-parole officiel du conseil.

8.4 Un membre du conseil qui est autorisé à agir comme porte-parole officiel du conseil doit s'assurer que ses commentaires reflètent exactement la position officielle et la volonté du conseil dans son ensemble, et ce, même si le membre du conseil est personnellement en désaccord avec la position du conseil.

8.5 Les membres du conseil doivent garder à l'esprit qu'ils sont toujours des représentants de The City of Saint John, y compris lorsqu'ils participent à des activités liées aux médias sociaux, et lorsque des points de vue sont exprimés, les membres du conseil sont encouragés de spécifier que ce sont les leurs et non pas une communication officielle de The City of Saint John.

8.6 Les membres du conseil n'utilisent pas les outils de communication et les médias sociaux pour critiquer d'autres membres du conseil, du personnel de The City ou le grand public.

8.7 Les membres du conseil n'intimident pas, n'injurient pas ou n'humilient pas d'autres utilisateurs de médias sociaux ni n'encouragent de telles actions. Ce genre d'interactions dans les médias sociaux déplace l'objectif d'interagir en attaquant des individus plutôt qu'en favorisant une discussion constructive ou un débat constructif. Cette façon de communiquer est incompatible avec le



Members hold.	code de déontologie et entache la dignité des fonctions qu'exercent les membres.
8.8 No Member of Council shall make a statement with the intent to mislead Council or members of the public.	8.8 Aucun membre du conseil ne fait de déclaration avec l'intention de tromper le conseil ou les membres du public.
8.9 No Member of Council shall make a statement when they know the statement is false.	8.9 Aucun membre du conseil ne fait de déclaration lorsqu'il sait que celle-ci est fausse.

## **CONDUCT AT MEETINGS**

## **COMPORTEMENT LORS DES RÉUNIONS**

9.1 Members of Council shall conduct themselves in accordance with the provisions set out in the City's <i>Procedural Bylaw</i> , in particular Section 12 Rules of Conduct.	9.1 Les membres du conseil se comportent conformément aux dispositions énoncées dans l' <i>Arrêté sur les procédures</i> de The City, particulièrement l'article 12 Règles de procédures.
9.2 Members of Council may not impugn or malign a debate or decision or otherwise erode the authority of Council. Members of Council have the right to express disagreement with positions put forward by other Members provided such disagreement remains focused on the issue. Once Council has adopted a resolution, Members of Council are expected to support the resolution and the work associated with carrying out this resolution.	9.2 Les membres du conseil ne contestent pas ou ne dénigrent pas un débat ou une décision ou ne mine pas l'autorité du conseil. Les membres du conseil ont le droit d'exprimer leur désaccord avec les positions présentées par d'autres membres à condition que le désaccord demeure concentré sur la question. Une fois que le conseil a adopté une résolution, on s'attend à ce que les membres du conseil appuient la résolution et le travail associé à l'application de cette résolution.

## **HANDLING OF CONFIDENTIAL INFORMATION**

## **TRAITEMENT D'INFORMATIONS CONFIDENTIELLES**

10.1 Members of Council shall refrain from disclosing or releasing any confidential information to any	10.1 Les membres du conseil s'abstiennent de divulguer ou de diffuser toute information
--	---

member of the public, or in any way divulge any confidential information, including personal information or any aspect of deliberation obtained through their holding office, in either oral or written form, in accordance with the *Right to Information and Protection of Privacy Act*.

confidentielle à tout membre du public, ou ne divulgue de quelque façon que ce soit toute information confidentielle, incluant de l'information personnelle ou tout élément de délibération obtenu dans le cadre de leurs fonctions, que ce soit verbalement ou par écrit, conformément à la *Loi sur le droit à l'information et la protection de la vie privée*.

10.2 Members of Council shall keep confidential those matters that are discussed in a meeting that is authorized under the *Local Governance Act* to be closed to the public.

10.2 Les membres du conseil gardent confidentielles les questions qui sont traitées dans une réunion qui peut être tenue à huis clos en vertu de la *Loi sur la gouvernance locale*.

10.3 Members of Council shall not use confidential information, including information that they might have knowledge of by virtue of their position that is not in the public domain, including emails or correspondence from other Members of Council, or third parties, for personal or private gain, or for the gain of relatives or any person or corporation or cause detrimental to the City, Council, local board or others.

10.3 Les membres du conseil n'utilisent pas d'informations confidentielles, y compris l'information qu'ils pourraient connaître en raison de leur fonction, qui n'est pas du domaine public, y compris les courriels ou la correspondance provenant d'autres membres du conseil, ou de tierces parties, pour un avantage personnel ou privé, ou pour l'avantage d'un membre de leur famille ou de toute personne, société ou cause qui pourrait nuire à la municipalité, une commission locale ou autres.

10.4 The obligations identified in section 10.3 above constitute continuing obligations that apply following service on Council by any Members of Council.

10.4 Les obligations indiquées à la section 10.3 ci-dessus constituent des obligations continues qui sont applicables après qu'un membre du conseil ait servi au conseil.

#### **REMEDIAL ACTION IF CONTRAVENTION OCCURS**

#### **MESURES CORRECTIVES EN CAS D'INFRACTION**

11.1 Should a Member of Council

11.1 Si un membre du conseil enfreint

breach any of the principles outlined in this *Code of Conduct Bylaws*, the possible courses of action that are available to Council include but are not limited to:

- |  |   |
|--|---|
| (a) Reprimand;   | a) Une réprimande;  |
| (b) Expulsion of Member from a meeting of Council or Council committee;  | b) L'expulsion d'un membre d'une réunion du conseil ou d'un comité du conseil;  |
| (c) An apology by the Member of Council to the impacted individual(s), Council and or the general public;  | c) La présentation d'excuses par le membre du conseil à l'individu ou aux individus concernés, au conseil ou au grand public;   |
| (d) Removal of the Member from the Council Committee and/or bodies;  | d) Le retrait du membre du comité du conseil ou d'une instance du conseil;  |
| (e) The Offences and Penalties contained in the <i>Local Governance Act</i> that apply to Members of Council who violate the Disclosure of Conflict of Interest provisions of the <i>Act</i> ; | e) Les infractions et peines prévues dans la <i>Loi sur la gouvernance locale</i> qui s'appliquent aux membres du conseil qui contreviennent aux dispositions de divulgation de conflit d'intérêts de la <i>Loi</i> ; |
| (f) Other penalties and sanctions contained in relevant federal or provincial legislation.   | f) Les autres peines et sanctions prévues dans la législation fédérale ou provinciale applicable.   |

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this bylaw the \_\_\_\_ day \_\_\_\_\_, A.D. 2019 and signed by:

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le \_\_\_\_\_ 2019, avec les signatures suivantes :

---

Mayor/Maire

---

Common Clerk /Greffier communal

First Reading	-	Première lecture	-
Second Reading	-	Deuxième lecture	-
Third Reading	-	Troisième lecture	-



**BY-LAW NUMBER C.P. 106-18  
A LAW TO AMEND THE  
MUNICIPAL PLAN BY-LAW**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Municipal Plan By-law of The City of Saint John enacted on the 30th day of January, A.D. 2012 is amended by:

- 1** Deleting Subsection 2.3.2 Employment Areas and replacing it with the following:

Stimulating and sustaining economic activity is an underpinning to successful urban areas. The City's future growth and development will largely be dictated by the community's ability to retain existing employment and create new employment opportunities. As the first step to supporting the evolving needs of businesses in a wide variety of industries, the City must ensure there is ample supply of well located, high quality employment lands available to accommodate investment needs. The Employment Areas are described as Primary Centres, Regional Retail Centre and Employment Areas:

**Primary Centres**, previously identified as the Uptown Primary Centre and the UNBSJ Plateau / Regional Hospital Primary Centre, are intended to attract and serve people from all over the City and the wider region. They contain the highest densities and most complex and concentrated mix of land uses in the City, including employment uses, and are intended to develop at the highest densities in the City, with complementary uses.

**Regional Retail Centres** of McAllister Centre and Fairville Centre provide large format retail and service uses at a scale and range to serve the city and regional population. These Centres are also intended to complement rather than compete with uses in the Uptown Primary Centre. Although the main focus of these areas are retail and service based commercial land uses, limited residential uses may be permitted in these areas through mixed-use

**ARRÊTÉ N° C.P. 106-18  
ARRÊTÉ MODIFIANT L'ARRÊTÉ  
RELATIF AU PLAN MUNICIPAL**

Le conseil communal de The City of Saint John, étant réuni, édicte ce qui suit :

*L'Arrêté concernant le plan municipal de The City of Saint John*, édicté le 30 janvier 2012, est ainsi modifié :

- 1** La sous-section 2.3.2 Secteurs d'emploi est supprimée et remplacée par ce qui suit :

La stimulation et le soutien de l'activité économique sont les piliers de la réussite des secteurs urbains. La croissance et le développement futurs de Saint John seront déterminés en grande partie par la capacité de la collectivité de retenir les emplois existants et de créer de nouvelles possibilités d'emploi. Comme première mesure pour répondre aux besoins en évolution des entreprises dans une grande variété d'industries, la Ville doit assurer la présence d'un grand nombre de terrains bien situés et de haute qualité destinés à l'emploi pour satisfaire aux besoins d'investissement. Les secteurs d'emploi sont respectivement appelés centres principaux, centres régionaux de commerce de détail et secteurs d'emploi :

**Les centres principaux**, désignés ci-dessus comme étant le centre principal du centre-ville et le centre principal du plateau de l'Université du Nouveau-Brunswick à Saint John et de l'hôpital régional, sont destinés à attirer et à servir des gens de toute la municipalité et de la grande région. Ils contiennent les plus fortes densités et la variété la plus complexe et la plus concentrée d'utilisations des sols dans la municipalité, y compris des utilisations génératrices d'emploi, et sont censés connaître le développement à plus forte densité dans la municipalité, avec des utilisations complémentaires.

**Les centres régionaux de commerce de détail** du centre McAllister et du centre Fairville offrent des utilisations de commerces de détail et de services à grande surface dont la gamme et l'étendue permettent de servir la population de Saint John et de la région. Ces centres également sont censés compléter plutôt que concurrencer les utilisations du centre principal du centre-ville. Bien que ces secteurs visent surtout les utilisations

development proposals. Regional Retail Centres are not intended for residential use nor are they intended to undermine the function of Local Centres or Primary Centres.

commerciales de vente au détail et de service à la clientèle, des utilisations résidentielles limitées peuvent être permises dans ces secteurs en réponse à des propositions d'aménagement à utilisations mixtes. Les centres régionaux de commerce de détail ne sont pas censés compromettre les fonctions des centres locaux ou des centres principaux.

**Employment Areas** are comprised of existing Industrial Parks, other existing industrial areas, Business Centres, and two areas of primarily undeveloped lands identified for new industrial and employment uses in Spruce Lake Industrial Park and McAllister Industrial Park. Employment Areas will generally not allow residential uses; these areas are generally single purpose industrial or business park uses, not appropriate in proximity to residential uses. Development will occur at lower densities as these uses generally require more land.;"

**Les secteurs d'emploi** sont composés des parcs industriels existants, d'autres secteurs industriels existants, des centres d'affaires et de deux secteurs de terrains généralement non bâtis, désignés pour de nouvelles utilisations industrielles et génératrices d'emploi, soit le parc industriel de Spruce Lake et le parc industriel McAllister. Les utilisations résidentielles ne sont généralement pas permises dans les secteurs d'emploi; d'ordinaire, ces secteurs sont à fin unique et servent à des parcs industriels ou commerciaux, lesquels sont inappropriés à proximité des secteurs résidentiels. Le développement s'y fait à faible densité, car ces utilisations exigent généralement plus de terrain.

**2** Deleting Policy LU-61 and replacing it with the following:

**2** Le principe LU-61 est supprimé et remplacé par ce qui suit :

Policy LU-61 When considering development in the Regional Retail Centres:

Principe LU-61 Lorsqu'il envisage l'aménagement dans les centres régionaux de commerce de détail :

- a. Ensure the specific land uses established in the Regional Retail Centre are appropriate and strengthen the role of the City's Primary Centres;
- b. Strongly discourage new major professional offices to locate;
- c. Encourage quality urban design and where possible, more intense land use and development;
- d. Require development applicants to demonstrate consideration of transit and pedestrian connectivity to the street and between retail locations;
- e. Ensure development contributes to a more pedestrian-oriented atmosphere by minimizing surface parking lots, encouraging shared parking, increasing landscaping and improving sidewalks and streetscaping; and

- a. s'assurer que les utilisations spécifiques des sols qui sont prescrites pour le centre régional de commerce de détail sont appropriées et renforcent le rôle des centres principaux de la municipalité;
- b. dissuader fortement les nouveaux grands cabinets professionnels de s'y établir;
- c. encourager la qualité de l'aménagement urbain et, si possible, une utilisation des sols et un aménagement plus denses;
- d. exiger que les auteurs de demandes d'aménagement démontrent qu'ils ont tenu compte des liens piétonniers et de transport en commun vers la rue et entre les établissements de vente au détail;
- e. s'assurer que l'aménagement contribue à une ambiance plus accueillante pour les piétons en réduisant au minimum les parcs de stationnement de surface, en encourageant l'aménagement de places de stationnement communes, en intensifiant l'aménagement paysager et en améliorant

les trottoirs et le paysage de rue;

- |  |  |
|--|--|
| f. Ensure infrastructure improvements made necessary by a development are generally the financial responsibility of the developer. | f. s'assurer que la responsabilité financière des améliorations d'infrastructures qui s'imposent du fait d'un aménagement est assumée en général par le promoteur. |
|--|--|

- |  |   |
|--|---|
| 3 Adding the following as Policy LU-61.1 immediately following Policy LU-61: | 3 Le nouveau principe LU-61.1 qui suit est inséré immédiatement après le principe LU-61 : |
|--|---|

Policy LU-61.1 Consider proposals to establish higher-density residential or mixed use development in the Regional Retail Centre designation through a rezoning process. Proposals must demonstrate conformance with the following requirements:	Principe LU-61.1 Étudier les propositions visant à réaliser des aménagements résidentiels à plus forte densité ou des aménagements à utilisations mixtes dans les secteurs désignés centres régionaux de commerce de détail dans le cadre d'un processus de rezonage. Les propositions doivent démontrer qu'elles sont conformes aux exigences suivantes :
--	--

- |  |   |
|--|---|
| a. The property is located on a collector or arterial street as illustrated on the Transportation map (Schedule C) of the Municipal Plan or on an appropriate site supported by the findings of a traffic impact study;                      | a. la propriété donne sur une rue collectrice ou une artère illustrées sur la carte des transports (annexe C) du plan municipal ou se trouve à un emplacement supporté par les résultats d'une étude d'impact sur le trafic;  |
| b. The property is located in close proximity to a public transit route and is easily accessible by a range of transportation modes;   | b. la propriété est à faible distance d'un circuit de transport en commun et est facilement accessible par divers moyens de transport;  |
| c. The development is in a location where all necessary water and wastewater services, parks and recreation services, schools, public transit and other community facilities and protective services can readily and adequately be provided; | c. l'aménagement se trouve à un endroit où tous les services nécessaires d'alimentation en eau et d'évacuation des eaux usées, les parcs et les services de loisirs, les écoles, le transport en commun, les autres établissements communautaires et les services de protection peuvent être offerts facilement et de façon suffisante; |
| d. The proposal is compatible with surrounding land uses;  | d. la proposition est compatible avec les utilisations des sols environnants;   |
| e. Site design features that address such matters as safe access, buffering and landscaping, site grading and stormwater management are incorporated;  | e. des caractéristiques de conception sont incluses pour veiller à des aspects tels que la sécurité d'accès, les zones tampons et l'aménagement paysager, le nivellement des terrains et la gestion des eaux de ruissellement;  |
| f. A high quality exterior building design is provided that is consistent with the Urban Design Principles in the Municipal Plan; and  | f. la conception de l'extérieur des bâtiments est de haute qualité et   |

g. The proposal does not detract from the City’s intention to direct the majority of new residential development to the Primary Centres, Local Centres, and Intensification Areas.”

conforme aux principes d’aménagement urbain du plan municipal;

g. la proposition n’est pas contraire à l’intention de la Ville de diriger la plupart des nouveaux aménagements résidentiels vers les centres principaux, les centres locaux et les secteurs de densification.

- all as shown on the plans attached hereto and forming part of this by-law.

- toutes les modifications sont indiquées sur les plans ci-joints qui font partie du présent arrêté.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the \* day of \*, A.D. 2019 and signed by:

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le 2019, avec les signatures suivantes :

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Common Clerk/Greffier communal

First Reading - June 3, 2019  
Second Reading - June 3, 2019  
Third Reading -

Première lecture - le 3 juin 2019  
Deuxième lecture - le 3 juin 2019  
Troisième lecture -



**BY-LAW NUMBER C.P. 111-74  
A LAW TO AMEND  
THE ZONING BY-LAW  
OF THE CITY OF SAINT JOHN**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

1. Adding the following to the list of Commercial zones in Section 2.2:  
“Regional Commercial Residential Zone (CR-R)”

2. Adding the following as Section 11.12:

**“11.12 Regional Commercial Residential Zone (CR-R)”**

**Municipal Plan Context**

The Regional Commercial Residential (CR-R) zone accommodates large format, vehicle oriented, commercial development and associated entertainment uses with residential uses incorporated into a mixed use development proposal.

The Regional Commercial Residential (CR-R) zone is intended for land inside of the Primary Development Area that is designated Regional Retail Centre. However, land in other appropriate designations could be zoned Regional Commercial Residential (CR-R).

**11.12(1) Permitted Uses**

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Accommodation;
- Dwelling Group;
- Dwelling, Multiple;
- Sales Centre, Model Home;
- Service Station, subject to paragraph 11.12(3)(a);
- Transit Terminal;
- Vehicle Rental;
- Vehicle Repair Garage, subject to paragraph 11.12(3)(b);
- Vehicle Sales and Leasing;
- Regional Commercial Centre,

**ARRÊTÉ N<sup>o</sup> C.P. 111-74  
ARRÊTÉ MODIFIANT L'ARRÊTÉ DE  
ZONAGE DE THE CITY OF SAINT  
JOHN**

Le conseil communal de The City of Saint John, étant réuni, édicte ce qui suit :

*L'Arrêté de zonage* de The City of Saint John, édicté le 15 décembre 2014, est ainsi modifié :

1. L'article 2.2 est modifié par adjonction de la zone suivante à la liste de zones commerciales :

Zone commerciale régionale résidentielle (CR-R)

2. L'article 11.12 qui suit est ajouté :

**11.12 Zone commerciale régionale résidentielle (CR-R)**

**Mise en contexte**

La zone commerciale régionale résidentielle (CR-R) accueille de grands aménagements commerciaux axés sur le déplacement en véhicule et les usages de divertissement connexes ainsi que des usages résidentiels prévus dans une proposition d'aménagement à usages mixtes.

La zone commerciale régionale résidentielle (CR-R) est destinée aux terrains situés à l'intérieur du principal secteur de développement qui sont désignés centre régional de commerce de détail. Cependant, des terrains situés dans d'autres désignations qui conviennent pourraient être désignés zone commerciale régionale résidentielle (CR-R).

**11.12(1) Usages permis**

Les terrains, bâtiments et constructions ne peuvent être affectés qu'aux fins suivantes :

- centre commercial régional, y compris les usages suivants :
  - bacs de recyclage;
  - bar, salon-bar ou boîte de nuit, sous réserve du paragraphe 11.12(3)c);
  - ;
  - bibliothèque;
  - boulangerie;
  - bureau d'affaires, sous réserve du paragraphe 11.12(3)d);

including the following uses:

- Artist or Craftsperson Studio;
- Bakery;
- Bar, Lounge, or Nightclub, subject to paragraph 11.12(3)(c);
- Business Office, subject to paragraph 11.12(3)(d);
- Commercial Entertainment;
- Community Centre;
- Community Policing Office;
- Day Care Centre;
- Financial Service;
- Funeral Service;
- Grocery Store;
- Health and Fitness Facility;
- Library;
- Medical Clinic;
- Personal Service;
- Pet Grooming;
- Recycling Bins;
- Restaurant;
- Retail General;
- Retail Warehouse;
- Service and Repair, Household;
- Technical or Vocational School;
- Veterinary Clinic;
- The existing use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the Regional Commercial Residential (CR-R) zone.

#### 11.12(2) Conditional Uses

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following subject to such terms and conditions as may be imposed by the Committee:

- Parking Lot, Commercial, subject to paragraph 11.12(3)(e);
- Parking Structure.

#### 11.12 (3) Conditions of Use

(a) A Service Station permitted in subsection 11.12(1) shall be subject to the following:

- (i) The lot where the Service Station is located shall have a minimum frontage of 30 metres;
- (ii) Any vehicle access for the

- bureau de police communautaire;
- centre communautaire;
- centre de santé et de conditionnement physique;
- clinique médicale;
- clinique vétérinaire;
- divertissement à des fins commerciales;
- école de formation technique ou professionnelle;
- entrepôt de vente au détail;
- entreprise d'entretien et de réparation d'articles ménagers;
- épicerie;
- garderie;
- institution financière;
- restaurant;
- salon funéraire;
- service personnel;
- studio d'artiste ou d'artisan;
- studio de toilettage d'animaux familiers;
- vente au détail générale;
- centre de ventes par maisons-témoins;
- complexe d'habitations;
- garage de réparation de véhicules, sous réserve de l'alinéa 11.12(3)b);
- gare routière;
- habitation multifamiliale;
- hébergement;
- location de véhicules;
- l'usage existant décrit à l'annexe E : Exceptions exercé sur chaque lot qui est indiqué dans cette annexe comme étant situé dans la zone commerciale régionale résidentielle (CR-R);
- station-service, sous réserve du paragraphe 11.12(3)a);
- vente et location de véhicules.

#### 11.12(2) Usages conditionnels

Les terrains, bâtiments et constructions ne peuvent être affectés qu'aux fins suivantes, sous réserve des conditions imposées par le comité, le cas échéant :

- garage de stationnement;
- parc de stationnement commercial, sous réserve du paragraphe 11.12(3)e).

- Service Station shall not be closer than 30 metres from an access for a main building in a Community Facility or Residential zone;
- (iii) The fuel pump island shall not be located closer than 7.5 metres to a front or flankage lot line; and
  - (iv) The lot where the Service Station is located shall not be adjacent to a lot zoned Residential and on the same street.
- (b) A Vehicle Repair Garage permitted in subsection 11.12(1) shall not be located adjacent to a Residential zone.
  - (c) A building containing a Bar, Lounge, or Nightclub permitted in subsection 11.12(1) shall not be located within 60 metres of a Residential zone.
  - (d) A Business Office permitted in subsection 11.12(1) shall not exceed 3,000 square metres in gross floor area.
  - (e) A Commercial Parking Lot permitted in subsection 11.12(2) shall not be developed on a lot located in the Uptown Parking Exemption Area, as defined by Schedule C of this By-law, which contained a main building on the date this By-law was enacted.

#### **11.12(4) Zone Standards**

- (a) Minimum Lot Area  
4,000 square metres
- (b) Minimum Lot Frontage  
60 metres
- (c) Minimum Lot Depth  
30 metres
- (d) Minimum Front Yard  
6 metres
- (e) Minimum Rear Yard:  
Abutting a Residential zone  
15 metres  
Other 6 metres
- (f) Minimum Side Yard:  
Abutting a Residential zone  
15 metres

#### **11.12(3) Conditions régissant les usages**

- a) Les stations-service permises par le paragraphe 11.12(1) sont subordonnées aux conditions suivantes :
  - (i) le lot sur lequel se trouve une station-service a une façade minimale de 30 mètres;
  - (ii) les accès à la station-service destinés aux véhicules ne peuvent être situés à moins de 30 mètres d'un accès à un bâtiment principal situé dans une zone d'installations communautaires ou dans une zone résidentielle;
  - (iii) l'îlot de distribution d'essence ne peut être situé à moins de 7,5 mètres de la limite avant du lot ou d'une limite de flanc du lot;
  - (iv) le lot sur lequel se trouve la station-service ne peut être adjacent à un lot situé dans une zone résidentielle sur la même rue.
- b) Les garages de réparation de véhicules permis par le paragraphe 11.12(1) ne peuvent être attenants à une zone résidentielle.
- c) Un bâtiment comportant un bar, un salon-bar ou une boîte de nuit permis par le paragraphe 11.12(1) ne peut être situé à moins de 60 mètres d'une zone résidentielle.
- d) L'aire de plancher brute des bureaux d'affaires permis par le paragraphe 11.12(1) ne peut être supérieure à 3 000 mètres carrés.
- e) Les parcs de stationnement commerciaux permis par le paragraphe 11.12(2) ne peuvent être aménagés sur un lot situé dans le secteur du centre-ville non subordonné aux obligations en matière de stationnement, secteur illustré à l'annexe C du présent arrêté, qui comportait un bâtiment principal à la date de l'adoption du présent arrêté.

#### **11.12(4) Normes applicables à la zone**

- a) Superficie de lot minimale  
4 000 mètres carrés
- b) Façade de lot minimale  
60 mètres

Other 6 metres	c) Profondeur de lot minimale 30 mètres
(g) Minimum Flankage Yard 6 metres	d) Cour avant minimale 6 mètres
(h) Maximum Building Height: 24 metres	e) Cour arrière minimale Lot donnant sur une zone résidentielle 15 mètres Autre 6 mètres
(i) No parking or outdoor display area shall be permitted within a required setback.	f) Cour latérale minimale Lot donnant sur une zone résidentielle 15 mètres Autre 6 mètres
(j) Maximum Lot Occupancy 40 percent	g) Cour de flanc minimale 6 mètres
(k) Buildings shall have a prominent entrance oriented towards a public street or internal access.	h) Hauteur des bâtiments maximale 24 mètres
(l) A Dwelling Unit permitted in subsection 11.12(1) shall not be located below the second storey of a building.	i) Aucune aire de stationnement ni aire d'exposition extérieure n'est permise dans une marge de retrait obligatoire.
(m) Other Requirements In accordance with the General Provisions, Parts 4-9 where this zone shall be considered a Regional Commercial (CR) zone.	j) Coefficient maximal d'occupation du lot 40 pour cent
	k) Les bâtiments doivent comporter une entrée bien en vue faisant face à une rue publique ou un accès interne.
	l) Les logements permis par le paragraphe 11.12(1) ne peuvent être situés à un niveau inférieur au deuxième étage du bâtiment;
	m) Autres exigences Conformément aux dispositions générales énoncées aux parties 4 à 9, et la zone en question doit être considérée en tant que zone commerciale régionale (CR).
3. Amending Schedule "A", the Zoning Map of The City of Saint John, by re- zoning a parcel of land having an area of approximately 3.99 hectares, located at 310 Retail Drive, also identified as being PID No. 55230544, from Regional Commercial (CR) to Regional Commercial Residential (CR- R) pursuant to a resolution adopted by Common Council under Section 59 of the Community Planning Act.	3. L'annexe A, Carte de zonage de The City of Saint John, est modifiée par rezonage d'une parcelle d'une superficie d'environ 3,99 hectares, située au 310, promenade Retail, et portant le NID 555230544, de zone commerciale régionale (CR) à zone commerciale régionale résidentielle (CR-R) conformément à une résolution adoptée par le conseil municipal en vertu de l'article 59 de la Loi sur l'urbanisme.
4. Amending Schedule "A", the Zoning Map of The City of Saint John, by re- zoning a parcel of land having an area	4. L'annexe A, Carte de zonage de The City of Saint John, est modifiée par rezonage d'une parcelle d'une



of approximately 0.36 hectares, located at 40 Retail Drive, also identified as being PID No. 55196166, from Regional Commercial (CR) to Regional Commercial Residential (CR-R) pursuant to a resolution adopted by Common Council under Section 59 of the Community Planning Act.

superficie d'environ 0,36 hectare, située au 40, promenade Retail, et portant le NID 55196166, de zone commerciale régionale (CR) à zone commerciale régionale résidentielle (CR-R) conformément à une résolution adoptée par le conseil municipal en vertu de l'article 59 de la Loi sur l'urbanisme.

5. Amending Schedule "A", the Zoning Map of The City of Saint John, by rezoning a parcel of land having an area of approximately 0.26 hectares, located at 85-89 Retail Drive, also identified as being PID No. 55122212, from Mini-Home Park Residential (RP) to Regional Commercial Residential (CR-R) pursuant to a resolution adopted by Common Council under Section 59 of the Community Planning Act.

5. L'annexe A, Carte de zonage de The City of Saint John, est modifiée par rezonage d'une parcelle d'une superficie d'environ 0,26 hectare, située au 85-89, promenade Retail, et portant le NID 55122212, de zone résidentielle – Parcs de mini-maisons (RP) à zone commerciale régionale résidentielle (CR-R) conformément à une résolution adoptée par le conseil municipal en vertu de l'article 59 de la Loi sur l'urbanisme.

6. Section 11 is amended by adding the Regional Commercial Residential (CR-R) zone to Table 11-1

6. L'article 11 est modifié par adjonction, au tableau 11-1, le zone commerciale régionale résidentielle (CR-R).

- all as shown on the plan attached hereto and forming part of this by-law.

- toutes les modifications sont indiquées sur la carte ci-jointe qui fait partie du présent arrêté.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the \* day of \*, A.D. 2019 and signed by:

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le 2019, avec les signatures suivantes :

\_\_\_\_\_  
Mayor/Maire

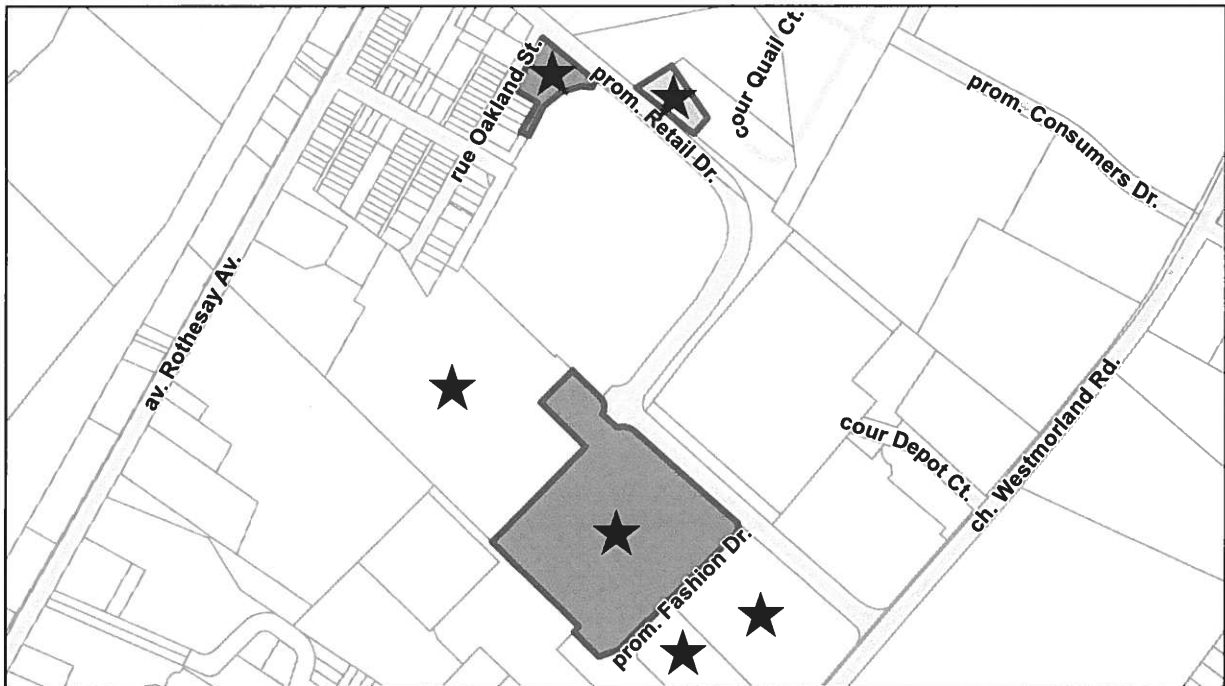
\_\_\_\_\_  
Common Clerk/Greffier communal



First Reading - June 3, 2019  
Second Reading - June 3, 2019  
Third Reading -

Première lecture - le 3 juin 2019  
Deuxième lecture - le 3 juin 2019  
Troisième lecture -

GROWTH & COMMUNITY DEVELOPMENT SERVICES  
 SERVICE DE LA CROISSANCE ET DU DÉVELOPPEMENT COMMUNAUTAIRE  
**REZONING / REZONAGE**

Amending Schedule “A” of the Zoning By-Law of The City of Saint John  
 Modifiant Annexe «A» de l’Arrêté de zonage de The City of Saint John



<u>FROM / DE</u>			<u>TO / À</u>	
Regional Commercial Zone commerciale régionale	<b>CR</b>		} <b>CR-R</b>	Regional Commercial Residential Zone commerciale régionale résidentielle
Mini-Home Park Residential Zone résidentielle – parcs de mini-maisons	<b>RP</b>			

---

★

Pursuant to a Resolution under Section 59 of the Community Planning Act  
Conformément à une resolution adoptée par le conseil municipal en vertu  
de l'article 59 de la Loi sur l'urbanisme

**Applicant:** Horizon Management Limited

**Location:** 40, 85-89 and 310 Retail Drive

**PID(s)/NIP(s):** 55230544, 55196166, 55122212

**Considered by P.A.C./considéré par le C.C.U.:** May 22 mai, 2019

**Enacted by Council/Approuvé par le Conseil:**

**Filed in Registry Office/Enregistré le:**

**By-Law #/Arrêté #**

**Drawn By/Crée Par:** Andrew Pollock **Date Drawn/Carte Créée:** June 4 juin, 2019

### Section 59 Conditions – Retail Drive Area

That Common Council authorize the Mayor and Common Clerk to execute an amending agreement pursuant to the provisions of Section 59 of the *Community Planning Act* (SNB 2017, c.19), which would amend the agreement dated the 16th day of September 2006 between East Point Inc. as developer, and the City of Saint John, respecting portions of the property identified in the said agreement and which agreement was made pursuant to the provisions of Section 39 of the *Community Planning Act* in effect at that time (RSNB 1973 as amended);

AND FURTHER BE IT RESOLVED that Common Council hereby imposes pursuant to the provisions of Section 59 of the Community Planning Act the following conditions upon the use of a portion of the Property identified in said agreement having an area of 13.15 hectares, located at 11, 15 and 41 Fashion Drive, 11,10,36,40 and 44 East Point Way and 40 Retail Drive, 85-89 Retail Drive and 310 Retail Drive, also identified as PIDs 55186001, 55195317, 55230445, 55230544, 55122212 and 55196166:

a) namely that its use be restricted a development of a shopping centre which may incorporate residential development subject to the provisions of the Regional Commercial Residential (CR-R) zone, with the total of floor area of development in this area limited to 58,064 square metres (625,000 square feet) which may include up to 200 dwelling units on PID numbers 55230544, 55196166 and 55122212;

b) Any improvements or signalization to existing driveways along Retail Drive be supported by a traffic impact study completed by the developer and approved by the City with the improvements completed at the developer's expense.

c) Any additional driveway access to Westmorland Road is prohibited.

d) For the proposed development site involving 200 residential units, the developer's engineering consultant provided a theoretical peak domestic sewage flow rate for the proposed development. Where necessary the City calculated the theoretical peak domestic sewage flow rates for all properties on the contributing East Point development site. Using the provided and calculated theoretical flow rates it indicates a potential capacity constraint downstream from the proposed development on Retail Drive, within a section of approximately 45 m of existing 200 mm sanitary sewer main, infrastructure that was previously installed by the developer. In order to determine if there is a capacity constraint, the developer may, prior to undertaking any downstream improvements, perform flow monitoring (wet & dry weather monitoring) on the wastewater system, under the direction of the City, to determine actual measurements in the system and confirm capacity. Upon review of the submitted flow monitoring results, should the City confirm sufficient capacity exists, the identified downstream infrastructure upgrade will not be required by the developer. Should the flow monitoring determine there is a capacity constraint as the City's initial review indicated, the developer shall be required, at the developer's expense to undertake the engineering review to determine the nature of the constraint and provide the analysis to the City for review. Should system improvements be required, the full design and construction of these improvements shall be subject to the approval by the City and shall be the full cost responsibility of the developer. If any of the required work and infrastructure improvements can be phased to accommodate the proposed development, this will be supported by the City.

## COUNCIL REPORT

M&C No.	2019-146
Report Date	June 10, 2019
Meeting Date	June 17, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: 1007-1019 Millidge Avenue – Supplementary Report***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Authors	Commissioner/Dept. Head	City Manager
<b><i>Kenneth Melanson</i></b>	<b><i>Jacqueline Hamilton</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

1. That Common Council redesignate on Schedule A of the Municipal Development Plan, land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from *Stable Area* and *Park and Natural Area* to *Employment Area*.
2. That Common Council redesignate on Schedule B of the Municipal Development Plan, land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from *Stable Residential* and *Park and Natural Area* to *Stable Commercial*.
3. That Common Council rezone land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from *One-Unit Residential (R1)* to *Corridor Commercial (CC)*.
4. That Common Council hereby imposes pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c.19)* the following condition upon the development and use of the parcel of land having an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, and that the subject lands be restricted to the following purposes identified in the



Corridor Commercial (CC) Zone of the City's Zoning By-law:

- a. That the use of the lot be limited to the following uses as defined by the Zoning By-law:
  - Recreational Vehicle Sales and Service, Large;
  - Recreational Vehicle Sales and Service, Small;
  - Service and Repair, Household;
  - The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CC zone.
5. That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c. 19)*, here imposes the following conditions upon the Property having an area of 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, the following conditions upon the development and use of the land:
  - a. A treed landscaped buffer be provided along the south east and south west property lines (adjacent to PIDs 00048371 and 55153043), in accordance with a landscaping plan, subject to the approval of the Development Officer prior to the issuance of a Building Permit. Trees provided in the buffer are to be at least a minimum height of 2.0 metres at the time of planting and be maintained for the life of the development.
  - b. (i) The plans submitted with the required building permit application shall illustrate that all electrical panels shall be installed and all dangerous or hazardous chemicals shall be stored at least 2.0 metres above the floor of the proposed building;  
(ii) Once installed, each electrical panel shall be maintained at a location which is at least 2.0 metres above the floor of the building in which it is located; and  
(iii) All hazardous or dangerous chemicals shall be stored at all times at one or more locations which are a minimum of 2.0 metres above the floor of the building in which they are stored.

**REPORT**

Subsequent to the public hearing held on June 3, 2019, the City Solicitor suggested that condition 5 (b) should include more explicit language to ensure enforceability of this condition so that in the event the boatyard changes

ownership, this condition is clearly to remain in place for as long as the boatyard is operating. The following suggested condition change is proposed:

- (b) i) The plans submitted with the required building permit application shall illustrate that all electrical panels shall be installed and all dangerous or hazardous chemicals shall be stored at least 2.0 metres above the floor of the proposed building;
- (ii) Once installed, each electrical panel shall be maintained at a location which is at least 2.0 metres above the floor of the building in which it is located; and
- (iii) All hazardous or dangerous chemicals shall be stored at all times at one or more locations which are a minimum of 2.0 metres above the floor of the building in which they are stored.

Staff conveyed the proposed change to the applicant at the public hearing and they are in agreement with the proposed change. In all other respects, the recommendation before Council for third reading is unchanged.

#### ***PREVIOUS RESOLUTION***

On June 3, 2019, Common Council gave first and second reading to a Municipal Plan, Rezoning and Section 59 Application for this site.

#### ***SERVICE AND FINANCIAL OUTCOMES***

N/A

#### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

This report has been reviewed by the City Solicitor's Department

#### ***ATTACHMENTS***

- 1 – PAC Recommendation Report dated May 23, 2019
- 2 – Staff Report dated May 22, 2019

# PLANNING ADVISORY COMMITTEE



The City of Saint John

May 23, 2019

His Worship Mayor Don Darling and  
Members of Common Council

Your Worship and Councillors:

**SUBJECT:     Municipal Plan Amendment and Rezoning  
                     1007-1019 Millidge Avenue**

On April 8, 2019 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its May 22, 2019 meeting.

Mr. Geordie Ring, the applicant, appeared before the Committee and was in agreement with the Staff recommendation. Responding to questions from the Committee, Mr. Ring noted that chemicals used in the proposed operation such as fibreglass resins have a limited shelf life and as a result there will be limited quantities of chemicals stored on site.

Staff responded to questions from the Committee members related to the change in Municipal Plan Designation for the portion of the site designated Parks and Natural Area, noting that the Staff recommendation limits the use to the applicant's proposal for the boat repair facility and any change to a different land use will require a planning application and a reassessment of the Municipal Plan designation and zoning of the site.

Mr. Bill Gandy, the applicant's lawyer, appeared before the Committee and expressed agreement with the Staff Recommendation.

No other persons appeared before the Committee and no letters were received regarding the application. Upon considering the Staff report, comments made by the applicant and his solicitor, the Committee adopted the Staff Recommendation.

**RECOMMENDATION:**

1. That Common Council redesignate on Schedule A of the Municipal Development Plan, land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from Stable Area and Park and Natural Area to Employment Area.
2. That Common Council redesignate on Schedule B of the Municipal Development Plan, land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from Stable Residential and Park and Natural Area to Stable Commercial.
3. That Common Council rezone land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from One-Unit Residential (R1) to Corridor Commercial (CC).
4. That Common Council hereby imposes pursuant to the provisions of Section 59 of the *Community Planning Act* (SNB 2017, c.19) the following condition upon the development and use of the parcel of land having an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, be restricted to the following purposes identified in the Corridor Commercial (CC) Zone of the City's Zoning By-law:
  - a. That the use of the lot be limited to the following uses as defined by the Zoning By-law:
    - Recreational Vehicle Sales and Service, Large;
    - Recreational Vehicle Sales and Service, Small;
    - Service and Repair, Household;
    - The existing use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CC zone.
5. That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act* (SNB 2017, c. 19), here imposes the following conditions upon the Property having an area of 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, the following conditions upon the development and use of the land:



- a. A treed landscaped buffer be provided along the south east and south west property lines (adjacent to PIDs 00048371 and 55153043), in accordance with a landscaping plan, subject to the approval of the Development Officer prior to the issuance of a Building Permit. Trees provided in the buffer are to be at least a minimum height of 2.0 metres at the time of planting and be maintained for the life of the development.
- b. The applicant will supply plans with the required Building Permit showing that the storage of hazardous or dangerous chemicals and all electrical panels are located at least 2.0 metres above the floor of the proposed new building, subject to the approval of the Development Officer prior to the issuance of a Building Permit.

Respectfully submitted,



Eric Falkjar  
Chair

Attachments



The City of Saint John

**Date:** May 17, 2019

**To:** Planning Advisory Committee

**From:** Growth & Community Planning  
Growth & Community Development Services

**For:** **Meeting of Wednesday, May 22, 2019**

**SUBJECT**

**Applicant:** Geordie Ring

**Owners:** Brothers Cove Ventures and Biscayne Holdings Ltd.

**Location:** 1007-1019 Millidge Avenue

**PID:** 00048389 and 00048397

**Plan Designation:** Stable Residential and Park and Natural Area

**Proposed Designation:** **Stable Commerical**

**Existing Zoning:** One-Unit Residential (R1)

**Proposed Zoning:** **Corridor Commercial (CC)**

**Application Type:** Municipal Plan Amendment and Rezoning

**Jurisdiction:** The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Municipal Plan or the Zoning By-law. Common Council will consider the Committee recommendation at a public hearing on **Monday, June 3, 2019**. Committee can impose conditions on the rezoning.

**SUMMARY**

The applicant is seeking to change the Municipal Plan designation and rezone the site in order to facilitate the expansion of an existing non-conforming use (which would become conforming) by constructing a new building.

**RECOMMENDATION**

1. That Common Council redesignate on Schedule A of the Municipal Development Plan, land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from *Stable Area* and *Park and Natural Area* to *Employment Area*.
2. That Common Council redesignate on Schedule B of the Municipal Development Plan, land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from *Stable Residential* and *Park and Natural Area* to *Stable Commercial*.
3. That Common Council rezone land with an area of approximately 7242 square metres located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, from *One-Unit Residential (R1)* to *Corridor Commercial (CC)*.
4. That Common Council hereby imposes pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c. 19)* the following condition upon the development and use of the parcel of land having an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, be restricted to the following purposes identified in the *Corridor Commercial (CC) Zone* of the City's Zoning By-law:
  - a. That the use of the lot be limited to the following uses as defined by the Zoning By-law:
    - Recreational Vehicle Sales and Service, Large;
    - Recreational Vehicle Sales and Service, Small;
    - Service and Repair, Household;
    - The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CC zone.
5. That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c. 19)*, here imposes the following conditions upon the Property having an area of 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, the following conditions upon the development and use of the land:

- a. A treed landscaped buffer be provided along the south east and south west property lines (adjacent to PIDs 00048371 and 55153043), in accordance with a landscaping plan, subject to the approval of the Development Officer prior to the issuance of a Building Permit. Trees provided in the buffer are to be at least a minimum height of 2.0 metres at the time of planting and be maintained for the life of the development.
- b. The applicant will supply plans with the required Building Permit showing that the storage of hazardous or dangerous chemicals and all electrical panels are located at least 2.0 metres above the floor of the proposed new building, subject to the approval of the Development Officer prior to the issuance of a Building Permit.

### **DECISION HISTORY**

A review of Municipal records show that the site has been legally non-conforming dating as far back as the 1950's. As each new Municipal Plan and Zoning By-law have come into effect, plan designations for the site have been focused on a residential community and used zoning to this effect. Recent enforcement efforts, along with a desire by the property owner to broaden the business have brought this issue to light, necessitating this application.

### **ANALYSIS**

#### **Proposal**

The applicant is proposing to expand an existing non-conforming use (Recreational Vehicles Sales and Service (boatyard)) with the addition of a new building and rezoning and adjacent lot (under separate ownership) used by the boatyard for boat storage. The use has existed for some time for the storage of recreational vehicles with some minor repair activities occurring. The owners wish to expand this repair and sales activity and increase the size of the facility to offer repair services that are not readily available in the Saint John area.

The *Community Planning Act* limits the ability of a non-conforming use to expand – in this case, the only way to expand would be to bring the use into conformance. A Municipal Plan amendment and rezoning is required in order to allow the use to become conforming and allow the proposed expansion.

#### **Site and Neighbourhood**

The site has direct access to Millidge Avenue and is adjacent to the Kennebecasis River, in Brothers Cove. The site consists of a large open area for storage of boats, with a limited number of buildings where repair activities can occur and a single detached dwelling (on the same lot as the boatyard). The site also includes a lot adjacent to the main driveway access, which is used by the boatyard for storage (but is owned by Biscayne Holdings).



The surrounding neighbourhood is generally zoned R1 except for a multi-unit building directly south east of the building (which is zoned ID). To the west is the Royal Kennebecasis Yacht club (zoned Park (P)) and to the north and south are single detached dwellings. Transit stops are located along Millidge Avenue to the east of Manner Sutton Road.

This site was subject of enforcement action for unsightly premises concerns. The owners of the site undertook work to bring the site into compliance, action closed in 2018, and all documents removed from the title. While compliance considerations are not part of the review of this application, it should be noted that the applicant undertook their own engagement of adjacent properties and indicated a commitment to ensure the site will be maintained to a high standard to avoid unsightly conditions in the future. Details of this engagement are included in the attached applicant package.

### **Municipal Plan and Rezoning Municipal Plan**

The Stable Residential designation is applicable to the bulk of the site, except for a portion along the Kennebecasis River, which is in the Parks and Natural Areas designation. In order to consider a change to the Municipal Plan, policy LU-4 provides criteria to consider a designation change. Analysis of this application to policy LU-4 is below:

Is the proposal consistent with the general intent of the Municipal Plan and further advances in the City Structure;	The proposed change of designation recognizes the commercial nature of vehicle storage and repair facilities. The use has existed on the site for a significant period and has been an integrated part of the neighbourhood.
Is the proposal necessary by virtue of a lack of supply of quality land already designated in the Municipal Plan to accommodate the development;	This site-specific amendment is required to facilitate the expansion of a repair activities associated with the Recreational Vehicle Sales and Repair (Large) use into a larger building and greater floor space. These uses require water access for easy ability to launch vessels.
The proposal enhances the community and the quality of life offered to residents of the City;	The use has existed for a long period and has offered boat storage and repair services for some time.
The proposal efficiently uses available infrastructure;	Municipal Water and sewer services are available.
The proposal does not negatively impact the use and enjoyment of adjacent lands and neighbourhoods;	The applicant has proposed retention of an existing vegetation screen. The enforcement process will address any future issues of noise or unsightly premises.
The proposal is an appropriate use within the land use designation being sought for the	In order to proceed with a commercial rezoning, redesignation of the site is required

property, and the proposal is consistent with the specific policies regulating development in the designation; and	to stable commercial. All of the rules of the Commercial Corridor Zone will govern the expansion of the existing use. A separate analysis of the compatibility of the proposed redesignation is below.
The proposal adequately addresses and mitigates any significant environmental impacts.	The Building Code will regulate the storage of any hazardous materials in the building. The site is prone to flooding, but is not in an established flood plain. In order to minimize the impact of the repair operation expansion, a condition has been added requiring that all chemical storage and electrical panels be at least 2.0m above the floor of the building – this is based upon most recent flood data showing the worst level of flooding adjacent to the building location was 1.5 metres. The recommendations deliberately scope the use of the site to the proposed operation and do not include residential uses to limit public safety impacts due to future flooding.

Policy LU-70 provides direction on any redevelopment of areas designated Stable Commercial. A review of this application in the context of policy LU-70 is below:

The proposal does not detract from the City's intention to direct the majority of new commercial development to the Primary Centres, Regional Retail Centres, Business Centres, Commercial Corridors, Local Centres and Mixed Use Areas;	This site specific rezoning is to allow an existing legally non-conforming use to become conforming and to allow its expansion. There would no impact on any other primary commercial locations in the City and this use requires a specific site – adjacent to water.
The proposed land use is desirable and contributes positively to the neighbourhood;	Millidgeville is a community situated adjacent to the Saint John and Kennebecasis Rivers – this use provides adjacent residents the opportunity to store recreational vehicles (boats) and is directly adjacent to a river launch point (Royal Kennebecasis Yacht Club) – enhancing the quality of the community for recreational opportunities.
The proposal is compatible with surrounding land uses;	This use has existed on the site for sometime and become a part of the surrounding community. The use will continue, regardless of the rezoning as the legally non-conforming status allow the use to remain in perpetuity – however the use would be limited to their

	current . The proposed expansion of the use shows a desire and need for the use to expand.
The development proposal is in a location where all necessary water and wastewater services, protective services and appropriate transportation infrastructure, including public transit, are provided;	The proposal is in a location where Municipal services and public transit are available.
Site design features that address such matters as safe access, buffering and landscaping, site grading and stormwater management are incorporated; and	A buffer along the southern property line adjacent to residential development is proposed. No changes to site grading or access is proposed.
A high quality exterior building design is provided that is consistent with the Urban Design Principles in the Municipal Plan.	Most existing structures will remain on site, unchanged. The proposed new building is consistent with commercial buildings for this type of use.

### Urban Design Principles

Policy UD-9 provides guidance for new developments, which are in various designations of the plan. For those that fall into Employment Areas, policy UD-15 should apply. Policy UD-15 provides a number of criteria for consideration with this proposal:

Ensure new development and significant redevelopment in Employment Areas is designed to:

Allow for a variety of lot sizes and building sizes to accommodate a wide range of employment uses;	Major redevelopments or significant additions to major employment type uses are the focus of these policies (additions to office type buildings). The proposal is to bring a use into conforming status and allow an addition. The location of the new building, the proposed setbacks of that building from adjacent residential and landscaping buffer limit the impacts to adjacent uses. No changes to the adjacent streetscape are going to occur with this proposal.
Maximize the placement of buildings along the frontage of lots facing public streets and provide appropriate landscaping; and	
Designing buildings, streetscapes and lighting at a human scale.	

### Rezoning

The proposed rezoning with this application would take the site to the Corridor Commercial (CC) Zone. Normally used along major commercial corridors, the description of the zone notes that "land in other designations could be zoned CC".

The CC Zone has occurred on a stand-alone basis, in some locations across the city, which are not necessarily commercial corridors. This is due to the development form or uses occurring corresponded with the CC zone. In this case, the use (Recreational Vehicle Sales and Service) can occur only in the CC Zone. The proposed use is similar to that seen along some of the

City's commercial corridors where there would be recreational vehicle sales and services lots. This site-specific circumstance is not sufficient reason to use a special zone and so the CC zone is proposed.

The rezoning will allow a currently non-conforming use to become conforming and facilitate the construction of a new building. The impact of this building to surrounding properties will be minimal given the distance of the building to adjacent lots and a proposed landscaped buffer adjacent to the eastern property line. The use has been occurring on the site for a number of years and so is a well-established part of this area.

Given the unique nature of this use, the site is in a location adjacent to the river, which has been subject to flooding on a semi-regular basis. The most recent flooding shows that the location of the proposed shop had flooding that was approximately 1.5 metres. The site does not fall into any municipally designated flood plain. The location of the building is also greater than 30 metres from the normal high water mark, thus not requiring a Watercourse Alteration Permit (see attached site plan). In the interest of public safety and environmental protection, a section 59 condition is proposed to require that any chemical storage and electrical panel be at least 2.0 metres above the floor level of the building. This ensures that based on recent historic information on the site, that floodwaters would not affect electrical systems or cause contamination issues. Proposed uses have been limited and do not include residential uses to limit the impacts of future flooding.

### **Variances**

The proposed new building, based upon the submitted site plan, should be compliant with the Zoning By-law and not require any variances.

A future subdivision will occur in order to adjust lot boundaries and place the existing house (located on the same parcel as the boatyard) on its own lot. This future lot will require variances through the subdivision process.

### **Future Subdivision**

A future subdivision will be proposed to adjust lot boundaries (incorporating the Biscayne Holdings Lot) and allow for the dwelling (currently on the same parcel as the boatyard) to be on its own parcel. The dwelling remained on the same lot as the boatyard as the owner of the boatyard resided in the dwelling. The same family will retain ownership of the boatyard but would like the house deeded to a different family member. Ownership is not a relevant planning consideration; however, the proposed subdivision is reasonable to separate commercial and residential uses.

The proposed site plan included with this application shows an approximate property line (which will be confirmed during the subdivision process). The proposed future lot will not need Land for Public Purposes (LPP) as the net number of lots will not increase.



The proposed future lot; based upon the site plan; will require variances to several requirements including lot area, lot depth, lot occupancy, and setbacks requirements. Staff is of the opinion that the variances are reasonable, given the fact that site operated as one lot and essentially had a rear and side yard with a commercial use. This would remain unchanged, only a new lot line would be created. The applicant is aware of the building code considerations and has had detailed discussions and a pre-application with Staff. Staff will process these variances during the eventual subdivision application.

### **Conclusion**

Staff support this proposal as it allows for the continued operation and limited expansion of a longstanding use that is dependent upon a waterfront location in a manner that is compatible with the neighbourhood and on balance achieves the intent of the Municipal Development Plan. Conditions proposed will help address any potential visual impacts or flooding concerns of the proposed expansion.

### **ALTERNATIVES AND OTHER CONSIDERATIONS**

No alternatives considered.

### **ENGAGEMENT**

#### **Proponent**

The applicant undertook engagement with property owners around the subject site (Submission 3). Their letter, provided to property owners, is also included. A number of signatures and a location map of those in support are included with the materials package in order to demonstrate community support of the application.

#### **Public**

In accordance with the Committee's Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on May 8, 2019. The public hearing for the rezoning was advertised on the City's website on May 10, 2019.

### **SIGNATURES AND CONTACT**

#### **Prepared and reviewed by:**



Kenneth Melanson, BA, RPP, MCIP  
Manager, Community Planning

#### **Approved:**



Jacqueline Hamilton, MURP, MCIP, RPP  
Commissioner

**Contact:** Kenneth Melanson  
**Phone:** (506) 721-8694  
**E-mail:** [Ken.Melanson@saintjohn.ca](mailto:Ken.Melanson@saintjohn.ca)  
**Project:** 19-33

## **APPENDIX**

Map 1: **Site Location**

Map 2: **Municipal Plan**

Map 3: **Zoning**

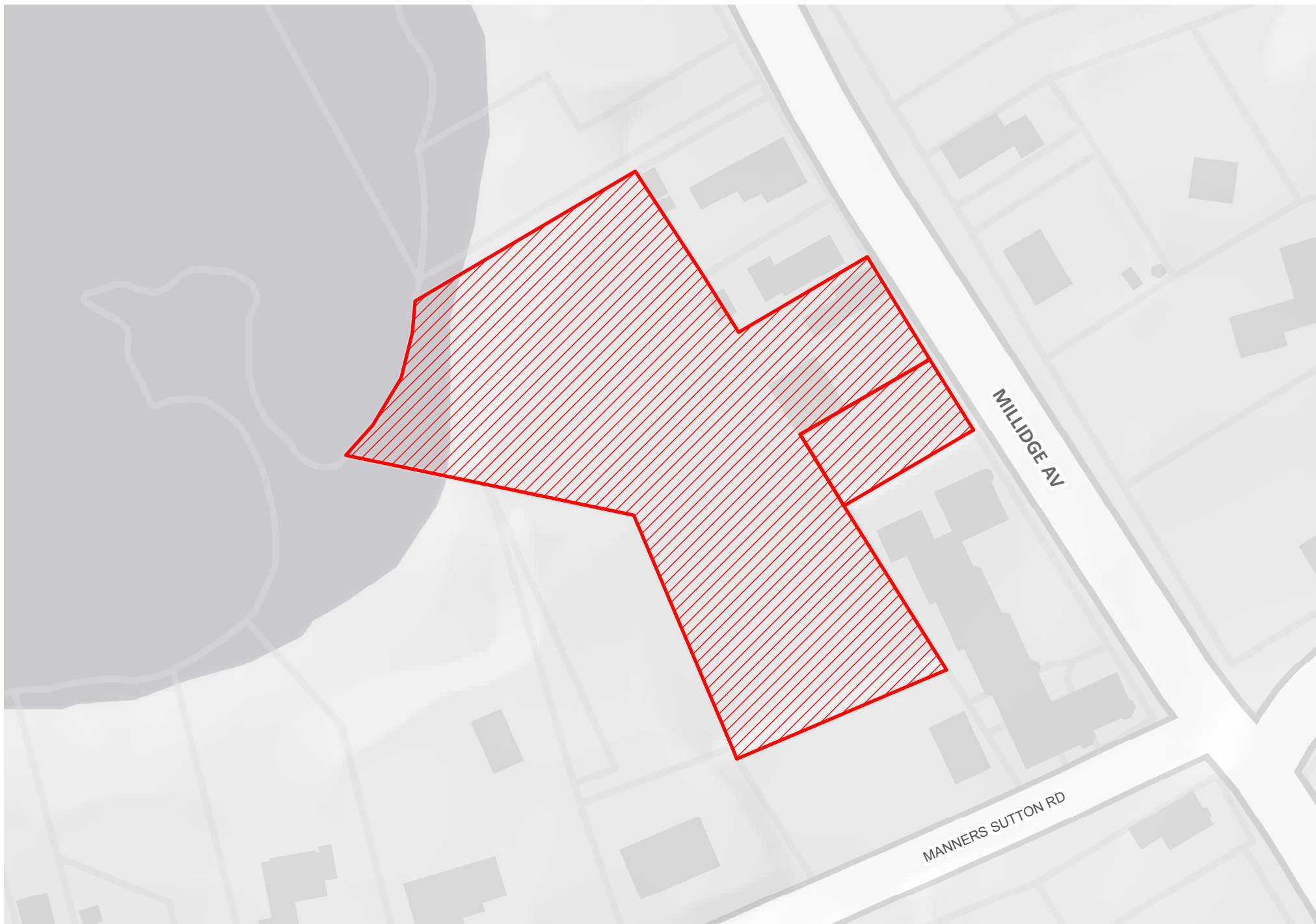
Map 4: **Aerial Photography**

Map 5: **Site Photography**

Submission 1: **Site Plan**

Submission 2: **Elevations**

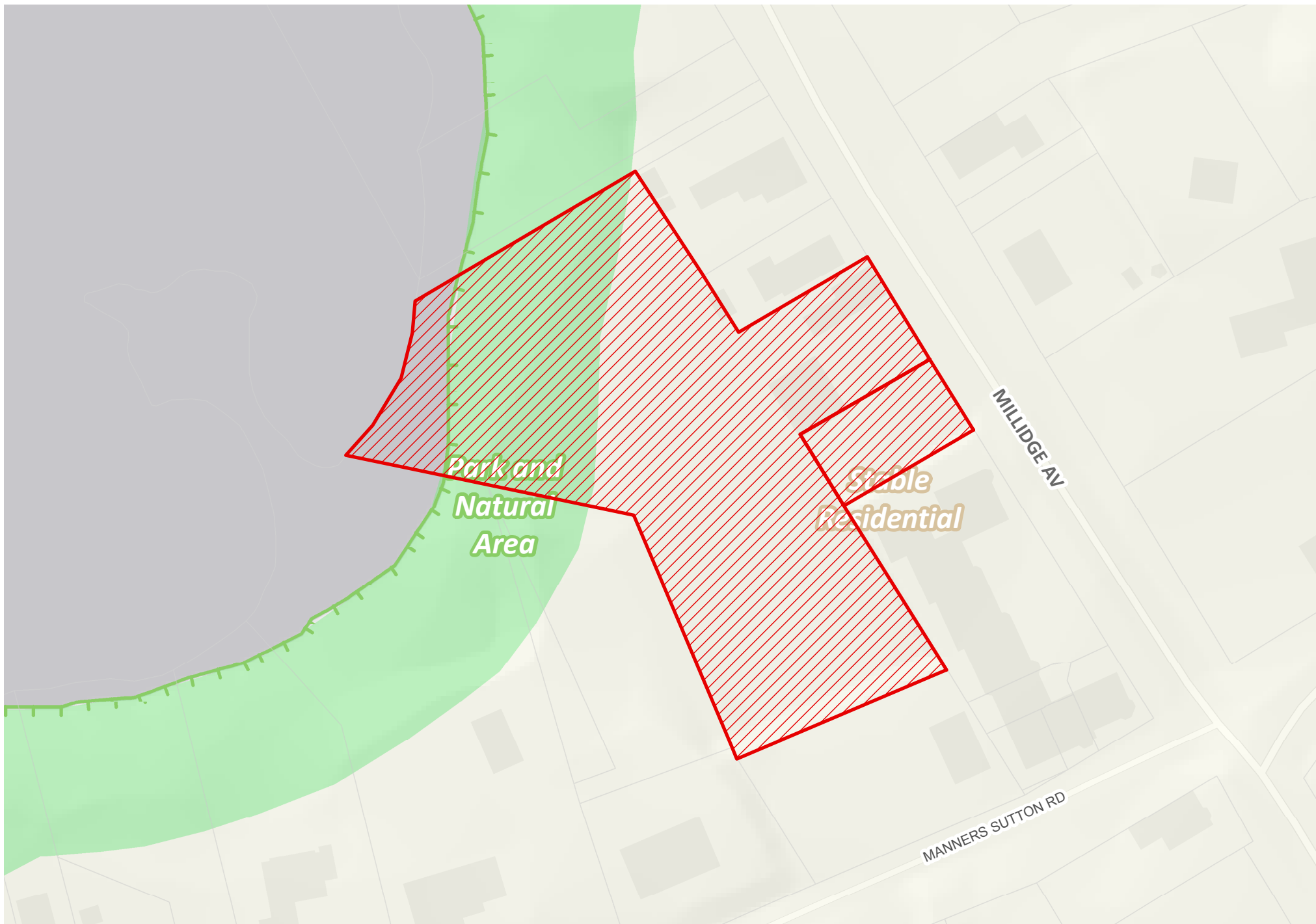
Submission 3: **Letter seeking support of application, map and signatures**



# Map 1 - Site Location

Geordie Ring - 1007-1019 Millidge Avenue

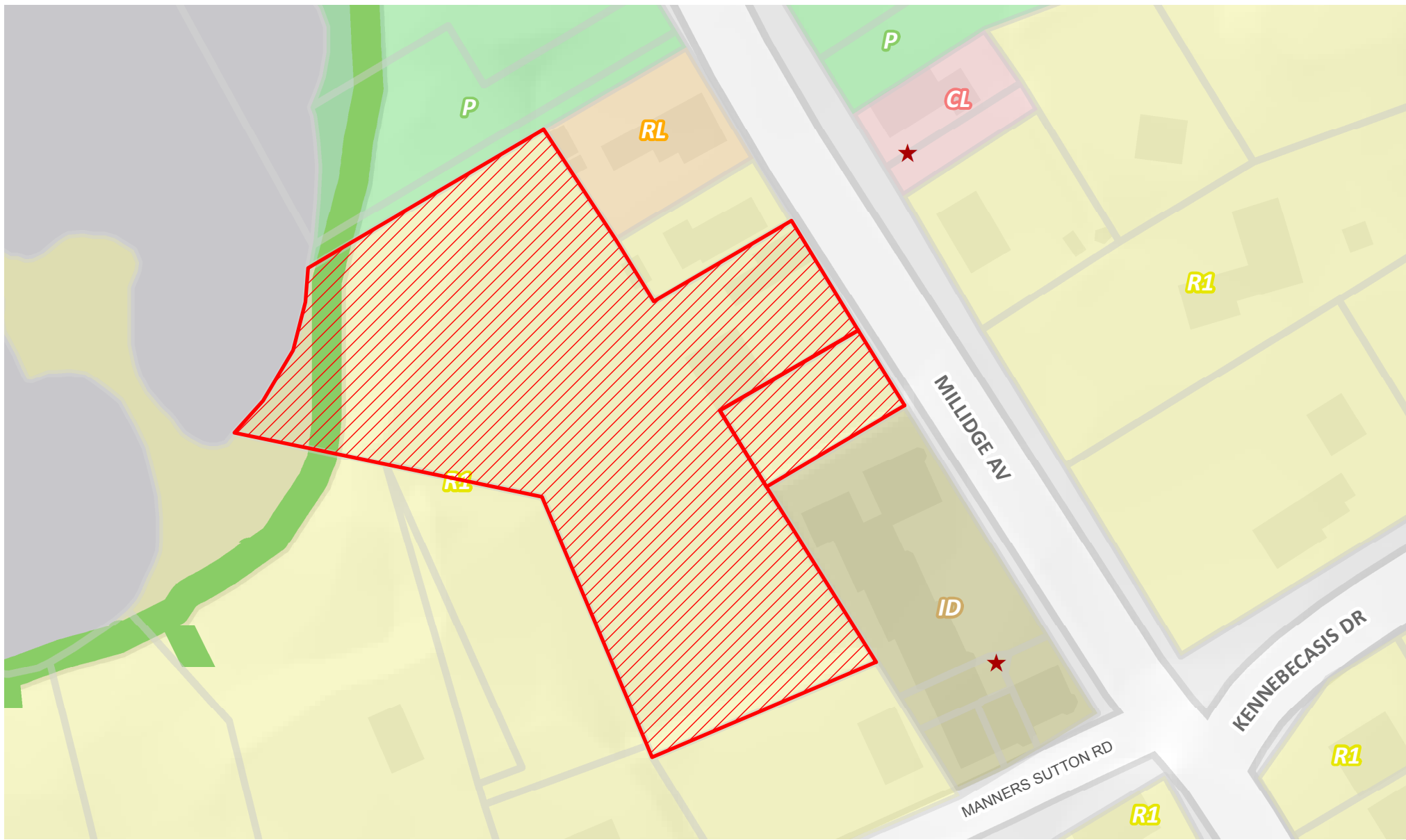




**Map 2 - Future Land Use**  
Geordie Ring - 1007-1019 Millidge Avenue







- (CL) Local Commercial
- (ID) Integrated Development
- (P) Park
- (R1) One-Unit Residential
- (RL) Low-Rise Residential

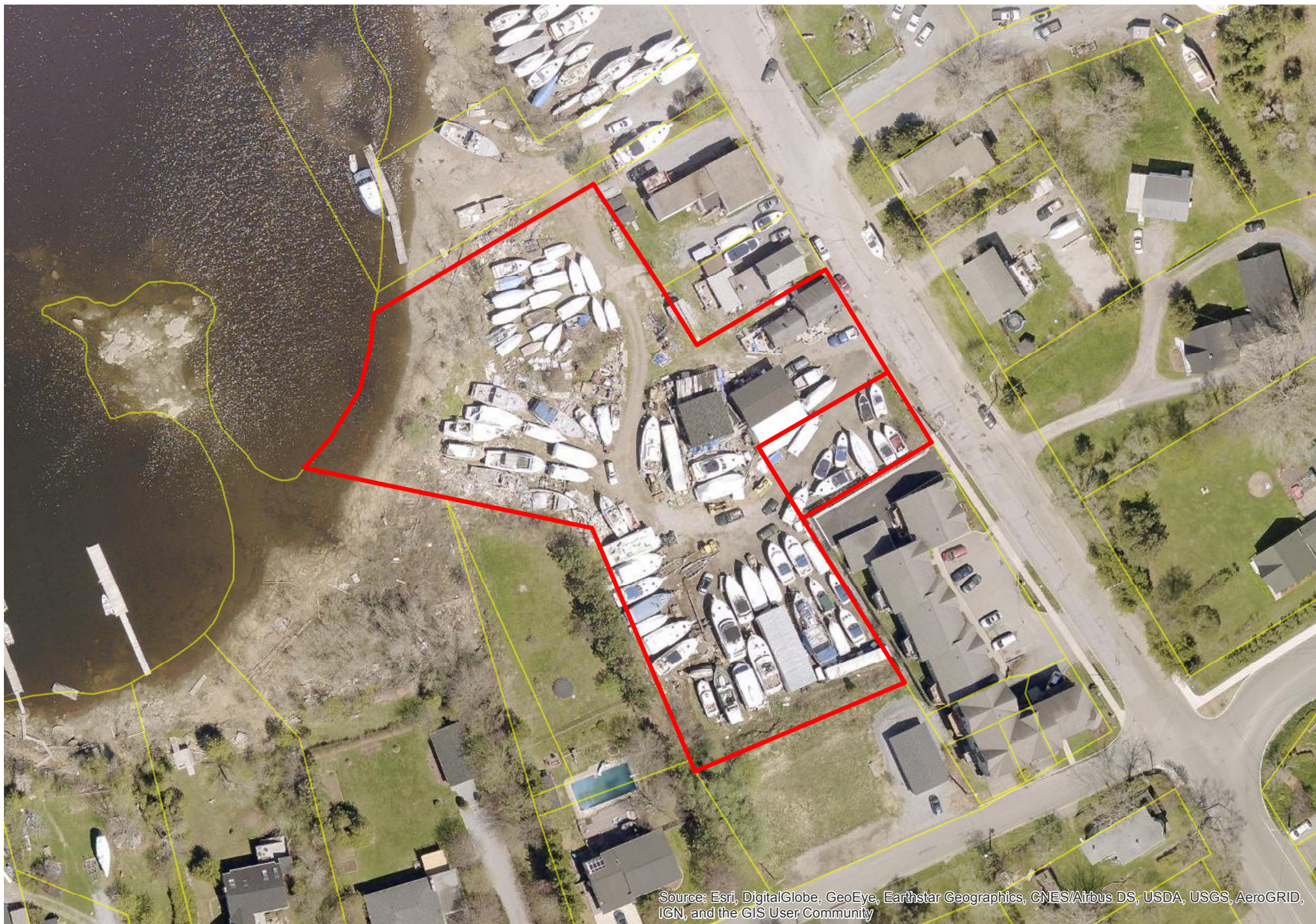
★ Section 59 Conditions

# Map 3 - Zoning

Geordie Ring - 1007-1019 Millidge Avenue







Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# Map 4 - Aerial Photography

Geordie Ring - 1007-1019 Millidge Avenue

301

The City of Saint John  
Date: May-16-19

0 25 m







Site from Millidge Ave



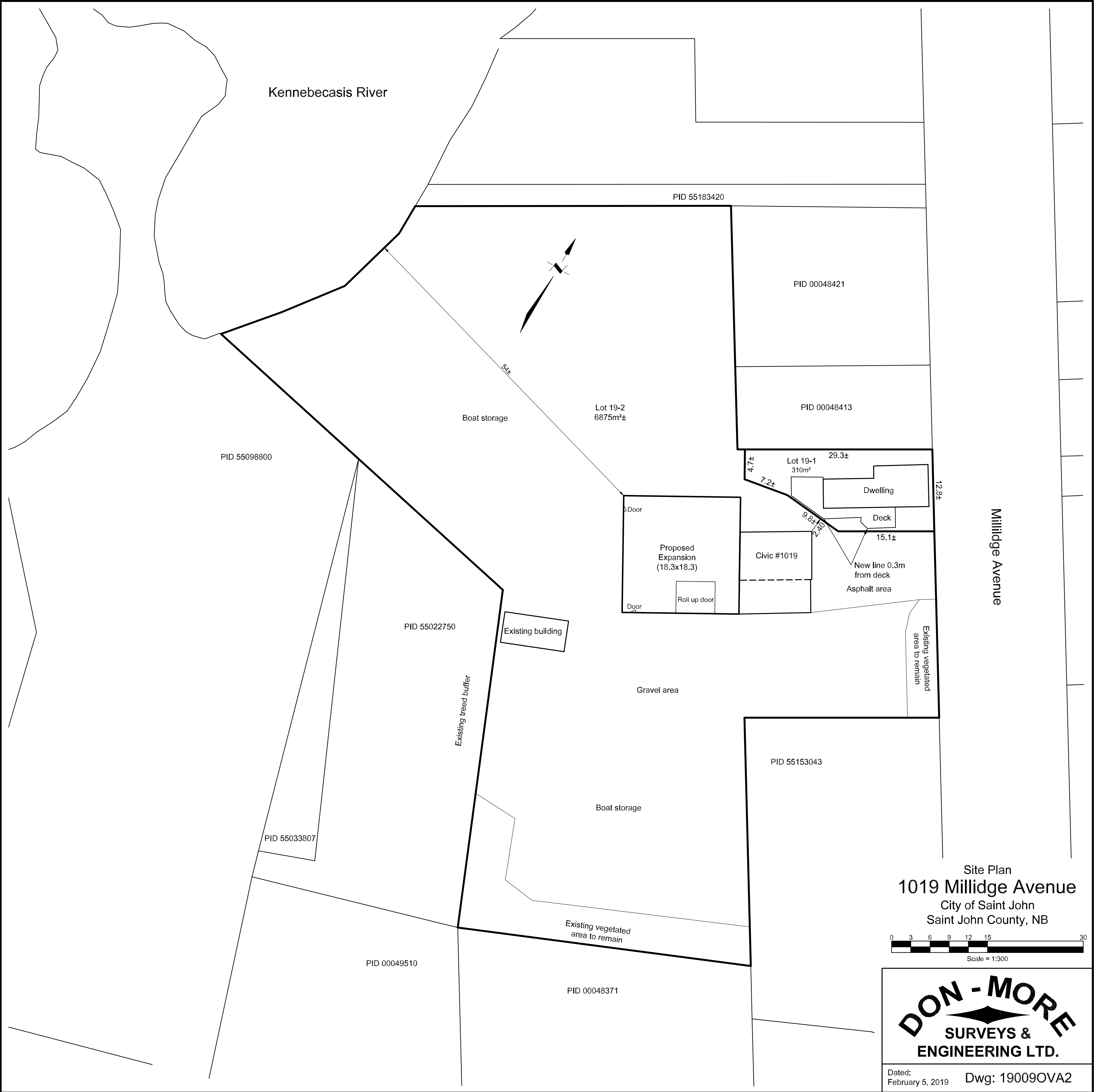
Looking towards Manner Sutton Rd



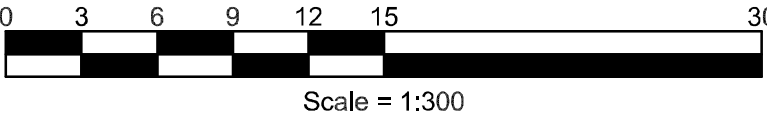
Adjacent Multi-residential near Manner Sutton Rd



Existing dwelling adjacent to boatyard



Site Plan  
1019 Millidge Avenue  
City of Saint John  
Saint John County, NB



**DON - MORE**  
SURVEYS &  
ENGINEERING LTD.

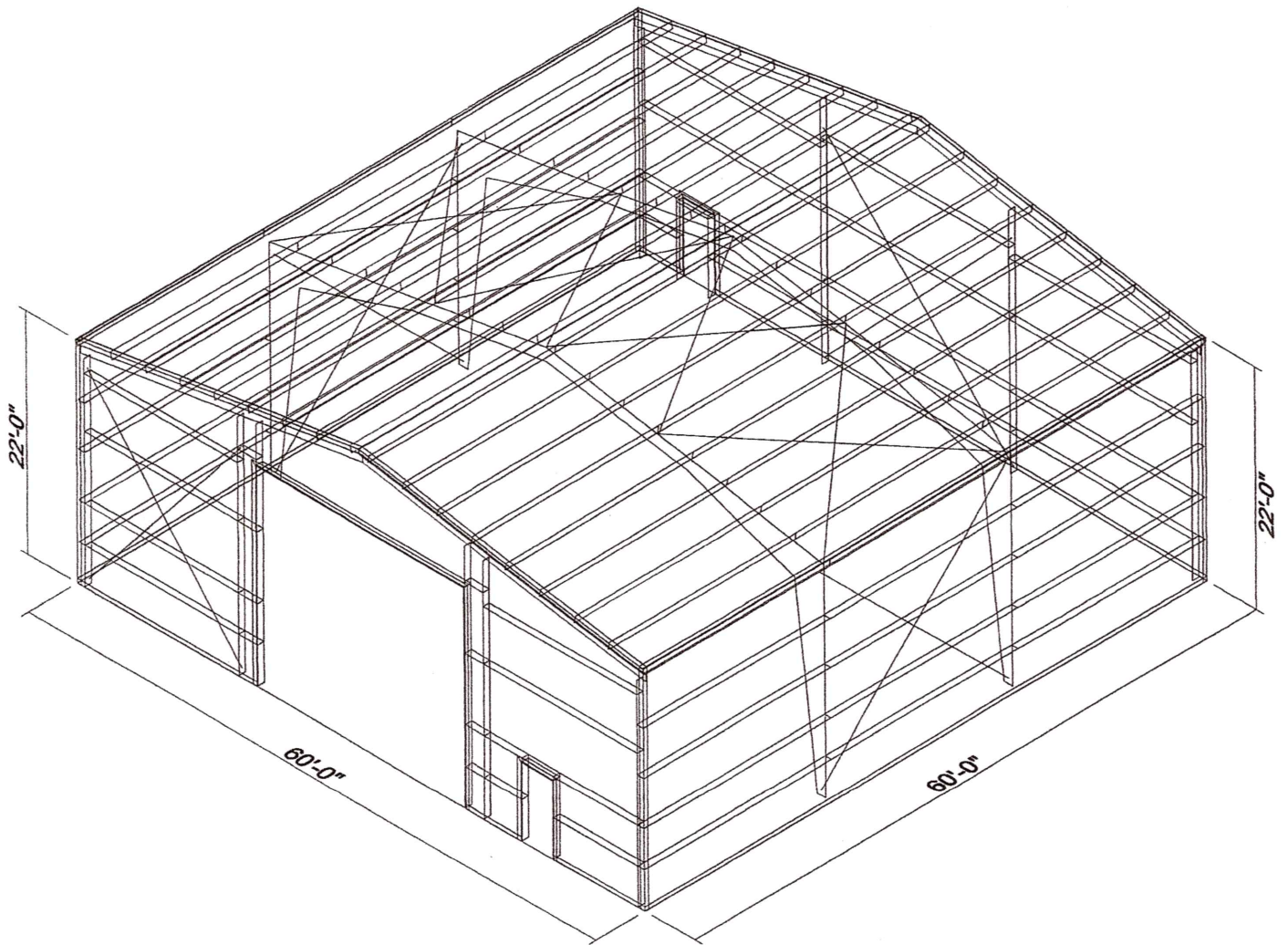
Dated:  
February 5, 2019 Dwg: 19009OVA2













To Whom it may concern;

As the owner and operator of Brothers Cove Ventures Ltd located at 1019 Millidge Ave Saint John NB . I am the 3<sup>rd</sup> generation at this location as a boat yard boat building repair yard and storage. The Ring family is 6 generation strong in Saint John boating industry and the family pier in the harbour is still visible beside the Loyalist landing site.

I have been in business for myself since 1992 out of the family yard and employ as many as 14 workers in a season . We are looking to grow our business to a year round operation to keep a yearly employment for my workers and to expand into other marine areas.

The largest area for my business to expand is in fiberglass repairs to commercial fishing boats . There is a large demand as most of the work is being done in boat yards in Nova Scotia which there is a 3 -4 year waiting list. There are only 2 boat shops in the Bay of Fundy area that are doing this type of work and can only fit 1 boat at a time. This type of repair work is done in the between seasons of fishing in the months of July – September and I can fit 2-3 boats at that time frame.

The new shop will also allow us to work on boats in the off season to prep and ready for the summer season , and not hinder us from losing days off due to the weather. As an employer of a seasonal operation keeping a good employee is very difficult and attracting new skilled employees even harder. This is the largest reason for me to expand and build the large shop to fill a void in the boating industry and create year round employment and more economic spin off.

In addition, the new building will provide some inside storage space which will assist in maintaining cleanliness and order in the boat yard.

Sincerely: 

George ( Geodie ) Ring

President, Brothers Cove Ventures Ltd



January 23, 2019



To Whom it May Concern:

In May 2018, Brothers Cove Ventures Ltd. 1019 Millidge Ave was issued an Unsightly Premises Clean Up Order by the City of Saint John.

On January 17, 2019, the City of Saint John issued an Inspection letter (copy attached) confirming that all required clean up has been completed and we are now in full compliance with the city regarding this matter.

Part of this included the removal of a large shop and storage building that had started to collapse. Moving forward, we are in the process of applying to the city for rezoning and a building permit for a new building. This will allow for a lot of our work to be completed inside, as well as allowing for inside storage for the materials which have been stored around the yard and are required for our business.

I am committed to maintaining the cleanliness and order of the yard. The new building is instrumental to this. 3 Generations of Ring's have maintained this business location for 50+ years. I am looking for your support in this rezoning issue, so we can move forward with the new building. Your support is greatly welcomed and appreciated. Please sign attached to show your support.

Sincerely:

A handwritten signature in black ink, appearing to read "George A Ring", written over a horizontal line.

George (Geodie) Ring

President, Brothers Cove Ventures Ltd.

I support the application

Name (Please Print)	Address	Signature	Date
BRIAN & Sandra McKENNEY	1022 Millidge Ave	[Signature]	Jan 24/19
CHRIS JOHNSON	1014 MILLIDGE AVE	[Signature]	JAN 24/19
Shane Collins	15 Kennebecasis Dr	[Signature]	Jan 24/19
Bob Guyhine Bossé	977 Millidge Ave	[Signature]	Jan 24/19
FRANK	976 Millidge Ave	Jim Butler	Jan 24/19
Ben DeLong	28 Kennebecasis Dr	Ben DeLong	Jan 24/19
Kim Brown	35 Kennebecasis Dr.	Kim Brown	Jan 24/19
DAVID PARLEE	25 KENNEBECASIS DR	David Parlee	Jan 24/19
CHARLES WALLACE	71 MANNERS SUTTON	Charles Wallace	Jan 24/19
Beth Wallace	71 Manners Sutton Rd	Beth Wallace	Jan 24/19
Maledon Stoney	73 Manners Sutton Rd	Maledon Stoney	Jan 24/19
JOAN B. STONEY	73 MANNERS SUTTON RD.	Joan B. Stoney	Jan 24/19
ELWOOD JOHNSTON	65 MANNERS SUTTON ROAD	Elwood Johnston	Jan 24/19
Mark Saulnier	28 Manners Sutton	Mark Saulnier	Jan 24/19
Teri Emrich	26 Manners Sutton	Teri Emrich	Jan 24/19
Kim Brown	995 Millidge Ave	all S	Jan 25/19
Susan O'Dell-Ring	1023 Millidge Ave	SND	Jan 25/19
1031 Millidge Ave	1031 "	[Signature]	Jan 25/19
NORMAN HAUBURG	141 MANNERS SUTTON RD	Norman Hauburg	01/27/19
MARK HOVEY	131 MANNERS SUTTON RD.	Mark Hovey	01/30/19
Robert Barnes	995 Millidge Ave	Robert Barnes	
Jim O'Connell	61 Manners Sutton	Jim O'Connell	
PETER KENNEDY	93 MANNERS SUTTON RD	Peter Kennedy	01/30/19



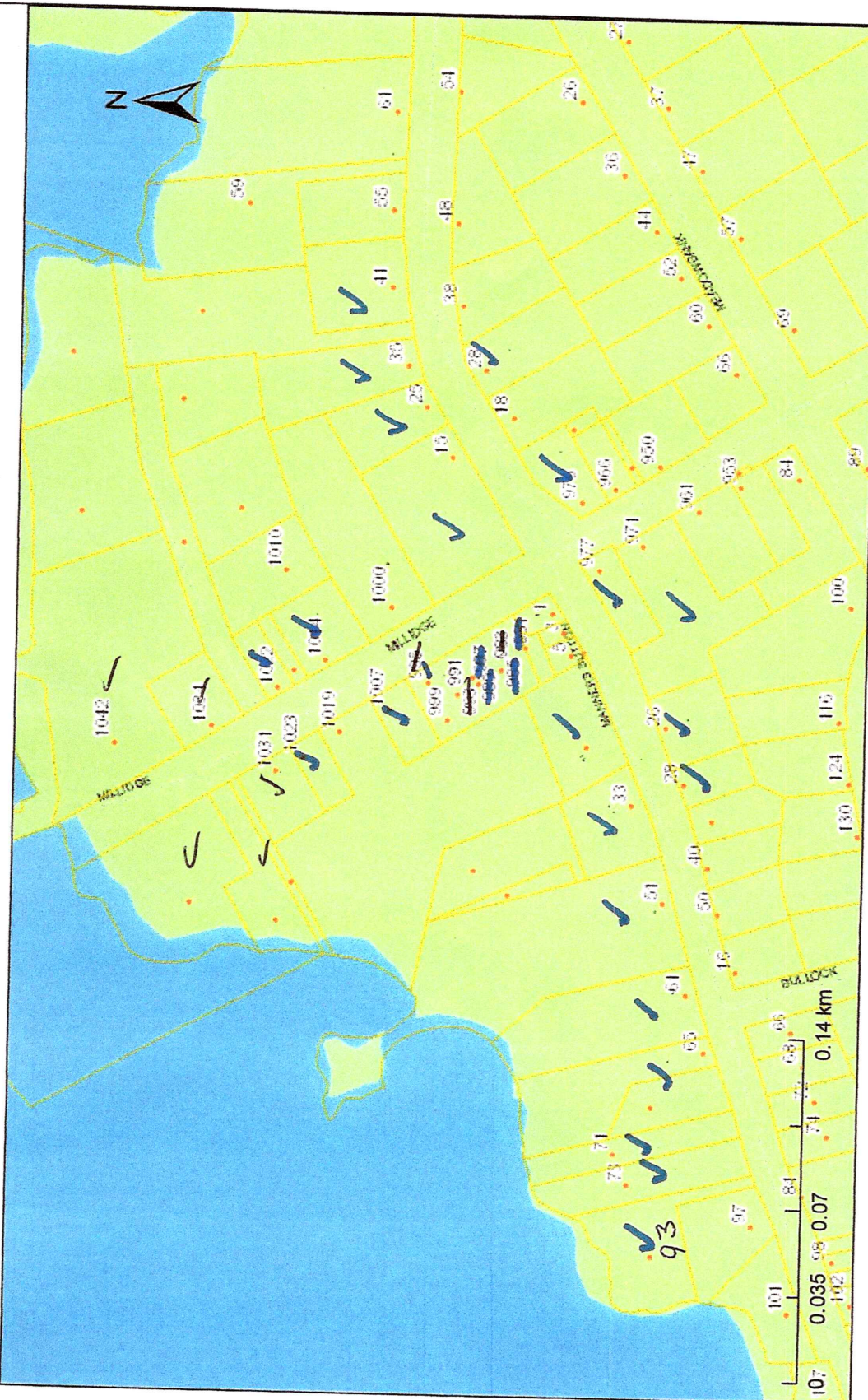
I support the application

Name (Please Print)	Address	Signature	Date
PATRICIA Bastarache	51 Manners Sutton Rd	P. Bastarache	Jan 30/19
Michael Banks	33 Manners Sutton Rd	Michael Banks	Feb 1/19
Jenny McKim	971 Millidge Ave 1ST	Jenny McKim	Feb 1/19
Brian & Marie Lachrie	989 Millidge Ave	Brian Lachrie	Feb 1/19
Brian Williams	987 Millidge Ave	Brian Williams	Feb 1/19
John MacNeil	985 Millidge Ave	John MacNeil	Feb 1/19
Cathy MacNeil	985 Millidge Ave	Cathy MacNeil	Feb 1/19
Jenny DeGasper	981 Millidge Ave	Jenny DeGasper	Feb 1 <sup>st</sup> /19
Capt Robert W. Dwyer	1019 Millidge Ave	Capt Robert W. Dwyer	Feb 1/19
Betty Ryan	1019 Millidge Ave	Betty Ryan	Feb 4/2019
Jean Celeste	983 Millidge Ave	Jean Celeste	Feb 4/2019
Wherson Wright	1031 Millidge Ave	Wherson Wright	Feb 4/2019
Robert H. H.	1042 Millidge Ave	Robert H. H.	Feb 7, 2019
↳ MGR. - RKYC			





Title:



Scale/Échelle: 1:2,457

Date: 1/31/2019

Printed by/Imprimé par:

While this map may not be free from error or omission, care has been taken to ensure the best possible quality. This map is a graphical representation of natural and man made features which approximates the size, configuration and location of the features. This map is not intended to be used for legal descriptions or to calculate exact dimensions or area. SNB makes no representations or warranties, either expressed or implied, as to the accuracy of the information and the client assumes the entire risk as to the use of any or all information.

Même si cette carte n'est peut-être pas libre de toute erreur ou omission, toutes les précautions ont été prises pour en assurer la meilleure qualité possible. Cette carte est une représentation graphique d'éléments naturels ou artificiels et donne seulement une approximation de la taille, de la configuration et de l'endroit de ces éléments. Elle n'a pas pour but d'être utilisée pour les descriptions juridiques ou le calcul des dimensions ou de la superficie exacte. SNB n'offre aucune garantie explicite ou implicite quant à l'exactitude de l'information présentée; les clients acceptent pleinement les risques liés à l'utilisation d'une partie ou de l'ensemble de cette information.



**BY-LAW NUMBER C.P. 106-19  
A LAW TO AMEND THE  
MUNICIPAL PLAN BY-LAW**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Municipal Plan By-law of The City of Saint John enacted on the 30th day of January, A.D. 2012 is amended by:

**1** Amending Schedule A – City Structure, by redesignating a parcel of land with an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397 and 00048389, from *Stable Area* and *Park and Natural Area* to *Employment Area* classification;

**2** Amending Schedule B – Future Land Use, by redesignating the same parcel of land from *Stable Residential* and *Park and Natural Area* to *Stable Commercial* classification;

- all as shown on the plans attached hereto and forming part of this by-law.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the \* day of \*, A.D. 2019 and signed by:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Common Clerk/Greffier communal

First Reading - June 3, 2019  
Second Reading - June 3, 2019  
Third Reading -

**ARRÊTÉ N° C.P. 106-19  
ARRÊTÉ MODIFIANT L'ARRÊTÉ  
RELATIF AU PLAN MUNICIPAL**

Lors d'une réunion du conseil communal, The City of Saint John a édicté ce qui suit :

L'arrêté concernant le plan municipal de The City of Saint John décrété le 30 janvier 2012 est modifié par :

**1** la modification de l'annexe A – Structure de la municipalité, afin de faire passer la désignation d'une parcelle de terrain d'une superficie d'environ 7242 mètres carrés, située au 1007-1019, rue Millidge, et portant les NID 00048397 et 00048389, de *secteur stable* et *parc et aire naturelle* à *secteur d'emploi*;

**2** la modification de l'annexe B – Utilisation future des sols, afin de faire passer la désignation de la parcelle de terrain précitée de *secteur résidentiel stable* et *parc et aire naturelle* à *secteur commercial stable*;

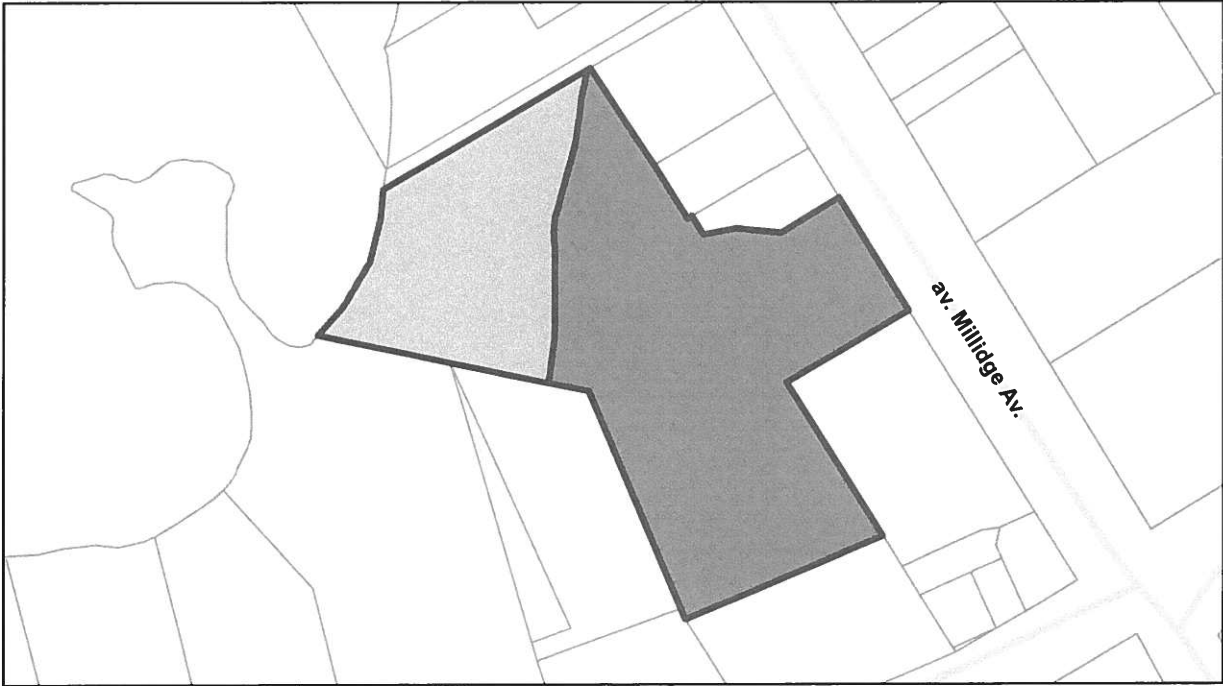
- toutes les modifications sont indiquées sur les plans ci-joints et font partie du présent arrêté.

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le 2019, avec les signatures suivantes :

Première lecture - le 3 juin 2019  
Deuxième lecture - le 3 juin 2019  
Troisième lecture -

GROWTH & COMMUNITY DEVELOPMENT SERVICES  
SERVICE DE LA CROISSANCE ET DU DÉVELOPPEMENT COMMUNAUTAIRE  
**MUNICIPAL DEVELOPMENT PLAN / PLAN D'AMÉNAGEMENT MUNICIPAL**

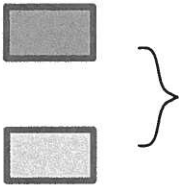
Amending Schedule A  
Modifiant annexe A



**FROM / DE**

**TO / À**

Stable Area  
Secteur stable  
  
Park and Natural Area  
Parc ou aire naturelle



Employment Area  
Secteur d'emploi

**Applicant:**     Geordie Ring

**Location:**     1007-1019 Millidge Avenue

**PID(s)/NIP(s):** 00048389, portion of/de 00048397

**Considered by P.A.C./considéré par le C.C.U.:** May 22 mai, 2019

**Enacted by Council/Approuvé par le Conseil:**

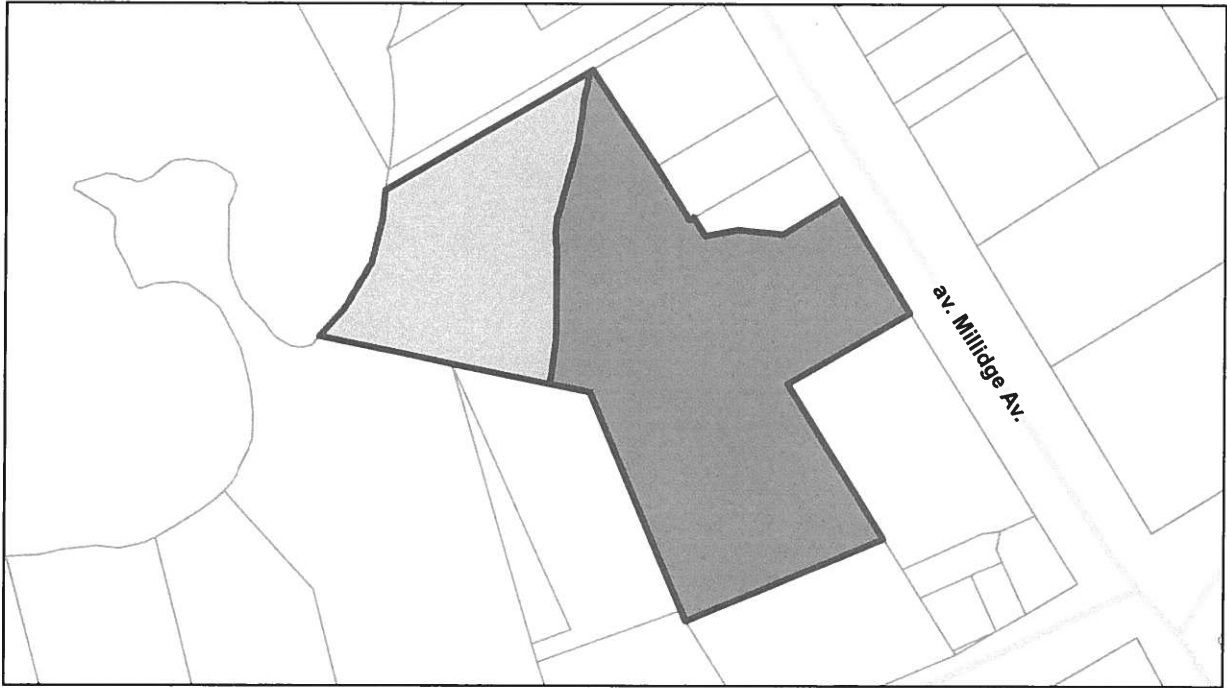
**Filed in Registry Office/Enregistré le:**

**By-Law #/Arrêté #**

**Drawn By/Créée Par:** Andrew Pollock   **Date Drawn/Carte Créée:** June 4 juin, 2019

GROWTH & COMMUNITY DEVELOPMENT SERVICES  
SERVICE DE LA CROISSANCE ET DU DÉVELOPPEMENT COMMUNAUTAIRE  
**MUNICIPAL DEVELOPMENT PLAN / PLAN D'AMÉNAGEMENT MUNICIPAL**

Amending Schedule B  
Modifiant annexe B



**FROM / DE**

**TO / À**

Stable Residential  
Secteur résidentiel stable

Park and Natural Area  
Parc ou aire naturelle



Stable Commercial  
Secteur commercial stable

**Applicant:** Geordie Ring  
**Location:** 1007-1019 Millidge Avenue  
**PID(s)/NIP(s):** 00048389, portion of/de 00048397

**Considered by P.A.C./considéré par le C.C.U.:** May 22 mai, 2019  
**Enacted by Council/Approuvé par le Conseil:**  
**Filed in Registry Office/Enregistré le:**  
**By-Law #/Arrêté #**

**Drawn By/Crée Par:** Andrew Pollock **Date Drawn/Carte Créée:** June 4 juin, 2019

**BY-LAW NUMBER C.P. 111-75  
A LAW TO AMEND  
THE ZONING BY-LAW  
OF THE CITY OF SAINT JOHN**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

**1** Amending Schedule A, the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID No. 00048389 & 00048397 from Two –unit Residential (R2) to Corridor Commercial (CC) pursuant to a resolution adopted by Common Council under Section 59 of the Community Planning Act.

- all as shown on the plan attached hereto and forming part of this by-law.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the \* day of \*, A.D. 2019 and signed by:

---

Mayor/Maire

---

Common Clerk/Greffier communal

First Reading - June 3, 2019  
Second Reading - June 3, 2019  
Third Reading -

**ARRÊTÉ N<sup>o</sup> C.P. 111-75  
ARRÊTÉ MODIFIANT L'ARRÊTÉ DE  
ZONAGE DE THE CITY OF SAINT  
JOHN**

Lors d'une réunion du conseil communal, The City of Saint John a décrété ce qui suit :

L'arrêté de zonage de The City of Saint John, décrété le quinze (15) décembre 2014, est modifié par :

**1** La modification de l'annexe A, Carte de zonage de The City of Saint John, permettant de modifier la désignation pour une parcelle de terrain d'une superficie d'environ 7242 mètres carrés, située a 1007-1019 rue Millidge et portant le NID 00048389 et 00048397, de zone résidentielle bifamiliale (R2) à zone commerciale générale (CG) conformément à une résolution adoptée par le conseil municipal en vertu de l'article 59 de la Loi sur l'urbanisme.

- toutes les modifications sont indiquées sur le plan ci-joint et font partie du présent arrêté.

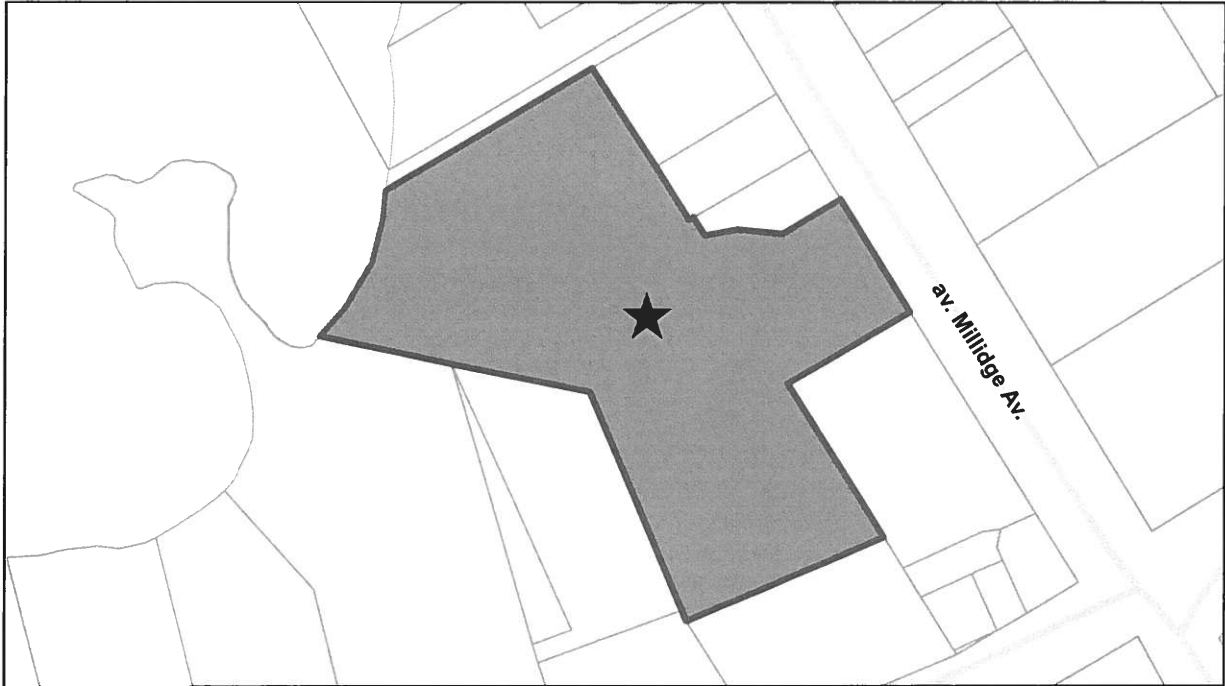
EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le \* 2019, avec les signatures suivantes :

Première lecture - le 3 juin 2019  
Deuxième lecture - le 3 juin 2019  
Troisième lecture -



GROWTH & COMMUNITY DEVELOPMENT SERVICES  
SERVICE DE LA CROISSANCE ET DU DÉVELOPPEMENT COMMUNAUTAIRE  
**REZONING / REZONAGE**

Amending Schedule “A” of the Zoning By-Law of The City of Saint John  
Modifiant Annexe «A» de l'Arrêté de zonage de The City of Saint John



**FROM / DE**

**TO / À**

One-Unit Residential  
Zone résidentielle  
unifamiliale

**R1**



**CC**

Corridor Commercial  
Zone commerciale  
de corridor



Pursuant to a Resolution under Section 59 of the Community Planning Act  
Conformément à une résolution adoptée par le conseil municipal en vertu  
de l'article 59 de la Loi sur l'urbanisme

**Applicant:**     Geordie Ring

**Location:**     1007-1019 Millidge Avenue

**PID(s)/NIP(s):** 00048389, portion of/de 00048397

**Considered by P.A.C./considéré par le C.C.U.:** May 22 mai, 2019

**Enacted by Council/Approuvé par le Conseil:**

**Filed in Registry Office/Enregistré le:**

**By-Law #/Arrêté #**

**Drawn By/Crée Par:** Andrew Pollock   **Date Drawn/Carte Créée:** June 4 juin, 2019

### Section 59 Conditions – 1007-1019 Millidge Avenue

That Common Council hereby imposes pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c.19)* the following condition upon the development and use of the parcel of land having an area of approximately 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, and that the subject lands be restricted to the following purposes identified in the Corridor Commercial (CC) Zone of the City's Zoning By-law:

- a. That the use of the lot be limited to the following uses as defined by the Zoning By-law:
  - Recreational Vehicle Sales and Service, Large;
  - Recreational Vehicle Sales and Service, Small;
  - Service and Repair, Household;
  - The *existing* use described in Schedule E: Exceptions, of each lot respectively, identified therein as being located in the CC zone.

That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act (SNB 2017, c. 19)*, here imposes the following conditions upon the Property having an area of 7242 square metres, located at 1007-1019 Millidge Avenue, also identified as PID Nos. 00048397, and 00048389, the following conditions upon the development and use of the land:

- a. A treed landscaped buffer be provided along the south east and south west property lines (adjacent to PIDs 00048371 and 55153043), in accordance with a landscaping plan, subject to the approval of the Development Officer prior to the issuance of a Building Permit. Trees provided in the buffer are to be at least a minimum height of 2.0 metres at the time of planting and be maintained for the life of the development.
- b.
  - (i) The plans submitted with the required building permit application shall illustrate that all electrical panels shall be installed and all dangerous or hazardous chemicals shall be stored at least 2.0 metres above the floor of the proposed building;
  - (ii) Once installed, each electrical panel shall be maintained at a location which is at least 2.0 metres above the floor of the building in which it is located; and
  - (iii) All hazardous or dangerous chemicals shall be stored at all times at one or more locations which are a minimum of 2.0 metres above the floor of the building in which they are stored.

**BY-LAW NUMBER C.P. 111-76  
A LAW TO AMEND  
THE ZONING BY-LAW  
OF THE CITY OF SAINT JOHN**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Zoning By-law of The City of Saint John enacted on the fifteenth day of December, A.D. 2014, is amended by:

1. Amending Schedule "A", the Zoning Map of The City of Saint John, by re-zoning a parcel of land having an area of approximately 13 hectares, located at 1003 Latimore Lake Road, also identified as being portions of PID Nos. 00033124 and 00333757, from Rural (RU) to Pits & Quarries (PQ) pursuant to a resolution adopted by Common Council under Section 59 of the Community Planning Act.

- all as shown on the plan attached hereto and forming part of this by-law.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the \* day of \*, A.D. 2019 and signed by:

---

Mayor/Maire

---

Common Clerk/Greffier communal

First Reading - June 3, 2019  
Second Reading - June 3, 2019  
Third Reading -

**ARRÊTÉ N° C.P. 111-76  
ARRÊTÉ MODIFIANT L'ARRÊTÉ DE  
ZONAGE DE THE CITY OF SAINT  
JOHN**

Lors d'une réunion du conseil communal, The City of Saint John a décrété ce qui suit :

L'arrêté sur le zonage de The City of Saint John, décrété le quinze (15) décembre 2014, est modifié par :

1. La modification de l'annexe «A», Plan de zonage de The City of Saint John, permettant de modifier la désignation pour une parcelle de terrain d'une superficie d'environ 13 hectares, située au 1003, chemin Latimore Lake, et portant de portions des NID 00033124 et 00333757, de zone rurale (RU) à zone de carrières et de gravières (PQ) conformément à une résolution adoptée par le conseil municipal en vertu de l'article 59 de la Loi sur l'urbanisme.

- toutes les modifications sont indiquées sur le plan ci-joint et font partie du présent arrêté.

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le 2019, avec les signatures suivantes :

Première lecture - le 3 juin 2019  
Deuxième lecture - le 3 juin 2019  
Troisième lecture -

GROWTH & COMMUNITY DEVELOPMENT SERVICES  
SERVICE DE LA CROISSANCE ET DU DÉVELOPPEMENT COMMUNAUTAIRE  
**REZONING / REZONAGE**

Amending Schedule “A” of the Zoning By-Law of The City of Saint John  
Modifiant Annexe «A» de l'Arrêté de zonage de The City of Saint John



**FROM / DE**

Rural  
Zone rurale

**RU**



**PQ**

**TO / À**

Pit and Quarry  
Zone de carrières  
et de gravières



Pursuant to a Resolution under Section 59 of the Community Planning Act  
Conformément à une resolution adoptée par le conseil municipal en vertu  
de l'article 59 de la Loi sur l'urbanisme

**Applicant:** Hughes Surveys & Consultants Inc.

**Location:** 1003 Latimore Lake Road

**PID(s)/NIP(s):** Portion of/de 00331124, portion of/de 00333757

**Considered by P.A.C./considéré par le C.C.U.:** May 22 mai, 2019

**Enacted by Council/Approuvé par le Conseil:**

**Filed in Registry Office/Enregistré le:**

**By-Law #/Arrêté #**

**Drawn By/Créée Par:** Andrew Pollock **Date Drawn/Carte Créée:** June 4 juin, 2019



### Section 59 Conditions – 1003 Latimore Lake Road

That, pursuant to the provisions of Section 59 of the Community Planning Act, the use of the parcel of land with an area of 13 hectares, located at 1003 Latimore Lake Road, also identified as a portion of PID Number 00331124 and a portion of PID Number 00333757, be subject to the following conditions:

- a. Site development not be undertaken except in accordance with a detailed site plan, which includes a phasing plan and method of excavation.
- b. All access to the site be limited to the existing driveway access located at 1003 Latimore Lake Road (PID No. 00329409). No access to the site is to be permitted through Pipeline Road East or at any other location.
- c. In addition to a 30 metre treed buffer separating the subject property from municipally-owned land to the north, a berm be constructed to provide further separation from the municipal water transmission main.

## COUNCIL REPORT

M&C No.	2019-150
Report Date	June 07, 2019
Meeting Date	June 17, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Demolition of vacant, dilapidated and dangerous building at 22 McLaughlin Road (PID 333930)***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Catherine Lowe</i></b>	<b><i>J Hamilton /A Poffenroth</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

RESOLVED, that the building located at 22 McLaughlin Road, PID# 333930, is to be demolished as it has become a hazard to the safety of the public by reason of dilapidation; and

BE IT FURTHER RESOLVED, that the building is to be demolished as it has become a hazard to the safety of the public by reason of unsoundness of structural strength; and

BE IT FURTHER RESOLVED, that one or more by-law enforcement officers appointed and designated under the Saint John Unsightly Premises and Dangerous Buildings and Structures By-law are hereby authorized to arrange for the demolition, in accordance with the applicable City purchasing policies.

### ***EXECUTIVE SUMMARY***

The purpose of this report is to advise Council that a Notice to Comply was issued under Part 13 of the *Local Governance Act* for the buildings at 22 McLaughlin Road. The hazardous conditions outlined in the Notice have not been remedied by the owner within the required time frame and staff is looking for authorization from Council to arrange the demolition of the building.

### ***PREVIOUS RESOLUTION***

N/A

## **REPORT**

Inspections of the property at 22 McLaughlin Road, PID# 333930, have revealed that there is one building on the premise; a single-storey, single unit dwelling. Staff first became aware of the property's vacancy in April 2019 and began standard enforcement procedures. On May 4, 2019 the Building suffered extensive damage due to a fire. The Saint John Fire Department deemed the Building a total loss. The property is located on the City's East Side in a rural residential zone. The Building is a hazard to the safety of the public by reason of being open, by reason of being vacant, by reason of dilapidation and by reason of unsoundness of structural strength.

For the reasons described in the attached Inspection Report, a Notice to Comply was issued on May 17, 2019 and was posted to the building on May 21, 2019, as per section 132(3) of the *Local Governance Act* that outlines acceptable methods of service. The Certificate of Registered Ownership lists one individual as the owner. The Notice provided the owner with 15 days to remedy the conditions at the property. The owner did not file a formal appeal and did not take remedial action to comply with the requirements of the Notice. A compliance inspection was conducted on June 3, 2019 which revealed that the conditions which gave rise to the Notice have not changed since the Notice was issued.

Attached for Council's reference is the Notice to Comply that was issued and the affidavit attesting to service on the owner via posting. Also included are photographs of the building. The *Local Governance Act* indicates that where a Notice to Comply has been issued arising from a condition where a building has become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength, the municipality may cause the building to be demolished. As required in the Act a report from an engineer is attached, forming part of the issued Notice to Comply, and provides the evidence to the buildings' vacancy, dilapidation, unsoundness of structural strength and resulting hazard to the safety of the public. A copy of the letter advising of the Common Council Hearing date and affidavit is attached; it was posted to the building on June 3, 2019.

## **STRATEGIC ALIGNMENT**

Enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law* aligns with Council's Vibrant, Safe City priority.

## **SERVICE AND FINANCIAL OUTCOMES**

As is written in the *Local Governance Act* that a municipality must commence in the proceedings of remedial action, approval of Common Council is required prior to starting demolition activities at the property. Total cost of the demolition work is approximated at \$10,000 and will take about 3-5 weeks before it is complete. Staff will seek competitive bidding in accordance with the City's purchasing policy

and the cost of the work will be billed to the property owner. If the bill is left unpaid, it will be submitted to the Province with a request for reimbursement.

***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

The City Solicitor's Office provided ownership verification by obtaining the Certificate of Registered Ownership for the property. Additionally, the City Solicitor's Office registered the Notice to Comply with Service New Brunswick's Land Registry.

***ATTACHMENTS***

Notice to Comply

Affidavit of Posting - Notice to Comply

Affidavit of Posting - Notice of Common Council Hearing Letter

Photos



**FORM 4**  
**NOTICE TO COMPLY – DANGEROUS OR**  
**UNSIGHTLY PREMISES**  
*(Local Governance Act, S.N.B., 2017, c.18, s 132(2))*

**Parcel identifier:**

PID #333930

Address: 22 McLaughlin Road, Saint John, New Brunswick

**Owner(s) or Occupier(s):**

Name: Boutilier, Michael Ward

Address: 24 McLaughlin Road, Saint John, New Brunswick, E2J 4S2

**Local government giving notice:** The City of Saint John

**By-law contravened:** *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law*, By-law Number M-30 and amendments thereto (the “By-law”).

**Provision(s) contravened:** Subsections 6(1), 6(2) and 6(3) of the By-law.

**Conditions(s) that exist:** The premise is unsightly by permitting junk, rubbish, refuse and a dilapidated building to remain on the premise. The building has become a hazard to the safety of the public by reason of being vacant or unoccupied and has become a hazard to the safety of the public by reason of dilapidation and by reason of unsoundness of structural strength. The conditions of the building and premise are described in Schedule “A”, a true copy of the inspection report dated May 17, 2019 prepared by Catherine Lowe, EIT, By-law Enforcement Officer, reviewed and concurred in by Rachel Van Wart, P.Eng., By-law Enforcement Officer.

**What must be done to correct the condition:** The owner is to remedy the conditions by complying with the required remedial actions of the aforementioned inspection report and bring the building and premises into compliance with the aforesaid By-law.

In the event that the owner does not remedy the condition of the building and premises in the time prescribed by this Notice to Comply, the building may be demolished as the corrective action to address the hazard to the safety of the public and the premises may be cleaned up.

In the event of demolition, all debris and items on the premises will be disposed of as the corrective action to address the hazard to the safety of the public.

The aforementioned remedial actions relating to the

**FORMULE 4**  
**AVIS DE CONFORMITÉ – LIEUX**  
**DANGEREUX**  
**OU INESTHÉTIQUES**  
*(Loi sur la gouvernance locale,*  
*L.N.-B. 2017, ch. 18, par. 132(2))*

**Numéro d’identification de la parcelle :**

NID : 333930

Adresse : 22, rue McLaughlin, Saint John, Nouveau-Brunswick

**Propriétaire(s) ou occupant(s) :**

Nom : Boutilier, Michael Ward

Adresse : 24, rue McLaughlin, Saint John, Nouveau-Brunswick, E2J 4S2

**Gouvernement local signifiant l’avis :** The City of Saint John

**Arrêté enfreint :** *Arrêté relatif aux lieux inesthétiques et aux bâtiments et constructions dangereux de Saint John*, Arrêté numéro M-30, ainsi que ses modifications ci-afférentes (l’ « Arrêté »).

**Disposition(s) enfreinte(s) :** Les paragraphes 6(1), 6(2) et paragraphe 6(3) de l’Arrêté.

**Description de la (des) situation(s) :** Les lieux sont inesthétiques en permettant la présence de ferraille, de détritux et le bâtiment délabré. Le bâtiment est devenu dangereuse pour la sécurité du public du fait de son inhabitation ou de son inoccupation et est devenu dangereuse pour la sécurité du public du fait de son délabrement et du fait de manque de solidité. Les conditions du bâtiment et des lieux sont décrites à l’annexe « A », une copie conforme du rapport d’inspection en date du 17 mai 2019 et préparé par Catherine Lowe, IS, une agente chargé de l’exécution des arrêtés du gouvernement local, révisé et en d’accorde avec par Rachel Van Wart, ing., une agente chargé de l’exécution des arrêtés du gouvernement local.

**Ce qu’il y a lieu de faire pour y remédier:** La propriétaire doit restaurer les conditions en se conformant aux recommandations du rapport d’inspection susmentionné et d’amener le bâtiment et les lieux en conformités avec l’Arrêté.

Dans l’éventualité que la propriétaire ne remédient pas le bâtiment et les lieux dans le temps prescrit par le présent avis de conformité, le bâtiment pourront être démolis comme mesure corrective compte tenu qu’il représente un danger pour la sécurité du public et les lieux pourront être nettoyés.

Dans l’éventualité de démolition, tous les débris et autres items sur les lieux seront disposés comme mesure corrective dans le but de remédier le danger pour la sécurité du public.

Les mesures correctives susmentionnées relativement

demolition of the building and the disposal of debris and items on the premises do not include the carry-out clean-up, site rehabilitation, restoration of land, premises or personal property or other remedial action in order to control or reduce, eliminate the release, alter the manner of release or the release of any contaminant into or upon the environment or any part of the environment.

**Date before which the condition must be corrected:**<sup>1</sup>

- a) The demolition of the building, clean-up of the property and related remedies must be complete, or plans and permit applications for repair related remedies, must be submitted: within 15 days of being served with the Notice to Comply.
- b) The repair related remedies must be complete within 120 days of being served with the Notice to Comply.

**Date for giving notice of appeal:** Within 14 days of being served with the Notice to Comply.

**Process to appeal:** The owner may within 14 days after having been served with this Notice to Comply, send a Notice of Appeal by registered mail to the Common Clerk of The City of Saint John, City Hall – 8<sup>th</sup> Floor, 15 Market Square, Saint John, New Brunswick, E2L 4L1.

**Potential penalty for not complying with notice within time set out in notice:**<sup>2</sup> Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

à la démolition du bâtiment et la disposition des débris et autres items sur les lieux ne comprennent pas le nettoyage, la remise en état des lieux, des terrains ou des biens personnels ou toute autre mesure corrective dans le but de contrôler ou de réduire, d'éliminer le déversement, de modifier le mode de déversement ou le déversement d'un polluant dans ou sur l'environnement ou toute partie de l'environnement.

**Délai imparti pour y remédier :**<sup>1</sup>

- a) La démolition du bâtiment et le nettoyage des lieux doivent être complétés, ou à laquelle les plans et demande de permis pour les mesures des réparations, doivent être soumises, dans les 15 jours qui suivent la signification de l'avis de conformité.
- b) Les réparations reliées aux mesures doivent être complétées dans les 120 jours qui suivent la signification de l'avis de conformité.

**Date limite pour donner l'avis d'appel:** Dans les 14 jours qui suivent la notification de l'avis de conformité.

**Processus d'appel :** La propriétaire peut dans les 14 jours qui suivent la notification de l'avis de conformité, envoyé un avis d'appel par courrier recommandé à la greffière communale de la municipalité, à The City of Saint John, Édifice de l'hôtel de ville, 8<sup>e</sup> étage, 15 Market Square, Saint John, Nouveau-Brunswick, E2L 4L1.

**Peine possible en cas d'omission de se conformer aux exigences de l'avis dans le délai y imparti :**<sup>2</sup> Le paragraphe 11(1) de l'Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Lorsqu'une infraction prévue au paragraphe 11(1) se poursuit pendant plus d'une journée, l'amende minimale qui peut être imposée est l'amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l'infraction se poursuit conformément à l'alinéa 11(3)b)i).

**Local government’s authority to undertake repairs or remedy:**<sup>3</sup> Paragraphs 12(1)(a), 12(1)(b) and 12(1)(c) of the By-law state that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired, or cause the building or other structure of that owner or occupier to be repaired or demolished. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

**Pouvoir du gouvernement local d’entreprendre des réparations ou de remédier à la situation :**<sup>3</sup> Conformément aux alinéas 12(1)a), 12(1)b) et 12(1)c) de l’Arrêté, si un avis de conformité a été signifié aux termes de l’article 7 de ladite Arrêté et, que le propriétaire ou l’occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu’il est réputé confirmé ou tel qu’il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant ou de faire réparer ou démolir le bâtiment ou autre construction de ce propriétaire ou de cet occupant, et les coûts afférents à l’exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l’occupant et deviennent une créance de la municipalité.

**Dated** at Saint John the 17 day of May, 2019.

**Fait** à Saint John le \_\_\_\_ mai, 2019.

**Local government:** The City of Saint John

**Gouvernement locale :** The City of Saint John

**Signature of the officer of the local government:**

**Signature du fonctionnaire du gouvernement local:**

Catherine Lowe

\_\_\_\_\_

**Contact information of the officer of the local government:**

**Coordonnées du fonctionnaire du gouvernement local:**

Name: Catherine Lowe, EIT  
Mailing address:

Nom : Catherine Lowe, IS  
Adresse postale:

Growth and Community Development Services

Service de la Croissance et du Développement Communautaire

The City of Saint John  
15 Market Square  
City Hall Building, 10<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

The City of Saint John  
15 Market Square  
Édifice de l’hôtel de ville, 10e étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Telephone: (506) 658-2911  
E-mail: [catherine.lowe@saintjohn.ca](mailto:catherine.lowe@saintjohn.ca)  
Fax: (506) 632-6199

Téléphone : (506) 658-2911  
Adresse électronique: [catherine.lowe@saintjohn.ca](mailto:catherine.lowe@saintjohn.ca)  
Télécopieur : (506) 632-6199

**Corporate seal of the local government**

**Sceau du gouvernement local**



- Notes:**
1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.
  2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.
  3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

- Notes :**
1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l’exécution des mesures de remédiation.
  2. Le paiement de l’amende n’a pas pour effet d’annuler l’obligation de se conformer à l’arrêté, à la norme ou à l’avis.
  3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l’avis commun d’évaluation et d’impôt foncier des gouvernements local et provincial.

**INSPECTION REPORT**  
**Schedule "A"**  
**22 McLaughlin Road**  
**Saint John, New Brunswick**  
**PID# 333930**

**Inspection Date: May 17, 2019**  
**Inspection Conducted by: Catherine Lowe, EIT**

I hereby certify that this document is a true copy of the original.

Dated at Saint John,  
this 17 day of  
May 2019.

Catherine Lowe  
Standards Officer

## Introduction

Inspections of the property at 22 McLaughlin Road, PID# 333930, have revealed that there is one building on the premise (the "Building"); a single-storey, single unit dwelling. Staff first became aware of the property's vacancy in April 2019 and began standard enforcement procedures. On May 4, 2019 the Building suffered extensive damage due to a fire. The Saint John Fire Department deemed the Building a total loss. The property is located on the City's East Side in a rural residential zone. The property is land locked and may only be accessed by a right of way through the driveway of the property at 20 McLaughlin Road. The Building is a hazard to the safety of the public by reason of being open, by reason of being vacant, by reason of dilapidation and by reason of unsoundness of structural strength.

## Discussion

The Building is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

### Unsightly Premise Conditions

Subsection 6(1) of the By-law states:

No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of such premises

- (a) any ashes, junk, rubbish or refuse;
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction;
- (c) a derelict vehicle, equipment, machinery or the body of any part of a vehicle equipment or machinery, or
- (d) a dilapidated building.

1. There is an accumulation of junk, rubbish, and refuse on the property. These items include, but are not limited to; piled wooden boards, discarded wood, wood pallets, tires, large plastic barrels, a section of a transport truck cab, various discarded machinery and appliances, fire damaged debris, broken glass and other various loose garbage. The aforementioned accumulation of junk, rubbish, and refuse is unsightly.
2. The Building is dilapidated. The fire started at the rear of the Building and made its way into the attic space and towards the front of the Building. A section of the wall at the rear left corner of the Building is missing, likely due to extensive damage and firefighting efforts. The interior of the rear of the Building is completely charred. The roof at the rear of the Building has collapsed, while other sections are sagging. There are many holes in the walls of all sides of the Building due to firefighting efforts. All the windows of the Building are broken with jagged glass remaining in the window frame. These conditions are unsightly.



## **Vacant and Unoccupied**

Subsection 6(2) of the By-law states:

No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of being vacant or unoccupied.

The Building is a hazard to the safety of the public by reason of being vacant or unoccupied for the following reasons:

1. The owner has confirmed that they no longer live at the property and the Building is vacant. The owner also confirmed there is no insurance on the Building. The owner does not have plans to repair the Building and believes that it is no longer their responsibility. There is a judgement on title from the Bank of Montreal, however attempts to contact a responsible party at the Bank have yielded no results. Essentially the Building is abandoned and its current condition will not be remedied. The Building's condition will only worsen over time if action is not taken.
2. Buildings that are in a dilapidated condition can attract vandalism, arson, or criminal activity as well as pose a hazard to the safety of the public and devalue properties in the surrounding area. The Building is not secure as all doors are open and a portion of the rear wall has been removed. Power was disconnected to the Building by Saint John Energy on May 4, 2019 when the fire occurred. Major repairs would have to be undertaken in order to have power services restored. The property is not serviced by the City's water department as it has a well and septic system. Septic and well systems that are not maintained can create serious environmental concerns as well as health concerns for the neighbors who also rely on well water.
3. The fire that occurred at the Building is negatively affecting the neighbors on McLaughlin Road. The property is adjacent to 20 McLaughlin Road, is directly behind 28 McLaughlin Road and is diagonal to the rear of 32 McLaughlin Road. All three properties are single family homes. The owners appear to take very good care of their respective properties and are now being subject to a dangerous and vacant, fire damaged building to the rear of their properties. If another fire were to occur at the Building it could spread to the neighboring properties which could cause damage to the buildings and endanger the lives of the occupants.
4. There is a concern for emergency personnel safety in the event of an emergency. There is a lot of junk scattered around the property. There is now glass and fire damaged debris with protruding nails scattered across the property. There is also a septic system to the right of the Building that does not meet code. The opening of the septic tank is covered only by rotten wooden boards and the ground around the boards is soft. These condition pose a hazard to emergency personnel and could hinder their movements around the property should they need to respond to an event.

## **Dilapidated and Structurally Unsound Building Conditions**

Subsection 6(3) of the By-law states

No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of dilapidation and by reason of unsoundness of structural strength for the following reasons:

1. The Building is dilapidated and structurally unsound. The fire appears to have begun at the rear of the Building and spread into the attic and towards the front of the Building. The walls of the rear left corner of the Building have been removed, revealing the interior of the rear portion of the Building. All ceilings, walls, floors and items that were in this portion of the Building are charred black due to fire damage. Sections of wall towards the roof line of the rear and left side of the Building have been removed, revealing extremely charred framing members. A section of the roof has completely collapsed while the remaining roof structure is sagging and fire damaged. Not only is the structural integrity of the roof system compromised by fire damage, it is now also subject to the elements which could cause further failure due to material deterioration.
2. A section of floor at the rear of the Building has been removed, revealing the ground beneath the Building. The Building is built on a pier and beam foundation directly on the soil. Now that the soil is exposed to water from firefighting efforts and rain, it could become more saturated and unstable. The increase in moisture beneath the Building could cause the wooden beams to deteriorate, causing further unsoundness of structural strength.
3. The concrete cinder blocks which aided in supporting the Building and enclosed the pier and beam foundation have failed in a number of locations on the left side of the Building. Some blocks are missing entirely while others are significantly out of plumb. This condition coupled with the severe fire damage in this area renders the Building structurally unsound.
4. Through the broken windows of the Building the interior can be seen. Most items and surfaces in the Building suffered major fire damage. The odour given off by the charred materials can be smelt even beyond the property lines. Areas that were not significantly damaged by the fire are water damaged due to firefighting efforts and exposure to the elements. Insulation and drywall from the ceiling and walls rests in wet piles on the floor and over items in the Building. Damp materials left in this condition can cause mold growth. Both the odour and mold spores can be carried from the Building to the surrounding area by wind. These conditions are a respiratory hazard to anyone near the property.

### **Required Remedial Actions**

The owner must comply with one of the two options stated below:

**Option 1:** Remedy the conditions of the Buildings through all repair and remedial actions as follows:

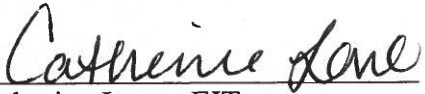
1. The Building must be must be completely repaired to remedy the above mentioned hazards to public safety while meeting the requirements of the *National Building Code of Canada (2010)* as well as all other applicable by-laws.
2. The Building must be maintained, kept secure, and monitored on a routine basis while the property remains vacant or unoccupied.
3. A detailed plan must be submitted to the Growth and Community Development Services Department of the City of Saint John (the “Department”) for review and approval. The plan should also include a schedule for the work that is to be carried out. The repaired Building must meet the *National Building Code of Canada (2010)* as well as other applicable codes.
4. The detailed plan, including schedules and any engineering reports, must be approved by the Department prior to commencing repair work.

5. A building permit must be obtained for any and all applicable work prior to commencing said work from the City of Saint John in order to comply with the *Saint John Building By-law*, By-law Number C.P. 102 and amendments thereto (the "*Saint John Building By-law*").
6. The premise must be cleared of all debris found on the property, including any and all rubbish that may be considered hazardous or unsightly. The debris from the premise must be disposed of at an approved solid waste disposal site, in accordance with all applicable by-laws, acts and regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department. The premise must comply with all applicable By-laws, Acts, Codes and Regulations.

**Option 2:** Demolition of the Building and cleanup of all debris on the premise by complying with all the remedial actions as follows:


1. The Building must be demolished to remove the hazard to the safety of the public by reason of dilapidation and by reason of being vacant or unoccupied.
2. A demolition permit must be obtained from the City of Saint John in order to comply with the *Saint John Building By-law*.
3. The premise must be cleared of the debris from the demolition and the lot must be made reasonably level with grade so as to not create a tripping or falling hazard. All debris must be disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.
4. All debris that is currently on the premise must be removed and disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.
5. The property must be in compliance with all applicable By-laws, Acts and Regulations.

Prepared by:

  
 Catherine Lowe, EIT  
 Technical Services Officer  
 Growth and Community Development Services

May 17 / 2019  
 Date

Reviewed by and concurred in by:

  
 Rachel Van Wart, P.Eng.  
 Technical Services Officer  
 Growth and Community Development Services

May 17 / 2019.  
 Date

CANADA  
PROVINCE OF NEW BRUNSWICK  
COUNTY OF SAINT JOHN

IN THE MATTER OF THE BUILDING THAT IS LOCATED AT

22 McLaughlin Road, SAINT JOHN, N.B. ( PID number 333930)

AFFIDAVIT OF SERVICE

I, Catherine Lowe, of Saint John, N.B., Make Oath And Say As Follows:

1. I am employed by The City of Saint John in its Growth and Community Development Services Department. I have personal knowledge of the matters herein deposed except where otherwise stated.

2. On May 21, 2019, at approximately 4:43pm, I posted a copy of the attached Notice to Comply, marked Exhibit "A" and Notice of Appeal, marked Exhibit "B" to the front door of the building that is located at 22 McLaughlin Road, Saint John, N.B.

Sworn To before me at the  
City of Saint John, N.B.,  
on the 11<sup>th</sup> day of  
June, 2019

Julie Rocca  
Commissioner of Oaths  
My Commission Expires  
December 31, 2022

Julie Rocca

Catherine Lowe  
Catherine Lowe



FORM 4  
NOTICE TO COMPLY – DANGEROUS OR  
UNSAFELY PREMISES  
(Local Governance Act, S.N.B. 2017, c. 18, s. 132(2))

Parcel identifier:

PID #333930

Address: 22 McLaughlin Road, Saint John, New Brunswick

Owner(s) or Occupier(s):

Name: Boutilier, Michael Ward

Address: 24 McLaughlin Road, Saint John, New Brunswick, E2J 4S2

Local government giving notice: The City of Saint John

By-law contravened: Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law, By-law Number M-30 and amendments thereto (the "By-law").

Provision(s) contravened: Subsections 6(1), 6(2) and 6(3) of the By-law.

Conditions(s) that exist: The premise is unsightly by permitting junk, rubbish, refuse and a dilapidated building to remain on the premise. The building has become a hazard to the safety of the public by reason of being vacant or unoccupied and has become a hazard to the safety of the public by reason of dilapidation and by reason of unsoundness of structural strength. The conditions of the building and premise are described in Schedule "A", a true copy of the inspection report dated May 17, 2019 prepared by Catherine Lowe, EIT, By-law Enforcement Officer, reviewed and concurred in by Rachel Van Wart, P.Eng., By-law Enforcement Officer.

What must be done to correct the condition: The owner is to remedy the conditions by complying with the required remedial actions of the aforementioned inspection report and bring the building and premises into compliance with the aforesaid By-law.

In the event that the owner does not remedy the condition of the building and premises in the time prescribed by this Notice to Comply, the building may be demolished as the corrective action to address the hazard to the safety of the public and the premises may be cleaned up.

In the event of demolition, all debris and items on the premises will be disposed of as the corrective action to address the hazard to the safety of the public.

The aforementioned remedial actions relating to the

FORMULE 4  
AVIS DE CONFORMITÉ – LIEUX  
DANGEREUX  
OU INESTHÉTIQUES  
(Loi sur la gouvernance locale,  
L.N.-B. 2017, ch. 18, par. 132(2))

Numéro d'identification de la parcelle :

NID : 333930

Adresse : 22, rue McLaughlin, Saint John, Nouveau-Brunswick

Propriétaire(s) ou occupant(s) :

Nom : Boutilier, Michael Ward

Adresse : 24, rue McLaughlin, Saint John, Nouveau-Brunswick, E2J 4S2

Gouvernement local signifiant l'avis : The City of Saint John

Arrêté enfreint : Arrêté relatif aux lieux inesthétiques et aux bâtiments et constructions dangereux de Saint John, Arrêté numéro M-30, ainsi que ses modifications ci-afférentes (l'« Arrêté »).

Disposition(s) enfreinte(s) : Les paragraphes 6(1), 6(2) et paragraphe 6(3) de l'Arrêté.

Description de la (des) situation(s) : Les lieux sont inesthétiques en permettant la présence de ferraille, de débris et le bâtiment délabré. Le bâtiment est devenu dangereux pour la sécurité du public du fait de son inhabitation ou de son inoccupation et est devenu dangereux pour la sécurité du public du fait de son délabrement et du fait de manque de solidité. Les conditions du bâtiment et des lieux sont décrites à l'annexe « A », une copie conforme du rapport d'inspection en date du 17 mai 2019 et préparé par Catherine Lowe, IS, une agente chargée de l'exécution des arrêtés du gouvernement local, révisé et en d'accorde avec par Rachel Van Wart, ing., une agente chargée de l'exécution des arrêtés du gouvernement local.

Ce qu'il y a lieu de faire pour y remédier: La propriétaire doit restaurer les conditions en se conformant aux recommandations du rapport d'inspection susmentionné et d'amener le bâtiment et les lieux en conformité avec l'Arrêté.

Dans l'éventualité que la propriétaire ne remédient pas le bâtiment et les lieux dans le temps prescrit par le présent avis de conformité, le bâtiment pourront être démolis comme mesure corrective compte tenu qu'il représente un danger pour la sécurité du public et les lieux pourront être nettoyés.

Dans l'éventualité de démolition, tous les débris et autres items sur les lieux seront disposés comme mesure corrective dans le but de remédier le danger pour la sécurité du public.

Les mesures correctives susmentionnées relativement

demolition of the building and the disposal of debris and items on the premises do not include the carry-out clean-up, site rehabilitation, restoration of land, premises or personal property or other remedial action in order to control or reduce, eliminate the release, alter the manner of release or the release of any contaminant into or upon the environment or any part of the environment.

**Date before which the condition must be corrected: <sup>1</sup>**

- a) The demolition of the building, clean-up of the property and related remedies must be complete, or plans and permit applications for repair related remedies, must be submitted: within 15 days of being served with the Notice to Comply.
- b) The repair related remedies must be complete within 120 days of being served with the Notice to Comply.

**Date for giving notice of appeal:** Within 14 days of being served with the Notice to Comply.

**Process to appeal:** The owner may within 14 days after having been served with this Notice to Comply, send a Notice of Appeal by registered mail to the Common Clerk of The City of Saint John, City Hall – 8<sup>th</sup> Floor, 15 Market Square, Saint John, New Brunswick, E2L 4L1.

**Potential penalty for not complying with notice within time set out in notice:**<sup>2</sup> Subsection 11(1) of the By-law states that a person who fails to comply with the terms of a Notice to Comply given under section 7 of the said By-law, commits an offence that is punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under subsection 11(1) continues for more than one day, the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues pursuant to subparagraph 11(3)(b)(i).

à la démolition du bâtiment et la disposition des débris et autres items sur les lieux ne comprennent pas le nettoyage, la remise en état des lieux, des terrains ou des biens personnels ou toute autre mesure corrective dans le but de contrôler ou de réduire, d'éliminer le déversement, de modifier le mode de déversement ou le déversement d'un polluant dans ou sur l'environnement ou toute partie de l'environnement.

**Délai imparti pour y remédier: <sup>1</sup>**

- a) La démolition du bâtiment et le nettoyage des lieux doivent être complétés, ou à laquelle les plans et demande de permis pour les mesures des réparations, doivent être soumises, dans les 15 jours qui suivent la signification de l'avis de conformité.
- b) Les réparations reliées aux mesures doivent être complétées dans les 120 jours qui suivent la signification de l'avis de conformité.

**Date limite pour donner l'avis d'appel:** Dans les 14 jours qui suivent la notification de l'avis de conformité.

**Processus d'appel :** La propriétaire peut dans les 14 jours qui suivent la notification de l'avis de conformité, envoyé un avis d'appel par courrier recommandé à la greffière communale de la municipalité, à The City of Saint John, Édifice de l'hôtel de ville, 8<sup>e</sup> étage, 15 Market Square, Saint John, Nouveau-Brunswick, E2L 4L1.

**Peine possible en cas d'omission de se conformer aux exigences de l'avis dans le délai y imparti: <sup>2</sup>** Le paragraphe 11(1) de l'Arrêté prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 7 de ladite Arrêté, commet une infraction qui est punissable en vertu de la partie 2 de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Lorsqu'une infraction prévue au paragraphe 11(1) se poursuit pendant plus d'une journée, l'amende minimale qui peut être imposée est l'amende minimale prévue par la *Loi sur la procédure applicable aux infractions provinciales* pour une infraction de la classe F multipliée par le nombre de jours pendant lesquels l'infraction se poursuit conformément à l'alinéa 11(3)b(i).

**Local government's authority to undertake repairs or remedy:**<sup>3</sup> Paragraphs 12(1)(a), 12(1)(b) and 12(1)(c) of the By-law state that if an owner or occupier does not comply with a Notice to Comply given under section 7 within the time set out in the said Notice, the City may, cause the premises of that owner or occupier to be cleaned up or repaired, or cause the building or other structure of that owner or occupier to be repaired or demolished. Further, subsection 12(3) of the By-law states that the cost of carrying out such work, including any associated charge or fee, is chargeable to the owner or occupier and becomes a debt due to the City.

**Pouvoir du gouvernement local d'entreprendre des réparations ou de remédier à la situation :**<sup>3</sup> Conformément aux alinéas 12(1)a), 12(1)b) et 12(1)c) de l'Arrêté, si un avis de conformité a été signifié aux termes de l'article 7 de ladite Arrêté et, que le propriétaire ou l'occupant ne se conforme pas à cet avis de conformité dans le délai imparti et tel qu'il est réputé confirmé ou tel qu'il est confirmé ou modifié par un comité du conseil ou par un juge en vertu le paragraphe 12(3) de ladite Arrêté, la municipalité peut faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant ou de faire réparer ou démolir le bâtiment ou autre construction de ce propriétaire ou de cet occupant, et les coûts afférents à l'exécution des ouvrages, y compris toute redevance ou tout droit connexe, sont mis à la charge du propriétaire ou de l'occupant et deviennent une créance de la municipalité.

**Dated** at Saint John the 17 day of May, 2019.

**Fait** à Saint John le \_\_\_\_ mai, 2019.

**Local government:** The City of Saint John

**Gouvernement locale :** The City of Saint John

**Signature of the officer of the local government:**

**Signature du fonctionnaire du gouvernement local:**

*Catherine Lowe*

**Contact information of the officer of the local government:**

**Coordonnées du fonctionnaire du gouvernement local:**

Name: Catherine Lowe, EIT  
Mailing address:

Nom : Catherine Lowe, IS  
Adresse postale:

Growth and Community Development Services

Service de la Croissance et du Développement  
Communautaire

The City of Saint John  
15 Market Square  
City Hall Building, 10<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

The City of Saint John  
15 Market Square  
Édifice de l'hôtel de ville, 10<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Telephone: (506) 658-2911  
E-mail: [catherine.lowe@saintjohn.ca](mailto:catherine.lowe@saintjohn.ca)  
Fax: (506) 632-6199

Téléphone : (506) 658-2911  
Adresse électronique: [catherine.lowe@saintjohn.ca](mailto:catherine.lowe@saintjohn.ca)  
Télécopieur : (506) 632-6199

**Corporate seal of the local government**

**Sceau du gouvernement local**



**Notes:**

1. All appropriate permits must be obtained and all relevant legislation must be complied with in the course of carrying out the required remedial action.

2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.

3. Costs become a debt due to the local government and may be added to the joint local government and provincial Real Property Assessment and Tax Notice.

**Notes :**

1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.

2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.

3. Les coûts deviennent une créance du gouvernement local et peuvent être ajoutés à l'avis commun d'évaluation et d'impôt foncier des gouvernements local et provincial.

**INSPECTION REPORT**  
**Schedule "A"**  
**22 McLaughlin Road**  
**Saint John, New Brunswick**  
**PID# 333930**

I hereby certify that this document is a true copy of the original.

Dated at Saint John,  
this 17 day of  
May 2019.

Catherine Lowe  
Standards Officer

**Inspection Date: May 17, 2019**  
**Inspection Conducted by: Catherine Lowe, EIT**

## **Introduction**

Inspections of the property at 22 McLaughlin Road, PID# 333930, have revealed that there is one building on the premise (the "Building"); a single-storey, single unit dwelling. Staff first became aware of the property's vacancy in April 2019 and began standard enforcement procedures. On May 4, 2019 the Building suffered extensive damage due to a fire. The Saint John Fire Department deemed the Building a total loss. The property is located on the City's East Side in a rural residential zone. The property is land locked and may only be accessed by a right of way through the driveway of the property at 20 McLaughlin Road. The Building is a hazard to the safety of the public by reason of being open, by reason of being vacant, by reason of dilapidation and by reason of unsoundness of structural strength.

## **Discussion**

The Building is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

### **Unsightly Premise Conditions**

Subsection 6(1) of the By-law states:

No person shall permit premises owned or occupied by him or her to be unsightly by permitting to remain on any part of such premises

- (a) any ashes, junk, rubbish or refuse;
- (b) an accumulation of wood shavings, paper, sawdust or other residue of production or construction;
- (c) a derelict vehicle, equipment, machinery or the body of any part of a vehicle equipment or machinery, or
- (d) a dilapidated building.

1. There is an accumulation of junk, rubbish, and refuse on the property. These items include, but are not limited to; piled wooden boards, discarded wood, wood pallets, tires, large plastic barrels, a section of a transport truck cab, various discarded machinery and appliances, fire damaged debris, broken glass and other various loose garbage. The aforementioned accumulation of junk, rubbish, and refuse is unsightly.
2. The Building is dilapidated. The fire started at the rear of the Building and made its way into the attic space and towards the front of the Building. A section of the wall at the rear left corner of the Building is missing, likely due to extensive damage and firefighting efforts. The interior of the rear of the Building is completely charred. The roof at the rear of the Building has collapsed, while other sections are sagging. There are many holes in the walls of all sides of the Building due to firefighting efforts. All the windows of the Building are broken with jagged glass remaining in the window frame. These conditions are unsightly.



## **Vacant and Unoccupied**

Subsection 6(2) of the By-law states:

No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of being vacant or unoccupied.

The Building is a hazard to the safety of the public by reason of being vacant or unoccupied for the following reasons:

1. The owner has confirmed that they no longer live at the property and the Building is vacant. The owner also confirmed there is no insurance on the Building. The owner does not have plans to repair the Building and believes that it is no longer their responsibility. There is a judgement on title from the Bank of Montreal, however attempts to contact a responsible party at the Bank have yielded no results. Essentially the Building is abandoned and its current condition will not be remedied. The Building's condition will only worsen over time if action is not taken.
2. Buildings that are in a dilapidated condition can attract vandalism, arson, or criminal activity as well as pose a hazard to the safety of the public and devalue properties in the surrounding area. The Building is not secure as all doors are open and a portion of the rear wall has been removed. Power was disconnected to the Building by Saint John Energy on May 4, 2019 when the fire occurred. Major repairs would have to be undertaken in order to have power services restored. The property is not serviced by the City's water department as it has a well and septic system. Septic and well systems that are not maintained can create serious environmental concerns as well as health concerns for the neighbors who also rely on well water.
3. The fire that occurred at the Building is negatively affecting the neighbors on McLaughlin Road. The property is adjacent to 20 McLaughlin Road, is directly behind 28 McLaughlin Road and is diagonal to the rear of 32 McLaughlin Road. All three properties are single family homes. The owners appear to take very good care of their respective properties and are now being subject to a dangerous and vacant, fire damaged building to the rear of their properties. If another fire were to occur at the Building it could spread to the neighboring properties which could cause damage to the buildings and endanger the lives of the occupants.
4. There is a concern for emergency personnel safety in the event of an emergency. There is a lot of junk scattered around the property. There is now glass and fire damaged debris with protruding nails scattered across the property. There is also a septic system to the right of the Building that does not meet code. The opening of the septic tank is covered only by rotten wooden boards and the ground around the boards is soft. These conditions pose a hazard to emergency personnel and could hinder their movements around the property should they need to respond to an event.

## **Dilapidated and Structurally Unsound Building Conditions**

Subsection 6(3) of the By-law states

No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of dilapidation and by reason of unsoundness of structural strength for the following reasons:

1. The Building is dilapidated and structurally unsound. The fire appears to have begun at the rear of the Building and spread into the attic and towards the front of the Building. The walls of the rear left corner of the Building have been removed, revealing the interior of the rear portion of the Building. All ceilings, walls, floors and items that were in this portion of the Building are charred black due to fire damage. Sections of wall towards the roof line of the rear and left side of the Building have been removed, revealing extremely charred framing members. A section of the roof has completely collapsed while the remaining roof structure is sagging and fire damaged. Not only is the structural integrity of the roof system compromised by fire damage, it is now also subject to the elements which could cause further failure due to material deterioration.
2. A section of floor at the rear of the Building has been removed, revealing the ground beneath the Building. The Building is built on a pier and beam foundation directly on the soil. Now that the soil is exposed to water from firefighting efforts and rain, it could become more saturated and unstable. The increase in moisture beneath the Building could cause the wooden beams to deteriorate, causing further unsoundness of structural strength.
3. The concrete cinder blocks which aided in supporting the Building and enclosed the pier and beam foundation have failed in a number of locations on the left side of the Building. Some blocks are missing entirely while others are significantly out of plumb. This condition coupled with the severe fire damage in this area renders the Building structurally unsound.
4. Through the broken windows of the Building the interior can be seen. Most items and surfaces in the Building suffered major fire damage. The odour given off by the charred materials can be smelt even beyond the property lines. Areas that were not significantly damaged by the fire are water damaged due to firefighting efforts and exposure to the elements. Insulation and drywall from the ceiling and walls rests in wet piles on the floor and over items in the Building. Damp materials left in this condition can cause mold growth. Both the odour and mold spores can be carried from the Building to the surrounding area by wind. These conditions are a respiratory hazard to anyone near the property.

### **Required Remedial Actions**

The owner must comply with one of the two options stated below:

**Option 1:** Remedy the conditions of the Buildings through all repair and remedial actions as follows:

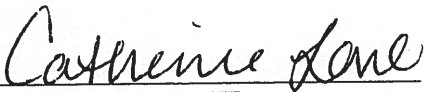
1. The Building must be completely repaired to remedy the above mentioned hazards to public safety while meeting the requirements of the *National Building Code of Canada (2010)* as well as all other applicable by-laws.
2. The Building must be maintained, kept secure, and monitored on a routine basis while the property remains vacant or unoccupied.
3. A detailed plan must be submitted to the Growth and Community Development Services Department of the City of Saint John (the "Department") for review and approval. The plan should also include a schedule for the work that is to be carried out. The repaired Building must meet the *National Building Code of Canada (2010)* as well as other applicable codes.
4. The detailed plan, including schedules and any engineering reports, must be approved by the Department prior to commencing repair work.

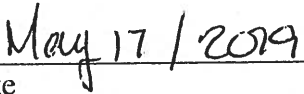
5. A building permit must be obtained for any and all applicable work prior to commencing said work from the City of Saint John in order to comply with the *Saint John Building By-law*, By-law Number C.P. 102 and amendments thereto (the "*Saint John Building By-law*").
6. The premise must be cleared of all debris found on the property, including any and all rubbish that may be considered hazardous or unsightly. The debris from the premise must be disposed of at an approved solid waste disposal site, in accordance with all applicable by-laws, acts and regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department. The premise must comply with all applicable By-laws, Acts, Codes and Regulations.

**Option 2:** Demolition of the Building and cleanup of all debris on the premise by complying with all the remedial actions as follows:

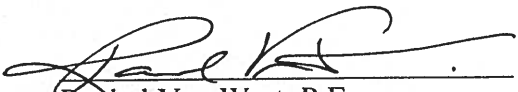
1. The Building must be demolished to remove the hazard to the safety of the public by reason of dilapidation and by reason of being vacant or unoccupied.
2. A demolition permit must be obtained from the City of Saint John in order to comply with the *Saint John Building By-law*.
3. The premise must be cleared of the debris from the demolition and the lot must be made reasonably level with grade so as to not create a tripping or falling hazard. All debris must be disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.
4. All debris that is currently on the premise must be removed and disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.
5. The property must be in compliance with all applicable By-laws, Acts and Regulations.

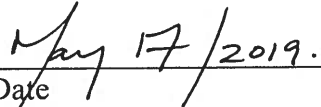
Prepared by:

  
 Catherine Lowe, EIT  
 Technical Services Officer  
 Growth and Community Development Services

  
 Date

Reviewed by and concurred in by:

  
 Rachel Van Wart, P.Eng.  
 Technical Services Officer  
 Growth and Community Development Services

  
 Date

This is Exhibit "B"  
Referred to in the Affidavit of  
Catherine Lowe  
Sworn before me at the City  
Saint John, New Brunswick  
the 11 day of June 2019  
Julie Rocco  
Commissioner of Oaths

Schedule "A"  
  
FORM 1  
NOTICE OF APPEAL

Annexe « A »  
  
FORMULE 1  
AVIS D'APPEL

File No.: \_\_\_\_\_

N° du dossier : \_\_\_\_\_

BETWEEN :

ENTRE :

\_\_\_\_\_,  
Appellant(s),  
- and -

\_\_\_\_\_,  
Appellant(s),  
- et -

THE CITY OF SAINT JOHN,

THE CITY OF SAINT JOHN,

Respondent.

Intimée.

Parcel Identifier : PID #  
\_\_\_\_\_

Numéro d'identification de la parcelle : # NID  
\_\_\_\_\_

Parcel Address: \_\_\_\_\_  
\_\_\_\_\_

Adresse de la parcelle : \_\_\_\_\_  
\_\_\_\_\_

Owner(s) or Occupier(s):

Propriétaire(s) ou occupant(s) :

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Adresse : \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Adresse : \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

The above named appellant(s) is (are) not satisfied  
with the terms and conditions set out in:

L'appelant ou les appelants susnommé(s) n'accepte(nt)  
pas les modalités ou les conditions qui sont énoncés  
dans :

(a) a Notice that was given under section 7 of the  
*Saint John Unsightly Premises and Dangerous  
Buildings and Structures By-Law*; or

(a) un AVIS qui a été donné en vertu de l'article 7 de  
l'Arrêté relatif aux lieux inesthétiques et aux  
bâtiments et constructions dangereux dans *The  
City of Saint John*; ou

(b) an Order that was issued under section 25 of the  
*Saint John Minimum Property Standards By-  
Law*;

(b) une ORDONNANCE qui a été émise en vertu de  
l'article 25 de l'Arrêté concernant les normes  
minimales régissant les résidences de Saint John

and therefore appeals to the *Saint John Substandard  
Properties Appeal Committee*.

et fait ainsi appel devant le *Comité des appels sur les  
résidences non conformes aux normes de Saint John*.

The appellant's grounds for this appeal are as follows  
(set out the grounds clearly but briefly):

Les motifs d'appel de l'appelant(s) dans le présent  
appel sont les suivants (énoncer les motifs de façon



claire et concise) :

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Fait à \_\_\_\_\_ le \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Signature of owner or occupier

\_\_\_\_\_  
Signature du propriétaire ou de l'occupant

The appellant(s) intends to proceed in the English [ ] or French [ ] language (Please check the appropriate box).

L'appelant a ou les appelants ont l'intention d'utiliser la langue française [ ] ou anglaise [ ] (Veuillez cocher la case appropriée).

*Please forward your Notice of Appeal by registered mail to the Common Clerk within **fourteen (14) days** after having been given the Notice or Order at the following address:*

*Veillez faire parvenir votre AVIS D'APPEL par courrier recommandé au greffier communal dans les **quatorze (14) jours** qui suivent la notification de l'AVIS ou de l'ORDONNANCE à l'adresse suivante :*

Common Clerk's Office  
15 Market Square, City Hall Building, 8<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Bureau du greffier communal  
15 Market Square, Édifice de l'hôtel de ville, 8<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Telephone: 506-658-2862  
Facsimile: 506-674-4214

Téléphone : 506-658-2862  
Facsimilé : 506-674-4214

**Notes:**

**Notes :**

1. A Notice or Order that is not appealed within **fourteen (14) days** after having been given or issued shall be deemed to be confirmed.
2. On an appeal, the *Saint John Substandard Properties Appeal Committee* shall hold a hearing into the matter at which the owner(s) or occupier(s) bringing the appeal has (have) a right to be heard and may be represented by counsel.
3. On an appeal, the *Saint John Substandard Properties Appeal Committee* may confirm, modify or rescind the Notice or Order, or extend the time for complying with the Notice or Order.
4. The *Saint John Substandard Properties Appeal Committee* shall provide a copy of its decision to the owner(s) or occupier(s) of the premises, building or structure who brought the appeal within **fourteen (14) days** after making its decision.

1. Un AVIS ou une ORDONNANCE dont il n'est pas interjeté appel dans les **quatorze (14) jours** qui suivent la notification de l'AVIS ou l'émission de l'ORDONNANCE est réputé confirmé.
2. Lors d'un appel, le *Comité des appels sur les résidences non conformes aux normes de Saint John* doit tenir, sur le point en litige, une audience au cours de laquelle le(s) propriétaire(s) ou l'occupant ou les occupants qui interjette(nt) appel a (ont) le droit d'être entendu(s) et peut (peuvent) se faire représenter par un avocat.
3. Lors d'un appel, le *Comité des appels sur les résidences non conformes aux normes de Saint John* peut confirmer, modifier ou annuler l'AVIS ou l'ORDONNANCE ou proroger le délai pour s'y conformer.
4. Le *Comité des appels sur les résidences non conformes aux normes de Saint John* doit fournir une copie de sa décision au(x) propriétaire(s) ou à l'occupant ou aux occupants des lieux, du bâtiment ou de la construction qui lui a (ont) interjeté appel dans les **quatorze (14) jours** suivant la date à laquelle il a rendu

sa décision.

5. The owner(s) or occupier(s) who is provided with a copy of a decision from the *Saint John Substandard Properties Appeal Committee* regarding a Notice, may appeal the decision to a judge of The Court of Queen's Bench of New Brunswick within ***fourteen (14) days*** after the copy of the decision was provided to the owner(s) or occupier(s) on the grounds that (a) the procedure required to be followed by the by-law was not followed, or (b) the decision is unreasonable.

5. Le(s) propriétaire(s) ou l'occupant ou les occupants à qui une copie d'une décision a été fournie par le *Comité des appels sur les résidences non conformes aux normes de Saint John* concernant un AVIS peut (peuvent), dans les ***quatorze (14) jours*** qui suivent, interjeter appel de la décision devant un juge de la Cour du Banc de la Reine du Nouveau-Brunswick au motif que (a) la démarche à suivre en vertu de l'arrêté n'a pas été suivie, ou (b) la décision est déraisonnable.

CANADA  
PROVINCE OF NEW BRUNSWICK  
COUNTY OF SAINT JOHN

IN THE MATTER OF THE BUILDING THAT IS LOCATED AT

22 McLaughlin Road, SAINT JOHN, N.B. ( PID number 333930 )

AFFIDAVIT OF SERVICE

I, Catherine Lane, of Saint John, N.B., Make Oath And Say As Follows:

1. I am employed by The City of Saint John in its Growth and Community Development Services Department. I have personal knowledge of the matters herein deposed except where otherwise stated.
2. On June 3, 2019, at approximately 4:59pm, I posted a copy of the attached Notice of Common Council Hearing, marked Exhibit "A" to the front door of the building that is located at 22 McLaughlin Road, Saint John, N.B.

Sworn To before me at the  
City of Saint John, N.B.,  
on the 11<sup>th</sup> day of  
June, 2019

Julie Rocca  
Commissioner of Oaths  
My Commission Expires  
December 31, 2022

Julie Rocca

Catherine Lane  
Catherine Lane



The City of Saint John

**Permitting & Inspection / Service des inspections et de l'application  
By-Law Enforcement / Service d'Application des Arrêtés Municipaux**

**Phone / Tél: (506) 658-2911  
Fax / Téléc: (506) 632-6199**

June 3, 2019

Case Number: 19-0147

**PROCESS SERVER**

Michael Ward Boutilier  
24 McLaughlin Rd  
Saint John, NB  
E2J 4S2

This is Exhibit "A"  
Referred to in the Affidavit of  
Catherine Lowe  
Sworn before me at the City of  
Saint John, New Brunswick  
the 11th day of June 2019  
Julie Rodaa  
Commissioner of Oaths

**NOTICE OF COMMON COUNCIL HEARING**

Dear Sir:

Re: 22 McLaughlin Rd, PID # 00333930  
Dangerous and Vacant Building Program

On May 17, 2019, a Notice to Comply was issued for the above mentioned property which required remedial action to bring the building and premises into compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*. The Notice to Comply was posted on the said property on May 21, 2019.

The fourteen (14) days appeal period has now expired. Therefore, a compliance inspection will be carried out on June 3, 2019. If the property is not in compliance with the aforesaid By-law at the time of the inspection, City Staff will be attending the Common Council meeting scheduled on June 17, 2019 at 6:00 p.m. to recommend that the building be demolished because it has become a hazard to the safety of the public by reason of dilapidation or by reason of unsoundness of structural strength. Please be advised that at this meeting, you can present evidence that the building is not dilapidated or structurally unsound; however, note that this meeting will be your only opportunity to do so.

If you have any questions, don't hesitate to contact me at (506) 658-2911.

Regards,

*Catherine Lowe*

Catherine Lowe, EIT  
By-Law Enforcement Officer/Standards Officer

cc: Bank of Montreal – Mississauga, ON  
Burchells LLP, Halifax, NS



**SAINT JOHN**

P.O. Box 1971  
Saint John, NB  
Canada E2L 4L1

C.P. 1971  
Saint John, N.-B.  
Canada E2L 4L1

[www.saintjohn.ca](http://www.saintjohn.ca)





22 McLaughlin Drive, Saint John, New Brunswick  
344  
PID# 333930





2019-06-03, 5:00 PM





2019-06-03, 5:00 PM





22 McLaughlin Drive, Saint John, New Brunswick  
PID# 333930





22 McLaughlin Drive, Saint John, New Brunswick  
348  
PID# 333930





22 McLaughlin Drive, Saint John, New Brunswick  
349  
PID# 333930





22 McLaughlin Drive, Saint John, New Brunswick  
PID# 333930





22 McLaughlin Drive, Saint John, New Brunswick  
PID# 333930



## COUNCIL REPORT

M&C No.	2019-154
Report Date	June 10, 2019
Meeting Date	June 17, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Central Peninsula Plan and Associated Capital Projects Update***

***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Jennifer Brown</i></b>	<b><i>Jacqueline Hamilton/Phil Ouellette</i></b>	<b><i>John Collin</i></b>

***RECOMMENDATION***

That Common Council:

1. Receive and file the attached report and project update for the Central Peninsula Plan.
2. Approve the allocation of the \$500,000 Neighborhood Plan Capital Fund as outlined in this report.

***EXECUTIVE SUMMARY***

The Central Peninsula is experiencing a renaissance. There is increasing excitement around living, working, and investing in the City's core. Capturing this momentum is pivotal to the growth and prosperity of the City. The upcoming Central Peninsula Plan is a mechanism to harness that potential and create long term, sustainable growth and improved quality of life for the residents of Saint John.

The Central Peninsula Plan (the Plan) has undergone a refresh and is being prepared for adoption. The Plan is a very important milestone in the implementation of the City's municipal plan, Plan SJ, and is positioned to unlock substantial growth potential in the City's core. The Plan will be accompanied by amendments to the Municipal Plan, and Zoning and Heritage Bylaws and will guide development, improve quality of life, and spur growth in the City's core over the next 30 years. The document will remove barriers for infill development and enable focus on the neighbourhoods and important corridors of the Central Peninsula. It is expected the Plan package will be adopted prior to the end of 2019 with the adoption process initiated in the fall.

There are several opportunities for public and Council input throughout the remaining project timeline. Public and stakeholder engagement is planned for the summer months previous to the initiation of the legislative adoption process which provides three separate opportunities for public input.

Council allocated \$500,000 in the 2018 capital budget to fund projects related to the Plan. The intent was to fund high impact projects which supported the implementation of the Plan. City Staff, with support from the Neighbourhood Action Team, formulated a plan to use the funds in impactful ways throughout the Central Peninsula, focusing on projects that would improve the quality of life for residents and spur economic development and growth. The funds are recommended to be allocated to the following four initiatives:

- Rainbow Park improvements,
- City Market upgrades and improvements,
- Fundy Quay design work, and
- Community beautification improvements which include quick wins to respond to some of the issues most frequently heard through community engagement.

#### ***PREVIOUS RESOLUTION***

On August 20, 2018, Common Council resolved to:

1. Receive and file a report outlining the adoption timeline for the Central Peninsula Plan.

#### ***STRATEGIC ALIGNMENT***

As a priority related to a Vibrant, Safe City and Growth and Prosperity, focusing strategic investment in the City's core will accelerate urban growth, reduced urban sprawl, and encourage a more compact, livable, and fiscally sustainable community.

#### ***REPORT***

The Central Peninsula Plan (the Plan) was initiated by Council in 2017 in response to Plan SJ's smart growth strategy. The smart growth strategy emphasizes a planned approach toward community and economic development that seeks to reduce urban sprawl and encourages more compact, complete, attractive, and financially sustainable communities. The Plan has been drafted through the lens of smart growth and is expected to unlock growth potential in the City's centre. This report provides an update on the Plan project and delivers recommendations to Council on high impact capital spending to implement the Plan.

## **Plan Project**

Adoption of the Plan was originally intended to be initiated in 2018. The adoption was to be phased with amendments to the Municipal Plan, Zoning By-law, and Heritage By-law to be considered over several months with final adoption of the plan documents to occur by early 2019 and Heritage By-law amendments to be finalized by mid-year 2019.

Growth and Community Development Services experienced substantial challenges with respect to capacity throughout 2018 which affected the initial project timelines. As a result of staff vacancies coupled with a busier than typical development season, the Department reduced support to the Plan to enable delivery of core customer service functions. During this time efforts continued to embed the Plan within the corporation and advance key implementation projects as early wins for the Central Peninsula.

With a full staff complement, renewed focus was afforded to the Plan. This included re-engaging the Neighbourhood Action Team, re-scoping of the project and associated deliverables, and reconsidering the phasing of the Heritage By-law amendments. Due to the robust engagement undertaken at the beginning of the planning process, there has been continued and substantial support for the project from within the City departments as well as key community partners. This has allowed a connection back to the community's vision as Staff collaborate and implement projects in the Central Peninsula. The Neighbourhood Action Team has been re-engaged and their role expanded to utilize the members as conduits to the community; ensuring the Plan project continues to be representative and intentional.

Prior to adoption, Staff will re-engage with the community and stakeholders to ensure the final documents are in keeping with the community's vision and priorities for the Central Peninsula. The final package of documents that will be considered for Council adoption will include:

1. The Central Peninsula Plan;
2. Amendments to the Municipal Plan, and Zoning and Heritage Bylaws; and
3. The Central Peninsula Action Strategy

The Plan and associated amendments will remove barriers for infill development and provide guidelines for the public realm. The objective is to have the Plan and all associated amendments, including the Heritage Bylaw amendments pertaining to infill development adopted before the end of 2019. This timeline considers inclusion of necessary steps to ensure the documents are fully operational by adoption; facilitating a seamless transition to implementation.

The public and stakeholders will be re-engaged throughout the summer months. Additionally, the Council adoption process contains multiple opportunities for public comment and Council input. There are currently four remaining decision points in addition to engagement with the Planning Advisory Committee and Heritage Development Board. These milestones are summarized below:

- **Council Decision Point #1 – Initiate Adoption** – Council will be asked to consider initiating the adoption process for the Plan and associated Municipal Plan and Zoning By-law amendments. This will initiate a 30 day public comment period as required under the *Community Planning Act*. This will be the first of three opportunities within the legislative adoption process for the public to provide commentary in an official capacity. It is expected the initiation of the adoption process will occur in September.
- **Council Decision Point #2 – Referral to Planning Advisory Committee** – Council will review the feedback received from the 30 day comment period. Should they choose to, Council will be given the opportunity to refer the Plan and associated Municipal Plan and Zoning By-law amendments to the Planning Advisory Committee and schedule the Public Hearing. A Public Hearing date will also be set for the Heritage Bylaw Amendments as required under the *Heritage Conservation Act*.
- **Planning Advisory Committee Meeting** — At a special meeting date, the Planning Advisory Committee will consider the Plan and associated Municipal Plan and Zoning By-Law amendments, and make a recommendation to Council. This will be the second of three opportunities within the legislative adoption process for the public to provide commentary in an official capacity. It is expected the Planning Advisory Committee Meeting will occur in October.
- **Council Decision Point #3 – Public Hearing, First and Second Reading** – Council will hold the Public Hearing and, following the public feedback process, will proceed with first and second reading of the Plan, and Municipal Plan, Zoning and Heritage By-law amendments. This will be the third and final opportunity within the legislative adoption process for the public to provide commentary on the Plan's adoption. It is anticipated the Public Hearing will occur in November.
- **Council Decision Point #4 – Third Reading** – Concluding the adoption process, Council will consider Third Reading of the Plan. Once Third Reading is complete, the Plan will be registered and become legally binding. It is anticipated Third Reading will occur in December.

The Plan continues to generate substantial excitement throughout the Central Peninsula. Staff and stakeholders have taken ownership of the action



components of the Plan, equating to tangible results. Some of these tangible improvements that are linked to this broader momentum include:

- Review and revision of the Urban Development Incentives Program to support delivery of the Plan;
- Completion of a Residential Market Study, an important tool for investors;
- Alignment of the City's capital budget, Long Term Financial Plan and external funding applications to support delivery of the City's growth objectives, and key priorities of this Plan;
- Fundy Quay site preparations, seawall funding and Call for Expressions of Interest for a major redevelopment;
- Major street re-constructing in key corridors;
- Improved investor confidence with notable gains in residential and commercial development in key corridors identified in the Plan;
- Upgrades to the Saint John City Market;
- An augmentation of festival and events;
- The introduction of a night market along South Market Street;
- Continued effort towards major catalytic projects, including the proposal for a new school and development of Fundy Quay.

It is exceptional that the community is living the Plan prior to it being adopted by Council. This can be attributed to the robust and ongoing engagement throughout the planning process and also the action-focus of the Plan. This signifies the important legacy of the Plan and the connection to the community it serves. Confidence is building in the Central Peninsula and the Plan will continue to support and build upon the vibrancy and momentum generated by the community.

### **Capital Projects**

Common Council allocated \$500,000 in the 2018 capital budget to fund projects related to the Plan. The intent was to fund high impact projects which supported the implementation of the Plan. The two year timeframe of the plan process resulted in the funds held over to 2019. As capital funds may only be carried forward once and associated capital projects started by the end of the second year after approval, the \$500,000 must be allocated and work started within the 2019 fiscal year.

Working with the Neighbourhood Action Team (the NAT), the City's Finance team, and City departments, a list of prioritized capital expenditures was drafted. Projects were considered under specific criteria:

- Alignment with the Central Peninsula Plan's Vision and Guiding Principles;
- Corporate and operational priorities;
- The ability to implement including the potential to leverage an existing project; and
- The potential to positively contribute to the quality of life of residents and spur growth.

Consensus was formed around the preference to invest the funds in several impactful projects rather than having a singular focus. This supports Council's intention of directing expenditure towards impactful projects while also respecting what was heard from the community throughout the planning process. It is recommended that the Plan's capital funds be allocated as follows:

- *Rainbow Park Improvements – approximately \$150,000*

The upcoming installation of the Jumpstart Playground presents an opportunity to look at implementing the larger vision for Rainbow Park.. It is recommended that a portion of the Plan capital budget be allocated to basic improvements and investments in lighting, planting, improved fencing, defined entrances, and wayfinding. This will enable a concerted effort to implement the Master Plan for Rainbow Park.

- *Community Beautification - approximately \$125,000*

This would include the smaller scale improvements brought to the City's attention throughout the community engagement phase of the planning process. The purchase of more garbage cans, leveraging existing funding for greening and planting, public realm improvements like tree grates and planters provide quick wins for the community and would be impactful and visible improvements. These smaller scale but important investments are recommended to be distributed throughout the Central Peninsula.

- *City Market Upgrades and Improvements - approximately \$175,000*

The Plan's strategic growth concepts call for South Market Street to be transitioned to permanent, public space through a pedestrian street. The public was clear in articulating their need for new and unique public space offerings. Upgrades to the Germain Street entrance public realm, atrium furniture and lighting upgrades, and support of the South Alley Night Market would be considered in this capital investment.

- *Fundy Quay Seawall Design Work – approximately \$50,000*

There is engineered design work required to leverage a major development on Fundy Quay. As this would facilitate a major catalytic project supported by the Plan's strategic growth concepts for the Uptown Waterfront, these funds would enable DevelopSJ to advance strategic site preparation work related to the recent seawall funding announcement.

## ***SERVICE AND FINANCIAL OUTCOMES***

Neighbourhood planning provides a framework for enhanced service, building community capacity, and encouraging re-investment in targeted neighbourhoods. Capital funding has been allocated to the implementation of

the Central Peninsula Plan which will be used to leverage private investment in key areas as directed by the plan.

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

The Central Peninsula Plan is reflective of substantial input from the community and stakeholders. The Neighbourhood Action Team has been pivotal in the development and vetting of the Plan. Their insight and connection to the community will inform the ongoing engagement and carry the suite of documents through to implementation. Members of the Neighborhood Action Team include:

- Kay Gillis (Chair)
- Melissa Wakefield (Co-Chair);
- Anne McShane;
- Ben Appleby;
- Councillor Donna Reardon;
- Councillor David Hickey;
- Jeff Roach;
- Nancy Tissington;
- Lauchlan Ough; and
- Milad Pirayegar.

Representatives from Transportation and Environment Services, Parks and Recreation, Finance, Risk Management, Develop SJ, and Growth and Community Development Services were consulted on the capital projects budget allocation. The Neighbourhood Action Team led the formulation of a recommendation for the capital funds allocation and the final recommendation was vetted and recommended for approval through the group.

### ***ATTACHMENTS***

None.

## COUNCIL REPORT

M&C No.	2019-143
Report Date	June 07, 2019
Meeting Date	June 17, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: City of Saint John Climate Change Adaptation Plan Presentation***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Samir Yammine</i></b>	<b><i>Kevin Fudge</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

It is recommended that Common Council receive and file this report.

### ***EXECUTIVE SUMMARY***

The purpose of this report is to have Atlantic Coastal Action Program (ACAP) provide Council an update of the City of Saint John Climate Change Adaptation Plan.

### ***PREVIOUS RESOLUTION***

In May 6, 2019, Common Council (M&C 2019-107) approved the City of Saint John Climate Change Action Plan.

### ***REPORT***

In collaboration with the City of Saint John, and through support from New Brunswick's Climate Change Secretariat, ACAP Saint John will be developing a Climate Change Adaptation Plan for the City. ACAP has recently initiated the second year of this project. The first year of this project saw the development of a steering committee consisting of stakeholders and city staff, identification of risks and vulnerabilities, and community engagement. The adaptation plan will incorporate Climate Change adaptation strategies for Stormwater management while identifying, assessing and mapping risks and vulnerabilities in the City, and developing adaptation methods to increase resiliency throughout Saint John. The project will provide a robust understanding of climate change related issues for



adapting our region and direct both the City of Saint John and ACAP Saint John in on-the-ground adaptation actions and capital investments.

Project findings will be included in revised editions of the Municipal Plan and will influence the future growth and development of City neighborhoods and neighborhood dialogue. In-person discussions and community sessions hosted by both ACAP and the City of Saint John will be the primary means of community engagement and consultation, while ACAP will continue to engage citizens with best practices for Stormwater management and community place making projects through its well-established social media networks and local media outlets.

### ***STRATEGIC ALIGNMENT***

The plan is part of the City of Saint John Climate change Action Plan and will clearly align with Plan SJ and Asset Management Policy

### ***SERVICE AND FINANCIAL OUTCOMES***

The cost to develop the Climate Change Adaptation Plan will be fully covered by the Province of New Brunswick Environmental Trust Fund. The total cost to develop the plan is estimated to be \$100,000 over two years.

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

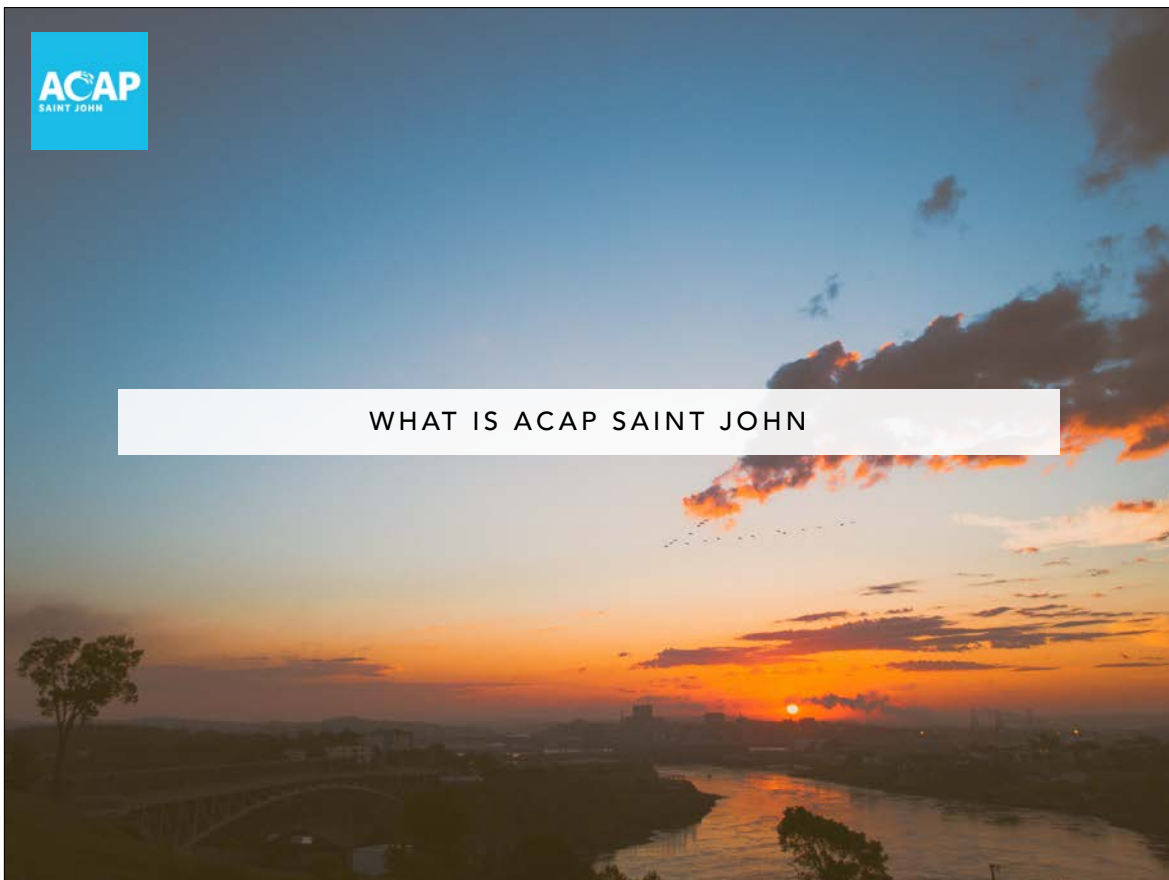
Staffs from Saint John Water, Transportation & Environmental, Finance and Administrative, EMO and Growth and Community Development Services are part of the steering committee and have been involved from the start in the development of the plan.

### ***ATTACHMENTS***

PowerPoint Presentation



1



2  
361

AdaptSJ Update - June 17, 2019 - June 10, 2019

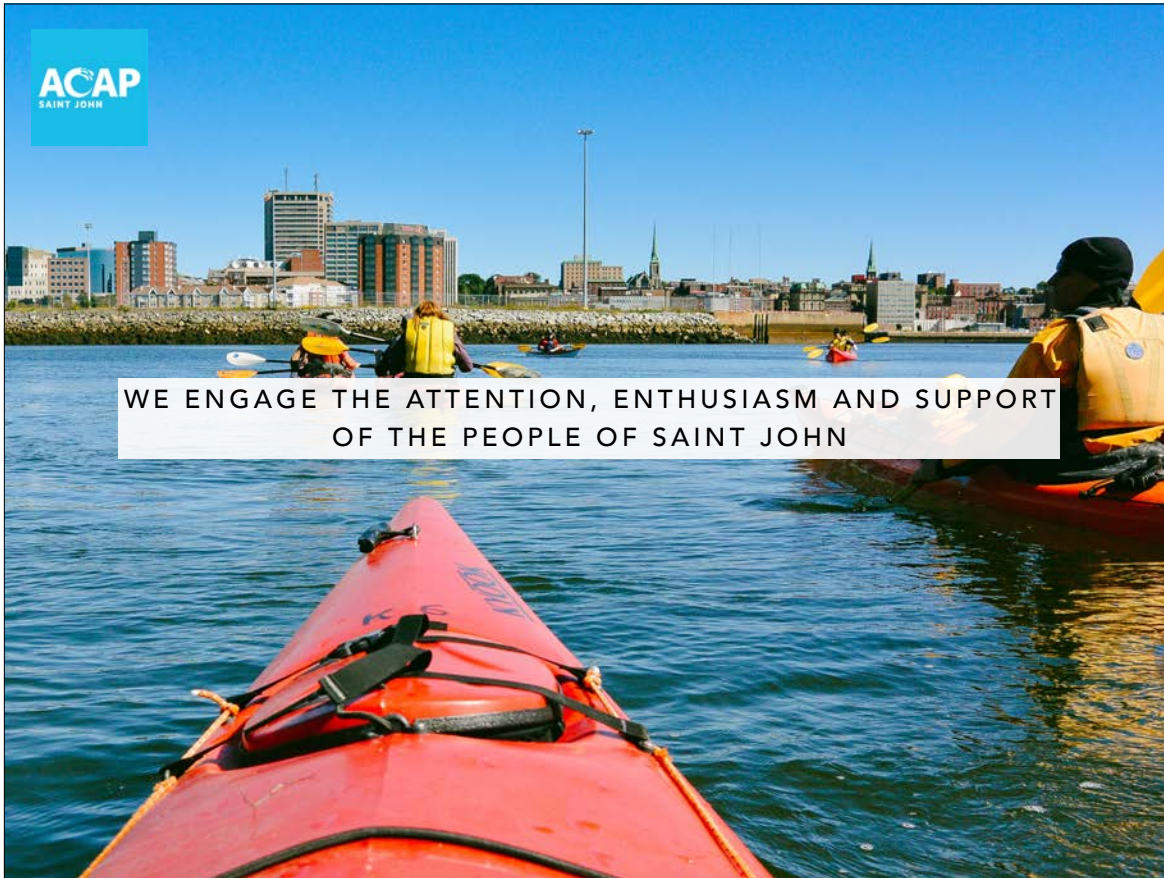


SINCE 1992, ACAP SAINT JOHN HAS BECOME KNOWN FOR PARTNERING AND WORKING WITH THE COMMUNITY TO HELP PROVIDE SOLUTIONS TO EXISTING AND PENDING ENVIRONMENTAL PROBLEMS.

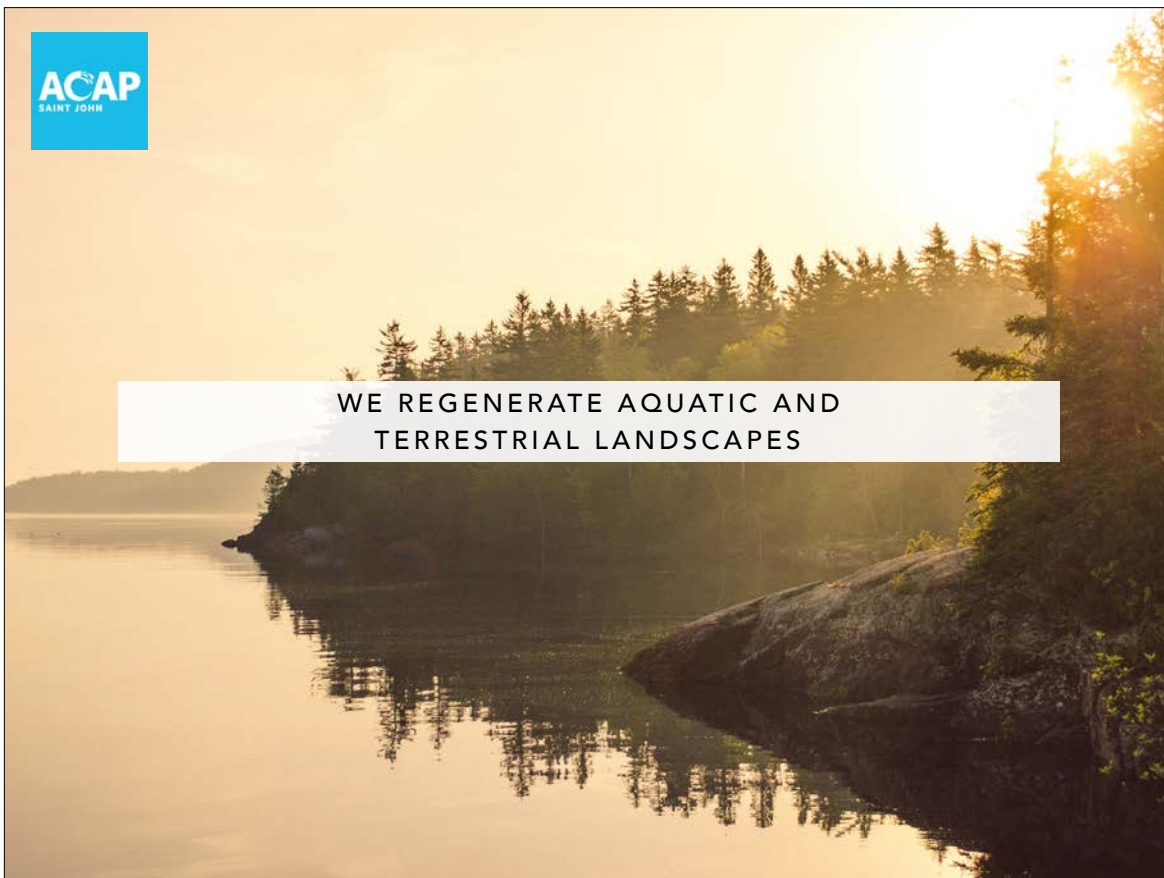
ACAP SAINT JOHN ENVISIONS A SUSTAINABLE COMMUNITY THAT EMBRACES THE INTER-DEPENDENCE OF THE UNIQUE SOCIAL, ECONOMIC AND ENVIRONMENTAL CHARACTERISTICS OF THE REGION'S WATERSHEDS.



## OUR STRATEGIES



5



6  
363

AdaptSJ Update - June 17, 2019 - June 10, 2019





WE BUILD, RE-BUILD AND RETROFIT  
OUR COMMUNITIES TO RESTORE  
WATER BALANCE AND IMPROVE  
THE SUSTAINABILITY OF THE URBAN MODEL

7



AT ITS HEART, ACAP IS AN ENVIRONMENTAL INCUBATOR  
THAT TRANSFORMS AND EVOLVES OUR REGION'S  
LANDSCAPES WITH THE HELP OF GOVERNMENTS,  
COMPANIES AND COMMUNITY COLLABORATORS.

OUR WORK IS DESIGNED TO BE SEEN, FELT AND  
EXPERIENCED THROUGHOUT THE ENVIRONMENT – FROM  
OUR WETLANDS AND COASTLINES TO OUR STREETS AND  
PUBLIC SPACES.



9



## AdaptSJ

ACAP SAINT JOHN IS DEVELOPING CLIMATE CHANGE  
ADAPTATION PLANS FOR THREE URBAN  
NEIGHBOURHOODS AND FOR THE CITY AS A WHOLE

ADAPTSJ WILL SUPPORT AND INFORM THE CITY OF SAINT  
JOHN'S NEIGHBOURHOOD PLANNING PROCESS

EXPLORE REGULATORY AND ON-THE-GROUND SOLUTIONS  
TO CLIMATE CHANGE VULNERABILITIES

IDENTIFYING GAPS IN LEGISLATION AND MAKING  
RECOMMENDATIONS FOR POLICY MEASURES





## Urban Blueprint for Water

PROJECT TENURE: JANUARY 2018-MARCH 2019

- PROVIDED CLIMATE CHANGE ADAPTATION RECOMMENDATIONS INTO THE CITY'S THREE UPCOMING NEIGHBOURHOOD PLANS (SOUTH-CENTRAL PENINSULA, NORTH-END AND LOWER-WEST SIDE)
- IDENTIFIED VULNERABILITIES IN STUDY NEIGHBOURHOODS
- DEVELOPED SOLUTIONS TO INCREASE RESILIENCY TO STORMWATER MANAGEMENT AND FLOODING
- EDUCATED THE PUBLIC ON IMPENDING CLIMATE CHANGE RISKS
- PROPOSED THREE PROJECTS (ONE FOR EACH NEIGHBOURHOOD) THAT WILL MANAGE STORMWATER RUNOFF/SEA LEVEL RISE ON CITY OWNED LANDS

11



## Climate Change Adaptation Plan for Saint John

PROJECT TENURE: APRIL 2018-MARCH 2020

- IDENTIFY RISKS FOR INFRASTRUCTURE, RESIDENTS / BUSINESSES, NATURAL ENVIRONMENTS, COASTLINES AND VULNERABLE POPULATIONS
- ADAPTATION ACTIONS TO INCREASE RESILIENCY THROUGH GREEN INFRASTRUCTURE PROJECTS
- RECOMMENDATION OF BEST MANAGEMENT PRACTICES FOR STORMWATER MANAGEMENT, LAND USE PLANNING, LOW IMPACT DEVELOPMENT, AND MUNICIPAL DESIGN
- COLLABORATE WITH COMMUNITY STAKEHOLDERS TO IDENTIFY SOLUTIONS FOR LOW-IMPACT DEVELOPMENT AND COASTAL RESTORATION
- IDENTIFY AREAS FOR COASTAL RESTORATION PROJECTS
- ENGAGE AND EDUCATE THE COMMUNITY
- CREATE AN ONLINE RESOURCE WITH INFORMATION ON ADAPTATION



## Project Initiation and Direction

### PARTICIPATION ACROSS MUNICIPAL DEPARTMENTS

- STORMWATER & TRANSPORTATION SERVICES
- ENERGY & ASSET MANAGEMENT
- ENGINEERING
- GROWTH AND DEVELOPMENT
- EMO AND SJFD

### EXTERNAL STAKEHOLDERS

- SAINT JOHN ENERGY
- PORT SAINT JOHN
- QUEST
- RV ANDERSON & ASSOCIATES

13



## Background & Gap Analysis

IDENTIFIED THE IMPACTS OF CLIMATE CHANGE IN SAINT JOHN AND STRENGTHS AND GAPS IN MUNICIPAL AND PROVINCIAL REGULATIONS

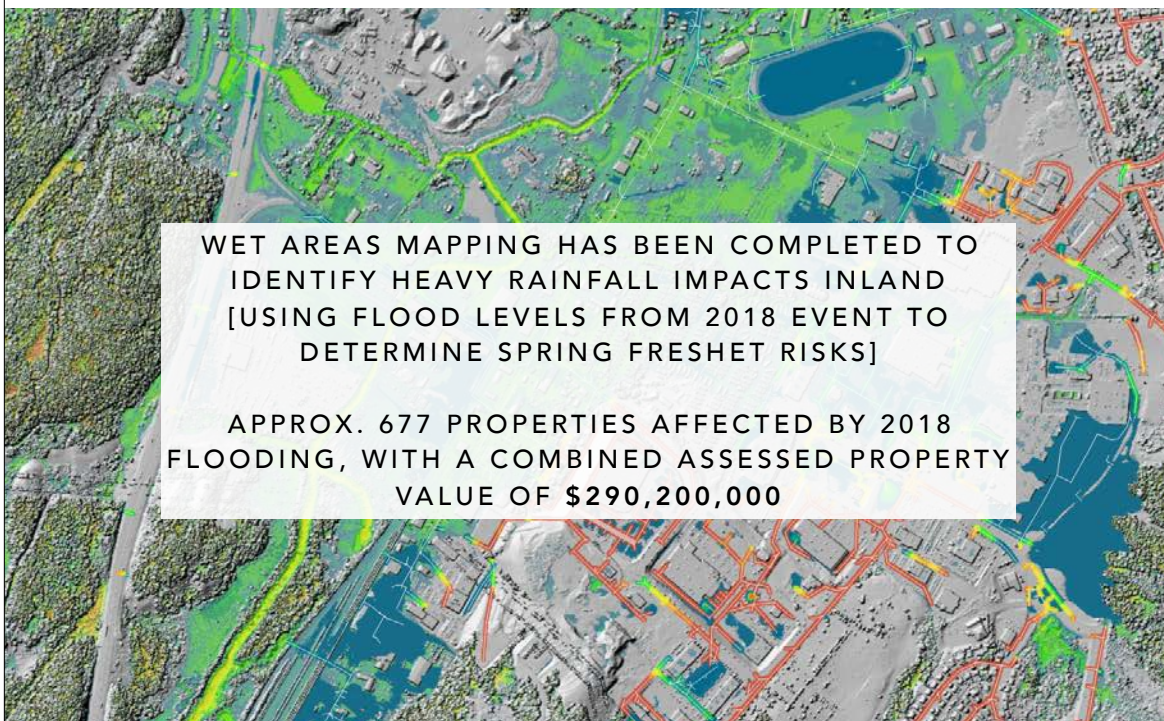
### MUNICIPAL POLICIES CLIMATE ANALYSES INCLUDE

- PLAN SJ
- MOVE SJ, TRANSPORTATION STRATEGY
- 2016 STATE OF THE INFRASTRUCTURE REPORT
- ASSET MANAGEMENT ROAD MAP
- THE CITY OF SAINT JOHN FLOOD RISK AREA BY-LAW
- A BY-LAW RESPECTING DRAINAGE IN THE CITY OF SAINT JOHN
- STORM DRAINAGE DESIGN CRITERIA MANUAL





## Assessing Vulnerabilities: Inland Flooding



15



## Assessing Vulnerabilities: Sea Level Rise



16  
368

AdaptSJ Update - June 17, 2019 - June 10, 2019



## Assessing Vulnerabilities: Ecological Constraints

URBAN TREE INVENTORIES COMPLETED BY ACAP SAINT JOHN IN THE CENTRAL PENINSULA AND LOWER-WEST SIDE NEIGHBOURHOODS.  
NORTH END INVENTORY WILL BE COMPLETED IN 2019.

ANNUAL PUBLIC BENEFITS OF URBAN TREES IN SAINT JOHN (\$/TREE)

ECOSYSTEM SERVICE	ENERGY	CO <sub>2</sub>	AIR QUALITY	STORM-WATER	AESTHETIC/ OTHER	TOTAL
CENTRAL PENINSULA	\$12.83	\$1.73	\$0.95	\$10.02	\$53.76	\$79.29
LOWER-WEST SIDE	\$42.39	\$3.73	\$4.55	\$18.68	\$34.01	\$103.34

17

## Assessing Vulnerabilities: Social Measures

IDENTIFYING IMPACTS THAT FLOODING, INCREASED TEMPERATURES AND AIR QUALITY DEGRADATION WILL HAVE ON VULNERABLE POPULATIONS:

19% OF THE POPULATION OF SAINT JOHN IS ABOVE THE AGE OF 65

22% OF THE POPULATION OF SAINT JOHN IS CONSIDERED LOW INCOME

SEA LEVEL RISE FLOODING WILL DIRECTLY IMPACT APPROXIMATELY 32% OF SAINT JOHN'S POPULATION



## Building Capacity & Understanding

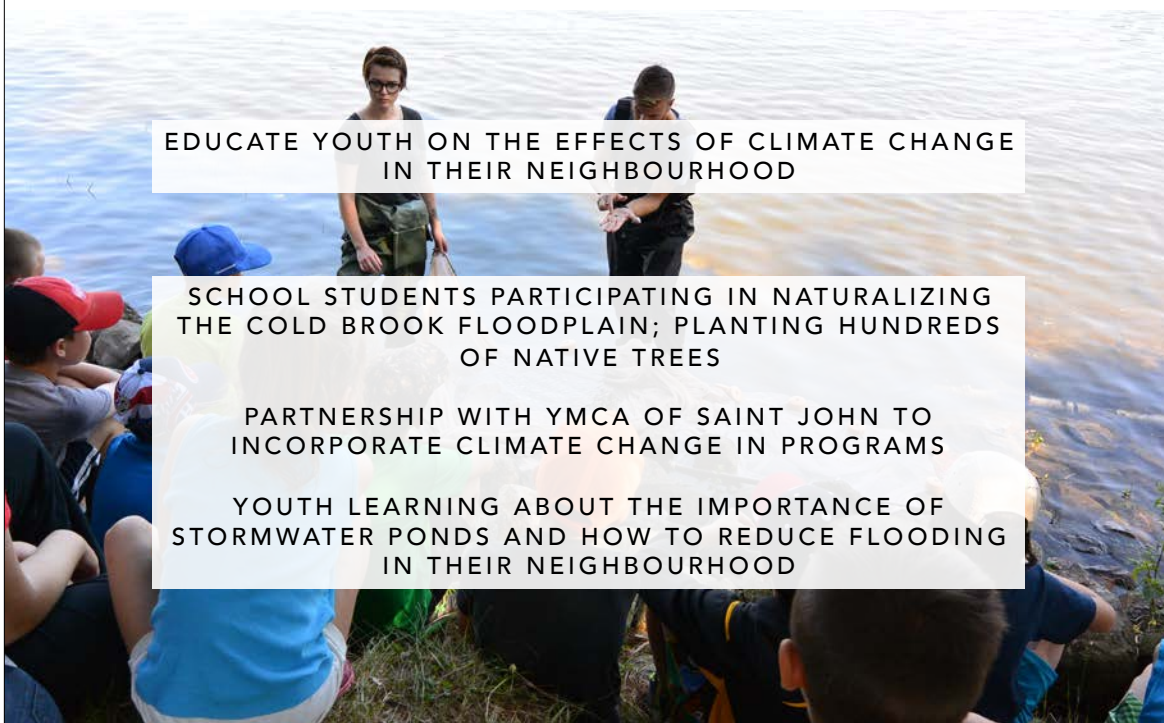


WORKING WITH COMMUNITY GROUPS TO IDENTIFY ADAPTATION MEASURES THAT WILL BE BENEFICIAL TO THEIR NEIGHBOURHOODS

19



## Youth Capacity & Understanding



EDUCATE YOUTH ON THE EFFECTS OF CLIMATE CHANGE IN THEIR NEIGHBOURHOOD

SCHOOL STUDENTS PARTICIPATING IN NATURALIZING THE COLD BROOK FLOODPLAIN; PLANTING HUNDREDS OF NATIVE TREES

PARTNERSHIP WITH YMCA OF SAINT JOHN TO INCORPORATE CLIMATE CHANGE IN PROGRAMS

YOUTH LEARNING ABOUT THE IMPORTANCE OF STORMWATER PONDS AND HOW TO REDUCE FLOODING IN THEIR NEIGHBOURHOOD





## Amplifying Voices: Community Engagement



PORT DAYS

THIRD SHIFT

AREA 506

COMMUNITY RESILIENCE ASSESSMENTS

BUSINESS COMMUNITY PRESENTATIONS

SAINT JOHN ARTS CENTRE

STOREFRONT ACTIVITIES

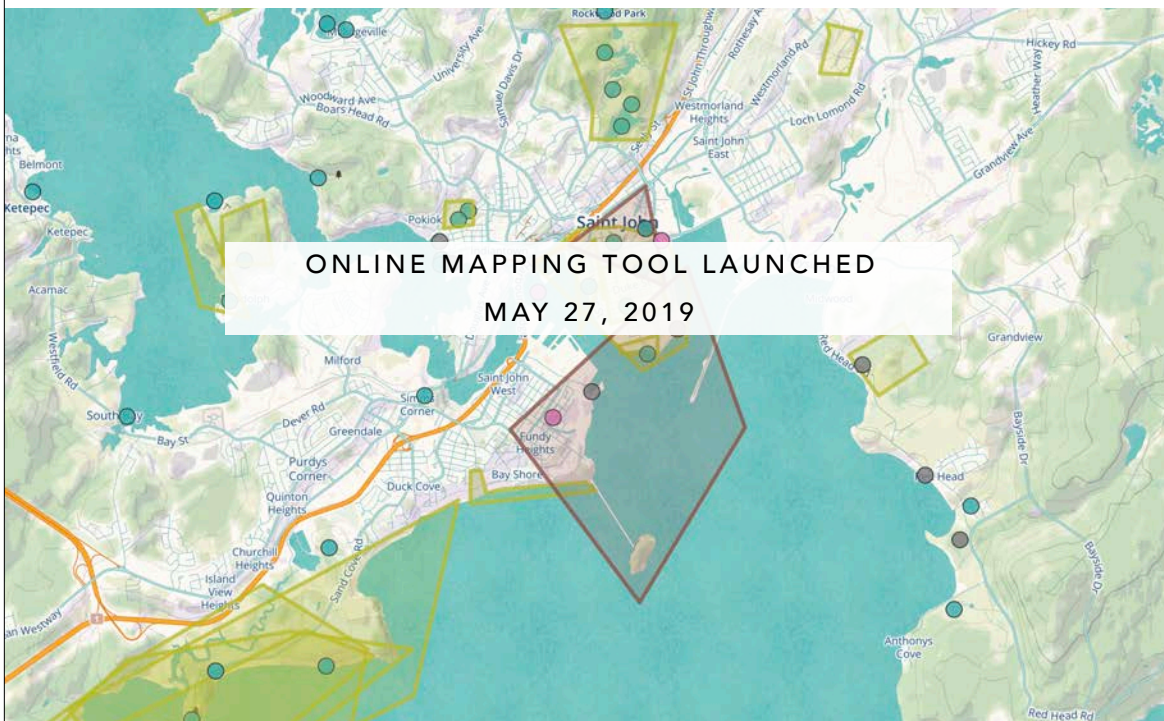
'SUBMERGED' PODCAST

ONLINE SURVEY

21



## Amplifying Voices: Participatory Mapping



ONLINE MAPPING TOOL LAUNCHED

MAY 27, 2019





## What Lies Ahead

COMMUNITY ENGAGEMENT:  
MAY – SEPTEMBER 2019

COMPLETION OF RISK AND VULNERABILITY ASSESSMENT:  
SEPTEMBER 2019

COLLECTION OF FEEDBACK AND REVIEW:  
OCTOBER 2019

COMPLETION OF ACTION REGISTER:  
OCTOBER – NOVEMBER 2019

FINAL REVIEWS, TRANSLATION:  
DECEMBER 2019 – JANUARY 2020

COMMON COUNCIL:  
FEBRUARY/MARCH 2020

SUBMISSION OF FINAL PLAN:  
MARCH 2020

23



## Local Action Toward Resilience

MANAGE RAIN WHERE IT FALLS: ACAP STORMWATER  
MANAGEMENT PROJECTS (2018 - 2019)

DEVELOP NATURALIZED STORMWATER MANAGEMENT  
DEMONSTRATION SITES (RAIN GARDEN IN QUEEN  
SQUARE WEST, MAY 2019)

WORKING WITH CITY STAFF TO IMPROVE STORMWATER  
RETENTION PONDS (NB ETF-FUNDED IN 2018)

FLOODPLAIN AND WETLAND RESTORATION PROJECTS  
COLD BROOK & SAINT JOHN FIELD HOUSE

24  
372

AdaptSJ Update - June 17, 2019 - June 10, 2019



## External Funding Acknowledgment



FEDERATION  
OF CANADIAN  
MUNICIPALITIES

FÉDÉRATION  
CANADIENNE DES  
MUNICIPALITÉS



Your Environmental Trust Fund at Work



RBC  
Blue Water  
Project



TD Friends of the  
Environment  
Foundation



25



FOR MORE INFORMATION

[ACAPSJ.ORG/CLIMATECHANGE](http://ACAPSJ.ORG/CLIMATECHANGE)

[FACEBOOK.COM/ACAPSJ](https://FACEBOOK.COM/ACAPSJ)

[@ACAPSAINTJOHN ON TWITTER](https://TWITTER.COM/ACAPSAINTJOHN)

[@ACAPSJ ON INSTAGRAM](https://INSTAGRAM.COM/ACAPSJ)

26  
373

AdaptSJ Update - June 17, 2019 - June 10, 2019



## COUNCIL REPORT

M&C No.	M&C 2019-151
Report Date	June 12, 2019
Meeting Date	June 17, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Ice Strategy Plan B Implementation***

***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Tim O'Reilly</i></b>	<b><i>Michael Hugenholtz</i></b>	<b><i>John Collin</i></b>

***RECOMMENDATIONS***

Your City Manager recommends Common Council:

- 1) Support any potential future motions brought before the Regional Service Commission that seek consensus on a new Regional Arena Funding Formula that would respect the intent behind the following principles:
  - a) The applicable cumulative operating cost deficit of all regional arenas shall be redistributed among taxpayers of the respective municipalities and LSDs based on proportion of usage in the respective jurisdictions,
  - b) Operating cost deficits determined not to be applicable shall not be included in the funding formula and shall remain the responsibility of the host municipality, and
  - c) Following commitment to the above-mentioned principles, the established Working Group identifies, using external consulting services if necessary, the applicable operating cost deficits and usage data that would be subsequently recommended to the Commission to be included in the Funding Formula.
- 2) Endorse the "Recreation Card & Non-Resident User Fee" Plan B option and approve a Non-Resident User Fee of \$200.00 + HST for the year 2019-2020 and \$350.00 + HST for the 2020-2021 as presented in M&C 2019 – 151.

***EXECUTIVE SUMMARY***

Over the past 1 ½ years of involvement in participating in a Regional Ice Strategy, the City of Saint John has remained consistently focused on pursuing meaningful steps toward achieving regional fairness and sustainability in the management of regional arenas. This report supports maintaining focus on these two goals from a regional and City of Saint John perspective.

As part of the City's overall Sustainability Plan, City staff propose to use the approach identified in this report for other possible recreation facilities and programs, with implementation planned for 2020 or beyond. Staff would return to Common Council at a future date for direction on any of these possibilities. This Report is solely focussed on arenas.

### **PREVIOUS RESOLUTION**

On March 25, 2019 Common Council:

- Reconfirmed its belief that a cooperative regional approach to managing arenas is preferred over a solution that requires a form of non-resident user fees to advance the priorities of regional fairness and sustainability,
- Endorsed principles of a regional arena cost sharing formula that would:
  - redistribute the cumulative applicable operating cost deficits of all regional arenas between taxpayers of the municipalities and LSDs based on usage from the respective jurisdictions, and
  - determine operating cost deficits that are not applicable that would remain the responsibility of the host municipality,
- Supported His Worship proposing these principles to the Regional Service Commission to seek consensus,
- Committed further City staff time and taxpayer investment in external consulting services to establish applicable financial and usage data between jurisdictions in the region that would populate a cost sharing formula based on agreed-upon principles,
- Committed to exploring further regional collaboration relative to arena management following a ratified arena funding agreement, and
- Committed to proceeding with Saint John's alternate Plan B "non-resident user fee" approach in the absence of agreement from the Regional Service Commission by May 1, 2019.

### **REPORT**

#### **Continuing to Pursue Regional Collaboration**

Neither Saint John's proposed solutions to a regional arena cost sharing formula nor any other solution such as the one proposed in a February 22, 2019 report of the Regional Service Commission, were supported at the March and April Commission meetings. Ice Associations that use City arenas recently met with City staff and expressed concern over the impact to ice sport participation generally with an implemented Plan B. City staff is recommending Common Council continue to remain receptive to a regional collaborative solution proposed at any future Regional Service Commission meeting. Should a future Regional Service Commission meeting generate consensus on principles such as those outlined in Recommendation #1, City staff would update Council, including the possibility of recommending postponing implementation of a Plan B. As presented further in this report, the City would start incurring costs to



implement Plan B as early as July 2019; therefore, timely meaningful progress toward a collaborative solution is important.

## **Plan B**

As a result of May 1, 2019 passing without regional consensus, City staff began pursuing investigation of Plan B options to implement a form of non-resident user fee, as directed by Council. This milestone of May 1 was important, so that staff focus could shift to planning and consulting on this alternative approach ahead of implementation for the 2019-2020 season. Two Plan B options have been identified and described by City staff; Council is requested to support implementation of Option 2 at this time. The intent of both Plan B options is to allow City taxpayers to continue to subsidize arena use by City residents but stop subsidization of non-resident use; the outcome being similar to Plan A but only for aspects within the City's control without regional consensus.

### **Plan B Option 1: Full Cost Recovery Rates & Resident Rebate Program**

Option 1 involves two components, the first being the City charging arena rental rates that would generate revenues sufficient to fully recover costs. The second component is a rebate paid to City resident users of arenas from City taxpayer subsidies. Hourly rates would increase significantly. Association registration fees would need to increase to cover the greater rental rates. The rebate would compensate City resident users for the higher registration fees. This solution is similar to one used in the Town of Sussex. This option has been previously presented to Council in Fall 2018.

### **Plan B Option 2: Recreation Card & Non-Resident User Fee**

Option 2 also includes two components, the first being that Recreation Cards would be distributed to both City resident users and non-resident users of City arenas. The second component would be that non-residents would pay a Non-Resident User Fee to acquire a card, reducing or eliminating City taxpayer subsidization of non-residents. Residents would be required to demonstrate City residency to acquire a card for free. This solution is similar to one used in the City of Fredericton.

### **Recommending Plan B Option 2 over Option 1**

City staff are recommending to Common Council that "Option 2: Recreation Card & Non-Resident User Fee" be implemented in the absence of regional consensus. This recommendation is the result of the following analysis of the pros and cons of the two options, including as a result of advice from Ice Associations.

Option 1 Pros	Option 1 Cons
<ul style="list-style-type: none"> <li>• Direct City taxpayer subsidization of City resident users only</li> <li>• Full cost recovery rates help communicate cost of service delivery</li> <li>• Non-residents do not need to declare themselves as such</li> </ul>	<ul style="list-style-type: none"> <li>• Number of financial transactions approximately doubled compared to Option 2</li> <li>• Risk of City funds being distributed inappropriately</li> <li>• Some City resident families may not be able to afford to wait for a rebate after payment of higher registration fees</li> <li>• Preferred generally less by Ice Associations than Option 2</li> <li>• Requires significant recalculation of registration fees by Ice Associations</li> <li>• Requires significant increase in hourly rates at both civic arenas and the LBR</li> <li>• Requires participation of Ice Associations in process</li> </ul>
Option 2 Pros	Option 2 Cons
<ul style="list-style-type: none"> <li>• Preferred generally more by Ice Associations than Option 1</li> <li>• Number of financial transactions approximately half of Option 1</li> <li>• Helps communicate City taxpayer subsidization per non-resident without solution in place</li> <li>• Does not require a significant change in arena rental rates</li> </ul>	<ul style="list-style-type: none"> <li>• Requires participation of Ice Associations in process</li> <li>• Processing with both residents and non-residents is required to issue cards, adding to program administration costs</li> <li>• Requires address verification for residents</li> <li>• Requires verification to ensure all residents and non-residents have acquired a card</li> <li>• Requires participation by non-residents</li> <li>• Ice Association accountability may be necessary</li> </ul>

### Recreation Card Implementation Plan

City staff have completed further preliminary work to prepare to implement Plan B Option 2 (Recreation Cards) pending Council approval. As part of the roll-out plan, all residents and non-residents would complete a City registration form. Residents would declare their primary place of residence on the form and provide proof of residence (such as a driver's license) and then be issued a card with a unique number. Non-residents would ideally be given a choice of multiple fee payment options (online and by phone) and then be issued a card. For

additional convenience, presence at select ice association registration forums are planned for in-person transactions. The resident's name, address and Recreation Card number would be logged in a database. Registration data provided by the Ice Associations would then be cross-referenced against the City's database to ensure both residents and non-residents acquired a card. Further verification of acquired cards may be completed with spot checks at City arenas and the LBR.

Issuing of the Recreation Cards in various ways that would be convenient to residents and non-residents would require a concentrated administrative effort. Proposals are being requested from external services to help support this effort. These same services would also be used to help inform final plan policies, and create the database and payment system. Award of the work to these external services would not take place until Council has considered approving Option 2 at this meeting and following the June Regional Service Commission meeting. Depending on the cost of the successful proposal, Council may also be asked to approve award of the work.

### **Required Participation of Ice Associations**

Ice Associations would be required to participate in the implementation plan for Option 1 or Option 2. For Option 2, the following would be required by Ice Associations:

- Allow participants the option to give informed consent to share registration information with the City,
- Continue to provide registration information to the City by end of November, specifically participant's name, place of residence and Recreation Card number, and
- Be accountable for participants found not to have acquired a Recreation Card.

In future years, as another measure to support compliance, the intent is to have Ice Associations require participants to present Recreation Cards or request their Recreation Card number as a condition of registration with their association. The timing of roll-out in 2019 in relation to when registrations commence for various associations is not going to allow this additional step to take place for this upcoming season.

### **Non-Resident User Fee to Acquire Recreation Card**

The concept behind implementing a Non-Resident User Fee system is that the revenues generated would recover the lifecycle cost deficit attributable to non-residents instead of City taxpayers continuing to subsidize non-resident use. In the 2018-2019 season, 1013 non-residents were registered with various user groups, amounting to 37% of the total number of users that season. City staff estimated the expected operating deficit for the 2019-2020 season, calculated

37% of that deficit, then divided it by 1013 to establish one consistent Non-Resident User Fee that would recover 100% of the non-resident portion of the operating deficit. This approach assumes a similar level of use by all users including comparing resident with non-resident use.

Staff remind Council that capital investments in City arenas are above-and-beyond the operating deficit. Staff are recommending, at least for the 2019-2020 season, no capital costs be recovered from non-residents. Justification for this recommendation is as follows:

- This position would acknowledge feedback received from Ice Associations that a gradual implementation of a Non-Resident User Fee be implemented, and
- The City's future investment plans will become clear in the next couple of years, and until this clarity, City staff are hesitant to identify capital cost recovery targets for various stakeholders.

City staff are communicating in the following table options for setting the Non-Resident User Fee for the 2019-2020 season and looking ahead to the 2020-2021 season.

Staff are recommending a \$200.00 + HST Non-Resident User Fee for the 2019-2020 season and a \$350.00 + HST Non-Resident User Fee for the 2020-2021 season. Neither fee would generate full recovery of operating deficits attributable to non-residents nor generate any recovery of other lifecycle costs such as capital re-investments or future replacement of arenas. Lower fees are proposed in response to the Ice Associations' request to implement changes to fees gradually and to mitigate potential risks detailed further in this report.

For context, staff are also communicating in the following table the Non-Resident User Fee charged by the City of Fredericton for the upcoming season. Fredericton's fee also does not recover sufficient funds to offset operating and capital costs attributable to non-residents.

The cost to implement the Recreation Card Program is currently unknown, but would be clear upon receipt of the external services' proposals later in June 2019. Staff are currently estimating the cost to implement the program to be \$70,000.



Scenario	Annual Non-Resident User Fee	Anticipated Gross Revenue**	Estimated Rec Card Implement. Cost	Anticipated Net Revenue
39% recovery***	\$150	\$113,963	\$70,000	\$43,963
52% cost recovery***	\$200	\$151,950	\$70,000	\$81,950
65% cost recovery***	\$250	\$189,937	\$70,000	\$119,937
78% cost recovery***	\$300	\$227,925	\$70,000	\$157,925
92% cost recovery***	\$350	\$265,913	\$70,000	\$195,913
100% cost recovery***	\$382	\$290,224	\$70,000	\$220,224
Match City of Fredericton Fee (200% cost recovery***)	\$773	\$587,287	\$70,000	\$517,287

\*All amounts in table are exclusive of HST

\*\*Assumes 25% reduction in non-resident users from 2018-2019 season

\*\*\* Recovery % is relative to non-resident portion of operating deficit only based on number of users. No other facility lifecycle costs are considered.

Staff intend to recommend a cap on hours booked, below which participants associated with such “one-off” bookings would not be required to obtain a Recreation Card. Some organizations that have fluctuating participants throughout the season would also not be required to obtain a card.

### Feedback from Ice Associations and Risks to New User Fee Model

Staff do not want to understate the concerns expressed by Ice Associations and the potential risks with implementing a non-resident user fee. Almost all of the established associations, including those that are youth-based, comprise of resident and non-resident users. Over half of these associations have more than 25% non-resident users. A significant reduction in non-resident usage that could occur as a result of implementing non-resident user fees would have a significant impact on both the associations and the City’s arena sustainability model. Reduced registrations in associations may cause some associations to fold. A reduction in demand for City arenas would negatively impact revenues from rentals and cause a need to review the City’s arena supply model. Other municipalities in the region may implement a non-resident fee, which would increase the financial burden on City resident use of regional arenas and may cause similar impacts to regional associations and regional arena demand. Staff’s encouragement to Council to continue to support a regional solution and

staff's suggestion to implement a lower-than-full-cost-recovery non-resident fee in the 2019-2020 season are steps that can mitigate these concerns and risks.

### **Updating Arena Rental Rates**

Up until this point in this report, the focus has been primarily on recommendations to implement Plan B with the absence of regional collaboration. City staff has also worked on proposed changes to how arena rates would be charged and on the associated hourly rates for ice time. A finalized analysis and staff recommendations are planned to be presented at the next Council meeting scheduled for July 8, 2019. The proposed changes would be recommended with implementation of the Recreation Card program or with a regional solution.

### **Continuous Improvement (CI)**

City staff continues to pursue efforts to sustain City arenas into the future in other ways, including:

- Investing in several energy saving and safety technologies,
- Continuing to pursue staffing-to-demand initiatives. Cumulative efforts over the last 2018-2019 season and next 2019-2020 season is expected to result in an approximate 25% reduction in staffing levels required to service arenas,
- Planning to pursue an evidence-based and business-case approach to sustaining arena facilities within the City, with the City's four (4) arenas reaching end of useful life, and
- Collaborating with Ice Associations on additional opportunities suggested by these valuable and knowledgeable stakeholders.

Besides making financial sense for City taxpayers, CI initiatives that reduce cost to deliver service should also provide some benefit to users of City arenas through mitigating fee increases.

### ***STRATEGIC ALIGNMENT***

This report aligns with Common Council's priorities of investing in recreation, Financial Sustainability and Continuous Improvement.

This report aligns with the City's Sustainability Plans and approved Operating Budget Policy.

This report aligns with previous Council direction relative to the Regional Ice Strategy.

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

A Task Force of City staff from Parks & Recreation, Finance, and Continuous Improvement have been working diligently on the initiatives described in this report. Other City Departments such as Information Technology, Materials Management, the Office of the Common Clerk, and Communications have been engaged.

Engagement with Ice Associations that use City arenas has continued, including group meetings in November 2018, May 2019, and June 2019, in addition to other communications. The input provided by these Ice Associations has been imbedded throughout this report. City staff intend to continue to engage these valuable stakeholders.

City staff must still engage with the Board of the Lord Beaverbrook Rink. Because City taxpayers also pay for the lifecycle deficits of this arena, it will be important that users of that facility also participate in the Recreation Card & Non-Resident User Fee program, if this option is supported by Council.

### ***ATTACHMENT***

Staff Presentation to Common Council



# Ice Strategy Plan B Implementation Staff Presentation to Common Council June 17, 2019



SAINT JOHN



# Plan A: Regional Ice Strategy

- Fairness and Sustainability of Regional Arenas
- 1 ½ years of investment
- 6 Regional Service Commission Board resolutions sought related to Ice Strategy
  - July 2017 – Receive and file update, project charter discussed
  - May 2018 – Consultant engaged for elected official engagement
  - October 2018 – Receive and file update
  - December 2018 – Receive and file update
  - March 2019 – No consensus on principles of a cost sharing formula
  - April 2019 – No consensus on principles of a cost sharing formula

# Plan A Staff Recommendations

- Continue to be supportive of fair and sustainable arena funding principles brought before Regional Service Commission
  1. Applicable operating deficits shared among taxpayers of region based on usage
  2. Working Group to report back to Commission on applicable deficit costs and usage data for approval
- Staff to report back to Council if consensus at Regional Service Commission
  - Option to delay Plan B if meaningful progress achieved

# Plan B: Non-Resident User Fees

- Proceed given no regional consensus as of May 1, 2019
- Intended outcomes with Plan B
  - City taxpayers to continue to subsidize city resident usage of arenas
  - City taxpayers to stop subsidizing non-resident usage of arenas
  - Similar to Plan A without regional consensus
- Two Options:
  1. Full Cost Recovery Rates & Resident Rebate Program
  2. Recreation Card & Non-Resident User Fee
- Option 2 Recommended
  - Cash flow issues for city residents with Option 1
  - Fewer financial transactions, no City funds handed out
  - Option 1 has less support from Ice Associations

# Recreation Card Implementation

- Residents receive card for free with proof of residency
- Non-residents receive card after paying fee
  - Fee generates Cost Recovery in lieu of City taxpayer subsidization
- External services to help support program
  - Quality assurance
  - Database and financial system
  - Card disbursement and payment convenience
- Cross reference against participant data from Ice Associations
- Spot checks at arenas
- Requires participation of Ice Associations



# Feedback from Ice Associations

- Meetings November 2018, May 2019, June 2019
- Plan A preferred
- Plan B will result in loss of non-resident users
  - Manage expectations on revenues from non-resident fee
  - Risk of arena closures
  - Increased operating deficits with reduced demand
  - Impacts to associations
  - Impacts to city resident users
- Request phased-in Non-Resident User Fee (or avoid all together)
- Committed to finding solutions
  - Advocating for Plan A
  - Ideas to contribute to financial sustainability of City arenas and mitigate need for the fee or cost of it

# Non-Resident User Fee Options

Annual Non-Resident User Fee Options*	Cost Recovery	Anticipated Gross Revenue***	Estimated Implementation Cost****	Anticipated Net Revenue
<b>\$150</b>	39% recovery**	\$113,963	\$70,000	\$43,963
<b>\$200</b>	52% recovery**	\$151,950	\$70,000	\$81,950
<b>\$250</b>	65% recovery**	\$189,937	\$70,000	\$119,937
<b>\$300</b>	78% recovery**	\$227,925	\$70,000	\$157,925
<b>\$350</b>	92% recovery**	\$265,913	\$70,000	\$195,913
<b>\$382</b>	100% recovery**	\$290,224	\$70,000	\$220,224
<b>\$773</b>	Match City of Fredericton Fee	\$587,287	\$70,000	\$517,287

\*Exclusive of HST. Non-resident portion of deficit divided by number of non-residents (1013 in 2018-2019)

\*\*Recovery % relative to non-resident portion (37%) of operating deficit only. No other facility lifecycle costs considered.

\*\*\*Assumes 25% reduction in non-resident users from 2018-2019 season

\*\*\*\*To be confirmed early July 2019

- \$200 + HST recommended for 2019-2020; City taxpayers still subsidizing non-resident use
- \$350 + HST recommended for 2020-2021; City taxpayers still subsidizing non-resident use

# Additional Arena Sustainability Measures

- ...more than just having users pay fair share
- Continuous Improvements that reduce operating costs
  - Energy saving and safety initiatives
  - Staffing-to-demand leading to 25% reduction in labour requirements
  - Long term arena supply plan
- Ideas from Ice Associations
  - Prevent cancellations
  - Explore earlier weekday bookings
  - Provide transparent schedules throughout season
  - Earlier season booking deadline
  - Collaborate on setting arena schedules
  - Advertising and arena naming rights

# Future Work

- Recommendations for cost of 2019-2020 Non-Resident User Fee and updated arena hourly rates planned for July 8, 2019 Council meeting
- Template for other Recreation Facilities and Services



# Staff Recommendations

1. Support fair and sustainable solutions proposed at Regional Service Commission
  - Plan A to replace Plan B with meaningful progress
2. Endorse “Recreation Card & Non-Resident User Fee” Plan B option and a Non-Resident User Fee of:
  - \$200.00 + HST for 2019-2020,
  - \$350.00 + HST for 2020-2021