



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

Monday, July 22, 2024

6:00 pm

2nd Floor Common Council Chamber, City Hall

An Electronic means of communication will be used at this meeting. The public may attend the meeting in person in the Council Chamber or view the meeting on the City's Website (www.saintjohn.ca) or on Rogers TV.

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The City of Saint John

MINUTES – REGULAR MEETING
COMMON COUNCIL OF THE CITY OF SAINT JOHN
JULY 8, 2024 AT 6:00 PM
2ND FLOOR COMMON COUNCIL CHAMBER, CITY HALL

An Electronic means of communication will be used at this meeting. The public may attend the meeting in person in the Council Chamber or view the meeting on the City's Website (www.saintjohn.ca) or on Rogers TV.

Present: Mayor Donna Noade Reardon
Councillor-at-Large Gary Sullivan
Councillor-at-Large Brent Harris
Councillor Ward 1 Greg Norton
Councillor Ward 1 Joanna Killen
Councillor Ward 2 Barry Ogden
Councillor Ward 3 Gerry Lowe
Councillor Ward 3 David Hickey
Councillor Ward 4 Greg Stewart
Councillor Ward 4 Paula Radwan

Absent: Deputy Mayor John MacKenzie

Also Present:

Chief Administrative Officer B. McGovern
General Counsel M. Tompkins
Chief Financial Officer K. Fudge
Commissioner Utilities & Infrastructure Services I. Fogan
Fire Chief R. Nichol
Director Human Resources D. McQuade-Clark
Commissioner Growth & Community Services A. Poffenroth
Commissioner Public Works & Transportation M. Hugenholtz
City Clerk J. Taylor
Deputy City Clerk P. Anglin

1. Call to Order

1.1 Land Acknowledgement

Councillor Radwan read aloud the Land Acknowledgement and called for a moment of reflection.

“The City of Saint John/Menaquesk is situated is the traditional territory of the Wolastoqiyik/Maliseet. The Wolastoqiyik/Maliseet along with their Indigenous Neighbours, the Mi’Kmaq/Mi’kmaw and Passamaquoddy/Peskotomuhkati signed Peace and Friendship Treaties with the British Crown in the 1700s that protected their rights to lands and resources.”

1.2 National Anthem

The Saint John High School Choir performed O Canada by video.

2. Approval of Minutes

Moved by Councillor Hickey, seconded by Councillor Radwan:
RESOLVED that the minutes of June 24, 2024, be approved.

MOTION CARRIED.

3. Approval of Agenda

Moved by Councillor Harris, seconded by Councillor Stewart:
RESOLVED that the agenda for July 8, 2024 be approved with the addition of 17.2 License Agreement: Commercial Properties Ltd. – 12 Smythe Street PID 55125199 “Red Rose Teal Lot”; 17.3 Amendment of License Agreement – Update to Enforcement Language – 20 Dorchester Street (PID 38000 and 38018); 17.4 Memorial Garden Agreement for South Central Peninsula School; 17.5 Hayes Litigation – Costs.; and that Item 9.1 be moved forward as the first item for discussion.

MOTION CARRIED.

9.1 Proposed Rescheduling of a Public Hearing Date – 1750 Sandy Point Road

Commissioner Poffenroth recommended that the application be rescheduled at the request of the applicant. The revised proposal will be submitted to the Planning Advisory Committee (PAC) August 20th meeting and scheduled for the Common Council meeting date of September 3, 2024.

Moved by Councillor Sullivan, seconded by Councillor Harris:
RESOLVED that as recommended in the submitted report M&C 2024-182: Proposed Rescheduling of a Public Hearing Date – 1750 Sandy Point Road, Common Council reschedule the public hearing for the Zoning Bylaw rezoning application submitted by 667117 NB Inc. for 1750 Sandy Point Road (PID: 00050849) for Tuesday, September 3, 2024, at 6:30 p.m. at the Council Chamber, City Hall 2nd floor, 15 Market Square, Saint John, NB.

MOTION CARRIED.

4. Disclosures of Conflict of Interest

Councillors Harris and Killen declared a conflict of interest with item 12.2.

5. Consent Agenda

5.1 RESOLVED that as recommended in the submitted report, *M&C 2024-176: LPP Council Report – Alloy Drive*, Common Council approve the following:

- 1) That Common Council assent to the submitted subdivision plan, in general accordance with the submitted subdivision plan, including any required Local Government Services Easements and Municipal Drainage Easements;
- 2) That Common Council accept money-in-lieu of Land for Public Purposes in relation to the proposed subdivision; and,
- 3) That Common Council authorize the preparation and execution of one or more City/Developer Subdivision Agreements to ensure the provision of the required work and facilities, including any necessary temporary turnarounds.

5.2 RESOLVED that as recommended in the submitted report, *M&C 2024-178: Appointment of Municipal Planning Director*, Common Council appoint Pankaj Nalavde, MCIP, RPP, Director of Community Planning and Housing, as the Municipal Planning Director in accordance with subsection 10(1)(b) of the *Community Planning Act*.

5.3 RESOLVED that as recommended in the submitted report, *M&C 2024-184: Proposed Public Hearing Dates for 88-126 St. James Street, 3600 Westfield Road, 1277 Old Black River Road, and 9 Austin Lane*, Common Council schedule the public hearings for the following:

- Zoning By-law Rezoning submitted by Heather Copp (NBDTI) for 88-126 St. James Street (PIDs: 55025332, 00002402, 00002246, 00001834, 00001842, 00001859, 00001867, 00001875, 55242192, 00001909, 00001917, 00002238, 00001560, 00001552, 00001545, 00001537, 00001529, 00001511, 00001503, 00001495, 00002386, 00002220, 00001487, 55019731);
- Rezoning and Section 59 amendment Application submitted by Brunswick Engineering for 3600 Westfield Road (PIDs: 00295253 and 55063614);
- Rezoning application submitted by Don-More Surveys & Engineering Ltd. for 1277 Old Black River Road (PID: 55100135); and
- Rezoning Application submitted by George D. Cormier for 9 Austin Lane (part of PID: 00403972) for Tuesday, September 3, 2024, at 6:30 p.m. at the Council Chamber, City Hall 2nd floor, 15 Market Square, Saint John, NB.

5.4 RESOLVED that as recommended in the submitted report, *M&C 2024-187: Green Municipal Fund – Growing Canada’s Community Canopies Tree Planting Funding Opportunity*, Common Council endorse a funding application to the Green Municipal Fund, through the Canadian Federation of Municipalities.

Moved by Councillor Harris, seconded by Councillor Stewart:

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

MOTION CARRIED UNANIMOUSLY.

6. Members Comments

Members commented on various local events.

7. Proclamation

8. Delegations / Presentations

9. Public Hearings – 6:30 p.m.

9.2 Proposed Section 59 Amendment with Planning Advisory Committee report and Staff Presentation – 72 Clint Drive

Commissioner Poffenroth introduced the proposed Section 59 Amendment amending the Section 59 conditions imposed on the September 10, 2007, rezoning of the property located at 72 Clint Drive, also identified as PIDs 55243521 and 55243166, to permit a development including semi-detached dwellings. The Planning Advisory Committee and staff recommendation are aligned.

Mayor Noade Reardon called the Public Hearing to Order.

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

The Mayor called for members of the public to speak in favour of the proposed amendment with no one presenting.

Mayor Noade Reardon closed the public hearing.

Moved by Councillor Sullivan, seconded by Councillor Radwan:

RESOLVED that Common Council rescind the Section 59 conditions imposed on the September 10, 2007, rezoning of the property located at 72 Clint Drive, also identified as PID Number 55243786.

MOTION CARRIED.

Moved by Councillor Killen, seconded by Councillor Stewart:

RESOLVED that:

- 1) Common Council assent to the submitted subdivision plan, in general accordance with the submitted subdivision plan, including any required Local Government Services Easements and Municipal Drainage Easements.
- 2) That Common Council accept money-in-lieu of Land for Public Purposes in relation to the proposed subdivision.

- 3) That Common Council authorize the preparation and execution of one or more City/Developer Subdivision Agreements to ensure the provision of the required work and facilities, including any necessary temporary turnarounds.

MOTION CARRIED.

9.3 Proposed Zoning By-Law Amendment with Planning Advisory Committee report and Staff Presentation – 910 Fairville Boulevard

Commissioner Poffenroth introduced the proposed Zoning By-Law Amendment to rezone a parcel of land having an area of approximately 12,242 square metres, located at 910 Fairville Boulevard, also identified as PID 00402446, from Regional Commercial (CR) to Regional Commercial Residential (CR-R) to permit a mixed-use development. The Planning Advisory Committee and staff recommendation are aligned.

Mayor Noade Reardon called the Public Hearing to Order.

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

The Mayor called for members of the public to speak in favour of the proposed amendment with no one presenting.

Mayor Noade Reardon closed the public hearing.

Moved by Councillor Lowe, seconded by Councillor Stewart:

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 rezoning a parcel of land having an area of approximately 12,242 square metres, located at 910 Fairville Boulevard, also identified as PID 00402446, from Regional Commercial (CR) 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 Councillor Killen, seconded by Councillor Ogden:

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 rezoning a parcel of land having an area of approximately 12,242 square metres, located at 910 Fairville Boulevard, also identified as PID 00402446, from Regional Commercial (CR) 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.”

9.4 Proposed Zoning By-Law Amendment with Planning Advisory Committee report and Staff Presentation – 1670 Hickey Road (1st and 2nd Reading)

Commissioner Poffenroth introduced the proposed Zoning By-Law Amendment to rezone a piece of property, previously a part of PID 55198410 and now amalgamated into PID 55221790, from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN) to allow for the construction of an extension of a special care home. The Planning Advisory Committee and staff recommendation are aligned.

Mayor Noade Reardon called the Public Hearing to Order.

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

The Mayor called for members of the public to speak in favour of the proposed amendment with no one presenting.

Mayor Noade Reardon closed the public hearing.

Moved by Councillor Sullivan, seconded by Councillor Lowe:

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 rezoning a piece of land having an area of approximately 3,014 square metres, located at 1670 Hickey Road also identified as PID 55221790 from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN), 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 Councillor Hickey, seconded by Councillor Radwan:

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 rezoning a piece of land having an area of approximately 3,014 square metres, located at 1670 Hickey Road also identified as PID 55221790 from Two-Unit Residential (R2) to Neighbourhood Community Facility (CFN), 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

10.1 Public Presentation – Proposed Municipal Plan Amendment – Nason Road / Martha Avenue

Commissioner Poffenroff introduced the Public Presentation for a proposed amendment to the Municipal Plan which would redesignate on Schedule A of the Municipal Development Plan, land having an approximate area of 6.78 hectares, located on Nason Road, also identified as PID 55086227, from Park and Natural Area to Stable Area; and redesignate on Schedule B of the Municipal Development Plan, land having an

approximate area of 6.78 hectares, located on Nason Road, also identified as PID 55086227, from Park and Natural Area to Stable Residential, to permit a multi-unit residential development. Written objections will be accepted up to August 7, 2024.

10.2 Public Presentation – Proposed Municipal Plan Amendment – Saint John Industrial Park Expansion

Commissioner Poffenroth introduced the Public Presentation for a proposed amendment to the Municipal Plan which would redesignate on Schedule A of the Municipal Development Plan land having an approximate area of 421 hectares identified as portions of PIDs 55243596, 55233456, 55243588, and 55237077, from Park and Natural Area, Rural Resource, Employment Area, and Stable Area (outside of the Primary Development Area) to Employment Area (within the Primary Development Area); and redesignate on Schedule B of the Municipal Development Plan land having an approximate area of 421 hectares identified as portions of PIDs 55243596, 55233456, 55243588, and 55237077, from Park and Natural Area, Rural Resource, Heavy Industrial, and Rural Residential (outside of the Primary Development Area) to Heavy Industrial (within the Primary Development Area), to include the site within the Primary Development Area and the Heavy Industrial designation to allow for the expansion of the Spruce Lake Industrial Park. Written objections will be accepted up to August 7, 2024.

10.3 Zoning By-Law Amendment and Recission of Previous Section 39/59 Conditions – 2400 Westfield Road (3rd Reading)

Commissioner Poffenroth confirmed that all legislative requirements of the *Community Planning Act* required to proceed with 3rd Reading have been met.

Moved by Councillor Sullivan, seconded by Councillor Norton:

RESOLVED that the by-law entitled “By-Law Number CP 111-168 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 rezoning a parcel of land having an area of approximately 5,261 square metres, located at 2400 Westfield Road, also identified as PID 00290585, from Rural General Commercial (CRG) to Rural Settlement Residential (RS), be read.

MOTION CARRIED.

The by-law entitled “By-Law Number CP 111-168 A Law to Amend the Zoning By-Law of The City of Saint John” was read in its entirety.

Moved by Councillor Killen, seconded by Councillor Harris:

RESOLVED that Common Council, pursuant to the provisions of the Community Planning Act, rescind the conditions imposed on the May 3, 2016, rezoning of the property located at 2400 Westfield Road, also identified as PID 00290585.

MOTION CARRIED.

Moved by Councillor Killen, seconded by Councillor Harris:

RESOLVED that the by-law entitled “By-Law Number CP 111-168 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 rezoning a parcel of land having an area of approximately 5,261 square metres, located at 2400 Westfield Road, also identified as PID 00290585, from

Rural General Commercial (CRG) to Rural Settlement Residential (RS) be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled “By-Law Number CP 111-168 A Law to Amend the Zoning By-Law of The City of Saint John.”

10.4 Zoning By-Law Amendment and Recission of Previous Section 39/59 Conditions – 15 O’Brien Street (3rd Reading)

Commissioner Poffenroth confirmed that all legislative requirements of the *Community Planning Act* required to proceed with 3rd reading have been met.

Moved by Councillor Radwan, seconded by Councillor Stewart:

RESOLVED that the by-law entitled “By-Law Number CP 111-169 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 rezoning a parcel of land having an area of approximately 3,118 square metres, located at 15 O’Brien Street, also identified as PID Number 00415711 from General Commercial (CG) to Two-Unit Residential (R2), be read.

MOTION CARRIED.

The by-law entitled “By-Law Number CP 111-169 A Law to Amend the Zoning By-Law of The City of Saint John” was read in its entirety.

Moved by Councillor Stewart, seconded by Councillor Sullivan:

RESOLVED that Common Council, pursuant to the provisions of Section 59 of the Community Planning Act, rescind the conditions imposed on the September 26, 2022, rezoning, for the parcel of land having an area of approximately 3,118 square metres, located at 15 O’Brien Street, also identified as PID Number 00415711, stating:

- a. That the development of the site be limited to the applicant’s proposal for a mixed-use development incorporating two buildings with uses limited to the following:
 - i. The southern building, located adjacent to Wilson Street having a maximum of 50 dwelling units and 4 live-work units.
 - ii. the northern building be limited to a maximum of 50 dwelling units.
- b. That notwithstanding subparagraph 11.7(3)(c)(i) of the Zoning By-Law, dwelling units may be located below the second storey of the proposed buildings.
- c. The development and use of the parcel of land be in accordance with detailed building elevation and site plans, prepared by the proponent and subject to the approval of the Development Officer, illustrating the design and location of buildings and structures, garbage enclosures, outdoor storage, driveway accesses, vehicle and bicycle parking, loading areas, landscaping, amenity spaces, signs, exterior lighting, and other such site features including front yard landscaping in conformance with the Zoning By-Law and side yard landscaping as illustrated on the site plan submitted with the application.
- d. The above plans referenced in (c) be attached to the permit application for the development of the parcel of land.
- e. That pedestrian access to and from the development is facilitated by connecting to the sidewalk on O’Brien Street.
- f. If any municipal infrastructure improvements are required to service this proposal, it will be the owner/developer's full responsibility and cost to complete. Prior to determining this,

detailed engineering plans and a design brief must be submitted by the owner/developer's engineering consultant to the City for review and approval by the City.

g. That the parcel of land be developed and maintained in accordance with an engineering storm water drainage plan and design report, prepared by a professional engineer on behalf of the proponent and subject to the approval of the Chief City Engineer, and that such approved plan and report be attached to any development and/or building permit for the proposed development.

h. Should the location of the building sprinkler connections necessitate the installation of an additional fire hydrant, this hydrant installation will be at the expense of the developer.

i. That concrete curb and sidewalk be extended by the developer along the Wilson Street frontage of the site.

j. That prior to issuance of any building permits for the proposed development, a Traffic Impact Statement be completed by an engineering consultant engaged by the developer at the developer's expense to review the traffic impacts on the existing roadway network and any required improvements to the existing road network including traffic calming measures. Any improvements identified by the Traffic Impact Statement be the developer's responsibility and cost to complete.

MOTION CARRIED.

Moved by Councillor Harris, seconded by Councillor Stewart:

RESOLVED that the by-law entitled "By-Law Number CP 111-169 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 rezoning a parcel of land having an area of approximately 3,118 square metres, located at 15 O'Brien Street, also identified as PID Number 00415711 from General Commercial (CG) to Two-Unit Residential (R2), be read a third time, enacted, and the Corporate Common Seal affixed thereto.

MOTION CARRIED.

Read a third time by title, the by-law entitled "By-Law Number CP 111-169 A Law to Amend the Zoning By-Law of The City of Saint John."

11. Submissions by Council Members

12. Business Matters – Municipal Officers

12.1 Chief Administrative Officer Update on select Catalytic Projects and Advocacy (Verbal)

The CAO updated Council on the progress being made on the following advocacy and catalytic projects:

- Housing Accelerator Fund targets show good progress to reach the goal of creating 1124 units over 3 years and reaching the affordable housing targets.
- Central Peninsula School, including the surrounding Rainbow Park and the Turner Brewer Memorial
- Spruce Lake Industrial Park development land plans will have an Open House July 27
- Fundy Quay and Harbour Passage.

Moved by Councillor Stewart, seconded by Councillor Lowe:
RESOLVED that the Chief Administrative Officer verbal update on select Catalytic Projects and Advocacy be received for information.

MOTION CARRIED.

Having declared a conflict-of-interest Councillors Harris and Killen withdrew from the meeting.

12.2 Demolition of Vacant, Dilapidated and Dangerous Building at 230-232 Duke Street (PID 00006452)

Referring to the submitted report M&C 2024-177: Demolition of Vacant, Dilapidated and Dangerous Building at 230-232 Duke Street (PID 00006452), Commissioner Poffenroth advised Council that a Notice to Comply was issued under Part 13 of the *Local Governance Act* for the building located at 230-232 Duke Street. 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 demolition of the building.

The Mayor read the cautionary demolition statement as follows:

“The information which has been provided in the Council Agenda Packet includes the report of the Building Inspector stating that the building located at 230-232 Duke Street (PID: 00006452) is a hazard to the safety of the public by virtue of its being amongst other things, dilapidated or structurally unsound. Is there present an owner, including anyone holding any encumbrance upon this property, who wishes to present evidence to the contrary, i.e., that the building is structurally sound and not dilapidated?”

No one came forward to present evidence.

Moved by Councillor Sullivan, seconded by Councillor Lowe:

RESOLVED that as recommended in the submitted report M&C 2024-177: Demolition of Vacant, Dilapidated and Dangerous Building at 230-232 Duke Street (PID 00006452), the building located at 230-232 Duke Street, PID# 00006452, is to be demolished as it has become a hazard to the safety of the public by reasons of dilapidation and 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.

MOTION CARRIED.

Councillors Killen and Harris re-entered the meeting.

12.3 Affordable Housing Grant Program Amendment

Moved by Councillor Harris, seconded by Councillor Hickey:

RESOLVED that as recommended in the submitted report *M&C 2024-153: Affordable Housing Grant Program Amendment*, Common Council approve the Affordable Housing

Grant Program as amended and attached to this M&C 2024-153 presented at the July 08, 2024, meeting.

MOTION CARRIED.

13. Committee Reports

14. Consideration of Issues Separated from Consent Agenda

15. General Correspondence

15.1 R. Johnson: Request to Rescind Motion declaring 1671 Sandy Point Road as surplus property (Recommendation: Refer to Growth Committee)

Moved by Councillor Killen, seconded by Councillor Stewart:

RESOLVED that the R. Johnson correspondence entitled "Request to Rescind Motion declaring 1671 Sandy Point Road as surplus property" be referred to the Growth Committee.

MOTION CARRIED.

15.2 Saint John Cycling: Harrigan Lake Trail (Recommendation: Refer to Growth Committee)

Moved by Councillor Sullivan, seconded by Councillor Stewart:

RESOLVED that the Saint John Cycling correspondence regarding the Harrigan Lake Trail be referred to the Growth Committee.

MOTION CARRIED.

15.3 L. Brown: Rogers Communications Proposal (Recommendation: Receive for Information)

Moved by Councillor Sullivan, seconded by Councillor Norton:

RESOLVED that the L. Brown correspondence regarding a Rogers Communications Proposal, be received for information.

MOTION CARRIED.

16. Supplemental Agenda

17. Committee of the Whole

17.1 Provincial Candidates Invited to Address Common Council

Moved by Councillor Sullivan, seconded by Councillor Norton:

RESOLVED that as recommended by the Committee of the Whole, having met on June 24, 2024, Common Council invite each party leader participating in the upcoming Provincial General Election, along with their candidates from the Saint John ridings, to present their platform at a special open session meeting of Common Council on either August 26, 2024, or September 9, 2024, depending upon the availability of the party

leaders. Each party will be offered 30 minutes to present, with ten minutes provided for questions from Common Council; and

Furthermore, the CEO of Saint John Energy and the Chief of Police for the Saint John Police Force be invited to attend to hear the presentations.

MOTION CARRIED.

17.2 License Agreement: Commercial Properties Ltd. – 12 Smythe Street PID 55125199 “Red Rose Tea Lot”

Moved by Councillor Killen, seconded by Councillor Radwan:

RESOLVED that as recommended by the Committee of the Whole, having met on July 8, 2024, that the City of Saint John enter into a License Agreement with Commercial Properties Ltd. – 12 Smythe Street (Red Rose Tea Lot), in the form as attached to M&C No. 2024-179; for the use of parking spaces on PID 55125199, and further that the Mayor and City Clerk be authorized to execute the said license agreement.

MOTION CARRIED.

17.3 Amendment of License Agreement – Update to Enforcement Language – 20 Dorchester Street (PID 38000 and 38018)

Moved by Councillor Killen, seconded by Councillor Hickey:

RESOLVED that as recommended by the Committee of the Whole, having met on July 8, 2024, that the City of Saint John enter into an amendment of the terms and conditions within the existing license agreement with Commercial Properties. – as attached to M&C No. 2024-180 and further that the Mayor and City Clerk be authorized to execute said amendment to the license agreement.

MOTION CARRIED.

17.4 Memorial Garden Agreement for South Central Peninsula School

Moved by Councillor Lowe, seconded by Councillor Sullivan:

RESOLVED that as recommended by the Committee of the Whole, having met on July 8, 2024, the City enter into the Memorial Garden Agreement generally in the form as presented to Committee of the Whole at its meeting held July 8, 2024 for the handling of the Turner-Brewer Memorial Garden currently partly located on PID 55019731 with components of it being located on PIDs 00001560 and 00001552, and that the Mayor and Clerk be authorized to execute the said Memorial Garden Agreement and any other documents ancillary thereto.

MOTION CARRIED.

17.5 Hayes Litigation – Costs

Moved by Councillor Lowe, seconded by Councillor Radwan:

RESOLVED that as recommended by the Committee of the Whole, having met on July 8, 2024, the City settle the Plaintiffs’ costs in the Hayes Litigation matter as follows:

- a) The all-inclusive amount of \$70,000 for the trial and the appeal; and
- b) The all-inclusive amount of \$1,500 for the Supreme Court of Canada Leave to Appeal Application

MOTION CARRIED.

18. Adjournment

Moved by Councillor Lowe, seconded by Councillor Killen:

RESOLVED that the meeting of Common Council held on July 8, 2024, be adjourned.

MOTION CARRIED.

The Mayor declared the meeting adjourned at 7:38 p.m.

Local Arrangements Committee
2024 Royal Canadian Legion Dominion Convention

% Bernard Cormier, 705 - 95 Wentworth Street, Saint John, NB E2L 2S3

11 Jul 2024

Mayor Donna Reardon
and members of the Common Council
City of Saint John
P.O. Box 1971
Saint John, NB E2L 2L1

Your Worship,

The Royal Canadian Legion's 2024 Dominion Convention, will be held in Saint John August 24-28 at TD Station and the Saint John Trade & Convention Centre. 1,000 delegates are expected to attend.

The Local Arrangements Committee have requested a fly-by by Canadian Armed Forces aircraft during the Commemoration Ceremony, which will take place the morning of Sunday, August 25th beginning at 1000 hours (10:00 am), at the foot of King Street. A Cenotaph will be erected at the former site of Barbour's General Store for the parade and ceremony.

The Flyby is requested to take place at 1010 hours (10:10 am) on August 25th, 2024.

The RCAF require authorization be given by the Mayor or Common Council for the fly-by, which will take place at an altitude of 500 feet. A sample of the authorization letter is attached.

Naturally, the aircraft fly-by is dependant on weather conditions, serviceability, and operational requirements.

We would appreciate the City's approval of this request as soon as possible, in order that we may coordinate further with the 1 Canadian Air Division Headquarters. Please send the reply to the undersigned at cormier53@gmail.com

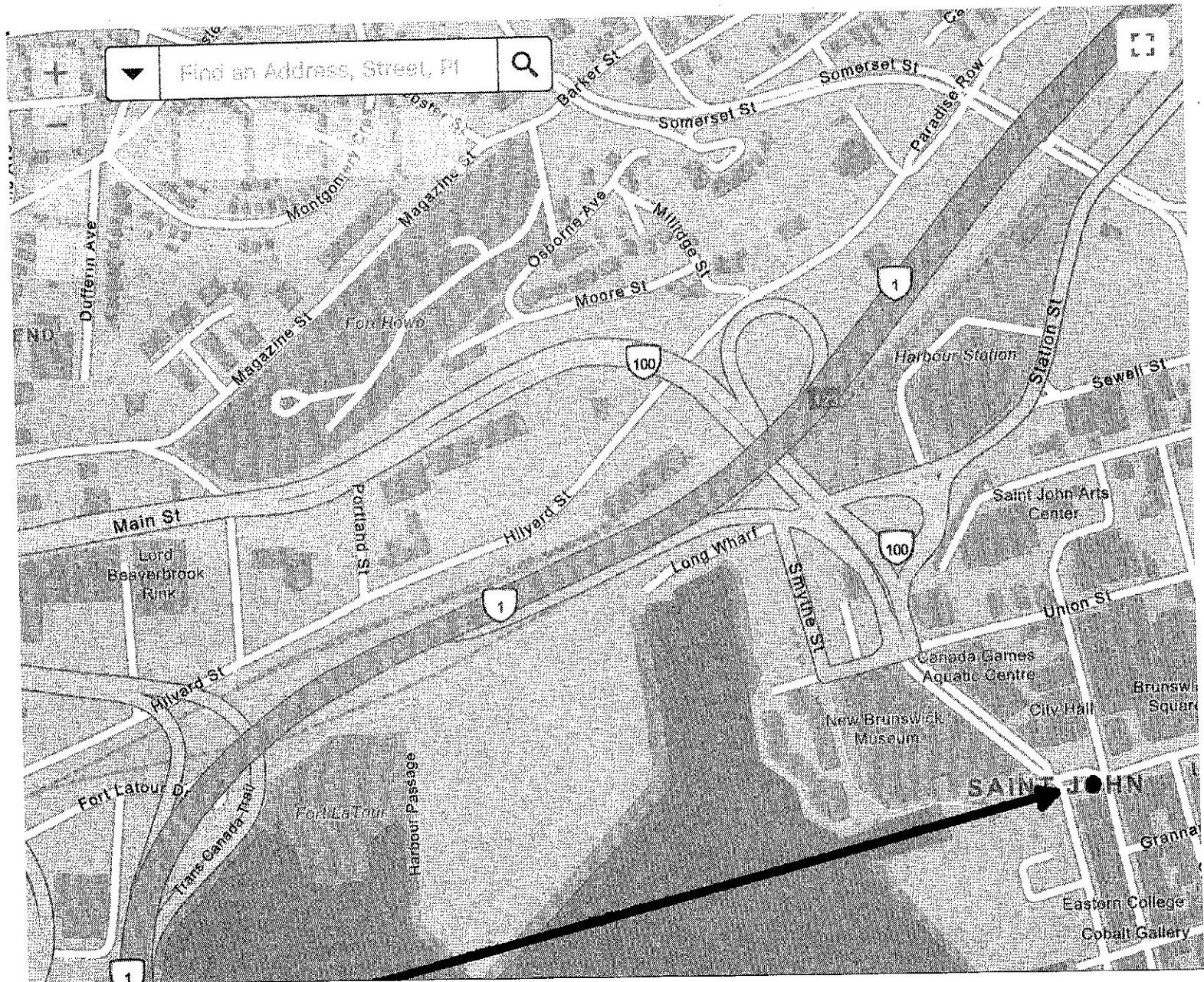
Many thanks for your attention to this ask.

Yours truly,



Bernard J. Cormier
Local Arrangements Committee
506-651-3414 Email: cormier53@gmail.com

Enclosed: Sample letter
Map



FLYBY FOR ROYAL CANADIAN LEGION 2024 DOMINION CONVENTION

Commemoration Ceremony & Wreath Laying

Sunday, 25 Aug 2024. (Ceremony begins at 1000 hrs. Flyby requested for 1015 hrs.)

Target is represented by the bold dot
 (15 Market Square. Corner of King St and
 Prince William Street, Saint John, NB

Time on Target is 1010 hrs.

45 16'21" N
 066 03' 47" W

Parade units will occupy the entire area
 (approx. 500 on parade, plus spectators)

Requested path from west to east.

**Address: 15 Market Square, Saint John, NB
 E2L 4L1**

(Insert City's letterhead)

15 July, 2024

Special Events
1 Canadian Air Division Headquarters
P.O. Box 17000 Stn Forces
Winnipeg, MB R3J 3Y5

Flyby Letter - Royal Canadian Legion 2024 Dominion Convention
Commemoration Ceremony
Sunday, 25 Aug 2024 - Saint John, NB

The City of Saint John is supportive of a flyby by the Canadian Armed Forces aircraft as low as 500 feet, for the planned Royal Canadian Legion Commemoration Service, to be held at the foot of King Street in front of Saint John City Hall, 15 Market Square, Saint John, NB on Sunday, August 25th, 2024, at 10:00 am AST.

If you require any further information, please feel free to contact me at XXX-XXX-XXXX.

Sincerely,

(Insert electronic or physical signature)

(Signature block of authorizing official)

From the desk of Harold E. Wright

July 16th, 2024

Mayor & Council
City of Saint John

Dear Mayor & City Council Members:

I am writing to request a ceremonial fly-by as low as 500 feet for the upcoming Battle of Britain Ceremony at King's Square for the purposes of transit, practice and shows on Sunday September 15th at 1100 hours.

Furthermore, I invite you to the Battle of Britain Ceremony at the same date, time and location above.

Sincerely,

Harold E. Wright
saintjohnheritage@yahoo.ca
506-639-4435

COMMON COUNCIL REPORT

M&C No.	2024-194
Report Date	July 16, 2024
Meeting Date	July 22, 2024
Service Area	Public Works and Transportation Services

Her Worship Mayor Donna Noade Reardon and Members of Common Council

SUBJECT: Green Communities Canada - Living Cities Canada Fund – Site Host Expectations Agreement

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	Chief Administrative Officer
Barb Crawford	Michael Hugenholtz / Marc Dionne	J. Brent McGovern

RECOMMENDATION

It is recommended that the City enter into an Agreement with ACAP Saint John related to funding under the *Green Communities Canada - Living Cities Canada Fund – Demonstrate Stream 2024* for the tree planting project at Rayland Street in the form as presented to Council at its July 22, 2024 meeting; and that the Mayor and City Clerk be authorized to execute the said Agreement.

EXECUTIVE SUMMARY

ACAP Saint John in partnership with the City put forward a successful application for funds for a 100 m² tree planting project in Glen Falls. The purpose of this report is to execute the Site Host Expectation agreement from Green Communities Canada.

PREVIOUS RESOLUTION

N/A

REPORT

The 2024 funding stream from Green Communities Canada (GCC) and the Living Cities Canada Foundation (LCCF) promotes sustainable urban development and enhances urban green spaces across the nation. This initiative is designed to support municipalities, non-profit organizations, and community groups in their efforts to create greener, healthier, and more resilient urban environments. With an emphasis on urban forestry, green infrastructure and climate adaptation, the funding stream aims to catalyze projects that can have a lasting impact on communities.

Partnering with the Atlantic Coastal Action Program (ACAP) on the tree planting project presents a valuable opportunity to leverage ACAP's extensive experience in environmental restoration and community engagement. ACAP's expertise in habitat restoration, environmental education, and community-based initiatives aligns seamlessly with our goals to enhance urban green spaces and promote ecological sustainability.

By collaborating with ACAP, we can ensure that our tree planting efforts are guided by best practices in environmental stewardship and benefit from ACAP's established network of local stakeholders and volunteers.

STRATEGIC ALIGNMENT

The proposed recommendation aligns with Common Council's priorities of GREEN & BELONG.

GREEN: We value the environment.

The proposed projects will directly contribute to environmental sustainability and resilience.

BELONG: We value a welcoming community.

Access to green spaces enhances community well-being by providing opportunities for recreation, relaxation, and social interaction. These spaces contribute to mental health and quality of life for residents, aligning with the council's commitment to fostering vibrant and healthy communities.

The tree planting project aligns with the City of Saint John's 10-year Strategic Plan, Climate Change Adaptation Plan and Corporate GHG & Energy Action Plan by implementing a tree planting initiative to enhance resilience against climate impacts.

SERVICE AND FINANCIAL OUTCOMES

There is no financial impact associated with the proposal. ACAP has received funds to plant the 100 m² and will be doing so with their resources.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The General Counsel Office has reviewed the attached agreement.

ATTACHMENTS

Site Host Expectations – Living Cities Canada Fund, Demonstrate Stream 2024

Site Host Expectations – Living Cities Canada Fund, Demonstrate Stream 2024

Expectations of Site Host (City of Saint John) and Project Implementer (ACAP Saint John)

1. **This document formalizes the mutual understanding of both parties’ roles in the development and implementation of a green infrastructure project.** Green Infrastructure projects are any project in which native plants and other natural or engineered features are installed with a goal to:
 - a. Increase stormwater infiltration, reduce localized flooding, reduce stormwater pollutants; and/or
 - b. Cool urban areas, provide shade, improve local air quality, increase canopy cover; and/or
 - c. Increase access to green space, connections to nature, and create a sense of belonging; and/or
 - d. sequester carbon, enhance biodiversity, support pollinators, create habitat for species at risk; and/or
 - e. Address issues of food security, install fruit-bearing trees or bushes, re-establish cultural or medicine plants on the landscape.

Green infrastructure projects will be developed and designed alongside community and site hosts to meet local priorities, but may include: depaving of under-utilized asphalt, and/or installation of rain gardens, pollinator gardens, mini forests, community garden plots, etc.

2. The “project” includes the planting of a minimum of a **100m² area** located at: Rayland St, Glen Falls, Saint John **by November 30th, 2024.**
3. **Statement of Expectations for Site Hosts.** The role of the site host is central to making this project a success. Site hosts are a critical link for bringing together the site, the local community, volunteers, and supporting all phases of planning and event preparation.
4. **Site host expectations and responsibilities.** To further the goals of the project, the site host understands that their assistance, support and cooperation are critical to the success of the event. The site host will:
 - Meet with ACAP Saint John on a regular basis and communicate via email as many times as necessary to complete the project and then again within two weeks post event to confer on evaluation and maintenance plan.

- Assist in the development of a vision and a stewardship plan for the site post-planting that includes weeding, watering, and occasional tours/interviews with interested persons.
- Assist with planning the event as required.

5. **ACAP Saint John expectations and responsibilities.**

ACAP Saint John will:


- Assist with or lead all the above as deemed necessary.
- Secure the safety of participants as outlined in the project safety plan.
 - Provide health and safety briefing, stretching.
 - Check that volunteers are wearing appropriate shoes.
 - Arrange for first aid trained volunteer and shade tent.
 - Ensure young children and other non-participants are kept out of the planting area.
- Order materials and other services required on the day as laid out in the project plan.
- Ensure adequate tools are provided (gloves, shovels, rakes, wheelbarrows).
- Arrange for photo and video documentation of the event using the shot list provided.
- Conduct media interviews and social media engagement on the day as required.
- Create and install signage.
- Write and submit final report and site data.

6. **Conditions and limitations.** Both parties agree that they have set out their expectations of each other in this agreement to the best of their knowledge and to ensure that they are transparent, realistic and attainable. Any delays, difficulties or encumbrances should be communicated to each other without delay. Some factors may influence the timeliness of bringing a vision to reality, including:

- Funding and in-kind contributions
- Schedules
- Level of community support
- Site development permits / Physical Plant approval
- Unanticipated setbacks
- Lack of community buy-in and volunteer recruitment

7. **Indemnity.** Each party agrees to indemnify, defend, and hold harmless the other party from and against any loss, cost, or damage of any kind arising out of its breach of this Agreement, and/or its negligence or willful misconduct.

8. **Insurance & Coverage.** The Site host is responsible for ensuring appropriate property and liability coverage for all activities taking place on the site and for the mini-forest site after installation.



May 15, 2024

Roxanne MacKinnon, Executive Director
ACAP Saint John

Date

Mayor Donna Noade Reardon
City of Saint John

Date

Jonathan Taylor, City Clerk
City of Saint John

Date

COUNCIL REPORT

M&C No.	2024-198
Report Date	July 17, 2024
Meeting Date	July 22, 2024
Service Area	Public Works and Transportation Services

Her Worship Mayor Donna Noade Reardon and Members of Common Council

SUBJECT: Designation of By-Law Enforcement Officer – Justin Belliveau

AUTHORIZATION

Primary Author(s)	Commissioner/Dept. Head	Chief Administrative Officer
<i>Jill Good</i>	<i>Michael Hugenholtz/Marc Dionne</i>	<i>J. Brent McGovern</i>

RECOMMENDATION

It is recommended that Common Council adopt the attached resolution appointing Justin Belliveau as by-law enforcement officer for the *Saint John Parking By-law* and *Saint John Traffic By-law*.

EXECUTIVE SUMMARY

The purpose of this report is to designate Justin Belliveau, Badge No. 1007 Canadian Corps of Commissionaires, as a by-Law enforcement officer, for the *Saint John Parking By-law* and *Saint John Traffic By-law* which are administered by the Parking department.

In doing so, Mr. Belliveau will be authorized to:

- Administer and enforce the *Saint John Parking By-Law*.
- Administer and enforce the *Saint John Traffic By-Law*.

PREVIOUS RESOLUTION

Not applicable.

REPORT

It is necessary at this time to designate Justin Belliveau, a newly hired parking enforcement officer, as a by-Law enforcement officer, by adopting the attached resolution so that they may carry out their duties pertaining to enforcement of the *Saint John Parking By-law* and *Saint John Traffic By-law*.

PREVIOUS RESOLUTION

N/A

STRATEGIC ALIGNMENT

This report aligns with Council's "Growth" and "Belong" Priorities.

SERVICE AND FINANCIAL OUTCOMES

N/A

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The General Counsel's Office has reviewed the attached resolution.

ATTACHMENTS

Resolution appointing Justin Belliveau as by-law enforcement officer.

RESOLVED, that as recommended by the Chief Administrative Officer, the following resolution be adopted:

1. 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 *A By-law Respecting the Regulation of Parking in The City of Saint John*, By-law Number LG-8 (the "*Saint John Parking By-Law*"), *A By-law Respecting the Traffic on Streets in The City of Saint John*, By-law Number MV-10.1 (the "*Saint John Traffic By-Law*") and all amendments thereto;

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;

NOW THEREFORE BE IT RESOLVED, that Justin Belliveau is hereby appointed as by-law enforcement officer with respect to the enforcement of the *Saint John Parking By-Law* and *Saint John Traffic By-Law*, effective immediately, and this appointment shall continue until they cease to be an employee of the Parking department of The City of Saint John or until it is rescinded by Common Council, whichever comes first;

COMMON COUNCIL REPORT

M&C No.	2024-173
Report Date	July 15, 2024
Meeting Date	July 22, 2024
Service Area	Growth and Community Services

Her Worship Mayor Donna Noade Reardon and Members of Common Council

SUBJECT: P.R.O. Kids Program and Sustainability Process Updates

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	Chief Administrative Officer
<i>Kay Kanyandula / Cara Coes</i>	<i>Amy Poffenroth / David Dobbelsteyn</i>	<i>J. Brent McGovern</i>

RECOMMENDATION

The P.R.O. Kids Advisory Committee recommends that:

Common Council approve the amended program and sustainability process changes to the P.R.O. Kids Special Purpose Fund related to:

- Seasonal Application Window;
- Invoice Guidelines; and
- Eligibility Requirements.

And that Common Council approve the amended Terms of Reference as attached to M&C 2024-173

EXECUTIVE SUMMARY

P.R.O. Kids, a charitable program operated by the City of Saint John, provides financial assistance to children and youth in need to assist with fees and equipment costs related to organized recreation, sports, arts, and cultural activities of their choice. The *Special Purpose Fund* was established to receive, hold, and disperse monies specifically related to the program, which is operated by the Department of Growth and Community Support Services with the support of the P.R.O. Kids Advisory Committee.

Since re-opening after COVID, the increasing need for P.R.O. Kids funding, alongside the increasing registration, equipment and transportation fees over the last two years demanded a pause for review of the processes supporting the Special Purpose Fund. A review of the program was performed by the City's Internal Audit team with support and significant input from the Growth and

Community Support Services team. The review provided opportunities for amendments to the program as included in this report to ensure financial responsibility and focus on meeting the mandate of P.R.O. Kids.

PREVIOUS RESOLUTION

August 3rd, 2004- RESOLVED that as recommended by the City Manager:

1. The 2003 Annual Report for the P.R.O Kids Program be received for information.
2. The proposed amendment to the P.R.O Kids Committee Terms of Reference, as indicated in the submitted Schedule 'A' be adopted; and
3. The proposed changes to the Committee, as outlined in the submitted Schedule 'B' be adopted.

December 8th, 2003- RESOLVED that as recommended by the City Manager the PRO Kids 2022 Annual Report be received and filed; the terms of reference for the Special Purpose Fund be amended to reflect the proposed changes as outlined in the submitted Schedule "A", the terms of reference for the Pro Kids Committee be amended to reflect the proposed changes as outlined in the submitted Schedule "B" and the proposed changes to the committee as prosed in the submitted Schedule "C".

November 24, 2014- RESOLVED that as recommended by the City Manager in the submitted report M&C 2014-200: P.R.O Kids Committee- Terms of Reference -Amendment. Common Council approves the amended 'P.R.O Kids Committee-Terms of Reference' submitted as Schedule 'A'.

September 10th, 2023 - RESOLVED that as recommended in M&C2023-221 P.R.O. Kids Policy Updates Common Council:

1. Approve the amended Terms of Reference for the P.R.O. Kids Advisory Committee; and 2. Approve the amended P.R.O. Kids Special Purpose Fund.

September 18th, 2023 – RESOLVED that the submitted report M&C 2023-205 P.R.O. Kids Policy Updates and supporting documents including the P.R.O. Kids Advisory Code of Conduct be referred to the CAO to revise the content to reflect it is the authority of Council and not staff to provide governance and determine disciplinary matters of Board Members.

October 3, 2023 – RESOLVED that as recommended in M&C 2023-221 P.R.O. Kids Policy Updates Common Council: Approve the amended Terms of Reference for the P.R.O. Kids Advisory Committee; and Approve the amended P.R.O. Kids Special Purpose Fund.

REPORT

In 2002, the Special Purpose Fund was established with the primary objective of guiding the distribution of funds for the P.R.O. Kids program in a fiscally responsible manner. The fund ensures that financial resources are allocated efficiently and effectively to support the activities and initiatives of P.R.O. Kids, promoting the well-being and development of all youth involved. Over the first half of 2024, the Special Purpose Fund program and sustainability processes were examined in response to the growing community need for financial support offered by the P.R.O. Kids program for registration, equipment, and transportation costs. Changes implemented aim to improve program management and financial oversight.

The review resulted in three key changes to be implemented to the Special Purpose Fund:

1. **Seasonal Application Windows:** Transitioning from an open, year-round application window to a seasonal approach. This change will enhance program oversight and better manage application volumes, enabling P.R.O. Kids to allocate appropriate funds for each season. Additionally, it will help us set spending limits and determine when to close applications. (Attachment A)
2. **Invoicing Guidelines:** P.R.O. Kids will implement stricter invoicing guidelines with set deadlines. This will provide a clearer reflection of the program budget. (Attachment B)
3. **Eligibility Requirements:** P.R.O Kids is revising applicant eligibility criteria. Instead of only requiring references, applicants will now need to provide proof of income, using a matrix for assessment that has been developed by the Human Development Council accurately reflecting our community. (Attachment C). This is a common requirement in similar programs such as the Canadian Tire Jumpstart program.

Over the coming months the team will continue to implement program and sustainability process improvements, providing updates to our clients and partners along the way. These improvements will ensure sustainability and accountability of the P.R.O, Kids Program to continue to provide essential opportunities for youth to participate in recreational activities that promote their well-being and development.

In addition to the three above mentioned process improvement updates, The P.R.O. Kids advisory Committee is also seeking approval revisions to its Terms of Reference Document (Attachment D).

STRATEGIC ALIGNMENT

This report aligns with Council's Priorities of BELONG by enhancing the quality of life and social well-being by offering recreation, arts, and cultural opportunities to align with PlaySJ.

SERVICE AND FINANCIAL OUTCOMES

Implementing these changes will ensure more efficient and sustainable program management. These improvements not only increase accountability of financial responsibility, but it also provides the ability to have dedicated time to the operations of, as well as for critical functions of the program such as organizing events and conducting fundraising activities.

Implementation of process improvements will result in overall effectiveness and impact of the program, fostering a more dynamic and well-rounded experience for clients and partners.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Financial Services, The Clerk's Office, and Growth and Community Support Services provided input into the report and program revisions.

The P.R.O. Kids Advisory Committee endorses these updates.

ATTACHMENTS

- Attachment A- Seasonal Guidelines
- Attachment B- Invoice Guidelines
- Attachment C- Eligibility Requirements
- Attachment D - Terms and References



Overview:

Implementing 4 separate funding application seasons: **Winter, Spring, Summer, Fall.**

Applications to be accepted for an identified submission period of 1.5 months according to the annual schedule shared (2024 schedule noted below).

Implementing this method allows P.R.O. Kids to properly forecast, plan, and budget for accountability. It will also ensure applications are being submitted at the right time of the year (corresponding to their activity period), with .P.R.O Kids being invoiced more promptly from organizations, and organizations receiving payments in a more timely manner from P.R.O. Kids.

Winter
<p>Activity Window For program activities happening between January 1st and March 31st</p>
<p>Application Period PRO Kids to accept applications from November 1st to December 15th</p>

Spring
<p>Activity Window For program activities happening between April 1st and May 31st</p>
<p>Application Period PRO Kids to accept applications from January 1st to February 15th</p>

Summer
<p>Activity Window For program activities happening between June 1st to August 31st</p>
<p>Application Period PRO Kids to accept applications from April 1st to May 15th</p>

Fall
<p>Activity Window For program activities happening between September 1st to December 31st</p>
<p>Application Period * PRO Kids to accept applications from July 1st to August 15th</p>

Post Application Submission:

Once the application period closes, requests will be assessed individually and confidentially.

Applicants will receive notice of their submission(s) status, and organizations will be contacted with a notice of approved participants.

Organizations will be required to submit an invoice (1 per approved applicant) to P.R.O. Kids within 30 days of receiving notice of approval from P.R.O. Kids. No batch invoicing will be permitted unless approved by the P.R.O. Kids Manager.

Note*

For fall 2024, with the official relaunch of applications, the fall application period (July 1st to August 15th) must be adjusted.

Guidelines to preparing an invoice for remittance of P.R.O. Kids Payments

1. **Choose a Professional Template:** Select a clean and well-designed invoice template.
2. **Include Accurate Contact Information:**
 - Your business name, mailing address, phone number, and email.
 - Client's (P.R.O. Kids) contact details (name, company, address, etc.)
3. **Add Due Date and Invoice Number:**
 - Include the unique invoice number to track payments.
 - Specify the due date or term for payment.
4. **List Services and Costs:**
 - Include ALL goods and services details (full name of the P.R.O. Kids approved applicant, type of activity (Youth Soccer), and fee type (Registration Fee)
 - Include individual costs for each item (Registration Fee).
5. **Highlight Total Amount Due:**
 - Calculate the total fee amount, including taxes and any discounts.
 - Clearly display the final amount that P.R.O. Kids are to pay.
6. **Provide Payment Terms and Instructions:**
 - Specify how and when payment should be made (Ex. Electronic Funds Transfer (EFT), Credit Card, etc.)
 - Include any additional notes or terms relevant to the transaction.

*It is up to the organization to receive proper documentation in the form of an approved application or confirmation from P.R.O. Kids. There are no automatic approvals that reoccur even with approval in the previous year or season. P.R.O. Kids funds will not be released for applicants that were not formally approved.

P.R.O. Kids Saint John has prepared an invoice template that may be used by organizations that may not have a standardized version already. This invoice template includes all required invoice fields when submitting for payment to P.R.O. Kids. For organizations that already have their own standardized invoice, you may continue to use that, so long as all the mandatory fields listed above are included.

Submit PRO Kids Invoices To:

P.R.O. Kids
City of Saint John
47 Charlotte St, Saint John, NB, E2L2H8
prokidspayments@saintjohn.ca



Pro Kids Income Thresholds Calculation Methodology

Step 1. Median before-tax income for Census Families with children in the Saint John Census Metropolitan Area was collected from 2000 to 2021. The data was only available up to 2021, so, an estimation was made for 2024 using a projection.

Step 2. The 2024 estimated median before-tax income was converted into after-tax (net) income. This was done by estimating how much Census Families tend to pay in income tax.

Step 3. The calculated median net income was then multiplied by 75%. 75% of median income represents a low to moderate income threshold.

Step 4. The average family size for Census Families with children (3.4) was applied to the 75% of median net income to create a reference family data point.

Step 5. The reference family data point was adjusted for different family sizes. Income thresholds were created for families of sizes 2-10+.

Step 6. The income thresholds were then formatted and rounded to the nearest multiples of \$500.

Income Thresholds Table

Family Size	Income Threshold
2	\$53,500
3	\$65,500
4	\$76,000
5	\$85,000
6	\$93,000
7	\$100,500
8	\$107,000
9	\$113,500
10+	\$120,000

Please see the Excel Spreadsheet *Income Thresholds Calculation Pro Kids.xlsx* for the calculations.



ATTACHMENT D TERMS OF REFERENCE.DOCX

To be reviewed bi-annually

Next Review Q3 2025

Adopted: Common Council, City of Saint John, September 5, 2001)

Amended: Common Council, City of Saint John, (December 8, 2003)

Amended: Common Council, City of Saint John. (August 3, 2004)

Amended: Common Council. City of Saint John. (November 24, 2014)

Amended: Common Council, City of Saint John (October 3, 2023)

Background

At its regular meeting on October 12, 2001, Saint John Common Council approved the adoption of P.R.O. Kids as a program in the Community Services Department, Recreation and Parks Division. Council also approved the original Terms of Reference for the P.R.O. Kids Committee.

In January 2002, P.R.O. Kids began to operate as a charitable service administered by Community Services Staff. P.R.O. Kids grew to serve residents of Greater Saint John when the towns of Rothesay, Quispamsis and Grand Bay-Westfield became annual contributors to administrative costs.

1.0 Introduction

The City of Saint John believes that all children regardless of economic ability should have access to some form of recreation or positive leisure pursuit. To achieve this goal Common Council has created a P.R.O. Kids program. P.R.O. Kids provides financial assistance to children and youth in need so that all children and youth will have the opportunity to participate in the arts, cultural, recreation, and sport activity of their choice. Individual participation in such activities has been shown to increase self-esteem, knowledge, and personal development.

2.0 Roles of P.R.O. Kids Advisory Committee

- 2.1 The Advisory Committee plays an important support role to P.R.O. Kids. Members are expected to serve in two key roles:

Ambassador: Act as an ambassador; advocate for the program and promote P.R.O. Kids services and activities in the community

Advisor: Serve in an advisory capacity; act as a sounding board, provide feedback and make recommendations for staff and council.

3.0 Responsibilities

- 3.1 Attend regular meetings.
- 3.2 Develop and participate in fundraising activities.
- 3.3 Respond to staff email seeking input.
- 3.4 Review and provide feedback to staff on draft documents.
- 3.5 Respect all municipal policies, plans, procedures, code of conduct and guiding documents as they pertain to and govern the delivery of P.R.O. Kids as a City of Saint

John service. (Such documents include but are not limited to Council Priorities, the City of Saint John Strategic Plan, PlanSJ, and PlaySJ and City of Saint John Workplace Conduct Policy Appendix C).

- 3.6 Share approved communications to extend their reach.
- 3.7 Speak on behalf of P.R.O. Kids with the knowledge and consent of Growth and Community Services staff.

4.0 Committee Composition

The Committee shall consist of:

- 4.1 A minimum of 12 and a maximum of 15 members representing a wide cross section of community interest.
- 4.2 Saint John Common Council shall appoint 11 members, plus at least one member of Common Council.
- 4.3 The Town of Grand Bay-Westfield, the Town of Rothesay, and the Town of Quispamsis shall each appoint one member to represent the interests of their respective regions on the committee and who will act as liaison between the Committee and their respective municipality.
- 4.4 A Manager from Growth and Community Services Department shall sit on the Committee as an ex-officio member.
- 4.6 When appointing members to the committee, Common Council, by way of the Nominating Committee, shall endeavor to choose members with expertise and representation from one or more of the following areas:

Youth	Parent
Recreation, sport, culture, arts	Fundraising
Financial supporters	Community leaders
Marketing	Common Council
Social/Health services	Citizen with lived experience

5.0 Committee Officers

- 5.1 The P.R.O. Kids Advisory Committee shall have authority to appoint its own officers.
- 5.2 Officers that form an Executive are: (i) the Chair, (ii) the Vice-Chair, the (iii) the Past Chair, and the (iv) Secretary.
- 5.3 Officers may serve in a position for a 1-year term. The Secretary may serve for up to three years in that position. The Chair automatically becomes the Past Chair for a 1-year term once a new Chair is elected. The Vice-Chair does not automatically become the

Chair after the office of Chair is vacant, but only does so if elected by committee resolution.

- 5.4 The Chair will officiate at meetings, and the Vice-Chair will officiate if the Chair is absent.
- 5.5 The executive members (officers) of the P.R.O. Kids Advisory Committee have the authority to sign letters, applications, and reports on behalf of, and at the request of the Committee.

6.0 Terms of Office

- 6.1 Committee members shall be appointed for three years.
- 6.2 Members may serve a maximum of two consecutive terms. Members may be re-appointed after a one-year absence.
- 6.3 The Council, by way of the City of Saint John Nominating Committee, shall stagger appointments so that no more than 50% of members' terms end at the same time.
- 6.4 A Committee member who fails to attend three (3) meetings shall be dismissed and cease to be a member unless absences are excused by Growth and Community Services staff.
- 6.5 A person shall cease to be a member of the Committee if that individual is found to be in breach of the Committee Code of Conduct (Appendix A).
- 6.6 The Committee may by resolution appoint such sub-committees as it may require for the purpose of carrying out or reporting on specific projects.
- 6.7 A person who is not a member of the Advisory Committee and wishes to serve on an ad hoc sub-committee shall be appointed by the Advisory Committee and staff as an ex-officio sub-committee member and must adhere to the Volunteer Code of Conduct (Appendix B)
- 6.8 Committee members shall serve without remuneration.
- 6.9 All Committee members' terms will normally begin on January 1st and end on December 31st in the third year of their appointment. If a member is appointed mid-term, their term will end on December 31st in the third year of their appointment. If a Committee member is an elected official, their term ends on the date of the next municipal election of the municipality they represent.
- 6.10 Committee members who are appointed agree to serve their entire term but may for a just reason resign from the committee provided they provide proper notification to the Committee who will then notify the Office of the Common Clerk.

7.0 Meetings

- 7.1 The committee shall meet a minimum of six times per year.
- 7.2 Growth and Community Services staff shall provide staff and resources for meeting requirements.
- 7.3 A quorum of 1/3 + 1 of voting members is required to pass motions.
- 7.4 The Committee shall make motions and recommendations pursuant to their role as advisors and ambassadors of the Service for staff consideration.
- 7.5 In-camera deliberations may occur within a regular meeting by motion of the Committee in which minutes are not recorded. No members shall be excluded.
- 7.6 Committee members must not deliberate about Committee work outside of committee and subcommittee meetings.

8.0 Reporting

- 8.1 Annually a report shall be provided to the Common Council of each municipal partner.

Appendix A

P.R.O Kids Advisory Committee Code of Conduct

In addition to respecting the City of Saint John Workplace Conduct Policy as stated in section 3.5 of the P.R.O. Kids Terms of Reference all committee members of the public serving advisory committee are to ensure they are acting in a manner that is appropriate and establishes a common basis for acceptable conduct.

It is recognized that this code of conduct cannot anticipate all possible fact situations in which an advisory committee member may be called upon to exercise judgement as to an appropriate standard of conduct.

Serving as a P.R.O Kids Advisory Board member should be a fulfilling experience for all involved. The City of Saint John is committed to providing an environment in which all individuals are treated with courtesy and respect. As such, all committee members shall conduct themselves in a manner consistent with professionalism and behavior that is appropriate, fair, and mutually respectful. Harassment and discrimination are never acceptable and will not be tolerated.

Members shall act with honesty and integrity including:

- Act in a manner that demonstrates professionalism, transparency, accountability and contributes to the public's confidence in the advisory committee.
- Not engage in conduct, that may, or may appear to, constitute an abuse of their position as a member or conflicts with the mandate of the advisory committee, including the use of social media
- Treat members of the public, one another, and staff, respectfully and without abuse, bullying or intimidation
- Act in a manner that respects the individual rights, values, beliefs, and personality traits of any other person, recognizing that all persons are entitled to be treated equally with dignity and respect for their personal status regarding gender, sexual orientation, race, creed, religion, ability, and spirituality.
- Be respectful of the fact that staff work for the City of Saint John and are charged with making recommendations that reflect their professional expertise and corporate perspective. Members shall not exert undue influence on staff and shall not engage in any harassment of staff.

Please note the following:

1. Any person whose conduct is not conducive to maintaining a positive environment during an event or meeting will be given a verbal warning to improve their behavior or may be

asked to leave, depending upon the severity of their behavior. This action can be taken by the Chair, Vice Chair or City of Saint John Staff.

2. If the person continues to be disruptive at future events or meetings, one final verbal warning will be issued. If another incident occurs that committee member will be placed on suspension and City of Saint John Staff will complete a follow up. It is at the discretion of the Senior Manager of Community Services to allow that committee member to remain on the advisory board to complete their term or be asked to resign.

Appendix B

P.R.O. Kids Volunteer Code of Conduct

1. Volunteers agree to adhere to the policies and procedures of P.R.O. Kids.
2. Volunteers must submit a criminal background check prior to serving.
3. Volunteers may serve on ad hoc subcommittees and/or participate in activities related to fundraising and community engagement.
4. Volunteers serve as ex officio and do not have a vote.
5. Volunteers serve as P.R.O. Kids representatives and are expected to conduct themselves accordingly to not discredit or embarrass the program and/or its members.
6. Volunteers do not speak on behalf of P.R.O. Kids.
7. Volunteers must not take actions or make statements that would affect or obligate the PRO Kids program in any way without the consent of Growth and Community Services staff.
8. Volunteers must respect the opinions of others and treat all with equality, equity, and dignity without regard to gender, race, colour, creed, ancestry, place of origin, political beliefs, religion, marital status, disability, age, sexual orientation, or economic status.
9. Volunteers must respect and maintain confidentiality.

Appendix C

CITY OF SAINT JOHN WORKPLACE CONDUCT POLICY

POLICY STATEMENT

The City of Saint John is committed to providing a safe work environment free from violence, threats of violence, harassment, bullying, and disruptive behaviour damaging to the wellbeing of others and to the employer. Under this policy, we strive to protect employees who come together in service to the citizens of the City of Saint John from any damaging actions committed by individuals whether intentionally or otherwise. The City of Saint John will maintain a strict zero tolerance policy against any wrongdoing or impropriety under this policy and will immediately take appropriate disciplinary action(s) up to and including dismissal. This policy will also outline the type of conduct that is considered a breach of this policy.

The objectives of this policy are:

1. To provide a safe work environment for all employees that is free from harassment, bullying, violence and other forms of inappropriate conduct when at work and at work related social functions.
2. To allow employees to express concerns and report incidents in good faith without reprisal.
3. To ensure all incidents and reports are investigated and dealt with appropriately

SCOPE

Protection from negative, aggressive, or inappropriate behaviour extends beyond the workplace to off-site and work-related social events. This Policy Document applies to all employees and applies not only during working time, but to any activities on or off company premises which could reasonably be associated with the workplace.

LEGISLATION AND STANDARDS

Behaviours that could be seen as falling under any of the descriptions below are subject to this policy:

a) Workplace Harassment/Bullying

For this policy, the terms harassment and bullying are interchangeable and synonymous. Offensive, insulting, intimidating, and hurtful behaviour, including physical violence, discrimination, and verbal abuse that the employee knows or should know:

1. is unwelcome.
2. creates a hostile work environment; or
3. harms another person physically, emotionally, or mentally.

While harassment/bullying often encompass repeated verbal and/or physical abuse, under some circumstances even one occurrence of this behaviour may constitute workplace harassment.

b) Workplace Harassment includes, but is not limited to:

1. behaviour that is hostile in nature, and/or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, gender identity and expression, sexual orientation, and/or any other Human Rights protected grounds.

2. action(s) that could reasonably be regarded as creating a hostile, intimidating, or offensive workplace. This may include physical, verbal, written, graphic, or electronic means.

3. any threat of physical violence that endangers the health and safety of the employee.

4. knowingly filing a false charge or complaint against another for the purpose of causing damage to the reputation or employment status of that person.

c) Workplace harassment does not include those actions taken by a supervisor while appropriately managing the performance of a subordinate. It is expected that these actions will be taken in a respectful manner.

Additionally, this Policy aligns with the provincial Occupational Health and Safety Act of New Brunswick, as well as the federal Canada Labour Code Part II and the Guidelines documents of the Canadian Human Rights Commission.

DEFINITIONS

SEXUAL HARASSMENT

Conduct, comments, gestures, or contact of a sexual nature, whether on a one-time basis or a series of incidents that might reasonably be expected to cause offence or humiliation or, that might reasonably be perceived as placing a condition of a sexual nature on an employee's continued employment or opportunity for training or promotion, and ought reasonably to be known as unwelcome behaviour.

INCIVILITY

Uncivil email is defined as an email which implies rudeness, disrespect, and disregard for the recipient in a manner that is contrary to socially acceptable norms for communication. An uncivil email also lacks any clear aggressiveness, which may make its interpretation confusing, ambiguous, and questionable from the recipient's perspective (12.).

VIOLENCE

The act of violating, harming, or damaging a person or property through:

- the exercise of physical force by a person against an employee, that causes or could cause physical injury to the employee.
- an attempt to exercise physical force against an employee, that could cause physical injury to the employee.
- statements or behaviour that may be reasonable for an employee to interpret as a threat to exercise physical force against the employee or that could cause physical injury to the employee

Violence includes, but is not to be limited to the following:

- causing physical harm to another person.
- threats of any nature, verbal, written or electronic communications.
- aggressive behaviour that constitutes a reasonable fear of bodily harm to another person.
- verbal assault, causing emotional duress.
- intentional damage or destruction of property belonging to either the City of Saint John, or its employees.
- possession of a weapon while on City of Saint John premises, or while conducting City of Saint John business.

RETALIATION

12 (Delano Parker & Spinner, 2010)



COUNCIL REPORT

M&C No.	2024-195
Report Date	July 18, 2024
Meeting Date	July 22, 2024
Service Area	Growth and Community Services

Her Worship Mayor Donna Noade Reardon and Members of Common Council

SUBJECT: Assent to Money-in-lieu of Land for Public Purposes, 205 Norris Road

OPEN OR CLOSED SESSION

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

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	Chief Administrative Officer
<i>Yeva Mattson</i>	<i>Amy Poffenroth/ Pankaj Nalavde</i>	<i>Brent McGovern</i>

RECOMMENDATION

That Common Council assent to money-in-lieu of Land for Public Purposes for the proposed Subdivision at 205 Norris Road.

EXECUTIVE SUMMARY

The proponent has applied to subdivide a lot located at 205 Norris Road to create Lot 24-1 for residential development. Assent to Money-in-lieu of Land for Public Purposes by Common Council is recommended by Staff.

DECISION HISTORY

There is no decision history on this site.

REPORT

The site is located on the City's East side, south of Loch Lomond Road. The subdivision will create an additional lot, Lot 24-1, with Rural Residential (RR) Zoning. With the exception of a Development Officer Variance to allow for a deceased lot frontage, the proposed lot meets the Zoning By-law Standards for the RR zone.

The City of Saint John typically takes money-in-lieu of Land for Public Purposes, as opposed to land dedication for the creation of new lots, unless the land acquisition would support specific projects outlined in PlaySJ and the development of identified active transportation corridors.

In this case, Staff recommend the acceptance of money-in-lieu of Land for Public Purposes.

STRATEGIC ALIGNMENT

The proposed development aligns with Common Council's priority of Grow and Belong.

SERVICE AND FINANCIAL OUTCOMES

Money-in-Lieu requirements are calculated based on the assessed value of the land prior to its development. The funds collected are placed in a trust account in accordance with the *Community Planning Act*. These funds are dispersed through a grant program that supports the enhancement of existing parks and recreation services.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The current subdivision proposal has been reviewed by the City's Infrastructure Development and Building Inspection Service Areas. No concerns were raised related to the proposed subdivision. The City's Parks and Public Spaces Service Areas concur with the acceptance of money-in-lieu.

ATTACHMENTS

Tentative Plan of Subdivision

Approvals

NB Grid Coordinate Values

Point	Easting	Northing	Remarks

Watercourse and Wetlands Alteration (WAWA) Regulation Note
 These areas may be subject to the Watercourse and Wetlands Alteration Regulation 90-80 of the Clean Water Act. Prior to undertaking any alteration in this area, contact the Department of Environment's Regional Office to determine potential regulatory requirements.

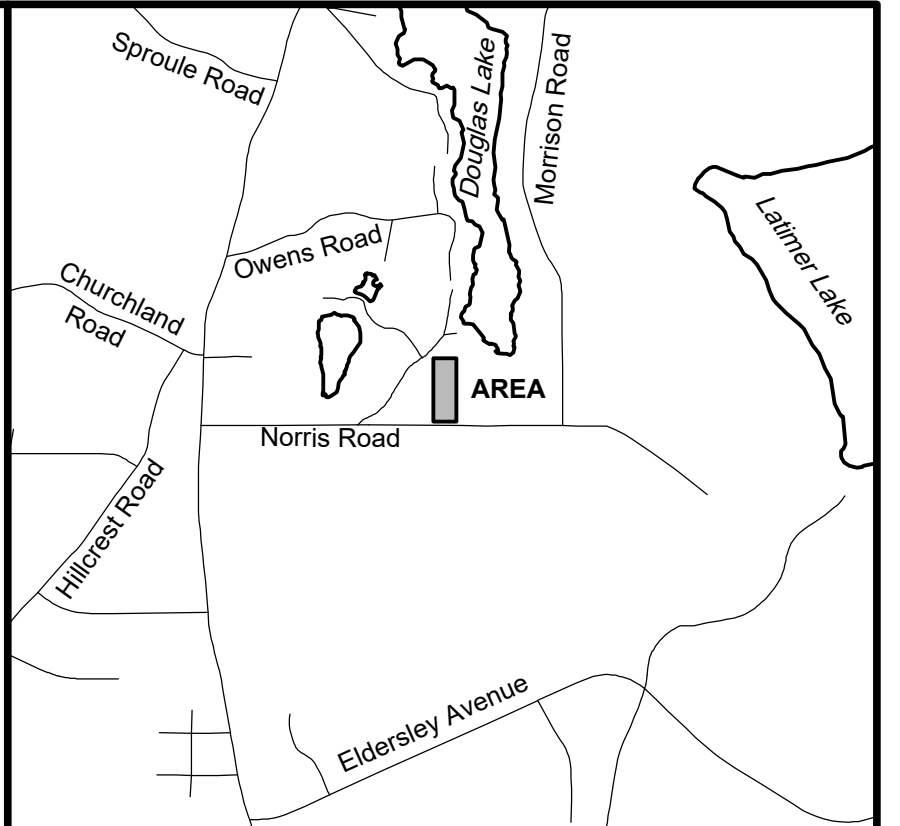
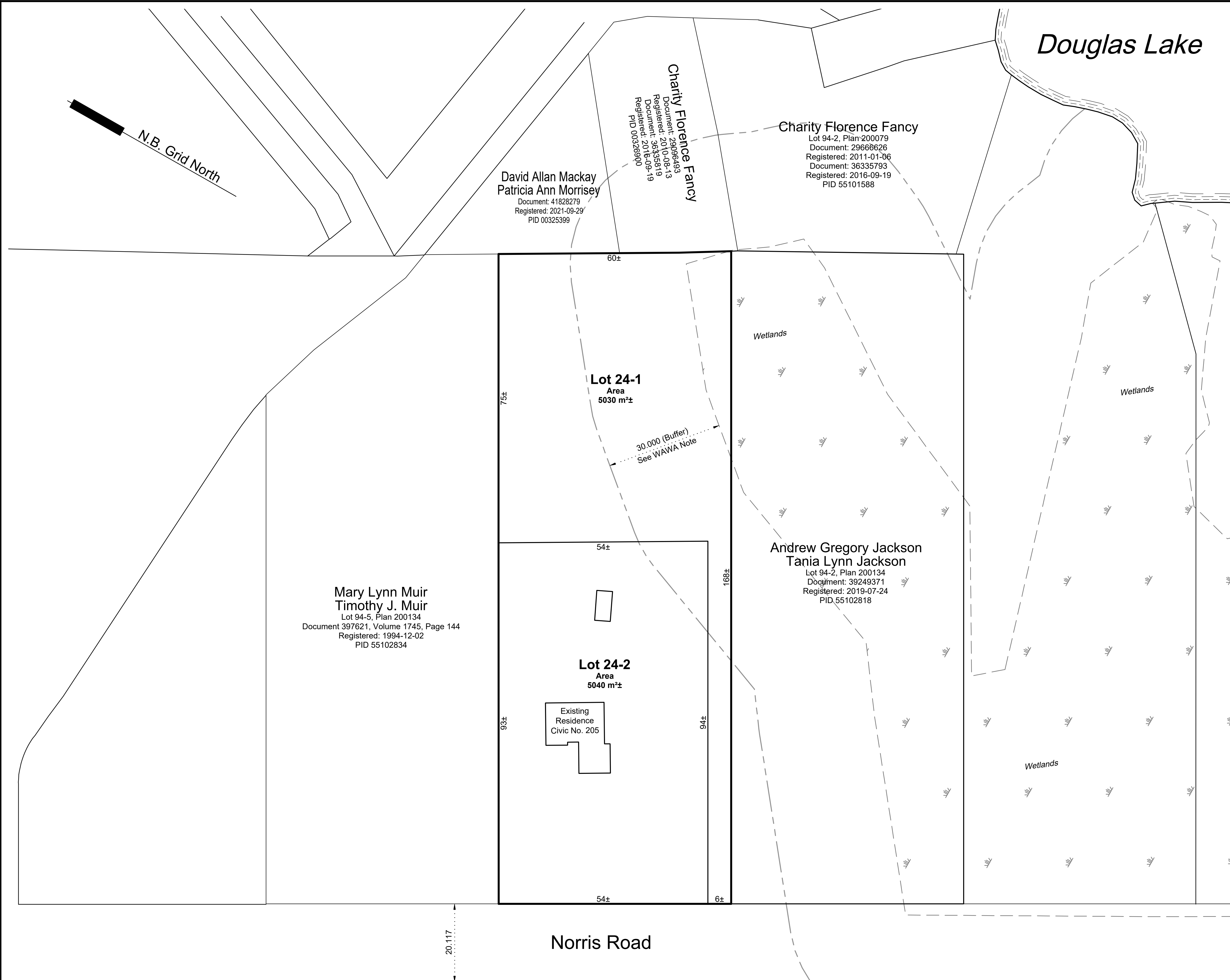
Areas identified as Regulated Wetlands, Watercourses or Provincially Significant Wetlands have been mapped using Service New Brunswick Digital Data, 2022 Version.

Title Data
 PID 55102826
 Owner: Fred J. Frigault
 Owner: Kelly A. Frigault
 Document 399817, Volume 1763, Page 375
 Registered: 24 April 2024

Signature of Owners

.....
 Fred J. Frigault

.....
 Kelly A. Frigault



Key Plan
 Scale = 1:20,000

Legend

- SMF - Standard survey marker found
- ⊙ SMS - Standard survey marker set
- RIBF - Round iron bar found
- IBF - Square iron bar found
- IPF - Iron pipe found
- CALC - Calculated point
- ▲ NBCM - N.B. Co-ordinate Monument
- ⊙ - Tabulated co-ordinate reference

Lands dealt with by this plan are bounded thus

Notes

- All computations performed and coordinates shown are based on the New Brunswick stereographic double projection and the NAD83(CSRS) ellipsoid as realized by Service New Brunswick's Active Control System.
- All distances shown are in metres and are grid distances calculated using a combined scale factor utilizing geoid model CGG2013a.
- All directions are New Brunswick grid azimuths established using GNSS.
- Document and plan numbers referred to are those of the land titles or county registry office.
- Certification is not made as to legal title, being the domain of a lawyer, nor to the zoning & setback bylaws or regulations, being the domain of a Development Officer.
- Certification is not made as to covenants set out in the document(s) and the location of any underground services and/or fixtures permanent or otherwise.
- Peripheral information and adjacent owner information was derived from Service New Brunswick records unless otherwise noted.
- Field survey was completed in Month, 2023.
- Survey markers not set at road deflections to avoid landowner confusion.

Purpose of Plan

- To create Lots 24-1 & 24-2. Lot 24-2 contains an existing residence.

Subdivision Plan
Frigault Subdivision
Lots 24-1 & 24-2
 205 Norris Road
 City of Saint John
 Saint John County, NB

Scale = 1:500

..... Fred J. Frigault Kelly A. Frigault Wendy Gail Bennett Document: 34476243 Registered: December 15, 2014 PID 00329128 Sabrina Anne Poirier Shaun Michael Poirier Document: 17211021 Registered: October 08, 2003 PID 00328765 Sabrina Anne Poirier Shaun Michael Poirier Document: 17211021 Registered: October 08, 2003 PID 55164578 Gabriel David Lavoie Document: 14269758 Registered: May 30, 2002 PID 00330910 Joseph A. Roberts No. 403 A.N.B.L.S. No. ##### AA-G-N-B
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DON - MORE
 SURVEYS &
 ENGINEERING LTD.

Dated:
 13 May 2024

TENTATIVE
 JOSEPH A. ROBERTS, NBL#403

Dwg: 24160SDT

COMMON COUNCIL REPORT

M&C No.	2024-200
Report Date	July 18, 2024
Meeting Date	July 22, 2024
Service Area	Growth and Community Services

Her Worship Mayor Donna Noade Reardon and Members of Common Council

SUBJECT: Scheduling of a new Public Hearing Date for 1670 Hickey Road and part of 1676 Hickey Road

AUTHORIZATION

Primary Author	Commissioner/ Dept. Head	Chief Administrative Officer
<i>Jennifer Kirchner</i>	<i>Amy Poffenroth / Pankaj Nalavde</i>	<i>J. Brent McGovern</i>

RECOMMENDATION

RESOLVED That Common Council schedule a new public hearing for the Zoning By-law Rezoning and Section 59 Amendment Application submitted by Joyce E. Barrett for 1670 Hickey Road (PID: 55221790) and part of 1676 Hickey Road (part of PID 55198410), for Tuesday, September 3, 2024 at 6:30 p.m. at the Council Chamber, City Hall 2nd floor, 15 Market Square, Saint John, NB.

RESOLVED That Common Council authorize the refunding of the \$2,650 application fee for the Zoning By-law rezoning application.

EXECUTIVE SUMMARY

The purpose of this report is to advise Common Council of the necessity to restart the Zoning By-law Rezoning application previously received for 1670 Hickey Road and part of 1676 Hickey Road due to an administrative error and to recommend an appropriate public hearing date for this application. The next available public hearing date is Tuesday, September 3, 2024.

PREVIOUS RESOLUTION

At its meeting of May 13, 2024, Common Council scheduled a Public Hearing date of July 8, 2024, for the Zoning By-law rezoning application submitted by Joyce E. Barrett for 1670 Hickey Road (PID: 55221790 and part of PID 55198410).

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 that an error was identified in referencing the civic address for the partial PID (1676 Hickey Road) in the Public Notice, which is a legislative requirement established in the *Community Planning Act*. Due to this error, the previously held components of the approval process, including the posting of the Public Notice, the Planning Advisory Committee Meeting and the Public Hearing, must reoccur. An updated timeline has been established for the application and the applicant has been informed of the situation.

A new public hearing date must be scheduled, to enable the required public notification to be undertaken as per the *Community Planning Act*. Details of the application is available in the Common Clerk’s office and will form part of the documentation at the public hearing. The following application has been received for the Tuesday, September 3, 2024 Public Hearing date:

Name of Applicant	Location	Existing Zone	Proposed Zone	Reason
Joyce E. Barrett	1670 Hickey Road (PID: 00049916) and part of 1676 Hickey Road (part of PID 55198410)	Two-Unit Residential (R2)	Neighbourhood Community Facility (CFN)	To facilitate the development of a second special care residence.

Due to an administrative error causing the rescheduling of the public hearing, staff recommend refunding the application fee. Typically, fee refunds for withdrawn applications can be approved by City staff, but Zoning By-law amendment refunds require Common Council authorization. Staff recommend refunding the fees due to the error, as it impacts our ability to provide excellent customer service and adhere to the processing timelines outlined previously. In 2023, a similar refund was issued for a Rezoning application due to an advertising issue.

Additionally, based on the Planning Advisory Committee's review and the Common Council's granting of 1st and 2nd readings, staff will issue a temporary use approval for the project. This will allow the applicant to begin their project while the planning process is completed.

Staff are conducting an After-Action Review to identify process improvements and eliminate the risk of similar errors related to legislative requirements for public notification.

STRATEGIC ALIGNMENT

While the holding of public hearings for proposed Zoning By-law amendments and rezonings are a legislative requirement of the *Community Planning Act*, it is also a key component of a clear and consistent land development processes envisioned in the One Stop Development Shop Program. These processes provide transparency and predictability for the development community and City residents.

On a broader note, the development approval process works towards fulfilling key Council priorities including:

- Facilitate a mix of affordable housing in all our neighbourhoods;
- Grow our population at a rate of 2% annually by the end of Council’s term;
- Achieve 3% annual property tax base growth and ongoing work to increase the target.

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.

The proposed refund of the application fee will result in any expenditures for the application to be allocated from the City’s Operating Budget rather than through the cost recovery associated with the application fee. This includes the cost of the required mailout to properties located within 100 metres of the subject site.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The General Counsel Office was involved in the assessment of the error and determining the requirement to restart the approval process.

ATTACHMENTS

None



**The New Brunswick Medical
Education Foundation Inc.**

TRANSFORMING **Healthcare in New Brunswick**

Presentation to the Saint John City Council

nbmeded.ca

OUR STORY

Founded in 2010, The New Brunswick Medical Education Foundation is Canada's only private not-for-profit foundation dedicated to attracting and retaining our province's future physicians.

We have a unique model with proven success. The Foundation extends return-to-service scholarships to New Brunswick medical students, ensuring a pipeline of future physicians are ready to practice in New Brunswick.

Charitable Registration # 810513523RR0001

A DIRE NEED

Too Few Can Access Critical Care

80,000+ in province waiting for a Family Doctor

Average provincial physician is 49.2 years old

260+ GP and specialist vacancies across province

Past efforts to address have been siloed, costly



SAINT JOHN

Regional Insights

As of 2023, 86.4% in the Fundy Shore and Saint John Area health zone have a primary care provider, compared to 93.1% in 2017. The zone's waitlist is estimated at over 24,000.

Just 33.7% of residents with a provider can get an appointment within 5 days, down from 62.7% in 2017.

Immigrants, racialized groups and those living in poverty are less likely to have access to a primary care provider across New Brunswick.



OUR MODEL

Raise funds to support student scholarships.

Fund current New Brunswick medical students.

Pipeline of future physicians committed to New Brunswick.

OUR IMPACT

Delivering Results Across New Brunswick



300 Students
supported since our
inception.



130+ Scholarships
awarded in 2023
totaling over \$1M.



51 Graduate
physicians are
practicing in NB.



200+ Students
have pledged to
practice in NB.

STUDENT DATA

For Our 2023 Recipients

Applications up 58% year over year (189)

We had the capacity to support 68% of these

Recipients represent 40+ NB communities

64% bilingual; 44% from underrepresented groups



SAINT JOHN

REGIONAL IMPACT (2024)

12 program alumni practicing in Saint John

Received 14 applications from Saint John residents

Awarded 77% in 2023; anticipate 86% in 2024

2 Eligible applicants turned away in 2024



Dr. Robert Hanlon, Class of 2021

FINDINGS FROM

Our 2023 Economic Impact Report



Healthcare is a top employer and economic driver across New Brunswick. It is the largest employment sector in over 100 New Brunswick communities and generates over \$1 billion in annual provincial tax revenue.

A single family practice boosts provincial GDP by \$285,000, provincial tax revenue by \$74,300 and municipal tax revenue by \$13,000 annually. It supports an average of 3.2 full-time equivalent jobs and boosts annual household spending in the community by \$162,100. Because of the education, training and skills required for most workers in physicians' offices, the average employment income is higher than most other sectors, at \$83,500.



2,400

**Provincial
Healthcare
Establishments**



61,000

**Jobs Supported
Across New
Brunswick**

OUR IMPACT

Bringing Value To Communities



We support
**succession
planning**



Connecting
future doctors to
communities



A network of
**students and
alumni**



Growth plan to
support all **NB
students**

THE BIG PICTURE

Why Bring Doctors To Communities?



They allow families access to primary care and peace of mind.



Employers stand a better chance of growing their workforces.



We can ease the strain on emergency rooms and clinics.



Our province is better positioned for growth.



“The City of Dieppe is proud to support the future of healthcare in New Brunswick by offering a bursary to a medical student. Congratulations to Sébastien LeBlanc, recipient of the 2023 bursary. We look forward to welcoming your practice to Dieppe, a great place to live, work and raise a family!”

Yvon Lapierre, Mayor of Dieppe, New Brunswick

LEADERSHIP

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Thank you for considering The New Brunswick
Medical Education Foundation.

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 <https://www.nbmeded.ca/>

 1 (506) 848-2109

 info@nbmeded.ca

 95 James Renforth Drive, Rothesay NB E2H 1K7





Small City,
Big Heart.

**Saint John Energy
Corporatization**

Common Council Update
July 22, 2024

COSJ/SJE alignment

- Management teams for both organizations have agreed on key objectives aligned around the principal interests of both SJE and COSJ, related to the modernization of the Governance Structure of Saint John Energy
- The teams have worked to advance a Private Bill to meet the objectives
- The teams remain focused and aligned on the path forward

What we want to accomplish

- Full Corporatization
- Transparency
- Growth enablement
- Rate Payer Protection
- Financially benefit the Rate Payers and the City as Owner of SJE
- Creation of an equal playing field for SJE matching that of utility interests from outside of the Province
- Environmental sustainability in-line with Federal, Provincial and City goals

Commitments

- Sustaining Saint John, A Three-Part Plan – endorsed by COSJ and GNB
 - Legislation target was 2020
- Growth Agenda evaluation – April 2020
 - Validated model
 - Mirrors what's being done in other jurisdictions
 - Growth agenda is similar to other municipal electrical utilities
- Part of reform advocacy for 2023

<https://saintjohn.ca/en/city-hall/corporate-plans-and-projects/shaping-sustainable-future>

Review of where we are

SJE and COSJ have:

- Alignment on a Future Governance Structure
- Performed the legal and financial due diligence required to support the Governance Structure
- Drafted and socialized private legislation with Government
- Publicly advertised the intention to seek the Governance Structure by Private Bill
- Held a series of meetings with Government to discuss aspects of the Governance Structure and the Private Bill.

Government decided not to proceed with the Bill during the last session of the legislature. Instead, it has indicated that it would like to see Corporatization addressed as part of its ongoing local fiscal reform in the province.

- The City of Saint John desire to modernize its municipal electric utility

Looking forward

Commitment from Province to consider as part of Fiscal Reform process (Spring 2025)

- Due diligence complete, City is ready to proceed
- A Working Group needs to be struck to work through any concerns by the Province and its Crown Corporation
- Need the Province to allow the corporatization of the Utility through the fiscal reform process with the enabling legislation to move through the 2025 spring sitting of the Legislature



Small City, Big Opportunities.

Saint John Common Council Update July 22, 2024

Saint John Energy Corporatization

SAINT JOHN ENERGY

Update to Common Council

July 22, 2024



**COMMITTED TO
SAINT JOHN
SINCE 1922**



HIGH RELIABILITY

Outage frequency & duration among the lowest in the nation

STRONG SATISFACTION

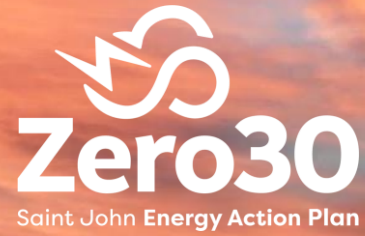
Customer satisfaction among the highest in the country

COMPETITIVE RATES

Our rates are the among the lowest in Atlantic Canada

VISION

To be a national utility leader in the transition to net zero



OUR NET-ZERO TARGET: 2030

We will build a roadmap to how we might reach net zero along 3 pillars:

1. a cleaner energy supply,
2. innovating with our customers, and
3. planning for a future with escalating demand.



A CLEANER ENERGY SUPPLY

New Brunswick's electricity supply is already 80 per cent green.

Burchill adds another 15 per cent clean supply for Saint John.

Our challenge is the remainder – plus future demand.

INNOVATING WITH OUR CUSTOMERS

As we map our way to net zero by 2030, we will be exploring ways in which we can help our customers do the same.

This will include looking at smart energy products, EV charging, energy efficiency, rooftop solar and more.



FUTURE WITH ESCALATING DEMAND

To prepare for a surge in demand, we've implemented our award-winning smart grid, incorporated Tesla Megapacks for energy storage, and more.

Zero30 will help map out the increased demand into the future, where it will be needed, and how we need to build out our system.

MORE AHEAD ON THE ZERO30 JOURNEY

We're excited for what lies ahead.

Through this initiative, we'll have the benefit of learnings from around the world with **Deloitte and Kraken Technologies**.

We'll be **working with leading firms** right here in Saint John to propel this work forward.

SHAVING PEAK DEMAND

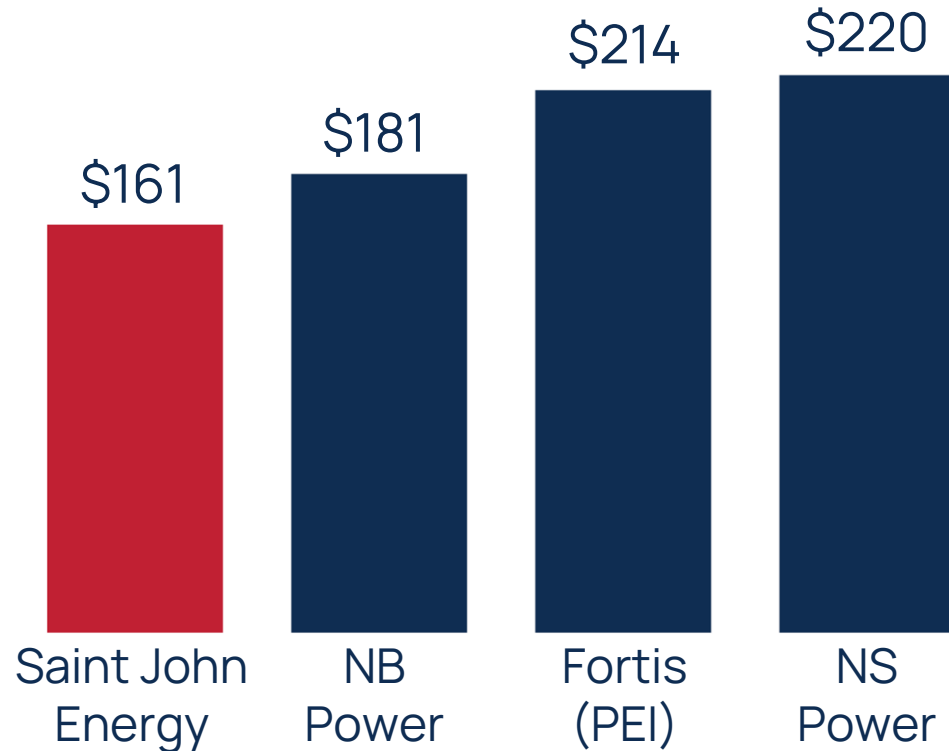
We're continuing to set new high-water marks for savings from our Shave the Peak initiative – **now more than \$1.8 million.**

Our success in this comes from a number of measures, including customers trimming back their usage, charging and discharging the Tesla Megapack batteries and harnessing wind power from Burchill.

TESLA

SHAVE THE PEAK SAVINGS





*monthly bill, including surcharge, for 1153 kWh per month. Rounded to the nearest dollar.

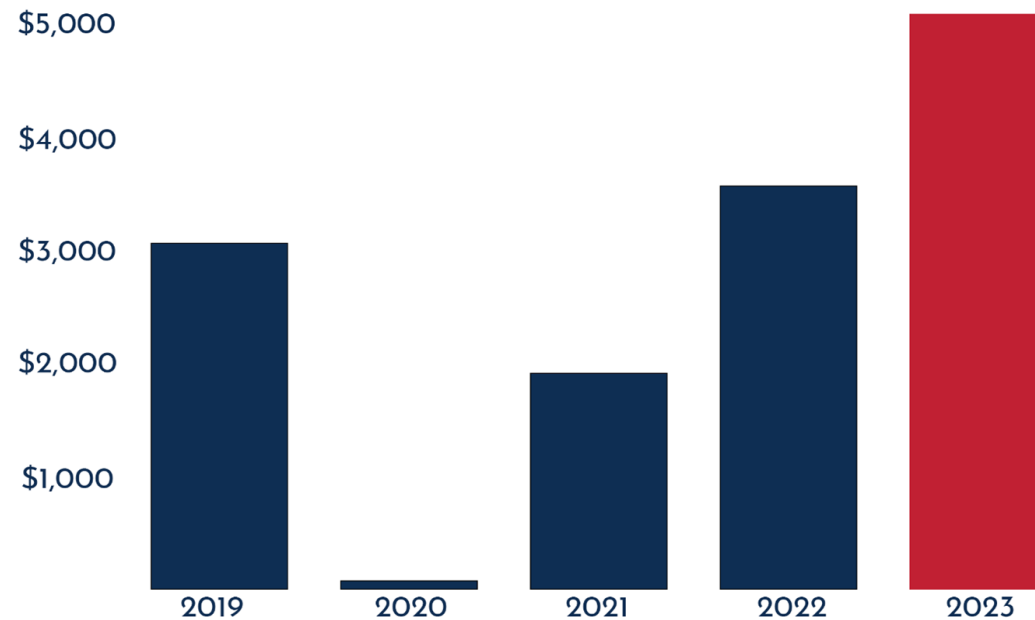
DEDICATED TO LOWER RATES FOR OUR CUSTOMERS

Saint John Energy maintains **competitive rates** for our customers.

A focus on fiscal discipline with an eye to combatting cost pressures through innovations like **low-cost wind energy through Burchill** is essential.

STRONGER FINANCIAL PERFORMANCE

ANNUAL NET INCOME CONSOLIDATED
(in '000s)



Our net income for the year ending Dec. 31 was more than \$5.1 million.

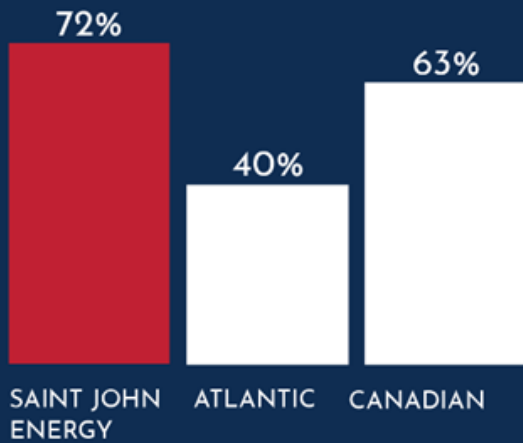
This is important growth – it allows us to **reinvest in our system and pursue innovation for a stronger energy future for Saint John.**

BENCHMARKING SAINT JOHN ENERGY

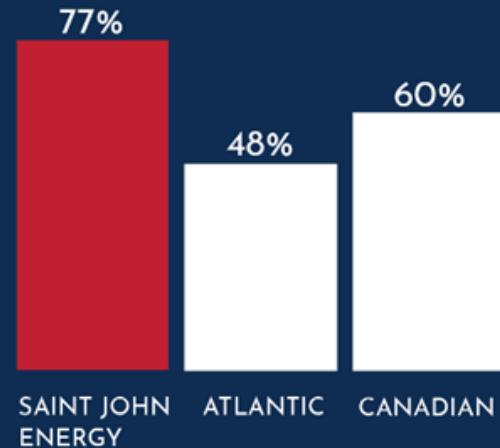
SURVEY 2023



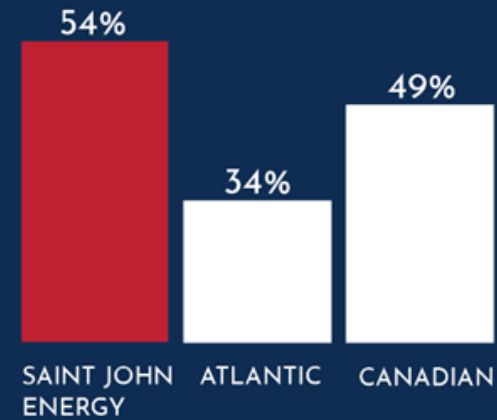
OVERALL SATISFACTION



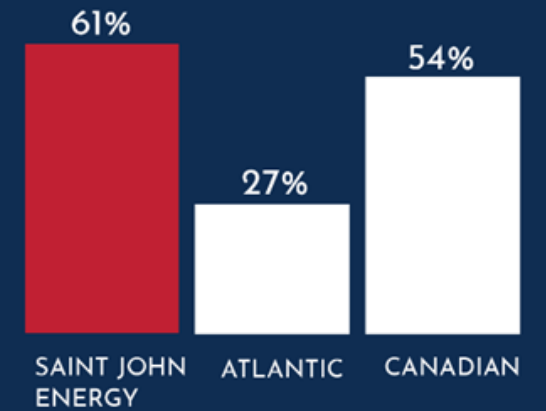
RELIABILITY



ENVIRONMENTAL STEWARDSHIP



TRUSTWORTHINESS





WORKING WITH GOVERNMENTS

Throughout the year, we have worked closely with local, provincial and national governments to **advance energy policy and energy innovation.**

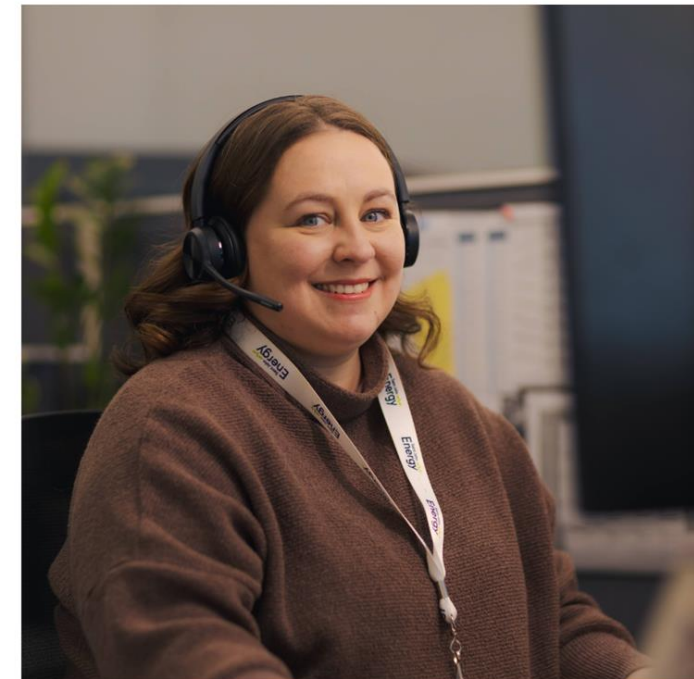
In partnership with the City, we have been in discussions with the Government of New Brunswick, **seeking a modern governance structure to align us with the majority** of Canadian electricity utilities.

OUR PEOPLE DRIVE OUR SUCCESS

At Saint John Energy, our success is powered by our people.

We're a local utility making a big impact, **driven by the dedication and expertise of our team.**

They are the reason we lead the nation in innovation, reliability and customer satisfaction.





JOIN US ON THE JOURNEY

SJENERGY.CA | ZERO30.CA



COUNCIL REPORT

M&C No.	2024-183
Report Date	July 11, 2024
Meeting Date	July 22, 2024
Service Area	Public Works and Transportation Services

Her Worship Mayor Donna Noade Reardon and Members of Council

SUBJECT: Millidge Avenue Boat Ramp Rehabilitation Project – Traffic By-law Amendment

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	Chief Administrative Officer
<i>Mikel Lester</i>	<i>Tim O’Reilly/ Michael Hugenholtz</i>	<i>J. Brent McGovern</i>

RECOMMENDATION

City Staff recommend Council authorize 1st and 2nd Reading of the Amendments to the Saint John Traffic By-law, By-law Number MV-10.1 in the form as attached to M&C 2024-183.

EXECUTIVE SUMMARY

The purpose of this report is to recommend to Council that the Saint John Traffic By-law be amended to remove existing on-street parking on both sides of Millidge Avenue from the end of the road (North of the Manners Sutton intersection) to Civic 1041 (PID 00048447). This change will allow for easier use of the soon to-be installed Boat Ramp at the north end of Millidge Avenue, as part of the Millidge Avenue Boat Ramp Rehabilitation Project.

PREVIOUS RESOLUTION

October 17, 2022: M&C 2022-317 – 2023 and 2024 General and Utility Fund Capital Budget, approved.

January 9, 2023: M&C 2023-005 - Community Investment Fund Agreement: City of Saint John – Improvements (Design Services) – Millidgeville Boat Ramp Renewal, approved.

October 30, 2023: M&C 2023-238; Revised 2024 General and Utility Fund Capital Programs, approved.

January 8, 2024: M&C 2024-007 – Community Investment Fund Agreement: City of Saint John – Millidgeville Boat Ramp Rehabilitation (Phase 2), approved.

February 20, 2024: M&C 2024-030 – Community Development Fund Agreement: City of Saint John – Millidgeville Boat Ramp Rehabilitation (Construction) , approved.

REPORT

The 2024 General Fund Capital Program includes funds for the rehabilitation of the Millidge Avenue boat ramp. The work involves the removal of the existing asphalt ramp and the installation of a fully textured concrete boat ramp, which includes a floating dock and aluminum pedestrian gangway. The work also includes the replacement of the sanitary sewer overflow of the Millidge Avenue Lift Station, roadway granular material, asphalt roadway, and signage. The Tender for this project closed on April 9th, 2024 and a recommendation for award was made at the Council session on April 15th 2024. Construction is expected to begin in early July 2024 and continue until mid-September 2024.

Through the City's ongoing communication with public stakeholders and residents, it was determined that parking restrictions should be implemented adjacent to the newly installed boat ramp. The proposed "no-parking" zone will extend from the water to the lot at Civic 1041 (PID 00048447). This amendment will primarily affect those using the boat ramp, as this is a dead-end street.

City staff engaged with local stakeholders' multiple times during the design phase and held a public information session to facilitate community engagement regarding construction activities. Throughout these discussions, numerous residents and members of the boating community raised concerns about the obstruction caused by vehicles parking too close to the boat ramp. This hinders the maneuverability of vehicles loading and unloading boats. By restricting parking in this area, access for all users of the boat ramp infrastructure will be substantially improved.

Should Council proceed with first and second readings of the proposed Amendments to the Saint John Parking By-laws, staff would plan to return for the 3rd reading prior to installing two "no parking" signs directly adjacent to the newly installed boat ramp.

STRATEGIC ALIGNMENT

The project aligns with Council's priority to BELONG and PERFORM as it will enhance recreation programming while improving users' quality of life by upgrading accessibility to our oceans/ivers. In addition, through exploring funding opportunities such as the RDC funding, the City leverages viable opportunities to renew its infrastructure.

SERVICE AND FINANCIAL OUTCOMES

Amending the Traffic By-law in support of this infrastructure renewal project is anticipated to be revenue neutral.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Utilities and Infrastructure Services, as well as Parking, have provided input.

Input from the community through multiple stakeholder meetings in the design phase in addition to the Public Engagement session held with local residents as previously stated in the report.

The General Counsel's Office drafted the attached Amendments to the Saint John Traffic By-law.

ATTACHMENTS

Amendment to the Saint John Traffic By-law, By-law Number MV-10.1

**A BY-LAW TO AMEND A BY-LAW
RESPECTING THE TRAFFIC ON STREETS
IN THE CITY OF SAINT JOHN, BY-LAW
NUMBER MV-10.1, AND AMENDMENTS
THERE TO**

Be it enacted by the Common Council of The City of Saint John as follows:

A By-law of The City of Saint John entitled “A By-law Respecting the Traffic on Streets in The City of Saint John, By-law Number MV-10.1” and amendments thereto, enacted on the 7th day of October, A.D. 2019, is hereby amended as follows:

1. Schedule “B” – No Parking Anytime is amended by adding the following words under the following headings:

Street	Side	Limits
Millidge Avenue	Both	From Civic No. 1041 to End (North end of Millidge Ave)

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., 2023 signed by:

Mayor / maire

City Clerk / Greffier de la municipalité

First Reading - July 22nd, 2024
Second Reading -
Third Reading -

**ARRÊTÉ MODIFIANT L'ARRÊTÉ
RELATIF À LA CIRCULATION DANS LES
RUES DE THE CITY OF SAINT JOHN,
ARRÊTÉ NUMÉRO MV-10.1, ET
MODIFICATIONS AFFÉRENTES**

Lors d’une réunion du conseil municipal, The City of Saint John a décrété ce qui suit :

Par les présentes, l’arrêté de The City of Saint John intitulé « Arrêté relatif à la circulation dans les rues de The City of Saint John, Arrêté numéro MV-10.1 » et modifications afférentes, décrété le 7^e jour d’octobre 2019, est modifié comme suit :

1. L'annexe « B » – Interdiction de stationnement en tout temps est modifié par l'adjonction des mots suivants sous les titres suivants:

Rue	Côté	Limites
Avenue Millidge	des deux côtés	L’adresse municipal N° 1041 à son extrémité (Extrémité nord de l’avenue Millidge)

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau municipal sur le présent arrêté le _____ 2023, avec les signatures suivantes :

Première lecture - le 22 Juillet 2024
Deuxième lecture -
Troisième lecture -

Staff Recommendation for Council Resolution

Property: 910 Fairville Boulevard

Public Hearing, 1st Reading and 2nd Reading: July 8, 2024

3rd Reading: July 22, 2024

Item:	Required: (Y/N)	Recommendation
Municipal Plan Amendment	No	
Zoning By-Law Amendment	Yes	That Common Council give 3 rd reading to an Amendment to the Zoning By-law which rezones a parcel of land having an area of approximately 12,242 square metres, located at 910 Fairville Boulevard, also identified PID 00402446, from Regional Commercial (CR) to Regional Commercial Residential (CR-R) .
Rescission of Previous s. 39/s. 59 Conditions	No	
Section 59 Conditions	Yes	a. The development must incorporate a sidewalk and appropriate pedestrian access between the adjacent sidewalk on Fairville Boulevard and the building entrances within the proposed development. This pedestrian access is to be detailed on the site plans submitted with the Building Permit application and is subject to the approval of the Development Officer.
Section 59 Agreement	No	
Section 131 Agreement	No	
Other	Yes	That Common Council assent to the Tentative Plan of Subdivision for the proposed development with respect to any required Local Government Services Easements and Municipal Drainage Easements to be determined during detailed design for the proposed subdivision.
Other	Yes	Council assent to money in lieu of Land for Public Purpose.

**BY-LAW NUMBER C.P. 111-171
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:

Amending Schedule "A", the Zoning Map
of The City of Saint John, by rezoning a
parcel of land having an area of
approximately 12,242 square metres,
located at 910 Fairville Boulevard, also
identified as PID 00402446, 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.

- 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. 2024 and signed by:

Mayor/Maire

City Clerk/Greffier communal

First Reading - July 8, 2024
Second Reading - July 8, 2024
Third Reading -

**ARRÊTÉ NO C.P. 111-171
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 :

La modification de l'annexe «A», Plan
de zonage de la ville de Saint John,
permettant de modifier la désignation
pour une parcelle de terrain d'une
superficie d'environ 12,242 mètres,
situé au 910 boulevard Fairville,
également identifié comme le NID
00402446, 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.

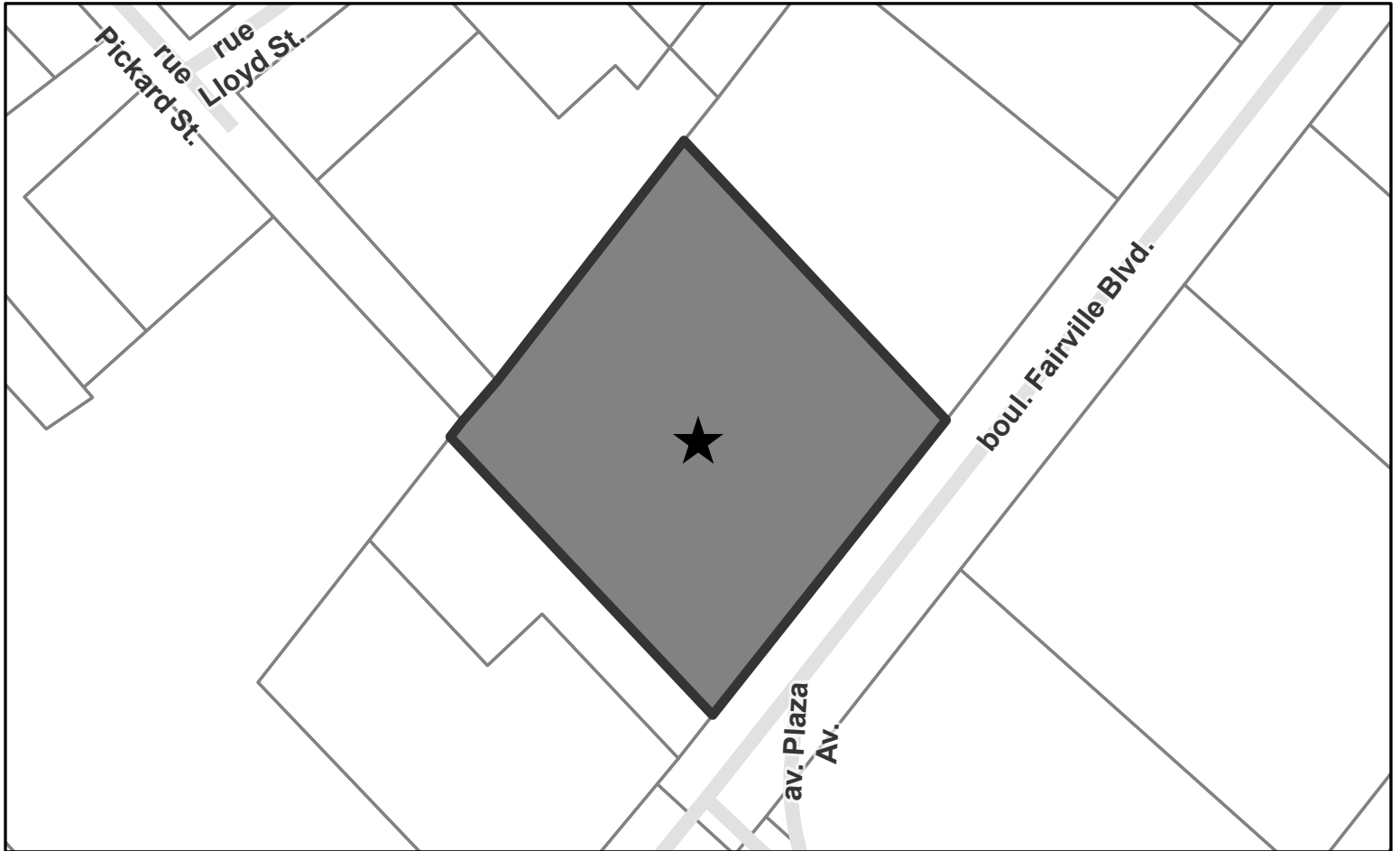
- toutes les modifications sont
indiquées sur le plan ci-joint et font partie du
présent arrêté.

EN FOI DE QUOI, The City of Saint John a
fait apposer son sceau communal sur le
présent arrêté le ***** 2024, avec les
signatures suivantes:

Première lecture - le 8 juillet 2024
Deuxième lecture - le 8 juillet 2024
Troisième lecture -

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

Regional
Commercial
Zone commerciale
régionale

CR



CR-R

TO / À

Regional Commercial
Residential
Zone commerciale
régionale résidentielle



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: Islamic Society of New Brunswick

Location: 910 Fairville Boulevard

PID(s)/NIP(s): 00402446

Considered by P.A.C./Considéré par le C.C.U.: June 18 juin, 2024

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:** July 11 juillet, 2024

COUNCIL NOTICE OF MOTION

Received Date	July 17, 2024
Meeting Date	July 22, 2024
Open or Closed	Open Session

Her Worship Mayor Donna Noade Reardon and Members of Common Council

SUBJECT : Motion for letter to Minister Jill Green

Primary Author	Input from Council	Input from Staff
Paula Radwan		

PROPOSED MOTION:

That the Mayor be directed to send a letter off to the Government of New Brunswick copying Minister Jill Green to request 24/7 supervision of the site at 124 Waterloo Street (otherwise known as the ‘Seacan Site’.

BACKGROUND INFORMATION:

It is imperative for there to be supervision/ security on site for areas where many people would be housed that require transitional or supportive housing. There have been many instances where police, ambulance and fire has had to attend on site at 124 Waterloo Street in the last 3 months. I feel that it is essential for the protection of the most vulnerable on the site and the most vulnerable in the community to have supports in place to help ensure the safety and security of the area.

STRATEGIC ALIGNMENT:

Belong, Grow, Green, Perform

SERVICE AND FINANCIAL OUTCOMES:

This would only require writing and sending a letter with potentially a follow-up email. I would be happy to do up a draft letter with the guidance from council on the messaging that they would like if they are supportive. There are no finances needed to spend on creating this item however the savings could be substantial for the city if resources of fire and police are decreased. If police and fire could report on how many calls are happening to the site from now on, we could then report accurately if there is security issued from the province in the future to see what that cost savings is alone as a KPI. I have not consulted with Council prior to drawing this up but have shared my concerns in the past on this.



COUNCIL NOTICE OF MOTION

Received Date	July 17,2024
Meeting Date	July 22,2024
Open or Closed	Open Session

Her Worship Mayor Donna Noade Reardon and Members of Common Council

SUBJECT : Proposed Community Safety Services Unit

Primary Author	Input from Council	Input from Staff
Paula Radwan		Cara Coes, Marc Dionne, David Dobbelstein, Chris McKiel, Brent McGovern

PROPOSED MOTION:

That the CAO be directed to have staff get a budget estimate together for a Community Safety Services Unit and proposed timeline on forming one and report back to council in approximately six weeks.

That Council suspend the provision 16:27 of the Procedural By-law and allow the motion to be discussed and voted on during this meeting following the presentation from the Housing for all Strategy discussion.

BACKGROUND INFORMATION:

There is a plan being established to oversee the management of encampments and assisting our unhoused community and community as a whole. The scope of the Community Safety Services Unit needs to fall within the bounds of bylaw officers and a program needs to be set up where bylaw officers know what is in their scope and when to call for police if things are out of their scope. To ensure the safety and security of all residents, proactive community intervention at encampments, sea cans and in public spaces, the Community Safety Services Unit would help not only assist with safety but also be an ambassador for the City of Saint John. The scope that should be considered may include: overseeing green, yellow and red zones, site cleanup services, taking non-emergency calls when they come into city hall, evaluation of sharps container placement and site visitation. These are just a few examples that staff may deem part of the scope and it is essential that police, fire and GNB be consulted on the scope of staff work and training needs/ uniform needs that should follow.

Some of the community concerns that have been brought to council’s attention include: open drug use, assaults, verbal abuse to public, aggression displayed to the public, unsightly premises complaints including garbage and build up of debris/ personal items, destruction of property, break and enters, defecation on public land openly, masturbation and sexual activity in public spaces.



Some of the staff concerns heard includes; numerous complaints from the public, aggression and abuse to staff from residents including but not limited to verbal threats, threats to stab staff with used needles, breaking bottles and using them to threaten staff to use it as a weapon against them, sexual activity and open drug use. The safety of our staff is of the utmost importance.

I feel that some of these complaints that come in can be mitigated with prevention through community engagement and enforcement when needed. I see this position assisting our current staff like Local 18 that are coming into contact with community members, like in parks and recreation areas, which are in contact with people in our public spaces and of course any and all staff that are working in public spaces.

There are timelines laid out in the Housing for all Strategy but waiting for them, I fear may increase our cost and scale of urgency. I feel that we need to look at putting actions forward now and I think as a temporary position(s) which would come out of reserves. The situation is scaling up every single month, therefore organizing this now may help us save money in the future.

Note: I would ask to discuss possibly putting this motion forward after the Housing for all Strategy is put forth in today's agenda. If not, then it will only be read in the minutes of the meeting to be held in 1 months' time.

STRATEGIC ALIGNMENT:

Belong, Grow, Green, Perform

SERVICE AND FINANCIAL OUTCOMES:

It is my understanding that there was a balance of approximately 6,546,890 million dollars in operating reserves in 2023 (taken from November 29,2023 meeting)

COUNCIL NOTICE OF MOTION

Received Date	July, 18 2024
Meeting Date	July 22 nd 2024
Open or Closed	Open Session

Her Worship Mayor Donna Noade Reardon and Members of Common Council

SUBJECT : Review of Fire Marshal's Responsibilities in Municipalities

Primary Author	Input from Council	Input from Staff
Deputy Mayor MacKenzie		Fire Chief and CAO

PROPOSED MOTION:

Whereas municipalities have expressed some concerns with the Fire Marshal's Office over lack of flexibility, inconsistent enforcement and the overruling of Local Assistants to the Fire Marshal.

Be it resolved that Common Council recommend the roles and responsibilities of the Fire Marshal's Office within the context of fire code enforcement, appeals, plans review, public education and fire investigations be reviewed by the Union of Municipalities of New Brunswick (UMNB).

BACKGROUND INFORMATION:

While fire safety regulations are essential for ensuring the safety of buildings and occupants, they can sometimes create barriers or challenges for municipalities or organizations. The Fire Prevention Act supersedes almost every other Act due to the potential lifesafety implications.

Municipalities have expressed concerns over:

1. **Lack of Flexibility:** Fire marshal regulations are designed to ensure the highest level of safety, but they may not always account for unique circumstances or alternative fire safety measures. This lack of flexibility can be frustrating for individuals or organizations that have innovative approaches to fire safety but are unable to implement them due to rigid compliance requirements.



2. Inconsistent Enforcement: Different fire marshals or local assistants across multiple jurisdictions may interpret and enforce fire safety regulations differently. This inconsistency can lead to confusion and frustration for individuals or organizations operating in multiple locations or seeking clarity on specific compliance requirements.

Under the current structure Fire Prevention Officers are designated Local Assistants to the Fire Marshal. They carry out their duties on behalf of the Provincial Fire Marshal, but ultimately work under the Provincial Fire Marshal.

The intent of this motion is to explore whether a more collaborative approach can be realized through the UMNB.

STRATEGIC ALIGNMENT:

The motion aligns with the Council priorities of Grow and Perform. The intent is to increase efficiency and show that the City of Saint John is open for growth while ensuring the best use of our resources.

SERVICE AND FINANCIAL OUTCOMES:

INPUT FROM OTHERS:

Building Inspections

Fire Prevention

ATTACHMENTS –

Fire Prevention Act Chapter F-13





CHAPTER F-13

CHAPITRE F-13

Fire Prevention Act

Loi sur la prévention des incendies

Chapter Outline

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Definitions

1 In this Act

“building” means a structure used or intended to be used for supporting or sheltering any use or occupancy; (*bâtiment*)

“combustible liquid” means any liquid having a flash point at or above 37.8 degrees Celsius and below 93.3 degrees Celsius; (*combustible liquide*)

“deputy fire marshal” means the deputy fire marshal appointed under subsection 2(2); (*adjoint du prévôt des incendies*)

“fire extinguisher” means an appliance, container or apparatus containing any liquid, powder or gas, whether under pressure or not and designed, or purporting to be designed, for the purpose of extinguishing fire in its incipient stage, or bearing the words fire extinguisher, extinguisher or words of like import on the container or wrapper, and includes a recharge or refill for any such appliance, container or apparatus; (*extincteur*)

“fire investigator” means a fire investigator appointed under subsection 2(2); (*enquêteur d’incendies*)

“fire marshal” means the fire marshal appointed under subsection 2(1) and includes any person authorized by the fire marshal under subsection 4(4.1) to act on the fire marshal’s behalf; (*prevôt des incendies*)

“fire prevention officer” means a fire prevention officer appointed under subsection 2(2); (*agent de prévention des incendies*)

“fireworks” includes fire-crackers, cannon-crackers, fireballs, mines, roman candles, skyrockets, squibs, torpedoes and any other explosives designated by the Lieutenant-Governor in Council; (*pièces d’artifice*)

“flammable liquid” means any liquid having a flash point below 37.8 degrees Celsius and having a vapour pressure not more than 275.8 kilopascals absolute at 37.8 degrees Celsius; (*liquide inflammable*)

“ground floor” means the lowest floor divided into self-contained units providing living accommodations; (*rez-de-chaussée*)

“local assistant” means a local assistant appointed under subsection 6(1) or (2); (*assistant local*)

Définitions

1 Dans la présente loi

« adjoint du prévôt des incendies » désigne l’adjoint du prévôt des incendies nommé en vertu du paragraphe 2(2); (*deputy fire marshal*)

« agent de prévention des incendies » désigne un agent de prévention des incendies nommé en vertu du paragraphe 2(2); (*fire prevention officer*)

« assistant local » désigne un assistant local nommé en vertu du paragraphe 6(1) ou (2); (*local assistant*)

« assistant local » Abrogé : 1986, ch. 37, art. 1

« bâtiment » désigne toute construction servant ou destinée à accommoder ou à recevoir un usage ou une occupation quelconque; (*building*)

« combustible liquide » désigne un liquide ayant un point d’éclair de 37,8 degrés Celsius ou plus et moins de 93,3 degrés Celsius; (*combustible liquide*)

« enquêteur d’incendies » désigne un enquêteur d’incendies nommé en application du paragraphe 2(2); (*fire investigator*)

« extincteur » désigne un appareil, récipient ou dispositif renfermant un liquide, une poudre ou un gaz, sous pression ou non, conçu ou réputé être conçu pour éteindre les commencements d’incendie, ou portant le mot extincteur, sur lui-même ou sur son emballage, ou des mots de même sens, et comprend la recharge ou le produit de remplissage d’un tel appareil, récipient ou dispositif; (*fire extinguisher*)

« gouvernement local » s’entend selon la définition que donne de ce terme le paragraphe 1(1) de la *Loi sur la gouvernance locale*; (*local government*)

« installation de produits pétroliers » désigne un bâtiment ou une aire de stockage extérieure servant ou destinée à servir au stockage, à la manutention ou à la distribution d’un liquide inflammable ou d’un combustible liquide; (*petroleum products facility*)

« lieu de rassemblement » comprend tout bâtiment ou toute construction, ou partie de ceux-ci, et toute tente ou auvent avec murs, ou rideaux latéraux, servant ou devant servir à recevoir à la fois cinquante personnes au moins, aux fins de réunion, de divertissement, d’enseignement,

“local assistant” Repealed: 1986, c.37, s.1

“local government” means a local government as defined in subsection 1(1) of the *Local Governance Act*; (*gouvernement local*)

“Minister” means the Minister of Public Safety; (*Ministre*)

“municipality” Repealed: 2017, c.20, s.72

“petroleum products facility” means a building or outside storage area used or intended to be used for the storage, handling or dispensing of a flammable liquid or a combustible liquid; (*installation de produits pétroliers*)

“place of assembly” includes a building or structure, or a portion thereof, and a tent or awning with walls or side curtains designed, used or intended to be used to accommodate fifty or more persons at the same time for the purpose of meetings, entertainment, instruction, worship, recreation, drill, or the viewing or purchasing of goods; (*lieu de rassemblement*)

“sleeping accommodations” includes

- (a) a hotel or any other building in which lodgings are provided for rent or hire,
- (b) any building in which lodgings are offered to members of the public on a gratuitous basis,
- (c) any building in which an educational institution lodges its students,
- (d) any building, other than a single family residence, in which a religious organization lodges its members,
- (e) a hospital facility, sanatorium, infirmary, nursing home or home for the aged,
- (f) an orphanage or children’s home,
- (g) a jail, reformatory or other penal institution, or

de culte, de récréation, d’entraînement ou de l’examen ou de l’achat d’objets; (*place of assembly*)

« liquide inflammable » désigne un liquide ayant un point d’éclair de moins de 37,8 degrés Celsius et ayant une pression de vapeur d’au plus 275,8 kilopascals absolus à 37,8 degrés Celsius; (*flammable liquid*)

« logement » comprend

- a) un hôtel ou tout autre bâtiment où des logements sont loués,
- b) tout bâtiment dans lequel des logements sont offerts au public gratuitement,
- c) tout bâtiment où un établissement d’enseignement loge ses étudiants,
- d) tout bâtiment, autre qu’une résidence unifamiliale, dans lequel une organisation religieuse loge ses membres,
- e) un établissement hospitalier, sanatorium, infirmerie, foyer de soins ou foyer pour personnes âgées,
- f) un orphelinat ou une crèche,
- g) une prison, maison de correction ou autre établissement pénitentiaire, ou
- h) une maison de rapport à trois pièces autonomes ou plus au-dessus du rez-de-chaussée; (*sleeping accommodations*)

« Ministre » désigne le ministre de la Sécurité publique; (*Minister*)

« municipalité » Abrogé : 2017, ch. 20, art. 72

« pièces d’artifice » comprend les pétards, pots d’artifices, mines, chandelles romaines, fusées volantes, serpenteaux, torpilles et tout autre explosif désigné par le lieutenant-gouverneur en conseil; (*fireworks*)

« prévôt des incendies » désigne le prévôt des incendies nommé en vertu du paragraphe 2(1) et s’entend également d’une personne qu’il autorise à le représenter en application du paragraphe 4(4.1); (*fire marshal*)

(h) an apartment house with three or more self-contained units above the ground floor. (*logement*)

R.S., c.86, s.1; 1959, c.46, s.1; 1967, c.41, s.1; 1973, c.35, s.1; 1975, c.78, s.1; 1979, c.24, s.1; 1983, c.30, s.11; 1986, c.37, s.1; 1989, c.55, s.31; 1992, c.2, s.23; 1992, c.52, s.12; 1995, c.45, s.1; 1998, c.41, s.56; 2000, c.26, s.134; 2005, c.7, s.31; 2016, c.37, s.73; 2017, c.20, s.72; 2019, c.2, s.60; 2020, c.25, s.53; 2022, c.28, s.23

Application of Act

1.1 This Act applies to buildings used for sleeping accommodations owned or operated by the Crown in right of the Province.

1975, c.78, s.2; 1986, c.37, s.2

PART I

INVESTIGATION AND PREVENTION OF FIRES

APPOINTMENTS, DUTIES AND POWERS

1995, c.45, s.2

Appointment of fire marshal, deputy fire marshal, fire investigators and fire prevention officers

2(1) The Lieutenant-Governor in Council may appoint a fire marshal for the proper carrying out of the provisions of this Act and the regulations and such other duties as may be assigned to the fire marshal by the Minister.

2(2) Subject to subsection (3), with the approval of the Minister, the fire marshal may appoint a deputy fire marshal and such fire investigators and fire prevention officers as the fire marshal considers necessary to assist the fire marshal in the proper carrying out of the provisions of this Act and the regulations.

2(3) The fire marshal shall not appoint a person as a fire investigator under subsection (2) unless that person

(a) meets the qualifications of a fire investigator adopted by the N.B. Association Fire & Arson Investigators Inc., and

(b) is employed as a fire investigator.

« rez-de-chaussée » désigne l'étage le plus bas divisé en unités autonomes servant au logement. (*ground floor*)

S.R., ch. 86, art. 1; 1959, ch. 46, art. 1; 1967, ch. 41, art. 1; 1973, ch. 35, art. 1; 1975, ch. 78, art. 1; 1979, ch. 24, art. 1; 1983, ch. 30, art. 11; 1986, ch. 37, art. 1; 1989, ch. 55, art. 31; 1992, ch. 2, art. 23; 1992, ch. 52, art. 12; 1995, ch. 45, art. 1; 1998, ch. 41, art. 56; 2000, ch. 26, art. 134; 2005, ch. 7, art. 31; 2016, ch. 37, art. 73; 2017, ch. 20, art. 72; 2019, ch. 2, art. 60; 2020, ch. 25, art. 53; 2022, ch. 28, art. 23

Application de la Loi

1.1 La présente loi s'applique aux bâtiments aménagés pour le logement, dont le propriétaire ou l'exploitant est la Couronne du chef de la province.

1975, ch. 78, art. 2; 1986, ch. 37, art. 2

PARTIE I

ENQUÊTE ET PRÉVENTION DES INCENDIES

NOMINATIONS, FONCTIONS ET RESPONSABILITÉS

1995, ch. 45, art. 2

Nomination du prévôt des incendies, de l'adjoint du prévôt des incendies, des enquêteurs d'incendies et des agents de prévention des incendies

2(1) Le lieutenant-gouverneur en conseil peut nommer un prévôt des incendies pour assurer la mise en application des dispositions de la présente loi et des règlements d'application et pour exercer les fonctions qui lui sont conférées par le Ministre à titre de prévôt des incendies.

2(2) Sous réserve du paragraphe (3), le prévôt des incendies peut, avec l'agrément du Ministre, nommer un adjoint au prévôt des incendies et tous enquêteurs d'incendies et agents de prévention des incendies qu'il juge nécessaires pour l'aider dans l'exercice de ses fonctions en application des dispositions de la présente loi et des règlements d'application.

2(3) Le prévôt des incendies ne peut nommer une personne à titre d'enquêteur d'incendies en vertu du paragraphe (2) que si ce dernier

a) possède les qualifications d'un enquêteur d'incendies agréées par l'association appelée *N.B. Association Fire & Arson Investigators Inc.*, et

b) est employé comme enquêteur d'incendies.

2(4) Notwithstanding subsection (3), the fire marshal may under subsection (2) appoint as a fire investigator any person with relevant expertise where, in the opinion of the fire marshal, it is necessary to do so.

R.S., c.86, s.2; 1975, c.78, s.3; 1979, c.24, s.2; 1984, c.35, s.3; 1995, c.45, s.3

Repealed

3 Repealed: 1995, c.45, s.4

R.S., c.86, s.3; 1979, c.24, s.3; 1995, c.45, s.4

Powers and duties of fire marshal

4(1) The fire marshal shall have full power and authority to enforce all laws of the Province and all by-laws and regulations made thereunder relative to the suppression and prevention of fires, the safeguarding of people and property in the event of fire, and non-fire related rescue by members of a fire department or a fire brigade.

4(2) The fire marshal

(a) shall keep a record of every fire reported to him with such facts, statistics and circumstances as may be required by the regulations;

(b) shall investigate and hold inquiries respecting the cause, origin and circumstances of such fires as he may deem desirable;

(c) may from time to time inspect hotels, apartment houses, hospital facilities, schools, churches, theatres, halls, factories and other places, in which numbers of persons work, live or congregate for any purpose, with a view of determining whether precautions against fire and the spread of fire, and the means of exit in case of fire, are adequate and satisfactorily maintained, and to directing such alterations to be made and such precautions to be taken as he considers necessary for the safeguarding of persons and property;

(d) shall perform such other duties as the Minister may from time to time prescribe.

4(3) The fire marshal may render advice and make recommendations respecting the suppression and prevention of fires, and without limiting the generality of the foregoing, respecting

2(4) Nonobstant le paragraphe (3), le prévôt des incendies peut, en vertu du paragraphe (2), nommer à titre d'enquêteur d'incendies, toute personne qui a de l'expérience pertinente, lorsqu'à son avis il en est nécessaire.

S.R., ch. 86, art. 2; 1975, ch. 78, art. 3; 1979, ch. 24, art. 2; 1984, ch. 35, art. 3; 1995, ch. 45, art. 3

Abrogé

3 Abrogé : 1995, ch. 45, art. 4

S.R., ch. 86, art. 3; 1979, ch. 24, art. 3; 1995, ch. 45, art. 4

Attributions du prévôt des incendies

4(1) Le prévôt des incendies jouit sans réserve du pouvoir et de l'autorité d'assurer l'application de toutes les lois de la province, ainsi que l'intégralité des arrêtés municipaux et des règlements pris sous leur régime ayant trait à l'extinction et à la prévention des incendies, à la sauvegarde des personnes et des biens en cas d'incendie, de même qu'au sauvetage étranger à un incendie qu'opère un service d'incendie ou une brigade de pompiers.

4(2) Le prévôt des incendies

a) doit conserver un dossier de tout incendie qui lui a été signalé, ainsi que des faits, statistiques et circonstances exigés par les règlements;

b) doit effectuer des recherches et mener des enquêtes sur la cause, l'origine et les circonstances des incendies s'il le juge souhaitable;

c) peut inspecter occasionnellement les hôtels, maisons de rapport, établissements hospitaliers, écoles, églises, cinémas, théâtres, salles, usines et autres endroits où de nombreuses personnes travaillent, vivent ou se rassemblent pour quelque raison que ce soit, afin de déterminer si les précautions contre l'incendie ou sa propagation sont suffisantes et les issues en cas d'incendie bien entretenues, et d'exiger que soient apportés les changements et que soient prises les précautions qu'il juge nécessaires à la sauvegarde des personnes et des biens;

d) s'acquitter des autres fonctions que le Ministre peut lui assigner occasionnellement.

4(3) Le prévôt des incendies peut donner des conseils et faire des recommandations quant à l'extinction et à la prévention des incendies, et, sans restreindre la portée générale de ce qui précède, quant

- (a) technical requirements to be observed in respect of equipment and other matters by fire departments and fire brigades;
- (b) the provision of adequate water supply for the suppression and prevention of fires;
- (b.1) the installation and maintenance of electrical installations and equipment in a building;
- (c) the installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment;
- (d) the storage, use or sale of combustibles, explosives and other flammable matter;
- (e) the construction and maintenance of fire escapes;
- (f) the means and adequacy of alarms in and exit from buildings in case of fire;
- (g) Repealed: 1986, c.37, s.3
- (h) the enactment and enforcement by local governments of by-laws or ordinances for the prevention of fire and the safeguarding of persons and property in the event of fire.

4(3.1) The fire marshal may render advice and make recommendations respecting non-fire related rescue activities, and without limiting the generality of the foregoing, respecting

- (a) technical requirements to be observed in respect of non-fire related rescue equipment and other matters by fire departments and fire brigades, and
- (b) the enactment and enforcement by local governments of by-laws or ordinances with respect to non-fire related rescue activities.

4(4) The fire marshal shall determine the content of training programs for firefighters in firefighting, fire prevention and non-fire related rescue.

4(4.1) The fire marshal may authorize persons to act on the fire marshal's behalf throughout the Province or for any district in the Province in respect of any or all of

- a) aux exigences techniques que doivent suivre les corps de pompiers et les services d'incendie concernant les équipements et autres questions;
- b) à la disponibilité de réserves suffisantes d'eau pour l'extinction et la prévention des incendies;
- b.1) à l'installation et à l'entretien des réseaux et matériel électriques d'un bâtiment;
- c) à l'installation et à l'entretien de réseaux d'avertisseurs et d'extincteurs d'incendies, automatiques ou non;
- d) à l'entreposage, l'emploi et la vente des combustibles, explosifs et autres matières inflammables;
- e) à la construction et à l'entretien des escaliers de secours;
- f) aux moyens d'alerte, à l'intérieur d'un bâtiment, et de sortie en cas d'incendie, et à leur suffisance;
- g) Abrogé : 1986, ch. 37, art. 3
- h) à l'adoption et à l'exécution par les gouvernements locaux des arrêtés et ordonnances sur la prévention des incendies et la protection des personnes et des biens en cas d'incendie.

4(3.1) Le prévôt des incendies peut donner des conseils et formuler des recommandations concernant les activités de sauvetage étrangères à un incendie, notamment :

- a) les exigences techniques que doivent respecter les services d'incendies et les brigades de pompiers à l'égard de l'équipement de sauvetage étranger à un incendie et les autres questions reliées à ces sauvetages;
- b) l'édition et l'exécution par les gouvernements locaux des arrêtés et des ordonnances relatives aux activités de sauvetage étrangères à un incendie.

4(4) Le prévôt des incendies détermine le contenu des programmes d'entraînement des pompiers en matière de lutte contre les incendies, la prévention des incendies et les opérations de sauvetage étrangères à un incendie.

4(4.1) Le prévôt des incendies peut autoriser des personnes à le représenter, à travers la province ou dans un district de la province, dans l'exercice des pouvoirs et des fonctions qui lui sont attribués en vertu de la pré-

the fire marshal's powers and duties under this Act and the regulations as specified in the authorization.

4(5) Nothing herein contained affects the obligation or duty of any person to comply with, carry out or enforce any law of the Province or any by-law, regulation or ordinance made thereunder.

R.S., c.86, s.4; 1966, c.57, s.1; 1969, c.32, s.1; 1986, c.37, s.3; 1992, c.52, s.12; 1995, c.45, s.5; 2011, c.22, s.1; 2017, c.20, s.72

Annual report of fire marshal

5 The fire marshal shall in each year submit to the Minister a detailed report, in such form as the Minister may direct, which shall include particulars of all fires reported during the calendar year next preceding.

R.S., c.86, s.5; 1986, c.37, s.4

Local assistants

6(1) The fire marshal may appoint the chief of a fire department or other member of a fire department as a local assistant to assist the fire marshal in carrying out the provisions of this Part within the territorial jurisdiction of the appointment.

6(2) The fire marshal may appoint any person as a local assistant for any district in the Province.

6(3) Repealed: 1995, c.45, s.6

6(4) Local assistants are, in the performance of their functions under this Act and the regulations, subject to the directions of the fire marshal.

6(5) Repealed: 1995, c.45, s.6

R.S., c.86, s.6; 1966, c.57, s.2; 1986, c.37, s.5; 1995, c.45, s.6

Protection from liability

6.1 No action or other proceeding for damages shall be instituted against the Province, the fire marshal, the deputy fire marshal, a fire investigator, a fire prevention officer, a local assistant or a person authorized to act on behalf of the fire marshal under subsection 4(4.1) with respect to anything in good faith done or omitted to be done by the fire marshal, the deputy fire marshal, the fire investigator, the fire prevention officer, the local assis-

sente loi et des règlements, tel qu'indiqué dans l'autorisation.

4(5) Aucune disposition de la présente loi ne relève qui que ce soit de l'obligation ou du devoir de se conformer aux lois de la province ou aux arrêtés municipaux, règlements et ordonnances qui en découlent, ou de les appliquer et de les exécuter.

S.R., ch. 86, art. 4; 1966, ch. 57, art. 1; 1969, ch. 32, art. 1; 1986, ch. 37, art. 3; 1992, ch. 52, art. 12; 1995, ch. 45, art. 5; 2011, ch. 22, art. 1; 2017, ch. 20, art. 72

Rapport annuel du prévôt des incendies

5 Le prévôt des incendies doit soumettre chaque année au Ministre un rapport détaillé, établi conformément aux instructions du Ministre et renfermant les renseignements sur tous les incendies signalés durant l'année civile précédente.

S.R., ch. 86, art. 5; 1986, ch. 37, art. 4

Assistants locaux

6(1) Le prévôt des incendies peut nommer une personne à titre de chef d'un service d'incendie ou un autre membre d'un service d'incendie à titre d'assistant local afin de lui venir en aide dans la mise en application des dispositions de la présente partie sur le territoire qui relève de sa compétence.

6(2) Le prévôt des incendies peut nommer une personne assistant local pour tout district de la province.

6(3) Abrogé : 1995, ch. 45, art. 6

6(4) Les assistants locaux exercent les fonctions en vertu de la présente loi et des règlements sous la direction du prévôt des incendies.

6(5) Abrogé : 1995, ch. 45, art. 6

S.R., ch. 86, art. 6; 1966, ch. 57, art. 2; 1986, ch. 37, art. 5; 1995, ch. 45, art. 6

Responsabilité civile

6.1 Aucune action ou autre procédure en recouvrement ne peut être entamée contre la province, le prévôt des incendies, l'adjoint du prévôt des incendies, l'enquêteur d'incendies, l'agent de prévention des incendies, l'assistant local ou une personne autorisée à représenter le prévôt des incendies en application du paragraphe 4(4.1) relativement à une action qu'ils auraient accomplis de bonne foi ou qu'ils auraient omis d'accomplir dans

tant or the person authorized to act on behalf of the fire marshal under subsection 4(4.1) in the execution or intended execution of his or her duties under this Act or the regulations.

1995, c.45, s.7

Investigations

7(1) A local assistant referred to in subsection 6(1) shall investigate, or cause to be investigated under subsection (2), the cause, origin and circumstances of every fire or explosion occurring within the territorial jurisdiction of the local assistant and by which property has been destroyed or damaged to ascertain in each case whether the fire or explosion was the result of negligence, carelessness, accident or design.

7(2) A local assistant referred to in subsection 6(2) shall, when directed to do so by the fire marshal or a local assistant referred to in subsection 6(1), investigate the cause, origin and circumstances of a fire or explosion occurring within the district for which the local assistant is appointed and by which property has been destroyed or damaged to ascertain whether the fire or explosion was the result of negligence, carelessness, accident or design.

7(3) When a local assistant has carried out an investigation under subsection (1) or (2), the local assistant shall within six days after the occurrence of the fire or explosion, unless otherwise directed by the fire marshal, submit a report to the fire marshal, on the form provided by the fire marshal, as to the cause, origin and circumstances of the fire or explosion and such other information as may be required by the fire marshal.

7(4) The fire marshal, the deputy fire marshal, a fire investigator or a local assistant may at all times, by day or night, enter in and upon and examine a building or premises where a fire or explosion has occurred, and other buildings or premises adjoining or in reasonable proximity to the same, for the purposes of an investigation under this Act or the regulations.

7(5) On the request of the owner or person in charge of a building or premises referred to in subsection (4), the fire marshal, deputy fire marshal, fire investigator or local assistant shall, before entering the building or

l'exercice de leurs fonctions ou dans le prétendu exercice de leurs fonctions en application de la Loi et des règlements.

1995, ch. 45, art. 7

Enquêtes

7(1) L'assistant local visé au paragraphe 6(1) doit enquêter ou faire enquêter en application du paragraphe (2), sur la cause, l'origine et les circonstances dans lesquelles est survenu un incendie ou une explosion dans le district pour lequel il est nommé, incendie ou explosion par lesquels des biens ont été détruits ou endommagés, afin d'établir dans chaque cas si l'incendie ou l'explosion résulte d'une négligence, d'une inattention, d'un accident ou d'un acte délibéré.

7(2) L'assistant local visé au paragraphe 6(2) doit, lorsqu'il reçoit des directives à cet effet du prévôt des incendies ou d'un assistant local visé au paragraphe 6(1), enquêter sur la cause, l'origine et les circonstances dans lesquelles est survenu un incendie ou une explosion dans le district pour lequel il est nommé, incendie ou explosion par lesquels des biens ont été détruits ou endommagés, afin d'établir si l'incendie ou l'explosion résulte d'une négligence, d'une inattention, d'un accident ou d'un acte délibéré.

7(3) Lorsqu'il a effectué l'enquête prévue au paragraphe (1) ou (2), l'assistant local doit, dans les six jours qui suivent l'incendie ou l'explosion, sauf indication contraire de la part du prévôt des incendies, présenter au prévôt sur la formule fournie par ce dernier, un rapport sur la cause, l'origine et les circonstances de l'incendie ou de l'explosion, y compris tous autres renseignements que le prévôt peut exiger.

7(4) Le prévôt des incendies, l'adjoint du prévôt des incendies, un enquêteur d'incendies ou un assistant local peut en tout temps, de jour ou de nuit, entrer dans un bâtiment ou sur les lieux d'un incendie ou d'une explosion et dans tout autre bâtiment ou lieux contigus ou à proximité raisonnable du bâtiment ou des lieux de l'incendie ou de l'explosion, aux fins d'une enquête entreprise en application de la présente loi ou des règlements d'application.

7(5) À la demande du propriétaire ou de la personne responsable d'un bâtiment ou des lieux visés au paragraphe (4), le prévôt des incendies, l'adjoint du prévôt des incendies, l'enquêteur d'incendies ou l'assistant local doit, avant de pénétrer dans un bâtiment ou sur des lieux,

premises, present to that person a certificate or other means of identification issued

- (a) in the case of the deputy fire marshal, fire investigator or local assistant, by the fire marshal, or
- (b) in the case of the fire marshal, by the Minister.

7(6) The fire marshal, deputy fire marshal, fire investigator or local assistant may

- (a) take with him or her any person or thing that he or she considers would be of assistance in making the investigation,
- (b) close the building or premises in which the fire or explosion occurred and prohibit any person from entering or remaining in the building or premises until the investigation of the fire or explosion is completed, and
- (c) perform or cause to be performed any tests he or she considers necessary on the building or premises or any thing in it in order to determine the cause, origin and circumstances of the fire or explosion, and may remove any thing for the purposes of the investigation or for the purpose of retaining it as evidence.

7(7) The fire marshal, deputy fire marshal, fire investigator or local assistant shall, on completion of the investigation, return to the person entitled to it any thing removed from a building or premises under paragraph (6)(c) unless

- (a) it is required as evidence in a prosecution arising out of the fire or explosion, or
- (b) for any other reason it is impossible or impractical to return it.

7(8) No person shall tamper with or remove any item found at a location where a fire or explosion has occurred unless that person has been specifically authorized to do so by the fire marshal, the deputy fire marshal, a fire investigator or a local assistant.

7(9) If the fire marshal considers it appropriate, the fire marshal may make an investigation under this sec-

lui présenter un certificat ou autres pièces d'identification délivrés

- a) par le prévôt des incendies, lorsque la présentation est faite par l'adjoint du prévôt des incendies, l'enquêteur d'incendies ou l'assistant local, ou
- b) par le Ministre, lorsque la présentation est faite par le prévôt des incendies.

7(6) Le prévôt des incendies, l'adjoint du prévôt des incendies, l'enquêteur d'incendies ou l'assistant local peut

- a) amener avec lui, toute personne ou tout objet qui pourrait l'aider au cours de l'enquête,
- b) fermer le bâtiment ou les lieux de l'incendie ou de l'explosion et en interdire l'accès jusqu'à la conclusion de l'enquête, et

c) effectuer ou faire effectuer les analyses qu'il juge nécessaires sur le bâtiment ou sur les lieux ou sur toute chose afin d'établir la cause, l'origine et les circonstances de l'incendie ou de l'explosion et il peut enlever une chose qu'il trouve pour les fins de l'enquête ou pour fins de preuve.

7(7) Le prévôt des incendies, l'adjoint du prévôt, l'enquêteur des incendies ou l'assistant local doit, lorsque l'enquête est terminée, retourner à la personne qui y a droit toute chose qu'il a enlevée du bâtiment ou des lieux en application de l'alinéa (6)c) sauf

- a) lorsqu'elle est requise à titre de preuve lors d'une poursuite résultant de l'incendie ou de l'explosion, ou
- b) lorsqu'il est impossible ou peu pratique de la lui remettre pour toute autre raison.

7(8) Nul ne peut manipuler ou enlever une chose du lieu de l'incendie ou de l'explosion à moins d'en avoir été spécifiquement autorisé par le prévôt des incendies, l'adjoint du prévôt, l'enquêteur d'incendies ou l'assistant local.

7(9) Le prévôt des incendies peut, lorsqu'il le juge approprié, faire enquête en application du présent article en

tion in addition to or instead of the investigation made by a local assistant.

R.S., c.86, s.7; 1966, c.57, s.3; 1971, c.34, s.1, 2; 1986, c.37, s.6; 1989, c.10, s.1; 1995, c.45, s.8

Power of entry

7.01 A local assistant or a member of a fire department may at all times, by day or night, enter in and upon a building or premises where a fire or explosion has occurred or is in progress, and other buildings or premises adjoining or in reasonable proximity to the same, with any equipment, machinery, apparatus or vehicle and may take any action considered necessary to extinguish the fire, to prevent it from spreading or to prevent a further explosion.

1995, c.45, s.9

Duty to report

7.1(1) The chief of a fire department shall report to the fire marshal on the form provided by the fire marshal every call within his or her territorial jurisdiction to which the fire department responded no later than fourteen days after receiving the call.

7.1(2) Notwithstanding subsection (1), the chief of a fire department shall inform the fire marshal of any fire or explosion within his or her territorial jurisdiction that involves serious injury or death no later than twenty-four hours after the fire or explosion.

1986, c.37, s.7; 1995, c.45, s.10

FIRE INSURANCE COMPANIES

Report of insurer, person sustaining loss and adjuster

8(1) Every insurer licensed to transact fire insurance in the Province shall furnish to the fire marshal, on forms provided for the purpose, a statement respecting every fire that occurs in the Province in which it is interested as an insurer, stating in each case the name and address of the owner and occupier of the premises in which the fire occurred, the name and address of each person insured by such insurer in respect of any property destroyed or damaged, the location of the premises, the use and occupancy, the date of the fire, the value of the building and contents, the amount of insurance carried, the amount of loss sustained, the probable cause of the fire, the name and address of the person adjusting the

sus de l'enquête menée par l'assistant local ou à la place de ce dernier.

S.R., ch. 86, art. 7; 1966, ch. 57, art. 3; 1971, ch. 34, art. 1, 2; 1986, ch. 37, art. 6; 1989, ch. 10, art. 1; 1995, ch. 45, art. 8

Droit d'entrée

7.01 L'assistant local ou un membre du service d'incendies peut, en tout temps, de jour ou de nuit, pénétrer dans un bâtiment ou sur les lieux d'un incendie ou d'une explosion, et dans tout autre bâtiment ou lieu contigu ou à proximité raisonnable du bâtiment ou du lieu de l'incendie ou de l'explosion, avec de l'équipement, du matériel, des appareils ou un véhicule et prendre toute mesure nécessaire pour éteindre l'incendie ou empêcher qu'il ne se propage ou afin de prévenir d'autres explosions.

1995, ch. 45, art. 9

Obligation de faire état

7.1(1) Le chef d'un service d'incendie doit faire état au prévôt des incendies, au moyen de la formule fournie par ce dernier, de chaque appel auquel a répondu le service d'incendie dans les limites du territoire sur lequel il a compétence et ce dans les quatorze jours qui suivent l'appel.

7.1(2) Nonobstant le paragraphe (1), le chef d'un service d'incendies doit informer le prévôt des incendies de tout incendie ou explosion survenu dans les limites de son territoire qui résulte en des blessures corporelles graves ou mortelles, dans les vingt-quatre heures qui suivent l'incendie ou l'explosion.

1986, ch. 37, art. 7; 1995, ch. 45, art. 10

COMPAGNIES D'ASSURANCE-INCENDIE

Rapport de l'assureur, d'une personne qui subit perte et de l'expert

8(1) Tout assureur autorisé à pratiquer l'assurance-incendie dans la province doit présenter au prévôt des incendies, sur des formules prévues à cette fin, un rapport relatif à chaque incendie survenu dans la province et auquel il est intéressé en tant qu'assureur, indiquant, pour chaque sinistre, les nom et adresse du propriétaire et de l'occupant des locaux dans lesquels l'incendie s'est produit, les nom et adresse de chaque personne dont les biens, détruits ou endommagés, étaient assurés par l'assureur, la situation des locaux, l'affectation et l'occupation des locaux, la date de l'incendie, la valeur du bâtiment et de son contenu, le montant de l'assurance prise, le montant des pertes subies, la cause probable de

claim, and such other information as the fire marshal may require.

8(2) Every person sustaining, or claiming to have sustained a loss by fire on property in the Province insured wholly or partially with an insurer not licensed under the provisions of the *Insurance Act*, shall report to the fire marshal the date of the fire, the names and addresses of the owner and occupier of the premises in which the fire occurred, the location and use and occupancy of the premises, date of the fire, particulars of the insurance and such other information as the fire marshal may require.

8(3) A report required to be made under the provisions of subsections (1) and (2) shall be mailed or delivered to the fire marshal within ten days after the occurrence of the fire.

8(4) A person sustaining a loss by fire on property in the Province shall upon the written or oral request of the fire marshal, furnish to him, within seven days after the receipt of such request, a report containing such information as he may require.

8(5) Every person adjusting a claim against an insurer in respect of a loss by fire to property in the Province, whether the insurer is licensed under the provisions of the *Insurance Act* or not and whether such person represents the insurer or the insured, shall within three days after the completion of the adjustment forward a report in writing to the fire marshal stating the date of the fire, the names and addresses of the owner and occupier of the premises in which the fire occurred, the location of the premises, the name and address of the insured and each insurer, the value of the property insured, the amount of insurance placed with each insurer, the amount of loss that each insurer is to bear and such other particulars as the fire marshal may require.

R.S., c.86, s.8

INQUIRIES

Inquiry

9(1) The fire marshal, or any person so directed by the Minister, may hold an inquiry into the cause, origin and circumstances of any fire.

l'incendie, les nom et adresse de la personne qui expertise le sinistre et tout autre renseignement que peut exiger le prévôt des incendies.

8(2) Toute personne qui subit ou prétend avoir subi des pertes imputables à un incendie qui a détruit ou endommagé des biens situés dans la province et assurés, en tout ou en partie, par un assureur non autorisé en application des dispositions de la *Loi sur les assurances*, doit adresser au prévôt des incendies un rapport indiquant la date de l'incendie, les noms et adresses du propriétaire et de l'occupant des locaux sinistrés, la situation, l'affectation et l'occupation des locaux, la date de l'incendie, les clauses de l'assurance et tout autre renseignement que peut exiger le prévôt des incendies.

8(3) Tout rapport devant être fait en application des dispositions des paragraphes (1) et (2) doit être posté ou remis au prévôt des incendies dans un délai de dix jours après l'incendie.

8(4) Toute personne qui subit une perte imputable à l'incendie qui a détruit ou endommagé des biens situés dans la province doit, sur la demande verbale ou écrite du prévôt des incendies, présenter à ce dernier, dans les sept jours de la réception de cette demande, un rapport contenant les renseignements qu'il peut exiger.

8(5) Toute personne qui expertise un sinistre qui donne lieu à une réclamation contre un assureur, pour des pertes, imputables à l'incendie, qu'ont subies des biens situés dans la province, que l'assureur soit autorisé en application des dispositions de la *Loi sur les assurances* ou non, ou que cette personne représente l'assureur ou l'assuré, doit, dans les trois jours de l'expertise, adresser au prévôt des incendies un rapport écrit indiquant la date de l'incendie, les noms et adresses du propriétaire et de l'occupant des locaux sinistrés, la situation des locaux, les noms et adresses de l'assuré et de chaque assureur, la valeur des biens assurés, le montant de l'assurance contractée par chaque assureur, la part du sinistre que chaque assureur doit supporter et tout autre renseignement que le prévôt des incendies peut exiger.

S.R., ch. 86, art. 8

ENQUÊTES

Enquête

9(1) Le prévôt des incendies ou toute personne qui en reçoit l'ordre du Ministre peut mener une enquête sur la cause, l'origine et les circonstances de tout incendie.

9(2) A person so directed to hold an inquiry shall as soon as practicable after the completion of the inquiry send a report thereof to the fire marshal, stating in particular his opinion as to the cause and origin of the fire and whether it appears to have been of incendiary origin, and shall transmit therewith the evidence taken by him at such inquiry.

9(3) For the purpose of an inquiry under this section the fire marshal or person so directed to hold an inquiry shall have all the powers and privileges conferred on commissioners appointed under the *Inquiries Act*, and all provisions of that Act, when applicable to and not inconsistent with this Act, shall apply to an inquiry held under this section.

9(4) Any inquiry held under this section may, in the discretion of the fire marshal or other person holding the inquiry, be private and persons other than those required to be present under the provisions of this Part, may be excluded from the place where the investigation is held.

R.S., c.86, s.9

Report of fire marshal where arson suspected

10 If, after an inquiry or investigation, the fire marshal is of the opinion that there is evidence sufficient to charge a person with arson, or an attempt to commit arson, he shall forthwith report to the Minister.

R.S., c.86, s.10; 1995, c.45, s.11; 2020, c.25, s.53

INSPECTION OF BUILDINGS

Powers of inspection

11 The fire marshal, the deputy fire marshal, a fire prevention officer or a local assistant, upon complaint of a person interested, or when he or they deem it necessary without such complaint, may inspect any building or premises within their jurisdiction, and for the purpose may, at all reasonable hours, enter into and upon any building or premises.

R.S., c.86, s.11; 1986, c.37, s.8; 1995, c.45, s.12

9(2) Toute personne chargée de faire une enquête doit, dès que possible à la fin de celle-ci, envoyer au prévôt des incendies un rapport indiquant surtout son opinion sur les causes et origines de l'incendie et sur la possibilité d'un incendie volontaire, et y annexer les éléments de preuve qu'elle a rassemblés au cours de l'enquête.

9(3) Aux fins d'une enquête à faire en application du présent article, le prévôt des incendies ou la personne chargée de mener une enquête doit avoir les pouvoirs et les prérogatives dont jouissent les commissaires nommés en vertu de la *Loi sur les enquêtes*, et toutes les dispositions de cette loi, lorsqu'elles sont applicables et non contraires à la présente loi, doivent s'appliquer à toute enquête menée en vertu du présent article.

9(4) À la discrétion du prévôt des incendies ou de toute autre personne menant une enquête, toute enquête menée en vertu du présent article peut avoir lieu à huis clos, et toutes les personnes autres que celles dont la présence est requise en application de la présente partie peuvent être exclues du lieu de l'enquête.

S.R., ch. 86, art. 9

Rapport du prévôt en cas de crime d'incendie volontaire soupçonné

10 Si, à la suite d'une enquête ou d'un examen, le prévôt des incendies est d'avis qu'il y a suffisamment d'éléments de preuve pour inculper une personne de crime d'incendie volontaire, ou de tentative de crime d'incendie volontaire, il doit en faire rapport sur-le-champ le Ministre.

S.R., ch. 86, art. 10; 1995, ch. 45, art. 11; 2020, ch. 25, art. 53

INSPECTION DES BÂTIMENTS

Pouvoirs d'inspection

11 Le prévôt des incendies, l'adjoint du prévôt des incendies, l'agent de prévention des incendies ou l'assistant local peuvent, sur formulation d'une plainte par une personne intéressée ou lorsqu'ils le jugent nécessaire sans cette plainte, inspecter tout bâtiment ou local relevant de leur juridiction et, à cette fin, peuvent, à toute heure raisonnable, pénétrer dans tout bâtiment ou local.

S.R., ch. 86, art. 11; 1986, ch. 37, art. 8; 1995, ch. 45, art. 12

Order respecting safety measures, discontinuance of power or dangerous appliance, apparatus or place and duty of tenant

12(1) When the fire marshal, the deputy fire marshal, a fire prevention officer or a local assistant finds a building or other structure that, for want of proper repair or by reason of age and dilapidated condition or for any cause, is especially liable to fire, or that is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein or that exits from the building or buildings are inadequate or improperly used, or that there are in or upon any building or premises, combustible or explosive material or conditions dangerous to the safety of persons, buildings or premises, he may order the owner or occupant to

- (a) remove or demolish such building or make such repairs or alterations as such officer deems necessary;
- (b) remove such combustible or explosive material or remove or repair anything that may constitute a fire hazard;
- (c) install safeguards by way of fire extinguishers, fire alarms and other devices and equipment and also such fire escapes and exit doors as such officer deems necessary to afford ample exit facilities in the event of fire or an alarm of fire;
- (d) carry out such drills and evacuation procedures as the fire marshal feels necessary where the major concern is to save lives by an orderly evacuation of persons at the time an emergency arises.

12(2) Where, in the opinion of the fire marshal, the deputy fire marshal, a fire prevention officer or a local assistant, any electrical installation, apparatus or equipment in or upon any building or premises is in a condition to be especially likely to cause fire and to be dangerous to the safety of persons or property, he may in writing order any person or organization supplying electrical energy to discontinue supplying electrical energy to such building or premises until the condition of the electrical installation, apparatus or equipment is remedied.

Ordre visant les mesures de sécurité, l'énergie électrique, les appareils, les dispositifs ou les lieux dangereux et devoirs du locataire

12(1) Lorsque le prévôt des incendies, l'adjoint du prévôt des incendies, l'agent de prévention des incendies ou un assistant local constate qu'un bâtiment ou toute autre construction est, par manque de réparations ou du fait de sa vétusté et de son délabrement ou pour toute autre cause, particulièrement exposée aux incendies, qu'elle est située de façon telle qu'elle met en danger d'autres bâtiments ou biens, qu'elle est occupée d'une manière telle qu'un incendie pourrait mettre en danger les personnes et les biens qu'elle contient, que les sorties du ou des bâtiments sont insuffisantes ou mal utilisées ou qu'il existe dans le bâtiment ou dans les locaux des matières combustibles ou explosives ou d'autres conditions dangereuses pour la sécurité des personnes, des bâtiments ou des locaux, il peut ordonner au propriétaire ou à l'occupant

- a) d'enlever ou de démolir ce bâtiment ou d'y faire les réparations ou modifications qu'il juge nécessaires;
- b) d'enlever les matières combustibles ou explosives, ou d'enlever ou de réparer tout ce qui peut constituer un risque d'incendie;
- c) de prendre des mesures de précaution en installant des extincteurs d'incendie, des avertisseurs d'incendie et d'autres dispositifs et appareils, ainsi que des escaliers de secours et des portes de sortie qu'il juge nécessaires afin de fournir des moyens de sortie multiples en cas d'incendie ou d'alerte;
- d) de procéder aux exercices d'évacuation que le prévôt des incendies juge nécessaires lorsque l'objectif principal est de sauver des vies par l'évacuation en bon ordre des personnes en cas d'urgence.

12(2) Lorsque le prévôt des incendies, l'adjoint du prévôt des incendies, l'agent de prévention des incendies ou un assistant local, est d'avis qu'une installation, un appareil ou un matériel électrique, dans un bâtiment ou un local, est dans un état très susceptible de provoquer un incendie et de mettre en danger des personnes et des biens, il peut ordonner par écrit à la personne ou à la société fournissant l'énergie électrique de cesser d'alimenter en énergie électrique ce bâtiment ou ce local jusqu'à ce qu'il ait été remédié à l'état de l'installation, de l'appareil ou du matériel électrique.

12(3) Upon receipt of such order, the person or organization supplying electrical energy to the building or premises named in the order shall forthwith discontinue supplying electrical energy to the building or premises until the order is rescinded by the fire prevention officer or the local assistant who made it, or by the fire marshal or the deputy fire marshal.

12(4) Where any appliance, apparatus or place in or upon any building or premises is used or intended to be used for supplying fire or heat and, in the opinion of the fire marshal, the deputy fire marshal, a fire prevention officer or a local assistant, the use of the appliance, apparatus or place for that purpose is likely to be dangerous to persons or property, he may order in writing that no fire be lighted or maintained in the appliance, apparatus or place until the dangerous conditions have been remedied.

12(5) Upon receipt of such an order, the owner or occupant of the building or premises in which the appliance, apparatus or place is situated or contained, or the person in charge or control of the appliance or apparatus named in the order, shall not light or maintain a fire in the appliance, apparatus or place named in the order until the order is rescinded by the fire prevention officer or the local assistant who made it, or by the fire marshal or the deputy fire marshal.

12(6) Every tenant of a building in respect of which an order is made under this section shall at all reasonable times permit the owner of the building, by himself, his servants, agents, workmen and employees to enter and re-enter that part of the building and premises of which he is tenant for the purpose of making the alterations and repairs therein and doing such other things as the owner is required to do by the order.

R.S., c.86, s.12; 1975, c.78, s.4; 1986, c.37, s.9; 1995, c.45, s.13

Registration of order

12.1(1) Where an order is made under paragraph 12(1)(a) to remove or demolish a building, such order may be registered in the registry office for the county in which the lands affected by the order are situated, and upon such registration the order

- (a) binds the lands, and

12(3) Dès réception de cet ordre, la personne ou la société qui fournit l'énergie électrique au bâtiment ou au local nommé dans l'ordre doit cesser immédiatement de l'alimenter en énergie électrique jusqu'à ce que l'ordre soit annulé par l'agent de prévention des incendies ou l'assistant local qui l'a donné ou par le prévôt des incendies ou par l'adjoint du prévôt des incendies.

12(4) Si un appareil, un dispositif ou un lieu situé dans un bâtiment ou dans un local sert ou doit servir à fournir du feu ou de la chaleur et si, de l'avis du prévôt des incendies, de l'adjoint du prévôt des incendies, de l'agent de prévention des incendies ou d'un assistant local, l'utilisation dans ce but de l'appareil, du dispositif ou de l'endroit peut présenter un danger pour les personnes ou les biens, il peut ordonner par écrit qu'aucun feu ne soit allumé ou entretenu dans l'appareil, le dispositif ou l'endroit jusqu'à ce qu'il ait été porté remède à ces conditions dangereuses.

12(5) Dès réception de cet ordre, et jusqu'à ce qu'il soit annulé par l'agent de prévention des incendies ou l'assistant local qui l'a donné ou par le prévôt des incendies ou par l'adjoint du prévôt des incendies, le propriétaire ou l'occupant du bâtiment ou du local où se trouve l'appareil, le dispositif ou l'endroit, la personne chargée de la surveillance, ou responsable de l'appareil ou du dispositif, ne doit pas allumer un feu ni l'entretenir dans l'appareil, le dispositif ou endroit nommé dans l'ordre.

12(6) Tout locataire d'un bâtiment qui fait l'objet d'un ordre en application du présent article doit, à toute heure raisonnable, permettre au propriétaire du bâtiment, à ses préposés, représentants, ouvriers et employés d'entrer une ou plusieurs fois dans la partie du bâtiment ou local dont il est le locataire, dans le but d'y apporter les modifications et les réparations et de s'y acquitter des tâches que l'ordre impose au propriétaire.

S.R., ch. 86, art. 12; 1975, ch. 78, art. 4; 1986, ch. 37, art. 9; 1995, ch. 45, art. 13

Enregistrement d'un ordre

12.1(1) Tout ordre d'enlever ou de démolir un bâtiment donné en application de l'alinéa 12(1)a) peut être enregistré au bureau de l'enregistrement du comté où sont situés les biens-fonds qu'il vise; de par cet enregistrement, l'ordre

- a) grève les biens-fonds, et

(b) is deemed for the purposes of this Act to be an order made to all subsequent owners or occupants.

12.1(2) Where an order is to be registered under subsection (1), it shall contain a full description of the property affected by the order.

12.1(3) A copy of such order, certified by the registrar of deeds, shall be given by the fire marshal or the deputy fire marshal, or the fire prevention officer or the local assistant who made the order, to each person having a registered interest in the property.

12.1(4) Where a copy of an order is required to be given to any person under subsection (3), the copy may be given

(a) by leaving it with the person, or

(b) by sending the copy by registered or certified mail addressed to the latest address of the person known to the fire marshal, the deputy fire marshal, the fire prevention officer or the local assistant through reasonable inquiry.

12.1(5) Where a copy is given by registered or certified mail, it is deemed to have been received by the person within ten days of the mailing thereof.

12.1(6) Notice under this Act is not irregular, incomplete or otherwise invalid by reason of any defect in the form of such notice or by reason of the non-receipt of a notice under subsection (4) by any person.

12.1(7) Where an order registered according to subsection (1) has been complied with, in the opinion of the fire marshal or the deputy fire marshal, or the fire prevention officer or the local assistant who made the order, the order shall be discharged by the fire marshal or the deputy fire marshal, or the fire prevention officer or the local assistant who made the order, by the registration of a discharge order in the Registry Office where the order is registered.

12.1(8) An order referred to in paragraph 12(1)(a) or a discharge order under subsection (7) shall be received and registered by the Registrar without acknowledge-

b) est réputé, pour l'application de la présente loi, s'appliquer à tous les propriétaires ou occupants ultérieurs.

12.1(2) Lorsqu'un ordre doit être enregistré conformément au paragraphe (1), il doit contenir une description complète du bien visé.

12.1(3) Une copie de cet ordre, certifiée conforme par le conservateur des titres de propriété, doit être délivrée par le prévôt des incendies ou par l'adjoint du prévôt des incendies, ou par l'agent de prévention des incendies ou par l'assistant local qui a donné l'ordre, à chaque titulaire d'un droit enregistré sur le bien.

12.1(4) Toute copie d'un ordre qui doit être délivrée à une personne en vertu du paragraphe (3) peut l'être par

a) la remise à cette personne, ou

b) son envoi par courrier recommandé ou certifié à la dernière adresse de cette personne connue par le prévôt des incendies, par l'adjoint du prévôt des incendies, par l'agent de prévention des incendies ou par l'assistant local à la suite d'une enquête raisonnable.

12.1(5) Toute copie délivrée par courrier recommandé ou certifié est réputée avoir été reçue par l'intéressé dans les dix jours après la mise à la poste.

12.1(6) Tout avis contenant un vice de forme ou n'étant pas reçu par une personne quelconque lorsqu'il est délivré en vertu du paragraphe (3), n'est pas irrégulier, incomplet ou autrement nul.

12.1(7) Lorsqu'un ordre enregistré conformément au paragraphe (1) est, de l'avis du prévôt des incendies ou de l'adjoint du prévôt des incendies, ou de l'avis de l'agent de prévention des incendies ou de l'assistant local qui l'a donné, exécuté, il doit être annulé par l'enregistrement de l'ordre d'annulation par le prévôt des incendies ou l'adjoint du prévôt des incendies, ou par l'agent de prévention des incendies ou l'assistant local qui l'a donné, au bureau de l'enregistrement où l'ordre a d'abord été enregistré.

12.1(8) Tout ordre visé à l'alinéa 12(1)a) ou tout ordre d'annulation donné en application du paragraphe (7) doit être reçu et enregistré par le registraire sans qu'il soit né-

ment or proof of the signature or official position of the person making the order.

1979, c.24, s.4; 1986, c.37, s.10; 1995, c.45, s.14

Order respecting building or fire prevention standards

13(1) An order made under subsection 12(1) may require that the building or structure be repaired or altered or that the installation be made in accordance with a regulation respecting building standards or fire prevention standards specified in the order.

13(2) A certificate, signed or purporting to be signed by the fire marshal, that a document attached thereto is a regulation respecting building standards or fire prevention standards, is admissible in evidence, and, in the absence of evidence to the contrary, is conclusive proof of the content of such regulation, without evidence of the appointment or signature of the fire marshal.

13(3) An order made under section 12 shall be served on the person named in the order by the fire marshal, the deputy fire marshal, a fire prevention officer or a local assistant

(a) by leaving a copy of the order with the person, or

(b) by sending a copy of the order by registered or certified mail addressed to the latest address of the person known to the fire marshal, the deputy fire marshal, the fire prevention officer or the local assistant through reasonable inquiry.

13(4) Where an order is served on a person by registered or certified mail under paragraph (3)(b), it is deemed to have been received by the person within ten days of the mailing thereof.

R.S., c.86, s.13; 1956, c.36, s.1; 1968, c.29, s.1; 1973, c.35, s.2; 1975, c.78, s.5; 1986, c.37, s.11; 1995, c.45, s.15

Appeal to fire marshal within 48 hours

14(1) If the owner or occupant deems himself aggrieved by any order made by a person other than the fire marshal, then, if the order is to remove combustible or explosive material or to correct a flammable condi-

cessaire d'identifier la signature ou la position officielle de la personne ayant émis cet ordre.

1979, ch. 24, art. 4; 1986, ch. 37, art. 10; 1995, ch. 45, art. 14

Ordre visant les normes de construction ou de prévention des incendies

13(1) Tout ordre donné en application du paragraphe 12(1) peut exiger que le bâtiment ou la construction soit réparé ou modifié de telle sorte que l'installation soit faite conformément à un règlement, spécifié dans l'ordre, relatif aux normes de construction ou de prévention des incendies.

13(2) Toute attestation, signée ou présentée comme ayant été signée par le prévôt des incendies, qui affirme qu'un document qui y est annexé est un règlement de normes de construction ou de prévention des incendies est admissible comme preuve et, jusqu'à preuve du contraire, constitue une preuve péremptoire du contenu de ce règlement, sans qu'il soit nécessaire de prouver la qualité ou l'authenticité de la signature du prévôt des incendies.

13(3) L'ordre donné en application de l'article 12 doit être signifié à la personne qu'y désigne le prévôt des incendies, l'adjoint du prévôt des incendies, l'agent de prévention des incendies ou l'assistant local par

a) remise d'une copie à cette personne, ou

b) son envoi par courrier recommandé ou certifié à la dernière adresse de cette personne connue par le prévôt des incendies, l'adjoint du prévôt des incendies, l'agent de prévention des incendies ou l'assistant local par suite d'une enquête raisonnable.

13(4) Un ordre signifié à une personne par courrier recommandé ou par courrier certifié en vertu de l'article 3b) est réputé avoir été reçu par cette personne dans les dix jours qui suivent sa mise à la poste.

S.R., ch. 86, art. 13; 1956, ch. 36, art. 1; 1968, ch. 29, art. 1; 1973, ch. 35, art. 2; 1975, ch. 78, art. 5; 1986, ch. 37, art. 11; 1995, ch. 45, art. 15

Appel au prévôt des incendies dans les 48 heures

14(1) Si le propriétaire ou l'occupant se sent lésé par un ordre émanant d'une personne autre que le prévôt des incendies, il peut alors, s'il lui est enjoint de déplacer des matières combustibles ou explosives ou de remédier à un

tion, he may within forty-eight hours appeal therefrom to the fire marshal, who shall forthwith investigate or cause to be investigated the cause of complaint, and cause a copy of his decision to be served upon the party appealing.

14(2) If the order is not revoked by the fire marshal, such order, whether as originally given or as modified or altered by him, shall be final and shall be complied with by the owner or occupant forthwith.

R.S., c.86, s.14

Appeal to fire marshal within 10 days

15 If the order is to repair, alter, remove or demolish a building or other structure, or to install fire extinguishers, fire alarms, or other devices or equipment, or to install fire escapes or exit doors, or to discontinue supplying electrical energy, or that no fire be lighted or maintained in an appliance, apparatus, or place, a person feeling himself aggrieved may appeal within ten days to the fire marshal who forthwith shall consider the order, and affirm, modify, alter or revoke the same, and cause a copy of his decision to be served upon the party appealing.

R.S., c.86, s.15

Fire hazard, order respecting smoking, appeal from order

16(1) Where, in any place of assembly or in any building or premises used as sleeping accommodations or as a restaurant, there is, in the opinion of the fire marshal, the deputy fire marshal, a fire prevention officer or a local assistant, a fire hazard dangerous to the safety of persons, he may order that the public be not admitted thereto until the fire hazard has been remedied to his satisfaction.

16(2) Where, in any place of assembly or in any building or premises used as sleeping accommodations or as a restaurant, there is, in the opinion of the fire marshal, the deputy fire marshal, a fire prevention officer or a local assistant, danger to the safety of the public by reason of the inadequacy of exits, or the presence of flammable material or any other reason, he may order that the number of persons to be permitted to be in or upon the place of assembly, building or premises at any one time shall not exceed a number stated in the order.

risque d'incendie, en appeler dans les quarante-huit heures au prévôt des incendies, qui doit enquêter ou faire mener une enquête immédiatement sur les motifs de la plainte, et faire communiquer une copie de sa décision à la partie appelante.

14(2) Sous réserve de révocation par le prévôt des incendies, l'ordre, qu'il soit sous sa forme originale ou qu'il ait été modifié ou changé par lui, est sans appel et doit être exécuté sur-le-champ par le propriétaire ou l'occupant.

S.R., ch. 86, art. 14

Appel au prévôt des incendies dans les dix jours

15 Si l'ordre enjoint de réparer, transformer, déplacer ou démolir un bâtiment ou une autre construction, d'installer des extincteurs d'incendie, avertisseurs d'incendie ou autres dispositifs ou matériel, et des escaliers de secours ou des portes de sortie, de couper l'électricité, ou de ne pas allumer ni entretenir du feu dans un appareil, un dispositif ou un endroit, toute personne qui se sent lésée peut, dans les dix jours, faire appel au prévôt des incendies, qui doit immédiatement examiner l'ordre et le confirmer, modifier, transformer ou révoquer et faire communiquer une copie de sa décision à la partie appelante.

S.R., ch. 86, art. 15

Risque d'incendie, ordre visant l'interdiction de fumer, appel d'un ordre

16(1) Lorsque le prévôt des incendies, l'adjoint du prévôt des incendies, l'agent de prévention des incendies ou l'assistant local est d'avis qu'il existe, dans un lieu de rassemblement ou dans un bâtiment ou local qui sert de logement ou de restaurant, un risque d'incendie qui menace la sécurité des personnes, il peut en interdire l'accès au public jusqu'à ce qu'il ait été remédié, à sa satisfaction, au risque d'incendie.

16(2) Lorsque le prévôt des incendies, l'adjoint du prévôt des incendies, l'agent de prévention des incendies ou l'assistant local est d'avis qu'il existe, dans un lieu de rassemblement ou dans un bâtiment ou local qui sert de logement ou de restaurant, un danger pour la sécurité du public à cause de l'insuffisance des sorties, de la présence de matières inflammables ou pour toute autre raison, il peut ordonner que le nombre de personnes pouvant être admises au même moment dans ce lieu de rassemblement, bâtiment ou local ne dépasse pas un nombre fixé dans l'ordre.

16(3) When, in the opinion of the fire marshal, the deputy fire marshal, a fire prevention officer or a local assistant, the smoking of pipes, cigars or cigarettes in a place of assembly or in a building or structure containing a place of assembly constitutes a fire hazard dangerous to the safety of persons, he may order that smoking shall not be permitted in the place of assembly or in the building or structure containing it, or shall only be permitted in such rooms or portions of the place of assembly, building or structure as are designated in the order.

16(4) Upon an order being made under subsection (3) by the fire marshal, the deputy fire marshal, a fire prevention officer or a local assistant, the proprietor or manager of the place of assembly or building or structure containing the place of assembly shall within one week post notices in conspicuous places in the place of assembly or building or structure containing the words “No Smoking, By Order of the Fire Marshal” and thereafter no person shall smoke in such place of assembly, or building or structure containing it, except in such rooms or portions as shall have been so designated in the order.

16(5) An order made under this section shall be in writing and shall be served by delivering a copy thereof to the proprietor or manager of the place of assembly or the building or premises used as sleeping accommodations or as a restaurant, referred to in the order, or, if the proprietor or manager cannot be found, by posting a copy thereof in a conspicuous place thereupon or therein.

16(6) A proprietor of a place of assembly, sleeping accommodations or a restaurant or an owner of a building or premises in which a place of assembly, sleeping accommodations or a restaurant is situate who considers himself aggrieved by an order made under this section may appeal,

(a) where the order was made by the deputy fire marshal, a fire prevention officer or a local assistant, within five days after service upon him of a copy of the order to the fire marshal who shall forthwith investigate or cause to be investigated the cause of the complaint and cause a copy of his decision to be served upon the party appealing, or

(b) where the order was made by the fire marshal, as provided in section 20;

16(3) Lorsque le prévôt des incendies, l’adjoint du prévôt des incendies, l’agent de prévention des incendies ou l’assistant local est d’avis que le fait de fumer la pipe, le cigare ou la cigarette dans un lieu de rassemblement ou dans un bâtiment ou une construction renfermant un lieu de rassemblement présente un risque d’incendie qui menace la sécurité des personnes, il peut interdire de fumer dans ce lieu de rassemblement ou dans ce bâtiment ou la construction qui le renferme, ou ne permettre de fumer que dans les salles et les parties du lieu de rassemblement, bâtiment ou construction qui sont indiquées dans l’ordre.

16(4) Dans la semaine où l’ordre a été donné en application du paragraphe (3) par le prévôt des incendies, l’adjoint du prévôt des incendies, l’agent de prévention des incendies ou l’assistant local, il incombe au propriétaire ou au gérant du lieu de rassemblement ou du bâtiment ou de la construction qui renferme le lieu de rassemblement d’y placarder en évidence des affiches portant les mots « Défense de fumer, par ordre du prévôt des incendies », après quoi, il est interdit d’y fumer sauf dans les salles ou parties indiquées dans l’ordre.

16(5) Tout ordre donné en application du présent article doit être écrit et signifié par remise d’une copie au propriétaire ou au gérant du lieu de rassemblement, du bâtiment ou des locaux qui servent de logement ou de restaurant auxquels l’ordre s’applique ou, faute de pouvoir trouver le propriétaire ou le gérant, par l’affichage d’une copie dans le lieu de rassemblement, le bâtiment ou les locaux, dans un endroit bien en évidence.

16(6) Le propriétaire d’un lieu de rassemblement, d’un logement, ou d’un restaurant ou le propriétaire d’un bâtiment ou local qui le renferme dans lequel est situé un lieu de rassemblement, ou logement ou un restaurant, qui se sent lésé par un ordre donné en application des dispositions du présent article peut en appeler,

a) lorsque l’ordre émane de l’adjoint du prévôt des incendies, de l’agent de prévention des incendies ou de l’assistant local, dans un délai de cinq jours après qu’il a reçu signification de l’ordre, au prévôt des incendies, lequel doit immédiatement enquêter ou faire enquêter sur le motif de la plainte et faire signifier une copie de sa décision à la partie appelante, ou

b) lorsque l’ordre émane du prévôt des incendies lui-même, de la façon prévue à l’article 20;

but, notwithstanding such appeal, the order shall be complied with pending the outcome of the appeal.

R.S., c.86, s.16; 1973, c.35, s.3; 1981, c.27, s.1; 1986, c.37, s.12; 1995, c.45, s.16

Service of order made under section 12 or 16

17 Service of an order made under section 12 or section 16 may be proved by the oral evidence, given under oath, of the person who served it or by his affidavit.

1958, c.36, s.1

Conversion of building

18(1) No person shall construct any place of assembly or sleeping accommodations, or convert any building or part thereof into a place of assembly or sleeping accommodations, or make structural alterations to any building or part thereof, to be used as a place of assembly or sleeping accommodations, unless he has filed with the fire marshal before the commencement of the construction, conversion or alteration a plan in accordance with subsection (2).

18(2) The plan shall

- (a) be on a scale having a ratio of not less than one to one hundred,
- (b) contain a plot plan showing the location or proposed location of the building to be constructed, converted or altered,
- (c) contain a floor plan of each floor showing the exits, balconies, proposed use or occupancy of the floor area, fire alarm components, exit and emergency lighting and the location of portable fire extinguishers or other fire safety features as required by the fire marshal,
- (d) show a longitudinal section of the building, and
- (e) be accompanied by specifications of construction.

18(3) Where the fire marshal has reviewed plans or specifications and has directed changes therein, such changes shall be effected, and no other changes shall be

mais en attendant, l'appel n'est pas suspensif de l'exécution de l'ordre.

S.R., ch. 86, art. 16; 1973, ch. 35, art. 3; 1981, ch. 27, art. 1; 1986, ch. 37, art. 12; 1995, ch. 45, art. 16

Signification de l'ordre donné en vertu de l'article 12 ou 16

17 La signification d'un ordre donné en application de l'article 12 ou de l'article 16 peut être prouvée par le témoignage verbal, donné sous serment, de la personne qui l'a signifiée, ou par son affidavit.

1958, ch. 36, art. 1

Transformation de bâtiments

18(1) Nul ne doit construire un lieu de rassemblement ou des logements, ni transformer un bâtiment ou une partie d'un bâtiment en lieu de rassemblement ou en logement, ou modifier la structure d'un bâtiment ou d'une partie d'un bâtiment pour l'utiliser comme lieu de rassemblement ou comme logements à moins d'avoir soumis un plan en conformité des dispositions du paragraphe (2) au prévôt des incendies avant le commencement de ces travaux.

18(2) Le plan doit

- a) être à l'échelle minimum d'un centième,
- b) comprendre un plan du terrain indiquant l'endroit ou l'endroit proposé du bâtiment à être construit, transformé ou modifié,
- c) comprendre un plan d'architecte pour chaque étage indiquant les issues, les balcons, l'usage ou l'utilisation proposés de l'aire de plancher, l'emplacement des avertisseurs d'incendie, de l'éclairage des sorties de secours et l'éclairage de secours ainsi que les endroits où se trouvent les extincteurs d'incendie portatifs et les autres dispositifs de sécurité tel qu'exigé par le prévôt des incendies,
- d) comprendre un plan de la section longitudinale du bâtiment, et
- e) comprendre un devis.

18(3) Lorsque le prévôt des incendies a examiné les plans et devis ou a ordonné d'y effectuer des changements, ces derniers doivent être effectués, et aucun autre

made in the plans or specifications without the prior consent of the fire marshal.

18(4) This section does not apply in relation to an apartment house having a capacity of ten or fewer persons.

R.S., c.86, s.17; 1971, c.34, s.3; 1973, c.35, s.4; 1986, c.37, s.13; 1995, c.45, s.17

Necessity of plans respecting petroleum products

19(1) No person shall construct, establish, modify or enlarge a petroleum products facility or convert any existing building or premises into a petroleum products facility if the amounts of flammable liquids proposed to be stored in the petroleum products facility exceed three thousand litres or if the amounts of combustible liquids proposed to be stored in the petroleum products facility exceed ten thousand litres until such person has filed with the fire marshal a copy of the plans and specifications of the petroleum products facility.

19(2) Such plans and specifications shall show the number of storage tanks, the capacity of each in litres, the types and quantities of each petroleum product proposed to be stored, the location of the plant in relation to other buildings or properties, the diking, fencing, fire and explosion safety features and other safety features as required by the fire marshal.

19(3) Where the fire marshal, the deputy fire marshal, a fire prevention officer or a local assistant finds gasoline, oil, liquified petroleum gas or other petroleum products stored at a petroleum products facility that

- (a) has been constructed contrary to the required safety standards or not properly diked, or
- (b) for any other reason, in his opinion, creates a dangerous fire or explosion hazard,

he may order the owners or operators of such petroleum products facility to discontinue the storage or handling of petroleum products at that facility, within a time limit set out in such order, until the dangerous conditions are rectified to his satisfaction.

19(4) Where the owner or operator of a petroleum products facility considers himself aggrieved by an order

changement ne doit être apporté aux plans ou au devis sans l'agrément préalable du prévôt des incendies.

18(4) Le présent article ne s'applique pas à une maison à logements pouvant loger dix personnes au plus.

S.R., ch. 86, art. 17; 1971, ch. 34, art. 3; 1973, ch. 35, art. 4; 1986, ch. 37, art. 13; 1995, ch. 45, art. 17

Nécessité des plans visant les produits pétroliers

19(1) Nul ne peut construire, établir, modifier ou agrandir une installation de produits pétroliers ni transformer un bâtiment ou des locaux existants en une installation de produits pétroliers lorsque les liquides inflammables qu'on se propose d'y entreposer excèdent trois mille litres ou dont les combustibles liquides qu'on se propose d'y entreposer excèdent dix mille litres jusqu'au dépôt, auprès du prévôt des incendies, de copies de plans et devis de l'installation de produits pétroliers.

19(2) Les plans et devis doivent indiquer le nombre de réservoirs de stockage, la capacité, en litres, de chaque réservoir, les types et quantités de chaque produit pétrolier à stocker, l'emplacement de l'installation par rapport aux autres bâtiments ou propriétés, les digues, clôtures, dispositifs de sécurité contre l'incendie ou l'explosion et tout autre dispositif de sécurité exigé par le prévôt des incendies.

19(3) Lorsque le prévôt des incendies, l'adjoint du prévôt des incendies, l'agent de prévention des incendies ou l'assistant local constate qu'il y a de l'essence, de l'huile, du gaz de pétrole liquéfié ou tout autre produit pétrolier stocké dans une installation de produits pétroliers qui

- a) n'a pas été construite conformément aux normes prescrites de sécurité ou n'a pas été munie de digues appropriées, ou qui,
- b) pour toute autre raison, présente, à son avis, un risque d'incendie ou d'explosion,

il peut ordonner aux propriétaires ou aux gérants de l'installation d'y interrompre le stockage ou la maintenance de produits pétroliers durant un délai fixé dans l'ordre, jusqu'à ce que le danger soit écarté à sa satisfaction.

19(4) Lorsque le propriétaire ou le gérant d'une installation de stockage de produits pétroliers se sent lésé par

made under subsection (3) by the deputy fire marshal, a fire prevention officer or a local assistant, he may appeal within five days after service upon him of a copy of the order to the fire marshal who shall forthwith investigate or cause to be investigated the cause of the complaint and cause a copy of his decision to be served upon the party appealing.

1961-62, c.57, s.1; 1967, c.41, s.2; 1975, c.78, s.6; 1981, c.27, s.2; 1986, c.37, s.14; 1995, c.45, s.18

Appeal from order of fire marshal to The Court of King's Bench of New Brunswick

2023, c.17, s.95

20(1) If a person affected is dissatisfied with an order or decision of the fire marshal made under section 12, 14, 15, 16 or 19 he may, within five days after service upon him of a copy of the order or decision, apply by petition to a judge of The Court of King's Bench of New Brunswick sitting in the judicial district within which the property lies to review the order or decision.

20(2) The person appealing shall file the petition with the clerk of the Court and shall, within five days of the filing, or within such extended time as the judge may allow, file with the clerk a bond in an amount to be fixed by the judge, in no case to be less than fifty dollars, with at least two sufficient sureties, approved by the judge, conditioned to pay all of the costs on the appeal in case he fails to sustain the same, and such costs as may be awarded against him, or shall deposit with the said clerk an amount to be fixed by the judge, in no case to be less than fifty dollars, as the judge shall deem sufficient to cover the costs of the appeal.

20(3) An order made by a judge under this section may be enforced in the same manner as an order of The Court of King's Bench of New Brunswick.

R.S., c.86, s.18; 1956, c.36, s.2; 1971, c.34, s.4; 1972, c.32, s.1; 1979, c.41, s.54; 2023, c.17, s.95

un ordre donné par l'adjoint du prévôt des incendies, l'agent de prévention des incendies ou l'assistant local en application du paragraphe (3), il peut, dans un délai de cinq jours après qu'il a reçu signification d'une copie de l'ordre, en appeler au prévôt des incendies, lequel doit immédiatement enquêter ou faire enquêter sur le motif de la plainte et faire signifier une copie de sa décision à la partie appelante.

1961-62, ch. 57, art. 1; 1967, ch. 41, art. 2; 1975, ch. 78, art. 6; 1981, ch. 27, art. 2; 1986, ch. 37, art. 14; 1995, ch. 45, art. 18

Appel d'un ordre du prévôt à la Cour du Banc du Roi du Nouveau-Brunswick

2023, ch. 17, art. 95

20(1) Lorsqu'une personne visée n'est pas satisfaite d'un ordre donné ou d'une décision prise par le prévôt des incendies en application de l'article 12, 14, 15, 16 ou 19, elle peut, dans un délai de cinq jours après qu'elle reçu signification d'une copie de l'ordre ou de la décision, adresser une requête à un juge de la Cour du Banc du Roi du Nouveau-Brunswick siégeant dans la circonscription judiciaire où les bâtiments ou autres biens sont situés afin d'examiner le bien-fondé de l'ordre ou de la décision.

20(2) L'appelant doit déposer la requête au bureau du greffier de la cour et, dans les cinq jours de ce dépôt ou dans le délai supplémentaire accordé par le juge, déposer au bureau du greffier un cautionnement, d'un montant fixé par le juge, mais en aucun cas inférieur à cinquante dollars, avec au moins deux cautions agréées par le juge, qui s'engagent à acquitter tous les frais de l'appel si celui-ci est rejeté et les frais auxquels il peut être condamné; ou déposer au bureau du greffier une somme fixée par le juge, en aucun cas inférieure à cinquante dollars, que le juge estime suffisante pour couvrir les frais de l'appel.

20(3) Toute ordonnance rendue par un juge en application du présent article peut être exécutée de la même manière qu'une ordonnance de la Cour du Banc du Roi du Nouveau-Brunswick.

S.R., ch. 86, art. 18; 1956, ch. 36, art. 2; 1971, ch. 34, art. 4; 1972, ch. 32, art. 1; 1979, ch. 41, art. 54; 2023, ch. 17, art. 95

Power to enforce order where owner absent

21(1) Where the owner of a building or premises in respect of which an order is made is absent from the Province or cannot be found within the Province

(a) the fire marshal, or the deputy fire marshal, a fire prevention officer or a local assistant with the approval of the fire marshal, may carry out the order, if the order involves the expenditure of not more than five thousand dollars, and

(b) the fire marshal, with the approval of the Minister, may carry out the order, if the order involves the expenditure of more than five thousand dollars.

21(2) The fire marshal shall certify the expenses actually and necessarily incurred in carrying out the order and deliver the certificate to the treasurer of the local government in which the building or premises is situated and the treasurer shall pay the amount so certified to the fire marshal from the general operating revenue of the local government.

R.S., c.86, s.19; 1966, c.57, s.4; 1968, c.29, s.2; 1986, c.37, s.15; 1995, c.45, s.19; 2017, c.20, s.72

Contribution towards cost of maintenance of office of fire marshal

22(1) For the purpose of contributing towards the cost of the maintenance of the office of the fire marshal every insurer, whether upon the stock or mutual plan, transacting the business of fire insurance within the Province, shall pay to the Minister of Finance and Treasury Board annually in addition to other taxes and fees required by law to be paid by such insurer, such sum as shall from time to time be determined by the Lieutenant-Governor in Council not exceeding one per cent of its premiums, receipts and assessments, less return premiums and cancellations, computed on the business as reported to the Minister of Finance and Treasury Board during the preceding year, including premiums, or part premiums, covering fire risks on automobiles.

22(2) In the case of a provincial mutual insurance company, incorporated under the provisions of Part II of the *Companies Act*, the assessment provided for by subsection (1) shall be computed on the cash payments and assessments received by the company for premiums, less return premiums and cancellations, and no such company shall be assessed under subsection (1) in respect of premiums or assessments received by the company dur-

Exécution d'un ordre en l'absence du propriétaire

21(1) Lorsque le propriétaire d'un bâtiment ou de locaux faisant l'objet d'une ordonnance est absent de la province ou ne peut être trouvé dans la province

a) le prévôt des incendies, ou l'adjoint du prévôt des incendies, l'agent de prévention des incendies ou l'assistant local sur agrément du prévôt des incendies, peut faire exécuter l'ordonnance si elle entraîne des dépenses de cinq mille dollars au plus, et

b) le prévôt des incendies, sur agrément du Ministre, peut exécuter l'ordonnance si elle entraîne des dépenses de plus de cinq mille dollars.

21(2) Le prévôt des incendies certifie les dépenses réelles et nécessaires encourues du fait de l'exécution de l'ordonnance, et remet le certificat au trésorier du gouvernement local sur le territoire duquel est situé le bâtiment ou le local et le trésorier paie au prévôt des incendies la somme ainsi certifiée sur les recettes générales d'exploitation du gouvernement local.

S.R., ch. 86, art. 19; 1966, ch. 57, art. 4; 1968, ch. 29, art. 2; 1986, ch. 37, art. 15; 1995, ch. 45, art. 19; 2017, ch. 20, art. 72

Contribution aux frais d'entretien du bureau du prévôt des incendies

22(1) Dans le but de contribuer aux frais d'entretien du bureau du prévôt des incendies, chaque assureur, qu'il s'agisse d'une société par actions ou d'une société mutuelle, pratiquant l'assurance-incendie dans la province, doit payer chaque année au ministre des Finances et du Conseil du Trésor, en plus des autres taxes et droits qu'il doit légalement payer, une somme occasionnellement déterminée par le lieutenant-gouverneur en conseil, n'excédant pas un pour cent des primes, recettes et cotisations, déduction faite des ristournes et des annulations calculées d'après les affaires déclarées au ministre des Finances et du Conseil du Trésor pour l'exercice précédent, y compris les primes, ou acomptes sur primes, couvrant les risques d'incendie sur les automobiles.

22(2) Lorsqu'il s'agit d'une société mutuelle provinciale d'assurance, constituée en application des dispositions de la Partie II de la *Loi sur les compagnies*, l'imposition prévue par le paragraphe (1) doit être calculée d'après les montants en espèces et les cotisations reçus comme primes par la société, moins les ristournes et les annulations, et une telle compagnie ne peut être imposée en application du paragraphe (1) sur les primes et

ing the first three years following the date on which the company was first licensed to transact the business of insurance in the Province.

22(3) Every person effecting, entering into or renewing a contract of fire insurance on or in respect of property in the Province with any insurer not licensed under the *Insurance Act*, shall pay a tax to the Minister of Finance and Treasury Board calculated on the amount of the premiums or assessments, less the amount of any return premium or cancellation, which that person has paid or is liable to pay in respect of the contract, including premiums, or part premiums, covering fire risks only on automobiles, which tax shall be at the same rate as is imposed on licensed insurers by subsection (1).

22(4) The money received under subsections (1) and (3) shall be deposited in the Consolidated Fund.

R.S., c.86, s.20; 1965, c.17, s.1; 1968, c.29, s.3; 1969, c.32, s.2; 2019, c.29, s.63

OFFENCES AND PENALTIES

Offences

23 Every person who

(a) hinders or obstructs the fire marshal, the deputy fire marshal, a fire prevention officer, a fire investigator or a local assistant in the execution of his duties hereunder,

(a.1) without the written authorization of the fire marshal, the deputy fire marshal, a fire prevention officer, a fire investigator or a local assistant, tampers with exit doors, portable or fixed fire extinguishing equipment, automatic sprinkler systems, automatic fire or smoke detection systems or manual or automatic fire alarm systems, except for maintenance and repairs;

(a.2) without the written authorization of the fire marshal, the deputy fire marshal, a fire prevention officer, a fire investigator or a local assistant, blocks an exit or an access to an exit or removes an exit stair or fire escape;

cotisations reçues par elle au cours des trois premières années suivant la date à laquelle la société a été autorisée pour la première fois à passer des contrats d'assurance dans la province.

22(3) Lorsqu'il s'agit de biens situés dans la province, toute personne qui passe ou renouvelle un contrat d'assurance-incendie avec un assureur qui n'est pas titulaire du permis prévu par la *Loi sur les assurances* doit payer au ministre des Finances et du Conseil du Trésor une taxe calculée d'après le montant des primes ou cotisations, déduction faite des ristournes et des annulations, que la personne a payé ou doit payer relativement au contrat, y compris les primes, ou acomptes sur primes, couvrant les risques d'incendie sur les automobiles, et cette taxe doit être d'un taux égal à celui qui est imposé aux assureurs autorisés en vertu du paragraphe (1).

22(4) Les sommes perçues en application des paragraphes (1) et (3) doivent être versées au Fonds consolidé.

S.R., ch. 86, art. 20; 1965, ch. 17, art. 1; 1968, ch. 29, art. 3; 1969, ch. 32, art. 2; 2019, ch. 29, art. 63

INFRACTIONS ET PEINES

Infractions

23 Quiconque

a) gêne ou entrave le prévôt des incendies, l'adjoint du prévôt des incendies, l'agent de prévention des incendies, l'enquêteur d'incendies ou l'assistant local, dans l'exécution des fonctions que lui confère la présente loi,

a.1) sans l'autorisation écrite du prévôt des incendies, de l'adjoint du prévôt des incendies, de l'agent de prévention des incendies, de l'enquêteur d'incendies ou de l'assistant local, et pour raisons autres que l'entretien et la réparation, entrave les issues de secours, le matériel d'extinction fixe ou portatif, les installations d'arrosage automatique, les détecteurs de fumée ou les avertisseurs d'incendie, automatiques ou portatifs;

a.2) sans l'autorisation écrite du prévôt des incendies, de l'adjoint du prévôt des incendies, de l'agent de prévention des incendies, de l'enquêteur d'incendies ou de l'assistant local, entrave une issue ou l'accès à une issue ou enlève une escalier ou une échelle de secours;

(b) refuses or neglects to attend and to be sworn and give evidence before the fire marshal or other proper officer when summoned to do so,

(c) violates or fails to comply with any provision of the regulations, or

(d) contravenes section 29.1 or conducts a public display of fireworks in a manner that is contrary to a condition attached to the permission granted under section 29.2,

commits an offence.

R.S., c.86, s.21; 1972, c.32, s.2; 1975, c.78, s.7; 1986, c.37, s.16; 1990, c.61, s.50; 1995, c.45, s.20

Orders, offences, continuing offences

24(1) An owner or occupant of buildings or premises who fails to comply with an order of the fire marshal, the deputy fire marshal, a fire prevention officer or a local assistant, duly made under the authority of this Part, commits an offence.

24(2) Where a person is convicted of an offence under subsection (1), the court, in addition to any penalty imposed under subsection (1), shall order that person to comply with the order.

24(3) A person who fails to comply with an order of the Court under subsection (2) commits an offence.

24(4) Where an offence under subsection (3) continues for more than one day,

(a) the minimum fine that may be imposed is the minimum fine set by the *Provincial Offences Procedure Act* multiplied by the number of days during which the offence continues, and

(b) the maximum fine that may be imposed is the maximum fine set by the *Provincial Offences Procedure Act*

b) refuse ou néglige de se présenter, de prêter serment et de témoigner devant le prévôt des incendies ou tout autre agent qualifié, lorsqu'il est sommé de le faire,

c) contrevient ou omet de se conformer à une disposition des règlements, ou

d) contrevient à l'article 29.1 ou présente un spectacle public de feu d'artifice en violation d'une condition dont est assortie l'autorisation accordée en application de l'article 29.2,

commet une infraction.

S.R., ch. 86, art. 21; 1972, ch. 32, art. 2; 1975, ch. 78, art. 7; 1986, ch. 37, art. 16; 1990, ch. 61, art. 50; 1995, ch. 45, art. 20

Ordres, ordonnances, infractions et infractions continues

24(1) Commet une infraction, tout propriétaire ou occupant d'un bâtiment ou d'un local qui omet de se conformer à un ordre du prévôt des incendies, de l'adjoint du prévôt des incendies, de l'agent de prévention des incendies ou de l'assistant local, régulièrement donné en application de la présente partie.

24(2) Lorsqu'une personne est déclarée coupable d'une infraction prévue au paragraphe (1), le tribunal, en plus de toute peine imposée en application du paragraphe (1), doit enjoindre à cette personne de se conformer à l'ordre.

24(3) Quiconque omet de se conformer à une ordonnance du tribunal prévue au paragraphe (2) commet une infraction.

24(4) Lorsqu'une infraction au paragraphe (3) se poursuit pour plus d'une journée,

a) l'amende minimale qui peut être imposée est l'amende minimale établie par la *Loi sur la procédure applicable aux infractions provinciales* multipliée par le nombre de jours pendant lesquels l'infraction se poursuit, et

b) l'amende maximale qui peut être imposée est l'amende maximale établie par la *Loi sur la procédure applicable aux infractions provinciales* multi-

dure Act multiplied by the number of days during which the offence continues.

R.S., c.86, s.22; 1968, c.29, s.4; 1972, c.32, s.3, 4; 1975, c.78, s.8; 1982, c.26, s.1; 1986, c.37, s.17; 1990, c.61, s.50; 1995, c.45, s.21

Exits of place of assembly

25(1) Whenever the public are in a place of assembly, all exits therefrom apparently for the use of the public in case of fire shall be unlocked with respect to opening from the inside and unobstructed.

25(2) Any person in charge or control of the place of assembly, either in his own right or as servant or agent of another, who fails to ensure that subsection (1) is complied with, commits an offence.

1956, c.36, s.3; 1972, c.32, s.5; 1987, c.6, s.30; 1990, c.61, s.50

Offences and penalties

25.1(1) A person who violates or fails to comply with a provision of this Act that is listed in Column I of Schedule A commits an offence.

25.1(2) For the purposes of Part II of the *Provincial Offences Procedure Act*, each offence listed in Column I of Schedule A is punishable as an offence of the category listed beside it in Column II of Schedule A.

1990, c.61, s.50

Payment of penalties to Minister of Finance and Treasury Board

2019, c.29, s.63

26(1) All penalties collected under the provisions of this Part shall be paid to the Minister of Finance and Treasury Board.

26(2) Any money penalty received by the Minister of Finance and Treasury Board under subsection (1) as a result of an information or complaint laid by an officer appointed by a local government for an offence committed in that local government is to be remitted to that local government.

R.S., c.86, s.23; 1966, c.57, s.5; O.C.67-164; 2017, c.20, s.72; 2019, c.29, s.63

pliée par le nombre de jours pendant lesquels l'infraction se poursuit.

S.R., ch. 86, art. 22; 1968, ch. 29, art. 4; 1972, ch. 32, art. 3, 4; 1975, ch. 78, art. 8; 1982, ch. 26, art. 1; 1986, ch. 37, art. 17; 1990, ch. 61, art. 50; 1995, ch. 45, art. 21

Sorties d'un lieu de rassemblement

25(1) Chaque fois que le public se trouve dans un lieu de rassemblement, toutes les sorties apparemment réservées à l'usage du public en cas d'incendie ne doivent pas être fermées à clef afin de permettre leur ouverture de l'intérieur, ni être encombrées.

25(2) Quiconque est responsable d'un lieu de rassemblement ou le dirige, soit de son propre chef, soit à titre d'employé ou de représentant d'une autre personne, et qui omet de se soumettre aux dispositions du paragraphe (1), commet une infraction.

1956, ch. 36, art. 3; 1972, ch. 32, art. 5; 1987, ch. 6, art. 30; 1990, ch. 61, art. 50

Infractions et peines

25.1(1) Quiconque contrevient ou omet de se conformer à une disposition de la présente loi qui figure dans la colonne I de l'annexe A commet une infraction.

25.1(2) Aux fins de la Partie II de la *Loi sur la procédure applicable aux infractions provinciales* chaque infraction qui figure dans la colonne I de l'annexe A est punissable à titre d'infraction de la classe qui figure vis-à-vis dans la colonne II de l'annexe A.

1990, ch. 61, art. 50

Amendes versées au ministre des Finances et du Conseil du Trésor

2019, ch. 29, art. 63

26(1) Toutes les amendes perçues en application des dispositions de la présente partie doivent être versées au ministre des Finances et du Conseil du Trésor.

26(2) Toute amende versée au ministre des Finances et du Conseil du Trésor en application du paragraphe (1) à la suite d'une dénonciation ou d'une plainte déposée par un agent nommé par un gouvernement local, pour une infraction commise sur son territoire, est remise à ce gouvernement local.

S.R., ch. 86, art. 23; 1966, ch. 57, art. 5; D.C.67-164; 2017, ch. 20, art. 72; 2019, ch. 29, art. 63

CONFLICT OF AUTHORITY

Overriding authority of fire marshal in certain cases

27 In the event of a conflict of authority between the fire marshal and an official appointed under any other Act of the Legislature or by a local government, the authority of the fire marshal prevails.

R.S., c.86, s.24; 1966, c.57, s.6; 2017, c.20, s.72

PART II

SALE OF EQUIPMENT AND MATERIALS

Approval of fire extinguishers and oil fire units

28 No person shall sell or offer for sale any

- (a) fire extinguisher, or
- (b) oil fired unit designed for heating or cooking

unless it has been approved by the fire marshal in accordance with the regulations.

1959, c.46, s.2

Licence respecting sale of fire extinguisher

29(1) No person shall sell or offer for sale any extinguisher at a place other than an established wholesale or retail store unless he is the holder of a valid subsisting licence issued under authority of this section.

29(2) The fire marshal may issue licences to persons to sell fire extinguishers as provided by the regulations.

29(3) All fees received under this section shall be paid into and form part of the Consolidated Fund.

1959, c.46, s.2

Fireworks – general

29.1 No person shall sell, keep for sale, give, buy or set off fireworks except as provided in this Act.

1975, c.78, s.9

Fireworks – public display

29.2 Fireworks may be sold or given to or set off by a person or organization conducting a public display, if the display is held with the written permission of the fire

CONFLIT D’AUTORITÉ

Autorité du prévôt des incendies dans certains cas

27 Lorsqu’il y a conflit d’autorité entre le prévôt des incendies et un fonctionnaire nommé en vertu de toute autre loi de la Législature, ou un nommé par un gouvernement local, c’est l’autorité du prévôt des incendies qui l’emporte.

S.R., ch. 86, art. 24; 1966, ch. 57, art. 6; 2017, ch. 20, art. 72

PARTIE II

VENTE DE MATÉRIEL ET DE MATIÈRES

Extincteurs et appareil de chauffage approuvés

28 Nul ne doit vendre ni offrir en vente

- a) un extincteur d’incendie, ou
- b) un appareil de chauffage ou de cuisson au mazout

s’il n’a pas été approuvé par le prévôt des incendies conformément aux règlements.

1959, ch. 46, art. 2

Permis de vente d’extincteur

29(1) Nul ne doit vendre ou offrir en vente un extincteur ailleurs que dans un véritable magasin de gros ou de détail à moins d’être titulaire d’un permis valable et en vigueur, délivré en vertu du présent article.

29(2) Le prévôt des incendies peut délivrer des permis de vendre des extincteurs d’incendie conformément aux dispositions des règlements.

29(3) Tous les droits perçus en vertu du présent article doivent être versés au Fonds consolidé et en font partie.

1959, ch. 46, art. 2

Pièces d’artifice – généralités

29.1 Nul n’est autorisé à vendre, garder pour la vente, donner, acheter ou tirer des pièces d’artifice sauf dans les conditions prévues par la présente loi.

1975, ch. 78, art. 9

Pièces d’artifice – spectacle public

29.2 Des pièces d’artifice peuvent être vendues ou données à un particulier ou à une organisation qui présente un spectacle public de feu d’artifice, ou tirées par

marshal or the chief of the fire department of the local government in which the display is proposed to be held, and in accordance with the conditions attached to such permission.

1975, c.78, s.9; 2017, c.20, s.72

Fireworks – exceptions re public display

29.3 Notwithstanding section 29.2, the fire marshal may designate certain fireworks unsuitable for being sold, given or set off for the purpose of public display.

1975, c.78, s.9

Fireworks – other statute, other province or foreign country

29.4 Nothing in this Act prevents a person licensed and authorized under any statute of Canada to have or keep for sale fireworks in a place and in a manner authorized by or under any such statute from having or keeping fireworks for sale to a person in another province or in a foreign country, or from keeping for sale or selling fireworks in accordance with section 29.2.

1975, c.78, s.9

Fireworks – contravention

29.5 The fire marshal and members of the Royal Canadian Mounted Police or any police force as defined in the *Police Act* may, without warrant, seize and confiscate any fireworks that are sold, kept for sale, given, bought, or which have been set off in contravention of this Act.

1975, c.78, s.9; 1981, c.59, s.28

Fireworks – burden of proof

29.6 In any prosecution for a violation of sections 29.1 to 29.3, the burden of proving that a person has or is keeping fireworks for sale to a person in another province or in a foreign country or pursuant to authorization and licence under a statute of Canada shall be upon the defendant.

1975, c.78, s.9

ce particulier ou cette organisation, si le spectacle est présenté avec l'autorisation écrite du prévôt des incendies ou du chef des pompiers du gouvernement local où il doit avoir lieu et s'il satisfait aux conditions dont est assortie l'autorisation.

1975, ch. 78, art. 9; 2017, ch. 20, art. 72

Pièces d'artifice – exceptions relatives à un spectacle public

29.3 Nonobstant l'article 29.2, le prévôt des incendies peut déclarer certaines pièces d'artifice impropres à être vendues, données ou tirées à l'occasion d'un spectacle public de feu d'artifice.

1975, ch. 78, art. 9

Pièces d'artifice – autre loi, autre province ou pays étranger

29.4 Aucune disposition de la présente loi n'interdit à la personne qui détient, en vertu d'une loi du Canada, un permis et une autorisation d'avoir ou de garder en vue de la vente des pièces d'artifices dans un endroit et de la manière que prévoit cette loi, d'avoir ou de garder des pièces d'artifice pour les vendre à une personne d'une autre province ou d'un pays étranger ou de garder pour la vente ou de vendre des pièces d'artifice conformément à l'article 29.2.

1975, ch. 78, art. 9

Pièces d'artifice – violation

29.5 Le prévôt des incendies et les membres de la Gendarmerie royale du Canada ou de tout corps de police tel que défini dans la *Loi sur la police* peuvent, sans mandat, saisir et confisquer toute pièce d'artifice vendue, gardée pour la vente, donnée, achetée ou tirée en violation de la présente loi.

1975, ch. 78, art. 9; 1981, ch. 59, art. 28

Pièces d'artifice – fardeau de la preuve

29.6 Dans toute poursuite pour une infraction aux articles 29.1 à 29.3, il incombe au défendeur de prouver qu'il a ou qu'il garde des pièces d'artifice soit pour les vendre à une personne d'une autre province ou d'un pays étranger, soit conformément au permis et à l'autorisation prévus par une loi du Canada.

1975, ch. 78, art. 9

**PART III
REGULATIONS**

Regulations

30(1) The Lieutenant-Governor in Council may make regulations

- (a) governing the transportation, handling, sale and storage of petroleum products,
- (b) respecting the sale and installation of oil burning equipment,
 - (b.1) respecting the inspection of oil burning equipment and prescribing fees for the inspection;
 - (b.2) respecting the inspection of an installation of oil burning equipment and prescribing fees for the inspection;
 - (b.3) respecting the circumstances and manner in which the fire marshal may connect or disconnect oil burning equipment from the source of oil;
 - (b.4) respecting the issuance and cancellation of permits for the installation of oil burning equipment;
 - (b.5) prescribing fees for the issuance of permits for the installation of oil burning equipment;
 - (b.6) respecting the issuance, renewal, suspension and cancellation of oil burner mechanic licences;
 - (b.7) prescribing fees for the issuance and renewal of oil burner mechanic licences;
 - (b.8) respecting appeals of decisions to refuse to issue or renew oil burner mechanic licences or to refuse to issue permits for the installation of oil burning equipment;
 - (b.9) respecting appeals of decisions to suspend or cancel oil burner mechanic licences or to cancel permits for the installation of oil burning equipment;

**PARTIE III
RÈGLEMENTS**

Règlements

30(1) Le lieutenant-gouverneur en conseil peut établir des règlements

- a) régissant le transport, la manutention, la vente et le stockage de produits pétroliers,
- b) concernant la vente et l'installation d'appareils fonctionnant au mazout,
 - b.1) concernant l'inspection des appareils fonctionnant au mazout et prescrivant les droits y afférents;
 - b.2) concernant l'inspection des installations des appareils fonctionnant au mazout et prescrivant les droits y afférents;
 - b.3) concernant les circonstances et la manière selon lesquelles le prévôt des incendies peut brancher ou débrancher un appareil fonctionnant au mazout de la source du mazout;
 - b.4) concernant la délivrance et l'annulation d'une licence d'installation d'appareils fonctionnant au mazout;
 - b.5) prescrivant les droits à payer pour la délivrance d'une licence d'installation d'appareils fonctionnant au mazout;
 - b.6) concernant la délivrance, le renouvellement, la suspension et l'annulation d'un permis de mécanicien de brûleurs à mazout;
 - b.7) prescrivant les droits à payer pour la délivrance et le renouvellement d'un permis de mécanicien de brûleurs à mazout;
 - b.8) concernant l'appel du refus de délivrance ou de renouvellement d'un permis de mécanicien de brûleurs à mazout ou du refus de délivrance d'une licence d'installation d'appareils fonctionnant au mazout;
 - b.9) concernant l'appel d'une suspension ou d'une annulation d'un permis de mécanicien de brûleurs à mazout ou d'une annulation d'une licence d'installation d'appareils fonctionnant au mazout;

- (c) respecting the conditions under which a fire extinguisher or oil fired unit shall be acceptable by the fire marshal,
- (c.01) respecting the approval of fire extinguishers;
- (c.1) respecting the conditions under which a fire extinguisher is to be serviced and maintained;
- (c.2) respecting the issuance of licences to persons servicing fire extinguishers;
- (c.3) prescribing fees payable for licences issued to persons servicing fire extinguishers;
- (c.4) respecting the issuance of fire extinguisher salesman licences and the renewal and expiration thereof;
- (c.5) prescribing fees payable for licences issued to fire extinguisher salesmen;
- (d) prescribing building standards and fire prevention standards,
- (d.1) respecting fire suppression procedures, fire suppression equipment and fire fighting training;
- (d.11) respecting non-fire related rescue procedures, non-fire related rescue equipment and non-fire related rescue training;
- (d.2) prescribing fees for the review of plans under section 18 or 19;
- (e) designating other explosives as fireworks for the purposes of this Act,
- (f) respecting the use of fireworks,
- (f.01) defining “low hazard fireworks”;
- (f.02) respecting the conditions under which low hazard fireworks may be sold;
- (f.03) respecting the issuance, suspension, cancellation and reinstatement of licences for wholesale and retail vendors of low hazard fireworks and the terms and conditions of such licences;
- c) concernant les conditions dans lesquelles le prévôt des incendies peut agréer un extincteur d’incendie ou un appareil fonctionnant au mazout,
- c.01) concernant l’approbation des extincteurs;
- c.1) concernant les conditions de réparation et d’entretien d’un extincteur;
- c.2) concernant la délivrance de permis aux réparateurs d’extincteur;
- c.3) prescrivant les droits à payer par les réparateurs d’extincteurs pour la délivrance d’un permis;
- c.4) concernant la délivrance, le renouvellement et l’expiration des permis de vendeur d’extincteurs;
- c.5) prescrivant les droits à payer par les vendeurs d’extincteurs pour la délivrance d’un permis;
- d) fixant des normes de construction ou de prévention des incendies,
- d.1) concernant les procédures de contrôle des incendies, l’équipement de lutte contre les incendies ainsi que la formation des pompiers;
- d.11) concernant la procédure de sauvetage étranger à un incendie, l’équipement à utiliser à l’occasion d’un sauvetage étranger à un incendie et la formation des pompiers au sauvetage étranger à un incendie;
- d.2) prescrivant les droits à payer pour l’examen de plans aux termes de l’article 18 ou 19;
- e) désignant, aux fins de la présente loi, d’autres explosifs comme pièces d’artifice,
- f) concernant l’utilisation des pièces d’artifice,
- f.01) définissant l’expression « pièces d’artifice à bas risque »;
- f.02) concernant les conditions relatives à la vente de pièces d’artifice à bas risque;
- f.03) concernant la délivrance, la suspension, l’annulation et le rétablissement de permis de grossistes et de détaillants de pièces d’artifice à bas risque et les modalités et conditions de ces permis;

(f.04) respecting fees for the application for, the issuance of and the reinstatement of licences referred to in paragraph (f.03);

(f.1) respecting forms for use under this Act;

(g) to carry out the purposes of this Act including matters in respect of which no provision has been made.

30(2) A regulation made under this section may differ in its application in different localities or with reference to different classes of buildings or to different conditions.

30(3) Repealed: 1975, c.78, s.10

30(4) Repealed: 1975, c.78, s.10

R.S., c.86, s.44; 1959, c.46, s.3; 1967, c.41, s.7; 1975, c.78, s.10; 1979, c.24, s.5; 1981, c.27, s.3; 1984, c.6, s.1; 1995, c.45, s.22; 2007, c.73, s.1; 2011, c.22, s.2

f.04) concernant les droits à prélever pour les demandes, la délivrance et le rétablissement des permis visés à l'alinéa f.03);

f.1) concernant les formules à utiliser en vertu de la présente loi;

g) visant à l'application de la présente loi et portant notamment sur des questions qui n'ont pas été réglées.

30(2) L'application d'un règlement établi en vertu du présent article peut varier selon les localités, les catégories de bâtiments ou les circonstances.

30(3) Abrogé : 1975, ch. 78, art. 10

30(4) Abrogé : 1975, ch. 78, art. 10

S.R., ch. 86, art. 44; 1959, ch. 46, art. 3; 1967, ch. 41, art. 7; 1975, ch. 78, art. 10; 1979, ch. 24, art. 5; 1981, ch. 27, art. 3; 1984, ch. 6, art. 1; 1995, ch. 45, art. 22; 2007, ch. 73, art. 1; 2011, ch. 22, art. 2

SCHEDULE A

ANNEXE A

Column I Section	Column II Category of Offence	Colonne I Article	Colonne II Classe de l'infraction
7(8)	F	7(8)	F
8(1)	C	8(1)	C
8(2)	C	8(2)	C
8(4)	C	8(4)	C
8(5)	C	8(5)	C
12(3)	I	12(3)	I
12(5)	I	12(5)	I
12(6)	C	12(6)	C
14(2)	H	14(2)	H
16(4)	F	16(4)	F
18(1)	E	18(1)	E
19(1)	H	19(1)	H
23(a)	E	23(a)	E
23(a.1)	F	23a.1)	F
23(a.2)	F	23a.2)	F
23(b)	E	23b)	E
23(c)	B	23c)	B
23(d)	F	23d)	F
24(1)	F	24(1)	F
24(3)	F	24(3)	F
25(2)	I	25(2)	I
28	D	28	D
29(1)	D	29(1)	D

1990, c.61, s.50; 1995, c.45, s.23

1990, ch. 61, art. 50; 1995, ch. 45, art. 23

N.B. This Act is consolidated to June 16, 2023.**N.B.** La présente loi est refondue au 16 juin 2023.

COMMON COUNCIL REPORT

M&C No.	2024-190
Report Date	July 18, 2024
Meeting Date	July 22, 2024
Service Area	Growth and Community Services

Her Worship Mayor Donna Noade Reardon and Members of Common Council

SUBJECT: Housing for All Strategy

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	Chief Administrative Officer
<i>Cara Coes</i>	<i>Amy Poffenroth / David Dobbelsteyn</i>	<i>J. Brent McGovern</i>

RECOMMENDATION

The Public Safety Committee Recommends:

That the Housing for All Homelessness Strategy be adopted by Common Council and that Common Council direct the CAO to direct staff to:

1. begin implementation of the strategy; and
2. bring a resourcing plan to Common Council on an annual basis for the duration of the strategy for their consideration as part of annual budget deliberations and
3. more urgent timelines; and
4. a clear discernible ask.

EXECUTIVE SUMMARY

The Housing for All Homelessness Strategy identifies our community’s coordinated response to address homelessness over the next three years (2024 to 2027). The delivery of the action plan will collectively result in transitioning more people experiencing homelessness into permanent housing, greater coordination of services, providing additional places to sleep, reducing unhoused sites scattered throughout the city, and pilot projects that could be used in other communities if successful in Saint John.

PREVIOUS RESOLUTION

July 18, 2024 – Public Safety Committee

RESOLVED that as recommended by the Chief Administrative Officer in the submitted report entitled: Housing for All: A Homelessness Strategy.

That the Public Safety Committee endorse the Housing for All Homelessness Strategy and recommend its adoption by Common Council and that Common Council direct the CAO to:

1. begin implementation of the strategy; and
2. bring a resourcing plan to Common Council on an annual basis for the duration of the strategy for their consideration as part of annual budget deliberations and
3. more urgent timelines; and
4. a clear discernible ask.

April 2, 2024 – Council received and filed a presentation from the CAO on the 2024 Corporate Work Plan, which included Housing For All: Develop recommendations on the City’s response to homelessness using a policy approach, in partnership with other levels of government.

December 11, 2023 - Council approved the following resolution Common Council adopt the Housing for All Vision as a steering statement during the creation of policy and guidelines, in collaboration with the Province of New Brun

STRATEGIC ALIGNMENT

Belong: Quality of Life, Social Well-being, Affordable Housing, Safe Community Spaces.

This strategy also aligns with Council’s advocacy efforts related to affordable housing, including the Affordable Housing Action Plan.

REPORT

Housing is a basic human right, a fundamental building block of a healthy, inclusive, sustainable community. Home is where we extend our roots to build our lives, nurture ourselves and our loved ones, and engage in our community.

Background

Late fall 2023, the Housing for All Vision Statement was presented to the Public Safety Committee for discussion and approval to bring forward to Council. Work completed in developing this vision statement involved extensive research, interviews and discussions with subject matter experts, community agencies and other partners. This work provided necessary direction in development of the

vision statement which captures Saint John's greater community. **The Housing for All Vision Statement** was adopted by Council in December 2023.

"Every resident within the City of Saint John is entitled to a safe, supported, and sustainable home. In the spirit of the right to adequate housing articulated in the 1948 United Nations' Universal Declaration of Human Rights, The City of Saint John wishes for its residents to live in security, peace, and dignity, regardless of the home's permanence. The City of Saint John's goal is to provide safe community spaces for access by all its residents, while supporting individuals as they access housing that meets their specific needs."

Overview

Housing affects everyone, in turn affecting the health of our community, impacting healthcare resources, crime and safety, and yields profound physical, mental, and emotional strains. Despite these challenges, our community is working together to support people experiencing homelessness through prevention and diversion initiatives, collaborating on creative solutions, and exploring various housing opportunities to best meet our community's needs.

As stated in the 2022-2025 New Brunswick Action Plan; 2018-2028 CMHC – New Brunswick Bilateral Agreement Under the National Housing Strategy:

'Social Development will work to reach the province's goal of ending chronic homelessness by operationalizing and implementing the New Brunswick Housing Strategy – A Home for Everyone (2019-2029), the federal homelessness strategy – Reaching Home and on the Human Development Council's "Home for Recovery". It targets the five (5) priority areas: Partnerships, Housing, Health and Wellbeing, Prevention, and Data.'

Designating safe spaces for all community members, as well as creating space for individuals residing in unhoused sites is in accordance with the Human Rights Act. Ensuring services are accessible for our homeless supports this vulnerable population and strengthens the health and safety of our greater community. Recognizing that this will take time, and that traditional approaches may not fit today's social circumstances, this strategy demonstrates how the city, province, and community agencies are working together to help the homeless population.

Process

Through continued research, interviews, and stakeholder engagement, the team has gathered and evaluated inputs from external and internal discussions.

It is clear through these conversations that a collaborative approach is imperative in developing and strengthening tools and resources to better support those living rough.

Regular input on the development of the Housing for All Homelessness Strategy was sought through an iterative process from all City Departments, Saint John Police, the Government of New Brunswick, Community agencies, and the Public Safety Committee.

This feedback has provided valuable insight pertaining to how we can continue to work together to further increase coordination and ultimately help move Saint John closer to a state where homelessness is rare, brief, and non-recurring.

Next Steps

With Council approval of the Housing for All Homelessness Strategy, for actions where the City is identified as a Lead or a Partner, staff will begin to implement the actions of the four objectives identified: Coordination and Governance, Emergency Supports, Prevention, Education and Safety, Housing Supports. Staff will provide regular updates on the strategy to both the Public Safety Committee and Common Council.

SERVICE AND FINANCIAL OUTCOMES

The actions in the strategy where the City is the lead will require individual project plans and will likely require additional staff or financial resources to be fully successful. Resourcing considerations for the City's involvement in delivering the strategy have not yet been fully identified and they will be included in the City's annual budget process. Resources will also continue to be actively sought from senior levels of government and in partnership with our front-line agencies.

The City of Saint John is actively working in collaboration with the Province of New Brunswick and Community Agencies. To date, staff time, cleanup of vacated shelters on city property, and garbage pickup from unhoused sites have been financially supported by the city.

Costs incurred for cleanup of vacated shelters deemed to pose safety risks in 2023 were just under \$100,000. The City continues to support site cleanup efforts costing approximately \$54,000 (2024 YTD). In addition to this investment, internal in-kind resources are used for cleanups, collection of garbage, as well as administrative efforts.

There have been over 200 calls for service YTD to the Saint John Fire Department related to smoke or fires, near or at encampment sites. 56% of respondents to the 2023 Point in Time Count interacted with Police in the past year.

The action plan is designed to be flexible, the time frames are high level estimates, but are subject to change based on overall project and community needs. Specific measurable outcomes and timelines will be developed as the various actions begin to be implemented.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

The development of the Housing for All Homelessness Strategy was developed with the support of all City departments and under the guidance of the Public Safety Committee.

A list of contributors to the development of strategy is listed in the strategy appendix.

ATTACHMENTS

Attachment A - Housing for All Strategy

Attachment B – Housing for All Strategy Presentation



Housing for All.

SAINT JOHN HOMELESSNESS STRATEGY
(2024 TO 2027)

Small City, Big Heart.
Petite Ville, Grand Cœur.





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Housing for all strategy • in brief

PURPOSE

The Saint John Housing for All Strategy identifies our community's coordinated response to addressing homelessness over the next three years using a person-centred and human rights approach. This strategy advances our shared vision of every resident having a safe, supported, and sustainable home.

OUTCOMES

1. To provide safe community spaces for access by all residents, while supporting individuals as they access housing that meets their specific needs.
2. We will strive to make homelessness rare, brief and non-recurring.

Strategic Priorities.



Overview

HOPE IS A HOME.

Housing is a basic human right, a fundamental building block of a healthy, inclusive, sustainable community. Home is the place where we extend our roots to build our lives, nurture ourselves and our loved ones, and engage in our community.

Canada is facing a housing and a housing affordability crisis and Saint John is not immune to its effects. Across the country Canadians are struggling and the number of persons experiencing homelessness¹ is rising.

People experiencing homelessness in Saint John in 2024²



663 individuals

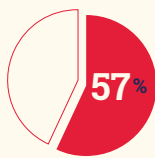
in Saint John experienced **HOMELESSNESS FOR AT LEAST 1 DAY** in the past year.



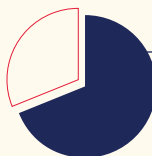
Over the last two years the number of people who experienced chronic homelessness in Saint John **HAS MORE THAN DOUBLED TO 344 INDIVIDUALS.**



There has been a **62%** increase in the number of emergency shelter users **IN THE PAST TWO YEARS**



Over half of people experiencing homelessness interacted with police an average of 15 times.



69% of people experiencing homelessness visited an Emergency Room **IN THE LAST YEAR AN AVERAGE OF 5 TIMES**



In the first six months of 2024, the Saint John Fire Department has responded to **ALMOST 200 CALLS FOR SERVICE TO ENCAMPMENTS** related to reports of smoke in the area, outside fires, and tent fires.

1. There are many terms used to describe homelessness, such as homeless, unhoused, houselessness, housing insecurity. In this document, definitions are primarily used from the *Homeless Glossary for Communities* from Reaching Home: Canada's Homelessness Strategy (April 2024). This Housing for All strategy refers interchangeably to 'people experiencing homelessness' or 'houselessness.' This person-centred approach emphasises the individual experiencing the crisis and recognizes that their identity cannot be solely defined by where they live.

2. **Data:** provided courtesy of the Saint John Human Development Council (SJHDC)

Sources: Saint John Point in Time Count, 2023 and 2021, and Homelessness Individual and Family Information System (HIFIS)



Every resident within the City of Saint John is entitled to a safe, supported, and sustainable home.

Visible homelessness is noticeable to the public and refers to situations where individuals are staying in shelters, or in unsheltered locations not intended for human habitation. More and more unsheltered sites have been established all throughout the city, and they are often found in very unsafe locations, close to vulnerable populations (such as children in schools or daycares), can often become very unsightly and a risk to public health, and at worse become places where people living there experience tragic and untimely death due to fires, cold weather, drug use, and other preventable issues.

Hidden homelessness is also prevalent and refers to people staying temporarily with others without guarantee of continued residency (“couch surfing”) or people staying in short term rentals with no security of tenure, such as a motel. These individuals are often living in precarious situations that can change at a moment’s notice.

Homelessness affects the health of our community, impacting healthcare resources, crime and safety, and yields profound physical, mental, and emotional strains. However, despite these

challenges, our community is working together to support people experiencing homelessness through prevention and diversion initiatives, collaborating on creative solutions, and exploring various housing opportunities to best meet our community’s needs.

There are a significant number of organizations and individuals already collaborating together to end homelessness. Saint John is very fortunate to have community agencies organizing emergency shelters, food banks and food security, drop-in service, outreach, harm reduction, education and skills development, data collection and analysis, crisis care, transitional housing, counselling, public safety, clean-ups, financial assistance, and a whole host of other much needed services, including the support of all three levels of government to address homelessness and support individuals experiencing it.

The purpose of this strategy is not to replace this important work; this three-year strategy is a collective action plan to further increase coordination and ultimately help move Saint John closer to a future state where homelessness is rare, brief and non-recurring.

Vision.

Every resident within the city of Saint John is entitled to a safe, supported, and sustainable home.

In the spirit of the right to adequate housing articulated in the 1948 United Nations' Universal Declaration of Human Rights, The City of Saint John wishes for its residents to live in security, peace,

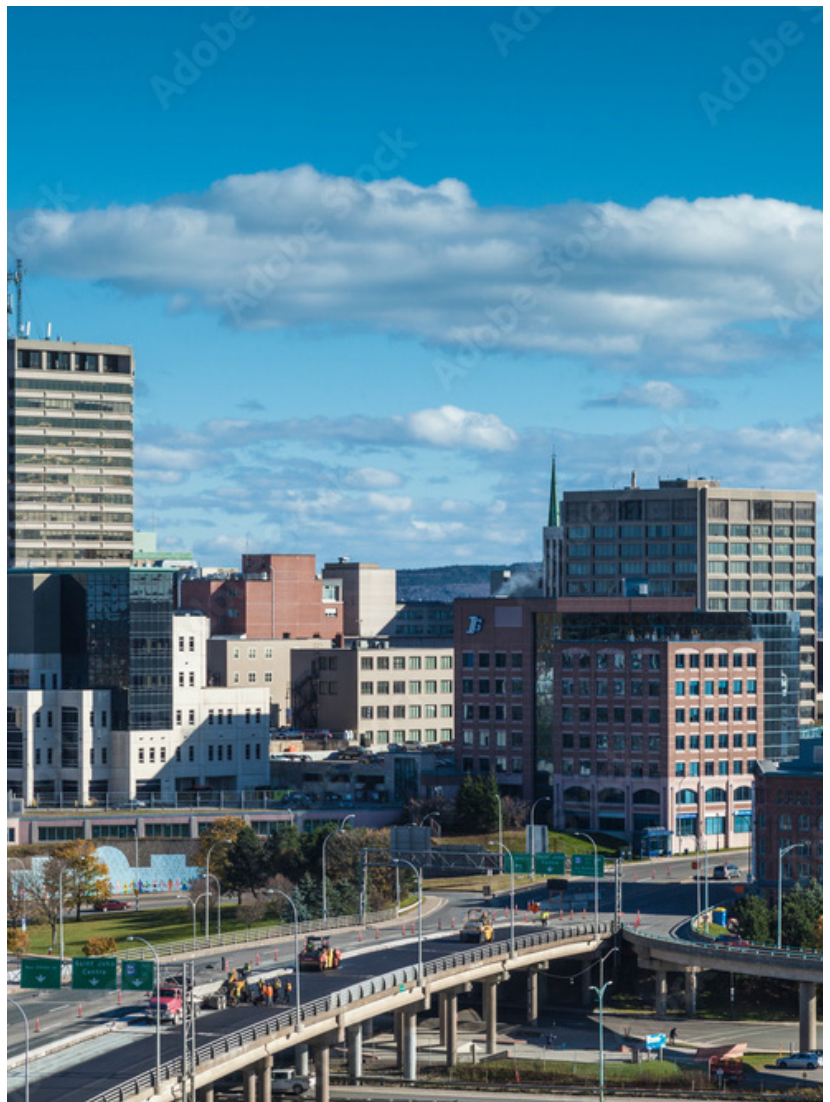
and dignity, regardless of the home's permanence.

The City of Saint John's goal is to provide safe community spaces for access by all its residents, while supporting individuals as they access housing that meets their specific needs.

Alignment.

The *Housing for All Strategy* outlines how Saint John will provide support to people experiencing homelessness. This will be accomplished in partnership with all levels of government, local organizations and stakeholders, and generous community members, through compassionate, informed, and innovative ways to provide dignified housing options and a wide variety of social supports. A 'Housing for All' approach also focuses on the unhoused having temporary housing, as permanent housing options are being implemented.

This strategy is aligned with Common Council's priority *BELONG* as well as Council's catalytic advocacy efforts related to affordable housing, including the *City of Saint John Affordable Housing Action Plan*. The *Housing for All Strategy* is also informed by and aligns with the *New Brunswick Housing Strategy 2019-2029* and *Reaching Home: Canada's Homelessness Strategy*.



Summary of action plan.

See APPENDIX B for abbreviations.

Many of the actions in this strategy are already taking place, and collectively all the actions will result in transitioning more people experiencing homelessness into permanent housing, greater coordination of services, providing additional places to sleep, reducing unhoused sites scattered throughout the city, and several pilot

projects that could be used in other communities if successful in Saint John. Organizations listed as *Lead* or *Partners* in the Action Plan have committed to help support that specific action in this Strategy. The Action Plan will serve as our community’s three-year work plan on supporting our unhoused population.

Strategic Objective 1: Coordination and Governance

#	Action	Deliverable	Lead	Partners	Timeframe
1	Service Agreements	Service Agreements will be created between Government and front-line agencies or service providers to provide supports to people experiencing homelessness.	GNB	Front-line Agencies, CITY	2024 and Ongoing
2	Legislation	The City will draft enabling by-laws and policies for the implementation of this strategy.	CITY		Beginning Q4 2024
3	Relocation and decommissioning	The City in collaboration with the Province of New Brunswick will create a program for the respectful and dignified relocation of individuals sleeping rough in red and yellow zones. The program will also coordinate the restoration of an encampment area to its natural and clean state.	CITY, GNB	Front-line Agencies, CITY	Beginning Q2 2025
4	Compliance	The City will review By-Law Enforcement Officer(s) resources and where necessary recommend additional resources to support the implementation of the Housing for All Strategy, subject to budget approval.	CITY	GNB	Beginning Q4 2024
5	Mapping	Mapping tools will be used to identify the locations of all unhoused sites so supports can be offered.	CITY, Front-line Agencies	CITY	Q4 2024

Strategic Objective 2: Emergency Supports

#	Action	Deliverable	Lead	Partners	Timeframe
6	Unhoused Sites (supported sites with structures)	The City in collaboration with the Province of New Brunswick will implement supported unhoused site(s) program for pilot sites for up to twenty-five (25) individuals per location.	CITY, GNB	Front-line Agencies	Beginning Q4 2024
7	Foundation Centre - Homelessness HUB	The Province of New Brunswick will establish and operate a HUB for individuals experiencing homelessness where they can access a variety of services in the city.	GNB, Outflow Ministry	CITY, Front-line Agencies	Q2 2024
8	Out of the Cold Shelter	The Province of New Brunswick will open an Out of the Cold Shelter in Saint John annually between December and March/April to provide emergency housing for people sleeping rough.	GNB	Front-line Agencies	Q4 Annually
9	Increased Shelter Beds	The Number of Emergency Shelter Beds in the city will be permanently increased and adjusted based on future demand with considerations being given to accessibility and other factors such as older adults and families.	GNB	CITY, Front-line Agencies	Beginning Q3 2024
10	Unsheltered Sites	<p>As a pilot, the City working with the Province of New Brunswick will identify permitted areas where the unhoused can erect tents within the city limits and establish appropriate policies and processes.</p> <p>The program will identify:</p> <ul style="list-style-type: none"> • Green Zones where Unhoused Sites (structured) will be located • Yellow Zones where erecting a tent is permitted at certain times of the year • Red Zones where unsheltered structures of any kind are not permitted and removal will be enforced 	CITY	GNB, Front-line Agencies	Q3 2024



Strategic Objective 3: Prevention, Education and Safety

#	Action	Deliverable	Lead	Partners	Timeframe
11	Site Cleanup Service	The City will implement a cleanup program to assist residents of occupied unsheltered sites by offering garbage collection as appropriate.	CITY	GNB, Front-line Agencies	Ongoing
12	Non-Emergent Calls	Identify a means for the public to communicate concerns or questions regarding unsheltered sites or homelessness, and educate the public on this means of communication.	CITY, Police		Q2 2025
13	By Names List	The By-Name List (BNL) is a real-time list of all people known to be experiencing homelessness in Saint John. A point in time count will be run annually to provide current information regarding people experiencing homelessness in Saint John.	HIPSJ	Front-line Agencies, GNB	Annual
14	Data Collection and Sharing	Increase the amount of relevant real-time data to support the implementation of the housing for all strategy.	HIPSJ	Front-line Agencies, GNB	Ongoing
15	Information Campaigns	The City will communicate to the public accurate information regarding homelessness, harm reduction, mental health and addictions, housing, and other related content.	CITY	GNB, Front-line Agencies	Annual
16	Sharps Containers	The City will install additional sharps containers and front-line agencies will make portable sharps containers available to clients.	CITY, Avenue B	GNB	Q2 2025
17	Site Visitation	Front-line Agencies and Saint John Fire will make routine visits to sites to provide information and supports to those residing there.	Front-line Agencies	Saint John Fire	Ongoing
18	Site Health Services	Public Health and other health services will visit sites as identified by the outreach team(s) to provide needed health services.	Front-line Agencies, GNB		Q2 2025 and ongoing
19	Update Municipal Emergency Management Plan	Saint John EMO will update the Municipal Emergency Management Plan to clarify resources to support unhoused individuals during an emergency.	CITY	GNB, Front-line Agencies	Q1 2025
20	Staff Training	Select City staff will be offered trauma informed training, and some staff and service providers will be offered harm reduction training on handling of sharps, emergency use of Naloxone (Narcan), and harm reduction.	CITY, Front-line Agencies	Avenue B	Q4 2025 and ongoing
21	Community Based Projects	Additional funding for new innovative community-based projects will be sought to prevent and reduce homelessness in alignment with the National Housing Strategy.	HDC	GoC, GNB, Front-line Agencies	2024 and ongoing

Strategic Objective 4: Housing Supports

#	Action	Deliverable	Lead	Partners	Timeframe
22	Transitional Housing Options	A new transitional housing project will be established to house 25 individuals.	GNB	CITY, Front-line Agencies	Q4 2024
23	Public Housing	The Province of New Brunswick will construct new public housing in Saint John.	GNB	CITY	Beginning 2025
24	Supportive Housing Options	The Province of New Brunswick, Front-line Agencies and City will collaborate on potential supportive housing options.	GNB, Front-line Agencies	CITY	Q3 and ongoing
25	Use of Sea Cans	Decommission at the appropriate time the Exmouth / Waterloo Streets unhoused site and relocate residents and sea cans.	Kaleidoscope	HDC, CITY	Evaluated bi-annually
26	Coordinated Access	Front-line Agencies and Partners will use the Coordinated Access System which is a process through which individuals and families experiencing homelessness or at risk of homelessness, are provided access to housing and support services, based on a standardized intake procedure, assessment of need, and matching and referral to housing.	HIPSJ, HDC	Front-line Agencies	Ongoing
27	Rent Supplements	Additional Rent supplements will be sought from Government funding partners by using the By-Name List.	HDC, GoC	Front-line Agencies	2024 and ongoing
28	Skills Development for Housing	New programs will be offered to assist people experiencing homelessness with developing life skills to move forward through the housing spectrum based on their individual needs.	Front-line Agencies	GNB	2024 and ongoing

Implementation considerations.

It is important to note that the *Housing for All Strategy* is a living document; it will continue to develop and change in response to our community's needs and based on lessons learned from implementing the various actions. It is important to recognize that this three-year strategy will not completely solve the issue of homelessness, nor is it designed to. Rather, this strategy is the next series of steps we are taking as a community to address homelessness over the next three years using a person-centred and human rights approach.

The strategy represents a shared and collective vision of the direction we are heading. To be effective it is critical that all stakeholders delivering on the actions are all rowing in the same direction and working collaboratively.

Equally important is the commitment of proper resources from all levels of

government, each according to their proper role and responsibilities. Without sufficient resources, and especially the construction of new transitional housing units and more affordable housing, Saint John will continue to witness a further proliferation of encampments and people experiencing homelessness.

However, Saint John is fortunate to be home to so many outstanding organizations and individuals who day in and day out work on the front lines, and behind the scenes to address the issues of homelessness and support the people experiencing it. By continuing to work together with compassion, innovation, and dedication, Saint John can become a place where homelessness is rare, brief and non-recurring.



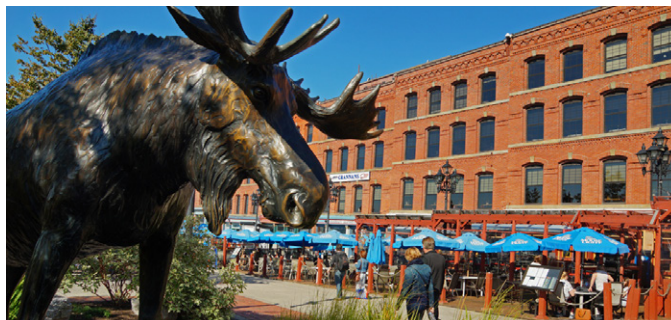


Appendices.

Appendix A.

STAKEHOLDER ENGAGEMENT

These organizations have provided invaluable feedback related to homelessness in Saint John and their input was used to draft this strategy. Many of the organizations listed are also direct and active contributors to the development of the action plan and have committed to assisting in the successful delivery of the overall strategy.



Organization	Department
Avenue B	
Centre for Youth Care	
City of Saint John	General Counsel Office
City of Saint John	Growth and Community Services
City of Saint John	Public Safety Committee
City of Saint John	Public Works and Transportation
City of Saint John	Saint John Fire Department
City of Saint John	Strategic Services
City of Saint John	Utilities and Infrastructure
Coverdale Centre for Women	
EY	
Fresh Start Services for Women Inc.	
Government of New Brunswick	Social Development
Government of New Brunswick	Public Health
Horizon Health Network	
Housing New Brunswick Corporation	
Human Development Council	
Kaleidoscope Social Impact	
Mobile Mental Health	
Outflow Ministry	
Saint John Police Force	
[Police] Chief's Community Action Group Roundtable	
Saint John Transit	
Salvation Army	
Stone Church	
Teen Resource Centre	

Appendix B.

GLOSSARY AND DEFINITIONS

GLOSSARY

City	City of Saint John – including its various departments
Front-line Agencies	Non-Governmental Organizations directly funded by the Government to provide services directly to people experiencing homelessness.
GNB	Government of New Brunswick – including its various departments
GoC	Government of Canada
HDC	Human Development Council
HIPSJ	Homelessness Information Partnership Saint John
Kaleidoscope	Kaleidoscope Social Impact
Police	Saint John Police Force

DEFINITIONS

By-Name List (BNL)	The By-Name List (BNL) is a real-time list of all people known to be experiencing homelessness in the Saint John area.
Chronic Homelessness	Refers to persistent homelessness where people have been homeless for 180 days or more at some point over the course of a year (not necessarily consecutive days); and/or recurrent episodes of homelessness over three years that total at least 18 months.
Homelessness	The state of an individual or family who does not have a permanent address or residence, and does not have the immediate prospect, means, and ability of acquiring it. In general, homelessness includes people staying in unsheltered locations, in shelters or somewhere temporarily because they do not have the resources to secure their own permanent housing. People experiencing homelessness often transition between locations, as most people who sleep outside are likely to access shelter at some point.
Point in Time (PiT) Count	One of the best methods of determining progress is through the use of Point-In-Time (PiT) Counts. Alternatively referred to as “Street Counts,” “Homeless Counts” or “Street Needs Assessments” PiT Counts are a measure of the number of homeless people on a specific day (hence the point in time reference).
Homelessness Individual and Family Information System (HIFIS)	The Homelessness Individual and Family Information System (HIFIS) is a real-time list of all people known to be experiencing homelessness in the community.

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Petite Ville, Grand Cœur.



SAINTJOHN.CA



**Small City,
Big Heart.**

Housing for All Strategy

Common Council

July 22, 2024



New Brunswick's Housing Strategy – A Home for Everyone

2022-2025 New Brunswick Action Plan; 2018-2028 CMHC – New Brunswick Bilateral Agreement Under the National Housing Strategy:

‘Social Development will work to reach the province’s goal of ending chronic homelessness by operationalizing and implementing the New Brunswick Housing Strategy – A Home for Everyone (2019-2029), the federal homelessness strategy – Reaching Home and on the Human Development Council’s “Home for Recovery”. It targets the five (5) priority areas: Partnerships, Housing, Health and Wellbeing, Prevention, and Data.



Background

- Spring 2023, The City of Saint John collaborates with the Province of New Brunswick, Community Agencies, and other partners to support those living in encampments.
- Summer 2023, research and interviews begin as a first step in developing a policy to support the homeless population.
- Fall 2023, a Vision Statement is approved with the intention to be a steering statement for those around the table contributing to the development of the policy.
- Winter 2023, the Out of the Cold Shelter opens at 344 Somerset Street.
- Winter 2024, the Homelessness Hub opens at 344 Somerset Street providing a safe dry space for this population to be out of the cold, along with some wrap around services providing support.
- Spring 2024, the Foundation Centre – Homelessness Hub opens at 100 Waterloo Street. The top floor is designed for client appointments and wrap around services, where the bottom level is designed as a drop in space where the unhoused can access washrooms, showers, laundry facilities, and snacks.



Vision Statement

“Every resident within the City of Saint John is entitled to a safe, supported, and sustainable home. In the spirit of the right to adequate housing articulated in the 1948 United Nations’ Universal Declaration of Human Rights, The City of Saint John wishes for its residents to live in security, peace, and dignity, regardless of the home’s permanence. The City of Saint John’s goal is to provide safe community spaces for access by all its residents, while supporting individuals as they access housing that meets their specific needs.”



Housing for All Strategy

Housing for Everyone

Prevention and Diversion

Housing for All Strategy



Strategic Priorities

**Coordination
and
Governance**

**Emergency
Supports**

**Prevention
Education and
Safety**

**Housing
Supports**



Action Plan

- The Strategy should be viewed as roadmap.
- It is a **LIVING DOCUMENT** and meant to adapt.
- All 28 actions will each need their own:
 - Project plan
 - Clearly defined parameters and achievable scope
 - Resourcing requirements
 - Timelines
 - Measurable outcomes

Objective 1: Coordination and Governance

#	Action	Deliverable	Lead	Partners	Timeframe
1	Service Agreements	Service Agreements will be created between Government and front-line agencies or service providers to provide supports to people experiencing homelessness.	GNB	Front-line Agencies, CITY	2024 and Ongoing
2	Legislation	The City will draft enabling by-laws and policies for the implementation of this strategy.	CITY		Beginning Q 4 2024
3	Relocation and decommissioning	The City in collaboration with the Province of New Brunswick will create a program for the respectful and dignified relocation of individuals sleeping rough in red and yellow zones. The program will also coordinate the restoration of an encampment area to its natural and clean state.	CITY, GNB	Front-line Agencies, CITY	Beginning Q 2 2025
4	Compliance	The City will review By-Law Enforcement Officer(s) resources and where necessary recommend additional resources to support the implementation of the Housing for All Strategy, subject to budget approval.	CITY	GNB	Beginning Q 4 2024
5	Mapping	Mapping tools will be used to identify the locations of all unhoused sites so supports can be offered.	CITY, Front-line Agencies	CITY	Q4 2024

Objective 2: Emergency Supports

#	Action	Deliverable	Lead	Partners	Timeframe
6	Unhoused Sites (supported sites with structures)	The City in collaboration with the Province of New Brunswick will implement supported unhoused site(s) program for pilot sites for up to twenty-five (25) individuals per location.	CITY, GNB	Front-line Agencies	Beginning Q4 2024
7	Foundation Centre - Homelessness HUB	The Province of New Brunswick will establish and operate a HUB for individuals experiencing homelessness where they can access a variety of services in the city.	GNB, Outflow Ministry	CITY, Front-line Agencies	Q2 2024
8	Out of the Cold Shelter	The Province of New Brunswick will open an Out of the Cold Shelter in Saint John annually between December and March/April to provide emergency housing for people sleeping rough.	GNB	Front-line Agencies	Q4 Annually
9	Increased Shelter Beds	The Number of Emergency Shelter Beds in the city will be permanently increased and adjusted based on future demand with considerations being given to accessibility and other factors such as older adults and families.	GNB	CITY, Front-line Agencies	Beginning Q3 2024

Objective 2: Emergency Supports

#	Action	Deliverable	Lead	Partners	Timeframe
10	Unsheltered Sites	<p>As a pilot, the City working with the Province of New Brunswick will identify permitted areas where the unhoused can erect tents within the city limits and establish appropriate policies and processes.</p> <p>The program will identify:</p> <ul style="list-style-type: none">• Green Zones where Unhoused Sites (structured) will be located• Yellow Zones where erecting a tent is permitted at certain times of the year• Red Zones where unsheltered structures of any kind are not permitted and removal will be enforced	CITY	GNB, Front-line Agencies	Q3 2024

Objective 3: Prevention, Education, and Safety

#	Action	Deliverable	Lead	Partners	Timeframe
11	Site Cleanup Service	The City will implement a cleanup program to assist residents of occupied unsheltered sites by offering garbage collection as appropriate.	CITY	GNB, Front-line Agencies	Ongoing
12	Non-Emergent Calls	Identify a means for the public to communicate concerns or questions regarding unsheltered sites or homelessness, and educate the public on this means of communication.	CITY, Police		Q2 2025
13	By Names List	The By-Name List (BNL) is a real-time list of all people known to be experiencing homelessness in Saint Jhn. A point in time count will be run annually to provide current information regarding people experiencing homelessness in Saint Jhn.	HIPSJ	Front-line Agencies, GNB	Annual
14	Data Collection and Sharing	Increase the amount of relevant real-time data to support the implementation of the housing for all strategy.	HIPSJ	Front-line Agencies, GNB	Ongoing
15	Information Campaigns	The City will communicate to the public accurate information regarding homelessness, harm reduction, mental health and addictions, housing, and other related content.	CITY	GNB, Front-line Agencies	Annual

Objective 3: Prevention, Education, and Safety

#	Action	Deliverable	Lead	Partners	Timeframe
16	Sharps Containers	The City will install additional sharps containers and front-line agencies will make portable sharps containers available to clients.	CITY, Avenue B	GNB	Q2 2025
17	Site Visitation	Front-line Agencies and Saint John Fire will make routine visits to sites to provide information and supports to those residing there.	Front-line Agencies	Saint John Fire	Ongoing
18	Site Health Services	Public Health and other health services will visit sites as identified by the outreach team(s) to provide needed health services.	Front-line Agencies, GNB		Q2 2025 and ongoing
19	Update Municipal Emergency Management Plan	Saint John EMO will update the Municipal Emergency Management Plan to clarify resources to support unhoused individuals during an emergency.	CITY	GNB, Front-line Agencies	Q1 2025
20	Staff Training	Select City staff will be offered trauma informed training, and some staff and service providers will be offered harm reduction training on handling of sharps, emergency use of Naloxone (Narcan), and harm reduction.	CITY, Front-line Agencies	Avenue B	Q4 2025 and ongoing
21	Community Based Projects	Additional funding for new innovative community-based projects will be sought to prevent and reduce homelessness in alignment with the National	HDC	GoC, GNB, Front-line Agencies	2024 and ongoing

Objective 4: Housing Supports

#	Action	Deliverable	Lead	Partners	Timeframe
22	Transitional Housing Options	A new transitional housing project will be established to house 25 individuals.	GNB	CITY, Front-line Agencies	Q4 2024
23	Public Housing	The Province of New Brunswick will construct new public housing in Saint John.	GNB	CITY	Beginning 2025
24	Supportive Housing Options	The Province of New Brunswick, Front-line Agencies and City will collaborate on potential supportive housing options.	GNB, Front-line Agencies	CITY	Q3 and ongoing
25	Use of Sea Cans	Decommission at the appropriate time the Exmouth / Waterloo Streets unhoused site and relocate residents and sea cans.	Kaleidoscope	HDC, CITY	Evaluated bi-annually
26	Coordinated Access	Front-line Agencies and Partners will use the Coordinated Access System which is a process through which individuals and families experiencing homelessness or at risk of homelessness, are provided access to housing and support services, based on a standardized intake procedure, assessment of need, and matching and referral to housing.	HIPSJ, HDC	Front-line Agencies	Ongoing
27	Rent Supplements	Additional Rent supplements will be sought from Government funding partners by using the By-Name List.	HDC, GoC	Front-line Agencies	2024 and ongoing
28	Skills Development for Housing	New programs will be offered to assist people experiencing homelessness with developing life skills to move forward through the housing spectrum based on their individual needs.	Front-line Agencies	GNB	2024 and ongoing



Implementation

**Strategy
Objectives**

**Collective
Vision**

**Collaborative
Approach**

**Stakeholder
Commitment**

Government of New Brunswick



PRECARIOUSLY/PROVISIONALLY HOUSED

Individuals couch surfing (safely or unsafe); staying in hotels/motels; overcrowded housing; people in transitional or transitioning to housing; people in GNB systems (Health, Corrections, youth in care;

ABSOLUTE/LITERAL HOMELESSNESS

Individuals living on the street with no physical shelter of their own, living in a car, tent, including those who spend their nights in emergency shelters.

HOUSED OR INACTIVE

Individuals who are in permanent supportive housing; self resolve or supported in resolving their housing issues; Deemed inactive (moved or refused housing)

Providing the On-Time Supports to Prevent Homelessness

Supporting & Diverting Those who are Experiencing Homelessness

Transitioning to Housing and providing support to maintain housing

REDUCE INFLOW.....INCREASE OUTFLOW



Considerations

Which actions do you consider most urgent?

What would achieving the action look like?

At what level should the action be resourced, and by whom?

Recommendation



The Public Safety Committee Recommends:

That the Housing for All Homelessness Strategy be adopted by Common Council and that Common Council direct the CAO to direct staff to:

1. begin implementation of the strategy; and
2. bring a resourcing plan to Common Council on an annual basis for the duration of the strategy for their consideration as part of annual budget deliberations; and
3. more urgent timelines; and
4. a clear discernible ask.

**Small City,
Big Heart.**

Questions?



From: City of Saint John, New Brunswick <webform-noreply@saintjohn.ca>
Sent: Thursday, July 11, 2024 10:53 AM
To: Common Clerk <commonclerk@saintjohn.ca>
Subject: Webform submission from: Submission to Council Form

[External Email Alert] **Please note that this message is from an external sender. If it appears to be sent from a Saint John employee, please forward the email to spamsample@saintjohn.ca or contact the IT Service Desk.**

Submitted on Thu, 07/11/2024 - 10:52

Submitted by: Anonymous

Submitted values are:

About Person/Group Submitting

First name

Bob

Last name

McVicar

Name of organization/group (where applicable)

Sutton Realty

Mailing Address

Telephone

Email

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

No

About your Submission

Topic of submission

Homelessness and Public Safety

Purpose for submission (what is the ask of council):

Councillors,

I'm just reaching out to ask what is the plan. Street behaviour by street people is going straight over the top. Public nudity, random public masturbation, encampments randomly popping up everywhere. There appears to be no municipal response. The police just running from call to call, but no proactive presence of policing. True anarchy setting in. Nobody's property safe. etc etc. We need to declare some kind of state of emergency and we need to apply human resources and we need to do it fast. is there any conversation around this thought? its quite apparent on the streets at the moment that the city is just keeping its head down. Nothing from the Mayor, nothing from the Police Chief,just nothing. I know you live it like we live it. What are we going to do ? Citizens are beginning to consider and discuss actions that will lead to vigilantism. We are on the edge.

Mayor Donna Reardon and Members of the City Council

We need your help.

We live on McLeod Road, off Grandview Avenue, a road in such deplorable condition that we have had to deal with expensive car repairs on a regular basis. We have requested help from the city and have been told that McLeod Road does not exist. It does exist; we have streetlights, get our snow plowed by city plows, our garbage and compost are picked up regularly, emergency vehicles find our road without difficulty, mail is delivered without any problem and property taxes are processed each year. So, we do exist, and we need someone to take our request seriously. That is why we are bringing this to your attention.

For the property taxes we pay, we believe we deserve a stable road to drive on. The undersigned are representing each household on the road.

Name	Address represented	Signature
Vince McGraw	64 McLeod Rd	Vince McGraw
Manda Butler	59 McLeod Rd	Manda Butler
Morgan Sullivan	59 McLeod Rd	Morgan Sullivan
Shawna Comeau	50 McLeod Rd	Shawna Comeau
Ross Morton	5 McLeod Rd	Ross Morton
Krista Bennett	5 McLeod Rd	Krista Bennett
John Lavigne	21 McLeod Rd	John Lavigne
Belinda Coleman	22 McLeod Rd	Belinda Coleman
Caris Vautour	22 McLeod Rd	Caris Vautour
DAN BENT	23 McLeod Rd	Dan Bent
Helena Kent	25 McLeod Rd	Helena Kent
Jim SWYERS	35 McLeod	Jim Swyers
Normand Cole	46 McLeod	Normand Cole
Brent Clarkson	49 McLeod RD	Brent Clarkson
Joey Clark	49 McLeod Rd	Joey Clark
Robert P...	73 McLeod Rd	Robert P...
Selie Rigney	73 McLeod Rd	Selie Rigney
Loddy Shannon Holt	72 McLeod Rd	Loddy Shannon Holt
Shawna Plese	64 McLeod Rd	Shawna Plese
K Vautour	64 McLeod Rd	K Vautour
Don Martin	70 McLeod Rd	Don Martin
Chris Nespres	70 McLeod Rd	Chris Nespres

Submitted by:

Norman Butler
McLeod Road



STEEPLEVIEW

STEEPLEVIEW DEVELOPMENTS INC.

16 Roatan Way, Saint John, NB E2J 0B8

(506) 639-1206 kevinmcd99@gmail.com

15 Jul 2024

Mayor and Common Council
City of Saint John
P.O. Box 1971
Saint John, NB E2L 4L1

Dear Mayor and Councillors,

As you are all aware, mixed housing has been investigated for the past eight years by a volunteer group of individuals who have formed a not-for-profit housing development committee, to bring much needed mixed housing to Waterloo Village, particularly Cliff Street.

This fifty-six mixed housing development, which will include a day care/early childhood learning for 120 children, is in the early stages of construction following several years of difficult negotiations convincing others of the need for such a development.

Steepleview Developments Inc. has teamed with Iron Maple contractors to move forward with construction. Construction has begun and now Steepleview is realizing the difficulties created by the population in that area.

Since Iron Maple moved to the site and began in earnest to begin construction ten months ago, the experience with the "street people" has been one of frustration and concern. So much of a concern, in order to save what progress has been made, Steepleview Developments Inc. has been **forced** to provide security on the site in the off hours.

This cost for security was unforeseen and was not in our budget. We are having to hire security twelve hours per day from 6 pm to 6 am, seven nights a week, every week of every month until the development is completed.

Fact: There have been six (6) incidents causing theft, damage, and personal injury in the past few months. Trucks broken into and rifled through (while the workers have been on site); storage containers broken into; extension cords cut and stolen; and a case of bear spray that severely impacted a construction worker.

35 Cliff Street was chosen as the location of Steepleview apartments simply because the majority of the board walked these streets and attended school in the area.

Then the injection site moved in and, from there, we witnessed tent city. Various agencies provided services to the street people in hopes of rectifying the situation. The opposite has taken place...all to the detriment of Steepleview.

As a not-for-profit development it becomes discouraging to have prospective tenants call and request their names be taken from the waiting list simply because of what is taking place in that area.

Twenty-eight (28) of the fifty-Six (56) apartments are funded through a rental agreement with NB Housing. A day care, wellness gardens, community room, and Knights of Columbus rooms, are all part of attempting to improve the lives of people who are reaching out for a hand-up.

Yet we are faced with an additional and unbudgeted expense of funding site security. What do we remove from the development to pay this additional cost?

Let me say this – this situation would **not** be allowed to continue in the Peninsula – Duke, Germain, Canterbury, Church Streets! Like it or not, I have witnessed the attention that has been focused on Market Slip and the surrounding area. What about much needed subsidized housing? We are not a for-profit organization. We build and manage much needed subsidized housing to give those in need a chance at a bit better life on their journey.

Steepleview Developments is **not** in a position to fund security to protect our construction site. Either we partner to correct the problem or we lose our investment. Common Council **must** recognize the values of subsidized housing, and development of vacant land, and support these initiatives as they work their way through difficult times.

Steepleview did **not** create the situation within Waterloo Village. Just the opposite – we are hoping to be a part of the change in Waterloo Village. Unfortunately, we cannot accomplish this vision by ourselves.

Steepleview Developments Inc. is reaching out to the Mayor and Common Council to work together to change the landscape of Waterloo Village, particularly in the area of Cliff and Waterloo Streets.

Steepleview is under threat to cancel what we can't afford (security) and possibly lose our investment, or reach out to the City of Saint John to find ways to protect this development, which is providing much needed "affordable" housing and other amenities that will improve the lives of many including women and children.

We and Waterloo Village NEED Help!

We look forward to continuing this conversation to arrive at an agreement that will protect our and the City's investment in community and people!

Respectfully,



J. Kevin McDonald
Chair
Steepleview Developments Inc.
506-639-1206
kevinmcd99@gmail.com

46 Waterloo Street
Saint John, NB E2L 3P3
(P) 506-638-1409



July 17, 2024

Saint John City Council and Public Safety Committee;

Subject: Request for Exemptions in Fire Bylaw for Homeless Individuals

I am writing to express my deep concern regarding the proposed fire bylaw, which lacks provisions or exemptions for unhoused individuals. While I understand the necessity of fire safety regulations to protect public health and safety, it is crucial to consider the unique and vulnerable situation of the unhoused population in our community.

Government responses to encampment safety often fail to employ a rights-based approach. In many cases, the issues associated with encampments fall within the responsibility of municipal authorities, through bylaws specific to policing, fire and safety, sanitation, and social services. This has led to a pattern whereby municipal governments deploy bylaws, local police, and zoning policies that displace people in encampments, even unintentionally. This displacement compromises the physical and psychological health of people who have no place to go and who rely on encampments to survive in the absence of accessible alternatives.

The fire department should never be weaponized against people in encampments, as they can be one of the last systems in place that people trust. The absence of exemptions or special considerations for unhoused individuals places an undue burden on those who are already struggling to meet their basic needs. For many, encampment fires are a means of survival, providing warmth, the ability to cook food, and a sense of security. Enforcing strict fire bylaws without any exemptions for the unhoused not only criminalizes their existence but also exacerbates their hardships.

Municipalities often cite health, safety, and fire concerns to enact bylaws, but these concerns are rarely informed by the lived experiences of encampment residents and the very real possibility of death they face. This approach undermines the safety of our unhoused population, further displacing them in increasingly insecure and unsafe situations where their needs and presence are made invisible.

We also need to be cognizant of the fact that other bylaws implemented in cities across Canada have been found by the Supreme Court to violate the liberty and security of the person rights of unhoused people, as protected by Section 7 of the Canadian Charter of Rights and Freedoms. It is imperative that our bylaws do not infringe upon these fundamental rights. Additionally, we must

ensure that any bylaws are not grossly disproportionate to any benefit that the city might derive from furthering its objectives.

I would also like to highlight the current shelter situation in Saint John. At present, there are only 67 shelter beds available, and with the addition of the Out of the Cold (OTC) shelter in the winter, this number will increase by only 45 beds, for a total of 112 beds. There are just under 700 individuals unhoused in our city and increasing every day. According to Canada's right to adequate housing, whether formal or informal, "housing must provide its residents with safety, security, and dignity and must contain those services that are necessary for protecting human life, including water, sanitation, heating, and cooking facilities."

I respectfully request that the fire bylaw be amended to include reasonable exemptions or alternatives for unhoused individuals. In addition to the current provision of fire safety education and resource collaboration by frontline agencies and the fire department examples of exemptions could include a complete exemption, designated safe areas where small, controlled fires are permitted, or a collaboration to create or obtain safe collapsable fire pits and use outreach teams to facilitate this to ensure that the fire safety needs of the homeless population are met without compromising their survival.

It is essential for our community to address the needs of all its members, including the most vulnerable. By incorporating exemptions for homeless individuals into the fire bylaw, we can take a compassionate and practical approach that balances safety with humanity.

I would appreciate the opportunity to discuss this matter further and to explore possible solutions that can benefit everyone in our community. Thank you for your attention to this important issue. I look forward to your response.

Sincerely,

Melanie Vautour
Executive Director
Fresh Start Services
(506) 638-1409 | ed.freshstart@gmail.com

M&C No.	2024-201
Report Date	July 18, 2024
Meeting Date	July 22, 2024
Service Area	Strategic Services

SUBJECT: Invitation to Present Party Platform at Special Open Session Meeting of Saint John Common Council

EXECUTIVE SUMMARY OF COMMITTEE OF THE WHOLE REPORT FOR OPEN SESSION OF COUNCIL

As we approach the Provincial General Election, Saint John Common Council invites political parties to present their platforms at a special open session meeting of Common Council. We seek to engage with all parties to understand their plans, particularly those affecting our City, and to ensure candidates are aware of Saint John’s key priorities. Presentations are scheduled for either August 26 or September 9, with 30 minutes allotted per party and an additional ten minutes for questions. The CEO of Saint John Energy and the Chief of Police will also attend.

Attached is a position paper outlining the City’s six priority asks of the Province, providing valuable context for the presentations. The City proposes several policy considerations for the upcoming provincial election. These include the development of a new comprehensive recreation facility, industrial park expansion, affordable housing initiatives, support for the corporatization of Saint John Energy, fiscal tax reform, and critical road improvements.

COUNCIL RESOLUTION

Resolve that the Mayor, on behalf of Common Council, send the attached invitation letter and Saint John position paper to each party leader participating in the upcoming Provincial General Election, along with their candidates from the Saint John ridings, to present their platform at a special open session meeting of Common Council.

COMMITTEE OF THE WHOLE REPORT

M&C No.	2024-188
Report Date	July 10, 2024
Meeting Date	July 22, 2024
Service Area	Growth and Community Services

SUBJECT: IRCC Contribution Agreement – Amendment 4 – LIP 2024

EXECUTIVE SUMMARY OF COMMITTEE OF THE WHOLE REPORT FOR OPEN SESSION OF COUNCIL

The City of Saint John has secured additional funds through its Contribution Agreement as represented by the Minister of Immigration, Refugees and Citizenship to support Research initiatives on behalf of the Saint John Local Immigration Partnership.

COUNCIL RESOLUTION

That Common Council approve the City enter into the Contribution Agreement Amendment Number (4) in the form as attached to M&C 2024-188 with His Majesty the King in Right of Canada, as represented by the Minister of Citizenship and Immigration, for the purpose of increasing the contribution for the 2024-2025 fiscal year, and that the Mayor and Clerk be authorized to execute the said Contribution Agreement and any documents ancillary thereto.

M&C No.	2024-189
Report Date	July 16, 2024
Meeting Date	July 22, 2024
Service Area	General Counsel

SUBJECT: Revised Lease Agreement with Saint John Arts Centre for

EXECUTIVE SUMMARY OF COMMITTEE OF THE WHOLE REPORT FOR OPEN SESSION OF COUNCIL

The City of Saint John entered a new lease with the Saint John Arts Centre Inc. (“SJAC”) in 2019. The lease outlined financial terms, including operating costs and fair market rent. In 2021, the lease was revised to include utilities and property tax in an all-inclusive rent. Shortly thereafter, due to municipal reform, the Fundy Regional Service Commission (“FRSC”) was given an expanded mandate and is now responsible for both operating and capital costs associated for regional facilities. The FRSC requested that the City review the rental fees being charged and City staff undertook the review as requested and are recommending a revised lease agreement effective August 1, 2024.

COUNCIL RESOLUTION

That the City enter into a Lease Agreement with Saint John Arts Centre Inc. in the form as presented to Committee of the Whole at its meeting held July 22, 2024, for the lease of the premises known as the Carnegie Building, situated at 20 Peel Plaza, and that the Mayor and Clerk be authorized to execute the said Lease Agreement and any other documents ancillary thereto.

M&C No.	2024-196
Report Date	July 17, 2024
Meeting Date	July 22, 2024
Service Area	General Counsel Office

SUBJECT: Construction License Agreement with W.L. Holdings Inc for 99 King Street

EXECUTIVE SUMMARY OF COMMITTEE OF THE WHOLE REPORT FOR OPEN SESSION OF COUNCIL

99 King Street development began in 2021 with the demolition of two buildings, including the former Woolworth’s building. Currently, existing foundation walls are being removed, and construction on the new foundation is expected to start in August 2024. Staff recommend a temporary license agreement with the developer for continued use of South Market Street during construction, with a proposed license fee of \$1,000.00. The City also plans to petition the Province for private legislation to grant an easement over South Market Street by Spring 2025.

COUNCIL RESOLUTION

That the City enter into a License Agreement with W/L Holdings Inc. in the form as presented to Committee of the Whole at its meeting held July 22, 2024, over a portion of PID 39420, known as South Market Street, to permit the construction of the new building to be located at 99 King Street, and that the Mayor and Clerk be authorized the execute the said License Agreement and any other documents ancillary thereto.

M&C No.	2024-199
Report Date	July 18, 2024
Meeting Date	July 22, 2024
Service Area	General Counsel

SUBJECT: Retail Drive Realignment – Second Amending Agreement with Clear View Homes

EXECUTIVE SUMMARY OF COMMITTEE OF THE WHOLE REPORT FOR OPEN SESSION OF COUNCIL

Aligning the intersections of Ashburn Lake Road and Retail Drive at Rothesay Avenue into a single intersections has been a long-standing priority for the City. In order to realign this intersection, the City must acquire certain properties. Minor amendments to the existing Land Acquisition Agreement between the City and Clear View Homes Ltd. are required to adjust some timelines that will enable the construction to proceed in 2024.

COUNCIL RESOLUTION

That the City enter into the Second Amending Agreement with Clear View Homes Ltd. and Orion M.C. Inc., in the form as presented to Committee of the Whole at its meeting held July 22, 2024, for the purpose of extending the City's conditions precedent in the Amended and Restated Land Acquisition Agreement dated December 21, 2023, and that the Mayor and Clerk be authorized to execute the said Amending Agreement and any documents ancillary thereto.

M&C No.	2024-202
Report Date	July 19, 2024
Meeting Date	July 22, 2024
Service Area	General Counsel

SUBJECT: Financial Contribution Agreement – 26 Retail Drive

EXECUTIVE SUMMARY OF COMMITTEE OF THE WHOLE REPORT FOR OPEN SESSION OF COUNCIL

The City has been working to secure the necessary lands for the Retail Drive Realignment project. The purpose of this report is to seek Council’s approval to provide a financial contribution to a resident of one of the properties that the City needs to acquire for this Project.

COUNCIL RESOLUTION

That the City enter into the Financial Contribution Agreement with Barbara ElleMBERG generally in the form as presented to Committee of the Whole at its meeting held July 22, 2024, for the purpose of securing vacant possession of lands required for the Retail Drive Realignment Project, and that the Mayor and Clerk be authorized to execute the said Financial Contribution Agreement and any other documents ancillary thereto.

M&C No.	2024-
Report Date	July 17, 2024
Meeting Date	July 22, 2024
Service Area	General Counsel

SUBJECT: Sale of Portion of Somerset Acres to Housing NB

EXECUTIVE SUMMARY OF COMMITTEE OF THE WHOLE REPORT FOR OPEN SESSION OF COUNCIL

The City is continuing to take action to accelerate the development of affordable housing, including supporting individuals experiencing homelessness as they move through the housing spectrum into transitional housing. The purpose of this report is to seek authority for the City to enter into an Agreement of Purchase and Sale with Housing New Brunswick for the sale of a portion of PID 00046359 to develop ‘Somerset Acres’, an 18-unit temporary transitional housing project for 25 people (including couples). Each unit has its own bed, bathroom and kitchenette. Details about this exciting opportunity will be released as the project progresses.

COUNCIL RESOLUTION

1. That the City enter into the Agreement of Purchase and Sale generally in the form as presented to Committee of the Whole at its meeting held July 22, 2024, with New Brunswick Housing Corporation for the sale of a portion of PID 00046359 containing an approximate area of 11,364 square meters;
2. That the Mayor and City Clerk be authorized to execute any documents necessary to effect this transaction.

M&C No.	2024-197
Report Date	July 18, 2024
Meeting Date	July 22, 2024
Service Area	General Counsel

SUBJECT: Rapid Housing Initiative – Barracks Green Update

EXECUTIVE SUMMARY OF COMMITTEE OF THE WHOLE REPORT FOR OPEN SESSION OF COUNCIL

At its meeting held July 24, 2023, Council resolved to enter a Contribution Agreement with Kaleidoscope Social Impact for a project located at 67 Broadview Street, known as the Barracks Green Residences. Since that time, there have been several changes required to the project to ensure the project remains viable. The Amended and Restated Contribution Agreement is more reflective of the circumstances of the project and the recommendations herein will allow the project to continue in a timely manner.

COUNCIL RESOLUTION

- 1) That the City enter into an **Amended and Restated Contribution Agreement** in the form as presented to Committee of the Whole at its meeting held July 22, 2024, with **Kaleidoscope Social Impact Inc.** (the “**Amendment**”) for the purpose of reflecting a change of contractor and changes in the funding structure and that the Mayor and Clerk be authorized to execute the said **Amendment** and any document ancillary thereto.

- 2) That the City of Saint John discharge the Mortgage on the Rectory property, being PID # 55242242, and that the Mayor and City Clerk be authorized to execute the Discharge and any documents ancillary thereto or necessary to effect the transaction, and

- 3) That the City enter into a Contribution Agreement in the form as presented to Committee of the Whole at its meeting held July 22, 2024,, with Kaleidoscope Social Impact Inc. for the purpose of providing a one-time financial contribution of \$257,790.00 to assist in closing the funding gap in the Barracks Green Residence project and that the Mayor and Clerk be authorized to execute the said Contribution Agreement and any other documents ancillary thereto.