

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

**Parcel identifier:**

PID #00006403

Address: 174 Pitt Street, Saint John, New Brunswick

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

Name: Savoy, J. Frederick

Address: 27 Valleyview Drive, Quispamsis, New Brunswick, E2E 1N7

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

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

**Provision(s) contravened:** Subsections 6(1), 6(2) and 6(3) of the By-law.

**Conditions(s) that exist:** The premise is unsightly by permitting junk, rubbish, refuse and a dilapidated building to remain on the premise. The building has become a hazard to the safety of the public by reason of being vacant or unoccupied and has become a hazard to the safety of the public by reason of dilapidation and by reason of unsoundness of structural strength. The conditions of the building and premise are described in Schedule “A”, a true copy of the inspection report dated June 6, 2019 prepared by Catherine Lowe, EIT and reviewed and concurred in by Rachel Van Wart, P.Eng., By-law Enforcement Officers.

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

In the event that the owner does not remedy the condition of the building and premises in the time prescribed by this Notice to Comply, the building may be demolished as the corrective action to address the hazard to the safety of the public and the premises may be cleaned up.

In the event of demolition, all debris and items on the premises will be disposed of as the corrective action to address the hazard to the safety of the public.

The aforementioned remedial actions relating to the demolition of the building and the disposal of debris and items on the premises do not include the carry-out clean-up, site rehabilitation, restoration of land, premises or personal property or other remedial action in order to

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

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

NID : 00006403

Adresse : 174, rue Pitt, Saint John, Nouveau-Brunswick

**Propriétaire(s) ou occupant(s) :**

Nom : Savoy, J. Frederick

Adresse : 27, rue Valleyview, Quispamsis, Nouveau-Brunswick, E2E 1N7

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

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

**Disposition(s) enfreinte(s) :** Les paragraphes 6(1), 6(2) et paragraphe 6(3) de l’Arrêté.

**Description de la (des) situation(s) :** Les lieux sont inesthétiques en permettant la présence de ferraille, de débris et le bâtiment délabré. Le bâtiment est devenu dangereux pour la sécurité du public du fait de son inhabitation ou de son inoccupation et est devenu dangereux pour la sécurité du public du fait de son délabrement et du fait de manque de solidité. Les conditions du bâtiment et des lieux sont décrites à l’annexe « A », une copie conforme du rapport d’inspection en date du 6 juin 2019 et préparé par Catherine Lowe, IS et révisé et en d’accorde avec par Rachel Van Wart, ing., agentes chargé de l’exécution des arrêtés du gouvernement local.

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

Dans l’éventualité que la propriétaire ne remédient pas le bâtiment et les lieux dans le temps prescrit par le présent avis de conformité, le bâtiment pourront être démolis comme mesure corrective compte tenu qu’il représente un danger pour la sécurité du public et les lieux pourront être nettoyés.

Dans l’éventualité de démolition, tous les débris et autres items sur les lieux seront disposés comme mesure corrective dans le but de remédier le danger pour la sécurité du public.

Les mesures correctives susmentionnées relativement à la démolition du bâtiment et la disposition des débris et autres items sur les lieux ne comprennent pas le nettoyage, la remise en état des lieux, des terrains ou

control or reduce, eliminate the release, alter the manner of release or the release of any contaminant into or upon the environment or any part of the environment.

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

- a) The demolition of the building, clean-up of the property and related remedies must be complete, or plans and permit applications for repair related remedies, must be submitted: within 30 days of being served with the Notice to Comply.
- b) The repair related remedies must be complete within 120 days of being served with the Notice to Comply.

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

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

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

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

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

des biens personnels ou toute autre mesure corrective dans le but de contrôler ou de réduire, d'éliminer le déversement, de modifier le mode de déversement ou le déversement d'un polluant dans ou sur l'environnement ou toute partie de l'environnement.

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

- a) La démolition du bâtiment et le nettoyage des lieux doivent être complétés, ou à laquelle les plans et demande de permis pour les mesures des réparations, doivent être soumises, dans les 30 jours qui suivent la signification de l'avis de conformité.
- b) Les réparations reliées aux mesures doivent être complétées dans les 120 jours qui suivent la signification de l'avis de conformité.

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

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

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

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

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

**Dated** at Saint John the 13<sup>th</sup> day of June, 2019.

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

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

Catherine Lowe

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

Name: Catherine Lowe, EIT

Mailing address:

Growth and Community Development Services

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

Telephone: (506) 658-2911

E-mail: [catherine.lowe@saintjohn.ca](mailto:catherine.lowe@saintjohn.ca)

Fax: (506) 632-6199

**Corporate seal of the local government:**



**Notes:**

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

**Fait** à Saint John le \_\_\_\_ juin, 2019.

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

**Signature du fonctionnaire du gouvernement local:**

**Coordonnées du fonctionnaire du gouvernement local:**

Nom : Catherine Lowe, IS

Adresse postale:

Service de la Croissance et du Développement  
Communautaire

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

Téléphone : (506) 658-2911

Adresse électronique: [catherine.lowe@saintjohn.ca](mailto:catherine.lowe@saintjohn.ca)

Télécopieur : (506) 632-6199

**Sceau du gouvernement local**

**Notes :**

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

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

**INSPECTION REPORT**  
**Schedule "A"**  
**174 Pitt Street**  
**Saint John, New Brunswick**  
**PID# 00006403**

**Dated at Saint John,**  
**this 13<sup>th</sup> day of**  
**June 20 19.**  
**Catherine Lowe**  
**Standards Officer**

**Inspection Date: March 25, 2019**

**Inspection Conducted by: Catherine Lowe, EIT & Rachel Van Wart, P.Eng.**

## **Introduction**

Inspections of the property at 174 Pitt Street, PID# 00006403, have revealed that there is one building on the premise (the "Building"); a three-storey, three-unit apartment building. Staff first became aware of the property's vacancy in January 2019 and began standard enforcement procedures. The property is located on the City's South Peninsula in an urban centre residential zone on the corner of Pitt Street and Mecklenburg Street. The Building is a hazard to the safety of the public by reason of being vacant, by reason of dilapidation and by reason of unsoundness of structural strength.

## **Discussion**

The Building is not in compliance with the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, By-law Number M-30, and amendments thereto (the "By-law").

### **Unsightly Premise Conditions**

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

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

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

1. There is an accumulation of junk, rubbish, and refuse at the rear of the property. These items include, but are not limited to; rusted appliances including a fridge and an oven, stone blocks, a tattered blue tarp, as well as other various loose garbage. The aforementioned accumulation of junk, rubbish, and refuse is unsightly.
2. The Building is dilapidated. The siding consists of clapboard and wooden shingles. The paint on the siding is faded and peeling. Many sections of siding are rotted and hanging. The left rear corner trim is rotted and pulling away from the Building. The other corner trims appear deteriorated. Window and door frames are out of plumb. The front of the Building is visibly sagging as the clapboard is not straight. The left wall of the Building is bowed outward. There is a gap in the rear left side section of the foundation wall. These conditions are unsightly.

### **Vacant and Unoccupied**

Subsection 6(2) of the By-law states:

No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of being vacant or unoccupied.

The Building is a hazard to the safety of the public by reason of being vacant or unoccupied for the following reasons:

1. Buildings in a dilapidated condition that are known to be vacant can attract vandalism, arson and criminal activity. The property's condition affects the quality of life of neighboring properties and negatively impacts property value of real estate in the area due to negative perceptions of unsafe and deteriorating conditions. The owner confirmed that the Building has been vacant for a number of years prior to this department opening an enforcement case. Saint John Energy confirmed that the power has been disconnected in two units since May 2015 while Unit 2 remains energized. The City of Saint John Finance department confirmed that the water has been turned off since January 2012.
2. There is a higher risk of a fire event occurring at the property since it is known to the public that the Building is vacant. There is a neighboring 4-unit apartment building at 132-134 Mecklenburg Street. If a fire event were to occur within the Building, it could easily spread to the neighboring property which would cause significant damage to the buildings and endanger the lives of the occupants.
3. There is a concern for emergency personnel safety in the event of an emergency. If firefighters suspect there may be people inside the Building, it would be reasonable to expect they may be required to enter it. They may also need to enter the Building to fully extinguish the fire. The condition of the interior is not known to firefighters which poses a hazard to their safety and others who may be inside in the event of a fire. The Building is structurally unsound which is hazardous to emergency personnel who may be required to enter the Building. There is significant water damage throughout the Building that has caused soft and sagging ceilings and floors. During the March 25, 2019 inspection water that had pooled on the floors and stairs of the Building had frozen to ice, creating slippery conditions and a tripping hazard. Debris hangs from the damaged sections of ceiling and creates a barrier when maneuvering through the Building. A florescent light fixture hangs from the ceiling by an electrical cord in the interior second storey stairway which creates a barrier to the stairs. There is a large accumulation of house hold items on the first storey, making it difficult to move through the unit. These conditions could cause injury to emergency personnel and could hinder their movement through the Building in the event of an emergency.

### **Dilapidated Building Conditions**

Subsection 6(3) of the By-law states

No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of dilapidation for the following reasons:

1. The wooden shingle siding and clapboard siding of the Building is rotten and deteriorated. Pieces of the siding are hanging from the Building in many locations. Siding falling from the Building could cause damage to the property in the driveway of 132-134 Mecklenburg Street as it is adjacent to the Building. There is no setback from the sidewalk to the Building, this is a hazard to pedestrians walking by the Building as they could be struck by falling debris. There are also exposed nails where the rear left corner trim of the Building is

rotten and pulling away. Someone could be cut by the rusted nails which could have adverse effects on their health and wellbeing.

2. The Building is dilapidated. The entire Building is significantly water damaged. The moist conditions of the Building have also caused paint and wall paper to peel from the walls and ceilings. There is mold growth visible on many surfaces throughout the Building due to the water damage. There are many sections of ceiling with missing plaster on the first and second storey that reveal rotten wooden members. Insulation and drywall hang from many of the damaged sections of ceiling. Debris from the damaged ceilings rests on the floor in saturated piles. A portion of ceiling in the kitchen of the second storey has caved in. Water has pooled in several locations on the floor of the second storey, which was frozen during the March 25, 2019 inspection. There was also ice covering the interior stairs leading from the first storey to the second, and the stairs leading from the first storey to the third. Now that the temperature has increased, the ice has likely turned to water which will deteriorate the condition of the floors of the second storey, the ceilings of the first storey below the pools of water on the second storey, and the staircases. These conditions are a hazard to anyone inside the Building as the floor and ceiling systems are unsound and could collapse. It should be noted that an inspection of the third floor was not conducted due to unsafe conditions as indicated by the ceiling of the second storey and the general condition of the Building.
3. The water is most likely entering the Building from the roof, as the damage appears most severe towards the center of the Building and water services were disconnected in 2012. Considering the amount of water damage in the Building it is reasonable to assume that the roof structure of the Building is compromised. This is hazard to the safety of anyone in the Building.
4. Mold growth can be seen on ceilings, walls and floors throughout the Building due to the damp conditions inside the Building. Mold is a respiratory hazard to anyone entering the Building, and can be irritating or harmful upon contact with skin.
5. The Building is severely out of plumb. This can be seen from the exterior of the Building as the clapboard on the front of the Building is sagging and the left wall is bowed outward. It is also clear that the left side of the Building has settled further than the right side, as the lower portion of the front door of the Building is now below grade. These conditions have caused ceilings, walls, and floors inside the Building to slope and sag. This is evident on the second storey as furniture and other items resting on the floor are visibly tilted. There are cracks in the walls and around sloped doorframes due to the additional stress applied by the shifting Building. The water that has infiltrated the Building has caused many sections of ceiling and floor members to become saturated and sag. If these conditions persist, the ceilings and floors of the Building will become increasingly unsound. The load applied by a person in the Building could cause the ceiling or floor systems to collapse which would cause serious personal injury.
6. The first storey of the Building has been used as a storage area for house hold items and other various junk. Many of the items are water damaged, have debris such as plaster and insulation from the damaged ceilings resting on them, or have mold growth. There are only narrow pathways between all the items which makes it difficult to manoeuvre through the unit. This unit was accessed from the interior stairway leading from the second storey; it is unclear if there is an accessible exterior exit from this unit due to the accumulation of items. The lack of exiting is a danger to anyone in the Building.
7. There are wires along the ceiling and going through walls on the first storey. It is unclear where these wires terminate or what purpose they serve. However, it is clear that they are not installed according to the applicable Codes and Standards. This is hazardous since water is entering the Building and Saint John



Energy confirmed one unit of the Building remains energized. Should the exposure to water cause these wires or other energized wires to spark a fire could start within the Building. The accumulation of items on the first storey are a fire hazard While the interior conditions of the Building were damp during the March 25, 2019, it is possible that an increase in temperature and a lack of rain could dry the Building enough to allow the fire to spread.

### **Structurally Unsound Building Conditions**

Subsection 6(3) of the By-law states

No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of unsoundness of structural strength for the following reasons:

1. The Building is structurally unsound. Ceilings, walls and floors are out of plumb, sloped and sagging. From the exterior of the Building it can be seen that the front wall of the Building is sagging and the left side has settled further than the right. The left side wall is bowed outward causing a gap between the siding and the Building. There is a gap approximately three inches wide in the foundation at the rear of the Building, caused by the left foundation wall sloping away from the Building.
2. The interior ceiling and floor system of the Building is unsound. Water has infiltrated the Building to the extent that there were pools of ice on the floor of the second storey and ice covering the stairs during the March 25, 2019 inspection. The water damage has caused the ceiling of the kitchen on the second floor to cave in, likely being the cause of the excessive pooling of water on the second storey and stairs. The flooring system of a section of the second storey is visible from the first storey as the plaster has fallen from the ceiling. The wooden floor members are saturated and sagging. The floor of the second storey is in danger of collapse. Due to the deteriorated condition of the ceiling of the second storey and the amount of ice build up on the stairs, the third storey was not inspected for the safety of the inspectors. However, based on the amount of water that has infiltrated the Building it is reasonable to assume that the roof of the Building is deteriorated and is likely unsound.

### **Required Remedial Actions**

The owner must comply with one of the two options stated below:

**Option 1:** Remedy the conditions of the Building through all repair and remedial actions as follows:

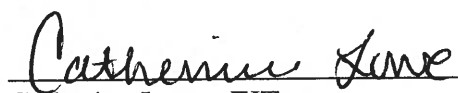
1. The Building must be completely repaired to remedy the above mentioned hazards to public safety while meeting the requirements of the *National Building Code of Canada (2010)* as well as all other applicable by-laws.
2. The Building must be maintained, kept secure, and monitored on a routine basis while the property remains vacant or unoccupied.
3. A detailed plan must be submitted to the Growth and Community Development Services Department of the City of Saint John (the "Department") for review and approval. The plan should also include a schedule for the work that is to be carried out. The repaired Building must meet the *National Building Code of Canada (2010)* as well as other applicable codes.

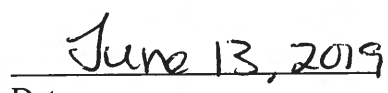
4. The detailed plan, including schedules and any engineering reports, must be approved by the Department prior to commencing repair work.
5. A building permit must be obtained for any and all applicable work prior to commencing said work from the City of Saint John in order to comply with the *Saint John Building By-law*, By-law Number C.P. 102 and amendments thereto (the "*Saint John Building By-law*").
6. The premise must be cleared of all debris found on the property, including any and all rubbish that may be considered hazardous or unsightly. The debris from the premise must be disposed of at an approved solid waste disposal site, in accordance with all applicable by-laws, acts and regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department. The premise must comply with all applicable By-laws, Acts, Codes and Regulations.

**Option 2:** Demolition of the Building and cleanup of all debris on the premise by complying with all the remedial actions as follows:


1. The Building must be demolished to remove the hazard to the safety of the public by reason of dilapidation and by reason of being vacant or unoccupied.
2. A demolition permit must be obtained from the City of Saint John in order to comply with the *Saint John Building By-law*.
3. The premise must be cleared of the debris from the demolition and the lot must be made reasonably level with grade so as to not create a tripping or falling hazard. All debris must be disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.
4. All debris that is currently on the premise must be removed and disposed of at an approved solid waste disposal site, and in accordance with all applicable By-laws, Acts and Regulations. Documented proof, that clearly demonstrates an approved solid waste disposal site was used for the disposal of debris, must be provided to the Department.
5. The property must be in compliance with all applicable By-laws, Acts and Regulations.

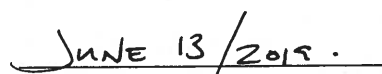
Prepared by:

  
 Catherine Lowe, EIT  
 Technical Services Officer  
 Growth and Community Development Services

  
 Date

Reviewed by and concurred in by:

  
 Rachel Van Wart, P.Eng.  
 Technical Services Officer  
 Growth and Community Development Services

  
 Date