

COUNCIL REPORT

M&C No.	2019-221
Report Date	August 28, 2019
Meeting Date	September 09, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Demolition of vacant, dilapidated and dangerous structures at 71 Goldsworthy Road (PID 00337931)

OPEN OR CLOSED SESSION

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

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Catherine Lowe</i>	<i>J Hamilton /A Poffenroth</i>	<i>John Collin</i>

RECOMMENDATION

RESOLVED, that the structures located at 71 Goldsworthy Road, PID# 00337931, are to be demolished as they have become a hazard to the safety of the public by reason of dilapidation; and

BE IT FURTHER RESOLVED, that the buildings are to be demolished as they have become a hazard to the safety of the public by reason of unsoundness of structural strength; and

BE IT FURTHER RESOLVED, that one or more by-law enforcement officers appointed and designated under the Saint John Unsightly Premises and Dangerous Buildings and Structures By-law are hereby authorized to arrange for the demolition, in accordance with the applicable City purchasing policies.

EXECUTIVE SUMMARY

The purpose of this report is to advise Council that a Notice to Comply was issued under Part 13 of the *Local Governance Act* for the structures at 71 Goldsworthy Road. The hazardous conditions outlined in the Notice have not been remedied by the owners within the required time frame and staff is looking for authorization from Council to arrange the demolition of the buildings.

PREVIOUS RESOLUTION

N/A

REPORT

Inspections of the property at 71 Goldsworthy Road, PID# 00337931, have revealed that there are five structures on the premise; a single-storey mobile home, a mobile camping trailer, a two-storey wooden barn, a two-storey wooden shed, and a single-storey wooden shed that has collapsed. The property is currently assessed at \$30,000. Staff first became aware of the property's vacancy in May 2018 and began standard enforcement procedures. The property is located on the City's East side in a rural residential zone. The structures are a hazard to the safety of the public by reason of being open, by reason of being vacant, by reason of dilapidation and by reason of unsoundness of structural strength.

For the reasons described in the attached Inspection Report, a Notice to Comply was issued on June 28, 2019 and was posted to the mobile home the same day, as per section 132(3) of the *Local Governance Act* that outlines acceptable methods of service. The Certificate Regarding Title lists two individuals as the owners. The structures are considered to be abandoned. Attempts were made to contact the owners of the property and any other interested parties, however all attempts were unsuccessful. The Notice provided the owners with 30 days to remedy the conditions at the property. The owners did not file a formal appeal and did not take remedial action to comply with the requirements of the Notice. A compliance inspection was conducted on July 22, 2019, which revealed that the conditions that gave rise to the Notice have not changed since the Notice was issued.

Attached for Council's reference is the Notice to Comply that was issued and the affidavit attesting to service on the owners via posting of the building. Also included are photographs of the structures. The *Local Governance Act* indicates that where a Notice to Comply has been issued arising from a condition where a building has become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength, the municipality may cause the building to be demolished. As required in the Act a report from an engineer is attached, forming part of the issued Notice to Comply, and provides the evidence to the structures' vacancy, dilapidation, unsoundness of structural strength and resulting hazard to the safety of the public. A copy of the letter advising of the Common Council Hearing date and affidavit is attached; it was posted to the building on August 20, 2019.

STRATEGIC ALIGNMENT

Enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law* aligns with Council's Vibrant, Safe City priority.

SERVICE AND FINANCIAL OUTCOMES

As is written in the *Local Governance Act* that a municipality must commence in the proceedings of remedial action, approval of Common Council is required prior

to starting demolition activities at the property. Total cost of the demolition work is approximated at \$30,000 and will take approximately 8 weeks before it is complete. The demolition will be completed by City staff and equipment. The cost of the work will be billed to the property owner. If the bill is left unpaid, it will be submitted to the Province with a request for reimbursement.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

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

ATTACHMENTS

Notice to Comply

Affidavit of Posting - Notice to Comply

Affidavit of Posting - Notice of Common Council Hearing Letter

Photos