

## COUNCIL REPORT

M&C No.	2019-21
Report Date	February 05, 2019
Meeting Date	February 11, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Demolition of vacant, dilapidated and dangerous building at 76 St.  
James Street West (PID55145916)***

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

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

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Rachel Van Wart</i></b>	<b><i>J Hamilton /A Poffenroth</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

RESOLVED, that the building located at 76 St. James Street West, PID# 55145916, is to be demolished as it has become a hazard to the safety of the public by reason of dilapidation; and

BE IT FURTHER RESOLVED, that said building is to be demolished as it has become a hazard to the safety of the public by reason of unsoundness of structural strength; and

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

### ***EXECUTIVE SUMMARY***

The purpose of this report is to advise Council that a Notice to Comply was issued under Part 13 of the *Local Governance Act* for the building at 76 St. James Street West. The hazardous conditions outlined in the Notice have not been remedied by the owner within the required time frame and staff is looking for authorization from Council to arrange the demolition of the building.

### ***PREVIOUS RESOLUTION***

N/A

## **REPORT**

Inspections of the property at 76 St. James Street West, PID# 55145916, have revealed that there is one building on the premise; a single-storey, single family, wood framed house. Staff first became aware of the property's vacancy in November 2017 and began standard enforcement procedures. The property is located in the City's West Side in a two-unit residential zone. 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.

For the reasons described in the attached Inspection Report, a Notice to Comply was issued on December 20, 2018 and was posted to the building on December 21, 2018, as per section 132(3) of the *Local Governance Act* that outlines acceptable methods of service. As the property is abandoned, an Entry Warrant was required to conduct an internal inspection of the building. The Certificate Regarding Title lists an individual as the owner. The Notice provided the owner with 45 days to remedy the conditions at the property. The owner did not file a formal appeal and did not take remedial action to comply with the requirements of the Notice. A compliance inspection was conducted on February 5, 2019 which revealed that the conditions which gave rise to the Notice have not changed since the Notice was issued.

Attached for Council's reference is the Notice to Comply that was issued and the affidavit attesting to service on the owner via posting. Also included are photographs of the building. The *Local Governance Act* indicates that where a Notice to Comply has been issued arising from a condition where a building has become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength, the municipality may cause the building to be demolished. As required in the Act a report from an engineer is attached, forming part of the issued Notice to Comply, and provides the evidence to the buildings' vacancy, dilapidation, unsoundness of structural strength and resulting hazard to the safety of the public. A copy of the letter advising of the Common Council Hearing date and affidavit is attached; it was sent to the owner via registered mail on January 22, 2019 and was posted to the building on January 25, 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 \$15,000 and will take about 3-5 weeks before it is complete. Staff will seek competitive bidding in accordance with the City's purchasing policy and the cost of the work will be billed to the property owner. If the bill is left unpaid, it will be submitted to the Province with a request for reimbursement.

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

The City Solicitor's Office provided ownership verification by obtaining the Certificate 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