

## COUNCIL REPORT

M&C No.	2018-318
Report Date	November 09, 2018
Meeting Date	November 19, 2018
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 112 Victoria Street (PID 379628)***

### ***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>Neil Jacobsen</i></b>

### ***RECOMMENDATION***

Your City Manager recommends that Common Council direct one or more of the Officers appointed and designated by Council for the enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law*, to arrange for the demolition of the building at 112 Victoria Street (PID 379628), 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 112 Victoria 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 the demolition of the building.

### ***PREVIOUS RESOLUTION***

N/A

### ***REPORT***

Inspections of the property at 112 Victoria Street, PID# 379628, have revealed that there is one building on the premise; a three-storey, three-unit apartment building. Staff first became aware of the property's vacancy in February 2017 and began standard enforcement procedures. The property is located in the City's North End in an urban centre residential zone. The building sustained a fire

on the second storey in September 2017. Damage caused by the fire has not been remedied. 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 September 19, 2018 and was posted to the building on September 21, 2018, as per section 132(3) of the *Local Governance Act* that outlines acceptable methods of service. The Certificate of Registered Ownership lists a company as the owner. The Notice provided the owners with 30 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 November 5, 2018 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 building's 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 October 18, 2018 and was posted to the building on the same day.

### **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 \$20,000 and will take about 3-5 weeks before it is complete. Staff will seek competitive bidding in accordance with the City's purchasing policy and the cost of the work will be billed to the property owner. If the bill is left unpaid, it will be submitted to the Province with a request for reimbursement.

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

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

***ATTACHMENTS***

Notice to Comply

Affidavit of Posting - Notice to Comply

Affidavit of Posting - Notice of Common Council Hearing Letter

Photos