

CANADA  
PROVINCE OF NEW BRUNSWICK  
COUNTY OF SAINT JOHN

IN THE MATTER OF THE BUILDING THAT IS LOCATED AT

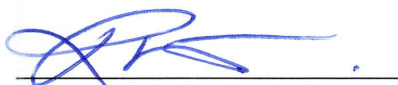
194 Guilford Street, SAINT JOHN, N.B. ( PID number 362335 )

AFFIDAVIT OF SERVICE

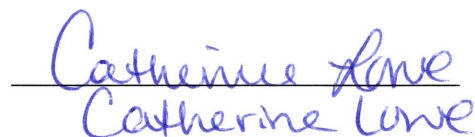
I, Catherine Lowe, of Saint John, N.B., Make Oath And Say As Follows:

1. I am employed by The City of Saint John in its Growth and Community Development Services Department. I have personal knowledge of the matters herein deposed except where otherwise stated.
2. On October 4, 2018, at approximately 3:30pm, I posted a copy of the attached Notice to Comply, marked Exhibit "A" and Notice of Appeal, marked Exhibit "B" to the front door of the building that is located at 194 Guilford Street, Saint John, N.B.

Sworn To before me at the  
City of Saint John, N.B.,  
on the 4<sup>th</sup> day of  
October, 2018



RACHEL A VAN WART  
COMMISSIONER OF OATHS  
MY COMMISSION EXPIRES  
DECEMBER 31<sup>ST</sup>, 2022



Catherine Lowe  
Catherine Lowe

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

Parcel identifier:

PID #362335

Address: 194 Guilford Street, Saint John,  
New Brunswick

Owner(s) or Occupier(s):

Name: New Way Realty Corp.

Address: 127 Seagreen Way, Chestermere,  
Alberta, T1X 0E8

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 October 3, 2018 prepared by Rachel Van Wart, EIT, By-law Enforcement Officer, reviewed and concurred in by Amy Poffenroth, P. Eng., By-law Enforcement Officer.

**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

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 : 362335

Adresse : 194, rue Guilford, Saint John,  
Nouveau-Brunswick

Propriétaire(s) ou occupant(s) :

Nom : New Way Realty Corp.

Adresse : 127, Seagreen Way, Chestermere,  
Alberta, T1X 0E8

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 3 octobre 2018 et préparé par Rachel Van Wart, IS, une agente chargée de l'exécution des arrêtés municipaux, révisé et en d'accorde avec par Amy Poffenroth, ing., une agente chargée de l'exécution des arrêtés municipaux.

**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 remédie 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

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 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.

et autres items sur les lieux ne comprennent pas le nettoyage, la remise en état des lieux, des terrains ou 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.

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

**Délai imparti pour y remédier : <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.

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

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

**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.

**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.

**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.

**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.

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).

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).

**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.

**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 4<sup>th</sup> day of October, 2018.

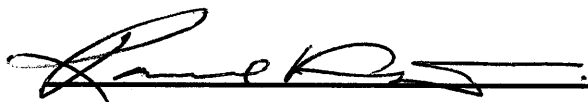
**Fait** à Saint John le \_\_\_\_ octobre, 2018.

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

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

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

**Signature du fonctionnaire du gouvernement local:**



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

**Coordonnées du fonctionnaire du gouvernement local:**

Name: Rachel Van Wart, EIT  
Mailing address:

Nom : Rachel Van Wart, IS  
Adresse postale:

Growth and Community Development Services

Service de la Croissance et du Développement  
Communautaire

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

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

Telephone: (506) 658-2911  
E-mail: [rachel.vanwart@saintjohn.ca](mailto:rachel.vanwart@saintjohn.ca)  
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Téléphone : (506) 658-2911  
Adresse électronique: [rachel.vanwart@saintjohn.ca](mailto:rachel.vanwart@saintjohn.ca)  
Télécopieur : (506) 632-6199

**Corporate seal of the local government**



**Sceau du gouvernement local**

**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.

**Notes :**

1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.

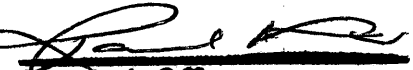
2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.

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"**  
**194 Guilford Street**  
**Saint John, New Brunswick**  
**PID# 362335**

Dated at Saint John,  
this 4<sup>th</sup> day of  
October 2018.  
  
Standards Officer

**Inspection Dates: June 9, 2017 & September 12, 2018**  
**Inspections Conducted by: Catherine Lowe, EIT & Rachel Van Wart, EIT**

## **Introduction**

Inspections of the property at 194 Guilford Street, PID# 362335, have revealed that there is one building on the premise (the "Building"); a three-storey, wood-framed two unit building. Staff first became aware of the property's vacancy in June 2016 and began standard enforcement procedures. An internal inspection was conducted on June 9, 2017 and an external inspection conducted on September 12, 2018 with the property owner. The property is located on the City's West Side in a mid-rise residential zone and is currently listed for sale. The Building is 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.

## **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, refuse and construction debris on the property. These items include, but are not limited to; large piles of demolition debris with dangerous protruding wood and nails in the front and rear yard of the Building, garbage cans, broken glass, discarded wood, television, and other various loose and bagged garbage. There are also discarded items, including two couches, three mattresses and two children's bicycles, piled on the side walk and leaning against the rusted wrought iron fence at the front of the property. The aforementioned accumulation of junk, rubbish, and refuse is unsightly.
2. The Building is dilapidated. The front porch entryway extension at the front of the Building has been demolished. The area remains unfinished with exposed layers of old siding, porch platform and hanging wires. Vinyl siding is falling off the front of the Building in some locations. There are sections of siding on the front of the Building that appear to be asbestos. The siding should be tested to confirm. Paint is peeling from the shingle siding at the rear of the Building. There are wires hanging from the rear of the Building in a number of locations. Attached to the Building in various locations are pieces of tarp that hang from the Building and blow in the wind. A section of the rear ell is partially demolished; this section of

the Building now has no roof and therefore no protection from the elements. Siding and other debris hang from this section of the rear ell. The chimney has loose and missing bricks. Many windows of the Building have been broken; jagged glass still remains in the window panes. The fascia and soffit are deteriorated on all sides of the Building; some sections are black and rotten. 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. The Building continues to be found open during routine inspections. Buildings that are in a dilapidated condition and left unsecured from public entry can attract vandalism, arson, or criminal activity. There is currently one point of entry; the door to the entrance of the basement at the rear of the Building. In addition, a section of the rear ell no longer has a roof or ceiling. The City of Saint John Finance department confirmed that the water has been turned off since June 2016. Saint John Energy confirmed that one of the two meters was removed in 2004, while the other meter remains active since September 2017.
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 and because it has been left open and appears to be abandoned. During the internal inspection in June 2017, a significant amount of flammable material was observed in the rear ell portion of the Building including papers, books, and other debris. In addition, there are large piles of demolition debris in the front and rear yard. The property is directly adjacent to a four unit and two-unit apartment building located at 192 Guilford Street and 204 Guilford Street respectively. If a fire event were to occur within the Building, it could potentially spread to the neighbouring apartment buildings 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 a fire. If firefighters suspect there may be people inside the Building, it would be reasonable to expect they may be required to enter it. The condition of the interior is not known to firefighters which pose a hazard to their safety and others who may be inside in the event of a fire. There is an accumulation of household items as well as other junk and debris scattered throughout the Building. The two front rooms on the first storey are in a state of demolition, with protruding nails and debris scattered around the rooms. In addition, there is significant water damage throughout the Building, in ceilings and floors, which could cause building components to fail and cause injury. The rear ell is structurally unsound. The power remains active at this Building which can cause hazards for firefighting. These conditions would be dangerous and restrict movement of any person attempting to gain entry into the Building during a high stress emergency situation.

### **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:

**Exterior Conditions:**

1. The Building is dilapidated. Sections of vinyl siding at the front of the Building are loose or missing. The shingle siding on the rear of the Building is deteriorated. The soffit and fascia of the Building are rotten and deteriorated on all sides. Fallen objects from the Building could hit a pedestrian and cause injury. A number of the Building's windows are broken. There are shards of glass around the perimeter of the Building and some left in the window panes. This is hazardous to anyone on the property. There is also two large heaps of demolition debris; one at the front of the property and another at the rear of the property. The heaps include pieces of siding, small and large wooden boards that contain nails, sections of drywall and other hazardous materials. Any person on the property could be pierced by a nail or trip on the debris.
2. The front entry to the Building has been partially demolished. The area of the façade where the entry way attached to the Building has been left unfinished. Framing, insulation, and old siding are now exposed and hanging from the Building in some sections. The siding that has now been exposed appears to be made of asbestos material. Asbestos can have serious adverse effects to the respiratory system, if disturbed. This material should be tested before further work is done on the Building or before the demolition of the Building to ensure proper procedures for dealing with hazardous materials are adhered to.
3. The second storey of the rear ell of the Building has been partially demolished. There is no longer a ceiling or roof and a section of wall is also missing. This condition is exposing the Building to weathering. Building materials that are continually subjected to the elements can rot and deteriorate, further adding to the dilapidation of the Building.
4. Animals are accessing the Building due to dilapidated conditions. A cat was visible on the second floor of the Building during the September 2018 inspection. Animals can cause significant damage to building materials and cause further dilapidation.
5. There is a brick chimney which protrudes from the second storey of the Building. Some bricks of the chimney are missing while others appear loose. If bricks were to fall from the chimney they could cause injury to anyone entering the property and they could also cause damage to the neighbouring property, as the chimney is located on the left side of the Building.

**Interior Conditions:**

1. The June 2017 internal inspection revealed several dilapidated conditions. Most ceiling surfaces on the first and second storey of the entire Building have holes, are water damaged, and have mold growth. Sections of ceiling plaster are hanging from the ceiling or have fallen completely and now rest on the floor. The fallen materials from the ceiling are saturated and moldy. There are many broken windows and a section of roof is missing from the rear ell, which is allowing the elements to infiltrate the Building. Materials that are exposed to moisture for extended periods of time can rot and deteriorate rapidly.
2. There is a significant amount of black mold throughout the Building, most severely on the second storey. It is present on ceiling, floors, and covers some walls entirely. Mold can cause respiratory and skin irritation, posing a hazard to any person entering the Building.

3. The two front rooms of the first storey are in a state of demolition. This can be seen through the glass of the front door. Materials such as wooden boards with protruding nails, drywall, and other building materials are scattered all around the rooms. Any person entering this are of the Building could trip on debris or step on a nail. Drywall has been removed in many sections, exposing deteriorated lath and insulations. Some of the piled material appears moldy and water damaged as well.
4. The door leading to the basement at the rear of the Building continues to be found open. The basement contains structural columns and other key structural components of the Building. Weathering or vandalism to these building components could cause the Building to become further dilapidated. There is a finished section in the basement towards the front of the Building. The paint and wall paper of this area is peeling. There is also mold present on wall and ceiling surfaces.

### **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 unsoundness of structural strength for the following reasons:

1. The rear ell of the Building is structurally unsound. Half of the second storey ell has been demolished, leaving the ceiling of the first storey exposed and the half of the second storey ell open to the elements. This section of the Building, previous to the demolition, had suffered extensive water damage. The Building is dangerous due to the water damage sustained prior to the demolition in October 2017, which is now amplified by the current open conditions.
2. The Building's concrete foundation is deteriorated. There is a large crack in the foundation, exposing a rusted pipe at the front, left of the Building. A section of concrete foundation at the left front corner is leaning away from the Building. There is a large vertical crack towards the middle left side of the Building. The foundation wall on the rear section of the rear ell is approximately 4 feet high. There is a large hole at the base of the wall with a vertical crack spanning from the hole to the top of the wall. Parging on the right side of the Building's foundation has crumbled, revealing the foundation wall. This section of foundation is crumbling and is cracked horizontally. This condition has caused a gap between the Building and the foundation wall through which you can see beneath the Building. The condition of the foundation indicates structural instability.
3. The ceilings on all floors of the Building have been subject to water infiltration and are now damaged. Most rooms have holes in the ceiling with water damaged material hanging or fallen from the ceiling. Remaining ceiling plaster is bowed and saturated in many locations on the second storey and appears as though it may collapse at any moment. Where plaster is missing from the ceiling, beams appear rotten and unsound.
4. The brick chimney located near the left side of the Building, in addition to being dilapidated is also unsound. Bricks of the chimney are missing while others appear loose. The bricks could cause injury and damage to the neighbouring property should they collapse.



## **Required Remedial Actions**

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

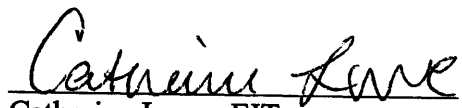
**Option 1:** Remedy the conditions of the Building through all repair and remedial actions as follows:

1. The Building must be 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:

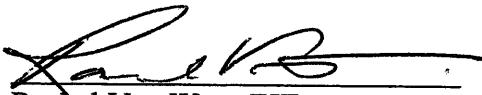
1. The Building must be demolished to remove the hazard to the safety of the public by reason of dilapidation and by reason of being vacant or unoccupied.
2. A demolition permit must be obtained from the City of Saint John in order to comply with the *Saint John Building By-law*.
3. The premise must 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

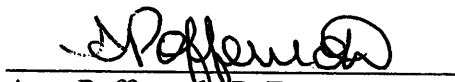
October 2, 2018  
Date



Rachel Van Wart, EIT  
Technical Services Officer  
Growth and Community Development Services

October 2, 2018  
Date

Reviewed by and concurred in by:



Amy Poffenroth, P. Eng., MBA  
Building Inspector  
Deputy Commissioner  
Growth and Community Development Services

October 3, 2018  
Date

**NOTICE OF APPEAL  
FORM 1**  
(Municipalities Act, R.S.N.B. 1973,  
c. M-22, s.190.021(1))

**AVIS D'APPEL  
FORMULE 1**  
(Loi sur les municipalités, L.R.N.-B. de 1973,  
ch. M-22, par. 190.021(1))

File No.: \_\_\_\_\_ This is Exhibit "B"  
Referred to in the Affidavit of  
Catherine Lowe N° du dossier : \_\_\_\_\_

BETWEEN : Sworn before me at the City of  
Saint John, New Brunswick  
the 4<sup>th</sup> day of October 2018 ENTRE :

[Signature]  
Commissioner of Oaths

Appellant(s),

Appelant(s),

- and -

- et -

THE CITY OF SAINT JOHN,

THE CITY OF SAINT JOHN,

Respondent.

Intimée.

Parcel Identifier : PID #

Numéro d'identification de la parcelle : # NID

Parcel Address: \_\_\_\_\_

Adresse de la parcelle : \_\_\_\_\_

Owner(s) or Occupier(s):

Propriétaire(s) ou occupant(s) :

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

Name: \_\_\_\_\_

Nom : \_\_\_\_\_

Address: \_\_\_\_\_

Adresse : \_\_\_\_\_

Telephone: \_\_\_\_\_

Téléphone: \_\_\_\_\_

The above named appellant(s) is (are) not satisfied with the terms and conditions set out in the notice that has been given under section 190.011 of the *Municipalities Act* and appeals to the *Saint John Substandard Properties Appeal Committee*.

L'appellant(s) susnommé(s) n'accepte(nt) pas les modalités ou les conditions qui y sont énoncés dans l'avis qui a été notifié aux termes de l'article 190.011 de la *Loi sur les municipalités* et fait appel au *Comité d'appel des propriétés inférieures aux normes de Saint John*.

The appellant's grounds for this appeal are as follows (set out the grounds clearly but briefly):

Les motifs d'appel de l'appellant(s) dans le présent appel sont les suivants (énoncer les motifs de façon claire et concise) :

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Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Fait à \_\_\_\_\_ le \_\_\_\_\_ 2018.

\_\_\_\_\_  
Signature of owner or occupier

\_\_\_\_\_  
Signature du propriétaire ou l'occupant

The appellant(s) intends to proceed in the English or French language (Please check the appropriate box).

L'appellant(s) a (ont) l'intention d'utiliser la langue française ou anglaise (Veuillez cocher la case appropriée).

*Please forward your Notice of Appeal by registered mail to the clerk of The City of Saint John within **fourteen (14) days** after having been given the notice at the following address:*

*Veillez faire parvenir votre Avis d'appel par courrier recommandé au secrétaire de The City of Saint John dans les **quatorze (14) jours** qui suivent la notification de l'avis à l'adresse suivante :*

Common Clerk's Office  
15 Market Square, City Hall Building, 8<sup>th</sup> Floor  
P. O. Box 1971  
Saint John, New Brunswick  
E2L 4L1

Bureau du greffier communal  
15 Market Square, Édifice de l'hôtel de ville, 8<sup>e</sup> étage  
Case postale 1971  
Saint John (Nouveau-Brunswick)  
E2L 4L1

Telephone: 506-658-2862  
Telecopier: 506-674-4214

Téléphone: 506-658-2862  
Télécopieur: 506-674-4214

**Notes:**

**Notes :**

1. A notice that is not appealed within **fourteen (14) days** after having been given the notice shall be deemed to be confirmed.

1. Un avis dont il n'est pas interjeté appel dans les **quatorze (14) jours** qui suivent la notification de l'avis est réputée confirmé.

2. On an appeal, the *Saint John Substandard Properties Appeal Committee* shall hold a hearing into the matter at which the owner(s) or occupier(s) bringing the appeal has (have) a right to be heard and may be represented by counsel.
2. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit tenir, sur le point en litige, une audience au cours de laquelle le(s) propriétaire(s) ou l'occupant(s) qui interjette(nt) appel a (ont) le droit d'être entendu(s) et peut(vent) se faire représenter par un avocat.
3. On an appeal, the *Saint John Substandard Properties Appeal Committee* may confirm, modify or rescind the notice or extend the time for complying with the notice.
3. Lors d'un appel, le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut confirmer, modifier ou annuler l'avis ou proroger le délai pour s'y conformer.
4. The *Saint John Substandard Properties Appeal Committee* shall provide a copy of its decision to the owner(s) or occupier(s) of the premises, building or structure who brought the appeal within ***fourteen (14) days*** after making its decision.
4. Le *Comité d'appel des propriétés inférieures aux normes de Saint John* doit fournir une copie de sa décision au(x) propriétaire(s) ou à l'occupant(s) des lieux, du bâtiment ou de la construction qui lui a(ont) interjeté appel dans les ***quatorze (14) jours*** suivant la date à laquelle il a rendu sa décision.
5. The owner(s) or occupier(s) provided with a copy of a decision from the *Saint John Substandard Properties Appeal Committee* may appeal the decision to a judge of The Court of Queen's Bench of New Brunswick within ***fourteen (14) days*** after the copy of the decision was provided to the owner(s) or occupier(s) on the grounds that (a) the procedure required to be followed by the *Municipalities Act* was not followed, or (b) the decision is patently unreasonable.
5. Le(s) propriétaire(s) ou l'occupant(s) à qui une copie d'une décision a été fournie par le *Comité d'appel des propriétés inférieures aux normes de Saint John* peut(vent), dans les ***quatorze (14) jours*** qui suivent, interjeter appel de la décision devant un juge de la Cour du Banc de la Reine du Nouveau-Brunswick au motif que (a) la démarche à suivre en vertu de la *Loi sur les municipalités* n'a pas été suivie, ou (b) la décision est manifestement déraisonnable.