CANADA
PROVINCE OF NEW BRUNSWICK
COUNTY OF SAINT JOHN

IN THE MATTER OF THE BUILDING THAT IS LOCATED AT

149 Broad Street, SAINT JOHN, N.B. (PID number 604)

AFFIDAVIT OF SERVICE

I, Stephen Guenette, 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 August 17, 2017, at approximately 11:00am., 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 149 Broad Street, Saint John, N.B.

Sworn To before me at the
City of Saint John, N.B.,
on the 17 day of
August, 2017

Chris McKiel

CHRISTOPHER D MCKIEL
COMMISSIONER OF OATHS
MY COMMISSION EXPIRES
DECEMBER 31ST, 2019

Stephen Guenette

Stephen Guenette

This is Exhibit "A"
Referred to in the Affidavit of
Stephen Gruenette
Sworn before me at the City of
Saint John, New Brunswick
the 17 day of August 2017
A Commissioner of Oaths

FORM 1
NOTICE TO COMPLY
(*Municipalities Act*, R.S.N.B. 1973, c.M-22, s.190.01(3))

Parcel Identifier: 604

Address: 149 Broad Street, Saint John, New Brunswick

Owner(s) or Occupier(s):

Name: Lee, Lang

Address: 38 William Street, Guelph, Ontario, N1E 5E3

Name: Loka, Ilir

Address: 38 William Street, Guelph, Ontario, N1E 5E3

Municipality issuing notice: 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: Paragraphs 190.01(1), 190.01(1.1) and 190.01(2) of the *Municipalities Act*, and amendments thereto.

Description of condition(s): 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 August 15, 2017 prepared by Rachel Van Wart, EIT, By-law Enforcement Officer, reviewed and concurred in by Amy Poffenroth, P. Eng., By-law Enforcement Officer.

Remedy or remedies required: 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.

FORMULE 1
AVIS DE CONFORMITÉ
(*Loi sur les municipalités*, L.R.N.-B. de 1973, ch. M-22, par. 190.01(3))

Numéro d'identification de la parcelle : 604

Adresse : 149, rue Broad, Saint John, Nouveau-Brunswick

Propriétaire(s) ou occupant(s) :

Nom : Lee, Lang

Adresse : 38, rue William, Guelph, Ontario, N1E 5E3

Nom : Loka, Ilir

Adresse : 38, rue William, Guelph, Ontario, N1E 5E3

Municipalité signifiant l'avis : 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 190.01(1), 190.01(1.1) *et* paragraphe 190.01(2) de la *Loi sur les municipalités*, ainsi que les modifications afférentes.

Description de la (des) condition(s) : Les lieux sont inesthétiques en permettant la présence de ferraille, de détritus et le bâtiment délabré. Le bâtiment est devenu dangereuse pour la sécurité du public du fait de son inhabitation ou de son inoccupation et est devenu dangereuse 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 15 août 2017 et préparé par Rachel Van Wart, IS, une agente chargé de l'exécution des arrêtés municipaux, révisé et en d'accorde avec par Amy Poffenroth, ing., une agente chargé de l'exécution des arrêtés municipaux.

Mesure(s) à prendre : 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 conformités 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

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 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 by which the remedy or remedies must occur: 1

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 60 days of being served with the Notice to Comply.

b) The repair related remedies must be complete within 180 days of being served with the Notice to Comply.

Date by which notice may be appealed: 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 – 8th Floor, 15 Market Square, Saint John, New Brunswick, E2L 4L1.

Potential penalty for non-compliance within specified time:2 Paragraph 190.03(1) of the *Municipalities Act* states that a person who fails to comply with the terms of the Notice to Comply given under Section 190.011 of the said Act, commits an offence that is punishable under Part II of the *Provincial Offences Procedure Act* as a category F offence.

Where an offence under paragraph 190.03(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 190.03(1.2)*(b)*(i).

Municipality's authority to undertake repairs or remedy:3 Subparagraphs 190.04(1)(*a*), 190.04(1)*(a.1)* and 190.04(1)*(b)* of the *Municipalities Act* states that if a Notice to Comply has been given under section 190.011 of the said Act and that an owner or occupier does not comply with the Notice to Comply, as deemed confirmed or as confirmed or modified by a committee of council or a judge under section 190.021 of the said Act, within the time set out in the Notice to Comply, the municipality may, cause the premises of that owner or occupier to be cleaned up or repaired, or cause the

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 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 à laquelle la ou les mesures doivent être prises1 :

a) La démolition du bâtiment et le nettoyage des lieux doivent être complétéés, ou à laquelle les plans et demande de permis pour les mesures des réparations, doivent être soumises, dans les 60 jours qui suivent la signification de l'avis de conformité.

b) Les réparations reliées aux mesures doivent être complétées dans les 180 jours qui suivent la signification de l'avis de conformité.

Date à laquelle un appel de l'avis peut être déposé: Dans les 14 jours qui suivent la notification de l'avis de conformité.

Processus d'appel : La propriétaire peux 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, 8e étage, 15 Market Square, Saint John, Nouveau-Brunswick, E2L 4L1.

Pénalité possible pour non-conformité dans le délai prescrit2 : Le paragraphe 190.03(1) de la *Loi sur les municipalités* prévoit quiconque omet de se conformer aux exigences formulées dans un avis de conformité notifié aux termes de l'article 190.011 de ladite loi, commet une infraction qui est punissable en vertu de la Partie II de la *Loi sur la procédure applicable aux infractions provinciales* à titre d'infraction de la classe F.

Lorsqu'une infraction prévue au paragraphe 190.03(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 190.03(1.2)*(b)*(i).

Pouvoir de la municipalité d'entreprendre les réparations ou de prendre les mesures3 : Conformément aux alinéas 190.04(1)(*a*), 190.04(1)*(a.1)* et 190.04(1)*(b)* de la *Loi sur les municipalités*, si un avis de conformité a été signifié aux termes de l'article 190.011 de ladite loi 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 de l'article 190.021 de ladite loi, la municipalité peut

building of that owner or occupier to be repaired or demolished, and the cost of carrying out such work, including any related charge or fee, is chargeable to the owner or occupier and becomes a debt due to the municipality.

faire nettoyer ou réparer les lieux de ce propriétaire ou de cet occupant ou de faire réparer ou démolir la propriété de ce propriétaire ou de cet occupant, et les frais relatifs à l'exécution de ces travaux, y compris toute redevance ou tout droit afférent, sont à la charge du propriétaire ou de l'occupant et deviennent une créance de la municipalité.

Dated at Saint John the 15th day of August, 2017.

Fait à Saint John le ___ août, 2017.

Municipality: The City of Saint John

Municipalité : The City of Saint John

Signature of Municipal Officer:

Signature de la représentante municipale:

Municipal Officer's Contact information:

Name: Rachel Van Wart, EIT
Mailing address:

Growth and Community Development Services

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

Telephone: (506) 658-2911
Telecopier: (506) 632-6199
Email: rachel.vanwart@saintjohn.ca

Coordonnées de la représentante municipale :

Nom : Rachel Van Wart, 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, 10e étage
Case postale 1971
Saint John (Nouveau-Brunswick)
E2L 4L1

Téléphone : (506) 658-2911
Télécopieur : (506) 632-6199
Courriel: rachel.vanwart@saintjohn.ca

Seal of municipality

Sceau de la municipalité

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 to comply.
3. Costs become a debt due to the municipality and may be added to the joint municipal 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 de la mesure de recours.
2. Le paiement de l'amende n'annule pas l'obligation de respecter l'arrêté, la norme ou l'avis de conformité.
3. Les coûts deviennent une dette envers la municipalité et peuvent être ajoutés à l'avis d'évaluation et d'impôt foncier municipal et provincial.

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

Dated at Saint John,
this 15th day of
August 2017.

Standards Officer

INSPECTION REPORT
Schedule "A"
149 Broad Street
Saint John, New Brunswick
PID# 00000604

Inspection Date: June 23, 2017
Inspection Conducted by: Rachel Van Wart, EIT

Introduction

Inspections of the property at 149 Broad Street, PID# 00000604, have revealed that there are two buildings on the premise; a large three-storey, brick housing complex (the "Building") and a detached single-storey shed (the "Shed"). Staff first became aware of the property's vacancy in December 2013 and began standard enforcement procedures. The property is located in an urban center residential neighborhood and is zoned as a neighborhood community facility in the City's South Central Peninsula. 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 **190.01**(1) of the *Municipalities Act* 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 on the property. These items include, but are not limited to, bricks, tires, discarded wood, shingles, rusted metal, a pile of metal siding, a window screen, a wooden door and other various loose and bagged garbage. The aforementioned accumulation of junk, rubbish, and refuse is unsightly.

2. The Building is dilapidated. The Building's exterior is composed of brick with a stone rock foundation. Bricks have fallen from various locations of the Building while other sections are in danger of falling, specifically at a location at the front of the Building. The bricks on the Building are cracked, loose and spalling. A portion of brick is missing from the front right side of the Building above the fascia, exposing plastic building material. There is a broken window on the second storey of the front right side of the Building, leaving the room exposed to the elements. A large portion of the roof fascia from the left side of the Building has fallen. The remaining roof fascias are deteriorated. There are four boarded windows at the rear of the Building. There are three sets of metal stairs attached to the Building; the front, left side, and rear. All three staircases are rusted and unsightly. A tread in the rear stairs is broken and hanging from the stringer.

3. The Shed at the rear of the property is dilapidated. The Shed has metal siding that is beginning to rust. The wooden roof fascia is rotten and some sections are falling. The wooden door of the Shed is dilapidated with peeling paint and a boarded door window. At the rear of the Shed the soffit is hanging.

4. There are two retaining walls on the property; one concrete cinder block retaining wall on the left side of the property and stone retaining wall at the front of the Building adjacent to the sidewalk. The concrete retaining wall to the left of the Building has failed. The corner of the remaining wall is no longer intact. The other two walls are leaning. Broken concrete cinder blocks remain piled and wooden barricades have been placed near the public sidewalk. There are portions of the stone retaining wall at the front of the property that have been dislodged and remain on the sidewalk and in the path to the main entrance of the Building.

Vacant and Unoccupied

Subsection **190.01**(1.1) of the *Municipalities Act* states:

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

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

1. The Building was found open during a routine inspection on June 22, 2017 but has since been secured and boarded by the owners. Buildings that are in a dilapidated condition and left unsecured from public entry can attract vandalism, arson, or criminal activity. When the Building was found open, there were two points of access to the Building; the right and left side doors. Both points of entry allow unrestricted access to the entire Building. An interior inspection of the Building was conducted on June 23, 2017 which noted signs of vandalism and trespassing. Graffiti that was dated 2017 was seen on the walls of the Building, confirming recent trespassing. Vandalism, arson and criminal activity pose a hazard to the safety of the public and devalue properties in the surrounding area. There have been two police reports filed regarding the Building; one in February 2016 regarding suspicious males around the property and the second in October 2016 regarding a broken window. The City of Saint John Finance department confirmed that the water has been turned off since September 2012. Saint John Energy confirmed that the power has been disconnected since June 2010.

2. There is a higher risk of a fire event occurring at the property since it is known to the public that the Building and Shed are vacant and there has been evidence of recent trespassing. The property is adjacent to a 3 unit residential dwelling at 137 Broad Street and a single family residential dwelling at 151 Broad Street. If a fire event were to occur within the Building or Shed, it could potentially spread to the neighboring properties 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 or Shed, it would be reasonable to expect they may be required to enter it. The June 23, 2017 interior inspection found flooring caved in on the first floor of the Building. There are also numerous locations with water damage, making the floors soft throughout the Building. There is household furniture present throughout the Building including beds, large shelves, and tables. The exterior stairs at the rear of the Building which access the second storey are unsound and would be unsafe for use by emergency personnel. The basement area was not inspected by staff due to the hazardous condition of the ceiling and floors and would therefore be hazardous for emergency personnel searching the Building in the

event of an emergency. 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.

Dilapidated Building Conditions

Subsection **190.01**(2) of the *Municipalities Act* states

> No person shall permit a building or structure owned or occupied by him or her 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. Bricks are falling from the Building in a number of places, most notably to the left, above of the main entrance. A large section of the roof has already fallen onto the front staircase and landing, leading to the main entrance. More pieces of the roof show signs of deterioration and could fall. Falling pieces from the Building could cause serious damage to anyone on the property as well as pedestrians passing by on the sidewalk.

2. The stairs leading to the front, left, and rear entrances of the Building are rusted and unsound. There is a missing stair tread approximately mid-way up the rear staircase leading to the second storey. The stairs on the left side of the Building leading to the second storey are extremely rusted. The stairs leading to the main entrance of the Building are anchored to exterior brick that shows signs of stress. The stairs are unsafe for use and they could fail under live load.

3. The retaining walls on the property are dilapidated and hazardous to the public. The concrete retaining wall to the left of the Building has failed; sections of concrete and cinder blocks have fallen onto the edge of the side walk and remain in a pile. A wooden barricade has been placed partially on the sidewalk amongst the debris. In addition, stones have fallen onto the sidewalk and walkway to the main entrance from the stone retaining wall at the front of the Building. These stones and broken cinder blocks pose a tripping hazard to individuals entering the property and pedestrians using the sidewalk in the high density urban area.

4. The Shed at the rear of the property is dilapidated with rusted metal siding and rotten wooden roof fascia. Both the soffit and fascia are hanging from the Shed, which could cause injury if failure occurs.

Interior Conditions:

5. The Building has suffered extensive water damage and is in a state of decay. In multiple rooms throughout the Building, water has pooled on the floor and is sitting stagnant. Ceiling tiles are warped, bowing and have fallen. Paint is peeling throughout the Building. Gyproc and plaster walls and ceilings have been removed in multiple locations throughout the Building leaving the broken plaster and crumbled gyproc covering the floors. Exposed lathe is water stained from water infiltration. Plywood and MDF boards have been affixed to the ceiling in some areas, which appear to be an attempt to remedy the water damage. In a room on the second storey the ceiling is missing, exposing vapour barrier with pooling stagnant water. Flooring in many rooms, most notably in the basement, are soft due to water saturation.

6. Flooring in a front room of the Building is severely sloped and has dropped approximately 6 inches. The flooring system is visibly detached with space between hardwood floors and baseboard trim and a hole into the basement near the fireplace. Water has run from the opposite side of the room towards the failed side and into the basement. This room is extremely hazardous and the flooring system could fail under load.

7. There is broken glass from windows and doors throughout the Building. The glass could injury to those entering the Building without protective equipment.

8. There is black mould and fungi growth on the walls and ceilings throughout the Building. Water damage, mould and fungi all pose a respiratory hazard for those who may enter the Building.

Structurally Unsound Building Conditions

Subsection **190.01**(2) of the *Municipalities Act* states

> No person shall permit a building or structure owned or occupied by him or her 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 brickwork on the exterior of the Building is structurally unsound and causing other elements of the Building to fail. Loose bricks are visible near the main entrance where a large section of the roof has already fallen onto the front staircase and landing. Falling pieces of brick or other elements of the Building could cause serious damage to anyone on the property as well as pedestrians passing by on the sidewalk. The stairs leading to the main entrance of the Building are anchored to exterior brick that shows signs of stress and could also cause failure.

2. The stairs leading to the front, left, and rear entrances of the Building are rusted and structurally unsound. Missing stair treads, rust and deterioration of the bricks where the stairs are anchored to the Building illustrate that the stairs are not safe for travel.

3. The retaining walls on the property are structurally unsound and hazardous to the public. The concrete retaining wall to the left of the Building is leaning and has failed with sections of concrete and cinder blocks piled near the public sidewalk. There are unsecure stones dislodging from the stone wall at the front of the property. These stones and broken cinder blocks pose a tripping hazard to individuals entering the property and pedestrians using the sidewalk in the high density urban area.

4. The interior of the Building is structurally unsound, specifically the front room that has failed and caved into the basement. Extensive water damage throughout the Building to key structural members contributes to the structural unsoundness of the Building. The flooring in the basement is soft and deflects under load indicating improper structural support.

Required Remedial Actions

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

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

1. The Building and Shed 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 and Shed 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 and Shed 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 Shed and cleanup of all debris on the premise by complying with all the remedial actions as follows:

1. The Building and Shed 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:

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

August 15/17
Date

Reviewed by and concurred in by:

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

August 15, 2017
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.: _____

N° du dossier : _____

BETWEEN :

ENTRE :

_____,

This is Exhibit "B"
Referred to in the Affidavit of
Stephen Gauvreau
Sworn before me at the City of
Saint John, New Brunswick
the 17 day of August, 2017
Commissioner of Oaths

Appellant(s),

Appelant(s),

- and -

- et -

THE CITY OF SAINT JOHN,

Respondent.

THE CITY OF SAINT JOHN,

Intimée.

Parcel Identifier : PID #

_____

Numéro d'identification de la parcelle : # NID

_____

Parcel Address: _____

_____

Adresse de la parcelle : _____

_____

Owner(s) or Occupier(s):

Name: _____

Address: _____

_____

Telephone: _____

Propriétaire(s) ou occupant(s) :

Nom : _____

Adresse : _____

_____

Téléphone: _____

Name: _____

Address: _____

_____

Telephone: _____

Nom : _____

Adresse : _____

_____

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'appelant(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'appelant(s) dans le présent appel sont les suivants (*énoncer les motifs de façon claire et concise*) :

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

Dated at _____the _____ day of _____, 2017.

Fait à _____ le _____ 2017.

_____

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'appelant(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:*

Veuillez 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, 8th Floor
P. O. Box 1971
Saint John, New Brunswick
E2L 4L1

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

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

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

Notes:

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

Notes :

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.