

CANADA  
PROVINCE OF NEW BRUNSWICK  
COUNTY OF SAINT JOHN

IN THE MATTER OF THE BUILDING THAT IS LOCATED AT

22 Belgrave Street, SAINT JOHN, N.B. ( PID number 55222624)

AFFIDAVIT OF SERVICE

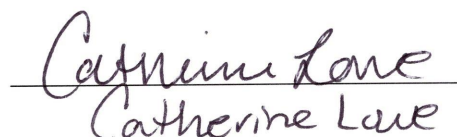
I, Catherine Lowe, of Saint John, N.B., Make Oath And Say As Follows:

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 March 8, 2019, at approximately 11:42am, 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 22 Belgrave Street, Saint John, N.B.

Sworn To before me at the  
City of Saint John, N.B.,  
on the 20<sup>th</sup> day of  
March, 2019



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



Catherine Lowe



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

This is Exhibit "A"  
Referred to in the Affidavit of

Catherine Lowe

Parcel identifier:

PID #55222624

Address: 22 Belgrave Street, Saint John,  
New Brunswick

Sworn before me at the City of  
Saint John, New Brunswick  
the 20 day of March 2019  
[Signature]  
Commissioner of Oaths

Owner(s) or Occupier(s):

Name: MacVicar, Kevin Gibson

Address: 100 Douglas Lake Road, Saint John,  
New Brunswick, E2N 1T2

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  
March 7, 2019 prepared by Catherine Lowe, EIT and  
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 : 55222624

Adresse : 22, rue Belgrave, Saint John,  
Nouveau-Brunswick

Propriétaire(s) ou occupant(s) :

Nom : MacVicar, Kevin Gibson

Adresse : 100, route Douglas Lake, Saint  
John, Nouveau-Brunswick, E2N 1T2

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 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 7 mars 2019 et préparé par  
Catherine Lowe, IS et Rachel Van Wart, IS, agentes  
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.

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 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  
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>

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.

**Délai imparti pour y remédier:**<sup>1</sup>

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 7<sup>th</sup> day of March 2019.

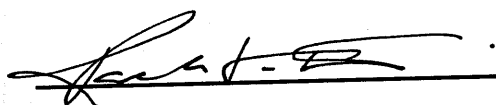
**Fait** à Saint John le \_\_\_\_ mars 2019.

**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)  
Fax: (506) 632-6199

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 :**

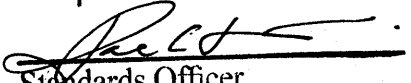
1. Tous les permis prescrits doivent être obtenus et toute la législation pertinente doit être respectée pendant l'exécution des mesures de remédiation.

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"**  
**22 Belgrave Street**  
**Saint John, New Brunswick**  
**PID# 55222624**

Dated at Saint John,  
this 7<sup>th</sup> day of  
March 2019.  
  
Standards Officer

**Inspection Dates: August 1, 2018 and January 31, 2019**  
**Inspections Conducted by: Catherine Lowe, EIT & Rachel Van Wart, EIT**

## **Introduction**

Inspections of the property at 22 Belgrave Street, PID# 55222624, have revealed there are two buildings on the premise (the "Buildings"); a single family, two storey, wood-framed house (the "House") and a detached garage (the "Garage"). Staff first became aware of the property's vacancy in February 2018 and began standard enforcement procedures. The owner of the property is deceased and the estate has no interest in the property. The House sustained a fire on July 31, 2018 that caused significant damage. The property is located in the City's East Side in a two unit residential zone. The Buildings are 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 Buildings are 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 junk, rubbish, and refuse on the property. These items include, but are not limited to; broken glass, discarded vinyl siding, a mattress, rusted metal and various other loose garbage. The aforementioned accumulation of junk, rubbish, and refuse is unsightly.
2. The House is dilapidated. The House sustained a fire in July 2018 that caused significant damage to the rear of the House. The front door, rear door and all first storey windows are boarded with plywood; action City staff had to undertake in July due to the open and dangerous conditions. During the remedial action, metal siding was removed from sections at the rear and right side of the House. Second storey windows remain open with broken glass. The rear deck suffered damage during the fire with metal deck framing exposed and protruding from the structure.
3. The Garage is dilapidated. The right side window and rear door glass is broken. The right side of the Garage was never finished and has no siding. The aforementioned 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 Buildings are a hazard to the safety of the public by reason of being vacant or unoccupied for the following reasons:

1. Buildings in a dilapidated condition that are known to be vacant can attract vandalism, arson and criminal activity. The property condition affects the quality of life of neighboring properties and negatively impacts property value of real estate in the area due to negative perceptions of unsafe and deteriorating conditions. The estate of the owner has confirmed that they have no interest in the property. The City of Saint John was forced to take action to remove the immediate hazard to the safety of the public after the fire event in July 2018 since no one had come forward to claim care and control of the property. The property is considered to be abandoned. The City of Saint John Finance department confirmed that the water has been turned off since January 2018 due to a water break. Saint John Energy confirmed that the power has been turned off since January 2018.
2. There is a higher risk of a second fire event occurring at the property since it is known to the public that the Buildings are vacant. The Buildings are in close proximity to a single family home at 20 Belgrave Street and a church at 35 Park Avenue. If a fire event were to occur within the Buildings it could potentially spread to the neighboring occupied buildings. This could 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 or emergency. If firefighters suspect there may be people inside the Buildings, it would be reasonable to expect they may be required to enter the Buildings. The interior conditions of the Buildings are not known to firefighters which pose a hazard to their safety. There are holes in the walls and ceilings at the rear of the House where the fire occurred. The floor in this section of the House is covered with fire and water damaged material. The Garage has been vandalised with garbage and discarded items littering the floor. These conditions could pose a hazard to emergency personnel safety in an 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 Buildings are a hazard to the safety of the public by reason of dilapidation for the following reasons:

1. The House is dilapidated. The fire that occurred in the House has left holes in the rear wall and ceiling, exposing broken and damaged lathe. There is fire and water damaged debris on the floor at the rear of the House. The windows on the second storey are broken. Sharp and jagged pieces of glass remain in the window pane. Siding on the right side of the House was damaged during the fire event which caused the siding to peel and protrude away from the exterior wall. The damaged siding had to be cut from the House by City of Saint John officials during the cleanup in July 2018. These conditions have

not been remedied since the fire and could cause the rear of the House to deteriorate prematurely. This is a hazard to anyone entering the rear of the House.

2. Surfaces throughout the House are black due to smoke and fire damage. Also, the second storey windows have been open to the elements since the fire event. This could create damp and water damaged conditions which give rise to mold growth and can deteriorate building members. These conditions pose a respiratory hazard to anyone in the House not wearing proper protective equipment.
3. The deck is dilapidated. The right side of the deck suffered severe fire damage. A section of deck boards were removed as they were fire damaged. This has exposed the rusted metal frame and cross bars of the deck which contain nails and jagged edges that could cause personal injury. The City of Saint John was required to remove sections of the damaged deck from the rear yard during the July 2018 cleanup. The remaining deck boards are charred and deteriorated. Cinder blocks beneath the deck that appear to be supporting a middle span of the deck are leaning.
4. Due to firefighting efforts and a water break, the basement of the House has been flooded. Murky, stagnant water covers the entire floor of the basement, partially submerging wooden and metal structural members. Exposing the members to prolonged water exposure can cause premature rot and rust, potentially causing structural issues.
5. The Garage is dilapidated. The interior of the Garage has been vandalised, with garbage and other discarded items strewn throughout. The left side window and the rear door window have been broken, sharp and jagged glass still remains in the window panes. There are many discarded items around and behind the Garage. These items have now been covered in snow, creating a tripping hazard for anyone around the Garage.

### **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 House is a hazard to the safety of the public by reason of unsoundness of structural strength for the following reasons:

1. The concrete foundation of the House is in active failure and is structurally unsound. Many vertical cracks can be seen in the exterior foundation wall on all sides of the House. There is significant damage to the rear foundation wall which can be seen from the basement of the House. A large fissure approximately an inch wide spans from the left side of the rear wall to the doorway of the basement, making it approximately 10 feet in length. Concrete around this fissure and around the doorway is crumbling. This section of the rear foundation wall is no longer flush as the separation due to the fissure has caused the top portion of the wall to bow at an angle to the lower portion. There are also many lateral cracks in the left side foundation wall as seen from the basement. Further structural damage could result if these conditions are not remedied soon.

## Required Remedial Actions

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

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

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

1. The Buildings 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

Catherine Lowe, EIT  
Technical Services Officer  
Growth and Community Development Services

March 7 2019

Date

Rachel Van Wart

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

MARCH 7 / 2019.

Date

Reviewed by and concurred in by:

Amy Poffenroth

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

March 7, 2019

Date

Schedule "A"  
FORM 1  
NOTICE OF APPEAL

This is Exhibit "B"  
Referred to in the Affidavit of  
Catherine Lowe  
Sworn before me at the City of  
Saint John, New Brunswick  
the 20 day of March 2019  
Paul [Signature]  
Commissioner of Oaths

Annexe « A »  
FORMULE 1  
AVIS D'APPEL

File No.: \_\_\_\_\_

N° du dossier : \_\_\_\_\_

BETWEEN :

ENTRE :

\_\_\_\_\_  
Appellant(s),  
- and -

\_\_\_\_\_  
Appellant(s),  
- 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):

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:

L'appelant ou les appelants susnommé(s) n'accepte(i)  
pas les modalités ou les conditions qui sont énonc  
dans :

(a) a Notice that was given under section 7 of the  
*Saint John Unsightly Premises and Dangerous  
Buildings and Structures By-Law*; or

(a) un AVIS qui a été donné en vertu de l'article 7  
l'Arrêté relatif aux lieux inesthétiques et a  
bâtiments et constructions dangereux dans 1  
City of Saint John; ou

(b) an Order that was issued under section 25 of the  
*Saint John Minimum Property Standards By-  
Law*;

(b) une ORDONNANCE qui a été émise en vertu  
l'article 25 de l'Arrêté concernant les nor  
minimales régissant les résidences de Saint Joh

and therefore appeals to the *Saint John Substandard  
Properties Appeal Committee*.

et fait ainsi appel devant le *Comité des appels sur  
résidences non conformes 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 pré  
appel sont les suivants (énoncer les motifs de fa

claire et concise) :

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ Fait à \_\_\_\_\_ le \_\_\_\_\_, 20\_\_\_\_.

Signature of owner or occupier

Signature du propriétaire ou de l'occupant

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

L'appelant a ou les appelants 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 Common Clerk within **fourteen (14) days** after having been given the Notice or Order at the following address:

Veuillez faire parvenir votre AVIS D'APPEL par courriel recommandé au greffier communal dans les **quatorze (14) jours** qui suivent la notification de l'AVIS ou de l'ORDONNANCE 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  
Facsimile: 506-674-4214

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

Notes:

Notes :

1. A Notice or Order that is not appealed within **fourteen (14) days** after having been given or issued shall be deemed to be confirmed.

1. Un AVIS ou une ORDONNANCE dont il n'est pas interjeté appel dans les **quatorze (14) jours** qui suivent la notification de l'AVIS ou l'émission de l'ORDONNANCE est réputé 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 des appels sur résidences non conformes 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 ou occupants qui interjette(nt) appel a (ont) le droit d'être entendu(s) et peut (peuvent) se faire représenter par avocat.

3. On an appeal, the Saint John Substandard Properties Appeal Committee may confirm, modify or rescind the Notice or Order, or extend the time for complying with the Notice or Order.

3. Lors d'un appel, le Comité des appels sur résidences non conformes aux normes de Saint John peut confirmer, modifier ou annuler l'AVIS ou l'ORDONNANCE 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 des appels sur les résidences conformes aux normes de Saint John doit fournir une copie de sa décision au(x) propriétaire(s) ou l'occupant ou aux occupants 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.

sa décision.

5. The owner(s) or occupier(s) who is provided with a copy of a decision from the *Saint John Substandard Properties Appeal Committee* regarding a Notice, 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 by-law was not followed, or (b) the decision is unreasonable.

5. Le(s) propriétaire(s) ou l'occupant ou les occupants à qui une copie d'une décision a été fournie par le *Comité des appels sur les résidences non conformes aux normes de Saint John* concernant un AVIS peut (peuvent), 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 l'arrêté n'a pas été suivie, ou (b) la décision est déraisonnable.