

## COUNCIL REPORT

M&C No.	2018-337
Report Date	November 26, 2018
Meeting Date	December 03, 2018
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Demolition of vacant, dilapidated and dangerous building at 131 Victoria Street (PID 376103)***

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

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

### ***AUTHORIZATION***

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

### ***RECOMMENDATION***

RESOLVED, that the building located at 131 Victoria Street (PID # 376103), is to be demolished as it has become a hazard to the safety of the public by reason of dilapidation; and

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

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

### ***EXECUTIVE SUMMARY***

The purpose of this report is to advise Council that a Notice to Comply was issued under Part 13 of the *Local Governance Act* for the building at 131 Victoria Street. The hazardous conditions outlined in the Notice have not been remedied by the owner within the required time frame and staff is looking for authorization from Council to arrange the demolition of the building.

### ***PREVIOUS RESOLUTION***

N/A

## **REPORT**

Inspections of the property at 131 Victoria Street, PID# 376103, have revealed that there is one building on the premise; a three-storey, three-unit apartment building. Staff first became aware of the property's vacancy in November 2016 and began standard enforcement procedures. The property is located in the City's North End in an urban centre residential zone. Before the building was vacated, it was subject to the Minimum Property Standards program. 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.

For the reasons described in the attached Inspection Report, a Notice to Comply was issued on September 19, 2018 and was posted to the building on September 21, 2018, as per section 132(3) of the *Local Governance Act* that outlines acceptable methods of service. The Certificate of Registered Ownership lists one company as the registered owner. The Notice provided the owner with 60 days to remedy the conditions at the property. The owner did not file a formal appeal and did not take remedial action to comply with the requirements of the Notice. On November 16, 2018, an email was received from the owner's property manager that indicated the owner intended to renovate the building, with construction beginning in May 2019. This timeline is not acceptable and the owners have not been responsive since that time. A compliance inspection was conducted on November 21, 2018 which revealed that the conditions which gave rise to the Notice have not changed since the Notice was issued.

Attached for Council's reference is the Notice to Comply that was issued and the affidavit attesting to service on the owner via posting. Also included are photographs of the building. The *Local Governance Act* indicates that where a Notice to Comply has been issued arising from a condition where a building has become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength, the municipality may cause the building to be demolished. As required in the Act a report from an engineer is attached, forming part of the issued Notice to Comply, and provides the evidence to the building's vacancy, dilapidation, unsoundness of structural strength and resulting hazard to the safety of the public. A copy of the letter advising of the Common Council Hearing date and affidavit is attached; it was sent to the owner via registered mail on October 11, 2018 and was posted to the building on October 12, 2018.

## **STRATEGIC ALIGNMENT**

Enforcement of the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-law* aligns with Council's Vibrant, Safe City priority.

## **SERVICE AND FINANCIAL OUTCOMES**

As is written in the *Local Governance Act* that a municipality must commence in the proceedings of remedial action, approval of Common Council is required prior to starting demolition activities at the property. Total cost of the demolition work is approximated at \$15,000 – \$20,000 and will take about 3-5 weeks before it is complete. Staff will seek competitive bidding in accordance with the City's purchasing policy and the cost of the work will be billed to the property owner. If the bill is left unpaid, it will be submitted to the Province with a request for reimbursement.

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

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

#### ***ATTACHMENTS***

Notice to Comply

Affidavit of Posting - Notice to Comply

Affidavit of Posting - Notice of Common Council Hearing Letter

Photos