

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

**FORMULE 4**  
**AVIS DE CONFORMITÉ – LIEUX**  
**DANGEREUX**  
**OU INESTHÉTIQUES**  
*(Loi sur la gouvernance locale,*  
*L.N.-B. 2017, ch. 18, par. 132(2))*

**Parcel identifier:**

PID #376103

Address: 131 Victoria Street, Saint John,  
New Brunswick

**Owner(s) or Occupier(s):**

Name: PMV Canada Inc.

Address: 526 Queen Street, Fredericton, New  
Brunswick, E3B 1B9

**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  
September 19, 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

**Numéro d’identification de la parcelle :**

NID : 376103

Adresse : 131, rue Victoria, Saint John,  
Nouveau-Brunswick

**Propriétaire(s) ou occupant(s) :**

Nom : PMV Canada Inc.

Adresse : 526, rue Queen, Fredericton,  
Nouveau-Brunswick, E3B 1B9

**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 détritux 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 19 septembre 2018 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.

**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 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  
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 60 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 60 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 19 day of September, 2018.

**Fait** à Saint John le \_\_\_\_ septembre, 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)  
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:**

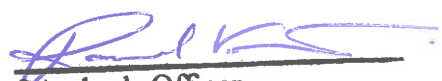
1. All appropriate permits must be obtained and the legislation must be complied with in the course of the required remedial action.
2. Payment of the fine does not alleviate the obligation to comply with the by-law, standard or notice.
3. Costs become a debt due to the local government and may be added 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"  
131 Victoria Street  
Saint John, New Brunswick  
PID# 00376103**

Dated at Saint John,  
this 19 day of  
September 2018.  
  
Standards Officer

**Inspection Date: June 28, 2018**

**Inspections Conducted by: Catherine Lowe, EIT & Rachel Van Wart, EIT**

## **Introduction**

Inspections of the property at 131 Victoria Street, PID# 376103, have revealed that there is one building on the premise (the "Building"); 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 most recent letter dated January 11, 2016 outlined a number of deficiencies in the Building. 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, and refuse on the property. These items include, but are not limited to; cables hanging from the Building and piled on the ground, discarded electronics, large rusted barrel, bagged garbage, and other various loose garbage. The aforementioned accumulation of junk, rubbish, and refuse is unsightly.
2. The Building is dilapidated. The exterior paint of the Building is peeling. The siding is a combination of wooden shingle and clapboard that is rotten and deteriorating. Siding is missing or loose in numerous locations. A section of soffit at the rear right of the Building has a hole and is allowing pigeons to nest in this section of roof. There is a hole in the wall of the Building at the right rear on the second storey. The rear right concrete steps are crumbling. The front windows and doors are boarded as well as the first and second storey windows on the sides of the Building. A rear second storey window is broken. 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. A door at the rear of the Building which provides access to the basement remains open. Buildings that are in a dilapidated condition and left unsecure from public entry can attract vandalism, arson, or criminal activity. They can also pose a hazard to the safety of the public and devalue homes in the surrounding area. In addition, vacant buildings are a major blight, affecting the quality of life in this residential neighborhood and devaluing neighboring properties due to negative perceptions of unsafe deteriorating buildings. The City of Saint John Finance department confirmed that the water has been turned off since October 2016. Saint John Energy confirmed that the power has been disconnected since April 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. There are two vacant properties across the street at 94-96 Victoria Street and 98-100 Victoria Street. The adjacent property at 125 Victoria Street is also vacant. Due to the high volume of neighboring vacant properties, if a fire event were to occur within the Building, neighboring citizens may not notice the fire immediately. This could delay when the fire department notification. The neighboring property at 133 Victoria Street is a three storey, single family occupied building. If a fire event were to occur it could spread to the neighboring property and cause significant damage to the building as well as endanger the occupants.
3. There is a concern for emergency personnel safety in the event of an emergency. If firefighters suspect there may be people inside the Building, it would be reasonable to expect they may be required to enter it. The floor at the rear entrance leading to the first storey unit has a hole and is rotting, resulting as a danger to emergency personnel who may be required to enter the Building. There are large amounts of household items such as furniture, clothes and debris scattered throughout all three units. These items present a tripping hazard to anyone entering the Building. In addition, needles were found within the building which poses a significant hazard to anyone entering the Building. Diseases that may be transmitted by an accidental needle puncture include human immunodeficiency virus, hepatitis B and hepatitis C. These conditions are not known to emergency personnel and could be dangerous during an emergency situation.

## **Dilapidated and 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 of dilapidation and by reason of unsoundness of structural strength for the following reasons:

#### Exterior Conditions:

1. The siding and exterior trim of the Building are rotten and deteriorated. Shingles are missing in some locations and are loose in others. Debris falling from the Building could cause harm to those on the property or on the sidewalk. A section of soffit on the right rear of the Building is rotten and has a hole. Pigeons are nesting in this area of the roof.
2. There are cracks in the foundation in multiple locations. A significant crack at the rear of the Building has caused the foundation to no longer be flush, indicating a shift and separation of the foundation wall. The exterior left wall is bowed. These conditions indicate structural instability.
3. The basement door that provides access to beneath the rear of the Building continues to be found open during routine inspections. Items in the basement include mechanical equipment, piping, and structural beams and members. If beams or members were to become damaged by weathering or by vandalism, the Building could become further deteriorated.
4. The concrete stairs at the right side of the Building are cracked and crumbling. There is concrete debris around the steps that has fallen from the large cracks. Without remedy they will continue to deteriorate and lead to further dilapidation.

#### Interior Conditions:

1. There is a hole in the floor at the rear entrance to the first storey. The basement of the Building can be seen through this hole. If a person entering the Building was not to notice the hole, or if this section of floor were to fail, it could cause serious injury to a person as they would fall through to the basement.
2. There is an accumulation of household items throughout the Building. Most floor surfaces are covered by clothes, garbage, and other junk and debris. These conditions create a tripping hazard and also provide a breeding ground for bugs and rodents. There is evidence of raccoons throughout the Building. Raccoons and other rodents can carry diseases and cause concern for public safety, in addition to affecting the quality of life of neighbouring property owners. Paint is peeling from wall and ceiling surfaces throughout all units of the Building. The conditions can lead to further dilapidation over time. A needle was found on the stairs leading to the third storey unit. This could be an indication of people entering the Building for the purpose of illegal drug related activity.
3. Sections of ceiling are water damaged. In a room of the first storey unit, a repair was attempted by affixing a wooden board to the ceiling with screws. This same method was also applied to the bathroom ceiling of the second storey unit. This is not an appropriate method to repair water damaged ceilings and no building permit was obtained. There are cracks in the walls and ceiling in many locations throughout the units.
4. The interior finishes have not been completed in the rear section of the Building which leads to the rear exit stairs. There is exposed insulation in the ceilings and walls that is moldy and water damaged. There is a hole approximately 1.5ft by 0.5ft in size in the right rear wall of the Building, allowing the elements to enter the Building. The hole is large enough that it could also allow animals into the Building. Animals can be destructive to building materials and could cause further deterioration of the Building.

#### Required Remedial Actions

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

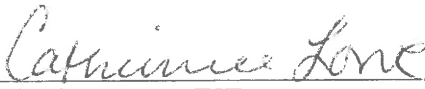
**Option 1:** Remedy the conditions of the Building through all repair and remedial actions as follows:

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:

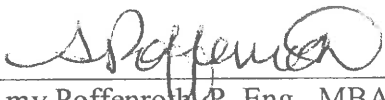
  
Catherine Lowe, EIT  
Technical Services Officer  
Growth and Community Development Services

September 14 2018  
Date

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

September 14/2018  
Date

Reviewed by and concurred in by:

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

September 19, 2018  
Date