

CANADA  
PROVINCE OF NEW BRUNSWICK  
COUNTY OF SAINT JOHN

IN THE MATTER OF THE BUILDING THAT IS LOCATED AT

120 Main Street, SAINT JOHN, N.B. ( PID number 374165 )

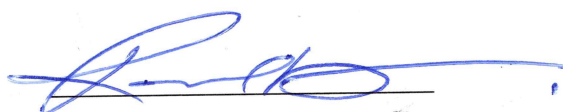
AFFIDAVIT OF SERVICE

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 September 21, 2018, at approximately 3:02pm, 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 120 Main Street, Saint John, N.B.

Sworn To before me at the  
City of Saint John, N.B.,  
on the 21 day of  
September, 2018



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

Catherine Lowe  
Catherine Lowe

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

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: This is Exhibit "A"  
Referred to in the Affidavit of  
Catherine Howe Numéro d'identification de la parcelle :  
PID #374165 Sworn before me at the City of  
Saint John, New Brunswick NID : 374165  
Address: 120 Main Street, Saint John, the 21 day of September 2018  
New Brunswick Rachel E. Adresse : 120, rue Main, Saint John,  
Nouveau-Brunswick Commissioner of Oaths

Owner(s) or Occupier(s):

Propriétaire(s) ou occupant(s) :

Name: PMV Canada Inc.

Nom : PMV Canada Inc.

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

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

Local government giving notice: The City of Saint  
John

Gouvernement local signifiant l'avis : 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").

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 »).

Provision(s) contravened: Subsections 6(1), 6(2) and  
6(3) of the By-law.

Disposition(s) enfreinte(s) : Les paragraphes 6(1),  
6(2) et paragraphe 6(3) de l'Arrêté.

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.

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 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.

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.

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.

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.

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.

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.

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.

The aforementioned remedial actions relating to the  
demolition of the building and the disposal of debris and

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.

**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.

**Date for giving notice of appeal:** 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 – 8<sup>th</sup> Floor, 15 Market Square, Saint John, New 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.

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).

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.

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

**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.

**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.

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<sup>th</sup> day of September, 2018.

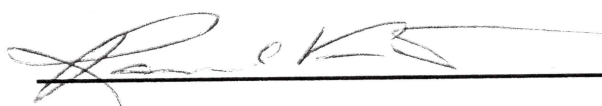
**Fait** à Saint John le \_\_\_\_ septembre, 2018.

**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 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.

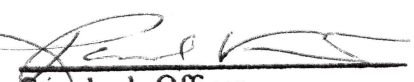
2. Le paiement de l'amende n'a pas pour effet d'annuler l'obligation de se conformer à l'arrêté, à la norme ou à l'avis.

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"  
120 Main Street  
Saint John, New Brunswick  
PID# 00374165

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

Inspection Date: July 9, 2018

Inspection Conducted by: Catherine Lowe, EIT & Rachel Van Wart, EIT

## Introduction

Inspections of the property at 120 Main Street, PID# 374165, have revealed that there is one building on the premise (the "Building"); a two-storey, three-unit apartment building. Staff first became aware of the property's vacancy in December 2016 and began standard enforcement procedures. The property is located in the City's North End in an urban centre residential zone. 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 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; orange snow fencing, a mattress and box spring, a couch, a television, rusted metal furniture, discarded wood, shelving, lobster trap, various packaged newspapers/ flyers and other various loose garbage on and under the front deck, as well as around the Building. The aforementioned accumulation of junk, rubbish, and refuse is unsightly.
2. The Building is dilapidated. The wooden shingle siding is rotten or missing in various locations. The trim on the Building is rotten and loose in some locations. The front and side decks are rotten, deteriorated and deflect under load. Windows and doors on the first and second storeys are boarded. There is a broken second storey window on the left side of the Building; jagged pieces of glass can be seen in the window frame. Sections of the foundation have been covered with wooden boards that are now deteriorated. There is red painted graffiti on the right side of the Building. 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. Buildings in dilapidated condition and 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 City of Saint John Finance department confirmed that the water has been turned off since August 2016. Saint John Energy confirmed that the power has been disconnected since July 2016.
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 is a high volume of vacant properties in this area; including across the street at 105, 111, and 115-117 Main Street. There is also a vacant lot to the left of the Building. 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 is notified, providing more time for the fire to blaze out of control. There is a large occupied 7-unit building to the right of the property, located at 118 Main Street. If a fire event were to occur it could cause significant damage to the building and endanger the lives of its occupants. These occupants also appear to congregate in the area behind 120 Main Street, which they have fenced off access.
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. A section of ceiling above the staircase leading to the second storey has collapsed. Fallen drywall rests on the stairs. The now exposed building materials are water logged and held up only by the plastic vapour barrier. Due to this unsafe condition, inspectors were not able to enter the rest of the unit. These conditions are unknown to emergency personnel and could cause serious injury in the event of a fire. There is garbage and debris throughout the first storey units which creates a tripping hazard. Visibility is poor in some areas of the units since the windows are boarded. These conditions could be dangerous for anyone entering the Building.

## **Dilapidated Building Conditions**

Subsection 6(3) of the By-law states

No person shall permit a building or other structure owned or occupied by the person to become a hazard to the safety of the public by reason of dilapidation or unsoundness of structural strength.

The Building is a hazard to the safety of the public by reason of dilapidation for the following reasons:

Exterior Conditions:

1. The decorative exterior wooden trim of the Building is dilapidated and rotting. Most surfaces are discoloured due to mold or algae growth and some sections are loose. There is a broken window on the left side of the Building with shards of glass still in the window frame. The tenants of the neighboring



building at 118 Main Street have fenced in the backyard of the property for their own use. If items were to fall off the Building, they could cause injury to anyone around the property. The front right corner of the Building is rotten. Further deterioration could have an impact on the structural integrity of the Building.

2. The front and side decks are rotten, deteriorated and deflect under load. Should someone enter the property, personal injury could be sustained due to their condition. The deck on the left side of the Building that provides access to the storage area does not have handrails or guards. The floorboards are rotten. The front deck is leaning and deflects under live load. Floor boards on that deck are also rotten.

#### Interior Conditions:

3. The first storey unit that is labelled 120 has a large hole in the drywall of the ceiling of the main room. There is also a large hole in the drywall of the right side wall. Insulation from the ceiling and drywall from the wall lie in a pile on the floor of the unit. A section of ceiling drywall on the left side of the room is water damaged and moldy. Mold can be a respiratory irritant and can cause the deterioration of building material. The floor of the bay window on the left side of the main room is sloped. There is a crack in the right corner of the doorway leading to the rest of the unit. The kitchen floor is covered with various garbage and grocery store bags. This condition can be a breeding ground for pests.
4. The entry way to the other first storey unit and the second storey unit is full of garbage and a shopping cart that contains various items. The main room of the first storey unit houses metal siding that was removed from the demolished building at 126 Main Street. There are other items strewn about this room such a piping and garbage.
5. The stairs leading to the second storey unit are littered with garbage and drywall from the collapsed ceiling. The ceiling directly above the stairs is now being held by only the vapour barrier. This unit was not further inspected due to the unsafe conditions.

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

1. The ceiling of the second storey unit above the entry stairs has collapsed. The waterlogged and moldy building materials are now held up only by the plastic vapour barrier. Large sections of drywall from the ceiling lay on and at the top of the stairs. In other parts of the ceiling, sections of drywall and other material are hanging. Due to this unsafe and structurally unsound condition, an inspection of the rest of this unit was not conducted.
2. There is a first storey storage area in the Building that can be accessed through a door on the left side of the Building. The deck leading to this door has 3 steps. Both the steps and the deck deflect under load and are unsound. The wood is rotten and cracked in many locations. There is a hole in the floor of the storage area at the entrance. The hole is large enough that it is allowing garbage and debris to fall into the basement area. If someone were to fall

through the hole they would fall to the basement and could be seriously injured. There is also an accumulation of large, bulky items in the storage area such as kitchen appliances, lumber and other junk. Failure of the already compromised floor could occur as it is subjected to a heavy load over an extended period of time.

3. A section of foundation approximately 1 foot by 3 feet in size at the left of the Building is open. This could provide access the basement for animals as well as allow the elements into this area. Weather can have a negative effect on wooden members, and could cause the Building to become structurally unsound. The basement is also full of discarded wooden debris which poses a fire hazard. There is a section of brick foundation on the right side that is sloped towards the Building. This could indicate a shift in the foundation, compromising the structural integrity of the Building.
4. The rear stairs to the Building appear to be slanted. The overhang of these stairs is bowed towards the middle and appears to be pulling away from the Building. These conditions are dangerous to anyone around the property. Should the overhang or stairs fail, it would land directly into the back yard which the tenants at the neighboring property at 118 Main Street use.

### **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:

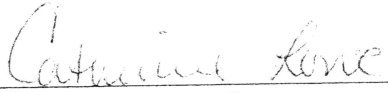
1. The Building must be must be completely repaired to remedy the above mentioned hazards to public safety while meeting the requirements of the *National Building Code of Canada (2010)* as well as all other applicable by-laws.
2. The Building must be maintained, kept secure, and monitored on a routine 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:

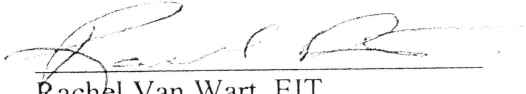


1. The Building must be demolished to remove the hazard to the safety of the public by reason of dilapidation and by reason of being vacant or unoccupied.
2. A demolition permit must be obtained from the City of Saint John in order to comply with the *Saint John Building By-law*.
3. The premise must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

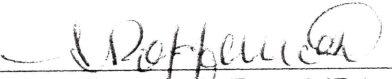
  
Catherine Lowe, EIT  
Technical Services Officer  
Growth and Community Development Services

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

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

This is Exhibit "B"  
Referred to in the Affidavit of  
Catherine Lowe  
Sworn before me at the City of  
Saint John, New Brunswick  
the 21 day of September 2018  
Joche  
Commissioner of Oaths

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 :

\_\_\_\_\_

\_\_\_\_\_

Appellant(s),

Appelant(s),

- and -

- et -

THE CITY OF SAINT JOHN,

THE CITY OF SAINT JOHN,

Respondent.

Intimée.

Parcel Identifier : PID #

Numéro d'identification de la parcelle : # NID

\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

Owner(s) or Occupier(s):

Propriétaire(s) ou occupant(s) :

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

Téléphone: \_\_\_\_\_

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

Téléphone: \_\_\_\_\_



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

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

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

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

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Dated at _____ the _____ day of _____, 2018.	Fait à _____ le _____ 2018.
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Signature of owner or occupier	Signature du propriétaire ou l'occupant

The appellant(s) intends to proceed in the <u>English</u> or <u>French</u> language (Please check the appropriate box).	L'appellant(s) a (ont) l'intention d'utiliser la langue <u>française</u> ou <u>anglaise</u> (Veuillez cocher la case appropriée).
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Please forward your Notice of Appeal by registered mail to the clerk of The City of Saint John within <b>fourteen (14) days</b> 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 <b>quatorze (14) jours</b> qui suivent la notification de l'avis à l'adresse suivante :
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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  Telephone: 506-658-2862 Telecopier: 506-674-4214	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  Téléphone: 506-658-2862 Télécopieur: 506-674-4214
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<b>Notes:</b>  1. A notice that is not appealed within <b>fourteen (14) days</b> after having been given the notice shall be deemed to be confirmed.	<b>Notes :</b>  1. Un avis dont il n'est pas interjeté appel dans le <b>quatorze (14) jours</b> qui suivent la notification de l'avi est réputée confirmé.
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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.

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.

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.

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.

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. 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. 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. 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.