

MEMO

TO: Planning Advisory Committee

FROM: Emily Wainwright, Dangerous & Unsightly Premises Administrator

DATE: September 25, 2024

RE: Recommendation of 19 Spring Street, Amherst, NS (PID: 25031626)

Registered Owner: Walter E Wells

Issue:

The lack of maintenance over the years has left the building in a state of serious disrepair to the point that the building has now partially collapsed. As articulated in the inspection report by the Dangerous and Unsightly Premises Administrator, there are various structural, electrical, safety, and health concerns with the building.

History:

February 29, 2024	Complaint received from APD regarding the condition of the building.
February 29, 2024	Initial site visit; pictures taken and inspection report completed.
March 13, 2024	Discussed with Fire Chief on recommendations regarding structure concerns.
April 18, 2024	Notice sent to owner: <i>That the property owner completed the following by April 30, 2024:</i> <ol style="list-style-type: none"><i>1) Remove all garbage, junk, rubbish, and debris from the property, and have it properly disposed of; and</i><i>2) Dismantle all scaffolding, or submit a timeline when all work requiring scaffolding will be completed.</i>
May 3, 2024	Follow-up inspection; no progress

May 3, 2024 Order issued:

That the property owner completed the following by May 15, 2024:

- 1) Remove all garbage, junk, rubbish, and debris from the property, and have it properly disposed of; and*
- 2) Dismantle all scaffolding, or submit a timeline when all work requiring scaffolding will be completed.*

May 16, 2024 Follow-up inspection; no progress. Project awarded to contractor.

May 23, 2024 Follow-up inspection; no progress. Required work completed by Town hired contractor.

Notice to Enter issued.

May 28, 2024 Interior inspection with Building Official II, and Dangerous and Unsanitary Premises Administrator (Inspection notes provided below).

Immediate Order issued:

That the property owner completes the following immediately:

- 1) Disconnects power to the left side unit;*
- 2) Hire a qualified electrician to complete an electrical inspection, with the report being submitted back to the Administrator; and*
- 3) Secure entrances as to no longer be dangerous.*

Reached out to Diversion Support Work at the YMCA regarding remaining tenant.

Hired a qualified electrician to complete a safety report on the entire building immediately. Completed same day. Electricians shut off power to unoccupied unit.

Smoke detectors and carbon monoxide detectors were installed in the occupied unit.

Contacted Nova Scotia Power to have the power disconnected from the unoccupied unit. NS Power confirmed disconnection.

Rear entrance was secured by Town staff.

May 29, 2024 Follow-up inspection; issued “No Entry” signs on unoccupied side of the building.

Met with tenant, Social Worker from the YMCA, representative from Maggie's Place, and family friend of tenant to discuss current situation of the building. Social Worker started the process for Priority Housing through the NS Housing Authority.

- May 30, 2024 Invoice received from electrician noted:
Inspection found dangerous wiring through home. Knob and tube wiring present and bare copper exposed and live. Main switch gear found to be very poor condition. Overall electrical is about a 1/10 conditions and has many hazards present.
- Follow-up inspection; CAO ordered immediate maintenance of lawn.
- Camille LeBlanc was hired to serve inspection report and notice of PAC to property owner.
- May 31, 2024 Lawn maintenance awarded to contractor.
- June 3, 2024 Follow-up inspection. Maintenance completed by Town hired contractor.
- June 14, 2024 Complaint received: unsecured trailers.
- June 19, 2024 Follow-up inspection; Town staff secured trailers.
- June 21, 2024 Received correspondence from the current occupant's representative asking to adjourn the meeting as they were unable to attend.
- July 19, 2024 Follow-up inspection; back porch was broken into. Contractor boarded up opening.
- July 25, 2024 Lawn maintenance awarded to contractor.
- July 30, 2024 Tenant reached out to AFD and Town Hall regarding Carbon Monoxide detector going off. The property was clear of Carbon Monoxide and it appears the detector was faulty.
- August 21, 2024 Follow-up inspection from voicemail received from tenant – where the tenant heard noises coming from the vacant unit, and the front door was ajar (door was secured by tenant).
- August 22, 2024 Posted Notice of Recommendation of Demolition to property.

Returned to secure front door. Noticed that the rear porch was broken into again. Secured this area.

Call from APD that witnesses saw an individual entering the building through a window. APD cleared the building. APD and I entered the occupied unit, including basement. There was visible evidence of individuals being present in the occupant's basement. Tenant mentioned that her door was ajar. It appears that individuals are attempting to gain access into the occupied space.

All 3 accessible windows on the main floor were boarded up.

August 22, 2024	Provincial Civil Constable served owner documents for the September 3, 2024 PAC meeting.

September 3, 2024	Meeting of the Planning Advisory Committee.
September 10, 2024	Received guidance from the Office of the Fire Marshal that the Town may want to take further action in the best interest of the tenant's safety.
September 12, 2024	Order to Vacate was issued, hand delivered with a resource package to the tenant and their representative, and posted to the property.
September 13, 2024	Order to Vacate was served upon the owner.
September 17, 2024	A 3 rd complaint was received regarding the subject property.
September 18, 2024	A qualified contractor was hired and completed an assessment of the building.
September 20, 2024	Mr. Wells and 3 advocates met with Town staff to discuss property.
September 23, 2024	Received Building Assessment.

May 28, 2024 – Inspection Report:

An inspection of 19 Spring Street was completed by the Dangerous and Unsightly Premises Administrator, the Building Official II, the Amherst Fire Department Fire Chief, and a member of the Amherst Police Department on May 28, 2024. The following was noted and photographed:

- The exterior of the building is wood siding.
- The unoccupied unit appears to be vacant.

- The right unit is occupied.
- There is power running to the structure (3 meters in service).
- Extremely long grass.
- 2 closed in trailers, 1 flat bed trailer, 1 camper, 3 derelict vehicles.
- One door to the building is not secured.
- The building appears to be in a deteriorated state and unmaintained for quite some time.
- Both chimneys are in poor condition.
- The roof facing the backyard (Queen Street) is in extremely poor condition with visible holes.
- The roof is asphalt and is no longer weather tight.
- The kitchen in the unoccupied unit has collapsed into the basement.
- The oven was turned on in the unoccupied unit, but the elements had burnt out.
- A space heater was on and running in the unoccupied unit.
- A light was found toppled over in the unoccupied unit onto a mattress and papers; it appears it had charred the wallpaper on the wall in the second-floor bedroom.
- There is a hoarding situation inside the unoccupied unit with no access to egress.
- Interior walls, ceiling, and floors are damp and water leaking though various points of the roof.
- Evidence of rodents (rodent feces present).
- Strong smells of decomposing organic material and other waste.
- There is severe damage to all the ceilings in the unoccupied unit due to water.
- There is some damage to the second-floor ceiling in the occupied unit.
- There did not appear to be any working smoke detectors or carbon monoxide detectors in the building.
- The foundation of the unoccupied unit is in extremely poor condition.
- The foundation of the occupied unit appears to be in fair condition.
- Windows are in poor condition.
- The basement is relatively dry.
- Some beams in the basements have water damage and are damp.
- The basement windows on the unoccupied side unit are no longer weathertight.
- The occupied unit appears to have a newer furnace.
- The electrical system appears to be compromised as they run through the collapsed portion of the structure.
- The water lines appear to be compromised as they run through the collapsed portion of the structure.
- Water account is still active, only appears to be 1 meter.

Relevant Municipal Government Act Interpretations:

- Section 3(r) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing*
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,*
 - (ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material,*

- (iia) *an accumulation or collection of materials or refuse that is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, or*
- (iii) *any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property or a building or structure with or without structural deficiencies*
- (iv) *that is in a ruinous or dilapidated condition,*
- (iv) *the condition of which seriously depreciates the value of land or buildings in the vicinity,*
- (vi) *that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,*
- (vii) *that is an allurements to children who may play there to their danger,*
- (viii) *constituting a hazard to the health or safety of the public,*
- (ix) *that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained,*
- (x) *that is a fire hazard to itself or to surrounding lands or buildings,*
- (xii) *that is in a poor state of hygiene or cleanliness;*

Discussion from the July 2, 2024 Planning Advisory Committee Meeting:

During the May 28, 2024, inspection, there was immediate concern for the lone occupant of the building. Upon entry, it was noted that the interior walls were separating from the exterior of the building and the kitchen had collapsed into the basement. Other significant safety concerns were also noted in the unoccupied unit, including that the oven was turned on (although the element had burnt out), a space heater was on and running, and a light was on and had fallen over onto a mattress. It appeared that the light had also scorched the wallpaper in the bedroom prior to falling over. The occupied unit has access to the basement, which is connected to the unoccupied unit. There is no way of fully securing the occupied unit from the collapse.

A qualified electrician was immediately hired to complete an inspection and a safety report. *Upon inspection, dangerous wiring was found throughout the entire structure. Knob and tube wiring was present, and bare copper was exposed and live, which was also running through the collapsed portion of the structure. The main switch gear was found to be in very poor condition, and the electrician rated the overall system a 1/10 as many hazards were present. The electricians shut off power to the unoccupied unit to mitigate the fire hazard. **It is important to note that although the electricians (and NS Power) have disconnected power, the electrician stated that there is no way of knowing if all power has been completely disconnected from the unoccupied unit as the age and type of wiring used to be installed with little to no rhyme or reason.** Smoke detectors and carbon monoxide detectors were installed in the occupied unit the same day to further lower the risk to the occupant.*

Extensive discussions were had regarding how to proceed as there was still an occupant in the building. It was concluded that after installing smoke and carbon monoxide detectors, having a qualified electrician complete a safety report and shutting off power to the unoccupied unit, and having Nova Scotia Power disconnect the power to the unoccupied unit, that we lowered the risk to the current occupant for the immediate future. Long-term, however, the building will continue to significantly deteriorate and cause more deterioration to the occupied side. Along with the various structural and electrical concerns, the unoccupied unit is noted to be a health concern as

there is decomposing organic matter, rodents, mold, significant water damage, combined with extensive hoarding material.

Discussion from the September 3, 2024 Planning Advisory Committee Meeting:

Since the last meeting of the Planning Advisory Committee on July 2, 2024, there has been a significant increase of transient activity in and around the property. Staff have had to board up the property on three separate occasions since the last meeting, which included the rear porch, front door, and main floor windows. There is increased cause of concern that individuals are attempting to enter the lone occupant's unit, as there is evidence of activity in the basement and possible entry into the occupant's kitchen.

The property owner and/or their representative was invited to the July 2, 2024, meeting to discuss the state of the property. Neither the owner or their representative attended the meeting. As noted above, on June 21st the occupant's legal representative requested an opportunity to address the PAC at a later date. Although it is questionable if the tenant has standing, given the difficulty of serving the owner of the property, it was determined that the July 2, 2024, meeting would proceed as scheduled, but allow for the occupant and their lawyer to address the committee as requested, prior to considering a motion on the matter.

Given the potentially dangerous state of the subject building as detailed above, neglect by the property owner over the years, and the increase in transient activity on the property, it is appropriate to consider removing this risk by ordering demolition.

It should be noted that the Committee's authority pertains to the demolition of the building, while the authority to order a building vacated rests with the Administrator (Municipal Government Act s. 348 (6)). However, should the Committee decide to order demolition, the Administrator would likely time an order to vacate to align with the demolition order.

Update:

At the September 3, 2024, meeting of the Planning Advisory Committee, the Committee heard from the owner of the subject property, his son, and the representative for the tenant of the subject property. Upon consulting with the Office of the Fire Marshal and receiving their opinion that Town may want to take further action in the best interest of the tenant's safety, an Order to Vacate was issued on September 12, 2024, in person, to the tenant and her representative. Prior to the issuance of the Order to Vacate, local housing and emergency support groups were contacted to ensure alternative housing and resources were available. The Order to Vacate was also posted to the property and served upon the owner as required under the Municipal Government Act Sections 348(2) and 349(2).

It should be noted that the May 28, 2024 inspection findings noted above were created in collaboration with the Administrator and the Building Official. For clarity, a separate report from the Building Official stemming from that inspection is attached. The report also outlines the Building Official's qualifications and scope of practice that include, "the work necessary to correct unsafe conditions in existing buildings that are reported to a building official or observed

during an inspection”. (NS Building Code Act, Section 4) The Building Official recommends that:

The building’s condition is beyond practical or cost-effective repair. It does not meet minimum safety or structural standards, and therefore, it is recommended that the building be designated for demolition. The demolition should be scheduled at the earliest feasible date to prevent further dangers.

Staff also sought a 3rd party independent opinion of the state of the building from TN Trenholm Construction Inc. who carried out an inspection on September 18, 2024. As detailed in the attached report, the company found the building, “in a state of sever disrepair, with structural instability that poses significant safety risks”.

Recommendation:

Of the three options listed below, at this time, staff are recommending **Option 1**.

- 1) That the Planning Advisory Committee order that the building located at 19 Spring Street (PID: 25031626) be demolished, with all contents removed, back fill the hole, and remove all vehicles and trailers from the property within 60 days of this meeting, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to an appropriate solid waste facility, or impound yard, with all costs charged to the property owner’s tax account.
- 2) That the Planning Advisory Committee order staff to release the procurement process in order to complete the safe removal of debris, followed by a comprehensive assessment of all repairs required to meet the National Building Code of 2015 and the Town of Amherst Minimum Standards for Residential Occupancy Bylaw, P-4, with all costs charged to the property owner’s tax account.
- 3) That the Planning Advisory Committee order staff to continue to monitor the property and bring any new issues that arise back to the committee.

Attachments:

- 1) Appendix A: 20240702 19 Spring Street PAC PowerPoint
- 2) Appendix B: 20240903 19 Spring Street PAC PowerPoint
- 3) Appendix C: 20240918 19 Spring Street PAC PowerPoint
- 4) Appendix D: 20240925 19 Spring Street Deficiencies
- 5) Appendix E: 20240925 Buske Inspection Report
- 6) Appendix F: 20240918 T.N Trenholm Building Assessment