



AMHERST TOWN COUNCIL

RFD# 2019019

Date: February 25, 2019

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Jason MacDonald, Deputy Chief Administrative Officer

DATE: February 25, 2018

SUBJECT: 59 Church Street – Appeal of Demolition Order

ORIGIN: Since 2011 the Town has received numerous complaints regarding the physical condition of the building and grounds of this property.

LEGISLATIVE AUTHORITY: Section 346 (1) of the Municipal Government Act: *Where a property is dangerous or unsightly, the council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.*

RECOMMENDATION: That Council uphold the recommendation of the Administrator and order of the Planning Advisory Committee and order the property owner to remove the contents of and demolish the building located at 59 Church Street within 45 days of this meeting. The foundation is to be backfilled. 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 disposal facility with all costs charged to the property owner's tax account.

BACKGROUND: A complete history of Dangerous and Unsightly Premises issues has been provided to the Planning Advisory Committee as well as Council during the appeal hearing. In summary, various complaints have been received on this property since 2011.

While the majority of the complaints have been in regards to garbage and rodents, the current issue is in regards to the condition of the building on the site. Notwithstanding that the property was ordered to be vacated in 2016 due to the condition of the building, the property owner has not made any progress to remedy the deficiencies and return the property into a usable condition.

DISCUSSION: An October 2, 2018 inspection by a Building Official with the Municipality of the County of Cumberland identified the following issues:

- 1- Collapse of several portions of the foundation with openings to the exterior.
- 2- Structural fatigue and partial structural support failure in basement.
- 3- Façade compromised and at places open to exterior, weather and wear.
- 4- Structural failure shown at several locations throughout structure.
- 5- Partial collapse of foundation interior.
- 6- Electrical shock risk due to exposure of wiring, disarray of utility in basement, degradation of panel and entrance, and water penetration.



- 7- Collected pools of water in basement. Exposed plumbing issues and multiple signs of water damage.
- 8- Signs of wildlife penetration and several carcasses located on site.
- 9- Debris and garbage located throughout structure.
- 10- Compromised building envelope to the point of being a health risk.
- 11- It is in the opinion of this inspector that the building site be secured and marked for demolition or major restoration. This building poses an imminent risk to transients, as well as threatens the safety of the public in its present state.

In January of 2019 the property owner hired a professional engineer to assess the basement and main floor structure of the building. This report was read into the minutes of the January 18, 2019 PAC meeting. In his report to the property owner John Green, P. Eng., stated;

“Given the extent of the deterioration and deficiencies, complete replacement of the floor system would be required including the wood sills and foundation upgrades. With the poor condition of the overall building, it is my opinion, this level of investment would not be justified.”

Given the deficiencies listed above and the likely cost of remedying those deficiencies; combined with the owner’s unwillingness or inability to address the deficiencies, the Administrator has recommended demolition as the remedy to address the dangerous and unsightly condition of the property. The PAC, in their motion of January 18, 2018 also chose demolition as the method to remedy the situation.

FINANCIAL IMPLICATIONS: Should the property owner comply with an order to demolish the building there will be no financial implications to the Town. Should the owner not comply with the order, the Town will carry out the work and charge all costs to the property owner’s property tax account.

COMMUNITY ENGAGEMENT: Various complaints have been received about this property from the public. Complainants were notified of the meeting of the Planning Advisory Committee when demolition was considered and of the appeal hearing before Council. Since 2011 the Town has sent no less than fifteen letters requesting compliance and 2 orders of the Administrator ordering compliance. Various conversations between the Administrator and the owner have taken place.

ENVIRONMENTAL IMPLICATIONS: There are no direct environmental implications of the demolition. All materials and contents will be disposed of at an appropriate solid waste disposal facility.

SOCIAL JUSTICE IMPLICATIONS: The removal of the buildings will eliminate this dangerous and unsightly premises from the neighborhood, thus improving community safety and negative impacts on nearby property values.

ALTERNATIVES: Council can make any decision that the Planning Advisory Committee Council have made. The options are:

1. Uphold the recommendation of the Administrator and order of the Planning Advisory Committee and order that the building on the property be demolished.
2. Order the property owner to undertake repairs to the building to bring it into compliance with all relevant provisions of the Nation Building Code and Minimum Standards for Residential Occupancy Bylaw, including a timeline for such work.

Should Council choose the second alternative Council would have to adhere to MGA Section 346 (3A) which states: *Where the council or the committee varies or overturns the order of the administrator, the council or committee shall provide reasons to be recorded in the minutes of the council or committee meeting.*

Given the long history of non-compliance the option to repair the building will likely result in further deterioration of the building over time and a continued dangerous and unsightly condition on the property.

ATTACHMENTS: Appeal hearing agenda package.

Report prepared by: Jason MacDonald, Deputy CAO

Report and Financial approved by: