



AMHERST TOWN COUNCIL

RFD# 2019018

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: 196 East Victoria Street – Appeal of Demolition Order

ORIGIN: Since 2013 the Town has received numerous complaints regarding the physical condition of the buildings located on the 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 buildings located at 196 East Victoria Street within 30 days of this meeting. Both foundations are 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 buildings 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 2013. A number of orders have been issued as have a number of fines.

While a number of the issues have been in regard to garbage and derelict vehicles, the current issue is in regards to the two buildings on the site. Notwithstanding numerous orders to address the structural integrity of the buildings, the owner of the property has not address any of the concerns of the Administrator or PAC.

DISCUSSION: A January 24, 2018 inspection by a Building Official with the Municipality of the County of Cumberland identified the following issues:

- 1 - Front and side exterior columns and porches are in threat of failure.
- 2 – Exposed soffit and roofing
- 3 – Exposed and compromised foundation at rear and side of structure
- 4 – Compromised and exposed electrical system throughout
- 5 – Compromised and modified plumbing throughout
- 6 – Evidence of structural rot in the basement
- 7 – Structural failure of the attic floor and roof in at least two locations
- 8 – Illegal storage throughout the structure posing a fire hazard



- 9 – Open flame heaters operating while unoccupied
- 10 – Illegal use of extension cords throughout structure to the extent that they are uncountable
- 11 – Significant signs of possible mould growth
- 12 – Water accumulation and standing water in the basement
- 13 – Various signs of possible structural failure throughout the structure
- 14 - The large shed at the end of the driveway is structurally compromised

Given the size of the building and 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 November 13, 2018 also chose demolition as the method to remedy the situation.

FINANCIAL IMPLICATIONS: Should the property owner comply with an order to demolish the buildings 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 2013 the Town has sent no less than six letters requesting compliance and five orders of the Administrator ordering compliance. Three fines have been issued. 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 buildings on the property be demolished.
2. Order the property owner to undertake repairs to both buildings to bring them 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 buildings will likely result in further deterioration of the buildings 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: