



TO: Mayor Kogon and Members of Amherst Town Council

FROM: Jason MacDonald, LPP, MCIP, Deputy CAO

DATE: February 20, 2019

RE: 196 East Victoria Street – Demolition Order APPEAL

Issue

An appeal by the property owner of a November 13, 2018 motion of the Planning Advisory Committee to accept the recommendation of the Dangerous and Unsightly Premises Administrator and order the buildings on the property located at 196 East Victoria Street be demolished:

That the Planning Advisory Committee order the buildings at 196 East Victoria Street be demolished, and back fill the hole within 30 days from the date of this Committee 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 send all contents of the building to the Cumberland Joint Services Management Authority land fill with all costs charged to the property owner's tax account.

Process

The meeting of February 20, 2019 is a hearing on the appeal of the PAC decision to order the demolition of the buildings located at 196 East Victoria Street. The process for the hearing is as follows:

- a) The report of the Administrator will be summarized;
- b) Council members may ask questions of staff;
- c) The owner or representative may address Council;
- d) Council members may ask questions of the owner;
- e) The complainant may address Council;
- f) Council members may ask questions of the complainant;
- g) Upon motion, Council may make any decision that the PAC could have made



History

A complete history of Dangerous and Unsightly Premises issues is attached. 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 addressed any of the concerns of the Administrator or PAC.

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

Section 346 (1) of the Municipal Government Act states:

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.

Municipal Government Act Definition of Dangerous or Unsightly

“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, 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,**
- (v) 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 allurement 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 neighboring 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,
(xi) that has been excavated or had fill placed on it in a manner that results in a hazard, or
(xii) that is in a poor state of hygiene or cleanliness;

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.

Correspondence

It is important for Council to understand the correspondence that the Town has had with the property owner regarding the condition of this property.

The Town has given the property owner every opportunity to remedy the structural deficiencies listed above. 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. To date, the owner has not addressed any of the structural issues of the buildings on the property. In addition, the Town has hired contractors to clean up the interior of the building and surrounding yard / driveway. Four vehicles have been towed from the property. Furthermore, the property owner has received numerous letters indicating that the cost of work undertaken by the Town has been charged to his property tax account. To say the least, various Administrators have had face to face discussions with Mr. Wells regarding this property.

Recommendation

Council can make any decision that the Planning Advisory Committee could 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 National Building Code and Minimum Standards for Residential Occupancy Bylaw.

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.



It is my recommendation that Council uphold the order to demolish the buildings on the property.

Motion:

That the property owner be ordered 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.





To: Planning Advisory Committee

From: Marc Buske, Dangerous & Unsightly Premises Administration

Date: November 5, 2018

Re: Recommendation for Demolition

Re: PID # 250304422, 196 East Victoria Street, Amherst, NS

Issue

Many complaints on this property over the years have been received. This property poses an immediate and real threat to not only the inhabitants of the structure but also to the general public. The Town has carried out work several times to cleanup around and inside the building. The buildings show signs inside and out of extreme hoarding and signs of potential fire hazards.

History

2013

July 8, 2013

Received a complaint about the above property.

July 9, 2013

- 1 - Letter was sent out to complainant and owner.
- 2 - Owner was asked to clean up around his property by August 31, 2013.

September 4, 2013

An order to clean up the site was placed on the property.

October 7, 2013

4 vehicles were towed from the property on this date.

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October 8, 2013

A letter was sent to the property owner informing him of the cost to remove the 4 vehicles and the cost will be charged to his tax account.

October 17, 2013

The administrator went to the property with a contractor on this date to clean up the property. Work was not completed as the owner would not let them on his property.

October 18, 2013

A summary offence ticket was issued and delivered by Camille J. LeBlanc.

October 31, 2013

A second summary offence ticket was issued and delivered by Camille J. LeBlanc.

2014

January 21, 2014

Letter sent to owner stating that a SOT ticket was issued on the property.

February 19, 2014

- 1 – The SOT ticket was returned on this date as unclaimed.
- 2 – Second SOT ticket was issued.

February 24, 2014

The SOT ticket was withdrawn from the courts by Solicitor.

March 3, 2014

Camille J LeBlanc was hired to serve a SOT ticket to the property owner.

July 11, 2014

- 1 – Site visit by the Town.
- 2 – Letter sent to property owner asking him to clean up the yard of rubbish or junk.
- 3 – SOT ticket issued.

July 21, 2014

- 1 -A contractor was hired to remove the items in the driveway and on the lawn.
- 2 -A letter was sent to the home owner stating the work that had been completed and where he could pick up the stored items.



July 30, 2014

- 1 – Letter sent to owner stating that the property is no longer dangerous or unsightly.
- 2 – The property owner received a letter stating the work that was completed and the price that was going to be added to the property tax account.

August 8, 2014

Letter sent to property owner stating that the property was deemed unsightly and the owner will have until August 12, 2014 to clean his yard up of junk, rubbish.

September 2, 2014

- 1 - The work has been completed by owner.
- 2 – the dwelling has had no significant repairs done since a previous file was opened July 9, 2013. The file will remain open until work is completed.

September 11, 2013

Site visit to the property by the administrator. No improvements have been made. There appears to be a large amount of debris or garbage inside the dwelling that can be seen from the back steps.

2015

April 24, 2015

- 1 - Site visit on this date. No improvements have been made on the dwelling.
- 2 – Large amount of what appears to be garbage and debris, rubbish and other items are being stored inside the dwelling.
- 3 – The dwelling must be inspected by the Building Official, the Fire Inspector and also the Unsightly and Dangerous Administrator to determine if the dwelling is fit for human habitation.
- 4 – Letter sent to the property owner stating the Town of Amherst is requesting access into the dwelling to assess the interior condition and determine if it is fit for human habitation. This will happen on Thursday, May 14.

May 12, 2015

2nd notice to enter Dwelling posted.

May 14, 2015

- 1 - The Unsightly and Dangerous Administrator, Chief Building Official, Fire Chief, and two Town Police officers enter the dwelling.
- 2 – The property owner was on site and allowed access to the dwelling.
- 3 – An inspection was completed and the following issues:

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- 1) Exterior supports for the roof and second floor at the front of the dwelling are in a state of disrepair and signs of structural failure are visible, the eaves have deteriorated to allow birds to live within the eaves.
 - 2) The Fire load at the basement level due to the accumulation of goods is high.
 - 3) The fire load on 1st and 2nd floors due to the accumulation of goods is extreme, which in the event of a fire would be disastrous for the owner and emergency responders.
 - 4) Several cats are living there for the most part unattended, throughout the dwelling visible signs of rat droppings were seen.
 - 5) The dwelling, as it stands now, is at a high risk for vandalism and a potential safety threat to the neighbouring properties.

 - 6) The front and rear decks appear to be structurally unsafe and are not supported properly.
 - 7) The odours from animal droppings were bad, and ammonia levels high on 1st and 2nd floors.
 - 8) Some access routes were blocked by an extreme accumulation of goods, and all others restricted to a point where exiting would be extremely difficult, especially in an emergency.

4 – An order was placed on the property stating:

- 1) Remove the debris, rubbish and garbage and contents inside the dwelling, to ensure safe passage from room to room and to exits. There are excessive amounts of items that must be removed.
- 2) Remove contents from the exterior of the dwelling and place in storage or remove from site.
- 3) Make repairs to the roof to provide weather protection, to the soffit and fascia to prevent wildlife penetration, and paint as needed.
- 4) Make repairs to the front pillars and overhangs to support with proper permanent supports or remove completely, make repairs to the front porch area to rebuild or remove completely.
- 5) Make repairs to the back deck to provide proper support, safe walking surface, proper rail and guards and steps or remove completely.

All work must be completed by June 9, 2015

May 21, 2015

Order to Vacate and Close was issued on this date by the Municipal Fire Inspector and Deputy Fire Marshal.

June 12, 2015

Letter sent to property owner stating The Planning Advisory Committee granted an “adjournment” to allow the property owner time to first focus on the clean-up of the dwelling and then to present a plan to the Administrator to make repairs of the exterior. The clean-up date of June 19, 2015 date was not changed.



July 09, 2015

Town of Amherst Planning Advisory Committee meeting to discuss what the next steps with the above property. It was determined that they would hire an engineer to assess the structure and develop a plan on what to do and a cost estimate. The clean up is still a go.

August 7, 2015

A contractor was hired and a date of August 18th, 2015 was set for the clean up.

August 18, 2015

Two vehicles were moved from the drive way to the side yard by a towing service. Two garbage bins were dropped off this date.

August 19, 2015

1 - Started the clean up the outside and removal of back deck. Inside the dwelling they started clean the front entry and proceeded to the hallway downstairs and then into the far room at the end of the hall. They then continued in the front two rooms. Then proceeded down the hall leading to the kitchen partially completing it and the room off the hall was also cleaned out enough to provide access and freedom to move. The stairs leading to upstairs was cleaned off and then the middle landing was reorganized upstairs.

2 - All furniture was left in the dwelling. The outside cleanup was completed along with the deck removal.

August 24, 2015

Received a letter from Creighton Shatford Hirbours Lawyers. Stating the best course of action would be for the Town of Amherst would be to have an engineer price out the difference in the cost of cleanup, make a decision on receipt of some and finish the cleanup of the property.

August 25, 2015

Order was posted to enter dwelling to complete clean-up of interior.

August 27, 2015

Started the second round of clean up.

- 1) Cleaning the kitchen and the back room
- 2) The laundry/downstairs bathroom was cleaned
- 3) The basement stairs and the middle stairs to the upstairs was completed along with the rest of the hallway downstairs.
- 4) The upstairs hallways were completed along with the entry to each of the rooms upstairs and a clean-up of the landing at the top of the stairs was completed.

The areas not completed are the following:

- 1) The bedrooms upstairs are completed so that you can easily enter and leave the doorway.
- 2) The bathrooms upstairs were completed except for some clothes at the end of the room.
- 3) Basement was not touched, but the stairs were cleaned off.

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- 4) The 3rd level, which appears to be fine in its current state and is not part of the required clean-up.

September 3, 2015

Sent letter to property owner with the total amount added to his property tax account, with a breakdown of the work completed.

September 8, 2015

Letter send Department of Health and Wellness concerning the wellbeing of the property owner.

September 30, 2015

- 1 - Order placed on the property to clean-up and remove garbage and debris from around the property. October 6, 2015 will be the date to complete the work.
- 2 – There was a meeting with the administrator and a P.Eng to go over improvement for dwelling. The items discussed were the two front overhangs, pillars and the roof system improvements.

October 6, 2015

A letter was sent to the property owner stating that the property is no longer considered to be dangerous or unsightly in regards to the garbage and debris.

October 9, 2015

- 1 - Fire Chief Greg Jones called and said order was lifted to vacate the property. The property owner can move back in.
- 2 – Letter send from Jong H. Baxter, P.Eng. with the quotes:
 - 1) Is to replace foundation elements under the overhanging roofs and structural integrity without going all of the way in completing the finishes and decorative work.
Cost of \$ 21,000.
 - 2) Is to remove the roof overhang above the existing pillars so that no support is required their while supporting the overhanging roof section over the front door and repairing the 2nd storey deck above this. Cost of \$ 17,400

2016

May 17, 2016

Site visit on this date no significant improvements have been made to dwelling. Administrator will meet with the director to determine the next course of action.



September 9, 2016

A letter was sent to the property owner stating that no significant improvements have been completed on the property and that the Town of Amherst will proceed with hiring a contractor to complete the work.

May 25, 2017

Complaint was put into Town hall about this property.

2018

January 19, 2018

Posted "Notice to enter dwelling" on the property today.
Mailed owner "Notice to enter dwelling" by register mail today.
Hire Mr. Leblanc to sever the "Notice to enter the dwelling" to the property owner.
Took picture of the posted Notice.

January 23, 2018

Drove by the property today. There were no foot prints in the new snow. The "Order" was removed from the door by someone.

January 24, 2018

1 - Entered the property on this day with two Cumberland building inspectors David Buell and Monty Maddison and one APD Sgt Kevin Girouard, Mr. Wells was there as well and let us into the dwelling. Mr. Wells was pleasant to deal with.
2 - The dwelling is filled with items again and there is only a path to get from room to room.
3 - The Building inspectors will provide me with a report on the structure.
4 - E-mail the Amherst Fire Chief to have a fire inspection on the dwelling as there are portable heater, extension chords and open wiring through out the building so the Furness does not work. There is a extremely high fire load in dwelling.

Discussion

Mr. Buell's report indicated:

1 - front columns in severe need of attention and in imminent threat of failure.
2 - Front portico in severe need of attention and in imminent threat of failure.
3 - Side columns and roof in severe need of attention and in imminent threat of failure.
4 - front and side steps, stairs, rails and guards, in severe need of attention and in imminent threat of failure.

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- 5 – exposed soffit and roofing
 - 6 – exposed and compromised foundation at rear and to side of structure.
 - 7 – unpermitted work (uncompleted) carried out in the basement, breaching foundation wall.
 - 8 – compromised electrical system throughout
 - 9 – exposed electrical throughout
 - 10 – compromised and modified plumbing throughout
 - 11 – evidence of structural rot in the basement
 - 12 – structural failure of the attic floor and roof in at least two locations
 - 13 – illegal storage throughout the structure posing an imminent fire hazard
 - 14 – open flame heaters operating while unoccupied
 - 15 – illegal use of extension cords rampant throughout structure to the extent that they are uncountable under current conditions
 - 16 – significant signs of possible mould growth.
 - 17 – water accumulation and standing water in the basement
 - 18 – various signs of possible structural failure throughout the structure.

It was Mr. Buell's opinion that this structure poses an immediate and real threat to not only the inhabitants of the structure but also to the general public. The outside requires immediate attention and at the very least should be made secure from trespassing in the event of structural failure. The inside shows signs of many fire concerns compounded by the extreme hoarding apparent at the time of the visit.

The large shed at the end of the driveway is also structurally compromised and should be removed.

I would recommend immediate action be taken to secure the public and inhabitants of this property.

Recommendation

- 1 - The main building and shed at 196 East Victoria Street be demolished.
- 2 - The property owner be instructed that he has 30 days from the PAC meeting to remove the contents, demolish the buildings and backfill the foundation at his expense.
- 3 - Failure to comply within that 30 days will result in the Town completing the work, which will include sending all demolition material and contents to the landfill. Costs of the work will be charged to the owner's property tax account.

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Emily Wainwright

From: David Buell <dbuell@cumberlandcounty.ns.ca>
Sent: January 31, 2018 4:00 PM
To: Marc Buske
Cc: Jason MacDonald
Subject: RE: visit to 196 Victoria St

Marc,

RE: site visit and inspection at 196 Victoria Street, Amherst.

I thought it prudent to address the concerns I have regarding safety and health, after visiting the above noted property, sooner then later.

I have noted the following points:

- 1 - front columns in severe need of attention and in imminent threat of failure.
- 2 - Front portico in severe need of attention and in imminent threat of failure.
- 3 - Side columns and roof in severe need of attention and in imminent threat of failure.
- 4 - front and side steps, stairs, rails and guards, in severe need of attention and in imminent threat of failure.
- 5 - exposed soffit and roofing
- 6 - exposed and compromised foundation at rear and to side of structure.
- 7 - unpermitted work (uncompleted) carried out in the basement, breaching foundation wall.
- 8 - compromised electrical system throughout
- 9 - exposed electrical throughout
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- 15 - illegal use of extension cords rampant throughout structure to the extent that they are uncountable under current conditions
- 16 - significant signs of possible mould growth.
- 17 - water accumulation and standing water in the basement
- 18 - various signs of possible structural failure throughout the structure.

It is my professional opinion that this structure posses an immediate and real threat to not only the inhabitants of the structure but also to the general public. The outside requires immediate attention and at the very least should be made secure from trespassing in the event of structural failure. The inside shows signs of many fire concerns compounded by the extreme hoarding apparent at the time of the visit.

I would recommend immediate action be taken to secure the public and inhabitants of this property.

Respectfully

David L Buell, CBO, CFI
Permits & Inspections Supervisor

























