



TO: Mayor Kogon and Members of Amherst Town Council

FROM: Jason MacDonald, LPP, MCIP, Deputy CAO

DATE: March 4, 2019

RE: 1 Spring Street – Recommendation to Demolish

Issue

A recommendation from the Dangerous and Unsightly Premises Administrator to order the building located at 1 Spring Street to be demolished:

Process

The meeting of March 4, 2019 is an opportunity for the Committee to make a decision on the recommendation of the Administrator to demolish the building located at 1 Spring Street. The process for this agenda item is as follows:

- a) The report of the Administrator will be summarized;
- b) PAC members may ask questions of staff;
- c) Upon motion, PAC will make a decision on the matter.

As the hearing on this matter has already taken place, there will not be an opportunity for the owner or the public to address the Committee at this meeting.

History

A complaint was received in 2015 regarding the condition of the property. At that time the Town cleaned up the property and the costs were added to the property owners tax account. In November of 2018 a second complaint was received regarding the structural integrity of the building. Due to the advanced state of disrepair and partial collapse of the roof the Town has fenced the property to restrict access to the building.



A November 27, 2018 inspection by a Building Official with the Municipality of the County of Cumberland identified the following issues:

- 1- The brick face is showing signs of mortar failure and cracking
- 2- The top plate at the junction between roof and wall is open in sections and rotted
- 3- The top wall on the backside of the exterior is collapsed inward
- 4- Front wall and side show signs of structural failure
- 5- Side wall on top portion of building side shows cracking and disconnect from roof structure
- 6- Interior of building shows near complete structural failure
- 7- Collapsed floor open to below
- 8- Roof support beam failed and is broken and roof rafter system is failing
- 9- Roof is collapsed and open to the elements

Due to the advanced state of deterioration of the building and close proximity of the building to the street, the Town Engineer has been periodically monitoring the property for signs of imminent collapse. While the Engineer is not yet of the opinion that there is an immediate danger to the street, it is not prudent to wait until such a condition exists to take steps to remedy the known hazard.

Municipal Government Act

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 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 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;**



Recommendation

The Planning Advisory Committee has the following options:

1. Accept the recommendation of the Administrator and order the building on the property be demolished.
2. Order the property owner to:
 - a. Immediately hire an engineer to evaluate the building and make immediate repairs necessary to mitigate any hazard the building may cause.
 - b. Immediately hire an engineer to submit stamped drawings for the design of the complete repair of the building in order to bring it into compliance with all relevant provisions of the Nation Building Code along with a timeframe and budget for such repairs.

Given the advanced state of deterioration of the building evident and the deficiencies listed above, including the fact that the roof has already partially collapsed, combined with the likely cost of remedying those deficiencies the Administrator has recommended demolition as the remedy to address the dangerous and unsightly condition of the property.

Motion

That the Planning Advisory Committee order that all contents be removed from the building at 1 Spring Street and the building be demolished, and back fill the hole within 21 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 an appropriate solid waste facility with all costs charged to the property owner's tax account.

