

## COMMON COUNCIL REPORT

M&C No.	2023-011
Report Date	January 16, 2023
Meeting Date	January 23, 2023
Service Area	Growth and Community Services

Her Worship Mayor Donna Noade Reardon and Members of Common Council

***SUBJECT: Demolition of Vacant, Dilapidated and Dangerous Building at 155 Market Place (PID: 00363259)***

### **AUTHORIZATION**

Primary Author	Commissioner/Dept. Head	Chief Administrative Officer
<b><i>Benn Purinton</i></b>	<b><i>J Hamilton/A Poffenroth</i></b>	<b><i>J. Brent McGovern</i></b>

### **RECOMMENDATION**

RESOLVED, that the building located at 155 Market Place, PID# 00363259, is to be demolished as it has become a hazard to the safety of the public by reason of dilapidation; and

BE IT FURTHER RESOLVED, that one or more by-law enforcement officers appointed and designated under the Saint John Unsightly Premises and Dangerous Buildings and Structures By-law are hereby authorized to arrange for the demolition, in accordance with the applicable City purchasing policies.

### **EXECUTIVE SUMMARY**

The purpose of this report is to advise Council that a Notice to Comply was issued under Part 13 of the Local Governance Act for the building located at 155 Market Place. The hazardous conditions outlined in the Notice have not been remedied by the owner within the required time frame and staff is looking for authorization from Council to arrange demolition of the building.

### **PREVIOUS RESOLUTION**

N/A

### **REPORT**

The two-storey, single-family home located at 155 Market Place is a hazard to the safety of the public by reason of being vacant or unoccupied and by reason of dilapidation. Staff first became aware of the building's vacancy in September of

2017 and began standard enforcement procedures. The property is located on the City's West Side and is currently assessed at \$88,200 as per Service New Brunswick's Land Registry. The building has been experiencing deterioration from water infiltration for a significant length of time. There is significant sloping occurring throughout the building, notable in its walls, ceilings and floors. A staircase at the right entrance to the building is separating from the wall and has partially collapsed. The floor system in the first floor is sagging and is improperly supported. The building's roof is also sagging significantly. Criminal activity and vandalism has occurred at the building. On November 17<sup>th</sup>, 2022, a break-in occurred at the property and City staff was required to take action to have the building secured. Furthermore, the windows at the front of the building have all recently been broken and have loose glass remaining in the frame.

A Notice to Comply was issued and posted to the building on November 24, 2022, as per section 132(3) of the Local Governance Act that outlines acceptable methods of service. The Notice provided the owner with 45 days to remedy the conditions at the property. The owner did not file a Notice of Appeal within the time frame provided. A compliance inspection was conducted on January 16, 2023, which revealed that the conditions have not changed since the Notice was issued.

Attached for Council's reference is the Notice to Comply that was issued and the affidavit attesting to service. A copy of the letter advising of the Common Council Hearing date is attached. The letter was posted to the front door of the building located at 155 Market Place on January 10, 2023. Also included are photos of the building. The Local Governance Act indicates that where a building has become a hazard to the safety of the public by reason of dilapidation or by reason of unsoundness of structural strength, the municipality may cause the building to be demolished. As required in the Act a report from an engineer is attached, forming part of the issued Notice to Comply, and provides the evidence to the buildings' vacancy, dilapidation and resulting hazard to safety of the public.

### ***STRATEGIC ALIGNMENT***

Enforcement of the Saint John Unsightly Premises and Dangerous Buildings and Structures By-law aligns with Council's Belong priority. Hazardous vacant buildings create unsafe conditions in neighbourhoods and diminish community pride.

***SERVICE AND FINANCIAL OUTCOMES***

As is written in the Local Governance Act that a municipality must commence in the proceedings of remedial action, approval of Common Council is required prior to starting demolition activities at the property.

Total cost of the demolition work is estimated at \$15,000. Upon approval of the recommendation, staff will seek competitive bidding in accordance with the City's purchasing policy. The cost of the work will be billed to the property owner and if left unpaid, it will be submitted to the Province with the request for reimbursement.

***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

General counsel registered the notice to comply with Service New Brunswick's Land Registry.

***ATTACHMENTS***

Affidavit of Service – Notice to Comply

Affidavit of Service – Notice of Common Council Hearing Letter

Photos