



Town of Amherst
Planning Advisory Committee Meeting
Agenda

Date: **Tuesday, September 3, 2024**
Time: **4:30 pm**
Location: **Council Chambers, Town Hall**

		Pages
1.	Call to Order	
	1.1 Territorial Acknowledgement	
	“I would like to acknowledge that our gathering today is taking place in (MEEG-MA-GEE), the traditional, unceded and ancestral territory of the Mi’kmaw people. I would also like to acknowledge that Nova Scotia has another unique people. These are the Indigenous Blacks of Nova Scotia whose legacy and contributions date back over 400 years predating confederation of this land. We are all treaty people.”	
2.	Approval of Agenda and Acceptance of Minutes	
	2.1 Approval of the Agenda	
	2.2 Acceptance of the Minutes - July 2, 2024	1 - 4
3.	Unsightly / Dangerous Premises	
	3.1 19 Spring Street	
	3.1.1 Staff Report	5 - 42
	3.1.2 Owner / Representative Questions/Comments to PAC	
	3.1.3 Complainant / Representative Questions/Comments to PAC	
	3.1.4 Written Submission to PAC	43 - 114
	3.2 77 Station Street	
	3.2.1 Staff Report	115 - 160
	3.2.2 Owner / Representative Questions/Comments to PAC	

3.2.3 Complainant / Representative Questions/Comments to PAC

4. De-registration of Heritage Property - 96 Church Street 161 - 167
5. Adjournment

Town of Amherst
Planning Advisory Committee
Minutes

Date: July 2, 2024
Time: 4:00 pm
Location: Council Chambers, Town Hall

Members Present Ronald Wilson, Citizen Representative, Chair
Councillor Hal Davidson, Vice Chair
Councillor Leon Landry
Councillor Charlie Chambers
Creighton McCarthy, Citizen Representative
Jim Lamplugh, Citizen Representative

Staff Present Andrew Fisher, Director of Planning & Strategic Initiatives
Torben Laux, Planner
Marc Buske, Building Official
Emily Wainwright, Dangerous/Unsightly Premises Administrator
Sean Payne, Corporate Communications Officer
Natalie LeBlanc, Municipal Clerk
Cindy Brown, Administrative Assistant

1. Call to Order

The Chair called the meeting to order.

1.1 Territorial Acknowledgement

The Chair gave the Territorial Acknowledgement.

2. Approval of Agenda and Acceptance of Minutes

2.1 Approval of the Agenda

Moved By: Councillor Landry

Seconded By: Councillor Davidson

That the Agenda of the Planning Advisory Committee meeting be approved as circulated.

Motion Carried

2.2 Acceptance of the Minutes - May 6, 2024

The Chair called for any errors or omissions in the minutes. There being none, the minutes of the May 6, 2024 meeting of the Planning Advisory Committee were accepted as included in the agenda package.

3. Development Agreement Applications

3.1 **9 LaPlanche Street Development Agreement Application**

Torben Laux presented the application for a Development Agreement to create 6 units on the upper floors within the building located at 9 LaPlanche Street (PIDs 25022872, 25022922 and 25005828).

Moved By: Councillor Davidson

Seconded By: Councillor Landry

That the Planning Advisory Committee recommend that Council enter into the Development Agreement for 9 LaPlanche Street Development as drafted.

Motion Carried

3.2 **112 West Victoria Street Development Agreement Application**

Torben Laux presented the application for a Development Agreement on the property located at 112 West Victoria Street (PID 25000605), to permit the construction of two 16-unit buildings and three 8-unit buildings.

Jim Lamplugh arrived at 4:22 pm.

Moved By: Councillor Davidson

Seconded By: Creighton McCarthy

That the Planning Advisory Committee defer a decision and request the applicant provide additional information and changes to the proposal for 112 Victoria Street West with illustrations being site specific, further set backs to the south and a ninety-degree orientation of the buildings.

Motion Carried

3.3 **Public Participation Opportunity Summary - June 20, 2024 (Including letters of concern)**

Information item.

4. Unightly / Dangerous Premises

4.1 **32 Park Street**

4.1.1 **Staff Report**

Emily Wainwright presented the issue of 38 Park Street (PID: 25025362) of its lack of maintenance and how the building was in serious disrepair and had partly collapsed. She presented her inspection reports showing the various structural, safety and health concerns with the building.

4.1.2 **Owner / Representative Questions/Comments to PAC**

Dwayne Baker, the owner of 32 Park Street told the committee that he would like to have some more time as he is trying to sell the property through a private sale.

4.1.3 **Complainant / Representative Questions/Comments to PAC**

Karen McKinnon of 3 Patterson Street which neighbors 32 Park Street said that no one has lived in that house for at least ten years. Ms. McKinnon said that there are issues with animals in the building and she is worried about it being a fire hazard. She has offered to purchase the property but was rejected for the price that was offered.

Moved By: Councillor Davidson
Seconded By: Creighton McCarthy
That the Planning Advisory Committee order that the building located at 32 Park Street (PID: 25025362) be demolished, with all contents removed, and back fill the hole within 90 days of this 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 sending all contents of the building to an appropriate solid waste facility, with all costs charged to the property owner's tax account.

Motion Carried

4.2 19 Spring Street

4.2.1 Staff Report

Emily Wainwright presented the issue of 19 Spring Street (PID: 25031626) of its lack of maintenance and how the building was in serious disrepair and had partly collapsed. She presented her inspection reports showing the various structural, safety and health concerns with the building.

As the tenant was not available for the meeting, the Planning Advisory Committee asked Emily Wainwright to reach out to the tenant and/or their legal representative asking them to meet with the Committee within 30 days.

4.2.2 Owner / Representative Questions/Comments to PAC

The owner nor the tenant were in attendance.

4.2.3 Complainant / Representative Questions/Comments to PAC

The complainant was not in attendance.

5. De-registration of Heritage Property - 96 Church Street

Andrew Fisher presented an application by Trish Mooney to deregister 96 Church Street from the Municipal Heritage Property Registry.

Moved By: Jim Lamplugh

Seconded By: Councillor Chambers

That the Heritage Advisory Committee recommend that Council deregister the property.

Against (4): Councillor Davidson, Councillor Landry, Creighton McCarthy, Ron Wilson

Motion Defeated

Moved By: Councillor Davidson

Seconded By: Creighton McCarthy

That the Heritage Advisory Committee recommend that Council refuse to deregister the property but express a willingness to approve a substantial alteration that may reduce the heritage value of the building.

Motion Carried.

6. Adjournment

The Chair adjourned the meeting.

Natalie LeBlanc
Municipal Clerk

Ron Wilson
Chair



TO: Planning Advisory Committee
FROM: Emily Wainwright, Dangerous & Unsightly Premises Administrator
DATE: September 3, 2024
RE: 19 Spring Street (PID: 25031626)

Registered Owner: Walter E Wells
19 Spring Street
Amherst, Nova Scotia
B4H 1R6

Issue:

The lack of maintenance over the years has left the building in a state of serious disrepair to the point that the building has now partially collapsed. As articulated in the inspection report by the Dangerous and Unsightly Premises Administrator, there are various structural, electrical, safety, and health concerns with the building.

History:

- | | |
|-------------------|--|
| February 29, 2024 | Complaint received from APD regarding the condition of the building. |
| February 29, 2024 | Initial site visit; pictures taken and inspection report completed. |
| March 13, 2024 | Discussed with Fire Chief on recommendations regarding structure concerns. |
| April 18, 2024 | Notice sent to owner:

<i>That the property owner completed the following by April 30, 2024:</i> <ol style="list-style-type: none"><i>1) Remove all garbage, junk, rubbish, and debris from the property, and have it properly disposed of; and</i><i>2) Dismantle all scaffolding, or submit a timeline when all work requiring scaffolding will be completed.</i> |
| May 3, 2024 | Follow-up inspection; no progress |



May 3, 2024

Order issued:

That the property owner completed the following by May 15, 2024:

- 1) Remove all garbage, junk, rubbish, and debris from the property, and have it properly disposed of; and*
- 2) Dismantle all scaffolding, or submit a timeline when all work requiring scaffolding will be completed.*

May 16, 2024

Follow-up inspection; no progress. Project awarded to contractor.

May 23, 2024

Follow-up inspection; no progress. Required work completed by Town hired contractor.

Notice to Enter issued.

May 28, 2024

Interior inspection with AFD Chief, Building Official II, and Dangerous and Unsightly Premises Administrator (Inspection notes provided below).

Immediate Order issued:

That the property owner completes the following immediately:

- 1) Disconnects power to the left side unit;*
- 2) Hire a qualified electrician to complete an electrical inspection, with the report being submitted back to the Administrator; and*
- 3) Secure entrances as to no longer be dangerous.*

Reached out to Diversion Support Work at the YMCA regarding remaining tenant.

Hired a qualified electrician to complete a safety report on the entire building immediately. Completed same day. Electricians shut off power to unoccupied unit.

Smoke detectors and carbon monoxide detectors were installed in the occupied unit.

Contacted Nova Scotia Power to have the power disconnected from the unoccupied unit. NS Power confirmed disconnection.

Rear entrance was secured by Town staff.



- May 29, 2024 Follow-up inspection; issued “No Entry” signs on unoccupied side of the building.
- Met with tenant, Social Worker from the YMCA, representative from Maggie’s Place, and family friend of tenant to discuss current situation of the building. Social Worker started the process for Priority Housing through the NS Housing Authority.
- May 30, 2024 Invoice received from electrician noted:
Inspection found dangerous wiring through home. Knob and tube wiring present and bare copper exposed and live. Main switch gear found to be very poor condition. Overall electrical is about a 1/10 conditions and has many hazards present.
- Follow-up inspection; CAO ordered immediate maintenance of lawn.
- Camille LeBlanc was hired to serve inspection report and notice of PAC to property owner.
- May 31, 2024 Lawn maintenance awarded to contractor.
- June 3, 2024 Follow-up inspection. Maintenance completed by Town hired contractor.
- June 14, 2024 Complaint received: unsecured trailers.
- June 19, 2024 Follow-up inspection; Town staff secured trailers.
- June 21, 2024 Received correspondence from the current occupant’s representative asking to adjourn the meeting as they were unable to attend.
- July 19, 2024 Follow-up inspection; back porch was broken into. Contractor boarded up opening.
- July 25, 2024 Lawn maintenance awarded to contractor.
- July 30, 2024 Tenant reached out to AFD and Town Hall regarding Carbon Monoxide detector going off. The property was clear of Carbon Monoxide and it appears the detector was faulty.



- August 21, 2024 Follow-up inspection from voicemail received from tenant – where the tenant heard noises coming from the vacant unit, and the front door was ajar (door was secured by tenant).
- August 22, 2024 Posted Notice of Recommendation of Demolition to property. Returned to secure front door. Noticed that the rear porch was broken into again. Secured this area.
- Call from APD that witnesses saw an individual entering the building through a window. APD cleared the building. APD and I entered the occupied unit, including basement. There was visible evidence of individuals being present in the occupant’s basement. Tenant mentioned that her door was ajar. It appears that individuals are attempting to gain access into the occupied space.
- All 3 accessible windows on the main floor were boarded up.
- August 22, 2024 Provincial Civil Constable served owner documents for the September 3, 2024 PAC meeting.

Inspection Report:

An inspection of 19 Spring Street was completed by the Dangerous and Unightly Premises Administrator, the Building Official II, the Amherst Fire Department Fire Chief, and a member of the Amherst Police Department on May 28, 2024. The following was noted and photographed:

- The exterior of the building is wood siding.
- The unoccupied unit appears to be vacant.
- The right unit is occupied.
- There is power running to the structure (3 meters in service).
- Extremely long grass.
- 2 closed in trailers, 1 flat bed trailer, 1 camper, 3 derelict vehicles.
- One door to the building is not secured.
- The building appears to be in a deteriorated state and unmaintained for quite some time.
- Both chimneys are in poor condition.
- The roof facing the backyard (Queen Street) is in extremely poor condition with visible holes.
- The roof is asphalt and is no longer weather tight.
- The kitchen in the unoccupied unit has collapsed into the basement.
- The oven was turned on in the unoccupied unit, but the elements had burnt out.
- A space heater was on and running in the unoccupied unit.



- A light was found toppled over in the unoccupied unit onto a mattress and papers; it appears it had charred the wallpaper on the wall in the second-floor bedroom.
- There is a hoarding situation inside the unoccupied unit with no access to egress.
- Interior walls, ceiling, and floors are damp and water leaking through various points of the roof.
- Evidence of rodents (rodent feces present).
- Strong smells of decomposing organic material and other waste.
- There is severe damage to all the ceilings in the unoccupied unit due to water.
- There is some damage to the second-floor ceiling in the occupied unit.
- There did not appear to be any working smoke detectors or carbon monoxide detectors in the building.
- The foundation of the unoccupied unit is in extremely poor condition.
- The foundation of the occupied unit appears to be in fair condition.
- Windows are in poor condition.
- The basement is relatively dry.
- Some beams in the basements have water damage and are damp.
- The basement windows on the unoccupied side unit are no longer weathertight.
- The occupied unit appears to have a newer furnace.
- The electrical system appears to be compromised as they run through the collapsed portion of the structure.
- The water lines appear to be compromised as they run through the collapsed portion of the structure.
- Water account is still active, only appears to be 1 meter.

Relevant Municipal Government Act Interpretations:

- Section 3(r) “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,*
 - (iia) an accumulation or collection of materials or refuse that 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,*
 - (iv) 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 neighbouring 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,*
- (xii) *that is in a poor state of hygiene or cleanliness;*

Discussion from the July 2, 2024, Planning Advisory Committee Meeting:

During the May 28, 2024, inspection, there was immediate concern for the lone occupant of the building. Upon entry, it was noted that the interior walls were separating from the exterior of the building and the kitchen had collapsed into the basement. Other significant safety concerns were also noted in the unoccupied unit, including that the oven was turned on (although the element had burnt out), a space heater was on and running, and a light was on and had fallen over onto a mattress. It appeared that the light had also scorched the wallpaper in the bedroom prior to falling over. The occupied unit has access to the basement, which is connected to the unoccupied unit. There is no way of fully securing the occupied unit from the collapse.

A qualified electrician was immediately hired to complete an inspection and a safety report. *Upon inspection, dangerous wiring was found throughout the entire structure. Knob and tube wiring was present, and bare copper was exposed and live, which was also running through the collapsed portion of the structure. The main switch gear was found to be in very poor condition, and the electrician rated the overall system a 1/10 as many hazards were present.* The electricians shut off power to the unoccupied unit to mitigate the fire hazard. **It is important to note that although the electricians (and NS Power) have disconnected power, the electrician stated that there is no way of knowing if all power has been completely disconnected from the unoccupied unit as the age and type of wiring used to be installed with little to no rhyme or reason.** Smoke detectors and carbon monoxide detectors were installed in the occupied unit the same day to further lower the risk to the occupant.

Extensive discussions were had regarding how to proceed as there was still an occupant in the building. It was concluded that after installing smoke and carbon monoxide detectors, having a qualified electrician complete a safety report and shutting off power to the unoccupied unit, and having Nova Scotia Power disconnect the power to the unoccupied unit, that we lowered the risk to the current occupant for the immediate future. Long-term, however, the building will continue to significantly deteriorate and cause more deterioration to the occupied side. Along with the various structural and electrical concerns, the unoccupied unit is noted to be a health concern as there is decomposing organic matter, rodents, mold, significant water damage, combined with extensive hoarding material.



Update:

Since the last meeting of the Planning Advisory Committee on July 2, 2024, there has been a significant increase of transient activity in and around the property. Staff have had to board up the property on three separate occasions since the last meeting, which included the rear porch, front door, and main floor windows. There is increased cause of concern that individuals are attempting to enter the lone occupant's unit, as there is evidence of activity in the basement and possible entry into the occupant's kitchen.

The property owner and/or their representative was invited to the July 2, 2024 meeting to discuss the state of the property. Neither the owner or their representative attended the meeting. As noted above, on June 21st the occupant's legal representative requested an opportunity to address the PAC at a later date. Although it is questionable if the tenant has standing, given the difficulty of serving the owner of the property, it was determined that the July 2, 2024, meeting would proceed as scheduled, but allow for the occupant and their lawyer to address the committee as requested, prior to considering a motion on the matter.

Given the potentially dangerous state of the subject building as detailed above, neglect by the property owner over the years, and the increase in transient activity on the property, it is appropriate to consider removing this risk by ordering demolition.

It should be noted that the Committee's authority pertains to the demolition of the building, while the authority to order a building vacated rests with the Administrator (Municipal Government Act s. 348 (6)). However, should the Committee decide to order demolition, the Administrator would likely time an order to vacate to align with the demolition order.

Conclusion:

At this time, staff are recommending **Option 1**.

- 1) That the Planning Advisory Committee order that the building located at 19 Spring Street (PID: 25031626) be demolished, with all contents removed, back fill the hole, and remove all vehicles and trailers from the property within 60 days of this 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 sending all contents of the building to an appropriate solid waste facility, or impound yard, with all costs charged to the property owner's tax account.
- 2) That the Planning Advisory Committee order staff to hire a qualified contractor or a structural engineer to access the condition of the building, and submit the report back to the PAC, with all costs charged to the property owner's tax account.





- 3) That the Planning Advisory Committee order staff to continue to monitor the property and bring any new issues that arise back to the committee.

Attachment:

- 1) *20240702 19 Spring Street PAC PowerPoint*
- 2) *20240903 19 spring Street PAC PowerPoint*



19 Spring Street

PID 25031626











Unoccupied Unit

Interior walls separating from exterior walls.



Interior Walls separating from exterior walls.



Main floor bathroom. Interior walls separating from exterior walls.



Significant water damage to main floor kitchen.



Significant water damage to main floor kitchen.



Oven was on, element appeared to be burnt out.



Floor has completely collapsed into basement. Hallway door frame is resting on debris.



Refrigerator has fallen into the basement due to the collapsed floor.



Main floor water damage.



Main floor water damage.



Main floor water damage.



Main floor water damage.



Space heater on and running.



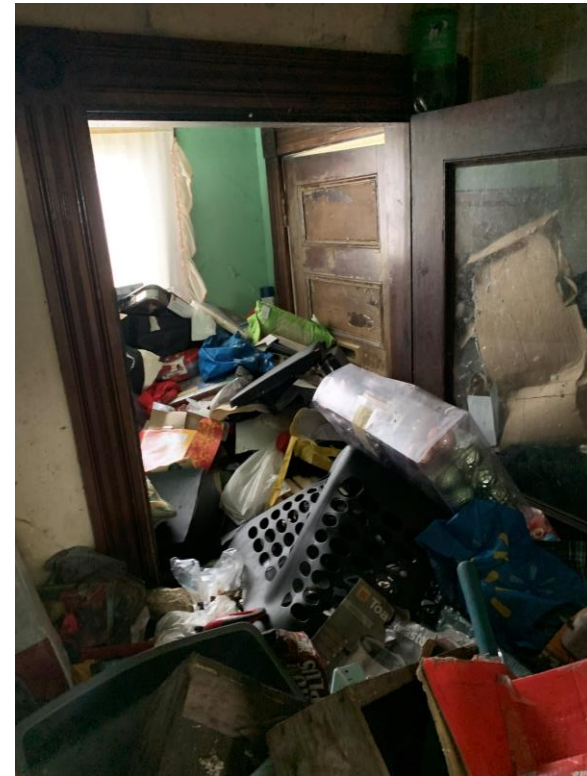
Main floor water damage, hoarding.



Main floor hoarding.



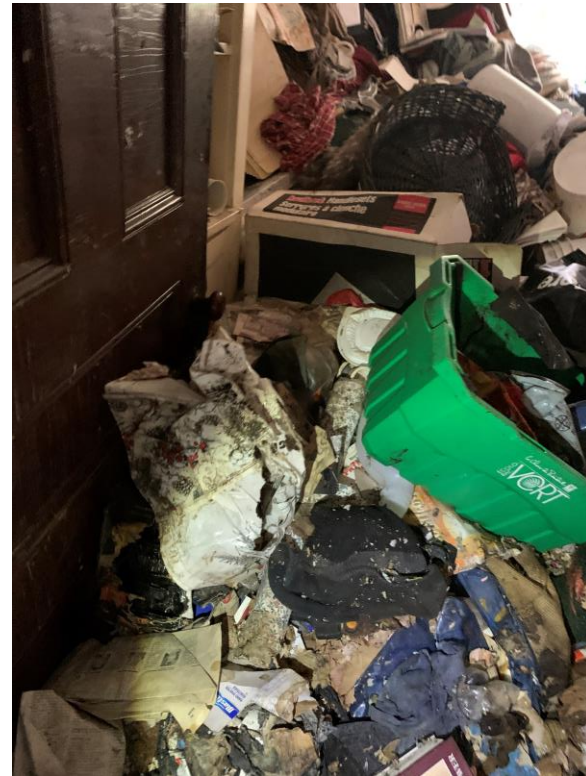
Main floor hoarding.



Second-floor water damage.



Second-floor hoarding/garbage.



Second-floor hoarding/garbage.



Second-floor hoarding/garbage.



Second-floor water damage.



Second-floor water damage.



Second-floor bathroom water damage.



Second-floor bathroom water damage.



Second-floor bedroom. Light fallen onto mattress and papers.



Second-floor bedroom. Light appeared to scorched wallpaper.



Occupied Unit

Water damage on second-floor.



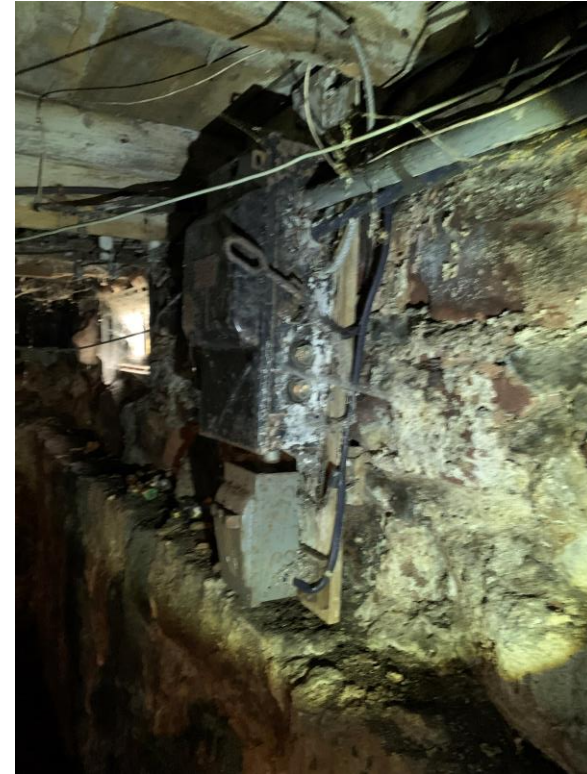
Minor water damage on second-floor.



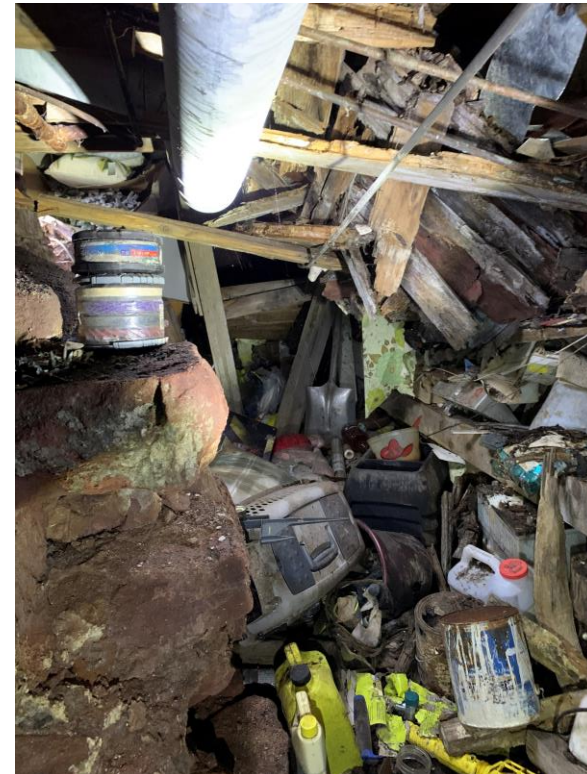
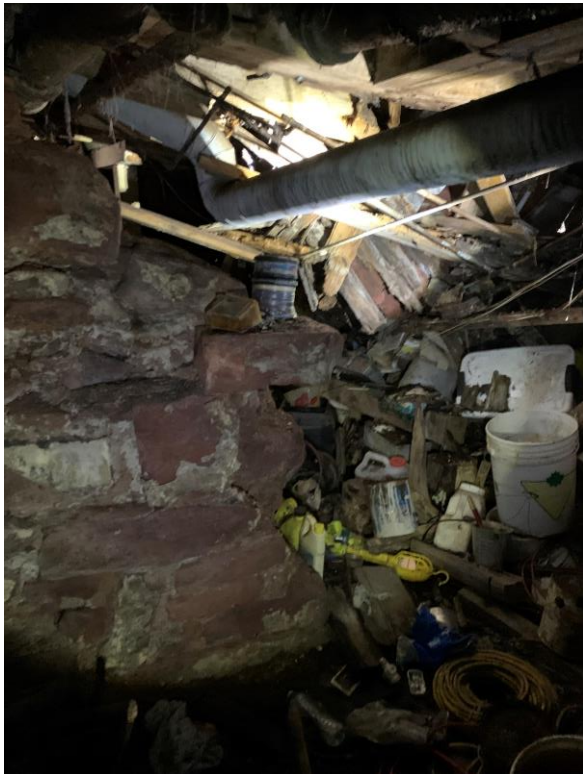
Electrical and furnace is accessible through occupied unit.

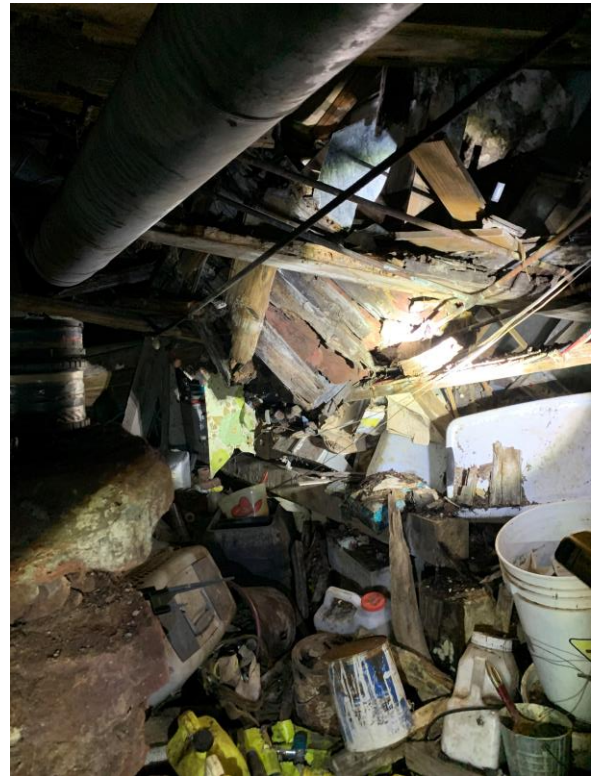


Basement: Main gear box in extremely poor condition. Accessible through occupied unit



Basement. Collapse of unoccupied unit.







19 Spring Street

PID 25031626

July 19, 2024 – rear porch



August 21, 2024 – Front Door



Rear Porch



Padlocks have been cut off trailers



August 21, 2024 – Main Floor Window



August 29, 2024

BY EMAIL (AFisher@amherst.ca)

Attn: Planning Advisory Committee
Town of Amherst
P.O. Box 516
98 Victoria Street East
Amherst, NS B4H 4A1

Dear Mr. Fisher:

RE: PID 25031626, 19 Spring Street, Amherst, Nova Scotia

I represent Vivian Hutchinson, who is the sole tenant at 19 Spring Street in Amherst. I am informed that the Town of Amherst is considering demolition of the property pursuant to the Town's *Dangerous or Unsightly Premises Policy* and in accordance with the authority conferred upon it by *Municipal Government Act*. While my client is not the property owner, she wishes to offer submissions to the Planning Advisory Committee for its consideration.

Background

Ms. Hutchinson is 95 years old and has been a tenant at 19 Spring Street since the early 1980s. The property owner and landlord is Walter E. Wells, who acquired the property in August 1984 following the death of his father. The building is a multi-unit structure with the main residential unit being located in the front, facing Spring Street, and the secondary units being located in the back. Though structurally connected, the units are separate and there is presently no interior access between the units. Until being taken to hospital, Mr. Wells ordinarily resided in the secondary units.

On May 31, 2024, the Town delivered a letter to Ms. Hutchinson advising that the Building Official conducted an interior inspection of the secondary unit and noted several concerns, including accumulated garbage, a collapsed floor, and scorched wallpaper. An immediate order was made to disconnect power to the secondary unit and secure all entrances. Nova Scotia Power later attended the address and disconnected the power to the best of its abilities.

A Planning Advisory Committee scheduled for July 2, 2024 was adjourned to September 3, 2024 at Ms. Hutchinson's request.

Law

In accordance Section 346 of the *Municipal Government Act*, Town Council has the authority to order that a property owner remedy a “dangerous or unsightly” premises and it must specify what is required. Under Section 347, a municipality may apply to the Supreme Court of Nova Scotia for an order declaring the premises “dangerous or unsightly” and specifying the work required to be done including removal, demolition or repair.

Order to remedy condition

346 (1) 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.

Order to remedy condition

347 (1) A municipality may apply to a court of competent jurisdiction for a declaration that a property is dangerous or unsightly and an order specifying the work required to be done to remedy the condition by removal, demolition or repair.

(2) The court may order any property found to be dangerous or unsightly to be vacated until the condition is remedied.

(3) The court may, where any property is found to be dangerous or unsightly, order that no rent becomes due, or is payable by, any occupants until the condition is remedied.

Immediate action

350 Where public safety requires immediate action, the administrator may immediately take the necessary action to prevent danger or may remove the dangerous structure or condition.

The *Act* defines “dangerous or unsightly” as follows:

3(r) “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,
- (iia) an accumulation or collection of materials or refuse that 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 neighbouring 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;

Pursuant to the *Act*, the Town of Amherst enacted Policy No. 66150-01 *Dangerous or Unsightly Premises Policy* which delegates the authority to declare a property as dangerous or unsightly to the Administrator. The Administrator must conduct an initial investigation and make its determination in accordance with *Act*.

Purpose:

2. Part XV of the Municipal Government Act states, “Every property in a municipality shall be maintained so as not to be dangerous or unsightly”.

Policy Statement:

3. Council delegates its authority to declare a property as dangerous or unsightly to the Dangerous or Unsightly Premises Administrator. The Administrator will determine whether or not a property is considered dangerous or unsightly in accordance with the definition of such in the *Municipal Government Act*.

4. Council delegates its authority under the provisions of the Dangerous or Unsightly Premises contained in the *Municipal Government Act* to issue an order to demolish a building to the Planning Advisory Committee.

5. Council delegates its authority to bring into compliance a property which has been declared dangerous or unsightly to the Administrator. The Administrator will utilize any and all tools listed in the Dangerous or Unsightly Premises Procedure to achieve compliance.

If a property owner fails to comply with an order of the Administrator, the Administrator may enter the property and carry out the work specified in the order without warrant, pursuant to Section 348 of the *Act*.

Effect of Order

348 (1) In this Section, “order” means an order made by the administrator, committee, council or court pursuant to this Part.

(2) An order may be served by being posted in a conspicuous place upon the property or may be served upon the owner.

(3) Where the owner fails to comply with the requirements of an order within the time specified in the order, the administrator may enter upon the property without warrant or other legal process and carry out the work specified in the order.

(4) After the order is served, any person who permits or causes a dangerous or unsightly condition, continues to permit or cause a dangerous or unsightly condition or who fails to comply with the terms of the order is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars, and in default of payment to imprisonment for not more than three months.

The Supreme Court of Nova Scotia in *Sydney Precision Machine Ltd. v. Cape Breton - (Municipality)*, 2003 NSSC 222 explained that because the *Act* confers “drastic powers to affect individuals’ property”, a municipality’s power to order removal or demolition must be exercised strictly in compliance with the statute and the law itself must be narrowly interpreted (at para 30).

A municipality’s decision as to whether a property is “dangerous” or “unsightly” must be objective and justified in relation to the constellation of law and facts that are relevant to it. In *Rector v. Colchester (Municipality)*, 2023 NSSC 405, Justice Hunt confirmed that decisions of administrative bodies in applying the law (e.g., planning advisory committees) are reviewed on a standard of reasonableness, and their decision be a result of their consideration or any relevant statutory or common law, evidence and submissions presented by the parties, past practices the body’s previous decisions, and the potential impact of their decisions on those involved (at para 47).

Vivian Hutchinson

Ms. Hutchinson has spent much of her adult life at 19 Spring Street. It’s where she cared for her dying mother prior to her passing, and where she has her most cherished memories. Having lived there for four decades, Ms. Hutchinson knows every square inch of her home from top to bottom.

At the age of 95, Ms. Hutchinson, is active in the community and enjoys a vibrant social life. Despite having been a tenant for 40 years, her responsibility for, and maintenance of, the primary unit has far surpassed the duties of ordinary tenants under the *Residential Tenancies Act* and the standards of common decency. Though she has no lawful or equitable interest in the property, she has paid for – at great personal expense - the installation of electrical lines in her unit, twice replaced the home heating furnace, construction of the front porch, replacement of the roof, kitchen repairs, bathroom repairs, interior and exterior painting, and land maintenance. Proof of Ms. Hutchinson’s diligent maintenance of her unit is evidenced in the evidence packaged submitted to this committee.

The primary unit has seven rooms: A living room, parlor, kitchen, two bedrooms, and small rooms currently used for storage. With the exception of an upstairs storage room, Ms. Hutchinson’s home is clean, organized, and shows no signs of structural damage or deterioration. Being an older home with plaster walls and ceilings, there are no cracks or fault lines on the walls or ceilings, the stairs have no sunken, and the unit is free from visible water damage. Perhaps Ms. Hutchinson’s home could use a fresh coat of paint and new wallpaper, but there’s not a home that’s been lived in as long as hers that the same cannot be said.

On the second floor, the small storage room is in need of repair. There are signs of past water damage but the extent of the damage is unknown. However, the walls, ceiling and floor are solid and there is no evidence of mold or rot. Ms. Hutchinson advises this room is minimally used.

In the attic, it is dry and without signs of leakage or decay. Meanwhile, in the basement the primary unit is supported by solid beams and an adequate, albeit aged, foundation. There is some evidence that the ground has shift, but there is little indicate of wood rot, splitting, or detached joints and supports.

Unfortunately, I do not have copies of any structural assessment reports or submissions filed on behalf of the complainant or by the Town of Amherst in this matter. Accordingly, I cannot comment on the condition or structural integrity of the secondary unit. The 11 photographs attached to the Town's correspondence dated May 31, 2024 indeed depict hoarding and deterioration, though it is submitted these issues are – for the moment – confined to that unit and do not interfere with the use or enjoyment of Ms. Hutchinson's unit.

Noted above, Ms. Hutchinson is well into retirement and presently enjoys a luxury hardly shared by nonagenarians – living independently in her home. Having resided at 19 Spring Street for as long as she has, she benefits from the familiarity and peace of mind that comes with knowing where every wall begins and ends, the layout of everyone room, and the precise placement of banisters and supports. Frankly, were Ms. Hutchinson to lose her sight, she could not doubt navigate her home without issue.

For her and other similarly situated retirees, the importance and significance of being able to continue living at home cannot be understated. Should the Town of Amherst to order eviction and demolition of the property, Ms. Hutchinson will the lose her confidence in her surroundings, her ability to entertain guests, her neighbourhood, and her sense of community. If evicted, Ms. Hutchinson will lose the place she has called home for half-a-life.

In support of her application, Ms. Hutchinson has filed letters of support from Sharon Gay, Kimberly Field, Carey Brown, Kelly Milner, Sylvia Stewart-Pitts, Jean Henley, and Peter and Faye Ripley. Each has attested that Ms. Hutchinson's unit cannot be compared to the secondary unit; that she is not in imminent danger in home and to force such a major event as moving would cause serious and debilitating effects on her physical and mental wellbeing. She is loved and well-respected by the signatories, and her neighbourhood would suffer a great loss were Town to order her eviction.

If it is decided that 19 Spring Street is a dangerous or unsightly premises and an order is to be made, it is submitted that the order should be for the repair of the secondary units including the removal of items deemed to be "junk" or "refuse", and to address other such issues deemed to constitute a safety hazard. In the event of Mr. Wells' non-compliance, the Administrator has the authority to enter the secondary units to complete the necessary work, and it is further submitted that the Town may undertake the necessary steps to obtain a judgement against Mr. Wells for the recovery of amounts owing for the completion of work, and same can be registered against the land for future recovery. Though not an immediate solution, it is a cost-effective option that spares

the Town the resources necessary to evict Ms. Hutchinson, obtain an order for demolition, demolish and dispose of the property, and attempt recovery of same from Mr. Wells.

Summary

The primary unit does not constitute a dangerous or unsightly premises, and an order for demolition or eviction is not necessary. Objectively, Ms. Hutchinson's unit is in a fine state of repair and, with the exception of one storage room, is void of any sign of deterioration or decay. If the condition of the secondary unit posed a serious and imminent danger to her safety, the Town of Amherst would reasonably have been expected to exercise their right to take immediate action to effect eviction under Section 350 of the *Municipal Government Act*. To date, the Town has not done so.

Ms. Hutchinson is 95 years old and has lived in the primary unit at 19 Spring Street for over 40 years. She has paid out of pocket to maintain her unit, including the installation of electrical lines, replacing the home heating furnace, construction of the front porch, replacement of the roof, kitchen repairs, bathroom repairs, interior and exterior painting, and land maintenance. It's the only place she calls home and is where she has experienced the most profound moments of her life. Living at 19 Spring Street enables Ms. Hutchinson to enjoy an enriched, independent retirement and an order for eviction will cause irreparable harm to her wellbeing.

Ms. Hutchinson asks the Town to explore all reasonable alternatives to an order for demolition, including exercising its authority to enter the secondary unit and complete any necessary work to avoid demolition. Such a course of action would be cost effective for the Town and its taxpayers, and would allow Ms. Hutchinson to continue living independently.

All of which is respectfully submitted.

Sincerely,



Zachary MacMillan
Staff Lawyer – Amherst Office
Nova Scotia Legal Aid

**THE TOWN OF AMHERST
PLANNING ADVISORY COMMITTEE**

IN THE MATTER OF:

**19 SPRING STREET, AMHERST, NOVA SCOTIA
(PID: 25031626)**

**ELECTRONIC SUBMISSIONS ON BEHALF OF
VIVIAN HUTCHINSON**

Zachary MacMillan
Nova Scotia Legal Aid
55 Church Street
Amherst, NS B4H 3A7
tel: (902) 667-7544
fax: (902) 667-0030
zachary.macmillan@nslegalaid.ca

Counsel for Vivian Hutchinson

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**19 SPRING STREET, AMHERST
EXTERIOR**







BXE 626

COROLLA





**19 SPRING STREET, AMHERST
MAIN FLOOR**















IMPORTANT FRIDGE ADVICE



MON TUE WED THU FRI SAT

1					
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2024 COLLECTION SCHEDULE

WEEK	MON	TUE	WED	THU	FRI	SAT	SUN
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IMPORTANT COLLECTION NOTICE

the new collection

in the year.

















**19 SPRING STREET, AMHERST
SECOND FLOOR**































**19 SPRING STREET, AMHERST
ATTIC**









**19 SPRING STREET, AMHERST
BASEMENT**





















LETTERS OF SUPPORT

Sharon Gay
3 Bayview Drive
Amherst, Nova Scotia
B4H 4E4

June 24, 2024

To Whom it may concern:

I write this letter in support of Vivian Hutchinson. It is my understanding the Town of Amherst is initiating the demolition of this residence which is a 3-unit dwelling with civic address noted as 21 Spring Street, owned by Mr. Walter Wells, with Mrs. Hutchinson holding vacancy in one unit with civic address noted as 19 Spring Street.

Two of the units are in very poor condition and needed immediate safety measures put in place. However, Mrs. Hutchinson's unit is in no comparison to the two attached units. Although upgrades are needed and quite possibly required, Mrs. Hutchinson has remained in her home with no immediate danger noted.

Mrs. Hutchinson is 95 years old, self-sufficient and of sound mind and body. She has resided at this residence for 43 years. Since the onset of learning that the Town is planning to tear down her home she has expressed her concern and the toll this will have on her mental and physical health.

I too am very concerned for Mrs. Hutchinson's mental and physical health if she should have to take on such a major undertaking at this stage in her life. With this said, I hope the Town does consider the ill effects this is going to have on Mrs. Hutchinson's health and well being and instead, do the repairs needed to keep Mrs. Hutchinson in her home, and bill the cost to Mr. Wells for the renovation rather than the demolition.

With our current state of housing crisis, it does not seem reasonable not to have an alternative solution that will allow Mrs. Hutchinson to remain in her home.

The Town has already taken the demolition approach on several of Mr. Well's properties, when there were/are other places in town that would better warrant the same approach, yet they are still being housed by people.

In closing I wish to thank you in advance for your consideration and I hope the Town in good faith can find a solution, in favor of Mrs. Hutchinson to remain in her home.

Sincerely,



Sharon Gay

June 25, 2024

To whom it may concern

I am writing this letter on the behalf of my neighbor and friend Vivian Hutchinson of 19 ~~Church~~ Street, Amherst, MA. 01026
Spring St.

I became a friend of Vivian's over thirty years ago when I purchased my home at 30 Spring Street. I own a hairstyling salon and Vivian became a long time customer. We often talk on the phone and run over to each others homes with cards, gifts and to check in on each other.

Vivian has informed me that there is a motion in play to remove her from her home as Walter Wells has let his side of the home fall into disrepair. It is my understanding that Mr Wells' side will be repaired and that he will not be returning.

I cannot see why Vivian could not live there as her side of the home is kept in good repair always. She is a smart, independent woman who has always taken pride in herself as well as her home and yard. She is well respected and loved by all of her surrounding neighbors, myself included. Please consider her well being in this matter.

Thanking you for your consideration

Sincerely,

Kimberly Field
30 Spring Street
Amherst, MA.
01027

To whom it may concern,

06/26/24

My name is Carey Brown. I have been neighbours with Vivian Hutchinson for nearly 14 years now. During these years she has always been a perfect neighbour. She is quiet, takes care of her property, and is always offering to help her neighbours.

Vivian has lived at this property for over 40 years. During that time, there has been many times that the owner, Walter, has refused to do both minor and major repairs. He has also not always taken care of the outside of her part of the house. When these situations have come up, knowing Walter would never pay, Vivian has had to pay out of her own pocket.

Given what a great asset she is to our block, her willingness to take care of her property (inside and out), her age, and the fact that she has lived there for over 40 years, I feel she should be allowed to stay. Anything else is just completely cruel.

If you have any questions, feel free to reach me at (903) 397-3099.

Thank you,

Carey Brown

Carey Brown

June 26, 2004

To Whom it May Concern:

re: Vivian Hutchinson, 19 Spring St., Amherst, NS

I am writing on behalf of Vivian to allow her to stay in her house. She is one of the kindest people in the neighborhood and would do anything for any one of us.

Vivian has always maintained her half of the property at her own expense when Walter Wells refused to do so. Considering she has put so much of her own money and her age, it is completely unfair to expect her to leave her home of 40+ years.

As a side note, she has been my neighbor over 24 years and I have never had an issue with her.

If you have any questions, I can be reached at (902) 694-0725.

Sincerely,

Kelly Milner

Kelly Milner
13 Spring St.

attention: Zach MacMillan

Sylvia Stewart <msstewca@yahoo.ca>

Wed 6/26/2024 4:37 PM

To:Sadie Kathe Shelly <Sadie.Shelly@nslegalaid.ca>

Dear Mr. MacMillan,

I am writing on behalf of Vivian Hutchinson. Vivian is a neighbor and good friend of Mom and me, and even since Mom has passed just over a year ago, I have continued this friendship. We check in on each other and share favors and stories. She keeps an eye on our home and I look out for her well-being. We still have Mom's home, so I am there very frequently.

There is talk of the town wanting to demolish the house that Vivian has called home for over 40 years. I believe that the town engineer has deemed it unsafe and beyond repair. I agree that the side Walter Wells lived in is not fit, but Vivian's side seems to be structurally sound. I have been in her home several times and everything seems solid.

The thought of Vivian uprooting at this stage in her life is very upsetting. I am afraid her health will suffer because of all the emotional stress. Vivian is a very independent lady and deserves the right to stay in the house that is her home with her cats that she loves dearly. Vivian is surrounded by caring neighbors who have her best interests at heart.

I am asking that the town look at other options other than simply bulldozing the property under, so that Vivian can live in the comfort of her own home, in a neighborhood that she feels safe, loved and at peace.

Sincerely yours,

Sylvia Stewart-Pitts

2

162 E. Victoria St.,
Amherst, D.S.
June 28/24

To Whom It May Concern -

I am writing on behalf of Mrs. Vi Hutchinson,
re: The future of her residence on 19 Spring St.,
which is owned by Walter Wells.

Part of the house is in need of repair, but
restorable, her section is in good repair. She finds
it comfortable, affordable and suitable to her needs.

Amherst is blessed with several old,
Victorian historic properties, which mine is one.
These beautiful homes enhances the ~~the~~ town,
and the streetscape that Amherst is known for.
These should be preserved according to the local
Historic Society and the Public in general.

Housing is at a premium in Amherst, many
people and families are on a waiting list.

Mrs. Hutchinson has invested considerably
in this residence toward maintenance and repair.
She is very comfortable there.

Her concern is the future stability the town

may have toward this property, as 3 other properties owned by Mr. Wells, has been, unfortunately ~~been~~ demolished. These homes were beautiful historic properties, which cannot be replaced, leaving a empty, gaping lot.

She is asking for a commitment from the Town to have permanent residency at the property as long as required, without living in dread of a sudden foreclosure. It poses no risk to her or the public. The grounds are tended and attractive, except for some vehicles parked back and front, which do not enhance the property.

Sincerely
Jean Henley

28 Lakeshore Drive,

Sackville, NB,

E4L 3A4

July 3, 2024

To whom it may concern,

We wish to write this letter in support of Mrs. Vi Hutchinson who may be forced from her home as “collateral damage” in the conflict between the Town of Amherst and Mr. Walter Wells.

I am a retired Air Traffic Controller and my wife, Faye, is a retired Amherst school teacher. We have known Vi for many years as she was a friend of my late mother Patricia. Since my mother’s passing in 2019, we have continued to maintain a friendship.

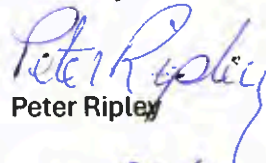
Mrs. Hutchinson has lived in her apartment for over forty years. Her apartment is in better condition than the remainder of the house due to her care. I believe most, if not all, improvements and routine maintenance were done at her own expense and ignored by the landlord.

Despite the landlord’s lack of responsibility Mrs. Hutchinson remained cordial and tolerant of his idiosyncrasies. To this day she still insures he receives his mail. Twice she directed medical assistance to him when he was in need.

I believe Mrs. Hutchinson is a kind and caring person. For years she would check on an elderly neighbour each morning to ensure she was up and about. She visits those confined to nursing homes and hospitals. To date, I have no concern with her ability to care for herself.

If you have any questions please feel free to contact me at 506-536-2288 or pripley@nbnet.nb.ca

Sincerely,



Peter Ripley



Faye Ripley



To: Planning Advisory Committee
From: Emily Wainwright, Dangerous and Unsightly Premises Administrator
Date: September 3, 2024
Re: 77 Station Street (PID 25124017)

Registered Owner: W B Wells Ltd
19 Spring Street
Amherst, Nova Scotia
B4H 1R6

Issue:

The lack of maintenance over the years has left the building in a state of serious disrepair to which the building is now becoming a danger to the public on Station Street. As articulated in the inspection report by the Dangerous and Unsightly Premises Administrator, there are various structural, safety, and health concerns with the building.

History:

- | | |
|-------------------|---|
| February 6, 2024 | Complaint received from APD regarding the condition of the vacant building and that someone was inside. The Officer had reported that it appears the roof was caving in.

Site visit (exterior); it was unclear the condition of the building due to the snow and height of the building. |
| February 8, 2024 | Notice was given to owner's representatives and posted to the property to enter the property on February 15, 2024. |
| February 15, 2024 | Interior inspection (9:00 am) completed by D&U, Building Official II, and APD. Power was still running to the building. The owner was invited to the inspection, but did not attend. |
| February 20, 2024 | Requested disconnection of power by NS Power due to transient activity in the building; individuals attempting to strip electrical in the building and dismantle electrical panel. |



- February 28, 2024 Call from NS Power confirming that meters were “pie plated” and power lines had been cut. Power secured.
- March 7, 2024 Notice sent to owner to *Weathertight Roof, Secure All Entrances, and Remove all Garbage by March 21, 2024.*
- March 25, 2024 Follow-up inspection. No progress has been made. Side door was open.

Immediate Order issued to secure building.

Town hired contractor who secured the building

Order issued to *Weathertight Roof, Remove all Garbage by April 2, 2024.*
- April 4, 2024 Follow-up inspection. No progress made.

Noticed entrance had been made through the metal/concrete at the back of the building. APD cleared the building. Obvious signs of transient activity. There was now 4-6” of water in basement.

Officers stated it was extremely hard to keep the area free of transient activity. Activity occurring under decks, using decks to hide from APD.
- April 5, 2024 Reached out to Police Chief re: issues with subject property. APD is in support of the removal of the dilapidated decks. The property is no longer safe to complete a thorough inspection.
- April 10, 2024 Posted Notice to Enter with Department of Environment and Climate Change due to concerns of water and large amounts of hazardous materials in the basement.
- April 11, 2024 Completed inspection with DOECC and APD.
- April 18, 2024 Notice given to owner to *remove all Garbage from the property, Remove or Repair all dilapidated wooden decks as to no longer be dangerous or unsightly, and to Weathertight the roof by April 30, 2024.*



April 29, 2024	Follow-up inspection. More metal siding had been removed and access was made into the building. Contractor hired to board up.
May 1, 2024	Issued Order to <i>remove all Garbage, Repair or Remove all dilapidated wooden decks as to no longer be dangerous or unsightly, and to Weathertight the roof by May 14, 2024</i>
May 3, 2024	Building cleared by APD prior to boarding up by Town hired contractor.
May 16, 2024	Deck and Garbage Removal award to Town hired contractor.
May 21-22, 2024	Deck and Garbage Removal completed by Town hired contractor.
July 10, 2024	Immediate removal of metal siding by Public Works as metal was blowing onto the road and hanging from the building.
July 16, 2024	Follow-up inspection. Bricks appear to be falling off the building.
July 17, 2024	Temporary barricade and snow fencing installed around area where bricks are falling from building.
July 22, 2024	Hoarding fence installed by Town hired contractor.
August 20, 2024	Notice of Consideration for Demolition posted to property and served to owner via Provincial Civil Constable.

Inspection Report:

An inspection of 77 Station Street was completed by the Dangerous and Unsanitary Premises Coordinator, the Building Official II, and the Amherst Police Department on February 15, 2024. The following was noted and photographed:

- The exterior of the building is metal.
- All doors and windows have been boarded up.
- One door facing Station Street had obvious signs of repeated entry, where individuals have removed sheet metal, which was installed by Public Works, as per APD.
- The roof is asbestos tile with large openings.
- Graffiti is noted on the side facing the train tracks.



- There are two power meters with the faces removed, interior sockets exposed, there is a possibility of power still running to the meters.
- Signs of transient activity at the property.
- The door facing Spiring Street had been cleared of snow, signs of attempted entry.
- Clothing, blankets, and other items were found around the property.
- Noticeable holes in roof, allowing weather to enter the building.
- Large holes facing train tracks allowing snow to enter and accumulate in the building.
- Signs of water damage inside the building.
- Exposed heating and HVAC system.
- Large quantities of tools, hardware, water pumps/systems, furniture, etc. make it extremely hard to navigate through the building.
- Building is made with steel beams and concrete walls.
- The electrical panel has been stripped and copper/wires have been removed.
- Used cigarettes found inside the building.
- Wood pallets inside the building seem to have been placed in a way that was being used as a ladder to gain access to the ceiling and/or roof.
- The floor of the second-floor office is rotten and very soft due to leaking roof above.
- The basement has an oil tank, which appears empty, furnace and hot water heater.
- Large accumulation of hazardous waste, including paint and stain in various conditions (possibly hundreds of cans of various waste).
- Evidence of individuals using the washrooms.
- There is no current water account – confirmed by Water/Sewer Billing Clerk.

Relevant Municipal Government Act Interpretations:

Section 3(r) “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,*
- (iia) an accumulation or collection of materials or refuse that 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,*
- (iv) 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 neighbouring 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,*
- (xii) *that is in a poor state of hygiene or cleanliness;*

Conclusion

Over the past few months, the building has seen significant deterioration. Efforts have been exhausted in cleaning up the property, making it secure, and making sure it is not a danger to the public. Given the continuous attempts of individuals to enter the building by removing concrete blocks, APD stated that it is no longer safe for officers to do a thorough inspection, and the fact that bricks and asbestos tile is now falling from the building, it is recommended that the building be considered for demolition.

At this point in time, it appears to be safe to enter the building to remove all the contents. If the building is left vacant for another winter, staff are concerned that deterioration will continue to the point where it will no longer be safe to enter the building to properly remove the asbestos roof and the contents, specifically the large amount of hazardous waste.

At a later date of the Planning Advisory Committee, given the information available at this time and the current state of the building, staff would be recommending **Option 1** below.

- 1) That the Planning Advisory Committee order that the building and loading dock located at 77 Station Street (PID: 25124017) be demolished, with all contents removed, back fill the hole, within 60 days of this 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 sending all contents of the building to an appropriate solid waste facility, or impound yard, with all costs charged to the property owner's tax account.
- 2) That the Planning Advisory Committee order staff to hire a qualified contractor or a structural engineer to access the condition of the building, and submit the report back to the PAC, with all costs charged to the property owner's tax account.
- 3) That the Planning Advisory Committee order staff to continue to monitor the property and bring any new issues that arise back to the committee.

Attachment:

- 1) *20240903 77 Station Street PAC PowerPoint*



77 Station Street

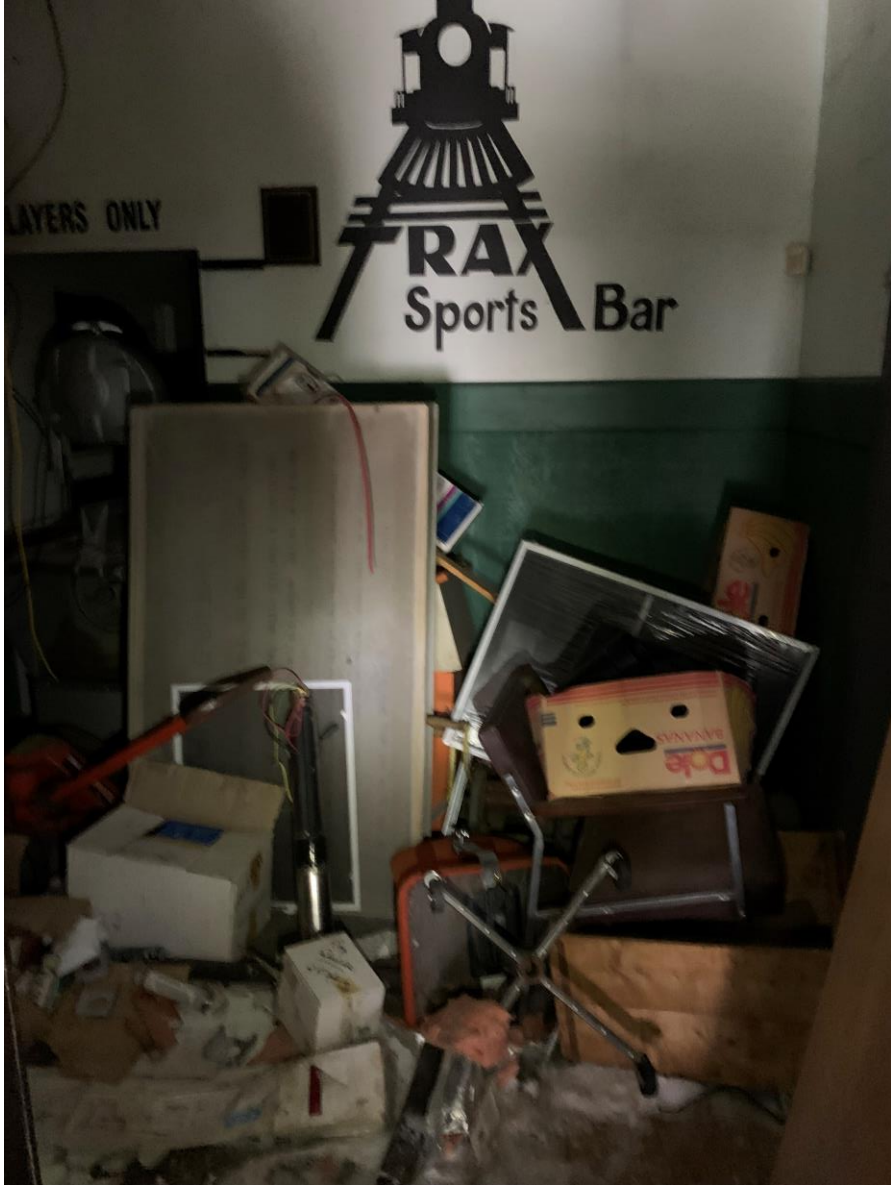
PID 25124017

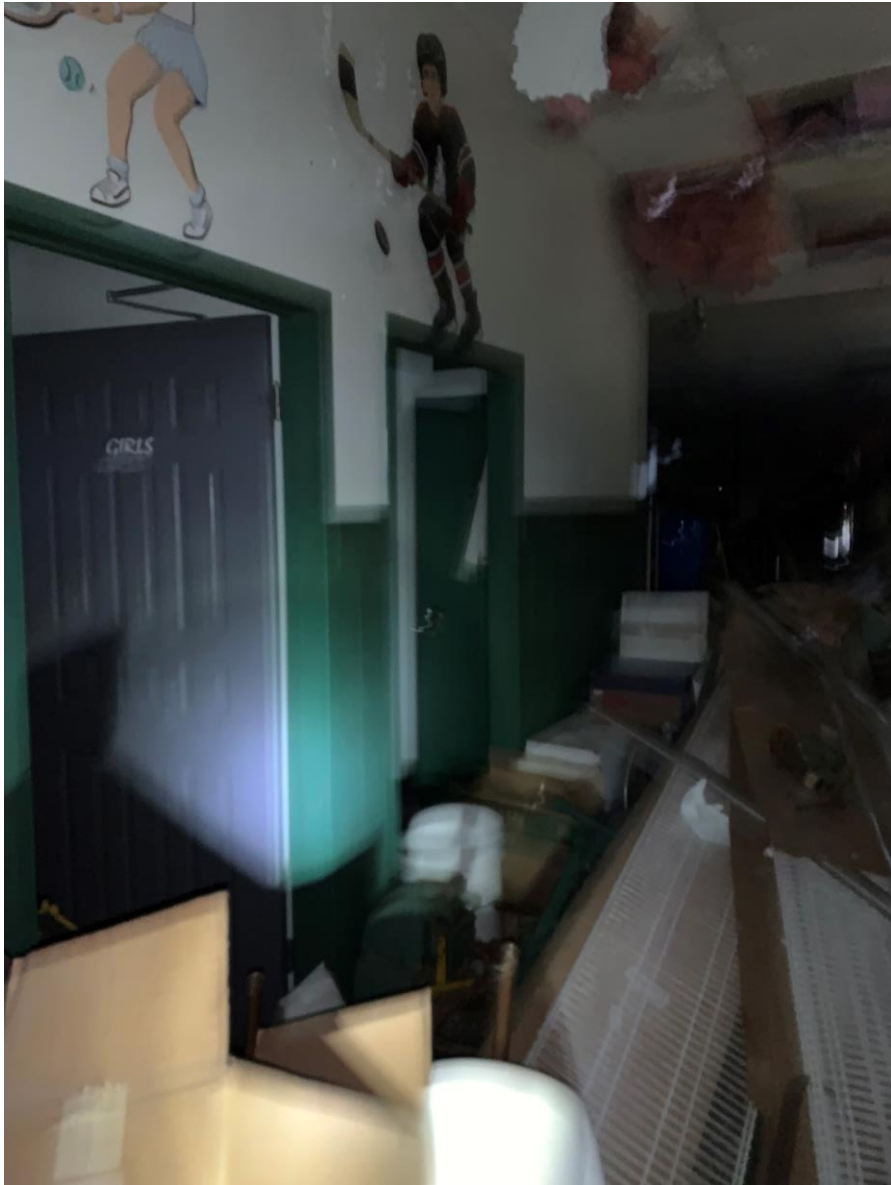
February 15, 2024 – Interior Inspection



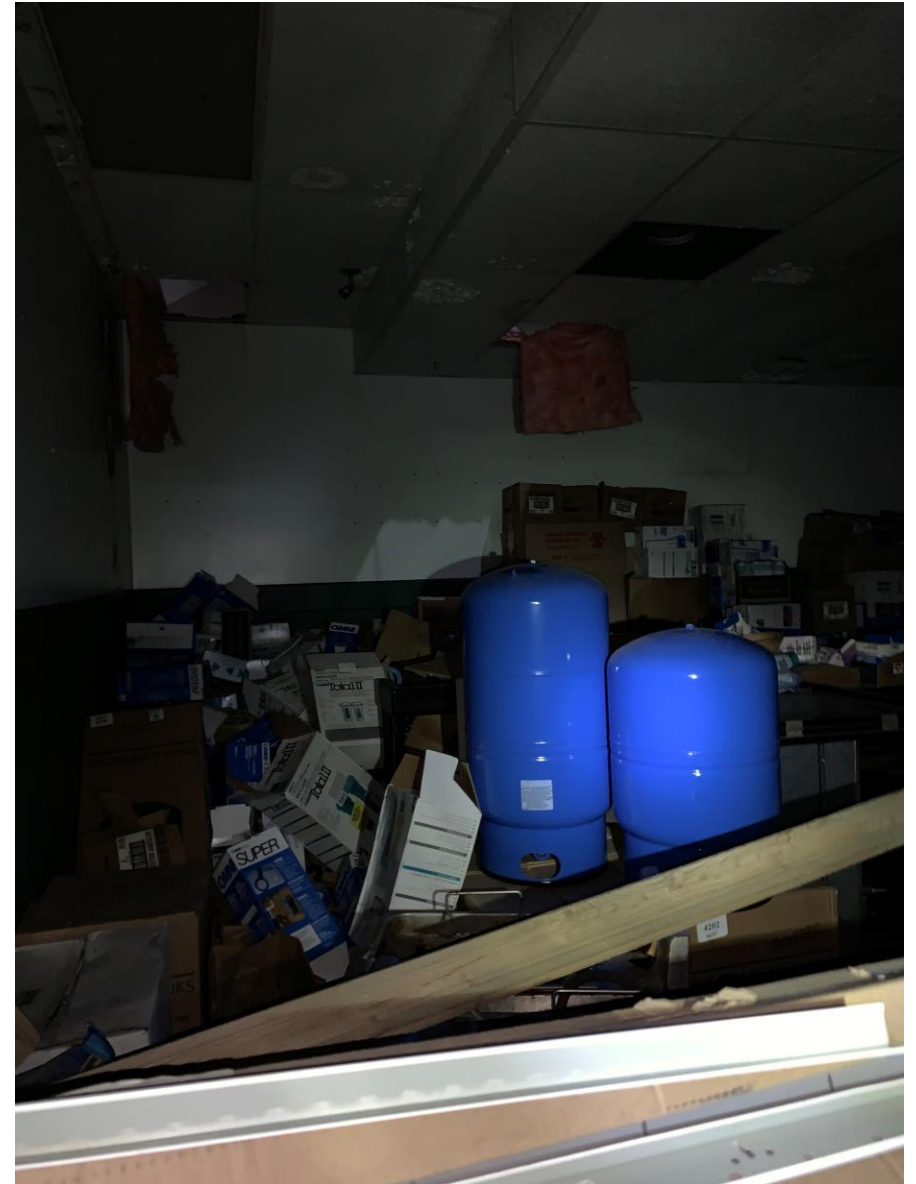
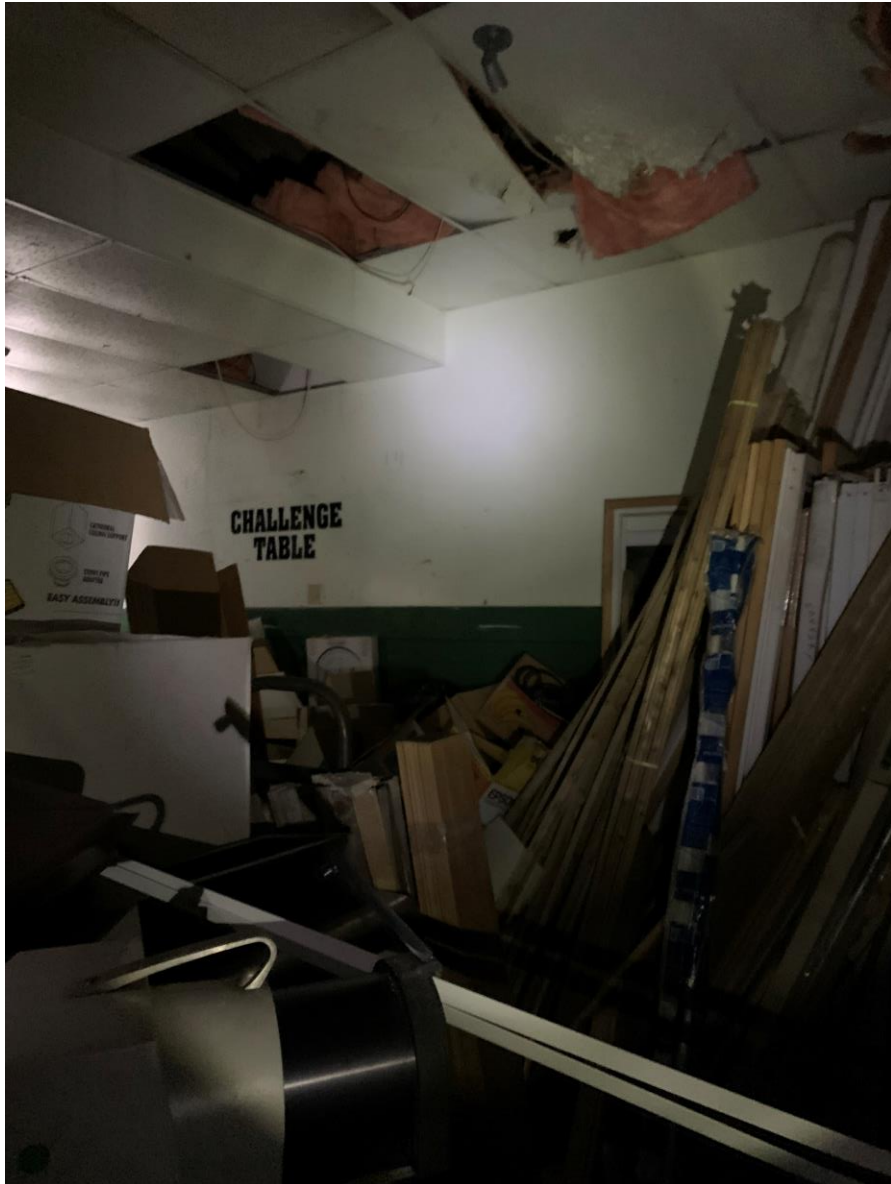






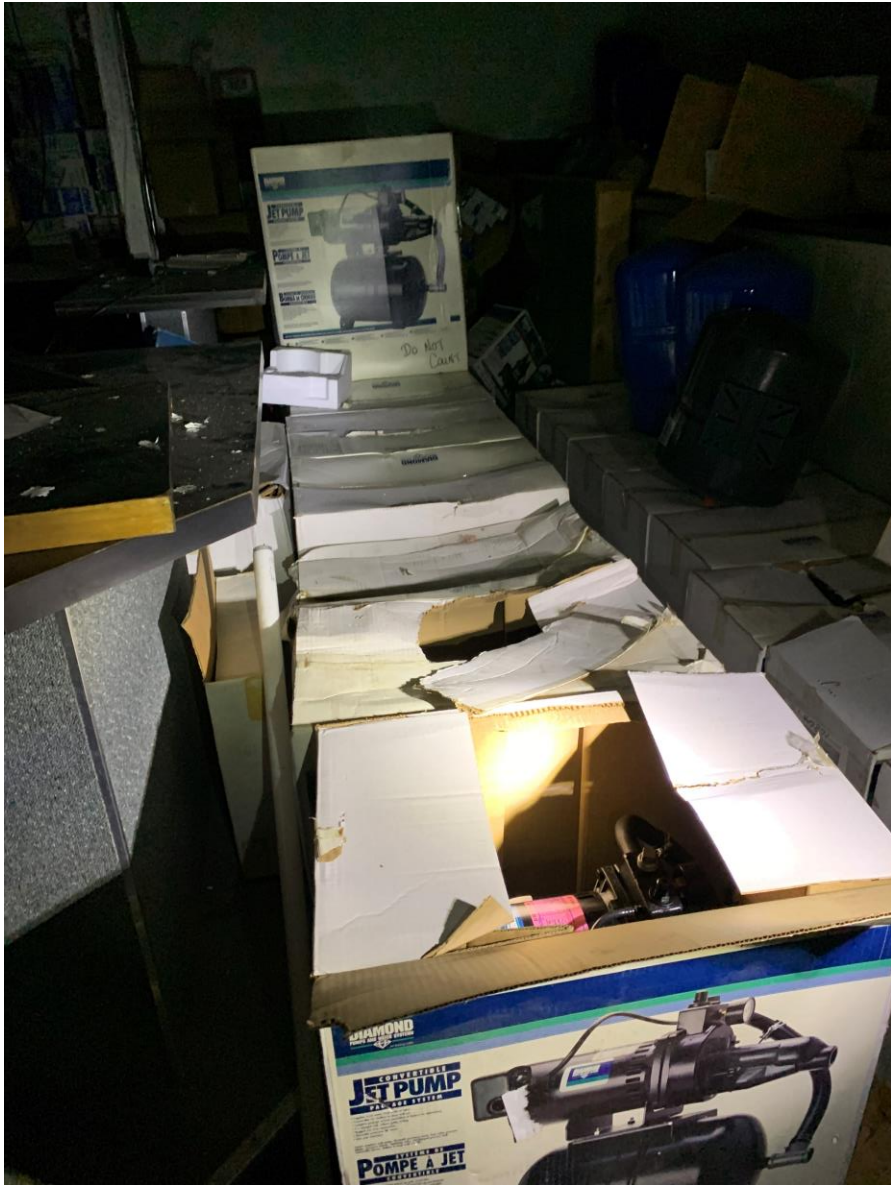




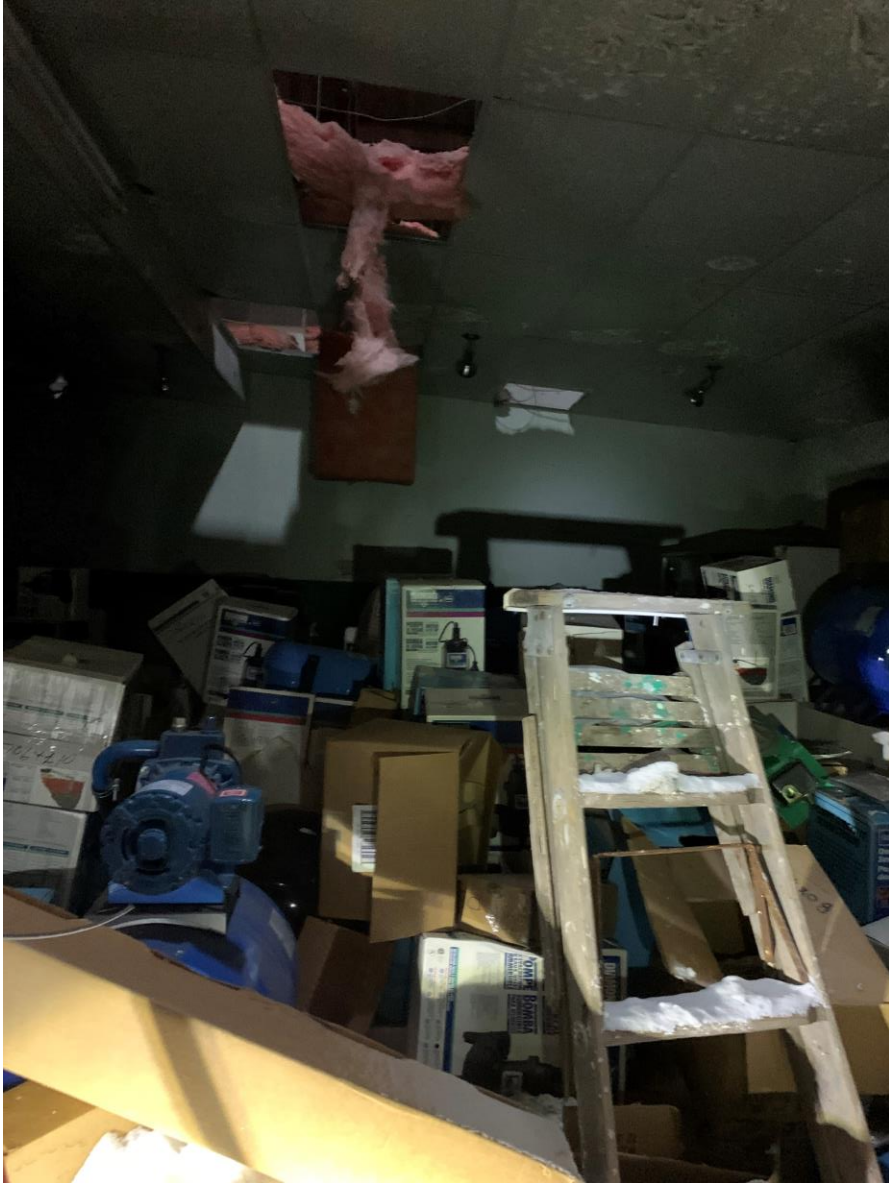


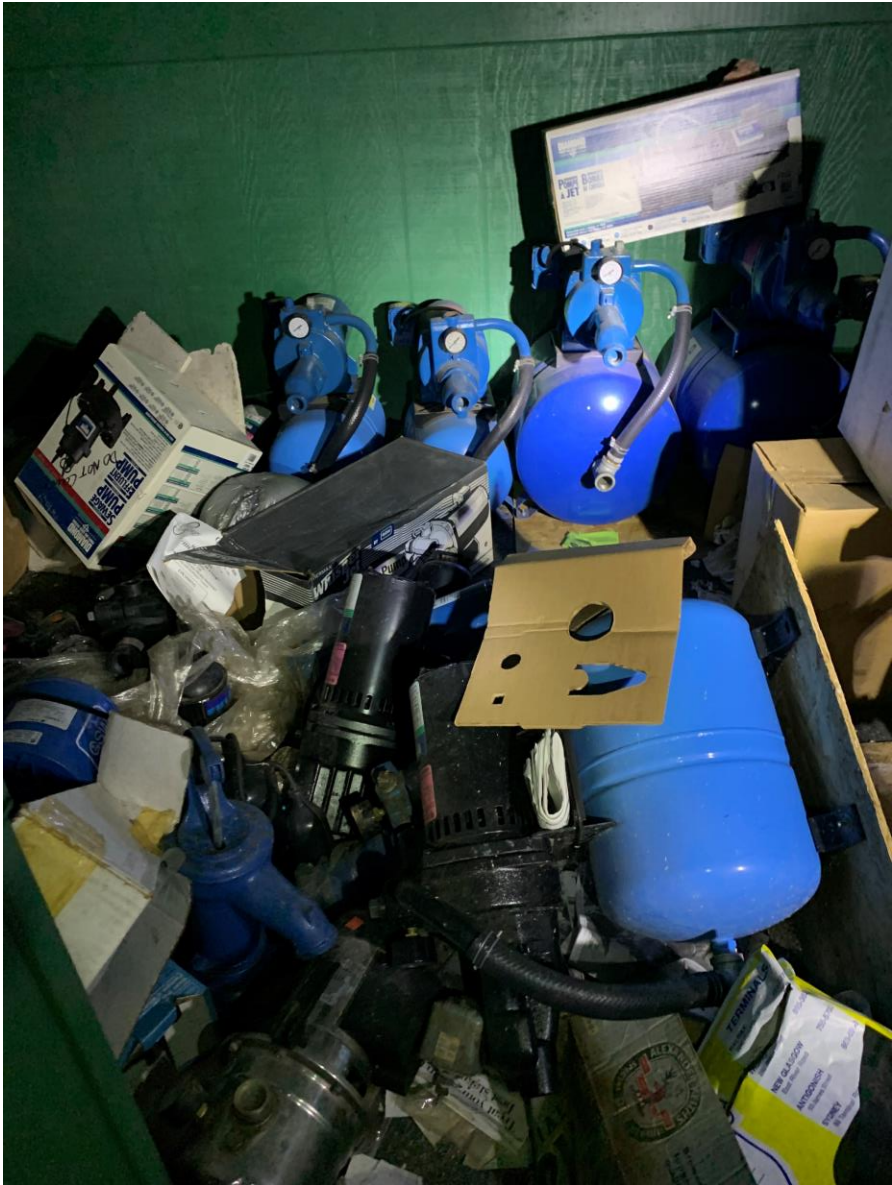


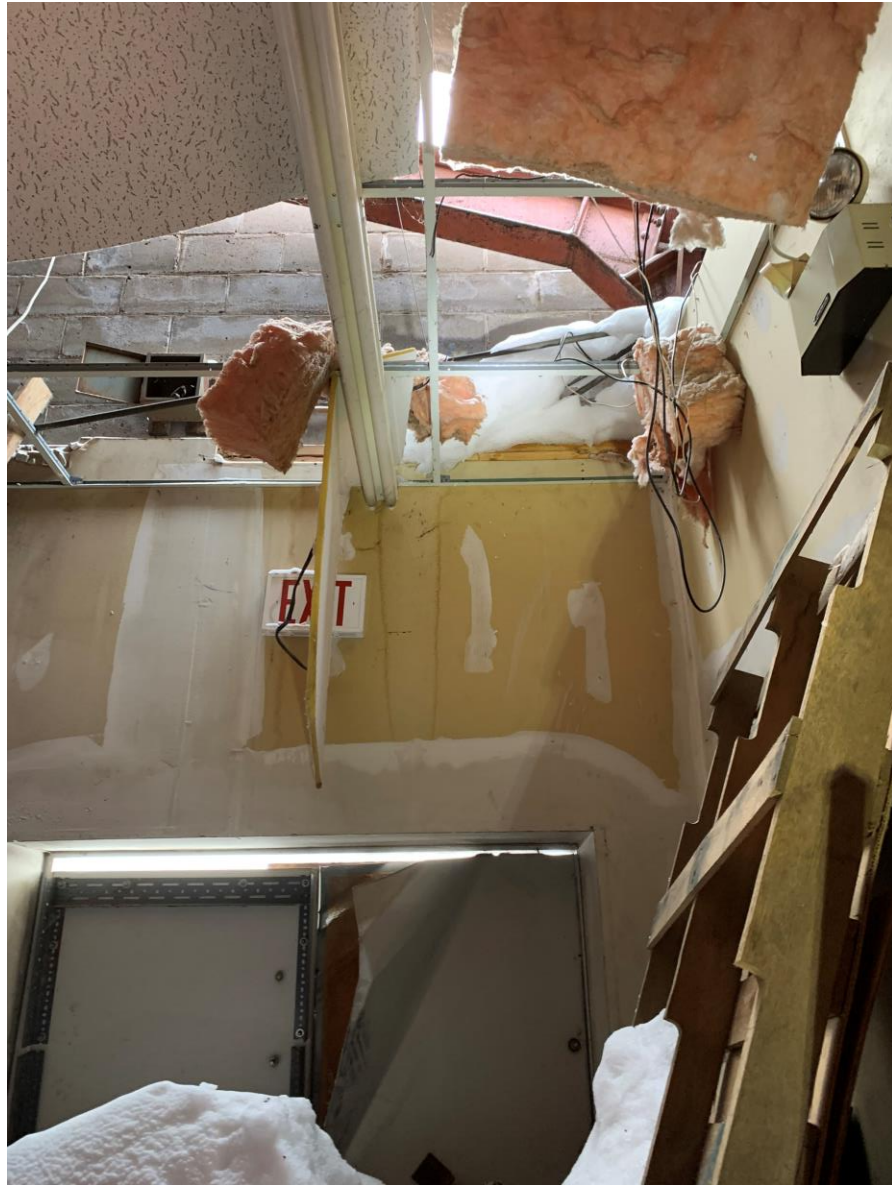








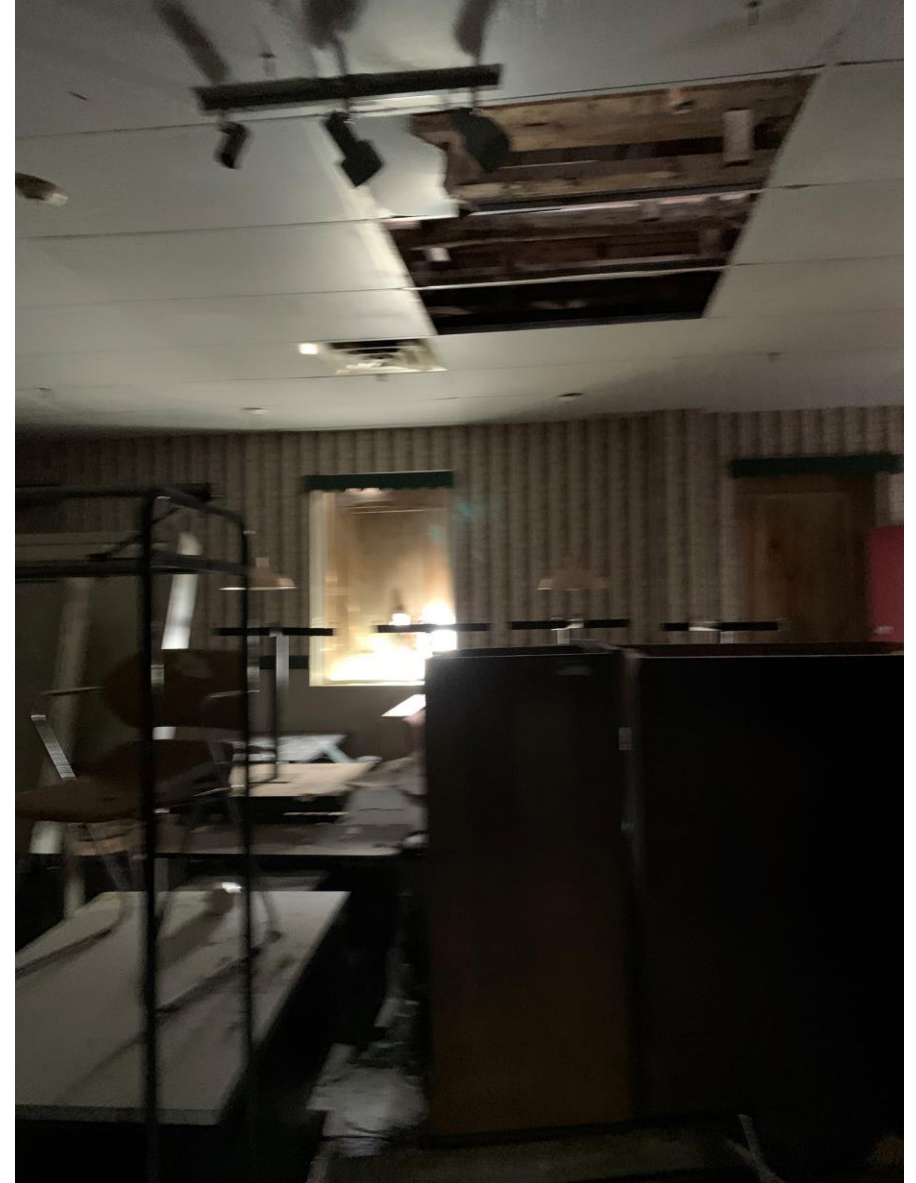


































Live Open Sockets



March 25, 2024 – Follow-up Inspection



April 4, 2024 – Follow-up Inspection











April 29, 2024 – Follow-up Inspection



July 16, 2024 – Follow-up Inspection





July 17, 2024 – Temporary Fencing



- An attempt was made overnight to break into the basement of the building (facing Station Street).

MEMO

TO: Heritage Advisory Committee

FROM: Andrew Fisher, Director of Planning & Strategic Initiatives

DATE: September 3, 2024

RE: **96 Church Street – substantial alteration**

PROPOSAL

An application by Six Point Star Homes to substantially alter a municipally registered heritage property at 96 Church Street.

BACKGROUND INFORMATION

This 151 year old building known as the Moffat House, was built in 1873 and has been registered as a Municipal Heritage Property since 1986. It is a two-storey Second Empire style house with a steeply pitched square Mansard roof, ornate window hoods, and decorative eaves. Attached is a “Canada’s Historical Value Context” that details the ‘Heritage value’ and ‘character-defining elements’. In general, it is a large stately house that, while in need of significant repair, appears to have retained most of its original architectural features.

On July 2, 2024 the Committee considered a request to remove the subject property from the municipal heritage property registry due to its deteriorating condition, high maintenance costs, and to improve prospects of the sale of the property. In alignment with the Committee’s recommendation, on August 12th Council passed the following motion:

That Council refuse the request to remove 96 Church Street from the Heritage Registry; however, encourage the Town’s Heritage Advisory Committee to approve a substantial exterior alteration that may reduce the heritage value of the building.

Tom Mattinson, owner of Six Point Star Homes, is interested in purchasing and converting the building into a 4-6 unit apartment building. As shown on the attached sketch, he proposes to refinish the exterior with low maintenance materials, including new roofing, siding, windows and doors. He will retain, or attempt to retain, many of the architectural details, but with updated material replacements rather than refinishing existing materials.

It should be noted that Mr. Mattinson recently completed the refurbishment of 11 North Adelaide Street. He has stated that his intention is to complete a similar renovation at 93 Church Street.

Alterations

Under Section 18 of the Act, if alterations are considered substantial, they must be approved by the Town after receiving a recommendation from the Heritage Advisory Committee. Under section 18, the Town can take up to three years to make a decision to approve (with or without conditions) or deny an application. If the Town denies the alteration application, the owner may make the desired alterations after three years from the application date. A refused application may be appealed to the NSUARB.

The full Heritage Property Act can be referenced on the Nova Scotia Legislature website: <https://nslegislature.ca/sites/default/files/legc/statutes/heritage.htm>

DISCUSSION & CONCLUSION

Staff feel that the attached sketch maintains the general architectural character of the existing building. While some of the many ornate architectural details will be removed or replaced with modern materials, the overall outcome will secure the building's future and its positive impact on the streetscape for years to come.

OPTIONS:

- Option One: That the Heritage Advisory Committee approve the substantial exterior alteration of the dwelling at 96 Church Street based on the sketch provided.
- Option Two: That the Heritage Advisory Committee defer a decision and request more information.
- Option Three: That the Heritage Advisory Committee refuse to approve the substantial alteration as proposed.

STAFF RECOMMENDATION: Option One.





▼ MENU ▼

96 Church Street

96 Church Street, Amherst, Nova Scotia, Canada

Formally Recognized: 1986/08/18**OTHER NAME(S)**

96 Church Street

Moffatt House

LINKS AND DOCUMENTS[Cumberland County Museum and Archives](#)**CONSTRUCTION DATE(S)****LISTED ON THE CANADIAN REGISTER: 2010/01/25****STATEMENT OF SIGNIFICANCE****DESCRIPTION OF HISTORIC PLACE**

96 Church Street, also known as the Moffatt House, is a two-storey Second Empire style house located on the east side of Church Street in Amherst, Nova Scotia. The home sits on a corner lot in one of Amherst's older residential neighbourhoods. The building and property are included in the municipal designation.

HERITAGE VALUE

96 Church Street is valued as an excellent example of Second Empire architecture. Built circa 1873, it has the characteristic steeply pitched square Mansard roof, ornate window hoods, and decorative eaves of the Second Empire style. The home still has the original fine wooden details around its doors and windows. Also of particular note are the rare interior wall paintings in the hallways and several of the rooms, being some of the best examples of this work in the region.

Source: "Heritage Properties Amherst" File, Cumberland County Museum

CHARACTER-DEFINING ELEMENTS

Character-defining elements of 96 Church Street include:

- location in historic residential area of Amherst;
- wooden windows and clapboard cladding.

Character-defining elements of 96 Church Street include all Second Empire elements, such as:

- square Mansard roof;
- brackets decorating eave line;
- decorative eaves;
- second-storey windows breaking the eaves;
- ornate rounded window hoods;
- decorative matching trim on front and side porches;
- matching roof, window hoods and trim on rear addition;
- three two-storey matching bay windows;
- decorative cornice.

RECOGNITION

JURISDICTION

Nova Scotia

RECOGNITION AUTHORITY

Local Governments (NS)

RECOGNITION STATUTE

Heritage Property Act

RECOGNITION TYPE

Municipally Registered Property

RECOGNITION DATE

1986/08/18

HISTORICAL INFORMATION

SIGNIFICANT DATE(S)

n/a

THEME - CATEGORY AND TYPE

Expressing Intellectual and Cultural Life
Architecture and Design
Peopling the Land
Settlement

FUNCTION - CATEGORY AND TYPE

CURRENT

Residence
Single Dwelling

HISTORIC

Residence
Group Residence

ARCHITECT / DESIGNER

n/a

BUILDER

n/a

ADDITIONAL INFORMATION

LOCATION OF SUPPORTING DOCUMENTATION

"Heritage Properties Amherst" File, Cumberland County Museum and Archives, 150 Church St, Amherst, NS B4H 3C4

CROSS-REFERENCE TO COLLECTION

FED/PROV/TERR IDENTIFIER

12MNS0014

STATUS

Published

RELATED PLACES

n/a

SEARCH THE CANADIAN REGISTER

FIND NEARBY PLACES

NEARBY PLACES



VIA Rail/Canadian National Railways Station

Station Street, Amherst, Nova Scotia

The VIA Rail/Canadian National Railways (CNR) Station at Amherst is a one-and-a-half-storey, red...



Old Amherst Post Office

50 East Victoria Street, Amherst, Nova Scotia

The Old Amherst Post Office is located prominently on the main street of Amherst, Nova Scotia among...



Victoria

177 Victoria Street, Amherst, Nova Scotia

Victoria is prominently located on the corner of Victoria Street and Regent Street in Amherst, Nova...

