



**Town of Amherst  
Planning Advisory Committee Meeting**

**Agenda**

Date: **Friday, January 18, 2019**  
Time: **12:15 pm**  
Location: **Council Chambers, Town Hall**

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<b>1. Call to Order</b>	
<b>1.1 Approval of Agenda</b>	
<b>1.2 Approval of Minutes</b>	1 - 3
<b>2. 59 Church Street</b>	
<b>2.1 Staff Report</b>	4 - 30
<b>2.2 Engineering Report</b>	31 - 36
<b>2.3 Committee Questions / Comments</b>	
<b>2.4 Recommendation</b>	37 - 37
<b>3. 2 Industrial Park Drive</b>	
<b>3.1 Staff Report</b>	38 - 45
<b>3.2 Committee Questions / Comments</b>	
<b>3.3 Recommendation</b>	46 - 46
<b>4. Adjournment</b>	

**Town of Amherst**  
**Planning Advisory Committee**  
**Minutes**

**Date:** January 14, 2019  
**Time:** 4:30 pm  
**Location:** Council Chambers, Town Hall

**Members Present** Councillor Terry Rhindress (Vice-Chair)  
Deputy Mayor Sheila Christie  
Citizen Appointee Gordon Goodwin  
Citizen Appointee Ronald Wilson  
Citizen Appointee Larry Pardy

**Members Absent** Councillor Jason Blanch

**Staff Present** Jason MacDonald, Deputy CAO Operations  
Natalie LeBlanc, Deputy Clerk  
Marc Buske, Dangerous/Unsightly Premises Administrator  
Kim Jones, Municipal Clerk  
Natalie LeBlanc, Deputy Clerk

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**1. Call to Order**

Vice-Chair called the meeting to order at 4:30 p.m.

**1.1 Approval of Agenda**

**Moved By:** Larry Pardy  
**Seconded By:** Sheila Christie  
**That the agenda be approved as circulated.**

**Motion Carried**

**1.2 Approval of Minutes - 20181214**

**Moved By:** Gordon Goodwin  
**Seconded By:** Ronald Wilson  
**That the minutes of December 14, 2018 be approved as circulated.**

**Motion Carried**

**2. Update of Dangerous/Unsightly Premises - Verbal Update**

Mr. MacDonald gave a quarterly update on the status of all dangerous and unsightly premises files. Deputy Mayor Christie noted it's an exhaustive list and requested a copy of the excel spreadsheet presented by Mr. MacDonald.

Deputy Mayor Christie further asked if the demolition on Station Street recently was all carried out by the contractor to which Mr. MacDonald replied yes, this project was awarded to John Baxter who did all work on the property.

### **3. 59 Church Street**

#### **3.1 Staff Report**

Mr. MacDonald reviewed the report as included in the agenda package. The administrator is recommending demolition of this property.

#### **3.2 Committee Questions**

Mr. Wilson asked about the adjacent building on Church Street and if they are attached. Mr. MacDonald replied the adjacent building is a separate property, and is structurally separate; however the rooflines are connected. Should demolition take place the roof of the adjacent building may require some repairs.

Deputy Mayor Christie is concerned with the significant amount of rodents in this building and asked if this would be looked after prior to demolition. Mr. MacDonald replied an animal control officer would be hired if deemed necessary prior to demolition.

Mr. Pardy spoke to the letter from the property owner which states that it is the owner's intention to rehabilitate the building this summer. Mr. MacDonald is of the opinion it would not be feasible to try to bring this property up to code.

Mr. Goodwin commented on the roof structure, stating he reviewed it and felt the demolition could reasonably be done without causing significant damage to the roof of the adjacent building. He expressed that he feels this has gone on too long and in his opinion this property should be demolished.

#### **3.3 Owner Questions/Comments**

Justin Cameron was in attendance on behalf of the property owner. He reported that a structural engineer has been in and has recommended a number of repairs. The owner plans to come here this summer and meet with Mr. Cameron to make a plan to fix this property. The owner has stated he would rather spend more money to bring this property up to code rather than lose the money he has already spent. Mr. Cameron is currently getting bids for renovations on behalf of the owner.

Mr. Wilson asked for some indication for the repurposing of the building. Mr. Cameron replied the owner would like to renovate the upstairs as well to double the occupancy, and keep the main floor fronting Church Street commercial.

Mr. Goodwin asked if there is any evidence of renovations intended to take place, he would like to see the engineers report, or something in writing. He feels this has been on-going since 2011 and this is just another excuse by the property owner to stall demolition. Mr. Goodwin asked for clarification on what steps the property owner can take if demolition is ordered, to which Mr. MacDonald replied that if demolition is ordered the owner has seven days from the date of the order to appeal the decision to the CAO.

#### **4. 2 Industrial Park Drive**

##### **4.1 Staff Report**

Mr. MacDonald reviewed the staff report as included as part of the agenda package. The Administrator is recommending demolition of this property.

##### **4.2 Committee Questions**

Deputy Mayor Christie asked who the property owner is, Mr. MacDonald replied Walter Wells. Mr. Wilson asked if the property owner was notified of this meeting, to which Mr. MacDonald replied it is the requirement to post notice on the property, which was done, it was also posted to the property owner's main residence at 196 E. Victoria Street, and a registered letter was sent which was returned.

Mr. Goodwin asked what "secure the building" means. Mr. MacDonald replied locks put on, windows boarded up, so as the property is not immediately accessible.

Mr. Pardy commented on owner's personal health situation and if this has been considered by the Committee. Mr. MacDonald replied that staff are dealing with this property owner's solicitor regarding two other properties, and that if the Committee does order demolition a copy of the demolition order would be given to the owner's solicitor.

##### **4.3 Owner Questions/Comments**

Neither the owner, or anyone on the owner's behalf was in attendance.

#### **5. Adjournment**

The Committee agreed to meet to make recommendations for these two properties on Friday, January 18, 2019 at 12:15 p.m.

**Moved By: Larry Pardy**

**Seconded By: Gordon Goodwin**

**To adjourn the meeting at 5:10 p.m.**

**Motion Carried**

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Jason MacDonald, Deputy CAO  
Operations

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Councillor Terry Rhindress  
Vice-Chair



January 9, 2019

**To:** Planning Advisory Committee  
**From:** Marc Buske, Dangerous & Unsightly Premises Administrator  
**Subject:** Recommendation for Demolition

**Re: PID # 25005729, 59 Church Street, Amherst, NS**

**Issue**

Many complaints on the property have been received over the years.

The lack of maintenance has caused the building to become unsafe. The condition of the building poses a risk to the general public due to the rodent infestation, fire hazard, transient activity and possibility of structural collapse.

The Town has cleaned up the property several times over the years.

On November 4, 2016, an order to vacate the property. Since then, little to no work has been done to bring the building into compliance.

The work needed to bring the dwelling up to “minimum Standards for Residential Occupancy” would be extensive and expensive. The repair costs would far exceed the resale value of the home.

**History**

**March 2011**

- 1- March 9, 2011: Received a complaint about solid waste around the property.
- 2- March 10, 2011: Sent a letter to owner stating the property was identified as an unsightly property. A letter was sent to the complainant acknowledging the complaint.
- 3- March 29, 2011: The Town of Amherst removed the waste from the property and the cost was added to the property tax account. Letters were sent to the owner and complainant saying the file was closed.



### **February 2013**

- 1- February 06, 2013: Received an unsightly complaint about solid waste around the property.
- 2- February 8, 2013: A letter was sent to the property owner stating the property was identified as an unsightly property. A letter was sent to the complainant acknowledging the complaint.
- 3- February 25, 2013: The Town hired a contractor to clean up the property. The cost of the work was added to the property tax account. A letter was sent to the complainant stating the file was closed.

### **March 2013**

- 1- March 09, 2013: Received an unsightly complaint about solid waste around the property.
- 2- March 09, 2013: The owner sent an email to the administrator saying the garbage was cleaned up.
- 3- March 18, 2013: The administrator sent the property owner a letter saying the Town hired a contractor.
- 4- March 25, 2013, file closed.

### **August 2014**

- 1- August 1, 2014: Received an unsightly complaint about solid waste around the property.
- 2- August 1, 2014: A letter was sent to the property owner stating the property was identified as an unsightly property.
- 3- August 5, 2014: The file was closed. A letter was sent to the property owner and the complainant stating the file was closed.

### **September 2014**

- 1- September 24, 2014: The administrator sent the owner and property manager a letter to have the debris and garbage removed as soon as possible.
- 2- September 26, 2014: A letter was sent to the property owner, stating the file was closed.

### **April 2015**

- 1- April 13, 2015: A complaint was received on this property about solid waste.
- 2- April 20, 2015: A letter was sent to owner asking him to clean up the solid waste around the property.
- 3- April 29, 2015: The property was in compliance, file closed.

### **May 2015**

- 1- May 14, 2015: A complaint was received on this property about solid waste.
- 2- May 19, 2015: A letter was sent to the property owner saying there was a complaint about the solid waste around the property. A letter was sent to the complainant acknowledging the complaint.
- 3- May 22, 2015: The property was brought into compliance. A letter was sent to the complainant and the owner stating the file was closed.



### **August 2015**

- 1- August 5, 2015: A complaint was received on this property about solid waste. A letter was sent to the owner of the property asking them to clean up the solid waste.
- 2- August 10, 2015: The property was in compliance. A letter was sent to the owner saying the file was closed.

### **October 2015**

- 1- October 19, 2015: A complaint was received on this property about solid waste. A letter was sent to the property owner saying there was solid waste around the property that needed to be cleaned up.
- 2- October 29, 2015: The property was in compliance and a letter was sent to the property owner saying the file was closed.

### **December 2015**

- 1- December 8, 2015: An order was placed on the property to clean up the solid waste.
- 2- February 18, 2016: The town hired a contractor to clean up the solid waste around the property. A letter was sent to the property owner say the file was closed and the cost of the cleanup would be added to the property tax account.
- 3- March 2, 2016: The property owner sent a letter to the Town saying he was not going to pay the bill as the charges were fraudulent. He also wanted a meeting with the mayor. Nothing in the file to state the outcome from this letter.

### **April 2016**

- 1- April 12, 2016: Received a complaint by email about solid waste around the property.
- 2- April 20, 2016: Pictures were taken. File stops here.

### **May 2016**

- 1- May 2, 2016: Received complaint about solid waste around the property by email.
- 2- May 4, 2016: The Town hired a contractor to clean up the solid waste. File closed.

### **July 2016**

- 1- July 27, 2016: The administrator talked to the property owner about solid waste around the property.
- 2- August 19, 2016: The property was brought into compliance.

### **August 2016**

- 1- August 29 2018: The town received a complaint about solid waste around the property, the state of the building and the safety of one of the tenants.
- 2- August 30, 2016: A letter was sent to the property owner informing him of the complaint and the action needed to be taken to bring the property into compliance. A site visit was done on this date. There were concerns about the state of the building and the way some of the tenants where living. The property manager was contacted as well as adult protective services.
- 3- August 31, 2016: The town hired a contractor to remove the bushes around the property.



### **September 2016**

- 1- September 2, 2016: A letter was sent to the property owner requesting access to the building. On this date a bill was sent to the property owner for the cleanup of the solid waste and the removal of the bushes. The bill was added to the property tax account.
- 2- September 6, 2016: The property manager contacted the administrator to inform him the window was fixed and an exterminator was hired.
- 3- September 7, 2016: An order to vacate one apartment was issued. The order was posted and mailed to the property owner.
- 4- September 8, 2016: A letter was sent to the property owner to inform him the property needed work and a list of what was needed to be fixed in order to bring the property into compliance.
- 5- October 12, 2016: A letter was received by the Town from Empowering Beyond Barriers that expressed concerns with the living conditions of this property.

### **October 2016**

- 1- October 20, 2016: A letter was sent to the property owner to inform him there was a minimum standards complaint, and an inspection would take place. Notice posted.
- 2- October 29, 2016: A site visit took place.
- 3- November 4, 2016: A letter was sent to the property owner with a list of repairs required to bring the building to a minimum standard. A vacate order was placed and the property with a copy sent to the owner.
- 4- January 6, 2017: A letter was sent to the complainant say the building was vacated and the file closed.

### **March 2018**

- 1- March 17, 2018: Received phone call from Amherst police department about the state of the property.
- 2- March 19, 2018: A letter was sent to the property owner.

### **April 2018**

- 1- April 24, 2018: A letter was sent to the property owner stating the file was closed.
- 2- April 26, 2018: The town received a complaint about the property.

### **May 2018**

- 1- May 2, 2018: Send a letter to the complainant and the property owner.

### **June 2018**

- 1- June 13, 2018: A letter was sent to the property owner and complaint stating the file was closed.

### **October 2018**

- 1- October 2, 2018: A site visit was done on the property to determine the condition of the building. Reports to follow.



## **Discussion**

Mr. Buell's report indicated:

- 1- Collapse of several portions of the foundation, open to exterior.
- 2- Structural fatigue and partial structural support failure in basement.
- 3- Façade compromised and at places open to exterior, weather and wear.
- 4- Structural failure shown at several locations throughout structure.
- 5- Partial collapse of foundation interior.
- 6- Electrical shock risk due to exposure of wiring, disarray of utility in basement, degradation of panel and entrance, and water penetration.
- 7- Collected pools of water in basement. Exposed plumbing issues and multiple signs of water damage.
- 8- Signs of wildlife penetration and several carcasses located on site.
- 9- Debris and garbage located through out structure.
- 10- Compromised building envelope to the point of being a health risk.

It is in the opinion of this inspector that the building site be secured and marked for demolition or major restoration. This building poses an imminent risk to transients, as well as threatens the safety of the public in its present state.

## **Options**

1. That the property at 59 Church Street be demolished and the foundation be backfilled within 45 days from the date of this committee meeting, with all work to be done by the property owner. Failure to do so will result in the Town completing the work. All costs incurred by the Town in the demolition and cleanup will be added to the owner's property taxes.
2. Work with the property owner with well-defined tasks and timelines to remedy the property. Should the property owner default on any of the timelines, the Committee can order demolition of the property within 30 days of default.
3. Do nothing. However, should this option be chosen the Town will no doubt receive any other complaint on this property, starting this process over again.



## MEMORANDUM

**TO:** Marc Buske, Dangerous and Unsightly Supervisor, Amherst  
**FROM:** David Buell, CBO II, FPI II, Supervisor, Cumberland County  
**DATE:** October 29, 2018  
**CC:**  
**RE:** Site Inspection - 59 Church Street - Amherst - PID#25005729  
Pictures attached

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At the request of Amherst an inspection was made of the above noted property. The on-site inspection was made, and the following report filed by David Buell, Provincial Building Official and Fire Inspector Level II. The site was visited at 10:00am the morning of August 15, 2018. The following was noted and photographed:

- Collapse of several portions of the foundation, open to exterior.
- Structural fatigue and partial structural support failure in basement.
- Façade compromised and at places open to exterior, weather and wear.
- Structural failure shown at several locations throughout structure.
- Partial collapse of foundation interior.
- Electrical shock risk due to exposure of wiring, disarray of utility in basement, degradation of panel and entrance, and water penetration.
- Collected pools of water in basement. Exposed plumbing issues and multiple signs of water damage.
- Signs of wildlife penetration and several carcasses located on site.
- Debris and garbage located through out structure.
- Compromised building envelope to the point of being a health risk.

It is in the opinion of this inspector that the building site be secured and marked for demolition or major restoration. This building poses an imminent risk to transients, as well as threatens the safety of the public in its present state.

Regards  
David Buell, CBO II, CFI  
Permits and Inspection Supervisor  
Cumberland County  
902 667-3853



















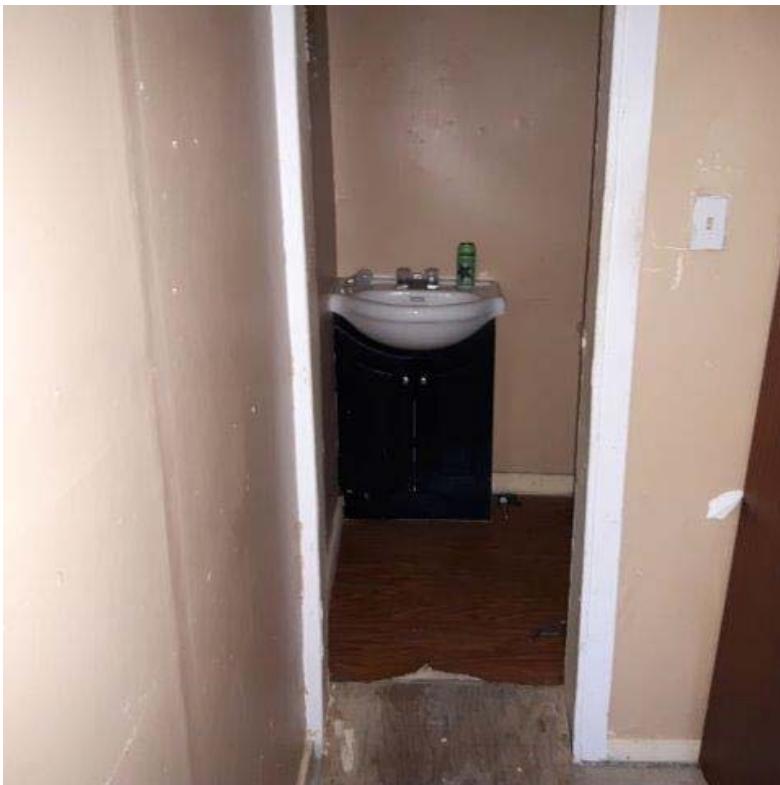




















Mohan R.Narain  
3 Salamander Street,  
Scarborough, Ont.  
M1X 1Y9  
January 3, 2019

**RECEIVED**  
JAN 08 2018  
Corporate Services  
Amherst. N.S.

Dear Mr. Buske,

I am in receipt of your letter dated December 13, 2018 to attend a Town Hall meeting on January 14 to discuss my intentions on 59 Church Street recommended for demolition.

In my returned phone call to you on December 15, you recommended that I get an inspection of the building by a structural engineer. That evening I immediately contacted Justin to proceed with the work.

As you have experienced this year, Justin, who said he gets along well with you, has proven himself of completing the two municipal work orders given to me and the "work order" to walk through the building.

At the earliest convenience, Justin will find a structural engineer and will proceed with his recommendations to get the work done. He will also attend the meeting on January 14 and give a report to the Planning Committee and you.

About my intentions for this building: this summer I, along with Justin, intend to start renovating the inside of the building for a higher class of tenants similar to the ones he and his two brothers have in Amherst.

I cannot give dates for the summer as the hospital where I work has approved my vacation but not the dates until the end of February. (These days hospitals cut staff and add more work.)

Eventually, Justin and his two brothers will become the property managers for 59 Church Street, so you can expect a high degree of good management for the building and tenants.

I apologise for my delay in sharing my plans for the future of 59 Church. After evicting Bernie and other tenants in October -November 2016, I had no money.

Then my mother passed away in the spring of 2017, followed by a simple wedding of mine in the summer and then my father passed away in the late summer.

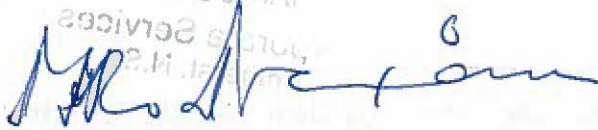
Last summer I was able to recover financially. Now I am ready to proceed with the renovations for 59 Church.

If you have any more concerns or work orders please let me know.

Thanks.

Sincerely,

Mohan Narain.

A handwritten signature in blue ink, appearing to read 'Mohan Narain', with a small number '6' written above the end of the signature.

RECEIVED

MAI 08 2018

Services



January 10, 2019

Brocam Properties Ltd.  
11 Marshview Drive  
Amherst, Nova Scotia  
B4H 4B3

Attention: Justin Cameron

Dear Mr. Cameron:

Re: Building Review, Corner of Church & Prince Arthur St., Amherst, NS/J49-07819

At your request, I met with you on site at the building located on the corner of Church Street and Prince Arthur Street in Amherst on January 9, 2019 to review the basement and the main floor structure. It is my understanding the purpose of the review is to assess the structural condition of the floor framing and comment on the feasibility of repair.

The floor is framed with rough sawn 2x6 joists supported on the exterior stone foundation and on a center line wood beam. The wood beam is supported by stone pilasters. Based on my review, the condition of the floor framing is very poor. Many of the joists show signs of rot and some have been cut or notched. The centerline beam is in poor condition with some sections showing signs of rot due to moisture. The exterior wood sill is, in some locations, completely rotted and crushed, which has allowed the ends of the joists to drop as much as 6-8 inches. In addition, the tongue and groove decking is in poor condition with areas of moisture rot.

Given the extent of the deterioration and deficiencies, complete replacement of the floor system would be required including the wood sills as well as foundation upgrades. With the poor condition of the overall building, it is my opinion, this level of investment would not be justified.

I trust this addresses your requirements at this time. Please contact me anytime if you require anything further.

Yours very truly,

J. M. GIFFIN ENGINEERING INC.

Per:

B. JOHN GREEN, P.Eng.

BJG/dgr

Joist cut

Rotted center beam

01/09/2019 11:19





Joist notched

inadequate bearing

01/09/2019 11:19

sill completely deteriorated

end of joist rotted and dropped

foundation poor condition

01/09/2019 11:20



notched joist

rotted center beam

01/09/2019 11:20



crushed at bearing.

rotted beam

01/09/2019 11:20

# SYNOPSIS

## 59 Church Street

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Various complaints have been received regarding the physical condition of the building located at 59 Church Street.

Town staff, as well as a contract Building Official from the Municipality of the County of Cumberland have investigated and determined the building has significant structural issues and is a danger to children who may be attracted to play there or to homeless people who could seek shelter in the building.

The work required to bring the dwelling up to “minimum Standards for Residential Occupancy” would be extensive and expensive. The repair costs would far exceed the resale value of the building.

### **MOTION:**

**That the Planning Advisory Committee order the property owner of 59 Church Street to remove all contents from the building, demolish the building and backfill the property within 45 days from the date of this committee meeting.**

**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 the land fill, with all demolition and landfill costs charged to the property owner’s tax account.**



November 27, 2018

**To:** Planning Advisory Committee  
**From:** Marc Buske, Dangerous & Unsightly Premises Administrator  
**Subject:** Recommendation for Demolition

**Re: PID # 25037151, 2 Industrial Park Drive, Amherst, NS**

**Issue**

That the building is at risk of collapse and is a danger to children who may be attracted to play there or to homeless people who could seek shelter in the building.

The work required to bring the dwelling up to “minimum Standards for Residential Occupancy” would be extensive and expensive. The repair costs would far exceed the resale value of the home.

**History**

September 17, 2018 the town received a complaint on the property.

October 29, 2018 a site visit was done.

**Discussion**

Mr. Buell’s report indicated:

- 1- Rot, failure and collapse of fascia and soffit at various locations around structure.
- 2- Signs of façade and structural fatigue prominent around entire perimeter of building, including giving away of foundation support.
- 3- Bowing of exteriors walls indicative of failure and eventual collapse.
- 4- Roof, which shows significant signs of wear as well as sag, indicative of failure, has been jeopardized structurally and collapsed is probable.



- 5- Several openings noted through to the interior from the exterior, indicative of component rot and failure, as well as transient traffic.
- 6- Façade show signs of extreme wear and failure.
- 7- Signs of collapse are evident from every face of the as the ground support fails and rots.
- 8- Entire building showing signs of structural and outer wall failure to some degree.
- 9- Building appears full of debris and garbage and constitutes a fire and safety hazard.

It is in the opinion of this inspector that the building site be secured and marked for demolition and that demolition be scheduled for the earliest opportunity. This building is in risk of collapse and reparations would realistically be beyond the point that would make economic sense.

The building contains a significant amount of material. It will be the responsibility of the property owner to removal all valuable material from the building prior to demolition. Any material remaining within the building prior to demolition will be removed and sent to Little Forks Landfill for disposal.

### **Options:**

1. That property at 2 Industrial Park Drive be demolished and the foundation be backfilled within 45 days from the date of this committee meeting, with all work to be done by the property owner. Failure to do so will result in the Town completing the work. All costs incurred by the Town in the demolition and cleanup will be added to the owner's property taxes.
2. Work with the property owner with well-defined tasks and timelines to remedy the property. Should the property owner default on any of the timelines, the Committee can order demolition of the property within 30 days of default.
1. Do nothing. However, should this option be chosen the Town will no doubt receive any other complaint on this property, starting this process over again.



## MEMORANDUM

**TO:** Marc Buske, Dangerous and Unsightly Supervisor, Amherst  
**FROM:** David Buell, CBO II, FPI II, Supervisor, Cumberland County  
**DATE:** October 29, 2018  
**CC:**  
**RE:** Site Inspection - 2 Industrial Park - Amherst - PID#25037151  
Pictures attached

---

At the request of Amherst an inspection was made of the above noted property. The on-site inspection was made, and the following report filed by David Buell, Provincial Building Official and Fire Inspector Level II. The site was visited at 11:00 am the morning of October 29, 2018. The following was noted and photographed:

- Rot, failure and collapse of fascia and soffit at various locations around structure.
- Signs of façade and structural fatigue prominent around entire perimeter of building, including giving away of foundation support.
- Bowing of exteriors walls indicative of failure and eventual collapse.
- Roof, which shows significant signs of wear as well as sag, indicative of failure, has been jeopardized structurally and collapsed is probable.
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Regards  
David Buell, CBO II, CFI  
Permits and Inspection Supervisor  
Cumberland County  
902 667-3853











# SYNOPSIS

## 2 Industrial Park Drive

---

A complaint has been received regarding the physical condition of the building located at 2 Industrial Park Drive.

Town staff, as well as a contract Building Official from the Municipality of the County of Cumberland have investigated and determined the building is at risk of collapse and is a danger to children who may be attracted to play there or to homeless people who could seek shelter in the building.

The work required to bring the dwelling up to “minimum Standards for Residential Occupancy” would be extensive and expensive. The repair costs would far exceed the resale value of the home.

### **MOTION:**

**That the Planning Advisory Committee order the property owner of 2 Industrial Park Drive to remove all contents from the building, demolish the building and backfill the property within 45 days from the date of this committee meeting.**

**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 the land fill, with costs charged to the property owner’s tax account.**