



**Town of Amherst  
Special Council Meeting  
Agenda**

Date: **Wednesday, February 20, 2019**  
Time: **12:00 pm**  
Location: **Council Chambers, Town Hall**

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	Pages
<b>1. CALL TO ORDER</b>	
1.1 Approval of Agenda	
<b>2. PUBLIC HEARING - 150 EAST VICTORIA STREET DEVELOPMENT AGREEMENT</b>	
2.1 Staff Report	1 - 15
2.2 Committee Questions / Comments	
2.3 Owner Questions / Comments	
2.4 Public Questions / Comments	16 - 17
<b>3. 196 EAST VICTORIA STREET APPEAL HEARING</b>	
3.1 Staff Report	18 - 44
3.2 Committee Questions / Comments	
3.3 Owner Questions / Comments	
<b>4. 59 CHURCH STREET APPEAL HEARING</b>	
4.1 Staff Report	45 - 88
4.2 Committee Questions / Comments	
4.3 Owner Questions / Comments	
<b>5. ADJOURNMENT</b>	

# REQUEST FOR PLANNING DECISION

# RPD# 2019008

Date: January 28, 2019

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**SUBJECT:** 150 East Victoria Development Agreement Application

**RECOMMENDATION:** That Council approve first reading of the development agreement regarding 150 East Victoria Street and schedule a Public Hearing in the near future.

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**RECOMMENDATION: Report/Document:** Draft Agreement, Staff report to PAC

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**KEY ISSUE(S) CONCEPTS DEFINED:** The property owner requests a development agreement to change the use of 5 motel units to 5 dwelling units. The remaining 10 motel units and 2-bdrm owner apartment would remain unchanged.

Within the Downtown Zone, MPS Policy CP-15 regulates the conversion of ground floor commercial space to residential uses. The proposal generally conforms to this policy and all other relevant policies of the MPS.

Outdoor balconies are provided and high quality parks are nearby for the use of the residents. The buildings are obviously in existence in their current location, and due to the proximity to property lines landscaped buffers cannot be provided, nor are they required by the current policies of the MPS or regulations of the LUB.

**The existing use of the building as a motel with both short and long term rentals can continue indefinitely without the benefit of a development agreement. It can be argued that reducing the number of units from 21 to 11 will reduce traffic on the property. Furthermore, the renovations, including doubling the size of the units and the addition of kitchens, may result in a safer situation than the potential alternative of people trying to cook with inadequate resources.**

**PUBLIC PARTICIPATION OPPORTUNITY SUMMARY:** An advertised Public Participation Opportunity was held on December 3, 2018 and attended by two residents and the proponents. The major issues raised were related to the lack of landscaped open space, building code compliance and current esthetics of the property.

The Planning Advisory Committee met again on December 14 and passed a motion recommending that Council enter into the proposed Development Agreement for 150 East Victoria Street but amended to include maintenance to all cladding, create a green space between the lower building and Herbert Street where possible, create a minimum of 600 square feet of amenity space, that any vents on north side of the lower building meet the national building code, and that there is repair of pavement within 12 months of an occupancy permit. These amendments are incorporated into the attached development agreement and shown in red text.

## RELEVANT MUNICIPAL PLANNING STRATEGY POLICY:

**CP-15** – Ground Floor Residential Uses in the Downtown by DA (Summarized in the original PAC Report)

**SP-1** It shall be the intention of Council to encourage high density residential development in the Downtown Zone

**RP-11** It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by:

(a) encouraging a mix of housing types and densities;

**RP-8** It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.

## RESPONSE OPTIONS:

1. Approve First Reading of the Development Agreement;
2. Refer the issue back to Planning Advisory Committee for further consideration and options.
3. Refuse to enter into the agreement.

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**IMPLICATIONS OF PAC RECOMMENDATION:**

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**GENERAL:**

The proposed Development Agreement is in general conformance with the Town's policies and regulations.

**COMMUNICATION:**

Subject to Council passing First Reading of this agreement, an advertised public hearing will be held.

**OTHER COMMENTS:**

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Submitted by: Andrew Fisher, Manager of Planning and Strategic Initiatives

Approved by: Gregory D. Herrett, CA, Chief Administrative Officer

To: Planning Advisory Committee  
From: Andrew Fisher, Manager of Planning & Strategic Initiatives  
Date: November 5, 2018  
Subject: **150 East Victoria Street – Proposed Development Agreement to convert an existing motel into an apartment complex.**

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**PROPOSAL:**

An application by the property owner of 150 East Victoria Street (PIDs# 25343187 & 25005224) for a development agreement to permit the conversion of an existing motel to a 10-unit motel with six apartment units.

**BACKGROUND:**

Site Details: The subjection property consists of two parcels, one contains a ten-unit motel, and the other contains five motel units that were converted from ten units. There is also an existing two-bedroom apartment unit on the second floor of the upper building. In total, the property is approximately 1664 m<sup>2</sup> in area, and is located in the Downtown Commercial Zone (outside the Core Area District). The property is at the edge of the downtown commercial core. To the west, across Herbert Street is a large senior's facility to the east, on East Victoria is a large converted apartment building, and to the north is a 2-unit detached dwelling. The remainder of Herbert Street consists of low density detached homes. The property is almost entirely covered by buildings with the remaining area covered in asphalt for 21 parking spaces.

Proposal Details: As previously mentioned, the lower building was converted from 10-unit motel rooms to five-units in 2017. While this conversion is permitted in the Land Use Bylaw (LUB), the creation of ground floor dwelling units is not permitted. Staff determined that the units change from a motel to a dwelling unit with the installation stoves. The installation of a stove in the five units is the essence of this development agreement application.

2017 Application: In January and February 2017 the PAC and Council considered an application for a development agreement to convert all existing 20 motel units into 10-dwelling units (plus the existing second floor dwelling unit). At that time, the PAC initially deferred a decision and asked staff to negotiate with the applicant to address the lack of greenspace and the concerns raised by an adjacent land owner. A motion to recommend that Council enter into the agreement was defeated. Subsequently, Council rejected the application on March 27, 2017.

The current application differs only in that the proposal involves conversion of five motel units to dwellings in the lower building, while leaving the upper building as-is. Otherwise, the circumstances of the application remain substantially unchanged. As such, please see the attached February 1, 2017 staff report that outlines the issues that were of concern in 2017. The discussion points and proposed solutions provided in the draft development agreement also remain the same.

**RELEVANT POLICY AND DISCUSSION:**

Municipal Planning Strategy policy CP-15 allows for the conversion of commercial uses to residential uses by development agreement:

***CP-15** It shall be the intention of Council to consider applications for ground floor residential uses in the Downtown Zone by Development Agreement excluding that portion of a building that abuts Church, Victoria and Havelock Streets. Outside said streets, applications for new*

*residential buildings or ground floor conversion of existing commercial and institutional buildings will not be considered for residential uses unless it can be shown that such a conversion will not detract from the commercial character of the surrounding streetscape.*

*In negotiating such a development agreement, Council shall take into account:*

*(a) the location, height, bulk of the building;*

*(b) the architecture of the building;*

*(c) signage;*

*(d) parking facilities;*

*(e) landscaping;*

*(f) pedestrian access;*

*(g) the unique characteristics of the property and its relationship to the surrounding streetscape;*

*(h) that the ground floor frontage of any building fronting on Church, Havelock or Victoria Streets shall be used for commercial purposes.*

**(a)** *the location, height, bulk of the building;*

As previously mentioned the exterior dimensions of the building are not being altered. That being said, the current structures on the lots satisfy all Land Use Bylaw requirements in regards to minimum standards for setbacks. The minimum front, side and rear yards in the Downtown Commercial zone is 0 meters.

**(b)** *the architecture of the building;*

Again, the exterior dimensions of the building are not being altered; therefore significant changes to the architecture of the buildings are not easily achieved. New windows and doors have been installed on all of the units. The majority of the building is one story and for the most part, the lower half is constructed of brick while the upper half is made up almost entirely of windows and doors.

**(c)** *signage;*

There is no proposed change to the existing signage.

**(d)** *parking facilities;*

Significant changes to the parking facilities on the property are not easily achieved. The property was designed as a drive up motel and parking is proposed to remain in front of each unit. The asphalt on the property is in fairly good condition.

**(e)** *landscaping*

The Development Agreement stipulates under Schedule 'A' that all areas not used for buildings and parking be landscaped. As well over grown vegetation will be required to be removed.

**(f)** *pedestrian Access*

Pedestrian access is achievable from Herbert Street as well as east Victoria Street.

**(g)** *the unique characteristics of the property and its relationship to the surrounding streetscape;*

The characteristics of the property and their relation to the surrounding streetscape will not be altered. The exterior of the building will remain largely the same as it is now.

**(h)** *that the ground floor frontage of any building fronting on Church, Havelock or Victoria Streets shall be used for commercial purposes.*

There is no direct access to the building off of Victoria Street. The current use of the Victoria Street end of the building is the motel office. The purpose of this clause is to require the continuation of an 'active storefront' along the main streets downtown. As this use never included an actual 'active storefront', is outside the Core Area District and is adjacent to the residential uses on Victoria Street, requiring this end of the building to be converted to a commercial operation is not the intent of the planning policy.

More generally, the proposal supports the following MPS Policies:

**SP-1** It shall be the intention of Council to encourage high density residential development in the Downtown Zone

**RP-11** It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by:

- (a) encouraging a mix of housing types and densities;

**RP-8** It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.

Finally, the proposal satisfies all relevant aspects of MPS Policy A-5:

**A-5** It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.
- (b) That the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Town to absorb any costs relating to the development;
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) parking, traffic generation, access to and egress from the site;
  - (iv) any other matter of planning concern outlined in this strategy.

While not a matter to be considered in the land use planning process, the proposed renovations will have to satisfy all relevant provision of the National Building Code and Nova Scotia Building Code Regulations.

## **CONCLUSIONS:**

The proposal generally conforms to the relevant policies of the MPS and LUB. Staff do not anticipate significant negative impacts on the surrounding neighbourhood.

## **OPTIONS:**

Option One: Recommend that Council enter into the proposed Development Agreement for 150 East Victoria Street as drafted by Staff, subject to any revisions that may arise during the public participation process.

Option Two: Recommend to Council not to enter into the Development Agreement for 150 East Victoria Street, citing specific policies with which the proposal does not conform.

Option Three: Defer the application and instruct Staff to provide more information or negotiate changes to the agreement.

**STAFF RECOMMENDATION: Option One.**

Case No. DA-2018-01

This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2019.

Between:

**Jack Van Der Donk** (Owner of property located at 150 East Victoria Street [PIDs 25343187 & 25005224], hereinafter called the "Owner")

of the one part

- and-

**The Town of Amherst** (a body corporate hereinafter called the "Town")\_

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy CP-15 of the Municipal Planning Strategy of the Town of Amherst, to convert a 15-unit motel into a 10-unit motel with 6 dwelling units on properties located at 150 East Victoria Street (PIDs 25343187 & 25005224.

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the \_\_\_\_ Day of \_\_\_\_\_ 2019, approved the said development agreement subject to the registered owner of the land described herein entering into this agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule 'A' - Terms and Conditions
- (b) Schudule 'B' – Site Map
- (c) Schedule 'C' - Building Floor Plans

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the development agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid lands in the Town of Amherst, hereinafter called the Lands. The aforesaid Lands are the only lands in the Town of Amherst to which this agreement applies, and the Lands are illustrated in the plan shown on Schedule B attached hereto and forming part of this agreement.
- 2) That the owner may convert the existing 15-unit motel to a 10-unit motel and a 6-unit apartment complex, subject to the following Schedules A and B, attached.

- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property (other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.
- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this agreement, the Town shall retain the right to discharge the agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the Municipal Government Act, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the Municipal Government Act.

SIGNED, SEALED AND DELIVERED

in the presence of

FOR THE TOWN OF AMHERST

David Kogon  
Mayor

Gregory D. Herrett, CA  
Chief Administrative Officer

FOR THE OWNER  
Jack Van Der Donk

## Schedule A

## 150 East Victoria Street - Development Agreement

### Terms and Conditions:

1. The use of the property shall be limited to a 10-unit motel and a 6-unit apartment dwelling in a 2-building complex.
2. The bulk and height of the buildings shall not be altered, and the character of the apartment buildings shall remain largely the same.
3. Solid waste management shall be in conformance with the Town of Amherst Solid Waste Bylaw.
4. A minimum of one (1) parking space per dwelling unit and motel unit shall be maintained on the site.
5. All driveway and parking areas shall be maintained with asphalt and kept clear of snow, and shall otherwise be unobstructed at all times so as to be passable by emergency vehicles.
6. All asphalt surfaces shall be repaired within twelve (12) months of issuance of an Occupancy Permit.
7. All areas not used for buildings, parking or driveways shall be landscaped with grass or other manicured vegetation. Existing overgrown vegetation on the property shall be removed to the satisfaction of the Development Officer.
8. The green space between the lower building and the asphalt shall contain maintained grass or other manicured vegetation, to the satisfaction of the Development Officer.
7. No outdoor storage shall be permitted on the property.
8. Exterior lighting shall be carefully designed to not shine directly onto adjacent properties.
9. The exterior rear wall of the lower building, including the foundation, shall be scraped and painted prior to August 1, 2018, and all other exterior cladding shall be maintained.
10. The subject properties, including buildings, shall be kept in good repair, and be continuously maintained to be aesthetically pleasing.
11. The existing office space at the front of the building may be used for the administrative purposes of the apartment complex as well as laundry facilities for residents of the complex.
12. A minimum of 2 benches and/or 2 patio and chair sets shall be provided out of doors for the residents of the property.

13. A minimum of 600 square feet of designated amenity space shall be created within the existing parking lot area that will be demarcated by fencing and / or vegetation, to the satisfaction of the Development Officer.
13. Upon entering into this agreement, the Owner shall submit an application for a Building Permit along with documentation that shows any necessary alterations to the building to meet current National Building Code requirements. In particular, any vents on the north side of the building shall also meet current National Building Code requirements.
14. Variations from the requirements of the development agreement in relation to the built structures are permitted in order to meet the Nation Building Code and nova Scotia Building Code requirements. Specifically, should non-combustible material be required along the outside walls this material will be permitted, with the design subject to the satisfaction of the Development Officer.

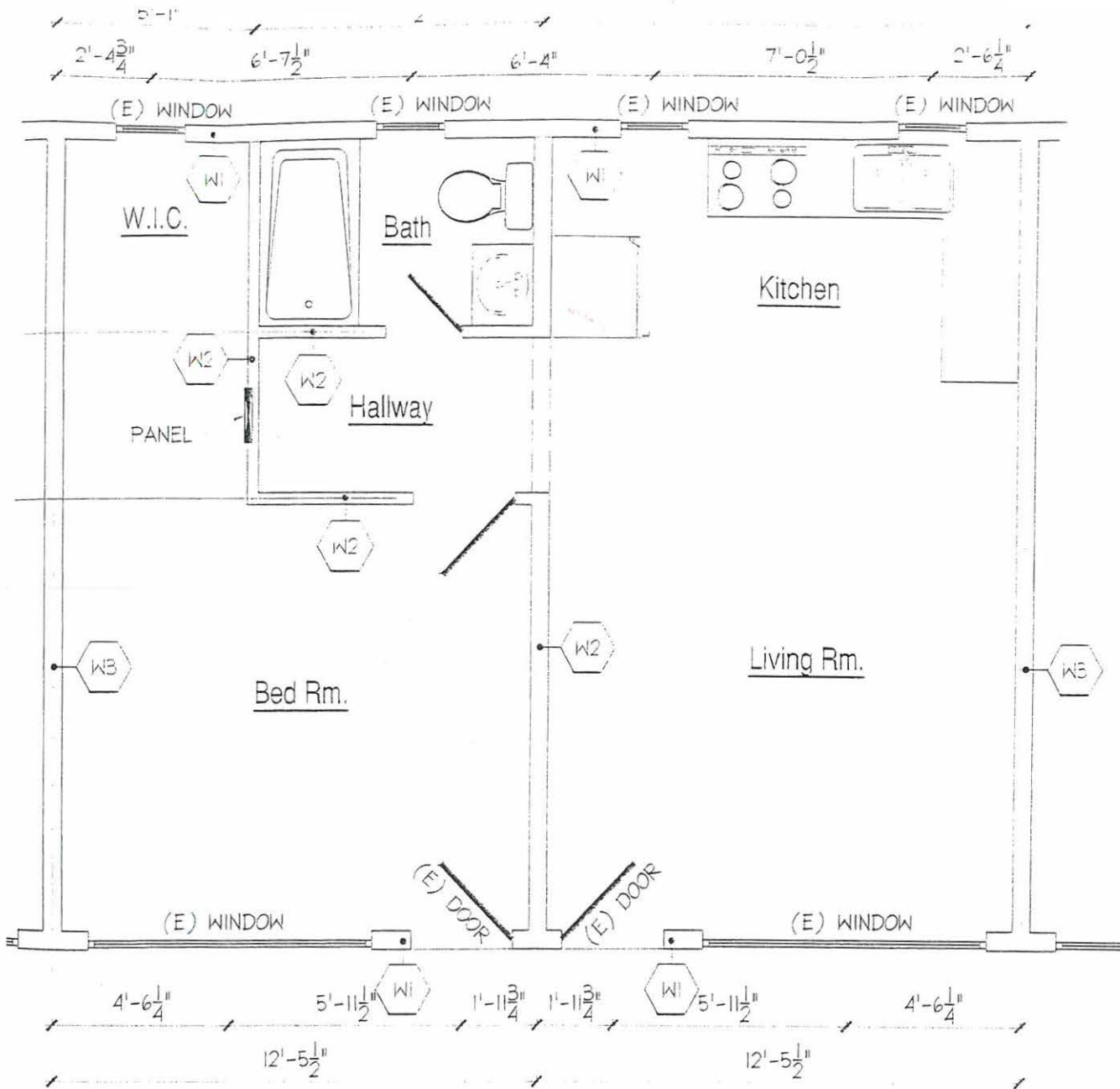


# Schedule B

## 150 East Victoria Street



# Schedule "C"



NOTE:

INSTALL 5/8" TYPE X DRYWALL ON CEILING. OR A FIRE RATED PARTITION IS TO BE CONSTRUCTED FROM TOP OF EXISTING WALL TO UNDERSIDE OF ROOF DECKING. OWNERS CHOICE

## MAIN FLOOR PLAN

477 SQ.FT.



### W2 INTERIOR WALL

- EXISTING DRYWALL
- EXISTING STUDS
- EXISTING DRYWALL

### W3 RENOVATED DEMISING WALL ESTIMATED STC=51 F.R. =1 HR





**Ms. Kim Jones  
Town Clerk  
Town of Amherst  
98 Victoria Street East  
Amherst, NS  
B4H 1X6**

**Dear Ms. Jones:**

**150 Eastern Victoria Street Amherst, NS**

**Further to the proposed Development Agreement covering the referenced property, I wish to voice my objection to the approval of the Proposed Development Agreement for the following reasons:**

- **It is my opinion that the Property Setbacks with the neighbouring properties is insufficient for Fire protection purposes. This will most likely increase my insurance costs and diminish the value of my property**
- **As a motel, the property was supervised daily by the owner and clientele were transient, providing no unsightly or noise complaints to adjacent properties.**
- **With the establishment of apartments, the units will not be supervised daily and given the permanent residence that will be established, the adjacent properties will be subject to noise and garbage given the limited spacing between the properties. This will further affect the value of my property**
- **There is limited green space for the tenants to utilized**
- **There is limited space for garbage bins to meet the requirements of the tenants. This will result in rodent issues.**
- **The property in question has been substantially renovated based on my physically inspection. Will these existing renovations be subject to building code requirements and will the building inspection as well plumbing and electrical inspections be carried out to ensure conformity to the current building codes?**
- **The exterior of the building requires maintenance to conform to the neighbor. Will this maintenance be addressed?**
- **Given the age of the buildings, will it be required to meet current fire codes?**
- **Dose the Development Agreement cover both buildings?**

- Is there a time frame being established for completion of this work as I do not expect my tenants to be subject to an unsightly premise for an extended period should the project be approved, or the developer run short of funds?
- Is there any requirement for the developer to demonstrate to the Town that the developer has sufficient cashflow to complete the development as proposed?
- Are there any planning documents that we, as adjacent property owners, can view to determine what the completed project will look like as compared to the neighborhood and how parking, green space and garbage bins will be located ?

Sincerely

George B Chapman

A handwritten signature in black ink that reads "George B. Chapman" followed by a long horizontal flourish.

Contact Info:

Email: [1gbchapman@gmail.com](mailto:1gbchapman@gmail.com)

Phone: 902-664-7473



**TO:** Mayor Kogon and Members of Amherst Town Council

**FROM:** Jason MacDonald, LPP, MCIP, Deputy CAO

**DATE:** February 20, 2019

**RE:** 196 East Victoria Street – Demolition Order APPEAL

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### Issue

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

*That the Planning Advisory Committee order the buildings at 196 East Victoria Street be demolished, and back fill the hole within 30 days from the date of this Committee meeting, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work and send all contents of the building to the Cumberland Joint Services Management Authority land fill with all costs charged to the property owner's tax account.*

### Process

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

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



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## History

A complete history of Dangerous and Unightly Premises issues is attached. In summary, various complaints have been received on this property since 2013. A number of orders have been issued as have a number of fines.

While a number of the issues have been in regard to garbage and derelict vehicles, the current issue is in regards to the two buildings on the site. Notwithstanding numerous orders to address the structural integrity of the buildings, the owner of the property has not addressed any of the concerns of the Administrator or PAC.

A January 24, 2018 inspection by a Building Official with the Municipality of the County of Cumberland identified the following issues:

- 1 - Front and side exterior columns and porches are in threat of failure.
- 2 – Exposed soffit and roofing
- 3 – Exposed and compromised foundation at rear and side of structure
- 4 – Compromised and exposed electrical system throughout
- 5 – Compromised and modified plumbing throughout
- 6 – Evidence of structural rot in the basement
- 7 – Structural failure of the attic floor and roof in at least two locations
- 8 – Illegal storage throughout the structure posing a fire hazard
- 9 – Open flame heaters operating while unoccupied
- 10 – Illegal use of extension cords throughout structure to the extent that they are uncountable
- 11 – Significant signs of possible mould growth
- 12 – Water accumulation and standing water in the basement
- 13 – Various signs of possible structural failure throughout the structure
- 14 - The large shed at the end of the driveway is structurally compromised

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

*Where a property is dangerous or unsightly, the council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.*

Municipal Government Act Definition of Dangerous or Unightly

**“dangerous or unsightly”** means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing

- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
- (ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material, is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, or
- (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property or a building or structure with or without structural deficiencies**
- (iv) that is in a ruinous or dilapidated condition,**
- (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,**



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- (vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,**  
**(vii) that is an allurement to children who may play there to their danger,**  
**(viii) constituting a hazard to the health or safety of the public,**  
**(ix) that is unsightly in relation to neighboring properties because the exterior finish of the building or structure or the landscaping is not maintained,**  
**(x) that is a fire hazard to itself or to surrounding lands or buildings,**  
(xi) that has been excavated or had fill placed on it in a manner that results in a hazard, or  
**(xii) that is in a poor state of hygiene or cleanliness;**

Given the size of the building and the deficiencies listed above and the likely cost of remedying those deficiencies; combined with the owner's unwillingness or inability to address the deficiencies, the Administrator has recommended demolition as the remedy to address the dangerous and unsightly condition of the property. The PAC, in their motion of November 13, 2018 also chose demolition as the method to remedy the situation.

### Correspondence

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

The Town has given the property owner every opportunity to remedy the structural deficiencies listed above. Since 2013 the Town has sent no less than six letters requesting compliance and five orders of the Administrator ordering compliance. Three fines have been issued. To date, the owner has not addressed any of the structural issues of the buildings on the property. In addition, the Town has hired contractors to clean up the interior of the building and surrounding yard / driveway. Four vehicles have been towed from the property. Furthermore, the property owner has received numerous letters indicating that the cost of work undertaken by the Town has been charged to his property tax account. To say the least, various Administrators have had face to face discussions with Mr. Wells regarding this property.

### **Recommendation**

Council can make any decision that the Planning Advisory Committee could have made. The options are:

1. Uphold the recommendation of the Administrator and order of the Planning Advisory Committee and order that the buildings on the property be demolished.
2. Order the property owner to undertake repairs to both buildings to bring them into compliance with all relevant provisions of the National Building Code and Minimum Standards for Residential Occupancy Bylaw.

Given the long history of non-compliance the option to repair the buildings will likely result in further deterioration of the buildings over time and a continued dangerous and unsightly condition on the property.



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

**Motion:**

**That the property owner be ordered to remove the contents of and demolish the buildings located at 196 East Victoria Street within 30 days of this meeting. Both foundations are to be backfilled. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the buildings to an appropriate solid waste disposal facility with all costs charged to the property owner's tax account.**





To: Planning Advisory Committee  
From: Marc Buske, Dangerous & Unsightly Premises Administration  
Date: November 5, 2018  
Re: Recommendation for Demolition

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

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### **Issue**

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

### **History**

## 2013

July 8, 2013

Received a complaint about the above property.

July 9, 2013

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

September 4, 2013

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

October 7, 2013

4 vehicles were towed from the property on this date.

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October 8, 2013

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

October 17, 2013

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

October 18, 2013

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

October 31, 2013

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

## 2014

January 21, 2014

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

February 19, 2014

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

February 24, 2014

The SOT ticket was withdrawn from the courts by Solicitor.

March 3, 2014

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

July 11, 2014

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

July 21, 2014

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

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July 30, 2014

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

August 8, 2014

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

September 2, 2014

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

September 11, 2013

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

## 2015

April 24, 2015

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

May 12, 2015

2<sup>nd</sup> notice to enter Dwelling posted.

May 14, 2015

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

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- 1) Exterior supports for the roof and second floor at the front of the dwelling are in a state of disrepair and signs of structural failure are visible, the eaves have deteriorated to allow birds to live within the eaves.
  - 2) The Fire load at the basement level due to the accumulation of goods is high.
  - 3) The fire load on 1<sup>st</sup> and 2<sup>nd</sup> floors due to the accumulation of goods is extreme, which in the event of a fire would be disastrous for the owner and emergency responders.
  - 4) Several cats are living there for the most part unattended, throughout the dwelling visible signs of rat droppings were seen.
  - 5) The dwelling, as it stands now, is at a high risk for vandalism and a potential safety threat to the neighbouring properties.
  
  - 6) The front and rear decks appear to be structurally unsafe and are not supported properly.
  - 7) The odours from animal droppings were bad, and ammonia levels high on 1<sup>st</sup> and 2<sup>nd</sup> floors.
  - 8) Some access routes were blocked by an extreme accumulation of goods, and all others restricted to a point where exiting would be extremely difficult, especially in an emergency.

4 – An order was placed on the property stating:

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

All work must be completed by June 9, 2015

May 21, 2015

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

June 12, 2015

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

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July 09, 2015

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

August 7, 2015

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

August 18, 2015

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

August 19, 2015

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

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

August 24, 2015

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

August 25, 2015

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

August 27, 2015

Started the second round of clean up.

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

The areas not completed are the following:

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

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

September 3, 2015

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

September 8, 2015

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

September 30, 2015

1 - Order placed on the property to clean-up and remove garbage and debris from around the property. October 6, 2015 will be the date to complete the work.

2 – There was a meeting with the administrator and a P.Eng to go over improvement for dwelling. The items discussed were the two front overhangs, pillars and the roof system improvements.

October 6,2015

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

October 9, 2015

1 - Fire Chief Greg Jones called and said order was lifted to vacate the property. The property owner can move back in.

2 – Letter send from Jong H. Baxter, P.Eng. with the quotes:

1) Is to replace foundation elements under the overhanging roofs and structural integrity without going all of the way in completing the finishes and decorative work.  
Cost of \$ 21,000.

2) Is to remove the roof overhang above the existing pillars so that no support is required their while supporting the overhanging roof section over the front door and repairing the 2<sup>nd</sup> storey deck above this. Cost of \$ 17,400

## 2016

May 17, 2016

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



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September 9, 2016

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

May 25, 2017

Complaint was put into Town hall about this property.

## 2018

January 19, 2018

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

January 23, 2018

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

January 24, 2018

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

### Discussion

Mr. Buell's report indicated:

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

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

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

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

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

### **Recommendation**

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

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## Emily Wainwright

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

Marc,

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

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

I have noted the following points:

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

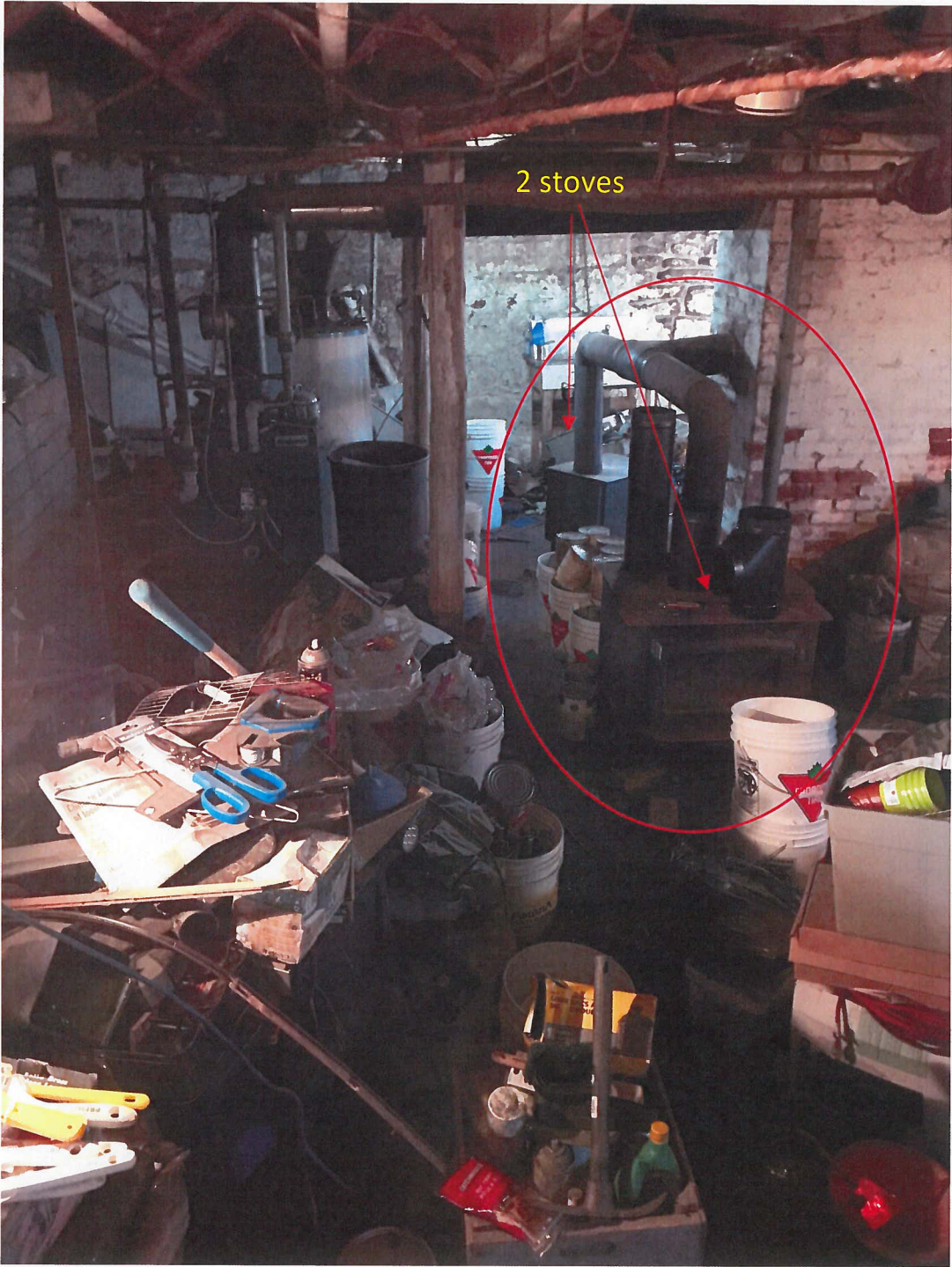
It is my professional opinion that this structure posses an immediate and real threat to not only the inhabitants of the structure but also to the general public. The outside requires immediate attention and at the very least should be made secure from trespassing in the event of structural failure.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

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

Respectfully

**David L Buell, CBO, CFI**  
*Permits & Inspections Supervisor*

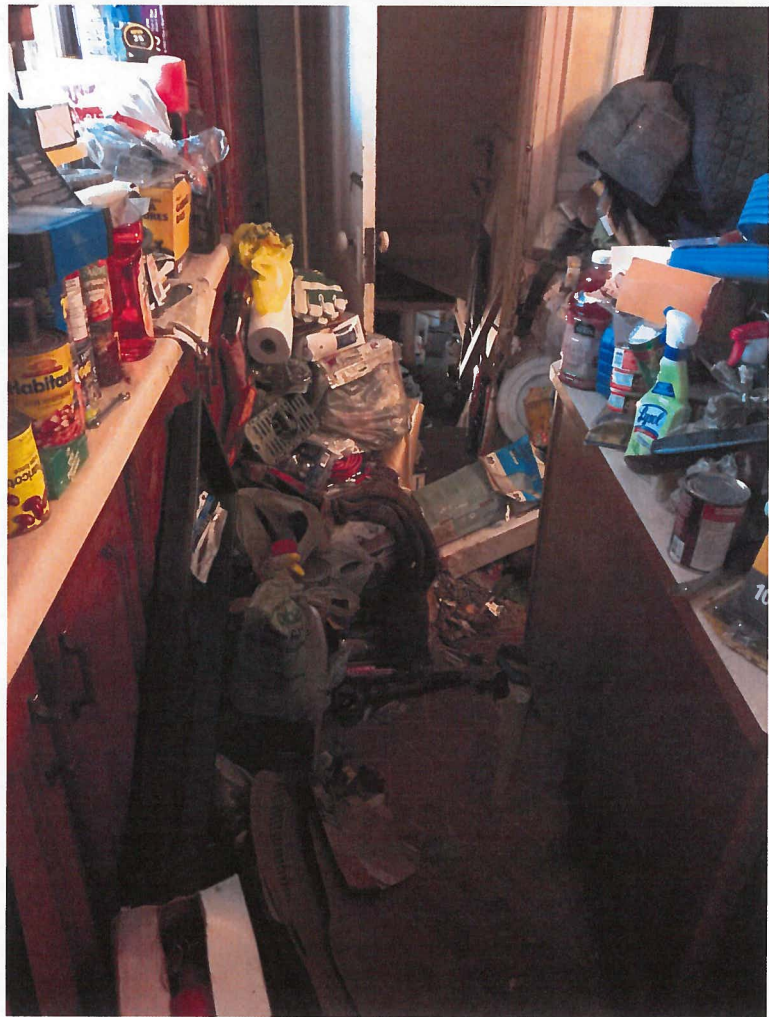






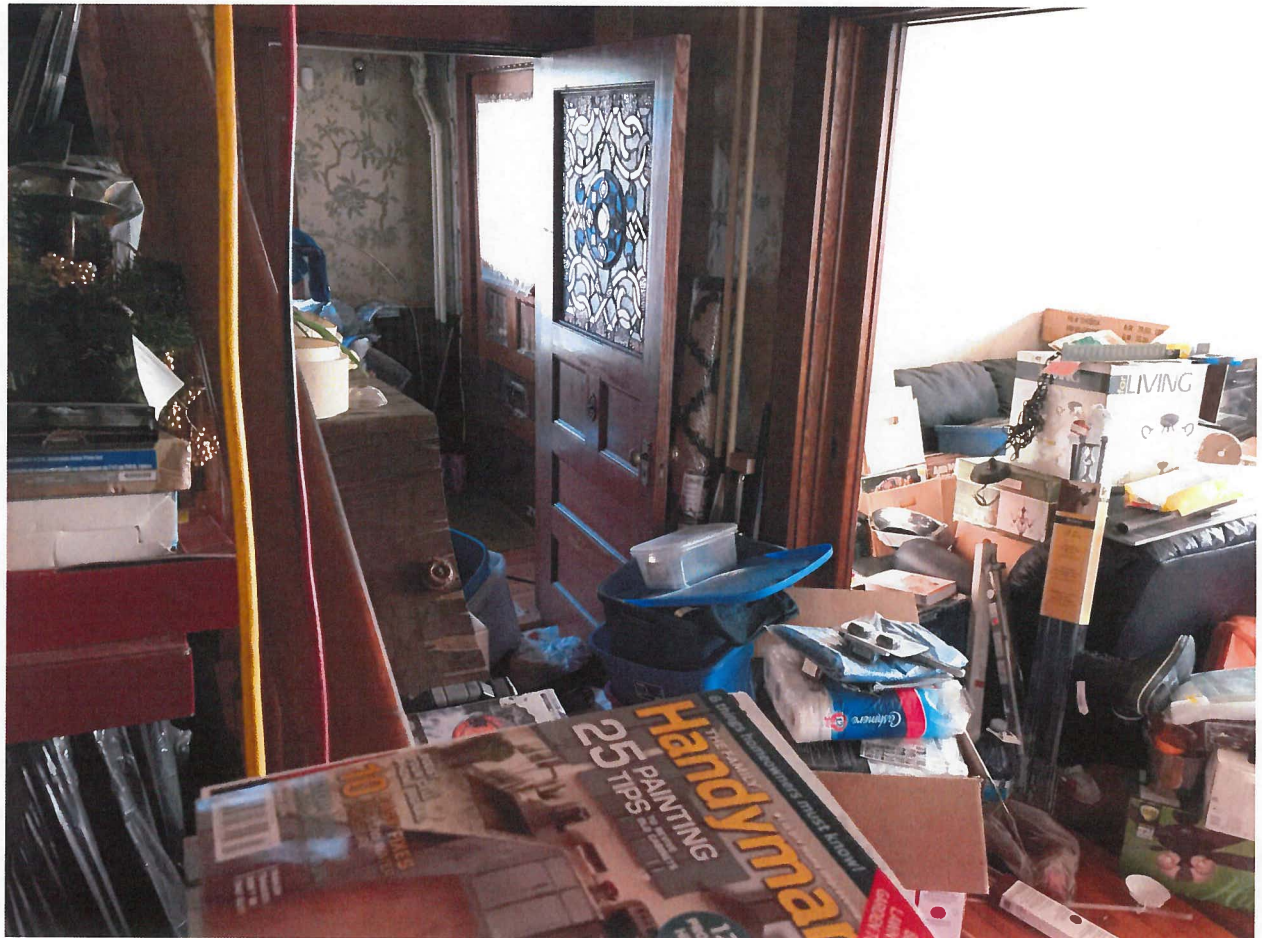
New wiring run through beams

Knob & tube wiring





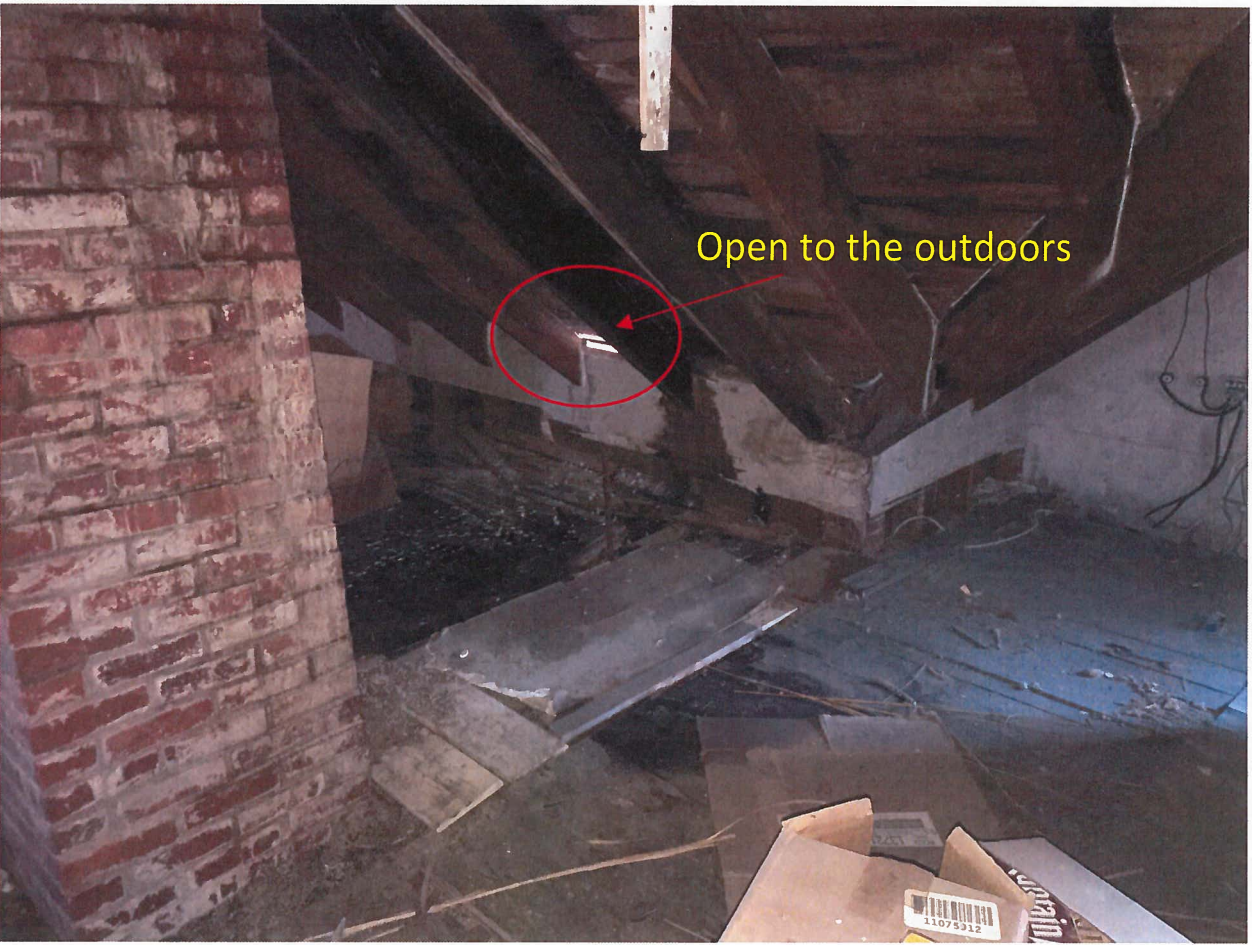


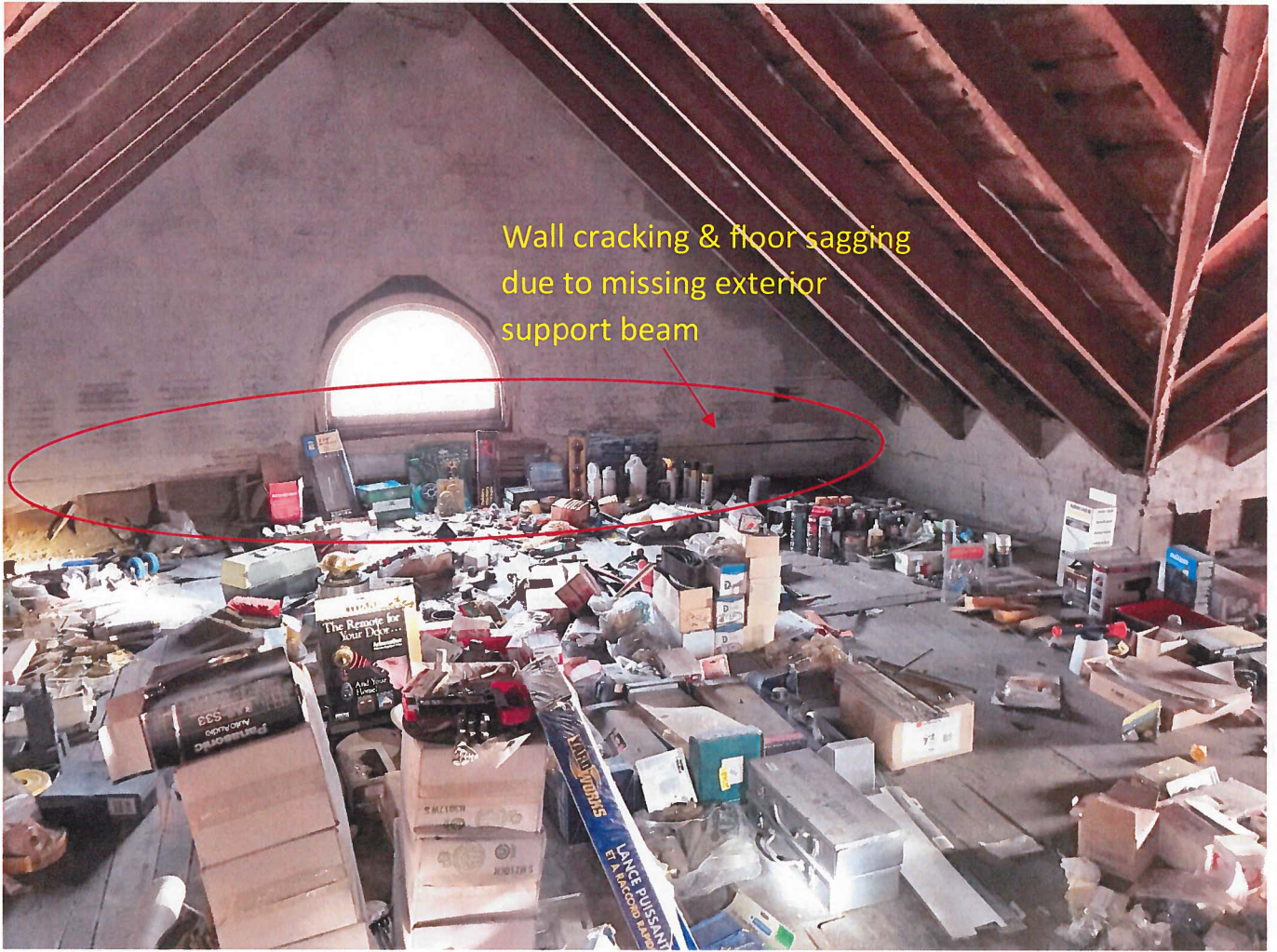


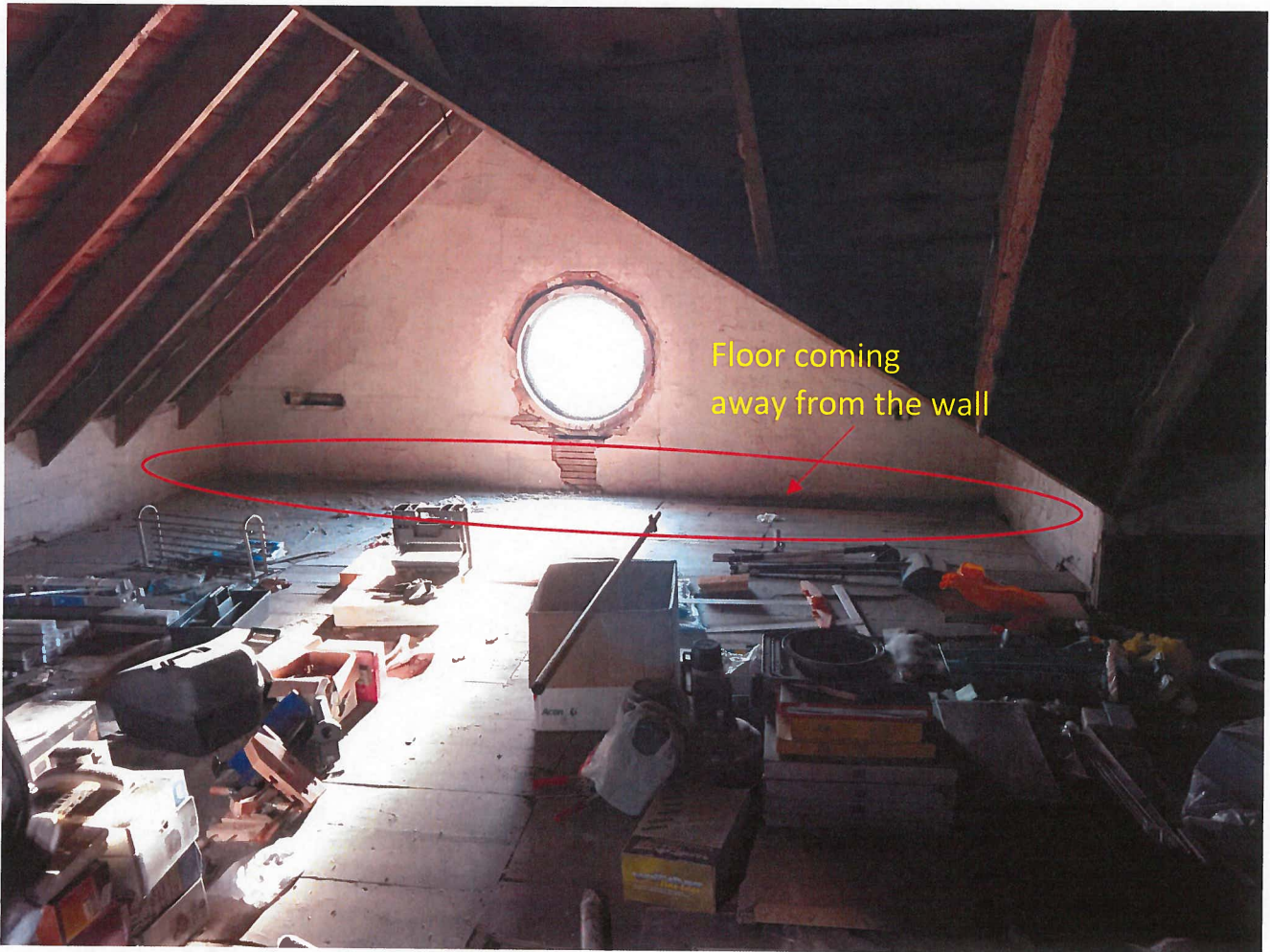
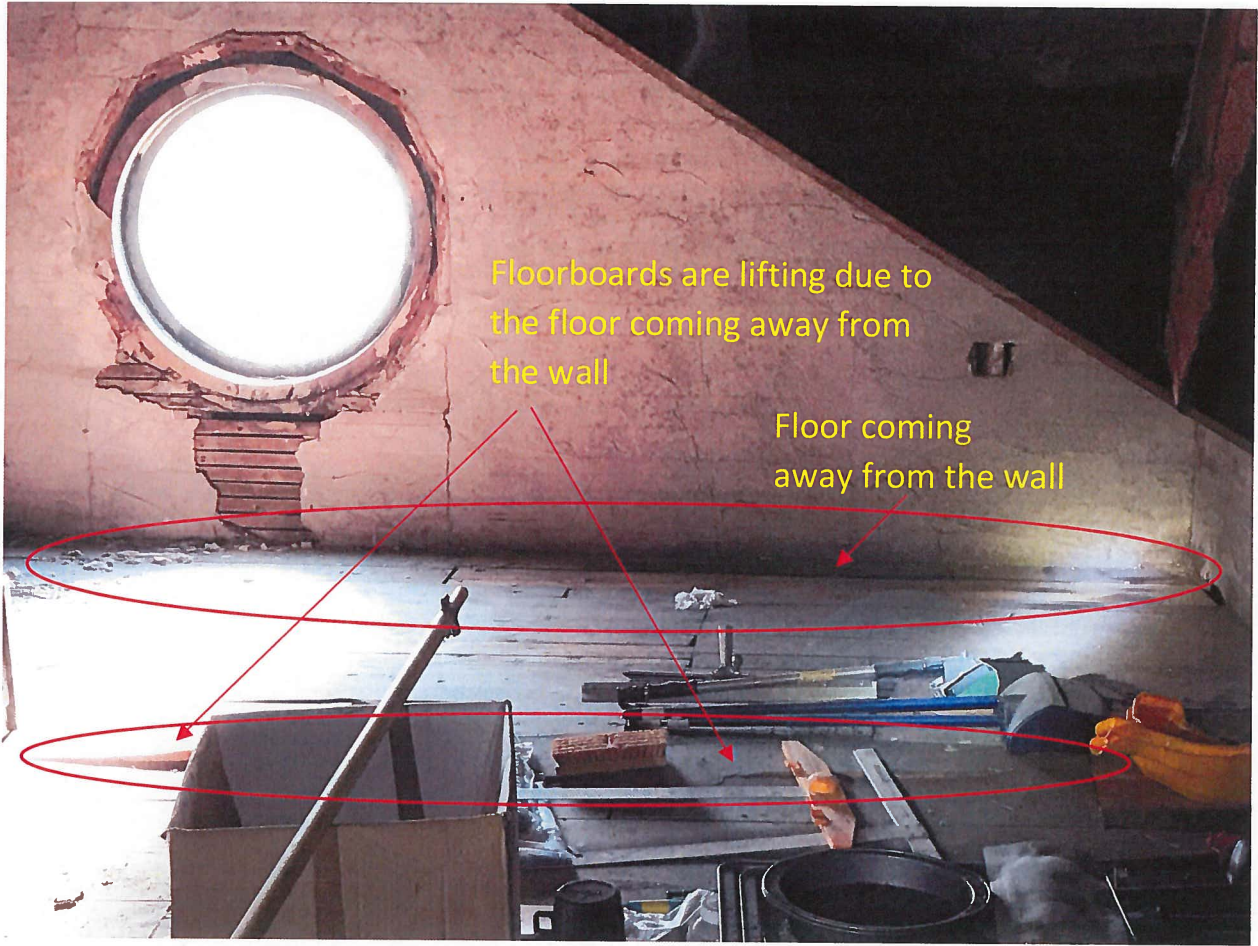












# SYNOPSIS

## 196 East Victoria Street

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Various complaints have been received regarding the physical condition of the building located at 196 East Victoria Street. Town staff, as well as a contract Building Official from the Municipality of the County of Cumberland have investigated and determined that this structure poses an immediate and real threat to not only the inhabitants of the structure but also to the general public.

The owner was ordered by the Administrator to provide an engineering assessment of the building on the property, however to date this has not been received and the owner has made no attempt to correspond with the Town on this matter.

Given the historical lack of compliance from the owner of this property, the current state of the buildings, and the likely costs of renovation to bring the buildings into compliance with the Town's Minimum Standards for Residential Occupancies Bylaw, the Administrator is recommending that the buildings be demolished.

### **MOTION:**

**That the Planning Advisory Committee order the buildings at 196 East Victoria Street be demolished, and back fill the hole within 30 days from the date of this Committee meeting, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work and send all contents of the building to the Cumberland Joint Services Management Authority land fill with all costs charged to the property owner's tax account.**



**TO:** Mayor Kogon and Members of Amherst Town Council  
**FROM:** Jason MacDonald, LPP, MCIP, Deputy CAO  
**DATE:** February 19, 2018  
**RE:** 59 Church Street – Demolition Order APPEAL

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### **Issue**

An appeal by the property owner of a January 18, 2019 motion of the Planning Advisory Committee to accept the recommendation of the Dangerous and Unightly Premises Administrator and order the building on the property located at 59 Church Street be demolished:

*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.*

### **Process**

The meeting of February 20, 2019 is a hearing on the appeal of the PAC decision to order the demolition of the building located at 59 Church Street. The process for the hearing is as follows:

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



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## History

A complete history of Dangerous and Unsightly Premises issues is attached. In summary, 12 complaints have been received on this property since 2011.

While the majority of the complaints have been in regards to garbage and rodents, the current issue is in regards to the condition of the building on the site. Notwithstanding that the property was ordered to be vacated in 2016 due to the condition of the building, the property owner has not made any progress to remedy the deficiencies and return the property into a usable condition.

An October 2, 2018 inspection by a Building Official with the Municipality of the County of Cumberland identified the following issues:

- 1- Collapse of several portions of the foundation with openings to the 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 throughout structure.
- 10- Compromised building envelope to the point of being a health risk.
- 11- 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.

In January of 2019 the property owner hired a professional engineer to assess the basement and main floor structure of the building. This report was read into the minutes of the January 18, 2019 PAC meeting. In his report to the property owner John Green, P. Eng., stated;

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

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

*Where a property is dangerous or unsightly, the council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.*

Municipal Government Act Definition of Dangerous or Unsightly

**“dangerous or unsightly”** means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing



- 
- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
  - (ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material, is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, or
  - (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property or a building or structure with or without structural deficiencies**
  - (iv) that is in a ruinous or dilapidated condition,**
  - (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,**
  - (vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,**
  - (vii) that is an allurement to children who may play there to their danger,**
  - (viii) constituting a hazard to the health or safety of the public,**
  - (ix) that is unsightly in relation to neighboring properties because the exterior finish of the building or structure or the landscaping is not maintained,**
  - (x) that is a fire hazard to itself or to surrounding lands or buildings,**
  - (xi) that has been excavated or had fill placed on it in a manner that results in a hazard, or
  - (xii) that is in a poor state of hygiene or cleanliness;**

Given the deficiencies listed above and the likely cost of remedying those deficiencies; combined with the owner's unwillingness or inability to address the deficiencies, the Administrator has recommended demolition as the remedy to address the dangerous and unsightly condition of the property. The PAC, in their motion of January 18, 2018 also chose demolition as the method to remedy the situation.

### Correspondence

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

The Town has given the property owner(s) every opportunity to remedy the structural deficiencies listed above. Since 2011 the Town has sent no less than 15 letters requesting compliance and two orders of the Administrator ordering compliance. Six times the Town hired a contractor to clean up the solid waste on the property. In 2016 the Provincial Fire Marshal ordered that the building be vacated and not inhabited until it is brought into compliance with applicable codes. To date, the owner has not addressed any of the electrical, plumbing, or structural deficiencies of the building. In addition to the above, the property owner has received numerous letters indicating that the cost of work undertaken by the Town has been charged to his property tax account.



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## **Recommendation**

Council can make any decision that the Planning Advisory Committee could have made. The options are:

1. Uphold the recommendation of the Administrator and order of the Planning Advisory Committee and order that the building on the property be demolished.
2. Order the property owner to undertake repairs to the building to bring it into compliance with all relevant provisions of the National Building Code and Minimum Standards for Residential Occupancy Bylaw.

Given the long history of non-compliance the option to repair the building will likely result in further deterioration of the building over time and a continued dangerous and unsightly condition on the property.

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

## **Motion:**

**That the property owner be ordered to remove the contents of and demolish the building located at 59 Church Street within 45 days of this meeting. The foundation must be backfilled. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to an appropriate solid waste disposal facility with all costs charged to the property owner's tax account.**





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, there was an order to vacate the property. Since then, little to not 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 property.

**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 2016: 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 and bring it up to minimum standards for occupancy. Should the property owner default on any of the timelines, the Committee shall order demolition of the property within 30 days of default.

The Administrator is recommending Option 1.



## 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



















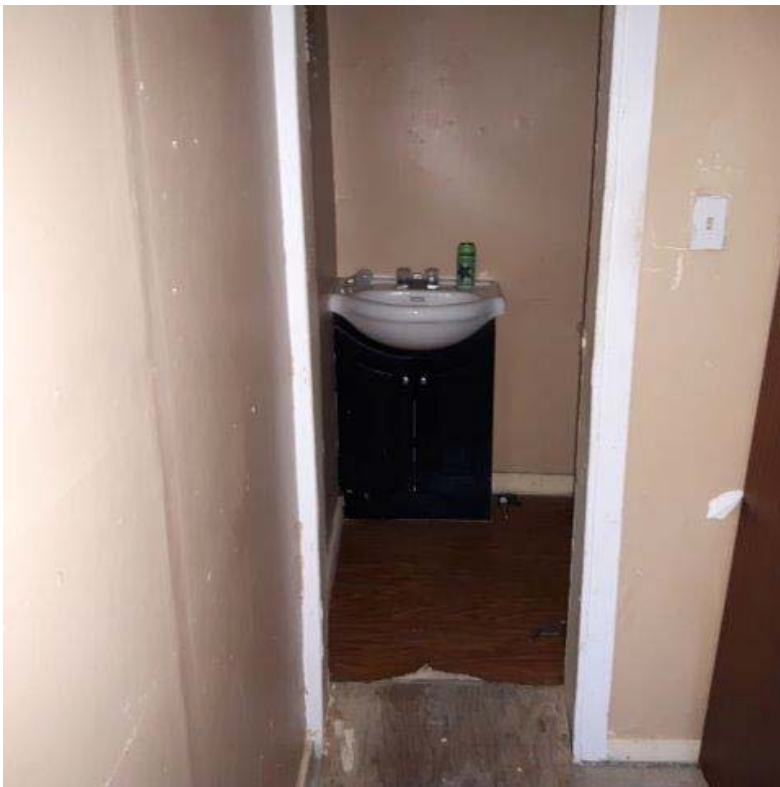






















January 10, 2019

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

January 23, 2019

Dear Mr. Herrett,

Customer service is the name of the game, especially when a man comes all the way from Toronto to invest his money in Amherst.

My name is Mohan Narain. I am the landlord of 59 Church St ordered for demolition by March 5 by the PAC committee.

I am hereby appealing this order.

With all due respect, at the outset of this email, I wish to inform you that, should the town not accept my appeal, it will be taken to the court where some of your staff will not even need to be cross examined by a prosecution, for the evidence of ploy, lies, lack of professional conduct or negligence in their duties will work against them.

The crux of this order, appeal and possible legal fight lies in the structural assessment of 59 Church St which the PAC tried to HIDE by deliberately failing to issue me a work order.

If the appeal is granted, then the contractor, the PAC (under your guidance) and I can mutually work out the date for the completion of the work.

The time frame would have to be realistic; otherwise, it would be considered a COVERT form of forced demolition in the name of giving a work order.

If the appeal isn't granted, then I will immediately summon a lawyer to file a case against the Town of Amherst well before March 5.

In a democracy like Canada, it's my constitutional right to protect my building ..59 Church St.

When democracy is failed, it gives rogue countries such as China and Russia to point their fingers at Canada.

So let's get down to some of the ways your staff has failed,unwiittingly,and how this can land them in the courtroom.

Since October-November 2016 when 59 became vacant, I have ONLY received three work orders from the PAC .Those came to me in 2018. ( The PAC needed to look at their files before making statements in the January 14 meeting).

They can be summarized as follows.

1. Work order received. Work completed by date.Town said okay.
2. Work order received. Work completed by date. Town said okay.
- 3.Work order received for interior inspection of 59 by Mr. Buske and others.

Work facilitated with help from Justin, my property manager.

NO mention of Cumberland engineer looking at basement structure!  
Silence!

No work order given to fix structure! Silence!

Landlord Concluded: Town satisfied.

Looking carefully at January 14 video, Mr.Mc Donald admitted that he brought an engineer from Cumberland county.

Question: Why NO work order to comply with engineer's recommendation?

I can only conclude that this is a devious PLOY by the PAC to get 59 Church demolished.

In the video, Mr Mc Donald becomes judgmental and gets into my personal business by saying, "The economic rehabilitation of the building is not possible"

He further contrasts it to the easier renovation of a downtown coffee shop, and that's the reason they voted for demolition, among other reasons which I will analyse later.

Mr. Buske also told me about costly investment in a phone call on December 14 at 12.06 p.m.

But affording or not affording is my personal business...not the business of the Town of Amherst or anyone. This is where professional conduct is lacking. (Do I tell you the town it cannot afford a certain project?)

The other members of the January 14 meeting also failed to see this point, and thus didn't oppose it. The Titanic, they probably thought, was cruising well

Right now in Shediac, I have a contractor of 40 years experience plus an architectural degree who knows 59 like a typical Maritime building and who can wrap up its renovation in five days with the help of another worker...all at a reasonable cost.

Tomorrow, Thursday 24, he will strengthen the structure at 59 with some 2 by 8 till the full renovation is ready.

Now let's look at more neglect and ploy.

In the December 14 phone conversation with Mr. Buske, he recommended that I get a report from a structural engineer and present it to the January 14 meeting. He said that would be helpful.

I took confidence in this man's words that I will work progressively to void a demolition. That very evening I phoned Justin to find an engineer quickly to get a report and photos for the January 14 meeting.

In that meeting, Justin offered to email the report to everyone, but ALL of them cared LESS to accept it...another example of devious negligence to further the order for demolition.

Nor did Mr. Buske admitted to everyone he ordered it.

Seeing this, I sent the engineer's report to both Mr. Mc. Donald and Mr. Buske before the conclusive January 18 meeting when they will make the final decision.

But neither of these men working under you acknowledged the report from me.

That Engineer's report is an "AUTHORITY" on 59 Church. It is meant to show the positive course for 59, but everyone neglected to accept it.

In that meeting there was an older man by the name of Purdy, I think. He was vociferous in his comments, "This is nonsense; we must go in and take it down; time has gone; different excuses".

He needs advice to do his home work before making such statements, for a prosecution can make him fumble for words in the court-room to support his fallacious statements.

In the meeting, Mr. Mc. Donald went on to give a short twenty year history of 59 about the issues at 59.

But he should have told the "history class" how Bernie was without hot water; Trevor Eisnor knew and did nothing about it....an allegation in the history of Amherst Town.

And that was BEFORE I became the landlord in February 2014.

Trying to convince everyone with more "negatives" against 59, Mr. McDonald spoke about garbage being left many times yearly and the town billing me for it.

However, I phoned the accounts receivable department on January 21 to find out the truth: there has been NO billing to me for solid waste in 2016, 2017 and 2018. (In 2014 to 2015, I paid for garbage pick up, even the ones dumped by neighbours).

Talk is cheap! Show the evidence!

I plan to meet the neighbours on Church Street this June to hear from them and to seek full cooperation to keep the surroundings clean and tidy as 59 has no tenants and therefore no garbage including food.

The landlord himself will be there!

Thus I have presented to you a simple, logical and truthful explanation for an appeal, even one of accounting as you are a Certified Accountant also.

I hope this helps.

God bless!

Sincerely,

Mohan Narain.



P.S. Needless to say, your staff should not delete the video of January 14 meeting.

**From:** Mohan Narain <[mission108@hotmail.com](mailto:mission108@hotmail.com)>  
**Date:** February 6, 2019 at 11:46:42 AM AST  
**To:** "[dkogon@amherst.ca](mailto:dkogon@amherst.ca)" <[dkogon@amherst.ca](mailto:dkogon@amherst.ca)>  
**Subject:** Failed Democracy.

Dear Mr. Kogon,

Imagine yourself being sentenced behind bars without a trial?

How would you feel?

Well ,precisely that's what your Planning Action Committee has done to me,analogically,by ordering a demolition of my house without a work order.

The work order may be likened to a trial.

My name is Mohan Narain. I am the landlord of 59 Church St.

I wish to bring to your attention failed democracy in the Town of Amherst----the denial of a work order.(Please read attached)

Failed democracy means being seen on the wrong side of history in the future.

Failed democracy means a violation of my human rights to protect my house.

As a respected mayor, I wish to give you a friendly reminder that it's your duty to uphold democracy like Lester Pearson and other great Canadian leaders of the past.

This deliberate, covert and discriminatory failure by the PAC to issue me a work order lends credence that some of your staff members are colluding with the two law offices besides 59 Church to demolish my building in order to create a parking lot for their expensive cars.

Mark Buske, Jason Mcdonald, Purdy and others need to be investigated for such collusion just like Trump and his alleged Russian ties.

With so many years of experience, I trust,hope and appreciate you instructing and guiding your PAC in the correct direction at the next meeting for discussion about 59.

Thanks.

Sincerely,

Mohan R. Narain.

" I would agree that he is obligated to provide you with details regarding any perceived deficiencies....".

Dear Mr.Herrett,

The above quote is from the Assistant Fire Marshall in the Nova Scotia Office in Halifax.

He is saying that he agrees ( with me) that Mark Buske was supposed to provide me with a list of electric deficiencies in a letter to me in 2016.

With no list, with no quotes from the Fire Codes, the letter was considered harassment, simply put.

The reason I am informing you about the above is because a manager from Nova Scotia Ombudsman Office called the Town of Amherst about a wrong doing--the order for demolition of 59.

But this manager was fooled by someone that I failed to comply with a "fire hazards letter" and hence that's the reason for the demolition.

What the employee doesn't realize is that while he is trying to trap me with a "fire hazard" pertaining with 59, he has already been trapped by the letter from the Head Office in Halifax.

Giving no work order, telling lies about the "fire hazard letter", speaking about too expensive renovations, asking for an engineer's report and then neglecting it etc---- these can and will play into the hands of a prosecution if it comes to that after February 25.

To add more to the truth,an electrician did come anyways, under pressure from Mark Buske, without a check list of what to correct,if any, on behalf of the landlord.

Mark Buske knows it! He even questioned the electrician about his license.

These documented truths I have provided so far should be sufficient for tomorrow's meeting in my absence.

Thanks.

Sincerely,

Mohan Narain.

A handwritten signature in cursive script that reads "Mohan Narain". The signature is written in black ink and is positioned below the typed name.