

November 14, 2014

Town of Sackville Heritage Board
P.O. Box 6191, 31C Main Street
Sackville NB E4L 1G6

RE: FORMER UNITED CHURCH PROPERTY

Dear Heritage Board Members:

Please find enclosed a letter dated November 5, 2014, addressed to my attention from Timothy MacDonald of the law firm Grew MacDonald, who are representing J.N Lafford Realty Inc. in the above noted matter. I felt it was necessary to disclose this letter with you, as it makes reference to several Board matters and actions to date. The letter also places the Town on notice with respect to the former united church property being secured from wanderers, as well as the potential for economic loss to J.N Lafford Realty Inc.

In addition, please be advised that the Town of Sackville has received correspondence from the New Brunswick Assessment and Planning Appeal Board, dated November 5, 2014. This letter confirms that a Notice of Appeal has been filed by J.N. Lafford Realty Inc. Our legal counsel has been advised by the Chair of the Appeal Board that the appeal is on hold until after the November 18, 2014, Heritage Board meeting, at which time the Chair hoped the Heritage Board would reach a decision on the matter.

Furthermore, it was suggested that the Town remind members of the Heritage Board that there are limits to the protection you have while acting in your role as Heritage Board members. For example, if Mr. MacDonald's allegations are true, i.e. that certain Board members deliberately and knowingly acted while in a conflict of interest and deliberately frustrated the process to avoid the issuance of a demolition permit when obligated to go so, there may be the possibility of some personal liability for those actions. To be clear, no one at this point has made any assertion of their intention to hold anyone liable, but nonetheless, to be prudent, we were advised to make you aware of this position.

The aforementioned material has been circulated to Council, who continue to be informed of the matter.

Should you have any questions, please call Jamie Burke at 364-4957.



Yours Truly,

A handwritten signature in black ink, appearing to read 'R. Berry', with a long horizontal flourish extending to the right.

Mayor Bob Berry

GREW MacDONALD

BARRISTERS, SOLICITORS, NOTARYS PUBLIC

Harold R. Grew, Q.C., B.A., B.B.A., LL.B
Patricia Dennis-Grew, B.A., LL.B

Timothy J. MacDonald, B.S.C., LL.B
Patrick C. Grew, B. Comm., JD

November 5, 2014

Via Fax 364-4976 and Mail
His Worship Mayor Robert Barry
Town of Sackville, NB
6191 31C Main St
Sackville, NB
E4L 1G6

RECEIVED
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Dear Sir:

Re: Sackville United Church

I am the legal counsel for J. N. Lafford Realty Inc. In reviewing the October 29, 2014 Sackville Tribune Post article regarding same, it would appear necessary to point out to you that I am indeed corporate legal counsel to the company and ask that if you are conducting open meetings with legal counsel for any other intended parties to the matter, that I be advised as to J. N. Lafford's ability to have legal counsel present as well. My contact information is noted on this correspondence.

A request for a demolition permit for the church was made to the Sackville Municipal Heritage Board in August of 2014. While both J. N. Lafford and at least one municipal counselor (Ron Corbett, as per the October 29, 2014 newspaper article) believes that all requirements of the by-law have been met, no decision has been rendered to date.

An appeal to the Planning Appeal Board of New Brunswick has been filed on the basis that no decision has been rendered, however, no date for an appeal has been set. In speaking to Kathy Malcolm of the Planning Appeal Board, she advised that they are awaiting information from the Sackville Municipal Heritage Board before setting a date for the appeal.

I have a copy of an e-mail sent by Kate Bredin, Heritage Officer for the Town, to John Lafford September 19, 2014 requesting additional information. This information was provided by e-mail on September 22, 2014. Still no decision.

I am now in receipt of a copy of correspondence from Ms. Bredin dated October 29, 2014, a copy of which I have attached which requests eleven (11) more specific and what appear to be, quite onerous, requests, which cannot be provided without a great deal of time and expense. While it is obvious that the Heritage Board has asked Murray Miller for his input, these inquiries appear to be far in excess of the requirements of the by-law and appear, to be frank, yet another means of delaying the process or at least an attempt to discourage the continuation of the demolition permit process.

The building in question was sold over two (2) years after its parishioners abandoned it. It is no longer a church, and all studies and requests to repurpose it or obtain funding for same have not been successful. Your Municipal Heritage Board has several sitting members who are part of the local "SPLASH" group who are against the demolition of the church. This is a clear conflict and compromises any thought that J. N. Lafford Realty's requests have been or will be considered objectively.

November 5, 2014

Page 2

The Heritage Board Chairman has resigned. I can now state that the Mars Hill Group who had committed to repurposing the building elsewhere, has now withdrawn their commitment and thus we are now without that option.

I enclose correspondence from Robert Summerby-Murray who wishes to remove the pipe organ from the church so that it can be preserved and used for another facility in the future. It is urgent to have this request dealt with for the sake of the organ's future.

J. N. Lafford has no budget for the maintenance of this deteriorating building. The building's continued deterioration could pose a serious hazard to the community should its continued decay cause damage or injury to others. J. N. Lafford hereby places the Town on notice that it will make every attempt to secure the building from vagrants but that it will not be responsible for damage or injury caused to anything or anyone as a result of the continued decay of the structure. In that regard, the Town should govern itself accordingly.

J. N. Lafford Realty Inc. is a Sackville company. The Lafford family has been a part of and active in the Sackville community for generations. They understand and appreciate that there is a committed group of people who are concerned with the heritage of the community. As stewards of the Town's past, this small group of citizens has an obligation to ensure that the laws are being complied with, but there appears to be an organized attempt to make this process as difficult as possible, which is neither objective nor justifiable. Their failure to deal with this matter is not just a source of frustration. There is a real potential for economic loss to J. N. Lafford Realty Inc.

We await any reply you may have and are prepared to meet at your convenience.

Yours very truly,

GREW MacDONALD



Timothy J. MacDonald
TJM/jm
/encl

Harold R. Grew - haroldgrew@nb.sibn.com

Patricia Dennis-Grew - haroldgrew@nb.sibn.com

Timothy J. MacDonald - tmacdonald@nb.sibn.com

Patrick C. Grew - patrickgrew@bellaliant.com

704 Coverdale Road, Riverview, NB E1B 3L1

Telephone: 506 856-8870

Fax: 506 856-8879



TOWN OF SACKVILLE HERITAGE BOARD
 31C MAIN STREET
 P.O. BOX 6191
 SACKVILLE, NB
 E4L 1G6

J.N. Lafford Realty Inc.
 Attn: John Lafford
 112 Main Street
 Sackville, NB E4L 1A1
 29 October 2014

Dear John:

The Town of Sackville Heritage Board is in the final stages of making a decision regarding the Application for Demolition of the property at 112 Main Street, the former Sackville United Church. Before a decision can be made pursuant to the Town of Sackville Municipal Heritage Conservation Area By-Law (By-Law 219), however, the Board requires provision of the following two items:

- 1) The Sackville Heritage Board, in accordance with their duties and responsibilities under the Municipal Heritage Conservation Area By-Law and under the NB Heritage Conservation Act, has consulted with a national expert in the field of Heritage Conservation. As a result the Board has concluded that the Salvage Plan as prepared by Mars Hill Church is simply a general outline of the scope of the work which is intended to be bid upon, and is therefore an insufficient Salvage Plan as required under Sackville By-Law 219. According to accepted heritage preservation standards, a Salvage Plan should address both the "what" and the "how" of salvage, and as such, should be a detailed document that includes the following:
 - a. An inventory of character defining elements of the heritage property,
 - b. An inventory of all material to be salvaged,
 - c. A specification for handling, temporary protection and storage of the materials to be salvaged in accordance with best practices,
 - d. A description of the methods for protecting, salvaging and restoring any elements to be retained,
 - e. Detailed design of any elements that are proposed to be incorporated into any other developments on the site,
 - f. Explanation of how salvage of all historic items will be carried out from the time deconstruction begins until the historic elements are re-used,
 - g. A description of how the salvage relates to the buildings' character defining elements
 - h. A description of the existing condition of each of the historic elements and a likelihood of successful salvage based on the materials and methods proposed to be used,
 - i. Identification of the potential risks associated with the salvage materials and methods to be used for all historic elements,
 - j. A risk mitigation strategy for dealing with unforeseen circumstances, and,
 - k. The final location where items to be salvaged will be placed.

The following links provide information on the preparation of a comprehensive Salvage Plan that experts in the heritage conservation field deem to be adequate and satisfactory. (Documents at both links will also be attached to the e-mail and enclosed with the hard copy.)

Link to a document outlining a process for salvaging heritage building materials from properties proposed for demolition:

http://www.regina.ca/opencms/export/sites/regina.ca/residents/heritage-history/.media/pdf/heritage_building_materials_recycling_program_info.pdf

Link to an example of a comprehensive Salvage Plan:

<http://www.bostonredevelopmentauthority.org/getattachment/d0ee7ae8-47c4-4b25-bb5a-1cebc7cb9760>

Therefore the Sackville Heritage Board requests, once again, a more comprehensive and detailed Salvage Plan pursuant to By-Law 219, consistent with the type of Salvage Plan recommended by heritage conservation experts and in accordance with accepted heritage preservation standards. The Board had also made an earlier request via e-mail to you on 19 September 2014, for a more detailed and comprehensive plan for salvage of the unique and valuable heritage elements in the Sackville United Church, but this request was not fulfilled (as per correspondence from Timothy J. MacDonald on 22 September 2014, attached).

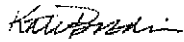
- 2) The Board requires a recent and up to date letter from Mars Hill Church to J.N. Lafford Realty Inc, dated within the last two months, confirming that Mars Hill definitely intend to proceed with the purchase of the property at 112 Main Street, former Sackville United Church. Alternatively, you could provide the Board with a contact name at Mars Hill Church, with whom they can confirm that the purchase and sale will take place. If the sale of 112 Main Street to Mars Hill Church will not go ahead, then the outline of the scope of the salvage work to be bid on, that Mars Hill has submitted to J.N. Lafford Realty as a Salvage Plan, will no longer be current or valid. Consequently there will be no extant Salvage Plan as required under By-Law 219, and J.N. Lafford Realty Inc. must provide their own version of a Salvage Plan.

The Board would also like to note the following: According to the *Town of Sackville Heritage Board Manual of Procedures for Dealing with Applications and Enquiries from Property Owners*, when a development under the By-Law concerns the demolition of an existing building, the by-Law applies to **both** the exterior and the interior of the building. As the Application from J.N. Lafford Realty Inc. involves a demolition, the By-Law would thus cover items within the former United Church and the condition of the interior of the Church. Please find below the applicable section of the *Manual of Procedures (version adopted January 2014)*:

- 1.1 The By-law applies to the following types of development within the Conservation Areas:
 - a) Construction of new buildings;
 - b) Alterations to existing buildings;
 - c) Additions to existing buildings;
 - d) Relocation of buildings into or within the Areas;
 - e) Demolition of existing buildings.
- 1.2 In all cases, **except demolition**, the By-law applies only to the **exterior** of buildings.

If the Heritage Board receives both items 1) and 2) as requested and detailed above in a timely manner, a final decision on the Application for Demolition will be forthcoming at the next regular Heritage Board Meeting on 18 November 2014. If you require more information regarding the preparation of a sufficient and comprehensive Salvage Plan, please get in touch with me. As well, if you require additional time to prepare a sufficiently detailed Salvage Plan please let me know. Your co-operation in this regard will be greatly appreciated and will facilitate the Town of Sackville Heritage Board in making its decision on your request for a demolition permit.

Sincerely,



Kate Bredin
Town of Sackville Heritage Officer
heritageofficer@sackville.com
506-540-0167

52 Old Hospital Loop Road
Westcock, NB E4L 2H6

2 October 2014

The Heritage Review Board
Town of Sackville
Sackville, NB

Dear Members of the Heritage Review Board,

I write to confirm that I am currently working with Mr. John Lafford in partnership with the Nova Scotia-based Organ Rescue Project for the purpose of preserving the 1928 Casavant organ in the former Sackville United Church. It is our intention, in collaboration with Mr. Lafford, to remove the organ from the church prior to any demolition of the building and to place the organ either in a church in the region or in neutral storage for later installation. In this way, we hope to preserve this significant instrument.

Throughout this project, Mr. Lafford has taken great care to consider the heritage aspects of the organ and the 'best use' for this historical instrument if it can be relocated. We believe this to be the best outcome in the circumstances and look forward to the possibility of relocating and restoring this significant instrument.

While I realise that the removal of the instrument may be the precursor to the demolition of the existing building, we hope that our actions, in concert with Mr. Lafford, will allow us to preserve this component of Sackville's heritage and to ensure that it has a useful future.

Sincerely,




Robert Summerby-Murray

Sackville Tribune-Post

The Sackville Tribune Post > News

Indecision over demolition permit for church building leading to frustration

 **Katie Tower**
Published on October 29, 2014

Chairman of heritage board resigns, walks out of recent meeting



Sackville United Church

SACKVILLE, N.B. – Frustration set in once again at Sackville's latest heritage board meeting as indecision over whether to issue a demolition permit for the former Sackville United Church continued to weigh heavily on the board members.

David Bruce, chair of the heritage board, resigned from his position less than halfway into the meeting, walking out of town council chambers clearly upset with the board's inability to move forward on the application request.

"I don't think I can provide the leadership that this board needs or is looking for," said Bruce, who added he was resigning immediately as chair.

Bruce had stated earlier in this meeting that he believed the board should have been at a point to come to a decision on the permit application, after having reviewed the file on several other occasions.

"I think it's important for us as a board to move this application forward," he said.

Bruce said the board basically had three options they should have considered at that meeting – refuse to issue the permit because it doesn't meet the criteria laid out in the bylaw and provide the reasons why; approve the permit, applying conditions on the demolition if necessary; or go back to the applicant to request more information.

He pointed out, however, that if the board chose to go with the third option, "we need to be very clear to ourselves why that is."

"We really need to document where our collective inability to do that is," he said of the board's indecision.

But when board member Louis Beliveau requested to hear from lawyer Wanda Severns at the meeting to provide her legal perspective on the municipal heritage bylaw, saying the dialogue would be useful and "inform the subsequent discussion," Bruce said he wasn't interested in hearing the presentation and said the members themselves should be able to make a decision based on their own understanding of the bylaw.

"I think there's enough intelligence and knowledge around the table, and enough interpretation, that we can decide ourselves whether the applicant meets the bylaw," he said just before walking out.

Ron Corbett, the town councillor representative on the board, said he was also unwilling to hear Severns' presentation, at least until the applicant's lawyer could also be present, and walked out of the room when the other members voted to give her a 10-minute time frame to speak. Severns has been providing legal guidance to SPLASH, the community group that has been trying to save the church.

"If we are to hear from a lawyer, I think we need to offer that same opportunity to hear from the other side as well," said Corbett. "In issue of fairness, I think it needs to be done at the same time."

In the end, the board did change its mind about Severns' presentation and members said they would be willing to wait until the other lawyer is present to hear from both sides, possibly at their next monthly meeting Nov 18.

Corbett voiced his frustration, however, over the ongoing deferrals, saying he simply wanted to move forward on this file.

"We have a bylaw and this (permit request) meets the objectives of the bylaw. We've done what we can do through the bylaw."

But throughout the meeting, several other members expressed their trepidation at making such an important decision about the church without seeking all the answers they can about the application.

Beliveau agreed it's unfortunate that the Laffords have to wait until the board has done its "soul-searching" but he believes this decision will set a precedence on how to handle future demolition requests in the town.

"I think we have insufficient information at this point," he said, adding he'd like to see the board get more clear answers from the applicant, particularly on the salvage plans should their conditional offer with Mars Hill Church Group fall through.

Vanessa Bass, who stepped in as interim chair following Bruce's resignation, agreed with Bellevue, saying the board has only been deliberating this application since August and needs the time to process all the information coming forward.

"It's a weighty decision . . . and we shouldn't be rushed."

Bass said in recent weeks, for example, the board had received a report from Murray Miller, a consultant who specializes in heritage conservation and management. The report provides recommendations to the board and the town and offers Miller's observations about the heritage bylaw and the municipal plan and how they might be used to turn down the demolition request. Miller was the contractor who designed a style guide to Sackville's heritage architecture earlier this year.

"We have really good advice here from a professional that we haven't even discussed," she said.

The board will be setting a time in the next couple of weeks to discuss the report in detail.

Member Kirk Ferguson was in agreement the board needs to seek out more answers before making a decision, and suggested the applicant be provided with a list of specific, detailed questions of what exactly the board is looking for.

"What we need to focus on is what information is it that we still need," he said.

Sackville Tribune-Post

The Sackville Tribune Post > News

Demolition permit for former United Church remains before heritage board

Tribune-Post Staff

Published on October 08, 2014

The status of a request seeking a demolition permit for the former Sackville United Church property remains undecided despite the fact the town's heritage board has convened on three occasions to review the application.

Members of the board initially met on Tuesday, Aug. 19, with the intention of discussing the application but decided there would not be enough time, opting instead to schedule a special meeting for the evening of Thursday, Sept. 11. However, members of the board remained undecided following the special meeting, asking instead that the applicant, JN Lafford Realty, provide additional information prior to their Sept. 16 regular meeting.

Part way through the third meeting, heritage board member Ron Corbett let his frustration show.

"I think that we need to make a decision on this one way or another," he said, "and I move that we issue the permit made by the applicant because he's met all the requirements of the bylaw."

That motion, however, was not seconded.

"As far as I'm concerned the board has failed to, in fact, do what it was supposed to do on this issue, and I'm extremely disappointed in the board," Corbett said.

During the special meeting on Sept. 11, the board was scheduled to hear from the company making the application, JN Lafford Realty, and John Duchemin, chair of the group SPLASH (Sackville People Leading Action to Save Heritage). Before hearing from the two parties, however, David Bruce, chair of Sackville's heritage board started the meeting by defining what was required of the board in reviewing the application.

"When we feel satisfied the applicant has in fact met the standards and/or meets other conditions we may wish to impose on the permit," Bruce said, "then we issue the permit, and if not we don't issue the permit, but we seek further information until such a point that we can make a decision."

JN Lafford Realty representative John Lafford told the board he would do his best to answer any questions they might have, but felt a presentation by him was not necessary, adding he felt his permit application packet contained sufficient information.

Duchemin said his presentation would focus on the historical value of the church and its contents.

"We are all very concerned about the potential effects in the town, both aesthetic and economic," he said. "Removing the church from the downtown would have a negative effect no beautification efforts could replace."

Duchemin noted that several other communities in the region capitalize on the historic appeal of similar buildings when it comes to promoting tourism.

He noted the church was originally built in 1875-76 and had undergone several transformations since that time.

"The building is architecturally significant in design," he said. "There are Gothic elements and Romanesque features."

Duchemin added the building has been described as one the "finest examples of ecclesiastical architecture in the Maritimes."

Duchemin noted the building boasts several significant architectural features but stressed how valuable the windows are considered to be.

"That's probably the prize in the building," he said. They're unique . . . all designed by the Montreal stained glass artisan John Spence and Sons."

Duchemin also stressed the importance of the church's organ, a 116-pipe Casavant pipe organ, which was installed in 1927.

"The organ is of remarkable sound quality, having been voiced specifically for this church sanctuary with its noteworthy acoustics."

Duchemin went on to say that when it was learned the organ and other items in the church were in danger due to a leaking roof and attic full of pigeon droppings, SPLASH focused its efforts on dealing with those issues.

He explained that the group raised money to be used to address the issues, but the contractors backed out because SPLASH didn't own the building. Instead, he explained, members of SPLASH brought in large buckets to catch the water.

"Up to the present day we have emptied the buckets several times to prevent damage."

He also noted that Lafford had initially been heating the building when it was learned it was important to do so in order to preserve the organ. When the building's owner stopped heating the building, Duchemin said SPLASH took over.

Duchemin added that SPLASH has made two offers to purchase the church for \$100,000.

Later in the meeting, Lafford explained that they had already accepted a conditional offer from the Mars hill Church Group.

Board member Louis Beliveau asked several times for clarification as to whether the church was to be moved or dismantled.

Lafford explained the building would not be moved in its entirety but that it would instead be dismantled and anything of historical importance would be salvaged and re-used.

Heritage board member Vanessa Bass questioned Lafford as to why they had stopped heating the building in 2013.

Lafford said he had agreed at a meeting in early 2012 to heat the building, but that his commitment was not indefinite.

"Listen, I agreed at that meeting (to heat the building) for one year, which I did. I stopped in February, but I ran the heat, the maintenance, the insurance, the property taxes, everything."

Bruce asked if the \$100,000 offer made to JN Lafford Realty by SPLASH was just for the building or for the land as well.

Duchemin said the offer was for the church and its footprint, but Lafford said his understanding of the offer was that it didn't include the land, adding later, "That offer is insulting."

Heritage board member Azadeh Joulaie urged Lafford to work with the members of the community who wanted to see the church saved.

"There are people who are willing to help you," she said.

Lafford said while he appreciated what she had to say, a look at what had happened to date told another story.

"The building was for sale for two years prior to me taking it over, thereabouts. I've owned it for 19 months, give or take some days here. So that's four years of a lot of thought."

He went on to say he felt a lot of people had the right mind set in wanting to see the church saved, but the reality was it wasn't, in his opinion, fiscally possible to do so.

Later in the meeting he repeated that he felt he'd given those interested in saving the church an opportunity to do so.

"We said when we bought the church we'd give people a year to come up with a viable solution . . . we gave a year and nothing came of it except some cans (to catch water)."

Toward the end of the Sept. 11 meeting, Lafford said he expected a decision in the near future on his application.

"In closing I'd like to say . . . I've come here not to beg, not to make empty promises. I followed the bylaw, I listed it (the church) for sale with a reputable company, it was for the duration of six months, it was for a nominal fee of \$1. The archivist signed off that everything of relevance at the time of the sale was in her hands . . . the fact of the matter is I've abided by the bylaw and I'll be getting legal counsel."

At the Sept. 16 regular meeting, Bruce noted the heritage board had received confirmation from Lafford Realty that all plans and architectural drawings associated with the church were archived in Fredericton, and detailed salvage plans from Mars Hill, information the board had requested at the previous meeting.

In addition, he said the Laffords had provided additional documentation regarding finding another salvage company, or doing the work themselves, if the Mars Hill deal fell through.

"We also received correspondence that there is an application before the provincial government (that requests) designating the former United Church building under the special provincial heritage place designation.

"It's our understanding that that's been with the province for a number of years, at least going back to 2012."

Bruce added that no decision had been made on the file to his knowledge.

Heritage Board member Peter Manchester asked if a heritage designation by the province would supersede any authority the local heritage board had.

Bruce said his research revealed that in such an instance, any changes to the property in question would have to be approved by the minister, with the assistance of the board and local planning office.

Corbett, however, noted a similar circumstance involving an application to have the former Mount Allison Memorial Library, which has since been demolished to make way for the university's new arts centre, was acknowledged almost immediately.

"My opinion is that if they (the province) haven't done that (responded to the church application) by now, they're not going to do it."

Discussion then turned to which part of Sackville's Heritage Bylaw should be applied in the matter before them, but Bruce clarified the situation.

"We're dealing with a demolition permit application. The Laffords were not able to find a buyer who would remove the building in that six-month period. They are now applying for a demolition permit. They have a pending arrangement with Mars Hill to take apart the building and salvage all the pieces Mars Hill wishes to retain."

Discussion on the application at the Sept. 16 meeting ended with the board requesting more details on the salvage plans for the organ and other items in the church.

Sackville heritage officer Kate Bredin confirmed yesterday that the board would be

reviewing the application further at their next meeting.

"The next consideration of the application will be at the regular board meeting on the 21st of October. At this point the board does not have enough information to determine whether the applicant (John Lafford) has met all requirements under the by-law for a demolition permit to be granted. The board is still gathering information."



November 5th, 2014

**Town of Sackville
Municipal Heritage Board**
P. O. Box 6191
110 Main Street
Sackville, NB
E4L 1G6



Dear Sir:

Re: Notice of Appeal – J.N. Lafford Realty Ltd.

Enclosed herewith is a copy of Notice of Appeal (Form 1) which has been filed with the Board on October 6th, 2014. We also enclose herewith a Notice of Decision (Form 2) which we would ask that you complete and return to the undersigned, with at least five (5) copies.

It is also required that you forward at the same time five (5) copies of any by-laws and regulations relied upon in making the decision in question.

Yours very truly,


 Robert M. Boudreau
Acting Chairman

RMB/km
Enclosures



FORM 1/FORMULE 1
NOTICE OF APPEAL/AVIS D'APPEL
 TO/A
ASSESSMENT AND PLANNING APPEAL BOARD
La COMMISSION D'APPEL EN MATIERE D'EVALUATION ET D'URBANISME

TAKE NOTICE THAT I hereby appeal the decision of the Town of Sackville Municipal Heritage Board pursuant to the following legislative provisions:

Section/Article 65 and 69 of the Heritage Conservation Act
 8 of By-law 219 – Town of Sackville Municipal Heritage Conservation Area By-law

1. Name, address and telephone number of Person Appealing:
 Nom, adresse et numéro de téléphone de la Personne faisant Appel:

J. N. Lafford Realty Ltd.
 90 Pond Shore Road
 Sackville, N. B.
 E4L 1K9
 Ph #364-7312 att: John Lafford

2. Name and address of Property owner if appealing under Section 86(2)(b)(i) or (ii):
 Nom et adresse du propriétaire des biens réels pour l'appel en vertu de l'article 86(2)(b)(i) ou (ii):

Property located at 112 Main Street, Sackville, N. B.
 PID #972182

RECEIVED
 Assessment and Planning
 Appeal Board

3. Date of decision or action appealed:
 Date de la décision ou de l'action en appel:

September 15, 2014-09-18

OCT 6 2014

4. Brief Statement of Facts (attach extra sheets if necessary) :
 Brève Déclaration des Faits (annexer des feuilles supplémentaires si nécessaire):

The appellant acquired the subject property January 31, 2013 from Trustees of the Methodist Church at Sackville for \$712,600.00. The Church and land associated herewith had been for sale for several years as the congregation had re-located to another facility due to the cost of maintaining the existing Church.

RECU
 La Commission d'appel en
 matière d'évaluation et d'urbanisme

R1/NA/14-02

The appellant was governed by section 8 of the Town of Sackville Municipal Heritage Conservation Area By-law (No. 219) and has complied with the By-law and with the Sackville Heritage Board in all respects.

An economic feasibility study to re-purpose the Church as a community centre was produced, however, concluded that the cost of re-purposing was not justifiable. Considerations to making residential tenancy units in the building was given, however, the cost per unit was prohibitive.

As a result of the listing of the building the Mars Hill Church organization of Seattle Washington agreed to acquire the building, dismantle and remove it to re-erect it in a community desirous of a church building. No other offers to acquire and remove the building were obtained from the date of the listing, February 12, 2014 to date.

The appellant applied for a demolition permit from the Sackville Heritage Board. The hearing before the board was to have occurred August 19, 2014. The Board cancelled same and re-scheduled it for September 11, 2014 whereupon the matter was again cancelled to September 16, 2014. At the meeting of the Sackville Heritage Board of September 16, 2014, the Board refused to vote on the appellant's application for a demolition permit.

5. **Brief Statement of Reasons for Appeal (attach extra sheets if necessary):**
Brève Déclaration des Motifs de l'Appel (annexer des feuilles supplémentaires si nécessaire):

The appellant states that pursuant to section 6(4) of the Sackville Municipal Heritage Conservation By-law (No. 219):

"If the Board determines that a development meets the standards and requirements set out in sections 7 and 8 of this By-law, or would meet those standards and requirements if certain terms and conditions were met, the Board shall forthwith issue a permit to the owner".

The appellant met the standards and requirements of Section 8 of the By-law, however, the Board did not issue a permit to demolish the building to the owner. The Board failed to vote regarding the appellants' application and have given no indication as to whether the permit or even a vote will be forthcoming.

Section 65(1) of the Heritage Conservation Act, SNB C H-405 states:

"A heritage board shall issue a municipal heritage permit if the board concedes that the Act and the by-laws under the act have been complied with"

The appellant has asserted that at all times he has been in compliance with the Act and the By-law. The Board has offered no explanation as to whether or how the appellant is not in compliance.

Dated at Riverview, New Brunswick this 18th day of September, 2014

Grew MacDonald
704A Coverdale Road
Riverview, N. B.
E1B 3L1

A handwritten signature in black ink, appearing to read 'T. MacDonald', written over a horizontal line.

TIMOTHY J. MACDONALD, Barrister & Solicitor
Agent on behalf of the appellant
J. N. Lafford Realty Ltd.

NOTICE OF DECISION

(Assessment and Planning Appeal Board Regulation –
Community Planning Act, s. 2(2))

TO _____, PERSON APPEALING; AND TO THE
ASSESSMENT AND PLANNING APPEAL BOARD:

TAKE NOTICE that a decision of the _____
Planning Advisory Committee (or District Planning Commission or Development Officer) was
rendered in the matter of your request pursuant to the provisions of the *Community Planning Act*.

1. Matter requested: (Brief statement of facts, reasons for request)

2. Date, Place of consideration of request:

3. Decision of Committee:

4. Reasons for decision: (use additional sheets if space insufficient)

DATED this _____ day of _____ A. D. 200.

.....
Chairman of the _____
Planning Advisory Committee

or

District Planning Commission

or

Development Officer

(version française au verso)