



Planning & Urban Development Department

February 6, 2015

Gregory J. Nisbet
124 Noyes Street
Portland, ME 04103

Hand Delivered and Certified Mail : 70080500000145878805

CBL: 081 A004001
Located At: 188 Dartmouth St.

Tenant Notification/ Posting Notice

Dear Mr. Nisbet:

An evaluation of the above-referenced property with Officials from the City's Inspections Division on 02/06/2015 revealed that the structure fails to comply with § 6-120. (a), (b), & (c) of the Housing Code of the City of Portland. Specifically, the building is without heat and hot/ potable water. The residential dwelling unit located at 188 Dartmouth St. is unfit for human habitation and must remain vacated.

Attached is a list of the violations, they require immediate correction.

The City is willing to work cooperatively with you in creating an appropriate action plan to address this situation and to streamline all necessary permits for re-occupancy; however, there are minimal safety standards that must be met.

The following conditions must be met:

1. The building must remain totally vacated and properly secured from vandalism.
2. Prior to commencing repairs, appropriate permit applications must be submitted for: renovation work, repairs made to building, HVAC, electrical, and plumbing systems.
3. Follow all inspection requirements outlined in each permit issued by the City.



Planning & Urban Development Department

No tenant(s) may return to the property until further notice from the City. A re-evaluation of the property will occur on 02/10/2015 to verify that the building remain secure and vacant.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in § 1-15 of the Portland City Code and in Title 30-A of M.R.S.A § 4452.

This letter constitutes a decision from which you may appeal pursuant to § 6-127 of the Portland City Code and Rule 80B of the Maine Rules of Civil Procedure.

If you have any questions, concerns or require emergency repair permits- please contact me at 207-874-8701.

Sincerely,

A handwritten signature in black ink, appearing to read "JR", written over the typed name and title.

Jonathan Rioux
Deputy Director of Inspections

CC: Adam Lee, Associate Corporation Counsel
Keith Gautreau, Acting Assistant Chief of Prevention and Community Outreach

Portland, Maine



Yes. Life's good here.

Danielle P. West-Chuhta
Corporation Counsel

Jennifer L. Thompson
Associate Counsel

Adam R. Lee
Associate Counsel

Michael I. Goldman
Associate Counsel

February 6, 2015

Tenant
188 Dartmouth Street
Portland, Maine

Re: 188 Dartmouth Street

Dear Tenant:

This letter is to formally notify you that you need to vacate these premises immediately pursuant to the City's posting of the property against occupancy effective February 6, 2015. A copy of the posting notice is attached to this letter.

As stated in the attached notice, the reason for the posting and vacating of the premises are for serious life safety and/or building code violations that expose you and others for whom you may have responsibility to physical injury or death.

The City is initiating an enforcement action against the owner of the property. This action will likely lead to a court order allowing the City to remove you from the premises immediately or in the very near future. Please be informed that we are seeking to have this matter heard by the Portland District Court, at **205 Newbury Street, Portland, ME 04101 at 8:30 A.M. on Monday, February 9, 2015**. If you would like information about the status of this action please call the City Attorney's office at 874-8480.

If you have any questions about your legal rights as a tenant in relation to the relocation and the City's action against the owner, you should contact an attorney to discuss those issues.

We hope that you are successful in finding another unit with as little trouble as possible.

Sincerely,

Adam R. Lee
Associate Corporation Counsel

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

Inspection Violations

Owner/Manager NISBET GREGORY J		Inspector Chuck Fagone	Inspection Date 2/6/2015
Location 188 DARTMOUTH ST	CBL 081 A004001	Status Posting Notice	Inspection Type Complaint-Inspection

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 6-114.(a)

Violation: WHEN CENTRAL HEATING PLANT NOT AVAILABLE.

Notes: When heat is not furnished by a central heating plant, each dwelling unit or rooming unit shall be provided with one (1) or more masonry flues and smoke or vent pipe connections, or equal arrangement, in accordance with the provisions of the city Code to permit the use of heating equipment capable of providing heat as required by this section.

2) 6-114.

Violation: MINIMUM HEATING STANDARDS.

Notes: No person shall occupy as owner-occupant or shall allow another to occupy, except when used solely for seasonal occupancy between March first and October thirty-first, any dwelling, dwelling unit, rooming house or rooming unit which does not comply with the minimum standards found in subsections 1 thru 3.

3) 6-114.(c)

Violation: MAINTENANCE OF EQUIPMENT.

Notes: All stoves, furnaces, room heaters, or domestic water heaters operated by solid, liquid, or gaseous fuel shall be properly vented and maintained in safe operating condition by the owner, operator, occupant or both.

4) 6-111.(c)

Violation: WATER SUPPLY.

Notes: Every dwelling, dwelling unit and rooming house shall be provided with a potable water supply. Every kitchen sink, lavatory basin, and bathtub or shower required by this article shall be properly connected with hot and cold water lines with adequate supply and pressure. The hot water lines shall be connected with waterheating facilities which supply water at a temperature of at least one hundred ten (110) degrees Fahrenheit at every required fixture at all times.

5) 6-120.(b)

Violation: PROPERTIES UNFIT FOR HUMAN HABITATION; AND POSTED AGAINST OCCUPANCY

Notes: Properties which lack plumbing, ventilating, lighting or heating facilities or equipment adequate to protect the health, safety and general welfare of the occupants or the public

Comments:

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

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Comments: 02-06-15: Received a complaint for no heat in addition to previous violations noted. Met with the Owner's Representative, Buddy from Ace Properties, LLC on site; inspection conducted revealed no working central heating plant, temperature read 32°F, no hot or potable water (broken pipe near second floor water closet; no electricity, trash stored near the right side window; one bedroom was padlocked shut, and inspectors were unable to gain entry. The residence did not meet our minimum standards for habitability and was posted against occupancy.