



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: April 20, 2005.
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TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: Nuisance Building at 1095 East 41st Avenue

RECOMMENDATION

- A. THAT Council declare that the building at 1095 East 41st Avenue, Lot 15 of 4, Block 12 to 21, District Lot 666, Plan 1378 Expl PL 17020, PID 008-172-561 is a nuisance pursuant to Section 324A of the Vancouver Charter
- B. THAT Council approve the attached Resolution and order the property owners to pull down and demolish the building and to provide a chain-link fence around the perimeter of the property within 30 days of a copy of the Resolution being served pursuant to Section 324A of the Vancouver Charter
- C. THAT in the event that the owners fail to comply with this order of Council, Council further orders and hereby authorizes the City Building Inspector, in his discretion, to carry out the work outlined in paragraph (B) above pursuant to Section 324A(2) of the Vancouver Charter
- D. THAT in the event of the failure of the owners to allow the City Building Inspector and/or his designate access to the site to carry out the work as outlined in paragraph (B) above, the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the building located at 1095 East 41st Avenue, and may, in her discretion, seek injunctive relief in that action or proceeding in order to bring the building and site into compliance with the City By-laws and Council's resolution

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

Section 324A of the Vancouver Charter enables Council by resolution or by-law to declare any building, in or upon any private or public lands a nuisance or dangerous to the public safety or health and by such by-law or resolution, to order that building to be removed by the owner, agent, lessee or occupier thereof.

BACKGROUND

In March of 2000, this building was closed by the Vancouver Police Drug Squad and City Inspectors because it was being used as an illegal marijuana grow operation. The power and gas to the building were disconnected and the owners were advised that they were required to go through the inspection and re-occupancy permit process. A re-occupancy permit was issued on May 11, 2000 for this building.

In May of 2004, the Vancouver Police reported that this building was being used as a grow operation for the second time. The services to the building were disconnected again.

As this building had been used for the purpose of a marijuana grow-op on two occasions a 336D Notice was filed against the title in June of 2004. Following an inspection by the various Inspection groups it was noted that there are significant levels of mold. The owners were requested to obtain the services of an Environmental Consultant to thoroughly clean the building and then provide written confirmation that no residual contamination exists. To date nothing has been received.

Our inspections services report that this building has been vacant and boarded-up since July of 2004. The City has received complaints from neighbouring residents about the untidy condition of the site and building. It is also noted that the building is defaced with graffiti and that signage has been posted by the neighbouring property owners warning trespassers to stay out of the building and that they are monitoring this site. Letters were sent to the owners outlining the above conditions and of their obligations to maintain their site and building.

DISCUSSION

There have been complaints regarding the unsightly appearance of the building including the untidy condition of the yards. In its present state it is an eyesore and is a detriment to the neighbourhood.

CONCLUSION

It is recommended that City Council declare that this building is a nuisance and order the building to be demolished and that a chain-link fence be provided around the site to prevent dumping. It is also recommended that the City Building Inspector and/or his designate be authorized to have the work done or to request that the Director of Legal Services seek injunctive relief to have the work done if the situation is warranted.

In the Matter of Section 324A of the
Vancouver Charter and 1095 E 41st Avenue

RESOLUTION

Be it resolved by the Council of the City of Vancouver:

1. THAT the building and property at 1095 East 41st Avenue are a nuisance pursuant to Section 324A of the Vancouver Charter
2. THAT the owners are hereby ordered to pull down and demolish the building and to provide a chain-link fence around the perimeter of the property within 30 days of a copy of the Resolution being served pursuant to Section 324A of the Vancouver Charter
3. THAT in the event that the owners fail to comply with this order of Council, Council further orders and hereby authorizes the City Building Inspector, in his discretion, to carry out the work outlined in paragraph 2 above pursuant to Section 324A(2) of the Vancouver Charter
4. THAT in the event of the failure of the owner to allow the City Building Inspector and/or his designate access to the site to carry out the work as outlined in paragraph 2 above, the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the building and property at 1095 East 41st Avenue, and may, in her discretion, seek injunctive relief in that action or proceeding in order to bring the building and site into compliance with Council's order

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