



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: September 16, 2005
Author: Pattie Hayes
Phone No.: 873-7787
RTS No.: 05500
CC File No.: 2701-1
Meeting Date: October 6, 2005

TO: Standing Committee on City Services and Budgets
FROM: City Building Inspector
SUBJECT: Nuisance and Dangerous Building at 1918 East 37th Avenue

RECOMMENDATION

- A. THAT Council declare that the building at 1918 East 37th Avenue, Lot 32, Block A, Plan 2478, District lot 704, PID 005-157-897 is a nuisance and dangerous to public safety 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 1918 East 37th 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.

- E. THAT the City Clerk be directed to file a 336D Notice against the Certificate of Title to the property at 1861 East 56th Avenue, in order to warn prospective purchasers that there are violations of the Vancouver Building By-law related to this property and that there is an order of Council against the property.

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.

Section 336D of the Vancouver Charter provides a mechanism whereby the City of Vancouver can warn prospective purchasers of contraventions of City By-laws relating to land or a building or structure. It provides that if the City Building Inspector observes a condition that he considers to be a contravention of a by-law relating to the construction or safety of buildings; or as a result of that condition, a building or structure is unsafe or unlikely to be usable for its expected purpose; or is of a nature that a purchaser unaware of the contravention, would suffer a significant loss or expense if the by-law were enforced against him, he may recommend to City Council that a resolution be considered directing the City Clerk to file a notice against the Title to the property in the Land Title Office.

BACKGROUND

This is a single family dwelling that was constructed in 1947 and is located in an RS-1 One Family Dwelling District.

Our inspections services report that this building is vacant and fire damaged and the City has received complaints from neighbouring residents about the site and the building being open and accessible to children and transients. An order was issued and a private contractor was hired to clean up the site and board-up the building at the expense of the owner.

DISCUSSION

This building is vacant and fire damaged resulting in complaints from neighbouring residents about the condition and the poor appearance of the building including complaints of squatters occupying this building. As the building is not always secured and is open and accessible to children and transients and is located in close proximity to a park, a potentially unsafe condition exists. 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 dangerous to public safety 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.

Although the property is not listed for sale, it is further recommended that a 336D Notice be filed against the Certificate of Title to the property in order to warn prospective purchasers that the building and property is in violation of the Vancouver Building By-law and that there is an order of Council against the property.

In the Matter of Section 324A of the
Vancouver Charter and 1918 East 37th Avenue

RESOLUTION

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

1. THAT the building and property at 1918 East 37th Avenue are a nuisance and dangerous to public safety 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 1918 East 37th 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.
5. THAT the City Clerk is hereby directed to file a 336D Notice against the Certificate of Title to the property at 1918 East 37th Avenue, in order to warn prospective purchasers that there are violations of the City By-laws related to this property and that there is an order of Council against the property.

* * * * *