



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Date: November 30, 2005.  
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RTS No.: 05606  
CC File No.: 11-4400-10  
Meeting Date: January 17, 2006

TO: Standing Committee on Transportation and Traffic  
FROM: City Building Inspector  
SUBJECT: Nuisance Building at 711 East 39th Avenue

#### RECOMMENDATION

- A. THAT Council declare that the building at 711 East 39th Avenue, Lots 5-8, Block 6, Plan 1797, District Lot 667, is a nuisance because it is, in the opinion of Council, in so dilapidated or uncleanly a condition as to be offensive to the community pursuant to Section 324A paragraph (3) 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 paragraph (1) 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 paragraph (1) 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 711 East 39th 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 711 East 39th 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 paragraph (3) 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 if that building in the opinion of Council, is in so dilapidated or uncleanly a condition as to be offensive to the community 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 C-2 Commercial District.

Our inspections services report that this building has been unoccupied for years and has recently been boarded-up. The City has also received complaints from neighbouring residents about the site and the dilapidated condition of the building.

### **DISCUSSION**

This building is vacant and in disrepair. This has resulted in complaints from neighbouring residents about the condition and the poor appearance of the building. In its present state it is an eyesore and is a detriment to the neighbourhood. It is noted that significant repairs would be required for this building to be re-occupied.

**CONCLUSION**

It is recommended that City Council declare that this building is a nuisance because it is, in the opinion of Council, in so dilapidated or uncleanly a condition as to be offensive to the community 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 711 East 39th Avenue

**RESOLUTION**

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

1. THAT the building and property at 711 East 39th Avenue, Lots 5-8, Block 6, Plan 1797, District Lot 667, are a nuisance because it is, in the opinion of Council, in so dilapidated or uncleanly a condition as to be offensive to the community pursuant to Section 324A paragraph (3) 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 paragraph (1) 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 paragraph (1) 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 711 East 39th 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 711 East 39th 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.

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