



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: January 9, 2006
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CC File No.: 11-4400-10
Meeting Date: February 2, 2006

TO: Standing Committee on City Services and Budgets

FROM: City Building Inspector

SUBJECT: Nuisance Property and Injunction Request regarding 743 East 15th Avenue

RECOMMENDATION

- A. THAT Council declare that the condition of the property at 743 East 15th Avenue, Lot 10 of Lot E Block 174 District Lot 264A Plans 1254 & 1771 PID 014-643-219 is a nuisance pursuant to Section 324A of the Vancouver Charter.
- B. THAT Council approve the attached Resolution and order the property owner to remove all debris, miscellaneous items and materials stored in the yards and remove all unlicensed, dismantled or wrecked vehicles parked/stored in the yards within 14 days of a copy of the Resolution being served pursuant to Section 324A of the Vancouver Charter.
- C. THAT in the event that the owner fails 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, and/or the owner fails to bring the occupancy of the building into compliance with the By-laws, the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the property at 743 East 15th Avenue, and may, in her discretion, seek injunctive relief in that action or proceeding in order to bring the property and/or building 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 743 East 15th Avenue in order to warn prospective purchasers that there are violations of the Standards of Maintenance, Untidy Premises, Zoning and Development and Vancouver Building By-laws related to this site and the occupancy of the building, 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 or any other matter or thing, 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 the same shall be removed, pulled down, filled up, or otherwise dealt with by the owner, agent, leasee 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.

Sections 334 and 571 of the Vancouver Charter allow the City to seek injunctive relief for any By-law contravention.

PURPOSE

The purpose of this report is to request that Council declare the unsightly condition of the property at 743 East 15th Avenue a nuisance pursuant to Section 324A of the Vancouver Charter, authorize the Director of Legal Services to seek injunctive relief to have the property and building brought into compliance with the By-laws and to request that the City Clerk file a 336D Warning Notice against the Title to the property to warn prospective purchasers that there are by-law violations against this building and property.

BACKGROUND

This is a single family dwelling that is located in an RT-5 Two Family Dwelling District.

A review of our records indicates a long history of complaints with respect to the unsightly condition of the site and use of the property for auto repairs in front of the building on the City Street as well as at the rear of the site. These complaints started with the previous property owner and continued after the current owner purchased the property in 1997.

Orders have been issued pursuant to the Untidy Premises By-law and the Standards of Maintenance By-law, however, the owner has continued to use the site for auto repairs and continually stores discarded materials, auto parts, debris and dismantled or unlicensed vehicles in the yards.

In the spring of 2004, staff met with the property owner regarding the complaints about his property. At the meeting, he agreed to stop all auto repairs immediately and requested some additional time to have the property cleaned up.

A recent inspection of the site revealed that there are still unlicensed/dismantled vehicles, debris, discarded materials, furniture, etc. on the site in contravention of the Untidy Premises and Standards of Maintenance By-laws. The inspection also revealed that auto repairs are still being carried out in contravention of the Zoning and Development By-law.

In addition, it was noted that the building is currently listed for sale. The real estate listing states that there are 3 complete suites in the building with the potential for a fourth unit, although the building is only approved as a single family dwelling. This unapproved occupancy is in contravention of the Zoning and Development and Vancouver Building By-laws.

DISCUSSION

The unsightly condition of this property and the unauthorized use for auto repairs is an ongoing frustration and detriment to the neighbouring residents. In addition, an unsuspecting purchaser could suffer significant loss or expense should he/she purchase the property based on the on the understanding that there are three approved suites in this building when in fact the property is only approved as a single family dwelling.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

It is recommended that City Council declare the condition of the property a nuisance and order the property owner to remove all debris, discarded materials, and unlicensed or dismantled vehicles from the site and that the City Building Inspector or his designate be authorized to have the work done in the event that the owner fails to do so. It is also recommended that the Director of Legal Services be authorized to commence a legal action or proceeding and seek injunctive relief in order to bring the building and/or property into compliance with the City By-laws, if in her opinion it is appropriate to do so.

In addition, it is recommended that a 336D (Warning Notice) be filed against the title to the property in order to warn any prospective purchasers that there are violations of the Standards of Maintenance, Untidy Premises, Zoning and Development and Vancouver Building By-laws and that there is an order of Council against the property.

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In the Matter of Section 324A of the
Vancouver Charter and 743 East 15th Avenue

RESOLUTION

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

1. THAT the condition of the property at 743 East 15th Avenue, Lot 10 of Lot E, Block 174 District Lot 264A, Plans 1254 and 1771 PID 014-643-219 is declared to be a nuisance pursuant to Section 324A of the Vancouver Charter.
2. THAT the Registered Owner is hereby ordered to remove all miscellaneous items and materials stored in the yards and remove all unlicensed, dismantled or wrecked vehicles parked/stored in the yards within 14 days of a copy of the Resolution being served pursuant to Section 324A of the Vancouver Charter.
3. THAT in the event that the owner fails to comply with this order of Council, Council further orders and hereby authorizes the City Building Inspector and/or his designate, 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 outlined in paragraph (2) above, or if the owner fails to bring the occupancy of the building into compliance with the by-laws, 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 743 East 15th Avenue, and may, in her discretion, seek injunctive relief in that action or proceeding, in order to bring the building and/or site into compliance with Council's order and the by-laws.
5. THAT the City Clerk is hereby directed to file a 336D Notice against the Certificate of Title to the property at 743 East 15th 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.