



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Report Date: April 13, 2006  
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CC File No.: 11-4400-10  
Meeting Date: May 25, 2006

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: Dangerous and Nuisance Building at 4539 Fleming Street

#### RECOMMENDATION

- A. THAT Council declare that the building at 4539 Fleming Street, Lot E of Lot 5, Block 5, District Lot 352, Plan 4247, PID 010-406-379 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 owner 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 owner fails to comply with the 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 owner 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 4539 Fleming Street, 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 4539 Fleming Street, in order to warn prospective purchasers that there are violations of the Vancouver Building, Standards of Maintenance, Electrical and Health By-laws 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 the building 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.

#### **PURPOSE**

The purpose of this report is to request that Council declare this building a nuisance and dangerous to public safety and order the owner to demolish the building and provide a chain-link fence around the site afterwards to prevent dumping.

#### **BACKGROUND**

This is a single family dwelling that was constructed prior to 1948 and is located in the RS-1 One Family Dwelling District.

The Vancouver Police had received a number of complaints from neighbouring residents that this building was being used as a "flop house" and that there was illegal drug activity happening in and around the building. Police had attended the house on a call and observed serious by-law violations. Accordingly, in October of 2005, a coordinated inspection of this problem building was carried out by Vancouver Police, Coastal Health and the District Property Use Inspector.

The inspection revealed that the property owner was living in the home and allowing people to squat there. The owner admitted that he had no control over who came and went and was concerned about some of the "bad" people who were staying in the house. He also advised that he was unable to make them leave and asked for the City's assistance in keeping the unwanted visitors from the building.

The inspection also revealed the following serious violations of the Vancouver Building, Standards of Maintenance and Health By-laws:

1. the plumbing fixtures (toilets, sinks and bathtubs) were plugged with stagnant water and excrement and were inoperable;
2. the gas service to the building had been disconnected;
3. there was garbage, feces, excrement and rotten food throughout the building;
4. the walls were damaged;
5. there was a large hole in the roof;
6. the rear deck was rotten.

Because of the above serious liveability and life safety issues, the City Building Inspector closed the building and had it boarded-up by a private contractor. In addition, the electrical and water services to the building were disconnected. The owner and other occupants were served notice and were offered assistance in finding alternative accommodations.

Neighbouring residents expressed gratitude to the inspectors and Police for shutting down the building.

Following the closure, City staff met on site with the property owner and his daughter to discuss the issues and available options. The owner ultimately agreed that he would demolish the building but asked for some time to get the work done. He was advised that he could have a few months to get his plans in order provided the house remained secure and unoccupied. The owner also confirmed that he owns another residence in Prince George and hinted that he might relocate to that residence.

Since that time, the owner has not applied for a permit to demolish the building and his daughter advises that she has been unable to locate him. In March of this year, the daughter phoned the Property Use Inspector advising of her concerns about the security of the building, the risk of trespassers and potential for fire. She asked the City to pursue demolition of the building. She also wrote to the City on March 29, 2006 expressing her concerns and advised that she had gathered up her father's personal belongings and had locked up the building. She provided a duplicate key for the building to City staff.

## DISCUSSION

The building in its present state is not fit for occupancy and is in an unsafe condition. The owner is not in a position to carry out the necessary repairs as the costs would be prohibitive. The property is not being monitored to ensure it remains secure and is an attraction to squatters and a detriment to the neighbouring residents.

## FINANCIAL IMPLICATIONS

There are no financial implications.

## 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 security fence be provided afterwards. It is also recommended that the City Building Inspector and/or his designate be authorized to have the work done at the owners expense in the event that the owner fails to comply with the order.

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In the Matter of Section 324A of the  
Vancouver Charter and 4539 Fleming Street

RESOLUTION

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

1. THAT the building at 4539 Fleming Street, Lot E of Lot 5 Block 5 District Lot 352 Plan 4247 PID 010-406-379 is a nuisance and dangerous to public safety pursuant to Section 324A of the Vancouver Charter
2. THAT the owner is 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 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 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, 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 4539 Fleming Street, 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 4539 Fleming Street, 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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