

CITY OF VANCOUVER

ADMINISTRATIVE REPORT



Date: May 26, 2006
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RTS No.: 06016
VanRIMS No.: 11-4400-10
Meeting Date: June 15, 2006

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: Nuisance Buildings at 61-63 W Hastings Street and 95 West Hastings Street

RECOMMENDATION

- A. THAT Council declare that the buildings at 61-63 W Hastings Street (Lot A of Lot 10, Block 3, District Lot OGT, Plan 168 Exc Ref PIn 355) and 95 West Hastings Street (Lots 9, Block 3, District Lot OGT) are a nuisance because they are, in the opinion of Council, in so dilapidated or unclean 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 buildings and to provide a chain-link fence around the perimeter of the properties 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 sites 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 buildings located at 61-63 W Hastings Street and 95 West Hastings Street, and may, in her discretion, seek injunctive relief in that action or proceeding in order to bring the buildings and sites 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 properties at 61-63 W Hastings Street and 95 West Hastings Street, in order to warn prospective purchasers that there are violations of the Vancouver Building By-law related to these properties and that there is an order of Council against the properties.

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

These are two (2) side by side retail/commercial buildings which were constructed prior to 1935 and are located in a DD Downtown District.

Our inspections services report that these building have been vacant for over two (2) years and have been boarded-up over eight (8) times in the past year and frequently defaced with graffiti. The City has received many complaints from neighbouring businesses about the sites and the dilapidated condition of the buildings.

DISCUSSION

These two (2) buildings are vacant and in disrepair and are frequently defaced with graffiti and are an attraction to squatters and transients. This has resulted in complaints from neighbouring businesses about the condition and the poor appearance of the building. The City has boarded these building up more than eight (8) times in the past year and on numerous occasions have had graffiti removed from the buildings. As these buildings are frequently accessed by transients/squatters they are at risk of being set on fire.

It was also reported that the adjacent property owner at 55 W Hastings Street has been put at risk of vandalism or theft by squatters opening up the wall of 61-63 W Hastings Street to attempt to break into the building at 55 West Hastings Street.

In their present state these buildings are an eyesore and an added detriment to the neighbourhood. It is noted that significant repairs would be required for both of these buildings to be re-occupied.

A letter was sent to the owner of these two (2) buildings on February 22, 2006 outlining these concerns with a request to obtain a permit and demolish however to date there has been no response.

CONCLUSION

It is recommended that City Council declare that these buildings are a nuisance because they are, in the opinion of Council, in so dilapidated or unclean a condition as to be offensive to the community and order the buildings to be demolished and that a chain-link fence be provided around the sites 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 properties are not listed for sale, it is further recommended that a 336D Notice be filed against the Certificate of Titles to the properties in order to warn prospective purchasers that the buildings and properties are in violation of the Vancouver Building By-law and that there is an order of Council against the properties.

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In the Matter of Section 324A of the
Vancouver Charter and 61-63 W Hastings Street and 95 West Hastings Street

RESOLUTION

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

1. THAT the buildings and properties at 61-63 W Hastings Street (Lot A of Lot 10, Block 3, District Lot OGT, Plan 168 Exc Ref PIn 355) and 95 West Hastings Street (Lots 9, Block 3, District Lot OGT), are a nuisance because they are, 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 buildings and to provide a chain-link fence around the perimeter of the properties 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 buildings and properties at 61-63 W Hastings Street and 95 West Hastings Street, and may, in her discretion, seek injunctive relief in that action or proceeding in order to bring the buildings and sites into compliance with Council's order.
5. THAT the City Clerk is hereby directed to file a 336D Notice against the Certificate of Titles to the properties at 61-63 W Hastings Street and 95 West Hastings Street, in order to warn prospective purchasers that there are violations of the City By-laws related to these properties and that there is an order of Council against the properties.

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