



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: June 22, 2006
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VanRIMS No.: 11-4400-10
Meeting Date: September 14, 2006

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: Dangerous and Nuisance Building at 1586 East 11th Avenue

RECOMMENDATION

- A. THAT Council declare that the building at 1586 East 11th Avenue, Lot C of Lots 76 and 77 Block 161 District Lot 264A Plan 2162 PID 014-015-340, 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 owners fail 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 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 1586 East 11th 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 1586 East 11th Avenue, in order to warn prospective purchasers that there are violations of the Vancouver Building, Electrical and Standards of Maintenance 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 1966 and is located in the RT-5 Two Family Dwelling District. In August of 2005, the building was closed by the Growbusters Team because it was being used as a marijuana grow operation and it has been vacant since that time.

The owners have not applied for any permits to repair and/or re-occupy the existing building, but they have submitted a redevelopment request to the Engineering Department.

To date, however, there has been no application for redevelopment submitted to this department.

Since the closure of the building, this department has received numerous complaints from neighbouring residents concerning the use of the yards and rear deck by squatters. The owner responded to the City's request and removed the rear access stairs and had the deck area boarded-up in an effort to prevent squatters from gaining access to the building. However, the site still continues to be a problem and an attraction to squatters.

The City Building Inspector wrote to the property owners in May of this year requesting that they demolish the building, but received no response. In addition, the owners have not responded to phone messages left by staff.

DISCUSSION

The building in its present state is not fit for occupancy, is an unsafe condition 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 they fail to comply with the order.

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In the Matter of Section 324A of the
Vancouver Charter and 1586 East 11th Avenue

RESOLUTION

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

1. THAT the building at 1586 East 11th Avenue, Lot C of Lots 76 and 77, Block 161, District Lot 264A, Plan 2162, PID 014-015-340 is 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 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 1586 East 11th 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 1586 East 11th 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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