



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: January 5, 2007
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RTS No.: 06481
CC File No.: 11-4400-20
Meeting Date: February 1, 2007

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: Nuisance Structure (attached garage and deck) at the Rear of
575 East 19th Avenue

RECOMMENDATION

- A. THAT Council declare that the attached garage and deck at the rear of 575 East 19th Avenue, Lot 9, Block 69, District Lot 301 Plan 187 PID 015-626-211 is a nuisance and dangerous pursuant to Section 324A of the Vancouver Charter.
- B. THAT Council approve the attached Resolution and order the property owner to remove all stored items inside the garage and pull down and demolish the garage and deck 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 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 paragraph (1) 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 attached garage located at 575 East 19th Avenue, and may, in her discretion, seek injunctive relief in that action or proceeding in order to relieve the unsafe condition and bring the 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 575 East 19th Avenue, in order to warn prospective purchasers that there are violations of the Standards of Maintenance and 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 or dangerous to public safety or health 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.

PURPOSE

The purpose of this report is to request that Council declare the attached garage and deck at 575 East 19th Avenue a nuisance and dangerous to public safety and order the owner to demolish the garage and deck.

BACKGROUND

This is a single family dwelling that was constructed prior to 1959 and is located in an RS-1 Single Family Dwelling District. The attached garage and deck were added to the building under permit in 1984.

In June of last year, this department received a complaint about the dilapidated condition of the building. Upon investigation, the District Building Inspector reported that the house itself is in poor condition but the most serious concerns were with the attached garage and sundeck. It was reported that the west wall of the garage appeared to be completely rotted out. The studs and plates have disintegrated and the siding and deck appear to be floating, unattached. The structure has also pulled away from the main portion of the dwelling by approximately three inches. In addition, it was noted that the headers over the garage doors are sagging several inches and that the access stairs to the deck area were rotten.

The owner of the property was subsequently ordered to remove all items stored inside the garage and to demolish the structure. To date, we have received no response from the property owner and the unsafe structure still remains.

DISCUSSION

The dilapidated condition of the attached garage and deck is a hazard and an eyesore. the condition of the structure has deteriorated to a point where repairing the structure is not a viable option.

CONCLUSION

It is recommended that City Council declare that the attached garage and deck is a nuisance and in an unsafe condition and order the structure to be demolished. 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 is in violation of the Standards of Maintenance and Vancouver Building By-law 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 575 East 19th Avenue

RESOLUTION

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

1. THAT the attached garage and deck at the rear of the building at 575 East 19th Avenue (Lot 9 Block 69 District Lot 301 Plan 187 PID 015-626-211) is a nuisance and dangerous pursuant to Section 324A of the Vancouver Charter.
2. THAT the owner is hereby ordered to remove all items stored inside the garage and pull down and demolish the garage and deck 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 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 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 at 575 East 19th Avenue, and may, in her discretion, seek injunctive relief in that action or proceeding in order to bring the building 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 575 East 19th 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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