



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: April 18, 2007
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Meeting Date: May 17, 2007

TO: Standing Committee on City Services and Budgets

FROM: Deputy Chief License Inspector

SUBJECT: 854 East 16th Avenue - Contravention of License By-law

RECOMMENDATION

THAT the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the unauthorized operation of the business at 854 East 16th Avenue in contravention of the License By-law and may, in her discretion, seek injunctive relief in that action or proceeding, in order to have the operation of the business discontinued.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

CITY MANAGER'S COMMENTS

The City Manager RECOMMENDS approval of the foregoing.

COUNCIL POLICY

Section 334 of the Vancouver Charter allows the City to seek injunctive relief for any By-law contravention.

PURPOSE

The purpose of this report is to request approval to seek injunctive relief to require that the owner cease the unauthorized renting of this residential building.

BACKGROUND

This is a two family dwelling that had previously been licensed to Terrise Mathers (owner) as a duplex.

In 2005 and 2006, the neighbouring residents had expressed concerns and fears to the City regarding the unsightly condition of the property, the use of the building as a flop house and the suspected criminal activity of the tenants and others who frequented the site.

Vancouver Police confirmed that they had attended the building 81 times in 2005 and 49 times in 2006.

In March of 2006, a Business License Hearing was conducted and Council resolved that a 2006 Business License not be issued to Terrise Mathers, because the License Applicant had failed to properly manage the premises by:

- a) failing to comply with the Untidy Premises By-law of the City of Vancouver;
- b) causing a drain on Police and City resources; and
- c) carrying on a business to the detriment of the safety and well-being of the neighbourhood.

In June of 2006, staff had a meeting with the owner, Terrise Mathers to ascertain whether she was in the process of complying with the City's requirements to cease renting the building. At that time, the owner indicated that the tenants were in the process of finding alternative accommodations. Ms. Mathers was reminded of Council's decision regarding her business license and that she was not permitted to continue renting the premises but that she could hire a management company who could assume responsibility for the management of the building and obtain the required business license. The owner has not pursued this option.

DISCUSSION

We have received information from the Ministry of Employment and Income Assistance that they have 3 clients residing at this address and that the shelter funds for these clients is being issued to the owner of the property. This confirms that the owner is still conducting the business of renting this property in violation of Council's decision and without a valid business license in violation of the License By-law. Police advise that they are still making calls to this address in response to complaints from neighbours and on warrant attempts.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The owner of this property has continued to operate her business by renting out this residential building in violation of Council's decision and without a valid business license in contravention of the License By-law and the activities of the tenants in the building continue to cause disturbance to the neighbouring residents. Therefore, subject to Council approval, I will be referring this matter to the Director of Legal Services to request that she commence legal action and seek an injunction if, in her opinion, it is appropriate to do so.

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