



CITY OF VANCOUVER

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ADMINISTRATIVE REPORT

Report Date: May 9, 2008
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VanRIMS No.: 11-3000-12
Meeting Date: June 12, 2008

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: Nuisance Building at 1847 Larch Street

RECOMMENDATION

- A. THAT Council declare that the building at 1847 Larch Street, Lot A, Reference Plan 294, of Lots 11 and 12, Block 220A, District Lot 526, Plan 1058, PID 014-980-924 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 registered owner to pull down and demolish the building, remove all demolition debris from the site and thereafter provide a chain-link fence around the perimeter of the site, 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 this order of Council, Council further orders and hereby authorizes the City Building Inspector or his designate, to pull down and demolish the building, remove all demolition debris from the site and thereafter provide a chain-link fence around the perimeter of the site pursuant to Section 324A(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 recommendation C above, the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the property at 1847 Larch Street, and may, in her discretion, seek

injunctive relief in that action or proceeding in order to bring this property into compliance with Council's resolution.

- E. THAT the City Clerk be directed to file a 336D Warning Notice against the Certificate of Title to the property at 1847 Larch Street, in order to warn prospective purchasers that there are violations of the Zoning and Development, Building, Electrical and Standards of Maintenance By-laws related to this property and that there is a demolition order of Council against the property.

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 324A of the Vancouver Charter enables Council by resolution or by-law to declare any building, structure, tree, or erection of any kind whatsoever, or any other matter or thing in or upon any private or public lands, street or road, a nuisance or dangerous to the public safety or health and by such by-law or resolution, to order that the same shall be removed, pulled down, filled up, or otherwise dealt with, by the owner, agent, leasee or occupier thereof.

Section 336D of the Vancouver Charter provides a mechanism whereby the City can warn prospective purchasers of contraventions of City by-laws related 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 is of a nature that a purchaser unaware of the contravention, would suffer a significant 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 that the building at 1847 Larch Street is a nuisance and dangerous to public safety and order the registered owner to pull down and demolish the building, remove all demolition debris and provide a chain-link fence around the perimeter of the site. It also requests approval to seek injunctive relief should the owner default on the order and fail to allow the City Building Inspector on the site to carry out the work, and also requests Council approval to place a warning notice on title to the property.

BACKGROUND

This building was constructed on or about 1912 and was originally used as a private hospital. It is located in an RT-8 Two Family Dwelling District. In 1975 the building was converted under Development Permit No. 69747 to a multiple conversion dwelling containing 9 sleeping units, 2 housekeeping units and 1 dwelling unit.

DISCUSSION

In April of 2006 the building was vacated due to a fire. The electrical service was disconnected at that time. Afterwards, the Coordinated Enforcement Division carried out an inspection of the building to determine whether it could be re-occupied. The inspection revealed that the building had been previously altered without permit or approval and that additional unauthorized residential units were installed in contravention of the Zoning and Development and Building By-laws. Further, it was noted that in addition to the fire damage, portions of the building (stairs, support posts, doors, eavestroughs and downspouts) were in a rotten/dilapidated condition and that there were serious violations of the Electrical By-law throughout the building.

Close to one year after the fire, the owners obtained a building permit to commence repairs, however, no work was carried out and the permit was expired in October of 2007. The owners subsequently submitted a new application for building permit in December of 2007 at which point it was determined that the application could not be processed as full development permit approval must first be obtained for this non-conforming building. Accordingly, the building permit application was refused.

Since the fire in 2006, the owners have not monitored the property to ensure that it remains in a secure condition. This department has responded to several complaints from neighbouring residents about squatters living in the building and on the property. Squatters have been vacated by the City and Police and the building has been boarded-up by the City on several occasions.

Following refusal of the building permit, the owner was sent written notification from the City Building Inspector requesting that the building be demolished. The owner's architect subsequently contacted staff to advise that the owner would like to obtain permits to re-occupy the building. The architect was advised that there is a long history of non-compliance with this owner (who owns many residential properties throughout the city). Based on past history the city has no confidence that this owner will:

- a) obtain the required permits in a timely fashion;
- b) carry out the necessary repairs and restoration of the building within a reasonable timeframe;
- c) carry out regular maintenance of the building after occupancy approval;
- d) maintain the legal occupancy of the building.

Accordingly, the architect was advised that the City Building Inspector would be bringing this matter before City Council to request that the building be declared a nuisance and that a demolition order be issued.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The building in its present state is unsafe, dilapidated and is an eyesore. The use of the building has been changed and does not comply with the current RT-8 District Schedule. The security of the building is not being maintained by the owners. It is attracting squatters and has been broken into on several occasions. It is a detriment to the neighbourhood and is becoming a drain on City resources. It is therefore recommended that Council declare the building a nuisance and order the registered owner to demolish the building and provide a chain-link fence around the perimeter of the site afterwards to prevent dumping.

Although the property is not currently listed for sale, it is recommended that a 336D Warning to Prospective Purchasers be filed on Title in the Land Titles Office to warn any prospective purchasers that there are violations of the Zoning and Development, Building, Standards of Maintenance and Electrical By-laws and that there is a demolition order of Council against the property.

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In the Matter of Section 324A
of the Vancouver Charter and
1847 Larch Street

RESOLUTION

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

1. THAT the building at 1847 Larch Street, Lot A, (Reference Plan 294) of Lots 11 and 12, Block 220A, District Lot 526, Plan 1058, PID 014-980-924 is a nuisance and dangerous to public safety pursuant to Section 324A of the Vancouver Charter.
2. THAT the registered owner is hereby ordered to pull down and demolish the building , remove all demolition debris from the site and thereafter provide a chain-link fence around the perimeter of the site, 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 or his designate, to pull down and demolish the building, remove all demolition debris from the site and thereafter provide a chain-link fence around the perimeter of the site pursuant to Section 324A(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 3 above, the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the property at 1847 Larch Street, and may, in her discretion, seek injunctive relief in that action or proceeding in order to bring this property into compliance with Council's resolution.
5. THAT the City Clerk is hereby directed to file a 336D Warning Notice against the Certificate of Title to the property at 1847 Larch Street, in order to warn prospective purchasers that there are violations of the Zoning and Development, Building, Electrical and Standards of Maintenance By-laws related to this property and that there is a demolition order of Council against the property.