



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: May 13, 2008
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Meeting Date: June 12, 2008

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: Nuisance Property at 4055 Alice Street

RECOMMENDATION

- A. THAT Council declare that the condition of the property at 4055 Alice Street, Lot 26 exc the west 6.5 ft now lane, Block 16, District Lot 352, Plan 1344, PID 014-832-666 is a nuisance pursuant to Section 324A of the Vancouver Charter.
- B. THAT Council approve the attached Resolution and order the registered owners of the property to remove all debris, miscellaneous items, materials stored in the yards 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 to have all miscellaneous items/materials stored in the yards removed, disposed of or sold pursuant to Section 324A(2) of the Vancouver Charter. Council further orders that from the proceeds of such sale or disposal shall be deducted for the use of the city the actual costs and disbursements incurred by the city in carrying out the removal, sale and disposal and the remainder of such proceeds shall be paid by the city to the owner
- 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 located at 4055 Alice Street, and may, in her

discretion, seek injunctive relief in that action or proceeding in order to bring this property 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 4055 Alice Street, in order to warn prospective purchasers that there are violations of the Standards of Maintenance and Untidy Premises, Zoning and Development and Building 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 building to be removed by the owner, agent, leasee 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 that the condition of the property at 4055 Alice Street a nuisance. 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 is a one family dwelling that was constructed prior to 1953. This building is located in a RS-1A (One Family Dwelling District).

The City has received numerous complaints and has been dealing with the property owner by way of letters and orders since 1995 regarding the ongoing use of the site for storage of debris/miscellaneous materials on the site. City inspectors have also met on the site with the owner and his daughter on several occasions to provide information and direction as to what

is required to satisfy minimum by-law requirements, however the site remains extremely cluttered.

The owner was found guilty in Provincial Court in 2002 for the debris and storage of miscellaneous items under the Untidy Premises By-law.

DISCUSSION

A recent inspection by the District Property Use Inspector revealed that the condition of the site continues to be in violation of the Standards of Maintenance and Untidy Premises Bylaws. In addition to the debris/miscellaneous items stored on site, there has been an overheight fence and an addition of shed structures to the existing accessory building at the rear of this site. This work was done without permits or approvals in contravention of the Zoning and Development and Building By-laws.

It should be noted that this property is not in keeping with a reasonable standard prevailing in the neighbourhood and the owner has not been co-operative with City Inspection staff.

CONCLUSION

It is recommended that City Council declare the condition of the property a nuisance and order the property owners to comply with the attached resolution and that the City Building Inspector and/or his designate be authorized to have the work done in the event that the owner fails to do so. It is also recommended that the Director of Legal Services be authorized to commence a legal action or proceedings and seek injunctive relief in order to bring the site into compliance with the City By-law's in the event of the owner's failure to comply or failure to allow the City Building Inspector or his designate access to the site to carry out the work.

Although the property is not currently listed for sale, it is further recommended that a 336D Notice be filed against the property's Certificate of Title in order to warn prospective purchasers that there are violations under the Standards of Maintenance, Untidy Premises, Zoning and Development, and Building By-laws and that there is a Resolution of Council against the property.

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In the Matter of Section 324A of the
Vancouver Charter and 4055 Alice Street

RESOLUTION

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

1. THAT the condition of the property at 4055 Alice Street, Lot 26 exc the west 6.5 ft now lane, Block 16, District Lot 352, Plan 1344, PID 014-832-666 is declared to be a nuisance pursuant to Section 324A of the Vancouver Charter
2. THAT the registered owner of the property is hereby ordered to remove all debris, miscellaneous items and materials stored in the yards, 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 to have all miscellaneous items and materials stored in the yards removed, disposed of or sold pursuant to Section 324A(2) of the Vancouver Charter. Council further orders that from the proceeds of such sale or disposal shall be deducted for the use of the city the actual costs and disbursements incurred by the city in carrying out the removal, sale and disposal and the remainder of such proceeds shall be paid by the city to the owners.
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 premises at 4055 Alice Street, 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 4055 Alice Street, 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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