



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: September 3, 2008
Contact: C. Robbins
Contact No.: 604.873.7563
RTS No.: 07648
VanRIMS No.: 08-2000-20
Meeting Date: September 18, 2008

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: Nuisance Building at 3220 Prince Edward Street

RECOMMENDATION

- A. THAT Council reconsider their resolution dated April 3, 2008 (Appendix A).
- B. THAT Council approve an amendment (Appendix B) with respect to the demolition of the nuisance building at 3220 Prince Edward Street, Lot D, Block 94, Plan 3587, District Lot 301, New Westminster, PID 005-174-708, in order to allow the registered owner to either obtain permits to repair the existing building within a timeframe acceptable to the City Building Inspector or failing to do so, to demolish the building.

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 5.13 of Procedure By-law No. 8554 allows Council to reconsider and amend a previous resolution.

PURPOSE

The purpose of this report is to request that Council reconsider and amend their previous resolution dated April 3, 2008 in order to allow the registered owner to either obtain permits to repair the building within a time frame satisfactory to the City Building Inspector or failing to do so, to demolish the building.

BACKGROUND

This is a single family dwelling that was constructed in 1912. The building has no heritage status. It is in an RT-2 Two Family District.

On April 3, 2008, Council passed a resolution declaring the building and accessory building at this location a nuisance and dangerous to public safety pursuant to Section 324A of the Vancouver Charter. Council ordered that the building and accessory building be demolished and also authorized the City Building Inspector to carry out the terms of the resolution in the event of non-compliance by the owner.

DISCUSSION

Following Council's resolution, the owner listed the property for sale. There was a flurry of interest from prospective purchasers, however, because of the peculiarity of the site (only 66' x 40'), and the significant challenges to redevelop, the prospective buyers walked away.

The property owner has now registered his daughter on title and she approached staff to request approval to repair the existing building. At staffs' request, she hired a Geotechnical Engineer to investigate the soil conditions and recommend remedial repairs to the foundation. She has advised staff that she has building and electrical contractors lined up to carry out the required repairs.

The revised resolution attached in Appendix B requires that the owner be ordered to obtain a building permit and related trades permits by January 15, 2009 and to complete the work under the permits within three (3) months after issuance of the building permit. In the event that the owner fails to comply within the specified time frame, it further recommends that the demolition of the building be carried out in accordance with Council's amended resolution.

CONCLUSION

The registered owner has demonstrated that she has the resources to have this derelict building brought into compliance with the by-laws. It is therefore recommended that Council reconsider their previous resolution (Appendix A) and approve the amended resolution attached in Appendix B.

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In the Matter of Section 324A
of the Vancouver Charter and
3220 Prince Edward Street

RESOLUTION

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

1. THAT the building and accessory building at 3220 Prince Edward Street, Lot D, Block 94, Plan 3587, District 301, New Westminster, PID 005-174-708 are 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 and accessory 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 and accessory 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 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 3220 Prince Edward 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 3220 Prince Edward Street, 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 a demolition order of Council against the property.

In the Matter of Section 324A
of the Vancouver Charter and
3220 Prince Edward Street

RESOLUTION

Be it resolved by the Council of the City of Vancouver that paragraphs 2 and 3 of Council's resolution dated April 3, 2008 be amended as follows:

2. THAT the registered owner is hereby ordered to:
 - a) obtain a building permit and related trades permits by January 15, 2009 and
 - b) complete the work under the permits and obtain a re-occupancy permit within three (3) months of the issuance of the building permit

OR

 - c) demolish the building and accessory building, remove all demolition debris from the site, and thereafter provide a chain-link fence around the perimeter of the property by January 15, 2009;
3. THAT in the event that the registered owner fails to comply with the conditions outlined in paragraph 2 above, Council hereby authorizes the City Building Inspector or his designate, to pull down and demolish the building and accessory 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.