



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: January 2, 2009
Contact: C. Robbins
Contact No.: 604.873.7563
RTS No.: 07807
VanRIMS No.: 11-3000-12
Meeting Date: January 22, 2009

TO: Standing Committee on City Services and Budgets
FROM: City Building Inspector
SUBJECT: Nuisance and Dangerous Building at 2759 East Broadway

RECOMMENDATION

- A. That Council declare that the building at 2759 East Broadway, Lot 19 except the south 30 feet now lane, Block 28 North Half of Section 35, THSL, Plan 1314, PID 009-446-851 a nuisance and dangerous to public safety pursuant to section 324 A 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 as 2759 East Broadway, 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 2759 East Broadway, in order to warn prospective purchasers that there are violations of the Vancouver Building, Standards of Maintenance, Electrical and Untidy Premises 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 336 of the Vancouver Charter provides that in default of an order, Council may authorize workmen and others to have the work done and to recover the expenses incurred either in Court or by insertion in the real-property tax roll.

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 2759 East Broadway 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 is a single family dwelling that was constructed in 1914. It is located in an RS-1 Single Family Dwelling District.

DISCUSSION

There is a long history of problems with this property starting in April of 2002 when this department received complaints that the building was being illegally occupied as a rooming house. The inspection at that time revealed that the building had been altered into 12 individual units without permit or approval. There were serious by-law violations noted at that time including, no smoke alarms, no sprinkler system, insufficient headroom, deadbolts on the room doors, and hazardous wiring.

The building was vacated under order of the City Building Inspector and the electrical and gas services were disconnected.

The property owner subsequently obtained permits to repair the building and was granted a re-occupancy permit in August of 2002.

Again, in May of 2005, the Vancouver Police discovered an illegal clandestine lab at this location. The electrical service and water to the building were disconnected and a "Not Safe to Occupy Notice" was posted on the building.

In November of 2005, the ownership of the property changed hands. The new property owner applied for a Special Inspection of the building to determine the requirements for re-occupancy. However, since receiving the report from the City, the owner has not made application for repairs to the building and the condition of the property has fallen into disrepair.

Orders have been issued with respect to the untidy condition of the yards, and graffiti and the building has not been maintained in a secure condition. In July of 2008, the owner phoned and assured staff that he would be making application for redevelopment within a few weeks, however, no applications were submitted and there has been no further communication with the owner.

This department arranged for clean up of the site in September at a cost of over \$5,000 and the graffiti was also removed by a private contractor hired by the City at a cost of over \$1,000. The City has also had to board up the building on more than one occasion. The owner failed to pay the costs of this work and they were subsequently applied to the tax roll.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The building, in its present state, is unsafe, dilapidated and is an eyesore. There have been reports from neighbouring residents of rats being seen on the site. 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 Building, Standards of Maintenance, Electrical and Untidy Premises 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

2759 East Broadway

RESOLUTION

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

1. THAT the building at 2759 East Broadway, Lot 19, Block 28, Plan 1314, District Lot Sec 35N H1F THSL, PID 009-446-851 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 2759 East Broadway, 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 2759 East Broadway, in order to warn prospective purchasers that there are violations of the Building, Electrical, Standards of Maintenance and Untidy Premises By-laws related to this property and that there is a demolition order of Council against the property.