



ADMINISTRATIVE REPORT

Report Date: February 2, 2009
Contact: C. Robbins
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RTS No.: 07917
VanRIMS No.: 08-2000-20
Meeting Date: March 5, 2009

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: Nuisance Property at 2031 Stainsbury Avenue

RECOMMENDATION

- A. THAT Council declare that the condition of the property at 2031 Stainsbury Avenue, Lot 7, Block 6 to 8, District Lot 195, Plan 1976, PID 014-138-301 is a nuisance pursuant to Section 324A of the Vancouver Charter;
- B. THAT Council approve the attached Resolution and order the Registered owner of the property to remove all debris, miscellaneous items and materials stored in the yards and remove all unlicensed, dismantled or wrecked vehicles parked/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 of the failure of the owner to comply with the order of Council, Council further orders and hereby authorizes the City Building Inspector and/or his designate, to carry out the work outlined in paragraph B above and have all unlicensed, dismantled or wrecked vehicles parked/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 default of the order, in the event that the owner fails to allow the City Building Inspector and/or his designate access to the site to carry out the work outlined in paragraph C 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 2031 Stainsbury Avenue, and may, in her discretion,

seek injunctive relief in that action or proceeding, in order to bring this property into compliance with City By-laws;

- E. THAT the City Clerk be directed to file a 336D Notice against the Certificate of Title to the property at 2031 Stainsbury Avenue, in order to warn prospective purchasers that there are violations of the Standards of Maintenance and Untidy Premises By-laws 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.

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 any other matter or thing in or upon any private or public lands, a nuisance or dangerous to the public safety, and by such resolution, to order that the same shall be removed, pulled down, filled up, or otherwise dealt with by the owner, agent, lessee, or occupier thereof, as the Council may determine.

Section 336D of the Vancouver Charter provides a mechanism whereby the City 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 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 Certificate of Title to the property in the Land Title office.

PURPOSE

The purpose of this report is to request that Council declare the condition of the property at 2031 Stainsbury Avenue a nuisance pursuant to Section 324A of the Vancouver Charter and order the property owner to remove all debris and miscellaneous items from the yards and also to remove all unlicensed, wrecked and/or dismantled vehicles stored on or about the site.

It is also to request that a warning notice be filed on Title in the Land Title Office to warn prospective purchasers that there are violations of the Standards of Maintenance and Untidy Premises by-laws and that there is an order of Council against the property.

BACKGROUND

This is a single family dwelling that was constructed in 1910. It is located in an RS-1 One Family Dwelling District.

This property is located directly south of the skytrain line. Staff have been dealing with the property owner since 1975 regarding the ongoing use of the site for storage of debris, miscellaneous materials and numerous wrecked/dismantled and unlicensed vehicles. In 1996 the owner was charged in Provincial Court for being in violation of the Untidy Premises and Standards of Maintenance By-laws and plead guilty.

In 2005, City Council passed a resolution declaring the condition of this property a nuisance pursuant to Section 324A of the Vancouver Charter. The owner was ordered to clean up the property and to remove all of the vehicles. The owner subsequently complied with Council's order and the site was cleaned up in compliance with the by-laws.

A recent inspection of the property revealed that once again, the owner has accumulated a large amount of debris and miscellaneous materials and that there are a number of dismantled/wrecked and unlicensed vehicles on the property.

An order was issued to the property owner on November 24, 2008 directing that the site be thoroughly cleaned up and all vehicles removed by January 5, 2009. However, a re-inspection revealed that the owner has not complied with the order and that the site remains in contravention of the Standards of Maintenance and Untidy Premises by-laws.

DISCUSSION

The owner of this property is fully aware of the requirements of the Standards of Maintenance and Untidy By-laws in relation to his property. He plead guilty in Provincial Court and has been ordered previously by Council to clean up the site and keep it in a clean and tidy condition. He has shown a complete disregard of the by-laws and of the negative impact that this unsightly property has on adjacent properties.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The condition of this property contravenes the Standards of Maintenance and Untidy Premises By-laws. The owner has shown a complete disregard of the by-laws and of the negative impact that his unsightly property has on adjacent properties by continuing to use the property for the storage of wrecked/dismantled vehicles and miscellaneous items. He has failed to respond to the order issued by the City Building Inspector.

It is therefore recommended that Council declare the condition of this property a nuisance and order the owner to clean up all debris and miscellaneous items and remove all wrecked/dismantled and unlicensed vehicles. Further, it is recommended that should the owner default on Council's order, the City Building Inspector be authorized to enter onto the property to have the work done at the owner's expense.

Finally, it is recommended that a 336D Warning notice be filed against the Certificate of Title to the property in the Land Titles Office.

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In the Matter of Section 324A of the
Vancouver Charter and
2031 Stainsbury Avenue

RESOLUTION

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

1. THAT the condition of the property at 2031 Stainsbury Avenue, Lot 7, Block 6 to 8, District Lot 195, Plan 1976, PID 014-138-301 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 miscellaneous items and materials stored in the yards and remove all unlicensed, dismantled or wrecked vehicles parked/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 of the failure of the owner to comply with the order of Council, Council further orders and hereby authorizes the City Building Inspector to have the work outlined in paragraph 2 above carried out and to have all dismantled/wrecked or unlicensed vehicles 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.
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 premises at 2031 Stainsbury Avenue, and may, in her discretion, seek injunctive relief in that action or proceeding, in order to bring the property into compliance with city by-laws and Council's order.
5. THAT the City Clerk is hereby directed to file a 336D Warning Notice against the Certificate of Title to the property at 2031 Stainsbury Avenue, in order to warn prospective purchasers that there are violations of the Standards of Maintenance and Untidy Premises By-laws on this site and that there is an order of Council against the property.

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