



ADMINISTRATIVE REPORT

Report Date: April 23, 2009
Contact: C. Robbins
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RTS No.: 08090
VanRIMS No.: 08-2000-20
Meeting Date: May 21, 2009

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: Nuisance Site at 209 East 58th Avenue

RECOMMENDATION

- A. THAT Council declare that the vacant site at 209 East 58th Avenue, Lot B (Explanatory Plan 4225) of Amended Lot 8 Block 9 District Lot 656, Plan 2744, PID 013-478-737, is a nuisance and dangerous to public safety and health pursuant to Section 324A of the Vancouver Charter.
- B. THAT Council approve the attached resolution and order the registered owner to 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 provide a chain-link fence around the perimeter of the site pursuant to Section 324A(1) of the Vancouver Charter at the owner's expense.
- 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 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 209 East 58th Avenue, 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.

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.

PURPOSE

The purpose of this report is to request that Council declare that the vacant site at 209 East 58th Avenue is a nuisance and dangerous to public safety and health due to the constant dumping of garbage and debris on the site. It requests that Council order the registered owner to provide a chain-link fence around the perimeter of the site in order to deter dumping.

BACKGROUND

This is a vacant site located at the north east corner of Main Street and 58th Avenue. The previous dwelling on this property was demolished in 1998 and the land has remained vacant and undeveloped.

Since the demolition, the City has received numerous complaints from neighbouring residents concerning the unkempt condition of the site and the use of the site for illegal dumping. Many orders have been issued under the Untidy Premises By-law and the City has hired private contractors to clean up the site at the owner's expense.

The owners have been asked to provide a chain-link fence around the perimeter of the site in order to deter the constant illegal dumping, but have refused to comply.

Although fencing of the property is not a guaranteed solution, it has proven to be an effective deterrent to dumping in other locations. For instance, there is a fenced lot across the street from this property, on the S/E corner of 57th and Main that has been vacant for the same length of time and has not been a problem.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

This vacant lot is frequently used as a dumping ground for discarded materials and garbage. It is detrimental to surrounding properties. It is therefore recommended that Council declare the condition of the site a nuisance and dangerous to public safety and health and order the registered owner to provide a chain-link fence around the perimeter of the site.

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In the Matter of Section 324A
of the Vancouver Charter and

209 East 58th Avenue

RESOLUTION

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

1. THAT the vacant site at 209 East 58th Avenue, Lot B, (Explanatory Plan 4225) of Amended Lot 8, Block 9, District Lot 656, Plan 2744, PID 013-478-737, is a nuisance and dangerous to public safety and health pursuant to Section 324A of the Vancouver Charter.
2. THAT the registered owner is hereby ordered to 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 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 209 East 58th Avenue, 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.

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