



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: October 29th, 2009
Contact: H. Chiang /C.
Robbins
Contact No.: 604.873.7563
RTS No.: 08428
VanRIMS No.: 08-2000-20
Meeting Date: December 3, 2009

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: Nuisance and Dangerous Building at 2790 SW Marine Drive

RECOMMENDATION

- A. That Council declare that the building at 2790 SW Marine Drive, Amended Lot 1, (Explanatory Plan 3862), Block 6, District Lot 315, Plan 6938, PID 003-431-410 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 2790 SW Marine Drive, 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 2790 SW Marine, in order to warn prospective purchasers that there are violations of the Vancouver Building, Standards of Maintenance 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, lessee or occupier thereof.

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 2790 SW Marine Drive 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 1941. It is located in an RS-1 Single Family Dwelling District.

DISCUSSION

There is a long history of enforcement with this property starting in 1995 when this department received complaints that the property was vacant and untidy with overgrown yards.

In May of 1997, the ownership of the property changed hands. The new property owner explored the option of developing the property. A Development Permit application was applied in February of 1999 but was later abandoned. In 2007, further complaints were received about the dilapidated house which was now covered with several tarps over the roof.

In June of 2008, the ownership of the property changed hands again. The dilapidated and unsightly condition of the vacant property remained. The roof showed evidence of deterioration and the same tarps placed in 2007 had become tattered and dislodged. The exterior siding was worn and the paint peeling.

Orders have been issued with respect to the untidy condition of the yards and the maintenance of the property. In August of 2009, several openings of the house and garage were smashed and the building was open and accessible to the public. The City had to hire a private contractor to board up and secure the building.

Subsequently, the owner's daughter responded in writing that she would be making application for redevelopment and did not intend to repair nor renovate the existing building. Given the current unsightly and unsafe condition of the building, the Chief Building Inspector was prepared to expedite the processing of the demolition permit application and the owner was so advised in writing on August 30, 2009.

Our records to date show that there are no permits issued or permit applications submitted for redevelopment of this property.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The building, in its present state, is unsafe, dilapidated and is an eyesore. The building has been broken into and the security of the building is not being maintained by the owners. This type of dilapidated building can attract squatters. 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 Notice 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 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

2790 SW Marine Drive

RESOLUTION

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

1. THAT the building at 2790 SW Marine Drive, Amended Lot 1, (Explanatory Plan 3862), Block 6, District Lot 315, Plan 6938, PID 003-431-410 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 2790 SW Marine Drive, 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 2790 SW Marine Drive, in order to warn prospective purchasers that there are violations of the Building, Standards of Maintenance and Untidy Premises By-laws related to this property and that there is a demolition order of Council against the property.