



Supports Item No. 3  
P&E Committee Agenda  
December 2, 2010

ADMINISTRATIVE REPORT

Report Date: November 10, 2010  
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Meeting Date: December 2, 2010

TO: Standing Committee on Planning and Environment  
FROM: Chief Building Official and Director of Licenses and Inspections  
SUBJECT: Nuisance and Dangerous Buildings at 5027, 5035, 5045 and 5053  
Boundary Road

**RECOMMENDATION**

- A. THAT Council declare that the buildings at:
- 5027 Boundary Road, Lot 2, Plan 3715, New Westminister, Block 110 S Hlf, District Lot 36 & 51, Group 1, PID 007-701-586;
  - 5035 Boundary Road, Lot 3, Block 110, Plan 3715, New Westminister, District Lot 36 & 51, Lot 3 South ½ of Block 110, PID 009-656-227;
  - 5045 Boundary Road, Lot 4, Block 110, Plan 3715, New Westminister, Part S ½, District Lot 36 & 51, Exc E 33' Now Road, PID 012-262-731;
  - 5053 Boundary Road, Lot 10, Block 62, Plan 7708, District Lot 36 New Westminister & Block 111 & District Lot 51, PID 002-555-166
- are so dilapidated or unclean as to be offensive to the community and are dangerous to public safety pursuant to Section 324A of the Vancouver Charter.
- B. THAT Council approve the attached resolutions and order the registered owner to pull down and demolish the buildings, remove all demolition debris from each site and thereafter provide a chain-link fence around the perimeter of each of the building sites, within 30 days of a copy of the resolution being served on the registered owner pursuant to Section 324A of the Vancouver Charter.
- C. THAT if the owner fails to comply with the orders of Council, Council further orders and hereby authorizes the City Building Inspector or his designate, to pull down and demolish the buildings, remove all demolition debris from the sites and thereafter provide a chain-link fence around the perimeter of each of the sites pursuant to Section 324A of the Vancouver Charter.

D. THAT if the owner fails to allow the City Building Inspector and/or his designate access to the sites to carry out the work as outlined in Recommendation C above, the Director of Legal Services be authorized, in her discretion, to commence a legal action or proceeding in relation to the buildings at:

- 5027 Boundary Road;
- 5035 Boundary Road;
- 5045 Boundary Road; and
- 5053 Boundary Road

and may, in her discretion, seek injunctive relief in that action or proceeding in order to bring these properties into compliance with Council's resolution.

E. THAT the City Clerk be directed to file a 336D Notice against the Title to the properties at 5027 Boundary Road, 5035 Boundary Road, 5045 Boundary Road and 5053 Boundary Road.

#### ***GENERAL MANAGER'S COMMENTS***

The General Manager of Community Services RECOMMENDS approval of the foregoing.

#### ***COUNCIL POLICY***

Section 324A of the Vancouver Charter authorizes Council to declare a building or structure to be a nuisance or to be dangerous to the public safety or health and to order that the building or structure be removed, pulled down, filled up, or otherwise dealt with, by the owner, agent, lessee or occupier of the building or structure. Council can also declare a building to be in so dilapidated or unclean a condition as to be offensive to the community.

Section 336D of the Vancouver Charter provides a mechanism whereby the City of Vancouver can advise prospective purchasers of a property of certain conditions or contraventions of City By-laws. It provides that if the City Building Inspector observes an unsafe condition, a by-law contravention related to the construction or safety of buildings or structures or if the contravention is of the nature that a purchaser, unaware of the contravention, would suffer a significant expense if the by-law were enforced against the purchaser, then the City Building Inspector 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 four individual buildings located at 5027 Boundary Road; 5035 Boundary Road; 5045 Boundary Road and 5053 Boundary Road are so dilapidated or unclean as to be offensive to the community and are dangerous to the public safety or health pursuant to Section 324A of the Vancouver Charter, and order the owner to demolish each of the buildings and provide a chain-link fence around the perimeter of each of the sites to help maintain the sites in a safe manner.

This report also requests that Council direct the City Clerk to file a 336D Notice against the title to the properties in the Land Title Office.

## ***BACKGROUND***

The buildings that are the subject of this report are four individual single family dwellings located in a CD-1 Zone (Subject to the RS-1 provisions). All four of the buildings are owned by the same registered owner. The four properties are side by side.

In May of 2008, three of the four buildings (5035, 5045 and 5053 Boundary Road) were closed by the Vancouver Police Drug Squad and City Inspectors because of by-law violations resulting from the buildings' use as illegal marijuana grow operations. There were unauthorized modifications to the heating and electrical systems of each of the three buildings. The power and gas to each of the three buildings was disconnected. The Chief Building Official posted the buildings with a NOT SAFE TO OCCUPY order. The owner was ordered to cease occupying each building immediately and was also directed to go through the inspection and re-occupancy process if his intent was to re-occupy any of the buildings. The fourth building (5027 Boundary Road) was not used as a grow op, but has been vacant and unoccupied for at least 2 years.

Since the closure of the three buildings, no permits have been obtained for inspections or repairs.

During this time, however, City staff has received regular complaints about the unsightly and untidy condition of all four buildings and that there is an infestation of rodents. The four buildings have not been secured and have been routinely defaced by graffiti. The four buildings have attracted vagrants and squatters and appear to be a fire hazard. It appears that because the four buildings are side by side, they are especially attractive to squatters.

On several occasions, the City has hired private contractors to clean up the properties, remove graffiti and board-up the buildings because they were not secure and were accessible to squatters.

Staff have been further advised that the Attorney General's Office is pursuing seizure of the three former grow op buildings under the Civil Forfeiture Act. The hearing on this matter is scheduled for late November 2010. Staff confirmed that the Attorney General has no objection to the City pursuing demolition of these buildings under the Vancouver Charter.

In August 2010, the City Building Inspector sent a written notice to the owner requesting that the owner demolish the buildings. The owner responded that despite the legal action initiated by the Attorney General's Office, he intended to obtain permits and demolish the buildings as requested by the City Building Inspector.

However, the buildings have not been demolished and no demolition permits have been either applied for or granted.

## ***DISCUSSION***

These four vacant buildings are in a dilapidated, unclean and unsightly condition and are having a detrimental effect on neighbouring properties. They are not being kept in a secure condition and are therefore a safety concern because of squatters. The fact that they are side by side amplifies the problem.

There are by-law contraventions relating to construction or safety of buildings at each of the properties that have been used as grow operations. The buildings at 5035, 5045 and 5053 Boundary Road have been certified by the Chief Building Official as being NOT SAFE TO OCCUPY due to safety violations related to the Electrical By-law and the Gas Safety Act. The unauthorized alterations to the heating and electrical systems have not been repaired or removed.

Pursuant to the Building By-law these buildings may not be re-occupied unless inspections are done, repairs are carried out under permit and a Re-Occupancy Permit has been issued. A purchaser that was unaware of the contraventions would suffer a significant expense if the Building By-law was enforced against the purchaser.

The vacant building at 5027 Boundary is in violation of the Standards of Maintenance By-law and is unsafe because it was unsecured and subject to squatters. If the City enforced the Standards of Maintenance By-law against a purchaser of the property, the purchaser would suffer a significant expense.

Further, because all of these buildings have been accessible to squatters and vagrants, it is likely that vandalism has occurred inside that would further compound the by-law violations in each building.

### *CONCLUSION*

The residential buildings at:

- 5027 Boundary Road;
- 5035 Boundary Road;
- 5045 Boundary Road; and
- 5053 Boundary Road

are in a dilapidated and unclean condition and are having a negative impact on neighbouring properties and residents. The buildings have been unsecured and have attracted squatters.

It is therefore recommended that Council declare the buildings to be so dilapidated or unclean as to be offensive to the community and dangerous to the public safety or health. It is also recommended that Council order the registered owner to pull down and demolish the buildings and provide a chain-link fence around the perimeter of each site afterward to better secure the sites.

Although the four properties are not currently listed for sale, it is recommended that a 336D Notice be filed on the title in the Land Title Office to each of the properties. The 336D Notices for 5035, 5045 and 5053 Boundary Road are to inform prospective purchasers that the buildings are in an unsafe condition, that there are by-law contraventions relating to the construction or safety of buildings or structures on these properties and that a purchaser unaware of the contraventions, would suffer a significant expense if the by-laws were enforced against the purchaser. The 336D Notice for 5027 Boundary Road is to inform a prospective purchaser that the building is in an unsafe condition, and that there are by-law contraventions of such a nature that a purchaser, unaware of the contraventions, would suffer a significant expense if the by-laws were enforced against the purchaser.

5027 BOUNDARY ROAD:



5035 BOUNDARY ROAD:



5045 BOUNDARY ROAD:



5053 BOUNDARY ROAD:





In the Matter of Section 324A  
Of the Vancouver Charter and  
5027 Boundary Road

**RESOLUTION**

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

1. THAT the building at 5027 Boundary Road, Lot 2, Plan 3715, New Westminster Block 110 S H1f, District Lot 36 & 51, Group 1, PID 007-701-586 is:
  - a. so dilapidated or unclean as to be offensive to the community; and
  - b. dangerous to public safety.
2. THAT the registered owner of the property 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 on the owner pursuant to Section 324A of the Vancouver Charter.
3. THAT if 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 of the Vancouver Charter.
4. THAT if the owner fails 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 5027 Boundary Road, and may, in her discretion, seek a court ordered injunction 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 Notice against the Title to the property at 5027 Boundary Road in order to inform prospective purchasers that the building is in an unsafe condition, and that there are by-law contraventions on the property that are of a nature such that a purchaser, unaware of the contraventions, would suffer a significant expense if the by-laws were enforced against the purchaser.

In the Matter of Section 324A  
Of the Vancouver Charter and  
5035 Boundary Road

**RESOLUTION**

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

1. THAT the building at 5035 Boundary Road, Lot 3, Block 110, Plan 3715, New Westminster, District Lot 36 & 51, Lot 3 S ½ of Block 110, PID 009-656-227 is:
  - a. so dilapidated or unclean as to be offensive to the community; and
  - b. dangerous to public safety;
2. THAT the registered owner of the property 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 on the owner pursuant to Section 324A of the Vancouver Charter.
3. THAT if 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 of the Vancouver Charter.
4. THAT if the owner fails 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 5035 Boundary Road, and may, in her discretion, seek a court ordered injunction 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 Notice against the Title to the property at 5035 Boundary Road in order to inform prospective purchasers that the building is in an unsafe condition, that there are by-law contraventions relating to the construction or safety of buildings or structures on the property, and that a purchaser, unaware of the contraventions, would suffer a significant expense if the by-laws were enforced against the purchaser.

In the Matter of Section 324A  
Of the Vancouver Charter and  
5045 Boundary Road

**RESOLUTION**

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

1. THAT the building at 5045 Boundary Road, Lot 4, Block 110, Plan 3715, New Westminster, Part S ½ District Lot 36 & 51, Exc E 33' now road, PID 012-262-731 is:
  - a. so dilapidated or unclean as to be offensive to the community; and
  - b. dangerous to public safety.
2. THAT the registered owner of the property 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 on the owner pursuant to Section 324A of the Vancouver Charter.
3. THAT if 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 of the Vancouver Charter.
4. THAT if the owner fails 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 5045 Boundary Road, and may, in her discretion, seek a court ordered injunction 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 Notice against the Title to the property at 5045 Boundary Road in order to inform prospective purchasers that the building is in an unsafe condition, that there are by-law contraventions relating to the construction or safety of buildings or structures on the property, and that a purchaser, unaware of the contraventions, would suffer a significant expense if the by-laws and/or demolition order were enforced against the purchaser.

In the Matter of Section 324A  
Of the Vancouver Charter and  
5053 Boundary Road

**RESOLUTION**

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

1. THAT the building at 5053 Boundary Road, Lot 10, Block 62, Plan 7708, District Lot 36, New Westminster, Block 111, District Lot 51, PID 002-555-166 is:
  - a. so dilapidated or unclean as to be offensive to the community; and
  - b. dangerous to public safety.
2. THAT the registered owner of the property 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 on the owner pursuant to Section 324A of the Vancouver Charter.
3. THAT if 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 of the Vancouver Charter.
4. THAT if the owner fails 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 5053 Boundary Road, and may, in her discretion, seek a court ordered injunction 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 Notice against the Title to the property at 5053 Boundary Road in order to inform prospective purchasers that the building is in an unsafe condition, that there are by-law contraventions relating to the construction or safety of buildings or structures on the property, and that a purchaser, unaware of the contravention, would suffer a significant expense if the by-laws were enforced against the purchaser.