



ADMINISTRATIVE REPORT

Report Date: January 4, 2011
Contact: W. Johnston
Contact No.: 604.873.7563
RTS No.: 09026
VanRIMS No.: 08-2000-20
Meeting Date: January 20, 2011

TO: Standing Committee on Planning and Environment
FROM: Chief Building Official
SUBJECT: 2862 Pandora Street - Nuisance and Dangerous Building

RECOMMENDATION

- A. THAT Council declare that the building at 2862 Pandora Street, Lot 10, Plan 1169, District Lot THSL, NWD Group 1 of Lot 41, PID 012-201-600 is dangerous to public safety pursuant to Section 324A 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 on the registered owner pursuant to Section 342A of the Vancouver Charter.
- C. THAT if the owner fails to comply with the 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 at the owner's expense pursuant to Section 342A of the Vancouver Charter.
- D. THAT if the owner fails 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 authorized, in her discretion, to commence a legal action or proceeding in relation to the building at 2862 Pandora Street, 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 Notice against the Title to the property at 2862 Pandora Street.

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 fire damaged building located at 2862 Pandora Street is a nuisance and dangerous to public safety pursuant to Section 324A of the Vancouver Charter, and order the owner to demolish the building and provide a chain-link fence around the perimeter of the site to help maintain the site in a safe manner.

BACKGROUND

This is a single family dwelling that was constructed in 1910. On December 22, 2010, the building was severely damaged by fire.

Prior to the fire, in response to complaints from neighbouring residents, the Coordinated Enforcement Division of Community Services had been enforcing the by-laws relating to the illegal occupancy of the building as a rooming house. Although the previous inspections did not reveal any imminent life safety concerns, there were noted by-law violations and ongoing issues related to the unauthorized use of the building as a rooming house.

The property owner has had a history of skirting the enforcement process by marginally complying with orders issued by the City over the past year. However, because of repeated complaints from neighbours and the owner's continued disregard of the by-laws, on August 26, 2010, the Chief Building Official ordered the property owner to either cease using the building as a rooming house and carry out the necessary repairs to bring the building into compliance as a single family dwelling, or to vacate the building by October 31, 2010.

A re-inspection on November 5, 2010 revealed that the owner had not complied with the order, consequently, the City was in the process of commencing further legal action to have the building vacated when the fire occurred.

DISCUSSION

The building is currently vacant and boarded-up. The electrical service to the building has been disconnected and a Not Safe to Occupy Notice has been posted on the building. Given the age of the building, the previous bylaw violations and the extensive fire damage, the Chief Building Official has determined that the building should be demolished. Therefore, the owner of the property was issued an order on December 23, 2010 to obtain permits and demolish the building by January 14, 2011. However, because of the past history of non-compliance by this owner, it is anticipated that the demolition order will not be complied with and that the authority under the Nuisance provisions of the Vancouver Charter will have to be used.

Accordingly, the owner has also been notified that that failure to comply with the order to demolish will result in this matter being brought before Council to request a Nuisance designation and a demolition order pursuant to Section 324A of the Vancouver Charter. This action will allow the City Building Inspector or his designate to demolish the building at the owner's expense, should she default on the order of Council.

CONCLUSION

This building has suffered extensive fire and water damage. It is currently vacant and boarded-up. Prior to the fire there were noted violations under the Zoning and Development By-law, Building By-law and Electrical By-laws with respect to the unauthorized use of the building as a rooming house. Accordingly, the building is unlikely to be usable for its expected purpose during its normal lifetime.

It is therefore recommended that Council declare the building to be a nuisance and to be dangerous to public safety. It is also recommended that Council order the registered owner to pull down and demolish the building and provide a chain-link fence around the perimeter of the site afterward to better secure the site.

Although the property is not listed for sale, it is also recommended that a 336D Notice be filed on title in the Land Title Office for the property to inform prospective purchasers that the building has been posted with a Not Safe to Occupy Notice, there are by-law contraventions related to the construction or safety of the building and that because of the by-law violations, there is a demolition order from Council against the building.

* * * * *

In the Matter of Section 324A
of the Vancouver Charter and
2862 Pandora Street

RESOLUTION

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

1. THAT the building at 2862 Pandora Street, Lot 10, Plan 1169, District Lot THSL, NWD Group 1 of Lot 41, PID 012-201-600 is a nuisance and dangerous to public safety pursuant to Section 324A of the Vancouver Charter;
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 2862 Pandora Street, 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 2862 Pandora Street in order to inform prospective purchasers that because of the by-law violations on the property, the building is unsafe for occupancy and is unlikely to be usable for its expected purpose during its normal lifetime, and that there is a demolition order of Council against the property.



COMMUNITY SERVICES GROUP
Licences and Inspections
Inspections

REGISTERED AND REGULAR MAIL

December 23, 2010

Choi H. Leong
3618 Yale Street
Vancouver, BC V5K 1C8

ORDER

Dear Madam:

RE: 2862 Pandora Street
Plan 1169 District Lot THSL Lot 10 of 41 PID 012-201-600

PLEASE REFER TO:
Mrs. C. Robbins
Manager, Property Use
Inspection Branch
At 604-873-7563

C. Robbins
Jan 10/11

This is with respect to the recent fire that extensively damaged your building at the above location.

Our Inspection Services report that services to the building have been disconnected and that the building has been boarded-up. Accordingly, a NOT SAFE TO OCCUPY notice has been posted on the building.

Given the numerous by-law violations that existed in the building prior to the fire and the extensive damage caused by the fire, it is the City's position that the building must be demolished.

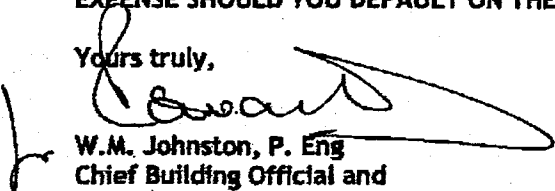
Therefore, pursuant to Article 1A.6.1.2. of Division C of the Building By-law, you are ordered to:

- a) obtain a building permit and pull down and demolish the building

BY JANUARY 14, 2011

IF YOU FAIL TO COMPLY WITH THIS ORDER, I WILL BRING THIS MATTER BEFORE CITY COUNCIL TO REQUEST THAT THE BUILDING BE DECLARED A NUISANCE PURSUANT TO SECTION 324A OF THE VANCOUVER CHARTER. THIS ACTION MAY RESULT IN CITY COUNCIL ORDERING YOU TO DEMOLISH THE BUILDING AND HAVING THE WORK DONE AT YOUR EXPENSE SHOULD YOU DEFAULT ON THE ORDER.

Yours truly,


W.M. Johnston, P. Eng
Chief Building Official and
Director of Licenses & Inspections

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