



ADMINISTRATIVE REPORT

Report Date: December 22, 2010
Contact: Will Johnston
Contact No.: 604.871.6071
RTS No.: 09019
VanRIMS No.: 08-2000-20
Meeting Date: February 3, 2011

TO: Standing Committee on City Services and Budgets
FROM: Chief Building Official and Director, Licences and Inspections
SUBJECT: Nuisance Building at 2910 Renfrew Street

RECOMMENDATION

- A. THAT Council declare that the building at 2910 Renfrew Street, Lot 4, Block A, Section 43, District Lot THSL, Plan 11660, PID 006-866-468, is a nuisance and dangerous to public safety pursuant to Section 324A of the Vancouver Charter.
- B. THAT Council approve the attached resolution (Appendix A) 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 324A of the Vancouver Charter.
- C. 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.
- 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 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 building at 2910 Renfrew 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 2910 Renfrew Street, in order to inform prospective purchasers

that the building on the property is unlikely to be usable for its expected purpose during its normal lifetime.

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 declare a building to be a nuisance if it is 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 a condition that in his opinion makes a building or structure unlikely to be usable for its expected purpose during its normal lifetime, 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 the building at 2910 Renfrew Street a nuisance and dangerous to the public safety or health 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.

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

BACKGROUND

The property in question contains a 2 storey plus basement commercial building that was constructed in 1968. It is located in a C-1 Commercial District. The last permitted uses of the premises were a restaurant on the first storey and a billiard hall on the second storey.

The building has been vacant since it was damaged by a fire in 2006. During this time City staff have received regular complaints about the condition of the building and site. The building has been unsecured and continually defaced by graffiti. The property has frequently been littered with debris and rubbish and on two occasions a trailer has been parked on site and used as living quarters. The building and site have attracted vagrants and squatters and has become a hazard to health and safety.

On several occasions City staff have issued orders to secure the building, clean up the site, and remove graffiti, and have had to hire private contractors to complete this work when the orders were not complied with.

In October 2010, the City Building Inspector sent an order to the owners requiring them to obtain a building permit and demolish the building by November 15, 2010 (see attached order - Appendix C).

The building has not been demolished and no demolition permit has been either applied for or granted.

DISCUSSION

This vacant building is currently in a dilapidated, unclean and unsightly condition and is having a detrimental effect on neighbouring properties (see photos in Appendix B). The property is often littered with rubbish and on two occasions has been used for the unauthorized parking of a trailer which was occupied as living quarters. The building is not being kept in a secure condition making it accessible to squatters thereby creating a safety hazard.

The overall dilapidated and unclean condition of the building indicates that the building is unlikely to be usable for its expected purpose as a restaurant during its normal lifetime without significant improvements.

Despite assurances from the owners, there has been no permit application submitted to date and the building has not been demolished.

CONCLUSION

The dilapidated and unclean condition of the building is having a negative impact on neighbouring businesses and residents. It is therefore recommended that Council declare the building to be a nuisance and dangerous to the public safety or health. 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 building site.

Although the property is not currently listed for sale, it is also recommended that Council direct the City Clerk to file a 336D Notice against the title to the property in the Land Title Office to inform prospective purchasers that the building is unlikely to be usable for its expected purpose during its normal lifetime.

* * * * *

In the Matter of Section 324A
of the Vancouver Charter and
2910 Renfrew Street

RESOLUTION

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

1. THAT the building at 2910 Renfrew Street, Lot 4, Block A, Section 43, District Lot THSL, Plan 11660, PID 006-866-468 is:
 - a. a nuisance because it is so dilapidated or unclean as to be offensive to the community;
 - 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 2910 Renfrew 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 2910 Renfrew Street in order to inform prospective purchasers that the building is unlikely to be usable for its expected purpose during its normal lifetime.











COMMUNITY SERVICES GROUP
Licences and Inspections
Inspections

REGISTERED AND REGULAR MAIL

October 5, 2010

PLEASE REFER TO:
Mrs. C. Robbins
Manager, Property Use
Inspection Branch
at 604-873-7563
EN065050

ORDER

0803985 B.C. Ltd.
5296 McKinnon Street
Vancouver, BC V5R 4C6

Dear Sirs/Mesdames:

Re: 2910 - 2916 Renfrew Street

I am writing to you concerning your vacant building at the above location.

Our records for this property indicate that the building was extensively damaged by fire in 2006. Since that time the City has issued orders to you concerning:

- a) the unsecured condition of the building;
- b) the untidy condition of the site;
- c) the unauthorized placement of a camper trailer on the property; and
- d) the building being defaced by graffiti.

It is noted that because you failed to comply with the orders issued, the City hired private contractors to board up the building on two occasions at your expense.

Our records further show that in November of 2009, you submitted an application for Building Permit (BU 446417) to change the use of the building and carry out repairs to the fire damage. However, to date this permit has not been issued and has lapsed pursuant to Sentence 1A.7.2.8.(1) of Division C of the Building By-law.

It has now come to our attention that you have again placed a camper trailer on the site, in contravention of the Zoning and Development By-law.

Because of the ongoing by-law violations and the detrimental impact that this derelict building is having on the community, pursuant to Article 1A.6.1.2 of Division C of the Building By-law, you are ordered to:

1. obtain a building permit and pull down and demolish the building **BY NOVEMBER 15, 2010.**

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.

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This action may result in Council ordering the demolition of the building and authorizing the City to have the work done at your expense should you default on the order.

Sincerely,

W.M. Johnston, P. Eng
Chief Building Official and
Director

CR/

Copy: posted on building

A. Martin, District Property Use Inspector
R. Dyck, Manager, Building Inspection Branch