



ADMINISTRATIVE REPORT

Report Date: February 7, 2012
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Meeting Date: February 29, 2012

TO: Standing Committee on Planning, Transportation and Environment
FROM: Chief Building Official and Director of Licences and Inspections
SUBJECT: 4807 Rupert Street - Request for Injunctive Relief

RECOMMENDATION

THAT Council authorizes the Director of Legal Services, in her discretion, to commence a legal action or proceeding in relation to the property at 4807 Rupert Street (Lot A, Block 145, Plan 9719, District Lot 37 New Westminster), and to seek injunctive relief in that action or proceeding in order to bring this property into compliance with City By-laws.

REPORT SUMMARY

The residential property at 4807 Rupert Street has been the subject of complaints about its untidy condition since 1995. Despite 18 City Orders and three prosecutions the property remains in contravention of City by-laws. Injunctive relief is recommended to bring the property into compliance with City By-laws.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Section 334 of the Vancouver Charter allows the City to seek a court order requiring a person to comply with any of the City's By-laws.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

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

REPORT

Background/Context

The property in question is located in an RS-1 Single Family Residential Zone and contains a Single Family Dwelling. The present owner has been on title since May 1995.

From November 1995 until present the property has been the subject of ongoing complaints from neighbours about its untidy condition. Subsequent Property Use Inspections have revealed ongoing contraventions of the Zoning and Development, Parking, Standards of Maintenance, and Untidy Premises By-laws. The contraventions involve the parking and storage of up to seven vehicles (some in wrecked and dismantled condition), fencing in disrepair, overgrown lawns, and accumulations of materials and debris in the rear and side yards.

Since January 1996 the City has sent 18 Orders to remove stored and wrecked vehicles, materials and debris from the property, repair the fence, and cut overgrown lawns. While on some occasions the property owner has responded to City Orders, clean ups and repairs are generally of a minimal nature, not done within the stated time frame, and the property has reverted to an untidy condition quickly thereafter.

As a result of the property owner's failure to comply with City Orders, the property has been the subject of three successful prosecutions:

- **October 28, 2003** - the property owner pleaded guilty to Standards of Maintenance By-law violations and was fined \$100.00 for failing to repair a fence and remove a dismantled vehicle,
- **December 11, 2006** - the property owner pleaded guilty to Untidy Premises By-law violations, was fined \$300.00 and issued a Court Order by the Judicial Justice of the Peace to bring the property into a neat and tidy condition by February 16, 2007,
- **March 6, 2008** - the property owner pleaded guilty to a charge of failing to comply with the Court Order of December 11, 2006, was fined \$600.00 and issued another Court Order to bring the property into a neat and tidy condition by April 7, 2008.

Since the expiration of the April 7, 2008 Court Order the City has continued to receive complaints about the untidy condition of the property. Property Use Inspectors have tried to work with the property owner and have issued further Orders in an effort to bring about compliance. However, the pattern of minimal clean up followed by a return to untidy condition has continued to occur.

Strategic Analysis

A Property Use Inspection of 4807 Rupert Street on January 24, 2012 showed the following untidy conditions to exist:

- Five (5) vehicles parked or stored in the rear yard. One is in dismantled condition. Three are used as storage containers for various materials and debris, are covered in rust and algae, and do not appear to be operable.
- The rear and north side yard contain accumulations of materials and debris including dimensional lumber and wood scraps, automotive tires, plastic toys, plastic containers, buckets, planters, recycling bins, garbage cans, a steel table, bricks, and various other materials and debris covered in blue tarpaulins.
- The fence in the south side yard is collapsing.

It is apparent that standard enforcement methods involving verbal orders, written orders and prosecutions have not resulted in compliance with City By-laws nor improved the condition of the property at 4807 Rupert Street. Pursuing another prosecution against the property owner is unlikely to result in compliance and would further prolong the resolution of this matter. A BC Supreme Court injunction is more effective than another Provincial Court prosecution because it seeks compliance rather than simply punishment. In addition, injunctions are permanent and apply to any future violations of the same type and not just the current violation.

Financial

There are no financial implications.

CONCLUSION

The residential property at 4807 Rupert Street has been maintained in untidy condition in contravention of City By-laws since it was purchased by the present owner in 1995. Standard enforcement methods have not been effective in bringing the property into compliance with City By-laws and it continues to be the subject of complaints from neighbours. It is therefore recommended that Council authorize the City to seek injunctive relief in accordance Section 334 of the Vancouver Charter to bring about a resolution to this matter.

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