



ADMINISTRATIVE REPORT

Report Date: August 16, 2012  
Contact: Will Johnston  
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VanRIMS No.: 08-2000-20  
Meeting Date: September 19, 2012

TO: Standing Committee on Planning, Transportation and Environment  
FROM: Chief Building Official and Director of Licenses and Inspections  
SUBJECT: Nuisance Building at 3530 Marshall Street

*RECOMMENDATION*

- A. THAT Council declare that the building and property at 3530 Marshall Street (Lot 22, Block 17&18, Plan VAP 2002, District Lot 195, PID 014-129-876) are a nuisance and dangerous to public safety pursuant to Section 324A of the Vancouver Charter.
- B. THAT Council approve the attached resolution and order the registered owner, Mr. Yiu Kwun Wai, 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 property within 30 days of a copy of the resolution being served on the registered owner, Mr. Wai, pursuant to Section 324A of the Vancouver Charter.
- C. THAT if the registered owner, Mr. Wai, fails to comply with this order of Council, Council further orders and hereby authorizes the City Building Official 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 property, at the cost of the registered owner, Mr. Wai, pursuant to Section 324A of the Vancouver Charter.
- D. THAT if the registered owner, Mr. Wai, fails to allow the City Building Official 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 3530 Marshall 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.

## ***REPORT SUMMARY***

The residential property at 3530 Marshall Street has been the subject of complaints about the severely dilapidated state of the vacant house and the excessively unkempt condition of the yards since April 2009. Despite several City Orders, City authorized clean-ups and board-ups, and a successful prosecution, the building and property remain in contravention of City By-laws and continue to be a nuisance to the community.

## ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

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, 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 condition as to be offensive to the community.

## ***CITY MANAGER'S/GENERAL MANAGER'S COMMENTS***

The 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 vacant Single Family Dwelling House. It flanks on the north, south, and backs east, onto well maintained residential properties. As there is no laneway, each property butts up against this property and the view from their property and decks are into the unsightly yard and dilapidated house.

From November 2009 until present the property has been the subject of on-going complaints from neighbours. Complaints include the severely dilapidated state of the vacant house, the excessively unkempt condition of the yards and rodent infestations. Subsequent Property Use Inspections have revealed the following on-going by-law contraventions:

#### **Untidy By-law:**

- property is excessively overgrown with vines, bushes, morning glory, weeds
- various discarded materials include wood scraps, sections of metal siding, tarps, tires, garbage totes, buckets, a plastic tricycle, and other debris contained within the overgrowth

#### **Standards of Maintenance By-law:**

- wood siding covered with grime and algae and the paint is peeling
- roof contains holes and missing sections
- fascia boards, gutters and downspouts have become detached or missing

- entrance stairs and handrails are rotted, sloping and unsafe
- missing window panes are covered with plastic
- south side entrance stairs and landing are completely missing

Building By-law:

- house contains missing or rotten structural components and is visibly leaning to the north

In addition to the above, the concrete walkway has been broken by overgrown tree roots creating a trip hazard, and neighbours have warned Property Use Inspectors that overgrowth, tarps and sections of metal siding may conceal hazardous depressions or excavations on the property.

Vancouver Police have also attended the property to investigate concerns that squatters may be accessing the building. On March 26, 2012 VPD members authorized a City crew to board up the build as it was found to be open and there were signs of recent squatting.

The registered owner, Mr. Wai, has been difficult to contact and when he's been reached, has not responded to City Orders to clean up and maintain the property. In June 2009 and in October 2010 the City hired a private contractor to cut overgrowth and remove debris from the property. Mr. Wai, interfered with the contractor on both occasions and defaulted on full payment of the invoice for the clean-up (the outstanding amount was added to the property tax roll). On April 20, 2012 Mr. Wai, was successfully prosecuted and fined \$1000.00 for failing to provide the Property Use Inspector access into the building to investigate complaints of rodent infestation.

On April 12, 2012, Property Use and Building Inspection staff met with the registered owner, Mr. Wai, to discuss plans to bring the building and property into compliance with City By-laws. Mr. Wai indicated that he intends to renovate the house but was not able to provide any plans or a timeline for such renovation. Mr. Wai, also stated that he does not have insurance for the property. Inspection staff advised Mr. Wai that in their opinion the building is so severely dilapidated that it would be cheaper to demolish and rebuild than to renovate the building. Mr. Wai, was also advised that as the property is not insured he is exposed to significant liability and, as it is unlikely that he could insure the property in its present condition, his best course of action would be to demolish the building and fence the property.

During the meeting, registered, Mr. Wai, did not express a willingness to demolish the building or to bring the property into compliance with City By-laws in a timely manner. He continued to insist he plans to renovate the building sometime in the future. To date no building permit applications to renovate or demolish the building have been made, the property remains in contravention of City By-laws, and continues to be a nuisance and a hazard to the community.

### *Strategic Analysis*

A Property Use Inspection of 3530 Marshall on July 24, 2012 revealed no improvements. The vacant house remains in severely dilapidated condition and the property remains considerably unkempt with excessive overgrowth and discarded materials as stated above.

It is apparent that standard enforcement methods, involving verbal orders, written orders, City initiated clean-ups, board-ups, and prosecutions, have not resulted in compliance with City By-laws, nor improved the condition of the property at 3530 Marshall Street. It is also apparent that the poor maintenance and neglect of the property and vacant house present a nuisance and a hazard to the immediate neighbours and greater community. Pursuing a prosecution against the registered owner, Mr Wai, would be a long process further prolonging the negative impact on the community and would unlikely result in demolition of the house. Mr. Wai has shown little interest in the impact his property is having on the community and will not be able to renovate the house to an acceptable standard in the foreseeable future. It is therefore recommended that Council declare the house at 3530 Marshall Street a nuisance and approve the attached resolution ordering its demolition.

### *Financial*

There are no financial implications.

### *CONCLUSION*

The residential property at 3530 Marshall Street is so excessively unkempt and the vacant house so severely dilapidated that it has become a nuisance and a hazard to the community. Standard enforcement methods have not been effective in bringing the property into compliance with City By-laws. The registered owner, Mr Wai, has been unwilling to take the necessary steps to maintain the property and vacant house to an acceptable standard, nor to demolish the house. Therefore, it is recommended that Council declare the property and vacant house a nuisance and dangerous to public health or safety. It is further recommended that Council order the registered owner, Mr. Wai, to pull down and demolish the house and provide a chain-link fence around the perimeter of the site to secure the property.

\* \* \* \* \*

In the Matter of Section 324A  
of the Vancouver Charter and  
3530 Marshall Street

**RESOLUTION**

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

1. THAT the building and property at 3530 Marshall Street, Lot 22, Block 17&18, Plan VAP 2002, District Lot 195, PID 014-129-876 is:
  - a. a nuisance because it is 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 property within 30 days of a copy of the resolution being served on the registered 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 Official 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 property pursuant to Section 324A of the Vancouver Charter.
4. THAT if the owner fails to allow the City Building Official 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 3530 Marshall 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.