



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: March 27, 2006
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VanRIMS No.: 11-4400-10
Meeting Date: April 20, 2006

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: Nuisance Property at 3073 East 3rd Avenue

RECOMMENDATION

- A. THAT Council declare that the condition of the property at 3073 East 3rd Avenue, Lot 18, Block 63 DL Section 31, THSL Plan 7009, PID 010-748-113 is a nuisance pursuant to Section 324A of the Vancouver Charter.
- B. THAT Council approve the attached Resolution and order the registered owners of the property to remove all debris, miscellaneous items, materials stored in the yards and remove all unlicensed, dismantled or wrecked vehicles parked/stored in the yards within 30 days of a copy of the Resolution being served pursuant to Section 324A of the Vancouver Charter.
- C. THAT in the event that the owner fails to comply with this order of Council, Council further orders and hereby authorizes the City Building Inspector to have all miscellaneous items/materials stored in the yards and all unlicensed, dismantled or wrecked vehicles parked/stored in the yards removed, disposed of or sold pursuant to Section 324A(2) of the Vancouver Charter. Council further orders that from the proceeds of such sale or disposal shall be deducted for the use of the city the actual costs and disbursements incurred by the city in carrying out the removal, sale and disposal and the remainder of such proceeds shall be paid by the city to the owner

- D. THAT in the event of the failure of the owner 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 is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the property located at 3073 East 3rd Avenue, and may, in her discretion, seek injunctive relief in that action or proceeding in order to bring this property into compliance with the City By-laws and Council's resolution
- E. THAT the City Clerk be directed to file a 336D Notice against the Certificate of Title to the property at 3073 East 3rd Avenue, in order to warn prospective purchasers that there are violations of the Standards of Maintenance and Untidy Premises By-laws related to this property and that there is an order of Council against the property

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

Section 324A of the Vancouver Charter enables Council by resolution or by-law to declare any building, in or upon any private or public lands a nuisance or dangerous to the public safety or health and by such by-law or resolution, to order that building to be removed by the owner, agent, leasee or occupier thereof.

Section 336D of the Vancouver Charter provides a mechanism whereby the City of Vancouver can warn prospective purchasers of contraventions of City By-laws relating to land or a building or structure. It provides that if the City Building Inspector observes a condition that he considers to be a contravention of a by-law relating to the construction or safety of buildings; or as a result of that condition, a building or structure is unsafe or unlikely to be usable for its expected purpose; or is of a nature that a purchaser unaware of the contravention, would suffer a significant loss or expense if the by-law were enforced against him, he 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.

BACKGROUND

This is a single family dwelling that was constructed in 1946. This building is located in a RS-1 One Family District.

The City has received numerous complaints and has been dealing with the property owner by way of letter and orders since 1991 regarding the ongoing use of the site for storage of debris/miscellaneous materials and the wrecked/dismantled and/or unlicensed vehicles located on the site.

The owner was found guilty in Provincial Court in 1992, 1993, 1994 and 1997 for the debris and storage of miscellaneous items including vehicles in the yards. In July of 2004 charges were again laid in Provincial Court but as the owner did not appear, a Bench Warrant was issued and to date has not been executed.

DISCUSSION

A recent inspection by the District Property Use Inspector following a complaint revealed that the condition of the site continues to be in violation of the Standards of Maintenance and Untidy Premises Bylaws. This property is not in keeping with a reasonable standard prevailing in the neighbourhood.

CONCLUSION

It is recommended that City Council declare the condition of the property a nuisance and order the property owners to comply with the attached resolution and that the City Building Inspector and/or his designate be authorized to have the work done in the event that the owner fails to do so. It is also recommended that the Director of Legal Services be authorized to commence a legal action or proceedings and seek injunctive relief in order to bring the site into compliance with the City By-law's in the event of the owner's failure to comply or her failure to allow the City Building Inspector or his designate access to the site to carry out the work.

Although the property is not currently listed for sale, it is further recommended that a 336D Notice be filed against the Certificate of Title to the property in order to warn prospective purchasers that there are violations under the Standards of Maintenance and Untidy By-laws and that there is an Resolution of Council against the property.

In the Matter of Section 324A of the
Vancouver Charter and 3073 East 3rd Avenue

RESOLUTION

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

1. THAT the condition of the property at 3073 East 3rd Avenue, Lot 18, Block 63 DL Section 31, THSL Plan 7009, PID 010-748-113 is declared to be a nuisance pursuant to Section 324A of the Vancouver Charter
2. THAT the registered owner of the property is hereby ordered to remove all debris, miscellaneous items and materials stored in the yards and remove all unlicensed, dismantled or wrecked vehicles parked/stored in the yards, within 30 days of a copy of the Resolution being served pursuant to Section 324A of the Vancouver Charter
3. THAT in the event that the owner fails to comply with this order of Council, Council further orders and hereby authorizes the City Building Inspector to have all miscellaneous items and materials stored in the yards and all unlicensed, dismantled or wrecked vehicles parked/stored in the yards removed, disposed of or sold pursuant to Section 324A(2) of the Vancouver Charter. Council further orders that from the proceeds of such sale or disposal shall be deducted for the use of the city the actual costs and disbursements incurred by the city in carrying out the removal, sale and disposal and the remainder of such proceeds shall be paid by the city to the owners.
4. THAT in the event of the failure of the owner 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 premises at 3073 East 3rd Avenue, and may, in her discretion, seek injunctive relief in that action or proceeding in order to bring the building and site into compliance with Council's order
5. THAT the City Clerk is hereby directed to file a 336D Notice against the Certificate of Title to the property at 3073 East 3rd Avenue, in order to warn prospective purchasers that there are violations of the City By-laws related to this property and that there is an order of Council against the property.

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