



Item.....
Meeting..... 2021 Jun 28

COUNCIL REPORT

TO: ACTING CITY MANAGER **DATE:** 2021 Jun 17
FROM: DIRECTOR - PUBLIC SAFETY AND COMMUNITY SERVICES **FILE:** BYL19-00554
SUBJECT: UNSIGHTLY PROPERTY AT 4449 GEORGIA STREET

PURPOSE: To obtain Council authority for City Staff and/or agents to enter onto the property at 4449 Georgia Street in order to bring the property into compliance with the Burnaby Unsightly Premises Bylaw, No. 5533.

RECOMMENDATION:

1. **THAT** Council authorize City staff and/or agents to enter the property at 4449 Georgia Street to remove and dispose of any overgrowth, materials or debris contributing to the unsightliness of the property at the expense of the property owner.

REPORT

1.0 INTRODUCTION

In May 2019, the Licence Office received a public complaint concerning unsightly conditions at 4449 Georgia Street. The property is zoned Residential District (R5) and is improved with a single family dwelling. In 2016 and 2017 similar complaints had been received however were subsequently resolved when the property was brought into voluntary compliance.

2.0 POLICY SECTION

Goal

- A Safe Community
 - Crime prevention and reduction – Ensure citizens and businesses feel safe in our community
- A Healthy Community
 - Healthy environment – Enhance our environmental health, resilience and sustainability

3.0 BACKGROUND

On 2019 May 02, the Licence Office received a complaint alleging unsightly conditions at 4449 Georgia Street. As a result of the complaint, ten (10) inspections have been

To: Acting City Manager
From: Director - Public Safety and Community Services
Re: Unightly Premises at 4449 Georgia Street
2021 June 17..... Page 2

undertaken by staff between 2019 May 06 and 2021 June 11. These inspections have confirmed the property remains unsightly due to overgrown vegetation, particularly blackberry bushes and weeds, some of which are growing on the house itself. Recent photographs of the property are included as Attachment 1.

Subsequent to May 2019, the Licence Office has received seven (7) additional complaints concerning the unsightly condition of the property. In total since 2016, there have been ten (10) complaints received from four (4) different individuals.

Upon receiving the most recent complaint, all attempts by staff to encourage the property owner to bring the property into compliance voluntarily, have proven unsuccessful. Correspondence was sent to the property owner on 2019 May 07 and on 2019 August 20 (Attachment 2). As a result of the continued non-compliance, Bylaw Violation Notices were issued to the property owner on 2019 September 05, 2019 October 02, 2019 December 05, and on 2020 May 13 (Attachment 3). To date, none of the notices have been paid and there is currently \$2000 outstanding.

Staff have attempted to make onsite contact with the property owner on multiple occasions without success. However, during two separate telephone conversations, the owner claimed to staff that the unsightly conditions would be addressed promptly. Specific follow up inspections after these phone conversations found the property remained non-compliant.

4.0 RECOMMENDATION

That Council authorize the municipality by its workmen or others, to enter onto the property at 4449 Georgia Street to effect the removal and disposal of any overgrowth, debris or materials contributing to the unsightliness of the property at the expense of the property owners, under the provisions of the Burnaby Unightly Premises Bylaw No. 5533.

The property owners will be invoiced for the cost of any work performed shortly after the cleanup is completed. If the charges remain unpaid on the 31st day of December of the year in which the expenses are incurred, the bylaw permits the cost to be added, and to form part of, the taxes payable in respect of the real property, as taxes in arrears.

Dave Critchley
DIRECTOR - PUBLIC SAFETY AND COMMUNITY SERVICES

Copied to: Director Engineering
City Solicitor

Attachments: 1 - June 2021 photographs of 4449 Georgia Street
2 - Correspondence to Property Owner
3 - Bylaw Violation Notices Issued to Property Owner

Attachment 1



Attachment 1 (Continued)



Attachment 1 (Continued)



Attachment 1 (Continued)



Attachment 2



Licence Office
Public Safety and Community Services Department

2019 May 07

FILE: BYL19-00554

Wayne Yeasting
4449 Georgia Street
Burnaby, BC V5C 2V1

SUBJECT: UNSIGHTLY PREMISES AT 4449 GEORGIA STREET

An inspection of 4449 Georgia Street conducted on 2019 May 06 revealed that the property was untidy or unsightly.

In order to bring your property in compliance with the Burnaby Unsightly Premises Bylaw, please remove or remedy the following;

- Overgrown grass, weeds, dandelions & blackberry bushes;
- Discarded items including, but not limited to, an appliance and a kitchen chair.

In order to bring the property into compliance please remove these items or clean up the property on or before **2019 May 23** when a re-inspection will be conducted.

Your voluntary cooperation in resolving this matter is appreciated. If you have any questions or would prefer an earlier inspection, please contact the undersigned at 604-294-7989.

A handwritten signature in blue ink, appearing to read "Robert Grimm".

Robert Grimm
Property Use Coordinator
Phone: 604-294-7989
Email: Robert.Grimm@burnaby.ca

RG:hb

Attachment 2 (Continued)



Licence Office
Public Safety and Community Services Department

2019 August 20

FILE: BYL19-00554

Wayne Yeasting
4449 Georgia Street
Burnaby, BC V5C 2V1

SUBJECT: UNRESOLVED UNSIGHTLY PREMISES - 4449 GEORGIA STREET

Despite previous correspondence advising you that the Burnaby Unsightly Premises Bylaw does not permit property owners or occupiers to allow real property to become or to remain untidy or unsightly, this matter remains unresolved. An inspection conducted on 2019 August 20, revealed that 4449 Georgia Street remains in violation of the Unsightly Premises Bylaw, which states:

3. *“Every owner or occupier of real property or the agent of such owner or occupier shall remove from the said real property any accumulation of filth, discarded materials, or rubbish of any kind, or any derelict vehicle or derelict vehicles, and in default of such removal the municipality by its workmen and others may enter upon the said real property and effect such removal at the expense of the person so defaulting and the charges for so doing, if unpaid on the 31st day of December in any year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrear”.*
- 3A. *Every owner or occupier of real property, or their agents, shall clear the property of brush, noxious weeds or other growths, and upon failure to do so the City of Burnaby, by its employees or other persons, at reasonable times and in a reasonable manner, may enter on the property and effect the clearing at the expense of the person who has failed to comply, and the expenses for so doing, if unpaid on the 31st day of December of the year in which the expenses are incurred, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrear.*

During the re-inspection the following was observed:

- Discarded items including, but not limited to, a mini-fridge, kitchen chair and rotting panelling
- Overgrown grass, weeds & blackberry bush and vines growing across walkways

Attachment 2 (Continued)

Wayne Yeastingf

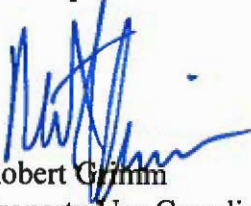
Subject: Unresolved Unsightly Premises

4449 Georgia Street

2019 August 20.....Page 2

A final inspection will be conducted on **2019 September 04** to ensure the aforementioned items have been removed or cleaned up. Failure to bring the property into compliance will result in the Licence Office seeking Council authority to have City staff or other workers enter onto the property and undertake a clean-up at the expense of the property owner, or issue a Bylaw Violation Notice with a fine amount of \$500.00. Further Bylaw Violation Notices may be issued for continued non-compliance.

Your voluntary cooperation in resolving this matter is appreciated. If you have any questions or would prefer an earlier inspection, please contact the undersigned at 604-294-7989.



Robert Grimm
Property Use Coordinator

Phone: 604-294-7989

Email: Robert.Grimm@burnaby.ca

RG:nm

Attachment #3



Bylaw Violation Notice

BYLAW VIOLATION NOTICE #: L200990

PLU: 1149-Lic Violation

ISSUED TO: YEASTING, WAYNE

ISSUE DATE: September 05, 2019

ADDRESS: 4449 GEORGIA ST BURNABY, BRITISH COLUMBIA V5C 2V1

BYLAW NAME: BBY UNSIGHTLY PREMISES BYLAW

SECTION: 2

DESCRIPTION OF CONTRAVENTION: L2073-PROPTY UNTIDY OR UNSIGHTLY

CONTRAVENTION DATE AND TIME: September 4, 2019 12:05 pm

CONTRAVENTION LOCATION: 4449 GEORGIA ST

ASSOCIATED TICKETS:

ISSUING OFFICER: 00521-GRIMM

PAYMENT:

IF PAID ON OR BEFORE: **September 27, 2019 400.00**

IF PAID AFTER: **September 27, 2019 500.00**

Option 1 - PAYMENT

(If you pay this ticket you CANNOT dispute it)

Payment by credit card will be charged a 1.75% non-refundable fee for credit card merchant fee recovery. Bylaw Number: 13640

Pay by Web: www.burnaby.ca/paytickets

Mailed or delivered to: City of Burnaby - Tax Office

Violation Payment

4949 Canada Way

Burnaby, BC V5G 1M2

*Bylaw Violation Notice Number must appear on Cheque or Money Order

- Cheque or Money Order payable to City of Burnaby
- Do not send cash through the mail
- A dishonoured cheque is not payment. We charge an administration fee for dishonoured cheques
- Postmarks not accepted as date of payment

Pay in Person: Cash, Cheque, Visa, Mastercard, American Express, Interac

Due to the COVID-19 pandemic in-person visits to City Hall are suspended until further notice.

To pay by cash or debit please make an appointment by calling 604-294-7934.

Attachment 3 (Continued)



COPY

Bylaw Violation Notice

BYLAW VIOLATION NOTICE #: L201018

PLU: 1149-Lic Violation

ISSUED TO: YEASTING, WAYNE

ISSUE DATE: October 02, 2019

ADDRESS: 4449 GEORGIA STREET BURNABY, BRITISH COLUMBIA V5C 2V1

BYLAW NAME: BBY UNSIGHTLY PREMISES BYLAW

SECTION: 2

DESCRIPTION OF CONTRAVENTION: L2073-PROPTY UNTIDY OR UNSIGHTLY

CONTRAVENTION DATE AND TIME: October 1, 2019 11:20 am

CONTRAVENTION LOCATION: 4449 GEORGIA ST

ASSOCIATED TICKETS:

ISSUING OFFICER: 00521-GRIMM

PAYMENT:

IF PAID ON OR BEFORE:	October 24, 2019	400.00
IF PAID AFTER:	October 24, 2019	500.00

Option 1 - PAYMENT

(If you pay this ticket you CANNOT dispute it)

Payment by credit card will be charged a 1.75% non-refundable fee for credit card merchant fee recovery. Bylaw Number: 13640

Pay by Web:

www.burnaby.ca/paytickets

Mailed or delivered to:

City of Burnaby - Tax Office
Violation Payment
4949 Canada Way
Burnaby, BC V5G 1M2

*Bylaw Violation Notice Number must appear on Cheque or Money Order

- Cheque or Money Order payable to City of Burnaby
- Do not send cash through the mail
- A dishonoured cheque is not payment. We charge an administration fee for dishonoured cheques
- Postmarks not accepted as date of payment

Pay in Person:

Cash. Cheque. Visa. MasterCard. American Express. Interac

- Monday to Friday 8:00am to 4:45pm, Thursday 8:00am to 8:00pm
- After hours and statutory holidays - put cheques in City Hall mail slot

Attachment 3 (Continued)



Bylaw Violation Notice

BYLAW VIOLATION NOTICE #: L201055

PLU: 1149-Lic Violation

ISSUED TO: YEASTING, WAYNE

ISSUE DATE: December 05, 2019

ADDRESS: 4449 GEORGIA STREET BURNABY, BRITISH COLUMBIA V5C 2V1

BYLAW NAME: BBY UNSIGHTLY PREMISES BYLAW

SECTION: 2

DESCRIPTION OF CONTRAVENTION: L2073-PROPTY UNTIDY OR UNSIGHTLY

CONTRAVENTION DATE AND TIME: December 4, 2019 12:15 pm

CONTRAVENTION LOCATION: 4449 GEORGIA ST

ASSOCIATED TICKETS:

ISSUING OFFICER: 00521-GRIMM

PAYMENT:

IF PAID ON OR BEFORE: **December 27, 2019** **400.00**

IF PAID AFTER: **December 27, 2019** **500.00**

Option 1 - PAYMENT

(If you pay this ticket you CANNOT dispute it)

Payment by credit card will be charged a 1.75% non-refundable fee for credit card merchant fee recovery. Bylaw Number: 13640

Pay by Web: www.burnaby.ca/paytickets

Mailed or delivered to: City of Burnaby - Tax Office

Violation Payment

4949 Canada Way

Burnaby, BC V5G 1M2

*Bylaw Violation Notice Number must appear on Cheque or Money Order

- Cheque or Money Order payable to City of Burnaby
- Do not send cash through the mail
- A dishonoured cheque is not payment. We charge an administration fee for dishonoured cheques
- Postmarks not accepted as date of payment

Pay in Person: Cash, Cheque, Visa, Mastercard, American Express, Interac

Due to the COVID-19 pandemic in-person visits to City Hall are suspended until further notice.

To pay by cash or debit please make an appointment by calling 604-294-7934.

Attachment 3 (Continued)



COPY

Bylaw Violation Notice

BYLAW VIOLATION NOTICE #: L201096

PLU: 1149-Lic Violation

ISSUED TO: YEASTING, WAYNE

ISSUE DATE: May 13, 2020

ADDRESS: 4449 GEORGIA STREET BURNABY, BRITISH COLUMBIA V5C 2V1

BYLAW NAME: BBY UNSIGHTLY PREMISES BYLAW

SECTION: 2

DESCRIPTION OF CONTRAVENTION: L2073-PROPTY UNTIDY OR UNSIGHTLY

CONTRAVENTION DATE AND TIME: May 12, 2020 9:45 am

CONTRAVENTION LOCATION: 4449 GEORGIA ST

ASSOCIATED TICKETS:

ISSUING OFFICER: 00521-GRIMM

PAYMENT:

IF PAID ON OR BEFORE: **June 04, 2020** **400.00**

IF PAID AFTER: **June 04, 2020** **500.00**

Option 1 - PAYMENT

(If you pay this ticket you CANNOT dispute it)

Payment by credit card will be charged a 1.75% non-refundable fee for credit card merchant fee recovery. Bylaw Number: 13640

Pay by Web: www.burnaby.ca/paytickets

Mailed or delivered to:
City of Burnaby - Tax Office
Violation Payment
4949 Canada Way
Burnaby, BC V5G 1M2

*Bylaw Violation Notice Number must appear on Cheque or Money Order

- Cheque or Money Order payable to City of Burnaby
- Do not send cash through the mail
- A dishonoured cheque is not payment. We charge an administration fee for dishonoured cheques
- Postmarks not accepted as date of payment

Pay in Person: Cash, Cheque, Visa, MasterCard, American Express, Interac

- Monday to Friday 8:00am to 4:45pm, Thursday 8:00am to 8:00pm
- After hours and statutory holidays - put cheques in City Hall mail slot