
TO: CHIEF ADMINISTRATIVE OFFICER **DATE:** 2022 Nov 21

FROM: GENERAL MANAGER COMMUNITY SAFETY

SUBJECT: UNSIGHTLY PROPERTY AT 7749 RAYSIDE AVENUE

PURPOSE: To obtain Council authority for City staff and/or agents to enter onto the property at 7749 Rayside Avenue 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 7749 Rayside Avenue to remove and dispose of any overgrowth, materials or debris contributing to the unsightliness of the property at the expense of the property owner or the property owner's estate.

REPORT

1.0 BACKGROUND

7749 Rayside Avenue is zoned Residential District (R4) and improved with a two family dwelling. Bylaw Services staff have confirmed the property is currently unoccupied and the property owner listed on title is deceased. The vegetation on the property is significantly overgrown with accumulation of discarded material and a derelict vehicle at the rear of the residence. Aerial photograph of the property is included in Attachment #1.

2.0 POLICY SECTION

Responding to citizen complains aligns with policy objectives contained in the City's Moving Forward initiative (2022), Burnaby Community Safety Plan (2020), Official Community Plan (2014) and the Corporate Strategic Plan (2017).

3.0 HISTORY

Since 2010, 7749 Rayside Avenue has been the subject of four (4) complaints received from two (2) separate complainants regarding the unsightly state of the premises due to the overgrowth of vegetation and discarded materials.

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The complete complaint log for this property is as follows:

File Number	Date Complaint Received	Complainant (Identity Concealed)
RFS10-00185	January 28 2010	A
RFS15-02840	November 26 2015	A
BYL21-02095	June 22 2021	B
BYL22-01265	June 28 2022	B

On 2021 June 22, a complaint was lodged alleging the property was once again unsightly. While attempting to contact the owner, staff became aware that the property owner on title had passed away in 2020. City staff were successful in making contact with the property owner’s nephew and on 2021 November 23, the property was brought into compliance with the Unsightly Premises Bylaw.

On 2022 June 28, another complaint was received in regards to the unsightliness of the premises. City staff re-inspected the site and confirmed the property was again in violation of the Unsightly Premises Bylaw. When contacted by City staff on this occasion, the property owner’s nephew advised the property is vacant and he is unwilling to clean up the property again. The nephew also advised City staff that he has no issues or concerns with City staff and/or agents conducting a Council authorized clean-up and billing the estate. Staff have been unable to locate any other relatives of the deceased property owner.

4.0 STAFF ACTIONS TAKEN TO ENCOURAGE VOLUNTARY COMPLIANCE

4.1 Site Inspections

Since receiving the most recent complaint on 2022 June 28, City staff have inspected the property on four (4) separate occasions. The dates and findings for each inspection are as follows:

Inspection #	Date	Findings
1	2022 July 05	Property not in compliance with bylaw
2	2022 July 28	No additional cleanup – still unsightly
3	2022 August 05	No additional cleanup – still unsightly
4	2022 November 08	No additional cleanup – still unsightly

4.2 Contact with Property Owner’s Estate

After the initial inspection conducted in 2022, City staff made attempts to inform the property owner’s estate that the property was once again non-compliant with the Bylaw and provided direction on necessary actions required to bring the property into voluntary compliance. These communications and attempts to communicate are as follows:

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Inspection #	Date	Findings
1	2022 July 06	Letter affixed to the front door
2	2022 July 06	Phone call with property owner's nephew

Copies of the relevant correspondence are included as Attachment #2.

On 2022 November 08, City staff again attended the property and the site visit revealed the subject property remains non-compliant. Pictures taken on that date illustrating the current state of the property are included as Attachment #3.

5.0 RECOMMENDATION

It is recommended that Council authorize staff and/or agents to enter onto the property at 7749 Rayside Avenue to effect the removal and disposal of any overgrowth, debris or materials contributing to the unsightliness of the property at the expense of the estate, under the provisions of the Burnaby Unightly Premises Bylaw No. 5533.

The estate 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.

Should Council adopt the recommendation, City staff will provide a final notice to the estate prior to undertaking the cleanup. The notice will advise the estate that the property must be brought into compliance with the Bylaw no later than fifteen (15) days after Council approves the recommendation in order to avoid the municipality undertaking the cleanup and charging the costs to the estate.

for Dave Critchley
 General Manager Community Safety

DC:ad

- Attachments:
- 1. Aerial Photograph of 7749 Rayside Avenue
 - 2. Correspondence sent to the property owner
 - 3. Photographs of 7749 Rayside Avenue

Copied to: General Manager Engineering
 Deputy Chief Administrative Officer and Chief Financial Officer
 City Solicitor



Attachment #1 Aerial Photo

7749 RAYSIDE AVE

Postal Code

V5E 2K9

Roll Number

2438-7749-0000

LTO PID

001-654-519

Lot Width, Depth, Area

26.32 m, 37.27 m, 980.19 sqm

Legal Description

Lot: 2 Block: District Lot: 85 Plan: NWS1109

Zoning

R4

Neighbourhood

Rayside

Curbside Collection

4A

Block Watch

N

Assessment

2022 Total Value: \$1,172,000

2021 Total Value: \$986,600

Owner(s)

BORLINHA MANUEL S

7749 RAYSIDE AVE BURNABY BC V5E 2K9





Bylaw Services
Community Safety Department

2022 July 06

FILE: BYL22-01265

BORLINHA MANUEL S
7749 RAYSIDE AVENUE
BURNABY, BC V5E 2K9

SUBJECT: UNSIGHTLY PREMISES - 7749 RAYSIDE AVENUE

An inspection conducted on 2022 July 06 revealed that 7749 Rayside Avenue 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:

- Overgrown grass and weeds at the front, rear, and sides of the property

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- Wood panels, couch, fridge scrap metals, tires, electronics, discarded materials, and other miscellaneous items located at the rear of the property that are contributing to the unsightly nature of the property

A final inspection will be conducted on **2022 August 05 at 10:00am** 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 604-294-7321.



Mandeep Nijjar
Property Use Coordinator
Phone: 604-294-7321
Email: Mandeep.nijjar@burnaby.ca

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Attachment # 3 Photos

