

**TO:** CHIEF ADMINISTRATIVE OFFICER                      **DATE:** 2022 August 17  
**FROM:** GENERAL MANAGER COMMUNITY SAFETY                      **FILE:** BYL22-01057

**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.

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**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, as permitted by the Burnaby Unsightly Premises Bylaw, No. 5533.

**REPORT**

**1.0 BACKGROUND**

4449 Georgia Street is zoned Residential District (R5) and is improved with a single family dwelling. The property is currently occupied by the registered property owner. The vegetation on the property is significantly overgrown. An aerial photograph of the property 4449 Georgia Street is included as *Attachment #1*.

**2.0 POLICY SECTION**

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

**3.0 HISTORY**

Since 2017, 4449 Georgia Street has been the subject of thirteen (13) complaints received from seven (7) separate complainants, regarding the unsightly state of the premises due to overgrowth.

On 2021 June 28, after receiving a staff report, Council authorized City staff to enter the property to remove and dispose of any overgrowth, materials or debris contributing to the unsightliness of the property.

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On 2021 July 21, the cleanup was conducted and the property brought into compliance with the cost totalling \$2586.23. An invoice for the work was later mailed to the property owner and remains unpaid at this time. If the outstanding amount is not paid by 2022 December 31 the cost will be added to, and form part of, the taxes payable in respect of the real property as taxes in arrears.

In 2022, the Bylaw Services Division received three (3) complaints from three (3) separate complainants in the neighbourhood in regards to the unsightliness of the premises.

The complete complaint log history for the property is as follows:

Complaint #	Date complaint received	Complainant (identity concealed)
1	2017 September 30	A
2	2019 May 2	B
3	2019 May 2	B
4	2019 August 15	C
5	2020 May 8	C
6	2020 May 13	C
7	2021 May 4	D
8	2021 June 2	B
9	2021 June 7	E
10	2021 June 9	E
<b>2021 July 21- City staff cleaned property</b>		
11	2022 June 10	B
12	2022 June 21	F
13	2022 July 20	G

#### 4.0 STAFF ACTIONS TAKEN TO ENCOURAGE VOLUNTARY COMPLIANCE

##### 4.1 Site Inspections

Since receiving the complaint on 2022 June 10, staff have attended the property on several occasions. The dates and findings of each inspection are as follows:

Inspection #	Date	Findings
1	2022 June 13	<ul style="list-style-type: none"> <li>▪ Property not in compliance with bylaw</li> </ul>
2	2022 June 16	<ul style="list-style-type: none"> <li>▪ No additional cleanup – still unsightly</li> </ul>
3	2022 June 28	<ul style="list-style-type: none"> <li>▪ No additional cleanup – still unsightly</li> </ul>
4	2022 July 7	<ul style="list-style-type: none"> <li>▪ No additional cleanup – still unsightly</li> </ul>

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5	2022 July 14	▪ No additional cleanup – still unsightly
6	2022 July 27	▪ No additional cleanup – still unsightly
7	2022 August 5	▪ No additional cleanup – still unsightly

**4.2 Contact with Property Owner**

After the initial two inspections conducted in 2022, staff made attempts to inform the property owner 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:

Contact #	Date	Communication type
1	2022 June 14	▪ 1 <sup>st</sup> Letter mailed out
2	2022 June 16	▪ Copies of 1 <sup>st</sup> Letter affixed to 3 doors on ground floor
3	2022 June 30	▪ 2 <sup>nd</sup> Letter mailed out
4	2022 July 7	▪ Copies of 2 <sup>nd</sup> Letter affixed to 3 doors on ground floor

Copies of the relevant correspondence is included as *Attachment #2*.

**4.3 Bylaw Violation Notice Issued**

As a result of the continued bylaw non-compliance since City staff cleanup in 2021, a Bylaw Violation Notice (BVN) was issued to property owner. The BVN status is as follows:

BVN #	Date Issued	Status
1	2022 July 22	Unpaid

Copies of the Bylaw Violation Notice is included as *Attachment #3*.

**5.0 FINAL STAFF ACTIONS PRIOR TO SEEKING COUNCIL AUTHORIZATION**

Despite repeated attempts by staff to encourage the owners to voluntarily bring the property into compliance, 4449 Georgia Street remains non-compliant with the Unsightly Premises Bylaw.

On 2022 June 30, a second letter was mailed as well as hand-delivered to the property by staff, advising the property owner that unless the property was brought into compliance, staff would again request Council authorization to clean the site at the owner’s expense.

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On 2022 July 27, staff again attended the property. This site visit revealed the subject property remains non-compliant. Pictures taken on that date that illustrate the current state of the property and are included as *Attachment #4*.

## 6.0 RECOMMENDATION

Council authorize staff and/or agents 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 31<sup>st</sup> day of December of the year in which the expenses are incurred, the bylaw permits the cost to be added, and form part of, the taxes payable in respect of the real property, as taxes in arrears.

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

  
Dave Critchley  
General Manager Community Safety

Attachments:            1) Aerial Photograph of 4449 Georgia Street  
                                 2) Correspondence sent to the property owners  
                                 3) Bylaw Violation Notice issued to the property owners  
                                 4) 2022 July 27 Photographs of 4449 Georgia Street

Copied to:                General Manager Engineering  
                                 Acting Chief Financial Officer  
                                 City Solicitor







Bylaw Services  
Community Safety Department

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2022 June 14

FILE: BYL22-01057

Wayne Yeasting  
4449 Georgia Street  
Burnaby, BC V5C 2V1

**SUBJECT: UNSIGHTLY PREMISES - 4449 GEORGIA STREET**

An inspection of 4449 Georgia Street conducted on 2022 June 13 revealed that the property was in violation of the Unsightly Premises Bylaw & Zoning Bylaw. The following was observed:

- Overgrown vegetation including but not limited to: grass, weeds, buttercups, & berry bushes/vines in the front, sides and rear of property

In order to bring the property into compliance, please remove these items or clean up the property before **2022 June 28** 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 604-294-7438.

A handwritten signature in black ink, appearing to be "JP", written over a horizontal line.

Joe Pham  
Property Use Coordinator  
Phone: 604-294-7438  
Email: [joe.pham@burnaby.ca](mailto:joe.pham@burnaby.ca)

JP:an





Bylaw Services  
Community Safety Department

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2022 June 30

FILE: BYL22-01057

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 2022 June 28 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 31<sup>st</sup> 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 31<sup>st</sup> 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.*

*Wayne Yeasting*  
*Subject: Unresolved Unsanitary Premises at 4449 GEORGIA STREET*  
*2022 June 30 ..... Page 2*

During the re-inspection the following was observed:

- **Overgrown vegetation including but not limited to: grass, weeds, buttercups, & berry bushes/vines in the front, sides and rear of property**

A final inspection will be conducted on **2022 July 14** 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 604-294-7438.



Joe Pham  
Property Use Coordinator  
Phone: 604-294-7438  
Email: [joe.pham@burnaby.ca](mailto:joe.pham@burnaby.ca)

JP:an





### Bylaw Violation Notice

**BYLAW VIOLATION NOTICE #: L203729**

**PLU: 1149-Lic Violation**

**ISSUED TO: YEASTING, WAYNE E**

**ISSUE DATE: July 22, 2022**

**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**

**SUBSECTION AND DESCRIPTION:**

**CONTRAVENTION DATE AND TIME: July 14, 2022 12:18 pm**

**CONTRAVENTION LOCATION: 4449 GEORGIA ST**

**ASSOCIATED TICKETS:**

**ISSUING OFFICER: 00582-PHAM**

**PAYMENT:**

<b>IF PAID ON OR BEFORE:</b>	<b>August 13, 2022</b>	<b>400.00</b>
<b>IF PAID AFTER:</b>	<b>August 13, 2022</b>	<b>500.00</b>

**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](http://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

Hours: Mon to Fri 8:00am to 4:45pm, Thurs 8:00am to 8:00pm. Closed on Holidays.

Letter drop boxes are located at both City Hall entrances for Cheque payments

**Option 2 - DISPUTE****ADJUDICATION REQUEST**

This form must be completed and received by the City of Burnaby by August 13, 2022. It can be submitted by one of the following options:

Dispute by Web: [www.burnaby.ca/disputetickets](http://www.burnaby.ca/disputetickets)  
 Emailed to: [bylaws@burnaby.ca](mailto:bylaws@burnaby.ca)  
 Mailed or delivered to: City of Burnaby - Office of the City Clerk  
 4949 Canada Way  
 Burnaby, BC V5G 1M2  
 Faxed to: 604-570-3661

Bylaw Notice #	L203729
Issue Date	July 22, 2022
Your Name	
Your Address	
Daytime Phone #	
Evening Phone #	
Email Address	
Signature	
Reason for Dispute	

The personal information you provide is collected and used under the authority of the Freedom of Information and Protection of Privacy Act s. 26(b) for the purpose of law enforcement. If you have any questions about the collection, use or disclosure of your personal information, please contact the City of Burnaby - Office of the City Clerk at 604-294-7290.



**Option 2 - DISPUTE****ADJUDICATION REQUEST**

This form must be completed and received by the City of Burnaby by **Est Escalation Date**. It can be submitted by one of the following options:

Dispute by Web: [www.burnaby.ca/disputetickets](http://www.burnaby.ca/disputetickets)

Emailed to: [hylaws@burnaby.ca](mailto:hylaws@burnaby.ca)

Mailed or delivered to: City of Burnaby – Office of the City Clerk  
4949 Canada Way  
Burnaby, BC V5G 1M2

Faxed to: 604-570-3661

Bylaw Notice #	
Issue Date	
Your Name	
Your Address	
Daytime Phone #	
Evening Phone #	
Email Address	
Reason for Dispute	







