

TO: MAYOR & COUNCIL
FROM: GENERAL MANAGER COMMUNITY SAFETY
SUBJECT: UP – 3526 SMITH AVENUE
PURPOSE: To obtain Council authority for City staff and/or agents to enter onto the property at 3526 Smith Avenue in order to bring the property into compliance with the Burnaby Unsightly Premises (UP) Bylaw No. 5533.

RECOMMENDATION

THAT City staff and/or agents be authorized to enter the property at 3526 Smith 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.

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS

I concur with the recommendation of the General Manager Community Safety.

1.0 POLICY SECTION

Pursuant to policy objectives contained in the City's Moving Forward initiative, Burnaby Community Safety Plan (2020) and the Burnaby Strategic Plan (2022), responding to community complaints are a core value of the work performed by the City. Authorization for entry is permitted by the Burnaby Unsightly Premises Bylaw, No. 5533.

2.0 BACKGROUND

3526 Smith Avenue is zoned Multiple Family Residential District (RM2) and is currently vacant. The vegetation on the property is significantly overgrown. An aerial photograph of the property is included as **Attachment #1**.

3.0 COMPLAINT INFORMATION

Since September 27, 2022, 3526 Smith Avenue has been the subject of two (2) complaints from two (2) separate complainants, regarding the unsightly state of the premises due to overgrowth.

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

Complaint #	Date complaint received	Complainant (identity concealed)
1	September 27, 2022	A
2	July 07, 2023	B

4.0 STAFF ACTIONS TO DATE

4.1 Site Inspections

As a result of the September 28, 2022 complaint, City staff have attended the property on eleven (11) occasions. The dates and findings of each inspection are as follows:

Inspection #	Date	Findings
1	September 28, 2022	Property not in compliance with bylaw
2	November 3, 2022	No additional cleanup – still unsightly
3	November 17, 2022	No additional cleanup – still unsightly
4	January 3, 2023	No additional cleanup – still unsightly
5	January 30, 2023	No additional cleanup – still unsightly
6	May 11, 2023	No additional cleanup – still unsightly
7	May 18, 2023	No additional cleanup – still unsightly
8	May 24, 2023	No additional cleanup – still unsightly
9	June 26, 2023	No additional cleanup – still unsightly
10	July 24, 2023	No additional cleanup – still unsightly
11	August 21, 2023	No additional cleanup – still unsightly

4.2. Contact with the Property Owners

After the initial inspection conducted on September 28, 2022, City staff informed the property owners that the property was non-compliant with the bylaw and provided direction to the property owners on the necessary actions required to bring the property into compliance.

These communication attempts are as follows:

Contact #	Date	Communication Type
1	October 11, 2022	1 st Letter mailed out
2	November 04, 2022	2 nd Letter mailed out
3	November 25, 2022	Phone call and e-mail correspondence

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

4.3 Bylaw Violation Notices Issued

Resulting from the continued non-compliance, sixteen (16) Bylaw Violation Notices have been issued to the property owners. The status of the Bylaw Violation Notices issued are as follows:

BVN#	Date Issued	Status
1	November 18, 2022	Disputed
2	November 18, 2022	Disputed
3	January 05, 2023	Unpaid
4	January 05, 2023	Disputed

5	January 31, 2023	Disputed
6	January 31, 2023	Disputed
7	May 11, 2023	Unpaid
8	May 11, 2023	Unpaid
9	May 24, 2023	Unpaid
10	May 24, 2023	Unpaid
11	May 24, 2023	Unpaid
12	May 24, 2023	Unpaid
13	June 24, 2023	Unpaid
14	June 24, 2023	Unpaid
15	July 24, 2023	Unpaid
16	July 24, 2023	Unpaid

Copies of these notices are included as **Attachment #3**.

4.4. Final Staff Actions Prior to Seeking Council Authorization

Despite repeated attempts by City staff to obtain voluntary compliance, 3526 Smith Avenue remains non-compliant with the Burnaby Unsightly Premises Bylaw.

On August 21, 2023, City staff again attended the property. This site visit revealed the subject property remains non-compliant. Pictures taken on that date illustrate the current state of the property and are included as **Attachment #4**.

5.0 RECOMMENDATION

Council authorize staff and/or agents to enter onto the property at 3526 Smith 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 Unsightly Premises Bylaw, No. 5533.

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.

6.0 FINANCIAL CONSIDERATIONS

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.

Respectfully submitted,
Dave Critchley General Manager Community Safety

ATTACHMENTS

- Attachment 1 – Aerial Photo of 3526 Smith Avenue (GISMaps)
- Attachment 2 – Copies of Compliance Letters Addressed to Property Owner
- Attachment 3 – Copies of Bylaw Violation Notices Addressed to Property Owner
- Attachment 4 – Photographs of the current state of the subject property

REPORT CONTRIBUTORS

This report was prepared by Carlos A Dimas, Property Use Coordinator, Andy Dhaliwal, Supervisor - Property Use Coordination, Josh Comia, Clerk 3, and reviewed by Dan Layng, Chief Licence Inspector.



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