

ITEM 4

MANAGER'S REPORT NO. 70

COUNCIL MEETING Nov. 3/75

Re: CITY OF VANCOUVER'S BYLAWS FOR THE CONTROL OF UNTIDY PREMISES

On October 14, 1975, Council requested that information be obtained on the manner in which the City of Vancouver controls unsightly premises. Following is a report from the Chief Public Health Inspector on this matter.

The Municipal Solicitor points out that Vancouver has clearly defined authority in its Charter to enact the type of regulations that are contained in its "Standards of Maintenance Bylaw". The applicable sections are as follows:

- | | |
|---------------------------|--|
| "Standard of maintenance. | (u) for requiring the owners or occupants of real property to maintain the said property in a neat and tidy condition and in keeping with a reasonable standard of maintenance prevailing in the neighbourhood. 1953, c.55, s.323; 1955, c.114, s.12; 1958, c.72, ss.22, 23; 1966, c.69, s.13. |
| Standards for dwellings. | (i) for fixing standards of fitness for human habitation to which all dwellings, whether single or multiple, shall conform, and for requiring the owners of dwellings to make the same conform to any of such standards, and for prohibiting the use or occupancy of dwellings which do not conform with any standard so fixed." |

Section 714 of the Municipal Act, which covers building regulations that can be enacted for purposes of health, safety and protection of persons and property, does not contain such authority. Moreover, building regulations per se became primarily a Provincial concern upon enactment of Section 719A which involves the application of the National Building Code of Canada. It certainly is not the intent of Section 719A of the Municipal Act or of the National Building Code of Canada to provide for regulation of untidy premises.

This is for the information of Council.

* * * * *

Mr. M.J. Shelley
Municipal Manager
Corporation of Burnaby

October 24, 1975

Dear Sir:

Re: UNTIDY PREMISES - CITY OF VANCOUVER

Further to a memo from the Municipal Clerk requesting information as to action taken by the City of Vancouver in relation to Untidy Premises, particularly in areas of redevelopment, we would advise as follows.

A meeting and discussion was held on October 6, 1975 with an official of the Department of Permits and Licences, City of Vancouver, and the following information obtained.

On April 6, 1971 a By-law to Prevent the Existence of Untidy Premises within the City of Vancouver was adopted. This By-law, still in effect, is known as the "Untidy Premises By-law" and is similar in application to the "Burnaby Unsightly Premises By-law 1969", No. 5535. The section in Vancouver's By-law forbids, in such terms as are possible, the growth of vegetation from a legal standpoint and Vancouver officials, like their counterparts in Burnaby, have to rely largely on cooperation. In cases involving vegetation growth. This statement does not apply where a factor of Public Health nuisance, fire, or accident potential is involved.

ITEM 4
 MANAGER'S REPORT NO. 70
 COUNCIL MEETING Nov. 3/75

Mr. M.J. Shelley

- 2 -

October 24, 1975

The City of Vancouver has passed a second By-law relating to the conditions of land and dwellings. This By-law is known as the "Standards of Maintenance By-law" and became effective October 1, 1975. The By-law is directed to the condition of dwellings situated in any area within the City and would include multiple occupancy.

It is our understanding that the staff of the Permits and Licences Department will be initially increased by two for the enforcement of the By-law.

City officials have advised that they will provide us with their assessment of the "Standards of Maintenance By-law" when the value of the By-law is established. We do not expect an early reply as the By-law must be enforced, tested as to legality and the results tabulated.

SUMMATION

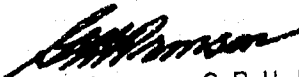
It would seem that the Vancouver "Untidy Premises By-law", No. 4548 is similar in content to the "Burnaby Unsightly Premises By-law 1969", No. 5533. We are not knowledgeable of the effectiveness of the City of Vancouver "Untidy Premises By-law" but we can state that the "Burnaby Unsightly Premises By-law" is effective and beneficial in that it does control "Unsightly Premises".

For informational purposes copies of the following By-laws are attached.

1. The "Burnaby Unsightly Premises By-law 1969", No. 5533.
2. The City of Vancouver "Untidy Premises By-law".
3. The City of Vancouver "Standards of Maintenance By-law".

This is for the information of Council.

Yours truly,


 G.H. Armson, C.P.H.I. (C)
 CHIEF PUBLIC HEALTH INSPECTOR

GHA/cc

Att.

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 5533

A BY-LAW to prohibit the owners or occupiers of real property from allowing property to become untidy or unsightly and to require the owners or occupiers of real property, or their agents, to remove therefrom any accumulation of filth, discarded materials, or rubbish of any kind.

The Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This By-law may be cited as "BURNABY UNSIGHTLY PREMISES BY-LAW 1969".
2. No owner or occupier of real property shall allow the said real property to become untidy or unsightly.
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 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.
4. Any person who violates any of the provisions of this by-law shall be guilty of an offence punishable as provided in the Summary Convictions Act.
5. By-law No. 4713, being "BURNABY UNSIGHTLY PREMISES BY-LAW 1965", is repealed.

Read a first time this 14th day of July, 1969.

Read a second time this 14th day of July, 1969.

Read a third time this 14th day of July, 1969.

Reconsidered and adopted this 21st day of July, 1969.

(SIGNED) "ROBERT W. PRITTE"
MAYOR

(SIGNED) "J. H. SHAW"
CLERK

A By-law to Prevent the Existence
of Untidy Premises within the City of
Vancouver.

ITEM 4
MANAGER'S REPORT NO. 70
COUNCIL MEETING Nov. 3/75

THE COUNCIL OF THE CITY OF VANCOUVER in open meeting assembled, enacts as follows:

1. This By-law may be cited as the "Untidy Premises By-law".
2. Every owner or occupier of real property shall maintain the said property in a neat and tidy condition in keeping with a reasonable standard of maintenance prevailing in the neighbourhood.
3. No owner or occupier of any real property shall allow any accumulation of rubbish or discarded materials upon such real property.
4. Every owner or occupier of a parcel of real property shall keep the same cleared of brush, trees, or other growths, within a reasonable standard of that prevailing in the neighbourhood.
5. (1) Where the owner or occupier of any real property fails to remove from such property any accumulation of rubbish or discarded materials, or fails to keep the said property cleared of brush, trees, or other growths, the Director of Permits and Licences may cause a notice to be served upon the owner of the real property requiring him to remedy the condition within ten days. Any such order shall be sufficiently served upon the owner by sending the same by return registered mail to the address shown on the current year's real-property assessment roll.
(2) In the event of default by the owner in remedying the condition within the time limited, as specified in the notice referred to in subsection (1) hereof, the Director of Permits and Licences and any person authorized by him may enter upon the real property for the purpose of remedying the condition referred to in the said notice. The costs incurred in carrying out any work pursuant to this subsection shall be recoverable by the City from the owner by action in any Court of competent jurisdiction, or, in the alternative, if the costs and expenses incidental to the work are not paid to the City by the owner within thirty days after a demand for payment has been sent to the owner, the Director of Finance may cause such costs to be added to and form part of the taxes payable in respect of that parcel of real property.
6. Every person who offends against any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law, or who does any act or thing which violates any of the provisions of this By-law, shall be deemed to be guilty of an infraction of this By-law and shall be liable to the penalties hereby imposed.
7. (1) Every person who commits an offence against this By-law is liable to a fine and penalty not exceeding one hundred dollars (\$100.00) and costs, or in default of payment thereof, or in the alternative, to imprisonment with or without hard labour for any period not exceeding two months.
(2) Where an offence against this By-law is of a continuing nature, it shall be lawful for the convicting magistrate, in his discretion, to impose a fine against the offender, not exceeding fifty dollars (\$50.00) for each day such offence is continued by him.
8. By-law No. 3874 is hereby repealed.
9. This By-law shall come into force and take effect on and after the date of the final passing hereof.

DONE AND PASSED IN open Council this 6th day of April, 1971.

This By-law received:

1st READING - April 6, 1971
2nd READING - April 6, 1971
3rd READING - April 6, 1971

(sgd) R. Thompson
City Clerk

(sgd) Alderman A. Phillips
Deputy Mayor

(sgd) Ronald Thompson
City Clerk

I hereby certify that the foregoing is a correct copy of a By-law duly passed by the Council of the City of Vancouver on the 6th day of April, 1971 and numbered 4548.
CITY CLERK

ITEM 4

MANAGER'S REPORT NO. 70

COUNCIL MEETING Nov. 3/75

DEPT. PERMITS & LICENSES

Reg. No.

Ref'd To: DAM By: ee

RECEIVED

AUG 14 1975

Diary..... Init.....
DATE

File..... Init.....
DATE

BY-LAW NO. 4888

A By-law for prescribing standards for the maintenance and occupancy of property within the City of Vancouver

THE COUNCIL OF THE CITY OF VANCOUVER in open meeting assembled, enacts as follows:

1. This By-law may be cited as the "Standards of Maintenance By-law".

2. DEFINITIONS

In this by-law, unless the context otherwise requires:

"accessory building" means a detached building, out-building or structure, the use of which is incidental to the primary use of the property;

"bathroom" means a room containing a bathtub or shower with or without a water closet and wash basin;

"dwelling" means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation;

"dwelling unit" means a self-contained housekeeping unit containing toilet and bathroom facilities;

"habitable room" means any room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes;

"housekeeping unit" means a sleeping unit containing facilities for cooking;

"land" means any parcel of land on which a dwelling is situate;

"repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property conforms to the standards established by this by-law;

"sleeping unit" means one or more rooms equipped to be used for sleeping and sitting purposes.

3. The provisions of this by-law apply to all dwellings in the City and the land on which they are situate.

4. MAINTENANCE OF LAND AND ACCESSORY BUILDINGS

4.1 All land shall be kept clean and free from rubbish

ITEM 4

MANAGER'S REPORT NO. 70

COUNCIL MEETING Nov. 3/75

- 2 -

or debris and from objects or conditions that might create a health, fire or accident hazard.

- 4.2 No vehicle, trailer, boat or mechanical equipment which is in a wrecked or dismantled condition shall be parked, stored or left on any land.
- 4.3 Storm water shall be drained from all land so as to prevent ponding or the entrance of water into a basement or cellar.
- 4.4 The steps, walks, driveways and parking spaces on all land shall be maintained so as to afford safe passage under normal use and weather conditions.
- 4.5 Suitably surfaced walks shall be available on all land leading from the main entrance of each dwelling to the street or driveway.
- 4.6 Fences shall be kept in good repair.
- 4.7 Accessory buildings on all land shall be kept in good repair. Exteriors of accessory buildings shall be weather resistant through the use of weather resistant materials including paint or other preservatives.

5. MAINTENANCE OF DWELLINGS

- 5.1 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional load to which it may be subjected through normal use.
- 5.2 Walls, roofs and other exterior parts of a dwelling shall be free from loose or improperly secured objects or material.
- 5.3 Foundation walls of a dwelling shall be maintained or repaired so as to prevent the entrance of moisture.
- 5.4 Every dwelling, unless of slab on grade type, shall be supported by foundation walls or piers which extend to suitable bearing material and all footings, foundation walls, piers, slabs on grade shall be of concrete or other suitable material.
- 5.5 Exterior walls of a dwelling and its components including soffit and fascia shall be maintained so as to prevent their deterioration.
- 5.6 Roofs of dwellings shall be maintained in a weather resistant condition.
- 5.7 Windows and exterior doors shall be maintained so as to prevent the entrance of wind and rain into a dwelling. All windows intended to be opened, and

all exterior doors shall have hardware so as to be capable of being locked from inside the dwelling and at least one entrance door in every dwelling shall have hardware so as to be capable of being locked from both inside and outside the dwelling.

- 5.8 Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks and other defects which may constitute a hazard. Stairs, treads or risers that show excessive wear or are broken, warped or loose and supporting structure members that are rotted or deteriorated shall be replaced.
- 5.9 A handrail shall be installed and maintained in good repair in every stairwell, and a balustrade shall be installed and maintained in good repair on the open side of every stairway with three or more risers and on the open side of a balcony, porch or landing.
- 5.10 Every wall and ceiling in a dwelling shall be maintained so as to be free of holes, loose coverings or other defects, and in a clean and sanitary condition.
- 5.11 Every floor in a dwelling shall be maintained in good repair.
- 5.12 Every bathroom floor and every toilet room floor shall be maintained so as to be impervious to water.
- 5.13 Every chimney, smoke pipe and flue shall be maintained to prevent gases from leaking into the dwelling.
- 5.14 All plumbing, including every drain, water pipe, water closet and other plumbing fixtures in a dwelling and every connecting line to the sewerage system shall be maintained in good working order and free from leaks or defects, and all water pipes and appurtenances thereto shall be protected from freezing.
- 5.15 Every wash basin and bathtub or shower shall have an adequate supply of hot and cold running water and every water closet shall have an adequate supply of running water.
- 5.16 All bathrooms and toilet rooms shall be located within and accessible from within a dwelling unit.
- 5.17 All bathrooms and toilet rooms shall be fully enclosed so as to provide privacy for an occupant.
- 5.18 Every toilet room shall have a washbasin located in the toilet room, or in an immediately adjoining room.
- 5.19 Every housekeeping unit and sleeping unit shall have access to a bathroom and toilet facility without going through rooms of another unit or outside the dwelling.
- 5.20 Every dwelling shall be provided with a heating system in good working condition capable of maintaining every

room in such dwelling at a temperature of 68° Fahrenheit measured at a point five feet above the floor.

- 5.21 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 120 square feet of floor space; for each additional 100 square feet of floor space a second duplex outlet shall be provided. Every kitchen shall have at least two electrical duplex outlets which shall be on separate circuits.
- 5.22 Every kitchen, bathroom, toilet room, laundry room, furnace room, basement or cellar shall be provided with a permanent electrical light fixture.
- 5.23 All electrical wiring shall be kept in good repair.
- 5.24 Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights, translucent panels or glass area of an outside door that faces directly to outside space and is in total equal in area to ten per cent of the floor area of the room.
- 5.25 Every habitable room shall have an opening or openings to the outside for ventilation providing an unobstructed free-flow area of at least three square feet, or a system of mechanical ventilation such that the air is changed once every hour.
- 5.26 Every bathroom or toilet room shall have an opening or openings to the outside for ventilation providing an unobstructed free-flow area of at least one square foot, or an equivalent system of mechanical ventilation.
- 5.27 All systems of mechanical ventilation shall be maintained in good working order.
- 5.28 Every basement and unheated crawl space shall be adequately vented to the outside. A basement shall have windows which can be opened, or screened openings, the area of which shall not be less than one per cent of the floor area. An unheated crawl space shall have at least two louvres with insect screens of corrosion-resistant material.
- 5.29 Every dwelling and each unit within it shall have a safe, continuous and unobstructed passage from the interior of the unit and the dwelling to the outside of the dwelling at street or grade level.
- 5.30 Each dwelling containing more than one dwelling unit, housekeeping unit or sleeping unit, shall have at least two exits, both of which may be common or one of which may be common and the other of which may be an exterior stair or fire escape.

6. ENFORCEMENT AND PENALTIES

- 6.1 The City Building Inspector, and anyone authorized by him, may enter any premises at any reasonable time for the purpose of determining whether or not such premises comply with the provisions of this by-law.
- 6.2 No person shall use or occupy, or permit to be used or occupied any premises which do not comply with the provisions of this by-law.
- 6.3 Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who does any act which violates any of the provisions of this by-law is guilty of an offence against this by-law and liable to the penalties hereby imposed. Each day that a violation is permitted to exist shall constitute a separate offence.
- 6.4 Every person who commits an offence against this by-law is liable to a fine and penalty of not more than \$500.00 and not less than \$50.00 for each offence, and in default of payment thereof or, in the alternative, to imprisonment for any period not exceeding two months.
- 6.5 Every person who commits an offence of a continuing nature is liable to a fine not exceeding \$50.00 for each day such offence is continued.
- 6.6 Notwithstanding any other provisions of this by-law, where any dwelling does not comply with the standards set out in this by-law, the Council may, by resolution, order that failure to remedy any default specified in such order within 60 days after service of such order, will result in the work being carried out by the City at the expense of the owner.
- 6.7 If, upon expiration of the 60 days' notice, all of the defaults specified in the notice are not remedied, the City may, by its workmen or others enter upon the premises and effect such repairs, renovations or alterations as are necessary to make the dwelling conform to the standards set out in this by-law.
- 6.8 All costs and expenses of the City as a consequence of work carried out pursuant to subsection 6.7 shall be paid by the owner or owner under agreement of the property within 30 days from the date of a statement of account from the City.
- 6.9 Any amount which remains unpaid after the time limited in subsection 6.8 hereof shall, after certification by

ITEM 4 MANAGER'S REPORT NO. 70 COUNCIL MEETING Nov. 3/75
--

- 6 -

the Director of Finance, be inserted in the real-property tax roll as a charge with respect to the parcel on which the work was carried out.

- 6.10 Any notice required to be served pursuant to subsection 6.6 hereof shall be sufficiently served if sent by registered mail to the owner or has been posted on the premises affected.
- 6.11 Before any matter is dealt with by Council pursuant to subsection 6.6 hereof, the City Clerk shall notify the owner of the premises that the Council will be considering the question of a violation of this by-law. Such notice shall specify the nature of the violations and shall specify the time and place at which the owner may appear before the Council to make representations in respect of the matters alleged.

7. This by-law shall come into force and take effect on the first day of October, 1975.

DONE AND PASSED in open Council this 12th day of August, 1975.

(Signed) A. Phillips

 Mayor

(Signed) D. H. Little

 City Clerk

"I hereby certify that the foregoing is a correct copy of a By-law duly passed by the Council of the City of Vancouver on the 12th day of August, 1975, and numbered 4888.

CITY CLERK"