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| ITEM | 9 |
| MANAGER'S REPORT NO. | 62 |
| COUNCIL MEETING | 1979 09 17 |

RE: SITE OF REZONING REFERENCE #38/77A
 BOSA BROS. CONSTRUCTION LIMITED
 FIRE DAMAGED HOUSE AT 3776 ALBERT STREET
 (ITEM 16, REPORT NO. 59, 1979 SEPTEMBER 04)

The following report from the Chief of Fire Operations and the attached report from the Officer-in-Charge, Burnaby Detachment, R.C.M.P., contain additional information that Council requested regarding a fire damaged house on Albert Street. It will be recalled that this was the subject of a previous report which Council received on September 04.

For background information, Demolition Permit No. B-47138 was issued on 1979 August 29 to Bosa Bros. Construction Limited for demolition of the remains of a dwelling on the subject property because it was at that time in an unsafe condition and impractical to secure against trespass. The issuance of the demolition permit prior to Third Reading of the applicable by-law was ratified by Council on September 04.

RECOMMENDATION:

1. THAT the reports from the Chief of Fire Operations and the Officer-in-Charge be received for information purposes.

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1979 SEPTEMBER 10

FIRE DEPARTMENT

TO: MUNICIPAL MANAGER
 FROM: CHIEF-FIRE OPERATIONS
 RE: FIRE AT 3776 ALBERT STREET, 1979 AUGUST 25
ARSON INVESTIGATION AND DEMOLITION ORDER

RECOMMENDATION:

THAT this report be received for information purposes.

REPORT

On 1979 August 25 at 00:32 h the Burnaby Fire Department was called to a fire at 3776 Albert Street. As the fire appeared to be of a suspicious nature, the senior fire officer attending the call summoned a Fire Inspector to investigate.

Upon arrival, the Fire Inspector proceeded to gather information from Fire Department and general duty R.C.M.P. personnel at the scene. It was determined that the fire was of an incendiary nature. Constable C. Plante of the R.C.M.P. (G.I.S.) arson investigation team was then called in to attempt to determine the person or persons responsible for the fire. As of this date the fire is still under investigation by the R.C.M.P. who are hopeful the offenders will be found and charges will be laid leading to prosecution.

On 1979 August 28 an "Order" was issued by the Fire Prevention Bureau to the owners (Bosa Bros. Construction Ltd.) to secure or demolish the building and due to the damage suffered it was impractical to secure and the only alternative was demolition with the resultant debris being removed.

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Such an order is standard procedure in situations such as this and the authority is contained in Article 2.1.4. of Burnaby Fire Prevention By-law #5096, Sections 2.1.4.1. and 2.1.4.2.

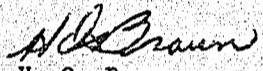
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On 1979 August 29 the Chief Fire Prevention Officer sent a Memo to Mr. D. Stenson, Planning Department outlining the contents of the Order issued to Bosa Bros. Construction and suggested that in this instance in the interest of public health and safety that the demolition of these premises be expedited.

In summary, when a fire occurs and the attending senior fire officer is unsure of the cause, the usual procedure is to summon an Inspector from the Fire Prevention Division.

The Fire Inspector will endeavour to determine the cause and origin of the fire. If he suspects that it is of an incendiary nature, the R.C.M.P. arson squad is called in to investigate. They will question witnesses, take statements, etc., and lay charges when possible.

It is not difficult to prove that arson has been committed. However it is extremely difficult to name an offender unless the offender admits to the crime or there are witnesses who will testify against him. Therefore, unfortunately many arson fire files are never closed.


H. O. Brown
CHIEF-FIRE OPERATIONS

HOB/mc

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TO: MUNICIPAL MANAGER

79 September 12

FROM: O. I/C BURNABY DETACHMENT R.C.M.P.

RE: FIRE AT 3776 ALBERT STREET, 79-08-25

RECOMMENDATION:

THAT this report be received for information purposes.

REPORT

On 79-08-24 at 21:31 h, Burnaby R.C.M.P. Detachment received a complaint of a noisy party at 3776 Albert Street, Burnaby. Members responded to the complaint and found the residence was extensively damaged, i.e. windows broken and partitions partially removed by a large number of youths wielding axes. Members spoke with ex-tenant who advised that the residence was being demolished the following day. There was a valid "Demolition Order" attached to an interior wall and the ex-tenant advised he had permission from Bosa Brothers (owners) to demolish the residence.

In light of the "Demolition Order" which did not specify any particular conditions as to the manner in which the destruction was to be carried out, they had no legal authority to stop the destruction of the residence. The members in attendance advised the ex-tenant their activities were disturbing the neighbourhood and to keep the noise at a minimum and ensure his company did not disturb the neighbours.

Police do not have legal authority to arrest for causing a disturbance within a private residence and in this instance, the presence of the "Demolition Order" together with the fact the ex-tenant stated they had permission from Bosa Brothers to demolish the residence indicated there did not appear to be an offence of Mischief or Wilful Damage to Property. Therefore, there was no authority on which the police could act. It was learned through subsequent investigation that Bosa Brothers had not given permission for the demolition of the residence.

The idea of the "demolition party" was conceived by a large number of youths who had been drinking at a nearby hotel several nights previous to the incident.

Police were called to the 3776 Albert Street residence again at 00:21 h due to the noisy party and it was about this time the fire commenced in the basement of the residence.

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The origin of the fire is still under investigation by the Arson Detail of this Detachment and a Fire Inspector from Burnaby Fire Department. In the interests of the investigation, I cannot make further comment on the origin of the fire, whether it was intentional or accidental; however, it was directly related to the "demolition party".

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Albeit our members could have attempted to act under the Burnaby Noise or Sound Abatement By-law, this, however, would not have been an immediate solution to the problem nor would it have terminated the "demolition party" and prevented the fire. Authority for the police to act under these circumstances could only be established through Bosa Brothers and then only providing permission had not been given to demolish the residence. It is in situations of this nature where policemen must use their discretion and, while the particular members chose not to act outside their authority, in light of all the circumstances and confronted with a similar situation, I personally would have dispersed the "demolition party" on general principles and suffer the consequences later.

Two members of the "demolition party" who were wandering on the street near the 3776 Albert Street residence in an intoxicated condition were apprehended under the Intoxicated Persons Detention Section of the Liquor Control and Licencing Act.

C. L. Thomas
(C.L. Thomas) Supt.
Officer in Charge Burnaby Detachment