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| ITEM | 4 |
| MANAGER'S REPORT NO. | 54 |
| COUNCIL MEETING | 1980 09 02 |

RE: DEMOLITION OF BUILDINGS INVOLVED IN REZONING APPLICATIONS

Following is a report from the Director of Planning on buildings that have to be demolished as a result of the rezoning process.

RECOMMENDATION:

1. THAT the recommendation of the Director of Planning be adopted.

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TO: MUNICIPAL MANAGER

1980 AUGUST 11

FROM: DIRECTOR OF PLANNING

SUBJECT: DEMOLITION OF BUILDINGS INVOLVED IN REZONING APPLICATIONS

RECOMMENDATION

THAT Council adopt the proposed amendment to the standard prerequisite condition of rezoning involving removal of existing improvements as outlined in Section 2.4 of this report.

REPORT

1.0 INTRODUCTION

Appearing on the 1980 August 05 Council agenda was a Manager's Report from the Director of Fire Services regarding the demolition of a number of vacant buildings between Patterson Avenue, Willingdon Avenue and Maywood Street (report attached). On that occasion, Council was advised that the site in question was the subject of a rezoning application (Rezoning Reference #19/79) and that demolition could not commence until the rezoning application had been advanced to Third Reading. As outlined in that report, and in response to the potential problems of vandalism and fires associated with vacant buildings, the Fire and Planning Departments were in the process of reviewing the ways in which these problems may be resolved which would be the subject of a further report to Council.

2.0 DISCUSSION

2.1 On previous occasions, the Burnaby Fire Prevention Bureau has experienced some difficulty in ensuring that vacant buildings are boarded up and properly secured while developers are in the process of obtaining rezoning approval.

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2.2 Pursuant to Council policy, applicants for rezonings which involve existing buildings that are intended to be removed upon redevelopment are required as a standard prerequisite condition of rezoning to make the following commitment:

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"The submission of an undertaking to remove all existing improvements from the site within 6 months of the rezoning being effected but not prior to Third Reading of the By-law".

The standard condition of rezoning was adopted by Council in March of 1974 for essentially the following reasons.

Firstly, removal of existing improvements at this stage in the rezoning was intended to allow existing tenants to remain in the buildings until such time as the rezoning application neared completion. This was of particular importance when residential units were involved where tenants would be provided with sufficient time to secure other accommodation. This requirement would also ensure the effective removal of obsolete structures which could become a visual physical liability to the neighbourhood and the general community if left unsecured for long periods of time. This condition would also represent a form of commitment from the applicant to pursue redevelopment of the property as proposed through rezoning.

Finally, demolition at this stage in the rezoning process and not prior to Third Reading would not have the effect of placing Council in a potentially awkward position of having to approve rezonings since the applicant had made a large financial commitment by removing existing improvements from the site.

2.3 Upon review of this matter, Council is advised that the Burnaby Fire Prevention By-law No. 5906 states that the owner of any vacant building in the Municipality shall at all times ensure that the premises are free from debris and flammable substances and shall keep all openings in such a building securely closed and fastened so as to prevent the entry of unauthorized persons.

Where it is found to be necessary in order to overcome a hazard to life or property, the Fire Prevention Officer may issue an order requiring a property owner to take necessary corrective action. Under the standard order issued pursuant to the National Fire Code, an owner would be obliged to:

- (a) board up and secure and maintain the premises against trespass and intrusion, or
- (b) demolish the premises and remove the resultant debris, or
- (c) bring the premises up to Municipal standards for occupancy.

In cases of properties which are in the process of rezoning, where securing the vacant premises has not proved to be successful and where upgrading would be inconsistent with the owner's immediate intention to rezone and redevelop, the option to demolish is the appropriate one. However, this position would be seen to be in conflict with the prerequisite condition of Council which prohibits demolition prior to Third Reading. As a result, vacant buildings which constitute a continuing hazard to life and property have sometimes been left standing awaiting Third Reading, where the public interest would have been better served by demolition and clearing the site of debris.

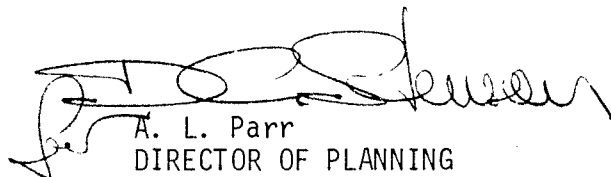
RE: DEMOLITION OF BUILDINGS INVOLVED
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2.4 In view of the foregoing, the Planning Department considers that the matter can be effectively resolved by recognizing the authority of the Fire Prevention Officer to issue an order for demolition of vacant existing structures and removal of the resultant debris prior to Third Reading where the structures constitute a hazard to life or property and removal is warranted.

This provision can be made by adding to the standard prerequisite condition the following clause:

"In the event that existing improvements on the site are vacant and considered to be a hazard to life or property, the Fire Prevention Office may issue an order to demolish such improvements and remove the resultant debris prior to Third Reading".


A. L. Parr
DIRECTOR OF PLANNING

And
PDS/cg
Attachment

CC: Director - Fire Services
Chief Public Health Inspector
Chief Building Inspector
Municipal Engineer
Parks & Recreation Administrator
Chief Licence Inspector
Municipal Solicitor

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ITEM 21
MANAGER'S REPORT NO. 50
COUNCIL MEETING 1980 08 05

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RE: LETTER FROM N. McCLELLAN
112 - 6688 WILLINGDON AVENUE, BURNABY
VACANT BUILDINGS LOCATED BETWEEN PATTERSON AVENUE, WILLINGDON
AVENUE AND MAYWOOD STREET.

The letter from N. McClellan which appears on the agenda for the 1980 August 05 meeting of Council calls attention to some privately owned dwellings which are potential fire hazards. Following is a report from the Director of Fire Services on this matter.

RECOMMENDATION:

1. THAT the recommendation of the Director of Fire Services be adopted.

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1980 July 30

FIRE DEPARTMENT

TO: Municipal Manager

FROM: Director - Fire Services

SUBJECT: Letter from N. McClellan, #112 - 6688 Willingdon Avenue, Burnaby
Fire Hazard Arising from Vacated Buildings located between Patterson
Avenue, Willingdon Avenue and Maywood Street, Burnaby.

RECOMMENDATION:

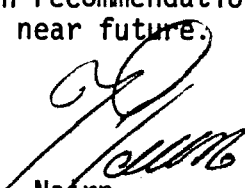
1. THAT a copy of this report be sent to N. McClellan, #112 - 6688 Willingdon Avenue, Burnaby.

REPORT

The buildings to which N. McClellan refers are potentially dangerous, and it is for this reason that an order to secure and demolish them was issued to the owner on 1980 July 18. Fire regulations require compliance with such an order within 30 days from the date of issuance.

Inspection of the site on July 30 disclosed that the buildings are now in the process of being demolished, and it would appear that this work will be essentially complete within the next few days.

The securing and/or demolishing of vacant buildings on sites that are being rezoned for new development is of concern to the Fire Department. This concern stems from the fact that although the Fire Prevention Bureau always issues the required order to secure and/or demolish in accordance with Burnaby Fire Prevention By-Laws #5096, there is inevitably a delay in the removal of the building pending the adoption of a third reading as required when rezoning is involved. The Fire and Planning Departments are now reviewing ways in which this problem can be resolved, and it is expected that a report with recommendations will be submitted to council for consideration in the near future.


T.G. Nairn
DIRECTOR-FIRE SERVICES
CC: Director of Planning