

RE: 5321 SPRUCE STREET, BURNABY, B.C.,  
LOT 371, DL 80, PL 57663 NWD  
BUILDING CONSTITUTING A NUISANCE

ITEM  
MANAGER'S REPORT NO. 3  
COUNCIL MEETING 64  
85/10/15

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER  
1985 OCTOBER 08

FROM: DIRECTOR PLANNING &  
BUILDING INSPECTION

RE: 5321 SPRUCE STREET, BURNABY  
LOT 371, D.L. 80, PLAN 57663 NWD  
BUILDING CONSTITUTING A NUISANCE

RECOMMENDATIONS:

1. THAT Council DECLARE the unfinished building located on the lot at 5321 Spruce Street to be a nuisance and DIRECTS and ORDERS that:
  - (a) the said building be repaired as necessary, including completion of the exterior siding, to render it sound and inaccessible; and
  - (b) the lot be cleaned up by the removal of all construction debris by the owners or their agent within 30 days after service of the order on that person.
2. THAT Council FURTHER ORDERS that in the case of default by the owners to comply with the order within the period named on it, the Municipality, by its employees or others, may enter and carry out the necessary repairs to clean up and restore the dilapidated building to a safe condition, and remove related debris from the property at the expense of the owners.
3. THAT Council FURTHER ORDERS that in the case of default by the owners to comply with the order, the charges for carrying out the necessary repairs and clean up, including all incidental expenses, if unpaid on 1985 December 31, shall be added to and form part of the taxes payable on the subject land or real property as taxes in arrears.

REPORT:

On 1980 November 24, Building Permit No. B-49991 was issued for the construction of a single-family dwelling on the subject property. That permit has expired and has been renewed twice. On 1985 January 29, the owners were advised again in writing that the building permit was void, and that an option of reinstating it was available. (It has not been renewed.) Although framing of the structure is nearly complete, building inspection approval has been requested and provided only for the foundation of the structure.

On 1985 August 07, this department received a verbal complaint from a Spruce Street resident concerned about the unfinished dwelling and unsightly yard. Site inspection by field staff confirmed these concerns, and the property owner was contacted by telephone and requested to secure the building from entry. However, the owner stated that he did not plan to make any further effort to board up or secure the structure. Apparently his previous attempts had been thwarted by vandals who had removed the boarding on each occasion.

On 1985 September 04, a written complaint was received from another Spruce Street resident concerned about the safety of young children in the neighbourhood and of a potential health hazard due to the rubble on the lot. Members

of the Building, Fire, and Health Departments visited the subject premises and their findings were conveyed to the owners by certified letter dated 1985 September 11 (copy attached) from the Planning & Building Inspection Department. In that letter the owners were requested to: "(1) take whatever steps are necessary to render the structure inaccessible; and (2) complete the exterior channel siding..." by 1985 September 30. Site inspection on 1985 October 01 confirmed that no corrective action had taken place.

The incompleeted dwelling remains a potential hazard in several ways as follows:

- (1) Unauthorized persons may be injured by coming in contact with broken glass or rusty nails, or by falling through unguarded openings in the second storey floor, and walls, or sundecks.
- (2) Young children may be enticed to enter the structure by molesters, or may enter out of curiosity and be injured.  
(A shortcut path has been established across the property.)
- (3) The incompleeted wall siding and accessibility of the structure to arsonists or children playing with fire renders the adjacent home directly to the west in jeopardy.

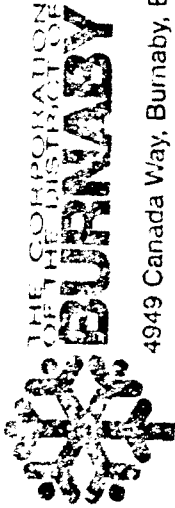
We feel that complete demolition of the unfinished dwelling is not warranted, although it is an option available to the owners, or the Corporation of Burnaby under Section 936 of the Municipal Act. Instead, it is recommended that the owners be ordered to repair the structure and clean up the property, but failing the owners' cooperation, that the Municipality "by its employees or others" carry out the necessary repairs to this dilapidated, unsightly structure and land. Section 936 of the Municipal Act (copy attached) provides the authority for Council to adopt the recommendations of this report.

CH DHJ:lm  
Enc.



A.L. PARR  
DIRECTOR PLANNING &  
BUILDING INSPECTION

c.c. MUNICIPAL SOLICITOR  
CHIEF PUBLIC HEALTH INSPECTOR



4949 Canada Way, Burnaby, B.C. V5G 1M2

Planning & Building Inspection Department  
Building Inspection Division

CERTIFIED MAIL

James S. & Maureen Nameth  
5222 Sussex Avenue  
Burnaby, B.C.  
V5H 3B1

Subject: 5321 Spruce Street, Burnaby  
Lot 371, D.L. 80, Plan 57663, NWD

In response to concerns raised by local residents, staff of the Building Inspection Division and the Burnaby Fire Prevention Office have inspected the incomplete single-family dwelling at the subject address.

Broken glass, rusty nails, and unguarded openings and decks pose a safety hazard to unauthorized persons that are apparently entering the unfinished dwelling. The incomplete structure has become very unsightly as vandals have broken off strips and chunks of the exterior rigid insulation exposing bare wall studs and interior framing. Vandals have also burned portions of the rigid styrofoam insulation creating a potential fire hazard to the neighbouring houses.

Your attempts to secure the building against the entry of vandals have not proven successful. In order to resolve this matter, you are requested to:

- (1) take whatever steps are necessary to render the structure inaccessible; and
- (2) complete the exterior channel siding. (This will require reinstallation of the rigid styrofoam insulation or its replacement with conventional wall sheathing.)

If the securing and clean up of the structure are not completed by 1985 September 30, or if valid complaints are subsequently received about the appearance and lack of security of this building, Council will be requested, pursuant to Section 936 of the Municipal Act, to declare it a nuisance and order removal of the unsightly and hazardous unfinished building.

DHJ:lm

D.H. Jackson, P.Eng.  
ASSISTANT CHIEF BUILDING INSPECTOR

c.c. FIRE PREVENTION OFFICE

ITEM 3  
MANAGER'S REPORT NO. 64  
COUNCIL MEETING 85/10/15

Telephone (604)  
294-7159

1985 Sept. 11

ITEM 3  
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COUNCIL MEETING 85/10/15

MUNICIPAL ACT

**Removal of dangerous erections**

**936.** (1) The council may declare a building, structure or erection of any kind, or a drain, ditch, watercourse, pond, surface water or other matter or thing, in or on private land or a highway, or in or about a building or structure, a nuisance, and may direct and order that it be removed, pulled down, filled up or otherwise dealt with by its owner, agent, lessee or occupier, as the council may determine and within the time after service of the order that may be named in it.

(2) Service of the order shall be effected by sending a copy by return registered mail to the owner of the land where the nuisance exists, and to all other persons whose names appear on the records of the land title office as having an interest in the land, and to the agent, if known, of the registered owner, and to any lessee and occupier of the land, the notice to be sent to the last known address of each interested person referred to in this subsection.

(3) The council may further order that, in case of default by the owner, agent, lessee or occupier to comply with the order within the period named in it, the municipality, by its employees and others, may enter and effect the removal, pulling down, filling up or other dealing at the expense of the person defaulting, and may further order that the charges for doing so, including all incidental expenses, if unpaid on December 31 in any year, shall be added to and form part of the taxes payable on that land or real property as taxes in arrear.

(4) Where the nuisance so declared is a building, structure or erection, the council may, after the expiration of 60 days from the date of the mailing of the notice to the owner under subsection (2) and after the expiration of the period named in the order, sell by auction, or by public or private tender, or otherwise dispose of the building, structure or erection so ordered to be dealt with, or any part or material in it. From the proceeds of the sale or disposal, there shall be deducted for municipal use the actual costs, including incidental expenses, incurred by the municipality in carrying out the order, and the remainder of the proceeds shall be paid by the municipality to the owner or other person lawfully entitled.

(5) This section applies to any building, structure or erection of any kind which the council believes is so dilapidated or unclean as to be offensive to the community.

RS1960:255-873: 1978-25 334.