

RE: BUILDING CONSTITUTING A NUISANCE - 6741 BRANTFORD AVENUE  
(LOT 292, PL 46355, DL 92)

MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER 85 08 30

FROM: DIRECTOR ENGINEERING

SUBJECT: BUILDING CONSTITUTING A NUISANCE - 6741 BRANTFORD  
AVENUE (Lot 292, Pl. 46355, D.L. 92)

RECOMMENDATIONS:

1. THAT Council DECLARE the outbuilding located on the lane allowance and the rear portion of 6741 Brantford Avenue to be a nuisance and DIRECTS and ORDERS that the said building be pulled down and removed by its owner, agent, lessee or occupier within 30 days after service of the order on that person.
2. THAT Council FURTHER ORDERS 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 pulling down and removal.

REPORT:

At the rear of 6741 Brantford Avenue is situated a small outbuilding, approximately 16.5 feet by 16.5 feet, which occupies approximately 10.3 feet of the dedicated lane allowance and approximately 6.2 feet of the property itself. See Sketches #1 and #2.

Evolution of the subdivision pattern in the area has progressed to the point where the lane allowance is now complete and has an outlet to Lakeview Avenue. When the lane on which the building is partially situated was dedicated through subdivision in 1973 (with money placed "In Trust" to build it in the future) the lane had no outlet and through special arrangements the building was allowed to remain in place pending completion of the lane system, primarily out of deference to the elderly owner of the property at that time.

The previous elderly owner is no longer the current owner, the lane system is now complete and the neighbourhood residents want the lane completed. There appears to be no basis to support further delay.

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An inspection of the building reveals that its condition is too dilapidated to permit its relocation to another site.

The Corporation has tried twice to advise the owner to remove the building but to no avail. One letter was not answered at all, while the Municipal Solicitor's Double Registered letter was returned unopened.

The staff is of the opinion that it is now necessary to utilize Section 936 of the Municipal Act, copy attached, particularly Subsection 1, 2, and 3 thereof. In essence, Council is being asked to:

1. Declare the building a nuisance.
2. Direct and order that it be pulled down by its owner, agent, lessee or occupier within a period of 30 days after service of the order.
3. Approve of the service of the order on both the owner of the land and the occupier of the land.
4. If in case of default, order that the Municipality may enter and effect pulling down of the building.

In summary, there does not appear to be any alternative available to the resolution of this dilemma other than utilization of Section 936 of the Act.

EEO/dd

Atts.

c.c. ( ) Director Planning & Building Inspections  
( ) Municipal Solicitor

  
DIRECTOR ENGINEERING

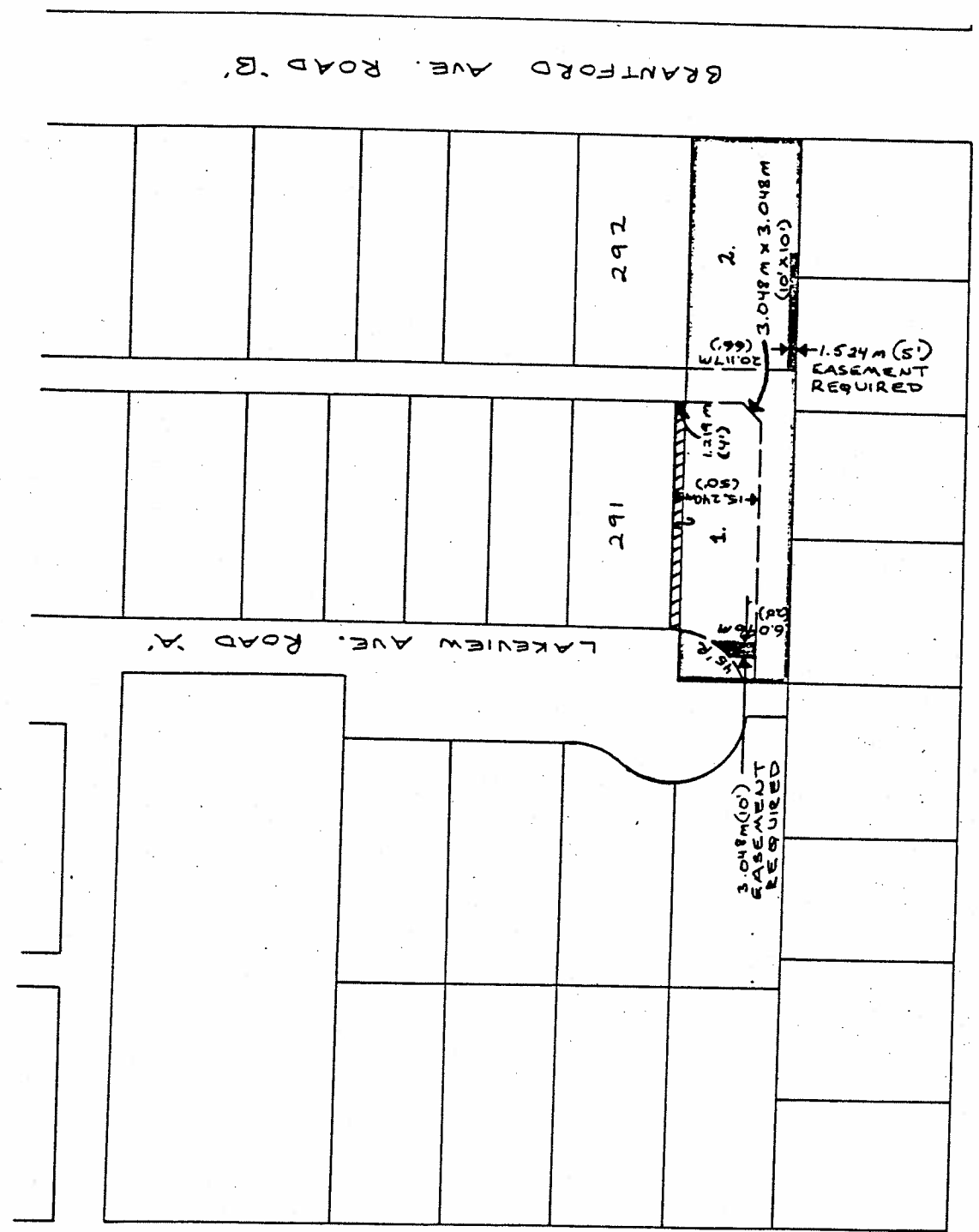
ITEM  
 MANAGER'S REPORT NO. 9  
 COUNCIL MEETING 55  
 85/09/09

S.D. REF. # 83/83

X. REF. S.D. REF. # 92/70  
 X. REF. S.D. REF. # 3/78  
 X. REF. S.D. REF. # 228/73  
 ZONING: RS

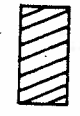
D.L. 92  
 LOTS 67 S<sup>1</sup>/<sub>2</sub> PL. 1146  
 293 PL. 46355

6757 Bantford.



IMPERIAL ST.

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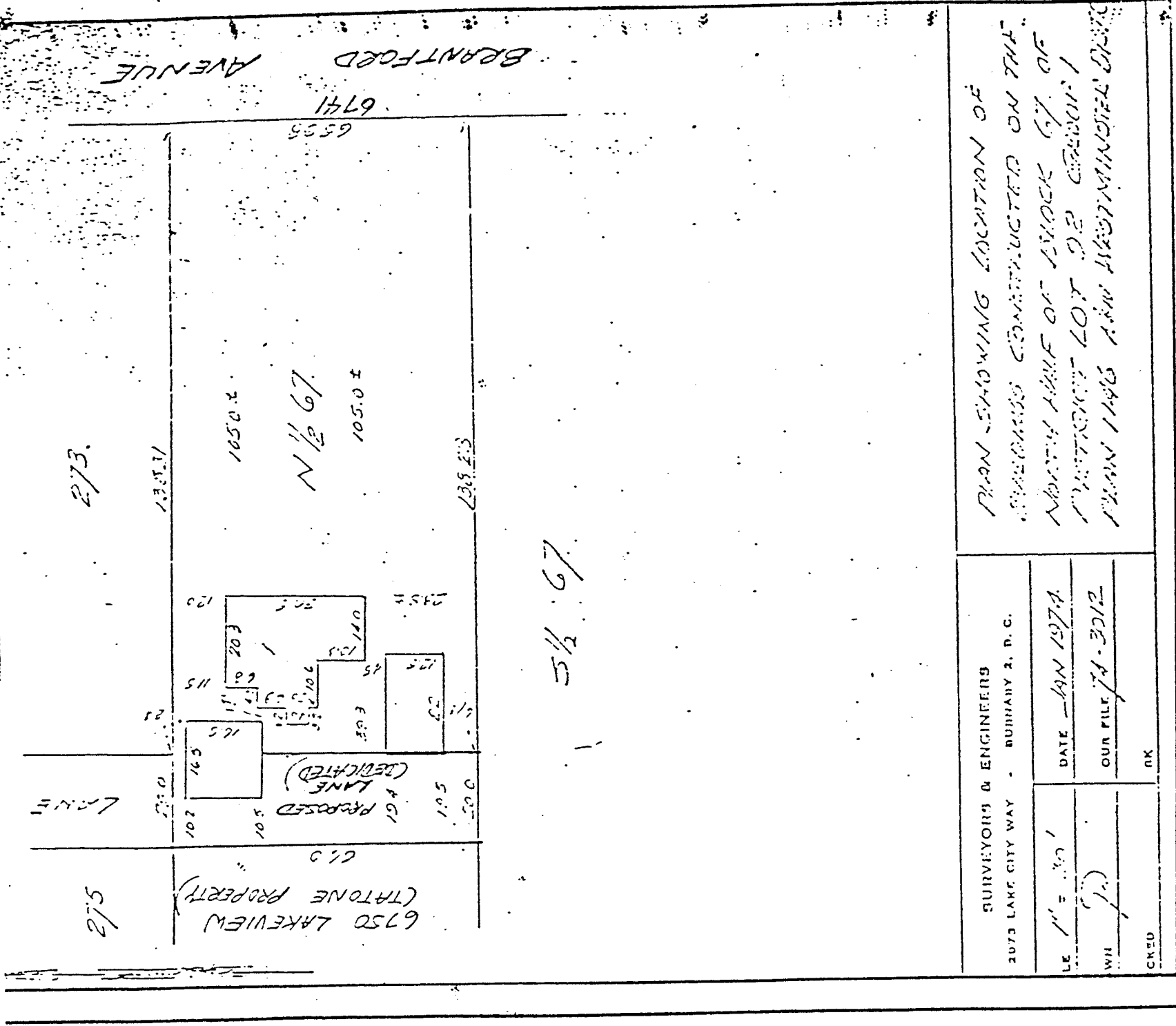
NOTE: ① LOT 293 TO BE DEEDED FROM BUENABY.  
 ② \$1,700 HELD "IN TRUST" FOR CONSTRUCTION OF LANE BETWEEN LOTS 291 & 292.  
 ③ EXISTING STRUCTURE(S) WITHIN LANE ALLOWANCE TO THE REAR OF LOT 292 MUST BE REMOVED TO ALLOW LANE CONSTRUCTION.

SCALE: 1" = 100'  
 1983 SEPTEMBER  
 C.M.

SKETCH #1

ITEM 9  
 MANAGER'S REPORT NO. 55  
 COUNCIL MEETING 85/09/09

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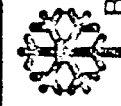
SURVEYORS & ENGINEERS  
 2073 LAKE CITY WAY - BURNABY B. C.

DATE - JAN 1974  
 OUR FILE # 1-3012

DATE  
 OUR FILE #  
 MK

CREATED

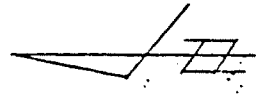
PLAN SHOWING LOCATION OF  
 PROPOSED CONSTRUCTION ON THE  
 NORTH HALF OF BLOCK G7 OF  
 SECTION 10T 02 R20W01  
 PLAN 1483 LAW WESTMINSTER DIST.



Burnaby Planning Department

PLOT PLAN SHOWING LOCATION  
 OF BUILDINGS AT 6741 BRANTFORD  
 AVENUE.

SKETCH #2.



Date

Scale

Drawn By

**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.

