

RE: BUILDING CONSTITUTING A NUISANCE
5321 SPRUCE STREET, BURNABY
(Item 3, Report No. 64, 1985 October 15)

MUNICIPAL MANAGER'S RECOMMENDATION:

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

* * * * *

TO: MUNICIPAL MANAGER
FROM: DIRECTOR PLANNING & BUILDING INSPECTION
RE: 5321 SPRUCE STREET, BURNABY
LOTS 371 & 372, D.L. 80, PLAN 57663 NWD
BUILDING CONSTITUTING A NUISANCE

1986 FEBRUARY 17

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 lots 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 properties 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 1986 December 31, shall be added to and form part of the taxes payable on the subject land or real property as taxes in arrears.
4. THAT a copy of this report be sent to Mr. and Mrs. J.S. Nemeth, 5222 Sussex Avenue, Burnaby, B.C., V5H 3B1.

REPORT:

At a regular meeting of Council held on 1985 October 15 (Manager's Report No. 64, Item 3 attached), four recommendations similar to those noted above were approved by Council, and an Order dated 1985 October 22 was subsequently served on the owner. Although a renewed building permit was issued on 1985 December 20, the owner has failed to comply with Council's Order, has not responded to staff's attempts to make contact by telephone, and has not complied with a recent written request to resolve the matter. (A copy of our letter dated 1986 January 30 to Mr. and Mrs. J.S. Nemeth is attached.)

Due to the owners' inaction, a potential hazard remains, and we are advised by the Municipal Solicitor that an updated Order (1986) is now required. Therefore it is requested that Council adopt the recommendations of this report so that an updated Order may be served under Section 936 of the Municipal Act, and failing the owners' compliance within 30 days, the necessary repair work will be requisitioned through the Purchasing Agent for completion by an independent building contractor.

DMJ DHJ:lm
Enc.

c.c. MUNICIPAL SOLICITOR
DIRECTOR FINANCE
CHIEF HEALTH INSPECTOR


A.L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION

ITEM 6
MANAGER'S REPORT NO. 14
COUNCIL MEETING 86/02/24

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

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

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 - (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 have 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

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

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 incompleted 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 incompleted 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.

AA
DHJ:lm
Enc.



A.L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION

c.c. MUNICIPAL SOLICITOR
CHIEF PUBLIC HEALTH INSPECTOR

ITEM 6
MANAGER'S REPORT NO. 14
COUNCIL MEETING 86/02/24



THE CORPORATION
OF THE DISTRICT OF
BURNABY

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

Planning & Building Inspection Department
Building Inspection Division

ITEM 6
MANAGER'S REPORT NO. 14
COUNCIL MEETING 86/02/24

Telephone (604)
294-7159

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HAND DELIVERED

1986 Jan. 30

Mr. & Mrs. J.S. Nemeth
5222 Sussex Avenue
Burnaby, B.C.
V5H 3B1

Subject: 5321 Spruce Street, Burnaby
Lots 371 & 372, D.L. 80, Plan 57663, NWD

A recent inspection of the subject premises reveals that you have not complied with Council's Order of 1985 October 22 which directed you to take the necessary steps to render your uncompleted building sound and inaccessible, and to clean up construction debris off the property.

In a meeting with the Acting Municipal Manager, Mr. E.E. Olson, on 1985 October 23, you concluded by stating that it was your intention to complete construction of the house rather than merely board it up to comply with Council's Order. The deadline for compliance with Council's Order was November 22. When contacted by telephone on November 21, you explained that although the arrangement with your contractor to finish the house had fallen through, you would make a building permit application the following day, and attempt to line up a different contractor the following week. The building permit renewal application was made as promised on November 22 and the permit issued 1985 December 20.

On 1986 January 10, a further complaint was received regarding the hazardous nature of your uncompleted building. In telephone conversation with your office at 10:05 h that same day it was indicated that you were not available because of a pressing work load, but that you would return my call. To date that call has not been returned.

It is requested that you proceed immediately to either complete the construction of this house or comply with Council's Order. As discussed in our meeting of 1985 October 23, to comply with the Order it is necessary to:

- (1) secure the building against unauthorized access (3/4-inch plywood across all exterior openings permanently attached with 5/8-inch diameter carriage bolts (6 each minimum) and heavy interior battens 2" x 6" minimum);

Mr. & Mrs. J.S. Nemeth
5222 Sussex Avenue

1986 January 30
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- (2) complete the exterior siding and insulation; and
(3) clean up construction debris on the lot.

We are seeking your cooperation to complete this work before 1986 Feb. 17. If the work is not completed by that day, we will request an update of Council's Order which would allow the municipality to complete the required work at your expense.



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

DHJ:lm

c.c. MUNICIPAL SOLICITOR

DIRECTOR FINANCE

DIRECTOR PLANNING &
BUILDING INSPECTION

ITEM

MANAGER'S REPORT NO.

COUNCIL MEETING

6

14

86/02/24

