

ITEM 15
MANAGER'S REPORT NO. 36
COUNCIL MEETING 88/05/16

RE: LETTER FROM MR. G. HUTTON, 6825 - 20TH AVENUE, BURNABY, B.C., V3N 1C7
MUNICIPAL RENTAL PROPERTY 6825 - 20TH AVENUE

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER
FROM: DIRECTOR FINANCE

1988 May 12
File: H60

RE: DELEGATION: MR. G. HUTTON
MUNICIPAL RENTAL PROPERTY AT 6825 - 20TH AVENUE (sketches attached)

RECOMMENDATION

1. THAT this report be received for information purposes.

SUMMARY

Burnaby purchased the property at 6825 - 20th Avenue in 1977. Mr. G. Hutton was renting the property at the time of purchase and has remained as our tenant since that time.

The property was in very poor condition at the time of purchase and in 1982 was approved for demolition by Council. Notice to vacate was given to Mr. Hutton. Mr. Hutton appealed this decision to the Rentalsman. The Rentalsman upheld Burnaby's notice to vacate. Mr. Hutton subsequently appealed the Rentalsman's decision to the Westminister County Court. The County Court upheld the Rentalsman's decision and ordered Mr. Hutton to vacate by 1988 May 14.

Mr. Hutton is now asking Council to grant an extension of his tenancy beyond the date established in the Court order to vacate.

Our review indicates that the property at 6825 - 20th Avenue remains in very poor condition and that demolition is still appropriate.

REPORT

This report is presented in response to Mr. G. Hutton's request to continue renting the property at 6825 - 20th Avenue, which appears under Delegations on this agenda.

This property was purchased by Burnaby in 1977 as part of the Stride Avenue Plan and is currently part of the Edmonds Town Centre South Plan. The property is required as part of the Byrne Creek Ravine Park and the Gilley Alternate road alignment.

Mr. Hutton was renting the property at the time of purchase and has remained as our tenant since that time. The current rent is \$182 per month.

In 1982 October the Chief Building Inspector reported the condition of the property as very poor and requiring considerable work to bring the dwelling up to reasonable standards (copy attached). The required work was to overcome structural, electrical and plumbing deficiencies. Due to the overall poor condition of the dwelling and the potentially high cost of the required repairs, demolition was recommended, and approved by Council on 1983 January 10. At that time Council directed that four months notice to vacate be given to the tenant. Notice to vacate was served to Mr. Hutton on 1983 January 28 to be effective 1983 May 31.

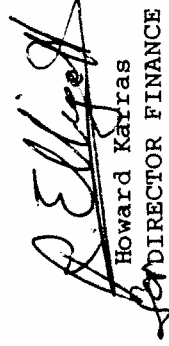
Mr. Hutton appealed to the Rentalsman to set aside the notice to vacate. The Rentalsman denied Mr. Hutton's appeal and confirmed the notice to vacate.

Mr. Hutton then appealed the Rentalsman's decision to the Westminster County Court. This appeal was adjourned when Council offered Mr. Hutton an extension of tenancy to 1983 October 31. Council's offer was contingent upon Mr. Hutton saving Burnaby harmless with respect to the condition of the property. Mr. Hutton did not do this.

When Mr. Hutton did not meet Council's requirements, we asked him when he intended to vacate. A date could not be established. Consequently, in 1984 March the matter was referred to our Solicitors to deal with the adjourned County Court appeal of the Rentalsman's decision upholding Burnaby's notice to vacate. This process culminated on 1988 January 14 when the County Court upheld the Rentalsman's decision requiring Mr. Hutton to vacate the premises. The County Court provided a four month period for Mr. Hutton to vacate, which expires 1988 May 14.

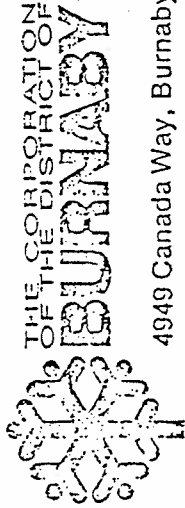
In considering Mr. Hutton's request to remain on the property as our tenant it should be noted that the deficiencies of the building remain. No permits covering repair work have been obtained, and several attempts to reinspect the property have been unsuccessful. We have therefore concluded that the property remains in very poor condition and that demolition is still appropriate. Our Municipal Solicitor advises that we are at risk as the landlord of an unsafe premises under the Occupiers Liability Act.

Should Mr. Hutton remain on the property beyond the 1988 May 14 Court established vacancy date, we will take appropriate steps to obtain vacant possession through the Sheriff's Services. Demolition of the buildings will occur immediately after vacant possession is obtained.


Howard Karras
DIRECTOR FINANCE

RE:PK:gw
Attach.

cc: All Directors
Municipal Solicitor
Chief Building Inspector



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

Mr. W.L. Stirling
MUNICIPAL SOLICITOR

Subject: 6825 - 20th Avenue, Burnaby

Relative to a request from Fred Forder, Maintenance Division of the Engineering Department, a survey of the above-noted property was undertaken by this department and the comments of the various inspection divisions are listed hereunder for your information:

Building:

1. The floor joists and sub-flooring appears to be badly decayed.
2. The bedroom, kitchen and living room floors are sloping, due to poor supports under the floor joists.
3. The roof rafters appear to be decayed.
4. The roofing material needs to be replaced.
5. Repairs are required to the exterior shingle cladding.
6. Repairs are required to the front porch supports and steps.
7. The duct work connecting to the oil-fired furnace has deteriorated and is falling apart, and needs to be replaced.

Plumbing:

The entire plumbing system is beyond repair and needs to be replaced.

Electrical:

1. There is no provision for locking or for security of the existing 60 amp. main switch. The switch would be satisfactory if it were relocated inside the building or provided with a lock.

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Mr. W.L. Stirling
MUNICIPAL SOLICITOR

Electrical cont'd

2. The 8-position fuse panel is inadequate and should be replaced with a minimum 16-position breaker panel with an integral main breaker. Alternatively, the existing 60 amp. main switch could be reused with a new 16-position breaker panel.

3. Additional circuits are required:

- (a) kitchen bench - 2 (split)
- (b) fridge - 1
- (c) dryer - 2
- (d) washing machine - 1
- (e) furnace - 1

4. Additional outlets are required in the living room, bedroom (ground fault circuit interrupters), and the exterior (ground fault circuit interrupters).

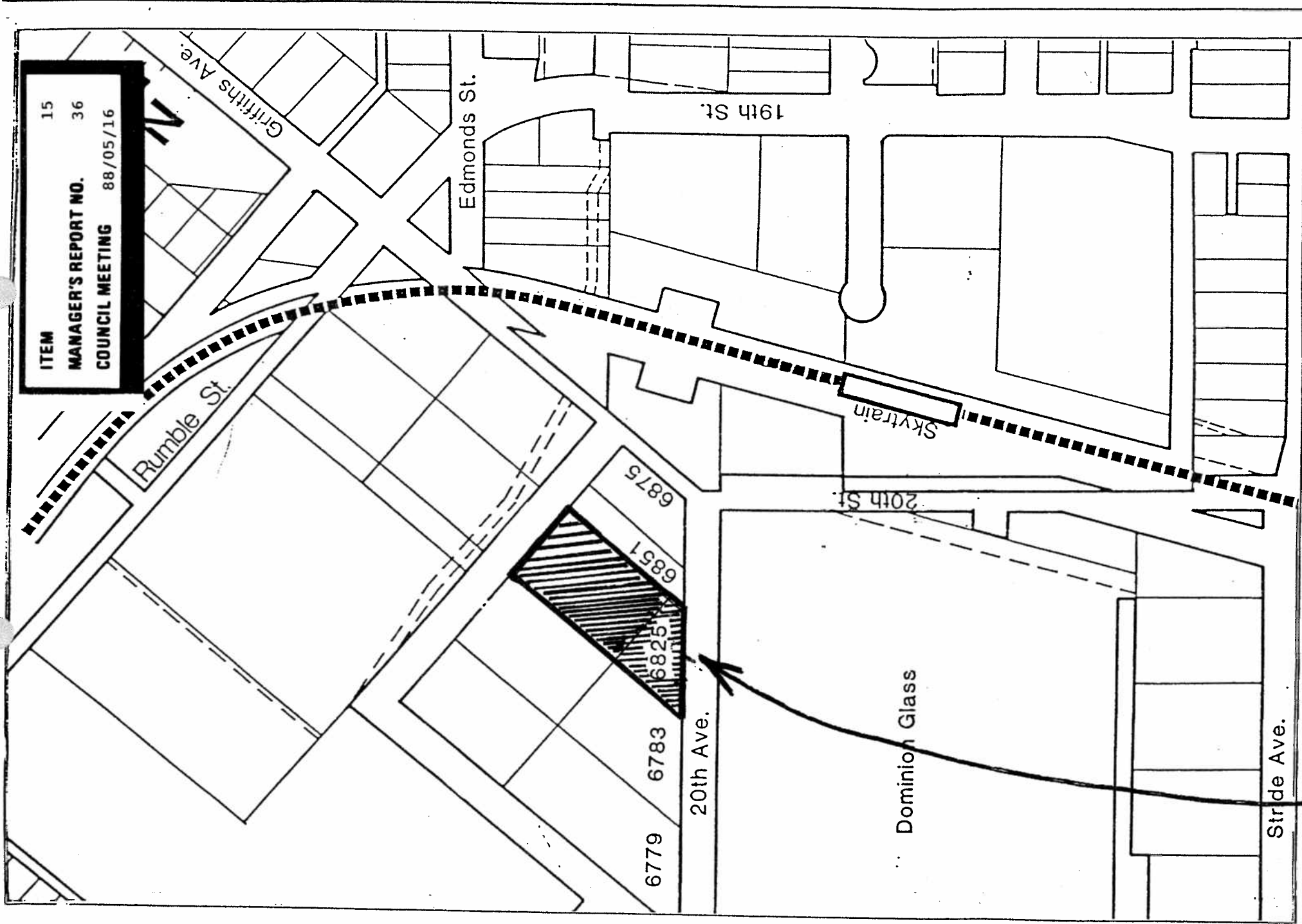
In summary, the building is considered to be in poor condition generally and appears to be economically beyond repair. Demolition is recommended.

JS:lm

c.c. Fred Forder, Maintenance
Division, Engineering Dept.

Frank R. Mehling

Frank R. Mehling, P.Eng.
DEPUTY CHIEF BUILDING INSPECTOR



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Date: _____
 Scale: _____
 Drawn By: _____

6779-20th Ave. - Owner: Corporation of Burnaby
 Tenant: Ms. D. Malcolm
 6783-20th Ave. - Owner: Corporation of Burnaby
 Tenant: Vacant Land
 6825-20th Ave. - Owner: Corporation of Burnaby
 Tenant: G. Hutton
 6851-20th Ave. - Owner: Corporation of Burnaby
 Tenant: Vacant land
 6875-20th Ave. - Owner: M.L. Cousins
 Occupant: C.J. Cousins

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SKETCH 1

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SUBJECT
 PROPERTY

Development Plan

LEGEND:

Development Sites:

- ▶ 1 To 6 High Rise Apartment - (RM 4 Guidelines, 80 UPA)
- ▶ 7 To 10 Low Rise Apartment - (RM 3 Guidelines, 50 UPA)
- ▶ 11, 12 Low Rise Apartment - (RM 2 Guidelines, 40 UPA)
- ▶ 13 To 20 Garden Apartment - (RM 1 Guidelines, 25 UPA)
- ▶ 21, 22 Townhousing - (10 To 12 UPA)

- Park
- Open Space
- B.C. Parkway

- - Walkways, Trails

SKETCH 2

