

RE: DILAPIDATED AND UNSAFE BUILDING AT 7910 BULLER AVENUE

MUNICIPAL MANAGER'S RECOMMENDATION:

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

* * * * *

TO: Municipal Manager 1988 April 286

FROM: Director Planning &
Building Inspection

SUBJECT: 7910 BULLER AVENUE, BURNABY - LOT 10, D.L. 159, PLAN 1392
BUILDING IN A DILAPIDATED AND UNSAFE CONDITION

=====

RECOMMENDATIONS:

1. THAT Council declare the building located on the lot at 7910 Buller Avenue a nuisance and order that it be removed by its owner within 30 days after the service of the order.
 - (a) In the case of default by the owner to comply with the order within the period named in it, the municipality, by its employees or others, may enter and carry out the demolition of the building and the removal of related debris from the property at the expense of the owner; and
 - (b) In the case of default by the owner to comply with the order, the charges for carrying out the demolition of the building and the removal of related debris, including all incidental expenses, if unpaid on 1988 December 31, shall be added to and form part of the taxes payable on the subject land for real property as taxes in arrears.
3. THAT a copy of this report be sent to Mr. M. K. Chew, Box 2221, 349 West Georgia Street, Vancouver, B. C. V6B 3W2.
4. THAT a copy of this report be sent to Mr. M. K. Chew, c/o Kan Chew, 31 North Hythe Avenue, Burnaby, B. C. V5B 1G3.

REPORT

103

At a regular meeting of Council held on 1987 April 27 (Manager's Report No. 29, Item #6 attached), Council received a report on the subject property and adopted the recommendation that a copy of the report be provided to the registered owner of the property, Mr. M. K. Chew.

Section 936 of the Municipal Act states that:

- "(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."

Is the building "so dilapidated or unclean as to be offensive to the community?" That this is the case is established primarily by the unsafe condition of the building, and is corroborated by a petition (copy attached) from the neighbourhood residents that appeared on the 1987 April 13 Council agenda.

ITEM

MANAGER'S REPORT NO. 2 34

COUNCIL MEETING 88/05/09

Following the most recent fire, an inspection of the subject premises by the Building Inspection Division revealed that the building has significant interior structural damage. A portion of the first floor (above the crawl space) has been burned through and, consequently, the interior bearing walls have lost their structural integrity. The interior of the building is dangerous to any occupancy, authorized or otherwise.

In letters dated 1987 April 15 and 1988 January 07 (copies attached), the Building Inspection Division ordered the owner to secure the building against unauthorized entry and to either repair or demolish the building under permit. The owner has not demonstrated any intention of complying with the Building Inspection Division order and, in fact, municipal staff have had to secure the building a number of times since. This action by municipal staff may have increased municipal liability in the event of an accident in that the municipality is demonstrating a responsibility to keep the premises secure.

A gentleman, Mr. Kan Chew, who identified himself as a cousin of the owner, M. K. Chew, was in contact with the Planning & Building Inspection Department in 1987 July and August, to discuss potential development options on the property. Staff have been unable to contact him either in writing or by telephone since that time and he has not contacted the department. All previous attempts by the Burnaby Fire Prevention Office and the Chief Public Health Inspector to contact the owner have also been unsuccessful.

The 1986 and 1987 property taxes are still outstanding. If the 1986 taxes are not completely paid by 1988 September 30, the property will go to a tax sale.

This building is beyond its useful economic life, as evidenced by the fact that it has not been occupied for the past four and one-half years. Although staff would rather the owner have initiated the demolition of this structure, municipality-initiated demolition is recommended in light of the safety and liability concerns. Therefore, it is recommended that Council act under the authority provided in Section 936 to have the dilapidated and unsafe building at 7910 Buller Avenue removed.

AJ
AJE/jce
Attach.

cc: Chief Building Inspector
Municipal Solicitor


A. L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION

ITEM	2
MANAGER'S REPORT NO.	34
COUNCIL MEETING	88/05/09
ITEM	6
MANAGER'S REPORT NO.	29
COUNCIL MEETING	87/04/27

ATTACHMENT #1

RE: LETTER FROM MR. AND MRS. J.P. WEST WHICH APPEARED ON THE AGENDA FOR
 THE APRIL 13TH MEETING OF COUNCIL (4 E) 105
 LOT 10, DL 159, PLAN 1392
 7910 BULLER AVENUE, BURNABY

MUNICIPAL MANAGER'S RECOMMENDATION:

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

* * * * *

TO: MUNICIPAL MANAGER 1987 APRIL 21

FROM: DIRECTOR PLANNING & BUILDING INSPECTION

SUBJECT: 7910 BULLER AVENUE, BURNABY
 LOT 10, D.L. 159, PLAN 1392

=====

RECOMMENDATION:

1. THAT a copy of this report be provided to Mr. & Mrs. J.P. West, 5950 Clinton Street, Burnaby, B.C. V5J 2M5, and to the registered owner of the property, M.K. Chew, Box 2221, 349 West Georgia Street, Vancouver, B.C. V6B 3W2

BACKGROUND

Appearing on the 1987 April 13 Council agenda is a petition from Mr. & Mrs. J.P. West who are residents in the neighbourhood of the subject premises. The petitioners complain that the unoccupied building addressed at 7910 Buller Avenue is a safety hazard and extremely unsightly, and request that the municipality take steps to have the building demolished.

REPORT

Due to the age of the building, Building Inspection Division records are limited, however they do indicate that the building was constructed sometime prior to 1954. The Licence Department reports that the building was last occupied in 1983 December, at which time the building tenant went out of business. Since that time the Fire Department, the Environmental Health Division and the Building Inspection Division have responded to fire calls and complaints on numerous occasions.

Planning & Building Inspect
Re: 7910 Buller Avenue, Bu
1987 April 21

ITEM 2
MANAGER'S REPORT NO. 34
COUNCIL MEETING 88/05/09

REPORT NO. 6
DATE OF REPORTING 87/04/21

The first order to secure the premises from unauthorized entry was issued to the owner by the Fire Department 1984 January 06. As no response was received, the Engineering Department was requested to secure the premises on 1984 January 13. Municipal crews have had to re-secure the premises a number of times since. The owner has been invoiced for the costs totalling \$1480.52 associated with securing the premises, but as these invoices were not paid, the costs were rolled into the property taxes. The 1985 and 1986 property taxes are still outstanding and total \$7,851.74, including interest. If the 1985 taxes are not completely paid, the property will go to a tax sale on 1987 September 30.

The Environmental Health Division has also had to respond to complaints regarding conditions of unsightly premises at the subject address, most recently on 1987 March 20. As a result of their inspection, the registered owner was ordered to comply with the Unsightly Premises By-law by 1987 April 15. Should the owner fail to comply, the Environmental Health Division will direct municipal engineering staff to bring the property into compliance and invoice the owner for costs.

Following a recent fire, the Building Inspection Division staff inspected the subject premises and report that the building has interior structural damage. A significant portion of the first floor (above the crawlspace) has been burnt through and consequently the interior bearing walls have lost their integrity. The Division has ordered the owner to secure the building against unauthorized occupancy and to either repair the building under permit or demolish the building under permit. Should the owner fail to comply with the Building Inspection Division order, and in light of the extensive fire and vandalism damage, staff will recommend to Council that the subject building be demolished.

Authority to demolish a building that Council believes is in an unsafe condition is given in Section 735 of the Municipal Act. Authority to remove or pull down a building that Council believes is so dilapidated or unclean as to be offensive to the community is given in Section 936 of the Municipal Act. This recommendation would necessarily form the basis of another report to Council.

Staff has informed Mrs. J. P. West of the contents of this report.

AJ
AJE:im


A.L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION

cc: Director Administrative & Community Services
Chief Building Inspector

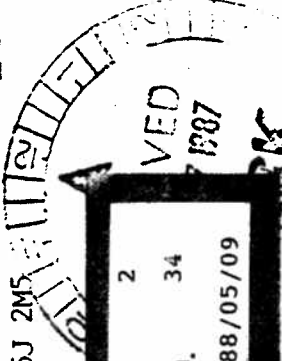
~~CORRESPONDENCE AND PETITIONS~~
~~Regular Council Meeting~~
~~1987 April 13~~

7-00

ATTACHMENT #2

107

5950 Clinton St.
 Burnaby, B. C. V5J 2M5
 April 4th, 1987.



ITEM	2
MANAGER'S REPORT NO.	34
COUNCIL MEETING	88/05/09

Municipality of Burnaby,
 4949 Canada,
 Burnaby, B. C.

Dear Sirs: Re: Vacant Building S. E. corner of Buller & Portland Sts. Burnaby.

We are submitting this complaint regarding the above building because it is extremely unsightly and a hazard to the residents of this area. The building has been unoccupied for approximately six years, and improperly maintained and in a rundown condition for at least 20 years prior to that. In short, it has been an absolute disgrace for as long as neighbouring residents can remember. We are surprised that the municipality has not done anything to improve the situation before this.

The doors and windows have been broken out and the building has been a hangout for juveniles. It has long been a fire hazard, as can be testified to by the Burnaby Fire Department who have made many calls there, most recently to put out fires occurring on March 22nd and 23rd. In addition, the building is surrounded by garbage, abandoned furniture and rotted stairways which have fallen off. In any case we believe this building to be improper for the residential zoning.

We feel it is unfair that residents who try to keep the neighborhood in a neat and orderly fashion have to tolerate this eyesore. Would you please take the necessary steps to have this building removed immediately.

Yours sincerely,

Mr. & Mrs. J. P. West
5857 7th Ave. S.E.
Burnaby

Mr. & Mrs. J. P. West
5857 7th Ave. S.E.
Burnaby
5857 7th Ave. S.E.
Burnaby
6012 Portland St
Burnaby BC
Susan Gordon
5894 Portland St
R. Davis
5907 McKee Street
Blackburn
7864 Buller Ave.
5989 9th - Portland
5989 9th - Burnaby
W & Buller Portland
6012 Portland

INTERNAL DISTRIBUTION:
 AGENDA
 : - COPY - MUNICIPAL MANAGER
 : - DIR. ADMIN. & COMM. SERV.
 : - DIR. PLNG. & BLDG. INSP.
 : - CHIEF PUBLIC HEALTH INSP. (FOR REPORT)
 : - FIRE CHIEF

127

Portland.

(5906)	3725
2012	2012
M10	

Butler 2291

c-1

~~CORRESPONDENCE AND PETITIONS
Regular Council Meeting
1987 April 13~~

ITEM	2
MANAGER'S REPORT NO.	34
COUNCIL MEETING	88/05/09

Carol Cunniff, 5807 McKee St

Barbara Cunniff, "

Christine Pearson 5808 McKee St.

Keith Pearson 5808 "

Arman Arpin 5864 "

~~Paul Cunniff~~ 5864 "

Jing Shatt 5904 MCKEE ST.

Robinson Linnell 5104 - McKee St

April Satchell 5904 McKee St

Nancy + Ed Fikler 5925 McKee St.

Mr + Mrs J. Sandmore 5941 McKee St.

Mr + Mrs G. Kelley 5967 McKee

James Turk 5951 Portland St.

Mr + Mrs. Domenico Buccarino
5970 Clinton St. 438-5673.

Mr + Mrs E M. Mundy
5969 Portland St 433-5257

ITEM	2
MANAGER'S REPORT NO.	34
COUNCIL MEETING	88/05/09

ATTACHMENT #3

109

294-7130

1987 April 15

CERTIFIED MAIL

M. K. Chew
Box 2221
349 West Georgia Street
Vancouver, B. C.
V6B 3W2

Subject: 7910 Buller Avenue, Burnaby
Lot 10, D. L. 159, Plan 1393

Your fire-damaged commercial building was recently checked by D. A. Butler, Building Inspector, and the following items require repair or attention:

Building

- (a) Ensure that the building is secure against further unauthorized entry until such time as repairs have been completed or otherwise have the premises demolished under permit.
- (b) Obtain a building permit authorizing repair of the premises to restore it to its original status, and call for inspection.
- (c) Repair all fire-damaged construction in accordance with current regulations (National Building Code of Canada 1980).

Electrical

- (a) Have a certified electrical contractor obtain an electrical permit for all fire repair work and call for inspection of corrections.
- (b) Renew all fire-damaged electrical equipment in accordance with current regulations.

Plumbing

- (a) Have the repair work done by a plumbing contractor under permit and call for inspection.

ITEM 2
MANAGER'S REPORT NO. 34
COUNCIL MEETING 88/05/09

M. K. Chew

Page 2

1987 April 15

Gas Fitting

- (a) Have all gas fitting repair work done by a licenced gas fitter under a gas fitting permit and call for inspection.

Failure to attend to the above work on or before 1987 May 19 may result in Building Inspection Division staff recommending to Municipal Council that the subject building be demolished under Section 735 or Section 936 of the Municipal Act. For information concerning specific permit or inspection requirements, please telephone this Division at 294-7130 between 08:30 and 16:30.



A. J. Ertis, P. Eng.
ASSISTANT CHIEF BUILDING INSPECTOR

DGS/jce

cc: Supervisor, Building Inspections
Supervisor, Electrical Inspections
Supervisor, Plumbing & Gas Inspections
Fire Prevention Office



THE CORPORATION
OF THE DISTRICT OF
BURNABY

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

Planning & Building Inspection Department
Building Inspection Division

CERTIFIED MAIL

M. K. Chew
Box 2221
349 West Georgia Street
Vancouver, B. C.
V6B 3W2

Subject: 7910 Buller Avenue, Burnaby

Your fire-damaged commercial building was checked by Mr. D. A. Butler, Building Inspector, and the following items were noted to need repair or attention:

Building

- (a) Ensure that the building is secure against further unauthorized entry until such time as repairs have been completed or otherwise have the premises demolished under permit.
- (b) Obtain a building permit authorizing repair of the premises to restore it to its original status, and call for inspection.
- (c) Repair all fire-damaged construction in accordance with current regulations (1985 B. C. Building Code).

Electrical

- (a) Have a certified electrical contractor obtain an electrical permit for all fire repair work and call for inspection of corrections.
- (b) Renew all fire-damaged electrical equipment in accordance with current regulations.

Plumbing

- (a) Have the repair work done by a plumbing contractor under permit and call for inspection.

ITEM 2
MANAGER'S REPORT NO. 34
COUNCIL MEETING 88/05/09

ATTACHMENT #4

111

Telephone (604)

294-7130

1988 January 07

M. K. Chew

Page 2

1988 January 07

Gas Fitting

- (a) Have all gas fitting repair work done by a licenced gas fitter under a gas fitting permit and call for inspection.

Failure to attend to the above work on or before 1988 February 10 may result in Building Inspection Division staff recommending to Municipal Council that the subject building be demolished, under the authority of Section 936 of the Municipal Act. For information concerning specific permit or inspection requirements, please telephone this Division at 294-7130 between 08:30 and 16:30.

Alt Lt

A. J. Ertis, P. Eng.
ASSISTANT CHIEF BUILDING INSPECTOR

AJE/jce

cc: Supervisor, Building Inspections
Supervisor, Electrical Inspections
Supervisor, Plumbing & Gas Inspections
Plan Checking Supervisor
Fire Prevention Office

Kan Chew (VIA CERTIFIED MAIL)
31 North Hythe Avenue
Burnaby, B. C. V5B 1G3

