

TO: MUNICIPAL MANAGER 1991 JANUARY 07

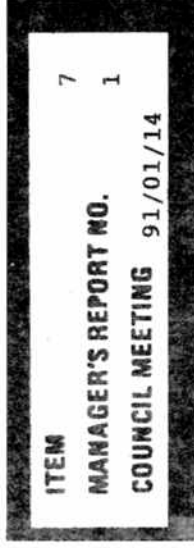
FROM: DIRECTOR PLANNING & BUILDING INSPECTION

SUBJECT: 4617, 4631, 4637, 4643, 4653, 4665, AND 4685 HAZEL STREET AND 4652, 4658 AND 4666 GRANGE STREET (Cross reference rezoning #86/89 See attached sketch)

PURPOSE: TO OBTAIN COUNCIL APPROVAL TO DECLARE THE PREMISES A NUISANCE AND ORDER THEIR REMOVAL.

RECOMMENDATIONS:

1. THAT Council declare the buildings located at the subject addresses a nuisance and order that they be removed by their owner within 30 days after the service of the order.
2. THAT Council order that:
 - (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 other, may enter and carry out the demolition of the building and the removal of related debris from the properties, at the expense of the owner.
 - (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 removal of related debris, including all incidental expenses, if unpaid on 1991 December 31, shall be added to and form part of the taxes payable on the subject lands for real property as taxes in arrears.
3. THAT a copy of this report be provided to the registered owners of the properties: 204 Sail View Ventures Ltd., 510 - 510 West Hastings Street, Vancouver, B.C. V6B 1L8.
4. THAT a copy of this report be provided to all parties registered as having an interest in or a charge against these properties.



Summary

While the property owners have expressed concern over the conditions of the buildings, they cannot or have not taken steps to comply with the Fire Prevention Officers' notice to board up and secure and maintain the premises. They are unable to provide us with a definite commitment to secure or remove the buildings in the near future. It is the staff's opinion that these dwellings are generally beyond repair and that they remain a constant safety hazard for the community. They are also an open invitation to vandals and vagrants.

The option of immediately cleaning up the sites and securing the premises or of applying for a demolition permit to remove the buildings prior to the enforcement of an Order by Council remains with the owners. However, considering the inaction of the owners to date, and the fact that the buildings have remained in an unoccupied, unsightly, and unsafe condition for a considerable period of time, it is recommended that Council act under the authority provided in Section 936 of the Municipal Act.

Background

At the regular Council meeting of 1990 November 13, Council requested that staff investigate the safety of abandoned homes located in the 4600 blocks of Hazel Street and Grange Street. Council expressed concern that these buildings have been abandoned and are subject to vandalism, and requested staff to determine whether or not they could be demolished.

An application for rezoning for the site as Rezoning #86/89 has been made by 204 Sail View Ventures Ltd. doing business as Markin Developments. This rezoning application was submitted to a Public Hearing and was granted second reading of the rezoning bylaw on 1990 February 26. In recent months, the application has not been actively pursued and is considered in abeyance pending, to our understanding, financial restructuring of the project by the applicant. 204 Sail View Ventures Ltd. now own the ten properties referenced in this report for which demolition of existing buildings are recommended.

REPORT

The staff of the Building Division have been communicating with the principals of 204 Sail View Ventures Ltd. since 1990 November 21. Although these individuals have verbally acknowledged that the ten vacant houses do represent a safety hazard, they have stated that their company does not currently have the economic resources to remove or otherwise safely maintain the buildings in question.

On 1990 December 07, the property owners were advised in writing that it was staff's intention to recommend to Council that they declare the ten buildings to be a public nuisance and to order their removal.

On 1990 December 19, staff from the Building Inspection Division again viewed the properties and noted the following:

4617 Hazel Street - Vacant and remains open. It has not been secured or boarded up and has been partially vandalized.

4631 Hazel Street - Has been boarded up, but a lower rear door has been removed, leaving the premises open to the public.

4637 Hazel Street - Is now a burned out shell and has not been boarded up or secured since the fire.

- 4643 Hazel Street - Has been boarded up, but the rear door has been removed, allowing the public to have access to the building.
- 4653 Hazel Street - Has been boarded up and is secure.
- 4665 Hazel Street - Has been badly burned and has not been boarded up or secured since the fire.
- 4685 Hazel Street - Remains open to the public. The windows are broken and have not been boarded up or secured.
- 5652 Grange St. - Has been boarded up and is secure.
- 4658 Grange St. - Has been boarded up, but a lower rear door has been knocked off its hinges, allowing public access, and the yard is being used to dump garbage.
- 4666 Grange St. - Has not been boarded up or secured. The windows are broken and the rear yard is full of garbage.

The Environmental Health Division reports that they have been dealing with complaints regarding the unsightly premises since 1990 September and that letters ordering the removal of large accumulations of building materials, refuse, furniture and garbage from the property were sent to the owners. These orders were not complied with. The Environmental Health Division support the recommendations contained in this report.

Our Fire Prevention Office have corresponded with the law firm representing the property owners, and have given them notice to board up, secure, and maintain the premises against trespass or demolish the premises under permit, and remove the resultant debris, or under permit to bring the properties up to municipal standards. No action has been taken to comply with this notice, and the Fire Prevention Office indicates that: "The buildings on these sites remain a constant safety hazard."

On 1990 December 19, staff from the Building Inspection Division spoke by telephone with a representative of the property owner. This individual indicated that negotiations were under way to attract a new partner for the project. He anticipated that these negotiations should be complete by mid-January 1991. He also indicated that if the negotiations were successful, the owner would be in an economic position to demolish the buildings by "the end of January".

Municipal Act

Section 936 of the Municipal Act states:

- "(1) The council may declare a building, structure or erection of any kind, or a drain, ditch, watercourse, pond, surface water or other kind of 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 the 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 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 the 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 arrears.

(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, erection of any kind which the council believes is so dilapidated or unclean as to be offensive to the community."

Pictures of the properties are available with the Municipal Clerk.

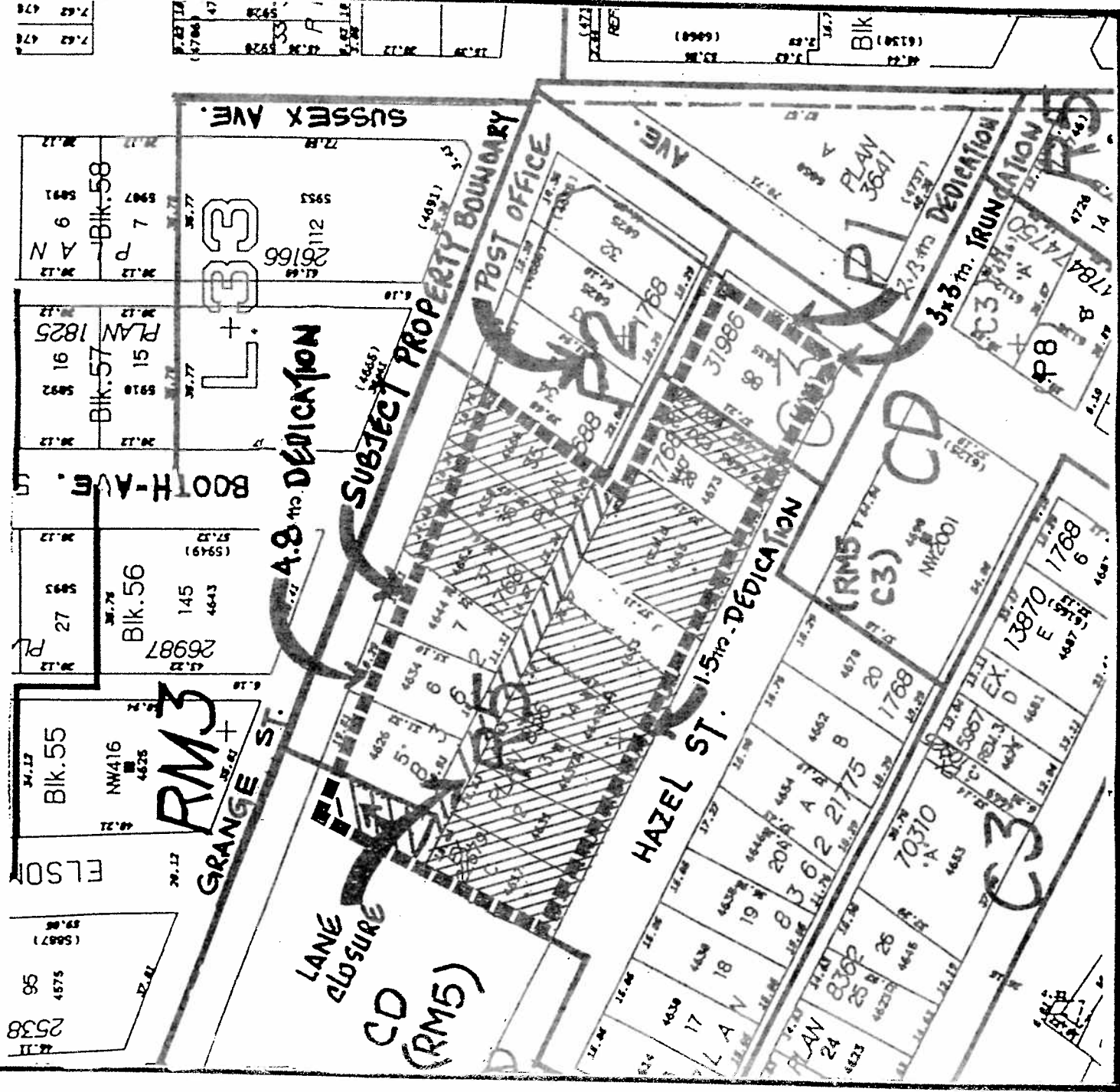

DWM:lm

Attach

cc: CHIEF BUILDING INSPECTOR
MUNICIPAL SOLICITOR
CHIEF PUBLIC HEALTH INSPECTOR
CHIEF FIRE PREVENTION OFFICER


A.L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION

ITEM 7
 MANAGER'S REPORT NO. 1
 COUNCIL MEETING 91/01/14



BURNABY
 Planning &
 Building Inspection
 Department

PROPERTIES WITH
 BUILDINGS RECOMMENDED
 FOR DEMOLITION



Date: 1989 NOVEMBER

Scale: N:1.5.

REZONING # 86/89

Drawn By: J.P.C.

