

ITEM 4
MANAGER'S REPORT NO. 53
COUNCIL MEETING 91/09/16

TO: MUNICIPAL MANAGER 1991 September 10

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: 9601 LOUGHEED HIGHWAY, BURNABY
LOTS 1 & 8, D.L. 4, GRP. 1, PLAN 845

PURPOSE: TO OBTAIN COUNCIL'S APPROVAL TO DECLARE THE PREMISES A NUISANCE
AND ORDER ITS REMOVAL.

RECOMMENDATIONS:

1. THAT council declare the building located at the subject address a nuisance and order that it be removed by the owner within 14 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 the 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 removal of the 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 property:

A.V. Three Holdings Ltd.,
A.P. Six Holdings Ltd., and
J.V.C. Development Ltd.
c/o Third Floor, 1066 Fort Street
Victoria, B.C. V8V 3K4

4. THAT a copy of this report be provided to all parties registered as having an interest in or a charge against this property.

Summary

Previous attempts to board up and secure the building at 9601 Lougheed Highway have proven to be ineffective, and it remains an open invitation to vandals and vagrants.

Recognizing that the building remains a constant safety hazard for the community, it is recommended that Council act under the authority provided in Section 936 of the Municipal Act and order its removal.

Background

On 1991 July 17, the Chief Building Inspector advised the property owners by Return Registered mail that if the site was not cleaned up and the building made safe and secure by 1991 August 26, Council would be requested to declare the building a public nuisance and to order its removal.

On 1991 August 26, the property owners applied for and received a permit to demolish the building.

At the regular Council meeting of 1991 September 03, Council received a report from the Director of Planning and Building Inspection regarding the subject property. This report noted that a Mr. Vincent Kwan, an architect acting on behalf of the property owners, had applied for and was issued a permit to demolish the building at 9601 Loughheed Highway. At that time, Mr. Kwan had indicated that the demolition work was expected to be completed by the end of August or at the latest, by the first week of September.

The report concluded that Building Department staff would re-inspect the site on 1991 September 9, and that if the demolition had not been completed by that date, staff would report back to Council recommending that the building be declared a nuisance and that Council order its removal.

REPORT

On the morning of 1991 September 6, staff from the Building Inspection Division spoke with Mr. Vincent Kwan. At that time Mr. Kwan indicated that he was having trouble arranging for the demolition of the building and that he was considering trying to secure the site again as an alternative to demolition.

On the morning of 1991 September 9, Building Department staff re-inspected the site and found that the building had not yet been demolished and that no efforts had been made to board it up or make it secure.

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, water-course, 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.

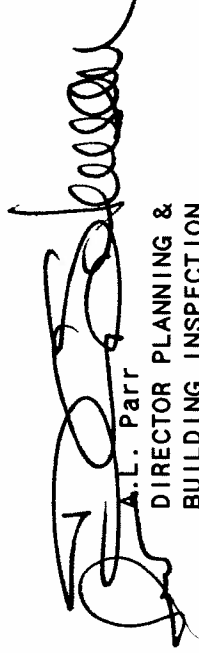
- (3) The council may further order that, in case of default by the owner, agent, lessee or occupier to comply with the order within the period named in it, the municipality, by its employees and others, may enter and effect the removal, pulling down, filling up or other dealing at the expense of the 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."

Pictures of the property are available with the Municipal Clerk.

DWM:lb



cc: Chief Building Inspector
Municipal Solicitor
Chief Public Health Inspector
Chief Fire Prevention Officer
Director of Finance



A.L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

