

TO: MUNICIPAL MANAGER 1991 NOVEMBER 25

FROM: DIRECTOR PLANNING
AND BUILDING

SUBJECT: 5666 RUMBLE STREET, BURNABY
LOT 13, GRP. 1, D.L. 159, PLAN 2143

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 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 may, by its employees or others, 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.
 - (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 the related debris, including all incidental expenses if unpaid on 1992 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 owner of the property:

Sun & Son's Corporation
#101 - 5831 Cedarbridge Way
Richmond, B.C. V6X 2A8
4. THAT a copy of this report be provided to all parties registered as having an interest in or a charge against this property.

REPORT

Summary:

The property owner has been ordered to secure the premises and maintain it against trespass, or demolish the premises under permit and remove the resultant debris, or under permit to bring it up to municipal standards for occupancy. The owner has indicated that he would like to see the house demolished, but does not have the money necessary to demolish it at this time.

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 April 17, a Mr. Andy Suen, who is the director and sole principal of the company that owns the property, contacted our Supervisor of Building Inspections to ask if the structure could be maintained as it is or if it would have to be demolished.

On 1991 April 23, the building was inspected and the inspector reported that the structure was laterally unstable at the crawl space level, and that the side walls at the crawl space are either missing or rotten. As a result, the crawl space can easily be accessed by children. The inspector also noted that the living areas were accessible at the rear of the building and that they were an open invitation to vandals, vagrants and arsonists. In addition, there were large piles of debris scattered around the property.

On 1991 May 08, a letter was sent by the Assistant Chief Building Inspector advising Mr. Andy Suen that the structural capabilities of the building above the foundation had deteriorated to a point that a total upgrading would have to be undertaken prior to any renovations being authorized. That letter further noted that an inspection conducted by the firm of Construction Testing and Inspection Ltd. of Port Coquitlam had concluded that the existing foundation system would not support any alterations or additions. As a result of these findings, the letter recommended that the subject dwelling be demolished and that in the interim it be properly secured to prevent access by the public.

Subsequent re-inspections of the building confirmed that it had not been properly secured or demolished, and on 1991 October 07 a letter was sent to the property owner by the Assistant Chief Building Inspector ordering that they:

- (1) secure the premises and maintain it against trespass;
- (2) demolish the premises under permit and remove the resultant debris; or
- (3) under permit bring it up to municipal standards for occupancy.

On 1991 November 08, staff spoke with Mr. Andy Suen. At that time Mr. Suen indicated that he did want to have the building demolished, but that he did not then "have the money to deal with this problem". At that time Mr. Suen indicated that he would be sending the Building Division a letter which would outline his plans for the property.

On 1991 November 19, the Building Inspection Division received a letter signed by Mr. Andy Suen for Sun & Son's Corporation. That letter indicated that Mr. Suen's company is not currently in the financial position to afford to demolish the building as ordered by the Assistant Chief Building Inspector. That letter also stated that Mr. Suen agreed that the building is not a safe structure, and that it is in the interests of everyone to have the structure demolished as soon as possible. A copy of this letter (Attachment A) is included with this report.

On the morning of 1991 November 20, Building Department staff re-inspected the site and found that the building had not yet been demolished and that no effort 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, 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 the 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 a 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:lm
ENC.


A.L. Parr
DIRECTOR PLANNING
AND BUILDING

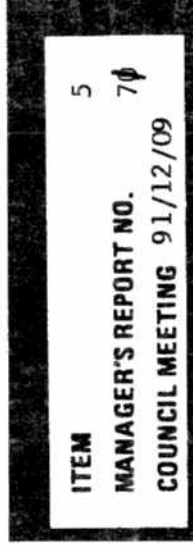
cc: CHIEF BUILDING INSPECTOR
MUNICIPAL SOLICITOR
CHIEF FIRE PREVENTION OFFICER
DIRECTOR FINANCE

ATTACHMENT A

FROM : A. Suen

PHONE NO. : 872 4729

P01



Andy Suen
Sun & Son's Corporation
Box 69693, Station K
Vancouver, B.C.
V5K 4W7
Tele: 290-1727
Fax: 251-1486

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Mr. Dan Mulligan
Chief Inspector
Burnaby Building Department
4949 Canada Way
Burnaby, B.C.
V5G 1M2

Dear Sir,

Re: 5666 Rumble Street, Burnaby

Your letter dated October 7, 1991 has been received. Due to current litigation and loss suffered by Vendor mis-representation to us on purchase of property, our company is not in the financial position to afford a scheduled demolition as called for in your letter.

We however, agree to your opinion that the building is a non-safe structure. It is of every parties concern and interest to have the structure demolished at the soonest.

I wish this letter will clarify our company's position in response to your notification on removal of those buildings located at the premises. This letter also serves as consent to demolition of all remaining structures at the above address ordered by the Corporation of Burnaby. If I can be of any further help, please call me at 290-1727.

Yours truly,

Andy Suen For
Sun & Son's Corporation