

ITEM 7  
MANAGER'S REPORT NO. 38  
COUNCIL MEETING 92/05/25

TO: ACTING MUNICIPAL MANAGER 1992 May 21  
FROM: DIRECTOR PLANNING AND BUILDING Our File:  
SUBJECT: ENFORCING STANDARDS OF MAINTENANCE IN RESIDENTIAL AREAS

PURPOSE: To respond to concerns raised in a letter from Mr. Larry Reader of 7049 Nelson Avenue, Burnaby, B.C. V5J 4B9.

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RECOMMENDATIONS:

1. THAT a copy of this report be sent to Mr. Larry Reader, 7049 Nelson Avenue, Burnaby, B.C. V5J 4B9.

REPORT

1.0 BACKGROUND

At its meeting of 1992 February 24, Council received correspondence from Mr. Larry Reader of 7049 Nelson Avenue. Mr. Reader raises several concerns about the apparent reduction in the level of maintenance of residential properties in his neighbourhood. In response, Council requested that staff prepare a report in response to Mr. Reader's concerns.

This report responds to this request.

2.0 THE NEIGHBOURHOOD SURROUNDING 7049 NELSON AVENUE

Staff has surveyed Mr. Reader's neighbourhood and found that approximately one third of the houses are under absentee ownership, with two of the properties having containing houses that are under construction. There are differing levels of maintenance in the neighbourhood, but the lower standards are not necessarily related to absentee ownership.

It is apparent that Mr. Reader's neighbourhood is experiencing some pressure for redevelopment of the older housing stock to new much larger dwellings. With this, some houses are being purchased for eventual demolition, and in the interim are rented out with little consideration to maintenance.

3.0 STANDARDS OF MAINTENANCE BYLAWS

Currently, a local government can require that zoning, building code, fire and health standards be maintained. It cannot, however, require that minimum levels of maintenance be sustained for residential properties, for example, that landscaping is maintained or that exterior surfaces are in good repair. The Municipality does have an "Unsanitary Premises Bylaw," that is administered by the Public Health Inspector. This bylaw requires owners or occupiers of property to remove any accumulation of "filth, discarded materials or rubbish of any kind." This bylaw does not deal with issues of general maintenance referred to in Mr. Reader's letter.

The intent of the minimum standards regulations is to protect residents in a neighborhood from those few residents whose attitudes towards maintenance of their property produces a local nuisance.

While the City of Vancouver has the authority to legislate and enforce standards of maintenance by virtue of provisions in its Charter, no such enabling legislation exists for Municipalities under the Municipal Act. As a result, there is no valid authority at this time for passage of a Standards of Maintenance Bylaw.

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In 1978, Municipal Council considered adopting a Standards of Maintenance Bylaw in connection with the Neighbourhood Improvement Program (N.I.P.) and the Residential Rehabilitation Assistance Program (R.R.A.P.) funding agreements entered into in the 1970s. The general thrust of the proposed minimum standards bylaw was directed at the preservation of the environment in older residential neighbourhoods. However, strong opposition to the bylaw was expressed by Council for the following reasons:

- \* the lack of Provincial enabling legislation to adopt and enforce a Minimum Maintenance Standards Bylaw
- \* the feeling that Council did not have the moral right to dictate to individuals how they should keep up the private interiors of their dwelling
- \* concern that this type of bylaw may impose hardship on people who might not be able to afford to upgrade their homes
- \* the view that the bylaw could not be actively enforced.

Burnaby has in the past on two occasions, sponsored resolutions to the Union of B.C. Municipalities requesting that the provincial government amend the municipal act to provide municipalities with the authority to enact a Standards of Maintenance Bylaw, similar to that enacted by the City of Vancouver. In these cases, the resolution was put forward in the context of giving local governments the ability to require that landlords undertake maintenance that would assure appropriate living conditions in rental accommodation. Currently, tenants must use the arbitration service of the Residential Tenancy Branch if landlords will not undertake repairs. The resolution was not endorsed by the UBCM conference in 1989 or 1990.

#### 4.0 COMMENTS FROM THE RCMP

The Officer-in-Charge of the Burnaby Detachment of the RCMP was asked to respond to Mr. Reader's comments about crime in the area. The RCMP notes that there has been increases in Break and Enter, Property Crime, Theft and Property Damage incidences over the last few years.

In addition, the RCMP adds that many factors are responsible for the increasing crime rates in this area and in Burnaby as a whole, but there are no statistical data to address the problem of absentee landlords in assessing this as a factor in increasing crime as addressed by Mr. Reader.

The R.C.M.P. would urge Mr. Reader to remain involved in his Block Watch Program as this program has had a positive effect on helping maintain neighbourhood livability.

5.0 CONCLUSION

Currently, the Municipality does not have the legal authority, beyond the health and safety issues covered by the Unsightly Premises Bylaw, to ensure that residents maintain their properties to a reasonable standard. Past attempts to obtain support from other municipalities in requesting that the Municipal Act be amended have not been successful. The issue of what are appropriate standards of maintenance is considered to be subjective and to a large extent, influenced by an individual's own value system and would be impractical to regulate by bylaw. What is acceptable maintenance to one person may be less than satisfactory to another person.

Staff will discuss the contents of this report with Mr. Reader.

*ALP.*  
BG/mm

6 *A.L. Parr*  
A.L. Parr, Director  
PLANNING AND BUILDING

cc: O.I.C. - Burnaby Detachment, R.C.M.P.

