

TO: MUNICIPAL MANAGER 1992 JANUARY 20

FROM: DIRECTOR OF PLANNING &
BUILDING INSPECTION

SUBJECT: 3965 SECOND AVENUE, BURNABY
LOT 14, BLOCK 34, DISTRICT LOT 117, PLAN 1222

PURPOSE: TO OBTAIN COUNCIL'S APPROVAL TO DECLARE THE BUILDING ON
THE SUBJECT PROPERTY A NUISANCE AND ORDER IT DEMOLISHED.

RECOMMENDATIONS

1. THAT Council declare the building at the rear of the sub-
ject property a nuisance and order that it be demolished by
the owner within 30 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
by its employees or other may enter and demolish the
building 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,
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
owners of the property:

Rudolph Prochazka
4360 Miller Street
Vancouver, B.C.
V5N 4A2
4. THAT a copy of this report be provided to all parties
registered as having an interest in or charge against this
property.

Summary

The industrial shop at the rear of 3965 Second Avenue Burnaby
B.C. is structurally unsound as a result of fire damage. Previous
attempts to have the owner demolish the building have proven
ineffective. Recognizing the potential hazard the building
presents, it is recommended that Council act under the authority

Background cont'd

On 1990 January 30 the owner was notified by the Assistant Chief Building Inspector that the structural integrity of the building had deteriorated, and was requested to secure the load bearing walls of the building against collapse, or demolish the building before 1990 March 15.

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On 1991 November 07 the building was further damaged by fire. The owner was ordered by the Assistant Chief Building Inspector to have the building demolished on or before 1991 December 31. The owner was also notified by the local Assistant Fire Commissioner that the premises were a life hazard to others, and to demolish the premises under permit, and remove the resultant debris forthwith.

Reinspection of the site on 1992 January 02 showed there was no change in the site.

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 an 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 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.

Conclusion

As long as the building is standing, it represents a potential hazard to the property residents and area neighbours. It is hereby recommended that Council declare it a nuisance and order its demolition. Photographs are available from the Municipal