

ITEM	25
MANAGER'S REPORT NO.	6
COUNCIL MEETING	93/01/25

TO: CITY MANAGER

1993 January 25

FROM: ACTING DIRECTOR
OF PLANNING & BUILDING

SUBJECT: 6868 COLBORNE AVENUE, BURNABY
LOT 12, D.L. 96, GRP. 1, PLAN 1349

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 its 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 with the period named in it, the City by its employees or others 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 the related debris including all incidental expenses if unpaid on 1993 December 31, shall be added to and form part of the taxes payable on the subject land for real property as taxes in arrears.
3. THAT a copy of this report be provided to the registered owner of the property at the address provided to the Tax Department in her letter of 1993 January 6:

Monica L. Foo
Tampiness South
P.O. Box 0416
Singapore
9152

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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

All attempts to permanently board up and secure the vacant and abandoned building at 6868 Colborne Avenue have proven ineffective. The Engineering Department has boarded up the building twice, most recently after the Fire Department was called to put out a fire in the building.

Attempts to contact the owner who lives in Singapore have resulted in no replies or the return of unclaimed mail.

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

In the early morning of 1993 January 09, the Burnaby Fire Department attended a house fire at the subject address. The total house was involved in the fire. The vacant house was boarded up for the second time in four months by the Engineering Department.

The Building Department's involvement began in September of 1992, when the Chief Building Inspector directed the Engineering Department to board up the house. Municipal records suggest that the house has been vacant since September of 1991 and according to R.C.M.P. has been used by transients. Photographs on file in the Building Division show how the interior of the house has been vandalized and are available for Council's viewing on request.

All attempts by the Fire Department and the Building Department to find someone locally who currently manages the property have failed.

Records show the property owner lives in Singapore and due to untimely changes of address, all letters sent double registered from the Building Department or Fire Department, requesting the owner take responsibility for the property, have been returned.

The invoice for the costs of securing the premises was mailed and forwarded to the property owner, Monica Foo. This invoice has recently been paid (received January 14) and includes a notice of change of address.

A letter to the owner is being prepared concurrent with this Report to notify them of the events that have taken place and that a report is being prepared to have the property declared a nuisance and demolition ordered.

Authority

Section 936 of the Municipal Act states:

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"936. (1) The council may declare a building, structure or erection of any kind, or a 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 know 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.

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(5) This section applies to any building, structure or erection of any kind which the council believes is so dilapidated as to be offensive to the community."

Previous attempts to secure the premises from unauthorized intrusion had only temporary success and the present condition of the premises is no guarantee that future fires will not be started. Approval of the recommendations of this report will provide staff with the means to ensure that a permanent solution is achieved.



D. G. Stenson
 ACTING DIRECTOR
 PLANNING & BUILDING

RMK:rmk

- cc. Chief Building Inspector
- City Solicitor
- Acting Chief Public Health Inspector
- Chief Fire Prevention Officer
- Director Finance