

**TO:** CITY MANAGER

1998 OCTOBER 22

**FROM:** DIRECTOR PLANNING & BUILDING

**SUBJECT:** 4075 AND 4091 DOMINION STREET  
LOTS 7 & 8, BLK. 33, D.L. 69, GROUP 1, NWD PLAN 1321

**PURPOSE:** To obtain Council approval to declare the subject buildings a nuisance and order their removal.

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**RECOMMENDATIONS:**

- 1) **THAT** Council order that the subject buildings be removed by their owners within 30 days of the service of the order.
- 2) **THAT** Council order:
  - (a) in the case of default by the owners to comply with the order within the period named in it, the City, 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
  - (b) that the charges for doing the work under paragraph (a), including all incidental expenses, if unpaid on December 31 in any year, are to be added to and form part of the taxes payable on that land or real property as taxes in arrear.
- 3) **THAT** a notice of the order be provided to the following persons, either by serving the order or by sending the order by "Registered" mail:
  - (a) the owners of the land where the nuisance exists; (Please see *attached Appendix "A"*);
  - (b) all other persons who are recorded in the land title office as having an interest in the land;
  - (c) the agent, if known, of the registered owners of the land;
  - (d) the lessee or occupier of the land.

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## REPORT

### 1.0 SUMMARY:

All attempts to permanently board up and secure the vacant and abandoned buildings at 4075 and 4091 Dominion Street have proven ineffective. On six separate occasions, the owners have been ordered to make these premises secure against trespass. Additionally, staff have received complaints from owners of adjoining properties with respect to the condition of these properties.

Recognizing that the buildings remain a constant safety hazard for the community, it is recommended that Council act under the authority provided in Section 727(1)(a) and (b) of the Municipal Act and order their removal.

### 2.0 BACKGROUND:

The Burnaby Fire Prevention Office has an active file on the subject properties dating from 1997 October 09. (Please see *attached* Appendix "B"). The owners have been ordered on six separate occasions to make these premises secure against trespass and intrusion by unauthorized persons.

On 1998 August 05, Fire Inspection staff investigated a possible arson fire at the subject homes. The dwelling at 4091 Dominion Street was completely destroyed by fire and the dwelling at 4075 Dominion Street extensively fire-damaged.

Complaints from neighbouring property owners with respect to the condition of the subject properties and buildings were received by the Burnaby Licence Department. Building Department inspection staff were asked by both the Burnaby Fire Department and the Burnaby Licence Department to pursue the demolition of the buildings and clean-up of this site.

A subsequent inspection by Building Department inspection staff on 1998 September 24 determined that the vacant dwelling at 4075 Dominion Street was in derelict condition and open to trespass. The detached buildings at the rear of both properties were open to trespass and contained a substantial amount of refuse. The debris, resulting from a fire which completely destroyed the dwelling at 4091 Dominion Street, has been left uncleared at the site. Pictures were taken at the time of inspection and are available at the City Clerk's office.

The subject properties are currently involved in a rezoning application. All buildings on properties undergoing the rezoning process are normally scheduled for demolition after Third Reading and prior to Final Adoption. In this case, the rezoning application passed Second Reading on 1995 April 03. No further progress on the rezoning application has taken place since that time. Additionally, it has been brought to the attention of Building Department staff that foreclosure proceedings are underway with respect to these properties.

Given the length of time that has passed since Second Reading and the pending foreclosure proceedings, the completion of this rezoning application would appear unlikely.

The owners were notified by letter dated 1998 October 01, that arising from the site inspection by Building Department staff and consultation with other City Departments, that application for a demolition permit to demolish all buildings on the subject properties and to remove all resultant debris and refuse from the site must be received by the Burnaby Building Department by 1998 October 16. The completion of the demolition and re-inspection of the site by City staff was required by 1998 October 30.

The owners were also notified that recognizing the buildings and debris on these sites remain a constant safety hazard for the community, that concurrent with the letter sent to them requiring the demolition of the buildings, a staff report was being prepared to obtain City Council approval under Section 727(1)(a) and (b) of the Municipal Act to declare the subject premises a nuisance and to order their removal, should the owners not comply with the demolition order.

### 3.0 CONCLUSION:

To-date, an application for the required demolition permit has not been received by the Building Department. The owners have not communicated with Building Department staff with respect to the demolition requirements.

Previous attempts to secure the premises against unauthorized intrusion have had only temporary success and the buildings remain a constant safety hazard for the community.

At this time, staff recommend that Council act under the authority provided in Section 727(1)(a) and (b) of the Municipal Act and order removal of these derelict buildings and the resultant debris and refuse from the site.



LP:ap  
*Attach.*

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D. G. Stenson  
DIRECTOR PLANNING & BUILDING

- cc. Deputy City Manager, Corporate Services  
Assistant Director, Current Planning  
Acting City Solicitor  
Chief Fire Prevention Officer (*Attn: Captain R. Shepherd*)  
Chief Building Inspector  
Chief Licence Inspector (*Attn: F. Slade*)

# APPENDIX "A"

## OWNERS OF 4091 AND 4075 DOMINION STREET, BURNABY, B.C.

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- 1) Alnoor Versi  
11<sup>th</sup> Floor - 400 Burrard Street  
Vancouver, B.C.  
V6C 3A6
  
- 2) Alnoor Remtulla  
3871 Elmwood Street  
Burnaby, B.C.  
V5G 1R9
  
- 3) Amin Bhulji  
1059 Delestre Avenue  
Coquitlam, B.C.  
V3K 2H1
  
- 4) Al-Nur Kassamali  
#102 - 3950 Linwood Street  
Burnaby, B.C.  
V5G 4R5
  
- 5) Aazam Karim  
3861 Pine Street  
Burnaby, B.C.  
V5G 1Z3
  
- 6) Shiraz Karmali  
#1 - 3360 - 14<sup>th</sup> Avenue N.E.  
Calgary, Alberta  
T2A 6J4
  
- 7) Mohamed Karmali  
#217 - 5 Sunny Glenway  
North York, Ontario  
M3C 2Z5

4075 AND 4091 DOMINION STREET  
BURNABY, B.C.

OCTOBER 09, 1997: Assistant Chief Fire Prevention Officer Peter MacNeil issued a registered letter (See attached). -

OCTOBER 24, 1997: Chief Fire Prevention Officer Sam Penner conducted a site inspection and the premises were again open to intrusion.

NOVEMBER 17, 1997: Inspector Doug Hahn conducted a site inspection, again homes were open to intrusion.

NOVEMBER 17, 1997: Two orders were issued by Inspector Doug Hahn to board up & secure premises (See attached). -

NOVEMBER 18, 1997: Registered Return letter was sent by Chief Fire Prevention Officer Sam Penner.

NOVEMBER 25, 1997: Reinspection by Inspector Doug Hahn.

DECEMBER 02, 1997: Warning issued by Inspector Doug Hahn to Board up and secure premises.

DECEMBER 06, 1997: Order complied with as per reinspection by Inspector Doug Hahn

DECEMBER 23, 1997: Reinspection by Inspector Doug Hahn.

JUNE 05, 1998: Site inspection by Inspector Doug Hahn - again open to intrusion.

JUNE 11, 1998: Reinspection by Inspector Doug Hahn.

AUGUST 05, 1998: Fire Inspector Richard Rawlings investigated a possible arson fire at subject homes.

AUGUST 19, 1998: Complaint received and Inspector Rob Hourigan acted on this matter (See attached).

SEPTEMBER 23, 1998: Captain Ross Shepherd inspected house at 4075 Dominion. Again open to intrusion.

SEPTEMBER 28, 1998: Registered Return letter sent by Captain Ross Shepherd to board up & secure the house (See attached).

