

TO: CITY MANAGER 1999 JUNE 17

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 3723, 3725, 3739 AND 3751 PENDER STREET, BURNABY, B.C.
WEST ½ LOT 17, EAST ½ LOT 17, LOT 16 AND LOT 15, ALL OF
BLK. 9, D. L. 116, GROUP 1, NWD PLAN 1236

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

RECOMMENDATIONS:

- 1) **THAT** Council declare that the buildings on privately owned property at 3723, 3725, 3739 and 3751 Pender Street are a nuisance.
- 2) **THAT** Council order that the subject buildings be removed by their owners within 30 days of the service of the order.
- 3) **THAT** Council order:
 - (a) in the case of default by the owner 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 owner, and
 - (b) that the charges for doing the work under paragraph (a), including all incidental expenses, if unpaid on December 31 of this year, are to be added to and form part of the taxes payable on that land or real property as taxes in arrears.
- 4) **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 owner of the subject lands;
 - (b) all other persons who are recorded in the Land Title Office as having an interest in the subject lands;

- (c) The agent, if known, of the registered owner of the subject lands:
- (d) the lessee or occupier of any of the subject lands.

REPORT

1.0 SUMMARY:

The four subject properties are owned by the same owner. All attempts to permanently board up and secure the vacant and derelict buildings at 3723, 3725, 3739 and 3751 Pender Street have proven ineffective. On three separate occasions, the owner has been ordered by the Burnaby Fire Prevention Inspector to make these premises secure against trespass. Additionally, we have received numerous 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 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 31. (Please see *attached* "Appendix A"). The owner has been ordered on three separate occasions to make these premises secure against trespass and intrusion by unauthorized persons.

It should be noted that on 1998 September 04, the buildings were ordered to be secured against intrusion and that Fire Suppression crews were warned of the presence of hazardous materials dumped in the subject buildings and to be aware of the dangers of having to extinguish a fire in these buildings.

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 the site.

A subsequent inspection by Building Department Inspection staff on 1999 April 26 determined that the vacant buildings were in derelict condition and open to trespass and contained a substantial amount of debris and refuse. The property surrounding the buildings was also littered with debris and refuse. Pictures were taken at the time of inspection and are available at the City Clerk's office. In staff's view, the buildings are so dilapidated and unclean as to be offensive to the community.

The subject properties are currently involved in a rezoning application (Rezoning Reference #32/97). The Planning Department is aware that the Building Department is pursuing demolition of the buildings at these sites and has advised that a demolition permit will not affect the rezoning process in any way and all normal procedures and approvals of the rezoning process are still required to be followed.

The owner was notified by letter dated 1999 May 03 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 1999 May 31. The completion of the demolition and re-inspection of the site by Building Department inspection staff was required by 1999 June 30.


The owner was 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 him requiring the demolition of the buildings, a staff report was being prepared to obtain City Council approval under Section 727 of the Municipal Act to declare the subject buildings a nuisance and to order their removal, should the owner not comply with the demolition order.

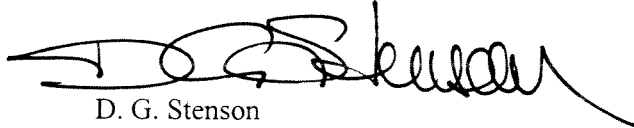
3.0 CONCLUSION:

To date, an application for the required demolition permit has not been received by the Building Department. The owner did communicate with Building Department staff requesting information with respect to demolition permit requirements, however, no further action has been taken by the owner.

Previous attempts to secure the buildings 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 of the Municipal Act and order removal of these derelict buildings and the resultant debris and refuse from the site.


LP:ap
Attach.
penderep.lp


D. G. Stenson
DIRECTOR PLANNING & BUILDING

cc: Deputy City Manager, Corporate Services
Assistant Director, Current Planning
Acting City Solicitor
Chief Fire Prevention Officer - (Attn.: D. A. Hahn)
Chief Licence Inspector
Chief Building Inspector

CITY OF BURNABY
INTER-OFFICE MEMORANDUM

TO: CHIEF LICENCE INSPECTOR

FROM: FIRE PREVENTION INSPECTOR, D. HAHN

SUBJECT: 3723, 3725 AND 3751 PENDER STREET

Outlined below is the Fire Department's record of the subject properties:

| | | |
|-----------------|------|--|
| October 31/97: | 3725 | Order to secure building against unauthorized entry B.C. Fire Code 2.4.6.1 |
| | 3739 | Order to secure building against unauthorized entry B.C. Fire Code 2.4.6.1 |
| | 3751 | Order to secure building against unauthorized entry B.C. Fire Code 2.4.6.1 |
| November 13/97: | 3725 | Order not complied |
| | 3739 | Order not complied |
| | 3751 | Order not complied |
| November 26/97: | 3739 | Order not complied |
| | 3751 | Order not complied |
| September 4/98: | 3725 | Company #5 complaint, open to intrusion |
| | 3739 | Company #5 complaint, open to intrusion |
| | 3751 | Company #5 complaint, open to intrusion |
| September 4/98: | 3725 | -Order (1) Remove all flammable & combustible liquids from property in an approved manner -Order (2) Vacant Buildings shall be secured against unauthorized entry B.C. Fire Code 2.4.6.1 |
| | 3751 | -Order (1) Remove all flammable & combustible liquids from property in an approved manner -Order (2) Vacant Buildings shall be secured against unauthorized entry B.C. Fire Code 2.4.6.1 |

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|-----------------|----------------------|---|
| September 4/98: | 3725 & 3751 | All Stations Bulletin warning Fire Suppression crews of Hazardous Materials dumped in subject buildings and to be Aware of dangers of having to extinguish a fire in subject buildings. |
| April 16/99: | 3725 3739 3751 | Open to intrusion. Order issued. Open to intrusion. Order issued. Open to intrusion. Order issued. |

D.A. (Doug) Hahn
Fire Prevention Inspector



DAH:po

