

TO: CITY MANAGER **DATE: 2004 November 16**

FROM: DIRECTOR FINANCE

SUBJECT: UNSIGHTLY PROPERTY AT 7775 WILLARD STREET

PURPOSE: To obtain Council authority for City staff or agents to enter the property at 7775 Willard Street, and remove unsightly materials, wrecked and dismantled vehicles, and used building materials at the property owner's expense, in accordance with the Unsightly Premises Bylaw.

RECOMMENDATION:

1. **THAT** Council authorize City staff or agents to enter the property at 7775 Willard Street, to remove the accumulation of used building materials, wrecked or dismantled vehicles, and other accumulations of rubbish referred to in this report that have created unsightly conditions, the costs of which will be charged to the property owner and applied to the property taxes if unpaid by December 31 of the year in which the expenses were incurred.

REPORT

Since 2002 November 06, the City has received three complaints by three separate individuals alleging the property at 7775 Willard Street is being used as a dumping ground with piles of garbage, wrecked vehicles, old carpets, vehicle parts, electrical and plumbing parts and other debris filling the front yard to the point where it is encroaching onto the roadway.

On 2002 November 25, an inspection revealed an unsightly premises and evidence of a carport fire. At that time, the tenants explained that they were cleaning up the damage. The principle tenant, Glenn Struss, is the father of the registered property owner Phaedra A. Struss. Subsequent inspections in 2003 March and 2003 August revealed that the clean-up never progressed and that the materials were different each time. On each occasion the tenants agreed to voluntarily remove the discarded items, rubbish and wrecked vehicles.

Despite these agreements, numerous site visits during the past two years have confirmed an ever-growing pile of debris. Staff have sent three letters dated 2003 March 19, 2003 September 10 and 2004 July 20 seeking by-law compliance. The latest letter dated 2004 July 20 advised the property owner Phaedra Struss that, if voluntary compliance was not achieved by 2004 August 26, staff would seek Council authority to have City staff enter the property and clean it at her expense.

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On 2004 September 17 the *attached* photos were taken which confirm no improvement at 7775 Willard Street. The situation remains unchanged today.

Staff consider this property a violation of the Burnaby Unsightly Premises Bylaw. Attempts to achieve voluntary compliance have been unsuccessful, and remain unlikely. As a result, staff request Council approval to have City personnel enter the property to perform the necessary clean up at the expense of the property owner. An estimate for clean up and removal of the discarded items on site is approximately \$14,150.00. This cost is partially due to the necessity to remove many of the articles by hand.

Under the provisions of the Burnaby Unsightly premises Bylaw No. 5533, Council may authorize the City of Burnaby, by its employees or other persons, at all reasonable times and in a reasonable manner to enter on the property and effect the clearing at the expense of the person who has failed to comply, and the expenses for so doing, if unpaid on the 31st day of December of the year in which the expenses are incurred, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrear.


for Rick Earle
DIRECTOR FINANCE

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Attachment



