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**TO:** CITY MANAGER **DATE:** 2007 SEPT 19  
**FROM:** DIRECTOR PLANNING & BUILDING **FILE:** RFS07-00900  
**SUBJECT:** 6638 DOW AVENUE, BURNABY, B.C.  
LOT 4 & LOT 5, DL 153, PLAN 1598  
**PURPOSE:** To recommend that Council declare the subject property to be a nuisance and order the building demolished.

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**RECOMMENDATIONS:**

1. **THAT** Council declare the building on the properties having the civic address of 6638 Dow Avenue and legally described as Lot 4 and Lot 5, DL 153, Plan 1598 (the "Property") to be a nuisance.
2. **THAT** Council require the owners of the "Property" to complete the following remedial action requirements by 2007 November 05:
  - a) demolish the building.
  - b) remove from the "Property" all building materials and demolition waste.
  - c) obtain all permits and approvals, as may be required, to effect the works outlined in (a) and (b) above.
3. **THAT** Notice of the remedial action requirements and a copy of this report be given to the owners of the "Property" and each registered charge holder in relation to the "Property" – (as per *attached* Appendix "A").
4. **THAT** Council direct that if the owners of the "Property" fail to fulfill the remedial action requirements, the City be authorized to demolish the building and remove from the "Property" all building materials and demolition waste, and recover the costs incurred by the City from the owners as a debt collectible in the same manner as Property taxes pursuant to S. 258 of the Community Charter.

To: City Manager  
From: Director Planning & Building  
6638 Dow Avenue, Burnaby, B.C.  
Lot 4 and Lot 5, D.L. 153, Group 1 NWD, Plan 1598,  
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## REPORT

### 1.0 SUMMARY

A fire significantly damaged the apartment building at 6638 Dow Avenue on 2006 May 03. The owners of the building obtained a demolition permit on 2007 June 25. As of the writing of this report, the demolition has stopped and the building is open to trespass.

The subject property is vulnerable to unauthorized access and intrusion by the students of the adjoining elementary school and squatters and is a fire hazard. For reasons of public safety the building on this property should be demolished. On 2007 September 06, the Building Department sent the owners a letter advising that a report would be prepared requesting Council to consider the building unsafe, to declare it a nuisance and to order its demolition.

### 2.0 BACKGROUND

Building Department Inspectors attended the subject property on 2006 May 03 in response to a report of a fire.

On 2006 May 04, a letter was sent to the property owners advising that occupancy was not permitted until the necessary building, electrical, plumbing and gas corrections were made under permit, and the supervision of a certified structural engineer.

A temporary power connection permit was issued, the property was secured with fencing, and it appeared that clean up of the building and site was underway.

On 2007 April 26, the Planning Department received a complaint concerning students from Maywood Elementary School and others in the surrounding area accessing the building. The principal expressed concern that the derelict building offered an attraction to the elementary school students.

An inspection by Building, Fire, Licence and Planning Department staff determined that although the property was fenced, it was not secure, and that the majority of the doors and windows were open to trespass. Given that this was a matter of public safety, the Fire Department wrote an Order to compel the owners to board the building.

The building was boarded on 2007 May 15. The owners obtained a demolition permit on 2007 June 25 and the demolition was started.

On 2007 June 29, a 227 page petition signed by the Maywood community members was submitted to the Mayor's office and the Building and Fire Department expressing safety concerns for the students and families in the community.



**APPENDIX "A"**

**6638 DOW AVENUE, BURNABY, B.C.**  
Lot 4 and Lot 5, D.L. 153, Group 1 NWD, Plan 1598

**REGISTERED OWNERS**

Li Jun Hum  
Lo Shun Hum  
Don Yih Hum  
Ken Yih Hum  
PO Box 48909, Bentall Centre  
Vancouver, BC V7X 1A8

## APPENDIX "B"

### **Statutory Authority:**

Division 12 of the Community Charter authorizes local governments to impose remedial action requirements.

S. 72 authorizes local government to impose remedial action requirements. Remedial action requirements include requirements to remove, demolish, alter or otherwise deal with the matter or thing in accordance with the directions of Council or a person authorized by Council.

S. 73 authorizes remedial action requirements in relation to the matters or things referred to in that Section if Council considers the matter or thing is in or creates an unsafe condition.

S. 74 authorizes Council to declare certain matters or things to be a nuisance and to impose remedial action requirements in relation to the declared nuisance.

S. 77 requires notice of the remedial action requirement be given to the owners and registered charge holders.

S. 78 allows the owners or registered charge holders to request Council to reconsider the remedial action requirements.

S. 17 authorizes Council to fulfill the remedial action requirements at the expense of the person and to recover the costs incurred from that person as a debt.

S. 258 provides for the debt to be collected in the same manner and with the same remedies as property taxes, and if it is due and payable by December 31 and unpaid on that date, is deemed to be taxes in arrear.