
TO: CITY MANAGER **DATE:** 2008 July 15

FROM: DIRECTOR FINANCE

SUBJECT: UNSIGHTLY PREMISES AT 22, 104 AND 106 HOLDOM AVENUE NORTH

PURPOSE: To obtain Council authority for City staff to enter the adjacent properties at 22, 104 and 106 Holdom Avenue North and remove unsightly materials at the property owner's expense in accordance with the Unsightly Premises Bylaw.

RECOMMENDATIONS:

1. **THAT** Council authorize City staff or agents to enter the adjacent properties at 22, 104 and 106 Holdom Avenue North to remove and dispose of the accumulation of rubbish, discarded materials and overgrowth referred to in this report that have created unsightly conditions, the costs of which will be charged to the property taxes if unpaid by December 31 of the year in which the expenses were incurred.

REPORT

Since 2002 July 3, the Licence Office has received 10 complaints about the unsightly condition of the three adjacent properties located at 22, 104 and 106 Holdom Avenue North. All three properties are owned by the same person, who also resides at 22 Holdom. Both 104 and 106 Holdom Avenue North are normally occupied by tenants. Licence Office staff have been advised that much of the materials currently on the properties has been placed there by the property owner. Ongoing inspections conducted by Licence Office staff have found the properties to be in continuous violation of the Unsightly Premises Bylaw.

Staff attempts to gain voluntary compliance have included sending seven letters and numerous telephone conversations with the property owner, which have produced no substantive change in the state of the properties. Staff continue to receive calls from neighbours concerned about the state of the properties.

The most recent inspection conducted on 2008 July 11, revealed accumulations of scrap metal, various other bits of metal, rusted and broken furniture, old rusted bikes, used lumber, vehicle batteries, containers of unknown substances, sheets of old plywood, an old hot tub that has never been installed, a telephone booth partially filled with debris, a hot water tank, numerous propane tanks and barbeques, rusted makeshift fencing comprised of old locker doors, miscellaneous items under tarpaulins, and other items stored in makeshift structures. In addition, the rear yard of 22 Holdom Avenue North is covered by blackberry bushes and other tall grass and weeds.

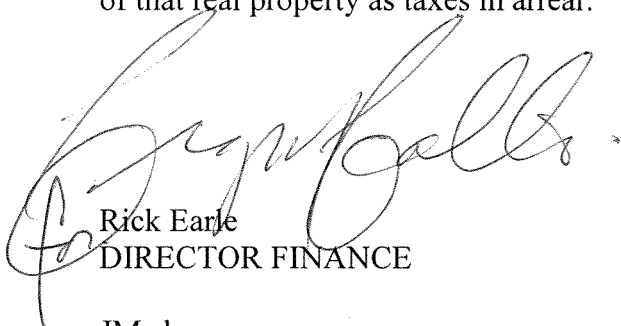
To: City Manager
From: Auxiliary - Clerk Typist 111
Re: Unsightly premises at 22, 104 and 106 Holdom Avenue North
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Due to the large tarpaulins and makeshift sheds covering much of the items, it is difficult to ascertain an accurate account of the magnitude of the materials currently stored on the three properties. However, Engineering staff have estimated the total cost for the safe removal of the items previously mentioned at approximately \$20,000.00. The property owner was advised of the approximate cost of the City cleanup work both verbally and in a letter dated 2007 November 22 (*Attachment 1*).

After receiving the 2007 November 22 letter, the property owner requested a compliance extension and was granted one. Follow up inspections to date have revealed no measurable improvements to the properties. The property owner was apprised of this by letters dated 2008 March 17 and 2008 April 03 and through telephone conversations. Attached are photos of the three properties taken on Friday, 2008 July 11 (*Attachment 2*).

As a result of the continued bylaw violations staff recommend Council approve City crews enter the property with the necessary equipment, to conduct the cleanup in order to achieve compliance with the bylaw.

Under the provisions of the Unsightly Premises Bylaw No. 5533, Council may authorize the City of Burnaby, by its employees or other persons, at reasonable times and in a reasonable manner enter on the properties 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.



Rick Earle
DIRECTOR FINANCE

JM:sk

Attachments

Copied to: Director Engineering
Director Planning and Building

Finance Department
Licence Office

2007 November 22

FILE: RFS07-01441,
RFS03-01140

Richard J Harman
22 Holdom Avenue North
Burnaby, BC V5B 1K3

**SUBJECT: UNSIGHTLY PREMISES/MIS-USE OF PROPERTY - 22, 104 AND 106
HOLDOM AVENUE NORTH**

Further to our letter to you dated 2007 August 02, this letter will confirm that two follow-up inspections were carried out on your properties at 22, 104 and 106 Holdom Avenue North. The first took place on Friday October 19th. Present at that inspection were Carol Clausen and myself, Jennifer Marshall, (Property Use Coordinators), Superintendent/Sanitation – Bill Carey and Superintendent/Roads and Drainage – Lorne Graham. The second inspection was conducted on Tuesday October 23rd by Carol Clausen and Jennifer Marshall accompanied by Assistant Chief Building Inspector Dan Mulligan and Engineering Environmental Officer Vince Wong.

On both of these occasions it was obvious that all three of your properties are littered with large amounts of discarded items, thus finding you in violation of Burnaby Unsightly Premises Bylaw and Burnaby Zoning Bylaw. There are old appliances such as refrigerators/freezers, there are barbeques and countless large and small propane tanks. There are several other tanks and barrels containing unknown substances. An assortment of old lawn and patio furniture, tools, tires, lumber, an overturned hot tub, a lawnmower, a telephone booth, and other miscellaneous items hidden under several tarpaulins are scattered over all three properties. Furthermore, there are vehicles being stored in the front yard shared by #22 and #104 Holdom Avenue North, which are obviously being used as storage containers only.

In addition, there are grave concerns that the fence to the rear of all three properties, made up of old locker doors, is in danger of falling into the back lane. If this were to occur a person could be seriously hurt, and or their property damaged.

Engineering staff on Tuesday, 2007 October 19th roughly estimated that it would cost you approximately twenty thousand dollars, (\$20,000.00) should City crews be given Council's authority to enter onto your properties to effect the cleanup and bring your properties into compliance with Burnaby's bylaws. In order to avoid such action, it is imperative that you take immediate steps to clean up your three properties as was discussed with you on October 23rd.

P:\Licence\J.Marshall\Unsightly Premises\22, 104 and 106 Holdom Ave N (2007) Nov.doc

Richard J Harman

*Subject: UNSIGHTLY PREMISES/MIS-USE OF PROPERTY - 22, 104 AND 106 HOLDOM AVENUE NORTH
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We informed you during that last inspection, that crews from Burnaby's Fire Department are willing to volunteer their time to assist you in quickly cleaning up the properties by getting rid of all of the previously mentioned goods which are being stored on your properties outside of the homes or garages or permitted storage sheds.

We also asked for family members names and telephone numbers so that we could call, explain the situation, and secure some help for you. Unfortunately, you refused all offers of help. In view of your current health condition, it is evident that this cleanup job is not something that you can do on your own. We urge you to seek assistance so that this matter can be resolved quickly.

Once again, I have attached another copy of Burnaby's Unsightly Premises Bylaw to remind you of your responsibility as property owner.

Please consider this letter to be your final notice to bring the properties at 22, 104 and 106 Holdom Avenue North into full compliance with the Unsightly Premises Bylaw and the Zoning Bylaw by 2007 December 31. If bylaw compliance is not achieved by December 31, a report will be forwarded to Council requesting their authority to have City crews enter upon your three properties to conduct the clean-up at your expense.

Your cooperation is appreciated, please call me at 604-294-7326 if you have any further questions.

Jennifer Marshall, Property Use Coordinator

Phone: 604-294-7326

Email: Jennifer.Marshall@burnaby.ca

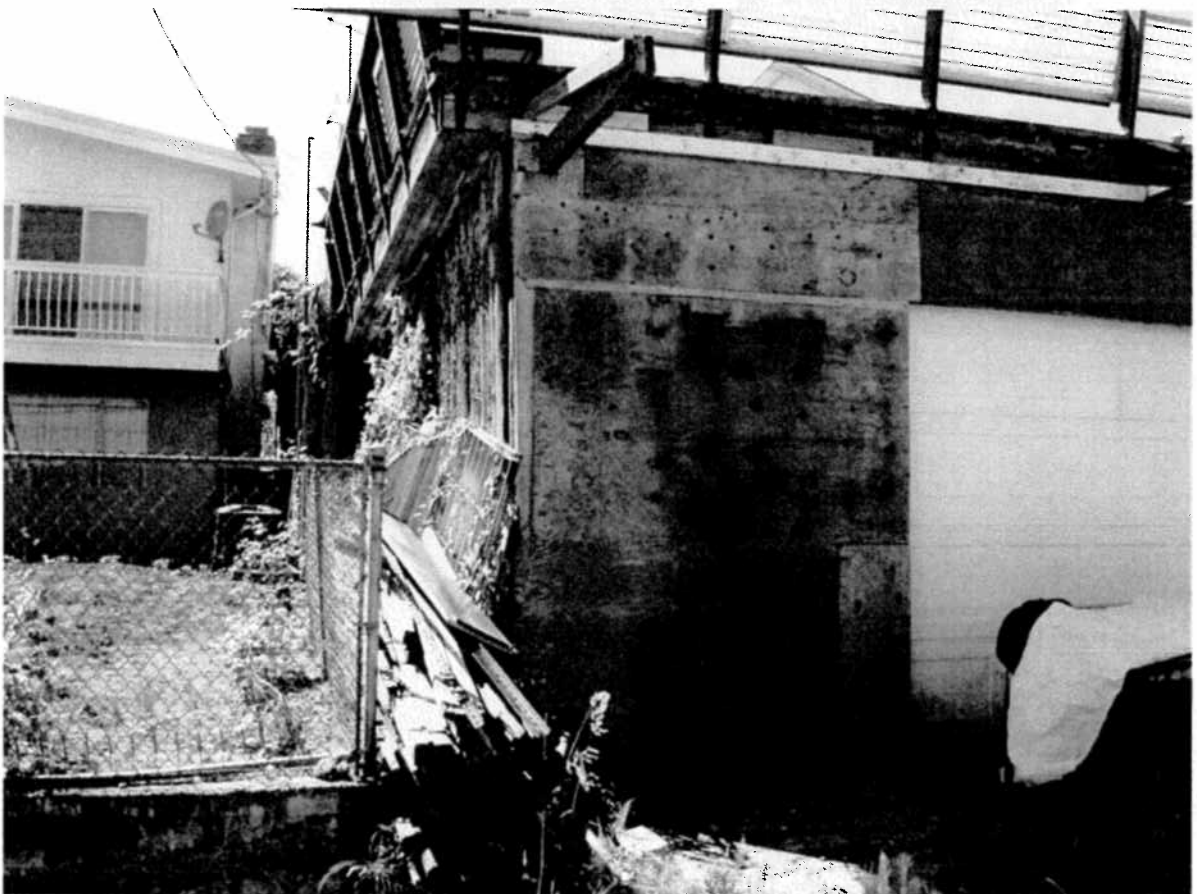
JM:ck



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From lane looking into backyard



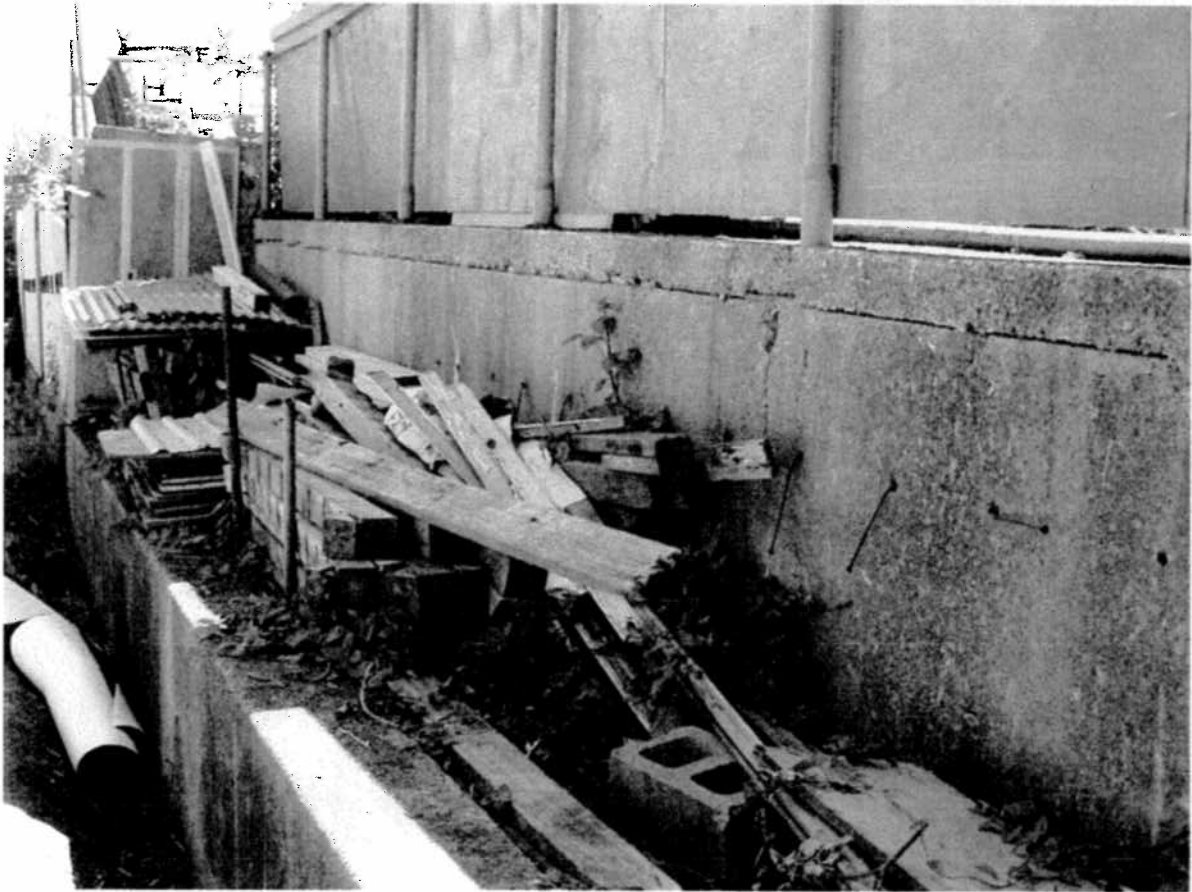
207 Back yard

22 Holdom Avenue North

2008 July 11



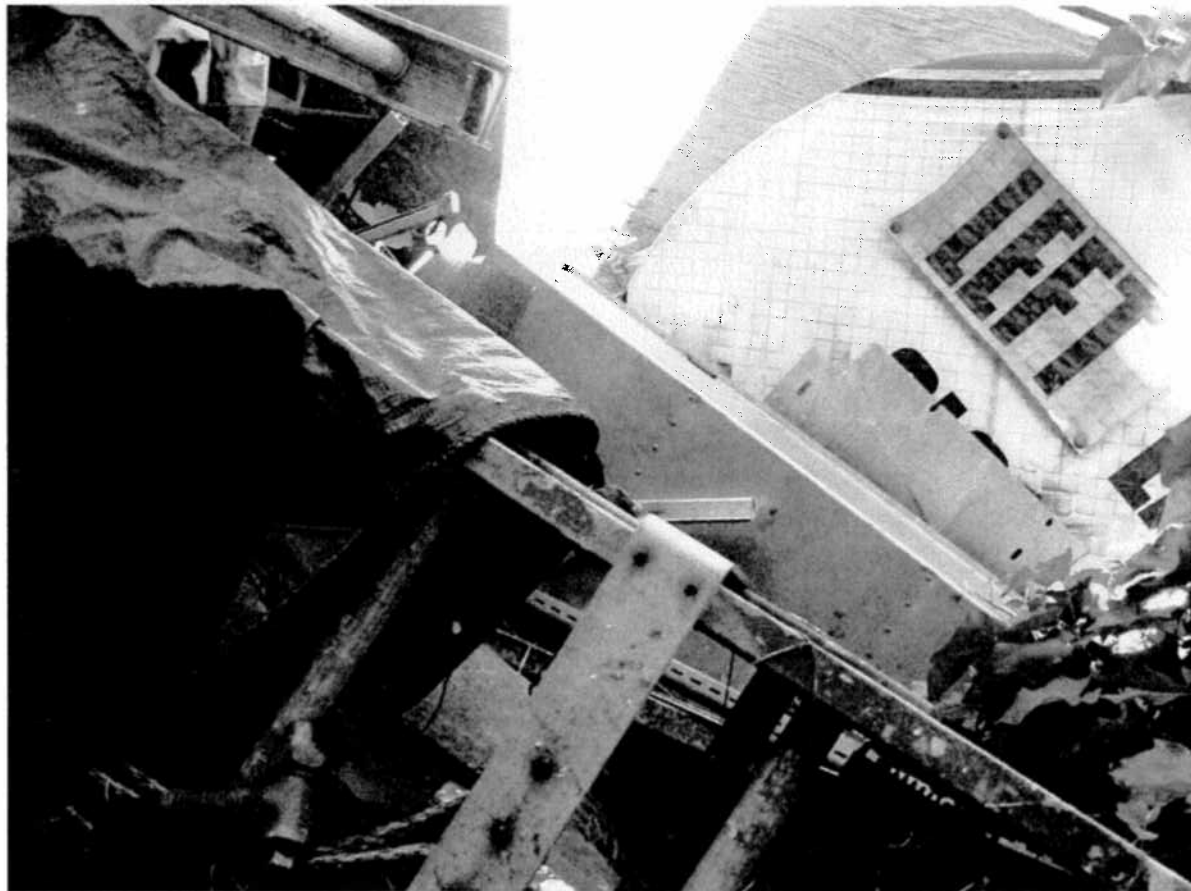
Front of property



Shot from laneway towards the rear of the property



Between property at 104 and 106 Holdom Avenue North



North side of property, side yard

209

106 Holdom Avenue North

2008 July 11