
TO: CITY MANAGER **DATE:** 2008 September 03

FROM: DIRECTOR FINANCE

SUBJECT: UNSIGHTLY/OVERGROWN PROPERTY AT 7320 CANADA WAY

PURPOSE: To obtain Council Authority for City staff to enter the property at 7320 Canada Way to remove the unsightly overgrowth of weeds, grass and blackberry bushes, remove tree/shrub branches from the ground to the 2 metre level and dispose of used lumber, various debris and litter at the owner's expense, in accordance with Burnaby's Unsightly Premises Bylaw.

RECOMMENDATION:

1. **THAT** Council authorize City staff or agents to enter the property at 7320 Canada Way to remove the unsightly overgrowth of weeds, grass and blackberry bushes, remove tree/shrub branches from the ground to the 2 metre level and dispose of used lumber, various debris and litter.

REPORT

On 2008 June 12 the City received an unsightly premises complaint alleging a vacant, overgrown commercial property zoned Neighbourhood Commercial District (C1) with squatter activity and drug use located at 7320 Canada Way (northeast corner of Canada Way and Edmonds Street).

Licence Office took the following actions in response to complaint:

- 2008 June 12 an initial inspection revealed a vacant, overgrown lot with an accumulation of used lumber, an article of clothing, bedding materials and various debris on the property.
- 2008 June 16 Licence staff contacted the property owner and were informed the property was being sold as a result of a bank foreclosure. For that reason the owner declined to work with the City towards achieving voluntary compliance. During the course of the investigation staff were in contact with the lawyer representing the financial institution holding the mortgage on the subject property. Staff were informed that the solicitor would advise his client (presently overseas) to work with the city to achieve voluntary compliance. Staff were then contacted by the mortgage holder's real estate agent listing the property and were informed her client would cooperate with the City and agreed to clear the property by 2008 July 31.

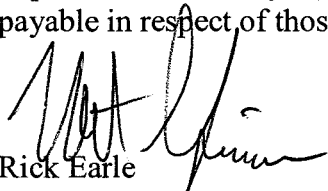
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- 2008 August 01 staff conducted an inspection and confirmed the property was not yet in compliance even though some of the vegetation had been cut.
- 2008 August 05 staff were informed that a landscaping contractor had been hired and recently worked on the property but did not complete the job due to inclement weather. In that same conversation the mortgage holder's representative promised to contact the landscaping contractor and have him finish the work in the following days.
- 2008 August 25 a site inspection revealed no substantial change in the property. Evidence of drug use (a syringe) was observed and it appears squatters had taken up residence in the overgrown vegetation along the northern section of the property.

Since receiving the initial complaint staff has attempted to work with the mortgage holder and his representatives in an effort to achieve voluntary bylaw compliance. Despite two verbal agreements with the representatives, the property remains in contravention of the Unsightly Premises Bylaw and the Licence Office has received further complaints regarding the state of the property. A letter dated 2008 August 27 advised the mortgage holder that due to the lack of progress, the serious nature of the complaint and the risk to public safety the Licence Office will be seeking Council authority to have City staff enter the property and clean it at the owner's expense. Images of the property taken on 2008 August 29 are attached for the information of Council (*Attachment 1*).

As a result, staff request Council approval to have City personnel or agents enter the property to perform the necessary cleanup, removal and disposal of discarded materials, debris and vegetation creating the unsightly conditions at the expense of the property owner. The estimate for clean up, removal and disposal of the discarded items on the property at 7320 Canada Way is approximately \$ 6,200.00.

Under the provisions of the Burnaby Unsightly Premises Bylaw No. 5533, Council may authorize the municipality by its workmen and others to enter upon the said real properties and effect such removal at the expense of the person so defaulting and the charges for so doing, if unpaid on the 31st day of December in any year, shall be added to and form part of the taxes payable in respect of those real properties as taxes in arrear.


Rick Earle
DIRECTOR FINANCE PER

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Attachment

cc: Director, Engineering Dept.

7320 CANADA WAY
2008 August 29

