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**TO:** CITY MANAGER **DATE:** 2009 September 09  
**FROM:** DIRECTOR FINANCE **FILE:** RFS06-00907  
**SUBJECT:** UNSIGHTLY PREMISES AT 7775 WILLARD STREET  
**PURPOSE:** To obtain Council authority for City staff or agents to enter the property at 7775 Willard Street to remove unsightly materials and overgrowth at the property owner's expense, in accordance with the Burnaby Unsightly Premises Bylaw.

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**RECOMMENDATION:**

1. **THAT** Council authorize City staff or agents to enter the property at 7775 Willard Street, 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**

The property at 7775 Willard Street is zoned as a SMALL HOLDING DISTRICT A2 and is owned by Phaedra Struss. The property has a single family dwelling that is currently tenanted by a male identifying himself as Mrs Struss' son.

From 2002 through to 2005 the property had been the subject of three complaints which were eventually resolved in April of 2005 when City staff performed a Council authorized clean up of the property under the Burnaby Unsightly Premises Bylaw. In 2006 and 2008 two additional complaints were received claiming that the property was again unsightly. Site inspections performed by staff have confirmed that the property is once again in violation of the bylaw.

Although the site had previously been cleaned by City crews, upon receiving the 2006 complaint, staff attempted to work with the tenant to achieve voluntary compliance and avoid repeated City action. Since this time the quantity of discarded materials on the property has both risen and fallen, but at no time has sufficient action been taken to bring the entirety of the property into compliance. Recent inspections reveal that the amount of discarded materials on the property is similar to that of 2005 when Council authorized a clean up of the property.

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The accumulation of unsightly materials on the property includes items such as; clothing, appliances, bicycle frames & parts, fence panels, a metal stove, panes of glass, plastic pails & pots, weathered plywood, rolls of carpet, corrugated fibreglass, tarps, used lumber, hot tubs, piles of cut up branches & logs, and rotting fruits & vegetables. Images of the property taken on 2009 September 03, are provided for the information of Council as **Attachment 1**.

Compliance letters were sent to the property owner's listed address on 2008 October 02 and 2008 October 31. Staff have been unable to locate a phone number for the property owner and the tenant has been unwilling to supply this information when requested. A further compliance letter was served onto the front door of the dwelling on 2009 September 03.

Despite staff efforts to achieve voluntary compliance with the Bylaw the property remains in an unsightly state. As a result of the continued bylaw violations, staff request Council approval to have City personnel or agents enter the property to perform the necessary clean up, removal and disposal of discarded materials, debris and overgrowth contributing to unsightly conditions, at the expense of the property owner. An estimate for the cost to perform the clean up was not available at the time this report was written. A memorandum will be forwarded to Council when this information is supplied.

Under the provisions of the Burnaby Unsightly Premises Bylaw No. 5533, Council may authorize the municipality by its workmen or others to enter upon the said real property and effect such removal at the expense of the persons so defaulting and the charges for so doing, if unpaid on the 31<sup>st</sup> 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

RG:ml

Attachment

Copied to: Director Engineering

To: City Manager

From: Director Finance

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**ATTACHMENT 1**

