



Item .....
Meeting .....2011 July 11

COUNCIL REPORT

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**TO:** CITY MANAGER **DATE:** 2011 JULY 05

**FROM:** DIRECTOR PLANNING & BUILDING

**SUBJECT:** 7872 WILLARD STREET, BURNABY, BC  
LOT 20, BLOCK 4, DL 173, PLAN 1034

**PURPOSE:** To recommend that Council declare the buildings on the Property to be so dilapidated as to be a nuisance, and require that the property owners complete the remedial action requirement set out in this report.

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**RECOMMENDATIONS:**

1. **THAT** Council declare the buildings on the property at 7872 Willard Street, Burnaby and legally described as Lot 20, Block 4, DL 173, Plan 1034 (“the Property”) to be a nuisance as being so dilapidated as to be offensive to the community.
2. **THAT** Council impose on the registered owners of the Property the following remedial action requirement:
  - a) demolish the buildings on the Property and remove all demolition waste, building materials and refuse.
3. **THAT** notice of the remedial action requirement and a copy of this report be given to the registered owners of the Property and each holder of a registered charge in relation to the Property.
4. **THAT** Council require the registered owners of the Property to complete the remedial action requirement not later than 60 days after the notice referred to in Recommendation 3 is given to them.
5. **THAT** Council direct that if the registered owners of the Property should fail to take the remedial action referred to in Recommendation 2, the City be authorized to demolish the buildings on the Property and remove all demolition waste, building materials, and refuse and recover the costs incurred from the registered owners of the Property.
6. **THAT** copies of this report be sent to residents who have contacted the City with regard to this property.

To: City Manager  
From: Director Planning & Building  
Re: 7872 Willard Street, Burnaby, BC  
Lot 20, Block 4, DL 173, Plan 1034  
2011 July 05 ..... Page 2

## REPORT

### 1.0 BACKGROUND

The City has been responding to complaints regarding the vacant and derelict buildings on the Property and its unsightliness since 2002.

The buildings are vacant and derelict and the principal dwelling is fire damaged beyond repair.

The Property owners were asked to obtain a demolition permit and remove all debris from the Property, but have not taken steps to obtain the required permit and commence demolition.

### 2.0 REPORT

The buildings on the Property are comprised of a single family dwelling and two accessory buildings located at 7872 Willard Street (see *attached* Sketch). Since 2002, City records show that the Property has been the subject of nine public complaints of unsightliness to the Licence, Fire and Building Departments. The residential dwelling structure on the Property was badly damaged by fire in July 2009.

On 2010 September 29, the Fire Department wrote to the property owners advising that the fire damaged building constitutes a hazard to Property and life safety of others, and ordered immediate boarding. On 2010 October 06, the Building Department wrote to the property owners requiring that they obtain a demolition permit and proceed with removal of the buildings. Subsequently, the Fire Department advised that the principal building was adequately secured and no longer posed a threat to life safety, and no further action was pursued by the Fire Department.

Two new complaints regarding the Property brought to staff in February 2011 resulted in the Building Department again writing to the owners advising that the buildings must be demolished.

Staff have maintained e-mail contact with one of the owners, regarding the need to remove the buildings on the Property. On 2011 March 18, the owner advised that he had applied to Revenue Canada for a ruling on the HST implications of demolishing the buildings and leaving the Property vacant.

At that time, it seemed prudent to grant an extension based on the owner stating that if HST is not applied he would be prepared to demolish the structures. Given that it is now July and the buildings continue to be the source of complaints from the public, staff recommend taking remedial action. The owner has been advised that a report will be before Council recommending

To: City Manager  
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Re: 7872 Willard Street, Burnaby, BC  
Lot 20, Block 4, DL 173, Plan 1034  
2011 July 05 ..... Page 3

that the buildings on the Property be ordered demolished and that if the City proceeds with the demolition, the costs will be added to the property taxes.

### **3.0 CONTRAVENTIONS**

Section 74 of the Community Charter provides the statutory authority for Council to declare a building or structure to be a nuisance where it is so dilapidated as to be offensive to the community and to impose remedial action requirements to remove or demolish the building or structure. The Charter also provides for notice of Council’s decision to the owners and an opportunity for reconsideration. Council also has the authority, if it so chooses, to fulfill the remedial action requirements at the owners’ expense.

Section 72 (2)(b) of the Community Charter provides the statutory authority for Council to require the owners of the Property to remove or demolish the building or structure.

### **4.0 CONCLUSION**

Although staff have provided ample time for the property owners to remove these dilapidated buildings they have not done so.

Based on the appearance of the buildings on the Property and the numerous public complaints in relation to them, staff are of the opinion that the buildings are so dilapidated as to be offensive to the community and a nuisance, and request that Council concur with these conclusions and adopt the recommendations contained in this report.

B. Luksun, Director  
PLANNING AND BUILDING

KB:su

To: City Manager  
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Re: 7872 Willard Street, Burnaby, BC  
Lot 20, Block 4, DL 173, Plan 1034  
2011 July 05 ..... Page 4

**Attachment**

cc: Deputy City Manager (RE)  
Director Finance  
Fire Chief  
Chief Building Inspector  
Chief Licence Inspector  
City Solicitor  
City Clerk