



Item.....
Meeting.....2011 July 25

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2011 July 20
FROM: DIRECTOR FINANCE **FILE:** RFS11-01221
SUBJECT: UNSIGHTLY PREMISES AT 31 HYTHE AVENUE NORTH
PURPOSE: To obtain Council authority for City staff or agents to enter the property at 31 Hythe Avenue North to remove unsightly materials and overgrowth at the property owner’s expense, in accordance with the Burnaby Unsightly Premises Bylaw.

RECOMMENDATION:

1. **THAT** Council authorize City staff or agents to enter the property at 31 Hythe Avenue North, to remove and dispose of the unsightly material on the property at the owners expense in accordance with the Burnaby Unsightly Premises Bylaw.

REPORT

The property at 31 Hythe Avenue North is zoned as a Residential District (R5) and is owned by Mo K. Chew. The property has a single family dwelling that is currently occupied by the property owner.

In 2005 the property was the subject of a complaint of unsightliness which was eventually resolved in May of 2008, when City staff performed a Council authorized clean up of the property under the Burnaby Unsightly Premises Bylaw. In June of 2011, the current complaint was 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. Since 2003 the city has received six separate unsightly premises complaints about this property.

Although the site had previously been cleaned by City personnel, upon receiving the 2011 complaint, staff attempted to work with the property owner to achieve voluntary compliance and avoid repeated City action. The most recent inspection revealed that the amount of discarded materials and overgrowth on the property is similar to that of 2005 when last Council authorized a clean up of the subject property.

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The accumulation of unsightly materials on the property includes items such as; rotten wood, metal railings, glass doors, automotive parts and rotten furniture. The bulk of the property, and especially the rear yard, are overgrown with grass, blackberries and other thorny vegetation. Images of the property taken on 2011 June 15, are provided for the information of Council as *Attachment 1*.

Compliance letters were sent to the property owner on 2011 June 16 and again on 2011 July 05. In the absence of telephone number, Staff have also attended the property and knocked on the front door with no response. Neighbourhood inquiries reveal that a male does regularly attend the property.

A registered compliance letter was sent to the property owner on 2011 July 12. Canada Post attempted to deliver this letter on 2011 July 13 with no success. To date it remains uncollected at the local Post Office. Additional copies of all three letters sent to the property owner were affixed to the front door of the dwelling. For these reasons, the Licence Office recommends a direct clean up effort rather than utilizing a Bylaw Violation Notice sent through the mail.

Despite staff efforts to achieve voluntary compliance with the Bylaw, the property remains in an unsightly state. As a result of the continued bylaw violation, 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 has been provided by staff from the Engineering Department at \$2,150.00.

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 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.

Denise Jorgenson
DIRECTOR FINANCE

CJH:fm

Attachment

Copied to: Director Engineering



31 Hythe Avenue

2011 June 15