



Item.....
Meeting..... 2011 Nov. 28

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2011 November 18

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: 4753 PENDER STREET, BURNABY, BC
LOT 24, BLOCK 11, D.L. 122, PLAN 1308

PURPOSE: To seek Council authorization to require the owner of the subject property at 4753 Pender Street, Burnaby to demolish the buildings on the property and remove all demolition waste, building materials and refuse.

RECOMMENDATIONS:

1. **THAT** Council declare the buildings on the subject property at 4753 Pender Street, Burnaby, and legally described as Lot 24, Block 11, D.L 122, Plan, to be in an unsafe condition and a nuisance as being so dilapidated as to be offensive to the community.
2. **THAT** Council require the registered property owner to complete the following remedial action requirements:
 - a) demolish the buildings on the subject property and remove all demolition waste, building materials and refuse.
3. **THAT** notice of these remedial action requirements and a copy of this report be given to the registered property owner, Adam J. Alberts, and each holder of a registered charge in relation to the subject property.
4. **THAT** Council require the registered owner of the subject property to complete the remedial action requirements not later than sixty (60) days after the notice referred to in Recommendation 3 is delivered.
5. **THAT** Council direct that, if remedial actions referred to in Recommendation 2 are not satisfied within the time referenced to in Recommendation #4, the City be authorized to demolish the buildings on the subject property and remove all demolition waste, building materials, and refuse, and to recover the costs incurred from the registered owner of the subject property.

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REPORT

1.0 BACKGROUND

The subject property is located in North Burnaby on the north side of Pender Street (see Attachment 1). The property is developed with an older dwelling and garage. City records show that the dwelling on the subject property has been vacant since 1973. The subject property has been the subject of numerous complaints regarding the unsightliness of the subject property and derelict state of the vacant buildings from neighbouring residents and businesses since 2001.

In December 2006, during a wind storm, a large cedar tree fell and caused damage to the principal dwelling. Building staff inspected the subject property to determine whether or not the house was structurally sound. The owner was requested to clear away the debris from the fallen tree, and was advised that parts of the house were unsafe. The Building Department requested the demolition of the house and garage to prevent possible injuries to anyone attending the subject property.

A demolition permit was issued to the property owner on 2007 May 18. Subsequently, the owner started to demolish the front and rear porches which were identified as unsafe. The demolition efforts proceeded slowly. After the porches were removed, the owner started to remove the garage. During this process, the property was not kept in a tidy and safe condition. A letter of 2007 November 06 from the Building Department stated that if the owner made the property tidy, safe and secure with fencing, staff were prepared to allow more time to complete the demolition and removal of the debris.

A fence was installed and the owner continued to work on the demolition. The condition of the subject property, however, began to attract unauthorized dumping behind the house and in the lane. The Building Department, on 2008 April 10, requested the owner to clear the lane and take away the debris.

On 2009 May 17, the demolition permit expired and the owner requested more time. The permit was extended twice more, providing until 2010 May 17 to complete the work. Since then, however, the subject property has remained in the same condition, and the owner has not sought any further extensions.

In response to a complaint that transient people were living in the abandoned house on the subject property, the Building Department sent a letter to the property owner on 2010 August 04 advising that the re-boarding at the front and rear entrances was required to prevent unauthorized occupation of the dwelling. An inspection of the subject property conducted by staff on 2010 August 19 revealed that the front and back of the house were still open to intrusion and not secure.

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Subsequently, Building Department staff visited the property owner at his residence at 4121 Cambridge Street. The property owner advised that he had received the letter from the City issued on 2010 August 04. He advised, however, that his van had broken down and he planned to board the house after his van was repaired. A follow-up inspection on 2010 September 02 confirmed the boarding was in place and the house was secure.

At the end of September 2011, staff received a detailed letter from a nearby resident outlining new concerns regarding the property. As, the buildings and fence next door to the property had been removed related to a new house that was under construction, the resident advised that neighbourhood children and others now have access from the east side of the subject property, and that the building presents a safety concern.

In response to the ongoing nature of safety concerns, the continued dilapidated condition of the buildings as indicated in the photographs of the subject property and buildings taken on 2011 October 27, shown in Attachment 1 and 2, and the lack of progress in addressing the removal of the buildings and clean-up of the subject property, staff advised the owner that a report would be advanced to Council recommending issuance of requirements to demolish all buildings on the subject property, and remove all debris within sixty (60) days or the City would proceed with the demolition, with the costs to be added to the property taxes.

As such, this report requests that Council declare the building to be unsafe and so dilapidated as to be offensive to the community, and order the removal of the building and all demolition waste, building materials and refuse.

2.0 AUTHORITY TO IMPOSE REMEDIAL ACTION REQUIREMENTS

Section 72 (2) (b) (i) of the Community Charter provides the statutory authority for Council to require the owners of a property to remove or demolish a building or other structure which;

Under Section 73 (2) (a) they consider it to be in an unsafe condition or,

Under Section 74 (2) they consider it to be a nuisance because it is so dilapidated as to be offensive to the community.

The Charter also provides for notice of Council's decision to be given to the owner(s) and an opportunity for re-consideration. Council also has the authority, if it so chooses, to direct that the remedial action requirements be fulfilled by the City at the owner's expense if the owner fails to satisfy those requirements.

3.0 CONCLUSION

The staff have been seeking to address the unsightly building conditions and building safety issues regarding the subject property for an extended period of time. Given the continued lack of substantive progress by the property owner in addressing concerns, and the more recent removal

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of fencing securing the property, this report seeks seek Council authorization to require the owner of the subject property at 4753 Pender Street, Burnaby to demolish the buildings on the property and remove all demolition waste, building materials and refuse.

With Council authorization, should the works not be completed as specified within 60 days of notice being delivered to the owner, the City will proceed to demolish the buildings on the property and remove all demolition waste, building materials, and refuse, and to recover the costs incurred from the registered owner of the subject property

With Council approval, the notice of the remedial action requirements and a copy of this report would be given to the registered property owner, Adam J. Alberts, and each holder of a registered charge in relation to the Property.

B. Luksun, Director
PLANNING AND BUILDING

JMK:ap
Attach.

cc: Deputy City Manager
Director Finance
Fire Chief
Chief Licence Inspector
City Solicitor
Chief Building Inspector
Acting City Clerk

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