
TO: CITY MANAGER **DATE:** 2011 May 02
FROM: DIRECTOR FINANCE **FILE:** RFS10-01058
SUBJECT: UNSIGHTLY PREMISES AT 6337 SILVER AVENUE
PURPOSE: To obtain Council authority for City staff or agents to enter the property at 6337 Silver Avenue 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 6337 Silver Avenue, 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 6337 Silver Avenue is zoned as a SPECIAL INDUSTRIAL DISTRICT (M4) and is owned by Chi H. Lee. The subject property contains a single family dwelling that is unoccupied, but exterior evidence indicates the property is subject to regular trespass. The neighbourhood is a mixture of low rise multi-family apartments, single family homes and a park.

In May of 2010, the Licence Office received a complaint claiming that the property was unsightly. Site inspections performed by staff have confirmed that the property is in violation of the Unsightly Premises Bylaw. Since last year, two additional complaints have been received concerning the unsightly state of the property.

The accumulation of unsightly materials on the property includes items such as: furniture, cut branches, appliances, household garbage and shopping carts. In addition, the property is overgrown with bamboo and other vegetation over a portion of the rear yard. Images of the property taken on 2011 April 26, are provided for the information of Council as *Attachment 1*.

Compliance letters were sent to the property owner on 2010 May 12 and again on 2010 June 14. Staff were unable to contact the property owner via telephone as no listing for them was ever found. Staff have also attended the property and knocked on the front door with no response.

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Due to these circumstances, Bylaw Notices with fines of \$500.00 each were mailed to the property owner on 2010 December 02, and on 2011 January 20. To date these Bylaw Notices remain unpaid. A registered letter containing a clean up estimate was mailed to the property owner on 2011 April 06. The property owner acknowledged receipt of this letter in an e-mail on 2011 April 11. A re-inspection was performed on 2011 April 26 showing no improvement to the unsightly conditions.

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 \$8,200.00.

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

RG:sf

Attachment

Copied to: Director Engineering



6337 Silver Avenue

2011 April 26