



---

**TO:** CITY MANAGER **DATE:** 2013 July 16  
**FROM:** DIRECTOR FINANCE **FILE:** 43000-03  
**SUBJECT:** NUISANCE DECLARATION FOR 6925 MANDY AVENUE  
**PURPOSE:** To obtain a Council declaration that the residence at 6925 Mandy Avenue is in an unsafe condition and constitutes a nuisance.

---

**RECOMMENDATIONS:**

1. **THAT** Council declare the residential building located at 6925 Mandy Avenue to be in an unsafe condition for the reasons described in this report;
2. **THAT** Council declare the residential building located at 6925 Mandy Avenue to be a nuisance for the reasons described in this report;
3. **THAT** Council require the registered property owner to remove the interior accumulation of materials and debris to make the residence safe for the occupant, attending emergency personnel and other persons entering the building;
4. **THAT** Notice of these remedial action requirements and a copy of this report be sent to the registered property owner;
5. **THAT** Council require the registered property owner complete the remedial actions referred in Recommendation 3 no later than 30 days after receiving the notice referred in Recommendation 4; and
6. **THAT** Council advise the registered property owner that if the remedial action referred in Recommendation 3 is not completed within 30 days the City will undertake the required steps to make the residence safe for the occupant, attending emergency personnel and other persons entering the building, and recover all such costs incurred from the registered property owner.

**REPORT**

At the 2013 February 04 meeting, Council received a report from the City Manager requesting authorization of staff to undertake a cleanup of the property located at 6925 Mandy Avenue at the property owner's expense as permitted by the Unsightly Premises Bylaw, No 5533. The

To: City Manager  
From: Director Finance  
Re: Nuisance Declaration for 6925 Mandy Avenue  
2013 July 16.....Page 2

report advised Council that due to a large accumulation of debris and assorted material located inside the residential residence on 2013 January 14, the elderly property owner had to be extricated from his home by the Burnaby Fire Department after being found trapped under the debris. On the same date Fire crews, consisting of three units and nine personnel were called to assist two RCMP already on the property. The RCMP had been dispatched to the residence earlier after receiving a report that the property owner had not been seen for three days. In order to gain entry to retrieve the property owner, the front door to the residence had to be cut off due to the accumulation of debris. It then took Fire personnel over two hours to complete the rescue due to complications from the shifting debris impeding their movement inside the home and concerns for their own safety. After being released the elderly property owner was then transferred to hospital where he remained until eventually being placed in an assisted living facility in Burnaby.

The Council report also described Licence office staff experiences with the property owner dating back to 2000 February regarding the unsightly state of the property due to accumulations of materials, goods and personal items stored in the yard and around the house.

On 2013 February 19 after receiving Council approval, City staff undertook a cleanup of the exterior of the property. The process took place over three days, involved in excess of seven City staff (labourers, foremen, property use coordinators and a carpenter) and one contract employee, and required an excavator and three dump trucks and other equipment. The cost for the operation was \$12,500. On completion of the exterior cleanup both the residence and garage were securely boarded to prevent any unauthorized entry.

On 2013 July 02, the Burnaby Fire Department was again dispatched to 6925 Mandy Avenue for a medical assistance call after the property owner was reported to be trapped in the home. Four units and twelve personnel responded and once again found the property owner in the home trapped under the debris. The crews remained on the scene for over one and a half hours. Similar to the original incident, the responding crews were met with a large amount of materials and debris which complicated the rescue and raised concerns for their own safety.

## **RECOMMENDATIONS**

The interior of the residence located at 6925 Mandy Avenue possess a significant threat to the safety of property owner, responding emergency personnel and other persons entering the building.

Council may under the provisions contained in Sections: 72, 73 and 74 of the Community Charter (attached as Schedule A) determine that a matter creates an unsafe condition and may declare the matter a nuisance and require remedial action in relation to that declared nuisance.

Staff recommend that Council declare that the accumulation of materials and debris inside the residence located at 6925 Mandy Avenue creates an unsafe condition and constitutes a nuisance; and that Council require the registered property owner to remove the interior accumulation of materials and debris no later than 30 days after receiving notice so as to make the residence safe.

To: City Manager  
From: Director Finance  
Re: Nuisance Declaration for 6925 Mandy Avenue  
2013 July 16.....Page 3

It is also recommended that notice of these remedial action requirements and a copy of this report be sent to the registered property owner.

Should the property owner not complete the remedial action referred to in the recommendations within 30 days it is recommended that Council authorize City staff to undertake the required steps to make the residence safe for the occupant, attending emergency personnel and other persons entering the building, and recover all such costs incurred from the property owner.



Denise Jorgenson  
DIRECTOR FINANCE

DL/ml

*Attachment 1: Schedule A - Sections 72, 73 and 74 of the Community Charter*

cc: Director Engineering  
Fire Chief

**Schedule A**

**Community Charter**

Division 12 — Remedial Action Requirements

**Council may impose remedial action requirements**

- 72** (1) A council may impose remedial action requirements in relation to
- (a) matters or things referred to in section 73 [*hazardous conditions*],
  - (b) matters or things referred to in section 74 [*declared nuisances*], or
  - (c) circumstances referred to in section 75 [*harm to drainage or dike*].
- (2) In the case of matters or things referred to in section 73 or 74, a remedial action requirement
- (a) may be imposed on one or more of
    - (i) the owner or lessee of the matter or thing, and
    - (ii) the owner or occupier of the land on which it is located, and
  - (b) may require the person to
    - (i) remove or demolish the matter or thing,
    - (ii) fill it in, cover it over or alter it,
    - (iii) bring it up to a standard specified by bylaw, or
    - (iv) otherwise deal with it in accordance with the directions of council or a person authorized by council.
- (3) In the case of circumstances referred to in section 75, a remedial action requirement
- (a) may be imposed on the person referred to in that section, and
  - (b) may require the person to undertake restoration work in accordance with the directions of council or a person authorized by council.

**Hazardous conditions**

- 73** (1) Subject to subsection (2), a council may impose a remedial action requirement in relation to any of the following:
- (a) a building or other structure, an erection of any kind, or a similar matter or thing;
  - (b) a natural or artificial opening in the ground, or a similar matter or thing;

- (c) a tree;
  - (d) wires, cables, or similar matters or things, that are on, in, over, under or along a highway;
  - (e) matters or things that are attached to a structure, erection or other matter or thing referred to in paragraph (a) that is on, in, over, under or along a highway.
- (2) A council may only impose the remedial action requirement if
- (a) the council considers that the matter or thing is in or creates an unsafe condition, or
  - (b) the matter or thing contravenes the Provincial building regulations or a bylaw under section 8 (3) (1) [*spheres of authority — buildings and other structures*] or Division 8 [*Building Regulation*] of this Part.

**Declared nuisances**

- 74** (1) A council may declare that any of the following is a nuisance and may impose a remedial action requirement in relation to the declared nuisance:
- (a) a building or other structure, an erection of any kind, or a similar matter or thing;
  - (b) a natural or artificial opening in the ground, or a similar matter or thing;
  - (c) a drain, ditch, watercourse, pond, surface water, or a similar matter or thing;
  - (d) a matter or thing that is in or about any matter or thing referred to in paragraphs (a) to (c).
- (2) Subsection (1) also applies in relation to a thing that council considers is so dilapidated or unclean as to be offensive to the community.