



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: General Purposes Committee

DATE: January 17, 2001

FROM: Sandra Tokarczyk Rick Bortolussi
Manager Community Bylaws Manager Building Approvals

FILE: 8375-01

RE: **Abandoned Residential Buildings**

STAFF RECOMMENDATION

That the report on abandoned residential buildings be received for information.

Sandra Tokarczyk
Manager, Community Bylaws

per A.L. (Rick) Bortolussi
Manager, Building Approvals Department

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ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
RCMP	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Fire	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

STAFF REPORT

ISSUE

Abandoned or dilapidated residential buildings are frequently the object of bylaw, health, fire and police complaints. The longer a building remains unoccupied the greater the potential for unauthorized intrusion and mischief. There may be also an increased risk of injury to emergency personnel required to respond to such a premise.

CONCERNS

Community concerns include various aspects of safety, liability and appearance with the emphasis on three major considerations:

1. Severe fire damage scenario with the relating hazards.
2. Nuisances created by frequent responses to a variety of small problems.
3. Eyesore appearance of a building.

FINDINGS OF FACT

Reducing the number of abandoned buildings in Richmond would contribute to improving both the liveability (safety) and beauty of the community. To date, the city is aware of eight abandoned residences which are unlikely to be re-occupied at a later date, given their condition (see Attachment 1 for inventory and status). These types of residences are normally found in development transition areas and are most prevalent during a drop in the development market.

There are different options for addressing abandoned buildings with regards to:

- severe fire damage or unsafe conditions;
- nuisances and/or eyesores.

Severe Fire Damage & Unsafe Conditions

Buildings can be demolished at the time the fire crews are attending the fire scene if the remaining structure is unsafe to remain standing or is likely to fall onto an adjacent structure. The Demolition Order must be given by the Fire Chief and would be done at the expense of the City unless the owner is present to authorize the demolition.

The Building Approvals and Fire Departments work together to ensure that owners:

- secure the property against unlawful intrusions; or
- repair the building; or
- demolish the building, if repair seems unlikely or impractical.

An owner of a building that was the subject of an arson attack could be delayed in seeking a demolition permit because of the ensuing investigation. This has been the case with some four of Richmond's outstanding abandoned buildings listing.

Owners, when faced with a high cost of repairing the building to bring it up to BC Building Code standards, are likely to opt for demolition. The owners of five of Richmond's outstanding abandoned buildings have either applied for or indicated their intention for voluntary demolition.

Nuisances & or Eyesores

Building appearance and nuisance are tougher issues to address. City staff receive complaints about both the unsightly state of a property and the general condition of a building – which usually go hand in hand. Currently we are aware of one abandoned building that falls into this category and is located near the intersection of Blundell Road and Garden City Road.

The unsightly aspect of the physical property can be effectively addressed through the Unsightly Premises Bylaw. However, there are no simple mechanisms to deal with the nuisance or eyesore issue, unless they can be tied to a safety concern.

Bylaw staff have attempted to promote the voluntary demolition of the building in addition to removal and proper maintenance of the physical property. In the majority of cases, owners are willing to voluntarily secure or demolish their building once they are made aware of their liability and the nuisance activity on their property. However, if a building meets the requirements of the BC Building Code and remains secured, the City has no further recourse to address the general appearance and physical state of the building.

LEGISLATION

We have reviewed current legislation relating to the problem of dilapidated unoccupied structures in an effort to find the most appropriate way to address community concerns. Excerpts of the regulation wording are found in Attachment 2.

Severe Fire Damage or Unsafe Conditions

The current legislative tools and procedures are in place to effectively address both severe fire damage and unsafe condition situations.

When the Chief Building Inspector has been unsuccessful in obtaining compliance to either fix or demolish, then Section 727 of the Local Government Act can be employed.

Section 727 states that Council may declare that a building or structure is a “nuisance” and order it be repaired or removed within a specified time. Council may enforce this order after the end of sixty days from the mailing of the order and the expiration of the time limit stated in the order.

Section 727 applies to any building or structure that Council believes is “so dilapidated or unclean as to be offensive to the community”. It allows the City to deal with buildings on a case by case basis.

In the municipal context, “nuisance” refers to something which negatively affects the safety, health, property or comfort of the public. The focus usually remains on safety. Consequently, despite the reference to “dilapidated and unclean”, unless there is some real safety concern, a demolition order based solely on appearance would likely be open to challenge.

Section 727 requires direct involvement of City Council by issuing an Order to Comply. The City Solicitor may also be requested to give opinions on a case by case evaluation.

Declaring a building a nuisance and issuing a clean-up order can be effective to persuade individual property owners to comply with the requests from the City. The City of Surrey has employed this type of procedure to address their problem of dilapidated buildings.

Nuisances and/or Eyesores

In reviewing the legislative tools relating to nuisances and/or eyesores, the following is noted:

- Creating a Standards of Maintenance Bylaw, as provided for under Section 698 of the Local Government Act, would duplicate existing legislative tools in that it would create standards that are already specified in the BC Building Code and the Building Bylaw No. 6920. Such a bylaw could, however, give the additional power to demolish buildings which do not meet the standards set.
- The Unsightly Premises legislation allows us to prohibit owners from allowing their property “to become or remain unsightly” and our current bylaw addresses this. However, this is a vague standard to apply and enforce and is not effective for dealing with abandoned and dilapidated buildings.
- Declaring a building a nuisance under s. 727 can be used to address nuisance type of structures, provided there is some safety concern.

However, there are opportunities to enhance the City's ability to gain voluntary demolition of these types of structures, without resorting to exercising additional powers under the Local Government Act.

OPPORTUNITIES

Staff do not see any advantage to passing a new bylaw at this time as there are other options available. The following suggested changes are intended to help staff decrease the number of abandoned residential buildings in our community:

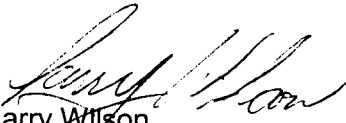
1. Staff will be proactive in identifying and creating an inventory of these sites with an aim at close monitoring and working with the owner towards demolition or repair.
2. A decision tree has been prepared (Attachment 3) which will be used by Building Approvals staff in their efforts to address abandoned buildings. Care will be taken to ensure that all safety concerns have been identified relating to these types of structures. Staff will make their (and the community's) preferences for demolition known to the property owner throughout the process.
3. Information from Health, Fire, RCMP, Building Approvals, and Community Bylaws regarding the list of identified properties will be co-ordinated and monitored monthly with an aim at working with the owner towards voluntary demolition (in the cases where safety is not a factor).
4. Development Applications staff would suggest to Council that demolition be made a condition of rezoning applications if the circumstances warrant and the opportunity presents itself.

FINANCIAL IMPACT

None.

CONCLUSION

The City has a number of abandoned residential buildings that create either, a safety hazard or general nuisance in the community. Various legislative tools exist to deal with safety issues. However there are few tools available to deal with the general nuisances. Staff recommends that the number of these types of nuisance structures be decreased by encouraging voluntary compliance as outlined above.



Larry Wilson
Bylaw Liaison Officer II

Abandoned Buildings

Fire Damaged

1. 8140 Garden City Road	3 Fires	Building Has Been Secured
2. 7800 Garden City Road	1 Fire	Awaiting Demolition (Investigation)
3. 7820 Garden City Road	1 Fire	Awaiting Demolition (Investigation)
4. 8151 General Currie Road	1 Fire	Awaiting Demolition (Investigation)
5. 8131 General Currie Road	1 Fire	Awaiting Demolition (Investigation)
6. 9100 Blundell Road	1 Fire	Building Has Been Secured House is in need of Substantial Repairs and is Visually Unappealing

Dilapidated Buildings

4160 Garden City Road	Complaint Unsecured Building	Has Been Secured Demolition permit issued
7060 Garden City Road	Complaint Unsecured Building	Has Been Secured Development Application Submitted for a Townhouse Complex
8220 Douglas Street	Complaint Unsecured Building	Has Been Secured

Legislation Summary

BC Local Government Act: The BC Local Government Act has several sections, which apply to dilapidated buildings:

Section 698 states that Council may, by bylaw, authorize
(a) The demolition, removal or bringing up to a standard specified in the bylaw of a building, structure or thing, in the whole or in part, that contravenes a bylaw or that council believes is in unsafe condition.

Under the heading "Removal of dangerous buildings and other structures"

Section 727 Council may declare any premises a "Nuisance" and issue an order for remedial action or demolition of the structure at the owner's expense. This is the most useful section with specific reference to dealing with public concerns regarding dilapidated structures in residential areas.

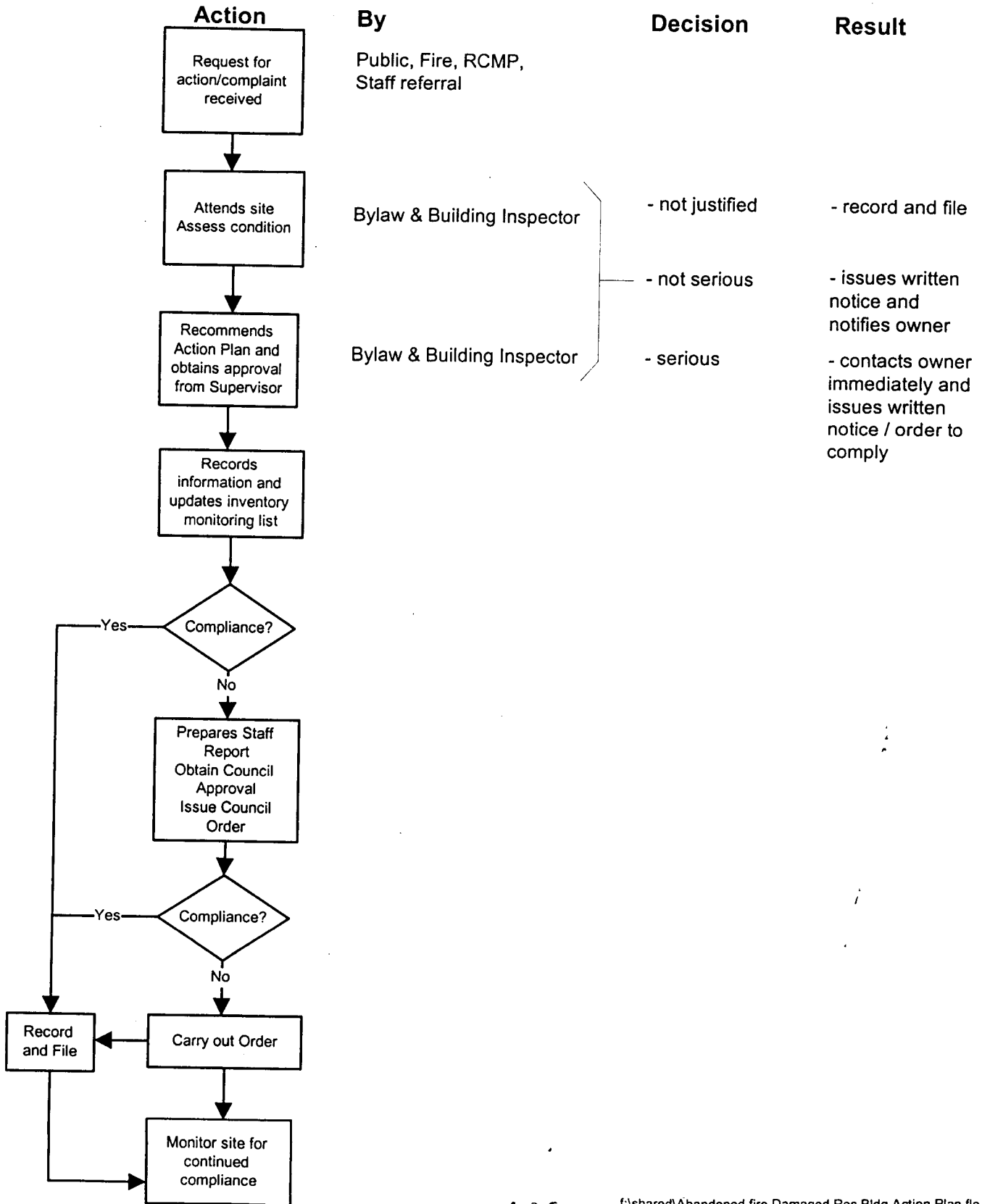
Section 727(4) "If the work is not completed within the stated period then the Municipality may, by its employees and others, enter on the property and undertake the work required to comply with the order at the expense of the person defaulting."

Section 727 (7) "This section applies to any building, structure or erection of any kind that the council believes is so dilapidated or unclean as to be offensive to the community."

Unsightly Premises Bylaw 6349: No specific provisions to address problems associated with dilapidated and unoccupied structures.

Building Bylaw: Section 3.3 of the building bylaw references the responsibility of the building inspector to issue Correction Orders with respect to unsafe structures.

ABANDONED / FIRE DAMAGED RESIDENTIAL BUILDINGS ACTION PLAN DECISION TREE





Urban Development Division Building Approvals Department

6911 No. 3 Road
Richmond, BC V6Y 2C1

City of Richmond

Main (604) 276-4000 Fax (604) 276-4177

ABANDONED / FIRE DAMAGED RESIDENTIAL BUILDINGS EVALUATION FACTORS

Not Serious	Serious
▶ Minor safety deficiencies (broken windows, doors)	▶ Major structural deficiencies
▶ Unsightly	▶ Life safety hazard
▶ Dilapidated or unclean	▶ Unsafe occupancy

BC Building Code Definition:

"Unsafe Condition" means any unsafe condition that could cause undue hazard to life, limb, or health of any person authorized or expected to be on or about the premises.