



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: Planning Committee
FROM: Sandra Tokarczyk
Manager, Property Use and Administration
RE: UNSIGHTLY PREMISES
7040 NO. 5 ROAD

DATE: February 10, 2000
FILE: 8075-20-26

STAFF RECOMMENDATION

That Council authorise Staff (or designates) to undertake the clean-up of 7040 No. 5 Road, at an estimated cost of \$3900.00, as detailed in the "Order to Comply" attached to the staff report dated February 10, 2000 from the Manager, Property Use & Administration.

Sandra Tokarczyk
Manager, Property Use and Administration

Att. 3

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF DIVISION ADMINISTRATOR
		<hr/>

STAFF REPORT

ORIGIN

The subject property is 3.256 acres in size, zoned Agricultural District (AG1), located in the Agricultural Land Reserve and in an environmentally sensitive area. The site is located across the street from two other active unsightly investigations that are currently at various stages. Refer to *Attachment 1* for site locations.

The property is currently owned by Ms. Jenny Morgan, who along with Mr. Roy Uzelac, a relative, had recently resided on the property. When Ms. Morgan moved to a nursing home, Mr. Uzelac moved out and the dwelling is now in the process of being rented.

Mr. Uzelac stated to City staff that he is looking after the interests of Ms. Morgan and was responsible for the present condition of the property. According to Mr. Uzelac, he is the owner of the accumulated materials including the model space ship located on this property.

The City has been discussing the matter of the unsightly aspects of this property with Mr. Uzelac directly, given the health of the owner Ms. Morgan, Mr. Uzelac's admittance of responsibility for the accumulation of materials, and his indication that he is looking after the interests of the owner.

Both the City and GVRD have attempted to have Mr. Uzelac voluntarily clean the property with limited success. *Attachment 2* shows the voluntary compliance history and efforts taken on behalf of the City and GVRD. The attachment is an excerpt from the January 24, 2000 letter hand delivered to Mr. Uzelac with the Order to Comply document. The GVRD had an environmental concern when observing the residue from the blue barrels being dumped onto the ground as they were being cleaned.

The estimate to clean up the site as detailed in the order is \$3,900.00 which was provided by All Terrain Landscape who specialises in this type of clean up work.

The City was unable to make positive progress in gaining compliance to City Bylaws through the voluntary compliance process. As a result, on January 24, 2000, Mr. Uzelac was served with a mandatory "Order to Comply" (*Attachment 3*) ordering compliance to City Bylaws by February 7, 2000.

An inspection was made on February 7, 2000 and revealed that the tarped machinery that was on the driveway had been removed – although this work was not part of the Order. There was no further noticeable clean up action undertaken to bring the property into compliance.

The Order to Comply process, which is detailed in the City's Unsightly Premises Bylaw, allows those served with an Order the ability to appeal. On February 2, 2000, Mr. Roy Uzelac left a message with City staff indicating his intentions to appeal the Order. After hearing the appeal Council can confirm, amend, or rescind the Order to Comply.

FINANCIAL IMPACT

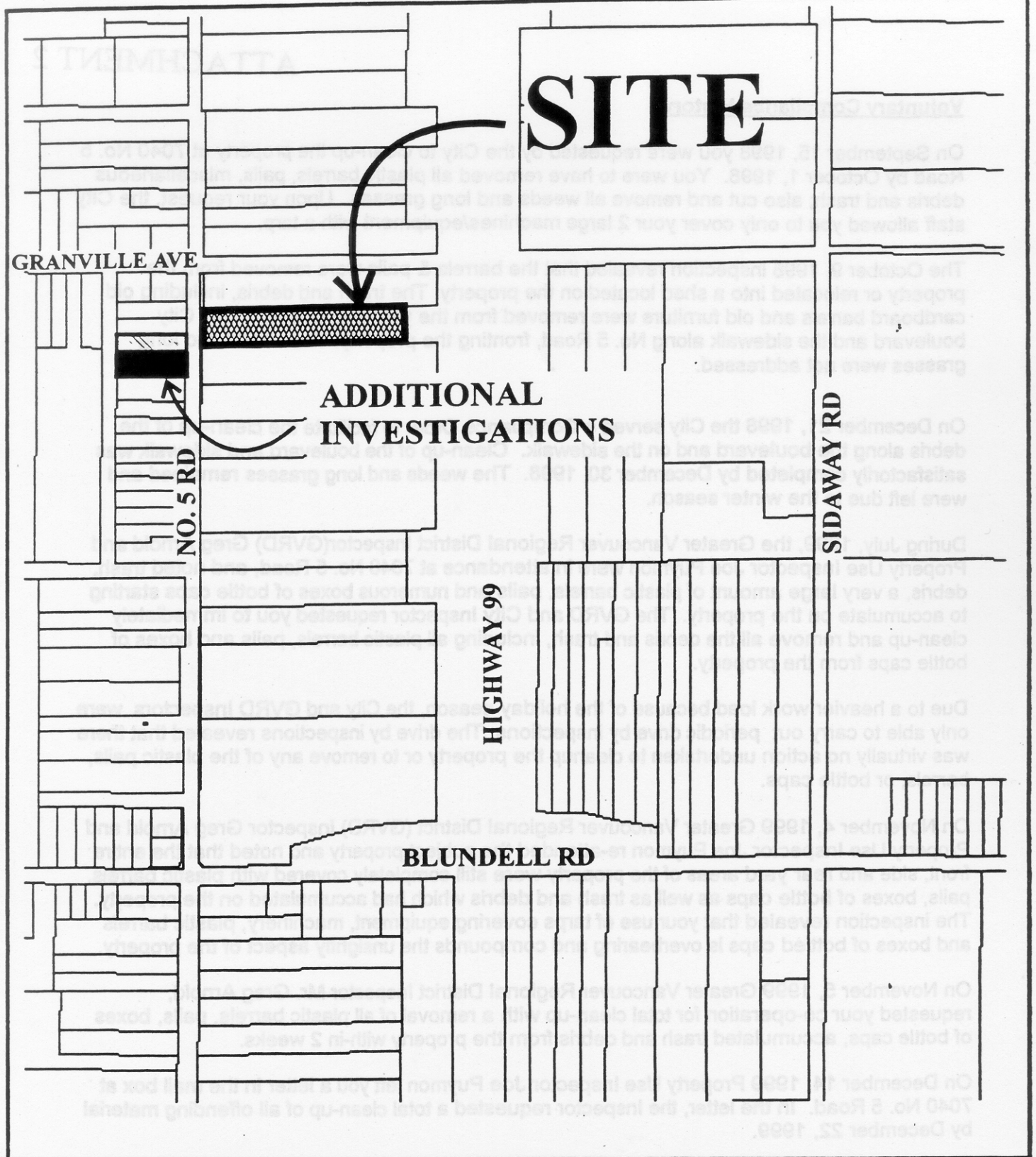
None.

CONCLUSION

City staff have made numerous efforts to gain voluntary compliance for clean-up of the subject property with little success and as a result are recommending that the City proceed with the mandatory clean-up action.

Joe Puymon
Property Use Inspector

JP:jp



Unsightly Premises
7040 No. 5 Rd

Original Date: 02/22/00

Revision Date:

Note: Dimensions are in METRES

ATTACHMENT 2

Voluntary Compliance History

On September 15, 1998 you were requested by the City to clean-up the property at 7040 No. 5 Road by October 1, 1998. You were to have removed all plastic barrels, pails, miscellaneous debris and trash; also cut and remove all weeds and long grasses. Upon your request, the City staff allowed you to only cover your 2 large machines/equipment with a tarp.

The October 9, 1998 inspection revealed that the barrels & pails were removed from the property or relocated into a shed located on the property. The trash and debris, including old cardboard barrels and old furniture were removed from the yard and placed on the City boulevard and the sidewalk along No. 5 Road, fronting the property. The weeds and long grasses were not addressed.

On December 21, 1998 the City served a Compliance Order to facilitate the clean-up of the debris along the boulevard and on the sidewalk. Clean-up of the boulevard and sidewalk was satisfactorily completed by December 30, 1998. The weeds and long grasses remained and were left due to the winter season.

During July, 1999, the Greater Vancouver Regional District Inspector(GVRD) Greg Arnold and Property Use Inspector Joe Puymon were in attendance at 7040 No. 5 Road, and noted trash, debris, a very large amount of plastic barrels, pails and numerous boxes of bottle caps starting to accumulate on the property. The GVRD and City Inspector requested you to immediately clean-up and remove all the debris and trash, including all plastic barrels, pails and boxes of bottle caps from the property.

Due to a heavier work load because of the holiday season, the City and GVRD Inspectors were only able to carry out periodic drive by inspections. The drive by inspections revealed that there was virtually no action undertaken to clean-up the property or to remove any of the plastic pails, barrels, or bottle caps.

On November 4, 1999 Greater Vancouver Regional District (GVRD) Inspector Greg Arnold and Property Use Inspector Joe Puymon re-attended the subject property and noted that the entire front, side and rear yard areas of the property were still completely covered with plastic barrels, pails, boxes of bottle caps as well as trash and debris which had accumulated on the property. The inspection revealed that your use of tarps covering equipment, machinery, plastic barrels and boxes of bottled caps is overbearing and compounds the unsightly aspect of the property.

On November 5, 1999 Greater Vancouver Regional District Inspector Mr. Greg Arnold, requested your co-operation for total clean-up with a removal of all plastic barrels, pails, boxes of bottle caps, accumulated trash and debris from the property with-in 2 weeks.

On December 14, 1999 Property Use Inspector Joe Puymon left you a letter in the mail box at 7040 No. 5 Road. In the letter, the Inspector requested a total clean-up of all offending material by December 22, 1999.

Re-inspections on December 29, 1999 and January 10, 2000 revealed that no satisfactory action was undertaken to clean-up the property, nor had any of the barrels or pails removed. During the inspection, Property Use Inspector Joe Puymon noticed that more items were brought onto the property since November 4, 1999.



January 19, 2000

ORDER TO COMPLY

Pursuant to the Unsightly Premises Bylaw No. 6349

Civic Address **7040 No. 5 Road, Richmond, B.C.**
Legal Description **Lot 2, Section 18, Block 4 North, Range 5 West**
 New Westminster District Plan 7287

You are hereby ordered to bring the condition of this property into conformity with Richmond's **Unsightly Premises Bylaw No. 6349** and **Municipal Act by February 7, 2000**, with the:

- a) removal of all discarded debris and miscellaneous trash located in the front, side and rear yard areas,
- b) removal of all plastic barrels and plastic pails including all those currently covered with tarps
- c) removal of all of the boxes of bottle caps including all the boxes currently covered with tarps
- d) removal of all metal shelving and metal framing material
- e) removal of the discarded model space ship, and
- f) cutting and removal of all long grasses and weeds in the front property to a distance of 75 feet east of No. 5 Road.

Details on the **Order to Comply** Process, including appeals are identified in the aforementioned attached letter.

Sandra Tokarczyk
Manager, Property Use and Administration

SLT:jp

January 24, 2000

DELIVERED BY HAND

File: 7040 No. 5 Road, Richmond, BC

Mr. Roy Uzelac
21144 Wicklund Ave
Maple Ridge BC V2X 3R9

Dear Mr. Ucleck:

Re: Unsightly condition of property at 7040 No. 5 Road, Richmond

According to City records, Mrs. Jenny Morgan, is the register property owner; she is a senior and is currently residing in a nursing home. On September 15, 1998, we were informed that you are a close relative, looking after the property and are responsible for the accumulation of all of the plastic barrels, pails, bottles caps, debris, trash on the subject property; including the machinery, equipment and the model space ship.

City staff have encouraged you, to voluntarily bring the above noted property into compliance with Richmond's Bylaws. As a result of unsatisfactory action, we are progressing to the next step, which is to seek mandatory compliance to the City's bylaws. The voluntary compliance history of this case & mandatory compliance process are detailed below.

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Order to Comply Process

The City is seeking mandatory compliance to the City's bylaws through the issuance of the attached "**Order to Comply**". The **Order to Comply** is the last step prior to the City initiating clean-up action at the expense to the property owner which is currently estimated at approximately \$3900.00 (including GST).

The legal authority for this action is set out in the Unsightly Premises Bylaw 6349(detailed below) and based on authorities provided in the Municipal Act(Section 698 & 727).

“DEFAULT

9. *If the owner or the occupier of real property, or the agent thereof, fails to remove or clear the offending material from the real property as set out in an **Order to Comply**, the City of Richmond, by its employees or designates, at reasonable times and in a reasonable manner, may enter on the real property and effect the removal or clearance of the offending material at the expense of the defaulting owner or occupier of the real property or the agent thereof, and the charges for the removal, if unpaid on or before the thirty-first day of December in the year in which the charges are incurred, shall be added to and form part of the taxes payable in respect of the real property as taxes in arrears.”*

You have the right to appeal this **Order to Comply** as set out in Section 11 of the Unsightly Premises Bylaw No. 6349 as follows:

“APPEAL

11. *A person upon whom an **Order to Comply** has been served may, by giving notice in writing to the City Clerk of the City of Richmond at least 72 hours prior to the expiry of the time given in the **Order to Comply** to remove or clear the offending material, appeal to the Council who shall hear and determine the appeal by confirming, amending or rescinding the **Order to Comply**.”*

Should you wish to appeal this **Order to Comply**, please contact the City Clerk at City Clerk's Office by 5.00 p.m. February 2, 2000 at 276-4007.

Property Use Inspector Joe Puymon will be conducting a follow-up inspection on February 9, 2000 to ensure that compliance to this Order is achieved.

Should the inspection reveal that the property continues to contravene the Order, the City will have the matter considered by the Planning Committee of Council at their meeting set for Tuesday February 22, 2000 at 3:45 p.m., WH Anderson Room, 2nd Floor, City Hall, 7577 Elmbridge Way, Richmond. You or your representative are invited to attend and speak on this matter should you wish. Council's authorisation will be sought for the clean-up as detailed in the attached **Order to Comply**:

Should Council approve the work, it would be carried out at the owner's expense pursuant to Section 9 of the Bylaw No. 6349 and Section 727 of the Municipal Act.

Please inform Property Use Inspector Joe Puymon of your intentions regarding this matter on or before January 28, 2000 at 207-4708.

Yours truly,

Sandra Tokarczyk
Manager, Property Use and Administration

SLT:jp

Enc.

pc: City Clerk's Office

Joe Puymon, Property Use Inspector

Greg Arnold, GVRD
Pollution Control Officer
4330 Kingsway
Burnaby BC V5H 4G8

Mrs. Jenny Morgan
Property Owner
7040 No 5 Road
Richmond, BC V6Y 2V2



January 19, 2000

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Sandra Tokarczyk
Manager, Property Use and Administration

SLT:jp

- (ii) delivery to a mail box or other receptacle for messages, if any, on the real property, or
 - (iii) posting on the real property; or
- (c) on any agent of the owner or occupier of the real property on which the offending material is located, by:
- (i) personal service, or
 - (ii) registered mail with acknowledgement of receipt;

and when an Order to Comply is not personally served it is deemed to have been served on the third day after mailing, delivering pursuant to subsection (b) (ii) or posting pursuant to subsection b (iii).

8. A Bylaw Enforcement Officer may enter, at all reasonable times, upon any real property to ascertain whether the provisions of this Bylaw or the directions of an Order to Comply served pursuant to this Bylaw, are being obeyed.
9. If the owner or the occupier of real property, or the agent thereof, fails to remove or clear the offending material from the real property as set out in an Order to Comply, the City of Richmond, by its employees or designates, at reasonable times and in a reasonable manner, may enter on the real property and effect the removal or clearance of the offending material at the expense of the defaulting owner or occupier of the real property or the agent thereof, and the charges for the removal, if unpaid on or before the thirty-first day of December in the year in which the charges are incurred, shall be added to and form part of the taxes payable in respect of the real property as taxes in arrears.
10. It shall be unlawful for any person to prevent, obstruct or seek or attempt to prevent or obstruct a Bylaw Enforcement Officer or other person, who is involved in the execution of duties under this Bylaw.
11. A person upon whom an Order to Comply has been served ~~may appeal in writing to the City Clerk of the City of Richmond at least 14 days prior to the expiry of the time given in the Order to Comply to remove or clear the offending material,~~ appeal to the Council who shall hear and determine the appeal by confirming, amending or rescinding the Order to Comply.
12. Any person who violates any of the provisions of this Bylaw shall be liable on summary conviction to the penalties provided for in the Offence Act.
13. "Unightly Premises Bylaw No. 5561-1990" is hereby repealed.
14. This bylaw may be cited for all purposes as the "Unightly Premises Bylaw No. 6349".