



City of Richmond

Report to Committee

To: Community Safety Committee
From: Wayne Mercer
Manager, Community Bylaws

Date: March 27, 2007
File: 06-350864

Re: Site Clean Up of an Unsightly Property
Civic address: 10791 Bird Road
Legal Description: Lot 2, Section 26-5-6, Plan NWS2830

Staff Recommendation

That John's Custom Tractor and Disposal Service be authorized to remove all of the discarded materials at 10791 Bird Road, Richmond, in accordance with the "Order to Comply" of March 16, 2007 issued under the Unsightly Premises Bylaw No. 7162 and section 17(1) of the Community Charter.

Wayne G. Mercer
Manager, Community Bylaws
(604.247.4601)

Att. 7

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Law.....	<i>WCB</i>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>		
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES	NO
		<i>WCB</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<i>GT</i>	

Staff Report

Origin

On October 12, 2006 a complaint was received by the Community Bylaws Department regarding the large amount of discarded materials at 10791 Bird Road. An inspection of the property on October 12, 2007 confirmed the presence of derelict vehicles and an accumulation of unsightly materials. Since that time the City has granted the owners of the property several verbal and written extensions to bring the property into a satisfactory condition, but to date the property remains unsightly.

Please see the attached copy of the City's "Order to Comply" for the voluntary compliance history.

Analysis

On March 15, 2007 Staff confirmed with the New Westminster Land Titles Office that the property is owned by Robert William Harlos, David Wayne Harlos and Vicky Harlos. The same title search showed the address of all three owners to be 10791 Bird Road. The property is currently zoned (R5) Two-Family Housing District.

Staff in the Community Bylaws department attended the property on March 16, 2007 and observed minimal improvement in the status of the property since the first inspection on October 12, 2006. Staff personally served Robert William Harlos with the "Order to Comply" on March 16, 2007. Section 2.1.3(a)(i) of the Unsightly Premises Bylaw No. 7162 permits the "Order to Comply" to be personally served to the owner of the property.

Council's power to authorize this work comes from Section 17(1) of the *Community Charter*, which allows municipal Council the authority to fulfill City requirements at the property owner's expense and recover those costs as a debt.

Financial Impact

None.

Conclusion

The property is in contravention of the *Unsightly Premises Bylaw No. 7162*. As a result of this contravention the City is seeking mandatory compliance to its Bylaw with Staff's recommendation to have this work done by the City's Contractor, John's Tractor and Disposal Service.



Wayne Mercer
Manager, Community Bylaws

WM:js



City of Richmond

6911 No. 3 Road, Richmond, BC V6Y 2C1
Telephone (604) 276-4000
www.cityrichmond.bc.ca

Community Bylaws
Telephone: 604-276-4345
Fax: 604-276-4052

October 23, 2006
File: 06-350864

Robert W. Harlos
Vicky Harlos
David W. Harlos
10791 Bird Road
Richmond BC V6X 1N4

Dear Robert, Vicky & David Harlos:

Re: 10791 Bird Road, Richmond, BC

City records show that you are the owners of the above property and as such, this letter is to advise you of our concerns about an unsightly aspect of the property located at 10791 Bird Road, Richmond, BC.

The inspection of the property on October 12, 2006, confirmed the presence of:


1. Discarded vehicles
2. Discarded building renovation materials/supplies
3. Other discarded materials
4. And garbage

which is in contravention of the Unsightly Premises Bylaw No. 7162 (excerpt enclosed) and Zoning & Development Bylaw No. 5300 (excerpt enclosed), which does not permit storage on your two-family zoned property.

Richmond is committed to a Civic Beautification program of which the tidiness of private property is an important component contributing to the overall attractiveness and liveability of Richmond. We require your cooperation to remove the all above listed materials from the property by November 6, 2006.

A re-inspection of your property will be carried out shortly after November 6, 2006, to ensure that the above matter has been addressed. In the event you are unable to comply by November 6, 2006, please inform me of your intention regarding the above matter. I can be reached at (604)-276-4079.

Yours truly,



Dal Benning
Bylaw Liaison Officer

DB:db
Enc. (Excerpts from Bylaw No. 7162 & No. 5300)


RICHMOND
Island City, by Nature



City of Richmond

6911 No. 3 Road, Richmond, BC V6Y 2C1
Telephone (604) 276-4000
www.cityrichmond.bc.ca

February 15, 2007
File: 06-350864

Community Bylaws
Telephone: 604-276-4345
Fax: 604-276-4036

Vicky Harlos
Robert W. Harlos
David W. Harlos
10791 Bird Road
Richmond BC V6X 1N4

Dear Vicky, Robert & David Harlos:

Re: Final Warning - 10791 Bird Road, Richmond, BC

This letter summarizes the situation on your property:

We have attempted to gain your voluntary compliance with our Unsightly Premises Bylaw No. 7162 since October 2006. Having granted you two extensions to clean up the property, we note that the required work has not yet been completed. This letter is to advise you that should you not clean up your property by March 8, 2007, the City will issue an Order to Comply that will authorize the City to complete the work at your expense if you do not clean up the property yourself. **The estimated cost for this work is \$3,800.38** (Contractor estimate of \$2915.00 plus 23% City Administration Fee and 6% GST).

This morning, I met with Robert Harlos at the subject address to outline the work required to avoid the Order to Comply. To reiterate our discussion, all discarded materials, rubbish and derelict vehicles on your property must be removed.

This includes but is not limited to the following items:

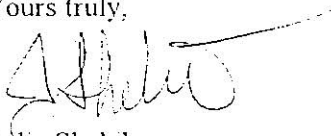
- broken tires
- toilets
- discarded chicken wire
- broken bikes
- oil tank liners
- empty oil drums
- all rotting and discarded wood
- broken paint sprayer
- discarded windows
- paint buckets
- tarps
- 2 derelict vans
- 1 derelict blue Ford Mustang
- 1 derelict red ford escort


RICHMOND
Island City, by Nature

It will be acceptable for you to cover your carport contents by hanging tarps, provided that the Richmond Fire Rescue conducts an inspection prior to March 8, 2007 to ensure compliance with their standards. All high risk combustible materials noted on their February 2, 2007 inspection must be removed.

A re-inspection of your property has been scheduled for March 8, 2007. If you have any questions, or to arrange an inspection with Richmond Fire please call me at 604-247-4642.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jodie Shebib', with a long horizontal stroke extending to the right.

Jodie Shebib
Supervisor, Community Bylaws

cc:

Phyllis Carlyle, General Manager, Law and Community Safety
Wayne Mercer, Manager, Community Bylaws

Enc. (Excerpt from Bylaw No. 7162)



City of Richmond

6911 No.3 Road, Richmond, BC V6Y 2C1
Telephone (604) 276-4000
www.city.richmond.bc.ca

March 16, 2007
File: 06-350864

Community Bylaws
Telephone: 604-276-4345
Fax: 604-276-4036

Robert William Harlos
David Wayne Harlos
Vicky Harlos
10791 Bird Road
Richmond BC V6X 1N4

Dear Robert, David & Vicky Harlos:

Re: Unsightly Condition of Property at 10791 Bird Road, Richmond, BC

City Staff have encouraged you to voluntarily bring your property into compliance with Richmond's Bylaws. As a result of the failure to adequately resolve the condition, we are now moving to the next step, which is to seek mandatory compliance to the City's bylaws. The voluntary compliance history of this case and mandatory compliance process are detailed below.

Voluntary Compliance History

- October 12, 2006:** Bylaw Liaison Officer, Dal Benning, attended your property and found derelict vehicles and unsightly materials accumulated on your property.
- October 23, 2006:** Dal Benning sent a letter notifying you to clean up your property by, removing the discarded vehicles, discarded building renovation materials/supplies, other discarded materials and garbage by November 6, 2006. (Attachment 1).
- November 3, 2006:** Robert Harlos contacted Dal Benning and requested a two-week time extension to clean up the property. Extension was granted.
- November 16, 2006:** Dal Benning attended your property. The property had not been cleaned up.
- November 17, 2007:** Dal Benning called Robert Harlos and left a message stating the property should be cleaned up and a re-inspection will be conducted after the weekend.
- November 21, 2006:** Robert Harlos contacted Dal Benning and requested a one-week extension to clean up the property. Extension was granted.

- December 21, 2006: Dal Benning attended your property. The property had not been cleaned up. (An inspection was not conducted prior to December 21, 2006 due to unexpected weather conditions).
- January 4, 2007: Dal Benning attended your property. The property had not been cleaned up
- January 23, 2007: Dal Benning attended your property. The property had not been cleaned up. (An inspection was not conducted prior to January 23, 2007 due to unexpected weather conditions).
- February 6, 2007: Dal Benning attended your property. The property had not been cleaned up.
- February 14, 2007: Vicky and Robert Harlos attended City Hall and met with Phyllis Carlyle (General Manager, Law & Community Safety) and Jodie Shebib (Supervisor, Community Bylaws). Arrangements were made for Jodie Shebib to meet you at your property at 9:00 am on February 15, 2007 to clarify what items needed to be removed.
- February 15, 2007 Jodie Shebib attended your property and met Robert Harlos. Jodie clarified what items had to be removed from the property. Jodie Shebib sent you a letter to clean up your property by March 8, 2007. The clean up costs, in the event you failed to comply, were estimated at \$3,800.38. (Attachment 2).
- March 9, 2007: Dal Benning and Jodie Shebib attended your property. The property had not been cleaned up.

Mandatory Compliance – Order To Comply Process

The City is seeking mandatory compliance to its 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 of the property owner. The current estimate for clean up is \$3, 800.38.

The legal authority for this action is set out in the Unsightly Premises Bylaw 7162 and is also shown in the paragraph below.

- 2.2.2 *If the owner or the occupier of such property, or their agents fail to remove or clear the offending material from the real property as directed in an Order to Comply, City staff, or a contractor engaged by the City, may enter on the real property, at reasonable times and in a reasonable manner, to remove or clear the offending material at the expense of the defaulting owner or occupier of the real property, or their agents.*
- 2.2.3 *Where offending material has been removed or cleared in accordance with subsection 2.2.2, the charges for such removal or clearance, if unpaid on or before December 31st in the year in which the charges are incurred, form part of the taxes payable on such property, as taxes in arrears.*

This action is based on an authority provided in the Community Charter.

You have the right to appeal this Order to Comply as set out in Section 2.3 of the Unsightly Premises Bylaw as follows:

2.3 *Appeal Against an Order to Comply*

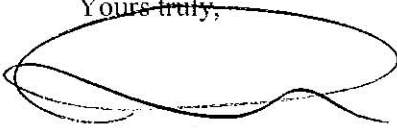
2.3.1 *A person upon whom an Order to Comply has been served may, by giving notice in writing to the City Clerk at least 72 hours prior to the expiration of the time given in the Order to Comply to remove or clear the offending material, appeal to Council, who must hear and determine the appeal by confirming,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

Should you wish to appeal this Order to Comply, please contact, in writing, the City Clerk's Office by 5:00 pm March 30, 2007. They are located in City Hall and can be reached at 604-276-4007.

Bylaw Liaison Officer Dal Benning will be conducting a follow up inspection on April 2, 2007 to ensure that compliance to this Order is achieved.

Should the inspection reveal that the property continues to contravene the Order, the City will arrange for the necessary actions, detailed in the Order, to be undertaken on your behalf and at your expense. Please inform Bylaw Liaison Officer Dal Benning of your intentions regarding the matter on or before March 30, 2007 at 604-276-4079.

Yours truly,



Dal Benning
Bylaw Liaison Officer

DB:db

Enc. Copy of letters dated October 23, 2006.
Copy of letter dated February 15, 2007.

pc: City Clerk's Office
Dal Benning, Bylaw Liaison Officer



City of Richmond
Community Safety Division
Community Bylaws

Order to Comply

March 16, 2007

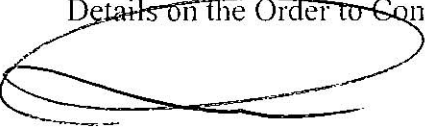
Pursuant to Unsightly Premises Bylaw 7162
& the Local Government Act

Civic Address 10791 Bird Road Richmond, BC
Legal Description Strata Lot 2 Section 26 Block 5 North Range 6 West New Westminister
District Plan NW2830

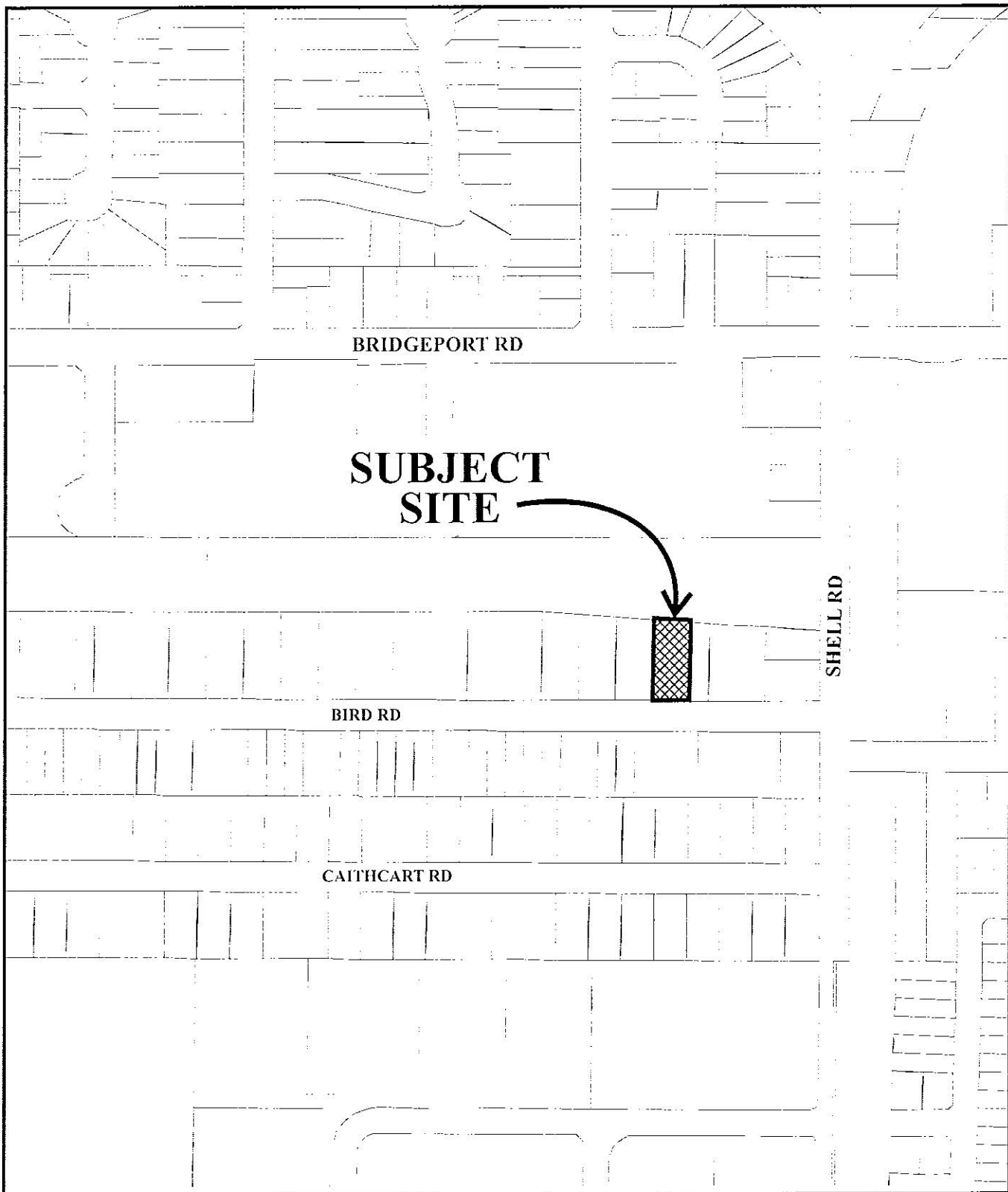
You are hereby ordered to bring the condition of this property into conformity with Richmond's Unsightly Premises Bylaw 7162 and the Local Government Act by April 2, 2007 with the removal of:

- a) Discarded toilets;
- b) Discarded chicken wire;
- c) Discarded windows;
- d) Broken tires;
- e) Broken bikes;
- f) Oil tank liners;
- g) Empty oil drums;
- h) All rotting and discarded wood;
- i) Broken Paint Sprayer;
- j) Discarded paint buckets;
- k) Tarps;
- l) One derelict car;
- m) All other discarded materials;
- n) And Garbage.

Details on the Order to Comply process, including appeals, are outlined in the attached letter.


Dal Benning
Bylaw Liaison Officer

Att.



BRIDGEPORT RD

**SUBJECT
SITE**

SHELL RD

BIRD RD

CAITHCART RD

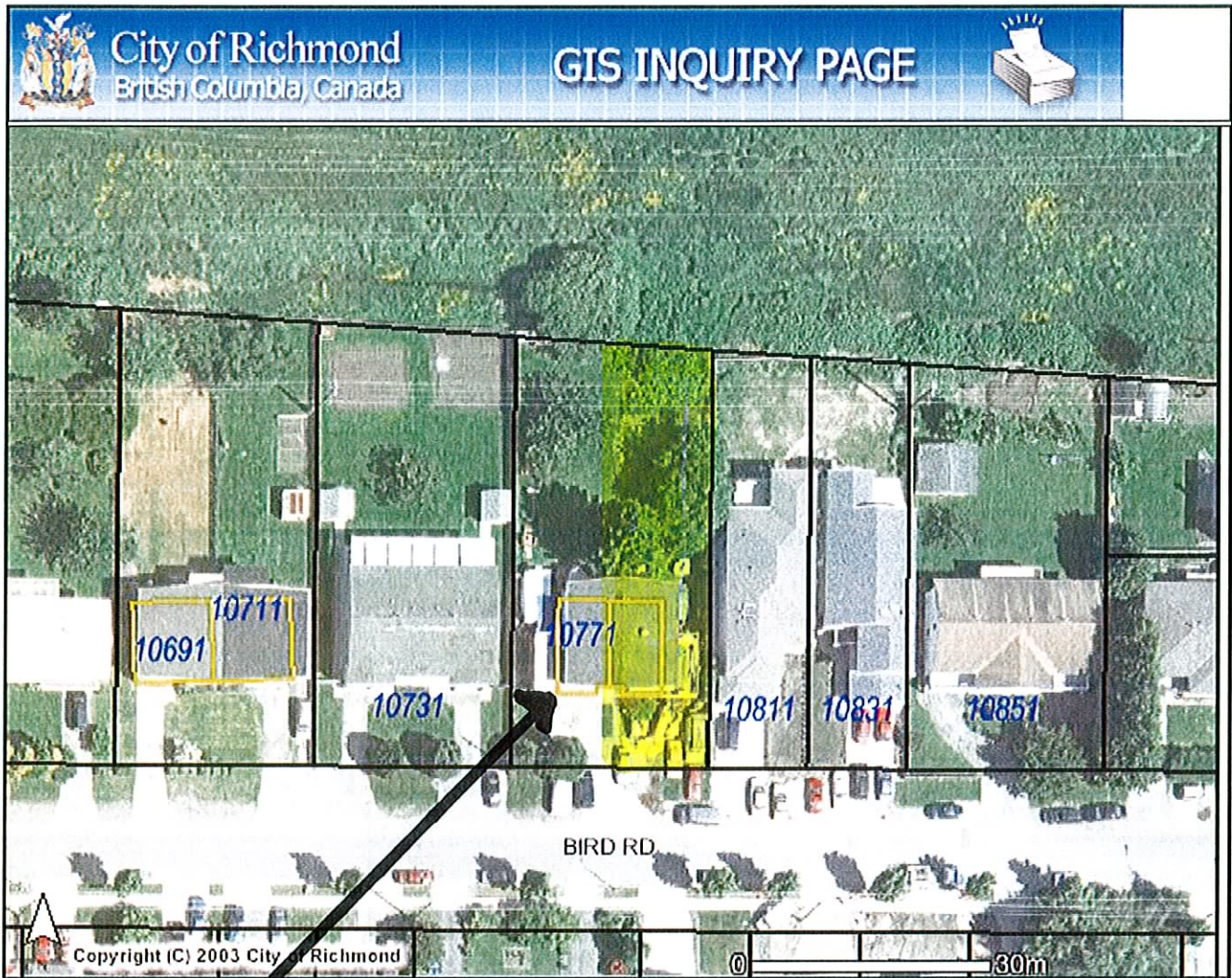


10791 Bird Road

Original Date: 04/03/07

Revision Date:

Note: Dimensions are in METRES



City of Richmond Property Information

Address: 10791 Bird Rd
 Richmond Key: 46040
 Zoning: R5
 OCP SCH: 2.11b
 Rights of Way: 41337
 DPA: No ALR: No Heritage: No ESA: No RAR: No NEF: Yes
 BCAA Legal: 2 SEC 26 BLK5N RG6W PL NWS2830

Roll: 081341002
 BER-C: 0.9m
 PID: 011-789-255
 BER-P: 0.9m
 Sewer Area: 41337
 Recycling Pick up Day: Thursday

Assessments

Gross Taxes: \$1,822.45	Parcel Area: 0 sq.m.	Gross Total: \$357,000.00
Gross Land: \$323,000.00	Gross Improvement: \$34,000.00	Net Total: \$357,000.00
Net Land: \$323,000.00	Net Improvement: \$34,000.00	

Owners

Robert W Harlos
 10791 Bird Rd
 RICHMOND BC V6X 1N4
Vicky Harlos
 10791 Bird Rd
 RICHMOND BC V6X 1N4
David W Harlos
 10791 Bird Rd
 RICHMOND BC V6X 1N4

Disclaimer

GIS information is provided as a public resource for general information purposes only. The Information shown on this map is compiled from various sources and the City makes no warranties, expressed or implied, as to the accuracy or completeness of the information. Users are reminded that lot size and legal description must be confirmed at the Land Title office in New Westminster.