



City of Richmond

Report to Committee

To: Community Safety Committee

to Community Safety - May 09, 2006
Date: April 27, 2006

From: Wayne G. Mercer
Manager, Community Bylaws

File: 12-8075-20-01-2006

Re: **Site Clean up of an unsightly property**
Civic address: 23380 Westminster Hwy

Legal Description: Lot B, Section 36 Block 5 North Range 4 West, Plan 20693

Staff Recommendation

That authorization be given to John's Custom Tractor and Disposal Service to remove all the discarded materials, under sections 17 (1) of the Community Charter and Local Government Act at 23380 Westminster Hwy, Richmond as outlined in the "Order to Comply" of April 7, 2006, under the Unsightly Premises Bylaw No. 7162, of the City of Richmond.

Wayne G. Mercer
Manager, Community Bylaws
(4601)

Att. 4

FOR ORIGINATING DIVISION USE ONLY					
			CONCURRENCE OF GENERAL MANAGER		
			<i>[Signature]</i>		
REVIEWED BY TAG	YES	NO	REVIEWED BY CAO	YES	NO
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff Report

Origin

A complaint was received on this property January 31, 2006 regarding the large amount of discarded materials on the property.

Analysis

The dwelling on the property is rented to Mr. Bill Yee and is owned by Mr. Charles Surmik. The property is currently zoned (R1/F) Single-Family Housing District.

Financial Impact

None

Conclusion

The Local Government Act, the Unsightly Premises Bylaw No. 7162 and the Community Charter Section 64 (K) are being violated.

On April 26, 2006 Bylaw Liaison Officer attended the property and confirmed clean up on part of the front yard, with no attempts made to the remaining property, therefore, 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 G. Mercer
Manager, Community Bylaws

WM:tc



City of Richmond

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

April 7, 2006
File: 06-326495

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

REGISTERED

Charles Z. Surmik
4386 Rumble Street
Burnaby BC V5J 2A1

Dear Mr. Surmik:

Re: Unsightly Condition of Property at 23380 Westminster Hwy, 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

February 2, 2006 – Bylaw Liaison Officer Tracy Christopherson attended 23380 Westminster Hwy on complaint of an unsightly premise. Tracy confirmed a large amount of discarded materials (ie: household items, boxes, wood etc.) and a commercial trailer unit. Front door had a pad lock and back door was blocked with discarded materials. A letter was sent to the property owner and copied to the tenant to remove all the discarded materials on the property and to permanently remove the commercial trailer unit.

February 17, 2006 – Tracy Christopherson attended and spoke with a man who identified himself as Mr. Chan the tenant of the property. Mr. Chan advised Tracy he was donating a lot of items on the property to a charitable organization. Mr. Chan asked for an extension. An extension was granted.

February 21, 2006 – Tracy Christopherson received more complaints. Tracy spoke with the property owner Mr. Surmik and set up a date and time to meet on his property located at 23380 Westminster Hwy.

February 23, 2006 – Tracy Christopherson, Dave MacDonald – Fire Department, Victor Duarte – Business Licence, Mr. Chan – Tenant and the property owner Mr. Surmik met on the property. Tracy advised the tenant, Mr. Chan and the property owner Mr. Surmik that Mr. Chan had two weeks to clean the property.

March 9, 2006 – Tracy Christopherson attended the property at 23380 Westminster Hwy and confirmed the property had not been cleaned up. Tracy received a call from Mr. Chan's social worker and was advised that the tenant of the property was named Bill Yee. Tracy confirmed this in a conversation with Bill Yee. Bill advised Tracy he had to clean the inside of the house and his apartment as well as the outside of the yard. An extension was granted.

March 22, 2006 – Tracy Christopherson attended the property and confirmed the materials are still on the property. Tracy spoke with Bill Yee, Bill advised Tracy that he has removed 200 boxes from inside the house and sent them to charity.

March 29, 2006 – Tracy Christopherson left a message with the property owner Mr. Surmik advising him that the property was still not cleaned up and that she would be proceeding with the "Order to Comply". Tracy also spoke with Bill Yee the tenant and he advised Tracy again that he has removed 200 boxes from inside the house and sent them to charity. Tracy advised Bill that she was in the process of working on the "Order to Comply", Bill advised he was working on it.

April 4, 2006 – Tracy Christopherson attended the property at 23380 Westminster Hwy and confirmed there was not much change from her last visit. Tracy spoke with Bill and again he advised Tracy he had removed 200 boxes from inside the house. Bill was advised that another complaint was received regarding the materials outside and the semi-trailer unit. Tracy spoke with the property owner Mr. Surmik regarding the condition of his property, Mr. Surmik advised Tracy to do what she had to do.

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 \$2,253.15.

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.*

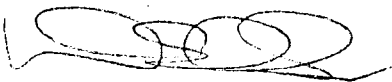
Should you wish to appeal this Order to Comply, please contact, in writing, the City Clerk's Office by 5:00 pm April 21, 2006. They are located in City Hall and can be reached at 604-276-4007.

Bylaw Liaison Officer Tracy Christopherson will be conducting a follow up inspection on April 26, 2006 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 Community Safety Committee of Council at their meeting schedule for Tuesday May 9, 2006 at 4:00pm, WH Anderson Room, 2nd Floor, City Hall, 6911 No. 3 Road, Richmond. You or your representative are invited to attend and speak on this matter should you wish. Council's authorization will be sought for the clean up as detailed in the attached Order to Comply.

Please inform Bylaw Liaison Officer Tracy Christopherson of your intentions regarding the matter on or before April 26, 2006 at 604-276-4073.

Yours truly,



Wayne G. Mercer
Manager, Community Bylaws

Enc. 1

pc: City Clerk's Office
Tracy Christopherson, Bylaw Liaison Officer

Vancouver City Savings Credit Union
3305 Kingsway
Vancouver BC V5R 5K6

Hand Delivered
Bill Yee
23380 Westminster Hwy
Richmond BC V6V 1C2



City of Richmond
Community Safety Division
Community Bylaws

Order to Comply

April 7, 2006

Pursuant to Unsightly Premises Bylaw 7162
& the Local Government Act

Civic Address 23380 Westminster Hwy, Richmond, BC
Legal Description Lot B Section 36 Block 5 North Range 4 West New Westminster District
Plan 20693

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 25, 2006, with the permanent removal of all:

- a) Discarded materials (ie: household items, garbage, boxes, wood, etc.) on the property.

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

Wayne G. Mercer
Manager, Community Bylaws

Att.