



City of Richmond

Report to Committee

To: Community Safety Committee
From: Don Pearson
Manager, Community Bylaws

Date: May 13, 2004
File:

Re: **Forced Clean Up of an Unsightly Premises at 8080 Alanmore Place**

Staff Recommendation

That approval be given to clean up an unsightly property located at 8080 Alanmore Place in Richmond in accordance with Section 725 of the Local Government Act as outlined in the "Order to Comply" of April 29th, 2004 issued under the Unsightly Premises Regulation Bylaw No. 7162.

Don Pearson
Manager, Community Bylaws
(4269)

Att. 4

| FOR ORIGINATING DIVISION USE ONLY | | | | | |
|-----------------------------------|--|--------------------|-------------------------------------|---------------------------------------|--------------------------|
| ROUTED TO: | | CONCURRENCE | | CONCURRENCE OF GENERAL MANAGER | |
| Community Bylaws..... | | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> |
| Law | | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> |
| REVIEWED BY TAG | | YES | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| | | | | | |
| REVIEWED BY CAO | | YES | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| | | | | | |

Staff Report

Origin

A complaint was received March 19th, 2004 concerning the property at 8080 Alanmore Place in Richmond. The complaint relates to the accumulation of discarded materials stacked in the carport, garbage scattered in the rear and front yards and, also stagnant water in the pool and garbage in and around the pool.

City records indicated there has been prior history regarding this property's condition with some initial compliance having been achieved, however, it seems the owner has not taken the necessary steps to maintain the appearance of the property. As a result more discarded items have again accumulated creating health, fire and safety concerns.

Findings Of Fact

On March 22nd, 2004 an inspection of the property was conducted. The inspection confirmed garbage and scattered items in the front, side and rear yards. Discarded items were stacked in the carport, also the pool located in the yard has stagnant water in it with some garbage by the side of the pool.

A letter was sent to the property owner on March 23rd, 2004 (copy attached) requesting removal of all the discarded materials in the carport, front and rear yards and to have the pool drained and cleaned with a compliance date of April 6th, 2004. The property owner could not be located and the letter was posted on the door and also sent by registered mail to the owner.

A follow up inspection was conducted on April 26th, 2004 and revealed no action had been taken to bring the property into compliance with the unsightly premises request, also the stagnant water was beginning to form algae around the rim of the pool.

On April 29th, 2004 the "Order to Comply" (copy attached) was sent via registered mail to the property owner and was also stapled to the front door of the house. The "Order to Comply" required the clean up of the property and the draining of the pool.

A further follow-up inspection was conducted on May 12th, 2004 and revealed that no action has been taken to bring the property into compliance with the "Order to Comply".

On May 13th photographs of the property at 8080 Alanmore Place were taken and copies are attached.

SECTION 725 OF THE LOCAL GOVERNMENT ACT

Section 725 of the Local Government Act allows Council, by bylaw (i.e. in this instance by authority of Bylaw No. 7162), to prohibit the owners or occupiers of real property from allowing their property to become or remain unsightly.

Unsightly Premises Regulation Bylaw No. 7162 describes the process to deal with such properties and includes the requirements of issuing an Order to Comply.

Section 725 of the Local Government Act addresses the action the City may take to remedy the unsightliness on real property. Bylaw No 7162, Section 2.2.2, states: "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."

Financial Impact


The Unsightly Premises Regulation Bylaw No. 7162, Section 2.2.3, states: "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."

Staff obtained a quote from our contractor John's Custom Tractor & Disposal Service for the removal of the discarded materials in the yard and carport. The total cost for clean up is estimated at **\$4,858.39**. (copy of estimate attached).

Conclusion

Authority under the Local Government Act and the Unsightly Premises Bylaw No. 7162 is given for staff to address this property. The amount of the estimate requires Council approval to undertake the necessary clean up action.

The appeal provisions pursuant to the "Order to Comply" were detailed in the order and the further correspondence was sent to the property owner on May 18th, 2004 advising the issue would be addressed at the Community Safety Committee meeting on June 1st, 2004 at 4:00 p.m. at City Hall.


Ron Graham
Bylaw Liaison Officer.



City of Richmond

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

May 18, 2004
File: 8080 Alanmore Place
REGISTERED MAIL A.R

Community Bylaws
Telephone: (604) 276-4345
Fax: (604) 276-4177

Margaret Righton
8080 Alanmore Place
Richmond BC V7C 2B7

Dear Margaret Righton

Re: Unsightly Condition of Property at 8080 Alanmore Place, 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

March 22, 2004 – Bylaw Liaison Officer Ron Graham conducted an inspection of the property. Unable to gain access to the yard due to the garbage and overgrown trees prohibiting access. Observations conducted from the laneway over the fence. The yard is cluttered with bags of garbage, bottles, and other debris. There is a pool in the rear yard that has stagnant water accumulating which could be creating a health hazard. The house is presently vacant but secure.

March 23, 2004 – Bylaw Liaison Officer Ron Graham hand delivered a letter requesting that all the discarded items and garbage in the carport, side and rear yards be removed by April 6, 2004. A request was also made to have the pool drained by the above deadline.

April 26, 2004 – Bylaw Liaison Officer Ron Graham re-inspected the property and confirmed that no effort was made to clean up the property or drain the pool. The stagnant water in the pool was beginning to form algae around the rim of the pool.

April 27, 2004 – Bylaw Liaison Officer Ron Graham accompanied by Paul Walden of Walden Disposal Services met at the property to carry out an estimate of the clean up costs. The estimate submitted for clean up is \$3,691.50, plus City Administration cost 23 % \$849.05, 7 % GST \$317.84. **Grand Total \$4,858.39.**

Mandatory Compliance – Order To Comply Process


RICHMOND
Island City, by Nature

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 **Grand Total** for clean of this property is **\$4,858.39**.

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 Local Government Act (Section 725 - Unsightly) as follows:

(2) In relation to a requirement under subsection (1) (d), (e) or (f), the bylaw may provide that, if a person fails to comply with the requirement, the municipality, by its employees or other persons, at reasonable times and in a reasonable manner, may enter on the property and effect the compliance at the expense of the person who has failed to comply.

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 May 26, 2004. They are located in City Hall and can be reached at 276-4007.

Bylaw Liaison Officer will be conducting a follow up inspection on May 31, 2004 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 scheduled for Tuesday June 1, 2004 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.

Should Council approve the work, it would be carried out at the owner's expense pursuant to Section 9 of Bylaw 7162 and Section 727 of the Local Government Act.

Please inform Bylaw Liaison Officer Ron Graham of your intentions regarding the matter on or before May 23, 2004 at 604-276-4071.

Yours truly,



Don Pearson

Manager, Community Bylaws

DP:rg

Enc. 1

pc: City Clerk's Office
Bylaw Liaison Officer



City of Richmond
Community Safety Division
Community Bylaws

Order to Comply

May 18, 2004

**Pursuant to Unsightly Premises Bylaw 7162
& the Local Government Act**

Civic Address 8080 Alanmore Place, Richmond, BC
Legal Description Lot 18 Section 22 Block 4 North Range 7 West New Westminster
District Plan 18098

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 May 31, with the:

- a) Removal of garbage scattered in the rear, side and front yard
- b) Removal of all discarded items stacked in the carport
- c) Stagnant water in the pool to be drained and pool cleaned

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

Don Pearson
Manager, Community Outreach


Att.

| | | |
|--|---|----------------------------|
| To: CITY OF RICHMOND BYLAWS DEPT. ATT. RON GRAHAM | WALDEN DISPOSAL SERVICES D/A JOHN'S CUSTOM TRACTOR SERVICES 7411 FRANCIS RD RICHMOND, BC V6Y 1A1 CELL: 644-6410 TEL: 272-4498 | Date APRIL 27/04 |
| | | Terms |
| | | Estimated Delivery Date |

We thank you for the opportunity of submitting the following prices and specifications.

| Quantity | Description | Unit Price | Amount |
|----------|-----------------------------------|------------|---------|
| SITE - | 8080 ALANMORE RD. RMD. | | |
| | REMOVAL, DISPOSAL OF ALL DEBRIS | | |
| | IN FRONT YARD AND BACK, INCLUDING | | |
| | ON POOL DECK AND INSIDE POOL. | | |
| | ALSO DRAIN POOL OF WATER, CUT | | |
| | GRASS IN FRONT YARD. PRICE: | | 3450.00 |
| | | | |
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| | | | |
| | | | |
| | | GST | 241.50 |
| | | PST | |
| | | Total | 3691.50 |

This quotation is valid for: CITY OF RICHMOND

By 

This is not an invoice

224117



City of Richmond

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

March 23, 2004
File: 8080 Alanmore Place

Community Bylaws
Telephone: (604) 276-4345
Fax: (604) 276-4177

DELIVERED BY HAND

Margaret Righton
8080 Alanmore Place
Richmond BC V7C 2B7

Dear Margaret Righton

Unsightly Condition of Property at 8080 Alanmore Place, Richmond BC

City records show that you are the owner 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 8080 Alanmore Place, Richmond BC.

The inspection of the property on March 22, 2004, confirmed the presence of:

1. discarded items stacked in the carport
2. garbage around the pool, also water in the pool
3. scattered items in the front, side and rear yards

which is in contravention of the Unsightly Premises Bylaw No. 7162.

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 with the removal of discarded and scattered items in the carport and side and rear yards, also water in the pool should be drained by April 6, 2004.

A re-inspection of your property will be carried out shortly after April 6, 2004 to ensure that the above matter has been addressed. In the event you are unable to comply by April 6, 2004, please inform me of your intention regarding the above matter. I can be reached at 276-4071.

Yours truly,

Ron Graham
Bylaw Liaison Officer

RGrg

8080 Alanmore Place
May 13, 2004 – Photo taken by Ron Graham



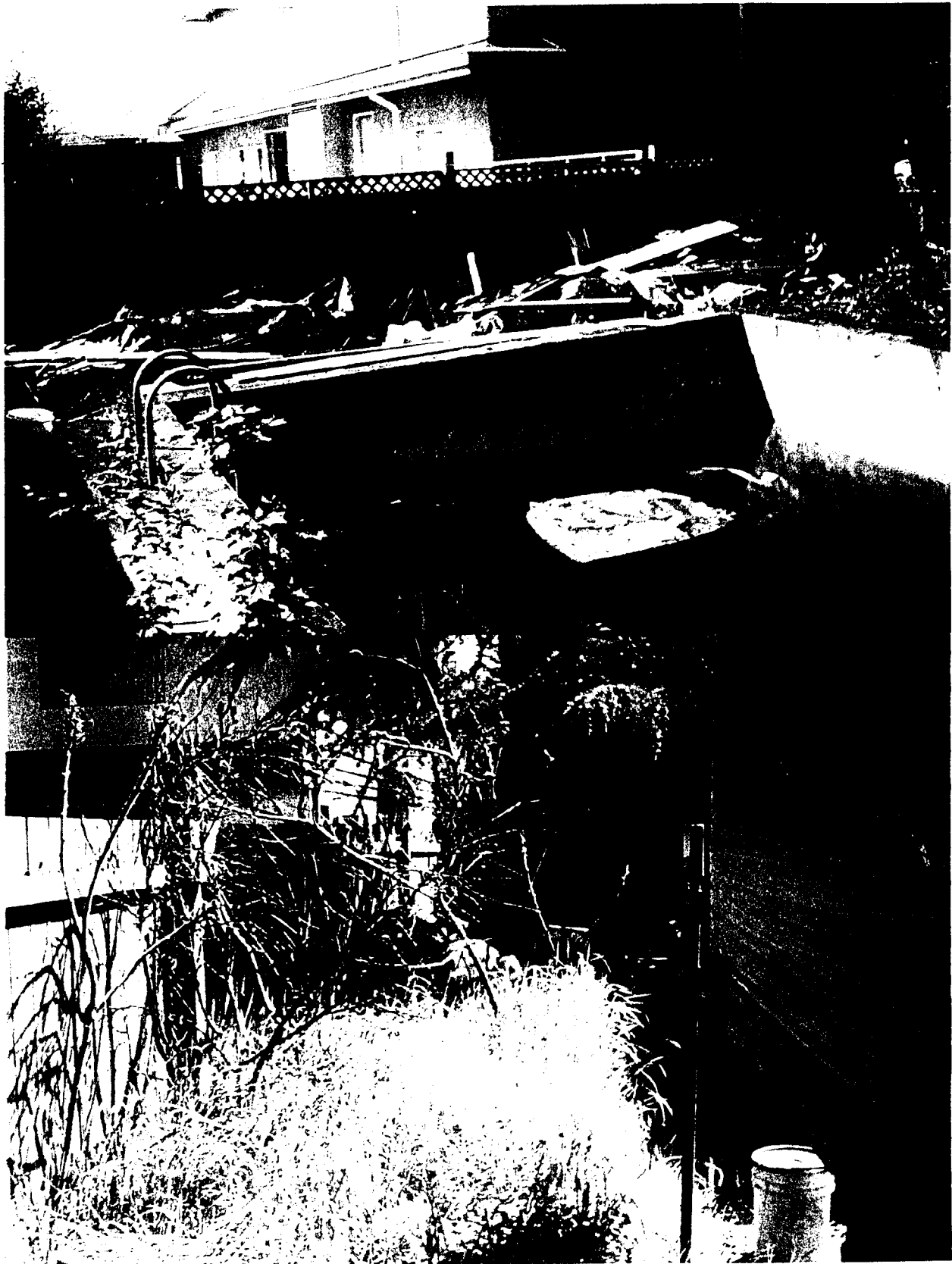
8080 Alanmore Place
May 13, 2004 – Photo taken by Ron Graham



8080 Alanmore Place
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May 13, 2004 – Photo taken by Ron Graham

