



City of Richmond

Report to Council

To: Richmond City Council **Date:** June 7, 2024
From: Mark Corrado **File:** 12-8375-02/2024-Vol
 Director, Community Bylaws and Licencing 01
Re: 10100 Severn Drive - Appeal of Order to Comply

Staff Recommendation

That the appeal be denied and that the Order to Comply issued for contraventions of the Unsightly Premise Regulation Bylaw No. 7162 regarding the property at 10100 Severn Drive be confirmed.

Mark Corrado
 Director, Community Bylaws and Licencing
 (604-204-8673)

Att. 3

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS:	APPROVED BY CAO

Staff Report

Origin

This report recommends that Council deny the appeal of an order to comply (the “Order”) issued to the property owner of 10100 Severn Drive for contraventions of the Unsightly Premises Regulation Bylaw No. 7162 (the “Bylaw”). Staff have been working with the property owner and their son since August 1, 2023, however, after some progress, cleanup efforts with respect to the removal of accumulated unsightly discarded materials have stalled. This report presents evidence to support the recommendation that the appeal of the Order be denied and that the Order be confirmed by Council.

This report supports Council’s Strategic Plan 2022-2026 Focus Area #3 A Safe and Prepared Community:

Community safety and preparedness through effective planning, strategic partnerships and proactive programs.

Findings of Fact

Staff have been responding to complaints at 10100 Severn Drive for nearly 15 years, with over 18 reports of unsightly premises. This property is zoned RS1/E and currently contains a two story house with two sheds in the backyard. The property is owned by Shirley K. Wong (the “Owner”), however, staff work with the Owner’s son, Edward Wong, who resides on the premise, to bring the property into compliance.

Following a complaint on August 1, 2023, staff attended the property and observed an accumulation of cardboard materials, tarps and pallets in the driveway, carport and piled at the rear of the property.

The Owner was issued an Order to Comply on August 22, 2023, with two specific conditions to address to come into compliance (Attachment 1). The Order stipulated a deadline of September 6, 2023, to meet these conditions. Between the issuance of the Order on August 22, 2023 and the most recent inspection of the property on June 5, 2024, staff have conducted 14 follow-up inspections to the property, documenting minimal and slow moving progress in meeting the conditions set out in the Order.

A collection of inspection photos, including ones from the most recent inspection, is provided as Attachment 2. It was observed that while the initial accumulation of materials at the front of the house was cleaned up in early 2024, a number of the materials were moved to the rear of the property and concealed under tarps and other items.

To date, a total of six violation notices have been issued to the Owner, under section 1.1.1 (a) of the Bylaw. Each fine carries a penalty of \$450. At the time of writing, no violation notices have been paid and a request for adjudication has been submitted for all notices.

Analysis

Appeal of the Order to Comply

On August 22, 2023, an Order to Comply was issued to the Owner of 10100 Severn Drive, Shirley Wong, for contraventions of the Bylaw. The Order was hand delivered to Edward Wong, acting on behalf of his mother, at the address listed on title for Shirley Wong. The order specifies two conditions to come into compliance with the Bylaw, specifically:

1. Removal of all newsprint/cardboard/paper products throughout the property including the carport; and
2. Removal of all materials placed under tarps or being concealed by tarps.

On August 31, 2023, Edward Wong submitted a request to the City Clerk to appeal the Order (Attachment 3). Given the extensive history regarding this property, staff sought to continue working with Mr. Wong to achieve compliance, as has been the past practice. Between August 2023 and March 2024, some progress was made in clearing the accumulated materials from the front of the property; however, efforts to address the accumulated materials at the rear of the property have stalled.

Considering the condition of the site and the property's history, it is recommended that the appeal be denied and that the Order upheld. Should Council agree to uphold the Order, staff will arrange to have the site cleaned at the Owner's expense.

Financial Impact

None.

Conclusion

10100 Severn Drive is a residential property with a long history of reoccurring non-compliance with the Unsightly Premises Regulation Bylaw. The most recent non-compliance is due to numerous newspapers/paper products, wooden pallets and tarps concealing these products in the rear of the property. This report proposes that the appeal of the August 22, 2023, Order to Comply, be denied so that the property can be cleaned up in compliance with the Bylaw. If the Order is confirmed and the Owner refuses to complete the clean-up, the City can undertake the work at the Owner's expense.



Geoffrey Bramhill
Manager, Community Bylaw Operations
(604-276-4136)

- Att. 1: August 23, 2023 Order to Comply
2: Pictures of inspections from March – June, 2024
3: Notice of Appeal to City Clerk



City of Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
www.richmond.ca

August 22, 2023
File: 164150

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

DELIVERED BY HAND

SHIRLEY WONG
10100 SEVERN DR
RICHMOND BC V7A 2V3

Dear Shirley Wong:

**Re: Contravention of Unsightly Premises Regulation Bylaw No. 7162 at:
Civic Address: 10100 Severn Dr, Richmond, BC
Legal Description:
LOT 226 SEC 34 BLK 4N RG 6W PL NWP41287 LOT 226, BLOCK 4N, PLAN
NWP41287, SECTION 34, RANGE 6W, NEW WESTMINSTER LAND DISTRICT**

City records show that you are the owner of the above property and as such this is to advise you of the contravention of the Unsightly Premises Bylaw No. 7162.

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 legal authority for this action is set out in the Unsightly Premises Regulation 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 Regulation 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**.*

Please contact the City Clerk's Office, in writing, by 5:00 pm September 5, 2023, should you wish to appeal this Order to Comply. The City Clerk's Office is located at Richmond City Hall, 6911 No. 3 Road, Richmond BC V6Y 2C1, telephone contact 604-276-4007.

Bylaw Liaison Officer Amen Sharma will be conducting a follow up inspection on September 6, 2023 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 Amen Sharma of your intentions regarding the matter on or before September 5, 2023 at 604-276-4072.

Yours truly,



Amen Sharma
Bylaw Liaison Officer II

AS:as

pc: City Clerk's Office



**City of
Richmond**

Order to Comply
Law and Community Safety Division
Community Bylaws

August 22, 2023

Pursuant to Unsightly Premises Regulation Bylaw 7162
and the Local Government Act

Civic Address 10100 Severn Dr

Legal Description

LOT 226 SEC 34 BLK 4N RG 6W PL NWP41287 LOT 226, BLOCK 4N,
PLAN NWP41287, SECTION 34, RANGE 6W, NEW WESTMINSTER
LAND DISTRICT

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 September 6, 2023 with the:

- a) Removal of all newsprint/cardboard/paper products throughout the property including the carport;
- b) Removal of all materials placed under tarps or being concealed by tarps

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

Amen Sharma
Bylaw Liaison Officer II

Att.



Photos of the backyard
10100 Severn Drive – Photos taken March 21, 2024



Photos of the backyard
10100 Severn Drive – Photos taken April 10, 2024



Photos of the backyard
10100 Severn Drive – Photos taken May 22, 2024



Photos of the backyard
10100 Severn Drive – Photos taken June 5, 2024

Bramhill, Geoffrey

From: CityClerk
Sent: August 31, 2023 4:47 PM
To: 'citiwestfincorp7@inbox.com'
Cc: CityClerk
Subject: RE: Appeal to Mayor & City Council the Order To Comply File #164150.

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon,

Thank you for your email. Please accept this email as confirmation of receiving your request for an appeal of the City's Order to Comply. Our office will be in contact with you next week regarding next steps.

Regards,
Claudia

Claudia Jesson

Director, City Clerk's Office
T: 604-276-4006
E: Cjesson@richmond.ca

From: citiwestfincorp7@inbox.com <citiwestfincorp7@inbox.com>
Sent: August 31, 2023 12:48 PM
To: CityClerk <CityClerk@richmond.ca>
Subject: Appeal to Mayor & City Council the Order To Comply File #164150.
Importance: High

City of Richmond Security Warning: This email was sent from an external source outside the City. Please do not click or open attachments unless you recognize the source of this email and the content is safe.

Hi to Claudia Jesson, City Clerk of Richmond:

I wish to appeal the City's Order to Comply letter File #164150 to Mayor & City Council; on behalf of my Mother, Shirley Wong, owner of the property, 10100 Severn Drive.

Please acknowledge receiving Appeal email.

Regards,

Edward