



To: Mayor and Councillors **Date:** September 20, 2021
From: Mark Corrado **File:** 09-5350-00/Vol 01
Manager, Community Safety Policy and Programs
Re: **September 20 , 2021 Inspection Update on 10100 Severn Drive - Appeal of Order to Comply**

At today's Special Council meeting, Council will be considering the appeal of an order to comply (the "Order") issued to the property owner of 10100 Severn Drive for contraventions of Unsightly Premises Regulation Bylaw No. 7162 (the "Bylaw"). Council heard a presentation at a Special Council meeting on July 19, 2021, from the property owner's son that he needed more time in order to comply with the Bylaw and Council agreed to provide an extension to September 20, 2021.

In order to provide Council with most up to date information of the site conditions of the property, bylaw enforcement staff attended the property on the morning of September 20, 2021. Pictures from this inspection are attached to this memorandum.

As shown in the pictures, there has been some change on the property since the meeting on July 19, 2021 such as the removal of one derelict vehicle and one container as well as some boxes in the driveway. However, the property remains in non-compliance with the Bylaw due to:

- Two derelict vehicles in the front driveway (one vehicle was removed and towed). One vehicle is completely inaccessible and barely visible.
- Several stacks of pallets in the back yard, along the fence, at the back of the house plus additional pallets in the driveway;
- Carport has stacks of boxes of books and newspaper
- One shipping container remains in the driveway
- Piles of discarded items stored under tarps in the backyard.

This site has a long history of unsightly premise complaints and throughout that history would lapse into non-compliance after each partial clean up. Considering the condition of the property, the number of complaints received and the extensions of time already afforded to the property owner, it remains the recommendation of staff that the appeal of the Order is denied. Denying the appeal and upholding the Order will give the City of Richmond the authority to remove all the discarded material and bring the property in full compliance with the Bylaw. Many of the discarded items to be removed are recyclable and the City will ensure that they are recycled and not thrown in the garbage.

September 20, 2021

- 2 -

While upholding the Order to Comply will allow the City to clean the site and leave it compliant with Unsightly Premises Regulation Bylaw No. 7162, the presence of the containers/bins is in non-compliance with Richmond Zoning Bylaw No. 8500. Following consideration of the appeal of the Order, staff will begin formal enforcement measures to have the containers/bins removed.

Staff from Community Bylaws will be at the Special Council meeting later today to answer further questions on this matter.



Mark Corrado
Manager, Community Safety Policy and Programs
(604-204-8673)

Att. Pictures from September 20, 2021 Inspection

pc: SMT
Clay Adams, Director, Corporate Communications

10100 Severn Drive Inspection Photos – September 20, 2021

One Annacis Waste Disposal Bin (#AC-304) on the driveway (Second Disposal Bin has been removed along with the discarded materials on the driveway)





6751097

**CNCL - 6
(Special)**



One derelict vehicle visible in the carport (Second derelict vehicle covered up and is inside the carport. **The third one has been removed and towed.**)



Pallets and discarded materials (books/newspapers) in the backyard on the South East Corner – (Some discarded materials have been reduced/pallets remains the same)





Pallets in the backyard on the South West corner (discarded materials have been removed/pallets remains the same)



Pallets and discarded materials (plastic and tarps) on the North East Corner (remains the same)





6751097

**CNCL - 11
(Special)**

Pallets in the backyard stacked on the fence on the North Side (remains the same)



Pallets, Plastic containers (Plastic and books inside) and stones in the backyard on the North West Corner (remains the same)





Pallets in the backyard on the West side (remains the same)



Wide Angle shot of the North and West side of the backyard



Wide Angle shot of the North and South side of the backyard



Staff Report

Origin

This report recommends that Council denies the appeal for 10100 Severn Drive. Staff have issued an Order to Comply (the “Order”) under Unsightly Premises Regulation Bylaw No. 7162 (“Unsightly Bylaw”) for the owner to remove and clear from the property the significant accumulations of unsightly discarded items. To date, the owner has not complied with the Order but has appealed to Council to rescind the Order. This report presents evidence to support the recommendation that this appeal be denied and the Order confirmed.

This report supports Council’s Strategic Plan 2018-2022 Strategy #1 A Safe and Resilient City:

Enhance and protect the safety and well-being of Richmond.

1.1 Enhance safety services and strategies to meet community needs.

Findings of Fact

Staff have been addressing complaints at 10100 Severn Drive for at least 13 years with over 15 unsightly premises complaints. This property is zoned RS1/E, and currently contains a two story house, two sheds in the backyard and two shipping containers in the driveway. 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.

In response to complaints from time to time, bylaw staff have issued several Orders to clean up the property and on two occasions have proceeded with forced clean ups undertaken by the City, at the expense of the Owner. Each time the City undertakes a forced clean up, or gets voluntary compliance, the property is left clean and compliant with the bylaw. However, this property has a pattern of re-accumulating waste and discarded items, leading to non-compliance with the Unsightly Bylaw. Patterns of this nature are often be the result of an on-going health issues of the property owner or tenant. In response to this, the City has coordinated with Vancouver Coastal Health and with the RCMP’s “Fox 80” program to assist with inspections and clean ups.

Prior to the current complaint, the most recent bylaw enforcement activity on this site began in November 2019 when the City received a complaint that the property contained garbage in the front and back yard causing rats. An inspection on the property at that time confirmed:

- newspaper accumulation and paper waste:
 - under the carport;
 - inside vehicles parked in the property; and
 - in the back yard; and
- a shipping container in the driveway filled with paper products.

The placement of shipping containers on the property is in contravention of Richmond Zoning Bylaw No. 8500 and, as such their removal will be dealt with separately from this appeal through bylaw enforcement.

As a result of the complaint in November 2019, the owner was issued an Order to Comply on January 21, 2020, to clean the site and was given numerous extensions to comply with the Order. Along with this order, both Shirley and Edward Wong received bylaw tickets for non-compliance with the Unsightly Bylaw. While both tickets were paid, the property was not cleaned up. On October 21, 2020, a partial cleanup of the property was undertaken by the City. This cleanup was stopped when the Owner's son showed a willingness to continue the work on his own. Pictures of the site on October 21, 2020 are provided as Attachment 1.

On April 21, 2021 an inspection of the property confirmed:

- large amounts of cardboard boxes full of paper products, newspapers and discarded materials;
- derelict vehicles in the carport and driveway; and
- two shipping containers in the driveway.

Pictures of the property taken April 21, 2021 are provided as Attachment 2. On April 22, 2021 an Order to Comply was issued to clean the site and comply with the Unsightly Bylaw no later than May 2, 2021 (Attachment 3).

Analysis

Appeal of Order to Comply

On April 22, 2021, the owner of 10100 Severn Drive was issued an Order to Comply with the Unsightly Bylaw. This Order specified steps to be taken to bring the condition of the property into conformity with the Unsightly Premises Bylaw, namely:

- a) Removal of all the unsightly rubbish items, cardboard, plastic containers, scrap metal, wooden pallets, garbage bags, and discarded cups/bottles/can/glass;
- b) Removal of unsightly discarded materials, furniture, television, household items, newspapers and abandoned equipment; and
- c) Removal of derelict vehicles (but excludes one vehicle on a piece of real property).

An order issued according to the Unsightly Bylaw instructs the owners to comply by the deadline given or the City will do the work on the owners' behalf and at the owners' expense. The Unsightly Bylaw also has provisions to allow property owners to appeal to Council to have the Orders rescinded. In this case, the Owner's son, Edward Wong on behalf of his mother Shirley Wong, has asked to appeal to Council (Attachment 4).

In consideration of the conditions of the site and the past history of the property, it is recommended that the appeal is denied and the Order upheld. Should Council agree to uphold the Order, staff will arrange to have the site cleaned at the owners' expense.

Financial Impact

None.

Conclusion

10100 Severn Drive is a residential property with a long history of reoccurring non-compliance with the Unsightly Bylaw. The most current non-compliance is due to numerous newspapers/paper products and two shipping containers which need to be addressed. This report proposes that the appeal of the April 21, 2021 Order to Comply be denied so that the property can be cleaned up, in compliance with the Unsightly Bylaw. If the Order is confirmed, and the Owner refuses to complete the clean-up, the City can undertake the work at the owners' expense.



Carli Williams, P.Eng.
Manager, Business Licence and Bylaws
(604-276-4136)

CW:tc

- Att. 1: Pictures of inspection on October 21, 2020
- 2: Pictures of inspection on April 21, 2021
- 3: April 22, 2021 Order to Comply
- 4: Notice of Appeal submitted to City Clerk



Photos of the backyard
10100 Severn Drive – Photos taken October 21, 2020

ATTACHMENT 1



Photos of the backyard
10100 Severn Drive – Photos taken October 21, 2020

ATTACHMENT 1



Photos of the backyard
10100 Severn Drive – Photos taken October 21, 2020

ATTACHMENT 1



Shipping container and derelict vehicle covered up.



Two shipping containers in the driveway – one has a green tarp over it.
10100 Severn Drive – Photos taken April 21, 2021

ATTACHMENT 2



Photos of the backyard – Pallets throughout the yard. Under the tarps are boxes of books/newspapers
10100 Severn Drive – Photos taken April 21, 2021

ATTACHMENT 2



Photos of the backyard – Pallets throughout the yard. Under the tarps are boxes of books/newspapers
10100 Severn Drive – Photos taken April 21, 2021

ATTACHMENT 2



Photos of the backyard – Pallets throughout the yard. Under the tarps are boxes of books/newspapers
10100 Severn Drive – Photos taken April 21, 2021

ATTACHMENT 2



Carport is full of boxes of newspapers and books and two derelict vehicles.
10100 Severn Drive – Photos taken April 21, 2021

ATTACHMENT 2



City of
Richmond

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

April 22, 2021
File: 102215

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

HAND DELIVERED

Shirley Koon Neo Wong
10100 Severn Drive
Richmond BC V7A 2V3

Dear Shirley Koon Neo Wong:

**Re: Contravention of Unsightly Premises Regulation Bylaw No. 7162 at:
Civic Address: 10100 Severn Drive, Richmond, BC, V7A 2V3
Legal Description: LOT 226 SECTION 34 BLOCK 4 NORTH RANGE 6 WEST
NEW WESTMINSTER DISTRICT PLAN 41287**

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. You are required to bring your property into compliance as outlined in the attached Order to Comply.

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 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 April 29, 2021, 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 and email address cityclerk@richmond.ca.

Bylaw Liaison Officer Gary Choi will be conducting a follow up inspection on **May 02, 2021** 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 Gary Choi of your intentions regarding the matter on or before May 02, 2021 at 604-204-8511.

Yours truly,



Gary Choi
Bylaw Liaison Officer II

GC:gc

Enc. 1 Order to Comply
pc: City Clerk's Office



City of Richmond

www.richmond.ca

Tracy Christopherson

Supervisor, Property Use
Community Safety

Tel: 604-276-4073

Fax: 604-276-4036

tchristopherson@richmond.ca

File No. _____

6911 No. 3 Road, Richmond
BC, Canada V6Y2C1



April 22, 2021

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

Civic Address 10100 Severn Drive, Richmond, BC, V7A 2V3
Legal Description LOT 226 SECTION 34 BLOCK 4 NORTH RANGE 6 WEST NEW
WESTMINSTER DISTRICT PLAN 41287

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 02, 2021 with the:

- a) Removal of any unsightly rubbish items (ie: cardboard, plastic containers, scrap metal, wooden pallet, garbage bags, discarded cups/bottles/cans/glass or bins containing such materials and other discarded items);
- b) Removal of any unsightly discarded materials (ie: furniture, television, household items, newspapers, discarded cups/bottles/cans/tins/glass, and abandoned equipment)
- c) Removal of any derelict vehicles but excludes one vehicle on a piece of real property, which vehicle may only be parked or stored on hard surfacing property

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

Gary Choi
Bylaw Liaison Officer II

Att.

CityClerk

From: EdwardJamesK Wong <citiwestfincorp7@inbox.com>
Sent: April 29, 2021 10:55 AM
To: CityClerk
Cc: Christopherson,Tracy; Choi,Gary
Subject: Appeal Order to Comply-File#102215
Attachments: 2021Apr29CityLetter_0001(Copy).jpg; 2021Apr29CityLetter_0002(Copy).jpg;
2021Apr29CityLetter_0003(Copy).jpg

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.

To City Clerk:

I wish to appeal the City's Order to Comply letter File #102215 to City Council; on behalf of my Mother, Shirley Wong, owner of the property, 10100 Severn Drive.

Regards,
Edward Ken Wong