



City of Richmond

Report to Council

To: Richmond City Council **Date:** July 28, 2010
From: Phyllis L. Carlyle **File:** 12-8060-01/2010-Vol
 General Manager, Law & Community Safety 01
Re: **Site Clean Up of an Unsightly Property**
Civic Address: 9271 Alberta Road
Legal Description: East Half of Lot 25 Block "B" Section 10 Block 4
North Range 6 West NW District Plan 1305

Staff Recommendation

1. That the appeal submitted by Mr. Allan Shen, on behalf of registered owner Wayne Shen of 9400 Alberta Road, against the "Order to Comply" issued on May 25, 2010 regarding the unsightly condition of 9271 Alberta Road pursuant to the Unsightly Premises Regulation Bylaw No. 7162 and section 17(1) of the *Community Charter*, be denied;
2. That Walden Disposal Services, as contractor for the City, be authorized to remove the overgrowth of vegetation consisting of weeds and long grass and conduct a perimeter cut of all black berry bushes encroaching neighbouring fences at 9271 Alberta Rd in accordance with the "Order to Comply" of May 25, 2010 issued under the Unsightly Premises Bylaw No. 7162 and section 17(1) of the *Community Charter*; and
3. That the final cost of this remediation, estimated at \$8,937.60 (including fees and taxes), be invoiced to the registered owner of the property located at 9271 Alberta Road.

Phyllis L. Carlyle
 General Manager, Law & Community Safety
 (604.276.4104)

Att.

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

Staff Report

Origin

The Community Bylaws Division received a complaint on May 20, 2010 reporting a public safety and health concern with regard to the unsightly nature (overgrown vegetation) and unsecured abandoned building at 9611 Alberta Road. Community Bylaws and Richmond Fire and Rescue conducted a joint inspection of the property on May 21, 2010. Richmond Fire and Rescue issued a Notice of Violation to the owner's agent for contraventions under the Fire Protection and Life Safety Bylaw No. 8206 with regard to the unsecured abandoned building located at 9271 Alberta Rd. The inspection by Community Bylaws confirmed the presence of overgrown vegetation which included weeds, long grass and blackberry bushes. The overgrowth of vegetation is contrary to the Unsightly Premises Bylaw No. 7162 section 1.1.1 (a) and 1.2.1 (b) and (c) which states:

- 1.1.1 An owner or occupier of real property must not:
 - (a) allow such property to become or remain unsightly
- 1.2.1 The owner or occupier of real property, or their agents, must:
 - (b) clear or cause such property to be cleared of unsightly brush, trees, weeds or other growth; and
 - (c) keep grass trimmed to a height of not more than 20 centimetres.

Analysis

The subject property is currently zoned RS1/F Single Family Residential. The City continues to receive complaints on the unsightly nature of this property dating back to the year 2008. Due to the repeat contraventions, the Community Bylaws Division issued an immediate "Order to Comply" on May 25, 2010. The "Order to Comply" was delivered by hand to the owner's agent at 260-8291 Alexandra Road on May 25, 2010. Section 2.1.3 of the Unsightly Premises Bylaw No. 7612 permits the "Order to Comply" to be served as follows:

- (c) on any agent of the owner or occupier of the real property on which the offending material is located by:
 - (i) personal service

The City has received a letter from Mr. Wayne Shen providing authorization to Mr. Allan Shen to act on his behalf with regard to the specific issue of the appeal to the 'Order to Comply' dated May 25, 2010. Staff has confirmed with the New Westminster Land Title Office that the registered owner of the property located at 9271 Alberta Road is Wayne Shen.

Following is the complaint history on the property located at 9271 Alberta Road from the year 2008 to 2010.

Year	File #	Complaint Type	Date Opened	Compliance Date
2008	419104	Unsightly premises – construction refuse	08/04/22	08/07/14
2009	480548	Unsightly premises – garbage and debris	09/07/14	09/08/10
2009	490247	Unsightly premises – garbage and debris	09/09/08	10/02/15
2010	531626	Unsightly premises – overgrown vegetation / abandoned building	10/05/21	

Richmond Fire and Rescue reports the following:

Property located at 9271 Alberta Road was inspected by Richmond Fire and Rescue staff on May 21, 2010. Inspection found that the fencing and home had been breached, violation notices were issued to Kenneth Heung (agent for the owner) on the same day, at his office located at 260-8291 Alexandra Road. The property was re-inspected on May 27, 2010 and was found to be acceptable, with the exception of:

- The fence was not continuous, some areas were secured with vegetation only.

On May 27, 2010 Richmond Fire and Rescue staff contacted the owner's agent and confirmed that the property was acceptable but would require continued maintenance to ensure that it remained secured.

Council's power to authorize and direct these actions comes from section 17(1) of the *Community Charter*, which states:

The authority of a council under this or another Act to require something to be done includes the authority to direct that, if a person subject to the requirement fails to take required action, the Municipality may:

- fulfill the requirement at the expense of the person, and
- recover the costs incurred from that person as a debt.

Financial Impact

None

July 28, 2010

- 4 -

Conclusion

The property located at 9271 Alberta Road is in contravention of Section 1.1.1 (a) and 1.2.1 (b) and (c) of the Unsightly Premises Bylaw No. 7162 . As a result of this contravention, staff is seeking mandatory compliance through Council to have the offending material removed by Walden Disposal Services at an estimated cost of \$8,937.60 (including fees and taxes) to be recovered from the property owner.



Wayne G. Mercer
Manager, Community Bylaws
(604.247.4601)



Magda Laljee
Supervisor, Community Bylaws
(604.247.4642)

ML:ml

9271 ALBERTA ROAD
PHOTOS TAKEN BY: DAL BENNING
DATED: MAY 20, 2010





Address:9271 ALBERTA ROAD- Partial front view
Taken by Ron Graham June 10th, 2010.



Address: 9271 ALBERTA ROAD- Front View
Taken by Ron Graham June 10th, 2010.



Address;9271 Alberta Road- Front View
Taken by Ron Graham June 10th, 2010.



Address: 9271 Alberta Road- Rear Yard view
Taken by Ron Graham June 10th, 2010.



Address: 9271 Alberta Road- Rear yard view in relation to town home complex to the east.
Taken by Ron Graham June 10th, 2010.



Address: 9271 Alberta Road- View from the West side
Taken by Ron Graham June 10th, 2010.

9271 ALBERTA ROAD
PHOTOS TAKEN BY: DAL BENNING
DATED: JUNE 24, 2010



		INT
	DW	
✓	GJ	
	KY	
	DB	

Via Fax: 604-278-5139

May 31, 2010

City Clerk Office
City of Richmond
6911 No.3 Road
Richmond, BC
V6Y 2C1

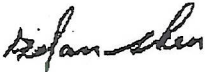
Dear Sirs/Madams:

Re: Unrightly Condition of Properties at 9271 Alberta Road and 9611 Alberta Road,
Richmond, BC

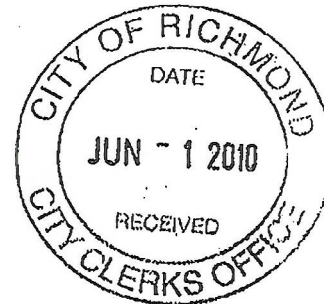
Further to the Order to Comply letter dated May 25, 2010 with File No. 10-531626 and File No. 10-510732 regarding the above-noted properties, I regret that I would like to appeal for this issue.

Thank you for your attention and consideration.

Yours truly,



Allan Shen
The Property Owner
9400 Alberta Road
Richmond, BC
V6Y 1T6



16 Jul 2010 5:11PM

p. 1

17 Jul 10 08:50 Shen

852 23387087

p.1

18 Jul 10 22:27 Shen

852 23387087

p.1

Authorization Letter

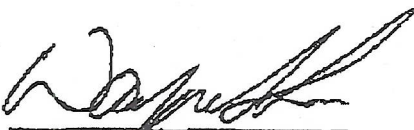
Date: July 15, 2010

To Whom It May Concern:

Re: Appeal to the Order to Comply file No. 10-531626

I hereby appoint and authorize my father, Mr. Allan Shen, to represent me in this appeal of the Order to Comply dated May 25, 2010 with reference to my property of 9271 Alberta Road, Richmond, B.C.

Sincerely,



Wayne Shen



City of Richmond

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

May 25, 2010
File: 10-531626

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

Wayne Shen
9400 Alberta Road
Richmond BC V6Y 1T6

Dear Wayne Shen

Re: Unsightly Condition of Property at 9271 Alberta Road, Richmond BC.

City Staff have been made aware of safety concerns pertaining to the present condition of the subject property. This letter address the overgrowth of vegetation, consisting of weeds, long grass and blackberry bushes. We are seeking mandatory compliance to the City's bylaws.

The City has received several complaints regarding the condition of this property related to overgrown vegetation . The appearance of this vegetation on the entire property has created safety concerns to the neighbouring properties and general area.

On May 20th, 2010, Property Use Inspector Dal Benning attended 9271 Alberta Road, Richmond BC and took several photos indicating the presence of overgrown weeds, long grass and blackberry bushes.

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 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 June 4th, 2010. They are located in City Hall and can be reached at 604-276-4007.

Bylaw Liaison Officer will be conducting a follow up inspection on June 8th, 2010 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 of your intentions regarding the matter on or before June 7th, 2010 at 604-276-4071.

Yours truly,



Wayne G. Mercer
Manager, Community Bylaws
Property Use Inspector

RG:rg

pc: City Clerk's Office
Bylaw Liaison Officer



City of Richmond
Community Safety Division
Community Bylaws

Order to Comply

May 25th, 2010

Pursuant to Unsightly Premises Bylaw 7162
& the Local Government Act

Civic Address 9271 Alberta Road, Richmond, BC
Legal Description Lot : Section 10 Block 4 North Range 6 New Westminster District Plan 1305

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 June 7th, 2010, with the:

- a) clearance of all vegetation consisting of weeds, long grass and black berry bushes.

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

A handwritten signature in black ink, appearing to read "Wayne G. Mercer".

Wayne G. Mercer
Manager, Community Bylaws

