



City of Richmond

Report to Council

To: Richmond City Council

Date: July 28, 2010

From: Phyllis L. Carlyle
General Manager, Law & Community Safety

File: 12-8060-01/2010-Vol
01

Re: **Site Clean Up of an Unsightly Property**
Civic Address: 9611 Alberta Road
Legal Description: 19 SEC 10 BLK4N RG6W PL 1305
Suburban Block B, Part E ½

Staff Recommendation

1. That the appeal submitted by Mr. Allan Shen, registered owner of 9611 Alberta Road, against the "Order to Comply" issued on May 25, 2010 regarding the unsightly condition of 9611 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 9611 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 \$5,040.00 (including fees and taxes), be invoiced to the registered owner of the property located at 9611 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	NO	REVIEWED BY CAO	YES	NO
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>DEPUTY</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 for contraventions under the Fire Protection and Life Safety Bylaw No. 8206 with regard to the unsecured abandoned building. 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 City continues to receive complaints on the unsightly nature of this property on an annual basis dating back to the year 2002. Due to the repeat contraventions, the Community Bylaws Division issued an immediate "Order to Comply" on May 25, 2010 in response to a complaint. 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 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

Staff has confirmed with the New Westminster Land Title Office that the registered owners of the property located at 9611 Alberta Road are Allan and Alice Shen. The subject property is currently zoned RS1/F Single Family Residential.

Following is the complaint history related to the property located at 9611 Alberta Road from the year 2002 to 2010.

Year	File #	Complaint Type	Date Opened	Compliance Date
2002	204949	Unsightly premises – overgrown vegetation	02/04/26	02/06/06
2004	262793	Abandoned unsecured building on property boarded up and secured by the City's building department on same day	04/01/27	04/01/27
2005	312540	Unsightly premises – overgrown vegetation and debris	05/09/07	06/08/31
2006	342776	Unsightly premises – overgrown vegetation	06/08/04	06/09/05
2008	420952	Unsightly premises – overgrown vegetation and debris	08/05/01	08/06/05
2008	430411	Unsightly premises – overgrown vegetation	08/07/04	08/08/19
2008	447533	Unsightly premises – overgrown vegetation and debris	08/11/14	08/11/20
2009	506123	Unsightly premises – overgrown vegetation and debris	09/12/16	10/01/18
2010	510732	Unsecured Building and Unsightly premises debris	10/02/08	10/03/05
2010	510732	File re-opened to address repeat contravention. Unsecured Building and Unsightly premises overgrown vegetation.	10/05/20	

Richmond Fire and Rescue reports the following:

Property located at 9611 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 visited the owner (Allan Shen), to offer advice and education, on the process of maintaining the property; staff were met with hostility and left the property. Staff then contacted the owner's agent and confirmed that the property was acceptable but would require continued maintenance to ensure that it remained secured.

July 8, 2010

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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:

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

Financial Impact

None.

Conclusion

The property located at 9611 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 \$5,040.00 (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

9611 ALBERTA ROAD
PHOTOS TAKEN BY: DAL BENNING
DATED: MAY 20, 2010



9611 ALBERTA ROAD
PHOTOS TAKEN BY: DAL BENNING
DATED: MAY 20, 2010





Address: 9611 ALBERTA ROAD-
Taken by Ron Graham June 10th, 2010



Address: 9611 ALBERTA ROAD- (rear of the property adjacent to the nearby townhouse complex)

Taken by Ron Graham June 10th, 2010.



Address: 9611 ALBERTA ROAD- East side view of property)
Taken by Ron Graham June 10th, 2010.



Address: 9611 ALBERTA ROAD- East side to rear yard view
Taken by Ron Graham June 10th, 2010.



Address; 9611 ALBERTA ROAD- Rear yard view from the east
Taken by Ron Graham June 10th, 2010.

9611 ALBERTA ROAD
PHOTO TAKEN BY: DAL BENNING
DATED: JUNE 24, 2010



31 May 2010 12:49PM

p. 1

May 31 2010 12:26PM HP LASERJET FAX

6042787380

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31 May 2010 10:49AM

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	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:

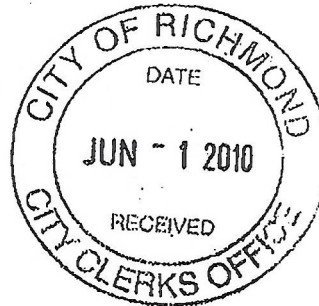
Re: Unightly Condition of Properties at 9271 Alberta Road and 9611 Alberta Road,
Richmond, BC

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





City of Richmond

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

May 25, 2010
File: 10-510732

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

Allan & Alice Shen
260-8291 Alexandra Road
Richmond BC V6X 1C3

Dear Allan & Alice Shen

Re: Unsightly Condition of Property at 9611 Alberta Road, Richmond BC

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

Property History - Complaints

Between 2002 to 2010- The City received several complaints regarding the condition of this property related to overgrown vegetation. This year there have been two complaints, where residents in the area have expressed safety concerns pertaining to overwhelming vegetation on this property.

May 20th, 2010, Property Use Inspector Dal Benning attended 9611 Alberta Road, Richmond BC and took several photos indicating the overgrowth of 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 Ron Graham of your intentions regarding the matter on or before June 7th, 2010 at 604-276-4071.

Yours truly,



Wayne G. Mercer
Manager, Community Bylaws

AB: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 9611 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) complete clearance of all vegetation, consisting of weeds, long grass and blackberry bushes.

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

Wayne G. Mercer
Manager, Community Bylaws