



City of Richmond

Report to Committee




To: Community Safety Committee **Date:** June 25, 2012
From: Phyllis Carlyle **File:** 09-5126-01/2012-Vol 01
 General Manager, Law and Community Safety
Re: **Abandoned and Vacant Properties Update**

Staff Recommendation

That the staff report titled Abandoned and Vacant Properties Update (dated June 25, 2012 from the General Manager, Law and Community Safety) be received for information.



Phyllis Carlyle
 General Manager, Law and Community Safety
 (604 276-4104)

REPORT CONCURRENCE			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Budgets	<input checked="" type="checkbox"/>		
Community Bylaws	<input checked="" type="checkbox"/>		
Fire Rescue	<input checked="" type="checkbox"/>		
Richmond RCMP	<input checked="" type="checkbox"/>		
Building Approvals	<input checked="" type="checkbox"/>		
REVIEWED BY TAG SUBCOMMITTEE	INITIALS: 	REVIEWED BY CAO	INITIALS: 

Staff Report

Origin

Council's Term Goals for 2011-2014 identify Community Safety as a high priority and that public safety services, service delivery models and resources are effectively targeted to the City's specific needs and priorities.

Safety risks aside vacant buildings negatively impact the quality of life for residential neighbours, while reducing the viability of nearby businesses. This report provides an update to Council on the status of abandoned buildings due to the associated costs borne by the City and staff's current approach in responding to abandoned or vacant buildings.

Vacant buildings present numerous problems to municipalities, most obviously by posing a number of significant hazards to the community which include the potential for fire or a base for illegal activities by virtue of their unoccupied state. Access to the interior by unauthorized persons can allow for covert activity, alterations to the building or building systems that present a risk of injury to City officials; first responders as well as a serious fire risk. These buildings tax the community safety resources of the City if the dangerous activities are not mitigated in a timely manner.

Analysis

At the Community Safety Joint Operations Team (JOT) meetings, the subject of abandoned buildings is a standing item. A coordinated approach has evolved culminating in a comprehensive inventory of abandoned buildings. This inventory is updated and reviewed on a regular basis by staff from the RCMP Detachment, Richmond Fire-Rescue and Community Bylaws in order to identify problematic properties and to develop a coordinated and cost-effective approach.

Each of the responsible divisions within the Law & Community Safety Department has specific responsibilities and enforcement powers to ensure that the safety concerns associated with abandoned buildings are mitigated. As of June 4, 2012, there were:

- 174 structures demolished;
- 139 structures currently being monitored by Community Bylaws; and
- 12 unsecured buildings (3 are to be demolished, 6 have received Notices of Violation, and 3 are pending action by Richmond Fire-Rescue).

The following outlines the individual department responsibilities:

Community Bylaws

The Community Bylaws Division uses the regulations and standards outlined in the City's Unsightly Premises Regulation Bylaw No. 7162 to effectively manage and control the condition of abandoned and vacant structures in the City of Richmond. From January 1, 2012 to April 30,

2012, Community Bylaws staff has responded to 203 calls for service related to unsightly, and/or abandoned properties, of which 139 are being monitored for compliance. The normal by-law enforcement procedure is as follows:

1. The Property Use Inspector attends the property for inspection to ascertain any unsightly nature and/or whether the building is secure.
2. If found to be unsecure, the Property Use Inspector immediately notifies Richmond Fire-Rescue by e-mail to coordinate the securing of the building.
3. If the property surrounding the building is found to be unsightly, a letter is sent out to the owner of the property seeking voluntary compliance within seventeen days from the date of the letter.
4. The Property Use Inspector continues to monitor the property while awaiting the indicated compliance deadline.
5. If compliance criteria regarding the unsightly premises are met and there is no demolition permit on record, the inspection file is concluded.
6. If compliance related to the unsightly nature of the property is not obtained within the time frame specified, Community Bylaws serves the owner of the property with an Order to Comply pursuant to the relevant sections of the Unsightly Premises Regulation Bylaw No.7162 and the *Community Charter*.
7. The Property Use Inspector continues to monitor the property for compliance until the deadline stipulated in the Order to Comply. If deemed necessary, a report is presented to Council to order the owner to comply with the provisions of Unsightly Premises Regulation Bylaw No.7162.
8. If the owner fails to comply with Council's order, Community Bylaws will direct either City staff or a contractor engaged by the City, to bring the property into compliance at the expense of the owner or occupier of the property. The costs of the contractor are invoiced to the owner of the property and if left unpaid at year-end, are added to the property tax account.
9. If compliance criteria are met but there is a demolition permit on record, the Property Use Inspector continues to monitor the property and the file is left open until such time that demolition is achieved.

An average of 180 days is the normal retention time for an abandoned/vacant premises file from the time of the first request for service to the file being processed for inspection, and conclusion.

Richmond Fire-Rescue

Abandoned and vacant structures identified in the City of Richmond are typically managed by way of enforcement powers within the City's Fire Protection and Life Safety Bylaw No. 8306. Each address is treated on an individual basis due to its unique circumstances and the risks that may be present. The following guidelines are used to secure and maintain vacant or abandoned properties:

1. Once a property is identified as abandoned it is entered onto the inventory of abandoned buildings list managed by Community Bylaws;
2. The property owner(s) or representative is contacted to inform them of their responsibilities to secure the property;
3. The typical timeline provided for the owner or representative to secure an average property is 24 hours;
4. The condition of the vacant or abandoned structure will dictate the steps taken to expedite the securing of the property and may require immediate compliance, at the cost of the owner, with assistance from the RCMP, City Works Yard and contractors;
5. If an imminent danger exists, such as:
 - a. the proximity of an abandoned structure to other structures, or fire hazards;
 - b. the degraded condition of the structure is such that it severely threatens life safety, and there is an imminent probability of fire;
 - c. the property owner or designate is unreachable; or
 - d. the structure has been involved in fire and is unstable and may cause further loss or injury,then remediation may occur without the involvement or approval of the property owner.
6. If, after the 24 hour deadline, the property has not been secured, the property owner is contacted once again. A decision must be made whether to proceed with an Order to Comply by the Fire Chief, or to grant a time extension based on any mitigating circumstances. The property owner or designate must be advised in either event.
7. If the structure is unlawfully occupied, and prior to securing the premises, a request is made to the RCMP to assist in establishing the identity and safe evacuation of the occupants. Once the unauthorized persons are removed, and depending on the circumstances, the RCMP officers may stay on scene until the building is secured by the owner, Fire-Rescue staff or the City's contractor.
8. A written Order to Comply orders the property owner or designates to bring the premises into compliance within another 24-hour period, or there will be a risk of fees and fines imposed. The property owner or designate is advised that, along with the fees and fines, they will be charged for the costs if the City secures the property.
9. The property owner or designate is responsible to secure and maintain the security of the abandoned property. Once the property has been secured, any return responses by Fire-Rescue may result in fines or charges for the inspection/attendance issued to the property owner.

Richmond RCMP

The RCMP responds to abandoned properties both reactively and proactively. The vast majority of calls to the properties in question are related to break and enters, trespassing, and drug related investigations. The level of the response (numbers of personnel and level of priority) is based on the circumstances provided by the complainant at the time of the call, but these crime types are

normally viewed as serious in nature. Risks are present during travel to these calls and while conducting the patrols around these generally poorly maintained properties.

Coordinated JOT Procedure for Abandoned Properties

The procedure developed by Law & Community Safety staff has assisted in reducing the number of unsecured properties when compared to 2008 levels. The following outlines these joint efforts:

1. Proactive coordinated enforcement efforts (Community Bylaws, Fire-Rescue, and RCMP) with regard to the abandoned or vacant home.
2. Building Approvals notifies Community Bylaws and Fire-Rescue on a daily basis of application for demolition permit and application for tree preservation permit.
3. Property Use Inspectors have been tasked with identifying, where possible, abandoned or vacant homes in their respective area of responsibility. However, a home where the owners are on an extended vacation could appear to be abandoned or vacant so discretion is necessary to establish the status of the premises.
4. Each Property Use Inspector patrols their respective zones and, if an unsecured, vacant or abandoned home is found, the property is immediately referred to the JOT members for appropriate action and placed on the inventory list.
5. In the case where an initial identification finds that the property is unsightly, an inspection file will be created to investigate and address the alleged contravention under the City's Unsightly Premises Regulation Bylaw No. 7162.
6. In cases where the property is secured to standards outlined in the Fire and Life Safety Bylaw No. 8306, yet is still obviously vacant, the property continues to be monitored by Property Use Inspectors for breaches to the building's security and/or contraventions under the City's Unsightly Premises Regulation Bylaw No. 7162.
7. The role of Community Bylaws is to identify properties that may already have been addressed by the JOT but are now once again unsafe and unsecured, to identify and address the unsightly properties, and identify any new vacant properties that may have been missed.

Cost Associated with the City Responding to Abandoned or Vacant Buildings

Community Bylaws Division

Community Bylaws costs associated with the prompt response to abandoned property calls between January 1, 2012 and April 30, 2012 was approximately \$69,200 for staffing, equipment and administration.

Richmond Fire-Rescue

The responsibilities within Richmond Fire-Rescue to manage the abandoned and vacant properties are shared between a number of staff, and usually take an average of 30 to 60 hours per week. Supporting the identified Fire Prevention staff, several other Fire-Rescue resources and Chief Officers are involved in the process. The 4-month cost of managing this program to date in 2012 is approximately \$30,000.

Richmond Fire-Rescue has also typically responded to vacant properties as a result of 9-1-1 emergency calls for fire or medical incidents. The cost of each call will vary depending on call type, size of structure, the severity of the call; the duration of time Fire-Rescue spends on the scene, and what resources are expended to handle the call. The costs for a single fire engine crew associated with emergency response for a call at vacant properties is \$450 per hour.

Since January 1st, 2012 RFR has responded to eight structure fires within the City that were abandoned, and the number of emergency units (fire engine crews) involved in each call varies from one to eight. The total staffing hours for each fire call vary from 2 hours to 80 hours for the crews to extinguish and manage the call while on-scene.

Fire Prevention is creating an information flyer to be distributed to all owners of vacant properties which outlines the requirements to secure and protect these structures, as well as showcasing the incentives to remove buildings prior to any need for a call for service or inspection. The specifics found within the Fire & Life Safety Bylaw 8306 are outlined in the flyer.

Richmond RCMP

The number of risks associated with call types described require two (2) patrol units attending for a routine response. A routine call that finds possible suspects "gone on arrival" would take approximately one (1) hour from the time of dispatch: to attend; to investigate; to enquire; to conduct patrols; and finally to document via a report. The cost of two members to attend is \$106.

A call at which a person, or persons (usually there are multiple persons involved), are encountered engaging in crime could easily double the costs associated to the attendance alone. Police attendances to a reported break and enter and theft is usually associated to unauthorized person(s) within the unsecured building salvaging metal or materials for re-sale. Two officers attending a break and enter and theft scene may require the perimeter to be contained that would encompass the entire block around the residence, requiring a minimum of 4 additional officers. This containment is in order to keep the person(s) responsible within this immediate area, with a Police Dog Member also in attendance.

Total on average for Break and Enter and Theft is 10 - 20 member hours at a cost of \$530 to \$1,060.

Powers Available to the City

1. Fire Protection and Life Safety Bylaw No. 8306

The hazards and risks associated with vacant premises are mitigated through the enforcement of abandoned or vacant premises standards under the Fire Protection and Life Safety Bylaw No. 8306 that came into effect in July 2008. The *Fire Services Act*, the *British Columbia Fire Code*, the *Community Charter* and Bylaw No. 8036 establish the authority of Richmond Fire-Rescue and designate staff to take prescribed action that will prevent and suppress fires and decrease the risk to property or life. The *Fire Services Act* and the Fire Protection and Life Safety Bylaw No.

8306 provide a variety of means for inspection, enforcement and issuance of penalties when compliance is not achieved.

The powers set out in these statutes and bylaws allow for inspections of premises where it is believed that hazardous conditions exist; require owners/agents to remove or reduce the hazard and, failing any action on the part of the owner, allow the Fire Chief to take measures to prevent or suppress fires including demolition. When codes and bylaws are ignored and premises are not maintained, Fire-Rescue enforces compliance through Notices to Comply, cost-recovery fees and regulatory fines. The Notice to Comply may range from a minor notice to remediate within a specified time up to and including a fine of not more than \$10,000.

2. Unsightly Premises Regulation Bylaw No. 7162

This Bylaw outlines the powers of a Property Use Inspector to serve an Order to Comply when an owner or occupier, or their agents, fail to comply with the provisions of the Unsightly Premises Regulation Bylaw No. 7162. The Order to Comply will require the owner or occupier to bring the property into compliance within 14 days of being served. The Bylaw and the *Community Charter* delineate the powers of the City to invoice the owner for any clean-up costs and to append any unpaid charges related to the removal of offending material from the property on to the taxes payable on such property.

The City also has the ability under the Municipal Ticket Information Authorization Bylaw No. 7321 to fine repeat offenders for allowing property to become or remain unsightly - a fine of \$250 per day.

3. *Community Charter – Remedial Action Requirements*

Under Division 12 of the *Community Charter*, Council may impose remedial action requirements in relation to hazardous conditions and/or nuisances related to buildings. Relevant sections include:

72 (2) In the case of matters or things referred to in section 73 or 74, a remedial action requirement:

(a) may be imposed on one or more of

(i) the owner or lessee of the matter or thing, and

(ii) the owner or occupier of the land on which it is located, and

(b) may require the person to

(i) remove or **demolish** the matter or thing,

(ii) fill it in, cover it over or alter it,

(iii) bring it up to a standard specified by bylaw, or

(iv) otherwise deal with it in accordance with the directions of council or a person authorized by council.

73 (1) Subject to subsection (2), a council may impose a remedial action requirement in relation to any of the following:

(a) a building or other structure, an erection of any kind, or a similar matter or thing;

To diminish risks of abandoned unsightly properties another avenue for the City to pursue is remedial action requirements. The power is within Council's authority and could be utilized in the most extreme cases where a structure is in a severely hazardous and dilapidated state has had numerous responses by emergency responders and where the owner has failed to comply with orders to remediate the property. The cost associated with the remedial action requirements could be recouped through the owner's taxes.

Financial Impact

There is no financial impact associated with this report.

Conclusion

There are potential life safety issues associated with these properties which pose risks to members of the community, first responders and City staff. There are also significant costs associated with responding to these properties. The Community Safety Department has relied on disincentives such as fines to encourage property owners to remediate or demolish these properties. There is an opportunity to enhance the current approach through further disincentives up to and including Council-ordered demolition of a hazardous abandoned structure on a property.

Staff will continue to inform Council of the status of abandoned and vacant buildings on a regular basis.

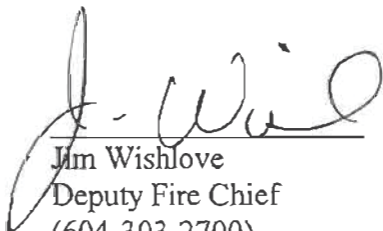


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