



City of Richmond

Report to Committee

To: Community Safety Committee **Date:** May 24, 2010
From: Phyllis L. Carlyle **File:** 12-8075-20-AMANDA
 General Manager, Law & Community Safety #/Vol 01
Re: **Imposed Clean Up of an Unsightly Property**
Civic Address: 23060 Westminster Hwy
Legal Description: Lot 41, Sec 36 Blk5N RG4W, Plan 8421

Staff Recommendation

1. That Walden Disposal and Tractor Service, as contractor for the City, be authorized to remove and dispose of all discarded materials at 23060 Westminster Hwy, Richmond, in accordance with the "Order to Comply" dated April 22, 2010 issued under the Unsightly Premises Bylaw No. 7162 and section 17(1) of the *Community Charter*; and
2. That the final cost of this removal and disposal, estimated at \$4299.75 (including fees and taxes), be invoiced to the registered owner of the property located at 23060 Westminster Hwy.

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"/>			
REVIEWED BY TAG	YES	NO	REVIEWED BY CAO	YES	NO
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	DEPUTY	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff Report

Origin

In early June 2009, Community Bylaws Division received the first complaint from a citizen of the area regarding discarded materials, outdoor storage and the general unsightly appearance of the property located at 23060 Westminster Hwy. A site inspection was conducted on June 16, 2009 which confirmed a large amount of miscellaneous debris including Styrofoam blocks, wooden pallets, appliances, wood debris, tires, tools, and metal scraps piled on the property. Since that time, City staff has attempted to gain voluntary compliance with repeated requests for cleanup and removal of these items; but to date, the property remains unsightly.

Please see the attached copy of the City's 'Order to Comply' registered letter dated April 22, 2010 for the voluntary compliance history.

Analysis

On April 20, 2010, staff confirmed with the New Westminster Land Titles Office that the property is owned by Adrianus Johannes Jacobus Rosbergen listed at the same address of 23060 Westminister Hwy, Richmond, B.C. The property at 23060 Westminister Hwy is currently zoned RS1/F (Residential Single Family).

Staff forwarded, by registered mail dated April 22, 2010, a copy of the 'Order to Comply' to Adrianus Johannes Jacobus Rosbergen at 23060 Westminister Hwy, Richmond, B.C. V6V 1B8. Section 2.1.3(c) of the Unsightly Premises Bylaw No. 7612 permits the 'Order to Comply' to be served on any agent of the owner or occupier of the real property or the owner of the real property on which the offending material is located, by registered mail with acknowledgement of receipt, to the address of the owner shown on the last real property assessment rolls.

Staff in Community Bylaws attended the property on the deadline date of May 10, 2010 provided in the 'Order to Comply' and observed no visible improvement in the status or condition of the property since the inspection on April 19, 2010.

On May 19, 2010 the registered 'Order to Comply' letter forwarded to real property owner Adrianas Johannes Rosbergen, was returned to the City marked 'unclaimed'. The 'Order to Comply' was then posted on the property on the same day in accordance with section 2.1.3 (b) (iii) of the Unsightly Premises Bylaw 7162.

On May 20, 2010 staff received a call from the real property owner Adrianas Johannes Rosbergen confirming receipt of 'Order to Comply'. At this time staff advised Mr Rosbergen that an extention to comply would be granted if required. Mr Rosbergen advised that he would not be complying with the 'Order'.

Council's power to authorize 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 be done includes the authority to direct that, if a person subject to the requirement fails to take the 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 is in contravention of Section 1.1 of the Unsightly Premises Bylaw No. 7162. As a result of this contravention, staff is seeking mandatory compliance through Council to:

- have the necessary removal and disposal of offending material carried out by the City's contractor, Walden Disposal and Tractor Service; and
- have the final costs invoiced to the registered owner of the property.



Magda Laljee
Acting Manager, Community Bylaws
(604.247.4642)

WGM:lw

April 22, 2010
File: 09-476230

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

Registered

Adrianus J Rosbergen
23060 Westminster Hwy
Richmond BC V6V1B8

Dear Adrianus J Rosbergen:

Re: Unsightly Condition of Property at 23060 Westminster Hwy

City Staff have encouraged you to voluntarily bring your property into compliance with Richmond's Bylaws. As a result of the failure to adequately resolve the condition, we are now moving to the next step, which is to seek mandatory compliance to the City's bylaws. The voluntary compliance history of this case and mandatory compliance process are detailed below.

Voluntary Compliance History

June 11, 2009 The City received the first complaint concerning outside storage and assorted debris

June 16, 2009 Officer Graham attended the property and took photos confirming the conditions of the complaint.

March 31, 2010 Graham sent first letter requesting clean up of property with April 16, 2010 deadline.

April 16, 2010 File re-assigned to officer Wilson

April 19, 2010 Wilson attended site and observed assorted debris, including Styrofoam blocks, piles of wooden pallets, old tires, scrap bits of wood, scrap metal, long grass and weeds.

April 22, 2010 Wilson met with City contractor at site to establish estimate for removal / clean-up. Spoke with property owner Mr Rosbergen at this time outlining required clean up actions. Wilson was told by Mr Rosbergen that he would fight any clean-up of his property

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. An estimate was supplied indicating a clean-up cost of at least \$2362.50 plus the City 20% administration fee and 5% G.S.T.

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 May 5, 2010. They are located in City Hall and can be reached at 604-276-4007.

Bylaw Liaison Officer Larry Wilson will be conducting a follow up inspection on May 10, 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 Larry Wilson of your intentions regarding the matter on or before May 5, 2010 at 604-276-4074.

Yours truly,

Wayne G. Mercer
Manager, Community Bylaws
Bylaw Liaison Officer II

LW:lw

Enc. 1

pc: City Clerk's Office
Larry Wilson, Bylaw Liaison Officer



City of Richmond
Community Safety Division
Community Bylaws

Order to Comply

April 20, 2010

Pursuant to Unsightly Premises Bylaw 7162
& the Local Government Act

Civic Address 23060 Westminster Hwy, Richmond, BC
Legal Description Lot 41 Section 36 Block 5 North Range 4 West New Westminister District Plan
8421

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 10, 2010, with the:

- a) removal of all scrap wood, pallets and miscellaneous debris;
- b) removal of pile of Styrofoam blocks
- c) removal of tires and other car vehicle parts
- d) removal of scrap metal;
- e) cutting of the grass and weeds

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

Wayne G. Mercer
Manager, Community Bylaws

23060 Westminster Hwy
Photos Taken By L. Wilson Tuesday June 8, 2010









23060 Westminster Hwy
Photos Taken By L. Wilson Monday May 10, 2010





