



## City of Richmond

## Report to Council

**To:** Richmond City Council  
**From:** Phyllis L. Carlyle  
General Manager, Law & Community Safety  
**Re:** **Site Clean Up of an Unsightly Property**  
**Civic Address:** 6400 Garden City Road  
**Legal Description:** SEC: 10-4-6 PL: 1305

**Date:** June 23, 2008  
**File:** 12-8080-05/Vol 01

### Staff Recommendation

1. THAT the appeal submitted by Allen Shen, (owner of 6400 Garden City Road, Richmond) against the "Order to Comply" issued on May 26, 2008 regarding the condition of his property under the Unsightly Premises Regulation Bylaw No. 7162 and section 17(1) of the Community Charter, be denied; and
2. THAT the City's contractor, Walden Disposal and Tractor Service, be authorized to remove all of the discarded materials at 6400 Garden City Road, Richmond, in accordance with the "Order to Comply" of May 15, 2008 issued under the Unsightly Premises Bylaw No. 7162 and section 17(1) of the Community Charter, at an estimated cost of \$1966.31 to be recovered from the property owner.

Phyllis L. Carlyle  
General Manager, Law & Community Safety

Att. 16

FOR ORIGINATING DEPARTMENT USE ONLY			
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>	
Law.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<i>per Ronald D. Ben</i>	
<b>REVIEWED BY TAG</b>	YES <input checked="" type="checkbox"/> 6J NO <input type="checkbox"/>	<b>REVIEWED BY CAO</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

## Staff Report

### Origin

The Community Bylaws Division received a complaint on March 11, 2008 regarding discarded materials, derelict vehicles and other garbage at 6400 Garden City Road. In response to this complaint an inspection was conducted on March 11, 2008, which confirmed the presence of discarded materials, household and other rubbish, a fallen tree, and long grass in the rear of the yard. This accumulation is visible from both the street and neighbouring residences.

Staff believe the site conditions contravene the Unsightly Premises Bylaw 7162 section 1.1.1 (a) and (b), which states:

*"An owner or occupier of real property must not:*

*(a) allow such property to become or remain unsightly; or,*

*(b) cause or permit **rubbish**, noxious, offensive or unwholesome matter or substance, filth or discarded materials to collect or to accumulate on or around such property."*

Section 1.2.1 (c) of the bylaw which requires property owners or occupiers to "keep grass trimmed to a height of not more than 20 centimeters" also appeared to be violated (in the rear of the yard).

Since the initial inspection date staff have attempted to gain voluntary compliance with the bylaw, but with little effect. To date, the property remains unsightly as shown in the attached photos. Below is the voluntary compliance history as set out, in part, in the attached copy of the City's "Order to Comply" dated May 15, 2008.

March 11, 2008 – Bylaw Liaison Officer Carole Sejberg received a complaint from a neighbour regarding the unsightly condition of 6400 Garden City Road.

March 11, 2008 – Bylaw Liaison Officer Carole Sejberg attended 6400 Garden City Road and spoke with the tenant of the property, Pete Rose, in regard to the discarded items, rubbish, miscellaneous debris, dismantled vehicles in the front and rear yards, unsightly brush, weeds long grass and a fallen tree in the rear yard, outside storage of commercial equipment, tires, and car parts on the property. Ms Sejberg advised Mr Rose that the property was in violation of the Unsightly Premises Regulation Bylaw No. 7162. Mr Rose requested one week to clean up the items that belong to him.

March 25, 2008 – Bylaw Liaison Officer Carole Sejberg attended 6400 Garden City Road, and confirmed that some of the items had been removed, but that the property was still in violation of the Unsightly Premises Regulation Bylaw No. 7162.

April 1, 2008 – Bylaw Liaison Officer Carole Sejberg sent a letter (attached) to Allan and Alice Shen at their business address of # 260 – 8291 Alexandra Road, advising them that their property was in violation of the Unsightly Premises Regulation Bylaw No 7162.

April 10, 2008 - Bylaw Liaison Officer Carole Sejberg received a letter dated April 8, 2008 from Kenneth Heung, on behalf of the owner, which attached a letter to the tenant, Pete Rose, advising him of the unsightliness of the property and giving Mr Rose until May 1, 2008 to remove all of his discarded items on the property.

May 5, 2008 - Bylaw Liaison Officer Carole Sejberg had a telephone conversation with Kenneth Heung regarding the clean up that needed to be completed on the property; specifically the fallen tree in the rear yard, the long grass and unsightly brush on the property, miscellaneous rubbish, car bodies and discarded items on the rear of the property behind the house to the shed. Kenneth Heung, acting on behalf of the owner requested a site meeting on May 8, 2008.

May 8, 2008 - Bylaw Liaison Officer Carole Sejberg met with Kenneth Heung and Allan Shen at the rear of the property to discuss the property owner's responsibility to keep the property clean. Bylaw Liaison Officer Carole Sejberg outlined the items that needed to be addressed, specifically: the large fallen tree in the rear yard, long grass, unsightly brush and weeds, car bodies, and miscellaneous debris in the rear yard back to the shed. Carole also advised Mr Heung and Mr Shen that the rear of the property needs to be cut back as it is encroaching on the new roadway.

## Analysis

On May 15, 2008, the final "Order to Comply" was sent by registered mail to Allen and Alice Shen, at 6480 Riverdale Drive, Richmond B.C. A copy of Mr Shen's acknowledgement of receipt from Canada Post was received by Community Bylaws on May 28, 2008. Section 2.1.3(a) of the Unsightly Premises Bylaw No. 7612 permits the "Order to Comply" to be served on the owner of the real property on which the offending material is located, by either:

- (i) personal service, or
- (ii) registered mail with acknowledgement of receipt, to the address of the owner shown on the last real property assessment rolls;

On June 23, 2008 staff confirmed with the New Westminster Land Titles Office that Allen and Alice Shen are the registered owners of the property, and that their address is 6480 Riverdale Drive, Richmond B.C. The subject property (6400 Garden City Road) is currently zoned (R1/F) Single-Family Housing District.

Staff in the Community Bylaws Division attended 6400 Garden City Road on May 5, June 4, 18, and 23, 2008 and confirmed their view that it was in violation of sections 1.1.1 (a) & (b), and 1.2.1 (c) of the Unsightly Premises Regulation Bylaw No. 7162.

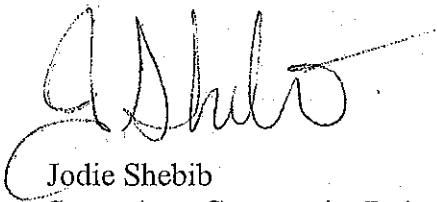
Council may authorize the City to carry out the "Order to Comply" when the person responsible has failed to comply with the Unsightly Premises Regulation Bylaw requirements. The authority for this can be found under section 17 (1) of the Community Charter which grants Municipal Council the authority to fulfill bylaw requirements at the property owner's expense and recover those costs as a debt or apply as property taxes if unpaid.

**Financial Impact**

None.

**Conclusion**

The property is in contravention of the Unsightly Premises Bylaw No. 7162, sections 1.1.1 (a) & (b), and 1.2.1 (c) As a result of this contravention, the City is seeking mandatory compliance with its Bylaw through Staff's recommendation to have this work done by the City's Contractor, Walden Disposal and Tractor Service, at an estimated total cost of \$1966.31, which will be recovered from the property owner.

A handwritten signature in black ink, appearing to read 'Jodie Shebib', with a long horizontal stroke extending to the right.

Jodie Shebib  
Supervisor, Community Bylaws  
(604.247.4642)  
JS:js

Att: 16

May 26, 2008

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

Dear Sirs/Madams:

Re: Order to Comply for the Property of 6400 Garden City Road, Richmond, B.C. dated  
May 15, 2008 (Copy of the Order attached)

This is a notice that we are appealing to council for the subject issue.

Yours truly,



Allan Shen  
9400 Alberta Road  
Richmond, BC  
V6Y 1T6

✓ Cc: Jodie Shehib, Acting Manager, Community Bylaws



## City of Richmond

6911 No. 3 Road, Richmond, BC V6Y 2C1  
Telephone (604) 276-4000  
[www.city.richmond.bc.ca](http://www.city.richmond.bc.ca)

May 15, 2008  
File: 08-414032

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

### REGISTERED

Allan Shen & Alice Shen  
# 260 – 8291 Alexandra Road  
Richmond, BC V6X 1C3

Dear Property Owners:

### Re: Unsightly Condition of Property at 6400 Garden City Road

Since April 2006, 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

March 11, 2008 – Bylaw Liaison Officer Carole Sejberg received a complaint from a neighbour regarding the unsightly condition of 6400 Garden City Road.

March 11, 2008 – Bylaw Liaison Officer Carole Sejberg attended 6400 Garden City Road and spoke with the tenant of the property, Pete Rose, in regard to the discarded items, rubbish, miscellaneous debris, dismantled vehicles in the front and rear yards, unsightly brush and weeds and fallen tree in the rear yard, outside storage of commercial equipment, tires, and car parts on the property. Ms Sejberg advised Mr Rose that the property was in violation of the Unsightly Premises Regulation Bylaw No. 7162, Mr Rose requested one week to clean up the items that belong to him.

March 25, 2008 – Bylaw Liaison Officer Carole Sejberg attend 6400 Garden City Road, confirming some of the items had been removed.

April 1, 2008 – Bylaw Liaison Officer Carole Sejberg sent a letter (attached) to Allan and Alice Shen at their business address of # 260 – 8291 Alexandra Road, advising them that their property was in violation of the Unsightly Premises Regulation Bylaw No 7162.

April 10, 2008 - Bylaw Liaison Officer Carole Sejberg received a letter dated April 8, 2008 from Kenneth Heung, on behalf of the owner, attaching a letter to the tenant, Pete Rose, advising him of the unsightliness of the property and giving Mr Rose until May 1, 2008 to remove all his items that are discarded on the property.

May 5, 2008 - Bylaw Liaison Officer Carole Sejberg had a telephone conversation with Kenneth Heung, regarding the clean up that needed to be completed on the property, specifically the fallen tree in the rear yard, the long grass and unsightly brush on the property, miscellaneous rubbish, car bodies and discarded items on the rear of the property behind the house to the shed. Kenneth Heung, acting on behalf of the owner requested a site meeting on May 8, 2008.

May 8, 2008 - Bylaw Liaison Officer Carole Sejberg met with Kenneth Heung and Allan Shen at the rear of the property along the new roadway to discuss the property owner's responsibility in the cleaning up of the property. Bylaw Liaison Officer Carole Sejberg outlined the items that needed to be addressed, specifically: the large fallen tree in the rear yard, long grass, unsightly brush and weeds, car bodies, and miscellaneous debris in the rear yard back to the shed. Carole also advised Mr. Heung and Mr. Shen that as the new roadway now backs onto his property a strip at the rear of the property needs to be cut back.

### **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 current estimate for clean up is \$1522.50, plus Administration Fees, \$350.18, plus GST: total \$1966.31.

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 31<sup>st</sup> 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**

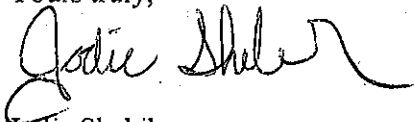
- 2.3.1 *A person upon whom an **Order to Comply** has been served may, by giving notice in writing to the **City Clerk** at least 72 hours prior to the expiration of the time given in the **Order to Comply** to remove or clear the **offending material**, appeal to **Council**, who must hear and determine 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 3, 2008. They are located in City Hall and can be reached at 604-276-4007.

Bylaw Liaison Officer Carole Sejberg will be conducting a follow up inspection on June 6, 2008 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 Carole Sejberg of your intentions regarding the matter on or before June 6, 2008 at 604-276-4072.

Yours truly,



Jodie Shebib  
Acting Manager, Community Bylaws

JS:cas

Enc. 1

pc: City Clerk's Office  
Carole Sejberg - Bylaw Liaison Officer  
REGISTERED Alice & Allan Shen - 9400 Alberta Road, Richmond, BC V6Y 1T6  
REGISTERED Alice & Allan Shen - 6480 Riverdale Drive, Richmond, BC V7C 2G1





**City of Richmond**  
Community Safety Division  
Community Bylaws

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## Order to Comply

May 15, 2008

Pursuant to Unsightly Premises Bylaw 7162  
& the Local Government Act

**Civic Address** 6400 Garden City Road, Richmond, BC  
**Legal Description** Lot N ½ 27 Suburban Block B Section 10 Block 4 North Range 6 West 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 6, 2008, with the:

- a) Remove all the discarded materials and rubbish (ie: metal, car bodies, garbage, etc.)
- b) Fallen Tree
- c) Long grass, unsightly brush and weeds

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

Jodie Shebib,  
Acting Manager, Community Bylaws

Att.



## City of Richmond

6911 No.3 Road, Richmond, BC V6Y 2C1  
Telephone (604) 276-4000  
www.city.richmond.bc.ca

April 1, 2008  
File: 08-414032

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

Allan Shen & Alice Shen  
#260 – 8291 Alexandra Road  
Richmond, BC V6X 1C3

Dear Mr. & Mrs. Shen:

**Re: 6400 Garden City Road**

Over the past few years we have tried to encourage you or your tenant to comply with the Unsightly Premises Bylaw. The premises has been partially cleaned up over the years but now that the residential towers have been built adjacent to this property, as well as a roadway along the side of the property; the unsightly aspects have become more visible and need to be addressed.

City records show that you are still the owner of the above property and as such, this letter is to advise you of our concerns about an unsightly aspect of the property located at 6400 Garden City Road.

The inspection of the property on March 25, 2008, confirmed the presence of:

1. discarded materials,
2. rubbish,
3. miscellaneous debris,
4. a pick up truck full of junk
5. partly dismantled vehicles in the front and rear yards
6. unsightly brush and weeds (fallen tree) in the rear yard
7. outside storage of commercial equipment
8. tires, car parts, etc. which is in contravention of the Unsightly Premises Bylaw No. 7162 (excerpt enclosed).

Richmond is committed to a Civic Beautification program of which the tidiness of private property is an important component contributing to the overall attractiveness and liveability of Richmond. We require your cooperation with the total clean up of this property by May 1, 2008.

A re-inspection of your property will be carried out shortly after May 1, 2008 to ensure that the above matter has been addressed. In the event you are unable to comply by May 1, 2008, please inform me of your intention regarding the above matter. I can be reached at 604-276-4072.

Yours truly,

Carole Sejborg  
Bylaw Liaison Officer

pc: Pete Rose, 6400 Garden City Road, Richmond, BC V6Y 2M9

**RICHMOND**  
*Island City, by Nature*

Land Title - RD182785E.TXT

Date: 08/06/23  
Requestor: (PE68057)

TITLE SEARCH PRINT - NEW WESTMINSTER  
CITY OF RICHMOND-COMMUNITY BYLAWS  
TITLE - RD182785E

Time: 09:03:56  
Page: 001

NEW WESTMINSTER LAND TITLE OFFICE  
TITLE NO: RD182785E  
FROM TITLE NO: RD86797E

APPLICATION FOR REGISTRATION RECEIVED ON: 22 MARCH, 1983  
ENTERED: 31 MARCH, 1983

REGISTERED OWNER IN FEE SIMPLE:

ALLAN SHEN, RETIRED  
ALICE SHEN, HIS WIFE  
6480 RIVERDALE DRIVE,  
RICHMOND, B.C.  
V7C 2G1  
JOINT TENANTS

TAXATION AUTHORITY:  
CITY OF RICHMOND

DESCRIPTION OF LAND:

PARCEL IDENTIFIER: 004-279-794  
NORTH HALF LOT 27 BLOCK "B" SECTION 10 BLOCK 4 NORTH RANGE 6 WEST NEW  
WESTMINSTER DISTRICT PLAN 1305

LEGAL NOTATIONS:

ZONING REGULATION AND PLAN UNDER THE AERONAUTICS ACT (CANADA) FILED  
10.02.1981 UNDER NO. T 17084 PLAN NO. 61216

CHARGES, LIENS AND INTERESTS: NONE

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

CORRECTIONS: NONE



**Address: 6400 Garden City Road – UP (view from Garden City Road)**

**Taken by: C. Sejberg on June 23, 2008**





**Address: 6400 Garden City Road – UP (view from Garden City Road)**  
**Taken by: C. Sejberg on June 23, 2008**



Address: 6400 Garden City Road – UP (view from new Cook Road)  
Taken by: C. Sejberg on June 23, 2008





**Address: 6400 Garden City Road - UP (view from new Cook Road)**

**Taken by: C. Sejberg on June 23, 2008**



**Address: 6400 Garden City Road – UP (view from new Cook Road)**  
**Taken by: C. Sejberg on June 23, 2008**





**Address: 6400 Garden City Road – UP (view from new Cook Road)**  
**Taken by: C. Sejberg on June 23, 2008**





Address: 6400 Garden City Road - UP (view from new Cook Road)

Taken by: C. Sejberg on June 23, 2008





**Address: 6400 Garden City Road -UP (view from rear of property Katsura Road)**  
**Taken by: C. Sejberg on June 23, 2008**





Address: 6400 Garden City Road -UP (view from rear of property Katsura Road)  
Taken by: C. Sejberg on June 23, 2008





Address: 6400 Garden City Road -UP (view from rear of property)

Taken by: C. Sejberg on June 23, 2008