



City of Richmond

Report to Council

To: Richmond City Council **Date:** August 3, 2011
From: Phyllis L. Carlyle **File:** 12-8075-20-10-548601
 General Manager, Law & Community Safety / Vol 01
Re: **Site Clean Up of an Unsightly Property**
Civic Address: 23440 Gates Avenue
Legal Description: Lot 58, Sec 36 Blk5N RG4W, Plan 8421 except Plan 44742

Staff Recommendation

1. That Walden Disposal Services, as contractor for the City, be authorized to remove and dispose of all discarded materials at 23440 Gates Avenue, Richmond, in accordance with the "Order to Comply" dated July 5, 2011 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 \$5,414.27 (including fees and taxes), be invoiced to the registered owners of the property located at 23440 Gates Avenue.

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

Staff Report

Origin

On September 28, 2010, Community Bylaws received the first complaint from a citizen in the area regarding discarded vehicle parts; tire and rims; numerous derelict and partially dismantled vehicles; outdoor storage of metal, building materials and wood pieces; rubbish and debris as well as the general unsightly appearance of the property located at 23440 Gates Avenue. An inspection was conducted on October 6, 2010 which confirmed a large amount of miscellaneous debris including the material listed in the complaint stored on the property. Since that time, staff has attempted to gain voluntary compliance with requests for cleanup and removal of these items but, to date, the property remains unsightly with minimal progress in spite of a number of extensions granted.

Please see the attached copy of the City's Order to Comply dated July 5, 2011 for the voluntary compliance history. The property owners submitted a written appeal to the City Clerk's office on July 25, 2011.

Analysis

The property owned by Greg McDermid and Roxanne McDermid at 23440 Gates Avenue is currently zoned RS1/F.

Staff delivered, by hand on July 6, 2011, a copy of the Order to Comply to Greg McDermid and Roxanne McDermid at 23440 Gates Avenue, Richmond, B.C. V6V 1B8. 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 personal service.

Staff in Community Bylaws attended the property on July 27, 2011, a day after the deadline date of July 26, 2011 provided in the Order to Comply, and observed very little improvement in the status or condition of the property since the most recent inspection on June 28, 2011.

Council's power to authorize these actions resides in 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 Services; and
- have the final costs invoiced to the registered owners of the property.



Wayne G. Mercer
Manager, Community Bylaws
(604.247.4601)

WGM:wgm



**City of
Richmond**

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

July 5, 2011
File: 10-548601

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

Delivered by Hand
Greg J. McDermid &
Roxanne T. McDermid
23440 Gates Avenue
Richmond, BC V6V 1E9

Dear Property Owners:

Re: Contravention of Unsightly Premises Bylaw No. 7162 at;
Civic Address: 23440 Gates Avenue
Legal Description: Lot 58 Section 36 Block 5 North Range 4 West Plan 8421,
Except Plan 44742, New Westminster District

Staff have encouraged you to voluntarily bring your property into compliance with the City's Unsightly Premises Bylaw 7162. 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 Bylaw 7162. The voluntary compliance history of this case and mandatory compliance process are detailed below.

Voluntary Compliance History

- October 6, 2010 - Bylaw Enforcement Officer, Carole Sejberg attended 23440 Gates Avenue and confirmed the property was in contravention of the Unsightly Premises Bylaw. Photos taken.
- October 8, 2010 - Bylaw Enforcement officer, Carole Sejberg sent an Unsightly Premises letter to Greg J. McDermid and Roxanne T. McDermid of 23440 Gates Avenue, requesting clean up by November 15, 2010.
- November 17, 2010- Bylaw Enforcement Officer, Carole Sejberg attended 23440 Gates Avenue and confirmed some progress has been made on the property. Photos taken.
- January 5, 2011 - Bylaw Enforcement Officer, Carole Sejberg contacted Greg McDermid to discuss the progress regarding the clean up of the property at 23440 Gates Avenue.



- February 23, 2011- Bylaw Enforcement Officer, Carole Sejberg contacted Greg McDermid to discuss the progress regarding the clean up of the property at 23440 Gates Avenue.
- April 13, 2011- Bylaw Enforcement Officers, Carole Sejberg and Tracy Christopherson attended 23440 Gates Avenue and met with the owner Greg McDermid to discuss the unsightly aspect of his property. Greg was advised that he needed to bring his property into compliance. Photos taken.
- May 11, 2011- Bylaw Enforcement Officers, Carole Sejberg and Tracy Christopherson attended 23440 Gates Avenue and met with the owner Greg McDermid to inspect his property. Greg was advised the step would be the Order to Comply as it was clear that minimal progress was being made. Greg indicated he would be making a considerable amount of cleanup on his property by June 6, 2011.
- June 28, 2011 - Bylaw Enforcement Officers, Carole Sejberg and Tracy Christopherson attended, 23440 Gates Avenue and confirmed minimal clean up. Photos taken.

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 \$5,414.27.

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.*

August 3, 2011

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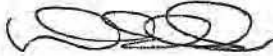
-3-

Should you wish to appeal this Order to Comply, please contact the City Clerk's Office, in writing, by 5:00 pm July 25, 2011. 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 July 25, 2011 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 July 25, 2011 at 604-276-4072.

Yours truly,



Wayne G. Mercer
Manager, Community Bylaws

WGM:cas

Enc. 1

pc: City Clerk's Office
Carole Sejberg, Bylaw Liaison Officer

1250287

**CNCL-18
(Special)**



City of Richmond
Community Safety Division
Community Bylaws

Order to Comply

July 5, 2011

Pursuant to Unsightly Premises Bylaw 7162
& the Local Government Act

Civic Address 23440 Gates Avenue, Richmond, BC
Legal Description Lot 58 Section 36 Block 5 North Range 4 West New Westminster District Plan 8421, except Plan 44742, NWD

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 July 25, 2011, with the:

- a) removing of all vehicle parts, old tires, rims, numerous derelict vehicles, partially dismantled motor vehicles, cars and truck bodies, derelict trailer;
- b) storage of metal, building materials, wood pieces;
- c) rubbish;
- d) filth ;
- e) miscellaneous debris; and
- f) discarded materials

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

Att.

23440 Gates Avenue – Photos taken by Carole Sejberg – June 28, 2011



