



Special Council
Monday, December 2, 2019

Place: Anderson Room
Richmond City Hall

Present: Mayor Malcolm D. Brodie
Councillor Chak Au
Councillor Carol Day
Councillor Kelly Greene
Councillor Alexa Loo
Councillor Bill McNulty
Councillor Linda McPhail
Councillor Harold Steves
Councillor Michael Wolfe

Corporate Officer – Claudia Jesson

Call to Order: Mayor Brodie called the meeting to order at 4:00 p.m.

RES NO. ITEM

COMMUNITY SAFETY DIVISION

1. 12620 NO. 3 ROAD - NUISANCE STRUCTURE AND APPEAL OF ORDER TO COMPLY

(File Ref. No.: 12-8080-05) (REDMS No. 6324094 v. 3)

A memorandum on the recent inspection of the subject site was distributed (attached to forming part of these minutes as Schedule 1).

Staff spoke on the nuisance structure at 12620 No. 3 Road, noting the following:

- a nuisance designation typically addresses the dilapidation of a property and not necessarily its structural integrity;
the subject property has received numerous complaints since 2011 and the previous attempts to bring the property into compliance have been unsuccessful;



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- estimated costs for demolishing the house and associated residential structures is approximately \$80,000, which will be at the owner's expense;
- the empty swimming pool on-site is considered a potential hazard and Richmond Fire-Rescue (RFR) has ordered the owner to properly secure the swimming pool or fill it in;
- staff were not able to find historical permits related to the restoration of the property; and
- the boarding of the house on-site was not completed.

Cyrille Panadero, counsel to Michael Fairhurst and Michael Fairhurst provided additional documents on the matter (copy on-file, City Clerk's Office). Mr. Panadero advised that Mr. Fairhurst has expressed that he wishes to abandon his appeal to the order to comply and requests a deadline extension to January 2, 2020 in order to bring his property into compliance. Mr. Panadero noted that Mr. Fairhurst is in the process of bringing the property into compliance and advised of the measures taken by Mr. Fairhurst, including (i) removing the fallen tree on the property, (ii) contracting a garbage bin on-site, (iii) contracting clean up services, (iv) installing fencing around the swimming pool and (v) placing valuable items into storage.

Mayor Brodie spoke on the proposed extension and expressed that extending the compliance deadline to February 1, 2020 would be appropriate.

Discussion ensued with regard to (i) the structural integrity of the house, (ii) removal of larger items on-site, (iii) suitability of house to be restored, (iv) potential designation of the house as a heritage property, and (v) previous attempts to bring the property into compliance.

In reply to queries from Council, Mr. Fairhurst noted that (i) the site is an active farm and some of the equipment on-site is used for farming, (ii) his mother is an owner and he intends to retain and restore the house, (iii) a permit for electrical work was recently granted, and (iv) he resides in a difference residence but spends time on the subject property to do restoration work.



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In reply to queries from Council, staff noted that (i) the site is taxed according to its farm status, (ii) the storage containers on site are considered an accessory building and require permits, (iii) RFR has habitable occupation standards for conditions inside houses, and (iv) the remediation process of a heritage property would differ compared to the remediation of the subject property.

SP19/12-1

It was moved and seconded

- (1) *That a nuisance declaration for the house and associated residential structures, including sheds and outbuildings, at 12620 No. 3 Road be referred back to staff and that staff continue to monitor the property and report back should additional violations require City enforcement; and*
- (2) *That the Order to Comply issued for contraventions of Unsightly Premises Regulation Bylaw No. 7162 related to the property at 12620 No. 3 Road be effective February 1, 2020.*

The question on the motion was not called as staff were directed to seek permits for the associated residential structures.

Discussion ensued with regard to (i) working with the property owner on boarding the house, (ii) extending the deadline for compliance, and (iii) the estimated costs to restore the property.

As a result of the discussion, the following **amendment motion** was introduced:

SP19/12-2

It was moved and seconded

That Part (2) of the motion regarding the Order to Comply be amended to remove the phrase “effective February 1, 2020” and be replaced with the phrase “for immediate enforcement.”

The question on the amendment motion was not called as discussion ensued with regard to providing the property owner additional time to work towards compliance.

The question on the amendment motion was then called and it was **DEFEATED** with Mayor Brodie, and Cllrs. Au, Greene, Loo, McNulty, Steves and Wolfe opposed.



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Discussion then ensued with regard to the works required to bring the property into compliance, and as a result the following **amendment motion** was introduced:

SP19/12-3

It was moved and seconded

That Part (2) of the motion regarding the Order to Comply be amended to remove the phrase “effective February 1, 2020” and be replaced with the phrase “effective March 1, 2020.”

The question on the amendment motion was not called as staff were directed to examine if the storage containers on-site are in compliance with farming regulations.

The question on the amendment motion was then called and it was **DEFEATED** with Mayor Brodie and Cllrs. Au, Day, Greene and McPhail opposed.

Mayor Brodie advised Mr. Fairhurst that no additional extensions will be considered and that the City will proceed with enforcement if the property remains non-compliant past the February 1, 2020 deadline.

The question on the main motion was then called and it was **CARRIED**.

ADJOURNMENT

SP19/12-4

It was moved and seconded

That the meeting adjourn (5:08 p.m.).

CARRIED



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Certified a true and correct copy of the Minutes of the Special meeting of the Council of the City of Richmond held on Monday, December 2, 2019.

Mayor (Malcolm D. Brodie)

Corporate Officer (Claudia Jesson)



City of Richmond

Schedule 1 to the Minutes of the Special meeting of Richmond City Council held on Monday, December 2, 2019.

TO: MAYOR & EACH COUNCILLOR
FROM: CITY CLERK'S OFFICE

Memorandum Community Safety Division

To: Mayor and Councillors **Date:** December 2, 2019

From: Carli Williams, P.Eng.
Manager, Business Licences and Bylaws **File:** 99-FILE LATER-
Temporary File

Re: **Inspection Update from December 2, 2019 of 12620 No. 3 Road – Nuisance Structure and Appeal of Order to Comply**

This memorandum provides additional information regarding the condition of the house at 12620 No. 3 Road, especially the front of the house and ease of entry. Attached are more photographs of the house (Attachment 1) and additional history including past complaints, enforcement orders and an appeal to Council in 2012 on similar issues.

Complaint and Enforcement History

The house on this property has been vacant since at least 2011 when the City was called upon to deal with complaints of a vacant home, long grass, weeds and an accumulation of garbage. In a period of two years, from June 2011 to June 2013, City staff made over 20 visits to the site including staff from Community Bylaws, Building Approvals and Richmond Fire-Rescue. A letter was sent to the owners in 2013 outlining actions over the two year period (Attachment 2). During this time, City staff issued an Order to Comply with the Unsightly Premises Regulation Bylaw No. 7162 (Unsightly Bylaw) and the owners of the property appealed this order to City Council. In 2012, City Council denied this appeal (see minutes of appeal listed as Attachment 3).

Since that time, the house's condition has deteriorated further. There is a tree that has fallen down (and remained) on the front of the house causing damage to the second floor balcony and the addition on the back of the house is falling down. There is mould present throughout the house and it is infested with rats and other rodents. If the house is not demolished, the tree will have to be removed as Richmond Fire-Rescue has identified this as an unacceptable risk for fire.

The most recent bylaw enforcement activity on this site began in June 2019 when the City received a complaint that the property contained abandoned boats, trailers, cars, overgrown blackberry bushes, overgrown shrubs, an abandoned in-ground pool as well broken windows in the house. An inspection on the property confirmed the conditions described in the complaint and also the presence of abandoned tires, appliances, storage containers, metal panels, tarps, chairs, scraps of wood and lumber. Subsequent to the inspection, the owners were issued an Order to clean the site and comply with the Unsightly Bylaw no later than August 23, 2019.

PHOTOCOPIED

DEC 02 2019

GB
& DISTRIBUTED



Staff attended the site on November 28, 2019¹ with the owner in attendance. Staff attempted to revisit the site today (December 2, 2019) but was unable to gain entry as the gate to the property is locked with the do not occupy order displayed behind the gate.

Regulatory Process

There are two recommendations for Council's consideration regarding 12620 No. 3 Road. The issue of declaring the structures a nuisance is an authority granted the Council according to Section 74 of the *Community Charter*. This section gives Council the authority to "impose remedial action", such as demolition, if something "is so dilapidated or unclean as to be offensive to the community." The full wording of this section is supplied as Attachment 4.

If the house and structures are declared a nuisance and the owner does not demolish them, the City is able to undertake the work and recover the costs in the same manner as property taxes. Similar to the procedure for demolishing the house and structures, should Council deny the appeal and the owner does not comply, the City has the option to perform the cleanup and recover the costs in the same manner as property taxes.

If the house is not declared a nuisance and demolished, City staff will continue with bylaw enforcement and issue additional orders. However, management of this site will require ongoing resources from several departments. As of the recent complaint in June 2019, staff from four departments have made at least six site visits.

Staff from all departments involved in managing this file will be available at the Special Council meeting to answer questions.



Carli Williams, P.Eng.
Manager, Community Bylaws and Licencing
(604-276-4136)

pc: SMT

¹ See Memorandum titled "Results of Inspection of 12620 No. 3 Road dated November 29, 2019 from the Manager, Business Licence and Bylaw.



12/02/2019 10:30



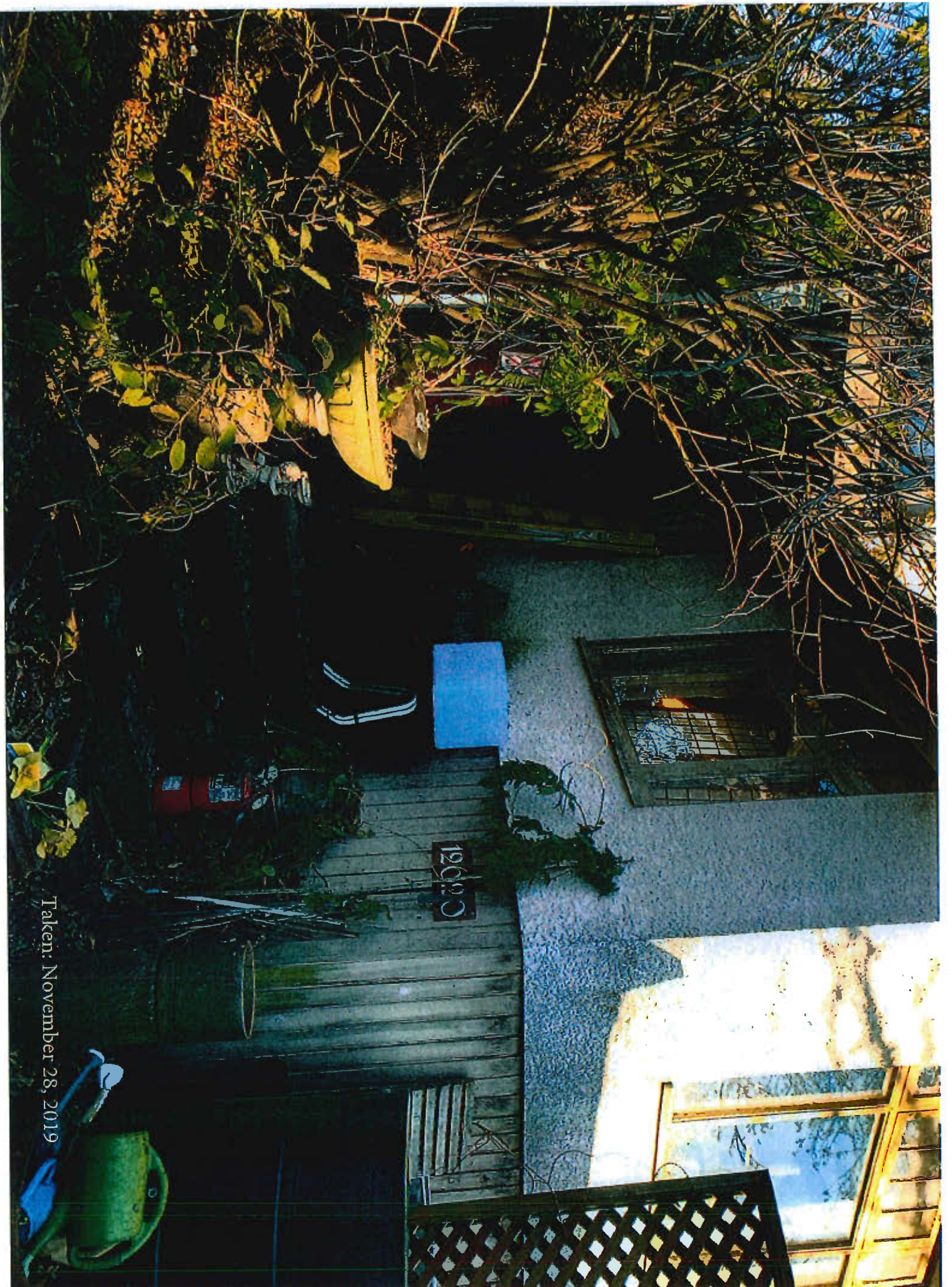
12/02/2019 10:31



12/02/2019 10:31



12/02/2019 10:31



Taken: November 28, 2019





11/28/2019 10:48



City of
Richmond

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

July 31, 2013
File: 26308

Community Bylaws
Telephone: 604-276-4845
Fax: 604-276-4036

REGISTERED

Michael G Fairhurst
12620 No. 3 Rd
Richmond BC V7A 1K5

Verna M Fairhurst
7860 Tweedsmuir Ave
Richmond BC V7A 1L4

Dear Property owners:

Re: **Contravention of Unsightly Premises Regulation Bylaw No. 7162 at;**
Civic Address: 12620 No 3 Rd
Legal Description: 13 SEC 9 BLK3N RG6W PL 41607

Staff have encouraged you to voluntarily bring your property into compliance with the City's Unsightly Premises Regulation 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

June 16, 2011 - the Community Bylaws Division received a complaint reporting, long grass, weeds, an abandoned/vacant building, an accumulation of debris and discarded material in the front, side and back yard at 12620 No 3 Road ("the property").

June 17, 2011 - Bylaw Liaison Officer Ron Graham conducted an inspection of the property. The inspection confirmed a vacant building in a state of disrepair, long grass, overgrown foliage and the accumulation of discarded material (household items, furniture, plastic containers, wooden and metal panels, white canopy, box spring mattress, derelict vehicle, tarps, safes) in the driveway, front yard, side yard, and back yard, as reported.

June 30, 2011 - a letter was sent to the owners advising concern about the unsightly aspect of the property located at 12620 No. 3 Road and requesting the removal of all discarded materials and the cutting of long grass and weeds by July 14, 2011.

July 13, 2011 – one of the owners of the property Michael Fairhurst, advised staff that the majority of the articles on the property were for farm use and therefore not subject to the City's Unsightly Premises Regulation Bylaw 7162. In light of this information, staff advised Mr. Fairhurst that the file would be referred to the Agricultural Land Commission (ALC) for comment and input on the matter. In the interim Mr. Fairhurst was provided with an extension to comply by September 30, 2011

September 13, 2011 - the property was inspected by Magda Laljee, Supervisor of Community Bylaws and Thomas Loo Compliance Enforcement Officer of the Agricultural Land Commission (ALC). This purpose of the inspection was to determine whether the storage of the accumulated material is in accordance with related farm practices. Photo evidence was taken on this date.

October 26, 2011 - Thomas Loo from the Agricultural Land Commission confirmed that the storage of the accumulated material observed on September 13, 2011 at the property did not appear to be in keeping with related farm practices and therefore the City could proceed with enforcing the Unsightly Premises Regulation Bylaw No. 7932 with regard to the accumulation of materials and garbage located at the property.

November 3, 2011 - after four (4) months of extensions, and failure on the part of the property owners to adequately resolve the unsightly condition of the property, the Community Bylaws Division issued an "Order to Comply".

November 14, 2011 - the owners, Verna Fairhurst and Michael Fairhurst exercised their right to appeal the "Order to Comply" pursuant to section 2.3.1 of the Unsightly Premises Regulation Bylaw No. 7612.

November 16, 2011 – the owners, Verna Fairhurst and Michael Fairhurst attended a meeting at City Hall West with staff to discuss the request outlined in the Order to Comply dated November 3, 2011. Michael Fairhurst stated that some of the articles on his property were for farm use and that he was conducting renovations at the property. He stated that he was not clear on what the City was requesting in terms of compliance. The "Order to Comply" dated November 3, 2011 was rescinded by Wayne Mercer, Manager Community Bylaws and an agreement was reached, that a re-inspection of the property would be conducted on November 24, 2011.

November 24, 2011 - Bylaw Liaison Officer Ron Graham and Supervisor, Community Bylaws, Magda Laljee attended the property for inspection at 11:00 am as agreed. They waited for half an hour for Mr. Fairhurst to arrive prior to proceeding with inspection; unfortunately Mr. Fairhurst did not attend. Several photos of the items in contravention of the Unsightly Premises Regulation Bylaw 7162 were taken on this date. The photos detailed the accumulation of discarded items consisting of metal and wooden materials, used household items, plastic containers, boxes of unknown articles, box spring bed, dilapidated tents some machinery.

November 25, 2011 - staff received a phone message from Mr. Fairhurst apologising that he was unable to make the agreed upon inspection of November 24, 2011. Mr. Fairhurst requested a re-inspection. At the convenience of Mr. Fairhurst, a re-inspection of the property was scheduled for December 13, 2011 at 11:00 am.

December 13, 2011 - at 11:00 am, Community Bylaws and Building Approval staff attended the property for the scheduled re-inspection. A due diligence inspection of the property by Building Approval staff was requested on this date, due largely to the **dilapidated condition of the home**, specifically the deck areas. Staff waited on site for 45 minutes however Mr. Fairhurst did not show up. As there was no change

to the condition of the property from the last inspection of November 24, 2011, photo evidence was not taken on this date.

January 12, 2012 - due to the inaction on the part of the owner to voluntarily rectify the situation, a new Order to Comply was hand delivered to Verna and Michael Fairhurst by Bylaw Liaison Officer Ron Graham having a compliance deadline of February 16, 2012.

February 7, 2012 - pursuant to section 2.3.1 of the Unsightly Premises Regulation Bylaw 7612, the owners, Michael Fairhurst and Verna Fairhurst, exercised their right to appeal the "Order to Comply" dated January 12, 2012. In the appeal letter Mr. Fairhurst requested another site inspection to be conducted by Wayne Mercer, Manager Community Bylaws.

February 23, 2012 - inspection conducted by Wayne Mercer, Manager Community Bylaws, Curt D'altroy, Richmond Fire Rescue, Bob Caravan, Building Inspections, Jonathan Mearns Building Inspections and Larry Johnson Building Inspections. Several pictures were taken on this date by Wayne Mercer who advised that the City would be proceeding with a Report to Council with regard to the Unsightly Premises Appeal Hearing.

March 26, 2012 - City of Richmond Council denied the appeal submitted by the registered owners of the property Verna and Michael Fairhurst. Council ordered the owners to remove all discarded items not consistent with farm use from the property in accordance with the "Order to Comply" of January 12th, 2012. Council directed staff to provide the owners with a more detailed list of items to be addressed.

March 29, 2012 - Bylaw Liaison Officer Tracy Christopherson and Fire Inspector Curt D'Altroy met with Mr Fairhurst on the property and confirmed what items had to be removed.

April 2, 2012 - Bylaw Liaison Officer Tracy Christopherson hand delivered a copy of Council resolution as well as written confirmation with photos detailing clean up/removal requirements to Michael Fairhurst.

June 28, 2012 - Bylaw Liaison Officer Tracy Christopherson reviewed the inspection photos of the property with Magda Laljee and Wayne Mercer. The review confirmed that the property was in compliance.

June 29, 2012 - Bylaw Liaison Officer Tracy Christopherson hand delivered a letter to the owners Michael and Verna Fairhurst advising that the property met Council's direction for clean up and the matter was concluded.

June 20, 2013 - the Community Bylaws Division received a new complaint reporting an accumulation of debris and discarded material as well as storage that did not appear to be consistent with farm activity on the property. Bylaw Liaison Officer Larry Wilson attended the property at approximately 11:00 am for initial inspection. Inspector Wilson was unable to conduct an inspection as there was a chain link fence across the front of the property and a locked iron gate at the driveway. Bylaw Liaison Officer Wilson sent a registered letter to property owners Michael and Verna Fairhurst requesting contact to set up an inspection.

July 3, 2013 - Bylaw Liaison Officer Larry Wilson attended the property and left an inspection notice on the gate advising of need for inspection.

July 4, 2013 - Bylaw Liaison Officer Larry Wilson returned to the property with Fire Inspector Darryl Wellsted. Fire Inspector Wellsted was concerned about the visible clutter. Open access to the property on the north side provided entry onto the property. Bylaw Liaison Officer Wilson and Fire Inspector Wellsted determined that there was no one on site. Under the authority of Section 16 of the *Community*

Charter Act, the City's Unsightly Premises Bylaw 7162 and Fire Protection and Life Safety Bylaw 8306, an inspection was conducted on this date and photos were taken.

July 4, 2013 - Bylaw Liaison Officer Wilson received a phone call late in the day from Mr Fairhurst requesting a meeting at the property.

July 5, 2013 - Bylaw Liaison Officer Wilson met Mr Fairhurst at the property, however Mr Fairhurst refused entry onto the property and when questioned about emergency access to the property being inhibited by the locked gate he stated that this was not an issue as entry onto the property was easily available via the north side of the property which was open. Mr Fairhurst stated he would remove accumulated debris that was visible from outside his gate and it was agreed he would begin with this and Wilson would arrange a re-visit in about two weeks to continue the required cleanup process of the remainder of the property.

July 19, 2013 - Bylaw Liaison Officer Wilson spoke to Mr Fairhurst by phone, and it was agreed Wilson would return to the property on July 24, 2013 for an evaluation of the cleanup effort.

July 24, 2013 - Bylaw Liaison Officer Wilson attended property accompanied by Bylaw Liaison Officer Benning. Mr Fairhurst refused entry for the purpose of any inspection and only permitted Wilson to enter just inside the front gate of the property. It was not possible to determine the extent of the cleanup from this position, however from what could be seen from the gate area, the cleanup was minimal and there was a great deal of accumulated diverse materials piled in and around the property. As Mr Fairhurst had indicated that he did not want any further entry this request was respected and Bylaw Liaison Officers Wilson and Benning left the property.

Mandatory Compliance – Order to Comply Process

The City is now 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 Regulation 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 Regulation 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.*

Please contact the City Clerk's Office, in writing, by 5:00 pm August 13, 2013, should you wish to appeal this Order to Comply. The City Clerk's Office is located at Richmond City Hall, 6911 No. 3 Road, Richmond BC V6Y 2C1, telephone contact 604-276-4007.

Bylaw Liaison Officer Larry Wilson will be conducting a follow up inspection on August 16, 2013 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 August 26, 2013 at 604-276-4074.

Yours truly,


Edward Warzel
Manager, Community Bylaws

EW:lw

Att: Attachment 1 -- Inspection photos taken by Bylaw Liaison Officer Wilson on July 4, 2013 detailing clean up requirements
Attachment 2 - Copy of Special Council Meeting Minutes and Resolution -- March 26, 2012
Attachment 3 -- Copy of the City's written confirmation with photos detailing clean up/removal requirements -- April 2, 2012
Attachment 4 -- Copy of inspection photos taken by Bylaw Liaison Officer Tracy Christopherson on June 27, 2012 showing that the property met Council's direction for clean up

pot City Clerk's Office
Magda Lafjee, Supervisor Community Bylaws
Larry Wilson, Bylaw Liaison Officer



City of Richmond
Community Safety Division
Community Bylaws

Order to Comply

July 31, 2013

Pursuant to Unsightly Premises Regulation Bylaw 7162
& the Local Government Act

Civic Address 12620 No-3 Rd, Richmond, BC
Legal Description Lot 19 Section 9 Block 3 North Range 6 West
New Westminster District Plan 41607

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 August 16, 2013 with the:

- Photo 1) neat storage of travel chests, out of sight, or removal from the property
- Photo 2) Removal from the property of assorted items from rear of house, pieces of metal, wood and the proper storage of machinery in one area
- Photos 3 & 4) Removal of discarded appliances, assorted wood and metal from between the containers
- Photos 5 & 6) Removal of all discarded items in the driveway consisting of non farm equipment, wooden and metal panels, Styrofoam panels and assorted debris including all discarded items partially covered under awning in the driveway
- Photo 7) Removal from the property of discarded furniture, pieces of wood and metal
- Photo 8) Removal of all furniture, pieces of wood, metal and plastic panels leaning against the building
- Photo 9) Neat storage of plastic barrels and any other farm materials in one location
- Photo 10) Removal from the property of all discarded items consisting of a metal frames, boxes and articles not consistent with farm use
- Photo 11) Clear all items from the front steps and walkway including, plastic containers, doors, miscellaneous pieces of wood, plastic and metal and assorted general debris

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

A handwritten signature in black ink, appearing to read 'Edward Warzel'.

Edward Warzel
Manager, Community Bylaws



Special Council Meeting

Monday, March 26, 2012

Time: 4:00 p.m.

Place: Anderson Room
Richmond City Hall

Present: Mayor Malcolm D. Brodie
Councillor Chak Au
Councillor Derek Dang
Councillor Evelina Halsey-Brandt
Councillor Bill McNulty
Councillor Linda McPhail

Corporate Officer – David Weber

Absent: Councillor Linda Barnes
Councillor Ken Johnston
Councillor Harold Steves

Call to Order: Mayor Brodie called the meeting to order at 4:00 p.m.

RES NO. ITEM

LAW AND COMMUNITY SAFETY DEPARTMENT

1. **SITE CLEAN UP OF AN UNSIGHTLY PROPERTY CIVIC ADDRESS:
12620 NO. 3 ROAD, RICHMOND BC LEGAL DESCRIPTION: LOT 13
SECTION 9 BLOCK 3 NORTH RANGE 6 WEST NEW
WESTMINSTER DISTRICT PLAN 41607**

(File Ref. No.: 12-8060-05, UP 2011-582348) (REDMS No. 3475995, 3249066, 3403992, 3411507, 3411509, 3402659, 3419261, 3481386, 3490684)

Wayne G. Mercer, Manager, Community Bylaws and Magda Laljee, Supervisor, Community Bylaws provided the most recent set of pictures of the property at 12620 No. 3 Road, taken on Monday, March 26, 2012 by Captain Dave MacDonald, Richmond Fire Rescue (RFR), Fire Prevention (on file City Clerks Office).



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Mr. Mercer indicated that although the condition of the property had significantly improved, it was still considered unsightly, and in dire need of further clean up. He also noted that due to the effort made by the property owner, there would be a reduction in the final remediation costs, currently estimated at \$19,488.00.

In answer to questions, Mr. Mercer provided the following information:

- it is a large property fronting on to No. 3 Road;
- many of the discarded items that had been piled in the driveway had been relocated to the back of the house and under the deck;
- there are still vehicles covered in blackberry bushes;
- the pool still has water in it, and the property owner was advised of the related safety concerns. It was also noted that the pool was surrounded by wood and a significant amount of other debris, and that the owner had the choice of draining the pool, or properly securing it with fencing; and
- safety concerns associated with the debris on the property were a separate issue that would not be dealt with by the Unsightly Premises Regulation Bylaw.

Michael Fairhurst, property owner, 12620 No. 3 Road, made comments about the history of the property, and expressed his belief that the Unsightly Premises Regulation Bylaw impeded democracy and entitlement to quiet enjoyment of property. He also made comments about the conduct of City employees, and stated that if an accusation of unsightliness is going to be made, then it has to be spelled out with more clarity.

The Chair requested Mr. Fairhurst to keep his comments focused on the unsightly appearance of the property at 12620 No. 3 Road.

Mr. Fairhurst then provided the following information:

- although his mother, Verna Fairhurst had accompanied him, he would be speaking on the matter on behalf of both parties;
- the address at 12620 No. 3 Road was his principal residence;
- he has been trying to take care of the property while working and spending time with his elderly mother, who lives approximately a mile away;



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- safety concerns related to the pool are being addressed, orange fencing is proposed for the perimeter of the pool;
- other safety concerns related to fire are being addressed directly with RFR;
- the property is 10 acres in size and is used for farming;
- the rain barrels are kept on the property to collect water for farming use;
- an alternate option is to tear down the house and build a mega house;
- positive and clear direction is needed from City staff regarding the unsightliness of the property; and
- the vehicles on the property are not visible from the street. Mr. Fairhurst indicated that he is currently replacing the garage roof, and the vehicles will go back into the garage once the roof is completed.

Mr. Fairhurst stated that the property is an active working farm property, and that the blackberries and equipment that may be used for farming are being considered as unsightly. He expressed his belief that the nature of the unsightliness is a result of his use of tarps, and that a barn on the property for storage would address the issue of the tarps used to cover up items on the property.

Reference was made to a point on page CNCL-7 of the agenda, about the owner having stated that he does not occupy the building, and comes by daily to check on the property and conduct renovations. Mr. Fairhurst replied that the house was undergoing changes.

The Chair asked Mr. Fairhurst how much more time he would need to complete the clean up of the site. Mr. Fairhurst stated in response that he required very clear direction on what he needs to do in order to address the unsightliness of the property, and that he had a list of things to do from the Fire Department.

The Chair asked Mr. Fairhurst if he had anything further to add. Mr. Fairhurst replied that he may wish to respond to any further comments that would be made. Mr. Fairhurst was excused from the table, and he took a seat in the public gallery.



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Jim Wishlove, Deputy Chief - Technology & Communications, advised that RFR had been to the property at 12620 No. 3 Road, and found a number of outstanding fire safety hazards on the property, including the pool. Deputy Chief Wishlove also noted that RFR would be sending further correspondence in response to the property owner's request for clear direction.

Upon a comparison of applicable photos attached to the staff report, with photos taken today, Council members noted that some improvements had taken place. In response to specific questions about a number of the photos taken of the property at various dates, Ms. Laljee and Mr. Mercer provided the following information:

- improvements have been made on the front steps, however, there is still material stacked up against the house;
- some progress has been made, but not to the level required;
- most of the material has been removed from the driveway, however, much of it has been relocated to the back of the property;
- the freezer that was in the driveway had been relocated, however it should have been removed from the property;
- some of the items remaining on the property may be placed in proper storage;
- the property owner would need to remove all remaining, partially covered items in the driveway; and
- a discarded stove, box spring and mattress had been removed.

During the comparison of photos, it was emphasized that the property owner would be required to remove many of the materials from the property, rather than relocate those materials elsewhere on the property. In conclusion, Mr. Mercer advised that three points of the Order to Comply had been fully complied with, and the rest had been partially complied with. He also stated that staff will provide Mr. Fairhurst with a new Order to Comply, which would clearly itemize what would be required of him with specific direction.

A brief discussion ensued about materials on the property that may be appropriate for farm use. In answer to a query, staff advised that a representative from the Agricultural Land Commission (ALC) had visited the property to identify what materials are consistent with farming, and the Order to Comply was based on that information.



Special Council Meeting
Monday, March 26, 2012

RES NO. ITEM

Given the progress made to date, it was determined that staff would work with the appellant over the course of the next months, providing a more detailed list of items to be addressed to bring the property into compliance.

The Chair asked Mr. Fairhurst if he had any additional comments. Mr. Fairhurst expressed concerns related to removal of farming material, including the barrels on his property that may be used for collection of rain, as well as hoops that may be used as greenhouses for growing plants. The Chair noted that the Order to Comply was made upon taking into consideration that farming was a part of the property.

SP12/2-1

It was moved and seconded

- (1) *That the appeal submitted by Verna and Michael Fairhurst, registered owners of 12620 No 3 Road, against the "Order to Comply" issued on January 12th, 2012 regarding the unsightly condition of 12620 No 3 Road pursuant to the Unsightly Premises Regulation Bylaw No. 7162 and section 17(1) of the Community Charter, be denied;*
- (2) *That on or after June 30, 2012, Walden Disposal Services, as contractor for the City, be authorized to remove all discarded items not consistent with farm use at 12620 No 3 Road in accordance with the "Order to Comply" of January 12th, 2012 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 a maximum of \$19,488.00 (including fees and taxes), be invoiced to the registered owners of the property located at 12620 No 3 Road.*

The question on Resolution No. SP12/2-1 was not called as members of Council made various comments about properties used for farming, and how farmers do not have the right to be in violation of the City's Unsightly Property Regulation Bylaw.

The question on Resolution No. SP12/2-1 was then called, and it was **CARRIED.**



**Special Council Meeting
Monday, March 26, 2012**

RES NO. ITEM

The Chair advised Mr. Fairhurst that he had until June 30, 2012 to complete the clean-up of the property at 12620 No 3 Road, Richmond, otherwise the City would take further action by hiring the contractor to remove and dispose of the remaining materials on the property.

ADJOURNMENT

SP12/2-2

It was moved and seconded
That the meeting adjourn (5:09 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the Special Meeting of the Council of the City of Richmond held on Monday, March 26, 2011.

Mayor (Malcolm D. Brodie)

Corporate Officer (David Weber)

Division 12 – Remedial Action Requirements

Council may impose remedial action requirements

72. (1) A council may impose remedial action requirements in relation to
- (a) matters or things referred to in section 73 [hazardous conditions],
 - (b) matters or things referred to in section 74 [declared nuisances], or
 - (c) circumstances referred to in section 75 [harm to drainage or dike].
- (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.
- (3) In the case of circumstances referred to in section 75, a remedial action requirement
- (a) may be imposed on the person referred to in that section, and
 - (b) may require the person to undertake restoration work in accordance with the directions of council or a person authorized by council.

2003-26-72

Hazardous conditions

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;
 - (b) a natural or artificial opening in the ground, or a similar matter or thing;
 - (c) a tree;
 - (d) wires, cables, or similar matters or things, that are on, in, over, under or along a highway;
 - (e) matters or things that are attached to a structure, erection or other matter or thing referred to in paragraph (a) that is on, in, over, under or along a highway.
- (2) A council may only impose the remedial action requirement if
- (a) the council considers that the matter or thing is in or creates an unsafe condition, or
 - (b) the matter or thing contravenes the Provincial building regulations or a bylaw under section 8 (3) (1) [spheres of authority – buildings and other structures] or Division 8 [Building Regulation] of this Part.

2003-26-73

Declared nuisances

74. (1) A council may declare that any of the following is a nuisance and may impose a remedial action requirement in relation to the declared nuisance:
- (a) a building or other structure, an erection of any kind, or a similar matter or thing;
 - (b) a natural or artificial opening in the ground, or a similar matter or thing;
 - (c) a drain, ditch, watercourse, pond, surface water, or a similar matter or thing;
 - (d) a matter or thing that is in or about any matter or thing referred to in paragraphs (a) to (c).
- (2) Subsection (1) also applies in relation to a thing that council considers is so dilapidated or unclean as to be offensive to the community.

2003-26-74

Harm to drainage or dike

75. (1) A council may impose a remedial action requirement if a person has
- (a) obstructed, filled up or damaged a ditch, drain, creek or watercourse that was constructed or improved under this Act or the *Local Government Act*, or
 - (b) damaged or destroyed a dike or other drainage or reclamation work connected with it.

2003-26-75.

Time limit for compliance

76. (1) The resolution imposing a remedial action requirement must specify the time by which the required action must be completed.
- (2) Subject to section 79 [*shorter time limits in urgent circumstances*], the time specified under subsection (1) must not be earlier than 30 days after notice under section 77 (1) [*notice to affected persons*] is sent to the person subject to the remedial action requirement.
- (3) The council may extend the time for completing the required action even though the time limit previously established has expired.

2003-26-76.

Notice to affected persons

77. (1) Notice of a remedial action requirement must be given by personal service or by registered mail to
- (a) the person subject to the requirement, and
 - (b) the owner of the land where the required action is to be carried out.
- (2) In addition, notice of the remedial action requirement must be mailed to
- (a) each holder of a registered charge in relation to the property whose name is included on the assessment roll, at the address set out in that assessment roll and to any later address known to the corporate officer, and
 - (b) any other person who is an occupier of that land.
- (3) A notice under this section must advise
- (a) that the person subject to the requirement, or the owner of the land where the required action is to be carried out, may request a reconsideration by council in accordance with section 78 [*person affected may request reconsideration*], and
 - (b) that, if the action required by the remedial action requirement is not completed by the date specified for compliance, the municipality may take action in accordance with section 17 [*municipal action at defaulter's expense*] at the expense of the person subject to the requirement.

2003-26-77.

Person affected may request reconsideration by council

78. (1) A person who is required to be given notice under section 77 (1) [*notice to affected persons*] may request that the council reconsider the remedial action requirement.
- (2) Subject to section 79 [*shorter time limits in urgent circumstances*], a request under subsection (1) must be made by written notice provided within 14 days of the date on which the notice under section 77 (1) was sent or a longer period permitted by council.
- (3) If the council receives a notice that complies with subsection (2), it must provide the person with an opportunity to make representations to the council.
- (4) After providing the opportunity referred to in subsection (3), the council may confirm, amend or cancel the remedial action requirement.
- (5) Notice of a decision under subsection (4) must be provided in accordance with section 77 (1) and (2) [*notice to affected persons*].

2003-26-78.

**Shorter time limits in
urgent circumstances**

79. If the council considers that there is a significant risk to health or safety if action is not taken earlier, the resolution imposing the remedial action requirement may
- (a) set a time limit under section 76 [*time limit for compliance*] that is shorter than the minimum otherwise applicable under subsection (2) of that section, and
 - (b) set a time limit for giving notice under section 78 [*persons affected may request reconsideration*] that is shorter than the limit otherwise applicable under subsection (2) of that section.

2003-26-79.

**Recovery of municipal costs
through sale of property**

80. (1) This section applies to remedial action requirements in relation to the following:
- (a) matters or things referred to in section 73 (1) (a) [*unsafe and non-complying structures*];
 - (b) matters or things referred to in section 74 (1) (a) [*nuisances in relation to structures*];
 - (c) matters or things referred to in section 74 (1) (d) [*nuisances in relation to things in or near structures*] that are in or about a matter or thing referred to in section 74 (1) (a).
- (2) Subject to this section, if a remedial action requirement has not been satisfied by the date specified for compliance, the municipality may sell the matter or thing in relation to which the requirement was imposed or any part or material of it.
- (3) The earliest date on which the municipality may sell property referred to in subsection (2) is the later of
- (a) the date specified for compliance, and
 - (b) 60 days after the notice under section 77 (1) [*notice to affected persons*] is given.
- (4) If a municipality sells property under this section, it
- (a) may retain from the proceeds
 - (i) the costs incurred by the municipality in carrying out the sale, and
 - (ii) if applicable, the costs incurred by the municipality in exercising its power under section 17 [*municipal actions at defaulter's expense*] that have not yet been paid by the person subject to the requirement, and
 - (b) must pay the remainder of the proceeds to the owner or other person lawfully entitled.
- (5) For certainty, the authority under this section is in addition to that provided by section 17 [*municipal action at defaulter's expense*].

2003-26-80.

**PART 4 – Public Participation and Council Accountability
Division 1 – Elections, Petitions and Community Opinion**

Election proceedings

→ (Sub) May 29/14

81. (1) A general local election for the mayor and all councillors of each municipality must be held in the year 2014 and every 4th year after that.

→ (Am) Jan 01/16

(2) By-elections for office on municipal council must be held as required under section 54 [*by-elections*] of the *Local Government Act*.

(3) General local elections and by-elections must be held in accordance with Part 3 [*Electors and Elections*] of the *Local Government Act*.

2003-26-81; 2014-19-1; RS2015-1-RevSch (B.C. Reg. 257/2015).

Petitions to council

82. (1) A petition to a council is deemed to be presented to council when it is filed with the corporate officer.
- (2) A petition to a council must include the full name and residential address of each petitioner.

2003-26-82.