



**Special Council
Monday, October 26, 2020**

Place: Council Chambers
Richmond City Hall

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

Corporate Officer – Claudia Jesson

Call to Order: Mayor Brodie called the meeting to order at 4:01 p.m.

RES NO. ITEM

ENGINEERING AND PUBLIC WORKS DIVISION

**1. 13740 WESTMINSTER HIGHWAY – UNAUTHORIZED
WATERCOURSE CROSSING AND DECORATIVE WALL UPDATE**

(File Ref. No.: 01-0270-02-2020-053, 10-6045-07-02) (REDMS No. 6536637 v .3, 6491986, 6527686, 6511999, 5975465, 6548164)

Jason Ho, Manager, Engineering Planning, provided background information and the following was noted:

- in January 2018, the City received a Watercourse Crossing Permit application from the property owners;
- the permit was rejected as the watercourse is in a Riparian Management Area (RMA) and therefore not eligible for an infill;



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- the property owners proceeded to infill the watercourse and installed a culvert without City approval; the property owners also constructed a decorative wall on top of the unauthorized watercourse crossing on a portion of the property that is in the RMA;
- the culvert works installed in the watercourse do not meet the City's Engineering Design Specifications; and
- under the current unauthorized conditions, the boulevard experiences substantial surface ponding and the City cannot access its infrastructure.

In reply to queries from Council, staff provided the following information:

- the property owners would require provincial approval to infill the watercourse as it is in a RMA;
- any neighbouring properties with an infilled watercourse likely are not in a RMA or the works were completed prior to the establishment of the Riparian Areas Regulation;
- the property owners were first notified that such works were unauthorized when the Watercourse Crossing Permit application was rejected by the City in 2018; once staff learned that the works were proceeding, the City sent correspondence and posted stop work orders advising that the works underway must cease; the City also issued fines;
- in order to infill the watercourse, the property owner would first require provincial approval, and if provincial approval were granted, the watercourse infill would have to meet the City's Engineering Design Specifications;
- even if the property owner received provincial approval to infill the watercourse, the current installation would have to be completely removed and redone due to the installation of substandard engineering infrastructure;
- a RMA is not registered on title; and
- staff are unaware of any concerns related to rodents or safety.



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Materials from the homeowners were distributed on table (attached to and forming part of these Minutes as Schedule 1).

Gurbax Panesar, 13740 Westminster Highway, stated that she had trees planted along the frontage of her property for the protection of her grandkids and dog when her home was initially built. She advised that the City required that the trees be removed.

Ms. Panesar then stated that she retained the services of Madrone Environmental Services, which was very costly, and followed the recommendations of their report. She spoke to concerns of having an open watercourse at the front of her property, noting that her dog has fallen into the ditch and hurt itself, her grandkids are afraid to play in her front yard for fear of falling into the ditch, and rodents are throughout the ditch. Ms. Panesar then commented on the uncleanliness of the ditch, remarking that it is not cleaned. As a result of these issues, Ms. Panesar stated that she had no choice but to infill the watercourse and to build the decorative wall as a buffer between the road and her property.

Ms. Panesar then commented on adjacent properties with infilled watercourses, and was of the opinion that the City was not applying its regulations consistently and fairly. She acknowledged that what she did was wrong but that she felt she had no choice since there were no alternative solutions.

In reply to a comment by Council, Ms. Panesar stated that she had to build the decorative wall for safety as her house is situated close to the road. Also, she remarked that she had installed a fence but was told by the City to remove it.

In reply to queries from Council, Mr. Ho provided the following information:

- the fence was required to be removed as it was installed on City property;
- a fence would be permitted if it were situated outside the RMA and on the homeowners' property;
- staff could follow up with the property owners' environmental consultant as it relates to identified measures to protect and maintain the RMA; and



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- the property owners were advised of the option to seek provincial approval when they were first notified that their permit was rejected as the watercourse is in a RMA.

SP20/10-1

It was moved and seconded

That the remedial action orders imposed on Swarn Singh Panesar and Gurbax Kaur Panesar, as the registered owners of 13740 Westminster Highway as per Council Resolution R20/15-4 (adopted on consent at the September 14, 2020 Regular (Open) Council meeting) be upheld.

CARRIED

ADJOURNMENT

SP20/10-2

It was moved and seconded

That the meeting adjourn (4:29 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, October 26, 2020.

Mayor (Malcolm D. Brodie)

Corporate Officer (Claudia Jesson)

Schedule 1 to the Minutes of the Special meeting of Richmond City Council held on Monday, October 26, 2020.

To: Mayor & Each Councillor

From: City Clerk's Office

Materials Relating to an Agenda Item

Meeting: SPECIAL CNCL

Date: OCT. 26/20 Item#: 1

CityClerk

From: Nav Panesar <nspautotek@gmail.com>
Sent: October 26, 2020 12:01 PM
To: O'Halloran,Matthew; CityClerk
Subject: Re: Council Reconsideration - Remedial Action Requirements 13740 Westminster Hwy Signed Letter to Mayor Brodie.pdf; Neighbours Similar House.jpg; Our House Previous to Ditch Fill.png; Our House Ditch Front.png; Neighbours Picture 3.eml; Neighbours picture 2.jpg; Thief Jumping Fence Next Door.mp4; Neighbours Picture 4.eml; Neighbours Picture 5.eml; Neighbours Picture 6.eml; Neighbours Picture7.eml; Neighbours Picture8.eml
Attachments:



Attached are photos of our house previous to the Ditch fill which was not accepted but the city. I have also attached many houses on our street and other streets with mandatory ditches that have been filed completely. Some of these houses were filled this past year as well.

You can clearly see in one of the pictures a thief jumping our neighboring church fence. Security is an issue and safety for our pets and children is an issue and as you can see the letter attached the Church has requested and agrees to keep the ditch filled as there ditch is filled as well due to children's safety.

We are being targeted but he city as there are 100's of homes around our house that have filled ditches and continue to do so. Our dog has fallen in the ditch multiple times and this was always a safety concern. Our house was built towards the front of the property as required and this leaves little room between the fitch and our front entrance. Furthermore, the ditch was full of rats that would enter our proerty and home.

Our original wall and trees show the exact same design that was done by multiple homes around our area but the city forced us to tear it down.

We are simply requesting to be treated the same as all of the other 100's of houses that have not been singled out for filling their ditch.



On Mon, Sep 28, 2020 at 5:00 PM O'Halloran,Matthew <MOHalloran@richmond.ca> wrote:

Good Afternoon,

Thank you for your request to reconsider Council's decision regarding the remedial action requirements at 13740 Westminster Hwy.

Your hearing has been scheduled as follows:

4:00 pm, Monday, October 26

Council Chambers

Richmond City Hall

Please confirm receipt of this email and your attendance at the meeting. You may also submit additional materials for Council to review in advance of the meeting – please confirm as soon as possible if you would like to do so.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

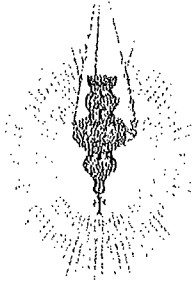
Matt O'Halloran | Manager, Legislative Services

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

Phone: 604-276-4098 | Fax: 604-278-5139

Email: mohalloran@richmond.ca





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ST. GREGORY THE ILLUMINATOR ARMENIAN APOSTOLIC CHURCH

His Worship Mayor Malcom Brodie
City of Richmond, Mayor's Office
6911 No. 3 Road
Richmond, BC V6Y 2C1

October 22, 2019

**13740 WESTMINSTER HWY
INFILLING OF DITCH**

Dear Mr. Mayor Brodie

We write to you in support of our neighbour Mr. & Mrs. Swarn & Gurbax Panesar at the above-mentioned address who has infilled the ditch in front of their home. We understand that the City has demanded that the Panesars restore the ditch as it was prior to infilling it.

Our church and community centre have been at 13780 Westminster Hwy since 1986 and although we don't have an open ditch in front of our property, our parishioners have on numerous occasions expressed concerns to our board of trustees that the open ditch is a safety hazard. Although we've had a few close calls with children in our congregation, thankfully no serious incidents.

Also ditches attract mice and rats which is a health concern to the area, including our children's playground. Although we have regular pest control, the problem continues.

In conclusion, the owners of the home have done a great job to infill the ditch and make it safe. We hope that you and the City of Richmond reconsider the position taken and allow the ditch to remain infilled.

Sincerely,
ST. GREGORY ARMENIAN APOSTOLIC CHURCH OF BC

Alice Lazarian,
Board of Trustees

VANCOUVER ARMENIAN COMMUNITY CENTRE

Eddie Papazian
Board of Trustees

Attachment: Neighbours Similar House



Attachment: Our House Previous to Ditch Fill



Attachment: Our House Ditch Front



CityClerk

From: Gurbax P <gurbaxp@gmail.com>
Sent: September 14, 2020 3:00 PM
To: Nav Panesar



Sent from my iPhone

Attachment: Neighbours Picture 2



CityClerk

From: Gurbax P <gurbaxp@gmail.com>
Sent: September 14, 2020 2:53 PM
To: Nav Panesar



Sent from my iPhone

CityClerk

From: Gurbax P <gurbaxp@gmail.com>
Sent: September 14, 2020 2:42 PM
To: Nav Panesar



Sent from my iPhone

CityClerk

From: Gurbax P <gurbaxp@gmail.com>
Sent: September 14, 2020 2:55 PM
To: Nav Panesar



Sent from my iPhone

CityClerk

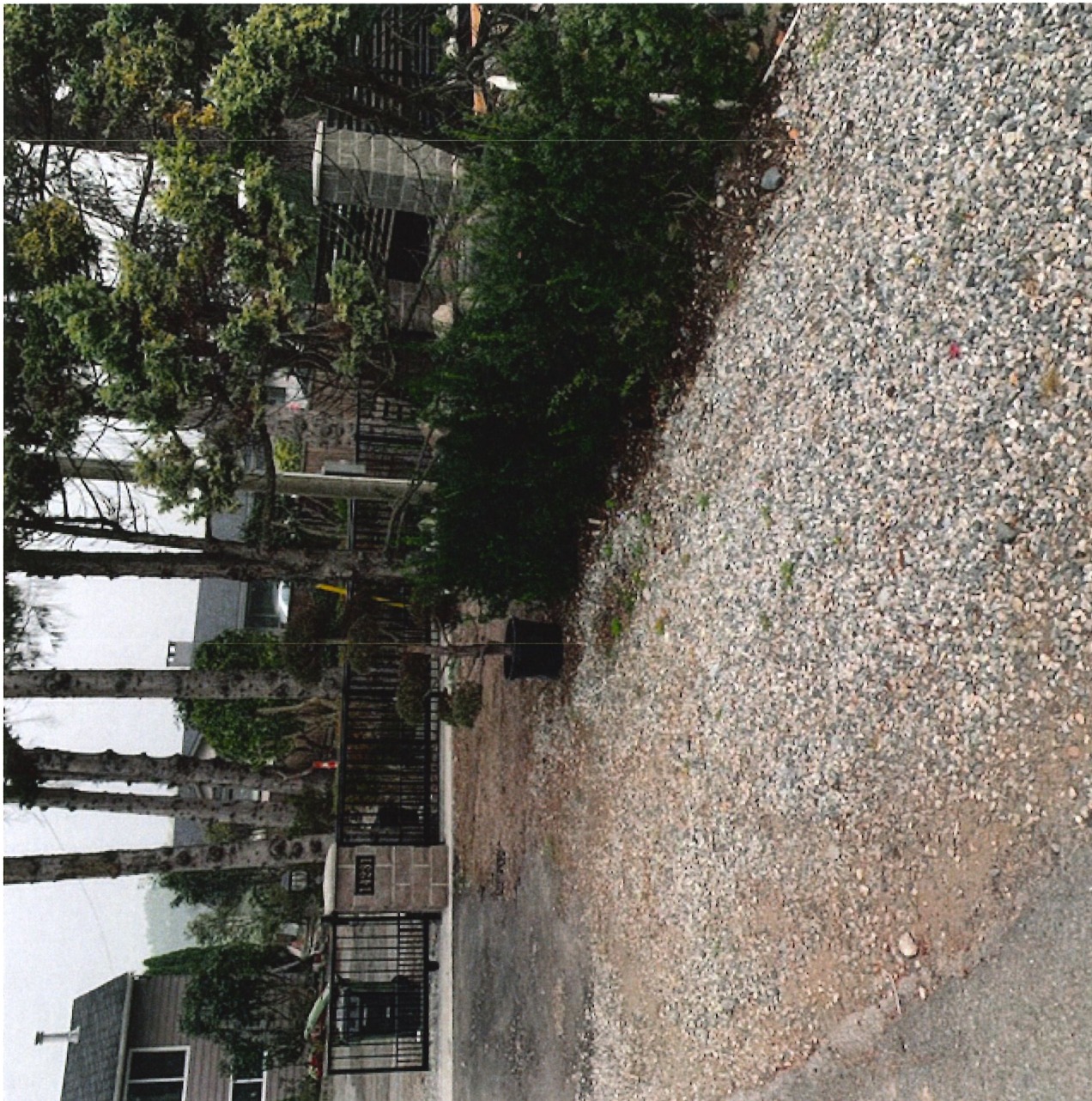
From: Gurbax P <gurbaxp@gmail.com>
Sent: September 14, 2020 2:46 PM
To: Nav Panesar



Sent from my iPhone

CityClerk

From: Gurbax P <gurbaxp@gmail.com>
Sent: September 14, 2020 2:43 PM
To: Nav Panesar



Sent from my iPhone