



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

Time: 4:00 p.m.

Place: Anderson Room  
Richmond City Hall

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

Corporate Officer – David Weber

Call to Order: Mayor Brodie called the meeting to order at 4:04 p.m. and recessed as the property owner was not present.

The meeting reconvened at 4:12 p.m., following the Closed Council meeting, with all members of Council present.

**RES NO. ITEM**

**LAW AND COMMUNITY SAFETY DEPARTMENT**

1. **SITE CLEAN UP OF AN UNSIGHTLY PROPERTY - CIVIC ADDRESS: 4640 CARTER DRIVE, RICHMOND BC, LEGAL DESCRIPTION: LOT 136 SECTION 35 BLOCK 5 NORTH RANGE 6 WEST NEW WESTMINSTER DISTRICT PLAN 87318**  
(File Ref. No.: 12-8075-20) (REDMS No. 3656599, 3656647, 3574061)

Wayne Mercer, Manager, Community Bylaws, circulated a new set of photos of the property at 4640 Carter Drive taken on Monday, November 26, 2012 and provided a brief description of said photos (Schedule 1).



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In response to a query, Joe Erceg, General Manager, Planning and Development, advised that Building Approvals staff had given two notices to remove the structures as the house on the subject property is built on maximum density and additional structures are not allowed. Also, he stated that the matter could be taken to court and that as a matter of administrative procedure, the next step would be to prepare a report for the court.

In response to a query, Mr. Mercer mentioned that the City contractor, Walden Disposal Services, does not want its crew to go inside the property due to safety concerns. He stated that the contractor is concerned that the only thing holding up the structure are the materials underneath it and the first step is to remove the materials in order to see what remains of the structure.

In response to queries, John McGowan, Fire Chief, Richmond Fire-Rescue (RFR), and Kim Howell, Deputy Fire Chief, provided the following information:

- RFR staff have been to the property five times this year with different inspection teams and worked with the owner and are seeing small changes but nothing to the magnitude that they would like to see;
- there is considerable amount of combustibles inside the property;
- under the Fire Protection and Safety Bylaw, RFR can write an order to remove fire hazards such as the combustible materials found on the subject property;
- RFR has the ability to charge people under the Fire Bylaw but has not yet exercised this option with regard to the subject property; and
- there have been a number of coordinated inspections by Community Bylaws and RFR staff.

Morton Tsai, the property owner's father and the current resident, accompanied by his daughter Annie Tsai acting as his interpreter, provided background information regarding the actions he had taken to comply with the City's requirements and mentioned the circumstances which led to the accumulation of materials in the subject property.



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Mr. Tsai stated that compared to a month ago, a lot of debris and materials have been removed from the property and that the structures will also be removed but he needs more time as he is working on it by himself. He mentioned that during his earlier discussions with City staff, he did not fully understand the issues involved and although he is unsure of what is going on at the moment, he has been trying to remove a lot of material from the property and comply with City requirements.

With regard to the accumulation of materials in the property, Mr. Tsai pointed out that he had furniture from Taiwan when they came to Canada and that he also purchased a few additional pieces of furniture. He also mentioned that some of the materials on the subject property came from his former property in Chilliwack. He noted that some of the furniture is still in good condition but he listened to the City and removed them from his property even though it was hard for him to do so.

Mr. Tsai expressed his disappointment of not being able to do what he wants in his property despite the fact that he is living in a free country. He also stated that if the City will require him to remove more materials from his property, it would be really difficult for him as he considers them still useful.

With regard to the structure that he built around the house, Mr. Tsai indicated that he considers it not really a structure but a trellis that is intended for growing grape vines; however, he will try to remove it.

Mr. Tsai proceeded to provide further information regarding the materials and structure in the property as seen in the recent photos taken by City staff but the Chair called his attention to address the issue before Council which is about the unsightly premises and structure.

In response to a query whether he is cleaning up the property, Mr. Tsai stated that he is always cleaning up and improvements can be seen each time City staff visit the property.

In response to a query whether he understands that there are fire safety issues that need to be addressed, Mr. Tsai stated that when an inspector came and pointed out the various fire hazards in the property, he told the inspector that he has been living in the property for twenty-two years and believes that there are no fire hazard issues in the property as he uses electricity and fire carefully and would not cause any fire.



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In response to further queries, Mr. Tsai advised the following:

- he has taken some measures to address the fire hazard issue by removing materials that are considered fire hazards and not using the fireplace;
- he is going to remove the tarps and plastic on the trellises and does not need assistance;
- he believes that he can do all the necessary work to comply with the City's requirements but he needs more time; and
- he will find storage for the materials to be removed.

The Chair raised the possibility of Council immediately giving the order to remove the materials in the property but also providing the owner additional time to comply without prejudice to the independent actions being pursued by Building Approvals and Richmond Fire-Rescue regarding the enforcement of applicable regulatory bylaws.

SP12/8-1

It was moved and seconded

- (1) *That Walden Disposal Services, as contractor for the City, be authorized by Council under section 17(1) of the Community Charter, to remove all discarded materials accumulated at 4640 Carter Drive in accordance with the "Order to Comply" of July 9, 2012 issued under the Unsightly Premises Regulation Bylaw No. 7162; and*
- (2) *That the final cost of this remediation, estimated at \$11,088.00 (including fees and taxes), be invoiced to Sam Sheng Fu Tsai, the registered owner of the property located at 4640 Carter Drive.*

The question on Resolution SP12/8-1 was not called as a discussion ensued, during which comments were made by some Council members supporting the suggestion to give the property owner one more month to clean up his property. Various comments were also made by Council members regarding the need for immediate enforcement due to lack of action on the part of the owner to comply with the regulatory bylaws; the importance of clarifying to the owner what should be removed in the property in view of the confusion regarding the definition of structure; and the necessity and urgency of cleaning the unsightly premises and removing the illegal structures which pose unsightly and safety concerns.



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In response to queries, Joe Erceg, General Manager, Planning and Development, and Phyllis Carlyle, General Manager, Law and Community Safety, provided the following information:

- there is no need for direction from Council for staff to pursue court action but staff cannot give a definite date for such action;
- a structure is a construction of any type and any of the structures along the building must be removed;
- a court would first look at the actions taken by the City to resolve the issue and then entertain any prosecution that staff pursues; and
- the structural issue might resolve itself once Council orders the items removed from the property.

Further discussion ensued and a clarification was made regarding the need for up-to-date materials to be submitted to the court and the effect of the extension of the period of compliance to the order. Comments were also made by Council members regarding the necessity of providing translation services to the owner; the need for staff to emphasize the deadline for compliance; and the importance of explaining to the owner the separate processes that are happening in view of the complexity of the case.

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

SP12/8-2

It was moved and seconded

*That the main motion be amended by adding the following words:*

*“effective January 15, 2013”*

The question on Resolution SP12/8-2 was then called and it was **CARRIED**.

The question on Resolution SP12/8-1 as amended, which reads as follows:

- (1) *That Walden Disposal Services, , as contractor for the City, be authorized by Council under section 17(1) of the Community Charter, to remove, effective January 15, 2013, all discarded materials accumulated at 4640 Carter Drive in accordance with the “Order to Comply” of July 9, 2012 issued under the Unsightly Premises Regulation Bylaw No. 7162; and*



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- (2) *That the final cost of this remediation, estimated at \$11,088.00 (including fees and taxes), be invoiced to Sam Sheng Fu Tsai, the registered owner of the property located at 4640 Carter Drive.*

was then called and it was **CARRIED**.

The Chair explained that the action taken by Council is to make an order that the unsightly premises must be cleaned up by January 15, 2013 and that staff will continue to look into violations of the City's regulatory bylaws relating to illegal structures and fire hazards and take appropriate actions. The Chair also stated for clarity that if by January 15, 2013, the property owner has not cleaned up the property, the City contractor will come in and remove all the unsightly materials on the property, with the property owner shouldering the cost including fees and taxes.

In response to the request of the delegation for the City to clarify its requirements and standards in order to comply with the order and applicable regulatory bylaws, the Chair advised that the three issues which need to be addressed by the owner are the illegal structures, the fire hazards within the property, and the unsightly premises. Also, the Chair pointed out the need for prompt action on the part of the owner as the January 15, 2013 deadline does not apply to and will not affect the separate actions that Building Approvals and Richmond Fire-Rescue are pursuing. In this regard, the Chair advised the delegation to immediately consult with City staff.

In view of the fact that the registered owner of the subject property was not present, staff was directed to send a letter informing him of the action taken by Council with a copy to be furnished to the mortgage company.

**ADJOURNMENT**

SP12/8-3

It was moved and seconded  
*That the meeting adjourn (5:36 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, November 26, 2012.

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Mayor (Malcolm D. Brodie)

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David Weber (Corporate Officer)

①

Schedule 1 to the Minutes of the  
Special Council Meeting held on  
Monday, November 26, 2012.



4640 Carter Drive – November 26, 2012 – Photos taken by Tracy Christopherson



②



Above photo of the front yard  
4640 Carter Dr – November 26, 2012 – Photos taken by Tracy Christopherson

3



Above photo north side of property  
4640 Carter Dr – November 26, 2012 – Photos taken Tracy Christopherson

4



Above photo is still walkway in from the north side of the property



Backyard looking towards neighbours house in the back  
4640 Carter Dr – November 26, 2012 – Photos taken by Tracy Christopherson

5



Above photo standing at the north side looking south. Back of the property



This is just turned right from the previous photo looking in the direction of the house.  
4640 Carter Dr – November 26, 2012 – Photos taken by Tracy Christopherson

6



Top of the structure in the backyard, this is what the neighbours see.



Standing at the back of the property looking towards the house  
4640 Carter Dr – November 26, 2012 – Photos taken Tracy Christopherson

7



Both photos are from the back of the property looking at the house  
4640 Carter Dr – November 26, 2012 – Photos taken by Tracy Christopherson

8



Above photo looking at the neighbours property to the east  
4640 Carter Dr – November 26, 2012 – Photos taken by Tracy Christopherson

9



Above photos show a structure along the whole south side of the property, leaning against the neighbours' fence.

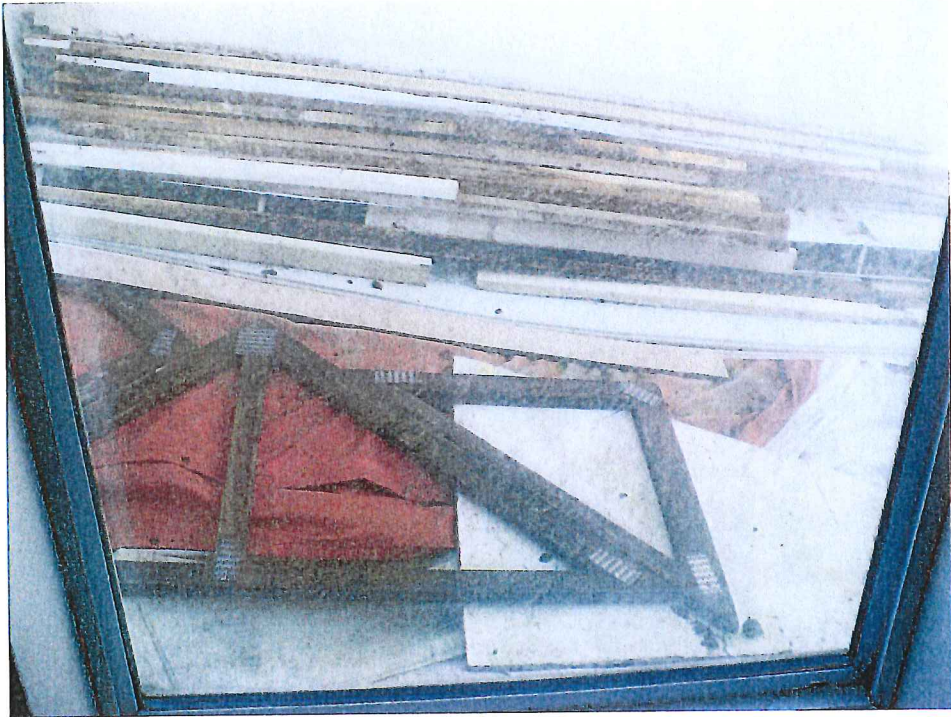
4640 Carter Dr – November 26, 2012 – Photos taken by Tracy Christopherson



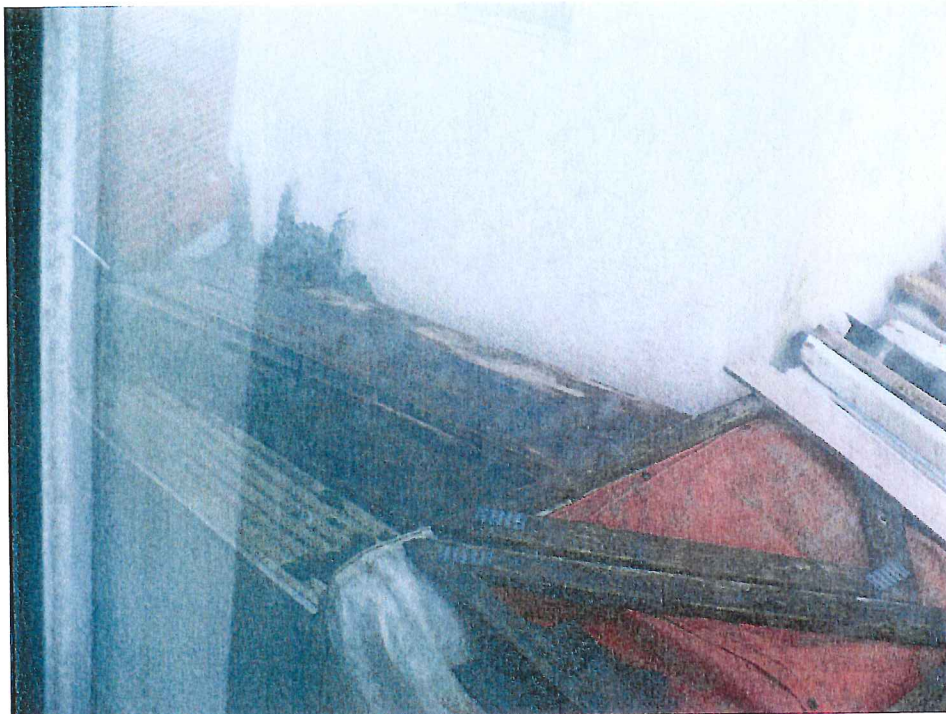
10



South side of property looking at neighbouring house  
4640 Carter Dr – November 26, 2012 – Photos taken by Tracy Christopherson



Photos from neighbouring house looking onto 4640 Carter Drive, from her child's bedroom.



Photos from neighbouring house looking onto 4640 Carter Drive, from her child's bedroom.

13



Photos from neighbouring house looking onto 4640 Carter Drive, from her child's bedroom.

14



Photo from a neighbouring house looking out of their dining room looking 4640 Carter Drive at the structure along the fence line.