



## 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.



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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 12<sup>th</sup>, 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.**



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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.

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Mayor (Malcolm D. Brodie)

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Corporate Officer (David Weber)