

Staff Report

Origin

At the General Purposes Committee meeting on September 18, 2006, the Committee requested the following:

That staff prepare a discussion paper for report to the Planning Committee on whether the City needed any additional tools to control the physical condition of those houses and properties which had been slated for demolition.

Since that General Purposes meeting, the City has enacted the Rental Premises Standards of Maintenance Bylaw No. 8159 to address the condition of rental properties being occupied by tenants.

This report will discuss the City's approach to properties which are problematic for the neighborhood in which they are located. Typically these properties are vacant, as well as in transition neighborhoods, or neighborhoods experiencing redevelopment and zoning changes. Often these properties are slated for demolition, but for various reasons the demolition is delayed and they become havens for illegal activities or deteriorated into unsightly or unsafe buildings.

Background

The City of Richmond currently has no bylaw requirements that specifically address the issue of vacant buildings or buildings in transition areas. However, there are a number of bylaws which encompass issues that may result from problem vacant buildings or derelict buildings in transition neighbourhoods. These include (but are not limited to) the Unsightly Premises Regulation Bylaw No. 7162, the Public Health Protection Bylaw No. 6989, and the Building Regulation Bylaw No. 7230.

There are a variety of reasons that buildings may become vacant, which include redevelopment, financial challenges for the owners and absentee owners. While not all vacant homes are problematic, a large portion of those properties causing problems for neighborhoods tends to be in one stage or another of redevelopment. Redevelopment within the City generally involves property owners who wish to build new buildings in keeping with the existing property zoning, and property owners who wish to change the existing zoning of a property and/or obtain a Development Permit to permit the construction of a new building. This redevelopment process can take time and is dependant on a host of variables. During this redevelopment period, some property owners may leave existing buildings vacant and neglected, which can create problems for people remaining in neighbouring houses.

One of the reasons property owners are reluctant to demolish houses on properties during the redevelopment or rezoning process is that there can be a perceived financial incentive to leave the vacant building on the land. For example, based on 2008 rates, a property that is zoned for commercial use but has a residence on it prior to the rezoning to commercial use, (a "grandfathered use") is taxed at the residential rate of \$4.9916 for every \$1000 of value. If that house is demolished, the property will be taxed a rate of \$19.2112 for every \$1000 of value which is the commercial tax rate. However, this difference in tax rate can be deceiving, as

owners of vacant houses pay for other expenses such as site clean ups, security company monitoring, the cost of physically securing the property, or numerous other costs associated with maintaining vacant buildings or property.

Regardless of why the property is vacant, a potential exists for negative impacts on the neighbourhood. Neglected buildings can be prone to unauthorised occupation, unsightliness, vandalism, criminal activity, health concerns and fire hazards. In addition, the City expends valuable resources responding to fires and reports of criminal or undesirable activity at these properties.

Analysis

Current Approach

City Staff enforce various bylaws, including the Unsightly Premises Regulation Bylaw No. 7162, the Public Health Protection Bylaw No. 6989, and the Building Regulation Bylaw No. 7230. Depending on the nature of the initial complaint, the first responders to these properties could be from Building Approvals, Community Bylaws, RCMP or Richmond Fire Rescue. There is currently an integrated and collaborative approach to problem properties based on enhanced communication, which is outlined below:

- **Joint Operations Team**

Senior staff representatives from several divisions within the City meet biweekly as the Joint Operations Team to discuss issues which overlap in their respective areas. The Team includes Richmond Fire Rescue, the R.C.M.P, Emergency Programs, Law, Community Bylaws as well as staff from other departments as needed. A new process implemented is that staff dealing with a problematic vacant or derelict building will bring the subject property to the Joint Operations Team for discussion. At this forum, the appropriate representative can note the address and provide assistance based on their specific resources and expertise. This multifaceted approach allows for properties creating multiple challenges to be dealt with from all angles.

- **Community Bylaws Division**

Staff from the Community Bylaws Division responds to complaints of a house or property being unsightly. If the property is unsightly, the bylaw enforcement officers can notify the owners and/or occupants of the need to remove any accumulation of discarded materials and to trim any overgrown vegetation. Typically, 2 weeks is permitted for compliance with the City's requirements, but additional time is provided in extenuating circumstances, or if progress is being made. In situations where the progress is unsatisfactory, or the property owner refuses to clean up the property, an "Order to Comply" is issued. As a last resort, a remedial action order may be requested from Council. If the person responsible has not complied within the stated time, the City may carry out the order at the owner's expense, and recover any unpaid costs by the tax collection process. In addition, Council recently adopted amendments to the Municipal

Ticket Information Bylaw No. 7321, which allows for tickets in the amount of \$250 per day to be issued each and every day a property remains unsightly.

- **Building Approvals**

Upon receipt of a complaint about a property, the Building Approvals Division will inspect the site to determine whether there are building health or safety hazards, or if a nuisance exists for a building that is not secured. If the property is considered vulnerable, then the department will follow up with a letter to the owner requesting that the house be secured in an appropriate manner.

- **Vancouver Coastal Health Authority**

Health issues, such as rodent infestations, are dealt with by the Vancouver Coastal Health Authority (Richmond Health Services), through enforcement of the Public Health Protection Bylaw No. 6989. The Authority's officers can provide various recommendations for owners and/or residents to reduce the number of rodents, as well as provide some trap and bait materials to help eliminate rodents on site.

- **Development Applications**

The Development Applications Division is also involved with those properties, which have an active Development Application (i.e. Rezoning and/or Development Permit). In instances where a property under a Development Application is identified as a problem, City Planning staff will contact the applicant for the Development Application to advise them of their obligations under the appropriate bylaw, and remind them to keep the property well maintained and properly secured throughout the redevelopment process. Not all unsightly properties are under a Development Application, but a large portion may be, and this approach has proven successful in many cases.

- **RCMP and Richmond Fire Rescue**

The RCMP and Richmond Fire Rescue typically respond on an emergency basis to situations arising in abandoned buildings. Responses may be due to fire, noise complaints, unauthorised occupants and alleged criminal or drug activity. In cases where persons are unlawfully occupying the building, the RCMP can assist the owner of the property to have the offenders removed. In addition to responding on an emergency basis, Richmond RCMP is notified by Community Bylaws staff regarding addresses, which appear to be occupied or used unlawfully, and at minimum, the RCMP can include those properties on their patrol list. Increased patrols by RCMP can be a deterrent for some individuals who might otherwise engage in illegal activity.

Future Initiatives

In addition to the integrated approach above, staff has explored supplemental tools and resources for dealing with problem properties. The City has published a "Good Neighbour" Brochure available at the front of house and on the web site. This brochure covers the many different responsibilities of developers, including noise, garbage accumulation, requirements for building permits, and hours of work. This brochure is distributed with each residential building permit, and is also made available to people making rezoning applications to the City. Front of house staff dealing with redevelopment applications will be reminding developers about their obligations as a responsible neighbour, and will make the "Good Neighbour Brochure" available. Community Bylaws staff are currently working with Development Applications to make some modifications to the brochure, such as adding additional suggestions regarding the length of grass, the need to keep the building secure if vacant, and suggest that property owners regularly visit and maintain the overall shape of the property.

Local Government legislation allows for Councils to take remedial action against properties which are a nuisance or hazard. Provided that the criteria in Part 3, Division 12 of the *Community Charter* are met, Council may impose requirements on a building owner to address issues, which cause a nuisance, a hazard or a threat to drainage or dyke. Remedial action orders by Council can require the following:

- (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.

A deadline is given to the property owner to complete the work and, if it is not completed by that date, then the City can enter the property and complete the work. The total cost is then recovered through a bill or, if that goes unpaid, on the property taxes at the end of the year.

Financial Impact

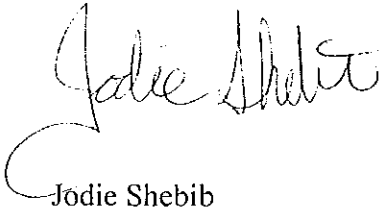
None.

Conclusion

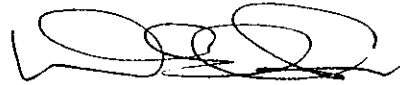
The City has a number of existing measures for dealing with problem vacant and derelict buildings. The key for the quickest possible remediation of these issues is for departments to communicate quickly when issues arise so that each department may address the property using their specific authority.

Staff recommends that Council recognise and support the present collaborative approach among City Departments and external agencies to address conditions and activities for problem houses and properties in transition neighbourhoods.

Staff advises that the current powers provided by the Community Charter are adequate and no further tools to control the physical condition of those houses and properties which have been slated for demolition are necessary at this time.



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