



City of Richmond

Report to Committee

To: Community Safety Committee
From: Phyllis L. Carlyle
General Manager, Law & Community Safety
Date: July 13, 2010
File: 12-8075-20-AMANDA
#/Vol 01
Re: **Site Clean Up of an Unsightly Property**
Civic Address: 13371 Blundell Road
Legal Description: Lot 3, Sec 17 Blk4N RG5W, Plan 10158

Staff Recommendation

1. That Walden Disposal Services, as contractor for the City, be authorized to remove and dispose of all discarded materials at 13371 Blundell Road, Richmond, in accordance with the "Order to Comply" dated June 25, 2010 issued under the Unsightly Premises Bylaw No. 7162 and section 17(1) of the *Community Charter*; and
2. That the final cost of this removal and disposal, estimated at \$4939.20 (including fees and taxes), be invoiced to the registered owners of the property located at 13371 Blundell Road.

Phyllis L. Carlyle
General Manager, Law & Community Safety
(604.276.4104)

Att.

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:		CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law		Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	REVIEWED BY CAO	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
cvc			

Staff Report

Origin

On April 15, 2010, Community Bylaws received the first complaint from a citizen in the area regarding discarded materials, outdoor storage and the general unsightly appearance of the property located at 13371 Blundell Road. An inspection was conducted on April 16, 2010 which confirmed a large amount of miscellaneous debris including derelict vehicles, plastic pails, appliances, wood debris, tires, car parts, plumbing fixtures and miscellaneous metal scrap piled on the property. Since that time, staff has attempted to gain voluntary compliance with our requests for cleanup and removal of these items but, to date, the property remains unsightly.

Please see the attached copy of the City's "Order to Comply" for the voluntary compliance history.

Analysis

On May 5, 2010, prior to issuing the Order to Comply, staff confirmed with the New Westminster Land Titles Office that the subject property is owned by John Varga and Christine Varga. The same title search listed the address of John Varga and Christine Varga as 13371 Blundell Road, Richmond, B.C. The property at 13371 Blundell Road is currently zoned AG1.

Staff forwarded, by registered mail dated June 25, 2010, a copy of the 'Order to Comply' to John Varga and Christine Varga at 13371 Blundell Road, Richmond, B.C. V6V 1B8. Section 2.1.3(c) of the Unsightly Premises Bylaw No. 7612 permits the 'Order to Comply' to be served on any agent of the owner or occupier of the real property or the owner of the real property on which the offending material is located, by registered mail with acknowledgement of receipt, to the address of the owner shown on the last real property assessment rolls (receipt attached).

Staff in Community Bylaws attended the property on the deadline date of July 12, 2010 provided in the 'Order to Comply' and observed no visible improvement in the status or condition of the property since the inspection on April 19, 2010.

Council's power to authorize these actions resides in section 17(1) of the *Community Charter*, which states:

The authority of a council under this or another Act to require something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the Municipality may

- (a) fulfill the requirement at the expense of the person, and
- (b) recover the costs incurred from that person as a debt.

Financial Impact

None.

Conclusion

The property is in contravention of Section 1.1 of the Unsightly Premises Bylaw No. 7162. As a result of this contravention, staff is seeking mandatory compliance through Council to:

- have the necessary removal and disposal of offending material carried out by the City's Contractor, Walden Disposal Services; and
- have the final costs invoiced to the registered owners of the property.



Wayne G. Mercer
Manager, Community Bylaws
(604.247.4601)

WGM:lw



Date: 2010/04/22

Dear Sir or Madam:

Madame, Monsieur,

Please find below the scanned delivery date and signature of the recipient of the item identified below:

Vous trouverez ci-dessous la date de la livraison et la signature de la personne qui a accepté l'envoi sous mentionné:

Item Number

Numéro d'article

79457108354

Product Name

Nom de produit

Not Available/Non disponible

Reference Number 1

Numéro de référence 1

Not Applicable/Sans objet

Reference Number 2

Numéro de référence 2

Not Applicable/Sans objet

Delivery Date (yyyy/mm/dd)

Date de livraison (aaaa/mm/jj)

2010/04/20

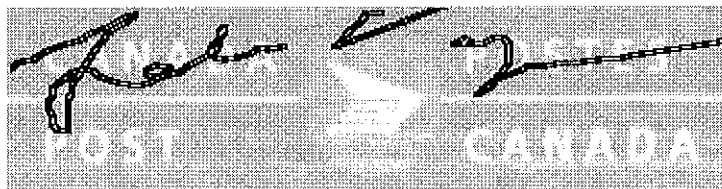
Signatory Name

Nom du signataire

J VARGA

Signature

Signature



Yours sincerely,

Salutations distinguées,

Customer Relationship Network
1-888-550-6333

(from outside of Canada 1 416 979-8822)

Réseau des relations avec la clientèle
1 888 550-6333

(de l'extérieur du Canada 1 416 979-8822)

This copy conforms to the delivery date and signature of the individual who accepted and signed for the item in question. This information has been extracted from the Canada Post data warehouse.

Cette copie est conforme à la date de livraison et à l'image de signature de la personne qui a accepté les envois susmentionnés. Ces informations ont été extraites de la banque de données de Postes Canada.



City of Richmond

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

June 25, 2010
File: 10-526391

Community Bylaws
Telephone: 604-276-4345
Fax: 604-276-4036

Registered

John Varga &
Christine Varga
13371 Blundell Rd
Richmond BC V6W 1B6

Dear John Varga & Christine Varga:

Re: Unsightly Condition of Property at 13371 Blundell Rd

City Staff have encouraged you to voluntarily bring your property into compliance with Richmond's Bylaws. 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 the City's bylaws. The voluntary compliance history of this case and mandatory compliance process are detailed below.

Voluntary Compliance History

April 15, 2010 The City received a complaint regarding the unsightly appearance of the property as a result of an accumulation of assorted debris

April 16, 2010 A letter was sent to the property owners requesting removal of this assorted debris

April 21, 2010 Inspector Wilson had phone conversation with Mr Varga and explained expectations for clean up of the property and set a site visit for next day

April 22, 2010 Inspector Wilson attended but did no one answered door at appointed time Wilson returned approximately 90 minutes later still no response at door

May 5, 2010 Wilson attended site again and confirmed no clean up action apparent on site but house to East has been demolished allowing the debris to more clearly be seen.

May 6, 2010 Wilson contacted City contractor for an estimate to clean up site this property.

May 10, 2010 Wilson received a voice message from Mr Varga and returned the call . Mr Varga requested more time , until May 28, 2010 to clean up property.

June 1, 2010 Wilson re-inspected property and noted no apparent improvement

June 2, 2010 Wilson phone Mr Varga who advised he had encountered a truck problem and required at least another 2 or 3 weeks to clean up

June 25, 2010 Wilson re-attended property and did not note any significant change except that grass and weeds have grown so high that some items are obscured in vegetation

Mandatory Compliance -- Order To Comply Process

The City is 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 current estimate for clean-up is \$3675.00 plus 20 % administration fee (\$735.00) and 12% H.S.T. (\$529.20) for an estimated total of approximately \$4939.20.

The legal authority for this action is set out in the Unsightly Premises 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 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**.*

Should you wish to appeal this Order to Comply, please contact, in writing, the City Clerk's Office by 5:00 pm July 7, 2010. They are located in City Hall and can be reached at 604-276-4007.

Bylaw Liaison Officer Larry Wilson will be conducting a follow up inspection on July 12, 2010, 2010 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 July 12, 2010 at 604-276-4074.

Yours truly,



Magda Lahee
Acting Manager

for

Wayne G. Mercer
Manager, Community Bylaws
Bylaw Liaison Officer II

LW:lw

Enc. 1

pc: City Clerk's Office
Larry Wilson, Bylaw Liaison Officer



City of Richmond
Community Safety Division
Community Bylaws

Order to Comply

June 1, 2010

Pursuant to Unsightly Premises Bylaw 7162
& the Local Government Act

Civic Address 13371 Blundell Rd, Richmond, BC
Legal Description Lot 3 Section 17 Block 4 North Range 5 West New Westminster District Plan
10158

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 June 21, 2010, with the removal of all:

- a) derelict appliances;
- b) assorted car parts and tires;
- c) derelict vehicles
- d) plumbing fixtures;
- e) assorted miscellaneous debris.
- f) long grass and weeds

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

Magda Laljee
Acting Manager

for

Wayne G. Mercer
Manager, Community Bylaws

13371 Blundell Rd
Photos Taken By L. Wilson Monday July 12, 2010











