



To: Richmond City Council **Date:** May 13, 2021
From: Cecilia Achiam **File:** 12-8075-20-AMANDA #/2021-
 General Manager, Community Safety Vol 01
Re: 10100 Severn Drive – Appeal of Order to Comply

Staff Recommendation

That the appeal be denied and that the Order to Comply issued for contraventions of Unsightly Premises Regulation Bylaw No. 7162 related to the property at 10100 Severn Drive be confirmed.

Cecilia Achiam
 General Manager, Community Safety
 (604-276-4122)

Att. 4

REPORT CONCURRENCE	
ROUTED TO:	CONCURRENCE
Law	<input checked="" type="checkbox"/>
SENIOR STAFF REPORT REVIEW	INITIALS:
APPROVED BY CAO 	

Staff Report

Origin

This report recommends that Council denies the appeal for 10100 Severn Drive. Staff have issued an Order to Comply (the “Order”) under Unsightly Premises Regulation Bylaw No. 7162 (“Unsightly Bylaw”) for the owner to remove and clear from the property the significant accumulations of unsightly discarded items. To date, the owner has not complied with the Order but has appealed to Council to rescind the Order. This report presents evidence to support the recommendation that this appeal be denied and the Order confirmed.

This report supports Council’s Strategic Plan 2018-2022 Strategy #1 A Safe and Resilient City:

Enhance and protect the safety and well-being of Richmond.

1.1 Enhance safety services and strategies to meet community needs.

Findings of Fact

Staff have been addressing complaints at 10100 Severn Drive for at least 13 years with over 15 unsightly premises complaints. This property is zoned RS1/E, and currently contains a two story house, two sheds in the backyard and two shipping containers in the driveway. The property is owned by Shirley K. Wong (the “Owner”) however, staff work with the Owner’s son, Edward Wong, who resides on the premise, to bring the property into compliance.

In response to complaints from time to time, bylaw staff have issued several Orders to clean up the property and on two occasions have proceeded with forced clean ups undertaken by the City, at the expense of the Owner. Each time the City undertakes a forced clean up, or gets voluntary compliance, the property is left clean and compliant with the bylaw. However, this property has a pattern of re-accumulating waste and discarded items, leading to non-compliance with the Unsightly Bylaw. Patterns of this nature are often be the result of an on-going health issues of the property owner or tenant. In response to this, the City has coordinated with Vancouver Coastal Health and with the RCMP’s “Fox 80” program to assist with inspections and clean ups.

Prior to the current complaint, the most recent bylaw enforcement activity on this site began in November 2019 when the City received a complaint that the property contained garbage in the front and back yard causing rats. An inspection on the property at that time confirmed:

- newspaper accumulation and paper waste:
 - under the carport;
 - inside vehicles parked in the property; and
 - in the back yard; and
- a shipping container in the driveway filled with paper products.

The placement of shipping containers on the property is in contravention of Richmond Zoning Bylaw No. 8500 and, as such their removal will be dealt with separately from this appeal through bylaw enforcement.

As a result of the complaint in November 2019, the owner was issued an Order to Comply on January 21, 2020, to clean the site and was given numerous extensions to comply with the Order. Along with this order, both Shirley and Edward Wong received bylaw tickets for non-compliance with the Unsightly Bylaw. While both tickets were paid, the property was not cleaned up. On October 21, 2020, a partial cleanup of the property was undertaken by the City. This cleanup was stopped when the Owner's son showed a willingness to continue the work on his own. Pictures of the site on October 21, 2020 are provided as Attachment 1.

On April 21, 2021 an inspection of the property confirmed:

- large amounts of cardboard boxes full of paper products, newspapers and discarded materials;
- derelict vehicles in the carport and driveway; and
- two shipping containers in the driveway.

Pictures of the property taken April 21, 2021 are provided as Attachment 2. On April 22, 2021 an Order to Comply was issued to clean the site and comply with the Unsightly Bylaw no later than May 2, 2021 (Attachment 3).

Analysis

Appeal of Order to Comply

On April 22, 2021, the owner of 10100 Severn Drive was issued an Order to Comply with the Unsightly Bylaw. This Order specified steps to be taken to bring the condition of the property into conformity with the Unsightly Premises Bylaw, namely:

- a) Removal of all the unsightly rubbish items, cardboard, plastic containers, scrap metal, wooden pallets, garbage bags, and discarded cups/bottles/can/glass;
- b) Removal of unsightly discarded materials, furniture, television, household items, newspapers and abandoned equipment; and
- c) Removal of derelict vehicles (but excludes one vehicle on a piece of real property).

An order issued according to the Unsightly Bylaw instructs the owners to comply by the deadline given or the City will do the work on the owners' behalf and at the owners' expense. The Unsightly Bylaw also has provisions to allow property owners to appeal to Council to have the Orders rescinded. In this case, the Owner's son, Edward Wong on behalf of his mother Shirley Wong, has asked to appeal to Council (Attachment 4).

In consideration of the conditions of the site and the past history of the property, it is recommended that the appeal is denied and the Order upheld. Should Council agree to uphold the Order, staff will arrange to have the site cleaned at the owners' expense.

Financial Impact

None.

Conclusion

10100 Severn Drive is a residential property with a long history of reoccurring non-compliance with the Unsightly Bylaw. The most current non-compliance is due to numerous newspapers/paper products and two shipping containers which need to be addressed. This report proposes that the appeal of the April 21, 2021 Order to Comply be denied so that the property can be cleaned up, in compliance with the Unsightly Bylaw. If the Order is confirmed, and the Owner refuses to complete the clean-up, the City can undertake the work at the owners' expense.



Carli Williams, P.Eng.
Manager, Business Licence and Bylaws
(604-276-4136)

CW:tc

- Att. 1: Pictures of inspection on October 21, 2020
- 2: Pictures of inspection on April 21, 2021
- 3: April 22, 2021 Order to Comply
- 4: Notice of Appeal submitted to City Clerk



Photos of the backyard
10100 Severn Drive – Photos taken October 21, 2020

ATTACHMENT 1



Photos of the backyard
10100 Severn Drive – Photos taken October 21, 2020

ATTACHMENT 1



Photos of the backyard
10100 Severn Drive – Photos taken October 21, 2020

ATTACHMENT 1



Shipping container and derelict vehicle covered up.



Two shipping containers in the driveway – one has a green tarp over it.
10100 Severn Drive – Photos taken April 21, 2021

ATTACHMENT 2



Photos of the backyard – Pallets throughout the yard. Under the tarps are boxes of books/newspapers
10100 Severn Drive – Photos taken April 21, 2021

ATTACHMENT 2



Photos of the backyard – Pallets throughout the yard. Under the tarps are boxes of books/newspapers
10100 Severn Drive – Photos taken April 21, 2021

ATTACHMENT 2



Photos of the backyard – Pallets throughout the yard. Under the tarps are boxes of books/newspapers
10100 Severn Drive – Photos taken April 21, 2021

ATTACHMENT 2



Carport is full of boxes of newspapers and books and two derelict vehicles.
10100 Severn Drive – Photos taken April 21, 2021

ATTACHMENT 2



City of
Richmond

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

April 22, 2021
File: 102215

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

HAND DELIVERED

Shirley Koon Neo Wong
10100 Severn Drive
Richmond BC V7A 2V3

Dear Shirley Koon Neo Wong:

**Re: Contravention of Unsightly Premises Regulation Bylaw No. 7162 at:
Civic Address: 10100 Severn Drive, Richmond, BC, V7A 2V3
Legal Description: LOT 226 SECTION 34 BLOCK 4 NORTH RANGE 6 WEST
NEW WESTMINSTER DISTRICT PLAN 41287**

City records show that you are the owner of the above property and as such this is to advise you of the contravention of the Unsightly Premises Bylaw No. 7162. You are required to bring your property into compliance as outlined in the attached Order to Comply.

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

Please contact the City Clerk's Office, in writing, by 5:00 pm April 29, 2021, should you wish to appeal this Order to Comply. The City Clerk's Office is located at Richmond City Hall, 6911 No. 3 Road, Richmond BC V6Y 2C1, telephone contact 604-276-4007 and email address cityclerk@richmond.ca.

Bylaw Liaison Officer Gary Choi will be conducting a follow up inspection on **May 02, 2021** 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 Gary Choi of your intentions regarding the matter on or before May 02, 2021 at 604-204-8511.

Yours truly,



Gary Choi
Bylaw Liaison Officer II

GC:gc

Enc. 1 Order to Comply
pc: City Clerk's Office



City of Richmond

www.richmond.ca

Tracy Christopherson

Supervisor, Property Use
Community Safety

Tel: 604-276-4073

Fax: 604-276-4036

tchristopherson@richmond.ca

File No. _____

6911 No. 3 Road, Richmond
BC, Canada V6Y2C1



April 22, 2021

**Pursuant to Unsightly Premises Regulation Bylaw 7162
and the Local Government Act**

Civic Address 10100 Severn Drive, Richmond, BC, V7A 2V3
Legal Description LOT 226 SECTION 34 BLOCK 4 NORTH RANGE 6 WEST NEW
WESTMINSTER DISTRICT PLAN 41287

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 May 02, 2021 with the:

- a) Removal of any unsightly rubbish items (ie: cardboard, plastic containers, scrap metal, wooden pallet, garbage bags, discarded cups/bottles/cans/glass or bins containing such materials and other discarded items);
- b) Removal of any unsightly discarded materials (ie: furniture, television, household items, newspapers, discarded cups/bottles/cans/tins/glass, and abandoned equipment)
- c) Removal of any derelict vehicles but excludes one vehicle on a piece of real property, which vehicle may only be parked or stored on hard surfacing property

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

Gary Choi
Bylaw Liaison Officer II

Att.

CityClerk

From: EdwardJamesK Wong <citiwestfincorp7@inbox.com>
Sent: April 29, 2021 10:55 AM
To: CityClerk
Cc: Christopherson,Tracy; Choi,Gary
Subject: Appeal Order to Comply-File#102215
Attachments: 2021Apr29CityLetter_0001(Copy).jpg; 2021Apr29CityLetter_0002(Copy).jpg;
2021Apr29CityLetter_0003(Copy).jpg

Importance: High

City of Richmond Security Warning: This email was sent from an external source outside the City. Please do not click or open attachments unless you recognize the source of this email and the content is safe.

To City Clerk:

I wish to appeal the City's Order to Comply letter File #102215 to City Council; on behalf of my Mother, Shirley Wong, owner of the property, 10100 Severn Drive.

Regards,
Edward Ken Wong