



City of Richmond

Report to Council

To: Richmond City Council
From: Mark Corrado
Director, Community Bylaws & Licencing
Date: September 26, 2022
File: 12-8075-20-AMANDA
#/2021-Vol 01
Re: 10411 Southgate Road - 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 10411 Southgate Road, be confirmed.

Mark Corrado
Director, Community Bylaws & Licencing
(604-204-8673)
Att. 4

| REPORT CONCURRENCE | | |
|-----------------------------------|--|---------------------------------------|
| ROUTED TO: | CONCURRENCE | CONCURRENCE OF GENERAL MANAGER |
| Finance Department Engineering | <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> | |
| SENIOR STAFF REPORT REVIEW | INITIALS: | APPROVED BY CAO |

Staff Report

Origin

This report recommends that Council denies the appeal for 10411 Southgate Road (Property). Staff have issued an Order to Comply (Order) under Unsightly Premises Regulation Bylaw No. 7162 (Unsightly Bylaw) for the owner to remove and clear the overgrown vegetation from the property and two derelict, uninsured vehicles on the property. 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 overgrown vegetation complaints at 10411 Southgate Road since 2018. This property is zoned RS1/E and currently contains a single family dwelling and a shed in the backyard. The property is owned by Charles P. Withers (Owner); however, staff work with the Owner's daughter, Marilyn Withers, who resides on the premise, to bring the property into compliance. Ms. Withers has recently advised staff that her father, the Owner, has passed away.

In response to complaints, bylaw staff have issued Orders to clean up the property and on one occasion proceeded with a forced clean up 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 Unsightly Bylaw.

On four separate occasions since April 2021, complaints have come in regarding overgrown vegetation and derelict vehicles on the property. Bylaw staff have inspected the property and confirmed the non-compliance to the Unsightly Bylaw. Ms. Withers advised staff that she was caring for her elderly father and that she had health issues, which prevented her from bringing the property into compliance in a timely manner. Bylaw staff have granted past extensions to Ms. Withers to bring the property into compliance. Eventually Ms. Withers would have the grass cut, however, the derelict vehicles were not removed from the property or insured. An extension to appeal this Order was also granted to September 1, 2022.

Analysis

Appeal of Order to Comply

On August 5, 2022, the Owner of 10411 Southgate Road was issued an Order to Comply (Attachment 1) to bring the property into compliance with the Unsightly Bylaw no later than August 22, 2022. Pictures of the property were taken on August 4, 2022 (Attachment 2) and

again on August 23, 2022 (Attachment 3). This Order specified steps to be taken to bring the condition of the property into conformity with the Unsightly Bylaw, namely:

- a) Removal of two derelict vehicles;
- b) Removal of all discarded and unwholesome matter;
- c) Cutting of the overgrown vegetation throughout the 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 daughter, Marilyn Withers on behalf of her father Charles Withers, has asked to appeal to Council (Attachment 4).

In consideration 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 up and two of the derelict vehicles towed from the property at the owners' expense.

Financial Impact

None.

Conclusion

10411 Southgate Road is a residential property that over the last five years has had reoccurring non-compliance with the Unsightly Bylaw. This report proposes that the appeal of the August 5, 2022 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.



Mark Corrado
Director, Comm Bylaws and Licencing
(604-204-8673)

- Att. 1: August 5, 2022 Order to Comply
2: Picture of inspection on August 4, 2022
3: Picture of inspection on August 23, 2022
4: Notice of Appeal submitted to City Clerk



City of
Richmond

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

August 5, 2022
File: 124333

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

DELIVERED BY HAND

WITHERS CHARLES P
10411 SOUTHGATE RD
RICHMOND BC V7A 4Z6

Dear Property Owner:

Re: Contravention of Unsightly Premises Regulation Bylaw No. 7162 at:
Civic Address: 10411 Southgate Rd, Richmond, BC
Legal Description:
LOT 2 SEC 34 BLK 4N RG 6W PL NWP70178 Lot 2, Block 4N, Plan NWP70178,
Section 34, Range 6 W, New Westminster Land District

City records show that you are the owner of the above properties and as such this is to advise you of the contravention of the Unsightly Premises Bylaw No. 7162. The City is seeking mandatory compliance to its bylaws through the issuance of the attached "Order to Comply". The Order to Comply is issued 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.

ATTACHMENT 1

6953891

CNCL - 6
(Special)



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 August 19, 2022 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.

Bylaw Liaison Officer Amen Sharma will be conducting a follow up inspection on August 22, 2022 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 Amen Sharma of your intentions regarding the matter on or before August 19, 2022 at 604-276-4072.

Yours truly,



Amen Sharma
Bylaw Liaison Officer II

AS:as

Enc.

pc: City Clerk's Office

ATTACHMENT 1

**CNCL - 7
(Special)**



City of Richmond

Order to Comply Law and Community Safety Division Community Bylaws

August 5, 2022

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

Civic Address 10411 Southgate Rd

Legal Description

LOT 2 SEC 34 BLK 4N RG 6W PL NWP70178 Lot 2, Block 4N, Plan
NWP70178, Section 34, Range 6 W, New Westminster Land District

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 August 22, 2022 with the:

- a) Removal of two derelict vehicles;
- b) Removal of all discarded and unwholesome matter;
- c) Cutting of the overgrown vegetation throughout the property.

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

Amen Sharma
Bylaw Liaison Officer II

Att.

ATTACHMENT 1

6953891

**CNCL - 8
(Special)**



Photo of the front yard showing two derelict uninsured vehicles
10411 Southgate Road - August 4, 2022

ATTACHMENT 2



Photo of the front yard
10411 Southgate Road - August 4, 2022

ATTACHMENT 2



Photo of the backyard
10411 Southgate Road - August 4, 2022

ATTACHMENT 2



Photo of one of the derelict vehicles
10411 Southgate Road - August 4, 2022

ATTACHMENT 2



Photo of one of the derelict vehicles
10411 Southgate Road - August 4, 2022

ATTACHMENT 2



Photo of the front yard - 3 derelict vehicles
10411 Southgate Road - August 23, 2022

ATTACHMENT 3



Photo of the front yard - 3 derelict vehicles – 1 insured vehicle
10411 Southgate Road - August 23, 2022

ATTACHMENT 3



Photo of the backyard
10411 Southgate Road - August 23, 2022

ATTACHMENT 3



Photo of the backyard
10411 Southgate Road - August 23, 2022

ATTACHMENT 3

Marilyn D. Withers

10411 Southgate Road, Richmond, BC, Canada V7A 4Z8

September 1, 2022

HAND DELIVERED

City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1

Attention: City Clerk

Subject: File 124333

Re: Order to Comply
Law and Community Safety Division - Community Bylaws
Pursuant to Unsightly Premises Regulation Bylaw 7162 and the Local Government Act
Civic Address: 10411 Southgate Road, Richmond, BC V7A 4Z8

In follow-up to my telephone conversation this morning, Thursday, September 1, 2022, with Mr. Matt O'Halloran, Manager, City Clerk - Legislative Services, I am writing to the City Clerk to give notice that I wish to appeal the Order to Comply, as set out in the City of Richmond letter dated August 5, 2022 and addressed to Charles P. Withers, Property Owner.

As discussed with Mr. O'Halloran, my father, Charles P. Withers, is deceased. I am currently residing at the premises located at 10411 Southgate Road, Richmond, BC.

It is my understanding that my appeal request be provided in writing to the City Clerk, City of Richmond, by 5:00 p.m. today, September 1, 2022 and that the City of Richmond will be contacting me in due course regarding the next phase in the appeal process.

If you require further information or I can be of assistance, please contact me by telephone at 604-274-5817.

Thank you.

Sincerely,



Marilyn Withers

ATTACHMENT 4

CNCL - 18
(Special)



Rec'd at 4:07 pm