



City of Richmond

Notice and Agenda Special Council Meeting

Public Notice is hereby given of a Special Council Meeting duly called in accordance with Section 126 of the *Community Charter*, to be held on:

Date: Monday, November 14, 2011

Time: 4:00 p.m.

Place: Anderson Room
Richmond City Hall
6911 No. 3 Road

Public Notice is also hereby given that this meeting may be conducted by electronic means and that the public may hear the proceedings of this meeting at the time, date and place specified above.

The purpose of the meeting is to consider the following:

CALL TO ORDER

LAW AND COMMUNITY SAFETY DEPARTMENT

- CNCL-3** 1. **PROPERTY MAINTENANCE & REPAIR BYLAW NO. 7897
SPECIAL SAFETY INSPECTION FEE APPEAL# 170 – 2840
OLAFSEN DRIVE, RICHMOND, B.C.**
(File Ref. No.: 12-8080-30-10-527090) (REDMS No. 3252855)

TO VIEW eREPORT CLICK HERE

See Page CNCL-3 of the Special Council agenda for full hardcopy report

STAFF RECOMMENDATION

That the appeal by 362076 B.C. Ltd. (dba Dara Properties) of the special safety inspection fee imposed pursuant to Property Maintenance & Repair Bylaw No. 7897 against #170 – 2840 Olafsen Avenue, Richmond, B.C., be denied.



**CNCL – 1
(Special)**

**Special Council Agenda
Monday, November 14, 2011**

- CNCL-43** Delegation opportunity for the property owner, Dara Properties – Please see submission from Leslie J. Ames Law Corporation.

TO VIEW eREPORT CLICK HERE

See Page CNCL-43 of the Special Council agenda for full hardcopy report

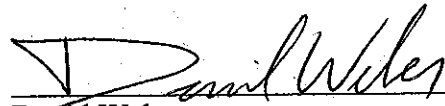
- CNCL-63** Memorandum dated November 8, 2011 from the Deputy Chief – Administration, Richmond Fire-Rescue.

TO VIEW eREPORT CLICK HERE

See Page CNCL-63 of the Special Council agenda for full hardcopy report

ADJOURNMENT





David Weber
Director, City Clerk's Office



City of Richmond

Report to Council

To: Richmond City Council

Date: August 12, 2011

From: John McGowan
Fire Chief, Richmond Fire-Rescue

File: 12-8080-30-10-527090

Re: Property Maintenance & Repair Bylaw No. 7897
Special Safety Inspection Fee Appeal
170 – 2840 Olafsen Drive, Richmond, B.C.

Staff Recommendation

That the appeal by 362076 B.C. Ltd. (dba Dara Properties) of the special safety inspection fee imposed pursuant to Property Maintenance & Repair Bylaw No. 7897 against #170 – 2840 Olafsen Avenue, Richmond, B.C., be denied.

John McGowan
Fire Chief
(604-303-2734)

Att. (14)

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

Staff Report

Origin

The City of Richmond's Property Maintenance & Repair Bylaw No. 7897 ("Bylaw 7897") establishes the regulations, procedures, and fees associated with inspections, maintenance and repair of buildings that have been used for the production of controlled substances, a marijuana grow operation.

On June 29, 2010, a special safety inspection was conducted by the City's Electrical and Fire Safety Inspection (EFSI) Team, pursuant to Bylaw 7897, at #170 - 2840 Olafsen Avenue, Richmond, BC (the "Property"). In accordance with Bylaw 7897, on July 2, 2010, the City issued an invoice in the amount of \$4,200 to 362076 B.C. Ltd. (the "Owner") with respect to the special safety inspection (see Attachment 1). In addition, on July 14, 2010, the Owner was issued an invoice in the amount of \$6,974.34 with respect to service fees associated with attendance by members of the Royal Canadian Mounted Police – Richmond Detachment ("Richmond RCMP") and the City's Building Approvals Division at the Property, in accordance with Bylaw 7897 (see Attachment 2).

By letter dated August 9, 2010, Mr. Richard Ames, a representative of the Owner, advised the City that the Owner wished to appeal the amounts of both invoices (see Attachment 3). Following a meeting between representatives of the Owner and the City in November 2010, the Owner's concerns with respect to the service fee invoice were resolved by the Community Bylaws Division. The Owner continued to dispute the imposition of the special safety inspection fee (see Attachment 4). By letter dated May 5, 2011, the Owner was advised that the City was not able to cancel the special safety inspection fee (See Attachment 5). The Owner wishes to pursue the appeal to Council in respect to the invoice for the special safety inspection fee of \$4,200.

Findings Of Fact

June 18, 2010 - Richmond RCMP executed a search warrant at the Property (see Attachments 6 and 7).

June 24, 2010 -- The City's EFSI Team was advised of the need for a fire and electrical safety inspection of the Property as a result of alterations made to the building and the electrical system (See Attachments 7 and Attachment 8).

June 24, 2010 – A member of the EFSI Team conducted property address research with respect to the Property (see Attachment 9).

June 25, 2010 – A 24 Hour Inspection Notice was posted on the front door of the Property and couriered to the Owner, requesting that the Owner contact the City's EFSI Team to schedule a special safety inspection of the Property (see Attachments 8 and 10). Contact was made with Mr. Richard Ames, who identified himself as the owner of the Property, and an inspection was scheduled for June 29, 2010 at 11:00 a.m. (see Attachment 8).

June 29, 2010 – Curt D’Altroy, a City Fire Inspector, and Tom Lyle, an Electrical Inspector contracted by the City, conducted a special safety inspection of the Property in the presence of Mr. Richard Ames (see Attachment 8). Constable Lee Deweert of Richmond RCMP was in attendance during the inspection, but only to ensure the safety and security of the EFSI Team inspectors (see Attachments 7 and 8).

During the June 29, 2010 inspection, the Fire Inspector and Electrical Inspector found significant evidence of fire and safety hazards on the Property and unauthorized alterations to the building. Alterations included installation of a ventilation system, an additional electrical panel and wiring that connected to the main panel (see Attachment 11).

Following the inspection, the Owner was couriered a letter and the inspection reports, which explained the outcome of the inspection and the steps that must be taken to remedy the health, fire and safety violations. The letter to the Owner also advised that a special safety inspection fee of \$4,200 would be imposed (see Attachment 12).

The City’s EFSI Team also informed the BC Safety Authority and the City’s Building Approvals and Community Bylaws Divisions that health, fire and safety violations were noted during the June 29, 2010 inspection of the Property (see Attachments 8 and 13). The EFSI Team did not advise Richmond RCMP of the results of the inspection nor provide copies of the inspection reports to Richmond RCMP (see Attachment 8).

Analysis

Special Safety Inspections under Bylaw 7897

Bylaw 7897 sets out the authorization for conducting special safety inspections and the fee to be imposed for such inspections. The relevant provision and definitions in Bylaw 7897 are as follows:

4.1.2 Subject to the provisions of the *Community Charter*, an **inspector** may:

- ...
- (b) coordinate a **special safety inspection** of a **parcel** or **parcels**;
- ...

“**Inspector**” means:

- (a) a **fire inspector**;
- (b) the City’s Manager of Building Approvals and every employee or agent authorized by the City to inspect **buildings** in respect of building, plumbing, electrical or gas standards;
- (c) the Chief Licensing Inspector and licensing inspectors
- (d) a bylaw enforcement officer;
- (e) other persons designated by **Council** by name of office or otherwise to act in the place of persons, officers, or employees referred to in clauses (a) through (d).

“**Special safety inspection**” means an inspection coordinated with any municipal departments, provincial or federal authorities, and independent professionals or contractors as may be necessary to ascertain hazardous conditions or contraventions that may exist under the *British*

Columbia Building Code, the *British Columbia Fire Code*, the *Safety Standards Act*, the *Health Act*, bylaws of the City or other applicable enactments, but does not include an inspection pursuant to an emergency call for police, fire or ambulance services or an inspection carried out under a warrant as part of a criminal investigation.

“Hazardous conditions” means:

- (a) any real or potential risk of fire;
 - (b) any real or potential risk of health or safety of person or property;
 - (c) any unapproved or unauthorized **building alterations**; or
 - (d) repairs needed to a **building**,
- arising or resulting from the use or contamination of a **parcel** as a **controlled substance property**.

“Controlled substance” means a “controlled substance” as defined and described in Schedules I, II, or III of the *Controlled Drugs and Substances Act* (R.S.C. 1996, c. 19), but does not include a controlled substance that is permitted under that Act or otherwise lawfully permitted under the Business License Bylaw.

“Controlled substance property” means:

- (a) a **parcel** contaminated by chemical or biological materials used in, or produced by, the trade or manufacture of a **controlled substance**; or
- (b) a **building** altered to trade or manufacture a **controlled substance**; or
- (c) a **parcel** which has been used for the manufacture, growing, sale, trade or barter of a **controlled substance** therein or thereon; and

which does not meet applicable safety standards under the *British Columbia Building Codes*, *Gas Code* and *Electrical Code* per B.C. Safety Standards Act, *British Columbia Fire Code*, *Health Act*, or other applicable safety regulations including any bylaw requirements of the **City** all as amended from time to time.

Owner’s Position

The Owner argues, in its memorandum dated April 4, 2011 (see Attachment 4), that the search warrant issued to Richmond RCMP for the search of the Property during the night of June 17 and morning of June 18, 2010 was part of a criminal investigation and therefore, the search warrant is proof that the EFSI Team’s inspection of the Property on June 29, 2010 is not a special safety inspection, as defined in Bylaw 7897. The Owner relies on the part of the definition of special safety inspection (see above) which states that a special safety inspection “does not include ... an inspection carried out under a warrant as part of a criminal investigation”.

City Staff’s Position

Staff’s position is that the EFSI Team’s inspection of the Property on June 29, 2010 was conducted pursuant to section 4.1.2 of Bylaw 7897 and authorized by section 16 of the *Community Charter*, not the search warrant issued to Richmond RCMP. The purpose of the inspection was to determine whether there were violations of certain provincial statutes and City bylaws at the Property. The EFSI Team does not have the authority to conduct a criminal

investigation. Therefore, staff's view is that the inspection falls within the definition of special safety inspection under Bylaw 7897 and the \$4,200 fee was properly imposed.

Per Attachment 6, the search warrant was issued, pursuant to Section 11 of the *Controlled Drugs and Substances Act* and Section 487.1 of the *Criminal Code*, to permit Richmond RCMP to enter the Property "between the hours of 11:45 pm on June 17, 2010 and 4:00 am on June 18, 2010" and search for and seize things at the premises. The search warrant was issued to "Constable Frank Marchesini and other peace officers in the Province of British Columbia" for the purpose of investigations relating to two indictable offences under the *Controlled Drugs and Substances Act* (see Attachment 6). Richmond RCMP executed this search warrant at 12:45am on June 18, 2011 and completed its search of the Property prior to advising the EFSI Team of the need for a safety inspection as a result of fire and safety hazards on the Property (see Attachment 7).

The EFSI Team was not notified of the need for an inspection until June 24, 2010 (see Attachment 8). The fire and electrical safety inspection was conducted on June 29, 2010, well after the execution of Richmond RCMP's search warrant on June 18, 2010. Prior to the June 29, 2010 inspection, the EFSI Team requested that the Owner contact the EFSI office to schedule an inspection (see Attachments 8 and 10).

The authority for the EFSI Team's inspection of the Property comes from section 4.1.2 of Bylaw 7897 (see above), which permits certain City staff to coordinate special safety inspections (see definition above), and section 16 of the *Community Charter* (see Attachment 14), which permits City officers and employees, and others authorized by Council, to enter onto property to inspect and determine whether all regulations, prohibitions and requirements imposed by City bylaws are being met. For property that is not occupied as a private dwelling, such entry and inspection can occur with or without the consent of the owner, but must be conducted at reasonable times and in a reasonable manner, after taking reasonable steps to advise the owner or occupier before entering the property. In this case, the Property is in an industrial zone (see Attachment 9) and the Owner was provided notice of the request for an inspection (See Attachments 8 and 10). Mr. Richard Ames, who identified himself as the owner of the Property, had contacted the EFSI Team to schedule the inspection and was present during the inspection. (See Attachment 8)

As authorized by section 4.1.2 of Bylaw 7897 and section 16 of the *Community Charter*, and consistent with the definition of "special safety inspection" under Bylaw 7897, the purpose of the EFSI Team's June 29, 2010 inspection of the Property was to determine if there were hazardous conditions on the Property or contraventions of the *British Columbia Building Code*, the *British Columbia Fire Code*, and the *Safety Standards Act*, the *Health Act* and City bylaws relating to these matters. The EFSI Team was not searching for evidence relating to the two indictable offences set-out in the RCMP's search warrant. City staff do not have the authority to obtain warrants for criminal investigations nor to conduct criminal investigations. Per Constable Deweert's statement (see Attachment 7), "the EFSIT inspection itself did not make up any part of the Controlled Drugs and Substances Act investigation and did not form any part of the body of evidence required by police to charge the accused in this matter". Further, Constable Deweert stated that his role during the June 29, 2010 inspection was for security only and that he was "not mandated or required in any way to document [his] observations once inside of the premise" and "did not make notes or write a report following the inspection itself" (see Attachment 7).

As indicated in the EFSI Team's inspection reports (see Attachment 12), significant fire and electrical safety violations were found during the June 29, 2010 inspection. This information was forwarded to the City's Buildings Approvals Division and Community Bylaws Division, to advise with regards to the *Building Code* and City bylaw contraventions, and to the BC Safety Authority, to advise with regards to the electrical safety violations (see Attachments 8 and 13). Per the statement of Curt D'Altroy, Fire Inspector (see Attachment 8), Richmond RCMP did not receive copies of the EFSI Team's inspection reports for the Property.

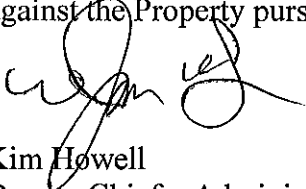
Since the information obtained by the EFSI Team at the June 29, 2010 inspection related to infractions of provincial regulations and City bylaws concerning fire, health and safety matters, staff is of the view that the inspection falls within the definition of "special safety inspection" under Bylaw 7897 and is not included within the exclusion for "an inspection carried out under a warrant as part of a criminal investigation".

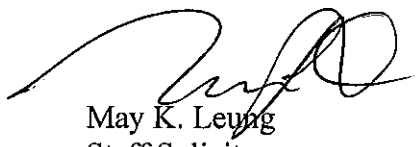
Financial Impact

If Council grants the Owner's appeal, the City will refund the \$4,200 special inspection fee to the Owner.

Conclusion

In accordance with Bylaw 7897, the City's EFSI Team coordinated and conducted an inspection of the Property on June 29, 2010 that revealed fire and electrical hazards as a result of unauthorized alterations made to the Property for the purposes of a marijuana grow operation. As required by Bylaw 7897, a fee of \$4,200 was imposed for the inspection. The inspection findings demonstrate that the special safety inspection fee of \$4,200 was properly imposed against the Property pursuant to Bylaw 7897.


ROR Kim Howell
Deputy Chief -- Administration
(604-303-2762)


May K. Leung
Staff Solicitor
(604-247-4693)

KH:SP

**City of Richmond**

6911 No. 3 Road
Richmond, BC V6Y 2C1

INVOICE

Invoice No: 35578
Invoice Date: 07/02/2010

Customer Number: C007654
Payment Terms: Upon Receipt

Bill To: 362076 BC Ltd
5870 Hudson Street
Vancouver BC V8M 2Z3
Canada

AMOUNT DUE: \$4,200.00

Amount Remitted

Please detach stub and return with your payment

**City of Richmond**

6911 No. 3 Road
Richmond, BC V6Y 2C1

Invoice No: 35578
Invoice Date: 07/02/2010
GST/HST Number: R 121454003

Unpaid Special Safety Inspection Fee outstanding as of December 31st will be transferred to the property owner's tax accounts pursuant to Bylaw No.7897

1	Special Safety Inspection Fee Inspection Address: 170-2840 Olafsen Avenue, Richmond, BC Inspection Date: June 29, 2010	4,200.00
---	--	----------

SUBTOTAL:	4,200.00
-----------	----------

TOTAL AMOUNT DUE :	4,200.00
--------------------	----------

For billing questions, please call Phone: 604-276-4334 or Fax: 604-276-4128



**City of Richmond**

6911 No. 3 Road
Richmond, BC V6Y 2C1

INVOICE

Invoice No: 10-20832

Invoice Date: 07/14/2010

Customer Number: C007654

Payment Terms: Upon Receipt

Bill To: 362076 BC Ltd
5870 Hudson Street
Vancouver BC V6M 2Z3
Canada

AMOUNT DUE: **\$6,974.34**

Amount Remitted

Please detach stub and return with your payment

**City of Richmond**

6911 No. 3 Road
Richmond, BC V6Y 2C1

Invoice No: 10-20832

Invoice Date: 07/14/2010

GST/HST Number R 121454003

Pursuant to Bylaw no. 7897, any unpaid grow-operation recovery costs as of December 31, 2010 will be transferred to the property owner's tax accounts.

1	RCMP File No: 10-20832 Address: 170-2840 Olafsen Avenue, Richmond BC	6,974.34
---	---	----------

SUBTOTAL:	6,974.34
-----------	-----------------

TOTAL AMOUNT DUE :	6,974.34
--------------------	-----------------

For billing questions, please call Phone: 604-276-4334 or Fax: 604-276-4128



ATTACHMENT 3

5870 HUDSON STREET, VANCOUVER, B.C. V6M 2Z3

TELEPHONE (604) 263-9531

FACSIMILE (604) 263-9538 INT

[illegible]

August 9, 2010

Director, City Clerk's Office
6911 No. 3 Road
Richmond, BC
V6Y 2C1

RE: 3620746 BC Ltd., Invoices 35578 and 10-20832; Bylaw 7897

Dear Sir,

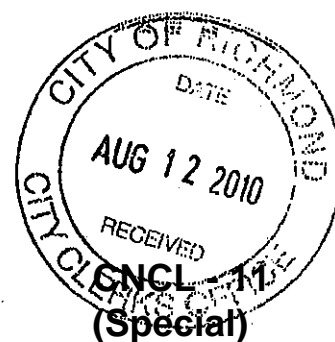
Please take notice that, in accordance with section 3.1.2 of bylaw 7897, 362076 BC Ltd. appeals the amount of the fees and costs set out in the above-captioned invoices in respect of #170 – 2840 Olafsen Avenue, Richmond, BC, V6X 2R3.

Yours truly,
362076 BC Ltd.

Per:

Richard Ames
President

cc. Leslie J. Ames



Attention: Kim Howell, Deputy Fire Chief, City of Richmond, Richmond Fire Rescue

April 4, 2011

Re: Commercial Property: #170 – 2840 Olafsen Avenue, Richmond, BC

Owner/Landlord: 362076 BC Ltd., dba Dara Properties

The following are Extracts of Certain Portions of our Presentation at our Meeting with Representatives of the City of Richmond to Discuss (among other issues) Fees Levied Under Bylaw No. 7897 Special Safety Inspection Fee - Invoice # 35578 - \$4,200.00

Bylaw No. 7897	Effective Date: June 27, 2005
----------------	-------------------------------

Amendment Bylaw	Effective Date
-----------------	----------------

Bylaw No. 8231	May 14, 2007
----------------	--------------

Bylaw No. 8485	September 14, 2009
----------------	--------------------

Purpose of Meeting with City of Richmond:

Pursuant to section 3.1.2 of Bylaw No. 7897, 362076 BC Ltd. (Dara Properties) appeals the fees and costs set out in the above-noted Invoices.

To challenge and adjust, in a fair and equitable manner, the above noted fees and costs imposed by the City of Richmond on the Owner and Commercial Property pursuant to the above-noted Bylaws and Amendment Bylaws.

A. Special Safety Inspection Fee

Invoice No.: 35578 Invoice Date: 07/02/2010 Amount: \$4,200.00

Status: Paid in full by Owner – September 30, 2010

Argument:

The Fee of \$4,200.00 is charged for a Special Safety Inspection pursuant to:

Schedule A to Bylaw No. 7897 – Inspection, Confirmation & Re-Occupancy Fees

“2. Each time a special safety inspection is carried out pursuant to section 4.1.2(c), the owner or occupier must pay to the City \$4,200.00.”

Section 6.1 of "Part Six: Interpretation" of the Bylaw states that "...In this bylaw, unless the context requires otherwise."

"SPECIAL SAFETY INSPECTION means an inspection coordinated with any municipal departments, provincial or federal authorities, and independent professionals or contractors as may be necessary to ascertain hazardous conditions or contraventions that may exist under the British Columbia Building Code, the Safety Standards Act, the Health Act, bylaws of the City, or other applicable enactments, but does not include an inspection pursuant to an emergency call for police, fire or ambulance services or an inspection carried out under a warrant as part of a criminal investigation."

Warrant to Search

In the subject case, a Warrant was Issued to the RCMP pursuant to Section 487.1 of the Criminal Code and Section 11 of the Controlled Drugs and Substances Act ("CDSA") "in respect of an offence under the Controlled Drugs and Substances Act, namely: Marihuana, marihuana growing equipment documents pertaining to the tenancy and occupancy of Unit 170 – 2840 Olafson Road, Richmond, British Columbia relevant to the investigation of the following indictable offense(s): Production of a Controlled Substance CDSA 7(1)" and "Possession for the Purpose of Trafficking CDSA 5(2)" and for a search of the Commercial Property between 11:45 PM on Thursday, June 17, 2010 and 4:00 AM on Friday, June 18, 2010 as part of a criminal investigation.

CONCLUSION: The "Warrant to Search" issued to the RCMP for a search of the Commercial Property during the night of June 17th and early morning of June 18th, 2010 was clearly a part of a criminal investigation and therefore the "Warrant to Search" is unassailable proof that the case at hand was not a "Special Safety Inspection" as defined by Bylaw No. 7897.

"**Special Safety Inspection**" as defined by Section 6.1 of "Part Six: Interpretation" of the Bylaw expressly excludes an inspection pursuant to "...an inspection carried out under a warrant as part of a criminal investigation." Accordingly, the Fee of \$4,200.00 charged to the Owner/Landlord for a Special Safety Inspection in this case is entirely unwarranted, unjustified and has no legal basis in Bylaw No. 7897.



City of Richmond

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

May 5, 2011
File: 12-8060-20

No. 1 Fire Hall
6960 Gilbert Road
Richmond BC V7C 3V4
Telephone: 604-278-5131
Fax: 604-278-0547
**All Correspondence To Be
Addressed To The Office Of
The Fire Chief**

VIA E-MAIL

Leslie J. Ames Law Corporation
1107 West 33rd Avenue
Vancouver, BC V6M 1A3

Attention: Leslie Ames

Dear Sir:

**Re: Property Maintenance & Repair Bylaw No. 7897
#170 - 2840 Olafsen Avenue - Special Safety Inspection Fee**

Further to your recent correspondence, we have reviewed your request with respect to the special safety inspection fee of \$4,200 imposed against the above-noted property.

A special safety inspection is an inspection conducted by the City's Electrical Fire Safety Inspection team, which consists of staff from Richmond Fire Rescue and an Electrical Inspector, to determine whether alterations have been made to a property so as to create hazardous or unsafe conditions. In the case of the above-noted property, the inspection took place on June 29, 2010 and revealed that alterations to the property for the purposes of a marijuana grow operation rendered the property unsafe. Based on this inspection, a special safety inspection fee of \$4,200 was imposed in accordance Schedule A of Bylaw No. 7897. Attached for your convenience is Schedule A.

In regards to your assertion that the inspection was "carried out under a warrant as part of a criminal investigation", the EFSI team inspection occurred after Richmond RCMP's criminal investigation and execution of its search warrant on June 17, 2010. Richmond RCMP officers

were present during the EFSI team's June 29, 2010 inspection, but only for the purpose of ensuring the safety of EFSI team members.

Bylaw No. 7897 requires the payment of \$4,200 each time a special safety inspection is carried out. As such, we are not able to cancel the special safety inspection fee of \$4,200 for the above-noted property.

Yours truly,

A handwritten signature in black ink, appearing to read "K Howell". The signature is fluid and cursive, with the first letter "K" being large and stylized.

Kim Howell
Deputy Chief - Administration

KH:ml

cc: John McGowan, Fire Chief
Wayne Mercer, Manager, Community Bylaws
David Weber, Director, City Clerk's Office

06-17-2010 22:27

From:RCMP

6042074710

T-466 P.002

F-820

ARRANT TO SEARCH ISSUED BY

☒ TELECOMMUNICATION THAT PRODUCES A WRITING
☐ TELEPHONE

CANADA: PROVINCE OF BRITISH COLUMBIA

Pursuant to Section 11 of the Controlled Drugs and Substances Act and
Section 487.1 of the Criminal Code - Form 5.1TO: Constable Frank Marchesini

and other peace officers in the

Province of British Columbia

WHEREAS it appears on the oath/affirmation of Constable Frank Marchesinia peace officer in the Richmond Royal Canadian Mounted Police

Province of British Columbia, that there are reasonable grounds for dispensing with an information presented personally and in writing; and that there are reasonable grounds for believing that there is a controlled substance or precursor, a thing in which such a controlled substance or precursor is contained or concealed, offence-related property, or thing that will afford evidence in respect of an offence under the Controlled Drugs and Substances Act, namely:

Marihuana, marihuana growing equipment, scale, scales, keys, currency notes and documents pertaining to the tenancy and occupancy of Unit 170 - 2840 Olafson Road, Richmond, British Columbia

relevant to the investigation of the following indictable offence(s):

OFFENCE DATE	PLACE	DESCRIPTION	SECTION/ACT
2010-06-17	Richmond, BC	Production of a Controlled Substance	CDSA 7(1)
2010-06-17	Richmond, BC	Possession for Purposes of Trafficking	CDSA 5(2)

are to be found in the following place or premises: the Commercial Premise

of

Unknown Personsat 170-2840 Olafson Road, Richmond

Province of British Columbia

THIS IS THEREFORE, to authorize and require you to enter the said place or premises between the hours

of 11:45 p.m. on June 17, 2010 and 4:00 a.m. on June 18, 2010

and upon entering to search for and seize the things, and to report thereon as soon as practicable but within a period not exceeding seven days after the execution of the warrant to the Clerk of the Court for

Richmond Provincial Court7577 Elmbridge Way, Richmond

British Columbia

(Court Registry)

(Signature)

Issued at 11:44 p.m. on June 17, 2010

at

Byrnaby

British Columbia.

A CAMPBELL

Signature

Date: June 17, 2010

Assigned to the Justice Clerk

A Justice of the Peace in and for the Province of British Columbia

TO THE OCCUPANT: This search warrant was issued by telephone or by means of telecommunication that produces a writing. If you wish to know the basis on which this warrant was issued, you may apply to the Clerk of the Court for the territorial division in which the warrant was executed, at the Court Registry noted above to obtain a copy of the information on oath. You may obtain from the Clerk of the Court a copy of the Report filed by the Peace Officer who executed this warrant. That Report will indicate the things, if any, that were seized and the location where they are being held.

NOTE: If access is denied because a sealing order has been made, you may apply to the Court for access.

 PC-171 (3/9/07)
 DRUGS
 (CVC 75.228(3)(a)) (2007)

1-JUSTICE OF THE PEACE 2-POLICE 3-PREMISE

CNCL - 16
(Special)



Royal Canadian Mounted Police
Gendarmerie royale du Canada

Page 1 of/de 1

Security Classification/Designation
Classification/désignation sécuritaire

Unclassified

Cst. Lee A. DEWEERT
Richmond RCMP
6900 Minoru Blvd
Richmond, BC
V6Y 1Y3

Your File Votre référence

RECEIVED

AUG 10 2011

LAW DEPT

Our File Notre référence

2010-20832

2011-08-09

To whom it may concern

Re: Police role in the electrical fire safety inspection at 170-2840 Olafsen Ave.

Regarding the EFSIT inspection at 170-2840 Olafsen Ave; the EFSIT inspection itself did not make up any part of the Controlled Drugs and Substances Act investigation and did not form any part of the body of evidence required by police to charge the accused in this matter.

The EFSIT inspection was requested by the police following the gathering of all required evidence at the end of the drug investigation. This request was due to the fire hazard present following alteration of electrical systems typically seen within marihuana grow operations. The inspection team entered the premises only after the initial investigation has been concluded by police.

The team was made up of a Richmond Fire Rescue captain, a certified electrician, and a member of the Richmond RCMP. My role as a Police Officer at the scene of the EFSIT inspection is that of security only. In this role, I am not mandated or required in any way to document my observations once inside of the premise. In fact, during some residential inspections, we are instructed to wait outside should the home owner not wish for police presence within the building.

During the EFSIT inspection at this location, I did not make notes or write a report following the inspection itself, however, I recall entering the premise with both the electrician and the fire captain who did tests, took photographs, and made observations which confirmed that there was an electrical hazard, and that there was a marihuana grow operation previously within the building.

On June 18th 2010 at 12:45 am I had been inside of unit 170. This was prior to the EFSIT inspection. This was when police initially executed a search warrant at the location. My observations confirmed that a large marihuana was present at that time.

Best regards,

L. DEWEERT
Reg. #51135

Canada

CNCL - 17
(Special)



City of Richmond
Fire-Rescue Department

Memorandum

To: John McGowan
Fire Chief

Date: August 10, 2011

From: Curt D'Altroy
Captain, EFSIT Division

File: 09-5170-20-321

Re: 170 – 2840 Olafsen Avenue, Richmond, B.C.

On or about June 24, 2010, I received a phone call from RCMP Constable Lee Deweert that the RCMP investigation had been concluded and a fire and electrical safety inspection at 170 – 2840 Olafsen Avenue was needed because of alterations made to the building drywall and electrical system.

I posted a 24-hour inspection appointment request notice at the premises on June 25, 2010 at 9:15 a.m. (Please see the yellow notice in the attached photo.) At that time, the City of Richmond Buildings Division had already attended the property and had posted their "Not Safe to Occupy" notice on the door. (Please see the red notice in the attached photograph.)

A copy of our inspection appointment request notice was also couriered to the registered property owner on June 25, 2010, requesting contact by telephone. The EFSIT clerk made telephone contact with Richard Ames, who identified himself as the property owner, and an inspection time was arranged for June 29, 2010 at 11:00 a.m. During this conversation, the EFSIT clerk made a written note that Mr. Ames stated no one was currently occupying the unit and that the hydro meter had been disconnected on June 18, 2010. Mr. Ames said he had just had a key made for the unit and had been out to look at it himself that morning.

At the arranged inspection appointment date and time, Mr. Ames met the electrical inspector and myself at Unit 170 and provided us access. As per regular procedure, RCMP Constable Lee Deweert was in attendance solely to ensure the safety of the electrical inspector and myself.

A 'Do Not Occupy' letter was couriered to the registered property owner on June 30, 2010, outlining necessary remediation steps to be taken, as well as notification that the \$4,200 inspection fee is applicable. Copies of the completed fire and electrical safety inspection reports were included with the letter. The BC Safety Authority received a copy of the electrical inspection report for follow-up, and the City of Richmond, Building Approvals Division received a copy of the fire inspection report. The original inspection reports have been kept on file with the EFSIT Division, Richmond Fire-Rescue. The RCMP did not receive copies of the inspection reports or EFSIT documents.

Curt D'Altroy
Captain
Electrical Fire Safety Inspection Team





**Electrical and Fire Safety Inspection Team
Property Address Research**

Date: June 24, 2010

Address: Unit 170 - 2840 Olafsen Ave.

P.I.D. No. _____

Gross Improvement:
(Assessed building value) \$ _____

Owner Info: 362076 BC Ltd.

Owner Mailing Address:
(if different from address
above)

5870 Hudson Street, Vancouver, BC V6M 2Z3

Last Sale Date: August 2003

Rental: Yes / No not known

Single Family Dwelling (R1) <input type="checkbox"/>	Duplex (R5/R8) <input type="checkbox"/>
Townhouse (R2/R3) <input type="checkbox"/>	Apartment (R3/R4) <input type="checkbox"/> Other <input checked="" type="checkbox"/> <u>IRI - Industrial Retail</u>

Close Proximity to: Daycare ☐ School ☐

Active Business License: Yes ☐ No ☒

Business Name: _____

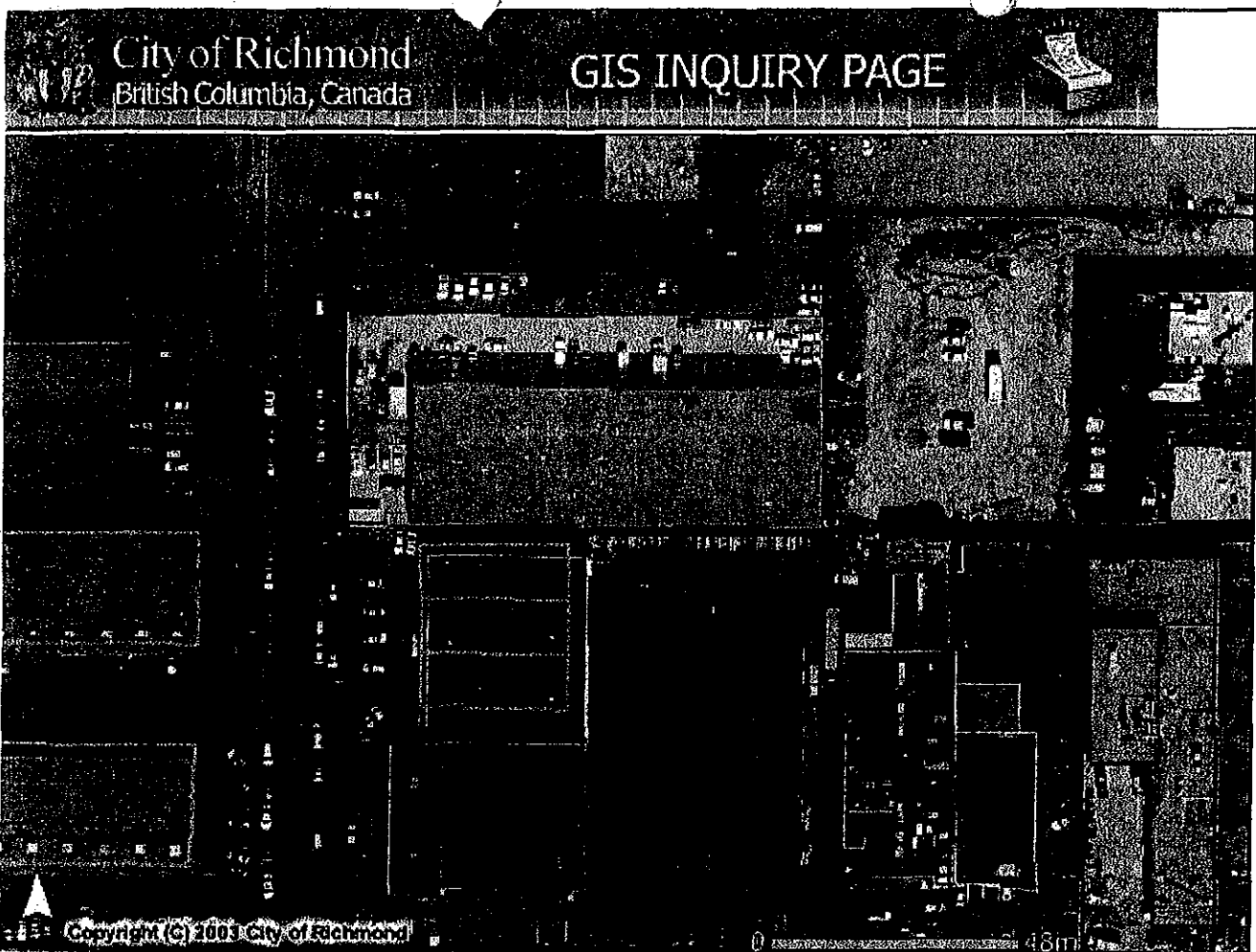
Type of Business: _____

Dog #1	Breed of Dog:	Dangerous Dog: Yes / No
Dog #2	Breed of Dog:	Dangerous Dog: Yes / No
Dog #3	Breed of Dog:	Dangerous Dog: Yes / No

☐ Pending Bylaw File:

Details: _____

Additional Research Required / Other Comments: _____



City of Richmond Property Information

Address: Unit 170-2840 Olafsen Ave

Richmond Key: 71151

Lot: 5

Zoning: IR1

CL: 2.9m Gsc - Area A

IPA: Yes ALR: No Heritage: No HAP Required: No ESA DP required: No

AR: No MOT Sub Appr: No MOT RZ Appr: No NEF: Yes

ICAA Legal: 5 SEC 24 BLK5N RG6W PL 8140

Roll: 080099102

SEC: 24-5-6

OCP SCH: 2.12

Rights of Way: 45857

PID: 004-092-864

PL: 8140

Sewer Area: WEST

Recycling Pick up Day: THURSDAY

Assessments

Gross Taxes: \$42,574.74

Gross Land: \$1,447,000.00

Net Land: \$1,447,000.00

Parcel Area: 0 sq.m.

Gross Improvement: \$1,028,000.00

Net Improvement: \$1,018,000.00

Gross Total: \$2,475,000.00

Net Total: \$2,465,000.00

Owners

62076 Bc Ltd

870 Hudson St

VANCOUVER BC V6M 2Z3

Disclaimer

GIS information is provided as a public resource for general information purposes only. The information shown on this map is compiled from various sources and the City makes no warranties, expressed or implied, as to the accuracy or completeness of the information.

Users are reminded that lot size and legal description must be confirmed at the Land Title office in New Westminster.

These maps are NOT a legal document, and is published for information and convenience purposes only.

© City of Richmond, 2003.

All rights reserved. Not to be reproduced or distributed without permission.

CNCL - 22
(Special)



29 June 2010

Legal Notice

Re: Electrical and Fire Safety Inspection

To: The Registered Property Owner

Owner(s) Name: 362076 BC Ltd.

Owner(s) Mailing Address: 5870 Hudson Street, Vancouver, BC V6M 2Z3

Inspection Address: 170-2840 Olafsen Ave., Richmond, BC

24 Hour Inspection Notice Posting Date: June 25, 2010

24 Hour Inspection Notice Posting Time: 9:15 a.m.

Richmond's Electrical and Fire Safety Inspection Team visited the above noted inspection address. The Inspector posted a 24-hour Inspection Notice requiring that a special electrical and fire safety inspection be conducted at the above noted inspection address.

Please call the Electrical and Fire Safety Inspection office at 604-303-2754 to schedule the special electrical and fire safety inspection. The inspection must be completed within 48 hours of the posting time noted above.

Failure to comply with this notice may result in the disconnection of the electrical service to this property. Should this occur, it is your responsibility to ensure the security of the property and to address any situation or potential loss that may result from the disconnection of power to this property for an extended period of time.

The special electrical and fire safety inspection is required due to concerns with the excessive amount of electricity consumed at the residence and the potential that your electrical equipment is being used in a manner that is unsafe, creating a risk of personal injury and/or damage to property. A Special Safety Inspection fee of \$4,200.00 may be applicable and is the responsibility of the registered homeowner.

The enclosed information brochure provides further information.

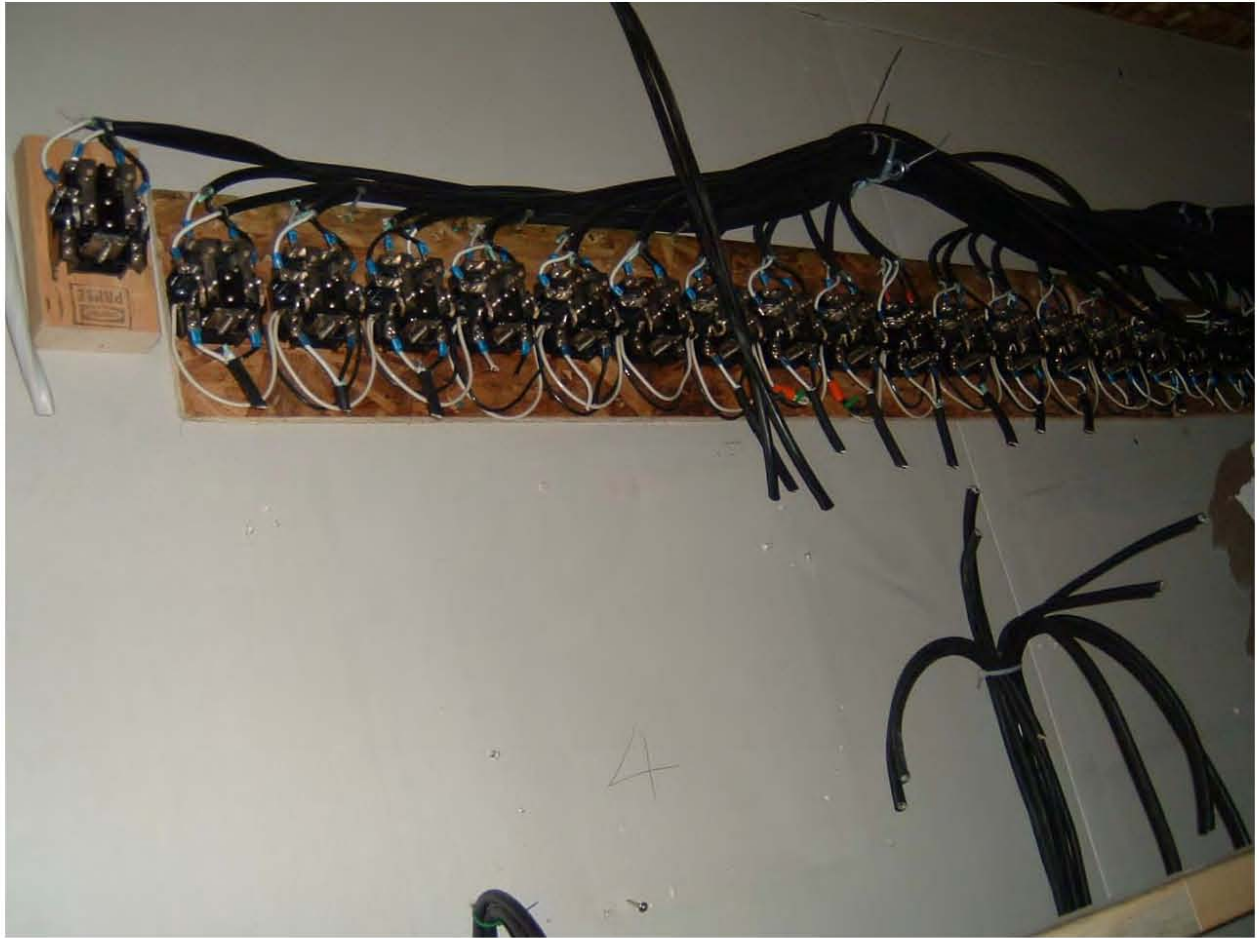
Electrical and Fire Safety Inspection Team

604-303-2754 (voicemail available)
Monday to Friday (except Statutory Holidays)
8:30 am to 4:30 pm

Enc: Homeowner Information Pamphlet



















29 June 2010

Re: Electrical and Fire Safety Inspection

Owner(s) Name: 362076 BC LTD
Owner(s) Mailing Address: 5870 Hudson St. , Vancouver , BC V6M 2Z3
Inspection Address: #170 - 2840 Olafsen Ave.
Date of Inspection June 29, 2010 **Time of Inspection** 11am

The City of Richmond's Electrical and Fire Safety Inspection Team performed a special safety and electrical inspection at the above address on the date and time noted above. The Inspection Team discovered significant fire and electrical safety concerns such that immediate action was required to eliminate the hazard to life and property. A Legal Notice "Unsafe - Do Not Enter or Occupy" was posted due to the possibility of health and safety affects on the occupants of the property.

BC Hydro was requested to discontinue the supply of electrical energy to the above address.

It is your responsibility as the property owner to ensure the security of the property and to address any situation or potential loss that may result from the disconnection of power to this property for an extended period of time.

The services of a Certified Electrical Contractor must be obtained to correct all compromised electrical systems for compliance with the BC Electrical Code. Any required electrical repairs are detailed in the attached Electrician Inspection Report. You must hire a certified electrical contractor (electrical contractors are listed in the yellow pages) to address any electrical issues. Once the electrical contractor has addressed the electrical issues, they will complete a Contractor's Declaration. A copy of the Contractor's Declaration will be given to you, a second copy will be sent to the BC Safety Authority. If you wish to speak with the BC Safety Authority, please call their Toll Free number: 1 866-566-7233. A list of BCSCA licensed contractors is also available at: www.safetyauthority.ca.

Either you or your Building Contractor need to contact the City of Richmond's Building Approvals Department at (604) 276-4315 to discuss the permits and steps required to address any building issues detailed in the Fire Inspector - Inspection Day Report (enclosed).

If the building has been used as a grow-op and if there is mould present, there are a number of cleaning and removal requirements outlined in Bylaw 7897, which will be explained by the City of Richmond's Building Approvals Department.

A Special Safety Inspection fee of \$4,200.00 is applicable and is the responsibility of the registered homeowner. The City will be sending you, as homeowner, a bill for this inspection.

Yours truly,

Electrical and Fire Safety Inspection Team

604-303-2754 (voicemail available)
 Monday to Friday (except Statutory Holidays)
 8:30 am to 4:30 pm

CNCL - 32
(Special)



Electrical and Fire Safety Inspection Team Fire Inspector - Inspection Day Report

Inspection Address: UNIT 170 2840 OLAPSEN

Date: June 29/16 Time: 11:00 AM Inspection Day Meter Reading: N/A

In attendance at Inspection: Fire Inspector: ☒ Electrical Inspector: ☒ Police: ☒

Team Arrival Time: 11:00 AM Team Departure Time: 11:20 AM

Entry Info:

RCMP to check on car license plate(s) at residence	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	See Comments <input type="checkbox"/>
Was permission for an inspection given?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	See Comments <input type="checkbox"/>

Observations:

Electrical Compliance	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Minor Electrical System Non-Compliance	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Major Violation Noted	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Evidence of Grow Op	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Evidence of Past Grow Op	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Other Safety Concerns Noted	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Evidence of Children	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Findings:

Gas: Was there evidence of tampering?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Electrical: Electrical Compliance	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Electrical: Minor Electrical System Non-Compliance	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Electrical: Major Violation Noted	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Building: Were there structural or drywall alterations present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Was mould observed?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Action Taken:

Gas shut off and lock	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reason:
Request Hydro Disconnect	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reason: <u>RAMP BUST</u>
Notify E-Comm	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reason:
Call EFSIT Clerk	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Reason:

Do Not Occupy Posted: Yes ☐ No ☒ If yes, please initial: _____
Reason: ALREADY ONE POSTED

Photo of Do Not Occupy taken: Yes ☐ No ☒ Reason: _____

Comments:

MET WITH OWNER OF BUILDING,
ELECTRICAL CONTRACTOR ON SITE TO BEGIN
REMEDIATION

W ARHOUSE

2 GROW ROOMS

ELECTRICAL NON COMPLIANCE (see report)



Electrical and Fire Safety Inspection Data Collection Form

Inspection Address: UNIT 170 9840 OLAFSEN

Inspection Date: June 29/10 Inspection Appointment Time: 11:00 AM

Detailed Observations

Inputs	Electrical meter is spinning	Yes / No
	Odour of marijuana	Yes / No
	Odour of masking agent - moth balls, fabric softener, chlorine	Yes / No
	Minimal outdoor maintenance	Yes / No
	Newspaper Build-up	Yes / No
	Stains or condensation present on window(s)	Yes / No
	Windows covered to prevent light from leaving or entering	Yes / No
Secrecy:	High fence that restricts access	Yes / No
	High hedge	Yes / No
	Window coverings, lights, ornamentation used to give the illusion that the window is not covered	Yes / No
Outputs:	Bedding pots	Yes / No
	Fertilizer or nutrient bags	Yes / No
	Grow lights	Yes / No
	Hooks in ceiling	Yes / No
	Irrigation system	Yes / No
	Marijuana observed	Yes / No
	Registered Medical Marijuana Grow Op	Yes / No
	Registered Medical Marijuana Grow Op Provided License	Yes / No
	Pesticide containers/bags	Yes / No
	Plant stalks / Shake / Clones	Yes / No
	Potting soil or bags	Yes / No
	Scraps of heavy black plastic	Yes / No
	Staples in walls/ceiling	Yes / No
	Venting materials	Yes / No
	Little or no furniture in the living areas of the house	Yes / No
	Charcoal filter	Yes / No
	Drywall cut outs / repairs / patching	Yes / No
	Fans	Yes / No
	Floors/Walls freshly painted	Yes / No
	Moisture damage to interior of premise	Yes / No
	Moisture stains or damage to siding or soffits	Yes / No
	Mould or mildew	Yes / No
	Pot rings on floor	Yes / No
	Tape remnants around windows	Yes / No
Security	Fortification (exterior)	Yes / No
	Fortification (interior)	Yes / No
	Barbed wired fence or chain and lock for additional security	Yes / No

Richmond Fire-Rescue

RCMP

Electrical Safety Inspector

Date

Date

Date

CNCL - 35
Rev: 24/02/2009
(Special)



Electrical and Fire Safety Inspection Team Electrician Inspection Report

Inspection Date: JUNE 29 2010 Time: 11:00 AM. Meter Serial #: _____

Owner's Name: _____ Owner's Phone Number: _____

Owner's Current Address: _____

Inspected Address: 170-2840 OLAFSEN AVE.

Current Meter Reading: _____ Last Reading: _____ Total KW's: _____

Number of Days: _____ Daily Usage from Last Reading: _____

Service Size: 200 AMP. Ratings: 120/208 3PH.

Recommendations:

- ☒ No Occupancy
☐ 7 Day Repair Notice
☐ In Compliance

Details: <u>R.C.M.P. BUST.</u>

Field Safety Representative Certificate Number: 75B-55

The electrical systems have been compromised resulting in the:

- a) 7 day Repair Notice (No power disconnection)
b) Electricity Disconnection Request of the electrical service to the property and issuance of Repair Notice
- ☒ Attention Required ☐ No Attention Required ☐ Unable to be Inspected

- | | |
|---|--|
| <p><input checked="" type="checkbox"/> The main service connections at the weather head are to be checked for integrity/damage/overheating and repaired as necessary.</p> <p><input checked="" type="checkbox"/> The meter base connections are to be checked for integrity/damage/overheating and repaired as necessary and properly tightened to ensure integrity of termination.</p> <p><input checked="" type="checkbox"/> The meter base jaws are to be checked for signs of heating or loss of spring tension and replaced if necessary.</p> <p><input checked="" type="checkbox"/> All aluminium connections are to be re-made, removing any oxidation; applying anti-oxidation compound, and properly tightened to ensure integrity of termination.</p> <p><input checked="" type="checkbox"/> The grounding conductor and all connections must be in good condition and the electrode must be of the rod or plate type. If upgrading is required, the current code requirements apply.</p> <p><input checked="" type="checkbox"/> Bonding of the water/gas/tel/catv must be in good condition or upgraded to current code requirements.</p> <p><input checked="" type="checkbox"/> Integrity of the service equipment bonding is to be checked and lock nuts properly tightened. Where the integrity of the bonding is in question, bonding bushings are to be installed.</p> <p><input checked="" type="checkbox"/> The proper bonding of the neutral is to be checked, repaired as necessary and properly tightened to ensure integrity of termination.</p> <p><input checked="" type="checkbox"/> Service equipment to be checked for condensation or water infiltration and corrective measures taken.</p> | <p><input checked="" type="checkbox"/> Main breaker connections are to be remade and properly tightened to ensure integrity of termination.</p> <p><input checked="" type="checkbox"/> Main breaker mounting pins to be checked for heating/discholoration/arcing etc., and replaced if necessary.</p> <p><input checked="" type="checkbox"/> The service panel board (and any sub-panels) must have their breaker mounting buss checked for heating/discholoration/arcing/corrosion, etc., and replaced if necessary.</p> <p><input checked="" type="checkbox"/> Branch circuit breakers are to be checked for proper rating relative to conductor size.</p> <p><input checked="" type="checkbox"/> Branch circuit breakers are to be checked for heating/discholoration/arcing/corrosion etc., at their mounting pins as well as at their load connection terminals.</p> <p><input checked="" type="checkbox"/> All openings in electrical panels to be closed off with approved knockout or breaker fillers.</p> <p><input checked="" type="checkbox"/> Check for proper use of connectors and/or bushings where required.</p> <p><input checked="" type="checkbox"/> A complete and accurate panel directory is to be provided.</p> <p><input checked="" type="checkbox"/> Any exposed or abandoned wiring is to be removed.</p> <p><input checked="" type="checkbox"/> Bathroom and outdoor receptacles are to be GFCI protected.</p> <p><input checked="" type="checkbox"/> All switches and receptacles that show signs of fatigue or damage are to be replaced.</p> <p><input checked="" type="checkbox"/> All switches, receptacle and junction boxes must have cover plates installed.</p> |
|---|--|

SEE REVERSE SIDE.

- ① GRO-OP PANEL IN ROOMS WHERE GROW WAS,
FED FROM MAIN PANEL
- ② ALL PANELS TO BE REMOVED AND EXTRA
WIRES
- ③ ALL ELECTRICAL TO BE CHECKED
- ④ ALL ELECTRICAL TO BE DONE BY A
CERTIFIED ELECTRICAL CONTACTOR AND
A PERMIT TAKEN OUT.



**Electrical and Fire Safety Inspection Team
Notify Building Approvals – Major Violation Noted – No Occupancy Issued**

To: Larry Johnson
Building Approvals, City of Richmond

Fax: 604 276-4063

Please be advised that the City of Richmond's Electrical and Fire Safety Inspection Team conducted an inspection at

Address: #170 – 2840 Olafsen ave., Richmond, BC

Date: June 29, 2010

There was a number of serious electrical and fire safety violations observed at this residence. Details of these violations can be found in the attached Fire Inspector's report.

The property owner has been notified of this action and the steps necessary to correct the situation.

Richmond Fire-Rescue
EFSIT Clerk
604-303-2754



**City of Richmond
Electrical and Fire Safety Inspection Team**

Electricity System Non-Compliance

To: BC Safety Authority

Fax: 778 396-2007 (2 pages)

Phone: 1-866-566-7233

Address: #170 - 2840 Olafsen Ave., Richmond, BC

Date: June 29, 2010

Please be advised that the City of Richmond's Electrical and Fire Safety Inspection Team conducted an inspection at the above address on the above-noted date.

Our electrical contractor has indicated in the attached inspection report, that the residence at the above-noted address has major BC Electrical Code issues that should be addressed. The City of Richmond considers these and other issues significant safety issues and has issued a "No Occupancy" order for the premises.

Richmond Fire-Rescue
EFSIT Clerk
604-303-2754

Noseworthy, Colin

From: Noseworthy, Colin
Sent: June 30, 2010 8:45
To: Laljee, Magda; Kotze, Norman; Oliver, Ian; Wong, Tamika
Subject: No Occupancy Issued - #170 - 2840 Olafsen ave

Please be advised that a No Occupancy has been Issued by the Richmond Fire-Rescue EFSIT at #170 - 2840 Olafsen Ave.

Thank you,

Colin Noseworthy
Departmental Associate
Richmond Fire-Rescue
Tel: 604 303-2754
Fax: 604 303-2720
email: cnoseworthy@richmond.ca

**CNCL - 40
(Special)**

30/06/2010

Authority to enter on or into property

- 16** (1) This section applies in relation to an authority under this or another Act for a municipality to enter on property.
- (2) The authority may be exercised by officers or employees of the municipality or by other persons authorized by the council.
- (3) Subject to this section, the authority includes authority to enter on property, and to enter into property, without the consent of the owner or occupier.
- (4) Except in the case of an emergency, a person
- (a) may only exercise the authority at reasonable times and in a reasonable manner, and
 - (b) must take reasonable steps to advise the owner or occupier before entering the property.
- (5) The authority may only be used to enter into a place that is occupied as a private dwelling if any of the following applies:
- (a) the occupier consents;
 - (b) the municipality has given the occupier at least 24 hours' written notice of the entry and the reasons for it;
 - (c) the entry is made under the authority of a warrant under this or another Act;
 - (d) the person exercising the authority has reasonable grounds for believing that failure to enter may result in a significant risk to the health or safety of the occupier or other persons;
 - (e) the entry is for a purpose referred to in subsection (6) (a) in relation to regulations, prohibitions or requirements applicable to the place that is being entered.
- (6) Without limiting the matters to which this section applies, a municipality may enter on property for any of the following purposes:
- (a) to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter for which the council, a municipal officer or employee or a person authorized by the council has exercised authority under this or another Act to regulate, prohibit and impose requirements;
 - (b) to take action authorized under section 17 (1) [*municipal*

action at defaulter's expense];

(c) in relation to section 18 [*authority to discontinue providing a service*], to disconnect or remove the system or works of the service;

(d) to assess or inspect in relation to the exercise of authority under section 8 (3) (c) [*spheres of authority — trees*].

Leslie J. Ames Law Corporation

1107 West 33rd Avenue, Vancouver, British Columbia V6M 1A3

Telephone (604) 731.0171 Email: lesames@shaw.ca

File No. 95010.01

November 2, 2011

DELIVERED BY HAND

Ms. May K. Leung
Staff Solicitor
City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1

Dear Ms. Leung:


Re: #170-2840 Olafsen Ave., Richmond, BC – 362076 B.C. Ltd. dba Dara Properties
Property Maintenance & Repair Bylaw No. 7897 – Special Inspection Fee Appeal
Electrical Safety Inspection Fee - Invoice # 35578 - \$4,200.00

Further to your letter to us and our client, 362076 B.C. Ltd., dba Dara Properties, dated August 18, 2011 and subsequent email correspondence, we have been instructed by our client to respond to your request that we provide you with a written submission and supporting documentation, if any, with respect to the Special Council Meeting proposed to be held on Monday, November 14, 2011. Accordingly, attached to this letter is the written submission of 362076 B.C. Ltd., the appellant property owner in this matter, together with certain supporting documentation to be attached to the appellant's written submission for the purpose of its presentation to the Special Council Meeting.

We thank you for your attention to this matter and hope that this matter can be amicably resolved.

Yours truly,

Leslie J. Ames Law Corporation

Per: 
Leslie J. Ames
Barrister & Solicitor

Copy to: 362076 B.C. Ltd., dba Dara Properties
Attention: Richard Ames, President

RECEIVED

NOV 03 2011

LAW DEPT

CNCL - 43
(Special)

Written Submission of Owner-Appellant

To City of Richmond Council Special Inspection Fee Appeal Meeting

Appeal of 362076 B.C. Ltd. Re: #170 – 2840 Olafsen Avenue, Richmond, BC

NOTE: Unless otherwise indicated herein, "Attachment" numbers refer to the document attachments of the City of Richmond (the "City") Staff Report dated August 12, 2011 and submitted to the Richmond City Council by John McGowan, Fire Chief, Richmond Fire-Rescue (the "Staff Report").

A. Findings of Fact

1. Set out as Attachment 6 of the Staff Report is a copy of the Warrant to Search (the "Warrant to Search") issued at 11:44 PM on June 17, 2010 to the RCMP pursuant to Section 487.1 of the Criminal Code and Section 11 of the Controlled Drugs and Substances Act ("CDSA") "in respect of an offence under the Controlled Drugs and Substances Act, namely: Marihuana, marihuana growing equipment documents pertaining to the tenancy and occupancy of Unit 170–2840 Olafson Road, Richmond, British Columbia relevant to the investigation of the following indictable offense(s): Production of a Controlled Substance CDSA 7(1)" and "Possession for the Purpose of Trafficking CDSA 5(2)" and for a search of the Commercial Property between 11:45 PM on Thursday, June 17, 2010 to 4:00 AM on Friday, June 18, 2010 as part of a criminal investigation.
2. On June 29, 2010 the City's Electrical and Fire Safety Inspection ("EFSI") Team conducted an inspection (the "EFSI Inspection") of #170 – 2840 Olafsen Avenue, Richmond, BC (the "Property").
3. On July 2, 2010, the City issued Invoice No. 35578 in the amount of \$4,200 to 362076 B.C. Ltd. (the "Owner") of the commercial Property as a special safety inspection fee (the "Special Safety Inspection Fee") with respect to the EFSI Inspection of the Property on June 29, 2010.
4. On July 14, 2010, the City issued Invoice No. 10-20832 in the amount of \$6,974.34 to the Owner of the commercial Property for "service costs" with respect to the execution of the Warrant to Search by the RCMP.
5. The Property is one of seven industrial-commercial units located at 2840 Olafsen Avenue, Richmond, BC.

B. Grounds of Appeal

1. The Owner submits that the imposition of the \$4,200 Special Safety Inspection Fee on the Owner of the Property was not lawful and justified because the EFSI Inspection did not constitute a "special safety inspection" as defined by Bylaw 7897. If the EFSI Inspection did not constitute a "special safety inspection" as defined by Bylaw 7897 then the City had no legal right to impose the \$4,200 Special Safety Inspection Fee on the Owner.
2. A **"special safety inspection"** is defined in section 4.1.2 of Bylaw 7897 where it expressly states that it "...does not include an inspection pursuant to an emergency call for police, fire or ambulance services **or an inspection carried out under a warrant as part of a criminal investigation.**"
3. It is an undisputed fact that the Warrant to Search was issued on June 17, 2010 as part of a criminal investigation with respect to the Property and executed on June 17th and 18th, 2010. That Warrant to Search and criminal investigation is directly linked to and forms part of a series of events that naturally flowed from the Warrant to Search and criminal investigation very soon thereafter and led to the EFSI Inspection on June 29th and the imposition of the \$4,200 Special Safety Inspection Fee on July 2, 2010.
4. It is clear from a review of the Attachments to the City's Staff Report that the EFSI Inspection on June 29, 2010 and the imposition of the \$4,200 Special Safety Inspection Fee on July 2, 2010 would not have occurred had the RCMP not first been issued the Warrant to Search and conducted the criminal investigation. But in such circumstances the owners of property are exempt from the \$4,200 Special Safety Inspection Fee. One reason may be that when Council passed section 4.1.2 of Bylaw 7897, it recognized that an exemption from the \$4,200 Special Safety Inspection Fee in such circumstances was appropriate and just because the owners of the properties are innocent victims who are property tax payers who pay for the fire and electrical safety services being provided as part of the EFSI Inspection as part of their property tax payments and other municipal assessments. Therefore, in such circumstances, the innocent Owner of the Property should not be financially punished by the imposition of the \$4,200 Special Safety Inspection Fee, in addition to incurring the additional costs of performing expensive remedial work on its Property in order to comply with the compliance work orders resulting from the EFSI Inspection as well as suffering the loss of rental revenue and the use of the Property for approximately 8 months.

5. Alternatively, in this case, the \$4,200 "Special Safety Inspection Fee" is really a "penalty" imposed on the Owner rather than a "fee" because the "Special Safety Inspection Fee" bears no relation to the amount of time, effort, staffing requirements or other costs actually incurred by the City with respect to the subject inspection of the Property on June 29, 2010. The second page of Attachment 12 of the City's Staff Report entitled "Electrical and Fire Safety Inspection Team Fire Inspector – Inspection Day Report" (the "EFSI Fire Inspection Day Report") with respect to the EFSI Inspection of the Property on June 29, 2010 states: "Team Arrival Time: 11:00 AM" and "Team Departure Time: 11:20 AM", a mere **20 minutes to conduct the one and only EFSI Inspection for which the "Owner" is being charged an enormous "fee" of \$4,200.** The EFSI Fire Inspection Day Report and the Electrical and Fire Safety Inspection Data Collection Form Report, the third page of Attachment 12 of the City's Staff Report dated June 29, 2010 (and other documentation in the City's Staff Report) regarding the EFSI Inspection confirm that the only persons in attendance at the Inspection were Curt D' Altroy, Captain, Electrical Fire Safety Inspector; the electrical inspector; and RCMP Constable Lee Deweert. We submit that the \$4,200 "Special Safety Inspection Fee" is really a form of penalty on the Owner that is extremely punitive in nature.
6. To illustrate how inflated, unjust and unfair that the \$4,200 "Special Safety Inspection Fee" actually is, we will compare it to a few examples of the amount of other fees that the City charges for miscellaneous permits, fees and services. Please refer to Attachments A and B described below that illustrate that in a variety of circumstances the amount of such fees and costs range from relatively lower to significantly lower than the \$4,200 "Special Safety Inspection Fee". In fact, the whole notion of a "**Special**" Inspection Fee in these circumstances should draw our attention to the inequitable and punitive nature of the \$4,200 "Special Safety Inspection Fee". If there are concerns of fire or electrical issues in such circumstances then why not conduct a proper fire and electrical inspection and charge the owner the usual fees associated with conducting a normal fire and electrical inspection?
- A. City of Richmond - **Development & Rezoning – Application Fees** - (See Attachment A).
- B. City of Richmond - **Dumping on Public Property** - Summary of Policy - (See Attachment B)

In addition, reference can be made to City of Richmond "**Consolidated Fees, Bylaw No. 8636**" (Effective Date – February 9, 2011) – Amendment Bylaw No. 8723 – Date of Adoption – March 28, 2011; Amendment Bylaw No. 8753 – Date of Adoption – May 9, 2011. For the sake of brevity Bylaw No. 8636 has not been attached to this Written Submission.

7. Service Costs – In addition to the \$4,200 "Special Safety Inspection Fee", the City also charged the Owner for service costs (the "Service Costs") of \$6,974.34 pursuant to Bylaw No. 7897. The City issued Invoice No. 10-20832 the Owner on July 14, 2010 for \$6,974.34 for what is also referred to as "Grow Operation Recovery Costs". The Owner paid that full amount to the City.

Subsection 3.1.1(d) of Bylaw No. 7897 provides for payment of Service Costs, as follows:

"(d) ...every owner whose parcel is used for a grow operation or controlled substance property must pay to the City all service costs incurred by or on behalf of the City, calculated in accordance with Schedule D and which are deemed to be service fees as identified in Schedule D, unless that owner had delivered to the City notice pursuant to subsection 1.3, prior to any entry by the City onto the parcel."

The Service Costs are comprised of RCMP labour, vehicle, administrative and overhead charges (see Attachment C). In this case, the Owner successfully challenged the City's calculation and determination of the eligibility of the vast majority of the Service Costs and ultimately, on April 5, 2011, the Owner was credited with \$5,350.19 and the City was left with the balance of \$1,624.15 of the original invoiced Service Costs amount (see Attachment C).

C. Conclusion

1. The "Warrant to Search" issued to the RCMP for a search of the Property during the night of June 17th and early morning of June 18th, 2010 was clearly a part of a criminal investigation and therefore the "Warrant to Search" is unassailable proof that the case at hand was not a "Special Safety Inspection" as defined by Bylaw No. 7897. Therefore, the case under appeal here regarding the Property must be exempt from the Special Safety Inspection Fee charge. Therefore, the Owner should not have been invoiced and charged by the City for \$4,200.

2. In the alternative, the \$4,200 Special Safety Inspection Fee invoiced to the Owner of the Property is arbitrary, excessive, and punitive, and it does not bear any equitable or just relationship to the actual cost of conducting a 20 minute EFSA Inspection or any additional reporting tasks on standardized forms and letters (as demonstrated by the Attachments to the Staff Report).
3. In the case that is the subject of this appeal, in addition to the innocent Property Owner first being victimized by and suffering considerable actual loss as a result of the criminal activities of the party engaged in the illegal actions on the Property (e.g. loss of use of the Property and the revenue derived therefrom for approximately 8 months; and suffering considerable costs and expenses to restore the Property to a useful state and rentable condition), the City and the Richmond RCMP have been attempting to penalize and further victimize the innocent tax paying Property Owner with penalties masking as fees pursuant to Bylaw No. 7897.
4. The Owner has already incurred in excess of \$20,000 of direct costs, expenses, and charges arising from or associated with the subject grow operation (including the "Service Costs", "Special Safety Inspection", remedial work to comply with the work orders of the fire, building and electrical inspections, and the re-occupancy permit). In addition, the Owner has been impeded in its efforts to re-lease the Property due to police crime scene tape/ribbon having been left on the Property for a relatively long period after completion of the police investigation of the Property which deterred prospective tenants from renting the Property.
5. The Owner is in the regular practice of engaging the commercial leasing broker services of a senior broker of a very reputable international commercial leasing brokerage to ensure that the leasing of the Property and its other commercial properties are conducted in the most proper and credible manner and to ensure that its various tenants are law abiding and appropriate.
6. The Owner and its commercial tenants pay a relatively substantial amount for municipal taxes, a portion of which are applied by the City of Richmond to police activities including investigation of criminal activities. In cases such as the one at hand, the Owner is also a victim of the alleged crime, accordingly, this should be taken into account and the Owner should not be punished for the acts of criminals and the cost of the police conducting criminal investigations, which it is their legal duty to do.

7. Based on the foregoing matters of fact and law, the Owner hereby submits that the City of Richmond's Council should determine and order that the total amount of **\$4,200.00** should be refunded to the Owner, 362076 BC Ltd., dba Dara Properties, forthwith.

Respectfully Submitted By:

362076 B.C. Ltd., dba Dara Properties
The Appellant

ATTACHMENT A

City of Richmond, BC - Development & Rezoning – Application Fees.

See attached particulars.

ATTACHMENT A**City of Richmond, British Columbia, Canada**

> Home > Business & Development > Development & Rezoning > Application Fees

DEVELOPMENT & REZONING

Application Fees

Type of Development Applications	Fees
Rezoning (including Official Community Plan amendment)	\$2,040 - Standard zoning districts \$2,550 - Single-family zoning districts requiring a new or amended Section 702 Single-Family Lot Size Policy \$3,060 - Comprehensive Development districts Plus additional dwelling unit and/or floor area charges: \$10 - \$40 per dwelling unit \$5 - \$25 per 100 m ² of non-residential building area
Fast Track Application	\$1,020
Zoning Text Amendment	\$1,605
Official Community Plan amendment (not involving a Rezoning)	\$3,060
Second Public Hearing (Rezoning, Zoning Text or Official Community Plan amendment)	\$765 per Public Hearing
Development Permit (involving Environmentally Sensitive Area (ESA) or Agricultural Land Reserve (ALR))	\$1,530
Development Permit (not involving ESA or ALR)	\$1,530 plus: Variable floor area charges Maximum fee of \$15,750
General Compliance Ruling (on an approved Development Permit)	\$510 per ruling
Development Variance Permit	\$1,530
Subdivision	\$765 (including first parcel) \$105 for each additional parcel
Subdivision - Preliminary Letter of Approval Extension	\$255 per extension
Air Space Subdivision	\$6,000 plus \$150 for each parcel
Consolidation	\$100
Strata Title Conversion	\$2,040 - Two-Family Dwellings \$3,060 - Multi-Family, commercial or industrial
Phased Strata Subdivision	\$510 per phase

**CNCL - 51
(Special)**

Type of Development Applications	Fees
Strata Plan Approval	\$255
Agricultural Land Reserve Appeal	\$600
Temporary Use Permit	\$2,040 (Application fee) \$1,020 (Renewal fee)
Land Use Contract Amendment	\$2,040
Servicing Agreement	\$1,020 (Processing fee)
Civic Address Change	\$255 - Subdivision or consolidation \$1,020 - Personal preference
Change in Application Scope	\$255
Approving Officer Plan Approval	\$50
Site Profile Application	\$50
Landscape Re-Inspection	\$105

For further information please contact Holger Burke, Development Coordinator at .

© 2011, City of Richmond

Richmond City Hall: 6911 No. 3 Road, Richmond, British Columbia, V6Y 2C1

Hours: 8:15 to 5:00 pm, Monday to Friday. **Tel:**

ATTACHMENT B

"City of Richmond – Bylaw - Dumping on Public Property (Summary)"

Illegal dumping has increased in Richmond, costing taxpayers tens of thousands each year. Illegal dumping is harmful to our environment, unsightly and illegal. City of Richmond Bylaws pose stiff penalties for dumping illegally on City lands, including:

- A \$1,000 fine for illegally dumping garbage
- Requiring people who dump garbage illegally to remove the waste and restore the area at their cost
- Recovering costs incurred by the City for cleaning up illegal dumping and restoring the area in situations where the offender failed to remove the waste
- Prosecution under City of Richmond Bylaw 6803 Solid Waste and Recycling Regulation Bylaw, Amendment Bylaw 8100"

ATTACHMENT C

City of Richmond - "Service Costs" of \$6,974.34 pursuant to Bylaw No. 7897. The City issued Invoice No. 10-20832 the Owner on July 14, 2010 for \$6,974.34 for what is also referred to as "Grow Operation Recovery Costs".

See attached particulars.

**City of Richmond**6911 No. 3 Road
Richmond, BC V6Y 2C1**CREDIT INVOICE**Invoice No: 10-20832CM
Invoice Date: 04/05/2011Customer Number: C007654
Payment Terms: Upon ReceiptBill To: 362076 BC Ltd
5870 Hudson Street
Vancouver BC V6M 2Z3
Canada

CREDIT AMOUNT: \$-5,350.19

No Payment Required

Please detach stub and return with your payment

**City of Richmond**6911 No. 3 Road
Richmond, BC V6Y 2C1Invoice No: 10-20832CM
Invoice Date: 04/05/2011
GST/HST Number: R121454003

-This credit memo is an adjustment to the original invoice 10-20832 in the amount of \$6,974.34 dated July 14, 2010.

-A refund cheque of \$5,350.19 will be forwarded by separate mail.

1	RCMP File No: 10-20832	(5,350.19)
	Address: 170-2840 Olafsen Avenue, Richmond BC	

SUBTOTAL:	(5,350.19)
-----------	------------

TOTAL AMOUNT DUE :	(5,350.19)
--------------------	------------

For billing questions, please call Phone: 604-276-4334 or Fax: 604-276-4128





City of Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1

INVOICE

Invoice No: 10-20832
Invoice Date: 07/14/2010
Customer Number: C007654
Payment Terms: Upon Receipt

Bill To: 362076 BC Ltd
5870 Hudson Street
Vancouver BC V6M 2Z3
Canada

AMOUNT DUE: \$6,974.34

\$6974.34
Amount Remitted

Please detach stub and return with your payment



City of Richmond
6911 No. 3 Rd
Richmond BC V6Y 2C1

Receipt: 3257/40
Dated: Oct 1, 2010
Station: TAX2/CHAGHC

Oct 1, 2010
11:16:10 AM

ARPMT	10-20832	6,974.34
Total		6,974.34
CHEQUE	DBA DATA PROPERT	-6,974.34

COST SUMMARY LABOUR

NAME	No. in Attendance	No. of Hours/Shift	Rate/Hr (2 min)	Cost	Admin Fee (\$5/hr person)	Total Cost
Battalion Chief			\$ 54.990	\$ -	\$ -	\$ -
Captain (CO2)			\$ 47.240	\$ -	\$ -	\$ -
Lieutenant (CO1)			\$ 38.720	\$ -	\$ -	\$ -
Fire Fighter (10yr)			\$ -	\$ -	\$ -	\$ -
E.V.T.			\$ -	\$ -	\$ -	\$ -
Fire Inspector			\$ -	\$ -	\$ -	\$ -
TOTAL FIRE LABOUR COST						\$ -

NAME	No. in Attendance	No. of Hours/Shift	Rate/Hr (2 min)	Cost	Admin Fee (\$5/hr person)	Total Cost
S. Sargeant			\$ 40.930	\$ -	\$ -	\$ -
Sargeant			\$ 40.242	\$ -	\$ -	\$ -
Corporal			\$ 37.840	\$ -	\$ -	\$ -
Constable	1	26	\$ 34.550	\$ 898.30	\$ 390.00	\$ 1,288.30
Dismantling Resource Team			\$ 50.000	\$ -	\$ -	\$ -
TOTAL RCMP LABOUR COST						\$ 1,288.30

NAME	No. in Attendance	No. of Hours/Shift	Rate/Hr (2 min)	Cost	Admin Fee (\$5/hr person)	Total Cost
BI Supervisor			\$ -	\$ -	\$ -	\$ -
Building Inspector II			\$ -	\$ -	\$ -	\$ -
Building Inspector I	1	2	\$ 32.000	\$ 64.00	\$ 30.00	\$ 94.00
TOTAL BUILDING APPROVALS LABOUR COST						\$ 94.00

NAME	No. in Attendance	No. of Hours/Shift	Rate/Hr (2 min)	Cost	Admin Fee (\$5/hr person)	Total Cost
Bylaw I Officer			\$ 30.000	\$ -	\$ -	\$ -
Bylaw II Officer			\$ -	\$ -	\$ -	\$ -
TOTAL BYLAWS LABOUR COST						\$ -

VEHICLES

Item	No. of Vehicles	Hrs/Vehicle	Cost/Hour	Total Cost	Comments
Staff Car/Van			\$	\$	
Battalion 1			\$	\$	
Quint			\$	\$	
Pumper			\$	\$	
Rescue			\$	\$	
Utility			\$	\$	
EVI			\$	\$	
Technical Rescue			\$	\$	
TOTAL FIRE VEHICLE COST				\$	

Item	No. of Vehicles	Hrs/Vehicle	Cost/Hour	Total Cost	Comments
Exhibit Van			\$	\$	
Police Vehicle			\$	\$	
Other			\$	\$	
TOTAL RCMP VEHICLE COST				\$	

Item	No. of Vehicles	Hrs/Vehicle	Cost/Hour	Total Cost	Comments
Building Approvals Vehicle	1	2	\$	\$	
TOTAL BUILDING APPROVALS VEHICLE COST				\$	

Item	No. of Vehicles	Hrs/Vehicle	Cost/Hour	Total Cost	Comments
Bylaw Vehicle			\$	\$	
TOTAL BYLAW VEHICLE COST				\$	

Item	No. of Vehicles	Hrs/Vehicle	Cost/Hour	Total Cost	Comments
Other			\$	\$	
TOTAL VEHICLE COSTS				\$	

EQUIPMENT

Quantity	Item	Cost/Item	Total Cost	Comments
	Medical Gloves		\$ -	
	F/F Gloves		\$ -	
	Coveralls		\$ -	
	Tarps		\$ -	

TOTAL EQUIPMENT COSTS				\$ -
------------------------------	--	--	--	------

OTHER COSTS

Quantity	Description	Cost/Item	Total Cost	Comments
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
TOTAL OTHER COSTS				\$0.00

Sub-total of Grow Operation Recovery Cost \$ 1,412.30
Administration Charges (Sub-total Cost x 15%) \$ 211.85
TOTAL GROW OPERATION RECOVERY COST \$ 1,624.15

COST SUMMARY **LABOUR**

FIRE	Name	No. in Attendance	No. of Hours/Staff	Rate/Hr (2 min)	Cost	Admin Fee (\$15/hr/person)	Total Cost
	Battalion Chief			\$ 54.990	\$ -	\$ -	\$ -
	Captain (CO2)			\$ 47.240	\$ -	\$ -	\$ -
	Lieutenant (CO1)			\$ 38.720	\$ -	\$ -	\$ -
	Fire Fighter (10yr)			\$ -	\$ -	\$ -	\$ -
	E.V.T.			\$ -	\$ -	\$ -	\$ -
	Fire Inspector			\$ -	\$ -	\$ -	\$ -
TOTAL FIRE LABOUR COST							

RCMP	Name	No. in Attendance	No. of Hours/Staff	Rate/Hr (2 min)	Cost	Admin Fee (\$15/hr/person)	Total Cost
	S. Sergeant			\$ 40.930	\$ -	\$ -	\$ -
	Sergeant			\$ 40.242	\$ -	\$ -	\$ -
	Corporal	1	11	\$ 37.840	\$ 416.24	\$ 165.00	\$ 581.24
	Constable	1	68	\$ 34.550	\$ 2,349.40	\$ 1,020.00	\$ 3,369.40
	Dismantling Resource Team	1	12	\$ 50.000	\$ 600.00	\$ 180.00	\$ 780.00
TOTAL RCMP LABOUR COST							

BUILDING APPROVALS	Name	No. in Attendance	No. of Hours/Staff	Rate/Hr (2 min)	Cost	Admin Fee (\$15/hr/person)	Total Cost
	BI Supervisor			\$ -	\$ -	\$ -	\$ -
	Building Inspector II			\$ -	\$ -	\$ -	\$ -
	Building Inspector I	1	2	\$ 32.000	\$ 64.00	\$ 30.00	\$ 94.00
TOTAL BUILDING APPROVALS LABOUR COST							

BYLAWS	Name	No. in Attendance	No. of Hours/Staff	Rate/Hr (2 min)	Cost	Admin Fee (\$15/hr/person)	Total Cost
	Bylaw I Officer			\$ 30.000	\$ -	\$ -	\$ -
	Bylaw II Officer			\$ -	\$ -	\$ -	\$ -
TOTAL BYLAWS LABOUR COST							

VEHICLES

FIRE	No. of Vehicles	Hrs./Vehicle	Cost/Hour	Total Cost	Comments
Staff Car/Van			\$ -	\$ -	
Battalion 1			\$ -	\$ -	
Quint			\$ -	\$ -	
Pumper			\$ -	\$ -	
Rescue			\$ -	\$ -	
Utility			\$ -	\$ -	
EVT			\$ -	\$ -	
Technical Rescue			\$ -	\$ -	
TOTAL FIRE VEHICLE COST					\$ -

RCMP	No. of Vehicles	Hrs./Vehicle	Cost/Hour	Total Cost	Comments
Exhibit Van	1	11	\$ 50.00	\$ 550.00	
Police Vehicle	1	33	\$ 20.00	\$ 660.00	
Other			\$ -	\$ -	
TOTAL RCMP VEHICLE COST					\$ 1,210.00

BUILDING APPROVALS	No. of Vehicles	Hrs./Vehicle	Cost/Hour	Total Cost	Comments
Building Approvals Vehicle	1	2	\$ 15.00	\$ 30.00	
TOTAL BUILDING APPROVALS VEHICLE COST					\$ 30.00

BYLAWS	No. of Vehicles	Hrs./Vehicle	Cost/Hour	Total Cost	Comments
Bylaw Vehicle			\$ -	\$ -	
TOTAL BYLAW VEHICLE COST					\$ -

OTHER	No. of Vehicles	Hrs./Vehicle	Cost/Hour	Total Cost	Comments
			\$ -	\$ -	

TOTAL VEHICLE COSTS					\$ -
---------------------	--	--	--	--	------

Quantity	Item	Cost/Item	Total Cost	Comments
	Medical Gloves		\$	
	F/F Gloves		\$	
	Coveralls		\$	
	Tarps		\$	

TOTAL EQUIPMENT COSTS		\$	-

Quantity	Description	Cost/Item	Total Cost	Comments
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
		\$ -	\$0.00	
TOTAL OTHER COSTS				\$0.00

\$	6,064.64
\$	909.70

\$ 6,974.34



City of Richmond
Fire-Rescue Department

Memorandum

To: Mayor and Councillors **Date:** November 8, 2011

From: Kim Howell **File:**

Deputy Chief - Administration

Re: #170-2840 Olafsen Avenue, Richmond BC Special Inspection Fee Appeal

On November 2, 2011 a written submission was received from Mr. Leslie Ames with Leslie J. Ames Law Corporation regarding the #170-2840 Olafsen Avenue, Richmond BC Special Inspection Fee Appeal. The appeal is scheduled to be heard by Council on Monday, November 14, 2011.

In the submission the appellant is disputing that the Special Inspection fee is a penalty and not a fee based on cost recovery. This memo provides historical information regarding the calculation of the fee and current average costs for the inspection program.

In 2007 a pilot Electrical and Fire Safety Inspection program was launched in Richmond. Through an amendment to the Property Maintenance and Repair Bylaw No. 7897, the Special Inspection fee of \$3,500 was established. The fee was to ensure cost recovery of the total program delivery costs and all costs such as salaries, vehicles, contracted services and administration costs were used to determine the fee. Also considered in validating the fee was a comparison of other municipalities who were operating similar programs.

In 2009 Council approved the program as an established program, the Bylaw was amended and the fee was adjusted to reflect current costs to deliver the program. Again a survey of other communities was conducted to validate that the \$4,200 fee was reasonable.

The table below illustrates 2010 costs, the most recent full year of program delivery and provides an average cost to ensure program delivery cost recovery. Based on 36 inspections* conducted in 2010 the costs appear to be exceeding the fee.

GENERAL PROGRAM COSTS		TOTAL
Fire Inspection Officer	\$	60,679.00
Vehicle	\$	16,380.00
Clerical costs	\$	15,483.75
RCMP support	\$	35,412.50
Subtotal	\$	127,955.25
Subtotal average cost	\$	3,554.31
INSPECTION SPECIFIC COSTS		
Property Inspection Information from BC Online	\$	9.10
Courier Costs	\$	15.00
Electrical Inspector	\$	425.60
Admin costs (15%)	\$	600.60
AVERAGE COST PER INSPECTION*	\$	4,604.61
* based on 36 inspections conducted		



Kim Howell
Deputy Chief - Administration

KH:js

cc : George Duncan, CAO