

REPORT

Planning and Development

To: Mayor Johnstone and Members of Council
Date: March 10, 2025

From: Jackie Teed, Director of Planning and Development
File: 2662981

Item #: 2025-82

Subject: 707 Queens Avenue: Remedial Action Requirement

RECOMMENDATION

1. *THAT Council receive the report from the Director of Planning and Development dated March 10, 2025 regarding the structures and materials remaining after a January 31, 2025 fire (the “Fire”) affecting the two-storey dwelling (the “House”) and the garage (the “Garage”) located on land legally described as PID: 009-415-831 with the civic address of 707 Queens Avenue, New Westminster (the “Property”) and note the concerns, as stated in the report and its attachments, that:*
 - a. *the House is substantially damaged by fire;*
 - b. *the interior of the House is not protected from the elements – water and animals are able to enter via holes in the roof and walls and blown out windows;*
 - c. *there is significant structural damage to studs and the roof, with portions of the roof collapsing;*
 - d. *the Garage is completely destroyed;*
 - e. *there are copious amounts of combustible waste materials in and around the House that creates a fire hazard for neighbouring structures and the community; and*
 - f. *there have been persistent attempts of unauthorized entry into the Property, despite fencing being raised to prevent same.*

2. *THAT Council, under the authority provided by sections 72 and 73 of the Community Charter, find the House, and the Property generally, to be in and to create an unsafe condition.*
3. *THAT Council, under the authority provided by sections 72 and 74 of the Community Charter, declare the House, and the Property generally, to be so dilapidated and unclean as to be offensive to the community.*
4. *THAT Council hereby require the registered owner of the Property, United Revenue Properties (the "Owner") to submit to the City of New Westminster a complete application for a demolition permit and, upon issuance of such permit, demolish the House and clean up the Property.*
5. *THAT Council further require the Owner to ensure that all waste, debris and discarded materials be removed from the Property and be disposed of at an appropriate waste disposal facility; and*
6. *THAT the time specified by Council for the completion of the requirements (the "Remedial Action Requirement") imposed on the Owner by this resolution be as follows:*
 - a. *the application for a permit or permits to demolish the House must be submitted no later than 31 days after the day that notice of this resolution has been sent to the Owner in accordance with Section 77(1) of the Community Charter; and*
 - b. *all other work required to fulfill the Remedial Action Requirement must be completed no later than 120 days after the day that notice of this resolution has been sent to the Owner in accordance with Section 77(1) of the Community Charter.*
7. *THAT Council direct City staff to send the notice to all affected persons as required by section 77 of the Community Charter; and*
8. *THAT if the Owner fails to comply with all or part of the Remedial Action Requirement within the time required, that Council hereby authorize City staff to fulfill the Remedial Action Requirement by:*
 - a. *retaining a contractor in accordance with the City's procurement policy;*
 - b. *posting a notice on the House advising that the City will be demolishing the House in no less than 31 days from the date the notice is posted;*
 - c. *together with the contractor, entering onto the Property and demolish the House; and*

- d. *seeking recovery of the cost of acting on the Owner's default in accordance with section 17 [municipal action at defaulter's expense] and section 258 [special fees may be collected as property taxes] of the Community Charter.*
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PURPOSE

To request Council place a Remedial Action Requirement ("Remedial Action") on the Owners of 707 Queens Avenue regarding unsightly and unsafe conditions.

SUMMARY

City staff is recommending that Council order remedial work be performed to address unsafe and nuisance conditions created by the House. Council has the statutory authority to impose a Remedial Action Requirement by resolution. The house (the "House") at issue is located at 707 Queens Avenue, New Westminster, British Columbia (the "Property"). The House is in a dilapidated condition and suffers from significant fire and water damage.

BACKGROUND

The Property at 707 Queens Avenue is zoned Single Detached Residential District (RS-1) and is located in the City's Brow of the Hill neighbourhood. The current owners, United Revenue Properties Ltd purchased the Property in 1976. The Directors are Vern Kober and Doreen Ouimet. Vern Kober is recently deceased, and the company is currently in the process of dealing with the removal and change of directors. Attachment A and B contain the Title Search and Assessment Roll Report respectively. Other New Westminster properties owned by United Revenue Properties include: 325 Agnes Street, 705 Queens Avenue, 227 Seventh Street, 231 Seventh Street, 233 Seventh Street, 616 Third Avenue, and 620 Third Avenue.

For the past several decades the house has contained multiple unauthorized units housing vulnerable low income tenants. Recent inspections indicated five units: three single room occupancies with shared bathroom on the upper floor and two self-contained suites on the main floor.

The Property has a long history of non-compliance with regards to residential rental property minimum maintenance standards and unsightly conditions and generates disproportionate calls for service to both police and emergency health services as compared to other single family dwellings in the neighbourhood.

On January 31, 2025 New Westminster Fire and Rescue Services responded to a call of a structure fire at the Property. It was the second fire at the Property in less than a year; the first was a fire in the garage in March 2024. The more recent fire destroyed what was left of the garage and caused significant destruction to the house. Fortunately, there was no injury or loss of life.

Since the fire and throughout February, 2025, New Westminster Fire and Rescue Services have observed numerous individuals breaking into fencing at the Property, and entering what remains of the structures at the Property.

In February, 2025, family members of the recently deceased Director Vern Kober indicated that they are in the process of the assignment of an executor, and obtaining authorization to take steps towards demolishing the remaining structures at the Property.

City staff have raised concerns regarding the current state of the Property. Building Code concerns are outlined in Attachment D, prepared by Building staff.

As a result of the Fire, the structural integrity of the house was compromised, and the garage was demolished as part of the fire suppression efforts. This has resulted in concerns with respect to the Fire Code. Particulars of Fire Code concerns can be found in Attachment E, prepared by Fire staff.

Upon inspection, it is clear that the Property is in violation of the BC Fire Code 2024. The Fire Code provides that combustible waste materials in and around buildings shall not be permitted to accumulate in quantities or locations that will constitute an undue fire hazard. In the current state, the Property has an excessive amount of combustible waste materials in and around the House that creates a fire hazard for the neighbouring structures and the community.

The Fire Code also provides that vacant buildings shall be secured against unauthorized entry. Despite staff efforts to secure the Property, there have been persistent attempts of unauthorized entry into the Property. Access and entry into the Property poses a life safety hazard due to the current condition of the structure.

Given the current condition of the Property and the safety risks should the structures remain, City staff recommend that the structures at the Property be demolished and the remaining debris and materials at the Property be cleaned up and disposed of in a lawful manner.

POLICY AND REGULATIONS

Building Bylaw No. 8125, 2019

This Bylaw gives the City authority to issue permits, set permit fees, and to conduct inspections pertaining to the construction of buildings. The Bylaw enables the City to adopt/enforce the British Columbia Building Code (the “Building Code”) which establishes minimum standards for construction in order to minimize health and safety risks to the general public and building occupants.

Fire Protection Bylaw No. 6940, 2004

This Bylaw provides for fire protection and suppression within the City. As a part of this Bylaw, the Fire Code is adopted in whole as a standard of the City under the provisions of Section 15 of the Community Charter.

Unightly Premises Bylaw No. 5969, 1991

This Bylaw establishes required standards for the maintenance of real property. No owner or occupier of real property shall allow that property to become or remain untidy or unsightly. The Bylaw requires removal of any accumulation of filth, discarded materials or rubbish from that property, including untended vegetation, noxious weeds and graffiti.

Community Charter

Division 12 of Part 3 of the *Community Charter* grants Council the authority to impose, by resolution, a requirement on an occupier or owner to take remedial action on a building or structure that Council identifies as hazardous or nuisance-causing. Section 73 authorizes Council to impose Remedial Action Requirements in relation to hazardous condition if:

- (a) the council considers that the matter or thing is in or creates an unsafe condition, or
- (b) the matter or thing contravenes the Provincial building regulations or a bylaw under section 8 (3) (l) [*spheres of authority — buildings and other structures*] or Division 8 [*Building Regulation*] of this Part.

Section 74 authorizes Council to impose Remedial Action Requirements in relation to nuisance condition if Council considers the property to be so dilapidated or unclean as to be offensive to the community.

Division 12 sets out the procedural requirements for imposing a Remedial Action Requirement, including requirements for giving notice to both the owner and the occupiers of the affected property. Affected persons are entitled to request

reconsideration by Council. If a person ordered to perform a Remedial Action Requirement fails to do so in the time required, Council may authorize City staff and contractors to perform the action and recover the cost from the owner of the affected property, including by recovering it as property taxes. A copy of Division 12 of the Community Charter is attached as Attachment C.

Building Bylaw Enforcement Guidelines

The City’s enforcement guidelines provide a framework for progressive action when attempts to gain voluntary compliance have failed. Criteria for considering strong enforcement includes:

- the life and fire safety of occupants and/or the public;
- structural concerns related to the unapproved work;
- the presence of significant community concerns as demonstrated by complaints;
- improper construction causing the building not to perform properly as mandated by the BC Building Code (non-structural issues); and
- concurrent violations of the Zoning Bylaw.

DISCUSSION

Unsightly Conditions

Prior to the fire, the Property was chronically unsightly with garbage and debris regularly accumulating at the back of the Property.

From November 2024 to present staff issued \$5000 in outstanding fines to the owners for violating the Unsightly Premises Bylaw. To date the owners have not taken any steps toward maintaining the Property in accordance with bylaw requirements and expected community standards and have not paid the outstanding fines.

The Property continues to be unsightly with the addition of charred remnants of the House and remnants of personal belongings, garbage, and debris.

Health and Safety Risks

The Building Inspector report is included as Attachment D. The Fire Protection Officer report is included as Attachment E. Their concerns are summarized below:

- a. the House is substantially damaged by fire;*
- b. the interior of the House is not protected from the elements – water and animals are able to enter via holes in the roof and walls and blown out windows;*
- c. there is significant structural damage to studs and the roof, with portions of the roof collapsing;*
- d. the Garage is completely destroyed;*
- e. there are copious amounts of combustible waste materials in and around the House that creates a fire hazard for the neighbouring structures and the community; and*
- f. there have been persistent attempts of unauthorized entry into the Property, despite fencing being raised to prevent same.*

NEXT STEPS

Given the imminent health and safety risks identified by Building and Fire Officials, as well as the owner’s chronic history of noncompliance with enforcement orders, staff recommend taking a stronger enforcement approach. As the criteria for strong enforcement options have been met, it is recommended that Council impose a Remedial Action Requirement on the owners as listed in the recommendations.

FINANCIAL IMPLICATIONS

If a person ordered to perform a Remedial Action fails to do so in the time required, Council may authorize City staff and contractors to perform the action and recover the cost from the owner of the affected property. The estimated cost to demolish the remains of the house is \$15,000 but may be more or less depending on the specific needs at this property. If the owner fails to pay, the cost can be added to property taxes as per Division 12 of the *Community Charter*.

The owner may also initiate a Judicial Review of the decision to impose a Remedial Action Requirement, and the City would require funds be allocated for legal costs to defend the Remedial Action Requirement.

INTERDEPARTMENTAL LIAISON

Contributors to this report include staff from Building, Fire, Integrated Services, the City Solicitor, and external Counsel.

OPTIONS

1. That Council impose a Remedial Action Requirement by adopting the recommendations as noted below:
 - 1) *THAT Council receive the report from the Director of Planning and Development dated March 10, 2025 regarding the structures and materials remaining after a January 31, 2025 fire (the “Fire”) affecting the two-storey dwelling (the “House”) and the garage (the “Garage”) located on land legally described as PID: 009-415-831 with the civic address of 707 Queens Avenue, New Westminster (the “Property”) and note the concerns, as stated in the report and its attachments, that:*
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 - 2) *THAT Council, under the authority provided by sections 72 and 73 of the Community Charter, find the House, and the Property generally, to be in and to create an unsafe condition.*
 - 3) *THAT Council, under the authority provided by sections 72 and 74 of the Community Charter, declare the House, and the Property generally, to be so dilapidated and unclean as to be offensive to the community.*
 - 4) *THAT Council hereby require the registered owner of the Property, United Revenue Properties (the “Owner”) to submit to the City of New Westminster a complete application for a demolition permit and, upon*

- issuance of such permit, demolish the House and clean up the Property.*
- 5) *THAT Council further require the Owner to ensure that all waste, debris and discarded materials be removed from the Property and be disposed of at an appropriate waste disposal facility; and*
 - 6) *THAT the time specified by Council for the completion of the requirements (the “Remedial Action Requirement”) imposed on the Owner by this resolution be as follows:*
 - a. *the application for a permit or permits to demolish the House must be submitted no later than 31 days after the day that notice of this resolution has been sent to the Owner in accordance with Section 77(1) of the Community Charter; and*
 - b. *all other work required to fulfill the Remedial Action Requirement must be completed no later than 120 days after the day that notice of this resolution has been sent to the Owner in accordance with Section 77(1) of the Community Charter.*
 - 7) *THAT Council direct City staff to send the notice to all affected persons as required by section 77 of the Community Charter; and*
 - 8) *THAT if the Owner fails to comply with all or part of the Remedial Action Requirement within the time required, that Council hereby authorize City staff to fulfill the Remedial Action Requirement by:*
 - a. *retaining a contractor in accordance with the City’s procurement policy;*
 - b. *posting a notice on the House advising that the City will be demolishing the House in no less than 31 days from the date the notice is posted;*
 - c. *together with the contractor, entering onto the Property and demolish the House; and*
 - d. *seek recovery of the cost of acting on the Owner’s default in accordance with section 17 [municipal action at defaulter's expense] and section 258 [special fees may be collected as property taxes] of the Community Charter.*

2. That Council take no further action on this issue.
3. That Council provide staff with alternative direction.

Staff recommends Option 1.

ATTACHMENTS

- Attachment A: Title Search for 707 Queens Avenue
- Attachment B: Assessment Roll Report for 707 Queens Avenue
- Attachment C: Division 12 of Part 3 of the Community Charter
- Attachment D: Building Inspector's Report dated February 4, 2025
- Attachment E: Fire Protection Officer's Report dated February 19, 2025

This report was prepared by:
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