

REPORT

Planning and Development

To: Mayor Johnstone and Members of Council
Date: July 7, 2025

From: Jackie Teed, Director,
Planning and Development
File: #2724496

Item #: 2025-213

Subject: Remedial Action Requirement: 53 Fourth Street

RECOMMENDATION

- 1) *THAT Council receive the report from the Director of Planning and Development dated July 7, 2025 regarding the three-storey structure (the “Building”) located on land legally described as PID: 023-476-630, Parcel A Airspace, Block 16, Plan LMP28797, Group 1, New Westminster Land District with the civic address of 53 Fourth Street, New Westminster (the “Property”) and note the concerns as stated in this report and its attachments, that:*
 - a. *significant lateral deformations along the full width of the south exterior wall are evident from both the exterior and interior sides. The wall from the top of the foundations to the second floor is obviously out of plumb, with the upper part of the wall leaning inward (i.e. toward the north);*
 - b. *significant vertical deformations of the central area of the main floor near the south exterior wall were observed in Units 1 and 2;*
 - c. *floor and wall deformations are impacting the fire separations required between dwelling units; and*
 - d. *the Building Owner has been notified of the safety conditions of the Building and in particular Units 1 and 2 and has failed to mitigate these concerns to the City’s satisfaction.*
- 2) *THAT Council, under the authority provided by sections 72 and 73 of the Community Charter, find that Units 1 and 2 of the Building, to be in and to create an unsafe condition for the southern section of the Building.*
- 3) *THAT Council, under the authority provided by sections 72 and 74 of the Community Charter, find the condition of Units 1 and 2 of the Building to be in and to create an unsafe condition to the neighborhood.*

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- 4) *THAT Council hereby require the registered owner of the Property, BC (the "Owner") to secure a Qualified Professional to prepare and submit to the City of New Westminster a complete application for shoring as recommended to stabilize the building and maintain habitability of the 6 impacted units.*
 - 5) *THAT Council further require the Owner to ensure that current residents of the 6 impacted units are temporarily housed in accordance with Residential Tenancy Branch requirements; 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 engineering proposal and details to shore the section of the Building supported by crawlspace must be submitted to the Building Official no later than seven 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, in accordance with the engineering proposal and details to complete shoring of the section of the Building supported by crawlspace, must be completed no later than 60 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 Qualified Professional to design the shoring system;*
 - b. *retaining a contractor in accordance with the City's procurement policy;*
 - c. *posting a notice on the Building advising that the City will be shoring the immediate stability concern in no less than seven days from the date the notice is posted;*
 - d. *together with the Qualified Professional and contractor, entering onto the Property and undertaking the work; and*
 - e. *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.*
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PURPOSE

To request Council place a Remedial Action Requirement (“Remedial Action”) on the Owners of 53 Fourth Street regarding unsafe conditions.

SUMMARY

City staff is recommending that Council order remedial work be performed to address unsafe conditions created by the Building. Council has the statutory authority to impose a Remedial Action Requirement by resolution. The building (the “Building”) at issue is located at 53 Fourth Street, New Westminster, British Columbia (the “Property”). The Building is in need of immediate shoring to retain habitability and stability of the southern portion of the Building. While there has been a lengthy history of attempts at addressing these issues at the Property, the Owner has not commenced any remedial work, and a recent engineering report suggests that the need for remedying these unsafe conditions created by the Building is imminent. Staff has prepared the report and considered the work to be completed in phases specifically to attempt to minimize the impact on tenants and to allow the City to use their authority to step in and make the repairs if the Owner fails to comply with the order in a timely way.

BACKGROUND

The Property at 53 Fourth Street is zoned C-4 and it is located in the City’s Downtown neighbourhood. It is noted that the Property is an airspace parcel created by the tower construction project located at 335 Carnarvon and 53 Fourth Street is an alias address to the primary parcel at 335 Carnarvon Street. Georgeta Donici, the director, purchased the company holding the property, 1078062 B.C. LTD, in 2017. Georgeta Donici has been the City’s main point of contact for the project.

The existing Building is a three storey multi-family wood-frame residential building structure on concrete foundations. There appears to be a shallow crawlspace under the main floor at the southern half of the building, while the northern half of the main floor is composed of a concrete slab-on-grade. The Building is situated on a slope that falls from north to the south. This means that the south exterior wall is on the low edge of the property. No structural immediate concerns were observed in the slab-on-grade section of the Building at the time of this report.

The current Owner submitted a preliminary planning application for review (PAR) that was completed in 2023. The Owner continues to have conversations with the neighboring strata to seek permission to purchase airspace and/or density in order to redevelop the existing site. If the building cannot be preserved, the property could be developed in a number of ways: 1) Demolish the building and develop under existing entitlements; or 2) Rezone the property to permit additional density. Staff consider that, given the building’s condition, renovation of the property over the medium-term, while development options are considered, is likely the best option.

There is visible significant lateral deformations along the full width of the south exterior wall evident from both the exterior and interior sides. The wall from the top of the foundations to the second floor is obviously out of plumb, with the upper part of the wall leaning inward (i.e. toward the north). There is significant floor sloping in Units 1 and 2, indicating possible structural degradation in the crawlspace section of the Building. Units 1 and 2 support four units above in the three storey section over crawlspace. Access to the second/third level units directly above was not secure, however, vertical deformations in the floor of the corridor near the doors to these units suggest that similar but probably somewhat less severe vertical deformations are present in the second/third floors near the south exterior wall.

The Building condition of the south facing wall has been monitored at the request of staff by the Owner's Qualified Professional regularly since 2019 and the southern wall continues to degrade. The Owner, while willing to provide access for their Qualified Professional and the City to review existing conditions, has not made corrections requested in the Engineer's reports to stabilize the structure and the conditions continue to worsen.

On June 16, 2025, the City received the 9th report from MAF, the Owner's current Engineer dated June 12, 2025. The City emailed the Owner noting the severity of the information in the report and requested that shoring be installed within 72 hours.

On June 17, 2025, the City had an independent engineer review the situation. The City's consultant recommended quickly shoring the building to maintain occupancy temporarily (next 3 years) while the property owner considers development opportunities.

On June 17, 2025, the City informed the Owner via phone about the opportunity to provide temporary tenant relocation to allow shoring to be installed so that the tenants could reoccupy shortly. The Owner indicated that work would be done as requested.

On June 20, 2025, the City issued a formal order to institute shoring with target dates and tenant supports. The order was sent via registered mail and email. The order requested confirmation of receipt which has not been received by email from Owner.

On June 20, 2025, the City's independent engineer issued their formal report. The City's independent engineer, states in their report:

Regardless of the cause(s), it is my opinion that the south face of the building requires urgent stabilization and repairs. The observed damage and deformations pose little, if any, risk to the occupants of the north half of the building. But it is not clear whether the risk to occupants of the south half of the building, particularly of the six units adjacent to the south wall is, or is becoming, unacceptable. This uncertainty stems from the fact that the structural framing is all covered with finishes and therefore cannot be observed directly. And only a small portion of the top of the foundations can be observed, while the footings

are completely buried and concealed. However, it seems clear that if stabilization and repairs are not implemented, then the risk to those units would soon become severe as progression of damage presumably continues.

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City left a voice message for and sent an email to the Owner on June 23, 2025. Owner reached out on June 24, 2025 indicating that she is in the process of finding alternative accommodations for Units 1 and 2, retaining a structural engineer to design the repairs, interviewing contractors to implement the repairs and she should have information submitted to the Building Department by June 27, 2025.

Given the current condition of the Property and the safety risks to residents and community, City staff recommend that the structures at the Property be shored immediately to maintain habitability and stability. This Remedial Action Requirement is being submitted in the event that the Owner does not take effective action quickly.

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.

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

The City has been monitoring this site for some years and began requiring reports from a Qualified Professional Engineer in 2019; a summary of content and recommendations is provided here:

TIMELINE OF REPORTING TO THE BUILDING DEPARTMENT		
REPORT DATE ENGINEER	SUMMARY OF REPORT FINDINGS	RECOMMENDED ACTION(S)
March 2019 MAF	No significant changes noted since last report (City does not have). Interior cracking noted. Ongoing settlement noted. No pictures.	Hire a geotechnical engineer to investigate what is causing the settlement and based on the report, provide a repair plan.

April 2020 ASYAM	Cracks were noted on the exterior plaster. No cracks in foundation. No distress on interior of building. Pictures provided.	Engineer anticipated that settlement was due to consolidation of soils and stabilized now. No remedial action recommended because development anticipated in 18 months. Monitoring of building settlement recommended every 3 months.
December 2020 MAF	Exterior review only Cracking plaster, bubbling plaster. Pictures provided.	Further investigation recommended.
July 2021 MAF	Exterior review only. No change from prior report. Issues still exist.	Prior report referenced.
December 2021 MAF	Exterior review only. No change from prior report. Issues still exist. Photos provided.	Prior report referenced.
June 2022 MAF	Exterior review only. No change from prior report. Issues still exist. Photos provided.	Prior report referenced.
July 2022 MAF	Report responding to City's questions about stability of the structure and action recommended.	Engineer recommended reviews every 6 months
July 2023 MAF	Exterior conditions remain similar to last site visit. Interior Unit 1 shows sloping in the floor, walls out of plumb, and significant deformation of the window. The upper floor walls and floors were not noted to be unlevel. Note that settlement appeared to be differential. Photos provided.	None noted
August 2023	Hazardous Materials Report to confirm hazard prior to investigation	Haz.Mat. report clear for area tested.
September 2023 MAF	Investigation of framing between the 2 nd storey floor and 1 st storey ceiling. No concerns noted at this joint. Photos provided.	Repairs recommended

September 2024 MAF	Interior conditions noted to be similar to prior report. Exterior showed minor increase in damage to south stucco wall. Photos included.	Repairs recommended
June 2025 MAF	Exterior conditions noted to have deteriorated. Noted that Owner has not done repairs to fix rotted wood or peeling stucco. Photo comparison included between 2020 report and 2025 conditions showing noticeable deformations. Obvious water damage.	Investigation to identify amount of rotting. Landlord/owner shall take care of these items to keep the building safe and habitable for the tenants and residents.
June 2025 RAH	City's consultant provided a review of interior and noted significant deformation of floors and exterior south facing wall between foundation and 2 nd storey floor framing.	Shoring required to maintain occupancy.
ASYAM – Asyam Consulting Ltd. – Owner's Consulting Engineer MAF – MAF Engineering Ltd – Owner's Consulting Engineer RAH – Richard A. Hefst, Hefst Consulting Inc – City's Consulting Engineer		
BUILDING DEPARTMENT ACTIONS		
DATE	NATURE OF COMMUNICATION	DETAILS
See other correspondence from Integrated Services related to this file		
Oct 3, 2023	Email to Owner, Owner's Engineer and Owner's Contractor based on site explorations from Sept 2023.	Confirming that yearly engineering reports are required and that Engineer confirm the structure continues to maintain stability and there are no significant concerns based on the earlier foundation settlement at the ground floor of the building's south side.
Oct 4, 2023	Email to Owner, Owner's Engineer and Owner's Contractor based on site explorations from Sept 2023.	Engineer clarified that reporting should occur every 6 months to track settlement progress.

June 16, 2025	Report from the Owner's Engineer	The City received the 9 th report from MAF, the Owner's current Engineer dated June 12, 2025 outlining significant concerns and highlighting the damage since 2020.
June 16, 2025	City emailed the Owner	The City emailed the Owner noting the severity of the information in the report and requested that shoring be installed within 72 hours.
June 17, 2025	Site visit with City's Consulting Engineer	The City had an independent engineer review the situation. City's consultant recommended quickly shoring the building to maintain occupancy temporarily (next 3 years) while the property owner considers development opportunities.
June 17, 2025	Phone call with Owner	The City informed the Owner via phone about the opportunity to provide temporary tenant relocation to allow shoring to be installed so that the tenants could reoccupy shortly. The Owner indicated that work would be done as requested.
June 20, 2025	Formal Letter sent via Registered Mail	The City issued a formal order to institute shoring with target dates and tenant supports. The order was sent via registered mail and email. The order requested confirmation of receipt which has not been received by email from Owner.
June 23, 2025	Phone message to Owner	Owner reached out on June 24, 2025 indicating that she is in the process of finding alternative accommodations for Units 1 and 2, retaining a structural engineer to design the repairs, interviewing contractors to implement the repairs and she should have information submitted to the Building Department by June 27, 2025.

INTEGRATED SERVICES REPORTS		
Letter Date	Summary	Actions
July 4, 2018	Corrections required due to maintenance complaints, hire pest control, meet minimum standards and assess the condition of the building for safe habitation. Photo summary included.	Repairs required.
Jan 16, 2019	Summary of outstanding repairs needed and not yet addressed.	Fines issued. Repairs required.
Feb 14, 2019	Email with summary of re-inspection from Feb 5, 2019 to property owner of violations.	Repairs and permits required.
Dec 13, 2019	Clarification that the structural report recommends a geotechnical evaluation. Reminder that minimum maintenance standards are required.	Request for an evaluation by a geotechnical engineer.
June 2, 2020	Request for permits to repair the wall. Reminder that minimum maintenance standards are required. This letter contained information related to development of the site.	Repairs and permits required.
Dec 13, 2021	Summary of non-compliance and failure to submit required reports. Light wells were removed at some point and possibly compromising ventilation. Photo summary included.	Repairs and reports required.

FIRE REPORTS		
Inspection Date	Summary	Actions
Dec 3, 2021	Corrections required to stored combustibles, exit hardware, fire alarm testing, fire safety plan	Notice of Violation Issued Dec 8 2021. Repairs required for compliance.

Feb 3, 2022	Corrections required to exit hardware, fire safety plan, boiler room ceiling, signage	Notice of Violation Issued Feb 3, 2022. Repairs required for compliance.
April 8, 2024	Corrections required to emergency lighting, exit hardware, fire alarm panel testing, smoke alarm replacement, fire safety plan, electrical room ceiling, lock box	Notice of Violation Issued April 8, 2024. Repairs required for compliance.
July 22, 2024	Corrections required to emergency lighting, exit hardware, fire alarm panel testing, fire safety plan, electrical room ceiling	Notice of Violation Issued July 22, 2024. Repairs required for compliance.
Sept 4, 2024	Corrections required to exit hardware, fire safety plan, electrical room ceiling, keys, signage	Notice of Violation Issued September 4, 2024. Repairs required for compliance.
Nov 13, 2024	Corrections required fire safety plan, keys, signage	Notice of Violation Issued November 13, 2024. Repairs required for compliance.
April 24, 2024	Corrections required fire safety plan	Notice of Violation Issued April 24, 2025. Repairs required for compliance.
June 13, 2025	Corrections required fire safety plan	Notice of Violation Issued June 13, 2025. Repairs required for compliance.

Health and Safety Risks

There is significant risk to life and property if the structure is not properly shored in the immediate future. The City is working with the Owner to insure they are aware of their responsibilities to the tenants as outlined by the Rental Tenancy Act and administered by the Rental Tenancy Branch. The City is working to inform tenants of their rights under the Act and informing them of supports available in the community to accommodate temporary relocations. At this time, staff do not anticipate that the four units in the northern section of the building will need to be relocated. Staff anticipate that the six units in the southern section of the building will need to be relocated temporarily just to accommodate shoring installation (anticipated to be within 72 hours or less barring unforeseen circumstances); two ground floor units for the full duration of the repair (anticipated to be 60 days).

NEXT STEPS

Given the imminent health and safety risks identified by Professional Engineers, the criteria for strong enforcement options have been met and it is recommended that Council impose a Remedial Action Requirement on the Owner as listed in the recommendations.

The City will continue to seek compliance from the property owner to maintain minimum maintenance standards and address fire safety concerns for the building.

SUSTAINABILITY IMPLICATIONS

Because the needed repairs to stabilize the building are targeted, renovating, instead of demolishing, preserves the “embodied energy” and avoids the environmental cost of extracting and processing all-new materials for a new-build. Renovation allows tenants to maintain housing in the interim before the site is redeveloped.

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. A rough estimated cost to secure engineered drawings and construction to shore the building, replace siding and re-finish interiors of Units 1 and 2 to a habitable state is \$150,000 - \$200,000 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 receive the report from the Director of Planning and Development dated July 7, 2025 regarding the three-storey structure (the “Building”) located on land legally described as PID: 023-476-630, Lot wx2162881, Plan LMP28797 with the civic address of 53 Fourth Street, New Westminster (the “Property”) and note the concerns as stated in this report and its attachments, that:
 - a. significant lateral deformations along the full width of the south exterior wall are evident from both the exterior and interior sides. The wall from the top of the foundations to the second floor is obviously out of plumb, with the upper part of the wall leaning inward (i.e. toward the north);

- b. significant vertical deformations of the central area of the main floor near the south exterior wall were observed in Units 1 and 2;
 - c. floor and wall deformations are impacting the fire separations required between dwelling units; and
 - d. the Building Owner has been notified of the safety conditions of the Building and in particular Units 1 and 2 and has failed to mitigate these concerns to the City's satisfaction.
- 2) THAT Council, under the authority provided by sections 72 and 73 of the Community Charter, find that Units 1 and 2 of the Building, to be in and to create an unsafe condition for the southern section of the Building.
- 3) THAT Council, under the authority provided by sections 72 and 74 of the Community Charter, find the condition of Units 1 and 2 of the Building to be in and to create an unsafe condition to the neighborhood.
- 4) THAT Council hereby require the registered owner of the Property, BC (the "Owner") to secure a Qualified Professional to prepare and submit to the City of New Westminster a complete application for shoring as recommended to stabilize the building and maintain habitability of the 6 impacted units.
- 5) THAT Council further require the Owner to ensure that current residents of the 6 impacted units are temporarily housed in accordance with Residential Tenancy Branch requirements; 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 engineering proposal and details to shore the section of the Building supported by crawlspace must be submitted to the Building Official no later than seven 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, in accordance with the engineering proposal and details to complete shoring of the section of the Building supported by crawlspace, must be completed no later than 60 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 Qualified Professional to design the shoring system;
 - b. retaining a contractor in accordance with the City's procurement policy;
 - c. posting a notice on the Building advising that the City will be shoring the immediate stability concern in no less than seven days from the date the notice is posted;
 - d. together with the Qualified Professional and contractor, entering onto the Property and undertaking the work; and
 - e. 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.
- 9) That Council provide staff with alternative direction.

Staff recommends Options 1 - 8.

ATTACHMENTS

Attachment A: Title Search for 53 Fourth Street

Attachment B: Assessment Roll Report for 53 Fourth Street

Attachment C: Company Summary for Owner

Attachment D: Division 12 of Part 3 of the Community Charter

Attachment E: Owner's Engineer Report dated 12 June 2025

Attachment F: City's Consulting Engineer Report dated 20 June 2025

Attachment G: Owner's Engineer Reports (MAF and ASYAM), from March 2019 to September 2024

Attachment H: Integrated Services letters from July 2018 to December 2021

Attachment I: Fire Notice of Violations from December 2021 to June 2025

APPROVALS

This report was prepared by:

Serena Trachta, Deputy Director, Building

This report was reviewed by:

Craig MacFarlane, City Solicitor

Jackie Teed, Director, Planning and Development

This report was approved by:

Jackie Teed, Director, Planning and Development

Lisa Spitale, Chief Administrative Officer