

## Attachment 1

*Council Report and Copy of Adopted  
Resolution – November 20, 2017*



## REPORT

### *Development Services*

**To:** Mayor Côté and Members of Council      **Date:** 11/20/2017

**From:** Jackie Teed      **File:** 05.1010.55  
 Acting Director of Development  
 Services

**Item #:** 442/2017

**Subject: 509 Eleventh Street: Remedial Action**

### **RECOMMENDATION**

- 1) ***THAT*** Council receive the report of the Acting Director of Development Services dated October 16, 2017 regarding the two-storey dwelling (the “House”) and garage (the “Garage”) located on land legally described as PID: 013-646-591, Lot 22 of Lot 15 Suburban Block 10 Plan 2620 with the civic address of 509 Eleventh Street, New Westminster (the “Property”) and note the concerns, as stated in the report and its attachments, that:
- a. *the basement of the House is prone to accumulate a substantial amount of stagnant water that is likely the result of broken storm water or sewer pipes within and outside the house;*
  - b. *the wood framing in the basement is exposed to excessive moisture and is infested with black mould;*
  - c. *the House’s furnace system is not operating, which is exacerbating the mould and the moisture damage to the wood frame structure;*
  - d. *the basement and main floor of the House have broken windows with glass shards protruding from the window frames;*
  - e. *the ceiling of the interior hallway on the main floor of the House has been damaged by water and is collapsing;*
  - f. *the top floor windows are missing glass panes or shutters and are not protecting interior structural wood framing from the elements;*
  - g. *openings in the House allow racoons and other vermin to enter the House;*

- h. the House is surrounded by unsafe scaffolding that has been in place since 2012;*
- i. the paint is peeling off the siding on the top storey of the House and the stucco and soffits on the main storey are suffering from extensive water damage;*
- j. the roof of the House is in significant disrepair and has been tarped for a number of years;*
- k. the Garage is covered by graffiti; and*
- l. the House is Occupied by a tenant.*

- 2) ***THAT*** Council, under the authority provided by sections 72 and 73 of the Community Charter, find the House and the scaffolding surrounding the House 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 Garage to be so dilapidated and unclean as to be offensive to the community.
- 4) ***THAT*** Council hereby require the registered owner of the Property, James William Richard Bell (the “Owner”) to remove the graffiti from the Garage, to remove the scaffolding surrounding the House and to either:

- a. *submit to the City of New Westminster a complete application for the appropriate building, plumbing, natural gas, and electrical permits and upon issue of such permits, perform the following remedial work to the House:*

- i. repair or replace external drainage and internal sanitary drainage system;*
    - ii. repair or replace missing or deteriorated wood framing;*
    - iii. repair or replace the furnace;*
    - iv. remove the broken glass from the window frames on the ground floor of the House and install new windows;*
    - v. seal the House to prevent the intrusion of vermin;*
    - vi. repair and repaint the siding, stucco, and soffits;*
    - vii. repair the interior hallway ceiling on the main floor;*
    - viii. remove the tarp from the top of the House; and*
    - ix. replace the roof.*

***OR***

- b. *submit to the City of New Westminster a complete application for a demolition permit and, upon issue of such permit, demolish the House.*

5) **THAT** Council further require the Owner to:

a. *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 scaffolding surrounding the House and the graffiti on the Garage must be removed no later than 31 days after the day that the notice of this resolution has been sent to the Owner in accordance with Section 77(1) of the Community Charter;*

b. *the application for a permit or permits to remediate or 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*

c. *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 removing the graffiti from the Garage, removing the scaffolding surrounding the House and demolishing 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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## **EXECUTIVE SUMMARY**

City staff is recommending that Council order remedial work be performed to address unsafe and nuisance conditions created by a house and its surrounding scaffolding. Council has the statutory authority to impose a Remedial Action Requirement by resolution. The house (the "House") at issue is located at 509 Eleventh Street, New Westminster, British Columbia (the "Property"). The House is in a dilapidated condition and suffers from significant water ingress. The failure to maintain the plumbing and heating system in the House will exacerbate its deterioration. The House has been surrounded by scaffolding for over five years. The scaffolding, rather than facilitating repairs, has become a hazard itself.

## **PURPOSE**

To request Council place a Remedial Action Requirement on the Owner of 509 Eleventh Street regarding addressing unsightly and unsafe conditions.

## **BACKGROUND**

### **Ownership and Tenancy**

The Property was purchased in May 2010 by James Richard William Bell. See Appendix A and B. Mr. Bell lives elsewhere and is listed on title of two other properties within the City, both of which have been subject to complaints and enforcement for bylaw violations. There is one occupant who rents the main floor of the House. In the most recent inspection on April 20, 2017, staff was not granted access to the second storey of the house, but believe it is unoccupied.

### **Heritage Merit**

The House was built in 1906. The overall massing of the house remains representative of its original Edwardian style, which is strongly associated with the early development of the Brow of the Hill neighbourhood. The main indicators of the style include the four-square (stacked box) form and hipped roof, which are present in the house today. The original porch on the house has been enclosed, likely in the late 1950s/early 1960s and concrete front stairs were added either at that time or slightly earlier. The lapped wooden siding of the top floor may be original. The bottom floor stucco and board siding is not original, though the original

wooden siding may be present beneath. Most, if not all doors and windows, have been replaced over time.

Overall, the house has some heritage value as it has retained its original massing; the most significant character element of the Edwardian era of development. However, the porch enclosure, deterioration of the roofs, removal of original materials, general deterioration through water penetration of the siding and walls, and likely structural instability, would make it a poor candidate for restoration.

## **POLICY AND REGULATIONS**

### **Building Bylaw No. 6897, 2003**

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.

### **Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004**

This Bylaw regulates the letting of rooms for living purposes and prescribes minimum maintenance standards for residential property and rental units.

### **Tenant Displacement Policy**

This report outlines City policy and provides Guidelines regarding situations where tenants are displaced as a result of the City’s enforcement action. This report was presented to Council on July 11, 2011. The guidelines state that the City has an obligation to address unsafe housing conditions and to assist in finding housing solutions for those who have been displaced.

### **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. If the property owner is unable or unwilling to comply, the City can hire a contractor to complete the work to the City’s satisfaction with costs billed to the property owner or, if unpaid at year-end, placed on taxes.

## 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) (1) [*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.

## Residential Tenancy Act

The Residential Tenancy Act requires a landlord to give a tenant at least one month's notice if tenancy is to be ended in order to comply with a municipal order (s. 47(1)(k) and (2)).

## Building Bylaw Enforcement Guidelines

The City's enforcement guidelines provide principles and procedures for obtaining voluntary compliance from property owners regarding infractions related to buildings.(soft enforcement) The guidelines also provide a framework for progressive action when attempts to gain voluntary compliance has failed (strong enforcement).

Soft enforcement includes:

- discussion with/education of owners,
- stop work orders,
- 30 and 14 day compliance notices,
- Municipal ticket,
- and long form information court proceedings.

Strong enforcement includes:

- Notice on Title (section 57),
- Supreme Court Order (section 274),
- and Council Remedial Order (section 72).

The guidelines identify the following criteria for considering the last two strongest enforcement options:

- 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.

Life, health, fire safety, and structural concerns are given more weight and require further enforcement action be taken. However, any of the factors, could provide the impetus for further action depending on the circumstances.

## **DISCUSSION**

### **Unsightly Conditions**

Since 2011, the City has received a number of complaints regarding unsightly and unsafe conditions on the property at 509 Eleventh Street related to:

- the dilapidated condition of the House;
- the scaffolding that was erected in November 2012 which at the time the Property Owner indicated was temporary while the roof was being repaired;
- the tarps covering the roof which are not secured, frayed and make noise when windy;
- that raccoons and rats are nesting in the top floor of the House;
- the unkempt condition of the Property which is negatively impacting the neighbourhood; and,
- Unsightly storage of materials and graffiti on an accessory building.

Over the years, bylaw enforcement officers have issued compliance orders and fines to the Owner to comply with the Unsightly Premises Bylaw. Mr. Bell has not been compliant and has shown no interest in maintaining the property in relation to expected standards.



## Health and Safety Risks

Since the condition of the Property came to the City's attention in 2011, the Property has been the subject of a number of complaints from neighbours regarding the condition of the premises and that the House has been surrounded by scaffolding for years without any noticeable repair work being done. The reports from the Chief Building Inspector, Bylaw Officer, and Engineer consultant are attached and set out their respective observations and concerns including that:

- a. the basement of the House is prone to accumulate a substantial amount of stagnant water that is likely the result of broken storm water and/or sewer pipes outside and within the house;
- b. the wood framing in the basement is exposed to excessive moisture and is infested with black mould;
- c. the House does not have an operating natural gas furnace system, which is exacerbating the mould and the moisture damage to the wood frame structure;
- d. the basement and main floor of the House has broken windows with glass shards protruding from the window frames;
- e. the ceiling for the interior hallway on the main floor of the House is water damaged and collapsing;
- f. the top floor windows are missing glass panes or shutters and are not protecting interior structural wood framing from the elements;
- g. openings on the top floor allow racoons and other vermin to enter the House;
- h. the House is surrounded by unsafe scaffolding that has been in place for over five years;
- i. the paint is peeling off the siding on the top storey of the House and the stucco on the main storey is suffering from extensive water damage;
- j. the roof of the House is in significant disrepair and has been tarped for years;
- k. the garage behind the House has graffiti on it; and
- l. the House is an unlicensed rental property occupied by one tenant and does not meet minimum maintenance standards as prescribed under the *Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004*.

## NEXT STEPS

Given the conditions of the House, the Chief Building Inspector has identified a health and safety risk to the tenant including exposure to mould, the lack of central heating, and deterioration of the structural framing from continual exposure to moisture.

Given these health and safety risks, as well as the owner's persistent refusal to comply with enforcement orders, staff recommends taking a stronger enforcement approach. The community has repeatedly complained about the dilapidated condition of the house. City staff is concerned that the house poses a hazard to its occupants that will only get worse. By

taking stronger enforcement, the City would uphold its aesthetic values and community standards and send a message to others in the community regarding the importance the City places on those. As the criteria for strong enforcement options have been met, it is recommended that Council impose Remedial Action Requirements on the owner as listed in the recommendations. This option however does require funds be allocated for legal costs.

*Staff recommends Council impose a Remedial Action Requirement on the Property Owner.*

### **FINANCIAL IMPLICATIONS**

BC Assessment valued the House and garage at \$60,500. The cost to repair the house is expected to exceed the assessed building value. Given the condition of the House and low building value, demolition may be a preferred option.

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. If the owner fails to pay, the cost can be added to property taxes as per Division 12 of the *Community Charter*.

### **INTERDEPARTMENTAL LIAISON**

The City Solicitors were consulted in preparing this report.

### **OPTIONS**

1. That Council impose a Remedial Action Requirement by adopting the resolution in the draft form recommended in this report.
2. That Council take no further action on this issue.
3. That Council provide staff with alternative direction.

Staff recommends Option 1.

### **ATTACHMENTS**

Appendix A: Title Search for 509 Eleventh Street

Appendix B: Assessment Roll Report for 509 Eleventh Street

Appendix C: Division 12 of Part 3 of the Community Charter

Appendix D: Building Inspector's Report

Appendix E: Bylaw Enforcement Officer's Report

Appendix F: Report of Siefken Engineering Ltd. Dated May 1, 2017

This report has been prepared by:  
Veronika Metchie, Senior Bylaw Officer  
Christy Mereigh, Manager, Building Inspections

This report was reviewed by:  
Kim Deighton, Manager, Licensing and Integrated Services

Approved for Presentation to Council



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Jackie Teed  
Acting Director of Development  
Services



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Lisa Spitale  
Chief Administrative Officer

## Appendix A

### *Title Search for 509 Eleventh Street*

**TITLE SEARCH PRINT**

File Reference:

Declared Value \$470000

2017-10-10, 13:39:00

Requestor: Planning Dept

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\***

<b>Land Title District</b> Land Title Office	NEW WESTMINSTER NEW WESTMINSTER
<b>Title Number</b> From Title Number	CA1558397 BX129947
<b>Application Received</b>	2010-05-12
<b>Application Entered</b>	2010-05-18
<b>Registered Owner in Fee Simple</b> Registered Owner/Mailing Address:	JAMES WILLIAM RICHARD BELL, LONGSHOREMAN 212 - 10TH AVENUE NEW WESTMINSTER, BC V3L 2B2
<b>Taxation Authority</b>	New Westminister, The Corporation of the City of
<b>Description of Land</b> Parcel Identifier: Legal Description:	013-646-591 LOT 22 OF LOT 15 SUBURBAN BLOCK 10 PLAN 2620
<b>Legal Notations</b>	NONE
<b>Charges, Liens and Interests</b> Nature: Registration Number: Registration Date and Time: Registered Owner:	MORTGAGE CA1558398 2010-05-12 12:14 THE TORONTO-DOMINION BANK
<b>Duplicate Infeasible Title</b>	NONE OUTSTANDING
<b>Transfers</b>	NONE
<b>Pending Applications</b>	NONE

## Appendix B

### *Assessment Roll Report for 509 Eleventh Street*



511 Royal Avenue  
New Westminster BC  
V3L 1H9

# The City of New Westminster Property Report

Phone: (604) 527-4550

Fax : (604) 521-3895

Printed: Oct 10, 2017

Page: 1

**Folio:** 08769000

**Civic:** 509 ELEVENTH ST

**Size:** 49.5 107.2 WIDTH/DEPTH

**Pid:** 013-646-591

**Legal:** LOT 22, NEW WEST DISTRICT, PLAN NWP2620  
SUBURBAN BLOCK 10, OF LOT 15.

**Owner:** BELL, JAMES W  
507 ELEVENTH ST  
NEW WESTMINSTER BC V3M 4G4  
(CA1558397)

## 2017 Taxable Assessments

				<u>Land</u>	<u>Improvements</u>	<u>Consolidated</u>	<u>Net</u>
1	Res	GENERAL	Gross	814,000	60,500	0	874,500
			Exempt	0	0	0	0
			Net	814,000	60,500	0	874,500
1	Res	SCHOOL	Gross	814,000	60,500	0	874,500
			Exempt	0	0	0	0
			Net	814,000	60,500	0	874,500

## 2017 Actual Assessments

	<u>Land Class</u>	<u>Land</u>	<u>Impr Class</u>	<u>Impr</u>
00 - FULLY TAXABLE LAND, STRUCTURES	1 - Res	814000	1 - Res	60500

## Appendix C

### *Division 12 of Part 3 of the Community Charter*



## **Community Charter**

### **Division 12 — Remedial Action Requirements**

#### **Council may impose remedial action requirements**

**72** (1) A council may impose remedial action requirements in relation to

(a) matters or things referred to in section 73 [*hazardous conditions*],

(b) matters or things referred to in section 74 [*declared nuisances*], or

(c) circumstances referred to in section 75 [*harm to drainage or dike*].

(2) In the case of matters or things referred to in section 73 or 74, a remedial action requirement

(a) may be imposed on one or more of

(i) the owner or lessee of the matter or thing, and

(ii) the owner or occupier of the land on which it is located, and

(b) may require the person to

(i) remove or demolish the matter or thing,

(ii) fill it in, cover it over or alter it,

(iii) bring it up to a standard specified by bylaw, or

(iv) otherwise deal with it in accordance with the directions of council or a person authorized by council.

(3) In the case of circumstances referred to in section 75, a remedial action requirement

(a) may be imposed on the person referred to in that section, and

(b) may require the person to undertake restoration work in accordance with the directions of council or a person authorized by council.

### **Hazardous conditions**

**73** (1) Subject to subsection (2), a council may impose a remedial action requirement in relation to any of the following:

- (a) a building or other structure, an erection of any kind, or a similar matter or thing;
- (b) a natural or artificial opening in the ground, or a similar matter or thing;
- (c) a tree;
- (d) wires, cables, or similar matters or things, that are on, in, over, under or along a highway;
- (e) matters or things that are attached to a structure, erection or other matter or thing referred to in paragraph (a) that is on, in, over, under or along a highway.

(2) A council may only impose the remedial action requirement 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.

### **Declared nuisances**

**74** (1) A council may declare that any of the following is a nuisance and may impose a remedial action requirement in relation to the declared nuisance:

- (a) a building or other structure, an erection of any kind, or a similar matter or thing;

(b) a natural or artificial opening in the ground, or a similar matter or thing;

(c) a drain, ditch, watercourse, pond, surface water, or a similar matter or thing;

(d) a matter or thing that is in or about any matter or thing referred to in paragraphs (a) to (c).

(2) Subsection (1) also applies in relation to a thing that council considers is so dilapidated or unclean as to be offensive to the community.

### **Harm to drainage or dike**

**75** A council may impose a remedial action requirement if a person has

(a) obstructed, filled up or damaged a ditch, drain, creek or watercourse that was constructed or improved under this Act or the *Local Government Act*, or

(b) damaged or destroyed a dike or other drainage or reclamation work connected with it.

### **Time limit for compliance**

**76** (1) The resolution imposing a remedial action requirement must specify the time by which the required action must be completed.

(2) Subject to section 79 [*shorter time limits in urgent circumstances*], the time specified under subsection (1) must not be earlier than 30 days after notice under section 77 (1) [*notice to affected persons*] is sent to the person subject to the remedial action requirement.

(3) The council may extend the time for completing the required action even though the time limit previously established has expired.

### **Notice to affected persons**

**77** (1) Notice of a remedial action requirement must be given by personal service or by registered mail to

- (a) the person subject to the requirement, and
- (b) the owner of the land where the required action is to be carried out.

(2) In addition, notice of the remedial action requirement must be mailed to

- (a) each holder of a registered charge in relation to the property whose name is included on the assessment roll, at the address set out in that assessment roll and to any later address known to the corporate officer, and
- (b) any other person who is an occupier of that land.

(3) A notice under this section must advise

- (a) that the person subject to the requirement, or the owner of the land where the required action is to be carried out, may request a reconsideration by council in accordance with section 78 [*person affected may request reconsideration*], and
- (b) that, if the action required by the remedial action requirement is not completed by the date specified for compliance, the municipality may take action in accordance with section 17 [*municipal action at defaulter's expense*] at the expense of the person subject to the requirement.

### **Person affected may request reconsideration by council**

**78** (1) A person who is required to be given notice under section 77

(1) [*notice to affected persons*] may request that the council reconsider the remedial action requirement.

(2) Subject to section 79 [*shorter time limits in urgent circumstances*], a request under subsection (1) must be made by written notice provided within 14 days of the date on which the

notice under section 77 (1) was sent or a longer period permitted by council.

(3) If the council receives a notice that complies with subsection (2), it must provide the person with an opportunity to make representations to the council.

(4) After providing the opportunity referred to in subsection (3), the council may confirm, amend or cancel the remedial action requirement.

(5) Notice of a decision under subsection (4) must be provided in accordance with section 77 (1) and (2) [*notice to affected persons*].

### **Shorter time limits in urgent circumstances**

**79** If the council considers that there is a significant risk to health or safety if action is not taken earlier, the resolution imposing the remedial action requirement may

(a) set a time limit under section 76 [*time limit for compliance*] that is shorter than the minimum otherwise applicable under subsection (2) of that section, and

(b) set a time limit for giving notice under section 78 [*persons affected may request reconsideration*] that is shorter than the limit otherwise applicable under subsection (2) of that section.

### **Recovery of municipal costs through sale of property**

**80** (1) This section applies to remedial action requirements in relation to the following:

(a) matters or things referred to in section 73 (1)

(a) [*unsafe and non-complying structures*];

(b) matters or things referred to in section 74 (1)

(a) [*nuisances in relation to structures*];

(c) matters or things referred to in section 74 (1)

(d) [*nuisances in relation to things in or near structures*]

that are in or about a matter or thing referred to in section 74 (1) (a).

(2) Subject to this section, if a remedial action requirement has not been satisfied by the date specified for compliance, the municipality may sell the matter or thing in relation to which the requirement was imposed or any part or material of it.

(3) The earliest date on which the municipality may sell property referred to in subsection (2) is the later of

(a) the date specified for compliance, and

(b) 60 days after the notice under section 77 (1) [*notice to affected persons*] is given.

(4) If a municipality sells property under this section, it

(a) may retain from the proceeds

(i) the costs incurred by the municipality in carrying out the sale, and

(ii) if applicable, the costs incurred by the municipality in exercising its power under section 17 [*municipal actions at defaulter's expense*] that have not yet been paid by the person subject to the requirement, and

(b) must pay the remainder of the proceeds to the owner or other person lawfully entitled.

(5) For certainty, the authority under this section is in addition to that provided by section 17 [*municipal action at defaulter's expense*].

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## Appendix D

### *Building Inspector's Report*

## Building Department Site Inspection Report

EDMS Doc#: 1076283

Inspection Date: April 20, 2017

Address: 509 Eleventh Street

Owner: Mr. James W. Bell  
507 Eleventh Street,  
NEW WESTMINSTER, BC V3M 4G4 Email:

Contractor: Unknown Phone Number:  
Approved Use of Building: Single family dwelling  
Present use of Building: unknown  
Reason for Inspection: Initiated by Bylaws

### Observations:



Figure 1 West Elevation – Windows Removed From Top Floor





Figure 2 Broken Windows on Main and Basement



Figure 3 Basement floor towards the West Elevation -- Pool of Stagnant Water



Figure 4 Clothes and Garbage on Main Floor



Figure 5 Basement -- Furnace Has Been Disabled





Figure 6 Basement -- Use of a Temporary Heater for Primary Heating



Figure 7 Basement -- Debris and Wet floor -- Black Mold Present



Figure 8: Basement - sump pump operating and directing water into neighbouring yard



Figure 9 Stove Top Main Floor Kitchen in active use



Figure 10: Bathroom - light fixture not functioning, lighting obtained from an external source on an extension cord





Figure 11: Rear - broken window into living area

Concerns:

- The use of portable electric heaters as the primary source of heating of the house is a known fire risk. The building code requires a primary source of heating like an operating furnace sized to heat the entire home (with a complete building envelope). The use of an extension cord connected to a utility light for lightning in the main floor bathroom was in use.
- The framing in the basement are exposed and in contact with excessive moisture. The top floor framing is exposed to moisture with the lack of windows and adequate roof membrane.
- Lack of adequate lighting, wet floors, and electrical cords for portable heaters. Basement door remains open to allow a temporary sump pump to operate. Broken or missing glass pane at the rear of the main floor at grade level.
- Inadequate thermal comfort as there is no primary source of heating. Water ingress into building which has caused black mould in some areas. Wet basement floors top floor lacks windows and adequate roof membrane.
- Water ingress into stucco exterior is decreasing its durability.

- repairs to sanitary pipe are questionable, and storm water (possibly sanitary waste) is accumulating and stagnating throughout the basement.

The current condition of the House means that it fails to fulfill a number of objectives set out in the BC Building Code. These objectives are set out at the end of this report.

If steps are not taken to remediate or remove the concerns, risk to occupants will only increase as the mould will spread, the structural elements in the house will degrade due to excessive moisture, the risk of contamination from the stagnant water in the basement will increase and the house will not provide safe or adequate protection from cold weather.

Recommended remedial action:

- a. submit to the City of New Westminster a complete application for the appropriate building, plumbing, natural gas, and electrical permits and upon issue of such permit, perform the following remedial actions:
  - i. repair or replace external drainage and internal sanitary drainage system;
  - ii. repair or replace absent or deteriorated wood framing
  - iii. repair or replace the furnace;
  - iv. remove broken glass from the window frames on the ground floor of the House and install new windows;
  - v. replace roofing;
  - vi. seal the building to prevent the intrusion of vermin;
  - vii. repair and repaint the siding, stucco, and soffits, and;
  - viii. remove the tarp from the top of the House;

OR

- b. submit to the City of New Westminster a complete application for a demolition permit and, upon issue of such permit, demolish the House.
- c.

## Selected BC Building Code Objectives

### OS2 Structural Safety

An objective of this Code is to limit the probability that, as a result of the design or construction of the *building*, a person in or adjacent to the *building* will be exposed to an unacceptable risk of injury due to structural failure. The risks of injury due to structural failure addressed in this Code are those caused by—

OS2.3 - damage to or deterioration of *building* elements

### OS3 Safety in Use

An objective of this Code is to limit the probability that, as a result of the design or construction of the *building*, a person in or adjacent to the building will be exposed to an unacceptable risk of injury due to hazards. The risks of injury due to hazards addressed in this Code are those caused by—

OS3.1 - tripping, slipping, falling, contact, drowning or collision

### OS4 Resistance to Unwanted Entry

An objective of this Code is to limit the probability that, as a result of the design or construction of the *building*, a person in the *building* will be exposed to an unacceptable risk of injury due to the *building's* low level of resistance to unwanted entry (see Sentence 2.1.1.2.(2) for application limitation). The risks of injury due to unwanted entry addressed in this Code are those caused by—

OS4.1 - intruders being able to force their way through locked doors or windows

### OH1 Indoor Conditions

An objective of this Code is to limit the probability that, as a result of the design or construction of the *building*, a person in the *building* will be exposed to an unacceptable risk of illness due to indoor conditions. The risks of illness due to indoor conditions addressed in this Code are those caused by—

OH1.2 - inadequate thermal comfort

OH1.3 - contact with moisture

### OH2 Sanitation

An objective of this Code is to limit the probability that, as a result of the design or construction of the *building*, a person in the *building* will be exposed to an unacceptable risk of illness due to unsanitary conditions. The risks of illness due to unsanitary conditions addressed in this Code are those caused by—

OH2.1 - exposure to human or domestic waste

OH2.4 – contact with contaminated surfaces

OH2.5 - contact with vermin and insects



## Appendix E

### *Bylaw Enforcement Officer's Report*

## **Bylaw Enforcement Report**

Civic Address: 509 Eleventh Street, New Westminster

### **Summary**

The City has received a number of complaints regarding unsightly conditions on the property at 509 Eleventh Street, New Westminster (the "Property") owned by Mr. James W. Bell (the "Owner") dating back to 2011. Since 2013, many of the complaints relate to the scaffolding and increasingly dilapidated condition of the house (the "House"). In the past year, the frequency of the complaints to the City has increased. Complaints include:

- the unkempt condition of the Property which is negatively impacting the neighbourhood;
- concern about the safety of the scaffolding;
- tarps covering the roof that are not secured and is noisy in windy conditions;
- raccoons and rats are seen entering into the top floor of the house;
- unsightly storage of materials on the Property;
- graffiti on an accessory building; and,
- excessive number of vehicles parked at the rear and on City property.

Despite issuing a number of written orders and fines for violations, and offers to come into compliance voluntarily, the Owner, Mr. James W. Bell, the Property remains non-compliant with City bylaws.

### **Chronology**

#### **June 2011**

The City received complaints of untended vegetation on the Property. The Property was inspected and assessed at being in violation of the Unsightly Premises Bylaw and brought into compliance.

#### **April 2012**

The City received complaints regarding garbage at the rear of the Property that was attracting rats and a number of vehicles parked at the rear in a dismantled state. The Property was inspected and assessed at being in violation of the Unsightly Premises Bylaw. In addition, vehicles were found parked on City property in violation of the Street Traffic Bylaw and referred to the Parking Division for enforcement. The Property was brought into compliance with the Unsightly Premises Bylaw. The Parking Division issued a number of fines which remain unpaid.

### **November 2012**

Scaffolding was erected around the perimeter of the House which prompted complaints to the City to investigate if the building activity was issued a permit. A building Inspector investigated the concerns. The Owner indicated the scaffolding was temporary while he repaired the roof. A building permit is not required for roof repair.

### **February - July 2013**

The City received complaints about hand-made signs posted on the Property and the adjacent property, 507 Eleventh Street also owned by Mr. James W. Bell, stating no one may park on the street in front of the Property. The signs contained profanity and a threat. Both properties were also found to be in violation of the Unsightly Premises Bylaw. An order was issued to remove the signs, obtain Street Occupancy Permit (if required) and remove discarded items from the Property that were not related to the roof repair and the adjacent property. The Owner removed the signs and enough discarded material to comply with the bylaw. The adjacent property was not brought into compliance and a fine was issued, which remains unpaid.

As the City continued to receive complaints about the scaffolding, unsightly conditions at the rear, and abundance of building material stored on the Property, bylaw and building inspectors scheduled an inspection of the interior of the house. A rear unit on the main floor was occupied by tenants and in very poor condition, mainly due to housekeeping habits of the tenants. The rest of the House was filled with furniture and miscellaneous items. The rear yard of the Property had an accumulation of items unrelated to the roof repair. The Owner advised inspectors at that time he was planning on repairing the roof, siding and replacing the windows. The building inspector determined a building permit was not required for the repairs, however cautioned the Owner about the excessive storage within the House and potential fire risk. Another order was issued to cut overgrowth of vegetation and remove all items stored outside that were unrelated to the roofing and siding repair for the Property. Additional fines were issued to the adjacent property for continued non-compliance and a contractor was hired to remove discarded items at the Owner's expense.

### **January – March 2014**

Bylaw officer observed that the Property was again in violation of the Unsightly Premises Bylaw with storage of discarded and miscellaneous material in front and rear yards and graffiti on the garage. The scaffolding was still erect. There was no change to the building materials stored in the front yard and the roof shingles indicated no repair work had taken place in the past eight months. In consultation with the Manager of Integrated Services Department and city solicitor, it was determined that the scaffolding contributed

to the unsightly nature of the Property. An enforcement order was issued to the Owner to remove the discarded material and graffiti on the garage within 10 days and to remove the scaffolding within 30 days (Young Anderson – January 22, 2014).

While progress had been made to clean up discarded items not related to the repair project, there was no change with the graffiti on the garage, the scaffolding or building material stored on the Property. The Owner had left a voice message with a building inspector that he was continuing to work on the roof as time and funds permitted. A follow-up letter was issued requesting the Owner provide the City with a schedule for removal of the scaffolding subject to approval by city officials (Young Anderson – March 6, 2014). The Owner responded with a timeline of repairs for the roof and the scaffolding removal within four months, weather and finances permitting (House Repair Schedule – March 21, 2014).

#### **January - July 2015**

Despite the Owner's assurances, the scaffolding remained on the Property and the condition of the House further deteriorated without any visible progress on the stated repairs. The City continued to receive complaints regarding the scaffolding around the House, increasing dilapidation on its condition and the seemingly lack of progress on any repairs.

In July a real estate ad was found listing the property for sale. Enquiries were made by realtors to the City bylaw department regarding any outstanding bylaw violations. Given the robust real estate market, enforcement staff had the impression the property would likely be purchased by someone who would either repair or demolish and rebuild. The Property was not sold and remains in possession of the current Owner.

#### **January 2016**

The City continued to monitor the Property for any progress on the repairs, as complaints were received from the public about the deterioration of the Property.

#### **February 2016**

The Property was found to be in violation of the Unsightly Premise Bylaw with discarded items stored in the rear yard and graffiti on the garage. While the building material had been removed from the front yard, the scaffolding was still erect, a tarp covered the roof and windows were removed from the upper floor. An order was issued to the Owner to remove discarded material and scaffolding, making reference to the Owner's schedule for removal submitted to the City in 2014. The discarded material was removed with no change to the scaffolding.

### **May - August 2016**

The City received complaints about the condition of the Property, which was found to be in violation of the Unsightly Premises Bylaw with discarded items stored in the rear yard. A \$200 fine was issued for violating the Unsightly Premises Bylaw and order to remove all discarded items, including the scaffolding. The Owner did not respond to the order nor did he pay or dispute the fine.

The outstanding order was referred to the city solicitor who attempted to negotiate a resolution with Mr. Bell on the outstanding fines (the judicial order for parking fines and \$800 in fines issued on all properties owned by the Owner) and bylaw violations (Young Anderson – July 28, 2016). The offer was not accepted and negotiations were eventually discontinued. Due to the escalating costs associated with collecting on the outstanding fines, staff determined it was not in the best interests of the City to continue pursuing payment at this time.

### **April – October 2017**

The City continued to receive complaints from the public concerned about the deterioration of the House, attracting vermin to the area due to the openings in the roof, noise from loose tarps in high winds, and the structural integrity of the scaffolding which has been erect for nearly five years.

A bylaw officer and the Chief Building Inspector conducted an inspection of the House with a consulting structural engineer, John R. Siefken of Siefken Engineering Ltd. to determine the structural safety of the House given the deterioration over the past five years and interior exposure to weather conditions. This aspect is detailed further in the engineer and building inspection reports.

The interior of the House was in extremely poor condition, due to both lack of maintenance by the Owner and housekeeping habits of the tenant:

- The rear yard was filled with household items and auto parts;
- The interior of the main level, occupied by the tenant, was filled with furniture in various states of repair/damage, clothing, household items, dishes, plastic bags, cardboard boxes, blankets used as window coverings, gas stove was caked in burnt and dried food and generally disorganized and unhygienic;
- The ceiling in the main hallway was collapsing into the living area;
- The bathroom has no working light (tenant uses a portable light used on construction sites);

- There is no central heating system and tenant uses space heaters in the winter for heat;
- Broken windows in the front and rear rooms and black mold was evident on the walls and window frames; and
- The basement area was dank, dark with water pooled in various areas on the floor, the source of which was undetermined; a sump pump continually runs with the hose exiting out a side door and depositing the water into the front yard of the adjacent property of 507 Eleventh Street which is also owned by Mr. Bell.

The condition of the property is in violation of the minimum maintenance standards for a rental property under the *Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004* and is not considered habitable in its current condition.

Photographs of the House and Property are attached to this report.

#### **Conclusion:**

The City continues to receive complaints from area residents on the prolonged state of disrepair, deterioration and unsightly conditions that occur on the Property. The House, which is rented to a tenant, is in disrepair and lacking basic requirements such as central heating.

Despite issuing a number of written orders, fines for violations and offers to come into compliance voluntarily, the Property remains non-compliant with City bylaws.

#### **Attachments:**

- Letter from Young Anderson to Mr. Bell - January 22, 2014
- Letter from Young Anderson to Mr. Bell - March 6, 2014
- "House Repair Schedule" submitted by Mr. Bell - Received March 21, 2014
- Letter from Young Anderson to Mr. Bell - June 28, 2016
- Photos 2012 to 2017





REPLY TO: VANCOUVER OFFICE

DELIVERED BY REGISTERED MAIL

January 22, 2014

James William Bell  
212-10<sup>th</sup> Avenue  
New Westminster, BC V3L 2B2

Dear Mr. Bell:

**Re: Unsightly Premise at 509 Eleventh Street, New Westminster, BC  
Our File No. 00239-0637**

We are counsel to the City of New Westminster. Officials of our client have advised that the condition of the above property is in contravention of Section 3 of the City's Unsightly Premises Bylaw No. 5969, 1991.

You are required to clean up the property not later than Friday, February 7, 2014 by removing the discarded material, debris, construction materials and rubbish from the property.

In addition, the lawn on the property is overgrown.

Failure to comply may lead to further enforcement action. This may be by way of:

- (a) a clean-up of the property pursuant to Section 9 of the Unsightly Premises Bylaw, the costs of which shall go on your real property taxes for the current year;
- (b) a prosecution in the Provincial Court which may result in a fine and an order pursuant to Section 263.1 of the Community Charter requiring you to comply; or
- (c) a Petition in the Supreme Court of British Columbia for a mandatory Order requiring compliance and ordering you to pay the City's legal costs, which may be in excess of \$5,000.00.

In addition, we note that the building has been covered in scaffolding since the fall of 2012. There have been complaints from neighbours and the building is an eyesore. We are of the opinion that the condition of the building may constitute a nuisance as that term is used in Section 74 of the *Community Charter*, SBC 2003, c. 26. As such it is a candidate for a remedial action requirement under Division 12 of Part 3 of the *Community Charter*. Council for the City of New Westminster can, for example, pass a resolution requiring removal of the scaffolding

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WWW.YOUNGANDERSON.CA

1616 - 808 Nelson Street, Box 1, 147 Nelson Square, Vancouver, BC V6Z 2H2 | tel: 604.689.7400 | fax: 604.689.3444 | toll free: 1.800.645.3540  
201 - 1456 St. Paul Street, Kelowna, BC V1Y 1E6 | tel: 250.712.1130 | fax: 250.712.1180

within 30 days and if you do not comply with the resolution the scaffolding can be removed by contractors hired by the City and the cost of the work can be placed on the property as real property taxes for the current year.

You are therefore directed to remove the scaffolding on or before February 28, 2014, failing which City staff may proceed with a staff report to Council recommending a remedial action requirement to order the removal of the scaffolding.

Yours truly,

YOUNG ANDERSON

A handwritten signature in dark ink, appearing to read 'Don Howieson', is written over a horizontal line. The signature is stylized with a large, sweeping loop on the left and a long horizontal stroke extending to the right.

Don Howieson

[howieson@younganderson.ca](mailto:howieson@younganderson.ca)

DH/jb



509 Eleventh Street

Remove all scaffolding, tarps and construction material



Remove all graffiti, construction material, tarps and miscellaneous debris



Remove all miscellaneous debris.



REPLY TO: VANCOUVER OFFICE

DELIVERED BY REGULAR MAIL

March 6, 2014

James William Bell  
101-720 Eighth Avenue  
New Westminster, BC V3M 2R3

Dear Mr. Bell:

**Re: Unsightly Premise at 507 and 509 Eleventh Street, New Westminster, BC**  
**Our File No. 00239-0637**

This is further to our letters of January 16 and January 22, 2014 with respect to the two abovementioned properties. We note that the letters were sent by registered mail and that you failed to pick them up. They were also posted at the properties.

We also note that the compliance deadlines set out in those letters have now passed.

We write to advise that while the City reports that there has been significant progress with respect to the clean-up of the two properties, the following still must be addressed:

- (a) with respect to 507 Eleventh Street, there is building materials located on City property. This material must be removed on or before Friday, March 21, 2014; and
- (b) with respect to 509 Eleventh Street:
  - (i) there is graffiti on a truck and on the garage on the property. This must be removed on or before Friday, March 21, 2014; and
  - (ii) the scaffolding remains on the property. You must submit a schedule for removal of the scaffolding to the City on or before Friday, March 21, 2014 which will be subject to approval by City officials.

Please find enclosed with this letter an aerial photograph showing the location of the property lines for your reference with respect to 507 Eleventh Street.

In the above-mentioned letters we set out the enforcement options available to the City with respect to your failure to complete the work required of you. We need not repeat them. The

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WWW.YOUNGANDERSON.CA

City is prepared to postpone taking further action given your recent efforts, but only provided that the work is completed as set out in this letter.

Yours truly,

YOUNG ANDERSON

Don Howieson

[howieson@younganderson.ca](mailto:howieson@younganderson.ca)

DH/jb



507 Eleventh St  
Call #13334  
March 3, 2014

Front: No violations



Rear: accumulation of building material on City property.



Aerial view of 507/509 Eleventh St showing property line.



Rear: accumulation of discarded material.





509 Eleventh Street  
Call #13311  
March 3, 2014

Front: wood scaffolding erected around perimeter of house.



Rear: Graffiti tag on garage and truck.



Rear: Scaffolding at rear of house.





## House Repair Schedule



Location 509 11 Street Phone 604 - 524 - 9875 pls leave msg.

Submitted by James William Bell for 0879655 BC Ltd General Contractor

The following is a general list of repairs and estimated time for completion

Note: times for completion subject to weather permitting and finances as each section is completed the corresponding section of scaffolding will be removed.

### Upper Roof Level

Rafter tail repairs (will require partial tare off of roofing shingles)

Estimated time 3 months

Installation of fascia boards and millwork

Estimated time 3 months

Installation of J channel and soffits

Estimated time 3 months

Final tare off of roof and reinstallation

Estimated time 3 months

Gutter installation

Estimated time 3 months

Painting and or siding installation Final millwork around perimeter of upper roof

Estimated time 3 months

Installation of new windows and millwork

Estimated time 3 months

### Lower level roof

Tare off of singles repair shiplap repair roof trusses and rafters and blown in insulation while accessible resheath vapour barrier pets barrier installation of new roofing materials

Estimated time 4 months

Back right side of lower roof

Lengthen rafter tails install roofing material extensions fix transition point blend roof line together

Estimated time 3 months

REPLY TO: VANCOUVER OFFICE

DELIVERED BY MAIL

June 28, 2016

Aman Oberoi  
Barrister & Solicitor  
Taylor Law Group  
Suite 102 – 19610 6<sup>th</sup> Avenue  
Langley, BC V2Y 1H3

Dear Mr. Oberoi:

**Re: James William Bell**  
**Our File No. 00239-0638**

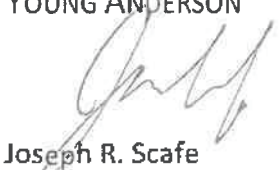
Further to your letter of May 4, 2016, we write to inform that the City is contemplating further legal proceedings to resolve all outstanding matters with your client, James William Bell. The following issues remain outstanding:

- Order in respect of 509 Eleventh Street, issued February 9, 2016;
- Order in respect of 507 Eleventh Street, issued February 9, 2016;
- Bylaw Offence Notices B014785, B014786 and B014787 issued May 2, 2016 totalling \$800; and
- Payment Order issued by Judicial Justice Blackstone dated May 7, 2015 for \$3940.

Barring a timely and satisfactory resolution to these matters, we will seek instructions to commence legal proceedings. You may contact us at your earliest convenience to discuss these matters.

Sincerely,

YOUNG ANDERSON



Joseph R. Scafe  
[scafe@younganderson.ca](mailto:scafe@younganderson.ca)

JS/dg

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WWW.YOUNGANDERSON.CA

1616 - 808 Nelson Street, Box 12147 Nelson Square, Vancouver, BC V6Z 2H2 | tel: 604.689.7400 | fax: 604.689.3444 | toll free: 1.800.665.3540  
201 - 1456 St. Paul Street, Kelowna, BC V1Y 2E6 | tel: 250.712.1130 | fax: 250.712.1180

509 Eleventh St  
Photo History



November 14, 2012: Front elevation of 509 Eleventh St.



November 14, 2012: Rear elevation of 509 Eleventh St.



March 3, 2014: Front elevation



March 3, 2014: Rear elevation





May 2, 2016: Front elevation



May 2, 2016: Rear elevation



April 20, 2017: Front elevation



April 20, 2017: Front elevation (scaffolding)





April 20, 2017: Broken front window, water damage on stucco



April 20, 2017: Rear – garage with graffiti (March 2014)



April 20, 2017: Rear – ripped tarp on roof



April 20, 2017: Rear – large ladder at rooftop (unsecured)





April 20, 2017: Interior hallway on main floor (tenant resides) – ceiling caving in.



April 20, 2017: Interior main floor



April 20, 2017: Interior main floor



April 20, 2017: Exterior back yard





April 20, 2017: Exterior back yard



September 14, 2017: Front elevation



September 14, 2017: Rear elevation



September 14, 2017: Rear view of rooftop and torn tarps





September 14, 2017: Side view of rooftop and torn tarps



September 14, 2017: Graffiti on garage and truck

## Appendix F

*Report of Siefken Engineering Ltd.*

*Dated May 1, 2017*



# **SIEFKEN ENGINEERING LTD.**

## **CONSULTING STRUCTURAL ENGINEERS**

May 1, 2017

City of New Westminster  
Licencing and Intergrated Services  
511 Royal Avenue,  
New Westminster, BC V3L 1H9

Attention: Veronika Metchie, Senior Bylaw Officer

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Our File No.     **2017-164**  
Reference:       **509 Eleventh Street, New Westminster**

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Siefken Engineering Ltd. was asked to carry out a structural review of the building located at the above address. We carried out our inspection on April 20, 2017.

1.     The building structure consists of:
  - a.   Two story wood framed structure with basement.
  - b.   Concrete foundation with some small sections supported on rubble.

Based on our inspection we make the following comments:

1.   The roof structure could not be inspection as no access was allowed to the top floor of the residence, therefore we do not know the condition of the roof structure.
2.   The underside of the upper (second) floor did not show any signs of movement or failure.
3.   The main floor of the residence did not show any signs of movement or failure.
4.   The various portions of the foundation did not show any signs of movement or failure.
5.   There is some older wood scaffolding around the perimeter of the residence. This structure is unsafe for workers and should not be used. In addition there are some large sections of plywood. As portions of the scaffolding are in a poor state of condition, the sections of plywood could become loose in a wind storm and become airborne. This airborne plywood could potentially strike people, causing serious injuries.

We recommend that this plywood be removed immediately.

6. There was water situated in some areas of the basement and the slab in these areas was very damp. This dampness could cause the wood framing in the basement to deteriorate over time, but in the short term there is no immediate danger.

This report is based upon the structural work that was visible at the time of our inspection.

We are not responsible for the structure, nor for any items involving damp proofing water, proofing or environmental separations.



If there are any questions, please call.

Yours truly,

SIEFKEN ENGINEERING LTD.

John Siefken, P. Eng.  
JRS/sg.



 A photograph showing the exterior of a two-story building undergoing renovation. The entire structure is encased in a complex network of wooden scaffolding. Large sheets of plywood are used for sheathing, particularly on the upper levels. The building is situated on a slight incline, with a stone retaining wall and some landscaping in the foreground. A utility pole is visible on the left side of the frame.	<p>Plywood</p> <p>Scaffolding around perimeter of building</p>
 A photograph of a basement interior. The floor is covered with a large pool of dark, still water. In the center of the frame, a large, cylindrical metal tank, heavily rusted and discolored, stands upright. The walls of the basement are visible, showing some signs of wear and moisture.	<p>Water in basement</p>





Foundation wall

Damp floor



Bottom of studs are  
wet



 A photograph showing a vertical wooden post standing amidst a pile of rubble and debris. The debris includes broken wooden planks, metal rods, and other construction materials. The scene appears to be an interior or semi-enclosed space during a demolition or construction project.		<p>Post on rubble</p>
 A photograph showing a wooden post or structure partially obscured by a large pile of rubble and debris. The debris is a mix of wood, metal, and other materials, creating a chaotic and cluttered scene.		<p>Post on rubble</p>

**Regular Meeting  
November 20, 2017  
Minutes Extract**

**Item 8**

**MOVED and SECONDED**

- 1) *THAT Council receive the report of the Acting Director of Development Services dated November 20, 2017 regarding the two-storey dwelling (the "House") and garage (the "Garage") located on land legally described as PID: 013-646-591, Lot 22 of Lot 15 Suburban Block 10 Plan 2620 with the civic address of 509 Eleventh Street, New Westminster (the "Property") and note the concerns, as stated in the report and its attachments, that:*
  - a. *the basement of the House is prone to accumulate a substantial amount of stagnant water that is likely the result of broken storm water or sewer pipes within and outside the house;*
  - b. *the wood framing in the basement is exposed to excessive moisture and is infested with black mould;*
  - c. *the House's furnace system is not operating, which is exacerbating the mould and the moisture damage to the wood frame structure;*
  - d. *the basement and main floor of the House have broken windows with glass shards protruding from the window frames;*
  - e. *the ceiling of the interior hallway on the main floor of the House has been damaged by water and is collapsing;*
  - f. *the top floor windows are missing glass panes or shutters and are not protecting interior structural wood framing from the elements;*
  - g. *openings in the House allow raccoons and other vermin to enter the House;*
  - h. *the House is surrounded by unsafe scaffolding that has been in place since 2012;*
  - i. *the paint is peeling off the siding on the top storey of the House and the stucco and soffits on the main storey are suffering from extensive water damage;*
  - j. *the roof of the House is in significant disrepair and has been tarped for a number of years;*
  - k. *the Garage is covered by graffiti; and*
  - l. *the House is Occupied by a tenant.*
- 2) *THAT Council, under the authority provided by sections 72 and 73 of the Community Charter, find the House and the scaffolding surrounding the House 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 Garage to be so dilapidated and unclean as to be offensive to the community.*
- 4) *THAT Council hereby require the registered owner of the Property, James William Richard Bell (the "Owner") to remove the graffiti from the Garage, to remove the scaffolding surrounding the House and to either:*
- a. submit to the City of New Westminster a complete application for the appropriate building, plumbing, natural gas, and electrical permits and upon issue of such permits, perform the following remedial work to the House:*
    - i. repair or replace external drainage and internal sanitary drainage system;*
    - ii. repair or replace missing or deteriorated wood framing;*
    - iii. repair or replace the furnace;*
    - iv. remove the broken glass from the window frames on the ground floor of the House and install new windows;*
    - v. seal the House to prevent the intrusion of vermin;*
    - vi. repair and repaint the siding, stucco, and soffits;*
    - vii. repair the interior hallway ceiling on the main floor;*
    - viii. remove the tarp from the top of the House; and*
    - ix. replace the roof.*

OR

- b. submit to the City of New Westminster a complete application for a demolition permit and, upon issue of such permit, demolish the House.*
- 5) *THAT Council further require the Owner to:*
- a. 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 scaffolding surrounding the House and the graffiti on the Garage must be removed no later than 60 days after the day that the notice of this resolution has been sent to the Owner in accordance with Section 77(1) of the Community Charter;*

- b. the application for a permit or permits to remediate or demolish the House must be submitted 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; and*
  - c. all other work required to fulfill the Remedial Action Requirement must be completed no later than 150 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 Council direct City staff to report back to Council for further action if the Owner fails to comply with all of part of the Remedial Action Requirement within the time required.*

**CARRIED.**

**MOVED and SECONDED**

*THAT Council direct staff to work with the Owner and tenant to facilitate the application of the City's Tenant Relocation Policy if so required.*

**CARRIED.**

All members of Council present voted in favour of the motion.

**MOVED and SECONDED**

*THAT the City involve and work with a social agency to assist the occupant in relocation and other issues; and*

*THAT the City identify an external agency that may assist the Owner.*

**CARRIED.**

All members of Council present voted in favour of the motion.