

Attachment 2

Report to Council – July 9, 2018



REPORT

Development Services

To: Mayor Côté and Members of Council **Date:** 7/9/2018

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

Item #: 288/2018

Subject: 509 Eleventh Street: Remedial Action Requirement Update

RECOMMENDATION

THAT Council receive this report for information.

PURPOSE

The purpose of this report is to provide Council with an update regarding continued non-compliance at 509 Eleventh Street with respect to the Remedial Action Requirement imposed on November 20, 2017.

POLICY AND REGULATIONS

Community Charter

Part 3, Division 12 of the *Community Charter* details the authority and manner in which Council may impose remedial action requirements. Remedial action requirements allow Council to address certain hazardous and nuisance conditions on a case by case basis. Section 73 of the *Community Charter* authorizes Council to impose Remedial Action Requirements in relation to certain matters that may cause or be in a hazardous conditions. Section 74 of the *Community Charter* authorizes Council to impose Remedial Action Requirements in relation to nuisance conditions caused by certain matters or things, including building or structures. Council may declare if Council considers the matter or thing to be so dilapidated or unclean as to be offensive to the community.

Further, sections of Division 12 set 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 the owner fails to perform a Remedial Action Requirement in the time required, Council may authorize City staff and contractors to perform the action and recover the cost from the owner either by direct payment or by adding it to taxes.

BACKGROUND

November 20, 2017

The property located at 509 Eleventh Street is owned by James Richard William Bell. Mr. Bell is listed on title of two other properties within the City, one of which is his residence located next door at 507 Eleventh Street.

On November 20, 2017 Council imposed a Remedial Action Requirement (RAR) on the owner requiring him to perform work at 509 Eleventh Street to address unsightly and unsafe conditions. To see the report in full follow this link:

http://newwestcity.ca.granicus.com/DocumentViewer.php?file=newwestcity_a10ab5583612a9c6c6e55bdf09114b81.pdf&view=1

A copy of the resolution is in Attachment 1.

Specifically the owner was ordered to:

- remove scaffolding surrounding the house and graffiti on the garage within 60 days;
- apply for a permit or permits to remediate or demolish the House within 60 days; and
- complete other work identified in the RAR within 150 days.

DISCUSSION

November 2017 to February 2018

Section 77 of the Community Charter requires municipalities to notify the owner by personal service or registered mail and time lines stated in RARs are based on the date the resolution is served. In addition, notice of the requirement must be mailed to any other occupier of that land.

Staff sent the tenant written notice of the resolution by regular mail on November 29, 2017 and received a telephone call from him December 4, 2017 confirming receipt. Staff made several attempts starting at the end of November 2017 through the month of December 2017

to contact the owner for the purposes of meeting the Community Charter requirements for service, and to provide assistance to him to comply with the terms and conditions of the RAR. Attempts were as follows:

By Telephone

Staff called three different telephone numbers known for the owner and all were either not in service, did not recognize the extension, or indicated the subscriber had not initialized the voice mail service.

By Posting or Regular Mail

Staff posted one letter at the owner's residence and sent two others via regular mail inviting the owner to contact staff and offering five appointment times to discuss the RAR and provide guidance. There was no follow up from the owner.

By Process Server

A Process Server was hired by staff and made eight attempts at various times of the day and night over a two week period in December 2017 to serve the owner at his residence. Each attempt included the Process Server knocking at the front door for several minutes and affixing a message requesting contact. No contact was made by the owner.

By Registered Mail

Staff sent the RAR to the owner by registered mail on January 18, 2018. The letter was returned to City Hall on February 14, 2018 having never been claimed.

February 2018 to March 2018

To assist the City with service of the Notice of Resolution and to start the timeline, the City Solicitor filed a requisition and affidavits with the Supreme Court of B.C. requesting an order enabling service by an alternative method. On March 6, 2018 the Court granted the City a subservice order permitting service by regular mail and posting on site at both 507 and 509 Eleventh Street as well as mailing to two other properties on which the owner is shown to be on title.

June 2018

The 60 day period ended June 9, 2018. Staff inspected the property on June 25, 2018 and found little change. Some scaffolding on the side of the house has been removed but for the most part the property looks the same as November 2017 with graffiti still visible on the garage and scaffolding still surrounding most of the house. Photos taken during the

inspection are in Attachment 2. City records indicate the property owner has not made application for permits to remediate or demolish the house, as required by the RAR.

NEXT STEPS

Given the inspection of the property June 25, 2018 shows little or no progress; the owner has indicated no willingness to work with the City; the 60 day deadline to remove the graffiti and the scaffolding were not met, it is expected that the 150 day deadline, due early September, to either complete the required repairs or demolish the house will pass with no action on the part of the owner.

As such, the Manager of Integrated Services will work with Senior Management and City Solicitors to proceed with necessary enforcement options should there be continued non-compliance.

INTERDEPARTMENTAL LIAISON

This report was prepared in consultation with the City's Solicitors.

OPTIONS

There are two options for Council to consider:

1. That Council receive this report for information.
2. That Council provide staff with other direction.

Staff recommends option 1.

ATTACHMENTS

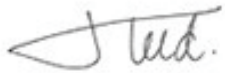
Attachment 1: November 20, 2017 Council Resolution

Attachment 2: Photos Taken June 25, 2018

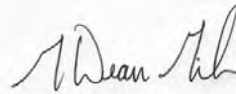
This report has been prepared by:
Kim Deighton, Manager, Licensing and Integrated Services

This report was reviewed by:
Jackie Teed, Acting Director of Development Services

Approved for Presentation to Council



Jackie Teed
Acting Director of Development
Services



Dean Gibson
Acting Chief Administrative Officer

Attachment 1

November 20, 2017 Council Resolution

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 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 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.

Attachment 2

Photos Taken June 25, 2018

2018.06.25
509 Eleventh Street
New Westminster, BC
File #13311



Photo 1: 509 Eleventh Street – Front view of the house and yard.



Photo 2: A closer view of the front of the house and yard.

2018.06.25
509 Eleventh Street
New Westminster, BC
File #13311



Photo 3: Front view of the house and yard.



Photo 4: Front entry of the house.

2018.06.25
509 Eleventh Street
New Westminster, BC
File #13311



Photo 5: South side of the house and overgrowth of the landscape.



Photo 6: A closer view of the south side of the house.

2018.06.25
509 Eleventh Street
New Westminster, BC
File #13311



Photo 7: North side of the house.



Photo 8: Rear of the house and drive.

2018.06.25
509 Eleventh Street
New Westminster, BC
File #13311



Photo 9: Rear of the house and garage. There is graffiti, overgrowth of the landscape and the property appears unkempt.



Photo 10: Another view of a shipping container/storage truck parked on City property.

2018.06.25
509 Eleventh Street
New Westminster, BC
File #13311



Photo 11: Another view of the rear of the property showing a truck with tires removed stored on the City street.



Photo 12: A close up view of the rear garage and drive.

2018.06.25
509 Eleventh Street
New Westminster, BC
File #13311



Photo 13: Rear garage.



Photo 14: Rear of the house.

2018.06.25
509 Eleventh Street
New Westminster, BC
File #13311



Photo 15: A closer view of the rear of the house and patio.



Photo 16: Rear back patio between the house and the garage.

2018.06.25
509 Eleventh Street
New Westminster, BC
File #13311



Photo 17: A close up view of the south side of the rear garage.



Photo 18: South side of the rear drive next to the neighbouring house.