

Administration Report

Report Date: September 12, 2019
Meeting Date: September 17, 2019

To: City Manager
From: Chief Building Official
Subject: 878 Abbott Drive – Remedial Action Order

Purpose

The purpose of this report is to provide information regarding the condition of the structure and the property at civic 878 Abbott Drive, which is considered to constitute an unsafe condition and nuisance, and to bring forward for Council consideration a resolution for a remedial action requirement against the owner of the property, which will act to motivate action to eliminate the unsafe condition and nuisance property.

Summary

- The structure located at civic 878 Abbott Drive was destroyed by fire on May 27 2019 and remains unsecure.
- The property has several derelict vehicles, 2 campers, an RV, and a lot of debris (burnt construction materials, house hold items, small engine machinery, etc) located throughout the property.
- There have been Bylaw complaints on the property dating as far back as April 2003 with no resolve on the property to date.
- There have been 52 calls for first responders to this property since January 01 2018, most recently was an overdose on August 23 2019.
- One of the Campers is currently being occupied by a squatter who has no affiliation with the owner to our knowledge.
- The run off from the property is currently draining to a wet land at the back of the property possibly contaminating it do to the materials left behind after the fire.
- The Structure creates an unsafe condition within the meaning of Section 73 (2)(a) of the Community Charter.
- The Property is a nuisance within the meaning of Section 74 (1) (a) of the Community Charter.

Recommendation

THAT Council consider the building located at PID 004-656-776 LOT A DISTRICT LOT 704 CARIBOO DISTRICT PLAN 8903, EXCEPT PLAN 27810, Folio Number 470_04451.000, Civic 878 Abbott Drive, known as the "Property", is in a state that creates an unsafe condition as per Section 73 of the *Community Charter*,

AND THAT Council declares the Property unclean as to be offensive to the community and as such are a nuisance to the community as per Section 74 of the *Community Charter*,

AND THAT Council requires the listed Property owner to demolish the building and remove all debris, vehicles, RV, and camper trailers from the Property by October 15, 2019 due to the health and safety conditions identified by the Chief Building Official and the Bylaw Supervisor;



AND THAT Council invokes its right to have a shorter time period that the property owner has to provide request for reconsideration by September 25, 2019 as per section 79 of the *Community Charter* and the 30 days to demolish and remove all debris as per section 79 of the *Community Charter* due to the hazardous conditions and the safety of the community at large;

AND THAT Council authorizes staff to have the building demolished and dispose of all materials should the interested parties fail to demolish it within the time frame given with the full costs of such demolition and disposal of materials be added to the property taxes of the Property;

AND THAT Council authorizes staff to have all vehicles, RV's, camper trailers and debris removed from the Property leaving a clean site of all materials should the interested parties fail to do so within the time frame given with full costs of such removal and disposal be added to the property taxes of the Property.

Statutory Requirements

Pursuant to Section 73 (2)(a) of the Community Charter, Council may consider a building or other structure to be in or creates an unsafe condition.

Pursuant to Section 74 (1)(a) of the Community Charter, Council may declare a building or other structure to be a nuisance. In addition to, and independent of Section 74 (1)(a), Council may, pursuant to Section 74 (2)(a) of the Community Charter, declare as a nuisance a thing that Council considers so dilapidated or unclean as to be offensive to the community.

Pursuant to Section 79 of the Community Charter Council has the option to shorten both the 14 days notice for the owner to submit reconsideration of the Remediation Action Requirement ("RAR") and the 30 days to complete the work under Section 17 of the Community Charter.

Pursuant to Section 17 of the Community Charter after service of the RAR the owner has 30 days to complete the required works, if not completed by this time this Section gives authority for the City and/ or agent to enter onto the Property to carry out the required remedial work.

Pursuant to Section 17 and 258 of the Community Charter any expenses incurred by the City in undertaking the work may be collected as a debt or unpaid taxes.

Council Policy

Strategic Objective

Financial Implications

If the owner does not comply with the RAR order the City will undertake the works as per the Resolution and Section 17 and 258 of the Community Charter and the costs will be placed as a debt to the taxes for the property. If the taxes are not paid on the property and remain unpaid the property will be put up for tax sale, if there is no sale the property will be reverted to the City.

We have received quotes ranging from \$27,000.00 to \$30,000.00 for the demolition and removal of the structure and suspect an additional \$30,000.00 for the remaining debris and associated vehicles to be removed from the property. This would be a total of \$57,000.00 plus or minus to have the property cleared of everything.

Background

On July 30 2019 the building department conducted an on site inspection at 878 Abbott Drive following the structure fire and numerous complaints of persons entering the property and structures. This is both an unsafe condition as per section 73 of the Community Charter and a nuisance property as per section 74 of the Community Charter. The house has been destroyed



by fire to a point of no repair, most of the roof is destroyed the floor system has collapsed and the walls are burnt beyond salvage. The house has been left wide open and not secured at all allowing persons to enter an unsafe structure.

The grounds have been littered with burnt articles from the building as well as two camper trailers one of which has also been destroyed by an earlier fire, one RV, and three vehicles. We have had numerous calls stating that there are squatters residing in the other camper trailer on the property. The RCMP detachment has been called to this property a number of times already and it is only getting worse.

This property has had numerous Bylaw complaints and actions taken with little to no resolution on the property, the owner has continuously neglected to take any action to resolve the issues set out by the Bylaw officers. In the attachments you can see the number of incidents and letters sent to the owner.

The first incident was noted in the history of the property on April 14, 2003, another April 18, 2005, another April 17, 2007, another April 17, 2008 and another April 8, 2009. The fire that destroyed the house was on May 27, 2019 in the early morning, the structure continues to deteriorate and persons continue to enter the structure and remove items tossing debris throughout the yard.

Attachments

Pictures taken of site on September 10 2019 by Chief Building Official.

Video taken of the site on September 10 2019 by the Chief Building Official (Not Attached/Will be played at Council Meeting)

List of Bylaw infractions by the Supervisor of Bylaw Enforcement.

Concurrence

Director of Development Services

Bylaw Supervisor

Options

1. Approve the recommendation.
2. Amend recommendation and approve.
3. Deny request to require demolition and clean up of site.