
TO: CITY MANAGER **DATE:** 2020 February 05

FROM: DIRECTOR PUBLIC SAFETY AND COMMUNITY SERVICES **FILE:** BYL18-00173
BYL18-00178

SUBJECT: NUISANCE AND UNSAFE CONDITIONS AT 6480 GRANT STREET

PURPOSE: To recommend that Council impose action requirements in relation to the property at 6480 Grant Street.

RECOMMENDATIONS:

1. **THAT** Council declare the residential property located at 6480 Grant Street creates a nuisance and unsafe condition for the reasons described in this report;
2. **THAT** Council require the registered property owner to demolish the existing carport/cabana structure under permit;
3. **THAT** Council require the registered property owner to make the in-ground pool area safe by erecting a fence that complies with the *Burnaby Swimming Pool Enclosure Bylaw 2000*;
4. **THAT** Council require the registered property owner to clear and remove any and all overgrowth, discarded materials, rubbish or filth from the property, including any such growth, filth, vegetation or items within the swimming pool, or upon its surface, which are contributing to unsightly conditions, in order to comply with the *Burnaby Unsightly Premises Bylaw 1969*;
5. **THAT** notice of these remedial action requirements and a copy of this report be sent to the registered property owner;
6. **THAT** Council require the registered property owner complete the remedial action requirements referred to in Recommendations 2, 3 and 4 no later than 60 days after receiving the notice referred to in Recommendation 5; and
7. **THAT** Council authorize City staff and/or contractors to undertake the required or remedial action requirements referred to in Recommendations 2, 3 and 4 and recover all such costs incurred from the registered property owner in accordance with the *Community Charter*, if the registered owner does not

complete the required or remedial action requirements within sixty (60) days of receiving the notice referred to in Recommendation 5.

REPORT

1.0 INTRODUCTION

The property at 6480 Grant Street is located in a Residential District (R4) and is improved with a single family dwelling, a detached carport/cabana, and an in-ground swimming pool in the rear yard. The registered property owner does not reside on the property, but lists 6480 Grant Street as the mailing address according to Tax Office records. Staff believe the home to be unoccupied at the time of submission of this report.

The vegetation on the property is significantly overgrown, particularly in the rear yard. A detached carport, which is readily accessible from the rear lane, is compromised due to a lack of maintenance and repair. The water in the swimming pool is green in colour and is mostly covered by algae and other growths. Aerial views comparing the property from 2002 and 2018 are included as *Attachment 1*.

2.0 POLICY SECTION

The recommended actions align with the City of Burnaby's Corporate Strategic Plan by supporting the following goals and sub-goals of the plan:

- A Safe Community
 - Crime prevention and reduction – Ensure citizens and businesses feel safe in our community
 - Emergency services – Provide responsive emergency services

3.0 HISTORY

The single family dwelling on the property was constructed in 1959 and according to aerial photo records, the detached carport structure appeared sometime between 1965 and 1970. The Building Department cannot locate a record of a Building Permit that would permit construction of the structure in that time period. However, a “cabana” was constructed under permit on approximately the same location as the existing carport structure in 1980. The permit for the in-ground swimming pool was finalized in 1979.

Since 2000 the property has been the subject of fifteen (15) complaints received from five (5) separate complainants. Thirteen (13) of these complaints were related to the unsightly state of the premises and two (2) were in regards to building bylaw complaints. At this time there are two (2) open complaint files on the property. The Licence Office is currently investigating a complaint of unsightliness under the City's Unsightly Premises Bylaw, and the Building Department has evaluated both the state of the fence enclosing the pool and the detached carport/cabana. Despite

achieving compliance on prior complaints related to the unsightliness of the premises, the property continues to generate complaints to the City of Burnaby. The deteriorating and unsafe state of the carport/cabana and the pool fence are of particular concern.

4.0 CITY ACTIONS TAKEN IN ATTEMPT TO GAIN VOLUNTARY COMPLIANCE

4.1 Building Department

On 2018 February 15, in response to a complaint from the public, Building Department staff first inspected the property. As a result of this inspection, correspondence to the property owner was sent on 2018 March 16 (included as *Attachment 2*), requesting that the property owner demonstrate that the existing fence enclosing the pool complied with the Swimming Pool Enclosure Bylaw. This letter also noted that the support posts for the carport/cabana structure were deteriorating.

Re-inspections of the property on 2018 May 16 and 2018 September 14 found that no action had been taken regarding either the condition of the fence or the carport/cabana structure.

An evaluation of the existing carport/cabana revealed a significant hole in the roof, wooden posts seated on concrete blocks which are not anchored to the ground, and decayed or deteriorating wooden support members. The carport/cabana structure was subsequently determined to be unsafe by the Supervisor of Building Inspections. Reports concerning the carport/cabana structure are provided as *Attachment 3*. Photographs showing the condition of the carport/cabana structure are found in *Attachment 4*.

Similar to the carport/cabana structure, the fence enclosing the rear yard, which also serves to enclose the pool, is in a state of disrepair and is therefore not compliant with the Swimming Pool Enclosure Bylaw. Photographs showing the condition of the fence are found in *Attachment 5*.

4.2 Licence Office

On 2018 February 16, in response to a complaint of unsightliness, Staff from the Licence Office inspected the property and found it not compliant with the Burnaby Unsightly Premises Bylaw. The property owner was sent correspondence on 2018 February 22 and on 2018 April 06, requesting the property be cleaned up. Copies of all Licence Office correspondence is included as *Attachment 6*.

Further inspections found continuing non-compliance and as a result, Bylaw Violation Notices referencing the unsightly conditions were issued to the property owner on 2018 May 02, 2018 June 07, and 2018 July 04. None of these Notices have been paid or disputed. Copies of these Notices are included as *Attachment 7*.

Subsequent to the issuance of the Bylaw Violation Notices a third letter was sent to the property owner on 2018 October 09. Telephone messages and conversations between staff and the property owner resulted in the property owner agreeing to address the unsightly conditions. In November

2018, an effort by an external agency to trim overgrowth over a portion of the property was undertaken.

Subsequent inspections on 2018 November 21, 2019 June 05, 2019 September 26, and on 2019 November 15, revealed that not only was the property never fully compliant with the Unsightly Premises Bylaw, but the vegetation that had been previously trimmed had grown back without apparent effort to address the overgrowth.

Included in *Attachment 8* are photos of the property taken on 2020 January 29.

5.0 RECOMMENDATIONS

Council may under the provisions contained in the *Community Charter*, Part 2 Division 3 (Section 8, 16 and 17) and Part 3, Division 12 – Remedial Action Requirements (Sections 72, 73 and 74) (see *Attachment 9*) regulate, prohibit and impose requirement, or alternatively, determine that a matter creates a nuisance and/or unsafe condition and may impose remedial action requirements in relation to that nuisance and/or unsafe condition.

Staff recommend that Council declare that the dilapidated state of the existing carport/cabana structure, the failure to adequately maintain the fence surrounding the swimming pool, and the accumulation of overgrowth, discarded materials and filth, located at 6480 Grant Street, create a nuisance and unsafe condition and that action is required. As such, it is recommended that Council require the registered property owner to undertake the following no later than sixty (60) days after receiving notice of Council’s decision:

- Demolition of the existing carport/cabana structure under permit;
- Replace the fence surrounding the pool to a standard compliant with the Burnaby Swimming Pool Enclosure Bylaw; and
- Clear, remove and dispose of accumulations of overgrowth, discarded materials and filth from the property, including any such growth, filth, vegetation or items within the swimming pool, or upon its surface, which are contributing to unsightly conditions, in order to comply with the Burnaby Unsightly Premises Bylaw.

Should Council adopt staff recommendations, the *Community Charter* requires that notice of Council’s decision to impose remedial action requirements, together with a copy of this report, be served on the registered property owner personally or by registered mail. In addition, notice will be provided to any charge holders on the property’s title.

The registered owner may seek Council reconsideration of the remedial action requirements by submitting a written request for reconsideration to the Office of the City Clerk within fourteen (14) days of the date on which the notice of Council’s decision was sent.

In the event that the registered owner does not complete the remedial action requirements imposed by Council within 60 days of receiving notice of Council’s decision, it is recommended that Council authorize City staff and/or contractors to undertake the remedial action requirements and

To: City Manager
From: Director Public Safety and Community Services
Re: Conditions at 6480 Grant Street
2020 February 05..... Page 5

recover all such costs incurred by the City from the registered owner, in accordance with section 17 of the *Community Charter*. If unpaid, such costs may be added to the property tax bill and be subject to the same penalties and collection remedies as property taxes (per section 238 of the *Community Charter*). See *Attachment 9*.


Dave Critchley
DIRECTOR PUBLIC SAFETY AND COMMUNITY SERVICES

RG

- Attachment 1: Aerial views of 6480 Grant Street*
- Attachment 2: Building Department correspondence*
- Attachment 3: Building Department reports regarding the carport/cabana structure*
- Attachment 4: Photographs of the carport/cabana structure taken on 2020 January 29*
- Attachment 5: Photographs of fence enclosing the pool taken on 2019 January 03 & 2020 January 29*
- Attachment 6: Licence Office correspondence*
- Attachment 7: Licence Office Bylaw Violation Notices*
- Attachment 8: Photographs of the subject property taken on 2020 January 29*
- Attachment 9: Community Charter - Sections 72-74, 76-80, 8, 16-17 & 258*

Copied to: Director Planning and Building
Director Engineering
Director Finance
City Solicitor

Attachment #1 Aerial views of 6480 Grant



The information has been gathered and researched on the City of Burnaby's computer system. Data entered into the system is derived from a review of records with varying levels of accuracy. The City of Burnaby disclaims all responsibility for the accuracy or completeness of information contained herein.

Attachment #1 Continued



The information has been obtained and recorded on the City of Burnaby's computer systems. Data provided herein is derived from a number of sources with varying levels of accuracy. The City of Burnaby disclaims all responsibility for the accuracy or completeness of information contained herein.

Attachment #2 Building Department correspondence



Building Department

2018 MARCH 16

FILE: BYL18-00173

Reference: In-ground pool fence in disrepair

JOHN KELLY
6480 GRANT ST
BURNABY BC V5B 2K6

SUBJECT: 6480 GRANT ST. - INGROUND POOL FENCE IN DISREPAIR

On 2018 February 15 I inspected the fence enclosing the rear in-ground swimming pool. Parts of the fence are in disrepair and/or non-existent. You are in contravention of the following City bylaw:

- Burnaby Swimming Pool Enclosure Bylaw, Section 5 "Failure to maintain a barrier enclosing a swimming pool in a state of good repair"

During the course of the fence inspection I noticed that the west corner posts have deteriorated to an extent that the structure has, in my opinion, become a hazard. Section 29 of the Fire Services Bylaw states: "Where the Fire Chief is made aware of an activity or situation which, in the opinion of the Fire Chief, is hazardous to life or property, the Fire Chief may: (e) "order the owner, owner's agent or occupant to remove the hazard in a manner approved by the Fire Chief, in default of which the Fire Chief may have the hazard removed at the owner's expense." I have not requested an opinion from the Fire Chief as of yet, however, I will be in the very near future.

This letter serves as notice that you must bring the pool enclosure fence into compliance with the City bylaw. Failure to do so by 2018 March 29 will result in Bylaw Violation Notices being issued for the following offense:

- \$500.00 per offence under Section 5 of the Burnaby Swimming Pool Enclosure Bylaw 2000 "Failure to maintain a barrier enclosing a swimming pool in a state of good repair"

Please contact me as soon as possible.

Regards,

A handwritten signature in blue ink that reads "Doug Cadorette".

Doug Cadorette
Bylaw Enforcement Coordinator
Phone: 604-293-7517
Email: Doug.Cadorette@burnaby.ca

Attachment #3 Building Department reports regarding the carport/cabana structure

INSPECTION WORKSHEET (INSP18-034983)

City of Burnaby 4343 Canada Way, Burnaby, BC, V5G 1M2

Building Dept.: 604-234-7139 Licence Dept.: 604-234-7320 Engineering Dept.: 604-234-7460

Case Number:	BYL18-00173	Case Module:	Code Case
Inspection Date:	09/14/2018	Inspection Status:	Failed/Re-Inspection required
Inspector:	Paul Juksu	Inspection Type:	Bylaw - Building Inspection
Job Address:	6480 GRANT ST BURNABY, BC V5B2K6	Parcel Number:	002-618-516

Contact Type	Company Name	Name
.	.	.

Checked item	Passed	Comments
General Comments	NO	Carport is located at rear of property with access off of lane. On the west side posts supporting carport have decayed and their ability to support the structure has been compromised. The posts are sitting on top of concrete blocks that are not anchored. There are holes in the roof allowing water to enter and are causing further decay of the structure. On the east side there is evidence of failure of roof joist. Also on east side the tails of the roof joists are decaying where they are bearing on the supporting wall. The structure appears to be leaning. In my opinion the structure is in a state of imminent collapse. It is not possible to repair the structure due to the amount of decay and failing support structure.



Juksu, Paul (Inspector)

Attachment #3 Continued

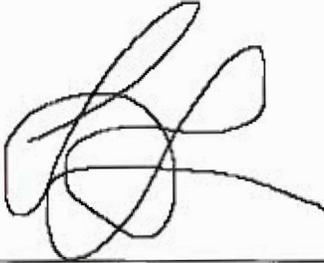
INSPECTION WORKSHEET (INSP18-035439)

City of Burnaby 4343 Canada Way, Burnaby, BC, V5G 1M2
 Building Dept.: 604-234-7130 Licence Dept.: 604-234-7320 Engineering Dept.: 604-234-7460

Case Number:	BYL18-00173	Case Module:	Code Case
Inspection Date:	09/14/2018	Inspection Status:	Failed/Re-inspection required
Inspector:	Laura-Lee Lee	Inspection Type:	Bylaw - Bylaw Inspection
Job Address:	6480 GRANT ST BURNABY, BC V5B2K6	Parcel Number:	002-618-516

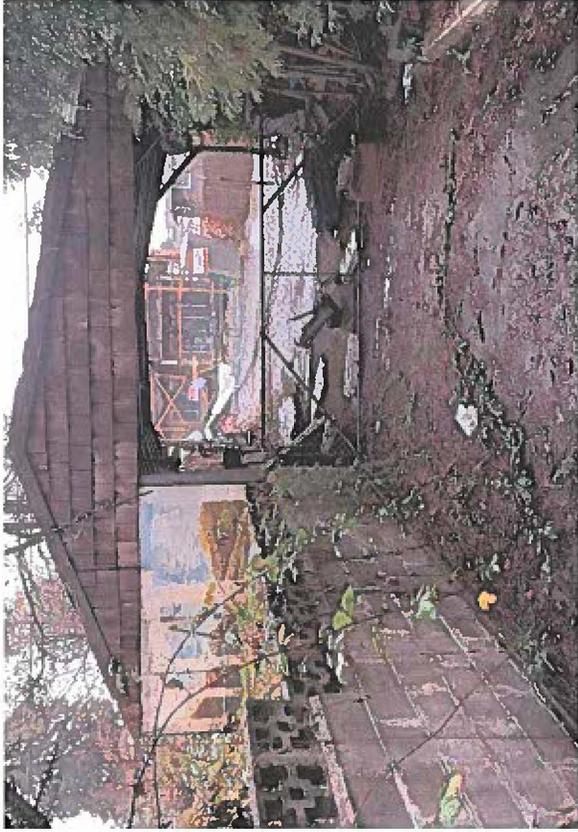
Contact Type	Company Name	Name
-	-	-

Checklist Item	Passed	Comments
General Comments	NO	<p>2018 September 14 - Supervisor of Building Bylaw, Laura-Lee Lee made a site visit to assess the pool fencing at the property. Pictures were taken.</p> <p>LL parked the city car in the designated carport. At the rear of the carport is a large rectangular fence that has a chain and padlock on it. There appears to be 2 fences at the rear property line to the lane. One chain link and a wooden fence set back from the chain link fence. The fences are hard to see because the rear yard is completely overgrown with black berry bushes.</p> <p>LL was unable to enter the property at the back or front of the property because the yard is so overgrown.</p> <p>LL gained access to the neighbors rear yard (with permission) and took pictures of the over grown rear yard. Black berry bushes are over 6 feet high.</p> <p>LL spoke with both neighbors of the property. Neither had any contact information for the owner. Both stated they were happy to see the City attend the property. LL took pictures of the front to the subject property and both neighboring properties to see the standard of the neighborhood in contrast to the subject property.</p> <p>LL could not gain access to view the pool.</p>



Lee, Laura-Lee (Inspector)

Attachment #4 *Photographs of the carport/cabana structure taken on 2020 January 29*



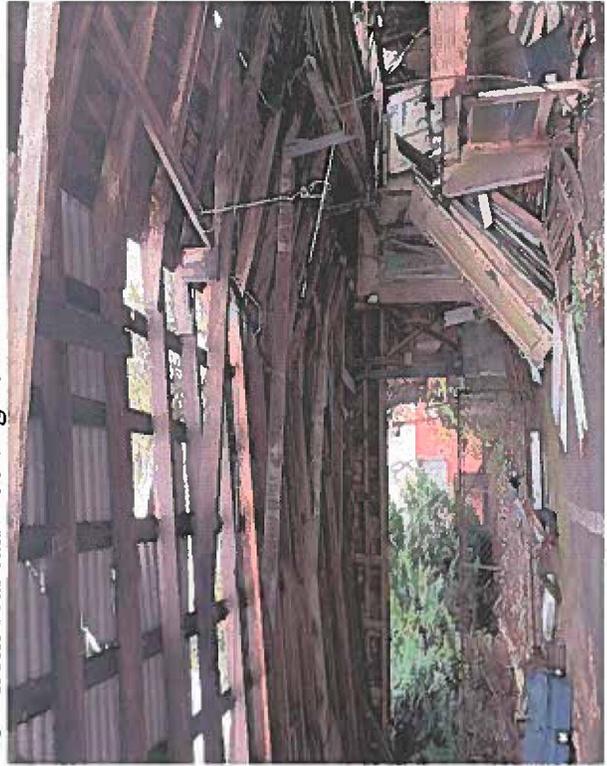
view from rear yard looking south



close up of support post



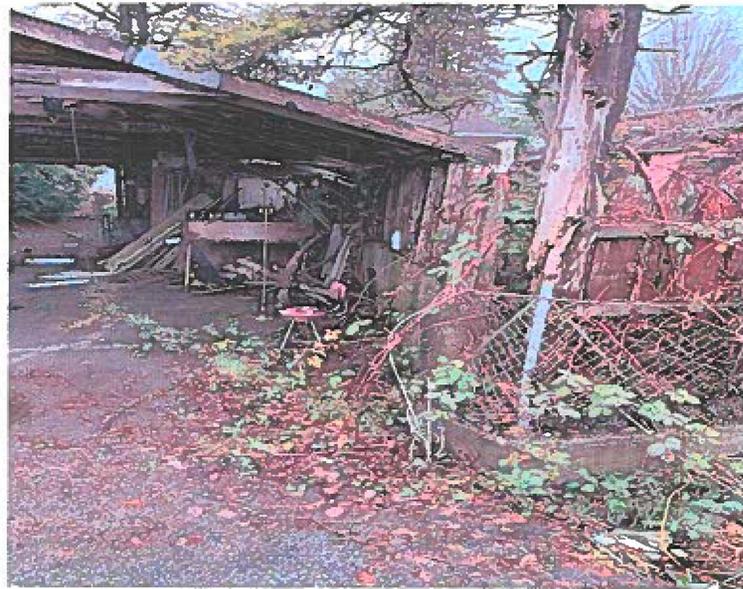
view from rear lane looking north.



close up of roof



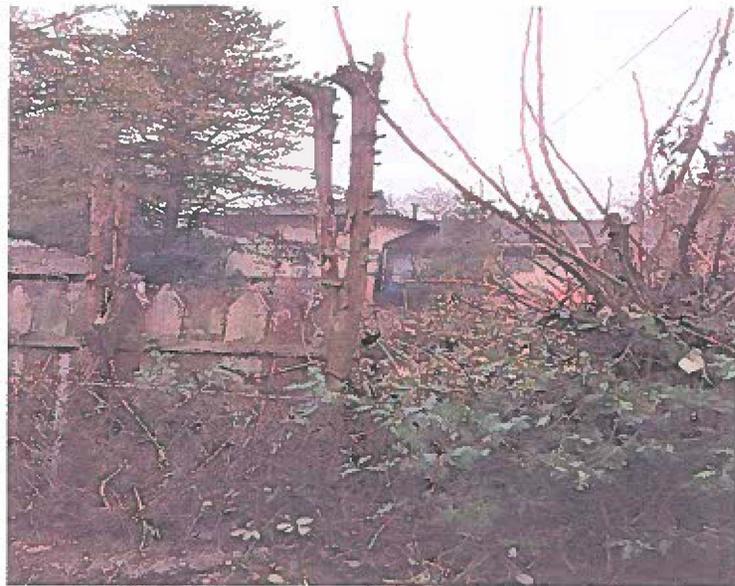
view of rear perimeter from laneway



view of rear perimeter from laneway



close up of missing fence panel



close up of missing fence panel

Attachment #6 Licence Office correspondence



Licence Office
Public Safety and Community Services Department

2018 February 22

FILE: BYL18-00178

John A. Kelly
6480 Grant Street
Burnaby, BC V5B 2K6

SUBJECT: UNSIGHTLY PREMISES AT 6480 GRANT STREET

An inspection of 6480 Grant Street conducted on 2018 February 20 revealed that the property was untidy or unsightly.

In order to bring your property in compliance with the Burnaby Unsightly Premises Bylaw, please remove or remedy the following items on or before **2018 March 21** when a re-inspection will be conducted.

- Overgrown blackberries, brush and other vegetation
- Discarded items including, but not limited to, rotting posts, broken furniture, used wood, building materials and rusty metal components.

Your voluntary cooperation in resolving this matter is appreciated. If you have any questions or would prefer an earlier inspection, please contact the undersigned at 604-294-7989.

A handwritten signature in blue ink, appearing to read "Robert Grimm".

Robert Grimm
Property Use Coordinator
Phone: 604-294-7989
Email: Robert.Grimm@burnaby.ca

RC:kj



Licence Office
Public Safety and Community Services Department

2018 April 06

FILE: BYL18-00178

John A. Kelly
6480 Grant Street
Burnaby, BC V5R 2K6

SUBJECT: UNRESOLVED UNSIGHTLY PREMISES AT 6480 GRANT STREET

Despite previous correspondence advising you that the Burnaby Unsightly Premises Bylaw does not permit property owners or occupants to allow real property to become or to remain untidy or unsightly, this matter remains unresolved. An inspection conducted on 2018 March 21, revealed that 6480 Grant Street remains in violation of the Unsightly Premises Bylaw, which states:

3. *"Every owner or occupier of real property or the agent of such owner or occupier shall remove from the said real property any accumulation of filth, discarded materials, or rubbish of any kind, or any derelict vehicle or derelict vehicles, and in default of such removal the municipality by its workmen and others may enter upon the said real property and effect such removal at the expense of the person so defaulting and the charges for so doing, if unpaid on the 31st day of December in any year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrear."*
- 3A. *Every owner or occupier of real property, or their agents, shall clear the property of brush, noxious weeds or other growths, and upon failure to do so the City of Burnaby, by its employees or other persons, at reasonable times and in a reasonable manner, may enter on the property and effect the clearing at the expense of the person who has failed to comply, and the expenses for so doing, if unpaid on the 31st day of December of the year in which the expenses are incurred, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrear.*

Attachment #6 Continued

John A. Kelly

Subject: Unresolved Unsightly Premises at 6480 Grand Street

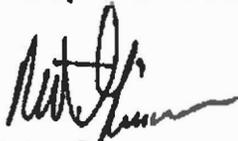
2018 April 06 Page 2

During the re-inspection the following was observed:

- Overgrown vegetation including blackberry bushes
- Discarded items such as furniture, doors, used wood, and a rusty barbecue

A final inspection will be conducted on **2018 April 23** to ensure the aforementioned items have been removed or cleaned up. Failure to bring the property into compliance will result in the Licence Office seeking Council authority to have City staff or other workers enter onto the property and undertake a clean-up at the expense of the property owner, or issue a Bylaw Violation Notice with a fine amount of \$500.00. Further Bylaw Violation Notices may be issued for continued non-compliance.

Your voluntary cooperation in resolving this matter is appreciated. If you have any questions or would prefer an earlier inspection, please contact the undersigned at 604-294-7989.



Robert Grimm

Property Use Coordinator

Phone 604-294-7989

Email Robert.Grimm@burnaby.ca

RG:ja

Attachment #6 Continued



Licence Office
Public Safety and Community Services Department

HAND DELIVERED

2018 October 04

FILE: BYL18-00178
RYL18-00173

John A. Kelly
6480 Grant Street
Burnaby, BC V5B 2K6

**SUBJECT: UNRESOLVED UNSIGHTLY PREMISES AND OUTSTANDING BUILDING DEPARTMENT CONCERNS
6480 GRANT STREET**

This letter is a follow up to a meeting held 2018 September 27 at the Burnaby City hall, with John (Allan) Kelly; property owner, Clayton Hall; Supervisor - Property Use, Dan Layng; Chief Licence Inspector & Laura-Lee Lee; Supervisor - Bylaw Services.

The Licence office has sent previous correspondence advising you that the Burnaby Unsightly Premises Bylaw does not permit property owners or occupiers to allow real property to become or to remain untidy or unsightly. The most recent inspection conducted 2018 September 04, revealed that 6480 Grant Street remains in violation of the Unsightly Premises Bylaw, which states:

3. *"Every owner or occupier of real property or the agent of such owner or occupier shall remove from the said real property any accumulation of filth, discarded materials, or rubbish of any kind, or any derelict vehicle or derelict vehicles, and in default of such removal the municipality by its workmen and others may enter upon the said real property and effect such removal at the expense of the person so defaulting and the charges for so doing, if unpaid on the 31st day of December in any year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears."*
- 3A. *Every owner or occupier of real property, or their agents, shall clear the property of brush, noxious weeds or other growths, and upon failure to do so the City of Burnaby, by its employees or other persons, at reasonable times and in a reasonable manner, may enter on the property and effect the clearing at the expense of the person who has failed to comply, and the expenses for so doing, if unpaid on the 31st day of December of the year in which the expenses are incurred, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.*

During the re-inspection the following was observed:

- Overgrown vegetation including blackberry bushes
- Discarded items such as furniture, doors, used wood, and a rusty barbecue

Attachment #6 Continued

John A. Kelly

Subject: *Unresolved Unsightly Premises & Declared Nuisance*
Property at 6480 Grant Street

2018 October 04 Page 2

The Building Department has sent previous correspondence advising you of issues regarding the fence that is in disrepair and/or non-existent. The Burnaby Swimming Pool Enclosure Bylaw (Section 5) states:

5. "Failure to maintain a barrier enclosing a swimming pool in a state of good repair"

During an inspection conducted 2018 September 14 by the Building Inspector, the following was observed:

- The west side posts supporting the carport have decayed and their ability to support the structure has been compromised. The posts are sitting on top of concrete blocks that are not anchored. There are holes in the roof, allowing water to enter and are causing further decay of the structure. On the east side, there is evidence of failure of the roof joist. Also on east side, the tails of the roof joists are decaying where they are bearing on the supporting wall. The structure appears to be leaning.
- It is the opinion of the inspector that the structure is in a state of imminent collapse. It is not possible to repair the structure due to the amount of decay and falling support structure.

A final inspection will be conducted on 2018 November 15 to ensure the following is completed:

- All blackberry bushes and any other overgrowth is to be cut right back/removed
- Items in carport are to be removed
- The carport needs to be removed or replaced (will require a building permit)
- The swimming pool is to be either a) emptied of stagnant water & properly fenced off, as per the Burnaby Swimming Pool Enclosure Bylaw or b) decommissioned – emptied of stagnant water, concrete jack-hammered or broken up to allow for drainage and filled with clean fill (will require a permit)

Failure to bring the property into compliance will result in the Licence Office and Building Department seeking Council authority to have City staff or other workers enter onto the property and undertake a clean-up at the expense of the property owner.

Your voluntary cooperation in resolving this matter is appreciated. If you have any questions or would prefer an earlier inspection, please contact Christine Harry at 604-294-7338 or Laura-Lee Lee at 604-294-7513.



Christine Harry
Property Use Coordinator
Phone: 604-294-7338
Email: Christine.Harry@burnaby.ca

CH:ja

cc: Dan Layng, Chief Licence Inspector
Clayton Hall, Supervisor – Property Use
Laura-Lee Lee, Supervisor – Bylaw Services

Attachment #7 Licence Office Bylaw Violation Notices



Bylaw Violation Notice

BYLAW VIOLATION NOTICE #: L300625 **PLU:** 1149-Lic Violation
ISSUED TO: KELLY, JOHN ALLAN **ISSUE DATE:** May 02, 2018
ADDRESS: 6480 GRANT ST BURNABY, BRITISH COLUMBIA V5B 2K6
BYLAW NAME: BBY UNSIGHTLY PREMISES BYLAW **SECTION:** 2
DESCRIPTION OF CONTRAVENTION: 1.2073-PROPRIETY UNTIDY OR UNSIGHTLY
CONTRAVENTION DATE AND TIME: April 24, 2018 10:35 am
CONTRAVENTION LOCATION: 6480 GRANT ST
ASSOCIATED TICKETS:
ISSUING OFFICER: 00521-GRIMM

PAYMENT:

IF PAID ON OR BEFORE:	May 24, 2018	400.00
IF PAID AFTER:	May 24, 2018	500.00

Option 1 - PAYMENT

(If you pay this ticket you CANNOT dispute it)

Payment by credit card will be charged a 1.75% non-refundable fee for a credit card merchant fee recovery. Bylaw Number: 17640

Pay by Web: www.burnaby.ca/paytickets
Mailed or delivered to: City of Burnaby - Tax Office
Violation Payment
1919 Canada Way
Burnaby, BC V5G 1M2

*Bylaw Violation Notice Number must appear on Cheque or Money Order

- Cheque or Money Order payable to City of Burnaby
- Do not send cash through the mail
- A dishonoured cheque is not payment. We charge an administrative fee for dishonoured cheques
- Postmarks not accepted as date of payment

Pay in Person: Cash, Cheque, Visa, MasterCard, American Express, Interac
- Monday to Friday 8:00am to 4:45pm, Thursday 8:00am to 8:00pm
- After hours and statutory holidays - put cheques in City Hall mail slot

Attachment #7 Continued



Bylaw Violation Notice

BYLAW VIOLATION NOTICE #: L200641 **PLU:** 1149-Lic Violation
ISSUED TO: KELLY, JOHN A. **ISSUE DATE:** June 07, 2018
ADDRESS: 6480 GRANT STREET BURNABY, BRITISH COLUMBIA V5B 2K6
BYLAW NAME: DDY UNSIGHTLY PREMISES BYLAW **SECTION:** 2
DESCRIPTION OF CONTRAVENTION: L2073-PROPTY UNTIDY OR UNSIGHTLY
CONTRAVENTION DATE AND TIME: June 4, 2018 12:25 pm
CONTRAVENTION LOCATION: 6180 GRANT ST
ASSOCIATED TICKETS:
ISSUING OFFICER: 00521-GRIMM

PAYMENT:

IF PAID ON OR BEFORE:	June 29, 2018	400.00
IF PAID AFTER:	June 29, 2018	500.00

Option 1 - PAYMENT

(If you pay this ticket you CANNOT dispute it)

Payment by credit card will be charged a 1.75% non-refundable fee for credit card merchant fee recovery. Bylaw Number: 15640

Pay by Web: www.burnaby.ca/paytickets
Mailed or delivered by: City of Burnaby - Tax Office
Violation Payment
4919 Canada Way
Burnaby, BC V5G 1M2

*Bylaw Violation Notice Number must appear on Cheque or Money Order

- Cheque or Money Order payable to City of Burnaby
- Do not send cash through the mail
- A dishonoured cheque is not payment. We charge an administration fee for dishonoured cheques
- Postmarks not accepted as date of payment

Pay in Person: Cash, Cheque, Visa, MasterCard, American Express, Interac
- Monday to Friday 8:00am to 4:45pm, Tuesday 8:00am to 8:00pm
- After hours and statutory holidays - put cheques in City Hall mail slot

Attachment #7 Continued



Bylaw Violation Notice

BYLAW VIOLATION NOTICE #: L200662

PLU: 1149-Lic Violation

ISSUED TO: KELLY, JOHN ALLAN

ISSUE DATE: July 04, 2018

ADDRESS: 6480 GRANT ST BURNABY, BRITISH COLUMBIA V5B 2K6

BYLAW NAME: BRY UNSIGHTLY PREMISES BYLAW SECTION: 2

DESCRIPTION OF CONTRAVENTION: L2073-PROPTY UNTIDY OR UNSIGHTLY

SUBSECTION AND DESCRIPTION:

Allowing property to become or remain untidy or unsightly

CONTRAVENTION DATE AND TIME: June 29, 2018 12:05 pm

CONTRAVENTION LOCATION: 6480 GRANT ST

ASSOCIATED TICKETS:

ISSUING OFFICER: 00521-GRIMM

PAYMENT:

IF PAID ON OR BEFORE:	July 26, 2018	400.00
IF PAID AFTER:	July 26, 2018	500.00

Option 1 - PAYMENT

(If you pay this ticket you CANNOT dispute it)

Payment by credit card will be charged a 1.75% non-refundable fee for credit card merchant fee recovery. Bylaw Number: 136411

Pay by Web:

www.burnaby.ca/tax/tickets

Mailbox/delivered to:

City of Burnaby - Tax Office

Violation Payment

4949 Canada Way

Burnaby, BC V5G 1M2

*Bylaw Violation Notice Number must appear on Cheque or Money Order

- Cheque or Money Order payable to City of Burnaby
- Do not send cash through the mail
- A dishonoured cheque is not payment. We charge an administration fee for dishonoured cheques
- Postmarks not accepted as date of payment

Pay in Person:

Cash, Cheque, Visa, MasterCard, American Express, Debit

- Monday to Friday 8:00am to 4:45pm, Thursday 8:00am to 8:00pm
- After hours and statutory holidays - put cheques in City Hall mail slot

Attachment #8 *Photographs of the subject property taken on 2020 January 29*



view of rear yard and house



view of rear yard and pump house



view of front yard and house



view of rear yard and pool

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.

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** (1) 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*].

Fundamental powers

- 8** (1) A municipality has the capacity, rights, powers and privileges of a natural person of full capacity.
- (2) A municipality may provide any service that the council considers necessary or desirable, and may do this directly or through another public authority or another person or organization.
- (3) A council may, by bylaw, regulate, prohibit and impose requirements in relation to the following:
- (a) municipal services;
 - (b) public places;
 - (c) trees;
 - (d) firecrackers, fireworks and explosives;
 - (e) bows and arrows, knives and other weapons not referred to in subsection (4.1);
 - (f) cemeteries, crematoriums, columbariums and mausoleums and the interment or other disposition of the dead;
 - (g) the health, safety or protection of persons or property in relation to matters referred to in section 63 [*protection of persons and property*];
 - (h) the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 [*nuisances, disturbances and other objectionable situations*];
 - (i) public health;
 - (j) protection of the natural environment;
 - (k) animals;
 - (l) buildings and other structures;
 - (m) the removal of soil and the deposit of soil or other material.

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(4) A council may, by bylaw, regulate and impose requirements in relation to matters referred to in section 65 [*signs and other advertising*].

(5) A council may, by bylaw, regulate and prohibit in relation to the discharge of firearms.

(6) A council may, by bylaw, regulate in relation to business.

(7) The powers under subsections (3) to (5) to regulate, prohibit and impose requirements, as applicable, in relation to a matter

(a) are separate powers that may be exercised independently of one another,

(b) include the power to regulate, prohibit and impose requirements, as applicable, respecting persons, property, things and activities in relation to the matter, and

(c) may not be used to do anything that a council is specifically authorized to do under Part 26 [*Planning and Land Use Management*] or Part 27 [*Heritage Conservation*] of the *Local Government Act*.

(8) As examples, the powers to regulate, prohibit and impose requirements under this section include the following powers:

(a) to provide that persons may engage in a regulated activity only in accordance with the rules established by bylaw;

(b) to prohibit persons from doing things with their property;

(c) to require persons to do things with their property, to do things at their expense and to provide security for fulfilling a requirement.

(9) A municipality must make available to the public, on request, a statement respecting the council's reasons for adopting a bylaw under subsection (3), (4), (5) or (6).

(10) Powers provided to municipalities under this section

(a) are subject to any specific conditions and restrictions established by or under this or another Act, and

Attachment #9 Continued

(b) must be exercised in accordance with this Act unless otherwise provided.

(11) For certainty,

(a) the authority under subsection (2) does not include the authority to regulate, prohibit or impose requirements, and

(b) for the purposes of subsection (3) (a), a service does not include an activity that is merely the exercise of authority to regulate, prohibit or impose requirements and related enforcement.

Authority to enter on or into property

- 16** (1) This section applies in relation to an authority under this or another Act for a municipality to enter on property.
- (2) The authority may be exercised by officers or employees of the municipality or by other persons authorized by the council.
- (3) Subject to this section, the authority includes authority to enter on property, and to enter into property, without the consent of the owner or occupier.
- (4) Except in the case of an emergency, a person
- (a) may only exercise the authority at reasonable times and in a reasonable manner, and
- (b) must take reasonable steps to advise the owner or occupier before entering the property.
- (5) The authority may only be used to enter into a place that is occupied as a private dwelling if any of the following applies:
- (a) the occupier consents;
- (b) the municipality has given the occupier at least 24 hours' written notice of the entry and the reasons for it;
- (c) the entry is made under the authority of a warrant under this or another Act;

Attachment #9 Continued

(d) the person exercising the authority has reasonable grounds for believing that failure to enter may result in a significant risk to the health or safety of the occupier or other persons;

(e) the entry is for a purpose referred to in subsection (6) (a) in relation to regulations, prohibitions or requirements applicable to the place that is being entered.

(6) Without limiting the matters to which this section applies, a municipality may enter on property for any of the following purposes:

(a) to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter for which the council, a municipal officer or employee or a person authorized by the council has exercised authority under this or another Act to regulate, prohibit or require;

(b) to take action authorized under section 17 (1) [*municipal action at defaulter's expense*];

(c) in relation to section 18 [*authority to discontinue providing a service*], to disconnect or remove the system or works of the service;

(d) to assess or inspect in relation to the exercise of authority under section 8 (3) (c) [*spheres of authority -- trees*]

Municipal action at defaulter's expense

17 (1) The authority of a council under this or another Act to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the municipality may

(a) fulfill the requirement at the expense of the person, and

(b) recover the costs incurred from that person as a debt.

(2) Division 14 [*Recovery of Special Fees*] of Part 7 [*Municipal Revenue*] applies to an amount recoverable under subsection (1) that is incurred for work done or services provided in relation to land or improvements.

Special fees may be collected as property taxes

258 (1) This section applies to the following:

(a) fees imposed, under this Act or the *Local Government Act*, for work done or services provided to land or improvements;

(b) fees imposed under section 196 (1) (a) [*fire and security alarms systems*];

(c) amounts that a municipality is entitled to recover for work done or services provided to land or improvements under any other provision of this Act or the *Local Government Act* that authorizes the municipality to recover amounts in the event of default by a person.

(2) An amount referred to in subsection (1)

(a) may be collected in the same manner and with the same remedies as property taxes, and

(b) if it is due and payable by December 31 and unpaid on that date, is deemed to be taxes in arrear.