
TO: CITY MANAGER **DATE:** 2020 April 29

FROM: DIRECTOR - PUBLIC SAFETY AND **FILE:** BYL19-00868
COMMUNITY SERVICES

SUBJECT: 3845 KINGSWAY

PURPOSE: To recommend that Council impose action requirements in relation to the property at 3845 Kingsway.

RECOMMENDATIONS:

1. **THAT** Council declare the residential portion of the property located at 3845 Kingsway creates a nuisance and unsafe condition for the reasons described in this report;
2. **THAT** Council require the registered property owner to demolish under permit the existing fire damaged multiple family residential structure located on 3845 Kingsway;
3. **THAT** Council require the registered property owner to clean and remove any and all discarded materials, rubbish or filth from the property located at 3845 Kingsway which are contributing to unsightly conditions, in order to comply with the *Burnaby Unsightly Premises Bylaw 1969*;
4. **THAT** Notice of these remedial action requirements and a copy of this report be sent to the registered property owner;
5. **THAT** Council require the registered property owner complete the remedial action requirements referred to in Recommendations 2 and 3 no later than sixty (60) days after receiving the notice referred to in Recommendation 4; and
6. **THAT** Council authorize City staff and/or contractors to undertake the required or remedial action requirements referred to in Recommendations 2 and 3 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 4.

REPORT

1.0 INTRODUCTION

The subject property is located on the north side of Kingsway between Smith Avenue and Jersey Avenue and is jointly zoned Residential District (R5) and Service Commercial District (C4). It consists of a 1649 m² lot that contains two (2) buildings: a fire damaged four unit multiple family residential building on the north side of the property, and a tenanted commercial building on the south side of the property as depicted in the included 2018 aerial photograph (**Attachment 1**).

The residential building, is accessible both from the street and from neighbouring properties, and has been compromised due to extensive fire damage. The exterior area surrounding the residential building has substantial accumulations of discarded items and debris. The commercial building was unaffected by the fire and is occupied by Yuen Foot Massage which has held a business licence (BUS15-01744) with the City since 2015.

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
- A Healthy Community
 - Health Life – Encourage opportunities for healthy living and wellbeing

3.0 BACKGROUND

On 2018 August 24, a fire occurred in the residential building. A Fire Damage Report prepared by the Burnaby Fire Department on the same date as the fire, states the "Building will need to be demolished as soon as possible" (**Attachment 2**). An Inspection Report prepared by the Burnaby Building Department on 2018 August 31 notes that the "Fire damaged roof is beyond repair" (**Attachment 3**).

The property owner's agent applied for a permit to demolish the residential building on 2018 December 7, however, the permit was never acquired. Building Department staff emailed the applicant on two (2) occasions, 2019 February 20 and 2020 February 11, advising that the demolition permit was ready to be issued. As of 2020 April 17, neither the property owner, nor their agent(s), have attended City Hall to collect the issued permit.

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Re: NUISANCE AND UNSAFE CONDITIONS AT 3845 KINGSWAY
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Since the fire, the Burnaby RCMP has a record of nine (9) calls for service to the property. Of the nine (9) police attendances, four (4) indicated a risk to police officers to enter the property due to its dilapidated or damaged state, and three (3) noted the building was insecure.

The stated reasons for RCMP attendances include; an insecure building, alleged trespassing, alleged theft, and persons observed entering in to the fire damaged building. An RCMP report detailing the calls for service is included as **Attachment 4**.

4.0 LICENCE OFFICE STAFF ATTEMPTS TO GAIN VOLUNTARY COMPLIANCE

On 2019 June 13, after receiving a complaint from the public alleging that the property was unsightly, and that people were accessing the fire damaged residential building, staff from the Licence Office inspected the property. The property was found to be in violation of the *Burnaby Unsightly Premises Bylaw*, due to the presence of syringes, shopping carts, personal belongings, clothing, luggage, full garbage bags, construction debris, used tools, plastic buckets and totes, beverage containers, furniture, carpet, books and tarps. The property owner was sent correspondence on 2019 June 14 requesting voluntary bylaw compliance. Around this time Licence staff were made aware that a building permit had been applied for on 2018 December 07, to demolish the four (4)-unit multiple family residential building. Staff contacted the permit applicant on 2019 June 18, and were advised that the site was being cleaned regularly.

Follow up inspections of the property conducted on 2019 June 24, 2019 July 03, and 2019 July 05, showed little, if any, activity toward achieving voluntary compliance with *Unsightly Premises Bylaw*. As a result on 2019 July 10, a second letter was sent to the property owner requiring the property be brought in to compliance with the bylaw. Copies of all Licence Office correspondence are included as **Attachment 5**.

Five (5) additional site inspections (conducted on 2019 July 25, 2019, August 21, 2019, November 08, 2019, 2019 December 17, and 2019 December 20) revealed continuing bylaw non-compliance. As a result, four (4) Bylaw Violation Notices (BVNs) were issued to the property owner on 2019 July 26, 2019 August 21, 2019 November 15, and 2019 December 23. As of the date of this report, none of the BVNs have been paid or disputed. Copies of these Notices are included as **Attachment 6**.

Due to the ongoing bylaw violations, as well as concerns that had been raised to Licence Office staff by the RCMP regarding members apprehensions to enter the property and building when responding to complaint calls, on 2019 December 27 and on 2020 February 12 staff sent correspondence to the property owner requesting a meeting to discuss the state of the property. The property owner ultimately participated in a tele-conference call with staff on 2020 February 19.

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During this conversation the property owner confirmed homeless individuals routinely occupy the fire damaged residential building. The property owner also claimed that the property is cleaned approximately two (2) to three (3) times per week, despite what staff had observed. Staff requested that due to the ongoing bylaw violations and the potential harm to persons that had been seen entering the damaged structure, that the property owner voluntarily demolish and remove the structure within thirty (30) days. The property owner indicated they were not willing to take this action due to ongoing issues with their insurance company over their fire damage claim.

More recent inspections of the site (2020 January 13, 2020 February 19, 2020 March 05, 2020 March 10, 2020 April 16 and 2020 April 28) revealed that the fire damaged multiple family residential building is insecure and open to intrusion, and the property remains non-compliant with the Unsightly Premise Bylaw. Pictures of the premises and building taken on 2020 April 28 are included as **Attachment 7**.

5.0 RECOMMENDATIONS

Council may under the provisions contained in the *Community Charter*, Part 2 Division 3, Sections 8, 16 and 17, and Part 3, Division 12 "Remedial Action Requirements", Sections 72, 73 and 74, (**Attachment 8**) 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 due to the fire damaged state of the existing multiple family residential building, the property owners failure to adequately secure the building, the property owners failure to maintain a temporary fence surrounding the building, the property owners failure to take adequate measures to prevent people from accessing the building, and the accumulation of discarded materials and filth located on the property located at 3845 Kingsway, the site creates 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:

- Demolish and remove of the existing fire damaged multiple family residential building under permit; and
- Clear, remove and dispose of accumulations of discarded materials, rubbish or filth from the property.

Should Council adopt the recommendations outlined in this report, 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.

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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 sixty (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 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 258 of the *Community Charter* (**Attachment 9**).


Dave Critchley
DIRECTOR - PUBLIC SAFETY AND COMMUNITY SERVICES

DC:gf/rg

Copied to: Director Planning & Building
Director Finance
Acting Fire Chief
City Solicitor
Chief Licence Inspector

Attachment 1: Aerial Photo 3845 Kingsway
Attachment 2: Fire Department. Fire Damage Report
Attachment 3: Building Department. Inspection Worksheet
Attachment 4: RCMP Attendance Report 2020 April 17
Attachment 5: Unsightly Premises Letters
Attachment 6: Bylaw Violation Notices
Attachment 7: Licence Office Photos of 3845 Kingsway taken 2020 April 28
Attachment 8: Community Charter – Sections 72, 74, 76-80
Attachment 9: Community Charter - Sections 8, 16, 17, 258

Attachment #1 Aerial Photo 3845 Kingsway



Attachment #2 Fire Department Fire Damage Report



FIRE DEPARTMENT FIRE DAMAGE REPORT

4857 Sperling Avenue
Burnaby, BC Canada V5E 2S9

Telephone: (604) 294-7195
Fax: (604) 294-0490

ATTENTION: BUILDING INSPECTIONS

E-MAIL: building@burnaby.ca

INTERNAL OFFICE USE ONLY

Fire Inspector

Date August 24/18
Site Address 3845 Kingway
Subject Building Fire

Name Joe Tylor
Phone 604-294-7569
E-Mail joe.tylor@burnaby.ca

☒ IMMEDIATE DANGER ☒ BC HYDRO DISCONNECT ☒ GAS SHUT-OFF ☒ OCCUPANTS DISPLACED

☒ Drywall Disturbed ☒ Site Security/Safety
☒ Framing Members Affected ☐ Hazardous Materials (Asbestos)
☒ Electrical Damage ☐ Dangerous Gas Emissions
☒ Plumbing Damage ☐ Gas Damage

DAMAGE INFORMATION

Building will need to be demolished as soon as possible.

SITE CONTACT INFORMATION

Name: Nate Bestward Phone: _____ Cell: 778-8875707

INTERNAL BUILDING DEPARTMENT USE ONLY

Inspection Required: ☐ not required: _____
☐ CLEAN-UP CERTIFICATE ☐ SPECIAL SAFETY INSPECTION
☐ BYLAW ☐ BUILDING ☐ ELECTRICAL ☐ PLUMBING/GAS
RFS: _____ Inspection Date: _____
DATE: _____
CSA: _____ Assigned To: _____

DEPARTMENT COMMENTS

Attachment #3 Building Department Inspection Worksheet

INSPECTION WORKSHEET (INSP18-033520)

City of Burnaby 4949 Canada Way, Burnaby, BC, V5G 1M2

Building Dept.: 604-294-7130 Licence Dept.: 604-294-7320 Engineering Dept.: 604-294-7460

Case Number:	REQ18-00181	Case Module:	Request
Inspection Date:	08/01/2018	Inspection Status:	Passed
Inspector:	Gig Marton	Inspection Type:	Building - Request Verification - Inspection
Job Address:	3845 KINGSWAY BURNABY, BC V5H 1Y6	Parcel Number:	003-399-681
Contact Type	Company Name	Name	
Code Case Contact		SESIWARD, NATE	
Checklist Item	Passed	Comments	
General Comments	YES	Reviewed fire damaged building. Fire damaged roof beyond repair. Main floor walls and floor ok.	


Marton, Gig (Inspector)



Report to Burnaby City Council

2020-04-22

3845 Kingsway Avenue

Burnaby BC.

Attachment #4 RCMP Attendance Report 2020 April 17 ...Continued

Synopsis

The focus of this report is to document calls for service to police in regards to 3845 Kingsway Avenue, Between January 1st 2018 to April 15th 2020.

Total calls for service for 3845 Kingsway Avenue, Burnaby BC, from January 2018 to April 15th 2020

- 11 Files created

In 2018 3 files were generated:

March 1st, 2018,

2018-5872 - Burnaby RCMP attended 3845 Kingsway Ave, Burnaby, BC. The complainant reported hearing arguing and yelling from an adjacent unit. On going issue with occupants yelling. Members attended and spoke with occupants, nothing physical occurred. Neither party injured.

On August 24th 2018,

2018-37366 - Burnaby RCMP attended to a structure fire which resulted in the building being damaged

On November 24th 2018,

2018-51463 - On site security called for male observed walking around the outside of the fenced property looking for scrap metal and bottles. There was a verbal altercation between the male and the security guard, the male was gone prior to police arrival and subsequently not identified.

In 2019 4 files were generated:

On March 28th 2019,

2019-12988 - The property manager at the time called police because portions of the fence around the burnt property were removed and a tent was erected in the back of the property. No person was located on site or in the tent. Building was not secure.

On March 30th 2019,

2019-13223 - Members attended again for the fence being open, Building was secure but the tent was still on site, again no one located on site.

Attachment #4 RCMP Attendance Report 2020 April 17...Continued

On April 11th 2019,

2019-14976 - Members attended for a trespassing file. Two tents located at the back of the property. Two known homeless persons located in the tents. Both advised to move along which they did.

On July 3rd 2019,

2019-28062 - Members attended for a male observed on the property. This male may have been taking items out from the damaged building. Male was gone prior to police attendance. Members did not enter the property "given the immense risk of both airborne and structural hazards within the property" Due to conditions of the property it was impossible to determine if anything was actually taken.

In 2020 to date 4 files have been generated:

On February 20th 2020,

2020-7370 - Member attended for a possible break and enter to that address. Possibly 4-5 people seen. Once on scene all parties were gone, members noted the back door open, members did not enter due to hazards of the building.

On March 18th 2020,

2020-12036 - Members again attended for possible people squatting there. Members arrived and noted half the building was caved in as a result of the past fire and neglect of the property for some time. No squatters located. Members did not enter property due to obvious hazards observed. Members noted that the property was very insecure and access by the public was easily achieved.

On April 7th 2020,

2020-14585 - Burnaby RCMP conducted patrols at 3845 Kingsway Ave. Members observed at least two males, one male advised he had been living in the structure for some time, and several other people were also coming and going. The building was not fenced or blocked in any way, and there were several burnt-out holes in multiple areas. The structure was typical of a homeless camping area, with low-value possessions strewn over the entirety of the property. Building deemed clearly unsafe for entry, both due to structural damage and unknown substances from the fire.

On April 14th 2020,

2020-15460 - Members attended in response to a call of people squatting in the building. Once on scene members located 7 individuals with outstanding warrants. Both were arrested and take to Burnaby detachment. No attempts made to enter building do to risk to members.

Attachment #4 RCMP Attendance Report 2020 April 17 ...Continued

It should be noted that in the last 2 months the activity at the property does appear to be causing more calls for service, due to the fact that the property does not seem properly secured. A few files state that the property rep advised the building is awaiting demolition. This was first stated in 2018, shortly after the fire.

Report completed by:
Cpl P.J.J HEBERT
NCO District 2
Burnaby Community Office
604-646-5600

Attachment #5 Unsightly Premises Letter 2019 June 14



Licence Office
Public Safety and Community Services Department

2019 June 14

FILE: BYL19-00868

Live Holdings of Canada Inc.
911 Park Royal South PO Box 51507
West Vancouver, BC V7T 1A1

SUBJECT: UNSIGHTLY PREMISES AT 3845 KINGSWAY

An inspection of 3845 Kingsway conducted on 2019 June 13 revealed that the property was untidy or unsightly. It was also noted that the fire damaged building and surrounding property is insecure.

In order to bring your property in compliance with the Burnaby Unsightly Premises Bylaw, please remove or remedy the following:

- Indoor furniture, tire, street sign, articles of clothing, canvas bags, suitcases, commercial shopping carts, plastic totes, shoes, household waste, pieces of metal, plastic bags and cardboard boxes filled with unknown items, heater, mattress, blankets, grey tarpaulin, plastic buckets, pieces of styrofoam, rolls of carpet, rolls of carpet underlay, paint cans, laundry hamper, computer tower, electrical boxes, personal shopping cart, fecal matter and various forms of debris.

In order to bring the property into compliance please remove these items or clean up the property before 2019 July 4 when a re-inspection will be conducted.

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 604-294-7256.

A handwritten signature in black ink, appearing to read "Grant Friesen".

Grant Friesen
Property Use Coordinator
Phone: 604-294-7256
Email: grant.friesen@burnaby.ca

GF:m

Attachment #5 Unsightly Premises Letter 2019 July 10



Licence Office
Public Safety and Community Services Department

2019 July 10

FILE: BYL19-00868

Live Holdings of Canada Inc.
911 Park Royal South PO Box 51507
West Vancouver, BC V7T 1A1

SUBJECT: UNRESOLVED UNSIGHTLY PREMISES - 3845 KINGSWAY

Despite 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, this matter remains unresolved. An inspection conducted on 2019 July 5, revealed that 3845 Kingsway 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.*

During the re-inspection the following was observed:

- 14 commercial shopping carts, dismantled personal shopping cart, tire, suitcase, black garbage bags filled with unknown contents, yellow bin filled with construction debris, tarpaulin, plastic bucket, tool box, plastic totes, wooden shelving unit, bathroom sink, books, rug, and various debris

Attachment #5 Unsightly Premises Letter 2019 July 10.....Continued

Live Holdings of Canada Inc

Subject: Unresolved Unsightly Premises at 3845 Kingsway

2019 July 10..... Page 2

A final inspection will be conducted on 2019 July 24 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, and 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 604-294-7256.



Grant Friesen

Property Use Coordinator

Phone: 604-294-7256

Email: grant.friesen@citysurrey.ca

OF:nm

Attachment #5 Unsightly Premises Letter 2019 December 27



Licence Office
Public Safety and Community Services Department

2019 December 27

FILE: BYL19-00868

Live Holdings of Canada Inc
911 Park Royal South
PO Box 51507
West Vancouver, BC V7T 2X9

SUBJECT: UNSIGHTLY PREMISES AT 3845 KINGSWAY

This letter is further to Licence Office letters dated 2019 July 10 and 2019 June 14 regarding:

- Substantial amount of debris stored on property

Please consider this letter to be a formal request for a representative from Live Holdings of Canada Inc to attend a meeting regarding the current unsightly nature of 3845 Kingsway.

The meeting will be held in the Licence Office at Burnaby City Hall located at 4949 Canada Way on **2020 January 16 at 1:00 pm**. If this date /time is not convenient please contact Grant Friesen at 604-294-7256 to arrange for an alternate date /time.

A handwritten signature in black ink, appearing to read "Grant Friesen".

Grant Friesen
Property Use Coordinator
Phone: 604-294-7256
Email: grant.friesen@burnaby.ca

GF.nth

Attachment #5 Unsightly Premises Letter 2020 February 12



Licence Office
Public Safety and Community Services Department

2020 February 12

FILE: BYL19-00868

Live Holdings of Canada Inc
911 Park Royal South
PO Box 51507
West Vancouver, BC V7T 1A1

SUBJECT: UNSIGHTLY PREMISES AT 3845 KINGSWAY

This letter is further to Licence Office letters dated 2019 December 24, July 10, and 2019 June 14 regarding:

- Substantial amount of debris stored on property

Please consider this letter to be a formal request for a representative of Live Holdings of Canada Inc to attend a meeting regarding the current unsightly nature of 3845 Kingsway.

The meeting will be held in the Licence Office at Burnaby City Hall located at 4949 Canada Way on 2020 February 19 at 1:00 pm. If this date / time is not convenient please contact Grant Friesen at 604-294-7256 to arrange for an alternate date / time.

A handwritten signature in blue ink, appearing to read "Grant Friesen".

Grant Friesen
Property Use Coordinator
Phone: 604-294-7256
Email: grant.friesen@burnaby.ca

GF:sf

Attachment #6 Bylaw Violation Notice 2019 July 26



COPY

Bylaw Violation Notice

BYLAW VIOLATION NOTICE #: L200925 **PLU:** 1149-Lic Violation
ISSUED TO: LIVE HOLDINGS OF CANADA INC **ISSUE DATE:** July 26, 2019
ADDRESS: 911 PARK ROYAL S. PO BOX 51507 WEST VANCOUVER, BRITISH COLUMBIA V7T2X9
BYLAW NAME: BBY UNSIGHTLY PREMISES BYLAW **SECTION:** 2
DESCRIPTION OF CONTRAVENTION: L2073-PROPTTY UNTIDY OR UNSIGHTLY
CONTRAVENTION DATE AND TIME: July 25, 2019 11:24 am
CONTRAVENTION LOCATION: 5845 KINGSWAY
ASSOCIATED TICKETS:
ISSUING OFFICER: 00511-FRIESEN

PAYMENT:

IF PAID ON OR BEFORE:	August 17, 2019	400.00
IF PAID AFTER:	August 17, 2019	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: 13640

Pay by Web: www.burnaby.ca/paytickets
Mailed or 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, 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 #6 Bylaw Violation Notice 2019 August 21



COPY

Bylaw Violation Notice

BYLAW VIOLATION NOTICE #: L200971

PLU: 1149-Lic Violation

ISSUED TO: LIVE HOLDINGS OF CANADA INC

ISSUE DATE: August 21, 2019

ADDRESS: 911 PARK ROYAL S. PO BOX 51507 WEST VANCOUVER, BRITISH COLUMBIA V7T2X9

BYLAW NAME: BBY UNSIGHTLY PREMISES BYLAW

SECTION: 2

DESCRIPTION OF CONTRAVENTION: L2073-PROPTY UNTIDY OR UNSIGHTLY

CONTRAVENTION DATE AND TIME: August 21, 2019 8:37 am

CONTRAVENTION LOCATION: 845 KINGSWAY

ASSOCIATED TICKETS:

ISSUING OFFICER: 00588-TRAN

PAYMENT:

IF PAID ON OR BEFORE: September 12, 2019 400.00

IF PAID AFTER: September 12, 2019 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: 136-40

Pay by Web:

www.burnaby.ca/paytickets

Mailed or 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, Interac

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

Attachment #6 Bylaw Violation Notice 2019 November 15



COPY

Bylaw Violation Notice

BYLAW VIOLATION NOTICE #: L201042 **PLU:** 1149-Lic Violation
ISSUED TO: LIVE HOLDINGS OF CANADA INC **ISSUE DATE:** November 15, 2019
ADDRESS: 911 PARK ROYAL S. PO BOX 51507 WEST VANCOUVER, BRITISH COLUMBIA V7T2X9
BYLAW NAME: BBY UNSIGHTLY PREMISES BYLAW **SECTION:** 2
DESCRIPTION OF CONTRAVENTION: L2073-PROPTY UNTIDY OR UNSIGHTLY
CONTRAVENTION DATE AND TIME: November 8, 2019 12:59 pm
CONTRAVENTION LOCATION: 3845 KINGSWAY
ASSOCIATED TICKETS:
ISSUING OFFICER: 00511-FRIESEN

PAYMENT:

IF PAID ON OR BEFORE:	December 07, 2019	400.00
IF PAID AFTER:	December 07, 2019	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: 13610

Pay by Web:

www.burnaby.ca/paytickets

Mailed or delivered to:

City of Burnaby - Tax Office
Violation Payment
4949 Canada Way
Burnaby, BC V5G 1S1

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

Attachment #6 Bylaw Violation Notice 2019 December 20



COPY

Bylaw Violation Notice

BYLAW VIOLATION NOTICE #: L201069

PLU: I149-Lic Violation

ISSUED TO: LIVE HOLDINGS OF CANADA INC

ISSUE DATE: December 20, 2019

ADDRESS: 911 PARK ROYAL S. PO BOX 51507 WEST VANCOUVER, BRITISH COLUMBIA V7T2X9

BYLAW NAME: BBY UNSIGHTLY PREMISES BYLAW

SECTION: 2

DESCRIPTION OF CONTRAVENTION: L2073-PROPTY UNTIDY OR UNSIGHTLY

CONTRAVENTION DATE AND TIME: December 17, 2019 3:13 pm

CONTRAVENTION LOCATION: 3845 KINGSWAY

ASSOCIATED TICKETS:

ISSUING OFFICER: 00511-FRIESEN

PAYMENT:

IF PAID ON OR BEFORE: January 11, 2020 400.00

IF PAID AFTER: January 11, 2020 600.00

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: 13640

Pay by Web: www.burnaby.ca/paytickets
Mailed or 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
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- 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 *Licence Office Photos taken 2020 April 28*



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*].

Community Charter

Division 1 — purpose of Fundamental Powers

i.

ii. 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 enviro
 - (k) animals;(l) buildings and other structures;
 - (m) the removal of soil and the deposit of soil or other material.
- (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.

Attachment #9 Community Charter.....Continued

- (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
 - (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.

i. 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;

(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;

Attachment #9 Community Charter.....Continued
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(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*]

i. 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

(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.

i. 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.