

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER COMMUNITY SAFETY
SUBJECT: **UP - 7278 1ST STREET**
PURPOSE: To obtain Council authority for City staff and/or agents to enter onto the property at 7278 1st Street in order to bring the property into compliance with the *Burnaby Unsightly Premises Bylaw 1969*.

RECOMMENDATION

THAT City staff and/or agents be authorized to enter the property at 7278 1st Street to remove and dispose of any overgrowth, materials or debris contributing to the unsightliness of the property at the expense of the property owner, as outlined in the report titled UP - 7278 1st Street, dated October 7, 2024.

EXECUTIVE SUMMARY

This report seeks Council to authorize staff and/or agents to enter onto the property at 7278 1st Street to affect the removal and disposal of any overgrowth, debris or materials contributing to the unsightliness of the property at the expense of the property owner, under the provisions of the Burnaby Unsightly Premises Bylaw 1969, No. 5533.

Should Council adopt the recommendation, prior to undertaking the cleanup, staff will provide the property owners with a final notice. The notice will advise the owners that the property must be brought into compliance with the bylaw no later than 15 days after Council approves the recommendation, in order to avoid the municipality undertaking the cleanup and charging the costs to the property owners.

1.0 POLICY SECTION

Pursuant to policy objectives contained in the City's Moving Forward initiative, Burnaby Community Safety Plan (2020) and the Burnaby Strategic Plan (2022), responding to community complaints represents a core value of the work performed by the City. Authorization for entry is permitted by the Burnaby Unsightly Premises Bylaw 1969, No. 5533.

2.0 BACKGROUND

7278 1st Street is zoned Small-Scale Multi-Unit Housing District (R1) and is improved with a single-family dwelling. The property is currently occupied and the front, rear and side yards are being used to store discarded construction material, scrap wood and metal, bottles filled with unknown substances, large household appliances, and other materials

that contribute to the unsightliness of the property. An aerial photo of the property has been included as **Attachment #1**.

The property has a history of unsightly premises complaints dating back to 2014. In each of these prior cases, the property was eventually brought into bylaw compliance voluntarily, although in most instances the cleanup only met the minimum standards required. In the most recent complaint, the property owner has not voluntarily resolved the unsightly conditions on the property.

3.0 GENERAL INFORMATION

Since November 1, 2023, 7278 1st Street has been the subject of three (3) complaints from two (2) separate complainants, regarding the unsightly state of the premises due to storage of discarded construction materials, and other miscellaneous items that contribute to the unsightly nature of the premises and neighbourhood.

The most recent complaint log history for the property is as follows:

Complaint #	Date complaint received	Complainant (identity concealed)
1	November 1, 2023	A
2	March 26, 2024	B
3	May 1, 2024	B

3.1 Staff Actions to Date

3.1.1 Site Inspections

As a result of the November 1, 2023, complaint, City staff have attended the property on fourteen (14) occasions. The dates and findings of each inspection are as follows:

Inspection #	Date	Findings
1	November 9, 2023	Property not in compliance with UP Bylaw
2	November 22, 2023	No additional cleanup – still unsightly
3	February 15, 2024	No additional cleanup – still unsightly
4	February 23, 2024	No additional cleanup – still unsightly
5	March 8, 2024	No additional cleanup – still unsightly
6	March 28, 2024	No additional cleanup – still unsightly
7	May 2, 2024	No additional cleanup – still unsightly
8	May 7, 2024	No additional cleanup – still unsightly
9	May 14, 2024	No additional cleanup – still unsightly
10	May 17, 2024	No additional cleanup – still unsightly
11	June 3, 2024	Some cleanup done – still unsightly
12	June 11, 2024	No additional cleanup – still unsightly
13	June 25, 2024	No additional cleanup – still unsightly
14	September 18, 2024	No additional clean up – still unsightly

3.1.2 Contact With the Property Owners

After the initial inspection on November 9, 2023, City staff informed the property owners that the property was non-compliant with the bylaw and provided direction to the property owners on the necessary actions required to bring the property into compliance.

These communication and correspondence dates are as follows:

Contact #	Date	Communication Type
1	November 10, 2023	Phone conversation
2	February 13, 2024	Phone conversation
3	February 15, 2024	Phone conversation
4	February 23, 2024	1 st Letter mailed out
5	March 26, 2024	Phone conversation
6	March 28, 2024	Phone conversation
7	May 2, 2024	Phone conversation
8	May 7, 2024	2 nd Letter mailed out + Phone conversation
9	May 08, 2024	Phone conversation
10	May 14, 2024	Voicemail from owner’s son
11	May 17, 2024	Phone conversation
12	May 29, 2024	Phone conversation
13	May 30, 2024	Voicemail from owner’s son
14	May 31, 2024	Phone conversation
15	June 3, 2024	3 rd Letter mailed out
16	June 04, 2024	Phone conversation
17	June 25, 2024	Phone conversation

3.1.3 Bylaw Violation Notices (BVN) Issued

Resulting from the continued non-compliance, two (2) Bylaw Violation Notice have been issued to each of the property owners. The status of the Bylaw Violation Notices issued are as follows:

BVN#	Date Issued	Status
1	March 26, 2024	Unpaid – Not Disputed
2	September 18, 2024	Unpaid – Not Disputed

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

Not Applicable.

5.0 FINANCIAL CONSIDERATIONS

Despite staff efforts to encourage the property owner(s) of 7278 1st Street to bring the property into compliance with the bylaw, the site remains noncompliant. Staff now recommend that Council authorize City staff to undertake the required cleanup of the site. Section 3 and 3A of the *Burnaby Unsightly Premises Bylaw 1969* requires owner(s) or occupier(s) of real property, or their agent(s) to keep the property free of any “accumulation of filth, discarded materials, or rubbish of any kind” and to keep the property free of “of brush, noxious weeds or other growths”. The bylaw further permits the City to “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”.

The property owners will be invoiced for the cost of any work performed shortly after the cleanup is completed. If the charges remain unpaid on the 31st day of December of the year in which the expenses are incurred, the costs of the cleanup will be added to, and form part of, the taxes payable in respect of the real property, as taxes in arrears.

Should Council adopt the recommendations the property owner(s) will be provided with an additional 14 days to bring the property in to compliance before the City takes action.

Respectfully submitted,

Dave Critchley, General Manager Community Safety

ATTACHMENTS

- Attachment 1 – Aerial Photo of 7278 1st Street
- Attachment 2 – Photographs of the current state of the subject property.

REPORT CONTRIBUTORS

This report was prepared by Jacky Luo, Property Use Coordinator, and reviewed by Christine Harry, Supervisor Bylaw Services, Clayton Hall, Manager Bylaw Services and Dan Layng, Chief Licence Inspector.