

**TO:** MAYOR & COUNCILLORS  
**FROM:** GENERAL MANAGER COMMUNITY SAFETY  
**SUBJECT:** **PROPOSED NEW BURNABY UNSIGHTLY PREMISES BYLAW AND RELATED AMENDMENTS TO BYLAW NOTICE ENFORCEMENT BYLAW**  
**PURPOSE:** To seek approval for proposed new Burnaby Unsightly Premises Bylaw and related bylaw amendments.

## **RECOMMENDATION**

**THAT** the City Solicitor be authorized to bring forward the proposed Burnaby Unsightly Premises Bylaw 2024, substantially in the form set out in Attachment 1 of the report titled “Proposed New Burnaby Unsightly Premises Bylaw and Related Amendments to Bylaw Notice Enforcement Bylaw” dated November 18, 2024; and

**THAT** the City Solicitor be authorized to bring forward amendments to the Burnaby Bylaw Notice Enforcement Bylaw 2009, substantially as set out in Section 3.4 of the report titled “Proposed New Burnaby Unsightly Premises Bylaw and Related Amendments to Bylaw Notice Enforcement Bylaw” dated November 18, 2024.

## **1.0 POLICY SECTION**

This report aligns with the following Council-adopted policies, plans, and strategies: Community Safety Plan (2020) and the Burnaby Strategic Plan (2022).

## **2.0 BACKGROUND**

The *Burnaby Unsightly Premises Bylaw 1969* allows the City to enforce against unsightly premises within the City so that Burnaby residents can enjoy their properties without being negatively impacted by unsightly and/or hazardous conditions at neighbouring properties. The bylaw, which is typically enforced in response to public complaints, was originally adopted in July of 1969, and has been amended a total of five (5) times since that date.

Each year the City receives hundreds of citizen complaints related to unsightly premises. The steps staff follow to obtain compliance are detailed in the Council-endorsed Burnaby Bylaw Enforcement Policy where education serves as the foundation. In most instances complaints are successfully resolved by property owners voluntarily complying with the bylaw once they are made aware of the violation. In cases where voluntary compliance is not achieved, the bylaw authorizes the City to undertake direct action and clear the property of unsightly materials/conditions at the expense of the property owner.

The table below provides the number of complaints for the last five years as well as the outcomes.

Year	# of Complaints	Successfully Resolved Voluntarily	Resolved by Council Authorized Clean-up
2020	161	158	3
2021	182	180	2
2022	438	434	4
2023	387	372	4
2024 YTD	315	240	1

In consideration of the number of complaints received annually and the age of the current bylaw, staff have undertaken a review of the existing bylaw as well as similar bylaws in neighbouring municipalities. Based on this review staff recommend the current Burnaby Unsightly Premises Bylaw be repealed and replaced with a modernized bylaw, as detailed in this report.

**3.0 GENERAL INFORMATION**

The proposed new Burnaby Unsightly Premises Bylaw (see **Attachment 1**) will retain much of the regulatory authority contained within the current bylaw; however, the updated bylaw will offer improved understanding and enforcement actions by:

- Providing greater clarity on conditions that are considered unsightly;
- Adding a provision to prohibit persons from causing or permitting unsightly materials on public property, and for City staff and/or contractors to have the authority to remove these materials at their discretion;
- Provide authority to the General Manager Community Safety to issue a compliance order to require a property owner or occupier to clean up an unsightly premises;
- Eliminating the need to obtain Council authorization for direct actions and authorizing City staff and/or contractors to clean up unsightly premises, at the expense of the owner or occupier, if the owner or occupier fails to comply with a compliance order; and
- Providing for an appeal process for owners and occupiers who have been issued a compliance order.

**3.1 Improved Transparency**

In an effort to improve the public’s understanding, the proposed new bylaw will include a definition for “unsightly” and examples of the types of items present on a property and/or conditions that are considered unsightly. This will provide greater transparency of standards for property maintenance and the conditions that would lead to a breach of these standards.

To achieve this, the proposed new bylaw will better describe:

- general unsightliness;
- required yard maintenance;
- discarded materials;
- abandoned building materials;
- rubbish;
- noxious weeds;
- derelict vehicles;
- dilapidated fencing, retaining wall and wood ties;
- accumulation of stagnant water; and
- other conditions that are considered unsightly.

By adding definitions and specific examples of unsightly conditions, the proposed new Burnaby Unsightly Premises Bylaw will provide clarity to both residents and enforcement staff.

**3.2 Compliance Order**

As illustrated in the table above, in most cases, instances of non-compliance are successfully resolved without Council involvement. However, in those rare cases where a property owner does not voluntarily perform the required work, the current bylaw permits the City to “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”. The current practice staff follow to undertake direct action and achieve compliance entails staff submitting a report to Council in order to obtain approval prior to having City staff and/or contractors enter onto the property to undertake any action to clean up the property.

Rather than seeking Council authority each time, the proposed new bylaw will instead authorize the General Manager Community Safety to issue “compliance orders” in cases where a property is in violation of the bylaw and the property owner or occupier fails to bring the property into compliance, despite progressive enforcement action. After being served with a compliance order, the owner or occupier will be provided a specific time period, to be set out in the compliance order, to correct the bylaw violation. If the property is not in compliance by the required time period, the proposed new bylaw will authorize the City, through City staff or contractors, to undertake direct action and correct any unsightly conditions identified in the compliance order.

Similar to the current bylaw, the new bylaw will authorize the City to recover costs for cleanup or remediation work completed by City staff or contractors from the owner or occupier of the property and add the costs to the property tax notice for the property as taxes in arrear if they are not paid by December 31. This remedy for the City is in alignment with those of neighbouring municipalities.

**3.3 Compliance Order Appeals**

The proposed new bylaw will include a mechanism to appeal a compliance order to Council. Once a compliance order has been issued, the property owner and/or occupier will be able to appeal the compliance order to Council, by submitting a written notice to the Corporate Officer at least seven (7) days before the deadline for compliance set out in the compliance order. Appeals will be heard by Council, who may confirm, amend (e.g. provide additional time to take corrective action), rescind or issue other directions or conditions.

**3.4 Bylaw Notice Enforcement Bylaw Amendments**

In order to encourage timely compliance, enforcement staff issue Bylaw Violation Notices (BVNs) to owners and occupiers who have not taken action despite having been given verbal and/or written warnings. The practice of issuing BVNs is consistent with progressive enforcement measures documented in the Burnaby Bylaw Enforcement Policy. To implement the authority for BVNs for the violations of the proposed new Burnaby Unsightly Premises Bylaw, it is necessary to amend the Burnaby Bylaw Notice Enforcement Bylaw 2009 to repeal the penalties for violation of the current bylaw and add penalties for the proposed new bylaw (see table below). The proposed penalty and discounted amounts of \$500 and \$400, respectively, are aligned with the penalties for violations under the current bylaw.

It is proposed that the Burnaby Bylaw Notice Enforcement Bylaw be amended to repeal the penalties for violation of the current Burnaby Unsightly Premises Bylaw 1969 and be replaced with the following table:

Bylaw Section	Description	A1 Penalty Amount	A2 Discounted Penalty (within 15 days)	A3 Compliance Agreement Available (50% reduction)
	<b>The following fines apply to the contraventions below:</b>			
	<b>Burnaby Unsightly Premises Bylaw 2024</b>	\$	\$	
3.1	Allowing real property to be unsightly	500	400	YES
3.2(a)	Storage of unsightly materials outside enclosed building or structure	500	400	YES
3.2(b)	Parking or storage of derelict vehicle	500	400	YES

3.2(c)	Over height ground cover	500	400	YES
3.2(d)	Accumulation of noxious weeds	500	400	YES
3.2(e)	Accumulation of uncontrolled growth or cut or dead trees, branches, bushes, leaves or other growth	500	400	YES
3.2(f)	Dilapidated fence, retainer wall or wood ties	500	400	YES
3.2(g)	Accumulation of stagnant water	500	400	YES
3.3	Cause or permit unsightly materials on or around public property	500	400	YES
6.3	Obstruct inspector	500	400	NO

**4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT**

No community engagement or notification is required. Engagement with property owners and occupiers is an important part of the bylaw enforcement process where a property is identified as being in violation of the Burnaby Unsightly Premises Bylaw.

**5.0 FINANCIAL CONSIDERATIONS**

There are no financial considerations related to this proposal.

Respectfully submitted,

Dave Critchley, General Manager Community Safety

**ATTACHMENTS**

Attachment 1 – Proposed Burnaby Unsightly Premises Bylaw 2024

**REPORT CONTRIBUTORS**

This report was prepared by Dan Layng, Chief Licence Inspector, and reviewed by May Leung, City Solicitor.