

DATE: June 13, 2022

TO: MAYOR AND COUNCIL

NAME AND TITLE: Adam Davey, Director of Public Safety

SUBJECT: Proposed Remedial Action at 2677 Vance Road

ATTACHMENT: 2677 Vance Road, Remedial Action Report – PowerPoint Presentation

RECOMMENDATIONS:

Remedial Action

1. THAT Council pursuant to the authority provided in Section 74 of the *Community Charter* and after viewing the photographs of the property, DECLARES the yard located on the property at 2677 Vance Road having a legal description of: Lot 9, District Lot 753, Cariboo District Plan 8391 (Parcel Identifier: 012960772) is in such disarray, unclean and full of debris as to be offensive to the community and, as a result, is declared a nuisance that requires remedial action to clean up the property, and remove the noncompliant building in order to eliminate the nuisance;
2. AND FURTHER THAT Council IMPOSES the following remedial action requirement on Susanna M. SANBORN as the registered owner of the property at 2677 Vance Road having a legal description of: Lot 9, District Lot 753, Cariboo District Plan 8391 (Parcel Identifier:012960772) with respect to the property noted above in Recommendation 1 to clean up and remove all waste and debris from the property including:
 - a. The non-compliant shed;
 - b. Discarded building materials;
 - c. Car tires; and
 - d. Any other garbage and debris.

Compliance and Reconsideration Notice Time Limit Recommendations:

3. AND FURTHER THAT Council, pursuant to Section 76 of the *Community Charter*, SETS the time limit for completion of all the remedial action requirements described in Recommendation 2, to be no later than 5:00 p.m. on Friday July 29, 2022.
4. AND FURTHER THAT Council, pursuant to Section 78 of the *Community Charter*, SETS the time limit for giving notice of a request for Council to reconsider the remedial action requirements described in Recommendation 2, to be no later than 5:00 p.m. on Thursday, June 30, 2022.

Municipal Action at Defaulters Expense

5. AND FURTHER THAT Council AUTHORIZES Administration to take all appropriate action in accordance with Section 17 [Municipal Action at Defaulter's Expense] of the *Community Charter* to

ensure the subject property is brought into compliance with all the remedial action requirements described in Recommendation 2, provided that:

- a. the property owner has not fully completed the remedial action requirements on or before the time limit specified in Recommendation 3; and
- b. all costs incurred by the City to bring the property into compliance shall be at the expense of the property owner and, pursuant to Section 17 of the *Community Charter*, such costs shall be recovered from the property owner as a debt owed to the City of Prince George.

PURPOSE:

This report provides Council with information pertaining to the compliance issues related to the property located at 2677 Vance Road, Prince George, and seeks Council authorization to impose remedial actions on the property to bring the property into compliance. Administration is also seeking Council's authority to proceed with action on the property if the property owner within the required time limit set by Council does not achieve compliance.

STRATEGIC PRIORITIES:

Property Values and the general welfare of the community are founded, in part, upon the appearance and maintenance of property, buildings and other structures in the city. Unsanitary and hazardous conditions have been found to exist from place to place throughout the city. The existence of such conditions is detrimental to the welfare of the residents of the city and contributes substantially to the deterioration of neighborhoods. The abatement of such conditions will improve the general welfare and image of the city.

COMMUNITY CHARTER REMEDIAL ACTION AUTHORITY AND PROCESS:

Sections 72 through 80 of the *Community Charter* outline the process for remedial action requirements. These actions are imposed by Council and do not require the enacting of a new Bylaw. The ability to impose remedial actions cannot be delegated to City Administration.

Section 72 of the *Community Charter* authorizes Council to impose remedial actions on property owners, lessees or occupiers of land in relation to hazardous condition, declared nuisances or circumstances that harm drainage or dikes. This section provides Council with the authority to:

1. Remove or demolish the matter or thing;
2. Fill it in, cover it or alter it;
3. Bring it up to a standard required by law; and
4. Otherwise deal with it in accordance with the directions of council or a person authorized by council.

Section 74 of the *Community Charter* authorizes Council to impose a "declared nuisance" remedial action on a property. This section clarifies conditions required to declare a property a nuisance. This includes a property that is as dilapidated or unclean as to be offensive to the community. The city should exercise a standard of "reasonableness" when assessing whether a matter or thing in relation to private property is declared a nuisance.

Section 75 of the *Community Charter* is not relevant to the issues on the property that are the subject of this report.

Section 76 of the *Community Charter* prescribes the minimum time a Council can require for compliance shall not be less than 30 days from the date the affected property owner is notified.

Section 77 of the *Community Charter* outlines the process by which the City must notify the affected property owner. This section also references section 17 of the *Community Charter*, which states that if the remedial action is not completed by the compliance date, the City is authorized to collect all related costs as a debt owed to the City. This debt, if unpaid, would be transferred to taxes as arrears at the end of the year.

Section 78 of the *Community Charter* allows the affected person to request that Council reconsider their decision. It also provides the affected person with an opportunity to present to Council. This reconsideration cannot occur less than 14 days from the date of notice.

Section 79 of the *Community Charter* provides Council with the authority for completion of remedial action as well as reconsideration of the decision should there be a significant risk to health or safety if action is not taken earlier.

BACKGROUND:

In July 2021, Bylaw Services received multiple complaints about the property located at 2677 Vance Road. Complainants reported that there was a large accumulation of garbage in the back yard. There was a concern that the property was a fire hazard due to the accumulation of discarded building materials, propane bottles, trash, tires, and other debris. There was also a canvas tent erected in the front yard. Derelict vehicles littered the front yard, and the debris in the back yard could clearly be seen from the street. Previous complaints in relation to this property had also been received in May and August 2020.

As a result of these complaints, the bylaw officer went back to the property and accessed the back yard. The bylaw officer spoke to the homeowner's adult son and explained what work needed to be done. A timeline was provided for completion of the work. A maintenance letter was served on the homeowner at this time. A compliance date of August 20, 2021 was assigned for this work. The homeowners were advised that the next step would be a Maintenance Order along with a fine.

The property was again inspected in early September and it was determined that the required work had not been completed. As a result, on September 9, 2021 a Maintenance Order was hand delivered to the property owner with a compliance date of September 30, 2021. The bylaw officer again communicated an overview of the required work. A subsequent inspection of the property on October 4, 2021 determined that there had been considerable improvement and it appeared that compliance would be achieved.

By October 14, 2021 however, the condition of the property had once again deteriorated very quickly. As such, a Bylaw Offence Notice was issued to the property owner under Section 4(2) of the "City of Prince George Property Maintenance Bylaw No. 8425, 2012" – Cause or Permit Unsightly Property. It was also determined at this time that a Building Permit issued by the City of Prince George had also recently expired (BPO406960). This permit was for the construction of a 336 square foot shop. This building permit had been issued two years prior and had expired as a result of numerous deficiencies that had been noted by the building inspectors but were never addressed by the property owner.

On November 8, 2021, the bylaw officer made a patrol of the property located at 2677 Vance Road. It was noted at this time that the property had deteriorated even further. The property owner was again spoken to and issued with another Bylaw Offence Notice. The property owner was reminded that the property had to be cleaned up. At this time due to the onset of winter, the property owner was also advised that if no changes were made by spring, the property would be presented to Mayor and Council in relation to the Bylaw.

During the period between November 8, 2021 and April 20, 2022, calls for service (CFS) in relation to the property located at 2677 Vance Road continued to be recorded. There were three (3) additional CFS relating to the state of the property. CFS volume tends to decrease over the course of the winter as the snow covers property and deficiencies are therefore not visible.

The most recent complaint in relation to the property was received at Bylaw Services on April 13, 2022. This complainant reported an accumulation of tires, tree branches, woodpiles, paint etc. throughout the yard and possibly an illegal dwelling in the back yard. The complainant believed that this debris in the backyard posed a fire hazard. This belief was amplified as multiple fire trucks attended as a result of a fire call on March 18, 2022. At that time, 10 people were evacuated from the residence on the property due to smoke. This incident was confirmed by Prince George Fire/Rescue Services (PGFRS) who stated that they initially thought they were responding to a structure fire but it was actually a “smoke bomb” or “smoke grenade” that was set off within the residence. Additionally, multiple RCMP CFS have been recorded at this property over the previous year.

SUMMARY AND CONCLUSION:

The recommendations in this report meet the *Community Charter* requirement and outline the process by which the issues on this property can be resolved. If approved, the recommendations provide Administration with the authority to resolve these issues.

RESPECTFULLY SUBMITTED:

Adam Davey, Director of Public Safety

PREPARED BY: Charlotte Peters, Manager, Bylaw Services

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2022/6/13