

STAFF REPORT TO COUNCIL

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DATE: January 3, 2020

TO: MAYOR AND COUNCIL

NAME AND TITLE: Ian Wells, General Manager, Planning and Development

SUBJECT: 1103 Chilako Avenue – Remedial Action

ATTACHMENT(S): 1103 Chilako Avenue Remedial Action Presentation

RECOMMENDATION(S):

Remedial Action:

1. THAT Council, under the authority provided in Section 73 of the *Community Charter* and after viewing the photographs of the property provided in the staff PowerPoint presentation, declares that the structure located on the property at 1103 Chilako Avenue, Prince George, having a legal description of: Lot 354 District Lot 936 Cariboo District Plan 15185 (Parcel Identifier: 012-050-245) is in an unsafe condition that requires remedial action to demolish and remove the damaged structure and level the site, in order to eliminate the unsafe condition.
2. AND FURTHER THAT Council, pursuant to the authority provided in Section 74 of the *Community Charter* and after viewing the photographs of the property provided in the staff PowerPoint presentation, declares that the structure and yard located on the property at 1103 Chilako Avenue, Prince George, having a legal description of: Lot 354 District Lot 936 Cariboo District Plan 15185 (Parcel Identifier: 012-050-245) is so dilapidated as to be offensive to the community and, as a result, is a declared nuisance that requires remedial action to clean up the property and demolish and remove the damaged structure and level the site, in order to eliminate the nuisance.
3. AND FURTHER THAT Council imposes the following remedial action requirements on Harjinder John Singh BERAR, and Spuran Kaur SIDHU, as the registered owners of the property at 1103 Chilako Avenue, Prince George, having a legal description of: Lot 354 District Lot 936 Cariboo District Plan 15185 (Parcel Identifier: 012-050-245) with respect to the structure and property noted above in Recommendations 1 and 2:
 - to demolish the damaged structure;
 - to remove all debris from the yard including from the demolition of the structure to an appropriate disposal site; and
 - level the site;

in order to eliminate the unsafe condition and declared nuisance.

Compliance and Reconsideration Notice Time Limit Recommendations:

4. 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 3, to be no later than 5:00 p.m. on February 28th, 2020.
5. 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 3, to be no later than 5:00 p.m. on February 5th, 2020.

Municipal Action at Defaulter's Expense:

6. 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 3, provided that:
 - a. the property owner has not fully completed the remedial action requirements on or before the time limit specified in this Council resolution; 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 1103 Chilako Avenue 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 compliance is not achieved by the property owner within the required time limit set by Council.

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. Unsightly 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 and increasingly to the deterioration of neighborhoods; the abatement of such conditions will improve the general welfare and image of the City.

The intent of the Property Maintenance Bylaw is to:

- protect the community from unsightly, hazardous and blighting conditions that contribute to the deterioration of neighbourhoods;
- provide for the abatement of such conditions; and
- prescribe standards for the maintenance of properties in the city.

Community Charter Remedial Action Authority and Process:

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

Section 72 provides the authority to Council to impose remedial actions on property owners, lessees or occupiers of land in relation to hazardous conditions, declared nuisances, or circumstances (that) harm drainage or dikes. The Section also stipulates the actions that Council may require the person to undertake:

1. remove or demolish the matter or thing,
2. fill it in, cover it over or alter it,
3. bring it up to a standard specified by bylaw, or
4. otherwise deal with it in accordance with the directions of council or a person authorized by council.

Section 73 provides clarification and limitations to Council's authority to impose a "hazardous condition" remedial action on a property. Council may only impose a remedial action in relation to a "hazardous condition" if (a) 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.

Section 74 provides clarification to Council's authority to impose a "declared nuisance" remedial action on a property. The Section affords Council significant latitude with regards to determining what "matters or things" in relation to a property can be declared a nuisance (this includes the ability for Council to consider a thing that is so dilapidated or unclean as to be offensive to the community). To ensure that this broad authority is not abused, 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 is not relevant to the issues on the property that are the subject of this report.

Section 76 of the Community Charter stipulates the minimum time period that Council can set for compliance must not be less than 30 days from the date of the notice to the affected persons. Section 77 outlines the process the City must use to notify property owners and other, defined, affected persons of Council's decision to impose a remedial action requirement on a property. It also references the ability for the City to exercise the authority under Section 17 of the Community Charter [municipal action at defaulter's expense] if the remedial action requirement is not completed by the compliance date. Furthermore, Section 17 authorizes the City to collect all related costs as a debt owed to the City which, if unpaid, would be transferred to taxes as arrears at the end of the year.

Section 78 grants a person affected by remedial action the right to request that Council reconsider their decision and to have an opportunity to make a representation directly to Council. The Section stipulates the minimum time period that Council can set for an affected person to request reconsideration at not less than 14 days from the date of the notice to the affected persons; it also defines the reconsideration process.

Section 79 grants Council the authority to reduce both of the time limits stated in Sections 76 and 78, if Council considers there is a significant risk to health or safety if action is not taken earlier.

Section 80 of the Community Charter provides a mechanism for the City, under very specific circumstances, to recover municipal costs through the sale of the property, should the remedial action requirement not be satisfied by the property owner or affected persons, by the date specified for compliance.

SUMMARY AND CONCLUSION:

The timeline of events related to this property are as follows:

October 12, 2019 - Prince George Fire Rescue attended to a structure fire at 1103 Chilako Avenue. They found the building heavily involved in fire from all sides and the roof. Several large explosions occurred in the first five minutes of Fire Rescue arriving at the scene. A stream of burning liquid was running down the driveway. The structure sustained approximately \$400,000.00 in damages and is not currently habitable.

October 16, 2019 - Chief Fire Prevention Officer, Marcel Profeit, issued an Order to Secure the fire damaged building pursuant to City of Prince George Fire Protection and Emergency Response Bylaw No. 8272, 2013. The order gave the property owners twenty-four (24) hours to secure the building. The property owners failed to have the property secured and Prince George Fire Rescue made arrangements to have the property secured. The property owners also advised Prince George Fire Rescue that they had no insurance and could not afford to secure the property.

Nov 18, 2019 - A complaint was received by Bylaw Services that the structure fire at 1103 Chilako Avenue had not yet been cleaned up and, when it rained, debris was being washed into the street. The assigned investigator spoke with property owner Harjinder (John) BERAR, who advised that he was working on getting insurance but was, as yet, unsure about it. Mr. BERAR was advised that Bylaw Services would be initiating the unsightly property process to ensure the property was cleaned up as soon as possible.

Nov 19, 2019 - Bylaw Services issued an Order under the City of Prince George Property Maintenance Bylaw No. 8425, 2012 to have the property cleaned up by December 11, 2019. The Order was posted on the security fence at the property and a copy mailed to Mr. BERAR at an address he requested.

Nov 27, 2019 - A second complaint was received by Bylaw Services regarding the unsightly and unsafe condition of the property at 1103 Chilako Avenue.

Dec 11, 2019 - Bylaw Services attended to the location and noted that there had been no progress made to have the property cleaned up. The building had not been demolished and no debris had been removed.

Since the fire damage to the property occurred, the RCMP have attended at least two times to deal with suspicious persons on the property.

In addition to the recommendation for Remedial Action, the property owners were issued a Bylaw Offence Notice for failing to comply with an Order issued under the City of Prince George Property Maintenance Bylaw No. 8425, 2012.

Conclusion:

The recommendations in this report meet the Community Charter requirements 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 the issues.

RESPECTFULLY SUBMITTED:

Ian Wells, General Manager, Planning & Development

PREPARED BY: Fred Crittenden, Manager, Bylaw Services

APPROVED:

Kathleen Soltis, City Manager

Meeting Date: 2020/01/20

Report Approval Details

Document Title:	1103 Chilako Avenue Remedial Action.docx
Attachments:	- 1103_Chilako_Avenue_Remedial_Action_Presentation.PPTX
Final Approval Date:	Jan 3, 2020

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Ian Wells was completed by delegate Deanna Wasnik

Ian Wells - Jan 3, 2020 - 3:08 PM

A handwritten signature in black ink, appearing to read "I. Wells", is positioned below the name Ian Wells.

Kathleen Soltis - Jan 3, 2020 - 4:13 PM