

STAFF REPORT TO COUNCIL

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DATE: March 16, 2021

TO: MAYOR AND COUNCIL

NAME AND TITLE: Adam Davey, Director of Community Services and Public Safety

SUBJECT: 7003 Adam Drive – Remedial Action, Nuisance Abatement & Cost Recovery

ATTACHMENT(S): 1 - 7003 Adam Drive PowerPoint2 - City of Prince George Property Maintenance Bylaw No. 8425, 20123 - City of Prince George Nuisance Abatement and Cost Recovery Bylaw No. 8940, 2018

RECOMMENDATIONS:

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 presentation, DECLARES that the property at 7003 Adam Drive having a legal description of: Lot 23, District Lot 4047, Cariboo District Plan 20271 (Parcel Identifier: 010-075-101) 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. THAT Council pursuant to the authority provided in Section 74 of the *Community Charter* and after viewing the photographs of the property, DECLARES the structure and yard located on the property at 7003 Adam Drive having a legal description of: Lot 23, District Lot 4047, Cariboo District Plan 20271 (Parcel Identifier: 010-075-101) is so dilapidated 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 demolish and remove the damaged structure, and level the site, in order to eliminate the nuisance.
3. THAT Council IMPOSES the following remedial action requirement on Ian D. Peters as the registered owner of the property at 7003 Adam Drive having a legal description of: Lot 23, District Lot 4047, Cariboo District Plan 20271 (Parcel Identifier: 010-075-101) with respect to the property described above in Recommendations 1 and 2 to demolish and remove the damaged structure, level the structure site, and clean up and remove all waste and debris from the property including:
 - Tarps and tarp covered structures;
 - Discarded household appliances;
 - Derelict vehicles; and
 - Any other garbage and debris.
4. THAT Council, pursuant to section 4(2) of the “City of Prince George Property Maintenance Bylaw No. 8425, 2012” DECLARES that the property at 7003 Adam Drive, having a legal description of: Lot 2, District Lot 4047, Cariboo District Plan 20271 (Parcel Identifier: 010-075-101) is an Unsightly Property.

5. THAT Council, pursuant to Section 74 of the *Community Charter* and the “City of Prince George Nuisance Abatement and Cost Recovery Bylaw No. 8940, 2018” DECLARES that the buildings, structures and chattels situated on the property at 7003 Adam Drive, having a legal description of: Lot 2, District Lot 4047, Cariboo District Plan 20271 (Parcel Identifier: 010-075-101) are a nuisance.
6. THAT Council ORDERS that Ian D. Peters as the registered owner of the property at 7003 Adam Drive having a legal description of Lot 2, District Lot 4047, Cariboo District Plan 20271 (Parcel Identifier: 010-075-101) abate the activity and unsanitary conditions that has caused the nuisance, in accordance with “City of Prince George Nuisance Abatement and Cost Recovery Bylaw No. 8940, 2018” and “City of Prince George Property Maintenance Bylaw No. 8425, 2012.”

Compliance and Reconsideration Notice Time Limit Recommendations

7. 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 Friday, April 30, 2021.
8. 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 Monday, April 12, 2021.

Municipal Action at Defaulters Expense

9. THAT Council AUTHORIZES Administration to record and charge the property owner, Ian D. Peters for municipal services, costs and expenses, including attendance by Bylaw Enforcement Staff, Prince George RCMP, and Prince George Fire/Rescue members at 7003 Adam Drive having a legal description of Lot 2, District Lot 4047, Cariboo District Plan 20271 (Parcel Identifier: 010-075-101) for the purposes of abating the nuisance activity and unsanitary conditions, pursuant to “City of Prince George Nuisance Abatement and Cost Recovery Bylaw No. 8940, 2018.”
10. 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:
 - the property owner has not fully completed the remedial action requirements on or before the time limit specified in this Council resolution; and
 - 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 7003 Adam Drive, 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 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 neighborhoods;
- To provide for the abatement of such conditions; and
- To prescribe standards for the maintenance of properties in the city.

The intent of the Nuisance and Abatement Bylaw is to:

- Protect the community from properties that meet the definition of nuisance which encompasses aesthetics as well as behaviors;
- To provide for the abatement of such conditions; and
- To provide a cost recovery mechanism for city services required to assist in the management of the nuisance.

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 conditions, 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;
4. Otherwise deal with it in accordance with the directions of council or a person authorized by council.

Section 73 of the *Community Charter* authorizes Council to impose a “hazardous condition” remedial action on a property if:

1. Council considers that the matter or thing is in or creates an unsafe condition, or;
2. The matter or thing contravenes the Provincial building regulations or a bylaw under section 8(3)(I) [SPHERES OF AUTHORITY – BUILDINGS AND OTHER STRUCTURES] OR Division 8 [Building Regulation] of this Part.

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 so 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 in writing that Council reconsider their decision. It also provides the affected person with an opportunity to present to Council. This written request for reconsideration must be provided within 14 days of the date on which the notice was sent.

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:

On March 6, 2020, Bylaw Services responded to a noise complaint at 7003 Adam Drive. Multiple people were observed to be occupying this residence. Through the course of this initial investigation, Bylaw Services became aware that the occupants of this residence were known to the police. The property was also noted at this point to be unsightly as it was littered with debris and derelict vehicles.

The owner, Ian Peters, was contacted by telephone at least six (6) times with voicemail messages being left each time. Numerous attempts to contact Mr. Peters were also made by way of messages left with a tenant (this tenant was known to be a prolific offender in the City of Prince George). No response was received from the property owner, Ian Peters.

On April 6, 2020, it was confirmed that this property was in foreclosure. This civil process was unfortunately delayed due to the restrictions of COVID-19.

On April 16, 2020, a Notice was forwarded to the property owner and Spruce Credit Union by mail. No response was received from the property owner. However, the occupants of the residence did make a minimal effort to clean up the property. Regardless of this effort, the property remained unsightly.

On April 30, 2020, an Order was sent to the property owner by registered mail. An additional copy of the Order as well as two Bylaw Offence Notices totaling \$400.00 in fines was also sent via regular mail. The property owner never acknowledged these documents. The occupants of the property did request a two (2) week extension to complete the required remediation. This extension was granted.

On May 16, 2020, the property was inspected by Bylaw Services and deemed satisfactory.

On August 18, 2020, the property was again inspected and was again deemed unsightly. Information gathering by Bylaw Services suggested the foreclosure process was near completion and therefore the occupants would be evicted and the problems would ultimately be resolved.

Between August 10, 2020 and December 15, 2020, there were multiple complaints from Canada Post about the dangerous and at-large dogs that were residing at 7003 Adam Drive. These dogs had charged the postal workers on multiple occasions resulting in termination of mail service to the neighborhood. Animal Control Officers investigated this matter and mail delivery service was finally restored in mid-December 2020.

On February 4, 2021, the RCMP advised Bylaw Services that the property at 7003 Adam Drive was vacant. Bylaw Officers attended and confirmed this. The property had been abandoned and left insecure. There was a large amount of debris all over the property as well as 17 derelict vehicles.

Due to the resulting public safety hazard, a "Board Up" Order was served on the owner of the property. This service was completed by leaving a copy of the order attached to the door of the trailer. Subsequently the property was secured.

To date there has been absolutely no contact with the owner of this property, Ian Peters. It is believed that the property owner has completely abandoned the property.

INTERIM MEASURES – NUISANCE AND ABATEMENT COST RECOVERY:

On March 4, 2021, a notice under the authority of the Nuisance & Abatement and Cost Recovery Bylaw (8940) was served on the property owner, Ian Peters, by way of attaching it to the door of the property located at 7003 Adam Drive. This action was taken as it is anticipated that once it becomes known that the City of Prince George is taking action to remediate the property, some of the previous occupants may return to do damage, remove property or otherwise engage in criminal activity. To date there has been no contact with the property owner, and it is not anticipated that any action will be taken to prevent this from happening. During the course of this investigation, no action appeared to ever be taken by the property owner to modify the behavior of the various tenants that ultimately had a detrimental effect on the neighborhood.

Since August, 2020 members of the Prince George RCMP detachment have been called to this location forty-five (45) times which is approximately once per week. The nature of these complaints ranges from noise to drug activity to dangerous dogs to breaches of bail violations.

Since May 2020, Prince George Bylaw Services have been called to this location at least seventeen (17) times. This is an approximation as there are multiple visits within each complaint but complaints have been received more than once per month.

Since August 2020, Prince George Fire/Rescue has attended this location five (5) times. The nature of these calls has been medical (overdose) and for burning copper wire. Unfortunately, the nature of these calls is indicative of criminal activity.

The use of this bylaw provides a mechanism for cost recovery going forward should this property again become an issue between now and the end of remedial action.

REMEDIAL ACTION ORDER – PROCESS AND NEXT STEPS

Should it be declared that this property requires remedial action, a letter will be posted at the property no later than Friday, March 26, 2021 outlining the same.

Should this remediation not be completed by Friday, April 30, 2021 at 5 PM, the City of Prince George will complete the remediation and the cost will be billed back to the property owner by way of property taxes.

NUISANCE AND ABATEMENT BYLAW – PROCESS AND NEXT STEPS

Pursuant to section 3.2 of the "City of Prince George Nuisance Abatement and Cost Recovery Bylaw No. 8940, 2018," before Council issues a written order directing that the owner or occupier abate the nuisance, the owner or occupier must be provided an opportunity to be heard by Council in respect of the matter.

In other words, following the information in this report being presented by Administration, the property owner has the right (but not the obligation) to make submissions to Council for consideration prior to Council deciding on whether or not to proceed with issuing an order requiring the property owner to abate the nuisance at the property and charging the owner for future costs of attendance by Bylaw Enforcement Staff,

Prince George RCMP, and Prince George Fire/Rescue members in connection with a nuisance at the property.

After providing the property owner with an opportunity to make submissions, if Council proceeds with the above described order, all attendance by Bylaw Enforcement, Prince George RCMP and Prince George Fire will be tracked. All costs associated with this tracked attendance will subsequently be billed back to the property owner and collected by way of property taxes if necessary.

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 Community Services and Public Safety

PREPARED BY: Charlotte Peters, Manager, Bylaw Services

APPROVED:

Walter Babicz, Acting City Manager

Meeting Date: 2021/03/22