

STAFF REPORT TO COUNCIL

1100 Patricia Blvd. | Prince George, BC, Canada V2L 3V9 | www.princegeorge.ca

DATE: July 27, 2021

TO: MAYOR AND COUNCIL

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

SUBJECT: Remedial Action at 7695 Pearl Drive

ATTACHMENT(S): 7695 Pearl Drive Power Point

RECOMMENDATION(S):

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 structures located on the property at 7695 Pearl Drive having a legal description of: Lot 31, District Lot 2433, Cariboo District Plan 22464 (Parcel Identifier: 006735843) are in an unsafe condition that requires remedial action to demolish and remove the damaged structures, 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 7695 Pearl Drive having a legal description of: Lot 31, District Lot 2433, Cariboo District Plan 22464 (Parcel Identifier: 006735843) 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 Benjamin H. Cook as the registered owner of the property at 7695 Pearl Drive having a legal description of: Lot 31, District Lot 2433, Cariboo District Plan 22464 (Parcel Identifier: 006735843) 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 campers;
Any other garbage and debris.

In order to eliminate the unsafe condition and declared nuisance.

Compliance and Reconsideration Notice Time Limit Recommendations

4. 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, September 24, 2021.

5. 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 Thursday, September 9, 2021.

Municipal Action at Defaulters Expense

6. 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 7695 Pearl 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.

BACKGROUND:

On September 24, 2020, Bylaw Services received an unsightly property report and upon attendance it was observed four (4) derelict vehicles, five (5) derelict trailers, two (2) sheds covered with a blanket and tarps, one (1) derelict RV trailer that had been destroyed by a fire, a storage unit and debris was located throughout the property.

The property was identified as 7695 Pearl Drive. It was observed a tenant was residing on the property in a trailer. The owner of the property was identified as Mr. Benjamin Cook residing at 4302 Austin Road, Prince George, BC.

On September 30, 2020, a First Notice Letter was served upon Mr. Cook. Mr. Cook did not comply with the enforcement action. On October 16, 2020, an Order and Fine totaling \$200 was served upon Mr. Cook.

On October 21, 2020, I spoke with the tenant who said that she was unable to clean up the property. The tenant's lawyer contacted Bylaw Services to arrange some form of a cleanup of the property through the tenant's family members; that never occurred. At this point winter had set in and it was impracticable for the owner to clean up the property. The extension was granted to the spring of 2021. On March 16, 2021, Mr. Cook was informed that the extension had expired. An action plan to clean up the property was requested. Mr. Cook refused to clean up the property, as he believed that it was the tenant's responsibility to clean up the property.

On April 15, 2021, an inspection of the property took place. The tenants were provided with a copy of the Order and requested to provide a timeframe for the cleanup of the property.

On May 5, 2021, the property was re-inspected. It was noted that no cleanup had taken place and the tenants had not requested an extension. The recommended course of action for this property is to remove the debris and derelict vehicles by means of Remediation.

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)(l) [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.

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 Thursday September 9, 2021 outlining the same.

Should this Remediation not be completed by Friday, September 24, 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.

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, City Manager

Meeting Date: [2021-08-16]