

STAFF REPORT TO COUNCIL

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DATE: July 28, 2021

TO: MAYOR AND COUNCIL

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

SUBJECT: Remedial Action 3962 Balsum Road

ATTACHMENT(S): Power Point presentation

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 and other things on the property at 3962 Balsum Road having a legal description of Lot 3, District Lot 4047, Cariboo District Plan 18389 (Parcel Identifier 011113693) are 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 3962 Balsum Road having a legal description of Lot 3, District Lot 4047, Cariboo District Plan 18389 (Parcel Identifier 011113693) 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 Dimitrije TOMIC and Helene TOMIC as the registered owners of the property at 3962 Balsum Road having a legal description of Lot 3, District Lot 4047, Cariboo District Plan 18389 (Parcel Identifier 011113693) 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 3962 Balsum 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 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 May 7, 2019, Bylaw Services received an unsightly property report. Upon attendance it was observed a large personal collection of vehicles (mostly derelict), equipment, parts, metals and wood products and debris had been deposited for the approximately past forty (40) years on three properties. Most of the items on the property had deteriorated and were of little to no value and few items were of some value.

The properties were identified as 3951 Crawford Place, 3957 Crawford Place and 3962 Balsum Road. The owners of the properties on Crawford Place were identified as Mr. and Mrs. Dimitrije and Helena Tomic. The owner of the Balsum Road property is Carolina Tomic who is Mr. Tomic's daughter. It was determined the collection belonged to Mr. Tomic who is still collecting items onto the property.

It appeared a makeshift alley had been created behind 3957 Crawford Pl encroaching onto the property of the Heritage Free Presbyterian Church at 4020 Balsum Rd. Mr. Tomic had placed vehicles and debris onto the Churches property, some of which has already been removed. The Church has never provided Mr. Tomic permission to store his belongings on the Church's property.

On July 17, 2019, a First Notice Letter was served upon the owners. Mr. Tomic's adult children (Carolina Tomic and her husband) residing in Penticton, BC, became involved and assisted in cleaning a portion of the property.

On July 26, 2019, an Order and Fine totaling \$200 was served upon Mr. Tomic. As a result, on September 18, 2019, Mr. Tomic's family removed three vehicles and 3,000 pounds of debris from the property. On June 30, 2020, Mr. Tomic's family returned and removed three trailer loads of debris to the dump.

On September 29, 2020, Mr. Tomic's family returned, filled a large commercial waste bin of debris, removed scrap metal and maintained the bushes and trees on the front of the properties on Crawford Place. It was agreed that Mr. Tomic's family had made a reasonable effort to clean up the properties. Unfortunately due to the volume of accumulated debris, the efforts only removed approximately twenty (20) percent of the total debris.

Currently there are approximately fourteen (14) derelict vehicles, rubbish and garbage, discarded and disused items, electronic devices, trailers, machinery, old and discarded or unused mechanical and metal parts, glass or plastic bottles and objects, tin cans and other metal containers, metal works, pipes, dilapidated furniture, inoperative appliances and other similar things, unused wood or wood products. The debris on the property continues to be in a state of "slow motion deterioration".

On April 14, 2021, Bylaws attended the properties with the Prince George Fire Rescue Service (PGFRS) The PGFRS identified the property as a concern for PGFRS to attend and identified four (4) trees as a hazard on the 3951 Crawford Pl property near the neighboring property a hazard to fall. The properties at 3951 and 3957 Crawford Place appear as a combination of an auto wrecker and junkyard and have the largest accumulation of debris.

The recommended course of action for these properties is to remove the debris and derelict vehicles by means of Remediation. The few items of value should be identified and remain on the properties provided they are not kept on the properties in an unsightly way.

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 of Community Services & Public Safety

PREPARED BY: [Charlotte Peters, Manager Bylaw Services]

APPROVED:

Walter Babicz, City Manager

Meeting Date: [Enter 2021/08/16]