



Corporate NO: R167

Report COUNCIL DATE: July 17, 2000

REGULAR

TO: Mayor & Council **DATE: July 12, 2000**

FROM: City Solicitor **FILE: 08293-13601**

XC: 2152-13601/#3

SUBJECT: Construction to Trailers Without Permits 8293 King George Highway and 8345 - 135A Street Town and Country Motel/Trailer Park (the "Property")

RECOMMENDATION

1. That Council consider at its first regular Council meeting in September, 2000 a by-law pursuant to Section 698 of the *Municipal Act*, R.S.B.C. 1996, c. 323 (the "*Municipal Act*") to declare the construction of the additions to two of the trailers on the Property to be illegal and unsafe and to order the removal of the unlawful additions.
2. That the registered owners of the Property (the "Owners") and the occupiers of the trailers (the "Occupiers") be notified of the proposed by-law and be requested to attend Council on that date in order to speak to the proposed by-law.
3. That a copy of this report be forwarded to the Owners and Occupiers of the Property.

INTENT

It is the intent of this report to advise Council of additions which have been built on two trailers on the Property and converted to living areas without the appropriate building permits having been obtained.

HISTORY

November 5, 1998

By-law received a complaint that the Town and Country Motel/Trailer Park at 8293 King George Highway and 8345 - 135A Street was unsightly.

November 10, 1998

By-law attended and spoke to the Manager about the unsightliness of the Property.

She advised that she would have the Property cleaned up over the next few days.

November 27, 1998

A letter was sent double registered mail and regular mail to the Owners of the Property. The letter advised the Owners that their Property was unsightly under the Surrey Community Improvement and Unsightly Premises By-law, 1997, No. 13150, and gave them 30 days to resolve the matter. The double registered receipt card was returned indicating that the letter had been received.

January 4, 1999

By-law attended the Property and found that all of the garbage and debris that was lying on the ground had been cleaned up. The unsightliness of the Property was remedied by approximately 75%.

January 6, 1999

By-law and Building conducted an inspection of the Property with the daughter-in-law of the Owners who helps manage the business. Each trailer pad was inspected and the violations were explained to the Manager and the occupants that were present during the inspection.

An inspection of Pad #1 occupied by Jamie Buelow revealed that an addition had been made to the trailer located on that pad without a building permit having been obtained for the construction. An inspection of Pad #16 occupied by W.A. Burton revealed that an addition had been constructed to the trailer on that pad without a building permit having been obtained.

February 9, 1999

By-law hand delivered a letter to the Owners which notified them of the outstanding violations on the Property. The letter indicated by trailer pad number the violation associated to each pad.

A copy of the letter was left for all of the trailer pad occupants noted in the letter, including the Occupiers of Pad #1 and Pad #16. The letter advised that failure to take action to resolve these matters by March 10, 1999 would result in appropriate legal action which may include an order being issued under Section 698 of the *Municipal Act*.

March 18, 1999

By-law and Building attended and inspected the trailer pads noted in the letter dated February 9, 1999. Each pad was inspected with the Owners and the Occupiers were advised again as to what action had to be taken to bring the Property into compliance with the by-laws.

March 21, 1999

By-law met with several tenants at the Property. They were advised of the action required to bring the Property into compliance with the City's by-laws. They were given until May 1, 1999 to resolve the outstanding issues.

May 14, 1999

By-law and Building attended the Property and found three trailer pads were still in violation. Two of the three pads found in violation at this time were Pad #1 occupied by Jamie Buelow and Pad #16 occupied by

W.A. Burton.

May 1999 to December 1999

By-law continued to inspect the Property on a regular basis and speak with the Owners and Occupiers in an attempt to resolve this matter.

December 3, 1999

A letter was hand delivered to the Owners and the Occupiers of Pad #1 and Pad #16. The letter advised that Pad #1 and Pad #16 still required a building permit for the additions to the trailers. The letter advised all of the parties involved that they had until December 15, 1999 to take action to resolve this matter or face legal action, which may include an order under Section 698 of the *Municipal Act*. The letter was given to the Owners and a copy was left in the mail slot in the office for the Occupiers of Pad #1 and Pad #16.

December 19, 1999

By-law delivered the letter dated December 3, 1999 to the Occupier of Pad #16, W.A Burton by putting the letter in the door of the trailer as there was no answer at the door.

January 7, 2000

By-law attended and found that Pad #1 and Pad #16 were still in violation of the Building By-law. The additions to the trailers were still present and no building permits had yet been obtained.

January 20, 2000

By-law attended and found that Pad #1 and Pad #16 were still in violation of the Building By-law. Photos were taken which are attached as Appendix "D" to this report.

DISCUSSION

Surrey Building By-law, 1987, No. 9011, Section 3, requires that no structure may be built or altered without first obtaining a building permit from the City. In this instance, the additions to the two trailers at Pad #1 and Pad #16 were built without building permits having been applied for and obtained. As a result, the required inspections have never been conducted by the City and, therefore, these additions may be hazardous.

Given the illegal nature and possible hazard of the additions on the Property and the failure on the part of the Owners and Occupiers to voluntarily rectify the situation despite repeated attempts to gain voluntary compliance, we recommend that Council pass a by-law pursuant to Section 698 of the *Municipal Act*, which provides:

Demolition or Repair of Unsafe Buildings, Structures and Excavations

698 (1) *A council may, by bylaw, authorize:*

(a) *the demolition, removal or bringing up to a standard specified in the bylaw of a building, structure or thing, in whole or in part, that contravenes a bylaw or that the council believes is in an unsafe condition.*

The Proposed By-law set out in Appendix "B" requires the Owners and Occupiers to remove the unauthorized additions and allows 30 days for completion of the work.

In the event that the Owners or Occupiers fail to carry out the necessary work within 30 days, the Proposed By-law authorizes the City or its agents to enter onto the Property to carry out the required work at the Owners' expense, using Section 269 of the *Municipal Act* as its authority. Any unpaid amounts may be collected as a debt or unpaid taxes pursuant to Section 376 of the *Municipal Act*.

CONCLUSION

Based on the foregoing information regarding the Property and its lack of compliance with Surrey Building By-law, 1987, No. 9011, and its potential hazardous condition, we recommend that Council adopt the Proposed By-law attached as Appendix "B" after first giving the Owners and Occupiers an opportunity to be heard.

CRAIG MacFARLANE

City Solicitor

KER/MPM/msc

Encls.

Appendix "A" - Notice to Owners and Occupiers

Appendix "B" - Proposed By-law

Appendix "C" - Description of the Property, Owners and Occupiers

Appendix "D" - Photographs

c.c. Manager, By-laws & Licensing Services

Manager, Building Division

Kelly Rayter, Assistant City Solicitor

Mike Murphy, By-law Enforcement Officer

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