



# **Corporate** NO: R188

# **Report** COUNCIL DATE: July 24, 2000

## **REGULAR**

**TO: Mayor & Council**    **DATE: July 18, 2000**

**FROM: City Solicitor**    **FILE: 09343-12400**

**XC: 2152-12400**

**SUBJECT: Condition of Property at 9343 - 124 Street (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 *Local Government Act*, R.S.B.C. 1996, c. 323 (the "*Local Government Act*") to declare the Property to be unsightly and in violation of the Surrey Community Improvement and Unsightly Property By-law, 1997, No. 13150 (the "Unsightly By-law").
2. That the registered owners of the Property (the "Owners") 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 of the Property, and to the registered owners of charges to the Property.

## **INTENT**

It is the intent of this report to advise Council of the condition of the Property, which staff believe is unsightly.

## **HISTORY**

May 5, 1995

By-law Enforcement received a complaint from a neighbour regarding salvaged car parts, wrecked vehicles, and general unsightliness on the Property. The only action recorded during this time was a business license inspection whereby the business license was rejected because the use was not permitted on a residential property.

May 24, 1996

By-law Enforcement Section attended and spoke with one of the Owners of the Property. The male Owner advised he was no longer operating a business and that he was slowly cleaning up the Property.

July 17, 1996

By-law Enforcement Section attended and noted some debris was removed as well as several vehicles. The Owners were not home.

July 18, 1996

The male Owner stated he will have the Property cleaned up by the end of the year.

November 21, 1996

Officer noted a "junk yard" in the rear yard. One unlicensed vehicle was on the Property.

March 17, 1997

A double registered letter was sent to the Owners.

April 1, 1997

Inspection of the Property was arranged for April 22, 1997.

April 22, 1997

The male Owner, Herrmann Honig, was not present for inspection. The other Owner, Christa Honig, would not permit an inspection of the Property. A new inspection date of May 6, 1997, was arranged with Mr. Honig.

May 6, 1997

Officer noted the amount of material and refuse on the Property had been reduced from previous inspections. Mr. Honig said all should be gone in a few weeks.

October 9, 1997

By-law Enforcement Section received a complaint about a vehicle being taken apart on the front lawn of the Property.

October 10, 1997

Officer noted two cube vans parked in the front of the residence, each loaded in the back and on passenger side with old aluminium, wiring, etc. The Property again contained scrap material and refuse and was considered unsightly.

October 27, 1997

The Owners cleaned up all material on 123A Street that was visible from the road. The rest of the material was stored behind the fence and is usable. Officer noted the complainant has moved.

November 25, 1997

By-law Enforcement Section received a complaint regarding the unsightliness of the rear yard of the Property.

December 4, 1997

Officer attended and noted the Property was again unsightly.

June 19, 1998

By-law Enforcement Section received a complaint of a scrap metal business being operated on the Property.

June 22, 1998

Officer attended and noted various items of debris in the front yard of the Property.

October 19, 1998

Officer attended and spoke with the sons of the Owners who indicated a large amount of the debris had been removed and asked for another two months to work on removal.

February 9, 1999

Officer attended and removal of the debris was still taking place.

October 13, 1999

By-law Enforcement Section received another complaint of appliances, junk, cars, etc. being stored on Property. A complaint was also made about rats coming from the Property.

October 14, 1999

Officer attended and the Owners appeared to be operating a scrap yard in the front and back yards.

October 27, 1999

A letter was hand delivered to one of the Owners, Herrmann Honig, regarding cleaning up the Property.

November 29, 1999

Officer attended and noted some clean-up had been done.

November 30, 1999

Officer spoke with Mr. Honig who said he had removed many truckloads of garbage from the Property. The Officer's inspection proved otherwise. Mr. Honig threatened legal action if the City pursued clean-up.

December 1, 1999

Due to Mr. Honig's illness he was given an extension to January 5, 2000 to clean up the Property.

January 5, 2000

Officer attended and photographs were taken, which are attached as Appendix "D" to this report.

January 18, 2000

Officer attended with Engineering Operations to obtain a clean up estimate for the back yard of the Property. The front yard had been cleaned up.

February 22, 2000

By-law Enforcement Section received an Engineering Operations estimate of **\$12,500.00** to remove material to bring the Property into compliance with the Unsightly By-law.

May 12, 2000

By-law Enforcement Officer reinspected the Property and there was no change. The Officer was stopped by a neighbour and asked if the City was finally cleaning up the Property. Additional photographs were taken, which are also attached as Appendix "D".

## **DISCUSSION**

The intent of the Unsightly By-law is to protect the community from unsightly, hazardous and blighting conditions that contribute to the deterioration of neighbourhoods and provide for the abatement of such conditions. By-law Enforcement Officers have inspected the Property and have concluded that the Property is "unsightly" contrary to the Unsightly By-law.

Given the violation of the Unsightly By-law and the failure of the Owners 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 *Local Government 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 to remove all rubbish and discarded materials from the Property and allows 30 days for completion of the work.

In the event the Owners 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 *Local Government Act* as its authority. Any unpaid amounts may be collected as a debt or as unpaid taxes pursuant to Section 376 of the *Local Government Act*.

## **CONCLUSION**

Based on the foregoing information regarding the condition of the Property, its effect on the neighbourhood, and the continued history of non-compliance with the Unsightly By-law, we recommend that Council adopt the proposed by-law attached as Appendix "B" after first giving the Owners an opportunity to be heard.

CRAIG MacFARLANE

City Solicitor

KER/GM/msc

c.c. Kelly Rayter, Assistant City Solicitor

John Sherstone, Manager, By-law & Licensing Services

Greg Mernett, By-law Enforcement Officer