



Corporate NO: R016

Report COUNCIL DATE: February 3, 2003_

REGULAR			
TO:	Mayor & Council	DATE:	January 23, 2003
FROM:	City Solicitor	FILE:	3900-20-12883
SUBJECT:	Nuisance By-law, 1996, No. 12883 Amendment		

RECOMMENDATION

That Council adopt the revised Nuisance By-law attached as Appendix "A" to this report.

INTENT

The proposed changes to the Nuisance By-law, 1996, No. 12883, as amended (the "Nuisance By-law") are to address complaints caused in part by those property owners and landlords who allow both the occupants and tenants to create a nuisance on their lands.

BACKGROUND

The R.C.M.P. and By-law Enforcement & Licensing during the past few years have attended to address complaints whereby owners or tenants are continually causing neighbourhood problems with their drunkenness, drug dealing, obscene language, and bottle throwing. These complaints in some cases are frequent and the R.C.M.P. are continually called to deal with tenants or occupants who have little or no regard for the impact of their behaviour on their neighbourhoods. In a number of cases these tenants or owners who occupy the property continue to engage with drunken behaviour, drug trafficking, profanity, screaming, grossly insulting language and littering not only on their property, but on public and private properties in the neighbourhood.

These properties are continually taxing our resources (By-law Enforcement & Licensing and the R.C.M.P.) and in one particular case both the R.C.M.P. and By-law Enforcement & Licensing attended in excess of 176 complaints in over a one year period. These costs are borne by the taxpayers of the City with little or no impact to those owners or occupants of the property.

Our present Nuisance By-law does not address specifically by definition each class of nuisance. The *Local*

Government Act, R.S.B.C. 1996, c. 323, s. 725(1)(b)(ii) and (j), as amended, (the "Local Government Act") clearly allow a municipality to enact by-laws prohibiting these types of nuisances and disturbances as follows:

The *Local Government Act* states:

725.(1) A council may, by bylaw, do one of more of the following: ...

(b) prohibit persons from ...

(ii) depositing or throwing bottles, broken glass or other rubbish in any open place; ...

(j) prevent vice, drunkenness, profane swearing or indecent, obscene, blasphemous or grossly insulting language or other immorality and indecency;

DISCUSSION

The inclusion of a specific definition of owner in our Nuisance By-law will assist in charging those homes being utilized for illegal activities. These properties continue to pose problems throughout the City with their related activities spilling out within the neighbourhoods and the area in general. The amendments will address those properties, hold the owners accountable for their activities and provide an avenue of prosecution for such behaviour. The Nuisance By-law currently allows for a \$10,000 fine plus the costs of prosecution for every violation under the By-law.

The amendments to the Nuisance By-law will be utilized for those "*problem properties*" where the owner and tenants continue to tax our resources on an ongoing basis, without any rectification of the problem.

CONCLUSION

It is recommended that Council approve the proposed amendments to the Nuisance By-law.

CRAIG MacFARLANE

City Solicitor

CM/mlg

c.c. - John Sherstone, Manager, By-law and Licensing Services

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CITY OF SURREY

BY-LAW NO. 14814

A by-law to amend the Nuisance By-law, 1996, No. 12883

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The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. The City of Surrey Nuisance By-law, 1996, No. 12883, as amended, is hereby further amended as follows:

(a) By deleting the existing definition of "Inspector" in Section 1 and replacing it with the following new definition:

"INSPECTOR" means the Manager of Licensing & By-law Enforcement for the City, or designate and shall include any members of the Surrey Fire Department or the Royal Canadian Mounted Police.

(b) By deleting the existing definition of "Owner" in Section 1 and replacing it with the following new definition:

"OWNER" shall, in addition to any other meaning, include:

- (a) any person residing on or in land, premises or property;
- (b) the person entitled to the possession of land, premises or property if there is no person residing on or in the land, premises or property; and
- (c) a leaseholder;

and shall include the agent of any such person.

(c) By adding the following new subsections (d) and (e) to Section 2:

(d) Without limiting the generality of this Section 2, no owner shall engage in, cause or permit vice, drunkenness, profane swearing or indecent, obscene, blasphemous or grossly insulting language on the owner's land, premises or property.

(e) Without limiting the generality of this Section 2, no person shall deposit or throw bottles, broken glass or other rubbish in any open place, and no owner shall cause or permit any such acts to be engaged in from the owner's land, premises or property.

PASSED THREE READINGS on the _____ day of _____ 2003.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk and sealed with the corporate seal on the _____ day of _____, 2003.

_____MAYOR

_____CLERK

