

Staff Report for Decision

DATE OF MEETING OCTOBER 15, 2018

AUTHORED BY DAVID LABERGE, MANAGER OF COMMUNITY SAFETY

SUBJECT NUISANCE PROPERTY ABATEMENT - #204-311 MT BENSON STREET

OVERVIEW

Purpose of Report

To inform Council of ongoing activities at #204 – 311 Mt. Benson Street which substantially and unreasonably interfere with other persons' use and enjoyment of property, and require repeated calls for police services to abate nuisances.

Recommendation

That Council declare #204 – 311 Mt. Benson Street a "Nuisance" pursuant to the "Nuisance Abatement and Cost Recovery Bylaw 2003 No. 4645", and to authorize Staff to record and charge for municipal services including police required to abate nuisance activity.

BACKGROUND

311 Mt. Benson Street is a strata apartment building managed by Concise Strata Management of Nanaimo. Unit #204 is occupied by the owner.

The Nanaimo RCMP received twenty (20) calls to this residence between May and November of 2017, thirteen (13) which were associated to nuisance activity. The incidents have included incidents of yelling and screaming within the building, conflicts with passing pedestrians, banging on neighbouring doors, and damage to the building and vehicles parked outside. Neighbours have expressed that these activities have substantially impacted the enjoyment of their properties, and left them frustrated and fearful.

Police and Bylaw Services Staff have communicated with the owner and Concise Strata Management, but attempts to abate the nuisance activity have been unsuccessful. A Staff Report recommending nuisance abatement action was prepared in the winter of 2017, but the owner left the community before the matter could be referred to Council.

The owner returned to the community in late summer of 2018, and the nuisance activity promptly resumed. Police have been contacted three times in September 2018 to reports of disturbances at #204 – 311 Mt. Benson Street in which the owner has been yelling at people from his balcony and breaking items.

OPTIONS

1. That Council declare #204 – 311 Mt. Benson Street a nuisance pursuant to the “Nuisance Abatement and Cost Recovery Bylaw 2003 No. 4645” and to authorize Staff to record and charge for municipal services including police required to abate nuisance activity.
2. That Council provide Staff with alternative direction.

SUMMARY POINTS

- Police received twenty calls for service to the property between May and September, 2017, thirteen of which were of a nuisance nature.
- Nuisance property abatement measures were being referred to Council in October, 2017 when the owner abruptly left the community and was absent for a year.
- The owner returned to Nanaimo in September 2018, and the nuisance activity immediately resumed.
- Neighbouring residents report that the disturbances from the property substantially interfere with the peace, quiet and enjoyment of their neighbourhood.
- Police and City staff have communicated with the owner on repeated occasions to inform him of the neighbourhood concerns, which has not resolved these issues.

Submitted by:

David LaBerge
Manager of Community Safety

Concurrence by:

Karen Fry
Director of Public Safety