

DATE OF MEETING 2019-SEP-19

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

**SUBJECT PROPERTY MAINTENANCE - 188 CAPT MORGANS BOULEVARD
AND 63 PIRATES LANE**

OVERVIEW

Purpose of Report

The property owner is appealing the direction of the Manager of Bylaw Services to remove accumulated rubbish on or around lands or buildings owned by him at 188 Capt Morgans Boulevard and 63 Pirates Lane, pursuant to Section 8 of the "Property Maintenance and Standards Bylaw 2017 No. 7242".

Recommendation

That Council, pursuant to "Property Maintenance and Standards Bylaw 2017 No. 7242", direct the owners of the properties as listed below to remove the materials noted within fourteen days or the work will be done by the City or its agents at the owners' cost:

1. 188 Capt Morgans Boulevard – Unlicensed and/or derelict vehicles, boats, building materials, and garbage.
2. 63 Pirates Lane – Fifth-wheel travel trailer, building materials, scrap steel, lumber, derelict boat on trailer, derelict hovercraft, dump truck, old trailer full of renovation debris, and garbage.

BACKGROUND

Complaints were received about the unsightly condition of the properties addressed as 188 Capt Morgans Boulevard and 63 Pirates Lane. Both properties were inspected and found to be in contravention of "Property Maintenance and Standards Bylaw 2017 No. 7242" (the "Property Maintenance Bylaw"). The property owner has had many months to come into compliance with the bylaw, but very little work has been completed. The Manager of Bylaw Services, who is designated to administer the enforcement of bylaw regulations, is seeking Council direction to bring these properties into compliance.

DISCUSSION

188 Capt Morgans Boulevard

The property addressed as 188 Capt Morgans Boulevard was inspected on 2019-JUN-19. An accumulation of vehicles, boats, trailers, building materials and garbage were observed, including chattels and vehicles on the city boulevard.

- The owner was given to 2019-JUN-30 to clean up the property. He requested additional time to comply.

- A letter was sent to the owner on 2019-JUL-11 advising the property would have to be cleaned up in compliance with the Property Maintenance Bylaw by 2019-AUG-02 or the City would complete the work at his cost.
- On 2019-JUL-23, the owner contacted the City by e-mail requesting to appear as a delegation before Council to appeal the direction.
- On 2019-AUG-07, a couple identifying as co-owners of the property contacted Bylaw Services Staff. They advised they were unaware the property had fallen into such a state of disrepair and requested assistance in compelling the owner to comply with the bylaw. They were informed they could request to speak as a delegation when the appeal was heard by Council.

63 Pirates Lane

The property addressed as 63 Pirates Lane was inspected on 2019-JUN-19. An accumulation of building materials, scrap steel, lumber, appliances, a derelict boat on trailer, derelict hovercraft, older dump truck, and an old trailer full of debris were observed. There was also evidence of a fifth-wheel trailer being unlawfully occupied on the property.

- The owner was given to 2019-JUN-30 to clean up the property. He requested additional time to comply.
- A letter was sent to the owner on 2019-JUL-11 advising the property would have to be cleaned up in compliance with the Property Maintenance Bylaw by 2019-AUG-02 or the City would complete the work at his cost.
- On 2019-JUL-23, the owner contacted the City by e-mail requesting to appear as a delegation before Council to appeal the direction.
- During a subsequent inspection of the property on 2019-AUG-15, an excavator was observed on site, with a large excavation and partially installed septic system. A Stop Work Order was served as no permit had been issued for installation of a septic system.
- An inspection 2019-AUG-23 found a sanitation pipe discharging into the open ground from the fifth-wheel trailer. The Ministry of Environment was notified.
- On 2019-SEP-03, a ticket was issued pursuant to the Property Maintenance Bylaw for allowing rubbish to collect as there was no significant improvement to the property.

OPTIONS

1. That Council, pursuant to "Property Maintenance and Standards Bylaw 2017 No. 7242", direct the owners of the properties as listed below to remove the materials noted within fourteen days or the work will be done by the City or its agents at the owners' cost:

1. 188 Capt Morgans Boulevard – Unlicensed and/or derelict vehicles, boats, building materials, and garbage.
2. 63 Pirates Lane – Fifth-wheel travel trailer, building materials, scrap steel, lumber, derelict boat on trailer, derelict hovercraft, dump truck, old trailer full of renovation debris, and garbage.

Advantages: Removal of the materials would bring the property into compliance with the Property Maintenance Bylaw.

Disadvantages: None identified.

2. That Council provide the property owner with additional time to comply with the Property Maintenance Bylaw requirements. The property owner has not completed any substantial work to conform to the bylaw since notification in June, 2019.

Advantages: None identified.

Disadvantages: The property would continue to be in violation of the Property Maintenance Bylaw and pose a health and safety hazard.

3. That Council permit the property owner to keep the properties in their current conditions. Derelict vehicles, materials and garbage have accumulated on both properties.

Advantages: None identified.

Disadvantages: The property would remain in an unsafe, unsanitary, derelict state and would be in violation of the Property Maintenance Bylaw.

4. That Council provide alternative direction.

SUMMARY POINTS

- Complaints have been received about the conditions of the properties listed in this Staff Report.
- Each property was inspected, the owners were contacted, and efforts were made to gain voluntary compliance.
- The appearance and conditions of the properties have not improved.
- The owners have requested opportunity to appeal the direction to clean the properties to Council.
- It is recommended Council direct the owners of the properties to remove accumulated materials within 14 days, or the work will be completed by the City at the owners' cost.

Submitted by:

David LaBerge
Manager, Bylaw Services

Concurrence by:

Bill Corsan
Director, Community Development

Dale Lindsay
General Manger, Development Services