

DATE OF MEETING December 5, 2019

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

**SUBJECT NUISANCE PROPERTY ABATEMENT – 405 AND 407 SELBY STREET**

## **OVERVIEW**

### **Purpose of Report**

To inform Council of ongoing activities at 405 and 407 Selby 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 405 and 407 Selby Street a "Nuisance" pursuant to the "Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250", and to authorize Staff to record and charge for municipal services, including police, required to abate nuisance activity.

## **BACKGROUND**

The property at 405 Selby Street consists of two multi-tenancy buildings with two separate civic addresses (405 and 407 Selby Street) on one lot.

The Nanaimo RCMP report there have been 105 police calls to 405 Selby Street, and 255 calls to 407 Selby Street since June of 2007. These properties were monitored by the Nuisance Property Committee in 2014, but not presented to Council for consideration of nuisance designation, as the owner was responsive in addressing issues that were occurring at the time.

The RCMP have reported they have attended repeated nuisance-related calls at these properties again in 2019. There have been 16 police calls to 405 Selby Street since January 2019, 5 of which were nuisance-related matters, including complaints of yelling, neighborhood disputes, fighting, and drug and prostitution activity. There have been 18 police calls to 407 Selby Street since July 2019, 8 of which were for nuisance-related matters, including reports of intoxicated persons, yelling, fighting, property damage, and drug activity.

The City's Bylaw Services Section and Fire Department inspected the property on 2019-OCT-01 and observed numerous zoning, building, and fire bylaw contraventions, including two recreational vehicles parked on the property being occupied for residency, which obstructed egress routes from apartments and stairways; several illegal suites; and construction that had been built without a permit. Individuals were found living in illegal suites in the attic space of one building, and a crudely framed enclosure at the entrance of the other building. The Fire Department issued a Fire Order requiring these contraventions be rectified.

The owner has undertaken these measures to increase the occupant density and rental income of the property with no consideration of potential fire and structural hazards to the occupants, or

to the disturbances and nuisance activities that impact the peace, quiet, and enjoyment of the neighborhood.

### **OPTIONS**

1. That Council declare 405 and 407 Selby Street a “Nuisance” pursuant to the “Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250”, 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**

- The property at 405 Selby Street consists of two multi-tenancy buildings with two separate civic addresses on one lot.
- Police have responded to hundreds of calls to the property since 2007. The Nuisance Property Committee monitored the property in 2014, but made no recommendation for nuisance designation as the owner addressed issues which were occurring.
- Police have responded to numerous nuisance calls at the property in 2019, including disturbances, fights, yelling, property damage, and drug activity.
- The owner constructed several additional suites for occupancy without a permit and allowed persons to live in several recreational vehicles parked on the property, contrary to building and fire bylaws. This created hazardous conditions giving rise to the issuance of a Fire Order.

### **ATTACHMENTS:**

ATTACHMENT A: RCMP letter dated 2019-OCT-24

ATTACHMENT B: RCMP letter dated 2019-NOV-08

ATTACHMENT C: Fire Department Order dated 2019-OCT-03

#### **Submitted by:**

Dave LaBerge  
Manager, Bylaw Services

#### **Concurrence by:**

Dale Lindsay  
General Manager, Development Services