

DATE OF MEETING November 2, 2020

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**SUBJECT 90 & 94 VICTORIA ROAD – MAINTENANCE OF PROPERTY
BYLAW APPEAL**

OVERVIEW

Purpose of Report

The owners of 90 and 94 Victoria Road have requested to appear before Council as a delegation to appeal the direction of the Manager of Bylaw Services, to bring the properties into compliance with the provisions of the “Property Maintenance and Standards Bylaw 2017 No. 7242”.

Recommendation

That Council direct Staff to proceed with enforcement action to rectify contraventions of “Property Maintenance and Standards Bylaw 2017 No. 7242” at the properties 90 and 94 Victoria Road.

BACKGROUND

On 2020-JAN-13, the City received a complaint the properties at 90 and 94 Victoria Road were unsightly and in contravention of the “Property Maintenance and Standards Bylaw 2017 No. 7242” (the “Bylaw”). 94 Victoria Road is a residential property with a single family dwelling, and 90 Victoria Road is a vacant residential lot adjacent to 94 Victoria Road, both owned by the same person(s).

The properties were inspected on 2020-FEB-01 and found to be in a state contrary to the provisions of the Bylaw with an accumulation of derelict and parked vehicles, a derelict boat, utility trailers, garbage, waste-wood garbage, steel industrial containers, and invasive weeds growing into neighbouring properties.

Some of the accumulated items are being stored on a road right-of-way behind 94 Victoria Road (owned by the City), which has been fenced and enclosed by the owner. There is no agreement for the property owner to use the laneway to store personal items or to block access. Satellite images from City records indicate many of these vehicles and items have not moved since 2014 or earlier.

The residence at 94 Victoria Road is occupied by a tenant who reported most of the stored items in the yard belonged to the property owner who lives in Vancouver.

A bylaw officer communicated with the property owner by phone on several occasions in March 2020. The owner stated he had installed a fence/gate across the back laneway to prevent people from sheltering and using drugs behind his property, and he was unwilling to remove the gate. He also challenged the assertion the stored vehicles were derelict.

In telephone communications, the property owner was informed of zoning regulations pertaining to the number of vehicles, boats, and recreational vehicles that could be stored on a property (no storage of derelict vehicles or more than two unlicensed motor vehicles and no more than a combined total of more than four motor vehicles, recreational vehicles, and recreational boats, as per Section 6.12 of “City of Nanaimo Zoning 2011 No. 4500”). He expressed an intention to fix up some of the vehicles, sell others, remove the boat, and do other clean up and repairs as required. However, the COVID pandemic was just commencing, and he claimed a family member may have the virus and he would be self-quarantining for the foreseeable future.

In normal circumstances, written notification of contraventions of the Bylaw would be delivered to the owner, detailing requirements to bring the property into compliance, with a deadline of 21 days for compliance. In consideration of the owner’s situation and the evolving pandemic event, he was informed on 2020-MAR-13 the formal notification and deadline would not be immediately issued, but it was expected he would take measures to improve the conditions of the properties.

A bylaw officer re-inspected the properties in August and determined no clean-up work had commenced. The City subsequently received additional complaints from the neighborhood about the unsightly conditions, overgrowth of invasive weeds, and vermin infestations that required extermination services.

On 2020-SEP-03, a letter was issued to the owners directing the properties had to be cleaned up by 2020-SEP-28, or the City would have the work completed at their expense.

The owner contacted the Bylaw Services Section on 2020-SEP-08, advising that excess rubbish had been removed from the property and the services of a mechanic had been engaged to make the derelict vehicles operational. On 2020-SEP-15, the owner further advised all garbage would be removed from the property and the number of stored vehicles would be brought into compliance, with the assertion any remaining vehicles were not derelict. The owner further advised he intended to apply to appear before Council as a delegation to appeal the clean-up order.

A bylaw officer inspected the property again on 2020-OCT-13 and determined several motorcycles (owned by a former tenant) and a van had been removed, framing on a metal shed was taken down, and a truck stored in the back yard had been washed. There was garbage piled at the back gate. The following contraventions were observed:

- More than four (unlicensed) vehicles (a maximum of four vehicles, including recreational vehicles, boats and trailers, only two of which may be unlicensed and none may be derelict as set out in “City of Nanaimo Zoning Bylaw 2011 No. 4500”) including:
 - Commercial truck (where the property is zoned for a single dwelling residential use only and an identifiable commercial vehicle is parked on the property, the vehicle must be for use of the property resident and that resident must be an employee or owner of the company the vehicle is identified with)
 - Red Ford pickup
 - White enclosed trailer
 - Small utility trailer filled with garbage
 - Large utility trailer loaded and tarped
 - Large derelict sailboat

- An accumulation of garbage, waste wood, and steel industrial containers
- An accumulation of invasive weeds spread around the property perimeter

The property owner has recently applied to the City for an encroachment agreement with the request to keep the road allowance at the back of the property, fenced to protect his property from trespassers. The request would likely be approved if the property was brought into compliance and no vehicles or other items were stored on City property.

DISCUSSION

The owner communicated with Legislative Services, in an 2020-OCT-13 email, that he has a good understanding of what needs to be done to bring the property into compliance but requires additional time because of the pandemic event and his personal circumstances. The owners have been aware of the requirements to clean up these properties for more than seven months, and significant work is still required.

Many of the accumulated vehicles and items have been stored on the properties since 2014 or earlier. The unsightly conditions, overgrowth of weeds, and infestation of vermin have impacted neighboring properties. Residents in the neighborhood have expressed frustration these matters are taking so long to resolve.

These properties were the subject of unsightly complaints in 2014 (Bylaw Services File No. 315616). An inspection determined there were too many vehicles parked on the properties, including an RV, boats, trucks, machinery, and assorted debris. The (same) owner was directed in writing to bring the properties into compliance with City bylaws, and advised not to store vehicles on the City right-of-way. The owner appealed the direction and appeared before Council in August requesting more time to complete the work. He was granted an additional 30 days. The City file was closed in August 2014, noting that while further work was needed, the number of stored vehicles had been brought into compliance.

OPTIONS

1. That Council direct Staff to proceed with enforcement action to rectify contraventions of “Property Maintenance and Standards Bylaw 2017 No. 7242” at the properties at 90 and 94 Victoria Road.
2. That Council grant additional time for the owner to bring the properties at 90 and 94 Victoria Road into compliance with contraventions of “Property Maintenance and Standards Bylaw 2017 No. 7242”.
3. That Council provide Staff with alternative direction.

SUMMARY POINTS

- Conditions on the properties at 90 and 94 Victoria Road are unsightly, and include excess unlicensed or derelict vehicles and accumulations of garbage, waste wood, large industrial containers, and invasive weeds.
- The owners have been aware of the contraventions for more than seven months and have appealed the direction to clean up the properties.
- Conditions on the property have impacted neighbouring properties.
- The City ordered the current owner to clean up these properties and reduce the number of stored vehicles in 2014. The direction was appealed, and the property was nominally brought into compliance with City bylaws after seven months.

ATTACHMENTS:

- ATTACHMENT A: Property photographs 2014
- ATTACHMENT B: Property photographs 2020-FEB-21
- ATTACHMENT C: Property photographs 2020-JUN-09
- ATTACHMENT D: Property photographs 2020-OCT-13
- ATTACHMENT E: Aerial Views from 2014, 2016, 2018, and 2020
- ATTACHMENT F: Email Correspondence

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