

DATE OF MEETING January 21, 2021

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT 3111 DEPARTURE BAY ROAD – NUISANCE PROPERTY

OVERVIEW

Purpose of Report

To inform Council of ongoing activities at 3111 Departure Bay Road, Nanaimo, BC, 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 3111 Departure Bay Road 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 RCMP have informed the City that they have received a significant number of nuisance-related police calls for service at the property at 3111 Departure Bay Road in 2020.

Police responded to 54 calls to this property between January and November, of which 18 (33%) were considered to be nuisance-related matters. The details of these calls included incidents of disturbances, yelling, family disputes, fighting (including a minor stabbing incident), loud music, and disruptions caused by unwanted guests.

The City's Bylaw Services Section also has an ongoing investigation into contraventions of the "Property Maintenance and Standards Bylaw 2017 No. 7242", which opened in October 2020, in response to complaints from the neighborhood about unsightly conditions on this property. A Bylaw Officer inspected the property and found furniture and garbage littered around the property, which is falling into a nearby park.

This is a residential-zoned property with a dwelling house consisting of an upstairs suite occupied by the owner, and a lower rental suite. Discourse on the property substantially arises from tenants in the lower suite. The owner has reported that he has lost control of his tenants, and that they have ceased paying rent. Staff met with the owner to discuss measures that can be taken, but the owner speaks very little English and is reluctant to solicit family members or other resources which could assist. The owner has been directed to the Provincial Tenancy Branch, but there is no indication that any action has been undertaken that will abate further nuisance issues from occurring.

The RCMP recommend the City consider designating this property as a Nuisance to prevent and abate further disturbances, which disrupt the peace and enjoyment of the community.

OPTIONS

1. That Council declare 3111 Departure Bay Road 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

- Nanaimo RCMP responded to 54 matters related to the property in 2020, including 18 calls to the property to abate nuisance activity that disturbed the peace, quiet, and enjoyment of the neighborhood.
- The Bylaw Services Section is investigating contraventions of the “Property Maintenance and Standards Bylaw 2017 No. 7242” for unsightly conditions on the property.
- Police have recommended the City designate the property as a Nuisance, which would authorize Staff to record and charge for municipal services, including policing required to abate future nuisance activity.

ATTACHMENTS:

ATTACHMENT A: RCMP letter dated 2020-NOV-04

ATTACHMENT B: RCMP breakdown of calls |

Submitted by:

David LaBerge
Manager, Bylaw Services

Concurrence by:

Bill Corsan
Director, Community Services

Dale Lindsay
General Manager, Development Services |