

DATE OF MEETING APRIL 15, 2021

AUTHORED BY DAVE LABERGE, MANAGER, BYLAW SERVICES

SUBJECT UNSAFE STRUCTURE – 45/47 HALIBURTON STREET

OVERVIEW

Purpose of Report

To provide Council with background information respecting a structure at 47 Haliburton Street that has been extensively damaged by fire, is dilapidated and unsafe, and to seek approval to impose remedial action requirements pursuant to the provisions of the *Community Charter* to have the structure removed or demolished.

Recommendation

That Council:

1. issue a Remedial Action Order at 45/47 Haliburton Street pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner that they may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and
4. direct the remedial action consist of removal or demolition of the fire-damaged structure.

BACKGROUND

The property at Lot 3, Block 8, Section 1, Nanaimo District, Plan 584 is a medium-density residential lot with two civic addresses (45 and 47 Haliburton Street) and two residences.

The residence at 47 Haliburton Street, a single family dwelling with basement suite, was extensively damaged by fire on 2018-JUL-15 and is irreparable (see Attachment A). The structure has been boarded up and vacant since the fire incident, and is currently in an unsafe and dilapidated state.

Sections 72 and 73 of the *Community Charter* authorize Council to impose a remedial action requirement in relation to a building or other structure that creates an unsafe condition. A remedial action requirement may include demolition, removal, alteration, bringing it up to a standard specified by bylaw, or otherwise to deal with it in accordance with the directions of Council.

Building Inspections Staff have determined there is no option to renovate or restore the structure to meet code requirements, as it is a total loss. The owner needs to apply for a demolition permit.

A registered letter was sent to the owners of the property in December 2019, directing the removal of the structure. The letter was returned as undelivered. The property was subsequently sold in

April, 2020. A registered letter was delivered to the new owners on 2020-SEP-24 directing the removal of the burned structure. The owners have not responded to the letter or otherwise applied for a demolition permit. A subsequent letter was delivered on 2020-DEC-30 informing the owners that a remedial action order would be considered by Council on 2021-FEB-18; however, the February meeting was cancelled by the City, and as such, further correspondence was sent separately advising the owners of the cancellation (sent 2021-FEB-03) and then of the new schedule meeting date of 2021-APR-15 (sent 2021-FEB-24).

OPTIONS

1. That Council:
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 4. direct the remedial action consist of removal or demolition of the fire-damaged structure.

SUMMARY POINTS

- The structure at 47 Haliburton Street was extensively damaged by fire on 2018-JUL-15. An inspection has determined the structure is unsafe and in dilapidated condition.
- The owners of the property have been directed in writing to remove the fire-damaged structure.
- The *Community Charter* authorizes Council to impose a remedial action requirement in relation to an unsafe structure and to require its removal

ATTACHMENTS:

ATTACHMENT A: Site photos

ATTACHMENT B: Letter to the property owner sent 2020-SEP-24

ATTACHMENT C: Letter to the property owner sent 2020-DEC-30

ATTACHMENT D: Letters sent to the property owner 2021-FEB-03 and 2021-FEB-24

Submitted by:

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Concurrence by:

Bill Corsan
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