

DATE OF MEETING December 16, 2021

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SUBJECT NUISANCE PROPERTIES – 403 NICOL STREET, 405 NICOL STREET, 515 NICOL STREET

OVERVIEW

Purpose of Report

To inform Council of ongoing activities at three Nicol Street properties, 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 403 Nicol Street, 405 Nicol Street, and 515 Nicol Street as "nuisances" 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 properties at 403, 405 and 515 Nicol Street have been identified as potential nuisances that substantially and unreasonably interfere with the peace and comfort of the community. An assessment of municipal records indicates a pattern of non-compliance in multiple areas, most notably numerous attempts to subvert the City of Nanaimo "Building Bylaw 2016 No. 7224" and BC Building Code to generate revenue by creating additional living spaces within the home(s).

The current owner of 405 Nicol Street has resided at the property since May 2010. The neighboring property at 403 Nicol Street is owned by a family member, but in recent times has been substantially managed by the owner of 405 Nicol Street. This individual acquired the property at 515 Nicol Street in July 2020 (on the same block as 405 Nicol Street, six lots to the south).

This one individual controls three properties on the same city block and has installed unauthorized suites in each of the houses to increase rental revenues. All of the properties are of interest to the police for drug-related activities and violence, and are of concern to the broader South End neighborhood. There are ongoing issues of unsightliness on the properties, derelict vehicles, parking issues, aggressive dogs, and a continuous homelessness presence associated to the occupants of these houses.

The Nanaimo RCMP have responded to 46 matters related to the properties since January 20, 2020 of which were considered nuisance-related (42.5%).

Building and Tenancies Issues

- 2011-SEP-28: Inspection undertaken in the presence of the registered owner (405 Nicol Street). Secondary suite and deck structure identified;
- 2011-NOV-14: Section 57 notice on title approved by Council for the secondary suite and deck structure (405 Nicol Street). Compliance not met;
- 2018-NOV-13: Notice sent to the registered owner to remove the secondary suite and convert the space back into a duplex (405 Nicol Street). Compliance not met;
- 2019-MAR-20: Inspection undertaken of 405 Nicol Street in the presence of the registered owner. The suite had been vacated but remained intact. Registered owner indicated a desire to apply for a building permit to rectify the space;
- 2019-JUN-13: Council ordered removal of the suite within 30 days (405 Nicol Street);
- 2019-DEC-13: Plans received from the registered owner to extend the existing duplex in 405 Nicol Street;
- 2020-DEC-14: Building permit expired. Compliance not met (405 Nicol Street);
- 2021-JUN-29: Inspection undertaken of 403 Nicol Street, 405 Nicol Street, and 515 Nicol Street in the presence of the registered owner. Secondary suites were identified in all three properties;
- 2021-SEP-21: Notice of completed inspection sent to the registered owner for 403 Nicol Street, 405 Nicol Street, and 515 Nicol Street instructing the removal of secondary suites at all three properties;
- The owner has recently advised that no work has been undertaken to rectify existing contraventions.

1. 403 Nicol Street:

A total of 8 City of Nanaimo calls for service have been generated at this property since the owner took possession in 2006. These include Bylaw Services, Animal Control, and RCMP requests for nuisance monitoring. The property was deemed a nuisance 2006-DEC-04 and was subsequently billed \$3,994.62 for attendance of emergency services. An active monitoring bylaw call for service has been open since 2021-JUN-15 at the request of the RCMP. A recent inspection of the property identified the construction of a suite without a permit. A total of 9 incidents have been reported to police, 5 of which are nuisance-related for the period of 2020-JAN-01 to 2021-OCT-27. The majority of the calls constituted disturbances, drug use, and suspected drug dealing. There was one significant assault incident in June 2021 that resulted in hospitalization.

2. *405 Nicol Street:*

A total of 36 City of Nanaimo calls for service have been generated at this property since the owner took possession in 2010. These include Bylaw Services, Parking, Commercial Transport, Animal Control, Public Works, Building Inspections, and RCMP requests for nuisance monitoring. The details of these complaints include tenancy infractions, accumulation(s) of filth, rubbish and discarded material, dumping complaints on the boulevard, aggressive dog(s)/dog(s)-at-large, parking violations, and public disturbance complaints to the RCMP. An active monitoring Bylaw call for service has been open since 2021-JUN-15 at the request of the RCMP. A total of 19 incidents have been reported to police, 7 of which are nuisance-related for the period of 2020-JAN-01 to 2021-OCT-27. The majority of calls involved disturbances with components of violence, drug use, suspected drug dealing, and noise. In July of 2021, an assault incident resulted in hospitalization for a broken bone.

3. *515 Nicol Street:*

A total of 2 calls for service have been generated at this address since the owner took possession in July 2020, including one dog-at-large and a file to monitor for nuisance activity at the request of the RCMP. A recent inspection of the property identified the construction of a suite without a permit. A total of 19 incidents have been reported to police, 8 of which are nuisance-related for the period of 2020-JAN-01 to 2021-OCT-27. Nanaimo RCMP have executed two search warrants on the residence in the last two years. Several firearms, drugs, and cash have been seized. In October 2021, Nanaimo RCMP responded to a report of gun shots at the residence. Police located a victim who had sustained a significant but non-life threatening gunshot wound. Two people have been arrested and several charges recommended.

The RCMP recommend the City consider designating these properties as a nuisance to prevent and abate further disturbances that disrupt the peace and enjoyment of the community. It is the opinion of the Bylaw Services Section that the three historically-problem properties, which are geographically adjacent to each other and jointly owned by one family group, have a cumulative effect with respect to nuisance activity in the neighbourhood and that they should be treated as a collective whole when considering a nuisance designation.

Fire Department Calls for Service

Nanaimo Fire & Rescue report the following calls for service to these properties:

- 403 Nicol Street (current owner since April 2009) – 9 medical aid calls
- 405 Nicol Street (current owner since May 2010) – 15 medical aid calls and 1 burning complaint
- 515 Nicol Street (current owner since July 2020) – no calls

The significant number of medical aid calls are consistent to reports of suspected drug use and trafficking, and incidents of assaults and violence. However, costs for abating nuisance activities is not imposed for municipal or provincial responses to medical aid calls, even in circumstances where a property has been designated as a nuisance property to ensure that there is no fear of repercussions in requesting aid in a medical emergency.

OPTIONS

1. That Council declare 403 Nicol Street, 405 Nicol Street, and 515 Nicol Street as “nuisances” 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 consider an option to declare any one or several of the properties at 403, 405 or 515 Nicol Street as 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.
3. That Council provide Staff with alternative direction.

SUMMARY POINTS

- The Nanaimo RCMP have responded to 46 matters related to the properties since January 20, 2020 of which were considered nuisance-related (42.5%).
- The registered owner(s) of these properties have demonstrated a historical pattern of non-compliance with respect to City of Nanaimo Bylaws and BC Building Code.
- Police have recommended the City designate the above properties 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: Inspection photos – 403 Nicol Street, 2021-NOV-16
ATTACHMENT B: Inspection photos – 405 Nicol Street, 2021-NOV-16
ATTACHMENT C: Inspection photos – 515 Nicol Street, 2021-NOV-16
ATTACHMENT D: Call breakdown – 403 Nicol Street
ATTACHMENT E: Call breakdown – 405 Nicol Street
ATTACHMENT F: Call breakdown – 515 Nicol Street
ATTACHMENT G: Letter to Bylaw Services – 403 Nicol Street, 2021-NOV-23
ATTACHMENT H: Letter to Bylaw Services – 405 Nicol Street, 2021-NOV-23
ATTACHMENT I: Letter to Bylaw Services – 515 Nicol Street, 2021-NOV-23

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