

DATE OF MEETING JUNE 16, 2022

AUTHORED BY DAVID LABERGE, MANAGER BYLAW SERVICES

SUBJECT NUISANCE PROPERTY ABATEMENT – 1045 TERMINAL AVENUE N.

OVERVIEW

Purpose of Report

To inform Council of ongoing activities at 1045 Terminal Avenue N., 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 1045 Terminal Avenue N. 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 1045 Terminal Avenue N. is zoned COR3 (Community Corridor) and is the site of two commercial buildings and a large parking lot facing Terminal Avenue and backing onto the E&N Trail. The building on the south end of the property has been vacant for many years. A restaurant previously operated out of the adjacent building. The entire property is now vacant.

The City has received continuous complaints from the community regarding conditions on the property since 2019. The current owners (since June 2018) are not local and do not regularly inspect or maintain the property. The building on the south end is dilapidated and is frequently breached and occupied by homeless citizens who shelter inside storage lockers at the back of the structure. There are constant accumulations of filth and rubbish in and around the building, vermin infestation, graffiti, broken windows, disturbances and fires.

The Bylaw Department is in continuous communication with the property owner(s) by phone, email and written correspondences, requiring remedial action to be taken within 21 days in accordance with the provisions of Property Maintenance and Standards Bylaw 2017 No. 7242. The owner(s) have been largely unresponsive to these communications, causing the City to hire contractors to bring the property into compliance at their expense. Given the fact that the building and property are substantially unmanaged and insecure, the structures are inevitably breached and re-occupied almost immediately after they are cleaned up and secured.

Public complaints and calls for service have been continuous in recent years. RCMP have responded to seven calls to the property since November 2021, with a consistent pattern of homelessness and drug related activity, disturbances, fires, damage to property which disrupt the neighbourhood and intimidate users of the E&N Trail situated directly behind the vacant building.

The Bylaw Department receives many more complaints, and typically keeps investigative files open continuously with timeliness of responses being limited by the requirements of the Property Maintenance Bylaw.

Fire Department inspectors have attended to the property on numerous occasions, and have directed that the vacant building be secured in accordance with the requirements of Fire Protection and Life Safety Regulation Bylaw 2011 No. 7108. After successive fire incidents and breaches to the vacant building, a fire prevention officer issued a Fire Department Order on 2022-APR-27 requiring the property owner(s) to properly board up the vacant building, install a steel perimeter fencing, promptly remove accumulations of rubbish and combustible materials, and to contract security services to regularly patrol the premises overnight to prevent illegal trespass and squatting.

Successive inspections have determined that the property owner(s) are not complying with the requirements of the Fire Department Order. The property is currently listed for sale.

OPTIONS

1. That Council declare 1045 Terminal Avenue N. 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

- 1045 Terminal Ave N. is a commercial (COR-3 zoning) property with two former restaurant buildings which are currently vacant.
- Police, Fire Services and the Bylaw Department respond to many nuisance-related complaints at the property including homelessness, drug use, disturbances, unsightly conditions and disturbances.
- Property owner(s) are not responsive to direction to properly secure and maintain the property.
- Nuisance property designation is recommended, 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 July 6, 2020.

ATTACHMENT B: Fire Department Order dated April 27, 2022

ATTACHMENT C: Photographs April 12, 2022

Submitted by:

David LaBerge
Manager, Bylaw Services

Concurrence by:

Dale Lindsay
General Manager, Development Services /
Deputy CAO