

DATE OF MEETING JANUARY 16, 2023

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT 430 MURRAY STREET – NUISANCE PROPERTY ABATEMENT

OVERVIEW

Purpose of Report

To inform Council of ongoing activities at 430 Murray Street, 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 430 Murray Street 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 residents in the area report that the peace, quiet and enjoyment of their neighbourhood is continuously disturbed by activities occurring at 430 Murray Street.

If the property is designated as a nuisance, in accordance with the provisions of the bylaw, the property owner(s) will be responsible for any costs incurred through the abatement of future nuisances.

DISCUSSION

The property at 430 Murray Street is a single family residential house in the Harewood neighbourhood. The Owner advises City Staff that he does not reside at the Property, and rents out individual rooms in the house to unrelated persons. The Owner maintains an area of the house for his own storage purposes.

The matter of nuisances occurring at the Property were brought to Staff by the Nanaimo RCMP who report that 58 police calls for service have been received since January 2022. Of those police calls, 23 were considered to be nuisance related incidents and are summarized in the police report attached as Attachment A.

The nuisance activity substantially started in July 2022, with a recurring theme in all of the police calls. Complaints were received on a weekly basis that this is was a drug house, with descriptions of constant pedestrian and vehicle traffic occurring at all hours day and night. This culminated into an investigation in which police entered the residence in December and the seizure of a small

quantity of illicit drugs. Investigators described the scene inside as a “flophouse”, with numerous individuals associated to the illicit drug subculture.

City Bylaw Services have investigated a number of complaints at the Property in recent years. In 2021, complainants reported that large appliances were being stored on the front patio of the home, and truck/trailer units would park on the front lawn blocking the sidewalk to haul items in and out. It appeared that some type of business was being operated out of the residence.

Similar complaints were received in 2022 that a large cube van was hauling materials in and out of the house, often in the middle of the night, and was being stored on the front lawn when not in use. Progressing into the fall of 2022, reports of dozens of people coming and going from the house at all hours were received along with complaints of animals running at large, garbage piled up on the driveway, people sleeping in vehicles parked on the street and a general suspicion that this was a drug house.

City staff have contacted the Owner who acknowledges that there are significant problems at the Property which negatively impact the neighbourhood. It appears that the loose tenancy arrangements have led to a situation where some of the problematic persons have moved out only to move back in with associates who live in another room. This has been impactful to the neighbourhood for many months, and has required significant policing resources to deal with ongoing nuisance matters.

OPTIONS

1. That Council declare 430 Murray Street 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 alternative direction.

SUMMARY POINTS

- Police have received 58 calls associated to activities at 430 Murray Street, 23 of which were for nuisance-related incidents over the past year.
- The Property is rented to a number of unrelated persons whose activities substantially disturb the peace and enjoyment of the neighbourhood.
- Bylaw Services has investigated complaints of unsightly conditions, disturbances and accumulations of garbage on the property.
- It is recommended that the property be designated as a nuisance.

ATTACHMENTS:

ATTACHMENT A: Location Plan – 430 Murray Street
ATTACHMENT B: RCMP Letter dated 2022-DEC-28

Submitted by:

David LaBerge
Manager, Bylaw Services

Concurrence by:

Dale Lindsay
General Manager, Development Services /
Deputy CAO