

DATE OF MEETING DECEMBER 14, 2023
AUTHORED BY DAVID LABERGE, DIRECTOR, BYLAW SERVICES
SUBJECT NUISANCE PROPERTY ABATEMENT- 580 ROSEHILL STREET

OVERVIEW

Purpose of Report

To inform Council of ongoing activities at 580 Rosehill Street which substantially and unreasonably interfere with other persons' use and enjoyment of property and result in repeated calls for police and municipal services to abate nuisances.

Recommendation

That Council:

1. Declare 580 Rosehill Street a "Nuisance" pursuant to the "Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250";
2. Direct and authorize Staff to impose the costs of abating nuisances on the persons causing the nuisance, the occupier of the property, or the owner of the property; and,
3. Recover the costs imposed as property taxes or as a debt due and recoverable in a court of competent jurisdiction.

BACKGROUND

580 Rosehill Street is an R8 medium density residential zoned property with a single dwelling house situated in a residential neighbourhood. The current owners acquired the property in January, 2022 with the intention of removing the existing house and constructing condominiums. Tree removal and demolition permits were issued that year in furtherance of plans to develop 13 strata lots on the property.

The project was not completed and the demolition permit expired in the summer of 2023. The house continues to have power and water service connections, but has been boarded up and is vacant continuously. The house and property are not maintained.

The Bylaw Services department has received more than fifteen complaints from the neighbourhood regarding conditions and activities on the property since March 2022 including unsightly conditions, overgrowths of blackberries, accumulations of garbage attracting vermin, trespasses, derelict vehicles, disturbances, and reoccurring homeless occupation both in the residence, in a shed structure in the yard, and in recreational vehicles.

The owners do not have a local representative to manage or inspect the property, leaving the City to respond to trespasses and nuisances reported by neighbours. Bylaw officers typically

inspect the property twice a week through the summer months. Twelve tickets have been issued for property maintenance and zoning contraventions.

The RCMP have provided a summary of police calls to the property since January, 2023 reporting twenty-four (24) incidents of which thirteen (13) are nuisance-related. The nature of these calls are similar to the issues reported to the Bylaw Department; trespass, disturbances, drug use, and homeless sheltering in the buildings and on the property.

The same unsheltered individuals have been living on the property for many months. Neighbours have been threatened and intimidated on occasion, and report ongoing disturbances often during late night hours. The owners have declined to assert or request that these individuals be removed by police as trespassers.

DISCUSSION

The culmination of activities occurring at 580 Rosehill Street have caused ongoing disorderly and aesthetically unpleasing conditions in this residential neighbourhood, requiring continuous bylaw and police resources to deal with nuisances.

Staff recommend that Council designate the property as a nuisance pursuant to the provisions of City of Nanaimo “Nuisance Abatement and Cost Recovery Bylaw 2019, No. 7250”, thereby authorizing the recovery of costs of municipal and police services to abate nuisances.

The owners have been notified in writing that Council will consider this matter at Public Hearing.]

OPTIONS

1. That Council:
 - i. Declare 580 Rosehill Street a “Nuisance” pursuant to the “Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250”;
 - ii. Direct and authorize Staff to impose the costs of abating nuisances on the persons causing the nuisance, the occupier of the property, or the owner of the property; and,
 - iii. Recover the costs imposed as property taxes or as a debt due and recoverable in a court of competent jurisdiction.

2. That Council provide staff with alternative direction.]

SUMMARY POINTS

- The property at 580 Rosehill Street has been vacant for several years. A demolition permit was issued in 2022 to remove the vacant house, but the work was not completed and the permit is expired.
- The Bylaw Services department and police attend to the property frequently in response to nuisance complaints, trespasses, disturbances and unsightly conditions.
- There is no local representative to maintain, manage and inspect the property.
- Nuisance property designation is recommended authorizing the recovery of costs of municipal and police services required to abate nuisances.

Submitted by:

David LaBerge
Director, Bylaw Services

Concurrence by:

Dale Lindsay
Chief Administrative Officer