

DATE OF MEETING SEPTEMBER 26, 2024

AUTHORED BY DAVID LABERGE, DIRECTOR PUBLIC SAFETY

SUBJECT 540 HALIBURTON STREET – REMEDIAL ACTION REQUIREMENT

OVERVIEW

Purpose of Report

To inform Council that the building at 540 Haliburton Street is dilapidated and hazardous, and to recommend that a Remedial Action Requirement be issued to have the building structure assessed and remediated or to demolish.

Recommendation

That Council:

1. Declare that the building at 540 Haliburton Street is unsafe and creates hazardous conditions and is so dilapidated as to be offensive to the community.
2. Impose remedial action requirements in relation to the provisions of sections 72, 73 and 74 of the Community Charter.
3. Direct the remedial action requirements to include:
 - a. The owner must retain a qualified structural engineer who does not have an interest in the property to conduct a thorough assessment of the building. The assessment should determine whether the building is safe to remain as is.
 - b. If the structural assessment reveals significant safety issues, the owner must:
 - i. Submit the findings to the City of Nanaimo Building Inspection Department for review, and,
 - ii. Submit a complete building permit application with all required documentation which includes a complete set of drawings which have been reviewed and approved by a structural engineer and a hazardous materials survey done by a registered environmental company in accordance with WorkSafeBC guidelines which details a scope of work to completely remediate all hazardous conditions and structural deficiencies, or,
 - iii. Obtain an approved permit and demolish the building.

- c. The structural assessment must be completed and submitted to the Building Inspection Department for review within 30 days from the date the remedial action requirement is imposed.
 - d. If the structural assessment reveals significant safety issues, a complete building permit or demolition permit application must be submitted within 60 days from the date the remedial action requirement is imposed.
 - e. The building or demolition permit must be picked up and paid within full within 14 days of issuance.
 - f. The scope of work set out in the building permit or building demolition must be completed within 90 days of the date the permit is issued.
4. Direct staff to advise the owner that they may request Council reconsider the Remedial Action Requirement by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent.
 5. Direct Staff or authorized agents to act 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 the timeline set out in the Council resolution.

BACKGROUND

The building at 540 Haliburton Street is the former Jolly Miner Hotel (also previously known as the Newport Bar and Grill). This is a two-storey structure that previously contained twenty (20) single-occupancy rooms upstairs, and a pub on the main. The pub ceased to operate in the 2010's after a significant flood caused by bursting pipes. It is now vacant, boarded and in dilapidated condition.

The property was designated as a nuisance on 2012-FEB-13. The Fire Department issued a Fire Order on 2013-OCT-30 and has attended 63 calls to this property. (45 medical aid, 2 burning complaints, 2 structure fires, 10 assistance, 2 alarms, 1 other fire, 1 motor vehicle incident) There was a structure fire on 2019-JUL-07, another fire on 2019-NOV-28, and evidence of other unreported fires around the building exterior. Deficient fire inspection reports were recorded in 2007, 2011, 2013, 2014, 2015, 2021 and 2023 to present.

The building was first inspected as vacant on 2017-JUN-20. Notice of bylaw contravention was registered on property title in December 2017 after it was determined that interior partition walls and plumbing had been moved without building permit or inspections in contravention of the Building Bylaw. The building condition has deteriorated over time and is a visual blight to the neighbourhood. It is frequently tagged with graffiti and vulnerable to intrusions and illegal occupancy by trespassers, which has raised the property for potential nuisance designation in the past.

Ownership of the building changed in August 2023, and the Fire Department issued a Fire Order requiring the remediation of fire hazards after it was determined that extensive demolition work was being undertaken in the interior without a permit. The Order required the re-securement of the building to prevent breaches and illegal trespass, to maintain perimeter security fencing and to contract regular security patrols. It further required a structural engineering report on the condition of the building.

The Building Department issued a 'Do Not Occupy' order on the building on 2024-FEB-23 citing concerns about the safety and structural integrity of the building and directed the owners to either hire a qualified structural engineer to conduct a thorough assessment of the building or to obtain a permit and demolish the building. The owners were informed that the matter would be forwarded to the bylaw department for enforcement if these requirements were not met by 2024-MAR-23.

The owners opted to demolish the building and a permit was issued 2024-APRIL-12 requiring that demolition was to commence within 30 days and be completed prior to 2024-JULY-15. No work was undertaken, and the permit expired. The owners were informed that City staff would recommend that Council impose a remedial action requirement to have the building demolished. They advised that it was their intention to renovate the building. It should be noted that the owners had applied to convert the building into residential apartments in November 2023 before the demolition permit was issued but canceled when they were advised that a development permit would be required.

There are no active applications for the property, and it is currently listed for sale. The building is showing significant deflection in the exterior walls, particularly on the south and east elevations directly adjacent to public sidewalks and is hazardous. Security fencing has been installed around the building which is encroaching on the sidewalk. Portions of the floor framing, exterior wall framing, demolition of interior partitions and removal of interior wall and ceiling finishes (without a permit) have all reduced the building's ability to resist lateral forces. |

DISCUSSION

| Pursuant to Section 72(1) of the *Community Charter*, Council may impose a remedial action requirement in relation to hazardous conditions. A remedial action requirement may require the owner to remove an unsafe structure, bring it up to a standard specified by bylaw, or otherwise deal with it in accordance with the direction of Council.

Council may also declare a building to be a nuisance and impose a remedial action requirement if it is considered so dilapidated or unclean as to be offensive to the community pursuant to Section 74 of the *Community Charter*. |

OPTIONS

- | 1. That Council
 1. Declare that the building is unsafe and creates hazardous conditions and is so dilapidated as to be offensive to the community.

2. Impose remedial action requirements in relation to the provisions of sections 72, 73 and 74 of the Community Charter.
 3. Direct the remedial action requirements to include:
 - a. The owner must retain a qualified structural engineer who does not have an interest in the property to conduct a thorough assessment of the building. The assessment should determine whether the building is safe to remain as is.
 - b. If the structural assessment reveals significant safety issues, the owner must:
 - i. Submit the findings to the City of Nanaimo Building Inspection Department for review, and,
 - ii. Submit a complete building permit application with all required documentation which includes a complete set of drawings which have been reviewed and approved by a structural engineer and a hazardous materials survey done by a registered environmental company in accordance with WorkSafeBC guidelines which details a scope of work to completely remediate all hazardous conditions and structural deficiencies, or,
 - iii. Obtain an approved permit and demolish the building.
 - c. The structural assessment must be completed and submitted to the Building Inspection Department for review within 30 days from the date the remedial action requirement is imposed.
 - d. If the structural assessment reveals significant safety issues, a complete building permit or demolition permit application must be submitted within 60 days from the date the remedial action requirement is imposed.
 - e. The building or demolition permit must be picked up and paid within full within 14 days of issuance.
 - f. The scope of work set out in the building permit or building demolition must be completed within 90 days of the date the permit is issued.
 4. Direct staff to advise the owner that they may request Council reconsider the Remedial Action Requirement by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent.
 5. Direct Staff or authorized agents to act 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 the timeline set out in the Council resolution.
2. That Council provide alternate direction. |

SUMMARY POINTS

- The building at 540 Haliburton Street has been vacant since 2017, is dilapidated and structurally unstable making it hazardous.
- A Do Not Occupy and Fire Order have been issued.
- A demolition permit was issued, but no work was completed. The property is now for sale.
- A remedial action requirement is recommended which would require that the building be structurally assessed and remediated or demolished.

Submitted by:

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Concurrence by:

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