

REQUEST FOR DECISION

— REGULAR MEETING —



To: Mayor and Council

From: Bylaw Enforcement Officer

Date: November 14, 2017

Subject: Provide Owner and/or Tenant Opportunity to be Heard

Recommendation: **RESOLVED THAT Council provide the owner and/or tenant of the property an opportunity to explain their plans to clean-up the property known as 2314 Central Avenue, so that it is no longer a nuisance and the time frame within which to bring the property into compliance with the Unsightly Premises Bylaw. If council is not satisfied with the proposed actions of the owner or the owner fails to appear before council, the following resolution is in order.**

Further resolve that council authorize staff to proceed with the third and final notice, with a date and time to bring the property into compliance with the Bylaw.

BACKGROUND: The first notice was issued on September 25, 2017, requesting that the owner of the property clean up the premises and bring the property into compliance with the bylaw. No responses have been received and nothing has been done to clean-up the property.

The second notice was hand delivered on November 2, 2017, providing an additional 10 days to remedy the situation.

The property owner does have an opportunity to appear before City Council at a show cause hearing with regards to the unsightly conditions that exist on the property. After the show cause hearing Council may choose to proceed with the third and final notice which will include a date and time that the property is to be brought into compliance with the bylaw.

Benefits or Impacts of the Recommendation:

General: To achieve compliance with the Unsightly Premises Bylaw No. 1962

Strategic Impact: N/A

Financial: N/A

Policy/Legislation: N/A

Attachments: Copy of the First Notice, Copy of the Second Notice, Photos taken on November 2, 2017, Copy of Bylaw No. 1962.

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— REGULAR MEETING —



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Further resolve that council authorize staff to proceed with the third and final notice, with a date and time to bring the property into compliance with the Bylaw.

OPTIONS:

- 1. RESOLVED THAT COUNCIL RECEIVES THE STAFF REPORT.**
- 2. RESOLVED THAT COUNCIL DOES NOT ACCEPT THE STAFF REPORT.**
- 3. RESOLVED THAT COUNCIL REFERS THE MATTER BACK TO STAFF FOR FURTHER INFORMATION.**

	
Department Head or CAO	Chief Administrative Officer

THE CORPORATION OF THE CITY OF GRAND FORKS



BYLAW ENFORCEMENT OFFICE

7217 – 4TH STREET, BOX 220 • GRAND FORKS, BC V0H 1H0 • FAX 250-442-8000 • TELEPHONE 250-442-8266

2017-11-02

Linda E Harrison
PO BX 1365
Grand Forks, BC
V0H 1H0

A handwritten signature in black ink that reads "File Cory".

UNSIGHTLY PROPERTY – REGISTERED MAIL AND POSTED AT RESIDENCE

During the year of 2016 you were sent and received two registered letters regarding the condition of your property located at 2314 Central Avenue, Grand Forks BC. You were also sent a third and final registered letter notice about the clean up of the property on 2016-10-13 which you failed to pick up or refused to accept the registered letter.

You were issued three violation tickets for non-compliance with the demands for your property remediation dated 2016-10-14, 2016-10-20 and 2016-10-29, which you have not acknowledged.

On 2017-09-25 you were sent another registered letter which you accepted receipt of on 2017-10-05.

Your property remains in a very unsatisfactory state.

You will have an opportunity to appear before City Council on at the regular meeting of City Council for a show cause hearing to represent your case in regards to the unsightly condition of this property. The date of the meeting is November 14th at 7:00 PM.

Failing remediation of the property by yourself I will be seeking a Remediation order from City Council which could cause your property to be cleaned up by a contractor at your expense.

A handwritten signature in black ink that appears to read "R.V. (Bud) Alcock".

R.V. (Bud) Alcock
City Bylaw Enforcement Officer
250-443-4594
Email: bylaw@grandforks.ca

THE CORPORATION OF THE CITY OF GRAND FORKS



BYLAW ENFORCEMENT OFFICE

7217 – 4TH STREET, BOX 220 •



REGISTERED
DOMESTIC
CUSTOMER RECEIPT

RECOMMANDÉ
RÉGIME INTÉRIEUR
REÇU DU CLIENT



2017-09-25

Linda E Harrison
PO Box 1365
Grand Forks BC
V0H 1H0

To / Destinataire	
Name / Nom	Linda Harrison
Address / Adresse	Box 1365
City / Prov. / Postal Code	GF. V0H 1H0
Declared Value / Valeur déclarée	\$
33-086-584 (14-06)	
REC'D 17.10.65	
FOR DELIVERY CONFIRMATION / CONFIRMATION DE LA LIVRAISON	
www.canadapost.ca / www.postescanada.ca	
1 888 550-6333	
CPC Tracking Number / Numéro de repérage de la BCP	
RN 152 596 630 CA	

FIRST NOTICE – REGISTERED MAIL

You property located at 2314 Central Ave. in Grand Forks has been subject of a number of complaints from concerned citizens about the condition of the property. Upon investigation by the Bylaw Department, your property is deemed unsightly.

You are required remove the debris from your property by October 10th, 2017.

A copy of the Municipal Bylaw #1962 is included as well as a Copy of “Schedule 4” of the bylaw that includes the penalties if there continues to be noncompliance.

Your cooperation in this matter is appreciated.

UNSIGHTLY PREMISES BYLAW 1962

3. **Unsightly Premises**

3.1 *No owner shall cause, allow or permit a parcel to become or to remain unsightly, and, specifically:*

- (a) *No owner of a parcel shall cause, allow or permit the accumulation of building material on the parcel unless;*
 - (i) *The owner or occupier of the parcel is in possession of a valid building permit in respect of the accumulation; or*
 - (ii) *The accumulation is stored in a closed building or structure such that the accumulation is not visible from another parcel or highway*

Website: www.grandforks.ca

Email: info@grandforks.ca

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(b) *No owner of a parcel shall cause, allow or permit the storage or accumulation, on the parcel, of all or part of a vehicle, as defined in the Motor Vehicle Act, which is not:*

(i) *validly registered or licensed in accordance with the Motor Vehicle Act for a period of 12 months and which is not housed in a garage or carport or*

(ii) *capable of movement under its own power;*

unless it is stored in a closed building or structure such that the vehicle, or any portion of a vehicle, is not visible from another parcel or a highway;

(c) *No owner of a parcel shall cause, allow or permit the accumulation on the parcel of filth, discarded materials, unwholesome matter, or rubbish of any kind, whether or not for commercial purposes or as part of a trade or calling, including but not limited to dead animals, paper products, crockery, glass, metal, plastics, plastic containers, wire, ropes, machinery, tires, appliances, and any other scrap or salvage;*

(d) *No owner of a parcel shall cause, allow or permit a building or structure, or part of a building or structure, which is missing all or a portion of its surface, covering, or coating materials to be on the parcel unless the owner is in possession of a valid building permit in respect of the building or structure;*

(e) *No owner of a parcel shall cause, allow or permit the presence of graffiti, whether in the form of pictures or words, on the parcel or on the surface of a structure on the parcel;*

(f) *No owner of a parcel shall cause, allow or permit the accumulation on the parcel of garbage not contained in a covered receptacle.*

3.2 *Owners of a parcel shall remove or cause to be removed from the parcel any accumulations of filth, discarded material, or rubbish of any kind.*

If you choose to ignore or not comply with the bylaw as stipulated above, please be advised that you may be subject to fines under the Municipal Ticketing Bylaw #1957 which allows for ticketing at a rate of \$100 per day of non-compliance for each offence described.

The Municipal Ticketing Bylaw Schedule 4 is attached.

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At this time the City of Grand Forks would appreciate your cooperation in cleaning up this property. All materials shall be removed within 10 days of the receipt of this letter. The entire bylaw can be reviewed on the City's Website.

The City of Grand Forks would like to thank you in advance for your cooperation in this matter.

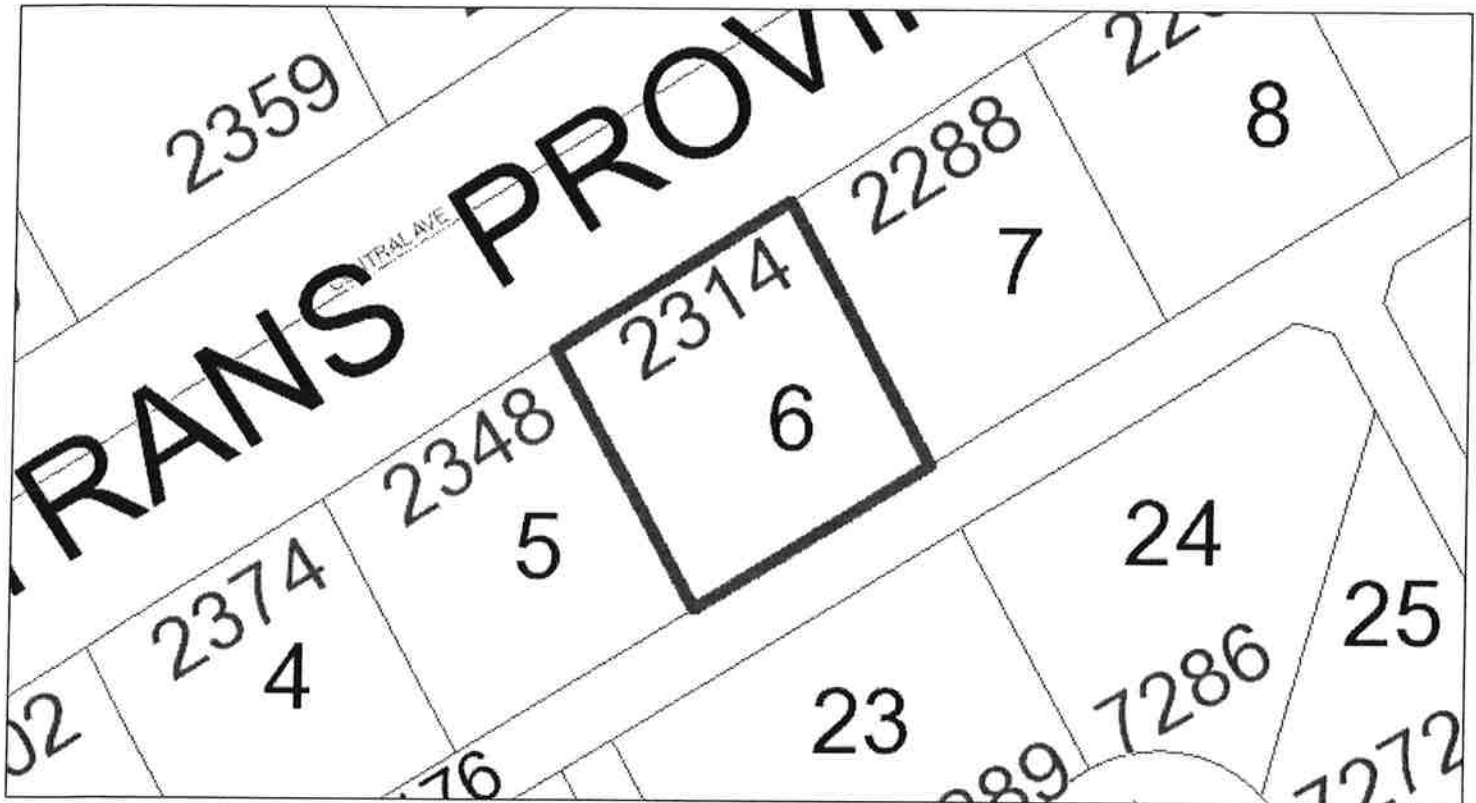
R.V.(Bud) Alcock
Bylaw Enforcement Officer

cc. D.Bruce, Manager Building Inspection and Bylaw Services



Owner Report

Monday, September 25, 2017



Scale 1: 764

Legal Informations

Plan: KAP16176	Section:	Jurs: 210	Lot Area: 0.222
Block:	Township:	Roll: 846000	Area Unit: acr
Lot: 6	Land District: 54	PID: 003-577-759	Width (ft): 0
District Lot: 520	Electoral Area:		Depth (ft): 0
Street: 2314 CENTRAL AVE			
Description:			

Owner Information:

LINDA E. HARRISON

PO BOX 1365
GRAND FORKS BC
V0H1H0







THE CORPORATION OF THE CITY OF GRAND FORKS

UNSIGHTLY PREMISES BYLAW NO. 1962

A BYLAW TO CONTROL UNSIGHTLY PREMISES

WHEREAS the Local Government Act allows Council, by bylaw, to prohibit persons from causing or permitting unsightliness on real property;

THEREFORE the Municipal Council of the Corporation of the City of Grand Forks in open meeting, **ENACTS** as follows:

1. Title

- 1.1 This bylaw may be cited, for all purposes, as the **“Unsightly Premises Bylaw No. 1962, 2013”**.

2. Interpretation

2.1 In this bylaw:

- (a) **“Bylaw Enforcement Officer”** means every person designated by Council as a Bylaw Enforcement Officer for the City and every Peace Officer;
- (b) **“City”** means the Corporation of the City of Grand Forks;
- (c) **“Council”** means the Municipal Council of the City;
- (d) **“Municipality”** means the area within the Municipal boundaries of the City.
- (e) **“Owner”** means an owner or occupier of a parcel of land, or both.

3. Unsightly Premises

- 3.1 No owner shall cause, allow or permit a parcel to become or to remain unsightly, and, specifically:

- (a) No owner of a parcel shall cause, allow or permit the accumulation of building material on the parcel unless;
 - (i) The owner or occupier of the parcel is in possession of a valid building permit in respect of the accumulation; or

Unightly Premises Bylaw No. 1962

- (ii) The accumulation is stored in a closed building or structure such that the accumulation is not visible from another parcel or highway
 - (b) No owner of a parcel shall cause, allow or permit the storage or accumulation, on the parcel, of all or part of a vehicle, as defined in the Motor Vehicle Act, which is not:
 - (i) validly registered or licensed in accordance with the Motor Vehicle Act for a period of 12 months and which is not housed in a garage or carport or
 - (ii) capable of movement under its own power;unless it is stored in a closed building or structure such that the vehicle, or any portion of a vehicle, is not visible from another parcel or a highway;
 - (c) No owner of a parcel shall cause, allow or permit the accumulation on the parcel of filth, discarded materials, unwholesome matter, or rubbish of any kind, whether or not for commercial purposes or as part of a trade or calling, including but not limited to dead animals, paper products, crockery, glass, metal, plastics, plastic containers, wire, ropes, machinery, tires, appliances and any other scrap or salvage;
 - (d) No owner of a parcel shall cause, allow or permit a building or structure, or part of a building or structure, which is missing all or a portion of its surface, covering, or coating materials to be on the parcel unless the owner is in possession of a valid building permit in respect of the building or structure;
 - (e) No owner of a parcel shall cause, allow or permit the presence of graffiti, whether in the form of pictures or words, on the parcel or on the surface of a structure on the parcel;
 - (f) No owner of a parcel shall cause, allow or permit the accumulation on the parcel of garbage not contained in a covered receptacle.
- 3.2 Owners of a parcel shall remove or cause to be removed from the parcel any accumulations of filth, discarded material, or rubbish of any kind.

4. Inspection

- 4.1 A Bylaw Enforcement Officer may enter on a parcel at all reasonable times, to ascertain whether this bylaw is being observed, to gather evidence on any violation, or to serve any notice related to any violation of this bylaw.

Unightly Premises Bylaw No. 1962

- 4.2 No person shall obstruct a Bylaw Enforcement Officer from entering a parcel in accordance with Section 3.1.

5. Notice

- 5.1 Where a Bylaw Enforcement Officer observes that a parcel is or has become unsightly, the Bylaw Enforcement Officer may deliver written notice to the owner, requiring the removal of any thing or things, including a class of things that render the parcel unsightly.
- 5.2 Where a Bylaw Enforcement Officer provides written notice under Section 4.1 of this bylaw, the owner must remove from the parcel anything that, as stated in the notice, renders the parcel unsightly, within 10 days of delivery of the notice.

5.0 Default

- 5.1 In the event the owner fails within ten days of delivery of a written notice under Section 4.1 to comply with the notice, the City may deliver a second notice to the owner stating that:
- (a) the owner is in default of this bylaw;
 - (b) the owner may appear before Council to be heard on a date specified in the second notice, being not less than ten days after delivery of the second notice; and
 - (c) after the date specified in the second notice the City, by its officers, employees, contractors, or agents may, at the expense of the owner, enter on the parcel and remove any thing or things that render the parcel unsightly.
- 5.2 Unless Council directs otherwise, after the date specified in the second notice under Section 5.1(b), the City may deliver to the owner a third notice stating that the City will enter the affected parcel and remove any thing or things that render the parcel unsightly on a specified date between the hours of 8:00 a.m. and 8:00 p.m.
- 5.3 Where a third notice is delivered to the owner under Section 5.2, on the date specified in the third notice, the City, by its officers, employees, contractors, or agents may enter on the parcel and remove anything or things specified in the first notice that render the parcel unsightly.
- 5.4 The owner shall owe to the City, as a debt, the cost of removing anything or things from the affected parcel under Section 3.

Unightly Premises Bylaw No. 1962

- 5.5 If the cost under Section 5.4 remains unpaid on December 31 in the year of the removal, the cost will be added to and form part of the taxes on the parcel affected, as taxes in arrears.

6.0 Offence

- 6.1 Every person who violates a provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of or in violation of any provision of this bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this bylaw, is guilty of an offence against this bylaw and is liable to the penalties imposed under this bylaw.
- 6.2 Each day that a violation continues to exist ***after the second notice***, is considered a separate offence against this bylaw as per Schedule 4 of the Municipal Ticketing Information Bylaw.
- 6.3. If at any time, an offence against this bylaw occurs, it may be at the discretion of the Bylaw Enforcement Officer and/or Acting Official, to determine if an extension is required.

7.0 Penalty

- 7.1 Every person who commits an offence against this bylaw is liable on summary conviction, to a penalty of not more than \$10,000.00.

8.0 Severability

- 8.1 If at any time, any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or ultra vires provision.
- 8.2 Every person or persons, who violates or breaches or who causes or allows to be violated or breached any of the provisions of this bylaw shall be guilty of an offence against this bylaw and each day that such violation is caused or allowed to continue shall constitute a separate offence.

9. Repeal

- 9.1 Bylaw No. 1680, 2001, cited as the "City of Grand Forks Unightly Premises Bylaw" and all amendments thereto are hereby repealed.

Unsightly Premises Bylaw No. 1962

READ A FIRST TIME this 8th day of July, 2013.

READ A SECOND TIME this 8th day of July, 2013.

READ A THIRD TIME this 8th day of July, 2013.

FINALLY ADOPTED this 22nd day of July, 2013.

Mayor-Brian Taylor

Corporate Officer-Diane Heinrich

C E R T I F I C A T E

I hereby certify the foregoing to be a true copy of the Unsightly Premises Bylaw No. 1962, as passed by the Municipal Council of the City of Grand Forks on the 22nd day of July, 2013.

Corporate Officer
of the Municipal Council of the City of Grand Forks

SCHEDULE 4
OF THE MUNICIPAL TICKETING BYLAW NO. 1957

Bylaw No. 1962" Grand Forks Unsightly Premises Bylaw"

COLUMN 1	COLUMN 2	COLUMN 3
Offence	Section	Fine
Accumulation of building Materials	2.1(a)	\$100.00
Unlicensed Vehicles	2.1(b)	\$100.00
Parts of a vehicle	2.1(b)	\$100.00
Deposit or accumulation of rubbish	2.1(d)	\$100.00
Unsightly premises	5	\$100.00
Place graffiti	2.1(e)	\$100.00
Failure to remove garbage	2.1(f)	\$100.00