

REQUEST FOR DECISION

— REGULAR MEETING —



To: Mayor and Council

From: Manager, Building Inspection & Bylaw Services

Date: September 4, 2018

Subject: Show Cause Hearing – 7316 Donaldson Drive

Recommendation: **RESOLVED THAT Council consider the Show Cause Hearing request should the property owners appear before Council, and determine the next steps required in obtaining compliance with the City's Unsightly Premises Bylaw No. 1962.**

FURTHER, should the property owners choose not to appear, that Council directs staff to deliver a Third Notice as per the City's Unsightly Premises Bylaw No. 1962 to the property owners, Andrew and Tammie Buchinski, for the property civically addressed as 7316 Donaldson Drive, Grand Forks, B.C. whereas the Third Notice will advise of a date and time which the City and/or its contractors intend to enter the property to remove and/or secure the structure and any surrounding materials that are in violation of the City's Unsightly Premises Bylaw No. 1962.

BACKGROUND: On June 13, 2018 a fire destroyed the home on the above noted property. Since that time little effort has been shown by the property owners to secure the site and remove the remaining debris.

In accordance with the City's Unsightly Premises Bylaw, the first notice requesting the property be cleared was sent by registered mail on July 23, 2018. Records from the Post Office indicate that it was received on July 26, 2018. Having not heard from the property owners following this first notice, the second notice was sent by registered mail on August 13, 2018 inviting them to appear before Council to explain their specific circumstances. Records from the Post Office indicate that it was received on August 18, 2018. Again, I have had no communication with the property owners following receipt of the second notice regarding this matter.

Attached are copies of all correspondence relating to this issue.

Benefits or Impacts of the Recommendation:

General: The purpose of the Show Cause Hearing is to allow the owners to present their case before council and receive direction for the necessary steps to bring the property into compliance with the City's Unsightly Premises Bylaw.

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Strategic Impact: N/A

Financial: If the City performs the clean-up of the property, the property owner is duly billed. If the bill remains unpaid, the charges will be added to and form part of the taxes on the parcel affected as taxes in arrears.

Policy/Legislation: The Community Charter authorizes Council to impose clean-up action requirements against properties that are considered unsightly, and that Council has declared as nuisances. Council must provide persons an opportunity to request reconsideration of such orders.

Attachments:

- 1) Copies of correspondence to the property owners (First and Second Notices)
- 2) Before and after pictures of the property

Recommendation: **RESOLVED THAT Council consider the Show Cause Hearing request should the property owners appear before Council, and determine the next steps required in obtaining compliance with the City's Unsightly Premises Bylaw No. 1962.**

FURTHER, should the property owners choose not to appear, that Council directs staff to deliver a Third Notice as per the City's Unsightly Premises Bylaw No. 1962 to the property owners, Andrew and Tammie Buchinski, for the property civically addressed as 7316 Donaldson Drive, Grand Forks, B.C. whereas the Third Notice will advise of a date and time which the City and/or its contractors intend to enter the property to remove and/or secure the structure and any surrounding materials that are in violation of the City's Unsightly Premises Bylaw No. 1962.

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

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



COPY

July 23, 2018

SENT VIA REGISTERED MAIL

Andrew and Tammie Buchinski,
P.O. Box
Grand Forks, B.C., V0H 1H0

Dear Mr. and Mrs. Buchinski:

RE: FIRE DAMAGED PROPERTY AT 7316 DONALDSON DRIVE, GRAND FORKS

On June 13, 2018 a fire destroyed the home on the above noted property. This letter is to serve as the first notice from the City to yourselves as property owners that the continued unsightly and dangerous state of the property is creating considerable concern for us and nearby residents.

Section 6.8 of the City's Fire and Life Safety Bylaw, titled Fire Damaged Buildings, requires property owners to ensure that the premises are free from debris and are guarded to prevent the entry of unauthorized persons. A copy of this section is attached for your reference. Furthermore, Section 3.1 of the City's Unsightly Premises Bylaw states that no owner of a property shall allow an accumulation of debris unless it is stored in a closed building. A copy of that Bylaw is attached for your reference. Please pay particular attention to Section 5.0 of this Bylaw, titled Default.

Failure to comply with the bylaws may result in an order by council to have the property secured and cleared of the fire damaged debris by our own forces and adding the cost of this to the property taxes. The second notice to initiate this action will occur 10 days from receipt of this letter if I have not heard back from you sooner regarding your intentions on this important matter.

Yours truly,

Dave Bruce, R.B.O.
Manager of Building Inspections and Bylaw Services

copy: Dale Heriot, City of Grand Forks Fire Chief
Premiere Canadian Mortgage Corporation, #200

		REGISTERED DOMESTIC	RECOMMANDÉ RÉGIME INTÉRIEUR	
CUSTOMER RECEIPT		REÇU DU CLIENT		
To / Destinataire		18/07/2018		
Name / Nom		Andrew & Tammie Buchinski		
Address / Adresse		PO Box		
City / Prov. / Postal Code		GF, BC V0H 1H0		
Declared Value / Valeur déclarée		\$		
CPC Tracking Number / Numéro de repérage de la SCP		1 888 550-6333		
RW 777 886 974 CA				

THE CORPORATION OF THE CITY OF GRAND FORKS

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



COPY

August 13, 2018

**SECOND NOTICE
REGISTERED MAIL**

Andrew and Tammie Buchinski,
P.O. Box
Grand Forks, B.C., V0H 1H0

Dear Mr. and Mrs. Buchinski:

RE: FIRE DAMAGED PROPERTY AT 7316 DONALDSON DRIVE, GRAND FORKS

The first notice regarding the conditions of the above noted property was sent to you by registered mail on July 23, 2018, and our records show that you received this on July 26. Since the receipt of this notice there has been no progress or effort made to remedy the situation and the property has remained unchanged since the fire on June 13, 2018.

In accordance with the City of Grand Forks Unsightly Premises Bylaw No. 1962, a copy of which is attached, Section 5.1 requires that the owner of the property appear before Council to be heard regarding their intentions towards resolving this matter. Please be advised that during the regular council meeting scheduled for **September 4, 2018**, we will be expecting your presence. If you choose not to appear, the Bylaw Enforcement Officer will be requesting an order from Council to proceed with the remediation and cleanup of the property, the costs of which will be added to and form part of the taxes on the parcel affected as taxes in arrears.

It is very unfortunate that your lack of progress towards resolving this matter has come to this. The property not only remains unsightly but is a very real safety concern which requires immediate resolution. Your cooperation would be greatly appreciated. Please contact the undersigned if you have any questions regarding this matter.

Yours truly,

Dave Bruce, R.B.O.
Manager of Building Inspections and Bylaw Services

copy: Dale Heriot, City of Grand Forks Fire Chief
Premiere Canadian Mortgage Company, #200-



**REGISTERED
DOMESTIC**

CUSTOMER RECEIPT

**RECOMMANDÉ
RÉGIME INTÉRIEUR**

REÇU DU CLIENT



To Nom		Destinataire	
Name		Nom	
Address		Adresse	
City / Prov. / Postal Code		Ville / Prov. / Code postal	
Declared Value		Valeur déclarée	
Value		deciaree	

Andrew Buchinski
Box
GF, BC V0H 1H0

FOR DELIVERY CONFIRMATION		CONFIRMATION DE LA LIVRAISON	
www.canadapost.ca		www.postescanada.ca	
or/ou			
1 888 550-6333			
CPC Tracking Number		Numéro de repérage de la SCP	

RW 777 886 991 CA

THE CORPORATION OF THE CITY OF GRAND FORKS

GRAND FORKS FIRE AND LIFE SAFETY BYLAW NO. 1965

**A BYLAW TO PROVIDE FOR THE ESTABLISHMENT AND REGULATIONS OF THE
GRAND FORKS FIRE DEPARTMENT AND TO PROVIDE REGULATIONS FOR THE
PREVENTION AND SPREAD OF FIRE AND THE PRESERVATION OF LIFE**

WHEREAS it is deemed desirable and expedient to provide for the establishment and regulations of the Grand Forks Fire Department, and

WHEREAS it is deemed desirable and expedient to provide regulations for the prevention and spread of fire and for the preservation of life within the Corporation of the City of Grand Forks,

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

PART 1 – TITLE and INDEX

1.1 This bylaw may be cited, for all purposes, as the “**City of Grand Forks Fire and Life Safety Bylaw, 1965, 2013**”.

1.2 The index to this bylaw is as follows:

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Schedule “A” Fire Permit	
Schedule “B” Fireworks Discharge Permit	
Schedule “C” Special Outside Burning Permit	
Schedule “D” Fees & Charges	

City of Grand Forks Fire and Life Safety Bylaw No. 1965

6.6 Forests

Where, in the opinion of the Fire Chief, the safety of life or property in any area within the Municipality is endangered through the hazardous condition of the forest cover or the occurrence or spread of fire in any forest or woodland, the Fire Chief may, by order in writing signed by him, declare that area a closed area for such period or periods of time as the Fire Chief may determine and may further declare that no unauthorized person may enter or be therein and no operations of any class specified in the order may be carried out within the closed area.

6.7 Vacant Buildings

The owner of any vacant building shall at all times ensure that the premises are free from debris and flammable substances and shall keep all openings in such building securely closed and fastened so as to prevent the entry of unauthorized persons.

If the owner fails to ensure that such premises are free from debris and flammable substances or that the premises are guarded or that all openings are securely closed and fastened so as to prevent the entry of unauthorized persons, then the Fire Chief may cause the same to be done at the expense of the owner and the costs thereof shall be recoverable by the Municipality in the same manner as that contained in Part 6, Section 5 of this bylaw.

6.8 Fire Damaged Buildings

The owner or occupier of any fire damaged building shall ensure that the premises are free from debris and flammable substances and that the premises are guarded or that all openings in the building are kept securely closed and fastened so as to prevent the entry of unauthorized persons.

If the owner fails to ensure that such premises are free from debris and flammable substances or that the premises are guarded or that all openings are securely closed and fastened so as to prevent the entry of unauthorized persons, then the Fire Chief may cause the same to be done at the expense of the owner and costs thereof shall be recoverable by the Municipality in the same manner as that contained in Part 6, Section 5 of this bylaw.

6.9 Fire Doors and Shutters

Where doors or shutters are installed in a building to prevent the spread of fire, those doors or shutters, inclusive of hardware, shall at all times be kept and maintained in good repair and working order and shall not be blocked or wedged open.

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

Unsightly 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 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.

Unsightly 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 5.3.

Unsightly 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.

Unsightly Premises Bylaw No. 1962

9. Repeal

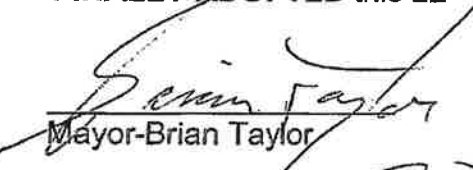
- 9.1 Bylaw No. 1680, 2001, cited as the "City of Grand Forks Unsightly Premises Bylaw" and all amendments thereto are hereby repealed.


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

CERTIFICATE

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

(Amendment Bylaw 1957 – A4, Schedule 4)

Bylaw No. 1962 “Unsightly Premises Bylaw”

COLUMN 1	COLUMN 2	COLUMN 3
Accumulation of Building Materials	3.1 (a)	\$ 100.00
Unlicensed Vehicle	3.1 (b)	\$ 100.00
Parts of a Vehicle	3.1 (b)	\$ 100.00
Accumulation of Rubbish	3.1 (c)	\$ 100.00
Exterior Finishes (buildings)	3.1 (d)	\$ 100.00
Graffiti	3.1 (e)	\$ 100.00
Accumulation of Garbage	3.1 (f)	\$ 100.00
Failure to Comply	5.2	\$ 100.00



