



# City of Port Moody

## Report/Recommendation to Council

Date: April 3, 2020  
Submitted by: Planning and Development Department – Building, Bylaw, and Licensing Division  
Subject: Remedial Action Order for the Demolition of the Fire-Damaged Structure at  
3338 Dewdney Trunk Road

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### Purpose

To seek Council's direction to initiate formal Remedial Action Order proceedings against the current property owners of 3338 Dewdney Trunk Road (Morgan Crest Development Corporation of Surrey) to demolish the fire damaged structure(s) located on the property.

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### Recommended Resolution(s)

**THAT, by the authority provided in section 74 of the *Community Charter*, and based on photographs of the property at 3338 Dewdney Trunk Road, (legally described as LOT 3, PLAN LMP12304, DISTRICT LOT 233, NEW WEST DISTRICT) included as Attachment 1 in the report dated April 3, 2020 from the Planning and Development Department – Building, Bylaw, and Licensing Division regarding Remedial Action Order for the Demolition of the Fire-Damaged Structure at 3338 Dewdney Trunk Road, which demonstrate that the structures are so dilapidated or unclean as to be offensive to the community, the fire-damaged structure and accessory structures at 3338 Dewdney Trunk Road be declared a nuisance that requires remedial action;**

**AND THAT a remedial action order be imposed upon the registered property owner, Morgan Crest Development Corporation of Surrey, BC, in respect of the structures located at 3338 Dewdney Trunk Road, to demolish the fire-damaged structures;**

**AND THAT the time limit for compliance with the Remedial Action Order detailed above be set at 30 days commencing on May 26, 2020;**

**AND THAT the time limit for a Notice to Request that Council Reconsider the Remedial Action Order detailed above be set at 14 days commencing on May 26, 2020;**

**AND THAT staff be authorized to take all appropriate actions, including building demolition and site clean-up, in accordance with section 17 (Municipal Action at Defaulter's Expense) of the *Community Charter* to ensure the property is brought into compliance with the Remedial Action Order specified above subject to the following:**

- a. the property owner has not fully complied with the Remedial Action Order on or before the compliance date specified by Council; and

- b. that all costs incurred by the City to bring the property into compliance shall be at the expense of the property owner and, per section 17 of the *Community Charter*, these costs shall be treated as a debt owed to the City.**
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## Background

In early 2018, Bylaw Division Staff made repeated attempts via telephone, email, and letters to contact the property owners, Morgan Crest Development Corporation, to request repair of the fire damaged structure to a standard in keeping with the neighbourhood (**Attachment 1**), with no contact in return. **Attachment 1** contains four images of 3338 Dewdney Trunk Road from April of 2020 for context.

As a result of the lack of communication and direct action to address the condition of the home, the registered property owner, Morgan Crest Development Corporation of Surrey, was issued two fines under section 4 of the City's Unsightly Premise Bylaw No. 1488. The first ticket issued (M12523126) was served on January 14, 2018. The second ticket (M5847126) was served on March 4, 2019. To date, these fines remain unpaid.

The only direct action taken to address the condition of the home has been the boarding up of the windows and doors, which was required under the *City of Port Moody Fire Prevention and Emergency Response Bylaw No. 2835*, section 8.1, immediately after the fire.

During the site visit conducted by City Bylaw and Building Officials on April 26, 2019 with the Director of Morgan Crest Development Corporation and his contractors, the City was given verbal assurances that the intention was to renovate the structure for the purpose of renting out the home. The Building Official at that meeting advised the Developer of the requirements for a Building Permit or Fire Restoration permit

A Building Permit application was received in August of 2019 for the restoration of the fire-damaged structure and the construction of a new secondary suite. There were several issues with the application and outstanding items that needed to be addressed by Morgan Crest Development Corporation before the permit could be formally approved by the City's Building Department. City of Port Moody Building Officials were in communication with the applicant directly, trying to resolve these issues into January of 2020.

During this period, the City of Port Moody Bylaw Division also received a complaint about possible presence of individuals, vectors, or wildlife accessing the structure and property at 3338 Dewdney Trunk Road in November of 2019. Staff attended on November 13, 2019 and noted that the sliding glass doors at the rear of the property (on the deck) were wide open and the interior of the home may have been compromised.

Bylaw Officials emailed Morgan Crest Development Corporation on November 13, 2019 and requested that they immediately secure the building and conduct a thorough inspection of the entire property to ensure that there were no humans, vectors, or wildlife present in the structure, or on the property itself. Building Officials required that the home be secured, by ensuring that all doors, windows, and any other points of entry are either boarded up as required, or securely locked, which was done on or around November 16, 2019 by the Developer.

During the inspection on November 13, 2019, Bylaw Staff also noted the odor of natural gas at or near the gas meter at the side of the home. City Enforcement Staff reported the potential leak to Fortis BC; and Fortis BC Officials advised that they would dispatch a crew to inspect the meter. The issue was resolved by Fortis BC on the same day, and the Director of Morgan Crest Development Corporation was notified of the same, in the same email dated November 13, 2019 referenced above.

Despite repeated assurances from the Director of Morgan Crest Development Corporation, no repairs have been made to the exterior of the fire-damaged structure, such as the replacement of broken windows, repair or repainting of the burned siding, replacement of missing exterior doors, and the repair of other sections of the fire-damaged exterior of the home. The Building Permit Application submitted in August of 2019 remains in pending status.

## Discussion

Building and Bylaw staff have met with representatives from Morgan Crest Development Corporation in April of 2019, and received verbal commitments to address the issues. They have engaged structural engineers to update plans, which they submitted to the City of Port Moody Building Department in August of 2019 as part of their application for a Building Permit to completely renovate the structure's interior and exterior.

The representatives were advised at that time of the City's intention to seek a Remedial Action Order through Council, and stated that they wished to avoid this process and reiterated their intention to bring the property into compliance.

Their failure to deliver on this commitment over the past 12-18 months, led the City to seek a remedial order under Part 3 Division 12 of the *Community Charter* (CC), which outlines the Remedial Action Requirements related to hazardous conditions and declared nuisances.

For this property, the specific and applicable section of the *Charter* is:

### Declared nuisances

- 74 (1) A council may declare that any of the following is a nuisance and may impose a remedial action requirement in relation to the declared nuisance:
- (a) a building or other structure, an erection of any kind, or a similar matter or thing;
  - (b) a natural or artificial opening in the ground, or a similar matter or thing;
  - (c) a drain, ditch, watercourse, pond, surface water, or a similar matter or thing;
  - (d) a matter or thing that is in or about any matter or thing referred to in paragraphs (a) to (c).

Additional sections specify the parameters and procedures for order issuance, time limits for compliance, notice to affected persons, and their opportunity to request a reconsideration hearing and provisions for recovery of municipal costs related to actions conducted to ensure completion of the remedial order.

Under section 72(2) of the *Community Charter*, Council may impose remedial orders to undertake any combination of the following:

- (i) remove or demolish the matter or thing,
- (ii) fill it in, cover it over or alter it,
- (iii) bring it up to a standard specified by bylaw, or
- (iv) otherwise deal with it in accordance with the directions of councillor or a person authorized by council.

When considering a Demolition Order, Council is not acting in its normal policy- or legislation-making function, but rather in an adjudicative function. A remedial action order is issued by Council Resolution and must specify the following:

- to whom the order is being made;
- the specific remedial actions required and may include a main order (such as demolition of a structure) as well as related orders (related property clean-up, repair, removal of vehicles etc.);
- the time required for compliance with the order(s), noting that CC s.76 requires a minimum of 30 days from the time of notice (except in urgent circumstances);
- the time for an affected person to request a Reconsideration Hearing (14 days);
- an authorized person (municipal staff) to give directions (optional); and
- that municipal staff complete the work if the Order is not carried out (optional).

### Other Option(s)

Council may receive the report dated April 3, 2020 from the Planning and Development Department – Building, Bylaw, and Licensing Division regarding Remedial Action Order for the Demolition of the Fire-Damaged Structure at 3338 Dewdney Trunk Road for information.

### Financial Implications

There would be substantial costs associated with demolition. These costs can be charged back to the property owner; any costs associated with the proposed demolition that remain unpaid as of December 31, 2020 may be added to the taxes for the property itself.

### Communications and Civic Engagement Initiatives

This report requires no external communication with any party other than the registered property owner, as required under the *Community Charter's* requirements for a Remedial Action Order.

### Council Strategic Plan Objectives

This report is consistent with Council's Strategic Plan goal of seeking to ensure the livability of the general neighbourhood surrounding the home.

### Attachment(s)

1. Photographs (4) of 3338 Dewdney Trunk Road from April 2020.

### Report Author

Patrik Kolby, Senior Bylaw Enforcement Officer

## Report Approval Details

Document Title:	Remedial Action Order for 3338 Dewdney Trunk Road.docx
Attachments:	- Attachment 1 – Photographs (4) of 3338 Dewdney Trunk from April 2020.pdf
Final Approval Date:	May 18, 2020

This report and all of its attachments were approved and signed as outlined below:

Dorothy Shermer, Corporate Officer - May 12, 2020 - 11:16 AM

Rosemary Lodge, Manager of Communications and Engagement - May 12, 2020 - 12:07 PM

Paul Rockwood, General Manager of Finance and Technology - May 12, 2020 - 1:44 PM

André Boel, General Manager of Planning and Development - May 13, 2020 - 4:16 PM

Tim Savoie, City Manager - May 18, 2020 - 2:19 PM