

# Bylaw Services Report to Council

September 24, 2018

# Ponderosa Motel

## 1864 Harvey Ave



# OVERVIEW

- ▶ Vacant motel property
- ▶ History of deteriorating conditions, frequent service calls
- ▶ No prospect of motel operating again
- ▶ Recommendation of demolition of buildings under Remedial Action Authority
- ▶ Recommendation to declare overgrown vegetation a nuisance

# HISTORY

- ▶ Kelowna Bylaw Services
  - ▶ 18 complaints since January 2016
  - ▶ Unsightly premises and property nuisance, graffiti, transient activity
- ▶ Kelowna Fire Department
  - ▶ 4 Structure Fires and 1 Minor Fire since 2011
- ▶ Kelowna RCMP
  - ▶ 110 complaint files since property vacated in 2011
  - ▶ 21 complaints related directly to property being vacant - trespassing, vagrancy, drug use, mischief

# Unsafe Condition

- ▶ Modu-Lok fencing insecure
- ▶ Repeated need to secure
- ▶ Insecure condition violates Fire Code, City Fire & Life Safety Bylaw
- ▶ Vacant buildings attraction to transients
- ▶ Two chimney fires caused by transients in vacant office bldg.



# Nuisance

## -Unsightly/Dilapidated Condition

- ▶ Each of 3 buildings on property dilapidated
- ▶ Most of internal walls in front building removed
- ▶ Transient belongings and graffiti evident
- ▶ Buildings have minimal – ie. \$100 – assessed value



# ENFORCEMENT

- ▶ Property cleaned up 4 times since 2008
- ▶ Secured by City on 4 occasions
- ▶ Bylaw Offence Notices Issued for Fail to Secure, Permit Property to Become Unsightly



# AUTHORIZATION

- ▶ Section 72 Community Charter
  - ▶ Authority to impose remedial action – remove or demolish building
- ▶ Section 74 Community Charter
  - ▶ Council power to declare a building or structure a nuisance
  - ▶ Power extends to include things “so dilapidated or unclean as to be offensive to community”
- ▶ Cost recovery – Section 17 Community Charter
  - ▶ In default of owner complying with remedial action requirement, City may act and fulfill requirements at expense of person in default – recovery as unpaid taxes

# Notice to Property Owner

- ▶ Right of Reconsideration by Council given to person subject to Remedial Action Requirement under S. 77 Community Charter
- ▶ Case law establishes notice to owner not required before Council considers whether to impose Remedial Action Requirement
- ▶ Bylaw Services have met and corresponded with owner advising that request for Remedial Action would be made to Council



*Questions?*

For more information, visit [kelowna.ca](http://kelowna.ca).