

**MINUTES OF THE SPECIAL COUNCIL
MEETING HELD IN THE MUNICIPAL COUNCIL
CHAMBERS ON WEDNESDAY, JANUARY 9,
2013 AT 7:00 P.M.**

Mayor D. Pernarowski presided. Councillors present were B. Bidgood, (entered at 8:00 p.m.) L. Christiansen, M. Davies, B. Downie and S. Tyers (entered at 8:00 p.m.) Councillor J. Cordeiro was absent. Also in attendance were H. Avison, Chief Administrative Officer, D. Block, Director of Development Services, J. Klie, Fire Chief, B. Miller, Senior Building Inspector, and A. Thompson, Clerk.

DELEGATIONS & GUESTS:

***Request for Council's
Reconsideration of Remedial
Action Requirements Order
(4440 Little Avenue)***

The Mayor explained that the purpose of this Special Council meeting was to reconsider the Remedial Action Requirements Order resolved at the November 26, 2012 Regular Council meeting as requested by the owner of 4440 Little Avenue, Mr. Lloyd Wittkowski on December 14, 2012. The Remedial Action Requirements Order was read in part, by the Mayor and the process of the meeting was explained. Council must consider whether the building and property at 4440 Little Avenue is in or creates an unsafe condition, contravenes the building regulations and bylaw, and is so dilapidated or unclean as to be offensive to the community, a declared nuisance and hazardous.

The Director of Development Services presented a summary of the report presented at the November 26, 2012 Regular Council meeting. He presented a history of the property. At the time of writing his November 26, 2012 report, the general character and state of the building and property at 4440 Little Avenue was offensive to many, occupied much staff time, and was the source of many complaints. There were numerous nuisance issues relating to the appearance of the building and feral cats residing on the property. It was the opinion of

the Senior Building Inspector that there was little value in improving or salvaging the building due to the numerous deficiencies of the building. The Fire Chief also noted numerous deficiencies; a fire in the building would likely spread so quickly as to endanger neighbouring properties.

In July 2012 a letter was sent to the property owner and staff met with him in September 2012, at which time Mr. Wittkowski agreed the property is of little value. He applied for a demolition permit for the building, but it cannot be issued until the City receives confirmation that the phone line has been disconnected from the property.

In December 2012 Mr. Wittkowski indicated to the Director of Development Services that he needed more time to demolish the building. The Director of Development Services noted the building is boarded up as of today and the trailer that was on the property is now gone.

The Director of Development Services recommended that Council amend the Remedial Action Requirements Order to have the 30 and 60 day deadlines extended by no less than 3 weeks and possibly a month to allow Mr. Wittkowski sufficient time to demolish the building and clean up the property.

The property owner, Canadian Manufacturers Outlet Ltd. Inc. No. 134044 and Mr. Lloyd Wittkowski, addressed Council. Mr. Wittkowski enjoys living in Terrace and contributes as a taxpayer. He indicated if he was a neighbour to 4440 Little Avenue he would complain about the property too. He had tenants on the property but they didn't pay and there were numerous cats on the property. He understands the City wants the building torn down.

Mr. Wittkowski read aloud a letter from Lynda Wittkowski to the City, dated October

2012, requesting the demolition be delayed until the spring of 2013. He would like to salvage the materials, particularly the sheet metal roof and the beams, and have permission to store these materials on the property, for up to six months, until he can find another place to store them. He has an excavator he can use to demolish the building and has made arrangements for waste containers to haul away the debris from the demolition. Mr. Wittkowski indicated if his property is torn down but the other properties on Little Avenue facing a Remedial Action Requirements Order are permitted to remain he would take legal action against the City. He feels it would be reasonable to have the building torn down within a week.

The Director of Development Services added that under the current Order if the building is not torn down by the deadline the City would have the legal authority to undertake the work and bill the owner.

The Mayor asked Council if they would like to make a decision at the meeting or defer the decision to a later public meeting.

(No. 001)

MOVED/SECONDED that Council amend the Remedial Action Requirements Order issued to Canadian Manufacturers Outlet Ltd. No. 134044 and Mr. Lloyd Wittkowski, for 4440 Little Avenue, to extend the deadline for the demolition and removal of all buildings on the Property to 90 days of Notice.

Carried Unanimously.

(No. 002)

MOVED/SECONDED that Council amend the Remedial Action Requirements Order issued to Canadian Manufacturers Outlet Ltd. No. 134044 and Mr. Lloyd Wittkowski, for 4440 Little Avenue, to extend the deadline for the removal of all miscellaneous materials and waste, and materials resulting from the demolition of the building on the Property by 90 days of Notice.

Carried Unanimously.

RECESS & RECONVENE:

A short recess was called at 7:40 p.m. and the meeting reconvened at 8:00 p.m.

Councillors Bidgood and Tyers were present at the meeting at this time.

***Request for Council's
Reconsideration of Remedial
Action Requirements Order
(4520 Little Avenue)***

The Mayor explained that the purpose of this Special Council meeting was to reconsider the Remedial Action Requirements Order resolved at the November 26, 2012 Regular Council meeting as requested by the owner of 4520 Little Avenue, Mr. Edward Wayne Kirby. The Remedial Action Requirements Order was read in part, by the Mayor and the process of the meeting was explained. Council must consider whether the building and property at 4520 Little Avenue is in or creates an unsafe condition, contravenes the building regulations and bylaw, and is so dilapidated or unclean as to be offensive to the community, a declared nuisance and hazardous.

The Director of Development Services presented a summary of the report he presented at the November 26, 2012 Regular Council meeting. He presented a history of the property. At the time of writing his November 26, 2012 report, the general character and state of the building and property at 4520 Little Avenue was in such a condition that it was no longer in compliance with City bylaws, was offensive to many, occupied much staff time, and was the source of many complaints. There were numerous nuisance issues relating to the appearance of the building and feral cats residing on the property.

There had been occupancy of up to 11 tenants in the building in the past but Mr. Kirby had indicated that there was no one living there as of the fall of 2012.

The Senior Building Inspector and Fire Chief's reports from the November 26, 2012 Regular Council Meeting were reviewed. One suite

had been severely vandalized by a tenant. If a fire started in the building it was the opinion of the Fire Chief that it could spread so rapidly as to endanger neighbouring properties.

A demolition permit had been issued to demolish a portion of the building and as of today some progress has been made to clean up the property.

Staff feels there is little merit in attempting to salvage what remains in the building and recommends Council amend the Remedial Action Requirements Order to extend the deadline for three weeks to a month.

Mr. Kirby, owner of the subject property, addressed Council. The costs of demolishing the building and cleaning up the property would put a financial burden on him. Mr. Kirby believes that the City has an agenda to clean up derelict properties. He felt there are other properties in Terrace that are more unsightly and dangerous than the properties on Little Avenue. He questioned why the City started with these properties on Little Avenue, indicating they are less visible than other properties in the community.

Mr. Kirby felt that by issuing the Remedial Action Requirements Order the City has valued the building on 4520 Little Avenue as worth nothing but the building had previously been valued at \$83,000. Mr. Kirby has received his 2013 Property Tax Assessment from BC Assessment and the value of the property has decreased to \$14,000. He suggested that the Remedial Action Requirements Order had influenced the assessment.

Rather than demolish the building and take the materials to the landfill it would be better to salvage all the recyclable materials. Mr. Kirby described the cost of tearing the building down as compared to its valuation.

He is currently using the building for personal storage. He is aware of the age of the building and that it is constructed of wood. There is no gas on the property currently. The doors are locked and the windows are boarded up. Vandalism is beyond his control as the security of the building has been dealt with. There won't be a fire unless someone starts a fire, which is a criminal act.

Mr. Kirby reminded Council that he is not speaking for the other property owners who were issued Remedial Action Requirements Orders. The buildings had provided a shelter for people that were hard to house. Any complaints related to the actions of the former tenants have nothing to do with the building or Mr. Kirby. There have not been any problems with the building over the past 4 years. The last two tenants to leave the property had contributed to some of the garbage on the property. Some of the garbage by the fence belongs to Muks-Kum-Ol Housing Society and he indicated he expects they will deal with it in the spring.

Mr. Kirby doesn't agree with the idea that his building is without value. He feels the 60 day deadline is unreasonable and billing him for the removal of the building if he doesn't remove it by the deadline would create financial hardship. He does not have the financial resources to tear down the building within 60 days. There are many other places that are unattractive but as long as the taxes are paid their appearance should not be an issue.

Mr. Kirby would like to sell the property. It had been listed for a year and a half with one realtor and as of this fall is available for sale. If he cannot sell the property, Mr. Kirby would like to clean up the building and property on his schedule. He was not able to provide a date by which he would have the building demolished. He would like to recycle the materials instead of having them taken to

the landfill. He would like to start in the spring, and would like enough time to get the job completed. He would like to recover some of the value of the materials on the property.

The Director of Development Services explained that Staff considered issuing the Remedial Action Requirements Orders for the property at 4520 Little Avenue due to the high volume of complaints regarding this property in addition to the observed condition of the buildings and property. Councillor Bidgood asked for clarification regarding the property valuation and if BC Assessment would take the demolition order into account with the valuation of the property? The issue of the Remedial Action Requirements Orders is public knowledge but it is not clear how that could impact the property valuation if the assessments are completed in October, over a month before the Remedial Action Requirements Orders were issued.

Mr. Kirby felt that Council had already made up their minds to demolish the buildings a long time ago.

The Mayor asked Council if they would like to deliberate tonight regarding the reconsideration. He explained that Council has the option to confirm, amend or cancel the Remedial Action Requirements Order.

Councillor Tyers pointed out that since the tenant has left the building the owner has made considerable progress on the building. She expressed concerns that a partially demolished building might be a safety hazard if Mr. Kirby takes a long time to complete the demolition.

Councillor Bidgood suggested delaying the decision in order to give Council more time to consider the issues presented and asked what a reasonable time frame would be to demolish the building.

Councillor Downie suggested a time frame of less than 6 months to demolish the building and clean up the property in order to avoid a building that is half constructed and potentially hazardous.

Councillor Bidgood is concerned that delaying the time for the demolition may lead to another reconsideration request. The Chair explained that if the Remedial Action Requirements Order is issued and the property is not demolished by the deadline the City of Terrace Staff is authorized to enter the Property and undertake the remedial actions to effect a remedy and recover the costs from the owner.

Councillor Christiansen questioned if there is a precedence set by the previous decision. This would have no impact on this hearing.

Councillor Tyers suggested providing a longer time frame, less than one year, for Mr. Kirby to demolish the building and clean up the property.

Decision Regarding Request for Reconsideration of Remedial Action Requirements Order (4520 Little Avenue)

(No. 003)

MOVED/SECONDED that Council amend the Remedial Action Requirements Order issued to Edward Wayne Kirby for 4520 Little Avenue, to extend the deadline of 180 days of Notice for the demolition and removal of all buildings on the Property and the clean-up of debris and resultant materials from the demolition of the building.

Carried Unanimously.

QUESTIONS/COMMENTS FROM THE MEDIA:

There were no questions from the Media.

ADJOURNMENT:

(No. 000)

MOVED/SECONDED that January 9, 2013 Special Meeting of Council be now adjourned.

Carried Unanimously.

The meeting adjourned at 8:50 p.m.

CERTIFIED CORRECT:

Mayor

Alicia Thompson

Clerk

