



REGIONAL
DISTRICT
OF NANAIMO

575 Horne Lake Road – Unightly Premises

RECOMMENDATION

That the Board, pursuant to *Unightly Premises Regulatory Bylaw No. 1073, 1996*, directs the owner of Lot 8 DD 51006N District Lot 90 Newcastle District Plan 1874 Except Part In Plan VIP63298 (575 Horne Lake Road), to remove the accumulation of derelict vehicles, boats, trailers, discarded automobile parts, assorted garbage, metal, disused construction materials, and pallets from the property within thirty (30) days, or the work will be undertaken by the Regional District of Nanaimo or its agents at the owner's cost.

BACKGROUND

The subject property is an undeveloped nine-hectare parcel owned by Island Pallets Ltd., located in a well-maintained rural residential neighborhood at 575 Horne Lake Road, Electoral Area H. The property is zoned for agriculture use and is within the Agricultural Land Reserve (see Attachment No. 1 – Subject Property Map). The use of the property is also subject to the provisions of the Unightly Premises regulatory bylaw.

There are longstanding issues with illegal uses and the unsightly accumulation of materials on this property. In 2015, as a result of complaints from area residents, the Regional District of Nanaimo (RDN) Board passed a resolution directing the owner to clean up the property. Upon failing to do so, the RDN staff retained a contractor to fulfil the direction of the Board.

Over the past year multiple complaints have been received from area residents once again, concerning the condition and use of the property. Staff inspections confirmed the presence of broken pallets, derelict recreational vehicles, scrap metal and wood, derelict vehicles, boats, semi trailers, automotive parts and assorted debris scattered throughout the property in contravention of the Unightly Premises Regulation Bylaw (see Attachment No. 2 – Photographs). On several occasions, the owner was directed verbally and in writing to clean up the property and to cease all unauthorized uses and activities. To date, the owner has failed to remedy the condition of the property. Area residents continue to express concerns about the persistent accumulation of materials and the unsightly condition of the property. Concerns have also been expressed about fire hazards and potential environmental impacts relating to the storage of vehicles and other materials.

DISCUSSION

In accordance with *Regional District of Nanaimo Unightly Premises Regulatory Bylaw No. 1073, 1996, section 5*, no owner or occupier of real property shall allow their property to become or remain unsightly by the

accumulation of filth, discarded materials or rubbish. Further, owners or occupiers of real property shall remove from the property unsightly accumulations of filth, discarded materials, rubbish or graffiti.

Enforcement of Bylaw 1073 is guided by the following requirements under Section 9 of the *RDN Bylaw Enforcement Policy*:

If RDN staff determine that a property is unsightly pursuant to RDN Unsightly Premises Bylaw No. 1073, written notice will be delivered to the property owner and/or occupant directing that the property be cleaned-up prior to the expiration of the notice period. The notice period shall be at the discretion of the BEO and be dependent upon season, scope and history of infractions. In general, the notice period shall be between 30 and 60 days.

Where the owner/occupant of the property has not cooperated, cleaned-up the property and/or responded by the end of the notice period, one or more bylaw offence notices may be issued. If the property continues to be non-compliant, Bylaw Enforcement staff will issue a final notice and obtain estimates from contractors for clean-up of the property.

Bylaw Enforcement staff will provide a report to the RDN Board for consideration of directing the owner/occupant to clean up the property by a certain date, failing which, RDN staff or its agents are authorized to enter the lands and clean-up the property at the owner's expense. Should the cost of clean-up remain unpaid by the owner, the costs will be added to property taxes.

Despite ongoing enforcement, including written notices, warnings and ticketing, the owner has demonstrated an unwillingness to clean up the property. Board direction appears to be the only remaining option available to bring the property into compliance with RDN regulations.

FINANCIAL IMPLICATIONS

The subject property contains a significant amount of derelict heavy equipment, semi-trailers and vehicles which adds to the cost of clean-up and disposal. As previously described, in 2015 the RDN Board directed the owner to clean up the property, which is in a similar condition today. The cost of that clean-up by an RDN contractor was approximately \$38,000, which the property owner eventually repaid to the RDN. It is anticipated that the cost of another clean-up could be in the range of \$50,000 or higher.

If the Board adopts a resolution under its authority within section 325 of the *Local Government Act* and the *Unsightly Premises Regulatory Bylaw* to have the identified discarded and disused material removed from the property, any costs incurred by the RDN or its agents with respect to the removal may be recovered from the property owner. If unpaid on December 31st in the year in which the work is done, the expense may be added to taxes in arrears or be collected as a debt as authorized by section 399 of the *Local Government Act*.

STRATEGIC PLAN ALIGNMENT

Social Wellbeing - Make the Region a safe and vibrant place for all, with a focus on children and families in programs and planning.

Environmental Stewardship - Protect and enhance the natural environment, including land, water, and air quality for future generations.

REVIEWED BY:

- L. Grant, General Manager, Planning & Development
- D. Holmes, Chief Administrative Officer

ATTACHMENT(S)

1. Subject Property Map
2. Photographs