

Report

Date January 15, 2025

File:

Subject Remedial Action for 2961 Sherman Road

PURPOSE

To seek approval to issue a Remedial Action Requirement to the owners of 2961 Sherman Road to demolish the partially collapsed structure on this site.

BACKGROUND

On February 1, 2024, a complaint was received by North Cowichan Bylaw Department regarding a collapsed structure at 2961 Sherman Road. Bylaw staff attended the site and observed an unoccupied house in partial collapse. Staff subsequently engaged with the property owner and advised of the need to demolish the building as it posed a risk to anyone entering it.

Subsequently, the collapsed house, easily visible from Sherman Road, has been the subject of numerous complaints referencing the unsightly nature of the structure and potential hazards.

Bylaw staff have since engaged with the owner's representative on several occasions to advise of the numerous unsightly complaints that the Bylaw Department has received and to request that the owner apply for a demolition permit to demolish the structure and remove the debris.

Correspondence from the Bylaw Department was sent to the property owner on January 8, 2025, advising them that this matter will be brought forward to Council for consideration on January 15, 2025.

DISCUSSION

The property owner on which the collapsed house sits has had almost 12 months to address the hazardous and unsightly condition of the structure, but to date, no action has been taken. North Cowichan has the authority under Chapter 26, Part 2, Division 1 of the *Community Charter* to require that the owner of the subject property (2961 Sherman Road) take steps to remediate the structure, which is the subject of the order (s. 72). A remedial action requirement may be imposed if Council's determines that the subject property "*is in or creates an unsafe condition*" (s. 73(2) (a)) and/or if Council declares the subject property to be a nuisance because the structure on that site is "*so dilapidated or unclean as to be offensive to the community*" (s. 74(2)).

The remedial action requirement being sought in this case is that the owner of the subject property (or their representative) fence the entire perimeter of the derelict structure to prevent egress within 30 days and submit a complete application for a demolition permit to North Cowichan within 90 days of receiving notice of a remedial action requirement and comply with all requirements of that permit within 60 days of the permit's issuance. Those requirements include the removal of all associated debris, a hazardous materials assessment and compliance with *WorkSafe BC* requirements.

The owner of the subject property or their representative may seek reconsideration of a remedial action requirement by requesting that in writing within 14 days of receiving notice of a remedial action requirement (s. 78).

Should the owner fail to comply with the remedial action requirements within the specified time frames, North Cowichan is empowered to undertake the work and seek recovery of costs associated with fulfilling those requirements (s. 17).

The complete copy of the relevant sections of the *Community Charter* can be found in Attachment 1.

OPTIONS

1. (Recommended Option)

- (1) THAT Council declares the subject property at 2961 Sherman Road a nuisance and determines that the partially collapsed structure is in and creates an unsafe condition.
 - (2) THAT Council imposes the following remedial action requirements on the property owner or their representative:
 - (a) **Fence Installation:** Erect a fence around the entire perimeter of the derelict structure within 30 days.
 - (b) **Demolition Permit Application:** Submit a demolition permit application within 90 days of receiving a "Notice to Affected Persons" regarding the partially collapsed structure on the property.
 - (c) **Demolition Permit Compliance:** Ensure all demolition permit requirements are satisfied within 60 days of the permit's issuance.
- This option will allow the property owner some time to address the concerns and comply with the demolition permit process requirements. If successfully completed, it will address the safety related concerns and the dilapidated condition of the structure. It also allows the North Cowichan to undertake the required work should the owner fail to do so.

2. THAT Council declares the subject property at 2961 Sherman Road a nuisance and determines that the partially collapsed structure is in and creates an unsafe condition.

- This option does not impose a remedial action requirement on the owner of the subject property but does enable that requirement to be imposed at a future date.

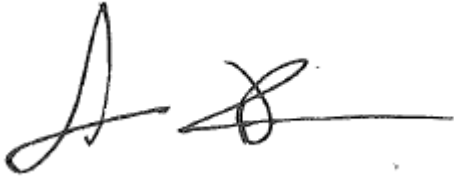
IMPLICATIONS

It is worth noting that the expenses associated with this remedial action requirement may be considerable, depending on the nature and extent of any hazardous materials identified in the structure (asbestos, etc.) and on the weight and nature of materials taken to the landfill. As such, compliance may come at a considerable cost to the property owner. It is also the case that the structure clearly presents a hazard to anyone who might choose to enter the building and that there is a considerable risk of further collapse.

RECOMMENDATION

- (1) THAT Council declares the subject property at 2961 Sherman Road a nuisance and determines that the partially collapsed structure is in and creates an unsafe condition.
- (2) THAT Council imposes the following remedial action requirements on the property owner or their representative:
 - (a) **Fence Installation:** Erect a fence around the entire perimeter of the derelict structure within 30 days.
 - (b) **Demolition Permit Application:** Submit a demolition permit application within 90 days of receiving a "Notice to Affected Persons" regarding the partially collapsed structure on the property.
 - (c) **Demolition Permit Compliance:** Ensure all requirements of the demolition permit are satisfied within 60 days of the permit's issuance.

Report prepared by:



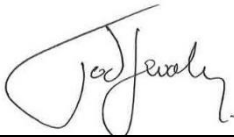
John Horn
Director, Social Planning and Protective Services

Report reviewed by:



Bill Corsan
General Manager, Corporate Services and
Community Relations

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Relevant sections of the *Community Charter*
- (2) Images - hazardous structure 2961 Sherman Road