

Report

Date August 20, 2025
Subject Remedial Action for 5861 and 5865 York Road

File:

PURPOSE

To seek approval to issue a Remedial Action Requirement to the owners of 5861 and 5865 York Road to remediate the properties by clearing the interior of the structures and obtaining and fulfilling the conditions of a demolition permit from North Cowichan for all structures on the site.

BACKGROUND

On September 6, 2024, an unsightly property complaint was received by North Cowichan Bylaw Enforcement Department regarding two properties: 5861 and 5865 York Road. Enforcement staff attended the site and observed the presence of squatters living inside two abandoned houses with noticeable amounts of garbage and debris on the property. There were also unhoused people coming and going from the inside of the properties. Staff subsequently engaged with the property owner on October 2, 2024, and advised of the need to clean up the property and remove the squatters from the buildings.

Subsequently, the two properties have continued to be the subject of complaints referencing the unsightly nature of the structures and the potential hazards they present. These concerns have been communicated to the property owner with further requests to address the issue.

In March of 2025, the property owner requested the assistance of the Police and North Cowichan Bylaw enforcement to remove the squatters. This was actioned on March 24, 2025. At that time, the owner boarded up the buildings and cleared the exterior of the property of debris. On April 28, another letter was sent to the property owner, requesting that they clean up the inside of the houses and apply for a demolition permit to remove the building and associated debris.

Subsequent conversations took place between the property owner and the North Cowichan Bylaw Enforcement Department, but the property owner undertook no actions. As such, correspondence was sent to the property owner by the North Cowichan Bylaw Enforcement Department on April 28, 2025, advising that we would be bringing a Remedial Action Requirement report to Council sometime after May 9, 2025, if no action has been taken.

DISCUSSION

North Cowichan has the authority under the Community Charter (Attachment 1) to require that the owner of the subject property (5861 and 5865 York Road) take steps to remediate the structures, which are the subject of the order (Division 12– Remedial Action Requirements).

A remedial action requirement may be imposed if Council:

- determines that the subject property *“is in or creates an unsafe condition”*, s.73(2)(a); and/or,
- 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 properties (or their representative) submit a complete application for a demolition permit to North Cowichan within 60 days of receiving notice of a remedial action requirement and comply with all requirements of that permit within 90 days of the permit’s issuance. Those requirements include the removal of all associated debris, a hazardous materials assessment and compliance with WorkSafeBC requirements.

The owner of the subject property or their representative may seek reconsideration of a remedial action requirement by requesting, 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, the municipality is empowered to undertake the work and seek recovery of costs associated with fulfilling those requirements (s.17).

OPTIONS

1. (Recommended Option) THAT Council:

- (1) Declare the subject properties (5861 and 5865 York Road) a nuisance and determine that the two structures are in or create an unsafe and hazardous condition; and,
 - (2) Impose a Remedial Action Requirement that the owner or their representative submit a demolition permit application within 60 days of receiving a “notice to affected persons” related to the two structures on the subject properties, and that the requirements of the demolition permit be satisfied within 90 days of the permit’s issuance.
- This option will allow the property owner sufficient time to address the concerns and to comply with the requirements of the demolition permit process. If successfully completed, it will address the safety-related concerns and the dilapidated condition of the structures. It also allows North Cowichan to undertake the required work should the owner fail to do so.

2. THAT Council:

- (1) Declare the subject properties (5861 and 5865 York Road) a nuisance and determine that the structures are in or create 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

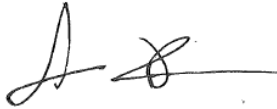
It is worth noting that the expenses associated with this Remedial Action Requirement may be considerable, depending on the nature and extent of any hazardous materials identified in the structures (asbestos, etc.) and on the weight and nature of materials taken to the landfill. As such, compliance may come at a considerable cost to the property owner. It is also the case that the structures present a hazard to anyone who might choose to enter the building, and that there is considerable risk that the buildings may collapse (Attachment 2). It is also worth noting that both buildings have been breached, and people have squatted in them several times since April, further exacerbating these conditions. If the owner does not undertake the work, North Cowichan can undertake it and recover the costs through property taxes.

RECOMMENDATION

THAT Council:

- (1) Declare the subject properties (5861 and 5865 York Road) a nuisance and determine that the two structures are in or create an unsafe and hazardous condition; and,
- (2) Impose a Remedial Action Requirement that the owner or their representative submit a demolition permit application within 60 days of receiving a "notice to affected persons" related to the two structures on the subject properties, and that the requirements of the demolition permit be satisfied within 90 days of the permit's issuance.

Report prepared by:



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Approved to be forwarded to Council:



Ted Swabey
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Attachments:

- (1) Relevant sections of the *Community Charter*
- (2) Photos of 5861 and 5865 York Road