

## **COUNCIL REPORT**

**To:** Mayor and Council

**From:** Bylaw Services

**Date:** July 22, 2025

**Subject:** #8 - 1000 Mackenzie Blvd – Remedial Action

---

### **RECOMMENDATION:**

THAT Council considers that the mobile home located at #8 – 1000 Mackenzie Boulevard, Mackenzie, BC, within the Morfee Mobile Home Park, has become a derelict structure, and that the condition of the mobile home do not comply with Unsightly Properties Bylaw No. 1394, 2018, a bylaw prohibiting unsightly premises;

AND THAT Council hereby declares that the mobile home structure be declared a nuisance building, to be removed from site and sent to a landfill or recycling center, with the outdoor storage of all materials removed from site to an approved location, within the meaning of Section 74 of the *Community Charter*, and so dilapidated and unclean as to be offensive to the community;

AND THAT Council hereby requires the owner to, upon Council resolution date, perform the following actions to the property as prescribed under Section 77: of the *Community Charter* (the "Remedial Action Requirement"). The scope of the work shall include the following:

- a) Apply for a District of Mackenzie Demolition Permit for the dwelling within 14 days;
- b) Remove the mobile home dwelling unit #8 within 30 days, to an approved location;
- c) Remove all contents in and around the mobile home dwelling unit #8 within 30 days to an approved location;
- d) Remove all construction debris, foundations, stilts, exterior deck(s), asphalt and concrete at the property within 30 days to an approved location; and
- e) Restoration of the lot, including lot grading and planting of grasses, with 365 days.

### **BACKGROUND:**

Unit #8, situated at 1000 Mackenzie Blvd, sustained considerable fire damage due to a structural fire that occurred on November 9, 2024.

Efforts are being made to communicate with the structure owner and the property owner regarding the situation. Contact was made via phone and voicemail, and a letter was sent

emphasizing the need to remove the mobile home to prevent further issues. Discussions are ongoing with the Property Manager of Morfee Mobile Home Park to ensure the removal of the damaged unit, with acknowledgment that the park owner is responsible for it. The structure owner reached out, but further attempts to connect were unsuccessful. The abandoned and open state of Unit #8 poses safety risks and concerns for nearby property owners and the community.

**Legal/Statutory Authority:**

Pursuant to Section 6.2.1 (a) of the District Unsightly Properties Bylaw No. 1394, 2018 prohibits rubbish, garbage and discarded material: no person shall cause suffer or permit the accumulation of rubbish garbage or discarded material on any real property and every owner or occupier shall remove any accumulation of rubbish, garbage or discarded material on his or her real property.

Pursuant to Section 6.2.1 (b) of the District Unsightly Properties Bylaw No. 1394, 2018 prohibits accumulation of offensive or unwholesome matter: no person shall cause, suffer, or permit offensive or wholesome matter upon real property in plain sight and shall remove the same therefrom.

Pursuant to Section 6.6.1 of the District Unsightly Properties Bylaw No. 1394, 2018, no person shall allow a structure located on real property of which he is the owner or occupier to become a derelict structure.

Pursuant to Section 72 (2) (b) of the *Community Charter* the remedial action requirement may require the owner of a structure to undertake the following measures with respect to the structure:

- (i) Remove or demolish the matter or thing,
- (ii) Fill it in, cover it over or alter it,
- (iii) Bring it up to a standard specified by bylaw, or
- (iv) Otherwise deal with it in accordance with the direction of council or a person authorized by Council.

Pursuant to Section 74 Declared Nuisances of the *Community Charter*:

- (1) Council may declare that any of the following is a nuisance and may impose a remedial action requirement in relation to the declared nuisance:
  - (a) A building or other structure, an erection of any kind, or a similar matter or thing;
  - (b) A natural or artificial opening in the ground, or a similar matter or thing;
  - (c) A drain, ditch, watercourse, pond, surface water, or a similar matter or thing;
  - (d) A matter or thing that is in or about any matter or thing referred to in paragraphs (a) to (c).

- (2) Subsection (1) also applies in relation to a thing that Council considers is so dilapidated or unclean as to be offensive to the community.

### **Legal/Statutory Procedural Requirements:**

Section 76-80 of the *Community Charter* outline the procedural requirements necessary to impose remedial action. This includes owner notification, Council consideration of the declaration and remedy at a public meeting, and time limits for remedial action.

Section 77 of the *Community Charter* establishes that notice of a remedial action requirement must be given by personal service or registered mail to the person subject to the requirement, the owner of the land where the action was to be carried out, any other person who is an occupier of the land, and any registered charge-holder (for example, mortgage holders).

Under Section 78 of the *Community Charter*, a person affected by a remedial action requirement may seek reconsideration of Council's decision to impose the requirement by submitting a written request within 14 days of the notice of the remedial action requirement being sent to the owner. Council must then provide an opportunity to the owner or other party having an interest in the property to make representations before Council. After hearing the owner or other party, Council may confirm, amend, or cancel the remedial action requirement.

Section 79 of the *Community Charter* empowers the District to give less than 30 days' notice where Council considers there to be a "significant risk to health or safety." In this case, staff suggest that 30 days should be an appropriate amount of time for the Owner to remedy the situation.

Section 17 of the *Community Charter* permits Council to resolve that if the remedial action requirement has not been satisfied by the property owner within the designated time limit, the District, through its staff, agents or contracts, may complete the work required at the Owner's expense and recover the costs incurred from the Owner as a debt. Section 258 and 259 of the *Community Charter* permit the recovery of this debt by way of adding it to the taxes owing for the Property.

### **DISCUSSION:**

Given the timeframe of when the structure was damaged or abandoned, and the owner's failure to address these issues to the District's satisfaction despite having opportunities to do so in the context of the District's progressive enforcement steps, as well as the serious nature of the potential public health and safety risks, staff recommends that Council consider the use of its remedial action powers under the *Community Charter*.

Part 3, Division 12 of the *Community Charter* allows Council to declare a nuisance, impose a remedial action in respect of a "building or other structure" if Council considers that it is a

nuisance or is “so dilapidated or unclean as to be offensive to the community”. Also, the mobile home contravenes the District’s Unsightly Properties Bylaw No. 1394, 2018. Council should consider an order directing the owner to take specific actions at their own expense to remediate the issue and to remedy nuisance, unclean and dilapidated conditions. If the Owner fails to comply with the remedial action requirement as ordered by Council, the *Community Charter* also permits Council to make an order that the District by its agents, contractors or District staff may enter on to the property and take steps to carry out the remedial action requirements in default at the Owner’s expense and bring the Property into compliance.

**CONCLUSION:**

Staff recommend that Council proceed with imposing a remedial action requirement for the Property in the suggested terms, since the above noted progressive enforcement steps have not been effective, there are ongoing life-safety concerns, and there is significant impact to the public and adjacent landowners.

**BUDGETARY IMPACT:**

If the owner does not comply within the noted timeframe for the removal of the mobile homes, then any work required by a remedial action completed by the District after the owner’s default would be charged to the owner and added to the property’s taxes if unpaid by the end of the calendar year in which they were imposed.

**COUNCIL PRIORITIES:**

**Strong Governance and Finances**

- As the municipality's elected governing body, we serve all residents and businesses in the community. We engage residents and stakeholders on important issues and make our decisions through open and transparent processes. We are careful in our use of resources, mindful of the need to maintain programs and services, while also meeting the community's infrastructure needs.

**RESPECTFULLY SUBMITTED:**

Kurtis Klein, Bylaw Enforcement Officer

**Reviewed By:** Public Works, Corporate and Financial Services

**Approved By:** Chief Administrative Officer