

File No.: 04-1000-20-2023-489

September 13, 2023

s.22(1)

Dear s.22(1)

Re: Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")

I am responding to your request of August 3, 2023 under the ***Freedom of Information and Protection of Privacy Act*** for:

Record of correspondence between the By-law Department and the owner and manager of 414 East 10th Ave., regarding any bylaw complaints, inspections, infractions, corrective orders and fines. Date range: January 1, 2020 to August 2, 2023.

All responsive records are attached. Some information in the records has been severed (blacked out) under s.22(1) of the Act. You can read or download this section here: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00.

Please note, staff involved in the record collections for this request have advised that there is no additional correspondence between the By-law Department and the owner and manager of 414 East 10th Ave.

Under section 52 of the Act, and within 30 business days of receipt of this letter, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your FOI request by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number (#04-1000-20-2023-489); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,

[Signed by Cobi Falconer]

Cobi Falconer, MAS, MLIS, CIPP/C
Director, Access to Information & Privacy
cobi.falconer@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4

If you have any questions, please email us at foi@vancouver.ca and we will respond to you as soon as possible. Alternatively, you can call the FOI Case Manager at 604-871-6584.

Encl. (Records Package)

:pm

REGISTERED AND REGULAR MAIL

January 3, 2020
CF-2019-009182

Contact Person:

Alvin Martin
Property Use Inspector
604-873-7511
alvin.martin@vancouver.ca

FENG YAN
FU D REN
s.22(1) 414 10TH AVE E
VANCOUVER BC V5T 1Z8

ORDER

RE: 414 E 10TH AVENUE

A City Inspector requires access to your property at the above-cited location to inspect it for compliance with Building By-law No. 12511 and Zoning and Development By-law No. 3575 and Standards of Maintenance By-law No. 5462.

In this regard, we call your attention to:

Article 1.5.2.1 of Division C of the Building By-law

- 1.5.2.1 *The Chief Building Official, and any person authorized to act on behalf of the Chief Building Official, may enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law, or immediately if there is reason to believe an unsafe condition exists.*

AND

Section 3.1.6 of the Zoning and Development By-law

- 3.1.6 *The Director of Planning, the City Building Inspector or the Director of Licenses and Inspections may enter any building, land or premises at any reasonable time for the purpose of administering or enforcing this By-law.*

AND

Section 23.1 of the Standards of Maintenance By-law

- 23.1 *The City Building Inspector, and anyone authorized by the City Building Inspector, may enter any premises at any reasonable time for the purpose of determining whether or not such premises comply with the provisions of this By-law.*

A City Inspector will be attending your property at the above-cited location on **TUESDAY, FEBRUARY 4, 2020 at 2:30 pm** to inspect for compliance with the City's By-law(s).

Pursuant to Article 1.5.4.2 of Division C of the Building By-law, you are ordered to provide access to all areas in all buildings on the property on the date and time specified above.

The City is willing to work with you in an effort to bring your property into compliance. If an alternate time for inspection is preferred, you or your agent must contact Alvin Martin, Property Use Inspector at 604-873-7511 or via email at alvin.martin@vancouver.ca **within 14 days of the date of this order** to make arrangements for an earlier inspection date.

Please be advised that failure to comply with this order will result in the matter being referred to the City Prosecutor with a request to approve charges against you under the applicable By-law(s). If charges are subsequently laid you will be required to attend Provincial Court and will face liability upon conviction to a fine of not less than \$500 for each day that the offence continues.

The imposition of fines by the Court will not absolve you from the requirement to comply with the By-law(s).

Yours truly,

A handwritten signature in black ink, appearing to read 'P. Ryan', with a long horizontal flourish extending to the right.

P. Ryan, M. Sc., P. Eng.
Chief Building Official

Copy: Posted on building

REGISTERED AND REGULAR MAIL

July 31, 2023
CF-2023-008212

FENG YAN
FU REN
s.22(1) 414 E 10TH AVE
VANCOUVER BC V5T 1Z8

Contact Person:

Saul Schwebs
Chief Building Official
604-873-7040
saul.schwebs@vancouver.ca

UNSAFE TO OCCUPY ORDER

RE: 414 E 10TH AVENUE

On July 28, 2023, the Chief Building Official attended the above-cited property in response to a call-out by the Vancouver Fire and Rescue Services Department (VFRS) to determine the extent of the damage after a recent fire in the above-cited building.

Upon inspection, the following was reported:

- The damage is primarily limited to the 3rd floor, west of the fire wall located in the middle of the building. The damage in this portion of the building is extensive; and
- There is significant water throughout the entire building.

The above noted condition at the property constitutes an Unsafe Condition contrary to Article 1.3.3.5 of Division C of Building By-law No. 12511 (the By-law), in that it could cause undue hazard or risk to the life, limb or health of any person authorized, expected or anticipated to be on or about the premises.

Sentences 1.3.3.5(1) and 1.5.3.3(1) of Division C of the By-law specifically state:

1.3.3.5 Unsafe Conditions

1) No person who is an owner or who is involved in the construction, relocation or occupancy of a building shall cause, allow or maintain any unsafe condition.

1.5.3.3 Order to Remove Unsafe Condition

1) When any building, construction or excavation or part thereof is in an unsafe condition, the Chief Building Official may issue a written order to the owner, certifying the existence of an unsafe condition and requiring correction of any unsafe condition found on a building site, within a specified time.

Therefore, in accordance with Articles 1.5.3.3 and 1.5.4.2 of Division C of the Building By-law, **you are ordered to:**

IMMEDIATELY:

- Restrict all access to the building unless permitted by the Chief Building Official;
- Provide 24-hour security to monitor all entrances/exits;
- Install temporary fencing around the entire building;
- Board up all exterior doors and windows, including patio doors, on the ground floor;
- Pump water from the parkade following all provincial and municipal regulations; and

WITHIN 60 DAYS OF THE DATE OF THIS ORDER:

- Obtain all permits required to repair any damage resulting from the fire.

For information on applying for a permit and the required documents, visit the City's website at <http://vancouver.ca/home-property-development/apply-for-and-manage-your-permit.aspx>.

Electrical, plumbing and gas installations will require trades permits which will only be issued to licensed contractors. Your licensed contractor will be able to apply for these permits online.

Please note, the Development and Building Services Centre is open for appointment-only.

Should you require further information regarding the permitting process, please contact the Development and Building Services Centre by visiting <http://vancouver.ca/building-development-support>.

All enquiries received through the form will immediately receive a reference number, which you can use to obtain real-time status updates by calling 3-1-1. If you do not have access to a computer, please call 3-1-1 and advise the agent that you have received an enforcement letter and would like your inquiry forwarded to the Development and Building Services Centre.

A minimum of \$500 or double the building permit fee (up to a maximum of \$20,000) will be charged when work is done without permit. The legal authority for this action is set out in Building By-law No. 12511, Division C, Article 1.6.1.2.

1.6.1.2. Construction without a Permit

1) If construction for which a permit is required has been commenced before a permit has been issued, the owner shall

a) make application for any necessary permits in accordance with Subsection 1.6.2. of this By-law, and

b) pay to the City, double the fee set out in the Fee Schedule to a maximum of \$20,000, but in no case less than \$500.

PLEASE NOTE, THE BUILDING/SITE MUST BE MAINTAINED IN A SAFE CONDITION.

Please be advised that failure to comply with this order will result in the matter being referred to the City Prosecutor with a request to approve charges against you under the applicable By-law(s). If charges are subsequently laid you will be required to attend Provincial Court and will face liability upon conviction to a fine of not less than \$500 for each day that the offence continues.

The imposition of fines by the Court will not absolve you from the requirement to comply with the By-law(s).

If you are selling your property you should disclose the contents of this order to the prospective purchaser and their representatives.

For questions or concerns please contact Saul Schwebs, Chief Building Official, at 604-873-7040 or via email at saul.schwebs@vancouver.ca.

Yours truly,



Saul Schwebs, Architect AIBC
Chief Building Official

Copy: Posted at site



Darrell Reid, General Manager/Fire Chief
900 Heatley Avenue, Vancouver, BC

Vancouver Fire & Rescue Services
Fire Prevention Division
#600-575 W, 8th Vancouver, BC

ORDER (PURSUANT TO VANCOUVER FIRE BY-LAW NO. 12472)

Date: July 9, 2020

TO: 414 EAST 10TH AVE V5T 1Z8
REN FU D
YAN FENG
(Name, Mailing address and Postal Code)

The premises REN FU D by you to wit, APARTMENT
(Owned/Occupied) (Type of Occupancy)

located at 414 EAST 10TH AVE V5T 1Z8 Vancouver, B.C., legally known as
(Street Address)

LOT B BLOCK 126
PLAN
VAPVAP17010 DIST
RICT LOT 264A NWD
GROUP 1.
(Legal Description)

Inspected on the 8 day of JULY 2020.

THE INSPECTION REVEALED:

1. A required fire protection system for this building has been found to be non-operational and/or requires additional work by an ASTTBC certified technician

Based upon the above, it is the opinion of the *Fire Chief* a condition exists at 414 EAST 10TH AVE V5T 1Z8
Vancouver, B.C., which endangers life and poses a risk of injury or loss by fire. (Street Address)

THEREFORE, pursuant to the authority vested in me in accordance with Vancouver Fire By-Law 12472, Division C, Sentence 1.4.3.1.(1), you are **HEREBY ORDERED TO:**

1. Provide a 24 hour fire watch conforming to the Vancouver Fire Rescue Services Fire Watch Requirements bulletin until such time that all required building fire protection systems are fully operational as certified by an ASTTBC qualified technician.
2. Notify the Fire Vancouver Fire Rescue Services at such time that all required fire protection systems within the building are fully operational.

This Order is to be complied with on or before: Immediately
Month / Day / Time / am. / pm. Or Immediately

An inspection to determine compliance with this order will be conducted on: Date / Time

This order does not relieve the owner or occupier of the obligation to comply with all City of Vancouver by-laws, including the requirement to obtain a permit or permits to undertake the work. For Permit Information Contact: Enquiry Centre. Main Floor. 515 West 10th Ave. Developments and Building Services Centre Phone: 604-873-7611

[Signature]
(Signature of Recipient)

EDWARD LOUDY
(Print name and Tel. # of recipient)

LAFD 2638
(Date Delivered) FPI - LAFD 2638

Ray Bryant
(AGM / Deputy Chief Fire Prevention) **print name**

[Signature]
Signature of (AGM / Deputy Chief Fire Prevention)



Karen Fry, General Manager/Fire Chief
900 Heatley Avenue, Vancouver, BC

Vancouver Fire & Rescue Services
Fire Prevention Division
#600-575 W, 8th Vancouver, BC

ORDER (PURSUANT TO VANCOUVER FIRE BY-LAW NO. 12472)

Date:

TO:

(Name, Mailing address and Postal Code)

The premises by you to wit,

(Owned/Occupied)

(Type of Occupancy)

located at

(Street Address)

Vancouver, B.C., legally known as

(Legal Description)

The Fire By-law requires that the property owner or owner's authorized agent maintain access and egress in good repair, and keep means of egress unobstructed at all times.

"Division B, Sentence 2.7.1.6.(1) Means of egress shall be maintained in good repair and free of obstructions."

As a result of continued non compliance:

It is the opinion of the *Fire Chief* a condition exists at Vancouver, B.C., which endangers life and poses a risk of injury or loss by fire. (Street Address)

THEREFORE, pursuant to the authority vested in me in accordance with Vancouver Fire By-Law 12472 Division C, Sentence 1.4.3.1.(1), you are **HEREBY ORDERED TO:**

1. INSPECTIONS AND MAINTENANCE

Vancouver Fire Rescue Services requires any and all unauthorized locking systems/devices and or hardware be removed from all Means of Egress immediately.

This Fire Chief's Order is issued in accordance to the VFBL 12472, other legal actions may commence against the property owner.

A Full Fire Inspection will take place on:

Month / day / time / am. / pm. Or Immediately

This order does not relieve the owner or occupier of the obligation to comply with all City of Vancouver by-laws, including the requirement to obtain a permit or permits to undertake the work. For Permit Information Contact: Enquiry Centre, Main Floor, 515 West 10th Ave. Developments and Building Services Centre Phone: 604-873-7611

(Signature of Recipient)

(Print name and Tel. # of recipient)

(Date Delivered)

FPI {Inspector Name}

(AGM / Deputy Chief Fire Prevention) **print name**

Signature of (AGM./ Deputy Chief Fire Prevention)

REGISTERED AND REGULAR MAIL

October 6, 2020
CF-2020-013688

FENG YAN
FU REN
s.22(1) 414 10TH AVE E
VANCOUVER BC V5T 1Z8

Contact Person:

Eric Kai
Property Use Inspector
604-871-6088
eric.kai@vancouver.ca

ORDER

RE: 414 E 10TH AVENUE

On October 5, 2020, a Property Use Inspector conducted an inspection of the above-cited property and reported the following violations of Untidy Premises By-law No. 4548 (the By-law):

- There is an accumulation of garbage/debris on the north side (front yard) and south side (rear yard), resulting in the property being in an untidy condition, consisting of but not limited to; household garbage, bags, cardboard, luggage clothing etc.

The City is seeking mandatory compliance to its By-law through the issuance of this Compliance Order. The Compliance Order is the last step prior to the City initiating clean-up action at the expense of the property owner.

The legal authority for this action is set out in the By-law and is also shown in the paragraphs below.

Section 6(1) Where the owner or occupier of any real property fails to remove from such property any accumulation of rubbish, discarded materials, garbage, ashes or filth, or fails to keep the said property cleared of weeds, brush, trees, or other growths, or is otherwise in breach of this By-law, the Director of Licenses and Inspections may cause a notice to be served upon the owner of the real property requiring such owner to remedy the condition within ten days. Any such order shall be sufficiently served upon the owner by sending the same by return registered mail to the address shown on the current year's real-property assessment roll.

Section 6(2) In the event of default by the owner in remedying the condition within the time limited, as specified in the notice referred to in subsection (1) hereof, the Director of Licenses and Inspections and any person authorized by the Director of Licenses and Inspections may enter upon the real property for the purpose of remedying the condition referred to in the said notice. The costs incurred in carrying out any work pursuant to this subsection shall be recoverable by the City from the owner by action in any Court of

competent jurisdiction, or, in the alternative, if the costs and expenses incidental to the work are not paid to the City by the owner within thirty days after a demand for payment has been sent to the owner, the Director of Finance may cause such costs to be added to and form part of the taxes payable in respect of that parcel of real property.

Therefore, pursuant to Section 6(1) of the By-law, you are ordered to remove all the garbage and debris from the front and rear yards **within 10 days of the date of this order**, and to thereafter maintain the site in a tidy condition.

If you do not comply with this Order, the City will hire a contractor to carry out the work as authorized under Section 6(2) of the By-law, and invoice the cost of the work to the owner. If the costs incurred are not paid, the City will add such costs to the property tax roll for collection.

Please note, secured gates and entry ways are subject to having locks cut off in order to permit access for the purpose of enforcing the By-law.

The average cost for this type of work is currently up to \$5000. Furthermore, if any materials found during the clean-up require special handling or disposal methods (e.g. solvents, asbestos, grease, etc.), the cost of the clean-up will likely increase and you will be responsible for the added costs.

If you are selling your property you should disclose the contents of this order to the prospective purchaser and their representatives.

We thank you in advance for contributing to the livability of our community by making Vancouver a cleaner, safer and healthier City. For questions or concerns please contact Eric Kai, Property Use Inspector at 604-871-6088 or via email at eric.kai@vancouver.ca.

Sincerely,



Kathryn Holm, M. Sc., P. Eng.
Chief Licence Inspector and
Director of Licences and Inspections

Copy: Posted on Building

REGISTERED AND REGULAR MAIL

June 29, 2020
CF-2020-008518

FU REN
FENG YAN
s.22(1) 414 10TH AVE E
VANCOUVER BC V5T 1Z8

Contact Person:

Angelo Marrocco
Property Use Inspector
604-873-7176
angelo.marrocco@vancouver.ca

ORDER

RE: 414 E 10TH AVENUE

On June 25, 2020, a Property Use Inspector conducted an inspection of the above-cited property and reported the following violations of Untidy Premises By-law No. 4548 (the By-law):

- There is an accumulation of garbage/debris on the southwest corner of the property adjacent to the lane, resulting in the property being in an untidy condition, consisting of but not limited to; cardboard boxes paper wrappings, plastic bags, plastic buckets and a mattress.

The City is seeking mandatory compliance to its By-law through the issuance of this Compliance Order. The Compliance Order is the last step prior to the City initiating clean-up action at the expense of the property owner.

The legal authority for this action is set out in the By-law and is also shown in the paragraphs below.

Section 6(1) Where the owner or occupier of any real property fails to remove from such property any accumulation of rubbish, discarded materials, garbage, ashes or filth, or fails to keep the said property cleared of weeds, brush, trees, or other growths, or is otherwise in breach of this By-law, the Director of Licenses and Inspections may cause a notice to be served upon the owner of the real property requiring such owner to remedy the condition within ten days. Any such order shall be sufficiently served upon the owner by sending the same by return registered mail to the address shown on the current year's real-property assessment roll.

Section 6(2) In the event of default by the owner in remedying the condition within the time limited, as specified in the notice referred to in subsection (1) hereof, the Director of Licenses and Inspections and any person authorized by the Director of Licenses and Inspections may enter upon the real property for the purpose of remedying the condition referred to in the said notice. The costs incurred in carrying out any work pursuant to this

subsection shall be recoverable by the City from the owner by action in any Court of competent jurisdiction, or, in the alternative, if the costs and expenses incidental to the work are not paid to the City by the owner within thirty days after a demand for payment has been sent to the owner, the Director of Finance may cause such costs to be added to and form part of the taxes payable in respect of that parcel of real property.

Therefore, pursuant to Section 6(1) of the By-law, you are ordered to remove all the garbage/debris from the property **within 10 days of the date of this order**, and to thereafter maintain the site in a tidy condition.

If you do not comply with this Order, the City will hire a contractor to carry out the work as authorized under Section 6(2) of the By-law, and invoice the cost of the work to the owner. If the costs incurred are not paid, the City will add such costs to the property tax roll for collection.

Please note, secured gates and entry ways are subject to having locks cut off in order to permit access for the purpose of enforcing the By-law.

The average cost for this type of work is currently up to \$5000. Furthermore, if any materials found during the clean-up require special handling or disposal methods (e.g. solvents, asbestos, grease, etc.), the cost of the clean-up will likely increase and you will be responsible for the added costs.

If you are selling your property you should disclose the contents of this order to the prospective purchaser and their representatives.

We thank you in advance for contributing to the livability of our community by making Vancouver a cleaner, safer and healthier City. For questions or concerns please contact Angelo Marrocco, Property Use Inspector at 604-873-7176 or via email at angelo.marrocco@vancouver.ca.

Sincerely,



Kathryn Holm, M. Sc., P. Eng.
Chief Licence Inspector and
Director of Licences and Inspections

Copy: Posted on Building

REGISTERED AND REGULAR MAIL

June 26, 2020
CF-2020-008405

FU D REN
FENG YAN
s.22(1) 414 E 10TH AVE
VANCOUVER BC V5T 1Z8

Contact Person:

Angelo Marrocco
Property Use Inspector
604-873-7176
angelo.marrocco@vancouver.ca

ORDER

RE: 414 E 10TH AVENUE

On June 22, 2020, a Property Use Inspector conducted an inspection of the above-cited property and reported the following violations of Untidy Premises By-law No. 4548 (the By-law):

- There is an accumulation of garbage/debris on this property on the concrete stairs (at the south east corner of the property adjacent to the rear lane), resulting in the property being in an untidy condition, consisting of but not limited to; leaves, plastic bags, plastic wrappers, paper wrappers, newspaper and plastic bottles.

The City is seeking mandatory compliance to its By-law through the issuance of this Compliance Order. The Compliance Order is the last step prior to the City initiating clean-up action at the expense of the property owner.

The legal authority for this action is set out in the By-law and is also shown in the paragraphs below.

Section 6(1) Where the owner or occupier of any real property fails to remove from such property any accumulation of rubbish, discarded materials, garbage, ashes or filth, or fails to keep the said property cleared of weeds, brush, trees, or other growths, or is otherwise in breach of this By-law, the Director of Licenses and Inspections may cause a notice to be served upon the owner of the real property requiring such owner to remedy the condition within ten days. Any such order shall be sufficiently served upon the owner by sending the same by return registered mail to the address shown on the current year's real-property assessment roll.

Section 6(2) In the event of default by the owner in remedying the condition within the time limited, as specified in the notice referred to in subsection (1) hereof, the Director of Licenses and Inspections and any person authorized by the Director of Licenses and

Inspections may enter upon the real property for the purpose of remedying the condition referred to in the said notice. The costs incurred in carrying out any work pursuant to this subsection shall be recoverable by the City from the owner by action in any Court of competent jurisdiction, or, in the alternative, if the costs and expenses incidental to the work are not paid to the City by the owner within thirty days after a demand for payment has been sent to the owner, the Director of Finance may cause such costs to be added to and form part of the taxes payable in respect of that parcel of real property.

Therefore, pursuant to Section 6(1) of the By-law, you are ordered to remove all garbage/debris from the site **within 10 days of the date of this order**, and to thereafter maintain the site in a tidy condition.

If you do not comply with this Order, the City will hire a contractor to carry out the work as authorized under Section 6(2) of the By-law, and invoice the cost of the work to the owner. If the costs incurred are not paid, the City will add such costs to the property tax roll for collection.

Please note, secured gates and entry ways are subject to having locks cut off in order to permit access for the purpose of enforcing the By-law.

The average cost for this type of work is currently up to \$5000. Furthermore, if any materials found during the clean-up require special handling or disposal methods (e.g. solvents, asbestos, grease, etc.), the cost of the clean-up will likely increase and you will be responsible for the added costs.

If you are selling your property, you should disclose the contents of this Order to the prospective purchaser and their representatives.

We thank you in advance for contributing to the livability of our community by making Vancouver a cleaner, safer and healthier City. For questions or concerns, please contact Angelo Marrocco, Property Use Inspector, at 604-873-7176 or via email at angelo.marrocco@vancouver.ca.

Sincerely,



Kathryn Holm, M. Sc., P. Eng.
Chief Licence Inspector and
Director of Licences and Inspections

Copy: Posted on Building