

NO: **R031**

COUNCIL DATE: **FEBRUARY 24, 2014**

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **February 17, 2014**

FROM: **City Solicitor**

FILE: **13697-11500**

SUBJECT: **Remedial Action Requirement Related to the Structure Located on the Property at 13697 - 115 Avenue**

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## RECOMMENDATION

The Legal Services Division recommends that Council resolve:

1. That Council considers that the house (the "Structure") located at 13697 - 115 Avenue (the "Property") is in or creates an unsafe condition within the meaning of Section 73(2)(a) of the *Community Charter*, S.B.C. 2003, c. 26 (the "*Community Charter*");
2. That the Structure is a nuisance within the meaning of Section 74(1)(a) of the *Community Charter*;
3. That the Structure is also a nuisance within the meaning of Section 74(2) of the *Community Charter* as Council considers the Structure so dilapidated or unclean as to be offensive to the community;
4. Pursuant to Sections 72, 73 and 74 of the *Community Charter*, to impose a remedial action requirement on the owner of the Property in the following terms:

*"That the owner of the Property with a civic address of 13697 - 115 Avenue demolish and remove from the Property the structure that is located on the Property within 30 days of delivery of notice of Council having adopted a remedial action requirement with respect to the Property, which demolition and removal shall be in compliance with all City of Surrey by-laws and other applicable statutes, regulations and guidelines."*

5. That if the owner of the Property fails to comply with the remedial action requirement by the date specified, the Manager, By-laws & Licensing Services, together with workers or contractors employed by the City of Surrey, are authorized to enter on the Property and to complete the remedial action requirement at the expense of the owner of the Property and the City of Surrey

will recover all expenses, together with interest and costs, in the same manner as municipal taxes;

6. That notice of the remedial action requirement set out above be sent in the form set out in Appendix "E" to all persons who own or occupy the Property, as well as all holders of registered charges in relation to the Property; and
7. That any person served with notice of the remedial action requirement set out above may provide the City with written notice of a request for Council to reconsider the remedial action requirement within 14 days of being sent the notice of the remedial action requirement.

## **INTENT**

The purpose of this report is to provide information regarding the condition of the Structure on the Property, which is considered to constitute an unsafe condition and nuisance, and to bring forward for Council consideration a resolution for a remedial action requirement against the owner of the Property, which will act to motivate corrective action to eliminate the unsafe condition and nuisance on the Property.

## **BACKGROUND**

The following provides a chronology of events related to the Structure and the Property:

April 29, 1994: The International Taoist Church of Canada, Incorporation No. 23544S, purchased the Property.

May 14, 2007: Surrey's Electrical and Fire Safety Team ("EFSIT") inspected the Structure pursuant to the Controlled Substance Property Bylaw, 2006, No. 15820 (the "CSP Bylaw") and found significant fire and electrical safety concerns related to a marijuana grow operation. A "Do Not Occupy" notice was posted on the Structure. A letter was sent by staff to the owner of the Property advising that remediation measures were required under the CSP Bylaw prior to the Structure being reoccupied. There is no record on City files that confirms the owner received the letter. To date, City files and staff inspections indicate that the Property has not been remediated as required under the CSP Bylaw.

May 14, 2007 to Present: Staff has and continues to attend the Property, usually on a monthly basis, to ascertain whether the Structure had been remediated pursuant to the CSP Bylaw. It is the practice of staff to continue these inspections until a property is remediated. Unless otherwise noted below, the Structure was usually secure at the time staff performed its inspections.

May 2007 to present: The City has received numerous complaints from neighbouring residents about the unsightly condition of the yard of the Property. Staff has, on numerous occasions, observed that the yard around the Property had become unsightly

even after the Property owner or its agents cleaned it. Staff has informed the Property owner and its management company, verbally and by letter, on numerous occasions that the Property is unsightly and required cleaning up. Throughout this period, the unsightliness included furniture, chairs, cabinets, overgrown grass and weeds, and miscellaneous garbage. On several occasions, the Property has been cleaned voluntarily. On June 12, 2013, the City conducted a clean-up of the Property as the owner did not do it voluntarily.

The RCMP has received repeated "calls for service" in relation to the Property, which are calls made to the RCMP about disturbances of the peace and possible crimes being committed. These include reports of squatters living in the Structure and people stealing from the Structure.

July 2, 2008: Staff attended the Property and observed that the Structure was now boarded up.

October 17, 2008: Staff spoke with a representative of the management company for the Property, who advised that they are waiting for direction from the board of directors of the Property owner. Staff advised the representative that the Property was in violation of the CSP by-law and the City could complete the remediation if it was not completed by the Property owners.

December 3, 2008: Staff emailed a lawyer representing the Property owner advising that the Property owner needed to decide whether to secure, remediate or demolish the Property. Staff further advised that the City would continue to regularly inspect the Property as squatters and metal thieves appeared to have been occupying the Property.

March 3, 2009: Staff attended the Property and observed the Structure was being vandalized in that rocks appeared to be thrown at a window as the glass was broken.

July 23, 2009: Staff attended the Property and observed that there was a real estate sign indicating the Property was for sale.

March 26, 2010: Staff attended the Property and observed that some of the boards on the doors of the Structure were removed. Staff advised Surrey Fire Service that the Structure was not secure.

April 8, 2010: Staff attended the Property and observed that the Structure had been secured.

May 17, 2010: Staff attended the Property and observed that the boards on the doors had been removed. Staff sent a letter to the Property owner advising that the Structure was not secure and that the situation was required to be remedied within five days of the letter. The City's records indicate the letter was received by a person named "C. Chung."

June 10, 2010: Staff attended the Property and observed that the Structure was not secure. Staff sent a letter to the Property owner advising it of this and that the situation was required to be remedied within five days of the letter. The City's records indicate the letter was received by a person named "C. Sam."

June 30, 2010: Staff attended the Property and observed that the Structure was secure.

November 18, 2010: Staff attended the Property and observed that the Structure was not secure. A door leading into the Structure was open and plywood boards had been removed from a window at the back of the house. There was a shed at the east side of the Property that was beginning to slip towards the creek as the ravine was eroding. Staff sent a letter to the Property owner advising that the City intended to demolish the Structure and shed. The City's records indicate the letter was received by a person named "C. Sam." Staff also sent a copy of the letter to the lawyer representing the Property owner, who acknowledged receipt of the email, but indicated the principals of his client were away until December.

January 19, 2011: A neighbour of the Property sent to staff a written complaint, which states, in part, that the Property attracts homeless people, drug addicts and thieves. It is also unsightly as people are dumping their garbage on the Property. Attached to this report as Appendix "A" is the complaint.

February 17, 2011: Staff sent an email to the lawyer representing the Property owner and advised that the estimated cost for the City to demolish the Structure was \$37,400.00 and that the Structure needed to be demolished as soon as possible to due to it being a hazard and because it is occasionally being occupied by transients.

February 21, 2011: The lawyer representing the Property owner responded to staff's e-mail of February 17, 2011 and agreed to the demolition of the Structure by the City.

March 20, 2011: Surrey Fire Service attended the Property and found a pile of debris on fire in the living room of the Structure.

July 1, 2011: Surrey Fire Service became aware that the Property was unsecured. It is unclear from the City's files how it was made aware of this.

July 19, 2011: Surrey Fire Service contacted the caretaker of the Property to have the Structure boarded up. The caretaker advised that the Structure would be boarded up immediately.

February 23, 2012: Staff attended the Property and observed that the Structure was still abandoned. Staff sent to the Property owner a letter advising that the Structure must be removed within 30 days of receipt of the letter. The City's records indicate the letter was received by a person named "Hoi Kwan Wong."

May 22, 2013: Surrey Fire Service mailed to the Property owner an Order to Remedy Conditions. The Order to Remedy Conditions required the owner or occupier to

destroy or repair the Structure; the Structure was to be secured and maintained secure by the owner or occupier and the owner or occupier was to remove or take precautions against a fire hazard.

June 4, 2013: Surrey Fire Service discussed the Order to Remedy Conditions with the Property's management company and was advised that the Structure would be boarded up by June 5, 2013.

June 21, 2013: Surrey Fire Service attended the Structure and observed that it was secure.

November 28, 2013: Staff spoke to the Property owner's lawyer and confirmed that the Property owner's position had not changed since February 2011 and agreed to the demolition of the Structure. The Property owner's lawyer further requested a quote for the demolition.

December 5, 2013: Staff sent to the Property owner's lawyer an estimate for the demolition of the house and related work of \$44,624.00 if the City was to perform it. Staff suggested to the Property owner's lawyer that it may be less expensive if the Property owner hired its own contractor to perform the demolition.

January 8, 2014: A neighbour of the Property, who had submitted a written complaint on January 19, 2011, sent to staff another written complaint, which states, in part, that the Property attracts homeless people and drug addicts. It is also unsightly as people are dumping their garbage on the Property. The complaint also refers to another property, which is not the subject of this report. Attached to this report as Appendix "B" is a copy of the complaint.

January 31, 2014 to Present: The City Clerk invited the Property owner and a charge holder of the Property, the Ching Chung Taoist Association of Hong Kong Limited (the "Charge Holder"), to the Council meeting at which this Report would be considered. The Property owner and its lawyer have received this invitation. The invitation has been received at one of the offices, as indicated in the land title documents, for the Charge Holder, but as of the date of this Report it has yet to receive notice at its other office.

Present: The Property poses the risk of an improperly set fire by squatters, thieves, vagrants, or other individuals, who may access the Structure for shelter or other reasons. The Structure remains abandoned and has a history of being unsecured and of a deliberately set fire, which suggests that the Structure poses a risk for future fires.

To the east of the Structure is a steep embankment of about 10 metres in height, which leads to a creek below. The greatest potential for serious injury or death, is the proximity of the northeast corner, or rear, of the Structure to the approximately 10 metre deep ravine. There is less than approximately one metre of flat area to walk on at the northeast corner of the Structure. The base of the Structure is covered in loose gravel, which makes the pathway unstable. It is necessary, in broad daylight, to hold

onto the side of the Structure to enter the backyard as the path is so narrow and unstable. While the Structure may, from time to time, be considered secure from illegal entry, the Property is not secure from entry by squatters, vagrants, thieves, and curious youth, as there is no fence or other security measure surrounding the Property. There is a serious potential for such individuals to walk to the rear of the Structure and fall into the 10 metre deep ravine, which is covered with rocks at the bottom.

There is also the potential risk to emergency responders who may be called to the Property. A fire captain first arriving at a fire scene is required to perform a "360 degree size up," which involves walking around the perimeter of a structure to determine the strategy to attack the fire. The fire captain performs the "360 degree size up" while wearing firefighting gear, including a helmet, turnout coat, bunker pants, leather boots, and possibly an airpack. There is a significant potential for the fire captain and other personnel to be unable to see the edge of the ravine while performing their duties at the Property. A fire captain performing the "360 degree size up" will often be looking at the fire location and determining strategy to attack the fire and not notice, especially in the dark, the potential to fall into the ravine. Even in daylight, the Property is heavily treed and has poor lighting and visibility. In the past, fire captains performing a "360 degree size up" of other properties have suffered twisted ankles and knees from stepping on uneven ground as they are concentrated on looking at the structure.

Attached to this report as Appendix "C" is an affidavit affirmed by the Chief Fire Prevention Officer, Michael Alan Starchuk, detailing the safety risks of the Structure.

Photographs of the Property and Structure taken on February 6, 2014 are attached to this report as Appendix "D".

## **DISCUSSION**

Pursuant to Section 73(2)(a) of the *Community Charter*, Council may consider a building or other structure to be in or creates an unsafe condition.

Pursuant to Section 74(1) of the *Community Charter*, Council may declare a building or other structure to be a nuisance. In addition to, and independent of Section 74(1), Council may, pursuant to Section 74(2) of the *Community Charter*, declare as a nuisance a thing that Council considers so dilapidated or unclean as to be offensive to the community.

The Structure constitutes an unsafe condition given its close proximity to a steep ravine, which poses a safety risk to vagrants, thieves, squatters, curious youth and emergency responders. The Structure is also a nuisance under Sections 74(1) and (2) based on the deteriorated condition of the Structure, graffiti, the previous fire, complaints about the Structure, and the attraction it poses to vagrants, thieves and those using the Property to deposit garbage. Based on the failure of the owner to voluntarily rectify the nuisance Council may, pursuant to Sections 72, 73 and 74 of the *Community Charter*, proceed to adopt the resolutions as contained in the

“Recommendations” section of this report as means to rectify the unsafe condition and nuisance. The resolutions, if adopted, constitute a Remedial Action Requirement (the “RAR”), which will obligate the owner to comply with the conditions contained in the RAR within 30 days of being delivered notice of the Council resolution adopting the RAR. In the event that the owner fails to carry out the required remedial actions within 30 days of being delivered the notice, the resolutions act to authorize the City and/or its agents to enter onto the Property to carry out the required remedial work at the expense of the owner, using Section 17 of the *Community Charter* as its authority. Any expenses incurred by the City in undertaking the work may be collected as a debt or unpaid taxes pursuant to Sections 17 and 258 of the *Community Charter*.

Under Section 77 of the *Community Charter*, notice of the RAR must be given to the owner of the Property, any occupiers of the Property, and the holders of any registered charges in relation to the Property.

Under legislation, the owner or others having an interest in the Property may seek reconsideration of Council's decision to impose the RAR if the owner or other party provides a written request within 14 days of being given notice of the RAR being sent to the owner or other party. Council must then provide an opportunity to the owner or other party having an interest in the Property to make representations before Council. Council after hearing the owner or other party may confirm, amend, or cancel the RAR.

## CONCLUSION

Based on the above discussion, the Legal Services Division recommends that Council resolve:

- That Council considers that the house (the "Structure") located at 13697 - 115 Avenue (the "Property") is in or creates an unsafe condition within the meaning of Section 73(2)(a) of the *Community Charter*, S.B.C. 2003, c. 26 (the "Community Charter");
- That the Structure is a nuisance within the meaning of Section 74(1)(a) of the *Community Charter*;
- That the Structure is also a nuisance within the meaning of Section 74(2) of the *Community Charter* as Council considers the Structure so dilapidated or unclean as to be offensive to the community;
- Pursuant to Sections 72, 73 and 74 of the *Community Charter*, to impose a remedial action requirement on the owner of the Property in the following terms:

*"That the owner of the Property with a civic address of 13697 - 115 Avenue demolish and remove from the Property the structure that is located on the Property within 30 days of delivery of notice of Council having adopted a remedial action requirement with respect to the Property, which demolition*

*and removal shall be in compliance with all City of Surrey by-laws and other applicable statutes, regulations and guidelines."*

- That if the owner of the Property fails to comply with the remedial action requirement by the date specified, the Manager, By-laws & Licensing Services, together with workers or contractors employed by the City of Surrey, are authorized to enter on the Property and to complete the remedial action requirement at the expense of the owner of the Property and the City of Surrey will recover all expenses, together with interest and costs, in the same manner as municipal taxes;
- That notice of the remedial action requirement set out above be sent in the form set out in Appendix "E" to all persons who own or occupy the Property, as well as all holders of registered charges in relation to the Property; and
- That any person served with notice of the remedial action requirement set out above may provide the City with written notice of a request for Council to reconsider the remedial action requirement within 14 days of being sent the notice of the remedial action requirement.

CRAIG MacFARLANE  
City Solicitor

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LJD 2/18/14 3:12 PM

Appendix "A" – January 19, 2011 Complaint

Appendix "B" – January 8, 2014 Complaint

Appendix "C" – Affidavit of Chief Fire Prevention Officer, Michael Starchuk

Appendix "D" – Photographs of the Property taken February 6, 2014

Appendix "E" – Notice to Owner

Appendix "F" – Description of the Property

c.c. Manager, By-laws & Licensing Services  
Manager, Building Division



## APPENDIX "A"

January 19<sup>th</sup> 2011

Attention Mike Murphy:

City of Surrey BY laws:

Further to our phone conversation regarding the house and property at 13697-115<sup>th</sup> ave Surrey BC. [REDACTED] to this place since May 2007. For almost four years this has been a bone of contention to me and my family. I have call the RCMP and surrey by laws on many many occasions about the state of this ex grow op. IT' s a garbage dump for people to leave their trash in the carport and very unsightly. Recently it has been a haven for homeless drug addicts that bring disrepute to the area as well as break and enter and theft. As recently as Dec 28<sup>th</sup> 2010 I called the RCMP about homeless drug addicts in there and they chased them out. This place is home to riffraff that cause us to be very concerned for our safety. IN September I was broken into and lost many valuables. Yesterday my trailer parked in the driveway with a hitch lock was stolen in broad daylight. I am fed up with this place. Also the derelicts that come down the hill from Bolivar Park are throwing garbage down the embankment and into the creek. It's disgusting. This creek was cleaned out for two years by a dedicated neighbour who worked diligently to make it presentable and a place for people to visit. Now it is getting garbage thrown in again. I was so concerned that I installed halogen spot lights on the [REDACTED] side of my house. Also I have called surrey countless times about the shed on the east side of the house that is rotting and falling into the creek. Once it is in the creek it will cost time and money to get it out. In December after the last RCMP call, I contacted Coronet Management who oversee the property and told them about the incident and about the garbage in the carport and the homeless living in there and they basically said it was not there problem. I told them to let me have the contact info of the owners but they are a Buddhist organization and I could not get hold of them. Coronet said they would have the place cleaned up again but hoped that the city would demolish it. I

In closing, it is my opinion that the owners' don't care about the dump, I would like to see them live next door to a pig sty. If this place isn't taken down , someone could get hurt or killed if it burned down while drug attics were in there, and that would be sad.

Hope this information helps you

[REDACTED]

## APPENDIX "B"

**Lange, Heather**

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**From:** [REDACTED]  
**Sent:** January-08-14 2:39 PM  
**To:** Lange, Heather  
**Subject:** abandoned house 115th ave

Heather Lange: Further to our brief conversation re the abandoned house at 13695 115th ave. Please see the attached letter written to Mike Murphy re the house. I would ad that this place is still an ongoing eye sore, people continually leave garbage in the drive way and carport. Its like living next to a garbage dump. Also as recently as last week I noticed someone snooping around at midnight. The location in question draws homeless drug addicts to our neighborhood on an ongoing basis. I had one such person on my door step trying to plug something in my outdoor plug. I have installed video surveillance cameras on my house to protect us from unwanted guests. This place and the one next door are driving our property values down. We have tried to sell out property for months on end twice, with no luck. The house next door to the said house is rented out and the people there put there junk, old furniture and tvs etc in the carport all the time. As soon as one person puts there junk there it starts to build up as people go by. Also of concern to me is the rat infestation at the house its horrible. In the last two or three years the fire department was called out several time as someone tried to burn it down. Of note , the house next door to it is owned by the same Taoist group and those people have no regard for the beauty of the neighborhood at all and have gone from adding one old rotten boat to three or four in the yard. These boats never leave the property they just sit and rot , the yard is always full a crap. Last year I called by laws because someone was tenting in the back yard. I trust that the city of Surrey will do something about this place and knock it down I was told by Mike Murphy that it was going to be taken down three years ago.

Thanks

[REDACTED]  
[REDACTED]  
[REDACTED]

## APPENDIX "C"

Affidavit #1 of Michael Alan Starchuk  
Affirmed: January 24, 2014

IN THE MATTER OF THE REMEDIAL ACTION REQUIREMENTS FOR THE PROPERTY  
LOCATED AT 13697 – 115 AVENUE, SURREY, BRITISH COLUMBIA

### AFFIDAVIT

I, Michael Alan Starchuk, Chief Fire Prevention Officer, of 8767 – 132 Street, in the City of Surrey, in the Province of British Columbia, **MAKE OATH AND SAY AS FOLLOWS:**

1. I am employed as the Chief Fire Prevention Officer with Surrey Fire Service (the "**Fire Service**") at the City of Surrey (the "**City**" or "**Surrey**") and have held this position since February 1, 2013 and as such have personal knowledge of the facts and matters hereinafter deposed to save and except where same are stated on information and belief and where so stated I verily believe the same to be true.

2. As part of my duties I am charged with managing the Fire Prevention Office (the "**Fire Prevention Office**") at the Fire Service, which addresses complaints regarding abandoned structures, inquiries from the public, and enforces Surrey Fire Service By-law, 1990, No. 10771. I have been with the Fire Service since May of 1982 and have served in various roles including, Fire Inspector, Lieutenant in Fire Suppression, Captain in Fire Suppression, Captain in the Training Branch, and Captain in Fire Prevention.

3. The Fire Prevention Office is charged with addressing abandoned structures as they pose increased safety risks for the public and firefighters. Based on my experience with the Fire Service, abandoned structures often attract a variety of individuals, including thieves attempting to take items of value, such as piping and wiring; squatters, who are in seek of shelter; and curious youth. Squatters often set fires inside abandoned structures to stay warm. Wire thieves often set fire to wires inside abandoned structures to burn off the plastic insulation so that the metal wiring can be easily resold. When an abandoned structure comes to the attention of the Fire Prevention Office, our role is to prevent entry to the structure by youth, squatters, vagrants, thieves and other members of the public in order to protect public health and safety. The Fire

Prevention Office typically contacts the owner of the property to board up and secure the structure. If the structure is not voluntarily secured, we arrange to have a contractor board up the structure.

4. I have reviewed the Surrey Fire Service Incident Report and other notes regarding the property located at 13697 – 115 Avenue, in Surrey, British Columbia (the "**Property**"), which include the notes of the attending firefighters and dispatchers. It is usual practice for these notes to be made by the attending firefighters shortly after the incident.

5. I have reviewed the notes of Fire Captain, Hank Bargaen ("**Captain Bargaen**"), and Fire Captain, Murray Smith ("**Captain Smith**"), with the Fire Service. Based on their notes, I believe that on or about March 20, 2011, the Fire Service attended the Property. Captain Bargaen observed a pile of debris set on fire in the living room of the house (the "**Structure**") on the Property. The front and rear doors of the Structure were open upon arrival. Captain Smith's notes indicate fire crews entered through the front door and extinguished the fire and searched the remainder of the house to look for people in the Structure and other areas of the Structure that may be on fire. It does not appear from the notes that any individuals or any other fires were found. Attached hereto as Exhibit "A" is a true copy of the Incident Report for March 20, 2011.

6. I have reviewed the notes of Ron Cross, the former Chief Fire Prevention Officer with the Fire Service ("**Chief Cross**"). Based on his notes, I believe that on or about July 1, 2011 he became aware that the Structure was unsecured. I do not know how he was made aware of this. On or about July 19, 2011, he contacted the caretaker of the Property to have the Structure boarded. According to his notes, the caretaker of the Property was someone by the name of "Steven Knong," who advised that the Structure would be boarded up immediately. I suspect

that the name "Knong" has been misspelled and that the proper spelling is probably "Kong."

Attached hereto as Exhibit "B" is a true copy of Chief Cross' notes.

7. On or about May 22, 2013, I was informed by a firefighter with the Fire Service, who happened to be driving by the Property, and observed that the Structure was not secure. I issued to the Property owner an Order to Remedy Conditions. The Order to Remedy Conditions required the owner or occupier to destroy or repair the Structure; the Structure was to be secured and maintained secure by the owner or occupier and the owner or occupier was to remove or take precautions against a fire hazard. I mailed the Order to Remedy Conditions to the Property owner at the address shown on it. Attached hereto as Exhibit "C" is a true copy of the Order to Remedy Conditions.

8. On or about June 4, 2013, I discussed the Order to Remedy Conditions with someone with the last name of Chan, a representative of the Property's management company and was advised that the Structure would be boarded up by June 5, 2013. I do not recall the first name of the person.

9. I have reviewed the notes of Acting Fire Captain, Doug Berg ("Captain Berg"). Based on his notes, I believe that on or about June 21, 2013, Captain Berg, he attended the Structure and observed that it was secure. Attached hereto as Exhibit "D" is a partial screen print Captain Berg's notes.

10. Based on my review of the Fire Service's file, my involvement with the Property and my experience with other abandoned structures, I am concerned that the Property poses the risk of an improperly set fire by squatters, thieves, vagrants, or other individuals, who may access the Structure for shelter or other reasons. The Structure remains abandoned and has a history of

being unsecured and of a deliberately set fire, which suggests that the Structure poses a risk for future fires.

11. On or about September 20, 2013, I attended the Property and observed that to the east of the Structure is a steep embankment of about 10 metres in height, which leads to a creek below. The most concerning and, in my view, the greatest potential for serious injury or death, is the proximity of the northeast corner, or rear, of the Structure to the approximately 10 metre deep ravine. There is less than approximately one metre of flat area to walk on at the northeast corner of the Structure. The base of the Structure is covered in loose gravel, which makes the pathway unstable. During my attendance to the Property, it was necessary for me, in broad daylight, to hold onto the side of the Structure to enter the backyard as the path was so narrow and unstable. While the Structure may, from time to time, be considered secure from illegal entry, the Property is not secure from entry by squatters, vagrants, thieves, and curious youth, as there is no fence or other security measure surrounding the Property. There is a serious potential for such individuals to walk to the rear of the Structure and fall into the 10 metre deep ravine, which is covered with rocks at the bottom.

12. There is also the potential risk to the emergency responders who may be called to the Property. A fire captain first arriving at a fire scene is required to perform a "360 degree size up," which involves walking around the perimeter of a structure to determine the strategy to attack the fire. The fire captain performs the "360 degree size up" while wearing firefighting gear, including a helmet, turnout coat, bunker pants, leather boots, and possibly an airpack. There is a significant potential for the fire captain and other personnel to be unable to see the edge of the ravine while performing their duties at the Property. A fire captain performing the "360 degree size up" will often be looking at the fire location and determining strategy to attack the fire and not notice, especially in the dark, the potential to fall into the ravine. Even in daylight, the Property is heavily treed and has poor lighting and visibility. In the past, fire captains performing a "360 degree size up" of other properties have suffered twisted ankles and knees from stepping on uneven ground as they are concentrated on looking at the structure.

13. I make this affidavit in support of a remedial action requirement to demolish the Structure.

AFFIRMED BEFORE ME at the City )  
of Surrey, the Province of )  
British Columbia this 24 day of )  
January, 2014. )  
Charles Symons )  
A Commissioner for taking Affi- )  
davits for British Columbia )

  
\_\_\_\_\_  
Michael Alan Starchuk

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B 1/24/14 11:44 AM

CHARLES SYMONS  
1443 - 56 Avenue  
Surrey, B.C. V3X 3A2  
A Commissioner for Oaths  
within British Columbia



# SURREY FIRE SERVICE

8767 132nd Street  
Surrey, B. C. V3W 4P1

## Surrey Fire Service - Incident Report

Incident Begin Time: <b>20/03/2011 18:05:17</b>	Incident Type: <b>STRUCTURE FIRE - RESIDENTIAL</b>
Incident Number: <b>11-12300</b>	Dispatch Type: <b>FRE Fire - Residential</b>
Incident Address: <b>13697 115 AVE, SURREY</b>	Caller: <b>604-613-6560</b>
Unit:	
Cross Street: <b>136 ST</b>	

Officer Reporting: <b>Henry Bargaen</b>	Command Established <b>20/03/2011 18:11:58</b>
Station Area: <b>Surrey Hall 04</b>	Police File Number: <b>11-36204</b>
Shift: <b>D Shift</b>	BCAS Event #
Police on Scene:	BCAS Code
Ambulance on Scene	<u>BCAS Trans. to Hospital</u>
	<u>Yes</u> <u>No:</u> <u>Unknown:</u>

### Observations

Air Bag Deployment  
Windshield Star  
Dashboard Deformity  
Steering Wheel Deformity  
Side Window Deformity  
Passenger Compartment

### Patient Assessment

Altered LOC  
Chief Complaint  
Haemorrhage  
Obvious Injury

This is Exhibit " A " referred to in the  
Affidavit of Michael Alan Starchuk

affirmed before me at Surrey  
in the Province of British Columbia  
this 24th day of January, 2014.

Christina Simpson  
A Commissioner for taking Affidavits  
for British Columbia

### Evidence of High Mechanism

All Terrain Vehicle  
Auto versus bike  
Auto vs pedestrian  
Auto vs Train/Truck  
Ejection from Vehicle  
Rollover.Value  
Vehicle off Bridge or Height

### Other

Requesting Ambulance  
Patient under 19  
Officers discretion for BCAS.  
Pregnancy  
Language Barrier  
Signs of Impairment

Owner Name <b>International Taoist Church of Canada</b>	Weather Conditions: <b>clear</b>
Owner Address <b>c/o Rob Chitman 3582 Hastings</b>	Wind Speed: <b>0</b>
Owner Phone Number	Wind Direction:
Occupant Name <b>Coronet Property Mgt.-Chan Pao</b>	Fuel Load <b>0</b>
Occupant Phone Number <b>6042983235</b>	
Forcible Entry <b>No</b>	Forced Entry Location
Open Door <b>Yes</b>	
Open Stairwell <b>No</b>	Juvenile <b>No</b>
Open Window <b>Yes</b>	Grow Op <b>No</b>
No Fire Stops	Drug Lab <b>No</b>
Extent of Fire Damage <b>3 Confined to room or origin</b>	Abandoned House <b>X</b>
Extent of Water Damage <b>5 Confined to floor of origin</b>	PositivePressureVentilation <b>Yes</b>
Smoke Damage <b>4. Confined to floor area or suite of origin</b>	

### Internal Remarks



Apparatus / Office Name: Eng.2 M.Smith #216

Eng.2 arrived to a working fire and reported to command, Eng.2 was attack #1 advanced through the front door of an abandoned house, the fire was right in front of the door, fire was struck, Attack #1 continued with a primary search nothing found, attack #1 continued with a secondary search nothing found, attack #1 did a face to face with command to report and were cleared from the scene by command.

Apparatus / Office Name: R 4 Janzen

R 4 crew assisted with ventilation and overhaul

Apparatus / Office Name: Hank4

Abandoned house fire. Working fire. Fire contained to living room area. Pile of scrap was set on fire. no furnishings in home. Front and rear doors were both breached upon arrival.RCMP on scene.Home had no gas or electrical service

Apparatus / Office Name: R - 2 Hardyckuk

R - 2 arrived on scene and reported to command. R-2 setup rit.Fire was struck. Rit was not needed. Command cleared R-2 from scene.

---

Eng.2 M.Smith #216

R 4 Janzen

Hank4

R - 2 Hardyckuk

#### Apparatus Attending

Apparatus	Dispatch Time	Onscene Time	Return Service Time
Surrey Engine 2	20/03/2011 18:06:36	20/03/2011 18:12:41	20/03/2011 18:37:33
Surrey Rescue 4	20/03/2011 18:06:36	20/03/2011 18:11:23	20/03/2011 18:45:03
Surrey Rescue 2	20/03/2011 18:06:36	20/03/2011 18:12:46	20/03/2011 18:31:13
Surrey Battalion 1	20/03/2011 18:06:36	20/03/2011 18:18:29	20/03/2011 18:30:27
Surrey Quint 4	20/03/2011 18:06:36	20/03/2011 18:11:57	20/03/2011 18:45:53

#### Attendees Name

Robert Best  
Ryan Dance  
Aaron Gelowitz  
Murray Smith  
Henry Bargen  
Erwin Janzen  
Curtis Klassen  
Steve Oliver-Trygg  
Bradley Rimek  
Dylan Van Rooyen

Time 20/03/2011 18:49:41 Transferred from CAD  
Time 20/03/2011 18:39:43 rcmp will call back if they have a pr  
Time 20/03/2011 18:22:10 will need rcmp here  
Time 20/03/2011 18:20:47 1st floor search complete  
Time 20/03/2011 18:17:24 knock down  
Time 20/03/2011 18:11:56 smoke showing  
Time 20/03/2011 18:10:11 bcas advised  
Time 20/03/2011 18:09:35 The call was linked to Incident "28673683 - STR FIRE - RES: 13697 115 AVE, SURREY".  
Time 20/03/2011 18:09:35 The address was changed from "Blank Address" to "13697 115, AVE, SURREY, BC, , " because the call was linked to an active incident.  
Time 20/03/2011 18:09:03 2nd caller  
Time 20/03/2011 18:08:59 Address Change From: 13715 115, AVE, SURREY, BC, , To: 13697 115, AVE, SURREY, BC, ,  
Time 20/03/2011 18:07:33 The call was linked to Incident "28673683 - STR FIRE - RES: 13715 115 AVE, SURREY".  
Time 20/03/2011 18:07:33 The address was changed from "Blank Address" to "13715 115, AVE, SURREY, BC, , " because the call was linked to an active incident.  
Time 20/03/2011 18:07:17 rcmp advised  
Time 20/03/2011 18:07:11 caller stated she saw people running away// and that she called rcmp 25 min ago  
Time 20/03/2011 18:06:44 SR04: Dispatch message received.  
Time 20/03/2011 18:06:42 SBC1: Dispatch message received.  
Time 20/03/2011 18:06:40 SE02: Dispatch message received.  
Time 20/03/2011 18:06:38 SQ04: Dispatch message received.  
Time 20/03/2011 18:06:37 SR02: Dispatch message received.  
Time 20/03/2011 18:05:56 1 house next to above address// vacant house  
Time 20/03/2011 18:05:47 Incident dispatcher Assigned: 00002  
Time 20/03/2011 18:05:47 Dispatch acknowledged incident.  
Time 20/03/2011 18:05:39 Incident type selected "STR FIRE - RES STRUCTURE FIRE - RESIDENTIAL"  
Time 20/03/2011 18:05:24 Initial location Entered: 13715 115, AVE, SURREY, BC, ,



# Surrey Fire Service

20/09/2013 09:22:57

**Building Name:** \_\_\_\_\_ **BCBC Class:** - [None selected]  
**Address:** - 13697 115 AVE **Occupancy Use:** [None selected]  
**Building Phone:** \_\_\_\_\_

**Contacts:** Name: Business Name: Phone:

**Inspection Type:**  
**Inspection Class:** Routine Inspection  Re-Visit  Complaint  Requested Inspection   
Inspected Date Assignee:  
 BH - Boarding of Homes 01/07/2011 CROSS, RON

**Reported Date** 01/07/2011 **Secured Date** 19/07/2011 **Demolished Date**  
**Owner Name** Taost Church **Owner Type** Personal  
**Building Secure** No  
**Building Secure Note** Wide Open

**Bylaws Notified** No  
**Complainant Notified**  
**Fire Damage**  
**Fire Damage Note**  
**Fire Notified** No

**General Comments** July 19, 2011- contacted caretaker; Steven Knong will have property boarded immediately

This is Exhibit " B " referred to in the  
 Affidavit of Michael Alan Starchuk  
 affirmed before me at Surrey  
 in the Province of British Columbia  
 this 20<sup>th</sup> day of January 2014  
 \_\_\_\_\_  
 A Commissioner for taking Affidavits  
 for British Columbia

**Owner Legal Action**  
**Previous Bylaw Infractions**  
**Previous ByLaw Note**

**RCMP Notified** No  
**Reporting Officer** Bromley **Reporting Agency Contact Number**  
**Reporting Agency** Fire  
**Owner Invoiced** **Invoiced Date**

**Date of Inspection:** \_\_\_\_\_  
**Inspector's Name:** \_\_\_\_\_



# SURREY FIRE SERVICE ORDER TO REMEDY CONDITIONS

(The City of Surrey under the Fire Services Act, being Chapter 144, RSBC 1996 and the Regulations Thereto.)  
Fire Prevention: 543-6760 Fax: 594-1237  
8767 132 Street, Surrey, B.C. V3W 4P1

DATE OF ISSUE: May 22, 2013

ADDRESS 13697 115 AVE Surrey BC

UNIT: N/A

BUSINESS NAME: N/A.


OWNER or OCCUPIER NAME: International Taoist Church of Canada, 2ND FLOOR 223 KEEFER ST  
VANCOUVER BC V6A 1X6 ((604) 681-6166)

An inspection of the property has revealed the safety deficiencies listed below and require corrective action:

### PURSUANT TO SURREY FIRE SERVICE BY-LAW NO. 10771

#### 29. Order to Remedy Conditions

- (a)  the owner or occupier destroy or repair premises,
- (b)  the owner or occupier alter the use or occupancy of the premises,
- (c)  premises be secured and maintained secure by the owner or occupier,
- (d)  the owner or occupier remove or take precautions against a fire hazard,

This is Exhibit "C" referred to in the Affidavit of Michael Alan Starchuk affirmed before me at Surrey in the Province of British Columbia this 29th day of January 2013.  
  
 A Commissioner for Taking Affidavits for British Columbia

#### Details:

**Owner shall maintain the building's security against illegal entry as per By-Law #10771. Owner shall be responsible for all costs occurred if the Surrey Fire Service renders service as per By-Law #10771 section 26 sentence (e).**

**The Owner has until June 6, 2013 to secure ALL buildings. Effective immediately, the property owners shall be liable to the City for all costs and expenses incurred in attending and combating an incident.**

COMPLIANCE DATE May 22, 2013

ISSUING OFFICER Chief M Starchuk

*The city may carry out the provisions of this order without notice upon the expiry of the compliance date and the owner shall be liable to the City for all costs and expenses incurred.*

*Where the Fire Chief or a member attends an incident caused or contributed to by a condition that was the subject of this order and the owner or occupier had not carried out every requirement of the order at the time of the incident, the property owners shall be liable to the City for all costs and expenses incurred in attending and combating the incident.*

This is Exhibit D referred to in the Affidavit of Michael Alan Starchuk affirmed before me at Surrey in the Province of British Columbia this 27<sup>th</sup> day of January, 2014

*Michael Starchuk*  
A Commissioner for Taking Affidavits for British Columbia

Home Personnel Pick Lists Properties Station Log Training Window Help

Property List: VACANT/ABANDONED, 13627, 115, AVE, SUR Due Date: 06/27/2013 Appointment Date: 7/7

Inspection Class: DTFC - ORDER TO REMEDY CONDITIONS Sure Assigned To: C SHRT Appointment Time: 00:00:00

Previous Inspection: 10/07/2013, VACANT/ABANDONED, 13627, 115, AVE, SUR Workplace: Surrey Fire Services

Date of Inspection: 06/27/2013 Inspected by: Hai Sunny/Hai OK, SURRE Inspection Type: Phone Selected

Shift: C Shift Appointment Line #: Surrey Rescue 4, Sure

Inspector OFFICER: Benj. Doug, 104650 Date Entered By: Benj. Doug, 104650 Total INS Items: 0

Inspection Signed? No Respeak No Business Info: VACANT, 13627, 115, AVE, SURREY, BC

Position: 0 Total Unsatisfactory INS Items: 0 Reinspection: 0 Copy of Order Documents: Empty Document

Date to Complete: 0 Locked: Unlocked Locked Date: 7/7

Status: Completed Plan Review Link: Phone Selected, 0, Phone Selected Owner/DCC Insp: Info Delivered

Inspection Items: Internal Notes | Audio

INS Event Item

Inspection Item: 019 Building of Building: Surrey, Fire 5 Workplace: Surrey Fire Services

Status: Satisfactory Previous Status: Abandoned/Recent Home

Current Violations: 0 Internal Notes: 0 Audio: 0



**APPENDIX "D"**

**Photograph of the front of the Structure**



**Photograph taken February 6, 2014**

**Photograph of the front of the Structure. On the right is the slope towards the creek.**



**Photograph taken February 6, 2014**

**Photograph of the front and west sides of the Structure taken February 6, 2014.  
The ravine is in the foreground.**



**Photograph taken February 6, 2014**



**Photograph of the west side of the house taken from the rear of the Structure**



**Photograph taken February 6, 2014**

**Photograph of the rear of the Structure showing graffiti on the walls and insulation hanging from the first floor ceiling.**



**Photograph taken February 6, 2014**

**Photograph of the rear of the Structure showing graffiti on the walls and insulation hanging from the first floor ceiling.**



**Photograph taken February 6, 2014**

**Photograph of the second floor at the rear of the Structure. A door leading into the Structure appears to be open and a broken window has been boarded up.**



**Photograph taken February 6, 2014**

**Photograph of the second floor at the rear of the Structure. A door leading into the Structure appears to be open and a broken window has been boarded up.**



**Photograph taken February 6, 2014**

**Photograph of the rear of the Structure showing insulation hanging from the first floor ceiling.**



**Photograph taken February 6, 2014**

**Photograph of the rear of the Structure showing insulation hanging from the first floor ceiling.**



**Photograph taken February 6, 2014**

**Photograph of the rear of the Structure showing graffiti on the wall and insulation hanging from the first floor ceiling.**



**Photograph taken February 6, 2014**



**Photograph of the rear of the Structure showing graffiti on the wall and insulation hanging from the first floor ceiling.**



**Photograph taken February 6, 2014**

**Photograph of the rear of the Structure showing a broken platform and scattered debris.**



**Photograph taken February 6, 2014**

**Photograph of the rear of the Structure showing graffiti on the walls**



**Photograph taken February 6, 2014**

**Photograph of a broken window on the upper floor of the rear of the Structure on the Property**



**Photograph taken February 6, 2014**

**Photograph of the embankment of the ravine at the northeast corner of the Structure**



**Photograph taken February 6, 2014**

**Photograph of the embankment of the ravine at the northeast corner of the Structure**



**Photograph taken February 6, 2014**

**Photograph of the embankment of the ravine at the northeast corner of the Structure**



**Photograph taken February 6, 2014**

## APPENDIX "E"

### NOTICE

TO: International Taoist Church of Canada  
(Incorporation No. 23544S)  
108 - 329 Main Street  
Vancouver, B.C.  
V6A 2S9

RE: **Remedial Action Requirement** on that parcel of land in the City of Surrey,  
Province of British Columbia, which is more particularly known and described as:

PID: 005-176-191  
Lot 118 Section 11 Block 5 North Range 2 West  
New Westminster District Plan 53948

(the "Property")

YOU ARE NOTIFIED that on February 24, 2014, the City Council of the City of Surrey imposed the following remedial action requirement in relation to the Property which requires you to comply with this notice:

That the owner of the Property with a civic address of 13697 - 115 Avenue demolish and remove from the Property the structure that is located on the Property within 30 days of delivery of notice of Council having adopted a remedial action requirement with respect to the Property, which demolition and removal shall be in compliance with all City of Surrey by-laws and other applicable statutes, regulations and guidelines.

(the "Work")

AND IF YOU FAIL to complete the Work within 30 days, the City Council has authorized the Manager, By-laws & Licensing Services, together with workers or contractors employed by the City of Surrey, to enter on the Property and to complete the Work as required by the remedial action requirement. The Work will be done at your expense and the City of Surrey will recover the expense of the Work, together with interest and costs,



in the same manner as municipal taxes as provided in Sections 17 and 258 of the *Community Charter*, S.B.C. 2003, c.26.

A RECONSIDERATION of this remedial action requirement may be requested by you in writing within 14 days of this notice being sent, but your request must comply with Section 78 of the *Community Charter*, S.B.C. 2003, c. 26.

THIS NOTICE is given by the City of Surrey this \_\_\_\_\_ day of February, 2014.

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CITY CLERK

## APPENDIX "F"

### DESCRIPTION OF THE PROPERTY

#### **Legal Description of the Property:**

PID: 005-176-191  
Lot 118 Section 11 Block 5 North Range 2 West  
New Westminster District Plan 53948

#### **Civic Address of the Property:**

13697 – 115 Avenue, Surrey, B.C.

#### **Registered Owner of the Property:**

International Taoist Church of Canada  
(Incorporation No. 23544S)

#### **Registered Charge Holders:**

Mortgage No. BH221678 and BJ268763  
Ching Chung Taoist Association of Hong Kong Limited  
A Hong Kong Company, having an office at  
160 – 174 Tai Nam Street, 3/F  
Samshuipo, Kowloon  
Hong Kong

and also at having an office at

626 Grant Avenue  
San Francisco, California  
USA 94108

Land Use Contract No. N129137  
City of Surrey  
14245 – 56<sup>th</sup> Avenue  
Surrey, British Columbia