

MINUTES OF THE SPECIAL MEETING OF COUNCIL
Monday, July 29, 2024 @ 5:00 PM
In the City Hall Council Chambers & Via Video-Conference
4850 Argyle Street, Port Alberni, BC

Present: Mayor S. Minions [Electronically]
Councillor D. Dame
Councillor D. Haggard
Councillor C. Mealey @ 5:46 p.m.
Councillor C. Solda [Chair]
Councillor T. Patola

Staff: M. Fox, Chief Administrative Officer
D. Leurebourg, Director of Corporate Services
S. Darling, Deputy Director of Corporate Services | Recording Secretary
J. Pelech, Manager Information Services

Gallery: 24

Introductory Remarks from Mayor Minions and Councillors on the passing of Councillor John Douglas.

A. CALL TO ORDER & APPROVAL OF THE AGENDA

The meeting was called to order at 5:00 PM.

MOVED AND SECONDED, THAT the agenda be approved, as circulated.

CARRIED

B. ADOPTION OF MINUTES

C. DELEGATIONS

1. **1052162 BC Ltd. | Request for Reconsideration Remedial Action Requirement from June 24, 2024 Regular Council Meeting**
Micah G. Goldberg of Watson Goepel LLP presented the appeal for 1052162 BC Ltd.

D. UNFINISHED BUSINESS

E. STAFF REPORTS

1. **Briefing | Request for Reconsideration Remedial Action Requirement**
MOVED AND SECONDED, THAT Council confirm the resolution for a remedial action requirement issued June 24, 2024 as follows:
WHEREAS Division 12 of Part 3 of the Community Charter authorizes Council to impose a remedial action requirement on the owner of a building or structure which is in a hazardous condition, including a requirement to demolish or remove the building or structure or to otherwise deal with it in accordance with the directions of Council or a person authorized by Council;
AND WHEREAS Division 12 of Part 3 of the Community Charter authorizes Council to declare a building or other structure to be a nuisance and so dilapidated or unclean as to be offensive to the community, and to impose a remedial action requirement on the owner of such a building or structure, including a requirement to demolish or remove the building or structure or to otherwise deal with it in accordance with the directions of Council or a person authorized by Council;
AND WHEREAS 1052162 BC Ltd. is the registered owner (the "Owner") of the property at 5170 Argyle St and having a legal description of: LT 24 BLK 86 DL 1 ALD PL VIP197 & LT 23 BLK 86 DL1 ALD PL VIP197 (the "Property");

AND WHEREAS section 17 of the Community Charter provides that the authority of Council to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the Municipality may fulfill the requirement at the expense of the person;

AND WHEREAS Council passed a previous resolution for a remedial action requirement on the Property on January 22, 2024 [the "January Remedial Action Requirement"], which has not been carried out by the Owner within 30 days of receiving notice, or at all;

NOW THEREFORE, the Council of the City of Port Alberni, in open meeting assembled, resolves as follows:

- 1. THAT Council hereby considers that the building located on the Property (the "Structure") is unsafe and contravenes the BC Building Code and the Port Alberni Building Standards Bylaw No. 4975, 2018, and therefore is in a hazardous condition within the meaning of Section 73 of the Community Charter;*
- 2. THAT Council hereby considers that the Structure and the discarded materials and refuse about the Structure on the Property are a nuisance and are so dilapidated and unclean as to be offensive to the community, within the meaning of Section 74 of the Community Charter;*
- 3. THAT Council hereby requires, pursuant to its powers under Section 72(2)(b) of the Community Charter, that the Owner, within 30 days of the date this Resolution is sent to the Owner, do all things necessary to apply for a demolition permit for the Structure under the Port Alberni Building Standards Bylaw;*
- 4. THAT the Owner, within 30 days of receiving a demolition permit under Section 3 of this Resolution, must demolish the Structure and remove all resulting debris, and comply with all requirements of the demolition permit and the Building Standards Bylaw in relation to the demolition, including but not limited to requirements for the abatement and handling of hazardous materials;*
- 5. THAT the Owner may request that Council reconsider the terms of this Resolution by providing the City with written notice within 14 days of the date on which notice of this Resolution is sent to the Owner under Section 77 of the Community Charter; and*
- 6. THAT if the Owner has not completed any requirement imposed by this Resolution within the time limit for so doing, City staff and contractors are authorized to enter on to the Property for the purpose of and to fulfil the applicable requirement(s) without further notice to and at the expense of the Owner, and may recover the cost of so doing from the Owner, together with costs and interest, as a debt and in the same manner as municipal taxes in accordance with sections 17, 258 and 259 of the Community Charter.*

A recorded vote was requested.

In Favour: Mayor Minions, Councillors Dame, Mealey, Patola and Solda

Opposed: Councillor Haggard

CARRIED | Res. No. 24-267

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- F. BYLAWS
- G. CORRESPONDENCE FOR ACTION
- H. PROCLAMATIONS
- I. CORRESPONDENCE FOR INFORMATION
- J. REPORT FROM IN-CAMERA
- K. COUNCIL REPORTS
- L. NEW BUSINESS
- M. QUESTION PERIOD
- O. ADJOURNMENT

MOVED AND SECONDED, THAT the meeting adjourn at 5:53 p.m.

CARRIED

CERTIFIED CORRECT



Mayor



Corporate Officer