
AGENDA - 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

The following pages list all agenda items received by the deadline [12:00 noon on the Wednesday before the scheduled meeting]. A sample resolution is provided for most items in italics for the consideration of Council. For a complete copy of the agenda including all correspondence and reports please refer to the City's website portalberni.ca or contact Corporate Services at 250.723.2146 or by email corp_serv@portalberni.ca

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A. CALL TO ORDER & APPROVAL OF THE AGENDA

1. Council would like to acknowledge and recognize that we work, live and play in the City of Port Alberni which is situated on the unceded territories of the Tseshaht [čišaaʔath] and Hupačasath First Nations.
2. Late items identified by Councillors.
3. Late items identified by the Corporate Officer.
4. Notice of Video Recording (live-streaming and recorded/broadcast on YouTube).

That the agenda be approved as circulated.

B. ADOPTION OF MINUTES

C. DELEGATIONS

1. **1052162 BC Ltd. | Request for Reconsideration Remedial Action Requirement from June 24, 2024 Regular Council Meeting - Page 3**

D. UNFINISHED BUSINESS

Includes items carried forward from previous Council meetings.

E. STAFF REPORTS

Members of the public may be recognized by Council to speak to a report if the report is a response to their correspondence or an application.

1. **Briefing | Request for Reconsideration Remedial Action Requirement - Page 102**
Report dated July 9, 2024 for the purpose of briefing Council on the process to consider a request for reconsideration of Remedial Action Requirements imposed on June 24, 2024.

F. BYLAWS

Bylaws are required for the adoption of regulations, financial plans, changes to land use policy and to approve borrowing. A bylaw requires four separate resolutions to be adopted and must be considered over a minimum of two [2] Council meetings. Each reading enables Council to reflect on the bylaw before proceeding further.

G. CORRESPONDENCE FOR ACTION

Correspondence addressed to the Mayor and Council where there is a specific request may be included on an agenda. Correspondence regarding personnel matters, legal action and/or items of a confidential nature will not be included. Correspondence addressed to Council that is administrative or operational in nature will be circulated to Council weekly and referred to the appropriate department for review and follow-up where necessary.

H. PROCLAMATIONS

I. CORRESPONDENCE FOR INFORMATION

Correspondence found here provides information to Council. Correspondence regarding personnel matters, legal action and/or items of a confidential nature will not be included. Correspondence addressed to Council that is administrative or operational in nature will be circulated to Council weekly and referred to the appropriate department for review and follow-up where necessary.

J. REPORT FROM IN-CAMERA

K. COUNCIL REPORTS

L. NEW BUSINESS

New items of business requiring Council direction as well as an opportunity for Council to raise issues as a result of the business of the meeting or to identify new items for subsequent meetings by way of a 'Notice of Motion'.

M. QUESTION PERIOD

An opportunity for the public to ask questions of Council on decisions or recommendations made during the course of the meeting. A maximum of three [3] questions will be permitted per speaker. For those participating electronically, please use the 'Raise your Hand' feature.

N. ADJOURNMENT

That the meeting adjourn at PM.

CITY OF PORT ALBERNI

ON APPEAL FROM the REVISED REMEDIAL ACTION ORDER of The City of Port Alberni City Council made on the 24th day of June 2024.

Pursuant to Section 76 of the Community Charter, SBC 2003, c. 26.

APPEAL OF 1052162 BC LTD.

HEARING: SPECIAL MEETING OF COUNCIL
DATE: MONDAY JULY 15, 2024 AT 5.00 P.M.
PLACE: COUNSEL CHAMBERS AT CITY HALL,
4850 ARGYLE STREET, PORT ALBERNI, BC

Counsel for 1052162 BC Ltd.

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CHRONOLOGY

Date	Event
July 2015	5170 Argyle Street, Port Alberni, BC (the "Property"), comprising 28 rental suites and the "Port Pub" purchased by 8899 Holdings Ltd. ("8899"). 8899 is controlled by Peter Wang and Ding Mi. Mr. Wang becomes Property Manager of the Property.
March 2020	1052162 BC Ltd. ("105") purchases the property from 8899. 105 is also controlled by Mr. Wang and Ms. Mi. The transaction forms part of a liquor license and insurance arrangement.
March 2020	105 is introduced to the City of Port Alberni's ("City") nuisance abatement working group.
September 2020	City Council passes a series of resolutions requiring 105 take remedial action at the Property.
October 2020	Mr. Wang meets with City to discuss required renovations.
October 2020- February 2021	105 coordinates various renovations to the Property and schedules regular meetings with City staff. Property condition improves; however, tenants continue to damage the Property by, among other things, deliberately removing smoke detectors and vandalising the infrastructure such as stairs and doors.
January 2022	105 purchases the property located at 428 Fitzwilliam Street, Nanaimo, BC (the "Nanaimo Property"), a commercial/residential building.
January 12, 2024	The City issues a recommendation for remedial action to be taken at the Property including: repair exterior walls of the structure, remove graffiti, replace handrailing, replace exterior windows, and other repairs. At that time \$7,812.50 in City bylaw tickets are outstanding.

January 22, 2024	City Council passes a resolution to impose remedial action requirement on 105 (the "January Remedial Order"). 105 retains contractors to undertake the remediation work.
January 15- January 24, 2024	105's BC Online account is compromised: the directors of 105 are changed, without authorization, and Mr. Wang is removed as a director of 105 replaced by Li Bin Dong and Qian (Sophie) Fan. 105's registered and records address is changed without authorization to an address controlled by Mr. Dong and Ms. Fan.
February 5, 2024	Mr. Dong and Ms. Fan attend a meeting with Mr. Mike Fox, the City's Chief Administrative Officer and assert that they are now 105's owners. Mr. Dong and Ms. Fan contact various parties including the Property's leasing agent, CHMC and various contractors that Mr. Wang had no executive authorization for 105.
February 6, 2024	Mr. Wang attends a meeting with Mr. Fox at which time Mr. Fox explains that the control change in 105 limits the City's ability to work with Mr. Wang on the remediation.
February 8, 2024	Mr. Wang attempts to carry out the remediation work at the Property. The roofers, electricians and other owners report that as Mr. Wang no longer has authorization for 105 they do not have authorization to complete the remediation work. Mr. Wang retains counsel to restore control of 105's BC Online account. Mr. Fox emails Ms. Fan, copying Mr. Dong acknowledging 105's corporate ownership complexities.
February 12, 2024	The directors of 105 are changed again, without authorization, on 105's BC Online account. Bibo Wu becomes a director of 105 and Ms. Fan ceases to be a director. Mr. Dong remains a director of 105.
February 26, 2024	Mr. Wang and Ms. Mi file a Notice of Civil Claim in Supreme Court of British Columbia and CPL seeking to regain control of 105's BC Online account.

March-May, 2024	The condition of the Property significantly deteriorates. Mr. Dong and Ms. Fan demand rents be paid to them directly from the Property's tenants but make no efforts to repair the Property. The Port Pub closes.
May 15, 2024	Counsel for Mr. Dong confirms that he does not wish to be registered as a director of 105.
May 22, 2024	Mr. Wu files a Petition in the Supreme Court of British Columbia claiming that did not consent to become a director of 105 and seeking to be removed as a director. The City conducts a fire inspection which reveals no progress on the remediations.
May 24, 2024	Counsel for Mr. Dong confirms that 105's directors have been amended, such that Mr. Wang is now the sole director of 105. No explanation for the changes were provided.
May 27, 2024	The City discovers asbestos on the Property. Following this discovery WorkSafeBC orders the Property's locks to be changed.
May 29, 2024	Port Alberni Fire Department issues a Fire Order requiring the evacuation of the Property by the tenants living there.
June 4, 2024	Counsel for Mr. Dong provides the password to access 105's BC Online account to Ms. Mi. Control of 105's BC Online Account is restored to the beneficial owners. Mr. Fox provides a recommendation to the City Council for a remedial order requiring the building situated on the Property be demolished within 30 days (the "June Remedial Order"). It attaches a Condition Assessment that calculates the expected cost of remediations would be \$627,950 exclusive of asbestos clearing and permits/consulting fees. There is no mention of 105's corporate ownership issues.
June 10, 2024	City Council postpones the resolution for the June Remedial Order by two weeks to discuss with BC Housing to purchase, remediate and rent the Property.

June 13-14, 2024	Mr. Wang emails Mr. Fox to inform him of the restoration of corporate control. Mr. Wang meets with Danielle Leurebourg, the City's Director of Corporate Services, and is referred to Mr. Fox to start remediation work.
June 15, 2024	Mr. Wang is assaulted by Mr. Dong in Nanaimo, BC at Mr. Wang's residence. A police file is opened.
June 16-22, 2024	Mr. Wang retains roofers and electricians to carry out the remediations and applies for financing with TD Bank and BMO require security on title to the Property and the Nanaimo Property. Mr. Wang contacts engineers and architects who say they will not be able to be retained until access to the Property is restored.
June 24, 2024	City Counsel passes the June Remedial Order for demolition within 30 days.
June 26, 2024	Counsel for Dong provides counsel for 105 with the City's Bylaw Notices in respect of the Property that had been sent to 105's new registered and records office, totaling approximately \$300,000 in penalties. 105 provides notice that it will appeal the June Remedial Order.
June 27-28, 2024	Ms. Leurebourg informs Mr. Wang that 105 must apply to WorkSafeBC to secure re-entry to the Property. Mr. Wang begins coordinating with WorkSafeBC to follow the procedure for remediation.
July 3, 2024	105 drafts application materials to remove the CPL in order to access financing at the Properties, contingent on the acceptance of its appeal.
July 8, 2024	City begins taking step to transfer prime control of the Property to 105. The Fire Order is amended.
July 10, 2024	Keys to the Property are expected to be returned from the City to 105.

OPENING STATEMENT

The Property is Port Alberni's only no-barrier residence and, until recently, afforded the City's vulnerable population with the dignity of secure shelter. The Property contains 28 units and, when operational, constitutes an important asset to the City.

105 owns the Property. Its beneficial owners, Ms. Ding Mi and Mr. Peter Wang, have controlled the Property for the last nine years. They have had a historically positive relationship with the City and have made extensive efforts to keep the Property in good condition notwithstanding the challenge of housing several tenants with a history of mental health issues and drug addiction.

In January 2024, after the City obligated 105 to remediate the Property, 105 became the victim of a devastating fraud that has taken six months to unwind. In the aftermath of that fraud, 105 has been unable to carry out the terms of the June Remedial Order, to run a business, make an income or provide safe residences for its tenants. Further, the Property's condition rapidly deteriorated and 105 will be required to pay exorbitant penalties to the City in relation to that deterioration.

In June 2024, Ms. Mi and Mr. Wang have recently reestablished ownership of 105. Shortly thereafter the City issued the June Remedial Order, the effect of which would destroy the building situated on the Property, and with it, the 28 residential units.

105 appeals that June Remedial Order because it is, at this time, in a position to properly respond to the needs of the Property. 105 is prepared to renovate the Property, not as charity, but as a principled business decision. Demolishing the Property undermines its economic value and makes no practical sense to 105's shareholders. 105 is also prepared to pay the penalties accrued to the City as it will be repaid in the course of its ongoing lawsuit against the perpetrators and benefactors of the fraud. It can pay for those costs by accessing the equity in 105's assets.

As proof of its commitment to remediate the Property, 105 has been consistently taking steps to make arrangements with WorkSafeBC, the City's staff, its contractors and professionals to draft, meet and comply with plans and timelines to satisfy the June Remedial Order and restore the Property as a safe and usable shelter.

What 105 requires at this stage is additional time to make further progress. 105 does not expect the City to rescind the June Remedial Order, but to delay its effect by an additional 2 months, in order to allow 105 to provide a progress report to the City on its attempts to comply with the June Remedial Order. This will establish that 105 is committed to a fulsome remediation of the Property.

FACTUAL BACKGROUND

Introduction

1. 105 was incorporated on October 15, 2015. Its beneficial owners are Ms. Ding Mi and Mr. Peter Wang. Mr. Wang has extensive experience managing various properties on Vancouver Island.
2. Mr. Wang and Ms. Mi have been the beneficial owners of the Property since July 2015 when it was purchased by a separate company they owned called 8899. For reasons relating to the Port Pub's liquor and insurance regime, 8899 sold the Property to 105 in 2020. 105 has continued to own the Property since that time although the beneficial owners have remained the same.
3. The current 2024 land and improvements assessed value of the Property is \$1,016,500. The land only assessed value is \$200,803.¹
4. The Property contains 28 residential units (the "Suites") and a commercial space which has been used as a community pub called the "Port Pub" since it was acquired by 8899. The residential units constitute the City's only no-barrier residences.² Several of the tenants are referred from the Canadian Mental Health Association and have their rents subsidized or paid for by the government.
5. Hosting several tenants with mental health, and often drug addiction issues, creates several well-established and unavoidable issues for property managers. For example, rental units and buildings have, historically, taken abuse from tenants who are not able to control or moderate their behaviour such as those with a history of mental health issues often exacerbated by or stemming from intergenerational trauma.
6. Notwithstanding those issues, 105 (and 8899 before it) has had a positive working history working within the City. It has attempted to keep the Property in good repair, has made efforts to remediate the Property when ordered, and, notwithstanding the issues associated with housing marginalized individuals, has continued to do so within Port Alberni's community.

2020 Remediation Order at Property

7. In March 2020, the Property was introduced to the City's nuisance abatement working group, resulting in Council passing a series of resolutions for remedial

¹ TAB 1 - Regular Council Meeting Staff Report – 5170 Argyle Street [Port Pub] – Revised Remedial Action Order June 2024 ["June Report"], pg. 4

² TAB 2 - <https://nanaimonewsnow.com/2024/05/29/port-pub-evacuated/>

action in September 2020. In October 2020, City staff met with Mr. Wang at the Property to discuss actions to be taken.

8. On behalf of 105, Mr. Wang took various steps to remediate the Property including a full renovation of the Port Pub, nine of the units and new paint for the entire structure. 105 also upgraded the sprinkler system, upgraded part of the electricity system, replaced the heating system, replaced sections of the roof and introduced a new hot water system. Despite the work and improvements, some problematic tenants vandalized the repairs. In particular, certain tenants have repeatedly disabled fire alarms and sprinklers, in order to – 105 assumes – smoke inside the Property and damaging various fire doors in order to make egress and ingress easier for non-tenants.
9. The City noted 105's progress and improvements in repairing the Property³ however, it also noted that several issues had not been resolved:

There is significant garbage accumulating inside of the Structure often extending out into the alley, sidewalk and fire exits, obstructing egress. Inside, communal washrooms are out of service, missing doors off of units, padlocks on the outside of doors, exposed wires, drug paraphernalia, rats, interior ceilings, walls and doors are full of holes, leaking water, missing drywall and black mold is visible throughout the top and bottom floors.

10. While some of these issues are structural, a significant number are not. There are no easy solutions to several of these issues the effects of which are related to the psychological condition of the tenants who are living in the Port Pub. A wholesale solution to these issues is multifaceted and requires more than the building owner's involvement, however, 105 was willing coordinate with the City, repair and maintain the Property as best as possible, in order to provide the tenants with secure, sanitary housing.
11. 105 has met with Ms. Katriana Kiefer, the executive director of the CMHA seeking ongoing support for tenants suffering from mental health and addictions. It is acknowledged that in order to safely house tenants referred from that organization, 105 will need additional support and will take all of the steps it can to put policies in place that protect the community and the Property's tenants from the unfortunate consequences of the ongoing mental health crisis the province is experiencing.

³ TAB 3 - Regular Meeting of Council Staff Report – 5170 Argyle St [Port Pub] Nuisance/Remedial Considerations January 2024 ["January Report"], pg. 13

January 2024 Remediation Order

12. Four years after the 2020 Remediation Order, City Staff recommended the January Remedial Order which Counsel passed on January 22, 2024.⁴
13. Many of the orders in the January Remediation Order are not significant in terms of scale, cost or time, these include the removal of graffiti or replacing staircase handrailing. Some requirements are significant and require a capital undertaking such as replacing and/or repairing windows, the roof and bathrooms.
14. The same day the January Remedial Order was passed, Mr. Wang began retaining various contractors to undertake the required repairs including an electrician (Evitt Electric Co. Ltd.) and roofing company (Javen Simon Roofing Ltd.). 105 was in a position to begin meaningfully responding to the January Remediation Order and had reported some progress on the fire alarm panel shortly thereafter.
15. By February 6, Mr. Wang outlined twelve steps that he had taken over the of two weeks to make repairs to the Property and comply with the January Remediation Order including installing smoke alarms and carbon dioxide detectors, fixing escape doors and sending a safety plan to the fire department.⁵

Unauthorized Corporate Actions

16. On January 15, 2024, roughly one week before the January Remediation Order was passed, 105's BC Online Account was compromised. A number of changes were made to 105's online corporate records between January 22, 2024 and February 2024 including:⁶
 - a. change to the registered and records address to an address controlled by Ms. Fan;
 - b. adding Mr. Dong and Ms. Fan, and later, Mr. Bibo Wu as directors; and
 - c. removing 105's beneficial owners as director.
17. Around that time, Ms. Fan began sending emails to various parties, including Mr. Fox, declaring that she had become the *de facto* owner of 105.⁷ Mr. Wang understands that Ms. Fan and Mr. Dong met with Mr. Fox on February 5, 2024 and attended the Property demanding rents from the tenants that lived there, including

⁴ TAB 3 - January Report, pgs. 1-3

⁵ TAB 4 - Email from Mr. Wang to Danna Monteith, February 6, 2024

⁶ TAB 5 - Corporate Records of 105

⁷ TAB 6 - Email from Mike Fox to Sophie Fan and various parties, February 9, 2024

⁸ TAB 7 - Email from Sophie Fan to Watson Goepel LLP, February 8, 2024

the operators of the Port Pub. Ms. Fan and Mr. Dong also attended various banks seeking to take out loans against the Property on the basis that they were now controlling 105, but were unable to do so when they failed to provide the actual corporate records of 105.

18. The next day, on February 6, 2024, Mr. Fox informed Mr. Wang of the meeting he had with Ms. Fan and Mr. Dong and that because 105 had changed ownership, the City was obligated to work with Ms. Fan and Mr. Dong.
19. As a result of Ms. Fan and Mr. Dong's conduct, it became impossible for Mr. Wang to continue 105's attempts to remediate the Property. Trades that were retained to continue the remediation work, such as the roofers, refused to assist 105 based on their fear that it no longer had authorization to do so. Any trades that did attend the site are understood to have been harassed by Ms. Fan and Mr. Dong who accused them of trespassing.
20. Notwithstanding Ms. Fan's claims that she and Mr. Dong now owned the company, no work to continue the remediation efforts were taken. All remediation work at the Property ceased in early February.

Attempts to Cure the Unauthorized Changes

21. After learning about the unauthorized changes, Mr. Wang took steps to re-establish control of the company but could not do so without the BC Online account password. The Registrar of Companies and BC Online would not assist Mr. Dong beyond providing a new password by mail to the registered and records office – which had been changed to a property controlled by Ms. Fan. The RCMP considered the matter to be a civil dispute and referred 105 to the Supreme Court.
22. On February 28, 2024, counsel for 105 filed a Notice of Civil Claim and a CPL on title to the Property, which prevents any security (such as a mortgage) from being entered on title to the Property while the ownership was disputed. Mr. Dong and Ms. Fan were named as defendants.⁹
23. On May 22, 2024, Mr. Wu, one of the directors listed on 105's BC Online corporate profile, filed a Petition in Supreme Court of British Columbia seeking to be removed as a director, and claiming to have been appointed without consent.¹⁰

⁹ TAB 8 - Notice of Civil Claim and CPL of 105

¹⁰ TAB 9 - Petition to the Court of Bibo Wu

24. On May 24, 2024, counsel for Mr. Dong, Heath Law LLP, confirmed that changes were made to 105's BC Online account such that Mr. Wang was the sole director and that Mr. Dong had been removed as a director – although it denied Mr. Dong was behind any changes.¹¹ On June 4, 2024, counsel for Mr. Dong provided the password for 105's BC Online account to Ms. Mi but did not provide information about how it had received this information. At that point, Mr. Dong and Ms. Mi regained full ownership of 105's BC Online account.

Deterioration of the Property

25. While 105 attempted to regain control of its BC Online Account, the condition of the Property rapidly deteriorated. Without any regular maintenance, the existing issues became exponentially worse and the structure began to suffer.

26. By late May asbestos is found at the Property and two days later the City's Fire Department issued a Fire Order requiring an evacuation of the Property. Many of the tenants are believed to have become unhoused as a result of the order.

27. On June 4, 2024, Mr. Fox presented a recommendation to the City Council for the June Remedial Order requiring the building situated on the Property be demolished within 30 days. It attaches a Condition Assessment that calculates the expected cost of remediations would be \$627,950 exclusive of plumbing, asbestos clearing costs and permits/consulting fees.¹² The cost of demolition is estimated to be \$187,000.¹³

28. On June 10, 2024, City Council postponed the resolution for the June Remedial Order by two weeks to discuss with BC Housing to purchase, remediate and rent the Property. The result of this discussion is unknown to 105, but presumably those discussions did not lead to a favourable outcome. An article is published in which Mr. Fox states Mr. Wang has not responded to "letters, e-mails or invoices from the [C]ity".¹⁴ Mr. Wang has located five emails sent to him from City staff between February to May 2024, none of which sought a response including one from Mr. Fox that acknowledged the ownership issues. Physical documents may have been sent to the changed registered and records office, which was not in the control of Mr. Wang.

¹¹ TAB 10 - Email of Heath Law, May 24 and June 4, 2024

¹² TAB 11 - McGill and Associates Opinion of Probable Costs (Appendix C to June 4 Report pg. 69)

¹³ TAB 1 - June Report, pg. 4

¹⁴ TAB 12 - <https://nanaimonewsnow.com/2024/06/10/city-debates-port-pub-demolition/>

29. On June 13-14 Mr. Wang communicated the successful restoration of company authority to City staff, and met with Ms. Leurebourg who referred the matter to Mr. Fox. Mr. Fox did not respond to Mr. Wang's requests for a meeting.
30. Between June 16-June 22, 105 began retaining contractors including roofers and electricians to restart the remediation process left from February. 105 applies for financing with TD Bank and BMO both of whom provide positive indications that they are prepared to fund the restoration require security on both the Property and the Nanaimo Property, but will require a CPL to be lifted from the Property (discussed below).
31. The professionals contacted by 105 including architects and engineers communicated that they could not be retained without access to the Property. The contractors retained by 105 inform Mr. Wang that the Property cannot be accessed. Mr. Wang is later informed by City staff that WorkSafeBC has placed preventative measures at the Property as it is believed to be structurally unsound. Mr. Wang begins communicating with WorkSafeBC to gain access to the Property.
32. On June 24, 2024, City Council passed the June Remedial Order with an order for demolition to take place within 30 days. Two days later, counsel for Mr. Dong provides counsel for 105 with City Bylaw Notices that were sent to the changed Registered and Records address.¹⁵ Those penalties now total approximately \$300,000.

The CPL

33. On March 8, 2024, a Notice of Civil Claim was filed by Mr. Dong and Nanaimo Queens Hotel Ltd. ("NQH") against 105 and Mr. Wang. In addition, Mr. Dong and NQH filed a CPL on title to the Property. The effect of the CPL restricts encumbrances or transfers of the Property.
34. 105 has prepared materials to remove the CPL from title, however, that application is contingent on the success of this appeal. If the appeal is successful, the application will move forwards.

¹⁵ TAB 13 - Email from Heath Law LLP dated June 26, 2024

ARGUMENT

35. There are at least three reasons to support 105's appeal:

- a. the practical basis;
- b. the economic basis; and
- c. the moral basis.

The Practical Basis

36. The period by which 105 has to comply with the June Remedial Order should be extended. 105 had no practical ability to comply with the June Remedial Order. Virtually as soon as it took effect, during its attempts to comply with the order, 105 became the victim of a fraud. The parties that would have supported the remediation no longer believed the individuals driving the remediation had the authority to carry out the order. The fraudsters simply sought to profit from the confusion, using its unauthorized actions to collect rents and borrow against the Property.

37. As a result of the above, rather than viewing the issue as though 105 has had six months to comply with the June Remedial Order, it has had a considerably shorter period of time given it has only recently reaffirmed ownership. It recovered control of the Property on June 4, 2024 and since that time has worked with the City, WorkSafeBC and contractors to reestablish the safety of the Property.

38. All indications suggest that 105 is and has been taking matters seriously. Aside from commencing this appeal and aggressively pursuing corporate control issues in the Supreme Court of British Columbia, it has been retaining and coordinating with various parties to reassume control of the Property. This includes:

- a. the City's staff;
- b. WorkSafeBC;
- c. environmental Consultants;
- d. architects;
- e. engineers
- f. electricians; and
- g. plumbers

39. Practically speaking, the Council should support 105 because, at all times it had the ability to do so, it took significant steps to progress the renovations. This was the case in winter of 2024 and it has been the case since June 4, 2024. It ought to be afforded additional time to continue its work given that it has not the practical

ability to do so. In light of the seriousness with which it is approaching remediation, 105 should be provided with additional time to progress the repairs.

The Economic Basis

40. The economic basis also favours remediation over demolition.
41. It is obvious that the costs of remediation are significant. The City's consultant estimates those costs to be \$627,950 (before abatement, plumbing, electrical, permitting and contingencies are considered). On top of this are the approximately \$300,000 in penalties now owing to the City which have increased exponentially since the fraud was carried out. Still, the economic basis favours remediation over demolition.
42. The value of the Property is based almost entirely in its structure, not the land. If the structure is destroyed, 105 will not have sufficient equity to pay for the demolition and penalties owing to the City. On the other hand, there will be sufficient equity to pay for renovations as between the Nanaimo Property and the Property.
43. In addition, 105 prefers to collect the rents that would flow from the remediation, rather than the demolition which would almost certainly be followed by a sale. There is no hope for any profit from a demolition and sale as the costs of a demolition match the land value of the Property. This is true for both 105 and the City both of whom will be seeking a payment on account of the Property.
44. 105 believes it is preferable for all parties retain the Property with the structure, rather than force a demolition.
45. 105 hastens to add that it does not assume that it will be entirely responsible to support these costs. Although it will need to raise those funds from the equity of its properties, which it expects to do, it also expects to recover those funds. Ms. Fan and Mr. Dong are being pursued for the costs that are being expended in civil proceedings. It holds them responsible for the deterioration of the Property and associated costs. It expects to recover the amounts it spends on remediation.
46. As a final note, 105 urges Council to take the opinion of probable cost with some skepticism. 105's conversations with contractors implies that many of the costs, even before the 25% contingency reserved by the consultant, are likely above what they will ultimately cost. Mr. Wang is prepared to carry out some of the repairs himself such as some of the restaurant repairs, debris cleanup, and stucco, which would significantly decrease the estimate.

47. 105 believes that it would be preferable to retain the Port Pub and 28 units rather than turn the Property into a bare lot. It ought to be afforded the opportunity to expend its capital to salvage the Property if it is possible.

The Moral Basis

48. Finally, 105 also believes that it should be afforded to opportunity to salvage the Property for the benefit of the tenants who previously lived there and believes there is a strong moral basis to support the appeal.
49. There are 28 no-barrier homes belonging to Port Alberni's most vulnerable population. Many of them do not have alternative living arrangements and it is unknown whether all 28 have secured alternative living spaces. Based on media reports it is likely or expected that many are presently unhoused.¹⁶
50. If the homes of these individuals can be remediated such that they become livable and secure once again – as they were for many years under the ownership of 8899 and 105 – that should be preferred over the loss of those homes and the uncertainty of bare lot ownership.
51. It is expected that this consideration is what led counsel to canvass involving BC Housing in the takeover of the Property. The possibility of maintaining the homes in the midst of a Provincial housing crisis is clearly preferable to losing 28. The ability to preserve secure shelter for Port Alberni's most vulnerable population should be fought for rather than abandoned.
52. 105 ought to be supported in its attempts to recover and remediate the Property, provided it is practically and economically viable.

¹⁶ TAB 14 - <https://www.hashilthsa.com/news/2024-05-29/order-pafd-all-port-pub-tenants-face-homelessness-after-sudden-mass-eviction>

NATURE OF ORDER SOUGHT

53. 105 seeks that the June Remedial Order be postponed for two months at the end of which time it will have the ability to send a delegation to Council to discuss the progress of remediation efforts. Depending on the progress, at that time Council may determine whether or not to continue postponing or cancel the June Remedial Order.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated July 9, 2024




Micah G. Goldberg
Lawyer for 1052162 BC LTD



**Regular Council Meeting
For the Meeting of June 24, 2024**

Date: June 4, 2024
File No: 4020-30-NR-5170 Argyle Street
To: Mayor & Council
From: M. Fox, CAO
Subject: 5170 Argyle Street [Port Pub] – Revised Remedial Action Order

Prepared by: D. LEUREBOURG DIRECTOR OF CORPORATE SERVICES	Supervisor: M. FOX CHIEF ADMINISTRATIVE OFFICER	CAO Concurrence:  M. Fox, CAO
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RECOMMENDATION

That Council pass a resolution for a remedial action requirement in the following terms:

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.*

PURPOSE

This report provides Council with information pertaining to the compliance and nuisance issues related to the Property at 5170 Argyle Street, Port Alberni, and recommends that Council impose remedial action requirements on the Property to compel the Owner to bring the Property into compliance with City bylaws, provincial building legislation, and to remedy its status as a nuisance, in addition to obtaining Council direction to proceed with direct action on the Property if compliance is not achieved within the required time limit set by Council.

BACKGROUND

On January 22, 2024, Council passed a resolution to impose a remedial action requirement on the Owner to remedy a number of hazardous and nuisance conditions on the Property, including by repairing elements of the structure, taking steps to ensure fire safety, and clean up significant accumulations of refuse and filth both inside and outside the primary structure. Detailed background on the process and powers for Remedial Action Requirements under the *Community Charter*, applicable provisions of the City’s Bylaw and the Building Code, and the lengthy and significant history of problems at the Property can be found in the January 12, 2024 Staff Report attached as Appendix A to this report. An update regarding the lack of progress in implementing the

January Remedial Action Requirement, continued problems at the Property, and escalating fire hazards can be found in the March 4, 2024 Staff report attached as Appendix B to this Report.

On May 2, 2024, the City received a Condition Assessment of the Property from McGill and Associates Engineering Ltd., a firm engaged by the City to assess the structural, building envelope, and life-safety architectural elements of the building in question. This Condition Assessment is attached as Appendix C to this Report. In summary, the work required to bring the building on the Property up to an acceptable standard would be significant and is expected to cost close to \$1 million, not including hazardous materials abatement. On May 22, 2024, a follow-up fire inspection was completed, which revealed no progress on addressing the fire hazards and deficiencies on the Property. An inspection report is attached as Appendix D.

On May 27, 2024, the City received a laboratory report confirming the presence of asbestos on the Property, which is attached as Appendix E to this Report. The City issued a Notice of Hazardous Materials to the Owner and the tenants of the Property – attached as Appendix F – and discontinued the Fire Watch put in place by the City due to the inoperable fire alarm and sprinkler systems. The removal of the Fire Watch necessitated the issuance of a Fire Order requiring the building to be vacated and secured. This Fire Order is attached as Appendix G to this Report.

On June 10, 2024 at its Regular meeting, Council received this same report requesting a resolution for a revised remedial action requirement and resolved as follows:

THAT Council postpone the resolution for a revised remedial action requirement at 5170 Argyle Street to the June 24th Regular meeting permitting time to engage with BC Housing to request that they purchase, remediate and rent the building in question. Res. No. 24-233

ALTERNATIVES/OPTIONS

1. That Council declare the Property to be in a hazardous condition by virtue of its breaches of the Building Bylaw, Building Standards Bylaw and the Fire Bylaw, as well as being a nuisance and so dilapidated and unclean to be offensive to the community, and impose remedial action requirements as identified in the recommendations of this report
2. That Council direct staff to prepare an alternative form of resolution to impose a remedial action requirement that provides the option to either remediate or demolish the Structure, and to bring this matter back before Council at its June 24th Regular meeting.
3. That Council take no action at this time.

ANALYSIS

Given the Owner's failure to carry out the January Remedial Action Requirement, the continued deterioration of safety and sanitation on the Property, the escalating fire hazards, and the discovery of hazardous materials that must be safely abated by licenced professionals, and the high cost of remediating the building, it is no longer practical or cost-effective for the measures specified in the January Remedial Action Requirement to be carried out. The state of the hazard and nuisance now posed by the condition of the Property justifies the demolition and removal of the building, along with a full cleanup of all demolition debris along with the refuse and discarded materials.

Should Council wish to exercise Option 2, staff would draft an alternative form of resolution for the Remedial Action Requirement to include the option to bring the property into compliance, as set out in the January Remedial Action Requirement and amended to include additional terms based on the recent inspections and cost assessments.

IMPLICATIONS

The Property is in violation of many City bylaws, and has numerous outstanding violation tickets. Voluntary compliance, letters, orders, tickets, site inspections, and the January Remedial Action Requirement have not resulted in compliance.

The continuing and sustained pattern of nuisance activity inside the Structure and on the Property is negatively impacting the community, and the building deficiencies, fire safety risks and presence of hazardous materials are creating immense concern for safety. The safety of the residents, visitors, workers, City Staff and first responders are all jeopardized by these ongoing infractions. This is not in line with the Council's *Strategic Plan* and the principal 'Fostering a complete community (safe, healthy and inclusive)'.

The current 2024 land & improvements assessed value of the property [Class 6 – Commercial]. is \$1,016,500. Land only assessed value is \$200,803.

Cost implications associated with demolition of the Structure and clearing of the site are approximately \$187,000 plus 15 percent contingency, totalling \$215,050.

The Condition Assessment received from McGill and Associates Engineering Ltd. dated May 2nd was based on an assessment of the structural, building envelope, and life-safety architectural elements of the building in question. The assessment was based primarily on a visual review of the building. No removal of finishes was performed and access to some residential suites upstairs was not possible. The opinion of probable cost provided for the recommended work is \$937,950. This does not include items outside of the firm's scope (eg. electrical, plumbing, hazardous materials).

It is for these reasons that staff are not recommending Option 2 to include the option of bringing the property into compliance.

COMMUNICATIONS

The *Community Charter* requires formal notification be given to the Property's registered owner and to the holders of any charges listed on the Property's assessment roll should Council pass a remedial action requirement as outlined in this report, and requires providing for an opportunity for the owner to request Council's reconsideration of the matter. Specifically, a notice of the resolution imposing the remedial action requirement will be provided in accordance with sections 77(1) and (2) of the *Community Charter*, with section 77(3) setting out specific content that must also be included, to the Property owner and registered share holders.

BYLAWS/PLANS/POLICIES

Anti-litter Bylaw No. 4874

Building Bylaw No. 5077

Building Standards Bylaw No. 4975

Fire Control Bylaw No. 4876

Noise Control Bylaw No. 4718

Property Maintenance Bylaw No. 4712

Solid Waste Collection and Disposal Bylaw No. 5030

Zoning Bylaw No. 5074

SUMMARY

This report provides Council with information pertaining to the compliance and nuisance issues related to the Property at 5170 Argyle Street. The recommendations in this report to issue a Remedial Action Order meet the *Community Charter* requirements and outline the process by which the issues on this Property may be resolved.

ATTACHMENTS/REFERENCE MATERIALS

- *Appendix A: Staff Report, January 12, 2024: 5170 Argyle Street [Port Pub] – Remedial Action Order*
- *Appendix B: Staff Report, March 4, 2024: 5170 Argyle Street [Port Pub] Remedial Action Order Update*
- *Appendix C: McGill and Associates Engineering Ltd. 5170 Argyle Street Condition Assessment*
- *Appendix D: May 22, 2024 Fire Inspection Report*
- *Appendix E: Lewkowich Engineering Associates Ltd. 5170 Argyle Street, Port Alberni, BC – Bulk Asbestos Sample Report*
- *Appendix F: Notice of Hazardous Materials – Notice to Residents and Other Affected Persons and Notice to Owners*
- *Appendix G: May 29, 2024 Fire Order*

c: M. Fox, CAO
M. Owens, Fire Chief
M. Thompson, Acting OIC, RCMP
S. Smith, Director of Development Services/Deputy CAO



PORT PUB APARTMENTS EVACUATED

Port Pub apartments evacuated

May 29, 2024 / 9:42 AM

Residents of the Port Pub Apartments are being forced out today after airborne asbestos was discovered in the building.

Security Guards hired to patrol the second floor hallways for the past two months due to a lack of working smoke detectors, were ordered to stop patrols yesterday.

City firefighters in hazmat suits and masks were brought in overnight to conduct the patrols instead.

City CAO Mike Fox says government and social service agencies are working to find housing solutions for the more than two dozen people who will be displaced.

"The city will be putting a fire order in place shortly, which will need the building to be emptied by this afternoon," said Fox. "We've been in contact with all of our partner agencies, the province, BC Housing and the Ministry of

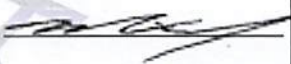
Housing about the situation ongoing for a lot longer than the last few days, but we did have a meeting last night. We're having another meeting today. We're committed to working with everybody to assist the tenants affected by the evacuation and ensure their needs are met during this time."

The Argyle Street building has been under the close watch of the city since January, after they issued a remediation order to property owner Peter Wang. The apartments have served as the city's only no-barrier residences.

PHOTO – Port Alberni firefighters in special gear prepare to patrol inside the Port Pub Tuesday night

by David Wiwchar

Date: January 12, 2024
File No: 4020-30 NR
To: Mayor & Council
From: M. Fox, CAO
Subject: 5170 Argyle Street [Port Pub] – Remedial Action Order

Prepared by: MC. MASSICOTTE MANAGER OF COMMUNITY SAFETY AND SOCIAL DEVELOPMENT	Supervisor: D. MONTEITH DIRECTOR OF CORPORATE SERVICES	CAO Concurrence:  M. Fox, CAO
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RECOMMENDATION

WHEREAS

Remedial Action:

1. THAT Council, pursuant Sections 72 and 73 of the Community Charter, considers that 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") is in an unsafe condition and that the structure on the Property (the "Structure") contravenes the BC Building Code and the Port Alberni Building Standards Bylaw No. 4975, 2018;
2. THAT Council, pursuant to Sections 72 and 74 of the Community Charter, declares 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;
3. AND FURTHER THAT Council, pursuant to Section 72, 73 and 74 of the Community Charter, resolves that:
 - a. 1052162 BC Ltd., being the registered owner of the Property (the "Owner"), is hereby required to:
 - i. carry out the following work within 30 days of the date that notice of this Resolution is sent to the Owner:
 1. Repair the exterior walls of the Structure, including coping and flashing, to restore the integrity of the building envelope to a condition sufficient to protect the Structure from the weather and from infestations of insects, rodents and other pests, including without limitation by:
 - a. remediating any holes, breaks, loose or rotting boards or timbers and any other condition which might permit the entry of insects, rodents or other pests to the interior of the walls or the interior of the Structure;
 - b. Applying paint, stain or other protective coating to the exterior walls so as to adequately protect them against deterioration;

2. *Remove or permanently cover all graffiti from the exterior of the Structure;*
3. *Replace/repair all broken or missing handrailing on staircases;*
4. *Replace all broken, cracked or otherwise compromised exterior windows to a weathertight condition which operates to provide light and ventilation;*
5. *Replace or repair all damaged, decayed or deteriorated window sashes, window frames and casings;*
6. *Replace or repair all exterior doors of the Structure so that they are weathertight, operational, fit tightly within their frames when closed and self closers are operational with no binding, and locked so as to prevent entry, with at least one entrance door capable of being locked from both inside and outside;*
7. *Replace or repair all interior entrance doors and door frames for each unit to be fitted with proper fitting door in good operating condition and provide locking door knobs;*
8. *Replace or repair the roof of the Structure to a watertight condition with no leaks;*
9. *All drywall repairs to be completed for fire separation and integrity of building;*
10. *An engineer and/or architect must attend, inspect and sign off on the replacement and repair of the fire safety and exit issues;*
11. *Replace or repair all fire escapes and devises for safe exiting, stairs to a safe and clean condition free from rot, holes, cracks, excessive wear and warping, or hazardous obstructions;*
12. *Have licensed electrician inspect and repair all electrical to ensure all lighting, cover plates and smoke and co2 detectors to be in working operation;*
13. *Have a licensed plumber evaluate and make repairs to all communal washrooms, as required inclusive of showers, toilets and hot water tanks;*
14. *Replace or repair all fire protections systems, heat detections, smoke detections, fire alarms, fire extinguishers, sprinkler systems, exit signs, emergency lighting, annunciator panel, fire separations and means of egress required by the BC Building Code and BC Fire Code to a functional and unobstructed condition;*
15. *Remove and properly dispose of all refuse from the interior and exterior common spaces of the Property, including food waste, combustibles, non-combustibles, furniture, appliances, tires, construction waste, stripped or wrecked automobiles, trucks, trailers, boats, vessels or machinery; parts or components of any of the aforementioned, to an appropriate disposal site;*

16. *Designate a space or area for daily refuse on premises and not in emergency egress areas;*
17. *Eliminate all rodents, vermin and insects and soiling's from the Structure;*
18. *Permanently remove all objects placed, stored, or maintained upon any hallways, or entrance way which may interfere with access or egress to or from the Building in case of fire or other emergency, including all access areas on the Property; and*
19. *Prepare a Fire Safety Plan in cooperation with Port Alberni Fire Department and Approved from Fire Prevention Officer.*

Compliance & Reconsideration Notice Time Limit Recommendations:

4. *AND FURTHER THAT Council, pursuant to Section 78 of the Community Charter, direct staff to advise the Owner that the Owner may request that Council reconsider this Resolution by providing written notice within 14 days of the date on which notice of the Remedial Action Requirement was sent to the Owner.*

Municipal Action at Defaulter's Expense:

5. *AND FURTHER THAT Council, pursuant to Section 17 of the Community Charter, authorizes City staff to carry out any requirement set out in Paragraph 3 of this Resolution which the Owner fails to complete within the time permitted by this Resolution, and to recover the cost of carrying out such requirement from the Owner as a debt.*

PURPOSE

This report provides Council with information pertaining to the compliance and nuisance issues related to the Property at 5170 Argyle Street, Port Alberni, and recommends that Council impose remedial action requirements on the Property to compel the Owner to bring the Property into compliance with City bylaws, provincial building legislation, and to remedy its status as a nuisance, in addition to obtaining Council direction to proceed with direct action on the Property if compliance is not achieved within the required time limit set by Council.

BACKGROUND

Community Charter Remedial Action Authority and Process

Sections 72 through 80 of the [Community Charter](#) outline the process for remedial action requirements. Remedial action requirements are imposed by Council resolution and do not require enacting a bylaw.

Section 72 of the *Community Charter* provides the authority for Council to impose remedial action requirements on property owners, lessees or occupiers of land in relation to hazardous conditions or declared nuisances. Section 2(b)(i-iv) also stipulates the actions that Council may require the person to:

- i. Remove or demolish the matter or thing;
- ii. Fill it in, cover it over or alter it;
- iii. Bring it up to standard specified by bylaw; or

-
- iv. Otherwise deal with it in accordance with the directions of Council or a person authorized by Council.

Section 73 details Council's authority to impose a "hazardous condition" remedial action requirement on a property. Council may only impose a remedial action requirement in relation to a hazardous condition if:

- a) Council considers that the matter or thing is in or creates an unsafe condition; or
- b) The matter or thing contravenes the Provincial building regulations.

Section 74 details Council's authority to impose a "declared nuisance" remedial action requirement on a property. This section affords Council significant latitude with regards to determining what "matters or things" in relation to a property can be declared a nuisance. This includes the ability for Council to make directions in relation to a thing that is so dilapidated or unclean as to be offensive to the community.

Section 76 stipulates the minimum time period that Council can set for compliance, which is at least 30 days after notice is sent to the person subject to the remedial action requirement.

Section 77 outlines the process the City must follow to notify the property owner or their representatives of Council's decision to impose a remedial action requirement on the property. It also references the ability for the City to exercise its authority under [Section 17](#) of the *Community Charter* [municipal action at defaulter's expense] if the remedial action requirement is not completed by the compliance date. Furthermore, Section 17 authorizes the City to collect all related costs as a debt owed to the City which, if unpaid, can be transferred to the property's taxes as arrears at the end of the year, in accordance with [Division 14](#) [Recovery of Special Fees] of Part 7 [Municipal Revenue] of the *Community Charter*.

Section 78 allows a person affected by the remedial action requirement to request Council reconsider their decision and an opportunity to make a representation directly to Council. This section states the default time period for an affected person to request reconsideration 14 days from the date the notice was sent to the affected persons; Council may extend this time period by resolution, but may only shorten it in cases of emergency.

The Property and the Structure are currently in contravention of the below listed provisions of the following City of Port Alberni Bylaws.

City of Port Alberni Property Maintenance Bylaw No. 4712

Relevant Provisions:

The definition of "unsightly" means *an untidy or otherwise non-aesthetic accumulation of filth, discarded materials or refuse on any real property, and includes graffiti.*

Section 4(a) *requires all real property to be maintained by the property owner or their designate.*

Section 4(b) *no property owner shall cause or permit the accumulation of refuse on his or her property.*

Section 4(k) *No property owner shall permit graffiti in a place visible from adjacent public or private property.*

City of Port Alberni Building Standards Bylaw No. 4975

Relevant Provisions

Every owner or occupier of a real property that contains a Building shall maintain the Building in compliance with the standards set out forming part of this Bylaw.

Every owner of a real property that contains a residential, commercial or industrial Building in the City of Port Alberni shall maintain the Building in accordance with the requirements of this Bylaw.

SCHEDULE "A"

The Owner of a Building or Vacant Building must comply with the following maintenance standards of this Schedule.

PART 1: EXTERIOR WALLS

1.1 The exterior of every building must be constructed, repaired and maintained in a manner that ensures the integrity of the building envelope to protect the building from the weather and from infestations of insects, rodents and other pests.

1.2 Without restricting the general obligation set out in subsection 1.1:

- (a) all exterior surfaces must consist of materials that provide adequate protection from the weather;
- (b) all exterior walls and their components, including casing and flashing, must be maintained in good repair;
- (c) all exterior walls must be free of holes, breaks, loose or rotting boards or timbers, and any other condition which might permit the entry of insects, rodents or other pests to the interior of the wall or the interior of the Building;
- (d) exterior wood surfaces must be adequately protected against deterioration by the periodic application of paint, stain, or other protective coating;
- (f) the mortar of any masonry or stone exterior wall may not be loose or dislodged.
- (g) the exterior of every building must be free of graffiti;
- (h) loose material must be removed from exterior walls, doors, and window openings;
- (i) all windows must be in good repair and properly glazed; and
- (j) all exterior doors to the Building must be operational, fit tightly within their frames when closed, and are locked so as to prevent entry.

PART 2: ROOFS

2.1 Roofs must be constructed and maintained using standard roofing material so as to prevent:

- (a) rainwater or melting snow falling on the roof from entering the Building;
- (b) rainwater or melting snow falling on the roof from negatively affecting neighbouring buildings or properties; and
- (c) objects and materials from falling from the roof.

2.2 Without restricting the general obligation set out in subsection 2.1:

- (a) Roofs, including fascia boards, soffits, cornices, flashing, eaves troughs and downspouts must be maintained in a watertight condition;
- (b) Roof drainage must be controlled in order to eliminate or minimize runoff to neighbouring properties that:
 - (i) accumulates or causes ground erosion;
 - (ii) causes dampness in the walls, ceilings, or floors of any portion of any neighbouring Building; and
 - (iii) accumulates on sidewalks or stairs in a manner so as to create a hazardous condition.

2.3 Loose or unsecured objects and materials, including accumulations of snow or ice or both that are likely to fall on passersby or are likely to result in the collapse of the roof, must be removed from the roof of a building or an accessory building.

PART 3: FIRE ESCAPES, STAIRS, BALCONIES, AND PORCHES

3.1 Fire escapes, stairs, balconies, and porches shall be maintained:

- (a) In a safe and clean condition;
- (b) In good repair; and
- (c) Free from holes, cracks, excessive wear and warping, and hazardous obstructions.

PART 4: WINDOWS

4.1 Existing windows and frames shall be in sound condition, shall be weathertight and shall operate to provide light and ventilation.

4.2 Maintenance of window as referred to in subsection 4.1 may include painting, refitting, repairing or replacing damaged, decayed, or deteriorated window sashes, window frames, and casings.

PART 5: PEST PREVENTION

5.1 An owner shall ensure that residential and commercial premises are kept free of rodents, vermin, and insects at all times, and appropriate extermination measures shall be taken, as necessary.

PART 6: FLOORS

6.1 Every floor shall be reasonably level, smooth, and maintained in good condition.

PART 7: DOORS

7.1 Existing doors and frames shall be maintained in good repair and weather tight.

7.2 At least one entrance door in every Building shall be capable of being locked from both inside and outside.

PART 8: FIRE PROTECTION SYSTEMS

8.1 Any fire protection system, including alarm and monitoring systems required by the BC Building Code and BC Fire Code, must be maintained in an operational condition.

Section 13 of this bylaw permits City Staff to carry out work required on a property if the owner fails to comply with a formal notice/order to remediate. Costs incurred by the City can be recovered through the real property tax roll and collected in the same manner as property taxes.

Section 14 of this bylaw reiterates Council's authority to impose a remedial action requirement under Division 12, Part 3 of the *Community Charter*. Remedial action can include, but is not limited to, requiring a property to be fully compliant with City bylaws and regulations within 30 days.

Section 15, Recovery of City Costs through the Sale of Property. In accordance with Section 80 of the *Community Charter*, if remedial action requirements have not been satisfied by the date specified for compliance, the City may sell the matter or thing in relation to which the requirement was imposed or any part or material of it.

BC Building Code

Relevant Provisions:

Section 1.1 General

1.1.1.1. Application of this Code

1.1.1.2. Application of this Code

1) This Code applies to any one or more of the following:

h) the correction of an *unsafe condition* in or about any *building*.

j) the work necessary to ensure safety in parts of a building

i) that remain after a demolition,

ii) that are affected by but that are not directly involved in alterations, or

iii) that are affected by but not directly involved in additions,

k) except as permitted by the British Columbia Fire Code, the installation, replacement, or alteration of materials or equipment regulated by this Code,

1.1.1.2. Application to Existing Buildings

1) Where a building is altered, rehabilitated, renovated or repaired, or there is a change in occupancy, the level of life safety and building performance shall not be decreased below a level that already exists. (See Note A-1.1.1.2.(1).)

Section 1.1. General

1.1.4. Fire Safety Plan

1.1.1.4.1. Fire Safety Plan

1) Fire safety plans shall conform to the British Columbia Fire Code.

Section 1.2. Compliance

1.2.1. Compliance with this Code

1.2.1.1. Compliance with this Code

1) Compliance with this Code shall be achieved by

a) complying with the applicable acceptable solutions in Division B (see Note A-1.2.1.1.(1)(a)), or

b) except as required by Sentence (3), using alternative solutions, accepted by the authority having jurisdiction under Section 2.3 of Division C, that will achieve at least the minimum level of performance required by Division B in the areas defined by the objectives and functional statements attributed to the applicable acceptable solutions (see Note A-1.2.1.1.(1)(b)).

2) For the purposes of compliance with this Code as required in Clause 1.2.1.1.(1)(b), the objectives and functional statements attributed to the acceptable solutions in Division B shall be the objectives and functional statements referred to in Subsection 1.1.2. of Division B.

3) An alternative solution shall not be used in place of an acceptable solution if the acceptable solution expressly requires conformance to a provincial enactment other than Book I (General) or Book II (Plumbing Systems) of the British Columbia Building Code.

- 1.2.1.2. Responsibility of Owner
1) Unless otherwise specified in this Code, the owner of a building shall be the person responsible for carrying out the provisions of this Code in relation to that building.
2) The owner of a building is in no way relieved of full responsibility for complying with this Code by the authority having jurisdiction
 a) granting a building permit,
 b) approving drawings or specifications, or
 c) carrying out inspections.
- Section 3.3 Fire Protection, Occupant Safety and Accessibility
Section 3.3 Safety within Floor Areas
3.3.1.5. Egress Doorways
1) Except for dwelling units, a minimum of 2 egress doorways located so that one doorway could provide egress from the room or suite as required by Article 3.3.1.3. if the other doorway becomes inaccessible to the occupants due to a fire which originates in the room or suite, shall be provided for every room and every suite
 c) in a floor area that is not sprinklered throughout, and
 i) the area of a room or suite is more than the value in Table 3.3.1.5.-A, or
 ii) the travel distance within the room or suite to the nearest egress doorway is more than the value in Table 3.3.1.5.-A
- 3.3.1.23. Obstructions
1) No obstruction shall be permitted in any occupancy that would restrict the width of a normal means of egress from any part of a floor area to less than 750 mm unless an alternative means of egress is provided adjacent to, accessible from, and plainly visible from the obstructed means of egress. (See Note A-3.3.1.23.(1).)
- 3.3.4.7. Stairs, Ramps, Landings, Handrails and Guards for Dwelling Units
1) Except as required in Article 3.3.4.8., stairs, ramps, landings, handrails and guards within a dwelling unit shall conform to the appropriate requirements in Section 9.8.
- 3.3.4.8. Protection of Openable Windows
- 3.3.4.9. Resistance to Forced Entry
1) Dwelling units shall conform to Article 9.7.2.1. and Subsection 9.7.5
- Section 7.1. General
7.1.1. Scope
7.1.1.1. Scope
1) The scope of this Part shall be as described in Subsection 1.3.3. of Division A.
- 7.1.1.2. Application
1) This Part applies to the design, construction, extension, alteration, renewal or repair of plumbing systems.
- 7.1.2. Design and Installation

-
- 7.1.2.1. Conformance
1) Every plumbing system shall be designed and installed in conformance with Book II (Plumbing Systems) of this Code.
- 7.1.3. Required Facilities
- 7.1.3.1. All Buildings Except Dwelling Units
1) Buildings shall be equipped with plumbing facilities as required in Subsection 3.7.2. and Article 3.8.2.8.
- 7.1.3.2. Dwelling Units
1) Dwelling units shall be equipped with plumbing facilities as required in Section 9.31.
- 7.1.4. Definitions
- 7.1.4.1. Defined Terms
1) Words that appear in italics are defined in Article 1.4.1.2. of Division A.

City of Port Alberni Fire Control Bylaw No. 4876

Relevant Provisions:

Section 16; Fire Protection Equipment

- (a) Every owner of premises must ensure that all *Fire Protection Equipment* required under the *Building Code* or *Fire Code* is inspected, tested and maintained in accordance with good engineering practices and the applicable standards, requirements and guidelines of the *Building Code*, the *Building Bylaw*, the *Fire Code*, this Bylaw and all other applicable enactments, all as amended or replaced from time to time, and any equivalents or alternative solutions required or accepted under those enactments.

Section 19; Activation of a Fire Alarm System

- (b) A person must not activate a *Fire Alarm System* unless:
- (i) there is a fire;
 - (ii) the person reasonably believes that a fire or other *Incident* is occurring or is imminent; or
 - (iii) the activation is carried out for testing purposes by persons authorized by the *Fire Chief*.

Section 21; No Obstructions

- (c) A person must not cause to be placed, stored, or maintained upon any roof or balcony any material or object which may interfere with access or egress or *Fire Department* operations in case of fire or other emergency, and shall remove all such objects or materials upon the order of the *Fire Chief* or any *Member*.
- (d) A person must not obstruct access passageways on a roof surface required by the *Fire Code* or *Building Code*.
- (e) Every owner or occupier of premises must at all times ensure that all exits and means of egress required under the *Building Code*, *Fire Services Act*, *Fire Code* or the *Building Bylaw* or the *Building Standards Bylaw* are properly maintained and remain unobstructed at all times.

BC Fire Code

Relevant Provisions

Section 2.1. General

2.1.1. Scope

2.1.1.1. Application

1) This Part provides for the safety of the occupants in existing buildings, the elimination or control of fire hazards in and around buildings, the installation and maintenance of certain life safety systems in buildings, the installation and maintenance of posted signs and information, and the establishing of a fire safety plan in those occupancies where it is considered necessary.

2.1.3.3. Smoke Alarms

(See Note A-2.1.3.3.)

1) Smoke alarms shall be installed in each dwelling unit and, except for care, treatment or detention occupancies required to have a fire alarm system, in each sleeping room not within a dwelling unit.

2) Smoke alarms within dwelling units shall be installed between each sleeping area and the remainder of the dwelling unit, and where the sleeping areas are served by hallways, the smoke alarms shall be installed in the hallways.

3) Smoke alarms shall be installed in conformance with CAN/ULC-S553, "Installation of Smoke Alarms."

4) Smoke alarms are permitted to be battery operated in a) a building that is not supplied with electrical power, or b) locations within a dwelling unit where smoke alarms were not required by the British Columbia Building Code at the time of construction or alteration of the dwelling unit.

2.1.3.6. Inspection, Maintenance and Testing of Fire Safety Devices

(See Note A-2.1.3.6.)

1) Where specific references to the inspection, maintenance and testing of fire safety devices and building fire safety features are not made in this Code, such devices and features shall be maintained to ensure they operate as per their design or function according to their original intent.

2.1.4. Posted Information

2.1.4.1. Posting

1) Where a sign, notice, placard or information is required to be posted, it shall be

a) clearly legible, and

b) except as provided in Sentence (2), permanently mounted in a conspicuous or prominent location in proximity to the situation to which it refers.

2) Where the situation for which posting is required is of a temporary nature, permanent mounting need not be provided.

2.1.4.2. Maintenance

1) Every sign, notice, placard or information that is required to be posted shall be maintained in conformance with Article 2.1.4.1.

- 2.1.5. Portable Extinguishers
2.1.5.1. Selection and Installation
1) Portable extinguishers shall be installed in all buildings except dwelling units.
2) Except as otherwise required by this Code, portable extinguishers shall be selected and installed in accordance with NFPA 10, "Portable Fire Extinguishers."
5) Portable extinguishers in proximity to a fire hazard shall be located so as to be accessible without exposing the operator to undue risk. (See Note A-2.1.5.1.(5).)
- 2.1.3. Fire Safety Installations
- Section 2.7. Safety to Life
2.7.1. Means of Egress 2.7.1.1. Means of Egress
1) Means of egress shall be provided in buildings in conformance with the British Columbia Building Code.
- 2.7.1.6. Maintenance
1) Means of egress shall be maintained in good repair and free of obstructions.
- 2.7.3. Exit Lighting, Exit Signs and Emergency Lighting
2.7.3.1. Installation and Maintenance 1) Means of egress lighting, emergency lighting, exit signs and the location of exit signs in buildings shall conform to the British Columbia Building Code. (See Note A-2.7.3.1.(1).)
2) Exit lighting and exit signs shall be illuminated during times when the building is occupied. 3) Emergency lighting and exit signs shall be maintained in operating condition, in conformance with Section 6.5.
- 2.8.2.7. Posting of Fire Emergency Procedures 1) At least one copy of the fire emergency procedures shall be prominently posted on each floor area.
- Section 2.8. Emergency Planning
2.8.1. General
2.8.1.1. Application
1) Fire emergency procedures conforming to this Section shall be provided for a) every building containing an assembly, care, treatment or detention occupancy,
b) every building required by the British Columbia Building Code to have a fire alarm system,
c) demolition and construction sites regulated under Section 5.6.,
d) storage areas required to have a fire safety plan in conformance with Articles 3.2.2.5. and 3.3.2.9.,
e) areas where flammable liquids or combustible liquids are stored or handled, in conformance with Article 4.1.5.5., and
f) areas where hazardous processes or operations occur, in conformance with Article 5.1.5.1.
- 2.8.1.2. Training of Supervisory Staff

-
- 2.8.1.3. 1) Supervisory staff shall be trained in the fire emergency procedures described in the fire safety plan before they are given any responsibility for fire safety. (See Note A-2.8.1.2.(1).)
Keys and Special Devices
1) Any keys or special devices needed to operate the fire alarm system or provide access to any fire protection systems or equipment shall be readily available to on-duty supervisory staff.
- 2.8.2. Fire Safety Plan
2.8.2.1. Measures in a Fire Safety Plan
1) In buildings or areas described in Article 2.8.1.1., a fire safety plan conforming to this Section shall be prepared in cooperation with the fire department and other applicable regulatory authorities and shall include
- a) the emergency procedures to be used in case of fire, including
 - i) sounding the fire alarm (see Note A-2.8.2.1.(1)(a)(i)),
 - ii) notifying the fire department,
 - iii) instructing occupants on procedures to be followed when the fire alarm sounds,
 - iv) evacuating occupants, including special provisions for persons requiring assistance (see Note A-2.8.2.1.(1)(a)(iv)),
 - v) confining, controlling and extinguishing the fire,
 - b) the appointment and organization of designated supervisory staff to carry out fire safety duties,
 - c) the training of supervisory staff and other occupants in their responsibilities for fire safety,
 - d) documents, including diagrams, showing the type, location and operation of the building fire emergency systems,
 - e) the holding of fire drills,
 - f) the control of fire hazards in the building, and g) the inspection and maintenance of building facilities provided for the safety of occupants. (See Note A-2.8.2.1.(1).)
- 2) The fire safety plan shall be reviewed at intervals not greater than 12 months to ensure that it takes account of changes in the use and other characteristics of the building.

Site History/Issues:

The registered owner on title for the Property is 1052162 BC Ltd. (the "Owner") and P. WANG, is the Director of the Company.

The Property operates 3 businesses from this location:

- Port Pub holding a valid business license by 1185818 BC Ltd
- Port Hotel holding a valid business licence by 1109898 BC Ltd
- Toad's Hoppin Delivery Services holding a valid business license by Todd Peterson

The Bylaw Department has expended significant resources in an attempt to gain compliance. The Property currently has the highest call volumes in Port Alberni, requiring the most resources. These resources include Police, Fire, Building and Bylaw Services. In 2023, there were 15 files generated for Bylaw Services; 24 Bylaw Offence tickets have been issued to the property owner in 2023 resulting in only 5 of them being paid, and

none being disputed. To date the amount owing in outstanding bylaw tickets, less pending disputes, totals \$7,812.50. As additional information, the Port Alberni Fire Department responded to 92 calls for service in 2023. The RCMP had 88 calls for service in 2023, up from 48 in the prior year (Appendix B).

This property was first introduced to the nuisance abatement working group in March 2020 which later resulted in Council passing a series of resolutions for remedial action in September 2020. In October 2020 staff met with the Property owner and manager on-site to review actions that had taken place following the order. As the majority of items had been remedied Council resolved;

THAT Council direct staff to refrain from considering enforcement measures so long as significant and appropriate progress continues to be made on the part of the property owner/manager on completing the outstanding Remedial Action Requirements as ordered by Council at its meeting held September 14, 2020. Further, that Council will revisit this matter at its Regular meeting on November 23, 2020 to ensure remedial action requirements have been or are continuing to be met. [Res No. 20-283].

A Reminder of the Remedial Action Order was sent to the property owner in February 2021. Despite the property undergoing improvements during that time, the Property is periodically or currently in violation of the following Bylaws:

Anti-litter Bylaw No. 4874
Building Bylaw No. 5077
Building Standards Bylaw No. 4975
Fire Control Bylaw No. 4876
Noise Control Bylaw No. 4718
Property Maintenance Bylaw No. 4712
Solid Waste Collection and Disposal Bylaw No. 5030
Zoning Bylaw No. 5074

There have been four (4) Fire Inspections conducted between October 2023 and January 11, 2024. The last Fire Inspection was attended by the Chief Fire Prevention Officer, two City Building Inspectors, one Bylaw Enforcement Officer, and the Building Owner P. Wang. A copy of the Fire Inspection Report is attached to this report as Appendix A. Staff note that the Fire Inspection Report refers to one item, posting unit numbers, as in contravention to Bylaw 4577. This is a typo and should read Bylaw 5077. The most concerning violations are from the Fire Control Bylaw, with the emergency doors not working as intended, tied open or barricaded with garbage piled at the bottom of the fire escape.

There is significant garbage accumulating inside of the Structure often extending out into the alley, sidewalk and fire exits, obstructing egress. Inside, communal washrooms are out of service, missing doors off of units, padlocks on the outside of doors, exposed wires, drug paraphernalia, rats, interior ceilings, walls and doors are full of holes, leaking water, missing drywall and black mold is visible throughout the top and bottom floors.

The Fire Department has responded to 46 verified false alarm calls and 94 calls for service in 2023. These alarms appear to have been activated due to causes including leaks in the roof, smoking in the area of the alarm, and intentional setting off the alarm. The Fire Department has also observed during its inspections of the Building that emergency lights/exit signs are broken and not working, obstructions to access panels,

hallways and stairwells are obstructed, non-compliant use of extension cords to name a few. Also noted was water leaking from the roof which was leaking from the top floor all the way to the bottom floor.

ALTERNATIVES/OPTIONS

- 1) That Council declare the Property to be in a hazardous condition by virtue of its breaches of the Building Bylaw, Building Standards Bylaw and the Fire Bylaw, as well as being a nuisance and so dilapidated and unclean to be offensive to the community, and impose remedial action requirements as identified in the recommendations of this report.
- 2) That Council provide staff with alternate direction.
- 3) That Council take no action at this time.

ANALYSIS

Due the variety of bylaw infractions, calls requiring emergency response and impacts to public health and safety, staff are recommending that the subject property be declared to be in hazardous condition, a nuisance, so dilapidated and unclean as to be offensive to the community, and remedial actions be imposed.

IMPLICATIONS

The Property is in violation of many City bylaws, and has numerous outstanding violation tickets. Voluntary compliance, letters, orders, tickets, and site inspections have not resulted in compliance.

The continuing and sustained pattern of nuisance activity inside the Structure and on the Property is negatively impacting the community, and the building deficiencies are creating immense concern for safety. The safety of the residents, visitors, workers, City Staff and first responders are all jeopardized by these ongoing infractions. This is not in line with the City's Strategic Plan and the principal 'Fostering a complete community (safe, healthy and inclusive)'.

COMMUNICATIONS

The *Community Charter* requires formal notification be given to the Property's registered owner and to the holders of any charges listed on the Property's assessment roll should Council pass a remedial action requirement as outlined in this report, and requires providing for an opportunity for the owner to request Council's reconsideration of the matter. Specifically, a notice of the resolution imposing the remedial action requirement will be provided in accordance with sections 77(1) and (2) of the *Community Charter*, with section 77(3) setting out specific content that must also be included, to the Property owner and registered share holders.

BYLAWS/PLANS/POLICIES

[Anti-litter Bylaw No. 4874](#)

[Building Bylaw No. 5077](#)

[Building Standards Bylaw No. 4975](#)

[Fire Control Bylaw No. 4876](#)

[Noise Control Bylaw No. 4718](#)

[Property Maintenance Bylaw No. 4712](#)

[Solid Waste Collection and Disposal Bylaw No. 5030](#)

Zoning Bylaw No. 5074

SUMMARY

This report provides Council with information pertaining to the compliance and nuisance issues related to the Property at 5170 Argyle Street. The recommendations in this report to issue a Remedial Action Order meet the *Community Charter* requirements and outline the process by which the issues on this Property may be resolved.

ATTACHMENTS/REFERENCE MATERIALS

- *Fire Inspection Report and Photos dated January 11, 2024*
- *RCMP correspondence dated January 18, 2024*
- [Report to Council | September 14, 2020](#)
- [Report to Council | October 26, 2020](#)

Copy: M. Fox, CAO
M. Owens, Fire Chief
M. Thompson, Acting OIC, RCMP
D. Monteith, Director of Corporate Services
S. Smith, Director of Development Services/Deputy CAO

Report

From: peter wang (uet_del@yahoo.com)

To: danna_monteith@portslberni.ca

Date: Tuesday, February 6, 2024 at 09:13 AM PST

Hi Donna

As remedial action requirements

Update today

We

Did most of working

I evet electric company come to fixed the fire

Alarm and fire panel .

Fire mounting is good working.

2: install the smoke alarm in All tenants rooms

3: fire escapes doors are fixed.

4: repair all exterior doors of the structure so that they are eesthrrtought and operational,closed and self -closers.

5: repair all broken or missing handrailing on staircase.

6: installation the CO2 detector in heat room.

7: installation the new emergency lightings as fire department requires.

8: repair first and senond flooring communal washroom and toilet.

9: send the fire safety plan to fire department for approval.

10: permanent remove all objects placed, stored,or maintained upon hallway and entrance way.

11: designated a space for daily refuses on premises and not in emergency egress areas.

12: remove and properly dispose of all refuse from the interior and exterior common spaces .

We are working on

1:

the repair the roof of the structure;

2:

All drywall for fire separate and integrity of building

3: even electric company will come for installation the exact electrical panel and upgrade power for the second floor.

4: repair the exterior walls of the structure, including coping and flashing,to restore the integrity of the building envelope to a good condition.

It's a report to you

If you're having any questions

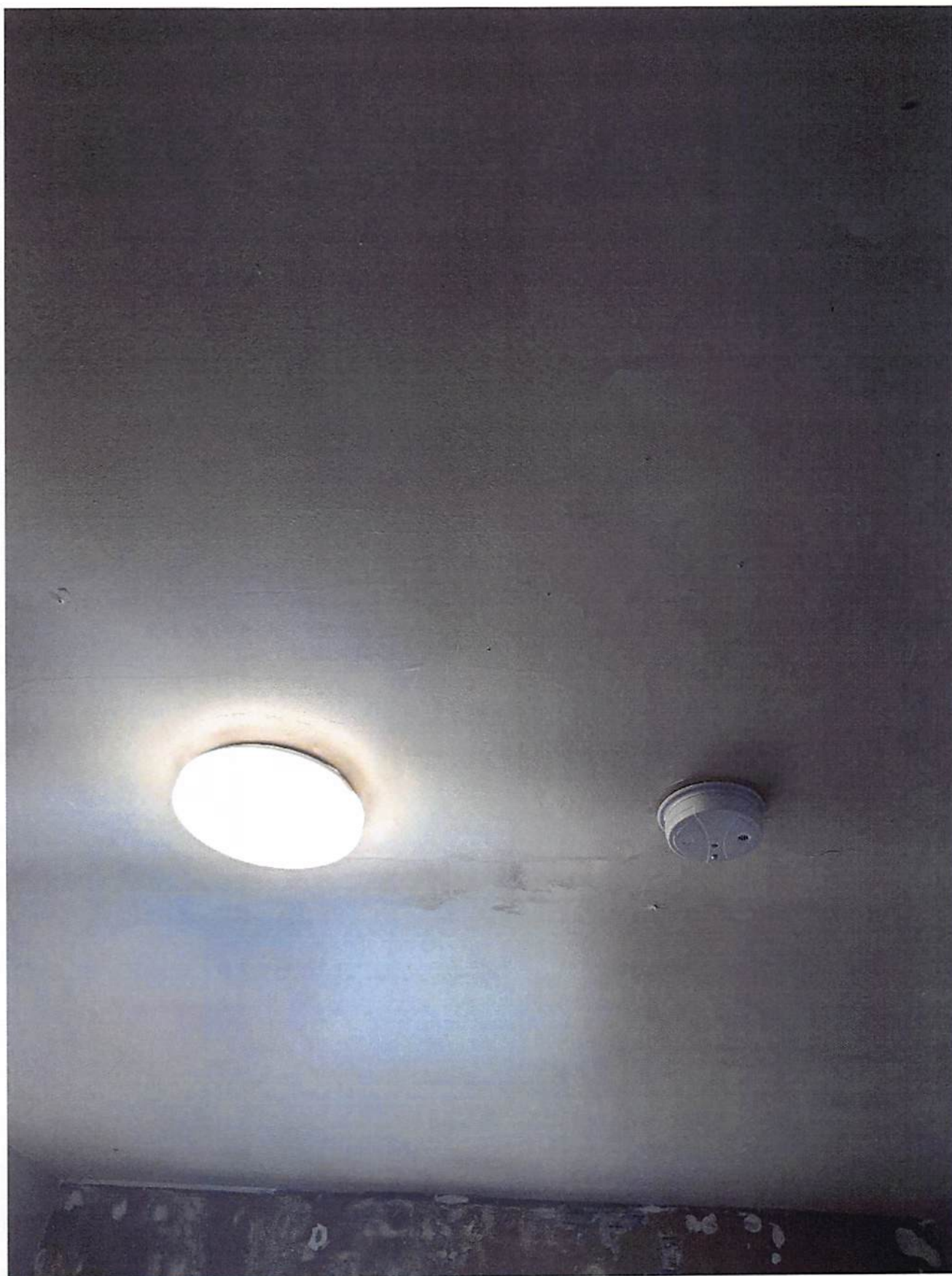
Please back to me

Thanks again

Peter

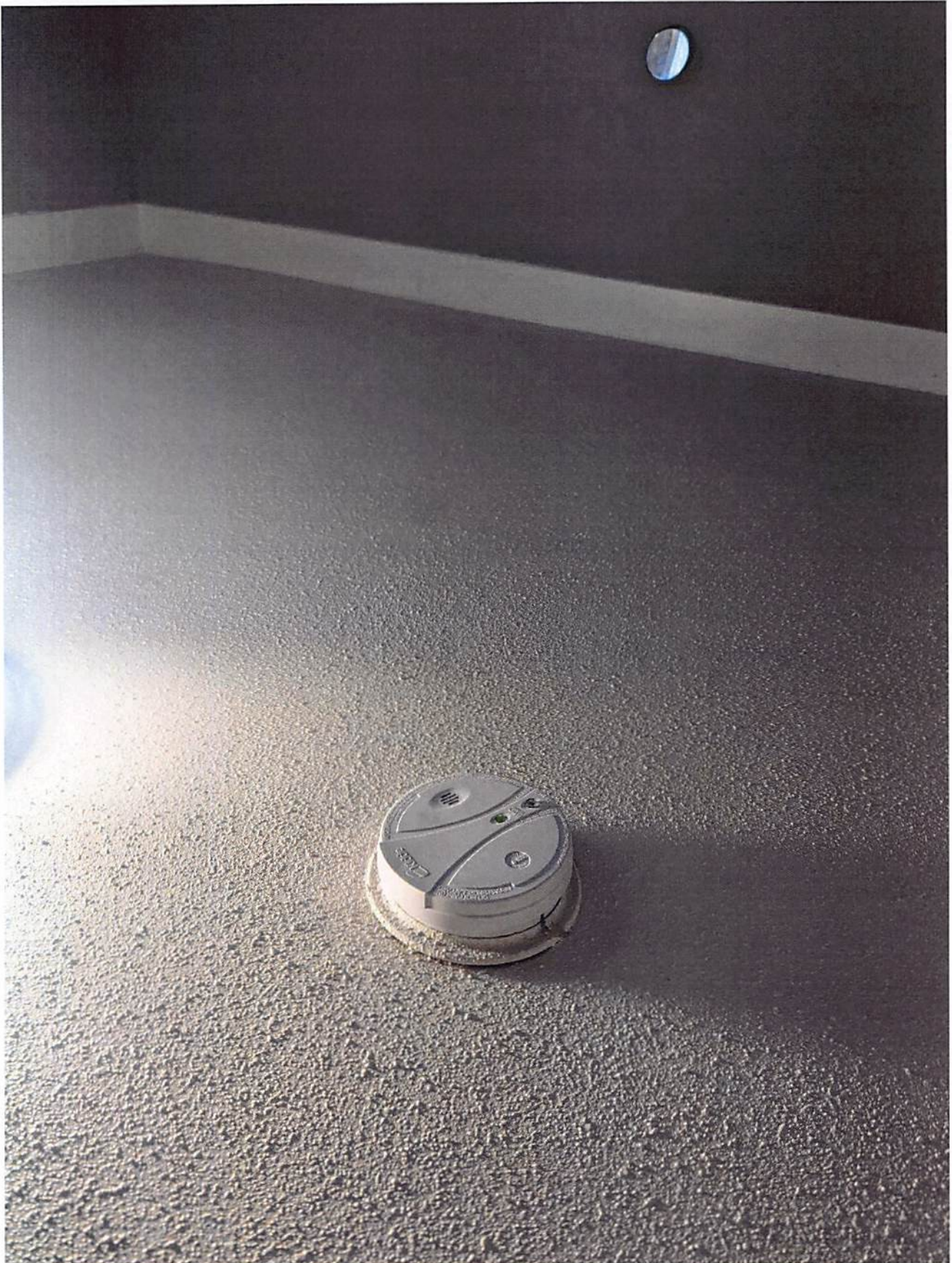
















BC Registry
Services

Mailing Address:
PO Box 9431 Stn Prov Govt
Victoria BC V8W 9V3
www.corporateonline.gov.bc.ca

Location:
2nd Floor - 940 Blanshard Street
Victoria BC
1 877 526-1526

Notice of Change of Directors

FORM 10
BUSINESS CORPORATIONS ACT
Section 127

Filed Date and Time: January 15, 2024 05:33 PM Pacific Time

Incorporation Number:

BC1052162

Name of Company:

1052162 B.C. LTD.

Date of Change of Directors

January 15, 2024

New Director(s)

Last Name, First Name, Middle Name:

Dong, libin

Mailing Address:

2885 LAUREL STREET
CHEMAINUS BC V0R 1K1
CANADA

Delivery Address:

2885 LAUREL STREET
CHEMAINUS BC V0R 1K1
CANADA

Last Name, First Name, Middle Name:

Fan, Qian

Mailing Address:

2885 LAUREL STREET
CHEMAINUS BC V0R 1K1
CANADA

Delivery Address:

2885 LAUREL STREET
CHEMAINUS BC V0R 1K1
CANADA

Director(s) as at January 15, 2024

Last Name, First Name, Middle Name:

Dong, libin

Mailing Address:

2885 LAUREL STREET
CHEMAINUS BC V0R 1K1
CANADA

Delivery Address:

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CANADA

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Delivery Address:

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CANADA

Last Name, First Name, Middle Name:

MI, Ding

Mailing Address:

303---8611 ACKROYD ROAD
RICHMOND BC V6X 3P4
CANADA

Delivery Address:

303---8611 ACKROYD ROAD
RICHMOND BC V6X 3P4
CANADA

Last Name, First Name, Middle Name:

WANG, PING

Mailing Address:

464 BRUCE AVE
NANAIMO BC V9R 3Y4
CANADA

Delivery Address:

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NANAIMO BC V9R 3Y4
CANADA



BC Registry
Services

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www.corporateonline.gov.bc.ca

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Notice of Change of Address

FORM 2
BUSINESS CORPORATIONS ACT
Sections 35 & 36

Filed Date and Time: January 22, 2024 04:08 PM Pacific Time

Effective Date and Time of Filing: January 23, 2024 12:01 AM Pacific Time

Incorporation Number:

BC1052162

Name of Company:

1052162 B.C. LTD.

REGISTERED OFFICE INFORMATION

Mailing Address:

432 FITZWILLIAM ST.
NANAIMO BC V9R 3B1
CANADA

Delivery Address:

432 FITZWILLIAM ST.
NANAIMO BC V9R 3B1
CANADA

RECORDS OFFICE INFORMATION

Mailing Address:

432 FITZWILLIAM ST.
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CANADA

Delivery Address:

432 FITZWILLIAM ST.
NANAIMO BC V9R 3B1
CANADA



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Mailing Address:
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Location:
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Victoria BC
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Notice of Change of Directors

FORM 10
BUSINESS CORPORATIONS ACT
Section 127

Filed Date and Time: January 24, 2024 05:34 PM Pacific Time

Incorporation Number:

BC1052162

Name of Company:

1052162 B.C. LTD.

Date of Change of Directors

January 24, 2023

New Director(s)

Last Name, First Name, Middle Name:

Dong, libin

Mailing Address:

432 FITZWILLIAM STREET
NANAIMO BC V9R 3B1
CANADA

Delivery Address:

432 FITZWILLIAM STREET
NANAIMO BC V9R 3B1
CANADA

Last Name, First Name, Middle Name:

Fan, Qian

Mailing Address:

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NANAIMO BC V9R 3B1
CANADA

Delivery Address:

432 FITZWILLIAM STREET
NANAIMO BC V9R 3B1
CANADA

Director(s) who have ceased to be Directors

Last Name, First Name, Middle Name:

MI, Ding

Mailing Address:

303---8611 ACKROYD ROAD
RICHMOND BC V6X 3P4
CANADA

Delivery Address:

303---8611 ACKROYD ROAD
RICHMOND BC V6X 3P4
CANADA

Director(s) as at January 24, 2023

Last Name, First Name, Middle Name:

Dong, libin

Mailing Address:

432 FITZWILLIAM STREET
NANAIMO BC V9R 3B1
CANADA

Delivery Address:

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NANAIMO BC V9R 3B1
CANADA

Last Name, First Name, Middle Name:

Fan, Qian

Mailing Address:

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Delivery Address:

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NANAIMO BC V9R 3B1
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1 877 526-1526

Notice of Change of Directors

FORM 10
BUSINESS CORPORATIONS ACT
Section 127

Filed Date and Time: January 24, 2024 08:35 PM Pacific Time

Incorporation Number:

BC1052162

Name of Company:

1052162 B.C. LTD.

Date of Change of Directors

January 24, 2024

Director(s) who have ceased to be Directors

Last Name, First Name, Middle Name:

Dong, libin

Mailing Address:

2885 LAUREL STREET
CHEMAINUS BC V0R 1K1
CANADA

Delivery Address:

2885 LAUREL STREET
CHEMAINUS BC V0R 1K1
CANADA

Last Name, First Name, Middle Name:

Fan, Qian

Mailing Address:

2885 LAUREL STREET
CHEMAINUS BC V0R 1K1
CANADA

Delivery Address:

2885 LAUREL STREET
CHEMAINUS BC V0R 1K1
CANADA

Last Name, First Name, Middle Name:

WANG, PING

Mailing Address:

464 BRUCE AVE
NANAIMO BC V9R 3Y4
CANADA

Delivery Address:

464 BRUCE AVE
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Director(s) as at January 24, 2024

Last Name, First Name, Middle Name:

Dong, libin

Mailing Address:

432 FITZWILLIAM STREET
NANAIMO BC V9R 3B1
CANADA

Delivery Address:

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NANAIMO BC V9R 3B1
CANADA

Last Name, First Name, Middle Name:

Fan, Qian

Mailing Address:

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CANADA

Delivery Address:

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Notice of Change of Directors

FORM 10
BUSINESS CORPORATIONS ACT
Section 127

Filed Date and Time: February 12, 2024 07:47 PM Pacific Time

Incorporation Number:

BC1052162

Name of Company:

1052162 B.C. LTD.

Date of Change of Directors

February 12, 2024

New Director(s)

Last Name, First Name, Middle Name:

wu, bibo

Mailing Address:

278 SELBY STREET
NANAIMO BC V9R 3B1
CANADA

Delivery Address:

278 SELBY STREET
NANAIMO BC V9R 3B1
CANADA

Director(s) who have ceased to be Directors

Last Name, First Name, Middle Name:

Fan, Qian

Mailing Address:

432 FITZWILLIAM STREET
NANAIMO BC V9R 3B1
CANADA

Delivery Address:

432 FITZWILLIAM STREET
NANAIMO BC V9R 3B1
CANADA

Director(s) as at February 12, 2024

Last Name, First Name, Middle Name:
Dong, libin

Mailing Address:
432 FITZWILLIAM STREET
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CANADA

Delivery Address:
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CANADA

Last Name, First Name, Middle Name:
wu, bibo

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CANADA

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Notice of Change of Directors

FORM 10
BUSINESS CORPORATIONS ACT
Section 127

Filed Date and Time: May 23, 2024 05:46 PM Pacific Time

Incorporation Number:

BC1052162

Name of Company:

1052162 B.C. LTD.

Date of Change of Directors

May 23, 2024

New Director(s)

Last Name, First Name, Middle Name:

Wang, Ping

Mailing Address:

464 BRUCE AVE
NANAIMO BC V9R 3Y4
CANADA

Delivery Address:

464 BRUCE AVE
NANAIMO BC V9R 3Y4
CANADA

Director(s) who have ceased to be Directors

Last Name, First Name, Middle Name:

Dong, libin

Mailing Address:

432 FITZWILLIAM STREET
NANAIMO BC V9R 3B1
CANADA

Delivery Address:

432 FITZWILLIAM STREET
NANAIMO BC V9R 3B1
CANADA

Director(s) as at May 23, 2024

Last Name, First Name, Middle Name:

Wang, Ping

Mailing Address:

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NANAIMO BC V9R 3Y4
CANADA

Delivery Address:

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CANADA



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Notice of Change of Directors

FORM 10
BUSINESS CORPORATIONS ACT
Section 127

Filed Date and Time: May 16, 2024 12:17 PM Pacific Time

Incorporation Number:
BC1052162

Name of Company:
1052162 B.C. LTD.

Date of Change of Directors

February 12, 2024

Director(s) who have ceased to be Directors

Last Name, First Name, Middle Name:
wu, bibo

Mailing Address:
278 SELBY STREET
NANAIMO BC V9R 3B1
CANADA

Delivery Address:
278 SELBY STREET
NANAIMO BC V9R 3B1
CANADA

Director(s) as at February 12, 2024

Last Name, First Name, Middle Name:
Dong, libin

Mailing Address:
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Delivery Address:
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Notice of Change of Directors

FORM 10
BUSINESS CORPORATIONS ACT
Section 127

Filed Date and Time: June 12, 2024 09:22 AM Pacific Time

Incorporation Number:
BC1052162

Name of Company:
1052162 B.C. LTD.

Date of Change of Directors

June 12, 2024

New Director(s)

Last Name, First Name, Middle Name:
MI, DING

Mailing Address:
303-8611 ACKROYD RD
RCIHMOND BC V6X 3P4
CANADA

Delivery Address:
303-8611 ACKROYD RD
RCIHMOND BC V6X 3P4
CANADA

Director(s) who have ceased to be Directors

Last Name, First Name, Middle Name:
Wang, Ping

Mailing Address:
464 BRUCE AVE
NANAIMO BC V9R 3Y4
CANADA

Delivery Address:
464 BRUCE AVE
NANAIMO BC V9R 3Y4
CANADA

Director(s) as at June 12, 2024

Last Name, First Name, Middle Name:
MI, DING

Mailing Address:
303-8611 ACKROYD RD
RCIHMOND BC V6X 3P4
CANADA

Delivery Address:
303-8611 ACKROYD RD
RCIHMOND BC V6X 3P4
CANADA

Goldberg, Micah

From: Mike Fox <mike_fox@portalberni.ca>
Sent: February 9, 2024 7:25 AM
To: Sophie Fan; 000367640@rcmp-grc.gc.ca; HOUS RTB Compliance HOUS:EX; arjunnegi84@yahoo.ca; bobby@bobbytoor.com; Funnell, Cameron; daphnne.hollins@gov.bc.ca; donglibin720@gmail.com; theoxypub@outlook.com; wolf_wbb@hotmail.com
Subject: RE: Respond for port alberni property

Morning Sophie,

Thanks for the email. It sounds like the ownership issues with your company are complex. The City looks forward to seeing the safety issues rectified and work completed on the Port Pub ASAP and within the 30 day notice period. I believe the next inspection is on February 26th 2024.

Respectfully




Mike Fox (he/him)
Chief Administrative Officer

A City Hall, 4850 Argyle St., Port Alberni BC V9Y 1V8
O 250.720.2824 W portalberni.ca



The City of Port Alberni would like to acknowledge and recognize that we work, live and play on the unceded territories of the Tseshaht [cišaaʔath] and Hupačasath First Nations.

From: Sophie Fan <sophiefan1230@gmail.com>
Sent: February 8, 2024 10:30 PM
To: 000367640@rcmp-grc.gc.ca; HOUS RTB Compliance HOUS:EX <RTBCompliance@gov.bc.ca>; arjunnegi84@yahoo.ca; bobby@bobbytoor.com; cfunnell@watsongoepel.com; daphnne.hollins@gov.bc.ca; donglibin720@gmail.com; Mike Fox <mike_fox@portalberni.ca>; theoxypub@outlook.com; wolf_wbb@hotmail.com
Subject: Respond for port alberni property

 You don't often get email from sophiefan1230@gmail.com. [Learn why this is important](#)
Hello Mr. Fox,

My lawyer is on vacation right now, so I am responding to your request myself. My lawyer also represents Nanaimo Queens Hotel LTD, Topsuccess Investment Corporation, Bibo Wu, and Libin Dong.

Topsuccess Investment Corporation was established in Oct 2013 by three directors. Libin Dong Qian Fan and Ping Wang. Libin Dong Qian Fan and Ping Wang each agreed to receive 33.33% shares, though it was Libin Dong who contributed \$400,000 to the establishment of Topsuccess Investment Corporation.

1052162 BC LTD was established Oct 15, 2015 by Bibo Wu, 50% shares and Topsuccess, 50% shares. The two operations directors were Bibo Wu and Ping (Peter) Wang. Peter was appointed as the operations director for Topsuccess

Investment Corporation. Up to this point, Peter's wife, Mi Ding, to the best of my knowledge was never involved with any business decisions or transactions.

Bibo Wu was also director and shareholder of Nanaimo Queens Hotel (Oxy Pub and Oxy Liquor Store). 1052162 BC LTD when established, the company address used the Oxy Liquor Store address at 278 Selby Street, Nanaimo, BC. 1052162 BC LTD minutes book was stored at 278 Selby Street in Nanaimo.

Without a directors meeting to come to an agreed upon resolution, Peter kicked out Bibo Wu, at which time, Peter himself made the decision on his own that he would become the only director and decision maker. Recently, I have discovered it was at this point Peter added his wife's name, Mi Ding, in place of Bibo Wu, without notifying anyone else involved. In a deceiving minutes book, Peter claimed he had 100% shares, which was not true. At this time, he also changed the company address to his home address without notifying any other directors or shareholders.

.Peter also moved funds from the Nanaimo Queens Hotel to purchase the property located at 5170 Argyle Street in Port Alberni without notifying any other directors or shareholders of the transaction. Peter also set up a series of companies. AA renovations, 8899 holding, 1109898 BC LTD, 1037008 BC LTD, and 1185818 BC LTD using his name and his sister's name, Jing Wang and moving millions of dollars from the Oxy Pub and Oxy Liquor store in Nanaimo illegally. Revenue from the Nanaimo Queens Hotel Businesses paid for the expenses at the Port Hotel and Port Pub at 5170 Argyle in Port Alberni until Dec 2023.

When I discovered this situation on January 15, 2024, Topsuccess directors Libin Dong and I (Sophie Fan), together with Bibo Wu had a meeting and passed a resolution to cease Peter (Ping Wang) and Mi Ding as directors of 1052162 BC LTD. Libin Dong and I appointed to be the new directors and decision makers of 1052162 on January 24, 2024. At this Time, we changed the company address Back to Oxy Pub at 432 Fitzwilliam Street, Nanaimo.

Today, when I received Peter's lawyer's email, Libin Dong and I went to speak with the RCMP in Nanaimo and Port Alberni. The officer in Nanaimo told me this is a civil matter and police will not be involved. At this point, it is being treated as a disagreement between Sophie Fan, Libin Dong, Bibo Wu and Peter.

It is my belief that Peter abused his power using stolen money from the Nanaimo Queens Hotel revenue in Nanaimo properties. The situation Peter has caused involving the property at 5170 Argyle Street in Port Alberni has created a situation in which the burden of this property will be dumped on someone else, including the financial and legal burdens to come.

Thank you for giving me a chance to explain what I believe has happened.

Best Regards

Sophie Fan

Goldberg, Micah

From: Sophie Fan <sophiefantop@gmail.com>
Sent: February 8, 2024 2:57 PM
To: Funnell, Cameron
Subject: Re: Letter re: 1052162 B.C. Ltd.

Hi Cameron

This is fake documents from Peter.
1052162 BC LTD was established by me.
When established two directors are Bibo
Wu and Ping wang. Ping wang took
Company from Bibo Wu who is also
Shareholders of Nanaimo queens hotel
And without his signature. At that time
50 percentage's shares
Belongs to bibo Wu and 50 belongs to
top success
Investment Corporation.

He himself secretly put 100 percentage
shares
There. And later give his wife 50
Percentage.

All the money from Nanaimo queens.
When we found out his criminal
The things. We immediate take action
To protect this company. And all the
Resolution letter was under my hand
Singed all shareholders.

We will deal with that and send you all
The original documents

Best Regards
Sophie



1. Application

Deduct LTO Fees: Yes

Document Fees: \$78.17

Watson Goepel LLP
1200 - 1075 West Georgia Street
Vancouver BC V6E 3C9
604-668-1301

2. Description of Land

PID/Plan Number	Legal Description
002-317-681	LOT 24, BLOCK 86, DISTRICT LOT 1, ALBERNI DISTRICT, PLAN 197
002-317-427	LOT 23, BLOCK 86, DISTRICT LOT 1, ALBERNI DISTRICT, PLAN 197
000-159-743	PARCEL A (DD 14222N) OF LOT 2, BLOCK 33, SECTION 1, NANAIMO DISTRICT, PLAN 584

3. Nature of Charge, Notation, or Filing

Type	Affected Number	Additional Information
CERTIFICATE OF PENDING LITIGATION		

4. Person Entitled to be Registered as Charge Owner

PING WANG
ALSO KNOWN AS PETER WANG
DING MI
1200 - 1075 WEST GEORGIA STREET
VANCOUVER BC V6E 3C9

1052162 BC LTD.
1200 - 1075 WEST GEORGIA STREET
VANCOUVER BC V6E 3C9

Electronic Signature

Your electronic signature is a representation that
(a) you are a subscriber under section 168.6 of the *Land Title Act*, RSBC 1996 c.250,
and that you are authorized to electronically sign this application by an e-filing
direction made under section 168.22(2) of the act, and

(b) if this application requires a supporting document, that you are a designate authorized to certify this application under section 168.4 of the *Land Title Act*,
RSBC 1996 c.250, that you certify this application under section 168.43(3) of the act, and that the supporting document or a true copy of the supporting
document, if a true copy is allowed under an e-filing direction, is in your possession.

Alan Ives Chim
GBW49K

Digitally signed by
Alan Ives Chim GBW49K
Date: 2024-02-28
15:56:05 -08:00

Do not write above this line, for Land Title use only

LAND TITLE ACT

Form 31 [Section 215(1)]

CERTIFICATE OF PENDING LITIGATION

NATURE OF INTEREST: CHARGE:
Certificate of Pending Litigation

HEREWITH FEE OF \$10.00*

PID	Legal Description
002-317-681	LOT 24, BLOCK 86, DISTRICT LOT 1, ALBERNI DISTRICT, PLAN 197
002-317-427	LOT 23, BLOCK 86, DISTRICT LOT 1, ALBERNI DISTRICT, PLAN 197
000-159-743	PARCEL A (DD 14222N) OF LOT 2, BLOCK 33, SECTION 1, NANAIMO DISTRICT, PLAN 584

Address of persons entitled to register this lis pendens:
Ping Wang, Ding Mi and 1052162 BC Ltd.
c/o 1200 - 1075 West Georgia Street
Vancouver, BC
V6E 3C9

Full name, address, telephone number of person presenting application:
Micah G. Goldberg
WATSON GOEPEL LLP
Lawyers
Suite 1200 - 1075 West Georgia Street
Vancouver, BC V6E 3C9 Tel: (604) 688-1301

Signature of Solicitor for the Plaintiffs

For Land Title
Office Use Only

No. **S 241365**
Vancouver Registry

SUPREME COURT OF BRITISH COLUMBIA
VANCOUVER REGISTRY
BETWEEN:

FEB 28 2024 Wang also known as Peter Wang, Ding Mi and 1052162 BC Ltd.

PLAINTIFFS

AND:



Qian Fan also known as Sophie Fan, Libin Dong and Bibo Wu

DEFENDANTS

CERTIFICATE OF PENDING LITIGATION

I CERTIFY that in a proceeding commenced in this Court a claim is made for an estate or interest in land or a right of action in respect of land is given by an enactment other than the *Land Title Act*. The particulars are set out in the attached copy of the document by which claim is made.

Given under my hand and seal of the Court at Vancouver, British Columbia this 26 day of February, 2024.

Registrar

D. LAMBIER
DEPUTY DISTRICT REGISTRAR

*Fee not applicable where lis pendens related to proceedings under the Builders Lien Act.

01855104

SUPREME COURT
OF BRITISH COLUMBIA
VANCOUVER REGISTRY

FEB 28 2024



IN THE SUPREME COURT OF BRITISH COLUMBIA

No. S E 2 4 1 3 6 5
Vancouver Registry

BETWEEN:

Ping Wang also known as Peter Wang, Ding Mi and 1052162 BC Ltd.

PLAINTIFFS

AND:

Qian Fan also known as Sophie Fan, Libin Dong and Bibo Wu

DEFENDANTS

NOTICE OF CIVIL CLAIM

This action has been started by the plaintiffs for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for Response to Civil Claim

A response to civil claim must be filed and served on the plaintiff(s),

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or

- (d) if the time for response to civil claim has been set by order of the court, within that time.

CLAIM OF THE PLAINTIFFS

Part 1: STATEMENT OF FACTS

Parties

1. The plaintiffs, Ping Wang and Ding Mi are spouses with an address for service in these proceedings of 1200-1075 West Georgia Street, Vancouver, BC.
2. The plaintiff 1052162 BC Ltd. ("105") was incorporated on October 15, 2015 pursuant to the laws of British Columbia with an address of service in these proceedings of 1200-1075 West Georgia Street, Vancouver, BC.
3. The defendants, Qian Fan also known as Sophie Fan and Libin Dong are residents of British Columbia, with a last known address of 432 Fitzwilliam Street, Nanaimo, BC.
4. The defendant, Bibo Wu is a resident of Nanaimo, British Columbia with a last known address of 278 Selby St, Nanaimo BC.

Background

5. In the corporate records of 105, the only shares issued by 105 are owned by Ding Mi and the current list of shareholders maintained by 105 lists Ding Mi as its only shareholder. The defendants Qian Fan and Libin Dong have never owned any shares in 105 and the company has never issued shares to either of them.
6. In the corporate records of 105, the only validly appointed directors of 105 are Ping Wang and Ding Mi and the current list of directors maintained by 105 lists Ping Wang and Ding Mi as the only directors and officers of 105.
7. 8899 Holdings Ltd. ("8899") is a company whose shares are solely owned and controlled by Ping Wang. On July 31, 2015, 8899 acquired two adjoining properties located at 5170 Argyle Street, Port Alberni, BC and legally described as:

PID: 002-317-681

Lot 24, Block 86, District Lot 1, Alberni District, Plan 197

PID: 002-317-427

Lot 24, Block 86, District Lot 1, Alberni District, Plan 197
(collectively, the "Port Alberni Property").

8. The Port Alberni Property is a commercial property with leases in place for a pub, restaurant and hotel. The down payment for the Port Alberni Property was paid using funds contributed to 8899 by Ping Wang and Ding Mi.
9. In or around August 8, 2020, 8899 transferred the Alberni Property to 105 for insurance related reasons.
10. On February 28, 2022, 105 acquired a property located at 428 Fitzwilliam Street, Nanaimo BC and legally described as:

PID: 000-159-743

Parcel A (DD 14222N) of Lot 2, Block 33, Section 1, Nanaimo District,
Plan 584
(the "Nanaimo Property")

11. The Nanaimo Property is a commercial property with leases in place for a restaurant. The down payment for the Nanaimo Property was paid using funds contributed to 105 by Ping Wang and Ding Mi.
12. Ping Wang and/or Ding Mi have, at all material times been responsible for expenses and filings related to 105, the Nanaimo Property and the Port Alberni Property including but not limited to all tax filings, annual corporate report filings, speculation tax filings, municipal taxes and fees, property maintenance and corporate expenses related to 105. At no time have the defendants made any contributions towards the expenses or management of 105, the Port Alberni Property or the Nanaimo Property.
13. The British Columbia Land Owner Transparency Registry lists the plaintiffs as the interest holders of the Port Alberni Property and the Nanaimo Property.

Theft of Passwords

14. On or about January 17, 2024, Ping Wang became aware that there had been unauthorized access and use of the BC Online account for 105 (the "Account"). After that time, he became aware that extensive and unauthorized changes were

made to the corporate records of 105 between January 15, 2024 and February 12, 2024. Further unauthorized changes to the BC Online records for 105 were made after those dates which included:

- a. the changing of the registered and records address of 105 was changed to 432 Fitzwilliam Street, Nanaimo, BC, which was, at that time, also listed as the personal address for Qian Fan and Libin Dong;
- b. the directors were retroactively changed effective January 24, 2023 from Ding Mi to Qian Fan and Libin Dong;
- c. the cessation of Ping Wang as a director effective January 24, 2024;
- d. the removal of Qian Fan as a director and the appointment of Bibo Wu as a director effective on February 12, 2024

(the “Unauthorized Changes”)

- 15. The plaintiffs were not aware of, and did not consent to, any of the Unauthorized Changes. Notwithstanding the Unauthorized Changes, at this time Ping Wang continues to be described on 105’s corporate summary as the president of 105.
- 16. After discovering several of the Unauthorized Changes, the plaintiffs demanded Qian Fan restore access to the Account to the plaintiffs so that the Unauthorized Changes could be reverted.
- 17. On February 8, 2024, in response to Ping Wang’s demand, Qian Fan stated that she was a beneficial shareholder of 105 through her ownership of a separate company and that Bibo Wu, was at all times a 50% shareholder of 105. Bibo Wu has denied that he has any present interest in 105 as a shareholder either legally or beneficially.

Fraudulent Acts

- 18. Following the Unauthorized Changes, Qian Fan has, without authorization, falsely represented herself as a director and shareholder of 105 to real estate agents, municipal officials, financing agents and others (the “Community Misrepresentations”).

19. Qian Fan has, or has attempted to, without authorization or colour of right, listed the Nanaimo Property and the Port Alberni Property for sale on behalf of 105.
20. Qian Fan has falsely represented to the tenants at the Nanaimo Property and the Port Alberni Property that she is authorized by 105 to collect the rents for the two properties and demanded that the tenants pay those rents directly to her. In addition, she has threatened the tenants with termination of their leases if the rents are not paid to her.
21. Qian Fan has falsely represented to officials at the City of Port Alberni that she is the owner and responsible for the Port Alberni Property, and as such the City of Port Alberni must work with her exclusively on any matter that arises between the municipality and the Port Alberni Property.

Part 2: RELIEF SOUGHT

22. A declaration that the defendants Qian Fan also known as Sophie Fan, Libin Dong and Bibo Wu are not a directors or shareholders of 105.
23. A declaration that the plaintiffs Ping Wang also known as Peter Wang and Ding Mi are the sole directors of 105.
24. A declaration that the plaintiff Ding Mi is the sole shareholder of 105.
25. An order directing the Registrar of Companies to remove the filed documents effecting the Unauthorized Changes.
26. An order directing the Registrar of Companies to reset the password for the Account and restore exclusive access to the Account to the plaintiffs Ding Mi and Peter Wang.
27. An accounting by the defendants of all rents, funds, benefits income and profit derived by the defendants from the Nanaimo Property and the Port Alberni Property.
28. An order for disgorgement of profits derived by the defendants from the Nanaimo Property and the Port Alberni Property.

29. An interim, interlocutory and permanent injunction prohibiting the defendants from transferring, selling, encumbering, disposing of and otherwise dealing with the Nanaimo Property and the Port Alberni Property.
30. General, special, aggravated and/or punitive damages against the defendants.
31. Certificate of pending litigation against the Nanaimo Property and the Port Alberni Property.
32. Special costs or alternatively ordinary costs.
33. Such further and other relief which to this Honourable Court may seem just.

Part 3: LEGAL BASIS

Rectification of Corporate Records

34. The current corporate records filed with the Registrar of Companies are inaccurate and must be rectified.
35. The *Business Corporations Act*, SBC c. 57, (the “Act”) sections 122 and 123 require the election or appointment of a director to accord with the provisions of the Act. The Unauthorized Changes which purported to appoint Qian Fan, Libin Dong and later, Bibo Wu as directors are of no effect and must be vacated as the only party with the power to effect a replacement of directors was Ding Mi. Ding Mi did not consent to any such election or appointment.
36. Sections 35 and 37 of the Act require a change of registered and records office to accord with the provisions of the Act. The Unauthorized Changes purported to change the registered and records office to the personal address of Libin Dong and Qian Fan. Only the valid directors of 105 could consent to such a change and the valid directors at the time, Ping Wang and Ding Mi, did not consent to such a change.
37. Pursuant to section 19 of the Act, 105’s articles form a contract between the company and its shareholders. 105’s sole shareholder, Ding Mi, did not vote for any of the Unauthorized Changes either as a shareholder or director.

Interest In Land

38. 105 is the sole registered owner of the Nanaimo Property and the Port Alberni Property. It has legal ownership and is presumed. The fact that a registered owner holds indefeasible title in land creates a presumption that the owner is indefeasibly entitled to that registered land in fee simple. As the registered owner it claims an interest in both properties pursuant to section 215(1) of the Act.
39. The CPL is necessary as 105 must protect itself from the fraudulent activities of the defendants which undermine its ownership rights in those properties and its ability to derive the benefits of that ownership.
40. In addition, Ping Wang and Ding Mi claim an interest in the Nanaimo Property and the Port Alberni Property on the basis that their payment towards the properties represent a traceable portion of the funds used to purchase the properties. The funds used to purchase the properties were impressed with a constructive trust in favour of Ping Wang and Ding Mi.
41. Given their payments towards the down payment of the Nanaimo Property and Port Alberni Property, Ping Wang and Ding Mi possess a beneficial interest and 105 holds the properties in a remedial constructive trust, or, alternatively, a resulting trust.
42. A monetary award will be insufficient to Ping Wang and Ding Mi.

Damages

43. As a result of the Unauthorized Changes the plaintiffs, including 105, have suffered loss and damage and will continue to suffer loss and damage until the Unauthorized Changes are rectified and the defendants are restrained from further interference in the ownership rights of 105.
44. As a result of the Community Representations, which were made fraudulently, the plaintiffs have suffered loss and damage by, among other things, loss of rental income which was paid to the defendants.
45. The funds paid to the defendants as a result of the Community Representations form a constructive trust in favour of the plaintiffs.

46. The defendants have been enriched through the Community Representations to the corresponding detriment of the plaintiffs and there is no juristic reason for that enrichment.

Plaintiffs' address for service: Watson Goepel LLP
1200 -1075 West Georgia Street
Vancouver, BC
V6E 3C9
Attention: Micah Goldberg

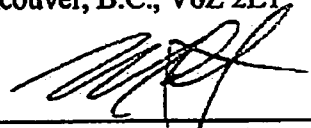
Fax number address for service (if any): (604) 688-8193

E-mail address for service (if any): litigationservice@watsongoepel.com

Place of trial: Vancouver, British Columbia

The address of the registry is: 800 Smithe Street
Vancouver, B.C., V6Z 2E1

Date: February 28, 2024



Signature of Micah Goldberg
Counsel for the Plaintiffs

Rule 7-1 (1) of the *Supreme Court Civil Rules* states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
- (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list on all parties of record.

APPENDIX

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

Claim for rectification of corporate documents and return of funds

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

- ☐ a motor vehicle accident
- ☐ medical malpractice
- ☐ another cause

A dispute concerning:

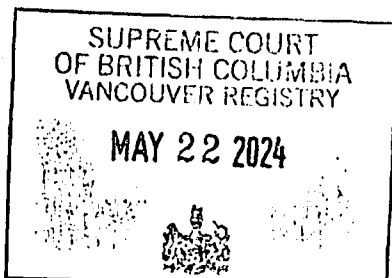
- ☐ contaminated sites
- ☐ construction defects
- ☒ real property (real estate)
- ☐ personal property
- ☐ the provision of goods or services or other general commercial matters
- ☐ investment losses
- ☐ the lending of money
- ☐ an employment relationship
- ☐ a will or other issues concerning the probate of an estate
- ☐ a matter not listed here

Part 3: THIS CLAIM INVOLVES:

- ☐ a class action
- ☐ maritime law
- ☐ aboriginal law
- ☐ constitutional law
- ☐ conflict of laws
- ☒ none of the above
- ☐ do not know

Part 4:

Business Corporations Act, SBC c. 57,



S-243348

No.
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

BIBO WU

Petitioner

And:

1052162 B.C. Ltd.

Respondent

PETITION TO THE COURT

ON NOTICE TO: 1052162 B.C. Ltd.

The address of the registry is:

800 Smithe Street, Vancouver, BC

The petitioner estimates that the hearing of the petition will take 10 minutes.

☒ **this matter is not an application for judicial review.**

This proceeding is brought for the relief set out in Part 1 below, by

☒ **the person named as petitioner in the style of proceedings above**

If you intend to respond to this petition, you or your lawyer must

(a) file a response to petition in Form 67 in the above-named registry of this court within the time for response to petition described below, and

(b) serve on the petitioner

(i) 2 copies of the filed response to petition, and

(ii) 2 copies of each filed affidavit on which you intend to rely at the hearing.

Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the response to petition within the time for response.

Time for response to petition

A response to petition must be filed and served on the petitioner,

- (a) if you were served with the petition anywhere in Canada, within 21 days after that service,
- (b) if you were served with the petition anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the petition anywhere else, within 49 days after that service, or
- (d) if the time for response has been set by order of the court, within that time

- (1) The ADDRESS FOR SERVICE of the petitioner is: BORDEN LADNER GERVAIS LLP
1200 Waterfront Centre
200 Burrard Street
P.O. Box 48600
Vancouver, British Columbia
V7X 1T2
Attention: Hunter Parsons/ Amy Laverdure

Fax number address for service (if any) of the petitioner: None

E-mail address for service of the petitioner: hparsons@blg.com/ alaverdure@blg.com

- (2) The name and office address of the petitioner's lawyer is: BORDEN LADNER GERVAIS LLP
1200 Waterfront Centre
200 Burrard Street
P.O. Box 48600
Vancouver, British Columbia
V7X 1T2
Attention: Hunter Parsons/ Amy Laverdure

CLAIM OF THE PETITIONER

PART 1: ORDERS SOUGHT

The petitioner, Bibo Wu ("Mr. Wu") applies for the following:

1. A declaration that Mr. Wu has never provided his consent to act as a director of 1052162 B.C. Ltd. ("105 Ltd.").
2. A declaration that Mr. Wu has never been a director of 105 Ltd.

3. An order that any references in the corporate documents of 105 Ltd. that Mr. Wu was a director of 105 Ltd. are a nullity.

4. 105 B.C. Ltd. to pay to Mr. Wu the costs of this proceeding.

PART 2: FACTUAL BASIS

1. 105 Ltd. is a company incorporated on October 15, 2015 under the laws of the Province of British Columbia, with a registered and records office at 432 Fitzwilliam Street, Nanaimo, British Columbia.

Affidavit #1 of B. Wu made on ___ May 2024, Exhibit "C".

2. Mr. Wu is an individual with an address for service for the purposes of this proceeding at 1200 – 200 Burrard Street, Vancouver, British Columbia.

3. Mr. Wu is not, and has never been, a shareholder of 105 Ltd. The shareholders of 105 Ltd. are Ping Wang (50 shares) and Ding Mi (100 shares).

Affidavit #1 of B. Wu, Exhibit "B", para. 6.

4. Mr. Wu has never provided his consent to act as director of 105 Ltd.

Affidavit #1 of B. Wu, para. 4.

5. Mr. Wu has never provided his consent to hold an office of 105 Ltd. Mr. Wu has never had any involvement whatsoever with 105 Ltd.

Affidavit #1 of B. Wu, paras. 4-6.

6. On May 2, 2024, Mr. Wu became aware that he was added as a director of 105 Ltd. without his knowledge or consent when he was served with a Notice of Civil Claim that named him as a defendant in his capacity as a director of 105 Ltd.

Affidavit #1 of B. Wu, paras. 2-3.

7. On February 12, 2024, a Notice of Change of Directors for 105 Ltd. was filed with the registrar indicating that Mr. Wu had been appointed as a new director of 105 Ltd. and was a director of 105 Ltd. as at February 12, 2024.

Affidavit #1 of B. Wu, Exhibit "D".

8. Mr. Wu did not provide consent to, and he did not have knowledge of being appointed as a director of 105 Ltd.

Affidavit #1 of B. Wu, para. 4.

9. Mr. Wu has never attended any meetings of 105 Ltd.

Affidavit #1 of B. Wu, para. 8.

10. Mr. Wu was removed as director of 105 Ltd. on May 16, 2024 when a Notice of Change of Directors was filed with the registrar indicating Mr. Wu had ceased to be a director of 105 Ltd. and that the only director of 105 Ltd. was Libin Dong.

Affidavit #1 of B. Wu, Exhibit "D".

11. Mr. Wu did not act or perform any functions, or receive any benefits as a director of 105 Ltd. between February 12 to May 16, 2024.

Affidavit #1 of B. Wu, para. 9.

PART 3: LEGAL BASIS

1. This proceeding concerns the provisions of Part 5, Division 1 – Directors under the *Business Corporations Act*, S.B.C. 2002, c. 57. Section 129(4) of the *Act* provides that the Court may make an order to remove an individual as director if:

- a. the designation, election, of appointment of the individual was never valid within the meaning of section 121(2) or 122(4), or
- b. the individual was never designated, elected or appointed to the office in question.

Business Corporations Act, S.B.C. 2002, c. 57, s. 129.

2. Section 122 of the *Act* sets out the circumstances in which an individual may be appointed as succeeding director of a company. Specifically, section 122 provides:

(1) Directors, other than first directors of a company who are in their first term of office, must be elected or appointed in accordance with this Act and with the memorandum and articles of the company.

...

(4) No election or appointment of an individual as a director under this section is valid unless

(a) the individual consents in accordance with section 123 to be a director of the company, or

(b) the election or appointment is made at a meeting in which the individual is present and the individual does not refuse, at the meeting, to be a director.

Business Corporations Act, S.B.C. 2002, c. 57, s. 122.

3. Section 123 of the *Act* provides that:

(1) An individual from whom consent is required under section 121 or 122 may consent:

(a) By providing a written consent, before or after the individual's designation, election or appointment,

(i) in the case of a director referred to in section 121(2)(a)(ii) or 122(4)(a), to the company,

...

(b) by performing functions of, or realizing benefits exclusively available to, a director of the company,

...

(ii) in the case of a director referred to in section 122 (4)(a), after the individual knew or ought to have known of the individual's election or appointment as a director.

Business Corporations Act, S.B.C. 2002, c. 57, s. 123.

4. The appointment of Mr. Wu as director of 105 Ltd. on February 12, 2024 was never valid as he did not consent to be a director of 105 Ltd. in writing, or provide consent by performing any functions or realizing any benefits of being a director of 105 Ltd.

5. Further, Mr. Wu did not attend any meetings of 105 Ltd., let alone a meeting in which he was appointed as a director of 105 Ltd. The appointment of Mr. Wu as a director of 105 Ltd. is not valid.

6. Mr. Wu has recently ceased to be a director of 105 Ltd. However, Mr. Wu has never been a valid director of 105 Ltd. and the company records ought to reflect that. Given the appointment was invalid to begin with, Mr. Wu seeks a declaration to that effect, and an order that all references to him as a director of 105 Ltd. in its corporate records are a nullity.

PART 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Bibo Wu made 21 May 2024.
2. Such further and other material as counsel may advise and this Honourable Court may permit.

Date: 21 May 2024



Signature of Amy Laverdure

☐ petitioner ☒ lawyer for petitioner

To be completed by the court only:

Order made

☐ in the terms requested in paragraphs _____ of Part 1 of this petitioner.

☐ with the following variations and additional terms:

Date: _____

Signature of ☐ Judge ☐ Associate Judge

No.
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

BIBO WU

Petitioner

And:

1052162 B.C. Ltd.

Respondent

PETITION TO THE COURT

HJP/ AKL

567848/000001

BORDEN LADNER GERVAIS LLP
1200 Waterfront Centre
200 Burrard Street
P.O. Box 48600
Vancouver, British Columbia
V7X 1T2
Telephone: (604) 687-5744
Attention: Hunter Parsons/ Amy Laverdure

Goldberg, Micah

From: Emmett Scrimshaw <EScrimshaw@nanaimolaw.com>
Sent: May 24, 2024 10:41 AM
To: Goldberg, Micah
Cc: Renaud, Hilary; Nadine Wadwell
Subject: RE: Nanaimo Queens Hotel Ltd.

Micah,

I confirm that the director of Zhong Tie is now registered as Ping Wang, effective February 12, the date of the initial change. No other details have been altered.

With respect to 1052162, I saw this morning that changes had been recently made by someone other than me or my client. It appears that yesterday Ping Wang was reinstated and Libin Dong was removed. Bibo Wu was removed at a prior date. I am not aware how this occurred.

I trust this is satisfactory for now.

Regards,

Emmett Scrimshaw
Barrister & Solicitor
Heath Law LLP
200-1808 Bowen Road
Nanaimo, B.C. V9S 5W4
t. 250.824.2069 f. 250.753.3949
e-mail escrimshaw@nanaimolaw.com
website www.nanaimolaw.com



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Goldberg, Micah

From: Emmett Scrimshaw <EScrimshaw@nanaimolaw.com>
Sent: June 4, 2024 1:49 PM
To: dingmi2010@gmail.com
Cc: Goldberg, Micah; Nadine Wadwell
Subject: 1052162 BC Ltd.

Dear Ding Mi,

I have been advised to correspond directly with you by your counsel, Micah Goldberg (copied).

I understand that the password for accessing the BC online corporate registry for 1052162 BC Ltd. is **20151015**
I confirm that our firm has not made changes to the company's registry information at any time.

I trust this is satisfactory.

Regards,

Emmett Scrimshaw
Barrister & Solicitor
Heath Law LLP
200-1808 Bowen Road
Nanaimo, B.C. V9S 5W4
t. 250.824.2069 f. 250.753.3949
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website www.nanaimolaw.com



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McGILL & ASSOCIATES ENGINEERING LTD.
Consulting Engineers

4610 Elizabeth Street, Port Alberni, BC V9Y 6L7 Phone 250-724-3400
Permit to Practice #1002564

May 2, 2024

McGill Job #: 4677

Mike Owens
City of Port Alberni – Fire Chief
3699 10th Avenue
Port Alberni, BC V9Y 4W3

Re: 5170 Argyle Street Condition Assessment

Dear Mike:

BACKGROUND

McGill & Associates Engineering Ltd. (McGill) has completed an assessment of the structural, building envelope, and life-safety architectural elements of the building in question. McGill assessed the structural and building envelope components and engaged Jensen Group Architecture (JGA) to assess the life-safety architectural components; JGA's report is appended to and is summarized in this report. The purpose of our review was to identify safety issues, recommend remedial measures, and to provide an opinion of probable cost (OPC) for the recommended work. The assessment was based on primarily on a visual review of the building. No removal of finishes was performed and access to some residential suites upstairs was not possible. We have also offered recommendations for assessment of other potential safety items that were not in our scope (eg. electrical, plumbing, hazardous materials).

Below is a figure showing the subject site and building.



Figure 1 – Aerial View of Subject Site and Building

DRAWINGS REVIEWED

McGill was in possession of one drawing from 1988 showing the ground floor plan and also a fire safety plan from 1977. Neither drawing was particularly helpful or relevant. McGill produced floor plans as part of this assignment, although accuracy and completeness was limited at the upper floors as access to some residential suites was not possible.

BUILDING DESCRIPTION

The building is a total of three storeys. The site slopes significantly, with ground-level access to Level 1 at the northwest corner and to Level 3 at the southeast corner. Level 2 is present only at the west end of the building and is accessed by interior stairs that lead from Level 1 to 3; the second exit for this level is a steel fire escape on the south elevation of the building.

The structure appears to primarily be of wood frame construction. According to data from BC Assessment, it was constructed circa 1956.

Table 1 – Building Description	
Address	5170 Argyle Street, Port Alberni, BC
Number of storeys	3
Date of Construction	Circa 1956
Building Area	Approx 750m ²
Major Occupancies	Assembly (Level 1) Residential (Levels 2 and 3)
Sprinklered	Yes (unknown if functioning)
Construction Type	Light wood framing (combustible)
Roofing	Flat with tar & gravel + sheet membrane patches
Wall Cladding	Stucco (non rainscreen)
Windows	Aluminum (Level 1) Vinyl (Levels 2 and 3)

SITE OBSERVATIONS

Architectural Code Review (Fire-Safety & Egress)

Below is a high-level summary of observations related to fire safety and egress. See attached report by JGA for further details.

- General
 - Unknown if sprinkler system functions properly.
 - Unknown if fire alarm system functions properly.
 - Numerous instances of missing or non-functioning exit signage.
 - Numerous instances of missing or non-functioning emergency lighting.
 - Numerous holes in ceilings and walls that serve as fire separations due to leaks and service penetrations.
- Level 1
 - Required second exit from the pub leads through back-of-house hallways with numerous deficiencies (doors with locks, obstructions).
 - Stairs in pub non-conforming (excessive rise/run, missing landings, missing handrails etc).
- Residential Floors (Levels 2 and 3)
 - Numerous instances of missing smoke and CO alarms

- Doors to residential suites do not provide required fire rating
- Some units at Level 2 are served by "dead-end hallway" 17.5m in length. Maximum code limit is 6m (see appended sketch).
- The existing fire escape is non-code compliant and also is in very poor condition structurally.
- At Level 3, windows that face into light well do not provide required fire protection rating.

Structural

A summary of observations related to structural components is provided below.

- The fire escape is in poor condition.
- The roof structure appeared to be in sound condition where visible but there are known active roof leaks and there also appear to be plumbing leaks at some locations. There is a high probability of hidden deterioration.
- Wall structures were primarily concealed but there is a high probability of hidden deterioration due to poor performance of the building envelope.
- The building was built before any appreciable wind/seismic provisions were incorporated into the building code and thus the building is significantly deficient in this regard.

Building Envelope

A summary of observations related to building envelope components is provided below

- Numerous instance of roof leaks were observed. It is unknown if leaks are active but the roofing appears to generally be in poor condition.
- Exterior walls are clad with stucco. There are multiple instances on the front wall where the stucco has failed, apparently due to water ingress.
- The interior side of the wall is likely not provided with an appropriate air/vapour barrier.
- The walls are not protected by a roof overhang.
- Overall, there is a high risk of moisture-induced deterioration in the walls.

DISCUSSION & RECOMMENDATIONS

It is common for older buildings to have deficiencies relative to current building codes. Deficiencies can arise because of changes in the building code, unpermitted construction, or issues with original construction. A certain degree of elevated risk due to deficiencies is generally-accepted in older buildings. Below are our recommendations to achieve what is, in our opinion, a level of safety that is comparable to other buildings of similar type and vintage. Of course, addressing all deficiencies would be preferable from a safety perspective, but such an approach is not practical and would impose an unfair burden on the building owner.

Architectural Code Review (Fire-Safety & Egress)

The level of non-compliance and risk for the building is overall much higher than for even comparable buildings. The most relevant considerations are noted below.

- Exit signage and emergency lighting is very poor throughout and is relatively easy to correct.
- The fire sprinklers and fire alarm are critical safety components and it is unknown if they are functioning properly. They should be assessed and remediated as required.
- Smoke/CO alarms are critical safety components and several are missing.
- The fire escape is critical to exiting, but is non-compliant and in poor condition.
- The second exit from the pub (to the back hallway) is very poor, primarily due to obstructions and inappropriate door hardware along the path of travel.

- The fire escape and rear exit from the pub lead to an alley on the south elevation from 1st Avenue. The alley is part of the egress path from the building and must be kept clear and any gates/doors must meet requirements for exit doors, including panic hardware.
- The exit sign from the Pub towards the restaurant will potentially lead occupants to a locked door and more convoluted (and not required) exit path.
- The dead-end hallway at Level 2 is well beyond the code limit.
- Holes in walls and ceilings throughout the building have compromised fire separations, particularly, large holes in the ceiling at Level 2 and Level 3.
- Residential suite doors are very poor from a fire-safety perspective.
- The suites facing the light well do not have adequate fire separation from each other as fire can easily spread via the windows. Provided that the fire sprinklers are working, egress from windows is not required. Of course, a lack of operable windows would further reduce already-deficient ventilation of the suites.

We recommend remedying all of the above deficiencies. If this is completed, the fire-safety and egress provisions for the building will achieve a level of risk comparable to other buildings of this type and vintage.

Structural

Most of the aforementioned structural deficiencies are common to buildings of this type and vintage. The fire escape is a particularly acute risk and we recommend replacing the fire escape in its entirety.

Building Envelope

Most of the aforementioned building envelope deficiencies are common to buildings of this type and vintage. However, the numerous roof leaks are a significant concern as leaks have already compromised ceiling finishes and may also be causing undetected structural deterioration or other health risks. We recommend replacing the roof and repair of the failed stucco.

FURTHER RECOMMENDED ASSESSMENT

HVAC

If the kitchen is to be used, it is recommended that the ventilation be assessed, as improper ventilation increases risk of fires caused by built-up grease in ducts.

Plumbing

We recommend that the plumbing systems be assessed, particularly to confirm appropriate backflow preventions and adequate water service for fire sprinklers. Note we also recommended that the fire sprinkler system be assessed under the Fire-Safety section.

Electrical

We recommend that the electrical system be assessed for life-safety risks.

Hazardous Materials

We recommend that air sampling be performed to confirm harmful contaminants are below acceptable levels. A hazardous materials survey will also need to be performed before any demolition or exploratory work, as is required for all pre-1990 buildings.

OPINION OF PROBABLE COST

McGill has prepared an opinion of probable cost (OPC) for the completion of the recommendations above. This OPC is intended to represent fair market value for the repair work, inclusive of soft costs such as consulting and permit fees. It is highly uncertain and conceptual and many items are simply reasonable allowances for assumed or unknown conditions. We have assumed that no hazardous materials requiring abatement are present. A hazardous materials survey will be required before construction and we recommend that it be performed as soon as possible so that any related costs can be accounted for.

Our OPC to complete the aforementioned recommendations is \$938,000 (rounded), including allowances for construction contingency and consulting fees. Value added taxes are not included. Please see the attached breakdown for further details.

Please note that our OPC is intended only to achieve "order of magnitude" accuracy for initial discussion and planning. If a more accurate figure is desired, McGill can prepare drawings and specifications for the work which can be priced by a contractor or professional cost consultant. Any reliance the owner places on this OPC is at their own risk. This report was prepared for the City of Port Alberni and is not for the use or benefit of, nor may it be relied upon by any other person or entity. This report was prepared in accordance with generally accepted engineering practices. No other warranties, expressed or implied, are made regarding the content of this report.

Please don't hesitate to contact me should you require further clarification.

Yours truly,

for McGill & Associates Engineering Ltd.

Prepared by:



Brandon Paxton, P.Eng.
Professional Engineer

Reviewed by:

Brad West, P.Eng.
Principal

Encl.

Opinion of Probable Cost Breakdown

Report by Jensen Group Architecture and accompanying sketches.

5170 Argyle Street Condition Assessment

02-May-24

OPINION OF PROBABLE COST BREAKDOWN

Item	Discipline	Cost
Roof replacement Incl new sheathing	Envelope	\$ 110,500
Repair Stucco	Envelope	\$ 28,500
Repair water damaged roof joists (allowance)	Structure	\$ 39,000
Interior debris cleanup	Misc	\$ 8,000
Wall/Celling Fire Sep Repairs	Fire-safety/Egress	\$ 96,150
Stair railings	Fire-safety/Egress	\$ 4,800
Fire escape	Structural	\$ 75,000
Ladder from window well to roof	Structural	\$ 8,500
Fire rated suite doors	Fire-safety/Egress	\$ 100,000
Rear pub exit (rated partitions/doors)	Fire-safety/Egress	\$ 50,000
Exit signs and emergency lighting	Electrical	\$ 50,000
Repairs in restaurant	Fire-safety/Egress	\$ 15,000
Fumigation & extermination	Misc	\$ 5,000
Sewage leak	Plumbing	\$ 5,000
sprinkler assessment	Fire-safety/Egress	\$ 7,500
Fire alarm verification	Fire-safety/Egress	\$ 7,500
Install smoke/CO alarms throughout building	Fire-safety/Egress	\$ 5,000
Kitchen HVAC Assessment	Fire-safety/Egress	\$ 2,500
Plumbing safety assessment	Plumbing	\$ 2,500
Electrical safety assessment	Electrical	\$ 2,500
Hazardous materials assessment	Misc	\$ 5,000
	Subtotal	\$ 627,950.00
Construction Contingency (25%)		\$ 155,000
Permits and consulting fees (25%)		\$ 155,000
	Total	\$ 937,950



By David Wiwchar

City debates Port Pub demolition

Jun 10, 2024 | 9:38 AM

The city wants the Port Pub torn down.

The long-time nuisance property was cleared out two weeks ago after building inspectors discovered airborne asbestos throughout the second-floor apartments area.

More than two-dozen tenants in the no-barrier building were then evicted, and various social service agencies came together to find them other accommodations.

City CAO Mike Fox said building owner Peter Wang has not responded to letters, e-mails or invoices from the city.

Article continues below ad

Wang currently owes more than \$200,000 for security costs and tens of thousands of dollars in municipal fines.

The proposed demolition order will be debated at today's city council meeting.

by David Wiwchar

Goldberg, Micah

From: Emmett Scrimshaw <EScrimshaw@nanaimolaw.com>
Sent: June 26, 2024 2:01 PM
To: Goldberg, Micah
Cc: Renaud, Hilary; Nadine Wadwell; Keomi Vance
Subject: RE: Li Bin Dong
Attachments: City of Port Alberni Bylaw Offence Notices.pdf; City of Port Alberni Bylaw Violation Notice letter.pdf; WorkSafe BC Follow Up Inspection Report #1.pdf

Micah,

As the mailing address of 1052162 BC Ltd. was (and perhaps still is) listed as the Oxy Pub in Nanaimo, the attached bylaw violation documents and Worksafe BC letter addressed to 1052162 BC Ltd. were delivered to my client's attention very recently. I have scanned the bundle of documents, attached, and am providing them to you for further handling. I trust this is satisfactory.

I would encourage your clients to update the mailing address of 1052162 BC Ltd. as soon as possible.

Regards,

Emmett Scrimshaw
Barrister & Solicitor
Heath Law LLP
200-1808 Bowen Road
Nanaimo, B.C. V9S 5W4
t. 250.824.2069 f. 250.753.3949
e-mail escrimshaw@nanaimolaw.com
website www.nanaimolaw.com



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By order of PAFD: All Port Pub tenants face homelessness after sudden mass eviction

By [Denise Titian](#) / May 29, 2024



Port Alberni, BC - Tenants of Port Pub, a 30-room, run-down nuisance property that is home to some of Port Alberni's most underprivileged, woke to troubling news on

Wednesday, May 29 – they had just a few short hours to pack what belongings they could and move out.

At 9:35 that morning the City of Port Alberni issued a statement detailing the events that led up to the latest evacuation of Port Pub.

“The City of Port Alberni is addressing a concerning situation involving hazardous materials at 5170 Argyle Street,” stated the city. “Following a remedial action order and subsequent inspections, it has been confirmed that immediate action is necessary to minimize exposure to these materials. As a result, employees and contractors have been removed from the site. This has resulted in the enactment of a Fire Order prompting the evacuation of the building due to the absence of active fire systems in the building.”

The news was so unexpected and sudden that tenants didn’t know what they could pack in a few hours or where they would go.

Port Alberni Fire Department Chief Mike Owens had the unenviable job of informing Port Pub residents of the sudden eviction order. Shortly after noon he approached some Port Pub residents in the alley next to the building, asking to have them come out to hear what he had to say to them.

With most of the residents standing around him in the alley, Owen talked about what has happened at the building since the City of Port Alberni issued a remediation order to the owner of the building in January.

He said the roof is compromised and ceilings are falling down. In February there was an issue with the fire alarms, which the city paid to have fixed for the safety of the residents. Shortly afterward, someone triggered the sprinkler system and it has since been disabled.

With no audible fire alarm and no sprinklers, the city hired security to respond in case of fire. In addition, the city has begun remedial work to make the building safe. The work at the building will be billed to the owner, along with the cost of security staff.



Debris from crumbling ceilings was sent for testing and asbestos was discovered. Chief Owen said Worksafe BC, in the absence of exact numbers, has deemed the asbestos exposure risk as moderate to high.

"We can't have fire watch people there," Owen told the residents.

He told them they had until 3 p.m. to evacuate the building. When asked why they don't get a 90-day notice, Owen told them that is not the case with a Fire Order.

Outreach workers were on standby, some offering food, water and packing boxes. SPCA staff were also there with pet carriers, offering to house the animals until their owners found a place to live.

Residents milled around the alley, shocked, confused, visibly angry and upset. A woman emerged from the doorway wrapped in a blanket. She later came out of the building, crouched down on the pavement, and cried, as an outreach worker comforted her with a hug.

Most of the people living at Port Pub are on social assistance. They may not have much, but what they do have is important to them, including the crumbling roof over their heads.

"Where do we go?" asked one of the men.

"We are hoping to figure that out," said Owen.

He advised the tenants to speak to the Canadian Mental Health Association's housing intake workers that were on site, clipboards in hand. With little more than an hour left to pack, residents that didn't get registered with intake workers on site were told to go to New Horizons Clubhouse to register there.

The outreach workers know the people by name. They were about as upset as the residents were.

"This is not fair," one of them said.



There were no moving trucks, but Chief Owens said they had a vehicle available to help out. The only wheels some residents have are bicycles.

Later in the day the building would be boarded up and secured, Owen told the residents.

"What about the food in our fridges?" asked a woman.

"How are we supposed to get the rest of our shit?" asked a man.

The tenants were told that they would be able to access their belongings left behind at a later date, but Owen could not say when that would be.

Clearly angry, one of the residents said they have nowhere to go. She said they might as well build a tent city on the vacant lot next to the Port Pub.

Cory Touchie was in the alley observing the activity. With no spoon, he ate his yogurt off of his fingertips. He said he used to live at Port Pub and was only there that day to see if any of his friends needed help moving. He knew about the mass eviction before the residents did.

"When I got kicked out, I only had five hours to get out," he shared.

He said he could only take one bag, and, with no where to go, temporarily stayed with a cousin. He says he's been on the streets on and off for about 20 years.

"My uncle lives here," said Touchie. "He used to take me everywhere, bike riding, showing me who family is."

When asked if he thinks the building will be torn down, Touchie said, "well, they'd better build a fire wall around it first, with all the rats and cockroaches in there."

Touchie said there was a bedbug infestation during his time at the hotel.

"We got infested real fast – my girlfriend woke up with three big bed bugs on her cheek," he recalled.

Touchie is still homeless. His belongings, including bags with yogurt cups and avocados, were set on a half-wall as he waited for friends to come out of the building. He said he mostly stays by the Safe Injection Site or by the Shelter on Eighth.

"We like to go somewhere where it's safe," he said.

An Island Health outreach worker said that she hopes community resource services come together to collaborate to better support the displaced residents.

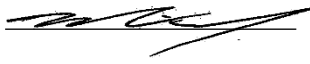
Date: July 9, 2024

File No: 4020-30 5170 Argyle

To: Mayor & Council

From: M. Fox, CAO

Subject: Report Template

Prepared by: DANIELLE LEUREBOURG DIRECTOR OF CORPORATE SERVICES	Supervisor: M. Fox CAO	CAO Concurrence:  M. Fox, CAO
---	-------------------------------------	--

RECOMMENDATION[S]

In accordance with Section 78(4) After providing the opportunity referred to in subsection (3), council may confirm, amend or cancel the remedial action requirement.

PURPOSE

This report is intended to provide Council with additional background with regard to the request for reconsideration received from 1052162 BC Ltd., the owners of 1570 Argyle Street June 25, 2024.

BACKGROUND

January 22, 2024 Council passed the following Remedial Action Requirement on the property at 1570 Argyle Street:

1. *THAT Council, pursuant Sections 72 and 73 of the Community Charter, considers that the property at 1570 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") is in an unsafe condition and that the structure on the Property (the "Structure") contravenes the BC Building Code and the Port Alberni Building Standards Bylaw No. 4975, 2018;*
2. *THAT Council, pursuant to Sections 72 and 74 of the Community Charter, declares 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;*
3. *AND FURTHER THAT Council, pursuant to Section 72, 73 and 74 of the Community Charter, resolves that:*
 - a. *1052162 BC Ltd., being the registered owner of the Property (the "Owner"), is hereby required to:*
 - i. *carry out the following work within 30 days of the date that notice of this Resolution is sent to the Owner:*
 1. *Repair the exterior walls of the Structure, including coping and flashing, to restore the integrity of the building envelope to a condition sufficient to protect the Structure from the weather and from infestations of insects, rodents and other pests, including without limitation by:*
 - a. *remediating any holes, breaks, loose or rotting boards or timbers and*

any other condition which might permit the entry of insects, rodents or other pests to the interior of the walls or the interior of the Structure;

b. Applying paint, stain or other protective coating to the exterior walls so as to adequately protect them against deterioration;

- 2. Remove or permanently cover all graffiti from the exterior of the Structure;*
- 3. Replace/repair all broken or missing handrailing on staircases;*
- 4. Replace all broken, cracked or otherwise compromised exterior windows to a weathertight condition which operates to provide light and ventilation;*
- 5. Replace or repair all damaged, decayed or deteriorated window sashes, window frames and casings;*
- 6. Replace or repair all exterior doors of the Structure so that they are weathertight, operational, fit tightly within their frames when closed and self closers are operational with no binding, and locked so as to prevent entry, with at least one entrance door capable of being locked from both inside and outside;*
- 7. Replace or repair all interior entrance doors and door frames for each unit to be fitted with proper fitting door in good operating condition and provide locking door knobs;*
- 8. Replace or repair the roof of the Structure to a watertight condition with no leaks;*
- 9. All drywall repairs to be completed for fire separation and integrity of building;*
- 10. An engineer and/or architect must attend, inspect and sign off on the replacement and repair of the fire safety and exit issues;*
- 11. Replace or repair all fire escapes and devisees for safe exiting, stairs to a safe and clean condition free from rot, holes, cracks, excessive wear and warping, or hazardous obstructions;*
- 12. Have licensed electrician inspect and repair all electrical to ensure all lighting, cover plates and smoke and co2 detectors to be in working operation;*
- 13. Have a licensed plumber evaluate and make repairs to all communal washrooms, as required inclusive of showers, toilets and hot water tanks;*
- 14. Replace or repair all fire protections systems, heat detections, smoke detections, fire alarms, fire extinguishers, sprinkler systems, exit signs, emergency lighting, annunciator panel, fire separations and means of egress required by the BC Building Code and BC Fire Code to a functional and unobstructed condition;*
- 15. Remove and properly dispose of all refuse from the interior and exterior common spaces of the Property, including food waste, combustibles, noncombustibles ,furniture, appliances, tires, construction waste, stripped or wrecked automobiles, trucks, trailers, boats, vessels or machinery; parts or components of any of the aforementioned, to an appropriate disposal site;*
- 16. Designate a space or area for daily refuse on premises and not in emergency egress areas;*
- 17. Eliminate all rodents, vermin and insects and soiling's from the Structure;*
- 18. Permanently remove all objects placed, stored, or maintained upon any hallways, or entrance way which may interfere with access or egress to or from*

the Building in case of fire or other emergency, including all access areas on the Property; and

- 19. Prepare a Fire Safety Plan in cooperation with Port Alberni Fire Department and Approved from Fire Prevention Officer.*

Compliance & Reconsideration Notice Time Limit Recommendations:

4. AND FURTHER THAT Council, pursuant to Section 78 of the Community Charter, direct staff to advise the Owner that the Owner may request that Council reconsider this Resolution by providing written notice within 14 days of the date on which notice of the Remedial Action Requirement was sent to the Owner.

Municipal Action at Defaulter's Expense:

5. AND FURTHER THAT Council, pursuant to Section 17 of the Community Charter, authorizes City staff to carry out any requirement set out in Paragraph 3 of this Resolution which the Owner fails to complete within the time permitted by this Resolution, and to recover the cost of carrying out such requirement from the Owner as a debt.

No request for reconsideration was provided for the January 22, 2024 Remedial Action Requirements. This order is not in dispute by the owners.

A second Remedial Action Requirement was brought to Council June 10, 2024 for consideration. This Remedial Action Order was deferred so that Council could approach BC Housing.

Council passed the following Remedial Action Requirement June 24, 2024:

THAT Council pass a resolution for a remedial action requirement in the following terms:

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*

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 request for reconsideration was received on June 25, 2024 from the Counsel of 1052162 BC Ltd.

ALTERNATIVES/OPTIONS.

- 1. That Council confirm the decision of June 24, 2024*

This would entail that the owner would have to submit an application for a demolition permit no later than July 25, 2024 and within 30 days of receipt of the demolition permit, 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.

2. *That Council amend the decision of June 24, 2024*

Council may amend the decision of June 24, 2024 with different conditions. This may include, but is not limited to, varied conditions or extended timelines.

3. *That Council cancel the decision of June 24, 2024*

This would entail that the order to demolish the building would no longer be in place, however, the remedial action requirement of January 22, 2024 would still remain.

ANALYSIS

The Property is in violation of many City bylaws, and has numerous outstanding violation tickets. Voluntary compliance, letters, orders, tickets, site inspections, and the January Remedial Action Requirement has not resulted in compliance.

Throughout the process, the City has continued to send correspondence to all contacts for directors and legal counsel on file, including mail and email addresses, as there were a number of instances of changing directors.

IMPLICATIONS

Outstanding fines and costs owed to the City total \$291,598.64.

These costs may not reflect most recent invoicing and continue to accrue.

The current 2024 land & improvements assessed value of the property [Class 6 – Commercial]. is \$1,016,500. Land only assessed value is \$200,803.

Cost implications associated with demolition of the Structure and clearing of the site are approximately \$187,000 plus 15 percent contingency, totalling \$215,050.

The Condition Assessment received from McGill and Associates Engineering Ltd. dated May 2nd was based on an assessment of the structural, building envelope, and life-safety architectural elements of the building in question. The assessment was based primarily on a visual review of the building. No removal of finishes was performed and access to some residential suites upstairs was not possible. The opinion of probable cost provided for the recommended work is \$937,950. This does not include items outside of the firm's scope (eg. electrical, plumbing, hazardous materials).

COMMUNICATIONS

Notice of a decision under Section 78 (4) must be provided in accordance with section 77 (1) and (2) [notice to affected persons].

BYLAWS/PLANS/POLICIES

Anti-litter Bylaw No. 4874

Building Bylaw No. 5077

Building Standards Bylaw No. 4975

Fire Control Bylaw No. 4876

Noise Control Bylaw No. 4718

Property Maintenance Bylaw No. 4712

Solid Waste Collection and Disposal Bylaw No. 5030

Zoning Bylaw No. 5074

SUMMARY

This report provides an overview of Remedial Action Requirements to date. It presents background on a request for reconsideration.

ATTACHMENTS/REFERENCE MATERIALS

- [January 22, 2024 RTC Remedial Action Requirement](#) – Page 64
- [June 24 RTC Remedial Action Requirement](#) – Page 14

Division 12 — Remedial Action Requirements

Council may impose remedial action requirements

72 (1)A council may impose remedial action requirements in relation to

- (a)matters or things referred to in section 73 [*hazardous conditions*],
- (b)matters or things referred to in section 74 [*declared nuisances*], or
- (c)circumstances referred to in section 75 [*harm to drainage or dike*].

(2)In the case of matters or things referred to in section 73 or 74, a remedial action requirement

- (a)may be imposed on one or more of
 - (i)the owner or lessee of the matter or thing, and
 - (ii)the owner or occupier of the land on which it is located, and
- (b)may require the person to
 - (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 directions of council or a person authorized by council.

(3)In the case of circumstances referred to in section 75, a remedial action requirement

- (a)may be imposed on the person referred to in that section, and
- (b)may require the person to undertake restoration work in accordance with the directions of council or a person authorized by council.

Hazardous conditions

73 (1)Subject to subsection (2), a council may impose a remedial action requirement in relation to any of the following:

- (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 tree;
- (d)wires, cables, or similar matters or things, that are on, in, over, under or along a highway;
- (e)matters or things that are attached to a structure, erection or other matter or thing referred to in paragraph (a) that is on, in, over, under or along a highway.

(2)A council may only impose the remedial action requirement if

- (a)the council considers that the matter or thing is in or creates an unsafe condition, or
- (b)the matter or thing contravenes the Provincial building regulations or a bylaw under section 8 (3) (l) [*spheres of authority — buildings and other structures*] or Division 8 [*Building Regulation*] of this Part.

Declared nuisances

74 (1)A 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.

Harm to drainage or dike

75 A council may impose a remedial action requirement if a person has

- (a) obstructed, filled up or damaged a ditch, drain, creek or watercourse that was constructed or improved under this Act or the [Local Government Act](#), or
- (b) damaged or destroyed a dike or other drainage or reclamation work connected with it.

Time limit for compliance

76 (1) The resolution imposing a remedial action requirement must specify the time by which the required action must be completed.

(2) Subject to section 79 [*shorter time limits in urgent circumstances*], the time specified under subsection (1) must not be earlier than 30 days after notice under section 77 (1) [*notice to affected persons*] is sent to the person subject to the remedial action requirement.

(3) The council may extend the time for completing the required action even though the time limit previously established has expired.

Notice to affected persons

77 (1) Notice of a remedial action requirement must be given by personal service or by registered mail to

- (a) the person subject to the requirement, and
- (b) the owner of the land where the required action is to be carried out.

(2) In addition, notice of the remedial action requirement must be mailed to

- (a) each holder of a registered charge in relation to the property whose name is included on the assessment roll, at the address set out in that assessment roll and to any later address known to the corporate officer, and
- (b) any other person who is an occupier of that land.

(3) A notice under this section must advise

(a)that the person subject to the requirement, or the owner of the land where the required action is to be carried out, may request a reconsideration by council in accordance with section 78 *[person affected may request reconsideration]*, and
(b)that, if the action required by the remedial action requirement is not completed by the date specified for compliance, the municipality may take action in accordance with section 17 *[municipal action at defaulter's expense]* at the expense of the person subject to the requirement.

Person affected may request reconsideration by council

78 (1)A person who is required to be given notice under section 77 (1) *[notice to affected persons]* may request that the council reconsider the remedial action requirement.

(2)Subject to section 79 *[shorter time limits in urgent circumstances]*, a request under subsection (1) must be made by written notice provided within 14 days of the date on which the notice under section 77 (1) was sent or a longer period permitted by council.

(3)If the council receives a notice that complies with subsection (2), it must provide the person with an opportunity to make representations to the council.

(4)After providing the opportunity referred to in subsection (3), the council may confirm, amend or cancel the remedial action requirement.

(5)Notice of a decision under subsection (4) must be provided in accordance with section 77 (1) and (2) *[notice to affected persons]*.

Shorter time limits in urgent circumstances

79 If the council considers that there is a significant risk to health or safety if action is not taken earlier, the resolution imposing the remedial action requirement may

- (a)set a time limit under section 76 *[time limit for compliance]* that is shorter than the minimum otherwise applicable under subsection (2) of that section, and
- (b)set a time limit for giving notice under section 78 *[persons affected may request reconsideration]* that is shorter than the limit otherwise applicable under subsection (2) of that section.

Recovery of municipal costs through sale of property

80 (1)This section applies to remedial action requirements in relation to the following:

- (a)matters or things referred to in section 73 (1) (a) *[unsafe and non-complying structures]*;

(b)matters or things referred to in section 74 (1) (a) [*nuisances in relation to structures*];

(c)matters or things referred to in section 74 (1) (d) [*nuisances in relation to things in or near structures*] that are in or about a matter or thing referred to in section 74 (1) (a).

(2)Subject to this section, if a remedial action requirement has not been satisfied by the date specified for compliance, the municipality may sell the matter or thing in relation to which the requirement was imposed or any part or material of it.

(3)The earliest date on which the municipality may sell property referred to in subsection (2) is the later of

(a)the date specified for compliance, and

(b)60 days after the notice under section 77 (1) [*notice to affected persons*] is given.

(4)If a municipality sells property under this section, it

(a)may retain from the proceeds

(i)the costs incurred by the municipality in carrying out the sale, and

(ii)if applicable, the costs incurred by the municipality in exercising its power under section 17 [*municipal actions at defaulter's expense*] that have not yet been paid by the person subject to the requirement, and

(b)must pay the remainder of the proceeds to the owner or other person lawfully entitled.

(5)For certainty, the authority under this section is in addition to that provided by section 17 [*municipal action at defaulter's expense*].

C: M. Owens, Fire Chief
S. Smith Director of Development Services and Deputy CAO