

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2264

A Bylaw to authorize the repair or demolition of a building.

WHEREAS the Municipal Council may by bylaw pursuant to Section 735 of the *Municipal Act*, authorize the demolition, removal or bringing up to a standard specified in the bylaw of a building, structure or thing, in whole or in part, that contravenes a bylaw or Council believes is in an unsafe condition;

AND WHEREAS Kasapi Construction Co. Ltd. is the owner of property legally described as Lot 14, Block A, Section 10, Esquimalt District, Plan 195, Except Part in Plans 12714, 13477 and 15155 (the "Land"), has owned the property since March, 1969, and has allowed the building on the Land to fall into a state of disrepair such that it is unsafe and in contravention of the Maintenance of Property Bylaw of the Township;

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. The residential building (the "Building") on the Land contravenes Part 400 of the "Maintenance of Property Bylaw, 1996, NO. 2180" and is believed by Council to be in an unsafe condition.
2. The Municipal Council orders Kasapi Construction Co. Ltd. and any other owner of the Building to make repairs to the Building as follows:
 - (1) Foundation walls and other supporting members shall be made to be in good repair so as to control the entrance of moisture.
 - (2) Structural members shall be repaired in a manner that provides sufficient structural integrity so as to sustain safely the Building's own weight and any additional loads and influences to which it may be subjected through normal use.
 - (3)
 - (a) The roof (including flashing, fascia, soffit, flashing and cornice) shall be repaired to make it weather tight so as to prevent leakage of water into the Building.
 - (b) All leaks in eavetroughs and down spouts shall be repaired and they shall be kept in good working order.

- (c) All down spouts not connected to an approved storm drainage system shall be repaired and connected to an approved storm drainage system.
- (4) All exterior walls, parapet walls and their components shall be repaired so as to make them tight, free from loose or unsecured objects and materials in a manner so as to prevent or retard deterioration due to weather or infestation by insects.
- (5)
 - (a) Exterior doors and windows shall be repaired to make them weather tight and all latching and locking devices shall be repaired and kept in good working order.
 - (b) All openings in exterior walls other than windows and doors shall be repaired to provide a seal to prevent the entry of rodents, insects or vermin.
- (6)
 - (a) All stairways, balconies, porches or landings on or appurtenant to the Building shall be repaired to make them, safe clean and free from holes, cracks, excessive wear, warping and hazardous obstructions.
 - (b) Handrails and guards shall be repaired or replaced in accordance with the requirements of the B.C. Building Code.
- (7) All means of egress shall be repaired or replaced to comply with the requirements of the B.C. Building Code
- (8) All interior and exterior floor surfaces shall be repaired or replaced to make them:
 - (a) smooth and level, free of loose, warped or decayed boards, depressions, protrusions, deterioration or other defects;
 - (b) all floor coverings shall be repaired or replaced to provide for safe passage; and
 - (c) bathroom floors shall be repaired or replaced to provide a moisture resistant flooring system.
- (9) Walls and ceilings shall be repaired to ensure that required fire separations are retained and to ensure that the fire resistance rating is maintained in accordance with the B.C. Building Code; and bathroom walls shall be repaired or replaced to provide a water resistant surface.

- (10) All plumbing, including plumbing fixtures, drains, vents, water pipes, water closets and connecting lines shall be repaired or replaced to ensure that they are in good working order and free from leaks or other defects and such lines shall be protected from freezing.
 - (11) Heating systems shall be repaired or replaced to provide a system capable of maintaining every room at a temperature of 22 C (72 f) measured at a point 1.5 m. (5 ft.) from the floor in the centre of the room and such system or systems shall be equipped with an operable thermostat.
 - (12) Electrical wiring and equipment installed shall be inspected and approved by the B.C. Electrical Safety Branch.
 - (13) Artificial lighting, including emergency lighting and emergency exit lighting shall be repaired or replaced to provide adequate levels of lighting in all habitable rooms and hallways in accordance with the B.C. Building Code.
 - (14) Ventilation systems (either natural or mechanical) shall be repaired or replaced to provide a level of ventilation in accordance with the B.C. Building Code.
 - (15) All such repairs and replacements shall be carried out in accordance with a generally accepted standard of workmanship.
3. The repairs listed in Section 2 shall be commenced within 30 days after notice of the adoption of this bylaw is delivered to the owner, tenant and occupiers of the Building under Section 735(2) of the *Municipal Act* and the repairs are to be completed no later than 60 days after delivery of that notice.
4. As an alternative to undertaking the repairs listed in Section 2, the owner may demolish the building within 60 days of the delivery of notice under Section 735(2).
5. Should the owner not complete the repairs or the demolition as required by this bylaw, the Corporation of the Township of Esquimalt may enter on the Land and carry out the repairs or demolition of the Building at the expense of the owner of the Building and should the owner not reimburse The Corporation of the Township of Esquimalt for the costs of doing so by December 31 of the year in which the work is carried out, those expenses shall be added to the taxes payable on the Land as taxes in arrear, together with costs and interest at the rate prescribed under Section 11(3) of the *Taxation (Rural Area) Act* in accordance with Section 299(3) of the *Municipal Act*.


6. This Bylaw may be cited for all purposes as "BUILDING REPAIR OR DEMOLITION BYLAW (901 SELKIRK AVENUE), 1996, NO. 2264.

Read a first time by the Municipal Council on November 4, 1996.

Read a second time by the Municipal Council on November 4, 1996.

Read a third time by the Municipal Council on November 4, 1996.

ADOPTED by the Municipal Council on January 13, 1997.



R. T. RICE
MAYOR



R. SERIGHT
MUNICIPAL CLERK