

VIA EMAIL & REGISTERED MAIL

March 13, 2023

Rick Lubarski
Ground X Services
105-1312 Ketch Court
Coquitlam, BC
V3K 6W1

Dear Mr. Lubarski:

I write further to your November 1, 2022 letter in support of your business license application for Ground X Site Services Ltd. at 750 Kingsway Avenue (the "Property"). In my last letter on October 13, 2022, I requested that you provide me with a detailed written update on all matters addressed in our previous correspondence, by no later than November 1, 2022.

As you know, I am the delegated decision maker under the Business Bylaw with authority either to accept or reject your application. For the reasons that follow, having reviewed your November 1, 2022 submission, I have determined to refuse your application.

Pursuant to the Business Bylaw, No. 2010, a license may be refused as follows:

REFUSAL OF A LICENSE

6. An application for a License or renewal of a License may be refused by Council or the Manager in any specific case, provided that:

- (a) the application must not be unreasonably refused; and
- (b) reasons for the refusal must be provided to the applicant.

I have reviewed and carefully considered the information provided in your November 1, 2022 letter. In response, I note the following on each of the nine items addressed in your letter:

- 1) A December 1, 2022 site inspection noted breach of barriers. Tickets were issued and barriers were reinstated on December 8, 2022. A January 24, 2023 site inspection noted a second breach of barriers. Repair work has not been authorized or started. I will discuss these breaches further below. I also note that, as of today's date, there are continuing issues relating to debris and damage to the City roadway. Ground X has yet to present the City with a remedial plan for the damage caused.

- 2) I note that to my knowledge, the effluent discharge permits referred to in your November 1, 2022 letter have not been issued. Further, you have not advised regarding how you intend to address the alteration and obstruction of watercourses. Despite the lack of any permit, staff and the City hired consultants that have observed Ground X continues to discharge substances into the ditch and possibly the river.
- 3) I understand that you have not applied for a watercourse development permit, despite having had notice of the requirement to do so. You have provided no reason for your failure to apply, however, as I understand, this may be difficult for Ground X to obtain without co-operation from Bath Properties Ltd., I have not considered this requirement as a ground for refusal.
- 4) At this time, I understand that your position is that Bath Properties Ltd. was responsible for removing trees from the site and not Ground X. Given the uncertainty regarding which party was responsible for tree removal, I do not consider this item to be a ground for denying your business license.
- 5) I understand that Ground X met with City staff on October 26 to discuss permit Soil Removal and Deposit Permit requirements. As of today's date, the City has not received a permit application, despite considerable soil movement, occurring at an estimated rate of 1-2 trucks, approximately every 15 minutes. Ongoing inspections have indicated that the property now exceeds the limits allowable under our bylaw.
- 6) As of today's date, the City has not received a Building Permit application for any of the buildings constructed without permit. I also note that Ground X has been directed to apply forward a site service permit for any site drainage work proposed for on the property. The City has not received a site service permit application.
- 7) You advised that Ground X applied for a Fuel Tank Permit Application on October 3. I understand that this permit was not approved due to the fact that the tank was located too close to the building that is to be demolished, along with several other outstanding requirements, including the need to provide barriers around the tank, no smoking signs, and a spill kit. Fire staff also note that on October 19th, February 1st and March 9th, their inspections found there were improperly stored drums that are not marked and may be leaking.
- 8) Ground X applied for a Demolition Permit for an unoccupied building on October 3rd. I understand that the City is not in a position to issue this permit due to the following outstanding items:
 - A copy of the Worksafe BC Notice of Project must be submitted.
 - Confirmation of a business license for the demolition permit contractor is required.
 - Payment of outstanding fees for the permit. Disconnection and cap off of services.

- 9) I understand that the Effluent Discharge Permit Application, the Water Discharge Permit Application, and Brokering Facility Permit Application, required by the Ministry of Environment and the Metro Vancouver Regional District, have not yet been issued. I understand that despite this, Ground X's activities, which include matters captured by these three regional permits continue.

In my opinion, the lack of progress on the items above is a sufficient basis upon which I may reasonably refuse your business license in this case, pursuant to Section 6 of the Business Bylaw. Your application has been ongoing since July 28, 2022. Since then, the City has given you notice of multiple issues regarding your conduct on the Property, and ample time to address the problematic conduct. While I acknowledge that you have made progress on some of these issues, you have not brought the property up to a standard that would allow me to issue you a license to carry on business.

In addition to the items discussed above, it has come to my attention that there are further infractions that have recently occurred on the Property. Specifically, on February 15, 2023, a site inspection noted a breach of City barriers and a tailing pond constructed on the dike. On February 16, 2023, a subsequent site inspection noted that additional material was placed on the City's dike. On February 24, 2023, a third site inspection noted that Ground X had taken barriers down and removed the tailing pond. Finally, I understand that survey markers placed on City property showing the boundary between the Property and the public property affected by Ground X's ongoing activities have been removed, crushed, or otherwise tampered with. Please see the attached photographs.

I consider that the lack of progress you have made on the items listed in your November 1, 2022 letter, along the more recent infractions mentioned above, are independently sufficient grounds upon which I may rely in making the determination to refuse your business license application at this time.

Please understand that my refusal of this application does not preclude you from addressing the items above, bringing the Property into compliance with City bylaws, and re-applying for a business license. My refusal relates only to this application and does not prohibit you from seeking a license in future.

I do caution you that continuing to carry on business without a license may result in enforcement action, including fines or court proceedings.

Finally, I wish to draw your attention to section 6.1 of the Business Bylaw, which states:

RIGHT OF RECONSIDERATION BY COUNCIL

6.1 If the Manager has refused to grant a License or has imposed a term or condition that the applicant considers is unreasonable, the applicant who is subject to the decision is entitled to have Council reconsider the matter.

You are entitled to seek reconsideration of this decision by Council. Please notify me should you wish to engage this right.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Little". The signature is written in a cursive style with a large, looped "J" and a stylized "L".

Jennifer Little
Manager of Planning

Attachments



Nov. 8, 2022 11:05:55 a.m.
Port Coquitlam



Feb 15, 2023 9:43:59 a.m.
Port Conquitlam



Feb 15, 2023 9:44:26 a.m.
Port Conquitlam



Dec. 8, 2022 10:52:41 a.m
Port Coquitlam



Jan 23, 2023 12:29:30 p.m.
Port Coquitlam



Dec. 1, 2022 3:13:23 p.m.
Port Coquitlam