



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: January 11, 2007
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CC File No.: 11-4400-20
Meeting Date: February 15, 2007

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 626 East 62nd Avenue
Warning to Prospective Purchasers and Injunctive Relief

RECOMMENDATION

- A. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 626 East 62nd Avenue, the W 1/2 of Lot 41, Blocks 8 to 11, District Lot 324A Plan 2212 PID 013-976-664 in order to warn prospective purchasers that there are deficiencies under the Zoning and Development and Vancouver Building By-laws.
- B. THAT the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the premises located at 626 East 62nd Avenue and may, in her discretion, seek injunctive relief in that action or proceeding, in order to bring this property into compliance with City By-laws.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

Section 336D of the Vancouver Charter provides a mechanism whereby the City of Vancouver can warn prospective purchasers of contraventions of City By-laws relating to land or a building or structure. It provides that if the City Building Inspector observes a condition that he considers to be a contravention of a By-law relating to the construction or safety of buildings; or as a result of that condition, a building or structure is unsafe or unlikely to be usable for its expected purpose; or is of a nature that a purchaser, unaware of the contravention, would suffer a significant loss or expense if the By-law were enforced against him, he may recommend to City Council that a resolution be considered directing the City Clerk to file a notice against the Title to the property in the Land Title Office.

Sections 334 and 571 of the Vancouver Charter allow the City to seek injunctive relief for any By-law contravention.

PURPOSE

The purpose of this report is to request approval to file a 336D Notice against the title to 626 East 62nd Avenue to warn prospective purchasers of By-law violations and to request Council approval to seek injunctive relief to have the building brought into compliance with the by-laws.

BACKGROUND

The building at 626 East 62nd Avenue was constructed in 1984 and is approved as a one family dwelling with a phase out suite. The building is located in an RS-1 (One Family Dwelling) District.

DISCUSSION

As a result of a complaint in February of 2006, our inspection services observed that the attached garage at the above location had been altered to provide a third dwelling unit without permit or approval in contravention of the Zoning and Development and Vancouver Building By-laws.

The owners of the property were sent an order in May of 2006 to discontinue the use of the third dwelling unit and to remove the unauthorized partition walls, washroom and kitchen in the garage. The owners subsequently requested and were granted an extension of time to September 30, 2006 to comply with the order.

The District Inspector made several attempts to inspect the building after expiry of the order, but was unable to gain access. Consequently, an order to provide access for inspection has been sent.

On January 11, 2007, the inspector observed that a "for sale" sign was posted on the property.

CONCLUSION

Because the building is currently listed for sale and we have not been granted access to inspect to determine whether the unauthorized dwelling unit has been removed, it is recommended that a 336D Notice be filed against the title to the property so that any prospective purchasers will be warned that there are deficiencies under the Zoning and Development and Vancouver Building By-laws.

It is also requested that in the event that the owners fail to comply with the City's orders, Council approve the referral of this matter to the Director of Legal Services to request that she commence legal action and seek an injunction if, in her opinion, it is appropriate to do so.

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