



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: April 19, 2005
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CC File No.: 2701
Meeting Date: May 12, 2005

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 665 East 30th Avenue
Warning to Prospective Purchasers

RECOMMENDATION

- A. THAT the City Clerk be directed to file a 336D Notice against the title to 665 E 30th Avenue (Lot C Blocks 203 and 204 of Blocks 10 to 13 and 22 to 25, District Lots 391 and 392, Plan 3724) in order to warn prospective purchasers that there are contraventions of the Zoning and Development and Vancouver Building By-laws related to this building.
- 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 665 E 30th Avenue (Lot C Blocks 203 and 204 of Blocks 10 to 13 and 22 to 25, District Lots 391 and 392, Plan 3724) and may, in her discretion, seek injunctive relief in that action or proceeding, in order to bring this building 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 665 East 30th Avenue to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The building at 665 E 30th Avenue is approved as a one family dwelling with a secondary suite. This building is located in an RS-1 (One Family Dwelling) District and was constructed prior to 1955.

As a result of a routine inspection in September of 1996 our inspection services reported that an approximate 6' X 6' addition on the main floor and an approximate 8' X 16' addition on the second storey were constructed prior to obtaining the necessary permits or approvals. Letters and orders were sent to the property owners at that time, however no permits were obtained.

Subsequent staffing/district changes resulted in a lack of follow-up enforcement action.

The ownership of the building has changed twice since the work was carried out. The current owners purchased the property in May of 2001.

In late 2004, the District Building Inspector brought to our attention that the issue of the unapproved work at this location was still outstanding. The current owners were advised of the situation and were directed to make application for permit. Subsequent to receiving the letter, the owners came in to City Hall to discuss the issues with staff. Staff initially suggested that the City may not pursue enforcement on this given the change in ownership and the length of time that the matter has remained outstanding, however, it was decided that this approach would be contrary and inconsistent with City policy on pursuing compliance with by-law violations.

DISCUSSION

A recent inspection indicates that the additions to the main and second storeys are still existing, and no permits or approvals have been obtained.

CONCLUSION

Although the building is not currently listed for sale, it is recommended that a 336D Notice be filed against the title so that any prospective purchasers will be warned that there are violations of the Zoning and Development and Vancouver Building By-laws. Subject to Council approval, I will be referring 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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