



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: April 28, 2005
Author: Pattie Hayes
Phone No.: 604-873-7787
RTS No.: 05142
CC File No.: 2701
Meeting Date: June 16, 2005

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 6962 Fleming Street
Warning to Prospective Purchasers

RECOMMENDATION

- A. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 6962 Fleming Street (Lot F, Block 4, District Lot 737, Plan 8577) 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 6962 Fleming Street (Lot F, Block 4, District Lot 737, Plan 8577) 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 6962 Fleming Street to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The property addressed as 6962 Fleming Street is approved as a one family dwelling with a secondary suite and is located in an RS-1 (One Family Dwelling) District. This building was constructed in 2001.

As a result of a complaint, our inspection services reported that an approximate 20' X 13' deck addition with cover over, was erected without permit or approval to the rear of the building in contravention of the Zoning and Development and Vancouver Building By-laws.

The owners were sent correspondence in 2003 to make application for the required permits or remove the unapproved work. As no applications had been submitted and the deck and cover were still existing the matter was referred to the City Prosecutor for charge approval. In March of 2004 the owners were found guilty in Provincial Court and were fined.

A follow-up inspection was carried out in April of 2004 and it was reported that the rear deck addition and the cover over were still existing. A new order was sent to the owners in May of 2004 to remove the unapproved addition to the rear. In December of 2004 the owners were again found guilty in Provincial Court and received a second fine.

DISCUSSION

A recent inspection indicated that the unapproved deck addition and cover still exists 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.

* * * * *