



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: May 13, 2005.
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Meeting Date: June 16, 2005

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 2284 East 40th Avenue
Warning to Prospective Purchasers

RECOMMENDATION

THAT the City Clerk be directed to file a 336D Notice against the title to the property at 2284 East 40th Avenue, Lot 20, Block 15, District Lot 394, Plan 7098, PID 010-729-038 in order to warn prospective purchasers that this building has been used as an illegal marijuana grow operation on two occasions and there are contraventions of the Vancouver Building and Electrical By-laws related to this unapproved use.

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.

PURPOSE

The purpose of this report is to request approval to file a 336D Notice against the title to 2284 East 40th Avenue to warn prospective purchasers of By-law violations.

BACKGROUND

The building at 2284 East 40th Avenue was constructed in 1944 and is approved as a one family dwelling. The building is located in an RS-1 (One Family Dwelling) District.

DISCUSSION

In February of 2002, this building was closed by the Vancouver Police Drug Squad and City Inspectors because it was being used as an illegal marijuana grow operation. The power and gas to the building were disconnected and the owners were advised that they were required to go through the inspection and re-occupancy permit process. A re-occupancy permit was issued on January 11, 2005 for this building.

In May of 2005, the Vancouver Police reported that this building was again being used as a grow operation. The services to the building were disconnected again and the owners have been asked to come into City Hall to meet with City staff to discuss the situation.

The owners will be advised that a new departmental policy had been initiated to handle "repeat" grow ops, which is to request Council approval for the filing of a warning notice on title these properties.

CONCLUSION

Although the building is not currently listed for sale, it is recommended that a 336D Notice be filed against the title to the property so that any prospective purchasers will be warned that the building has been used previously as a marijuana grow operation on two occasions and that there are violations of the Vancouver Building and Electrical By-laws related to this unapproved use.

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