



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: September 2, 2005  
Author: Pattie Hayes  
Phone No.: 604-873-7787  
RTS No.: 05475  
CC File No.: 2701-1  
Meeting Date: October 6, 2005

TO: Standing Committee on City Services and Budgets

FROM: City Building Inspector

SUBJECT: 568 East 51<sup>st</sup> Avenue  
Warning to Prospective Purchasers

RECOMMENDATION

- A. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 568 East 51st Avenue, Lot O Block 2, District Lot 653, Plan 19778, PID 007-037-163 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 568 East 51st Avenue, Lot O, Block 2, District Lot 653, Plan 19778, PID 007-037-163 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 568 East 51st Avenue to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

## BACKGROUND

The existing building at 568 East 51st Avenue is approved as a one family dwelling and is located in an RS-1 (One Family Dwelling) District. This building was constructed in 1984.

As a result of a complaint, our inspection services reported that an approximate 10' X 10' addition /enclosure, was erected without permit or approval to the rear deck on the second floor of the building in contravention of the Zoning and Development and Vancouver Building By-laws.

The owners were sent correspondence in October of 2002 to make application for the required permits or remove the unapproved work. The owners applied for and were refused a Development Permit to allow this addition/enclosure, and a subsequent appeal to the Board of Variance was also disallowed. A new order was sent to the owners to remove the unapproved addition/enclosure to the rear deck. Failing removal of the addition/enclosure by the owners the matter was then referred to the City Prosecutor for charge approval and in June of 2004 the owners were found guilty in Provincial Court and were fined.

A follow-up inspection was carried out in July of 2004 and it was reported that the rear addition/enclosure was existing. A new order was sent to the owners to remove the unapproved addition to the rear. Upon re-inspection it was reported that the addition was still existing and in March of 2005 the owners were found guilty once again in Provincial Court and were fined.

**DISCUSSION**

A recent inspection reports that the 10' X 10' addition/enclosure is still existing and no permits or approvals have been obtained. Subject to Council approval the matter will be referred for an injunction and a 336D will be placed on the title.

**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 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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