



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Date: September 2, 2005  
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CC File No.: 2701-1  
Meeting Date: October 6, 2005

TO: Standing Committee on City Services and Budgets

FROM: City Building Inspector

SUBJECT: 2790 East 49th Avenue  
Warning to Prospective Purchasers

#### RECOMMENDATION

THAT the City Clerk be directed to file a 336D Notice against the title to the property at 2790 East 49th Avenue, Lot 2, Block 2, SW Qtr of District Lot 337, Plan 8452 PID 010-055-541 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 2790 East 49th Avenue to warn prospective purchasers of By-law violations.

## **BACKGROUND**

The building at 2790 East 49th Avenue was constructed in 1952 and is approved as a one family dwelling. The building is located in an RS-1 (One Family Dwelling) District.

## **DISCUSSION**

In July of 2003, 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 September 9, 2003 for this building.

In June 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.

Because of our concern with mould contamination to buildings and the associated concerns for the health and safety of building occupants the owner/owners will be advised that a new departmental policy has been initiated to handle "repeat" grow ops, which is to request Council approval for the filing of a warning notice on title to these properties. This warning notice will not be removed from the title until the owner has retained the services of an Environmental Consultant who has provided a written evaluation to the City of the contaminant levels and a remediation plan. Once the City has determined that the subject premises has been remediated accordingly the notice will be removed from 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 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 and potential mould contamination related to this building.

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