



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: September 26, 2005.
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CC File No.: 2701-1
Meeting Date: November 3, 2005

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 2960 East 1st 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 2960 East 1st Avenue, Lot 15, Block 57, Section 31 Town of Hastings Suburban Lands, Plan 4529, PID 011-514-205 in order to warn prospective purchasers that this building has been used as an illegal marijuana grow operation on three occasions and there are contraventions of the Vancouver Building, Standards of Maintenance and Electrical By-laws related to this unapproved use.
- B. THAT the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceedings in relation to the premises located at 2960 East 1st Avenue 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 2960 East 1st Avenue to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The building at 2960 East 1st Avenue was constructed in 1929 and is approved as a one family dwelling. The building is located in an RS-1 (One Family Dwelling) District.

DISCUSSION

In September of 2001, 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 November 23, 2001.

In September of 2003, this building was again closed by the Vancouver Police Drug squad and City Inspectors as 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 again. A re-occupancy permit was issued on February 12, 2004.

In March of 2005, this building was again closed by the Vancouver Police Drug squad and City Inspectors as it was being used as an illegal marijuana grow operation for the third time with the same owners on all three occasions. The power and gas to the building were disconnected and the owners were asked to meet with City Staff to discuss the situation.

Discussions with the owners revealed that the owner has been living in the building and that the grow ops were located in the basement. The owner claimed no knowledge of the three grow ops and claimed that he had allowed a friend to use the basement the first two times.

The police reports indicate, however, that the owner was present at the first two busts. The owner claims that he was out of town for the third bust and claims he was renting the house and had no knowledge of the grow op.

Staff have concerns about the owner's disregard of the by-laws and that he has repeatedly put his adjoining neighbours into jeopardy with his actions. Statistics show that grow ops create a danger of violence due to home invasions (grow rips) and pose a great risk of fire.

Given that this building has been a grow op three time, the owner will be required to retain the services of an Environmental Consultant to provide written evaluation to the City of any contaminants in the building and confirmation that the premises have been remediated accordingly.

The owner has requested that he be granted permits to carry out repairs to the building in order to re-occupy, however, given the history with this owner, staff have little confidence that he will not again set up a grow op in his building. Consequently, staff requested that Legal Services determine if the City can obtain a Court Order to prohibit the owner from creating any future violations of City By-laws that would result in an unsafe condition.

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 three occasions and that there are violations of the Vancouver Building and Electrical By-laws and potential mould contamination related to this building. Subject to Council approval, I will be referring this matter to the Director of Legal Services to request that she commence legal action or an injunction, if in her opinion, it is appropriate to do so.

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