



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: October 11, 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: 1805 East 51st 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 1805 East 51st Avenue, Lot 43, Block 2, District Lot 735 Plan 3421 PID 004-966-546 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, 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 1805 East 51st 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.

PURPOSE

The purpose of this report is to request approval to file a 336D Notice against the title to 1805 East 51st Avenue to warn prospective purchasers that this building has been a grow op on two occasions and that there are By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The building at 1805 East 51st was constructed in 1947 and is approved as a one family dwelling. The building is located in an RS-1 (One Family Dwelling) District.

DISCUSSION

In May 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 in March of 2004.

In September of this year, the 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 services to the building were disconnected again.

Discussions with the owner revealed that his wife's parents were living in the building at the time of the bust. When asked by staff if the grow op was set up by the owner or his in-laws, he declined to respond to the question.

Staff have concerns about the owner's disregard of the by-laws and that he has 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.

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 will request that Legal Services determine if the City can obtain a court order to prohibit the owner from creating any future by-law violations that would result in an unsafe condition.

Further, given that this building has been a grow op twice, 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.

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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