



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: November 30, 2005
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CC File No.: 11-4400-10
Meeting Date: January 17, 2006

TO: Standing Committee on Transportation and Traffic

FROM: City Building Inspector

SUBJECT: 3705-3707 Renfrew Street and 2890 - 2892 East 21st Avenue
Warning to Prospective Purchasers and Request For Injunction

RECOMMENDATION

- A. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 3705-3707 Renfrew Street and 2890 -2892 East 21st Avenue, Lot 12, Block H, Section 44 THSL Plan 11660, PID 006-886-175 in order to warn prospective purchasers that this building has been used as an illegal marijuana grow operation 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 705-3707 Renfrew Street and 2890-2892 East 21st 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 3705-3707 Renfrew Street and 2890-2892 East 21st Avenue, to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The building at 3705-07 Renfrew and 2890-92 East 21st Avenue was constructed in 1960 and is approved as a coin operated Laundromat and 3 dwelling units. The building is located in an C-1 Commercial District.

DISCUSSION

In September of this year, 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.

It came to our attention that this property was purchased by the current owner in March of 2005 and that since purchasing the building, the laundromat had not operated and nor were the three dwelling units being used for residential purposes. The Vancouver Police reported that the grow op was situated in the dwelling units upstairs as well as in a portion of the commercial premises.

Staff met with the property owner and were advised that the owner had rented out the entire building (laundromat and 3 dwelling units) to a single person for a considerably low monthly rental. The owner claimed that he didn't know about the grow op, and didn't know what the tenant was doing with the residential units.

The owner by his negligence and inattention has put the neighbouring properties at risk. 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 circumstances with this building, staff have little confidence that he will not allow a grow op to be set up again in his building. The owner has been advised that he is required to hire a professional cleaner to remove all mould, mildew fungus or any contamination related to the use of the building as a grow op and that he must have the work inspected by a qualified Environmental Consultant before the City will grant issuance of the special inspection permit.

In addition, staff are requesting 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 entire building has been used as a marijuana grow operation 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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