



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Date: December 2, 2005.  
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RTS No.: 05611  
CC File No.: 11-4400-10  
Meeting Date: January 17, 2006

TO: Standing Committee on Transportation and Traffic

FROM: City Building Inspector

SUBJECT: 2825 East 43<sup>rd</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 2825 East 43rd Avenue, Lot A (Explanatory Plan 9009) South 1/2 of Block 8, District Lot 50, Plan 2305, PID 013-916-955 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 2825 East 43rd Avenue, Lot A (Explanatory Plan 9009) South 1/2 of Block 8, District Lot 50, Plan 2305, PID 013-916-955 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 2825 East 43rd Avenue to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

## **BACKGROUND**

The existing building at 2825 East 43rd Avenue was constructed in 1966 and is located in an RS-1 (One Family Dwelling) District. This building is approved as a one family dwelling.

On September 17, 2003 our inspection services reported that an approximate 20' X 7' deck was being constructed on the west side of the house without permit or approval in contravention of the Zoning and Development and Vancouver Building By-laws. Correspondence was sent to the owner on how to obtain the required permits however the owner removed this work in November of 2003.

Following a complaint In August of 2004 the District Property Use Inspector reported that the building was being occupied as six (6) separate dwelling units (with one owner occupied). It was further noted that there were several electrical deficiencies including three (3) building additions that had been erected without permits or approvals as described below:

- 1) an approximate 12' X 8' front addition to the south side of the building
- 2) an approximate 12' X 12' rear addition on top of the existing carport
- 3) an approximate 18' X 6' rear addition to the north side of the main floor.

Further correspondence was sent to the owner in December of 2004 outlining our inspection and permit requirements. An Electrical Permit was obtained to correct the electrical deficiencies however to date this permit has not received a final inspection.

Following a discussion with a representative of the owner's it was noted the intention was to hire a designer and submit plans and obtain the required permits. As no permit applications had been made in April of 2005 another request was made for access. The owner did attend and one of the dwelling units on the basement storey had been vacated however all of the

appliances were still existing. The other four units were not made available for inspection however as the owner did knock on these doors it would appear as these units are still occupied, although the inspector did not observe this himself.

## **DISCUSSION**

A recent inspection reports that the additions and the unapproved occupancy of the building still exist 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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