

Supports Item No. 1
CS&B Committee Agenda
May 4, 2006



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: March 27, 2006
Author: Pattie Hayes
Phone No.: 604-873-7787
RTS No.: 05845
VanRIMS No.: 11-4400-10
Meeting Date: May 4, 2006

TO: Standing Committee on City Services and Budgets
FROM: City Building Inspector
SUBJECT: 4693 Bellevue Drive
Request for Injunctive Relief

RECOMMENDATION

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 4693 Bellevue Drive (Lot 1 of Lot C, Block 135, District Lot 540, Plan 5755) 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

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 seek injunctive relief to bring the building at 4693 Bellevue Drive into compliance with the Zoning and Development and Vancouver Building By-laws.

BACKGROUND

The property addressed as 4693 Bellevue Drive is located in an RS-1 (One Family Dwelling) District. This building was constructed in 1937 and is approved as a one family dwelling.

In May of 2001, a Development Permit application was submitted for an approximate 180 square foot deck addition at the rear and was refused in August of 2001. A subsequent appeal to the Board of Variance was refused as well in October of 2001.

Our inspection services reported that the deck was constructed without permits or approvals and correspondence was then sent to the owner to remove this unapproved work. However as there was no compliance; the matter was referred to the City Prosecutor for charge approval. As the owners live outside of this country charges were never laid.

On February 26, 2004 the Standing Committee on Planning and Environment approved the filing of a 336D notice against the title of this property to warn prospective purchasers of this contravention. Injunctive relief was not requested at this time as we were informed an application for permits would be forthcoming.

A follow-up inspection was carried out in March of 2006 and it was reported that the deck addition is still existing and no permits or approvals have been obtained to date.

DISCUSSION

A recent inspection indicated that the deck addition still exists and no permits or approvals have been obtained.

CONCLUSION

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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