

Supports Item No. 3
CS&B Committee Agenda
May 4, 2006



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: March 27, 2006
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Meeting Date: May 4, 2006

TO: Standing Committee on City Services and Budgets

FROM: City Building Inspector

SUBJECT: 2911 West 42nd 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 2911 West 42nd Avenue (Lot 12, Block 4, District Lot 321, Plan 2493) 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 2911 West 42nd Avenue (Lot 12, Block 4, District Lot 321, Plan 2493) 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 2911 West 42nd Avenue to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The property addressed as 2911 West 42nd Avenue is located in an RS-5 (One Family Dwelling) District. This building was constructed in 1976 as a one family dwelling.

In July of 1999, our inspection services reported that interior and exterior alterations were being carried out without permits or approvals in contravention of the Zoning and Development and Vancouver Building By-laws. The alterations include an approximate 25' X 25' addition at the rear, an approximate 25' X 20' addition erected at the front, an approximate 6' X 25' addition at the rear of the attached garage, an approximate 6' X 12' enclosure over the upper floor deck, an enclosed stairwell from the northwest corner of the building. It was also noted that the interconnecting stairs between the main and upper floor have been removed and an additional dwelling unit has been installed on the main floor prior to obtaining the required permit and approvals.

The owner was sent correspondence in March of 2000 to make application for the required permits or remove the unapproved work. A Development Permit application was submitted and then refused in August of 2000 and a subsequent appeal to the Board of Variance was refused as well in January of 2001. Further 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. In July of 2004 the owner was found guilty in Provincial Court and was fined.

A follow-up inspection was carried out in February of 2006 and it was reported that all of the unapproved interior and exterior alterations as outlined above are still existing.

DISCUSSION

A recent inspection indicated that the unapproved interior and exterior alterations still exist and no permits or approvals have been obtained. It is also noted the additional dwelling unit on the main floor is occupied.

CONCLUSION

Although the building is not currently listed for sale, it is recommended that a 336D Notice be filed against the title 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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