



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: April 11, 2006
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Meeting Date: May 18, 2006

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 139 West 17th Avenue
Warning to Prospective Purchasers

RECOMMENDATION

THAT the City Clerk be directed to file a 336D Notice against the title to the property at 139 West 17th Avenue (Lot 18, Block 503, District Lot 526, Plan 2354) PID 009-764-160 in order to warn prospective purchasers that there is unauthorized work to the basement, main and second stories of this building in contravention of the Zoning and Development and Vancouver Building 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 139 West 17th Avenue to warn prospective purchasers of By-law violations.

BACKGROUND

The building at 139 West 17th Avenue was constructed prior to 1931 and is located in an RS-7S (One Family Dwelling) District.

DISCUSSION

Following a routine inspection it was reported that extensive structural and interior alterations to the basement, main and second stories of this building were being carried out without permits or approvals. A stop work order was posted in September of 2004 including information on permit requirements. As no applications had been submitted and the unapproved work was still existing an order was sent to remove the unapproved alterations. As there was no compliance with the order, charges were then referred to the City Prosecutor and the owner was found guilty in December of 2005.

A further order was sent to the owner after the trial date to remove the unapproved alterations. As no applications have been submitted and the alterations still exist the matter will be referred once again to the City Prosecutor.

A further inspection by the District Property Use Inspector in March of 2006 reported that the rear of the site is now being used to store stone rubble. An order was sent to the owner with information that the use of storage yard (storing of stone rubble) was not permitted in an RS-7S (One Family Dwelling) District under the Zoning and Development By-law. A follow-up inspection has revealed that storing of stone still exists and this matter will also be referred to the City Prosecutor for the laying of charges.

CONCLUSION

As the building is 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 unauthorized alterations to the basement, first and second stories of this building in contravention of the Zoning and Development and Vancouver Building By-laws.

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