



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: August 15, 2006.
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VanRIMS No.: 11-4400-10
Meeting Date: September 14, 2006

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: 3814 Blenheim Street
Warning to Prospective Purchasers

RECOMMENDATION

- A. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 3814 Blenheim Street, Lot 2 of Lot 4, Block 18, District Lot 139, Plan 5141, PID 011-238-763 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 3814 Blenheim Street, Lot 2 of Lot 4, Block 18, District Lot 139, Plan 5141, PID 011-238-763 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 3814 Blenheim Street to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The existing building at 3814 Blenheim Street was constructed in 1976 and is located in an RS-5 (One Family Dwelling) District. This building was constructed and is approved as a one family dwelling.

As a result of a complaint on March 27, 2001 our inspection services reported that an addition to the rear sundeck with an enclosure to the carport and rear sundeck had been constructed including interior alterations to the basement to provide an additional dwelling unit all without permit or approval in contravention of the Zoning and Development and Vancouver Building By-laws. Correspondence was sent to the owners on September 18, 2001 outlining the above however no permits were obtained nor was any of the work removed. The owner did attend City Hall at this time and was provided with information and purchased plans for his building. This matter was then referred to the City Prosecutor for charges however the charge was not laid.

Following a review of our files in January of 2006 it was noted that compliance had not been obtained by way of permits nor did we have information of removal of this work. The Inspector then arranged with the owner to gain access to the building and did a complete inspection of both floors.

This inspection revealed the following work done without a permit:

1. an approximate 100 square foot enclosure to the rear of the second storey deck
2. an approximate 200 square foot enclosure of the rear carport
3. interior alterations to the basement including installation of cooking facilities and currently being used as a secondary dwelling unit
4. an approximate 8' X 25' deck addition at the rear
5. removal of the interior stairs connecting the first storey to the second storey.

Further correspondence was then sent to the owner in March of 2006 outlining the above work which was carried out without permits or approvals. Following the receipt of this correspondence, the owner then attended City Hall and obtained plans of the building again and was given further information on permitting requirements.

As of this date there have been no permit applications submitted and all of the work described above is still existing.

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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