



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: July 25, 2006
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RTS No.: 06135
VanRIMS No.: 11-3500-10
Meeting Date: September 14, 2006

TO: Standing Committee on Planning and Environment

FROM: Chief Building Official

SUBJECT: 6026 Tisdall Street
Request for Extension of Development and Building Permit No. DB420059

RECOMMENDATION

- A. THAT City Council approve an extension of Development and Building Permit No. DB420059 for 6026 Tisdall Street until January 25, 2007, subject to all required work being completed by that date.
- B. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 6026 Tisdall Street (Lot 3, Block 892, District Lot 526, Plan 9935) in order to warn prospective purchasers that there are contraventions of the Vancouver Building By-law related to this building.
- C. 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 6026 Tisdall Street (Lot 3, Block 892, District Lot 526, Plan 9935) if the work is not completed by January 25, 2007, 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

Article 1A.7.5.1 of the Building By-law addresses actions the City can take when an applicant, who has received a Building Permit, is not proceeding with active work under the permit. The Building By-law prohibits the Chief Building Official from granting more than one extension to a Building Permit. Any further extensions can only be approved by Council.

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 Council's approval for an extension of a Development and Building Permit for 6026 Tisdall Street that was issued for required work under the Vancouver Building By-law. It is also to request Council approval to seek injunctive relief to have the work completed in the event that the owner fails to do so.

BACKGROUND

In May of 2002, our inspection services reported that some windows in this ten-storey residential building had been replaced due to a water leakage problem. It was noted that some had been changed to vinyl frame windows. This building is constructed of non-combustible materials and consequently, the installation of vinyl frame windows does not meet the requirements of the Vancouver Building By-law. The owners of the building were notified of the requirements to obtain a permit and to remove and replace the vinyl frame windows with non-combustible windows to comply with the By-law.

Enforcement action was withheld in 2002 to allow time to make application for the required permits. A Building Permit was issued for investigation and exploratory work only and enforcement was again withheld.

Development and Building Permit No. DB420059 was issued on January 25, 2005 for exterior alterations to replace all existing windows in the existing multiple dwelling building.

DISCUSSION

The applicant requested a permit extension in June of 2005 and it was approved by the Chief Building Official. The applicant requested a second extension and it was approved by City

Council on February 14, 2006. The applicant has requested another permit extension as work has still not commenced. He advises that the owners of the building are in the process of awarding a construction contract to undertake the work, however, the window manufacturer can only commit at the earliest this fall to supply the windows. He further advises that the owners are fully committed to carry out the work.

The zoning for the property is CD-1 (Comprehensive Development District). The Director of Planning has no objection to this extension.

It has been four years since enforcement action commenced and one and one-half years since the permit for the window replacement was issued. Due to the length of time that has passed, we are not prepared to recommend any further extensions past January of 2007. If the work has not been completed by then, we will proceed with enforcement action.

FINANCIAL IMPLICATIONS

There are no financial implications and there were no Development Cost Levies owing for this project.

CONCLUSION

It is recommended that Council grant an extension of Development and Building Permit No. DB420059 for 6026 Tisdall Street until January 25, 2007. If the required work is not completed by this date, we will proceed with enforcement action and, subject to Council approval, 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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