



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: August 18, 2006.
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CC File No.: 11-4400-10
Meeting Date: September 28, 2006

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 440-442 Lakewood Drive
Warning to Prospective Purchasers

RECOMMENDATION

- A. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 440-442 Lakewood Drive (Lot 1 of Lots 15 and 16, Block 45, District Lot 184, Plan 2560) PID 013-640-861 in order to warn prospective purchasers that there are deficiencies under the Zoning and Development, Vancouver Building, Standards of Maintenance and Electrical By-laws including the Safety Standards Act and Natural Gas and Propane Code.
- 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 440-442 Lakewood Drive (Lot 1 of Lots 15 and 16, Block 45, District Lot 184, Plan 2560) PID 013-640-861 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 440-442 Lakewood Drive to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The building at 440-442 Lakewood Drive was constructed prior to 1942 and is approved as a two family dwelling. The building is located in an RT-4 (Two Family Dwelling) District. This building was purchased by the current owners in June of 2005.

DISCUSSION

Following a referral from the Vancouver Fire Department in March of 2006 after a recent fire, our inspection services reported that the main floor of this building was being occupied illegally as a rooming house with 6 self contained units (each with its own bed and refrigerator) and two (2) dwelling units in the basement. It was further noted that extensive alterations have been carried out to this building which include interior alterations and removal of the interconnection between the basement and main floors, installation of 3 gas stoves, two gas hot water tanks, a gas dryer, a walk-in shower, two sinks and electrical outlets and wiring with all work being done without permits or approvals.

Numerous deficiencies were also identified which include the front stairs and landing being rotten (potentially dangerous), missing guardrails on the rear deck, many alterations to the electrical system that do not meet code and storm water discharging to the ground without the appropriate system in place.

These alterations and deficiencies are in contravention of the Zoning and Development, Building and Electrical By-laws and the Gas and Propane Installation Code.

Correspondence was sent to the property owners on April 3, 2006 outlining the above items and also included information on serving eviction notices to the tenants in the unapproved units. In July of 2006 our inspection services returned to the building to re-check compliance with outstanding issues identified in our letter but were unable to gain access. Further attempts and letters to the owners to provide access have proven to be unsuccessful. As the owners have failed to provide access therefore and due to the serious nature of the safety of these items the matter is being referred to the City Prosecutor for charges.

CONCLUSION

Although this 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 deficiencies under the Zoning and Development, Vancouver Building and Plumbing, Standards of Maintenance and Electrical By-laws including the Safety Standards Act and Natural Gas and Propane Code. 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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