



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: September 8, 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: 576 East 54th 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 576 East 54th Avenue (Lot 15, District Lot 654, Plan 1696, PID 014-410-958) 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 576 East 54th Avenue (Lot 15, District Lot 654, Plan 1696, PID 014-410-958) 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 576 East 54th Avenue to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The property addressed as 576 East 54th Avenue is approved as a one family dwelling and is located in an RS-1 (One Family Dwelling) District. This building was constructed and had an Occupancy Permit issued for its completion in June of 2004.

As a result of a complaint, our inspection services reported that an approximate 10' X 20' rear deck addition was constructed without permit or approval in contravention of the Zoning and Development and Vancouver Building By-laws.

The owners were sent a letter to make application for the required permits or remove the unapproved work. A Development Permit was then applied for and was subsequently refused as the building was at its maximum depth and required rear yard setback.

A further inspection was then carried out, and it was reported that the unapproved deck addition was still existing. In January of 2005 the owner was then required to remove the unapproved addition. A subsequent appeal to the Board of Variance was heard, however it was disallowed.

Failing removal of the addition by the owner, the matter was then referred to the City Prosecutor for charge approval, and charges were laid on March 29, 2005. Two first appearance dates were set, however as the owners did not appear in Court a Bench Warrant was then issued.

DISCUSSION

A recent inspection indicated that the rear deck addition is still existing and no permits or approvals have been obtained.

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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