



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: September 26, 2006
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VanRIMS No.: 11-4400-10
Meeting Date: November 2, 2006

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 4477 Puget 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 4477 Puget Drive (Lot 8, Block L, District Lot 2027, Plan 5702) PID 009-027-289 in order to warn prospective purchasers that there are deficiencies under the Zoning and Development and Vancouver Building By-laws.
- 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 4477 Puget Drive (Lot 8, Block L, District Lot 2027, Plan 5702) PID 009-027-289 and may, in her discretion, seek injunctive relief in that action or proceeding, in order to bring this property 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 4477 Puget Drive to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The building at 4477 Puget Drive was constructed prior to 1957 and is approved as a one family dwelling. The building is located in an RS-1 (One Family Dwelling) District. This building was purchased by the current owners in November of 2003.

DISCUSSION

As a result of complaints from neighbouring property owners, it was reported by the District Building Inspector that an approximate 11 foot high by 65 foot long concrete wall/fence was being constructed along the front of the above noted property adjacent to the city sidewalk without permits or approvals in contravention of the Zoning and Development and Vancouver Building and By-laws.

On August 23, 2006 the owner was ordered to stop work and make application for the required permits or to remove the unapproved construction. To date no applications have been made for permits nor has the concrete wall/fence been removed. Because of the size of this concrete wall/fence and being that it is constructed immediately adjacent to a public sidewalk without any permitting or engineering submissions or processing checks done, this wall/fence creates a serious concern in regards to public safety.

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 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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