



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: October 19, 2006
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Meeting Date: November 16, 2006

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 916 East 11th 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 916 East 11th Avenue (Lot 22 of C, Block 158, District Lot 264A, Plan 442 & 1771) PID 004-064-399 in order to warn prospective purchasers that there are violations of the Zoning and Development, Vancouver Building/Plumbing and Electrical By-laws and the Provincial Gas Safety Act and Regulations.
- 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 916 East 11th Avenue (Lot 22 of C, Block 158, District Lot 264A, Plan 442 & 1771) PID 004-064-399 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 916 East 11th Avenue to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The building at 916 East 11th Avenue was constructed prior to 1966 and is approved as a one family dwelling. The building is located in an RT-5 (Two Family Dwelling) District. This building was purchased by the current owners in January of 2006.

DISCUSSION

As a result of a complaint in August of 1999, our inspection services reported that the following extensive interior and exterior alterations had been carried out:

1. an approximate 14 foot by 14 foot two storey addition which included removal of an exterior wall
2. an approximate 14 foot by 21 foot deck addition with new foundations and new drain tile
3. new interior walls
4. installation of a dwelling unit in the basement
5. electrical, plumbing and gas work

The above work was done without permits or approvals.

An order was sent to the property owner who owned this building at that time to stop work and also included information on permitting requirements. The owner then made applications for Development, Building and Drain Tile permits; however, as required information to process these applications was not provided and much time passed without any contact from the owner, the applications were voided.

In August of 2004 following the permits being voided, a detailed access letter was sent to the owners to request an inspection to determine the current state of the building in regards to occupancy and work done without permit.

Subsequent staffing/district changes resulted in a lack of timely follow-up on enforcement action.

Correspondence was then sent to the current property owners on February 20, 2006 outlining the unapproved work that had been carried out and also included information on legalizing one additional dwelling unit. In April and May our Housing Renovation staff met with one of the property owners and outlined specific permitting requirements based on the interior and exterior alterations done without permit and the retention of one dwelling unit.

A recent inspection carried out in August revealed that this approved one family dwelling now contains two (2) unapproved dwelling units in the basement, one (1) approved dwelling unit on the main floor and one (1) unapproved dwelling unit on the second storey for a total of four (4) dwelling units with three (3) being unapproved.

The owners have now obtained the services of a Design and Drafting professional and were granted an extension until September 6, 2006 to allow for permit applications; however, to date no applications have been submitted.

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 violations of the Zoning and Development, Vancouver Building/Plumbing and Electrical By-laws and the Provincial Gas Safety Act and Regulations. 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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