

Supports Item No. 1
P&E Committee Agenda
December 14, 2006



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: October 12, 2006.
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CC File No.: 11-4400-10
Meeting Date: December 14, 2006

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 1112 Franklin Street
Warning to Prospective Purchasers

RECOMMENDATION

- A. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 1112 Franklin Street (Lot 2 and 3, Block L, District Lot 182, Plan 13634) PID 008-521-701 and 719 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 1112 Franklin Street (Lot 2 and 3, Block L, District Lot 182, Plan 13634) PID 008-521-701 and 719 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 1112 Franklin Street to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The 2 storey building at 1112 Franklin Street was constructed in September of 1981 as a warehouse. Further permits were issued in 1986 to permit the use of a tire re-building plant (group F2 occupancy) on the main floor with warehouse/dead storage only on the second floor. The current use of the main floor is sign awning manufacturing (group F2 occupancy) with the permitted use of the entire second storey being warehouse/dead storage only. This building is located in an M-2 (Industrial) District.

DISCUSSION

As a result of an inspection in early of 2004 it was reported that the north portion of the 2nd storey was being occupied illegally as an office with the entire rear area being used for awning and sign manufacturing in contravention of the Zoning and Development By-law. It was further reported that the front and rear parking areas including the loading area were all being used as part of the sign manufacturing operation and therefore the required parking and loading spaces were unable to be provided as per the approved Development Permit drawings.

The owner did not permit our inspector to gain access to all areas of the building to determine the full extent of unauthorized work/alterations therefore charges were referred and subsequently laid by the City Prosecutor with a fine imposed by the Court.

A further charge was then referred by our inspection group and was approved and laid by the City Prosecutor for failing to comply with the conditions of the approved Development Permit to provide the required parking and loading areas and again a fine was imposed by the Courts.

On April 1, 2006 following an order by the Provincial Court to allow access to the building our inspection services reported the following deficiencies:

1. mezzanines have been constructed on the main and second storeys without permits of approvals
2. unauthorized plumbing (new bathroom fixtures, new kitchen sink, and new shower, roughed in plumbing) has been installed on the main and second storeys
3. new stairs have been constructed without permits or approvals from the second storey to the unauthorized mezzanine and also leading to the roof
4. an approximate six foot by seven foot (6' X 7') steel loading door has been installed on the second floor south wall without permits or approvals
5. new offices have been constructed on the second storey with mezzanine storage over without permits or approvals
6. the roof is being used to store awning frames without permits or approvals
7. the exit corridors are being used as storage therefore are not clear for exiting purposes
8. illuminated exit signs are not working
9. handrails are missing on the rear exit stairs

Correspondence was then sent to the property owner outlining the above infractions on April 18, 2006 with information on permitting requirements. Further correspondence was sent on May 12, 2006 as the parking and loading areas had still not been provided.

Our inspection services have been unable to gain access once again to the building it is noted that no permits or approvals have been obtained. However, it was reported that the parking and loading areas have still not been provided to date.

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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