



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: February 6, 2007
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CC File No.: 11-4400-20
Meeting Date: March 1, 2007

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 3115 East Georgia 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 3115 East Georgia Street, Lot 30 of Lot 84, THSL Plan 1861, PID 013-524-747 in order to warn prospective purchasers that there are contraventions of the Zoning and Development, Vancouver Building, and Electrical By-laws including the Plumbing requirements as set out in the Building By-law and the Safety Standards Act and Natural Gas and Propane Installation Code 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 3115 East Georgia Street, Lot 30 of Lot 84, THSL Plan 1861, PID 013-524-747 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 3115 East Georgia Street to warn prospective purchasers of the many By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The existing building at 3115 East Georgia Street was constructed prior to 1929 as a retail grocery store with 1 (one) dwelling unit on the second storey. This building is located in an RS-1 (One Family Dwelling) District. The current owners purchased this property in July of 1991.

In September of 1991 the District Building Inspector reported that interior alterations were being carried out to change the use of this building without permits or approvals. Letters and orders were sent to the owners to either remove the work or obtain the required permits and approvals. In October of 1992 a development permit and a subsequent building permit were issued to change the use from a retail/residential building to a one family dwelling and to construct a rear second storey deck. To date this work has not been completed and information from recent inspections revealed that the deck construction does not comply with the Vancouver Building By-law.

In August of 1996 our inspection services reported that an approximate 10' X 20' addition was being constructed without permits or approvals in contravention of the Zoning and Development and Vancouver Building By-laws. Correspondence was sent to the owner to obtain the required permits or remove the work. To date this work still exists and remains without permits or approvals.

In February of 1998 an approximate 12' X 21' aluminium roof structure was constructed over the rear deck without permits or approvals in contravention of the Zoning and Development and Vancouver Building By-laws. Correspondence was sent to the owner to obtain the

required permits or remove the work. Permits and approvals were never obtained however it was reported by the District Building Inspector that this work was removed in February of this year.

In March of 1998 it was reported that the building contained three (3) dwelling units with two (2) additional units installed on the main floor and further interior alterations all without permits or approvals. As there was a history of infractions, the matter was referred directly to the City Prosecutor for the laying of charges. Charges were laid in June of 1998 and despite many attempts the owners were never served with a summons and a Warrant was issued for their arrest. In January of 2001 a guilty plea was entered and the owners were fined.

In September of 2006 the District Property Use reported that there were 2 additional dwelling units on the main floor and the upper floor had been converted to a rooming house with four (4) individual tenants. It was further noted that there was extensive quantities of mould visible on the ceiling and walls.

Because of the potential for mould contamination and the associated concerns related to the health and safety for building occupants, the owners of this property will be required to have the building professionally cleaned. The building owners will also be required to retain the services of a qualified Environmental Consultant who will inspect the work and conduct air monitoring for spore counts. Once the services of the Environmental Consultant are complete, the Consultant will have to provide written confirmation to the Chief Building Official indicating that the spore counts in the building meet acceptable standards and the building is substantially free of any pesticides, fertilizers, toxic substances, moulds or fungi.

In January of 2007 correspondence was sent to the owners which required their attendance to discuss the running of this building with the Deputy Chief License Inspector. Following this meeting it was determined that the owner had failed to manage the building in a responsible manner and the matter was referred to a Business License Hearing.

On January 28, 2007 following a reported break and enter, the building was attended by the Vancouver Police and Fire Departments. The building was evacuated and boarded up due to safety concerns. The concern was due to the possibility of carbon monoxide poisoning caused by faulty venting of gas appliances. After inspecting these appliances the Chief Gas Inspector had the gas supply to the building shut off at the gas meter. An order was issued to rectify the hazardous condition in these premises prior to the re-connection of the gas supply and of any re-occupancy of the building.

On February 15, 2007 upon the conclusion of the Business License hearing, the business license was revoked for this building.

The property is currently listed for sale and the MLS listing refers to a rental income with good long term tenants, apparently, encouraging the illegal occupancy of the building. This one family dwelling is being marketed as a multiple dwelling in contravention of the City By-laws.

DISCUSSION

The building permit from 1993 is still outstanding and the work does not comply with the Vancouver Building By-law. The approximate 10' X 20 addition constructed in 1996 to the rear still exists and no permits or approvals have been obtained. The building appears to be contaminated with black mould. The building is listed for sale. This building is a detriment to the neighbourhood and this has been demonstrated by the numerous complaints we have received from neighbouring properties owners over the years. Therefore subject to Council approval, it is recommended that this matter will be referred for an injunction and a 336D will also be placed on the title.

CONCLUSION

As this building is 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 and Electrical By-laws including the Plumbing requirements as set out in the Building By-law and the Safety Standards Act and Natural Gas and Propane Installation Code in this building. 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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