



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: February 13, 2007
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VanRIMS No.: 11-4400-20
Meeting Date: March 15, 2007

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: 936 East 13th 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 936 East 13th Avenue, Lot 30 of A, Block 173, District Lot 264A, Plan 501 and 1771, PID 009-449-809 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 936 East 13th Avenue, Lot 30 of A, Block 173, District Lot 264A, Plan 501 and 1771, PID 009-449-809 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 936 East 13th Avenue to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The existing building at 936 East 13th Avenue was constructed prior to 1958 and is located in an RT-5 (Two Family Dwelling) District). This building was constructed and is approved as a one family dwelling.

As a result of a complaint in March of 2001 our inspection services reported that an approximate 24' X 27' accessory building (partially completed garage) was being constructed in the rear yard without permits or approvals in contravention of the Zoning and Development and Vancouver Building By-laws. Correspondence was sent to the owners at that time outlining the permitting and plan requirements.

Following a review of our files in April of 2004 and upon receipt of another complaint, it was noted that the approximate 24' X 27' accessory building (partially completed garage) was still existing and that no permits or approvals had been obtained. Correspondence was then sent to the owners outlining permitting requirements once again. As no permits were obtained, the matter was referred to the City Prosecutor for charges. The owners were found guilty in May of 2005 and a fine was imposed.

On May 3, 2005 Development Permit Application DE409383 was applied for to construct an accessory building (garage) in the rear yard. However, as the necessary information was not provided it was voided on August 22, 2005 and a letter of notification was sent to the owners at that time.

On September 22, 2005 further correspondence was sent to the owner which required that the accessory building (garage) be removed as no permits or approvals had been obtained. Following a letter from the owner, additional time was granted to make application for the required permits. As no permit applications were submitted and the accessory building was still existing the matter was referred to the City Prosecutor on November 17, 2005 for charges once again.

On November 29, 2005 Development Permit application DE409383 which was previously voided was re-opened as the owners attended City Hall and provided new information and plans. On December 2, 2005 this application was refused. An Appeal was then filed with the board of Variance however this was disallowed on January 11, 2006.

The charges that were referred in September of 2005 were withdrawn due to a technicality in regards to the re-opening of the Development Permit.

As of this date there have been no further permit applications submitted and the accessory building (garage) is still existing.

DISCUSSION

A recent inspection reports that the approximate 24' X 27' accessory building (partially completed garage) is still existing and that no permits or approvals have been obtained. Subject to Council approval the matter will be referred for an injunction and a 336D will be placed on the title.

CONCLUSION

Although the 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 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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