



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: February 19, 2007.
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Meeting Date: March 15, 2007

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 1112 Franklin Street
Warning to Prospective Purchasers

RECOMMENDATION

THAT Council review their previous decision of December 14, 2006 whereby they approved the filing of 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 & 719) in order to warn prospective purchasers that there are deficiencies in this building under the Zoning and Development and Vancouver Building 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.

Section 336D(6) allows the registered owner to apply to City Council for a resolution that the City Clerk be directed to remove a notice against Title to a property in the Land Title Office which City Council has previously approved.

PURPOSE

That Council review their previous decision of December 10, 2006 at the request of the property owner whereby they approved the filing of a 336D notice by the City Clerk against the title of the property at 1112 Franklin Street.

BACKGROUND

On December 14, 2006 City Council passed a resolution pursuant to Section 336D of the Vancouver Charter that a notice against the title to 1112 Franklin Street be filed in the Land Title Office.

On January 22, 2007 the City Clerk's Office received notification from the registered owner of 1112 Franklin Street that he wished to ask City Council to remove the 336D Notice against the title. The owner indicated that he was present for the start of the Standing Committee on Planning Environment at 2:00 p.m. on December 14, 2006 and was informed his report would not be heard that date. The major portion of this meeting did not begin until approximately 1:25 a.m. on December 15, 2006 due to the morning meeting running late.

The owner has applied under Section 336D(6) which allows the registered owner to apply to City Council for a resolution that the City Clerk be directed to remove a notice against Title to a property in the Land Title Office which City Council has previously approved

The 2 storey building at 1112 Franklin Street was constructed in September of 1981 as a warehouse. In 1986 permits were issued to allow the use of this building as a tire re-building plant (group F2 occupancy) on the main floor, with warehouse/dead storage only on the second floor. The current allowed use of the main floor is sign awning manufacturing (group F2 occupancy) with the 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 the 336D Notice remain 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.

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