



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Date: February 16, 2007.  
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VanRIMS No.: 11-4400-20  
Meeting Date: April 5, 2007

TO: Standing Committee on Planning and Environment  
FROM: City Building Inspector  
SUBJECT: 1537-1539 Victoria Drive - Request for Approval to Seek Injunctive Relief

#### RECOMMENDATION

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 1537-1539 Victoria Drive, Lot B of Lots 9 & 10 of Lot 4, Block D of Block 137, District Lot 264A, Plans 309 & 1771, PID 015-385-302 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 334 of the Vancouver Charter allows the City to seek injunctive relief for any By-law contravention.

## **PURPOSE**

The purpose of this report is to request approval to seek injunctive relief to bring the building at 1537-1539 Victoria Drive into compliance with the City By-laws.

## **BACKGROUND**

The building at 1537-1539 Victoria Drive was constructed prior to 1955 and is approved as a two (2) family dwelling. The building is located in an RT-5 (Two Family Dwelling) District.

## **DISCUSSION**

As a result of a complaint in January of 2002, our inspection services investigated and reported that extensive alterations were being carried out prior to obtaining the required permits and approvals. Correspondence was sent to the owners at this time outlining permitting requirements and also requesting access to the entire building to determine how the building was being occupied.

The owners of the building would not allow City Inspectors access to the building to carry out the necessary inspections. Because the owners failed to provide access, the matter was referred to the City Prosecutor for charges. Charges were laid and a guilty plea was entered by the owners and a fine was imposed.

In June of 2006 a 336D Notice was filed against the title to warn any prospective purchasers that there were contraventions under the Zoning and Development, Vancouver Building and Electrical By-laws.

In January of 2007 the District Building Inspector carried out an inspection of the building which is approved as a two (2) family dwelling, however, is now being occupied as a multiple conversion dwelling with five (5) dwelling units. The alterations that have been carried out to this building are extensive, and include electrical wiring and plumbing installations, with all work being done without permits or approvals. The owners will be required to obtain the service of a Professional Engineer to review the structure of the building, resulting, from the structural work carried out without permits or approvals.

## **DISCUSSION**

The alterations to this building are extensive and include structural work. The building is being rented and occupied as a multiple dwelling with five (5) dwelling units although approved as a two (2) family dwelling only. The building is currently being advertised for sale with five (5) suites, apparently, encouraging the illegal occupancy of this building which is in contravention of the City's By-laws.

## CONCLUSION

This building is listed for sale and in June of 2006 a 336D Notice was filed against the title to warn any prospective purchasers that there are contraventions under the Zoning and Development, Electrical and Vancouver Building By-laws. Extensive alterations including structural work have been carried out without permits or approvals and furthermore the building has only been approved for two (2) dwelling units and it currently contains five (5) dwelling units. 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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