



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: October 24, 2007
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Meeting Date: November 29, 2007

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 1866 Harrison Drive
Warning to Prospective Purchasers

RECOMMENDATION

THAT the City Clerk be directed to file a 336D Notice against the title to the property at 1866 Harrison Drive, Lot 29, except part in explanatory Plan 7930, Block 22, Fraserview Plan 8363, PID 006-933-700 in order to warn prospective purchasers that this building has been used as an illegal marijuana grow operation on two occasions and there are contraventions of the Zoning and Development, Vancouver Building and Electrical By-laws including the Plumbing requirements as set out in the Vancouver Building By-law and Natural Gas and Propane Installation Code.

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.

PURPOSE

The purpose of this report is to request approval to file a 336D Notice against the title to 1866 Harrison Drive to warn prospective purchasers of By-law violations.

BACKGROUND

The building at 1866 Harrison Drive was constructed in 1949 and is approved as a one family dwelling. The building is located in an RS-1 (One Family Dwelling) District. This building was purchased by the current owner in July of 2005.

DISCUSSION

In January of 2001, this building was closed by the Vancouver Police Drug Squad and City Inspectors because of By-law life safety violations resulting from the buildings use as illegal marijuana grow operation. The power and gas to the building were disconnected and the previous owner was advised that she was required to go through the inspection and re-occupancy permit process. A re-occupancy permit was issued on June 14, 2001 for this building.

The property was then sold with a new owner taking possession of the property on July of 2005.

In August of 2007, it was reported that the basement of this building was again being used as a grow operation. The District Electrical Inspector who attended this building reported that there were potentially unsafe electrical installations and that work had been done to the electrical service without permits or approvals. Therefore, following the finding of the illegal marijuana grow operation and the subsequent building, electrical and plumbing inspections; the electrical service to the building was once again disconnected and the gas meter locked off.

Our inspection services also reported that one (1) additional dwelling unit was installed in the basement and that the interconnection (interior stairs) between the basement and main floors was removed. It was further reported that a roof was installed over a portion of the rear deck and that another portion of the deck has been enclosed to create additional floor space. All of this work was carried out without permits and approvals.

In addition it should be noted that the previous owner still has a financial interest in the property as she remains on the title as a mortgagee and also lives in the unapproved dwelling unit in the basement with her minor son where the illegal grow-op was contained.

Because of the potential for mould contamination and the associated concerns related to the health and safety for building occupants, the owner of this property has been advised that the building must be professionally cleaned. The building owner has also been advised that she

must 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 must 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.

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 the building has been used previously as a marijuana grow operation on two occasions and also that there is potential mould contamination due to the unapproved use of this building. In addition, there are violations of the Zoning and Development, Vancouver Building and Electrical By-laws including the Plumbing requirements as set out in the Vancouver Building By-law and Natural Gas and Propane Installation Code.

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