



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: November 23, 2007
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VanRIMS No.: 11-3000-12
Meeting Date: December 13, 2007

TO: Standing Committee on Planning and Environment

FROM: Chief Building Official

SUBJECT: 1546 Nelson Street - Request for Injunctive Relief and Warning to Prospective Purchasers

RECOMMENDATION

- A. 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 1546 Nelson Street, Lot 9 W ½ , Block 47, Plan 92, District Lot 185 New Westminster, PID 007-351-356 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.
- B. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 1546 Nelson Street, Lot 9 W ½ , Block 47, Plan 92, District Lot 185 New Westminster, PID 007-351-356, in order to warn prospective purchasers that there are contraventions of the Zoning and Development and Vancouver Building By-laws related to this building.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

CITY MANAGER'S COMMENTS

The City Manager RECOMMENDS approval of the foregoing.

COUNCIL POLICY

Sections 334 of the Vancouver Charter allows the City to seek injunctive relief for any by-law contravention.

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 seek injunctive relief to have the building at 1546 Nelson Street brought into compliance with the by-laws and to file a notice on Title to the property in the Land Title Office to warn prospective purchasers that there are violations of the Zoning and Development and Vancouver Building By-laws at this address.

BACKGROUND

This is a residential building that was constructed on or about 1905. It is located in an RM-5 Multiple Dwelling West End District. The building is not listed on the Heritage Inventory.

The occupancy of the building has changed over the years from sleeping and housekeeping units to dwelling units. The current approved occupancy of the building is as follows:

Basement:	1 dwelling unit
1 st storey:	1 dwelling unit
2 nd storey:	2 dwelling units
3 rd storey:	2 dwelling units

In 2003, this department received a complaint concerning Standards of Maintenance violations in the basement unit. The inspection revealed that an additional dwelling unit had been installed at the rear of the basement and that the detached garage at the rear of the site was also being used as a dwelling unit without permit or approval.

A subsequent request for inspection of the entire building was denied by the property owner and charges were laid in Provincial Court. The process server encountered significant delays in serving the owner of the property and ultimately the owner agreed to allow the inspection of the building on the condition that the City withdraw the charges. A re-inspection by the District Inspectors in July of this year confirmed that the unauthorized dwelling units in the basement and garage still exist and there have been no applications for permit submitted.

CONCLUSION

It is recommended that Council authorize the Director of Legal Services at her discretion to commence legal action and/or seek injunctive relief to have this building brought into compliance with the by-laws.

Although the building is not currently listed for sale, it is also recommended that a 336D Warning Notice filed against the title to the property in the Land Titles office to warn prospective purchasers of the by-law contraventions.

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