



CITY OF VANCOUVER

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ADMINISTRATIVE REPORT

Report Date: February 12, 2008.
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Meeting Date: February 28, 2008

TO: Standing Committee on Planning and Environment

FROM: City Building inspector

SUBJECT: 860 East 35th Avenue
Warning to Prospective Purchasers

RECOMMENDATION

THAT the City Clerk be directed to file a 336D Notice against the title to the property at 860 East 35th Avenue, Lot 36, Block 6, District Lot 668-670, Plan 1369, PID numbers 014-837-277 in order to warn prospective purchasers that there are contraventions of the Zoning and Development, Vancouver Building and Private Property Tree By-laws related to this site.

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 this site at 860 East 35th Avenue to warn prospective purchasers of violations under the Zoning and Development, Vancouver Building and Private Property Tree By-laws.

BACKGROUND

On September 2, 2007 during the civic strike, permits were issued to demolish the existing one family dwelling on this site and to construct a new one family dwelling. An additional permit was issued to remove one (1) tree, which was to be replaced on another part of the site and to retain and protect three (3) street trees, five (5) private property trees and three (3) of the neighbour's trees. The permits were given directly to the owner and his agent by the Assistant Director of Development Services at which time he explained the requirements related to the retention of these trees and also advised that the City Arborist was required to be present when the demolition commenced in order to ensure the protection of the trees. The agent agreed to this and stated that he would call the following week prior to demolition.

On September 11, 2007 following an inspection by the Assistant Director/Enquiry Centre it was reported that the installation of the tree barriers were not constructed in a manner to prevent damage of the tree roots by an excavator. The agent was notified of this and he once again stated that no work could proceed without the City Arborist being on site.

On September 12, 2008 a telephone complaint was received from a neighbouring resident who was concerned that a number of trees were about to be cut from this site. This prompted an inspection by the Assistant Director of Development Services and the City Arborist, which revealed that four large evergreen trees (on the site) had been removed and another was in the process of being removed. The work was stopped at that time and all of the permits were suspended. Police attended and statement was taken.

To date the permits have not been reinstated and charges are pending in the City prosecutor's office.

DISCUSSION

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, Vancouver Building and the Private Property Tree By-laws.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

It is recommended that a 336D Notice be filed against the title to this site so that any prospective purchasers will be warned that there are contraventions under the Zoning and Development, Vancouver Building and the Private Property Tree By-laws and that they could suffer significant expense if the By-laws were to be enforced against them.

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