



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: May 2, 2008
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Meeting Date: May 22, 2008

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 3409 West 1st Avenue
Warning to Prospective Purchasers

RECOMMENDATION

THAT the City Clerk be directed to file a 336D Notice against the title to the property at 3409 West 1st Avenue, Lot 14, Block 7, District Lot 540, Plan 229, PID 015-443-540 in order to warn prospective purchasers that there is a contravention of the Building By-law.

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 3409 West 1st Avenue to warn prospective purchasers of a By-law violation.

BACKGROUND

The building at 3409 West 1st Avenue was constructed prior to 1938 and is approved as a two family dwelling. The building is located in an RT-8 (Two Family Dwelling) District.

DISCUSSION

In June of 2007, the City sewer crews were contacted regarding a blocked sewer at 3410 Point Grey Road. It was determined through further investigation that the two properties (3410 Point Grey Road and 3409 West 1st Avenue) were connected to a single sewer line. The sewer line serving 3410 Point Grey Road connects into the sewer line of 3409 West 1st Avenue and thus encroaches into the property of 3409 West 1st Avenue before reaching the city sewer. This configuration contravenes the Building By-law.

When this situation comes to our attention, the City crew provides a sewer connection at the street for each property and requests that the property owner whose sewer line encroaches onto the neighbouring property obtain a permit and re-direct their sewer line. The City is not in a position to order the work to be carried out as it may only be ordered at the time of a redevelopment of the site or major construction.

Correspondence was sent to both owners in October of 2007 advising them of the above contravention. The owners of the property at 3410 Point Grey Road whose sewer encroaches into the neighbouring property and connects to their sewer were requested to obtain a permit for the re-direction of their sewer and complete the work. In addition the owners of 3409 West 1st Avenue were advised that the sewer line from 3410 Point Grey Road encroaches onto their property and connects with their sewer line.

The required permits for 3410 Point Grey Road have not been obtained nor has the sewer line been re-directed.

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 there is violation of the Building By-law related to this building.

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