



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: May 5, 2008.
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Meeting Date: June 12, 2008

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 271 East 61st Avenue
Warning to Prospective Purchasers

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 271 East 61st Avenue, Lot 33, Block 1, District Lot 326A, Plan 4141, PID 005-440-581 and may, in her discretion, seek injunctive relief in that action or proceeding, in order to bring this building into compliance with Zoning and Development and Building 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 271 E 61st Avenue into compliance with the Zoning and Development and Building By-laws.

BACKGROUND

The building at 271 East 61st Avenue was constructed in 1989 and is approved as a one (1) family dwelling. The building is located in an RS-1 (One Family Dwelling) District.

DISCUSSION

As a result of a complaint in 1997, our inspection services investigated and reported that an approximate 30'X 16' portion of the crawlspace had been excavated prior to obtaining the required approvals or permits. Correspondence was sent to the owners at this time requiring them to stop work and informed the owners of the permitting requirements. Upon review of plans submitted by the owners it was revealed that the floor space that was created by the excavation was well over what was permitted by the Zoning and Development By-law. Therefore the owners only option was to appeal directly to the Board of Variance for the additional floor space. The owners of the property made an application to the Board of Variance which was refused. Therefore the work had to be removed and the crawlspace restored.

Correspondence was sent to the owners instructing them to restore the crawlspace to comply with the approved plans for the building, however the owners would not allow City Inspectors access to the building for over a two (2) year period to carry out the required inspections to determine if the crawlspace had been restored. Subsequently as the owners failed to provide access, the matter was referred to the City Prosecutor for charges, however as the owners failed to appear in court a bench warrant was issued.

In August of 2000 a 336D Notice was filed against the title to warn any prospective purchasers that there were contraventions under the Zoning and Development and Building By-laws.

Several more attempts were made over the next few years to contact the owners which included letters and also attending the building, knocking on the door and leaving information to have the owner call, but the owners have continued to evade inspection requests.

In 2007, this file was brought to the attention of the building inspector who requested a new access order to inspect the house. Once again the owners failed to allow an inspection to be carried out and charges were laid once again with a fine imposed. In November of 2007 the inspector was allowed access to this building and it was confirmed that the crawlspace had not been restored and in addition, the unfinished basement area had been completed with plumbing and electrical alterations. This work was also completed without permit or approvals.

CONCLUSION

This building is not listed for sale at this time, however as the building does not comply under the Zoning and Development, Building/Plumbing and Electrical By-laws and the owners are not motivated to bring the building into compliance, we are now looking at other enforcement options. 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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