



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: May 8, 2008.
Author: Pattie Hayes
Phone No.: 604-873-7787
RTS No.: 07418
VanRIMS No.: 11-3000-12
Meeting Date: June 12, 2008

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: 7314 Prince Edward Street
Warning to Prospective Purchasers

RECOMMENDATION

- A. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 7314 Prince Edward Street, Lot J of Lots 1-4, Blocks 3-7, District Lot 657, Plan 3424, PID 012-892-661 in order to warn prospective purchasers that there are contraventions of the Zoning and Development, Building and Electrical By-laws related to this building.
- B. 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 7314 Prince Edward Street, Lot J of Lots 1-4, Blocks 3-7, District Lot 657, Plan 3424, PID 012-892-661, 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.

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.

Sections 334 and 571 of the Vancouver Charter allow the City to seek injunctive relief for any By-law contravention.

PURPOSE

The purpose of this report is to request approval to file a 336D Notice against the title to 7314 Prince Edward Street to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The existing building at 7314 Prince Edward Street was constructed in 1977 and is located in an RS-1 (One Family Dwelling) District). This building was constructed and is approved as a one family dwelling.

DISCUSSION

As a result of a complaint in April of 2004, our inspection services reported that an approximate 20' X 12' addition was being constructed on the rear second storey deck prior to obtaining the required permits or approvals in contravention of the Zoning and Development, Building and Electrical By-laws.

Correspondence was sent to the owners requiring all work to stop until permits and approvals had been obtained or to remove the unapproved work. Work did not stop and further correspondence was sent to the owner. City Staff then met with the owner and provided information on permitting requirements and also gave him additional time to comply with our by-laws.

A Development Permit was then applied for and was subsequently refused. An appeal to the Board of Variance was filed and heard in December of 2004 however that was also refused. A re-inspection revealed that the addition was still existing therefore the matter was referred for charges to the City Prosecutor. Charges were laid in Provincial Court and a guilty plea was entered and a fine imposed.

In 2007, this file was brought to the attention of the building inspector to inspect and report as to whether the addition had been removed or not. A further order was sent to the owners

to remove the addition and upon re-inspection it was revealed that not only the addition on top of the rear deck existed the carport had also been enclosed creating even more unapproved floor space.

The owner following receipt of our order, contacted the building department and uttered threats directed at the inspector who was involved with this building. The Vancouver Police Department were called in to investigate these threats.

To date no permits or approvals have been obtained for the addition on top of the rear deck, the enclosure of the carport or for the electrical wiring.

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 are violations of the Zoning and Development, Building and Electrical By-laws. 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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