



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: May 28, 2008.
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VanRIMS No.: 08-2000-20
Meeting Date: July 10, 2008

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: 2706 Oliver Crescent
Warning to Prospective Purchasers

RECOMMENDATION

- A. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 2706 Oliver Crescent, Lot 10, Block G, Plan 5702, District Lot 2027 New Westminster, PID 011-097-094 in order to warn prospective purchasers that there are contraventions of the Zoning and Development and Building 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 2706 Oliver Crescent, Lot 10, Block G, Plan 5702, District Lot 2027, New Westminster, 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.

Section 334 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 Warning Notice against the title to 2706 Oliver Crescent to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

This building is approved as a single family dwelling. It was constructed in 1944 and is located in an RS-1 Single Family Dwelling District.

As a result of a complaint, the District Inspectors recently attended the above site and reported that areas of the building had been altered without permit or approval and that living quarters including kitchens have been installed in the area of the basement that was shown on the approved plans as storage only. It was also noted that plumbing and electrical work had been carried out without permit or approval, new windows and skylights have been installed in the attic area and that a roof covering has been constructed at the rear connecting the house with the detached garage.

The owners have been directed to either make application to retain one of the dwelling units and all of the work carried out without permit, or to remove all unapproved work and restore the use of the building to a single family dwelling. To date, no application for permit has been submitted.

DISCUSSION

The building is not being occupied in accordance with the Zoning and Development By-law provisions and has been altered without permit or approval contrary to the Building and Electrical By-laws.

CONCLUSION

Although the building is not 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 to bring this building into compliance with all bylaws, if, in her opinion, it is appropriate to do so.

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