



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: September 2, 2008
Contact: Pattie Hayes
Phone No.: 604-873-7787
RTS No.: 07654
VanRIMS No.: 08-2000-20
Meeting Date: September 18, 2008

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: 2745 E Hastings
Warning to Prospective Purchasers

RECOMMENDATION

- A. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 2745 East Hastings, Lot A of Lot 51, THSL, Plan BCP16237, PID 026-240-327 in order to warn prospective purchasers that there are contraventions of the Building By-law in relation 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 2745 East Hastings, Lot A of Lot 51, THSL, Plan BCP16237, PID 026-240-327, and may, in her discretion, seek injunctive relief in that action or proceeding, in order to bring this site 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 Notice against the title to 2745 East Hastings to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

This site is located in an C-2C1 (Commercial District). On May 20, 2005 Development Permit DE408985 was issued for construction of a 4-storey, mixed use retail/residential building with 1 level of underground parking. On November 10, 2005 Building Permit Application BU434100 was submitted in conjunction with the Development Permit however, it has not been issued to date as the owner has not fulfilled the remaining requirements.

DISCUSSION

In November of 2007 our inspection services reported that the excavation has started for the construction of the building on this site prior to the obtaining the required permit in contravention of the Building By-law. Correspondence was sent to the owner requiring all excavation work to stop until permits and approvals had been obtained.

Work did stop for a period of time; however, construction did start up again with footings and foundation walls being built and without the required Building Permit being issued. In April of 2008 further correspondence was again sent to the owner requiring all work to stop until permits and approvals were obtained.

A recent inspection has revealed that the owner continues to build formwork without the required Building Permit in place. It is further noted that the owner has still not been able to satisfy the remaining requirements and submissions needed for the Building Permit to be issued.

CONCLUSION

The building is currently under construction without the required Building Permit in place; therefore 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 Building By-law. 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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