



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Date: October 14, 2008  
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Meeting Date: October 30, 2008

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 2322 Ontario 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 2322 Ontario Street, the south 30 feet of Lot 1, Block 45, District Lot 200A, Plan 197, PID 014-742-144 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 2322 Ontario Street, the south 30 feet of Lot 1, Block 45, District Lot 200A, Plan 197, PID 014-742-144 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 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 file a 336D Notice against the title to 2322 Ontario Street in order to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief, should the Director of Legal Services feel it is necessary to do so.

## BACKGROUND

The existing building at 2322 Ontario Street is located in an I-1 (Industrial District) and is listed as a "C" building on the Vancouver Heritage Register. This building is approved as a multiple conversion dwelling with five (5) sleeping units and one (1) housekeeping unit.

As a result of a complaint in October of 1997, our inspection services reported that extensive alterations including two (2) dormer additions were carried out to this building 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 at that time requiring all work to stop until permits and approvals had been obtained.

Since 1998 the owner has made development permit applications as well as an appeal to the Board of Variance, however the Development Permit Applications were refused and the Board of Variance Appeal disallowed.

As the alterations were extensive and the Development Permit Applications and Board of Variance Appeal were disallowed, the owner was sent a further letter requiring the removal of all of the work carried out without permits within a specified time in order to bring the building into compliance with City by-laws. A recent inspection revealed that there were no changes to the building and permits had not been obtained. It was also noted that the use of the building has changed without permits or approvals and is now occupied as two (2) dwelling units.

## DISCUSSION

The alterations to this building are extensive and include structural work. There have been no permits or approvals to date.

## 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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