



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: 1012 West 57th Avenue
Warning to Prospective Purchasers

RECOMMENDATION

THAT the City Clerk be directed to file a 336D Notice against the title to the property at 1012 West 57th Avenue, Lot 6 of 10, Block 17A, District Lot 526, Plan 7719, PID 010-342-648 in order to warn prospective purchasers that this building has been used as an illegal marijuana grow operation on two occasions and there are contraventions of the Building and Electrical 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.

PURPOSE

The purpose of this report is to request approval to file a 336D Notice against the title to 1012 West 57th Avenue in order to warn prospective purchasers of By-law violations.

BACKGROUND

The building at 1012 West 57th Avenue was constructed in 1950 and is approved as a one family dwelling. The building is located in an RS-1 (One Family Dwelling) District. This building was purchased by the current owner in April of 2007.

DISCUSSION

In November of 2006, this building was closed by the Vancouver Police Drug Squad and City Inspectors because of By-law life safety violations resulting from the building's use as an illegal marijuana grow operation. The power and gas to the building were disconnected and the owner was advised that he was required to go through the inspection and re-occupancy process. All required work was completed and re-occupancy was granted in March of 2007.

The property was then sold with a new owner taking possession of the property in April of 2007.

In June of 2008, it was reported that this building was again being used as a grow operation. The District Electrical Inspector who attended this building reported that there were potentially unsafe electrical installations and that work had been done to the electrical service without permits or approvals. Therefore, following the finding of the illegal marijuana grow operation; the electrical service to the building was once again disconnected and the gas meter locked off.

Because of the potential for mould contamination and the associated concerns related to the health and safety for building occupants, the owner of this property has been advised that the building must be professionally cleaned. The building owner has also been advised that she must retain the services of a qualified Environmental Consultant who will inspect the work and conduct air monitoring for spore counts. Once the services of the Environmental Consultant are complete, the Consultant must provide written confirmation to the Chief Building Official indicating that the spore counts in the building meet acceptable standards and the building is substantially free of any pesticides, fertilizers, toxic substances, moulds or fungi.

CONCLUSION

Although the building is not currently listed for sale and we have not approved re-occupancy of the building, it is recommended that a 336D Notice be filed against the title to the property so that any prospective purchasers will be warned that the building has been used previously as a marijuana grow operation on two occasions and also that there is potential mould contamination due to the grow operation. In addition, there are violations of the Building and Electrical By-laws.

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