



ADMINISTRATIVE REPORT

Report Date: July 10, 2009
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VanRIMS No.: 08-2000-20
Meeting Date: July 23, 2009

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: Request for 336D Warning Notice - 2200 Dundas Street

RECOMMENDATION

THAT the City Clerk be directed to file a 336D Warning Notice in the Land Title Office in relation to the building at 2200 Dundas Street located on Lot 1, Plan 178, District Lot 184 New Westminster Land District PID 015-684-156; Lot 2, Plan 178, District Lot 184 New Westminster Land District PID 015-684-164; and Lot 3, Plan 178, District Lot 184 New Westminster Land District PID 015-684-172 to warn prospective purchasers that there are contraventions of the Vancouver Building By-law, Electrical By-law and the Standards of Maintenance By-law related to this building.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

CITY MANAGER'S COMMENTS

The City Manager RECOMMENDS approval of the foregoing.

COUNCIL POLICY

Section 336D of the Vancouver Charter provides a mechanism whereby the City can warn prospective purchasers of contraventions of City by-laws 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 is of a nature that a purchaser unaware of the contravention, would suffer a significant 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 that Council direct the City Clerk to file a 336D Warning notice against the Certificate of Title to the property at 2200 Dundas Street, in the Land Title Office to warn prospective purchasers that there are violations of the Building and Standards of Maintenance By-law in this building.

BACKGROUND

On July 9, 2009, Council authorized the Director of Legal Services in her discretion to seek injunctive relief in order to bring this building into compliance with City By-laws. At that Council meeting, the matter of the 336D Warning Notice was deferred in order to allow the owner and his legal counsel the opportunity to speak to Council on the matter.

The building in question has the civic address of 2200 Dundas Street (the "Building") and is located on three lots with legal descriptions:

Lot 1, Plan 178, District Lot 184 New Westminster Land District PID 015-684-156;
Lot 2, Plan 178, District Lot 184 New Westminster Land District PID 015-684-164; and
Lot 3, Plan 178, District Lot 184 New Westminster Land District PID 015-684-172

This is a 3 storey apartment building containing 35 dwelling units. It was constructed in 1969 and is located in an RM-3A Multiple Dwelling District. It is owned by 442746 B.C. Ltd.

A review of our records for this building indicates that the owner/landlord has not carried out regular maintenance of the building. Over the years, the district inspectors have responded to numerous complaints from tenants in the building regarding a lack of hot water, damaged plumbing fixtures, rotten flooring, mould, etc. and there have been signs of damage from water leaks since about 2005. In response to the orders issued by the City, the property owner has arranged for work to be done, however, the quality of the repairs has been marginal and problems continue, in particular, with respect to water leaks through the roof.

In the fall of 2008, the District Property Use Inspector requested that charges be laid against the owner of the property for numerous violations of the Standards of Maintenance By-law. On April 17, 2009, the By-law Prosecutor laid charges for 29 violations and a court date is pending.

Early in 2009, the Chief Building Official had scheduled a Council hearing with respect to enforcement of the dilapidated roof. The Council report on this matter was subsequently withdrawn when it was determined that the owner had obtained a building permit to commence repairs to the building and had hired a roofing company to address the issues with the roof.

DISCUSSION

The District Property Use and Building Inspectors carried out a re-inspection of the building on June 16, 2009 to determine the status of the repairs to the roof and to the damaged units.

Their inspection revealed that little or no progress has been made on the repairs to the roof or to the dwelling units. The following violations were observed:

1. layers of the roof membrane have separated allowing water to infiltrate;
2. roof drains are located at high points and are not functioning;
3. some of the soffits that overhang exterior balconies have failed;
4. some of the exterior balconies show signs of structural damage;
5. vacant units on the 3rd storey that have had new drywall installed are showing signs of water penetration/damage.

Approximately ½ of the units in the building are currently vacant. An order will be issued to the owners advising that all vacant suites remain unoccupied until the repair work is done to the satisfaction of the Chief Building Official.

The current state of the roof is such that the building's suitability for human habitation is in jeopardy.

Although the building is not currently listed for sale, it is recommended that a 336D Warning Notice be filed against the Certificate of Title to the property in order to warn prospective purchasers that there are violations of City By-laws in the building.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

This apartment building provides moderate income housing for 35+ tenants. The roof of the building is in a dilapidated condition and has not been properly maintained by the owner, many of the suites show signs of water damage and some of the exterior balconies are in a dilapidated condition.

Council previously authorized the Director of Legal Services to seek injunctive relief to have the building brought into compliance with City By-laws and it is therefore, recommended, that a warning notice to this effect be filed in the Land Title Office so that any prospective purchasers are made aware of the by-law violations and of the City's actions in this regard.

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