



ADMINISTRATIVE REPORT

Report Date: September 4, 2009
Contact: C. Robbins
Contact No.: 604.873.7563
RTS No.: 08326
VanRIMS No.: 08-2000-20
Meeting Date: September 24, 2009

TO: Standing Committee on City Services and Budgets
FROM: Chief Building Official in consultation with the Director of Planning
SUBJECT: 2876 Rupert Street
Request for Injunctive Relief

RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services, in her discretion, to commence a legal action or proceeding in relation to the premises located at 2876 Rupert Street, Lot D, Plan LMP 5272 District Lot THSL, New Westminster Section 38 S Half PID 017-889-545
- B. THAT Council direct the City Clerk to file a 336D Notice against the title to the Property at 2876 Rupert Street, Lot D, Plan LMP 5272, District Lot THSL, New Westminster Section 38 S Half, PID 017-889-545 in order to warn prospective purchasers that there are violations of the Zoning and Development 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 334 of the Vancouver Charter allow the City to seek injunctive relief for any By-law contravention.

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 seek injunctive relief and to file a 336D Notice against the title to the property at 2876 Rupert Street to warn prospective purchasers of By-law violations.

BACKGROUND

This building is located on the corner of Rupert Street and Grandview Highway and is occupied by Canadian Petcetera Warehouse.

In 2002, City Council approved the rezoning of this site to allow for a retail building with ancillary animal clinic. At a special meeting of Council that was held on May 14, 2002, City Council resolved that one of the conditions of the rezoning approval was:

“design development to delete the signage in the landscape setbacks, including existing signage boards located in the parking lot and the pedestal sign at the corner of Rupert and Grandview”.

DISCUSSION

To date, Council's resolution requiring removal of the pedestal sign at the corner of Rupert and Grandview has not been met.

The tenant and property owner have been ordered to remove the pedestal sign, but have not complied.

The related Development Permit (DE 407675) for this change of use lapsed due to the fact that the required Building Permit for the work was never obtained. Accordingly, an application for renewal of the Development Permit was submitted to the Director of Planning. The owner and applicant were advised by the Director of Planning that the Development Permit would not be renewed unless it was demonstrated that the sign in question was removed from the site.

Because the owners failed to remove the pedestal sign, on August 27, 2008, the Director of Planning refused the renewal of the Development Permit. The owners were advised that the continued use of the building without a valid Development Permit was a violation of Section 6.4 of the Zoning and Development By-law. Accordingly, the owners and tenant were ordered to cease occupying the building.

CONCLUSION

The building at 2876 Rupert Street continues to be occupied without Development Permit approval and the pedestal sign on the corner of Rupert and Grandview still exists in contravention of Council's resolution of May 14, 2002.

Subject to Council approval, I will refer this matter to the Director of Legal Services to request that she proceed with injunctive proceedings if, in her opinion, it is appropriate to do so. I also recommend that a 336D warning notice be filed against the Certificate of Title to the property to warn prospective purchasers that there is a violation of the Zoning and Development By-law and of a Council resolution related to this building.

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