



ADMINISTRATIVE REPORT

Report Date: April 22, 2010.
Contact: Pattie Hayes
Contact No.: 604.873.7787
RTS No.: 08670
VanRIMS No.: 08-2000-20
Meeting Date: June 10, 2010

TO: Standing Committee on Planning and Environment
FROM: Director of Licenses & Inspections
SUBJECT: 2368 West 45th Avenue
Warning to Prospective Purchasers

RECOMMENDATION

THAT the City Clerk be directed to file a 336D Warning Notice against the Certificate of Title to the property at 2368 West 45th Avenue (Lot 3 of Lot 11, Block 1, District Lot 526, Plan 4257 - PID 011-674-041) in order to warn prospective purchasers that there are violations of the Building, Standards of Maintenance, Electrical and Untidy Premises By-laws related to this property.

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 can warn prospective purchasers of contraventions of City by-laws related 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 requests Council approval to place a warning notice on title to the property.

BACKGROUND

This is a vacant one family dwelling that was constructed prior to 1966. It is located in an RS-5 One Family Dwelling District.

DISCUSSION

As a result of a complaint in April of 2009, our inspection services reported that the roof on the house and garage were both in disrepair. Correspondence was sent to the owners and agent to repair both roofs.

In addition an inspection of the interior of the building was carried out in May of 2009. Our inspection services reported twenty (20) separate violations of the Standards of Maintenance By-law. Correspondence was again sent to the owners and agent to make repairs. Upon re-inspection it was reported that no improvements had been made and the matter was referred to the City Prosecutor for the laying of charges. The owners received a fine of \$30,000.00 in court and the court further issued a 333C order(attached appendix A) to repair the building or demolish by July 7, 2010.

Due to further deterioration of the roofs of both the house and accessory building this department arranged for tarping and securing of the shingled roof in March of 2010 at a cost of \$1,575.00. This amount has now been billed to the owners for payment and if not paid will be filed against the tax roll.

It should be further noted that additional orders have been issued with respect to the untidy condition of the yards and also to secure the garage to prevent entry by passers by.

The agent for the owner has been in contact with staff on numerous occasions but to date has not followed through with any of our requests of compliance. The maintenance and security of the building is not being maintained.

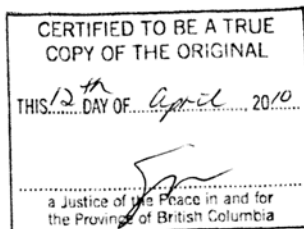
FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The property is currently listed for sale and it is recommended that a 336D Warning to Prospective Purchasers be filed on Title in the Land Titles Office to warn any prospective purchasers that there are violations of the Zoning and Development and Building By-laws.

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Court File No. 31802
Provincial Court
VANCOUVER REGISTRY

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

BETWEEN:

REGINA

AND:

KIN WING TONG
AND
MAVIS TONG

ORDER

BEFORE THE JUDICIAL) WEDNESDAY, THE 7TH DAY
)
JUSTICE OF THE PEACE PROCTOR) OF APRIL, 2010


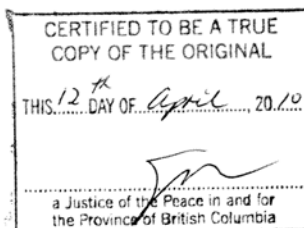
THE ACCUSED, KIN WING TONG and MAVIS TONG, being the owners of land and building at 2368 West 45th Avenue, Vancouver, British Columbia (the Premises) and each accused:

1. having pled guilty to two (2) counts of failing to comply, within the time prescribed, with orders dated May 4 and 28, 2009, issued pursuant to Section 23.2 of By-law 5462, regarding said land and building at the Premises, that the deficiencies be repaired by June 4 and July 10, 2009 respectively, contrary to Section 23.3 By-law 5462; and
2. having pled guilty to one (1) count of failing to keep the roof on the building at the Premises, free from loose or unsecured objects and materials, contrary to Section 9.1(4)(a) By-law 5462; and
3. having pled guilty to one (1) count of failing to keep the accessory building on said Premises in good repair, contrary to Section 4.1(10) By-law 5462; and
4. having pled guilty to one (1) count of failing to keep fence on the West side of said land at the Premises free from accident hazards and In good repair, contrary to Section 4.1(8) By-law 5462; and
5. having pled guilty to one (1) count of failing to maintain all drains in good working order and repair at the Premises, contrary to Section 16.1(1) By-law 5462; and

6. having pled guilty to one(1) count of failing to maintain rooms containing sanitary facilities in a clean and sanitary condition and provided with a smooth surface reasonably impervious to water or chipping or cracking on the walls and ceilings at the Premises, contrary to Section 16.1(5) By-law 5462; and
7. having pled guilty to one (1) count of failing to maintain the North living room window on the first floor of said Premises in good repair and weathertight, contrary to Section 8.1(1) By-law 5462; and
8. having pled guilty to one (1) count of failing to maintain the rear entrance door in the basement of said Premises, in good repair and weathertight, contrary to Section 8.1(2)(e) By-law 5462; and
9. having pled guilty to one (1) count of failing to maintain the ceiling in the basement of said Premises in good repair, contrary to Section 14.1(1) By-law 5462; and
10. having pled guilty to one (1) count of failing to maintain the sheathing on the underside of the first floor bump-out on the exterior wall of said Premises in good repair, contrary to Section 7.1(1) By-law 5462; and
11. having pled guilty to two (2) counts of failing to maintain the rear (South) stairway guardrail and the front porch flooring, in, on or appurtenant to said building at the Premises in good repair, contrary to Section 11.1(1)(b) By-law 5462; and
12. having pled guilty to one (1) count of failing to maintain the awning over top of the rear basement entrance of said Premises in a structurally sound condition, contrary to Section 5.1 By-law 5462; and
13. having pled guilty to one (1) count of failing to maintain the exterior light over top of the rear basement entrance of said Premises in good working order at all times, free from fire and accident hazards, contrary to Section 19.1(1) By-law 5462;

THIS COURT ORDERS, pursuant to s. 333C *Vancouver Charter* that for a period of one year from the date of this Order, KIN WING TONG and MAVIS TONG must:

1. Keep the peace and be of good behaviour.
2. Obey all City of Vancouver By-laws, in particular, the Standards of Maintenance By-law 5462.
3. Repair all deficiencies to the satisfaction of the City of Vancouver or demolish the building and accessory building with the approval of the City of Vancouver, within three(3) months of today's Order.



JUDICIAL JUSTICE OF THE PEACE PROCTOR