



ADMINISTRATIVE REPORT

Report Date: July 5, 2010
Contact: C. Robbins
Contact No.: 604.873.7563
RTS No.: 08790
VanRIMS No.: 08-2000-20
Meeting Date: July 22, 2010

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

RECOMMENDATION

THAT the City Clerk be directed to file a 336D 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 inform prospective purchasers that there are contraventions of the Vancouver Building By-law, Fire 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 inform prospective purchasers of contraventions of City by-laws with respect 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; then the City Building Inspector 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 Notice in the Land Title Office against the title to the property at 2200 Dundas Street, in order to inform prospective purchasers that there are contraventions of the Building By-law, Fire By-law and that Standards of Maintenance By-law in the building on the property.

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 a 336D Notice was deferred in order to allow the owner and its 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

The Building 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. The Building is owned by 442746 B.C. Ltd.

City records for the Building contain no information demonstrating that the owner/landlord has 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.

Early in 2009, the City Building Inspector had scheduled a Council hearing with respect to enforcement proceedings concerning repairs to the Building's 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

Although the owner did complete repairs to the roof in the fall of 2009, the owner has not attended to other by-law contraventions relating to the construction or safety of the Building such as:

1. the fire alarm system is not working (contravention of Section 2.1.3.1.1)c) of the Fire by-law, Section 3.2.4 of the Building By-law and Section 15.1 of the Standards of Maintenance By-law);
2. emergency lighting is not working (contravention of Section 2.7.3 of the Fire By-law, Section 3.2.7 of the Building By-law and Section 15.1 of the Standards of Maintenance By-law);
3. exit corridors are not adequately fire rated which means that they are highly susceptible to the spread of fire (contravention of Section 3.4 of the Building By-law);
4. interior exit stairs are in disrepair such that they are causing a slip/trip hazard (contravention of Section 9.30 of the Building By-law and Section 13.1 of the Standards of Maintenance By-law);
5. exterior balconies are dilapidated, rotten and potentially unsafe (contravention of Article 9.23.9.9 of the Building By-law and Section 11 of the Standards of Maintenance By-law);
6. the building envelope shows signs of failure from water infiltration (contravention of Section 9.27 of the Building By-law);

District Inspectors also report that portions of the exterior cladding are pulling away from the Building and that there appear to be systemic issues with the electrical components throughout the Building. These issues may be the result of the long standing issues with water ingress into the Building.

See Appendices A to D of this report for photos of some of the above noted by-law contraventions.

There are approximately 10 units in the Building that are occupied. The remaining units are vacant and not fit for habitation.

On June 22, 2010, an order was issued to the property owner requiring that the electrical and structural components in the Building be assessed by registered professionals and reported to my attention.

Because of the owner's failure to correct the outstanding by-law contraventions in this Building, this matter has been referred to the Director of Legal Services to commence injunctive proceedings to have the Building brought into compliance with all City by-laws. The Director of Legal Services is proceeding with injunctive relief to compel the owner to bring the Building into compliance with City by-laws.

Although the Building is not currently listed for sale, it is recommended that a 336D Notice be filed against the title to the property in order to inform prospective purchasers that the Building is in contravention of City by-laws relating to the construction or safety of the Building.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The City Building Inspector has observed conditions at the Building that are considered to be in contravention of by-laws relating to the construction or safety of the Building. It is therefore, recommended that Council direct the City Clerk to file a 336D Notice in the Land Title Office so that any prospective purchasers are made aware of the by-law contraventions.

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