



ADMINISTRATIVE REPORT

Report Date: September 8, 2010
Contact: C. Robbins
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VanRIMS No.: 08-2000-20
Meeting Date: October 7, 2010

TO: Standing Committee on City Services and Budgets
FROM: Chief Building Official
SUBJECT: 3683 - 3695 East Hastings Street and 365 Boundary Road - Request for Injunctive Relief and 336D Notice

RECOMMENDATION

- A. THAT the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the property located at 3683 - 3695 East Hastings Street and 365 Boundary Road, Lot A, Block 46, Plan 17717, District Lot THSL, New Westminster, PID 007-260-211, and may, at her discretion, seek injunctive relief in that action or proceeding in order to bring this property into compliance with City By-laws.
- B. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 3683-3695 East Hastings and 365 Boundary Road, Lot A, Block 46, Plan 17717, District Lot THSL, New Westminster, PID 007-260-211.

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

Section 334 of the Vancouver Charter allows 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 advise prospective purchasers of certain conditions or contraventions of City By-laws. It provides that if the City Building Inspector observes a condition that he considers to be a contravention of a By-law related to construction or safety of buildings; or as a result of that condition, a building or structure is unlikely to be useable for its expected purpose; or the

contravention 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 Council approval to seek injunctive relief to have this property brought into compliance with all City By-laws.

This report also requests that a 336D notice be filed against the title to the property in the Land Title Office.

BACKGROUND

This is a mixed use commercial/residential building located at East Hastings and Boundary Road.

In 2002, two of the residential units on the upper floor were extensively damaged by fire. Since that time, all of the residential units on the two top floors in this building have been vacant and the fire damage has not been repaired.

In response to complaints from the commercial tenants in the building, a recent inspection of the building was carried out. The inspection revealed that:

1. there is extensive water damage inside the building that has affected the commercial tenants on the main floor;
2. the elevator is not working;
3. there is an infestation of pigeons;
4. there are holes in exterior soffits and under balconies;
5. there are tarps on the exterior;
6. there is an excessive amount of building materials on the exterior balconies at the rear (most of which have been damaged due to long time exposure to the elements);
7. windows/sliding doors are missing on several of the upper floor units;
8. the exterior walls are covered in soot and dirt;

These are contraventions of the Standards of Maintenance By-law and Building By-law which relate to construction or safety of a building.

The owners of the building were ordered to carry out repairs and hire a pest control company to address the pigeon infestation, however, to date, they have not complied.

Our records further indicate that two building permits were issued (BU 437159 for interior demo work in 2006) and (BU 438774 for seismic upgrading in 2007), however, no work started under those permits and they have expired.

In addition, a Building Permit Application (BU 438873) was submitted on April 18, 2007 for a change of use of the upper floors of this building, however, because of numerous deficiencies in the application, until recently, staff were unable to issue the permit. The permit will be issued on the condition that the work will include correction of the violations listed in the

order by the Chief Building Official and that all work must be completed by March 31, 2011, unless extended in writing by the Chief Building Official.

DISCUSSION

This building has been in a state of disrepair since the fire in 2002. No work has been done to repair the fire damage and the lack of maintenance and/or repairs is having a detrimental effect on the commercial tenants. In addition, the exterior of the building is in an unsightly condition. There are contraventions of the Building By-law and Standards of Maintenance By-law throughout the building.

CONCLUSION

Because of the ongoing contraventions of the Building By-law and Standards of Maintenance By-law, subject to Council approval, this matter will be referred to the Director of Legal Services to request that she commence a legal action or proceeding in relation to the property located at 3683 - 3695 East Hastings and 365 Boundary Road, and/or that she, at her discretion, seek injunctive relief in that action or proceeding in order to bring this property into compliance with all City By-laws.

Further, although the property is not listed for sale, it is recommended that a 336D notice be filed against the certificate of title to the property in the Land Title Office to inform prospective purchasers that there are contraventions of City By-laws on this property.

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