



ADMINISTRATIVE REPORT

Report Date: September 20, 2010
Contact: C. Robbins
Contact No.: 604.873.7563
RTS No.: 08877
VanRIMS No.: 08-2000-20
Meeting Date: October 7, 2010

TO: Standing Committee on City Services and Budgets
FROM: Chief Building Official and Director
SUBJECT: 775 West 66th Avenue - 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 775 West 66th Avenue, Lot 38, Block J, Plan 8627, District Lot 323, New Westminster, PID 010-023-984, 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 775 West 66th Avenue, Lot 38, Block J, Plan 8627, District Lot 323, New Westminster, PID 010-023-984, in order to advise prospective purchasers that there are contraventions on the property of the Zoning and Development By-law and the Standards of Maintenance By-laws that are of a nature that a purchaser, unaware of the contravention, would suffer a significant loss or expense if the by-law were enforced against that purchaser, and there are contraventions of the Building By-law that relate to the construction or safety of buildings or structures.

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 violation.

Section 336D of the Vancouver Charter provides a mechanism whereby the City of Vancouver can advise 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 related to construction or safety of buildings; or as a result of that condition, a building or structure is unlikely to be usable 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 the purchaser, 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 Council approval to seek injunctive relief to have this property brought into compliance with all City By-laws.

This report also requests that Council direct the City Clerk to file a 336D notice against the title to the property in the Land Title Office.

BACKGROUND

This is a single family dwelling located in an RS-1 Single Family Dwelling District.

The current owners purchased the property in September of 2008. Since that time, there have been several complaints from neighbouring residents about the unsightly condition of the yards and the use of the yards for storage of construction materials, shipping containers, tents and oversized vehicles.

The owners of the property were ordered to remove the storage containers and tents and all materials and oversized vehicles in October of 2009. However, the owners failed to comply with the City's order, consequently, the City Prosecutor has laid charges that are being prosecuted in Provincial Court.

A recent inspection of the property revealed that the owner has added new structures and vehicles as follows:

1. an approximate 12' x 8' wood structure approximately 15' in height;
2. an old dump truck;
3. a screened tent structure approximately 8' x 8'; and
4. a black utility trailer

(see attached photos in Appendix A)

The wood structure has been constructed without permit approval in contravention of the Zoning and Development By-law and the Building By-law.

The materials and oversized vehicles are being stored on the property in contravention of the Zoning and Development By-law and the Standards of Maintenance By-law.

DISCUSSION

The owners of this property have not complied with orders from the City to remove all unauthorized materials, buildings and vehicles from the property. Further, despite having been charged with violating City By-laws, they continue to add to the non-compliance of the property, demonstrating a disregard of City By-laws and of neighbouring residents concerns.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Because of the ongoing contraventions of the Zoning and Development By-law, Standards of Maintenance By-law and the Building By-law on this property, 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 775 West 66th Avenue, and/or that she, at her discretion, seek injunctive relief in that action or proceeding in order to bring this property into compliance with 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 Titles Office to inform prospective purchasers that there are violations of City By-laws on this property.

* * * * *



Filename: 10.jpg \\ © City of Vancouver \\



Filename: 01.jpg \\ © City of Vancouver \\



Filename: 03.jpg \\ © City of Vancouver \\



Filename: 04.jpg \\ © City of Vancouver \\



Filename: 09.jpg \\ © City of Vancouver \\