



ADMINISTRATIVE REPORT

Report Date: September 29, 2010  
Contact: Carlene Robbins  
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RTS No.: 08907  
VanRIMS No.: 08-2000-20  
Meeting Date: November 4, 2010

TO: Standing Committee on Planning and Environment  
FROM: Director, Licences and Inspections and Chief Building Official  
SUBJECT: 564 West 17th Avenue - 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 564 West 17<sup>th</sup> Avenue, Lot 10, Block 520, Plan 723, District Lot 472, New Westminster, PID 011-858-591, 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 564 West 17<sup>th</sup> Avenue, Lot 10, Block 520, Plan 723, District Lot 472, New Westminster, PID 011-858-591, in order to advise prospective purchasers that there are contraventions on the property of the Zoning and Development By-law, Building By-law and Standards of Maintenance Bylaw 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 that 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; if the contravention results in the building being unlikely to be usable for its expected purchase; or if the purchaser, unaware of the contravention, would suffer a significant loss or expense if the By-law were enforced against the purchaser; by recommending 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-7 (Single Family Dwelling District).

In May of 2005, the District Building Inspector posted a STOP WORK order on the building because there were extensive alterations being carried out without permit or approval. The work consisted of:

- 1) gutting the interior walls and partitions;
- 2) increasing the height of the house by 18"; and
- 3) installation of new framing materials and plywood.

On April 3, 2006, the City issued Combined Development and Building Permit DB 423083 for this work. The inspector later requested access to inspect the building, but no access was provided. Construction continued.

The Inspectors have attempted to resolve this issue with the owner over the past few years but have been unsuccessful. A recent inspection in April, 2010 revealed that:

1. the work in the basement has been covered without any record of building inspection approvals;
2. the work has not been verified by a Structural Engineer;
3. the Engineer on record advised that he is no longer involved with this project and has not provided any Letters of Assurance;
4. the inspector has not been allowed to inspect any work on the second storey;
5. an approximate 250 sq ft accessory building was being constructed in the rear yard without permit or approval;
6. the rear yard is strewn with construction materials and is not in keeping with the prevailing standard in the neighbourhood.

The inspector posted another STOP WORK order with respect to the unapproved accessory building and also ordered the owner to provide the required Letters of Assurance for the work done to date.

### *DISCUSSION*

The owner of this property has not complied with the orders from the City to stop work, provide access for inspections or provide the required Letters of Assurance from a Structural Engineer, thereby contravening provisions of the Building By-law. There is no permit approval for the newly constructed accessory building which is a contravention of the Zoning and Development By-law and the Building By-law. The unsightly condition of the rear yard is a contravention of the Standards of Maintenance By-law.

The contraventions of the Building By-law relate to the construction or safety of buildings or structures. The contraventions of the Building By-law, Zoning and Development By-law and Standards of Maintenance By-law are of a nature that a purchaser, unaware of the contraventions, would suffer a significant loss or expense if the by-laws were enforced against that purchaser.

### *CONCLUSION*

Because of the ongoing contraventions of the Building By-law, Zoning and Development By-law and the Standards of Maintenance 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 at 564 West 17<sup>th</sup> 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 all City By-laws.

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

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