



ADMINISTRATIVE REPORT

Report Date: November 23, 2010
Contact: C. Robbins
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VanRIMS No.: 08-2000-20
Meeting Date: December 16, 2010

TO: Standing Committee on Planning and Environment
FROM: Director of Licences and Inspections and Chief Building Official
SUBJECT: 2920 Grant Street - Request for Injunctive Relief

RECOMMENDATION

THAT the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding seeking to discontinue the unauthorized use of the City lane adjacent to 2920 Grant Street (for auto repairs, storage of vehicles and equipment) and to have the property brought into compliance with all City By-laws.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services and the General Manager of Engineering Services RECOMMEND approval of the foregoing.

COUNCIL POLICY

Section 334 of the Vancouver Charter allows the City to seek a court order requiring a person to comply with any of the City's by-laws.

PURPOSE

The purpose of this report is to request Council approval to seek a court order requiring the unauthorized use of the City lane adjacent to 2920 Grant Street (for auto repairs, storage of vehicles and equipment) discontinued and to have the property brought into compliance with all City By-laws.

BACKGROUND

This is a single family dwelling located in an RS-1 (One Family Dwelling) District. The building is adjacent to the City lane.

Since 2008, City staff has received complaints from neighbouring residents about the unauthorized use of the City lane adjacent to the property for parking and repairing of vehicles. Inspection staff report that one of the residents in the building is doing this unauthorized work in the lane.

This activity is prohibited under Sections 68, 71 and 72A of the Street and Traffic By-law.

Accordingly, the City Engineer has impounded several vehicles from the lane pursuant to Section 3(a) of Impound By-law No. 3519. Despite the City's actions, the resident continues to contravene the By-law.

As a result of the continued by-law violations, the Coordinated Enforcement Division (comprised of staff from Property Use, Parking Enforcement, Fire and Vancouver Police) attended the site and delivered a notice dated October 15, 2010, to the property owners advising that if the unauthorized activity did not cease immediately, this matter would be brought before Council for approval to seek a court order to compel the owners to comply with City By-laws.

The owners were further advised that the City's legal action would not be limited to the unauthorized activity in the lane, but would include any and all by-law violations on the property. This would include the unauthorized use of the accessory building that the Fire Department reports is full of combustible and flammable materials. There is also an unauthorized roof that has been constructed over the rear deck without permit or approval.

Since the notice was served, the Parking Enforcement Branch advises that there has been no compliance with City By-laws. On November 1, 2010 and again on November 4, 2010 staff observed vehicles parked in the lane and also observed the resident in the process of repairing vehicles. By-law violation notices were issued and the information was referred to the Coordinated Enforcement Division for further action.

CONCLUSION

The continued unauthorized use of the City lane for repairing and parking of vehicles and for storing mechanical equipment is in contravention of the provisions of the Street and Traffic By-law. Further, there are by-law violations on the property pursuant to the Fire By-law, the Zoning and Development By-law and the Building By-law. Therefore, subject to Council approval, I will refer this matter to the Director of Legal Services to request that she commence a legal action or proceeding seeking to discontinue the unauthorized use of the City lane and to have the property brought into compliance with all City By-laws.

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