



ADMINISTRATIVE REPORT

Report Date: 15 February 2012  
Contact: Will Johnston  
Contact No.: 604.873.7515  
RTS No.: 9420  
VanRIMS No.: 08-2000-20  
Meeting Date: February 29, 2012

TO: Standing Committee on Planning, Transportation and Environment  
FROM: Chief Building Official and Director of Licences and Inspections  
SUBJECT: 727 Keefer Street - Request for Injunctive Relief

**RECOMMENDATION**

- A. THAT Council authorize the Director of Legal Services, in her discretion, to commence a legal action or proceeding in relation to the property located at 727 Keefer Street (Lot 35, Block 76, Plan 196, District Lot 181, PID 015-576-337), and to seek injunctive relief in that action or proceeding in order to bring this building into compliance with City By-laws.
- B. THAT the City Clerk be directed to file a 336D Notice in the Land Title Office in relation to the building at 727 Keefer Street located on Lot 35, Block 76, Plan 196, District Lot 181, PID 015-576-337; to inform prospective purchasers that there are contraventions on the property of the Zoning and Development By-law and the Building By-law related to the presence of the illegal suites.

**REPORT SUMMARY**

This report summarizes the by-law violations and related enforcement history of 727 Keefer Street. As a result of these violations Council is asked to consider a recommendation to seek a court injunction to bring the building into compliance with City Bylaws as well as the registration of a notice on title. The building is currently non-compliant with the Zoning and Development By-law, the Building By-law and the Standards of Maintenance By-law.

**COUNCIL AUTHORITY/PREVIOUS DECISIONS**

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.

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 with respect to land or a building or structure. It provides that if the City Building Inspector observes an unsafe condition, a by-law contravention related to the construction or safety of buildings or structures or if the contravention is of the nature that a purchaser, unaware of the contravention, would suffer a significant expense if the by-law were enforced against the purchaser, then the City Building Inspector may recommend to City Council that a resolution be considered directing the City Clerk to file a notice on the title of the property in the Land title Office.

### *CITY MANAGER'S/GENERAL MANAGER'S COMMENTS*

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

### *REPORT*

#### *Background/Context*

The building at 727 Keefer is a SRA designated 2 story building with basement and attic. In 2002, the Owners applied for a Development Permit (DE406659) to renovate the building and allow relaxations of the City's Zoning and Development By-law concerning the height, floor area and number of storeys of the building. In order to qualify for the relaxations, the Owners signed a Housing Agreement ("HA") with the City. The HA requires the owner to maintain 12 housekeeping units as low income housing for singles for a period of 15 years (with rent not to exceed the shelter component of welfare, currently \$375). The Owners of the building also received a grant for the upgrades through the Federal Residential Rehabilitation Assistance Program ("RAPP").

Enforcement on this property started in July 2009 when an inspection revealed that the attic and basement of the building were altered to provide an additional 5 housekeeping units (2 in the attic, 3 in the basement). These units were added without inspections or permit approvals. The Development Permit that was issued for the building upgrades (in 2002) required that the attic not be used as habitable space. It also required that the basement was to provide tenant storage and laundry facilities as it was not suitable for live-in suites. As a result of this, the Owners were issued the first in a series of Orders to cease occupying the 5 illegal units.

In September 2009, a further inspection confirmed that the units had not been vacated despite the Order. A Building Inspection at that time also confirmed there were problems with the exiting, windows and ventilation from the stoves in each room. The owners' attempted remedial measures did not resolve the problems of bringing these illegal suites up to current life safety standards.

Compounding the problems, the City discovered in January 2010 that the Owners were doing further work without permit. The City issued an immediate Stop Work Order for the unapproved work. At the same time, the Owners also applied for a development permit to maintain the 5 additional suites. Enforcement action was withheld pending the decision on the Development Application.

In October 2010, the Development Application was made but had to be refused because the Owners did not provide the information (architectural drawings) needed in order to process the application. Following refusal of the Development Application, the City issued another Order to cease occupying the 5 illegal units. The City also posted notices to the tenants of the illegal suites informing them that there were safety concerns with the units and the Owners had been ordered to vacate the units. Along with the notices to the tenants, the City also provided contact information to assist tenants in finding other accommodation.

In January 2011, the Owners hired an Architect to develop the architectural plans required to proceed with a development application. The Owners also approached the City at this time and it was agreed that the Owners would vacate the units in the attic but that the units in the basement could remain while the Owners proceeded with a development application.

An inspection in June 2011 confirmed that the attic units had been vacated. However, there has been no application for a development permit to approve the units in the basement. This inspection also revealed a number of violations of the Building and Standards of Maintenance By-law in the existing, legal suites. These violations included broken windows, rotting decks, missing handrails, missing smoke alarms and compromised sprinklers.

In November 2011, having still not received an application, City staff performed another inspection and confirmed that there have been no repairs to the building and no change in the status of the 3 units in the basement. As a result of this Inspection, City staff issued an Order to vacate and further orders to repair and maintain the building. Staff also met with the owners, as recently as January 2012, to review their obligations and explain the consequences of non compliance.

The Owners also have a history of non-compliance in terms of submitting rent rolls as required by the Housing Agreement. However as part of the recent discussions with the Owner about the property issues, further requests for information were made and staff received a recent rent roll indicating that the rents do meet the HA requirements. Staff will continue to work with the Owner to ensure future and regular submission of rent roll information and to impress on them, the potential consequences of non-compliance.

In addition to the non-compliance related to the illegal suites, the Building By-law, the Standards of Maintenance By-law and the Housing Agreement, this building is frequently attended by the Vancouver Police Department. Over the last 2 years, members of the VPD have attended attending the building at least once every 2 weeks in response to problems at the building.

### *Strategic Analysis*

Staff would be interested in discussing the potential to increase the number of suites in this building in order to address the need for affordable housing. Additional suites would also raise revenue for the Owners and address their concern that the shelter component of welfare rates do not provide enough income to sustain the building.

However, in order to consider this, staff would have to see evidence of better management of the building including:

- An approved operating Plan;
- Renovations to the building to provide amenities for the tenants;
- Renovations to the building to bring it in compliance with all life safety and By-law regulations; and
- Measures to mitigate the behaviour of the tenants.

In the meantime, staff have been working with the owners of this building for over 2 years to resolve the outstanding issues related to the illegal suites, building maintenance and police calls. While some compliance has been reached (the attic suites were vacated), the building remains illegally occupied and in need of repairs. At this time, it is recommended that Council approve proceeding to the next stage of enforcement and seek injunctive relief (i.e. a court order requiring compliance) against the Owners.

Subject to Council approval, this matter will be referred to the Director of Legal Services so that she may, at her discretion, commence legal action or proceeding in relation to 727 Keefer Street. In addition, the contraventions of the Zoning and Development by-law and the Building By-law are of the nature that a purchaser, unaware of the contraventions, would suffer a significant loss or expense if the by-laws were enforced against the purchaser.

### *Implications/Related Issues/Risk (if applicable)*

#### *Financial*

There are no financial implications.

#### *Other*

The building contains 5 unapproved units, 3 of which remain occupied. The City's Tenant Relocation staff have been in contact with some of the tenants in the 3 occupied illegal units to offer assistance. They have also contacted the Province's Housing Integrated Task team. The Assistant Director of Housing has also been kept abreast of the circumstance around this case.

### *CONCLUSION*

The Owners of the building at 727 Keefer were provided with relaxations to the Zoning and Development By-law on the condition that they agree to a Housing Agreement and that they conform to the conditions of DE406659. City Staff have been working for over 2 years with the Owners to bring the building into compliance with the Zoning and Development By-law and Building By-law. At this point, it is recommended to seek injunctive relief to bring the building into compliance and to place a notice on title to notify prospective purchasers of the by-law violations.

\* \* \* \* \*