



ADMINISTRATIVE REPORT

Report Date: March 22, 2013
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VanRIMS No.: 08-2000-20
Meeting Date: April 10, 2013

TO: Standing Committee on City Finance and Services
FROM: Chief Building Official and Director of Licences and Inspections
SUBJECT: 3789 Quebec Street- Request for Injunctive Relief and Notice on Title

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 3789 Quebec Street 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 3789 Quebec Street to inform prospective purchasers that there are contraventions on the property of the Zoning and Development By-law, Electrical By-law, Fire By-law and the Building By-law.

REPORT SUMMARY

This report summarizes the by-law violations and related enforcement history of 3789 Quebec 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. At the time this report was written, the building was non-compliant with the Zoning and Development By-law, Electrical By-law, Fire By-law and the Building 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 3789 Quebec is a multiple dwelling that is approved for four (4) residential units. In addition to the principle building, the property contains additional buildings, including a garage plus several sheds. While 3789 Quebec Street is the civic address, the lands referred to in this reports have the legal description of:

- Lot 25, except part in reference plan 543, Block 4 District Lot 629 Plan 483 and
- Lot 26, except part in reference plan 543, Block 4 District Lot 629 Plan 4483.

Enforcement of several City by-laws has been underway for over 1 year at this address. This enforcement has included multiple written legal orders and coordinated inspections. While the owner, Sandra D. StremLaw, of the property at 3789 Quebec, has made some progress to bring this property into compliance, at the time this report was written, there remain violations of the Zoning and Development By-law, Electrical By-law, Fire By-law and the Building By-law. The majority of the violations relate to unapproved residential units and bedrooms. The following table provides a summary of the unapproved uses and residential units at this property.

Location		Approved use	Actual use
Principle building	Basement	Storage	2 residential units
	Main floor	2 residential units	2 residential units
	Second floor	2 residential units	2 residential units plus living space for attic
	Attic	Storage	3 bedrooms connected to 2 nd floor
Yard		1 garage	Garage converted to living space plus 2 sheds

The unapproved residential units and sheds are violations of the Zoning and Development By-law. The presence of unapproved suites is also an indication that work has occurred in this building without permits or safety inspections. While Ms.

Stremlaw has resolved many of the safety issues identified, the following issues remain at the time this report was written:

- insufficient exiting of the residential units in the principle building;
- insufficient height in several of the residential units in the principle building;
- unapproved wiring and gas appliances in the principle building and the garage;
- illegal construction of multiple exterior stairways on the principle building;
- missing or damaged smoke alarms;
- missing or un-serviced Portable Fire Extinguishers; or
- missing, blocked or restricted Means of Egress in the principle building.

In addition to the by-law enforcement underway at this address, there have been an extraordinary number of police calls related to this address. Police have had interactions/calls at this address and the surrounding blocks on an average of 15 times a year since 2011. It should be noted that these are only the calls recorded by 911. Some neighbours have indicated that they will not call 911 for fear of retribution. The police issues have been a burden on the neighbourhood and the residents of the area have been meeting with police and by-law enforcement staff to address their concerns. The Ministry of the Attorney General and the (Provincial) Director of Civil Forfeiture are also involved in this address because of allegations that the property is supported from proceeds of unlawful activity.

Ms. Stremlaw has been in regular contact with Inspections staff and they have been working with Ms. Stremlaw to provide assistance in bringing the property into compliance with by-laws. Ms. Stremlaw has a couple of options for bringing the property into compliance. Ms. Stremlaw can either remove the unapproved work or apply for a Development Permit to reconfigure the property and allow some of the alterations to remain. However, both options will require some of the residential units to be vacated, something Ms. Stremlaw is resistant to carry out. In the case of the option to apply for a development permit, Ms. Stremlaw would be required to perform substantial work to address health and safety issues.

Strategic Analysis

At the time this report was written, the property at 3789 Quebec Street is non-compliant with the Zoning and Development By-law, Electrical By-law, Fire By-law and the Building By-law. While some work is still underway to address the by-law issues, the substantial issues (related to illegal residential units) have not been resolved. In order to continue to move forward with by-law enforcement, 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 3789 Quebec Street.

In addition, the contraventions of the Zoning and Development By-law, Electrical By-law, Fire 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. In order to protect prospective purchasers, it is recommended that a notice is placed on the title of the lands, pursuant to section 336D of the Vancouver Charter.

Implications/Related Issues/Risk (if applicable)

Financial

There are no financial implications.

Other

The building contains 3 unapproved residential units plus extra bedrooms installed in the attic. In order to comply with the Zoning and Development bylaw, Building by-law and Fire by-law, these spaces will have to be vacated and existing tenants will be displaced. Tenant Assistance staff are aware of the issue will be available to assist tenants if required.

CONCLUSION

The property at 3789 Quebec Street is non-compliant with the Zoning and Development By-law, Electrical By-law, Fire By-law and the Building By-law. The violations of the by-laws relate to unapproved residential units and sheds on the property. The owner, Sandra D. Stremlaw, has been notified of the violations through several legal orders and discussions with City staff but has been unable to address all the issues. 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.

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