



ADMINISTRATIVE REPORT

Report Date: June 17, 2013
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VanRIMS No.: 08-2000-20
Meeting Date: July 10, 2013

TO: Standing Committee on City Finance and Services
FROM: Chief Building Official and Director of Licences and Inspections
SUBJECT: 1125 Granville 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 1125 Granville Street (Lot 34, Block 92, Plan VAP210, District Lot 541, PID 003-533-476 and 003-533-484) and to 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 in the Land Title Office in relation to the building at 1125 Granville Street located on Lot 34, Block 92, Plan VAP210, District Lot 541, PID 003-533-476 and 003-533-484; to inform prospective purchasers that there are contraventions on the property of the Fire By-Law, Standards of Maintenance By-law, Electrical By-law and the Building By-law.

REPORT SUMMARY *

This report summarizes the by-law violations and related enforcement history of 1125 Granville 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 By-laws as well as the registration of a notice on title. At the time this report was written, the building was non-compliant with the Fire By-Law, Standards of Maintenance By-law, Electrical 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 1125 Granville Street is designated under the Single Room Accommodation By-law and contains 73 sleeping rooms (bedroom with a sink) on the 2nd, 3rd, and 4th floors, and two retail spaces on the ground floor. The building is owned and operated by a numbered company (0887678 BC LTD) of which Abolghasem Abdollahi, Zohreh Fazl-Mashhadi, and Yahya Nickpour, are the principal directors.

The building at 1125 Granville Street has been the subject of on-going enforcement for the past decade but compliance has typically been achieved after issuance of a City order. However, the property is currently ranked as the second worst property on the City's Rental Property Database with 105 violations (24 Fire, 4 Building, 16 Electrical, and 61 Standards of Maintenance By-law violations). Recent efforts by staff to work with two of the owners, Mr. Abdollahi and Mr. Nickpour, to bring this building into compliance have been unsuccessful.

In October 2012, an inspection revealed the fire escape at the rear of the building was in an unsafe condition. The City subsequently ordered a fire watch (i.e. full-time security services) on the building that was put in place for 73 days before the owners had the fire escape repaired. This time period exceeded staff expectation and further raised concerns of the health and safety of the building and its tenants. Further investigations into the building resulted in several City Orders for violations of the Fire By-Law, Standards of Maintenance By-law, Electrical By-law, and the Building By-law. These orders expired on May 10th, 2013 and a re-inspection on May 30th, 2013, revealed the violations were still outstanding.

City staff met with Mr. Abdollahi and Mr. Nickpour on June 7, 2013, for the purpose of understanding their plans to bring the building back into compliance. Mr. Abdollahi and Mr. Nickpour acknowledged that the communication in their partnership has broken down and that they did not have a plan to address the City's by-law violations.

*Strategic Analysis **

At the time this report was written, the property at 1125 Granville Street was non-compliant with the Fire By-Law, Standards of Maintenance By-law, Electrical By-law, and the Building By-law. The safety violations include, but are not limited to:

- electrical devices are incomplete or improperly installed;
- fire-stopping and fire separations have been compromised,
- walls throughout the common areas are bulging and have excessive cracking;
- floors throughout the common areas are sloped and in a state of disrepair;
- a structural beam appears to have been compromised; and,
- several bathroom facilities are inoperable.

Although these violations are serious, staff feel the building should not be evacuated at this time. It is recommended that Council approve proceeding to the next stage of enforcement and seek injunctive relief (i.e. a BC Supreme Court Order requiring compliance) against the Owners to have the violations remedied. In the event the Owners choose to vacate the building instead of performing the repairs, Staff will be available to assist tenants for relocation.

Subject to Council approval, this matter will be referred to the Director of Legal Services so that she may, at her discretion, commence a legal action or proceeding in relation to 1125 Granville Street.

In addition, the contraventions of the Fire By-law, Standards of Maintenance By-law, Electrical 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.

*CONCLUSION **

The property at 1125 Granville Street is non-compliant with the Fire By-law, Standards of Maintenance By-law, Electrical By-law, and the Building By-law. City Staff have tried to work with the owners, Mr. Abdollahi, Mrs. Fazl-Mashhadi, and Mr. Nickpour, to gain compliance over a considerable period of time. The owners have been notified of the safety violations through multiple City Orders. At this point, it is recommended to seek injunctive relief in the BC Supreme Court 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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