



REPORT

Report Date: July 6, 2021
Contact: Saul Schwebs
Contact No.: 604-873-7040
RTS No.: 14604
VanRIMS No.: 08-2000-20
Meeting Date: September 22, 2021
[Submit comments to Council](#)

TO: Standing Committee on Policy and Strategic Priorities
FROM: Chief Building Official
SUBJECT: Regal Hotel – Injunction and Notice on Title

RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services to commence a legal action or proceeding in relation to the property located at 1046 Granville Street (Lot G Block 83 District Lot 541 New Westminster District Plan BCP41644, PID: 027-976-661) 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 Notice in the Land Title Office pursuant to section 336D of the Vancouver Charter, in relation to the property at 1046 Granville Street (Lot G Block 83 District Lot 541 New Westminster District Plan BCP41644, PID: 027-976-661); indicating that Council has adopted a resolution relating to the property because there are Building By-law violations that the City Building Inspector considers to amount to an unsafe condition, and that further information respecting this resolution may be inspected at the offices of the City Clerk.

REPORT SUMMARY

This report summarizes the by-law violations and related enforcement history of the Regal Hotel at 1046 Granville Street. As a result of these violations Council is being asked to consider a recommendation to seek a court injunction to bring the building on the property 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 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 the City's By-laws. Section 334 of the *Vancouver Charter* is set out in Appendix "B".

Section 336D of the *Vancouver Charter* provides a mechanism whereby the City of Vancouver can advise prospective purchasers of a property of certain conditions or contraventions of City By-laws with respect to land or a building or structure. The section 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 (also known as the Chief Building Official) 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.

Section 336D of the *Vancouver Charter* is set out in Appendix "B".

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT

Background/Context

The building at 1046 Granville is known as the Regal Hotel. It was constructed in 1910 and is designated as single room occupancy (SRO) under the Single Room Accommodation By-law. It is owned by Regal Eighty Management Corp.

During an inspection of the building by City staff in May 2018, a building inspector observed that there was only one acceptable means of egress from the top floor of the building. The Building By-law requires at least two means of egress from any floor of a residential building. The lack of a second means of egress is considered to be an unsafe condition. The Owner agreed to make the improvements necessary to provide a second means of egress and apply for the necessary permits. The Owner applied for Building permit BP-2018-02946 on June 1, 2018. The City issued the permit on July 6, 2018.

During an inspection on June 13, 2019, a District Building Inspector observed structural damage to the floor above the north ground floor Commercial Rental Unit (CRU), apparently caused by long-term exposure to water. This structural damage is also considered to be an unsafe condition, which could worsen if the repairs are not completed in a timely manner. The Chief Building Official issued an Order on June 27, 2019 requiring the owners to apply for an amendment to BP-2018-02946 to include these repairs and to complete all work covered under BP-2018-02946 within 30 days. A copy of that Order is attached as Appendix "A". The Owner applied for the building permit amendment on November 26, 2019. The City issued the amended building permit on December 4, 2019.

The work on the second means of egress from the top floor and the repairs to the floor above the north ground floor CRU remains incomplete. This incomplete work amounts to an unsafe

condition that threatens the safety of the building's occupants. City staff have repeatedly contacted the Owner, contractors and consultants about the slow pace of work. In order to expedite the necessary work, staff are now recommending that the City seek a court order requiring the work to be completed in a reasonable time.

Legal

The *Vancouver Charter* authorizes the City to seek injunctions to enforce by-laws, and authorizes Council to direct the City Clerk to place a notice on title of a property that is not compliant with the Building By-law

Implications/Related Issues/Risk

Failure to complete the work covered by BP-2018-02946 represents an ongoing risk to the life safety of the residents of the building.

Financial

There are no financial implications.

CONCLUSION

The property at 1046 Granville Street is non-compliant with the Building By-law, and the building is considered to be in an unsafe condition.

The City has notified the Owner of the safety violations, and has had extensive communication with various professionals working on the building. 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 that amount to an unsafe condition.

* * * * *



REGISTERED AND REGULAR MAIL

June 27, 2019
CF-2019-007528

Contact Person:
Stewart Cowdell
Building Inspector
604-873-7014
stewart.cowdell@vancouver.ca

REGAL EIGHTY MANAGEMENT CORP
6626 ANGUS DR
VANCOUVER BC V6P 5H9

ORDER

RE: 1046 GRANVILLE STREET – REGAL HOTEL
AND 1042 – 1048 GRANVILLE STREET

On June 13, 2019 an inspection conducted by a Building Inspector determined that extensive water damage has occurred to the floor system of the 1046 Granville Street, in contravention of Article 1.5.3.3 of Building By-law No. 10908, which states:

1.5.3.3. Order to Remove Unsafe Condition

- 1) *When any building, construction or excavation or part thereof is in an unsafe condition, the Chief Building Official may issue a written order to the owner, certifying the existence of an unsafe condition and requiring correction of any unsafe condition found on a building site, within a specified time.*

A revision to Building Permit No. BP-2018-02946 issued on July 6, 2018 will be required to include the necessary repairs to the floor system of this hotel, above the commercial/retail unit, located at 1044 Granville Street.

For information on applying for a permit (revision to BP-2018-02946) and the required documents, visit the City's website at <http://vancouver.ca/home-property-development/apply-for-and-manage-your-permit.aspx>. You may also contact the Development and Building Services Centre by phone at 604-873-7611, or in person on the first floor at 515 West 10th Ave. Electrical, plumbing and gas installations will require trades permits which will only be issued to licensed contractors.

Therefore, pursuant to Article 1.5.4.2 of Division C of the Building By-law, you are ordered to:

1. Make application for revision to Building Permit No. BP-2018-02946 to include repairs to the floor system; and
2. Complete the work to be carried out under Building Permit No. BP-2018-02946, including the installation of drywall to the roof exit,

within 30 days of the date of this order.

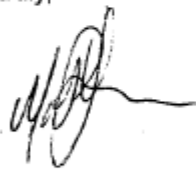
Please be advised that failure to comply with this order will result in the matter being referred to the City Prosecutor with a request to approve charges against you under the applicable By-law(s). If charges are subsequently laid you will be required to attend Provincial Court and will face liability upon conviction to a fine of not less than \$500.00 for each day that the offence continues.

The imposition of fines by the Court will not absolve you from the requirement to comply with the By-law.

If you are selling your property you should disclose the contents of this order to the prospective purchaser and their representatives.

For questions or concerns please contact Stewart Cowdell, Building Inspector at 604-873-7014 or via email at stewart.cowdell@vancouver.ca.

Yours truly,


PR

P. Ryan, M. Sc., P. Eng.
Chief Building Official

Copy: Posted on building

Jun 20, 2019

Property Report

Page: 1

Folio: 130-606-46-0000
Civic: 1046 GRANVILLE ST
Size: 50 120 WIDTH/DEPTH

Pid: 027-976-661
Legal: LOT G BLOCK 83 PLAN BCP41644 DISTRICT LOT 541
NWD GROUP 1.

Owner: REGAL EIGHTY MANAGEMENT CORP
6626 ANGUS DR
VANCOUVER BC V6P 5H9
(BB1091445)

CF-2019-007528

CF - 2019-007528



BC Registry
Services

Mailing Address:
PO Box 9431 Stn Prov Govt
Victoria BC V8W 9V3
www.corporateonline.gov.bc.ca

Location:
2nd Floor - 940 Blanshard Street
Victoria BC
1 877 526-1526

BC Company Summary
For
REGAL EIGHTY MANAGEMENT CORP.

Date and Time of Search: June 20, 2019 09:38 AM Pacific Time
Currency Date: May 24, 2019

ACTIVE

Incorporation Number: BC0223077
Name of Company: REGAL EIGHTY MANAGEMENT CORP.
Recognition Date: Incorporated on December 23, 1980
Last Annual Report Filed: December 23, 2018
In Liquidation: No
Receiver: No

DISSOLUTION/RESTORATION INFORMATION

Filing/Event	Date of Filing
Full Restoration	June 24, 1988
Dissolved - Failure to File	July 19, 1985

REGISTERED OFFICE INFORMATION

Mailing Address:
6626 ANGUS DRIVE.,
VANCOUVER BC V6P 5H9
CANADA

Delivery Address:
6626 ANGUS DRIVE.,
VANCOUVER BC V6P 5H9
CANADA

*same as
as
tempest*

RECORDS OFFICE INFORMATION

Mailing Address:
6626 ANGUS DRIVE.,
VANCOUVER BC V6P 5H9
CANADA

Delivery Address:
6626 ANGUS DRIVE.,
VANCOUVER BC V6P 5H9
CANADA

DIRECTOR INFORMATION

Last Name, First Name, Middle Name:
SAHOTA, PARKASH K

Mailing Address:
6626 ANGUS DRIVE.,
VANCOUVER, B.C. V6P5H9

Delivery Address:
6626 ANGUS DRIVE.,
VANCOUVER, B.C. V6P5H9

OFFICER INFORMATION AS AT December 23, 2018

Last Name, First Name, Middle Name:

SAHOTA, PARKASH K

Office(s) Held: (Secretary)

Mailing Address:

6626 ANGUS DRIVE.,
VANCOUVER, B.C. V6P5H9

Delivery Address:

6626 ANGUS DRIVE.,
VANCOUVER, B.C. V6P5H9

Section 334 of the Vancouver Charter

Civil proceedings by city

334. (1)A by-law of the Council or of the Board of Parks and Recreation may be enforced, and the contravention of such a by-law may be restrained, by the Supreme Court in a proceeding brought by the city or by the Board of Parks and Recreation, as the case may be.

(2)In addition,

(a)a by-law referred to in subsection (1) may be enforced, and the contravention of such a by-law may be restrained, by the Supreme Court in an action brought by a registered owner of real property in the city, and

(b)a zoning by-law within the meaning of Part XXVII may be enforced, and the contravention of such a by-law may be restrained, by the Supreme Court in an action brought by an incorporated society that represents registered owners of real property in the city who are affected by such a by-law.

(3)It is not necessary for the Provincial government, the Attorney General or an officer of the Provincial government to be party to an action or other proceeding under this section.

(4)This section applies without limiting the right to enforce any proprietary, contractual or other rights, and in addition to any other remedy provided or penalty that has been or may be imposed.

Section 336D of the Vancouver Charter

Note on title about building that is unsafe or contravenes by-law

336D. (1)Where, during the course of carrying out his duties, the City Building Inspector observes a condition, with respect to land or a building or structure, that he considers

(a)to be a contravention of a by-law or regulation relating to the construction or safety of buildings or structures, or

(b)as a result of that condition, a building or structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or

(c) the contravention is of a nature that a purchaser, unaware of the contravention, would suffer a significant loss or expense if the by-law were enforced against him

he may, in addition to any other action that he is authorized or permitted to take, recommend to Council that a resolution under subsection (2) be considered.

(2) A recommendation under subsection (1) shall be given to the City Clerk in writing and the City Clerk shall, after notifying the registered owner of the land with respect to which the recommendation relates, place the matter before the Council. After hearing the City Building Inspector and the owner, if he elects to be heard, the Council may confirm the recommendation of the City Building Inspector and may pass a resolution directing the City Clerk to file a notice in the land title office stating that

(a) a resolution relating to that land has been made under this section, and

(b) further information respecting it may be inspected at the offices of the City Clerk

and the City Clerk shall ensure that all records are available for that purpose.

(3) Where the Registrar of Land Titles receives a notice under subsection (2) he shall, on payment of the fees payable under the *Land Title Act*, make a note of the filing against the title to the land that is affected by the notice.

(4) The City Clerk shall, on receiving a report from a building inspector that the condition that gave rise to the filing of the notice under subsection (2) has been rectified, file a cancellation notice in the land title office, and the Registrar shall, on receiving the notice, cancel the note against the title to which it is related.

(5) In the event of any omission, mistake or misfeasance by the Registrar or his employees in relation to the making of a note of the filing under subsection (3) after the notice is received by the land title office

(a) the Registrar is not liable and neither the Crown nor the Land Title and Survey Authority of British Columbia is liable vicariously,

(a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the *Land Title Act*, and

(b) the assurance fund or the minister charged with the administration of the *Land Title Act* as a nominal defendant is not liable under Part 20 of the *Land Title Act*.

(6)An owner of land with respect to which a notice has been filed under this section may apply to the Council for a resolution that the note be cancelled, and the Council may, after considering the application, pass a resolution directing the City Clerk to file a cancellation notice.

(7)Where a resolution has been passed under subsection (6), the City Clerk shall file a cancellation notice in the land title office and the Registrar shall, on receiving the notice, cancel the note against the title to which it is related.

(8)Where the Council does not pass a resolution under subsection (6), the owner may apply to the Supreme Court and notify the city to attend before the Court to show cause why the note should not be cancelled, and the Court may, after reviewing any evidence that the owner and city may adduce, make an order directing the Registrar to cancel the note made under subsection (3) and the Registrar shall, on receiving the order, cancel the note accordingly.

(9)The note of a filing of a notice under this section is extinguished when a new title to the land issues in consequence of the deposit of a plan of subdivision or a strata plan.

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