



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: November 23, 2005
Author: Carlene Robbins
Phone No.: 604-873-7535
RTS No.: 05489
CC File No.: 2701-1
Meeting Date: December 15, 2005

TO: Standing Committee on Planning and Environment
FROM: City Building Inspector
SUBJECT: 665 East 30th Avenue
Request for Injunctive Relief

RECOMMENDATION

THAT the Director of Legal Services is hereby authorized, in her discretion, to commence a legal action or proceeding in relation to the premises located at 665 E 30th Avenue (Lot C Blocks 203 and 204 of Blocks 10 to 13 and 22 to 25, District Lots 391 and 392, Plan 3724) and may, in her discretion, seek injunctive relief in that action or proceeding, in order to bring this building into compliance with City By-laws.

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

Sections 334 and 571 of the Vancouver Charter allow the City to seek injunctive relief for any By-law contravention.

PURPOSE

The purpose of this report is to request approval to seek injunctive relief with respect to the unapproved additions at the rear of the building in order to have this building brought into compliance with the Zoning and Development, Vancouver Building and Electrical By-laws.

BACKGROUND

The building at 665 E 30th Avenue is approved as a one family dwelling with a secondary suite. This building is located in an RS-1 (One Family Dwelling) District and was constructed prior to 1955.

There is an existing unapproved 6' X 6' addition on the main floor and an approximate 8' X 16' addition on the second storey that were constructed (by the previous owners of this building) without the necessary permits or approvals.

On May 12, 2005, staff brought this matter to the attention of Council. Council resolved at that time that a 336D Warning Notice be filed against the title to the property, but deferred the request for injunctive relief in order to give the owners the opportunity to submit application for permits to retain the work. Council also requested that the District Building Inspector assist the owners by conducting a site inspection and advising them of the scope of the work that required permit approval.

Subsequent to the Council meeting, the District Building Inspector met with the property owners on site on May 25, 2005 and advised them of the requirements pursuant to the Vancouver Building By-law. He also advised them that electrical work had been carried out also without permit and suggested that they contact the Electrical Inspection Branch for further information.

Since the inspection, there has been no application for permit submitted, nor has the electrical inspector been contacted. This report was originally scheduled for Committee in October. However, when the owners received notice that this matter was going to be brought back to Council, they wrote to the City and advised that they were actively working on the issue, and that they would move ahead when it was financially prudent. I responded to their letter allowing them a final extension of time to November 30, 2005 to have an application for permit submitted.

Staff advise that the required application for Development and Building Permit has still not been submitted and there has been no further correspondence from the owners.

DISCUSSION

In May of this year, Council deferred the request for injunctive relief in order to allow the property owners the opportunity to submit application for permit to retain the additions to their building.

A recent inspection indicates that the unapproved additions to the main and second storeys are still existing, and there have been no applications for permit submitted.

CONCLUSION

Because there have been no permit applications submitted and the unapproved work still exists, this is to request Council approval to refer this matter to the Director of Legal Services to commence legal action and/or seek injunctive relief if, in her opinion, it is appropriate to do so.

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DEPARTMENTAL APPROVAL AND REPORT CONCURRENCES

City Building Inspector: Report Dated: November 23, 2005

Author: Carlene Robbins

Date: Phone No.: 604-873-7535

This report has been prepared in consultation with the departments listed to the right, and they concur with its contents.

Concurring Departments:
Catherine Kinahan, Legal Services