



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: October 19, 2005
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CC File No.: 2701-1
Meeting Date: December 15, 2005

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 3621 East 29th Avenue
Warning to Prospective Purchasers

RECOMMENDATION

- A. THAT the City Clerk be directed to file a 336D Notice against the title to the property at 3621 East 29th Avenue (Lot 28, Block 4, District Lot Sec 51 SE QTR, THSL Plan 2630) in order to warn prospective purchasers that there are contraventions of the Zoning and Development and Vancouver Building By-laws related to this building.
- B. 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 3621 East 29th Avenue (Lot 28, Block 4, District Lot Sec 51 SE QTR, THSL Plan 2630) 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

Section 336D of the Vancouver Charter provides a mechanism whereby the City of Vancouver can warn prospective purchasers of contraventions of City By-laws relating to land or a building or structure. It provides that if the City Building Inspector observes a condition that he considers to be a contravention of a By-law relating to the construction or safety of buildings; or as a result of that condition, a building or structure is unsafe or unlikely to be usable for its expected purpose; or 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 recommend to City Council that a resolution be considered directing the City Clerk to file a notice against the title to the property in the Land Title Office.

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 file a 336D Notice against the title to 3621 East 29th Avenue to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The property addressed as 3621 East 29th Avenue is located in an RS-1 (One Family Dwelling) District. This building was constructed in 2002 and received an Occupancy Permit on July 24, 2002 for a one family dwelling.

In April of 2003, our inspection services reported that an approximate 26' 8" X 8' deck addition with aluminum cover over, was erected without permit or approval to the rear of the building in contravention of the Zoning and Development and Vancouver Building By-laws.

The owner was sent correspondence in May of 2003 to make application for the required permits or remove the unapproved work. A Development Permit application was refused in July of 2003 and a subsequent appeal to the Board of Variance was refused as well in September of 2003. Further correspondence was then sent to the owner to remove this unapproved work however as the deck and cover were still existing the matter was referred to the City Prosecutor for charge approval. In July of 2004 the owners were found guilty in Provincial Court and were fined.

A follow-up inspection was carried out in August of 2004 and it was reported that the rear deck addition and the cover over were still existing. A new order was sent to the owners to remove the cover and the unapproved addition to the rear. In October of 2005 the owner was again found guilty in Provincial Court and received a second fine.

DISCUSSION

A recent inspection indicated that the unapproved deck addition and cover still exists and no permits or approvals have been obtained.

CONCLUSION

Although the building is not currently listed for sale, it is recommended that a 336D Notice be filed against the title so that any prospective purchasers will be warned that there are violations of the Zoning and Development and Vancouver Building By-laws. Subject to Council approval, I will be referring this matter to the Director of Legal Services to request that she commence legal action and seek an injunction if, in her opinion, it is appropriate to do so.

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