



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: March 7, 2006.
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Meeting Date: April 20, 2006

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 2185 East 43rd Avenue
Warning to Prospective Purchasers

RECOMMENDATION

THAT the City Clerk be directed to file a 336D Notice against the title to the property at 2185 East 43rd Avenue, Lot 63 N H1f of the west part of District Lot 719, Plan 2331, PID 013-895-524 in order to warn prospective purchasers that this building has been used as an illegal marijuana grow operation on two occasions and there are contraventions of the Vancouver Building and Electrical By-laws related to this unapproved use.

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.

PURPOSE

The purpose of this report is to request approval to file a 336D Notice against the title to 2185 East 43rd Avenue to warn prospective purchasers of By-law violations.

BACKGROUND

The building at 2185 East 43rd Avenue was constructed prior to 1947 and is approved as a one family dwelling. The building is located in an RS-1 (One Family Dwelling) District.

DISCUSSION

In August of 2004, this building was closed by the Vancouver Police Drug Squad and City Inspectors because it was being used as an illegal marijuana grow operation. The power and gas to the building were disconnected and the owners were advised that they were required to go through the inspection and re-occupancy permit process. A re-occupancy permit was issued on October 4, 2004 for this building.

In February of 2006, the Vancouver Police reported that this building was again being used as a grow operation. The services to the building were then disconnected again.

Because of the potential for mould contamination and the associated concerns related to the health and safety for building occupants, the owners of this property have been advised that the building must be professionally cleaned. The building owners have also been advised that they must retain the services of a qualified Environmental Consultant who will inspect the work and conduct air monitoring for spore counts. Once the services of the Environmental Consultant are complete, the Consultant must provide written confirmation to the Chief Building Official indicating that the spore counts in the building meet acceptable standards and the building is substantially free of any pesticides, fertilizers, toxic substances, moulds or fungi.

The owners have been advised that the 336D Notice against the title will be removed once the above noted conditions have been met and a Re-Occupancy permit has been issued.

CONCLUSION

Although the building is not currently listed for sale, it is recommended that a 336D Notice be filed against the title to the property so that any prospective purchasers will be warned that the building has been used previously as a marijuana grow operation on two occasions and that there are violations of the Vancouver Building and Electrical By-laws and potential mould contamination related to this building.

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