



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: June 6, 2005
Author: Pattie Hayes
Phone No.: 604-873-7787
RTS No.: 05303
CC File No.: 2701
Meeting Date: June 30, 2005

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 349 East 32nd 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 349 E 32nd Avenue, Lot 12, Block 11 & 12, District Lot 634, Plan 1225, PID 014-864-924 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 349 E 32nd Avenue, Lot 12, Block 11 & 12, District Lot 634, Plan 1225, PID 014-864-924 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 349 East 32nd Avenue to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The existing building at 349 E 32nd Avenue is approved as a one family dwelling and is located in an RS-1 (One Family Dwelling) District. This building was constructed prior to 1948.

As a result of a complaint, our inspection services reported that an approximate 12' X 24' addition, 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 owners were sent correspondence in 2003 to make application for the required permits or remove the unapproved work. The owners applied for and were subsequently refused a Development Permit to allow this addition, an appeal to the Board of Variance was also disallowed. The matter was referred to the City Prosecutor for charge approval and in September of 2004 the owners were found guilty in Provincial Court and were fined.

A follow-up inspection was carried out in February of 2005 and it was reported that the rear addition was still existing. A new order was sent to the owners to remove the unapproved addition to the rear. Upon re-inspection it was reported that the addition was still existing and in March of 2005 the matter was again referred to the City Prosecutor for the laying of charges.

DISCUSSION

The owners have not obtained permits or approvals or carried out any work and it has come to our attention that the property has been listed for sale.

CONCLUSION

As the building is 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 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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