



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: November 9, 2005
Author: Pattie Hayes
Phone No.: 604-873-7787
RTS No.: 05580
CC File No.:
Meeting Date:

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 1064 East 13th 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 1064 East 13th Avenue, Lot E of B, Block 173, District Lot 264A, Plan 18786, PID 007-088-868 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 1064 East 13th Avenue, Lot E of B, Block 173, District Lot 264A, Plan 18786, PID 007-088-868 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 1064 East 13th Avenue to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The existing building at 1064 East 13th Avenue was constructed prior to 1958 and is located in an RT-5 (Two Family Dwelling) District. This building is approved as a multiple conversion dwelling containing three (3) dwelling units.

On November of 1994 our inspection services reported that alterations were being carried out without permit or approval in contravention of the Zoning and Development and Vancouver Building By-laws. Correspondence was sent to the owner to obtain the required permits or remove the work and subsequently a building permit was obtained in March of 1995 for this work. To date this work has not been completed although numerous attempts have been made by the District Building Inspector to contact the owner and or inspect this work. Charges were laid by the City Prosecutor for failing to allow access in July of 1998 and the owner was found guilty and subsequently fined.

In January of 2000 the District Building Inspector was allowed access to the building and it was revealed that 2 additional dwelling units had been installed without permit and further interior alterations had been carried out. A subsequent order was sent to the owner to restore the approved occupancy and to complete the work under the above noted permit and to obtain a building permit for the further unauthorized alterations including handrails on the stairs as none were provided.

Following a recent inspection it is noted that additional work has now been carried out including the enclosure of the rear deck and a further deck extension. The building still

contains two additional dwelling units installed without permit although only one is being occupied at this time.

DISCUSSION

As a considerable time has past and the recent inspection reports that the alterations and the unapproved occupancy of the building are still existing and no permits or approvals have been obtained we are requesting subject to Council approval, that the matter will be referred for an injunction and a 336D will also be placed on the title.

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 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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DEPARTMENTAL APPROVAL AND REPORT CONCURRENCES

City Building Inspector:	Report Dated:	November 9, 2005.
	Author:	Pattie Hayes
Date:	Phone No.:	604-873-7787

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