



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: March 27, 2006
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VanRIMS No.: 11-4400-10
Meeting Date: April 20, 2006

TO: Standing Committee on Planning and Environment

FROM: City Building Inspector

SUBJECT: 3535-3539 West 3rd 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 3535-3539 West 3rd Avenue (Lot 18, Block 16, District Lot 540, Plan 229) 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 3535-3539 West 3rd Avenue (Lot 18, Block 16, District Lot 540, Plan 229) 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 3535-3539 West 3rd Avenue to warn prospective purchasers of By-law violations and to request approval to seek injunctive relief.

BACKGROUND

The property addressed as 3535-3539 West 3rd Avenue is approved as a multiple conversion dwelling containing three (3) dwelling units and is located in an RT-8 (Two Family Dwelling) District.

As a result of a complaint, our inspection services reported that an approximate 11' X 12' addition at the rear of the first storey (ground level) was erected to create an additional dwelling unit without permit or approval in contravention of the Zoning and Development and Vancouver Building By-laws.

The owner was ordered to stop work in May of 2000 and make application for the required permits or remove the unapproved work. A Development Permit was then applied for and was subsequently refused. An appeal to the Board of Variance was heard March of 2001 and was also disallowed.

A follow-up inspection was then carried out, and it was reported that the unapproved addition to the first storey was still existing and in May of 2001 the owner was ordered to remove the addition. Failing removal of the addition by the owner the matter was then referred to the City Prosecutor for charge approval, and in July of 2003 the owner was found guilty in Provincial Court and was fined.

DISCUSSION

A recent inspection indicated that the unapproved addition and dwelling unit still exist 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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