

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2007 January 09
FROM: DIRECTOR PLANNING & BUILDING **FILE:** 43000-03
SUBJECT: 288 HYTHE AVENUE, BURNABY, B.C.
LOT A, D.L. 127, PLAN 76252
PURPOSE: To have Council direct the City Clerk to file a Notice in the Land Title Office,
pursuant to Section 57 of the Community Charter, with respect to a property to be
in contravention of City Bylaws.

RECOMMENDATIONS:

1. **THAT** Council direct the City Clerk to file a notice in the Land Title Office stating that
 - (a) A resolution relating to the subject property at 288 Hythe Avenue has been made under Section 57 of the Community Charter, and
 - (b) Further information respecting the resolution may be inspected at the offices of the City Clerk, City of Burnaby.
2. **THAT** a copy of this report be sent to the following owners:

Kim Thanh Tang
Ha Thi Thu Nguyen
Nhut Van Nguyen
288 Hythe Avenue
Burnaby, B.C. V5B 3H9

REPORT**1.0 SUMMARY:**

In August 2006 the Building Department received complaints from neighbors nearby concerning an illegal suite, unauthorized construction and too many people living at 288 Hythe Avenue.

The property owners did not respond to our letters advising them of the complaints and requesting access to perform an inspection. Several letters sent to the owners at this address remain unanswered and we have no other contact information available. The house is now abandoned and the City Solicitor confirms there is a foreclosure proceeding now underway on the property.

To: City Manager
From: Director Planning & Building
Re: 288 Hythe Avenue, Burnaby, B.C.
Lot A, D.L. 127, Plan 76252
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2.0 BACKGROUND:

Building Department staff attempted to contact the property owners by telephone and letters several times but did not reach them. A site visit on 2006 September 27 revealed the owners and several others moved from the property in August and three new tenants were now living there. The tenants permitted an inspection by Building staff in the evening on 2006 October 26 and we confirmed that illegal suites and unauthorized construction exists. There are walls built to make several new rooms including bath, bedrooms, two additional kitchens, and laundry area without permits.

The tenants said they would forward the City's letters to the owners when they collected the rent. The tenants did not see their Landlords while they were living there and they moved out as of 2006 November 01.

The RCMP received a call on 2006 December 15 from a neighbor advising that the front door of the house was not secure. The RCMP attended and had the property secured. The redemption period in the foreclosure proceeding ends in February and the property will likely be sold thereafter.

3.0 CONTRAVENTION OF BYLAWS:

The property owners have not obtained a building permit for the added construction to their dwelling. The property is in contravention of Burnaby Building Bylaw 2004, Part 2, Section 7 – General Prohibitions

- (1) No person shall commence or continue construction or change the occupancy of any building, structure or part thereof, unless the Building Inspector has issued a permit for the construction and that permit remains in force.

4.0 CONCLUSION:

The filing of a note against Land Title will ensure that if, and when the property is sold the potential purchasers are aware this property is in contravention of City bylaws.


Basil Luksun
Director Planning & Building

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cc: Deputy City Manager
City Solicitor
City Clerk
Director Finance – (Attn: D. Foxgord)
Chief Building Inspector

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