

8. Re: Illegal Suites at 6090/6092 Canada Way .  
 (Item 21, Report 5, January 21, 1974)  
 (Item 16, Report 7, January 28, 1974)  
 (Item 17, Report 7, January 28, 1974)  
 (Item 24 (Supplementary), Report 9, February 4, 1974)

On February 4, 1974, Mr. W. Robertson appeared before Council as a spokesman for four families who occupy suites at 6090/6092 Canada Way. Council subsequently resolved that Mr. O. E. Kiechle, owner of the property, be informed that the effective date on which he must cease and desist from using the building as a fourplex, which is contrary to the Zoning Bylaw, is June 30, 1974.

Following are answers to the questions that were asked during Council's discussion of the matter on February 4, 1974:

1. Are there any homes owned by the Municipality that could be rented to at least two of the families involved, or perhaps all four?

The Municipality does not have any vacant houses for rent at the present time.

2. Does Mr. Kiechle own a duplex in North Burnaby?

It has been determined that on October 31, 1973 Mr. Kiechle sold a house which he previously owned in North Burnaby.

3. Can the Corporation prosecute the owner of the property concerned if he should proceed to evict his tenants despite the action taken by Council to grant the extension to June 30, 1974.

In the Solicitor's opinion, the Municipality cannot prosecute. The Municipality is not a party to the Landlord Tenant Agreement. Council's action is a direction to the landlord only, and if he wishes to ignore it, it is the Solicitor's opinion that he may do so without fear of prosecution by the Municipality.

4. What action can be taken by the Municipality against Mr. Kiechle for his illegal rental of the subject suites on Canada Way.

Our Solicitor advises that the Municipality can take no action at this time. We have already prosecuted under the Zoning Bylaw, and according to our assessment of Mr. Kiechle's actions to date, he intends to discontinue the illegal use of the suites. We also are not in a position to initiate further legal action at this time because we are countenancing the illegal use by extending the deadline for compliance with the Bylaw until the end of June. It is, therefore, recommended that further prosecution proceedings involving the illegal rental of suites at 6090/6092 Canada Way not be initiated by the Municipality at this time.

The Solicitor also advises that the tenants who occupy the suites would have to incur damages before they could initiate any legal action against Mr. Kiechle. However, if Mr. Kiechle were to give the occupants the required one month notice to vacate the premises, the question of damages would in all probability be very difficult to prove (we do not know the details of the tenancy agreement).

This is for the information of Council.