21. Re: Letters dated December 3, 1973 and January 17, 1974 from Mr. O.E.Kiechle 3425 West 8th Avenue, Vancouver 8, B. C.
Regulations Governing the Occupancy of Dwellings in Burnaby

Appearing on the Agenda for the January 21, 1974 meeting of Council are letters from Mr. O.E. Kiechle regarding zoning regulations that govern the occupancy of dwellings in Burnaby, and more specifically, the conversion of a two-family dwelling to a four-family dwelling at 6090/6092 Canada Way.

Alderman Lawson, Chairman of the Housing Committee, has indicated that this particular matter does not fall within the Committee's terms of reference, and that Mr. Kiechle's letter should, therefore, be referred to Council.

The Chief Building Inspector has reviewed the matter and advises as follows:

"Mr. Kiechle had a two-family dwelling constructed for him by a builder, Koehn Enterprises Ltd. On August 27, 1973, the Building Department received a complaint from an owner of nearby property that the subject building was being used as a fourplex and that excessive auto parking was creating a nuisance to the complainant. The complainant asked that their name be held in confidence. Investigation of the complaint disclosed that subsequent to the date of final inspection and the posting of the Certificate of Occupancy, two ranges were installed in the basements of 6090 and 6092 Canada Way, and the entire premises were occupied as four separate dwelling units. The Zoning Bylaw had been breached and charges were laid by this Department against Mr. O.E. Kiechle.

As an observation on this case, and on other cases like it, I would point out a dilemma faced by the Corporation of Burnaby and brought about by a Bylaw use for what is termed 'an In-Law Suite.' (Attachment "A" is an extract from Burnaby Zoning Bylaw covering 'an In-Law Suite' under definition of Accessory.) This particular allowance in Burnaby Zoning Bylaw is openly abused as evidenced by Mr. Kiechle's actions. Unfortunately, the abuse is difficult to control before the Bylaw is violated. If people choose, they may falsify the information given this Department in application for permits and obtain various permits. Having performed certain building construction or made certain installations, people then violate the Zoning Bylaw by using premises in a manner not authorized by the Zoning Bylaw and not in keeping with information earlier given in application for specific permits. When the violating use is detected, prosecution is undertaken and an abatement order issued.

'In-Law Suite' is a term which has been in use for many years and which has generally referred to extra accommodation in a home, either sharedor self-contained, but which has been available for rental. In our Municipality, the term has gained official Bylaw recognition, but when used properly in accord with the Bylaw, cannot outwardly be distinguished from a 'bootleg' or illegal suite such as constructed in the subject premises. When advantage is taken of the Bylaw weakness by builders, developers, speculators or others, to fourplex what is only a lawful two-family dwelling, the impact on the neighbourhood is severe. Such action poses a distinct threat to development standards set out in our Municipal Zoning Bylaw.

At the moment staff are trying to maintain the spirit and intent of the existing Bylaw inspite of difficulties. The condition of 'bootlegging' suites into the basements of semi-detached, two-family dwellings thus in fact creating fourplexes is not unique to Burnaby but is common throughout the Greater Vancouverarea. Two inspectors in other municipalities to whom I have spoken about this subject since December 5, have told me they face similar circumstances and revert to court action when necessary to uphold their bylaw standards."

Continued ...

21. Re: Letters dated December 3, 1973 and January 17, 1974 from Mr. O.E. Kiechle - Cont'd.

The correspondent states that the Building Department does not advise or warn owners of illegal suites when a court action is being initiated against them. In the case of original owners, such as Mr. Kiechle, they are required to sign a form confirming their understanding that the dwelling is to be a single or two-family dwelling only. Mr. Kiechle was clearly aware of this limitation as evidenced by his signature on <a href="Attachment">Attachment</a> "B" dated April 10, 1973 (this form also includes reference to the fact that installation of sinks in the basement were to be used solely for recreational and personal purposes').

In the case of subsequent owners, it is the practice of the Building Department to issue warnings. Subsequent owners may not know that the suite is in violation of a bylaw, and in all fairness, should be warned before prosecution proceedings are initiated against them.

The second letter Mr. Kiechle dated January 17, 1974 was received by staff late in the afternoon on Friday. A specific reply to Mr. Kiechle's allegation that the Municipality contravened the Zoning Bylaw by not notifying him "in the form of a Summons to appear in Court" will, therefore, be prepared next week for referral to Council on January 28, 1974. The preceding paragraph, however, factually describes the procedure that is being followed in this regard.

With respect to the statement that the Building Department withholds the names of persons who complain about illegal suites, this is generally true because complaints are usually submitted in confidence. Complainants wishes to remain anonymous are therefore respected unless a court order requires the disclosure of such information.

Also attached for the information of Council are the following:

Attachment	<u>Subject Matter</u>
C	Copy of portion of page 53, Vancouver Sun newspaper, October 1, 1973, containing "Houses for Sale" advertisement of subject premises being sold by Mr. Kiechle.
D	Copy of Building Permit B-32119 issued March 26, 1973, to Koehn Enterprises Ltd. (builder) for duplex dwelling.
E	Copy of Building Permit B33107 issued August 1, 1973, to Koehn Enterprises Ltd. for finish of three rooms in basement of 6092 Canada Way.
F	Copy of Certificate of Occupancy dated August 3, 1973, for a two-family dwelling at 6090/92 Canada Way.
G	Copy of an Application for Plumbing Permit dated April 10, 1973, by Mr. O.E. Kiechle.

The Director of Planning on January 28, 1974 will submit to Council his comments on Mr. Kiechle's letter and this report from the Chief Building Inspector.

#### RECOMMENDATION:

THAT Mr. O.E. Kiechle be sent a copy of this report, and that he be advised that Council will receive a further report on this matter on January 28, 1974.

## ATTYCHMENT A

## THE CORPORATION OF THE DISTRICT OF BURNABY **BYLAW No. 4742**

The Reeve and Council of The Corporation of the District of Burnaby, duly assembled, enacts as follows.

#### SHORT TITLE SECTION 1

This Bylaw may be cited for all purposes as the "Burnaby Zoning Bylaw, , 1965'

#### SECTION 2 PURPOSE

The Burnaby Zoning Bylaw regulates within the Corporation of the District of Burnaby, the development and use of land and the location and use of buildings and structures erected thereon, having due regard

- The promotion of health, safety, convenience, and welfare of the (1)
- The prevention of the overcrowding of land, and preservation of (2) the amenities peculiar to any zone.
- (3) The securing of adequate light, air and access.
- (4) The value of the land and the nature of its present and prospective use and occupancy.
- The character of each zone, the character of the buildings already erected and the peculiar suitability of the zone for particular uses.
- The conservation of property values.

## SECTION 3 DEFINITIONS

In this Bylaw unless the context otherwise requires:

### "ACCESSORY BUILDING" means

- (1) a building, the use of intended use of which is ancillary to that of a principal building situated on the same lot, or
- a building which is ancillary to a principal use being made of the lot upon which such building is located.

#### "ACCESSORY USE" means

- (1) a use which is ancillary to a principal building, or use of a principal building, situated on the same lot, or
- a use which is ancillary to a principal use being made of the lot upon which such accessory use is located.
- An accessory use in an R1, R2, R3, R4 or R5 District may include an in-law suite for the parents or grandparents of the occupiers of a dwelling, subject to the following conditions:
  - Such a lot shall meet the area requirements of the zoning district in which it is located.

- (b) The in-law suite shall meet the requirements of the Burnaby Building Bylaw.
- (c) Each applicant for an in-law suite shall declare that his parents or grandparents must be accommodated in this manner.
- An annual in-law suite permit shall be obtained from the Building Department to retain an in-law suite.
- The application for an in-law suite permit shall include a declaration confirming that the provisions of this section continue to be applicable.
- (f) Each applicant for an in-law suite shall enter into a covenant with the Corporation, ensuring the removal of the in-law suite once the provisions of this section are no longer applicable, and the reversion of the lot to its original residential use, subject to the provisions of this Bylaw for the zoning district in which such building and lot are located.

  (B/L # 5570-14/10/69).

"ANIMAL HOSPITAL" means any building, structure or premises in which animals are cared for, treated, maintained or hospitalized.

"APARTMENT BUILDING" means any building divided into not less than three dwelling units each of which is occupied, or intended to be occupied, as the permanent home or residence of one family as distinct from a hotel, motel, auto court or motor-hotel.

"AUTOMOBILE OR TRAILER SALES OR RENTAL LOT" means an appen area used for the display, sale or rental of new or used passenger motor vehicles or trailers in operable condition, and where no repair work is done except minor incidental repair of vehicles to be displayed, sold or rented on the premises.

"AUTOMOBILE WRECKING YARD" means an area outside of an enclosed building where motor vehicles are disassembled, dismantled or junked or where vehicles not in operable condition or used parts of motor vehicles are stored.

"AUTOMOTIVE REPAIR SHOP" means a building used or intended to be used for major repairs to motor vehicles, trailers and parts thereof, but shall not include motor vehicle manufacture, assembly or body building.

"BATCHELOR UNIT" means a dwelling unit having no room used or intended to be used solely as a bedroom.

"BALCONY" means an extension of a floor projecting from the wall of a building and enclosed by a parapet or railing.

"BASEMENT" means that portion of a building between two floor levels which is partly underground, but which has at least one half of its height from finished floor to finished ceiling above average adjacent finished grade as determined by the Building Inspector. The height measured between floor and ceiling surfaces shall be not less than 6 feet 4 inches. (B/L # 5883-3/5/71)

"BEDROOM" when used as a unit of measurement for determining minimum suite floor area or usable open space requirements, includes

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ATTACHMENT "B"

# THE CORPORATION OF THE DISTRICT OF BURNARY

BUILDING DEPARTMENT

MUNICIPAL HALL 4949 CANADA WAY, BURNABY 2. 5.C.

TELEPHONE 299.7211

DATE: APRIL 10, 1973

Building Department, Corporation of Burnaby.

Dear Sirs:

Suoject: 6090-92 Canada Way, Burnaby.

Thereby state that the sink/mange to be installed in the basement of my premises at the above address will be used solely for recreational and personal purposes. I clearly understand that the status of this building is that of a single-family dwelling only.

(witness)

(owner

ITEM 21 MANAGER'S REPORT NO. 5 COUNCIL MEETING Jan. 21/74 ATTACHMENT

OTTNUN 5 (53rd & Knight) 5 nic, 2 bd.m. (& 2 3 atc diming rm., base-1.01 33x124, F.P.

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TO MOVE ing colonial \$2,500.

-5090. exe new 3 bdrm, by e 44° lot, dble. exe new 3 bdrm. by 1. ft. 44' lot. dble. k. W.W. 5080 Eu-3-4. 874:5307. OWNER finished. asking mige. on \$25,000.

5 rm, stucco bunga-, view. Mr. Burn-

298-7244. 

\$27.900 F.P. st 15th, Renovated bdrm, dn. Owner

ve. Cosy 2 bdrm, room for an inlaw, . Call Mrs. Zeron

on new Coquitlam ablay. Alley Estates r 936-9694 res.

Heights, 3 bdrm decorated, View 18-3826. ve.—3 bdrms.. lge. Vacant. Irvin & 7121 or 761-0948.

Yacant Trend & Jarge revenue home in west family home. 3 sets grossing over \$1100 per M. to yelop. Call Mixed Wiebe 985-0986. or Metzler. 738-5625. Mercier praisal & Investments Ltd. 756-3546

North Shore Realty

134 E. 14th 985-7185

\$35.700.00.00

Northey

\$34,000 Full Price

\$34,000 Full Price

Must be refinanced. 3 legal suites. 1435 E. 18th. MLS. Wally Rose. 54. 520-7187. 56. 511. 1285. 61ills linvestments. 321-6485

Private Vancouver investor with rull time management & maintenance is not a problem. Can view confident in p

PRIME AREA

BURNABY DUPLEX
Brand new S/S duplex 1200 sq. ft.
FA side: Also — 2 In-law stes. All 4
stes complete with stoves, fridges &
carpets. \$89,000 F.P.
JEAN COMISKEY 731-5450

Tamily home. 3 sets grossing over \$1100 per M. to view family home. 3 sets grossing over \$1100 per M. to view family home. 3 sets grossing over \$1100 per M. to view family home. 3 sets grossing over \$1100 per M. to view family home. 3 sets grossing over \$100 per M. S.E. Marine Dr., 1gc., 136-3411 TELFORD RLTY LTD., 588-6545 and 136-3411 TELFORD RLTY LTD., 588-654

FIRST & COMMERCIAL
Legal, duplex — Reautifully remodelled, inside & out, High bont, for extra rooms, Huge garage & work-shop — Patio, 2 sundecks, asking 557-500.
Phone-Jack Devine — 527-6273
Phone-Jack Devine — 527-6274

CHECK FOR VALUE 3946 Spruce St. Immaculate 3 bedrm., full bant, home, nicely freed lot, Desirable area, Priced in aid 40's, G. M. Hardacre, 596-

Crest area, well treed 85' lot, ideal for handyman. New kit. & bath. F.P. \$34.900. Gary Moser, 522-4446 or 521-3701, Aurora Re-

SOLD BY CHIVERS REPORTY.

THE CORPORATION OF BURNABY MASTER FILE COPY **Building Department** PERMIT TO ERECT, ALTER, REPAIR OR DEMOLISH A BUILDING. 194 20 STPERMIT NUMBER DATE LOCATION 32119 March 26/73 6090/92 Canada Way 188 PLAN FILE on Agen Koehn Enterprises Ltd. 433-3620 6929 Lancaster, Van. 16 ARCHITECT/ENG-R. contractions from the Engineering department. Basement finishing in 6090 includes finished: Sewing, T.V., 3-pce.oath, Study, Play room, and entry. 6092 includes: finished entry only. Eng. truss design dwgs. to be submitted & apprid prior to installation.

| The control of the co front asphalt parking area provided in rear of lot. 63.49'x10.29'x132.24'x 571x431 71-46-2346-43-SEPTIC TANK & DISPOSAL FIELD LAYOUT SUBMITTED FOR APPROVAL ESTIMATED VALUE OF ERECTION, REPAIR, ALTERATION OR DEMOLITION OF BUILDING. \$ 45,000.00 95.00 L.A. CHECKED ATTACHMENT "E" MASTER FILE COPY THE CORPORATION OF BURNABY **Building Department** PERMIT TO ERECT, ALTER, REPAIR OR DEMOLISH A BUILDING. LOCATION AUG - 1 1973 6092 Canada "ay 33107 July August. 1/73 87 34147 188 SPEC, FILE ZONING RA PLAN FILE on Agentioehn Enterprises Ltd. 6929 Lancaster Van. 16 34148 ARCHITECT/ENG-R. CONTRACTOR re mit to finish sewing.T.V., 3-piece, study, play room, and entry. THE STATUS OF THIS DWELLING IS A SINGLE FAMILY DWELLING ONLY. CLAUS J S.F.D. fin. in base. r. LOY SIZE SIZE OF BLOG. VES NO SANITARY COMBINED SEPTIC TANK & DISPOSAL FIELD LAYOUT BURMITTED FOR APPROVAL 'J.D. COSSO \$ 6000.00 CHECKED

#### THE COI RATION OF THE DISTRICT OF BU **BUILDING DEPARTMENT**

CERTIFICATE OF OCCUPANCY OF A BUILDING

MUNICIPAL HALL 4949 CANADA WAY BURNABY 2, B.C.

ISSUED FURSUANT TO SECTION 8(1)(f) OF BY-LAW NO. 5557

ADDRESS OF BUILDING:

6090/93 Canada Way

LEGAL DESCRIPTION: APPROVED OCCUPANCY:

Lot 188, D.L. 87, Plan 34147

Two-Family Dwelling

The building constructed under authority of Building Permit No. <u>B-32119</u> may now be occupied.

It is unlawful to change the class of occupancy of any building or part thereof without first obtaining an occupancy permit from the Building Inspector.

This certificate must be affixed to a conspicuous and permanent place in the said building and shall not be removed.

M.J. JONES, CHIEF BUILDING INSPECTOR

**BUILDING DEPARTMENT COPY** 

J. Crowther

#### AMACHMENT "G"

THE CORPORATION OF THE DISTRICT OF BURNABY MUNICIPAL HALL, 4248 CANADA WAY, BURNABY 2, BRITISH COLUNCIA

APPLICATION FOR PLUMBING PERMIT

BUILDING DEPARTMENT

Date: APRIL 10 19 7.3

I hereby make application under the provisions of The Plumbing By-Law to do Plumbing Work as shown below:

Address: \_6090 - 6092

Plumber: O.E. KIECHLE

All plumbing work must be done by a plumber holding a Burnaby License for the current year, issued by the License Department, except in the case of an owner who personally does the work.

Purpose for which the Building is to be used.

Address:

CURRENT BURNABY LICENSE NO.....

FIXTURES TO BE INSTALLED OR REPAIRED

WASH WATER EXTRA PIXTURES STORKY 7 2 Masswest

SIGNATURE OF APPLICANT...

Telephone No. 4. 2.1. 3.3.74