

Dorothy

ITEM 24 (SUPPLEMENTARY)
MANAGER'S REPORT NO. 9
COUNCIL MEETING Feb. 4/74

24. Re: Request for Extension of Tenancy
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)

Appearing on the Agenda for the February 4, 1974 meeting of Council is a request from W. Robertson and A. Gowler to appear before Council for the purpose of obtaining an extension of tenancy at 6090/6092 Canada Way.

Council will recall that Mr. O.E. Kiechle, owner of the subject dwelling, recently petitioned for a relaxation of standards that would allow conversion of Fourplex Development in Two-Family Residential Districts. Upon consideration of the matter, Council directed that no reductions be made in the current standards for development in the R4 and R5 Districts, and that the Chief Building Inspector continue to enforce the Zoning Bylaw when illegalities are discovered or brought to his attention.

The tenants of the suites at 6090/6092 Canada Way were subsequently notified by Mr. Kiechle that they must vacate the premises. As noted in the letter that is before Council, the tenants indicate that hardships would result if the respective families are required to vacate before June 30, 1974.

The Chief Building Inspector advises that the Zoning Bylaw does not give his Department direction as to the time that shall be given to a tenant to vacate a suite that is illegal. The present practice is to give tenants a notice that falls due no sooner than one month from the date on which it is given; e.g., a notice given in January would normally require that premises be vacated by February 28th. The exception is December; notices to vacate are purposely extended beyond this month to the end of January.

The Solicitor has expressed the opinion that Council has no authority to continue an illegal use of property, and also, no authority or right to interfere in a situation where a landlord has given a tenant a valid notice to vacate. Further, under our Bylaw any individual can lay a charge concerning an illegal suite and place the matter before the Courts. What the Court will do with such a charge no one can say.

Also, Council does not have the power to make bylaw amendments that are discretionary in nature to either staff or Council; legislation must be fixed, certain and applicable to everyone. It is therefore the Solicitor's opinion that Council cannot amend the Zoning Bylaw to extend tenancies beyond the normal period as noted in the fourth paragraph above.

This is for the information of Council.