

ITEM	13
MANAGER'S REPORT NO.	81
COUNCIL MEETING	1979 11 26

RE: LETTER FROM MR. RICHARD C. CARDAMONE WHICH APPEARED ON THE AGENDA
FOR THE 1979 NOVEMBER 19 MEETING OF COUNCIL (ITEM 4a)
COMPLAINT INVOLVING A DWELLING AT 4834 ALBERT STREET

The following report from the Chief Building Inspector contains information on matters to which Mr. Richard C. Cardamone referred in his letter which Council received on 1979 November 19. Additional comments are contained in the attached reports from the Chief Licence Inspector and the Municipal Engineer.

In summary, the work that has been carried out on premises at 4834 Albert Street conforms, in the considered opinion of staff, with all applicable regulations and codes. The business activity at this address is now being conducted in compliance with a valid licence. As for the retaining wall, this is clearly a civil matter to be settled by the parties involved. There is therefore nothing further that can or should be done on the basis of the complaints that have been received to date from Mr. Cardamone.

It should perhaps be also noted that investigations on complaints from Mr. Cardamone were carried out by five departments: the R.C.M.P. and the Building, Engineering, Licence and Fire Departments.

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. R. C. Cardamone, 4832 Albert Street, Burnaby, B.C. V5C 2H3

* * * * *

TO: MUNICIPAL MANAGER 1979 NOVEMBER 19
FROM: CHIEF BUILDING INSPECTOR
RE: LETTER FROM MR. R.C. CARDAMONE
DATED 1979 NOVEMBER 06

RECOMMENDATIONS:

1. THAT Council receive this report for their information; and
2. THAT a copy of this report be forwarded to Mr. R.C. Cardamone.

REPORT:

The following report has reference to the letter of Mr. R.C. Cardamone dated 1979 November 06. Although the writer of the letter does not give a specific address for the premises about which he complains, nor the name of a property owner, we are assuming, from the various references in the letter, the premises referred to may be at 4834 Albert Street, which is "next door" to Mr. Cardamone's property.

Mr. Cardamone states that he has complied with municipal regulations when renovating his premises and expects that these requirements apply to all. He alleges, however, that his neighbour has violated municipal regulations by:

1. undertaking unorthodox construction,
2. operating an illegal business from his premises, and
3. erecting a retaining wall without sufficient footings and drainage.

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1. Permit for Construction

Building Permit No. B-46291 was issued on 1979 April 18 to the owner of 4834 Albert Street: "To construct sundeck attached to side of existing single-family dwelling - already constructed."

- (a) Mr. Cardamone reported in June 1978 that a balcony and sundeck had been constructed, and basement finishing was under way at 4834 Albert Street. Three inspections were subsequently undertaken between June and November 1978. At these times it was the opinion of the field inspector that construction was in the form of minor repairs and maintenance, and was not subject to a building permit. An existing sundeck, with patio sliding door unit, was in place during these inspections.
- (b) Mr. Cardamone met with staff on 1979 March 02, at which time it was agreed that:
- (i) a further inspection be made, and
- (ii) Mr. Cardamone be notified in writing (see Attachment No. 1, letter of 1979 April 17) of the results of the inspection.
- (c) On 1979 April 20, Mr. Cardamone met with Mr. Frank R. Mehling, Deputy Chief Building Inspector (see Attachment No. 2). Mr. Cardamone disagreed with the siting of the sundeck (item 3). A reinspection of the siting was made on 1979 April 25 by Mr. R. Fraser who found the conditions acceptable and granted final approval of Building Permit No. B-46291. During the inspection it was noted that yard setbacks adjacent to the sundeck/patio door were within municipal by-law requirements. All other construction was found to be acceptable and in the form of minor maintenance and repairs.

2. Operating Business from Premises

The owner of premises at 4834 Albert Street is in possession of a valid Municipal Licence (No. ACC 404, 8012 L) to operate an office as a Manufacturer's Agent from his residence. Compliance with regulations of the licence is the subject of a report by the Chief Licence Inspector.

3. Retaining Wall Construction

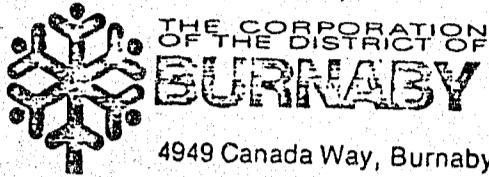
A stone retaining wall approximately two feet high is situated between the two private properties. Neither the Building By-Law nor the Zoning By-Law specifically regulates the placement or construction of retaining walls on private property. The Building Department consistently avoids interfering with property owners' rights with respect to private retaining walls and, moreover, has no jurisdiction in this regard.

RF:MJJ:lm
Enc.

M.J. Jones
CHIEF BUILDING INSPECTOR

c.c. MUNICIPAL SOLICITOR
CHIEF LICENCE INSPECTOR

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4949 Canada Way, Burnaby, B.C. V5G 1M2
 Building Department

ATTACHMENT NO. 1

Telephone (604)
 294-7148

MJJ	<input checked="" type="checkbox"/>
FRM	<input type="checkbox"/>
ARB	<input type="checkbox"/>
GRH	<input type="checkbox"/>
CHJ	<input type="checkbox"/>
JDS	<input type="checkbox"/>
HRS	<input type="checkbox"/>

1979 April 17

Mr. R.C. Cardamone,
 4832 Albert Street,
 Burnaby, B.C.
 V5C 2H3

Dear Mr. Cardamone:

Subject: Complaint Involving 4834 Albert St.
 Lot 12, Blk. 93, D.L. 122, Plan 4953

On 1979 March 06, the noted premises were inspected by Mr. R. Fraser of this department, accompanied by Mr. R. Hamilton of the Licence Department. Comments relating to the areas of your complaint are as follows:

- (1) Building By-Law No. 6333 requires the issuance of a building permit prior to the framing alterations for the sliding glass door and for the new sundeck. This has been brought to the attention of the owners of the premises.
- (2) The sundeck appears to be sited in compliance with the requirements of Burnaby Zoning By-Law No. 4742.
- (3) The rear exit stairs are replacement stairs for which a permit is not required. Subsection 9.8.2. of the National Building Code of Canada 1977 requires them to be constructed with a uniform rise and run in any one flight. The bottom step appears not to be in compliance; however, this department has no jurisdiction to require improvement.

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Mr. R.C. Cardamone

1979 April 17

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(4) Inspector R. Fraser found no evidence of any additional, recent changes in the basement area of the premises, with the result that no action is considered possible with regard to the alleged alterations or renovations to the basement area.

Yours truly,

Frank R. Mehling

Frank R. Mehling, P.Eng.,
DEPUTY CHIEF BUILDING
INSPECTOR

FRM:lm

c.c. MUNICIPAL MANAGER
Attention: J. Plesha

R. Hamilton,
Licence Department

ATTACHMENT NO. 2

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1979 April 20

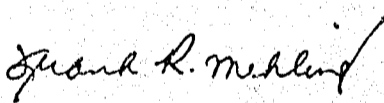
RECORD MEMO

Subject: 4834 Albert Street

At 12:00 h, Mr. Cardamone came to the counter and spoke to Perry Halabuza re 4834 Albert Street and letter of 1979 April 17. He came to Frank R. Mehling's office to discuss further complaints.

- (1) Assessment of 4834 Albert Street has been held for present without updating to reflect improvements carried out by the property owner, whereas Mr. Cardamone's assessment was increased substantially as a result of his renovations. I suggested that he pursue the matter with the Assessment Authority up the street.
- (2) Cardamone is going to provide documentation to prove that rear stair and enclosure under rear porch is new construction and should have been subject to permit - and inspection. He objects to poor construction, lack of proper foundations, etc.
- (3) Cardamone disagrees with statement (2) in letter re siting of sundeck. Frank Mehling to recheck since previous work sheet is not in file.
- (4) Cardamone will review with the Licence Department the aspect of business being carried on in home.
- (5) He may make an appointment to discuss again with Manager's office.

FRM:lm


Frank R. Mehling, P.Eng.
DEPUTY CHIEF BUILDING INSPECTOR

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TO: MUNICIPAL MANAGER

1979 November 20

FROM: CHIEF LICENCE INSPECTOR

RE: R.C. CARDAMONE
4832 ALBERT STREET, BURNABY

RECOMMENDATIONS:

1. THAT Council receive this report for their information; and,
2. THAT a copy of this report be forwarded to Mr. R.C. Cardamone.

REPORT

At the meeting of 1979 November 19 Council received a letter from R.C. Cardamone in which it is alleged that there were irregularities in the operations of a business that was conducted by a neighbour.

It should be noted that Mr. Cardamone does not identify the person or property concerned. However, Licence Department records confirm that a neighbour was licenced to operate an office as a manufacturer's agent from the residence. Such activity is deemed to be a permitted home occupation use of residential property. The licence was restricted in accordance with the Zoning By-law to prohibit the storage or sale of goods from the premises, or the employment of any person on the premises in connection with the business.

In response to a complaint from Mr. Cardamone, inspection of the premises revealed that a small amount of electrical fixtures and parts were stored in the home.

On 1979 March 13 a letter from this office advised the occupant-licencee to comply with the conditions stated on the licence by removing the stored goods. Mr. Cardamone was provided written confirmation of this action.

On 1979 March 29 the licence was surrendered for cancellation because the business had been discontinued.

On 1979 October 24 the licence was reactivated. The original restrictions regarding storage or sale of goods, or the employment of persons on the premises continue to be a condition of the licence.

Submitted for the information of Council.


P. Kenzie
CHIEF LICENCE INSPECTOR

PK:jh

cc: Municipal Treasurer
Chief Building Inspector

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TO: MUNICIPAL MANAGER 79 11 20
 FROM: MUNICIPAL ENGINEER
 SUBJECT: 4832 ALBERT STREET, BURNABY

RECOMMENDATION:

1. THAT Mr. R.C. Cardamone, 4832 Albert Street, Burnaby, V5C 2H3, be sent a copy of this report.

REPORT

In his letter to Council of 79 11 19, Mr. Cardamone enumerates problems he has had with several Municipal Departments. The Engineering Department will comment on the item in the letter in which Mr. Cardamone makes reference to a retaining wall.

The retaining wall in question is located at or near the property line between Mr. Cardamone's property at 4832 Albert Street and his next door neighbour's property at 4834 Albert Street.

The Engineering Department does not enter into in any way a dispute between two neighbours on a question of improvements constructed at or near their mutual property lines because these are clearly civil matters between the two property owners.

EEO
 MUNICIPAL ENGINEER

EEO/VMT/ch