

RE: ILLEGAL SUITES IN DUPLEX BUILDINGS AT  
6755/57 AND 6765/67 LAKEVIEW AVENUE  
(ITEM 11, REPORT NO. 49, 1979 JULY 16)

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. & Mrs. D. Tatone, 6750 Lakeview Avenue, Burnaby, B.C., V5E 2P4.

\* \* \* \* \*

REPORT

On 1979 July 16, Mr. D. Tatone appeared before Council in connection with the occupancy of illegal suites in duplex buildings on Lakeview Avenue. A report from staff also appeared on the agenda and was received at this time. Arising from the subsequent discussion was a request by Council for a chronological summary of the enforcement that has been undertaken relative to the suites from 1976, when the complaint was first made by Mr. and Mrs. Tatone, to the present time. This information is attached.

It will be noted that with respect to 6755/57 Lakeview, the illegal suites were deactivated as the result of enforcement action and then reinstalled by a new owner at a later date. On the matter of enforcement regarding 6765/67 Lakeview, staff did not followup as would normally have been done and assumes responsibility for this oversight. However, enforcement action is now being actively pursued in regard to both of these duplex buildings.

Following is a summary of the current status regarding the two strata title duplexes in question.

A. 6755/6757 Lakeview Avenue

1. 6755

Mr. and Mrs. Taylor, an elderly couple, occupy an illegal suite at this address. The Chief Building Inspector's letter to the owners, dated 1979 May 10, requesting that steps be taken to bring the premises into conformity with the Zoning By-Law has not been acknowledged, and the Housing Inspector is now following up.

2. 6757

Mrs. V. McGillivray has been given permission by Council to remain as an occupant in the illegal suite at this address until 1979 September 01.

B. 6765/6767 Lakeview Avenue

1. 6765

The Chief Building Inspector's letter dated 1979 April 30 to the owner, Mr. P. Harwood, to have the illegal occupancy removed from these premises was acknowledged by the person who owns the other half of this strata title building (Miss E.R. Famme) on 1979 July 24. Miss Famme stated that four single persons reside in each of the two semi-detached units (four in 6765 and four in 6767). The Chief Building Inspector within the next few days will inform both owners that the premises at these two addresses are still not in conformity with the Zoning By-Law due to the existence of two separate family dwellings at each address. Further followup action will thereafter be taken, if necessary.

2. 6767

The status of these premises is as noted immediately above.

It should be noted that the action required to have the illegal suites removed will be extended over an even longer period of time if it becomes necessary to take the owners to court.

\* \* \* \* \*

CHRONOLOGICAL REVIEW

A. 6755/57 LAKEVIEW AVENUE

216

- 6755 Owner: Mr. Tom and Mr. Don LOWE  
Strata Lot 1, D.L. 92, Strata Pl. N.W. 437  
Assessment advises stratified 1975 November.
- 6757 Owner: Mr. and Mrs. Ken LOWE  
Strata Lot 2, D.L. 92, Strata Pl. N.W. 437  
Assessment advises stratified 1975 November.
- 1975 July 04 Building Permit #B 37777 issued 1975 July 04, and  
Building Permit #B 38791 issued 1975 December 11,  
to finish playroom, storage, den and 3-piece  
bathroom each side. Notation on permit made  
for Single Family use only. No rough-ins for  
bar, sinks or ranges in basement.
- 1976 October 19 Complaint by Mr. Tatone shown on building card  
regarding use of above building.
- 1976 March 05 Building Department letter to previous owner,  
Dr. H. Chew, to remove unauthorized installations.  
(Attachment 1)
- 1976 March 17 Letter from H.A. Roberts stating they were now  
managing the building and requesting to know  
permitted uses. (Attach. 2)
- 1976 March 31 Building Department reply 1976 March 31. (Attach. 3)
- 1977 January 14 Check by Building Department showed basement of  
6757 vacant but range and sink still there.
- 1977 January 28 Letter to previous owner Dr. Chew, stating the  
matter is being turned over to the Provincial  
Prosecutor, c.c. H.A. Roberts. (Attach. 4)
- 1977 February 01 Reply from H.A. Roberts stating they would have  
building returned to conforming use. (Attach. 5)
- 1977 March 08 & 09 Inspections by Plumbing and Electrical Divisions  
show ranges, wiring and sinks removed. Sink  
piping was cut off and capped.
- 1977 March 21 Letter to Dr. Chew, c.c. H.A. Roberts, confirming  
that the building was conforming at that time. (Attach. 6)
- 1979 April 03 Memo from Municipal Manager's office regarding a  
complaint by Mr. Tatone regarding illegal suites  
in the above building.
- 1979 June 01 Letter to Mr. D. Tatone of status of investigation  
of complaint. (Attachment 7)

The sequence of events clearly shows that the illegal suite was deactivated  
in accordance with the enforcement action that was taken, and then  
reintroduced at a later date by the owners.

B. 6765/67 LAKEVIEW AVENUE

→ The chronological review of the premises at 6765/67 Lakeview Avenue is  
continued on page 225 of this report.

ITEM SUPPLEMENTARY 31  
MANAGER'S REPORT NO. 51  
COUNCIL MEETING 1979 07 30

Attach. 1

JJ	
V	FAH
JS	
BT	
RT	
ET	
GT	

BUILDING DEPARTMENT

RETURN REGISTERED

March 5, 1976.

Dr. H. Chew,  
2184 West Broadway,  
Vancouver, B.C.  
V6K 2E1

Dear Dr. Chew:

Subject: 6755/57 Lakeview Avenue;  
Lot 289, D.L. 92, Plan 46355

An inspection of the captioned premises carried out by Mr. D. Stanbrook, Building Inspector, Mr. E. Mortimer, Electrical Inspector, and Mr. G. MacGregor, Plumbing Inspector, on February 23, 1976, revealed that the playroom area in each basement has been converted to a kitchen in order to provide two additional living units. These alterations were in direct contravention of Municipal regulations.

Pursuant to Burnaby Zoning By-Law No. 4742, the subject property is located within a Residential District R5, and is approved as the site of a two-family dwelling only in accordance with Building Permit No. B-37777 issued July 4, 1975. This is the maximum occupancy that can be permitted.

An inspection of the plumbing by Mr. MacGregor disclosed that a sink has been installed in each basement without the benefit of a permit or inspection.

In checking the wiring, Mr. Mortimer noted that ranges and additional receptacles have been installed since the final electrical inspection on December 30, 1975.

In view of the direct violations as noted above, you are hereby required to have all unauthorized installations removed and the kitchen areas reverted back to playrooms as designated on the approved drawings on file in this office by not later than 14 days of receipt of this letter.

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Dr. H. Chew

March 5, 1976.

- 2 -

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Your cooperation will be looked for in order to avoid legal action being taken to enforce the respective by-laws being violated.

Yours truly,



M. J. Jones,  
CHIEF BUILDING INSPECTOR.

HRS:lm

c.c. H.R. Swift, Supervisor,  
Building Inspections.

D.G. Stanbrook,  
Building Inspector.

E.J. Mortimer,  
Electrical Inspector.

G.H. MacGregor,  
Plumbing Inspector.

ITEM SUPPLEMENTARY 31  
MANAGER'S REPORT NO. 51  
COUNCIL MEETING 1979 07 30

Attach. 2

**H.A. ROBERTS**  
REALTY LTD  
INCORPORATING RUTHERFORD McRAE LTD

1774 WEST BROADWAY  
VANCOUVER, BRITISH COLUMBIA V6J 1Y1  
TELEX 04-507680  
TELEPHONE (604) 733-8181

RESIDENTIAL COMMERCIAL REAL ESTATE SALES, CONSULTANTS DEVELOPERS AND MANAGERS

✓	✓

*for check out  
w/ 19/76*

March 17, 1976

RECEIVED  
MAR 17 1976  
BUILDING INSPECTOR'S  
OFFICE

Mr. M. J. Jones,  
Chief Building Inspector,  
The Corporation of the District  
of Burnaby,  
4949 Canada Way,  
Burnaby, B. C.  
V5G 1M2

Dear Mr. Jones:

Re: 6755/57 Lakeview Avenue  
Lot 289, D.L. 92, Plan 46355

Further to your letter of March 5, 1976, as managing agents  
for Dr. Chew we have complied with your instructions as  
outlined.

We hope you will find the situation satisfactory.

Sincerely,

H. A. ROBERTS REALTY LTD.

Gregory G. Carros  
President

GGC/jhf

ITEM SUPPLEMENTARY 31  
MANAGER'S REPORT NO. 51  
COUNCIL MEETING 1979 07 30

Attach. 3

220

MJJ	
FR..	
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HPC	
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BUILDING DEPARTMENT

March 31, 1976.

H.A. Roberts Realty Ltd.,  
1774 West Broadway,  
Vancouver, B.C.  
V6J 1Y1

Attention: Mr. Gregory G. Carros,  
President

Dear Mr. Carros:

Subject: 6755/57 Lakeview Avenue;  
Lot 289, D.L. 92, Plan 46355

A reinspection of the subject premises was carried out by this department on March 25, 1976, and in our opinion the requirements of our letter of March 5, 1976, have not been met. The ranges have simply been unplugged and moved to an adjacent room, and the sinks alone disconnected. The violation of Municipal by-laws relates to all installations completed after the premises had received final inspection by the Building, Plumbing, and Electrical Inspectors. This includes the ranges and sinks and all related wiring and piping.

Kindly notify this department when the deletions have been completed.

Thank you for your cooperation.

Yours truly,

*David R. Mudd*

for M.J. Jones,  
CHIEF BUILDING INSPECTOR.

HRS:lm

c.c. Dr. H. Chew,  
2184 West Broadway,  
Vancouver, B.C. V6K 2E1

ITEM SUPPLEMENTARY 31  
 MANAGER'S REPORT NO. 51  
 COUNCIL MEETING 1979 07 30

Attach. 4

MJJ	
FRM	
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HRS	
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BUILDING DEPARTMENT

294-7150

RETURN REGISTERED

January 28, 1977.

Dr. H.C. Chew,  
 2184 West Broadway,  
 Vancouver, B.C.  
 V6K 2E1

Dear Mr. Chew:

Subject: 6755/57 Lakeview Avenue;  
 Strata Lots 1 & 2, D.L. 92,  
 Strata Plan NW 437

This letter will confirm a reinspection of the subject premises carried out by Mr. R. Thompson, Building Inspector, on January 18, 1977, at which time it was noted that both basement areas were unoccupied and the ranges previously installed in the kitchens were being stored in a bedroom. May we remind you that our letter of March 5, 1976, required that the additional plumbing and electrical facilities installed without the benefit of permit or inspection be removed from the illegal basement dwelling units.

The previous letter also specified that illegal kitchen areas in basements be reverted back to playrooms as authorized by the original building plans. As of the above-noted inspection date, no action appears to have been taken to bring the basements into conformity with municipal by-laws and the continued presence of unapproved plumbing and electrical work is in violation of respective by-laws.

In consequence of lack of compliance with our notice to you dated March 5, 1976, the matter is being turned over to the Provincial Prosecutor.

Yours truly,

M.J. Jones,  
 CHIEF BUILDING INSPECTOR

c.c. H.A. Roberts Ltd.,  
 5310 Victoria Drive,  
 Vancouver, B.C. V5J 1T1  
 Attention: Evelyn Davis

*2/2/77  
 rec'd by Davis re phone  
 refers to comply with requirements  
 previous letter to avoid  
 get procedure 90  
 to Council*

*2/2/77  
 DR CHEW ON PHONE  
 apologizes for requirements of  
 previous letter not being done.  
 States that By Law's should be  
 enforced.  
 HRS*

6 Jan 30 - HRS

ITEM SUPPLEMENTARY 31  
MANAGER'S REPORT NO. 51  
COUNCIL MEETING 1979 07 30  
Attach. 5

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**H.A. ROBERTS**  
REALTY LTD

5310 Victoria Drive, Vancouver, British Columbia V5P 3V7 Telephone 324-5121

February 1, 1977.

Building Department  
The Corporation of the District of  
Burnaby  
Municipal Hall  
4949 Canada Way  
Burnaby, B.C. V5G 1M2

Attention: Chief Building Inspector  
Mr. M.J. Jones

RECEIVED  
FEB 3 1977  
BUILDING INSPECTORS  
OFFICE

Dear Mr. Jones,

Re: 6755/57 Lakeview Ave.  
Strata Lots 1 & 2, D.L. 92, Strata Plan NW 437

We are in receipt of your letter dated January 28, 1977 and would like to request that you reconsider your decision to send our file to the Provincial Prosecutor. Since our office took over management last summer and lack any copies of previous correspondence concerning the status of this dwelling, would you please forward a photo copy of the March 5, 1976 letter as we would like to be able to comply to all the original stipulations set down at that time.

Today, considering the premises have not been wholly occupied and therefore only being in contravention of specific unapproved plumbing and electrical work, we would ask that you allot us a time period to have our contractor revert the specified areas back to the original building plans approved. At that point, our office would arrange for a further inspection with your department to finalize the file.

We would appreciate your giving this matter further thought and request that you confirm your decision in writing at your earliest convenience.

Yours very truly,  
H.A. Roberts Realty Ltd.  
Managing Agents

*E.M.H. Davis*  
E.M.H. Davis  
Property Manager  
Property Management Dept.



ITEM SUPPLEMENTARY 31  
MANAGER'S REPORT NO. 51  
COUNCIL MEETING 1979 07 30

Attach. 6

SEARCHED	INDEXED
SERIALIZED	FILED
APR 1 1977	
Vancouver, B.C.	

BUILDING

294-7130

March 21, 1977

RETURN REGISTER

Dr. H. C. Chew  
2184 West Broadway  
Vancouver, B. C.  
V6K 2E1

Dear Dr. Chew:

Subject: 6755/57 Lakeview Avenue  
Strata Lots 1 & 2, D.L. 92  
Strata Plan NW 437

This letter will confirm a reinspection of the subject premises carried out by this department on March 3, 1977 when it was noted that the sink and range installations had been removed from the basement areas as requested in our letter of March 5, 1976.

Please take notice that the subject premises will be re-inspected at future dates and if at any time the basement areas are found to be occupied in violation of Burnaby Zoning By-Law regulations, prosecution proceedings will be commenced without further notice.

Your cooperation will be looked for.

Yours truly

M. J. Jones  
CHIEF BUILDING INSPECTOR

HRS/nb

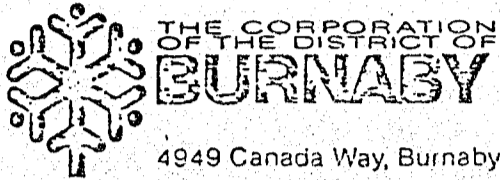
CC? R. Thompson  
Building Inspector

Harold Swift  
Supervisor, Building Inspections

ITEM SUPPLEMENTARY 31  
 MANAGER'S REPORT NO. 51  
 COUNCIL MEETING 1979 07 30

Attach. 7

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

Telephone (604)  
 294-7130

MJJ	
RM	
JDS	
PRH	
RF	
RE	
HJ	
AE	

1979 June 01

Mrs. D. Tatone  
 6750 Lakeview Avenue  
 Burnaby, B.C.  
 V5E 2P4

Dear Mrs. Tatone:

This will confirm your telephone call this morning to Mr. P.A. Eastman inquiring of the status of our investigation of alleged unauthorized housing occupancies in two-family dwellings around the 6700 Block Lakeview Avenue.

As a result of your call some weeks ago to the Municipal Manager's office, this department has investigated four semi-detached, two-family dwellings in the 6700 Block Lakeview Avenue. One of these buildings is still being constructed and is not occupied. The second two-family dwelling has a completely unfinished basement and is occupied only in a conforming manner. Two other semi-detached dwellings have been found to contain basement accommodations and the buildings to be occupied by more than the authorized two families in each case.

The respective owners of the premises containing unauthorized occupancies have been given notice to revert the premises to conforming occupancies as provided for in Burnaby Zoning By-Law. The plight of a tenant of one of the unauthorized basement units was dealt with by Municipal Council at its meeting of 1979 May 28, and an extension of the notice granted until 1979 September 01. In the other cases served, the notices still have time to run.

Please contact Mr. Eastman again, if you wish, later in the summer, for further information.

Yours truly,

MJJ:lm  
 c.c. MUNICIPAL MANAGER

M. J. Jones,  
 CHIEF BUILDING INSPECTOR

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CHRONOLOGICAL REVIEW

MEMO

6765/67 LAKEVIEW AVENUE

1979 JULY 19

6765	Owner: Mr. P. Harwood Strata Lot 1, D.L. 92, Pl. N.W. 436 Assessment advises stratified November 1975.
6767	Owner: Miss E.R. Famme Strata Lot 2, D.L. 92, Strata Pl. 436 Assessment advises stratified November 1975.
1975 July 04	Building Permit #B 37779 issued 1975 July 04, and Building Permit #B 38792 issued 1975 December 11, to finish den, storage, 3-piece bathroom, utility room and a playroom in either side. Notation made on permit for use of base- ment in conjunction with single family use of main floor and restriction against rough-in of sinks or ranges.
1976 February 28	Phone complaint from Mr. Tatone regarding use of above building as a 4 plex.
1976 March 15	Letters to Miss E.R. Famme and Mr. P. Harwood (1979 April 30) to vacate and remove basement suites on their respective sides. ( <u>Attachment 1</u> )
1976 March 29	Miss E.R. Famme contacted Building Department saying she was disenchanted with Zoning By-law and enforcement of same.
1976 March 29	Mr. Harwood phoned Building Department - He suggested "Gestapo" tactics, etc. because he was not permitted two sinks and two ranges on his side of the building.
* { 1976 April 01	Letter from Miss E.R. Famme to Mr. F.R. Mehling stating property is the same as when the occupancy permit was issued. ( <u>Attachment 2</u> )
1979 April 03	Memo from the Municipal Manager's office regarding a complaint by Mr. Tatone of illegal suites at above address.
1979 June 01	Letter to Mr. D. Tatone of status of investigation of complaint. ( <u>Attachment 3</u> )

\* During this period this matter was not pursued due to apparent misplacement of the file.

PE:vap

Attach.

Attach. 1

226

MR	
HM	
WS	
GT	
HRS	
SN	
GT	

BUILDING DEPARTMENT

RETURN REGISTERED

March 15, 1976.

MISS  
Mr. E. R. Fenne,  
647 Riverdale Drive,  
Richmond, B.C. V7C 2G2

Dear Mr. Fenne:

Subject: 6767 Lakeview Avenue; Strata Lot #2,  
District Lot 92, Strata Plan BV 436

This letter will confirm an inspection of the captioned premises carried out by Mr. D. Stanbrook, Building Inspector, and Mr. E. Mortimer, Electrical Inspector, on February 17, 1976. At that time it was noted that the basement area is being occupied as a separate dwelling unit in contravention of Municipal Building and Zoning regulations. Apparently the storage room has been converted to a kitchen complete with range, sink, and refrigerator.

Pursuant to Burnaby Zoning By-Law No. 6742, the subject property is located within a Residential District R3, and is approved as the site for a two-family dwelling in accordance with Building Permit No. B-37779 issued July 8, 1973. This is the maximum occupancy that can be approved.

In view of the aforementioned violation, you are hereby requested to have the basement unit vacated by not later than April 30, 1976, and all unauthorized installations removed within 30 days thereafter. This will require the complete removal of the range wiring as well as the sink and related piping.

Your cooperation will be looked for in order to avoid legal action being taken to enforce Burnaby By-Law regulations.

Yours truly,

HRS:lm

c.c. D. Stanbrook,  
Building Inspector.

E. Mortimer,  
Electrical Inspector.

M. J. Jones,  
CHIEF BUILDING INSPECTOR.

SEE NEXT PAGE

ITEM SUPPLEMENTARY 31  
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Attach. 1

HRS	
SN	
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RETURN REGISTERED

BUILDING DEPARTMENT

March 15, 1976.

Mr. P. Harwood,  
1171 Keestrel Drive,  
Richmond, S.C. V7E 4E3

Dear Mr. Harwood:

Subject: 6765 Lakeview Avenue; Strata Lot #1,  
District Lot 92, Strata Plan NW 436

This letter will confirm an inspection of the captioned premises carried out by Mr. D. Stanbrook, Building Inspector, and Mr. E. Mortimer, Electrical Inspector, on February 17, 1976. At that time it was noted that the basement area is being occupied as a separate dwelling unit in contravention of Municipal Building and Zoning regulations. Apparently the storage room has been converted to a kitchen complete with range, sink, and refrigerator.

Pursuant to Burnaby Zoning By-Law No. 4742, the subject property is located within a Residential District R3, and is approved as the site for a two-family dwelling in accordance with Building Permit No. B-37779 issued July 4, 1975. This is the maximum occupancy that can be approved.

In view of the aforementioned violation, you are hereby requested to have the basement unit vacated by not later than April 30, 1976, and all unauthorized installations removed within 30 days thereafter. This will require the complete removal of the range wiring as well as the sink and related piping.

Your cooperation will be looked for in order to avoid legal action being taken to enforce Burnaby By-Law regulations.

Yours truly,

M. J. Jones,  
CHIEF BUILDING INSPECTOR.

HRS:lm

c.c. D. Stanbrook,  
Building Inspector.

E. Mortimer,  
Electrical Inspector.

ITEM SUPPLEMENTARY 31  
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COUNCIL MEETING 1979 07 30

Attach. 2

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BUILDING DEPARTMENT  
OFFICE

April 1, 1976

Mr. Frank Nehling  
Assistant Chief Building Inspector  
Corporation of the District of Burnaby  
4949 Canada Way  
Burnaby, B. C.  
V5G 1M2

*6767 Pineview Ave.*

Dear Sirs:

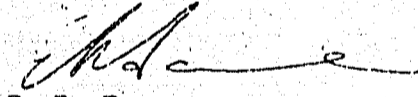
Further to our discussions in your office at 9:30 a.m. Monday March 29, 1975 I wish to clarify my position on a letter of March 15, 1976. by your M. J. Jones.

I made my offer to purchase prior to inspections being conducted by the municipality. My offer to purchase was subject the premises receiving an occupancy permit from the municipality. These premises are in substantially the same condition as at the date of issuance of the occupancy permit.

Insofar as my tenants are concerned there are five single people living at this address which as you have pointed out to me is not in contravention of any of your municipality's bylaws. Furthermore I have excellent tenants who do not disturb the surrounding neighbourhood and any change in tenants would only be to the detriment of the neighbourhood that you are trying to protect.

On this basis I will actively resist any prosecution attempted by the municipality.

Yours truly,

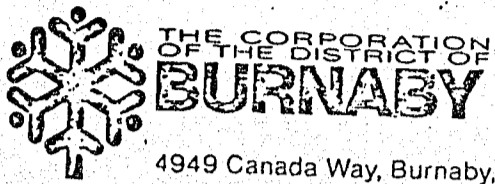


E. R. Fanne

647 Riverdale Drive, Richmond, B. C.

ITEM SUPPLEMENTARY 31  
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COUNCIL MEETING 1979 07 30

Attach. 3



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

Telephone (604)  
294-7130

MJJ	
FRM	
JDS	
CRH	
RF	
ARB	
DHJ	
PAE	

1979 June 01

Mrs. D. Tatone  
6750 Lakeview Avenue  
Burnaby, B.C.  
V5E 2P4

Dear Mrs. Tatone:

This will confirm your telephone call this morning to Mr. P.A. Eastman inquiring of the status of our investigation of alleged unauthorized housing occupancies in two-family dwellings around the 6700 Block Lakeview Avenue.

As a result of your call some weeks ago to the Municipal Manager's office, this department has investigated four semi-detached, two-family dwellings in the 6700 Block Lakeview Avenue. One of these buildings is still being constructed and is not occupied. The second two-family dwelling has a completely unfinished basement and is occupied only in a conforming manner. Two other semi-detached dwellings have been found to contain basement accommodations and the buildings to be occupied by more than the authorized two families in each case.

The respective owners of the premises containing unauthorized occupancies have been given notice to revert the premises to conforming occupancies as provided for in Burnaby Zoning By-Law. The plight of a tenant of one of the unauthorized basement units was dealt with by Municipal Council at its meeting of 1979 May 28, and an extension of the notice granted until 1979 September 01. In the other cases served, the notices still have time to run.

Please contact Mr. Eastman again, if you wish, later in the summer, for further information.

Yours truly,

MJJ:lm  
c.c. MUNICIPAL MANAGER

M.J. Jones,  
CHIEF BUILDING INSPECTOR