

ITEM	11
MANAGER'S REPORT NO.	60
COUNCIL MEETING	1980 09 29

RE: INVESTIGATION INVOLVING A SUITE  
7067 SEVENTEENTH AVENUE, BURNABY  
LOT 21, BLOCK 48, D.L. 95, PLAN 1643  
MR. E. AND MRS. M. NYSTROM

On 1980 September 08, Mrs. Mary Nystrom appeared before Council in regard to the occupancy of residential premises which she owns at 7067 Seventeenth Avenue. She requested that the eviction order for her tenants be set aside, and that authority be given to install an electric range in the basement of the structure. The information that Council requested on this matter is contained in the following report from the Chief Building Inspector.

RECOMMENDATION:

1. THAT the recommendation of the Chief Building Inspector be adopted.

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TO: MUNICIPAL MANAGER 1980 September 17

FROM: CHIEF BUILDING INSPECTOR

RE: 7067 - 17TH AVENUE, BURNABY  
LOT 21, BLK. 48, D.L. 95, PLAN 1643

RECOMMENDATION:

1. THAT a copy of this report be given to Mr. & Mrs. Earl Nystrom, 2576 Brock Street, Vancouver, B.C., V5R 2R4.

REPORT:

This report is prepared in response to Mrs. E. Nystrom's appearance before Council at its meeting of 1980 September 15, and questions arising therefrom.

1. Background

- On 1980 March 26, the subject premises were inspected by the Burnaby Housing Inspector following a complaint by a neighbour. The building was a single-family dwelling, with an attached garage at the front, a carport at the side, and a full basement, originally built in 1948.
- The building is situated on a 66' x 131' lot in an R5 Residential District.
- One family (wife, husband, and one child) occupies the main floor. The inside stairs from the main floor to the basement are not used, as the area next to the door at the top of the stairs is used for storage purposes by the family.
- The attached garage has been converted into two separate rooms, and the basement contains three other rooms. Each of these five sleeping rooms are provided with a hotplate for cooking. In addition, the basement contains one bathroom for the use of the five tenants.
- The building is in a poor state of repair, especially the sundeck over the carport and the outside stairs. The only access to the two rooms in the garage is through the basement.

2. In response to Council's request as to the legal status of lodgers, etc., we reproduce herewith a portion of a report made 1974 October 30:

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"7067 - 17th Avenue

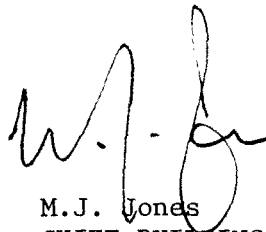
These premises were reinspected on 1974 September 30, at which time the upstairs area was occupied by a Mrs. Roberts and her family. Two separate basement rooms were occupied by separate individuals, a Mr. Hoffman and a Mrs. Roberts, both of whom were thought to be preparing meals on electrical hotplates contrary to the Zoning By-Law. One other room in an attached converted garage was occupied by an unknown tenant, contrary to the Zoning By-Law, and a second room in the garage was unoccupied. The use of the basement area by two boarders would be an approved home occupation, but food preparation would not be acceptable. The premises could also legally be used as a boarding house for five persons, but again the preparation of food in the basement would be contrary to the By-Law..."

The regulations of the Zoning By-Law for the R5 Zone have not changed since the foregoing report was written in 1974. House-keeping rooms are not recognized in the Burnaby Zoning By-Law. The limit of five boarders or lodgers can still be kept in a single-family dwelling, subject to lot size (the subject property qualifies), and R5 or R6 Zoning.

Technically, a business licence becomes a requirement where three or more rooms are let for boarding or lodging purposes. However, in this case, the use of hotplates in the rooms for cooking purposes contravenes the by-law definition of Boarding or Lodging House, and hence would restrict the granting of business licence.

3. Council has asked how long the current circumstances have prevailed in order to determine whether it is a legal, non-conforming case.

Burnaby Zoning By-Law came into effect in June 1965 and this would be the operative date for determining legal, non-conformity. The Nystroms purchased the property in 1973, with five rental rooms, plus a two-bedroom main floor suite. Our records do not show any change from a single-family dwelling built in 1948, until 1974 when a complaint was investigated. Thus, in the absence of proof that the five rental rooms existed prior to June 1965, we would take the position that the current accommodation is not in compliance with the by-law and that the by-law is applicable.



M.J. Jones  
CHIEF BUILDING INSPECTOR

MJJ:lm