

RE: LETTER FROM MR. JOHN K. SOUTTER WHICH APPEARED ON THE AGENDA
FOR THE 1980 OCTOBER 27 MEETING OF COUNCIL (ITEM 5g) ITEM
INVESTIGATION INVOLVING A SUITE
5331/33 DOMINION STREET
(ITEM 12, REPORT NO. 60, 1980 SEPTEMBER 29)

1
68
MANAGER'S REPORT NO.
COUNCIL MEETING 1980 11 03

The following report from the Chief Building Inspector is in response to a letter from Mr. John K. Soutter which Council received on 1980 October 27.

Council on 1980 September 29 received a report on the subject suite. This is attached for convenient reference.

RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER 1980 OCTOBER 21
FROM: CHIEF BUILDING INSPECTOR
RE: 5331/33 DOMINION STREET, BURNABY
LOT 36, BLOCK 20, DISTRICT LOT 74,
GROUP 1, PLAN 2603, N.W.D.
MR. JOHN K. SOUTTER

RECOMMENDATIONS:

1. THAT this report be received for information, and
2. THAT a copy of this report be provided to Mr. John K. Soutter, 5289 Norfolk Street, Burnaby, B.C., V5G 1E1.

The following report is prepared in response to Mr. John K. Soutter's letter of 1980 October 15 appearing on the agenda of Council Meeting of 1980 October 27.

REPORT:

The remarks contained in the Municipal Manager's Report No. 60, Council Meeting 1980 09 29, Item 12, page 119, are accurate in all respects and may be corroborated by reference to Corporation records.

We can find no evidence in the report that infers that Mr. J.K. Soutter CONVERTED the suites, nor do records indicate anything unusual in the final inspections performed in August 1977 for electrical and plumbing installations.

The building plans on file in this department clearly identify the lower floor as "Basement and Foundation Plan," and identify the upper floor as "Main Floor Plan." There is no basis for questioning the Burnaby classification.

We can only add to the remarks of Mr. Soutter, after being charged in March 1979, that the Court did not agree the rental arrangements so provided satisfied the municipal by-law, and consequently found Mr. Soutter guilty again on 1980 July 16.

MJJ:lm


M.J. Jones
CHIEF BUILDING INSPECTOR

ITEM	12
MANAGER'S REPORT NO.	60
COUNCIL MEETING	1980 09 29

RE: INVESTIGATION INVOLVING A SUITE
 5331/33 DOMINION STREET
 LOT 36, BLOCK 20 D.L. 74, GROUP 1, PLAN 2603, NWD
 MR. JOHN K. SOUTER

ITEM	1
MANAGER'S REPORT NO.	68
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On 1980 September 15, Council received a letter from Mr. William Turner regarding his occupancy of a suite at 5331/33 Dominion Street. Background information on this dwelling, which is owned by Mr. John K. Souter, is contained in the attached report from the Chief Building Inspector.

Following is the summary statement to which the Chief Building Inspector refers in his report:

"When a by-law violation charge goes to Court and the charge upheld, the file is not automatically closed. The objective of the municipality has been to obtain by-law compliance, and prosecution is only one step, if necessary, toward reaching that objective. In order to close the matter, it is necessary for the municipality to check back after conviction to determine if the proper result has been obtained. Obviously, if the violation is continuing, the municipality may be forced to lay further charges as provided for under its Zoning By-Law."

RECOMMENDATION:

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

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ITEM	12
MANAGER'S REPORT NO.	60
COUNCIL MEETING	1980 09 29

TO: MUNICIPAL MANAGER

1980 SEPTEMBER 19

FROM: CHIEF BUILDING INSPECTOR

RE: 5331/33 DOMINION STREET, BURNABY
 LOT 36, BLOCK 20, DISTRICT LOT 74,
 GROUP 1, PLAN 2603, N.W.D.
 MR. JOHN K. SOUTTER

ITEM	1
MANAGER'S REPORT NO.	68
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RECOMMENDATIONS:

1. THAT a copy of this report be given to the owner, Mr. John K. Soutter, 5289 Norfolk Street, Burnaby, B.C., V5G 1G3, and
2. THAT a copy of this report be given to the tenant, Mr. William Turner, 5333B Dominion Street, Burnaby, B.C., V5G 1E1.

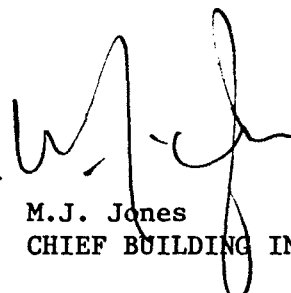
The following report is prepared in response to the letter of 1980 September 08 from Mr. William Turner of 5333B Dominion Street, and appearing on the agenda of Council Meeting of 1980 September 15.

REPORT

1. Premises at 5331/33 Dominion Street were inspected by the Burnaby Plumbing Inspector during June 1978 at which time the inspector noted self-contained basement dwelling units constructed contrary to by-law.
2. The information of the Plumbing Inspector was investigated by the Housing Inspector and unauthorized dwelling units and occupancy thereof were confirmed.
3. Notices to Mr. J.K. Soutter, to revert premises to conforming two-family use, were not observed so that eventually prosecution was undertaken.
4. Mr. J.K. Soutter was found guilty in Burnaby Provincial Court on 1979 March 12 of violation of Burnaby Zoning By-Law.
5. Follow-up inspections were completed in May 1979 and violation of the Zoning By-Law was noted to be continuing.
6. The matter of continuing by-law violation was referred to the Provincial Prosecutor.
7. On 1980 July 16, after numerous court appearances and adjournments, Mr. Soutter was again found guilty of Zoning By-Law violation.
8. Notice as contained in our letter of 1980 July 17 has been served on Mr. J.K. Soutter (see Attachment No. 1).
9. A follow-up inspection has not yet been conducted.
10. Mr. Turner is believed to have taken up residence in the basement unit of 5333 Dominion Street after April 1979.

The summary statement contained in our report of 1980 August 26 relative to the letter of Mr. Dennis McKeeman may be read in conjunction with this report.

MJJ:lm
 Enc.


 M.J. Jones
 CHIEF BUILDING INSPECTOR

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1980 July 17

Mr. John K. Soutter
5289 Norfolk Street
Burnaby, B.C.
V5G 1G3

Subject: 5331/33 Dominion Street, Burnaby
Lot 36, Block 20, D.L. 74,
Group 1, Plan 2603 N.W.D.

You have been arraigned in the Provincial Court of British Columbia, 6263 Gilpin Street, Burnaby, and found guilty of violation of Burnaby Zoning By-Law No. 4742 in permitting a two-family residential building to be used for more than a two-family dwelling.

In view of your conviction on 1980 July 16 for the said by-law violation, you are hereby directed to have your building returned to a conforming residential use by not later than 30 days following receipt of this letter.

You are hereby notified that in the event the unauthorized use and occupancy of the subject building is noted to continue after 1980 August 31, you will be liable to prosecution for each day the violation is permitted to exist.

Grand R. Milling

M.J. Jones
M.J. Jones
CHIEF BUILDING INSPECTOR

PE:lm

c.c. P. Eastman
Housing Inspector