

ITEM	SUPPLEMENTARY	22
MANAGER'S REPORT NO.		37
COUNCIL MEETING	1981 08 10	

RE: LETTERS FROM MR. & MRS. A.J. VIDLER, MRS. MARNIE CROSS AND
MRS. PHYLLIS ROBINS
OCCUPANCY OF SUITES AT 4442/44 IMPERIAL STREET

MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER 1981 AUGUST 06

FROM: CHIEF BUILDING INSPECTOR

RE: 4442/44 IMPERIAL STREET, BURNABY
LOT "C" BLK. 1, D.L. 99, PLAN 4322

RECOMMENDATION:

1. That a copy of this report be sent to:
- (a) Mr. & Mrs. A.J. Vidler, 4444 Imperial Street,
Burnaby, B.C. V5J 1B3;
 - (b) Mrs. Marnie Cross, 4444 Imperial Street,
Burnaby, B.C. V5J 1B3; and
 - (c) Mrs. Phyllis Robins, 4442 Imperial Street,
Burnaby, B.C. V5J 1B3.

REPORT:

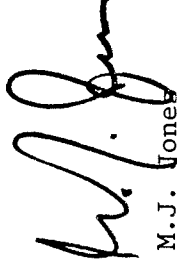
The attached Record Memo (and copy of strip map) summarizes the information on hand in the Building Department concerning the violations of the Zoning and Building By-Laws by the owner of the subject property.

Council has a clear policy pertaining to illegal suites which become drawn to the attention of the Corporation by local citizen complaint. That policy has been followed in this case, and the next step would be reinspection of the premises after 1981 August 31 to determine whether by-law compliance had been reached.

Staff responsible for implementation of Council's policy on suites is acutely aware of the sensitivity of the circumstances. At the same time staff can only work within the framework of existing legislation and Council's policy of administering its local legislation. Part of the operative legislation governing enforcement of most municipal by-laws requires that the Corporation act within a specified period of time to institute enforcement proceedings under a by-law. To meet this limitation in law, it is necessary for staff to act with dispatch once a by-law violation has been determined and confirmed. Delay in pursuit of by-law compliance can be viewed by the public at large as tacit approval of an offense, and according to the Crown Prosecutor, can render the Corporation incapable of effective prosecution of its regulations.

In conclusion, staff in this case is being guided by the existing policy which requires that an investigation be initiated in response to a complaint involving the illegal occupancy of a suite.

MJJ:lm
Enc. 2


M.J. Jones
CHIEF BUILDING INSPECTOR

c.c. MUNICIPAL SOLICITOR

1981 August 05

Subject: 4442/44 Imperial Street, Burnaby

Lot "C", Blk. 1, D.L. 99, Plan 4322

187

RECORD MEMO

Background

- (1) Semi-detached, two-family dwelling constructed in 1967 on the subject property, zoned R5 Residential.
- (2) Premises used and occupied in conformity with Zoning By-Law simply as a two-family dwelling until November 1978.
- (3) Application made and Licence issued to Doreen Vidler in November 1978 to operate a Day Care Centre for up to seven children at 4442 Imperial Street. Proposed operating statement for 1979 showed expected income of \$860 per month, expenses \$450, and profit \$410. At date of last inspection of building pursuant to licence for Day Care Centre (1981 January 09), basements of both sides (4442/44 Imperial) were unfinished.
- (4) The present owner had resided in the premises as a tenant for some years prior to purchasing the property outright in 1980.

Current

- (1) Complaint was received by Building Department 1981 June 29 from a close resident in area that basements of both sides of dwelling being converted for habitable use. (Complaint of fourplex conversion in progress.)
- (2) Inspection of premises by Burnaby Housing Inspector on 1981 July 09 confirmed fourplex conversion had been made and that two basement areas now converted to dwelling units were occupied by a Mrs. Marnie Cross and a Mrs. Phyllis Robins. Statement given at time of inspection by one tenant that she had taken occupancy approximately a month earlier. Statement given at time of inspection by Mrs. Vidler that she had previously telephoned Burnaby Building Department to enquire of procedure for obtaining building permit for a fourplex dwelling, and had been informed that permit for such a dwelling could not be granted.
- (3) Site visit made 1981 July 13 by Burnaby Building Inspector and "Notice of Suspension" posted on unauthorized construction of two basement dwellings.
- (4) Notice dated 1981 July 14 prepared and delivered to Allan Vidler on 1981 July 15 to terminate habitable use of basements by 1981 August 31 due to breach of Zoning and Building By-Laws.
- (5) Building plans for basement finishing delivered to Building Department by Mrs. Vidler on 1981 July 15, submitted in application for building permit. Application not being processed due to notice given under date of 1981 July 14.

MJJ:lm

