

ITEM 26
MANAGER'S REPORT NO. 55
COUNCIL MEETING 85/09/09

RE: LETTER FROM LILA G. PARKER WHICH APPEARED ON THE AGENDA FOR THE
1985 AUGUST 12 MEETING OF COUNCIL (Item 4 a)
SUITE AT 3856 SUNSET STREET

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1985 SEPTEMBER 03

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: 3856 SUNSET STREET, BURNABY
LETTER FROM LILA G. PARKER

RECOMMENDATION:

1. THAT a copy of this report be forwarded to Lila G. Parker at 5267 Carson Street, Burnaby, B.C., V5J 2Z3.

BACKGROUND:

Council is in receipt of a letter dated 1985 July 26 from Lila G. Parker regarding 3856 Sunset Street, Burnaby, and Objection Notice No. D-15980 issued 1985 May 07 by the Department of Planning & Building Inspection. The objection notice advises the owners of the premises of the need to remove an unauthorized 11th rental suite before a business licence may be approved.

REPORT:

It is customary upon change of ownership to refer business licence applications to the Municipal Fire, Health and Building Departments for approval. As a result of inspection by the Building Inspection Division on 1985 May 06, the subject premises were found to contain 11 suites, whereas the licence application was for a 10-suite, 29-room apartment building. The new application was as a consequence denied pending either removal of the 11th unauthorized suite or otherwise approval through application to the Department of Planning & Building Inspection for legalization and possible retention.

Staff have reviewed the circumstances surrounding the added suite with the conclusion that it cannot be approved for the following reasons:

- (a) Even without consideration of the 11th suite, the building which was constructed in 1952/53 is already legal non-conforming with respect to its gross floor area. The 10 authorized suites provide a floor area ratio of 0.91 and are 149 m² (1602 sq. ft.) in excess of the maximum allowable floor area ratio of 0.7 specified in the present Burnaby Zoning By-Law 1965. Any additional dwelling units which might have been proposed for these premises would have exceeded the development density permitted under the zoning by-law then in effect.
- (b) The 11th suite is located in an area which must, by the Zoning By-Law definition, be classified as a "cellar" and the by-law states that no dwelling unit or housekeeping unit shall be permitted in a cellar.

- (c) The 11th suite has been found to be seriously deficient in its construction as noted on the attached inspection survey report of 1985 August 02.
- (d) The Municipal Solicitor cannot say with assurance that the municipality would not be liable should damages be suffered as a result of construction deficiencies in the unauthorized suite.

The suggestion contained in Mrs. Parker's letter that the unauthorized suite was constructed as an in-law suite in about 1970 cannot be substantiated. The present Zoning By-Law which was adopted in 1965 does not recognize in-law accommodation as an accessory use in the RM2 Zone, nor is there record of any in-law suite application, required statutory declaration, building permit or inspection.

The conclusion is that the order to remove the 11th unauthorized suite should be upheld, and if necessary, legal action to ensure its removal should be embarked upon. The Department of Planning & Building Inspection proposes to proceed accordingly.

PAM
FRM:lm
Enc.

A.L. Parr
A.L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION

c.c. MUNICIPAL SOLICITOR



THE CORPORATION
OF THE DISTRICT OF

BURNABY

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

Planning & Building Inspection Department
Building Inspection Division

ITEM 26
MANAGER'S REPORT NO. 55
COUNCIL MEETING 85/09/09

Telephone (604)
294-7159

RECORD MEMO:

1985 August 07

SUBJECT: 3856 Sunset Street
Unauthorized 11th Suite

SUMMARY OF INSPECTION SURVEY 1985 August 02

A. BUILDING

1. A proper heating system has not been installed.
2. Ventilation has not been provided in the washroom.
3. A fire separation has not been provided between the suite and the adjacent storage room (1 hour F.R.R. required).
4. A fire separation has not been provided between the suite and the floor immediately above (3/4 hour F.R.R. required).
5. The flame spread rating of the grass mat wall covering in the washroom and bedroom appears to exceed the allowable maximum.

B. ELECTRICAL

1. A separate service has not been provided to the suite. Lighting and receptacle wiring is connected to the house panel.
2. The electric range wiring has been installed in an unapproved, hazardous manner. Grounding continuity and mechanical protection of wiring are lacking as well as proper overcurrent protection.
3. Wall plugs (receptacles) are connected in an unapproved, hazardous manner.
4. Unapproved wiring has been connected to the kitchen light and receptacle.

C. Plumbing

1. The plumbing installation cannot be approved. Venting of the sewer waste pipe has not been provided and the system, has been connected by removing an existing required clean-out.

The condition of any concealed construction components could not be verified by our inspection.

DHJ:dd

D.H. Jackson, P.Eng.
ASSISTANT CHIEF BUILDING INSPECTOR

