

RE: LETTERS FROM MR. VIDYA DUGGAL, MOHAN INVESTMENTS LTD., 5420 S.E. MARINE DRIVE, BURNABY, B.C., V5J 3G8  
APPLICATION FOR FIRST STOREY FINISHING 7509 AND 7529 MEADOW AVENUE

MUNICIPAL MANAGER'S RECOMMENDATION:

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

\* \* \* \* \*

TO: Municipal Manager 1987 March 25

FROM: Director Planning &  
Building Inspection

SUBJECT: APPLICATION FOR FIRST STOREY FINISHING  
7509 AND 7529 MEADOW AVENUE

=====

RECOMMENDATION:

1. THAT a copy of this report be forwarded to Mr. Vidya Duggal, Mohan Investments Ltd., 5420 S. E. Marine Drive, Burnaby, V5J 3G8

REPORT

Council is in receipt of a letter from Mr. Vidya Duggal of 5420 S.E. Marine Drive, objecting to the withholding of his building permits for first storey finishing within the single-family dwellings currently under construction at 7509 and 7529 Meadow Avenue. Mr. Duggal requests that his permits be granted without further delay and without having to amend his drawings to eliminate features which Council and staff view with concern.

Council was advised on 1987 March 09 that applications incorporating features lending themselves to possible improper separate occupancy would be rejected.

Building permits for the construction of two new single-family dwellings located at 7509 and 7529 Meadow Avenue were issued to Mr. Duggal on 1986 October 24. The two dwellings are identical and were approved with unfinished first storeys except for entry, bathroom and laundry. A subsequent application for first storey finishing was received by the Building Inspection Division on 1986 November 07.

The dwellings are currently under construction with the rough framing completed, without the installation of plumbing, wiring, drywall or exterior cladding. The Building Inspection Division has not issued a building permit for the first storey finishing and therefore, the statement made by Mr. Duggal concerning the cancellation of the building permit, after approval, is not correct.

134

The first storey layout of the proposed residences is viewed with concern because of its possible conversion to use for separate occupancy in contravention of the zoning by-law. It includes two large recreation rooms, each with counter and sink, two bedrooms, two three-piece bathrooms containing bathtubs, library with closet, workroom with closet and centrally located furnace and utility room. The circulation pattern and room layout is not in keeping with the authorized single-family use. The upper floor of both residences has also been altered during construction without permits or approvals. Mr. Duggal has been ordered to remove the unauthorized construction to comply with the approved drawings. Without removal the layouts lend themselves to the possible creation of a total of four separate dwelling units within each single-family dwelling.

For these reasons, the application has been rejected and staff has been working with Mr. Duggal to arrive at an acceptable solution. At the request of Mr. Duggal, sketches of a suggested solution were prepared by staff and presented to him on 1987 March 11. Staff will continue to reject the application as outlined to Council at its meeting of 1987 March 09 unless the applicant achieves a first floor proposal which addresses the concerns of staff and Council.

Further to the above, Mr. Duggal made reference to the installation of a sign stating that no soil can be removed or fill be dumped from or on the above-mentioned properties. The attached memo prepared by Mr. Peter Bloxham of the Planning Division in reply to this statement concludes that the placement of fill on these properties is governed by the Soil Conservation Act and the erection of signs advising of this fact is appropriate and within the jurisdiction of the Director Planning and Building Inspection as the Enforcement Officer.



A. L. PARR  
DIRECTOR PLANNING &  
BUILDING INSPECTION

GRH/jce  
Attach.

cc: Chief Building Inspector

ITEM 5  
MANAGER'S REPORT NO. 22  
COUNCIL MEETING 87/03/30

ATTACHMENT #1

INTER - OFFICE COMMUNICATION

TO: Chief Building Inspector 1987 March 24  
FROM: Department Planning & Building Inspection OUR FILE: 02.120.1  
SUBJECT: Landfill at 7502/29 Meadow Avenue

=====

I am writing with regard to the 1987 March 19 letter from Mr. V. Duggal which includes a reference to the erection of a sign prohibiting the removal or deposition of soil on the subject properties. Mr. Duggal states that under Section 19 of the Agricultural Land Act any property under two acres is automatically exempt from this directive.

The position advanced by Mr. Duggal with respect to the exemption of these properties from the regulations pertaining to the placement of landfill in the ALR is not correct.

A sign was erected in 1984 July stating that "the removal of soil or the placement of fill on the properties addressed at 7509 and 7529 Meadow Avenue, Burnaby, B.C. is an offence under the Soil Conservation Act". This sign was erected in order to ensure that filling activities which were taking place at that time ceased, pending receipt of the requisite permits.

Mr. Duggal subsequently requested the approval of the Agricultural Land Commission to initiate a landfill program to facilitate the construction of a greenhouse on each of the subject properties. The Commission advised, in a 1986 August 06 letter, that providing these properties existed on separate Certificates of Title prior to 1972 December 21, they would be exempt from the provisions of the Agricultural Land Commission Act. Mr. Duggal was also advised that, if they are exempt, the soil filling, removal and levelling necessary to construct a greenhouse may be carried out without reference to the Commission under the Soil Conservation Act or the Agricultural Land Commission Act. It also advised that compliance with the relevant by-laws of the Corporation of the District of Burnaby is necessary. (Underlining added.)

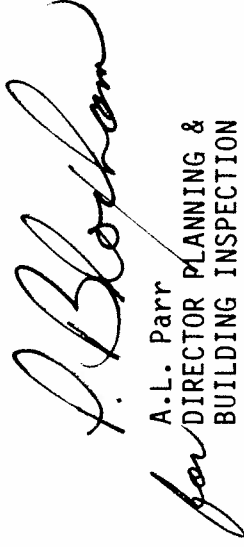
Chief Building Inspector  
re: Landfill at 7502/29 Meadow Avenue  
1987 March 24 Page 2

136

On 1986 August 11, this department forwarded a letter to Mr. Duggal confirming that the approval of the Commission to a landfill proposal does not, in itself, constitute approval under the Soil Conservation Act. Mr. Duggal was advised that, in situations where the Commission does approve the issuance of a permit, this approval is forwarded back to the local authority (District of Burnaby) who may in turn add conditions addressing local concerns or refuse to issue the permit if felt necessary.

The Municipal Council has appointed the Director Planning and Building Inspection as the Enforcement Officer for the Soil Conservation Act. As the Enforcement Officer, the Director requested Mr. Duggal to provide confirmation from the Land Title Office that the subject properties did, in fact, exist on separate Certificates of Title prior to 1972 December 21. Moreover, the conditions pertaining to the issuance of a permit for the deposition of fill were specifically outlined in a 1986 September 08 letter to Mr. Duggal. Mr. Duggal did not provide this information and, therefore, a permit to place fill was not issued.

In summary, the placement of fill on these properties is governed by the Soil Conservation Act and the erection of signs advising of this fact is appropriate and within the jurisdiction of the Director Planning and Building Inspection as the Enforcement Officer.

  
A.L. Parr  
for DIRECTOR PLANNING &  
BUILDING INSPECTION

PB/pja