

RE: PROPOSED REMOVAL OF BUILDING AT 4231 PANDORA STREET, BURNABY

MUNICIPAL MANAGER'S RECOMMENDATION:

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

\* \* \* \* \*

TO: Municipal Manager 1988 August 30

FROM: Director Planning & Building Inspection

SUBJECT: 4231 PANDORA STREET, BURNABY  
LOT 29, D.L. 187, PLAN 1392

PURPOSE: The purpose of this report is to have Council declare the above structure a nuisance and order its removal

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RECOMMENDATIONS:

1. THAT Council declare the building located on the lot at 4231 Pandora Street a nuisance and order that it be removed by its owner within 14 days after the service of the order.
2. THAT Council order that:
  - (a) In the case of default by the owner to comply with the order within the period named in it, the municipality, by its employees or others, may enter and carry out the demolition of the building, removal of the related debris from the property and backfilling of the excavation at the expense of the owner; and
  - (b) In the case of default by the owner to comply with the order, the charges for carrying out the demolition of the building, removal of related debris and backfilling the excavation, including all incidental expenses, if unpaid on 1988 December 31, shall be added to and form part of the taxes payable on the subject land for real property as taxes in arrears.
3. THAT the owner, Mr. Franko Falso of Suite 502, 1075 Comox Street, Vancouver, B.C. V6E 1K1, be served with a copy of Council's declaration and order under Recommendations 1 and 2 above.

**REPORT**

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On 1987 April 14, inspection of the residence at 4231 Pandora Street by staff of the Building Inspection Division revealed that renovations had been commenced without necessary approvals or permits as required by the Burnaby Building Bylaw #6333. The interior of the dwelling had been gutted to bare studs, including the removal of all plumbing fixtures and the building was being prepared to be raised.

Work was suspended pending suitable drawings being submitted to the Building Inspection Division in application for the required building permit and to the Board of Variance for relaxation of the non-conforming easterly sideyard. Drawings were submitted on 1987 July 22 with subsequent Board of Variance approval granted on 1987 August 07 and Building Permit B-63012 issued on 1987 September 11. At that time the building permit included interior renovations and new foundations only.

On 1987 October 02, inspection of the above site revealed that the lower floor and the roof structure had been completely removed and that the remaining main floor was in a dilapidated condition. This work exceeded that which Building Permit B-63012 authorized and the work was again suspended pending the submission of revised drawings. After several meetings with the owner, revised drawings were submitted on 1988 February 02 and revised Building Permit B-64310 was issued 1988 March 10. Other than some additional excavation, work authorized under this permit has not proceeded and the permit has therefore expired.

The owner has again submitted revised drawings to the Building Inspection Division dated 1988 July 22 in application for a new building permit. The revisions include facade changes and additional excavation of the lower floor and front and rear properties for sunken patios. Excavation to a depth of approximately 4 feet has been completed and encompasses a portion of municipal property at the street and the neighbours' property to the east. The cellar floor is proposed to be approximately 13 feet below the existing grade which presents structural problems in supporting the remaining structure on its existing timber cribbage and retaining the soil of the property to the east to ensure the existing foundations are not undermined. Structural information to satisfy these concerns has not as yet been submitted as requested. The unsafe condition of the structure and the site has been the concern of the Building Inspection Division and the neighbours since construction was suspended in 1987 October. Complaints have been received by the Building Inspection Division, the Health Department, the Mayor and members of Council.

Since 1987 October 02, the Building Inspection Division has unsuccessfully attempted to have the owner maintain the site free of standing water and to provide a strongly constructed barricade or hoarding around the site as required by Article 8.2.1.3 of the 1985 B. C. Building Code to ensure public safety.

The present condition of the building and site is considered unsafe and unsightly and the proposal submitted by the owner is not economically viable and is structurally unreasonable. The owner is two years in arrears in payment of his property taxes and has indicated that there is a heavy mortgage on the property already.

Planning & Building Inspection Department  
Re: 4231 Pandora Street  
1988 August 30

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ITEM 5  
MANAGER'S REPORT NO. 55  
COUNCIL MEETING 88/09/06

In a letter dated 1988 June 13, the Building Inspection Division ordered the owner to provide and maintain adequate hoarding around the entire site. A subsequent letter dated 1988 July 28 requested the submission of additional structural information in support of the building permit application and commencement of construction by 1988 August 10. Although the owner has, on numerous occasions, expressed his desire and intention to proceed, he has demonstrated only minimal progress toward securing the site or completion of the application for building permit since 1987 October 02.


The proposal to salvage and retain the remaining badly deteriorated structure with the further excavation of an additional 9 feet is not considered to be structurally reasonable or economically viable. It is therefore recommended that Council act under the authority provided in Section 936 of the Municipal Act to have the dilapidated and unsafe building at 4231 Pandora Street removed and the site backfilled. A copy of Section 936 is attached.


Mr. Falso has been advised of this action through our letter dated 1988 August 26 which was hand delivered. He has been given a copy of this report and has been advised that it will be on the Council agenda of 1988 September 06.

Photographs will be on display at the Council meeting.

Attachments to this report include:

- (1) Copies of letters to Mr. Falso
- (2) Memo from the Health Department
- (3) Site plan
- (4) Section 936 of the Municipal Act

 GRH/jce  
Attach.

  
A. L. PARR  
DIRECTOR PLANNING &  
BUILDING INSPECTION

cc: Chief Building Inspector  
Municipal Solicitor



THE CORPORATION  
OF THE DISTRICT OF  
**BURNABY**

4949 Canada Way, Burnaby, B.C. V5G 1M2  
Planning & Building Inspection Department  
Building Inspection Division

Telephone (604)

294-7311

✓ **HAND DELIVERED TO 4231 PANDORA STREET  
and  
SENT BY COURIER TO ADDRESS BELOW**

1988 August 26

**RECEIVED**

F. Falso  
Suite 502  
1075 Comox Street  
Vancouver, B. C.  
V6E 1K1

AUG 26 1988  
Building Inspection Division  
Planning & Building Ins. Dept.  
Register No.  
AI

Subject: 4231 Pandora Street, Burnaby

Further to our letter of 1988 August 18, a re-inspection of your premises was carried out by Mr. A. T. Lane, Building Inspector, on 1988 August 23 and by Messrs. F. R. Mehling and G. R. Humphrey on 1988 August 25. Although you have attempted to provide the required hoarding around the site as ordered in our letter of August 18, the installation is incomplete and consists of workmanship and material which does not comply with the 1985 B. C. Building Code, Article 8.2.1.3. (copy attached).

Both sides of the property contain fencing which does not comply with the requirements of hoarding. The fencing is in various states of disrepair and portions at the front of the property has been undermined by the excavation. Your desire and effort to complete the hoarding yourself should be commended, however, it is apparent from the work undertaken to date that you require the assistance of someone familiar with construction practices. The need for adequate hoarding is absolutely paramount in view of your proposal to excavate beneath the shored-up building and out to the front property line to a total depth of approximately 13 feet. It is therefore recommended that you meet with your engineer, Mr. Chow, and a qualified carpenter to decide on the appropriate method for providing the required hoarding around the site.

In view of the above-mentioned violation, you are hereby ordered to complete the installation of acceptable hoarding a minimum of 1.8 m in height, without openings, around the entire perimeter of the project and to call for re-inspection on or before 1988 August 30.

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ATTACHMENT #1(a)

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ITEM 5  
MANAGER'S REPORT NO. 55  
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ATTACHMENT #1(a)

F. Falso  
Page 2  
1988 August 26  
- - - - -

Failure to comply will result in the work being completed by others at Burnaby's request, with the costs thereof recovered by the Corporation through a charge against the property and collected in the same manner as the property taxes.

As outlined to you in previous letters dated 1988 July 28 and August 22, this Division considers the above premises to be unsafe and unsightly. It is our professional opinion that the structural implications of your proposal are unrealistic and cannot be achieved within your limited financial framework. Any further delays which extend a condition considered by this Division to be unsafe and unsightly cannot be accepted. This Division is therefore preparing a report for the consideration of Council in accordance with Section 936 of the Municipal Act, requesting authority to have the building demolished and the site secured.

*George R. Humphrey*  
for George R. Humphrey, B. Arch.  
ASSISTANT CHIEF BUILDING INSPECTOR

GRH/jce  
Attach.

cc: Municipal Solicitor  
Director Engineering  
(Attention: H. Hext)  
Building Inspector A. T. Lane

RECEIVED: *[Signature]*  
WITNESSED: *[Signature]*

DATE: *Aug 26<sup>th</sup> 88*  
DATE: *Aug 26<sup>th</sup> 88*

*17123 sch.*  
*Aug 26*



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

Planning & Building Inspection Department  
Building Inspection Division

F. Falso  
Suite 502  
1075 Comox Street  
Vancouver, B. C.  
V6E 1K1

Subject: 4231 Pandora Street, Burnaby

This is to confirm our meeting of 1988 August 18 in which you were informed of the requirement to submit the following information prepared by a Professional Engineer registered in the Province of British Columbia. This information is required to complete your application for a building permit.

- (1) Letter(s) of supervision to ensure the structural integrity of the following:
  - (a) existing building during the excavation and framing of the new cellar and until the existing structure has been lowered onto and attached to the new cellar framing.
  - (b) development on the adjacent properties during excavation and until completion of backfilling.
- (2) Sealed drawings showing design of retaining walls.
- (3) Letter(s) of supervision are to clarify who is to be responsible for supervision of the various components required to be designed and/or supervised by an Engineer.

It must be noted that the above information must be submitted prior to 1988 September 02 as confirmation that you intend to obtain a building permit and commence construction prior to 1988 September 13. Failure to complete the above by September 13 may result in this Division requesting that Council declare the above site a nuisance under Section 936 of the Municipal Act and order demolition of the building. All associated costs will be recovered by the Corporation through a charge being placed against the property and collected in the same manner as the taxes.

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ATTACHMENT #1(b)

122

Telephone (604)

294-7311

1988 August 22

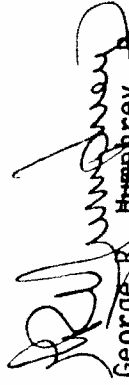
ITEM  
MANAGER'S REPORT NO. 5  
COUNCIL MEETING 55  
88/09/06

ATTACHMENT #1(b)

F. Falso  
Page 2  
1988 August 22  
- - - - -

As indicated to you in our meeting, this Division will continue to assist you in every way to obtain the required building permit and proceed with construction as early as possible. However, considering the circumstances to date, this Division is not prepared to accept further delays in resolving this outstanding concern.

Should you require any further assistance, please contact the undersigned at 294-7311 or Mr. Alex Ertis at 294-7159.

  
George R. Humphrey, P. Arch.  
ASSISTANT CHIEF BUILDING INSPECTOR

GRH/jce

cc: Municipal Solicitor  
Supervisor, Building Inspections  
Plan Checking Supervisor



THE CORPORATION  
OF THE DISTRICT OF  
**BURNABY**

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

Planning & Building Inspection Department  
Building Inspection Division

**HAND DELIVERED**

F. Falso  
1075 Comox Street  
Vancouver, B. C.  
V6E 1K1

Subject: 4231 Pandora Street, Burnaby

As a result of a complaint to this Division, an inspection of your premises zoned R5 was carried out by Mr. E. S. Mortimer, Bylaw Enforcement Co-ordinator, on 1988 July 27. You have failed to provide adequate hoarding at your construction site as ordered in our letters of 1988 June 13 and 1988 July 28 in contravention of B. C. Building Code, Article 8.2.1.3. (copy attached).

In view of the above-mentioned violation, you are hereby ordered to provide hoarding a minimum of 1.8m in height, without openings, around the entire perimeter of the project, and to call for re-inspection on or before 1988 August 22.

Failure to comply may result in the work being completed and costs thereof recovered by The Corporation through a charge being placed against the property and collected in the same manner as the taxes.

AJE/jce  
Attach.

RECEIVED:

WITNESSED:

A. J. Ertis, P. Eng.  
ASSISTANT CHIEF BUILDING INSPECTOR

DATE: 1988 AUGUST 18

DATE: 1988 AUGUST 18

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ATTACHMENT #1(c)

124

Telephone (604)

294-7355

1988 August 18





ATTACHMENT #1(d)



4949 Canada Way, Burnaby, B.C. V5G 1M2  
Planning & Building Inspection Department  
Building Inspection Division

Telephone (604)

294-7311

**CERTIFIED MAIL**

1988 July 28

F. Falso  
1075 Comox Street *sh* 502  
Vancouver, B. C.  
V6E 1K1

Subject: 4231 Pandora Street, Burnaby, B.C.

Further to our letters of 1988 June 13 and July 12, this is to confirm that Building Permit No. B-64310 has expired and that we are in receipt of your submission of revised drawings in application for re-instatement of the lapsed permit.

The above building has been partially demolished since 1987 April and the second storey structure has been supported on blocks over an open excavation since at least 1987 October. The Building Inspection Division has received numerous complaints about the unsightly appearance of the building, the hazardous condition of the site with respect to the open excavation and storm water that gathers therein, and the questionable stability of the structure.

Inspection of the site on 1988 July 27 has confirmed our concerns and those of the neighbours relative to the continuing unsightly and unsafe condition of the building. Although you have been requested, on numerous occasions, to provide and maintain adequate hoarding around the site, this has not been completed, allowing access to children and other members of the public to an extremely unsafe site. The building has essentially remained in this condition since you started renovations in 1987 April. We must advise of our intentions to implement the following procedures to ensure that the required building permit is obtained and that construction is commenced and continued to satisfactory completion within a reasonable time.

- (1) Revised structural drawings and letter of supervision are to be submitted by a Professional Engineer registered in the Province of British Columbia.

*Copy rec'd 88.08.12*

*F. Falso*

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ATTACHMENT #1(d)

F. Falso  
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- (2) A letter outlining intended starting and completion dates for construction is to be submitted to this department for approval.
- (3) Documentation mentioned in #1 and #2 above is to be submitted and building permit obtained prior to 1988 August 10.
- (4) Construction is to be commenced and construction is to be continued to completion prior to or on the dates submitted as requested in #2 and approved by this Division.

We will continue to try and assist you in achieving compliance with Burnaby's bylaws. However, we cannot accept further delays which extend a condition considered by this Division to be unsafe and unsightly. Failure to comply with the requirements mentioned above will result in this Division preparing a report for the consideration of Council in accordance with Section 735 of the Municipal Act, without further notice, which would request authority to demolish or complete the building.

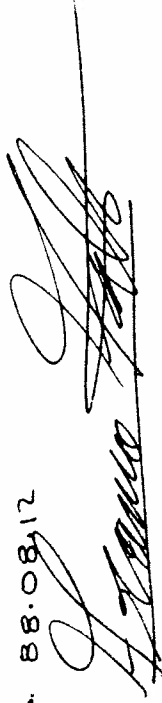
  
George R. Humphrey, B. Arch.  
ASSISTANT CHIEF BUILDING INSPECTOR

GRH/jce

cc:

Supervisor, Building Inspections  
Plan Checking Supervisor

Copy rec'd. 88-08-12





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

Planning & Building Inspection Department  
Building Inspection Division

F. Falso  
1075 Comox Street  
Vancouver, B. C.  
V6E 1K1

Subject: 4231 Pandora Street, Burnaby, B.C.

Building Permit No. B-64310 was issued 1988 March 10 for the construction of a new first storey and a new half-storey above the second storey, and the renovation and refinishing of the existing second storey of the single-family dwelling at the subject address.

The second storey structure has been supported on blocks over an open excavation since 1987 October, or earlier. The Building Inspection Division has had numerous complaints about the safety of the site with respect to the open excavation and storm water that gathers therein, and the stability of the structure.

On equally numerous occasions you have been requested, by telephone, to either provide and maintain adequate hoarding around the site or to keep the storm water pumped out of the excavation. Although you have made an attempt at hoarding, and have had the storm water pumped out a number of times, the security at the site is still inadequate.

You are hereby ordered to provide and maintain adequate hoarding around the entire construction site.

AJE/jce,

A. J. Ertis, P. Eng.  
ASSISTANT CHIEF BUILDING INSPECTOR

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ATTACHMENT #1(e)

Telephone (604)

294-7159

1988 June 13

**AM ALLAN MILLIGAN ENGINEERING LTD.**

932 West 16th Street  
North Vancouver, B.C. V7P 1R3  
(604) 980-7465

128

**RECEIVED**

JUL 5 1988

Building Inspection Division  
Planning & Building Ins. Dept

29 June 1988

Register No. ....

Attachments: .....

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

Attention: Mr. A.J. Ertis, P.Eng,  
Assistant Chief Building Inspector

Subject: Supervision of Construction  
4231 Pandora Street  
Burnaby, B.C.

File 8766

Dear Sir:

In response to your letter of 13 June 1988, this is to inform you that my services for structural design and my services for field reviews as outlined in my letter of 21 January 1988 for the above noted project, have been terminated.

I am no longer responsible for the structural design, and I have not made a site inspection to verify the structural stability of the second floor in its present condition.

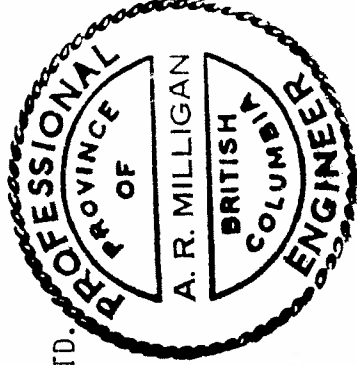
Yours truly,

ALLAN MILLIGAN ENGINEERING LTD.

*Allan R. Milligan*

Allan R. Milligan, P. Eng.

cc: Formia Ltd.



FRM	FRM
AJE	ASZ
GRH	GRH
ARD	
RET	
ESM	
FG	
JDS	
DGS	ASZ

ITEM 5  
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ATTACHMENT #1(f)



THE CORPORATION  
OF THE DISTRICT OF  
**BURNABY**

4949 Canada Way, Burnaby, B.C. V5G 1M2  
Planning & Building Inspection Department  
Building Inspection Division

Allan Milligan Engineering Limited  
932 West 16th Street  
North Vancouver, B. C. V7P 1R3

Attention: A. R. Milligan, P. Eng.

Subject: 4231 Pandora Street, Burnaby

Building Permit No. B-64310 was issued 1988 March 10 for the construction of a new first storey, a new half storey above the second storey, and the renovation and refinishing of the existing second storey of the single-family dwelling at the subject address. Your firm has provided the Corporation of the District of Burnaby with a Letter of Supervision for the project.

The second storey structure has reportedly been blocked up in its present condition since at least 1987 October. We have had a number of complaints questioning the stability of the structure.

You are hereby requested to inspect the subject address and either provide us with a letter that verifies the structural stability of the second floor in its present condition, or provide us with a copy of your instruction to the owner outlining the required remedial action.

Thank you for your immediate attention.

AJE/jce

cc: F. Falso  
1075 Comox Street  
Vancouver, B. C. V6E 1K1

A. J. Ertis, P. Eng.  
ASSISTANT CHIEF BUILDING INSPECTOR

ITEM 5  
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ATTACHMENT #1(g)

Telephone (604)  
294-7159  
1988 June 13



THE CORPORATION  
OF THE DISTRICT OF  
**BURNABY**

4949 Canada Way, Burnaby, B.C. V5G 1M2  
Planning & Building Inspection Department  
Building Inspection Division

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ATTACHMENT #1(h)

Telephone (604)

294-7159

1987 October 20

TO BE PICKED UP

Franco Falso  
c/o 201 - 1632 West 7th Avenue  
Vancouver, B. C. V6J 1S5

Subject: 4231 Pandora Street, Burnaby

This is in response to your letter dated 1987 October 15 requesting information on the formwork inspection carried out by the municipality.

On 1987 October 06, Building Inspector, A. T. Lane, did not approve the formwork at the subject address because inspection of the work being carried out revealed that the overall construction was not in conformance with the drawings submitted in support of your application and subsequent Building Permit No. B-63012.

Your application stated that you proposed to renovate the interior of the existing single-family dwelling, and the above-mentioned drawings clearly indicated that to be the extent of the work to be undertaken.

The work now being done at the site is far in excess of that authorized and, as a consequence, is contrary to Burnaby Building Bylaw No. 6333.

You are required to submit revised drawings reflecting compliance with the requirements of the current zoning bylaw to the Building Inspection Division by 1987 November 24 in support of an application for an amended building permit.

*[Handwritten signature]*

A. J. Ertis, P. Eng.  
ASSISTANT CHIEF BUILDING INSPECTOR

AJE/jce

cc: Supervisor, Building Inspections  
Plan Checking Supervisor

ITEM 5  
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ATTACHMENT #1(i)

THE CORPORATION OF THE DISTRICT OF BURNABY  
INTER-OFFICE COMMUNICATION

TO: Municipal Solicitor 1987 April 21  
FROM: Assistant Chief Building Inspector  
SUBJECT: 4231 Pandora Street  
=====

An inspection of this property was conducted on 1987 April 14 by D. G. Stanbrook, Supervisor Building Inspections, and E. S. Mortimer, By-law Enforcement Officer. At the time of inspection, the building was in the final stages of being entirely gutted by work crews. All gyproc, insulation, windows, electrical and plumbing fixtures, etc., were removed from the interior of the dwelling, and a house raising crew was in the process of blocking and jacking up the dwelling.

The registered owner, Franco Falso, was advised that a building permit would be required for the nature of renovations that he was undertaking. Construction has since stopped.

Not surprisingly, there was no evidence of any occupancy violation during this inspection. Upon your confirmation that F. Falso is the registered owner of this property, it is our recommendation that the legal proceedings that were commenced to empower municipal officials to enter and inspect the subject property be terminated.

The Building Inspection Division will work with the new owner to ensure that the renovation design and construction is in accordance with municipal by-laws.



A. J. Ertis, P. Eng.  
ASSISTANT CHIEF BUILDING INSPECTOR

AJE/jce

ITEM 5  
MANAGER'S REPORT NO. 55  
COUNCIL MEETING 88/09/06

ATTACHMENT #2

132

*MS.*

RECEIVED

MAR 7 1988

Building Inspection Division  
Planning & Building Ins. Dept.

Register No. \_\_\_\_\_

Attachments: \_\_\_\_\_

THE CORPORATION OF  
THE DISTRICT OF BURNABY

INTER-OFFICE COMMUNICATION

1988 March 02

**TO:** V.G. EMBREE  
SUPERVISOR PUBLIC HEALTH INSPECTIONS

**FROM:** RALPH SEARS, PUBLIC HEALTH INSPECTOR

**RE:** UNSIGHTLY PREMISES - 4231 PANDORA STREET, BURNABY, B.C.  
LOT 29, BLOCK 7, D.L. 187, PLAN 1282

An unsightly premises complaint was received by this office on 1988 February 23. The above property was inspected on 1988 February 25. A certified letter was sent to the owner Mr. F. Falso, requiring removal of a box spring mattress and ensuring the property remains in a neat and tidy manner. I am however, concerned that this property in its present state of construction may be unsafe to the public and by copy of this memo, am so advising the Planning & Building Inspection Department. This concern was expressed to Mr. Al Lane, Planning & Building Inspection Department on 1988 February 26.

*Al Lane*  
R.B. Sears, C.P.H.I. (C)  
PUBLIC HEALTH INSPECTOR

RBS/blp  
cc: Planning & Building Inspection Department ✓

*88/03/07 MR. FALSO NOTIFIED THAT BLDG. PERMIT READY FOR TICKET HE WILL BE IN TOMORROW. PERMIT ISSUED 88-03-10. BT.*





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ATTACHMENT #4

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**SECTION 936 OF THE MUNICIPAL ACT STATES THAT:**

- "(1) The council may declare a building, structure or erection of any kind, or a drain, ditch, watercourse, pond, surface water or other matter or thing, in or on private land or a highway, or in or about a building or structure, a nuisance, and may direct and order that it be removed, pulled, down, filled up or otherwise dealt with by its owner, agent, lessee or occupier, as the council may determine and within the time after service of the order that may be named in it.
- (2) Service of the order shall be effected by sending a copy by return registered mail to the owner of the land where the nuisance exists, and to all other persons whose names appear on the records of the land title office as having an interest in the land, and to the agent, if known, of the registered owner, and to any lessee and occupier of the land, the notice to be sent to the last known address of each interested person referred to in this subsection.
- (3) The council may further order that, in case of default by the owner, agent, lessee or occupier to comply with the order within the period named in it, the municipality, by its employees and others, may enter and effect the removal, pulling down, filling up or other dealing at the expense of the person defaulting, and may further order that the charges for doing so, including all incidental expenses, if unpaid on December 31 in any year, shall be added to and form part of the taxes payable on that land or real property as taxes in arrear.
- (4) Where the nuisance so declared is a building, structure or erection, the council may, after the expiration of 60 days from the date of the mailing of the notice to the owner under subsection (2) and after the expiration of the period named in the order, sell by auction, or by public or private tender, or otherwise dispose of the building, structure or erection so ordered to be dealt with, or any part of material in it. From the proceeds of the sale or disposal, there shall be deducted for municipal use the actual costs, including incidental expenses, incurred by the municipality in carrying out the order, and the remainder of the proceeds shall be paid by the municipality to the owner or other person lawfully entitled.
- (5) This section applies to any building, structure or erection of any kind which the council believes is so dilapidated or unclean as to be offensive to the community."