

RE: LETTER FROM MRS. SOPHIE BODOR WHICH APPEARED AS A DELEGATION (ITEM NO. 1)
AT THE MARCH 13TH MEETING OF COUNCIL
CONCERNS ABOUT CONSTRUCTION AT 4231 PANDORA STREET

MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: Municipal Manager 1989 March 15

FROM: Director Planning & Building Inspection

SUBJECT: 4231 Pandora Street

PURPOSE: To respond to correspondence from Mrs. Sophie Bodor regarding concerns about the construction of a single-family dwelling at the subject address.

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RECOMMENDATION:

1. THAT a copy of this report be sent to Mrs. Sophie Bodor, 4233 Pandora Street, Burnaby, B.C. V5C 2B4

REPORT

This report is written in response to correspondence from Mrs. Bodor dated 1989 March 05 that was placed on the Agenda of the Regular Council Meeting of 1989 March 13. Mrs. Bodor is concerned about the safety of her home, which is located on the property immediately east of the excavation at the subject address.

The property at 4231 Pandora Street was most recently the subject of a report to Council on 1988 November 28. Demolition of the old dwelling took place in 1988 November and back filling of the excavation was completed in early 1988 December. The back fill was placed and compacted to support construction of a dwelling at grade. Notwithstanding that, and Building Inspection Division encouragement to build at grade, the owner, Mr. Franco Falso, chose to submit plans for a dwelling that would require an excavation 12 feet deep.

On 1988 December 09, Building Permit No. B 65962 was issued for the construction of a new single-family dwelling. Since the plans called for such a deep excavation, Mr. Falso was required to obtain the services of a professional soils engineer who would take responsibility for the integrity of the property, particularly the dwellings, on either side of the subject property.

Excavation for the new dwelling began around mid-1989 January. The soils engineer reports that he inspected the excavation on 1989 January 20 and that Mr. Falso's contractor assured him that forming and concrete placing would be completed within seven days. The engineer then reportedly advised the contractor to take measures to protect the excavation faces.

As a consequence of Mr. Falso, or his contractor, failing to carry out this and further recommendations, the soils engineer withdrew his Letter of Supervision on 1989 February 16. The Building Inspection Division then ordered that construction of the dwelling be suspended: such suspension to remain in effect until Mr. Falso obtained the services of and carried out the recommendations of another professional soils engineer.

On 1989 March 02, the Building Inspection Division received a Letter of Supervision from Geopacific Consultants Limited, who have indicated that "shot crete" is the preferred method of shoring. "Shot crete" shoring requires the approval of the neighbouring property owners since soil anchors need to be driven underneath their properties. The municipality has no authority to order Mr. Falso's neighbours to allow him to utilize the preferred "shot crete" shoring method; this is a civil matter between Mr. Falso and his neighbours. If one of his neighbours feels aggrieved by Mr. Falso or his contractor, then the neighbour would have every right to initiate a civil action to protect their rights. If Mr. Falso is unable to obtain their agreement to this shoring method, then he will need to install alternative shoring construction to the satisfaction of the soils engineer.

The Building Inspection Division will monitor the property and will lift the Notice of Suspension on the dwelling when the shoring installation has been approved by Geopacific. Should Mr. Falso not install approved shoring in a timely manner, the Building Inspection Division could prepare a council report recommending authorization of a bylaw under Section 735 of the Municipal Act which reads: "(1) The Council may, by bylaw authorize (b) The filling in ... of an excavation that ... Council believes is in an unsafe condition."

The contents of this report have been discussed with Mrs. Bodor.



A. L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

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cc: Chief Building Inspector