

TO: Municipal Manager 1991 October 17

FROM: Director Planning and Building

SUBJECT: 7809/11 Nursery Street  
Sita & Vijendra K. Sami

PURPOSE: For the information of Council.

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Recommendation:

1. THAT a copy of this report be mailed to Sita and Vijendra K. Sami, 7811 Nursery Street, Burnaby, B.C., V5E 2B5.

REPORT

Background:

On 1991 September 19, Mr. Navin Sami, son of the owners noted above, met with the Assistant Chief Building Inspector, Mr. Ric McWilliam, to discuss construction without a permit at this address. Mr. Sami complained about the apparent inconsistencies in advice that he had received from staff, and about a "suspension of work" notice that had been posted at the above address on 1991 September 10 by the Building Inspection Supervisor, Mr. Doug Stanbrook.

Mr. Sami stated that plans for the renovation had been prepared some six months earlier. Mr. Sami had phoned our office and was advised by someone (female) that he would require plans to be submitted with his permit application. He then obtained a plan, at a cost of approximately \$300, and presented it at the counter. The plan was reviewed apparently by Mr. Steven Leach, Plan Checker, who discussed the bay window renovations with Mr. Stanbrook. Mr. Sami was then advised that if the headers over the windows were continuous, i.e., no structural renovation required, then no permit would be required. There was no mention of the extension on the sundeck although (according to Mr. Sami) it was clearly shown on the plans.

Mr. Sami then recounted the inspections of Mr. Harold Enquist, District Building Inspector, and stated that Mr. Enquist had advised him that no permits were required.

A review of our records does not reveal any confirmation of Mr. Sami's initial enquiries, except that Mr. Leach, does recall looking at a photograph.

Our first formal record is the receipt of an enquiry regarding the possible construction without a permit received 1991 July 03.

Our project chronology is as follows:

1991 July 16

Follow-up inspection by Mr. Enquist noted on the inspection card that an elderly lady informed him that Mr. Sami was away for a few days. An inspection notice was left on site noting that we were unable to locate a related permit or drawings and requesting Mr. Sami to contact us before proceeding further.

1991 July 19

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Mr. Enquist re-visited the site and was again advised that Mr. Sami would not be back for two or three days. The file was marked to bring forward July 24 with recommendation that if there was no action on building permit application, or phone contact, a stop work order should be posted.

1991 July 23

Mr. Sami contacted Mr. Enquist by phone and advised him that he had spoken to Mr. Leach and was told that no permit was required for the bay window changes or the new roof over the existing sundeck. Mr. Enquist re-visited the site to advise Mr. Sami that he had misunderstood or misinterpreted the Plan Checker's advice and, in fact, a permit would be required for the sundeck. Mr. Enquist did not meet with Mr. Sami but did explain the situation to Mr. Sami's brother, who arrived as he was leaving. Mr. Sami's brother was advised that no further work should continue without a proper permit.

1991 September 10

Work was reported to have resumed and Mr. Stanbrook attended the site. Confirming that construction had resumed, he placed a Notice of Suspension.

1991 September 11

Telephone conversation between Mr. McWilliam and Mr. Sami. Mr. Sami was adamant that he had been given approval to build a roof without permits by both the Plan Checker and the Building Inspector on review of his drawings. He emphatically denied that anyone had ever told him that a permit was required. He was then advised by Mr. McWilliam that notwithstanding a misunderstanding or misinterpretation, permits were definitely required and the work was not to proceed until permits were obtained. It was suggested that Mr. Sami bring in the drawings and make the appropriate application.

1991 September 17

Mr. Sami presented the drawings and applied for a building permit. A quick review of the plans by Mr. Jim Gutenberg, Plan Checker, revealed that the existing building is non-conforming. It is over height, exceeds one storey, and was considerably over the allowable floor area permitted. The additional roof deck would add another 133 sq. ft. which would add to the existing coverage. Mr. Sami was advised accordingly and he then requested Mr. McWilliam to discuss the issue with Mr. Leach and Mr. Stanbrook. A meeting was arranged for 1991 September 19 at which time our record of the chronology was again presented and discussed. At the conclusion of the meeting Mr. Sami was advised that, considering the scope and nature of the renovations and additions outlined on his current drawings, it is inconceivable that our staff would have suggested that the work could be carried out without a building permit. We must conclude that our staff was not aware of the full scope and intent of the work contemplated by Mr. Sami in their earlier discussions with him.

Following the meeting, we spoke with Palad Designs, who had prepared the plans for both the bay window/face-lift and the proposed covered roof deck over the existing garage. We were advised that the face-lift drawings were prepared in March of 1991 and plans for the proposed roof deck "were discussed but not prepared". The roof deck drawings were not prepared until 1991 September 13.

Conclusion:

We have no formal record of discussions with Mr. Sami regarding a roof deck alteration. We do confirm that a building permit would not be required for the bay window alteration as there is no structural involvement or change to the house area in that work. This does not, however, apply to the sun-deck alteration.

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Conclusion: cont'd

There is no reference to the sundeck alteration on the bay window plans and we must conclude staff was not made aware of the intention to alter the sundeck. Although the intent may have been discussed with the designer, we do not believe staff ever saw plans for such an alteration. The plans we now have were apparently not complete until 1991 September 13.

Structural alteration of the sundeck is obvious and staff would have advised that a permit would be required, provided the application otherwise complied with the Zoning Bylaw.

The existing building is already non-conforming and the alteration involves density; therefore, there is no avenue for appeal. The alteration is not permitted and must be returned to its original state.

We have advised Mr. Sami of our position and trust that he will comply accordingly.

  
RBM:lm

  
A.L. PARR, DIRECTOR  
PLANNING AND BUILDING

cc: CHIEF BUILDING INSPECTOR

