



TO: MUNICIPAL MANAGER 1992 MAY 01

FROM: DIRECTOR PLANNING
AND BUILDING

SUBJECT: 3876 GEORGIA STREET
LOT 4, BLOCK 7, DISTRICT LOT 116, PLAN 1439

PURPOSE: THAT COUNCIL DIRECT THE CLERK TO FILE A NOTICE IN THE
LAND TITLE OFFICE PURSUANT TO SECTION 750.1 OF THE
MUNICIPAL ACT WITH RESPECT TO A PROPERTY OBSERVED TO BE
IN CONTRAVENTION OF MUNICIPAL BYLAWS.

RECOMMENDATIONS:

1. THAT Council direct the Clerk to file notice in the Land Title Office stating that:
 - (i) A resolution relating to the land at 3876 Georgia Street, Burnaby, B.C. has been made under Section 750.1 of the Municipal Act, and
 - (ii) Further information respecting the resolution may be inspected at the offices of the Municipal Clerk, Corporation of the District of Burnaby.
2. THAT a copy of this report be sent to Mrs. Yu C. Lin at P.O. Box 15628, Main Post Office, Vancouver, B.C., V6B 5B4.

REPORT

SUMMARY

Contrary to Burnaby Zoning Bylaw No. 4742, the single family dwelling at 3876 Georgia Street, Burnaby, B.C. contains unauthorized cooking facilities on the first and third levels. Alterations to the plumbing and electrical systems have been made that do not meet the requirements and provisions of the Burnaby Plumbing and Electrical Bylaws. The owner has been instructed to remove the additional cooking facilities and have contractors correct - under permit - the plumbing and electrical objections. The owner has not done so and has listed the house for sale.

While it may be necessary to take some additional form of legal action to cause the property owner to comply with Burnaby's bylaws, such an action would take several months to process through the courts. Since the property is now up for sale, it seems appropriate to file a notice on land title which will inform any potential buyers of the outstanding bylaw violations. The filing of notice can be done independently of any other legal action that we may wish to undertake.

CONTRAVENTION OF BYLAWS

Burnaby Zoning Bylaw 1965 No. 4742
- Sections 3 ("dwelling unit") and 105.1(1): More than one set of cooking facilities in a single family dwelling unit.

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Burnaby Plumbing Bylaw 1973 No. 6335

- Section 7(1)(a): Alteration and extension of part of a plumbing system without a permit.

Burnaby Electrical Bylaw 1974 No. 6494

- Section 19: Alteration of an electrical installation without a permit
- Section 26: Maintaining an electrical installation contrary to an instruction lawfully given.

BACKGROUND

The house at 3876 Georgia Street, Burnaby, B.C. has repeatedly been the subject of bylaw violations. In 1977 January, a fire was reported in an unauthorized kitchen area on the third level. The fire was apparently caused by the use of plug-in electrical appliances. At the time of inspection, the second and third floors were occupied by the owners - M. Minhas and H. Bhatti. The first level was occupied by two people and contained separate cooking facilities. In a letter dated 1977 February 02, the owners were advised that the basement was approved for storage purposes only and the third level must be used in conjunction with the main floor as a single family dwelling. The first level was vacated as of 1977 May 16.

On 1988 June 07, an illegal suite complaint was received against the property. An inspection on 1988 August 08 revealed that the first and third levels of the building were finished and occupied as two separate, self-contained dwelling units. The owner, Mrs. Yu C. Lin, was advised in a letter dated 1988 August 17 that only one family could occupy the entire building. The unauthorized ranges and wiring had been removed by 1989 January 25.

On 1989 March 02, a second illegal suite complaint was received. Inspection on 1989 April 18 revealed that the first level had again been occupied as a separate suite with cooking facilities. The owner was notified of the violations and ordered to re-instate the building to a single family dwelling. Re-inspection on 1989 July 11 revealed the property to be in compliance with Burnaby Zoning Bylaw No. 4742.

The subject of this report is bylaw violations arising from a third and most recent complaint about 3876 Georgia Street. On 1991 September 06, the Building Department received a written complaint alleging an illegal suite to exist on the first level (basement) of the dwelling. The complaint also made reference to a substandard building condition at the above address.

A joint inspection was carried out by members of the Building Department on 1992 January 07 and 13. Although no occupancy violation was noted at those times, there were unauthorized cooking facilities on the first and third floors. Additionally, several objections to the Burnaby Electrical and Plumbing Bylaws were noted. In a letter dated 1992 January 21, the owner was directed to remove all unauthorized cooking facilities by 1992 February 18 and have certified contractors apply for electrical and plumbing permits to correct the objections.

The registered owner of 3876 Georgia Street, Mrs. Yu C. Lin, has owned the property since 1983 March and does not speak English very well. Mr. Peter Tsing, a Realtor, presently acts as her agent in this matter.

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On 1992 February 10, Mrs. Lin and Mr. Tsing met with staff from the Bylaw Services Section of the Building Department to discuss this most recent complaint and bylaw violations. At that time, Mrs. Lin indicated that she could no longer afford to keep the house and might sell it. Mr. Tsing said that he would be the listing agent. They were advised that should the house be placed on the market, staff would seek a Council resolution to file a notice of the violations in the land title office. They were not happy with this prospect and agreed to comply by removing the cooking facilities and calling for re-inspection in one week. The permit applications would follow immediately thereafter.

Having heard nothing from the owner's agent, staff contacted Mr. Tsing on 1992 February 21. Mr. Tsing confirmed that the house had been listed for sale and agreed to a re-inspection for 1992 February 26. Mr. Tsing did not keep the scheduled appointment and did not return staff's calls. A subsequent letter dated 1992 March 10, was sent to Mrs. Lin, advising her of the previous agreements and outstanding violations. Mrs. Lin was instructed to immediately remove the cooking facilities and retain contractors to apply for the necessary permits by 1992 March 27.

A friend of Mrs. Lin, a Mrs. Salwyn, called the Building Department on 1992 March 26 to express concern, on the owner's behalf, about the March 27 deadline. Apparently, Mrs. Lin was under the impression that the situation had been resolved. Mr. Tsing called on 1992 March 30 to arrange a re-inspection of the house for 1992 April 01. He confirmed that a listing agreement had been signed between himself and Mrs. Lin.

On 1992 April 01 Mr. Tsing canceled the inspection as he could not gain access to third floor. Subsequent attempts to inspect the premises have not met with success. On 1992 April 07 Mr. Tsing said he had retained a contractor who would apply for the permits by 1992 April 09. As of 1992 April 28, no applications for electrical or plumbing permits had been received by the Building Department.

CONCLUSION

The owner and her agent have shown a continued reluctance to comply with the Burnaby Zoning, Electrical and Plumbing Bylaws. It would seem that their intention is to sell the house and thereby avoid carrying out the necessary repairs. As the house is now for sale, registering the violations on title will alert potential purchasers to the requirements needed to bring the property into compliance with Burnaby bylaws. It may also disrupt the trend of repeat violations at this address.

The use of Section 750.1 of the Municipal Act to file notices in the Land Title Office is consistent with a Housing Committee report adopted by Council on 1989 March 08.

TDA:lb

cc: Chief Building Inspector
Municipal Solicitor
Municipal Clerk


A.L. Parr
DIRECTOR PLANNING
AND BUILDING

