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MANAGER'S REPORT #	33
COUNCIL MEETING	95/07/10

**TO:** CITY MANAGER 1995 JULY 05

**FROM:** DIRECTOR PLANNING & BUILDING

**SUBJECT:** 26 S. HOLDOM AVENUE, BURNABY, B.C.  
LOT 4, BLOCK 73, D.L. 218, PLAN 4953

**PURPOSE:** To have Council direct the City 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 City Clerk to file a notice in the Land Title Office stating that:
  - a) A resolution relating to the land at 26 S. Holdom Avenue, Burnaby, B.C., has been made under Section 750.1 of the Municipal Act; and
  - b) Further information respecting the resolution may be inspected at the offices of the City Clerk, City of Burnaby.
- 2) **THAT** a copy of this report be sent to Mrs. Lou Skog at 26 South Holdom Avenue, Burnaby, B.C., V5B 3T7

**R E P O R T**

**1.0 SUMMARY:**

The owner of the subject property, Mrs. Lou Skog, has not completed an addition made to her single family dwelling. She has been directed to correct objections associated with the outstanding building and electrical permits that were issued in 1992. Mrs. Skog has not completed the work nor attended inspections that were scheduled to gauge her progress. Mrs. Skog has not made any commitment to bring her property into compliance with Burnaby's Building and Electrical Bylaws.

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While it may be necessary to take some additional form of legal action to cause the property owner to comply with Burnaby's Bylaws, a notice on title is appropriate at this time, given that the situation does not present a threat to life safety. It will hopefully encourage voluntary compliance while giving the property owner the opportunity to appear before Council to explain her failure to comply. It may also safeguard Burnaby's liability and protect potential third party purchasers, should the property be again listed for sale. The filing of a notice can be done independently of any other legal action that the City may decide to undertake.

## 2.0 CONTRAVENTION OF BYLAWS:

Pursuant to Section 10(3) of Burnaby Building Bylaw 1973, No. 6333, the owner of the subject property has maintained her building contrary to directions given by the Building Department. In order to grant final approval for Building Permit B-75173, the following work must be completed.

- 1) Remove the kitchen from the lower floor.
- 2) Remove the south exterior door and canopy above.
- 3) Remove the cover over the rear deck or apply for a building permit to retain it.
- 4) Obtain final electrical approval.
- 5) Remove or reverse the deadbolt lock from the existing door of the new bedroom located on the second floor.
- 6) Install a smoke alarm outside the door of the above mentioned new second floor bedroom.

Pursuant to Section 26 of Burnaby Electrical Bylaw 1974 No. 6494, the owner of the subject property has maintained her electrical installation in a manner contrary to directions given by the Building Department. An updated electrical permit is required to:

- 1) Verify and correct the heating circuit loading. Maximum on a 15 amp. circuit is 2,880 watts. The three units installed total 3,000 watts.
- 2) Remove the second electric range, wiring, and breakers from the lower floor.
- 3) Connect the #6 A.W.G. ground conductor to the neutral bar at the garage panel.
- 4) Complete the panel directory.

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### 3.0 BACKGROUND:

On 1992 September 28, Building Permit B-75173 was issued to L. Skog for a new detached garage and addition to the single family dwelling at the subject property.

The permit also recorded some finishing in the basement and on the main floor that had been completed without permits at an earlier date. On 1992 November 30, Electrical Permit E-31596 was issued to an electrical contractor, for garage wiring, baseboard heaters and for enlarging the breaker panel.

During an inspection held on 1993 April 22, several objections to both the building and electrical permits were noted. The owner was sent a letter dated 1993 May 05 outlining these objections. At that time, the property was for sale. A copy of the letter was forwarded to the listing agent, requesting full disclosure of the property's deficiencies. (The house was taken off the market shortly after the letter was received.)

A progress inspection was conducted on 1993 October 27. Although final approvals had not been obtained, the addition and garage were found to be complete. The rear deck was in process of being roofed over with acrylic panels on an aluminum frame. When building records were checked, it was determined that a building permit would be required to retain the cover over the rear deck. The owner was notified by letter dated 1993 December 08.

Over the next few months, staff endeavoured to assist Mrs. Skog in shortening the list of objections. Calls were placed to the deck cover installer to obtain specifications required for the building permit application and to the electrical contractor to advise him of the outstanding electrical permit. During meetings and telephone conversations, citing health and financial reasons, Mrs. Skog was unwilling to commit to any schedule of compliance or allow any further inspections to be done.

Because we have been unable to contact the electrical contractor to obtain his assurance that he would complete the work at this site, the electrical permit has been cancelled. This was in accordance with the Electrical Safety Act General Regulations and Burnaby's Electrical Bylaw, given that the work authorized under the permit had not been finalized. Mrs. Skog was mailed a copy of our letter dated 1995, April 24 advising the electrical contractor of the cancellation of his electrical permit and advising her that an updated electrical permit would be required. We have been unable to arrange a time when Mrs. Skog would allow an electrical inspector to confirm the acceptability of that portion of the work that she said has been done.

To date, Mrs. Skog has not contacted the Building Department to arrange for a final inspection for the outstanding building permit. She has not applied for a building permit to retain the cover over the rear deck. An updated electrical permit has not been obtained. Mrs. Skog was notified in a letter dated 1995 May 16 that staff would seek a Council resolution to file a notice of building contravention in the Land Title Office.

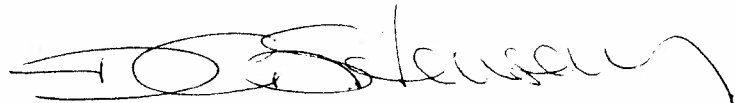
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**4.0 CONCLUSION:**

The owner of 26 S. Holdom Avenue has not completed work associated with an outstanding building permit, applied for a building permit to retain the roof cover over the rear deck or obtained an updated permit to correct electrical objections. In consideration of the owner's personal and financial situations, staff have tried to encourage her to correct the objections on a gradual basis. Although she initially did make an attempt to do so, Mrs. Skog has refused to correct some of the objections and has not been available for inspections.

If Council adopts the recommendations of this report, staff will work with the owner to bring the property into compliance with Burnaby's Building and Electrical Bylaws. The filing of a notice in this instance is a temporary measure that may encourage the owner's voluntary compliance. At the same time, a notice on the title will alert any potential third party purchasers of the objections and protect the City's liability. If the owner's cooperation is not forthcoming, further legal action will be considered.

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 1992 September 28.



D.G. Stenson, DIRECTOR  
PLANNING & BUILDING

TDA:ap

cc. Deputy Manager, Corporate Services  
City Solicitor  
Chief Building Inspector