

TO: CITY MANAGER 1997 MAY 21

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 3753 GRANDVIEW HIGHWAY, BURNABY, B.C.
LOT 12, D.L. 69, PLAN NO. 1321

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 City 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 3753 Grandview Highway, 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 office of the City Clerk, City of Burnaby, B.C.
- 2) **THAT** a copy of this report be sent to Andrew Ceklanovic, 1295 S.E. Marine Drive, Vancouver, B.C. - V5X 2W2.
- 3) **THAT** a copy of this report be sent to the Executor of the Estate of Edward Yarema, c/o 75 Country Club Boulevard, Williams Lake, B.C. - V2G 3T4
- 4) **THAT** a copy of this report be sent to Derek Chadwick, 132 - 6841 -138 Street, Surrey, B.C. - V3W 0A7, registered owner of Caveat BL41371, as to an undivided 1/3 interest.

REPORT

1.0 SUMMARY

The owners of the subject property have constructed a detached accessory building at the rear of the property. A condition of the building permit requires the demolition of an existing detached shed in order to comply with the maximum allowable gross floor area requirements of the Zoning Bylaw for detached accessory buildings.

Although construction is complete, final approval remains outstanding pending demolition of the shed. The owners have made no discernible attempt to complete this outstanding requirement which would bring the property into compliance with Burnaby Building Bylaw No. 6333 and Burnaby Zoning Bylaw No. 4742.

On 1997 January 24, staff learned of the recent passing of one of the property owners and have reason to believe that, as a result, the property will be listed for sale in the near future.

A Notice registered on Title would protect the interests of potential third party purchasers, while encouraging completion of the work associated with this permit.

2.0 BACKGROUND:

On 1995 March 01, Building Permit B-80034 was issued to build a new detached garage and demolish an existing detached shed. As a result of several unsuccessful attempts to inspect the detached garage, the file was referred to the Bylaw Services Section of the Building Department in October 1995.

On 1996 January 26, Mr. Derek Chadwick, acting as agent for the property owners, responded to staff's repeated attempts to contact the property owners. Mr. Chadwick and one of the property owners, Mr. Ceklanovic, met staff on site on 1996 January 30 to inspect the new construction. At that time, Building Permit B-80034 was amended to show a detached accessory building in place of a detached garage and a schedule of completion was established which would result in final completion by Spring 1996.

On 1996 April 09, staff re-inspected the subject property and noted that the outstanding work had not been started. Staff contacted Mr. Chadwick regarding the outstanding work and agreed to grant a 60 day extension to complete construction and demolish the existing detached shed.

On 1996 June 12, staff confirmed completion of the detached accessory building. However, to date, no commitment has been made to demolish the existing detached shed. Consequently, the property remains in contravention of Burnaby Building Bylaw No. 6333 and Burnaby Zoning Bylaw No. 4742.

On 1997 January 24, Mr. Chadwick contacted staff to advise of the recent passing of one of the property owners, Mr. Edward Yarema. A recent discussion with Mr. Chadwick confirms that any commitment to bring the property into compliance will be postponed based on the anticipated sale of the property.

Staff have learned that Mr. Chadwick is the registered owner of Caveat BL41371, as to an undivided 1/3 interest in the subject property.

3.0 CONTRAVENTIONS:

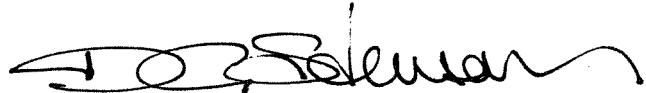
The owners of the subject property are required to demolish the existing detached shed in the north-west corner of the subject property pursuant to Section 105.4(2) of Burnaby Zoning Bylaw No. 4742 and Burnaby Building Bylaw No. 6333.

4.0 CONCLUSION:

As staff anticipate the sale of the subject property, staff recommend the registering of a Notice on Title to alert any potential purchasers of outstanding objections.

The City Clerk, in keeping with Section 750.1, will notify the property owners in order to provide the opportunity to appear before Council to address this staff report.

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

KGB:ap
grndview.rep

cc: Deputy City Manager, Corporate Services
City Clerk
~~Re~~ Chief Building Inspector

