

**TO:** CITY MANAGER

**FROM:** DIRECTOR PLANNING & BUILDING

**SUBJECT:** 3887 PIPER AVENUE, BURNABY, B.C.  
North ½ Lot 4, Block 4, D.L.42, Plan 9505

1998 JULY 21

**PURPOSE:** To have Council direct the City Clerk to file a Notice in the Land Title Office pursuant to Section 700 (1)(b) 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 3887 Piper Avenue, Burnaby, B.C. has been made under Section 700 (1)(b) 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 Andrea L. Cheung, 3887 Piper Avenue, Burnaby B. C. V5A 3B2.

**REPORT**

In April 1997 the owner of 3887 Piper Avenue made application for a building permit for a new single family residence at that address.

During the review of the application and a concurrent subdivision application made by the owner, concerns were raised over the location of a drainage ditch which ran through the property and ultimately through the footprint of the new dwelling to be constructed. The Siting Approval for the new house issued by the Planning Department indicated that the ditch was to be relocated to a new course through the property to the existing storm culvert on Piper Avenue. Following staff meetings with the applicant's husband, a building permit was issued on July 25 based in part on the latter's promise to the Engineering Department to redirect the ditch and file amended drawings with the Building Department.

Construction of the new single family dwelling commenced but the ditch was never properly redirected. As a result, with the onset of the rainy weather in October, surface water pooled on the site and saturated the ground. On 1997 October 13 the owners husband advised the Building Department staff during a site visit that the ditch would be properly redirected the following week. During site visits on 1997 October 29 and November 18 it was determined that not only had the drainage ditch not been properly rerouted, but up to two feet of water had collected in the basement of the new dwelling.

By letter dated 1997 November 19 the owner was advised that, due to the severity of the drainage problems, the Building Department required submittal of an engineer designed solution by 1997 December 01. No response was received from the owner.

On 1997 December 22 the Building Department posted a stop work order on the premises and, by letter dated 1997 December 23, the owner was advised of the reasons for this action. Subsequent site visits have determined that the construction has continued in contravention of the order. As a result of the stop work order, inspections of unauthorized construction cannot be performed pending correction of the drainage. Building inspection staff have determined that the dwelling is currently occupied without the required occupancy permit.

The drainage and water infiltration problems are in breach of the Building Bylaw and the Building Code. The situation may over time affect the structural integrity of the building with resultant safety concerns, and will lead to the deterioration of the building materials and have possible health implications for the occupants if not remedied.

Council has previously authorized commencement of legal proceedings against the property owner to enforce a stop work order issued by the Chief Building Inspector. The proceedings are underway however a Court Order has not yet been obtained.

Staff will continue to work with the owner of the property to bring the dwelling into compliance with Burnaby Building and Zoning Bylaws. At the same time, because the owner intends to list the property for sale, a Notice registered on Title will alert any third party purchasers of the outstanding objections.

The use of Section 700(1)(b) 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

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