

TO: CITY MANAGER

1998 August 12

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: **3710 PANDORA STREET (220 S. BOUNDARY), Burnaby, B.C.**
Block 1, D.L. 186, NW District, Group 1, Plan 1236
Lot 1 & 2 EX S 50'

PURPOSE: To have Council direct the 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 Clerk to file a notice in the Land Title Office stating that:
 - (I) A resolution relating to the land at 3710 Pandora Street (220 S. Boundary), Burnaby, B.C. has been made under Section 700(1)(b) of the Municipal Act, and
 - (ii) 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 Inez L. O'Reilly, 207 Beach Drive, Victoria, B.C., V8S 2L9, and to David E. Whiffen, P.O. Box 195, Fairweather Point, Bowen Island, B.C., V0N 1G0.

REPORT

1.0 Summary

The subject premises were inspected on 1998 May 26 in response to a marijuana grow operation complaint forwarded to the Building Department by the R.C.M.P.

At the time of inspection it was determined that an unauthorized suite had been constructed on the lower floor of the building. The permitted use is a legal non-conforming three suite apartment.

The owners were notified by letter that the use of the unauthorized suite must be terminated and the required plumbing, gas and electrical repairs completed

During a re-inspection attempt on 1998 August 11, it was noted by inspection staff that the property has been listed for sale with Royal LePage Realty.

2.0 Background

On 1998 May 26, an inspection of the subject premises was conducted by Building Department staff in response to a marijuana grow operation complaint forwarded to the Building Department by the R.C.M.P.

Building Department records indicate the use of the structure as an apartment with three units to be a legal non-conforming use, since construction took place prior to the adoption of Burnaby Zoning Bylaw No. 4742.

It was determined at the time of inspection that an additional self-contained suite had been constructed on the lower floor of the premises. Additionally, the inspector noted that two replacement gas furnaces had been installed without permits or inspections.

The property owners were notified by letter dated 1998 May 28 that the use of the additional unauthorized suite in the basement area must be terminated by 1998 July 01. Electrical, plumbing and gas repairs were required by 1998 July 24.

Property owner, David Whiffen, contacted Bylaw staff to request an extension to the schedule of compliance and also to determine if changes to the layout of the permitted three suites would be possible.

A re-inspection of the property was scheduled for 1998 August 11, however, inspection staff were unable to gain entry due to a misunderstanding by the owner of the date and time of the planned inspection. Inspection staff did note a "For Sale" sign, stating the property has been listed for sale with Royal LePage Realty.

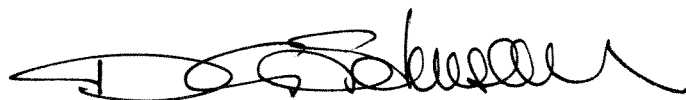
Both the owner and Realtor were informed by letter dated 1998 August 11 that potential purchasers must be made aware of the non-conforming status of this dwelling in accordance with the Real Estate Act of British Columbia and that the Building Department would be requesting City Council approve the registering of a Notice on Title against the property.

3.0 Conclusion

The owners have not applied for the required plumbing, gas and electrical permits. Inspection staff have not been able to access the premises to determine if the use of the unauthorized suite has been terminated.

Staff will continue to work with the owners of the property to bring the building into compliance with Burnaby Zoning, Plumbing, Gas and Electrical Bylaws. At the same time, because the property is listed for sale a Notice 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 AND BUILDING

LP:mdw

c:\...Bylaw\cc\lrpts\Pandora3.710

cc: Deputy City Manager, Corporate Services

City Solicitor

Chief Building Inspector