

TO: CITY MANAGER

1999 MARCH 12

FROM: DIRECTOR PLANNING AND BUILDING

**SUBJECT: 4235/37 SARDIS STREET  
Removal of Illegal Suites and Unauthorized Construction**

PURPOSE: To report on issues raised by the written correspondence and delegation to Council from the resident of 4235/37 Sardis Street in relation to the removal of illegal suites and improvements from the subject property.

**RECOMMENDATION:**

1. **THAT** a copy of this report be sent to Aldina Isbister, 4237 Sardis Street, Burnaby, B.C., V5H 1K6.

**R E P O R T**

**1.0 BACKGROUND**

At the 1999 March 08 meeting Council received a written correspondence and a delegation from Ms. Aldina Isbister, resident in a duplex at 4235/37 Sardis Street. This report is in response to Council's request for information on the issues raised by the delegation. Ms. Isbister informed Council about the events which have resulted from a complaint received by the City's Bylaw Enforcement Division regarding illegal suites and unauthorized construction on the subject property. A complaint was received by the Building Department from an area resident regarding the use of the duplex on the subject property as a four-plex and a large greenhouse at the rear of the property. As a result of this complaint, an inspection was made by a Bylaw Enforcement Coordinator on 1999 February 02 with Building, Plumbing and Electrical inspectors present. Upon inspection it was discovered that the subject property was being used as a four-plex, a greenhouse was present at the rear of the property which was constructed without proper permits and that there were further additions made to the rear of the duplex for which permits had not been obtained.

As a result of this inspection the Bylaw Enforcement Coordinator outlined in a letter dated 1999 February 09 that plans must be approved for finishing of the first storey (lower level) of the duplex, that plumbing and electrical permits must be obtained for the first storey finishing and that this must occur by 1999 March 31 in order to bring the subject property into compliance with City regulations. The Bylaw Enforcement Coordinator also noted in this letter that a second cooking facility in each unit of the duplex would be permitted only with a valid in-law suite licence. Additionally, the unauthorized construction at the rear of the dwelling and the greenhouse are noted as exceeding the maximum allowable floor area permitted under the current zoning and that this unauthorized construction must be completely removed and the premises reverted back to the original status as set out in the original Building Permit No. B42042. It is staff's understanding that the owners/residents of 4235/37 Sardis Street are currently working towards bringing the subject property into compliance.

## 2.0 DISCUSSION

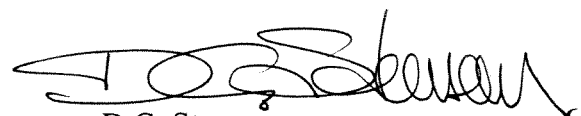
4235/37 Sardis Street lies in the Metrotown Development Plan Sub-Area 11 and is designated for redevelopment under RM3 - Multiple Family Residential District zoning guidelines which would call for land assembly in order to accommodate the minimum lot dimensions for RM3 development. Use of the duplex on this property as a four-plex is not permitted under the current zoning which is R5 - Residential District. In order to allow the existing building to function as a four unit multi-family development the property would require a rezoning to a multiple family residential district, but the existing building would be in conflict with the development plan in terms of the form of development and land assembly pattern designated for this area. The Planning Department would not favourably consider recommending such a rezoning as it would be in conflict with the Community Plan.

However, the property does have potential for redevelopment at a higher density (based on RM3 Multiple Family District) as part of a consolidated site in line with the approved Development Plan. If an application for rezoning of a suitable assembled site were received, staff would report to Council in line with normal procedures.

In regard to the delegation's request to have Burnaby look at the issue of secondary suites, there are currently provisions in the Burnaby Zoning Bylaw which permit in-law suites in single family and two family homes. Under the in-law suite provision of the Zoning Bylaw an additional living area with its own cooking facilities is permitted as an accessory use within a dwelling unit occupied by the owner or his/her tenant in a single family or two family dwelling on the condition that the in-law suite is occupied by the parents or grandparents of the owner or tenant, a child of the owner or tenant or a sister or brother of the owner or tenant. In this case it is staff's understanding that the lower level tenants did not qualify under the in-law suite provision and they will be vacating the suites at the end of 1999 March.

In the written correspondence to Council Ms. Isbister inquired about the status of trees close to property lines and who is responsible for pruning and damage caused to a fence as a result. Trees straddling property lines is a matter in which the City has no jurisdiction and is left up to the two property owners involved to resolve. Ms. Isbister also inquired in her written correspondence as to why the Burnaby RCMP did not respond to her complaint about receiving threats from her neighbour. The RCMP do not have any record of an official report being made by Ms. Isbister about her neighbour and, therefore, staff are unable to comment on this matter.

This is for the information of Council.

  
D.G. Stenson  
Director Planning and Building

PSF:hr  
cc: Chief Building Inspector  
Burnaby R.C.M.P., O.I.C.