

TO: CITY MANAGER 1999 May 25

FROM: DIRECTOR PLANNING & BUILDING

**SUBJECT: Works and Services Charges in Respect to a Building Permit Application at 3325 Douglas Road (X.Ref.: S.D.#98-25)**

PURPOSE: To deal with concerns raised by a delegation to Council at its meeting of 1999 May 17.

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**RECOMMENDATION:**

1. THAT Council receive this report for information purposes.

**REPORT**

**BACKGROUND:**

Council at its meeting of 1999 May 17 received as a delegation Mr. Bhandal (the property owner) who expressed concern that he was required to pay the Works and Services charges in order to receive a Building Permit on his newly created lot at 3325 Douglas Road.

**CURRENT SITUATION:**

The amendment to the Burnaby Subdivision Control Bylaw 1971 was adopted by Council on 1998 October 26 which approved a Works and Services charge to all R12 properties. On 1998 November 27 a letter was sent to all R12 property owners which noted that "approval of development applications in R12 Districts, for subdivision or issuance of a Building Permit of a value in excess of \$50,000, will require the deposit of funds with the City to provide for the future provision of the required street improvements abutting the subject property".

Under the Municipal Act Section 943 (b), provision is made for a "grace period" of 12 months for a subdivision application which has been submitted prior to the adoption of a bylaw. There is no similar provision for Building Permit applications which are a separate and distinct matter. Building Permits that are applied for after the effective date of a bylaw, in this case 1998 October 26, are subject to the bylaw's provisions immediately.

CITY MANAGER

Re: Works and Services Charges in Respect to a  
Building Permit Application at  
3325 Douglas Road

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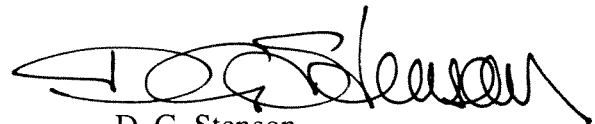
Mr. Bhandal's subdivision was not subject to the Works and Services charge as his application for subdivision was completed within the 12 month period following enactment of the bylaw. However, the subsequent application for a building Permit on one of the lots was filed in April of 1999, and therefore was and is subject to the Bylaw.

We have corresponded with Mr. Bhandal outlining these provisions in response to his letter to us (copy attached).

**CONCLUSION:**

We have reviewed the concerns that Mr. Bhandal outlined in his letter to the Planning Department, discussed the matter with our Legal Department, and have advised him that the Works and Services charges are applicable to his Building Permit application for 3325 Douglas Road.

This is for the information of Council.



D. G. Stenson  
Director Planning and Building

SAM:hr  
Attachments

cc: Chief Building Inspector  
City Solicitor

1999 May 06

Amarjit and Mohinder Bhandal  
3343 Douglas Road  
Burnaby, B. C.  
V5G 3P2

**Re: Building Permit Application for  
3325 Douglas Road**

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I am writing in reply to your letter of 1999 April 22 in which you requested a review in the matter of a Works and Services charge that has been applied to your application for a Building Permit on the referenced R12 zoned property. I have concluded this review and wish to advise as follows.

As you are aware from our letter of 1998 November 27, an amendment to the Burnaby Subdivision Control Bylaw 1971 was adopted on 1998 October 26 which had the effect of approving a Works and Services charge that applies to all R12 properties. The letter, which was sent to all R12 property owners, noted that "*approval of development applications in R12 Districts, for subdivision or issuance of a Building Permit of a value in excess of \$50,000, will require the deposit of funds with the City to provide for the future provision of the required street improvements abutting the subject property*" (copy of the Bylaw attached).

At the time that the bylaw was enacted, you were an applicant for subdivision of an R12 zoned property, and in your conversation with the Subdivision Technician processing your application, you had enquired whether or not your application would be subject to the new charges. In accordance with a provision in the Municipal Act, Mrs. Manoloudis was able to inform you that your subdivision application (Subdivision Reference #98-25) would not be subject to the payment of these new charges. Accordingly, as you know, the conditions of subdivision approval as set out in our letter of 1998 December 18 did not require payment for Works and Services, and when you had satisfied the relevant conditions, the subdivision plan was approved.

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*Amarjit and Mohinder Bhandal*  
*Re: 3325 Douglas Road*  
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The matter of an application for issuance of a Building Permit is, however, a separate and distinct matter. The Municipal Act makes no provision for a delay in the application of bylaw enactments for Building Permits that are applied for after the effective date of a bylaw, nor for the special condition applicable to a subdivision application in process to "run with the land". Moreover, once a subdivision application has been finalized, the applicant for a Building Permit may be, but frequently is not, the same person who was the applicant for subdivision. Therefore, the application for a Building Permit after the effective date of the bylaw (1998 October 26) on any R12 parcel is subject to the applicable charges.

I regret that you may not have understood this from your initial dealings with the City as they related to your involvement as the subdivider of the land, but must confirm that the bylaw charge is applicable to a Building Permit application made subsequent to the adoption of the bylaw on any R12 property. With reference to the delay you experienced on April 16 and 19, staff took the time to review the circumstances of your application for Building Permit to be absolutely certain that we were correct in our assertion that the charges were applicable.

I trust the foregoing clearly outlines the reason that the issuance of a Building Permit for this and any other R12 lot will require the deposit of funds for the future construction of the works necessary to complete the street to a finished standard.

If further information is required or we can be of any further assistance, please do not hesitate to contact Sharon Manoloudis of this department at 294-7409.

Yours truly,



D. G. Stenson  
Director Planning and Building

DGS:hr  
Attachment

cc: Mayor and Councillors  
City Manager  
Chief Building Inspector