

TO: CITY MANAGER 1999 APRIL 22

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 7309/7311 - 10TH AVENUE, BURNABY, B.C.
LOTS 1 & 2 , D.L. 29, PLAN NO. LMS 3071

PURPOSE: To have Council direct the City Clerk to file a Notice in the Land Title Office pursuant to Section 700 of the Municipal Act with respect to a property observed to be in contravention of municipal bylaws.

RECOMMENDATIONS:

- 1) **THAT** Council direct the Clerk to file a Notice in the Land Title Office stating that:
 - (a) A resolution relating to the land at 7309/7311 - 10th Avenue, Burnaby, B.C. has been made under Section 700 of the Municipal Act, and
 - (b) 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 the following owners:

a) Harminder K. Bains 7840 - 115 Street Delta, B.C. V4C 5N3	&	(b) Jaswinder S. Johal 13076 - 72 Avenue Surrey, B.C. V3W 2N2
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R E P O R T

1.0 SUMMARY:

On 1998 February 22, a report of unauthorized construction was received by the Burnaby Building Department. It was determined at the time of inspection that on each side of this semi-detached dwelling, the crawl spaces had been excavated and a bathroom, kitchen and two additional bedrooms added without the required permits and approvals. The lower floor of both sides of the dwelling were being used as separate self contained suites resulting in an unauthorized four-plex.

The owners were notified by letter dated 1998 March 24 to submit drawings of the lower floor (both sides) to the Plan Checking section of the Building Department to determine whether or not a building permit could be granted. Denial of a permit would require complete removal of all unauthorized construction and reinstatement of the crawl spaces (under permit). The property owners did not respond to the letter and on 1998 May 07, the file was referred to the Bylaw Services section.

On 1998 May 18, a "For Sale" sign was noted on the property.

Staff have made a number of unsuccessful attempts to arrange an inspection by Building, Plumbing and Electrical Inspectors to clarify what is needed to bring the property into compliance with the Building and Zoning Bylaws.

To date, there has been no response to our letter of 1999 February 24 sent to the owners, and copied to the Listing Agent, requesting an inspection to determine the full extent of work needed to bring the building into compliance with the City's bylaws.

2.0 CONCLUSION:

The owner and realtor were notified by letter that because the property is listed for sale, staff would be preparing a report requesting Council authority to file a Notice in the Land Title Office with respect to the contravention of the City bylaws observed at this property.

Staff will continue to work with the owner of the property to bring the dwelling into compliance with Burnaby bylaws. At the same time, a Notice on Title will alert any third party purchasers of the outstanding objections.

The use of Section 700 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

CL/LP:ap
tenthav.rep

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