

**TO:** CITY MANAGER 2000 AUGUST 11

**FROM:** DIRECTOR PLANNING & BUILDING

**SUBJECT:** 4085 - SECOND AVENUE, BURNABY, B.C.  
LOT 39, D.L. 117, PLAN 25445, GROUP 1, 5365 - 1781

**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 City Bylaws.

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**RECOMMENDATIONS:**

- 1) **THAT** Council direct the City Clerk to file a Notice in the Land Title Office stating that:
  - (i) A resolution relating to the land at 4085 - Second Avenue, Burnaby, B.C., has been made under Section 700 of the Municipal Act, and
  - (ii) Further information respecting the resolution may be inspected at the offices of the City Clerk, City of Burnaby, 4949 Canada Way, Burnaby, B.C. - V5G 1M2.
- 2) **THAT** a copy of this report be sent to Tile Setters Local 3 Holdings Ltd., 4085 - Second Avenue, Burnaby, B.C. - V5C 3X1.

**REPORT**

**1.0 BACKGROUND**

During a business licence referral inspection of the subject premises on 1997 August 11, it was noted by Inspection staff that a building permit would be necessary for interior alterations and finishing relating to a new tenancy in a portion of the building. Subsequently, Building Permit BLD98-01414 was issued for these tenant improvements.

During the inspection process for BLD98-01414, and following a review of Building Department microfilm records by Building Inspection staff, it became apparent that the existing mezzanine had been modified and a separate smaller mezzanine constructed. Following a number of on-site meetings with Building Department staff, the property owners, Tile Setters Local 3 Holdings Ltd., agreed to undertake the necessary engineering review and plan revisions and to obtain a building permit for the unauthorized construction.

The Building Department received a letter dated 2000 June 22 from the property owners, (copy *attached*), stating that because their organization is faced with financial hardship, no further expense will be incurred relating to the building, and that the property will be listed for sale.

## 2.0 CONTRAVENTION OF BYLAWS

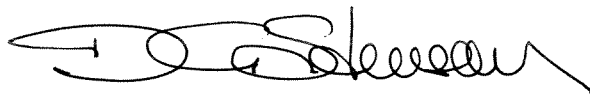
Pursuant to Section 4(1) of Burnaby Building Bylaw 1973, No. 6333, a property owner shall not commence construction of any building or structure or part thereof unless he is in possession of a valid and subsisting permit for the said construction issued by the Building Inspector.

## 3.0 CONCLUSION

The property owners, Tile Setters Local 3 Holdings Ltd., have not obtained final approval for BLD98-01414 or provided a building permit application for the mezzanine construction. Their tenant is unable to obtain Building Department approval for their business licence application referral because the tenant improvements have not been completed. The property owners have clearly stated in their letter of 2000 June 22 that they intend to do no further work in this building and that the property will be listed for sale.

Since Tile Setters Local 3 Holdings Ltd., have chosen not to proceed with the necessary works required to bring their property into compliance with City Bylaws, the Building Department will be forwarding the file to the City Solicitor for review and possible legal action. A Notice on Title will ensure that potential purchasers are made aware of the contravention of City Bylaws observed at this property.

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

LP:ap  
*Attach.*  
secondave.rep

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

BAC LOCAL NO. 3 BC & YUKON  
TILE, MARBLE, GRANITE, MOSAIC CRAFTSMENS' UNION

BUSINESS  
MANAGER  
GUY ZECCHINI

CHARTERED  
1926

BC & YUKON TERRITORY BUILDING & CONSTRUCTION TRADES COUNCIL

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4085 2ND AVENUE, BURNABY, BC V5C 3X1 TELEPHONE: (604) 298 - 5322 FAX: (604) 298 - 5399

June 22, 2000

City of Burnaby  
4949 Canada Way  
Burnaby, BC V5G 1M2

RECEIVED  
JUN 23 2000

BUILDING DEPARTMENT

Attention: Lousie Pearson, Bylaw Enforcement Coordinator

**SUBJECT: 4085 SECOND AVENUE, BURNABY, B.C.**

Dear Louise:


The letter received from Daniel W. Mulligan of June 1st, 2000 was duly noted and discussed at our regular monthly meeting in June.

Unfortunately, our organization is faced with hardships that require us to make drastic changes if we are to maintain our market presence. Following extensive analysis and review, this is to inform you that a motion to begin the process to sell our building was passed by our membership.

It was also moved and carried that we (the union), not incur anymore expenses related to our building, to relocate our training facility to Surrey and to find appropriate office space for use by our local union staff.

Should you have any questions, please feel free to contact our office.

Yours truly,

  
Guy Zecchini  
Business Manager  
Financial Sec.

cc - Allan Diamond, Architect  
- Phoenix Structural Designs Ltd.

