

TO: CITY MANAGER

2001 JUNE 26

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 1515 DUTHIE AVENUE, BURNABY, B.C.
LOT 436, D.L. 135, PLAN 50678

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

RECOMMENDATIONS:

- 1) **THAT** Council direct the City Clerk to file a Notice in the Land Title Office stating that:
 - (a) A resolution relating to the land at 1515 Duthie Avenue, Burnaby, B.C. (Lot 436, D.L. 135, Plan 50678), has been made under Section 700 of the Local Government 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 owner:
 - a) Sultan Hirjee
1515 Duthie Avenue
Burnaby, B.C.
V5A 2R7

R E P O R T

1.0 SUMMARY:

On 2000 March 20, a report of unauthorized construction was received by the Burnaby Building Department. An inspection of the property revealed that a sundeck enclosure, carport enclosure and a two-storey addition at the rear of the dwelling had been constructed without a building permit in contravention of the Burnaby Building Bylaw.

The owners were notified by letter dated 2000 April 20 to submit a building permit application and construction plans of the enclosures and addition to the Plan Checking section of the Building Department to determine whether a building permit could be granted. Denial of a permit would require complete removal of all unauthorized construction.

On 2001 February 09, the property owner submitted a partial building permit application to the Building Department. At that time, a deficiency list was provided to the owner outlining the requirements to complete the application and obtain a permit. To date, the application remains incomplete and a permit cannot be issued. The unauthorized construction has not been removed.

Building Department staff were recently contacted by the Listing Agent and a prospective purchaser requesting the status of this property.

On 2001 June 07, a "*For Sale*" sign was noted on the property. At that time, Building Inspection staff discussed the status of the unauthorized construction with the owner.

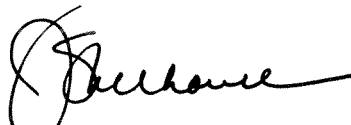
2.0 CONCLUSION:

The owner and Realtor were notified by letter that the Real Estate Act of B.C. requires disclosure of the outstanding status of this property to all prospective purchasers.

Staff will continue to work with the owner of the property to bring the dwelling into compliance with the Building Bylaw and related bylaws. At the same time, a Notice on Title will alert any third party purchasers of the Building Bylaw contravention.

The use of Section 700 of the Local Government Act to file Notices in the Land Title Office is consistent with a Housing Committee Report adopted by Council on 1992 September 28.

KB:ap
duthierep.wpd


J. S. Belhouse, DIRECTOR
PLANNING & BUILDING

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