

TO: CITY MANAGER
FROM: DIRECTOR PLANNING & BUILDING
SUBJECT: 8206 - 11TH AVENUE, BURNABY, B.C.
LOT 41, D.L. 27, GROUP 1, PLAN 25509
PARCEL IDENTIFIER: 003-101-746

2002 JANUARY 07

PURPOSE: To have Council direct the 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 City 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 8206 - 11th Avenue 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 Kashmir K. Mann, 8206 - 11th Avenue, Burnaby, B.C. - V3N 2P2.

REPORT

1.0 SUMMARY

The Building Department has been attempting for a considerable period of time to cause the property owner to reconstruct the designated crawl space in the subject dwelling.

In the course of pursuing legal action to enforce Building and Zoning Bylaws, it has become apparent to the Building Department that a forced sale of the property could occur prior to the completion of the necessary crawl space reconstruction.

2.0 BACKGROUND

During an inspection of the subject premises conducted 1999 February 03, in response to an illegal suite complaint, Building Department Inspection staff determined that three self contained suites had been constructed within the dwelling, one of which was located in the designated crawl space.

The property owner, Kashmir K. Mann, was informed by letter dated 1999 February 09, that the dwelling must be brought into compliance with Burnaby Zoning and Building Bylaws.

The property owner has completed part of the requirements to bring the dwelling into compliance, however, the reconstruction of the crawl space remains outstanding.

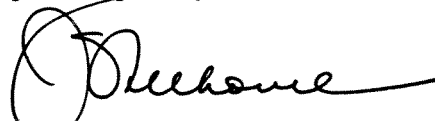
The Building Department has been notified by the City Solicitor that the property owner has agreed, in consultation with our lawyers, to remove the illegal conversion and to return same to its original approved designation as crawl space on or before 2003 January 31.

3.0 CONCLUSION

The Building Department has been informed by the lawyers representing the City in this matter that the property owner has stated she is not presently financially able to deal with the crawl space restoration work but has agreed to complete the work by 2003 January 31 and has consented to a Court Order to that effect. The Building Department is aware that there is a Builders' Lien, Lis Pendens and Revenue Canada Liens showing on the title to this property and that the property owner is in arrears for municipal taxes. Should a forced sale of this property become necessary, a notice on title would alert any potential third party purchaser of the outstanding contravention of City bylaws.

Staff will provide the property owner with any information she requires to proceed with the crawl space restoration and trust that the necessary construction will be completed within the terms of the City's agreement with her.

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.



J. S. Belhouse, DIRECTOR
PLANNING & BUILDING

LP:ap

h:\...8206-11averep.wpd

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