

**TO:** CITY MANAGER

2002 FEBRUARY 20

**FROM:** DIRECTOR PLANNING & BUILDING

**SUBJECT:** 8864 ERIN AVENUE, BURNABY, B.C.  
BLOCK 32, D.L. 13, PLAN 3046

**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 City bylaws.

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**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 8864 Erin Avenue, Burnaby, B.C., 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) William Andrews  
8864 Erin Avenue  
Burnaby, B.C. - V3N 4E9

**REPORT**

**1.0 SUMMARY:**

On 2000 March 06, a report of unauthorized construction was received by the Burnaby Building Department. An inspection revealed an addition to the subject dwelling of approximately 568 sq. ft., constructed without permits or approvals, in contravention of the Burnaby Building Bylaw.

The owner was advised by letter dated 2000 March 14 to submit a building permit application and construction plans of the addition to the Plan Checking section of the Building Department to determine whether a building permit could be granted.

On 2000 April 13, the property owner submitted an application to the Building Department. Following a review by Plan Checking staff, a letter was sent to the owner advising that the existing floor area exceeded the allowable maximum gross floor area and the addition could not be permitted. Denial of a permit would require complete removal of all unauthorized construction.

The unauthorized construction has not been removed. The owner has submitted a letter to the Building Department requesting that the City not pursue removal of the unauthorized construction as long as he remains in the home.

**2.0 CONCLUSION:**

Although the City cannot issue the required permits, staff have determined that the construction does not present any life safety concerns.

The owner is an elderly gentleman who advises that it is his intention to remain in the home. While the unauthorized construction must be dealt with, it does not appear that an immediate resolution to this matter is at hand. The property owner has been contacted and advised that a Notice on Title will be filed.

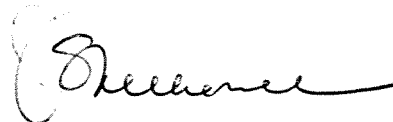
As it is difficult to determine exactly when the property may have to be sold, a Notice on Title will alert any potential third party purchasers of the outstanding objections.

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. Staff will continue to work to bring the property into compliance with City bylaws.



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J. S. Belhouse, DIRECTOR  
PLANNING & BUILDING

cc: City Clerk  
City Solicitor  
Chief Building Inspector