

TO: CITY MANAGER

2003 MARCH 13

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 7214 STRIDE AVENUE, BURNABY, B.C.
LOT 9, D.L. 53, PLAN 10225

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.

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 7214 Stride Avenue, Burnaby, B.C., has been made under Section 700 of the Local Government Act, and
 - ii) Further information respecting the resolution may be inspected at the office of The City Clerk, City of Burnaby, B.C.
- 2) **THAT** a copy of this report be sent to the following owners:

Arwinder & Sarbjeet Dhillon
7214 Stride Avenue
Burnaby, B.C. - V3N 1T9

REPORT

1.0 SUMMARY:

The Building Department has been attempting for a considerable period of time to cause the property owners to submit plans to determine whether or not a building permit may be granted for the unauthorized conversion of the attached garage to habitable space within the subject premises.

On 2001 April 27, while driving by the subject premises, a City Building Inspector noted that unauthorized construction at the attached garage had taken place. Upon further investigation to determine the extent of the construction, access was denied by the home owner.

Several letters were sent over the course of time dated 2001 May 01, 2001 September 17, 2002 February 19, 2002 August 20, 2002 November 05 and finally 2003 February 12, all without any response from the registered owners.

On 2003 February 11, a "For Sale" sign was noted on the property. The Listing Agent was advised by telephone and by a copy of letter dated 2003 February 12 of the outstanding issues. The Agent called several days later to confirm that he was no longer representing the owners in selling the property.

A Notice registered on Title would encourage the owners to comply with Building Department requirements to determine whether or not a permit may be granted for the unauthorized construction while protecting potential third party purchasers.

2.0 CONTRAVENTION OF BYLAWS:

The owners of the subject property are required to obtain a building permit pursuant to Section 4.(1) of Burnaby Building Bylaw 1973 No. 6333 or remove the unauthorized construction.

3.0 CONCLUSION:

The Building Department has provided the owners with ample opportunity to bring the property into compliance with applicable City Bylaws. Because the subject property has been listed once already for sale, staff recommend the registering of a Notice on Title to alert any potential purchasers of outstanding issues. The property owner has been advised that a Notice on Title will be filed.

The City Clerk, in keeping with Section 700, has notified the property owner in order to provide them with the opportunity to appear before Council to address this staff report.

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.

DRC:ap

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cc: Chief Building Inspector

B. Ruskowski
for J. S. Belhouse
Director Planning & Building

