

TO: CITY MANAGER

2003 OCTOBER 29

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 3790 MOSCROP STREET, BURNABY, B.C.
LOT 1, D.L. 35, PLAN NO. 74945

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 of B.C. 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:
 - a) A resolution relating to the land at 3790 Moscrop Street, 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 owners:
 - a) Lisa Natasha Head
3790 Moscrop Street
Burnaby, B.C. - V5G 2C8
 - b) Jason Paul Cameron
3790 Moscrop Street
Burnaby, B.C. - V5G 2C8
 - c) Rhona Karbusicky
3790 Moscrop Street
Burnaby, B.C. - V5G 2C8

REPORT

1.0 SUMMARY

On 2002 June 27, a report of unauthorized interior alterations allegedly to accommodate boarders was received by the Burnaby Building Department. City inspection staff were unsuccessful in gaining entry to the premises to conduct an inspection. Several letters sent to the owners requesting access to conduct an inspection met with no response.

On 2003 March 31, an illegal suite complaint was received by the Burnaby Building Department. On 2003 April 15, a second complaint was received by the Burnaby Building Department, copy forwarded to the Burnaby Licence Department, alleging that the subject premises were being used as a rooming house. A subsequent inspection by Building and Licence Department staff determined that new interior partition walls dividing larger rooms to create additional bedrooms had been constructed without permits or approvals. Residents identified themselves as tenants renting individual rooms. This also appeared evident as most bedrooms had keyed locks on doors and contained refrigerators, microwaves, toaster ovens, cooking utensils and dishes. There are currently 12 occupants residing here (owners have stated that they live on site, along with each owners' two relatives and additional boarders).

The subject property is zoned residential R-4 allowing single-family or two-family use only and allows:

- (a) persons related by blood; or
- (b) up to three people living together as a non-profit unit plus two boarders (five unrelated people).

The owners were advised by letter dated 2003 June 13 to discontinue the use of the premises as a rooming house, submit a permit application for new infill walls and , if the permit was granted, obtain an electrical permit for the related electrical work to ensure Code compliance.

Despite further discussions and correspondence with owners, no permit applications have been made and the subject premises continues to be used as a rooming house.

On 2003 September 30, a realtor contacted City staff to inform them that the owners intended to list the property for sale. The property has been listed for sale as of 2003 September 30.

A notice registered on title would protect potential third party purchasers.

2.0 CONTRAVENTION OF BYLAWS:

The owners of the subject property are in contravention of Section 4(1) of Burnaby Building Bylaw 1973 No. 6333 with the following item:

Building

- ▶ New wall partitions constructed in basement and main floor without building permit. Owners must make a permit application for this construction to determine if a permit can be issued. If a permit cannot be issued, walls must be removed.
- ▶ Building permit was issued for a single-family dwelling on 1987 June 30 but owners are also using the premises as a rooming house which is in contravention of Burnaby Zoning Bylaw No. 4742, Section 104.1(1). They must discontinue the use of the subject premises as a boarding house and restore to single-family use.

Electrical

- ▶ Obtain the services of a certified electrical contractor to perform the following work under permit:
 - Install receptacles in new infill walls in basement and main floor to Electrical Code requirements.
 - Check existing wiring to ensure Code compliance.

3.0 CONCLUSION:

The owners are continuing to maintain the premises as a rooming house and to-date, have not made application for permits to cover the unauthorized construction. Because the owners are attempting to sell the property, staff recommend the registering of a Notice on Title to alert any potential purchasers of outstanding objections.

The City Clerk, in keeping with Section 700, will notify the property owners 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. Staff will continue to work to bring the property into compliance with City bylaws.



J. S. Belhouse
DIRECTOR PLANNING & BUILDING

CBL:ap
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cc: City Clerk
City Solicitor
Chief Building Inspector

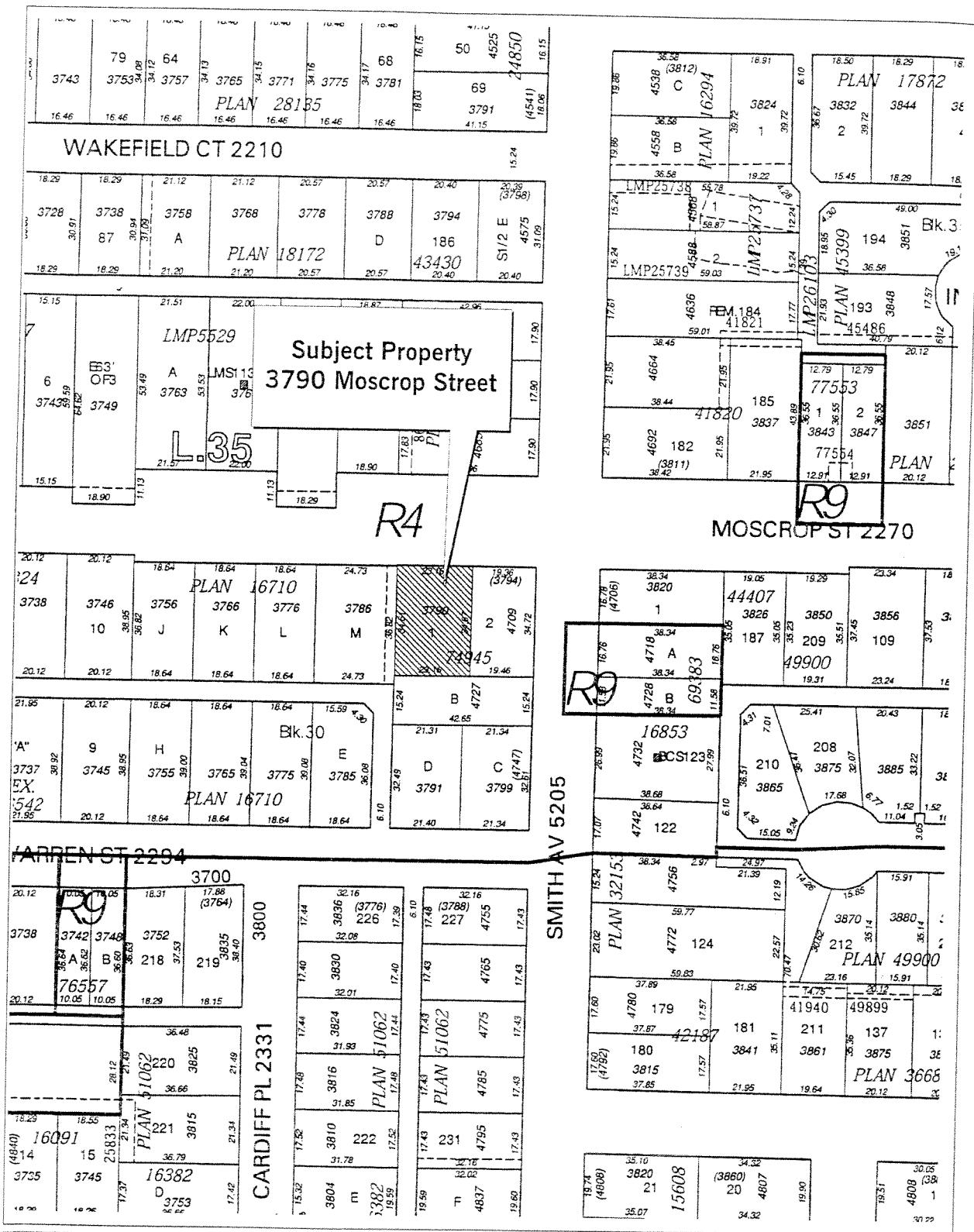


Figure 1

3790 Moscrop Street



