

TO: CITY MANAGER 2003 MARCH 31

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 4832 ROYAL OAK AVENUE, BURNABY, B.C.
LOT "E", D.L. 83, PLAN 14476

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:
 - a) A resolution relating to the land at 4832 Royal Oak 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 owners:
 - n) Kamaljit K. Bhangu
Harpreet K. Bhangu
4832 Royal Oak Avenue
Burnaby, B.C. - V5G 3M6

R E P O R T

1.01 SUMMARY

On 2002 May 09 the owners obtained a Building Permit No. BLD02-00651 for a rear addition to the dwelling, but to date have not called for a final inspection. The plans submitted in support of that application did not include development of the lower floor and show the lower floor as being only partially finished.

On 2002 October 03, a report of unauthorized construction to the lower floor of the subject premises was received by the Burnaby Building Department. Staff made numerous attempts to arrange for an inspection but the owners were unwilling to cooperate. A partial inspection of the lower floor determined that this area has been finished as two separate self-contained dwelling units, each with kitchen-living area, bedroom and 3 piece bathroom. A tenant occupying one of the suites provided access and confirmed that both dwelling units were being rented out.

The owners were advised by letter dated 2002 December 09 and 2003 January 16, to contact Building Department staff to arrange for a complete inspection to determine the full extent of unauthorized construction to lower floor, including building, plumbing and electrical work. To date, they have refused to comply with these requests or to discuss the unauthorized construction.

On 2003 March 11, it was noted by Building Department staff that the property was listed for sale. The owners were notified by letter dated 2003 March 11, of the City's intention to file a Notice on Title.

A Notice registered on Title would encourage owners to work with this Department to resolve the unauthorized lower floor construction and final the outstanding building permit while protecting potential third party purchasers.

2.0 CONTRAVENTION OF BYLAWS

The owners of the subject premises have completely finished the lower floor without the required building permit or inspections, and have failed to call for inspection to finalize Building Permit No. BLD02-00651 in contravention of Section 4.(1) of Burnaby Building Bylaw 1973 No.6333.

The owners have also completed plumbing and electrical work to the lower floor of the subject premises without the required permits and inspections, in contravention of the current Plumbing and Electrical Codes.

3.0 CONCLUSION

The owners were informed by letter dated 2003 March 11 to contact this Department immediately to arrange for the required inspection to determine the full extent of unauthorized construction. The Building Department will try to gain the owners' cooperation in removing the unauthorized dwelling units in the lower floor, including removal of unauthorized plumbing and electrical work, and obtaining final approval for

Building Permit No. BLD02-00651. If the owners continue to be uncooperative in resolving this matter, we will proceed with legal action to obtain compliance.

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 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.

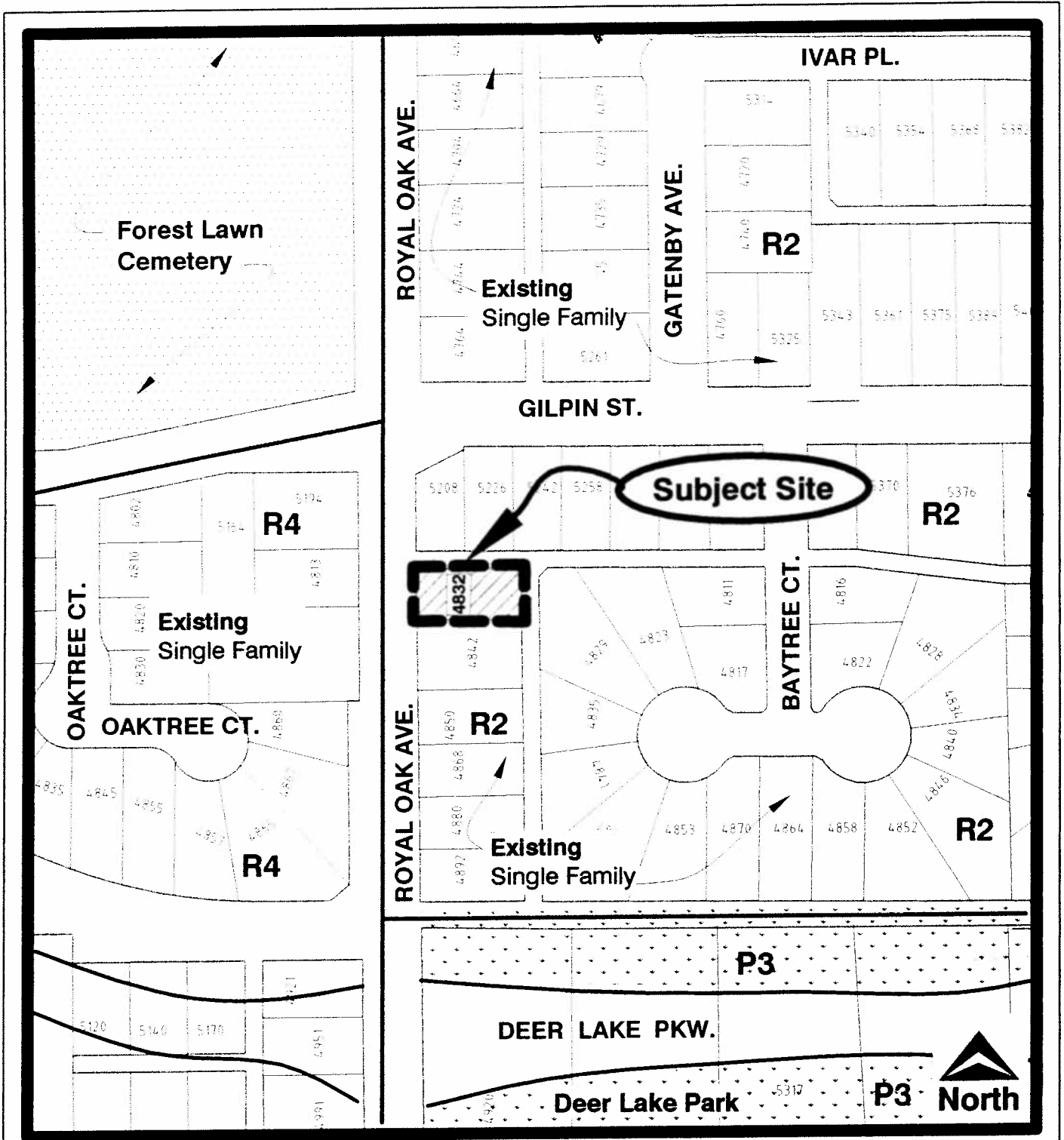


J. S. Belhouse
Director Planning & Building

CL:mdw

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cc: Chief Building Inspector
City Solicitor



Planning and Building Department

Scale: 1 : 2000

Drawn By: J.P.C.

Date: April 2003

Information to Council

4832 Royal Oak Ave.

Sketch # 1