

TO: CITY MANAGER 2004 OCTOBER 21

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 8064 WESTLAKE STREET, BURNABY, B.C.
LOT 28, D.L. 58, PLAN 34353

PURPOSE: To have Council direct the City Clerk to file a Notice in the Land Title Office, pursuant to Section 57 of the Community Charter, 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 8064 Westlake Street, Burnaby, B.C. , (Lot 28, D.L. 58, Plan 34353), has been made under Section 57 of the Community Charter, 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) Janet T. Thompson
8064 Westlake Street
Burnaby, B.C. - V5A 2B4

REPORT

1.0 BACKGROUND:

On 1993 July 27, a building permit was issued to the property owners, Ms. Thompson and Mr. Carroll, for an addition to the single-family dwelling. The electrical, plumbing and gas permits were subsequently issued to the owners for the associated work.

On 1999 September 27, Mr. Carroll advised Building Department staff that due to a marital breakdown, he was no longer residing at the subject property, and as a result, completion of the addition was on hold until ownership and access issues were resolved.

Staff confirmed completion of the electrical work under permit and approval of the construction, plumbing and gas at the frame and rough-in stage. Ongoing inspections and discussions with Mr. Carroll confirmed that the work remained discontinued, that the premises were secure, and that there were no imminent safety concerns.

Due to complaints concerning the unfinished exterior of the dwelling and items stored in the open garage, Building and Licence Department staff continued to monitor the property while the dwelling remained unoccupied until ownership was resolved in June 2004.

During this interim period, power and gas were disconnected. As the property taxes were in arrears, staff understood that the property may be subject to a Tax Sale effective 2004 September 27. The outstanding permits were cancelled and the owners notified in writing that new permits must be obtained and finalized, should construction resume and before the addition is occupied.

Ms. Thompson now occupies the dwelling. The property taxes are no longer in arrears and power and gas is restored. Staff met with Ms. Thompson on 2004 October 13 to confirm she plans to remain in the dwelling but does not have the financial resources to complete the exterior finish or resume the interior finishing within the addition.

2.0 CONTRAVENTION OF BYLAWS:

The dwelling is occupied although the addition remains incomplete and occupancy has not been approved by the Building Inspector, contrary to Section 7(3) of the Burnaby Bylaw.

The permit has expired as work is discontinued for more than 90 days from the date of the last inspection by the Building Inspector, contrary to Section 18(1) of the Burnaby Building Bylaw.

3.0 CONCLUSION:

The owner is aware that new permits are required to complete the building, plumbing and gas work associated with the addition started in 1993. Staff will continue to work with the owner of the property to bring the dwelling into compliance with City bylaws.

Recognizing the amount of time that has passed during which the property taxes were in arrears and the services disconnected, staff recommend registering a Note Against Land Title to alert potential third party purchasers that the dwelling is in contravention of Section 7 (3) and Section 18 (b) of the Burnaby Building Bylaw.

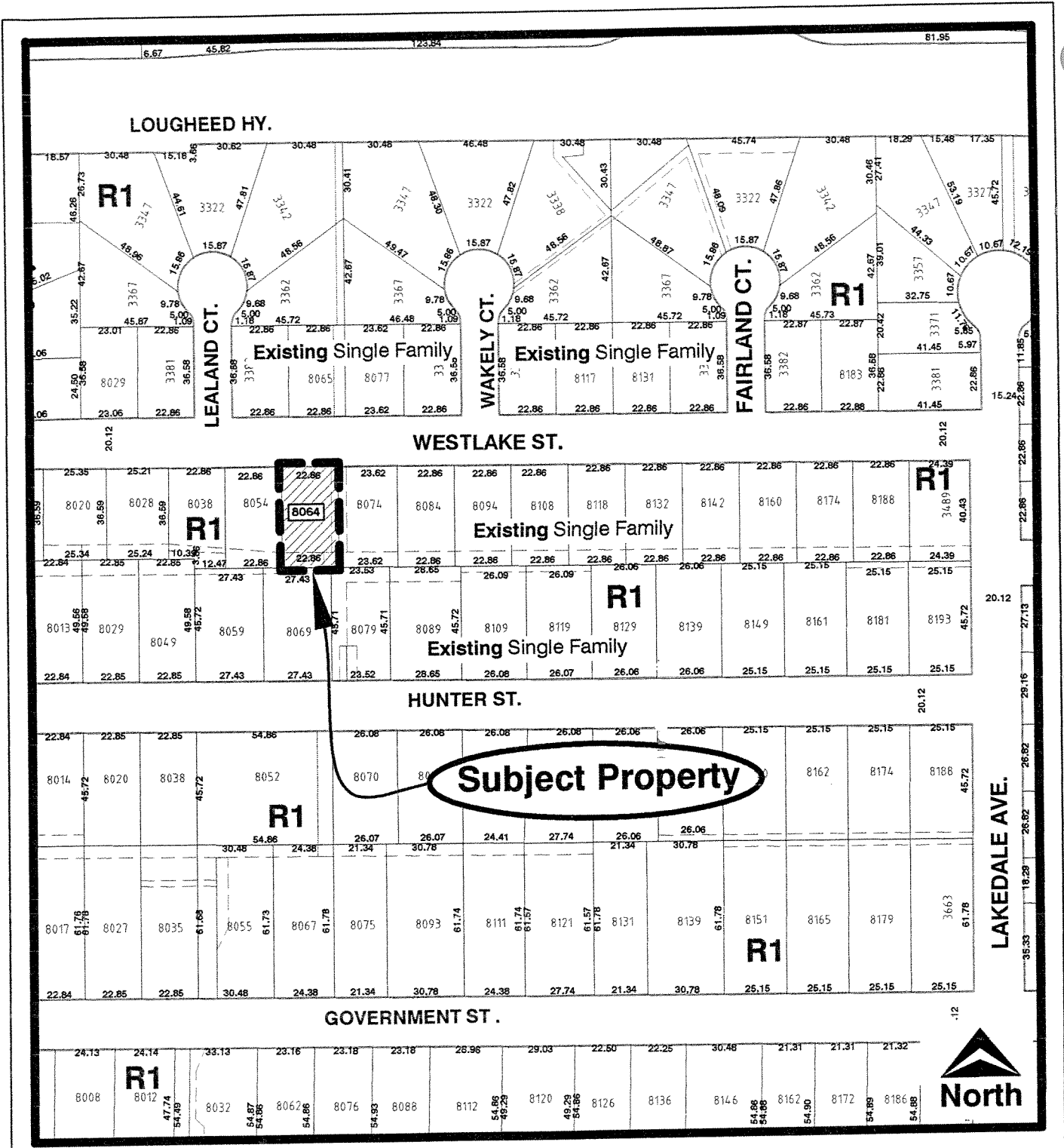


J. S. Belhouse, DIRECTOR
PLANNING & BUILDING

KB:ap
Attach.

q:\bylaw\westlake8064rep.wpd

cc: Deputy City Manager
City Solicitor
City Clerk
Director Finance - (*Attn: M. Baldonero*)
Chief Building Inspector



Planning and Building Department

Scale: 1 = 1500
 Drawn By: J.P.C.
 Date: October 2004

8064 Westlake St.

Sketch # 1