

**TO:** CITY MANAGER 2004 AUGUST 04

**FROM:** DIRECTOR PLANNING & BUILDING

**SUBJECT:** 7809 /7811 NURSERY STREET, BURNABY, B.C.  
LOT 39, BLOCK "A", D.L. 87 , GROUP 1, PLAN 1494  
PARCEL IDENTIFIER: 001 014 021

**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.

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**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 7809/7811 Nursery Street, Burnaby, B.C., has been made under Section 57 of the Community Charter, and
  - b) 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:
  - a) Sita Sami  
7811 Nursery Street  
Burnaby, B.C. - V5E 2B5
  
  - b) Vijendra Kumar Sami  
7811 Nursery Street  
Burnaby, B.C. - V5E 2B5

## REPORT

### 1.0 SUMMARY:

In 1998, following a report from a neighbour, the Building Department found two roof additions had been added to the principal building without permits or approvals.

Since the unauthorized construction exceeds the maximum allowable floor area permitted for the property, staff cannot issue a building permit and have required the property owners to remove the work.

Between 1998 July 30 and 2004 July 29, a number of letters were sent to the owners requesting compliance with the bylaws. The City has made Building Department requirements very clear, but the owners have made no effort to resolve the issues.

During a 2003 September 09 meeting, one of the property owners, Mrs. Sita Sami, expressed her desire to comply with the City's requirements to remove the unauthorized construction but indicated that her financial situation prevented her from doing so.

At a 2004 July 29 meeting, Mrs. Sita Sami indicated that her financial and medical situations have continued to prevent removal of the unauthorized construction. She stated that she plans to put the property up for sale as soon as she can afford to repair a leaking roof.

A Notice registered on Title will encourage the owners to comply with Building Department requirements to remove the unauthorized construction, while protecting potential third party purchasers.

### 2.0 CONTRAVENTION OF BYLAWS:

The roof additions over the existing attached garage and upper rear deck have been built without building permits. Permits are required by Burnaby Building Bylaw 2004, No.11729, Section 7 (1)

### 3.0 CONCLUSION:

The Building Department has provided the owners with ample opportunity to remove the unauthorized construction. Because the owners have indicated that she may be listing the subject property for sale, staff recommend the registering of a Notice on Title to alert any potential purchasers of outstanding issues.

The property owners have been advised that a Notice on Title will be filed.

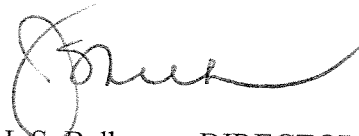
The City Clerk, in keeping with Section 57 will notify the property owners in order to provide them with the opportunity to appear before Council to address this staff report.

The use of Section 57 of the Community Charter to file notices in the Land Title Office is consistent with a Housing Committee Report adopted by Council on 1992 September 28.

*Dwm*

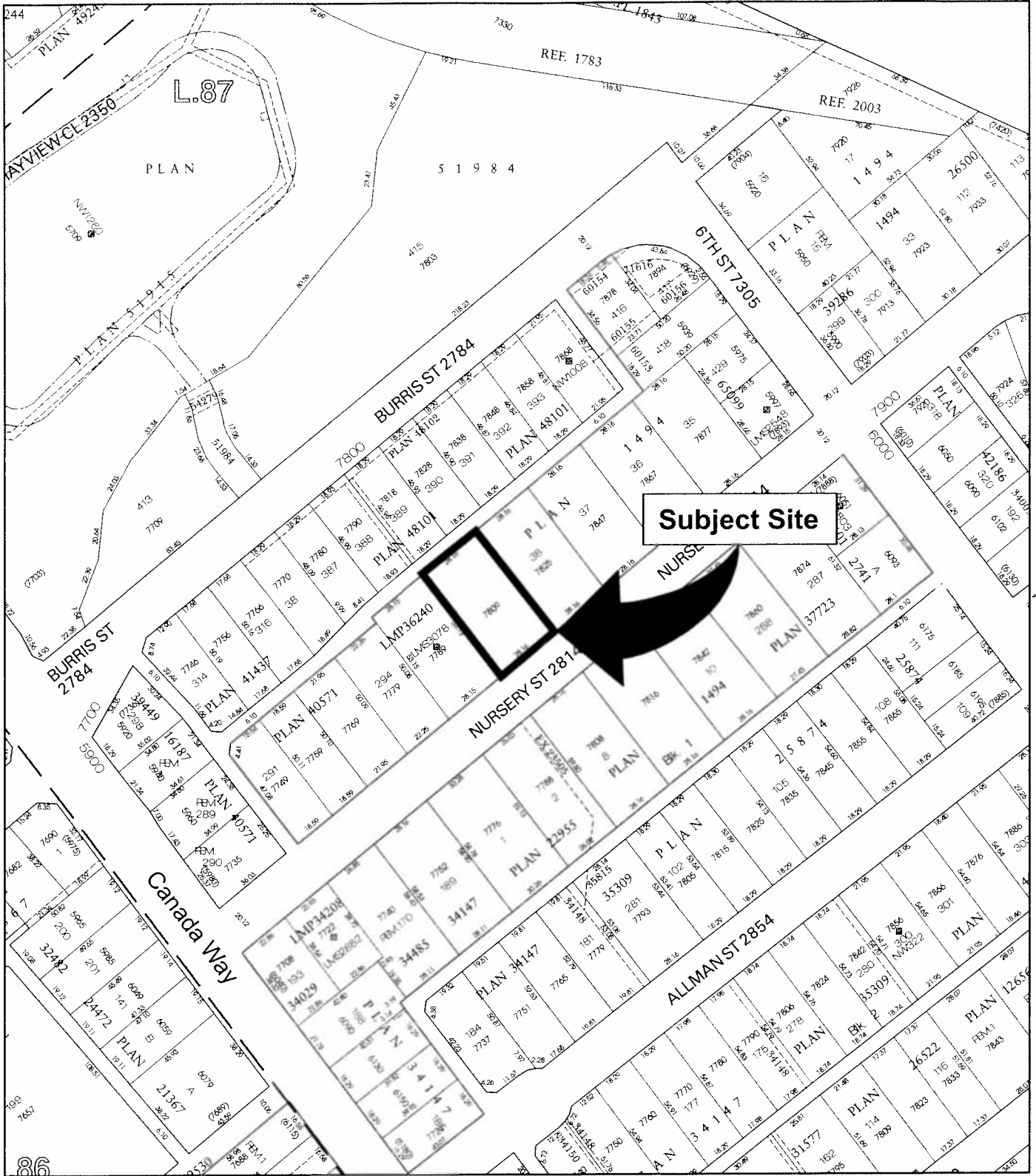
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J. S. Belhouse, DIRECTOR  
PLANNING & BUILDING

cc: Deputy City Manager  
City Solicitor  
City Clerk  
Chief Building Inspector




Date:
Scale:
Drawn By:



City of  
**Burnaby**

Planning & Building Dept.



**7809/7811 Nursery Street**  
**Lot 39, Block "A", D.L.87, Group 1, Plan 1494**