

TO: CITY MANAGER 2004 AUGUST 04

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 4083 BRANDON STREET, BURNABY, B.C.
LOT 3, D.L. 34, PLAN 20859

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 4083 Brandon Street, Burnaby, B.C., (Lot 3, D.L. 34, Plan 20859), 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 owners:
 - 1) Harjinder Chohan and Baldish Chohan
4083 Brandon Street
Burnaby, B.C. - V5G 2P7

REPORT

1.0 BACKGROUND:

As a result of two separate complaints received from the public regarding unauthorized construction occurring at the subject single-family dwelling and the presence of illegal suites, Building Department staff inspected the premises on 2002 April 03 and April 10.

It was determined that the rear deck had been extended, a portion of the rear deck had been fully enclosed as an addition to the house, and two self-contained suites on the first floor had been constructed without benefit of the required building, electrical and plumbing permits, and in contravention of the Zoning, Building, Electrical and Plumbing bylaws. The owners were advised that the rear addition could not be retained under permit as the house exceeds the maximum allowable above-grade floor area requirements of the Zoning Bylaw.

Although the owners initially indicated a willingness to bring the premises into compliance, it was necessary to seek Council's authorization on 2003 May 26 to commence legal proceedings in order to obtain compliance with the City bylaws.

Compliance was achieved with respect to the illegal suites on 2004 April 01, however, removal of the unauthorized addition remains outstanding. On 2004 April 26, the B.C Supreme Court issued an Order requiring the owners to bring the property into compliance with the City bylaws no later than 2004 July 30. In order to achieve this, the owners are required to remove the addition to the rear of the dwelling above the garage, restore the garage roof deck with an approved roofing material and restore the building paper and exterior cladding at the rear of the dwelling.

At the request of the owners, an extension to 2004 August 30 was granted, however, staff have learned that the property is now listed for sale.

2.0 CONCLUSION:

The owners and realtor were notified by letter that the Real Estate Act requires disclosure of the outstanding status of this property to all prospective purchasers, and that staff intend to request that City Council direct the City Clerk to file a Note Against Land Title.

Staff will continue to work with the owners of the property to bring the dwelling into compliance with the Building Bylaw and related bylaws. At the same time, a Notice against Land Title will alert any third party purchasers that the dwelling is in contravention of Part 2, Section 7 of the Burnaby Building Bylaw.

DWM

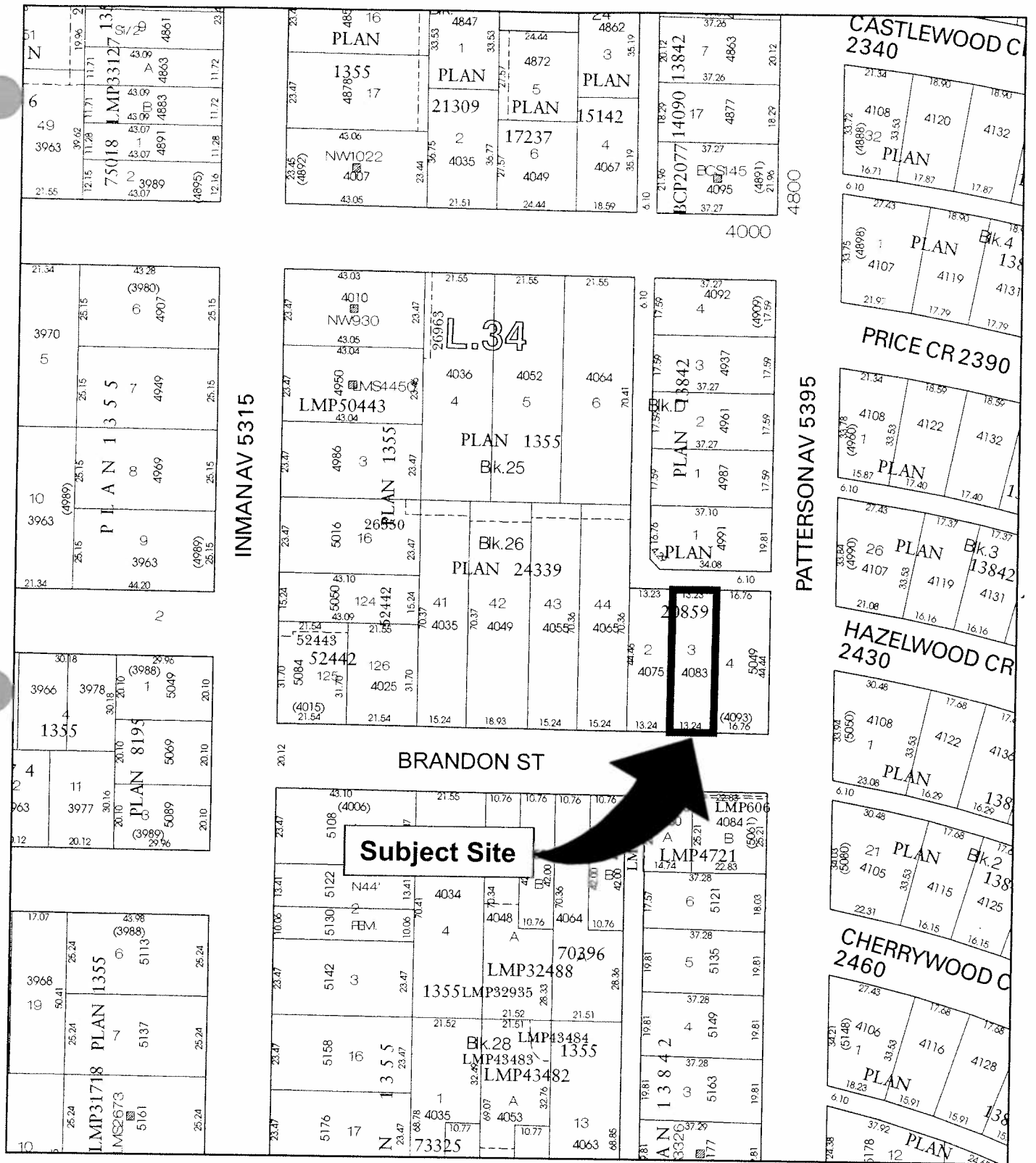
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J.S. Belhouse, DIRECTOR
PLANNING & BUILDING

cc: Deputy City Manager
City Solicitor
City Clerk



Date:

Scale:

Drawn By:



4083 Brandon Street, Burnaby, B.C.
 Lot 3, D.L. 34, Plan 20859



