

**TO:** CITY MANAGER

2005 APRIL 12

**FROM:** DIRECTOR PLANNING & BUILDING

**SUBJECT:** 7213 - 10<sup>TH</sup> AVENUE, BURNABY, B.C.  
LOT 3, D.L. 53, PLAN 11062

**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 7213 - 10<sup>th</sup> Avenue, Burnaby, B.C., Lot 3, D.L. 53, Plan 11062, 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:
  - (a) Farial Manji  
7213 - 10<sup>th</sup> Avenue  
Burnaby, B.C.  
V3N 2R7
  
  - (b) Mohammed A. Malik  
7213 - 10<sup>th</sup> Avenue  
Burnaby, B.C.  
V3N 2R7

## REPORT

### 1.0 SUMMARY:

On 2004 August 04, following a complaint, Building Department staff inspected the subject single-family dwelling and noted that the property owners have completed revisions and additions to the dwelling without permits and approvals.

The lower floor layout has been revised and a secondary suite constructed, the attached garage has been finished to a self-contained suite, a covered deck on the main floor has been enclosed and finished to habitable area and a new rear deck with an aluminum canopy has been constructed.

Although letters have been sent and the matter discussed with the property owners, they have not submitted a building permit application or removed the unauthorized construction.

### 2.0 CONTRAVENTION OF BYLAWS:

The property owners are in contravention of Burnaby Building Bylaw 2004, Section 7.(1)(2), Burnaby Electrical Bylaw 1974, Section 9.(b), Burnaby Plumbing Bylaw 2004, Section 4.(1)(a)(b).

### 3.0 CONCLUSION:

The most recent voice mail received by the Building Department staff suggested that one of the property owners is leaving the country for an indeterminate period of time. Recognizing that an earlier listing for this property was withdrawn during our enforcement action, Building Department staff recommend filing a Notice in the Land Registry Office to ensure that should the owners decide to list the property again, potential purchasers are made aware of the contravention of City bylaws.

Building Department staff hope to obtain the cooperation of the property owners in this matter, however, if no progress is made towards resolving the outstanding issues, legal action may be necessary to gain compliance with City bylaws.

7213 - 10<sup>th</sup> Avenue, Burnaby, B.C.  
2005 April 12

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



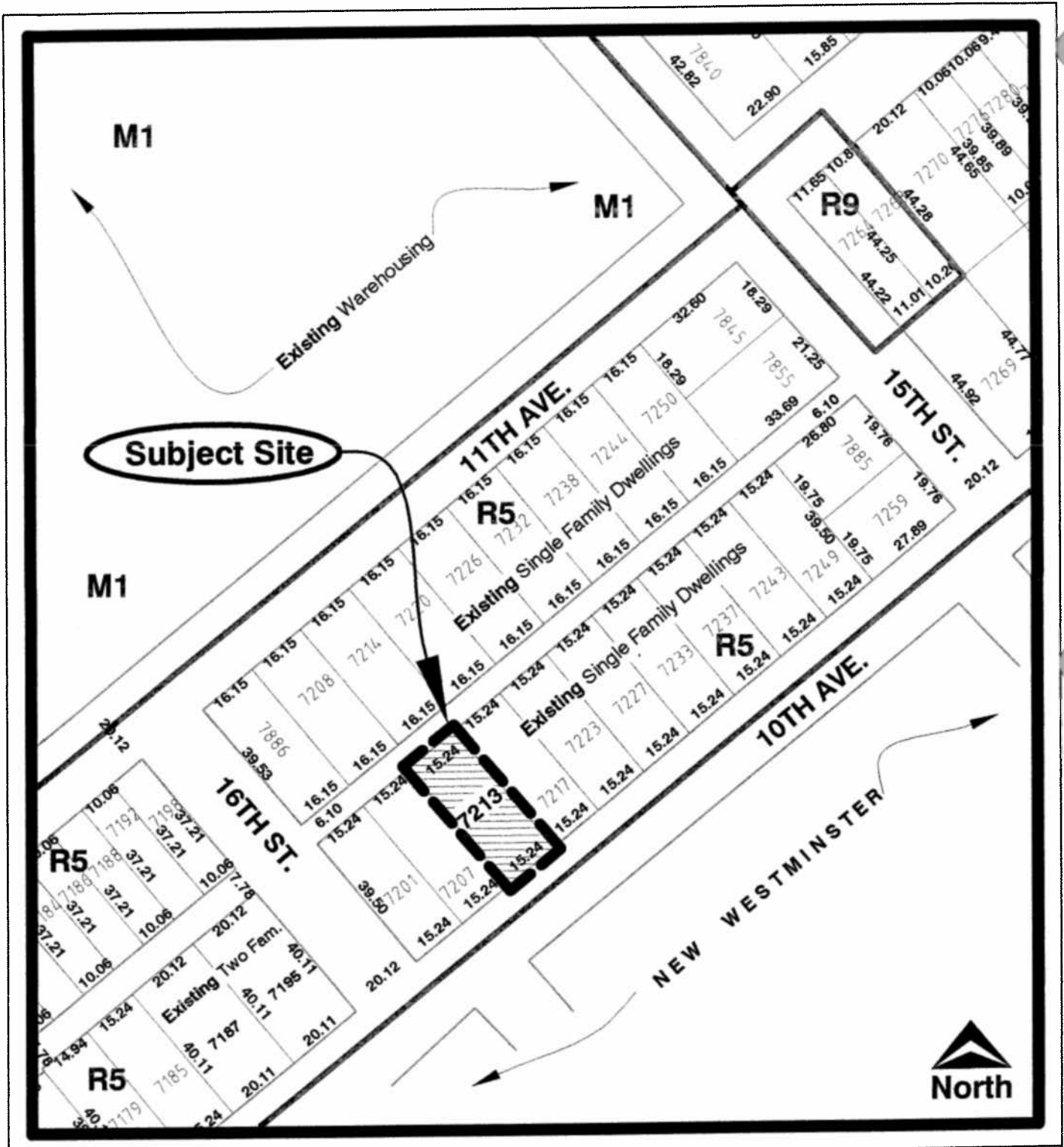
J.S. Belhouse, DIRECTOR  
PLANNING & BUILDING

LP:ap

*Attach.*

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



**Planning and Building Department**

Scale: 1 = 2000

Drawn By: J.P.C.

Date: March 2005

**7213 Tenth Avenue**  
 Lot 3 Block DL 53 Plan:11062

Sketch # 1