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**COUNCIL REPORT**

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**TO:** CITY MANAGER **DATE:** 2006 MAY 12

**FROM:** DIRECTOR PLANNING & BUILDING **FILE:** RFS01-01225

**SUBJECT:** 8084 - 17TH AVENUE, BURNABY, B.C.  
LOT 25, D.L. 27, PLAN NO.23028

**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 the 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 8084 – 17<sup>th</sup> Avenue, 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 offices of the City Clerk, City of Burnaby.
  
- 2) **THAT** a copy of this report be sent to the following owners:
  - a) Wayne Cattoni  
8084 – 17<sup>th</sup> Avenue  
Burnaby, B.C. – V3N 1M6
  - b) Carolyn Cattoni  
8084 – 17<sup>th</sup> Avenue  
Burnaby, B.C. – V3N 1M6

To: City Manager  
From: Director Planning & Building  
Re: 8084 - 17th Avenue, Burnaby, B.C.  
Lot 25, D.L. 27, Plan No.23028  
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## REPORT

### 1.0 SUMMARY:

On 1994 July 21, in response to a report of unauthorized construction, City staff conducted an inspection and noted construction of an addition under way without permits or approvals, in contravention of Burnaby Building Bylaw No. 6333.

The owners were advised by letter dated 1994 July 26 to make a building permit application to determine if a building permit could be granted. On 1994 December 05, a building permit was issued for a front addition to the existing single-family dwelling.

A progress inspection on 1999 December 07 determined that the addition had been completed without all of the required inspections. Subsequent letters to owners, requesting access for inspection, met with no response. The property was sold in 2000 January and the new owners were advised by letter dated 2000 March 07 to arrange for a building inspection. City staff conducted an inspection on 2000 April 13 and provided the new owners with inspection results by letter noting Building Code violations. The owners then advised the City that they planned to take legal action against both the Real Estate company who sold the property and the City of Burnaby.

As legal action did not proceed, City staff contacted the owners on 2002 August 21 and were advised that the owners had no interest in working with the City to resolve this matter. On 2003 January 08, City staff contacted the owners by letter requesting they discuss possible solutions to resolve the non-compliant construction. The owners consulted a professional Engineer who inspected the front addition, reported a considerable list of deficiencies and recommended taking down the addition and rebuilding. The City was advised by letter that the Court case against the Real Estate company was scheduled to commence on 2005 November 28. On 2005 November 14, the owners' legal counsel advised the City by letter that an out-of-court settlement had been reached. The owners would like to demolish the existing house and rebuild. Although the owners would now like to resolve this matter, they advise that a lack of funds to rebuild and Mr. Cattoni's ongoing health problems prevent them from doing so at this time.

### 2.0 CONTRAVENTION OF BYLAWS:

The property is in contravention of Burnaby Building Bylaw No. 11729, Section 21 (1) in that construction has been completed without obtaining the necessary inspections.

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The owners of the subject property are required to complete repairs to the front addition to conform to 1998 B.C. Building Code under a new building permit or demolish the existing house and rebuild.

**3.0 CONCLUSION:**

The owners of the subject property have stated their intentions to demolish the existing dwelling and rebuild. For financial and health reasons, they have requested a time extension. The Building Department will continue working with the owners to resolve the outstanding issues.

Should a forced sale of this property become necessary, a Notice on Title would alert any potential third party purchasers of the outstanding contravention of City bylaws.

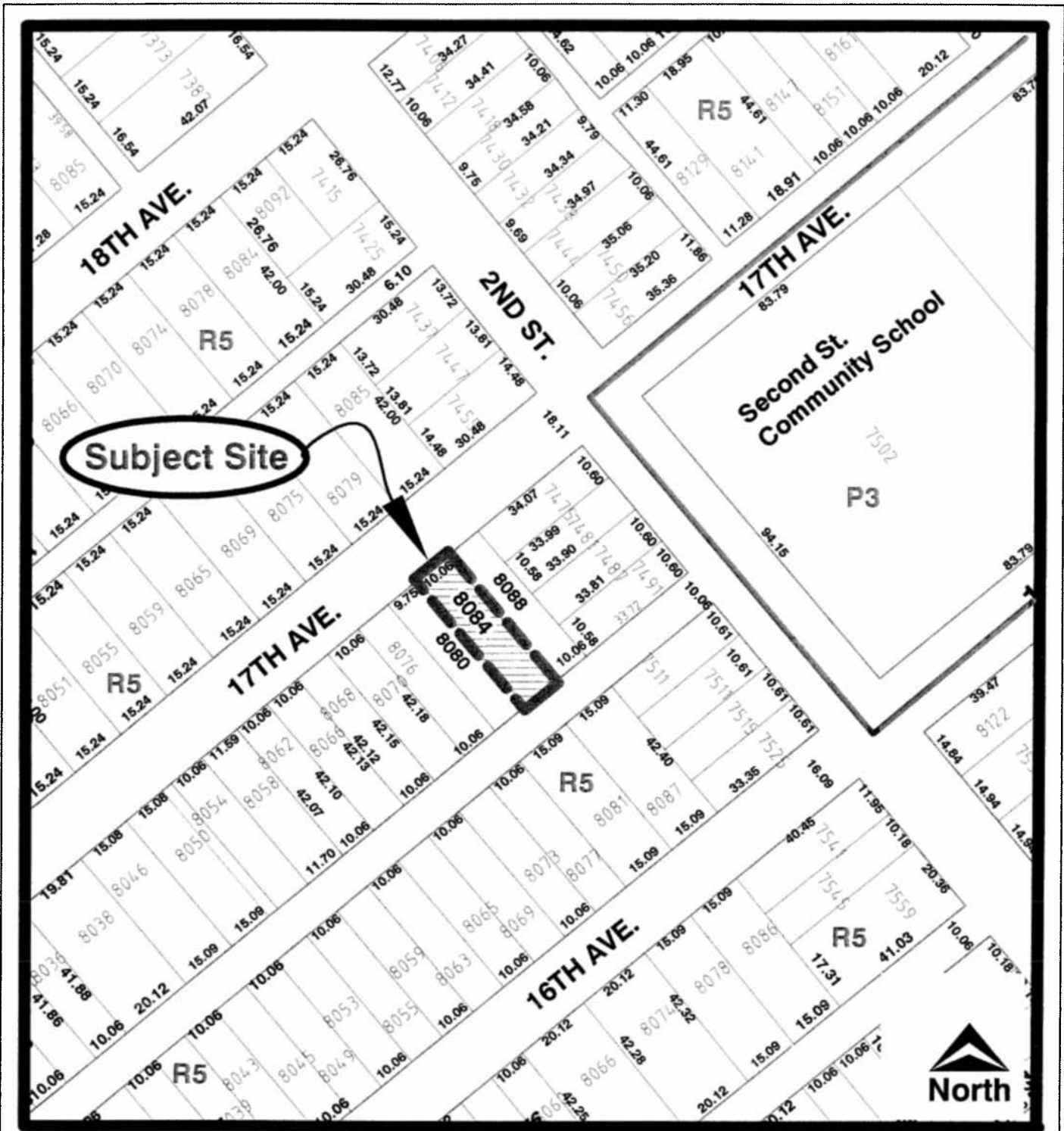
The use of Section 57 of the Community Charter to file notices in the Land Title Office is consistent with a Housing Committee Report adopted by Council on 1992 September 28.

CBL:ap  
Attach.  
q:\bylaw\8084-17thaveCnclrep



J. S. Belhouse  
DIRECTOR PLANNING & BUILDING

cc: Deputy City Manager  
City Solicitor  
City Clerk  
Director Finance – (Attn: D. Foxgord)  
~~Chief Building Inspector~~



**Planning and Building Department**

Scale: 1 = 2000  
 Drawn By: J.P.C.  
 Date: May 2006

**Council Report**  
 8084--17 th Ave.  
 (To Request Placing Notice on Title)

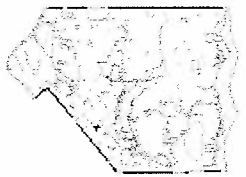
**Sketch # 1**

8084 17th Ave.

May 16, 2006



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- Selected Features
- Streets
- Skycrain Stations
- Skycrain Lines
- Street Addresses
- Addresses
- Lot
- Street Intersections
- Traffic Signal
- Speed Humps
- Speed Limits
- Roads
- Private
- Residential
- Collection
- Airport
- Freeway
- Hydrology
- Colour 2004
- Parks
- Boundary

Map Scale  
1 : 1000

