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**TO:** CITY MANAGER **DATE:** 2007 October 30

**FROM:** DIRECTOR PLANNING & BUILDING

**SUBJECT:** 5115 MCKEE STREET, BURNABY, BC  
LOT 12 DISTRICT LOT 158 GROUP 1 NEW WESTMINSTER DISTRICT

**PURPOSE:** To request a council resolution to file a notice in the land title office pursuant to Section 57 of the Community Charter.

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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 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) Matthew Chung Shing Tin  
Wan Chun Tsai  
5115 McKee Street  
Burnaby, BC V5J 2T5

**REPORT****1.0 SUMMARY**

The Building Department received a complaint that a detached two car garage had been constructed at the rear of the subject dwelling and was encroaching into a neighbor's yard. Following a building inspector's site inspection, the property owners were notified that a building permit is required for this construction. The dwelling is now listed for sale.

To: City Manager  
From: Director Planning & Building  
Re: Resolution to File a Notice in the Land Title Office  
5115 McKee Street, Burnaby, BC  
Lot 12 District Lot 158 Group 1 New Westminster District  
2007 October 30 ..... Page 2

## 2.0 BACKGROUND

The new single family dwelling constructed at this site was approved for occupancy on 2007 June 07. Although the approved plans for building permit BLD06-01075 show a proposed detached two car garage, the garage was not constructed at the time of final inspection.

Following the receipt of complaints from neighboring properties that a detached two car garage had been constructed, Building Department staff inspected the property and determined that the garage had been built without permits or inspections following final approval of the single family dwelling.

The Building Department notified the property owners that a building permit is required for this unauthorized construction however the owners have not responded.

The Building Department was notified by the complainant that the property has been listed for sale and has contacted both the realtor and owners advising them that any potential purchasers must be made aware that the property is in contravention of City bylaws.

## 3.0 CONTRAVENTION OF BYLAWS


Any construction or alteration, without first obtaining a permit, is a violation of Section 7.(1) of Burnaby Building Bylaw No. 11729.

## 4.0 CONCLUSION

The filing of a note against Land Title will ensure that potential purchasers are informed that this property is in 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.

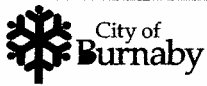
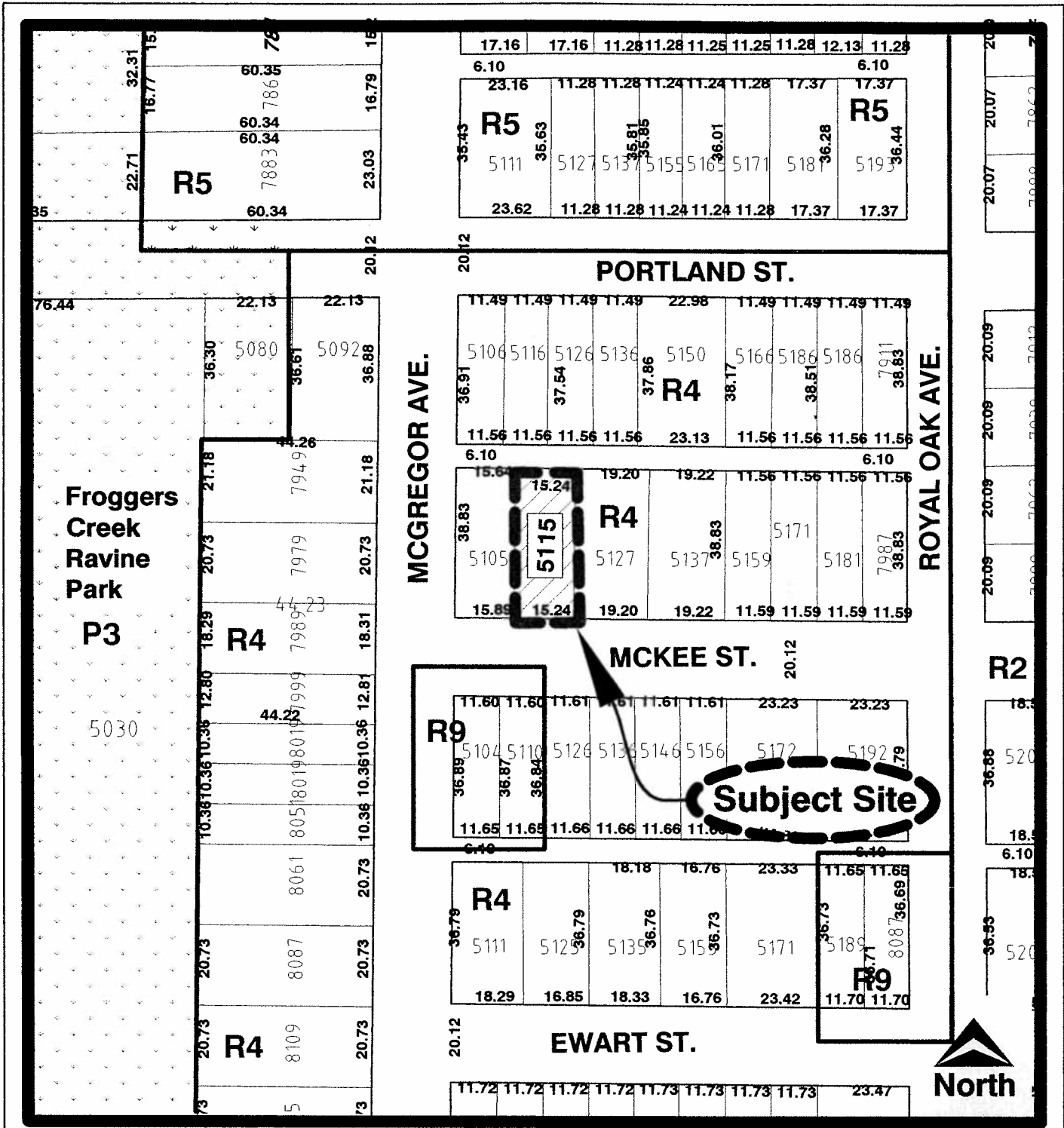
The City Clerk, in keeping with Section 57(2) of the Community Charter has notified the property owners and provided them with the opportunity to appear before Council to address this staff report.

  
B. Luksun, Director  
PLANNING & BUILDING

LP:su  
Attachments

Copied to: City Solicitor  
Director Finance  
Chief Building Inspector

P:\Bylaw\notice on title reports\5115 McKee REPORT.doc



**Planning and Building Department**

**Scale:** 1 = 1500

**Drawn By:** J.P.C.

**Date:** November 2007

**Council Report**  
**5115 MCKEE ST.**  
 Lot 12, District Lot 158, Plan 14557

**Sketch # 1**