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

**FROM:** DIRECTOR PLANNING & BUILDING

**SUBJECT:** 7353 BRAESIDE DRIVE, BURNABY, BC  
LOT 57, DL 216, PLAN 10936

**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:

Saverio Racanelli  
Viviana Racanelli  
7353 Braeside Drive  
Burnaby, BC - V5A 1G2

**REPORT****1.0 SUMMARY**

An Occupancy Certificate has not been issued for the single-family dwelling at the subject property. The property is occupied and for sale.

To: City Manager  
From: Director Planning & Building  
Re: Resolution to File a Notice in the Land Title Office  
7353 Braeside Drive, Burnaby, BC  
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## 2.0 BACKGROUND

In 1996, the owner applied to have this property rezoned to R2a to build a bigger house than allowed under the existing R2 zoning.

The rezoning was approved in 1996 September 09 along with a covenant that specified plans for the house and landscaping. On 1996 September 11, the City issued a building permit for a three storey house, attached garage, in-ground swimming pool and spa. Electrical, plumbing, heating and gas permits for the project were issued shortly afterwards.

In 1997 April, staff found that the covenanted landscape plan was being ignored and that the crawl space marked on the approved building plans was being developed. The owner refused to comply with the covenant or building plans, applied for an amendment to the covenant and on 1997 October 11, brought a Court action challenging the City's authority to request a covenant as a condition of rezoning. The matter was heard in Court in 1998 February and in 1998 March, the Court dismissed his action, holding that the covenant was valid.

In the meantime, on 1997 November 06 and 07, the Building Inspector posted "Stop Work" orders because boarding had started without framing inspection being approved. The owner said he would continue working. He posted a "No Trespassing" sign on 1997 November 17 and refused to allow the Building Inspector to inspect.

After dismissal of his Court action, the owner agreed to sign a covenant amendment resolving the landscape and crawl space issues.

The Building Inspector visited the site on 1998 March 24 and found work had carried on and the house was occupied by the owners.

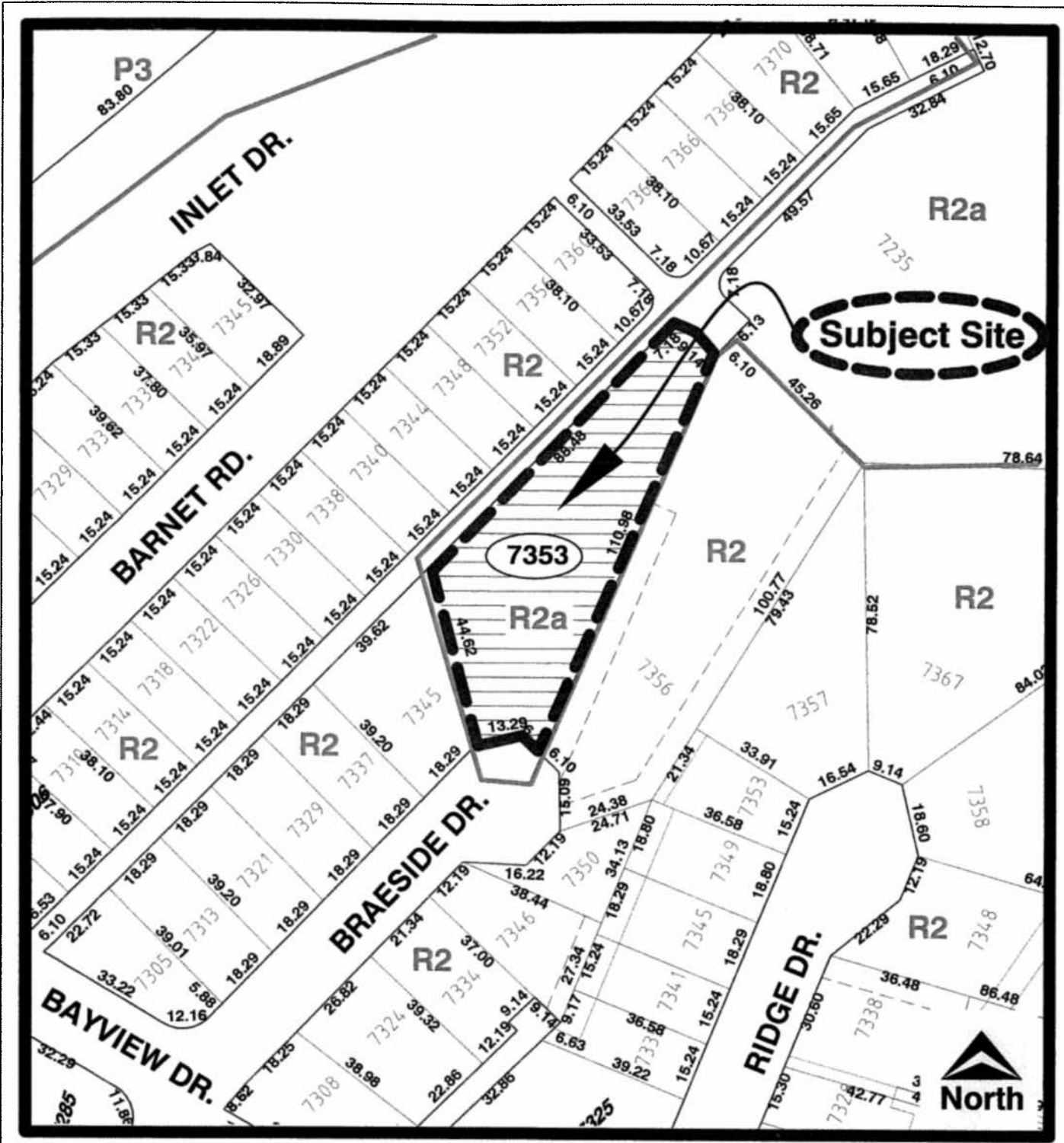
The owner called for Plumbing and Gas Inspections. Plumbing was finalled on 1999 April 21 and Gas was finalled on 1998 November 18. The owner has not called for Building or Electrical inspections. Building work is approved to the sheathing stage, Electrical work to the rough-in stage. Work has continued at the house. The Building permit for the house has expired.

At the time the "Stop Work" orders were posted, City policy was to put a Notice on Title only when the property was for sale. The property is now for sale. A Notice on Title will notify prospective purchasers of contraventions of municipal bylaws.

## 3.0 CONTRAVENTION OF BYLAWS

Work has been covered without inspections contrary to Section 21(1)(c) of Burnaby Building Bylaw 11729. The premises are occupied and listed for sale without a Certificate of Occupancy being issued, contrary to Section 7 (3) of Burnaby Building Bylaw 11729.





**Planning and Building Department**

Scale: 1 = 1500  
 Drawn By: J.P.C.  
 Date: November 2007

**Council Report**  
 7353 Braeside Dr.  
 Lot 57, District Lot 216, Plan 10936

Sketch # 1