
TO: CITY MANAGER **DATE:** 2008 JULY 10

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 277 HOWARD AVENUE, BURNABY, BC
LOT 108, D.L. 127, GROUP 1, PLAN 49812, N.W.D.

PURPOSE: To request a Council resolution to file a Notice in the Land Title office pursuant to Section 57 of the Community Charter.

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 277 Howard Avenue, Burnaby, B.C. has been made under Section 57 of the Community Charter, and 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) Loredana Balic and Stjepan Balic
277 Howard Avenue
Burnaby, B.C. – V5B 3P6

R E P O R T**1.0 SUMMARY**

The subject property is located at 277 Howard Avenue, Burnaby. (See *attached* sketch). The property contains unauthorized construction which is the subject of a complaint of an unauthorized enclosed sunroom received in 2006 January 17. A building permit cannot be obtained as the property is at maximum development permitted.

To: City Manager
From: Director Planning & Building
Re: Resolution to file a notice in the Land Title Office
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2.0 BACKGROUND

On 2007 March 07, Building Department staff found that a sunroom had been added to the main floor on the south side of the subject property. Floor area calculations determined that the property had already been developed to the maximum floor area permitted.

3.0 CONTRAVENTION OF BYLAWS

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

"No person shall commence or continue construction or change the occupancy of any building, structure or part thereof, unless the Building Inspector has issued a permit for the construction and that permit remains in force."

4.0 CONCLUSION

Staff will continue working with the property owners to resolve this matter. We recommend filing a Notice in the Land Title Office to ensure that in the event of a sale of the property, future purchasers are aware of the contravention of City bylaws.

The use of Section 57 of the Community Charter to file notices in the Land Title Office is consistent with the 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.

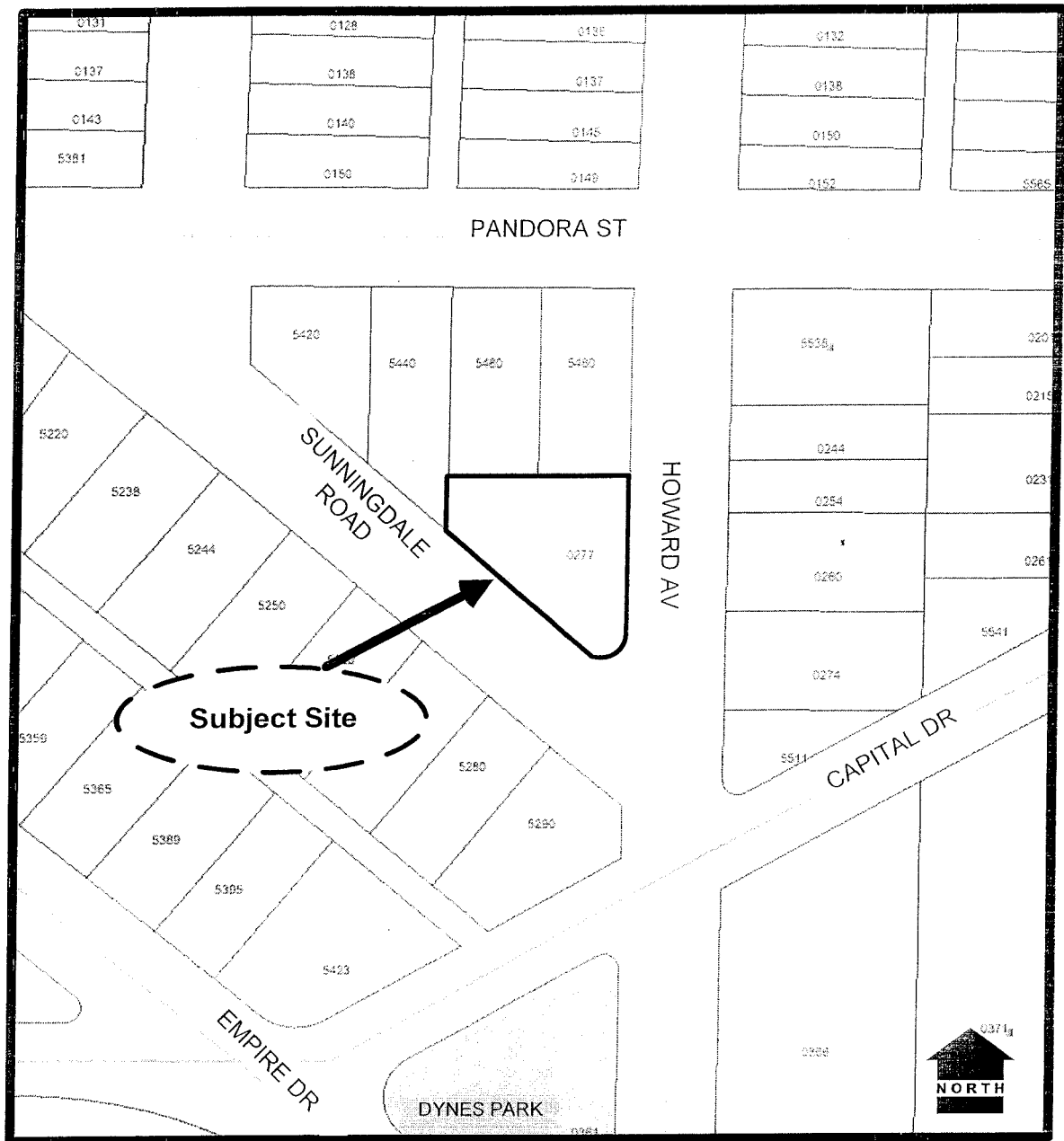


B. Luksun
Director Planning & Building

CL:ap
Attach.

P:\Bylaw\note on title reports\BLD-277Howard Averev(date).doc

Copied to: Deputy City Manager
City Solicitor
City Clerk
Chief Building Inspector



Planning and Building Department

Scale: 1 = 1500

Drawn By: S.U.

Date: December 2007

Council Report

277 Howard

LOT 108, D.L. 127, GROUP 1, PLAN 49812, N.W.D.

Sketch #1