



Item.....	/b
Meeting.....	2008

COUNCIL REPORT

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**TO:** CITY MANAGER **DATE:** 2008 APRIL 21

**FROM:** DIRECTOR PLANNING & BUILDING

**SUBJECT:** 7327 - 12TH AVENUE, BURNABY  
LOT 17, BLOCK 4, DL 28, PLAN 3035

**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 7327 – 12<sup>th</sup> Avenue, Burnaby, BC, has been made under Section 57 of the Community Charter, and
  - (b) Further information respecting the resolution may be inspected at the office of the City Clerk, City of Burnaby.
  
2. **THAT** a copy of this report be sent to the following owners:
  - (a) Raghubiner Jaryal & Shama Jaryal  
7327 – 12<sup>th</sup> Avenue  
Burnaby, BC - V3N 2J6

**REPORT**

**1.0 SUMMARY**

The subject property is located at 7327 – 12<sup>th</sup> Avenue, Burnaby, BC. (See *attached sketch*). The property has construction without permits on the main and lower floors of this two level bungalow which is in contravention of Section 7 of the Building Bylaw. The owners have not removed the unauthorized construction or applied for permits for what new work they can keep, and now intend to sell the property.

To: City Manager  
From: Director Planning & Building  
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## 2.0 BACKGROUND

On 2006 July 18, the Building Department was notified that there was construction without permits on the main and lower floors of this bungalow built in 1951.

Following an inspection, Building staff noted that construction without permits included:

- a) a new bathroom added to the master bedroom
- b) a new family room next to the kitchen
- c) a new sundeck and staircase
- d) two suites on the lower floor with kitchens and bedrooms
- e) a separate laundry room

The owners were requested to remove the unauthorized construction or to apply for a building permit for the new construction. They were also advised that some of the work completed did not meet code and would have to be rebuilt to meet building code standards.

Staff have written to the property owners and discussed the matter with them but they have not undertaken to complete the building permit process to bring the works into compliance or to remove the unauthorized construction.

## 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, however, we recommend filing a Notice in the Land Title Office to ensure that any potential future purchasers of the property 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 policy adopted by Council on 1992 September 28.

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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

JMK:ap  
Attach.  
P:\Bylaw\notice on title reports\BLD-7327 - 12TH AVE.doc

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

**7327 Twelfth Avenue, Burnaby BC**

April 04, 2008



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Map Scale  
1 : 1000