
TO: CITY MANAGER **DATE:** 2009 October 05

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 7953 BURNFIELD CRESCENT
LOT 152, D.L. 87, GROUP 1, N.W.D. PLAN 31698

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 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 owner:
 - (a) Ashwani Kalia
7953 Burnfield Crescent
Burnaby, BC - V5E 2B8

REPORT**1.0 SUMMARY:**

In response to a complaint received in 2003 October alleging unauthorized construction, Building Department staff inspected the subject premises and determined that extensive renovations have been done without permits.

The unauthorized works include the enclosure of the existing covered rear deck to a TV room; the construction of a new rear deck with aluminum roof with storage and laundry facilities constructed under the deck; the addition of a study and prayer room to the side of the dwelling and partial enclosure of the existing carport under the study and prayer room; and the construction of two suites in the basement of the dwelling.

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2.0 BACKGROUND:

The Building Inspector posted a Notice of Suspension at the site on 2003 October 09. The property owner was advised that a building permit was required for the renovations and additions to the dwelling.

On 2004 March 16, a further order was posted on site by the Building Inspector requiring the property owner to submit drawings to the Building Department for the additions and renovations being constructed without permit.

A letter was sent to the property owner on 2004 March 29, requiring that he obtain a building permit for the unauthorized construction or removal would be required.

The property owner did not respond to these requests.

In early 2009, a review of all outstanding request for service files was conducted by the Building Department. During this review it became apparent that the necessary follow up actions on this file had not been completed.

On 2009 February 10, Building Inspections referred the file to Bylaw Services and access to the premises for an inspection was provided by the property owner on 2009 March 31.

The Building Department's 2009 April 01 letter to the property owner listed the building, electrical and plumbing corrections required to bring the dwelling into compliance with City bylaws and required the owner to submit a building permit application by 2009 May 15.

The owner did not submit a permit application by the 2009 May 15 deadline.

Following a 2009 May 15 discussion with the property owner about this matter, an email and a letter were sent requiring a building permit application by 2009 July 03. The owner was also informed that the range(s) would need to be removed from the unauthorized basement suites by that same deadline unless the building permit application included the necessary documentation for an in law suite licence (one suite only).

On 2009 July 09, the property owner stated via email that one suite is now vacant. He did not submit the necessary plans and building permit application for the unauthorized construction, although he has stated his intention to do so. A designer hired to prepare the plans has contacted the Residential Plan Checking Section of the Building Department; however, the property owner has not provided a specific submission date.

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3.0 CONTRAVENTION OF BYLAWS:

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

"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:

Building Department staff recommend the filing of a Notice in the Land Title Office. Should the property be listed for sale while enforcement action is underway, this will ensure that potential purchasers will be advised of City bylaw contraventions.

Building Department staff will continue to work with the property owner to resolve this matter. If necessary, legal action will be pursued to ensure compliance with 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 provided the property owner with notice of this report and the opportunity to appear before Council.



B. Luksun, Director
Planning & Building

LP:su/ap

Attach.

P:\Bylaw\Notice on Title Reports\BLD-7953 Burnfield.doc

Copied to: City Clerk
City Solicitor
Director Finance
Chief Building Inspector

7953 Burnfield Crescent

April 27, 2009



- Scanned Foot
L.P.M.
- Street Lights
- Street
Markers
- Street Lines
- Air Space
Addresses
- Street
Addresses
- Addresses
- Air Space
- Lot
- Street
Intersections
- Two Signal
Road Jumps
- Open Space
- Roads
- Trails
- Private Lot
- College
- Arts
- Planning
- Color 2003
- Topography
- Parcel
- Tree
- Boundary

This information has been gathered and assembled on the City of Burnaby's computer systems. Data provided herein is derived from a number of sources with varying levels of accuracy. The City of Burnaby disclaims all responsibility for the accuracy or completeness of information contained herein.

Map Scale
1 : 750