

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2009 October 14

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 4223 VICTORY STREET, BURNABY, BC
LOT E, D.L. 149, N.W.D PLAN BCP4842

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 in contravention of City Bylaws.

RECOMMENDATIONS:

1. **THAT** Council direct the City Clerk to file a Notice in the Land Title Office stating:
 - (a) A resolution relating to the land at 4223 Victory Street, 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) Harjinder Singh & Surjit Kaur Mahal
4223 Victory Street
Burnaby, BC V5C 1N7

REPORT**1.0 BACKGROUND:**

The subject property is located at 4223 Victory Street, Burnaby, BC – (see attached Appendix A). Following a complaint of illegal suites, Building staff inspected the subject property on 2009 August 05 and 2009 October 08 and found three unauthorized cooking facilities on the ground floor. The double car garage (required parking area) is now unauthorized habitable space.

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Re: 4223 VICTORY STREET, BURNABY, BC
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At the time of inspection, Building staff told the owners to return the garage to a parking area and they must obtain a building permit for other work. When they apply for a building permit, staff will review the plans and determine what portion of the work they may keep.

2.0 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."


3.0 CONCLUSION:

Staff will continue working with the property owners to resolve this matter. Because the property is up for sale, Building staff recommend filing a Notice in the Land Title Office to ensure that any potential future purchasers are aware of the contravention of City Bylaws.

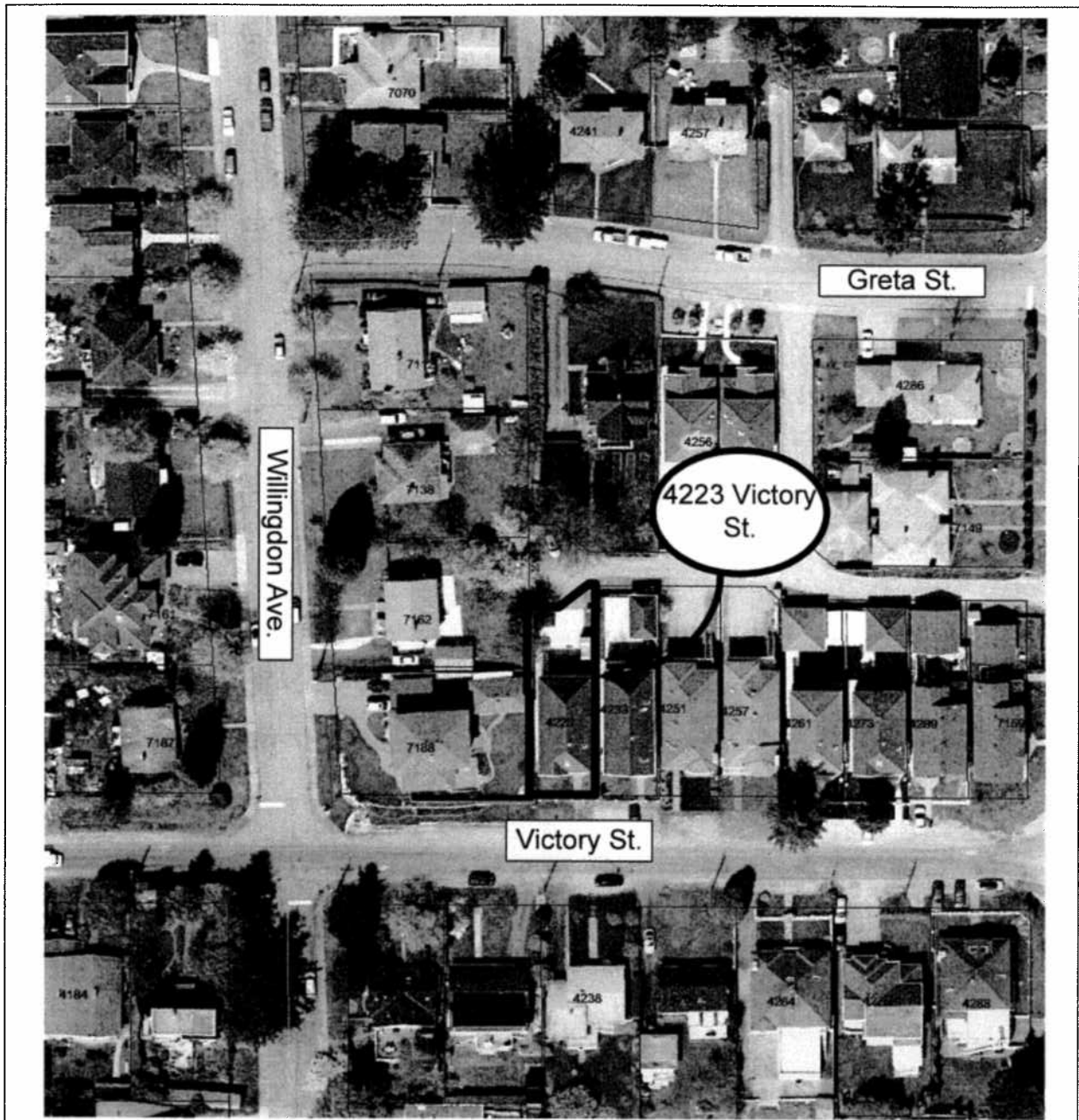
The use of Section 57 of the Community Charter to file notices in the Land Title Office is consistent with the Housing Committee Report adopted by Council on 1992 September 28.

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.


Basil Luksun, Director
Planning & Building

 JMK:jmk
Attachment

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



Planning and Building Department

Scale: 1 = 1500

Drawn By: su

Date: 2009 October 14

Council Report

4223 Victory Street, Burnaby, BC

Lot E, D.L. 149, N.W.D. PLAN BCP4842

Sketch #1