



Item.....	03
Meeting.....	2009

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2009 January 29

FROM: PLANNING AND BUILDING

SUBJECT: 6439 BURNS STREET, BURNABY
LOT 11, DL 92, PLAN 14066

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.

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 6439 Burns 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 owner:

Hand Delivered
& Registered Mail:

Manohanjit Singh
6439 Burns Street
Burnaby, BC V5E 1T3

Alternate address
Registered Mail:

Manohanjit Singh
c/o Karamjit Singh
369 Hickey Drive
Coquitlam, BC V3K 5Z4

REPORT

1.0 SUMMARY

The subject property is located at 6439 Burns Street, Burnaby, BC. (See *attached sketch*). The property owner obtained a building permit for structural changes to the roof of the house. Work started; but did not receive final approval from the Building Department because it was not built as shown on the approved drawings.

The permit expired and the Building Department granted two permit extensions to correct and complete the work. The property changed ownership from father to son and a subsequent inspection carried out by staff with the new owner revealed additional work was initiated throughout the house without permits.

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The owner has not applied for permits as requested for the new work. As no one lives on the property, it may be offered for sale in the near future.

2.0 BACKGROUND

In 2002 October building permit BLD02-01523 was issued for structural changes to the roof of the subject house. Construction started in 2003 September; and, when inspected on 2005 June 12, did not receive final approval because the work was not finished. The building permit expired 2003 April 01 and staff extended the permit until 2007 May 30 to allow the owner additional time to finish the work.

In 2007 April the property was transferred to the owner's son and the work was still in progress, so the building permit was extended for a second time until 2008 March 07. The roof structure was eventually completed; however, the owner did not arrange for the required inspections, during the construction period or upon completion.

Several attempts to contact the property owner by telephone and site visits failed and resulted in a Notice of Suspension posted on 2008 June 19 as they were not following the approved drawings and had started new construction without permits.

On 2008 July 10 during an inspection, the Building Inspector determined the new roof was not built as shown on the approved drawings; basement finishing, structural alterations on the main floor and a new second floor were started without a permit. Because the work was so different from the work approved under the original permit BLD02-01523, it was revoked on 2008 July 31 and the owner was advised that he must apply for a new building permit.

As of this date the property owner has not started the building permit process to bring the works into compliance or 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."

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4.0 CONCLUSION

Staff will continue working with the property owners to resolve this matter; however, staff 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.

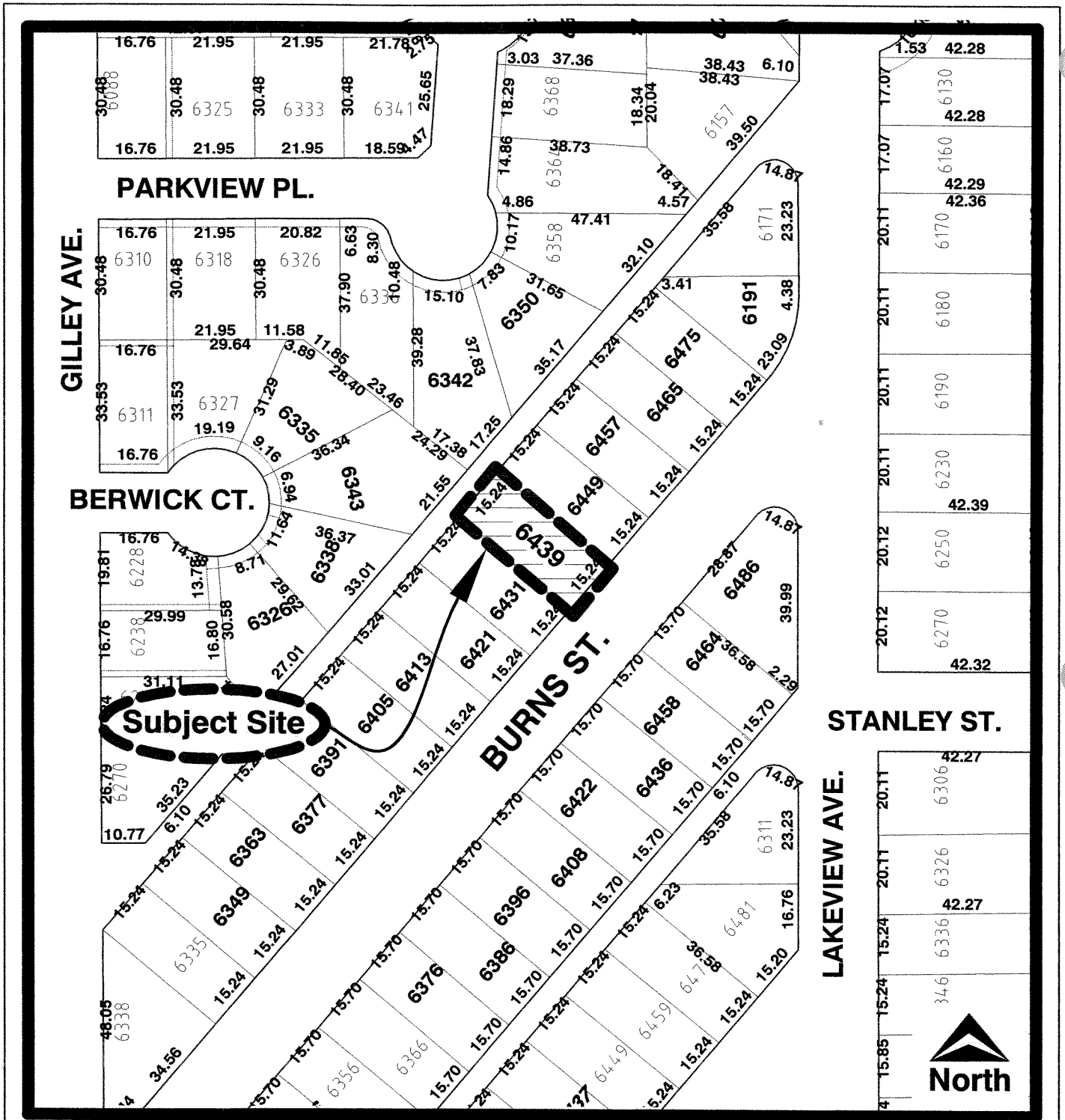
The City Clerk, in keeping with Section 57 (2) of the Community Charter, has notified the property owners and provided them with the opportunity to appear before Council to address this staff report.


B. Luksun, Director
PLANNING AND BUILDING

JMK:su

Attachment

cc: City Solicitor
Director Finance
Chief Building Inspector



Planning and Building Department

Scale: N.T.S.

Drawn By: J.P.C.

Date: February 2009

6439 Burns St.
 Lot 11, DL92, Plan 14066

Sketch # 1