
TO: CITY MANAGER **DATE:** 2010 March 01

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: 8133 FIFTEENTH AVENUE, BURNABY, BC
PARCEL "A" (EXPLANATORY PLAN 14785) LOT 7 D.L. 27 GROUP 1,
NEW WESTMINSTER, DISTRICT PLAN 13552

PURPOSE: To request a Council resolution 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 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 owners:
 - (a) Cheryl Ping Wong
Brian Ken Yan Chan
3023 East 7th Avenue
Vancouver, BC V5M 1V4

REPORT**1.0 BACKGROUND**

On 2009 September 16, in response to a complaint alleging the construction of illegal suites, an inspection of the subject premises was completed by Building Department staff. Inspection staff noted that three unauthorized suites had been constructed, two in the single family dwelling and one in the attached garage.

To: City Manager
From: Director Planning and Building
Re: 8133 Fifteenth Avenue, Burnaby, BC
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GROUP 1, NEW WESTMINSTER, DISTRICT PLAN 13552
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The property owners were advised by the Building Department, on 2009 September 16, that the first floor layout of the dwelling must be restored to the approved plans for building permit BLD01-00254. The restoration work must include the removal of unauthorized improvements in the attached garage and the removal of the three unauthorized kitchen ranges and all associated wiring in the unauthorized suites.

Although compliance deadlines have passed, the property owners have not corrected the deficiencies noted at their property.

The property has now been listed for sale.

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

Building Department staff recommend filing a Notice in the Land Title Office to advise potential purchasers of the outstanding bylaw contraventions noted at this property.

Building Department staff will continue to work with the property owners 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 1992 September 28.

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

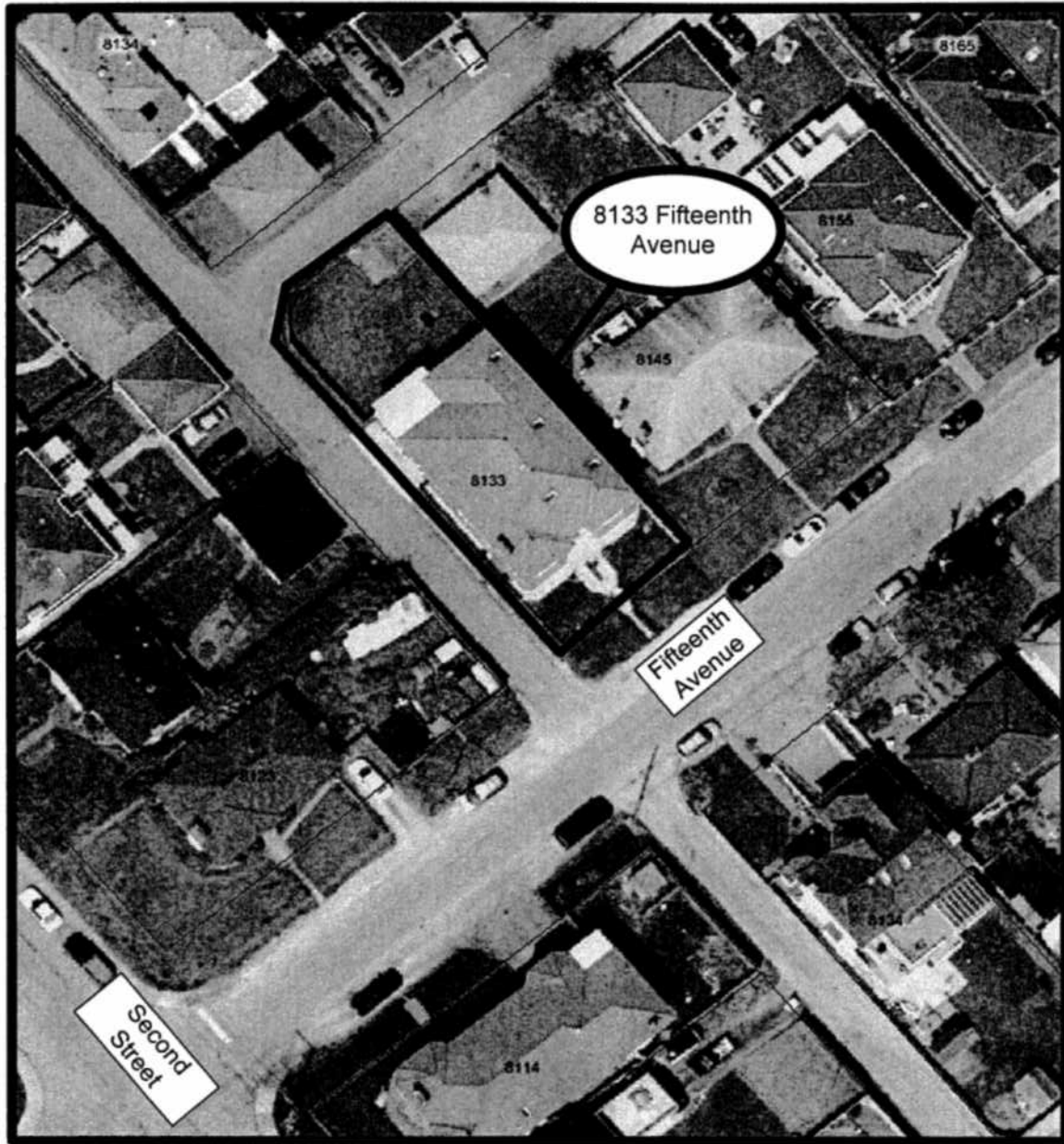

B. Luksun, Director

for PLANNING AND BUILDING

LP:su
Attachment

cc: City Clerk
City Solicitor
Director Finance (D. Letkeman)
Chief Building Inspector

Q:\Bylaw\Notice On Title\BLD-8133 Fifteenth Avenue.doc



Planning and Building Department

Drawn By: su

Date: 2010 March 01

Council Report

8133 Fifteenth Avenue, Burnaby, BC

PARCEL "A" (EXPLANATORY PLAN 14785) LOT 7 D.L. 27 GROUP 1, NEW WESTMINSTER, DISTRICT PLAN 13552

Sketch #1