
TO: CITY MANAGER **DATE:** 2010 June 09

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: 6030 ELGIN AVENUE, BURNABY, BC
LOT 38, D.L. 94, GROUP 1, NWD, PLAN 15393

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 office of the City Clerk, City of Burnaby.

2. **THAT** a copy of this report be sent to the following owners:

Marek Bilicki and Krystina Bilicki
6030 Elgin Avenue
Burnaby, BC V5H 3S3

REPORT**1.0 BACKGROUND**

On 2005 March 18, following receipt of a written complaint, Building Department staff found that a new sunroom was being added to the single family dwelling on the subject property, without benefit of a permit and required approvals (see Sketch *attached*). A stop work order was posted on site. As the unauthorized construction exceeded the maximum allowable floor area permitted under the prevailing Zoning for the property, the owners were directed, by letter on 2005 March 31, to remove the addition.

On 2005 April 26, a second complaint was received regarding unauthorized construction of a garage/sundeck to the rear of the subject property.

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Following completion of a protracted effort by the City to bring the property into compliance with City Bylaws, on 2010 January 21, the City obtained, in the Supreme Court of British Columbia, a Court Order for the property owners to restore the dwelling to the original approved plan of development within 180 days and to call for inspection within 31 days of the deadline to determine compliance with the Court Order. A recent staff inspection of the property has confirmed that the unauthorized garage and sunroom have not been removed.

On 2010 June 01, the City was informed that the property was in foreclosure, which could result in the sale of the property to a third party. To ensure that any prospective third party purchasers are made aware of the property's outstanding bylaw contraventions, it is recommended that a notice be placed on the Title of the property.

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 current and any future property owner to resolve this matter. Given that the property is in foreclosure, which could result in its sale to a third party, Building staff recommend filing a Notice in the Land Title Office to ensure that any potential future purchasers are aware of the outstanding 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 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

CL:su
Attachment

cc: City Clerk
Director Finance (D. Letkeman)

City Solicitor
Chief Building Inspector

Q:\Bylaw\Notice On Title\BLD-6030 Elgin Avenue.doc



Planning and Building Department

Drawn By: su

Council Report

Date: 2010 June 09

**6030 Elgin Avenue, Burnaby, BC
 LOT 38, D.L. 94, GROUP 1, NWD, PLAN 15393**

Sketch #1