
TO: CITY MANAGER **DATE:** 2011 March 16

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: 5456 CLINTON STREET, BURNABY, BC
LOT 3, BLOCK 11, DL 158, PLAN 1908

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 owner:

Gurinder S. Mangat
5456 Clinton St.
Burnaby, BC V5J 2L8

REPORT**1.0 BACKGROUND**

On 2010 October 04, a Notice of Suspension was posted by Building Department staff in response to a complaint regarding the unauthorized construction of a two car garage at the rear of the subject property.

A Bylaw Notice was issued on 2010 November 18 for failure to cease work after the Notice of Suspension was posted.

The property owner accepted liability for the contravention as alleged in the Bylaw Notice and entered into a Compliance Agreement on 2010 December 01 in exchange for a reduced fine of \$250.

To: City Manager
From: Director Planning and Building
Re: 5456 Clinton Street, Burnaby, BC
Lot 3, Block 11, DL 158, Plan 1908

2011 March 16 Page 2

The Compliance Agreement specified that, on or before 2011 January 31, the owner would pay for in full and obtain the required permit for the two car garage. The terms of the Agreement were not met, and the agreement has now been rescinded.

Mr. Mangat also advised Building Department staff that he was selling the property. On 2011 February 09, staff was informed that the property was sold and that the new owners intended to demolish, however, on 2011 March 15, staff learned that the sale was not completed. The owner has been advised that staff will seek Council's approval to file a Notice in the Land Title Office regarding the outstanding bylaw contravention.

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."

To advise potential purchasers of the outstanding bylaw contraventions noted at this property, staff recommend filing a Notice in the Land Title Office under Section 57 of the Community Charter.

3.0 CONCLUSION

This report seeks Council approval for the filing of the notice in the Land Title Office with respect to the outstanding City bylaw contraventions at the subject property. Building Department staff will continue to work with the property owners to resolve this matter. If necessary, Council authority to pursue legal action to ensure compliance with City bylaws may be sought.

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
PLANNING AND BUILDING

KB/DM:su
cc: City Clerk
Director Finance (D. Letkeman)

City Solicitor
Chief Building Inspector