



Item.....
Meeting..... 2011

COUNCIL REPORT

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**TO:** CITY MANAGER **DATE:** 2011 January 17

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** 7449-17<sup>TH</sup> AVENUE, BURNABY, BC  
WEST HALF LOT 11, BLOCK 37, DISTRICT LOT 30, GROUP 1  
NEW WESTMINSTER DISTRICT, PLAN 3036

**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.

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**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) Wei Yi Lee  
Anna Ri Yuan Lee  
7449-17<sup>th</sup> Avenue  
Burnaby, BC V3N 1L5

**REPORT**

**1.0 BACKGROUND**

On 2010 October 29, Building Department staff conducted an inspection of the subject premises in response to a complaint alleging the construction of unauthorized suites in the attached garage. Staff determined that two suites have been constructed, one in the dwelling on the lower floor, and one in the attached garage. The property owner was advised that removal of the unauthorized construction relating to the suites is required along with plumbing and electrical repairs. At this time, the electrical wiring for the two unauthorized ranges has been partially disconnected.

The property owner, Wei Yi Lee (Eric) responded that due to his father's ill health he and his wife will be out of the country for some months and are therefore unable to deal with the City's requirements. Mr. Lee also stated that depending on his father's health outcome, he will need to

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From: Director Planning and Building  
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determine if he will re-occupy the dwelling or will eventually sell. Mr. Lee has also given bylaw staff his assurances that the suites will not be occupied. He has however, not provided a local contact to represent him in this matter and has only offered to do the required work when he returns from overseas.

Given the potential for the property to be sold prior to completion of the necessary works, it is proposed that a notice be placed on title as permitted under Section 57 of the Community Charter.

## 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

Mr. Lee has informed Department staff that he and his wife will be overseas for an indeterminate period of time and that the sale of the property may be considered depending on family circumstances. To date, the property owner has not provided a representative to act for him to resolve this matter.

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  
PLANNING AND BUILDING

LP:su

### ***Attachment***

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