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**TO:** CITY MANAGER **DATE:** 2012 February 09  
**FROM:** DIRECTOR PLANNING AND BUILDING  
**SUBJECT:** 8042 15TH AVENUE, BURNABY, BC  
LOT: 8, BLK: 13, D.L: 27, GROUP 1, N.W.D., PLAN: 997  
**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) Sonya Chahal  
8042 15<sup>th</sup> Avenue  
Burnaby, BC V3N 1X2
  - (b) Ashok Chahal  
8042 15<sup>th</sup> Avenue  
Burnaby, BC V3N 1X2
  - (c) Sunil Chahal  
8042 15<sup>th</sup> Avenue  
Burnaby, BC V3N 1X2

**REPORT****1.0 BACKGROUND**

Responding to a complaint of construction without a permit, Building Department staff inspected the subject property on 2011 September 30 and found that a detached building was being constructed in the rear yard without a permit and posted a Notice of Suspension.

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The property owner and his son attended the Building Department on 2011 October 03 and were advised that, as the property was already developed to the maximum density permitted, a permit could not be obtained for the detached building, and it would have to be removed. By letter dated 2011 October 03, the Building Department advised the property owners that, as the property was already at maximum development, the unauthorized building must be removed by 2011 November 01.

Following further discussions, the property owners were granted an extension to 2011 December 02 to remove the unauthorized construction, or a bylaw notice with a fine of \$500 would be issued. On 2011 December 09, Building Department staff inspected the subject property, noted that construction on the unauthorized building had been completed, and issued a bylaw notice with a fine of \$500.

On 2012 January 13, Building Department staff inspected the subject property to check for removal of the unauthorized building. As the unauthorized building had not been removed, a second bylaw notice was issued with a fine of \$500.

On 2012 January 24, a second complaint was received advising that the subject property is now listed for sale and requesting that the subject property be brought into compliance with City bylaws. Building Department staff, by letter dated 2012 January 27, notified the listing agent of his responsibility to advise any prospective purchasers that the subject property contains unauthorized construction that must be removed. To provide for further notification to potential purchasers, staff are recommending that a notice be filed in the Land Title Office.

## **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 achieve compliance with City bylaws.

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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

CL:su

*Attachment*

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

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Planning and Building Department

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