
TO: CITY MANAGER **DATE:** 2012 June 15

FROM: ACTING DIRECTOR PLANNING AND BUILDING

SUBJECT: 7435 LOWLAND DRIVE, BURNABY, BC (*ATTACHED SKETCH*)
LOT 30, D.L. 166A, GROUP 1, NEW WESTMINSTER,
DISTRICT PLAN 46532

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) William Davies & Sons Ltd.
7441 Lowland Drive
Burnaby, BC V5J 5A8
 - (b) Commercial Indoor Air Quality Testing Ltd. Inc.
7439 Lowland Drive
Burnaby, BC V5J 5A8

REPORT**1.0 BACKGROUND**

The property owners were originally notified by letter dated 2006 November 15 of a requirement to obtain a building permit for an unauthorized mezzanine. The mezzanine is constructed above storage racking located to the rear of the subject building occupied by Surplus Sam's.

Subsequently, the matter was referred to Bylaw Services for enforcement following a review of outstanding files that determined the owners had not applied for the required building permit.

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On 2010 May 14, the property owners' structural engineer submitted a letter to the Building Department, at the City's request, with regard to safety issues. The letter stated that the mezzanine structure had been reviewed for structural compliance with the BC Building Code and that necessary improvements were made and heat/smoke detectors were added to address safety concerns. Following receipt of the structural engineer's letter, the owners obtained Preliminary Plan Approval for the construction, but did not follow up with the required building permit application.

The owners have been ticketed on two occasions for their failure to submit a building permit application for the mezzanine. Both tickets have been paid. In addition, the owners have been contacted by letter, email and telephone in an effort to resolve this outstanding matter, however, the necessary building permit application has not yet been submitted.

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

Registration of a Section 57 Notice will advise prospective purchasers of the bylaw contravention and may encourage the owners to resolve the matter.

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.

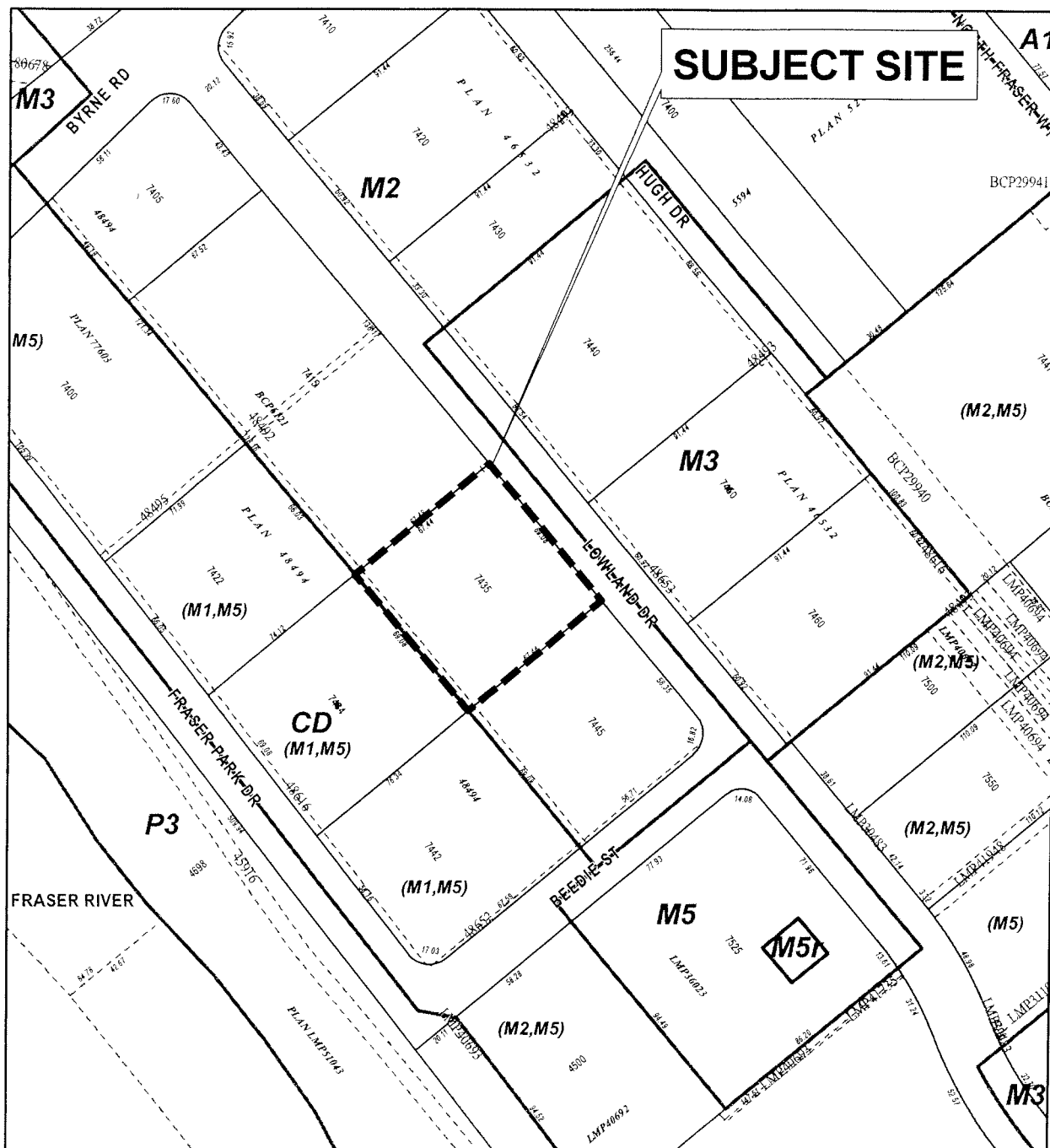

Lou Pelletier, Acting Director
PLANNING AND BUILDING


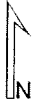

LP:su

Attachment

cc: Director Finance (Attn: D. Letkeman)
City Solicitor

Chief Building Inspector
City Clerk



	PLANNING & BUILDING DEPARTMENT 
DATE: JUNE 19 2012	7435 LOWLAND DR  Subject Site
SCALE: 1:2,500	
DRAWN BY: DJ	

Sketch #1