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| Item..... |
| Meeting..... 2012 |

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2012 January 23

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: 7757 & 7759 STANLEY STREET, BURNABY, BC
LOT 174 DL 87 PLAN 34147

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) Ravinder Loodu
Sarbjit Loodu
7757 Stanley St
Burnaby, BC V5E 1V7

REPORT

1.0 BACKGROUND

On 2010 April 30, a building permit was issued for a new two family dwelling at the subject Property.

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The Supervisor, Building Inspections issued a Stop Work Order and Notice of Suspension on 2010 October 12 at the frame stage as the result of an inspection revealing that the construction did not conform to the approved plans.

Senior staff met with the builder to address numerous exceedances including the unauthorized conversion of crawlspaces to living area, rear deck additions, and overall floor area of the building. A subsequent survey and plan check revealed that the dwelling had been extended by 4' at the rear, and that the gross floor area (GFA) was over by 1129 sq. ft. and the above grade floor area (AGFA) by 148 sq. ft. on both sides of the two family dwelling.

The builder subsequently provided drawings to conform to the maximum permitted GFA and AGFA, showing the restoration of the crawlspaces to inhabitable area, and conversion of the front bedrooms to open covered decks.

The modifications satisfied the building inspector's Zoning Bylaw and Building Code concerns and the building permit was finalized on 2011 September 12.

On 2011 October 25, staff received a written complaint alleging front deck conversions to living area and that a For Sale sign was posted on the property.

Following an inspection confirming that the front decks were again converted to living area without authorization, a letter was sent to the owners and realtor advising that an inspection was necessary and that staff intended to seek Council's approval to file a Notice in the Land Title Office relating to the non-conforming status of the property.

The letter to the owners was returned by the Post Office and a subsequent letter was sent to the owners' new address. Inspections reveal that the property remains vacant and advertised for sale.

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 pursuant to Section 57 of the Community Charter to advise potential purchasers of the outstanding bylaw contraventions noted at this property.

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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.

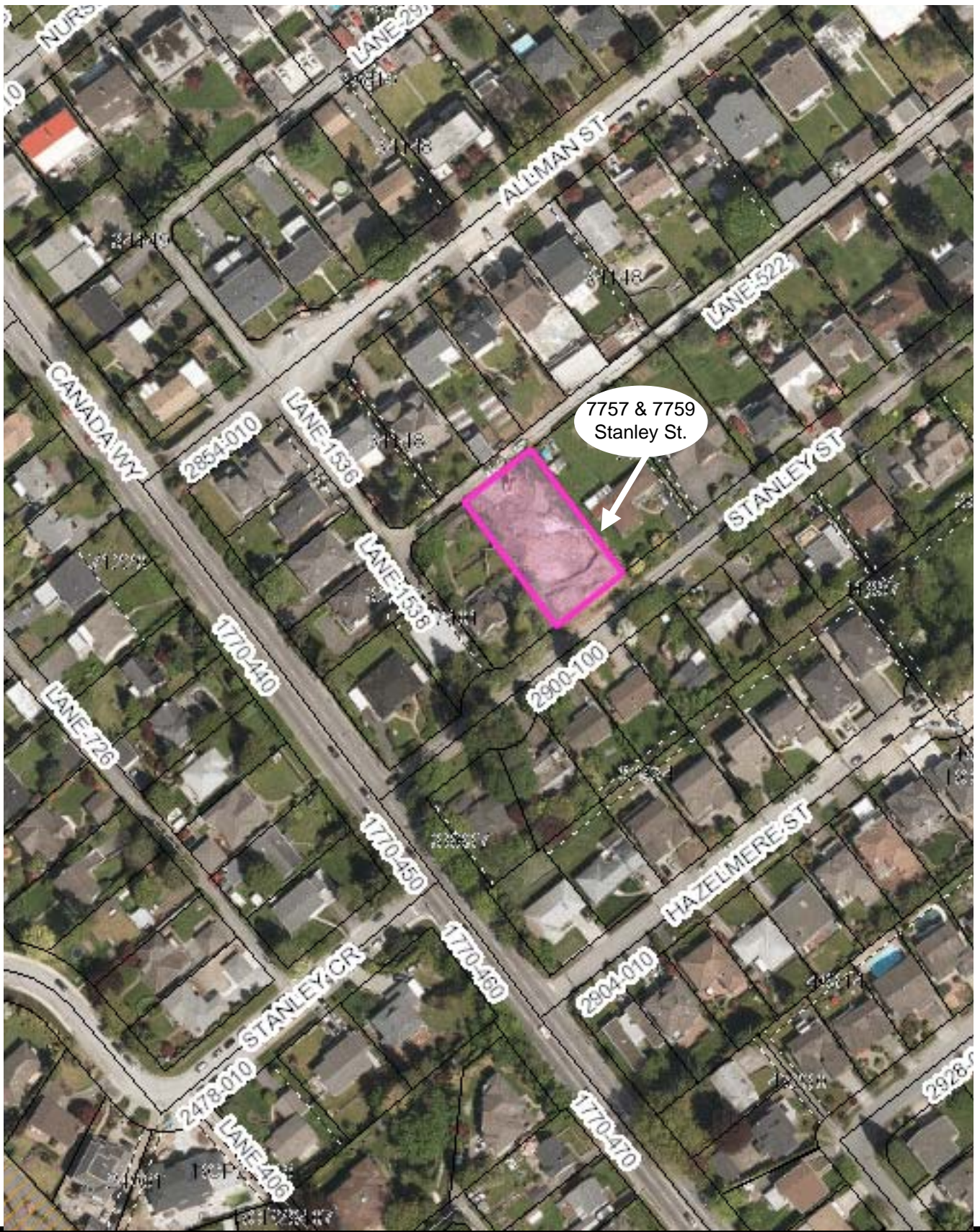
B. Luksun, Director
PLANNING AND BUILDING

KB:su

Attachment

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

Q:\bylaw\Notice On Title\BLD-7757 7759 Stanley St.doc



City of Burnaby
Planning and Building Department

Council Report

Drawn By: SU
Date: 2012 Jan 04

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