

---

**TO:** CITY MANAGER **DATE:** 2013 January 08

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** 7045 SIERRA DRIVE, BURNABY, BC  
LOT 127, D.L. 216, GROUP 1, N.W.D. PLAN 11656

**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 Acting City Clerk, City of Burnaby.
  
2. **THAT** a copy of this report be sent to the following owner:

Victor Pires Meira  
7045 Sierra Drive  
Burnaby, BC V5A 1A4

**REPORT****1.0 BACKGROUND**

A building permit was issued in June 2005 for a new single family dwelling at the subject property (see *attached* Sketch #1). Extensions were granted until 2011 October 15 and now the existing permit has expired. The property owner and his family are, however, currently occupying the dwelling without an occupancy certificate.

The property owner is not cooperating with Building staff. Staff have not been allowed to enter and inspect the outstanding objections noted at our last inspection on 2011 August 17. Two bylaw notices with \$500 penalties for failure to comply with an order were issued and they have not been paid to date. The property is not for sale, however, staff recommend that a notice be filed in the Land Title Office with respect to the outstanding permit matters.

To: City Manager  
From: Director Planning and Building  
Re: 7045 SIERRA DRIVE, BURNABY, BC  
LOT 127, D.L. 216, GROUP 1, N.W.D. PLAN 11656  
2013 January 08..... Page 2

## 2.0 CONTRAVENTION OF BYLAWS

Any construction or alteration, without first obtaining a permit, completing the work and allowing the required inspections before obtaining an occupancy certificate is in violation of Burnaby Building Bylaw No. 11729, that reads:

### Section 7(1)

*"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."*

### Section 7(3)

*"No person shall occupy or use any building, structure or part thereof unless a valid and subsisting occupancy certificate has been issued by the Building Inspector for the building, structure or part thereof, or contrary to the terms of any permit issued or any notice given by the Building Inspector."*

### Section 18(2)

*"Where a permit has expired under subsection (1), the work shall cease and the construction shall be removed, unless a new permit application is made within 30 days of the expiry date of the permit."*

## 3.0 CONCLUSION

It is recommended that a Notice be filed in the Land Title Office to advise potential purchasers of the outstanding bylaw contraventions noted at the subject property.

Building Department staff will continue to work with the property owner to resolve this matter. If necessary, in future, 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 Acting 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.

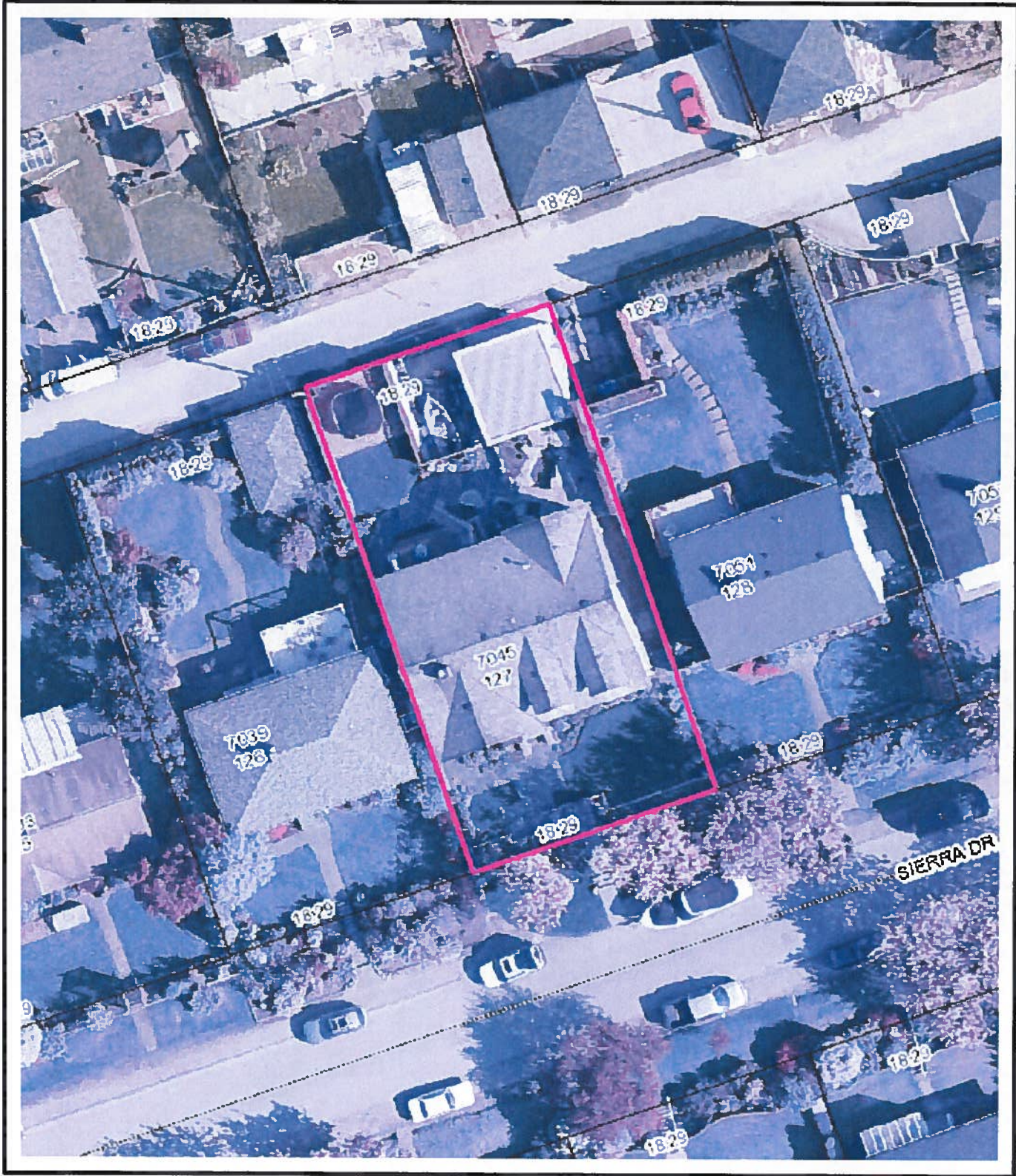
  
Lou Pelletier, Director  
PLANNING AND BUILDING

JK:su

### **Attachment**

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

Q:\bylaw\Notice On Title\BLD - 7045 Sierra Dr.doc



7045 Sierra Drive , Burnaby, BC



This information has been gathered and assembled on the City of Burnaby's computer systems. Data provided herein is derived from a number of sources with varying levels of accuracy. The City of Burnaby disclaims all responsibility for the accuracy or completeness of information contained herein. © Copyright 2011 City of Burnaby. All rights reserved.