



Item
Meeting 2013

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2013 JULY 02

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: 7551 MARY AVENUE, BURNABY, BC
LOT 6, BLOCK 23, D.L. 29, PLAN 3035

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 the subject property in contravention of City Bylaws.

RECOMMENDATIONS:

1. **THAT** Council direct the Acting 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 owners of the subject property:

Xin Zhao & Jing Wu
7551 Mary Avenue, Burnaby, BC -V3N 3G3

REPORT

1.0 BACKGROUND

On 2012 June 28, an inspection of the subject premises was done by Building Department staff in response to a complaint alleging that unauthorized suites had been constructed in the single family dwelling.

Inspection staff determined that the attached garage had been converted to habitable rooms and an unauthorized computer room had been constructed over the front entrance foyer.

The property owners were notified by letter dated 2012 July 04 that the removal of all unauthorized building, electrical and plumbing works was required and that the attached garage must be restored to the approved plans for Building Permit BLD05-00429.

The property owners vacated the unauthorized suite in the detached garage and asked for an extension to Spring 2013 to complete all the removal work, citing their recent purchase of the dwelling with the unauthorized construction in place.

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In relation to personal family matters, the property owners recently requested and received a further extension from the Department to 2014 March. Prior to the Building Department's approval of the extension, Electrical Inspection staff conducted a safety inspection and confirmed the required removal of light fixtures and outlets in the computer room and that all wiring had been satisfactorily terminated in outlet boxes with suitable covers.

The property owners have, however, suggested in conversations to staff that they may consider selling the dwelling due to the repair costs. Given the extension of 2014 March to complete the works, the Building Department recommends that a Section 57 Notice be registered on Title in order to advise any future purchasers of the outstanding matters. The Notice will be removed following completion of the required building, electrical and plumbing repairs.

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 owner 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 Acting City Clerk, in keeping with Section 57(2) of the Community Charter, has provided the property owner with notice of this report and with the opportunity to appear before Council.

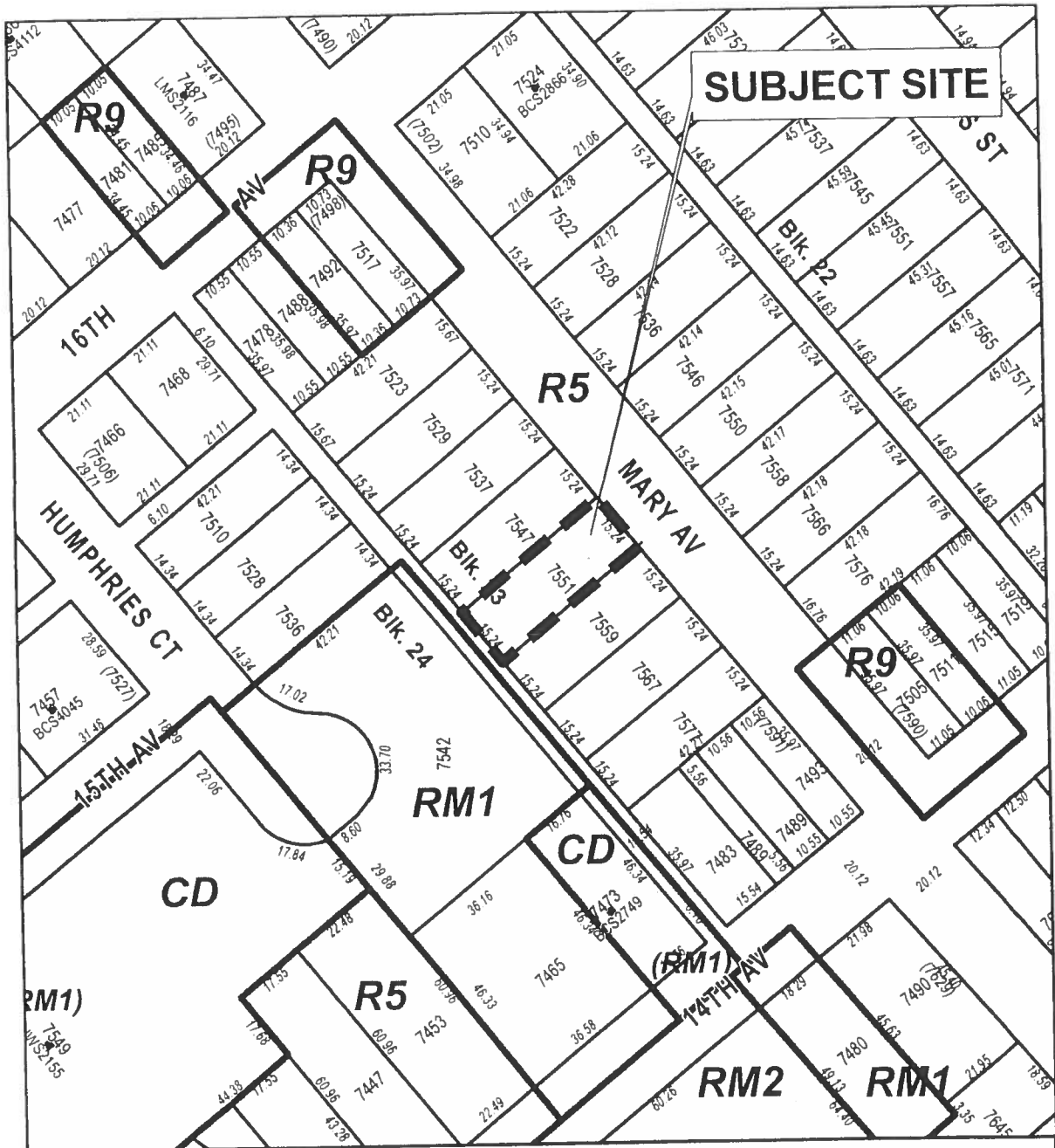

Lou Pelletier, Director
PLANNING AND BUILDING



LP:ap/sb
Attach.

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

City Solicitor
Acting City Clerk

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		PLANNING & BUILDING DEPARTMENT	
DATE: JUNE 25 2013		7551 MARY AVENUE	
SCALE: 1:1,500		 Subject Site	
DRAWN BY: AY			

Sketch #1