
TO: CITY MANAGER **DATE:** 2013 JUNE 21

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: 4386 RUMBLE STREET, BURNABY, BC
LOT 19, D.L. 156, PLAN 1956

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 owner of the subject property:

Charles Z. Surmik
4386 Rumble Street
Burnaby, BC -V5J 2A1

REPORT**1.0 BACKGROUND**

On 2010 June 25, a building permit application in respect of the subject property (see *attachment*) was submitted to re-build an awning and make structural upgrades to a deck, required as the result of a fire.

During the plan checking process, staff identified that the fire damaged deck and cover were previously built without permit. In order to allow for their reconstruction, a Board of Variance approval would be required for building depth, and structural drawings would need to be submitted to meet Building Code requirements. The applicant (contractor) relayed the requirements to the property owner. The restoration contractor retained to complete the repair, was subsequently released from the job by the owner.

On 2013 March 21, the applicant (contractor) submitted a request to cancel the permit application based on being released and not proceeding with the work.

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A subsequent inspection on 2013 March 22 by Building Department staff revealed that the deck cover had been re-built without the necessary permit. The new deck cover results in the permitted building depth, allowed under the Bylaw, being exceeded.

Based on a discussion with the owner at the time of inspection, it became evident to staff that the owner is not prepared to proceed with the permit application process and necessary work to bring the construction into compliance with the Zoning and Building Bylaws.

In order to advise prospective purchasers of the bylaw contravention, a registration of a Section 57 notice on title is necessary.

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 owner 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

KB:ap
Attach

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

