



Item
Meeting 2014 May 12

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2014 March 31

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: 7307 ELEVENTH AVENUE, BURNABY, BC
LOT 14, BLOCK 7, D.L. 29, GROUP 1, N.W.D., 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 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 owner:
 - (a) Daniel Leipnik
#200 - 510 Seventh Avenue
New Westminister, BC - V3L 5G8

REPORT

1.0 BACKGROUND

The subject property is located in an R5 Residential District which allows for a two-family dwelling. The existing building on the property was originally constructed as an up/down duplex in 1977.

The property has been the subject of past complaints, up to 2004, that the property contained additional illegal suites. Upon investigation, it was noted that the approved up/down duplex had been converted, without permit, to six self-contained dwelling units, each with unauthorized cooking facilities.

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Based on the complaints received, enforcement activities were undertaken by the Building Department. These culminated in the resolution of the complaints with the issuance of a Building Permit to return the building to its original and intended configuration and use. In 2005 January 13, Building Department staff finalised the Building Permit, and confirmed that the outstanding building objections had been corrected.

On 2014 February 27, the Building Department received a further complaint asserting that the building was again being used for up to six-unit dwellings within the building. The complainant also noted that the property had been placed on the market for sale. Building Department staff have also confirmed through the property owner, and by means of inspection on 2014 March 31, that the property has been demised into six separate dwelling units. Staff also confirmed that the property is currently listed on the market.

In response, staff will be pursuing enforcement action to return the building to its approved use and configuration as a duplex. In addition, as the property is listed for sale, it is recommended that a notice be placed on title to advise potential purchasers of the outstanding bylaw contraventions.

2.0 CONTRAVENTION OF BYLAWS

Comprising of six dwelling units, the building is being used in a manner that does not conform to Burnaby Zoning Bylaw No. 4742 which reads that for Residential District (5):

Section 105.1 Uses Permitted

- “ (1) *Single family dwellings*
 (2) *Two family dwellings*
 (3) *Group homes*
 (4) *Boarding, lodging or rooming houses for not more than 5 persons when situated in a single family dwelling on a lot with an area of not less than 668.88 m² (7,200 sq. ft.)*
 ...”

Construction or alteration of the building on the subject property has been undertaken without first obtaining a permit, completing the work, and calling for the required inspections before obtaining an occupancy certificate. This is a contravention of Burnaby Building Bylaw No. 11729 which 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.*”

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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 this property.

Building Department staff will continue to pursue efforts with the property owner to resolve this matter. If necessary, legal action will be pursued to ensure compliance with City bylaws.

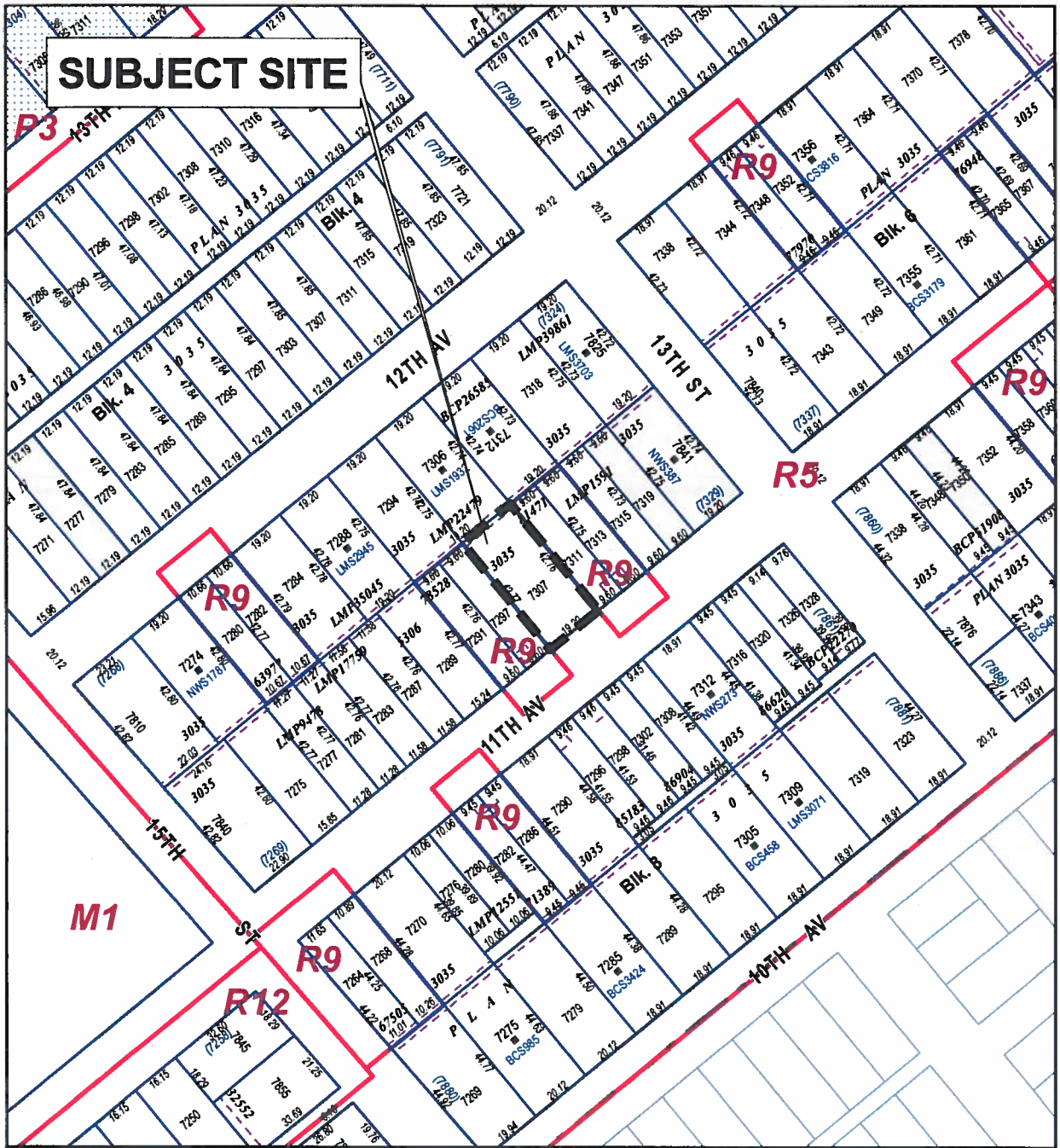
The use of Section 57 of the Community Charter to file Notices in the Land Title Office is consistent with the Housing Committee Report adopted by Council 1992 September 28.

The 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

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



SUBJECT SITE



PLANNING & BUILDING DEPARTMENT




DATE:
APR 01 2014

SCALE:
1:2,000

DRAWN BY:
AY

7307 ELEVENTH AVENUE

 Subject Site