



Item.....
Meeting..... 2014 Jan 13

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2013 NOVEMBER 25

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: 6961 HALL AVENUE, BURNABY, BC
LOT 2, D.L. 91, GROUP 1, NWD., PLAN 22811

6960 SALISBURY AVENUE, BURNABY, BC
LOT 1, D.L. 95, GROUP 1, NWD., PLAN 22811

PURPOSE: To recommend that Council declare the carport structure on the properties to be in an unsafe condition and require that the property owner complete the remedial action requirements set out in this report.

RECOMMENDATIONS:

- 1) **THAT** Council declare the carport on the properties to be in an unsafe condition.
- 2) **THAT** Council require the registered owner of the properties to complete the following remedial action requirements:
 - a) demolish the carport on the properties and remove all demolition waste, building materials and refuse, or
 - b) repair the carport on the properties in accordance with the Burnaby Building Bylaw, and
 - c) obtain all permits and approvals required to complete (a) or (b) above.
- 3) **THAT** notices of these remedial action requirements and a copy of this report be sent to the registered owner of the properties, Third Estates Ltd., and each holder of a registered charge in relation to the properties
- 4) **THAT** Council require the owner of the properties to complete the remedial action requirements not later than thirty (30) days after the report is sent to the owner.
- 5) **THAT** Council direct that if the owner should fail to take the remedial actions referred to in Recommendation 2, that the City be authorized to demolish the unsafe carport on the properties and remove all demolition waste, building materials and refuse, and recover the costs incurred from the owner.

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REPORT

1.0 BACKGROUND

The carport structure is located at 6961 Hall Avenue and 6960 Salisbury Avenue straddling the property line (see *attached* aerial photograph), and has common ownership. The carport has been the subject of a Building Inspections and Bylaw Enforcement action since 2011 March 23. This matter was originally assigned to Building Inspections in response to a request from the Burnaby Fire Department relating to a vehicle impact to the carport structure.

On 2011 March 29, inspectors from the Building Department inspected the subject carport and on 2011 April 01, the Building Department sent a letter to the owner requiring the following repairs necessary to bring the carport structure into compliance with City bylaws by 2011 May 02:

- Remove unauthorized “enclosures” and restore the structure back to carport use
- Repair all damage in accordance with current regulations
- Remove unauthorized wiring
- Remove unauthorized overhead electrical feed to the structure
- Correct all electrical deficiencies by a licenced electrical contractor under permit
- Obtain a building permit for repair work and call for all required inspections

All required repairs were not complete by the specified date of 2011 May 02. On 2011 July 07, a follow-up letter was sent to the owner extending the deadline for completing the repairs to 2011 July 29 or Bylaw Violation Notices would be issued.

On 2011 August 11, Bylaw Violation Notices were issued for electrical and building infractions. On 2011 August 18, the required electrical repairs were completed under permit.

On 2011 September 07, the owner was informed at a meeting that Preliminary Plan Approval from the Planning Department was required for the unauthorized “enclosures” incorporated into the carport before a Building Permit application could be submitted to potentially retain the storage enclosures. On 2012 January 12, the owner applied for Preliminary Plan Approval (PPA12-0009) for the enclosure of four carport spaces.

On 2012 September 05, an Order was issued requiring the removal of the unauthorized enclosures by 2012 October 15 as the owner had not proceeded to provide the required documentation to complete the Preliminary Plan Approval application.

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On 2012 November 05, a Bylaw Notice was issued to the owner for failure to comply with an Order to remove the enclosures. On 2013 April 24, the Adjudicator confirmed the Bylaw Notice must be paid after the owner disputed the Order.

On 2013 July 24, Preliminary Plan Application (PPA12-0009) was issued for the enclosure of four carport spaces. The owner was advised by letter that an application for a building permit for the carport enclosure and repairs must be submitted. The application must include a Structural Engineer's evaluation of the structure.

On 2013 August 14, the owner submitted a Structural Engineer's report stating that the carport structure is so deteriorated as to be precarious and that the structure is at the end of its life.

On 2013 August 23, a letter was mailed to the owner detailing the necessary remedial actions.

On 2013 September 19, the owner's representative, Ms. Therese Winkler, attended the Building Department with an incomplete building permit application and was advised by staff that the drawings must be sealed by the Structural Engineer and his Letters of Assurance were also required.

On 2013 October 29, staff checked with the owner's Structural Engineer on the status of the repairs and were advised that he had not been contacted by the owner since he issued his report but he would follow up with the owner on the matter. The Structural Engineer subsequently reported that the owner was unwilling to proceed with any further repairs.

On 2013 October 29, the Structural Engineer provided the Building Department with a copy of his letter to the owner wherein he stated "*effective immediately, we recommend no personnel enter the structure until the repairs as outlined in our report are carried out, as it is not structurally safe for its intended use.*"

On 2013 November 04, staff posted notices on the carport structure advising occupants of the Structural Engineer's findings and noted that the carport enclosures had been removed.

On 2013 November 04, the owner was advised by couriered letter and e-mail that the Building Department would be seeking Council authority to demolish the unsafe carport under Section 73(2) of the Community Charter if the carport was not immediately repaired or demolished. No further response has been received from the owner. At this time, based on the Structural Engineer's assessment, it is recommended that no one enter the carport in order to protect the public from potential risks. Staff, considering the Engineer's assessment, are of the opinion that the carport is not structurally safe for its intended use and must be repaired or removed.

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2.0 GENERAL INFORMATION

Sections 73 and 74 of the Community Charter provide the statutory authority for Council to declare a structure to be unsafe and to impose remedial action requirements. The Charter also provides for notice of Council’s decision to the owner and an opportunity for re-consideration.

Section 258 of the Community Charter provides the statutory authority for Council to fulfill the remedial action requirements at the owner’s expense.

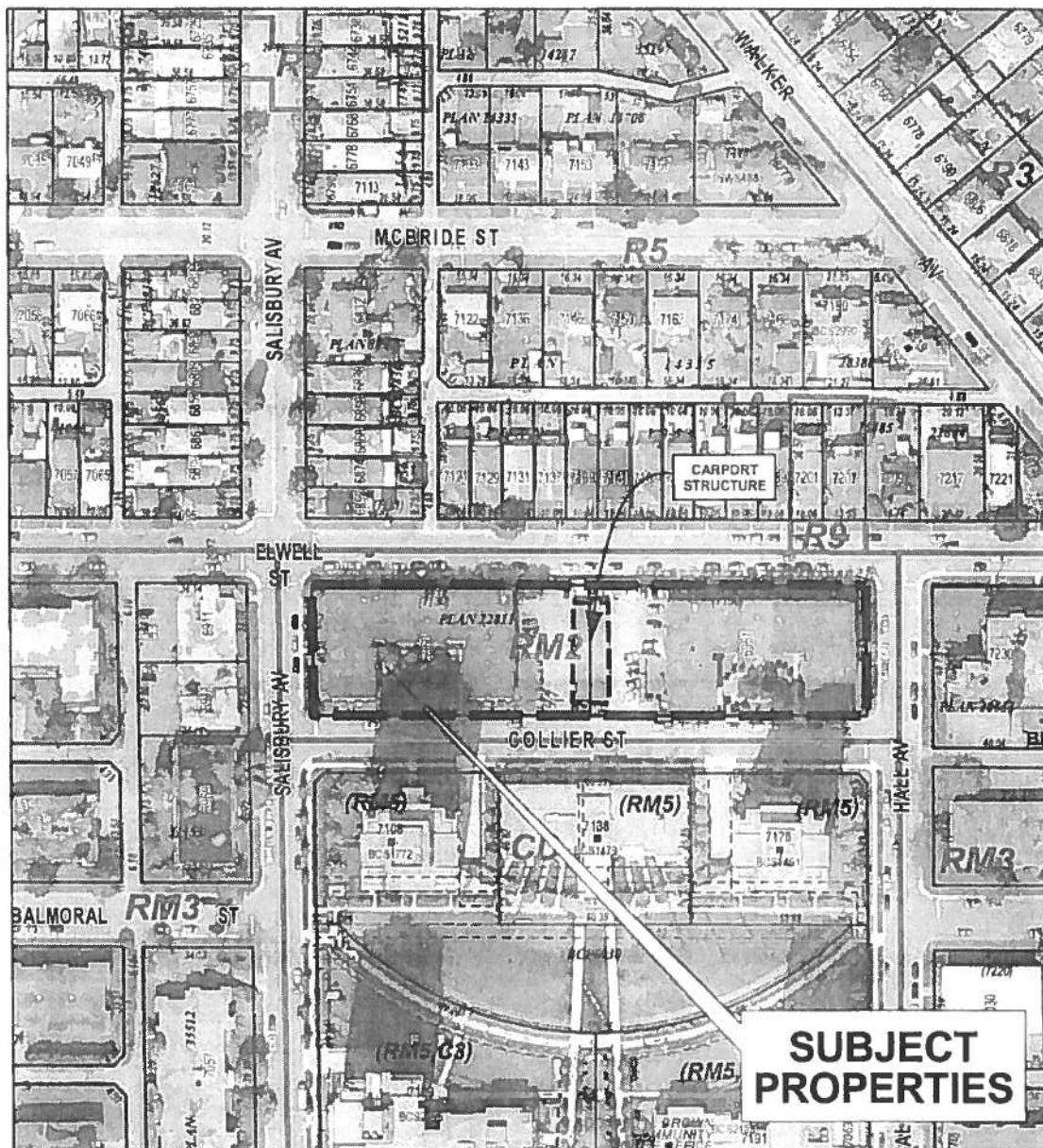
3.0 CONCLUSION


Based on inspections by Building Department Inspection staff and the report of the owner’s Structural Engineer, staff are of the opinion that the carport is not structurally safe for its intended use and request that Council concur with these conclusions and adopt the recommendations contained in this report.

Lou Pelletier, Director
PLANNING AND BUILDING

LP/PK:ap
Attachment
q:\bylaw\reports\bld-6961 hall avenue.docx


cc: Fire Chief
Chief Licence Inspector
City Solicitor
Chief Building Inspector
City Clerk



	
DATE:	JAN 08 2014
SCALE:	1:2,000
DRAWN BY:	AY

PLANNING AND BUILDING DEPARTMENT

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 Subject Site

6960 SALISBURY AVENUE AND 6961 HALL AVENUE