
TO: CITY MANAGER **DATE:** 2014 August 19

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: 3932 MOSCROP STREET, BURNABY, BC V5G 2C9
LOT 114, DL 34, PLAN NWP46918

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 owners:

Phuoc H. Vo
3932 Moscrop Street
Burnaby, BC V5G 2C9

REPORT**1.0 BACKGROUND**

On 2013 December 18, an inspection of the subject premises (sketch *attached*) was done by Building Department staff in response to a complaint alleging the construction of an unauthorized suite in the attached garage. Inspection staff determined that three unauthorized suites had been constructed, one in the attached garage, and two in the basement. An unauthorized aluminum cover had also been installed over the rear deck.

To: City Manager
From: Director Planning and Building
Re: 3932 Moscrop Street, Burnaby, BC V5G 2C9
2014 August 19..... Page 2

On 2013 December 19, the Building Department sent a letter to the property owner listing the corrections required to bring the dwelling into compliance with City bylaws. Subsequently, the owner completed the safety related repairs required by the gas inspector, however no further progress was made towards completion of the necessary building, plumbing and electrical repairs. The owner cited both the time required for his tenants to find alternative accommodation and the pending change to City Zoning Bylaw relating to secondary suites in single family dwellings.

On 2014 April 01, Building Department staff completed a suite feasibility inspection at the request of the owner. Staff confirmed that only one suite was occupied.

On 2014 April 10, the Building Department sent a letter to the property owner listing the upgrades that would be needed to retain a secondary suite in the premises.

On 2014 July 23, the owner's representative informed Bylaw staff that the unauthorized construction has been removed from the detached garage. No inspections have been arranged to confirm the removal work and required building, plumbing and electrical permits have not been obtained. Because of the failure to meet City deadlines for completion of the repair work, the owner's representative was informed that Bylaw Enforcement Notices will be issued for the outstanding infractions.

On 2014 July 24, a site inspection by Bylaw staff determined the property is listed for sale. The property owner's representative and realtor have been contacted and notified that potential purchasers must be advised of the outstanding orders against the property.

The property owner and realtor have also been notified that a report will be prepared by Building Department staff seeking Council authority to direct the City Clerk to file a Notice in the Land Title Office with respect to the contravention of City Bylaws noted at this property.

2.0 CONTRAVENTION OF BYLAWS

Burnaby Building Bylaw Sect 7(1) Construction without permit; Burnaby Electrical Bylaw Sect 19 Constructing, altering or repairing without permit; Burnaby Plumbing Bylaw Sect 4(1)(b) Constructing, installing, commencing or carrying out work without a permit.

3.0 CONCLUSION

Building Department staff recommend the filing of a Notice in the Land Title Office pursuant to Section 57 of the Community Charter to advise potential purchasers of the outstanding bylaw contraventions noted at this property.

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.

To: City Manager
From: Director Planning and Building
Re: 3932 Moscrop Street, Burnaby, BC V5G 2C9
2014 August 19..... Page 3

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

LP:st
Attachment

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

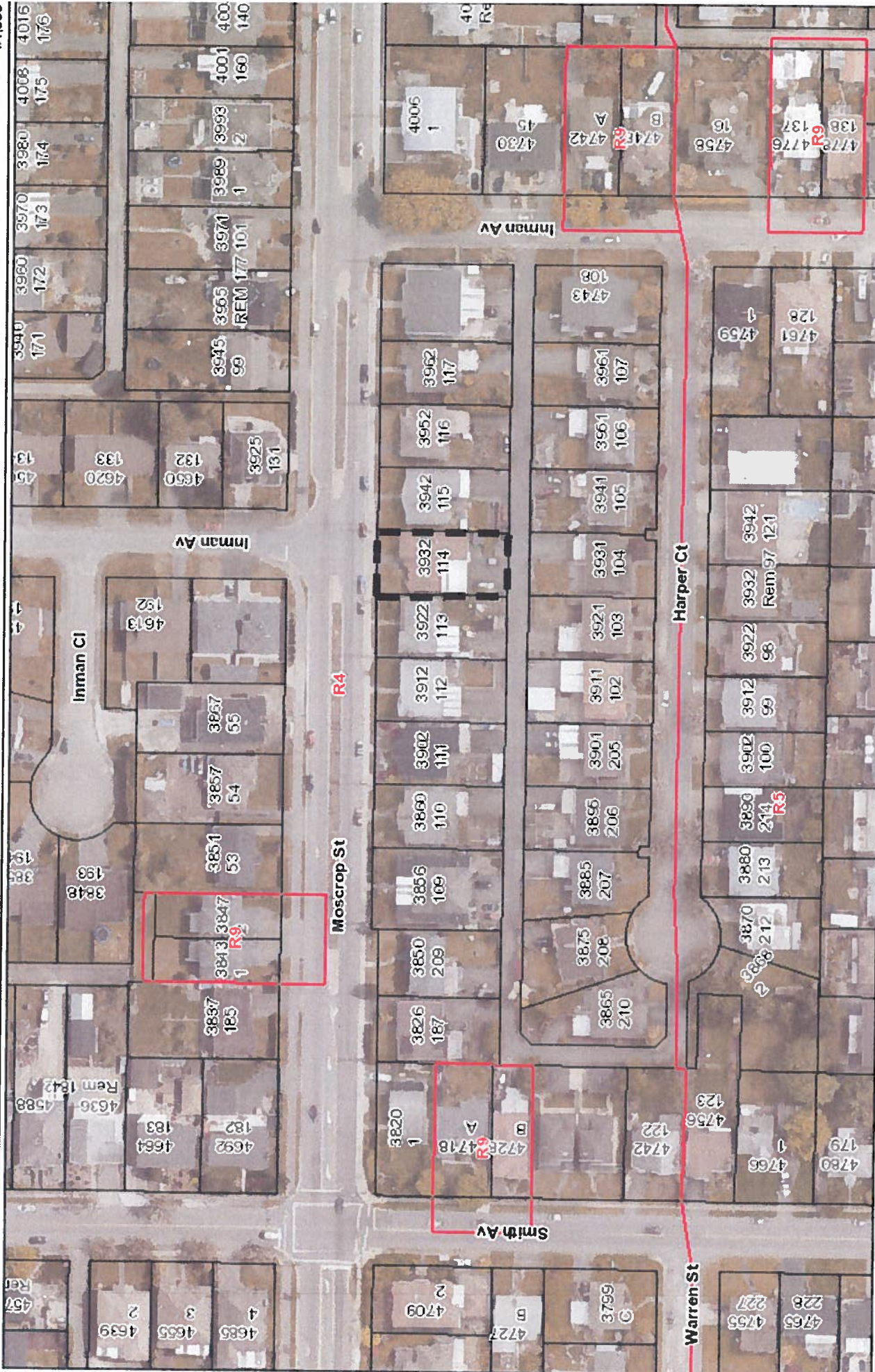
Q:\bylaw\Notice On Title\RFS14-00592 3932 Moscrop.doc



3932 Moscrop Avenue

July 28, 2014

1:1,500



The 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.

PLANNING AND BUILDING DEPARTMENT

DRAWN BY: ST

SUBJECT SITE: []

N