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| Item | |
| Meeting | 2015 |

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2015 JULY 30

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 43000 40

SUBJECT: 6435 MARINE DRIVE, BURNABY, BC
 LOT 9, BLOCK 8, DL 173, PLAN NWP 1034

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 against title to the subject property 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 two registered owners:

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| (i) Natasha D. Murray 6435 Marine Drive Burnaby, BC V3N 2Y5 | (ii) Nikita A. Vizniak 6435 Marine Drive Burnaby, BC V3N 2Y5 |
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REPORT

1.0 BACKGROUND

On 2015 March 19, an inspection of the subject premises (see *attached* sketch) was undertaken by Building Department staff in response to a written complaint alleging the construction of additions to the existing single family dwelling, an addition to an accessory building (encroaching onto City property) and two new accessory buildings located on City property.

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Inspection staff observed several instances of unpermitted construction at the subject premises and on City road allowance. Unpermitted construction observed to the principal building includes an addition to connect and convert the existing detached carport into an attached garage with a new storey built above it, a new rear porch addition and a new roof. Unpermitted construction located on the subject premises and encroaching on the Ninth Avenue road allowance, includes a second storey addition, interior alterations that provide access to a separate accessory building, and the construction of two new accessory buildings fully built on the Fenwick Street road allowance.

On 2015 April 02, the Building Department sent a letter to the property owners listing the requirements to bring the property into compliance with City bylaws.

On 2014 April 29, the Engineering Department sent the property owners a letter requiring the removal of all accessory buildings, retaining walls and decks encroaching onto City road allowance by 2014 June 12. To-date, no action to remove the encroaching structures has been undertaken by the owner.

Engineering Department staff sent a final warning letter to the owners on 2015 July 23 requiring the removal of the unauthorized work by 2015 September 22. If they do not comply, arrangements will be made for the City crews to perform the work and the owners will be invoiced for the cost.

Building Department staff has been advised by Engineering Department of the owners' intent of selling the property.

2.0 CONTRAVENTION OF BYLAWS

The owners are in breach of Section 7(1) of the City's Building bylaw for the unpermitted construction of several additions to the existing single-family dwelling, an addition and interior alterations to an accessory building encroaching onto Ninth Avenue and two accessory buildings located on Fenwick Street.

3.0 CONCLUSION

It is recommended that the City file 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 towards resolving this matter and will pursue legal action, if necessary, in order 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.

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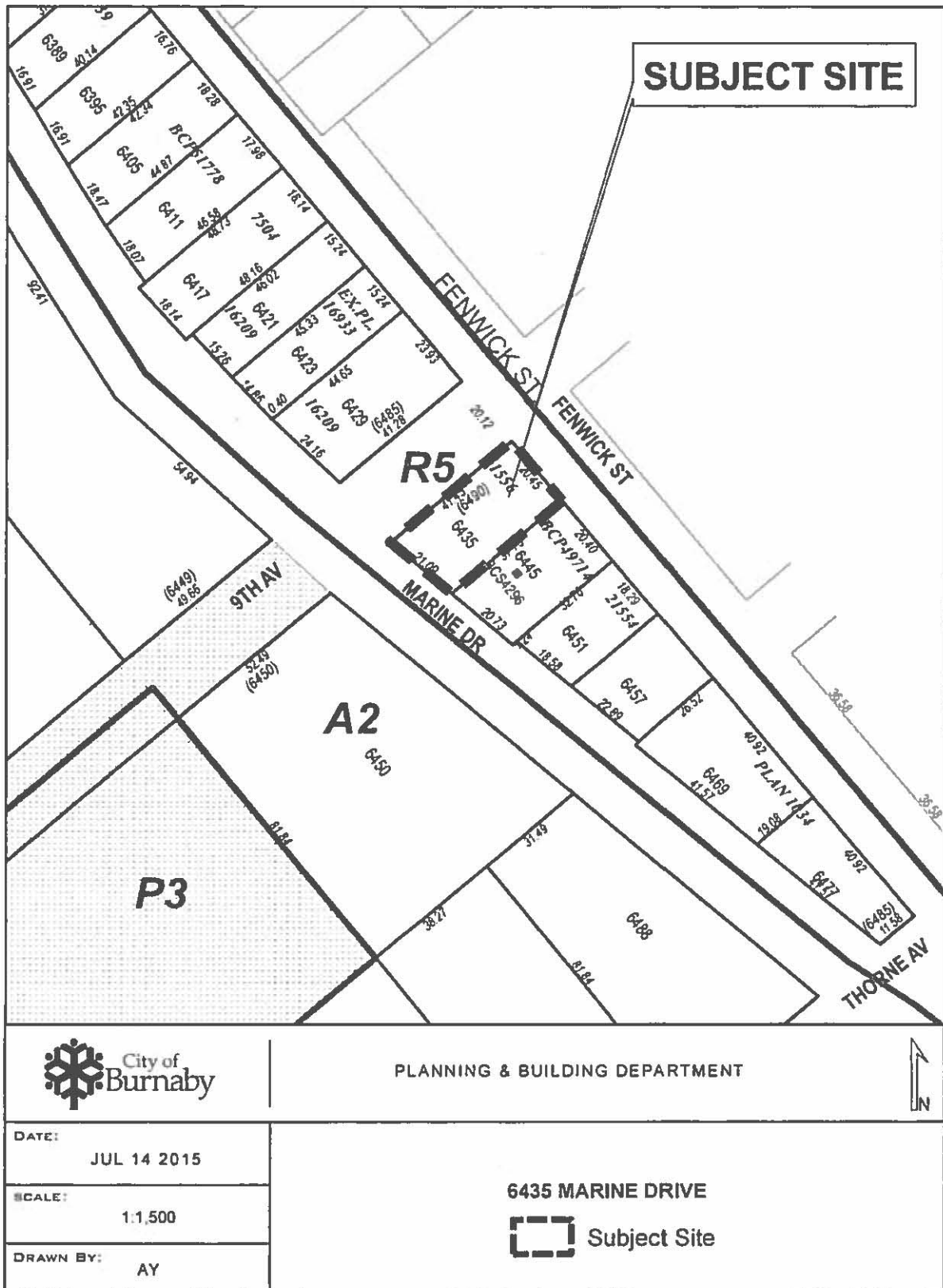
The City Clerk, in keeping with 57(2) of the Community Charter, has provided the property owners with the notice of this report and with the opportunity to appear before Council.


Lou Pelletier, Director
PLANNING AND BUILDING

LH:ap
Attachment

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

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Sketch #1