



Item
Meeting2015

COUNCIL REPORT

TO: CITY MANAGER DATE: 2015 JULY 08

FROM: DIRECTOR PLANNING AND BUILDING FILE: 43000 40

SUBJECT: 8708 ROYAL OAK AVENUE, BURNABY, BC
DL 189, GROUP 1, NWP PLAN 88125

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 owner:

Vietnamese Unified Buddhist (Hoa-Nghiem) Congregation of BC

8708 Royal Oak Avenue
Burnaby, BC V5J 4L8

REPORT

1.0 BACKGROUND

A number of additions to an existing single family dwelling as well as the construction of three storage buildings has been undertaken on the property, all without permits.

To: City Manager
 From: Director Planning and Building
 Re: 8708 ROYAL OAK AVENUE, Burnaby, BC
 2015 July 08 Page 2

These structures have been used contrary to the provisions of the BC Building Code and Burnaby Zoning Bylaw.

During a 2015 January 14 inspection of the unauthorized structures on this property, inspectors observed many serious bylaw and safety infractions. Electrical and gas service was disconnected to the main structure for safety reasons.

On 2015 February 11, Do Not Occupy notices were posted by Building Department staff on all entrances to the main structure.

During a subsequent inspection of the main structure conducted on 2015 April 16, Fire Prevention Officers observed numerous extension cords connected to space heaters and extending throughout the premises to various locations. Fire Prevention staff commented that the potential for a fire caused by power still being supplied to the property was very high. As such, the Building Department's Electrical Inspections contacted BC Hydro and requested an immediate disconnect of electrical service to the entire property for safety reasons.

The owner has requested to be able to retain the unauthorized construction, however it is not considered possible for the existing structures to be renovated to conform to the BC Building Code or to comply with the agricultural zoning of the site and its ALR designation.

Legal action has been commenced to suspend the use of the premises and to compel the demolition of all unauthorized structures.

Building Department staff have received information that the owner is considering the sale of the property.

2.0 CONTRAVENTION OF BYLAWS

The owner is in breach of the City's Building bylaw for the unpermitted construction of several additions to the existing single family dwelling as well as three storage buildings on the property.
Burnaby Building Bylaw: Section 7(1) – Construction without permit.

The use of one of the additions is also in breach of the City's Zoning Bylaw designation under the Truck Gardening District (A3).

To: City Manager
From: Director Planning and Building
Re: 8708 ROYAL OAK AVENUE, Burnaby, BC
2015 July 08 Page 3

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.

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 57(2) of the Community Charter has provided the property owner with notice of this report and with the opportunity to appear before Council.

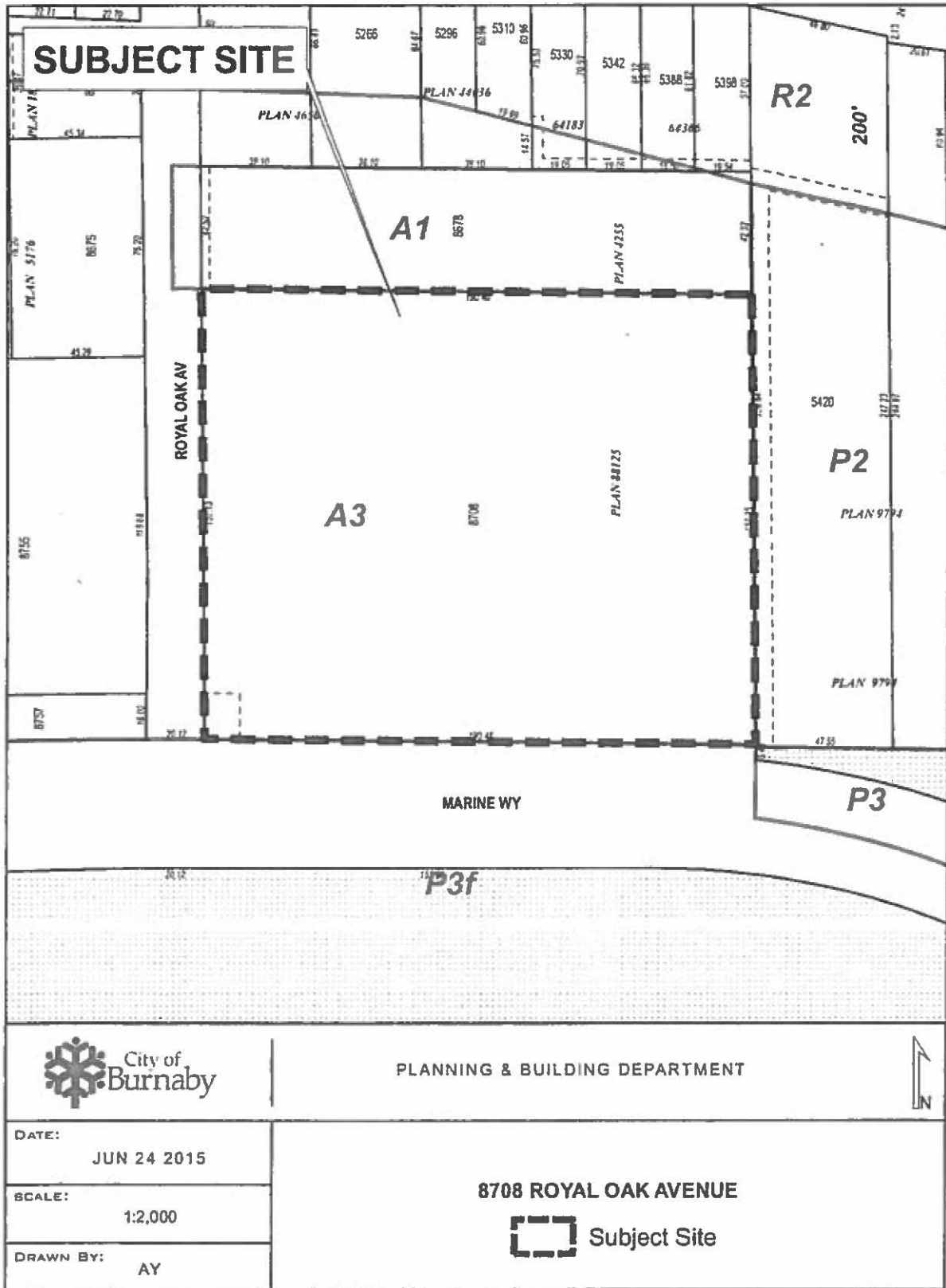

Lou Pelletier, Director
PLANNING AND BUILDING

LP:jw

Attachment

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

Q:\bylaw\Notice On Title\Royal Oak #708\Royal Oak #708.doc



Sketch #1