



Item
Meeting 2016 June 27

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2016 MAY 25

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

SUBJECT: 7755 – 10TH AVENUE, BURNABY, BC
LOT 44, DL 28, PLAN NWP 2105

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 registered owners:

i) Palwinder S. Mand	&	(ii) Palwinder K. Mand
7755 – 10 th Avenue		7755 – 10 th Avenue
Burnaby, BC – V3N 2S2		Burnaby, BC – V3N 2S2

R E P O R T**1.0 BACKGROUND**

On 2016 May 11, the Building Department sent a letter to the owners for inspection of the subject premises in response to a complaint alleging the construction of multiple residential suites in the existing single-family dwelling and accessory building listed for sale. The owners were informed by phone to advise potential purchasers of the outstanding bylaw contraventions at the subject property.

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On 2016 May 18, an inspection of the subject premises was undertaken by Building Department staff. Inspection staff observed several instances of unpermitted construction including multiple secondary suites on the lower floor of the principal building and one suite in the accessory building. Unpermitted construction to the principal building consists of interior alterations to the lower floor to include two secondary suites (and a potential third suite) and interior alterations to the accessory building to include a suite.

On 2016 May 19, Building Department staff sent a letter to the property owners listing the requirements to bring the premises into compliance with City bylaws, requiring the premises to be restored to the original approved building permit plans (as per building permit No. BLD14-00587).

2.0 CONTRAVENTION OF BYLAWS

The owners are in contravention of following City's bylaws:

- i) Section 7(1) of the Burnaby Building Bylaw No.11729- Construction without permit
- ii) Section 4(1)(b) of the Burnaby Plumbing Bylaw No.11148- Constructing, installing commencing, or carrying out work without permit
- iii) Section 19 of the Burnaby Electrical Bylaw No.6494 - Constructing, altering or repairing without permit


3.0 CONCLUSION

Building Department staff recommends filing a Notice in the Land Title Office to advise potential purchasers of the outstanding bylaw contraventions noted at this property.

Building Department staff will continue to work with the property owners 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 owners with notice of this report and with the opportunity to appear before Council.


Lou Pelletier, Director
PLANNING AND BUILDING

LH:ap

Attachment

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cc: Director Finance – (Attn: D. Letkeman)
City Solicitor

Chief Building Inspector
City Clerk

