



TO: CITY MANAGER **DATE:** 2020 September 09

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: 205 HYTHE AVE, BURNABY, BC V5B 3J1 (SEE ATTACHED SKETCH)
LOT B DL 127 GROUP 1 NWD PLAN 21395

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 owner:
 - (a) William Edward Steemson
205 Hythe Ave, Burnaby, BC V5B 3J1

REPORT

1.0 BACKGROUND

On 2017 October, a complaint was received for an unauthorized rear addition to existing single family dwelling with illegal suite.

On 2018 April 25, an electrical permit was obtained and completed to decommission the illegal lower suite.

On 2018 September 13, a building permit application for the unauthorized addition was received.

On 2018 October 10, an application to the Board of Variance (BOV) was made for the oversized addition. The BOV denied the variance on 2018 November 01.

On 2018 August 12, an altered second application was made to the BOV and was denied on 2019 November 07.

To: City Manager
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Re: 205 Hythe Avenue, Burnaby, BC V5B 3J1
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On 2019 February 05, the City of Burnaby applied for a petition to the BC Supreme Court in respect to the bylaw contraventions on the property. The City's application was adjourned by the Court in order to give the property owner sixty (60) days (on or before 2020 October 09) to make a Development Variance Permit application with the City.

On 2020 August 25, notification was received from Brooks Tomchenko Morrison Law Firm, advising the City that the property is now in foreclosure and will be offered for sale by Sutton Group West Coast Realty. The listing agent has been contacted and has been made aware of the contraventions on this property.

On 2020 September 01, the property was listed for sale.

As of the date of this report, no further progress has taken place with the property owner.

2.0 CONTRAVENTION OF BYLAWS

Section 7 (1) of the Burnaby Building Bylaw No 11728 - *Constructing without permit*

Section 4(1)(b) of the Burnaby Plumbing Bylaw No 11148 - *Constructing, installing, commencing, or carrying out work without permit*

Section 19 of the Burnaby Electrical Bylaw No 6494 - *Constructing, altering or repairing without permit*

Section 7 of the Burnaby Gas Bylaw No 7288 - *Installing or altering without permit*

3.0 CONCLUSION

Building Department staff recommend 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 owner 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 owner with notice of this report and with the opportunity to appear before Council.


E. W. Kozak, Director
PLANNING AND BUILDING

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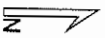
Attachment

cc: Director Finance
City Solicitor

Chief Building Inspector
Acting City Clerk



PLANNING & BUILDING DEPARTMENT



Date:

SEPT 3 2020

scale:

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Drawn By:

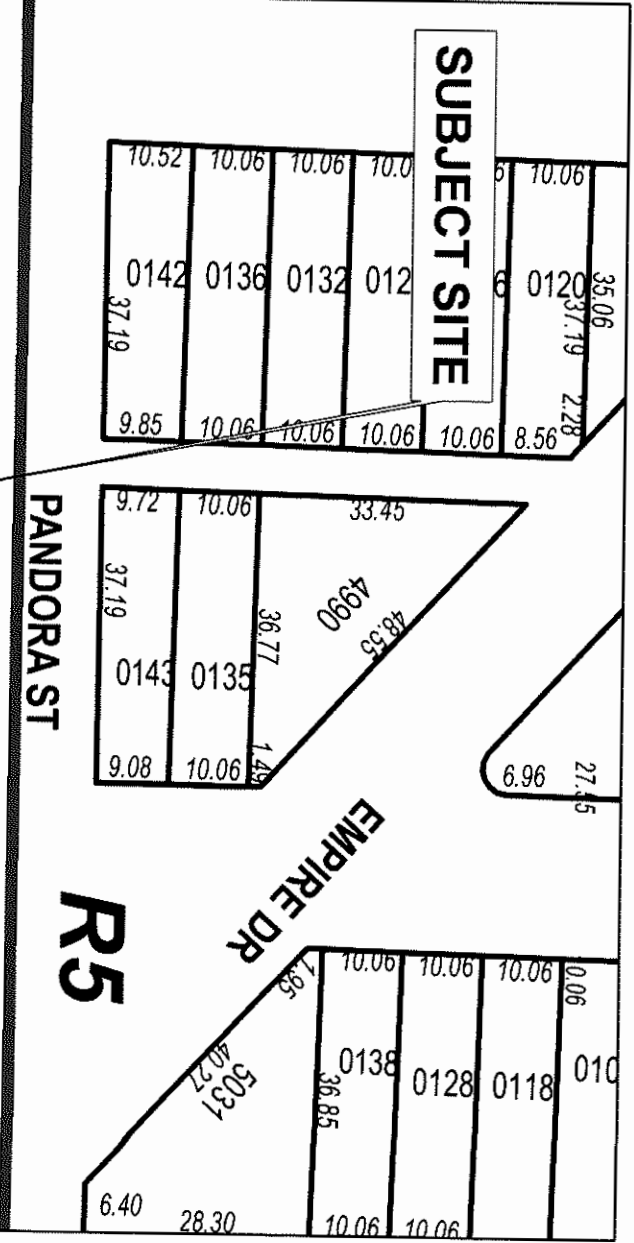
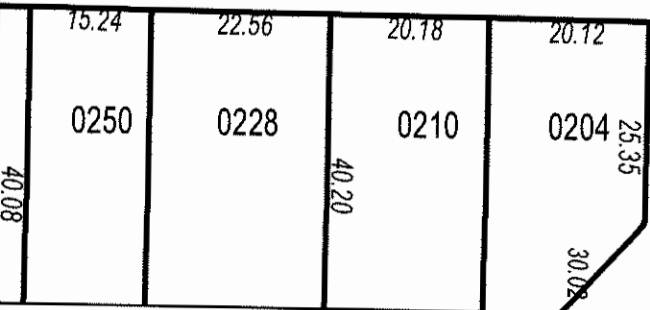
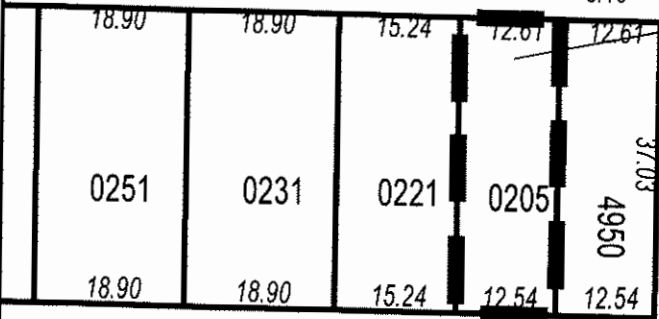
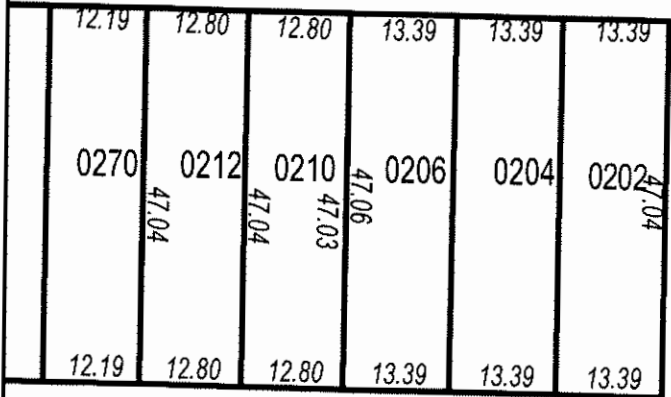
RW

205 HYTHE AVENUE



Subject Site

Sketch #1



SUBJECT SITE

PANDORA ST

R5

EMPIRE DR

HYTHE AV