
TO: CITY MANAGER **DATE:** 2015 APRIL 28

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

SUBJECT: 150 HOWARD AVENUE, BURNABY, BC
LOT 2, BLOCK 71, DL 189, PLAN 4953

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:
 - (i) Carmelo Amenta
150 Howard Avenue
Burnaby, BC V5B 3P4
 - (ii) Sebastian Amenta
150 Howard Avenue
Burnaby, BC V5B 3P4

REPORT**1.0 BACKGROUND**

On 2014 September 30, 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 a deck extension, a new side door and a new shed, all work done without permits.

Inspection staff determined that an approximate 330 sq. ft. (22' x 15') unauthorized sundeck extension with an aluminum roof had been constructed in addition to the originally approved rear deck area. Investigation of the unauthorized construction of the side door led to the discovery of an unauthorized secondary suite. A suite feasibility study was completed during the inspection for the convenience of the owners.

On 2014 October 06, the Building Department sent a letter to the property owners listing the requirements to bring the dwelling into compliance with City bylaws. The owners were advised that following a review concerning the above grade floor area, gross floor area and deck area available for development on the property, the single family dwelling, as originally constructed, was built to or exceeded the maximum square footage allowed by the Burnaby Zoning Bylaw. No additional deck construction beyond that approved under the original building permit could be permitted. The unauthorized deck and aluminum roof would need to be removed and the deck restored to the approved plans. The property owners were provided with information concerning the required corrections to non-compliant plumbing, gas and electrical works, the results of a suite feasibility study outlining the upgrades necessary to legalize a secondary suite and the minor repairs needed for the garden shed.

On 2014 December 03, the designer retained by the property owners contacted the Building Department to discuss plans for the design of a new deck to replace the unauthorized deck and aluminum roof following completion of the removal work.

Discussions between the owners, designer and City staff were ongoing, with the owners stating their intention to proceed with the work in 2015 March. The property owners were reminded on several occasions that in addition to the deck requirements, the corrective works relating to the unauthorized suite and garden shed also remained outstanding.

On 2015 April 22, following a number of telephone calls and emails to the property owners and the designer requesting updates on the status of the work, Building Department staff were informed by the owners that the property has been sold with completion scheduled for 2015 June 20.

2.0 CONTRAVENTION OF BYLAWS

On 2015 April 22, Bylaw Violation Notices were issued for offences under Burnaby Building, Plumbing, Gas and Electrical Bylaws, for the following:

- i) Burnaby Building Bylaw, Section 7(1) - Construction without permit;
- ii) Burnaby Electrical Bylaw, Section 19 - Constructing, altering or repairing without permit;
- iii) Burnaby Plumbing Bylaw, Section 4(1)(b) - Constructing, installing, commencing or carrying out work without a permit; and,
- iv) Burnaby Gas Bylaw, Section 7 - Installing or altering without a permit.

To: City Manager
From: Director Planning and Building
Re: 150 Howard Avenue, Burnaby, BC
2015 April 23..... Page 3

Building Department staff have contacted the purchaser's realtor to discuss the outstanding orders against the property.

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 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.

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

LP:ap
Attachment

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

