



Item
Meeting 2016 May 09

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2016 APRIL 05

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

SUBJECT: 4362 BRIARWOOD CRESCENT, BURNABY, BC
LOT 1, BLOCK 9, DL 34, PLAN NWP 14245

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) Emy Nakamura & (ii) Gordon Chow
4362 Briarwood Crescent
Burnaby, BC – V5G 2M6
Briarwood Crescent
Burnaby, BC – V5G 2M6

REPORT

1.0 BACKGROUND

On 2016 March 17, the Building Department sent a letter to the owners requesting access to inspect the subject premises in response to a complaint alleging the construction of multiple residential suites in the existing single family dwelling listed for sale. The owners' realtor was contacted by phone and informed to advise potential purchasers of the outstanding bylaw contraventions at the subject property.

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On 2016 March 22, the owners sent an email requesting that an inspection be scheduled as soon as possible.

On 2016 March 31, an inspection of the subject premises was undertaken by Building Department staff. Inspection staff observed several instances of unpermitted construction, including two secondary suites. Unpermitted construction to the principal building consists of major interior alterations to the basement floor to include two secondary suites, a rear deck, and upgrading of electrical and plumbing work to the main floor.

On 2016 April 05, Building Department staff sent a letter to the property owners listing the requirements to bring the premises into compliance with City bylaws and requiring a building permit application and the requisite sub-trade permits by 2016 June 06.

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.11728 - Construction without permit
- ii) Section 4(1) 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
- iv) Section & of the Burnaby Gas Bylaw No.7288 - Installing or altering 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

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

Chief Building Inspector
City Clerk



Subject Site