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| Item |
| Meeting 2016 June 20 |

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2016 MAY 17

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

SUBJECT: 7211 – 4TH STREET, BURNABY, BC
LOT 2, DL 28, PLAN BCS3954

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) Qinhuu Zhu
7211 – 4th Street
Burnaby, BC – V3N 3N5
 - & (ii) Kai Liang
7211 – 4th Street
Burnaby, BC – V3N 3N5

REPORT

1.0 BACKGROUND

On 2015 March 19, the Building Department sent a letter to the owners requesting access to inspect the subject premises in response to a complaint alleging unauthorized construction (including a secondary suite.)

On 2015 May 05, an inspection of the subject premises was undertaken by Building Department staff. Inspection staff observed several instances of unpermitted construction, including a secondary suite. Unpermitted construction to the principal building consists of interior alterations to the basement floor to include a secondary suite, enclosure of the upper deck and unpermitted electrical work.

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On 2015 May 13, Building Department staff sent a letter to the property owners listing the requirements to bring the premises into compliance with City bylaws, requiring a building permit application and the requisite sub-trade permits to be issued by 2015 July 13.

On 2015 July 12, the owners sent an email requesting an extension for the completion of the required work. An extension was granted until 2015 August 31. To-date, the owners have not obtained the requisite building and electrical permits.

On 2016 May 12, a letter was sent to the owners stating that the City is aware the property is currently listed for sale and that all prospective purchasers must be advised of the outstanding Bylaw infractions observed during the 2015 May 05 inspection.

2.0 CONTRAVENTION OF BYLAWS

The owner is in contravention of following City's bylaws:

- i) Section 7(1) of the Burnaby Building Bylaw No.11729 - Construction without permit
- ii) 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.

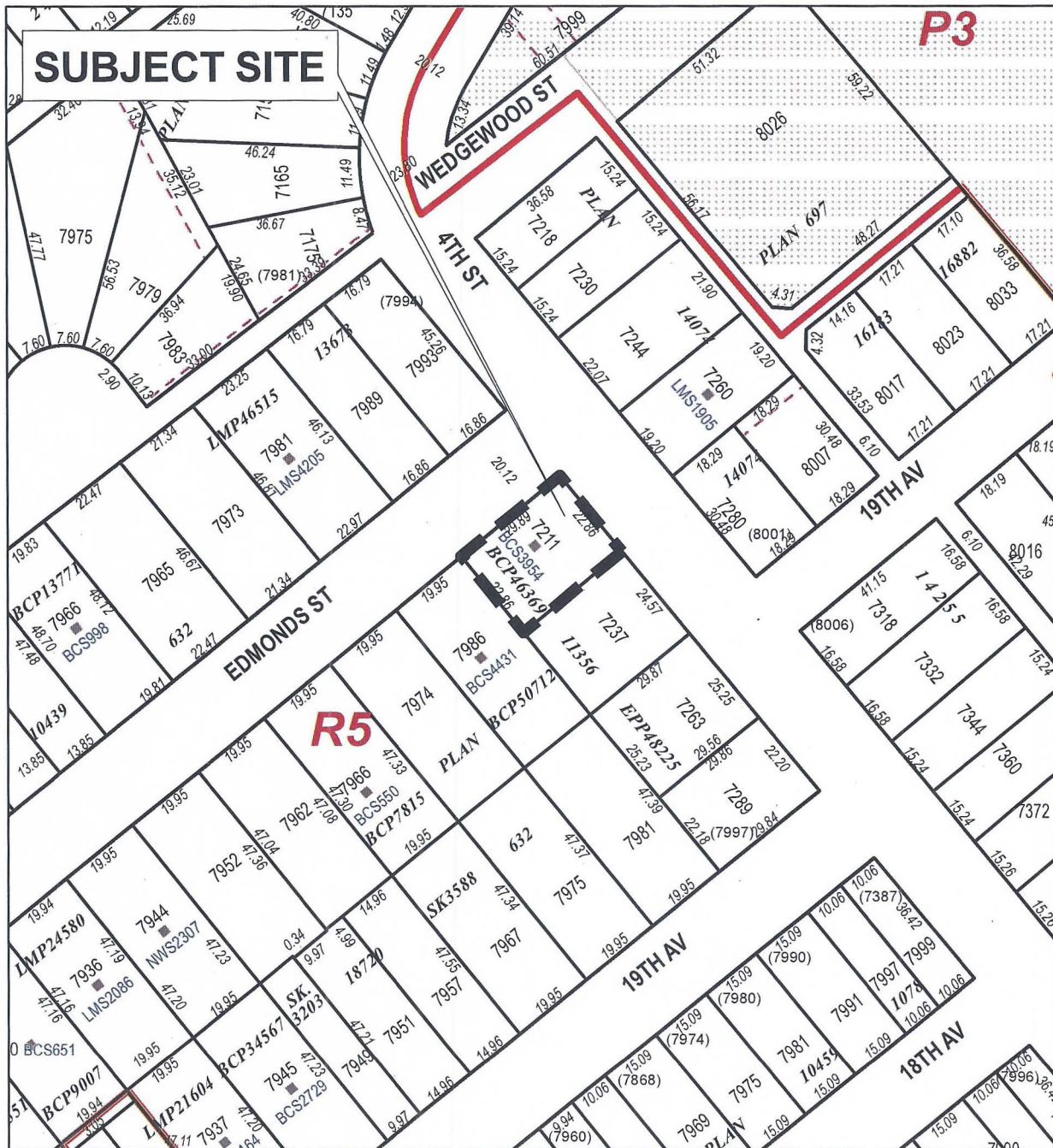
The use of Section 57 of the Community Charter to file Notices in the Land Title Office is consistent with the Housing Committee Report adopted by Council 1992 September 28.

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

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



PLANNING & BUILDING DEPARTMENT



DATE:

MAY 17 2016

SCALE:

1:1,500

DRAWN BY:

AY

7211 FOURTH STREET



Subject Site

Sketch #1