



Item
Meeting 2017 August 28

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2017 July 14
FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 43000 40
SUBJECT: 4482 MARINE DRIVE, BURNABY, BC
LOT 2, DL 157, PLAN LMP52675
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) Ahemed I. Patel and Naseem Patel
6957 Antrim Avenue
Burnaby, BC V5J 4M5

REPORT

1.0 BACKGROUND

On 2007 May 01, a Building permit to construct an outdoor in-ground pool was issued to the home owner Ahemed Patel.

Building Department records indicate that four (4) building inspections were conducted between 2013 August 08 to 2015 May 01 to ensure that the Swimming Pool Enclosure Bylaw 2000 was in place.

On 2017 January 24 and 25, the Building Department staff carried out an inspection to provide assistance to the homeowner in regards to completing his 2007 pool building permit. Alterations from approved plans including to but not limited to additional unauthorized construction, plumbing and gas work, all without permits were observed.

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On 2017 January 31, a Notice of Suspension was posted on site. Building Department staff mailed a letter to the property owner ordering that the listed contraventions on the premises be brought into compliance with City Bylaws by 2017 March 10. The letter was accompanied with Burnaby Bylaw Violations notices under Section 7(5) of the Building Bylaw, Section 7 of the Gas Bylaw and Section 4 (1) (b) of the Plumbing Bylaw to property owner Ahemed Patel.

On 2017 June 08, a second letter was mailed stating the property owner(s) Ahemed and Naseem Patel had failed to comply with the dead-line given in the order. A second deadline was given of 2017 June 30 to achieve compliance listed in original letter. The letter was accompanied with Burnaby Bylaw violation notices under Section 24.9 and Section 7(5) of the Building Bylaw, Section 7 of the Gas Bylaw and Section 4 (1) (b) of the Plumbing Bylaw to property owner Ahemed Patel.

2.0 CONTRAVENTION OF BYLAWS

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

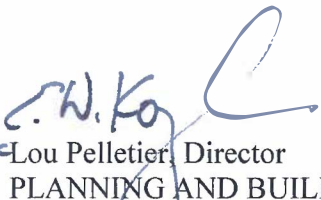
- i) Section 4.1 of the Burnaby Zoning Bylaw "Erecting, moving, altering or enlarging a building or structures in a manner that does not conform with the bylaw.
- ii) Section 24 (9) of the Burnaby Building Bylaw "Failure to comply with an order"
- iii) Section 7(5) of the Burnaby Building Bylaw "Work contrary to approved plans"
- iv) Section 7 of the Burnaby Gas Bylaw "Installing or altering without a permit"
- v) Section 4(1)(b) of the Burnaby Plumbing Bylaw "Constructing, installing, commencing or carrying out work without a 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

LD:jw
Attachment

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

Chief Building Inspector
City Clerk

