



Item
Meeting..... 2017 October 02

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2017 August 23
FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 43000 40
SUBJECT: 7769 AND 7771 DAVIES STREET, BURNABY, BC
LOT 2, DL 29, PLAN NW16816
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) Xiao Miao and Russell S. Mooney
7769 Davies Street
Burnaby, BC V3N 3H5

R E P O R T

1.0 BACKGROUND

On 2017 January 04, the Building Department sent a letter to property owners Xiao Miao and Russell S. Mooney requesting access to the subject property in response to a written complaint alleging unauthorized suites. A deadline of 2017 February 06 to arrange an inspection was given.

On 2017 February 01, Building Department staff scheduled an inspection for 2017 March 28 with Xiao Miao through email correspondence.

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On 2017 March 28, Building Department staff arrived for the inspection but were denied access. A second letter was mailed to the owners ordering access to this property, with an enclosed Bylaw Violation Notice Section 7.6 ‘Obstructing Building Inspector’.

On May 16, Building Department staff carried out an inspection. Three illegal units were observed. One located on the lower floor of 7769 Davies, and two located on the lower floor of 7771 Davies Street.

On 2017 June 09, Building Department staff mailed a compliance letter to the property owners listing contraventions on the premises to be brought into compliance with City Bylaws by 2017 July 07 and 2017 July 14.

Building Department staff received an email from Xiao Miao on 2017 July 06 indicating that a general contractor was hired.

On 2017 July 17, Xiao Miao called Building Department staff and indicated that the contractor was still in the process of obtaining permits and requested an extension. An extension was granted until mid-August.

On 2017 August 02, Xiao Miao met with Building Department staff to review options for the property, including subdivision or sale.

On August 21, Xiao Miao met with Building Department staff and provided documentation from the Supreme Court of British Columbia stating that the subject property was being transferred to Mr. Richard George Rutherford and that he may transfer the subject property to a nominee. As of this report date, an electrical permit for the removal of three stoves has been submitted but not completed, other required remedial work remains outstanding.

2.0 CONTRAVENTION OF BYLAWS

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

- i) Section 4.1 of the Burnaby Zoning Bylaw “Use of occupation of land, building or structure”
- ii) Section 19 of the Burnaby Electrical Bylaw “Construction, altering or repairing without permit”
- iii) Section 7(1) of the Burnaby Building Bylaw “Construction without permit”
- 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”

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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.

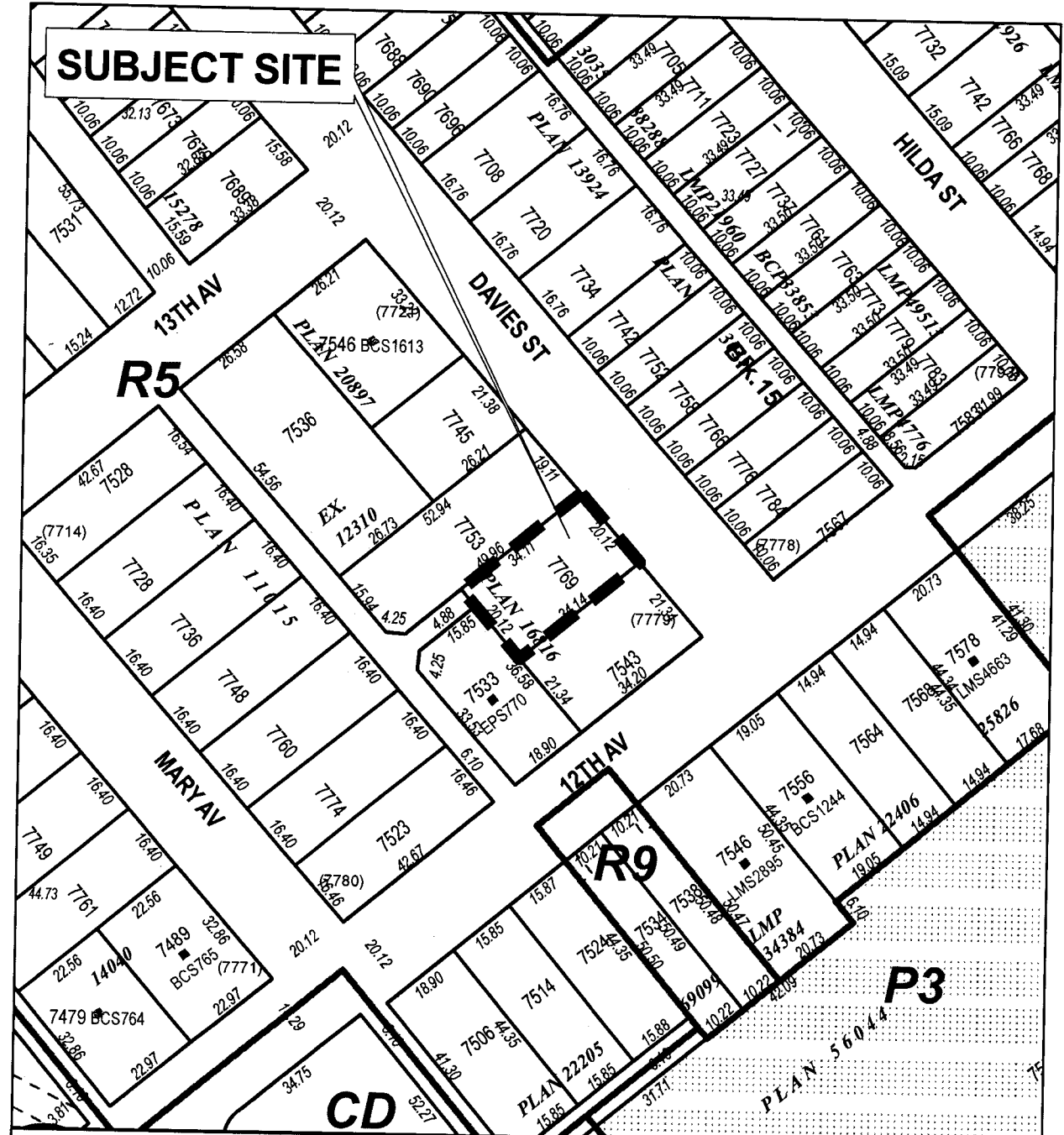

Lou Pelletier, Director
PLANNING AND BUILDING

LD:tn

Attachment

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

Q:\bylaw\Notice On Title\Davies 7769-7771\Report\Davies 7769 Report.docx




PLANNING & BUILDING DEPARTMENT



DATE:	AUG 22 2017
SCALE:	1:1,405
DRAWN BY:	AY

7769 - 7771 DAVIES STREET

 Subject Site

Sketch #1