



Item
Meeting 2019 October 07

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2019 September 03

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: 720-722 SPERLING AVENUE, BURNABY, BC
LOT: 2, D.L.206, PLAN: NWP23700, PID: 000-818-917

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 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 following owners:
 - (a) Maria C Canosa
720 Sperling Avenue
Burnaby BC, V5B 4H5

REPORT

1.0 BACKGROUND

On 2019 April 8, the Bylaw Services Department received a written complaint of unauthorized suites in a 2 family dwelling at 720-722 Sperling Avenue in Burnaby BC.

After confirming the details of the complaint, an investigation was initiated. An access letter was sent to the owner on 2019 June 27 and an inspection was arranged for 2019 July 16.

The property was inspected by City of Burnaby Building staff on 2019 July 16. It was observed at that time that unauthorized construction and unauthorized suites were present at the property and that the property was tenant occupied.

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From: Director Planning and Building
Re: Notice on Title
720-722 Sperling Avenue

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After inspection reports were received from City inspections staff, a compliance letter was prepared and sent to the owner on 2019 August 9 advising of the requirements to bring the property into compliance with City bylaws.

During a phone discussion with the owners representative on 2019 August 22, it was revealed that due to lack of funds, the owners would not be making the necessary repairs to bring the property into compliance and would be listing the property for sale.

Building inspection staff is recommending that a notice be filed in the Land Title Office.

2.0 CONTRAVENTION OF BYLAWS

The owner(s) of 720-722 Sperling Avenue is in contravention of the City of Burnaby Building Bylaw 2016, (Bylaw No 13658), Section 7(1), Construction without Permit

- *No person shall commence or continue construction or change the occupancy of any building, structure or part thereof, unless the Building Inspector has issued a permit for the construction and that permit remains in force.*

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.



E.W. Kozak, Director
PLANNING AND BUILDING

GD:jw

cc: Director Finance
Chief Building Inspector
City Solicitor
City Clerk

