



Item
Meeting2017 January 30

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2016 December 14

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

SUBJECT: 7076 FIELDING COURT, BURNABY, BC
LOT 41, DL 78, NWP30600

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) Zhi J. Sun and Jin Zhong
7076 Fielding Court
Burnaby, BC V5A 1Y5

REPORT

1.0 BACKGROUND

On 2016 October 12, the Building Department sent a letter to the owners requesting access to inspect the subject premises (see *attached* sketch) in response to a complaint received by the City of Burnaby Licence Department alleging an unauthorized suite and a short term rental of rooms in an existing single family dwelling.

On 2016 November 09, Building Department staff carried out an inspection of the subject premises and observed several instances of unauthorized construction relating to interior alterations, plumbing and electrical work, and the additional of aluminum deck cover all without permit.

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An inspection of the property by Licence Office staff also conducted on 2016 November 09, revealed that the property was being offered for short term rentals. At the request of the property owner staff personally met with him on 2016 December 15, to explain that the Residential District (R1) zoning of the property only permitted the property to be used as the permanent residence of one family.

On 2016 November 29, Building Department staff mailed a letter to the property owners listing the requirements to bring the premises into compliance with City Bylaws. In order to correct the objections, the owners were directed to submit a complete Building Permit application by 2017 February 28.

On 2016 December 05, Building Department staff received an e-mail from the owners stating that they had engaged in the services of a realtor and plan to sell the home once the contraventions are resolved.

As of the date of this report, no Building permit application has been submitted.

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)(b) 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;*

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.

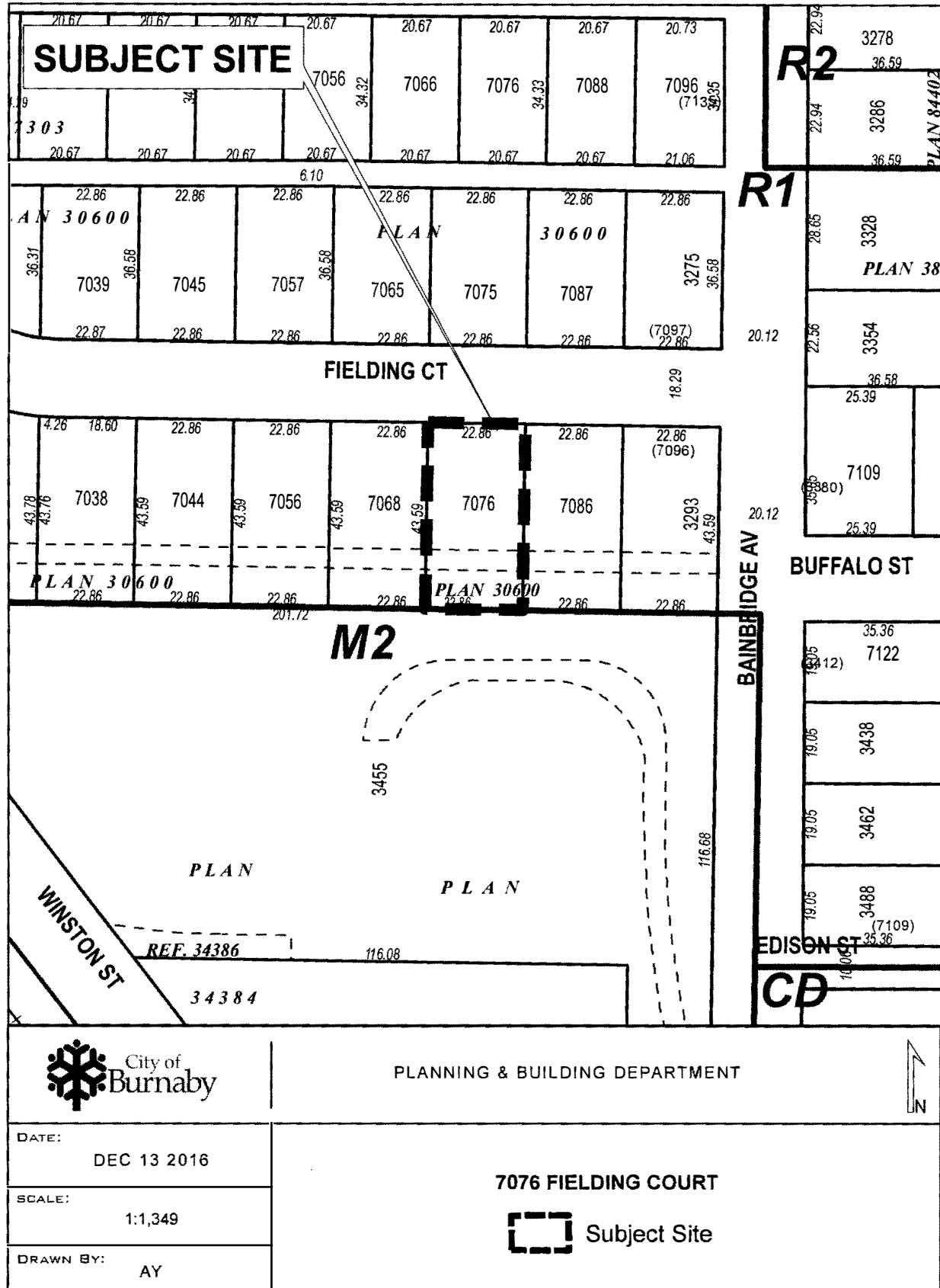
The use of Section 57 of the Community Charter to file Notices in the Land Title Office is consistent with the Housing Committee Report adopted by Council 1992 September 28. The City Clerk, in keeping with Section 57(2) of the Community Charter, has provided the property owners with notice of this report 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



Sketch #1