



Item.....
Meeting.....2020 November 09

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2020 AUGUST 28

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: 5643 PORTLAND STREET, BURNABY, BC
LOT: 35, D.L. 159, PLAN: NWP15497, PID: 010-105-336

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:

HANDA, NAROTTAM
HANDA, SAROJ
5465 MARINE DRIVE
BURNABY BC, V5J 3G7

REPORT

1.0 BACKGROUND

On 2020 July 26, the Bylaw Services Department received a written complaint of an unauthorized suite at 5643 Portland Street (see *attached* Sketch #1) in Burnaby BC.

The property is currently tenant occupied (lower floor) and vacant (upper floor) and listed for sale with *Tracey Niu*, realtor with *New Stream Realty Inc.* The realtor currently has the property listed

To: City Manager
From: Director Planning and Building
Re: 5643 Portland Street, Burnaby, BC
2020 August 28..... Page 2

as containing a two (2) bedroom suite with separate entrance on the lower level. City of Burnaby records show no registered and/or authorized secondary suite at this address.

The property owners have been sent an access letter informing them of the complaint and to request access for City of Burnaby staff to complete an inspection in regards to the written complaint. The owners have been asked to contact the Bylaw Services Department to arrange for Building staff to enter and inspect the premises to determine the extent of contraventions.

Due to the property being presently listed for sale, Building inspection staff is recommending that a notice be filed in the Land Title Office.

2.0 CONTRAVENTION OF BYLAWS

The owners of 5643 Portland Street are 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 recommend 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.

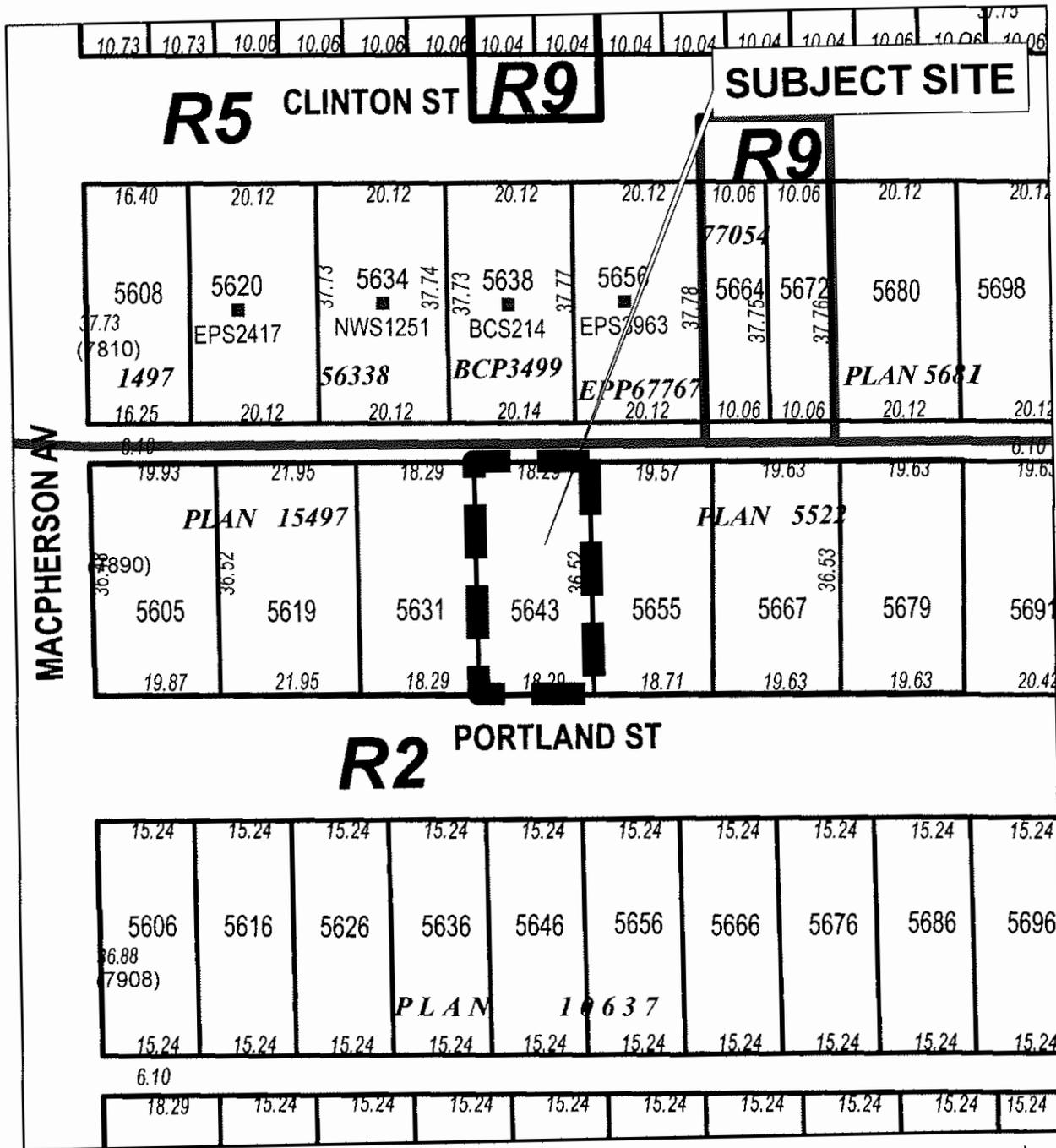
The City Clerk, in keeping with Section 57(2) of the Community Charter has provided the property owners with notice of this report and with the opportunity to appear before Council.


E. W. Kozak, Director
PLANNING AND BUILDING

GD:kg

Attachment

cc: Director Finance
Chief Building Inspector
City Solicitor
Acting City Clerk



City of Burnaby

PLANNING & BUILDING DEPARTMENT

Date: AUG 28 2020	<p>5643 PORTLAND AVENUE</p> Subject Site
scale: 1:1,000	
Drawn By: JS	