

DATE OF MEETING November 19, 2020

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT ILLEGAL STRUCTURE - 4259 CLUBHOUSE DRIVE

OVERVIEW

Purpose of Report

To obtain Council authorization to enforce the provisions of the *Community Charter*, related to an unauthorized structure.

Recommendation

That Council:

1. issue a Remedial Action Order at 4259 Clubhouse Drive pursuant to Sections 72, 73 and 74 of the *Community Charter*;
2. direct Staff or their authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense, if the said remedial action is not undertaken within 30 days of Council's resolution; and
3. direct the remedial action consist of removing the illegal structure.

BACKGROUND

The Building Inspections Section inspected the property at 4259 Clubhouse Drive on 2019-JUN-24, in response to information received from the public.

A building inspector met with the owner on site and observed two accessory buildings in the back yard. Both structures are 16'2 x 10'2 in dimension. The inspector determined the structures were on unsuitable bearing, consisting of two 12" x 12" patio stones supporting a 4x4 post as a beam. The front beam appears to be situated on asphalt shingles, laid on the grass. The structures are situated less than 1.5m to the back property line.

The inspector informed the owner that the structures do not meet building code or comply with bylaws and requires removal. In addition, a notice of bylaw contraventions would be placed on the property title to reflect the structures were completed without a building permit or inspections, contrary to "Building Bylaw 2016 No 7224".

The property owner informed the inspector the City could proceed with placing a notice on title with the intention to keep the structures in place until such time the property is sold.

The Building Inspections Section referred this matter to the Bylaw Services Section in March 2020. A bylaw officer inspected the property on 2020-MAR-11, confirming the illegal structures had not been removed. The property owner reaffirmed the perspective of keeping the structures until the property is sold.

The property owner was informed in writing on 2020-APR-02 that the two structures had been constructed without permits and required immediate removal. The property owner subsequently contacted the Bylaw Services Section by phone advising no removal of the structures until such time as the property is sold.

DISCUSSION

The two accessory buildings were constructed without a building permit, encroach on the rear-yard setback, and do not conform to the BC Building Code or bylaws.

OPTIONS

1. That Council:
 1. issue a Remedial Action Order at 4259 Clubhouse Drive pursuant to Sections 72, 73 and 74 of the *Community Charter*;
 2. direct Staff or their authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense, if the said remedial action is not undertaken within 30 days of Council's resolution; and
 3. direct the remedial action consist of removing the illegal structure.

SUMMARY POINTS

- The Building Inspections Section inspected the property at 4259 Clubhouse Drive in response to information received from the public.
- Two accessory buildings 16'2 x 10'2 in dimension were observed in the back yard. The structures had been constructed without permits, encroached on property setbacks, and did not conform to BC Building Code or bylaws.
- The Property Owner has expressed an intention to refuse direction to remove the structures until such time as the property is sold.

ATTACHMENTS:

ATTACHMENT A: Building Inspection Report dated 2019-JUN-24
ATTACHMENT B: Notice on Title Report for Bylaw Contravention
ATTACHMENT C: Stop Work Order letter dated 2019-JUN-28
ATTACHMENT D: Letter to Property Owner dated 2020-APR-02
ATTACHMENT E: Letter to Property Owner dated 2020-SEP-29

Submitted by:

David LaBerge
Manager, Bylaw Services

Concurrence by:

Bill Corsan
Director, Community Development

Dale Lindsay
General Manager, Development Services