



CITY OF RICHMOND

REPORT TO COUNCIL

TO: Richmond City Council
FROM: A.L. (Rick) Bortolussi
Manager, Building Approvals Department
RE: **Section 700 of the Local Government Act**
10880 Rosebrook Road, Richmond, B.C.

DATE: May 29, 2001

FILE:

STAFF RECOMMENDATION

1. That Council adopt a resolution, attached as **Appendix "A"** to this report under Section 700 of the Local Government Act with respect to the property at 10880 Rosebrook Road.
2. That council authorize the payment of any prescribed fees required by the Registrar of Land Titles.

A.L. (Rick) Bortolussi
Manager, Building Approvals Department

Att. 4

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Budget	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

STAFF REPORT

ORIGIN

On January 12, 2000, a complaint was received concerning an alleged illegal suite and construction at 10880 Rosebrook Road, Richmond, B.C.

Access into the building was denied by both the tenant and the property owner. On August 2, 2000, the owner was charged with obstructing a Building Inspector. Attempts to serve the owner with a summons were unsuccessful and on August 30, 2000, a warrant was issued. The RCMP have unsuccessfully served the warrant because the owner is evading service.

The property records indicate that the Registered Owner of the property located at Lot 2, Section 33 Block 4 North Range 6 West New Westminster District Strata Plan NW321 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 (P.I.D. 001-265-873) having the civic address of 10880 Rosebrook Road, Richmond, B.C. is Mr. Wo Tam.

A copy of the Zoning Map 33-4-6 is attached as **Appendix "B"**.

ANALYSIS

Inspection Activity

The property owner, Mr. Wo Tam, has obstructed the entry of a Building Inspector by refusing to allow access to the residence located at 10880 Rosebrook Road. Mr Tam also instructed his tenants not to allow staff entry. Staff indicated that view through the front window revealed the ground floor level appears to be completed.

The most recent permits and plans, dated 1969 and 1970 contained on City records, show the ground level to be unfinished with exposed concrete and open stud partitions. There are no permits in progress.

Between January and June 2000, staff were unsuccessful in gaining access to the dwelling to conduct an inspection. On August 2, 2000, Mr. Tam was charged in Richmond Provincial Court with one count of obstructing a Building Inspector between February 1, 2000 and June 29, 2000 pursuant to Section 2.4(c) of the Richmond Building Bylaw. Attempts were made unsuccessfully to serve the summons on August 10, 2000. On August 30, 2000, a warrant was issued for Mr. Tam's arrest as it appeared unlikely that the summons could be served.

The RCMP made several attempts to find Mr. Tam but have been unsuccessful.

It is considered advisable to file a Notice in the Land Title Office to advise potential purchasers of problems at this property. The Building and Plumbing Bylaws require the owner obtain permits prior to commencing construction on a building and obtain inspection approvals at various stages during the construction. If this does not occur and there are deficiencies in the construction which are in contravention with the Building and Plumbing Codes, failure to take action consistent with the provisions of the "Local Government Act" and City Bylaws may leave the City at risk in the event of a third part action. A general list of deficiencies, as of May 29, 2000, is attached as **Appendix "C"**.

Section 700 Processing

Section 700 of the "Local Government Act" allows Council to pass a resolution directing the City Clerk to file Notices, attached as **Appendix "D"**, against the property in the Land Title Office stating that a resolution relating to land has been made under Section 700 and that further information regarding the resolution may be inspected at the City Clerk's Office. Prospective purchasers will have the opportunity to check out the violation occurring on the property and will be effectively warned that the City intends to pursue this matter until compliance is achieved.

Before Council passes the resolution under Section 700 of the "Local Government Act", the owners of the property must be advised in writing by the City Clerk that Council is considering such resolution and be given the opportunity to appear before Council and be heard as to why the resolution should not be passed.

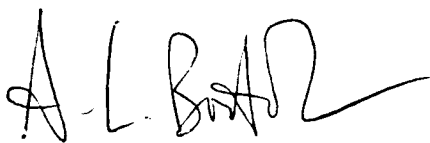
Where a resolution has been passed by Council and the noted bylaw violation is corrected, the owner may request Council to pass further resolution directing the City Clerk to file a Cancellation Notice.

FINANCIAL IMPACT

Potential of \$100.00 per title for anticipated prescribed fees to the Registrar of Land Titles.

CONCLUSION

The construction at 10880 Rosebrook Road is in contravention of the Richmond Building and Plumbing Bylaws, as completion of the lower level commenced without building or plumbing permits and the construction continued without inspection approvals from the Building Inspector. This may result in liability on the part of the City in the event of a health, fire or life safety incident occurring. A Notice on the property in the Land Title Office will effectively discharge the City's legal liability with respect to the property and will alert prospective purchasers of the potential problems. It is hoped that the proposed action will encourage the owner to work with the Building Approvals Department to resolve this matter.



A.L. (Rick) Bortolussi
Manager, Building Approvals Department

ALB:jd

RESOLUTION

Appendix "A"

WHEREAS the Building Inspector has observed conditions in relation to land or buildings, namely the property located at 10880 Rosebrook Road and legally described as Lot 2, Section 33 Block 4 North Range 6 West New Westminster District Strata Plan NW321 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 (P.I.D. 001-265-873), that he considers to be in contravention of City bylaws and regulations under Division (1) of Part 21 of the Local Government Act (1996) Chapter 323;

AND WHEREAS the Building Inspector has given a recommendation to the City Clerk, in writing, relating to the above conditions;

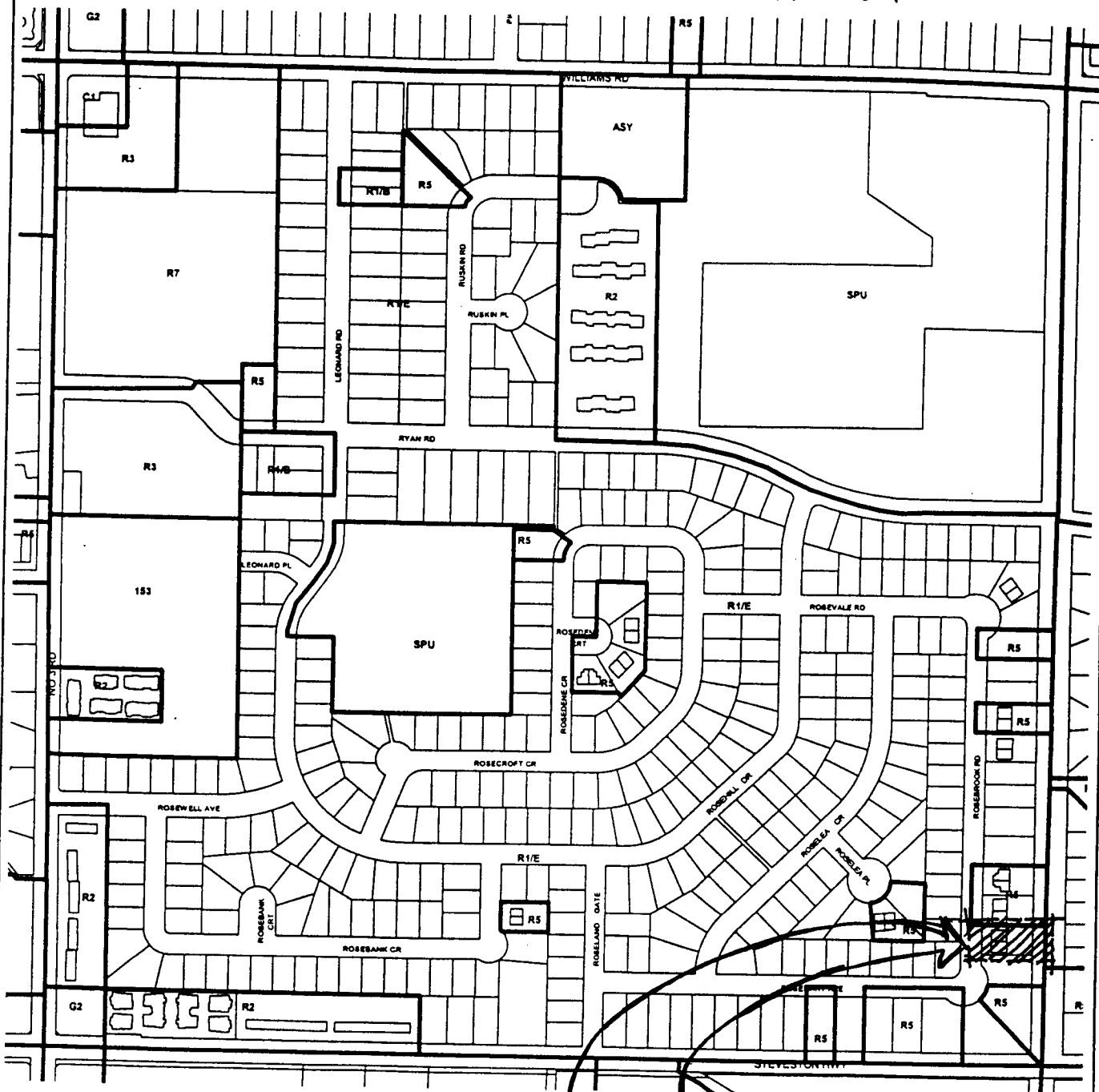
AND WHEREAS the City Clerk has notified the registered owner of the properties concerning the nature of the recommendation and of the time, date and location of the Council meeting at which the recommendation will be considered;

AND WHEREAS the registered owner of the properties was given full opportunity to be heard, prior to adoption of this resolution;

NOW THEREFORE;

- 1.0 The City Clerk is hereby directed to file a Notice in the Lower Mainland Land Title Office, New Westminster, indicating that the Council of the City of Richmond has passed a resolution pursuant to Section 700 of the Local Government Act related to land located at 10880 Rosebrook Road and legally described as Lot 2, Section 33 Block 4 North Range 6 West New Westminster District Strata Plan NW321 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 (P.I.D. 001-265-873), that the Building Inspector considers to be in contravention of City bylaws and regulations under Division (1) of Part 21 of the Local Government Act.
- 2.0 The City Clerk is further directed to ensure that all records relating to the matter are available for inspection.

APPENDIX "B"



10880 ROSEBROOK ROAD

NOTE:
This Zoning Information sheet forms part of a consolidation of the Zoning Map of Richmond as amended to the date shown in the title box on the right. This IS NOT a legal document, and is published for information and convenience purposes only.



ZONING SEC. 33, 4 - 6

Scale: 1:5000
Date: 02/19/01
Approval:

[Signature]

**GENERAL LIST OF DEFICIENCIES
10880 ROSEBROOK ROAD**

Appendix "C"

Lot 2, Section 33 Block 4 North Range 6 West New Westminster District Strata Plan NW321 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 (P.I.D. 001-265-873)

OBSERVATIONS AS OF MAY 29, 2000

Building and Plumbing **PERMITS FOR ALTERATIONS/CONSTRUCTION**, for completion of rooms on the lower level, have not been obtained nor have final inspection approvals been issued.

IN THE MATTER OF SECTION 700 OF THE LOCAL GOVERNMENT ACT

AND IN THE MATTER OF LOT 2, SECTION 33 BLOCK 4 NORTH RANGE 6 WEST NEW WESTMINSTER DISTRICT STRATA PLAN NW321 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 (P.I.D. 001-265-873)

TAKE NOTICE that in confirmation of the recommendation of the Building Inspector, the Council of the City of Richmond passed a resolution pursuant to Section 700 of the Local Government Act with regard to lands located at 10880 Rosebrook Road more particularly know as Lot 2, Section 33 Block 4 North Range 6 West New Westminster District Strata Plan NW321 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 (P.I.D. 001-265-873).

The City of Richmond hereby gives Notice that the owners of the said lands have allowed and continue to allow the buildings and structures to contravene provisions of City bylaws and regulations, under Division (1) of Part 21 of the Local Government Act, namely the construction on the lower level of the building without first obtaining building and plumbing permits and inspection approvals of construction. Further information regarding this Notice may be inspected at the offices of the City Clerk, 6th Floor, Richmond City Hall, 6911 No. 3 Road, Richmond, B.C. during regular working hours.