



**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**  
**23511 DYKE ROAD**

**DATE:** October 30, 2002

**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 23511 Dyke 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

Attachments

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

## STAFF REPORT

### ORIGIN

The property records indicate that the Registered Owner of the property located at Lot 2, EXCEPT : firstly: Parcel E (Reference Plan 45213); secondly: Part on Statutory Right of Way Plan 73153; thirdly: Part on Statutory Right of Way Plan 73193; Section 1, Block 4, North Range 4 West, New Westminster District Plan 4193 (P.I.D. 003-667-201) having the civic address of 23511 Dyke Road, Richmond, BC, is Pauanui Holdings Ltd., Inc. No. 617486, 23591 Dyke Road, Richmond, BC, V6V 1E3.

A copy of the Zoning Map 1-4-4 is attached as **Appendix "B"**.

### ANALYSIS

#### Inspection Activity

Building permits were issued in 1997, 1999 and 2000 while a plumbing permit was issued in 1999. The owner has not completed the construction nor obtained the required final inspections. The buildings are occupied in contravention with the Building Regulation Bylaw #7230.

It is considered advisable to file a Notice in the Land Title Office to advise potential purchasers of problems at this property. The Building Regulation Bylaw requires the owner obtain permits prior to commencing construction on a building and obtain inspection approvals at various stages during the construction. Should this 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 party action. A general list of deficiencies, as of October 1, 2002 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 list of violations 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 what the resolution should not be passed. This procedure has taken place.


Where a resolution has been passed by Council and the noted bylaw violations are corrected, the owner may request Council to pass a 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 23511 Dyke Road is in contravention of the Richmond Building Regulation Bylaw #7230 in that construction described under Building Permits 97-118939; 99-164534 and 00-085704 and Plumbing Permit 99-163704 have been discontinued and occupancy has taken place without final inspection approval. 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 by completing the construction, obtaining final inspections and achieve compliance with City Bylaws.



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

ALB:alb

**RESOLUTION**

**Appendix "A"**

**WHEREAS** the Building Inspector has observed conditions in relation to land or buildings, namely the property located at 23511 Dyke Road, and legally described as Lot 2, EXCEPT : firstly: Parcel E (Reference Plan 45213); secondly: Part on Statutory Right of Way Plan 73153; thirdly: Part on Statutory Right of Way Plan 73193; Section 1, Block 4, North Range 4 West, New Westminster District Plan 4193 (P.I.D. 003-667-201), that he considers to be in contravention of City Bylaws and regulations under Division (2) of Part 21 of the Local Government Act, Chapter 323;

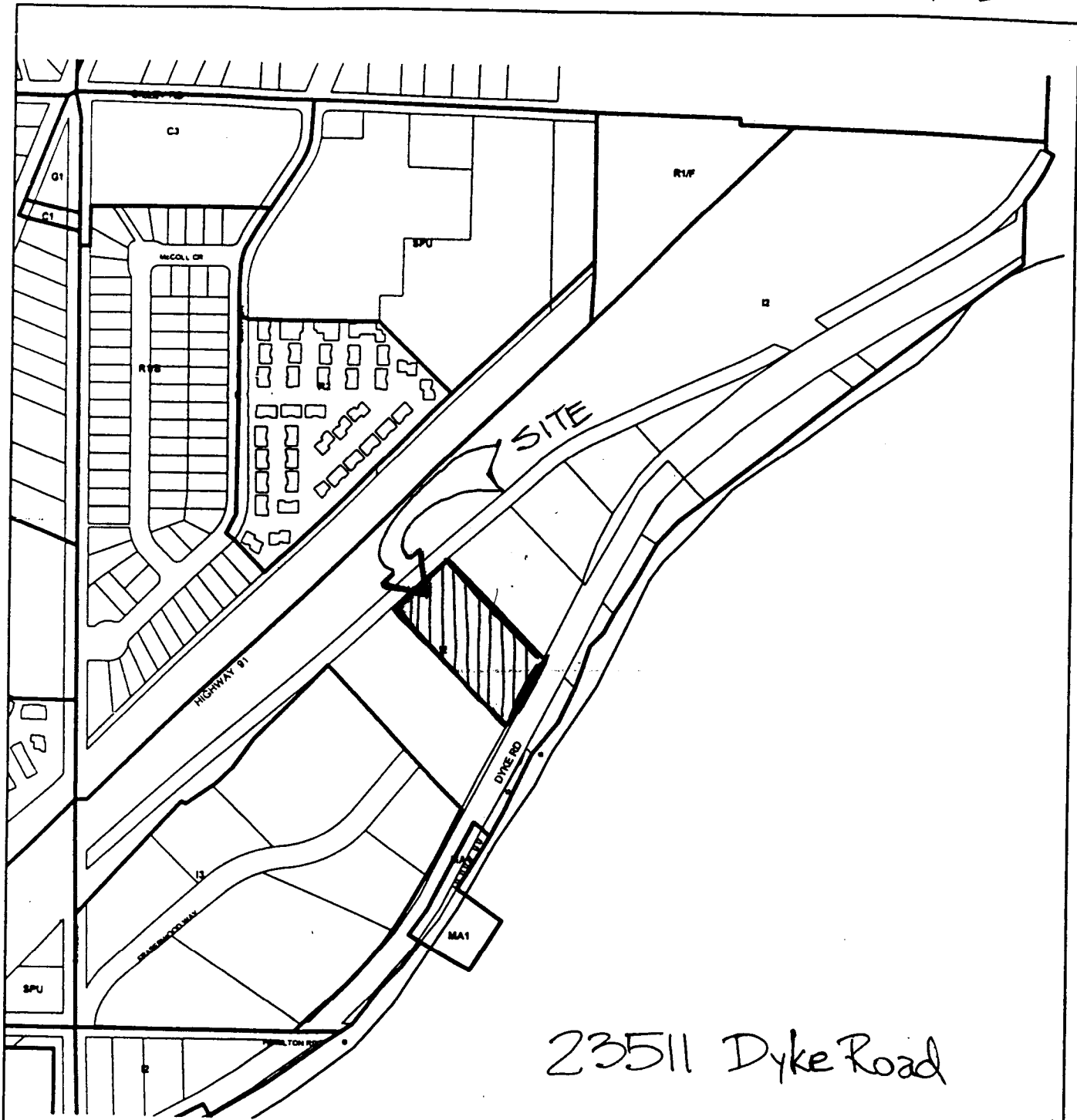
**AND WHEREAS** the Building Inspector has given a recommendation to the City Clerk, in writing, relating to the above conditions;

**AND WHEREAS** the City Clerk has notified the registered owner of the property 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 property 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 23511 Dyke Road, and legally described as Lot 2, EXCEPT : firstly: Parcel E (Reference Plan 45213); secondly: Part on Statutory Right of Way Plan 73153; thirdly: Part on Statutory Right of Way Plan 73193; Section 1, Block 4, North Range 4 West, New Westminster District Plan 4193 (P.I.D. 003-667-201), that the Building Inspector considers to be in contravention of City bylaws and regulations under Division (2) of Part 21 of the Local Government Act, Chapter 323.
- 2.0 The City Clerk is further directed to ensure that all records relating to the matter are available for inspection.



23511 Dyke 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. 01, 4 - 4

Scale: 1:5000  
 Date: 12/10/01  
 Approval:  
*AC*

**GENERAL LIST OF DEFICIENCIES  
23511 DYKE ROAD**

**Legal Description:** Lot 2, EXCEPT : firstly: Parcel E (Reference Plan 45213); secondly: Part on Statutory Right of Way Plan 73153; thirdly: Part on Statutory Right of Way Plan 73193; Section 1, Block 4, North Range 4 West New Westminster, District Plan 4193 (P.I.D. 003-667-201),

**OBSERVATIONS AS OF OCTOBER 1, 2002.**

**BUILDING PERMITS: 97-118939, 99-164534 and 00-085704**

1. Obtain final plumbing, gas and electrical approvals;
2. Letters of Assurance Schedule "C" and Richmond Schedule "H" required from all registered professionals;
3. Remove temporary structure;
4. Arrange final inspection and obtain final building approval; and
5. Complete final building inspection is required for addition and occupancy of temporary structure has been expired.

**PLUMBING PERMIT 99-163704**

1. Plumbing permit still pending for rain water leaders for addition to existing building.

**BYLAW CONTRAVENTION NOTICE**

**IN THE MATTER OF SECTION 700 OF THE LOCAL GOVERNMENT ACT**

**AND IN THE MATTER OF LOT 2, EXCEPT : FIRSTLY: PARCEL E (REFERENCE PLAN 45213); SECONDLY: PART ON STATUTORY RIGHT OF WAY PLAN 73153; THIRDLY: PART ON STATUTORY RIGHT OF WAY PLAN 73193; SECTION 1, BLOCK 4, NORTH RANGE 4 WEST, NEW WESTMINSTER DISTRICT PLAN 4193 (P.I.D. 003-667-201)**

**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 23511 Dyke Road more particularly know as Lot 2, EXCEPT : firstly: Parcel E (Reference Plan 45213); secondly: Part on Statutory Right of Way Plan 73153; thirdly: Part on Statutory Right of Way Plan 73193; Section 1, Block 4, North Range 4 West, New Westminster District Plan 4193 (P.I.D. 003-667-201).

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 (2) of Part 21 of the Local Government Act, Chapter 323, namely the construction and occupancy of the building without first obtaining building and plumbing inspection approvals of the construction. Further information regarding this Notice may be inspected at the offices of the City Clerk, 6<sup>th</sup> Floor, Richmond City Hall, 6911 No. 3 Road, Richmond, B.C. during regular working hours.