

THE CORPORATION OF THE DISTRICT OF SURREY

BY-LAW NO. 11914

A by-law to authorize the repair of a retaining wall that the Municipal Council of the Corporation of the District of Surrey has determined to be in a hazardous condition and built in contravention of Surrey Building By-law, 1987, No. [9011](#)

.....

NOW, THEREFORE, the Municipal Council of The Corporation of the District of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

WHEREAS, Japset Gill of 11722 - 99A Avenue, in the Municipality of Surrey, Province of British Columbia is the owner of the lands and premises located within the District of Surrey at 11722 - 99A Avenue and more particularly known as:

Lot 178, Section 36, Block 5, North Range 3 West,  
New Westminster District, Plan 65484

AND WHEREAS a retaining wall has been built in the rear yard of the aforesaid lands and premises and the construction thereof is not in compliance with the standards required for retaining walls pursuant to Surrey Building By-law, 1987, No. 9011.

AND WHEREAS the construction deficiencies are serious and the retaining wall is in a hazardous condition.

AND WHEREAS the owners of the aforesaid lands have failed to comply with the directions of the Building Division of the District of Surrey to correct this hazardous condition and bring the construction into compliance with Surrey Building By-law, 1987, No. 9011.

NOW THEREFORE, the Council of The Corporation of the District of Surrey ENACTS AS FOLLOWS:

1. The retaining wall is built along the north property line to the side and rear of the dwelling constructed on the aforesaid lands. The wall is constructed with wooden ties which have collapsed and together with unstable soil are now encroaching into the adjoining property at 11723 - 99A Avenue. The present condition of the retaining wall has been deemed to be hazardous and constructed without permit contrary to Surrey Building By-law, 1987, No. 9011 requiring the following remedial measures:

- (a) make application for and have issued an approved building permit for the construction of the retaining wall,
- (b) retain the services of a Professional Engineer to design, inspect and certify the construction of the retaining wall,
- (c) alternatively, remove the collapsed retaining wall materials and the unstable soil as determined by a Professional Engineer.

2. The aforesaid repairs shall be completed by the owner and the retaining wall be brought up to the required standard by the owner within the period of time specified in Section 3 of this by-law and such repair and bringing the retaining wall up to standard is hereby authorized.
3. That the repairs described in this by-law be completed by the owner and be brought to a standard described in this by-law within a period of thirty (30) days from the time the Notice, which is Appendix "A" and forms part of this by-law, is served upon the registered owners.
4. If the construction and completion of the said retaining wall is not brought up to a standard required by Surrey Building By-law, 1987, No. 9011 and the Building Code for the Province of British Columbia incorporated therein within the period of time specified in Section 3 hereof, the Acting Manager of By-law Enforcement, together with workmen employed by the District of Surrey, are hereby authorized to enter upon the aforesaid lands and premises to construct and complete the building thereon and bring the retaining wall to a standard required by Surrey Building By-law, 1987, No. 9011, and the Building Code for the Province of British Columbia incorporated therein. The construction and completion of the retaining wall to the standard required shall be done at the expense of the registered owners, and the District of Surrey shall recover the expenses thereof with interest and costs in the same manner as municipal taxes as provided in Section 311 of the Municipal Act, R.S.B.C. 1979, Chapter 290 as amended.
5. Thirty (30) days' notice of the action contemplated by the District of Surrey shall be given to the registered owners by serving a Notice in the form set out in Appendix "A" to this by-law.
6. This by-law shall be cited for all purposes as "Surrey Building Standard and Completion By-law, 1993, No. 11914."

PASSED THREE READINGS on the 28th day of June 1993.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 27th day of July, 1993.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK

"SURREY BUILDING STANDARD  
AND COMPLETION BY-LAW, 1993, No. 11914"

APPENDIX "A"

NOTICE

TO:        JAPSEET K. GILL        HARJIT SINGH JOHAL  
          11722 - 99A Avenue        11839 - 85A Avenue  
          Surrey, B.C. V3V 2R1        Surrey, B.C. V4C 2V8

VANCOUVER CITY SAVINGS CREDIT UNION

4205 Main Street

Vancouver, B.C. V5V 3P8

YOU ARE HEREBY NOTIFIED that on the        day of        A.D., 1993, by By-law No. 11914," the Municipal Council of The Corporation of the District of Surrey authorized that the following construction be completed by you to bring up to standard the retaining wall on that parcel of land in the District of Surrey, in the Province of British Columbia, which is more particularly known and described as

Lot 178, Section 36, Block 5, North Range 3 West, New Westminster District Plan 65484;

within the period of time hereinafter mentioned.

AND THAT IN DEFAULT of completing such construction described in this notice within such period of time, the said Municipal Council has authorized the Acting Manager of By-law Enforcement together with workmen employed by the District of Surrey to enter upon the hereinbefore described parcel of land and to complete the construction of said retaining wall to a standard required by Surrey Building Standard and Completion By-law, 1993, No. 11914; and such work shall be done at your expense and the District of Surrey shall recover the expense thereof with interest and costs in the same manner as municipal taxes pursuant to Section 311 of the "Municipal Act", Chapter 290, R.S.B.C., 1979, and amendments thereto.

YOU ARE FURTHER NOTIFIED that the completion of work on the retaining wall and bringing of it up to a standard shall be carried out and completed by you within the period of thirty (30) days from the service of this notice upon you and that in default by you to complete such construction to a standard within such period the work will be carried out by the Acting Manager of By-law Enforcement, his servants and agents at any time after the expiry of thirty (30) days from the service of this notice upon you.

YOU ARE FURTHER NOTIFIED that an approved building permit and the services of a Professional Engineer will be required for the completion of the construction of the retaining wall.

YOU ARE FURTHER NOTIFIED that as an alternative to repairing the retaining wall you may remove the remnants of the wall and all of the unstable soil in order to alleviate the hazardous condition that exists. You will require the services of a Professional Engineer to certify that the hazardous condition no longer exists.

AN APPEAL against this action may be made by you to a Judge of the Supreme Court having jurisdiction, but such appeal shall be made and notice of it given pursuant to Section 735 of the "Municipal Act", Chapter 290, R.S.B.C., 1979, and amendments thereto.

THIS NOTICE is given by The Corporation of the District of Surrey this        day of        , A.D., 199 .

\_\_\_\_\_MUNICIPAL CLERK

SCHEDULE "A"

Legal Description: Lot 178, Section 36, Block 5, North Range 3 West, New Westminster District, Plan 65484

Civic Address: 11722 - 99A Avenue

Surrey, B.C.

Registered Owner: Japseet K. Gill

11722 - 99A Avenue

Surrey, B.C.

V3V 2R1