



Corporate NO: R091

Report COUNCIL DATE: April 23, 2001

REGULAR COUNCIL

TO: Mayor & Council DATE: **April 18, 2001**

FROM: General Manager, Planning & Development FILE: **11375-14200**

SUBJECT: 11375 - 142 Street, Building Constructed without Inspection Approvals

RECOMMENDATION

1. That Council receive this report.
2. That Council pass a motion to proceed with a Section 698 Hearing.
3. That staff have the parties affected by the proposed by-law served with a copy of this Preliminary Report, a copy of the Hearing Report, the Draft By-law and any other relevant materials and that a hearing date be set for the earliest Regular Council meeting 14 days following the service.

BACKGROUND

During the summer of 2000 Council passed a By-law requiring the owners of the property at 11375 – 142nd Avenue (the "Property") to remove the structure which had been built on the Property contrary to the provisions of the Surrey Building By-law, 1987, No. 9011 on the basis that the residence was constructed without the necessary inspections. The subsequent efforts to serve the Owners of the Property with the Order have been difficult. Service on one Owner was completed on March 14, 2001 however the other Owner can not be located. The daughter of the unserved Owner has recently provided the City with a copy of a Power Of Attorney which would allow service to take place on her.

Neither of the Owners were present at the previous hearing before Council and it would be prudent to ensure that both owners are served with a Notice of Hearing prior to removing the structure. The Legal Services Division recommends that since the Owners have now been located for the purposes of service and due to the stale dating of the Order, the most appropriate manner of proceeding is for Council to set a new Hearing that the Owners can attend and then consider whether it is appropriate to pass a new Section 698 Order. Staff will prepare a Hearing Report for Council's consideration if Council wishes to this matter to be taken to the hearing stage.

CONCLUSION

Based on the foregoing it is recommended that Council authorize the City Clerk to set a hearing date for a Section 698 Hearing following service of this Report and related materials on the Owners.

Murray D. Dinwoodie
General Manager
Planning & Development Department

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c.c. - Manager, Building Division
- City Solicitor

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