



Corporate NO: R087

Report COUNCIL DATE: April 29, 2002

REGULAR COUNCIL			
TO:	Mayor & Council	DATE:	April 26, 2002
FROM:	General Manager, Planning & Development	FILE:	12121-10170
SUBJECT:	Unfinished Dwelling at 12121 - 101B Avenue		

RECOMMENDATION

The Planning and Development Department recommends that:

1. Council direct staff not to take action with respect to the Order adopted under Surrey Building Removal By-law, 2001, No. 14449 (the "By-law"), related to the property at 12121 – 101B Avenue until a further status report is considered by Council; and
2. Staff be directed to provide a further status report to Council, on the status of the dwelling on the subject property, no later than July 31, 2002.

BACKGROUND

On July 9, 2001 Council received Corporate Report No. R157, recommending approval of a by-law pursuant to Section 698 of the *Local Government Act*, R.S.B.C. 1996, c. 323 declaring the unfinished dwelling at 12121 - 101B Avenue to be in contravention of the Surrey Community Improvement and Unsightly Property By-law, 1997, No. 13150 and ordering its demolition and removal from the subject property within 30 days. Council approved the recommendations of the report, but directed staff not to take action under the By-law for 60 days to allow the owner an opportunity to sell the property and for the new owner to demonstrate his intention to complete construction of the dwelling and that staff report to Council on the actions taken by the owner, prior to the end of the 60 day period.

On September 4, 2001, Council received Corporate Report No. R189, which recommended that action under the By-law be deferred for an additional 60 days to allow the new owner to complete the work on the dwelling. Council adopted the recommendation and requested that staff report back to Council prior to the expiry of the

60 days.

On November 5, 2001, Council received Corporate Report No. R226, which recommended that action under the By-law not be taken until Council had received a further status report from staff. A further report on the status of the completion of the dwelling was to be brought forward to Council for consideration no later than the Regular Meeting of Council on January 14, 2002. By way of a memorandum dated January 3, 2002, Council was advised that since there was no Regular Meeting of Council scheduled for January 14, 2002, a report would be included on the agenda for the Regular Meeting of Council on January 21, 2002.

On January 21, 2002, Council received Corporate Report No. R016, which recommended that action under the By-law not be taken until Council had received a further status report from staff. A further report on the status of the completion of the dwelling was to be brought forward to Council for consideration no later than April 30, 2002.

DISCUSSION

The owner of the subject property has continued to make steady progress toward the completion of the construction of the dwelling since purchasing it on September 13, 2001. The building is nearly completed, with the next required inspection being for Final Building Approval.

As substantial progress has been made toward completing the dwelling, it is recommended that action, related to the Order requiring demolition of the partially completed structure, be further deferred and that staff provide a further report to Council, on the status of the dwelling, by the end of July, 2002.

On consideration of the November 5, 2001 Corporate Report, as referenced in the Background section of this report, Council directed staff to examine whether the City has any obligations, with respect to providing advice to prospective purchasers of the finished dwelling, regarding the history of the dwelling.

Legal Services has advised that there are circumstances in which the City would have an obligation to notify a prospective purchaser, regarding the history of the house. For example, if someone were to come to the Building Division to inquire about the house or write to the City inquiring about the house, City staff should advise the inquirer about the unusual history of the house, regardless of whether questions are asked directly or not about this aspect of the construction of the dwelling. In this regard, the Building Division staff have flagged the file to ensure that such advice is provided in such circumstances.

Legal Services further advised that the *Local Government Act* permits a notice to be placed on title, in those circumstances where a building contravenes the Building Code or a by-law of the City. However, there is no authority in the *Local Government Act*, or the *Land Title Act*, permitting a local government to place a general notification on title constituting a warning regarding the history of a building. As such, assuming that the dwelling is completed and given final inspection approval, in accordance with the requirements of the Building By-law and Building Code, the City would have no authority to place a notice on the title of the subject property.

CONCLUSION

In consideration of the progress the new owner of the property has achieved toward completion of the subject dwelling, it is recommended that Council direct staff not to take action under the Order against the subject property and to provide a further report to Council on the status of the dwelling, by the end of July, 2002.

Murray D. Dinwoodie

General Manager

Planning & Development Department

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