

January 2, 2001
File: 3220-20

City Manager

Inspection Services Manager

FILING A NOTICE AGAINST 2498 DUBBIN ROAD, KELOWNA, B. C., LOT A,
RP.16429

REPORT PREPARED BY - G. MOLLER

RECOMMENDATION

THAT Council authorize the City Clerk to file a Notice in the Land Title Office against Lot A, RP16429, as permitted by Section 700(1)(B) of the Local Government Act, regarding the alterations and renovations, to the residential dwelling, that have taken place without the required permits and inspections.

The Notice filed stating that:

1. a resolution relating to Lot A, RP16429 has been made under Section 700(1)(B) of the Local Government Act; and
2. further information respecting the resolution may be inspected at the office of the Municipality;

AND THAT the owner be responsible for the costs involved.

BACKGROUND

The alterations in question include but are not limited to, the construction of two outside decks, the addition of a room to the front of the home and construction of a garage.

On or about April 20, 2000, this property, as a result of a complaint, was attended by a Building Inspector and a Plumbing Inspector, who were asked to leave the site. As they were leaving they met the Bylaw Enforcement Officer who was there for the same reason. He spoke to the person on site and eventually posted a Stop Work Order.

On April 26, 2000 the Bylaw Enforcement Officer again attended the site and witnessed that work had proceeded beyond the posting of the Stop Work Order.

The assistance of the RCMP was requested to gain proper access the property. The owner of the property, Mrs. Smith was advised that no further work was to take place on the premises until proper permits were applied for and issued.

Two MTI's have been issued, one for "Failing to Attain a Building Permit" and the other for "Failing to Obey a Cease Work Order."

On Monday, May 8, 2000 Council approved a Resolution to proceed with a Civil Injunction to stop work on the property and structures at 2498 Dubbin Road in the City of Kelowna.

Since that time there has been considerable correspondence between solicitors about initiating those legal proceedings, and to date they have not been launched for various reasons.

On December 22, 2000 we received correspondence from our solicitor, that he was immediately starting the court injunction application. In the same letter he has recommended that we take this action of Filing a Notice Against Title.

Gerry Moller
Inspections Supervisor

Keith Skinner
Inspection Services Manager