
CITY OF KELOWNA

MEMORANDUM

Date: November 25, 2008
File No.: 4000-00
To: City Manager
From: Director of Development Services
Subject: Notice on Title – Section 57 Community Charter
1745 Springfield Road, Kelowna, B.C.
Lot 1 Plan 35681 District Lot 129 Land District 41 (*the property*)

RECOMMENDATION:

THAT Council authorize the City Clerk to file a Notice in the Land Title Office against Lot 1 Plan 35681 as permitted by Section 57 of the Community Charter, regarding the removal of the temporary structure placed along the east property line, prior to September 1, 2009.

AND THAT Council consider and adopt the following resolution regarding the property:

Be it resolved that:

Council confirms the recommendations of the Director of Development Services under Section 57 of the Community Charter and directs the City Clerk to file a Notice in the Land Titles Office stating that:

1. A resolution relating to Lot 1 Plan 35681 has been made under Section 57 of the Community Charter, and;
2. Further information respecting the resolution may be inspected at Kelowna City Hall.

BACKGROUND:

On November 2, 2004, a temporary building permit was issued for a limited duration placement of a cover-all building (enclosed tent), along the east property line, which was in accordance with Part 7 of the Building Bylaw. This placement exceeded the time frame allowable in Part 7, therefore this structure is required to be removed. It may be replaced with a solid permanent structure in the future.

The owner has agreed to have the City of Kelowna post a Notice Against the Title to identify the existing non-compliant placement of the tent structure.

LEGAL/STATUTORY AUTHORITY:

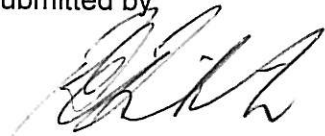
Section 57(1) of the Community Charter
Letter of undertaking and agreement



Considerations that were not applicable to this report:

COMMUNICATIONS CONSIDERATIONS:
INTERNAL CIRCULATION TO
LEGAL/STATUTORY PROCEDURAL REQUIREMENTS
EXISTING POLICY
FINANCIAL/BUDGETARY CONSIDERATIONS
PERSONNEL IMPLICATIONS
TECHNICAL REQUIREMENTS:
EXTERNAL AGENCY/PUBLIC COMMENTS:
ALTERNATE RECOMMENDATION:

Submitted by:



R. Dickinson
Director of Development Services

Approved for Inclusion:



John Vos,
General Manager Citizen Services

Cc: