

File No.: 04-1000-20-2019-596

October 17, 2019

s.22(1)

Dear s.22(1)

Re: **Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

I am responding to your request of September 25, 2019 for:

Scott Easby's (District Building Inspector) file related to a stop work order issued on or about May 13, 2016 to 0999590 BC Ltd. located at 1608 Commercial Drive, including but not limited to notes regarding the initial contact, the field inspection, general observations, after inspection report(s) and any other document, email, memorandum etc., and material to issuing the said order in question, from April 15, 2016 to July 1, 2016.

All responsive records are attached. Some information in the records has been severed, (blacked out), under s.22(1) of the Act. You can read or download this section here: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00.

Under section 52 of the Act you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 business days from the date you receive this notice to request a review by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number assigned to your request (#04-1000-20-2019-596); 2) a copy of this letter; 3) a copy of your original request for information sent to the City of Vancouver; and 4) detailed reasons or grounds on which you are seeking the review.

Please do not hesitate to contact the Freedom of Information Office at foi@vancouver.ca if you have any questions.

Yours truly,



Barbara J. Van Fraassen, BA
Director, Access to Information & Privacy

Barbara.vanfraassen@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4

*If you have any questions, please email us at foi@vancouver.ca and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604.871.6584.

Encl.

:kt

REGISTERED AND REGULAR MAIL

PLEASE REFER TO:

Mr. Scott Easby
Building Inspector
Investigations and Enforcement
Team at 604.873.7879
scott.easby@vancouver.ca
IR # IE11375 / EN119238

ORDER

May 31, 2016

1608 On The Drive Holdings Inc. *← Co. Searches*
c/o English Bay Law Corporation
#510 - 2695 Granville Street
Vancouver, BC
V6H 3H4

1608 On The Drive Holdings Inc.
3330 West 41st Avenue *Tempest*
Vancouver, BC
V6N 3E4

Dear Sir/Madam:

main
RE: 1608 Commercial Drive (1608 and 1612 Commercial Drive)

On May 13, 2016, our inspection services reported that the following unapproved alterations have been carried out in the restaurant at the above location, without permits and in contravention of the Zoning and Development By-law, the Building By-law, and the Electrical By-law:

- Interior and exterior alterations including building and trade work has been carried out to the kitchen equipment, exterior decks and stairs and exterior coolers and storage areas.

Accordingly, a **STOP WORK NOTICE** (original is enclosed) has been posted at the site.

It was also reported that emergency remedial work was being carried out by On Side Restoration for the cleanup work required for the sewer back-up.

Stop Work Notice
S. Easby S. Lowry
June 8
July 11
P. Capolongo
B. Innes

Further, there is a full non-complying kitchen system including grills, deep fryers, exhaust hood and duct/fan all installed without permits. A non-welded exhaust duct design is being used which vents underneath an exterior wood framed deck/exit stair structure where combustible, venting and property line clearances have not been met. **This is an unsafe condition and the restaurant will not be allowed to re-open or re-occupy until all required permits and approvals have been obtained.**

To apply for the required permits, you or your representative must attend the Development & Building Services Centre located at 515 West 10th Avenue, submit a signed permit application including plans drawn to scale, and pay the prescribed fee. Please contact our Enquiry Centre at 604.873.7611 for further information regarding application and plan submission requirements, or to schedule an appointment with an Enquiry Centre Officer.

Trades Permits will also be required for any *electrical, plumbing, or gas* installations, and will only be issued to licenced contractors.

When work is done without permit, Article 1.6.1.2. of Division C of the Building By-law allows the City to charge double the permit fee up to a maximum increase of **\$5,000.00**. Section 5.18 of the Electrical By-law allows the City to charge double the Electrical Permit fee.

Pursuant to Subsection 7.1 of the Zoning and Development By-law, Article 1.5.4.2. of Division C of the Building By-law, and Sections 3.1, 3.6 and 6.4 of the Electrical By-law, you are **ORDERED TO:**

1. **Stop work at this site immediately** except for completion of the emergency mitigation work; **AND**
2. Obtain the required permits to retain the unapproved alterations that have been carried out without permit or approval, **OR** obtain the required permits to remove all work carried out without permit prior to removal and restore the building to its last approved condition as per the approved plans on record; **AND**
3. Provide Letters of Assurance from Architectural, Structural and Mechanical Consultants; **AND**
4. Obtain the required occupancy approval before any re-occupancy of the restaurant is allowed,

ON OR BEFORE JULY 4, 2016.

The above site and building are to be left in a safe condition.

FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN THE CITY INITIATING FURTHER ACTION AGAINST YOU AND WILL NOT ABSOLVE YOU FROM COMPLYING.

The Inspectors will require entrance to your building at the above location to inspect it for compliance with the By-laws.


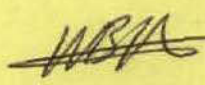
Sections 6.1(b) and 6.3 of the Electrical By-law, Article 1.5.2.1 of Division C of the Building By-law and Sections ~~3.1, 3.6 and 6.10~~ of the Zoning and Development By-law authorize City Inspectors to enter onto any land or into any building at any reasonable time for the purpose of administering or enforcing City By-laws.

Consequently, the Inspectors will be returning to your building at the above location on **THURSDAY, JULY 14, 2016 at 1:30 pm** to inspect for compliance with the By-laws; and you are to provide access to **all areas** of the building. If this is not a reasonable time for an inspection you or your agent must contact Mr. Scott Easby of this department, at 604.873.7879, between the hours of 8:30 am - 4:30 pm, Monday-Friday to make other arrangements for the inspection.

FAILURE TO PROVIDE ACCESS TO ALL AREAS OF YOUR BUILDING WILL RESULT IN THE MATTER BEING REFERRED TO THE CITY PROSECUTOR FOR THE LAYING OF CHARGES AND WILL NOT ABSOLVE YOU FROM COMPLYING.

Yours truly,

Yours truly,


P. Ryan, M. Sc., P. Eng.
Chief Building Official and
Director, Building Code and Policy
W. White
Deputy City Electrician and
Manager of Trades Inspections

SE/ss

Enclosure

Copy: Posted on building

Scott Easby, Building Inspector
Stephen Lowry, Electrical Inspector
Paolino Capolongo, Plumbing/Gas Inspector
Becky Innes, Property Use Inspector

1E-11315



CITY OF VANCOUVER
COMMUNITY SERVICES GROUP
Licences and Inspections

LEGAL NOTICE

Whereas a violation of

Date Posted

MAY 13 / 16

- ☒ THE VANCOUVER BUILDING BY-LAW
- ☐ THE VANCOUVER ELECTRICAL BY-LAW
- ☐ THE VANCOUVER PLUMBING BY-LAW
- ☐ THE GAS FITTING BY-LAW
- ☐ THE ZONING AND DEVELOPMENT BY-LAW
- ☐ OTHER

has been found, it is hereby ordered in accordance with the above By-Law that all persons must

STOP WORK

IMMEDIATELY

on construction / installation being carried out at:

Property Address

1612 COMMERCIAL DR

(specifics of Property Address

1608 COMMERCIAL DR

☒ without permit

INTERIOR ALTERATIONS EXCEPT

specifics:

FOR COMPLETION OF EMERGENCY MITIGATION

☒ not in accordance with

VANCOUVER BUILDING BY-LAW

DIV. C.-1.3.3.

No further work is to be proceeded with until approval is obtained from the designated City Official.

Warning

The site and / or building must be left
In a safe / secure condition at all times.

- ☒ CITY BUILDING INSPECTOR
- ☐ CITY ELECTRICIAN

Per:

Scott Barry

No person shall remove or in any way tamper with this Notice.



Building - Asbestos Hazard Demolition Complaint

Case number: 101007681578

Case created: 2016-05-05, 10:58:00 AM

Incident Location

Address: 1612 COMMERCIAL DRIVE, Vancouver, V5L 3Y4

Address2:

Location name:

Contact Details

Name: s.22(1)

Address: s.22(1) Vancouver, s.22(1)

Address2:

Phone: s.22(1)

Email:

Alt. Phone:

Preferred contact method: Phone

Request Details

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Type of Complaint * | Asbestos Hazard - Demolition |
| 2. If Other selected, provide details: | s.22(1) the Libra Room on commercial drive. Noticed they are doing renovations (not demolition) when s.22(1) peeked inside s.22(1) that they had signs up with "asbestos" written on it. |
| 3. If Work Without a Permit selected is there visible and active work being done? | |
| 4. Describe complaint in detail (building type i.e. single family or multi-family dwelling, high-rise, commercial building; location of work, type of work) *: | Please see above. Checked Prism did not see any active db or by permits. |

Additional Details

s.22(1) was surprised to see that work was being done s.22(1) with asbestos. The crew doing the renovations put yellow bags in the back of the building underneath s.22(1) s.22(1) wondering if they should be notified for this type of renovation regarding asbestos. Would like an inspector to contact s.22(1) regarding this issue.

Map and Photo

- no picture -

EN

FYA to: Scott Easby

FYI to:

Main Address	1612 Commercial Dr	IR Number	IE 11375
Specifics and/or Suite #	1608 Commercial Dr	Date of Inspection (yyyy/mm/dd)	2016/05/13
Number of Storeys	3	EN Number	
Building Name		Permit Number	Required
Approved Use of Building/Land	Restaurant 'A2' & Residential 'C'	Owner & Contact Info.	N/K
Present Use of Building/Land	Restaurant 'A2' & Residential 'C'	Owner's Rep & Contact Info.	
Zoning	C-2C	Tenant & Contact Info.	Libra Room Restaurant
Strata Titled Building	<input type="checkbox"/> Yes: <input type="checkbox"/> Common property <input checked="" type="checkbox"/> No <input type="checkbox"/> Individual suite	Business Licence	

Reason for Inspection - ☒ Complaint | ☐ IA | ☐ Permit | ☐ Referral | ☐ Routine :

Complaint received of asbestos hazard (demolition?) in the restaurant 'Libra Room' located at 1608 Commercial Dr.

In Attendance

Building	Scott Easby BI-97	Owner/Rep	
Plumbing/Gas		Fire	
Electrical		VPD	
Property Use		Other	On Side Restoration Reps; Jason Thorburn & Brock Gooyers

Overview

May 5, 2016-Complaint received of renovations underway wwoop with Asbestos signs on the premise.

Our file indicates no recent building permit(s) issued. Our last building permit & drawings for this restaurant space at 1608 Commercial Dr is BU438574 in 2007. This permit was issued to extend the existing restaurant at 1608 Commercial Dr into the adjacent space at 1610 Commercial Dr (retaining the 1608 Commercial Dr address only). There were no proposed changes to the kitchen area with limited, non-grease laden cooking equipment. Architectural & Mechanical Engineer letters of assurance were received for this permit.

This is a 3 storey, combustible, unsprinklered building with an existing fire alarm system, emergency lighting & exit signage (unable to confirm full systems compliance). The Restaurant 'A2' occupancy is located on the 1st floor addressed 1608 Commercial Dr. and the Residential 'C' occupancy is located on the 2nd floor (2 dwelling units) & 3rd floor (2 dwelling units) addressed 1612 Commercial Dr.

May 12, 2016-No access, card left. Later I was contacted by Jason Thorburn, an On Side Restoration company rep. who explained what had happened (sewer back-up insurance action). They did do some minor abatement of the floor tiles under work safe procedures. Also in dealing with the sewer backup remediation they uncovered some evident trade work without permits and other concerns. We then set up a site access time.

IR Number IE 11375

Date of Inspection (yyyy/mm/dd) 2016/05/13

May 13, 2016-Site access revealed;

- On Side Restoration on site doing emergency mitigation (required cleanup work for the sewer back-up). After removing damaged flooring and the lower finish(s) off most of the walls some concerns were revealed including work without permit, trade work, structural rot and fire separation concerns.
- Our file indicates after a fire in 2005 the restaurants kitchen exhaust equipment was removed and was not going to be re-installed. Also according to the 2007 permit BU438574 Mechanical Engineer drawing, there was an existing range and small canopy but the cooking did not produce grease laden vapours. However, on site there was a full non-complying kitchen system including grills, deep fryers, exhaust hood & duct/fan all installed without permits. They used a non-welded exhaust duct design which vents underneath an exterior wood framed deck/exit stair structure where combustible, venting and property line clearances have not been met. **This is an unsafe condition and the restaurant will not be allowed to reopen or reoccupy until all required permits and approvals have been completed.**
- The large wood framed rear building floor decks & exit stairs from the 3rd & 2nd floors down have been constructed without permit. According to our Vanmap system it looks like the design was changed and recently re-built since 2015.
- There are exterior coolers & storage areas at the back of the restaurant installed without permits. On side restoration is apparently removing the coolers.

Violations and RemediesTotal violations:

Interior and exterior alterations including building & trade work, kitchen equipment, exterior decks & stairs and exterior coolers & storage areas have been done without the required permits.

Remedy: Stop work except for the On Side Restoration emergency mitigation.

Remedy: Obtain the required permits and approvals to retain the unauthorized alterations. Obtain the required occupancy approval before any re-occupancy of the restaurant at 1608 Commercial Drive.

NOTE: Architectural, Structural & Mechanical consultants & Letters of Assurance are required.

Recommendations

Stop work order excluding the On Side Restoration emergency mitigation. 30 day order to obtain the required permits along with a detailed access letter. Include details of Unsafe condition and that the restaurant cannot re-open

Photos Taken? ☒ Yes ☐ NoNotice Posted? ☒ Yes - Type of Notice:☐ No☒ Stop Work Order☐ Do Not Occupy☐ Unsafe To Occupy

Date Report Made: May 16, 2016

<Scott Easby>



Case File Manager

FYA to: Clint Hemstalk for stop work order (please send draft to Lynn or Catherine for review)

FYI to:


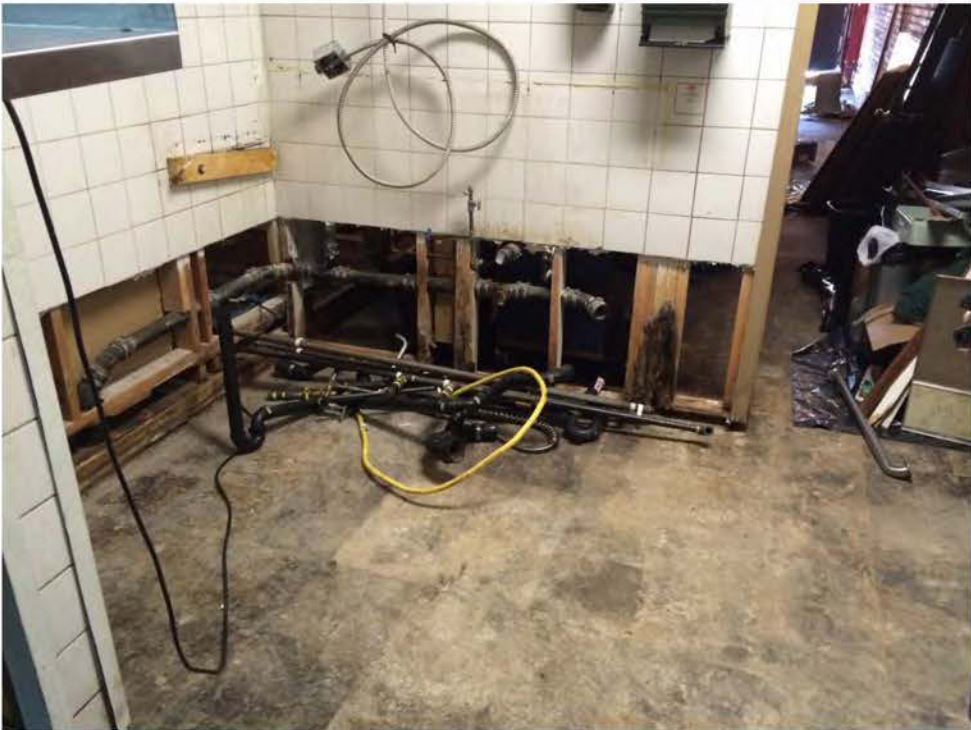
L.Urekar

Manager / Supervisor Approval

Photo	Description
 A photograph of a restaurant interior during emergency mitigation. The room is dimly lit with warm overhead lights. In the background, there is a kitchen area with stainless steel counters and a sink. A large window on the right side of the room shows a bright outdoor scene. A red text overlay 's.22(1)' is visible on the window. The floor is concrete and appears wet or stained. A wooden chair is in the foreground, and a ceiling fan is visible above.	Restaurant interior emergency mitigation.
 A photograph of a toilet in a room that is under renovation. The walls are partially stripped of drywall, revealing wooden studs. A white toilet is positioned in the center of the room. To the left, there is a wooden structure that looks like a ladder or a frame. The floor is concrete. A bright light source is visible in the upper left corner, creating a strong glare.	


IR Number IE 11375

Date of Inspection (yyyy/mm/dd) 2016/05/13

Photo	Description
	
	

IR Number IE 11375

Date of Inspection (yyyy/mm/dd) 2016/05/13

Photo	Description
	Unauthorized kitchen equipment wwop.
	Unauthorized kitchen equipment-deep fryers

IR Number IE 11375

Date of Inspection (yyyy/mm/dd) 2016/05/13

Photo	Description
 A photograph showing a multi-level wooden deck structure with railings. A wooden staircase leads up from a lower level. In the background, a large metal cooler and a kitchen exhaust duct/fan are visible. The area appears to be an outdoor storage or utility space.	Exterior rear decks/stair, cooler & kitchen exhaust duct/fan wwop.
 A photograph showing a dark-colored door or entrance. To the left, a wooden staircase is visible. To the right, a green hose is coiled on a wall. A box labeled 'CASA SOLANA' is on the ground. The area appears to be an outdoor storage or utility space.	Exterior storage & cooler behind, deck/stair and noncomplying kitchen exhaust duct wwop.