



Public Notice is hereby given of a Special Council meeting duly called in accordance with Section 126 of the *Community Charter*, to be held on:

Date: Tuesday, October 10, 2017

Time: 4:00 p.m.

Place: Anderson Room
Richmond City Hall
6911 No. 3 Road

Public Notice is also hereby given that this meeting may be conducted by electronic means and that the public may hear the proceedings of this meeting at the time, date and place specified above.

The purpose of the meeting is to consider the following:

CALL TO ORDER

COMMUNITY SAFETY DIVISION

1. **BUSINESS LICENCE CANCELLATION FOR BEST HOME INN, OPERATING FROM A PREMISES AT 10660 WESTMINSTER HWY**
(File Ref. No.: 12-8275-06) (REDMS No. 5411434 v. 2)

CNCL-3

See Page CNCL-3 for full report

STAFF RECOMMENDATION

That the business licence of Best Home Inn, operating from a premises located at 10660 Westminster Hwy be cancelled.



**Special Council Agenda
Tuesday, October 10, 2017**

2. **BUSINESS LICENCE CANCELLATION AND NOTICE AGAINST TITLE FOR THE STONE HEDGE B&B, OPERATING FROM A PREMISES LOCATED AT 5511 CATHAY ROAD**
(File Ref. No.: 12-8275-06) (REDMS No. 5411431 v. 3)

CNCL-11

See Page CNCL-11 for full report

STAFF RECOMMENDATION

- (1) *That the business licence of The Stone Hedge B&B, operating from a premises located at 5511 Cathay Road, be cancelled; and*
- (2) *That, according to section 57 of the Community Charter, City staff be directed to file a notice against land title that building regulations have been contravened in respect to the building located at 5511 Cathay Road.*

3. **BUSINESS LICENCE CANCELLATION AND NOTICE AGAINST TITLE FOR SEABREEZE GUEST HOUSE, OPERATING FROM A PREMISES LOCATED AT 3111 SPRINGSIDE PLACE**
(File Ref. No.: 12-8275-06) (REDMS No. 5409168 v. 4)

CNCL-20

See Page CNCL-20 for full report

STAFF RECOMMENDATION

- (1) *That the business licence of Seabreeze Guest House, operating from a premises located at 3111 Springside Place, be cancelled; and*
- (2) *That, according to section 57 of the Community Charter, City staff be directed to file a notice against land title that building regulations have been contravened in respect to the building located at 3111 Springside Place.*

ADJOURNMENT



Claudia Jesson
Acting Corporate Officer



City of Richmond

Report to Council

To: Richmond City Council
From: Carli Edwards, P.Eng.
Acting Senior Manager, Community Safety,
Policy & Programs and Licencing
Date: September 15 2017
File: 12-8275-20-AMANDA
#/2017-Vol 01
Re: **Business Licence Cancellation for Best Home Inn, operating from a premises
at 10660 Westminster Hwy**

Staff Recommendation

That the business licence of Best Home Inn, operating from a premises located at 10660 Westminster Hwy, be cancelled.

Carli Edwards, P.Eng.
Acting Senior Manager, Community Safety, Policy & Programs and Licencing
(604-276-4136)

Att. 1

REPORT CONCURRENCE		
ROUTED TO: Law	CONCURRENCE <input checked="" type="checkbox"/>	CONCURRENCE OF GENERAL MANAGER
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: CJ	APPROVED BY CAO

Staff Report

Origin

In May 2017, City Council adopted amendments to several bylaws, including the Richmond Zoning Bylaw and Business Licence Bylaw, in order to implement changes to the regulations for bed and breakfast businesses. In order to “grandfather” existing businesses, and allow them to operate under the previous regulations, staff inspected and reviewed the files of all bed and breakfast businesses licenced prior to the bylaw changes. During this review, several businesses were identified that were not in compliance with the bylaws.

Background

The City’s Business Licencing department administers a licencing program for approximately 14,000 licence holders and regulates the activities of approximately 24 business types including bed and breakfast businesses. This report deals with the licence for Best Home Inn, located at 10660 Westminster Hwy, in terms of compliance with the Business Licence and Richmond Zoning bylaws.

Findings of Fact

Best Home Inn is a licenced bed and breakfast that has operated since 2013. An inspection of the premises revealed that it contains a secondary suite in addition to the bed and breakfast operation. According to section 5.5 of the Richmond Zoning Bylaw, a bed and breakfast is not permitted in a home that contains a secondary suite.

Under section 1.6 of the Business Licence Bylaw, all premises from which a business is located must comply with the City bylaws. The owner and operator of the businesses, Letty Ho, was first notified of these issues in February 2017 and was provided with written notice to resolve the issues prior to May 31, 2017 in order to maintain the bed and breakfast business. This deadline was subsequently extended to May and then until September. A copy of the information provided to Ms. Ho is provided in Attachment 1.

Throughout this time, staff had several meetings with Ms. Ho to explain the permitting and approval process and the specific requirements to remove a secondary suite. Subsequent to this, Ms. Ho submitted a permit application to remove the secondary suite but has yet to complete the work.

Analysis

Evidence indicates that the secondary suite was in existence at the time that the licence was originally issued. However, a bed and breakfast is not permitted in a home with a secondary suite and therefore the City cannot “grandfather” an existing condition that has never been compliant with City bylaws.

Financial Impact

None.

September 15, 2017

- 3 -

Conclusion

Best Home Inn, a bed and breakfast business located at 10660 Westminster Hwy, is non-compliant with the Business Licence and Richmond Zoning Bylaws. Staff recommend cancelling the business licence.



Carli Edwards, P.Eng.
Acting Senior Manager, Community Safety, Policy & Programs and Licencing
(604-276-4136)

Att. 1: Information provided to Ms. Ho



City of
Richmond

ATTACHMENT 1

6911 No. 3 Road,
Richmond, BC V6Y 2C1
www.richmond.ca

March 17, 2017
File: 12-8275-20-AMANDA #/2016-Vol 01

Finance and Corporate Services Division
Telephone: 604-276-4136
Fax: 604-276-4157

Best Home Inn
10660 Westminster Hwy
Richmond BC V6X 1B2

Attention: Letty Ho

Dear Ms. Ho:

**Re: Business Licence for Best Home Inn / 10660 Westminister Hwy (the "Property")
Reference File# 13649994**

Further to our meeting on February 21, 2017, and subsequent telephone conversations, an inspection of the Property on February 7, 2017 revealed issues with the licencing requirements related to the operation of a Bed and Breakfast ("B&B") business. The Property contains a secondary suite, in contravention of Richmond Bylaw 8500 which does not permit a B&B in the same dwelling as a secondary suite.

According to section 5.1 (b) of Business Licence Bylaw 7360, all premises from which business is conducted, including a B&B, must comply with all City bylaws. In order comply with City bylaws, the secondary suite must be decommissioned. As discussed in our meeting on March 13th, this includes:

1. Removing the stove (including the 220V connection) and fridge (unit with water service) in the kitchen of the suite;
2. Removing the counter tops and cabinetry adjacent to the stove;
3. Removing the internal door and demising walls between the suite and the rest of the house; and
4. Removing the closet inside the existing (to be removed) internal door.

This work will require building and plumbing permits as well as an electrical permit (issued from the BC Safety Authority). You were provided with forms and information about acquiring permits at our March 13th meeting.

In order for you to keep your B&B business licence, **these issues must be resolved on or before May 30, 2017**. This includes issuance of permits, inspection of the works and final approval.

Should these issues not be resolved, the B&B business licence will be recommended for cancellation through a business licence hearing with City Council. If the licence is cancelled by

City Council, you will be required to cease operating immediately. Operation of a business without a valid Business Licence is an offence, and may be subject to prosecution.

Please contact me directly if you have any questions at 604.276.4136 or cedwards@richmond.ca.

Yours truly,



Carli Edwards, P.Eng.
Chief Licence Inspector

pc: Daniel McKenna, Senior Manager, Community Safety Policy and Programs
Gavin Woo, P. Eng., Senior Manager, Building Approvals



May 4, 2017
File: 12-8275-20-AMANDA #/2016-Vol 01

Finance and Corporate Services Division
Telephone: 604-276-4136
Fax: 604-276-4157

Best Home Inn
10660 Westminster Hwy
Richmond BC V6X 1B2

Attention: Letty Ho

Dear Ms. Ho:

**Re: Business Licence for Best Home Inn / 10660 Westminister Hwy (the "Property")
Reference File# 13649994**

Further to the April 6, 2017 Business Licence building inspection of your property and our subsequent telephone conversations, staff have performed additional review of your building records in order to assist you prior to any City permit submission.

The following considerations have been confirmed as requirements towards maintaining your B&B licence in good standing and decommissioning the secondary suite:

1. Removing the stove (including the 220V connection) and fridge (unit with water service) in the kitchen of the suite;
2. Removing the counter tops and cabinetry adjacent to the stove;
3. Removing the internal door and demising walls between the suite and the rest of the house;
4. Removing the washer/drier laundry facility from the secondary suite;
5. Enclosing the exterior door on the west elevation that accesses the secondary suite.

This work will require building and plumbing permits as well as an electrical permit (issued from the BC Safety Authority). You were provided with forms and information about acquiring permits at our March 13th meeting.

In order for you to keep your B&B business licence, **these issues must be resolved on or before May 30, 2017**. This includes issuance of permits, inspection of the works and final approval.

Should these issues not be resolved, the B&B business licence will be recommended for cancellation through a business licence hearing with City Council. If the licence is cancelled by City Council, you will be required to cease operating immediately. Operation of a business without a valid Business Licence is an offence, and may be subject to prosecution.

Please contact me directly if you have any questions at 604.276.4136 or cedwards@richmond.ca.

Yours truly,



Carli Edwards, P.Eng.
Chief Licence Inspector

pc: Gavin Woo, P. Eng., Senior Manager, Building Approvals



City of Richmond

6911 No. 3 Road,
Richmond, BC V6Y 2C1
www.richmond.ca

September 14, 2017
File: 12-8275-20-AMANDA #/2017-Vol 01

Community Safety Division
Business Licences
Telephone: 604-276-4328
Fax: 604-276-4157

Letty Ho
Best Home Inn
10660 Westminster Hwy
Richmond BC V6X 1B2

Attention: Letty Ho

Dear Ms. Ho:

Re: Business Licence Hearing for Best Home Inn / 10660 Westminister Hwy (the "Property")

Further to conversations and correspondence dating back to February 2017, there are violations of licencing requirements related to the operation of a Bed and Breakfast ("B&B") business. The Property contains a secondary suite, in contravention of Richmond Bylaw 8500 which does not permit a B&B in the same dwelling as a secondary suite.

In previous correspondence, you were given until May 30, 2017 to address these issues. Upon request, you were then offered further extensions (to July and then to September) in order to address all of the outstanding issues, including hiring building and design professionals. To date, you have been issued a building permit for the required work but are required to have all work completed and inspected.

In the event that the work is not completed pursuant to the permits and bylaw violations are not resolved, I have requested a business licence hearing with City Council to review the status of your business licence. Should the bylaw violations be resolved prior to the business licence hearing, your hearing will be cancelled.

The date for this hearing has been tentatively set for October 10, 2017. Prior to that meeting, you will be formally notified of the date and time of the hearing. You will also be provided with copies of all materials related to your file that are provided to City Council for their consideration.

If the issues are not resolved prior to the business licence hearing, your B&B business licence will be recommended for cancellation. If the licence is cancelled by City Council, you will be required to cease operating immediately. Operation of a business without a valid Business Licence is an offence, and may be subject to prosecution.

Please contact me directly if you have any questions at 604.276.4136 or cedwards@richmond.ca.

Yours truly,

Carli Edwards, P.Eng.
Acting Senior Manager, Community Safety, Policy & Programs and Licencing

pc: Gavin Woo, P. Eng., Senior Manager, Building Approvals
James Cooper, Architect AIBC, Manager, Plan Review
Victor Duarte, Supervisor, Business Licencing
Robert Lum, Acting Manager, Customer Service



City of Richmond

Report to Council

To: Richmond City Council **Date:** September 15, 2017


From: Carli Edwards, P.Eng.
Acting Senior Manager, Community Safety,
Policy & Programs and Licencing **File:** 12-8275-20-AMANDA
#/2017-Vol 01


Gavin Woo, P.Eng.
Chief Building Official

Re: **Business Licence Cancellation and Notice Against Title for The Stone Hedge B&B, operating from a premises located at 5511 Cathay Road**



Staff Recommendation

1. That the business licence of The Stone Hedge B&B, operating from a premises located at 5511 Cathay Road, be cancelled; and
2. That, according to section 57 of the Community Charter, City staff be directed to file a notice against land title that building regulations have been contravened in respect to the building located at 5511 Cathay Road.


Carli Edwards, P.Eng.
Acting Senior Manager, Community Safety,
Policy & Programs and Licencing
(604-276-4136)


Gavin Woo, P. Eng.
Senior Manager, Building Approvals
(604-276-4113)

Att. 1

REPORT CONCURRENCE		
ROUTED TO: Law	CONCURRENCE <input checked="" type="checkbox"/>	CONCURRENCE OF GENERAL MANAGER 
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: CJ	APPROVED BY CAO 

Staff Report

Origin

In May 2017, City Council adopted amendments to several bylaws, including the Richmond Zoning Bylaw and Business Licence Bylaw, in order to implement changes to the regulations for bed and breakfast businesses. In order to “grandfather” existing businesses, and allow them to operate under the previous regulations, staff inspected and reviewed the files of all bed and breakfast businesses licenced prior to the bylaw changes. During this review, several businesses were identified that were not in compliance with the bylaws.

Background

The City’s Business Licencing department administers a licencing program for approximately 14,000 licence holders and regulates the activities of approximately 24 business types including bed and breakfast businesses. This report deals with the licence for The Stone Hedge B&B, located at 5511 Cathay Road, in terms of compliance with the Business Licence Bylaw and violations of the Building Regulation and Richmond Zoning bylaws.

Section 57 of the Community Charter provides a mechanism for the City of Richmond to register a notice on land title in the event that City officials observe a building or structure that was constructed in contravention of a municipal bylaw and a permit was not obtained for such work. In this case, the City must give notice to the property owner and Council must pass a resolution directing staff to register the notice. Registering a notice on title is not often used by the City of Richmond but it is a routine measure used by other municipalities to supplement bylaw enforcement measures. Notices on title serve as a warning to prospective purchasers of the existing bylaw violations and can be very effective in motivating property owners to come into compliance with bylaws and have the notice removed.

Findings of Fact

The Stone Hedge B&B is currently a licenced bed and breakfast that has operated since 2012. An inspection of the premises in January of this year revealed that it contains extensive works without permit, including a detached structure that is being used as one of the bedrooms for the bed and breakfast operation. The Zoning Bylaw does not permit living space in detached structures and further, the structure encroaches into a City utility right-of-way.

The work without permits and the detached structure result in violations of the Richmond Zoning Bylaw and the Building Regulation Bylaw. Under section 1.6 of the Business Licence Bylaw, all premises from which business is located must comply with the City bylaws. The owners and operators of the business, Linda and Brian Cooper, were first notified of these issues in February 2017 and were provided with written notice to resolve the issues prior to May 31, 2017.

During the time that elapsed from February through May, staff had several meetings with Mr. Cooper to discuss options to bring his house and property into compliance with City bylaws and keep the bed and breakfast licence. This would involve taking out permits for the alterations to the ground floor and removing the detached structure. Mr. Cooper initially indicated agreement to apply for permits for the alterations to the ground floor but suggested that removing the detached structure (and associated bedroom), would have a significant impact to the bed and

breakfast business. However, despite extensions given to comply, Mr. Cooper has not applied for any building permits. A copy of the material provided to Mr. and Mrs. Cooper is provided in Attachment 1, along with a letter sent to Mayor and Council.

Cancelling the licence will resolve the issue of operating in non-compliance with the Business Licence Bylaw, but until alterations are permitted and inspected and the detached structure removed, the property will remain non-compliant with the Richmond Zoning Bylaw and the Building Regulation Bylaw.

Analysis

Business Licence Cancellation

Evidence indicates that alterations to the ground floor and the detached structure were in existence at the time that the licence was originally issued. However, a bed and breakfast is not permitted in a home that is not compliant with Zoning or Building Regulation Bylaws. The City cannot “grandfather” existing conditions, or businesses, that have never been compliant with City bylaws.

Notice Against Title

To date, the owner has not made application to resolve any of the issues identified as non-compliant with the Building Regulation Bylaw. The provision to add a notice against title will ensure that prospective purchasers are warned of the existing conditions. Adding a notice on title does not impact the City’s ability to pursue other bylaw enforcement measures.

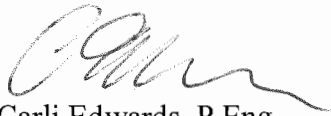
The Community Charter provides that a notice on title must be removed once the conditions are rectified. The owner must also be provided with an opportunity to be heard prior to Council passing a resolution to instruct staff to register the notice.

Financial Impact

None

Conclusion

The Stone Hedge B&B, a bed and breakfast business located at 5511 Cathay Road, is non-compliant with the Business Licence, Building Regulation and Richmond Zoning bylaws. Staff recommend cancelling the business licence effective September 15, 2017 and registering a notice on title to warn prospective purchasers of the bylaw violations.



Carli Edwards, P.Eng.
Acting Senior Manager, Community Safety, Policy & Programs and Licencing
(604-276-4136)

Att. 1: correspondence between the City and Brian and Linda Cooper



City of
Richmond

6911 No. 3 Road,
Richmond, BC V6Y 2C1
www.richmond.ca

March 17, 2017
File: 12-8275-20-AMANDA #/2016-Vol 01

Finance and Corporate Services Division
Telephone: 604-276-4136
Fax: 604-276-4147

The Stone Hedge B&B
5511 Cathay Road
Richmond, BC V7C 3C9

Attention: Brian Cooper and Linda Cooper

Dear Mr. and Mrs. Cooper:

**Re: Business Licence for The Stone Hedge B&B / 5511 Cathay Road (the "Property")
Reference File# 12603710**

Further to our meeting on March 2, 2017, and subsequent telephone conversations, an inspection of the property on February 14, 2017 revealed numerous violations of the Zoning Bylaw, the Building Regulation Bylaw and the Business Licence Bylaw. These violations are related to the licence to operate a Bed and Breakfast ("B&B") on the Property.

According to section 5.1 (b) of Business Licence Bylaw 7360, all premises from which business is conducted, including a B&B, must comply with all City bylaws. In order to comply with bylaws, the following issues must be resolved:

Accessory Building added

A "pool" shed was added to the rear yard and converted to living space, all without permits or approval as required by section 2.2.1 of Building Regulation Bylaw 7230. In addition, Richmond Zoning Bylaw 8500 does not permit living space in detached structures and further, the structure appears to encroach upon a utility right-of-way. This shed must be removed or building permits obtained to have it inspected and approved.

Garage and other alterations to the Ground Floor

The garage was closed in and additional alterations were completed on the ground floor without permits or approval. This is a violation of section 2.2.1 of Building Regulation Bylaw 7230 and permits must be obtained so that this work can be inspected and approved.

These issues must be resolved on or before May 30, 2017. This includes issuance of permits, inspection of the work and final approval.

Should these issues not be resolved, the B&B business licence will be recommended for cancellation through a business licence hearing with City Council. If the licence is cancelled by

City Council, you will be required to cease operating immediately. Operation of a business without a valid Business Licence is an offence, and may be subject to prosecution.

Please contact me directly if you have any questions at 604.276.4136 or cedwards@richmond.ca.

Yours truly,



Carli Edwards, P.Eng.
Chief Licence Inspector

pc: Daniel McKenna, Senior Manager, Community Safety Policy and Programs
Gavin Woo, P. Eng., Senior Manager, Building Approvals

Good Afternoon Your Honour and Councilors:

Firstly, I would like to introduce myself as the owner of The Stone Hedge Bed and Breakfast here in Richmond.

Our business has been in operation now for 15 years. We have never had any complaints from anyone including our neighbours about running our business in a residential area. We live in our home at all times and have total oversight of our property at all times. We were honoured by the International Olympic Committee and have won the highest awards possible since we joined Expedia and Booking.com for customer satisfaction. Our guest reviews are the highest they have seen in our entire region.

We have lived in Richmond for nearly 40 years now; our children were born and grew up here. They both now work here in Richmond and have never lived anywhere else. We love Richmond and want to continue to live here but we can't if we lose our Bed and Breakfast business as we are both retired and rely on our business to live here in Richmond. We would have to sell and move if our business was shut down for even one season.

We have been trying to resolve the building codes/permits/requirements for months and have consulted various architects, contractors, and organizations with assisting us in becoming "code friendly". We have had quotes from \$15,000 to upwards of \$30,000+ just for the plans to present to City Hall. This does not include the permits, labour and time to do all this construction in the middle of our season. Our house was last valued at \$53,000 (it has gone up from last year). Why would we put an additional \$50,000 or more into a house that is only worth \$53,000? We feel we are being forced out of our neighbourhood because we find this to be unnecessary when we have been in operation for all these years with absolutely no problems or complaints. We fought a hard battle back during the Olympics with The City making sure we had all the standards and expectations required for the safety of our world guests.

We cannot afford to shut down our business, contact hundreds of tourists and cancel their reservations, contract out a \$50,000+ job on our house and property and have it all done in weeks. The time limit given to us was too short and could not be possibly done (as we found out) in the time the City has given to us. Just cancelling all our reservations would destroy our business so we would have to sell anyway.

I am asking at this time for at least an extension to our time to finish the season but I would gratefully ask that we can somehow be grandfathered and not have to go through all this anxiety and frustration. The house was passed for the Olympics and everyone had

a great time. Getting permits for work that was done before we even owned the house 50 years ago is very frustrating.

Thank you for your consideration.

Respectfully,

The Stone Hedge B&B

Brian and Linda Cooper



City of Richmond

6911 No. 3 Road,
Richmond, BC V6Y 2C1
www.richmond.ca

September 14, 2017
File: 12-8275-20-AMANDA #/2017-Vol 01

Community Safety Division
Business Licences
Telephone: 604-276-4136
Fax: 604-276-4147

Brian and Linda Cooper
The Stone Hedge B&B
5511 Cathay Road
Richmond, BC V7C 3C9

Dear Mr. and Mrs. Cooper:

**Re: Business Licence Hearing for The Stone Hedge B&B / 5511 Cathay Road (the
"Property")**

Further to conversations and correspondence dating back to February 2017, there are numerous violations of the Zoning Bylaw, the Building Regulation Bylaw and the Business Licence Bylaw on the Property where you are the registered owners of a Bed and Breakfast business ("B&B"). According to section 5.1 (b) of Business Licence Bylaw 7360, all premises from which business is conducted, including a B&B, must comply with all City bylaws. In order to comply with bylaws, the following issues must be resolved:

Accessory Building added

A "pool" shed was added to the rear yard and converted to living space, all without permits or approval as required by section 2.2.1 of Building Regulation Bylaw 7230. In addition, Richmond Zoning Bylaw 8500 does not permit living space in detached structures and, further, the structure appears to encroach upon a utility right-of-way. This shed must either be removed or you must obtain building permits so that this work can be inspected and approved.

Garage and other alterations to the Ground Floor

The garage was closed in and additional alterations were completed on the ground floor without permits or approval. This is a violation of section 2.2.1 of Building Regulation Bylaw 7230 and permits must be obtained so that this work can be inspected and approved.

In previous correspondence, you were given until May 30, 2017 to address these issues. Upon request, you were then offered further extensions (to July and then to September) in order to address all of the outstanding issues, including hiring building and design professionals to prepare permit applications on your behalf. However, to date, there have been no building permit applications or proposals submitted that address these bylaw violations.

With consideration to the work required and the extensions offered to date, I have requested a business licence hearing with City Council to review the status of your business licence. The date for this hearing has been tentatively set for October 10, 2017. Prior to that meeting, you will be formally notified of the

date and time of the hearing. You will also be provided with copies of all materials related to your file that are provided to City Council for their consideration.

Should the bylaw violations not be resolved prior to the business licence hearing, your B&B business licence will be recommended for cancellation. If the licence is cancelled by City Council, you will be required to cease operating immediately. Operation of a business without a valid Business Licence is an offence, and may be subject to prosecution.

Please contact me directly if you have any questions at 604.276.4136 or cedwards@richmond.ca.

Yours truly,



Carli Edwards, P.Eng.

Acting Senior Manager, Community Safety, Policy & Programs and Licencing

pc: Gavin Woo, P. Eng., Senior Manager, Building Approvals
Victor Duarte, Supervisor, Business Licencing
Robert Lum, Acting Manager, Customer Service



City of Richmond

Report to Council

To: Richmond City Council **Date:** September 15, 2017

From: Carli Edwards, P.Eng.
Acting Senior Manager, Community Safety, Policy & Programs and Licencing **File:** 12-8275-20-AMANDA #/2017-Vol 01

Gavin Woo, P. Eng.
Chief Building Official

Re: **Business Licence Cancellation and Notice Against Title for Seabreeze Guest House, operating from a premises located at 3111 Springside Place**

Staff Recommendation

1. That the business licence of Seabreeze Guest House, operating from a premises located at 3111 Springside Place, be cancelled; and
2. That, according to section 57 of the Community Charter, City staff be directed to file a notice against land title that building regulations have been contravened in respect to the building located at 3111 Springside Place.

Carli Edwards, P.Eng.
Acting Senior Manager, Community Safety,
Policy & Programs and Licencing
(604-276-4136)

Gavin Woo, P. Eng.
Senior Manager, Building Approvals
(604-276-4113)

Att. 1

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	<input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS:	APPROVED BY CAO

Staff Report

Origin

In May 2017, City Council adopted amendments to several bylaws, including the Richmond Zoning Bylaw and Business Licence Bylaw, in order to implement changes to the regulations for bed and breakfast businesses. In order to “grandfather” existing businesses, and allow them to operate under the previous regulations, staff inspected and reviewed the files of all bed and breakfast businesses licenced prior to the bylaw changes. During this review, several businesses were identified that were not in compliance with the bylaws.

Background

The City’s Business Licencing department administers a licencing program for approximately 14,000 licence holders and regulates the activities of approximately 24 business types including bed and breakfast businesses. This report deals with the licence for the Seabreeze Guest House, located at 3111 Springside Place, in terms of compliance with the Business Licence Bylaw and violations of the Building Regulation and Richmond Zoning bylaws.

Section 57 of the Community Charter provides a mechanism for the City of Richmond to register a notice on land title in the event that City officials observe a building or structure that was constructed in contravention of a municipal bylaw and a permit was not obtained for such work. In this case, the City must give notice to the property owner and Council must pass a resolution directing staff to register the notice. Registering a notice on title is not often used by the City of Richmond but it is a routine measure used by other municipalities to supplement bylaw enforcement measures. Notices on title serve as a warning to prospective purchasers of the existing bylaw violations and can be very effective in motivating property owners to come into compliance with bylaws and have the notice removed.

Findings of Fact

The Seabreeze Guest House is currently a licenced bed and breakfast that has operated since 2011. An inspection of the premises revealed that it contains an illegal secondary suite in addition to the bed and breakfast operation. According to section 5.5 of the Richmond Zoning Bylaw, a bed and breakfast is not permitted in a home that contains a secondary suite.

Recent inspection and review of approved building plans also revealed that a wall was constructed in the home to create a room and convert space in the garage to habitable space in the home. The wall has had the effect of increasing the floor area ratio beyond the maximum allowable limit.

Taken together, these conditions result in violations of the Richmond Zoning Bylaw and the Building Regulation Bylaw. Under section 1.6 of the Business Licence bylaw, all premises from which a business is located must comply with the City bylaws. The owner and operator of the businesses, John Falcus, was first notified of these issues in February 2017 and was provided with written notice to resolve the issues prior to May 31, 2017. This deadline was later extended to July and then to October. Since that time, Mr. Falcus transferred the business to his mother, Cheryl Buchanan, as she is the person residing in the home and operating the bed and breakfast.

During the time that elapsed from February through September, senior staff from Business Licences, Zoning and Building Approvals had several meetings with Mr. Falcus to explore options

for how the home could be brought into compliance with City bylaws. Throughout the process, Mr. Falcus was upset that City Inspectors had reviewed the plans and inspected for work completed on both floors of his house. While most of the work had been approved, there were several instances of unapproved construction in the home. This included changes to plumbing fixtures (bathroom changed to a laundry room), additional floor area added to the ground floor and a pre-existing secondary kitchen on the ground floor that did not align with approved plans. Mr. Falcus felt that these works should be grandfathered and claimed that the same types of works had been approved in similar instances. Staff took these concerns seriously and investigated all of Mr. Falcus' claims.

The work undertaken without permits made the house non-compliant with residential zoning regulations. At no time in the past had staff condoned or approved any non-compliant and unauthorized work at the subject address or similar developments as claimed by Mr. Falcus. Moreover, all actions as prescribed by staff are measures required to rectify situations of non-compliance caused by the unauthorized construction. Relating to the issue of floor area, Mr. Falcus can either restore the garage or remove covering from a portion of the outside decking.

To date, Mr. Falcus has applied for permits to address the issues but has not completed the work and received final approval. A copy of the correspondence between the City and Mr. Falcus is provided in Attachment 1.

Analysis

Business Licence Cancellation

Evidence indicates that portions of the illegal suite and extra floor area were in existence at the time that the licence was originally issued. However, a bed and breakfast is not permitted in a home with a secondary suite or one that is not compliant with Zoning or Building Regulation Bylaws. The City cannot "grandfather" existing conditions, or businesses, that have never been compliant with City bylaws.

Notice Against Title

To date, the owner has not resolved all of the issues required for the property to be compliant with the Building Regulation Bylaw. Cancelling the licence will resolve the issue of operating in non-compliance with the Business Licence Bylaw, but until the suite is dismantled and the floor area resolved, the building will remain non-compliant with the Richmond Zoning Bylaw and the Building Regulation Bylaw. The provision to add a notice against title will ensure that prospective purchasers are warned of the existing conditions. Adding a notice on title does not impact the City's ability to pursue other bylaw enforcement measures.

The Community Charter provides that a notice against title must be removed once the conditions are rectified. The owner must also be provided with an opportunity to be heard prior to Council passing a resolution to instruct staff to register the notice.

Financial Impact

None.

September 15, 2017

- 4 -

Conclusion

Seabreeze Guest House, a bed and breakfast business located at 3111 Springside Place, is non-compliant with the Business Licence, Building Regulation and Richmond Zoning bylaws. Staff recommend cancelling the business licence and registering a notice on title to warn prospective purchasers of the bylaw violations.



Carli Edwards, P.Eng.
Acting Senior Manager, Community Safety, Policy & Programs and Licencing
(604-276-4136)

Att. 1: copy of correspondence between City staff and John Falcus



City of
Richmond

6911 No. 3 Road,
Richmond, BC V6Y 2C1
www.richmond.ca

March 17, 2017
File: 12-8275-20-AMANDA #/2016-Vol 01

Finance and Corporate Services Division
Telephone: 604-276-4136
Fax: 604-276-4157

The Seabreeze Guest House
3111 Springside Place
Richmond, BC V7E 1X3

Attention: **John Falcus**

Dear Mr. Falcus:

**Re: Business Licence for Seabreeze Guest House / 3111 Springside Pl. (the "Property")
Reference File# 11561391**

Further to our meeting on February 21, 2017, and subsequent telephone conversations, an inspection of the property on February 7, 2017, revealed numerous violations of the Zoning Bylaw, the Building Regulation Bylaw and the Business Licence Bylaw. These violations are related to the licence to operate a Bed and Breakfast ("B&B") on the Property.

According to section 5.1 (b) of Business Licence Bylaw 7360, all premises from which business is conducted, including a B&B, must comply with all City bylaws. In order to comply with bylaws, the following issues must be resolved:

Kitchen added to the downstairs

A kitchen has been added to the ground floor, contrary to regulations in Richmond Zoning Bylaw 8500 relating to single family dwellings. This kitchen was also installed without building or plumbing permits, contrary to section 2.2.1 of Building Regulation Bylaw 7230. As discussed, you must either remove the kitchen on the ground floor OR obtain permits to keep the ground floor kitchen and remove the upstairs kitchen. This work will require building and plumbing permits as well as an electrical permit obtained from the BC Safety Authority.

Alterations to the Ground Floor

Alterations were completed to the ground floor without permits or approval which is a violation of section 2.2.1 of Building Regulation Bylaw 7230. An inspection yesterday (March 16th) was performed in order to identify the permits which will be required so that this work can be inspected and approved.

B&B Owner not a Permanent Resident

Section 5.5.3 of Zoning Bylaw 8500 requires that a B&B is operated by a person who resides at the premises. It is our understanding that you do not reside at the premises and

that the B&B is operated by a caretaker residing in the house. In order to maintain the licence in good standing, you must make application to transfer the business to an operator who resides in the house.

The issues identified above, including those issues identified by the inspection today, **must be resolved on or before May 30, 2017**. This includes issuance of permits, inspection of the works and final approval.

Should these issues not be resolved, the B&B licence will be recommended for cancellation through a business licence hearing with City Council. If the licence is cancelled by City Council, you will be required to cease operating immediately. Operation of a business without a valid Business Licence is an offence, and may be subject to prosecution.

Please contact me directly if you have any questions at 604.276.4136 or cedwards@richmond.ca.

Yours truly,



Carli Edwards, P.Eng.
Chief Licence Inspector

pc: Daniel McKenna, Senior Manager, Community Safety Policy and Programs
Gavin Woo, P. Eng., Senior Manager, Building Approvals

May 8, 2017.

RE: Business License for Seabreeze Guest House/ 3111 Springside Pl.

Hi Carli,

I've been diligently working with the City for a number of weeks now and the deadline you set for resolving any compliance issues is just three weeks away. As mentioned in our meeting on April 27th, I am very concerned about having enough time to do any work as the necessary scope is still not clear. As such, I would appreciate an extension. Guests from all over the world have made reservations to stay at the Seabreeze Guest House over the busy summer season and are counting on a place to stay. Cancelling their reservations would not only ruin their vacation but affect the reputation that the Seabreeze has worked very hard to build. On top of that, this would cause significant financial hardship for my family and I. I think it's important to note that B&B Licence holders were given a grace period of up to 1 year to comply with city bylaws such as parking when they were first issued in 2011.

I continue to be committed to working with City to resolve any bylaw issues. As you know, I have transferred the B&B license into my mother's name as she is now operating the business. I have also offered to remove the stove and microwave from the downstairs "summer kitchen". Although Building Plan Manager James Cooper and I discussed proceeding with the plumbing permits and inspections right away, I was told to hold-off until City Plan Checkers have completed their evaluation of the "proposed floor plans".

You identified three issues in your letter dated March 17, 2017 – 1) a kitchen added to the downstairs; 2) alternations to the ground floor; and 3) the B&B owner not a permanent resident. You also referenced any issues that the building inspectors might identify that day. In our telephone conversation on March 17th you explained that you had had personal experience with building compliance issues and the worst case scenario would be removal of the stove and an additional permit for one of the bathrooms. You also mentioned you had discussed the floor plans submitted with my 2011 B&B licensing application with the Planning department, and the floor area calculations were "fine" (see attached "Springside - Licencing Floor Plan Submission").

In initial discussions, with Building Plan Manager James Cooper, he mentioned that "summer kitchens" were quite common in the 1970's and it was also quite common for people to proceed with unauthorized renovations during that time. Given that my home was built during that era, James thought this may "grandfather" the existing downstairs kitchen without having to convert this area to a bar. James and I spoke about this in our most recent meeting on April 27th and he said he would look into this.

Building Inspectors Danny Kolb and John Melnychuk inspected the home twice; once on March 16th and once on March 23rd. It was my understanding that they were only there to inspect the ground floor however they inspected the whole house. A number of new issues were identified on the 2nd floor due to discrepancies with City records. This included missing records of the

permits for the three original bathrooms in the home - two upstairs and one down. These bathrooms are shown on the plans for the original building on file at City Hall (see attached "Springside - Original Architect Drawings"), and this plan is referenced on my plans for the addition in 2005 as the "Existing Floor Plan". Although a shower was added to the main floor in the addition and a washer and dryer was substituted for the bathtub in the main bathroom, these changes were inspected and approved by Plumbing Inspector Murray Smith and Building Inspector Bob Caravan in their final inspections. In fact, Murray Smith referenced this shower in his site visit notice on Dec 15, 2005 (see attached "Springside - Site Visit Notice Cards"). As a result, I don't understand why the 2nd floor plan is being submitted for re-approval.

In Plan Checker Lisa MacDonald's recent comments on the "proposed floor plans" I was asked to submit, she identifies three issues – 1) reducing FAR by 115 sf, 2) removing the bar sink, cabinetry and laundry on the ground floor and 3) either removing the previously approved kitchenette or the side entry to the second floor.

- I understand Lisa's rationale for reducing the FAR by 115 sf. However, a wall in the back of the garage that was approved by Plan Checker Albert Hui in 2005 as part of the 290 sf addition on the lower floor, accounts for this (see attached "Springside - Garage Wall Approval"). Albert did not ask me for floor area calculations as part of this approval. In recent discussions with Lisa McDonald, it seems they were not required at that time. Given the addition to the lower floor only included a 6' x 10' bathroom and a 10' x 11' bedroom – approximately 170 sf, it seemed reasonable to add the extra space in the back of the garage. In good faith, I built the wall and finished this living space. Given the time and money involved in finishing this space, I would expect the City to honor Albert's decision to approve it. I think it's important to note that just a week ago in meeting with James Cooper, he said that he was not that concerned about this wall, and that in fact I may not have to make any changes to any changes to the building.
- The "kitchenette" on the second floor is actually part of the main kitchen in the house; although a 2'6" door way is noted on the plan, these areas are actually joined by a 5' wide archway which was inspected and approved as part of this project. The original configuration was approved by Plan Checker Albert Hui in 2005 and there was no issue of this being a self-contained space that could be used as a secondary suite. The side entry was also approved at that time and provides an important fire exit for B&B guests. As mentioned, this floor was already inspected and approved by the City in 2006 and the layout was submitted as part of my approved business licensing application in 2011 (see attached "Springside - Licencing Floor Plan Submission"). As such, I don't understand why we would be revisiting these issues.
- I see why the ground level room configuration with the wet bar and laundry could be interpreted to be a self-contained area that could be used as a secondary suite. However, it is common for a rec room/games area to have a wet bar. In past discussions with Community Bylaws Supervisor Magda Laljee and some of the Building Inspectors, this issue has been addressed by not allowing a lock on adjoining area doors. In working with Lisa McDonald on a similar project just two years ago, we addressed the same issue on an almost identical configuration by adding glass pocket doors between the walls of

the adjoining areas, and substituting sliding glass exterior access doors for French doors. This was deemed to be sufficient to open-up the area and provided an unlocked entry door. As such, I'm sure Lisa and I could come-up with a better solution to this issue.

Carli, as discussed the approval of the Seabreeze Guest House has been an arduous task. The city's initial "re-development application approach" ended-up pitting neighbour against neighbour on my street for about a year and a half. There were multiple calls to the police and the City ended-up paying for mediation to help resolve the situation. The battle got quite personal and harassment continues today with one neighbour.

I worked closely with the City of Richmond in the development of the B&B licensing bylaws in 2010, organizing focus groups with B&B stakeholders and gathering secondary data for Chief Licensing Inspector Glen McLaughlin (see attached "B&B Operator Feedback on Licensing - Nov 28, 2010"). I submitted up-to-date drawings of my home for approval during the licensing process and I was told by Glenn that I had the right number of permits in place. Licensing Inspector Joanne Hikida inspected and approved the property in 2011. There have been no changes to my home since that time. The City of Richmond and Tourism Richmond deemed the Seabreeze Guest House to be the model B&B for Richmond at that time. I must say that the news of non-compliance comes as quite a shock after six years.

As you know, the Seabreeze underwent a substantial renovation in 2005/06 – the entire building was gutted down to the studs and rebuilt. I now understand that some of the permits were not in place for previous work done to the building and some alterations are not on record. I continue to be willing to work with the city to ensure that the building is in compliance with City Bylaws. However, this process has been very taxing on me and my family beginning with a surprise visit from a Licensing Inspector, followed by confrontational meetings with panels of three people at a time from the City and then having three inspectors showing-up at the house in separate cars on two different occasions. As you can imagine, the latest email with the drastic proposed changes from Plan Checker Lisa McDonald is quite upsetting. I think it's important for the City to keep in mind that this is not just a house – this is our home, our livelihood and our life.

I am confident that we can work together to address these issues and come-up with some viable solutions that work for the Seabreeze Guest House while complying with the City's Bylaws. However, I will need a reasonable amount of time to work through these issues with City staff and then get any necessary work done. As mentioned, guests from all over the world are counting on staying at the Seabreeze Guest House over the busy summer season. A business licence suspension would not only ruin their vacation but affect the reputation that the Seabreeze has worked very hard to build.

Regards,

John.



City of Richmond

6911 No. 3 Road,
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May 23, 2017
File: 12-8275-20-AMANDA #/2017-Vol 01

Finance and Corporate Services Division
Telephone: 604-276-4136
Fax: 604-276-4029

Seabreeze Guest House
3111 Springside Place
Richmond BC V7E 1X3

Attention: John Falcus

Dear Mr. Falcus:

**Re: Confirmation of Requirements for Compliance with Zoning, Building and Business
Licence bylaws**

Further to our most recent meeting on May 15, 2017, as well as previous meetings and written correspondence, the following is an update on the progress towards bringing the business "Seabreeze Guest House" into compliance with the Zoning, Building Regulation and Business Licence bylaws. While previous letters referred to options for compliance, the summary below reflects our specific discussions to date.

Kitchen added to the downstairs

As you have expressed, it is your preference to keep the primary and secondary kitchens upstairs. In this case, the kitchen downstairs must be removed. This includes the stove, oven and all cooking appliances. You may retain a fridge, small bar sink and one leg of the L-shape counter if all other cabinetry is removed in its entirety and the 220V wiring circuit is removed and capped at the panel. This work will require building, plumbing and electrical permits.

Alterations to the Ground Floor (that exceed allowable FAR)

Alterations on the ground floor to add a bedroom have resulted in the house being over the maximum allowable floor area ratio (FAR). The habitable floor area must be reduced by 115 sq. feet either within the house or alternatively, covered outdoor space (counting as habitable floor area) can be reduced in order to comply with this requirement of the Zoning Bylaw.

Alterations to Plumbing Fixtures

The plumbing work in the unauthorized bathrooms and laundry room on the ground floor and that on the upper floor shall be inspected and all deficiencies corrected to the satisfaction of the plumbing inspector.

As stated in previous correspondence, the issues identified above **must be resolved on or before May 30, 2017**.

Should these issues not be resolved, the B&B licence will be recommended for cancellation through a business licence hearing with City Council in July. If the licence is cancelled by City Council, you will be required to cease operating immediately. Operation of a business without a valid Business Licence is an offence, and may be subject to prosecution.

Please contact me directly if you have any questions at 604.276.4136 or cedwards@richmond.ca.

Yours truly,



Carli Edwards, P.Eng.
Manager, Customer Services and Licencing

:ce

pc: James Cooper, Architect AIBC, Manager, Plan Review
Gavin Woo, P. Eng., Senior Manager, Building Approvals

May 26, 2017.

RE: Business License for Seabreeze Guest House/ 3111 Springside Pl.

Dear Carli,

Thank you for sending the update on the progress of bringing the "Seabreeze Guest House" into compliance with City bylaws. As discussed, I continue to be committed to working with the City to resolve any bylaw issues. However, the deadline for compliance is less than a week away and the alterations proposed in your last letter cannot be completed in that time. In addition, I am still very concerned about the issues we have been discussing and feel that they warrant further consideration by the City. Given that I was the first Bed and Breakfast to be licenced in Richmond, and the unique circumstances surrounding the process I endured, I believe that greater leniency is warranted in dealing with these issues and that the past decisions made by our City officials should be "grandfathered". I would appreciate an extension to work through these issues and complete any work that may have to be done.

As you know, I have worked diligently with the City for the past three months to resolve any compliance issues. I have done everything the City has asked of me. I attended two rounds of building inspections in mid-to-late March, drafted and submitted revised plans for my home in mid-April and attended four face-to-face meetings with City staff. Although I discussed proceeding with the plumbing permits and inspections in March, I was told to hold-off until City Plan Checkers had completed their evaluation. I have not yet been able to move forward with any changes to our home as the scope of work deemed necessary for compliance has not been clear and has changed dramatically during our discussions. As mentioned, I am also still very concerned about some of the issues we have been discussing.

- In our initial conversation on March 17th, you explained the worst-case scenario would be 1) removal of the downstairs stove and 2) an additional permit for one of the downstairs bathrooms, and that the floor area calculations were fine.
- On May 2nd, City Plan Checkers proposed dramatic changes including 1) removing the previously approved living area in the back of the garage, 2) removing the bar sink, all cabinetry and any laundry on the ground floor and 3) either removing half of our main kitchen or the side entry to the second floor.
- Now on May 23rd, proposed changes include removing the downstairs stove, installing a smaller sink and removing half of the cabinetry and countertops, and 2) removing the previously approved living area in the back of the garage.

While I understand the City's concern about the "Kitchen added to the downstairs" I think it's important to note that it was approved as a part of my B&B licencing application in 2011. It was discussed openly with Chief Licencing Inspector Glenn McLaughlin and included on my floor plans submitted with my application. It was also inspected and approved by Licence Inspector

Joanne Hikida on Feb 22, 2011. I have already agreed to remove the downstairs stove to convert this area to a "bar" as per our conversation on March 17th. Since then I have arranged for Birdi Electrical to remove the 220v wiring circuit and cap it at the panel as well as obtain any permits necessary for this work. I have also arranged for First Call Plumbing to obtain permits for any work that was done on the ground floor prior to my purchase of the home in 2004 and make any necessary changes. However as discussed in our last meeting, being limited to "one leg of the L-shape counter if all other cabinetry is removed in its entirety" seems somewhat unreasonable. Many new homes in Richmond have extensive bar cabinetry and very large countertops in their rec rooms and this bar is much smaller in comparison. On top of that, this issue does not appear to be addressed explicitly in our city bylaws. Given the circumstances, and the subjectivity involved in this decision I would appreciate greater leniency. Reworking the cabinetry is time consuming and expensive and will only take away from the visual appeal of the room. As such, I would like the option of maintaining it.

I understand that City Plan Checkers have recently determined that our home exceeds the allowable floor area by 115 sf. However as discussed in our meeting on May 15th, Plan Checker Albert Hui approved a wall in the back of our garage that created this extra space as part of the extensive renovation of our home twelve years ago in 2005. The architect had allocated 290 sf of additional living space on the ground floor yet the plans only included the addition of a 6' x 10' bathroom and a 10' x 11' bedroom on that floor for a total of approximately 170' sf. As such, it seemed reasonable to add the extra space. As a first-time owner-builder, I relied on Albert's decision to move forward and finish the living space. The building was inspected and given final approval in Fall 2006 and there were no issues about this space. My parents counted on this room when they decided to sell their home in Ladner and move to Steveston to run the Bed & Breakfast a few years ago. They have seven grandchildren who come to visit fairly often, and with three rooms allocated for Bed and Breakfast guests, there are no other rooms for the kids to stay. As such, although this is a small room, it is an important room for my family.

During the course of our discussions, the legitimacy of Albert's signature for the additional space at the back of our garage has been questioned a number of times. Albert and I worked very closely on this project for the better part of a year and I have suggested that City staff chat with him to verify his signature and answer any questions about the approval. I think it's important to note that you have told me several times that if I decide to forgo my business licence, I would not have to make any changes to my home. The decision to allow this space was made by a City official twelve years ago and it can easily be verified. On top of that, the City is already willing to allow this space if I forgo my B&B licence. As such, it seems reasonable to "grandfather" the City's decision to approve this small extra space. As mentioned, this is an important space for my parents who are now in their mid-seventies as they rely on it for hosting their grandkids and other family who come to visit.

Completing the most recent version of the City's proposed changes by May 30th - in just less than a week, is not possible and cancelling our B&B licence for not meeting this deadline seems unfair. I would appreciate a more practicable amount of time. As you know, Chief Licence Inspector Glenn McGlaughlin kindly offered a one year grace period to comply with city parking

Bylaws and achieve Tourism BC Approved Accommodation status during the initial licensing period. As an active member of Tourism Richmond we are the only licenced Bed and Breakfast they recommend. Guests from all over the world are coming to stay at the Seabreeze Guest House and spend time and money in our city over the busy summer season. Cancelling their reservations would not only ruin their vacations but it would also affect the reputation that the Seabreeze has worked very hard to build. On top of that, it would cause significant financial hardship for our family.

I am anxious to move forward with any work necessary to ensure the Seabreeze Guest House is in compliance with city bylaws. As mentioned, I have already hired electricians and plumbers to obtain any necessary permits and correct any deficiencies. I've also hired Valley Countertops to replace the bar counter once the plumbers install a smaller bar sink. Although this process is taking some time to work through, I am confident that we can work together to solve these issues in a way that works for the Seabreeze Guest House while complying with the City's Bylaws.

Regards,

John.



City of
Richmond

6911 No. 3 Road,
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May 31, 2017
File: 12-8275-20-AMANDA #/2017-Vol 01

Community Safety Division
Business Licences
Telephone: 604-276-4328
Fax: 604-276-4157

Seabreeze Guest House
3111 Springside Place
Richmond BC V7E 1X3

Attention: John Falcus

Dear Mr. Falcus:

Re: Follow-up to Confirmation of Requirements for Compliance with Zoning, Building and Business Licence bylaws

Thank you for your response to our May 23, 2017 letter. From your letter, dated May 26, 2017, I understand that you are working to resolve two of the issues identified related to the kitchen downstairs and the alterations to plumbing fixtures. In order to be compliant with Zoning, Building and Business Licence Bylaws, you are also required to reduce your floor area by 115 ft².

As mentioned previously, there is no mechanism to "grandfather" existing conditions when those conditions do not comply with existing or former bylaws. The wall that was installed, and the subsequent changes to create a bedroom, results in additional habitable floor area that exceeds the maximum floor area ratio specified in the Zoning bylaw.

In reference to your request for an extension, I am referring your business license to City Council as part of a Business Licence Hearing on July 4, 2017. You will receive formal notice prior to that meeting plus receive copies of all documents being forwarded to Council.

Yours truly,

Carli Edwards, P.Eng.
Manager, Customer Services and Licencing

:ce

pc: James Cooper, Architect AIBC, Manager, Plan Review
Gavin Woo, P. Eng., Senior Manager, Building Approvals



City of Richmond

6911 No. 3 Road
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September 14, 2017
File: 12-8275-20-AMANDA #/2017-Vol 01

Community Safety Division
Business Licences
Telephone: 604-276-4328
Fax: 604-276-4157

John Falcus and Cheryl Buchanan
Seabreeze Guest House
3111 Springside Place
Richmond BC V7E 1X3

Attention: John Falcus and Cheryl Buchan

Dear Mr. Falcus and Mrs. Buchanan:

Re: Business Licence Hearing for Seabreeze Guest House / 3111 Springside Place (the "Property")

Further to conversations and correspondence dating back to February 2017, there are violations of the Zoning Bylaw, the Building Regulation Bylaw and the Business Licence Bylaw on the Property where you are the owner and operator, respectively, of Seabreeze Guest House, a licenced Bed and Breakfast business ("B&B"). According to section 5.1 (b) of Business Licence Bylaw 7360, all premises from which business is conducted, including a B&B, must comply with all City bylaws.

In previous correspondence, you were given until May 30, 2017 to address these issues. Upon request, you were then offered further extensions (to July and then to September) in order to address all of the outstanding issues, including hiring building and design professionals. To date, you have been issued permits for the required work but are required to have all work completed and inspected.

In the event that the work is not completed pursuant to the permits and bylaw violations are not resolved, I have requested a business licence hearing with City Council to review the status of your business licence. Should the bylaw violations be resolved prior to the business licence hearing, your hearing will be cancelled.

The date for this hearing has been tentatively set for October 10, 2017. Prior to that meeting, you will be formally notified of the date and time of the hearing. You will also be provided with copies of all materials related to your file that are provided to City Council for their consideration.

If the issues are not resolved prior to the business licence hearing, your B&B business licence will be recommended for cancellation. If the licence is cancelled by City Council, you will be required to cease operating immediately. Operation of a business without a valid Business Licence is an offence, and may be subject to prosecution.

Please contact me directly if you have any questions at 604.276.4136 or cedwards@richmond.ca.

Yours truly,



Carli Edwards, P.Eng.

Acting Senior Manager, Community Safety, Policy & Programs and Licencing

pc: Gavin Woo, P. Eng., Senior Manager, Building Approvals
James Cooper, Architect AIBC, Manager, Plan Review
Victor Duarte, Supervisor, Business Licencing
Robert Lum, Acting Manager, Customer Service