

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 738

A BYLAW TO AUTHORIZE THE DEMOLITION OF PART OF A BUILDING

WHEREAS Section 735 of the Municipal Act R.S.B.C. 1979, c.290 (the "Act") empowers Council by bylaw to authorize the demolition, removal or bringing up to a standard specified in the bylaw of a building, structure or thing, in whole or in part, that contravenes a bylaw;

AND WHEREAS "Land Use Contract Bylaw No. 650, 1988", Section 7.(h) provides that: "...No buildings or structures or improvements of whatsoever nature may be placed, erected, constructed, or otherwise made on or to the land subject of the Development Approval except as provided therein...";

AND WHEREAS on May 16th, 1988 Development Approval was given for Lot 19, District 3903, Plan 21816, VR2306 (the "Lands");

AND WHEREAS the owner of the Lands, has constructed decks adjacent to Units 18, 19, 21, 24, 25, 28, 29 and 32 which do not comply with the requirements of the Development Approval;

AND WHEREAS the owner of the lands has neglected, refused or otherwise failed to demolish and remove the decks and any improvements thereon which do not comply with the Development Approval notwithstanding the requests and demands by representatives of the Municipality to do so;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Enforcement Bylaw No. 738, 1989".
2. Council hereby authorizes the demolition and removal of the decks and any improvements thereon situated in the location on the Lands shown on the sketch plan attached as Schedule "A" to this Bylaw.
3. Every owner, tenant, occupier and all other persons whose names appear on the records of the Land Title Office as having an interest in the land shall be given 30 days' notice of the demolition and removal.
4. If the owner, tenant or occupier has neglected, refused or otherwise failed to demolish and remove the decks and any improvements thereon after the expiration of the 30 day notice period, Council hereby authorizes at that time removal of the decks.

5. The measures authorized by Section 4 of this Bylaw may be undertaken by the officers, employees or contractors of the Resort Municipality at the expense of the owner of the lands. If not paid by December 31st, 1989 the cost of the measures shall be deemed to be taxes in arrears and shall promptly be so entered on the tax roll by the Collector.


6. If a Court of competent jurisdiction declares any section of this Bylaw to be invalid, then the invalid portion shall be severed so that the remainder remains in full force and effect.

GIVEN FIRST, SECOND and THIRD readings this 10th day of April, 1989.

RECONSIDERED and finally ADOPTED by the Council this 8th day of May, 1989.



R.H. Drew Meredith,
Mayor



Deputy John Murray, P. Admin.,
Municipal Clerk.

I HEREBY CERTIFY that this
is a true copy of
"Enforcement Bylaw No. 738. 1989"

John Murray, P. Admin.,
Municipal Clerk.

