
TO: CITY MANAGER **DATE:** 2007 July 04

FROM: APPROVING OFFICER **FILE:** 87000.20
Reference: SUB 07-43

**SUBJECT: PROPOSED SUBDIVISION AND REDEVELOPMENT OF
AN EXISTING MOTEL AND MANUFACTURED HOME SITE
4825 CANADA WAY**

PURPOSE: To respond to the issues raised by the manufactured home residents at 4825 Canada Way at the Council Meeting of 2007 June 18.

RECOMMENDATION:

1. **THAT** a copy of this report be sent to Ms. Sandra D. Duranleau; Ms. Doreen Mortensen; Ms. Lynn Guegueguen; and to the owners and representative of the subject property.

REPORT**1.0 BACKGROUND**

On 2007 June 18, Ms. Sandra D. Duranleau - resident at #17 - 4825 Canada Way, Ms. Doreen Mortensen - President, Surrey Manufactured Homes Association, and Ms. Lynn Guegueguen - President, Grandview Manufactured Homeowners Association appeared as a delegation to Council on behalf of the manufactured home residents at 4825 Canada Way. The delegation requested that Council deny all permits and approvals for the proposed subdivision and redevelopment of the subject property pending fair compensation to the existing manufactured home residents.

Council requested a staff report to address the concerns raised at the Council Meeting in relation to the proposed subdivision. This report responds to Council's request.

An application has been received from H.Y Engineering Ltd. for a proposed subdivision at 4825 Canada Way on behalf of the property owners. The subject property is currently zoned R3 Residential District. It has an approximate area of 8,098.49m² (two acres) and frontages along Canada Way, Woodsworth Street, and Dundonald Avenue measuring 50.29 m (165 ft.), 100.58 m (330 ft.), and 58.22 m (191 ft.) respectively (see *attached* Sketch 1). The owners wish to subdivide the property to permit 11 single-family dwellings. The property is situated in a large,

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single-family neighbourhood that is generally zoned R3 District to the north of Canada Way and R2 Residential District to the south. Single-family development of the subject property is permitted under the prevailing R3 District designation and is consistent with the adopted plans of the area.

The site is currently improved with a 15-unit motel and 27 manufactured homes. The existing motel and manufactured home park have been operating at this location since the late 1950's and are legally non-conforming uses.

The applicant for subdivision has prepared a plan of subdivision in accordance with the existing R3 District (see attached Sketch 2). It should be noted that the plan of subdivision is preliminary in nature only. The application for subdivision could receive Tentative Approval within six months and Final Approval within ten to twelve months. Prior to final subdivision approval, the applicant must meet all requirements of the R3 District and site servicing, including any necessary road and lane dedications.

Subsequent to the delegation's comments at the Council Meeting of 2007 June 18, the Approving Officer has received correspondence from the property owners confirming their desire to redevelop their property based on the existing R3 Zoning and the submitted plan of subdivision. Further, the owners have indicated that they have no interest in pursuing alternate forms of housing on the site other than that proposed.

2.0 RESPONSE TO DELEGATION CONCERNS

2.1 Issue

The delegation requested that Council adopt a policy on manufactured home park redevelopment similar to other jurisdictions to assist the existing residents being displaced due to redevelopment.

Response

Planning staff reviewed the manufactured home park redevelopment policies of the municipalities of Coquitlam, Surrey, Abbotsford and Kelowna. In all instances, the adopted manufactured home park redevelopment bylaws were enacted following a rezoning process that converted all or part of the manufactured home park to an alternate use. It is via this rezoning process that municipalities are legally permitted to invoke a manufactured home park redevelopment policy and to attach conditions of compensation for the existing residents to the final approval of the redevelopment. The subject property is presently zoned to the R3 Residential District and is entitled to subdivision and redevelopment under the existing zoning and does not require a rezoning.

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2.2 Issue

The delegation questioned how the subject property, presently zoned R3 Residential, came to be developed as a motel and manufactured home park and still operates as such.

Response

A review of City records indicates that the subject property was zoned for commercial uses in 1927 with the motel constructed in about 1940. In 1959 a Business Licence was approved for an additional 8 Trailer Camp/Court spaces. Due to the age of the subject property, City records are limited and there is no record of Building Permits being issued for the subject manufactured homes. In 1948 the subject property was rezoned to Residential and in 1965 rezoned to the existing R3 District. The rezoning in 1948 established the property as legal non-conforming based on the regulations of the Local Government Act. The non-conforming status entitles the motel and manufactured home park to continue to exist and the existing residents to remain until such a time that the owners of their own volition desire to redevelop the property.

2.3 Issue

The delegation asked if it is the case that the property owner could apply for a Demolition Permit and give the manufactured home residents notice to end tenancy the following day.

Response

The owner may apply for a Demolition Permit and the City is not in a legal position to deny the requested permit subject to meeting the requirements of the Building Section, Engineering Department and Fire Department.

Under Section 42 of the *Manufactured Home Park Tenancy Act* a landlord may end a tenancy agreement if the landlord has all the necessary permits and approvals required by law to convert the manufactured home park to an alternate use. Residents must receive 12 months notice for an end of tenancy. A landlord must pay the resident an amount that is equivalent to 12 months rent payable under the tenancy agreement at the time of notice. Regarding the “necessary permits and approvals required by law” statement in the Act, given that the existing R3 District permits single family development on the subject property, it may be the case that nothing further may be required than a Demolition Permit to satisfy the Section 42 requirement.

3.0 CONCLUSION

It is concluded that the owner of the subject property is legally entitled to subdivide and redevelop the site under the existing R3 Residential District Zoning. The Land Title Act outlines specific reasons under which a subdivision can be refused by the Approving Officer. The

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submitted proposal for Subdivision Plan meets the general technical requirements of subdivision and the Approving Officer is not in a position to reject the proposed subdivision.

Council has expressed its concerns about the issues facing the manufactured home residents but even with a desire to be helpful, is limited in its authority. Should the owners of the subject property advance the project, staff will encourage the property owners to be cognizant of the needs of the residents who find themselves in a very difficult situation and provide them with any additional consideration that may be possible.

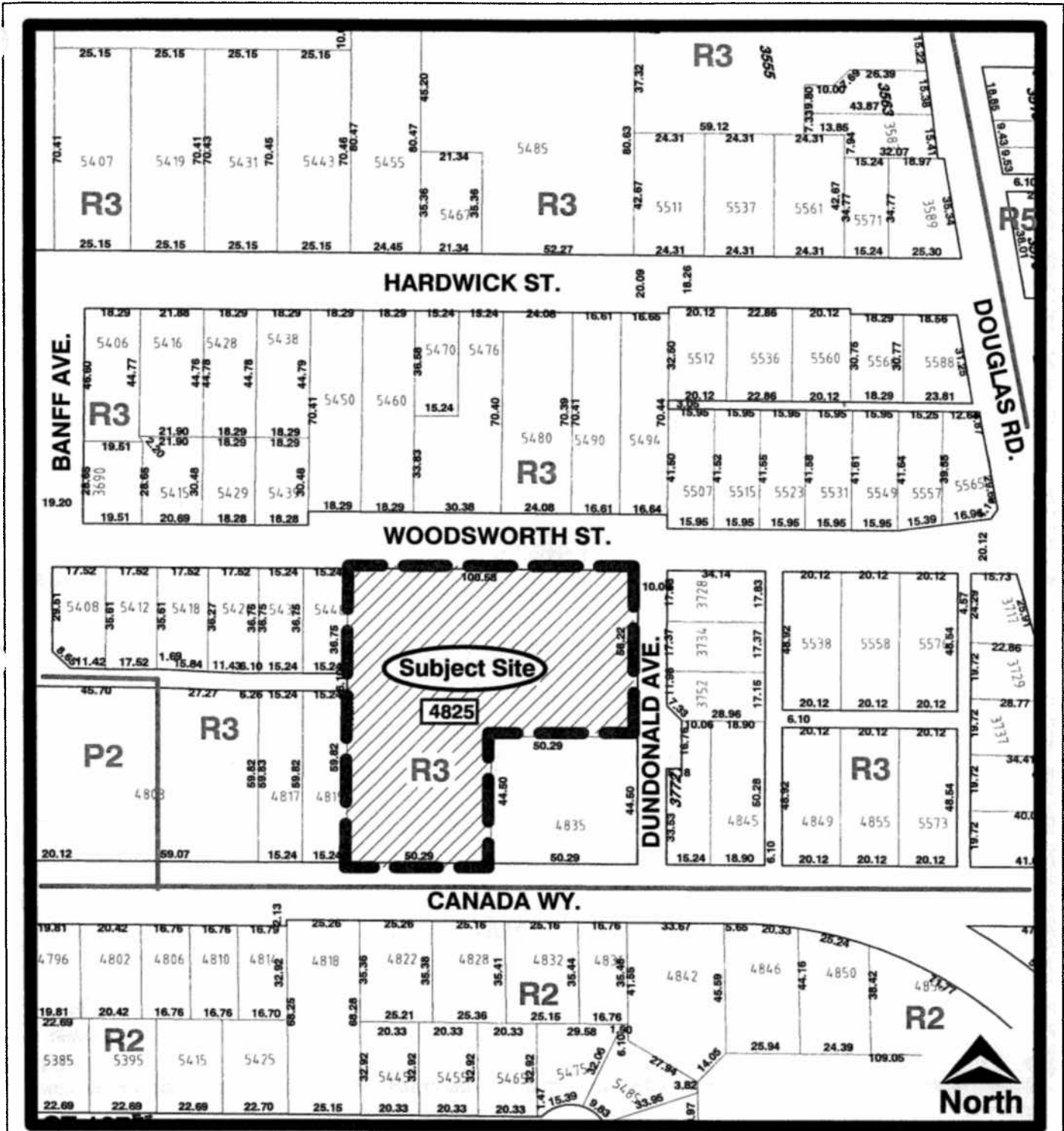
It is recommended that copies of this report be forwarded to Ms. Sandra D. Duranleau; Ms. Doreen Mortensen; Ms. Lynn Guegueguen; and to the owners and representative of the subject property.



B. Luksun
Approving Officer

SMN:gk
Attach

cc: City Manager
City Clerk
City Solicitor
Director of Finance
Director of Engineering
Chief Building Inspector



City of Burnaby

Planning and Building Department

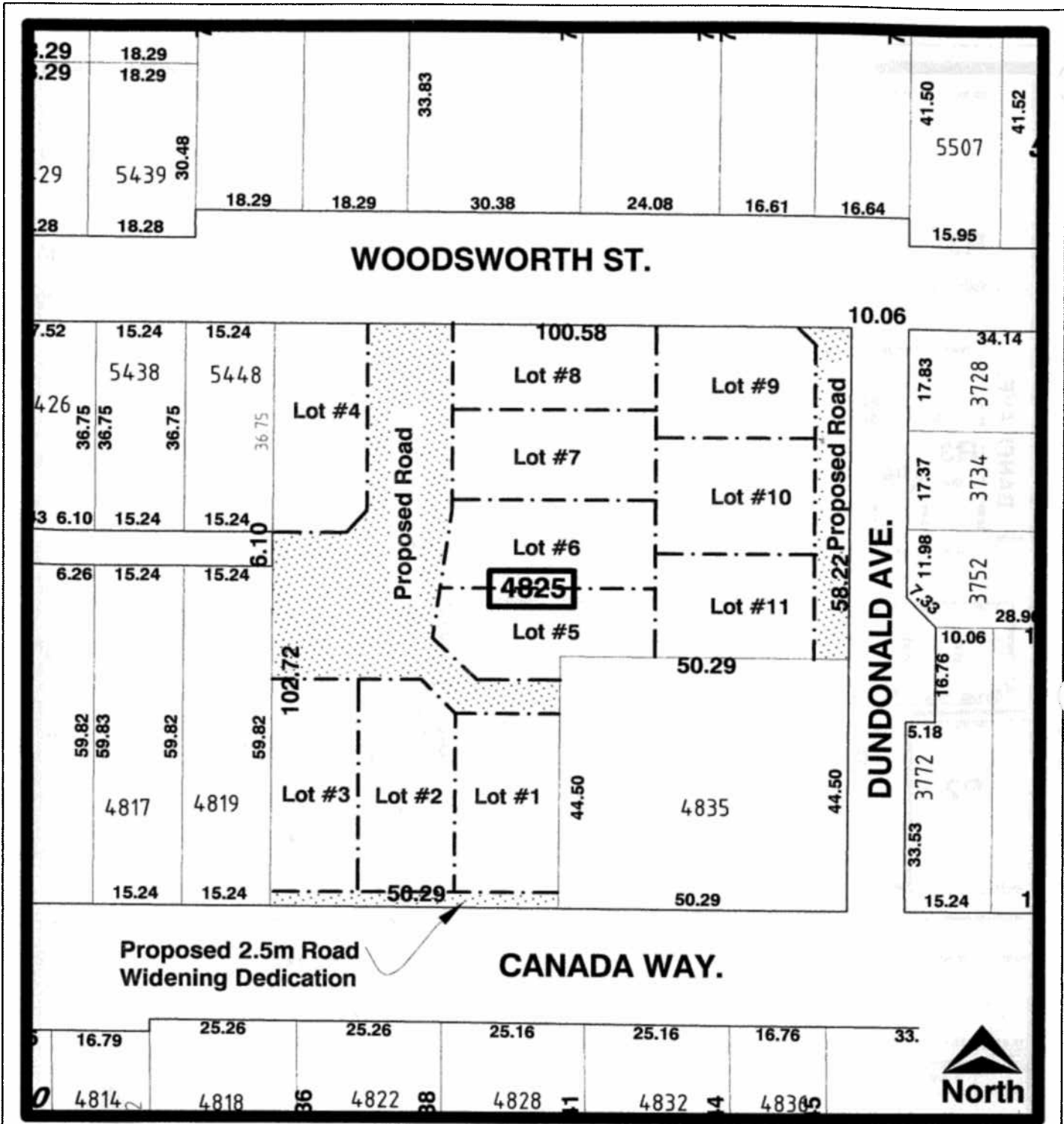
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Drawn By: J.P.C.

Date: July 2007

Subdivision Reference # 07 -- 43
4825 Canada Way

Sketch # 1



Planning and Building Department

Scale: 1 : 2000

Drawn By: J.P.C.

Date: July 2007

Subdivision Reference # 07 -- 43
 4825 Canada Way
 (Proposed Subdivision)

Sketch # 2