

ITEM 14

MANAGER'S REPORT NO. 37

COUNCIL MEETING May 13/74

Re: Letter dated May 1, 1974 from Mr. and Mrs. Rosse Dailly
1240 Augusta Avenue, Burnaby
STA #9/74

Appearing on the Agenda for the May 13, 1974 meeting of Council is a letter from Mr. and Mrs. Rosse Dailly regarding an allegation that staff did not promptly process a Strata Title Application, and that the delay was the primary reason for them having to pay an additional \$2,000 to purchase a duplex at 1240 Augusta Avenue. Following is a report on this matter from the Director of Planning.

RECOMMENDATION:

THAT a copy of this report be sent to Mr. and Mrs. Dailly.

* * * * *

PLANNING DEPARTMENT
MAY 10, 1974

MR. M. J. SHELLEY,
MUNICIPAL MANAGER.

Dear Sir:

1.0 SUBJECT: STA #9/74

D.L. 135, Lot 323, Plan 42589

1240 - 42 Augusta Avenue

Council will receive on May 13, 1974 a letter from Mr. and Mrs. Rosse Dailly dated 1 May, 1974 which discusses a number of difficulties experienced by the correspondents in attempting to purchase one of the units included in the recently strata titled duplex on the subject lot. On this matter the Planning Department submits the following comments.

2.0 GENERAL DISCUSSION:

Council will recall that on October 15, 1973 when final consideration was being given to the General Report on Residential Condominiums and Conversions, Council deleted the section on duplex condominiums and conversions and directed the Planning Department and those other departments having an interest in the matter to study the specific duplex section of that report and collaborate in developing separate duplex guidelines that would simplify the procedures for Municipal approval of duplexes. Council also directed staff to seriously study the possibility of allowing the actual subdivision of side-by-side duplexes along the common party wall into two legal lots.

In reference to this direction the Planning Department placed before Council on 4 February, 1974 the requested report on duplex condominiums and conversions which was referred by Council to the Advisory Planning Committee for comment. In the interim, as Council is aware, the Planning Department notified all potential applicants for duplex Strata Title Approval that Council would first consider such applications after final endorsement of the Duplex Condominium Guidelines. The applicant for strata titling of the subject duplex (an agent for the then owner) was notified of same during this period.

Council on 25 February, 1974, after receiving comments from the Advisory Planning Commission and amending the Guidelines as per those comments, granted final approval of the Duplex Condominium Guidelines. On 26 February, 1974, the prospective applicant for strata titling of the subject duplex was notified by telephone that the Guidelines had been adopted and that application could be made immediately.

On March 4, 1974, Council received a letter from one of the two prospective purchasers of the subject duplex units requesting Council expedite consideration of the Duplex Condominium Guidelines. Council was notified by the Director of Planning that the prospective applicant had been notified to make application and a letter was sent to the prospective purchaser by the Municipal Clerk explaining the situation as of that date (refer to attached copy of that letter noted as Exhibit #1).


On March 14, 1974 the subject application was submitted, too late to be placed before Council at the next meeting of March 18, and a report recommending in support of the application was placed before Council on March 25, 1974. On this date Council granted approval to the proposed duplex strata titling provided that the Duplex Condominium Guidelines were satisfied by the applicant.

The applicant was notified of the tentative approval by telephone on 26 March, 1974 and all requisite documents were submitted by the applicant on 4 April, 1974. Immediately, on 5 April, 1974, the documents were reviewed, found to be suitable and complete and the Strata Plans were forwarded to the Mayor and Clerk for the necessary signatures, thereby confirming Final Approval. The Strata Plans were signed and returned to the applicant on 11 April, 1974 (refer to Appendix I for a short delineation of the chronology of events in this matter).

As can be seen from this detailed chronology of events, the subject application for Municipal Strata Title Approval was received and processed by the Planning Department and the Municipality with all deliberate speed once the guidelines for duplex condominiums were finally approved and once the formal application was submitted. Moreover, it should be noted that Tentative Approval of the application was granted by the Municipal Council prior to the April 1, 1974 deadline specified in the correspondent's letter and that the necessary conditions were not fulfilled by the applicant until 4 April, 1974.

The above report is submitted for the information of Council.

Respectfully submitted,


A. L. Parr,
DIRECTOR OF PLANNING.

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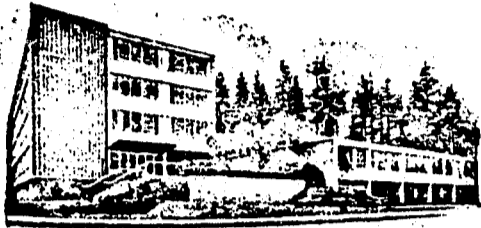
APPENDIX ONE - CHRONOLOGY OF EVENTS

STA #9/74

- 28 January, 1974 - Interim Agreement for purchase of duplex unit signed by correspondent (Mr. & Mrs. Dailly)*
- 25 February, 1974 - Final Approval of General Report on Duplex Condominiums and Conversions.
- 26 February, 1974 - Applicant for Strata Title of subject duplex notified to make formal application.
- 14 March, 1974 - Application formally submitted.
- 25 March, 1974 - Tentative Approval granted by Council.
- 26 March, 1974 - Applicant notified by telephone of Council's Tentative Approval.
- 1 April, 1974 - Deadline for completion of Strata Titling as per correspondents' Interim Agreement.*
- 4 April, 1974 - Submission of required documentation by Applicant.
- 5 April, 1974 - Staff review of documentation completed and signature of Mayor and Clerk solicited.
- 11 April, 1974 - Final Approval granted and Applicant notified of same.
- 15 April, 1974 - Agreed date for completion of correspondent's sale.*
- 19 April, 1974 - Agreed date of correspondent's possession.*

* This information is derived from correspondent's letter of 1 May, 1974.

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COUNCIL MEETING May 13/74



THE CORPORATION OF THE DISTRICT OF BURNABY

MUNICIPAL HALL
4949 CANADA WAY,
BURNABY 2, B.C.

TELEPHONE 299-7211

March 8, 1974

Mr. Alan Barnard
1242 Augusta Avenue
Burnaby 2, B.C.

Dear Sir: Re: Strata Titling of Duplexes

I have for acknowledgment your letter of February 21st requesting that Council expedite a decision on the matter of establishing regulations for the Strata Titling of Duplexes so that you can finalize your proposed purchase of a duplex in the Municipality.

Your letter was received by Council on March 4th at which time the Planning Director, Mr. A.L. Parr, stated that his Department has recently asked that you submit a formal application for the Strata Titling of the Duplex in question so that it can be processed in accordance with the regulations which Council has established to deal with such situations.

Mr. Parr explained that neither the owner of the property nor his agent had filed a formal application for the Strata Titling of the Duplex because the regulations to which I alluded were not approved by Council until recently.

Mr. Parr also mentioned that he anticipated he would have a report for Council at its March 18, 1974, meeting on your request providing your application is made fairly soon.

I would suggest that you contact Mr. Parr, or his Department, to discuss the situation further.

In order that you may have a full understanding of the Council policy in respect of the Strata Titling of Duplexes, I am quoting below the text of the resolution that was passed about the matter:

"Advisory Planning Commission submitted reports on the matters listed below as Items 1 and 2 recommending the courses of action indicated for the reasons given.

(2) Strata Plans for Residential Duplex Condominiums and Conversions.

It was recommended that Council approve all applications for Strata Title Duplex Condominiums and Conversions but, in the event Council decides that guidelines for such applications are necessary, the guidelines contained in Sections 5.0, 6.0, and 8.2 of the Planning Department's report dated January 25, 1974, be adopted with the following amendments:

.....2



EXHIBIT # 1 37

- 2 -

Section 5.1 - That the first sentence in this section be eliminated.

The following is that sentence:

"Sanitary sewer, storm sewer, and water connections and basement storm drainage for duplexes shall be on a separate service to each unit in accordance with Municipal Specifications and requirements."

Section 6.2 - That Point 1 apply in accordance with the recommended amendment in Section 5.1.

The following is that Point:

Points 1, 2, 3, 4, 5 and 6 in the Duplex Condominium Guidelines outlined in Section 5.0 of this report should apply to condominium conversions.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN LEWARNE:

"That the report of the Advisory Planning Commission be received and the recommended amendments to Sections 5.1 and 6.2 indicated therein be approved."

CARRIED UNANIMOUSLY

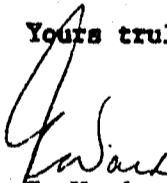
MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN MERCIER:

"That the Guidelines for Municipal Approval of Strata Plans for Residential Duplex Condominiums and Conversions presented to Council under Item 14 of the Municipal Manager's Report No. 9, 1974, as amended above, be approved."

CARRIED UNANIMOUSLY "

A copy of the report relating to Strata Plans for Residential Duplex Condominiums and Conversions will be found attached so that you may have a clear understanding of the total situation.

Yours truly,


E. Ward
Deputy Municipal Clerk

EW/js
Attach.

CC: Planning Director ✓
Manager