

Re: Request for Strata Title Approval on an Existing Duplex
Lot 257, D.L. 92, Plan 33518, Group 1, N.W.D.
6670/72 Stanley Street
(Item 41, Report No. 51, July 22, 1974)

Following is a report from the Director of Planning regarding a request for Strata Title Approval on an existing duplex at 6670/72 Stanley Street.

RECOMMENDATION:

THAT the Director of Planning's recommendation be adopted.

PLANNING DEPARTMENT
AUGUST 15, 1974

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING

1.0 SUBJECT: STA #36/74

Applicant: Mr. F. G. Gorlitz,
6670 Stanley Street,
Burnaby, B. C.

Legal: Lot 257, D.L. 92, Plan 33518,
Group 1, N.W.D.

Address: 6670/72 Stanley Street
(Refer to Sketch 1, attached).

The Planning Department has received an application for Strata Titles Approval for an existing duplex at the subject address. As this action would be a conversion of the premises to strata title use, the Approval of Council is required.

2.0 GENERAL OBSERVATIONS:

The subject property falls within a single- and two-family residential district (R5) in an area not proposed for alternate use. The building is approximately 5 years old and in good condition.

Council will recall having dealt with an application to strata title the subject duplex in the recent past under S.T.A. #26/74 (Manager's Report No. 51, Item 41, July 22, 1974). At that time the Chief Building Inspector determined that the property did not conform to the zoning by-law in that an unauthorized living unit was located in the basement of 6672 Stanley Street. Consequently, staff recommended against S.T.A. #26/74 and Council determined not to approve the strata titling.

/2

ITEM 28
MANAGER'S REPORT NO. 55
COUNCIL MEETING Aug. 19/74

At present, the unauthorized basement suite has been removed and the Chief Building Inspector has confirmed that the property now conforms to Municipal bylaws. As the Chief Public Health Inspector, Chief Fire Prevention Officer and Municipal Engineer had previously recommended in favour of the strata titling, the Director of Planning can now support S.T.A. #36/74 provided that all appropriate Condominium Guidelines are satisfied in full.

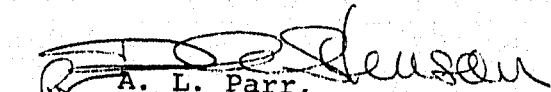
One unit in the building is owner-occupied and the second unit is occupied by a tenant who has a tentative option to purchase the unit. The owner has not specified Tenant Provisions but has stated that he will comply with Municipal requirements in this respect. It is felt that, in this situation, the minimum tenant provisions as outlined in the new and pending Landlord and Tenant Act will provide sufficient tenant protection for the one tenant (see Appendix One for listing of these provisions). Moreover, it is recommended that the owner make these provisions known to the tenant at the time any notice to vacate is made.

3.0 RECOMMENDATION:

It is recommended that the requested strata titling of the subject duplex be granted tentative approval by Council subject to the fulfillment in full of the following as prerequisite to signature by the Municipal Mayor and Clerk (i.e., final approval):

- 3.1 The submission of a letter of undertaking that the owner/developer will comply in full with Section 20, Clause (1), (2) and (3) of Bill #105, 1974, the new and pending Landlord and Tenant Act (see Appendix One of this report) and that the owner/developer will make these provisions known to the tenant at the time notice to vacate is given.
- 3.2 The fulfillment in full of guidelines 6.1, 6.2, 6.3, 6.4 and 6.5 as outlined in the Duplex Condominium Guidelines.

Respectfully submitted,


A. L. Parr,
DIRECTOR OF PLANNING.

LBB:bp
Attach.

APPENDIX ONE

ITEM 28

MANAGER'S REPORT NO. 55

COUNCIL MEETING Aug. 19/74

Tenant Provisions Relative to Conversion of Rental Accommodation to Strata Title Use - Bill 105, 1974, the Pending Landlord and Tenant Act.

20. (1) Notwithstanding section 16, where a landlord requires residential premises for the purposes of

- (a) demolition; or
- (b) converting them into a strata lot under the Strata Titles Act; or
- (c) converting them into a unit in a co-operative corporation as defined in the Real Estate Act; or
- (d) entering into a tenancy agreement for a term exceeding three years,

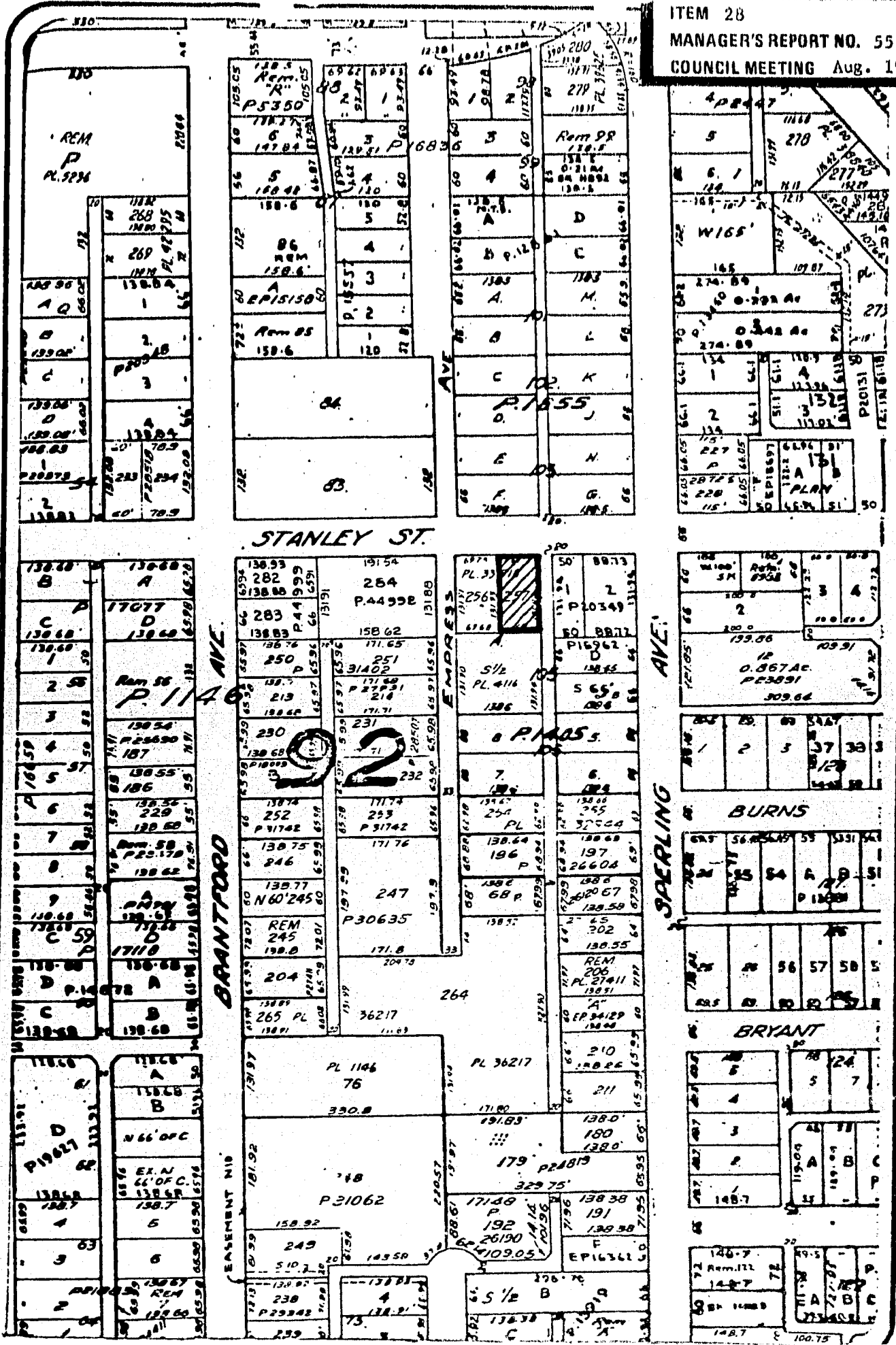
the landlord shall give not less than one hundred and twenty days' notice of termination of the existing tenancy agreement.

(2) Where a tenant is given a notice of termination under subsection (1), he may, at any time during the period of one hundred and twenty days referred to in that subsection, and notwithstanding section 16, terminate the tenancy agreement by

- (a) giving to the landlord, not less than ten days before the date the termination is specified to be effective, notice of termination specifying an earlier date of termination of the tenancy; and
- (b) paying to the landlord, on the date he gives the notice of termination under clause (a), the proportionate amount of rent due up to the date the earlier termination is specified to be effective.

(3) Where a tenancy is terminated by the landlord or the tenant under this section, the landlord shall pay to the tenant, forthwith upon receipt of the statement of account of the tenant's mover, the amount of the tenant's moving expenses, or the amount of three hundred dollars, whichever is the lesser amount.

ITEM 28
 MANAGER'S REPORT NO. 55
 COUNCIL MEETING Aug. 19/74



SCALE 1" = 200'
 DRAWN lbb
 DATE AUG. 1974

STA # 36/74
 SKETCH # 1

