

Re: Undated Petition from Residents of 7428 - 19th Avenue  
Strata Plan Application No. 15/74

Appearing on the Agenda for the July 8, 1974 meeting of Council is a petition requesting Council to consider rescision of a Strata Plan Approval Application for an apartment building at 7428 - 19th Avenue. Following is a report on this matter from the Director of Planning.

RECOMMENDATION:

THAT the Director of Planning's recommendation be adopted.

\* \* \* \* \*

PLANNING DEPARTMENT  
JULY 5, 1974

TO: MUNICIPAL MANAGER

FROM: DIRECTOR OF PLANNING

1.0 SUBJECT: STA #15/74  
Lot 92, D.L. 30, Plan 37093, Group 1, N.W.D.  
7428 Nineteenth Avenue  
Proposed 39-unit Condominium Apartment

Council will receive on July 8, 1974, a petition signed by a number of tenants in the above noted apartment which is presently the subject of an application for Strata Title Approval. In reference to this petition may we make the following comments.

2.0 BACKGROUND

The subject application for Strata Title Approval was initiated on 17 April, 1974. After consultation with various Municipal Departments, a report on the matter was presented to Council on 27 May, 1974, at which time the strata titling was granted Tentative Approval by Council subject to the fulfillment of the following as pre-requisite to final approval:

- a) The fulfillment in full of Sections 3.1.1, 3.1.2, 3.1.3, 3.1.5 and 3.1.7 of the Guidelines for Residential Condominiums and Conversions (which includes the requirement for adequate condominium parking).
- b) The fulfillment of Section 3.1.6 of the Guidelines for Residential Condominiums and Conversions via the submission of a written undertaking by the developer

to comply in full with the provisions (as outlined in the report) for relocating existing tenants who do not wish to purchase their units.

- c) The fulfillment of Section 3.1.8 of the Guidelines for Residential Condominiums and Conversions via the submission of a written undertaking by the developer that the renovations required by the Chief Fire Prevention Officer, as outlined in the report, will be accomplished prior to transfer of title to any prospective purchaser.

Since the date of Tentative Approval, the applicant has pursued the fulfillment of these prerequisites but Final Approval of the strata titling has not been given and the strata plans have, consequently, not been registered.

### 3.0 GENERAL COMMENTS

As prerequisite to the completion of strata titling, Council has established the following as provisions for relocating tenants who do not wish to purchase their units:

- a) The landlord must provide a period of one-hundred-twenty (120) days notice-to-vacate.
- b) The developer will make available to existing tenants the option to purchase with low down payments during the period of notice-to-vacate.
- c) The developer shall pay to the tenant, forthwith upon receipt of a statement of account of his mover, the amount of the tenants necessary moving expenses, or the amount of three hundred dollars (\$300.00), whichever amount is less. [from Landlord and Tenant Act].
- e) The landlord shall agree that the tenant may, without penalty, terminate the tenancy agreement at any time during the four month notice-to-vacate period by (a) giving the landlord ten days notice in writing setting out the effective date of termination; and (b) paying, if it is due at the time he gives notice, an amount of rent up to the effective date of termination that is proportionate to his monthly rental, and the tenancy agreement shall terminate at the effective date of termination. [from Landlord and Tenant Act].
- f) The developer will notify each tenant at the time of the initial notice-to-vacate of the above delineated provisions in full.

The applicant has submitted written agreement with these provisions.

Because the apartment either meets the condominium guidelines established by Council or the applicant has proposed acceptable changes to meet the guidelines, the Planning Department reaffirms its support of the strata titling. However, if the heretofore established provisions for relocating existing non-purchasing tenants are not felt adequate in this instance to accommodate an amiable transition to strata title tenure, it is recommended that Council establish an additional prerequisite to the strata titling that the applicant will retain ownership of some units in the building such that the tenants of those units can relocate at their own prerogative.

Page 3  
STA #15/74  
July 5, 1974

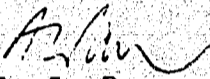
ITEM 37  
MANAGER'S REPORT NO. 49  
COUNCIL MEETING July 8/74

4.0 RECOMMENDATION

It is recommended that Council reaffirm its Tentative Approval of the proposed strata titling subject to the fulfillment, in addition to the formerly established conditions, of the following as prerequisite to Final Approval (i.e. signature of the Municipal Mayor and Clerk):

- 4.1 The submission of a letter of undertaking that the applicant, as a member of the new strata corporation to be created, will maintain units as necessary to allow those existing tenants who do not wish to or cannot relocate immediately to remain in their units as tenants until such time as those tenants relocate at their own will.

Respectfully submitted,

  
A. L. Parr,  
DIRECTOR OF PLANNING.

LBB:bp