

RE: COVENANT FOR THE CONTROL OF OCCUPANCY  
SINGLE-FAMILY AND TWO-FAMILY DWELLINGS

ITEM 9  
MANAGER'S REPORT NO. 49  
COUNCIL MEETING July 21/75

The following report from the Chief Building Inspector contains a request for blanket authority to execute a form of covenant which would have the effect of controlling the type of occupancy that is permitted in single-family and two-family dwellings.

On July 7, 1975, Council gave blanket authority to the Mayor and Clerk to execute restrictive covenants pertaining to the limitation of building elevations. Because covenants involving occupancy are similar in that both types are somewhat numerous it is recommended that covenants for the control of occupancy also be executed without the need for prior approval from Council. It is understood that if granted, Council will be requested to extend such approval on a year-to-year basis.

RECOMMENDATIONS:

1. THAT authorization be given to execute the covenant relating to the dwelling at 5351 and 5353 Dominion Street, as more specifically outlined in the Chief Building Inspector's report; and
2. THAT Council pass the following resolution which would become effective immediately upon its passage:

"The Municipal Council does hereby authorize the Mayor and Clerk to execute on behalf of the Corporation those covenants that involve limitations on the occupancy of single-family and two-family dwellings, pursuant to section 24A of the Land Registry Act."

\* \* \* \* \*

Mr. M.J. Shelley,  
MUNICIPAL MANAGER.

July 9, 1975

Dear Sir:

Subject: Single-Family and Two-Family Dwellings  
Control of Occupancy

This Department continues to experience difficulty in the control of building permits applied for by builders, developers or other persons for finishing of lower floor accommodation generally in basements of single-family or two-family dwellings. In an effort to establish a means of control of authorized occupancy of such buildings as ownership transfers either before completion of construction or immediately after completion of construction, we asked the Municipal Solicitor to prepare a form of covenant which could be capable of registration under Section 24A of the Land Registry Act with the Land Registrar.

A covenant in respect of property at 5351 and 5353 Dominion Street, for a dwelling being constructed thereon by Pacific Ironwork Ltd., has been prepared and an original and three copies are attached hereto.

Could you please obtain blanket approval of Municipal Council to authorize execution of the particular covenant respecting 5351 and 5353 Dominion Street, as well as any other covenant of like nature which from time to time may be required to assist in enforcement of regulations of Burnaby Zoning By-Law. Legal description of property at 5351 and 5353 Dominion Street is Lot 35, Block 20 of the North Part of District Lot 74, Group 1, Plan 2603, N.W.D.

Yours truly,



M.J. Jones,  
CHIEF BUILDING INSPECTOR.

MJJ:lm  
Enc.

115

THIS INDENTURE made and entered into this <sup>6<sup>th</sup></sup>  
day of June 1975.

BETWEEN:

PACIFIC IRONWORK LTD.,  
110 North Slocan Street, Vancouver,  
British Columbia,

(hereinafter called the "Grantor")

OF THE FIRST PART

AND:

THE CORPORATION OF THE DISTRICT OF BURNABY,  
4949 Canada Way, in the Municipality of  
Burnaby, Province of British Columbia,

(hereinafter called the "Grantee")

OF THE SECOND PART

WHEREAS application has been made to the Building Inspector of the Grantee for the granting of a building permit for a development on Lot 35 of Block 20 of the North Part of District Lot 74, Group 1, Plan 2603, N.W.D.

AND WHEREAS the building plans attached hereto contain facilities to create self-contained suites in the basement.

AND WHEREAS the use of such basement as suites is not permitted under the Burnaby Zoning By-Law.

AND WHEREAS as a condition of the granting of a building permit, the Building Inspector of the Grantee has required that the owner of Lot 35 of Block 20 of the North Part of District Lot 74, Group 1, Plan 2603, N.W.D., covenant with the Grantee that the said building shall not be used for the purpose of housing any more than two families, and the Grantor has agreed to this condition.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and in consideration of the sum of One (\$1.00) Dollar now paid by the Grantee to the Grantor, the receipt whereof is hereby acknowledged, the Grantor does hereby

ITEM 9

MANAGER'S REPORT NO. 49

COUNCIL MEETING July 21/75

- 2 -

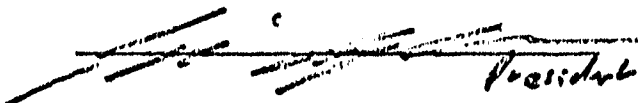
covenant and agree with the Grantee, pursuant to section 24A of the Land Registry Act, that the Grantor shall not use the said basement as self-contained suites and in any event not to use the said lands for any purpose other than to house a maximum of two families.

That the expressions Grantee and Grantor herein contained shall be deemed to include the executors, administrators, successors and assigns of such parties wherever the context so admits.

WHENEVER the singular or masculine are used in this Agreement they shall be construed as meaning the plural or feminine or body corporate where the context or the parties hereto so require.

IN WITNESS WHEREOF the Grantor has set his hand and seal and the Grantee has hereunto caused its corporate seal to be affixed, attested by the hands of its proper officers duly authorized in that behalf as of the day and year first above written.

THE CORPORATE SEAL OF PACIFIC  
IRONWORK LTD. WAS HEREUNTO  
AFFIXED IN THE PRESENCE OF:

 President

THE CORPORATE SEAL OF THE  
CORPORATION OF THE DISTRICT OF  
BURNABY WAS HEREUNTO AFFIXED  
IN THE PRESENCE OF:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

LAND REGISTRY ACT  
Form Q. (Section 59)

ITEM 9  
MANAGER'S REPORT NO. 49  
COUNCIL MEETING July 21/75

ACKNOWLEDGMENT OF OFFICER OF CORPORATION

I HEREBY CERTIFY that on the *6<sup>th</sup>* day of *June*  
1975, at *Burnaby, B.C.*  
in the Province of British Columbia, *Luigi Aquilini*  
(whose identity has been proved by the evidence on oath of *Jc*  
, who is) personally known to me, appeared  
before me and acknowledged to me that he/~~she~~ is the *President*  
of *Pacific Ironwork Ltd.*, and that  
he/~~she~~ is the person who subscribed his/~~her~~ name to the annexed  
instrument as *President* of the said *Company*  
and affixed the seal of the *said Company* to  
the said instrument, that he/~~she~~ was first duly authorized to  
subscribe his/~~her~~ name as aforesaid, and affix the said seal to  
the said instrument, and that such corporation is legally entitled  
to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY WHEREOF I have hereunto set my Hand and  
Seal of office at *Burnaby, B.C.*, in the  
Province of British Columbia, this *6<sup>th</sup>* day of *June*  
in the year of our Lord One Thousand Nine Hundred and Seventy-Five.

*R*  
A Commissioner for taking Affidavits  
for British Columbia. *J. Hudson*  
~~A Notary Public in and for the Province  
of British Columbia.~~