

ITEM	28
MANAGER'S REPORT NO.	51
COUNCIL MEETING	July 18/77

Re: REVIEW OF RESIDENTIAL OCCUPANCY STANDARDS
(ITEM 9, REPORT NO. 49, JULY 21, 1975)

Following is a report from the Director of Planning dated July 13, 1977 containing a review of the current situation with regard to occupancy standards under our present by-laws and recommendations for certain changes. For the information of Council, a copy of the previous Manager's Report which is referred to in recommendation no. 3 of the following report and which deals with the question of restrictive covenants is attached.

RECOMMENDATIONS:

1. THAT Council adopt the recommendations of the Director of Planning as contained in the report dated July 13, 1977.
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."

* * * * *

Planning Department
 July 13, 1977
 Our File #02.240
 Section 104/105

TO: MUNICIPAL MANAGER
 FROM: DIRECTOR OF PLANNING
 RE: A REVIEW OF RESIDENTIAL OCCUPANCY STANDARDS

A. BACKGROUND

A number of matters concerning residential occupancy standards in the municipality have been the subject of a considerable amount of discussion in the Council and between a number of municipal departments. The Building Department has contributed significantly to this report, and comments have also been made by the Treasury, Legal and Engineering Departments.

Under the existing Zoning By-law regulations, the term "in-law suite" is defined as meaning one or more habitable rooms constituting a self-contained unit, and used for living and sleeping purposes by the parents or grandparents of the occupants of the dwelling.

A notice of motion was considered at the November 3, 1975, Council meeting to amend this definition to permit sons and daughters, as well as parents or grandparents, of the occupants of the dwelling to be accommodated in an in-law suite. A resolution was adopted that the subject matter be referred to the Planning Department for consideration and report to the Council.

More recently, the Council, on October 25, 1976, passed the following motion with respect to the fourplexing problem: "That the Planning Department bring in a report endeavouring to alleviate the problems of basement suites being placed in duplexes thereby creating illegal fourplexes." It was also suggested that some way be found to advise people as to the purchasing of illegal suites, which as shown in the following extract from a February 1977 report are estimated to total 3,920 in number.

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"An estimate of the number of illegal suites in R4 and R5 Districts, and other areas of Burnaby.

The following breakdown is estimated for single and two family dwelling units within the various residential zoning designations:

<u>Zone</u>	<u>% of Units</u>	<u>No. of Units</u>
R1	4.0	1,180
R2	24.0	7,082
R3	6.0	1,770
R4	17.0	5,017
R5	49.0	14,460
Total	100.0	29,509

The Building Department estimates that roughly 15 percent of the dwelling units in R4 and R5 Districts contain illegal suites, to provide a possible total for these zones of approximately 2,920. Of this number, it is estimated that approximately 635 units have been constructed in the four year period from 1973 to 1976. In the R1, R2, and R3 Districts, it is considered that about 10 percent of the dwelling units contained illegal suites (i.e. approx. 1,000). This would provide an overall total of 3,920 illegal suites in the municipality. The approximate nature of these estimates should be emphasized, since no formal survey has been made."

While there are a number of factors which have contributed to the illegal suite problem, the Building Department reports that the most significant is considered to be one of economics. For example, semi-detached, two family dwellings are often overbuilt with full area, above-ground basements not used in conjunction with the main floor dwelling unit. The unused basement is capable of being roughed in and finished to duplicate the layout of the main floor dwelling unit. Single family dwellings are similarly overbuilt, but the conversion of basements in this case is not as prevalent as it is in the case of two family dwellings.

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This overbuilding has, in many instances, required the purchaser to supplement his income in order to meet the resulting high payment obligations by renting out excess building space not required for the principal dwelling unit. The situation has been seized upon by the speculative builders to the point that now the majority of single family dwellings and most two family, semi-detached dwellings are prepared with extra space capable of providing rental income. This condition is growing very rapidly throughout the entire Lower Mainland Area.

It is considered that part of this illegal suite problem can be attributed to the current Zoning By-law definition of "family" which include: "an individual or two or more persons related by blood, marriage or adoption, or a group of not more than five unrelated non-transient persons, living together as a single non-profit group in a housekeeping unit and including servants employed upon the premises." In addition, the by-law permits a maximum of two boarders or lodgers to be accommodated within each unit and, under certain conditions, the provision of an in-law suite for the parents or grandparents of the occupiers of a dwelling.

The view has been expressed that these standards (particularly the inclusion of five unrelated persons) have resulted in an unacceptable number of occupants in a building and given rise to numerous complaints from adjacent property owners.

There is an obvious and close relationship between in-law suites, the matter of fourplexing and what is considered to constitute a "family". These matters, as well as the problems involved in the collecting of water charges and the question of the form of legal action to be taken with respect to the removal of illegal suites are included in the report which follows.

B. REGULATIONS IN OTHER MUNICIPALITIES

The Planning Department has contacted the neighbouring municipalities in the Lower Mainland Area seeking information on existing regulations, problems which have been encountered, as well as views and comments on matters relating to residential occupancy. It would appear that illegal suites are, to varying degrees, a problem in all of these municipalities.

In New Westminster most convertible unit areas have already been turned into suites. Some of these are legal conversions of single family dwellings, which like Burnaby, are permitted in certain zones subject to the meeting of specified by-law standards. There is, on the other hand, a known illegal suite problem. It was further mentioned, in this regard, that the lack of sufficient staff made policing and by-law enforcement difficult.

North Vancouver City Council has stated that it is opposed to additional suites of any kind in single family or two family dwellings and have instructed that they be entirely prohibited. While it is acknowledged that an illegal suite problem does exist, the existing municipal staff is insufficient to actively pursue this matter. However, if complaints are received, or if the inspectors come across an illegal suite in the course of inspections, the owners of the dwelling are notified that the suite must be removed. A similar situation applies to North Vancouver District judging by the comments received from that municipality.

To deal with the problem of illegal occupancy and, specifically where illegal suites exist, Richmond Council set up a standing Housing Committee two years ago with directions to this committee to study the situation and make

recommendations to Council. The Housing Committee has recommended a policy of enforcement against illegal occupancy and a housing inspector has recently been hired to gather evidence of these contraventions of the by-law.

Richmond has also adopted a policy for a tightening up of administrative procedures and unit designs. This has been reflected in a recent amendment to the zoning by-law definition of "two family dwelling" in an attempt to curb the illegal conversion of duplex units into fourplex units by imposing more stringent design controls. These regulations place restrictions on the bulk of a building and on the number and location of kitchen facilities.

Delta has been experiencing an increasing number of complaints about the illegal occupancy of single family and two family dwellings in recent months. As a result, a special committee of Council has been established to look into the matter and in particular to deal with the question of illegal suites.

The Surrey Council, in August 1975, adopted a program aimed at the phasing out of illegal suites. Suites in existence prior to that date are defined as temporary dwelling units which must be licenced and removed by August 1, 1980.

Vancouver has had, what is termed as a "legal suite" problem since World War II when many people installed additional quarters following a relaxation of the existing regulations. With regard to in-law suites, these are permitted under conditions of "hardship" with the approval of Council.

Municipalities which currently have specific in-law suite regulations include, in addition to Burnaby, Port Moody, West Vancouver and Richmond. Delta, which formerly permitted in-law suites, has recently passed an amendment making them illegal. This action was taken as a result of enforcement problems and concern about the growing number of illegal suites in the municipality.

In Port Moody and West Vancouver provision has been made for the accommodation of sons and daughters and their spouses and dependent children, as well as the parents or grandparents, of the occupiers of the property. In both municipalities in-law suites are permitted only in single family dwellings. In addition, a permit is required from the municipal Building Department, which must be renewed annually and provision is made for the removal of the suite once it has been vacated by the persons whose names appear on the initial application. West Vancouver requires a \$25.00 fee for an initial application and a \$10.00 fee for annual renewals thereafter.

In Richmond, the in-law suite regulations provide for the accommodation of parents, grandparents or the spouse of the nominal head of the dwelling unit, as well as for a son or daughter who is physically handicapped or mentally disabled. The in-law suite occupancy is limited to a maximum of three persons. However, the definition of who could be accommodated was not broadened to include other related persons because of the fear of aggravating further an already difficult illegal suite problem.

With regard to the question of what constitutes a "family", most municipalities contacted limit the number of unrelated persons who can make up a "family" to three. The permitting of up to two boarders or lodgers per dwelling unit is also quite common. In North Vancouver City the two boarders or lodgers are permitted only in a single family dwelling.

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C. ILLEGAL SUITES AND WATER SERVICE CHARGES

In the matter of water rates, Burnaby Waterworks Regulation By-law 1953, By-law No. 3325, defines a "duplex house" or "double house" as any building used or designed to be used by two families. This is quite an old by-law and it is suggested that this definition, together with others dealing with residential accommodation, be amended to conform with those in the Zoning By-law.

A single family residence is assessed \$42.00 annually for water and \$50.00 for sewers. Each unit forming a two family dwelling is assessed \$31.50 for water and \$37.50 for sewers. Advice to Treasury respecting the construction of a two family dwelling or the construction of an in-law suite is in the form of the building permit issued. Homes with in-law suites are treated as two family dwellings for water and sewer rating purposes, as is the case in the nearby communities permitting in-law suites, namely Vancouver, Port Moody, Richmond and West Vancouver.

The recent action of the Treasury Department in converting apartment buildings to flat water and sewer rates showed that there were 20 duplexes being metered. Each contains three to four units. They are in the process of being converted to flat rates.

In the matter of assessing and collecting water rates on buildings that do not conform to building and zoning regulations, it should be noted that this would not preclude a municipality from collecting its revenues. This has been checked with the Legal Department.

In the matter of enforcement, ideally there should be a street by street inspection of existing single family and duplex residences by the Building Department to determine whether or not there are non-conforming suites in use. Orders should be issued to upgrade the suites where the zoning will permit, and in all others the use should be ordered to be discontinued. From this will flow building permit data from which Treasury may enforce collection of the required water and sewer charges. This would, of course, require additional staff. However, the extra revenue collected should be more than enough to pay for the cost of the inspections. The cost of hiring an additional Building Inspector would, for example, range from \$12,000.00 to \$14,000.00 annually.

D. IMPLICATIONS OF INCREASED RESIDENTIAL USAGE

The intent of the resolution to broaden the present regulations to permit sons or daughters, as well as parents or grandparents, to occupy an in-law suite is presumably to increase the range of accommodation available to younger people in the community.

While the increasing of in-law suite usage would provide assistance for some people, there are other aspects involved which could create a considerable number of problems. Such a relaxation of current standards could, if taken advantage of on a fairly widespread basis, result in increased densities and an overloading of community facilities, as well as eroding the intent of the Zoning By-law to provide for and maintain single family residential districts in the municipality. A reduction of present standards would also result in a general feeling of overcrowding, bring more traffic into residential areas and create a need for the provision of additional off-street parking spaces. Those adverse factors would very likely apply to a much greater degree if the regulations were changed to permit the occupants of an in-law suite to be young adults rather than parents or grandparents.

A further consideration is that the purchase of a home is a family's major lifetime investment in many cases and any Zoning By-law amendments which might adversely effect the livability and peaceful enjoyment of their properties are likely to be met with a considerable amount of opposition.

The Building Department, which is responsible for administering the in-law suite regulations, has indicated that ever increasing difficulties are being encountered with the enforcement of the Zoning By-law in the area of illegal suites and that while in-law suites are not necessarily illegal suites, the vast majority of offenders turn to the term "in-law suite" as their first excuse when apprehended. There is also an apparent trend towards the prebuilding of accommodation on the speculation that it will obtain "in-law" approval. The broadening of the present in-law suite regulations to allow occupancy by a wider range of persons will add considerably to the problems of by-law enforcement and almost certainly result in increasing numbers of illegal suites in the municipality.

It is well known that growing numbers of duplexes are being constructed in the municipality which provide for the possibility of future fourplexing with a minimum of alteration. In fact, the Building Department reports that the majority of newly constructed semi-detached, two family dwellings are fourplexed, largely due to the inability of the Corporation to refuse the issuance of finishing permits for the excess space represented by the above-ground full basements. The development of fourplexes on lots intended for two family use increases densities to proportions more characteristic of garden (RM1) apartment areas. This has, of course, a considerable impact on two family residential districts, particularly when it is considered that the majority of the existing housing in these areas is composed of single family dwellings.

E. RESIDENTIAL OCCUPANCY CONTROL CONSIDERATIONS

It is interesting to note that in most of the neighbouring municipalities contacted, policing and by-law enforcement have been mentioned as serious problems. This is not to infer, however, that more stringent measures would not improve our situation in Burnaby. These could take the form of strengthening existing in-law suite regulations, the provision of a more restrictive definition of "family" and, possibly, by controlling occupancy through the introduction of more effective dwelling unit regulations, as in the case of Richmond.

In the matter of Zoning By-law enforcement, the amendment of Section 7.7 (penalties) is suggested in order to bring the terminology into conformity with current practice. In this respect, the replacement of "Magistrate" by "Provincial Court Judge" is proposed.

With regard to the matter of density, it should be noted that the existing regulations in Burnaby permit an in-law suite to be provided in both units of a two family dwelling. One of the concerns expressed by the Building Department is that in-law suites provide a sought after "opening" for circumventing the Zoning By-law regulations (i. e. the fourplexing of duplex units).

On these grounds, the confining of in-law suites to single family dwellings is suggested. This is the case in most other Lower Mainland municipalities which, by regulation or policy, allow for in-law suite development (i. e. Coquitlam, Richmond, Port Moody and West Vancouver).

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A requirement that would specify that the owner of the dwelling providing the in-law suite accommodation also be the occupant of the dwelling is considered desirable. Such a measure should serve to strengthen the regulations and discourage illicit suite development in rental units.

There are a number of existing in-law suite regulations which should continue to form a part of any amended controls. These include the requirement for the taking out of a special in-law suite permit from the Building Department, its annual renewal together with a declaration confirming the continuing need for the accommodation, and the entering into a covenant with the Corporation ensuring the removal of the suite when it is no longer required. Other controls which might be considered include an in-law suite permit fee and the posting of a bond by the applicant to ensure the future removal of the accommodation.

With respect to the definition of "family" it is considered that the placing of limits on the number of related persons permitted to occupy a dwelling unit could well be regarded as discriminatory. On the other hand, it is felt that serious consideration should be given to a significant reduction in the numbers of unrelated persons who, under the current regulations, may be accommodated in a dwelling unit. This number is presently five which, together with two boarders or lodgers, could result in seven adults within a single dwelling unit. If all of these people had automobiles, this could create an undesirable traffic and parking problem situation in a residential area.

In an attempt to establish a greater degree of control of building permits for finishing lower floor (generally basement) accommodation in single and two family dwellings, the Building Department made a recommendation to register restrictive covenants under Section 24A of the Land Registry Act in a report to Council on July 21, 1975. It was felt that this would be the most suitable method of providing a potential purchaser with the lawful use of a property in advance of a transaction being made. However, this particular report was tabled by the Council pending final consideration of the proposed Zoning By-law amendments that would reduce the lot area requirements for conversions in R4 and R5 Districts. These amendments have now been finalized and included in the Zoning By-Law.

As further measures aimed at controlling the construction of basement rooms, the Building Department has recently restricted the issuing of finishing permits to owner occupiers only, as well as increasing suite inspection and enforcement of the existing Building and Zoning By-law regulations. It should be noted, however, that enforcement is brought to a standstill when Provincial Court action is necessary, due to present Court procedures.

This matter of the prosecution of illegal suite offenders and the subsequent removal of these suites, has been the subject of a considerable amount of recent staff discussion. One of the major problems has been the length of time involved between the initial laying of a charge and having it brought before the Court (i. e. often 6 to 10 months). Such charges obviously have a very low priority in the Courts. This has also been the experience in other municipalities.

Another approach which has been discussed is the making of an application in Supreme Court for an injunction to restrain an offender from maintaining an illegal suite. Although the time factor is not much better than with the prosecution method in Provincial Court, the result, if successful, is superior in that unauthorized occupancy can be ordered terminated.

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In addition to the stepping up of Building Department operating procedures and improving the form of legal action to be taken with respect to the removal of illegal suites, the establishment of tighter dwelling unit controls should further discourage the illegal conversion of single family and two family dwelling units. This could best be accomplished by examining the current Zoning By-law definition of "dwelling unit", which is as follows:

"Dwelling Unit means one or more habitable rooms constituting a self-contained unit with a separate entrance, and used or intended to be used together for living and sleeping purposes for not more than one family and containing a separate and properly ventilated kitchen with a sink and cooking facilities and a bathroom with a water closet, wash basin and a bath or shower."

The features which characterize a dwelling unit include self-containment, a separate entrance and its use for living and sleeping purposes for one family. Among the facilities provided are a kitchen, cooking facilities, a sink and a bathroom. A kitchen and cooking facilities are the items which most effectively differentiate a dwelling unit from other forms of accommodation, i. e. a dormitory unit, a sleeping unit, etc. It is considered important, however, that a dwelling unit be specifically limited to one set of cooking facilities to be used on common by the occupying family and that the relationship between the terms "dwelling unit" and "family" be strengthened in the Zoning By-law. Such measures would be designed to prevent additional dwelling units from being established in single family and two family dwellings.

Since this may well have the effect of prohibiting in-law suite development unless otherwise specified, the accessory use status of this type of accommodation should be reflected in the definitions of "single family dwelling" and "in-law suite", as well as in the governing regulations.

F. PROPOSED ZONING BY-LAW AMENDMENTS

The following amendments are proposed to the regulations governing residential occupancy in the Burnaby Zoning By-law.

1. In-Law Suites:

- (1) The deletion of the existing definition of "in-law suite" in Section 3 and its replacement by:

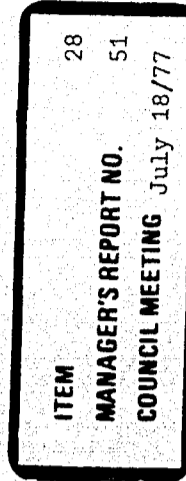
"In-Law Suite means one or more habitable rooms used for living and sleeping purposes by the parents or grandparents of the owner-occupier of the dwelling."

- (2) The deletion of Clause (3) under the definition of "Accessory Use" in Section 3 and its replacement by:

"An accessory use in an R1, R2, R3, R4 or R5 District may include an in-law suite, subject to the following conditions:

- (a) Such an accessory use shall be permitted only within a single family dwelling which is occupied by the owner.
- (b) Not more than one in-law suite shall be permitted in any single family dwelling.

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- (c) The keeping of boarders or lodgers shall not be permitted in a dwelling unit in which an in-law suite has been provided.
- (d) The applicant for an in-law suite shall obtain a Building Permit from the Building Department to construct such accommodation, which shall meet the requirements of the Burnaby Building By-law, the Fire Marshall's Act and the Health Act.
- (e) The applicant shall obtain an in-law suite licence from the Building Department and sign a declaration that the in-law suite will be occupied only by his or her parents or grandparents. The fee payable in respect of such licence shall be \$25.00.
- (f) In no event shall an in-law suite provide accommodation for more than two persons.
- (g) A licence for an in-law suite shall be renewed annually and be accompanied by a fee of \$10.00.
- (h) Applications for renewal of an in-law suite licence shall include a declaration confirming that the provisions of this section continue to apply.
- (i) Each applicant for an in-law suite shall enter into a covenant with the Corporation, ensuring the removal of the in-law suite once the provisions of this section are no longer applicable, and the reversion of the lot to its original residential use, subject to the provisions of this By-law for the zoning district in which such building and lot are located.

2. Definition of "Family":

The deletion of the existing definition of "Family" in Section 3 and its replacement by:

"Family means one or more persons related by blood, marriage or adoption, or a group of not more than three unrelated non-transient persons, living together as a single non-profit group in a dwelling unit and using common cooking facilities, but excluding boarders, lodgers, foster children or servants."

3. Definition of "Dwelling Unit":

The deletion of the existing definition of "Dwelling Unit" in Section 3 and its replacement by:

"Dwelling Unit means one or more habitable rooms constituting one self-contained unit with a separate entrance, and used or intended to be used for living and sleeping purposes for not more than one family and containing only one kitchen equipped with a sink, one set of cooking facilities, and a bathroom with a water closet, wash basin and a bath or shower, and not more than one electrical service."

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4. Definition of "Dwelling, Single Family":

The deletion of the existing definition of "Dwelling, Single Family" in Section 3 and its replacement by:

"Dwelling, Single Family means any building consisting of one dwelling unit which is occupied or intended to be occupied as the permanent home or residence by one family only. Such a dwelling may include an in-law suite, subject to the Accessory Use provisions of Section 3 of this By-law."

5. Definition of "Dwelling, Two Family":

The deletion of the existing definition of "Dwelling, Two Family" in Section 3 and its replacement by:

"Dwelling, Two Family means any building divided into two dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence by one family only."

6. Definition of "Dwelling, Multiple Family":

The deletion of the existing definition "Dwelling, Multiple Family" in Section 3 and its replacement by:

"Dwelling, Multiple Family means any building consisting of three or more dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence of one family only."

7. Penalties:

The deletion of the terms "Police Magistrate", "Justice of the Peace", "Magistrate" and "Magistrates" in Section 7.7 (Penalties) and their replacement by: "Provincial Court Judge".

G. PROPOSED WATER WORKS BY-LAW AMENDMENTS

The deletion from the Water Works By-law (By-law 3325) of the definitions for "Apartment House", "Multiple Dwelling", "Boarding House", "Duplex House or Double House", and "Lodging House", and their replacement by the following:

- (1) "Apartment Building means any building divided into not less than three dwelling units each of which is occupied, or intended to be occupied, as the permanent home or residence of one family as distinct from a hotel, motel, auto court or motor-hotel."
- (2) "Boarding, Lodging or Rooming House means a dwelling in which more than two sleeping units are rented, with or without meals being provided, to more than two and not exceeding fifteen persons, other than members of the family of the lessee, tenant or owner, and excludes the preparation of meals within the rented units."

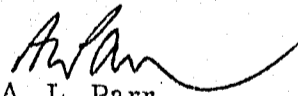
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- (3) "Dwelling, Two Family means any building divided into two dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence by one family only. "
- (4) "Dwelling, Multiple Family means any building consisting of three or more dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence by one family only. "

H. RECOMMENDATIONS

It is recommended:

- 1. THAT the Council receive the report of the Planning Department and request the preparation of a by-law by the Municipal Solicitor to permit the introduction of the proposed text amendments, as outlined in Section "F", into the Burnaby Zoning By-law, and that these amendments be advanced to a Public Hearing on August 16, 1977.
- 2. THAT the Council request the preparation of a by-law by the Municipal Solicitor to permit the introduction of the proposed text amendments, as outlined in Section "G", into the Burnaby Water Works By-law.
- 3. THAT Item 9, Municipal Manager's Report No. 49, Council Meeting July 21, 1975, which recommended the granting of the necessary authority to register restrictive covenants for the control of occupancy of single family and two family dwellings under Section 24A of the Land Registry Act, be brought forward for consideration.
- 4. THAT the Council provide the Municipal Manager with blanket approval to authorize injunction applications being sought to restrain offenders from maintaining illegal suites when circumstances are approved by the Municipal Solicitor.
- 5. THAT the Council approve the addition of a staff member to the Building Department in order to enforce the Zoning and Building By-law regulations and provide for the collection of water and sewer service rates.


A. L. Parr,
DIRECTOR OF PLANNING.

RBC/hf

c. c. -

Chief Building Inspector
Municipal Clerk
Municipal Engineer
Municipal Solicitor
Municipal Treasurer
Assistant Director - Long Range Planning and Research

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

ITEM 9
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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.

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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:

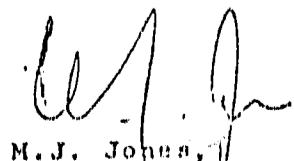
Subject: Single-Family and Two-Family Dwellings
Control of Occupancy

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

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THIS INDENTURE made and entered into this 6th
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

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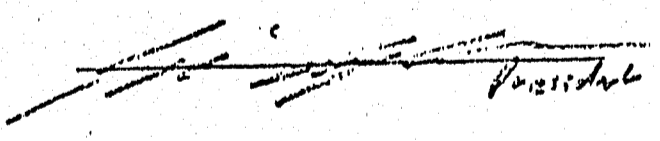
covenant and agree with the Grantee, pursuant to section 24A of the Land Registry Act, that the Grantor shall not use the said basement as self-contained suites and in any event not to use the said lands for any purpose other than to house a maximum of two families.

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:



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

MAYOR

CLERK

LAND REGISTRY ACT
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ACKNOWLEDGMENT OF OFFICER OF CORPORATION

I HEREBY CERTIFY that on the *6th* day of *June*
1975, at *Burnaby, B.C.*
in the Province of British Columbia, *Luigi Arvillini*
(~~whose identity has been proved by the evidence on oath of~~ *JK*
, 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 *6th* day of *June*
in the year of our Lord One Thousand Nine Hundred and Seventy-Five.

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

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