

ITEM	13
MANAGER'S REPORT NO.	60
COUNCIL MEETING	1981 11 30

RE: LETTER FROM MARR & HYDE, BARRISTERS AND SOLICITORS  
2402 ST. JOHN'S STREET, PORT MOODY, B.C. V3H 2B1  
APPLICATION FOR APPROVAL OF A STRATA PLAN PROPOSED FOR  
6489 DENBIGH AVENUE (MR. AND MRS. JOSEPH TEPLY)  
STRATA TITLE APPLICATION #8/81

MUNICIPAL MANAGER'S RECOMMENDATION

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1981 NOVEMBER 26

FROM: DIRECTOR PLANNING &  
BUILDING INSPECTION

SUBJECT: APPLICATION FOR APPROVAL OF A STRATA PLAN PROPOSED FOR  
6489 DENBIGH AVENUE  
STRATA TITLE APPLICATION #8/81

RECOMMENDATION:

THAT a copy of this report be forwarded to Mr. James, Baird, Marr & Hyde, Barristers and Solicitors, 2402 St. John's Street, Port Moody, B.C., V3H 2B1; and Mr. and Mrs. Joseph Teply, 6489 Denbigh Street, Burnaby, B.C., V5H 3R7.

REPORT

Appearing on the 1981 November 30 Council Agenda is a letter requesting that Mr. Joseph Teply be heard as a delegation with regard to strata titling his two family dwelling.

BACKGROUND:

It is advised that a building permit was granted on 1980 December 08 for an addition to the single family dwelling thereby creating a two family dwelling at 6489 Denbigh Avenue, and on 1981 August 26 a permit was issued for finishing two bedrooms and one bathroom in the cellar of the new addition. Subsequently, on 1981 September 15, an application was made to strata title the subject property.

As is noted in the letter attached to the delegation request, the indication by the New Westminster Land Title Office was that the strata plans would be treated as a conversion which required municipal approval under Section 9 of the Condominium Act.

Based on the prevailing moratorium on the conversion of existing, occupied two family dwellings into strata title and in view of the position of the Land Title Office, the applicant was advised that we have no authority to process the subject application.

Further, Council will recall that on 1980 March 24 (Item 13, Municipal Manager's Report No. 23), and on 1981 July 13 (Item 30, Manager's Report No. 33), in response to specific requests for Strata Approval, the Council determined to maintain the moratorium.

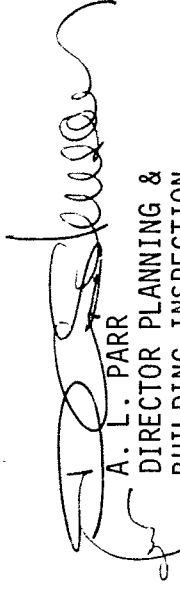
GENERAL COMMENTS:

In addition to items (a) to (d) outlined in the letter from Mr. Baird, it is important to note that the following statement is also made in Section 9 (3) of the Condominium Act where the approving authority is considering an application for strata title:

"It may consider any other matters that, in its opinion, are relevant."

Burnaby Council's decision to defer approvals of applications for Strata title conversion of two family dwellings is based upon arguments that were being advanced to the Courts in connection with prosecution for violations of the Zoning Bylaw relative to illegal fourplexing of Strata titled dwellings; it is assumed that Council considers this matter, in its opinion, to be relevant.

Further, for the information of Council, we would advise that the request by the Municipality to the Provincial Government for an amendment to the Strata Titles Act (now known as the Condominium Act) is being actively reviewed. This matter will be the subject of a further report upon receipt of the Provincial Government's recommendations in this regard.

  
A. L. PARR  
DIRECTOR PLANNING &  
BUILDING INSPECTION

CM:gl

Attachment

c.c. Municipal Solicitor