

ITEM 7
MANAGER'S REPORT NO. 68
COUNCIL MEETING 1982 12 13

RE: LETTER FROM J. P. DAEM, PROPERTY MANAGER,
BRADSON MANAGEMENT SERVICES, INC., 7409 CONWAY AVENUE, BURNABY, B.C. V5E 2P7
LANE ESTATE AT 4112 SARDIS STREET
RELATED TO CENTRAL PARK PLACE

MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER 1982 DECEMBER 07

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: EXPIRY OF THE LIFE TENANCY IN FAVOUR OF WILHELMINA LANE
REGISTERED COVENANT UNDER SECTION 215 OF THE LAND TITLE ACT
LOT 92 OF DISTRICT LOT 34, GROUP 1, N.W.D. PLAN 45944
4112 SARDIS STREET
RELATED TO CENTRAL PARK PLACE - THREE CONDOMINIUM APARTMENT
TOWERS - REZONING REFERENCE #78/72

RECOMMENDATION:

1. THAT this report be received for information purposes.

REPORT

Council has on its Agenda for its meeting of 1982 December 13 a request from Mr. J.P. Daem of Bradson Management Services Inc., to appear as a delegation on behalf of the Owners, Strata Plan N.W. 429, Central Park Place. The purpose of this delegation is to appeal the removal of a house on the property (Lot 92) related to the expiry of a life tenancy and to request retention of the house as a resident caretaker house for the Strata Corporation (see attached Sketch #1).

As background, Central Park Place is a condominium development accommodating over 400 units in 3 towers of over 20 storeys which is now completely constructed and encompasses the entire block bounded by Grange Street, Barker Avenue, Sardis Street and Patterson Avenue. The requisite Rezoning #78/72 was granted Final Adoption of the rezoning bylaw on 1974 April 08.

The developer had been able to include all properties within the subject block in his consolidated site except for the one property (Lot 92) at 4112 Sardis Street. The developer was finally able to acquire this lot subject to a life interest to its occupant, Mrs. Wilhelmina Lane. After extensive discussion between the developer and Municipal staff, a supportable arrangement was determined, outlined in the Third Reading report submitted to Council on 1974 March 08, and described as follows:

"The applicant has submitted a survey plan consolidating the entire site into one legal lot except for a single lot at 4112 Sardis on the corner of Patterson Avenue and Sardis Street. The lot at 4112 Sardis Street, although owned by this developer, is subject to a life interest by its present occupant, Mrs. Wilhelmina Lane. A comprehensive legal agreement has been submitted providing for interim landscaping, and the demolition and final landscaping of the subject lot and the consolidation of the subject lot with the appropriate strata corporation upon the expiration of the life interest. This agreement is to be registered as a covenant on the Lot at 4112 Sardis Street.

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"The applicant has also submitted a letter of credit for \$4,000 which will be automatically increased by \$400 per year to guarantee the demolition of the existing house and the provision of the requisite final landscaping on the Lot at 4112 Sardis Street."

Council granted Third Reading of the rezoning bylaw on this basis. Council approval to permit the Municipality to enter into a covenant agreement under Section 215 of the Land Title Act (formerly Section 24A of the Land Registry Act) is not done lightly. The legal step of registration against the title of the property ensures that the agreements will enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. This covenant is intended to assure specific performance of the agreement and preclude changes in future. Fulfillment of the terms of the covenant will bring this large high rise apartment development in conformance with the adopted Comprehensive Development Plan. The legal and rezoning ramifications of retaining the existing interim building are significant.

The first 2 towers of Central Park Place were constructed by Marc-Narod Enterprises Ltd. The Pennyfarthing Development Corporation recently completed construction of the third tower and entered into agreements to observe and perform all legal obligations previously required of Marc-Narod. Pennyfarthing has currently on deposit with the Municipality a Letter of Credit in the amount of \$7,200 to guarantee the removal of existing structures on Lot 92, the landscaping of Lot 92 in conformance to the Comprehensive Development Plan, and the consolidation of this lot with the balance of the site.

In general, it is also noted that remnant buildings have not been left as part of consolidated apartment sites. Such a precedent would hamper the development of the various apartment areas in the Municipality in conformance with Council adopted Community Plans. Sketch #2, attached, also indicates the location of the subject lot within the centre of this apartment area.

Lawson, Lundell, Lawson & McIntosh, the solicitors for Pennyfarthing, informed the Municipality in a letter dated 1982 January 06 that the life tenancy had expired and that once Pennyfarthing had complied with the operational terms of the covenant that the Municipality would be so informed. As this covenant agreement does not yet appear to have been complied with in the light of this delegation, staff will contact the developer to request that he complete the terms of the registered covenant.

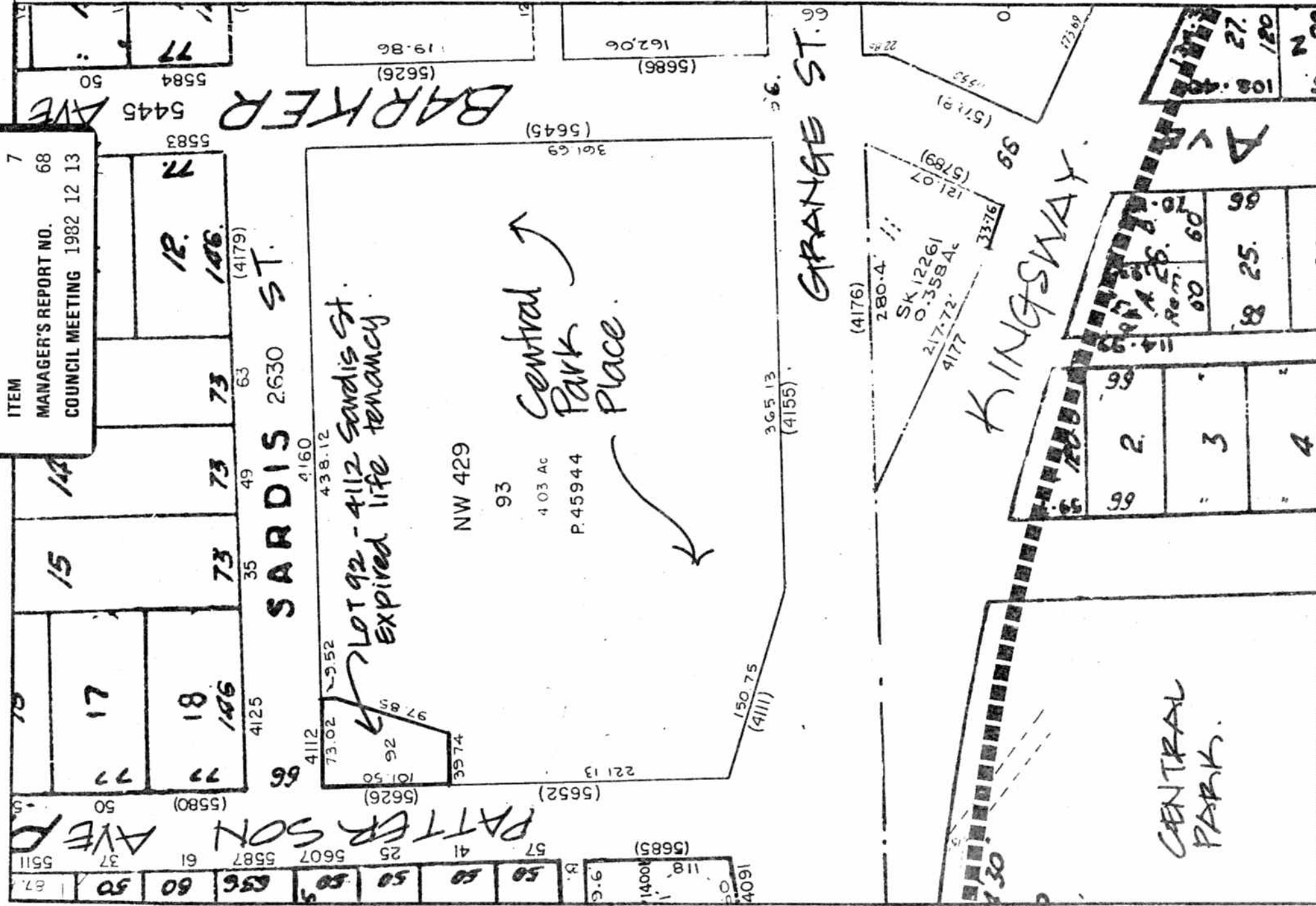
This is for the information of Council.

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KI:lf
Attachments

A. L. Parr
A. L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION

cc: Municipal Solicitor

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SARDIS ST. 2.630 ST.

LOT 92 - 4112 Sardis St.
 Expired life tenancy.

Central Park Place

GRANGE ST.

KINGSWAY

CENTRAL PARK.

Date

Dec/02

Scale

1" = 100'

Drawn By

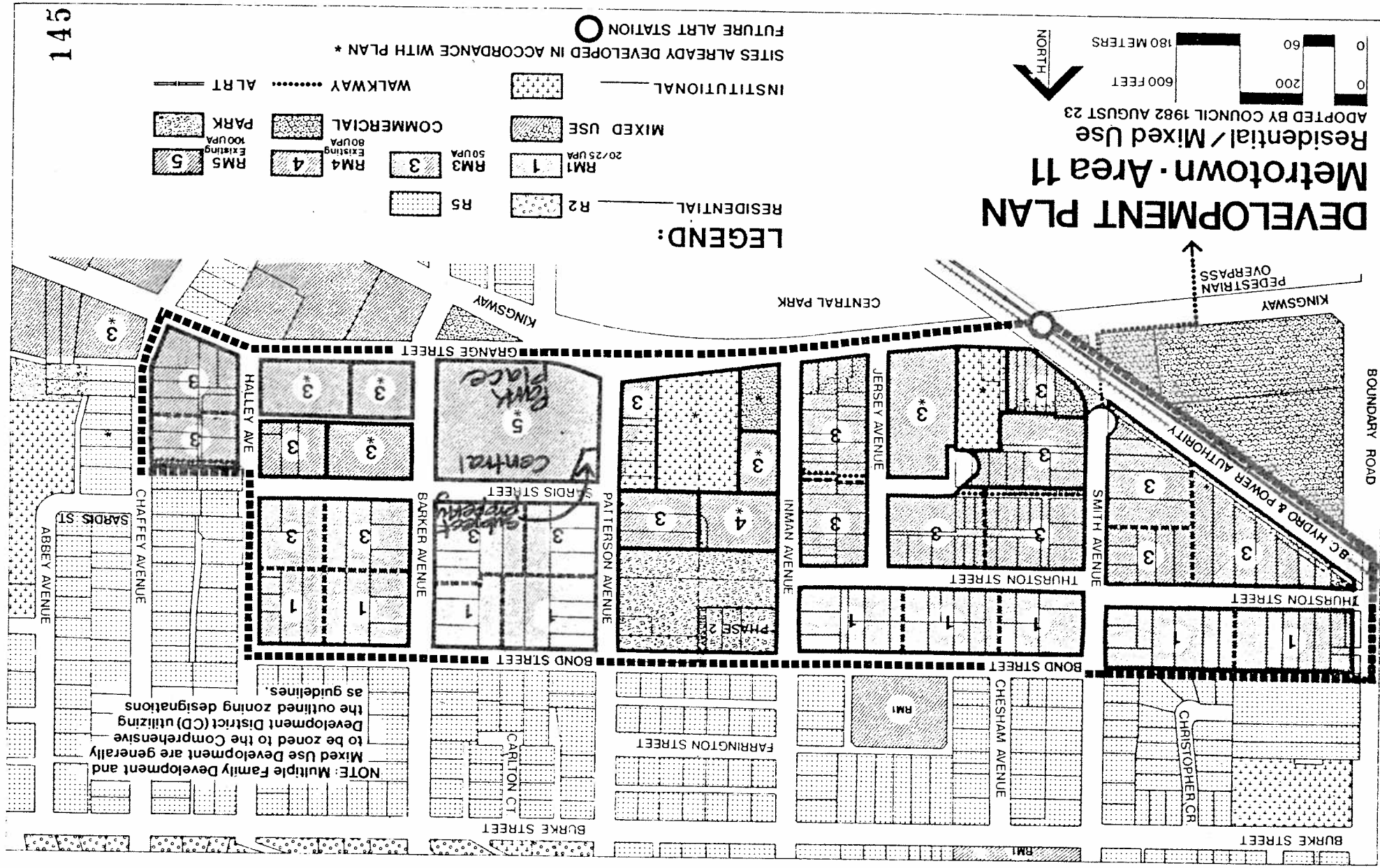


Burnaby Planning Department

SKETCH 1

412 Sardis St. - Expired Life Tenancy
 Registered covenant to demolish the existing building and landscape the site according to the adopted CP Plan upon expiration of the life interest

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SKETCH 2