

THE CORPORATION OF THE DISTRICT OF BURNABY

HOUSING COMMITTEE

HIS WORSHIP, THE MAYOR
AND MEMBERS OF COUNCIL

Madam/Gentlemen:

Re: Duplex Strata Title Applications

Recommendation:

"THAT the Housing Committee recommend to Council that the Municipalities' moratorium currently in place on the strata titling of existing duplexes be lifted, and a covenant procedure be established in order to enable Council to have control over all conversion applications."

REPORT

At the Council Meeting held on 1981 November 30, Mr. Joseph Teply, 6489 Denbigh Avenue, Burnaby, B.C., appeared as a delegation to request that Council favourably consider an application for a strata title of the duplex at 6489 Denbigh Avenue.

Arising out of Council's discussion of this subject, the following motion was adopted, namely:

"THAT further consideration of Mr. Teply's submission to Council this evening be referred to the Housing Committee in conjunction with the other thirteen applications for strata titling of duplexes presently pending for consideration and a subsequent report to Council."

At the Council Meeting held on 1979 July 30, Council adopted the following recommendation, namely:

"THAT Council defer approval of all strata title applications until enabling Legislation is obtained clarifying the impact of strata titling on the illegal four-plexing of two family dwellings in this municipality."

This resolution applies to conversion of existing duplexes only.

The Housing Committee considered the subject of duplex strata titling and determined that:

1. The concern of possible illegal four-plexing arose from a specific situation at 4859/61 and 4829/31 Harken Court.
2. A building permit for a two family dwelling was issued on 1975 November 07.
3. Through a technicality the owner applied for a strata title on a new building for four units.
4. After due consideration any action against the property was discontinued on the advise of the Municipal Solicitor.

AGENDA - 1982 JAN 04

MANAGER
PLANNER.

5. The Planning Department requested Council approval for a moratorium on strata titling of existing duplexes, and further requested changes to provincial statutes to enable Council to control the possibility of strata titling a duplex to become a four-plex.
6. An omission in the Burnaby Zoning Bylaw 1965, was corrected by amending the bylaw as follows:

4.1 Application

"Within the Corporation of the District of Burnaby no land, buildings and structures, regardless of the form of ownership or tenure, including the surface of water, shall here after be used or occupied, and no building or structure or part thereof shall be erected, moved, altered or enlarged, unless in conformance with this bylaw, and the contrary shall be unlawful."

The Burnaby Zoning Bylaw 1965 was further amended by adding the following, namely:

6.19 - Development under the Strata Titles Act

"Where a parcel of land is divided into strata lots under the Strata Titles Act, such parcel and any buildings which occupy it shall conform in all respects with the bulk regulations of this bylaw."

The Housing Committee also considered various items of legal correspondence.

The Municipal Solicitor was consulted for his opinion.

The Housing Committee has determined that the amendment to our Burnaby Zoning Bylaw 1965 does provide adequate legal protection to stop four-plexing of duplexes. It is also noted that all applications for strata titling of existing duplexes must come to Council for their approval.

Respectfully submitted,

ALDERMAN V.V. STUSIAK, CHAIRMAN

ALDERMAN D.P. DRUMMOND, MEMBER

ALDERMAN A.H. EMMOTT, MEMBER

VVS/blp