

RE: STRATA TITLE APPLICATION # 9/83
7549 HUMPHRIES COURT
LOT 90, D.L. 29, PLAN 51875

MUNICIPAL MANAGER'S RECOMMENDATION

ITEM 3
MANAGER'S REPORT NO. 62
COUNCIL MEETING 1983 10 17

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

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TO: MUNICIPAL MANAGER 1983 OCTOBER 03
FROM: DIRECTOR PLANNING &
BUILDING INSPECTION
SUBJECT: STRATA TITLE APPLICATION #9/83
7549 HUMPHRIES COURT
LOT 90, D.L. 29, PLAN 51875

RECOMMENDATION:

1. THAT Council grant Strata Title Approval to the subject application subject to the following prerequisite conditions:
 - a) The submission of five paper copies of the strata survey plans.
 - b) Certification by a qualified Engineer or Architect that the building is structurally and mechanically sound.
 - c) Certification from an independent health consultant that the units are free from any infestation.

REPORT

1.0 INTRODUCTION:

The Planning & Building Inspection Department is in receipt of an application to strata title 72 residential units located within the two storey apartment project located on the subject site (refer to attached sketches). The application must be processed as a Strata Title conversion since the building has been occupied since it was constructed.

2.0 BACKGROUND INFORMATION:

2.1 On 1983 March 07, Council received a report from the Director Planning & Building Inspection regarding a request to obtain Strata Title Approval of the subject apartment complex which was constructed in 1977 and occupied on a rental basis since that time. On that occasion, Council was advised that the development was originally intended for strata titling but unfortunately the developer inexplicably failed to register the strata plan at the time of construction. Notwithstanding, the development satisfies the Condominium Guidelines which were reflected in the rezoning reports, Preliminary Plan Approval and Building Permits. In view of this information, it was concluded that receipt of an application to strata title the subject apartment building would not jeopardize the present moratorium on strata title conversions.

3.0 GENERAL DISCUSSION:

3.1 The subject apartment complex was constructed pursuant to Rezoning Reference #35/75 which was given Final Adoption on 1977 May 24. As noted in the Public Hearing report received by Council the project was designed to meet the municipal strata title development standards. The site is zoned CD Comprehensive Development based on the RMI Multiple Family District and includes a total of 72 residential units situated within four two storey buildings located on a 1.08 hectare (2.68 acre) parcel.

3.2 Pursuant to the Condominium Act Section 8(1), the owner/developer is required when tendering a strata plan for deposit to file with the Registrar of the Land Title Office a certificate for a B.C. Land Surveyor dated not more than 90 days prior to the date on which the plan is deposited, certifying that the building has not been occupied prior to the date of the certificate. If the building has been occupied prior to this statutory time period, strata titling must be regarded as a conversion which requires the approval of the Municipal Council.

3.3 Council is reminded that there is presently a moratorium on the conversion of occupied multiple family residential development that was initially enacted in 1974 July in response to the shortage of rental accommodation that prevailed at the time. The moratorium on strata title conversion of occupied two family dwellings was lifted on 1982 January 04. This Department is of the opinion that the subject strata application is only considered to be a conversion on a technical basis under the circumstances outlined above and is not regarded as a violation of the current moratorium. Council is advised that approval was recently given to two other apartment complexes (Hastings/Boundary and 4363/73 Halifax Street) that were converted under similar circumstances where the strata plans were not registered under the provisions of the Condominium Act Section 8(1).

- 3.4 The subject apartment units have been designed in full compliance with the Guidelines for Residential Condominiums. The application has been circulated to all the relevant Municipal Departments for comment. The Chief Public Health Inspector, the Director Engineering and the Director Fire Services and the Chief Building Inspector have indicated that they have no objection to the proposed strata titling.
- 3.5 With respect to the other guidelines for residential condominiums and conversions that are relevant to this application, the applicant has provided this Department with a notarized statutory declaration outlining his intent to continue to operate the property as a rental project and that no changes to the existing tenancy situation will be made at this time. The applicant also provided a list of all existing tenants, who will each be provided with a letter from the owners outlining the intent of the strata title conversion proposal and a copy of the pertinent sections of the Condominium Act that outlines their rights as tenants regarding tenancy termination and relocation provisions. Since the buildings were constructed more than six years ago, this Department considers that certification from an architect or structural engineer that the building is structurally and mechanically sound and a certification from a health consultant that the buildings are free from any infestation will be necessary.

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Att.


A. L. Parr,
DIRECTOR PLANNING &
BUILDING INSPECTION

