

**TO:** CITY MANAGER

November 16, 1999

**FROM:** DIRECTOR PLANNING AND BUILDING

OUR FILE: 12.301.1

**SUBJECT: LEGENDS HOUSING CO-OPERATIVE**

**PURPOSE:** To request Council authority for the approval of the revised strata plans for The Legends development located at 5281 Oakmount Crescent.

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**RECOMMENDATIONS:**

1. **THAT** Council authorize staff to issue a certificate of approval to permit the re-registration of a strata plan for The Legends in the Land Titles Office.
2. **THAT** a copy of this report be sent to:

Shemin R. Jamal  
Notary Public  
3171 Mountain Highway  
North Vancouver, BC V7K 2H4

**REPORT**

**1.0 BACKGROUND**

In August of this year, City Council gave Final Reading to a bylaw that discharged the Housing Agreement affecting The Legends Housing Co-operative, located at The Oaklands site (see Map 1 **attached**) on the former Oakalla Prison grounds.

The Housing Agreement had limited the project to an equity housing co-operative with restrictions on resale value. The members of the co-operative requested that they be permitted to convert to standard condominium tenure in the face of a downward real estate market and a concern that the co-operative structure of their development put members at significant personal risk for the mortgage default of others who owned shares in the co-operative. Projects with a similar structure of Vancouver had already faced substantial problems related to mortgage default and the Board wished to avoid a similar outcome.

The project was located on land leased from British Columbia Building Corporation (BCBC) for a period of 60 years. BCBC has agreed to permit the co-operative to purchase the difference between leasehold and freehold equity in the land and convert the leasehold title to freehold title.

In order to change the tenure of the project from leasehold strata under a Co-operative model to freehold strata, The Legends is required to file the freehold strata plans in the Land Title Office. Under the Condominium Act, the conversion from a leasehold strata to a freehold strata is considered a conversion of an existing building to strata title, and City approval is required. The purpose of this report is to seek the required approval from City Council.

## 2.0 REQUIREMENTS OF THE CONDOMINIUM ACT

It is recognized that while the re-registration of the strata plans is substantially a technical exercise, it is still considered a conversion of an existing building to strata lots under Section 9 of the Condominium Act. This section requires that the Approving Authority ensures that the building substantially complies with all City bylaws and that the following is considered:

- the priority of rental accommodation over privately owned housing in the area;
- the proposals of the owner developer for the relocation of persons occupying the building;
- the life expectancy of the building;
- projected major increases in maintenance costs due to the condition of the building.

Since the building was developed as an equity co-operative and was strata titled, the impact on conversion of the building on the rental housing stock and the need to relocate tenants is not relevant to this situation.

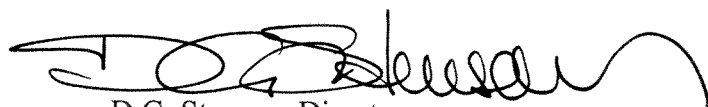
Similarly, as the building is relatively new (less than 5 years occupancy), there are no concerns about the life expectancy of the building or increases in maintenance costs.

The Chief Building Inspector, Fire Protection Officer and Director Engineering were requested to advise Planning staff as to the presence of any outstanding orders or issues with regards to the subject building. No outstanding issues have been identified.

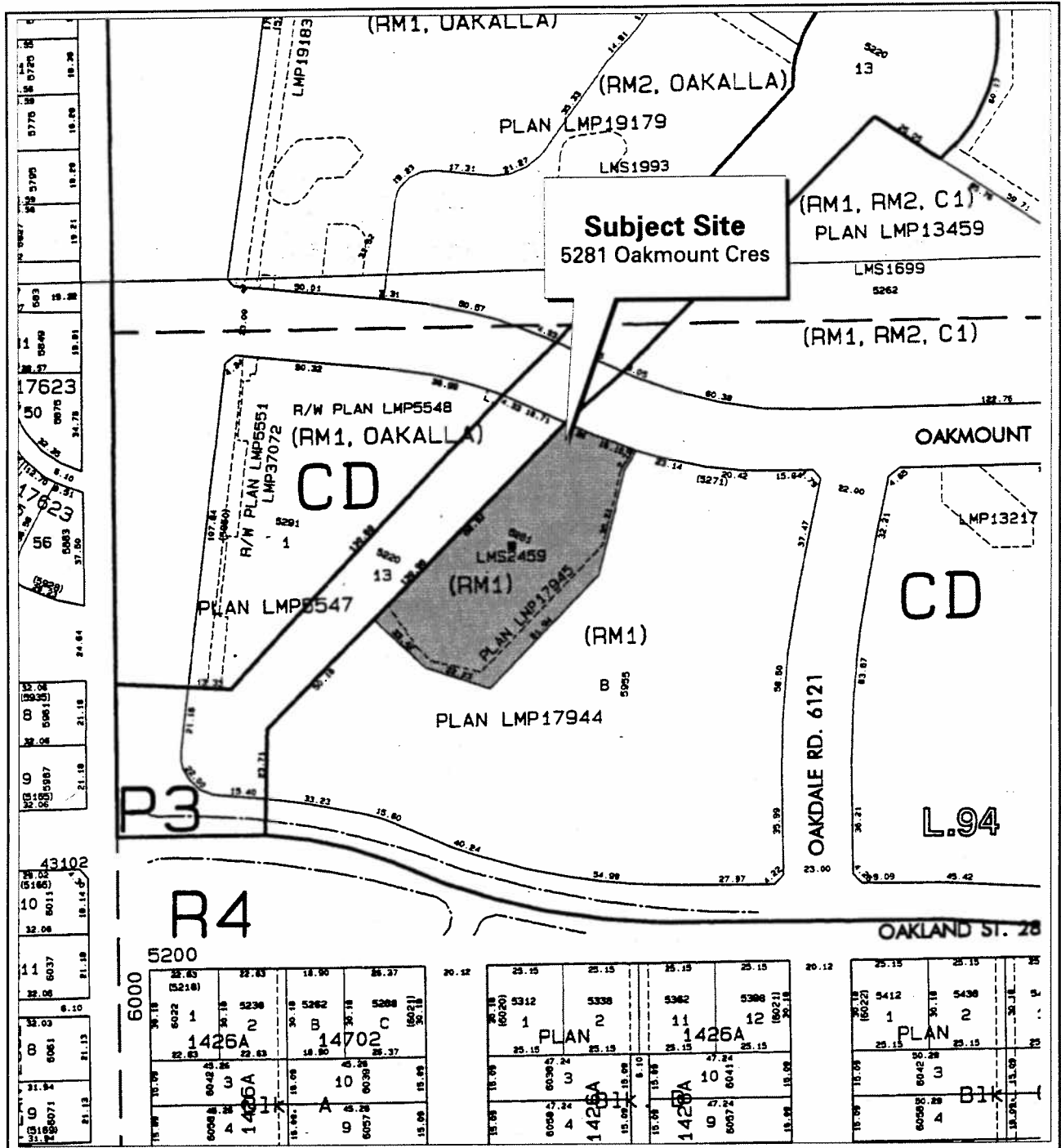
## 3.0 CONCLUSION

The deposit of revised freehold strata plans for The Legends in the Land Title Office will conclude the process to convert the development from an equity co-operative on leased land to a standard market condominium. Since the building was originally strata titled, it is recognized that this process is essentially a technical exercise to meet the requirements of the Condominium Act.

It is recommended that City Council authorize staff to issue a certificate of approval to permit the re-registration in the Land Titles Office of a freehold strata plan for The Legends.



D.G. Stenson, Director  
PLANNING AND BUILDING



**Subject Site**  
5281 Oakmount Cres

**Legends Housing Co-operative**

City of Burnaby  
Planning & Building Dept.  
1999 11 15  
Drawn by RCN

Map 1

