



Item .....
Meeting ..... 2015 November 23

## COUNCIL REPORT

**TO:** CITY MANAGER **DATE:** 2015 November 18

**FROM:** DIRECTOR PLANNING AND BUILDING **FILE:** PC 86000 20  
*Reference:* STR #15-04

**SUBJECT:** STRATA TITLE APPLICATION #15-04  
6738 Marlborough Avenue

**PURPOSE:** To obtain Council authority for strata titling of an existing occupied four unit multi-family dwelling.

**RECOMMENDATION:**

1. **THAT** Strata Titling of 6738 Marlborough Avenue be approved subject to complete satisfaction of the Guidelines for Conversion of existing and occupied four unit multi-family dwelling into Strata Title Units.

**REPORT****1.0 INTRODUCTION**

The Planning and Building Department is in receipt of an application for strata title approval of an existing tenanted four unit multi-family dwelling constructed in 2013 at the above location. This report recommends that Council authorize staff from the Planning Department to accept and process an application to stratify the multiple dwelling at 6738 Marlborough Avenue under Section 242 of the *Strata Property Act*.

For new, unoccupied multiple family developments, registration of strata ownership plans are accepted by the Land Title and Survey Authority of BC directly. However, previously occupied units of multiple family developments, typically purpose built rental apartments, require Council approval for stratification, prior to registration at the Land Title and Survey Authority of BC.

**2.0 BACKGROUND**

In 2006, the property owner of 6738 Marlborough Avenue submitted an application to rezone the subject property from RM3 Multiple-Family Residential District to the CD Comprehensive Development District based on RM2 Multiple Family Residential District, and the Metrotown Development Plan Guidelines (Rezoning Reference #06-59) (see *attached sketch*).

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The purpose of the application was to facilitate the construction of a development consisting of a four unit multi-family building with underground parking. There were no conditions associated with the rezoning application process that would have restricted the property owner from stratifying the residential units for private sale. The owner was advised of the process and procedures required for concurrent stratification of the project's four units. The applicant, however, failed to register the final strata plans to stratify the residential units following construction and prior to occupancy by tenants in 2013. This procedural error was identified when the applicant attempted to gain approval for a Strata Plan in 2014 June.

As the occupancy of the units proceeded before a strata title application for the building was approved, the strata conversion of the property is now subject to Council approval, as required by the *Strata Property Act*, and in relation to the City's Rental Conversion Control Policy. Under the City's Rental Conversion Control Policy, in order to prevent the conversion of purpose built rental units to strata ownership, in 1974, Council declared a moratorium on all condominium conversions – except for duplex or semi-detached dwelling units.

The property owner formally requested that the City consider the application to be exempt from the City's Rental Conversion Control Policy given the intent of the development to be a fully compliant multiple-family strata property. A report was provided to Planning and Development Committee on 2015 May 21 which reviewed the circumstances of the request for stratification of the subject property in relation to established City policies and practices, and based on the intent and circumstances of this case, recommended to accept and process the application for strata title conversion. This report was forwarded to Council, for consideration on the 2015 June 01 meeting, at which time Council authorized staff to accept and process this application to stratify the multiple family dwelling at 6738 Marlborough Avenue under Section 242 of the *Strata Property Act*.

### 3.0 CONCLUSION

The subject property was developed to be a fully-compliant strata building, however the strata plans were not duly processed by the property owner, and the property was subsequently tenanted. As such, the property is subject to the *Strata Property Act* and the City's Rental Conversion Control Policy in consideration of any application to stratify the existing occupied building. Based on the circumstances of this case, and recognizing the desired intent of the applicant to strata title the development on completion, Council authorized staff to accept and process this application to stratify the multiple family dwelling at 6738 Marlborough Avenue under Section 242 of the *Strata Property Act* at their regular meeting on 2015 June 01.

At the present time, the four unit multi-family dwelling is occupied and tenanted. The subject property is owned by Avtar Enterprises Ltd. It is the intent of the land owner to keep the residential units tenanted at this time, and any future tenancy changes would abide by the Province's *Residential Tenancy Act*.

This application has been circulated to the City's Engineering Department, and Planning and Building Department to ensure all servicing, Zoning Bylaw and Building Code issues have been

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addressed. All departmental approvals have been substantially met and confirmation of the building's structural and mechanical integrity has been provided by the Chief Building Inspector. Given that the four-unit family dwelling was constructed in 2013, it has been determined that an independent health consultant's certificate guaranteeing that the property is free of any infestation, will not be required.

With Council approval for the strata titling of the subject property, the owners would be requested to submit the required strata plans and legal fees. Once received, the necessary covenant will be prepared by the City Solicitor to ensure that the development is a fully compliant multiple-family strata property and, after the requisite signatures are obtained, the documents and plans will be registered at the Land Title Office.

  
Lou Pelletier, Director  
PLANNING AND BUILDING

JD/DI:spf  
Attachment

cc: Director Engineering  
Director Engineering – Environmental Engineering  
Chief Building Inspector  
City Solicitor

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