

NO: R185

COUNCIL DATE: July 29, 2010

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **July 26, 2010**

FROM: **General Manager, Planning and Development** FILE: **12730-06600**

SUBJECT: **Strata Title Conversion of Residential Townhouse Buildings Located at
12730 - 66 Avenue**

RECOMMENDATION

The Planning and Development Department recommends that Council approve, upon completion of the items noted in the letter attached as Appendix III to the report, the issuance of a Certificate of Approval for the strata conversion of the residential townhouse buildings located at 12730 - 66 Avenue (the "Property"), in accordance with the *Strata Property Act*, S.B.C. 1998, c.43 (the "*Strata Property Act*").

BACKGROUND

The Planning and Development Department received an application from the owner of the Property to strata-title the existing townhouse buildings that are located on the Property (see the map attached as Appendix I). In accordance with the *Strata Property Act*, City Council approval is required for the strata conversion of any occupied buildings.

DISCUSSION

The improvements on the Property consist of eight residential townhouse buildings containing a total of 53 dwelling units and a clubhouse. The buildings were constructed between 2003 and 2004. The building permits were concluded by the Building Division on July 10, 2007. Photographs of the subject buildings are attached as Appendix II. The Property is located in a "Multiple Residential 30 (RM-30) Zone and is subject to Development Permit No. 7903 0094-00.

There is a Restrictive Covenant registered on the title of the Property, in favour of the Homeowner Protection Office ("HPO"), requiring rental use and prohibiting transfer of any individual units for a period of 10 years, starting from the first occupancy of the first unit in each building. While stratification of the Property is not prohibited by the Restrictive Covenant, the owner of the Property must deal directly with the HPO regarding this matter. The City is not a party to the Restrictive Covenant.

City of Surrey Policy No. M-10 states that Council will not approve conversions from rental to strata title units unless Surrey's vacancy rate reaches or exceeds 4% as determined by the Canada Mortgage and Housing Corporation ("CMHC"). According to CMHC's Rental Market Report (Fall 2009), the vacancy rate for private, purpose-built townhouses and apartments was 6.6% as of October 2009 being the most recent information available at this time.

A series of inspections of the Property and its improvements (i.e., buildings) have been completed by staff. There are a number of deficiencies that need to be addressed prior to the issuance of the Certificate of Approval for the proposed strata conversion. These are listed in the letter, dated February 3, 2010 that is attached as Appendix III to this report.

Subject to Council approval of the recommendation of this report, the Approving Officer will be in a position to sign the strata plans once the owner has addressed the items noted in the letter dated February 3, 2010 (Appendix III) and this is confirmed by way of inspections of the Property and its improvements by appropriate City staff.

CONCLUSION

Based on the above discussion, it is recommended that Council approve, upon completion of the outstanding items listed in the letter attached as Appendix III, the issuance of a Certificate of Approval for the strata conversion of the residential townhouse buildings on the Property in accordance with the *Strata Property Act*.

Original signed by
Jean Lamontagne
General Manager
Planning and Development

Attachments:

Appendix I Map
Appendix II Photographs
Appendix III Letter, dated February 3, 2010, listing required actions





February 3, 2010

File: 12730-06600

Via Fax No. 604-590-7155

Dr. Parmjit Singh Kang
12312 - 72 Avenue
Surrey, BC
V3W 2M3

Dear Sir:

Re: 12730-66 Avenue – Strata Title Application

This is further to your November 23, 2009, application to strata convert the existing townhouse development located at 12730 - 66 Avenue.

It is City Council policy not to approve a strata conversion that would negate or circumvent a current by-law or policy requirement. The following items require your attention.

The terms and conditions listed below are valid for a period not to exceed six (6) months from the date of this letter.

1. The Building Inspection Section requires correction/installation of the following items.
 - a) All fire hydrants are to be cleared of landscaping growth and be maintained so as to be visible.
 - b) Repair and replace roof gutters, leaders and downspouts where applicable.
 - c) Repair water damaged cladding where gutters have leaked.
 - d) The amenity building is currently being used as a dwelling unit. Reinstate the building in accordance with the approved permit drawings.
 - e) Written verification must be submitted to this office from all tenants in the buildings that they have been notified of the owner's intention to strata convert the buildings.
 - f) Access was not provided to all buildings on the property.

Please contact Charlie Hoeller, Building Inspector 2, at 604-591-4258 if further information is required.

2. The Plumbing Inspection Section requires correction/installation of the following items.
 - a) Pump water from meter vault.
 - b) Replace broken remote readers serving water meters.
 - c) The valves (OS&Y) are closed in the fire main, yet hydrants are still operational. A register professional is to review the function of the fire line and valve system and submit a report under his professional seal and signature confirming the operation of the fire line is in accordance with the approved design.
 - d) Vacuum/flush all rainwater leaders, tite lines and drain tile. Cap off all drain tile clean outs and rainwater leader connections to tite lines with approved screw caps.

- e) Access required to all building curb cocks.
- f) Access was not provided to all buildings on the property.

Please contact Bruce Broughton, Plumbing Inspector, at 604-591-4153 for further information.

3. The Electrical Inspection Section requires correction/installation of the following items.

- a) Clean out all electrical rooms.
- b) Repair lighting in all electrical rooms.
- c) Repair damaged outlets in electrical rooms.
- d) Area lighting requires repair.
- e) Emergency lighting is not working.
- f) Tel/CCTV bond not connected in electrical rooms.
- g) Access was not provided to all buildings on the property.

Please contact Warren Hancock, Electrical Inspector, at 604-591-4323 for further information.

4. The Fire Department requires correction/installation of the following items.

- a) Provide service report for fire hydrants.
- b) Meter pit shall be free of water.
- c) Provide access to the amenity building.

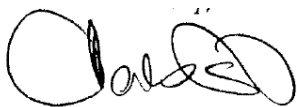
Please contact Paul Mahil, Fire Inspector, at 604-543-6764 for further information.

As part of the review process your application was referred to the Area Planning & Development Division for their comments. They have commented regarding non-compliance with the current City policies on conversion of rental housing, affordable housing as a corporate priority and maintaining rental housing in the City.

Please contact Gertrude Kwan, Senior Planner, at 604-591-4129 for further information.

A report to Council will be forwarded upon completion of the above items. Please be informed that completion of the above items will not guarantee Council's approval of the strata conversion.

Yours truly,



Henry Herbstreit
Field Inspections Manager

c.c. - Gertrude Kwan, Senior Planner

HH/kms