
CITY OF KELOWNA
MEMORANDUM

Date: October 10, 2001
File No.: LA01-015

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. LA01-015

OWNER: ARMY, NAVY, AIR FORCE
VETERANS IN CANADA,
CENTRAL OKANAGAN
UNIT NO. 376

AT: 220 TO 270 DOUGALL ROAD

APPLICANT: KENDALL PENTY & CO. /
MR. T. KENDALL

PURPOSE: TO CREATE A LEASE FOR 20 YEARS FOR A PROPOSED
CONGREGATE HOUSING DEVELOPMENT

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Municipal Council approve in principal a lease for 20 years on Lots 12, 13, 14, 15, 16, & 17, Sec. 26, Twp 26, O.D.Y.D., located on Dougall Road, Kelowna, B.C., pursuant to the provision of Section 3(3) of the Residential Tenancy Act;

AND THAT Bylaw 8737 – Army, Navy, Air Force Veterans in Canada, Central Okanagan Unit No. 376 Tenancy Agreement approval be forwarded for Council consideration.

2.0 SUMMARY

The Army, Navy, Air Force Veterans in Canada, Central Okanagan Unit No. 376 wishes to enter into a Tenancy Agreement for a period of 20 years. The purpose of this lease arrangement is to create a "Life Lease" for owners of the congregate housing development proposed for the Army, Navy, Air Force Veterans in Canada, Central Okanagan Unit No. 376.

The owner's solicitor has requested that the City of Kelowna's approval of a lease for 20 years pursuant to Section 3(3) of the Residential Tenancy Act, Statutes of British Columbia, which requires Municipal approval for any Tenancy Agreements for a term of 20 years or greater. The attached bylaw is required to be approved by the City of Kelowna and is submitted for Council's consideration.

3.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The proposal for a "Life Lease" concept creates a situation where the actual term of the lease is indeterminate as the term of the lease will relate to the actual life of the lease holder. The minimum age for occupation of the proposed units is 55 years of age and older. Generally, the average age of occupants is in their mid-seventies, but there is the potential for the lease to exceed 20 years, especially in the case where the lease holder is at the minimum age requirements for entry into the complex.

The associated development permit application (DP00-10,002) is proposed for the development of a 47 unit, 4 storey, congregate housing development connected to a clubhouse facility for the Army, Navy, Air Force Veterans in Canada. This associated "Life Lease" deals with the form of ownership for the congregate housing component of the proposed development.

The Planning and Development Services Department does not have any concerns with this proposed "Life Lease", and recommends for Council's favourable consideration.

R.G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

PMc/pmc
Attach.

FACT SHEET

1. **APPLICATION NO.:** LA01-015
2. **APPLICATION TYPE:** Tenancy Agreement
3. **OWNER:** Army Navy Air Force Veterans In
Canada - Central Okanagan Unit No.
376
 . **ADDRESS** 265 Froelich Road
 . **CITY** Kelowna BC
 . **POSTAL CODE** V1X 3M6
4. **APPLICANT/CONTACT PERSON:** Kendall Penty & Company
Thomas G. Kendall
 . **ADDRESS** #101 – 200 Dougal Road
 . **CITY** Kelowna, BC
 . **POSTAL CODE** V1X 4K5
 . **TELEPHONE/FAX NO.:** 765-9733/765-7773
5. **APPLICATION PROGRESS:**
 Date of Application: April 17, 2001
 Date Application Complete: October 3, 2001
 Servicing Agreement Forwarded to Applicant:
 Servicing Agreement Concluded: N/A
 Staff Report to Council: October 20, 2001
6. **LEGAL DESCRIPTION:** Lots 12, 13, 14, 15, 16, & 17, Sec. 26,
Twp 26, O.D.Y.D., Plan 5494
7. **SITE LOCATION:** Dougall Rd. between Macintosh Rd.
and Hwy 33 W.
8. **CIVIC ADDRESS:** 220, 240, 250, 260, & 270 Dougall
Road
9. **EXISTING ZONE CATEGORY:** C4 – Town Centre Commercial
10. **PURPOSE OF THE APPLICATION:** To create a lease for 20 years for a
proposed congregate housing
development

SUBJECT PROPERTY MAP

