
CITY OF KELOWNA

MEMORANDUM

Date: April 3, 2002
File No.: DP00-10,001

To: City Manager

From: Planning & Development Services Department

Subject:
APPLICATION NO. DP00-10,001 OWNER: THE GOOD SAMARITAN
SOCIETY

AT: 1540 KLO ROAD APPLICANT: FWS COMMUNITY
PARTNERS INC.

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

EXISTING ZONE: RM4 – TRANSITIONAL LOW DENSITY HOUSING

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 Lot A, DL131, O.D.Y.D., Plan KAP70104, located on KLO Road, Kelowna, B.C., pursuant to the provision of Section 3(3) of the Residential Tenancy Act;

AND THAT Bylaw 8837 – The Good Samaritans Society (A Lutheran Social Service Organization) Inc. No. XS40709 Tenancy Agreement approval be forwarded for Council consideration.

2.0 SUMMARY

The Good Samaritans Society (A Lutheran Social Service Organization) Inc. No. XS40709 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 Good Samaritans Society (A Lutheran Social Service Organization) Inc. No. XS40709.

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 applications (DP00-10,001 & DP01-10,094) has authorized the development of a 105 unit, 3 storey, congregate housing and care development, of which 68 units will be offered on a "Life Lease" tenancy. 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

☐

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

PMc/pmc
Attach.

FACT SHEET

- | | |
|---|--|
| 1. APPLICATION NO.: | DP00-10,001 |
| 2. APPLICATION TYPE: | Tenancy Agreement |
| 3. OWNER: | The Good Samaritans Society (A Lutheran Social Service Organization)
Inc. No. XS40709 |
| . ADDRESS | #200 – 9405 50 th St. |
| . CITY | Edmonton, AB |
| . POSTAL CODE | T6B 2T4 |
| 4. APPLICANT/CONTACT PERSON: | FWS Community Partners Inc. /
Del Juba |
| . ADDRESS | 1540 KLO Road |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 3P6 |
| . TELEPHONE/FAX NO.: | 717-3918/717-3948 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | March 18, 2002 |
| Date Application Complete: | March 18, 2002 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | April 3, 2002 |
| 6. LEGAL DESCRIPTION: | Lot A, DL131, O.D.Y.D.,
Plan KAP70104 |
| 7. SITE LOCATION: | North side of KLO Road, west of
Redlich Road |
| 8. CIVIC ADDRESS: | 1540 KLO Road |
| 9. EXISTING ZONE CATEGORY: | RM4 – Transitional Low Density
Housing |
| 10. PURPOSE OF THE APPLICATION: | To create a lease for 20 years for a
proposed congregate housing
development |

SUBJECT PROPERTY MAP

