
CITY OF KELOWNA

MEMORANDUM

Date: April 17, 2008
File No.: ST07-31
To: City Manager
From: Ron Dickinson, Manager – Inspection Services
Subject: Stratification of 1283 Bernard Avenue (13 Townhouses) on Lot 10, Block 1, DL 137, ODYD Plan 427

RECOMMENDATION:

THAT the application to stratify the 13 units at the noted properties be approved in the name of Cheam Casola 2007 Holdings Ltd. with no conditions.

BACKGROUND:

Tenant Notification

The attached signed Statutory Declaration confirms that the developers of the properties have advised all the tenants affected by the stratification conversion application in writing of the date and time of the scheduled council meeting to address the application, as well as first refusal opportunity to purchase prior to giving notice to vacate. A copy of the Residential Tenancy Branch publication (fact sheet) pertaining to the rights and responsibilities of both the landlord and the tenant under the Residential Tenancy Act upon the sale of a tenanted residential property was distributed with the written notification.

Building Condition

An architectural report and code analysis was submitted by Water Street Architecture Inc. Upgrades to the units have been completed which has extended the overall life expectancy of the townhouses. The upgrades also ensured the multi-unit building substantially complies with the B.C. Building Code and meets the current requirements of the Zoning Bylaw. A fenced playground apparatus has been installed as it is the intent of the developers to move these buildings from a primarily transient tenancy situation to a "family centered" housing community.

Rental and Ownership Provisions

Approximately 2 units are expected to be sold to investors, allowing the units to remain available for rental. 4 additional units are currently vacant due to natural attrition with an estimated 3 more units occupied primarily by students vacating over the next 12 months due to other circumstances. 1 long term tenants will remain and 2 (or more) residents are expected to purchase their units. The remaining 1 unit will over the course of the project be renovated and offered for sale to families.



The developer has stated that their objective is to convert and offer for sale to families and entry level purchasers, the opportunity for affordable home ownership. The developer will offer a discount of \$15,000 from market listed prices for current tenants. Prices will start from \$265,000 for a 2 bedroom townhouse, \$285,000 for a 3 bedroom townhouse. The developer is offering a \$700 allowance towards legal fees and a low down payment finance package.

Relocation of Existing Tenants

If the tenant elects not to purchase their unit, the developer will provide 2 months free rent or cash in lieu (Act requires one month) and provide a \$1,000 moving allowance. The developer will offer a Tenant Relocation Program which consists of a 12 month period for project renovation and execution, thereby providing significant lead time if relocation is problematic.

1. Attached hereto are the location plan (subject property map), a copy of the survey certificate and a signed statutory declaration. The property is located in the City of Kelowna RM3 zone.

EXISTING POLICY: Policy No. 148 – Strata Conversion of Existing Occupied Building / Strata Property Act.

INTERNAL CIRCULATION TO: Works & Utilities, Community Development & Real Estate, Tax Department, Fire Department, Bylaw Division and Utilities Department.

Considerations that were not applicable to this report:

LEGAL/STATUTORY AUTHORITY:

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:

FINANCIAL/BUDGETARY CONSIDERATIONS:

PERSONNEL IMPLICATIONS:

TECHNICAL REQUIREMENTS:

EXTERNAL AGENCY/PUBLIC COMMENTS:

ALTERNATE RECOMMENDATION:

Conclusion


The combination of units that will remain as rental units, along with the fact that the units offered for sale are being priced as affordable housing, will mitigate the affect on the vacancy rate of rental accommodation in Kelowna.

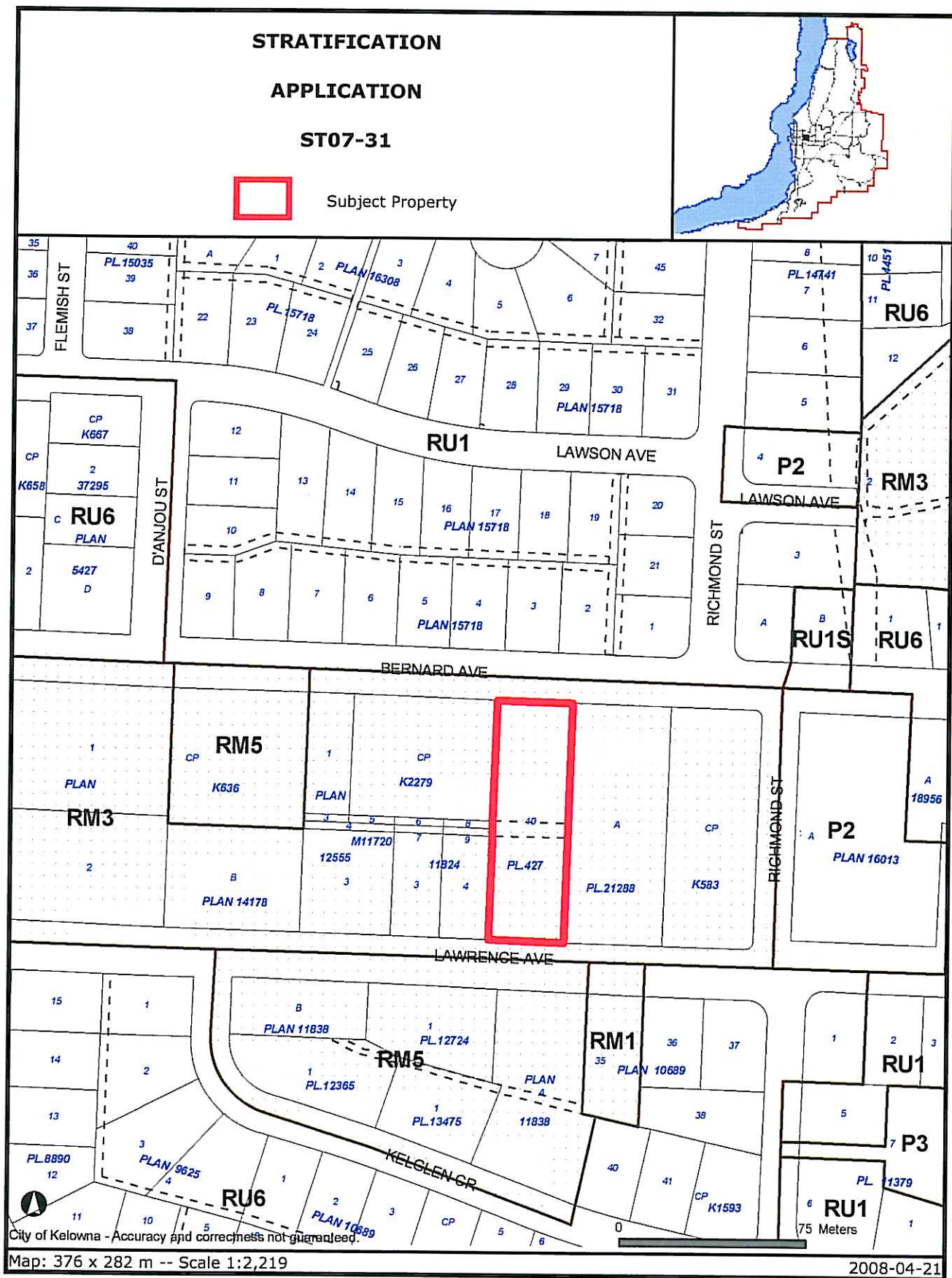
Submitted by:



Ron Dickinson, Manager – Inspection Services

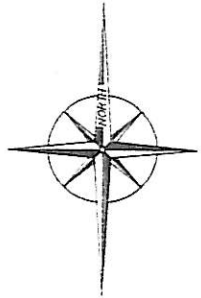
Approved for Inclusion:





Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

SKETCH PLAN SHOWING BUILDING ON LOT 10, BLOCK 1, PLAN 427,
D.L. 197, O.D.Y.D. except PLANS 11823, 11824 + PART ON PLAN A2371



Plan KAS2273

Bernard Avenue

Lot 10, Plan 427 except Plans 11823, 11824 + A2371

Storage Room

Building (Cheam Gardens)

Electrical Room

317.54'

Lot A
Plan 21288

LEGEND:

Lawrence Avenue

All distances in feet.

Scale 1" = 1000 feet.

GEHUE & VAN GURP
land surveyors
201-1470 St. Paul Street
Kalamazoo, B. C. (250) 783-5711
File: 145839LDC

STRATA CONVERSION APPLICATION

DECLARATION

CANADA
PROVINCE OF
BRITISH COLUMBIA

I, ARON ABRAHAMSON of KELOWNA BC.

situated in the City of Kelowna, in the Province of British Columbia, do solemnly declare:

That I am one of the registered owner(s) of those lands and premises legally described as follows:

Lot 10, Plan 427, District Lot 137
Lot A, Plan 21288, District Lot 137

1283 Bernard Avenue, Kelowna, B.C.
1291 Bernard Avenue & 1292 Lawrence Avenue, Kelowna, B.C.

That I have made written application to the City of Kelowna to convert the existing building into strata lots under the Strata Property Act of British Columbia.

That I personally delivered the attached notification of my intention to stratify the subject land and premises to all tenants of said premises on the 16th/17th day of


April 21, 2008.

That I have reviewed and acted upon all items set out in the City of Kelowna Strata Conversion Policy No. 148.

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, and by virtue of the **CANADIAN EVIDENCE ACT**.

Declared before me at Kelowna,
in the Province of British Columbia
this 21 day of

April, 2008.


OWNER


COMMISSIONER FOR TAKING
AFFIDAVITS FOR BRITISH COLUMBIA

DENISE I. DAVIES
A COMMISSIONER FOR TAKING
AFFIDAVITS FOR BRITISH COLUMBIA
1435 Water Street, Kelowna, B.C.