

# Memo



**Date:** January 5/10  
**File:** ST09-0011  
**To:** City Manager  
**From:** Ryan Smith, Subdivision Approving Officer  
**Subject:** Stratification of 335-345 Highway 33 East, Kelowna, BC, on Lot 1 Section 23, Township 26, Plan 68584

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**Recommendation:**

That the application to stratify the eight residential units located in three buildings at 335-345 Highway 33 East be approved in the name of Kelowna Habitat for Humanity Society Inc with the following conditions:

- a) The applicant be required to remove the existing curb drops along Hwy.33 and replace with new barrier curb and sidewalk.

**Background:**

The City's Inspection Services Branch has inspected this structure and found it suitable for stratification. The applicant has addressed the requirements of Council Policy 148.

Attached hereto are the location plan, plot plan and a copy of the signed declaration from the owner

**Existing Policy:** Council Policy No.148 - Strata Conversion of Existing Occupied Building

**Legal/Statutory Authority:** Strata Property Act

**Internal Circulation:** Development Engineering Branch, Real Estate and Building Services, Fire Department, Bylaw Services, Financial Services (Property Taxes)

**Considerations not applicable to this report:**

Legal/statutory Procedural Requirements:

Financial/Budgetary Considerations:

Personnel Implications:

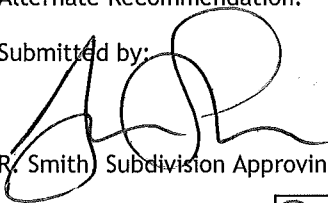
Technical Requirements:

External Agency/Public Comments:

Communications Considerations:

Alternate Recommendation:

Submitted by:

  
R. Smith, Subdivision Approving Officer

Approved for inclusion:

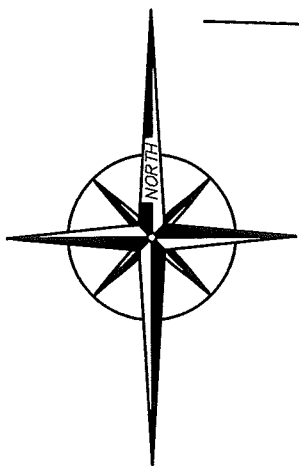


J.Vos, General Manager Community Services

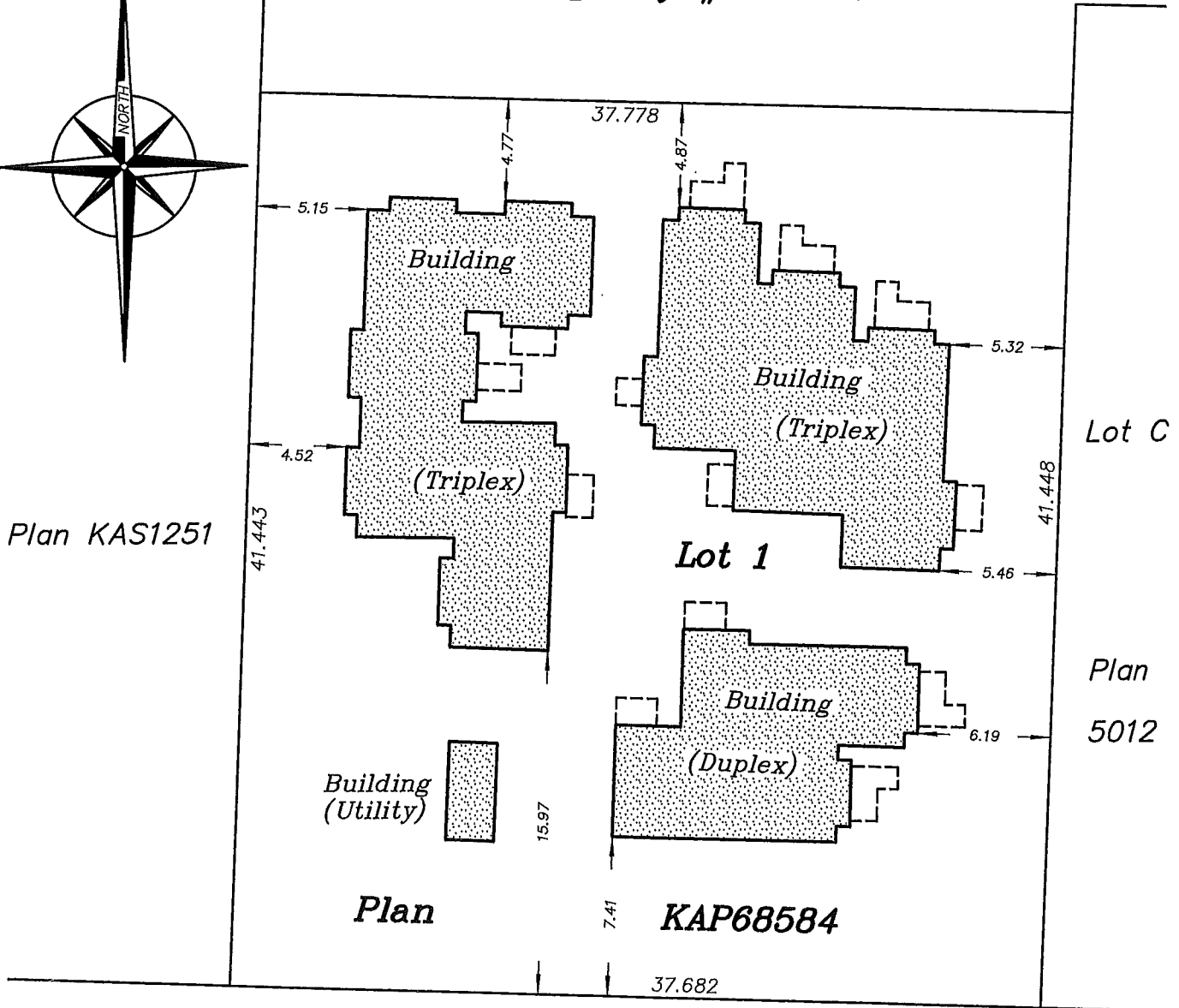




**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION  
ON LOT 1, PLAN KAP68584, SEC 23, TP 26, ODYD**



**Highway #33 East**



**Lane**

*Habitat for Humanity*

Lot dimensions are from registered records.  
This plan prepared for Municipal and/or mortgage purposes only and it is not to be used for the establishment of property boundaries.

Scale: 1:300 All distances are in metres.

Certified correct this 13th, day of August, 2009.

**VAN GURP & COMPANY**  
land surveyors

Copyright

2009 201-1470 St. Paul Street  
Kelowna, B.C. Tel. (250) 763-5711



*[Handwritten Signature]*

This document not valid unless originally signed and sealed.

B.C.L.S.

File: 16127sc

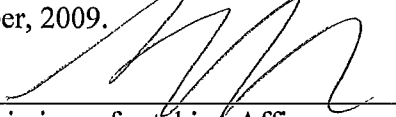
CANADA	)	IN THE MATTER OF the Stratification of
	)	335 Highway 33 East, Kelowna, BC
PROVINCE OF	)	Legal Description: PID 024-965-227, Lot 1
	)	Section 23 Township 26 Osoyoos Division
BRITISH COLUMBIA	)	Yale District Plan KAP68584
	)	
TO WIT;	)	

I, Lona Manning, solemnly declare that:

1. I am the executive director of the Kelowna Habitat for Humanity Society, doing business as Habitat for Humanity Kelowna, hereinafter referred to as “the Society,” and have knowledge of the matters described herein and am authorized to act on behalf of the Society.
2. The Society owns property at 335 Hwy 33 East, legal description PID 024-965-227 Lot 1 Section 23 Township 26 Osoyoos Division Yale District Plan KAP68584. There are eight dwellings on this property.
3. These eight dwellings are all occupied by Habitat partner families who have been selected by the Society to be the owners of these homes.
4. The partner families residing at these homes have entered into and signed an agreement with the Society whereby they will become owners of their dwellings upon conversion of the property to strata, and thus all tenants affected by this application for strata conversion are aware of said application.
5. All partner families residing at 335 Hwy 33 East have been notified by letter that the Society is applying to the City of Kelowna for Strata Conversion, a copy of which is attached.
6. Despite the fact that all the tenants will become owners of their dwelling upon conversion of the property to strata, as per the agreement referenced in #4 herein, the Society has provided all tenants with information from the “Guide for Landlords and Tenants” under the “Residential Tenancy Act.”
6. The Society undertakes to notify all partner families residing at 335 Hwy 33 East with a letter, at least 10 days prior to the matter being presented to Council for their consideration, advising the tenants the date and time of the council meeting at which such application is to be considered and that any tenants who deem their interest to be affected by such strata conversion may appear before Council.

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.

SWORN BEFORE ME at the City of )  
Kelowna, Province of British )  
Columbia, this 4<sup>th</sup> day of )  
September, 2009. )

  
A Commissioner for taking Affi- )  
davits within British Columbia. )

  
LONA MANNING

**Robert Kwasnicki**  
Barrister & Solicitor  
200 - 537 Leon Ave.  
Kelowna, BC V1Y 2A9