

Memo



Date: November 29, 2010
File: ST07-0020
To: City Manager
From: Development Services
Subject: Stratification of 445-455 Rutland Road North, Kelowna, BC, on lot 1, Plan 22581
Prepared By: Damien Burggraeve, Subdivision Planner

Recommendation:

THAT Council approve the application in the name of Sam Khurana to stratify the six (6) unit residential building located at 445-455 Rutland Road North

Purpose:

To allow the stratification of a six (6) unit residential building located at 445-455 Rutland Road North.

Background:

The City's Building and Permitting Branch has completed an inspection of the existing building and created a work plan in consultation with the Subdivision Approving Officer to bring the building to substantial compliance with today's building code (requirement of Council Policy 148/Strata Act). The applicant has completed the work plan to the satisfaction of the City's Chief Building Official and the building is now suitable for stratification subject to Council's endorsement.

Attached hereto are the location plan, plot plan and a copy of the signed declaration from the owner that the tenants have been notified of the pending stratification. In accordance with Council Policy No. 148, staff has also required that the developer provide 10 days notice of the Council meeting to all occupants of the building. Furthermore, the applicant has also provided a plan which details how existing tenants will be accommodated.

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)

A handwritten signature in black ink, appearing to be "D. Burggraeve", located in the bottom right corner of the page.

Considerations not applicable to this report:

Legal/statutory Procedural Requirements:

Financial/Budgetary Considerations:

Personnel Implications:

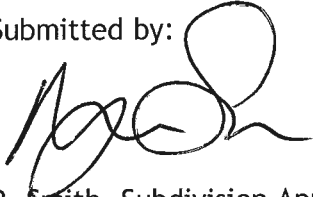
Technical Requirements:

External Agency/Public Comments:

Communications Considerations:

Alternate Recommendation:

Submitted by:



R. Smith, Subdivision Approving Officer

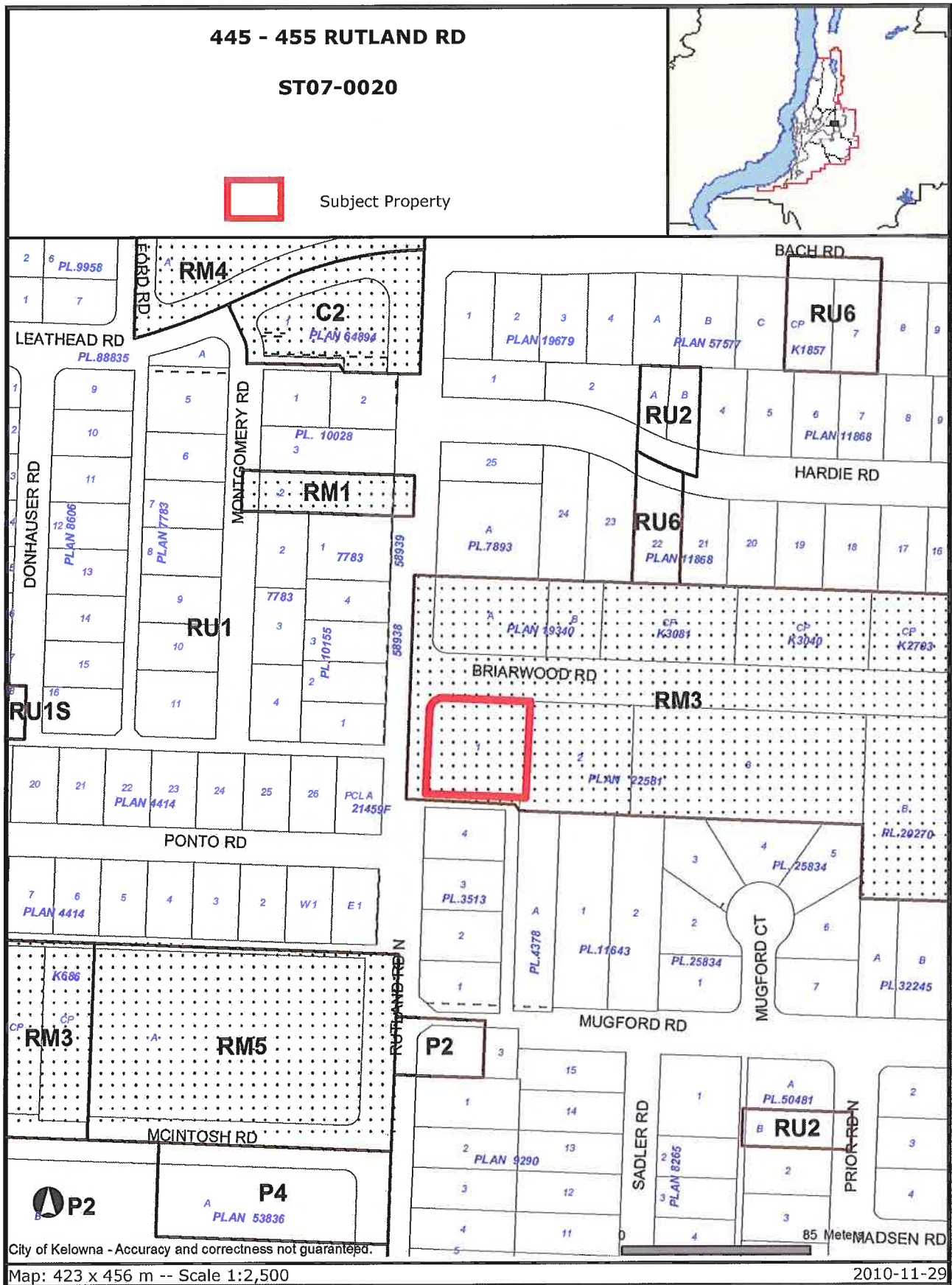
Approved for inclusion:



M. Bayat, Director of Development Services

Attachments:

- Site location map
- Site plan
- Arial photo
- Rational letter from applicant



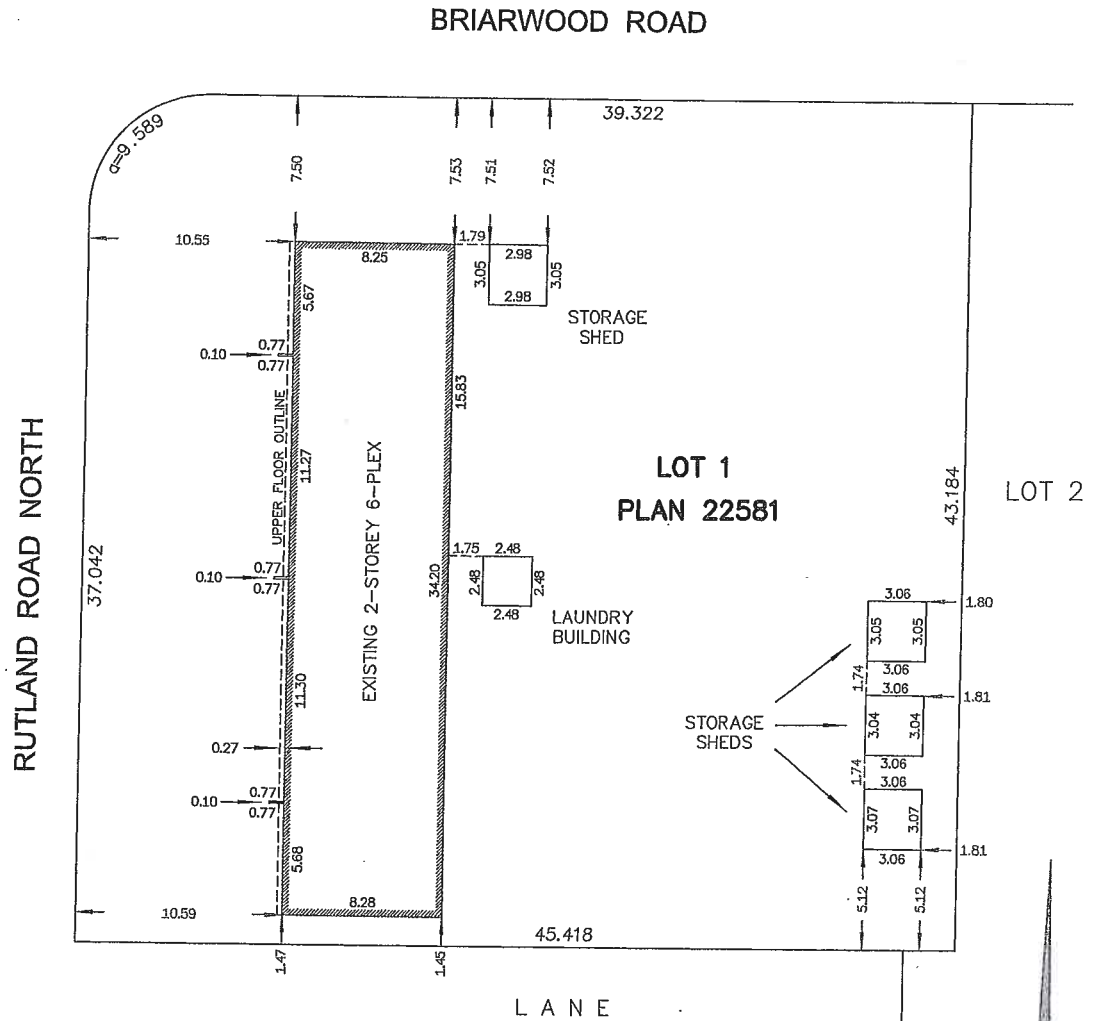
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

B.C. LAND SURVEYOR'S CERTIFICATE

ON LOT 1, PLAN 22581,
SEC. 26, TP. 26, O.D.Y.D.

SCALE 1:300 All distances are in metres.

CIVIC ADDRESS: 445-455 RUTLAND ROAD N.



Certified correct this 8th day of June, 2007.

NEIL R. DENBY

B.C.L.S.

RUNNALLS DENBY
british columbia land surveyors

#2-1470 Water Street
Kelowna, B.C.
V1Y 1J5

Phone: (250)763-7322
Fax: (250)763-4413
Email: denby@telus.net

ELEVATIONS ARE ASSUMED GEODETIC AND ARE
TAKEN FROM CITY OF KELOWNA LOT GRADING PLAN.
ELEVATIONS ARE TO TOP OF FOUNDATION WALL.

CLIENT : SAM KHURANA

FILE No : 12407 SC 1

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED
AND SEALED.

© THIS PLAN IS PROTECTED BY COPYRIGHT.

NO PERSON MAY COPY OR ALTER THIS CERTIFICATE WITHOUT
PRIOR CONSENT OF RUNNALLS DENBY.

THE DIMENSIONS SHOWN ON THIS CERTIFICATE ARE NOT TO
BE USED TO DEFINE PROPERTY BOUNDARIES.

City of Kelowna



Map: 148 x 77 m -- Scale 1:874

City of Kelowna - Accuracy and correctness not guaranteed.

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Date: November 17, 2010

Attention: Damien Burggraeve
Planner II, Subdivision Approval
City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

RE: ⁴⁵⁵
445-449 Rutland Road North
Kelowna, BC

To whom it may concern:

In regards to the Rentals (Tenant) for 445-449 Rutland Road North we have no intentions of evicting the current Tenants that occupy the individual suites. We have had most of the Tenants living here for 2 years or more and are very happy with all of them.

We would like to stratify the above mentioned property as few of the tenants have expressed interest in Rent to Own as an alternative way to purchase a home within the City of Kelowna. We would look at this option for each Tenant who is interested, on an individual basis. The Tenants of each individual suite will have the first "Dib" on purchasing the unit that they currently occupy.

In the event we do decide to sell each individual unit, and the current Tenants do not wish to purchase the unit, we will give proper notification to each Tenant in accordance with the rules and regulations of the Residential Tenancy Act.

As mentioned previously we have no intentions of evicting any of the tenants that currently occupy the individual suites...however with that being said and circumstances change the current supply of rental units available on the Kelowna market is very good and Tenants have a lot of choice when it comes to rental housing.

Should you have any further questions or concerns please don't hesitate to give me a call at 250.859.2848. I look forward to working with you and the City of Kelowna.

Thanks


Ashok Khurana

RECEIVED
NOV 17 2010
CITY OF KELOWNA
PLANNING DEPT.

STRATA CONVERSION APPLICATION

DECLARATION

CANADA
PROVINCE OF
BRITISH COLUMBIA

I, ASHOK KHURANA of 2439 LONGHILL ROAD
situated in the City of Kelowna, in the Province of British Columbia, do solemnly declare:

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

Lot 1 Registered Plan 22581 Section 26 Township 26

Civic Address/Street: 445-455 Rutland Road North, Kelowna, BC

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 16 day of NOVEMBER, 2010 (must be delivered at least ten (10) days prior to the application being presented to Council for consideration).

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 16th day of

NOVEMBER, 2010

ASHOK KHURANA
OWNER OWNER'S AGENT

MARDELLE A. CORBETT
COMMISSIONER FOR TAKING
AFFIDAVITS FOR BRITISH COLUMBIA
MARDELLE A. CORBETT
A COMMISSIONER FOR TAKING
AFFIDAVITS FOR BRITISH COLUMBIA
1435 Water Street, Kelowna B.C.

Date: November 15, 2010

File No.: ST07-20

To: Tenant or Prospective Tenant

Re: Conversion of development located at 445-449 Rutland Road N into Strata Lots under the Strata Property Act

An application to approve conversion of the above noted premises into strata lots under the provisions of the Strata Property Act has been submitted to the City of Kelowna. City Council is the approving authority for such an application and may approve the strata plan, refuse to approve the strata plan, or refuse to approve the strata plan until terms and conditions imposed by City Council are met.

In considering this application, City Council may consider any matters that in its opinion are relevant, including the following:

- a) compliance with the bylaws of the City of Kelowna;
- b) priority of rental accommodation over privately owned housing in the area;
- c) proposals of the owner/developer for the relocation of persons occupying the building;
- d) the life expectancy of the building;
- e) projected major increases in maintenance costs due to the condition of the building.

It shall be a condition of any approval of this application that tenants be given the first right to purchase the strata unit that is being converted. As well, all tenants must be provided with information from "A Guide for Landlords and Tenants" under the "Residential Tenancy Act".

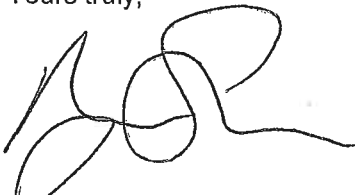
This matter will be considered by City Council at Council Chambers, 1435 Water Street at the following date and time;

Date: December 13, 2010

Time: 1:30 pm

You are invited to attend the meeting and make representation to Council concerning this application.

Yours truly,



Ryan Smith
Manager,
Subdivision Approvals Branch Manager

RS/dc