



## CITY OF VANCOUVER

# A2

### ADMINISTRATIVE REPORT

Report Date: May 9, 2006  
Author: Alan Zacharias  
Phone No.: 604.873.7214  
RTS No.: 5921  
VanRims No.: 13-2000-30  
Meeting Date: May 30, 2006

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: 73 - 91 East 27<sup>th</sup> Avenue - Proposed Closure of a Portion of the North Side of East 27<sup>th</sup> Avenue West of Quebec Street

#### RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services to sign on behalf of the City a Reference Plan attested to by Edmond T. Wong, B.C.L.S., on the 2nd day of May, 2006, marginally numbered FILE: SU-1724, defining the horizontal limits of the encroachment onto the north side of East 27<sup>th</sup> Avenue west of Quebec Street (the "Road"), a reduced copy of which is attached as Appendix "A", by the buildings at 73 - 91 East 27<sup>th</sup> Avenue, and apply to raise title to that portion of Road defined on the said Reference Plan in the name of the City of Vancouver.
- B. THAT all those volumetric portions of the Road included within the heavy outline and illustrated isometrically on a plan of survey certified correct on the 2nd day of May, 2006 by Edmond T. Wong, B.C.L.S., and marginally numbered FILE: SV-249 (a reduced copy of which is attached a Appendix "B"), be closed, stopped-up and that an easement be granted to the owner of abutting Lot 1 of Lot 2 Blocks 9 and 10 District Lot 631 Group 1 New Westminster District Plan BCP23243 to contain the portions of the existing buildings which encroach onto the Road. The easement to be for the life of the encroaching portions of the existing buildings on said Lot 1 and to be to the satisfaction of the Director of Legal Services.
- C. THAT fees for the document preparation, and registration of the easement referred to in Recommendation "B" are to be in accordance with those charged for in an agreement prepared pursuant to the Encroachment By-law.

**If Council approves this report the Formal Resolution to close the portion of Road will be before Council later this day for approval.**

## **COUNCIL POLICY**

The authority for closing and disposing of streets and lanes is set out in the Vancouver Charter.

## **PURPOSE**

The purpose of this report is to obtain Council authority to grant an easement to contain the encroaching elements of the buildings located at 73 - 91 East 27<sup>th</sup> Avenue.

## **BACKGROUND**

This report is subsequent to a report to Council from the Director of Current Planning entitled "Heritage Designation and Heritage Revitalization Agreement - 73 - 91 East 27<sup>th</sup> Avenue" whose recommendations were approved at Public Hearing on May 16, 2006. Council granted authority for the City to enter into a Heritage Revitalization Agreement that, among other recommendations, would secure the rehabilitation of the five houses located on the site, vary Section 11.1 and the RS-7 District Schedule of the Zoning and Development Bylaw in order to make existing non-conformities legal, and waive the Strata Policy for RS-7 Zones in order to enable strata titling.

The five houses on site are listed on the Vancouver Heritage Register as C-listings. Revitalization of the houses includes the restoration of wood cladding, wood windows, porches and eaves in a manner that respects the original streetscape of the block. Original portions of the porches, stairs, and roof overhangs encroached onto East 27<sup>th</sup> Avenue and were recognized through a standard encroachment agreement with the City. Although reconstruction has reduced the encroachments, portions of the eaves (roof overhang) still encroach onto East 27<sup>th</sup> Avenue.

The owner of the site has indicated his desire to strata title the property and requested that the City make suitable arrangements for the appropriate legal agreements to allow the encroachments.

The Registrar of Land Titles has taken the position that to satisfy the Strata Property Act, the strata corporation must have control over the portion of street or lane affected by the building encroachment for the life of the building. To accomplish this, the volumetric portions of Road containing the encroachments, as shown in heavy bold outline on reduced plan attached as Appendix B, must be closed, stopped-up, and an easement granted.

East 27<sup>th</sup> Avenue was dedicated as road by the deposit of Plan 1483 prepared in 1907.

## DISCUSSION

On the East 27<sup>th</sup> Avenue side of Lot 1 there are portions of the roof overhang that encroach a maximum of 0.180 metres onto East 27<sup>th</sup> Avenue.

It is necessary to seek Council approval to close, stop-up and authorize registration of a volumetric easement over the portion of the Road described above in Recommendation "B". Recommendation "A" seeks authority to raise title to the portion of Road encroached upon.

We are RECOMMENDING that fees be charged as per the Encroachment By-law. This is consistent with past Council direction.

\* \* \* \*

**REFERENCE PLAN TO ACCOMPANY AN APPLICATION FOR THE  
REGISTRATION OF TITLE IN THE NAME OF THE CITY OF  
VANCOUVER TO THAT PORTION OF ROAD DEDICATED BY THE DEPOSIT  
OF PLAN 1485, ADJACENT TO LOT 1 OF LOT 2, BLOCKS 9 AND 10,  
DISTRICT LOT 631, GROUP 1, NEW WESTMINSTER DISTRICT,  
PLAN BCP25245**

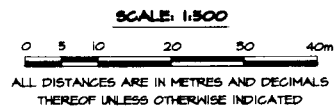
B.C.S. 426025

**PLAN BCP**

Deposited in the Land Title office  
at New Westminster, B.C. this \_\_\_\_ day  
of \_\_\_\_\_, 2006.

Deputy Registrar

Ref: \_\_\_\_\_

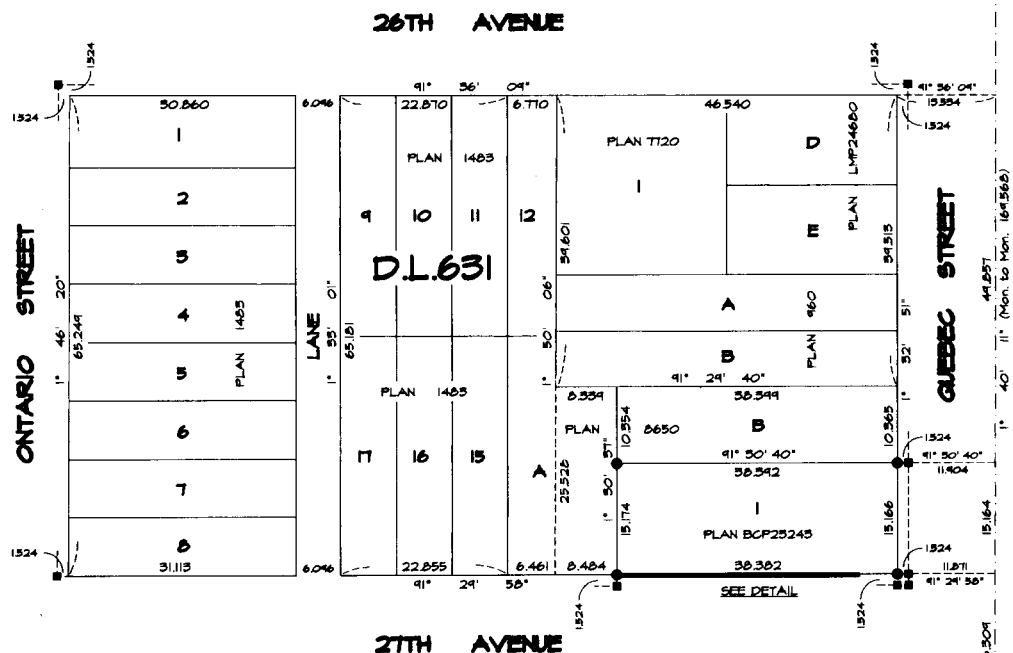


V-1149

66.250

44.897  
11" (Mon. to Mon. 164366)

V-1647



- LEGEND:**
- ▲ Control Monument Found
  - Standard Iron Post Found
  - Standard Iron Post Placed
  - Lead Plug Found
  - Lead Plug Placed

Grid bearings are derived from observations between Control Monuments V-1647 and V-1149, Integrated Survey Area No. 51 (City of Vancouver). This plan shows ground level measured distances. Prior to computation of U.T.M. co-ordinates multiply by combined factor of 0.99995416. Datum: NAD83 (CSRS)

OWNER:  
THE CITY OF VANCOUVER

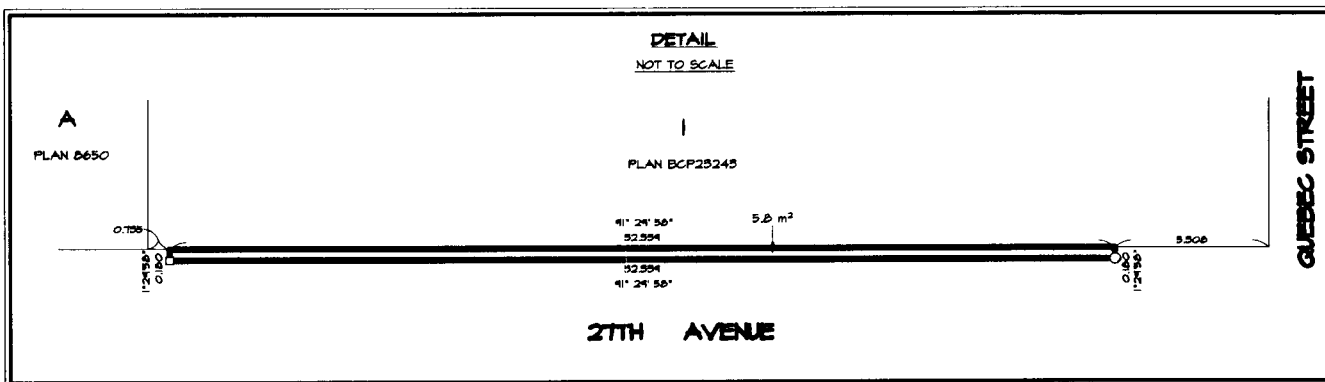
AUTHORIZED SIGNATORY  
(Sign and Print Name Clearly)

AUTHORIZED SIGNATORY  
(Sign and Print Name Clearly)

Witness as to both signatures

Address of  
Witness: \_\_\_\_\_

Occupation of  
Witness: \_\_\_\_\_



I, Edmund T. Hong, a British Columbia Land Surveyor, of the City of Burnaby, in British Columbia, certify that I was present at and personally superintended the survey represented by this plan and that the survey and plan are correct. The survey was completed on the last day of May, 2006. The plan was completed and checked, and the checklist filed under #47874, on the 2nd day of May, 2006.

*E. J. Hong*  
B.C.L.S.

Ken K. Hong and Associates  
Canada and B.C. Land Surveyors  
3624 E. Hastings Street  
Burnaby, B.C. V5B 1R4  
Telephone: 244-8881  
Fax: 244-0625  
060107 FB802 P.15  
DATA FILE: 060107B.RAW.C50  
R-6550, SU-1125  
Drawn by: SH

FILE: SU-1124

This plan lies within the Greater Vancouver Regional District.

**EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER THAT PORTION OF ROAD INCLUDED IN REFERENCE PLAN BCP \_\_\_\_\_, DEDICATED BY PLAN 1489, ADJACENT TO LOT 2, BLOCKS 9 AND 10, DISTRICT LOT 681, GROUP 1, NEW WESTMINSTER DISTRICT PLAN BCP25245**  
 B.C.S.S. 128.028

**PLAN BCP \_\_\_\_\_**

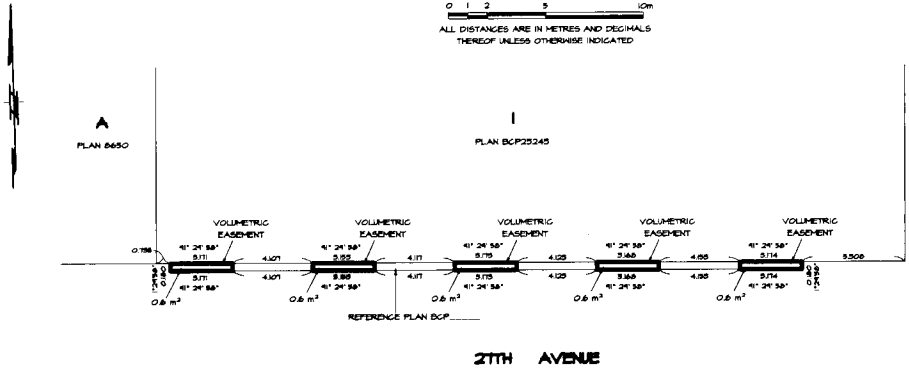
Deposited in the Land Title Office at New Westminster, B.C. the \_\_\_\_\_ day of \_\_\_\_\_ 2006.

Registrar

Ref: \_\_\_\_\_

SCALE: 1:125

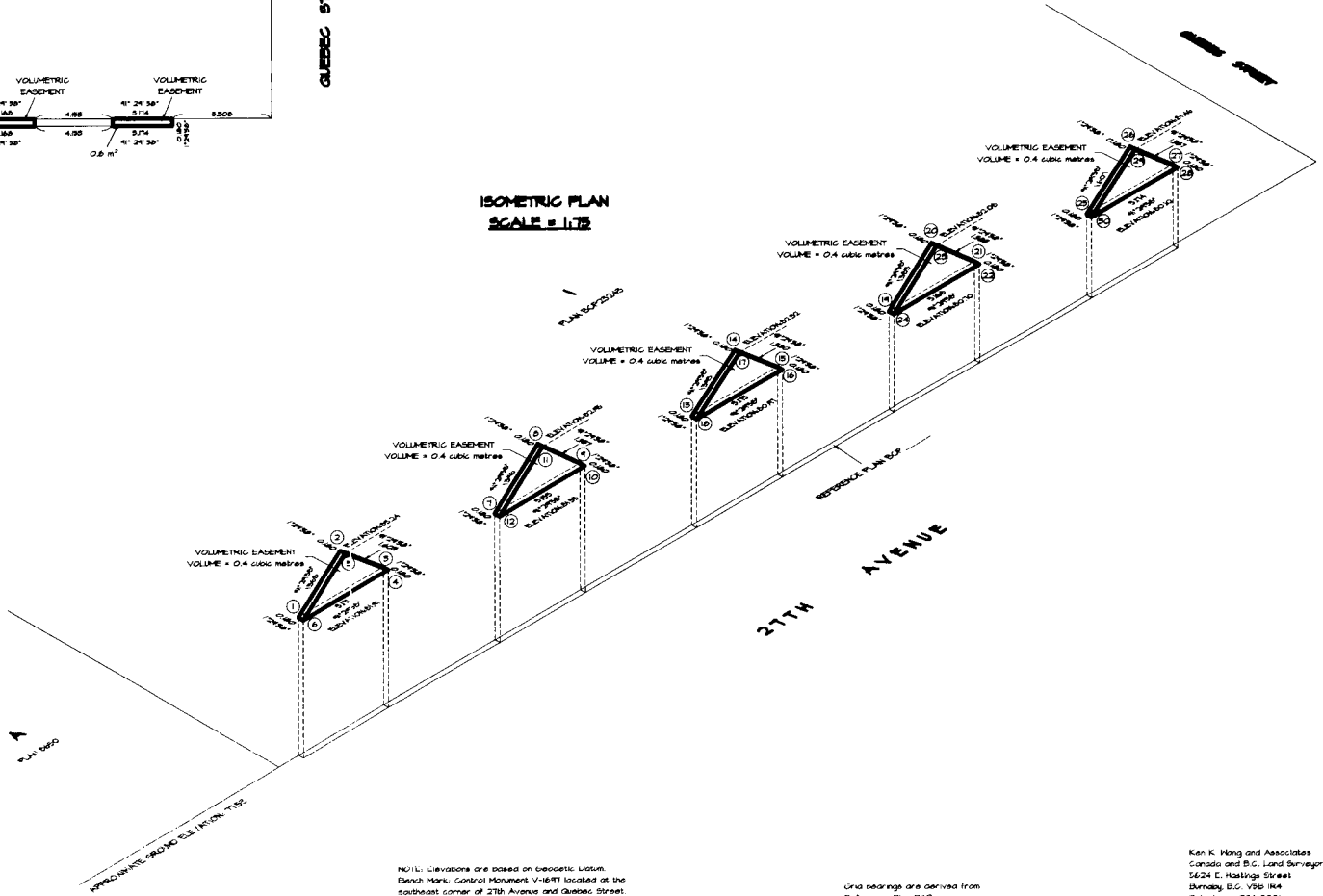
0 1 2 3 4m  
 ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE INDICATED



QUEBEC STREET

27TH AVENUE

ISOMETRIC PLAN  
 SCALE = 1:75



COORDINATE LISTING			
POINT #	NORTHING	EASTING	ELEVATION
1	N 1002544	E 460285	El. 81450
2	N 1002508	E 462481	El. 82340
3	N 1002466	E 464093	El. 81450
4	N 1002286	E 464046	El. 81450
5	N 1002528	E 462446	El. 82340
6	N 1002544	E 460285	El. 81450
7	N 1002588	E 468158	El. 81550
8	N 1002317	E 464754	El. 82450
9	N 1002276	E 471310	El. 81550
10	N 1002096	E 471505	El. 81530
11	N 1002187	E 464744	El. 82450
12	N 1002118	E 468495	El. 81550
13	N 1002168	E 475428	El. 80470
14	N 1002128	E 471018	El. 82320
15	N 1002088	E 476547	El. 80470
16	N 1001405	E 476548	El. 80470
17	N 1001448	E 471015	El. 82320
18	N 1001588	E 475421	El. 80470
19	N 1001477	E 482794	El. 80700
20	N 1001498	E 484301	El. 80280
21	N 1001844	E 485827	El. 80700
22	N 1001714	E 485882	El. 80700
23	N 1001758	E 484247	El. 80280
24	N 1001747	E 482718	El. 80700
25	N 1001785	E 490098	El. 80700
26	N 1001745	E 491648	El. 81480
27	N 1001702	E 493211	El. 80700
28	N 1001522	E 493208	El. 80700
29	N 1001545	E 491640	El. 81480
30	N 1001605	E 490083	El. 80700

Certified correct according to Land Title Office records the 1st day of May, 2006.  
 The plan was completed and checked, and the checklist filled under #47884 on the 2nd day of May, 2006.

*Edmund J. Hong*  
 B.C.L.S.

FILE: SV-244

NOTE: Elevations are based on geodetic datum. Bench Mark Control Monument V-1877 located at the southeast corner of 27th Avenue and Quebec Street. B.M. Elevation: 76.177 metres.

This plan fits with the Greater Vancouver Regional District

Grid bearings are derived from Reference Plan BCP \_\_\_\_\_

Ken K. King and Associates  
 Canada and B.C. Land Surveyors  
 3624 E. Hastings Street  
 Burnaby, B.C. V5B 1K4  
 Telephone: 294-8881  
 Fax: 294-0828  
 060701 FB002 P18  
 DATA FILE: 062107ENAV.COO  
 R-2556, 30-1128  
 Drawn by: SK