



## CITY OF VANCOUVER

# A11

### ADMINISTRATIVE REPORT

Report Date: May 29, 2006  
Author: Alan Zacharias  
Phone No.: 604.873.7214  
RTS No.: 6011  
CC File No.: 13-2000-30  
Meeting Date: June 13, 2006

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: 5025 Joyce Street - Proposed Closure of a Portion of the East Side of Lane West of Joyce Street, South from Wellington Avenue

#### RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services to sign on behalf of the City a Reference Plan attested to by B.J. Oke, B.C.L.S., on the 12th day of May, 2006, marginally numbered S-10709, dedicating as lane pursuant to Section 107 of the Land Title Act: The West 10 Feet of Lots 1 to 17, That Part of Lot 18 in Explanatory Plan 4664, and the West 10 Feet of Lots 19 and 20, All of Blocks 17, 47 and 48, District Lots 36 and 51, Group 1, New Westminster District, Plan 2620, a reduced copy of which is attached as Appendix "A".
- B. THAT Council authorize the Director of Legal Services to sign on behalf of the City a Reference Plan attested to by B.J. Oke, B.C.L.S., on the 12<sup>th</sup> day of May, 2006, marginally numbered S-10708, defining the horizontal limits of the encroachment onto the east side of Lane west of Joyce Street, south from Wellington Avenue (the "Lane"), a reduced copy of which is attached as Appendix "B", by the building at 5025 Joyce Street, and apply to raise title to that portion of Lane defined on the said Reference Plan in the name of the City of Vancouver.
- C. THAT all that volumetric portion of the Lane included within the heavy outline and illustrated isometrically on a plan of survey certified correct on the on the 12<sup>th</sup> day of May, 2006 by B.J. Oke, B.C.L.S., and marginally numbered S-10682 (a reduced copy of which is attached as Appendix "C"), be closed, stopped-up and that an easement be granted to the owner of abutting Lot H Block 17 District Lot 51 Group 1 New Westminster District Plan LMP37967 to contain the portions of the existing building which encroach onto the Lane. The easement to be for the life of the encroaching

portions of the existing building on said Lot H and to be to the satisfaction of the Director of Legal Services.

- D. THAT fees for the document preparation, registration and use of the easement referred to in Recommendation "C" 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 Lane will be before Council later this day for approval.

## COUNCIL POLICY

The authority for closing and disposing of street 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 encroachments of the building located at 5025 Joyce Street.

## BACKGROUND

The subject site, Lot H Block 17 District Lot 51 Group 1 New Westminster District Plan LMP37967 ("Parcel H"), presently has a four-storey retail/residential building under construction in accordance with Development Permit DE408218.

A shift in formwork during construction resulted in a concrete wall and foundation encroaching 0.030 metres onto the lane west of Joyce Street, south from Wellington Avenue. The encroachment forms part of the wall and foundation at the ground floor and underground parking levels of the building.

The owner has indicated his intention to subdivide the building into strata lots.

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 portion of the lane that contains the encroachment, must be closed, stopped-up, and an easement granted.

The west side of the lane between Wellington Avenue and the B.C. Hydro and Power Authority corridor was dedicated by the deposit of Plan 2620 in 1910; the east side of the lane consists of 20 City owned parcels that were established as lane by Resolutions of the City Council between 1951 and 1958 and filed in the Land Title Office as 253763L, 262676L, 262137L, 265116L, 263338L, DF73925, and DF68358. For the sake of clarity and simplicity, and since the encroachment would impact three of the City owned lane parcels, it is prudent to have the lane parcels dedicated as lane Pursuant to Section 107 of the Land Title Act. The owner had prepared, on behalf of the City, a Reference Plan to dedicate the 20 parcels as

lane lying between Wellington Avenue and the B.C. Hydro and Power Authority corridor as shown on Appendix A attached to this report.

The deposit of the Reference Plan will dedicate (extinguish) 20 unnecessary titles and create a single portion of lane. The dedication has no practical impact on the operation or function of the lane; the objective is to provide simplicity and clarity.

## DISCUSSION

On the lane side of Parcel H a portion of the building, consisting of a concrete wall and foundation at the ground floor and two underground parking levels, encroaches a maximum of 0.030 metres onto the lane.

It is necessary to seek Council approval to close, stop-up and authorize registration of a volumetric easement over the portion of the Lane described above in Recommendation "C". Recommendation "A" seeks authority to dedicate, under the Land Title Act, those portions of lane owned by the City and previously established as lane under the Vancouver Charter. Recommendation "B" seeks authority to raise title to the portion of lane encroached upon.

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

\* \* \* \*

# APPENDIX A

REFERENCE PLAN OF THE WEST 10 FEET OF LOTS 1 TO 17,  
THAT PART OF LOT 18 IN EXPLANATORY PLAN 4664,  
AND THE WEST 10 FEET OF LOTS 19 AND 20,  
ALL OF BLOCKS 17, 47 & 48, DISTRICT LOTS 36 AND 51,  
GROUP 1, NEW WESTMINSTER DISTRICT, PLAN 2620

PLAN BCP

DEPOSITED IN THE LAND TITLE OFFICE  
 AT NEW WESTMINSTER, B. C. ON THE  
 DAY OF \_\_\_\_\_ 2006.

-PURSUANT TO SECTION 107 OF THE LAND TITLE ACT  
 INTEGRATED SURVEY AREA NO. 31, CITY OF VANCOUVER, NAD83 (CSRS)

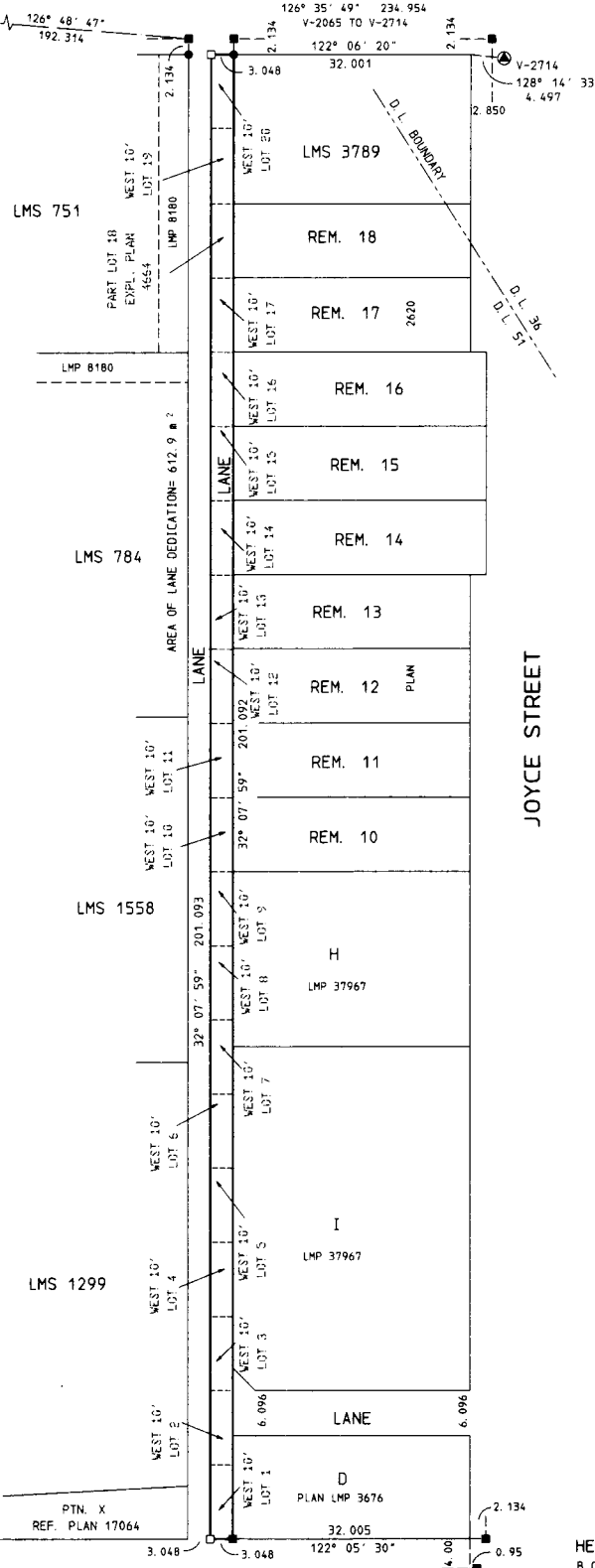
B. C. G. S. 92G.025

SCALE : 1 : 500  
 ALL DISTANCES SHOWN ARE IN METRES



WELLINGTON AVENUE

REGISTRAR



OWNER: \_\_\_\_\_  
CITY OF VANCOUVER  
 AUTHORIZED SIGNATORY \_\_\_\_\_  
 PRINT NAME \_\_\_\_\_  
 WITNESS AS TO CITY OF VANCOUVER  
 SIGNATURE \_\_\_\_\_  
 PRINT NAME \_\_\_\_\_  
 OCCUPATION \_\_\_\_\_  
 ADDRESS OF WITNESS \_\_\_\_\_

APPROVED UNDER THE LAND TITLE ACT  
 THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2006

APPROVING OFFICER FOR  
 CITY OF VANCOUVER

**LEGEND**

BEARINGS ARE GRID BEARINGS AND ARE DERIVED FROM CONTROL MONUMENTS V2065 AND V2714. THIS PLAN SHOWS GROUND LEVEL MEASURED DISTANCES. PRIOR TO COMPUTATION OF U. T. M. COORDINATES MULTIPLY BY COMBINED FACTOR OF 0.9995868.

- IRON POSTS FOUND SHOWN - ●
- LEAD PLUGS FOUND SHOWN - ○
- IRON POSTS SET SHOWN - ◐
- LEAD PLUGS SET SHOWN - ◑
- CONTROL MONUMENTS SHOWN - ⊙

FORM 9  
 SECTION 47(1)  
 ENDORSEMENT BY SURVEYOR  
 I, B. J. OKE, A BRITISH COLUMBIA LAND SURVEYOR, OF THE CITY OF VANCOUVER, 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 FIELD SURVEY WAS COMPLETED ON THE 12TH DAY OF MAY, 2006. THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER No. 48928, ON THE 25TH DAY OF MAY, 2006.

B. C. L. S.

REFERENCE PLAN 2129

THIS PLAN LIES WITHIN THE  
 GREATER VANCOUVER REGIONAL DISTRICT

HERMON & OKE,  
 B. C. LAND SURVEYORS  
 1116 HORNBY STREET,  
 VANCOUVER, B. C. V6Z 1V8  
 Ph. 604-687-6841  
 V. 2004 2004-136 OED  
 J-2004-136 F. B. 1797 p. 67

S-10709

**REFERENCE PLAN TO ACCOMPANY AN APPLICATION FOR THE  
REGISTRATION OF TITLE IN THE NAME OF THE CITY OF VANCOUVER  
TO THAT PORTION OF LANE DEDICATED BY THE DEPOSIT OF PLAN BCP  
ADJACENT TO LOT H, BLOCK 17, DISTRICT LOT 51  
GROUP 1, N. W. D., PLAN LMP 37967**

PLAN BCP

DEPOSITED IN THE LAND TITLE OFFICE  
AT NEW WESTMINSTER, B. C. ON THE  
DAY OF 2006.

INTEGRATED SURVEY AREA NO. 31, CITY OF VANCOUVER, NAD83 (CSRS)

B. C. G. S. 92G.025

SCALE: 1 : 500

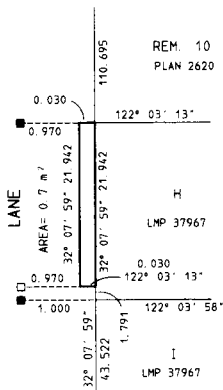
ALL DISTANCES SHOWN ARE IN METRES



REGISTRAR



**DETAIL**  
NOT TO SCALE



**LEGEND**

BEARINGS ARE GRID BEARINGS AND ARE DERIVED FROM CONTROL MONUMENTS V2065 AND V2714. THIS PLAN SHOWS GROUND LEVEL MEASURED DISTANCES. PRIOR TO COMPUTATION OF U. T. M. COORDINATES MULTIPLY BY COMBINED FACTOR OF 0.9995868.

- IRON POSTS FOUND SHOWN - ●
- LEAD PLUGS FOUND SHOWN - ■
- IRON POSTS SET SHOWN - ○
- LEAD PLUGS SET SHOWN - □
- CONTROL MONUMENTS SHOWN - ⊙

**FORM 9**

SECTION 67 (1)

ENDORSEMENT BY SURVEYOR

I, B. J. OKE, A BRITISH COLUMBIA LAND SURVEYOR, OF THE CITY OF VANCOUVER, 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 FIELD SURVEY WAS COMPLETED ON THE 12th DAY OF MAY, 2006. THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER No. 48931, ON THE 25th DAY OF MAY, 2006.

B. C. L. S.

WELLINGTON AVENUE

LMS 751

LMS 3789

REM. 18

REM. 17  
2620

REM. 16

REM. 15

REM. 14

REM. 13

REM. 12  
PLAN

REM. 11

REM. 10

LMS 784

LMS 1558

H  
LMP 37967

LMS 1299

I  
LMP 37967

LANE

SEE DETAIL

LANE

JOYCE STREET

OWNER:  
CITY OF VANCOUVER

AUTHORIZED SIGNATORY

PRINT NAME

WITNESS AS TO CITY OF VANCOUVER

SIGNATURE

PRINT NAME

OCCUPATION

ADDRESS OF WITNESS

THIS PLAN LIES WITHIN THE  
GREATER VANCOUVER REGIONAL DISTRICT

HERMON & OKE,  
B. C. LAND SURVEYORS  
1116 HORNBY STREET,  
VANCOUVER, B. C. V6Z 1V8  
Ph. 604-687-6841  
V 2004 2004-136 117

J-2004-136 F.B. 1797 p. 67

S-10708

**EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER  
THAT PORTION OF LANE INCLUDED IN PLAN BCP  
AND DEDICATED BY PLAN BCP  
ADJACENT TO LOT H, BLOCK 17, DISTRICT LOT 51,  
GROUP 1, N. W. D., PLAN LMP 37967**

PLAN BCP

PURSUANT TO SECTION 99 (1) (a) OF THE LAND TITLE ACT  
INTEGRATED SURVEY AREA NO. 31, CITY OF VANCOUVER

B. C. G. S. 92G. 025

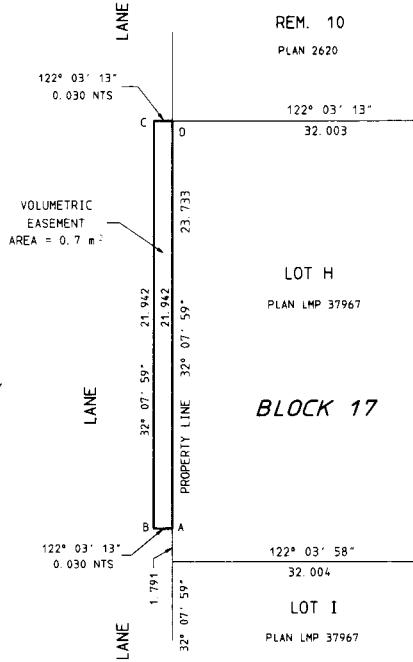
SCALE : 1 : 200

ALL DISTANCES SHOWN ARE IN METRES



NOTE -  
THE WIDTH OF THE  
VOLUMETRIC EASEMENT  
HAS BEEN EXAGGERATED  
FOR CLARITY.

ANGLE OF VIEW OF  
ISOMETRIC DRAWING



REM. 10  
PLAN 2620

DEPOSITED IN THE LAND TITLE  
OFFICE AT VANCOUVER, B. C.  
THIS \_\_\_ DAY OF \_\_\_\_\_ 200

REGISTRAR

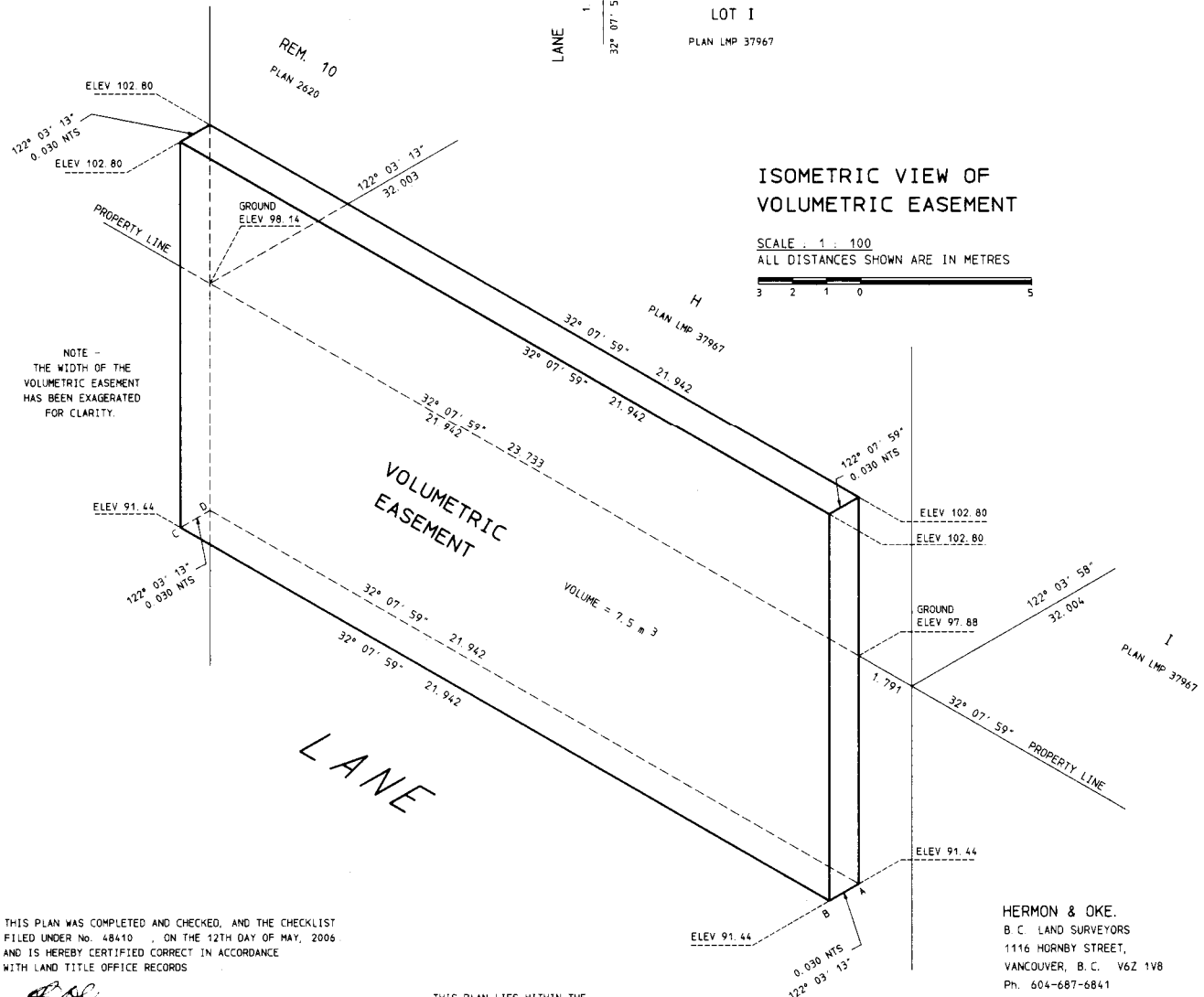
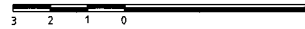
BEARINGS ARE GRID BEARINGS AND ARE DERIVED  
FROM PLAN LMP 37967.  
ALL DISTANCES ARE SHOWN IN METRES AND  
AND DECIMALS THEREOF.  
ELEVATIONS ARE BASED ON GVRD GEODETIC 2005 DATUM  
AND ARE DERIVED FROM MONUMENT V-2714.  
ELEVATION = 103.865 METRES.

LEGEND

NTS DENOTES NOT TO SCALE

**ISOMETRIC VIEW OF  
VOLUMETRIC EASEMENT**

SCALE : 1 : 100  
ALL DISTANCES SHOWN ARE IN METRES



NOTE -  
THE WIDTH OF THE  
VOLUMETRIC EASEMENT  
HAS BEEN EXAGGERATED  
FOR CLARITY.

THIS PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST  
FILED UNDER No. 48410 , ON THE 12TH DAY OF MAY, 2006.  
AND IS HEREBY CERTIFIED CORRECT IN ACCORDANCE  
WITH LAND TITLE OFFICE RECORDS

*B.C.L.S.*

B. C. L. S.

THIS PLAN LIES WITHIN THE  
GREATER VANCOUVER REGIONAL DISTRICT.

HERMON & OKE.

B. C. LAND SURVEYORS  
1116 HORNBY STREET,  
VANCOUVER, B. C. V6Z 1V8  
Ph. 604-687-6841

J-2004-136 F.B. 1794 p. 101-102  
v: 004- 2004-136 v1

S-10682