



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Report Date: May 28, 2007  
Author: Alan Zacharias  
Phone No.: 604.873.7214  
RTS No.: 6791  
VanRIMS No.: 13-2000-40  
Meeting Date: June 12, 2007

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: Proposed Closure of Portions of Homer Street and Hamilton Street  
Adjacent to 1228 Homer Street

#### RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services to apply and raise title in the name of the City of Vancouver to a portion of Homer Street that contains the encroachment by the existing building at 1228 Homer Street, the said portion is shown on a Reference Plan, a reduced copy of which is attached hereto as Appendix "A".
- B. THAT all that volumetric portion of Homer Street included within the heavy outline and illustrated isometrically on a plan of survey, a reduced copy of which is attached as Appendix "B"; and, all that portion of Hamilton Street included within the heavy outline and illustrated isometrically on a plan of survey, a reduced copy of which is attached as Appendix "C"; be closed, stopped-up and that easements be granted to the owner of abutting Lot B of Lot 12 Block 76 District Lot 541 Plan 6488 ("Lot B") to contain the portions of the existing building which encroach onto Homer Street and Hamilton Street. The easements to be for the life of the encroaching portions of the existing building on Lot B and to be to the satisfaction of the Director of Legal Services.
- C. THAT fees for the document preparation, registration and use of the easements referred to in Recommendation "B" are to be in accordance with those charged for in an agreement prepared pursuant to the Encroachment By-law.
- D. THAT the Director of Legal Services be authorized to execute all documents and plans required.

- E. THAT the authorities granted in Recommendations "A", "B" "C" and "D" be subject to the Approving Officer granting approval of the application to convert the previously occupied building situated on Lot B to strata title ownership.

If Council approves this report the Formal Resolution to close portions of Homer Street and Hamilton Street will be before Council later this day for approval.

## COUNCIL POLICY

The authority for closing and disposing of street and lane is set out in the Vancouver Charter.

Permitting encroachments onto street and lane by listed heritage buildings is consistent with Council's past practice.

## PURPOSE

The purpose of this report is to obtain Council authority to grant easements to contain the encroaching elements of the building located at 1228 Homer Street.

## BACKGROUND

The subject site, Lot B of Lot 12 Block 76 District Lot 541 Plan 6488 ("Lot B") has a 1929 building, known as the Ellison Building (formerly 1226 Homer Street), listed in Category "C" of the Vancouver Heritage Registry. The site is subject to a Heritage Revitalization Agreement and a Heritage Designation By-law, registered on title respectively as BW269153 and BW270077, obliging the owner to preserve and restore the building exterior. The building is currently undergoing renovation (under DE408152) for a two storey addition and conversion from retail, office, and storage use to accommodate 27 residential units and ground floor retail. The owner has applied to the City for strata title conversion.

Portions of the building exterior are encroaching onto Homer Street and Hamilton Street.

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 the street that contain the encroachments must be closed, stopped-up, and an easement granted.

Recommendation A seeks to raise title to a portion of Homer Street. It will not be necessary to raise title to any portion of Hamilton Street since title already exists as Lot K, Except: (A) Part in Plan 4544, (B) Portions Coloured Yellow on Plan 4959, (C) Part in Explanatory Plan 17625, Block 76 District Lot 541 Plan 3469 ("Lot K"). Lot K was established as road in 1995 by document filed BJ374292 and contains a loading dock and related fixtures that will continue to be maintained by the Lot B owner under an Easement and Indemnity Agreement registered against the title of Lot B as BL301163.

## DISCUSSION

On the Homer Street side of Lot B a portion of the building consisting of the exterior wall, a third floor level cornice, and a roof level cornice encroach a maximum of 0.150 metres onto Homer Street.

On the Hamilton Street side of Lot B a portion of the building exterior wall consisting of an overhang encroaches a maximum of 0.2 metres onto Hamilton Street.

It is necessary to seek Council approval to close, stop-up and authorize registration of volumetric easements over the portions of Homer Street and Hamilton Street described above in Recommendation "B" .

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

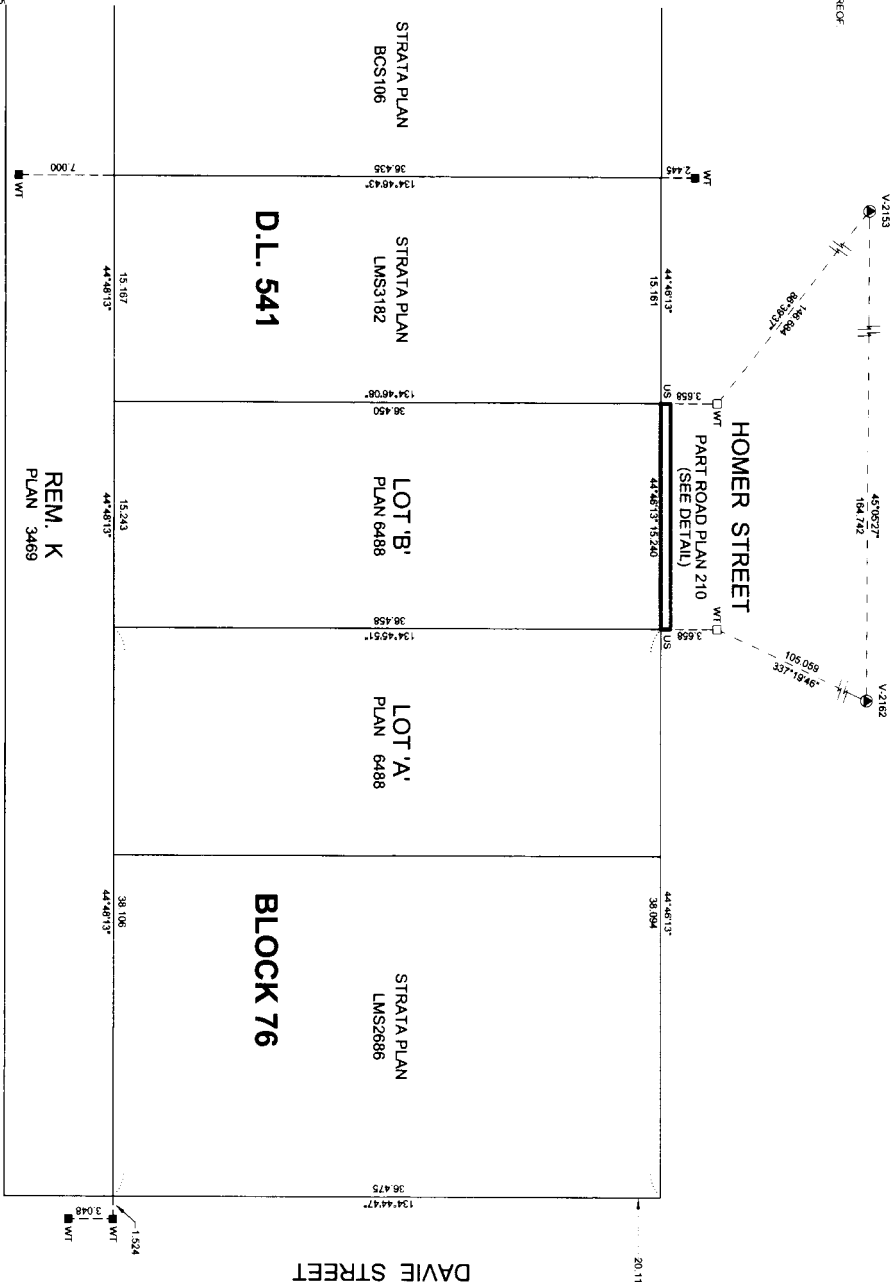
\* \* \* \* \*

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 210 ADJACENT TO PART OF LOT B OF LOT 12, BLOCK 76, DISTRICT LOT 541, NEW WESTMINSTER DISTRICT, PLAN 6488.

INTEGRATED SURVEY AREA No. 31, NAD 83 (C.S.R.S.) 2005  
 CITY OF VANCOUVER  
 B.C.G.S. 92G-025

SCALE 1:250

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.



**LEGEND**  
 (BOLD BEARINGS ARE DERIVED FROM OBSERVATIONS  
 WITHIN THE SURVEY AREA AND BEARINGS IN ITALICS  
 ARE DERIVED FROM THE INTEGRATED SURVEY AREA #31, NAD83 (C.S.R.S.) 2005  
 CITY OF VANCOUVER)

- - DENOTES LEAD-PLUG FOUND
- - DENOTES LEAD-PLUG PLACED
- - DENOTES CONTROL MONUMENT
- WT - DENOTES WITNESS
- US - DENOTES UNSUITABLE TO POST
- m<sup>2</sup> - DENOTES SQUARE METRES

THIS PLAN SHOWS HORIZONTAL GROUND LEVEL MEASURED  
 FROM THE MEAN SEA LEVEL DATUM OF 1984. ALL  
 COORDINATES WILL BE BY A COMBINED SCALE FACTOR OF  
 0.9996078

**BENNETT LAND SURVEYING LTD.**  
 601-229 FELL AVENUE  
 NORTH VANCOUVER, B.C.  
 V7P 3R5  
 PH: 604-980-4898  
 FX: 604-980-0538  
 www.bennettlandsurvey.com

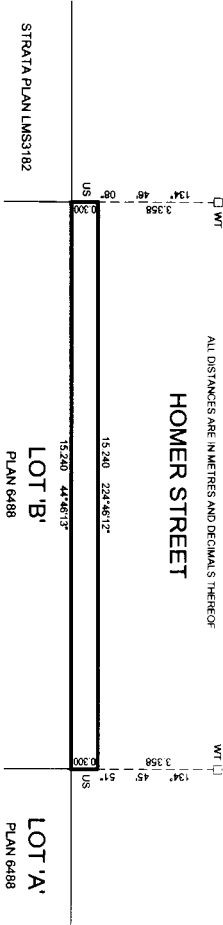
JULIA DIRECT COPY: W2200712927 - 1226 Hamlet (Elsau)  
 PROJECT: 12927 - Legal Purposes  
 DRAWING FILE: R12927 DWG (S1)

HAMILTON STREET

DETAIL

SCALE 1:100

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.



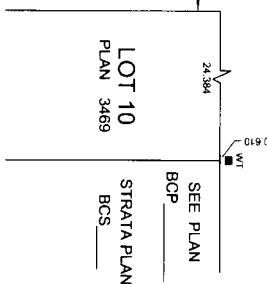
THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT

PLAN BCP

DEPOSITED AT THE LAND TITLE OFFICE AT NEW WESTMINSTER, B.C.

THIS DAY OF \_\_\_\_\_ 2007

REGISTRAR



OWNER  
 CITY OF VANCOUVER

AUTHORIZED SIGNATORY  
 (PRINT AND SIGN NAME)

AUTHORIZED SIGNATORY  
 (PRINT AND SIGN NAME)

WITNESSES TO BOTH SIGNATURES  
 (PRINT AND SIGN NAME)

OCCUPATION OF WITNESS

ADDRESS OF WITNESS

I, NEL BENNETT, A BRITISH COLUMBIA LAND SURVEYOR OF NORTH VANCOUVER, IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY AND THAT THE BEARINGS AND DISTANCES SHOWN ON THIS SURVEY PLAN ARE CORRECT. THE FIELD SURVEY WAS COMPLETED

ON THE 30th DAY OF MARCH, 2007  
 THE PLAN WAS COMPLETED AND CHECKED AND THE CHECKLIST FILED UNDER # ECP- 64882

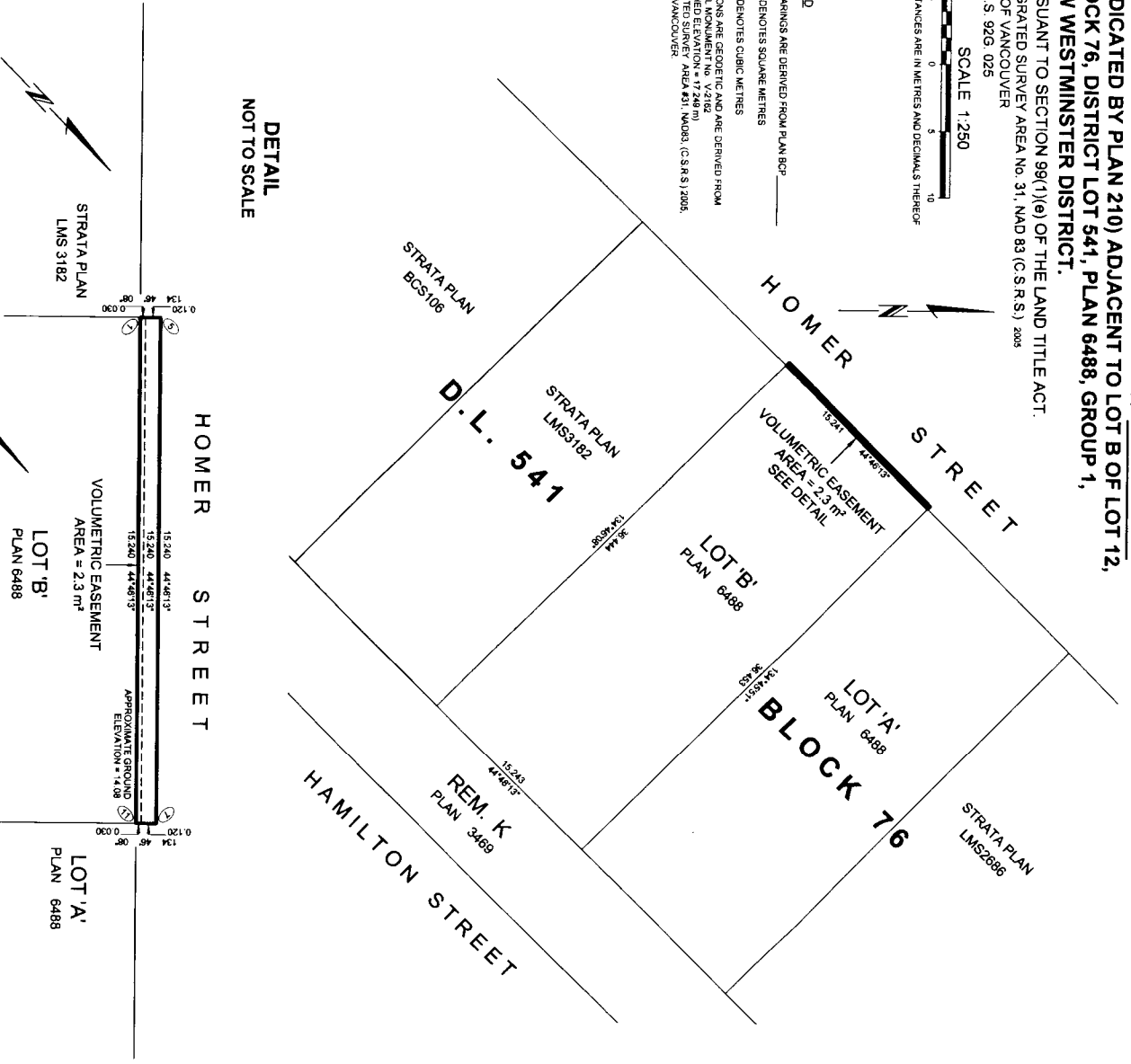
ON THE 27th DAY OF MAY, 2007

**EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER THAT PORTION OF ROAD INCLUDED IN PLAN BCP (DEDICATED BY PLAN 210) ADJACENT TO LOT B OF LOT 12, BLOCK 76, DISTRICT LOT 541, PLAN 6488, GROUP 1, NEW WESTMINSTER DISTRICT.**

PURSUANT TO SECTION 99(1)(e) OF THE LAND TITLE ACT, INTEGRATED SURVEY AREA No. 31, NAD 83 (C.S.R.S.) 2005 B.C.G.S. 92G.025

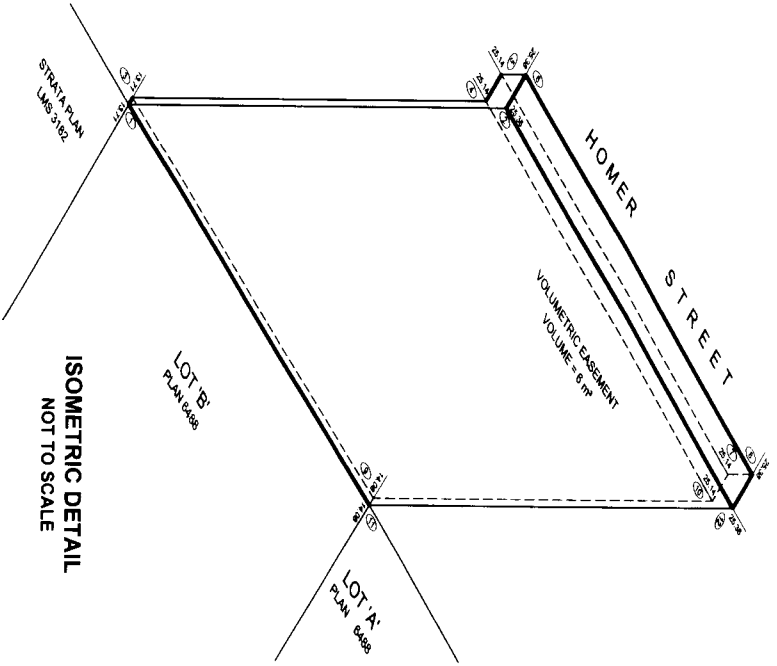


**LEGEND**  
GRID BEARINGS ARE DERIVED FROM PLAN BCP  
m<sup>2</sup> - DENOTES SQUARE METRES  
- DENOTES CUBIC METRES  
ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM THE INTEGRATED SURVEY AREA NO. 31, NAD 83 (C.S.R.S.) 2005, PUBLISHED ELEVATION = 17.246  
INTEGRATED SURVEY AREA 491, M.D.B.3 (C.S.R.S.) 2005, CITY OF VANCOUVER



**DETAIL NOT TO SCALE**

**ISOMETRIC VIEW**



VOLUMETRIC EASEMENT COORDINATES			
POINT #	NORTHING	EASTING	ELEVATION
1	4889.453	1082.889	13.71
2	4889.453	1082.889	25.38
3	4889.453	1082.889	13.71
4	4889.453	1082.889	25.38
5	4889.453	1082.889	13.71
6	4889.453	1082.889	25.38
7	4889.453	1082.889	13.71
8	4889.453	1082.889	25.38
9	4889.453	1082.889	13.71
10	4889.453	1082.889	25.38
11	4889.453	1082.889	13.71
12	4889.453	1082.889	25.38

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FAX: 604-980-4888  
www.bennettland.com

ACB DIRECTOR: (N2207)12927 - 1226 Homer (Elkton)  
PROJECT: 12927 - Legal Planning  
DRAWING FILE: E412927.dwg (SL)

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT

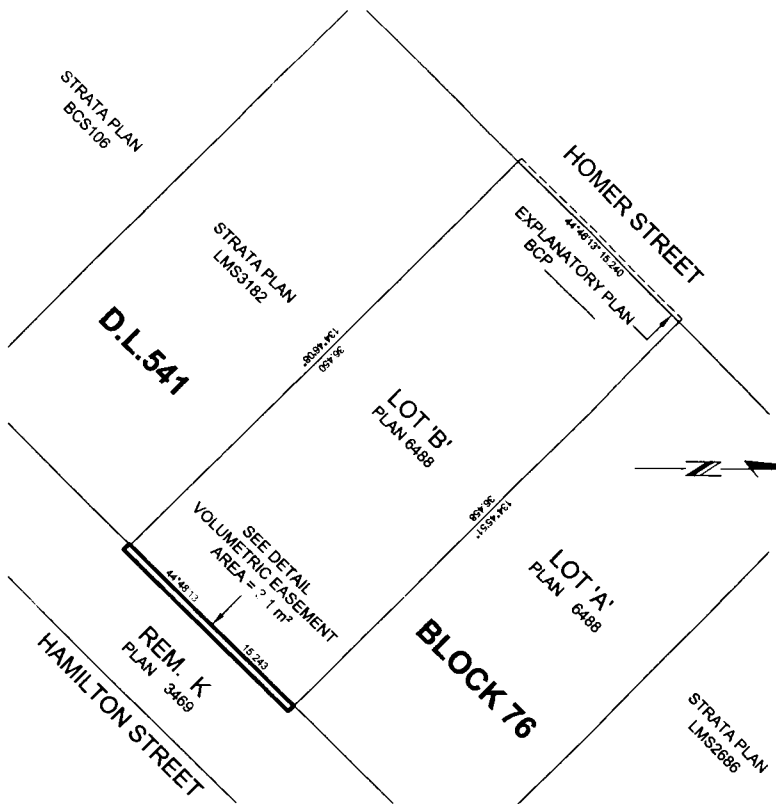
**PLAN BCP**  
DEPOSITED IN THE LAND TITLE OFFICE AT  
NEW WESTMINSTER, B.C.  
THIS DAY OF \_\_\_\_\_ 2007  
REGISTRAR

THIS PLAN WAS COMPLETED AND CHECKED AND  
THE CHECKLIST FILED UNDER # ECP 54826  
ON THE 22nd DAY OF MAY 2007  
AND IS CERTIFIED CORRECT IN ACCORDANCE WITH  
LAND TITLE OFFICE RECORDS  
*J. Neil Bennett*  
J NEIL BENNETT B.C.L.S.

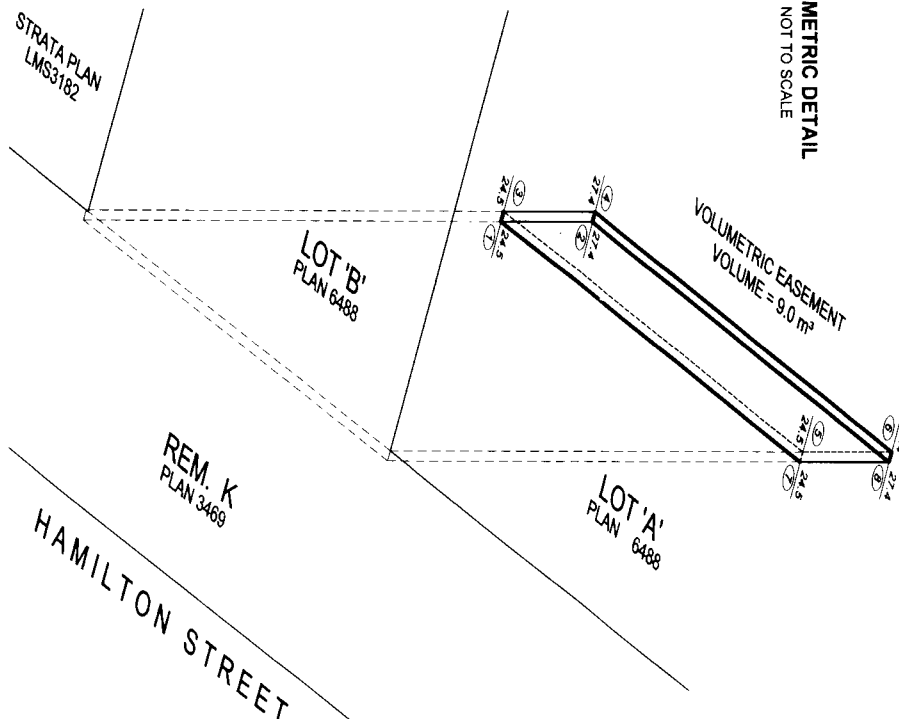
**EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER A PORTION OF LOT K, EXCEPT (A) PART IN PLAN 4544 (B) PORTIONS COLOURED YELLOW ON PLAN 4959 (C) PART IN EXPLANATORY PLAN 17265, BLOCK 76, DISTRICT LOT 541, PLAN 3469**

INTEGRATED SURVEY AREA No. 31, MAD 89 (C.S.R.S.)  
CITY OF VANCOUVER  
B.C.G.S. 923-025

SCALE 1:250



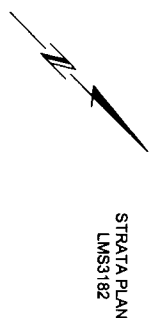
ISOMETRIC DETAIL  
NOT TO SCALE



VOLUMETRIC EASEMENT COORDINATES

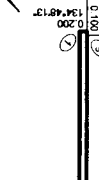
POINT #	NORTHING	EASTING	ELEVATION
1	4883.576	1084.514	27.40
2	4883.576	1084.514	27.40
3	4883.717	1084.372	24.50
4	4883.717	1084.372	27.40
5	4874.603	1089.184	24.50
6	4874.603	1089.184	27.40
7	4874.462	1089.325	24.50
8	4874.462	1089.325	27.40

DETAIL  
SCALE 1:100



VOLUMETRIC EASEMENT  
AREA = 3.1 m²

APPROXIMATE GROUND  
ELEVATION = 10.9 m



**LEGEND**  
GRID BEARINGS ARE DERIVED FROM PLAN BCP \_\_\_\_\_  
m² - DENOTES SQUARE METRES  
m³ - DENOTES CUBIC METRES  
ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM CONTROL MONUMENT No. V2182 (PUBLISHED ELEVATION = 17248 m)  
MAD 89 (C.S.R.S.) AREA 831 (MAD 89) (C.S.R.S.) 2008  
CITY OF VANCOUVER

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JOB DIRECTOR: NAN200612827-1228 Homer (Elliman)  
PROJECT: V12827-Volumetric  
DRAWING FILE: EX12827-3-F-Draw (DMS)

PLAN BCP \_\_\_\_\_  
DEPOSITED IN THE LAND TITLE OFFICE AT  
NEW WESTMINSTER B.C.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2007  
REGISTRAR

THIS PLAN WAS COMPLETED AND CHECKED, AND  
THE DRAWINGS FILED UNDER REG. NO. \_\_\_\_\_  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2007  
AND IS CERTIFIED CORRECT IN ACCORDANCE WITH  
LAND TITLE OFFICE RECORDS  
*[Signature]*  
J. NEIL BENNETT, B.C.L.S.

THIS PLAN LIES WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT