



ADMINISTRATIVE REPORT

Report Date: November 9, 2010
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Meeting Date: November 30, 2010

TO: Vancouver City Council
FROM: Managing Director of Social Development
SUBJECT: Housing Agreement for 1190 West 6th Avenue

RECOMMENDATION

- A. THAT Council approve entering into a Housing Agreement and Land Title Act Section 219 Covenant with the owner of 1190 West 6th venue, to secure four (4) units, as rental, for the life of the building, as summarized in this report and subject to the satisfaction of the Managing Director of Social Development, but that no legal rights or obligations be created or will arise until the housing agreement as authorized by by-law and Section 219 covenant are signed and registered.
- B. THAT the Director of Legal Services be instructed to bring forward a by-law to enter into the Housing Agreement.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of A and B.

COUNCIL POLICY

On May 15, 2007, Council adopted revised policies and regulations pertaining to the protection of rental housing in existing FM and RM apartment areas and areas of the city zoned CD-1. These regulations require that the owner of a property replace, on a one-for-one basis, existing rental housing, where a development of 6 or more units is proposed.

On October 28, 2008, Council approved recommendations related to the report entitled "Rental Housing Strategy: Process and Consultancies".

SUMMARY

The application for 1190 West 6th Avenue involves a proposal to develop 12 units, including 4 rental units to replace the 4 rental units existing on the site. The site is located in the FM-1 apartment area, and consequently is subject to the Rate of Change (ROC) regulations and policies adopted by Council in 2007. The proposed development is required to provide 4 rental units as part of the redevelopment of the site. The applicant has agreed with this requirement.

PURPOSE

The report seeks Council authority to enter into a Housing Agreement and a Land Title Act Section 219 Covenant to maintain and preserve 4 rental units at 1190 West 6th Avenue.

BACKGROUND

The owner of 1190 West 6th Avenue applied for Development Permit DE 413078 to construct a multiple dwelling containing twelve (12) dwelling units. The existing building contains 4 rental units.

The development permit has been approved, subject to a number of conditions, in particular, That:

- Arrangements shall be made to the satisfaction of the Director of Planning, The Director Legal Services and the Director of the Housing Centre, for the securing of four replacement rental units (which are Rate of Change replacement units on this site), for a housing agreement to be approved by Council, and registered in the Land Titles Office.
- Arrangement shall be made to the satisfaction of the Director of Planning, The Director Legal Services and the Director of the Housing Centre, for a restrictive covenant guaranteeing that the dwelling units will be rental or non-market, or written confirmation is to be submitted demonstrating that this development is funded by Canada Mortgage and Housing Corporation, or BC Housing and Management Commission.

The approval in principal was issued in November 5, 2009.

DISCUSSION

Section 565.2 of the Vancouver Charter provides that Council may, by by-law, enter into a Housing Agreement that will provide for the use of these units as rental accommodation.

Terms of the Housing Agreement are:

- four (4) units are to be restricted to rental for the life of the building; and
- The strata corporation may not prohibit or restrict the rental of the four rental strata lots.

Terms of the Land Title Act Section 219 Covenant are:

- none of the 4 rental strata lots can be separately sold or transferred; and
- none of the 4 rental strata lots can be consolidated with each other.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The proposed Housing Agreement and Section 219 Covenant present the opportunity to secure four (4) rental units for the life of the building. This is consistent with Council's objective under the rate of change regulations to provide for the replacement of existing rental, while the rental study is underway.

It is recommended that Council approve the Housing Agreement and Land Title Act Section 219 Covenant in principle and instruct the Director of Legal Services to bring forward a by-law to enter into the Housing Agreement.

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