

**EXPLANATION****Authorization to modify an existing housing agreement  
re 1803 Francis Street**

On January 18, 2011, Council approved a modification of the Housing Agreement with the owner of 1803 Francis Street to redesignate the Housing Agreement and 219 covenant from Strata Lot 6 to Strata Lot 3, and instructed that the previously approved housing agreement be amended accordingly. Enactment of the attached amending by-law will implement that resolution, and authorize Council to enter into an amended housing agreement with the land owner.

Director of Legal Services  
February 15, 2011

1803 Francis Street



BY-LAW NO. \_\_\_\_\_

**A By-law to amend Housing Agreement By-law No. 9794  
for 1803 Frances Street**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. After section 1, Council adds:

“2. Council authorizes the City to amend the housing agreement authorized by Housing Agreement By-law 9794, in substantially the form and substance of the amended housing agreement attached to this By-law, and also authorizes the Director of Legal Services to execute the amended agreement on behalf of the City and to deliver it to the owner on such terms and conditions as the Director of Legal Services deems fit.”

2. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

AMENDMENT OF HOUSING AGREEMENT BB1043747  
576 Salisbury Drive

THIS AMENDMENT AGREEMENT dated for reference the \_\_\_\_ day of \_\_\_\_\_, 2011

AMONG:

**CAROL'S ENTERPRISES LTD.**  
(Incorporation No. 812186)  
2557 East 46<sup>th</sup> Avenue  
Vancouver, British Columbia  
V5S 1A1

(the "Owner")

OF THE FIRST PART

**THE OWNERS, STRATA PLAN EPS236**  
550 Salisbury Drive  
Vancouver, British Columbia  
V5L 3Z7

(the "Strata Corporation")

OF THE SECOND PART

AND:

**CITY OF VANCOUVER,**  
453 West 12th Avenue,  
Vancouver, British Columbia  
V5Y 1V4

(the "City")

OF THE THIRD PART

WHEREAS:

- A. The Owner is the registered owner of all and singular that certain parcel or tract of land and premises situate in the City of Vancouver, in the Province of British Columbia, legally described as:

City of Vancouver  
Parcel Identifier: 028-285-972  
Strata Lot 3 District Lot 183 Group 1 New Westminster District Strata Plan  
EPS236,

("Strata Lot 3");

- B. Strata Plan EPS236 is within the City's RM-4 zoning district.

- C. The RM-4 zoning requires that when rental units are replaced by a building having six or more dwelling units, the replacement building must have as many rental units as were demolished to make way for the new building. Thus, by Development Application DE411420, the Strata Plan EPS236 building is required to have one rental unit.
- D. The required rental unit is secured by the housing agreement notice of which is registered under BB1043747 (the "Housing Agreement"). Notice of the Housing Agreement is noted on the title to Strata Lot 6 of Strata Plan EPS236 ("Strata Lot 6"). Notice of the Housing Agreement is also noted on the Common Property sheet of Strata Plan EPS236.
- E. Strata Lot 3 is smaller than Strata Lot 6 making Strata Lot 3 more affordable. The Owner wishes to amend the Housing Agreement so that it applies to Strata Lot 3 and not to Strata Lot 6 because it will be easier to rent the more affordable strata lot.
- F. By resolution of its council made at its meeting January 18, 2011, the City has agreed to amend the Housing Agreement so that it applies to Strata Lot 3 and not to Strata Lot 6.

NOW THEREFORE THIS AGREEMENT WITNESSES that as a condition of development application DE411420 and as required by the Zoning and Development By-law and in consideration of the sum of Ten (\$10.00) now paid by each party to the other parties and for other good and valuable consideration (the receipt and sufficiency of which each party hereby acknowledges) the Owner, the Strata Corporation and the City covenant, promise and agree each with the other pursuant to Section 565.2 of the *Vancouver Charter* that the Housing Agreement is hereby amended as follows:

1. The Housing Agreement hereby applies to Strata Lot 3 and not to Strata Lot 6 and accordingly the Housing Agreement shall now be read and apply as set out herein.
2. Strata Lot 3 shall be occupied only by tenants pursuant to an arm's length tenancy agreement.
3. Upon request, the Owner shall provide the City with a true copy of the current tenancy agreement and the complete identities of all tenants and occupants of Strata Lot 3.
4. Upon request, all occupants of Strata Lot 3 shall satisfactorily identify themselves to the City.
5. The Strata Corporation agrees that:
  - (a) as hereby amended, the Housing Agreement is binding on it,
  - (b) it shall not enact any by-laws which prohibit, restrict or limit the rental of Strata Lot 3;
  - (c) any of its by-laws which prohibit, restrict or limit the rental of strata lots shall not apply to Strata Lot 3 and no such by-law shall be enforced in respect of Strata Lot 3;

- (d) it shall not consent to the removal of any Strata Lot 3 wall or part thereof which is a common boundary with adjoining strata lots; and
- (e) it shall not consent to the subdivision of Strata Lot 3 or its consolidation with another strata lot; and
- (f) it shall not grant any rights to third parties in respect of limited common property serving Strata Lot 3.

6. This agreement may be enforced by mandatory and prohibitory orders of the court.

7. In any action to enforce this agreement the City shall be entitled to court costs on a solicitor and own client basis.

8. In any action to enforce this agreement the City may seek punitive damages.

9. At the Owner's expense the City shall release notice of Housing Agreement BB1043747 from the title to Strata Lots 1, 2, 4, 5 and 6 of Strata Plan EPS236.

10. Whenever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic and vice versa where the context or the parties require.

11. This Agreement shall enure to the benefit of and be binding upon the Owner and the Strata Corporation and their successors, trustees and assigns and all parties claiming through them and this Agreement shall enure to the benefit of and be binding upon the City and its successors and assigns and this Agreement shall charge and run with Strata Lot 3 and enure to the benefit of and be binding upon the owners from time to time of Strata Lot 3 and all parties claiming through such owners and their respective heirs, executors, administrators, trustees and successors and this agreement shall charge and run with the Common Property of Strata Plan EPS236.

IN WITNESS WHEREOF the Owner and the Strata Corporation have caused their authorized signatories to sign and date this agreement as set out hereunder and the City has caused its authorized signatory to sign and date this agreement as set out hereunder.

Execution Date

Y M D

Officer:

Party:

**CAROL'S ENTERPRISES LTD.** by its authorized signatories:

\_\_\_\_\_  
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\_\_\_\_\_  
Sign and Print Name:

\_\_\_\_\_  
Sign and Print Name:

**THE OWNERS, STRATA CORPORATION EPS236** by its authorized signatories:

\_\_\_\_\_  
11

\_\_\_\_\_  
Sign and Print Name:

\_\_\_\_\_  
Sign and Print Name:

**CITY OF VANCOUVER** by its Authorized Signatory:

\_\_\_\_\_  
11

Joe Stubbs, Solicitor  
City of Vancouver  
453 West 12th Avenue  
Vancouver, B.C., V5Y 1V4  
604-873-7504

\_\_\_\_\_

Approved by By-law No. \_\_\_\_\_

*Strata Property Act*

Form E

[am. B.C. Reg. 289/2000, s. 3.]

**CERTIFICATE OF STRATA CORPORATION**

(Sections 78, 79, 80, 100, 214, 257, 259, 261, 262, 263, 266, 269, 274, 283 of the Act and sections 17.20 to 17.22 of the Regulation)

**CERTIFICATE FOR SECTION 78, 79, 80, 214, 257, 259, 261, 262, 263 OR 266 OF THE ACT OR SECTION 17.20 OF THE REGULATION**

The Owners, Strata Plan EPS 236 certify that a resolution referred to in section 80 of the Strata Property Act was passed by a 3/4 vote at a special general meeting held on ....., and that the attached instrument, schedule, plan or other document conforms to the resolution.

**For the purposes of section 165(4)(f) of the Land Title Act, execution of the attached instrument has been approved by a resolution at a special general meeting in accordance with the requirements of the Strata Property Act or the Strata Property Regulation, and the instrument conforms to the resolution.**

.....  
Signature of Council Member

.....  
Signature of Second Council Member

EXPLANATION

Street Name By-law No. 4054  
re Pierview Crescent and Riverwalk Avenue

Enactment of the attached by-law will implement Council's resolution of February 1, 2011 to name the streets as set out in the attached by-law.

Director of Legal Services  
February 15, 2011





BY-LAW NO. \_\_\_\_\_

**A By-law to amend Street Name By-law No. 4054  
regarding Pierview Crescent and Riverwalk Avenue**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Council amends By-law No. 4054 by:
  - (a) assigning the name "Pierview Crescent" to that portion of street outlined in black on the plan marginally numbered LF 11922 attached to and forming part of this By-law;
  - (b) assigning the name "Riverwalk Avenue" to that portion of street outlined in black on the plan marginally numbered LF 11922 attached to and forming part of this By-law; and
  - (c) adding to the "Official Street Name Map of the City of Vancouver", which is the plan marginally numbered L325 attached to and forming part of By-law No. 4054, "Pierview Crescent" and "Riverwalk Avenue" located as shown on the plan marginally numbered LF 11922.
2. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2011

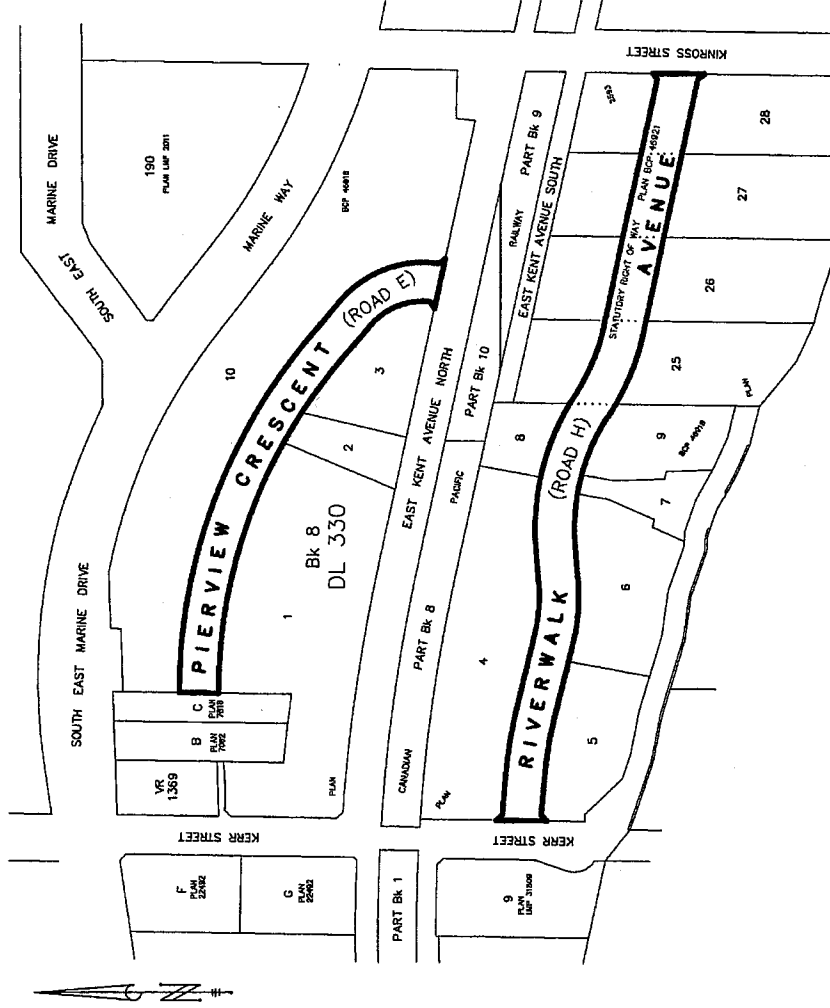
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

LF 11922

**PLAN TO ACCOMPANY A BY-LAW TO  
AMEND STREET NAME BY-LAW NO. 4054**

NOT TO SCALE



ENGINEERING SERVICES  
JANUARY 14, 2011

DMK, MAP V-25

LF 11922