



## COUNCIL REPORT

Report Date: March 17, 2025  
Contact: Michelle Au  
Contact No.: 604.871.6702  
RTS No.: 17758  
VanRIMS No.: 08-2000-20  
Meeting Date: April 1, 2025  
[Submit comments to Council](#)

TO: Vancouver City Council  
FROM: Subdivision Approving Officer  
SUBJECT: Strata Title Conversion of 4288 Yew Street

### Recommendations

- A. THAT Council approve in principle the application to convert to strata title ownership the previously occupied market rental residential building at 4288 Yew Street (Air Space Parcel 2, District Lot 526, Group 1 New Westminster District, Air Space Plan EPP108856), provided that the Application to Deposit Plan form for the deposit of the strata plan (the "**Strata Plan**") to effect the strata title conversion, shall not be signed unless the following condition is met within one year of the date of this approval:
- Submission of a Vancouver Building By-law code report and completion of any required permits and inspections required by the Chief Building Official, at no cost to the City, indicating that the previously occupied building complies with all relevant by-laws; and
  - Registration of the Housing Agreement at the Land Title Office on title to ASP 2, if approved by the Housing Agreement By-law referred to in Recommendation B.
- B. THAT the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, and if such Housing Agreement By-law is subsequently enacted, registration of such Housing Agreement at the Land Title Office to ensure that the rental tenure of ASP 2 will continue for the remaining Term of BC Housing Covenant.

## **Purpose and Executive Summary**

Pursuant to the Strata Property Act, Council approval is required for an application to convert to strata title ownership the previously occupied rental building noted above. A total of 170 strata lots are proposed in this “Block B - South” building of this mixed-use development.

## **Council Authority/Previous Decisions**

The City's Strata Title and Cooperative Conversion Guidelines outlines factors which Council will consider in reviewing applications for converting previously occupied buildings to strata title ownership. Council has delegated authority to approve certain conversion applications to the Approving Officer, but Council approval is required for all residential buildings containing six dwelling units or more.

## **City Manager's Comments**

The City Manager concurs with the foregoing recommendations.

## **Context and Background**

This site was rezoned as CD-1 (642) and developed under Phase 1 of the Arbutus Mall redevelopment. 4188 Yew St (Block A) was approved under Development Permit DE418990, issued July 27, 2017, and subsequent minor amendment Development Permits DP-2018-00665 and DP-2020-00143.

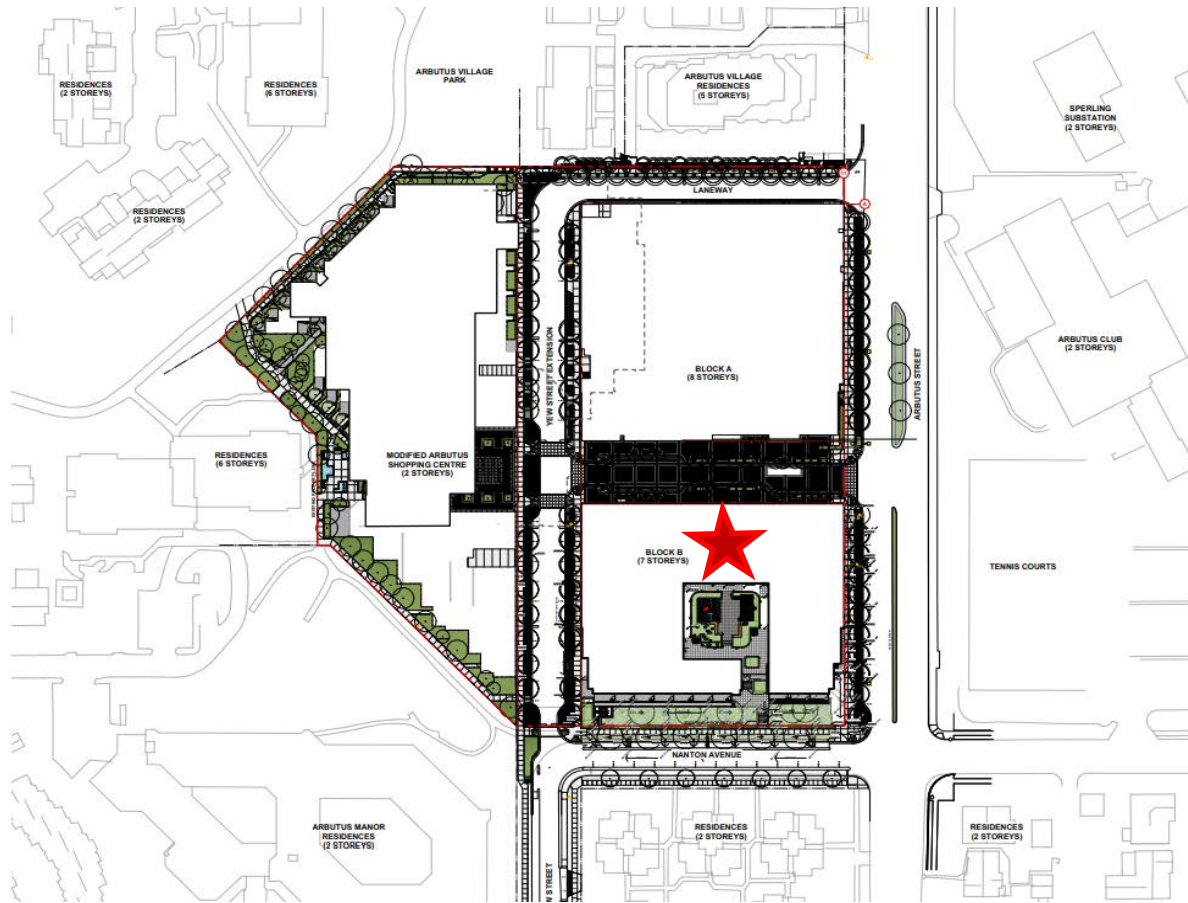
4288 Yew St (Block B) was approved under Development Permit DP-2016-00333, issued on December 5, 2017, for a 7-storey mixed use building, with commercial uses at grade and 170 dwelling units over 2 levels of underground parking.

At 4288 Yew St (Block B), in lieu of obtaining BC Housing Home Warranty Insurance on the new development, the Owner opted for a 10-year BC Housing rental restriction covenant (registered at the Land Title Office under registration no. CA5787111) to be registered on title. If the Owner obtains home warranty coverage as required under the Homeowners Protection Act Regulation and submits payment of the reconstruction fee under the Act to BC Housing, the covenant could be discharged anytime.

The development was completed and the occupancy permit was issued on August 27, 2021.

In 2021, the site was subdivided by way of Air Space Plan EPP108856 into 3 Airspace Parcels (ASP 1-3) and a Remainder (Rem 1):

- ASP 1 (PID 031485065) = Secured Market Rental (Block A)
- ASP 2 (PID 031485073) = Market Housing (Block B)
- ASP 3 (PID 031485081) = Non-Market Housing (owned and operated by the City)
- Rem 1 (PID 029960835) = Commercial Units



The dwelling units within ASP 1 and ASP 3 are secured rental dwelling units and are subject to separate registered Housing Agreements.

The Owner always intended for ASP 2 to be strata titled upon completion of construction, but individual sale of units (strata lots) would not have been permitted until the rental restriction covenant had expired or been discharged.

Strata plans for new developments that have not yet been occupied can be registered directly at the Land Title Office without requiring approvals from City Council or the Approving Officer. However, even though strata plan had been prepared for ASP 2, they were not registered in the Land Title Office within 180 days of the certification of the Strata Plan, as required by the Strata Property Act.

As ASP 2 is now occupied by rental tenants, it is a “previously occupied building” and Section 242 of the Strata Property Act now applies, requiring approval by the Municipal Council for converting a previously occupied building to strata title ownership. Primarily, this is to ensure that buildings converted to strata title substantially comply with applicable City by-laws, and particularly the Building By-law. The submission of a Vancouver Building By-law code report and completion of any required permits and inspections required by the Chief Building Official will fulfill the relevant requirements of Section 242.

The Owner is now fulfilling their original intention to stratify the Market Housing contained in ASP 2.

## Discussion

City staff acknowledge the Owner's intention was always to stratify ASP 2 and that prior to the stale dating of the strata plan, there was no requirement for a Housing Agreement on ASP 2; however, now that it is a strata conversion of a previously occupied building, the process cannot simply proceed based on the Owner's prior intentions, without the City taking into account the requirements of the Strata Property Act and giving due consideration to the Strata Title and Cooperative Conversion Guidelines (the "**Guidelines**").

The owner has indicated that they do not plan to sell the strata units at this time and all units are currently occupied by tenants.

As part of the process outlined in the Council-adopted Strata Title and Cooperative Conversion Guidelines, staff would normally advise tenants in rental buildings of the intent to convert a building to strata title ownership, to provide information to tenants such as prospective sale prices.

While notification is a valuable and crucial component in fostering transparency and engagement, after careful review of the circumstances and the outcomes of the proposal, it has been determined that the notification of tenants would not have altered the recommendation outcome, which secures the renters by placing a rental covenant to match the remaining term of the BC Housing Covenant that could otherwise be discharged anytime. Following the expiry of the Term, the Owner could continue to own or sell the individual strata lots.

Upon review in conjunction with the Housing Policy Team, City staff are prepared to forego aspects of the Guidelines. This approach gives consideration to the interests of the tenants in ASP 2, as described in the Guidelines and Section 242 of the Strata Property Act. Accordingly, City staff are recommending that a Housing Agreement be registered on title to ASP 2, prior to and as a condition of the signing of the Application to Deposit Plan, to secure the tenure of the residential units as rental and prohibit the sale of individual stratified units for the remainder of the remaining term (the "**Term**") of the BC Housing Covenant, which expires on or about April 26, 2031, being a period of ten (10) years after the occupancy permit was issued for ASP 2.

City staff have determined that a Housing Agreement will:

- (a) sufficiently provide for those tenants' interests in the situation where the Owner is not required to notify its tenants of the strata conversion or to obtain the consent from two-thirds of the tenants; and
- (b) be aligned with the Owner's intent to use ASP 2 as rental for the remaining Term of the BC Housing Covenant.

As previously mentioned, while the Owner has expressed its intent to maintain the use of ASP 2 as rental for the remaining Term of the BC Housing Covenant, that use can be changed upon provision of New Home Warranty Coverage and a discharge of the BC Housing Covenant. Accordingly, the Housing Agreement provides a direct covenant to the City by the Owner that secures the use of ASP 2 as rental for the remaining term of the BC Housing Covenant, a factor that is critical in City staff's consideration in forgoing those requirements in the Guidelines.

The Housing Agreement will be to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services and will include a Section 219

Covenant that will secure all residential units in ASP 2 as secured rental housing units, for a term equal to the remaining Term of the BC Housing Covenant and on such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may require, including a no separate sales covenant, a provision that none of such units will be rented for less than 90 consecutive days at a time and a provision that all residential units be secured as rental for a term equal to the remaining Term of the BC Housing Covenant.

As described in the Recommendations, when the Housing Agreement is settled, the Director of Legal Services will prepare the necessary Housing Agreement By-law for enactment pursuant to Section 565.2 of the Vancouver Charter; and if such Housing By-law is enacted, the Owner will register the Housing Agreement and Section 219 Covenant on title to ASP 2 at the Land Title Office.

**Financial Implications**

There are no financial implications associated with this report’s recommendations.

**Legal Implications**

There are no legal implications associated with this report’s recommendations.

**Conclusion**

On the basis that the strata titling of the Market Housing was always contemplated, and that there will be no immediate impacts on tenants in these buildings, the Subdivision Approving Officer recommends approval of this application.

\* \* \* \* \*