



## ADMINISTRATIVE REPORT

Report Date: January 8, 2010  
Contact: Al Zacharias  
Contact No.: 604.873.7214  
RTS No.: 08541  
VanRIMS No.: 08-2000-20  
Meeting Date: February 2, 2010

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: Proposed Closure of a Portion of Princess Avenue Adjacent to 595 East Georgia 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 the portion of Princess Avenue that contains the encroachments by the existing building at 595 East Georgia Street (the "Road"), the said portion being shown on a reduced copy of a Reference Plan attached hereto as Appendix "A".
- B. THAT all that volumetric portion of Road included within the heavy outline and illustrated isometrically on a plan of survey, a reduced copy of which is attached as Appendix "B", be closed, stopped-up and that an easement be granted to the owner of abutting Parcel S Block 85 District Lot 196 Group 1 New Westminster District Plan BCP36117 ("Parcel S") to contain the portions of the existing building which encroach onto the Road. The easement is to be for the life of the encroaching portions of the existing building on Parcel S and to be to the satisfaction of the Director of Legal Services.
- C. THAT fees for the document preparation, registration and use of the easement referred to in Recommendation "B" are to be in accordance with those charged for 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 Parcel S to strata title ownership.

If Council approves this report, the Formal Resolution to close the portion of Road will be before Council later this day for approval.

### ***COUNCIL POLICY***

The authority for closing and disposing of streets and lanes is set out in the Vancouver Charter.

### ***PURPOSE***

The purpose of this report is to obtain Council authority to close and stop-up the portion of Road and to grant an easement to contain encroaching elements of the building located at 595 East Georgia Street.

### ***BACKGROUND***

The subject site (Parcel S) contains a former schoolhouse building ("St. Francis Xavier School"), originally constructed in 1940, which has undergone interior and exterior alterations and a change of use under Development Permit No. DE411484 to contain five (5) dwelling units.

The owner has applied to the City for conversion of the previously occupied building to strata title ownership, and portions of the exterior of the building are encroaching onto Princess Avenue. As such, the Registrar of Land Titles has taken the position that to satisfy the provisions of the Strata Property Act, the strata corporation must establish control over the portion of street affected by the building encroachments for the life of the building. To accomplish this, the volumetric portion of street containing the encroachments must be closed, stopped-up and an easement granted for the volumetric portion of the building that encroaches. It is also necessary to raise title for the portion of Road that is encroached upon.

The Road was dedicated by the deposit of Plan 196 (circa 1885).

### ***DISCUSSION***

The retention of the building and its approved use are consistent with the Strathcona/Kiwassa RT-3 Guidelines. The building has been relocated as far westward as possible, while still ensuring compliance with the fire and spatial separation requirements of the Building By-law relative to the westerly building wall. However, on the Princess Avenue side of Parcel S, portions of the building consisting of the roof eave, gutter and fascia boards encroach to a maximum extent of 0.5 metres onto Princess Avenue.

It is therefore necessary to seek Council authority to close, stop-up and authorize registration of a volumetric easement over the portion of Road described in Recommendation "B". Recommendation "A" seeks authority to raise title to the encroached upon portion of Road.

We are recommending that fees be charged in accordance with the Encroachment By-law, which is consistent with past Council direction.

### ***FINANCIAL IMPLICATIONS***

There are no financial implications.

*CONCLUSION*

The General Manager of Engineering Services recommends approval of the Recommendations contained in this report.

\* \* \* \* \*

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 196 ADJACENT TO PARCEL S BLOCK 85 DISTRICT LOT 196 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP36117

PLAN BCP

REF. No.

DEPOSITED IN THE LAND TITLE OFFICE AT NEW WESTMINSTER, B.C. THIS \_\_\_\_ DAY OF \_\_\_\_ 20\_\_

BCGS 92G.025

REGISTRAR

LANE

DL 196  
BLOCK 85

PCL 'S'  
PLAN BCP36117

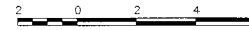
PRINCESS AVENUE

AREA= 12.7 m<sup>2</sup>



LEGEND

SCALE 1:125



ALL DISTANCES ARE IN METRES

INTEGRATED SURVEY AREA NO. 31, CITY OF VANCOUVER, NADB3 (CSRS). GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS V-693 AND V-694.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY COMBINED FACTOR 0.999601.

- ▲ INDICATES CONTROL MONUMENT FOUND
- INDICATES STANDARD IRON POST FOUND
- INDICATES STANDARD IRON POST PLACED
- INDICATES LEAD PLUG FOUND
- INDICATES LEAD PLUG PLACED
- m<sup>2</sup> INDICATES SQUARE METRES

WITNESS OR OFFSET POSTS ARE ON PROPERTY LINE PRODUCTION UNLESS NOTED OTHERWISE

THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 560mm IN HEIGHT (C-SIZE) WHEN PLOTTED AT A SCALE OF 1:125

OWNER:  
CITY OF VANCOUVER

AUTHORIZED SIGNATORY

AUTHORIZED SIGNATORY

WITNESS AS TO BOTH SIGNATURES

OCCUPATION OF WITNESS

ADDRESS OF WITNESS

BOOK OF REFERENCE

DESCRIPTION	AREA
AREA OF PORTION OF ROAD	12.7 m <sup>2</sup>

MATSON PECK & TOPLISS  
SURVEYORS & ENGINEERS

#322 11100 HUNTERSHOE WAY  
RICHMOND, B.C.  
V7A 5H7  
PH: 604.270.9137  
FAX: 604.270.4137  
CADFILE: 15492-REF-REF-002.DWG

I, WILLIAM P. WONG, A BRITISH COLUMBIA LAND SURVEYOR, OF THE CITY OF BURNABY, 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 9TH DAY OF DECEMBER, 2009.

THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER #105247 ON THE 24TH DAY OF DECEMBER, 2009.

*W.P. Wong*

S.C.L.S. (#697)

EXPLANATORY PLAN OF VOLUMETRIC EASEMENT OVER A PORTION OF ROAD INCLUDED IN REFERENCE PLAN BCP \_\_\_\_\_ DEDICATED BY DEPOSIT OF PLAN 196 ADJACENT TO PARCEL S BLOCK 85 DISTRICT LOT 196 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP36117

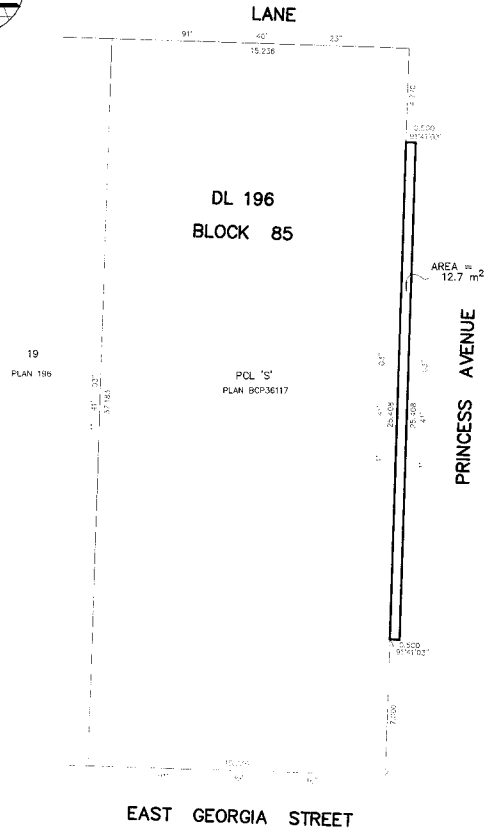
BCGS 926.025

PLAN BCP

REF. No. \_\_\_\_\_

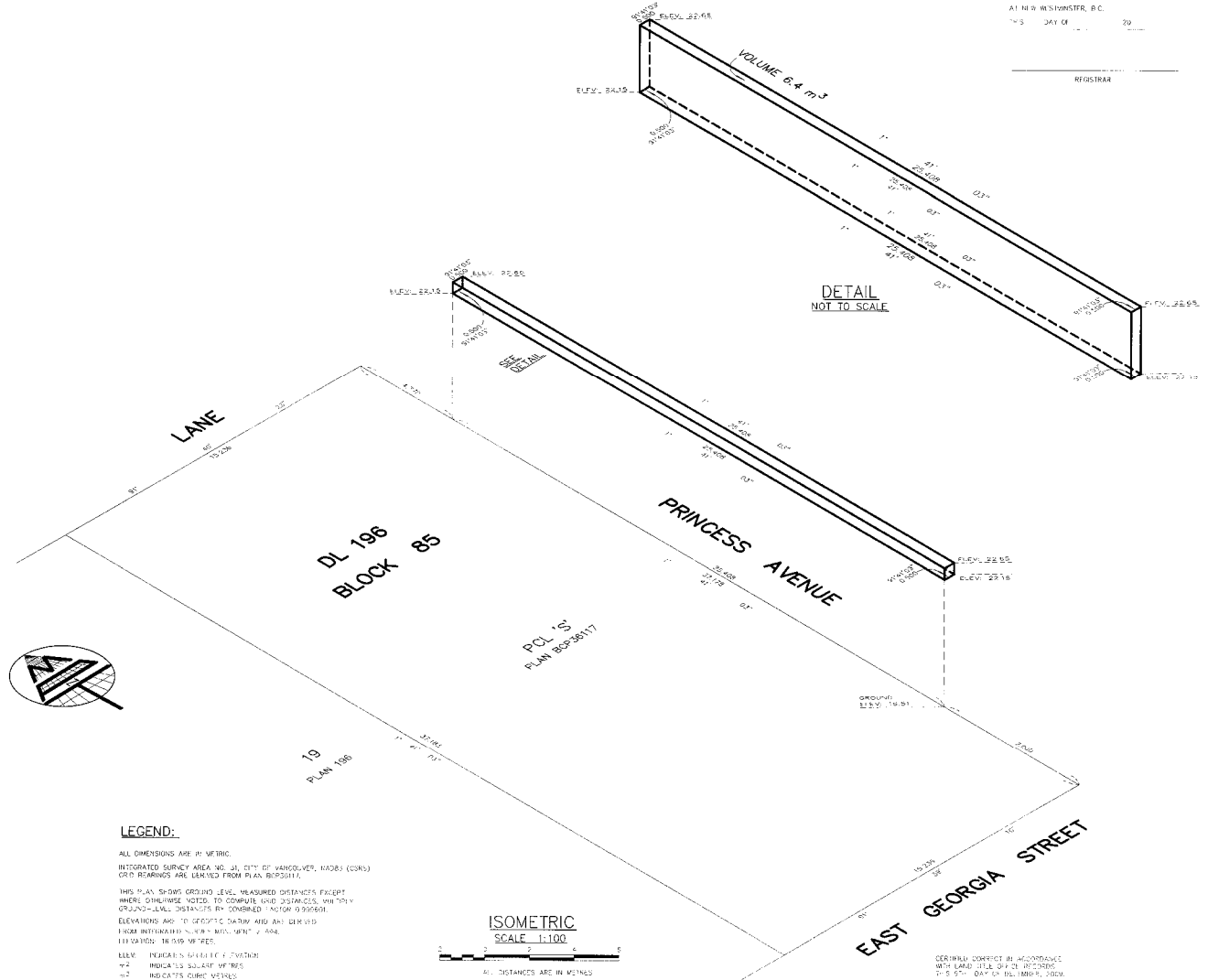
DEPOSITED IN THE LAND TITLE OFFICE AT NEW WESTMINSTER, B.C. THIS DAY OF \_\_\_\_\_ 20\_\_

REGISTRAR



MATSON PECK & TOPLISS  
SURVEYORS & ENGINEERS  
450 - 1150 - 1500 200  
RENEWAL 11/1/2014  
11/1/2014  
11/1/2014

V-09-15482-EASE



**LEGEND:**  
ALL DIMENSIONS ARE IN METRIC  
INTEGRATED SURVEY AREA NO. 31, CITY OF VANCOUVER, HA283 (CURS)  
GRID BEARINGS ARE DERIVED FROM PLAN BCP36117  
THIS PLAN SHOWS GROUND LEVEL MEASURED DISTANCES EXCEPT WHERE OTHERWISE NOTED TO COMPUTE LAND DISTANCES, WHICH ARE GROUND-HORIZONTAL DISTANCES BY COMBINED FACTOR OF GROUND ELEVATIONS AND TO GEODETIC DATA AND ARE DERIVED FROM INTEGRATED SURVEY MEASUREMENT DATA  
ELEVATION: IN METERS  
EEM: INDICATES ELEVATION OF EASEMENT  
+2: INDICATES SQUARE METERS  
+3: INDICATES CUBIC METERS  
UNLESS SHOWN OTHERWISE, THE ELEVATIONS OF THE VOLUMETRIC EASEMENT SURFACES ARE DERIVED BY HORIZONTAL AND VERTICAL PLANES  
ELEVATIONS SHOWN IN THIS PLAN IS MEASURED TO THE TOP OF THE ROAD WHEN INDICATED AT OR NEAR F INDICATED

ISOMETRIC  
SCALE 1:100  
ALL DISTANCES ARE IN METERS

GROUND LEVEL DERIVED BY INTERPOLATING WITH LAND TITLE OFFICE RECORDS TO 5 974 DAY OF BELLEVILLE, 2008  
THIS PLAN WAS COMPLETED AND CHECKED AND THE CIRCULAR PLAN SEAL IS APPROVED BY THE REGISTRAR OF LAND TITLE OFFICE, VANCOUVER, 2008

*W.P. Long*  
REGISTRAR

SEE PLAN 196 WITHIN THE GREATER VANCOUVER REGIONAL DISTRICT