



Supports Item No. 8  
CS&B Committee Agenda  
June 10, 2010

ADMINISTRATIVE REPORT

Report Date: May 25, 2010  
Contact: Liza Jimenez  
Contact No.: 604.873.7975  
RTS No.: 8725  
VanRIMS No.: 08-2000-20  
Meeting Date: June 10, 2010

TO: Standing Committee on Planning and Environment  
FROM: Managing Director of Social Development  
SUBJECT: SRA Exemption - 1038 Main St. (Ivanhoe)

***RECOMMENDATION***

THAT Council grant an exemption from the Single Room Accommodation By-law for 6 rooms (#500, #501, #502, #504, #505, #506) at 1038 Main Street (Ivanhoe Hotel).

***GENERAL MANAGER'S COMMENTS***

The City Manager RECOMMENDS approval of the foregoing.

***CITY MANAGER'S COMMENTS***

The City Manager RECOMMENDS approval of the foregoing.

***COUNCIL POLICY***

Single Room Accommodation By-law ("SRA By-law") - In 2003 Council enacted this by-law to regulate the conversion and demolition of single room accommodation in the Downtown Core.

***SUMMARY AND PURPOSE***

This report recommends that Council approve an exemption for 6 rooms at 1038 Main Street (Ivanhoe Hotel) from the provisions of the Single Room Accommodation By-law.

***BACKGROUND***

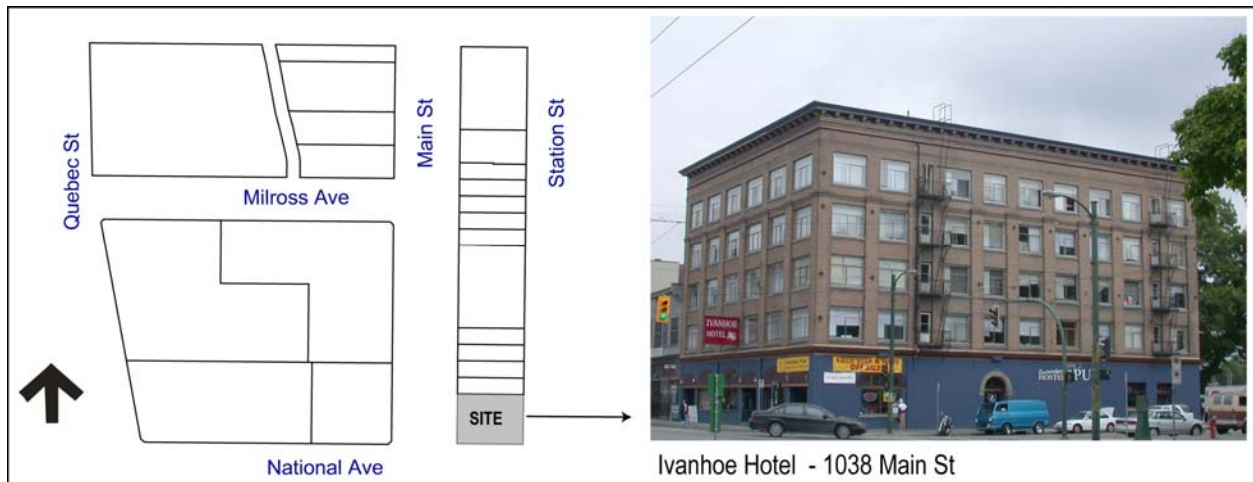
The SRA By-law is a tool that allows Council to manage the rate of change in the stock of low-income housing by considering each conversion or demolition and exemption on a case-by-case basis. The SRA By-law was approved by Council in response to concerns about the loss of low-cost housing stock in the Downtown Core.

There are two bases for exemption under the Single Room Accommodation By-law (the "SRA By-law"): size or use. With respect to size, a room qualifies for exemption if it is 320 square feet or greater. Exemptions based on use depend on permanent residents not being housed in the rooms and that portion of the building having been operated as a commercial hotel.

In December 2009, the SRA By-law was amended to eliminate the provision for exemption based on use. Applications for exemption will be accepted until June 15, 2010.

### ***DISCUSSION***

The Ivanhoe Hotel is located on Main Street between Milross Street and National Street in False Creek, beside Terminal Station. The main floor of this 5-storey building is occupied by a 274-seat pub (including patio seat). The owner, Golden Sound Holdings Ltd., leases the pub and the hotel to two separate operators. The applicant, International Business Traveler's Hostel Inc., operates the residential component of the property. The second to fifth floors together comprise 104 units. This property is listed on the Heritage Registry as category "B".



### **Application for Exemption**

The owner has authorized the operator, International Business Traveler's Hostel Inc., to apply for exemption on their behalf (see Appendix B). The applicant has applied to exempt 14 rooms at the Ivanhoe Hotel located at 1038 Main Street (see Appendix A). The residential portion of the Ivanhoe Hotel has been operated by International Business Traveler's Hostel Inc. since 2001 and some rooms have routinely been used as a backpackers' hostel.

An owner, manager, or operator of SRA-designated rooms may apply to exempt rooms from the SRA By-law and must provide evidence, satisfactory to Council, that the designated rooms meet the exemption conditions that:

- a) a permanent resident does not occupy or customarily occupy the room as living accommodation
- b) the room is not in a building or a portion of a building classified under the *Assessment Act* and its regulations as Class 1 - residential

- c) the room is in a building or portion of a building in respect of which the owner has an obligation to pay hotel room tax under the Hotel Room Tax Act and its regulations

Council must grant the exemption if it is satisfied that the designated rooms meet the exemption conditions.

The owner has provided evidence to support an exemption for 6 rooms:

Condition a) The operator provided a sworn affidavit and daily and weekly rental ledgers for various time periods as determined by staff. The evidence submitted shows that since the By-law enactment date, permanent residents as defined in the By-law have not occupied or customarily occupied 10 rooms at the Ivanhoe Hotel as living accommodation.

Condition b) Records from BC Assessment Authority show that 6 rooms have been classified under the Act and its regulations as Class 6 (commercial) from the date of enactment until the application.

Condition c) Records provided by the operator show that Hotel room tax was remitted.

While the applicant has applied to exempt 14 rooms, an exemption for 6 rooms is supported because they have been consistently classified as commercial since the SRA By-law was enacted until the date of the exemption application. The remaining 8 rooms are not recommended for exemption because they do not meet all three conditions for exemption. The owner has been advised this conclusion and is considering his options.

### ***CONCLUSION***

This report recommends that Council approve to exempt 6 rooms (#500, #501, #502, #504, #505, #506) at 1038 Main Street (Ivanhoe Hotel) from the provisions of the SRA By-law. The operator has provided evidence that shows that these rooms meet the three exemption conditions as set out in the SRA By-law.

\* \* \* \* \*

APPLICATION TO EXEMPT DESIGNATED ROOMS FROM  
SCHEDULE A OF SINGLE ROOM ACCOMMODATION BY-LAW

To: Housing Centre Director  
Vancouver City Hall  
434 West 12<sup>th</sup> Avenue  
Vancouver, BC V6Y 1Y4



City of  
Vancouver

The undersigned applies to Council to exempt the following property or specific rooms therein from Schedule A of the Single Room Accommodation By-law:

1. Use Address: 1038 MAIN ST. VANCOUVER, BC  
Legal Description: lot 23 to corner ... from 24 ... from 196 ... from 184  
Building Name: IVANTOE HOTEL

2. Total number of rooms in the above building: 104 Proposed # of rooms to be exempt: daily rental

Floor level	# of rooms in this floor	Exempt room No.s, to be exempt	(include separate sheet if more space required)
<u>5</u>	<u>26</u>	<u>500, 501, 502, 503, 504, 505, 507, 508, 509, 514, 518</u>	
<u>2</u>	<u>26</u>	<u>203, 204, 205</u>	
		Room No.s	
		Room No.s	
		Room No.s	

3. The following document is attached and forms part of this application (see Required information for application to exempt Designated Rooms from Schedule A of SRA By-law on page 2 of this form):  
THE GUEST LEDGER FROM JULY SEPTEMBER 2003

Please note that any information and documents provided with this SRA exemption application will be shared to the extent required to allow the City to make a decision on the application.

4. Please print names and addresses of owners. If owner is a corporation, you must provide Incorporation Certificate and names and addresses of all directors and associates (attach separate sheet if more space is needed):  
GOLDEN SOUND HOLDINGS LTD. INC.  
YUANN LEE 770 SPITH AVE. WEST VANCOUVER, BC V6P 1X6  
TIMMY LEE SAME AS ABOVE

5. For this application, I am applying as a:  Applicant/owner  Designated agent  Other  
6. Title this application with the full name(s) of the owner(s):  
7. I declare that the statements contained in this application and all attached documents and plans are true and correct.  
Name of Applicant (Please print): NASSER NABAHAH  
Name of Company (if applicable): INT. BUSINESS TRAVELER'S HOSTEL INC.  
Mailing Address: 1038 MAIN ST. CITY: VANCOUVER POSTAL CODE: V6A 2W1  
Telephone: (604) 681-9118 Cell Phone: (604) 961-2337 Fax: (604) 684-9596

Signature of Applicant: NABAHAH Date: April 27, 2010

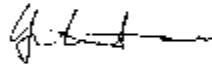
Office Use:		
Application No. <u>SA</u>	Date Received:	
To: Council	Received:	

Letter of Consent

From: Golden Sound Holdings Ltd. Inc.  
770 59<sup>th</sup> Ave. West  
Vancouver, BC V6P 1X6

Re: Single Room Accommodation By-law

Herewith I, YU ANN LEE, the owner of Ivanhoe Hotel located at 1038 Main Street Vancouver, BC V6A 2W1 give my full consent to, NASSER NABALAT, the lease holder of the above mentioned property to apply to exempt designated rooms from schedule A of single room accommodation by-law.



Yu Ann Lee

Canada

Province of British Columbia

In the Matter of the City of Vancouver  
Single Room Accommodation By-law (the "By-law")

AFFIDAVIT

I, NASSER NABAHAT of 1033 MAIN ST.  
(Name of Deponent) (Property Address)  
Vancouver, British Columbia, make oath and say as follows:

1. I am a director of INT. BUSINESS TRAVELER'S HOSTEL <sup>INC</sup> OPERATOR of real property in Vancouver, British Columbia bearing the legal description LOT 23, BLOCK 24, DISTRICT LOT 196, PLAN 184 and civic address 1033 MAIN ST. and as such have personal knowledge of the matters to which I depose in this affidavit.

2. I make this affidavit in respect of each room ("room") on the property bearing the following room numbers:

Room #'s 500, 501, 502, 503, 504, 505, 507, 508, 509, 514, 518,  
203, 204 & 205

3. From and after October 22, 2003 to the date of this affidavit;

- (a) no permanent resident as defined in the By-law has occupied or customarily occupied any room as living accommodation as defined in the By-law;
- (b) no room is in a building or portion of a building classified under the *Assessment Act* of British Columbia or its regulations as Class 1 - residential; and in 2003 ACTUAL USE CODE #2300 HOTEL
- (c) each room is in a building or portion of a building in respect of which the owner has an obligation to pay or remit hotel room tax under the *Hotel Room Tax Act* and its regulations.

Sworn before me at Vancouver, British Columbia this <u>18<sup>th</sup></u> day of <u>March</u> , <del>2003</del> <u>2010</u>  A Commissioner for taking Affidavits for British Columbia	 OPERATOR signature NASSER NABAHAT
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STEVE W.K. WOO  
NOTARY PUBLIC  
#200 - 739 GORDON AVENUE  
VANCOUVER, BC V6A 2T9  
T. 604.628.1852 Fax 604.648.9711

For more details, please visit our website at [www.sfn.ca](http://www.sfn.ca)