

File No.: 04-1000-20-2019-201

April 5, 2019

s.22(1)

Dear s.22(1)

Re: Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")

I am responding to your request of March 19, 2019 for:

- 1) Copy of the letter sent by the City of Vancouver to the strata council of the Ellsworth; and
- 2) Any responses provided by the strata council to the City of Vancouver, from February 1, 2019 to March 19, 2019.

For part one of your request, all responsive records are attached.

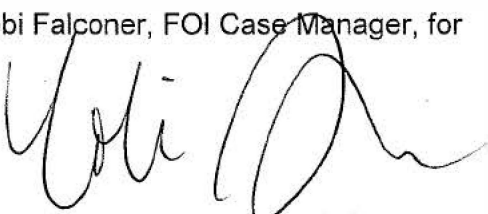
For part two of your request, the Property Use and Inspections Branch confirms there are no responsive records.

Under section 52 of the Act, and within 30 business days of receipt of this letter, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your FOI request by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number (#04-1000-20-2019-201); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,

Cobi Falconer, FOI Case Manager, for



Barbara J. Van Fraassen, BA
Director, Access to Information & Privacy

Barbara.vanfraassen@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4

*If you have any questions, please email us at foi@vancouver.ca and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604.871.6584.

Encl.

:ma

February 19, 2019
CF-2018-004725

2290 MAIN NOMINEE LTD
ATTN: DAVID CHARD
500-509 RICHARDS ST
VANCOUVER BC V6B 2Z6

OWNERS OF STRATA PLAN EPS4911
C/O FIRST SERVICE RESIDENTIAL
700 – 200 GRANVILLE STREET
VANCOUVER BC V6C 1S4

RE: 209 E 7TH AVENUE
AND 201 – 225 E 7TH AVENUE AND 2250 – 2280 MAIN STREET

We have received several complaints regarding excessive noise emanating from a heat exchanger (mechanical noise) located above the underground parking entrance on the east side of your above-cited building.

The recorded decibel measurements were approximately 3 dBA's over permitted and is in violation of Section 6 of Noise Control By-law No. 6555 (the By-law), which reads:

6. *No person shall in an activity zone or an event zone make, cause or permit to be made or caused, continuous sound the sound level of which:*
 - (a) *during the daytime exceeds a rating of 70 on an approved sound meter when received at a point of reception within an activity zone or an intermediate zone, or 60 on an approved sound meter when received at a point of reception within a quiet zone; or*
 - (b) *during the nighttime exceeds a rating of 65 on an approved sound meter when received at a point of reception within an activity zone or an intermediate zone, or 55 on an approved sound meter when received at a point of reception within a quiet zone.*

Note: These daytime readings were very consistent. The same measurement results taken at nighttime would be well over the nighttime maximum.

Therefore, in accordance with the By-law and to avoid further action, you are to immediately take steps to ensure noise emanating from the heat exchanger (mechanical noise) complies with Section 6 of Noise Control By-law No. 6555.

Failure to comply with our request by the date given may result in the City pursuing whatever legal options are available to gain compliance with its regulatory By-laws.

If you have any questions or concerns, please feel free to contact me via phone or email.

We thank you in advance for your voluntary compliance.

Yours truly,

A handwritten signature in black ink, appearing to read 'Alvin Martin', is positioned above the typed name.

Alvin Martin, Property Use Inspector

alvin.martin@vancouver.ca

(604) 873-7511