
BOARD OF VARIANCE / PARKING VARIANCE BOARD
APPEAL DECISION

Board of Variance decision: 1125 West 12th Avenue

Appeal Section: 573(1)(a) - Appeal of Decision (Prior-to Conditions)
Legal Description: Lots 12, 13, 14, 15, & 16, Block 394, District Lot 526 and Plan NWD 1276.
Lot Size: Irregular site
Zone: RM-3
Related By-Law Clause:

Appeal Description:

Appealing to DELETE conditions 1.1 and 2.1 - as outlined in the prior-to approval letter issued under Development Permit No. DP-2023-00670 and a request **to retain 216 dwelling units** at 1125 West 12th Avenue with interior alterations (and no exterior façade alterations or changes) at this existing residential building site.

Condition 1.1 - states that prior to the issuance of the development permit the owners must be in compliance with Section 11 – Use-Specific Regulations of the Zoning and Development By-law. Note to Applicant: Per Development Permit DE 203121 issued August 16, 1985, and subsequent minor amendments, this existing Rooming House was approved as 169 Sleeping Units and 23 Dwelling Units (Total = 192 Units). The converted units must be returned to the approved. Refer to Section 11.3. and 11.13.3 of Use-Specific Regulations of the Zoning and Development By-law. Currently there are a total of 216 Units at this site.

Condition 2.1 - states that prior to the issuance of the development permit, the owners must satisfy the following conditions [(1), (2), (3) and (4)] - in the event that one or more eligible tenants are required to relocate, enter into a Section 219 Covenant and/or such other agreements as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services determine are necessary to require the applicant to:

(1). *Provide a Tenant Relocation Plan to the satisfaction of the General Manager of Planning, Urban Design and Sustainability as per the Broadway Plan and the Tenant Relocation and Protection Policy that is effective at the time of submission of the Development Permit Application.*

(2). *Provide a notarized declaration prior to issuance of the Development Permit that demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; and includes copies of a letter addressed to each eligible tenant summarizing the Tenant Relocation Plan offer and signed as received by each eligible tenant.*

(3). *Provide an Interim Tenant Relocation Report to the satisfaction of the General Manager of Planning, Urban Design and Sustainability prior to issuance of the Demolition Permit. The Report must include, but may not be limited to, the names of tenants; whether each tenant has indicated interest in the Right of First Refusal to return to the new building; each tenant's choice of either the financial compensation or temporary rent top-up option; the names of any tenants who have ended their tenancy; the reason for its end (e.g. tenant decision or mutual agreement to end tenancy); the outcomes of their search for alternate accommodation (if assistance was requested by the tenant), and their temporary rent top up amount for the first year of tenancy in the alternative unit (if applicable) and total compensation amount(s); the names of tenants still remaining in the building; the status of the applicant's search for relocation options (if assistance was requested by the tenant) and/or additional assistance rendered, as required through their Tenant Relocation Plan. A copy of the Temporary Rent Top-Up Calculation Form for each tenant that chooses the Temporary Rent Top up option must also be provided with the Interim Tenant Relocation Report. Note to Applicant: If a long period of time elapses between Public Hearing and before issuance of Demolition Permit, the City may request an additional Interim Tenant Relocation Report be submitted.*

(4). *Provide a Final Tenant Relocation Report to the satisfaction of the General Manager of Planning, Urban Design and Sustainability prior to issuance of the Occupancy Permit. The Report must include, but may not be limited to, the names of tenants; whether each tenant has indicated interest in the Right of First Refusal to return to the new building, or another building (if applicable) and their starting rent, and for those not returning to the new building, the outcome of their search for alternate accommodations and the total monetary value given to each tenant (moving costs, financial compensation, total rent-top up amount, any other compensation).*

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This appeal was heard by the Board of Variance on **December 03rd, 2024** and was **ALLOWED**, thereby **DELETING CONDITIONS 1.1 and 2.1** - as outlined in the prior-to approval letter issued under Development Permit No. DP-2023-00670 and the Board of Variance approving a ‘total of 216 dwelling units’ at 1125 West 12th Avenue with interior alterations permitted as required for life and safety requirements (and no exterior façade alterations or changes) at this existing residential building site, and subject to the following conditions:

(1) **that the Board of Variance ‘quashed conditions 1.1 and 2.1’** (as noted on page of this Board of Variance decision) and the Owners of 1125 West 12th Avenue must complete any ‘life and safety upgrades/improvements’ to this site as required by City of Vancouver – and shall be to the satisfaction of the Director of Planning. Note: The Owners are required to obtain all the required City permits within one-year from this board decision rendered on December 03rd, 2024; and

(2) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

Board’s summary and decision based on the following:

-The majority of the Board voted 5-0 in support of the appeal, and the board members found a site hardship including the age of the building (built in early 1970s). The Board of Variance accepted a City of Vancouver’s past record from August 16th, 1985 and this official Development Permit was issued under DP203121 - and the City of Vancouver approving ‘interior alterations for a rooming house having a total of 216 Sleeping Units’ at this site (1125 West 12th Avenue).

The Board of Variance also accepted the change of use from the previously approved ‘Sleeping Units’ (issued under DP203121, from 1985) and allowed the new ‘House Keeping Units’. The Board of Variance also approved these micro-units (And variance granted for these micro-units ranging from approx. 150 to 170+ sq. feet with stovetop-burners cooking areas approved).

-The Board of Variance also confirmed with the City and that there are no exterior façade alterations / changes; and only interior alterations required. As well, the City also confirmed that no further parking spaces are required at this site.

-The Board’s final decision (approval) includes the submission of the BC Assessment (confirming the 216 strata lots on title at 1125 West 12th Avenue) an also the “Visual Building Condition Assessment for Strata Plan VAS 1849 – ‘APT Living’ at 1125 West 12th Avenue” – and this report completed by Spratt Emanuel Engineering Ltd. will be included in the board’s decision and a copy will be submitted to the City of Vancouver as part of the board’s approval.

-The Board’s site office received over 30 letters in support and no (0) opposition letters and/or concerns regarding this appeal. And the Appeal Hearing: Over 20+ residents from 1125 West 12th Avenue attended ‘in support’ of the appeal (from the audience), and eight (8) residents registered in advance to speak in support of the appeal, and no opposition at the meeting.

***** IMPORTANT NOTE to the Appellants:**

The Board’s decision is valid for one-year and the Owner(s) are required to obtain the City’s Development-Building Permit **by December 03rd, 2025**. Once the Board’s decision expires, then the Owners are required to appeal (again) to request an extension.



Signed: _____
Secretary to the Board of Variance

Board Decision - 1125 West 12th Avenue