

File No.: 04-1000-20-2024-132

June 19, 2024

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 February 27, 2024 under the ***Freedom of Information and Protection of Privacy Act*** for:

**Record of the unredacted appraisal regarding the sale of City land referenced in item #5 of the February 27, 2024 Council Agenda (Closure and Sale of a Portion of Lane Adjacent to 5025 Arbutus Street, 2126 West 34th Avenue and 2109-2129 West 35th Avenue).**

All responsive records are attached. Some information in the records has been severed (blacked out) under s.21(1) of the Act. You can read or download this section here: [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/96165\\_00](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00).

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](mailto: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 (#04-1000-20-2024-132); 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,

Kevin Tuerlings, FOI Case Manager, for

*[Signed by Kevin Tuerlings]*

**Cobi Falconer, MAS, MLIS, CIPP/C**  
**Director, Access to Information & Privacy**  
[cobi.falconer@vancouver.ca](mailto:cobi.falconer@vancouver.ca)  
453 W. 12th Avenue Vancouver BC V5Y 1V4

If you have any questions, please email us at [foi@vancouver.ca](mailto:foi@vancouver.ca) and we will respond to you as soon as possible. Alternatively, you can call the FOI Case Manager at 604-871-6584.

Encl. (Response Package)

:lg

NARRATIVE APPRAISAL

of the

Lane

Located adjacent to

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**Lots 5, 6, & 8 of Lot 3, Plan 4855, and Lot A,  
Plan EPP100891  
Vancouver, British Columbia**

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FOR:  
City of Vancouver

AS AT:  
January 31, 2023

BY:  
Andrew Love, B.Comm., AACI, P.App  
Grover, Elliott & Co. Ltd.



City of Vancouver  
507 West Broadway  
Vancouver, BC V5Z 0B4

February 27, 2023  
File No. 2023-0081

Attention: Mario Lee

Dear Sir:

**Re: Lots 5, 6, & 8 of Lot 3, Plan 4855, and Lot A, Plan EPP100891, Vancouver, British Columbia**

Pursuant to your request, we completed an appraisal analysis of the above real property and prepared this report to summarize our analyses, opinions, and conclusions. As at January 31, 2023, we estimate the market value of the fee simple interest at:

**ONE MILLION ONE HUNDRED AND FIFTY THOUSAND DOLLARS  
\$1,150,000**

*The above conclusion is subject to the Extraordinary Limiting Conditions, Extraordinary Assumptions and Hypothetical Conditions on Page 8 of the report that follows.*

Our opinions considered the research, data, and analyses in the report that follows, and are subject to the assumptions and limiting conditions outlined in Appendix 1. Grover, Elliott & Co. Ltd. has prepared this report at your request for the exclusive use of City of Vancouver ("the Client"). The intent of this report is to provide the Client information to assist with sale negotiations; any use that a third party makes of this report, or any reliance on or decisions to be made based on it are the responsibility of such third parties. Grover Elliott & Co. Ltd. and our consultants accept no liability or responsibility for any damages that any third party might suffer or incur because of the use of, reliance on, or any decisions made based on this report.

Thank you for allowing us to be of assistance with this matter. If you have any questions or comments, please contact our office.

Respectfully submitted,  
**GROVER, ELLIOTT & CO. LTD.**

per:

A handwritten signature in black ink that reads 'Andrew Love'.

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Andrew Love, B.Comm., AACI, P.App  
email: [andrew.love@groverelliott.ca](mailto:andrew.love@groverelliott.ca)  
direct: Andrew 604 638 3091

AL  
Encl.

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## SUMMARY

### Location

The subject is located south of West 34<sup>th</sup> Avenue and north of West 35<sup>th</sup> Avenue, to the west of Arbutus Street, in the Quilchena neighbourhood of Vancouver, British Columbia.

### The Site

The site is similar in shape to a parallelogram with a site area of 254.3 square metres (2,737 sq. ft.) according to the sketch plan provided showing the proposed closure and sale of lane portion adjacent to lots 5, 6 & 8 of Lot 3, Plan 4855 and Lot A Plan EPP100891. A professional surveyor can verify this estimate.

### Land Use Controls

Zoning Designation: RS-5, One-Family Dwelling

### Highest and Best Use

For residential purposes, pursuant to the applicable land use controls as per the proposed rezoning application received April 28, 2022. **We have been asked to ignore the rezoning and value the subject site based on a RS-5 zoning**, which restricts development to a maximum density of 0.75 FSR or 0.85 FSR for infill in combination with retention of a character house.

### Effective Date of Value Estimation

January 31, 2023, the date of property inspection.

### Valuation

\$1,150,000

*The above conclusion is subject to the Extraordinary Limiting Condition on Page 8 of this report.*



## AERIAL PHOTOGRAPH



Source: City of Vancouver, VanMap



## PHOTOGRAPHS



*View of Larger Subject Site, Looking North*



*View of Larger Subject Site, Looking Southwest*





*View of Subject Lane, Looking West*



*View of Subject Lane, Looking East*



## PART ONE – THE ASSIGNMENT

### Instructions, Intended Use and Intended User

City of Vancouver requires information for the purposes of negotiation of the sale of the subject lane. We have prepared this report in accordance with instructions obtained from Mario Lee, exclusively for City of Vancouver. Our analyses, opinions, and conclusions are subject to the assumptions, limiting conditions and disclosures provided herein.

We did not prepare this report in contemplation of any other use, for property assessment or tribunal purposes, or for reliance by any other party. Absent our prior written agreement, which we may withhold, we reserve the right to refuse any other assignment involving this report, and expressly deny responsibility to third parties for any use.

### Purpose of the Appraisal

The purpose of this report is to provide our estimate of the current market value of the fee simple interest in the subject property as at January 31, 2023, the effective date of this valuation. An accepted Canadian definition of market value is:

The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.<sup>1</sup>

Implicit in this definition are the consummation of a sale as of the specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised, and acting in what they consider their best interests;
- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash in Canadian dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.<sup>2</sup>

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1 The Appraisal of Real Estate, Third Canadian Edition, ed. Dybvig, (University of British Columbia, Real Estate Division, 2010), p. 2.8

2 Appraisal Institute of Canada – Practice Notes 2022: Appraisal Institute of Canada, 2022, (Ottawa, Ont.) 3.6.4.iv



The fee simple estate is absolute ownership subject only to limitations imposed by the State; also called a *freehold*. This is the most comprehensive form of ownership. It gives a "bundle of rights" that allows the owner the right to use the property, to sell it, to lease it, to enter it, or to give it away. It also includes the right to refuse to take any of these actions. A fee simple interest excludes existing financing and leases.

All property rights are subject to land use regulation, legal restrictions (e.g. a zoning ordinance) that control the use to which land may be put; these may include controls established by restrictive covenants or contained in redevelopment or urban renewal plans approved by local governing bodies.<sup>3</sup>

### Scope and Extent of Work

Our work on this assignment entailed:

- An inspection<sup>4</sup> of the property on January 31, 2023. I took the photographs herein at that time;
- a review of mapping provided by the City of Vancouver;
- a review of land use control information obtained from the City of Vancouver;
- a review of the reliance documents described herein;
- the investigation of relevant market activity, with sources including
  - the local real estate board,
  - Land Titles – through BC Online and BC Assessment,
  - commercial data services,
  - real estate agents, vendors and purchasers active in the market, and
  - our corporate real estate database; and
- a valuation and market analyses as described later herein.

### Reliance Documents

Documents relied on for our analysis include:

- sketch plan showing proposed closure and sale of lane portion adjacent to lots 5, 6 & 8 of Lot 3, Plan 4855 and Lot A Plan EPP100891, Block 19 District Lot 526, completed by City of Vancouver Engineering Services, November 4, 2022, with excerpts reproduced herein and reproduced in full as an appendix;

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3 Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6th ed. (Chicago: Appraisal Institute), 2015; fee simple, leased fee, leasehold, sublease.

4 The term "inspection" refers to our observation and reporting of the general material finishing and conditions seen for the purposes of a standard appraisal inspection. The inspection scope of work includes the identification of marketable characteristics/amenities offered for comparison and valuation purposes only, in accordance with the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP).



## Technical Investigations

We did not complete technical investigations such as:

- a technical review of the utility servicing;
- a site survey; No survey of the property has been made. Any sketch in this report shows approximate dimensions and is included only to assist the reader of this report in visualizing the property. It is unreasonable to rely on this report as an alternative to a survey, and an accredited surveyor ought to be retained for such matters.
- a review of the property tax valuations or classifications;
- investigations into the bearing, percolation or other qualities of the soils;
- investigations into the extent and value of subsurface oil, gas or mineral rights, or whether the property is subject to surface entry by others for the exploration or removal of such materials;
- planning or engineering studies as necessary to examine the feasibility of alternate uses;
- a market analysis to ascertain demand for the property;
- an environmental review;
- an archaeological survey;
- a hydrological study;
- research into the presence of sensitive species or protected habitat such as raptor nesting sites;
- investigations into title beyond those described herein; or
- audit or professional review of financial, technical, and legal documents obtained or reviewed by us in the course of this assignment.

## Verification of Third-Party Information

The analysis set out in this report relied on written and verbal information obtained from a variety of sources we considered reliable. Unless otherwise stated herein, we did not verify client-supplied information, which we assumed to be correct. We reserve the right to review our valuation if the information received from a third party is not accurate. Any party wishing to rely on this report should confirm the source of any important information herein as well as the assumptions that underlie any significant conclusion.

## Type of Analysis

This narrative appraisal report of a current value opinion complies with the Canadian Uniform Standards of Professional Practice of the Appraisal Institute of Canada. We have competence in this type of valuation analysis and have valued this class of real property before.



### **Extraordinary Limiting Conditions, Extraordinary Assumptions, and Hypothetical Conditions**

The Bank of Canada increased its overall lending rate from with several hikes in 2022 and 2023, increasing from 0.25% in February 2022 to 4.5% on January 25, 2023. Over this same period, Prime Rates increased from 2.45% to 6.70%. The recent increase in borrowing rates has yet to impact the overall real estate market and a slowdown in transaction activity is apparent. Consequently, less certainty – and a higher degree of caution – should be attached to our valuation than would normally be the case. Given the unknown future impact that the recent increase in interest rates might have on the real estate market, we recommend that you keep the valuation of this property under frequent review.

An Extraordinary Limiting Conditions is defined as, “A necessary modification to, or exclusion of, a Standard Rule which may diminish the reliability of the report.”<sup>5</sup>

An Extraordinary Assumption is defined as, “An assumption, directly related to a specific Assignment, which, if found to be false, could materially alter the opinions or conclusions. Extraordinary Assumptions presume uncertain information about or anticipated changes in: the physical, legal or economic characteristics of the subject property; or about: conditions external to the subject property such as market conditions or trends, or the integrity of data used in an analysis to be fact.”<sup>6</sup>

It is an Extraordinary Assumption of this report that the site area is 2,377 square feet. A professional surveyor can verify this estimate.

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5 CUSPAP 2022, 3.26

6 CUSPAP 2022, 3.25



## PART TWO – FACTUAL DATA

### IDENTIFICATION OF THE SUBJECT PROPERTY

#### **Civic Address**

The subject does not have an address and is located in the west side of the City of Vancouver, British Columbia. The property is immediately south of 5025 Arbutus Street and immediately north of 2109 West 35<sup>th</sup> Avenue.

#### **Legal Description**

Lane portion adjacent to lots 5, 6 & 8 of Lot 3, Plan 4855 and Lot A Plan EPP100891, Block 19 District Lot 526, Group 1, New Westminster District

#### **Parcel Identifier**

The subject does not have a PID.

#### **Title Information and Encumbrances**

The subject forms part of a lane that is not a legal parcel of land. Therefore, the site does not have a registered title. The **City of Vancouver** is the beneficial owner.

#### **Assessments & Taxes**

Most of the object of this appraisal is a lane that is not a legal parcel of land, and the site does not have an assessed value.

#### **History & Use**

##### **Transactions**

*Canadian Uniform Standards of Professional Appraisal Practice* of the Appraisal Institute of Canada require investigation and consideration of transactions, agreements for sale, options and listings of the subject property occurring prior to the effective date of the valuation. When a recent arm's length market transaction has occurred compelling evidence of value arises, often requiring only an adjustment for market conditions.

The object of this appraisal is part of a lane that is not a legal parcel of land. Therefore, there is not a registered transfer history.

##### **Actual and Historic Use**

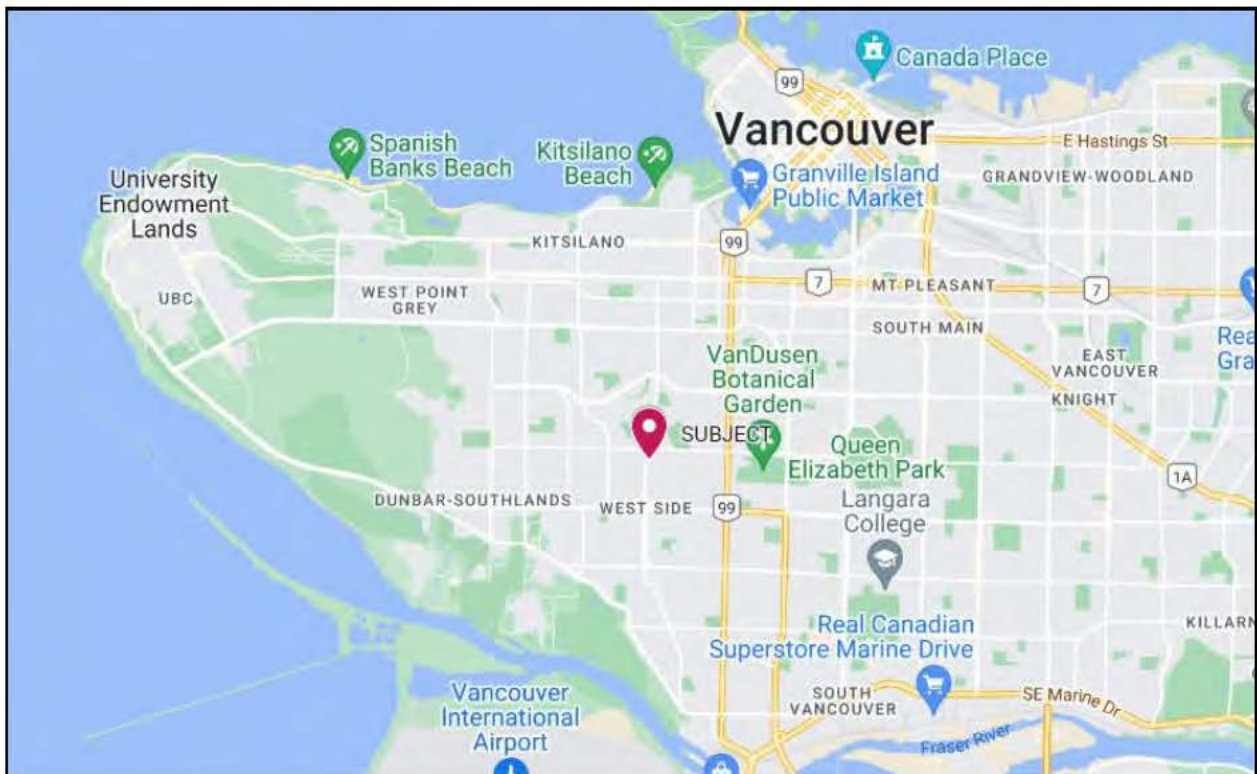
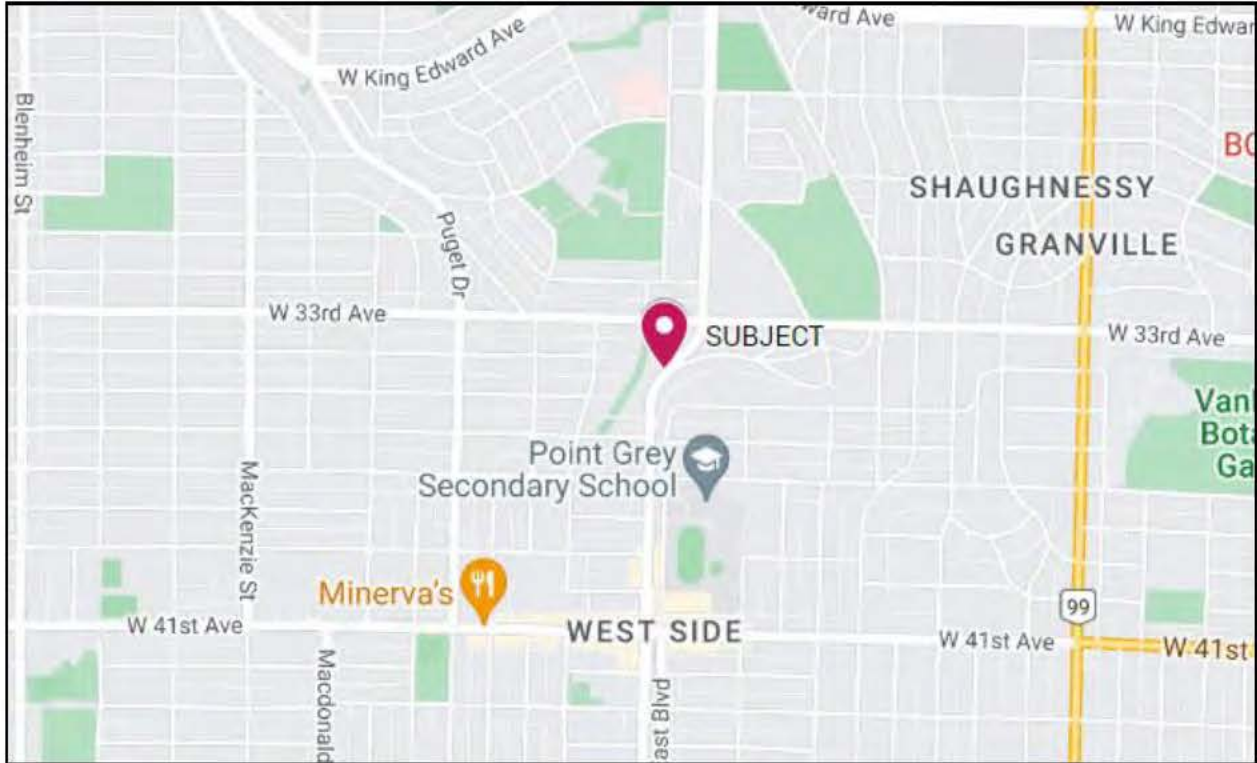
As at the date of inspection, the subject lane was utilized for access to the garage to the rear of 2129 West 35<sup>th</sup> Avenue and access to 2126 West 34<sup>th</sup> Avenue. We are unaware of any prior uses.



## THE SITE

### Location

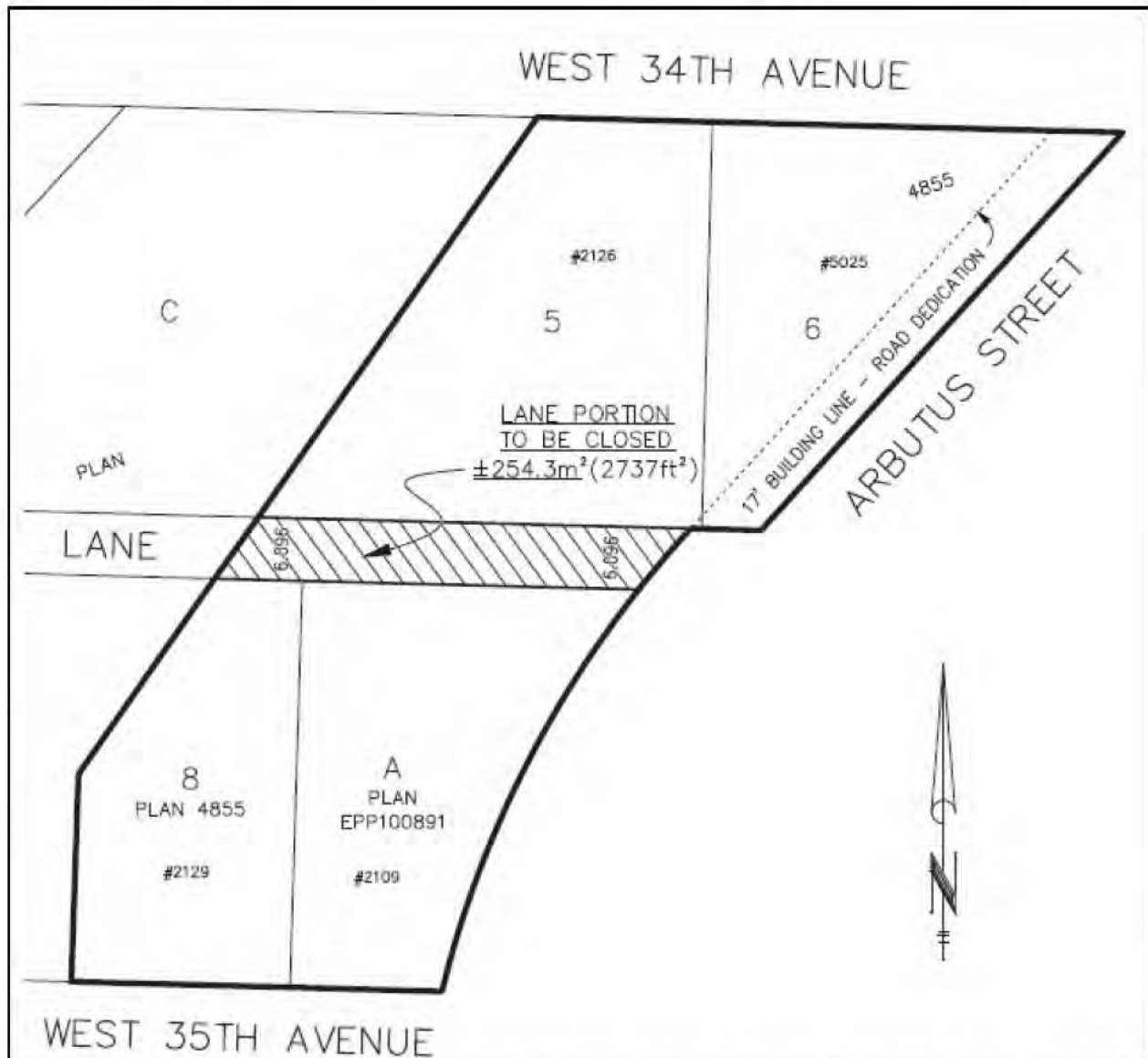
The subject is located south of West 34<sup>th</sup> Avenue and north of West 35<sup>th</sup> Avenue, to the west of Arbutus Street, in the Quilchena neighbourhood of Vancouver, British Columbia.





### Shape and Size

According to a sketch plan showing the proposed closure and sale of lane portion adjacent to lots 5, 6 & 8 of Lot 3, Plan 4855 and Lot A Plan EPP100891, the site appears to be similar to a parallelogram in shape with a site area of is 254.3 square metres, which equates to 2,737 square feet. A professional surveyor can verify this estimate.



Source: sketch plan showing proposed closure and sale of lane portion adjacent to lots 5, 6 & 8 of Lot 3, Plan 4855 and Lot A Plan EPP100891, Block 19 District Lot 526, City of Vancouver Engineering Services, November 4, 2022.

### Topography

The subject lane is roughly level and at grade with the adjacent road and surrounding development. The general area slopes down to the north and down towards Ravine Park at the western end of the subject lane. Topographical features are suitable for the present or alternative uses.





### Soil Conditions

No one provided us with a soil survey for the subject site and we have not commissioned one. For the objective of this report, we have assumed that the bearing, percolation and other characteristics of the land are adequate to permit development under the present land use controls, without undue and costly site preparation or engineering. We did not observe any contaminants or hazardous materials at the property and do not have the knowledge or qualifications to detect the existence of such materials on or in the property. Our value estimate assumes that no contaminants or hazardous materials exist on, in, or near the property that would cause a loss in value. We recommend retaining an expert in these matters if doubt exists regarding the quality of the soils or groundwater.

### Access

Access to the site is provided via Arbutus Street to the east. Arbutus Street is an arterial route. Arterial routes in the area include Granville Street to the east and 33<sup>rd</sup> Avenue to the north. Bus service is available along Arbutus Street and it will connect with the SkyTrain Station at Arbutus and West Broadway once the Broadway Extension is completed.

### Street Improvements

The subject has frontage Arbutus Street, which is asphalt-paved and four lanes in width with concrete curbs, concrete sidewalks, streetlights and on-street parking on both sides of the road. There are lanes to the north and south of the subject.



*Looking North along Arbutus Street, Subject to the Left*



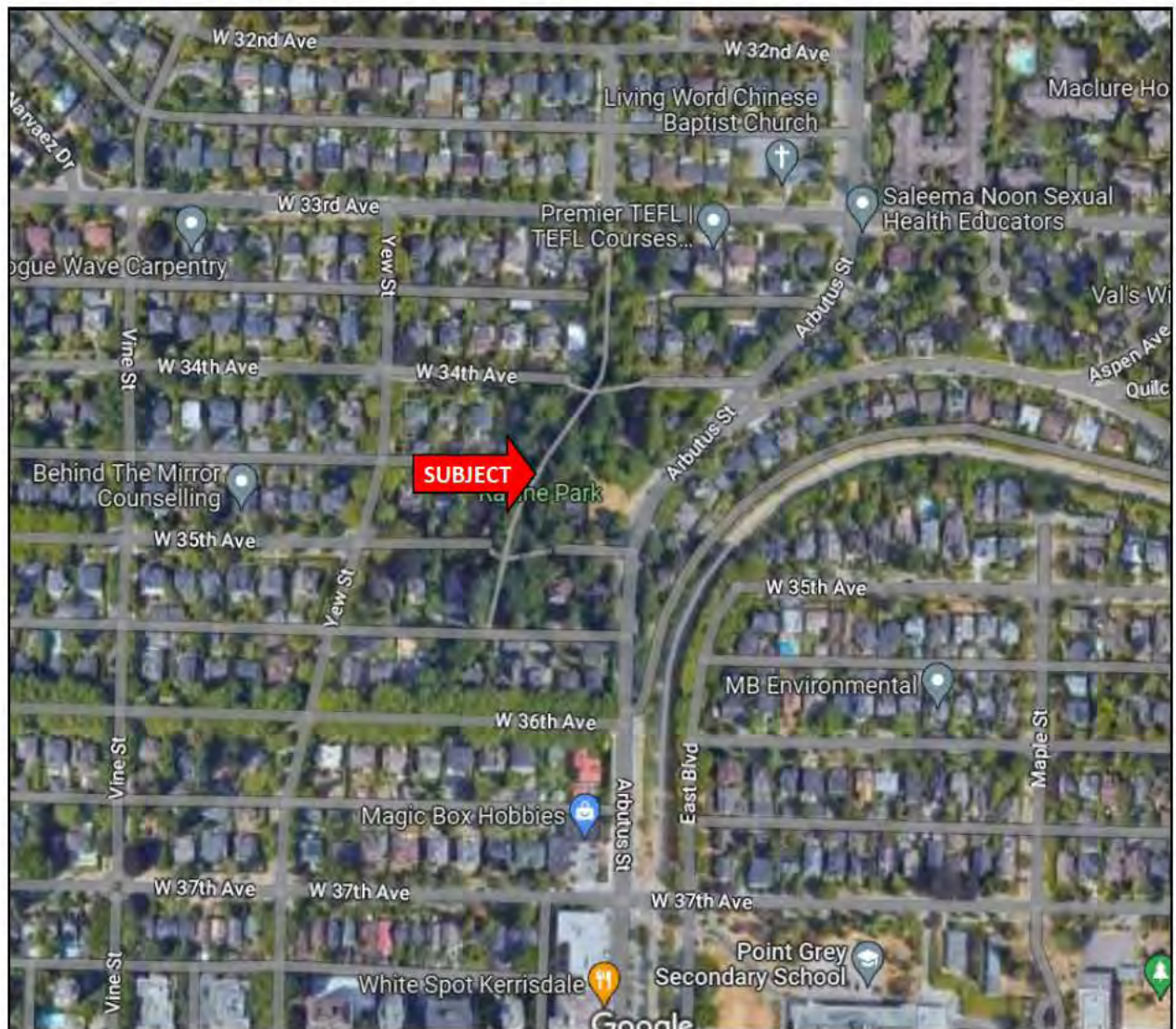
*Looking South along Arbutus Street, Subject to the Right*

### **Public Utilities**

Utility services typical of an urban community are available in the area, including domestic water and sanitary sewer, storm water drainage, electricity, natural gas, and telephone/internet/television.



## Surrounding Developments



The neighbourhood is developed predominantly with older single-family housing. Ravine Park is located immediately west of the subject lane, with apartment buildings located between West 37<sup>th</sup> Avenue south to West 45<sup>th</sup> Avenue in Kerrisdale. Point Grey Secondary School is located a short distance southeast. Quilchena Park is to the northeast, north of West 33<sup>rd</sup> Avenue, and Prince of Wales Park and Secondary School are located north of West 32<sup>nd</sup> Avenue. Retail uses are concentrated along West Boulevard and West 41<sup>st</sup> Avenue to the south and there are some retail uses to the north along Arbutus Street.



## LAND USE CONTROLS

### **Metro Vancouver Regional Growth Strategy**

The GVRD Board adopted Metro Vancouver’s Regional Growth Strategy (“RGS”) on July 29<sup>th</sup>, 2011. The RGS contemplates a growth horizon extending to 2040 and provides a framework for accommodating the growth of the more than one million people and 600,000 new jobs that the RGS forecasts for Metro Vancouver in the next 30 years. Under the RGS, the subject is designated General Urban<sup>7</sup>, areas intended for residential neighbourhoods, urban centres, services, institutions and recreational facilities.

### **Official Community Plan**

Most provincial municipalities have also adopted official community plans, area plans, and other planning devices that supplement their zoning bylaws. The process for developing an Official Community Plan (“OCP”) typically involves considerable social, economic, and demographic research and an extensive public consultation process. OCPs serve to express a municipality’s aspirations for future land uses within its borders, guide capital budgeting and direct the handling of rezoning applications. In British Columbia, municipalities generally cannot rezone properties for a use or development scale that is contrary to the OCP; rezonings of this nature first require an amendment to the OCP. Unlike most provincial municipalities, the City of Vancouver does not have a city-wide OCP.

Vancouver Plan, adopted on July 22<sup>nd</sup>, 2022, is a land use strategy that sets out broad policies. The Plan shows the subject as being within a Neighbourhood Centre overlap with Rapid Transit Area. Where a Village or Neighbourhood Centre overlaps with a Rapid Transit Area, neighbourhood type will be determined based on transit investment timing, station location, and more detailed area planning. The Plan states that *“Rapid transit areas are generally within a 10-minute walk of existing or future rapid transit stations. Locating jobs and purpose-built rental housing near transit moves the city closer to a zero carbon future, is important for accessibility, and offers an economic advantage for people who rely on transit as a lower cost transportation option. As more people move into these neighbourhoods, high-quality public spaces and access to amenities becomes even more important.”*

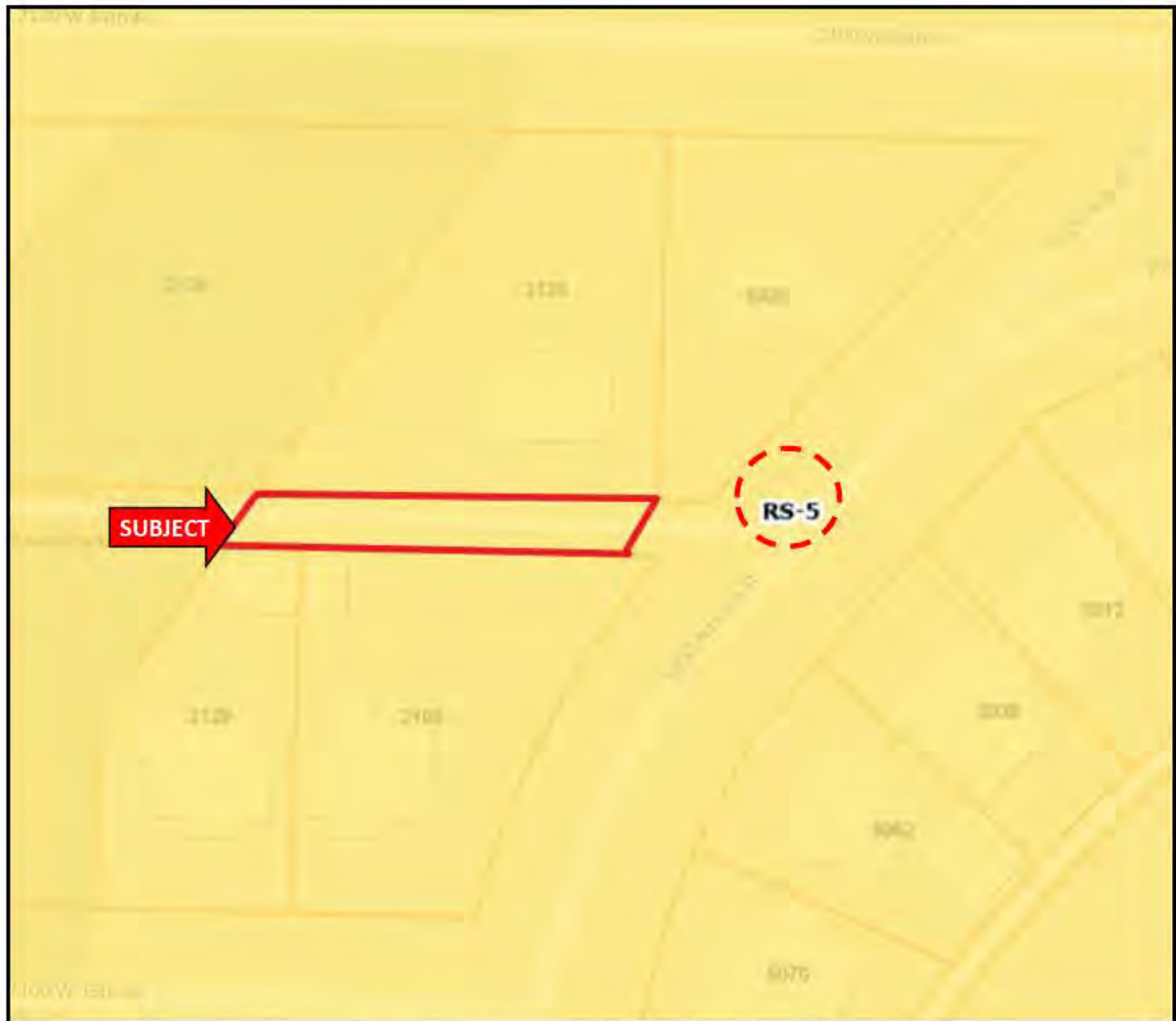
*Neighbourhood Centres come in many different shapes and sizes and are oriented around local shopping streets where people come together to shop, work, connect with friends, and access their daily needs. These shopping streets are generally served by frequent transit routes and often have many small, independent shops that support a diverse local economy. As the city grows and changes, these neighbourhoods will include more housing choice, including secure options for renters and low to moderate-income families and individuals, on quieter residential streets. Existing conditions unique to each area, like amenity provision, variety of shops and services, existing built form, and ecological conditions, will help shape the overall future of these neighbourhoods.”*

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7 <https://gis.metrovancouver.org/mvmaps/RegionalPlanning>



## Zoning



*Source: City of Vancouver, VanMap Viewer*

The zoning schedule assigned to the subject property is RS-5, One-Family Dwelling. The intent of this schedule is to maintain the residential character of the area in the form of duplexes, single detached houses, secondary suites, and laneway houses by encouraging new development that is compatible with the form and design of existing development and the established streetscape. Duplexes on sites larger than 511 m<sup>2</sup> must include at least 1 secondary suite. Retention of character houses is encouraged by permitting infill and multiple conversion dwellings where a character house is retained. Complete details of this zoning designation are in the City of Vancouver Bylaw No. 3575, as amended to date. A copy of the zoning schedule is included in the addenda; a brief summary of this zone follows:



Standard	Provisions
Permitted Uses:	<ul style="list-style-type: none"><li>- Single Detached House.</li><li>- Duplex.</li><li>- Accessory Buildings, customarily ancillary to any use listed in this section.</li><li>- Accessory Uses customarily ancillary to any of the uses listed in this section.</li><li>- Community Care Facility – Class A.</li><li>- Urban Farm - Class A.</li></ul>
Conditional Approval Uses:	<ul style="list-style-type: none"><li>- Urban Farm - Class A; Community Centre or Neighbourhood House; Golf Course or Driving Range; Library in conjunction with a Community Centre; Marina; Park or Playground; Stadium or Arena Conditional; Zoo or Botanical Garden; Deposition or extraction of material so as to alter the configuration of the land; Duplex with Secondary Suite; Infill, in combination with the retention of a character house existing on the site as of January 16, 2018; Infill Single Detached House, other than in combination with the retention of a character house existing on the site as of January 16, 2018; Laneway House; Mixed-Use Residential Building; Multiple Conversion Dwelling, resulting from the conversion of a character house existing on the site as of January 16, 2018; Principal Dwelling Unit with Lock-Off Unit; Single Detached House with Secondary Suite; Seniors Supportive or Assisted Housing; Ambulance Station; Child Day Care Facility; Church; Hospital; Public Authority Use essential in this District; School - Elementary or Secondary; Community Care Facility – Class A or B; Group Residence; Hospital; Social Service Centre; Temporary Sales Office; Parking Area ancillary to a principal use on an adjacent site; Farmers' Market; Neighbourhood Grocery Store; Public Bike Share; Bed and Breakfast Accommodation; Short Term Rental Accommodation; and Public Utility.</li></ul>
Building Height:	<ul style="list-style-type: none"><li>- Maximum of 10.7 meters or 35.1 feet</li></ul>
Building Setbacks:	<ul style="list-style-type: none"><li>- Front Yard = average depth of the front yards of 2 adjacent sites</li><li>- Rear Yard = 10.7 meters or approximately 35.1 feet</li><li>- Minimum Side Yard where width: (a) does not exceed 10.0 m = 12% of the site width; (b) exceeds 10.0 m and is less than 13.0 m, percentage of site width = site width in metres + 2; (c) is equal to or exceeds 13.0 m = 15% of the site width</li></ul>
Off-Street Parking:	<ul style="list-style-type: none"><li>- To be provided in accordance with the requirements of Parking By-law</li></ul>
Lot Coverage:	<ul style="list-style-type: none"><li>- Maximum of 45%</li></ul>
Floor Space Ratio:	<ul style="list-style-type: none"><li>- Maximum of 0.75 or 0.85 for infill in combination with retention of a character house</li></ul>



Other municipal policies exist for matters such as building codes, heritage, subdivision, parking, and loading.

### **Other Controls**

Municipal councils can change only some aspects of the land use controls that apply to certain properties. Provincial, regional, and federal controls that also affect development include:

- environmental regulations,
- heritage policies,
- public health, building and fire codes, and
- highways and transit plans.

We obtained the information on land use controls contained in this report from the local government website at the time of the valuation. We have not verified that the bylaw information on the website reflects the current official documents, as it is not practical to obtain a consolidated official document. In the event of material variance, our conclusions herein might need updating.

The mandate for this valuation did not require research into all of the land use regulations that possibly apply. Further, existing land use controls do not always bind regulators, who can develop new policy and rescind or modify existing land use policies. Municipal planning officials and independent planning consultants can assist with specific questions on land use matters.



## PART THREE – MARKET DATA, ANALYSES AND CONCLUSIONS

### HIGHEST AND BEST USE

An accepted definition of highest and best use is:

The reasonably probable use of Real Property, that is physically possible, legally permissible, financially feasible, and maximally productive, and that results in the highest value.<sup>8</sup>

The highest and best use of a property is an economic concept that measures the interaction of four criteria: legal permissibility, physical possibility, financial feasibility, and maximum profitability. Estimating the highest and best use of a property is a critical valuation component that provides the valuation context within which market participants and appraisers select and analyze comparable market information.

An appraiser considers highest and best use of the property as if vacant separately from the highest and best use of the property as improved. This is because the highest and best use of the site, as if vacant and available for development determines the value of the land, even if the property's existing improvement does not represent the highest and best use of the site.

#### **Vacant Land**

An accepted definition of the highest and best use of land or a site is:

the use among all reasonable alternative uses that yields the highest present land value, after payment for labour, capital and co-ordination. The conclusion assumes that the parcel of land is vacant or can be made vacant by demolishing any improvements.<sup>9</sup>

Zoning policies in place contemplate use of the property as residential, pursuant to the RS-5, One-Family Dwelling schedule. Changing the land use controls requires approval by municipal council of a rezoning. Given the nature of development in the area and the pattern of municipal land use policy, it is likely that the municipality would rezone the property to a use or density inconsistent with the subject's RS-5 zoning.

In April of 2022, a rezoning application was submitted for the larger subject site (2126 W 34th Ave, 5025 Arbutus St, & 2109-2129 W 35th Ave) to rezone the property to RR-2B (Residential Rental) district to permit up to a 5-storey apartment building where all units are secured as market rental; a floor space ratio (FSR) up to 2.4 and a maximum building height of up to 16.8 m (55 ft.). The application is being considered through the City's Secured Rental Policy.

For the purposes of our analysis, we have assumed that the non-financial title limitations do not restrict use of the site beyond the constraints of the land use controls.

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8 CUSPAP 2022, 3.32

9 CUSPAP 2018, 2.26





Over the market cycle, market values and rents for residential properties in the neighbourhood are sufficient to retire the cost of construction, adequately compensate the developer and provide a positive return to the underlying land.

The site size, utility servicing, exposure, and topography generally suit the requirements of development. Based on the surrounding development pattern we have assumed that soil conditions could support development as contemplated under the land use controls without undue or costly site preparation.

In our opinion, the optimal improvement of the site would entail a residential development according to the proposed rezoning.

Consequently, we conclude that highest and best use of the site, as if vacant and available, entails development pursuant to the applicable land use controls, and as market conditions permit.

### **Conclusion**

Based on the above, the highest and best use of the property is for residential purposes, pursuant to the applicable land use controls as per the rezoning application submitted in April of 2022.

**I have been asked to ignore the proposed rezoning and value the subject site based on its RS-5 zoning, which restricts development to a maximum density of 0.70 FSR or 0.75 FSR to facilitate converting a character house to a multiple conversion dwelling, or 0.85 for infill in combination with retention of a character house.**



## INTRODUCTION TO VALUATION

The mandate for this valuation entails an estimate of market value to aid with the negotiation of a sale. I have been asked to ignore the rezoning of the larger subject property and value the subject site based on its RS-5 zoning.

### Land Value

An appraiser may value land that is vacant and available for development in various ways:

- 1) Direct comparison
- 2) Allocation
- 3) Extraction
- 4) Income capitalization, divided into two direct capitalization techniques:
  - a. Land residual technique, and
  - b. Ground rent capitalization
- 5) Two yield capitalization techniques:
  - a. Discounted cash flow analysis (also called 'subdivision development' and 'land residual' analysis), and
  - b. Leased fee/leasehold valuation

Direct comparison relates current market activity to the site being valued. Allocation, employed when comparable sales evidence is scarce, relies upon a typical land-value-to-property-value ratio. Extraction, a variety of abstraction, deducts the depreciated value of the buildings from a sale price to show vacant land value. The direct capitalization techniques entail the capitalization of income from a single year of property operation. Land residual allocates net revenue from an improved property into its component parts of first, the building, with the residual to the land. Ground rent capitalization converts net lease payments into capital value. The yield capitalization technique explicitly recognizes time-value-of-money considerations. Subdivision development applies to undeveloped acreage where a potential urban development represents the highest and best use of the land. The analysis considers cash flows over the construction and the marketing stages.

### Direct Comparison Approach

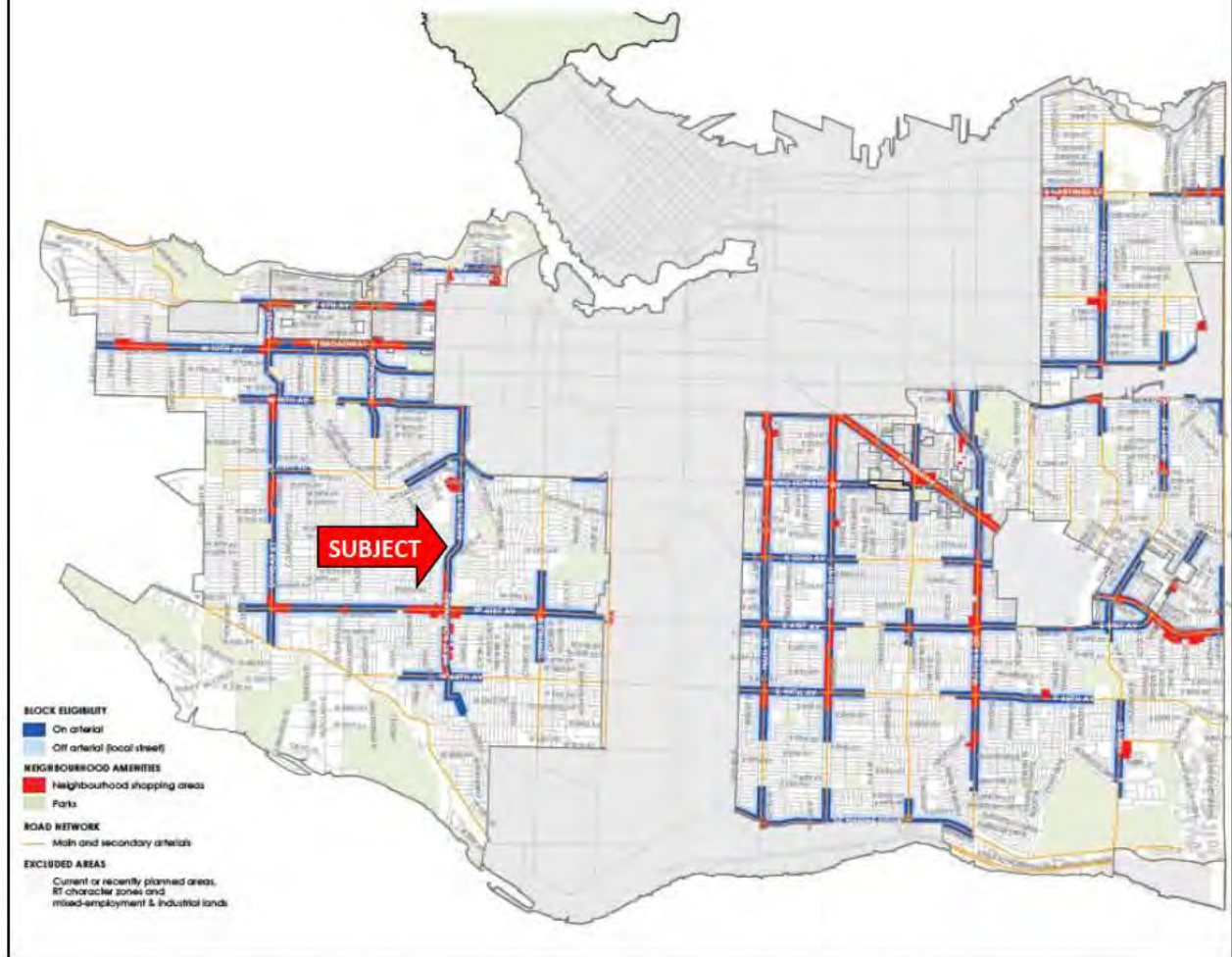
Where sufficient data are available, marketplace participants commonly employ direct comparison to value land as if vacant and available for development. This technique entails a comparative analysis of transactions involving essentially similar properties and market conditions. We surveyed the west side of the City of Vancouver for evidence of recent sales, listings, or offers to purchase on properties that provide useful benchmarks of value for the subject property, emphasizing recent transactions that are similar with respect to:

- highest and best use,
- size and shape,
- land use controls, and
- location.





## SECURED RENTAL POLICY - ELIGIBILITY MAP FOR LOW-DENSITY TRANSITION AREAS (RS/RT)



Source: Rezoning Guide Secured Rental Policy in Low-density Transition Areas, City of Vancouver, February 14, 2022



**Table 2: Considerations for Rezoning in RS and RT Zones**

Location	Building Types	Requirements and Guidelines
On arterial	<ul style="list-style-type: none"> <li>Up to 4 storey mixed use</li> <li>Up to 5 storey residential apartment</li> <li>Up to 6 storey residential apartment or mixed use for projects including a minimum 20% of the residential floor area that is counted in the calculation of FSR secured as below-market rental units (See section 4 for specific requirements) or where 100% of the residential floor area is secured as social housing</li> </ul>	<p>Refer to the RR-2 and RR-3 district schedules</p> <p>Site should not leave any remaining RS or RT lot(s) with a total continuous frontage of less than 99 feet, or obstruct access to a lane for any remaining lot(s)</p> <p><u>Mixed use requirements (RR-3)</u></p> <p>Mixed use will generally be required for sites that:</p> <ul style="list-style-type: none"> <li>are immediately adjacent to a property that has existing zoning for commercial use (C-1, C-2, C-2, C-2B, C-2C, C-2C) or CD-1 with commercial retail at grade), or</li> <li>include a corner lot at an intersection where two or more of the other corner sites are zoned for commercial use</li> </ul> <p>Mixed use will generally be optional for sites that include a corner lot or that have existing non-residential uses</p>
Off arterial	<ul style="list-style-type: none"> <li>Up to 4 storey residential apartment</li> <li>or 4 storey townhouse</li> <li>3 storey triplex or townhouse with up to 8 units</li> </ul>	<p>Refer to the RR-1 District Schedule, and the RR-2A district</p> <p>Site must not obstruct access to a lane for any remaining lot(s)</p>
	Up to 5 storey residential apartment flanking the arterial with a 4 storey transition to the off arterial block face	<p>Refer to the RR-2B district</p> <p>Site must be located at the corner of an arterial road, with a side property line flanking the arterial</p>
	Up to 4 storey mixed use	<p>Refer to the RR-3A district</p> <p>Site must have existing non-residential use</p>

Please also refer to the Rental District Schedules Design Guidelines for further guidance.

In analyzing hundreds of RS zoned sites, it became evident that the value of the improvements often exceeds the value added from additional development potential possible from the Secured Rental Policy for Low-Density Transition Areas or relevant Local Area Plan.

Data found include those set out below:



## Sales Index 1: 2499 West 36th Avenue, Vancouver

### Sale Information

Sale Date	7/21/2021	
Transaction Status	Recorded	
Price	\$3,480,000	\$406 /SF
Rights Transferred	Fee Simple	

### Property

PID	013-271-482
Land Area	0.1969 Acres (8,576 SF)
Zoning	RS-5
Permitted FAR	0.75

### Remarks

A vacant lot located on the northeast corner of 36th Avenue and Larch Street in the Quilchena neighbourhood in the west side of Vancouver.





## Sales Index 2: 3251 West 36th Avenue, Vancouver

### Sale Information

Sale Date	9/21/2021	
Transaction Status	Recorded	
Price	\$3,370,000	\$517 /SF
Rights Transferred	Fee Simple	

### Property

PID	013-424-921
Land Area	0.1495 Acres (6,513 SF)
Zoning	RS-5
Permitted FAR	0.75

### Remarks

Located on the north side of West 36th Avenue between Blenheim Street and Balaclava Street, in the MacKenzie Heights neighbourhood in the west side of Vancouver.

At the time of the sale, the property was improved with a two-storey plus basement, single-family home containing 3,334 square feet of livable floor space.

On June 3<sup>rd</sup>, 2022, Lung Designs Group Ltd. has applied to the City of Vancouver for permission to develop a two-storey with basement one-family dwelling with a detached accessory building (garage) at the rear, providing three parking spaces having vehicular access from the lane. The application was approved on August 18, 2022.





## Sales Index 3: 3636 29th Avenue, Vancouver

### Sale Information

Sale Date	10/18/2021	
Transaction Status	Recorded	
Price	\$2,480,000	\$578 /SF
Rights Transferred	Fee Simple	

### Property

PID	010-767-495
Land Area	0.0985 Acres (4,290 SF)
Zoning	RS-5
Permitted FAR	0.75

### Remarks

Located on the south side of West 29th Avenue, west of Dunbar Street, in the Dunbar neighbourhood in the west side of Vancouver.

The property was improved with a home constructed in 1926 at the time of the sale. A new home was constructed on the site in 2022.







## Sales Index 4: 5707 Elm Street, Vancouver

### Sale Information

Sale Date	1/21/2022	
Transaction Status	Recorded	
Price	\$2,725,000	\$492 /SF
Rights Transferred	Fee Simple	

### Property

PID	013-247-077
Land Area	0.1272 Acres (5,542 SF)
Zoning	RS-5
Permitted FAR	0.75

### Remarks

Located on the southwest corner of Elm Street and 41st Avenue in the Kerrisdale neighbourhood in the west side of Vancouver. At the time of the sale, the site was improved with a single-family detached rancher containing 3 bedrooms, 2 bathrooms and a total finished floor space of 1,500 square feet.

The property was marketed as a building lot and sold 53 days after listing in the open market. A duplex is proposed for the site.





## Sales Index 5: 3504 West 30th Avenue, Vancouver

### Sale Information

Sale Date	2/24/2022	
Transaction Status	Recorded	
Price	\$3,200,000	\$590 /SF
Rights Transferred	Fee Simple	

### Property

PID	011-983-001
Land Area	0.1246 Acres (5,428 SF)
Zoning	RS-5
Permitted FAR	0.75

### Remarks

Located on the southwest corner of 30th Avenue and Collingwood Street, in the Dunbar neighbourhood in the west side of Vancouver. The property was improved with one single family detached bungalow built circa 1940.

The site was marketed as a building lot with value mostly in the land.





## Sales Index 6: 2136 West 48th Avenue, Vancouver

### Sale Information

Sale Date	3/3/2022	
Transaction Status	Recorded	
Price	\$4,525,000	\$522 /SF
Rights Transferred	Fee Simple	

### Property

PID	012-812-889, 012-812-897
Land Area	0.1989 Acres (8,666 SF)
Zoning	RS-5
Permitted FAR	0.75

### Remarks

Two adjoining legal lots, measuring 33 x 131.3 feet each. The property is located on the south side of 48th Avenue, east of Yew Street and west of West Boulevard in the Kerrisdale neighbourhood in the west side of Vancouver. It is currently improved with one single-family dwelling which straddles both lots.

The property was marketed as a building lot given the two legal titles.





## Sales Index 7: 3938 West 30th Avenue, Vancouver

### Sale Information

Sale Date	3/30/2022	
Price	\$3,820,000	\$587 /SF
Rights Transferred	Fee Simple	

### Property

PID	011-763-914
Land Area	0.1494 Acres (6,509 SF)
Zoning	RS-5
Permitted FAR	0.70

### Remarks

Located on the south side of West 30th Avenue between Crown Street to the west and Wallace Street to the east, in the Dunbar neighbourhood in the west side of Vancouver. The property is a 6,509 square foot lot improved with one single-family detached dwelling. Current RS-5 zoning (a single-detached house classification) permits duplex development.

The property was marketed as a building lot and sold 6 days after listing in the open market.





## Sales Index 8: 2129 West 35th Avenue, Vancouver

### Sale Information

Sale Date	3/31/2022	
Transaction Status	Recorded	
Price	\$3,500,000	\$451 /SF
Rights Transferred	Fee Simple	

### Property

PID	011-298-782
Land Area	0.1783 Acres (7,765 SF)
Zoning	RS-5
Permitted FAR	0.70

### Remarks

Located on the north side of West 35th Avenue, west of Arbutus Street, the property is a 7,765 square foot lot improved with a single-family detached house. The site's current RS-5 zoning allows for duplex development.

The property purchased as part of the subject land assembly. The property was fenced off as of January 31, 2023.





## Sales Index 9: 3282 West 27th Avenue, Vancouver

### Sale Information

Sale Date	4/4/2022	
Transaction Status	Recorded	
Price	\$3,768,000	\$477 /SF
Rights Transferred	Fee Simple	

### Property

PID	014-100-258
Land Area	0.1812 Acres (7,893 SF)
Zoning	RS-5
Permitted FAR	0.75

### Remarks

Located on the south side of West 27th Avenue, between Blenheim Street to the west and Balaclava Street to the east, in the MacKenzie Heights neighbourhood in the west side of Vancouver. The property is improved with a two-storey with basement single family detached dwelling containing a total finished floor space of 2,726 square feet and built in 1925. Parking access is via the rear lane.

The property was marketed as a building lot and sold 7 days after listing in the open market.





## Sales Index 10: 3175 West 38th Avenue, Vancouver

### Sale Information

Sale Date	4/11/2022	
Transaction Status	Recorded	
Price	\$3,168,000	\$486 /SF
Rights Transferred	Fee Simple	

### Property

PID	013-953-079
Land Area	0.1498 Acres (6,525 SF)
Zoning	RS-5
Permitted FAR	0.75

### Remarks

Located on the north side of West 38th Avenue, east of Balaclava Street, in the Kerrisdale neighbourhood in the west side of Vancouver. The property is improved with a single-storey, single family detached home with basement containing a total finished floor space of 1,690 square feet. The home was constructed circa 1924.

The property was marketed as a building lot and sold 13 days after listing in the open market.





## Sales Index 11: 4720 Blenheim Street, Vancouver

### Sale Information

Sale Date	6/9/2022	
Transaction Status	Recorded	
Price	\$2,249,900	\$494/ SF
Rights Transferred	Fee Simple	

### Property

PID	007-145-322
Land Area	0.1045 Acres (4,550 SF)
Zoning	RS-5
Permitted FAR	0.75

### Remarks

Located on the east side of Blenheim Street, south of 31st Avenue, in the MacKenzie Heights neighbourhood in the west side of Vancouver. The property is improved with one single family detached bungalow with basement on a 35 x 130-foot lot. The home was built circa 1957 and contains a total finished floor space of approximately 2,009 square feet.

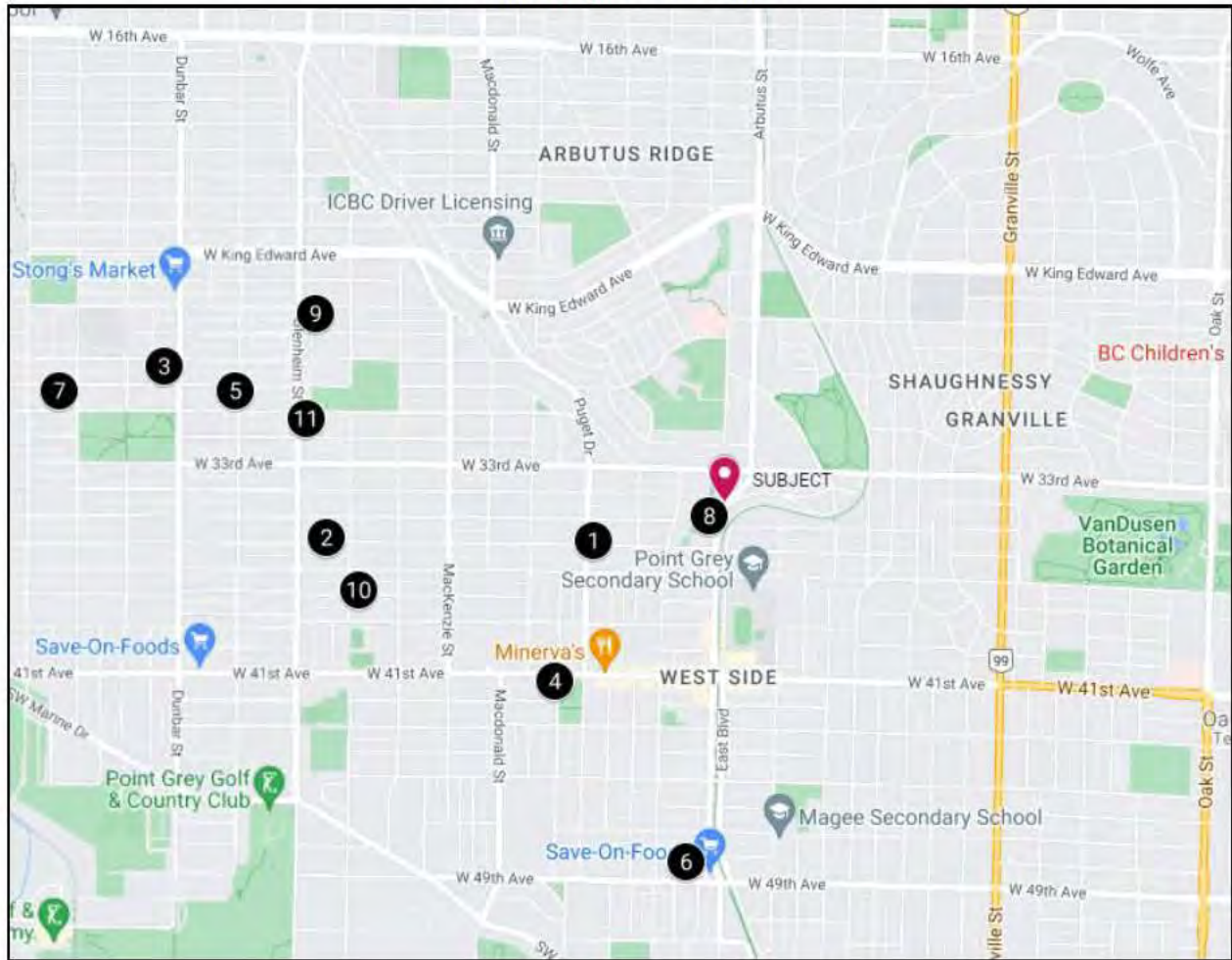
The property was marketed as-is, where is with the value in the land and sold 9 days after listing in the open market.







### Location Map of Sales Indices





Summary Table

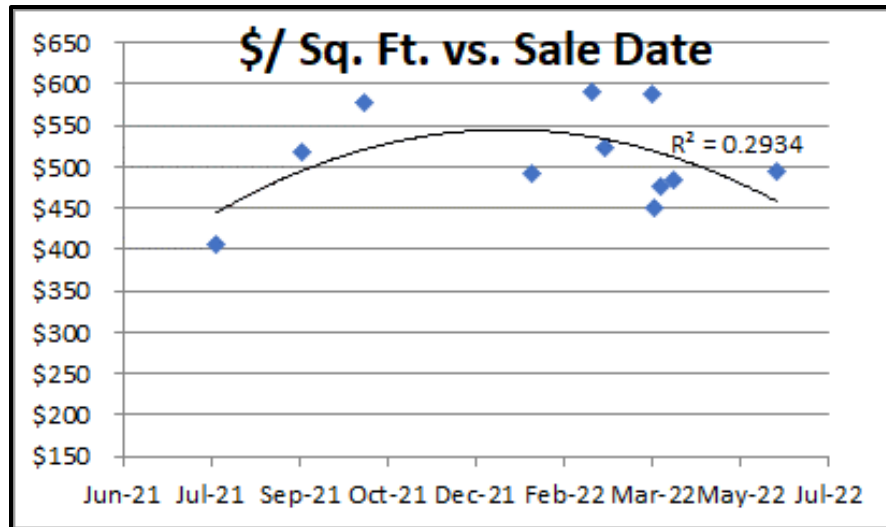
Index	Address (Vancouver)	Zoning	Sale Date	Price (\$)	Site Area (SF)	\$/ Sq. Ft. of Land
1	2499 West 36th Avenue	RS-5	26-Jul-21	\$3,480,000	8,576	\$406
2	3251 West 36th Avenue	RS-5	12-Sep-21	\$3,370,000	6,513	\$517
3	3636 West 29th Avenue	RS-5	18-Oct-21	\$2,480,000	4,290	\$578
4	5707 Elm Street	RS-5	21-Jan-22	\$2,725,000	5,542	\$492
5	3504 West 30th Avenue	RS-5	24-Feb-22	\$3,200,000	5,428	\$590
6	2136 West 48th Ave	RS-5	3-Mar-22	\$4,525,000	8,666	\$522
7	3938 West 30th Avenue	RS-5	30-Mar-22	\$3,820,000	6,509	\$587
8	2129 35th Avenue West	RS-5	31-Mar-22	\$3,500,000	7,765	\$451
9	3282 West 27th Avenue	RS-5	4-Apr-22	\$3,768,000	7,893	\$477
10	3175 West 38th Avenue	RS-5	11-Apr-22	\$3,168,000	6,525	\$486
11	4720 Blenheim Street	RS-5	9-Jun-22	\$2,249,900	4,550	\$494
<b>Subject</b>		RS-5			2,737	
Minimum				\$2,249,900	4,290	\$406
Median				\$3,370,000	6,513	\$494
Average				\$3,298,718	6,569	\$509
Maximum				\$4,525,000	8,666	\$590

The market evidence assembled relates to a variety of residential development sites in the west side of Vancouver in proximity to the subject. Site sizes for the sales indices range from 4,290 to 8,666 square feet and the sales occurred between July 2021 and June 2022. The sales all have the same RS-5 One-Family Dwelling zoning. The sales indicated rates in the range of \$406 to \$590 per square foot of site area.

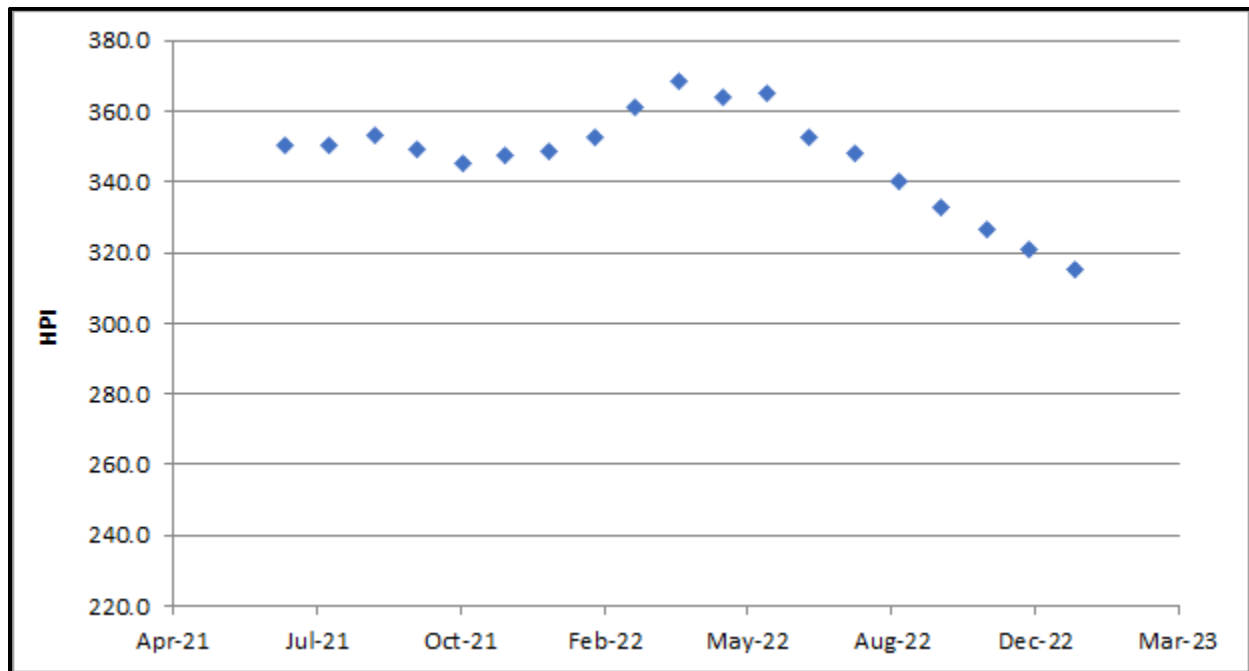
#### Time Adjustment

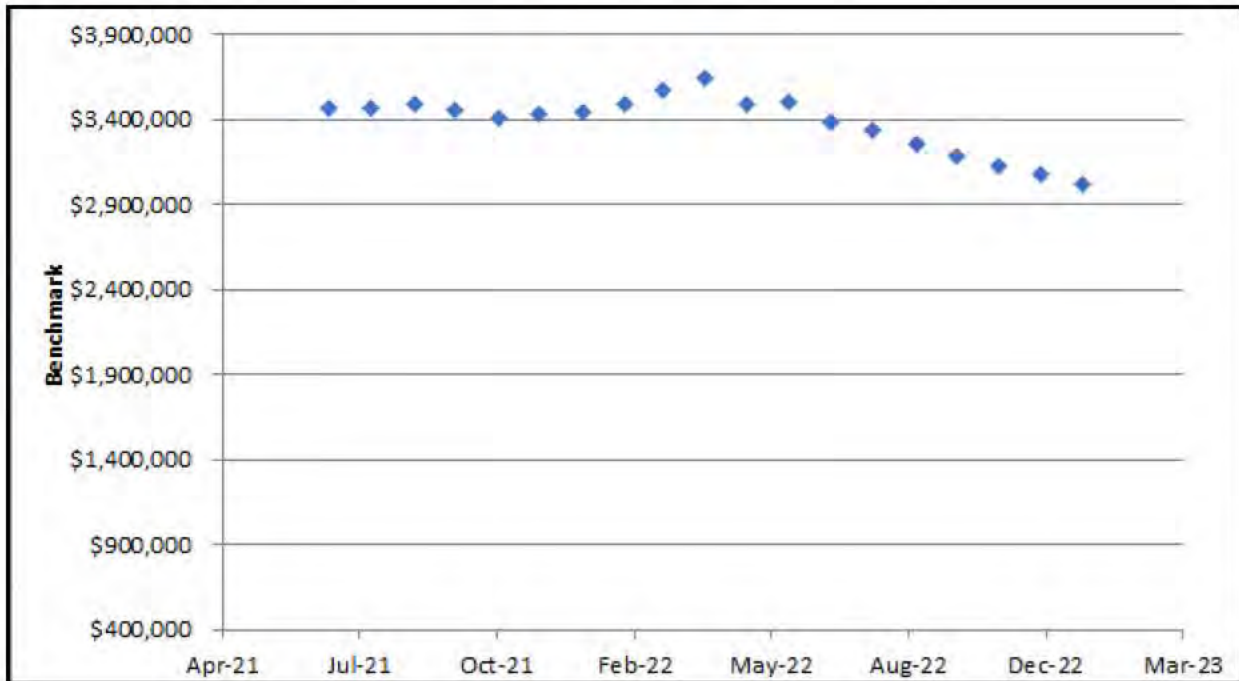
The scatterplot below plots the rate per square foot of site area for the sales indices. The chart suggests that rates has been increasing in 2021 through approximately the first quarter of 2022 and have been in decline since. The R-squared value indicated by the relationship between the rates per square foot of site area versus the date of sale as shown in the chart below is 0.2934, which indicates that date of sale explains 29.34% of the variability in the rate. This is considered a moderate correlation and the majority of the sales indices will require downward adjustment for market conditions<sup>10</sup>.

<sup>10</sup> The R<sup>2</sup> value is a measure of the strength and direction of linear relationships between two variables, ranging from -1 for a perfect negative/inverse relationship and 1 for a perfect positive/direct relationship; an R<sup>2</sup> valued near zero indicates random or very little relationship between the two variables.



The Real Estate Board of Greater Vancouver (REBGV) maintains statistics on changing values over time. Its MLS® Home Price Index (HPI) measures home price inflation and deflation in residential markets. This index employs the statistical technique of multivariate regression analysis to track price changes in benchmark homes, similar to the Consumer Price Index (CPI) where the “benchmark home” represents a typical home, analogous to the “bundle of goods” tracked by the CPI that a typical consumer would purchase. In other words, the HPI provides a snapshot of general market conditions including seasonal variation. The index expresses both a value for the “benchmark” property that is most representative of the data as well as an index factor.





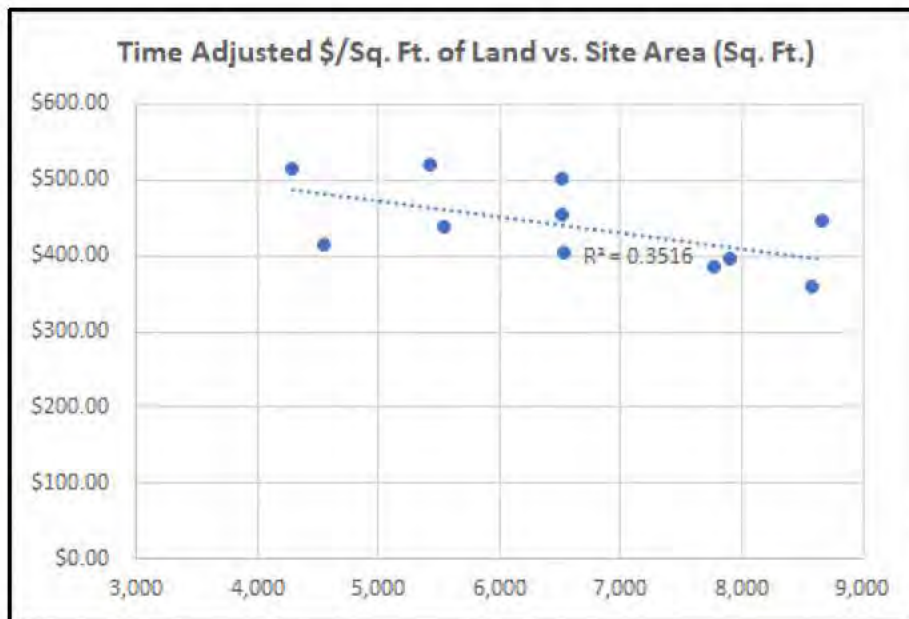
The basis of the figures shown in the charts above is the Vancouver West marketplace, for all single-family residential homes. The trend shows increasing values in the single-family market in the west side of Vancouver from July 2021 until April 2022 with decreasing values through to January 2023 with the exception of a small increase in June of 2022. We relied on these statistics to correct for changing market conditions, as shown in the following chart.

Index	Address (Vancouver)	Zoning	Sale Date	Price (\$)	Site Area (\$F)	\$/ Sq. Ft. of Land	HPI	Adj.	Time Adjusted \$/ Sq. Ft. of Land
1	2499 West 36th Avenue	RS-5	26-Jul-21	\$3,480,000	8,576	\$406	350.6	s.21(1)	
2	3251 West 36th Avenue	RS-5	12-Sep-21	\$3,370,000	6,513	\$517	353.5		
3	3636 West 29th Avenue	RS-5	18-Oct-21	\$2,480,000	4,290	\$578	349.0		
4	5707 Elm Street	RS-5	21-Jan-22	\$2,725,000	5,542	\$492	348.5		
5	3504 West 30th Avenue	RS-5	24-Feb-22	\$3,200,000	5,428	\$590	352.8		
6	2136 West 48th Ave	RS-5	3-Mar-22	\$4,525,000	8,666	\$522	361.2		
7	3938 West 30th Avenue	RS-5	30-Mar-22	\$3,820,000	6,509	\$587	361.2		
8	2129 35th Avenue West	RS-5	31-Mar-22	\$3,500,000	7,765	\$451	361.2		
9	3282 West 27th Avenue	RS-5	4-Apr-22	\$3,768,000	7,893	\$477	368.5		
10	3175 West 38th Avenue	RS-5	11-Apr-22	\$3,168,000	6,525	\$486	368.5		
11	4720 Blenheim Street	RS-5	9-Jun-22	\$2,249,900	4,550	\$494	365.2		
<b>Subject</b>		RS-5			2,737				
	Minimum			\$2,249,900	4,290	\$406			\$360
	Median			\$3,370,000	6,513	\$494			\$440
	Average			\$3,298,718	6,569	\$509			\$440
	Maximum			\$4,525,000	8,666	\$590			\$519



### Size Adjustment

While exceptions exist, the general trend in the market is that as the lot size increases the related price per square foot declines. This trend is impacted by a variety of inter-related factors including location, lot configuration and zoning. The chart below plots the time adjusted rate per square foot of site area versus the site area in square feet for the sales indices analyzed. The R-squared value indicated by the relationship between the time adjusted rate per square foot of site area versus the site area in square feet is 0.3516, which indicates that site size explains 35.16% of the variability in the rate. This is considered a moderate correlation and the larger sales indices will require upward adjustment.



The subject is approximately 2,737 square feet and does not meet the minimum lot size requirement of 3,595 square feet (334 m<sup>2</sup>) for the RS-5 zone. Therefore, I have not adjusted the smaller sales indices (#3 & #11) since these are the smallest of the properties that have sold. Sites in the size range of the subject are not available.

### Adjustment for Improvements

Nearly all RS-5 zoned sites are improved and Index 1 is the sole vacant lot in my dataset. I have utilized vacant sites, those that have been or are planned for redeveloped or those that were marketed as building lots. While the sites have mostly been purchased for development or redevelopment, improvements provide for holding income. I have considered qualitative adjustments for the indices that are not vacant, have been redeveloped or are planned for redevelopment.



**Analysis**

s.21(1)

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s.21(1)

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Based on the information above, considering the subject’s location and redevelopment potential, an appropriate rate per square foot of site area is estimated to be in the range of \$410 to \$430 per square foot of site area. The subject site has a good west side location, but this assignment requires that any additional density available through avenues such as the City’s Secured Rental Policy for Low-Density Transition Areas not be considered. I conclude at a rate of \$420 per square foot, which results in the following indication of value:

Site Area (SF)	2,737
\$/SF	<u>\$420</u>
Market Value	<u><b>\$1,149,540</b></u>
Rounded to:	<b>\$1,150,000</b>

### Exposure Time - Land

Exposure time is the time a property remains on the market. In an appraisal, the term means the “estimated length of time the property interest being appraised would have been offered on the market before the hypothetical consummation of a sale at the estimated value on the Effective Date of the appraisal.”<sup>11</sup> An opinion of exposure time is a retrospective estimate that has its basis in an analysis of past events assuming a competitive and open market.

The exposure period occurs immediately before the effective date of the valuation. The concept of reasonable exposure time encompasses not only adequate, sufficient, and reasonable time, but also adequate, sufficient, and reasonable marketing effort. Exposure time is different for various types of real estate and value ranges and under various market conditions. In our view, the subject property ought to trade within a time typical for its market. This exposure time ranged from 1 to 62 days for the sales indices. This time estimate assumes no known or suspected defects, reasonable pricing and professional marketing. It does not include the time for normal due diligence, nor the closing time after an agreement in principle.

11 CUSPAP 2022, 3.23



## CERTIFICATION

**Re: Lots 5, 6, & 8 of Lot 3, Plan 4855, and Lot A, Plan EPP100891, Vancouver, British Columbia**

I certify, except as otherwise noted in the preceding analysis, to the best of our knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial and unbiased professional analyses, opinions and conclusions.
- I have no present or prospective interest or bias in the subject property, and no personal interest or bias with respect to the parties involved.
- My engagement in and compensation for this assignment were not contingent upon developing or reporting predetermined results, the amount of the value estimate, or a conclusion favouring the client.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Canadian Uniform Standards of Professional Appraisal Practice and IVS.
- I have the knowledge and experience to complete this assignment competently.
- As of the date of this report, the undersigned is a member in good standing of the Appraisal Institute of Canada and has fulfilled the requirements of that organization's Continuing Professional Development Program.
- No one provided significant professional assistance to the persons signing this report.
- The undersigned personally inspected the subject property on January 31, 2023.

Based upon the data, analyses and conclusions contained herein, the market value of the fee simple interest in the property described, as at January 31, 2023, is estimated as follows:

**ONE MILLION ONE HUNDRED AND FIFTY THOUSAND DOLLARS**  
**\$1,150,000**

*The above conclusion is subject to the Extraordinary Limiting Conditions, Extraordinary Assumptions and Hypothetical Conditions on Page 7 of this report.*

Andrew Love, B.Comm., AACI, P.App

**GROVER, ELLIOTT & CO. LTD.**

February 27, 2023



## ADDENDA

### APPENDIX 1 – ASSUMPTIONS & LIMITING CONDITIONS

This report is prepared only for the client and authorized users specifically identified in this report and only for the specific use identified herein. No other person may rely on this report or any part of this report without first obtaining consent from the client and written authorization from the authors, even where the report is for financing purposes. Liability is expressly denied to any other person and, accordingly, no responsibility is accepted for any damage suffered by any other person as a result of decisions made or actions taken based on this report. Liability is expressly denied for any unauthorized user or for anyone who uses this report for any use not specifically identified in this report. Payment of the appraisal fee has no effect on liability. Reliance on this report without authorization or for an unauthorized use is unreasonable.

The basis of the opinions and estimates herein is information gathered from various sources considered reliable and believed to be correct.

We have included images, plans, and sketches for visual reference only. We cannot assume responsibility for the accuracy of such illustrations where the basis was third party sources. Images obtained from third party sources such as Google Earth might not be current.

The economic conditions and outlook current at the date of valuation form the basis of our opinions and conclusion of value. Because market conditions, including economic, social, and political factors change rapidly, and, on occasion, without warning, it could be misleading to rely on the market value estimate expressed herein as of any other date except with the further advice from this firm, for which advice we will accept no responsibility unless made formally and confirmed in writing.

We undertook no investigation with the local zoning office, the fire department, the building inspector, the health department or any other government regulatory agency except as expressly described in this report. The subject property must comply with such government regulations. Any noncompliance may affect market value.

Verification of compliance with governmental regulations, bylaws or statutes is outside the scope of work and expertise of the appraiser. Any information provided by the appraiser is for informational purposes only and any reliance is unreasonable. Any information provided by the appraiser does not negate the need to retain an appropriately qualified professional to determine government regulation compliance.

Underlying our analysis and conclusions is the assumption that no hidden or unapparent conditions of the property affect potential use or development. To confirm this assumption, we recommend due diligence investigations into applicable physical and regulatory matters, and on request will assist the intended user identify the particular requirements for this property with the intended user.

Unless otherwise stated in this report, the author has no knowledge of any hidden or unapparent conditions (including, but not limited to: its soils, etc.) of/on the subject property or of/on a neighbouring property that could affect the value of the subject property. It has been assumed that there are no such conditions. Any such conditions that were visibly apparent at the time of inspection or that became apparent during the normal research involved in completing the report have been noted in the report. This report should not be construed as an environmental audit or detailed property condition report, as such reporting is beyond the scope of this report and/or the qualifications of the author. The author makes no guarantees or warranties, express or implied, regarding the condition of the property, and will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. The bearing capacity of the soil is assumed to be adequate.

The author is not qualified to comment on detrimental environmental, chemical or biological conditions that may affect the market value of the property appraised, including but not limited to pollution or contamination of land, buildings, water, groundwater or air which may include but are not limited to moulds and mildews or the conditions that may give rise to either. Any such conditions that were visibly apparent at the time of inspection or that became apparent during the normal research involved in completing the report have been noted in the report. It is an assumption of this report that the property complies with all regulatory requirements concerning environmental, chemical and biological matters, and it is assumed that the property is free of any detrimental environmental, chemical legal and biological conditions that may affect the market value of the property appraised. If a party relying on this report requires information about or an assessment of detrimental environmental, chemical or biological conditions that may impact the value conclusion herein, that party is advised to retain an expert qualified in such matters. The author expressly denies any legal liability related to the effect of detrimental environmental, chemical or biological matters on the market value of the property.

Except as this report specifically notes otherwise, our conclusions presume that the appraised property is free and clear of all liens or encumbrances and is capable of attracting normal mortgage financing. Our valuation does not consider the cost to retire the mortgage obligation.

Our report assumes that adequate financing and fire, peril and liability insurance are available to cover any reasonable use of the property, at costs and terms that have been typical over the years.

The liability of Grover, Elliott & Co. Ltd. for a claim related to professional service provided pursuant to this service in either contract negligent misrepresentation or tort, including the owner's, officers, employees or subcontractors of the firm is limited to the extent that such liability is covered by the Appraisal Institute of Canada's errors and omissions insurance in effect from time to time, which is available to indemnify the company and its appraisers at the time the claim is made and not more than two years after the services are rendered. If a claim of liability is made against the appraiser and Grover, Elliott & Co. Ltd. pursuant to this report, the client and the authorized users of this report agree to limit the claim to a maximum of \$2,000,000. We do not agree to any other indemnifications.

No one should rely on this report in any context other than that in which we present it. Use in excerpted or partial form could mislead.

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The contents of this report are confidential and will not be disclosed by the author to any party except as provided for by the provisions of the CUSPAP and/or when properly entered into evidence of a duly qualified judicial or quasi-judicial body. The author acknowledges that the information collected herein is personal and confidential and shall not use or disclose the contents of this report except as provided for in the provisions of the CUSPAP and in accordance with the author's privacy policy. The client agrees that in accepting this report, it shall maintain the confidentiality and privacy of any personal information contained herein and shall comply in all material respects with the contents of the author's privacy policy and in accordance with the PIPEDA.

This report is completed on the basis that testimony or appearance in court concerning this report is not required unless specific arrangements to do so have been made beforehand. Such arrangements will include, but not necessarily be limited to: adequate time to review the report and related data, and the provision of appropriate compensation.

This report is valid only if it bears the original signature of the author.

We cannot monitor changes to our reports once they leave our office, nor can we prevent changes, additions, or deletions in copies of our reports. If transmitted electronically, this report will have been digitally signed. Due to the possibility of digital modification, only originally signed reports and those reports sent directly by the author can be reasonably relied upon.

The author will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The property is appraised on the basis of it being under responsible ownership. No registry office search has been performed and the author assumes that the title is good and marketable and free and clear of all encumbrances. Matters of a legal nature, including confirming who holds legal title to the appraised property or any portion of the appraised property, are outside the scope of work and expertise of the appraiser. Any information regarding the identity of a property's owner or identifying the property owned by the listed client and/or applicant provided by the appraiser is for informational purposes only and any reliance on such information is unreasonable. Any information provided by the appraiser does not constitute any title confirmation. Any information provided does not negate the need to retain a real estate lawyer, surveyor or other appropriate experts to verify matters of ownership and/or title.

The author has agreed to enter into the assignment as requested by the client named in this report for the use specified by the client, which is stated in this report. The client has agreed that the performance of this report and the format are appropriate for the intended use.

The analyses set out in this report relied on written and verbal information obtained from a variety of sources the author considered reliable. Unless otherwise stated herein, the author did not verify client-supplied information, which the author believed to be correct.

**APPENDIX 2 – SURVEY PLAN**

LF12192

SKETCH PLAN SHOWING PROPOSED CLOSURE AND SALE OF A LANE PORTION ADJACENT TO LOTS 5, 6 & 8 OF LOT 3, PLAN 4855, AND LOT A, PLAN EPP100891, ALL OF BLOCK 19, DISTRICT LOT 526, GROUP 1, NEW WESTMINSTER DISTRICT.

DISTANCES ARE IN METRES UNLESS OTHERWISE NOTED  
DRAWING NOT TO SCALE



NOTE: DIMENSIONS AND AREAS ARE APPROXIMATE AND SUBJECT TO FIELD SURVEY

APP MAP: K.L.-17,18

THIS PLAN LIES WITHIN THE METRO VANCOUVER REGIONAL DISTRICT

ENGINEERING SERVICES  
NOVEMBER 4 2022

Y:\LAND SURVEY\APP\2022\DWG\LF12192 - Lane Closure - 5025 Arbutus.dwg

LF12192

# APPENDIX 3 – ZONING EXCERPT

RS-5

## RS-5

### District Schedule

#### 1 INTENT AND OVERVIEW

##### 1.1 Intent

The intent of this schedule is to maintain the residential character of the area in the form of duplexes, single detached houses, secondary suites, and laneway houses by encouraging new development that is compatible with the form and design of existing development and the established streetscape. Duplexes on sites larger than 511 m<sup>2</sup> must include at least 1 secondary suite. Retention of character houses is encouraged by permitting infill and multiple conversion dwellings where a character house is retained.

Without limitation, applicable Council policies and guidelines for consideration include the [RS-3](#), [RS-3A](#) and [RS-5 Design Guidelines](#) and [Guidelines for Additions, Infill and Multiple Conversion Dwelling in Association with the Retention of a Character House in an RS Zone](#).

##### 1.2 Overview

The table below provides an overview of the outright and conditional approval uses in the RS-5 district, categorized by the minimum site area required, where applicable. Applicable density, form and placement regulations in section 3 of this schedule are cross-referenced in the third column.

Minimum Site Area	Use	Density, Form and Placement Regulations
334 m <sup>2</sup>	Duplex or Duplex with Secondary Suite	3.1
	Single Detached House or Single Detached House with Secondary Suite	3.1
--	Other uses in section 2.1 of this schedule	3.1

## 2 USE REGULATIONS

### 2.1 Outright and Conditional Approval Uses

All outright and conditional approval uses are subject to all other provisions of this by-law, including [Section 2](#), [Section 10](#) and [Section 11](#), and compliance with the regulations of this schedule including [section 2.2](#).

The uses identified in the table below as outright approval uses are permitted in this district and will be issued a permit.

The uses identified in the table below as conditional approval uses may be approved in this district by the Director of Planning, with or without conditions, if the Director of Planning considers:

- (a) the intent of this schedule and all applicable Council policies and guidelines; and
- (b) the submission of any advisory group, property owner or tenant.

Uses are listed under their general land use category. Applicable use-specific regulations in [section 2.2](#) of this schedule are cross-referenced in the third column. Cross-references to applicable use-specific regulations are provided for information purposes only and do not form part of this by-law.

Use	Approval	Use-Specific Regulations
<b>Agricultural Uses</b>		
Urban Farm - Class A	Conditional	
<b>Cultural and Recreational Uses</b>		
Community Centre or Neighbourhood House	Conditional	
Golf Course or Driving Range	Conditional	
Library, in combination with Community Centre	Conditional	
Marina	Conditional	
Park or Playground	Conditional	
Stadium or Arena	Conditional	
Zoo or Botanical Garden	Conditional	
<b>Dwelling Uses</b>		
Duplex	Outright	
Duplex with Secondary Suite	Conditional	<a href="#">2.2.1</a>
Infill, in combination with the retention of a character house existing on the site as of January 16, 2018	Conditional	
Infill Single Detached House, other than in combination with the retention of a character house existing on the site as of January 16, 2018	Conditional	<a href="#">2.2.2</a>
Laneway House	Conditional	<a href="#">2.2.3</a>

Use	Approval	Use-Specific Regulations
Mixed-Use Residential Building	Conditional	2.2.4
Multiple Conversion Dwelling, resulting from the conversion of a character house existing on the site as of January 16, 2018	Conditional	2.2.5
Principal Dwelling Unit with Lock-Off Unit	Conditional	2.2.6
Seniors Supportive or Assisted Housing	Conditional	
Single Detached House	Outright	
Single Detached House with Secondary Suite	Conditional	
<b>Institutional Uses</b>		
Ambulance Station	Conditional	
Child Day Care Facility	Conditional	
Church	Conditional	
Community Care Facility - Class A	Outright	2.2.7
Community Care Facility - Class B	Conditional	
Group Residence	Conditional	
Hospital	Conditional	
Public Authority Use, essential in this district	Conditional	
School - Elementary or Secondary	Conditional	
Social Service Centre	Conditional	
<b>Office Uses</b>		
Temporary Sales Office	Conditional	
<b>Parking Uses</b>		
Parking Area, ancillary to a principal use on an adjacent site	Conditional	
<b>Retail Uses</b>		
Farmers' Market	Conditional	2.2.8
Neighbourhood Grocery Store	Conditional	
Public Bike Share	Conditional	
<b>Service Uses</b>		
Bed and Breakfast Accommodation	Conditional	
Short Term Rental Accommodation	Conditional	
<b>Utility and Communication Uses</b>		
Public Utility	Conditional	
<b>uncategorized</b>		
Accessory Buildings, customarily ancillary to any use listed in this section 2.1	Outright	2.2.9



Use	Approval	Use-Specific Regulations
Accessory Buildings, customarily ancillary to any use listed in this section 2.1 and not permitted as an outright approval use	Conditional	2.2.10
Accessory Uses, customarily ancillary to any outright approval use listed in this section 2.1	Outright	2.2.11
Accessory Uses, customarily ancillary to any conditional approval use listed in this section 2.1	Conditional	
Deposition or extraction of material, which alters the configuration of the land	Conditional	

## 2.2 Use-Specific Regulations

- 2.2.1 Duplex with secondary suite must have no more than 1 secondary suite for each dwelling unit.
- 2.2.2 Infill single detached house may be permitted if:
- (a) it is for a caretaker;
  - (b) it complies with the following:
    - (i) section 2.2.9(a) below for any portion of the building located within 7.9 m of the ultimate rear property line, and
    - (ii) sections 2.2.9(b), 2.2.9(d), 2.2.9(e) and 2.2.9(f) below; and
  - (c) the floor area does not exceed 75 m<sup>2</sup> and is also counted in the accessory building area.
- 2.2.3 Laneway house is regulated by Section 11 of this by-law and sections 3 and 4 of this schedule do not apply.
- 2.2.4 The only non-dwelling use permitted in a mixed-use residential building is neighbourhood grocery store.
- 2.2.5 Multiple conversion dwelling resulting from the conversion of a character house existing on the site as of January 16, 2018, may be permitted if it contains no housekeeping or sleeping units.
- 2.2.6 Principal dwelling unit with lock-off unit may be permitted only in:
- (a) a duplex and there may be no more than 1 lock-off unit for each dwelling unit; and
  - (b) a duplex with secondary suite if there is only 1 secondary suite and only 1 lock-off unit, and the lock-off unit is in the dwelling unit without a secondary suite.
- 2.2.7 Community care facility - class A is subject to the regulations, variations and relaxations that apply to single detached house.

2.2.8 Farmers' market may be permitted if the Director of Planning considers the appropriateness of the use with respect to compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility and pedestrian amenity.

2.2.9 Accessory buildings customarily ancillary to any use listed in section 2.1 of this schedule are permitted as an outright approval use if:

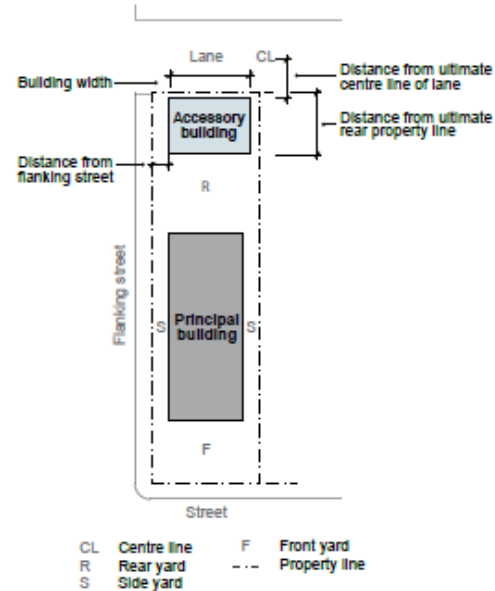
- (a) no accessory building exceeds 3.7 m in height, measured to:
- the highest point of a flat roof,
  - the deck line of a mansard roof, or
  - the mean height between the eaves and the ridge of a gable, hip or gambrel roof,

provided that no portion of an accessory building exceeds 4.6 m in building height;

(b) all accessory buildings are located:

- within 7.9 m of the ultimate rear property line or within the permitted building depth as prescribed in this schedule,
  - at least 3.1 m from the ultimate centre line of any rear or flanking lane, and
  - at least 1.5 m from a flanking street;
- (c) for all uses except for duplex and duplex with secondary suite, the total floor area of all accessory buildings, measured to the extreme outer limits of the building, does not exceed the area given by the formula (site width in metres x 3.0 m) + 20 m<sup>2</sup>, except:
- this area need not be less than 48 m<sup>2</sup>, and
  - the floor area of a laneway house will be deducted from the total allowable accessory building floor area;
- (d) for duplex and duplex with secondary suite, the total floor area of all accessory buildings, measured to the extreme outer limits of the building, does not exceed 48 m<sup>2</sup>;
- (e) the combined building width for all accessory buildings does not exceed 40% of the width of the site plus 4.2 m, where the width of the site is the average width of the portion of the site located within 7.9 m of the ultimate rear property line; and

Diagram: Building placement for accessory building



- (f) roof decks and decks may only be located on an accessory building that is within the permitted building depth as prescribed in this schedule.
- 2.2.10 Accessory buildings customarily ancillary to any dwelling use listed in section 2.1 and not permitted as an outright approval use must not exceed the total floor area permitted in section 2.2.9 above.
- 2.2.11 Accessory parking spaces customarily ancillary to any outright approval use listed in section 2.1 of this schedule must be located within 7.9 m of the ultimate rear property line.

### 3 DENSITY, FORM AND PLACEMENT REGULATIONS

This section contains density, form and placement regulations organized by use.

#### 3.1 All Uses

Duplex, duplex with secondary suite, single detached house, single detached house with secondary suite, uses involving character house retention, and all other uses in this district are subject to the following regulations.

##### 3.1.1 Density and Floor Area

3.1.1.1 The maximum floor space ratio for all uses except duplex and duplex with secondary suite is 0.60, except that:

- (a) for buildings existing prior to April 12, 1988, the area of all floors at or above finished grade and of the floors of any storey, basement or cellar located below a storey that has a floor surface located 2.0 m or more above finished grade, must not exceed a floor space ratio of 0.20 plus 130 m<sup>2</sup>;
- (b) in all cases other than those specified in section 3.1.1.1(a) above, the area of all floors at or above finished grade and of the floors of any storey, basement or cellar located below a storey that has a floor surface located 1.8 m or more above finished grade, must not exceed a floor space ratio of 0.16 plus 130 m<sup>2</sup>;
- (c) the Director of Planning may increase the permitted floor space ratio to a maximum of 0.70, and may permit an increase in the area of all floors described in sections 3.1.1.1(a) and 3.1.1.1(b) above to a floor space ratio not exceeding 0.24 plus 130 m<sup>2</sup>, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines;
- (d) the maximum floor space ratio is increased to 0.70 if:
  - (i) the area of all floors at or above finished grade does not exceed the lesser of a floor space ratio of 0.45, and the floor space ratio determined under sections 3.1.1.1(a) and 3.1.1.1(b) above,
  - (ii) the area of any floor, including the basement or cellar, does not exceed a floor space ratio of 0.25, and
  - (iii) no portion of the basement or cellar projects horizontally beyond the perimeter of the first storey, including entries, porches and verandahs;
- (e) for buildings existing prior to July 7, 2009, the floor space ratio for the area of all floors at, above or below finished grade, is increased to 0.75 to permit the addition of a basement or cellar, if:
  - (i) the area of all floors at or above finished grade does not exceed the lesser of a floor space ratio of 0.50 and the existing floor space ratio,
  - (ii) the area of any floor, including the basement or cellar, does not exceed a floor space ratio of 0.25, and

- (iii) no portion of the basement or cellar projects horizontally beyond the perimeter of the first storey, including entries, porches and verandahs; and
- (f) the Director of Planning may increase the permitted floor space ratio to a maximum of:
  - (i) 0.75 to facilitate converting a character house to a multiple conversion dwelling, or
  - (ii) 0.85 for infill in combination with retention of a character house,
 if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.

3.1.1.2 The maximum floor space ratio for duplex and duplex with secondary suite is 0.70, except that the area of all floors at or above finished grade and of the floors of any storey, basement or cellar located below a storey that has a floor surface located 1.8 m or more above finished grade, must not exceed 371 m<sup>2</sup>.

**3.1.2 Building Form and Placement**

Regulations	RS-5
3.1.2.1 Minimum site area for:	
(a) duplex and duplex with secondary suite	334 m <sup>2</sup>
(b) single detached house and single detached house with secondary suite	334 m <sup>2</sup>
(c) a dwelling unit for a caretaker	3,000 m <sup>2</sup>
3.1.2.2 Maximum site area for duplex	511 m <sup>2</sup>
3.1.2.3 Minimum site width for:	7.3 m
(a) single detached house and single detached house with secondary suite	
(b) duplex and duplex with secondary suite	
3.1.2.4 Maximum building height for:	
(a) duplex and duplex with secondary suite	10.7 m and 3 storeys
(b) all other uses	9.2 m and 3 storeys
3.1.2.5 Required front yard depth	the average depth of the front yards of 2 adjacent sites on each side of the site

Regulations	RS-5
3.1.2.6 Minimum side yard width where the site width:	
(a) does not exceed 10.0 m	12% of the site width
(b) exceeds 10.0 m and is less than 13.0 m	percentage of site width = site width in metres + 2
(c) is equal to or exceeds 13.0 m	15% of the site width
3.1.2.7 Minimum rear yard depth	10.7 m
3.1.2.8 Maximum site coverage for all buildings for:	
(a) duplex and duplex with secondary suite	45% of the site area
(b) all other uses	40% of the site area
3.1.2.9 Maximum area of impermeable materials	60% of the site area
3.1.2.10 Maximum building depth	40% of the site depth

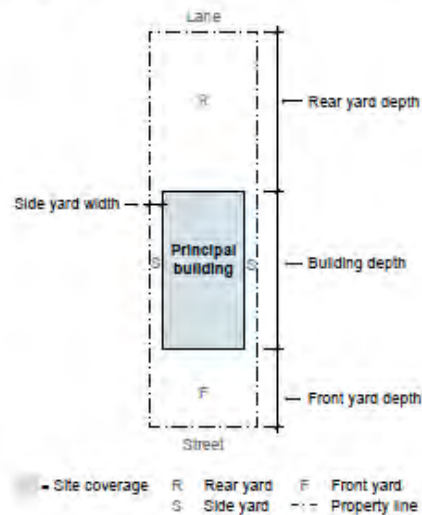
**Site Area and Site Width**

- 3.1.2.11 The Director of Planning may reduce the minimum site area in sections 3.1.2.1(a) and 3.1.2.1.(b) above if the existing lot is on record in the Land Title Office.
- 3.1.2.12 The design of any new dwelling will first require the approval of the Director of Planning if:
  - (a) the site width is less than 9.8 m; or
  - (b) the site area is less than 334 m<sup>2</sup>.

**Building Height**

- 3.1.2.13 Despite the maximum building height in section 3.1.2.4 above, the third storey must be a partial storey not exceeding 50% of the storey immediately below.
- 3.1.2.14 The Director of Planning may increase the permitted building height in section 3.1.2.4(b) above to a height not exceeding 10.7 m if:

**Diagram: Building placement for principal building**



- (a) all roofs, other than roofs covering only the first storey:
  - (i) have no flat portions,
  - (ii) have a minimum slope of 7:12 over the whole roof area, except for dormer roofs which may have a minimum slope of 4:12, and
  - (iii) are limited to gable, hip or gambrel roofs; or
- (b) the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.

#### Front Yard

3.1.2.15 Despite the required front yard depth in section 3.1.2.5 above:

- (a) where an adjacent site is vacant, it is deemed to have a front yard depth of 20% of the site depth;
- (b) if 1 or more of the adjacent sites front on a street other than that of the development site or the adjacent sites are separated by a street or lane, then such adjacent sites will not be used in computing the average; and
- (c) where the site is adjacent to a flanking street or lane, the average depth will be computed using the remainder of the adjacent sites.

3.1.2.16 If the provisions of sections 3.1.2.5, 3.1.2.7 and 3.1.2.15 above result in a distance between the front yard and the rear yard that is less than 40% of the site depth, and if the principal building is sited so that it abuts the required rear yard, the required front yard depth will be reduced so that the distance between the front yard and the rear yard is equal to 40% of the site depth.

3.1.2.17 If the depth of the required front yard is greater than 20% of the site depth, the Director of Planning may permit a reduction in the required front yard depth by an amount not exceeding 60% of the difference between the required front yard depth and 20% of the site depth, provided that the reduction must not exceed 1.5 m.

3.1.2.18 The Director of Planning may decrease the required front yard depth on a double fronting site or a site where a building line has been established pursuant to section 8.1.1 of this by-law.

#### Side Yard

3.1.2.19 Despite the minimum side yard width in section 3.1.2.6(c) above, a side yard on 1 side of a building may be decreased to 10% of the site width provided that the portion of the building abutting the decreased side yard:

- (a) does not exceed 65% of the permitted building depth;
- (b) is set back a minimum of 1.0 m from the required front yard;
- (c) does not exceed 1 storey in height; and

- (d) does not include a roof deck, except that the Director of Planning may permit a roof deck if the Director of Planning considers the impact on the privacy of the adjacent property.

3.1.2.20 Despite the minimum side yard width in section 3.1.2.6 above and the requirements of section 10.4 of this by-law, in the case of a corner site that has located at its rear, with or without the intervention of a lane, a site that fronts on the street flanking the corner site, the exterior side yard may be reduced to 10% of the site width provided that the portion of building abutting the decreased side yard:

- (a) does not exceed 65% of the permitted building depth;
- (b) is set back a minimum of 1.0 m from the required front yard; and
- (c) does not exceed 1 storey in height.

#### Area of Impermeable Materials

3.1.2.21 The Director of Planning may increase the maximum area of impermeable materials for buildings existing prior to October 8, 1996 to a maximum of 70% of the total site area if:

- (a) the percentage of the site area covered by existing impermeable materials is not increased by the proposed development; and
- (b) the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.



## 4 GENERAL REGULATIONS

All uses in this district are subject to the following regulations.

### 4.1 Computation of Floor Area

#### 4.1.1 Computation of floor area must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building including accessory buildings;
- (b) stairways, fire escapes, elevator shafts, and other features that the Director of Planning considers similar to the foregoing, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof joists, exceeds 3.7 m, an amount equal to the area of the floor below the excess height; and
- (d) the floor area of bay windows, regardless of seat height, location in building or relationship to yard setbacks, which exceeds the product of the total permitted floor area above the basement multiplied by 0.01.

#### 4.1.2 Computation of floor area must exclude:

- (a) balconies and decks, and any other appurtenances that the Director of Planning considers similar to the foregoing, provided that the total area of these exclusions does not exceed 8% of the permitted floor area;
- (b) patios and roof decks, if the Director of Planning considers the impact on privacy and overlook;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage in multiple conversion dwellings containing 3 or more dwelling units, or uses that the Director of Planning considers similar to the foregoing, those floors or portions thereof not exceeding 7.3 m in length, which:
  - (i) are located in an accessory building located within 7.9 m of the ultimate rear property line, or
  - (ii) where a site has no developed secondary access, are located in a principal building, or in an accessory building located within the building depth prescribed in this schedule, up to a maximum of 42 m<sup>2</sup>;
- (d) child day care facilities to a maximum floor area of 10% of the permitted floor area, provided the Director of Planning is satisfied that there is a need for a child day care facility in the immediate neighbourhood;
- (e) areas of undeveloped floors that are located:
  - (i) above the highest storey or partial storey, and to which there is no permanent means of access other than a hatch, or
  - (ii) adjacent to a storey or partial storey with a ceiling height of less than 1.2 m;

- (f) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (g) entries, porches and verandahs, and covered porches above the first storey, if:
  - (i) for all uses except for duplex and duplex with secondary suite, they face a street or a rear property line and entries, porches and verandahs are located at the basement or first storey,
  - (ii) for duplex and duplex with secondary suite, they face a street or rear property line,
  - (iii) the side facing the street or rear property line is open or protected by guards that do not exceed the required minimum height,
  - (iv) the total area of these exclusions, when combined with the balcony and deck exclusions under section 4.1.2(a) above, does not exceed 13% of the permitted floor area,
  - (v) for duplex and duplex with secondary suite, the depth of the total area being excluded for covered porches above the first storey does not exceed 1.83 m, and
  - (vi) the ceiling height, excluding roof structure, of the total area being excluded does not exceed 3.1 m measured from the entry, porch or verandah floor;
- (h) unconditioned floor areas with a ceiling height or height to the underside of joists of less than 2.0 m, located below the floors of entries, porches and verandahs complying with section 4.1.2(g) above, to which there is no access from the interior of the building;
- (i) the floor area of a laneway house; and
- (j) areas of floors existing, proposed or as may be extended over open-to-below space located directly below sloping roof rafters or a sloping ceiling where the ceiling is directly attached to the underside of sloping roof rafters, and where the roof joists have a minimum 7:12 pitch and the related ceiling maintains the same pitch as the roof joists, if:
  - (i) the distance from the floor to any part of the roof rafters or ceiling is no higher than 2.3 m and no lower than 1.2 m, both measured vertically, and
  - (ii) the excluded floor area does not exceed 10% of the permitted floor area above finished grade, and despite the definition of "partial storey" in Section 2 of this by-law, for the purposes of this schedule the maximum permitted floor area contained in a partial storey must not include floor area excluded in this section 4.1.2(j).

- 4.1.3 In the case of a corner site, where the rear property line of a site adjoins the side yard of a site in an R district, without the intervention of a lane, the Director of Planning may vary the provisions of section 4.1.2 above to permit the exclusion of floor space used for off-street parking in the principal building up to a maximum of 42 m<sup>2</sup>.

## 4.2 Building Height: Measurement

- 4.2.1 Building height in this district must be measured from a hypothetical surface determined by joining the existing grades at the intersections of the hypothetical lines defining the front and rear yards and the

side property lines, except that if the Director of Planning is of the opinion that the hypothetical surface determined by joining the existing grades is not compatible with the existing grades of adjoining sites or general topography of the area, the Director of Planning may instead require that building height be measured from base surface.

### 4.3 Site Coverage and Impermeability: Measurement

- 4.3.1 Except where the principal use of the site is a parking area, the maximum site coverage for any portion of the site used as parking area is 30%.
- 4.3.2 The maximum area of impermeable materials includes site coverage for all buildings.
- 4.3.3 Where developed secondary vehicular access to a site is not available, the Director of Planning may exclude from the area of impermeable materials an amount not exceeding:
- (a) for the first parking space, the product of the distance, in metres as measured along the driveway centre line, from the point where the driveway crosses the property boundary to the point where it meets the nearest side of the approvable parking space multiplied by 3.1 m; and
  - (b) for each additional parking space, 67 m<sup>2</sup> to accommodate vehicular access and manoeuvring.

### 4.4 Building Depth: Measurement

- 4.4.1 Building depth means the distance from the required front yard, measured in a straight line to a point directly opposite thereto along the exterior wall, including projections, facing the rear yard, except that where an existing building encroaches into the required front yard, the distance will be measured from the front exterior wall rather than the required front yard.
- 4.4.2 Projections into front yards permitted under [Section 10](#) of this by-law will not be included in the calculation of building depth.

### 4.5 External Design

- 4.5.1 For the purpose of this section 4.5:
- (a) "front entrance" means a door facing the front yard and located at or within 1.8 m of grade or connected to grade by stairs, a ramp or other means; and
  - (b) "side entrance" means a door facing a side yard and located at or within 1.8 m of grade or connected to grade by stairs, a ramp or other means.
- 4.5.2 For single detached house, there must be no more than 1 separate and distinct front entrance.
- 4.5.3 For single detached house with secondary suite, there must be no more than 2 separate and distinct front entrances.

- 4.5.4 For single detached house and single detached house with secondary suite, a side entrance must face a street or lane, or be located no less than 5.0 m from the side property line, except that there must be no more than 1 side entrance facing each side property line.
- 4.5.5 Despite sections 4.5.2, 4.5.3 and 4.5.4 above, the Director of Planning may, on the advice of the Chief Building Official, permit 1 additional entrance facing a front yard or a side yard if it provides access to a building existing prior to March 14, 1989.
- 4.5.6 The surface of the ground adjoining a building may be lowered only for the purpose of providing:
- (a) a window well for a basement or a cellar, if the lowered surface does not extend more than 1.0 m from the surface of a wall;
  - (b) a sunken entrance for a basement, if:
    - (i) the portion of the building abutting the lowered surface faces either the front street or the rear property line,
    - (ii) the lowered surface does not extend more than 3.1 m into the required front or rear yard, measured from the street-facing wall and including stair runs or vertical change in grade between the basement and the existing grade, and
    - (iii) the sum of the widths of all lowered surfaces abutting the building is not greater than half the building width or 4.6 m, whichever is the lesser, or
  - (c) a sunken entrance for a cellar in buildings existing prior to June 23, 2020, if:
    - (i) it complies with section 4.5.6(b) above, and
    - (ii) the depth of the lowered surface does not exceed 1.83 m below the average finished grade.
- 4.5.7 For duplex and duplex with secondary suite, there must be:
- (a) 2 main entrances, 1 to each principal dwelling unit;
  - (b) on a corner site, 1 main entrance facing the front street and 1 main entrance facing the flanking street; and
  - (c) 1 entry, porch or verandah at each main entrance, with a minimum width and depth of 1.8 m.
- 4.5.8 For duplex and duplex with secondary suite, the roof design must comply with the following provisions:
- (a) all roofs except for dormer roofs must:
    - (i) have a slope not less than 7:12 and not more than 12:12,
    - (ii) be either hip or gable, or a combination of both, and
    - (iii) intersect at its lower portion with the exterior wall face of the building or the vertical projection thereof at a line no higher than the lesser of 7.9 m above the base surface or the floor level of a partial storey, or attic above the second storey;

- (b) dormer roofs must be gable, hip or shed, and must have a minimum slope of 4:12;
- (c) the maximum total width of dormers provided on a partial storey above the second storey must not exceed 50% of the width of the elevation of the storey below;
- (d) all exterior dormer walls must be set back a minimum of 0.6 m from the exterior face of the wall of the storey below; and
- (e) despite section 4.5.8(d) above, 1 dormer, which faces an interior side yard and provides headroom over a stair and any intermediate and top landings that provide access from the second storey to the partial storey above, may have its face wall flush or continuous with the second storey exterior wall face below.

4.5.9 Exterior windows in a secondary suite or lock-off unit must have:

- (a) a minimum total glazing area of 10% of the total floor area of the room, in each of the kitchen, living room and dining room; and
- (b) a minimum total glazing area of 5% of the total floor area of the room, in all other rooms, except bathrooms and laundry rooms.

4.5.10 For duplex and duplex with secondary suite, the Director of Planning may vary the requirements of sections 4.5.6, 4.5.7, 4.5.8, and 4.5.9 above if, in the opinion of the Director of Planning, the design meets the intent of the regulations for quality and durability of design and architectural expression.

## 5 RELAXATIONS

5.1 Where, due to conditions peculiar either to the site or to the proposed development, literal enforcement would result in unnecessary hardship, the Director of Planning may relax:

- (a) the minimum front yard depth, but in no case may the depth be reduced to less than 60% of the depth required in this schedule;
- (b) the minimum side yard width, but in no case may the width be reduced to less than 60% of the width required in this schedule;
- (c) the minimum rear yard depth, but in no case may the depth be reduced to less than 60% of the depth required in this schedule;
- (d) the maximum building depth; and
- (e) the floor space ratio exclusions for parking in accessory buildings in section 4.1.2(c)(i) of this schedule,

if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines, and the submission of any advisory group, property owner or tenant.

- 5.2 Where, due to the peculiarities of the site or special circumstances related to the use of the site, literal enforcement would result in unnecessary hardship, the Director of Planning may relax the maximum area of impermeable materials prescribed in this schedule if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.