

# MURDY & McALLISTER

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January 23, 2002

VIA FAX

Howard Carley  
Administrator  
Municipal Hall  
2697 Sunnyside Road  
Anmore, B.C.  
V3H 3C8

Dear Howard:

Re: Development Proposal – Harris  
Our File No. 2991

This letter acknowledges receipt of your fax earlier today and the documentation regarding this proposal.

The difficulty that we have with the proposal is that it is simply intended to avoid the current provisions in the Village bylaws which, as we understand them, limit residential use to one acre zoning and one principle dwelling per parcel.

We understand that duplexes are also permitted, but this is of course not a duplex.

Section 242 of the Strata Property Act referred to by the owners' surveyor deals with conversion of a "previously occupied building".

It does not deal with in effect creating a strata lot of the foot print of two entirely separate buildings. Here, no building is being subdivided.

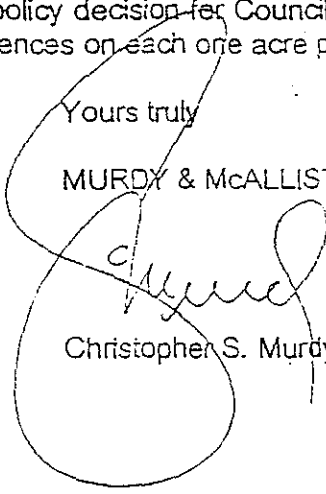
One other problem is that section 242 deals with conversion of an occupied building and as we understand the bylaws, the second "lot" can not be lawfully occupied as a principle building, prior to conversion since that would violate the Zoning Bylaw.

We note that under section 242, Council is precluded from approving the strata plan unless the building substantially complies with the bylaws of the Municipality and in this case, we are somewhat unclear on how the building could be occupied as a principle residence (so as to be previously occupied) in compliance with the Zoning Bylaw prior to conversion.

In any event, approvals of section 242 conversions are entirely in the discretion of Council and so there is a threshold policy decision for Council to take as to whether it wants to allow, in effect, for two principle residences on each one acre parcel.

Yours truly

MURDY & McALLISTER



Christopher S. Murdy

CSM/sn