

<u>COUNCIL AGENDA</u>	
Date: <u>June 13, 2022</u>	Item: <u>6.</u>



DISTRICT OF WEST VANCOUVER  
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

6.

## COUNCIL REPORT

Date:	May 31, 2022
From:	Mark Chan, Deputy Chief Administrative Officer
Subject:	2195 Gordon Avenue
File:	0500-01

### RECOMMENDATION

THAT the District enter into, and the Mayor and Corporate Officer be authorized to execute: the Offers to Lease with Kiwanis North Shore Housing Society and 2195 Gordon Avenue Limited Partnership, with respect to the District-owned property at 2195 Gordon Avenue (also known as 990 22nd Street) in the form as attached to the Council Report dated April 27, 2022, and with such minor amendments as recommended by the Municipal Solicitor; and other documents referenced in the Offers to Lease, and such other documents as recommended by the Municipal Solicitor to implement the Offers to Lease.

### 1.0 Purpose

This report is a follow-up to the April 27, 2022, Council Report that was considered by Council at the May 9 Council Meeting when Council authorized publication of a Notice of Disposition with respect to the proposed disposition of District-owned land, namely long term leases of proposed Parcel A and Parcel B at 990 22nd Street, also known as 2195 Gordon Avenue ("the May 9 Council Report").

The May 9 Council Report attached the proposed Offers to Lease, Leases and Housing Agreement to allow the public to review the documents, and provide comments to Council before Council considers execution of the proposed Offers to Lease at the June 13, 2022, Council Meeting.

The Notice of Disposition was published in the North Shore News on May 11 and 18, 2022.

This report summarizes the main themes of the correspondence received from April 29 (the date the May 9 Council Report was published on the District website) up to May 30 (the day before this report was prepared). Any correspondence received between May 30 and up to the June 13 Council Meeting will also be provided to Council.

The intent is to allow Council to consider all of the correspondence, and any submissions made by the public at the June 13 Council Meeting, when deciding whether to execute the Offers to Lease.

## **2.0 Executive Summary**

Section 26 of the *Community Charter* requires that Council publish a Notice of Disposition prior to disposing of municipally owned land. As mentioned above, the Notice was published twice in the North Shore News on May 11 and 18.

The District took the additional step of allowing the public to write to the District with comments on the proposed disposition before considering executing the Offers to Lease. This additional step was taken in case there were significant issues raised that had not yet been considered or taken into account by Staff regarding the proposed disposition and legal documents attached to the May 9 Council Report.

Staff have carefully considered all of the correspondence to the date of this Report, and believe there are no significant issues that have been raised in the correspondence that have not already been considered or addressed in the proposed Offers to Lease, Leases and Housing Agreement.

Accordingly, Staff recommend that Council authorize execution of the proposed Offers to Lease, and such related documents as recommended by the Municipal Solicitor to implement the Offers to Lease.

## **3.0 Legislation/Bylaw/Policy**

Section 26 of the *Community Charter* provides that before a council disposes of land or improvements, it must publish notice of the proposed disposition.

## **4.0 Council Strategic Objective(s)/Official Community Plan**

This initiative, in particular, the provision of below market rental housing at 2195 Gordon Avenue supports Council's Strategic Objective 1.0 - Housing which states "Significantly expand the diversity and supply of housing, including housing that is more affordable".

This initiative also provides for an Adult Day Centre on the Property, which supports Council Strategic Objective 6.4 which states "Work with senior levels of government, non-profits, and private sector service providers to enable supports for healthy aging in place".

Official Community Plan (OCP) Policy 2.1.17 supports securing new non-market rental housing units in appropriate locations close to transit and amenities. OCP Policy 2.1.21 supports the use of District-owned lands to increase the availability of more diverse and affordable housing.

## **5.0 Financial Implications**

The proposed disposition of Parcel B to 2195 Gordon Avenue Limited Partnership ("2195 Partnership") will result in \$22.195M in prepaid lease revenue to the District, and the development by 2195 Partnership of 58 strata condominiums in one eight-storey building. The proposed disposition of proposed Parcel A to Kiwanis North Shore Housing Society

("Kiwanis") is intended to result in 156 units of below market rental housing in two six-storey buildings, and an Adult Day Centre. The target market for the below market rental housing is moderate income people, including workers, families and seniors in West Vancouver.

As Kiwanis is required to: (1) design, build and maintain the two below market rental housing buildings; (2) operate the below market rental housing at a capped maximum of 75% of market rent; and (3) design and build the Adult Day Centre; all with no financial contribution from the District, there is no additional financial compensation to the District for the disposition of Parcel A.

## **6.0 Background**

The District acquired the Property at 2195 Gordon Avenue in 2014 for \$16 million. The site is located directly north of the West Vancouver Community Centre, south of Pauline Johnson Elementary School, and is 76,500 square feet (1.76 acres) in area.

In 2018, Council and staff began working with external experts to consider possible options for the development of the Property. In September 2018, Council unanimously passed a resolution directing Staff to proceed with public consultation on possible scenarios and an option that sought to deliver, among other things: housing for moderate income people in West Vancouver; rental units averaging 70% of market rent; and a revenue objective that recovers the District's initial purchase price of \$16 million plus a reasonable return since the acquisition date in 2014. The initial consultation took place during early 2019, and showed general support for the District's proposal to create housing, increase rental supply and improve affordability with no ongoing cost to the District.

After considering the results of the initial consultation, in April 2019, Council unanimously passed a resolution authorizing Staff to proceed with a rezoning application. In July 2020, after conducting additional public consultation, and holding a public hearing, Council approved the rezoning of the property, and Official Community Plan amendments to allow for below market rental housing and an Adult Day Centre at proposed Parcel A, and strata condominium housing at proposed Parcel B.

In 2021, the District initiated a competitive process by publicly issuing a Request for Proposals (including publication on the BC Bid website) seeking proposals from developers and housing operators to accomplish Council's objectives. After carefully considering all of the responses to the Request for Proposals, Council decided that Kiwanis and Darwin had the best proposals for the District.

In July 2021, with Council's approval, the District announced that:

1. the District was in negotiations with:
  - Kiwanis for the development and operation of the below market rental housing at proposed Parcel A;

- Kiwanis and Vancouver Coastal Health Authority, for the development and operation of the Adult Day Centre at proposed Parcel A; and
  - Darwin Properties, for the development of the market condominium housing at proposed Parcel B;
2. the negotiations are on the basis of long-term leases (i.e. leasehold rather than freehold/fee simple); and
  3. the District was working on preparing the legal agreements.

At the May 9, 2022, Council Meeting, after considering the May 9 Council Report that attached the proposed Offers to Lease, Leases and Housing Agreement with respect to Parcels A and B:

- Council authorized publication of a Notice of Disposition pursuant to section 26 of the *Community Charter*, with respect to the proposed disposition of District-owned land, namely long term leases of proposed Parcel A and Parcel B at 2195 Gordon Avenue; and
- Council gave first reading to proposed “Housing Agreement Authorization Bylaw No. 5200, 2022” regarding Kiwanis North Shore Housing Society.

## **7.0 Analysis**

### **7.1 Discussion**

The correspondence attached to this report starts from April 29 (the date the May 9 Council Report was published on the District website) until May 30, the day before this report was prepared. Any correspondence received between May 30 and up to the June 13 Council Meeting will also be provided to Council. The intent is to allow Council to consider all of the correspondence, and any submissions made by the public at the June 13 Council Meeting, when deciding whether to execute the Offers to Lease.

The correspondence has been divided into the following three categories:

- correspondence in support of the District’s proposal;
- correspondence in opposition to the District’s proposal; and
- other correspondence.

#### *Correspondence in support*

There are 61 correspondence items in support of the District’s proposal. Some of these are form letters, some are modified versions of form letters, and some are unique letters. One person wrote three items, one person wrote two items, and another person wrote two items. There are also letters from organizations, which have not been redacted as they do not contain personal information.

The correspondence in support focusses on the proposed disposition of Parcel A to Kiwanis. For completeness, all of the redacted



correspondence in support received up to May 30 is contained in **Appendix 1**. The common themes of the correspondence in support are summarized below:

- the need for affordable and below market rental housing;
- the need for housing for workers, young families and seniors;
- the need for more housing generally, and increased housing diversity;
- the need for more demographic balance in West Vancouver;
- the benefits the development will have on reducing the number of commuters, traffic congestion and pollution;
- the suitability of 2195 Gordon Avenue for the proposed use as it is close to transit, schools and amenities;
- the reputation of Kiwanis North Shore Housing Society;
- the need for a permanent Adult Day Centre; and
- support for the proposed long term lease as opposed to sale.

*Correspondence in opposition*

There are 36 correspondence items in opposition to the District's proposal. Some of these are form letters, some are modified versions of form letters, and some are unique letters. One person wrote twice; however, that is considered as one correspondence item since the two emails are part of the same chain of correspondence. There is also an email from an organization which has not been redacted.

The correspondence in opposition focusses on the proposed disposition of Parcel A to Kiwanis. For completeness, all of the redacted correspondence in opposition received up to May 30 is contained in **Appendix 2**. The common themes of the correspondence in opposition are summarized below:

- a formal referendum should be held before the District's proposal proceeds, or the decision should be postponed until after the local government election;
- concern about the proposed provision of subsidized or below market housing;
- concern about proposed Parcel A being long term leased to Kiwanis for \$1 as opposed to the potential value of Parcel A with another use (the correspondence items refer to a potential value of \$54 million);
- concern about limited District resources, and using public assets to fund subsidized or below market housing;

- concern about who will be eligible for the below market rental housing, and how tenant eligibility will be administered or controlled; and
- affordable housing is a provincial rather than municipal responsibility.

Below are Staff's responses to some of the concerns mentioned above.

- On the request for a referendum, it should be noted that this project has already gone through significant public consultation, including during the extensive initial public consultation in 2019 (when Staff met or spoke with over 750 people, received over 330 survey responses and sent over 2,000 letters and emails), and the public consultation and public hearing that took place during the rezoning of the site and amendment of the Official Community Plan in 2020.
- The current decision is one procedural step in a process that represents years of work by the District and Council dating back to 2018. Many of the decisions regarding this project have already been made by Council, and only after conducting public consultation. This includes the rezoning which established that proposed Parcel A can only be used for rental housing (and not strata condominiums).
- The consideration (or compensation) to the District for proposed Parcel A is multi-faceted. Kiwanis is required to (1) design, build and maintain the two below market rental buildings; (2) operate the below market rental housing at a capped maximum of 75% of market rent; and (3) design and build the Adult Day Centre, all with no financial contribution from the District. In view of these requirements, there is no additional financial compensation to the District for Parcel A. Council selected Kiwanis after: conducting a competitive process by publicly issuing a Request for Proposals (including publication on the BC Bid website); and considering all of the responses to the Request for Proposals.
- Council and the District's objective has never been to only focus on and maximize the financial return from the property. Council and the District have been very clear, since 2018 and throughout the public consultation, that the goal is to optimize the use of the site to deliver on multiple District policy objectives: providing additional housing supply, below market housing for moderate income people, and an Adult Day Centre; while generating a reasonable return on the purchase price of \$16 million; and with no ongoing cost to the District. The public consultation showed general support for the District's balanced approach, and Council therefore moved incrementally forward with the project.
- With respect to the writers' purported value of \$54 million for Parcel A, this value appears to be on the basis of using Parcel A entirely for market strata condominiums. The zoning for Parcel A only

allows rental tenure and does not allow strata condominiums. The zoning for Parcel A also only allows buildings with a maximum of six storeys, and Council has required that one of the buildings shall include an Adult Day Centre at no cost to the District.

- Concerns about the eligibility of tenants and how the rental housing will be administered / controlled are dealt with in the detailed Housing Agreement to ensure Council's objectives are met (see **Appendix 4** for a copy of the Housing Agreement). That Housing Agreement includes details such as: the requirement for a substantial connection to the community (i.e. residence, employment and/or school enrolment in West Vancouver); asset and income limits; application information requirements; statutory declarations by Kiwanis to confirm eligibility; the District's rights to make inquiries or inspect Kiwanis' records; etc. The Housing Agreement must be approved by Council and will be registered on title to bind Kiwanis for the 60 year duration of the long term lease.

#### *Other Correspondence*

There is one item in the category of "Other Correspondence" meaning that it does not clearly support or oppose this project. The one item of Other Correspondence is contained in **Appendix 3**, and in summary, proposes a rent to own program that the writer's company has designed and calls "Live to Own". It appears the program can be used for any home, and does not require to be specifically incorporated by Council or the District into the 2195 Gordon Avenue project.

#### *Recommendation*

Section 26 of the *Community Charter* requires that Council publish a Notice of Disposition prior to disposing of municipally owned land. As mentioned above, the Notice was published twice in the North Shore News on May 11 and 18.

The District took the additional step of allowing the public to write to the District with comments on the proposed disposition before considering executing the Offers to Lease. This additional step was taken in case there were significant issues raised that had not yet been considered or taken into account by Staff regarding the proposed disposition and legal documents attached to the May 9 Council Report.

Staff have carefully considered all of the correspondence to the date of this Report, and believe there are no significant issues that have been raised in the correspondence that have not already been considered or addressed in the proposed Offers to Lease, Leases and Housing Agreement. Accordingly, Staff recommend that Council authorize execution of the proposed Offers to Lease, and such related documents as recommended by the Municipal Solicitor to implement the Offers to Lease.

### *Next Steps*

If Council decides to execute the Offers to Lease as recommended in this Report, thereafter Council should consider also giving second and third reading to proposed “Housing Agreement Authorization Bylaw No. 5200, 2022”.

## 7.2 Sustainability

The 2195 Gordon Avenue initiative provides for additional housing close to amenities and transit. The location of the development will allow less reliance on vehicles, support transit use and encourage non-vehicle trips. The design guidelines applicable to the site require all development to comply with the District’s Sustainable Buildings Policy, including Low-carbon Energy System pathway and the achievement of the step higher than required by the BC Energy Step Code required by the District’s updated Building Bylaw. The initiative also provides social sustainability through the provision of below market rental housing and the Adult Day Centre, and financial sustainability through the \$22.195M prepaid lease for proposed Parcel B.

## 7.3 Public Engagement and Outreach

Significant public consultation for the 2195 Gordon Avenue initiative took place during the initial public consultation in 2019, and the public consultation which was part of the rezoning and OCP amendment process in 2020.

## 7.4 Other Communication, Consultation, and Research

Staff have consulted with the Municipal Solicitor and multiple divisions with respect to the subject matter of this report including: Planning & Development Services; Engineering & Transportation; and Financial Services.

## 8.0 Options

### 8.1 Recommended Option

This report recommends that Council authorize execution of the Offers to Lease and documents as referenced in the recommended motion.

### 8.2 Considered Options

Council may proceed as recommended, defer, or request additional information.

Author:



M. Chan

Appendices: Appendix 1: Correspondence in Support  
Appendix 2: Correspondence in Opposition  
Appendix 3: Other Correspondence  
Appendix 4: Proposed Housing Agreement

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**From:** s.22(1)  
**Sent:** Wednesday, May 4, 2022 9:30 AM  
**To:** correspondence  
**Subject:** Support for Housing Proposals

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

May 4, 2022

Dear Mayor and Council,

I am writing to urge you to approve two proposals coming before you on May 9, 2022, both of which address the lack of affordable housing in our District.

The first, a development proposed for 2195 Gordon Avenue, is ready to go to public consultation. It will provide 156 below-market rental units and an adult day centre, which are necessities in our community. The second, at 2905 Marine Drive, will provide multi-unit housing for families in the form of 8 townhouses over 3 floors. This too is the kind of housing West Van desperately needs.

An article published in the North Shore News only yesterday (May 3) shows that West Van is stagnating. We must provide housing to attract young families, entrepreneurs, and people who work in our community but cannot afford to live here. Our population is aging and without a bold infusion of energy, commitment, and forward thinking, we will continue to fall behind.

[https://www.nsnews.com/local-news/census-offers-window-into-stagnation-of-west-vancouver-5323978?utm\\_source=Email&utm\\_medium=Email&utm\\_campaign=Email](https://www.nsnews.com/local-news/census-offers-window-into-stagnation-of-west-vancouver-5323978?utm_source=Email&utm_medium=Email&utm_campaign=Email)

Please approve these proposals so that our District can progress.

Thank you for your hard work,

s.22(1)

West Vancouver, BC s.22(1)



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**From:** s.22(1)  
**Sent:** Friday, May 6, 2022 1:32 PM  
**To:** Nora Gambioli; Peter Lambur; Bill Soprovich; Sharon Thompson; Marcus Wong; correspondence; Craig Cameron  
**Subject:** Please approve the 2195 Gordon Avenue and 2905 Marine Drive proposals

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mayor and Council,

I am writing to ask you to approve two proposals (2195 Gordon Avenue and 2905 Marine Drive) coming before you on May 9, 2022, both of which address the lack of affordable housing in our District.

I'm gently and respectfully reminding you that your Council has approved very little affordable housing in our District, notwithstanding the targets you've committed to in your Strategic Plan. The OCP has specific actions related to housing (*i.e. regenerate our primarily detached, single-family home oriented neighbourhoods with sensitive infill options, such as smaller houses on smaller lots, coach houses and duplexes; expand "missing middle" housing options, like triplex, townhouse and mixed-use, in locations close to transit, shops, and amenities; and advance housing affordability, accessibility and sustainability through available policy levers*) and the OCP has community support.

As residents, we know that this is an election year and that you will be thinking about your constituent's specific interests. During your May 9 meeting, I urge you to look beyond narrow interests and focus on the greater good and what the community has on numerous occasions has said loud and clear: **"we want more diverse and affordable housing"**.

Thanks for listening!

Thanks s.22(1)  
s.22(1), West Vancouver  
s.22(1)

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**From:** s.22(1)  
**Sent:** Saturday, May 7, 2022 3:49 PM  
**To:** Bill Soprovich; Craig Cameron; Marcus Wong; Mary-Ann Booth; correspondence; Nora Gambioli; Peter Lambur; Sharon Thompson  
**Subject:** WV Council, May 9 - Item 7, 2195 Gordon Avenue

To Mayor and Council,

I support Council's decision to publish a Notice of Disposition for 2195 Gordon Avenue to Kiwanis North Shore Housing Society to allow public comments. This project is important to West Vancouver for the following reasons:

- First and most importantly, **energy emissions** will be lower with multiple units under one roof; the more shared walls, the lower the energy emissions and higher the energy efficiency. Energy Emissions are also lowered with employee's reduced travel time to work, increased active travel from this site by walking, biking and busing, and increased local students.

- Secondly, is the **benefit for our local staff** who would qualify for this housing. The need is great to locate our staff closer to their work – it reduces their commute time, reduces congestion on our roads, increases our staff retention, lowers our costs to replace staff, and improves staff quality of life and their productivity.

Thirdly, we will now have a permanent location for our much-needed **Adult Care Centre** managed by Vancouver Coastal Health.

- Fourthly, the **disposition of the land to a non-profit** ensures that any profit remains in our community for more 'affordable' housing. It's a win-win.

Thank you,  
s.22(1)  
, WV

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**From:** s.22(1)  
**Sent:** Monday, May 9, 2022 10:10 AM  
**To:** correspondence  
**Subject:** Council meeting of May 9, 2022, items 5 and 7.

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Dear Mayor and Council:

I urge you to approve two important housing proposals which are on today's agenda, for properties at 2905 Marine Drive (item 5), and 9195 Gordon Avenue (item 7).

The Marine Drive proposal is for townhouses, of which very few have been approved in the past 4 years in West Vancouver. While not necessarily "affordable", they are good ground-oriented family housing to add to the housing stock.

The Gordon Avenue project would add 156 below-market rental units and an adult daycare in West Vancouver. As you probably know, West Vancouver is an aging community in need of places for seniors and also for workers on the North Shore. Today's housing agreement will help facilitate this important project.

Yours Truly,

s.22(1)

North Vancouver, BC



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**From:** s.22(1)  
**Sent:** Monday, May 9, 2022 2:43 PM  
**To:** mbooth@westvancouver.ca; Craig Cameron; Nora Gambioli; Peter Lambur; Bill Soprovich; Sharon Thompson; Marcus Wong; correspondence  
**Subject:** YES to affordable Rentals and the Adult Day Center

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Dear Sirs/Mesdames,

I am wholeheartedly in favour of these two proposals - 2195 Gordon Avenue and 2905 Marine Drive.

We need facilities for our elders, and we need affordable housing for all ages in order for West Vancouver to be a diverse and vibrant community.

Sincerely,

s.22(1)  
West Vancouver, BC s.22(1)

s.22(1)

North Vancouver, BC

s.22(1)

May 24, 2022

District Council  
District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan, Deputy Chief Administrative Officer

**RE: 2195 Gordon Avenue Lease: Kiwanis North Shore Housing Society –  
Below Market Rental Housing**

I am writing in support of the District leasing land at 2195 Gordon Avenue for below market rental housing. As a former s.22(1), I am well aware of the housing crisis on the North Shore. This is what prompted me to subsequently join the s.22(1).

The Gordon Avenue site is ideally located for this type of housing. Kiwanis brings a long track record of being a responsible provider of affordable housing in West Vancouver and across the North Shore. There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of the community. This kind of housing will also help reduce traffic congestion.

I commend the District of West Vancouver for advancing this housing effort over the past several years. Now is the time to make it happen through a land lease with Kiwanis.

Yours truly,  
s.22(1)

Cc: Mayor and Council

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**From:** Mark Chan  
**Sent:** May 25, 2022 1:39 PM  
**To:** Jenn Suggitt; Darren Chung  
**Subject:** FW: 2195 Gordon Ave parcel

One more item for Gordon Ave file.

**From:** s.22(1)  
**Sent:** Wednesday, May 25, 2022 1:15 PM  
**To:** Mark Chan <mchan@westvancouver.ca>  
**Subject:** 2195 Gordon Ave parcel

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May 25, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
([mchan@westvancouver.ca](mailto:mchan@westvancouver.ca))

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

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I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

- I support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver's workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal.

I applaud the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,

s.22(1)

Delta, BC

Cc: Mayor and Council ([correspondence@westvancouver.ca](mailto:correspondence@westvancouver.ca))

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**From:** s.22(1)  
**Sent:** Wednesday, May 25, 2022 7:32 PM  
**To:** Mark Chan; correspondence  
**Subject:** Support for Kiwanis North Shore Housing Society  
**Attachments:** WEST-VAN-LET.pdf

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Mark:

Our company s.22(1) moving and downsizing, has been downsizing seniors for over s.22(1). We see the need for affordable housing for seniors on a regular basis.

I strongly support their projects.

--  
Best Regards

s.22(1)



May 25, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

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I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

- I support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver's workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal.

I applaud the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,

s.22(1)

North Vancouver, BC

s.22(1)

Cc: Mayor and Council (correspondence@westvancouver.ca)

s.22(1)

North Vancouver, BC

s.22(1)

May 25, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan, Deputy Chief Administrative Officer

**RE: 2195 Gordon Avenue (Below Market Rental Housing)**

I am writing in support West Vancouver Council's effort to provide below market rental housing. As a worker in West Vancouver in my mid 30's, I can attest to the challenge of finding accommodation in West Vancouver at a reasonable price.

The rezoning and lease arranged for on District lands with the Kiwanis North Shore Housing Society is exactly what the community needs. I therefore support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.

Please proceed with making below market rental housing a reality in West Vancouver.

Yours truly,

s.22(1)

Cc: Mayor and Council (correspondence@westvanco vancouver.ca)

s.22(1)

LIONS BAY, BC.

s.22(1)

s.22(1)

25<sup>th</sup> May 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

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Shore Housing Society (“Kiwanis”).

- I support the District of West Vancouver’s decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver’s workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal.

I applaud the District of West Vancouver’s partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,

s.22(1)

s.22(1)

Lions Bay, BC.

Cc: [Mayor](#) and Council (correspondence@westvancouver.ca)



May 25, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

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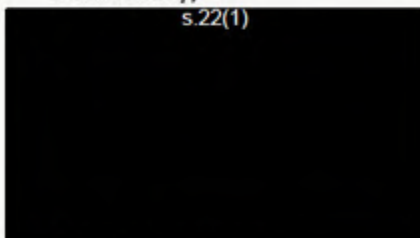
I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

- I support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver's workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal.

I applaud the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,

s.22(1)



North Vancouver

Cc: [Mayor](#) and Council (correspondence@westvancouver.ca)

May 25, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
mchan@westvancouver.ca

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society (“Kiwanis”). BC Housing and Kiwanis have a long-standing relationship and we are pleased to see this great organization further developing below market rental housing.

As an organization, BC Housing is pleased to collaborate with Kiwanis once again. We are in the early stages of exploring financing options through BC Housing’s HousingHub.

We support the District of West Vancouver’s decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing. This is a fantastic illustration of a municipality collaborating with the private and non-profit sector to deliver much needed below market rental housing.

Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal and their Lynn Woods project in the District of North Vancouver that is nearing completion.

I applaud the District of West Vancouver’s partnership in this proposal, making below market rental housing a viable option in the community.

Yours truly,

s.22(1)



Gavin Lee  
Development Manager  
BC Housing

Cc: [Mayor](#) and Council (correspondence@westvancouver.ca)

May 25, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

- I grew up in West Vancouver and have seen how West Vancouver housing has changed and not kept pace with the requirements of its demographics or the needs of the community.
- West Vancouver needs more diverse housing that will attract different groups of people including young professionals and young families.
- I support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver's workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal.

I applaud the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,

s.22(1)



West Vancouver, BC

s.22(1)



Cc: Mayor and Council (correspondence@westvancouver.ca)



---

**From:** Mark Chan  
**Sent:** May 26, 2022 10:45 AM  
**To:** Jenn Suggitt; Darren Chung  
**Subject:** FW:

One more correspondence item for Gordon Avenue file

**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 10:02 AM  
**To:** Mark Chan <mchan@westvancouver.ca>  
**Subject:**

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

May 26 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
([mchan@westvancouver.ca](mailto:mchan@westvancouver.ca))

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

- I support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver's workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal.

I applaud the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,

s.22(1)

North Vancouver B.  
C.

s.22(1)

Cc: Mayor and Council ([correspondence@westvancouver.ca](mailto:correspondence@westvancouver.ca))

s.22(1)

---

**From:** s.22(1)  
**Sent:** May 26, 2022 6:35 PM  
**To:** Mark Chan; correspondence  
**Subject:** Support letter for 2195 Gordon Ave project  
**Attachments:** Gordon Avenue Development - Letter of Support - Rajan.docx

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Please see the attached letter in support of the 2195 Gordon Ave Project .  
thank you,  
s.22(1)

May 26, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am a resident of West Vancouver for s.22(1) years. I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

- I support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver's workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal.

I applaud the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,

s.22(1)

West Vancouver, s.22(1)

Cc: Mayor and Council (correspondence@westvancouver.ca)



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**From:** s.22(1)  
**Sent:** May 26, 2022 8:49 PM  
**To:** Mark Chan  
**Cc:** correspondence; patrick@kiwanisnorthshorehousing.org  
**Subject:** Parcel A – 2195 Gordon Avenue; Kiwanis North Shore Housing Society and Below Market Rental Housing

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

May 26, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
([mchan@westvancouver.ca](mailto:mchan@westvancouver.ca))

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I write in support of the below market rental housing project proposed by the Kiwanis North Shore Housing Society ("KNSHS").

Affordable housing is a significant municipal and societal issue. In West Vancouver, the issue is particularly acute - while I no longer live in West Vancouver proper, I continue to have deep connections to the community and continue to actively contribute to it and am planning to move back into the community.

Put bluntly, my children have no hope of affording to live in West Vancouver, the community they grew up in and the community they and most of their childhood friends have been forced to leave due to sky high housing costs. This reality also is reflected almost universally amongst all those citizens who actually provide the services that keep the West Vancouver community and municipal government services staffed and functioning.

The Village West project is a small but necessary step to rectifying this significant affordable housing issue in West Vancouver.

I support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to the KNSH for 60 years to build and operate below market rental housing. There is a desperate need for this type of housing in West Vancouver.

The lack of affordable housing forces 70% of West Vancouver's workforce to commute into the municipality, adding traffic congestion and air pollution because they cannot afford to live where they work. This has ongoing negative impacts on the community.

The Gordon Street location is as good as it gets for this type of housing project. The location is well serviced by transit, schools, amenities, and recreational facilities.



Choosing the KNSHS to develop affordable housing at the Gordon Street site would bring an organization with a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years, as exemplified by their Garden Village project directly east of this proposal.

I applaud the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option for the community.

Yours truly,

s.22(1)

Vancouver, BC

s.22(1)

Cc: Mayor and Council ([correspondence@westvancouver.ca](mailto:correspondence@westvancouver.ca))

--

s.22(1)

May 26, 2022

Mayor and Councillors  
District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am writing on behalf of North Shore Community Resources (NSCR) in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

NSCR provides a broad range of social services for the North Shore community ([www.nscr.ca](http://www.nscr.ca)). As such we have an opportunity to meet thousands of North Shore residents. Perhaps the largest social challenge we see in working with our clients is the lack of affordable housing options in the community.

This issue is particularly acute in the District of West Vancouver. As you know from recent Census data, the District's population base is shrinking and aging. Your responsibility as Council includes working to ensure a socially sustainable community. This requires a diversity of housing availability that addresses affordability. No doubt the District can not solve this huge challenge on its own. But it should do what it can.

The Gordon Avenue lands exemplifies an innovative solution that addresses housing affordability needs in the District.

Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. Their Garden Village project directly east of this proposal is a good example of their housing experience.

.../2

We commend the District of West Vancouver for taking this bold initiative and look forward to seeing shovels in the ground as soon as possible so diverse families can benefit from a viable below market rental housing option in our community.

Yours sincerely,

s.22(1)

A large black rectangular redaction box covers the signature area.

Murray Mollard,  
Executive Director

Cc: Mark Chan, Deputy Chief Administrative Officer

26 May 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

- I support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver's workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal.

I applaud the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,

s.22(1)

West Vancouver, BC, s.22(1)

P: s.22(1)

May 26, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am writing to you in support of the proposed land lease of Parcel A – 2195 Gordon Avenue to Kiwanis North Shore Housing Society for the purpose of providing below market rental housing.

As a long-time resident of West Vancouver and past Mayor, I have seen the changes in our community that have occurred because of the severe lack of affordable housing options. There is a desperate need for below market rental housing in order to attract individuals and young families back to our community. The Gordon Avenue project will also help low to moderate income seniors to stay in West Vancouver.

70% of West Vancouver's workforce, including 90% of municipal employees, and more than 25% of students enrolled in West Vancouver's schools commute into the municipality. We see the impact on traffic congestion every day because they cannot afford to live in West Vancouver. The problem of housing affordability is also impacting our businesses who find it increasingly difficult to attract employees willing to commute to West Vancouver. In some cases, business have been forced to shut down.

I have been a member of Kiwanis for over 35 years and currently serve as Vice-President of the Housing Society. I am incredibly proud of the 70 year history of Kiwanis providing below market housing on the North Shore. No other housing society or developer can match that commitment. We not only construct top quality buildings but also ensure that they are well maintained and provide a safe environment for people to call home.

Kiwanis is excited to partner with the District in the delivery of below market housing on the Gordon Avenue site and we look forward to working with you for many years to come. I have no doubt that this project will achieve our mutual objectives for affordable rental housing in West Vancouver.

Yours truly,

For: Ron Wood

s.22(1)

West Vancouver, BC s.22(1)

Cc: Mayor and Council (correspondence@westvancouver.ca)

(Writer has requested that the name not be redacted)

May 26 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC V7V 3T3

Dear Mayor and Council,

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society (“Kiwanis”).

- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing. This can be exemplified by their Garden Village project directly east of this proposal.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- I applaud the District of West Vancouver’s partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,

s.22(1)

North Vancouver

May 26, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

- I support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver's workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal.

I applaud the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,  
s.22(1)



North Vancouver, BC, s.22(1)

Cc: Mayor and Council (correspondence@westvancouver.ca)



May 26<sup>th</sup> 2022~~(Date)~~

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society (“Kiwanis”).

- I support the District of West Vancouver’s decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver’s workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal.

I applaud the District of West Vancouver’s partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,

s.22(1)

West Vancouver

Mayor and Council (correspondence@westvancouver.ca)



May 26, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan

Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am a resident of West Vancouver for over 46 years. I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

- I support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver's workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal.

I applaud the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,

s.22(1)

West Vancouver, s.22(1)

Cc: Mayor and Council (correspondence@westvancouver.ca)

---

**From:** s.22(1)  
**Sent:** May 27, 2022 7:47 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because we need more affordable housing in West Vancouver. From aging seniors, working citizens, and maturing youth we need more housing to build on the vibrancy of West Van.

Cheers,

s.22(1)

s.22(1)





---

**From:** [REDACTED] s.22(1)  
**Sent:** May 27, 2022 7:47 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s.22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because we need a mix of housing in the community.

Thx,  
[REDACTED] s.22(1)

---

**From:** [REDACTED] s.22(1)  
**Sent:** May 27, 2022 7:56 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

CAUTION: This email originated from outside the organization from email address [REDACTED] s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because a diverse-income community in West Vancouver will be beneficial socially.

[REDACTED] s.22(1)

---

**From:** [REDACTED] s.22(1)  
**Sent:** May 27, 2022 8:00 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

CAUTION: This email originated from outside the organization from email address [REDACTED] s.22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because housing diversity is essential to maintaining a vital community. If West Vancouver is to flourish, we have to make space for our young and old. 2195 Gordon is a good start.

Thanks,

[REDACTED] s.22(1)

West Vancouver BC [REDACTED] s.22(1)

[REDACTED]

[REDACTED]



---

**From:** s.22(1)  
**Sent:** May 27, 2022 8:23 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

CAUTION: This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because this land is in a great area for densifying. These below market rentals will allow families to live and work in west vancouver. It will allow the 'missing middle' to live here - the young people that a community needs to thrive.

Frankly, I want to live there.

Sincerely,  
s.22(1)

---

**From:** s.22(1)  
**Sent:** May 27, 2022 8:29 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

CAUTION: This email originated from outside the organization from email address s.22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because ...WE NEED MORE AFFORDABLE HOUSING. A LOT MORE.

s.22(1)

Resident s.22(1) years West Vancouver

s.22(1)

**From:** s.22(1)  
**Sent:** May 27, 2022 8:30 AM  
**To:** Mark Chan  
**Cc:** correspondence; s.22(1)  
**Subject:** 2195 Gordon

CAUTION: This email originated from outside the organization from email address [REDACTED] s.22(1) . Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because the scale looks appropriate (no more than 6 stories) and we need affordable housing.

s.22(1)

West Vancouver, BC s.22(1)

---

**From:** s.22(1)  
**Sent:** May 27, 2022 8:50 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because it is just one small step towards making West Vancouver a community where people of all ages can afford to live. We need a lot more projects like this. Sooner, rather than later.

Regards,  
s.22(1)

Sent from my Galaxy

---

**From:** s.22(1)  
**Sent:** May 27, 2022 8:57 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because we badly need to breathe new life into this community and affordable housing is the surest way to do it. long overdue!

s.22(1)

WV s.22(1)

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**From:** s.22(1)  
**Sent:** May 27, 2022 9:00 AM  
**To:** Mark Chan  
**Subject:** Letter of Support  
**Attachments:** Gordon Avenue - Letter of Support May272022.docx

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Hello Mark,

Attached is my letter of support for the rental housing project at Gordon Avenue in the District of West Vancouver.

Your consideration is much appreciated.

s.22(1)



May 27, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

- I support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver's workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal.

I applaud the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,

s.22(1)

s.22(1)

North Vancouver, BC s.22(1)

Cc: Mayor and Council (correspondence@westvancouver.ca)

---

**From:** s.22(1)  
**Sent:** May 27, 2022 9:12 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because my children who grew up here in West Van should have the opportunity to raise their own families here as well.

Thank you for considering this important addition to our neighbourhood,  
s.22(1)

s.22(1)

---

**From:** s.22(1)  
**Sent:** May 27, 2022 9:18 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

CAUTION: This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because lack of affordable rental housing is causing a major shortage of retail and other support personnel.

s.22(1)

Sent from my iPhone

---

**From:** s.22(1)  
**Sent:** May 27, 2022 9:23 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because we need affordable below market housing for our seniors and proper care homes for our elderly.

Thank you,

s.22(1)

, West vancouver, BC, s.22(1)

I gratefully reside on the land of the uncaded territories of šx<sup>w</sup>məθk<sup>w</sup>əyəmaʔt təməx<sup>w</sup> (Musqueam), Skwxwú7mesh-ulh Temíxw (Squamish), and səliłwətaʔt təməx<sup>w</sup> (Tseil-Waututh)

s.22(1)

---

**From:** s.22(1)  
**Sent:** May 27, 2022 9:59 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because it will provide much needed affordable housing for people who would like to be a part of our community but simply can't afford to live here. I'm thinking particularly of young people starting their careers as teachers in our schools, or members of our emergency services, community services or retail and hospitality sector.

With the cost of fuel rising and long commutes being very hard on the environment, having people drive to work in West Vancouver from as far away as Langley is becoming even more impractical than it has always been. Transit? Well, if all goes well, a journey from Langley centre to Dunderave takes over two hours each way making for a 12+ hour work day.

People working in West Vancouver travel from many places across the lower mainland. I focused on Langley because I know a young teacher in our schools who commutes from Langley and they are actively looking for positions elsewhere. We recently lost another great young teacher from our schools because he and his wife (also a teacher) found the cost of living so high. He grew up on the North Shore and would love to have remained in the community to build his career but instead, took a teaching position in the Kootenay region where housing is more affordable.

As a resident of Caulfeild, I feel very fortunate to live in West Vancouver. Please move forward with the Gordon Ave. project to ensure that there is a place in our community for everyone who wishes to live and work here.

Sincerely,

s.22(1)





---

**From:** s.22(1)  
**Sent:** May 27, 2022 10:04 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

CAUTION: This email originated from outside the organization from email address s.22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because we need more housing choices and affordable units, especially for those who work in West Vancouver.

s.22(1)

West Vancouver, British Columbia,  
Canada, s.22(1)

## Mark Chan

---

**From:** s.22(1)  
**Sent:** Friday, May 27, 2022 11:27 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon housing project

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr. Chan,

I gather you are assembling public input in regard to support 2195 Gordon; please add our names:

s.22(1)

We support the approval of and go-ahead for construction of this proposed project as it will help to provide more affordable housing for not only existing WV folks, but more important, those who provide many of the services which we have become accustomed to expect in this community,

Best regards,

s.22(1)

because ...

## Mark Chan

---

**From:** [REDACTED] s.22(1)  
**Sent:** Friday, May 27, 2022 1:47 PM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because many friends in West Vancouver have had difficult divorces during Covid and now have to sell their large primary homes and split funds. With children still at school and their friends and community in the area they can't find smaller houses, town homes or apartments that can keep them in their community that are affordable.

Also as the [REDACTED] s.22(1) it would be good for teachers and support staff to afford living in west vancouver close to where they work and spend lots of time before or after school.

It would be good to have younger and middle income families in the area that work, support businesses, socialize and attend the amazing schools in West Vancouver.

Thanks

[REDACTED] s.22(1)

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Thank you

**Jenn Suggitt**

---

**From:** s.22(1)  
**Sent:** Friday, May 27, 2022 4:25 PM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because we desperately need 'affordable' and below market housing in our community. We need our employees to live closer to their work. We need students to live closer to their schools. We need many more younger residents in West Vancouver to balance our aging demographics and to support our shops and services. We need less cars commuting to West Vancouver polluting our community – we need to lower our GHG emissions now.

Thank you.

s.22(1) WV

**Jenn Suggitt**

---

**From:** s.22(1)  
**Sent:** Friday, May 27, 2022 5:22 PM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because it's time to share our neighbourhood with those who work here, need to live close to parents, or who have downsized and need somewhere truly affordable to live.

We cannot avoid change in West Vancouver any longer. We are stagnating. We need young families, we need this to be a place that attracts people from a variety of walks of life. Our local businesses will benefit from additional density and the vibrancy will enrich our neighbourhood for decades to come.

To be honest, I get despondent when we pussyfoot around the vocal minority who don't want change. Have courage. Let's move forward with this. Let's follow the lead of North Vancouver and Vancouver and regenerate our neighbourhood.

Thanks for listening.

s.22(1)

West Vancouver BC  
s.22(1)



## Jenn Suggitt

---

**From:** s.22(1)  
**Sent:** Friday, May 27, 2022 7:37 PM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

CAUTION: This email originated from outside the organization from email address s.22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because ...  
We need affordable homes for West Vancouver's essential workers

Sent from my iPhone



North Shore  
Community  
Resources

Community Housing  
Action Committee  
(CHAC)

May 27, 2022

Dear Mayor and Council:

I am writing on behalf of the Community Housing Action Committee (CHAC) in unanimous support of the housing development for Parcel A, at 2195 Gordon Avenue, proposed by Kiwanis Housing Society.

As you know, we have supported this kind of development for the 2195 site since discussions began some years ago and I believe all councilors are aware of this support.

While my colleague, Mr. Murray Mollard (Executive Director at North Shore Community Resources) has, in another letter to you, outlined the many important community benefits of this proposal by Kiwanis, our view at CHAC has always been focused on the specific, critical housing needs in West Vancouver today.

The recent district Housing Needs Report (HNR), and census data make these needs very clear: a growing number of households in core-even extreme core-housing need; a projected increase in renter households, and also housing for seniors, and for special needs. There is a need for an increase in ownership diversity. The growing disconnect between median incomes and the cost of housing demands a greater emphasis on sensitive infill, and mixed use in and around centres and corridors, providing housing options close to transit services and schools.

As well, the HNR cites limited population growth, an aging population, a loss of young families, and a declining labour force as worrisome factors.

This Kiwanis development proposes a most appropriate response to these needs: 156 units of below-market rental housing, and Adult day care Centre to be operated by Vancouver Coastal health Authority; a housing agreement that caps rents at 75% of marker rent, and a Darwin development of 58 strata units.

The location is almost ideal, with schools, churches, recreation centre, the waterfront, library, and almost doorstep-away transit to shopping and services.

Over the years, CHAC has admired the exceptional community operation and presence that Kiwanis brings to the North Shore. My own tour of the existing Kiwanis facility up the hill frankly made me want to live there myself. Our office continues to receive frequent requests from West Vancouver residents who want information about the current Kiwanis facility.

My colleagues at NSCR's Community Housing Action Committee see this Kiwanis proposal as an enormous win for West Vancouver and unanimously recommend that you approve it.

Sincerely,

(b) (3) (1)  


Don Peters, Chair, Community Housing Action Committee.

May 27, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC V7V 3T3

Dear Mayor and Council,

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing. This can be exemplified by their Garden Village project directly east of this proposal.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- I applaud the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,

s.22(1)

West Vancouver, BC

s.22(1)

Email:

s.22(1)

## Jenn Suggitt

---

**From:** s.22(1)  
**Sent:** Saturday, May 28, 2022 6:21 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

CAUTION: This email originated from outside the organization from email address s.22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support this project because it allows young families to live here.

Yours faithfully,

**Jenn Suggitt**

---

**From:** s.22(1)  
**Sent:** Saturday, May 28, 2022 4:03 PM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

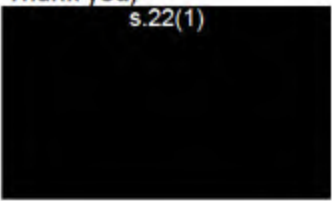
**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr. Chan,

I support 2195 Gordon because:

1. **Energy emissions** will be lower with multiple units under one roof; the more shared walls, the lower the energy emissions and higher the energy efficiency. Energy Emissions are also lowered with employees' reduced travel time to work, increased active travel from this site by walking, biking and busing, and increased local students.
2. **Benefits for our local staff**, who would qualify for this housing, and **their employees**. The need is great to locate our staff closer to their work – it reduces their commute time, reduces congestion on our roads, increases staff retention, lowers costs to replace staff, and improves staff quality of life and their productivity.
3. **Much-needed Adult Care Centre** will have a permanent home in our community, managed by Vancouver Coastal Health.
4. **Disposition of the land to a non-profit** ensures that any profit remains in our community to be directed to more 'affordable' housing. It's a win-win.

Thank you,  
s.22(1)





**Jenn Suggitt**

---

**From:** s.22(1)  
**Sent:** Saturday, May 28, 2022 10:52 PM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

CAUTION: This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because west Vancouver is very unaffordable for working families. Do we want diversity in socio economic classes, or simply wealthy old people, or rich immigrants to make up this community?

The service sector is unable to attract working people. So the wealthy aren't going to served anyways. And the incredible traffic choking the roadways make it unattractive for workers to commute in.

Thank you, s.22(1).

Sent from my iPhone

**Jenn Suggitt**

---

**From:** s.22(1)  
**Sent:** Sunday, May 29, 2022 8:08 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** Kiwanis proposal to develop the Gordon lands - support

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

May 29, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
([mchan@westvancouver.ca](mailto:mchan@westvancouver.ca))

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am writing to express my wholehearted endorsement of the below market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

- I support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver's workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal.

I strongly support the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option in our community.

Having lived in West Van since 1997, my husband and I had to leave when we decided to downsize. This was a direct function of no available housing in West Van. Do not let this happen again. The viability and vibrancy of West Van depend on it!

Yours truly,

s.22(1)

A large black rectangular redaction box covering several lines of text.

North Vancouver,

s.22(1)

A small black rectangular redaction box.

Cc: Mayor and Council ([correspondence@westvancouver.ca](mailto:correspondence@westvancouver.ca))

**Jenn Suggitt**

---

**From:** s.22(1)  
**Sent:** Sunday, May 29, 2022 11:49 AM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

CAUTION: This email originated from outside the organization from email address s.22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon because the housing is in-affordable in west Vancouve.

s.22(1)

Sent from my iPhone

**Jenn Suggitt**

---

**From:** s.22(1)  
**Sent:** Sunday, May 29, 2022 3:47 PM  
**To:** Mark Chan  
**Subject:** Kiwanis Northshore Housing Society

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

District Of West Vancouver,

Dear Mayor and Council,

Re: Kiwanis Housing Development – 2195 Gordon Ave.

Much has been written recently regarding the growing number of seniors in our community and the forecast of a rapidly aging population in the coming years. This is evident in the expanding density of seniors living in the Ambleside/Dunderave areas. One statistic arising from the Feed The Need program is the number of seniors who have difficulty funding their basic needs which included affordable housing. In a recent letter to the NorthShore news (May 25) the writer highlights the loss of revenue to the District (the land should be utilized similar to the Westerly lease) without any thought to the very high rental rates for that type of facility which many of our seniors could not afford. In addition to the housing proposal being put forward by Kiwanis Housing is the enlarged adult day care facility which is desperately required in this community. The location is ideal for additional affordable housing being close to amenities, transportation, and medical support. Kiwanis Housing is dedicated to providing low income housing as set out under BC Housing guidelines and limits established by Coastal Health. Therefore I support the District's decision to lease part of the Gordon Ave lands to Kiwanis for 60 years. In addition to seniors affordable housing there will be housing for young families and essential workers who currently can not afford to reside here.

Thank you,

s.22(1)

WV



## Jenn Suggitt

---

**From:** s.22(1)  
**Sent:** Sunday, May 29, 2022 6:07 PM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** Disposition of 2195 Gordon Avenue Lands

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

May 29, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

Dear Mark:

I am writing in support of District's proposal to lease Parcel A and B – 2195 Gordon Avenue.

Adequate and affordable housing is essential to the health and well being of our community and by the following indicators, it is clear that West Vancouver is not doing well:

- 70% of our housing stock consists of detached and semi-detached dwellings,
- the 2022 average assessment value of a detached house is \$2.99 million,
- 58% of West Vancouver renters are spending more than 30% of income on housing,
- young adults comprise only 11% of West Vancouver's population compared to 19.5% for the rest of BC, and
- 70% of West Vancouver's workforce, including 90% of municipal employees, commute into the community.

West Vancouver does not have sufficient variety in the type and affordability of housing, and it can be said that we are no longer a whole community. We have become a community of affluent home owners living in single family dwellings where middle income earners find it increasing difficult to find suitable housing. The consequence of our limited housing options is increased traffic congestion, employers who are challenged to find staff willing to commute, and long time residents who are moving to other communities such as North Vancouver where more housing options are available.



It is essential for Council to lead the housing changes needed to improve the health and well being of our community. For that reason, I support the District's decision to lease Parcel A -2195 Gordon Avenue to Kiwanis North Shore Housing Society to build and operate two below market rental buildings. I also support the District's decision to balance the need for affordable rental housing with the need for a financial return on the District's lands by leasing Parcel B to 2195 Gordon Avenue Limited Partnership for \$22.195,000 to develop market strata condominiums.

s.22(1)

West Vancouver, BC

s.22(1)

Cc: [Mayor](#) and Council ([correspondence@westvancouver.ca](mailto:correspondence@westvancouver.ca))



# Kiwanis North Shore Housing Society

May 29, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: **Mayor and Council** ([correspondence@westvancouver.ca](mailto:correspondence@westvancouver.ca))

RE: Parcel A & B Leases – 2195 Gordon Avenue

I am writing in support of the District's proposal to lease Parcels A and B – 2195 Gordon Avenue for below market rental housing and market strata condominiums.

Everyone in our community is entitled to provide comments on the proposed leases as requested in the Notice of Disposition advertised in the North Shore News on May 11, 2022. However, I find it particularly frustrating when people choose to ignore the facts and spread misinformation as is the case with Michael Smith's opinion letter to the North Shore News on May 25, 2022.

Michael Smith is completely misinformed when he says that there is no financial return to the District and he is also misinformed when he says that the District will have no direct involvement in who lives in the below market rental housing.

Since Kiwanis North Shore Housing Society is a party to one of the proposed leases, I can speak with some authority as to the real facts which are as follows:

- the District purchased the 2195 Gordon Avenue land in 2014 for \$16 million and is proposing to lease Parcel B to 2195 Gordon Avenue Limited Partnership for \$22,195,000.
- the District has negotiated a housing agreement with Kiwanis that sets very specific criteria for tenants and the rents charged in the two below market rental buildings on Parcel A. The criteria includes:
  - at least one member of the tenant's household meets one of the following tests:
    - (a) has resided in West Vancouver for at least 12 months, or
    - (b) is employed in West Vancouver, or
    - (c) is enrolled in a school within the boundaries of the District of West Vancouver.
  - tenants living in units with less than 2 bedrooms must have an annual household income less than \$96,787 and total assets less than \$300,000,
  - tenants living in units with 2 or 3 bedrooms must have an annual household income less than \$145,188 and total assets less than \$400,000,
  - tenants must conform to the National Housing Occupancy Standard pertaining to the minimum and maximum number of occupants allowed in each dwelling,

- Kiwanis must verify annually that each tenant is in compliance with the District's eligibility criteria,
- Kiwanis cannot charge more than 75% of the market rent for each dwelling unit established by an independent third-party appraiser, and
- Kiwanis must provide the District with a statutory declaration every year confirming that each tenant and the rents charged by Kiwanis are in compliance with the District's criteria, and
- the District can review Kiwanis rental records at any time to independently verify that the District's criteria is being met.

There is no question that the District of West Vancouver has direct control of who lives in the below market rental buildings on Parcel A -2195 Gordon Avenue. Kiwanis has negotiated previous housing agreements with the City and District of North Vancouver, and I can confirm that none of them have tenant eligibility criteria that are as stringent as the criteria established by the District of West Vancouver.

Please ensure that the community is given the correct facts.

Yours truly  
s.22(1)

Patrick McLaughlin  
President

Cc: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

---

**From:** Emma Owen <eowen@ahma-bc.org>  
**Sent:** Monday, May 30, 2022 8:32 AM  
**To:** Mark Chan; correspondence  
**Cc:** s. 22(1) Margaret Pfoh; s. 22(1)  
**Subject:** Letter of Support - Kiwanis North Shore Housing Society  
**Attachments:** Letter of Support - Kiwanis - May 2022.pdf

**CAUTION:** This email originated from outside the organization from email address eowen@ahma-bc.org. Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Good morning, Mr. Chan,

Please see the attached letter in support of Kiwanis North Shore Housing Society's project on Gordon Avenue.

Margaret Pfoh and the Aboriginal Housing Management Association are excited about this project as it's desperately needed, especially in Metro Vancouver.

hay čx<sup>w</sup> qə, (Musqueam for "Thank you")  
Emma

**Emma Owen**  
Executive Assistant & Privacy Manager  
Aboriginal Housing Management Association



✉ [eowen@ahma-bc.org](mailto:eowen@ahma-bc.org)  
☎ [604 921 2462](tel:6049212462)  
🏠 s. 22(1)  
📍 615 - 100 Park Royal South  
West Vancouver BC V7T 1A2  
🌐 [ahma-bc.org](http://ahma-bc.org)



I respectfully acknowledge that I get to work, live and play on the unceded and traditional territories of the x<sup>w</sup>məθk<sup>w</sup>əyəm (Musqueam), Skwxwú7mesh Úxwumixw (Squamish), səlihwətaʔ (Tsleil-Waututh) and k<sup>w</sup>ik<sup>w</sup>əłəm (Kw kwetlem) Nations.

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Aboriginal Housing Management Association  
*Celebrating 25 Years*

May 26, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
([mchan@westvancouver.ca](mailto:mchan@westvancouver.ca))

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

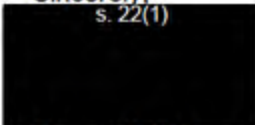
---

I am writing in support of the below-market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

- I support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below-market rental housing.
- There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver's workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below-market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal.

I applaud the District of West Vancouver's partnership in this proposal, making below-market rental housing a viable option in our community.

Sincerely,  
s. 22(1)



Margaret Pfoh,  
Chief Executive Officer

Cc: [Mayor](#) and Council ([correspondence@westvancouver.ca](mailto:correspondence@westvancouver.ca))



**Jenn Suggitt**

---

**From:** s.22(1)  
**Sent:** Monday, May 30, 2022 10:29 AM  
**To:** Mark Chan  
**Subject:** Parcel A – 2195 Gordon Avenue Kiwanis North Shore Housing Society – Below Market Rental Housing

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan:

I heartily support the below market rental housing project proposed by Kiwanis North Shore Housing Society and particular the complete proposal with the condo partnership and Day Center/hospital for Seniors.

There is a desperate need for this type of housing in West Vancouver, where market prices have driven young professionals and young families out of our community. This project addresses the great problem that 70% of West Vancouver's workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work. The location is well serviced by transit, schools, amenities, and recreational facilities for all who would use these facilities. And it supports our mission to address climate

I know that Kiwanis is an excellent not for profit that has a long history of partnering with government to provide very successful services. Kiwanis has a proven history of developing and operating quality and sustainable below market rental housing for the past 10 years in West Vancouver, exemplified by their Garden Village project directly east of this proposal.

The three components of this project below market rental, condo apartments and Day Hospital/Center for Seniors are essential services for a community that sees it self as vibrant, inclusive and caring as well fiscally well managed.

Sincerely

s.22(1)





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**From:** s.22(1)  
**Sent:** Monday, May 30, 2022 10:50 AM  
**To:** Mary-Ann Booth; Bill Soprovich; Craig Cameron; Nora Gambioli; Sharon Thompson; Peter Lambur; Marcus Wong; correspondence; mchan@westvancouver.va  
**Subject:** proposed development at 2195 Gordon  
**Attachments:** 2195 May 30.docx

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Good morning all !

I hope you will support this proposal - please see attached note.

Best

s.22(1)

May 29, 2022

s.22(1)

West Vancouver, BC, s.22(1)

Honourable Mayor and Councillors,  
District of West Vancouver Council

**Re: Proposed Development at 2195 Gordon**

The proposed development at 2195 Gordon presents a practical opportunity in our community to take action on the challenge of climate change. Supporting this proposal and making it reality will achieve the following:

- Reducing greenhouse gas (GHG) emissions as the buildings will be required to have a low carbon energy system.
- While creating affordable housing for WV workers, seniors and young families it will reduce commuting and traffic congestion and so further reduce GHGs as well as providing more social connectedness.
- Provide much needed health services through an Adult Day Care facility.

An added bonus is that this facility will be managed by the Kiwanis who have a long-established record of success in managing affordable housing on the North Shore.

We face many challenges in our community, but the greatest of all is the looming reality of climate change. It is already upon us: rising sea level, floods, droughts, storms, heat domes, and wildfires.

This Council has taken important steps to meet this challenge: declaring a Climate Emergency, endorsing a federal Just Transition Act, and requiring all new buildings to have low carbon energy systems.

But all government efforts so far are not reducing GHG emissions enough and we continue to extract and burn fossil fuels. The danger of reaching a tipping point and moving to 2°C or more could lead to irreversible changes culminating in our annihilation as a species. It now requires all levels of government working with all sectors to focus on the common good and phase out fossil fuels over the next few decades and manage this massive transformation of our society, while leaving no one behind. For the sake of our children, our grandchildren and the future of our species, we have a moral duty to do all we can with whatever resources we have to help manage this transformation.

Please support this project. It will help to build the new economy and society we need to combat climate change and, working together, we can create a happier, healthier community (while using our shared resources and assets wisely and effectively for the common good). And it all fits with the OCP!

In gratitude for the dedicated work you all do

s.22(1)

**Jenn Suggitt**

---

**From:** s.22(1)  
**Sent:** Monday, May 30, 2022 1:19 PM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Chan,

I support 2195 Gordon project because our District very much needs below-market rental housing, market housing, and an Adult Day Centre is also a fantastic feature in the proposal. The affordable and diverse housing that 2195 Gordon will provide has community support (please see our OCP objectives), and will greatly contribute to a healthier community.

Thanks, s.22(1)

s.22(1)

West Vancouver

Tel: s.22(1)

May 30, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
Kiwanis North Shore Housing Society – Below Market Rental Housing

---

I am writing in support of the below market rental housing project proposed by Kiwanis North Shore Housing Society ("Kiwanis").

- I support the District of West Vancouver's decision to lease part of the Gordon Ave Lands to Kiwanis for 60 years to build and operate below market rental housing.
- There is a desperate need for this type of housing in West Vancouver and on the North Shore more generally, where market prices have driven young professionals and young families out of our community.
- 70% of West Vancouver's workforce commute into the municipality adding traffic congestion and air pollution because they cannot afford to live where they work.
- The location is well serviced by transit, schools, amenities, and recreational facilities.
- Kiwanis brings a proven history of successfully developing and operating quality and sustainable below market rental housing for the past 70 years. This can be exemplified by their Garden Village project directly east of this proposal and various locations in North Vancouver.

I applaud the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option in our North Shore community.

Yours truly,  
s.22(1)

North Vancouver, s.22(1)

May 30, 2022

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
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I applaud the District of West Vancouver's partnership in this proposal, making below market rental housing a viable option in our community.

Yours truly,

s.22(1)

A large black rectangular redaction box covers the signature and name of the sender.

North Vancouver, s.22(1)

Cc: Mayor and Council (correspondence@westvancouver.ca)



(Date)

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
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Yours truly,

s.22(1)



Cc: Mayor and Council (correspondence@westvancouver.ca)

s.22(1)



West Vancouver,

s.22(1)



(Date)

District of West Vancouver  
750 17th Street  
West Vancouver, BC, V7V 3T3

Attention: Mark Chan  
Deputy Chief Administrative Officer  
(mchan@westvancouver.ca)

RE: Parcel A – 2195 Gordon Avenue  
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Yours truly,

s.22(1)

[North Vancouver, B.C.](#)

s.22(1)

~~(Name and address)~~

Cc: Mayor and Council (correspondence@westvancouver.ca)

**From:** FYI, CiviX Survey Result <cjensen@civixwestvan.ca>  
**Sent:** Sunday, May 1, 2022 8:41 PM  
**To:** correspondence  
**Subject:** 🏠 .... referendum needed before DWV owned land sold/leased below market value?

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CiviX is for secure electronic eVoting by WestVan residents on significant community decisions ... eVoting assures **equality** and **fairness** for all residents and is a form of semi-direct democracy as practised in Switzerland.

At CiviX we Listen Loudly 🗣️

2 May 2022

To: Mayor and Councillors of the District of West Vancouver

**We request a formal referendum be held before 2195 Gordon is sold and/or rezoned and/or partially sold because 86% of residents oppose council's plan.**



### **CiviX Survey Subsidized Housing** 🏠

**\* 86% of residents surveyed are opposed to council disposing of DWV (District of West Vancouver) owned land located at 2195 Gordon (north of West Vancouver Community Centre).**

**\* Clearly residents are opposed to council's planned partial sale of land and utilizing what is left for subsidized housing by leasing or selling the land below market value.**



**A referendum is appropriate and needed so West Vancouver taxpayers can determine the future of 2195 Gordon.**

Link to current council agenda — see item 7.

<https://westvancouver.ca/sites/default/files/22may09-Agenda-Web.pdf>

**Key observation from the survey results table in the middle this email.**

**Of the WV residents who took the survey:**

**\* 83% do not support that District of West Vancouver's assets or resources be used to provide below market rental units or subsidized housing.**

**\* For more information about the complex proposed transaction, see the very bottom of this newsletter.**

**Thank you for taking CiviX surveys. Survey results reflect the collective wisdom of our community.**

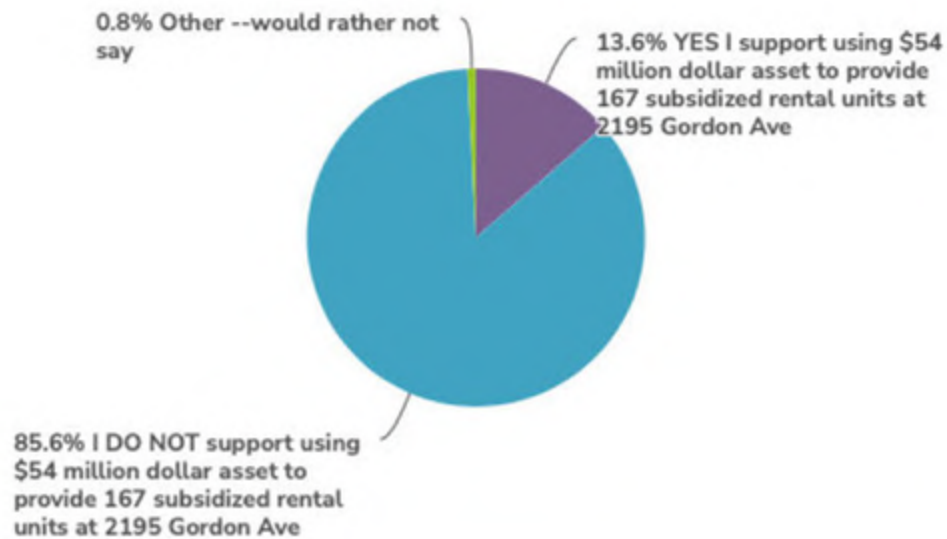
Below are several screen shots of actual survey questions and responses. We hope you find it interesting and worth your while to continue to complete future CiviX surveys.

Be heard. Take future CiviX surveys and compare your opinion to others in the community.

**All response results are only from people who certify they are West Vancouver residents and/or property taxpayers.**

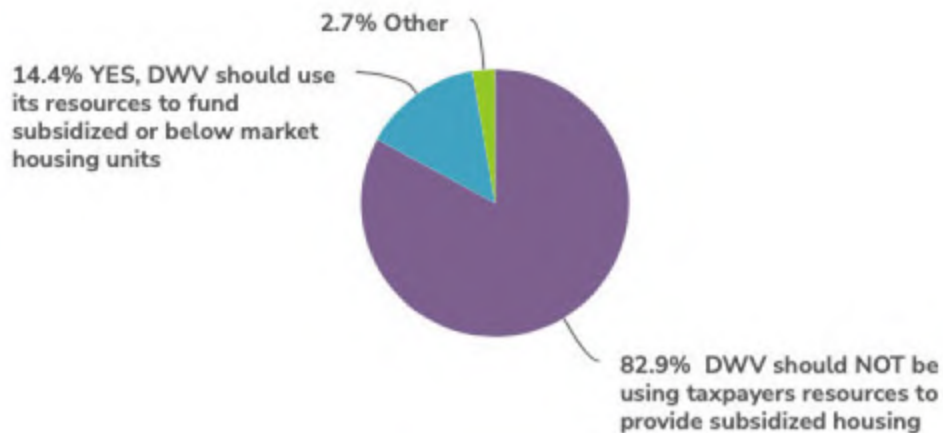
**85.6 % of residents surveyed do NOT favour using DWV owned land at 2195 Gordon for subsidized housing.**

1. Are you in favour or are you opposed to DWV council approving the partial sale of DWV land located at 2195 Gordon for \$26 million to be used to build for sale condos and dedicating the remaining \$54 million dollars worth of land to be used for subsidized or below market rental units?



**82.9 % of residents surveyed do NOT favour DWV using DWV resources to fund subsidized or below market rental housing units.**

3. In general, are you in favour of DWV using taxpayers's resources to fund subsidized or below market rental housing units?



Please take 10 seconds and tell council if you favour a referendum. One star... NO and maximum stars YES.

Thank you.

**CIVIX WEST VANCOUVER ELECTOR SOCIETY**

per: Claus Jensen, President



[Forward this email to a West Vancouver resident](#)



Do you favour a referendum be held so that you can formally tell council what you want?





PLEASE DONATE



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14.1



**Taking the Pulse  
of West Van**

- 1. Inform**
- 2. Ask**
- 3. Report**

HOUSEKEEPING - We protect and respect your information  
..... do we have your email, name and surname correct?

- Your email address: [correspondence@westvancouver.ca](mailto:correspondence@westvancouver.ca)
- Your first name:
- Your surname:

If you want to subscribe or change your email address, name or surname. [PLEASE CLICK HERE TO UPDATE OR MODIFY YOUR INFORMATION.](#)

OR you can click here to [Unsubscribe](#)

**At CiviX We Listen Loudly**



## **5. OPTIONAL: More Details About 2195 proposed development project**

DWV council will soon vote to provide an exclusive group (.8% of WV population) of middle income earners a gift of \$323,000 per family using DWV resources to, effectively, prepay 30% of future rental costs. This \$323,000 per family gift does not include future reduced property taxes on the rental housing units.

On a per WV taxpayer basis, this equals about \$3,400. Would you write a personal cheque today for \$3,400 to provide 0.8% of WV residents with the right to live in a housing unit and get a 30% discount on market rent?

If it is subsidized rent (also known as below market rent) then someone must be paying the difference. In this case it is collectively #westvan taxpayers.

Most people would agree that housing costs in both Greater Vancouver and Toronto are crazy and high. That is what the market has decided based on supply and the demand for housing in #westvan. West Vancouver is a desirable place to live and so #westvan prices are higher to reflect that market reality. People want to live in #westvan.

Above was short summary of a very complex proposed transaction.

Sorry, but this is a bit long:

- in 2014 DWV purchased this 1.76 acre site for \$16 million
- in 2020 DWV council is considering a very complex transaction that at this time has limited details published. The current proposal calls for 167 subsidized rent rental units and 50 full market for sale condos. It is undecided if land will be sold or leased. And who exactly will build and/or manage the rental units. In either case the proposal uses the term "nominal" charge for the 'rental portion of the land' in exchange for 30% reduction in market rental rates for similar housing.
- the value of this strategically located land assuming it would be zoned for condo developments is \$80 million dollars. The current contemplate deal would see the land containing the 50 condos be sold to a developer for \$26 million. DWV could lease or sell the rest of the land for a nominal amount in exchange for 30% below market rent for the 167 rental units.
- effectively then, DWV is gifting \$54 million to the rental units (\$80 million - \$26 million sale of condo land = \$54 million)
- the rental units are designated for people earning between \$50,000 and \$125,000. This range does not seem to qualify as "low income". It is rumoured that the target renters will include WV teachers, firefighters, police and DWV employees; and other people who live in WV. Who gets what rules not yet fully determined other than council will decide.
- In total 217 housing units to be built (167 rental, 50 condos). Estimated increase in population 480 people. Guesstimated increase in number of cars 325 (but only 200 parking spaces in the buildings) so guess where these extra 125 cars will be parked [hint: recreation centre or streets].

There are many good and positive aspects of providing housing for low income families. One question is should DWV be using its limited resources to fund subsidized rental housing when it is more of a provincial responsibility.

Other unanswered questions are: This land is located next to the 22nd & Marine community centre.

- Should the land be turned into a park?
- Reserved for future community centre expansion?
- Should 100% of the land be sold for \$80 million to a developer to build 217 condos? DWV would then have \$80 million to use for infrastructure repair and replacement. Or the \$80 million could be put into reserve fund for future land purchases. DWV documents disclose an unfunded liability for future major capital projects of \$200 million
- or ?

Here is a link to the DWV staff to council 56 page report (have a read and see if you can figure it out):

[https://westvancouver.ca/sites/default/files/dwv/council-agendas/2020/jun/08SpOpen/20jun08-5-2.pdf?utm\\_source=ehq\\_newsletter&utm\\_medium=email&utm\\_campaign=2195-Gordon-Avenue--May-2020-Update&utm\\_source=ehq&utm\\_medium=email&utm\\_campaign=](https://westvancouver.ca/sites/default/files/dwv/council-agendas/2020/jun/08SpOpen/20jun08-5-2.pdf?utm_source=ehq_newsletter&utm_medium=email&utm_campaign=2195-Gordon-Avenue--May-2020-Update&utm_source=ehq&utm_medium=email&utm_campaign=)

One philosophical question to think about is: should DWV council be focused on basic services like police, fire, water, sewage services or should DWV take on provincial responsibilities like affordable housing costs even though DWV does not have the additional taxing authority (other than to increase property taxes)?

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**From:** David Marley <domarley52@gmail.com>  
**Sent:** Wednesday, May 11, 2022 9:30 PM  
**To:** correspondence  
**Cc:** Mary-Ann Booth; Craig Cameron; Nora Gambioli; Peter Lambur; Bill Soprovich; Sharon Thompson; Marcus Wong  
**Subject:** Affordable for who and for how long? West Van moves forward with Gordon Ave affordable housing

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No reasonable person will question the good intentions of West Vancouver Council in seeking to include a significant number of “affordable” housing units in its proposed redevelopment of District-owned property at 2195 Gordon Avenue. But it has long been well known where such intentions often lead.

In addition to the specified range of household income what, if any, other eligibility criteria will be utilized by the District to determine who may be a candidate for one of the proposed 167 below market rental units? Are there to be different categories of eligible candidates, some who are to be given preference by virtue, say, of the identity of their employer (ie. the District of West Vancouver or the local School District) or the nature of their work (ie. “first responders”)? What happens when the household income of these fortunate tenants, whose rent is being subsidized by local taxpayers, exceeds the allowable ceiling? Will they have to vacate the premises and, if so, how quickly? Will they have a right of appeal to the Rentalsman or whatever provincial agency today oversees landlord-tenant matters?

Who is to administer the selection process respecting applicants and monitor their eligibility status going forward? How are the local taxpayers to have confidence in this administrative regime? What degree of public disclosure will be required of such personal matters as a tenant’s household income? What about their privacy rights? Will taxpayers be asked to simply trust the District administrators? Good luck with that.

The questions could go on and on. Has anyone on Council asked any?

How about priorities? West Vancouver has recently lost or is about to lose two local care facilities. According to the 2021 Census, our community is home to a disproportionate number of seniors. Anyone walking in Ambleside, Dundarave or Horseshoe Bay doesn’t need the Census to tell them this. Four of the five remaining care homes, the two Amicas, Hollyburn and the Westerly are priced well above what many aging locals and their families can afford or ought reasonably to be expected to pay. The Gordon Avenue project is the ideal location for a state-of-the-art, reasonably-priced care facility to be incorporated as part of the redevelopment. The COVID pandemic has made abundantly clear how much such facilities are urgently needed in our country, especially in major urban centres. This is precisely the type of affordable housing which ought to be built on publicly-owned land.

Lastly, the June 13th Council meeting where a decision is evidently to be made respecting next steps for this redevelopment, a decision which may lock local taxpayers into an irrevocable commitment to the developers, is taking place a mere four months before people go to the polls to elect a new Council. It is inappropriate in the extreme for this outgoing Council to cast a vote which may tie the hands of its successor respecting the property in question, a hugely valuable publicly-owned asset. No further decisions ought to be made respecting this property until after the upcoming local election campaign, one in which the proposed use of the property may be debated by the candidates seeking a seat on Council.

David Marley

s.22(1)

West Vancouver, BC

s.22(1)

604-926-8994

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gordon-ave-affordable-housing-

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**From:** s.22(1)  
**Sent:** Thursday, May 12, 2022 4:28 PM  
**To:** correspondence  
**Cc:** Mary-Ann Booth; Craig Cameron; Nora Gambioli; Peter Lambur; Bill Soprovich; Sharon Thompson; Marcus Wong  
**Subject:** Gordon Avenue Housing

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Northshore News: [West Vancouver Gordon Avenue Affordable Housing](#)

Making a decision on this proposed redevelopment before this year's election, without having a clear presentation (hopefully with public input) as to the criteria for choosing future candidates would be a disservice to residents.

This is the future that would lock us in. It ought to be treated with respect, thoughtful consideration and presented to taxpayers, with other possible civic options well before anything is dedicated to redevelopment.

Housing is a Provincial responsibility. Municipalities are supposed to provide zoning for housing demand to be met. The subsidy of necessary housing is done by BC Housing and the many Provincial grants and programs. The decision about who gets into the housing units is open to abuse, even if not intentional. Finally, municipalities do not have the revenue sources with skyrocketing housing costs.

This redevelopment proposal will be paid for by the residents of West Vancouver, perhaps even indefinitely (i.e. subsidies). I urge this council to wait on the proposed use of this property so that it may be debated by the candidates, then have the people choose.

s.22(1)  
West Vancouver, BC  
s.22(1)

---

**From:** David Marley <domarley52@gmail.com>  
**Sent:** Saturday, May 21, 2022 11:56 PM  
**To:** correspondence  
**Cc:** Mary-Ann Booth; Craig Cameron; Nora Gambioli; Peter Lambur; Bill Soprovich; Sharon Thompson; Marcus Wong; Mark Chan  
**Subject:** 2195 Gordon Avenue - below market rental housing  
**Attachments:** Housing Agreement.pdf; email title (2195 Gordon Avenue) TO Chan 2022 05 11 2130-David Marley (do not redact).pdf

**CAUTION:** This email originated from outside the organization from email address domarley52@gmail.com. Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

I write to acknowledge receipt of, and thank District Deputy CAO Mark Chan for, the accompanying response to my initiating e-mail of May 11th last.

Although Mr. Chan's response to my e-mail doesn't make mention of it, I understand from the DWV web-site that the lease to be entered into with the Kiwanis North Shore Housing Society ("Kiwanis") is to be for a term of 60 years.

Mr. Chan's response indicates that 1) Kiwanis will be responsible for administering the rental of the subsidized units, 2) there is to be no public disclosure of the household income of those whose applications to become a tenant are accepted (taxpayers will simply have to trust Kiwanis representatives to ensure compliance with the stipulated income parameters), and 3) Kiwanis are to be responsible for determining who is to be accepted as an eligible tenant. That's an awful lot of delegated responsibility, for a very long period of time, to a not-for-profit society over a taxpayer-owned asset. Public accountability and transparency appear to be distinctly lacking here.

Reference has been made to a "desirable tenant mix" for the 167 available rental units. Who is to make this determination. Representatives of Kiwanis alone? Presumably, this will involve considerable refinement of the vague definition respecting "eligible tenant" contained in the proposed Housing Agreement. What criteria are to be employed? Who is to decide on these? Will the District have any role? In particular, will members of Council?

Mr. Chan refers to the situation in our community respecting "seniors' housing". With respect, I made no submission in my originating e-mail concerning seniors' housing. I suggested that re-development of the subject property ought to incorporate a state-of-the-art care facility, one which is affordable to the great majority of West Vancouver residents who may need such accommodation. The recent COVID pandemic has exposed the weaknesses in our current arrangements generally, while here in West Vancouver the situation has been exacerbated by the closure of two existing, and out-dated, care facilities. Given the nature of our changing circumstances and needs as a community, the components of this project on publicly-owned land need to be seriously rethought.

In addition, the questions concerning eligible tenants, and most likely a number of others, deserve considered and fullsome answers before any Offer to Lease is signed with Kiwanis. They ought properly to be put to candidates during the fast-approaching municipal election campaign. No further decisions should be made respecting the 2195 Gordon Avenue property until after the new Council is sworn into office following the October 15th election. The District purchased the subject property in 2014 and took little, if any, action respecting its re-development until 2018. Why the rush now? Election campaign grand-standing perhaps?

I hereby request that my name and contact information not be redacted from this communication.

David Marley  
s.22(1)



604-926-8994

**From:** Mark Chan <mchan@westvancouver.ca>  
**Date:** May 20, 2022 at 8:12:44 PM PDT  
**To:** domarley52@gmail.com  
**Cc:** correspondence <correspondence@westvancouver.ca>, Bill Soprovich <bsoprovich@westvancouver.ca>, Craig Cameron <ccameron@westvancouver.ca>, Marcus Wong <mwong@westvancouver.ca>, Mary-Ann Booth <mbooth@westvancouver.ca>, Nora Gambioli <ngambioli@westvancouver.ca>, Peter Lambur <plambur@westvancouver.ca>, Sharon Thompson <sthompson@westvancouver.ca>  
**Subject:** 2195 Gordon Avenue - below market rental housing

Dear Mr. Marley,

Thank you for your email of May 11 (2nd attachment). You have raised a number of questions regarding the District-owned property at 2195 Gordon Avenue. I set out below my response to your email.

The eligibility criteria for the tenants of the below market rental housing is set out in the proposed Housing Agreement (see 1st attachment). The eligibility criteria includes asset and income testing, and also requires that a tenant has a substantial connection to the West Vancouver community considering factors such as, at least one member of the household: has resided in West Vancouver; is employed in West Vancouver; or is enrolled in a school within the boundaries of West Vancouver. The project does not provide any preference for municipal employees, though they may be eligible since the target market is moderate income people including workers, families and seniors in West Vancouver. If a tenant's household income exceeds the maximum income limit, the housing operator (proposed to be Kiwanis North Shore Housing Society) would be required to evict the tenant. This is permitted pursuant to the operation of the Housing Agreement (which would be registered on title) and the Residential Tenancy Act. The Housing Agreement provides, among other things, that each year, the operator must provide the District with a Statutory Declaration confirming that the rental units have been rented only by tenants who meet the eligibility criteria in the Housing Agreement. The District also has the ability to require additional information from the operator pursuant to the Housing Agreement. While a tenant (like any tenant in British Columbia) could appeal to the Residential Tenancy Branch, the District and operator have the ability to regulate these matters through the Housing Agreement, which is authorized by section 483 of the *Local Government Act*.

Kiwanis North Shore Housing Society would design and construct the rental buildings, and operate and maintain the buildings, including the selection of eligible tenants. Kiwanis North Shore Housing Society currently operates the low income seniors housing directly adjacent to the property at 2195 Gordon Avenue and in North Vancouver. Tenants' incomes would need to be provided to the operator; however, this information would not need to be provided to the public. The Housing Agreement contains a provision that the operator will ensure that each tenancy agreement includes a provision whereby the tenant consents to the operator collecting, retaining and disclosing to the District personal information required to confirm the tenant's eligibility to reside in the rental unit. More information is contained in the attached Housing Agreement, which will need to be considered and approved by Council through adoption of a Housing Agreement Authorization Bylaw.

I refer to your comments about seniors' housing. While the District recognizes the need for seniors' housing, the District also recognizes that the District needs to do its part to address the decreasing population of younger families and children. This is also a policy objective of the Official Community Plan. While the District already has over 1,500 dedicated housing units for seniors and 55+ living (with approximately 40% of those within a 500 metre radius of the site at 2195 Gordon Avenue), the District does not have currently have housing dedicated for moderate income people of the type proposed for 2195 Gordon Avenue. With respect to seniors, it is also important to note that Council decided to include in the 2195 Gordon Avenue project an Adult Day Centre that serves many seniors and provides respite to the spouses, family members and caregivers of seniors who are not able to live independently. That Adult Day Centre is proposed to be designed and constructed by Kiwanis, and operated by Vancouver Coastal Health Authority, at no cost to the District.

Finally, with respect to the June 13th Council Meeting, as set out in the Council Report that was considered at the May 9 Council Meeting (<https://westvancouver.ca/sites/default/files/dwv/council-agendas/2022/may/09/22may09-7..pdf>), Council's decision on whether to execute the Offers to Lease are only one procedural step that is the culmination of years of work by Council and Staff. Council already made many of the foundational decisions that have led to this point, and after considering significant input from the public:

Council decided in 2018 to explore options for the Property to address housing affordability and balance revenue needs.

The District conducted initial consultation in 2019, which showed general support for the District's proposal to create housing, increase rental supply and improve affordability, with no ongoing cost to the District. District staff spoke with over 750 people, received over 330 survey responses, and sent over 2,000 letters and emails during the initial consultation.

It was in response to that initial consultation that the Adult Day Centre was incorporated into the vision for the project.

In 2019, after considering public feedback, Council unanimously passed a resolution authorizing Staff to proceed with a rezoning application.

In 2020, after a public hearing and further public consultation, Council approved the rezoning of the Property, formally allowing for rental only housing and an Adult Day Centre in proposed Parcel A, and strata condominiums in proposed Parcel B. Further, Council amended the Official Community Plan to incorporate Development Permit Guidelines that provide for the form and character of the buildings. The Guidelines formed the basis of Darwin and Kiwanis' current development permit applications.

In 2021, Council authorized an open competitive process through the public issuing of a Request for Proposals. After considering all of the responses, Council decided that Kiwanis and Darwin had the best proposals for the District.

In mid-2021, with Council's approval, the District announced that it was in negotiations with Kiwanis, Darwin and Vancouver Coastal Health Authority on the basis of long term leases for the Property.

Yours sincerely,

**Mark Chan**  
Deputy Chief Administrative Officer | District of West Vancouver  
t: 604-925-7098 | [westvancouver.ca](http://westvancouver.ca)

**TERMS OF INSTRUMENT – PART 2**

*Housing Agreement and Covenant*

THIS AGREEMENT is dated for reference as of the last date of execution by a party to this agreement (the "Reference Date"),

**BETWEEN:**

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER**, a  
municipal corporation pursuant to the *Local Government Act* and having  
its offices at 750 17<sup>th</sup> Street, West Vancouver BC V7V 3T3

(the "District")

**AND:**

**KIWANIS NORTH SHORE HOUSING SOCIETY INC.** NO. S0004376, a  
society having its offices at 100 975 21st Street, West Vancouver, BC  
V7V 0B5

("Kiwanis")

**WHEREAS:**

- A. Kiwanis leases from the District certain lands and premises with the civic address of 990 22<sup>nd</sup> Street, legally described as \_\_\_\_\_ (the "Lands"), pursuant to a lease dated \_\_\_\_\_ registered against title to the Lands under No. \_\_\_\_\_ (the "Lease");
- B. In accordance with the Lease, Kiwanis intends to construct and operate on the Lands one or more buildings containing affordable rental housing units and an adult day services facility, complete with soft and hard landscaping, on-site and off-site servicing, parking and loading (the "Development");
- C. Section 483 of the *Local Government Act*, permits municipalities to enter into a housing agreement with an owner regarding the occupancy of the housing units, including the form of tenure, the availability of units, the administration and the rents;
- D. Section 219 of the *Land Title Act* permits registration of a covenant in favour of a municipality in respect of the use of land or the use of a building on or to be erected on land and that land is or is not to be built on except in accordance with the covenant and that land is not to be subdivided except in accordance with the covenant;
- E. Kiwanis and the District wish to enter into this Agreement, with respect to Kiwanis' interest under the Lease (the "Leasehold Interest") to require that, with the exception of the Adult Day Care Facility, all Dwellings in the Development be Affordable Rental Units, during the Term. This

{00744247; 19 }

990 22nd Street  
*Housing Agreement and Covenant*  
*Affordable Rental Housing*



Agreement is a housing agreement under section 483 of the *Local Government Act* and a covenant under section 219 of the *Land Title Act*; and

- F. The District has, by bylaw, authorized the execution of this Agreement and Kiwanis has duly authorized and executed this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of \$10.00 paid by the District to Kiwanis (the receipt of which is acknowledged by Kiwanis) and in consideration of the promises exchanged below, the District and Kiwanis covenant and agree as follows:

## 1.0 DEFINITIONS AND INTERPRETATION

### 1.1 Definitions

In this Agreement, the following words have the following meanings:

- (a) "**Adult Day Care Facility**" means a facility forming part of the Development and intended to provide day care services to eligible program participants;
- (b) "**Affordable Rent**" means rent within the range set out in Schedule A, subject to increases contemplated in this Agreement;
- (c) "**Affordable Rental Unit**" means a Dwelling that is rented to an Eligible Tenant at Affordable Rent;
- (d) "**Agreement**" means this agreement and includes all recitals, instruments, schedules, and amendments thereto;
- (e) "**Building**" means any building or buildings constructed on the Lands. "**Buildings**" means all buildings constructed on the Lands from time to time;
- (f) "**Canadian National Occupancy Standard**" means the Canadian National Occupancy Standard, or an alternate standard used by the Canadian Mortgage and Housing Corporation (CMHC), from time to time, as a measure of crowding, all as amended or replaced from time to time;
- (g) "**Certificate of Occupancy**" means certificate of occupancy issued by the District of West Vancouver pursuant to Building Bylaw 4400, 2004, as amended or replaced from time to time;
- (h) "**Chief Administrative Officer**" means the person appointed from time to time as the Chief Administrative Officer of the District, or their delegate;
- (i) "**CPI**" means the All-Items Consumer Price Index for Vancouver, B.C. published from time to time by Statistics Canada, or its successor in function;
- (j) "**Daily Amount**" means \$100.00 per day as of January 1, 2022 adjusted thereafter by an amount determined by multiplying \$100.00 by the percentage change in the CPI from January 1, 2022 to January 1 of the year that a written notice is delivered to Kiwanis by the District pursuant to section 5.1;

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

- (k) **"Development"** has the meaning assigned to that term in Recital B;
- (l) **"Dwelling"** has the same meaning as in the District of West Vancouver Zoning Bylaw No. 4662, 2010, as amended or replaced from time to time. Without limiting the foregoing, at the date of this Agreement, the term "Dwelling" under the Zoning Bylaw means "a building or portion of a building having 2 or more rooms used or intended to be used together for the domestic purposes of one or more persons and including at least one living room, one cooking facility and one bathroom and not rented or available for rent or occupation for periods of less than 30 days";
- (m) **"Eligible Tenant"** means a Tenant who meets all the qualifications set out in Schedule B;
- (n) **"Existing Tenant"** means a Tenant continuing tenancy of a Dwelling they are renting;
- (o) **"First Occupancy"** means first occupancy for a Building on the Lands permitted by the District of West Vancouver, as evidenced by a Certificate of Occupancy;
- (p) **"Initial Tenant"** means the first New Tenant of a newly constructed Dwelling that has not previously been rented or occupied;
- (q) **"Initial Occupancy Period"** means one calendar year after First Occupancy;
- (r) **"Lands"** has the meaning set out in Recital A;
- (s) **"Lease"** has the meaning set out in Recital A;
- (t) **"Leasehold Interest"** has the meaning set out in Recital E;
- (u) **"Over-housing"** means a situation in which a Tenant is residing in a Dwelling where the number of bedrooms is greater than the number of persons as established under the Canadian National Occupancy Standard; **"Over-housed"** has a corresponding meaning;
- (v) **"Over-housing Charge"** means the amount calculated as follows:  

the difference between rent for the Dwelling that is occupied and the rent for the Dwelling that should be occupied, based on this Agreement. For the purpose of the calculation, the rent for both Dwellings will be based on rents to be imposed on New Tenants. For example, if a Tenant lives in a 3-bedroom Dwelling but should live in a 2-bedroom Dwelling, and the current rent for New Tenants of the Existing Tenant's 3-bedroom Dwelling is \$700, and the current rent for New Tenants of the 2-bedroom Dwelling being offered to the Existing Tenant is \$500, then the calculation of the Over-housing Charge is as follows: \$700 - \$500 = \$200;
- (w) **"New Tenant"** means a Tenant commencing a new tenancy in a Dwelling;
- (x) **"Permanent Residence"** means that the Affordable Rental Unit is used as the usual, main, regular, habitual, principal residence, abode or home of the Eligible Tenant;
- (y) **"Pet"** has the same meaning as in the District of West Vancouver Animal Control and License Bylaw, No. 4545, 2008, as amended or replaced from time to time. Without limiting the foregoing, at {00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

the date of this Agreement, the term "Pet" under the Animal Control and License Bylaw means "a domesticated dog, cat, rabbit, ferret, hamster, guinea pig, gerbil, or bird, and includes reptiles and other animals if they are kept inside a dwelling unit, but does not include livestock, poultry, or wildlife as defined by the *Wildlife Act*";

(z) "**Records**" means all documentation relating to the use and occupation of the Lands and Buildings including tenancy agreements, information confirming Eligible Tenant status, books of account and receipts;

(aa) "**Subdivide**" means to divide, apportion, consolidate or subdivide the Lands, the Building, or the ownership or right to possession or occupation of the Lands into two or more lots, strata lots, parcels, parts, portions or shares, whether by plan, descriptive words or otherwise, under the *Land Title Act*, the *Strata Property Act*, or otherwise, and includes the creation, conversion, organization or development of "cooperative interests" or "shared interests in land" as defined in the *Real Estate Development Marketing Act*; "**Subdivision**" has a corresponding meaning;

(bb) "**Tenant**" means one or more individuals that occupy or propose to occupy a Dwelling pursuant to a Tenancy Agreement;

(cc) "**Tenancy Agreement**" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by the *Residential Tenancy Act*;

(dd) "**Term**" has the meaning set out in section 2.1; and

(ee) "**Zoning Bylaw**" means the District of West Vancouver Zoning Bylaw No. 4662, 2010, as amended by Amendment Bylaw No. 5068, 2020, and as further amended from time to time.

## 1.2 Interpretation

In this Agreement:

(a) words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;

(b) the division of this Agreement into articles and sections and the insertion of headings are for convenience only and will not affect the construction or the interpretation of this Agreement;

(c) references to any article, section or schedule will, unless the context otherwise requires, mean that article, section or schedule of this Agreement;

(d) every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows;

(e) the words "include" and "including" are to be construed as meaning "include without limitation" and "including without limitation";

(f) all payments to be made will be deemed to be payments in lawful currency of Canada;

{00744247; 19 }

590 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

- (g) reference to "business day" means all days other than Saturday, Sunday and statutory holidays in the Province of British Columbia;
- (h) reference to "party" and "parties" means the one or more parties to this Agreement, as the context demands;
- (i) reference to a whole, for example, the "Lands" and the "Development", includes reference to a portion thereof; and
- (j) unless expressly stated otherwise, all references to enactments refer to enactments of the Province of British Columbia, as amended or replaced from time to time. All reference to bylaws and policies refers to the bylaws and policies of the District, as amended or replaced from time to time.

### **1.3 Acknowledgements**

Kiwanis acknowledges and agrees that:

- (a) except as expressly provided, nothing in this Agreement will relieve Kiwanis from any obligation or requirement arising under any applicable statute, bylaw or regulation in respect of the use, Subdivision and development of the Lands;
- (b) nothing contained or implied in this Agreement will prejudice or affect the District's rights, powers, duties or obligations in the exercise of its functions pursuant to the *Local Government Act*, the *Community Charter* or other statutes, bylaws, orders and regulations; and
- (c) all obligations of Kiwanis under this Agreement will be at the cost of Kiwanis.

### **1.4 Schedules**

Schedule A, Schedule B and Schedule C are attached to and form part of this Agreement.

## **2.0 TERM**

### **2.1 Term**

This Agreement will commence on the Reference Date and will continue until the Lease has expired or is terminated (the "Term").

## **3.0 SECTION 219 COVENANT**

### **3.1 Grant**

Kiwanis, as the holder of the Leasehold Interest, hereby covenants and agrees with the District, as a covenant in favour of the District pursuant to section 219 of the *Land Title Act*, it being the intention and agreement of Kiwanis that the provisions in this Agreement be annexed to, and run with and be a charge upon the Leasehold Interest, that:

{00744247; 19 }

390 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

- (a) the Lands will be built on in the manner that includes the following, in the location and configuration satisfactory to the District, as more particularly detailed through the development permit process:

(1) the Adult Day Care Facility; and

(2) Affordable Rental Units in the following unit mix and size:

Unit Type	% Mix (which % mix may vary up or down by no more than 2%)	Number of Units (which number of units may vary up or down by no more than 2 units)	Average Unit Size (Square Feet) (which average size may vary up or down by no more than 3%)
Studio	13%	20	415.8
1-Bedroom	35%	55	603.1
2-Bedroom	37%	58	803.7
3-Bedroom	15%	23	1020.4
TOTAL	100%	156	N/A

- (b) all parking spaces and loading spaces constructed on the Lands will be used for the Affordable Rental Units and the Adult Day Care Facility, in the manner satisfactory to the District, as more particularly detailed through the development permit process;
- (c) the Lands and the Buildings will be used only in accordance with this Agreement;
- (d) except to the extent contained within the Adult Day Care Facility, all Dwellings constructed on the Lands will be used only as Affordable Rental Units; and
- (e) the Lands, the Leasehold Interest, and the Buildings will not be Subdivided in any manner without the prior written consent of the District, acting reasonably. As a condition of Subdivision, the District may require Kiwanis to register against the Leasehold Interest one or more covenants pursuant to section 219 of the *Land Title Act* that limits separate sale or sublease of all or some of the Affordable Rental Units.

### 3.2 Indemnity

As an indemnity pursuant to section 219(6) of the *Land Title Act*, and an integral part of the covenant contained in section 3.1, Kiwanis will indemnify and save harmless the District and each of its elected officials, officers, directors, and agents, and their respective heirs, executors, administrators, personal

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

representatives, successors and assigns, from and against all claims, demands, actions, loss, damage, costs and liabilities, which all or any of them will or may be liable for or suffer or incur or be put to by reason of or arising out of one or more of the following:

- (a) any act or omission of Kiwanis, its officers, directors, agents, contractors, or other persons for whom at law Kiwanis is responsible, relating to this Agreement;
- (b) construction, maintenance, operation, management or financing of the Lands, the Development, the Buildings, the Adult Day Care Facility, or any Affordable Rental Unit by Kiwanis, its officers, directors, agents, contractors, or other persons for whom at law Kiwanis is responsible;
- (c) any breach of this Agreement by Kiwanis, its officers, directors, agents, contractors, or other persons for whom at law Kiwanis is responsible; and
- (d) the exercise by the District of any of its rights under this Agreement,

without any exceptions.

### **3.3 Release**

As a release pursuant to section 219(6) of the *Land Title Act*, and an integral part of the covenant contained in section 3.1, Kiwanis releases and forever discharges the District and each of its elected officials, officers, directors, and agents, and its and their respective heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of one or more of the following:

- (a) any act or omission of Kiwanis, its officers, directors, agents, contractors, or other persons for whom at law Kiwanis is responsible, relating to this Agreement;
- (b) construction, maintenance, operation, management or financing of the Lands, the Development, the Buildings, the Adult Day Care Facility, or any Affordable Rental Unit by Kiwanis, its officers, directors, agents, contractors, or other persons for whom at law Kiwanis is responsible;
- (c) any breach of this Agreement by Kiwanis, its officers, directors, agents, contractors, or other persons for whom at law Kiwanis is responsible; and
- (d) the exercise by the District of any of its rights under this Agreement,

without any exceptions.

### **3.4 Impact on Market Value**

Kiwanis acknowledges and agrees that no compensation is payable, and Kiwanis is not entitled to and will not claim any compensation from the District, for any decrease in the market value of the Lands, or the Leasehold Interest, which at any time results directly or indirectly from the existence, registration, or operation of this Agreement.

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing



### **3.5 Release and Indemnity Survival**

The release and indemnity in sections 3.2, 3.3 and 3.4 will survive the termination or expiration of this Agreement, and the release of this Agreement from title to the Lands.

## **4.0 USE AND OCCUPANCY OF AFFORDABLE RENTAL UNITS**

### **4.1 Rent and Tenure**

#### General

(a) Kiwanis will not lease, rent, license or permit occupancy of an Affordable Rental Unit except as follows:

- (1) to an Eligible Tenant;
- (2) at Affordable Rent;
- (3) as a Permanent Residence; and
- (4) pursuant to a Tenancy Agreement.

#### Number of occupants

(b) Kiwanis will ensure that the number of individuals who permanently reside in an Affordable Rental Unit will conform to the suitable minimum and maximum number of occupants pursuant to the Canadian National Occupancy Standard in effect from time to time, as necessary to avoid overcrowding and Over-housing. For clarity, as of the date of this Agreement, the Canadian National Occupancy Standard assesses the bedroom requirements of a household based on the following criteria:

- (1) there should be no more than 2 and no less than 1 persons per bedroom;
- (2) children less than 5 years of age of different sexes may reasonably share a bedroom;
- (3) children 5 years of age or older of opposite sex should have separate bedrooms;
- (4) children less than 18 years of age and of the same sex may reasonably share a bedroom;
- (5) single household members 18 years or older should have a separate bedroom, as should parents or couples; and
- (6) a household of one individual may occupy a bachelor unit (i.e., a unit with no bedroom).

(c) The Tenancy Agreement for an Affordable Rental Unit will identify all occupants of the Affordable Rental Unit and will stipulate that anyone not identified in the Tenancy Agreement will be

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

prohibited from residing in the Affordable Rental Unit for more than 30 consecutive days or more than 45 days total in any calendar year.

Subleasing/assignment not permitting

- (d) Kiwanis will not permit the Affordable Rental Unit to be subleased, or the Tenancy Agreement for an Affordable Rental Unit to be assigned.

Determining and confirming eligibility and suitability

- (e) To determine eligibility of a prospective Tenant of an Affordable Rental Unit, Kiwanis may reasonably rely on information provided by the prospective Tenant, provided that Kiwanis will require all reasonable information necessary to confirm eligibility (including without being exhaustive income tax records, employment records, school records, residence and/or employment history, and other). Unless Kiwanis' reliance is unreasonable, negligent or in wilful misconduct, Kiwanis will have no liability nor will have breached this Agreement if the prospective Tenant intentionally or unintentionally provides inaccurate information.

- (f) Kiwanis will collect the following information on an annual basis or as otherwise requested by the District to ensure compliance with eligibility requirements of the Affordable Rental Unit as set out in Schedule B:

- (1) gross annual income from all sources (including employment, disability, retirement, investment, and other) of all members of the Tenant's household who are 18 years of age and over and who reside in the Affordable Rental Unit;
- (2) a statement of asset ownership; and
- (3) number of occupants of the Affordable Rental Unit.

- (g) Subject to the requirements of the *Residential Tenancy Act*, Kiwanis will ensure that each Tenancy Agreement includes the following provision:

"By entering into this Tenancy Agreement, the Tenant hereby consents to Kiwanis collecting, retaining and disclosing to the District of West Vancouver personal information required to confirm the Tenant's eligibility to reside in the rental unit, including the following personal information:

- (1) a statement of gross annual income from all sources (including employment, disability, retirement, investment, and other) of all members of the Tenant's household who are 18 years of age and over and who reside in the Affordable Rental Unit;
- (2) a statement of asset ownership;
- (3) details of connection to the community of the District of West Vancouver (including employment, school enrollment, past residence); and
- (4) number of occupants of the Affordable Rental Unit.

The foregoing personal information may be collected at the beginning of the tenancy and on an annual basis and may be used to confirm the Tenant's eligibility to reside in the rental unit, and to confirm Kiwanis' compliance with the District of West Vancouver affordable housing eligibility requirements."

Terminating if cease to be eligible, or if Dwelling has too many occupants

(h) Subject to any contrary provisions in the *Residential Tenancy Act*, Kiwanis will include in the Tenancy Agreement a clause entitling Kiwanis to terminate the Tenancy Agreement if:

- (1) an Affordable Rental Unit is occupied by a person or persons other than an Eligible Tenant;
- (2) the Tenant subleases the Affordable Rental Unit or assigns the Tenancy Agreement in whole or in part;
- (3) the Affordable Rental Unit is occupied by more than the number of people acceptable under the Canadian National Occupancy Standard; or
- (4) the Affordable Rental Unit remains vacant for four (4) consecutive months or longer, notwithstanding the timely payment of rent.

Over-housing relocation and Over-housing Charge

(i) Subject to any contrary provisions of the *Residential Tenancy Act*, if an Affordable Housing Unit becomes occupied by less than the number of people than acceptable under the Canadian National Occupancy Standard (also known as "Over-housing"), the following will apply:

- (1) if a Dwelling of the correct size is available, Kiwanis will forthwith, in writing, offer that Dwelling to the Tenant and the Tenant will have the maximum of 30 days from the date of the offer to accept or to refuse the offered Dwelling;
- (2) a Tenant that accepts the offered Dwelling will not be charged any additional amount from the time when the Tenant is Over-housed until the time the Tenant moves into the suitable Dwelling offered;
- (3) a Tenant that refuses the offer of a suitable Dwelling will have a period of six (6) consecutive months, starting from the date of the offer, with no Over-housing Charge. If the Tenant is still living in the Dwelling after this period, the Over-housing Charge may be levied on the Tenant, in addition to the rent;
- (4) if a Dwelling of the correct size is not available, the Tenant may continue to occupy their rented Dwelling, and no Over-housing Charge will be applied until such time that:
  - (i) a Dwelling of correct size is available and is offered to the Tenant, in which case section 4.1(i)(1) will govern; and
  - (ii) the Tenant has refused the offer of the suitable Dwelling, in which case section 4.1(i)(3) will govern;

- (5) if Kiwanis has no Dwellings that meet the Canadian National Occupancy Standard, the Dwelling of the closest size will be considered the one that is suitable for the purpose of this section 4.1(i);
- (6) to avoid frequent moving expenses, a Tenant that accepts a housing offer that does not meet the Canadian National Occupancy Standard may refuse a new, more adequate housing offer submitted by Kiwanis within the following twenty-four (24) consecutive months without having to pay the Over-housing Charge; and
- (7) a Tenant will be fully responsible for all relocation and moving expenses.
- (j) If there is more than one Tenant that is in a situation of Over-housing, Kiwanis will offer a Dwelling of the correct size when it becomes available to Tenants in order of longest tenure.

Pets

- (k) Kiwanis will not prohibit Tenants from having Pets in an Affordable Rental Unit, subject to all applicable provincial, federal and municipal laws and bylaws. Kiwanis may make reasonable rules and regulations with respect to security deposit requirements, size and number of Pets.

Age

- (l) Kiwanis will not impose age-based restrictions on Tenants of Affordable Rental Units.

Payments additional to rent

- (m) Kiwanis will not require Tenants of the Affordable Rental Units to pay any of the following:
  - (1) extra fees or charges for use of common property, limited common property or other common property, facilities or amenities;
  - (2) extra fees or charges for use of sanitary sewer, storm sewer or water;
  - (3) property taxes or similar taxes,
 provided that Kiwanis may charge the following in addition to the Affordable Rent:
  - (4) providing cable television, telephone, other telecommunications, or electricity fees;
  - (5) electricity fees associated with electrical vehicle charging;
  - (6) security and pet deposit and fees for lockers, parking stalls, key and fob replacements and the use of common rooms, amenity rooms, or similar facilities, if any; and
  - (7) if applicable, the Over-housing Charge.

#### Use of common amenities

- (n) Kiwanis will ensure that occupants of Affordable Rental Units in the Development will have access to and use of all common indoor and outdoor facilities and amenities located in the Development from time to time, except for access to and use of the Adult Day Care Facility.
- (o) Kiwanis will ensure that all occupants of Affordable Rental Units will have access to and use of loading facilities allocated for the use of the Affordable Rental Units in accordance with the Zoning Bylaw, development permit or building permit issued for the Development.

#### **4.2 Starting Affordable Rent and Affordable Rent Increases**

The District and Kiwanis acknowledge that the Affordable Rent set out in Schedule A constitutes Affordable Rent as of January 1, 2021. Acknowledging that Occupancy of the Development will commence after the rates in Schedule A have been established, the parties agree that the following will apply to establishing starting Affordable Rent for New Tenants (including Initial Tenants) and increasing Affordable Rent for Existing Tenants, during the Term:

- (a) for Initial Tenants commencing tenancy within the Initial Occupancy Period: the starting Affordable Rent may be increased from the rental rates set out in Schedule A by the maximum amount permitted by the *Residential Tenancy Act*, as if the Affordable Rental Unit was first rented out on January 1, 2021. For example, if the Initial Tenant moves in between January 1, 2023 and December 31, 2023, rental rates in Schedule A may be increased on January 1, 2022 (in accordance with rate of increase in effect on that date), and on January 1, 2023 (in accordance with rate of increase in effect on that date). In this example, the starting Affordable Rent will be: [Schedule A Affordable Rent] + [January 1, 2022 increase] + [January 1, 2023 increase]. For greater certainty, this section 4.2(a) only applies to Initial Tenants whose tenancy commences within the Initial Occupancy Period and does not apply to: (i) Initial Tenants commencing Tenancy after Initial Occupancy Period has expired; and (ii) New Tenants, but not Initial Tenants, commencing tenancy within the Initial Occupancy Period;
- (b) for Initial Tenants commencing tenancy after the Initial Occupancy Period has expired, and for New Tenants commencing tenancy during or after the Initial Occupancy Period: the starting Affordable Rent will be established as follows:
  - (1) every three (3) years beginning 2025, as early as reasonably possible in the beginning of the calendar year, Kiwanis will engage an independent third-party appraiser to establish market rent for different unit types (comparable to the unit types in the Development) in effect at the time in the District of West Vancouver (the "Market Rent"). The starting Affordable Rent for New Tenants (including Initial Tenants) commencing tenancy in the calendar year of the appraisal will equal the percentage of the Market Rent as set out in the applicable column in Schedule A titled "% of Market Rent Rate" for each unit type;
  - (2) during years when there has been no update to Market Rent pursuant to 4.2(b)(1), the starting Affordable Rent for New Tenants (including Initial Tenants) will be established by applying the percentage rent as set out in Schedule A as indicated in the applicable

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

column titled "% of Market Rent Rate" for each unit types using the most recent Market Rent appraisal, provided that this rent may be increased by the maximum amount permitted by the *Residential Tenancy Act*, from the date of the most recent Market Rent appraisal to the time the tenancy commences;

- (3) if the District, acting reasonably, determines that Market Rent has decreased by more than 10% from the most recent Market Rent appraisal, Kiwanis shall obtain an appraisal for Market Rent within 60 days of the District's written request. In this instance, the starting Affordable Rent for New Tenants (including Initial Tenants) will be calculated in accordance with section 4.2(b)(1), based on Market Rent appraisal; and

- (4) with respect to section 4.2(b)(1) and section 4.2(b)(2):

- i. a reduction in the Market Rent will result in a corresponding reduction in the starting Affordable Rent for New Tenants (including Initial Tenants); and

- ii. an increase in the Market Rent may result in an increase in the starting Affordable Rent for New Tenants (including Initial Tenants); and

- (c) for Existing Tenants: Affordable Rent may be increased as permitted from time to time by the *Residential Tenancy Act*, irrespective of the basis on which the starting Affordable Rent was established.

#### **4.3 Operation and Management**

- (a) Kiwanis will be fully responsible for complying with all applicable laws and regulations, including the *Residential Tenancy Act*.
- (b) Kiwanis will be fully responsible for the management and administration of the Affordable Rental Units, and all associated costs.
- (c) Kiwanis will furnish good and efficient management and operation of the Development, the Buildings and the Affordable Rental Units and will permit representatives of the District to inspect the Development, the Buildings and the Affordable Rental Units at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*.
- (d) Kiwanis will maintain the Development (including soft and hard landscaping, servicing, parking and loading), the Buildings and the Affordable Rental Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Lands.
- (e) Kiwanis will not assign or delegate management and operation of the Affordable Rental Units to any entity, except with the prior written consent of the District, acting reasonably. When considering whether to provide consent, the District may consider (without being exhaustive) whether the proposed entity is a society or a non-profit organization experienced in providing affordable housing. As an exception to the foregoing, Kiwanis may retain contractors to assist with repair, facility maintenance, janitorial services, and similar activities, on the Lands, provided



that Kiwanis will remain primarily responsible for the operation and management of the Affordable Rental Units.

#### **4.4 District Inquiries and Inspections**

- (a) On or before December 31 of every calendar year during the Term, and otherwise at the request of the District, acting reasonably, Kiwanis will deliver to the District:
  - (1) a statutory declaration in the form attached as Schedule C;
  - (2) as applicable, the Market Rent appraisal report contemplated in section 4.2(b)(1) or in section 4.2(b)(3);
  - (3) such Records as the District may reasonably require confirming that a Tenant of an Affordable Rental Unit is an Eligible Tenant under this Agreement; and
  - (4) such other information as may be reasonably requested by the District from time to time to confirm Kiwanis' compliance with this Agreement.
- (b) Kiwanis hereby irrevocably authorizes the District to make such inquiries as the District reasonably considers necessary in order to confirm Kiwanis is complying with this Agreement.
- (c) Kiwanis will retain all Records that pertain to its obligations under this Agreement for not less than seven (7) years following the date of receipt or production of the Records.
- (d) The District will have the right to inspect the Records including the right to enter any premises used by Kiwanis to keep or store the Records at any time after the delivery of notice to Kiwanis and will have the immediate right to make extracts from and take copies of the Records.

#### **4.5 District's Administration**

Unless otherwise stated from time to time in a District bylaw, this Agreement will be administered for the District by the Chief Administrative Officer. To that effect:

- (a) all notices addressed to the District pursuant to this Agreement will be addressed to the Chief Administrative Officer and delivered in accordance with section 6.2(h);
- (b) all reports, declarations, and other deliverables that Kiwanis is obligated to deliver or submit to the District under this Agreement will be addressed and delivered to the Chief Administrative Officer;
- (c) except in the context of Subdivision, development permit, building permit, or occupancy approval (in which case ordinary District process will govern) all approvals, consents, and expressions of District's satisfaction, or refusal thereof, as applicable, pursuant to the Agreement will be delivered to Kiwanis by the Chief Administrative Officer; and
- (d) all determinations of the District contemplated in this Agreement (including pursuant to section 4.2) will be delivered to Kiwanis by the Chief Administrative Officer.

Nothing in this section precludes the Chief Administrative Officer from referring a matter, approval, consent, or determination to the District's Council.

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

## 5.0 DEFAULT AND REMEDIES

### 5.1 Notice

- (a) In the event of a default under this Agreement, the District may give to Kiwanis a written notice of default (the "Notice") requiring Kiwanis to cure a default under this Agreement. The Notice must specify the nature of the default.
- (b) Kiwanis will cure the default:
- (1) within 30 days of receipt of the Notice; or
  - (2) within such longer period as may reasonably be required to cure such default, provided that Kiwanis has advised the District in writing of the same reasonably required to cure the default and is diligently pursuing same.
- (c) In the event of a real or a reasonable perceived emergency, no Notice is required, and Kiwanis will immediately cure the default upon being advised verbally or in writing by the District.

### 5.2 Daily Amount

If Kiwanis fails to correct a default as contemplated in section 5.1, Kiwanis will pay to the District, as a rent charge pursuant to section 5.3, in respect to each incidence of default, within 30 days of receiving a written request by the District, the Daily Amount for every day that the default continues. The Daily Amount will be increased on January 1 of each year by an amount calculated by multiplying the Daily Amount as of the previous January 1 by the percentage increase in the CPI during the immediately preceding calendar year. The Daily Amount is due and payable immediately upon receipt by Kiwanis of an invoice from the District for the same. This section is without prejudice to any other remedy available to the District under this Agreement and at law or in equity.

### 5.3 Rent Charge

Kiwanis hereby grants to the District, with respect to the Leasehold Interest, a rent charge under section 5.2 and section 5.3 of this Agreement and under Section 219 of the Land and Title Act, and at common law, securing payment by Kiwanis to the District of any amount payable by Kiwanis pursuant to this Agreement. Kiwanis agrees that the District, at its option, may enforce payment of such outstanding amount in a court of competent jurisdiction as a contract debt, by an action for and order for sale, by proceedings for the appointment of a receiver, or in any other method available to the District at law or in equity.

### 5.4 Damages Inadequate

Notwithstanding section 5.2 and section 5.3, Kiwanis acknowledges and agrees that in case of a breach of this Agreement which is not fully remediable by the mere payment of money and promptly so remedied, the harm sustained by the District and to the public interest will be irreparable and not susceptible of adequate monetary compensation. The District may, in its discretion, seek any other remedy that may be available to the District at law or in equity.

### 5.5 No Remedy is Exclusive

No remedy under this Agreement is deemed to be exclusive but will, where possible, be cumulative with all other remedies available under this Agreement, at law or in equity.

## 6.0 GENERAL

### 6.1 Registration

Kiwanis acknowledges and agrees that:

- (a) The covenants and agreements on the part of Kiwanis in this Agreement have been made by Kiwanis as contractual obligations as well as being made pursuant to section 483 of the Local Government Act and as a covenant pursuant to section 219 of the Land Title Act;
- (b) Kiwanis will cause the registration of the section 219 covenant contained in this Agreement against the Leasehold Interest in priority to all financial charges and encumbrances (including mortgages, assignments of rents, liens, options to purchase, and rights of first refusal); and
- (c) this Agreement will be registered as a charge against the Leasehold Interest on title to the Lands, pursuant to section 219 of the *Land Title Act*, and will be noted as a notation on title to the Lands pursuant to section 483 of the *Local Government Act*.

### 6.2 Miscellaneous

(a) Kiwanis and the District agree that:

- (1) this Agreement is entered into only for the benefit of the District;
  - (2) this Agreement is not intended to protect the interests of Kiwanis, any tenant, or any future owner, lessee, occupier or user of the Lands, the Development, the Buildings, or any Affordable Rental Unit; and
  - (3) the District may, at any time, execute a release and discharge of this Agreement, without liability to anyone for doing so, and without obtaining the consent of Kiwanis.
- (b) This Agreement burdens and runs with the Lands and any part into which any of them may be Subdivided. All covenants and agreements contained in this Agreement are made by Kiwanis for itself, its successors and assigns, and all persons who acquire an interest in the Lands after the date of this Agreement. Without limiting the foregoing, Kiwanis will not be liable for any breach of any covenant, promise or agreement herein in respect of any portion of the Lands sold, assigned, considered or otherwise disposed of, occurring after Kiwanis has ceased to hold the Leasehold Interest in the Lands.
- (c) This Agreement may only be modified in writing, signed by both parties, in registrable form. The modification will only be effective if it is approved both as a modification of a housing agreement pursuant to section 483 of the *Local Government Act* (which requires a bylaw), and

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

as a modification of a covenant pursuant to section 219 of the *Land Title Act*. Any modification will be filed in the Land Title Office as a modification of a covenant and as a modification of the housing agreement.

- (d) The rights given to the District by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the District to anyone, or obliges the District to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement.
- (e) The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement will not be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- (f) The District is not obligated to inspect the Lands or to otherwise ensure compliance with this Agreement, nor is the District obligated to remedy any default of this Agreement. A failure by the District to enforce this Agreement will not constitute a waiver of any of the District's rights herein.
- (g) If a Court of competent jurisdiction finds that any part of this Agreement is invalid, illegal, or unenforceable, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that finding or by the severance of that part.
- (h) All notices, demands, or requests of any kind, which a party may be required or permitted to serve on another in connection with this Agreement, must be in writing and may be served on the other parties by registered mail, or by personal service, to the address written on page 1 of this Agreement. All notices to the District must be addressed to the Chief Administrative Officer. Service of any such notice, demand, or request will be deemed complete, if made by registered mail, 72 hours after the date and hour of mailing, except where there is a postal service disruption during such period, in which case service will be deemed to be complete only upon actual delivery of the notice, demand or request; and if made by personal service, upon personal service being effected. Any party, from time to time, by notice in writing served upon the other parties, may designate a different address or different or additional persons to which all notices, demands, or requests are to be addressed.
- (i) Upon request by the District, Kiwanis will promptly do such acts and execute such documents as may be reasonably necessary, in the opinion of the District, to give effect to this Agreement.
- (j) This Agreement will ensure to the benefit of and be binding upon each of the parties and their successors and permitted assigns.
- (k) This Agreement, and any documents signed by Kiwanis contemplated by this Agreement, represents the whole agreement between the District and Kiwanis, and there are no warranties, representations, conditions or collateral agreements made by the District or Kiwanis except as set forth in this Agreement.
- (l) Nothing in this Agreement will constitute Kiwanis as the agent, joint venturer, or partner of the District or give Kiwanis any authority to bind the District in any way.

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

(m) A reference in this Agreement to approval or consent of the District shall be a reference to approval by the District's Chief Administrative Officer or their designate. Nothing in this section precludes the Chief Administrative Officer from referring an approval or consent to the District's Council.

(n) This Agreement can be signed in counterpart and delivered electronically.

**IN WITNESS WHEREOF**, the parties have executed the Form C to which this Agreement is attached to these Terms of Instrument.

# SCHEDULE A

## AFFORDABLE RENT

Unit Mix	Average Size (sq. ft) (which may vary up or down by 3%)	Average L1 Rent****	Average Rent/sq. ft.	% of Market Rent Rate
Studio*	415.8	\$1,141.29	\$2.74	75%
1-bd.*	603.1	\$1,479.28	\$2.45	75%
2-bd.**	803.7	\$2,035.85	\$2.53	75%
3-bd.***	1020.4	\$2,689.06	\$2.64	75%

\*Floor level adjustment of \$20 per floor for Studio and 1-bd units

\*\*Floor level adjustments of \$30 per floor for 2-bd

\*\*\*Floor level adjustment of \$50 per floor for 3-bd units

\*\*\*\*Rent will reflect square footage of the unit (on the basis of average rent/square foot)



**SCHEDULE B  
ELIGIBLE TENANT**

An Eligible Tenant is a Tenant who meets all the following qualifications:

- (1) has a cumulative household gross annual income from all sources (including employment, disability, retirement, investment, and other) that does not exceed the limits set out below:
  - i. for Dwellings with less than two (2) bedrooms, a gross household income that does not exceed 1.25 multiplied by BC Housing's Low and Moderate Income Limits for couples without children in BC, as determined by BC Housing from time to time. For 2022, this calculation amounts to:
    - 1.25 multiplied by \$77,430, for a gross household income limit of \$96,787; and
  - ii. for Dwellings with two (2) or more bedrooms, a gross household income that does not exceed 1.20 multiplied by BC Housing's Low and Moderate Income Limits for families with children in BC, as determined by BC Housing from time to time. For 2022, this calculation amounts to:
    - 1.20 multiplied by \$120,990, for a gross household income limit of \$145,188.
- For clarity, "Low and Moderate Income Limits" in this Schedule B has the same meaning as set by BC Housing from time to time. As of the date of this Agreement, "Low and Moderate Income Limits" refers to a gross household income that does not exceed the median income (*being 50<sup>th</sup> percentile*), for couples with or without children in BC, as applicable, all as determined by BC Housing from time to time;
- (2) do not currently own an interest in residential real property anywhere in the world, and are living in rental housing or another non-ownership tenure (e.g. living with family);
- (3) do not own assets (including stocks, bonds, term deposits, mutual funds and cash, real estate equity (net of debt), business equity in a private incorporated company, and such other assets as are valued by BC Housing from time to time to determine eligibility for supportive housing) in excess of:
  - i. for 2-bedroom units and for 3-bedroom units: \$400,000.00; and
  - ii. for studios and for 1-bedroom units: \$300,000.00;
- (4) can demonstrate a substantial connection to the West Vancouver community, including (without being exhaustive) in one or more of the following ways:

- i. at least one member of the Tenant's household has resided in West Vancouver for at least 12 months;
- ii. at least one member of the Tenant's household is employed in West Vancouver; and
- iii. at least one member of the Tenant's household is enrolled in a school within the boundaries of the District of West Vancouver,

provided that if, despite reasonable efforts, Kiwanis is unable to find Eligible Tenants who meet the qualification in this paragraph (4), then, upon prior written approval of the District, which will not be unreasonably withheld, Kiwanis may accept otherwise Eligible Tenants who do not have a substantial connection to the West Vancouver community but have a substantial connection to the North Shore community in the ways outlined immediately above. For the purpose of this section "North Shore" refers to the cumulative geographic area of the District of West Vancouver, the District of North Vancouver and the City of North Vancouver.

The District and Kiwanis will meet periodically to discuss if any amendments or adjustments to this Schedule B – Eligible Tenant may be warranted, with the first meeting to take place within the first two years after initial occupancy of the Development.

**SCHEDULE C**

**STATUTORY DECLARATION**

	)	
CANADA	)	IN THE MATTER OF Unit Nos. _____ - _____ (collectively,
	)	the "Affordable Rental Units") located at
	)	_____
PROVINCE OF BRITISH	)	(street address), British Columbia, and Housing Agreement
COLUMBIA	)	dated _____, 20____ (the "Housing
	)	Agreement") between Kiwanis North Shore Housing Society
	)	and the District of West Vancouver (the "City")
TO WIT:	)	
	)	

I, \_\_\_\_\_ {full name},

of \_\_\_\_\_ {address} in the Province

of British Columbia, DO SOLEMNLY DECLARE that:

I am \_\_\_\_\_ of Kiwanis North Shore Housing Society and have personal knowledge of the matters set out herein;

This declaration is made pursuant to the terms of the Housing Agreement in respect of the Affordable Housing Units for each of the 12 months for the period from January 1, 20\_\_\_\_ to December 31, 20\_\_\_\_ (the "Period");

Throughout the Period:

- (a) the Affordable Rental Units, if occupied, were occupied only by Eligible Tenants (as defined in the Housing Agreement);
- (b) all Affordable Rental Units have been rented at Affordable Rent (as defined in the Housing Agreement);
- (c) Affordable Rent has not exceeded 75 % of average market rent in the District of West Vancouver for equivalent units, except as expressly permitted in the Housing Agreement; and

(d) subject to availability, all Affordable Rental Units have been rented to suitable Tenants, in accordance with the Canadian National Occupancy Standards, as reasonably necessary to avoid overcrowding and Over-housing.

Appendix 1 is attached to this declaration setting out: the Affordable Rent for each rented Affordable Rental Unit as of the date of this declaration, the date of tenancy commencement, the time and rate of last increase in the Affordable Rent, and the list of Affordable Rental Units not rented as of the date of this declaration.

[To be included during the years in which Market Rent appraisal is carried out pursuant to section 4.2(b)(1) or section 4.2(b)(3)] The average market rent in the District of West Vancouver for equivalent units in the same time period is set out in the report attached as Appendix 2.

I make this solemn declaration, conscientiously believing it to be true and knowing that it is of same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE ME at \_\_\_\_\_ )  
\_\_\_\_\_ in the )  
Province of British Columbia, Canada, this )  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ )

\_\_\_\_\_  
(Signature of Declarant)

Name:

\_\_\_\_\_  
A Notary Public and a Commissioner for taking Affidavits in and for the Province of British Columbia )  
)  
)

Declarations should be signed, stamped, and dated and witnessed by a lawyer, notary public, or commissioner for taking affidavits.

Appendix 1

<i>Unit #</i>	<i>Rented (R) or Unrented (UR)</i>	<i>If rented: Current rent</i>	<i>If rented: Date current tenancy commenced</i>	<i>If rented: Date of last rent increase</i>	<i>If rented: % of last rent increase</i>	<i>Number of occupants</i>

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

*Appendix 2*

*(report to be attached, as and when applicable)*



# MAILBOX

**LETTERS TO THE EDITOR** must include your name, full address and telephone number. Send your letters via our website ([nsnews.com](http://nsnews.com)) or by email ([nsnews@nsnews.com](mailto:nsnews@nsnews.com)). The North Shore News reserves the right to edit any and all letters based on length, clarity, legality and content. The News also reserves the right to publish any and/or all letters electronically.

## CAN TAXPAYERS AFFORD GORDON AVE PROPOSAL?

Dear Editor:

*Re: Gordon Avenue Affordable Housing Moves Forward, May 11, front-page story.*

District of West Vancouver council is proposing a 60-year lease of the municipal property at 22nd and Gordon. The history behind why the land was purchased needs to be understood in order to make meaningful comments about this proposal.

The property was acquired after I found out as mayor that a behind-the-scenes deal had been made by the province to sell this Vancouver Coastal Health property to the three First Nations (Musqueam, Skwxwú7mesh (Squamish) and Tsleil-Waututh) and the Aquilini Group. I met with their representative on the site and pointed out that it was zoned for community use and would remain so if privately owned. They then backed away and the district purchased the land based on the BC Assessment value.

There was a clear understanding that as the land was adjacent to our civic site, it would be available if some space was needed for municipal programs. If not, the site would be used for housing types that were needed by the community – specifically for housing units suitable for young families, seniors, and those wanting to downsize and move closer in.

The proposed model that would be

followed was the former Wetmore site at 22nd and Marine. Here, the district bought the land and determined that it should be used for seniors housing. Requests for proposals were sent to interested parties, and council selected the proposal felt to be in the best interest of the community. The net result was a good return on the taxpayers' original investment, and a community need was met. No subsidy was involved.

The current proposal will come at a huge cost to taxpayers. No financial return in the next 60 years will be received for the property worth well in excess of \$20 million. It is true that some obviously needed housing will be created, but the district will have no direct involvement of who lives there.

"Affordable housing" in West Vancouver has become a popular phrase, but is an impossibility as there will always be many times more people wanting to live here than can be accommodated. The province has the responsibility for housing. BC Housing, a provincial agency, already subsidizes hundreds of housing units in West Van. Council does not have the expertise or staff to assume that role nor do municipalities have the revenue sources to meet the demand.

The future budget situation in West Vancouver is far from certain, with businesses and residents struggling to pay the high taxes our community requires.

In addition, both the provincial and federal governments are in large deficit

positions, and Metro Vancouver is requiring billions to meet the water and sewer needs of the region.

Funding for necessary programs and services in the future will be tight. For us to subsidize 150 housing units at such great cost without the ability to determine the eligibility of the applicants now or in the future is a bridge too far for West Vancouver taxpayers.

**Michael Smith (mayor 2011-2018)**  
West Vancouver

## WV NEEDS MORE MULTI-FAMILY HOUSING

Dear Editor:

I am a "supporter in principle" of the proposed – now quashed before it got out of the gate, so to speak – "missing middle" eight-plex project at Marine Drive and 29th Street (*story on page A16, May 18 edition*).

I'm a neighbour times two; I live around the corner on Bellevue Avenue, and I'm an Elder at West Vancouver Presbyterian Church, 2893 Marine Dr., on the northeast corner across the street from this proposed project. In fact, a preliminary meeting was held in our church, and it was agreed that we, as a church, would be happy to rent space in our parking lot during construction, as well as being a good "across the street" neighbour.

It is time for more than just single-family dwellings in our "tony West Vancouver neighbourhood." Coun. Craig Cameron is so correct. An added benefit to neighbours would have been a sidewalk, and a traffic

light at the corner of 29th and Marine.

I do feel, however, that a six-plex would have been a good compromise, and would be better suited for that property. Maybe a young family couldn't afford to live there, as Coun. Bill Soprovich noted, but many baby boomers selling their homes could. They could walk or cycle to Dundarave, getting another few cars off our roads. But they wouldn't be able walk across the street to play pickleball, sadly!

Marcus Wong states the official community plan is their bible. I wonder if that "bible" needs a new chapter: "It is OK to move from just single-family dwellings in Altamont!"

**Juan Lawrence**  
West Vancouver

**From:**  
**Sent:** Thursday, May 26, 2022 2:57 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

**CAUTION:** This email originated from outside the organization from email address s.22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

s.22(1)

West Vancouver, BC

26 May 2022

Mayor and Councillors of West Vancouver:

**Proposed disposition of the \$80 million DWV owned land at 2195 Gordon Avenue.  
Is selling an \$80 million dollar asset for \$22 million a good deal for WV residents?**

**MORALLY A REFERENDUM MUST BE HELD AND TAXPAYERS VOTE**

My name is s.22(1) and I am a resident of West Vancouver.

It is my understanding that this strategically located (right next to our recreation centre) parcel of land has a market value of about \$80 million if zoned for high density residences.

Council has proposed about 2/3 of the land (valued at about \$54 million) be leased to Kiwanis North Shore Housing Society for 60 years for \$1 (one dollar). Kiwanis would build and manage a below market rent housing project on the site.

The balance of land would be leased for 99 years for a total of about \$22 million dollars to a developer who will construct and sell market value condos.

Respectfully, this council was elected by about 14% of West Vancouver residents and for you to believe that your opinion on this community decision would reflect the wishes of West Vancouver taxpayers is very doubtful. Legally of course this council has the statutory authority to dispose of this land on terms and conditions as they see fit ... but not morally in my view because collectively you do not have the voter mandate to make such a significant community decision.

**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

Thank you

s.22(1)

---

**From:**  
**Sent:** Thursday, May 26, 2022 3:12 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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Thank you

s.22(1)

---

**From:**  
**Sent:** Thursday, May 26, 2022 3:14 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West van

26 May 2022

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Thank you

s.22(1)

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**From:**  
**Sent:** Thursday, May 26, 2022 3:15 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

s.22(1)

26 May 2022

Mayor and Councillors of West Vancouver:

**Proposed disposition of the \$80 million DWV owned land at 2195 Gordon Avenue.  
Is selling an \$80 million dollar asset for \$22 million a good deal for WV residents?**

**MORALLY A REFERENDUM MUST BE HELD AND TAXPAYERS VOTE**

My name is s.22(1) and I am a resident of West Vancouver.

It is my understanding that this strategically located (right next to our recreation centre) parcel of land has a market value of about \$80 million if zoned for high density residences.

Council has proposed about 2/3 of the land (valued at about \$54 million) be leased to Kiwanis North Shore Housing Society for 60 years for \$1 (one dollar). Kiwanis would build and manage a below market rent housing project on the site.

The balance of land would be leased for 99 years for a total of about \$22 million dollars to a developer who will construct and sell market value condos.

Respectfully, this council was elected by about 14% of West Vancouver residents and for you to believe that your opinion on this community decision would reflect the wishes of West Vancouver taxpayers is very doubtful. Legally of course this council has the statutory authority to dispose of this land on terms and conditions as they see fit ... but not morally in my view because collectively you do not have the voter mandate to make such a significant community decision.

**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

Noi #3 definitely

Thank you

s.22(1)



---

**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 3:28 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver, BC

s.22(1)

26 May 2022

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Thank you

s.22(1)



---

**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 3:42 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver  
s.22(1)

26 May 2022

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**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

Just what is the logic of this detrimental obsession Council has for this apparent decision on a Gordon Ave project. Walking away from \$50 million isn't something Council should make without Taxpayers ie your employers involvement.

Thank you

s.22(1)

---

**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 3:45 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver, BC

s.22(1)

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**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

Subsidized housing is not an entitlement. The money can be better used for fixing our broken transportation links to ease the commuting burden of those living in less expensive areas of the lower mainland.

Thank you

s.22(1)

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**From:** [REDACTED] s.22(1)  
**Sent:** Thursday, May 26, 2022 3:52 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; [REDACTED] s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s.22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

[REDACTED] s.22(1)

West Vancouver  
[REDACTED] s.22(1)

26 May 2022

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**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

Thank you

[REDACTED] s.22(1)



---

**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 3:54 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver, s.22(1)

26 May 2022

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Thank you

s.22(1)

**From:**

s.22(1)

**Sent:**

Thursday, May 26, 2022 3:56 PM

**To:**

correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)

**Subject:**

# REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver

s.22(1)

26 May 2022

Mayor and Councillors of West Vancouver:

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**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

The existing infrastructure was never designed for the proposed increase in density.  
Absolute insanity.

Thank you

s.22(1)

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**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 4:03 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver

s.22(1)

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**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

I feel very strongly that a formal legally binding REFERENDUM be held at the same time as the next Municipal election ... 15 October 2022.

Thank you

s.22(1)



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**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 4:30 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver, B.C.

s.22(1)

26 May 2022

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**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

I trust you will listen to the majority of West Vancouver residents before giving away taxpayers money.

Thank you

s.22(1)

---

**From:** [REDACTED] s.22(1)  
**Sent:** Thursday, May 26, 2022 4:34 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; [REDACTED] s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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[REDACTED] s.22(1)  
[REDACTED] s.22(1)  
west van, [REDACTED] s.22(1)

26 May 2022

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feel very strongly that a formal legally binding REFERENDUM be held at the same time as the next Municipal election ... 15 October 2022.

Thank you

[REDACTED] s.22(1)

---

**From:** [REDACTED] s.22(1)  
**Sent:** Thursday, May 26, 2022 4:51 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; [REDACTED] s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

[REDACTED] s.22(1)

West Vancouver BC

[REDACTED] s.22(1)

26 May 2022

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. I feel very strongly that a formal legally binding REFERENDUM be held at the same time as the next Municipal election ... 15 October 2022.

Thank you

[REDACTED] s.22(1)



---

**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 4:57 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)  
West Vancouver, BC  
s.22(1)

26 May 2022.

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**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

I'm very disappointed by the poor decision-making exhibited by this Mayor and Council. This most recent example is an especially egregious breach of fiduciary duty.

Thank you

s.22(1)

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**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 5:48 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver, BC

s.22(1)

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I feel very strongly that a formal legally binding REFERENDUM be held at the same time as the next Municipal election 15 October 2022.

Thank you

s.22(1)

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**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 6:28 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver, B.C.

s.22(1)

26 May 2022

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s.22(1)



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**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 6:56 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver

s.22(1)

26 May 2022

Mayor and Councillors of West Vancouver:

**Proposed disposition of the \$80 million DWV owned land at 2195 Gordon Avenue.  
Is selling an \$80 million dollar asset for \$22 million a good deal for WV residents?**

**MORALLY A REFERENDUM MUST BE HELD AND TAXPAYERS VOTE**

My name is s.22(1) and I am a resident of West Vancouver.

It is my understanding that this strategically located (right next to our recreation centre) parcel of land has a market value of about \$80 million if zoned for high density residences.

Council has proposed about 2/3 of the land (valued at about \$54 million) be leased to Kiwanis North Shore Housing Society for 60 years for \$1 (one dollar). Kiwanis would build and manage a below market rent housing project on the site.

The balance of land would be leased for 99 years for a total of about \$22 million dollars to a developer who will construct and sell market value condos.

Respectfully, this council was elected by about 14% of West Vancouver residents and for you to believe that your opinion on this community decision would reflect the wishes of West Vancouver taxpayers is very doubtful. Legally of course this council has the statutory authority to dispose of this land on terms and conditions as they see fit ... but not morally in my view because collectively you do not have the voter mandate to make such a significant community decision.

**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

I feel very strongly that a formal legally binding referendum should be held for the citizens of West Vancouver to approve this matter not Council

Thank you

s.22(1)

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**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 7:08 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver B C

s.22(1)

26 May 2022

Mayor and Councillors of West Vancouver:

**Proposed disposition of the \$80 million DWV owned land at 2195 Gordon Avenue.  
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**MORALLY A REFERENDUM MUST BE HELD AND TAXPAYERS VOTE**

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The balance of land would be leased for 99 years for a total of about \$22 million dollars to a developer who will construct and sell market value condos.

Respectfully, this council was elected by about 14% of West Vancouver residents and for you to believe that your opinion on this community decision would reflect the wishes of West Vancouver taxpayers is very doubtful. Legally of course this council has the statutory authority to dispose of this land on terms and conditions as they see fit ... but not morally in my view because collectively you do not have the voter mandate to make such a significant community decision.

**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

I feel frustrated that I have to spend so much time actively asking council to look after our City.  
Please vote against this development and protect the Village character of West Vancouver.  
I feel angry when council pushes their personal agendas.

Thank you

s.22(1)

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**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 7:48 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)  
West Vancouver  
s.22(1)

26 May 2022

Mayor and Councillors of West Vancouver:

Proposed disposition of the \$80 million DWV owned land at 2195 Gordon Avenue.  
Is selling an \$80 million dollar asset for \$22 million a good deal for WV residents?

MORALLY A REFERENDUM MUST BE HELD AND TAXPAYERS VOTE

My name is s.22(1) and I am a resident of West Vancouver.

It is my understanding that this strategically located (right next to our recreation centre) parcel of land has a market value of about \$80 million if zoned for high density residences.

Council has proposed about 2/3 of the land (valued at about \$54 million) be leased to Kiwanis North Shore Housing Society for 60 years for \$1 (one dollar). Kiwanis would build and manage a below market rent housing project on the site.

The balance of land would be leased for 99 years for a total of about \$22 million dollars to a developer who will construct and sell market value condos.

Respectfully, this council was elected by about 14% of West Vancouver residents and for you to believe that your opinion on this community decision would reflect the wishes of West Vancouver taxpayers is very doubtful. Legally of course this council has the statutory authority to dispose of this land on terms and conditions as they see fit ... but not morally in my view because collectively you do not have the voter mandate to make such a significant community decision.

**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

It is frustrating that council continues along this project when so many tax payers are against it.

I agree that a project of this magnitude should go to a referendum at the upcoming fall election

Thank you

s.22(1)



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**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 8:09 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver BC

s.22(1)

26 May 2022

Mayor and Councillors of West Vancouver;

**Proposed disposition of the \$80 million DWV owned land at 2195 Gordon Avenue.  
Is selling an \$80 million dollar asset for \$22 million a good deal for WV residents?**

**MORALLY A REFERENDUM MUST BE HELD AND TAXPAYERS VOTE**

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The balance of land would be leased for 99 years for a total of about \$22 million dollars to a developer who will construct and sell market value condos.

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**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

Please listen to the community which you represent.

Thank you

s.22(1)

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**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 8:48 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver, B.C.

s.22(1)

26 May 2022

Mayor and Councillors of West Vancouver:

**Proposed disposition of the \$80 million DWV owned land at 2195 Gordon Avenue.  
Is selling an \$80 million dollar asset for \$22 million a good deal for WV residents?**

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The balance of land would be leased for 99 years for a total of about \$22 million dollars to a developer who will construct and sell market value condos.

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**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

Thank you

s.22(1)

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**From:** s.22(1)  
**Sent:** Thursday, May 26, 2022 10:36 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver  
s.22(1) Bc Canada

27 May 2022

Mayor and Councillors of West Vancouver:

**Proposed disposition of the \$80 million DWV owned land at 2195 Gordon Avenue.  
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**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

Thank you

s.22(1)



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**From:** s.22(1)  
**Sent:** Friday, May 27, 2022 8:44 AM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

27 May 2022

Mayor and Councillors of West Vancouver:

**Proposed disposition of the \$80 million DWV owned land at 2195 Gordon Avenue.  
Is selling an \$80 million dollar asset for \$22 million a good deal for WV residents?**

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Respectfully, this council was elected by about 14% of West Vancouver residents and for you to believe that your opinion on this community decision would reflect the wishes of West Vancouver taxpayers is very doubtful. Legally of course this council has the statutory authority to dispose of this land on terms and conditions as they see fit ... but not morally in my view because collectively you do not have the voter mandate to make such a significant community decision.

**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

example 3

Thank you

s.22(1)

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**From:** s.22(1)  
**Sent:** Friday, May 27, 2022 8:57 AM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver, B.C.

s.22(1)

27 May 2022

Mayor and Councillors of West Vancouver:

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Respectfully, this council was elected by about 14% of West Vancouver residents and for you to believe that your opinion on this community decision would reflect the wishes of West Vancouver taxpayers is very doubtful. Legally of course this council has the statutory authority to dispose of this land on terms and conditions as they see fit ... but not morally in my view because collectively you do not have the voter mandate to make such a significant community decision.

**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

I believe that there should have been a much more balanced approach to the Project to reduce a give away of valuable tax payer assets. During the public discussion, the Council/District had their mind made up and didn't present a wider range of options to help shape the final decision. I think a Referendum would allow the taxpayer to express their wishes for this asset and our community.

Thank you

s.22(1)



---

**From:** s.22(1)  
**Sent:** Friday, May 27, 2022 9:36 AM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)  
W Vancouver BC s.22(1)

27 May 2022

Mayor and Councillors of West Vancouver:

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**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

Please vote against the Gordon Ave development, protect the Village character of West Vancouver and hold a referendum on how to handle this sale. So much can be done for our district if that land sells at market price.

Thank you

s.22(1)

## Mark Chan

---

**From:** [REDACTED] s.22(1)  
**Sent:** Friday, May 27, 2022 1:33 PM  
**To:** Mark Chan  
**Cc:** correspondence  
**Subject:** 2195 Gordon

CAUTION: This email originated from outside the organization from email address [REDACTED] s.22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

I do not support this project.

[REDACTED] s.22(1)

---

**From:** s.22(1)  
**Sent:** Friday, May 27, 2022 3:08 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver

s.22(1)

27 May 2022

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The balance of land would be leased for 99 years for a total of about \$22 million dollars to a developer who will construct and sell market value condos.

Respectfully, this council was elected by about 14% of West Vancouver residents and for you to believe that your opinion on this community decision would reflect the wishes of West Vancouver taxpayers is very doubtful. Legally of course this council has the statutory authority to dispose of this land on terms and conditions as they see fit ... but not morally in my view because collectively you do not have the voter mandate to make such a significant community decision.

**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

I feel frustrated that I have to spend so much time actively begging council to look after our city. Please vote against this development and protect the Village character of West Vancouver

Thank you

s.22(1)



---

**From:** s.22(1)  
**Sent:** Saturday, May 28, 2022 2:10 AM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)

West Vancouver

s.22(1)

28 May 2022

Mayor and Councillors of West Vancouver:

**Proposed disposition of the \$80 million DWV owned land at 2195 Gordon Avenue.  
Is selling an \$80 million dollar asset for \$22 million a good deal for WV residents?**

**MORALLY A REFERENDUM MUST BE HELD AND TAXPAYERS VOTE**

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The balance of land would be leased for 99 years for a total of about \$22 million dollars to a developer who will construct and sell market value condos.

Respectfully, this council was elected by about 14% of West Vancouver residents and for you to believe that your opinion on this community decision would reflect the wishes of West Vancouver taxpayers is very doubtful. Legally of course this council has the statutory authority to dispose of this land on terms and conditions as they see fit ... but not morally in my view because collectively you do not have the voter mandate to make such a significant community decision.

**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

I feel very strongly that a formal legally binding REFERENDUM be held at the same time as the next Municipal election ... 15 October 2022.

Thank you

s.22(1)



---

**From:** [REDACTED] s.22(1)  
**Sent:** Friday, May 27, 2022 4:11 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; [REDACTED] s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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[REDACTED] s.22(1)

27 May 2022

Mayor and Councillors of West Vancouver:

**Proposed disposition of the \$80 million DWV owned land at 2195 Gordon Avenue.  
Is selling an \$80 million dollar asset for \$22 million a good deal for WV residents?**

**MORALLY A REFERENDUM MUST BE HELD AND TAXPAYERS VOTE**

My name is [REDACTED] s.22(1) and I am a resident of West Vancouver.

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Respectfully, this council was elected by about 14% of West Vancouver residents and for you to believe that your opinion on this community decision would reflect the wishes of West Vancouver taxpayers is very doubtful. Legally of course this council has the statutory authority to dispose of this land on terms and conditions as they see fit ... but not morally in my view because collectively you do not have the voter mandate to make such a significant community decision.

**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

Thank you

[REDACTED] s.22(1)

---

**From:** s.22(1)  
**Sent:** Saturday, May 28, 2022 4:30 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

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s.22(1)  
West Vancouver BC  
s.22(1)

28 May 2022

Mayor and Councillors of West Vancouver:

**Proposed disposition of the \$80 million DWV owned land at 2195 Gordon Avenue.  
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**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

I feel strongly that a formal legally binding referendum be held at the same time as the next Municipal election (15 October 2022).

Thank you

s.22(1)



---

**From:** s.22(1)  
**Sent:** Monday, May 30, 2022 12:50 PM  
**To:** correspondence; Peter Lambur; Sharon Thompson; Bill Soprovich; Craig Cameron; Nora Gambioli; Marcus Wong; Mary-Ann Booth; s.22(1)  
**Subject:** # REFERENDUM needed for 2195 Gordon transaction

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

s.22(1)  
West vancouver  
s.22(1)

30 May 2022

Mayor and Councillors of West Vancouver:

**Proposed disposition of the \$80 million DWV owned land at 2195 Gordon Avenue.  
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**MORALLY A REFERENDUM MUST BE HELD AND TAXPAYERS VOTE**

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It is my understanding that this strategically located (right next to our recreation centre) parcel of land has a market value of about \$80 million if zoned for high density residences.

Council has proposed about 2/3 of the land (valued at about \$54 million) be leased to Kiwanis North Shore Housing Society for 60 years for \$1 (one dollar). Kiwanis would build and manage a below market rent housing project on the site.

The balance of land would be leased for 99 years for a total of about \$22 million dollars to a developer who will construct and sell market value condos.

Respectfully, this council was elected by about 14% of West Vancouver residents and for you to believe that your opinion on this community decision would reflect the wishes of West Vancouver taxpayers is very doubtful. Legally of course this council has the statutory authority to dispose of this land on terms and conditions as they see fit ... but not morally in my view because collectively you do not have the voter mandate to make such a significant community decision.

**Ethically and morally I believe that this proposed transaction is a significant community decisions and therefore a legally binding referendum should be held at the same time as the next Municipal election on 15 October 2022.**

Municipal employees are already well paid, with great benefits and pensions. The supermarkets, drug stores etc seem to manage without subsidized housing for their employees who are paid substantially less than municipal employees.

Thank you

s.22(1)

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**From:** Pat Frewer [REDACTED] s.22(1)  
**Sent:** Friday, May 20, 2022 12:52 PM  
**To:** correspondence  
**Cc:** Mary-Ann Booth; Peter Lambur; Bill Soprovich; Craig Cameron; Marcus Wong; Nora Gambioli; Sharon Thompson; Mark Chan  
**Subject:** Improving on the Gordon Ave. Parcel B proposal  
**Attachments:** ltr to Council May 20 2022.pdf

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Please accept the attached letter to Mayor and Council. Thanks,

**CARPE  
DIEM**

**Pat Frewer B.Comm LL.B.**

[REDACTED] s.22(1)

West Vancouver, BC [REDACTED] s.22(1)

[REDACTED]



Mayor and Council, District of West Vancouver

c/o: [correspondence@westvancouver.ca](mailto:correspondence@westvancouver.ca) and via direct email to Mayor Booth & members of Council

cc.: Mark Chan, via email to: [mchan@westvancouver.ca](mailto:mchan@westvancouver.ca)

Mayor Booth and members of Council,

I write with reference to the Gordon Ave. development project, prior to the Council meeting June 13 where you will consider adoption of steps that would commit the District to the project as currently conceived. If nothing changed I would join many of my fellow constituents in congratulating you all on what may be one of your proudest achievements of this current term. But I think we can improve the project and that's my theme with this letter.

Since your unanimous vote earlier this month to send the matter forward with staff's recommendation to issue your Notice of Disposition, I have read and re-read the report to Council by Mark Chan dated April 27/22, looking for indications of what the successful proponent for the condo parcel was promising to do with the leasehold strata offering that would really make a difference to the crisis of housing in our community, and I don't find any. So I have begun discussions with Darwin Properties and they appear to be listening, and interested in my proposal. I think the Parcel B condo offering ought to include some commitments to address our housing challenges more proactively. I think that any condo offering on the Gordon Ave. site should assure us of absorption to people with genuine local connections, and that it should assure attainable ownership opportunities for some of our local workforce.

I firmly believe that a rent-to-own program can be implemented that would remain non-recourse to the District, and would in due course deliver enhanced cash returns to the District for the condo parcel. It would facilitate opportunity for many local workforce members with assured local connections to attain affordable ownership here in West Van. I won't attempt to demonstrate the Live to Own™ program our company has designed within the scope of this letter, but I have described it to all of this Council at various times, and I would be pleased to provide a demonstration for you, and any staff or other advisors you'd like to have evaluate it.

s.22(1)

West Vancouver, BC

s.22(1)



We've been through 2 years of negotiations with CMHC and BC Housing, and many considerations by credible real estate players in the metro Vancouver, BC, and metro Edmonton markets. The program has been refined with input from all of these parties and it's time has come for implementation in the market.

At the heart of the program's design is the concept of "patient capital", empowering tenants to earn equity and an option to purchase their home, through performing as an investment partner to mitigate risk and stabilize sustained cash flows in rental housing. The District can provide that patient capital by allocating a small portion of the anticipated proceeds of sale of the condo parcel, at very low risk, and with the promise of projected returns that would exceed the expected return from the Endowment Fund. The funds so allocated would provide ownership opportunity to the local workforce and implement the Live to Own™ program here, where it has been conceived, as a demonstration to the entire country of a partial, limited, yet potent solution to our housing affordability crisis.

Live to Own™ is by design disruptive and somewhat unconventional in real estate financing. It has to be, in order to break us out of the status quo that keeps us stuck in a trend of diminishing access to affordable ownership, even while wealthy property investors continue to profit from the status quo and probably would prefer that nothing ever changed. Who will be the players that take on the disruption, and the adoption of some reasonable degree of innovation? We have the resources at hand with Gordon Avenue to take a bold step without being reckless with the public's assets and its trust.

In addition to that "patient capital" the District can provide, the Live to Own™ program calls on families with housing equity to reinvest small portions of their non-taxed principal residence capital gains to safely provide ownership opportunity to their own heirs. Then it provides them with a secure, sensible structure in which to provide inter-generational financial assistance. This can keep local families together, with grandchildren growing up near their grandparents and where their parents went through school, or currently work. Once the concept of family sponsorship is understood, the potential for employers to sponsor their own employees into local home ownership emerges as an obvious additional resource this program can leverage.

I sincerely hope you'll help me to encourage Darwin Properties and others in the development and financial circles, to be bold and intentional about disrupting the status quo. Let's make Gordon Avenue a demonstration worthy of national recognition, and worthy of local praise as truly producing the best community benefits possible, within its constraints.

I urge you to add this further community benefit to the leasehold strata offering for Parcel B.

Sincerely,

s.22(1)

Pat Frewer

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TERMS OF INSTRUMENT – PART 2

*Housing Agreement and Covenant*

THIS AGREEMENT is dated for reference as of the last date of execution by a party to this agreement (the “**Reference Date**”),

BETWEEN:

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER**, a  
municipal corporation pursuant to the *Local Government Act* and having  
its offices at 750 17<sup>th</sup> Street, West Vancouver BC V7V 3T3  
  
(the “**District**”)

AND:

**KIWANIS NORTH SHORE HOUSING SOCIETY INC.** NO. S0004376, a  
society having its offices at 100 975 21st Street, West Vancouver, BC  
V7V 0B5  
  
(“**Kiwanis**”)

WHEREAS:

- A. Kiwanis leases from the District certain lands and premises with the civic address of 990 22<sup>nd</sup> Street, legally described as \_\_\_\_\_ (the “**Lands**”), pursuant to a lease dated \_\_\_\_\_ registered against title to the Lands under No. \_\_\_\_\_ (the “**Lease**”);
- B. In accordance with the Lease, Kiwanis intends to construct and operate on the Lands one or more buildings containing affordable rental housing units and an adult day services facility, complete with soft and hard landscaping, on-site and off-site servicing, parking and loading (the “**Development**”);
- C. Section 483 of the *Local Government Act*, permits municipalities to enter into a housing agreement with an owner regarding the occupancy of the housing units, including the form of tenure, the availability of units, the administration and the rents;
- D. Section 219 of the *Land Title Act* permits registration of a covenant in favour of a municipality in respect of the use of land or the use of a building on or to be erected on land and that land is or is not to be built on except in accordance with the covenant and that land is not to be subdivided except in accordance with the covenant;
- E. Kiwanis and the District wish to enter into this Agreement, with respect to Kiwanis’ interest under the Lease (the “**Leasehold Interest**”) to require that, with the exception of the Adult Day Care Facility, all Dwellings in the Development be Affordable Rental Units, during the Term. This

{00744247; 19 }

990 22nd Street  
*Housing Agreement and Covenant*  
*Affordable Rental Housing*

Agreement is a housing agreement under section 483 of the *Local Government Act* and a covenant under section 219 of the *Land Title Act*; and

- F. The District has, by bylaw, authorized the execution of this Agreement and Kiwanis has duly authorized and executed this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of \$10.00 paid by the District to Kiwanis (the receipt of which is acknowledged by Kiwanis) and in consideration of the promises exchanged below, the District and Kiwanis covenant and agree as follows:

## **1.0 DEFINITIONS AND INTERPRETATION**

### **1.1 Definitions**

In this Agreement, the following words have the following meanings:

- (a) **“Adult Day Care Facility”** means a facility forming part of the Development and intended to provide day care services to eligible program participants;
- (b) **“Affordable Rent”** means rent within the range set out in Schedule A, subject to increases contemplated in this Agreement;
- (c) **“Affordable Rental Unit”** means a Dwelling that is rented to an Eligible Tenant at Affordable Rent;
- (d) **“Agreement”** means this agreement and includes all recitals, instruments, schedules, and amendments thereto;
- (e) **“Building”** means any building or buildings constructed on the Lands. **“Buildings”** means all buildings constructed on the Lands from time to time;
- (f) **“Canadian National Occupancy Standard”** means the Canadian National Occupancy Standard, or an alternate standard used by the Canadian Mortgage and Housing Corporation (CMHC), from time to time, as a measure of crowding, all as amended or replaced from time to time;
- (g) **“Certificate of Occupancy”** means certificate of occupancy issued by the District of West Vancouver pursuant to Building Bylaw 4400, 2004, as amended or replaced from time to time;
- (h) **“Chief Administrative Officer”** means the person appointed from time to time as the Chief Administrative Officer of the District, or their delegate;
- (i) **“CPI”** means the All-Items Consumer Price Index for Vancouver, B.C. published from time to time by Statistics Canada, or its successor in function;
- (j) **“Daily Amount”** means \$100.00 per day as of January 1, 2022 adjusted thereafter by an amount determined by multiplying \$100.00 by the percentage change in the CPI from January 1, 2022 to January 1 of the year that a written notice is delivered to Kiwanis by the District pursuant to section 5.1;

{00744247; 19 }

*990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing*

- (k) **“Development”** has the meaning assigned to that term in Recital B;
- (l) **“Dwelling”** has the same meaning as in the District of West Vancouver Zoning Bylaw No. 4662, 2010, as amended or replaced from time to time. Without limiting the foregoing, at the date of this Agreement, the term “Dwelling” under the Zoning Bylaw means “a building or portion of a building having 2 or more rooms used or intended to be used together for the domestic purposes of one or more persons and including at least one living room, one cooking facility and one bathroom and not rented or available for rent or occupation for periods of less than 30 days”;
- (m) **“Eligible Tenant”** means a Tenant who meets all the qualifications set out in Schedule B;
- (n) **“Existing Tenant”** means a Tenant continuing tenancy of a Dwelling they are renting;
- (o) **“First Occupancy”** means first occupancy for a Building on the Lands permitted by the District of West Vancouver, as evidenced by a Certificate of Occupancy;
- (p) **“Initial Tenant”** means the first New Tenant of a newly constructed Dwelling that has not previously been rented or occupied;
- (q) **“Initial Occupancy Period”** means one calendar year after First Occupancy;
- (r) **“Lands”** has the meaning set out in Recital A;
- (s) **“Lease”** has the meaning set out in Recital A;
- (t) **“Leasehold Interest”** has the meaning set out in Recital E;
- (u) **“Over-housing”** means a situation in which a Tenant is residing in a Dwelling where the number of bedrooms is greater than the number of persons as established under the Canadian National Occupancy Standard; **“Over-housed”** has a corresponding meaning;
- (v) **“Over-housing Charge”** means the amount calculated as follows:
- the difference between rent for the Dwelling that is occupied and the rent for the Dwelling that should be occupied, based on this Agreement. For the purpose of the calculation, the rent for both Dwellings will be based on rents to be imposed on New Tenants. For example, if a Tenant lives in a 3-bedroom Dwelling but should live in a 2-bedroom Dwelling, and the current rent for New Tenants of the Existing Tenant’s 3-bedroom Dwelling is \$700, and the current rent for New Tenants of the 2-bedroom Dwelling being offered to the Existing Tenant is \$500, then the calculation of the Over-housing Charge is as follows: \$700 - \$500 = \$200;
- (w) **“New Tenant”** means a Tenant commencing a new tenancy in a Dwelling;
- (x) **“Permanent Residence”** means that the Affordable Rental Unit is used as the usual, main, regular, habitual, principal residence, abode or home of the Eligible Tenant;
- (y) **“Pet”** has the same meaning as in the District of West Vancouver Animal Control and License Bylaw, No. 4545, 2008, as amended or replaced from time to time. Without limiting the foregoing, at

{00744247; 19 }



the date of this Agreement, the term “Pet” under the Animal Control and License Bylaw means “a domesticated dog, cat, rabbit, ferret, hamster, guinea pig, gerbil, or bird, and includes reptiles and other animals if they are kept inside a dwelling unit, but does not include livestock, poultry, or wildlife as defined by the *Wildlife Act*”;

(z) “**Records**” means all documentation relating to the use and occupation of the Lands and Buildings including tenancy agreements, information confirming Eligible Tenant status, books of account and receipts;

(aa) “**Subdivide**” means to divide, apportion, consolidate or subdivide the Lands, the Building, or the ownership or right to possession or occupation of the Lands into two or more lots, strata lots, parcels, parts, portions or shares, whether by plan, descriptive words or otherwise, under the *Land Title Act*, the *Strata Property Act*, or otherwise, and includes the creation, conversion, organization or development of “cooperative interests” or “shared interests in land” as defined in the *Real Estate Development Marketing Act*; “**Subdivision**” has a corresponding meaning;

(bb) “**Tenant**” means one or more individuals that occupy or propose to occupy a Dwelling pursuant to a Tenancy Agreement;

(cc) “**Tenancy Agreement**” means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by the *Residential Tenancy Act*;

(dd) “**Term**” has the meaning set out in section 2.1; and

(ee) “**Zoning Bylaw**” means the District of West Vancouver Zoning Bylaw No. 4662, 2010, as amended by Amendment Bylaw No. 5068, 2020, and as further amended from time to time.

## 1.2 Interpretation

In this Agreement:

(a) words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;

(b) the division of this Agreement into articles and sections and the insertion of headings are for convenience only and will not affect the construction or the interpretation of this Agreement;

(c) references to any article, section or schedule will, unless the context otherwise requires, mean that article, section or schedule of this Agreement;

(d) every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows;

(e) the words “include” and “including” are to be construed as meaning “include without limitation” and “including without limitation”;

(f) all payments to be made will be deemed to be payments in lawful currency of Canada;

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

- (g) reference to “business day” means all days other than Saturday, Sunday and statutory holidays in the Province of British Columbia;
- (h) reference to “party” and “parties” means the one or more parties to this Agreement, as the context demands;
- (i) reference to a whole, for example, the “Lands” and the “Development”, includes reference to a portion thereof; and
- (j) unless expressly stated otherwise, all references to enactments refer to enactments of the Province of British Columbia, as amended or replaced from time to time. All reference to bylaws and policies refers to the bylaws and policies of the District, as amended or replaced from time to time.

### **1.3 Acknowledgements**

Kiwanis acknowledges and agrees that:

- (a) except as expressly provided, nothing in this Agreement will relieve Kiwanis from any obligation or requirement arising under any applicable statute, bylaw or regulation in respect of the use, Subdivision and development of the Lands;
- (b) nothing contained or implied in this Agreement will prejudice or affect the District’s rights, powers, duties or obligations in the exercise of its functions pursuant to the *Local Government Act*, the *Community Charter* or other statutes, bylaws, orders and regulations; and
- (c) all obligations of Kiwanis under this Agreement will be at the cost of Kiwanis.

### **1.4 Schedules**

Schedule A, Schedule B and Schedule C are attached to and form part of this Agreement.

## **2.0 TERM**

### **2.1 Term**

This Agreement will commence on the Reference Date and will continue until the Lease has expired or is terminated (the “Term”).

## **3.0 SECTION 219 COVENANT**

### **3.1 Grant**

Kiwanis, as the holder of the Leasehold Interest, hereby covenants and agrees with the District, as a covenant in favour of the District pursuant to section 219 of the *Land Title Act*, it being the intention and agreement of Kiwanis that the provisions in this Agreement be annexed to, and run with and be a charge upon the Leasehold Interest, that:

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

- (a) the Lands will be built on in the manner that includes the following, in the location and configuration satisfactory to the District, as more particularly detailed through the development permit process:

(1) the Adult Day Care Facility; and

(2) Affordable Rental Units in the following unit mix and size:

Unit Type	% Mix (which % mix may vary up or down by no more than 2%)	Number of Units (which number of units may vary up or down by no more than 2 units)	Average Unit Size (Square Feet) (which average size may vary up or down by no more than 3%)
Studio	13%	20	415.8
1-Bedroom	35%	55	603.1
2-Bedroom	37%	58	803.7
3-Bedroom	15%	23	1020.4
TOTAL	100%	156	N/A

- (b) all parking spaces and loading spaces constructed on the Lands will be used for the Affordable Rental Units and the Adult Day Care Facility, in the manner satisfactory to the District, as more particularly detailed through the development permit process;
- (c) the Lands and the Buildings will be used only in accordance with this Agreement;
- (d) except to the extent contained within the Adult Day Care Facility, all Dwellings constructed on the Lands will be used only as Affordable Rental Units; and
- (e) the Lands, the Leasehold Interest, and the Buildings will not be Subdivided in any manner without the prior written consent of the District, acting reasonably. As a condition of Subdivision, the District may require Kiwanis to register against the Leasehold Interest one or more covenants pursuant to section 219 of the *Land Title Act* that limits separate sale or sublease of all or some of the Affordable Rental Units.

### 3.2 Indemnity

As an indemnity pursuant to section 219(6) of the *Land Title Act*, and an integral part of the covenant contained in section 3.1, Kiwanis will indemnify and save harmless the District and each of its elected officials, officers, directors, and agents, and their respective heirs, executors, administrators, personal

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

representatives, successors and assigns, from and against all claims, demands, actions, loss, damage, costs and liabilities, which all or any of them will or may be liable for or suffer or incur or be put to by reason of or arising out of one or more of the following:

- (a) any act or omission of Kiwanis, its officers, directors, agents, contractors, or other persons for whom at law Kiwanis is responsible, relating to this Agreement;
- (b) construction, maintenance, operation, management or financing of the Lands, the Development, the Buildings, the Adult Day Care Facility, or any Affordable Rental Unit by Kiwanis, its officers, directors, agents, contractors, or other persons for whom at law Kiwanis is responsible;
- (c) any breach of this Agreement by Kiwanis, its officers, directors, agents, contractors, or other persons for whom at law Kiwanis is responsible; and
- (d) the exercise by the District of any of its rights under this Agreement,

without any exceptions.

### **3.3 Release**

As a release pursuant to section 219(6) of the *Land Title Act*, and an integral part of the covenant contained in section 3.1, Kiwanis releases and forever discharges the District and each of its elected officials, officers, directors, and agents, and its and their respective heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of one or more of the following:

- (a) any act or omission of Kiwanis, its officers, directors, agents, contractors, or other persons for whom at law Kiwanis is responsible, relating to this Agreement;
- (b) construction, maintenance, operation, management or financing of the Lands, the Development, the Buildings, the Adult Day Care Facility, or any Affordable Rental Unit by Kiwanis, its officers, directors, agents, contractors, or other persons for whom at law Kiwanis is responsible;
- (c) any breach of this Agreement by Kiwanis, its officers, directors, agents, contractors, or other persons for whom at law Kiwanis is responsible; and
- (d) the exercise by the District of any of its rights under this Agreement,

without any exceptions.

### **3.4 Impact on Market Value**

Kiwanis acknowledges and agrees that no compensation is payable, and Kiwanis is not entitled to and will not claim any compensation from the District, for any decrease in the market value of the Lands, or the Leasehold Interest, which at any time results directly or indirectly from the existence, registration, or operation of this Agreement.

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

### 3.5 Release and Indemnity Survival

The release and indemnity in sections 3.2, 3.3 and 3.4 will survive the termination or expiration of this Agreement, and the release of this Agreement from title to the Lands.

## 4.0 USE AND OCCUPANCY OF AFFORDABLE RENTAL UNITS

### 4.1 Rent and Tenure

#### General

(a) Kiwanis will not lease, rent, license or permit occupancy of an Affordable Rental Unit except as follows:

- (1) to an Eligible Tenant;
- (2) at Affordable Rent;
- (3) as a Permanent Residence; and
- (4) pursuant to a Tenancy Agreement.

#### Number of occupants

(b) Kiwanis will ensure that the number of individuals who permanently reside in an Affordable Rental Unit will conform to the suitable minimum and maximum number of occupants pursuant to the Canadian National Occupancy Standard in effect from time to time, as necessary to avoid overcrowding and Over-housing. For clarity, as of the date of this Agreement, the Canadian National Occupancy Standard assesses the bedroom requirements of a household based on the following criteria:

- (1) there should be no more than 2 and no less than 1 persons per bedroom;
- (2) children less than 5 years of age of different sexes may reasonably share a bedroom;
- (3) children 5 years of age or older of opposite sex should have separate bedrooms;
- (4) children less than 18 years of age and of the same sex may reasonably share a bedroom;
- (5) single household members 18 years or older should have a separate bedroom, as should parents or couples; and
- (6) a household of one individual may occupy a bachelor unit (i.e., a unit with no bedroom).

(c) The Tenancy Agreement for an Affordable Rental Unit will identify all occupants of the Affordable Rental Unit and will stipulate that anyone not identified in the Tenancy Agreement will be

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing



prohibited from residing in the Affordable Rental Unit for more than 30 consecutive days or more than 45 days total in any calendar year.

Subleasing/assignment not permitting

- (d) Kiwanis will not permit the Affordable Rental Unit to be subleased, or the Tenancy Agreement for an Affordable Rental Unit to be assigned.

Determining and confirming eligibility and suitability

- (e) To determine eligibility of a prospective Tenant of an Affordable Rental Unit, Kiwanis may reasonably rely on information provided by the prospective Tenant, provided that Kiwanis will require all reasonable information necessary to confirm eligibility (including without being exhaustive income tax records, employment records, school records, residence and/or employment history, and other). Unless Kiwanis' reliance is unreasonable, negligent or in wilful misconduct, Kiwanis will have no liability nor will have breached this Agreement if the prospective Tenant intentionally or unintentionally provides inaccurate information.
- (f) Kiwanis will collect the following information on an annual basis or as otherwise requested by the District to ensure compliance with eligibility requirements of the Affordable Rental Unit as set out in Schedule B:
  - (1) gross annual income from all sources (including employment, disability, retirement, investment, and other) of all members of the Tenant's household who are 18 years of age and over and who reside in the Affordable Rental Unit;
  - (2) a statement of asset ownership; and
  - (3) number of occupants of the Affordable Rental Unit.
- (g) Subject to the requirements of the *Residential Tenancy Act*, Kiwanis will ensure that each Tenancy Agreement includes the following provision:

"By entering into this Tenancy Agreement, the Tenant hereby consents to Kiwanis collecting, retaining and disclosing to the District of West Vancouver personal information required to confirm the Tenant's eligibility to reside in the rental unit, including the following personal information:

  - (1) a statement of gross annual income from all sources (including employment, disability, retirement, investment, and other) of all members of the Tenant's household who are 18 years of age and over and who reside in the Affordable Rental Unit;
  - (2) a statement of asset ownership;
  - (3) details of connection to the community of the District of West Vancouver (including employment, school enrollment, past residence); and
  - (4) number of occupants of the Affordable Rental Unit.

The foregoing personal information may be collected at the beginning of the tenancy and on an annual basis and may be used to confirm the Tenant's eligibility to reside in the rental unit, and to confirm Kiwanis' compliance with the District of West Vancouver affordable housing eligibility requirements."

*Terminating if cease to be eligible, or if Dwelling has too many occupants*

(h) Subject to any contrary provisions in the *Residential Tenancy Act*, Kiwanis will include in the Tenancy Agreement a clause entitling Kiwanis to terminate the Tenancy Agreement if:

- (1) an Affordable Rental Unit is occupied by a person or persons other than an Eligible Tenant;
- (2) the Tenant subleases the Affordable Rental Unit or assigns the Tenancy Agreement in whole or in part;
- (3) the Affordable Rental Unit is occupied by more than the number of people acceptable under the Canadian National Occupancy Standard; or
- (4) the Affordable Rental Unit remains vacant for four (4) consecutive months or longer, notwithstanding the timely payment of rent.

*Over-housing relocation and Over-housing Charge*

(i) Subject to any contrary provisions of the *Residential Tenancy Act*, if an Affordable Housing Unit becomes occupied by less than the number of people than acceptable under the Canadian National Occupancy Standard (also known as "Over-housing"), the following will apply:

- (1) if a Dwelling of the correct size is available, Kiwanis will forthwith, in writing, offer that Dwelling to the Tenant and the Tenant will have the maximum of 30 days from the date of the offer to accept or to refuse the offered Dwelling;
- (2) a Tenant that accepts the offered Dwelling will not be charged any additional amount from the time when the Tenant is Over-housed until the time the Tenant moves into the suitable Dwelling offered;
- (3) a Tenant that refuses the offer of a suitable Dwelling will have a period of six (6) consecutive months, starting from the date of the offer, with no Over-housing Charge. If the Tenant is still living in the Dwelling after this period, the Over-housing Charge may be levied on the Tenant, in addition to the rent;
- (4) if a Dwelling of the correct size is not available, the Tenant may continue to occupy their rented Dwelling, and no Over-housing Charge will be applied until such time that:
  - (i) a Dwelling of correct size is available and is offered to the Tenant, in which case section 4.1(i)(1) will govern; and
  - (ii) the Tenant has refused the offer of the suitable Dwelling, in which case section 4.1(i)(3) will govern;

- (5) if Kiwanis has no Dwellings that meet the Canadian National Occupancy Standard, the Dwelling of the closest size will be considered the one that is suitable for the purpose of this section 4.1(i);
- (6) to avoid frequent moving expenses, a Tenant that accepts a housing offer that does not meet the Canadian National Occupancy Standard may refuse a new, more adequate housing offer submitted by Kiwanis within the following twenty-four (24) consecutive months without having to pay the Over-housing Charge; and
- (7) a Tenant will be fully responsible for all relocation and moving expenses.
- (j) If there is more than one Tenant that is in a situation of Over-housing, Kiwanis will offer a Dwelling of the correct size when it becomes available to Tenants in order of longest tenure.

Pets

- (k) Kiwanis will not prohibit Tenants from having Pets in an Affordable Rental Unit, subject to all applicable provincial, federal and municipal laws and bylaws. Kiwanis may make reasonable rules and regulations with respect to security deposit requirements, size and number of Pets.

Age

- (l) Kiwanis will not impose age-based restrictions on Tenants of Affordable Rental Units.

Payments additional to rent

- (m) Kiwanis will not require Tenants of the Affordable Rental Units to pay any of the following:
  - (1) extra fees or charges for use of common property, limited common property or other common property, facilities or amenities;
  - (2) extra fees or charges for use of sanitary sewer, storm sewer or water;
  - (3) property taxes or similar taxes,provided that Kiwanis may charge the following in addition to the Affordable Rent:
  - (4) providing cable television, telephone, other telecommunications, or electricity fees;
  - (5) electricity fees associated with electrical vehicle charging;
  - (6) security and pet deposit and fees for lockers, parking stalls, key and fob replacements and the use of common rooms, amenity rooms, or similar facilities, if any; and
  - (7) if applicable, the Over-housing Charge.

#### Use of common amenities

- (n) Kiwanis will ensure that occupants of Affordable Rental Units in the Development will have access to and use of all common indoor and outdoor facilities and amenities located in the Development from time to time, except for access to and use of the Adult Day Care Facility.
- (o) Kiwanis will ensure that all occupants of Affordable Rental Units will have access to and use of loading facilities allocated for the use of the Affordable Rental Units in accordance with the Zoning Bylaw, development permit or building permit issued for the Development.

#### **4.2 Starting Affordable Rent and Affordable Rent Increases**

The District and Kiwanis acknowledge that the Affordable Rent set out in Schedule A constitutes Affordable Rent as of January 1, 2021. Acknowledging that Occupancy of the Development will commence after the rates in Schedule A have been established, the parties agree that the following will apply to establishing starting Affordable Rent for New Tenants (including Initial Tenants) and increasing Affordable Rent for Existing Tenants, during the Term:

- (a) for Initial Tenants commencing tenancy within the Initial Occupancy Period: the starting Affordable Rent may be increased from the rental rates set out in Schedule A by the maximum amount permitted by the *Residential Tenancy Act*, as if the Affordable Rental Unit was first rented out on January 1, 2021. For example, if the Initial Tenant moves in between January 1, 2023 and December 31, 2023, rental rates in Schedule A may be increased on January 1, 2022 (in accordance with rate of increase in effect on that date), and on January 1, 2023 (in accordance with rate of increase in effect on that date). In this example, the starting Affordable Rent will be: [Schedule A Affordable Rent] + [January 1, 2022 increase] + [January 1, 2023 increase]. For greater certainty, this section 4.2(a) only applies to Initial Tenants whose tenancy commences within the Initial Occupancy Period and does not apply to: (i) Initial Tenants commencing Tenancy after Initial Occupancy Period has expired; and (ii) New Tenants, but not Initial Tenants, commencing tenancy within the Initial Occupancy Period;
- (b) for Initial Tenants commencing tenancy after the Initial Occupancy Period has expired, and for New Tenants commencing tenancy during or after the Initial Occupancy Period: the starting Affordable Rent will be established as follows:
  - (1) every three (3) years beginning 2025, as early as reasonably possible in the beginning of the calendar year, Kiwanis will engage an independent third-party appraiser to establish market rent for different unit types (comparable to the unit types in the Development) in effect at the time in the District of West Vancouver (the “**Market Rent**”). The starting Affordable Rent for New Tenants (including Initial Tenants) commencing tenancy in the calendar year of the appraisal will equal the percentage of the Market Rent as set out in the applicable column in Schedule A titled “% of Market Rent Rate” for each unit type;
  - (2) during years when there has been no update to Market Rent pursuant to 4.2(b)(1), the starting Affordable Rent for New Tenants (including Initial Tenants) will be established by applying the percentage rent as set out in Schedule A as indicated in the applicable

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

column titled “% of Market Rent Rate” for each unit types using the most recent Market Rent appraisal, provided that this rent may be increased by the maximum amount permitted by the *Residential Tenancy Act*, from the date of the most recent Market Rent appraisal to the time the tenancy commences;

(3) if the District, acting reasonably, determines that Market Rent has decreased by more than 10% from the most recent Market Rent appraisal, Kiwanis shall obtain an appraisal for Market Rent within 60 days of the District’s written request. In this instance, the starting Affordable Rent for New Tenants (including Initial Tenants) will be calculated in accordance with section 4.2(b)(1), based on Market Rent appraisal; and

(4) with respect to section 4.2(b)(1) and section 4.2(b)(2):

- i. a reduction in the Market Rent will result in a corresponding reduction in the starting Affordable Rent for New Tenants (including Initial Tenants); and
- ii. an increase in the Market Rent may result in an increase in the starting Affordable Rent for New Tenants (including Initial Tenants); and

(c) for Existing Tenants: Affordable Rent may be increased as permitted from time to time by the *Residential Tenancy Act*, irrespective of the basis on which the starting Affordable Rent was established.

#### **4.3 Operation and Management**

- (a) Kiwanis will be fully responsible for complying with all applicable laws and regulations, including the *Residential Tenancy Act*.
- (b) Kiwanis will be fully responsible for the management and administration of the Affordable Rental Units, and all associated costs.
- (c) Kiwanis will furnish good and efficient management and operation of the Development, the Buildings and the Affordable Rental Units and will permit representatives of the District to inspect the Development, the Buildings and the Affordable Rental Units at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*.
- (d) Kiwanis will maintain the Development (including soft and hard landscaping, servicing, parking and loading), the Buildings and the Affordable Rental Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Lands.
- (e) Kiwanis will not assign or delegate management and operation of the Affordable Rental Units to any entity, except with the prior written consent of the District, acting reasonably. When considering whether to provide consent, the District may consider (without being exhaustive) whether the proposed entity is a society or a non-profit organization experienced in providing affordable housing. As an exception to the foregoing, Kiwanis may retain contractors to assist with repair, facility maintenance, janitorial services, and similar activities, on the Lands, provided



that Kiwanis will remain primarily responsible for the operation and management of the Affordable Rental Units.

#### **4.4 District Inquiries and Inspections**

- (a) On or before December 31 of every calendar year during the Term, and otherwise at the request of the District, acting reasonably, Kiwanis will deliver to the District:
  - (1) a statutory declaration in the form attached as Schedule C;
  - (2) as applicable, the Market Rent appraisal report contemplated in section 4.2(b)(1) or in section 4.2(b)(3);
  - (3) such Records as the District may reasonably require confirming that a Tenant of an Affordable Rental Unit is an Eligible Tenant under this Agreement; and
  - (4) such other information as may be reasonably requested by the District from time to time to confirm Kiwanis' compliance with this Agreement.
- (b) Kiwanis hereby irrevocably authorizes the District to make such inquiries as the District reasonably considers necessary in order to confirm Kiwanis is complying with this Agreement.
- (c) Kiwanis will retain all Records that pertain to its obligations under this Agreement for not less than seven (7) years following the date of receipt or production of the Records.
- (d) The District will have the right to inspect the Records including the right to enter any premises used by Kiwanis to keep or store the Records at any time after the delivery of notice to Kiwanis and will have the immediate right to make extracts from and take copies of the Records.

#### **4.5 District's Administration**

Unless otherwise stated from time to time in a District bylaw, this Agreement will be administered for the District by the Chief Administrative Officer. To that effect:

- (a) all notices addressed to the District pursuant to this Agreement will be addressed to the Chief Administrative Officer and delivered in accordance with section 6.2(h);
- (b) all reports, declarations, and other deliverables that Kiwanis is obligated to deliver or submit to the District under this Agreement will be addressed and delivered to the Chief Administrative Officer;
- (c) except in the context of Subdivision, development permit, building permit, or occupancy approval (in which case ordinary District process will govern) all approvals, consents, and expressions of District's satisfaction, or refusal thereof, as applicable, pursuant to the Agreement will be delivered to Kiwanis by the Chief Administrative Officer; and
- (d) all determinations of the District contemplated in this Agreement (including pursuant to section 4.2) will be delivered to Kiwanis by the Chief Administrative Officer.

Nothing in this section precludes the Chief Administrative Officer from referring a matter, approval, consent, or determination to the District's Council.

{00744247; 19 }

*990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing*

## **5.0 DEFAULT AND REMEDIES**

### **5.1 Notice**

- (a) In the event of a default under this Agreement, the District may give to Kiwanis a written notice of default (the “**Notice**”) requiring Kiwanis to cure a default under this Agreement. The Notice must specify the nature of the default.
- (b) Kiwanis will cure the default:
  - (1) within 30 days of receipt of the Notice; or
  - (2) within such longer period as may reasonably be required to cure such default, provided that Kiwanis has advised the District in writing of the time reasonably required to cure the default and is diligently pursuing same.
- (c) In the event of a real or a reasonable perceived emergency, no Notice is required, and Kiwanis will immediately cure the default upon being advised verbally or in writing by the District.

### **5.2 Daily Amount**

If Kiwanis fails to correct a default as contemplated in section 5.1, Kiwanis will pay to the District, as a rent charge pursuant to section 5.3, in respect to each incidence of default, within 30 days of receiving a written request by the District, the Daily Amount for every day that the default continues. The Daily Amount will be increased on January 1 of each year by an amount calculated by multiplying the Daily Amount as of the previous January 1 by the percentage increase in the CPI during the immediately preceding calendar year. The Daily Amount is due and payable immediately upon receipt by Kiwanis of an invoice from the District for the same. This section is without prejudice to any other remedy available to the District under this Agreement and at law or in equity.

### **5.3 Rent Charge**

Kiwanis hereby grants to the District, with respect to the Leasehold Interest, a rent charge under section 5.2 and section 5.3 of this Agreement and under Section 219 of the *Land Title Act*, and at common law, securing payment by Kiwanis to the District of any amount payable by Kiwanis pursuant to this Agreement. Kiwanis agrees that the District, at its option, may enforce payment of such outstanding amount in a court of competent jurisdiction as a contract debt, by an action for and order for sale, by proceedings for the appointment of a receiver, or in any other method available to the District at law or in equity.

### **5.4 Damages Inadequate**

Notwithstanding section 5.2 and section 5.3, Kiwanis acknowledges and agrees that in case of a breach of this Agreement which is not fully remediable by the mere payment of money and promptly so remedied, the harm sustained by the District and to the public interest will be irreparable and not susceptible of adequate monetary compensation. The District may, in its discretion, seek any other remedy that may be available to the District at law or in equity.

## 5.5 No Remedy is Exclusive

No remedy under this Agreement is deemed to be exclusive but will, where possible, be cumulative with all other remedies available under this Agreement, at law or in equity.

## 6.0 GENERAL

### 6.1 Registration

Kiwanis acknowledges and agrees that:

- (a) The covenants and agreements on the part of Kiwanis in this Agreement have been made by Kiwanis as contractual obligations as well as being made pursuant to section 483 of the *Local Government Act* and as a covenant pursuant to section 219 of the *Land Title Act*;
- (b) Kiwanis will cause the registration of the section 219 covenant contained in this Agreement against the Leasehold Interest in priority to all financial charges and encumbrances (including mortgages, assignments of rents, liens, options to purchase, and rights of first refusal); and
- (c) this Agreement will be registered as a charge against the Leasehold Interest on title to the Lands, pursuant to section 219 of the *Land Title Act*, and will be noted as a notation on title to the Lands pursuant to section 483 of the *Local Government Act*.

### 6.2 Miscellaneous

- (a) Kiwanis and the District agree that:
  - (1) this Agreement is entered into only for the benefit of the District;
  - (2) this Agreement is not intended to protect the interests of Kiwanis, any tenant, or any future owner, lessee, occupier or user of the Lands, the Development, the Buildings, or any Affordable Rental Unit; and
  - (3) the District may, at any time, execute a release and discharge of this Agreement, without liability to anyone for doing so, and without obtaining the consent of Kiwanis.
- (b) This Agreement burdens and runs with the Lands and any part into which any of them may be Subdivided. All covenants and agreements contained in this Agreement are made by Kiwanis for itself, its successors and assigns, and all persons who acquire an interest in the Lands after the date of this Agreement. Without limiting the foregoing, Kiwanis will not be liable for any breach of any covenant, promise or agreement herein in respect of any portion of the Lands sold, assigned, considered or otherwise disposed of, occurring after Kiwanis has ceased to hold the Leasehold Interest in the Lands.
- (c) This Agreement may only be modified in writing, signed by both parties, in registrable form. The modification will only be effective if it is approved both as a modification of a housing agreement pursuant to section 483 of the *Local Government Act* (which requires a bylaw), and

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

as a modification of a covenant pursuant to section 219 of the *Land Title Act*. Any modification will be filed in the Land Title Office as a modification of a covenant and as a modification of the housing agreement.

- (d) The rights given to the District by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the District to anyone, or obliges the District to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement.
- (e) The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement will not be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- (f) The District is not obligated to inspect the Lands or to otherwise ensure compliance with this Agreement, nor is the District obligated to remedy any default of this Agreement. A failure by the District to enforce this Agreement will not constitute a waiver of any of the District's rights herein.
- (g) If a Court of competent jurisdiction finds that any part of this Agreement is invalid, illegal, or unenforceable, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that finding or by the severance of that part.
- (h) All notices, demands, or requests of any kind, which a party may be required or permitted to serve on another in connection with this Agreement, must be in writing and may be served on the other parties by registered mail, or by personal service, to the address written on page 1 of this Agreement. All notices to the District must be addressed to the Chief Administrative Officer. Service of any such notice, demand, or request will be deemed complete, if made by registered mail, 72 hours after the date and hour of mailing, except where there is a postal service disruption during such period, in which case service will be deemed to be complete only upon actual delivery of the notice, demand or request; and if made by personal service, upon personal service being effected. Any party, from time to time, by notice in writing served upon the other parties, may designate a different address or different or additional persons to which all notices, demands, or requests are to be addressed.
- (i) Upon request by the District, Kiwanis will promptly do such acts and execute such documents as may be reasonably necessary, in the opinion of the District, to give effect to this Agreement.
- (j) This Agreement will ensure to the benefit of and be binding upon each of the parties and their successors and permitted assigns.
- (k) This Agreement, and any documents signed by Kiwanis contemplated by this Agreement, represents the whole agreement between the District and Kiwanis, and there are no warranties, representations, conditions or collateral agreements made by the District or Kiwanis except as set forth in this Agreement.
- (l) Nothing in this Agreement will constitute Kiwanis as the agent, joint venturer, or partner of the District or give Kiwanis any authority to bind the District in any way.

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

(m) A reference in this Agreement to approval or consent of the District shall be a reference to approval by the District's Chief Administrative Officer or their designate. Nothing in this section precludes the Chief Administrative Officer from referring an approval or consent to the District's Council.

(n) This Agreement can be signed in counterpart and delivered electronically.

**IN WITNESS WHEREOF**, the parties have executed the Form C to which this Agreement is attached to these Terms of Instrument.



**SCHEDULE A**  
**AFFORDABLE RENT**

Unit Mix	Average Size (sq. ft) (which may vary up or down by 3%)	Average L1 Rent****	Average Rent/sq. ft.	% of Market Rent Rate
Studio*	415.8	\$1,141.29	\$2.74	75%
1-bd.*	603.1	\$1,479.28	\$2.45	75%
2-bd.**	803.7	\$2,035.85	\$2.53	75%
3-bd.***	1020.4	\$2,689.06	\$2.64	75%

\*Floor level adjustment of \$20 per floor for Studio and 1-bd units

\*\*Floor level adjustments of \$30 per floor for 2-bd

\*\*\*Floor level adjustment of \$50 per floor for 3-bd units

\*\*\*\*Rent will reflect square footage of the unit (on the basis of average rent/square foot)

**SCHEDULE B  
ELIGIBLE TENANT**

An Eligible Tenant is a Tenant who meets all the following qualifications:

- (1) has a cumulative household gross annual income from all sources (including employment, disability, retirement, investment, and other) that does not exceed the limits set out below:
  - i. for Dwellings with less than two (2) bedrooms, a gross household income that does not exceed 1.25 multiplied by BC Housing's Low and Moderate Income Limits for couples without children in BC, as determined by BC Housing from time to time. For 2022, this calculation amounts to:
    - 1.25 multiplied by \$77,430, for a gross household income limit of \$96,787; and
  - ii. for Dwellings with two (2) or more bedrooms, a gross household income that does not exceed 1.20 multiplied by BC Housing's Low and Moderate Income Limits for families with children in BC, as determined by BC Housing from time to time. For 2022, this calculation amounts to:
    - 1.20 multiplied by \$120,990, for a gross household income limit of \$145,188.

For clarity, "**Low and Moderate Income Limits**" in this Schedule B has the same meaning as set by BC Housing from time to time. As of the date of this Agreement, "Low and Moderate Income Limits" refers to a gross household income that does not exceed the median income [*being 50<sup>th</sup> percentile*], for couples with or without children in BC, as applicable, all as determined by BC Housing from time to time;

- (2) do not currently own an interest in residential real property anywhere in the world, and are living in rental housing or another non-ownership tenure (e.g. living with family);
- (3) do not own assets (including stocks, bonds, term deposits, mutual funds and cash, real estate equity (net of debt), business equity in a private incorporated company, and such other assets as are valued by BC Housing from time to time to determine eligibility for supportive housing) in excess of:
  - i. for 2-bedroom units and for 3-bedroom units: \$400,000.00; and
  - ii. for studios and for 1-bedroom units: \$300,000.00;
- (4) can demonstrate a substantial connection to the West Vancouver community, including (without being exhaustive) in one or more of the following ways:

- i. at least one member of the Tenant’s household has resided in West Vancouver for at least 12 months;
- ii. at least one member of the Tenant’s household is employed in West Vancouver; and
- iii. at least one member of the Tenant’s household is enrolled in a school within the boundaries of the District of West Vancouver,

provided that if, despite reasonable efforts, Kiwanis is unable to find Eligible Tenants who meet the qualification in this paragraph (4), then, upon prior written approval of the District, which will not be unreasonably withheld, Kiwanis may accept otherwise Eligible Tenants who do not have a substantial connection to the West Vancouver community but have a substantial connection to the North Shore community in the ways outlined immediately above. For the purpose of this section “North Shore” refers to the cumulative geographic area of the District of West Vancouver, the District of North Vancouver and the City of North Vancouver.

The District and Kiwanis will meet periodically to discuss if any amendments or adjustments to this Schedule B – Eligible Tenant may be warranted, with the first meeting to take place within the first two years after initial occupancy of the Development.

## SCHEDULE C

### STATUTORY DECLARATION

CANADA )  
 )  
 ) IN THE MATTER OF Unit Nos. \_\_\_\_\_ - \_\_\_\_\_ (collectively,  
 ) the “**Affordable Rental Units**”) located at  
 )  
 ) \_\_\_\_\_,  
 PROVINCE OF BRITISH )  
 ) (street address), British Columbia, and Housing Agreement  
 COLUMBIA )  
 ) dated \_\_\_\_\_, 20\_\_\_\_ (the “**Housing**  
 ) **Agreement**”) between Kiwanis North Shore Housing Society  
 ) and the District of West Vancouver (the “**City**”)  
 TO WIT: )  
 )

I, \_\_\_\_\_ (full name),  
of \_\_\_\_\_ (address) in the Province

of British Columbia, DO SOLEMNLY DECLARE that:

I am \_\_\_\_\_ of Kiwanis North Shore Housing Society and have personal knowledge of the matters set out herein;

This declaration is made pursuant to the terms of the Housing Agreement in respect of the Affordable Housing Units for each of the 12 months for the period from January 1, 20\_\_\_\_ to December 31, 20\_\_\_\_ (the “Period”);

Throughout the Period:

- (a) the Affordable Rental Units, if occupied, were occupied only by Eligible Tenants (as defined in the Housing Agreement);
- (b) all Affordable Rental Units have been rented at Affordable Rent (as defined in the Housing Agreement);
- (c) Affordable Rent has not exceeded 75 % of average market rent in the District of West Vancouver for equivalent units, except as expressly permitted in the Housing Agreement; and

{00744247; 19 }

990 22nd Street  
Housing Agreement and Covenant  
Affordable Rental Housing

- (d) subject to availability, all Affordable Rental Units have been rented to suitable Tenants, in accordance with the Canadian National Occupancy Standards, as reasonably necessary to avoid overcrowding and Over-housing.

Appendix 1 is attached to this declaration setting out: the Affordable Rent for each rented Affordable Rental Unit as of the date of this declaration, the date of tenancy commencement, the time and rate of last increase in the Affordable Rent, and the list of Affordable Rental Units not rented as of the date of this declaration.

[To be included during the years in which Market Rent appraisal is carried out pursuant to section 4.2(b)(1) or section 4.2(b)(3)] The average market rent in the District of West Vancouver for equivalent units in the same time period is set out in the report attached as Appendix 2.

I make this solemn declaration, conscientiously believing it to be true and knowing that it is of same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE ME at

\_\_\_\_\_ in the

Province of British Columbia, Canada, this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Signature of Declarant)

Name:

\_\_\_\_\_  
A Notary Public and a Commissioner for taking  
Affidavits in and for the Province of British  
Columbia

*Declarations should be signed, stamped, and dated and witnessed by a lawyer, notary public, or commissioner for taking affidavits.*

Appendix 1

<b>Unit #</b>	<b>Rented (R) or Unrented (UR)</b>	<b>If rented: Current rent</b>	<b>If rented: Date current tenancy commenced</b>	<b>If rented: Date of last rent increase</b>	<b>If rented: % of last rent increase</b>	<b>Number of occupants</b>



*Appendix 2*

*[report to be attached, as and when applicable]*

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