

Schedule 3 to the Minutes of the
Development Permit Panel
meeting held on Wednesday,
October 25, 2023

To Development Permit Panel	
Date:	OCT 25, 2023
Item #	1
Re:	DP 17-790086

From: Wan Kit Francis Chan <chanwankitfrancis@yahoo.com.hk>
Sent: October 23, 2023 5:28 PM
To: CityClerk
Cc: Pamela Chan; Rajan Cheema; Quinn Marceil
Subject: Notice of Development Permit Panel Meeting/ File DP17-790086

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Dear Edwin Lee,

I am one of the council members of Verona Garden at 9211 No.2 Road, Richmond. Verona Garden is the subject of a statutory right of way imposed by the City of Richmond (" the City ") in favour of the development of the lots at 9291 and 9311/9331 (" the 9291 lots") by Jhujar Construction Ltd. (" Jhujar Construction").

The Verona Garden Strata Council has appointed me to be the contact person with Verona Garden's solicitors, Messrs. Synergy Business Lawyers regarding the negotiation with Jhujar Construction on the share cost agreement of the use of the right of way by the occupants of the 9291 lots. I have personal knowledge of the draft share cost agreement proposed by Jhujar Construction and the development of the negotiations.

I would like to let the City of Richmond know that there is yet to be any negotiation on the substantive terms of the cost-sharing agreement. The current disagreement is on the costs of the legal fees of the negotiations. For your information, Jhujar Construction's solicitors have previously confirmed Jhujar Construction's agreement to pay Verona Garden's legal costs in and about the cost-sharing agreement negotiations but now refused to deposit a sum of \$5,000 with Messrs. Synergy Business Lawyers for the purpose. There has been no progress since October 6th.

Verona Garden is a small community with very limited reserve funds. Almost all owners had no knowledge of the statutory right of way until Jhujar Construction contacted the strata council of Verona Garden on the issue a few years ago. Not only that the cost of the maintenance of the right of way will be a concern but the quiet enjoyment of the common areas would be very much impacted when an addition of 2 dozen or so cars are going to share the right of way of Verona Garden. More alarming to the owners of Verona Garden is that the draft cost-sharing agreement imposed a clause that the same right of way is extended to other lots next to the 9291 lots should Jhujar annex the same in its present or next development.

The right of way has given rise to a sense of unfairness in the Verona Garden community. Without the need to construct an access road to No.2 Road, Jhujar Construction can fully utilize the 9291 lots and can reap huge profits from it, at the expense of the Verona Garden community's quiet enjoyment of their properties. Yet, the community now has to take the trouble to instruct solicitors to negotiate and in an unfortunate event, to pay legal expenses (at least part) for a matter that does not benefit them.

I would very much appreciate it if you could let us know why there is a statutory right of way in the first place, what benefit it gives to the community at large and how does it on balance override the quiet enjoyment of their properties of the Verona Garden community.

Yours faithfully,

Francis Chan

