

Richmond Public Hearing

Issue: Zoning Amendment Bylaw 8575 (RZ 07-361639)

Easement Concerns by the Rosedale Gardens Strata Council:

The Council is concerned about the easement versus the regulations governing our complex:

- 1- Safety: How can we maintain order over the vehicles running through our complex when we don't have Strata authority over their actions? Can the Strata Council have discretionary power to give fines to the new owners if they go over the speed limit or act in a way that can endanger the residents of Rosedale Gardens? Will there be a need for speed bumps and can the City provide this?
- 2- We'll need a cost-sharing mechanism to help maintain the wear and tear of the common driveway:
 - Snow removal
 - Common light usage
 - Cost of the asphalt (once it needs to be repaired or replaced)
 - Landscaping (what is considered shared landscaping)
- 3- The new complex being much smaller and tighter, how will garbage removal and recycling be handled? We can easily anticipate the new owners to use our amenities without our authorization, including:
 - The visitor parking spaces
 - The children's playground
 - The recycling bins
 - The basketball court (when Strata decides to reinstall it again)
- 4- Improper management: Ours, and the other complexes around are all managed by Strata Property Management companies. This new 6-unit complex might be self-managed since it's much smaller, which might lead to an incomplete form of management. Will there be a way the City can enforce some type of management, like the employment of our strata manager (or another of their choice), to ensure the proper maintenance of the complex? This idea is also in respect to everyone's property value being affected by improper management.

One example is we have rodents in the area (racoons) and we have to enforce keeping garbage cans in our garages, under penalty of fines.

- 5- "A restrictive covenant will be registered on the property to ensure that no vehicle access is obtained from Westminster Highway." Conditional Rezoning Requirements p.4

"Similar to the adjacent developments, to protect the future dwellings units on the subject site from potential noise impacts, restrictive covenants will be required to be registered in Title as a condition of rezoning to ensure that:

- The landscaping proposed along the Westminster Highway frontage to form a noise buffer will be planted, maintained, and not removed; and
- Noise attenuation will be required to be incorporated into dwelling unit design and construction." Bylaw 8575 Report PH 03151025458 (3)

Seeing noise reduction plays an important part in the attribution of the easement and Rosedale Gardens has not tried to counter the easement in any way, we would please ask the City to consider permitting construction to begin at 8am instead of 7am in the morning, for that same reason, to allow noise impact reduction from construction for the residents and children of Rosedale Gardens.

- 6- As written in the easement:

"The Transferee shall indemnify and save harmless the Transferor from and against all liabilities, obligations, claims, damages, penalties, costs and expenses arising by reason of or in connection with the exercise by the Transferee of the rights hereby conferred."

...which include cosmetic or structural damages and debris of any kind left on or around the property during and after construction.

- 7- The easement also explains:

"The Transferor does hereby grant (...) the Transferee to: (a) enter upon, go, return, pass and repass by day or by night with or without vehicles (but not vehicles accessing the Dominant Tenement in respect of construction on the Dominant Tenement) upon the Easement Area for access purpose;"

... for which we're thankful to the Developer, ensuring he'll respect this agreement through all concerned tradesmen and working crew he'll employ. This is to ensure the ease of access for all residents and the safety of their children.

If the Developer or the City has any more information after tonight, please email or call The Rosedale Strata Council with the information provided.

