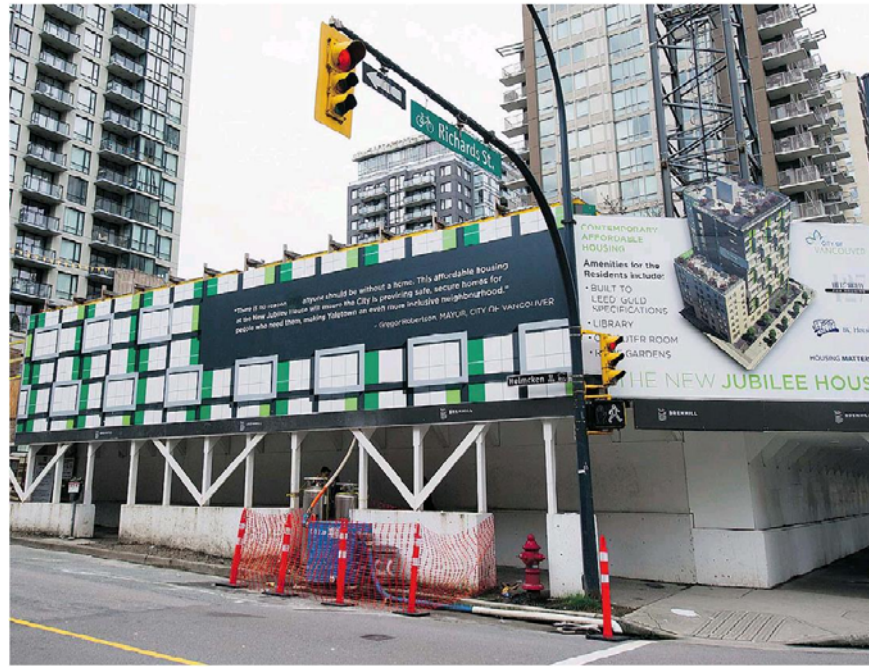


CONDOMINIUMS



The proposed New Jubilee House at 1099 Richards St. will go ahead after the B.C. Court of Appeal sided with the city over a related condo development.

GERRY KAHRMANN/PNG

Appeal court backs city in condo controversy

Previous ruling on New Yaletown tower overturned

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VANCOUVER SUN

The B.C. Court of Appeal has backed the City of Vancouver and Brenhill Developments over a controversial New Yaletown condo tower and related social housing project.

The city said Thursday the B.C. Court of Appeal has overruled a B.C. Supreme Court ruling that said Vancouver did not adequately notify area residents, causing the project to stall. The city appealed, saying the lower court had created "a real lack of clarity" over how much information a city should divulge to its citizens.

Written reasons have not yet been provided by the Court of Appeal.

The earlier Supreme Court ruling by Justice Mark McEwan quashed two related projects by Brenhill because residents in the Downtown Overall Development Plan area or DODP, which covers much of the downtown, were not adequately informed. The development included a 36-storey condo tower on city-owned land at 508 Helmcken St., which backs onto Emery Barnes Park.

McEwan's ruling also halted construction on a 162-unit social housing project that Brenhill was building for the city on an

adjacent property at 1099 Richards St. Brenhill obtained a significant bonus in density for the condo tower by offering to build the new social housing building.

In quashing the development plan and ordering new public hearings for the Brenhill developments, McEwan's findings exposed a similar flaw in the West End and Downtown Eastside area plans. As a result, the city put on hold about 15 other proposed developments that involved amenity proposals in return for density bonuses similar to the ones in the Brenhill case.

The issue involved a city program of giving bonus density to developers in return for building targeted social or affordable housing.

The problem was in the wording of the development plan, which is vague in its definition of what constitutes "low-cost housing," said Brian Jackson, the city's director of planning after the January ruling. "This has to do with the definition of social housing."

The hold on the other proposed developments is no longer in effect, the city said Thursday, after the definition of social housing was re-adopted by council.

Both the city and Brenhill were happy with Thursday's decision.

"We are relieved by this decision of the B.C. Court of Appeal as it now allows us to continue with what we set out to do when we first conceived of this project and that is to respond in a comprehensive way to Vancouver's most pressing housing needs," Brenhill said in a statement.

The city said it was "pleased that this decision confirms that the processes followed by the city in respect of the zoning bylaw for 508 Helmcken and the development permit for 1099 Richards St. were appropriate and lawful."

The city noted that in order to address the Supreme Court's concerns, city council held another public hearing to consider amendments to the downtown development plan, "after a more explicit and robust notification process for such public hearing."

Nathalie Baker, lawyer for the Community Association of New Yaletown, which opposed the development being allowed, said her clients were "certainly disappointed" by Thursday's appeal court ruling, but that she couldn't comment further. "Until I see the reasons, it's hard to make a statement. I've had no instructions yet on where to go from here."

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