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Vancouver, developer backed by Court of Appeal in condo controversy

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A Supreme Court judge quashed two projects by Brenhill Developments, including this 36-storey condo tower on city-owned land at 508 Helmcken St.

VANCOUVER — 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.

In a decision released Thursday, the court overruled an earlier B.C. Supreme Court ruling that stalled construction of the project, prompting the city to appeal that ruling, saying that the B.C. Supreme Court had created "a real lack of clarity" over how much information a city should divulge to its citizens.

Written reasons were not provided by the Court of Appeal on Thursday.

In Thursday's ruling, the appeal court overruled B.C. Supreme Court Justice Mark McEwan's January ruling that rebuked the city over flaws he found in its public hearing and notification process. In doing so, McEwan quashed two related projects by Brenhill, including a 36-storey condo tower on city-owned land at 508 Helmcken St., which backs onto Emery Barnes Park.

McEwan's ruling halted construction on a 162-unit social housing project 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 a new social housing building.

As a result of McEwan's ruling, the city also put on hold more than a dozen similar density-bonusing deals it was considering with other developers.

"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," said Brenhill in a statement after Thursday's court decision was released.

"This project was conceived to respond to the opportunity to replace and expand social housing in a neighbourhood where it has long existed, while at the same time providing much needed secure market rental housing and additional home ownership in a downtown neighbourhood where people want to live. Rarely has there been such an opportunity for a social housing provider, the city and a downtown land owner to forge a partnership to meet so many pressing housing needs. We heard at the multiple public meetings and hearings that were held over the last couple of years from many residents of the neighbourhood who endorsed the value of this unique project and the role that it will play in contributing to the health, diversity and livability of their neighbourhood."

However, Nathalie Baker, lawyer for the Community Association of New Yaletown, said her clients were "certainly disappointed" by Thursday's appeal court ruling.

Baker said she couldn't comment on where they go from here, because no written reasons for the decision were immediately released.

"Until I see the reasons, it's hard to make a statement. I've had no instructions yet on where to go from here."

Baker also noted that a public hearing was held into the matter earlier this month.

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