

**From:** Janette Nation [REDACTED]  
**Sent:** Friday, June 11, 2021 4:19:55 PM  
**To:** Alec Johnston <ajohnston@victoria.ca>  
**Subject:** 1535 and 1537 Despard Avenue

Dear Mr. Johnston,

I live across the road from 1535 and 1537 Despard Avenue. I am currently overseas due to the cancellation of my Air Canada flight in April 2020. I cannot tell from your website when there will be a public meeting or a call for public submissions to discuss this matter. Therefore, I am writing to you with my views.

1. My understanding is that 1535 and 1537 Despard Avenue were built following a consent to remove a restrictive covenant that limited the original lot to "one residence". This consent was not validly obtained in that the "one residence" restrictive covenant which was registered on the title of all the lots on Despard Avenue by the original subdivider(s), requires the consent of all the owners of the lots as described in the original restrictive covenant. However, the developers of 1535 and 1537, one of whom is the registered proprietor of 1537 Despard Avenue, obtained the consent of just one owner on the street to remove the restrictive covenant from the title. For whatever reason, the City does not appear to take any notice of these restrictive covenants or ensure they are observed.
2. It is also my understanding that there was a furore over the removal of the original house on which 1535 and 1537 stand. I was not living on the street at the time but I would have opposed the development as these two houses are so massive in height they block the views my house previously enjoyed.
3. The owners of 1535 and 1537 appear to base their need for variances and subdivision purely on the cost of insurance. They have not, however, provided any costs regarding the insurance which they claim is so onerous compared to the insurance for single family dwellings that are not strata titled. There are many single family dwellings which are designated strata title. Consenting to the not insignificant boundary variance would make a mockery of the planning powers which Council exercises to control the requirements of a planning scheme or zoning. Given the value of these homes and the property taxes, the owners could surely afford whatever the insurance difference might be, of which they provide no evidence in their submission. There was some gossip that the required common wall between 1535 and 1537 is not visible because a common wall was built underground. This may just be folklore.
4. The owner of 1537 was one of the developers. The owner of 1535 bought the house for several million, knowing it was strata title and the insurance involved.
5. Whilst in their submission the owners claim there is no intent to add to the footprint of the homes or subdivide further, this can only be preserved if the original restrictive covenant limiting each of the properties to one residence only were imposed, should Council agree to the variance and allow conversion to fee simple lots. The benefit of the restrictive covenants should be for all adjacent properties as well as Council.

In conclusion, to allow these variances and subdivision into fee simple lots sets a dangerous precedent for all bare lot strata schemes. I would venture to say the latent value of these properties should they become fee simple properties is the true reason behind the application. A surveyor advised one of the owners on the street that one of the houses was going to be sold, which is not strictly relevant but points to the motivation of the owner of 1537, given that 1535 was just sold in 2020. I do not believe that the original restriction of the development to a strata scheme should be circumvented on the basis of insurance costs.

Thank you.

Janette Nation  
 1536 Despard Avenue  
 Victoria, BC V8S1T3  
 [REDACTED]

Date APRIL 9-22

Re: Strata Plan EPS299 Covering 1535 & 1537 Despard Avenue, Victoria

After talking to the owners of 1537 and 1535 Despard Avenue, we understand one of the main reasons for this change is to help both homeowners insure their homes separately under a regular home insurance policy, independent of each other. Even though the buildings on the strata are completely separate, the owners are required to purchase a commercial, blanket insurance policy that is designed for a multi-unit strata and as such does not properly cover the risks the owners face, e.g. in addition to a deductible, the policy has a 10% coinsurance requirement.

Our support is provided to both neighbours as we understand there will be no exterior changes or additions to their current homes and that there will be no impact to ourselves.

Should you wish to contact us regarding our support, we can be reached as indicated below.

Owner (Print Name)

Harold P. [Signature]

Signature

1512 DESPARD

Address

Contact Phone Number:

To: [MayorandCouncil@Victoria.Ca](mailto:MayorandCouncil@Victoria.Ca)

Date April 9/2022

Cc: [AJohnston@Victoria.Ca](mailto:AJohnston@Victoria.Ca)

Re: Strata Plan EPS299 Covering 1535 & 1537 Despard Avenue, Victoria

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Should you wish to contact us regarding our support, we can be reached as indicated below.

HEATHER SAVOY

Owner (Print name)



Signature

Michael Mabey

Owner (Print Name)



Signature

1597 Despard Ave.

Address

Contact Phone Number



To: [MayorandCouncil@Victoria.Ca](mailto:MayorandCouncil@Victoria.Ca)

Date Apr 9 / 2022

Cc: [AJohnston@Victoria.Ca](mailto:AJohnston@Victoria.Ca)

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Mehrbano Behrooz

Owner (Print name)

Meh Beh.

Signature

Dara Behrooz

Owner (Print Name)

D. B.

Signature

1580 Despard Ave, Victoria BC V8S 1T3

Address

Contact Phone Number: [REDACTED]



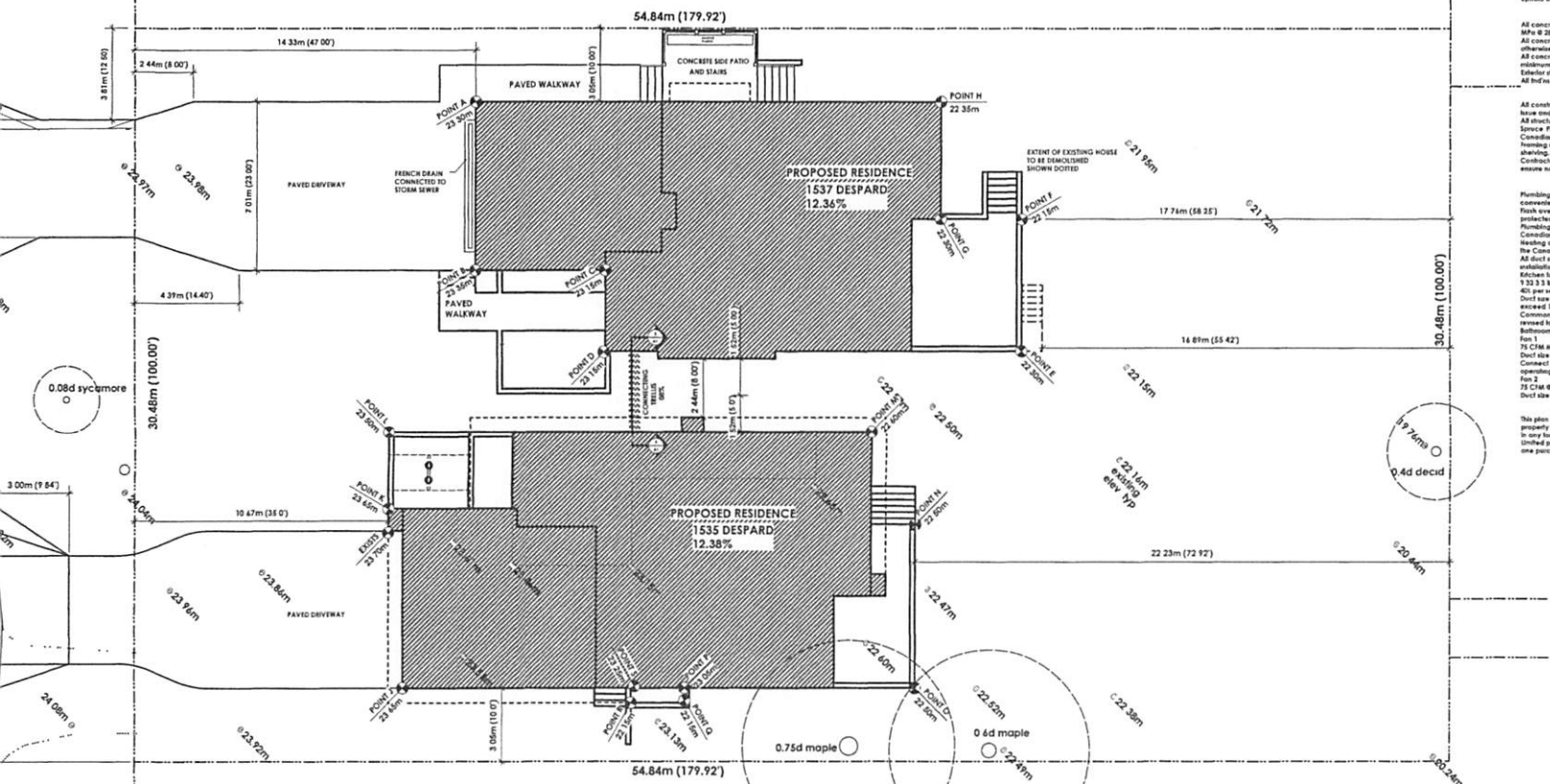
No.1535 & 1537 Despard Avenue  
Legal - Easterly 25 feet of Lot 3, and the Westerly 75 feet of  
Lot 4, Block A, Section 68, Victoria District, Plan 3363

All distances are shown in metres.  
REFER TO CIVIL DRAWINGS FOR SITE SERVICE PLAN

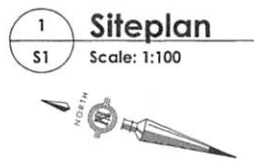
**AVERAGE GRADE CALCULATION - UNIT 1537**  
A TO B (23 30 + 23 35) - 2 X 7 01 = 46 65 - 2 X 7 01 = 23 33 X 7 01 = 163 51  
B TO C (23 35 + 23 15) - 2 X 5 41 = 46 50 - 2 X 5 41 = 23 25 X 5 41 = 125 78  
C TO D (23 15 + 23 15) - 2 X 3 35 = 46 30 - 2 X 3 35 = 23 15 X 3 35 = 77 42  
D TO E (23 15 + 23 20) - 2 X 17 32 = 45 45 - 2 X 17 32 = 22 73 X 17 32 = 393 47  
E TO F (22 30 + 23 15) - 2 X 5 49 = 44 45 - 2 X 5 49 = 22 23 X 5 49 = 121 93  
F TO G (22 15 + 23 20) - 2 X 3 35 = 44 45 - 2 X 3 35 = 22 23 X 3 35 = 74 62  
G TO H (22 30 + 23 25) - 2 X 3 88 = 44 45 - 2 X 3 88 = 22 23 X 3 88 = 108 88  
H TO J (22 35 + 23 30) - 2 X 19 36 = 45 65 - 2 X 19 36 = 22 23 X 19 36 = 441 78  
(163 51 + 125 78 + 77 42 + 393 47 + 121 93 + 74 62 + 108 88 + 441 78) - 66 17 = 1507 68 - 66 17 = 22 79m

**AVERAGE GRADE CALCULATION - UNIT 1535**  
J TO K ((23 45 + 23 45) - 2) X 7 47 = (47 30 - 2) X 7 47 = 23 73 X 7 47 = 176 618  
K TO L ((23 45 + 23 60) - 2) X 3 20 = (46 10 - 2) X 3 20 = 23 05 X 3 20 = 75 44  
L TO M ((23 60 + 22 40) - 2) X 20 12 = (46 10 - 2) X 20 12 = 23 05 X 20 12 = 463 697  
M TO N ((22 40 + 22 50) - 2) X 1 83 = (45 10 - 2) X 1 83 = 22 55 X 1 83 = 41 267  
N TO O ((22 50 + 22 50) - 2) X 3 61 = (45 10 - 2) X 3 61 = 22 55 X 3 61 = 81 338  
O TO P ((22 50 + 22 50) - 2) X 7 04 = (45 00 - 2) X 7 04 = 22 50 X 7 04 = 158 873  
P TO Q ((22 15 + 22 15) - 2) X 2 24 = (44 30 - 2) X 2 24 = 22 15 X 2 24 = 49 505  
Q TO R ((23 25 + 23 65) - 2) X 9 55 = (46 40 - 2) X 9 55 = 23 45 X 9 55 = 223 948  
R TO S ((23 45 + 23 65) - 2) X 0 41 = (47 30 - 2) X 0 41 = 14 427  
(176 618 + 75 440 + 463 697 + 41 267 + 81 338 + 158 873 + 217 501 + 49 505 + 223 948 + 14 442) - 65 46 = 1508 32 - 65 46 = 23 03m

**COMBINED AVERAGE GRADE CALCULATION**  
(22 79 + 23 03) + 2 = 45 82 + 2 = 22 91m



SITE DATA		R1-A		SITE DATA		R1-A	
ITEMS	REQUIRED	PROPOSED		ITEMS	REQUIRED	PROPOSED	
LOT AREA	740 00 sq m	1671 52 sq m		FLOOR AREA - UNIT A			
SITE COVERAGE (%)	25 0 %	24 82 %		- LOFT	18 58 sq m		
SITE COVERAGE (sq m)	417 88 sq m	417 88 sq m		- UPPER	104 93 sq m		
HEIGHT	10 50 m	10 483 m		- MAIN	125 79 sq m		
SETBACKS				- LOWER	127 46 sq m		
- FRONT (NORTH)	10 50 m	10 67 m		- GARAGE	45 04 sq m		
- REAR (SOUTH)	13 72 m	14 89 m		TOTAL FLOOR AREA	386 82 sq m		
- SIDE (EAST)	3 00 m	3 05 m		FLOOR AREA - UNIT B			
- SIDE (WEST)	3 00 m	3 05 m		- LOFT	10 47 sq m		
				- UPPER	117 45 sq m		
				- MAIN	110 92 sq m		
				- LOWER	120 00 sq m		
				- GARAGE	54 33 sq m		
				TOTAL FLOOR AREA	378 57 sq m		
				REQUIRED PARKING	2		



**GENERAL NOTES**  
Dimensions given shall take preference over scale. Contractor to check and confirm all dimensions of Building Footprint and Foundation drawings prior to work commencement.  
Any discrepancies are to be reported immediately.  
Survey and/or Contractor to confirm all aspects of siting and placement of structure on lot. Designer not responsible for placement in the event that the proposed new or existing structure does not conform to N.B.C. of Canada, 2006 S.C. Building Code or structural engineer may be required to be submitted by owner.  
All materials to be of best quality, complying with the applicable sections of the latest C.I.A., C.O.S.B. and N.B.C. standards.  
All work shall be done in accordance with the National Building Code of Canada, the rules and customs of best trade practice and these specifications shall be executed by skilled tradespersons well equipped and suitably experienced.  
All materials shall be used strictly according to manufacturers printed directions, where not inconsistent with this specification. No situation permitted except where specified.  
**STRUCTURAL DESIGN**  
Structural is based on criteria stated in Part 3 and Part 9 of the 2006 S.C. Building Code and other applicable sections. Design live loads as follows:  
Design main floor load - 40 p.s.f. / kN/m<sup>2</sup>  
Design basement floor load - 40 p.s.f. / kN/m<sup>2</sup>  
Design roof load - 40 p.s.f. / kN/m<sup>2</sup>  
For heavier snow loading, drawings must be revised.  
**DEMOLITION**  
For all renovations and additions, contractor must establish strength and stability of existing structure, provide and install all shoring and props to support and construct during the duration of the work.  
**CONCRETE**  
All concrete used for footings and foundations is to be not less than 15 MPa @ 28 days unless otherwise noted.  
All concrete used for floors is to be not less than 20 MPa @ 28 days unless otherwise noted.  
All concrete used for carport, garage floors and exterior steps is to be minimum 25 MPa @ 28 days.  
Exterior slabs and stairs also require 5% air entrainment.  
All footings and slabs to be cured down to and undisturbed curing.  
**ROUGH CARPENTRY**  
All construction and materials to comply with the "approved" current laws and amendments of C.I.A. of Canada and N.B.C.  
All structural framing members are to be standard grade No. 2 better.  
Sawn Pine (in accordance with N.B.C. standard grading rules for Canadian Lumber) except where specifically noted otherwise.  
Trussing contractor to provide bracing for all plumbing, air ducts, heating, cooling, radiators, etc.  
Contractor shall be responsible for the proper setting out of all work and ensure no encroachments occur.  
**MECHANICAL**  
Plumbing contractor to allow for (min) 2 exterior hose bibs of conventional location.  
Flush over all exposed openings, doors, windows, etc. not directly protected by eaves.  
Plumbing installation shall comply with current edition of A.C.N.S.C. Canadian Plumbing Code and Electrical Code.  
Heating and/or air conditioning systems are to comply with A.C.N.S.C. the Canadian Heating Ventilating & Air Conditioning Code current issue.  
All duct work, lines and ventilation requirements to be verified prior to installation and to install to manufacturers specifications.  
Fiches for minimum req. by C.E.C. 2006 - see C.E.C. table 1.3.3.3.3.  
40% air entrained 30 CM maximum 2" exterior static pressure.  
Duct size 6" smooth, 8" flexible, shall be non-combustible, and not exceed 10m and 2 elbows.  
Commonly sold form exceed req'd C.M.s and duct size should be revised to meet R.C.C. height and manufacturer's specs.  
Bathroom fan - minimum required by R.C.C. 2006.  
Fan 1 - See R.C.C. table 1.3.3.3.3.3.  
75 CM max 110 CM max 8" exterior static pressure.  
Duct size 6" smooth, 8" flexible would rated @ 1/2" air.  
Connect to 1/2" diameter control val to provide a min. of four 4 hour operating capacity per duct.  
Fan 2 - See R.C.C. table 1.3.3.3.3.3.  
75 CM max 2" exterior static pressure.  
Duct size 4" smooth, 8" flexible.  
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**PROFESSIONAL SEALS**

List of Drawings	
S1	Siteplan
A1	Master Elevations, Treils Detail
A2	Elevations - Front / Right
A3	Elevations - Rear / Left
A4	Foundation
A5	Lower Floor Plan
A6	Main Floor Plan
A7	Upper Floor Plan
A8	Roof/Deck Plan
A9	Roof Plan
A10	Section A-A, Section B-B, Section C
A11	Section D-D Details

ISSUED/REVISED			DESCRIPTION
NO.	DATE		
01	10/30/09	15% Complete	
02	11/25/09	100% Complete	
03	12/01/09	Trees on Siteplan	
04	12/17/09	City Comments & Vents Notes Added	
05	01/15/10	City Comments Siteplan	
06	01/18/10	Page Numbering	
07	02/01/10	Grade Calculation Error	
08	02/23/10	Building Comments, Grades	
09	03/04/10	Site Coverage, Siting	
10	03/05/10	Siteplan Shaded 1537 Foundation	
11	03/08/10	Siteplan Normalizing	

General Contractor and/or Owner to verify and thoroughly review all aspects of plan prior to commencement and setting out of all work. Any discrepancies are to be reported to Building Designer immediately. Building Designer not liable for changes made to plan on site as follows to report discrepancies. Refer to General notes included on plan.

Note: R.C.L.S. to verify placement and siting of all structures on lot. General Contractor to work in consultation with R.C.L.S. to ensure proper placement of structures on site prior to starting work. Building Designer not responsible for any encroachments of any kind with regard to siting or placement of structures on lot.

Structural Engineer to review plan (where required), and specify structure as deemed necessary. It is the responsibility of the owner or contractor to verify and commission all engineering requirements with municipal building departments prior to starting work.

Truss Manufacturer to review plans to verify roof design, where wing roof frames are shown, and to contact building designer to advise if revisions are necessary.

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**VICTORIA DESIGN GROUP**  
1100 JEFFERSON AVENUE  
VICTORIA, B.C.  
V8M 1A8

DATE: Nov 25, 2009  
SCALE: As Shown  
DRAWN: M.D.K.  
REVIEWED BY:

PROJECT: Proposed Residence  
Leonard Cole  
1535 & 1537 Despard Ave.  
Victoria B.C.

**RECEIVED**  
MAR - 9 2010  
CITY OF VICTORIA  
PERMITS & INSPECTIONS DIVISION

Date: 3/8/10  
Time: 10:49:17 AM

To: [MayorandCouncil@Victoria.Ca](mailto:MayorandCouncil@Victoria.Ca)

Date April 11<sup>th</sup> 22

Cc: [AJohnston@Victoria.Ca](mailto:AJohnston@Victoria.Ca)

Re: Strata Plan EPS299 Covering 1535 & 1537 Despard Avenue, Victoria

We understand that the owners of Strata Plan EPS 299 wish to "destratify" the Plan and as a first step have applied to Council (DVP00263) to subdivide the strata lot into 2 separate lots.

After talking to the owners of 1537 and 1535 Despard Avenue, we understand one of the main reasons for this change is to help both homeowners insure their homes separately under a regular home insurance policy, independent of each other. Even though the buildings on the strata are completely separate, the owners are required to purchase a commercial, blanket insurance policy that is designed for a multi-unit strata and as such does not properly cover the risks the owners face, e.g. in addition to a deductible, the policy has a 10% coinsurance requirement.

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Should you wish to contact us regarding our support, we can be reached as indicated below.

R. J. KLASSEN

Owner (Print name)

GLORIA CHEUNG

Owner (Print Name)

[Signature]

Signature

[Signature]

Signature

1508 DESPARD AVENUE

Address

Contact Phone Number: [REDACTED]

To: [MayorandCouncil@Victoria.Ca](mailto:MayorandCouncil@Victoria.Ca)

Date APRIL 12, 2022

Cc: [AJohnston@Victoria.Ca](mailto:AJohnston@Victoria.Ca)

Re: Strata Plan EPS299 Covering 1535 & 1537 Despard Avenue, Victoria

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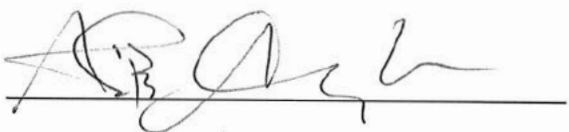
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ALIX CAMPBELL

Owner (Print name)



Signature

DAVID HAMBLETON

Owner (Print Name)



Signature

1531 DESPARD AVENUE

Address

Contact Phone Number: 



To: [MayorandCouncil@Victoria.Ca](mailto:MayorandCouncil@Victoria.Ca)

Date April 12, 2022

Cc: [AJohnston@Victoria.Ca](mailto:AJohnston@Victoria.Ca)

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Kin-Yip Chun

Owner (Print name)

[Signature]

Signature

Meng Chai

Owner (Print Name)

[Signature]

Signature

1525 Despard Avenue, Victoria BC V8S 1T2

Address

Contact Phone Number: [Redacted]



To: [MayorandCouncil@Victoria.Ca](mailto:MayorandCouncil@Victoria.Ca)

Date 18 April 2022

Cc: [AJohnston@Victoria.Ca](mailto:AJohnston@Victoria.Ca)

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Shannon Hill

Owner (Print name)

GARCIA SANTOS

Owner (Print Name)

SC Hill

Signature

[Signature]

Signature

1753 Gonzales Ave Victoria BC V8S 5H4

Address

Contact Phone Number:



To: MayorandCouncil@Victoria.Ca

Date 18 APRIL 2022

Cc: AJohnston@Victoria.Ca

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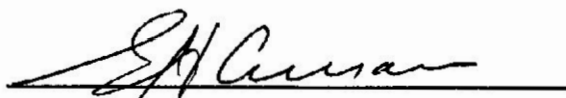
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EDWARD H. CURRAN

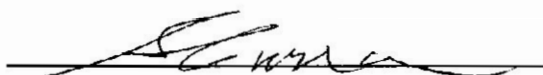
Owner (Print name)



Signature

CHINDO S. CURRAN

Owner (Print Name)



Signature

1636 WARREN GARDENS, V8S 1T1

Address

Contact Phone Number: 