



VIA MAIL AND EMAIL

February 9, 2018

Shu Rong Liu (Owner and Applicant)
c/o James Bussey (Agent)
Formwerks Architectural Inc.
1625 West 5th Avenue
Vancouver, BC V6J 1N5

AND TO:
The Respondents shown on Schedule A

Dear Parties:

**RE: Appeal of Manager's Decision to Deny Development Permit #12/16,
5915 Newton Wynd, University Endowment Lands**

The Ministry of Municipal Affairs and Housing has received an appeal under the *Land Use, Building and Administration Bylaw*, Section 5 (1) in relation to the above development permit. Under her authority, the Minister has delegated the hearing of the appeal to me, the Assistant Deputy Minister, Local Government Division, and I will be deciding the appeal, which for reasons of feasibility and procedural fairness to impacted parties, could not be conducted before February 15, 2018.

I have determined that I will consider the appeal at an oral hearing.

I direct that the hearing of this appeal take place on **February 27, 2018** at **St. Anselm's Anglican Church (the Narthex)**, 5210 University Boulevard, Vancouver, BC commencing at **1:00 p.m.**

A site visit to the Applicant's property, and to the properties that have raised direct privacy and/or view infringement issues, will be conducted at **10:00 am, prior** to the hearing. All affected parties are hereby advised that no submissions may be made to me during the site visit. Birgit Schmidt, UEL Hearing Coordinator will follow up with affected parties with more details.

At the hearing at 1:00 pm, the Applicant or their agent will have an opportunity to present their appeal directly.

In addition, other UEL residents who are affected by the appeal may appear and make written or oral submissions provided they have registered with the UEL Office or with Birgit Schmidt, on or before **4:00 pm, February 19, 2018**. Written submissions must be delivered to the UEL Administration Building at 5495 Chancellor Boulevard, or e-mailed to the attention of Birgit Schmidt at UEL.APPEAL@gov.bc.ca no later than by **4:00 pm, February 19, 2018**. Additional materials received by this date may be provided at the UEL Appeal Hearing, provided I am satisfied that it is not prejudicial to the other parties.

The parties should be aware that I have copies of the following in my file:

Development Permit #12/16

1. Development Permit #12/16 Chronology;
2. Development Permit Application and Letter of Authorization dated September 15, 2016;
3. Architectural and Landscape Drawings dated April 2017;
4. Photos of model of proposed house;
5. Letter of Support dated May 30, 2017 (1);
6. Letters of Objection dated May 9 – 31, 2017 (18);
7. Advisory Design Panel Agenda and Minutes dated July 11, 2017;
8. Letter of Manager's Decision to deny the Development Permit #12/16 dated January 5, 2018;
9. Notice of Appeal dated January 15, 2018, attached Appeal of Manager's Decision to Issue Development Permit #4/13, 5915 Newton Wynd, and Appeal Letter of Authorization received for Agent, January 25, 2018; and
10. UEL Manager's Reasons for Decision to Deny the Development Permit #12/16.

As the Applicant has referenced the Deputy Minister's decision regarding the previous Development Permit Appeal #4/13 on property 5915 Newton Wynd in the Notice of Appeal, I also have copies of the following:

Development Permit #4/13

1. Development Permit #4/13 Chronology;
2. Development Permit Application and Letter of Authorization dated February 26, 2013;
3. Area B Irregular Lot Comparison;
4. Summary of Hardship;
5. Aerial Map of Newton Wynd;
6. Formwerks Response to Letters of Appeal;

7. Revised Plans dated July 2014;
8. Letters of Objection dated March 22 – April 16, 2014 (34);
9. Advisory Design Panel Agenda and Minutes dated June 10, 2014;
10. Advisory Design Panel Minutes dated August 12, 2014;
11. UEL Manager's Reasons for Decision to Issue Development Permit #4/13 dated December 2, 2014;
12. Notices of Appeal dated December 9 – December 15, 2014 (14);
13. Response to Letters of Appeal;
14. Letter to Applicants and Appellants advising of receipt of additional materials; and
15. Deputy Minister's Decision to refuse Development Permit #4/13 dated March 3, 2015.

The above materials related to both DP #12/16 and DP #4/13 shall be available to any party upon request for review or copying between **February 19 and February 26, 2018**, or available electronically on USB keys that can be picked up at the UEL Administration Building at 5495 Chancellor Boulevard. Note, 24 hours' notice to UEL staff is required for photocopying requests.

The Applicant or their agent will also have the opportunity to review all materials that are available at the UEL Administration Building prior to the hearing of the appeal and to submit any additional material for my consideration on or before **4:00 pm, February 21, 2018**. Should the Applicant or their agent wish to rely on large models or architectural renderings, these should also be provided to the UEL Administration Building by **4:00 pm, February 21, 2018**.

I may receive and consider additional extraordinary material at the hearing that was not received by February 19, 2018, provided that I am satisfied that it is not prejudicial to the other parties, and sufficient copies are provided for all other parties present.

If you have any questions, concerns, or objections with respect to the procedure outlined in this letter, you may contact the Ministry's legal counsel for the purposes of this appeal, Sandra Carter by telephone at 604-988-7552.

Sincerely,



Tara Faganero
Assistant Deputy Minister

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Copy to: Jonn Braman, Manager, UEL
Erin Faulkner, Legal Counsel, Ministry of Attorney General
Birgit Schmidt, Director, Client Relations, Local Government Division (UEL Hearing
Coordinator)
Sandra Carter, Appeal Counsel, Valkyrie Law Group

Attachment

Schedule A

Respondent Name	Respondent Address	Date Received
Daniel Nocente	5840 Newton Wynd	2017-05-31
Margaret Stuart	6021 Newton Wynd	2017-05-31
Patrick Oswald	5962 Newton Wynd 5938 Newton Wynd	2017-05-30
Patricia Oswald	5962 Newton Wynd 5938 Newton Wynd	2017-05-30
Cornelia Hahn Oberlander	1372 Acadia Road	2017-05-30
Bruce Stuart	6021 Newton Wynd	2017-05-30
Merrin Mair	5716 Newton Wynd	2017-05-29
Lin Chen	5975 Chancellor Boulevard	2017-05-26
Wang Zhuo	5988 Newton Wynd	2017-05-24
Gayle Nelson	5916 NW Marine Drive	2017-05-23
Tsai Yun Yen	5907 Chancellor Boulevard	2017-05-19
Bernhard Schwab	1855 Knox Road	2017-05-19
Otto & Patricia Forgacs	1843 Acadia Road	2017-05-18
Richard Testa	5916 NW Marine Drive	2017-05-19
H. Harandi	6061 Newton Wynd	2017-05-16
Keith Peck	1488 Acadia Road	2017-05-17
Maryalyce & John McDonald	1961 Knox Road	2017-05-12
Verity Livingstone & Richard Slaughter	1750 Knox Road	2017-05-17
W.C. Gorham	1749 Acadia Road	2017-05-26

