



Committee of the Whole Report For the Meeting of November 20, 2025

To: Committee of the Whole **Date:** November 20, 2025

From: Alec Johnston, Assistant Director, Planning and Development

Subject: Request to Remove a Covenant Regarding 1029 Queens Avenue

RECOMMENDATION

That Council:

- i) instruct the Director of Planning and Development to bring forward a bylaw to repeal Housing Agreement (1029 Queens Avenue) Bylaw (2021) No. 21-052 to terminate the housing agreement securing affordable (median income) rental units; and
- ii) authorize the discharge of the transportation demand management covenant CA8815765 registered on title to 1029 Queens Avenue to remove the requirement to provide car share memberships to the residential units.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding the release of obligations secured in a previous rezoning related to the property located at 1029 Queens Avenue (the “**Lands**”). In order to release the owner from these obligations and remove the legal agreements from title, the authorization of Council is required. The documents (housing agreement and transportation demand management covenant) are attached to this report as an appendix.

The Lands are occupied by a duplex dating from 1922. In 2019 the previous owner applied for a rezoning to add another duplex to the site. The rezoning was approved by Council under the condition that all residential units on site be secured as affordable rental, and that car share memberships be provided for residents of the new units. These requirements were secured through a housing agreement authorized by a housing agreement bylaw and a covenant registered on title.

The additional duplex was never built, and the property has passed to the previous owner’s immediate family. The new owner has written to the City to request removal of these obligations on the basis that they no longer align with City policy, prevent the sale of the property, and prevent the development of further housing on the property.

Under current City policy, a redevelopment of the scale feasible on the subject property would not be expected to provide secured affordable units. The discharge of the affordable housing agreement is recommended. There is no redevelopment proposed at this time; however, future redevelopment of the site may accommodate on-site parking. The need for a parking variance and Transportation Demand Management measures would be assessed at time of future redevelopment. Therefore, the discharge of the TDM covenant is also recommended.

BACKGROUND

Relevant History

The Lands are occupied by a duplex that dates from 1922 and is a registered heritage structure. The subject property was rezoned and a Development Permit with Variances (DPV) was issued in 2021 to permit the addition of a separate, standalone duplex. As part of the approval process, the applicant was required to enter into a housing agreement to secure all (existing and future) dwelling units as affordable rental, as well as a Transportation Demand Management covenant to provide four car share memberships and \$100 worth of driving credits for each membership.

During the public hearing portion of the rezoning, no members of the public addressed Council.

The approved additional duplex was not constructed and the DPV lapsed in 2023.

In September 2025, the current owner submitted to the City a request for a release from the obligations outlined in this report. As noted in the letter to Mayor and Council, the rationale for removing the obligations include bringing the site into alignment with current City policies and removing encumbrances from title to allow for the redevelopment on the site that realises the best development potential of the property in accordance with City policies.

ANALYSIS

Official Community Plan

The subject property is designated as a Residential Infill Area (RIA) within the Residential Fabric in the *Official Community Plan Bylaw* (OCP, 2025). Sites within the RIA are envisioned to accommodate low-rise and ground oriented multi-unit residential units that include a mix of tenures, sizes, and scales.

The subject property is within Development Permit Area 1: General Urban Design. Development of more than three primary dwelling units would be subject to a Development Permit and compliance with the *General Urban Design Guidelines* (2025).

Zoning Regulation Bylaw 2018

The subject property is zoned as General Residential District (GRD-1). Under the GRD-1 Zone, the subject property could be developed with multiple buildings and a density up to 1.6:1 floor space ratio (FSR) per the Heritage Conserving Infill (HCI) provision. Through this process, the heritage registered duplex would be designated and protected under a heritage designation bylaw pursuant to section 611 of the *Local Government Act*.

The ability to develop the site to up to 1.6:1 FSR exceeds the development potential of the 2021 rezoning and associated agreements that restricted development to 0.6:1 FSR.

Housing Strategy

The existing housing agreement supports rental tenure and affordability but restricts development of the site to an additional two residential units. If the housing agreement is terminated, additional residential dwellings could likely be developed on the site, furthering the goals of the Victoria Housing Strategy.

CONCLUSIONS

It is recommended that the restrictions related to affordable rental housing and transportation demand management measures be removed from title. Removing the obligations in these agreements would be consistent with existing City policies and likely result in additional residential units being developed on site.

Respectfully submitted,

Geordie Gordon
Senior Planner
Planning and Development

Alec Johnston, on behalf of
Karen Hoese, Director
Planning and Development

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Aerial Map
- Attachment B: Letter to Mayor and Council, dated September 18, 2025
- Attachment C: Housing Agreement
- Attachment D: Transportation Demand Management Covenant CA8815765
- Attachment E: Rezoning plans dated January 22, 2020.