



Committee of the Whole Report

For the Meeting of August 6, 2020

To: Committee of the Whole **Date:** July 23, 2020

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: **Repeal of Housing Agreement Bylaw No. 14-044 and Discharge of Notice of Housing Agreement from title to 3197 and 3199 Fifth Street and 1027, 1035, 1045, 1055, 1065 and 1075 Tolmie Avenue**

RECOMMENDATION

That Council instruct staff to prepare the necessary documentation to repeal Housing Agreement Bylaw No. 14-044 and discharge the related Notice of Housing Agreement registered under number CA7712239 on title to the following properties: 3197 and 3199 Fifth Street, 1027, 1035, 1045, 1055, 1065 and 1075 Tolmie Avenue, legally known and described, respectively as:

PID: 030-827-108

Legal Description: Lot 3 Section 4 Victoria District Plan EPP89848

PID: 030-827-094

Legal Description: Lot 2 Section 4 Victoria District Plan EPP89848

PID: 030-827-086

Legal Description: Lot 1 Section 4 Victoria District Plan EPP89848

PID: 030-827-116

Legal Description: Lot 4 Section 4 Victoria District Plan EPP89848

PID: 030-827-124

Legal Description: Lot 5 Section 4 Victoria District Plan EPP89848

PID: 030-827-132

Legal Description: Lot 6 Section 4 Victoria District Plan EPP89848

PID: 030-827-141

Legal Description: Lot 7 Section 4 Victoria District Plan EPP89848

PID: 030-827-159

Legal Description: Lot 8 Section 4 Victoria District Plan EPP89848

LEGISLATIVE AUTHORITY

In accordance with Section 483 of the *Local Government Act*, Council may, by bylaw, enter into a Housing Agreement which may include terms agreed to by the City and the owner regarding the occupancy of the housing units and provided such agreement does not vary the use or the density of the land from that permitted under the zoning bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for the repeal of Housing Agreement Bylaw No. 14-044 and the discharge of the related Notice of Housing Agreement from the properties located at 3197 and 3199 Fifth Street and 1027, 1035, 1045, 1055, 1065 and 1075 Tolmie Avenue. The Notice of Housing Agreement and the enacting Housing Agreement Bylaw were secured for a multi-unit residential proposal that did not proceed. Instead, the property was subdivided into eight single family home lots, and therefore Housing Agreement Bylaw No. 14-044 and the related Notice of Housing Agreement are redundant.

BACKGROUND

Description

In July 2014, Council approved a Rezoning Application and Development Permit that rezoned the subject property for a 10-unit townhouse development. As part of this application, a Housing Agreement was secured that prevented the future strata corporation for the townhouse project from restricting rentals of the units.

However, the applicant did not proceed with the development of the townhouse project and proceeded instead with an application to subdivide the lot to eight small lot single-family dwellings, which is permitted within the R-J Zone, Low Density Attached Dwelling District which applies to the property. The application was approved resulting in the creation of eight single-family fee-simple lots, and therefore a strata corporation and strata bylaws are no longer relevant.

The applicant has requested that this Housing Agreement Bylaw be repealed, and that the related Notice of Housing Agreement be discharged from all properties because it is no longer relevant and could lead to confusion when the lots are sold. The applicant will carry the legal cost of registering discharges of those Notices.

CONCLUSIONS

A Housing Agreement for non-restrictions of rentals is not relevant for the single-family dwelling subdivision for 3197 and 3199 Fifth Street and 1027, 1035, 1045, 1055, 1065 and 1075 Tolmie Avenue. The Housing Agreement has no effect and staff are recommending that Council direct discharge of the Notice of the Housing Agreement CA7712239 and preparation of documentation required to repeal Housing Agreement Bylaw No. 14-044.

Respectfully submitted,



Michael Angrove
Senior Planner
Development Services



Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: July 28, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Housing Agreement