



## Committee of the Whole Report For the Meeting of June 8, 2017

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**To:** Committee of the Whole **Date:** May 25, 2017  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** Request to remove restrictive covenant CA4941711 at 2540 Quadra Street

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### RECOMMENDATION

That Council authorize the Mayor and City Clerk to execute a legal instrument, in the form satisfactory to the City Solicitor, to discharge covenant number CA4941711 from the property with the civil address of 2540 Quadra Street.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding the removal of a restrictive covenant from the property located at 2540 Quadra Street. The restrictive covenant was registered on title to comply with the *Clean-hands Policy for Planning Approvals* due to the unlawful addition of two dwelling units in the basement of an existing apartment building.

The following points were considered in assessing this request:

- the Development Variance Permit for a parking relaxation and the two unlawful dwelling units was approved by Council
- all necessary building permits and inspections have been obtained; and
- the building complies with the City's Building Bylaw and the British Columbia Building Code.

### BACKGROUND

The request is to remove restrictive covenant number CA4941711 from the property located at 2540 Quadra Street. The covenant was registered January 21, 2016 as a result of fulfilling the requirements of the *Clean-hands Policy for Planning Approvals*. The covenant required the applicant to bring all unlawful improvements into compliance with:

- the Development Variance Permit conditions of approval
- the City of Victoria Building Bylaw
- the British Columbia Building Code

Furthermore, all necessary building permits and inspections were to be obtained and no further construction was to take place without first obtaining all necessary permits and approvals.

On February 25, 2016, Council approved a Development Variance Permit for a reduction in the parking requirement and the approval of the two illegal dwelling units. On May 3, 2017, a Building Permit was approved and an occupancy permit was granted, which authorized the two illegal dwelling units. No new structures have been constructed without obtaining the necessary permits and approvals. The current layout of the parking lot is in line with the approved Development Variance Permit.

The removal of the restrictive covenant would have no effect on the property, as all illegal construction has been made legal through obtaining the appropriate permits and approvals.

## CONCLUSIONS

This request to remove the restrictive covenant at 2540 Quadra Street is consistent with the *Clean-hands Policy for Planning Approvals* in that the necessary permits and approvals have been obtained for all unlawful construction and occupancy. Staff recommend that Council consider supporting this request.

## ALTERNATE MOTION

That Council decline the request to remove the restrictive covenant for the property located at 2540 Quadra Street.

Respectfully submitted,



Michael Angrove  
Planner  
Development Services



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: May 31, 2017

## List of Attachments

- Letter to Mayor & Council, dated May 9, 2017
- Subject map
- Aerial map
- Restrictive Covenant CA4941711