



Council Report

For the Meeting of May 11, 2017

To: Council
From: Tom Zworski, City Solicitor
Subject: 149 Montreal Street

Date: May 10, 2017

RECOMMENDATION

That Council postpone final adoption of Bylaw No. 17-015: Zoning Regulation Bylaw Amendment Bylaw (No. 1071) until confirmation of registration of the covenant restricting day care operating hours.

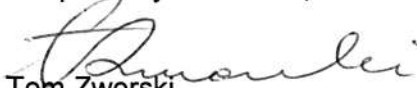
EXECUTIVE SUMMARY

Following a public hearing on April 27, 2017, Council gave the third reading to Bylaw No. 17-015: Zoning Regulation Bylaw Amendment Bylaw (No. 1071) but directed that adoption of the bylaw be delayed until May 11, 2017 so that a restrictive covenant could be registered against the property. The purpose of the covenant is to restrict the operating hours of the proposed day care. The covenant was proposed during the public hearing to address public concerns and the applicant agreed to register such covenant as a condition of the rezoning.

Legal staff have prepared the necessary covenant and have worked with the applicant's lawyer to have it executed and registered as soon as possible. Due to the requirement for a priority agreement by a credit union that holds a mortgage over the property and the time it takes to register the covenant in the land title office, the final registration could not be completed within two weeks. Therefore, the condition for the adoption of the rezoning bylaw has not yet been satisfied.


It is expected that registration can be completed by next regular Council meeting on May 25, 2017 but to provide flexibility in the event of any unexpected delays, it is recommended that Council postpone adoption until registration is completed rather than a specific date.

Respectfully submitted,


Tom Zworski
City Solicitor

Report accepted and recommended by the City Manager:

Date:


May 9, 2017