

Date: October 21, 2024

To: **Mayor and Council**

Name and title: Deanna Wasnik, Director of Planning and Development

Subject: Section 219 Covenant Application No. RC000028  
(Bylaw No's. 9495 and 9496)

**Applicant:** L&M Engineering Ltd. for Bruce Charles Kidd, Kathryn  
Teresa Kidd and Kidd Real Estate Holdings Ltd., Inc. No.  
BC821509

**Location:** 4114 Balsum Road (Subject Property 1); and  
6934 and 6936 Langer Crescent (Subject Property 2)

**Attachment(s):** Location and Existing Zoning Map (Subject Property 1)  
Location and Existing Zoning Map (Subject Property 2)  
Section 219 Restrictive Covenant (Land Title Office Doc No. CA8016195)  
Section 219 Restrictive Covenant (Land Title Office Doc No. CA8933624)

## Recommendation(s):

That Council:

1. GIVES FIRST AND SECOND READING to “City of Prince George Restrictive Covenant Modification Bylaw No. 9495, 2024” to amend a Section 219 Covenant registered as Land Title Office Document No. CA8933624 on Lot A, District Lot 4047, Cariboo District, Plan 23955 (Subject Property 1);
2. GIVES FIRST AND SECOND READING to “City of Prince George Restrictive Covenant Modification Bylaw No. 9496, 2024” to amend a Section 219 Covenant registered as Land Title Office Document No. CA8016195 on Strata Lot 1 and 2, District Lot 4047, Cariboo District, Strata Plan EPS9423 together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form V (Subject Property 2).

## Purpose:

The applicant has applied to amend two separate Section 219 Covenants on the legal title of 4114 Balsum Road (Subject Property 1), 6934 and 6936 Langer Crescent (Subject Property 2). The Section 219 Covenants registered on title of Subject Property 1 and 2 restrict the ability to construct secondary

suites within a two-unit dwelling. The applicant would like to construct secondary suites at these locations.

## BACKGROUND:

On December 7, 2023, the B.C. Government passed several pieces of new legislation amending the *Local Government Act* regarding planning and land use. The new legislation is intended to increase housing supply, create more diverse housing choices, and over time, contribute to more affordable housing across the province. At their regular meeting of Council held June 12, 2024, Council adopted “City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9466, 2024” to fulfill the legislative requirements for small-scale multi-unit housing. Prior to the implementation of small-scale multi-unit housing, the City’s Zoning Bylaw did not allow secondary suites within multi-family housing types.

### Subject Property 1

**Official Community Plan Bylaw Amendment No. CP100162 (Bylaw No. 9115, 2020) and Zoning Bylaw Amendment Application No. RZ100657 (Bylaw No. 9116, 2020):** The property located at 4114 Balsum Road was rezoned from P1: Parks and Recreation to RS2: Single Residential and RT1: Two-Unit Residential to facilitate a 6-lot subdivision. As a condition of final reading, a restrictive covenant was registered on title as described in this report.

### Subject Property 2

**Zoning Bylaw Amendment Application No. RZ100644 (Bylaw No. 9084, 2019):** The property located at 6934 and 6936 Langer Crescent was rezoned from RS1m: Single Residential to RT1: Two-Unit Residential to facilitate the development of a Two-Unit dwelling. As a condition of final reading, a restrictive covenant was registered on title as described in this report.

## Strategic Priorities:

This proposal is consistent with Council’s Strategic Priority for Economic Diversity and Growth by providing additional opportunities for affordable housing within the City,

## Policy / Regulatory Analysis:

### **Section 219 Covenant**

A covenant permitted by Section 219 of the *Land Title Act* provides local governments with a tool to regulate the use of land, the use of buildings or subdivisions as a way to fine tune the Zoning Bylaw.

### Subject Property 1 & 2

Land Title Office Document No. CA8933624 was registered on the legal title of Subject Property 1 (4114 Balsum Road) on April 20, 2021. Further to this, Land Title Office Document No. CA8016195 was registered on the legal title of Subject Property 2 (6934 and 6936 Langer Crescent) on February 3, 2020. (Please find enclosed covenants). These covenants limit the construction of a secondary suite within a two-unit dwelling on Subject Property 1 and Subject Property 2.

The applicant has applied to amend these existing covenants to remove the following condition:

- There shall be no secondary suites within the Housing, Two-Unit building built on any portions of the land.

As the proposed amendment facilitates housing options, and is consistent with the Zoning Bylaw and Provincial housing legislation, Administration is supportive of this amendment.

**Other Considerations:**

**Referrals**

This application was referred to internal City divisions for comments. There are no outstanding comments or concerns with this application.

Property Title

A review of the legal titles of the subject properties indicated no encumbrances or restrictions that would affect this application.

Subject Property 2

As the owner of Subject Property 2 is a registered company, a BC Company Search has been conducted to provide the names of the company directors. The following is provided for Council’s information:

Incorporation Number	BC821509
Name of Company	Kidd Real Estate Holdings Ltd.
Director Information	Bruce Charles Kidd Kathryn Teresa Kidd

**Statutory Notification and Public Consultation**

As set out in the *Local Government Act* and “City of Prince George Development Procedures Bylaw No. 9423, 2023”, in advance of Council’s consideration of third reading of the proposed bylaws, a public hearing will be held regarding the applications and the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interest in property may be affected by these applications. In addition, notice will be published on the City’s website and Facebook page in accordance with the “City of Prince George Public Notice Bylaw No. 9329, 2022.”

Members of the public wanting to comment on the applications may submit written correspondence or speak to Council during the public hearing either by telephone or in person. Written submissions received in response to the public notice for these applications will be provided to Council for their information and consideration during deliberations on the applications. Additional information on methods to provide comments to Council can be found on the [City’s website](#).

**Alternatives:**

1. Approve the bylaw
2. Approve the bylaw as amended
3. Refuse the bylaw
4. Defer or otherwise deal with the bylaw

Administration recommends that Bylaws No. 9495 and 9496, 2024 be approved.

### Summary and conclusion:

The applicant has applied to amend Section 219 Covenants from the legal titles of 4114 Balsum Road (Subject Property 1), 6934 and 6936 Langer Crescent (Subject Property 2) Administration recommends that Council approve the proposed covenant amendments for the reasons provided in this report.

### Respectfully submitted:

Deanna Wasnik, Director of Planning and Development

Prepared by: Mandy Stanker, Manager of Development Services

### Approved:

Walter Babicz, City Manager

Meeting date: 2024/11/04