

Date: December 4, 2024

To: **Mayor and Council**

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

Subject: Section 219 Covenant Application No. RC000034 (Bylaw No. 9496)

Applicant: L&M Engineering Ltd. for Bruce Charles Kidd and Kathryn Teresa Kidd

Location: 6934 and 6936 Langer Crescent

Attachment(s): Location and Existing Zoning Map
Section 219 Restrictive Covenant (Land Title Office Doc No. CA8016195)

Recommendation(s):

That Council GIVES FIRST AND SECOND READING to “City of Prince George Restrictive Covenant Discharge Bylaw No. 9496, 2024” to discharge a Section 219 Covenant registered as Land Title Office Document No. CA8016195 on the Common Property Strata Plan EPS9423, and Strata Lots 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.

Purpose:

The applicant has applied to discharge a Section 219 Covenant (CA8016195) from the legal title of 6934 and 6936 Langer Crescent (subject property). The Section 219 Covenant restricts density and housing forms and contradicts the recent implementation of the small-scale multi-unit housing legislation.

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 permit secondary suites within multi-family housing types and Administration typically upheld this using Section 219 Covenants.

Relevant Applications

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 two-unit housing. As a condition of final reading, a restrictive covenant (CA8016195) 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 residential development at an underutilized property.

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 and to refine the Zoning Bylaw to provide comfort to local governments that is enforceable against the covenantor and successors to the land.

Land Title Office Document No. CA8016195 (attached to this report) was registered on the legal title of 6934 and 6936 Langer Crescent on February 3, 2020. The covenant encumbers development of Housing, Two-Unit buildings on the subject property as follows:

- Any Housing, Two-Unit building constructed on any portion of the Land, shall be built such that the Housing, Two-Unit building is non-mirror image;
- No building permit may be applied for, and the City is not obliged to issue any building permit, in respect of any Housing, Two-Unit building having a design that is not non-mirror image; and
- There shall be no secondary suites within the Housing, Two-Unit building built on any portions of the land.

This covenant was registered at the time of rezoning to ensure that future development of the subject property was similar in form, character, and density to the existing surrounding neighbourhood.

Administration supports discharging the Section 219 Covenant to allow the development regulations of the zoning bylaw to prevail which align with the provincial housing legislation for small-scale multi-unit housing (i.e. Bill 44).

Other Considerations:

Referrals

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

Property Title

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

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 bylaw, a public hearing will be held regarding the application 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 this application. 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 application may submit written correspondence or speak to Council during the public hearing either via telephone or in person. Written submissions received in response to the public notice for this application will be provided to Council for their information and consideration during deliberations on the application. 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 Bylaw No. 9496, 2024 be approved.

Summary and conclusion:

The applicant has applied to discharge Section 219 Covenant (CA8016195) from the legal title of 6934 and 6936 Langer Crescent. Administration recommends that Council approve the proposed covenant discharge for the reasons outlined in this report.

Respectfully submitted:

Deanna Wasnik, Director of Planning and Development

Prepared by Melissa Pritchard, Planner 1

Approved:

Walter Babicz, City Manager

Meeting date: 2025/01/13