

Date: December 10, 2024

To: **Mayor and Council**

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

Subject: Section 219 Covenant Application No. RC000030 (Bylaw No. 9511 and 9512, 2024)

Applicant: NRH Investments Ltd.

Location: 6991 and 6993 Irene Road
7452 and 7454 Irene Road

Attachment(s): Location and Existing Zoning Map
Section 219 Restrictive Covenant (Land Title Office Doc No. CA9967707)
Section 219 Restrictive Covenant (Land Title Office Doc No. CA8142966)

Recommendation(s):

That Council:

1. GIVES FIRST AND SECOND READING to “City of Prince George Restrictive Covenant Modification Bylaw No. 9511, 2024” to amend a Section 219 Covenant registered as Land Title Office Document No. CA9967707 on Lot D District Lot 1599 Cariboo District Plan EPP124546 (6993 Irene Rd) and Lot E District Lot 1599 Cariboo District Plan EPP124546 (6991 Irene Road); AND
2. GIVES FIRST AND SECOND READING to “City of Prince George Restrictive Covenant Modification Bylaw No. 9512, 2024” to amend a Section 219 Covenant registered as Land Title Office Document No. CA8142966 on Lot 21 District Lot 1599 Cariboo District Plan 11601 (7452/7454 Irene Road).

Purpose:

The applicant has applied to amend two Section 219 Covenants registered on the legal titles of 6991, 6993, and 7452/7454 Irene Road to allow the development of secondary suites in two-unit housing.

BACKGROUND:

On December 7, 2023, the B.C. Government passed several amendments to the *Local Government Act* related to planning and land use. These changes are designed to increase housing supply, provide more diverse housing options, and, over time, help make housing more affordable across the province. In response to these legislative changes, the City of Prince George Council adopted "City of Prince

George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9466, 2024" during their regular meeting on June 12, 2024. This amendment addressed 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 and Administration typically upheld this using Section 219 Covenants. As such, the applicant has applied to amend two Section 219 Covenants (CA9967707 and CA8142966) to allow the development of secondary suites in two-unit housing.

Strategic Priorities:

This proposal is consistent with Council's Strategic Priority for Economic Diversity and Growth by providing additional opportunities for residential development of underutilized properties.

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

Land Title Office Document No. CA9967707 (attached) was registered on the legal title of 6991 Irene Road (PID: 031-839-991) and 6993 Irene Road (PID: 031-839-983) on May 31, 2022.

Land Title Office Document No. CA8142966 (attached) was registered on the legal title of 7452/7454 Irene Road (PID: 011-099-739) on April 16, 2020.

The covenants are identical and limit the permitted uses under the following sections:

2. *(a) any Housing, Two-Unit building built on any portion of the Lands shall be built such that the Housing, Two-Unit building is Non-Mirror Image; and*

(b) 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.
3. *(a) there shall be no secondary suites within the Housing, Two-Unit building built on any portion of the Lands.*
4. *(a) The Lands shall not be built on except in accordance with this agreement;*

(b)The Owner shall not build or permit to be built on the Lands, any principal building with a basement; and

(c) No building permit may be applied for, and the City is not obligated to issue any building permit on the Lands, in respect to the principal building with a basement.

The applicant has requested to amend the Section 219 Covenants to remove Sections 2 and 3. These covenants were originally registered during the rezoning process to ensure that future development on the subject property aligns in form, character, and density with the surrounding neighborhood.

Administration supports amending the Section 219 Covenants by removing Sections 2 and 3 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). Section 4 of the covenants which restricts basements will remain in place.

Other Considerations:

Referrals

This application was referred to internal City divisions for comments and the following comments were received.

Subdivision and Engineering Divisions

Section 4 should not be removed unless a letter prepared by a Geotechnical Engineer, registered in the Province of British Columbia, is submitted to address soil permeability as it relates to perimeter foundation drainage.

Property Title

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

The property owner 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	BC1214368
Name of Company	NRH Investments Ltd.
Director Information	Jaswinder Raju

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 via 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 bylaws
2. Approve the bylaws as amended
3. Refuse the bylaws
4. Defer or otherwise deal with the bylaws

Administration recommends that Bylaw No.'s 9511 and 9512, 2024 be approved.

Summary and conclusion:

The applicant has applied to amend two Section 219 Covenants registered on the legal title of 6991, 6993, 7452/7454 Irene Road. 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 Melissa Pritchard, Planner 1

Approved:

Walter Babicz, City Manager

Meeting date: 2025/01/13