

Date: December 4, 2024

To: **Mayor and Council**

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

Subject: Section 219 Covenant Application No. RC000028 (Bylaw No. 9495)

Applicant: L&M Engineering Ltd. for Kidd Real Estate Holdings Ltd.,
Inc. No. BC821509

Location: 4114 Balsum Road

Attachment(s): Location and Existing Zoning Map
Section 219 Restrictive Covenant (Land Title Office Doc No. CA8933624)

Recommendation(s):

That Council GIVES FIRST AND SECOND READING to “City of Prince George Restrictive Covenant Discharge Bylaw No. 9495, 2024” to discharge a Section 219 Covenant registered as Land Title Office Document No. CA8933624 on Lot A, District Lot 4047, Cariboo District, Plan 23955.

Purpose:

The applicant has applied to discharge a Section 219 Covenant (CA8933624) from the legal title of 4114 Balsum Road (subject property), as the covenant conflicts with 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 Applicants

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 4414 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 Section 219 Covenant (CA8933624) 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 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 provide comfort to local governments that is enforceable against the covenantor and successors to the land.

Land Title Office Document No. CA8933624, attached to this report, was registered on the legal title of subject property on April 20, 2021. 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 regarding this application.

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	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 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. 9495, 2024 be approved.

Summary and conclusion:

The applicant has applied to discharge Section 219 Covenant (CA8933624) from the legal title of 4114 Balsum Road. Administration recommends that Council approve the proposed covenant discharge 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