



NOTICE OF MOTION

Date: January 12, 2026
To: Mayor and Council
From: Cllr. Trudy Klassen and Cllr. Garth Frizzell
Subject: External Building Scheme and Covenant Support
Attachments:

The date for this motion to be considered is the February 2, 2026 regular council meeting.

RECOMMENDATION:

That City Council direct staff to report back to Council on the City's authority to ensure Statutory Building Schemes and Restrictive Covenants are met, varied or removed by the owner/developer prior to permit application or construction.

DISCUSSION:

There are established neighbourhoods in our city with a distinct character that are protected by Statutory Building Schemes and Restrictive Covenants that do not contemplate the kinds of development generated by provincial mandates related to small-scale multi-unit housing (SSMUH).

These agreements are outside the jurisdiction of the City, and the City may not be aware they exist.

Residents with property in these agreements may be unaware that the agreements are NOT the responsibility of the municipality, and the City does not have jurisdiction to intervene.

That said, the City has authority to approve or deny developments. The City should identify potential ways and means to support these when they are legally enforceable agreements. City staff have the expertise to identify how to accomplish that without adding legal risk to the city, delaying the development approval process or introducing increased cost.

It will support the following:

Enhanced Environmental or Community Protection

Restrictive covenants often relate to environmental stewardship or land-use commitments. Requiring compliance could ensure developments align with sustainability goals, protect sensitive ecosystems, or maintain community character beyond what zoning alone achieves.

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This adds an extra layer of assurance that developers respect agreed-upon conditions tied to public interest.

Greater Certainty and Accountability

Developers would know upfront that covenant compliance is mandatory, reducing ambiguity and potential disputes later. The City could help residents to use this as a tool to ensure long-term commitments (e.g., maintaining green space or heritage features) are met without relying solely on bylaws.

Respectfully submitted,



Councillor Trudy Klassen

Garth Frizzell

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