

Mayor and Council
City of Prince George
1100 Patricia Boulevard
Prince Georeg, BC V2L 3V9

Jim and Gayle Hesse
4431 Enns Road,
Prince George BC, V2K 4X3
January 26, 2026

Subject: Notice of Motion regarding External Building Schemes and Covenant Support

Dear Mayor and Councillors,

Thank you, Councillor Klassen and Councillor Frizzell, for bringing forward the Notice of Motion regarding building schemes and covenants for discussion at the February 2, 2026 council meeting. As Mayor and Council discuss this issue, we ask you to please consider the following points.

The underlying issue is that if a proposed development meets the BC Building Code and City of Prince George bylaws, the City appears to have no authority to deny a building permit even if the development will be in contravention of legal charges registered on a property's land title.

The City is striving to meet provincial housing targets and is following the SSMUH legislation that guides this process. However, the City should not pick and choose what provincial legislation to uphold or prioritize. The City has a responsibility to adhere to both the SSMUH legislation and the *Land Title Act*.

The *Land Title Act* states that statutory building schemes run with the land and are valid until they are legally discharged.

The Provincial Policy Manual & Site Standards (2023) document, which provides guidance to municipalities on how to implement SSMUH legislation, states that *"an existing statutory building scheme that limits the use of a property to one dwelling unit will take precedence over the unit densities prescribed through zoning updates made in accordance with the SSMUH legislation."* ^[1]

Simply put, existing and valid statutory building schemes take precedence over SSMUH legislation.

Municipal governments must uphold all provincial legislation equally. When development is approved that contravenes statutory building schemes or restrictive covenants, the development is not compliant with the *Land Title Act*. By issuing a building permit for a project that is legally prohibited by a charge registered on the land title, the City is facilitating a development that is fundamentally unlawful under provincial property law.

Denying a building permit that would contravene a legal, valid, and existing charge on the land title until the landowner addresses the charge is appropriate due diligence on the part of city staff and is required to ensure that the development adheres to all provincial legislation and regulations, including the *Land Title Act*. In fact, this is stated at the bottom of the Building Permit Folder Details printout:

... the City of Prince George reserves the right to refuse a building permit for non-compliance with any provincial regulation ...".

The Notice of Motion regarding External Building Schemes and Covenant Support currently directs City 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.”* ^[2]

We suggest that Council also direct city staff to take the next logical steps and identify ways to modify the City bylaws, regulations, and authorities to allow denial of a building permit if it will be in contravention of a legal, valid, and existing statutory building scheme or restrictive covenant, until such charges have been varied or removed.

Burnaby City Council, through Resolution 2025-476, passed at the Sept 9, 2025 City Council meeting ^[3], has taken this approach, asking city staff to develop bylaw and regulatory amendments regarding developments and restrictive covenants.

We strongly advocate that appropriate due diligence on the City’s part should ensure that landowners meet, vary, or remove any statutory building schemes and restrictive covenants on their properties prior to permit application or construction.

We live at 4431 Enns Road. In September 2025, ourselves, 19 other landowners who have Statutory Building Scheme PG 7539 registered against our properties, and the company who originally registered the statutory building scheme on the land title wrote to the landowner of 4435 Enns Road. Our letter informed the landowner about the statutory building scheme that was registered on the land title of all of our properties. We stated that we were all opposed to their building permit application for a multi-family dwelling with secondary suites because it contravened the first restriction of SBS PG 7539: *“No building other than a dwelling for a single family or household unit, and not more than one such single family or household unit dwelling, shall be erected on any of the lots;”* [...].

Recently, as Mayor and Council are aware, the building permit application for a multi-family-dwelling with secondary suites for 4435 Enns Road was cancelled. However, unless the City develops and implements bylaw or other regulator amendments requiring the landowner to meet, vary, or remove the statutory building scheme registered on the land title, there is nothing to stop another application to build in contravention of this legal, valid, and existing statutory building scheme.

We wish to emphasize that although we, and our neighbours, have a specific concern with a lot in our neighbourhood, the City’s inability to deny permits that contravene charges on the land title has a broader reach than our specific neighbourhood issue and affects other neighbourhoods in Prince George. Further, we are aware of other landowners with similar concerns regarding the issuance of permits in neighbourhoods where covenants registered on the land title preclude business operations.

We urge Mayor and Council to direct City staff to develop solutions to modify the City bylaws, regulations, and authorities to allow denial of a building permit if it will be in contravention of a legal, valid, and existing statutory building scheme or restrictive covenant until the restrictions have been met, varied, or removed.

One simple administrative solution might be for permit applicants to submit a statutory declaration that their intended projects do not contravene any building schemes or restrictive covenants registered on the land title.

Sincerely, and with the support of our neighbours on Enns Road, Enns Place, and Stauble Road,

Redacted

Redacted

James and Gayle Hesse
4431 Enns Road
Prince Geore BC
V2K 4X3

Redacted

^[1] Provincial Policy Manual & Site Standards. 2023. Government of British Columbia.
https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/local-governments-and-housing/ssmuh_provincial_policy_manual.pdf

^[2] Notice of Motion External Building Scheme and Covenant Support. From Cllr. Klassen and Frizzell
<https://pub-princegeorge.escribemeetings.com/filestream.ashx?DocumentId=35845>

^[3] Burnaby City Council - Regular Council Minutes. September 9, 2025. Resolution No. 2025 – 476.
<https://search.heritageburnaby.ca/link/councilminutes84895>