



REQUEST FOR DECISION

To: Mayor & Members of Council

Title: Bylaw No. 4488 – Housing Agreement (ZON-1300 / DP-461)

Legal: Lot 1, Section 13, Township 20, Range 10, W6M, KDYD, Plan EPP142023

Civic: 811 28 Street NE

Owner: 1514000 BC LTD.

Agent: Crown Pacific Development Corp. (B. Giese)

Date: April 14, 2025

Executive Summary/Purpose:

The City intends to enter into a housing agreement to ensure that rental housing units are secured within a 6-story mixed-use building proposal (ZON-1300 CP-461). The housing agreement must be approved by bylaw.

Motion for Consideration:

THAT: a Bylaw be prepared for Council's consideration, adoption of which would authorize the Mayor and Corporate Officer to enter into a Housing Agreement for the proposed development to be located at Lot 1, Section 13, Township 20, Range 10, W6M, KDYD, Plan EPP142023 (811 - 28 Street NE);

AND THAT: the Housing Agreement for purpose built rentals include the following terms:

- i. be enforceable for a period of no less than 15 years from the date of occupancy, and;
- ii. registration of the a Land Title Act Section 219 covenant, prohibiting use of the property except as permitted by the Housing Agreement.

Staff Recommendation:

THAT: the Motion for Consideration be adopted.

Proposal:

The applicant is proposing a 6-story mixed-use building including purpose built rental units.

Background:

At the December 16, 2024 Development and Planning Services Committee Meeting, the Committee deliberated and determined a minimum 15-year time period would be acceptable in support of the request of the applicant, as is reflected in the Housing Agreement. The applicant requested a maximum 15-year time period for the Housing Agreement.

A Housing Agreement is a tool to include provisions that cannot be included as zoning requirements, as a contract between a property owner and the local government to help facilitate and secure desired forms of housing development. A Housing Agreement can be used to govern the tenure of a development for rental and outlines terms such as length of time that the provisions of the agreement are in effect. A local government can only enter into a Housing Agreement by bylaw, the Housing Agreement itself is a contract. The terms of the Housing Agreement must be agreed to by both the landowner and the local government. Notice must be filed in the Land Title Office that the land is subject to a housing agreement, and this notice will appear on the title, binding the agreement to the property, current and future owners.

The subject property is under consideration for a rezoning amendment (ZON-1300) from C-3 to C-6 in order to construct a 6-story mixed-use building including purpose built rental units. Future development of the parcel is subject to the guidelines of the Highway Service / Tourist Commercial Development Permit Area and has been considered through the Development Permit application process (DP-461). The proposal is consistent with the OCP and has therefore been supported by staff. This proposal has received conditional approval from Council, subject to parcel consolidation, Ministry of Transportation & Transit (MoTT) approval, and legally securing the rental housing element. The applicant has advanced the conditions, with only the rental housing agreement remaining.

In alignment with the associated proposal, the City intends to enter into a housing agreement for rental housing, by bylaw, with the property owner, in accordance with Section 483 of the *Local Government Act* and Section 219 of the *Land Title Act*. The purpose of this agreement is to ensure that rental housing units are secured in alignment with Council's Priority Planning and Development Review Policy.

Time Period - Term

The provisions of the Housing Agreement include a time period for which the rental housing will be secured. As stated within the policy, the City's intent is to provide continued long-term rental housing. City staff consider "long-term" to be either perpetuity or a minimum of 25 years from the date of occupancy permit for the Rental Unit to meet the Priority Policy. As noted above, the Committee determined that a 15 year time period was appropriate.

Daily Amount

The provisions of the Housing Agreement include a "Daily Amount" which can be charged should the agreement not be upheld. This is the enforcement component of the agreement. In this case, the amount is \$100 per day per unit.

This particular housing agreement is relatively simple, as it is intended to secure rental housing. Other housing agreements can be far more complex, detailing a mixture of obligations, rents, rates and tenures.

Relevant Policies:

Local Government Act

Under Section 483 of the *Local Government Act*, a Housing Agreement can permit terms and conditions regarding the housing units including the form of tenure. This section grants local governments the authority to impose requirements on the land. The agreement is to be registered as both a covenant under section 219 of the *Land Title Act* and as a Housing Agreement under

section 483 of the *Local Government Act* as combined companion instruments to secure the rental units into the future.

There are several City policies which support the provision of rental housing including:

- Official Community Plan
- Zoning Bylaw
- Community Housing Strategy
- Policy 3.21 – Priority Planning and Development Review Policy

Priority Planning and Development Review Policy No. 3.21

As a “Purpose-Built Rental Housing” application, Council’s Priority Planning and Development Review Policy applies and all efforts have been made to ensure the proposal advances to meet prescribed timelines. As defined in the Policy, Purpose-built Rental Housing means:

“a development with four (4) or more Dwelling Units that are designed and built and intended for long term residential rental housing, that is subject to a Housing Agreement pursuant to the Local Government Act to ensure continued rental tenancies, or is subject to zoning that limits the form of tenure to residential rental tenure.”

Thus, in order to qualify as a priority application, the rental housing element must be legally secured. Where rental zoning is not utilized, a Housing Agreement and related covenant would secure the rental housing element.

Referral Comments:

n/a

Financial Considerations:

As a Priority Application, in addition to advancing the proposal, under the City’s Fee for Service Bylaw a 50% reduced rate is provided for applicable application fees and charges – including development and building permit applications. This applies to those projects which are purpose built market rentals.

Committee Recommendations:

n/a

Public Consultation:

n/a

Alternatives & Implications:

Council may deliberate and determine an alternative way in which to proceed.

Prepared by: Senior Planner

Reviewed by: Manager of Planning and Building

Reviewed by: Director of Planning & Community Services

Approved by: Chief Administrative Officer

Attachments:

- Appendix 1 - Proposed Section 219 Covenant Housing Agreement

