

Report to Council



Date: August 10, 2012
File: 0505-35
To: City Manager
From: Theresa Eichler, Community Planning Manager
Subject: Request to Change Housing Agreement for "Mode" - 1550 Dickson Ave.

Recommendation:

THAT Council, receives for information, the report from the Community Planning Manager, dated August 10, 2012 with respect to amending Bylaw No. 10183 being the Housing Agreement Bylaw for Mode Properties Ltd Inc. to create new agreements for the properties located at Strata Lot 40, District Lot 141 ODYD KAS3658 and Strata Lot 41, District Lot 141 ODYD KAS3658;

AND THAT Council give reading consideration to Bylaw No. 10750 being Amendment No. 1 to Bylaw No. 10183 being the Housing Agreement Bylaw for Mode Properties Ltd. Inc.;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Housing Agreements after the adoption of Bylaw No. 10750 being Amendment No. 1 to Bylaw No. 10183 being the Housing Agreement Bylaw for Mode Properties Ltd. Inc.;

Purpose:

Council directed staff on July 30th to proceed with changes to housing agreements in response to requests from two owners of affordable dwellings at 1550 Dickson Ave. to allow rental of their dwelling.

Background:

Article 3.0 - Occupation and Transfer Restrictions - of the Ownership Housing Agreement template, states:

(f) No Rental - The Owner shall not rent or lease the Lands or any Affordable Ownership Dwelling Unit on the Lands.

The agreement used for the development "Mode" was an owner agreement with a ten year sunset clause, meaning the owner must live in the dwelling for ten years before a formal request to lift the notice of the agreement from the title can be made. Most of the dwellings in the building were purchased in 2009; so the City would not be receptive to lifting the agreement from the affordable dwellings. The reason is that the commitment to the provision of affordable housing at that location would not be kept, as set out by the City and originally agreed to by the developer/owner.

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The housing agreement for this building was developed in order to meet the policy direction that the development needed to include a contribution of affordable housing due to the fact that it required an OCP amendment to increase the residential density of the site.

It is recommended that the agreement in question be replaced an existing template that allows rental or owner occupancy of affordable dwellings, subject to the City's affordability definitions. This approach reduces the need for further legal input and provides long term flexibility for the units. Minor changes to the agreement template are proposed to make the agreement specific to the current owners of each dwelling and to include the ten year sunset clause that currently applies to these dwellings. These changes were drafted by the City and have undergone legal review. For the two properties, the agreement by-law would be amended to recognize the new owner/rental agreements. Notice of the new agreement would also be registered¹.

Proceeding with the recommendations of this report may trigger requests for similar action from other owners of dwellings affected by affordable housing agreements. It is recommended that any other individual owner of affordable dwellings that are affected by housing agreements with the City would be given the option to request the ability to rent out their unit. Upon receipt of such requests, staff would forward a report to Council, similar to this one, seeking authorization of the change.

Internal Circulation:

City Clerk
Director of Land Use Management
Manager, Urban Land Use

Legal/Statutory Authority:

Local Government Act Section 905

A housing agreement under section 905 of the Local Government Act (LGA) is the only tool available to the City to ensure that affordable housing commitments are kept. Under Section 905(2) of the LGA: "*A housing agreement may include terms and conditions agreed to by the local government and the owner regarding the occupancy of the housing units identified in the agreement...*"

Legal/Statutory Procedural Requirements:

Existing Housing Agreement Bylaw Number 10183 will be amended to allow a new agreement providing for rental or owner occupancy of affordable dwellings, subject to the City's affordability definitions specific to the two owners that have requested change to their agreements at 1550 Dickson Ave. Notice of the new agreement would be registered for these two dwellings.

Existing Policy:

Official Community Plan

Objective 5.9 - Support the creation of affordable and safe rental, non-market and/or special needs housing.

¹ At the Land Titles Office

Considerations not applicable to this report:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:



T. Eichler, Community Planning Manager

Approved for inclusion:

S.K. Bagh, MCIP, Director of Policy and Planning



cc:

City Clerk

Director of Land Use Management

Manager, Urban Land Use