



Making a difference...together

## REPORT TO CAPITAL REGIONAL DISTRICT BOARD MEETING OF WEDNESDAY, AUGUST 10, 2022

---

**SUBJECT**     **604 Nelson Street Housing Agreement and Bylaw – Agreement Rectification**

### **ISSUE SUMMARY**

Rectification is required for a correction to an affordable housing agreement for a development at 604 Nelson Street in the Township of Esquimalt.

### **BACKGROUND**

The Capital Regional District (CRD) currently administers the resale control agreements on a number of below-market home ownership units within housing developments throughout the region. On July 13, 2022, the CRD adopted Bylaw No. 4500, “Resale Control and Housing Agreement Bylaw (604 Nelson Street)”, to secure certain affordable housing in perpetuity, where perpetuity is 99 years or destruction of the building, whichever is longer.

However, an incorrect definition of “Term” was left in the housing agreement which went before the Board on July 13, 2022, whereby the term was the lesser, not the longer, of 99 years or the destruction of the building.

Consistent with the CRD’s Board’s intention to secure the affordable units and the intentions of Esquimalt, the Developer, and CRD as to the correct definition of “Term”, the CRD and the Developer corrected the error and proceeded to registration with the corrected “Term” definition.

Given that section 483 of the *Local Government Act* requires any amendment to be done with consent of the owner and by bylaw, a bylaw affirming the correction to the housing agreement is recommended.

### **ALTERNATIVES**

#### *Alternative 1*

1. That Bylaw No. 4512, “Resale Control and Housing Agreement Bylaw (604 Nelson Street), 2022, Amendment Bylaw No. 1, 2022”, be introduced and read for a first, second and third time; and
2. That Bylaw No. 4512 be adopted.

#### *Alternative 2*

That this report be referred back to staff for additional information.

### **IMPLICATIONS**

The *Local Government Act* requires modification to a housing agreement to be done with the consent of the owner and by bylaw. The owner’s lenders have consented to this bylaw and the housing agreement amendment. A bylaw is needed to approve the correction and update the housing agreement notice in the Land Title office, to ensure the units are properly secured for affordable housing purposes.

**CONCLUSION**

The Developer, Esquimalt, and CRD staff had previously negotiated the “term” definition as agreed and while the agreement can be registered without a modification bylaw, in order to ensure consistency with the *Local Government Act*, a modification bylaw and updated housing agreement notice are recommended.

**RECOMMENDATION**

1. That Bylaw No. 4512, “Resale Control and Housing Agreement Bylaw (604 Nelson Street), 2022, Amendment Bylaw No. 1, 2022”, be introduced and read for a first, second and third time; and
2. That Bylaw No. 4512 be adopted.

Submitted by:	Don Elliott, BA, MUP, Senior Manager, Regional Housing
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

**ATTACHMENT**

Appendix A: Bylaw No. 4512