

To: Fraser Valley Regional District Board
From: Andrea Antifaeff, Planning Technician

Date: 2018-04-24
File No: 3220-20775.06732.000

Subject: Section 56 Covenant for 44562 Lougheed Highway, Electoral Area C with modifications to geo-hazard proforma covenant

RECOMMENDATION

THAT the Fraser Valley Regional District Board accept the offer of the modified proforma geo-hazard covenant for the construction of retaining walls and erosion protection works at 44562 Lougheed Highway, Electoral Area C.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

The property owner applied for building permit 013695 for the construction of retaining walls on his property located at 44562 Lougheed Highway. During site inspection of the property the building inspector called for a Section 56 geo-hazard report and covenant to be completed for the construction to be permitted. Upon processing of the covenant the property owner and their legal counsel requested modification to the FVRD's proforma Section 56 geo-hazard covenant. This staff report is to provide an overview of the modified covenant for the Board's review and consideration.

DISCUSSION

The FVRD has a standard geo-hazard covenant that is routinely used for building permit approvals; this is known as a proforma geo-hazard covenant. The property owner's counsel (Richard Buell Sutton LLP) provided staff with their recommendations for modifications to the Section 56 geo-hazard proforma covenant.

The proposed modifications address:

- clarity on the construction the covenant applies to (retaining walls and erosion protection works) and,
- amends grammar and format.

The proposed covenant was reviewed by FVRD’s legal counsel (Young Anderson Barristers & Solicitors) to ensure that it appropriately protects FVRD’s interests. The modifications were reviewed and determined that the proposed changes were acceptable. For details on covenant modifications please see Appendix A for a copy of the modified draft covenant (changes are highlighted).

COST

All costs associated with the modified covenants legal review were borne by the property owner and all costs associated with the covenant registration will be borne by the property owner.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development	Reviewed and Supported
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Margaret Thornton, Director of Planning & Development	Reviewed and Supported
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Mike Veenbaas, Director of Financial Services	Reviewed and supported.
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Paul Gipps, Chief Administrative Officer	Reviewed and supported
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