

To: CAO for the Fraser Valley Regional District Board

Date: 2019-03-20

From: Margaret-Ann Thornton, Director of Planning & Development

File No: 3060-20-2012-08

Subject: Restrictive Covenant for Property located at 14770 Sylvester Road, EA "F"

RECOMMENDATION

THAT the Fraser Valley Regional District Board approve the attached Restrictive Covenant wording for the property located at 14770 Sylvester Road, EA "F";

AND FURTHER THAT the Fraser Valley Regional District Board authorize FVRD signatories to execute all legal instruments associated with the Building Permit for 14770 Sylvester Road, EA "F".

STRATEGIC AREA(S) OF FOCUS

PRIORITIES

Provide Responsive & Effective Public Services

BACKGROUND

The property owner (Ms. Ogilvie) of 14770 Sylvester Road, EA "F" placed a mobile home and added a garage addition without applying or receiving a Building Permit in 2009. The FVRD has worked diligently with Ms. Ogilvie since 2009 to finalize the Building Permit submitted after the construction occurred. The only outstanding matter for the Building Permit issuance is the registration of a Restrictive Covenant on title of the property pursuant to Section 56 *Community Charter* to require a geotechnical report from a qualified professional that certifies that the land may be used safely for the use intended.

DISCUSSION

The property owner (Ms. Ogilvie) of 14770 Sylvester Road, EA "F" placed a mobile home and added a garage addition without applying or receiving a Building Permit in 2009. Since 2009, FVRD staff have undertaken a number of inspections, and the property owner (Ms. Ogilvie) has now provided all information and documentation to complete the required Building Permit application, including the issuance of a Development Permit for protection from hazards.

The only outstanding matter is the registration on the title of the property a Restrictive Covenant which includes the geotechnical report prepared by a Professional Engineer, detailing the requirements for the building construction and certifying that the building can be used safely for the use intended. Copies of the FVRD proforma Restrictive Covenant document were forwarded to the property owner and the property owner's solicitor has requested revisions to the Restrictive Covenant document. The FVRD solicitor has corresponded directly with the property owner's solicitor and a Restrictive Covenant document acceptable to both the FVRD solicitor and property owner's solicitor was developed and is attached. The FVRD solicitor advises that the proposed changes are minor in nature and clear authority for the FVRD is contained under the *Community Charter*.

As the attached Restrictive Covenant is not in the format approved by the FVRD Board as a proforma document, FVRD Board's consideration and approval of the Restrictive Covenant is required.

FVRD staff are currently reviewing all of the legal document templates used and will bring forward a report to update all legal agreements in 2019.

COST

All costs for the legal review of the Restrictive Covenant wording and the registration of the Covenant on title of the property is funded from the Electoral Area Services Building Inspection budget.

CONCLUSION

Staff recommend approval of the Restrictive Covenant wording as attached, as the document was prepared in consultation with and is acceptable to the FVRD solicitor.

COMMENTS BY:

Mike Veenbaas, Director of Financial Services

No further financial comments.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

Appendix "A"
Restrictive Covenant for 14770 Sylvester Road, EA "F"