



Gabriola Island Local Trust Committee Minutes of Special Meeting

Date:	June 14, 2017
Location:	The Haven - Heron Room 240 Davis Road, Gabriola Island, BC
Members Present	Laura Busheikin, Chair Melanie Mamoser, Local Trustee Heather O'Sullivan, Local Trustee
Staff Present	Sonja Zupanec, Island Planner Madeleine Koch, Planner 1 Lisa Millard, Recorder
Others Present	There were approximately twenty (20) members of the public and one (1) member of the media in attendance

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 6:30 pm. She acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. COMMUNITY INFORMATION MEETING

Housing Options Review Project

3.1 Planner Presentation

Planner Zupanec conducted a presentation and highlighted the following:

- The objectives and scope of Phase I of the project;
- Current zoning for accessory cottage provisions;
- The proposed bylaw amendments to the Official Community Plan (OCP);
- The proposed bylaw amendments to the Land Use Bylaws (LUB);
- The proposed bylaw amendments do not increase density allowances;
- It was clarified that this is not an affordable housing project but a housing options review;
- The consultation process to date;
- Allowable configurations for secondary suites;
- The differences between allowances for secondary suites within the Agricultural Land Reserve (ALR) and outside of the ALR;
- A manufactured home for family farm worker use in addition to a secondary suite will be allowed within the ALR;

- Lot owners building new secondary suites will be required to register a restrictive covenant under Section 219 of the Land Title Act and this covenant prohibits the registration of a strata plan under the Strata Property Act which would result in the secondary suite becoming a separate lot;
- A map that previously created a geographical restriction of the location of a suite that could be developed on one specific lot will be eliminated;
- The timeline of the project including upcoming review by the newly formed APC and opportunity for public input through a public hearing.

3.2 Public Questions and Answers

Members of the public asked questions and staff responded as follows:

- Will the restrictive covenant become a disincentive for property owners to build a secondary suite, particularly because the covenant stays on the title?
 - Registering the covenant becomes another step in the process and will be part of the building permit application. It is not an onerous step as most of the work is already done through the use of a model covenant.
- While the process of getting the covenant registered might not be difficult isn't it a disincentive to tie up the use of a secondary suite and land forever when we don't know if this is the best way to go about protecting against subdivision.
 - If the Local Trust Committee (LTC) wanted to allow the subdivision of suites or an accessory cottage in the future then the covenant could be discharged. The intent of the covenant is to ensure that the rental accommodation dwelling is secured for that purpose and not be allowed to be subdivided and sold off as a building strata.
- Are there not other ways to protect rental accommodation other than a covenant?
 - No, the only way to close the loophole that exists in the Strata Property Act is through a covenant.
- Is a housing use agreement an option?
 - A housing agreement is a tool used to ensure the rental rate, or sale or re-sale of a unit, is fixed. It can be explored as part of the Phase II project.
- There is a concern that the covenant is in perpetuity unless it is discharged. Are there other mechanisms that can be explored? Has there been any research into other options that don't create limitations?
 - The covenant allows for the protection of the principal dwelling and a secondary suite which has the potential to be used as a rental unit. Until the Strata Property Act is fixed and this loophole is closed, there is an argument to be made that 5 acre parcels should not be further subdivided. The covenant is the only mechanism to prevent a property owner from submitting a plan to the Land Titles office creating a strata property. The Land Titles office does not look at any documents other than those registered on the title.

- Is the reason for the covenant being put in place due to an application for a strata property subdivision not having to go through the local authority but going straight to the Land Titles office and the Land Titles office has no obligation to look at, or adhere to, our LUB.
 - Yes, that is correct.
- Why doesn't this covenant apply to cottages? Why does it apply to suites built within a house?
 - It applies to new building construction only, and it does apply to cottages as well. This can only happen if either dwelling has never been occupied.
- What is the length of time to complete the housing needs assessment?
 - Approximately six months. The focus of Phase II of this project will be considered once the housing needs assessment is completed.
- Is there a place we can find definitions of terms and acronyms used?
 - Definitions in the OCP and LUB are located in the definitions section of each document.
- Can you apply for a permit to build a new garage with a suite above it within the ALR? Currently you can only build one at a time.
 - Staff are trying to get clarification from the Agricultural Land Commission (ALC) as this only applies in agricultural zones. In non-agricultural zones you can apply to build both units at the same time.
- Is there opportunity for public input for terms of reference for the housing needs assessment?
 - The southern Gulf Islands have started their assessment and the model has been established and is available on their website. It is important to note that standardization allows for better opportunities for comparisons and larger scale of analysis of data. There will also be consultation with relevant community groups prior to doing the Gabriola housing needs assessment.
- Can a manufactured home be raised and a suite built under it? Is this allowed under the building code?
 - Manufactured homes are built to Canadian Safety Association (CSA) standards and the foundation is designed for the manufactured home only.
- Is there anything in the proposed bylaw that would prohibit a property owner of a five acre lot from applying for a bare land strata?
 - If someone owned a ten acre parcel and wanted to subdivide it into two five acre lots they would need to meet minimum lot size to apply for a bare land strata.
- The OCP prohibits strata division of existing buildings and the Strata Property Act states that if it is an existing building the strata process must go through local government. Why do we want to limit the authority of the LTC if the LTC wants to allow a strata subdivision of that particular lot?
 - The covenant applies to new builds only and there is an opportunity prior to occupation for a strata division to occur through the Land Titles office. If there is a site specific case that the LTC chooses to approve for strata the covenant could be discharged.

- Would a covenant be required if someone has an existing dwelling and is putting in a suite?
 - Yes as the OCP stipulates that no building can be stratified and the covenant would prevent re-development of the house and suite into a building strata.
- The covenant might unintentionally cause a restriction to creative ways of securing home ownership. The strata option is one of the more familiar forms of ownership and one that is acknowledged by financiers. A covenant would restrict the co-ownership option.
- Can the proof of water aspect be a separate bylaw?
 - Proof of water is triggered for subdivision application and secondary suites are separate to this.
- Is there a risk leaving the covenant until Phase II of the project? Does it need to be placed at this point?
 - The timing is market driven in nature and the longer the loophole is left open the more vulnerable that the housing stock is to building strata development, particularly on water front lots.
- Is there a sense that strata applications are coming?
 - We don't know about them until they have been filed. We are informed after the fact that they have become registered subdivisions and we have not had an opportunity to review them.
- Instead of placing a covenant stating a property can never be stratified, can the covenant instead state that the owner agreed to get approval by the LTC?
 - It is easier to discharge a covenant based on the merits of a proposal.
- How onerous is it to get a discharge on a covenant?
 - It is not onerous. It is a document that both parties sign and register with the Land Titles office.

Discussion ensued and Trustees noted that the issue of subdividing using the strata property act is complex however the use of a covenant to prevent this from happening might also restrict opportunity for creative forms of housing ownership, or create disincentive to building secondary suites.

3.3 Local Trust Committee Consideration

GB-2017-104

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to prepare a report for the July 2017 Local Trust Committee meeting outlining the implications of, and options for, the proposed requirement for a covenant prohibiting subdivision under the Strata Property Act.

CARRIED

Trustees discussed the bylaw amendment allowing kitchens to be built in accessory buildings and it was determined that restricting this to commercial kitchens was too limiting and onerous. Discussion ensued regarding the headings used within the OCP and LUB documents.

GB-2017-105

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff review the headings of Section 2.6 of the Official Community Plan.

CARRIED

3.3.1 Proposed Bylaw No. 292

Comments regarding this proposed bylaw are noted in Item 3.2

3.3.2 Proposed Bylaw No. 293

Comments regarding this proposed bylaw are noted in Item 3.2

3.3.3 Bylaw Referral Response - Ministry of Agriculture

Received for information.

4. ADJOURNMENT

By general consent the meeting was adjourned at 8:55 pm.

Laura Busheikin, Chair

Certified Correct:

Lisa Millard, Recorder