



RENTAL HOUSING - CONDITIONS TO BE APPLIED TO DEVELOPMENT APPLICATIONS TO ENSURE THEIR PROVISION

Authority - Director of Planning and City Council

Effective April 20, 1990

Amended February 28, 1995

The following represents conditions to be attached to development applications which are required to provide rental housing with no rental rate restrictions:

- (1) For developments providing residential rental accommodation, a “prior-to” condition shall be attached to the development application which states:
 - the applicant must enter into a Covenant pursuant to Section 215 of the Land Titles Act that the building not be strata-titled prior to occupancy and that the development be used only for residential rental dwellings, as agreed by the applicant and the City.
- (2) In dealing with development applications where it is required to provide rental housing at a restricted rental rate, such as in zoning districts involving an unacceptable rate of change, and in order to meet the guidelines, a portion of the building would have to be retained as rental accommodation. The following may be required as conditions prerequisite to permit issuance:
 - (a) a registered agreement under Section 215 of the Land Titles Act that the building not be strata-titled prior to occupancy and that the development be used for residential rental dwellings only at “moderate” rents, as agreed by the applicant and the City;
 - (b) a covenant, registered under Section 215 of the Land Titles Act, restricting use of the land and the building to the use permitted by the above-noted agreement;
 - (c) an unrestricted option to lease the building granted in favour of the City, to be registered as a first charge against title to the land as security for the performance of the applicant's obligations under the above-noted agreement; and

NOTE: This “unrestricted option to lease” would allow the City to lease the building and rent it out at “moderate” rents, should the building be rented at variance with this agreement.

- (d) a form of lease of the building by the applicant to the City, to come into existence only on exercise by the City, of the above-noted option to lease.

All of these agreements would be to the satisfaction of the Director of Legal Services and may vary, depending on specific circumstances with individual applications.