

ITEM	1
MANAGER'S REPORT NO.	7
COUNCIL MEETING	1980 01 28

RE: AUTHORITY FOR EXECUTION OF LEGAL DOCUMENTS IN 1980
RESTRICTIVE COVENANTS

RECOMMENDATION:

1. THAT Council pass the following resolution which would become effective immediately upon its passage:

"The Municipal Council does hereby authorize the Municipal Clerk, pursuant to Section 215 of the Land Title Act, to execute documents on behalf of the Corporation without reference to Council, pertaining to the following restrictive covenants, for 1980:

- a. Limitation of building elevations due to:
 - i) Sewer depth
 - ii) Topography
 - iii) Access
 - iv) Lands subject to flooding
- b. Vehicular access restriction
- c. Landscape buffer
- d. Rear yard setback
- e. Side yard setback;

with the understanding that a report will be submitted to Council on items b. c. d. and e. whenever a covenant does not conform to an established policy of Council as more specifically outlined in this report."

REPORT

On 1980 January 14, Council gave staff the authority to execute certain documents in 1980 that are of a routine nature. This included matters such as easements, truncations, ancillary rights, claims, conferences and discharges of rights-of-way that become redundant as a result of the subdivision process. Council on this occasion did not include authority to execute restrictive covenants, but rather referred this back to staff for additional information.

It will be recalled that Council did not question the request for authority on restrictive covenants relative to building elevations due to sewer depth, topography, access and lands subject to flooding (Council has given staff the authority to execute these types of documents in each of the last four years). A further report was requested, however, on the following four restrictive covenants:

(a) Vehicular Access Restriction

Covenants are applied to new lots that are created through subdivision process which abut high traffic volume streets. The covenant precludes vehicular access via these streets. Access is alternatively provided either by an abutting street with less traffic volume or by an abutting lane.

(b) Landscape Buffer

When lots are created that back onto arterial routes, a covenant is applied to protect a landscape buffer area which the subdivider must install. Covenants are prepared subsequent to departmental review and approval of the landscape plans and the submission of the bonding monies and inspection fee.

(c) Rear Yard Setback

When lots are created which back onto arterial routes, a greater lot depth is required in order that a covenant can be applied to maintain a 27.5 m (90') rear yard setback for principle buildings.

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2.

(d) Side Yard Setback

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Occasionally, new lots are created which comply with the subdivision by-law in area but have a lesser width due to the available frontage being subdivided. In these instances, covenants are applied in order to ensure that required side yard setbacks and distances between adjacent dwellings are maintained.

The restrictive covenants as noted in items (a), (b) and (c) are only applied when an abutting street has been designated as an arterial by Council.

Item (d) is applied to ensure compliance with the provisions of the Zoning By-law. In other words, application is made only where policy has already been established by this by-law.

In summary, the routine nature of these covenants and the fact that they are related to policies that have already been established by Council suggests that they can be transacted without the express approval of Council each time they occur. On the other hand, a report will always be referred to Council if any such covenants are either the subject of an appeal or do not fall within the terms of a policy statement.

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