



FAQs on addressing expiring Land Use Contracts

What is a Land Use Contract (LUC)?

LUCs were exercised in B.C. between 1971 and 1978 as a form of site-specific, contractual arrangement between local governments and landowners. These contracts regulate development (e.g., density, site coverage, setbacks, heights, etc.) and were registered on land title. When the LUC legislation was repealed in 1978, the existing contracts remained in place, however no new contracts could be created.

Is my land under a Land Use Contract?

Landowners can determine if their lands are under a Land Use Contract through the District of West Vancouver's geographical information mapping system [WESTmap](#). Landowners can use this tool by inserting the address into the search engine, navigating to the left-hand layers tab, click Zoning & Land Use, and turn on the LUC layer by clicking Land Use Contracts (LUC). Lands under an LUC will be highlighted in yellow. If you require further assistance, please contact the GIS Department at gis@westvancouver.ca. Further information and contact details are available on the dedicated [District mapping webpage](#).

Why are Land Use Contracts being terminated?

In 2014, the Provincial Government amended the Local Government Act to terminate all Land Use Contracts (LUCs) on June 30, 2024, in accordance with Section 547. Sections 545 to 550 further outline associated requirements with respect to the discharge and termination of the LUCs and the adoption of zoning bylaw(s) for the purpose of replacing the LUCs. More information can be found on the [Province's website](#).

How does Land Use Contract Termination impact landowners?

Without further action, land use regulations on lands currently subject to LUCs will revert to the underlying zoning, which are inconsistent with the existing building, structure and uses allowed by the LUCs. This would result in future legal non-conformity on the impacted lands. Further to this if the non-conforming uses, buildings, or structures are discontinued for a continuous period of 6 months, any subsequent use of the land, building or other structure becomes subject to the regulations of the underlying zone, potentially affecting development rights unintentionally.

How will the District address impacts from Land Use Contract Termination?

The District currently has 23 LUCs which are due to expire on June 30, 2024. Staff have undertaken a technical review of the expiring LUCs and are proposing bylaw amendments to address 22 of the 23 LUCs. The proposed Zoning and Tree Bylaw amendments will provide consistent land use regulations on lands impacted and avoid future non-conformity and potential unintended changes to development rights. Council will be considering these changes at its May 9, 2022, meeting, and approval of the bylaw amendments (link available on the dedicated District webpage) are subject to consideration of public input at the public hearing.

What happens to lands under LUC between now and the LUC termination date of June 30, 2024?

The LUCs will continue to be effective until termination. Should Council adopt the proposed amendments to the Zoning Bylaw, new and updated Comprehensive Development Zones will be in place for impacted

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lands so that land use regulations will remain consistent with current LUC provisions and ensure legal conformity for over 500 properties when the LUCs terminate on June 30, 2024.

What are the impacted sites and the proposed Comprehensive Development zones?

| Address | Existing Development | Underlying Zone | New Zone |
|--|--|------------------------|-----------------|
| Folkestone Way | Multi-Family Residential: apartments Commercial: restaurant | CD10 | CD10 |
| 525 Clyde Ave. | Community Care Facility | CD25 | CD25 |
| 6645 Nelson Ave. | Multi-Family Residential: apartment | RD2 | CD63 |
| 585 16 th St | Commercial: office | RM2 | CD64 |
| 1340 Duchess Ave. | Multi-Family Residential: apartment | RM2 | CD65 |
| 1489-1497 Marine Dr. | Commercial: office, retail | AC1 | CD66 |
| 1507 Bellevue Ave. | Commercial: office, retail | AC1 | CD67 |
| 1495 Esquimalt Ave. | Multi-Family Residential: apartment | RM2 | CD68 |
| 2030-2040 Marine Dr. | Multi-Family Residential: townhomes | RS5 | CD69 |
| 2119 Bellevue Ave. | Multi-Family Residential: apartment | RM2 | CD70 |
| 202-250 16 th St, 1571-1579 Bellevue Ave. | Commercial: office, retail | AC1 | CD71 |
| 440 13 th St, 1285 & 1289 Keith Rd. | Multi-Family Residential: townhomes | RD1 | CD72 |
| 1363 Clyde Ave. | Multi-Family Residential: apartment | RM2 | CD73 |
| 4957 Marine Dr | Multi-Family Residential: townhomes | C1 | CD74 |
| 1858-1896 Bellevue Ave | Multi-Family Residential: townhomes | RD1 | CD75 |
| 312-320 Keith Rd. | Multi-Family Residential: townhomes | RS3 | CD76 |
| 5500 Block Parthenon Pl & 5490 Marine Dr. | Single-Detached Residential Public Park | RS3 | CD77 |
| 950 Cross Creek Rd. | Hollyburn Country Club | RS3 | CD78 |
| 6330-6338 Bay St. | Commercial: office, retail | RS4 | CD79 |
| 382-398 Mathers Ave. | Single-Detached Residential | RS3 | CD80 |
| 800 Block Taylorwood Pl. | Single-Detached Residential | RS3 | CD81 |
| 6255 & 6265 Imperial Ave, 6620-6678 Marine Dr. | Single-Detached Residential | RS4 | CD82 |
| Caulfeild Area | Residential, Commercial, and Institutional | RS10, RS3 | To be addressed |

Why are the lands under the Caulfeild Area LUC postponed to a later date?

The technical review determined that additional time and resources are required for a separate technical exercise to create new zoning for the Caulfeild Area LUC due to its complex nature. The Caulfeild Area LUC is uniquely different from the other LUCs as it facilitated long-term area-wide development for the Caulfeild neighbourhood, with provisions for residential, commercial, schools, and greenbelt areas on over 700 properties. Each type of use, building and structure led to a variety of different governing regulations in this LUC. Given the complexity of the Caulfeild Area LUC, staff intends to conduct this separate technical exercise and report back to Council on its replacement zoning at a later time (but prior to the expiration of this LUC).

What is a covenant?

A covenant is an agreement between two parties which would normally put restrictions on land and its use. Covenants are attached to a property title and registered at BC Land Titles Office.

How do I know if there is a covenant attached to my property?

Covenants are attached to a property title and registered at BC Land Titles Office. Land title documents can be requested from the Land Titles Office, at ltsa.ca.

How do covenants impact landowners within the Caulfeild LUC Area?

For sites across the Caulfeild LUC Area there is the potential that covenants may exist that could restrict development. It is expected that review of any relevant land title documents is standard due diligence for development proposals.

Will covenants expire upon LUC termination?

For sites across the Caulfeild area there is the potential that covenants (e.g., referring to greenbelt areas) lie within landowners' property lines. These would not automatically expire at the time of the land use contract expiry. Protection of greenbelt areas was a central tenant of the implementation and creation of the Caulfeild LUC. The portions of properties that are affected by greenbelt covenants would retain those restrictions following expiry of the LUC.

How will Greenbelt Areas within the Caulfeild LUC Area be protected and preserved?

The intent of the LUC was to facilitate the long-term development of the neighbourhood. Protection of greenbelt areas was a central tenet during the implementation and creation of the Caulfeild LUC. During the neighbourhood meetings feedback received included the consideration to preserve and protect all greenbelt areas within the Caulfeild LUC area. Any future zoning amendments for greenbelt areas will consider the protection and preservation of greenbelt areas within the Caulfeild LUC.

Will Greenbelt dedication regulations be considered within the Caulfeild LUC Area?

The Caulfeild LUC is complex and unique as it contains a variety of land uses and circumstances and, in some instances, a prorated portion of common lots and/or adjacent greenbelt areas were dedicated and distributed across certain lots. This was not uniform to all lots across the Caulfeild LUC area. To account for these emerging and varied circumstances staff will consider site-specific analysis (including feedback received) to determine how this can be included in updated zoning.

Who can I contact if I have further questions and/or comments?

Further questions and/or comments can be directed to the Planning and Development Services Department at landusecontracts@westvancouver.ca or 604 921 2173