

From: Redacted as per FIPPA S.22
To: [LegislativeServices](#)
Subject: Re: Restrictive Covenants in Brentwood Park (and possibly anywhere else that also contradict municipal zoning bylaws)
Date: Wednesday, September 18, 2024 9:40:56 AM

From: Simon Tang [Redacted as per FIPPA S.22](#)
Date: September 14, 2024 at 2:05:35 PM PDT
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<Joe.Keithley@burnaby.ca>, Mayor
<Mayor@burnaby.ca>
**Subject: Restrictive Covenants in Brentwood Park
(and possibly anywhere else that also contradict
municipal zoning bylaws)**

Hello Mayor Hurley and Burnaby Councillors,

I, a North Burnaby resident and a homeowner in the Brentwood Park area, am reaching out to you since you are all members of the Planning and Development Committee. As you may know, there has been a "Save Brentwood Park" citizens group that was formed to petition against the density changes passed to the City of Burnaby via the R1 SSMUH zoning as well as from mandates from the province (Bill 47, 44). There have been a number of mainstream media articles throughout 2024 as well, on CBC, Vancouver Sun, etc.

My wife and I purchased a home in the Brentwood Park area in the summer of 2023, with the intentions of rebuilding a new, single family home with a secondary suite, where my wife and I would be living with my wife's parents - a financially stressful and involved endeavour. We are currently in the permitting phase for the property. Recently, the Save Brentwood Park movement had contacted my

designer/builder that they have retained legal counsel, and warned our builder of potential legal ramifications if they do not adhere to the restrictive covenants that are attached to the property. Although I am not building a multiplex, which is likely the target of Save Brentwood Park's concerns, I am aware that such restrictive covenants exist, and I am wary of any enforcement of these covenants, as they contradict zoning bylaws regarding density (covenant F), rental suites (covenant F) and setbacks (covenant E).

My building designer/builder and I have been in contact with the City during the permitting process to ensure our property adheres to Zoning Bylaws and building code. However, with the uncertainty of these restrictive covenants, as well as possible contradictions between the restrictive covenants and the new R1 SSMUH zoning bylaws, I worry that even with the City's approval via permits that we will be exposed to legal and financial risk after building our dream home in the heart of Brentwood.

The Save Brentwood Park citizen group is currently leaning on existing restrictive covenants (which I've attached) to preserve the Brentwood Park community. I believe they are specifically referencing covenants E and F. However, covenant A) (which is also used as reference from other covenants) seems to be an interesting one...basically stating "nothing can be built unless approved by the Grantor or its agents". Considering that the neighborhood DOES have newer homes and new construction, the only entity approving building plans is the City of Burnaby and not the original Grantor, likely a defunct construction company from the 1950's which no longer exists.

I am not a lawyer, but logically, one shouldn't be able

to "pick and choose" which covenants are applicable or not. So, if e) and f) are legal and enforceable, why not a)? But if a) was legal and enforceable, this means that new construction or even maintenance of existing dwellings would contravene that covenant, since all plans must be approved by the original Grantor or its agents. Also, would covenant e) not also prohibit single family homes from having legal rental suites, possibly affecting homeowners in the Brentwood Park area, and possibly even the Save Brentwood Park members?

I understand that the Save Brentwood Park group is looking for a legal means to preserve the existing community. However, the covenants that were drawn up in 1955, when city planning, population density and cost of living were not issues, have not evolved with time, unlike Burnaby community development plans and Burnaby Zoning Bylaws.

I am a Brentwood Park homeowner, who is only looking to adhere to the City of Burnaby's plans and foresee myself living in the area for many years to come. I purchased a home in Brentwood Park due to the central location and the "look and feel" of the neighborhood, but I also understand the thinking behind why central locations should be densified for efficiency. Brentwood Park IS in a prime location in the fast developing Brentwood mall area, and as such, understandable why only single-family homes in a major transit hub location may be deemed "inefficient". The Save Brentwood Park movement exhibits some of the "not in my backyard" sentiment, as well as those resistant to change, especially when the change is not one they are aligned with. The movement can be commended for wanting to save the "intimate, single family home community, with a standardized, idyllic look and feel", but as time progresses, circumstances change, and the

Brentwood mall area has definitely changed drastically over the years.

I understand that these new density mandates are new and still developing, but I implore to the Mayor and Council, to help bring clarity to zoning and building regulations so we would not need to second guess and be wary of any legal ramifications even after having the blessing of the City to go ahead with projects. The burden of finding this clarity should not be on individual citizens.

Please forgive me if this is not the right channel for communicating my thoughts. Thank you for reading,

Simon

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