

**TO:** MAYOR & COUNCILLORS

**FROM:** GENERAL MANAGER PLANNING AND DEVELOPMENT

**SUBJECT: REQUEST TO DISCHARGE CITY-IMPOSED RESTRICTIVE COVENANTS ON PRIVATE PROPERTIES**

**PURPOSE:** To seek Council approval for the discharge of outdated restrictive covenants imposed by the City on R1 District zoned properties.

## RECOMMENDATION

**THAT** the proposed discharge of restrictive covenants, as described in Section 3.0 of the report titled “Request to Discharge City-Imposed Restrictive Covenants on Private Properties” dated February 24, 2026, be approved; and

**THAT** the City Solicitor be authorized to discharge the restrictive covenants upon request.

## 1.0 POLICY SECTION

The proposed discharge of restrictive covenants aligns with the following provincial laws and municipal bylaws and policies, including:

- Local Government Act (2015),
- Corporate Strategic Plan (2022),
- Burnaby 2050 Official Community Plan (2025),
- Burnaby Housing Needs Report (2021; interim update 2024),
- HOME: Burnaby’s Housing and Homelessness Strategy (2021), and
- Mayor’s Task Force on Community Housing Final Report (2019).

## 2.0 BACKGROUND

Historically, the City in some cases imposed restrictive covenants on lots in the former, now repealed Residential Districts through Section 219 of the *Land Title Act*. These covenants served various purposes, including regulating building form and land use, and requiring certain conditions to be met prior to development or subdivision. In some instances, the covenants mirrored or reinforced zoning regulations and planning policies in effect at the time of registration.

In June 2024, in response to provincial legislation, the City repealed the 12 former Residential Districts (R1 – R12) and rezoned these areas to the R1 Small-Scale

Multi-Unit Housing District. The R1 District permits a broader range of housing forms, including the development of up to six dwelling units on a single lot. Following this, in December 2025, Council adopted a new Official Community Plan (OCP) that places greater emphasis on increasing housing supply and supporting missing middle housing forms.

As housing needs and legislative frameworks have evolved, a number of restrictive covenants registered to implement legacy zoning and planning policies on R1 District zoned lots no longer serve their original purpose and, in some cases, create barriers to housing forms that are now permitted under the Zoning Bylaw.

The purpose of this report is to inform Council of the recommendation to discharge restrictive covenants imposed by the City on R1 District zoned properties where such covenants are based on outdated zoning regulations and planning policies that no longer align with the current Zoning Bylaw, OCP or provincial legislation.

**3.0 GENERAL INFORMATION**

The covenants addressed in this report were imposed by the City on properties (now zoned to the R1 District) to restrict development, including but not limited to building form, land use, and other conditions, in accordance with the zoning regulations and planning policies in effect at the time of registration. In many cases, these covenants restrict development to single-family dwellings or otherwise limit housing forms that are now permitted under the R1 District. Unless these covenants are discharged or amended, the properties remain bound by the restrictions, regardless of subsequent zoning or legislative changes.

Discharging such covenants would remove regulatory barriers to housing forms now permitted under the Zoning Bylaw and support current municipal and provincial housing policies. Council’s general approval to discharge covenants of this nature would improve administrative efficiency and reduce delays in processing covenant discharge requests, thereby facilitating housing development.

With Council approval of the recommendation, upon request by property owners, staff will review the nature and intent of each covenant to determine whether it was imposed to implement zoning regulations and planning policies that have since been superseded and no longer serve a relevant planning purpose. If the covenant meets these criteria, staff will proceed with discharging the restrictive covenant. Covenants established for other purposes, such as environmental protection, geotechnical considerations, or servicing and infrastructure requirements, will continue to be assessed on a site-specific basis and brought forward to Council for consideration of discharge where deemed appropriate.

**4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT**

Community engagement is not proposed.

**5.0 FINANCIAL CONSIDERATIONS**

There are no financial considerations related to this proposal.

Respectfully submitted,

E.W. Kozak, General Manager Planning and Development

**REPORT CONTRIBUTORS**

This report was prepared by Michelle Yeung, Planning Analyst, and reviewed by Mark Norton, Manager Development, Jennifer Wong, Assistant City Solicitor, and Johannes Schumann, Senior Director Development Services.