

Frequently Asked Questions

What is a Land Use Contract?

Between years 1971 to 1978 Land Use Contracts (LUC) were used to govern the development of site-specific properties. As a contract between a developer and a municipality, the agreement includes development variances, permitted uses, density, servicing requirements and other important aspects of a particular development. After legislative changes in 1978 no new LUCs could be entered into; however, the terms of the LUC are binding and override the provisions of City bylaws related to development, such as, the Official Community Plan, servicing bylaws and zoning bylaw. Despite the development being completed the LUC remains on the Land Title of the property and the terms of the LUC govern any future development on the site, until discharged.

Why am I getting a letter about a Land Use Contract Termination?

The development of your property was approved under a Land Use Contract. The original developer of the site entered into an agreement with the City for the provision of services and zoning related to the development of the property. Unless discharged the LUC affects the use and development rights of affected properties.

In 2014 amendments were enacted by the province that established June 30, 2024 as the expiry date for all LUCs in the province. After that date the LUCs no longer have force or effect. The same amendments included the establishment of an 'early termination' process for Local Governments to address the discharge of the LUCs and consider how or if other development tools need to be utilized to ensure that the site is conforming to existing bylaws in the absence of the LUC.

What will happen once the LUC is terminated?

When the underlying zoning is not consistent with the existing uses or building siting on the property, the City may rezone the site to an appropriate zone that will align with the current use(s).

Will I be notified if Council proposes to terminate the land use contract that applies to my property?

Yes, once a report about the termination of a specific LUC has been presented to Council and once Council has given first and second readings to the land use contract termination bylaw, the municipality will notify by mail all property owners and tenants within the land use contract and property owners and tenants of property within 30 metres of the land use contract boundaries. A notice will also be placed in the local newspaper.

Property owners, tenants and the general public have the right to make representations, either in person or in writing, at the public hearing.

Will I have to move?

No. The termination of the LUC leaves the overlaid zoning as the governing regulation for future development on the site. This process is not intended to rectify any existing development.

Who is paying for this?

The City is initiating the LUC early termination process and in cases where a rezoning of the property is needed and consistent with the OCP, the City will be undertaking the costs of bylaw processes, notifications and registrations with the Land Title Office.

What does this mean for development of my property?

If existing uses and lawfully built structures do not comply with the underlying zoning, they will have legal non-conforming status, which means they will be allowed to continue. Structures and uses that are not currently in existence must comply with the zoning regulation.

What if the development on my property does not meet the zoning regulations?

Provincial legislation protects lawfully non-conforming uses of land or of a building or structure. This is informally known as “grandfathering.” Generally, owners may continue a use of land, or a building or other structure that was lawful under a LUC before termination. This is despite non-conformance with the current zoning. Owners may lose these grandfathering protections in some situations a non-conforming use may no longer be permitted if it is discontinued for 6 continuous months. Owners are also limited in how they can alter or expand a non-conforming structure or repair it in the event of significant damage.

Is there a way I can keep my land use contract forever?

No, all land use contracts in British Columbia automatically terminate on June 30, 2024 or when they are terminated by the municipality. After a land use contract is terminated, zoning and other municipal bylaws will regulate land use on the property.

When a land use contract termination and rezoning bylaw are adopted by Council, does the zoning come into effect immediately?

No, land use contract termination bylaws and the new zoning come into effect one year after they are adopted. During this year the rules and regulations of the land use contract that is being terminated will continue to apply.