



# BOARD REPORT

**TO:** Chair and Directors

**File No:** 6140 10 06

**SUBJECT:** Charles and Sandra Moody – Park Land Deferral Agreement Electoral Area E

**DESCRIPTION:** Report from Ryan Nitchie, Team Leader, Community Services, dated May 4, 2018. Park Land Deferral Agreement – Electoral Area E.

**RECOMMENDATION #1:** THAT: the Board empower the authorized signatories to enter into a park land deferral agreement to defer the cash in lieu of park land required by Section 510 of the Local Government Act – Provision of Park Land, and CSR Policy No. P-5, Park Land Dedication as a Function of Subdivision until July 16, 2020 for Lots 1 through 3 and Lots 5 through 8 of EPP41904;

AND THAT: in accordance with Policy No. F-16, Park Land Dedication Deferral Fees, the Board authorize the deferral of the \$650 application fee and all legal costs plus applicable interest associated with the Park Land Deferral Agreement for Lots 1 through 3 and Lots 5 through 8 of EPP41904 until July 16, 2021.

### SHORT SUMMARY:

A Parkland Deferral Agreement was entered into by the Board and the property owner at the time of subdivision in 2014. A restrictive covenant was placed on title as a requirement of the deferral agreement. The term of the Parkland Deferral Agreement expired on July 16, 2017. The CSR requested payment in full, however, the land owners claim financial hardship and are requesting an extension.

**VOTING:** Unweighted  LGA Part 14  Weighted  Stakeholder   
Corporate (Unweighted) Corporate (*Weighted*)

### BACKGROUND:

The subject properties are located along Shuswap Lake in the Anstey Arm area of Electoral Area E. The Board agreed to enter into a Parkland Deferral Agreement as a condition of satisfying the parkland dedication in accordance with the Local Government Act. The recommendation of staff was to accept cash-in-lieu of park land dedication. The agreement was entered into prior to adoption of Policy No. F-16 "Parkland Dedication Deferral Fees" and therefore no interest was charged to the owners. The term of the Parkland Deferral Agreement expired on July 16, 2017 and efforts were made to collect the outstanding balance. The landowners claim financial hardship and are requesting an extension to the Parkland Deferral Agreement. Staff is recommending that Policy F-16 "Parkland Dedication Deferral Fees" be taken into consideration with this new agreement and for the new agreement to include accrued interest from the time of subdivision, any deferral application fees and all legal fees associated with the new agreement. Following legal consultation, the revised Parkland Deferment Agreement

contains language that strengthens the Regional District's ability to collect the cash-in-lieu of parkland dedication as well as associated legal fees and application fees upon all owners of the subdivision. A revised Section 219 Covenant will be registered on title that restricts the sale of any of the lots until the terms of the parkland deferral agreement are satisfied including all interest, legal and administrative fees and application fees in connection with the agreement.

**POLICY:**

Policy No. P-5 "Park Land Dedication as a Function of Subdivision" and Policy No. F-16 "Parkland Dedication Deferral Fees".

**FINANCIAL:**

The Parkland Deferral Agreement requires cash-in-lieu of park land dedication in the amount of \$70,000. A revised Section 219 Covenant will be registered that restricts the sale of any of the lots until the terms of the parkland deferral agreement are satisfied including all interest, legal and administrative fees and application fees in connection with the agreement. In accordance with Policy No. F-16 "Parkland Dedication Deferral Fees", interest will be charged on the deferral from the date of expiry of the previous agreement to the settlement date of the new agreement at a rate equivalent to the Bank of Canada Prime Business rate plus 2%.

**KEY ISSUES/CONCEPTS:**

Policy No. F-16 "Parkland Dedication Deferral Fees" allows landowners to request an extension to a Parkland Deferral Agreement to the Board of Directors.

**IMPLEMENTATION:**

The Chief Administrative Officer will authorize the Parkland Deferral Agreement and provide same to the landowners to execute for filing with the Land Title Office.

**COMMUNICATIONS:**

Legal counsel will be advised to execute the agreement and file appropriate covenants with the Land Title Office.

**DESIRED OUTCOMES:**

The Board approve the recommendations to extend the Parkland Deferral Agreement.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*

4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

**Report Approval Details**

Document Title:	2018-05-04 Moody Parkland_Deferral_Agreement_.docx
Attachments:	
Final Approval Date:	May 9, 2018

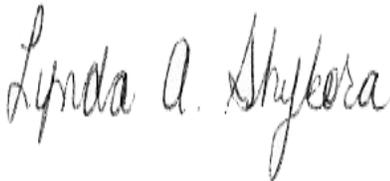
This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to Darcy Mooney was completed by assistant Phaedra Turner**

**Darcy Mooney - May 4, 2018 - 3:24 PM**



**Jodi Pierce - May 4, 2018 - 3:58 PM**



**Lynda Shykora - May 9, 2018 - 9:11 AM**

**No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora**

**Charles Hamilton - May 9, 2018 - 9:12 AM**