

Letter to LTC December 5, 2025

Dec. 5, 2024,

Trustees,

I am unable to attend the December 6 LTC meeting and am providing my observations regarding the December 6, 2024, staff report by way of this letter.

The staff report refers to the two tables regarding maximum floor area for dwellings proposed by the APC majority. However, the staff report fails to make any specific reference to the fact that the APC majority recommended an increase of between 500 ft<sup>2</sup> and 1,000 ft<sup>2</sup> to the current maximum floor area allowance for dwellings.

The APC majority based their rationale for significant increases in the floor area allowance in their recommendations 015 and 016 on the “objective” to “eliminate...the non-conforming status created for many dwellings with the adoption of Bylaw 122...”.

The May 2024 staff report on so-called “legal non-conforming” made it clear that all dwellings became legally conforming with respect to maximum floor area allowance with our current Land Use Bylaw effective September 15, 2022, through the introduction into our Bylaw of section 5.1(6). This fact was reinforced by planner Stockdill’s November 7, 2024, memo to the APC stating:

Bylaw 122 did not create any legal non-conforming situations in terms of maximum floor area.

A plain reading of our current Land Use Bylaw supports the fact that Bylaw 122 did not create any legal non-conforming dwellings with respect to maximum floor area. More importantly, as of September 15, 2022, all dwellings are fully protected under our current bylaw and may be “replaced, reconstructed or altered to the same floor area as it was on September 15, 2022.” The current LUB in fact provides greater protection for reconstruction than was provided before Bylaw 122 when protection was provided outside our LUB through section 529 of the Local Government Act.

The APC majority’s rationale to increase maximum floor area allowances to eliminate so-called non-conforming dwellings under the current Bylaw is based on an apparent misunderstanding regarding the fact that Bylaw 122 did not create any legal non-conforming dwellings with respect to maximum floor area. The APC majority’s rationale to support their recommended significant increase in the floor area allowance is designed to fix a problem that doesn’t exist.

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It was surprising to me that the December 6, 2024 staff report failed to address the APC majority's apparent misunderstanding regarding legal non-conforming status under our current Bylaw.

APC recommendation 019 that:

the Local Trust Committee affirm the current clause 5.1(6) that renders all legally constructed dwellings as of September 15, 2022, fully conforming with Bylaw 114 in terms of maximum floor area and ensures that a dwelling may be replaced, reconstructed or altered to the same floor area as it was on September 15, 2022. was defeated in a 2-2 tie.

I strongly encourage the LTC to clarify the apparent misunderstanding and resulting confusion regarding "legal non-conforming" and reconsider your previous decision not to disclose the legal opinion regarding section 5.1(6) of the LUB which I understand ensures that all dwellings legally conform with Bylaw 114 as of September 15, 2022.

Thank you for considering my views on this important issue.

Paul Petrie

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