

Schedule 17 to the Minutes of the Special Public Hearing meeting of Richmond City Council held on Tuesday, November 24, 2015.

**From:** trevor barnett <trevorharnett@gmail.com>  
**Sent:** Tuesday, 17 November 2015 17:11  
**To:** LUC (Land Use Contract)  
**Subject:** Nov. 24. Public Hearing - LUC's

Hello: this is  
Trevor Barnett  
5180 Bunting Avenue,  
Richmond. V7E 5W1  
LUC 157

Dear Sir: Thank you for preparing the detailed booklet pertaining to the upcoming Public Hearing on Nov. 24th; relating to Land Use Contracts.

By way of a little background on my knowledge of these Legal Contracts. I am a long term professional REALTOR with Macdonald Realty Westmar here in Richmond. I have personally SOLD and witnessed many of the re-developed LUC properties here. In 2009 I was also invited to sit on the Westwind Working Group together with Richmond City staff, namely: Brian Jackson, Holger Burke and Edwin Lee. The purpose of this committee was to discuss an application for re-development of an LUC property located at: 11251 Kingfisher Drive. During these various meetings we discussed in depth HOW these LUC designations were first introduced by the Provincial Gov. of the day and in turn the variances that each contract had with respect to building heights and overall lot coverage.

The Westwind Working Group came to the conclusion that while we were split on the idea of seeking a 51% mandate to dissolve our LUC, we were equally not convinced that it was in the best interests of all the homeowners affected, as quite a number would NOT be able to re-build their home to the previous square footage if a major fire occurred for example.

Together with City staff we discussed the various options that might be available to the City. Staff stated that they would pick up any associated re-zoning costs should we achieve the 51%. Here in LUC 157 many of the existing properties are non-conforming as they relates to current RS1 standards under By Law 8500. During these discussions the City staff stated that the City of Surrey had recently challenged the validity of an LUC in a commercial re-zoning application. The resulting legal challenge by the city failed and additionally were ordered to pay damages to the applicant. Richmond City staff were not inclined to do the same (legal challenge) with that precedent now set. Q. Have there been ANY successful municipal challenges where LUC's were concerned?

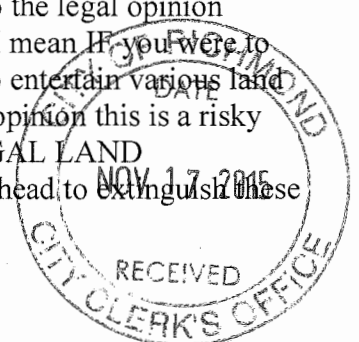
So here we are today with various public groups ie: WRAPd (Westwind Ratepayer Association for Positive development) having made presentations to the City of Richmond to bring forward the Provincial date of dissolution from 2022. In your booklet you state that you are "seeking public opinion" to consider "Early Termination" of LUC's. To the best of my knowledge there is no mention as it relates to the legal opinion (chance of success) of your lawyers in moving forward with such an adoption. By that I mean IF you were to receive an overall public consensus with a By Law amendment, you would then have to entertain various land owner appeals, up to the time of 1 year following the By Law adoption. In my humble opinion this is a risky move by the City in moving forward to uni-laterally "Early Terminate" an existing LEGAL LAND CONTRACT when the Provincial Government has already stated that they will move ahead to extinguish these in 2022. I appreciate that for some that date is too far off.

City Clerk's Office

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LUC Correspondence



I'm sure that you will receive many submissions both in favor and those who will not, for various hardship/investment reasons. As an LUC homeowner, I would personally object to my tax dollars being spent by the City of Richmond in future legal challenges you will undoubtedly incur following a decision to move forward.

Sincerely,  
Trevor Barnett.