



Public Submission

CC 968 (R2024-05)

PROTECTION OF PRIVACY ACT

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ENDORSEMENT STATEMENT ON TRUTH AND RECONCILIATION, ANTI-RACISM, EQUITY, DIVERSITY, INCLUSION AND BELONGING

The purpose of The City of Calgary is to make life better every day. To fully realize our purpose, we are committed to addressing racism and other forms of discrimination within our programs, policies, and services and eliminating barriers that impact the lives of Indigenous, Racialized, and other marginalized people. It is expected that participants will behave respectfully and treat everyone with dignity and respect to allow for conversations free from bias and prejudice.

First name [required]

Colleen

Last name [required]

Doylend

How do you wish to attend?

You may bring a support person should you require language or translator services. Do you plan on bringing a support person?

What meeting do you wish to comment on? [required]

Standing Policy Committee on Infrastructure and Planning

Date of meeting [required]

Jul 24, 2025

What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published [here](#).)

[required] - max 75 characters

Land use redesignation - LOC2025-0056

Are you in favour or opposition of the issue? [required]

In opposition



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ATTACHMENT_01_FILENAME

LOC 2025-0056 Rosedale 07_10_2025.docx

ATTACHMENT_02_FILENAME

Comments - please refrain from providing personal information in this field (maximum 2500 characters)



Richmond Knob Hill Community Association

2433 26 Ave SW
Calgary, AB T2T 5Y5
richmondknobhill.ca

Subject: LOC 2025-0056, 1623 6A Street NW (Rosedale)

To: Planning Commission

CC: City of Calgary File Manager Stephanie.Cantlay@calgary.ca,
ward7@calgary.ca, caward7@calgary.ca, ward8@calgary.ca, jennifer.varzari@aviva.com,

Date: July 13, 2025

Dear City of Calgary Planning Commission,

On behalf of the Richmond Knob Hill Community Association (RKHCA), this letter formally supports the Rosedale Community Association **in opposition** to the application submitted by Horizon Land Surveys to redesignate the property at 1623 6A St NW (the Property) from R-CG to Direct Control (RC-G) under application LOC 2025-0056 (the Application). We have serious concerns regarding this Application.

The application proposes that a Direct Control District would **prohibit single detached dwellings** and require a minimum of two dwelling units, allowing for semi-detached or duplex buildings, both of which may include two secondary suites.

Firstly, this Application must not be granted because it does not comply with the mandatory provisions of *Land Use Bylaw 1P2007*, which stipulates that Direct Control Districts must only be used for developments requiring specific regulation due to unique characteristics, innovative ideas, or unusual site constraints.

The Property in question is in Rosedale. Rosedale's unique development scheme of single detached dwellings has been supported since its inception by this RC. The *North Hill Communities Local Area Plan* (LAP), bylaw (*Bylaw 18P200*), designates Rosedale as a "Single-Detached Special Study Area", emphasizing the City's recognition to preserve Rosedale's historical single detached dwelling character. The LAP also identifies the area as a Heritage Guideline Area, which discourages land use redesignations that would allow for developments with "permitted use dwelling units". The Application therefore directly conflicts with the LAP's objectives and the Heritage Area Guidelines, both of which seek to preserve and maintain the character of Rosedale.

The Application also fails to justify why a Direct Control District is necessary and why the normal development approvals process is not being followed. The developer of the Property, as they are attempting to do in other communities, has applied for a Direct Control District in the hope they can more easily remove restrictive covenants that are currently registered on properties by obtaining a Direct Control District that is worded to intentionally conflict with the restrictive covenant on the Property.

The developer has been attempting to remove restrictive covenants using the Court process however has yet to be successful given opposition. The developer is now trying to confuse the legislated process with this Application. They are also attempting this across the city, including Richmond Knob Hill. **The only process for attempting to remove private property rights granted and protected by the *Land Titles Act* is through the Courts.**

These kinds of tactics have been leaving residents across the city working to engage in multifaceted and difficult arguments with well-funded developers while doing your work to manage the complex interpretations given City's planning changes, bylaws and department explanations, not to mention defending long-held legal covenants.

The developer is using a confused approach to fast track their personal goals rather than uphold an important rule of law in the community's Restrictive Covenant and we implore the City to follow their own practices.

The opposition to this kind of legal sidestepping is shared by many Calgary communities. The rule of law of the Restrictive Covenant, as it has for decades, and in some cases more than a century, must be determined in Civil Court and **not** through the City's development planning process.

The Application by Horizon Land Surveys must be refused. It does not meet the criteria for a Direct Control District. Further, the Application conflicts with the City's established policies and guidelines, as the City is clear in stating on legal documentation. Per City documentation, speaking to a request to discharge an RC in Richmond Knob Hill, in which the City owns adjoining park space, and as the City's Planning and Real Estate has stated in all these engagements,

The City of Calgary ... takes no position ... regardless of the success of [the] application, the owner of the subject properties is required to comply with The City of Calgary Land Use Bylaw 1P2007, as amended, with respect to the use of the property (Reich Law, 2025).

We urge City Council to consider these points and uphold the integrity of our City's planning framework and the rule of law.

Sincerely,

Colleen Doylend
Director Development
Richmond Knob Hill Community Association



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First name [required] **Beth**

Last name [required] **Atkinson**

How do you wish to attend?

You may bring a support person should you require language or translator services. Do you plan on bringing a support person?

What meeting do you wish to comment on? [required] **Council**

Date of meeting [required] **Sep 9, 2025**

What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published [here](#).)

[required] - max 75 characters **Land Use Amendment in Rosedale (Ward 7) at 1623 6A Street NW, LOC2025-0056**

Are you in favour or opposition of the issue? [required] **In opposition**

ATTACHMENT_01_FILENAME

HH-BH CA comment to council LOC2025-0056 Rosedale.pdf

ATTACHMENT_02_FILENAME

Comments - please refrain from providing personal information in this field (maximum 2500 characters)

Hounsfield Heights – Briar Hill Community Association is writing to oppose Land Use Amendment LOC2025-0056 at 1623 6A Street NW in Rosedale. The key point of this redesignation is that it is using Direct Control, where another land use district, R-CG, would suit the intended use. This is completely contrary to the City's own policy on the use of Direct Control districts. The developer should apply for a Development Permit under the existing R-CG, and the Restrictive Covenants should be a matter for the courts to decide on their own merits. If city council grants a DC to create an artificial conflict with the restrictive covenant, they are putting developer profits above the basic property rights and legitimate needs and interests of citizens who have lived decades in Rosedale. We need the city to consider all stakeholders and respect citizens property rights. I am also very concerned that I could not easily find the agenda for this council meeting, when comments are due shortly - citizen participation should be more straightforward that that!



To Mayor and Council, for public hearing on September 9, 2025:

Hounsfield Heights – Briar Hill Community Association is writing to oppose Land Use Amendment LOC2025-0056 at 1623 6A Street NW in Rosedale. This redesignation proposes to change to a Direct Control District based on R-CG, but **not allowing single-family dwellings**, from the existing stock land use district R-CG. Exclusion of single-family is the only change.

The key point of this redesignation is that it is **using Direct Control, where another land use district, R-CG, would suit the intended use.** This is **completely contrary to the City’s own policy** on the use of Direct Control districts. The Land Use Bylaw stipulates that Direct Control districts **“MUST only be used for... developments that, due to their unique characteristics, innovative ideas, or unusual site constraints, require specific regulation unavailable in other land use districts”**. Even if one philosophically wants more density, increasing from single-family to duplex just does not justify this misuse of the Direct Control district. Clearly the building proposed can be built with the existing R-CG zoning.

The developer is seeking this rezoning specifically to defeat the Restrictive Covenants on this lot. The desire to defeat a Restrictive Covenant so that the developer can build a duplex, as they want, does not justify the use of Direct Control. It would require a rewriting of the dictionary to consider Restrictive Covenants unique or an unusual constraint (they are very common, especially in established communities), and wishing to remove them is not innovative. This same developer has ignored neighbour input and is working to remove a similar Restrictive Covenant in Hounsfield Heights, and frequently buys land with Restrictive Covenants assuming that they will find a way to defeat them vs. respecting them.

If City Council grants this DC rezoning, the developer will then go to court and argue that this **artificially created conflict** between the zoning and the Restrictive Covenant should be resolved by removing the Restrictive Covenant “in the public good”. However, **the public good also includes the local population around this development, and many other complex factors, and the needs of the immediate neighbours should matter the most in this debate.**

The Hounsfield Heights – Briar Hill Community Association does not support this tactic to circumvent contract law and Restrictive Covenants. **Direct Control should not be used where an existing land use district appropriately applies, and R-CG applies explicitly** for the building the developer wishes to erect. The developer should apply for a Development Permit under the existing R-CG, and the **Restrictive Covenants should be a matter for the courts** to decide on their own merits, as a completely separate matter. Neighbours have a right to rely on these Restrictive Covenants and to defend them in court if they choose, and the developer was aware of the covenants when purchasing the land.

If city council helps create this conflict, they are **putting developer profits above the basic property rights and legitimate needs and interests of citizens** who have lived decades in Rosedale and our community. The City enacted blanket rezoning against majority public opinion, and cannot now fault homeowners for invoking their contractual rights. The City has a policy of ignoring Restrictive Covenants in planning matters, when homeowners ask about them, stating they are a matter for the courts. It is not appropriate for the City to abandon this policy when a developer asks. Restrictive Covenants should indeed be adjudicated SOLELY in the courts, in a consistent manner, and the zoning here should be to the appropriate existing district – R-CG.

And this is not an issue of affordability – the proposed development is higher end, designed to maximize profit for the developer. **We need the city to consider all stakeholders and respect citizens property rights.**

Beth Atkinson, Director – Land Use, Hounsfield Heights – Briar Hill Community Association
land.use@hh-bh.ca



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First name [required] Jennifer

Last name [required] Varzari

How do you wish to attend? In-person

You may bring a support person should you require language or translator services. Do you plan on bringing a support person?

What meeting do you wish to comment on? [required] Council

Date of meeting [required] Sep 9, 2025

What agenda item do you wish to comment on? (Refer to the Council or Committee agenda published [here](#).)

[required] - max 75 characters LOC2025-0056 Bylaw 141D2025

Are you in favour or opposition of the issue? [required] In opposition



Public Submission

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ATTACHMENT_01_FILENAME

Letter to City Council Sept 2, 2025.pdf

ATTACHMENT_02_FILENAME

Comments - please refrain from providing personal information in this field (maximum 2500 characters)

September 2, 2025

To: City Council

Re: **LOC 2025-0056**
1623 6A Street NW (Rosedale)

Dear Members of City Council,

I am writing to express my opposition to the application submitted by Horizon Land Surveys to redesignate a property in Rosedale located at 1623 6A St NW (the **Property**) from R-CG to Direct Control (RC-G) under application LOC 2025-0056 (the **Application**). I am a Rosedale resident and the owner of a nearby property.

City Administration and the Calgary Planning Commission both got it right when they recommended that City Council reject the Application.

The proposed Direct Control District would prohibit single detached dwellings and require a minimum of two dwelling units, allowing for semi-detached or duplex buildings, both of which may include two secondary suites.

Rosedale is a historical subdivision that is widely known for being one of the only inner city subdivisions in the City of Calgary where every lot has only a single detached dwelling on it (for clarity, Rosedale is not composed predominantly of single detached dwellings – it is composed entirely of single detached dwellings). Rosedale's unique development scheme has been supported since its inception by historical restrictive covenants registered throughout the subdivision. Further, the *North Hill Communities Local Area Plan (LAP)* – which is also a bylaw (*Bylaw 18P200*) – designates Rosedale as a "Single-Detached Special Study Area", emphasizing the City's recognition of and desire to preserve Rosedale's historical single detached dwelling character. The LAP also identifies the area as a Heritage Guideline Area, which discourages land use redesignations that would allow for developments with "permitted use dwelling units" (as is the case for the Application). The Application therefore directly conflicts with the LAP's objectives, the Single-Detached Special Study Area, and the Heritage Area Guidelines, all of which seek to preserve the architectural character of Rosedale.

The Application also fails to comply with the mandatory provisions of *Land Use Bylaw 1P2007*, which stipulates that Direct Control Districts must only be used for developments requiring specific regulation due to unique characteristics, innovative ideas, or unusual site constraints. The presence of a restrictive covenant on title is not a unique characteristic or an unusual site constraint – that is simply not what the applicable case law says.

Finally, the Application fails to provide any reason why a Direct Control District is necessary and why the normal development approvals process is inappropriate for the Property. And that's because there isn't a reason. The developer of the Property has applied for a Direct Control District because of perceived convenience. He hopes that he can more easily remove the restrictive covenant that is currently registered on the Property by obtaining a Direct Control District that is worded to intentionally conflict with the restrictive covenant on the Property. The developer has been attempting for the past 1.5 years to remove

the restrictive covenant using the Court process – which is the proper process for attempting to remove long entrenched and highly valued private property rights granted and protected by the *Land Titles Act* – but he has come up against unyielding, expensive, and time consuming opposition from Rosedale residents who have come together to resist his Court application.

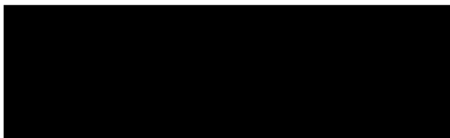
Because his Court application to remove the restrictive covenant from the Property has proved challenging, the developer has recently abandoned it and has brought this Application instead. The developer was asked by Rosedale residents at a recent community meeting why he won't just comply with the restrictive covenant on the Property – something he knew was registered on the Property when he purchased the Property several years ago – and build a single detached dwelling. His answer was he is a businessman, he is in this line of work to make money, and he would not make as much money building a single as he would building something with two or more dwelling units.

The *Municipal Government Act* did not grant City Council the power to designate a property a Direct Control District for the purpose of making developers more (easy) money, and if Council grants the Application here, that is all Council is doing. It is also (as Council should see by the growing number of applications of this sort that have come before it in the past few months) opening the floodgates to other developers to take this approach to remove restrictive covenants on properties they own and wish to develop in contravention of those covenants.

In conclusion, the Application by Horizon Land Surveys must – as recommended by City Administration and the Calgary Planning Commission – be rejected as it conflicts with a City bylaw and established City policies and guidelines for the Rosedale area and it does not meet the criteria for a Direct Control District. I urge City Council to consider these points and uphold the integrity of our City's planning framework.

Thank you for your attention to this matter.

Sincerely,

A large black rectangular redaction box covering the signature area.

Jennifer Varzari