

Community Association Response

DATE: December 18, 2025

To: Brenden Smith, File Manager, City of Calgary

From: Parkdale Community Association

Re: LOC2025-0183 – 2904 – 7 Avenue N.W. (revised to 2902 7th Ave, 811, 113 and 815 7th Ave NW)

Following a recent Planning and Development meeting on this matter, the Parkdale Community Association would like to go on record as strongly opposing the proposed land use amendment.

The current land use would allow the R-CG development proposed in DP2025-0164 as a discretionary use. The Restrictive Covenant (RC) on this parcel does not.

This suggests that the only reason to change the zoning to DC is to leverage City zoning powers to remove the single-family and semi-detached use and create a conflict under section 48(4) of the Land Titles Act, from which the applicant can apply to the Provincial Court to remove the RC from the property and allow the development.

There is already a well-established legal process for the removal of an RC in court through proper notification to signatories to the agreement (usually by registered mail). If the signatories to the RC agree, the courts can then order the removal of the RC.

The City is not a party to these contracts and has had a long-standing policy to avoid interfering in the Provincial jurisdiction of Restrictive Covenants. Historically it has been a “stay in your own lane” practice whereby DP’s compliant with the existing land use are routinely issued, and it is up to the applicant to determine if they are in conflict with Provincial or any other jurisdictional restrictions. It is highly inappropriate for the Planning Department to involve themselves in Provincial jurisdiction by adjusting their bylaw legislations, purely to provide a means for developers to defeat these private law contracts in a Provincial jurisdiction. Contracts that were implemented to, in this example, preserve the existing nature and character the community.

The intended purpose of the Direct Control Land Use District is to accommodate developments with unique characteristics, innovative ideas or unusual site constraints (e.g. Calgary’s Central Library). DP2025-0164 does not qualify for this consideration. There is nothing unique or innovative about the proposed development as it is intended to be a standard rowhouse which is a legal discretionary use under the current land use district for the site.

There is no legitimate planning reason to zone this property DC. It is being proposed ONLY to facilitate the removal of a restrictive covenant against the wishes of the signatories to the covenant and sets a dangerous precedent whereby no community

with RC protections in place can feel secure as they would all be vulnerable to this practice.

A restrictive covenant is not an unusual site constraint. Restrictive covenants are a legal instrument in widespread in use and embedded in property law. The developer took a risk when they purchased a property with a restriction clearly indicated on the land title. As there are many available lots without RCs, developers intending to build rowhouses generally avoid purchasing lots that have an RC as there is no guarantee the signatories to the RC will agree to its removal.

Homeowners who relied on these covenants to preserve their neighborhood find themselves powerless with no voice in the change. It ignores legal precedent where the courts only allow RC removal after extensive public consultation, expert study, and a demonstration of evolving public interest.

Support of this application will imply that the city is seemingly colluding with developers by legislating conflicting bylaws simply to allow developers to successfully remove these RCs without the extensive public consultation, studies and burdens, in an effort to fast-track densification.

DC zoning should not be used as a weapon against private property rights. This is an abuse of the City's Land Use Bylaw which states DC zoning is intended for unique or complex developments, not for overriding restrictive covenants.

Yours truly,
Vince Walker Chair - Parkdale Planning and Development Committee
Parkdale Community Association