

FOR: COUNCIL

MEETING DATE: January 19, 2026

DEPARTMENT: PLANNING AND DEVELOPMENT

SUBJECT: **HOUSING AGREEMENT NO. HA19 – 3425 UPLANDS DRIVE**

OVERVIEW

Purpose of Report

To present Council with a Housing Agreement Bylaw for a 49-unit affordable rental housing development (Phase 2) at 3425 Uplands Drive, and a Housing Agreement Bylaw to amend the terms of the existing Phase 1 housing agreement. |

Recommendation

Bylaw 7437 - Phase 2 Housing Agreement – 3425 Uplands Drive:

That:

1. “Housing Agreement Bylaw 2026 No. 7437” (to secure the terms and conditions of occupancy for a personal care facility at 3425 Uplands Drive) pass first reading;
2. “Housing Agreement Bylaw 2026 No. 7437” pass second reading;
3. “Housing Agreement Bylaw 2026 No. 7437” pass third reading; and,
4. Council direct Staff to register a *Land Title Act* Section 219 covenant to reinforce the terms of the Housing Agreement for Phase 2 development, following adoption of the bylaw.

Bylaw 7446 - Phase 1 Housing Agreement – 3425 Uplands Drive:

That:

1. “Housing Agreement Bylaw 2026 No. 7446” (to secure the terms and conditions of occupancy for existing multi-family units at 3425 Uplands Drive) pass first reading;
2. “Housing Agreement Bylaw 2026 No. 7446” pass second reading;
3. “Housing Agreement Bylaw 2026 No. 7446” pass third reading; and,
4. Council direct Staff to register an amendment to the existing housing agreement and covenant (CA5511139) to amend the terms of the Housing Agreement for Phase 1 development, following adoption of the bylaw.

BACKGROUND

A development permit (DP1360) was approved by Council on 2025-JUL-28 for a proposed 49-unit personal care facility at 3425 Uplands Drive. This development represents the second phase of development within the property. Phase 1 is constructed and includes 28 dwelling units, 10 of which were secured as affordable rental units with a housing agreement. The applicant is requesting that the City enter into a housing agreement for Phase 2 to secure the 49

affordable rental units within the proposed personal care facility. Under Section 483 of the *Local Government Act*, a local government may enter into a housing agreement enacted by bylaw.

The applicant has submitted a building permit application for Phase 2, which is currently under review. Prior to building permit issuance, a housing agreement must be registered on the property title in accordance with the conditions of rezoning (RA501) and an existing section 219 covenant on title. The Phase 2 housing agreement would satisfy the covenant requirement to secure 100% of the units as non-market rental dwelling units in order to waive the provision of a community amenity contribution. The housing agreement would also meet the criteria for a reduction in development cost charges in accordance with the City of Nanaimo Development Cost Charge Bylaw 2017 No. 7252 (“DCC Bylaw”), given that it would secure affordable housing units for Phase 2.

The existing housing agreement on title for Phase 1 requires an amendment, as outlined in the conditions of the approved DP1386 for Phase 2, to clearly identify the affordable housing units in each of the two phases of development within the property. The proposed bylaws would address the housing agreements for the Phase 1 and Phase 2 developments. |

DISCUSSION

The proposed “Housing Agreement Bylaw 2026 No. 7437” is attached to this report. Bylaw 7437 includes the terms of the housing agreement for the Phase 2 Development, which are consistent with Part 6 of the DCC Bylaw to allow a 50% reduction in DCCs where at least 30% of the units in the development are affordable. The proposed housing agreement for Phase 2 will secure 100% of the units (49 units) as affordable units.

The terms of Bylaw 7437 and Phase 2 housing agreement are consistent with the conditions of the previously approved rezoning and development permit to secure affordable housing units.

The proposed “Housing Agreement Bylaw 2026 No. 7446” is also attached to this report. Bylaw 7446 addresses an administrative modification required for the existing registered housing agreement for Phase 1 to:

- Remove the limit on the number of units that may be built on the lands, and clarifying to which housing units the Phase 1 housing agreement pertains; and,
- Add a plan to identify the Phase 1 Development.

Other than these administrative amendments, the terms of the Bylaw and Phase 1 housing agreement are consistent with the existing housing agreement. |

COMMUNICATION AND COMMUNITY ENGAGEMENT

The housing agreement bylaw does not require a statutory notification or include community engagement. |

KEY MESSAGES

- The applicant is requesting the City to enter into a housing agreement for the second phase of development at 3425 Uplands Drive.
- The Phase 2 development includes 49 affordable rental units within a proposed personal care facility.
- The terms of Bylaw 7437 and Phase 2 housing agreement are consistent with the conditions of the previously approved rezoning and development permit to secure affordable housing units.
- An administrative amendment is also required to the terms of the existing housing agreement for the Phase 1 development.

ATTACHMENTS

“Housing Agreement Bylaw 2026 No. 7437”

“Housing Agreement Bylaw 2026 No. 7446”

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