

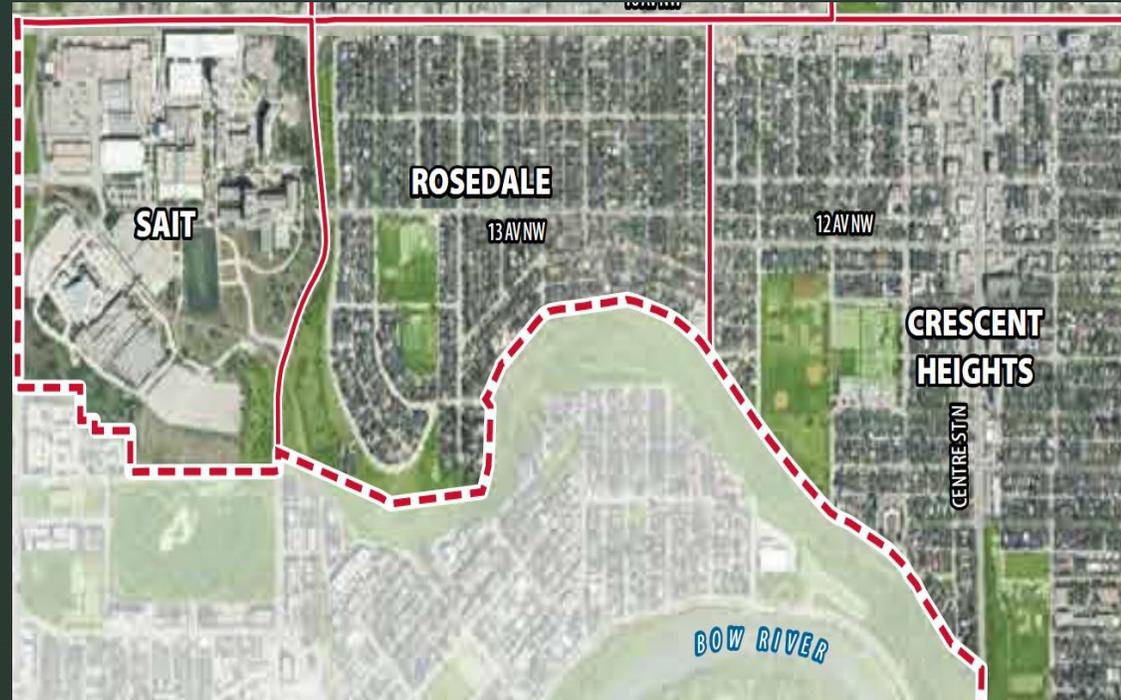
# Modern Restrictive Covenants:

▀ *A Solution for Blanket  
Rezoning in Rosedale*

Webinar: Tuesday, June 24, 2025

# Agenda

- R-CG/Blanket Rezoning
- Restrictive Covenants (“RC”)
- Modern Restrictive Covenants (“MRC”)
- Action Plan



**MRC Committee Volunteers:** Co-Chairs Kerry Margetts/Wanita Schmid  
Members: Samantha Fenton, Shamsha Damji, Colin Friesen, Kirsty Sklar, Cindy Fyvie



# BACKGROUND

- In August of 2024, City Council voted to change the zoning of Rosedale from RC-1 (single family dwellings) to RC-G allowing for 3 story, multiplex units.
  - The residents bought their homes in Rosedale as they enjoy quiet streets, beautiful tree canopies, backyard gardens, access to sunlight, and a certain amount of privacy.
  - This webinar hopes to educate residents on how restrictive covenants can prevent developers from building large multiplex structures and how the implementation of a modern restrictive covenant (MRC) will provide a stronger and less expensive means to defend the court challenges by the developers.
  - The goal is to have the majority of Rosedale property owners agree to have an MRC placed on their property titles.
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# Meeting Expectations

## What to expect:

- Presentation by volunteers
- Call to action – new MRC
- Q&A at end of presentation

## What not to expect:

- A debate about zoning
- A town hall meeting
- Legal advice both general and specific to your situation

# What is R-CG Zoning?

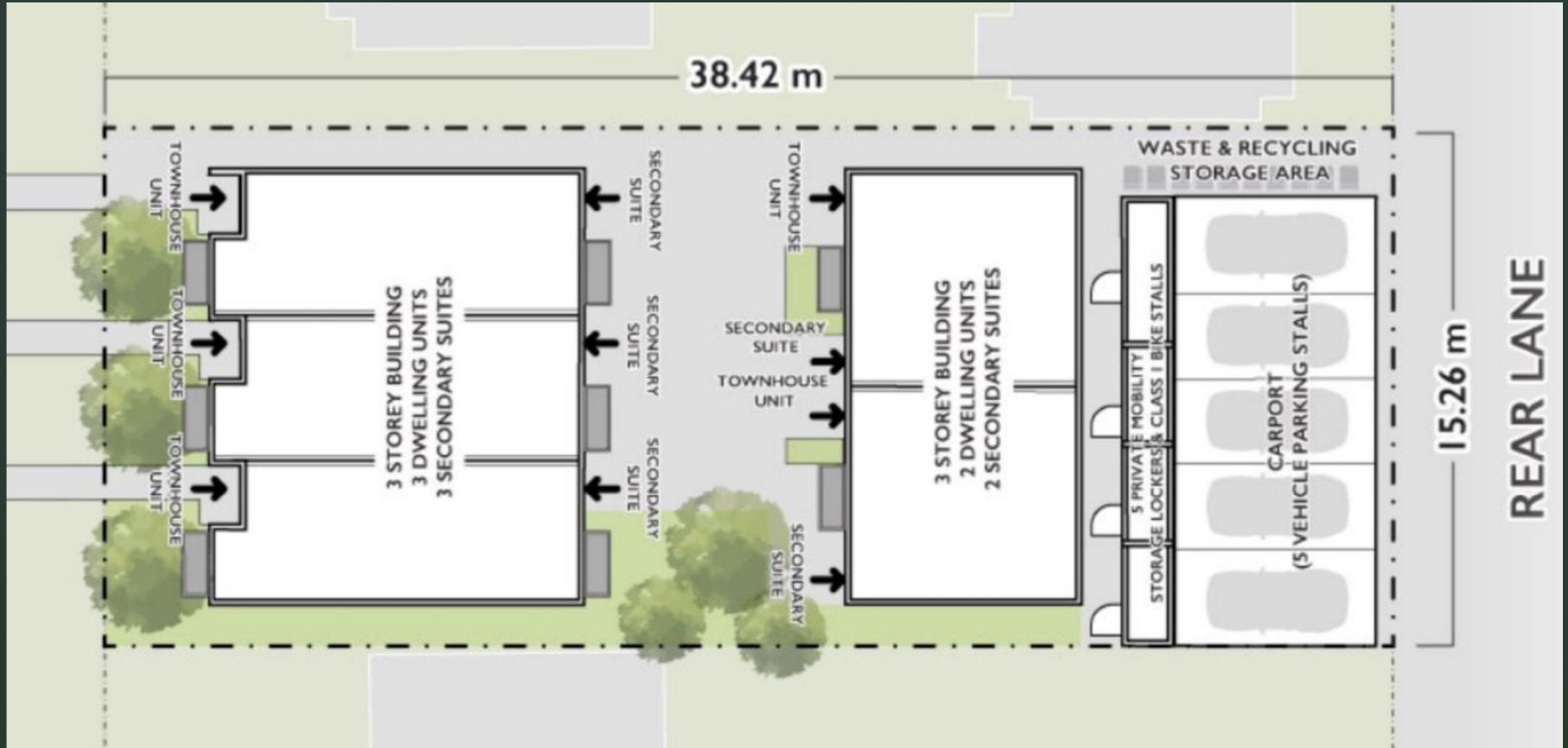
- Residential Contextual Grade Oriented
- Specific Rules:
  - Uses: single detached, semi-detached, townhouse, rowhouse, four-plex with basement suites plus laneway homes
  - This could result in 8-10 homes on a single lot.
  - Height: 11 m (3 stories), Parking: 0.5 stalls/unit

If a developer purchased 3 consecutive lots then there would be the potential for 30 units next door to your home.

## ➤ How does this impact Rosedale?

- Rosedale is currently a community of 650 family homes
- For example, an average of one 8-plex per lot, the theoretical capacity is  $650 \times 8 = 5,200$  homes in Rosedale
- Increased parking and traffic congestion
- Loss of tree canopy, loss of shade
- Loss of urban wildlife
- Loss of sunlight to backyard gardens
- Loss of privacy
- More hard surfacing (concrete and pavement) increases storm water run off and hotter temperatures in the summer
- Infrastructure capacity pressures – sewers, water, electricity

# City example of a 10-plex on a 50 Foot lot



# Our Future - Impact on Neighbours



# Impact on Existing Areas



Before



After



# What is a Restrictive Covenant (“RC”)?

- About 75% of Rosedale properties have a RC registered on their property title. Most of these were put in place in the 1930's and 1940's and are still valid today.
- They are an agreement, registered on title, between landowners in which one party “restricts” the use of its land for the benefit of the other participating landowners.
- Typical Restrictions: Single Detached Dwelling, no subdivision of property, minimum set-backs.
- Can only be enforced by the parties to the RC and through the Courts: the City is not party to these agreements and ignores them when approving development permits.
- Important to understand – an RC can protect your property from being developed but its primary purpose is the benefit to you of your neighbours property having an RC and not being developed!

# Current Proposed Development in Rosedale

Recently Revised from an 8-plex to a 4-plex

<b>CONTENTS</b>	
A1	COVER PAGE
A2	SITE PLAN
A3	BLOCK PLAN
A4	BASEMENT & MAIN FLOOR PLANS
A5	UPPER FLOOR PLANS & GARAGE PLANS & ELEVATIONS
A6	ELEVATIONS - FRONT & REAR
A7	ELEVATIONS - LEFT & RIGHT

**1623 6A STREET NW**

4 UNIT ROWHOUSE W/ 4 SUITES

LOT 11-12, BLOCK 5, PLAN 2187 V

ROSEDALE, NW CALGARY, LOT ZONING: R-CG



# Interested in Proposed Developments Near You?

- Check the City of Calgary DMAP

<https://developmentmap.Calgary.ca>

## Restrictive Covenant (cont.)

- Many Calgary communities are pursuing RCs including Rideau-Roxboro, Elbow Park, Chinook Park, Kelvin Grove, Eagle Ridge, Varsity Estates, Mayfair-Bel-Aire, Willow Park, and Lakeview Village.
- Enforcement is required to preserve RC integrity. That means going to Court to challenge developers which requires residents to step forward, engage lawyers, and raise funding.
- The hope is that we will only have to successfully defend a few of these RCs to send a message to developers.
- Defending our RCs can range from a neighbourly chat, formal notification to real estate agents, a cease-and-desist letter from a lawyer to ultimately full litigation.
- Finally, we need to build a proactive “Defence Fund” with the hope that it is not needed.

# Why a **Modern** Restrictive Covenant?

- The existing RCs that were put in place 80 years ago are challenging to defend in Court and therefore expensive in legal fees. They have content that is not relevant to our times (chickens, cows, distilleries and brothels) and they are also not consistent across the community as they were written at different times by different people.
- A modern restrictive covenant (“MRC”) is a single, common covenant that will be placed on title to all participating properties in Rosedale. It will use modern legal language and would supplement *but not replace* existing RCs with similar terms. Most important, it will add an RC to properties that currently have no RC on title.
- An MRC is more likely to withstand Court challenges and be less expensive to defend than the old/current RCs.
- Registering an MRC is a personal decision – independent legal advice should be sought.

# Value of a Restrictive Covenant from a Buyer's /Seller's Perspective

- Maintaining a single-family home community makes Rosedale more appealing and valuable as these communities are quickly becoming fewer across Calgary.
- Buyers can feel more confident that their investment in their home will not be compromised by future development.
- Real estate agents in other neighbourhoods are now using RCs as a selling feature for the buyer.

## **Action Plan:** Implement a Modern Restrictive Covenant !

- A cost of \$600 from each property owner to register an MRC on title to your property. A small investment to retain your neighbourhood as you see it today for many years into the future.
- How is the \$600 used?
  - Covers legal cost of registering the MRC on title
  - Contribution of funds to be held in a legal reserve/trust to go toward future RC litigation. Defending an RC against a developer in court is expensive.

# Call to Action – Next Steps

- **Step 1: Sign up for an MRC** by emailing [rosedale.rcs@gmail.com](mailto:rosedale.rcs@gmail.com)
  - Provide your street address and the name(s) on title
  - Provide the email that you want us to communicate with. Cell phone optional
- **Step 2: We will send you:**
  - E-transfer information for your \$600 payment – held in trust
  - A copy of the MRC title document for your review (currently in development).
- **Step 3: In-person signing meetings** will be set up to sign documents to register the MRC on title to your property. We have engaged the law firm of Carbert Waite LLP to assist the MRC Committee in the signing process. You will be asked to sign a disclaimer confirming that you understand that Carbert Waite LLP is not providing you with legal advice.
- Biggest challenge – getting the message out to the residents. Please volunteer to become a Block Captain and/or request a lawn sign by sending an email to [rosedale.rcs@gmail.com](mailto:rosedale.rcs@gmail.com)
- Visit our website at [www.rosedalerc.com](http://www.rosedalerc.com) for updates and FAQ's.