1974

c 146 The City of Kitchener Act, 1974

Ontario
CHAPTER 146

An Act respecting the City of Kitchener

Assented to April 26th, 1974

WHEREAS The Corporation of the City of Kitchener, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

(a) "Special Development Area" means an area of land within a plan of subdivision that is so designated in an agreement entered into by the Corporation and the owner of the land, and in respect of which Special Development Regulations and Special Development Standards apply;

(b) "Special Development Regulations" means the regulations that apply to a Special Development Area governing lot size, size and style of housing, housing standards, maximum sale price, location of housing and concept plans;

(c) "Special Development Standards" means the standards for subdivision services that apply to a Special Development Area.

2. The Corporation may enter into an agreement with the owner of land in respect of a plan of subdivision wherein a Special Development Area or Areas will be designated within the plan and whereby as a result of such designation as a Special Development Area the Special Development Regulations and Special Development Standards will apply.

3. (1) The council of the Corporation may by by-law establish a Special Development Committee composed of seven persons of whom two shall be members of the council Committee.
of the Corporation as selected by council, one shall be the Commissioner of Public Works or his delegate, one shall be the Commissioner of Planning and Development or his delegate, one shall be a representative of the Kitchener-Waterloo Real Estate Board, one shall be a representative of the Housing and Urban Development Association of Canada, Kitchener-Waterloo Branch, and one shall be a representative of the Urban Development Institute, Kitchener-Waterloo Chapter.

(2) A majority of the Committee, including at least one member of council, constitutes a quorum.

4. The Special Development Committee may recommend to the council of the Corporation Special Development Standards for a Special Development Area and the council may by resolution adopt such standards in whole or in part or may adopt such standards with such modification as the council considers desirable and thereupon the standards apply to the Special Development Area and shall be adhered to by the owner of the lands in the area, his heirs, executors, administrators, successors and assigns.

5. The Special Development Committee may recommend to the council of the Corporation Special Development Regulations for a Special Development Area and the council may by resolution adopt such regulations in whole or in part or may adopt such regulations with such modifications as the council considers desirable and thereupon the regulations apply to the Special Development Area and shall be adhered to by the owner of the lands in the area, his heirs, executors, administrators, successors and assigns.

6. The Special Development Committee may from time to time review and revise its recommendations in respect of Special Development Standards and Special Development Regulations and shall in any event review the maximum selling price of dwelling units set out in the Regulations and make recommendations to the council thereon at least once in every three months.

7. Upon an offer to purchase a dwelling unit in a Special Development Area being accepted by the vendor, one copy of the accepted offer shall be filed by the vendor with the Special Development Committee which shall consider each such offer, and unless the Committee approves the offer within fourteen days of its being received, the parties to the offer shall not be bound thereby.

8.—(1) The Special Development Committee shall not approve an offer to purchase filed with it under section 7, unless the offer contains a provision that the deed of land
from the vendor to the purchaser will include a covenant on
the part of the purchaser to reconvey to the vendor at the
original purchase price without regard to compensation for
improvements, in the event the purchaser either fails to
continuously occupy the dwelling unit for a period of three
years after the date of registration of the deed or wishes to
resell the dwelling unit within that period.

(2) Every deed of land in respect of a dwelling unit situate
within a Special Development Area shall be deemed to contain
the covenant mentioned in subsection 1, whether or not it is
expressly set out in the deed, and to be binding upon the
granter named in the deed, his heirs, executors, administrators,
successors and assigns.

9. Where the vendor becomes entitled to a reconveyance
of a dwelling unit under section 8, if the vendor fails to
complete the transaction and register the deed within sixty
days, the right to such reconveyance vests in the Corporation.

10. The vendor or the Corporation, as the case may be,
may resell a dwelling unit that has been conveyed to it
under section 8 or 9 at such price as the council of the
Corporation establishes, provided the price established shall
not exceed the selling price applicable in the relevant Special
Development Area as set out in Special Development Regu-
lations last adopted by resolution of the council.

11. The agreement wherein a Special Development Area
is to be designated shall be registered on title by the Corpora-
tion at the expense of the owner and shall be binding upon
the owner, his heirs, executors, administrators, successors and
assigns.

12. In the event that a purchaser purchases a dwelling
unit in a Special Development Area, at a price greater than
the price established by the Special Development Committee
as of the date of the acceptance of his offer to purchase, then
the purchaser shall be entitled to recover, in a court of
competent jurisdiction, the difference in price as between the
price approved for the dwelling unit by the Special Develop-
ment Committee as of the said date and the price which the
purchaser, in fact, paid.

13. This Act comes into force on the day it receives Royal
Assent.

14. This Act may be cited as The City of Kitchener Act.