

George Anderson Caveat

Modern Language Version

The [George Anderson Caveat](#) (the “Caveat”) was drafted in 1911 when Scarborough was created as a subdivision in Calgary.

The majority of properties in Scarborough are governed by the Caveat registered on title. The Caveat sets out a number of restrictions regarding the development and use of property in Scarborough. Three restrictions are especially relevant today:

1. Single family home - Only one single family home can be built on a lot. Duplexes, row houses and multi-family homes are not permitted. (See section 1(a) on page 7 of 14 in the Caveat.)
2. No commercial use - All development in Scarborough shall be for residential use only. Commercial buildings are not permitted. (See section 1(a) on page 7 of 14 in the Caveat.)
3. Setback - Homes, other structures and attachments must be set back at least 30 feet from the front property line. (See section 1(e) on page 10 of 14 in the Caveat.)

The above is a summary. Anyone proposing to make material changes to, or rebuild a home in Scarborough should review the detailed text of the Caveat. It is referred to on title as instrument number 7289AG.

The Caveat is entirely separate from the City of Calgary’s planning regime. Approval of a proposed development by the City of Calgary does not determine whether there is compliance with the Caveat.

The Scarborough Community Association takes compliance of the caveat seriously. Funds have been set aside to uphold the Caveat in the event that it is challenged.

It is the responsibility of the individual property owner to abide by the Caveat’s restrictions. Any owner of a property with the Caveat can also enforce it against any other such owner. The Caveat is said to “run with the land.” This means that it continues to apply to all property on which it is registered – even after the property is transferred. Registration of the Caveat on title to a property is considered notice to any purchaser that restrictions apply to that property.

In the 1953 case, [Re Grieve](#), the Alberta Supreme Court considered a petition from a landowner to allow a multifamily development that would be in breach of the Caveat. The Court upheld the terms of the Caveat. The development did not go ahead.

Anyone planning to substantially renovate or rebuild a home in Scarborough is invited and encouraged to meet with the Planning Committee of the Scarborough Community Association. Ideally, this should occur early in the design process to avoid incurring unnecessary costs and project delays. The Planning Committee is available to facilitate meetings and communicate with neighbours to build understanding for the proposed changes or development.

For all questions concerning the Caveat, please contact the [Planning Committee](#).