

**THE COMMITTEE OF THE WHOLE**  
**AGENDA**

**IMMEDIATELY FOLLOWING THE SPECIAL MEETING OF COUNCIL**

Tuesday, November 9, 2021  
City Hall Council Chambers  
410 Esplanade  
Pages

**1. CALL TO ORDER AND ACKNOWLEDGEMENT**

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the traditional, unceded territory of the Stz'uminus First Nation.

**1.1. INFORMATION ON HOW TO VIEW / ATTEND THE MEETING**

Members of the public may attend meetings in person in accordance with COVID-19 safety protocols. Masks are mandatory. As space in the Council Chamber is limited, public attendance will be on a first-come, first-served basis as space permits.

View the livestream on YouTube:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

**2. AGENDA APPROVAL**

Recommendation

That the agenda for this November 9, 2021 Committee of the Whole meeting be approved.

**3. MINUTES**

**3.1. Minutes of the Committee of the Whole Meeting held September 28, 2021**

4

Recommendation

That the minutes of the Committee of the Whole meeting held September 28, 2021 be approved.

## 4. REPORTS

- 4.1. **“Business Regulations and Licensing (Rental Units) Bylaw 2021, No. 2093” (Renovictions)** 9

Recommendation

That the Committee recommend that Council give first and second readings to “Business Regulations and Licensing (Rental Units) Bylaw 2021, No. 2093”.

- 4.2. **2021 Q3 (July - September) Financial Update** 28

Recommendation

That the Committee receive the staff report dated November 9, 2021, regarding the 2021 Q3 (July – September) Financial Update.

- 4.3. **2020-2023 Strategic Priorities Update** 42

Recommendation

That the Committee receive for information the 2020-2023 Strategic Priorities Update dated November 9, 2021.

- 4.4. **Water Conservation Plan Policy** 47

Recommendation

That the Committee recommend that Council approve the Water Conservation Plan Policy as presented in the staff report dated November 9, 2021.

- 4.5. **Work in Town Streets Security Requirements** 52

Recommendation

That the Committee recommend that Council direct staff to create a policy for setting security deposit amounts for work on Town streets as described in the staff report dated November 9, 2021.

- 4.6. **Themed Lighting Policy** 60

Recommendation

That the Committee recommend that Council approve the “Themed Lighting Policy” as presented in the staff report dated November 9, 2021.

## **5. COUNCIL SUBMISSIONS**

### **5.1. Poverty Reduction Strategy Recommendations Implementation**

65

Councillor Stevens has requested that the Committee discuss implementation of the recommendations from the Poverty Reduction Strategy final report.

#### Recommendation

That the Committee recommend that Council direct staff to prepare a report outlining the process and timeline required to establish a Poverty Reduction Task Group as recommended in the Poverty Reduction Strategy final report presented to Council on August 20, 2021.

## **6. NEW BUSINESS**

## **7. ADJOURNMENT**



## COMMITTEE OF THE WHOLE MEETING

### MINUTES

Tuesday, September 28, 2021

6:30 P.M.

This meeting was held electronically as per Ministerial Order No. M192

#### **Council Members Present:**

Councillor Tricia McKay, Chair  
Councillor Amanda Jacobson  
Councillor Duck Paterson

Councillor Marsh Stevens  
Councillor Jeff Virtanen

#### **Council Members Absent:**

Mayor Aaron Stone

Councillor Rob Johnson

#### **Staff Present:**

Allison McCarrick  
Erin Anderson  
Chris Barfoot  
Jake Belobaba  
Geoff Goodall

Donna Smith  
Chris Geiger  
Mike Gregory  
Sue Bouma

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### **1. CALL TO ORDER AND ACKNOWLEDGEMENT**

Councillor McKay, Chair, called this Committee of the Whole meeting to order at 6:30 p.m., and acknowledged with gratitude that it was being held on the traditional unceded territory of the Stz'uminus First Nation.

### **2. AGENDA APPROVAL**

#### **CW 2021-053**

That the agenda for this September 28, 2021 Committee of the Whole meeting be approved.

*Motion Carried*

### **3. MINUTES**

#### **3.1 Minutes of the Committee of the Whole Meeting held July 13, 2021**

##### **CW 2021-054**

That the minutes of the Committee of the Whole meeting held July 13, 2021 be approved.

*Motion Carried*

### **4. REPORTS**

#### **4.1 Building Inspector's Report for May to August 2021**

##### **CW 2021-055**

That the Committee receive the Building Inspector's Report for the months May to August 2021.

*Motion Carried*

#### **4.2 Ladysmith Fire/Rescue Reports for May to August 2021**

##### **CW 2021-056**

That the Committee receive the Ladysmith Fire/Rescue Reports for the months May to August 2021.

*Motion Carried*

#### **4.3 Coastal Animal Control Services Reports for April to June 2021**

##### **CW 2021-057**

That the Committee receive the Coastal Animal Control Services Reports for the months April to June 2021.

*Motion Carried*

#### **4.4 RCMP Reports for Quarters 1 and 2, 2021**

##### **CW 2021-058**

That the Committee receive the RCMP Reports for the first and second quarter of 2021.

*Motion Carried*

#### **4.5 2021 Q2 (April – June) Financial Update**

##### **CW 2021-059**

That the Committee receive the staff report dated September 28, 2021, regarding the 2021 Quarter 2 Financial Update.

*Motion Carried*

#### **4.6 Financial Impact of new Summer Water Rates and Single Family Dwelling with Base Rates**

##### **CW 2021-060**

That the Committee recommend that Council direct staff to amend “Waterworks Regulations Bylaw 1999, No. 1298” to include:

1. A single family dwelling with a suite rate structure based on 1.5 times the single family dwelling charge and allowing an initial consumption of 37.5m<sup>3</sup> per quarter; and
2. A new step rate for water consumption greater than 200m<sup>3</sup> for single family dwellings for only the quarters April to June and July to September, at a rate of \$3.1701 per cubic metre subject to bylaw amendments.

*Motion Carried*

#### **4.7 Proposed Amendments to “Council Procedure Bylaw 2009, No. 1666”**

##### **CW 2021-061**

That the Committee recommend that Council direct staff to prepare amendments to “Council Procedure Bylaw 2009, No. 1666” as identified in the staff report dated September 28, 2021, including:

1. Various housekeeping amendments;
2. Scheduling specifications to ensure that a meeting is not held during the first week of January and that only one meeting is held in August;
3. Changing the Regular Council Meeting start time to 6:00 p.m.;
4. Removing the section on Public Hearings and preparing a Public Hearing Policy; and
5. Adding wording to reflect recent amendments to the *Community Charter* related to electronic meetings.

**CW 2021-062****AMENDMENT**

By unanimous consent the Committee agreed to amend Item 3 of Resolution CW 2021-061 by changing the start time of Regular Council Meetings to 6:30 p.m.

*Amendment Carried*

**Resolution CW 2021-061 as amended, reads:**

That the Committee recommend that Council direct staff to prepare amendments to "Council Procedure Bylaw 2009, No. 1666" as identified in the staff report dated September 28, 2021, including:

1. Various housekeeping amendments;
2. Scheduling specifications to ensure that a meeting is not held during the first week of January and that only one meeting is held in August;
3. Changing the Regular Council Meeting start time to 6:30 p.m.;
4. Removing the section on Public Hearings and preparing a Public Hearing Policy; and
5. Adding wording to reflect recent amendments to the *Community Charter* related to electronic meetings.

*Main Motion, as Amended, Carried*

**4.8 Two-Storey Coach Houses****CW 2021-063**

That the Committee recommend that Council direct staff to:

1. Bring forward amendments to:
  - a. "Official Community Plan Bylaw 2003, No. 1488",
  - b. "Town of Ladysmith Zoning Bylaw 2014, No. 1860"; and
  - c. "Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905";related to coach houses as outlined in the September 28, 2021 staff report; and
2. Develop a design preauthorization program for coach houses as outlined in the September 28, 2021 staff report to the Committee of the Whole.

*Motion Carried*

**5. COUNCIL SUBMISSIONS**

**5.1 Inclusion of the Hul'qumi'inum Name on the Transfer Beach Park Sign**

**5.2 Coast Salish Welcoming Figure**

**CW 2021-064**

That the Committee recommend that Council direct staff to consult with Stz'uminus First Nation and report back to Council regarding the potential for both the inclusion of the Hul'qumi'inum name on the Transfer Beach sign and a Coast Salish Welcoming Figure at Transfer Beach.

*Motion Carried*

**6. ADJOURNMENT**

**CW 2021-065**

That this meeting of the Committee of the Whole adjourn at 7:14 p.m.

*Motion Carried*

CERTIFIED CORRECT:

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Chair (Councillor T. McKay)

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Corporate Officer (D. Smith)



## STAFF REPORT TO COMMITTEE OF THE WHOLE

**Report Prepared By:** Jake Belobaba, RPP, MCIP, Christina Hovey, RPP, MCIP  
**Reviewed By:** Allison McCarrick  
**Meeting Date:** November 9, 2021  
**File No:** 3900-13  
**Re:** "Business Regulations and Licensing (Rental Units) Bylaw 2021, No. 2093" (Renovictions)

**RECOMMENDATION:**

That the Committee recommend that Council give first and second readings to "Business Regulations and Licensing (Rental Units) Bylaw 2021, No. 2093".

**EXECUTIVE SUMMARY:**

This report presents Bylaw No. 2093 to the Committee for consideration. Bylaw No. 2093 is a bylaw that, if approved, will establish maintenance, health and safety standards for all rental units in the Town. It will also establish "renoviction" regulations for properties with five or more rental units.

**PREVIOUS COUNCIL DIRECTION:**

Resolution	Meeting Date	Resolution
CS 2021-341	10/19/2021	That Council direct staff to prepare a "renoviction" bylaw for Council consideration.

**INTRODUCTION/BACKGROUND:**

"Renoviction" is an informal term used to describe the process of evicting a tenant so a landlord can complete renovations. In market rental housing<sup>1</sup>, rent increases for existing tenants are limited by the Province and renovations are one of only two ways a landlord can evict a complying tenant<sup>2</sup>. In areas where rental rates are escalating rapidly (usually as a result of low vacancy rates), landlords are sometimes accused of undertaking renovations simply as a means of evicting tenants and securing new tenancy agreements with higher rents. Subsequently, another definition of "renoviction", would be: undertaking *unnecessary* renovations, to create grounds for the lawful eviction of a tenant and enter a new tenancy with a higher rent, either with the same or a different tenant. The frequency of renovictions has led to public outcry and calls from tenants and housing advocates for government intervention.

Section 63(f) of the *Community Charter* explicitly grants municipalities the power to regulate "rental units and residential property" that are subject to the *Residential Tenancy Act*. In February of 2019, the City of New Westminster amended its Business Regulations and Licensing (Rental Units) Bylaw to regulate

<sup>1</sup> i.e. Housing that is not employee housing or subsidized rental housing as defined under the *Tenancy Act*.

<sup>2</sup> The landlord can also evict a tenant so the landlord, or a family member, can live there. In a non-stratified building with multi-family units, this scenario is unlikely to occur in more than one unit.



renovictions, becoming the first local government in BC to do so. New Westminster's bylaw requires a landlord to obtain all required permits prior to evicting the tenant and to provide comparable accommodation during and after the renovations with the same or more favorable terms and rent. In February of 2020, a court action challenging the validity of the bylaw was dismissed, a decision that was later upheld on April 30, 2021 by the BC Court of Appeal<sup>3</sup>.

Other local governments have followed New Westminster's lead. Port Coquitlam and Port Moody have adopted renoviction bylaws. Prince Rupert, and Victoria are currently considering them. Some local governments, such as Vancouver have "tenant relocation policies" that outline considerations for tenant relocation when development applications are considered.

On July 1, 2021 changes to the *Residential Tenancy Act*<sup>4</sup> related to renovation-related evictions came into effect. Before a unit can be vacated, the *Tenancy Act* requires a landlord to obtain an order of possession from the Residential Tenancy Branch. To obtain an order of possession, the landlord must demonstrate that:

1. the landlord has all the necessary permits and approvals and intends in good faith to renovate the rental unit(s);
2. the renovations require the unit(s) to be vacant;
3. the renovations are necessary to prolong or sustain the use of the rental unit(s) or the building where the rental unit(s) are located; and
4. the only reasonable way to achieve the necessary vacancy is to end the tenancy agreement.

If granted an order of possession, the landlord must pay the tenant one month's rent and give four months' notice. If the rental unit is in a building with five or more units, the tenant has first right of refusal, requiring the landlord to offer the same unit or a comparable unit to the tenant when the renovations are complete.

Notably, there is no requirement in the *Tenancy Act* for the landlord to provide interim accommodation, or charge the same rent when a rental unit is reoccupied. The *Tenancy Act* rules also do not apply to demolitions. Given that the *Tenancy Act* regulations are new, it remains to be seen what factors will be considered by the Tenancy Branch when deciding if renovations are "necessary to prolong or sustain the use of the rental unit". However, the Tenancy Branch has published information that clarifies what types of renovations (e.g., stripping walls down to replace insulation, electrical and plumbing or extensive asbestos remediation) are likely to be deemed to require vacancy.

Staff are aware of at least two tenanted multifamily rental buildings with owners or prospective buyers proposing extensive renovations. Combined, the number of evictions from these buildings alone could be as high as 28 tenants or households. Given the size of Ladysmith, this represents a substantial loss of existing rental housing stock. As noted later in this report, Ladysmith's current vacancy rate is 0%.

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<sup>3</sup> See: <https://www.canlii.org/en/bc/bcca/doc/2021/2021bcc176/2021bcc176.html>

<sup>4</sup> See: <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/ending-a-tenancy/renovictions>

## **PROPOSED BYLAW:**

Bylaw No. 2093 has two primary and complementary components, described below:

### **Building Standards**

This part of the bylaw applies to all rental units. It sets minimum livability, health and safety standards for rental units (e.g., minimum room sizes and ceiling heights, privacy features, maintenance standards and access to bathrooms and kitchens). As vacancy rates drop and tenants become more desperate to find housing, they may be forced into unsafe, unsanitary or undignified housing situations. The building standards in the proposed bylaw are intended to be bare minimums to reduce exposure to unsafe living arrangements.

Because the renovation and demolition section of the proposed bylaw, described below, contains exemptions for uninhabitable buildings, the building standards component of the proposed bylaw is also intended to discourage landlords from allowing property to deteriorate to the point where they would qualify for an exemption from the renovations and demolition section.

### **Renovations and Demolitions**

#### ***Restrictions and Compensation***

Bylaw No. 2093 requires a landlord intending to evict a tenant to demolish or renovate a rental unit to provide one of following to the tenant:

1. Interim accommodation and the same or a comparable rental unit on the same property once the proposed work is complete. The rent and tenancy terms must be the same or more favorable.
2. Another rental unit with the same, or more favorable, rental terms and rent.
3. Cash equal to 12 months' rent.

Nothing in the proposed bylaw will prevent an owner from complying with the *Tenancy Act* and the above compensation and accommodation requirements are intended to complement the *Tenancy Act*. Annual rental increases allowed under the *Tenancy Act* are allowed under bylaw. As a default, the proposed bylaw allows an owner to evict any tenant to undertake renovations or a demolition if the owner pays 12 months' rent. This rule builds on the existing *Tenancy Act* requirement requiring a landlord to give four months' notice and cash equivalent to one month's rent. The intent of the payout option in the proposed bylaw is to ensure that owners can undertake renovations or demolitions while also ensuring tenants are given notice and compensation (either as a requirement of the *Tenancy Act* or the bylaw) that reflects Ladysmith's local rental market—i.e., that tenants will be given both enough time and enough money to find interim housing and/or a new home. The additional options are intended to encourage owners to work with tenants to make mutually beneficial (and even creative) arrangements. For example, a landlord and tenant could reach an agreement for the tenant to relocate to a comparable rental property owned by the landlord in the same or neighbouring community. There is also nothing in the proposed bylaw (or *Tenancy Act*) that prevents an owner from enticing a tenant to voluntarily vacate a rental unit. For example, a tenant could agree to vacate immediately in exchange for ten months' rent and help (financial or otherwise) moving.

### *Exclusions and Exemptions*

The renovation and demolitions component of the bylaw only applies to properties containing five or more rental units or housing ten or more households (i.e., rooming houses). Moreover, the restrictions on renovations or demolitions do not apply in the following circumstances:

1. The rental vacancy rate for Ladysmith has been at least 3% for two years or more.
2. The building or rental unit, has been condemned by a qualified professional (e.g., an architect or engineer) due to an unsafe condition that is not the result of neglect or carelessness by the owner or previous owner.
3. Any renovation or demolition undertaken for the purpose of stratifying a previously occupied building<sup>5</sup>.

The bylaw also allows Council to exempt an owner from the restrictions on renovations and demolitions under the following circumstances:

1. An alternative agreement between all *tenants* and the owner has been reached.
2. A tenant has unreasonably refused to sign a tenancy agreement that complies with the bylaw.
3. The owner has provided financial statements showing that annual maintenance and operating costs relative to annual rents causes a financial loss that will be remedied by the proposed renovations.
4. A proposed renovation will add at least 20% more rental units to the property.
5. A proposed renovation will convert the rental unit to social housing<sup>6</sup>.
6. A proposed renovation or demolition will result in an equivalent number of dwelling units that are affordable market housing<sup>7</sup> or social housing.

Although the bylaw requires Council to hold a public hearing before granting an exemption, Council's discretion is limited to whether or not the owner *qualifies* for the exemption. For example, Council could not deny an exemption if the owner can prove each tenant was given 12 months' rent. However, Council could deny an exemption if a tenant with a disability refuses to sign a tenancy agreement for another unit that doesn't have the same accessibility features. It is not possible to grant Council broad discretionary powers when administering the bylaw, hence the precise criteria under which exemptions may be granted.

Nothing in the proposed bylaw restricts or penalizes an owner from undertaking demolitions, repairs or renovations that do not require an eviction. For example, a landlord can renovate a vacant unit or demolish and replace building features that are no longer safe or suitable etc.

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<sup>5</sup> Stratification is subject to the [Town's Strata Conversion Policy](#) and section 242 of the Strata Property Act which, among other things, require the Town to consider the impact of the conversion on rental housing stock.

<sup>6</sup> Defined in the bylaw as "a housing facility operated by a non-profit society or government agency which provides affordable or supportive housing"

<sup>7</sup> Defined in the bylaw as "housing subject to an instrument registered on the title of the property, in favour of a provincial, federal or local government, that requires the property to be bought and sold at a price that is at least 5% below market value."

## **ANALYSIS**

The proposed bylaw is modelled after the New Westminster bylaw, with adjustments to reflect conditions in Ladysmith and the recent changes to the *Residential Tenancy Act*. The building standards section will apply to all rental units in the Town, which will provide the Town with a means to combat substandard housing and predatory tenancy practices (e.g., renting substandard housing to vulnerable persons). The building standards in the proposed bylaw are clear and reasonable, codifying a generally accepted minimum standard of living.

The renovations section of the bylaw applies only to properties with five or more rental units, and rooming houses with ten or more separate tenancies. Homeowners, with secondary suites, coach houses or duplexes will not be affected by the renovations and demolitions regulations, nor will landlords housing large households (e.g., a family of 12) in a single rental unit.

For properties with five or more rental units, the proposed bylaw does create landlord obligations that are in addition to the requirements of the *Residential Tenancy Act*, however, these are balanced with reasonable and flexible exemptions. Prudent landlords and prospective purchasers can easily avoid the requirements of this section of the bylaw by simply planning renovations to align with tenant turnover. Similarly, the proposed bylaw does not penalize owners experiencing bona fide hardship caused by unrepairable, uninhabitable or unprofitable buildings. Given the rapidly rising price of real estate and rent prices, staff do not see a scenario where landlords will suffer significant financial hardship from complying with the proposed bylaw.

Ladysmith's Housing Needs Assessment was accepted by Council pursuant to section 585.31 of the *Local Government Act* on February 16, 2021. It notes that "(a) all data sources suggest that the CVRD is in a state of acute rental shortage, with almost no vacancy." (emphasis added). The report also notes that 35% of Ladysmith's renting households are in "core housing need"<sup>8</sup> and 11% are in "extreme core housing need"<sup>9</sup>, meaning the financial situation of over 45% of Ladysmith's rental households is unsustainable. These findings are further supported by the Rural Rental Market Survey Data published by the Canadian Mortgage and Housing Corporation (CMHC) in May<sup>10</sup> which indicates Ladysmith's rental vacancy rate is 0% for every reportable<sup>11</sup> rental housing type.

Ladysmith is clearly not immune to the rental housing crisis and it cannot be said that the Town does not have the authority to regulate rental housing; the *Community Charter* explicitly grants the Town this power. The legal principle of "subsidiary", noted in the New Westminster case, recognizes "the proposition that law-making and implementation are often best achieved at a level of government that is not only effective, but also closest to the citizens affected and thus most responsive to their needs, to local distinctiveness, and to population diversity"<sup>12</sup>. The *Tenancy Act* regulations for renovation-related evictions were designed to set a minimum standard across the Province. According to CMHC's data noted above, vacancy rates in BC communities comparable in size to Ladysmith (2,500-10,000 people) range

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<sup>8</sup> Defined as having to pay more than 30% of before-tax household income to secure housing that meets the household's needs

<sup>9</sup> Defined as having to pay more than 50% of before-tax household income to secure housing that meets the household's needs

<sup>10</sup> Available at: <https://www.cmhc-schl.gc.ca/en/professionals/housing-markets-data-and-research/housing-data/data-tables/rental-market/rural-rental-market-survey-data-vacancy-rate-centre>

<sup>11</sup> CMHC suppresses some data to protect confidentiality or because the data is not statistically reliable. Data for 3 bedroom units and row houses was suppressed in this report.

<sup>12</sup> Justice L'Heureux-Dubé in 114957 Canada Ltée (Spraytech, Société d'arrosage) v. Hudson (Town), 2001 Supreme Court of Canada and cited in 1193652 B.C. Ltd. v. New Westminster

from 0% to 15.8%. With such a range, some communities may require more stringent renoviction regulations than others and these disparities are best addressed at the local level.

Homelessness and substandard or unaffordable housing burdens local services, creates costs for all levels of government, exacerbates labour shortages and impacts local economies. Even with the new *Tenancy Act* regulations, a 0% vacancy rent will continue to drive rapid rent escalation in Ladysmith, creating a powerful incentive for landlords to renovict tenants or profit from substandard housing. The proposed bylaw is more responsive to local needs than the provincial baseline, while providing ample room for landlords to generate reasonable returns and maintain and improve their assets. The proposed bylaw is a reasonable, minimal cost solution to a pressing housing issue in Ladysmith. Staff recommend that the Committee advance the bylaw for further consideration by Council.

#### **ALTERNATIVES:**

The Committee can choose to:

1. Recommend that Council not give further consideration to the proposed bylaw.
2. Recommend that Council give further readings to the proposed bylaw as amended.
3. Refer the proposed bylaw back to staff for further review, as specified by the Committee.

#### **FINANCIAL IMPLICATIONS:**

Enforcing bylaws requires Town resources including staff time, administration and in some cases prosecution costs. Staff expect enforcement action related to this bylaw to be manageable with existing resources. Proactive enforcement of municipal bylaws is not compulsory. Staff expect enforcement of the building standards section of the proposed bylaw to be largely complaint driven, requiring no additional funding. Similarly, renovictions are not possible without municipal permits, meaning there are no monitoring or proactive enforcement costs associated with enforcing this component of the bylaw. The Town will be aware of pending renovictions as soon as permit applications are made and can order compliance with the bylaw at that time.

#### **LEGAL IMPLICATIONS:**

The proposed bylaw has been reviewed by the Town's lawyer.

#### **CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Under sections 59(2) and 59(3) of the *Community Charter* the Town must give notice of a proposed business regulation bylaw and provide an opportunity for those who consider they are affected by the proposed bylaw to be heard by Council. Notice is at the discretion of Council. Should the bylaw proceed to Council for further readings, staff anticipate recommending a process that mirrors the public hearing process for rezoning and OCP amendment applications.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The proposed bylaw was referred to the Building, Bylaw, Finance and Fire Departments. The Building Department raised concerns about challenges of enforcing the bylaw, i.e., the proposed bylaw's enforceability and demands on resources. As noted above, similar bylaws have been held up by the courts as enforceable and the proposed bylaw is not expected to require proactive enforcement.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

- |   |  |
|---|--|
| <input type="checkbox"/> Complete Community Land Use  | <input type="checkbox"/> Low Impact Transportation         |
| <input type="checkbox"/> Green Buildings              | <input type="checkbox"/> Multi-Use Landscapes              |
| <input type="checkbox"/> Innovative Infrastructure    | <input type="checkbox"/> Local Food Systems                |
| <input checked="" type="checkbox"/> Healthy Community | <input checked="" type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable               |  |

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |   |
|---|---|
| <input type="checkbox"/> Infrastructure       | <input type="checkbox"/> Economy        |
| <input checked="" type="checkbox"/> Community | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront           |   |

***I approve the report and recommendation.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT:**

- A. Bylaw No. 2093

**TOWN OF LADYSMITH  
BYLAW NO. 2093**

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**TOWN OF LADYSMITH**

**BYLAW NO. 2093**

**A Bylaw to regulate and licence the renting of rental units for living purposes and  
to prescribe standards for the maintenance of rental units.**

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The Council of the Town of Ladysmith in open meeting assembled enacts as follows:

**Part 1: Title and Interpretation**

**Citation**

This Bylaw may be cited for all purposes as “Business Regulations and Licensing (Rental Units) Bylaw 2021, No. 2093”.

**Definitions**

1) In this bylaw:

*affordable market housing* means: housing subject to an instrument registered on the title of the property, in favour of a provincial, federal or local government, that requires the property to be bought and sold at a price that is at least 5% below market value.

*bathroom* means: a room consisting of at least one toilet, one sink and one bathtub or shower.

*bedroom* means: an area within a rental unit that is primarily intended for sleeping.

*business license* means: a business license issued pursuant to the Town’s *Business License Bylaw*.

*Business Licence Bylaw* means: “Business Licence Bylaw No. 1513, 2003”, as amended or replaced from time to time.

*emergency housing* means: a housing facility operated by a non-profit society or government agency which provides temporary emergency accommodation for individuals experiencing homelessness.

*hot water* means: water supplied from a building’s plumbing system with a minimum temperature of 45° C and a maximum temperature of 60° C.

*household* means: one or more people related by blood, marriage or a romantic or fraternal relationship.

*Inspector* means

- a) A building inspector
- b) A bylaw enforcement officer
- c) The Fire Chief or a fire inspector; or
- d) The Director of Development Services.

*kitchen* means: a room consisting of at least one cooking appliance, one sink, and one refrigerator.

*“owner”* means: a person who as any legal right, title, estate or interest in a *rental unit* and shall include, without limitation, a landlord, lessor, sublessor or other person permitting the occupation of a *rental unit*, their agents, heirs, assigns, personal representatives and successors in title.

*relevant rental vacancy rate* means: the average rental vacancy rate for comparable unit types in Ladysmith published in the Rural Rental Market Survey Data: Vacancy Rate by Centre report by the Canadian Mortgage and Housing Corporation or a comparable publication as may be published by the Canadian Mortgage and Housing Corporation from time to time.

*rental unit* means: a rental unit as defined in the *Residential Tenancy Act*.

*social housing* means: a housing facility operated by a non-profit society or government agency which provides affordable or supportive housing.

*tenant means:* a tenant as defined in the *Residential Tenancy Act*.

### **Application**

- 2) This bylaw applies to all *rental units* in the Town of Ladysmith but does not apply to *social housing* or *emergency housing*.

## **Part 2: Administration and Enforcement**

### **Administration**

- 3) The *Inspector* is authorized to administer and enforce this bylaw and to perform any other duties and exercise any other powers that may be delegated by Council.

### **Right of Entry**

- 4) For the purposes of ensuring compliance with this bylaw or any order made under this bylaw:
  - a) the *Inspector*;
  - b) an investigator or arbitrator appointed by the Residential Tenancy Branch; and
  - c) a public health inspector appointed by the Vancouver Island Health Authority;

is authorized to enter, at all reasonable times, in accordance with section 16, residential property that is subject to this bylaw to ascertain whether the requirements of this bylaw are met. Where entering residential property, an *Inspector* shall show proper identification and shall notify the owner or occupant of the purpose of the entry.

### **Compliance Orders**

- 5) If, in the opinion of the *Inspector*:
  - a) there is a contravention of this bylaw or an order made under this bylaw; or
  - b) a *rental unit* does not conform to the minimum maintenance standards prescribed by this bylaw,

the *Inspector* may issue an order requiring the owner to bring the *rental unit* into compliance with the provisions of this bylaw within the time specified in the notice.

- 6) Service of the order referred to in section 5 will be sufficient if the notice:

- a) in the case of service on an individual, is served personally or mailed by prepaid registered mail to the address of the owner shown on the then current year's real property assessment roll for the rental property for which the order is issued; or
- b) in the case of service on a corporation, is served personally to a director, officer or manager of the corporation or by leaving it at or mailing it by registered mail to the registered office of the corporation.

#### **Severability**

- 7) In the event that any portion of this bylaw is declared to be ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the bylaw to that extent and the remainder of the bylaw shall continue in force and effect.

#### **Compliance with Other Statutes and Bylaws**

- 8) This bylaw is not intended to relieve any person from complying with any other statute, regulation or bylaw relating to building construction and repair, fire safety, tenancy or public health.

#### **Offences and Penalties**

- 9) No person shall:
- a) fail to comply with a compliance order issued by the *Inspector* under this bylaw;
  - b) obstruct or hinder the *Inspector* acting under authority of this bylaw; or
  - c) fail to comply with any other provision of this bylaw.
- 10) Every person who contravenes or violates any provision of this bylaw, or who:
- a) suffers or permits any act or thing to be done in contravention or in violation of any provision of this bylaw; or
  - b) neglects to do or refrains from doing anything required to be done by any provision of this bylaw,
- commits an offence and, upon conviction, shall be liable to a fine or penalty as provided by the *Offence Act* and, where the offence is a continuing one, each day the offence continues shall be a separate offence. Where conviction is for failure to pay the required licence fee, the amount which should have been paid for the license shall be added to the penalty and shall form part of the penalty.
- 11) Each day on which a person contravenes Part 5 or Part 4 of this bylaw constitutes a separate offence, whether or not the owner subsequently complies with the bylaw in respect of the tenancy in question.
- 12) No offence is committed against Part 5 of this bylaw:
- a) following the date on which a tenant is accommodated by the owner in accordance with Part 5 in respect of a renovation or demolition for which the tenant has previously been given notice of eviction or has previously been evicted; or
  - b) following the date on which a copy of a written withdrawal of a notice of eviction that would have contravened Part 5 is provided to the *Inspector*.

#### **Part 3: Regulation and Licensing of Rental Units**

### **Application**

13) This Part applies to any property that:

- a) contains five or more *rental units*; or
- b) provides housing for five or more tenants who are not part of the same *household*.

### **Requirements of Rental Businesses**

- 14) No person shall rent or have available for rental any *rental unit* unless the person holds a *business license* in good standing.
- 15) Every person to which this Part applies shall maintain a current register containing the name and current address of every former tenant who has resided on the property and shall produce the register for review by the *Inspector* upon request;

## **Part 4: Maintenance and Building Standards**

### **Application**

16) This Part applies to all *rental units* in the Town.

### **Responsibilities of Owner**

17) Every owner of a *rental unit* is responsible for complying with this bylaw and shall not rent or offer to rent any *rental unit* that does not conform to the minimum maintenance and building standards prescribed in this bylaw.

### **Pest Control**

18) All *rental units* shall be kept free of mice, rats, bed bugs, cockroaches and other vermin and from conditions which may encourage infestations of pests.

### **Garbage**

- 19) All garbage and refuse shall be stored in proper receptacles and removed regularly and in accordance with any applicable regulations and bylaws.
- 20) Every *rental unit* shall be provided with a garbage storage facility or a sufficient number of suitable receptacles that are readily accessible to all occupants.
- 21) Every receptacle for garbage shall be made of metal or plastic, water tight, provided with a tight-fitting cover, pest proof and maintained in a clean and tidy state. Garbage bags are not acceptable garbage receptacles.
- 22) Garbage disposal facilities and receptacles shall be cleaned as often as is necessary to maintain a clean and odour free condition and in a manner that will not attract pests, create a health or other hazard or be unsightly.

### **Structural Integrity**

23) Buildings and their structural components, including roofs, stairs, railings, porches, deck joists, rafters, beams, columns, foundations, floors, walls and ceilings shall be maintained in good repair and in a manner that:

- a) provides sufficient structural integrity so as to safely sustain the weight of the building or building component, as applicable, and any additional loads and influences to which it may be subjected through normal use; and
- b) protect against damage from moisture.

#### **Building Exteriors**

- 24) Exterior walls and their components shall be weather tight, in good repair, free from loose or unsecured components and shall be maintained in a manner so as to prevent or retard deterioration due to weather or infestations.
- 25) External building features including canopies, marquees, awnings, screens, cornices, projections, fire escapes, and mechanical and ventilation systems shall be maintained in good repair, properly and safely anchored, protected against deterioration and decay and, where applicable, be maintained in a safe mechanical condition.

#### **Doors, Windows and Ventilation**

- 26) Exterior doors, and windows, skylights, and hatchways shall be maintained in good repair and weather tight.
- 27) Openings in exterior walls, other than doors and windows, shall be effectively protected to prevent the entry of rodents, insects or vermin.
- 28) Latching and locking devices shall be maintained in good working order and shall be provided on:
  - a) all entrances to every *rental unit*; and
  - b) all windows in every *rental unit*.
- 29) Every *rental unit* shall be provided with a means of ventilation and natural light.
- 30) All ventilation systems whether mechanical or natural, shall be maintained in good working order.
- 31) Any room with a shower or bathtub shall be provided with a window or ventilation system which shall be maintained in good operating condition.

#### **Roofing**

- 32) The roof, including the flashing, fascia, soffit, and cornice shall be maintained in a weather-tight condition so as to prevent leaks into *rental units* and common areas.

### **Stairs Balconies and Decks and Porches**

- 33) Stairways, balconies, porches, and landings shall be maintained:
- a) in a safe and clean condition;
  - b) in good repair, and
  - c) free from holes, cracks, excessive wear and warping, obstructions and similar hazards.

### **Basements**

- 34) Basement floor drains shall be maintained in good condition.
- 35) Floors in basements shall be kept dry and free from major cracks, breaks or similar conditions which would create a hazard or allow the entrance of water into the basement.

### **Floors**

- 36) Floors shall be maintained in a reasonably smooth and level condition and free of loose, warped or decayed boards, depressions, protrusions, deterioration or other defects which may create health, fire or fall hazards.
- 37) Where floors are covered, the covering shall be maintained in a safe condition.
- 38) Shower room and *bathroom* floors shall be covered with smooth moisture resistant floor finishes, and in such condition as to permit easy cleaning.

### **Walls and Ceilings**

- 39) Interior walls and ceilings shall be maintained in a clean condition, in good repair and free from holes, or loose or broken plaster that may create health, fire or accident hazards.

### **Plumbing and Plumbing Fixtures**

- 40) All plumbing, plumbing fixtures and connections to the water and sewer system, shall be maintained in good working order and repair, protected from freezing and free from leaks or other defects.
- 41) Every indoor sink, bathtub, and shower shall have an adequate supply of hot and cold running water and every toilet and toilet tank shall have an adequate supply of running water.

### **Gas Appliances and Systems**

- 42) All gas systems and appliances shall be maintained in safe working order and repair.
- 43) All systems of appliance venting shall be maintained in safe working order so as to prevent the creation of a health, explosion or fire hazard.

### **Heating**

- 44) Heating equipment shall be:
- a) maintained in a safe and working condition;
  - b) capable of safely attaining and maintaining an adequate temperature standard in all *rental units*;
  - c) capable of maintaining every room at a temperature of 22° C (72° F) measured at a point 1.5 meters (5 feet) from the floor and in the centre of the room; and

- d) Either:
  - i) turned on in order to maintain the required temperature upon the request of any occupant of a *rental unit*; or
  - ii) controllable by any occupant of a *rental unit*.

45) Portable heaters or cooking appliances shall not be used as the primary heating method for a *rental unit*.

#### **Electrical and Lighting Systems**

46) All electrical wiring and lighting equipment shall be maintained in good working order.

47) Adequate levels of artificial lighting shall be provided and maintained in good working order in all *rental units* and common areas.

#### **Building Safety Features**

48) Walls, floors and roof constructions, including fire separation materials and protective closures shall be maintained so that they continue to provide the fire resistive properties and protection for which they were designed.

49) Fire detection, evacuation, suppression and containment equipment including sprinkler systems, fire alarms, and detection systems and other means of fire protection shall be maintained so as to remain operational and fulfill the function for which they were designed.

#### **Elevators**

50) Elevators shall be maintained in a safe, clean condition and certified to be in good working order and in compliance with the *Safety Standards Act*.

51) All elevator parts and appendages, including lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans, shall be kept in good repair and operational.

#### **Parking**

52) Parking garages and parking areas shall be used for parking vehicles and bicycles and no other purpose. Tenants shall not be required to park on the street where on-site parking is available.

#### **Utilities**

53) No owner shall disconnect or cause to be disconnected any service or utility providing:

- a) light;
- b) heat;
- c) air conditioning;
- d) refrigeration;
- e) water;
- f) sewer;
- g) electricity;
- h) fuel; or
- i) cooking facilities,

for any *rental unit* occupied by a tenant, except in an emergency or for such reasonable period of time as may be required for the purpose of repair or replacement.

54) For the purpose of Section 53, an owner is deemed to have caused utilities to be disconnected if:

- a) the owner has failed to pay utility bills;
- b) any person acting on behalf of the owner disconnects a utility service; or
- c) the disconnection is a result of a failure by the owner to perform proper building maintenance or prevent damage to the property.

#### **Room Sizes, Configurations and Ceiling Heights**

55) The minimum ceiling height for any room used for living, sleeping, cooking and eating purposes in a *rental unit* shall be 1.95 meters over at least  $\frac{1}{2}$  the floor area. Any floor area under a ceiling less than 1.4 meters in height shall not be counted in calculating a required minimum floor area.

56) The minimum floor area of a *rental unit* shall be:

- a) nine square meters for a *rental unit* that does not contain a *kitchen* or *bathroom*;
- b) 14 square meters for a *rental unit* that contains only sleeping and living areas and a *kitchen* but no *bathroom*; and
- c) 18 square meters for a *rental unit* that contains sleeping and living areas and a *kitchen* and *bathroom*.

57) *Bedrooms* shall:

- a) have a minimum floor area of:
  - i) six square meters where a *bedroom* used by only one person; and
  - ii) four square meters per person, where a *bedroom* is used by more than one person; and
- b) shall be provided with privacy in the form of walled enclosure and door.

#### **Food Preparation, Storage and Cooking**

58) All *rental units* must have unrestricted access to a *kitchen*.

59) Cooking, food preparation and storage is prohibited in *bedrooms*.

#### **Laundry Facilities**

60) Washers, where provided, shall be installed in accordance with the manufacturer's instructions and properly connected to the drainage, electrical and water supply systems.

61) Dryers, where provided, shall:

- a) be installed in accordance with the manufacturer's instructions;
- b) properly connected to the electrical and drainage systems; and
- c) be properly vented to the exterior of the building, or be an approved condensing dryer that does not require ventilation.

#### **Bathrooms**



- 62) All *rental units* must have unrestricted access to a *bathroom*.
- 63) *Bathroom* sinks, toilets and showers or bathtubs shall be provided at a ratio of one to ten occupants.
- 64) All showers, bathtubs and toilets shall be provided with privacy in the form of walled enclosure and door that can be locked from the inside.

## **Part 5: Renovations and Demolition**

### **Exemptions**

65) This part does not apply to:

- a) any proposed renovation or demolition, if the *relevant rental vacancy rate* has been at least 3% for the preceding two years or more;
- b) any property containing fewer than five *rental units*;
- c) any building or *rental unit*, that has been deemed, in writing, in a report by an *architect, engineer* or any governmental authority having jurisdiction that has been delivered to the Town, to be unsafe for any person to occupy the building, provided that the unsafe condition is not the result of neglect or carelessness of the owner or a previous owner; or
- d) any renovation or demolition of a building for which Council has approved a conversion to a strata under section 242 of the Strata Property Act, SBC 1998, c. 43, as amended or replaced from time to time.

66) The *Inspector* may require an owner who has provided a written determination under section 65(c) to pay the City's cost in obtaining a second opinion from an architect, professional engineer or qualified consultant, on whether the implementation of the owner's plans requires the building to be renovated or vacated as the case may be.

### **Restrictions on evictions**

67) An *owner* shall not evict a *tenant* from a *rental unit* for the purposes of a renovation or demolition unless the owner has:

- a) entered into a new tenancy agreement with the *tenant*, with the same terms and rent or terms and rent that are more favourable to the tenant for:
  - i) interim accommodation while the proposed work is occurring; and
  - ii) the same *rental unit* or a comparable *rental unit*, located on the same property once the proposed work is complete;
- b) entered into a new tenancy agreement with the *tenant*, with the same terms and rent or terms and rent that are more favourable to the *tenant* for another *rental unit*; or
- c) paid to the *tenant* an amount equivalent to 12 months the current rent for the *rental unit*.

68) For clarity, section 67 does not prohibit allowable annual rent increases under Part 3 of the *Residential Tenancy Act*.

69) In the case of a building that is being renovated, the Town may levy a one-time *business licence* surcharge to be added to the licence fee chargeable under the *Business Licence Bylaw* on any owner

who contravenes section 67, in the amount that is equal to one years rent that the *tenant* or new *tenant* is paying to rent the renovated *rental unit*.

70) In the case of a building that has been demolished, the Town may levy a one-time business *licence* surcharge to be added to the licence fee chargeable under the *Business Licence Bylaw* on any owner who contravenes section 67, in the amount that is the equal to two years rent at the rental rate paid before the building was demolished.

71) The Town may refuse to renew the *business licence* of any owner who, being subject to a surcharge under section 69 or section 70, has not paid the surcharge by the date on which the licence renewal is required.

72) For certainty, sections 69 to 71 of this Bylaw apply notwithstanding any provisions to the contrary in the *Business Licence Bylaw*.

#### **Application for Exemption**

73) An owner who is subject to section 67 may apply to Council for an exemption from that section in respect of the owner's building or one or more portions of the building.

74) Council may grant an exemption where, in the opinion of Council the owner has provided sufficient evidence that:

- a) an alternative agreement between all *tenants* and the owner has been reached;
- b) a *tenant* has unreasonably refused to sign a tenancy agreement that complies with section 67;
- c) for a proposed renovation, the owner has provided financial statements produced by a professional accountant, stating that the annual maintenance and operating costs for the subject rental units exceed the annual rents collected by the owner for those units (the "Annual Rents"), and that the proposed renovations are projected to reduce annual maintenance and operating costs to an amount less than the Annual Rents;
- d) the renovation will add at least 20% more rental units to the property;
- e) the renovation is being undertaken for the purpose of converting the rental unit to *social housing*;  
or
- f) the renovation or demolition is being undertaken for the purpose of creating an equivalent number of dwelling units that are *affordable market housing* or *social housing*.

75) Prior to considering an exemption under section 74:

- a) written notice to the *tenants* and owner shall be provided; and
- b) Council shall provide an opportunity for both the *tenants* and the *owner* to be heard and make written submissions to Council.

76) A notice under section 74:

- a) must state the following:
  - i) the time and date of the hearing;
  - ii) the place of the hearing, if applicable;

- iii) if the hearing is conducted by means of electronic or other communication facilities, the way in which the hearing is to be conducted by those means; and
- b) be mailed or otherwise delivered at least 10 days before the public hearing to the owner and *tenants*.

77) Council may, in approving an application for an exemption, impose conditions related to:

- i) the temporary accommodation of *tenants*;
- ii) rents payable during periods of temporary accommodation;
- iii) rents payable after renovations are complete;
- iv) the location of temporary accommodation;
- v) the timeframe in which renovations must be completed; or
- vi) bonds payable by the owner that will default to the Town if conditions of the exemption are not met

<b>READ A FIRST TIME</b> on the	day of	,
<b>READ A SECOND TIME</b> on the	day of	,
<b>PUBLIC HEARING HELD</b> on the	day of	,
<b>READ A THIRD TIME</b> on the	day of	,
<b>ADOPTED</b> on the	day of	,

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Mayor (A. Stone)

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Corporate Officer (D. Smith)

**STAFF REPORT TO COMMITTEE OF THE WHOLE**

**Report Prepared By:** Erin Anderson, Director of Financial Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** November 9, 2021  
**File No:**  
**Re:** **2021 Q3 (July - September) Financial Update**

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**RECOMMENDATION:**

That the Committee receive the staff report dated November 9, 2021, regarding the 2021 Q3 (July – September) Financial Update.

**EXECUTIVE SUMMARY:**

The third quarter of the 2021 fiscal year is projecting a surplus balance in consolidated operations, though the water utility is significantly over budget due to chemical costs, staff time and consulting on the Water Treatment Plant.

**PREVIOUS COUNCIL DIRECTION:**

N/A

**INTRODUCTION:**

This is the third and final quarterly financial update report to the Committee. The next report will be to Council with the 2021 Financial Statements.

This report keeps the Committee informed of the financial state of the organization and is a snapshot of the Town's finances for a point in time. Payments and deposits continue to be received, which will change the financial figures. These statements are not audited.

**Operating Budget**

The total operational activities, with projections to December 31<sup>st</sup> show an overall projected surplus as seen in Table 1 titled "Operations to September, 2021". Being the third quarter, many revenues and expenses should be in the 73% – 78% range of budget at this time. Both the water and the sewer utility are experiencing an increase in cost in chemicals. The water utility is expected to be significantly over budget. COVID-19 continues to affect all aspects of operations, though the impact is felt the greatest in the recreation revenues and expenses. Fortunately, other revenue sources have already met or exceeded budgeted amounts and will be used to offset any shortfall in the specific areas.

**Table 1: Operations to September 2021**

	Actuals to 30 Sep 2021	Approved Budget 2021	Actual Variance %	Year-End Forecast	Year-End Forecast Variance	Forecast Variance %
<b>REVENUES</b>						
Taxation	12,198,000	12,161,000	100%	12,198,000	(37,000)	0%
Sale of Services	3,324,000	4,213,000	79%	4,220,000	(7,000)	0%
Licence, Permits, Rentals & Penalties	1,224,000	788,000	155%	1,365,000	(577,000)	-73%
Development Fees	-	43,000	0%	43,000	-	0%
Grants	680,000	715,000	95%	714,000	1,000	0%
Investment Income	195,000	236,000	83%	256,000	(20,000)	-8%
<b>REVENUES Total</b>	<b>17,623,000</b>	<b>18,156,000</b>	<b>97%</b>	<b>18,806,000</b>	<b>(650,000)</b>	<b>-4%</b>
<b>EXPENSES</b>						
General Government Services	1,656,000	2,218,000	75%	2,148,000	70,000	1%
Protective Services	776,000	1,918,000	40%	1,601,000	317,000	5%
Transportation Services	818,000	1,465,000	56%	1,426,000	39,000	0%
Solid Waste	357,000	562,000	64%	499,000	63,000	-1%
Cemetery Operations	25,000	29,000	86%	35,000	(6,000)	4%
Development Services	531,000	700,000	76%	700,000	-	0%
Parks	642,000	760,000	84%	760,000	-	-1%
Recreation & Cultural Services	2,026,000	2,844,000	71%	2,753,000	91,000	0%
Sewer Services	1,166,000	1,599,000	73%	1,599,000	-	2%
Water Services	1,780,000	1,588,000	112%	1,987,000	(399,000)	3%
Debt Payments	1,104,000	1,632,000	68%	1,234,000	398,000	25%
Transfers	2,200,000	2,840,000	77%	2,840,000	-	0%
<b>EXPENSES Total</b>	<b>13,081,000</b>	<b>18,155,000</b>	<b>72%</b>	<b>17,582,000</b>	<b>573,000</b>	<b>3%</b>
Surplus/(Deficit)	4,542,000	1,000		1,224,000		

Revenue – Taxes & Parcel Taxes

**Projected to receive \$37k more in revenue**

The 2021 property taxes were levied in May. There were additional properties included in the sewer and parcel tax rolls that resulted in increased funds received.

Revenue – Sale of Services (Fees & Charges)

**Projected to receive \$7k more in revenue**

- Water, Sewer & Solid Waste fees are levied each quarter of 2021:
  - Water consumption continues to be greater in 2021 than the same time period in 2020, resulting in greater revenues, though this is offset by current and anticipated leak adjustment requests. Even with the adjustments, the water utility remains consistent with last year at 84% of budget (2020 – 80%).
  - Sewer charges were 76% of budget (2020 – 76%). Expected to exceed revenues due to new properties in 2021.
  - Solid Waste fees were 76% of budget (2020 – 73%). Expected to exceed revenues by year-end.
- Cemetery revenue was 110% of budget (2020 – 73%). These revenues and the corresponding expenses are demand-based so variations are expected.
- Recreation revenues increased as the COVID restrictions eased:
  - Aquatics Revenues are 95% of budget (2020 – 43%)
  - Fitness Revenues are 53% of budget (2020 – 59%)
  - Recreation Revenues are at 55% of budget (2020 – 59%)

The Province's COVID Safe Restart funds continue to offset revenues in order to meet the department budget expectations.

<b>Revenue – Licence, Permits, Rentals, Penalties</b>	<b>Projected to receive \$577k more in revenue</b>
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- Business Licence revenue is on budget.
- Dog Licence revenue is now expected to meet budget projections.
- Permit revenues have already exceeded budget in many areas:
  - Building Permits – expected to exceed budget by \$543k
  - Subdivision Permits – expected to exceed budget by \$73k
  - Planning Permits – expected to exceed budget by \$26k
- Though the rental revenue budgets were reduced due to COVID, they are still not expected to meet revenue projections:
  - Pool Rentals – 60% of budget (2020 – 25%) and not expected to meet budget targets by \$9k.
  - Facility Rentals – 69% of budget (2020 – 71%) and is expected to exceed budget by \$3k.
- Interest charged on unpaid taxes will now meet budget expectations.
- Overall, penalty revenue is at 75% of budget (2020 – 82%):
  - Penalty on Water, Sewer & Garbage bills is 75% of budget (2020 – 77%) and is expected to exceed budget by \$4k.
  - By splitting the 10% property tax penalty over two dates, there was a significant decrease in penalty revenue at 77% of budget (2020 - 85%). There are no further property tax penalties resulting in a \$23k revenue shortfall.

<b>Revenue – Operating Grants</b>	<b>Projected to be on budget</b>
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The Traffic Fine Revenue payment was \$22,148 less than what was received in 2020. The Canada Summer Jobs grants has offset the loss in revenues.

<b>Revenue – Investment Income</b>	<b>Projected to receive \$20k more than budget</b>
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The return on investment is at 83% of budget (2020 – 76%) and is expected to exceed budget.

<b>Expenses - General Government Services</b>	<b>Projected to be \$70k under budget</b>
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Overall, this area is tracking at 75% of budget (2020 – 67%). It is projected to be under budget at year-end due to savings from virtual meetings, conferences and seminars. Interest savings on property borrowing also accounts for a portion of the savings.

<b>Expenses - Protective Services</b>	<b>Projected to be \$317k under budget</b>
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The Fire Department and Animal Control are consistent with the same period as last year and are expected to be on budget by year-end. Bylaw compliance expenses are less in 2021 than in 2020 as additional expenses were authorized in the previous year to assist in compliance with Public Health Orders.

There continues to be significant cost savings in the policing budget due to unfilled RCMP member positions.

<i>Expenses - Transportation/Public Works</i>	<b>Projected to be \$39k under budget</b>
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Though this area is trending higher than in previous years (2021 - 81% compared to 77% for 2020), there is an anticipated savings by year-end. Much of the savings in this area is expected to be from Public Works Operations as some staff were redeployed to capital projects.

<i>Expenses – Solid Waste</i>	<b>Projected to be \$61k under budget</b>
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The solid waste service is projected to be \$61k under budget by year-end mainly due to the delay in completing Phase 2 of the recycling initiative, started by the Sustainability Ambassadors. Tipping fees are expected to exceed the budgeted amount, but there will be a cost savings in advertising.

<i>Expenses – Cemetery Operations</i>	<b>Projected to be \$5k over budget</b>
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The cemetery services are at 86% of budget versus 65% of budget at this time last year. This area is expected to be over budget at year end, though a corresponding revenue partially offsets this overage.

<i>Expenses –Development Services</i>	<b>Projected to be on budget</b>
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The Development Services area currently is at 79% of budget (2020 – 60%) and anticipates continuing on budget for the remainder of the year.

<i>Expenses –Parks</i>	<b>Projected to be on budget</b>
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Parks spending is greater in 2021 than in 2020 at 84% versus 67%. This difference is due to full staffing which allowed regular operations to resume. The spending continues to be similar to 2019 levels.

<i>Expenses –Recreation &amp; Culture Services</i>	<b>Projected to be \$91k under budget</b>
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Projections for recreation services continue to be difficult to predict due to COVID restrictions.

The Fitness and Aquatic area budgets are trending higher than average due to extra staff utilized in the area for COVID. This overage will be offset with COVID funds at year-end. Recreation programs continue to be under budget, though this also means that the corresponding revenue will be under budget.

The Facility Maintenance area is expected to be under budget due to a vacancy in the area.

<i>Expenses –Sewer Services</i>	<b>Projected to be on budget</b>
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Sewer operations spending for the first three quarters of 2021 is at 73%. Though employee costs continue to be under budget as some members of the crew were redeployed to Water Utility, the costs of treatment chemicals and lab testing are utilizing much of the savings within the sewer utility.

<i>Expenses – Water Services</i>	<b>Projected to be \$399k over budget</b>
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The Water Services department is expected to be over budget by year-end, even with the additional funds allocated from reserve. Much of this is due to the consultant's attention to the Water Filtration Plant as well as costs of the chemicals required for the treatment process. This will impact the amount of funds allocated to the Water Reserve to make up the budget shortfall.

<i>Expenses – Debt Payments</i>	<b>Projected to be \$398k under budget</b>
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There is a \$3k savings due to an interest rate reduction for the debt on the RCMP detachment. The interest-only payment for the Churchill property is also less than budgeted. The largest part of the debt savings is the unexecuted borrowing that was authorized as the Town's portion of the water supply grant. The Town did not received the grant, making the debt servicing amounts surplus funds. These funds will be allocated towards the water utility.

***I approve the report and recommendation.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENTS:**

- A. Consolidated Statement of Operations Sept 30, 2021
- B. Consolidated Statement of Financial Position – as of Sept 30, 2021
- C. Listing of Vendor Payments over \$25,000 January 1 – Sept 30, 2021
- D. January – Sept 2021 Capital



# Attachment A - Consolidated Statement of Operations Sept 30, 2021

## TOWN OF LADYSMITH CONSOLIDATED STATEMENT OF OPERATIONS AS AT September 30, 2021

	Actuals 2021	Budget 2021	% of Budget
Revenue			
Taxes:			
Municipal purposes taxation	7,565,295	7,565,288	100%
Policing taxation	1,355,358	1,355,338	100%
Parcel taxes	3,113,857	3,077,480	101%
Grants in Lieu	163,500	163,080	100%
Sale of Services:			
General - other	72,493	26,855	270%
Recreation	218,410	328,406	67%
Protective Services	87,995	85,475	103%
Cemetery	23,808	21,580	110%
Solid Waste	503,614	665,618	76%
Sewer	1,235,142	1,610,390	77%
Water	1,185,068	1,402,946	84%
Investment Income	204,518	235,883	87%
Licence, Permits, Rentals & Penalties	1,224,454	788,442	155%
Grants	2,866,050	28,613,620	10%
Donations and contributed property	23,300	2,111,696	1%
Gain (loss) on foreign exchange	-	-	
Gain (loss) on disposal of tangible capital asse	171,545	-	
Development Cost Charges utilized	20,000	1,182,620	2%
Gas tax funds utilized	275,660	1,578,019	17%
	<u>20,310,068</u>	<u>50,812,736</u>	40%
Expenses: (excluding amortization)			
General government services	1,670,259	2,710,075	62%
Protective services	816,797	2,005,167	41%
Transportation services	909,455	1,990,926	46%
Garbage services	356,934	582,247	61%
Cemetery services	25,447	29,624	86%
Development services	604,039	1,086,428	56%
Recreation and cultural services	2,053,147	9,422,816	22%
Parks operation services	663,000	842,184	79%
Sewer	1,303,076	2,277,429	57%
Water	2,061,278	2,692,061	77%
Operating Expenses	<u>10,463,432</u>	<u>23,638,957</u>	44%
General Capital Projects	732,859	12,940,959	6%
Water Capital Projects	286,240	24,702,491	1%
Sewer Capital Projects	162,833	715,915	23%
Proceeds from New debt (capital financing)	-	6,200,000	0%
Principal Payments	803,851	989,107	81%
Internal Funding	1,437,540	5,974,693	-24%
	<u>6,423,313.59</u>	<u>-</u>	
BALANCE			

**Attachment B - Consolidated Statement of Financial Position – as of Sept 30, 2021**

**TOWN OF LADYSMITH  
CONSOLIDATED STATEMENT OF FINANCIAL POSITION  
AS AT September 30, 2021**

	<b>2021</b>
Financial Assets	
Cash and short term deposits	41,587,718
Accounts receivable:	
Property Taxes	771,902
User Fees	1,288,987
Other	495,906
	<u>44,144,513</u>
Liabilities	
Accounts payable and accrued liabilities	2,645,503
Taxes payable to other agencies	229
Post-employment benefits	319,100
Deferred revenue	1,003,570
Refundable deposits and other	2,378,557
Restricted reserves - other	491,301
Development cost charge reserve	6,374,445
Federal gas tax reserve	2,193,306
Obligations under capital lease	-
Equipment Financing	808,181
Short term debt (financing)	952,700
Debenture debt	15,401,701
	<u>32,568,593</u>
Net Financial Assets	11,575,920
Non-Financial Assets	
Tangible Capital Assets	113,991,578
Capital Projects in Current Year	1,181,932
Prepays	36,150
Inventory	86,553
	<u>115,296,212</u>
Accumulated Surplus	<u>126,872,132</u>

**Attachment C - Listing of Vendor Payments over \$25,000  
January 1 - September 30, 2021**

Supplier Name	Total
1221895 BC LTD	36,803
AHNE STUDIO	64,780
ARCHIE JOHNSTONE PLUMBING & HEATING LTD	27,167
ASSOCIATED ENGINEERING (BC) LTD	228,539
BC ASSESSMENT AUTHORITY	96,485
BC HYDRO	399,841
BC LIFE & CASUALTY COMPANY	110,529
BEAVER ELECTRICAL MACHINERY LTD	86,554
BRIDGE VAULT & DOMINION PRECAST (DIVS OF 794754	25,405
BUNZL	31,210
CASCARA CONSULTING ENGINEERS LIMITED	27,138
CENTRIX CONTROL SOLUTIONS (PQ)	32,228
CHECKWITCH POIRON ARCHITECTS INC	78,294
CLEARTECH INDUSTRIES INC	184,696
COASTAL ANIMAL CONTROL SERVICES OF BC LTD.	28,676
COLUMBIA FUELS A DIV OF PARKLAND FUEL CORP	88,138
COMOX VALLEY REGIONAL DISTRICT	29,215
COWICHAN VALLEY REGIONAL DISTRICT	2,853,629
COWICHAN VALLEY REGIONAL HOSPITAL DISTRICT	1,046,737
CUPE LOCAL 401	63,267
DAVID STALKER EXCAVATING LTD	336,512
DISTRICT OF NORTH COWICHAN	54,011
DON MANN EXCAVATING LTD	274,790
ECORA ENGINEERING & RESOURCE GROUP LTD	77,873
ESC AUTOMATION INC	48,947
FLOCOR INC	43,353
FMI DEVELOPMENTS LTD	72,515
GOLDER ASSOCIATES LTD	322,674
GOODMAN PLUMBING LTD	28,773
HEROLD ENGINEERING LTD	60,314
HUB CITY PAVING LTD	66,891
ICBC	47,524
ICONIX WATERWORKS LIMITED PARTNERSHIP	39,080
ISLAND AGGREGATES LTD	26,989
JENKINS MARINE LTD	43,952
JOHNSON CONTRACTING	68,143
KOERS & ASSOCIATES ENGINEERING LTD	97,495
LADYSMITH & DISTRICT HISTORICAL SOCIETY	36,037
LADYSMITH CHAMBER OF COMMERCE	34,178
LADYSMITH HEALTH CARE AUXILIARY	27,400
LADYSMITH RESOURCES CENTRE ASSOCIATION	43,838
METRO MOTORS LTD	75,929
MINISTER OF FINANCE	160,729
MINISTRY OF SMALL BUSINESS AND REVENUE	659,855
MUNICIPAL FINANCE AUTHORITY	63,167

MUNICIPAL INSURANCE ASSOCIATION OF BC	216,114
MUNICIPAL PENSION FUND	706,884
NAC CONSTRUCTORS LTD	547,555
NIKO PROJECTS INC.	46,856
PACIFIC BLUE CROSS	192,664
PIPE-EYE VIDEO INSPECTIONS & SERVICES	26,247
RECEIVER GENERAL (Payroll only)	1,307,427
RECEIVER GENERAL FOR CANADA	645,889
RUSHWORTH ELECTRICAL SERVICES INC	34,030
SMITH CAMERON PROCESS SOLUTIONS	27,925
STEWART MCDANNOLD STUART	56,149
TELUS MOBILITY	25,624
TETRA TECH CANADA INC	49,724
TOWN OF LADYSMITH	25,194
US BANK	149,393
VANCOUVER ISLAND REGIONAL LIBRARY	319,368
VEER HOLDINGS INC	40,768
WASTE CONNECTIONS OF CANADA INC	200,477
WATERHOUSE ENVIRONMENTAL SERVICES CORPORATION	62,832
WEST COAST PRE FAB LTD	108,228
WORKSAFE BC	140,621
WSP CANADA INC.	50,034

### Attachment D – January to September 2021 Capital

Department	Project Name	Budget	Actuals & Commitments to September 30, 2021
Development Services			
	Waterfront Zoning Update	10,000	-
	Waterfront Land Use Approvals	5,000	-
	Planning Guides & Checklists	8,800	-
	OCP Review Phase I	307,000	203,578
	Waterfront Stage 1 Remediation	408,345	273,298
Corporate			
	Website Upgrade	4,665	2,492
	Council Chambers - chairs	10,000	7,691
Parks & Recreation			
	Downtown Washrooms	99,696	40,135
	Public Works Washroom & Reno	89,864	89,863
	Mobile Food Service site upgrades	5,957	
	Rotary Boat ramp float replacement	105,000	97,846
	Forrest Field Phase 1	370,000	23,732
	Sports Field Improvements - Aggie	75,000	2,711
	Spray Park Upgrades	24,400	18,445
	Trail Kiosk, Maps & Markers	15,000	-
	Golf Deflection Netting	3,516	3,516
	Root Street Kin Park	65,000	
	Tree replacement Program	12,000	3,468
	Paved accessible pathway Amphitheatre	5,000	7,092
	Lower Holland Creek Trail Boardwalk Repairs	10,500	-
	Brown Drive Park - Railing	5,500	-
	High Street Ball Field - infield turf & irrigation	25,000	-
	Art in accordance with Arts Strategy	10,000	-
	Child Care Space Creation (Grant)	917,110	66,064
	Youth Communication Plan	6,500	-

Department	Project Name	Budget	Actuals & Commitments to September 30, 2021
	Soundproofing interview rooms RCMP	15,000	-
	Accessibility Audit & Phase 1 Implementation	24,975	-
	Emergency Support Services Program	7,563	4,104
	Machine Shop ICIP- CCR	4,247,390	-
	Lot 108 ICIP- RNC	2,181,250	-
	RCMP Gate	2,600	5,837
	Poverty Reduction Action Plan	7,925	7,925
	Lights at City Hall	6,000	4,143
	Transfer Beach Washrooms (grant)	408,000	2,732
	Transfer Beach Shelters (grant)	135,000	-
	Aggie Hall Exhaust fan/mop sink install	10,000	9,410
	Doorway from Gym to FJCC Hallway	7,000	-
	FJCC Aerobics studio floor refinish	11,000	-
	FJCC Floor Scrubber	13,000	11,111
	HVAC unit (City Hall)	15,000	
	Museum siding, Roof & Gutters	70,000	4,265
	PW Building -Roof Replacement Phase 1	100,000	54,866
	Fire hall vehicle exhaust systems	60,000	1,600
	VET Baffles - Gymnasium	10,000	-
	Fitness equipment - Cardio	70,000	
	Seniors Strategy	25,000	
	Pool Chlorine Conversion	35,000	14,847
	Spirogestor Pump Room -Roof Replacement	10,000	-
Public Works			
	Paving: 4th Ave, Methuen to Belaire	1,202,410	6,825
	Engineering & Construction Stnds Review	7,750	7,717
	Snow Equipment	35,895	-
	Holland Creek Crossing (traffic)	2,500,000	-
	Vehicle - Single Axle Dump Plow Truck	245,000	247,707
	Intersection Improvement: 4th Ave @ Belair	300,000	
	Dogwood Culvert Engineering- Design	19,071	4,630

Department	Project Name	Budget	Actuals & Commitments to September 30, 2021
	Sidewalk - Buller Street	75,000	
	Roundabout - Ludlow & Rocky Cr (design)	87,063	72,583
	GIS Stage 2 Implementation	16,525	5,436
	Retaining Wall (LMS Marina) Options	100,000	54,404
	Storm main - French to Kitchener	40,000	5,160
	Bollards - 1st Avenue	30,000	
	Half Road incl Sidewalk - Russell Rd: 760 to 740	42,000	
	Cemetery - Fence & Gate	50,000	18,794
	Walkem Culvert Engineering	15,000	-
	Half Road incl Sidewalk - Russell Rd: Ridgeway to Simpson	50,000	
	Storm Water Manhole Replacement Program	20,000	-
	Storm Water Master Plan	300,000	-
	Churchill Improvements	25,000	1,057
	Pre Emption Light Hwy & 1st	21,330	21,330
	Brown Drive - Sidewalk (grant)	423,843	-
	Paved Food Truck Pad & Walkway (Grant)	96,360	-
	Transfer Beach Park Amenities (grant)	27,192	9,639
	Transfer Beach Canoe Shelter (Salish wind) (grant)	35,000	2,982
	Holland Dam - Storage Feasibility , Tendering, pre Construction	86,887	-
	Holland Lake Generator & Controls	8,852	-
	Stocking Lake Dam Study (grant)	193,392	116,959
	Water Meter replacement	50,000	21,913
	Stocking Lake Supply main PRV Station	70,000	-
	Holland Dam - Storage Upgrade (construction)	12,410,000	-
	Water Supply Main Holland to Stocking (Interconnection)	6,400,000	
	Water Supply Main Stocking Lake (twinning)	4,350,000	
	water main - Methuen Loop Connection to 6th Ave	32,129	-
	Edgewood Water Meter Replacement	48,068	-
	Sodium Hypo-Chlorite Arbutus Treatment Plant	86,212	60,534
	Water Valve Replacement Program	25,000	13,488

Department	Project Name	Budget	Actuals & Commitments to September 30, 2021
	Balancing Water intake dredging	50,000	-
	Stocking Lake Main Monitoring System	181,839	9,903
	Chicken Ladder Flood Hardening	14,120	14,118
	Holland Supply Main Replacement Phase 2	166,989	130,359
	Water main: Oyster Bay Dr Water	345,639	13,134
	Water main loop Battie to Thetis	80,000	80,000
	Chicken ladder sensor WFP	25,000	-
	Chicken Ladder Culvert Replacement	75,000	-
	Chicken Ladder Gate Replacement	7,500	8,413
	Water main Replacement - French St	190,000	2,240
	Water main: Methuen 4th - 5th	145,000	12,397
	Skid Steer Trailer	12,000	12,865
	Water Leak Detection Device	8,675	8,673
	Confined Space Equipment	98,960	-
	Water main - Forward Road	58,000	7,031
	Flow Monitoring	54,937	-
	Gill Road Lift Station	29,533	-
	Sewer UV Pilot Study	138,985	28,291
	Environmental Impact Study Y1	100,000	
	Emergency Lift Station Generator -Gill Rd	146,286	146,283
	Transfer Beach Lift Station	50,000	-
	Screeners Replacement - WWTP	61,926	53,050
	Marine Signage for WWTP outfall line	30,000	-
	Sewer Source Control Program (bylaw drafting)	10,000	
	Inflow & Infiltration Connections	86,296	-
	Compost Conveyor Belt	20,000	16,550
	Spirogester Valve Removal	10,000	-
	Caretaker Building	50,000	-
	Sewer main upgrade Rocky Creek Main - Oyster Bay Rd	80,750	
	Inflow & Infiltration Connections	100,000	4,802
	Salsnes UV Air Filter	15,000	-



Department	Project Name	Budget	Actuals & Commitments to September 30, 2021
	Sandy Beach Lift Station Generator	232,420	-
Protective Services			
	Utility Truck (Fire) Replace 1995 Chevy	75,000	72,628
	Chief's Truck - Command 1 Vehicle	80,752	78,874
	Fire Pro 2	8,560	5,666
	Gear Grid	15,000	14,980
Waterfront			
	Arts & Heritage Hub (Phase 1)	4,380,000	473,045
	Geotechnical study for road alignment	50,000	-
	Legal survey of development parcels	17,934	-
	Storm drainage relocation	15,000	-

## INFORMATION REPORT TO COMMITTEE OF THE WHOLE

**Report Prepared By:** Management  
**Meeting Date:** November 9, 2021  
**File No:**  
**Re:** 2020-2023 Strategic Priorities Update

### **RECOMMENDATION:**

That the Committee receive for information the 2020-2023 Strategic Priorities Update dated November 9, 2021.

### **EXECUTIVE SUMMARY:**

This Plan was deliberated and approved by Council in the fall of 2019. This is the fourth update to Council on the 2020-2023 Strategic Plan.

### **PREVIOUS COUNCIL DIRECTION:**

CW 2021-036	11/05/2021	That the Committee receive for information the strategic priorities update entitled "2020-2023 Strategic Plan" dated May 11, 2021.
CW 2021-013	01/12/2021	That the Committee receive for information the strategic priorities update entitled "2020-2023 Strategic Plan" dated January 12, 2021.
CW-2020-033	14/07/2020	That the Committee receive for information the strategic priorities update entitled "2020-2023 Strategic Plan" dated July 14, 2020.
CS 2019-351	11/04/2019	That Council adopt the 2020-2023 Strategic Plan and direct staff to publish the plan online and in hard copy.

### **DISCUSSION:**

Council has provided direction regarding the strategic priorities of the Town for 2020-2023 and the attached report provides a high level update of the projects that support those priorities.

*I approve the report and recommendation.*

Allison McCarrick, Chief Administrative Officer

### **ATTACHMENT:**

- A. 2020-2023 Strategic Priorities Update - November 9, 2021

## 2020-2023 STRATEGIC PRIORITIES UPDATE - NOVEMBER 9, 2021

3<sup>rd</sup> QUARTER

YEAR END  
STATUS

### INFRASTRUCTURE

*Ensure that the Town's water supply system meets the needs of the current and future residents and the demands of climate change*

Watermain replacement - Parkhill Terrace	On track	Continue next year
Holland dam - storage feasibility, tendering, pre-construction		Continue next year
Holland Lake generator & controls	On track	Complete
Stocking Lake dam study (grant)		Complete
Water meter replacement		Complete
Stocking Lake supply main prv station	Not started	Continue next year
Holland dam - storage upgrade (construction)		Postpone
Water supply main Holland to Stocking (interconnection)		Postpone
Water supply main Stocking Lake (twinning)		Postpone
Watermain methuen loop connection to 6th ave	On track	Continue next year
Edgewood water meter replacement	Requires \$	Continue next year
Water valve replacement program	On track	Complete
Balancing water intake dredging	Delayed	Continue next year
Stocking lake main monitoring system	On track	Continue next year
Chicken ladder flood hardening	Complete	Complete
Holland supply main replacement phase 2	Complete	Complete
Watermain Oyster Bay Drive	Delayed	Postpone
Watermain loop Battie to Thetis	Complete	Complete
Chicken ladder sensor wfp	Delayed	Postpone
Chicken ladder culvert replacement	Not started	Continue next year
Chicken ladder gate replacement	Complete	Complete
Watermain replacement French Street	On track	Continue next year
Watermain Methuen 4th - 5th	On track	Continue next year
Water leak detection device	Complete	Complete
Watermain forward road	On track	Complete
<i>Maintain an effective and efficient waste water treatment system that meets the needs of the population and supports the long-term health of the harbour</i>		
Spirogestor pump room roof replacement	Not started	Complete
Sodium hypo-chlorite Arbutus Treatment Plant	On track	Complete
Flow monitoring	On track	Continue next year
Gill Road lift station	On track	Complete
Sewer UV pilot study	Complete	Complete
Environmental impact study y1	On track	Continue next year
Emergency lift station generator - Gill Road	Complete	Complete
Transfer Beach lift station	On track	Continue next year
Screener replacement - WWTP	Complete	Complete
Marine signage for WWTP Outfall Line	On track	Complete

## 2020-2023 STRATEGIC PRIORITIES UPDATE - NOVEMBER 9, 2021

	3 <sup>rd</sup> QUARTER	YEAR END STATUS
<b>INFRASTRUCTURE continued</b>		
Sewer source control program (bylaw drafting)	On track	Complete
Inflow & infiltration connections	On track	Continue next year
Spirogester valve removal	On track	Complete
Rocky Creek sewer main Oyster Bay Road		Continue next year
Inflow & infiltration connections	On track	Continue next year
Salsnes UV air filter	On track	Complete
Sandy beach lift station generator	Delayed	Continue next year
<b><i>Implement an asset management plan to replace and maintain aging infrastructure</i></b>		
Public Works washroom & reno	Complete	Complete
Caretaker building	Delayed	Continue next year
Storm water master plan	Delayed	Continue next year
Transfer Beach food service site upgrades	Complete	Complete
Forrest field phase 1	On track	Continue next year
Sports field improvements - Avggie	Requires \$	Continue next year
Spray park upgrades	Complete	Complete
Golf deflection netting	Complete	Complete
Root Street Park	On track	Continue next year
Lower Holland Creek trail boardwalk repairs	Requires \$	Continue next year
Brown Drive park railing	Not started	Continue next year
High Street ball field infield turf & irrigation	On track	Complete
Transfer Beach washrooms (grant)	On track	Continue next year
Transfer Beach shelters (grant)	On track	Continue next year
Doorway from gym to FJCC hallway	On track	Complete
Museum siding, roof & gutters	On track	Complete
PW building -roof replacement phase 1	Complete	Complete
Vet baffles - gymnasium	Not started	cancel
Fitness equipment - cardio	Not started	Postpone
Paving: 4th , Methuen to Belaire	Delayed	Continue next year
Holland Creek crossing (traffic)	Delayed	Continue next year
Intersection improvement: 4th @ Belair	Delayed	Continue next year
Dogwood culvert engineering- design	On track	Postpone
Sidewalk: Buller Street	Not started	Postpone
Retaining wall (LMS Marina) options	On track	Continue next year
Storm main - French to Kitchener	On track	Continue next year
Cemetery - fence & gate	On track	Complete
Walkem culvert engineering	Not started	Continue next year
Storm water manhole replacement program	Not started	Continue next year

## 2020-2023 STRATEGIC PRIORITIES UPDATE - NOVEMBER 9, 2021

3<sup>rd</sup> QUARTER

YEAR END  
STATUS

### INFRASTRUCTURE continued

Churchill improvements	On track	Complete
Pre emptio light hwy & 1st	On track	Complete
Brown Drive - sidewalk (grant)	On track	Continue next year
Paved food truck pad & walkway (grant)	On track	Continue next year
HVAC unit (City Hall)	On track	Complete
Half road incl sidewalk - Russell 760 to 740	On track	Complete
Snow equipment	On track	Complete
Vehicle - single axle dump plow truck	On track	Continue next year
Bollards - 1st Avenue	Delayed	Postpone
Utility truck (fire) replace 1995 chevy	Complete	Complete
Chief's truck - command 1 vehicle	On track	Complete
Council chambers chairs replacement	Complete	Complete
Skid steer trailer	Complete	Complete
Half road incl sidewalk - Russell, Ridgeway to Simpson	Delayed	Continue next year

### COMMUNITY

#### *Strengthen communications and collaborations with key partners including Stz'uminus First Nation*

Website upgrade	Complete	Complete
Child care space creation (grant)	On track	Continue next year
Identify and act on opportunities for joint initiatives and shared facilities	On going	Continue next year
Ongoing collaboration and reconciliation initiatives with Stz'uminus First Nation	On going	Continue next year

#### *Develop comprehensive affordable strategies that reflect the needs within our community*

Complete housing needs assessment		Complete
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#### *Support the Town vision by ensuring that appropriate short and long-term community plans are in place*

Planning guides & checklists	Not started	Continue next year
OCP review phase 1	On track	Continue next year
Art in accordance with arts strategy	Not started	Continue next year
Youth communication plan	Not started	Complete
Accessibility audit & phase 1 implementation		Continue next year
Emergency support services program	Complete	Complete
Lot 108 ICIP- RNC	Requires \$	Postpone
Poverty reduction action plan	Complete	Complete
Seniors strategy	On track	Continue next year

## 2020-2023 STRATEGIC PRIORITIES UPDATE - NOVEMBER 9, 2021

3<sup>rd</sup> QUARTER

YEAR END  
STATUS

### COMMUNITY continued

Engineering & construction standards review	On track	Continue next year
Pool chlorine conversion	Complete	Complete
Roundabout - Ludlow & Rocky Creek (design)	On track	Continue next year
GIS stage 2 implementation	Delayed	Continue next year

### *Demonstrate Council's leadership and continued excellence in governance*

Continue to enhance Council's performance by conducting bi-annual evaluations	On going	Continue next year
Foster ongoing professional development through training, workshops and other opportunities	On going	Continue next year
Develop and implement a new Council self assessment policy	In progress	Continue next year
Create a Council code of conduct policy	Complete	Complete

### WATERFRONT

#### *Prioritize realization of upland waterfront opportunities*

Waterfront zoning update	Not started	Continue next year
Waterfront land use approvals	Not started	Continue next year
Geotechnical study for road alignment	Not started	Continue next year
Legal survey of development parcels	Delayed	Continue next year
Storm drainage relocation	Not started	Continue next year

#### *Continue remediation of contaminated areas within Ladysmith Harbour*

Waterfront stage 1 remediation	On track	Continue next year
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#### *Develop a thriving Arts & Heritage Hub*

Machine Shop ICIP- CCR	Requires \$	Postpone
Arts & Heritage Hub (phase 1)	On track	Continue next year

#### *Create cultural and recreational amenities to attract and engage residents and visitor alike*

Rotary Boat ramp float replacement	On track	Complete
Paved accessible pathway amphitheatre	Complete	Complete
Transfer Beach park amenities (grant)	On track	Continue next year
Transfer Beach canoe shelter (grant)		Continue next year

### ECONOMY

#### *Pursue opportunities leading to economic development and job creation*

Trail kiosk, maps & markers	Not started	Continue next year
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#### *Implement and support projects to maintain a vibrant downtown*

Downtown washrooms	Complete	Complete
Tree replacement program	On track	Continue next year

#### *Seek collaborative partnerships to enhance tourism attraction*

Develop and implement a strategy to enhance and promote Ladysmith's trails for hiking and cycling	Not started	Continue next year
Finalize an agreement with the Ladysmith Chamber of Commerce for tourism services	Complete	Complete

**STAFF REPORT TO THE COMMITTEE OF THE WHOLE**

**Report Prepared By:** Geoff Goodall, Director of Infrastructure Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** November 9, 2021  
**File No:**  
**Re:** **Water Conservation Plan Policy**

**RECOMMENDATION:**

That the Committee recommend that Council approve the Water Conservation Plan Policy as presented in the staff report dated November 9, 2021.

**EXECUTIVE SUMMARY:**

A Water Conservation Plan Policy with achievable targets is necessary in many grant applications and grant reporting. The attached policy sets a new water conservation target of 244 litres per person, per day.

**PREVIOUS COUNCIL DIRECTION:**

CS 2020-050	02/04/2020	That Council set a new single family residential water consumption target for the Town of Ladysmith of 25 per cent below the BC residential average single family consumption rate.
CS 2015-284	08/17/2015	That Council adopt the following water conservation measures: <ul style="list-style-type: none"> <li>• Establish a Council policy on Sustainable Drought Tolerant Planting Strategies in Fall 2015</li> <li>• Establish a policy on Municipal Water Use during water restrictions in Fall 2015</li> <li>• Consider adopting further water conservation measures</li> <li>• Review Water Metering for non-residential properties</li> </ul>
CS 2015-023	01/19/2015	That Council adopt the following recommendations and include them in an updated Conservation Plan for 2015: <ol style="list-style-type: none"> <li>1. Set a new residential water consumption target of 20 per cent lower than the current published Canadian average residential consumption rate;</li> <li>2. Direct staff to investigate the potential to expand the current single family residential block water rate structure to other users, such as commercial and industrial users, and report back to Council on possible changes to the rate structure;</li> <li>3. Direct staff to investigate further reductions of water use at municipal facilities, including parks irrigation, as well as any unaccounted for water use (water leaks);</li> <li>4. Direct staff to investigate new potential rebates and public education, and other water reduction programs to achieve the target water reductions noted above.</li> </ol>

**INTRODUCTION/BACKGROUND:**

As part of the grant for the Water Filtration Plant, the Town is required to update the Water Conservation Plan. The attached policy formalizes the current plan and process. The previous plan included achieving a target water consumption rate by 2018 that was 20 percent less than the published Canadian average single family consumption rate. The Town did not achieve this

target by 2018, but as of 2020 we have achieved the target. The national average is 325 litres per person per day, based on an average of 2.3 people per dwelling. Using the Province's water calculator program, the Town of Ladysmith is at 254 litres per person, per day.

The new target is 244 litres per person, per day and is to be achieved by December 31 2026, which is a 25 percent reduction on the overall residential consumption rate.

To help achieve this, Council has directed staff to target high consumption users in the summer months with a higher step rate. Summer water demands are up to 2.8 times higher than winter demands and a significant portion of these increased demands are attributed to irrigation.

**ALTERNATIVES:**

The Committee can recommend that Council:

1. Establish a greater target as specified by Council.

**FINANCIAL IMPLICATIONS:**

Each litre of water that passes through the Town's water system has an associated cost. Reducing the amount of water use will save some funds, though there is a large fixed-cost amount associated with simply owning a water system that will remain. The largest financial impact of reducing water demands comes from the delay in capital expenditures required to expand the existing water system.

**LEGAL IMPLICATIONS:**

N/A

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

All water users play a vital role in water conservation within the Town.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Infrastructure Services will take the lead on implementing much of the Policy.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input checked="" type="checkbox"/> Green Buildings             | <input type="checkbox"/> Multi-Use Landscapes      |
| <input checked="" type="checkbox"/> Innovative Infrastructure   | <input type="checkbox"/> Local Food Systems        |
| <input type="checkbox"/> Healthy Community                      | <input type="checkbox"/> Local, Diverse Economy    |
| <input type="checkbox"/> Not Applicable                         |  |

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Infrastructure | <input checked="" type="checkbox"/> Economy |
| <input type="checkbox"/> Community                 | <input type="checkbox"/> Not Applicable     |
| <input type="checkbox"/> Waterfront                |   |



*I approve the report and recommendations.*

Allison McCarrick, Chief Administrative Officer

**ATTACHMENT:**

- A. Water Conservation Plan Policy

<b>TOPIC:</b>	Water Conservation Plan		
<b>POLICY No:</b>			
<b>APPROVED BY:</b>	Council	<b>RESOLUTION No:</b>	
<b>DATE:</b>			
<b>AMENDED:</b>			

Water is a very precious resource, and therefore the Town is taking several measures to encourage citizens to reduce consumption.

### **GOAL**

To reduce the Town's domestic water use to 244 litres per person, per day by December 31, 2026.

### **SCOPE**

Ladysmith's water is supplied by two sources: Holland Lake and Stocking Lake. The water distribution system serves over 9,000 people within the Town of Ladysmith, the Diamond Water Improvement District and IR 13 for the Stz'uminus First Nation.

The primary purpose of the Town of Ladysmith's water system is to provide clean, safe drinking water as prescribed by Island Health. To ensure sustainability of the water system, the Town of Ladysmith undertakes a number of initiatives towards water conservation.

### **POLICY**

#### ***Responsibility***

It is the responsibility of the Director of Infrastructure Services to suggest and implement water conservation measures.

#### ***Funding Conservation Initiatives***

Within the constraints of the annual Financial Plan, the Town will fund water conservation initiatives with a combination of current water system revenues, current water system parcel taxes, prior years' water system surpluses and grant funds.

#### ***Water Meters***

The Town of Ladysmith meters all water consumption within the Town. Installation of water meters at all residences and businesses helps determine and repair any leaks in the system while monitoring consumption.

***Watering Restrictions***

Town residents are required to follow watering restrictions to help reduce the demands on water in the peak summer months. Watering restrictions are coordinated within the region.

The Town approved a new summer water rate, to be implemented in 2022, to discourage water use greater than 200m<sup>3</sup> per quarter for single family dwellings during the months of April through September.

***Education***

On an annual basis, the Town distributes water conservation education materials to water users.

***Water Efficient toilets***

Implementation of regulations making low-flow toilets mandatory in all new construction and renovations.

Low flush toilets are installed in all newly constructed or newly renovated municipal washroom facilities.

The Town funds a low-flush toilet rebate program that encourages homeowners to install a water efficient toilet and provides a rebate based on the efficiency of the new toilet.

***Long Range Planning***

The Town of Ladysmith has undertaken many long-range initiatives such as:

- Water demand analysis;
- Water modeling updates for future growth;
- Maximizing the efficiency of the storage at Stocking Lake Dam;
- Minimizing water loss through the water supply and distribution system;
- Water Development Cost Charge program; and
- Undertaking capital upgrades to the water supply and storage system.

**STAFF REPORT TO COMMITTEE OF THE WHOLE**

**Report Prepared By:** Ryan Bouma, Sr. Engineering Technologist  
**Reviewed By:** Geoff Goodall, Director of Infrastructure Services  
**Meeting Date:** November 9, 2021  
**File No:**  
**Re:** **Work in Town Streets Security Requirements**

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**RECOMMENDATION:**

That the Committee recommend that Council direct staff to create a policy for setting security deposit amounts for work on Town streets as described in the staff report dated November 9, 2021.

**EXECUTIVE SUMMARY:**

Section 45(2)(a) of the “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309” requires a security deposit for “Highway Use”. (The bylaw definition of “Highway” includes every highway, road, street, lane, boulevard, sidewalk, bridge, viaduct or right-of-way designed, intended for, or used by the general public for the passage of vehicles, cycles or pedestrians.) This security deposit amount is based on the opinion of the Director of Infrastructure Services at a minimum \$1,000. Our current Work in Town Streets permit application (Attachment A) includes as a condition of approval, a requirement for a security deposit equal to 50% of the cost of work. Staff have been requiring security deposits based on the 50% rule; however, this one size fits all rule is not always appropriate. A security deposit based on three or four categories of work (with each category reflecting the level of potential risk for the Town) would provide a clearer requirement as well as reasonable flexibility.

**PREVIOUS COUNCIL DIRECTION:**

N/A

**INTRODUCTION/BACKGROUND:**

Security deposits are a standard requirement in local governments to ensure a developer fulfills a requirement or has the funds to make repairs if something goes wrong. Typically the security requirement is commensurate with the potential for the municipality to be injured by the contractor choosing to not fulfill an obligation (i.e., complete works, repair damaged infrastructure, or clean up dirty roads).

The Town currently requires a 50% deposit of the value of construction. This is sometimes not enough and often overly punitive. The bylaw provides a lot of flexibility and states:

- (2) *As a prerequisite to the issuance of a permit under this Section, the applicant shall:*
- (a) *deposit with the Municipality a sum of money not less than \$1,000.00 or, where the amount is greater than \$5,000.00, an irrevocable Letter of Credit which is, in the opinion of the Director of Infrastructure Services, sufficient:*
- (i) *to pay the cost of repairing any potential damage to the highway, or any installations therein or thereon, by reason of the things to be done pursuant to the permit; or*
- (ii) *to ensure that any obligations imposed by the permit shall be fulfilled and completed within the time specified in such permit;*

Although the flexibility afforded in the bylaw appears to be helpful it can lead to ambiguity or disagreement without a policy that helps define appropriate amounts of security. As such, staff are seeking to implement a policy that conforms to the existing bylaw, but provides simple and clear direction on how much security will be required in most circumstances. The policy would generally be as follows:

Projects would be categorized into four (4) potential types:

- **Low Risk:** may include vacant land, local roads without much infrastructure, low evasive work requirements, little to no environmental concern, and surface work only (i.e., traffic control);
- **Medium Risk:** may include areas that include usual infrastructure (water, sewer, storm, sidewalks, etc.), collector roads, medium to large worksites, heavy equipment, and some environmental concern;
- **High Risk:** may include large work areas that include extensive infrastructure, environmental concerns, high levels of traffic on collector roads, heavy equipment, and complicated construction activity;
- **Unusual Risk or Building Permits:** situations that present unusually high risk, such as earth works directly adjacent to a fish bearing stream or excavation near a high pressure AC watermain. Building Permit frontage works would be included to ensure frontage works are completed (the Building Official cannot necessarily require all frontage works are completed prior to Occupancy).

The Director or his or her designate would determine the risk level the project aligns with and assign the security amount as follows:

- **Low Risk:** 10% of the value of works with a minimum of \$1,000;
- **Medium Risk:** 25% of the value of works with a minimum of \$5,000;
- **High Risk:** 50% of the value of works with a minimum of \$10,000;
- **Unusual Risk or Building Permits:** 100% of the value of works.

**ALTERNATIVES:**

The Committee can choose to recommend that Council:

1. Request that staff continue with a general requirement of 50% of the cost of work for security (status quo).
2. Request that staff implement a policy with different parameters than those described above.

**FINANCIAL IMPLICATIONS:**

N/A

**LEGAL IMPLICATIONS:**

N/A

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

N/A

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

N/A

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

- |  |  |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings             | <input type="checkbox"/> Multi-Use Landscapes      |
| <input type="checkbox"/> Innovative Infrastructure   | <input type="checkbox"/> Local Food Systems        |
| <input type="checkbox"/> Healthy Community           | <input type="checkbox"/> Local, Diverse Economy    |
| <input checked="" type="checkbox"/> Not Applicable   |  |

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |  |
|---|--|
| <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy                   |
| <input type="checkbox"/> Community      | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront     |  |

***I approve the report and recommendation.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT:**

- A. Application to Work on or Within Town Streets, Right-of-Ways and Property

## APPLICATION TO WORK ON OR WITHIN TOWN STREETS, RIGHT-OF-WAY AND PROPERTY

<b>APPLICANT:</b>			
Business Name:		Business Licence No.	
Business Address:			
Business Phone No.:		Business Email:	
24 Hr. Emergency No.:		Contact Name:	
<b>LOCATION OF WORK:</b>			
Property Owner / Occupant Name:			
Civic Address:			
Legal Description:			
<b>CONSTRUCTION DETAILS:</b>			
Start Date:		Completion Date:	
Description of Work: (please enter in space provided below)			
Traffic Safety Plan Required <input type="checkbox"/>		Lane Closure Required <input type="checkbox"/>	
Provide two sets of drawings detailing proposed construction and location, and two copies of estimated cost of construction for review and approval by the Engineering Department.			
<b>PERMIT FEE: \$50.00</b>			
I/We have read, understand and agree to comply with all the terms and conditions outlined in the Conditions of Approval on the reverse side of this permit. The approved works are to be completed to the satisfaction of the Engineering Department. A non-refundable <u>\$50.00</u> permit fee has been paid to the Town of Ladysmith.			
Contractor Signature:		Date:	

<b>OFFICE USE</b>			
Permit Fee Receipt #:	Cheque <input type="checkbox"/>	Debit <input type="checkbox"/>	Cash <input type="checkbox"/>
Amount of Security Deposited \$	Cheque <input type="checkbox"/>	Debit <input type="checkbox"/>	Cash <input type="checkbox"/>
Deposited by:	Irrevocable letter of credit <input type="checkbox"/>		
Permission to commence construction is hereby given subject to the terms and conditions outlined in the Conditions of Approval on the reverse side of this permit.			
Engineering Department		Date	
Final Engineering Inspection (Approval to Release Security Deposit, if applicable)			
Engineer's Signature:			
Date:			

## CONDITIONS OF APPROVAL

1. In the event a permitted encroachment on Town property is for the exclusive, sole use of a property or property owner, the Town shall issue an encroachment agreement to the property owner permitting the encroachment and may require sufficient liability insurance so as to protect the Town's interests. In the event such required insurance is permitted to lapse by the property owner, the Town may remove the encroachment at the property owner's expense.
2. Prior to the commencement of construction the contractor shall:
  - (a) Deposit with the Town an irrevocable letter of credit or cash in the amount of 50% of the estimated cost of the work, prepared by a P. Eng, certified in the province of BC;
  - (b) Provide the Town with 48 hours' notice;
  - (c) Obtain from the appropriate authorities all underground service information within and adjacent to the construction site in order to locate and to protect existing pipes or ducts forming part of any sewer, drain or other public utility system;
  - (d) Provide certificates or other evidence to the satisfaction of the Town that the property owner or contractor has obtained comprehensive public liability and property damage insurance in the amount of not less than FIVE MILLION DOLLARS (\$5,000,000) on an all risk basis for bodily injury, death and damage;
  - (e) Arrange a site meeting with the Town's Engineering Department and others involved with the work.
3. Upon commencement of work the contractor shall proceed with due diligence.
4. All work shall be constructed in compliance with the Town Bylaws and amendments thereto, if any, as well as the regulations contained within the Town of Ladysmith's Engineering Standards and Specifications; as well as to such special conditions, restrictions and regulations as may be imposed by the Town's Engineering Department.
5. All work is to be done in compliance with the Worker's Compensation Act.
6. In consideration of the granting of this permit, I/we agree to release and indemnify the Town of Ladysmith, its Council Members, employees and agents from and against all liability, demands, claims, causes of actions, suits, judgements, losses, damages, costs, expenses of whatever kind which I/we or any other person, partnership or corporation of my/our/their respective heirs, successors, administrators or assignees may have or incur in consequence of or incidental to the granting of this permit or any inspection, failure to inspect, certification, approval, enforcement or failure to enforce the Town of Ladysmith bylaws and I/we agree that the Town of Ladysmith owes me/us no duty of care in respect of these matters.
7. The contractor shall be responsible for all damages which may arise as a result of his operations and shall make good such damage at his expense.
8. If the contractor fails to repair the damage, the security provided by the contractor shall be forfeited and be used to have the damage repaired by the Town in which case the contractor will be charged the actual construction and installation costs required to complete the repairs including an administration charge.
9. Additional conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





## Prime Contractor Designation Form

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### "Appendix A"

PROJECT NAME: \_\_\_\_\_

### PRIME CONTRACTOR DESIGNATION FOR OCCUPATIONAL HEALTH & SAFETY

#### Definitions:

According to the Workers Compensation Act (Part III)

#### Owner (Town of Ladysmith):

#### Prime Contractor:

Any Contractor designated by the owner (Town of Ladysmith) to be the Prime Contractor on a project with respect to occupational health and safety ONLY

#### Designation:

By signing this agreement, \_\_\_\_\_ agrees to assume the responsibilities of a **Prime Contractor** as outlined in the "Workers' Compensation Act, and Regulations". In general, the Prime Contractor coordinates the occupational health and safety activities of all employers, workers and other persons at the workplace.

As a Contractor signing this agreement with the Town of Ladysmith, you are agreeing that your personnel will comply with the "WorkSafeBC Occupational Health and Safety (OH&S) Regulations" and the "Workers Compensation (WC) Act".

If the Prime Contractor wishes to designate another firm as the Prime Contractor, they shall advise the Town of Ladysmith of their intentions in writing and obtain approval from the Town of Ladysmith prior to the commencement of the new Prime Contractor designation. The new Prime Contractor must agree through signature to all the terms of this agreement.

## **PRIME CONTRACTOR RESPONSIBILITIES:**

### **The Prime Contractor will provide the following information:**

- Proof that they are registered with WorkSafeBC and a commitment to notify the Town of Ladysmith of any change of status during the course of the project;
- Proof that they are up-to-date on WorkSafeBC assessment payments;
- If applicable, proof that they have taken optional coverage for self and family members working on the contract;
- Proof that they have taken appropriate coverage for the work being done (i.e. ensure they are in the right classification);
- A complete copy of their Health and Safety Program.

### **Prior to Commencement of Work the Prime Contractor Shall:**

- Review, complete and sign “Prime Contractor Designation”;
- Submit the “Notice of Project” to WorkSafeBC, where required, on a construction workplace. See “OH&S Regulation 20.2” for the general requirements of a “Notice of Project”.

### **During Work the Prime Contractor Shall:**

- Identify and designate a person to be the qualified coordinator, who must co-ordinate health and safety activities in the workplace, if the workplace is a construction workplace of more than one employer, with a combined workforce of more than five (5) workers;
- Assume responsibility for the health and safety of the workers on the project;
- Inform all other employers for the project of the designation of Prime Contractor;
- Coordinate all activities of employers, workers and other persons at the workplace relating to occupational health and safety;
- Establish and maintain a system or process that will ensure all employers, workers and other persons at the workplace comply with the “Workers Compensation Act” and the “WorkSafeBC OH&S Regulations”;
- Immediately report to the Owner any unforeseen critical health or safety hazard that is identified during work. Together with the Owner, determine and implement an effective control. Work will be allowed to continue only when the situation has been made safe.

### **Prime Contractor Qualified Coordinator:**

The responsibilities of the qualified coordinator are listed in “WorkSafeBC OH&S Regulation 20.3”.

### **The Prime Contractor’s Qualified Coordinator must:**

- Coordinate all health and safety activities for the project;
- Know who all other contractor’s qualified persons are, if it is a construction workplace;
- Ensure that all workers at the workplace are informed of pre-existing workplace hazards, and of any hazards on the workplace that will be created by the work;
- Ensure that all workers are adequately trained in the performance of their job tasks, with particular reference to any job or task which may cause a risk to themselves, their co-workers, or to any third party;
- Ensure that the hazards are addressed throughout the duration of the work activity;
- Ensure there are written procedures for safe work practices to be followed at the workplace;

- Have a workplace drawing showing where all employers at the workplace are working, where first aid is located, emergency transportation system for injured workers and evacuation marshalling points. This document must be provided to the Town of Ladysmith prior to the commencement of work activity;
  - Ensure that if there is an accident where there is loss of life or where there was potential for an accident leading to loss of life, the Town of Ladysmith is advised forthwith of the details and any other information. This will be provided to the Town of Ladysmith for information purposes only;
  - Ensure that workplace safety meetings are held and documented;
- Ensure there is compliance with any other statute, regulation, or bylaw, which is in place to provide worker safety.

Conclusion:

Any occupational health and safety violation by the Prime Contractor or any other employer, worker, or other person on the workplace, shall be considered a breach of contract which may result in termination or suspension of the contract and/or any other actions deemed appropriate at the discretion of the Town of Ladysmith.

Any penalties, sanctions, or additional costs levied against the Prime Contractor or sub-contractors will be the sole responsibility of the Prime Contractor or the sub-contractors.

I, the undersigned, acknowledge having read and understand the information above.

By signing this agreement, I agree as a representative of the firm noted below, to assume the responsibilities of the Prime Contractor for this project.

Date: \_\_\_\_\_

Contact

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

\_\_\_\_\_  
Signature of Prime Contractor

**STAFF REPORT TO COMMITTEE OF THE WHOLE**

**Report Prepared By:** Mike Gregory, Communications and Engagement Specialist  
**Reviewed By:** Donna Smith, Manager of Corporate Services  
**Meeting Date:** November 9, 2021  
**File No:**  
**Re:** Themed Lighting Policy

**RECOMMENDATION:**

That the Committee recommend that Council approve the “Themed Lighting Policy” as presented in the staff report dated November 9, 2021.

**EXECUTIVE SUMMARY:**

In February of this year, Council approved the purchase and installation of themed lighting at City Hall. Additional lighting has since been installed on the “Ladysmith” sign at Bob Stuart Park. At that meeting Council also directed staff to develop a program to manage requests. Staff have drafted a “Themed Lighting Policy” for the Committee’s review which will facilitate a fair and consistent approach for recognition of causes.

**PREVIOUS COUNCIL DIRECTION:**

CS 2021-034	02/02/2021	That Council direct staff to: 1. Proceed with Option 3 “Down Lighting” described in the report dated February 2, 2021, for the addition of themed lighting at City Hall; 2. Include the themed lighting project in the 2021 Financial Plan using unspent 2020 funds as identified in the staff report; and 3. Develop a program and Themed Lighting Policy to manage community lighting requests.
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**INTRODUCTION/BACKGROUND:**

Themed lighting has been installed on City Hall and on the “Ladysmith” sign at Bob Stuart Park. The lighting serves as an opportunity to recognize and demonstrate support for causes that align with the Town and Council’s respective interests. In recent months, City Hall has been illuminated to recognize the tragic discovery of remains found at residential schools, Dyslexia awareness, Lyme Disease awareness and the 200<sup>th</sup> anniversary of Greek Independence, among other causes. Facilities staff, using an app on their phone, can program the lighting to any RGB colour code based on the applicant’s preference.

Requests for illumination of buildings and structures is becoming increasingly more common as an alternative, or in addition, to a formal proclamation by the Mayor. The current practice for

receiving lighting requests is to include them in a Council agenda for consideration. A formal policy that can be implemented by staff for reviewing and processing requests allows for a consistent approach.

**ALTERNATIVES:**

The Committee can choose to recommend that Council deny the Themed Lighting Policy and continue to consider individual requests at Council meetings.

**FINANCIAL IMPLICATIONS:**

N/A

**LEGAL IMPLICATIONS:**

N/A

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Themed lighting opportunities help reflect the diversity of Ladysmith residents and provides for an inclusive and welcoming community.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Corporate Services will consider and approve requests. Parks, Recreation & Culture (Facilities) will program and maintain the lighting.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

- |  |  |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings             | <input type="checkbox"/> Multi-Use Landscapes      |
| <input type="checkbox"/> Innovative Infrastructure   | <input type="checkbox"/> Local Food Systems        |
| <input type="checkbox"/> Healthy Community           | <input type="checkbox"/> Local, Diverse Economy    |
| <input checked="" type="checkbox"/> Not Applicable   |  |

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |   |
|---|---|
| <input type="checkbox"/> Infrastructure       | <input type="checkbox"/> Economy        |
| <input checked="" type="checkbox"/> Community | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront           |   |

***I approve the report and recommendation.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT:**

- A. Draft Themed Lighting Policy

## ATTACHMENT A

TOPIC:	Themed Lighting Policy		
POLICY No:	01-0320-B		
APPROVED BY:	COUNCIL	RESOLUTION No:	
ORIGINAL DATE:			
AMENDED DATE:			

**PURPOSE**

This policy sets out the Town of Ladysmith's policies and procedures for themed lighting on all Town-owned buildings and structures.

**POLICY****1. Approval, Responsibility and Maintenance of Lighting**

- 1.1. The Corporate Officer or their designate is given the authority to approve or deny a request for themed lighting based on the criteria outlined in this policy.
- 1.2. The Corporate Officer or designate shall notify the Manager of Facilities of all approved themed lighting requests.
- 1.3. The app for control of the themed lighting will only be downloaded on a Town-owned device.
- 1.4. The authorized app user(s) are as follows:
  - Manager of Facility Operations;
  - Director of Parks, Recreation & Culture; and
  - Maintenance & Facilities Supervisor.
- 1.5. Maintenance of the themed lighting installed at all sites is the responsibility of the Parks, Recreation & Culture (Facilities) Department.

**2. Processing Requests**

- 2.1. Requests for themed lighting are subject to the approval of the Corporate Officer, or an appointed designate in their absence.

2.2. General criteria for external requests will include the following:

- Requests are to be made at least 14 days in advance of the requested date;
- Requests will be considered from registered non-profit or charitable organizations that are non-denominational and non-political.
- Requests will not be considered for commercial purposes (e.g. product launches, corporate events) or for individual recognition, including personal occasions (e.g. gender reveal, birthdays, anniversaries);
- Applicants will be requested to provide messaging and visual content for Town social media posts (see Recognition);
- Approval will be based on these guidelines and the availability of the requested or an alternate suitable date; and
- In general, approved themed lighting will be displayed overnight, dusk until dawn, unless specified otherwise.

2.3. Internal requests from Council or staff may be brought forward for consideration if the recognition aligns with the criteria outlined in this policy, a proclamation by the Mayor, and/or supports awareness of a Town initiative.

### 3. Colour & Pattern

3.1. The lighting selection will be based on RGB colours.

3.2. The Town reserves the right to select an appropriate colour on behalf of the applicant if one is not provided.

3.3. Dynamic colour patterns may be implemented subject to request and approval.

### 4. Recognition

4.1. The requesting party will be asked to provide messaging and graphics, subject to the approval of the Communications and Engagement Specialist, for staff to distribute using various communications platforms (website, social media, newsletter).

4.2. Council will be provided with advance notice of all approved requests for themed lighting.

4.3. The lighting schedule will be updated on the Town's website as new requests are approved.

4.4. Applicants will be required to indicate how they intend to use any images of Town buildings and structures to support their respective awareness initiative.

## 5. Locations

- 5.1 In 2021, the Town installed themed lighting on City Hall and the “Ladysmith” sign at Bob Stuart Park. Further lighting may be installed at other Town-owned locations in the future.
- 5.2 The requesting party will be asked to indicate the location they would prefer, or have the option of all available locations if it does not conflict with another request.

## 6. Priorities/Conflicts

- 6.1. Should a request or suggestion be in conflict with another scheduled or requested colour display, the following guidelines will be used to determine priority:
- Generally, the more locally recognized association should be prioritized.
  - Consideration may be given to a sharing of the date with each having their lighting at a different location, or shifting one date to accommodate another where the alternate date is considered reasonable for the recognition desired.
- 6.2. Applicants whose request has been denied because they do not meet the criteria outlined in this policy may submit a written appeal to the Chief Administrative Officer requesting a review of the Corporate Officer’s decision.



# A PATH FORWARD TO IMPLEMENTATION

The CommUNITY Together to End Poverty Hw-nuts'-ulwum (As One) Plan represents a snapshot captured during an unprecedented time - during a global pandemic that is still unfolding in real time. The impacts of the COVID-19 pandemic over the medium and long-term will not be clearly understood for some time. As with all plans, this document should be considered a living document.

**The following recommendations should be considered as next steps to move the poverty theme actions forward:**

**Apply for funding through UBCM Stream 2 grant of up to \$50,000 to implement eligible priority actions for the next 3 years.** This will involve identifying additional grant opportunities, investments, partnerships, and evaluation indicators and measures so that we know when we have achieved our outcomes.

**Establish a formal community-based Poverty Reduction Task Group whose membership includes:** Town of Ladysmith and Stz'uminus First Nation political leaders and staff, individuals with lived experience, representatives from community organizations, service clubs, the business community, youth

and seniors. The Working Group will have a mandate and terms of reference to:

- guide the implementation of the Poverty Reduction Plan
- raise awareness about the issues of poverty
- foster innovative partnerships to implement actions
- champion involvement in implementing community actions, and
- advocate for provincial and federal policy changes that address systemic causes.

**The Poverty Reduction Task Group commits to a Collective Impact framework to achieve community change to end poverty.**

The Tamarack Institute defines a collective impact framework as integrating the following five core conditions:

- develop a common agenda;
- use shared measurement to understand progress;
- build on mutually reinforcing activities;
- engage in continuous communications; and
- provide a backbone to move the work forward<sup>20</sup>.

<sup>20</sup> <https://www.tamarackcommunity.ca/collectiveimpact>

**Build on the strong foundation** set out in the Naut'sa mawt (Working Together) Community Accord and in accordance with their commitment to review the Truth and Reconciliation Commission (TRC) recommendations, The Town of Ladysmith and Stz'uminus First Nation broaden and deepen commitments to end poverty by building a shared understanding of how Stz'uminus First Nation community leaders and Elders would define poverty and go about ending it. This would include prioritizing the Poverty Theme recommended actions in accordance with the most pressing needs for Stz'uminus residents including actions to improve public transportation, develop partnerships for employment opportunities, and address systemic racism and discrimination.

**The Poverty Reduction Task Group commits to identifying the ways that success will be measured and achieved.**

- Progress toward ending poverty will be measured and tracked through outcomes and indicators that are linked to local actions and activities.
- Identify cost effective ways that need can be quantified more intentionally so as to have rationale/justification of services needed moving forward.
- Participate in Island Health's Cowichan Valley pilot study to develop community health indicators