

**A REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
7:00 P.M.**

Tuesday, December 7, 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 Council approve the agenda for this Regular Meeting of Council for December 7, 2021.

3. MINUTES

3.1. Minutes of the Regular Meeting of Council held November 16, 2021

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Recommendation

That Council approve the minutes of the Regular Meeting of Council held November 16, 2021.

4. DELEGATIONS

4.1. Arts Council of Ladysmith & District 15

Annual presentation to Council

5. REPORTS

5.1. “Public Hearing Process Policy 01-0550-B” 27

Recommendation

That Council adopt “Public Hearing Process Policy 01-0550-B”, which sets out the procedures for Town of Ladysmith Public Hearings.

5.2. 2022 Council Meeting Schedule 32

Recommendation

That Council confirm the schedule of regular Council and Committee of the Whole meetings for 2022 as attached to the staff report dated December 7, 2021 and direct staff to advertise the schedule in accordance with Section 127 of the *Community Charter*.

5.3. Adjustment to Water Billing Account 36

Recommendation

That Council provide a bill adjustment in the amount of \$3,941.40 for billing account #0455000, due to a water leak.

5.4. RFP 2021-PRC-01 Transfer Beach Washroom Construction 38

Recommendation

That Council award the contract for the renovations and upgrades to the Transfer Beach washrooms to Boston Construction Corp. in the amount of \$364,100 excluding GST.

5.5. BC Transit Nanaimo-Cowichan Express Route – Bus Stop Location 40

Recommendation

That Council approve the proposed BC Transit Nanaimo to Cowichan Express Route bus stop location in front of Bob Stuart Park on 1st Avenue.

- 5.6. **Tender Award: Watermain Replacement on Methuen Street, French Street, Kitchener Street and Parkhill Terrace** 43

Recommendation

That Council award the tender for the watermain replacements on Methuen Street, French Street, Kitchener Street and Parkhill Terrace to David Stalker Excavating Ltd. in the amount of \$577,263.70 including GST.

6. **BYLAWS**

- 6.1. **“Business Regulations and Licensing (Rental Units) Bylaw 2021, No. 2093” (Renovictions)** 46

Recommendation

That Council:

1. Give first, second and third reading to “Business Regulations and Licensing (Rental Units) Bylaw 2021, No. 2093”;
2. Having considered sections 59(2) and 59(3) of the *Community Charter*, direct staff to:
 - a. Schedule a public hearing for Bylaw No. 2093; and
 - b. Provide notice of the hearing in two consecutive issues of the local newspaper;
3. Give first, second and third readings to “Affordable Housing Reserve Bylaw 2021, No. 2097”;
4. Give first, second and third readings to “Ladysmith Ticket Information Utilization Bylaw 2002, No. 1457, Amendment Bylaw 2003, No. 2098”;
5. Direct that, upon adoption of Bylaw No. 2093, any fees collected under section 71 of Bylaw No. 2093 be paid to affected tenants who would otherwise be eligible for compensation under section 68 of Bylaw No. 2093; and
6. Consider the additional policies for property record disclosure and inspections noted in the staff report dated December 7, 2021 and direct staff accordingly.

- 6.2. **Bylaw No. 2091 (Zoning Amendment 431 1st Avenue)** 72

Recommendation

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 45) 2021, No. 2091".

6.3.	Bylaw No. 2095 (2022 Revenue Anticipation)	74
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Recommendation

That Council adopt "2022 Revenue Anticipation Borrowing Bylaw 2021, No. 2095".

6.4.	Bylaw No. 2096 (Waterworks Regulation Amendment)	76
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Recommendation

That Council adopt Town of Ladysmith "Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2021, No. 2096".

6.5.	Bylaw Status Sheet	79
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7. CORRESPONDENCE

7.1.	Kinsmen Club of Ladysmith	80
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Recommendation

That the Mayor on behalf of Council, write a letter of support for the Kinsmen Club of Ladysmith's efforts to acquire the former BC Hydro property at Sixth Avenue and Methuen Street for affordable housing, as outlined in their correspondence dated November 25, 2021.

7.2.	Ladysmith Resources Centre Association	81
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Recommendation

That Council provide a letter of support to the Ladysmith Resources Centre Association for their 2022 Civil Forfeiture funding application to support a Restorative Justice in Education Resilient Youth project, as requested in their correspondence dated November 29, 2021.

8. NEW BUSINESS

9. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during "Question Period" must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes. Alternately, questions can be submitted via email at info@ladysmith.ca during the meeting.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

10. ADJOURNMENT



MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF COUNCIL

Tuesday, November 16, 2021

6:00 P.M.

City Hall Council Chambers
410 Esplanade

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Rob Johnson
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Geoff Goodall

Donna Smith
Gerry Fukakusa
Julie Thompson
Sue Bouma

1. CALL TO ORDER AND ACKNOWLEDGEMENT

Mayor Stone called the Public Hearing and Regular Meeting of Council to order at 6:00 p.m., recognizing with gratitude that it was taking place on the traditional unceded territory of the Stz'uminus First Nation.

Mayor Stone took a moment to recognize Louis Riel Day, in honour of Metis heritage and the contributions of Louis Riel. He thanked former Councillor Arnett for his commitment to ensuring this day would be recognized by the Town each year and also thanked members of the Metis Nation who attended the raising of the Metis flag at City Hall.

2. AGENDA APPROVAL

CS 2021-360

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for November 16, 2021 with the following amendments:

- Item 4.1. "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 45) 2021, No. 2091" - Add 2 public submissions received after publication of the agenda; and
- Refer item 14.1. "Standing and Community Committee Representatives" to the November 30th Special Meeting of Council.

Motion Carried

3. PUBLIC HEARING

3.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 45) 2021, No. 2091"

Subject Property: 431 1st Avenue (Lot 10, District Lot 56, Oyster District, Plan 703, Except That Part Lying to the North West of a Line Drawn Parallel to the North Westerly Boundary from a Point on the South Westerly Boundary, Distant 63 Feet from the Westerly Corner Thereof.)

Members of the public present: 5

3.1.1 Outline of Public Hearing Process - Mayor Stone

Mayor Stone outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw No. 2091.

He advised that staff would introduce the proposed bylaw amendment, followed by public submissions. He reminded the public that the content of submissions would be made public and form a part of the public record for the Hearing, and that the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw, although they may ask clarifying questions. He advised that once everyone had an opportunity to be heard, the Public Hearing would be closed and no further submissions or comments could be accepted by members of Council.

3.1.2 Introduction of Bylaw and Statutory Requirements - Planner, Development Services

Julie Thompson, Planner, Development Services, introduced "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 45) 2021, No. 2091" as the subject of the Public Hearing.

Ms. Thompson advised that Bylaw No. 2091 would amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860" by increasing the permitted floor space ratio from 1.0 to 1.7 and reducing the minimum rear setback from 3.0m to 2.6m to facilitate the construction of a fourth dwelling unit within the attic space of the existing building on the subject property.

Ms. Thompson also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith Chronicle on November 4 & 11, 2021, was posted on the Town's website as well as on various community notice boards, and mailed and delivered to all properties located within 60 metres of the subject property. A copy of the Notice, the proposed Bylaw, and background information was made available at the Front Counter of City Hall and Development Services, and on the Town's website for the Notice period. Staff in the Development Services office were available to respond to questions prior to the Public Hearing.

3.1.3 Submissions

The Town received no written submissions relating to Bylaw No. 2091.

3.1.4 Call for Submissions to Council (Three Times) - Mayor Stone

Mayor Stone invited the applicants to make a submission to Council.

Mayor Stone called for submissions to Council.

Mayor Stone called for submissions to Council a second time.

Mayor Stone called for submissions to Council a third and final time.

No one wished to speak regarding "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 45) 2021, No. 2091" for the property located at 431 1st Avenue.

Mayor Stone asked the Corporate Officer, D. Smith, if any submissions had been received via email. The Corporate Officer advised that no submissions had been received.

3.1.5 Declaration that the Public Hearing for Bylaw No. 2091 is Closed - Mayor Stone

Hearing no comments and receiving no submissions, Mayor Stone declared the Public Hearing for Bylaw No. 2091 closed at 6:07 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

4. BYLAWS - OFFICIAL COMMUNITY PLANNING AND ZONING (SUBJECT OF PUBLIC HEARING)

4.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 45) 2021, No. 2091" (431 1st Avenue)

CS 2021-361

That Council:

1. Give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 45) 2021, No. 2091"; and
2. Direct staff to refer Bylaw No. 2091 to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*.

Motion Carried

5. MINUTES

5.1 Minutes of the Regular Meeting of Council held November 2, 2021

CS 2021-362

That Council approve the minutes of the Regular Meeting of Council held November 2, 2021.

Motion Carried

5.2 Minutes of the Special Meeting of Council held November 9, 2021

CS 2021-363

That Council approve the minutes of the Special Meeting of Council held November 9, 2021.

Motion Carried

6. PROCLAMATIONS

6.1 Adoption Awareness Month

Mayor Stone proclaimed November 2021 as Adoption Awareness Month in the Town of Ladysmith.

7. 2022 BUDGET WORKSHOP: FINALIZE WATER AND SEWER UTILITY AND INTRODUCE CAPITAL BUDGET

7.1 Budget Presentation

Staff gave a presentation that reviewed details of the proposed sewer and water budgets for 2022 and introduced the capital projects. Staff responded to Council's questions.

7.2 2022 Water, Sewer and Preliminary Capital Plan

CS 2021-364

That Council direct staff to prepare an amendment to "Waterworks Regulation Bylaw 1999, No.1298" to increase each consumption rate by 5%, effective January 1, 2022.

Motion Carried

CS 2021-365

That Council direct staff to prepare the following bylaws:

1. 2022 Sewer Parcel Tax Bylaw at \$350; and
2. 2022 Water Parcel Tax Bylaw at \$459.

Motion Carried

7.3 Public Input and Questions

There were no questions submitted by the public.

8. DEVELOPMENT APPLICATIONS

8.1 Development Variance Permit Application – 643 John Wilson Place

CS 2021-366

That Council:

1. Issue Development Variance Permit 3090-21-12 to allow a secondary suite on a parcel with a frontage of 10.0m at 643 John Wilson Place; and

2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-21-12.

Motion Carried

OPPOSED: Councillor Paterson

9. COMMITTEE MINUTES

9.1 Public Art Task Group - September 28, 2021

CS 2021-367

That Council receive for information the minutes of the September 28, 2021 meeting of the Public Art Task Group.

Motion Carried

9.2 Parks, Recreation and Culture Advisory Committee - October 20, 2021

CS 2021-368

That Council receive for information the minutes of the October 20, 2021 meeting of the Parks, Recreation and Culture Advisory Committee.

Motion Carried

9.3 Committee of the Whole Recommendations - November 9, 2021

CS 2021-369

That Council:

1. Approve the Water Conservation Plan Policy as presented in the staff report dated November 9, 2021.
2. 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.
3. Approve the "Themed Lighting Policy" as presented in the staff report dated November 9, 2021, and that the lights over the sidewalk chess board area on 1st Avenue be included as one of the locations where lighting was installed in 2021.
4. 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.

Motion Carried

10. REPORTS

10.1 Council Chambers Audio-Visual System at Seniors Centre

CS 2021-370

That Council allocate \$100,000 from the COVID-19 Safe Restart Reserve and amend the 2021-2025 Financial Plan accordingly in order to fund the installation of a new audio-visual system to enable Council Meetings to be held at the Seniors Centre at 630 2nd Avenue.

Motion Carried

OPPOSED: Councillor Johnson

11. BYLAWS

11.1 Bylaw No. 2092 (Council Procedure Bylaw Amendment)

CS 2021-371

That Council adopt "Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw (#4) 2021, No. 2092".

Motion Carried

11.2 Bylaw No. 2094 (Dog License Fees)

CS 2021-372

That Council give first, second and third readings to "Dog Licensing, Control and Pound Bylaw 1995, No. 1155, Amendment Bylaw 2021, No. 2094."

Motion Carried

11.3 Bylaw Status Sheet

12. CORRESPONDENCE

12.1 Ladysmith Resources Centre Association

CS 2021-373

That Council receive for information the Shelter Services Transition Plan Update dated November 3, 2021, from the Ladysmith Resources Centre Association.

Motion Carried

OPPOSED: Councillors Jacobson and Stevens

12.2 Ladysmith Healthcare Auxiliary

CS 2021-374

That the Mayor, on behalf of Council, write a letter to the Ladysmith Healthcare Auxiliary expressing gratitude for their generous donation of \$11,077.50, as indicated in their letter dated November 4, 2021, for the purchase of 6 AEDs to be installed at the Frank Jameson Community Centre, Transfer Beach, Ladysmith Seniors Centre, Ladysmith Community Marina and the Ladysmith Resources Centre Association.

Motion Carried

12.3 Cowichan Valley Regional District

CS 2021-375

That Council, in response to correspondence received November 8, 2021, provide a letter of support to the Cowichan Valley Regional District for its application to renew the two percent Municipal and Regional District Tax on accommodation within the boundaries of the CVRD to support tourism marketing and development initiatives.

Motion Carried

12.4 Ladysmith Family and Friends

CS 2021-376

That Council allocate up to \$1,500 from the Grants in Aid budget to donate to the Ladysmith Family and Friends "It Takes a Village" fundraiser, as requested in their letter dated November 9, 2021.

Motion Carried

14. QUESTION PERIOD

There were no questions submitted by the public.

15. ADJOURNMENT

CS 2021-377

That this Regular Meeting of Council be adjourned at 8:11 p.m.

Motion Carried

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (D. Smith)

Art is a Big Idea! We just proved it.



ARTS COUNCIL
of LADYSMITH
and DISTRICT

The Arts Council of Ladysmith and District acknowledges the Stz'uminus First Nation and their traditional territory. We respect the Elders, past and present, descendants and custodians of these lands. We honour the knowledge keepers and the continuing relationships with these people.



Art created for our LOVE literacy event by
grade 3 class
at Stz'uminus First Nation School

The Arts Council of Ladysmith and District's Mission



Enhancing the vitality of the
community through
enrichment and development
through education, exhibition
and engagement.

The Arts Council of Ladysmith is here today to
update you on what's happening with us
and
to make a request.



**The Arts Council appreciates the town for
finding us a temporary home BUT it has
been difficult.**

We moved to the school in September 2019.

We left behind a thriving gallery with 13,000 visitors
and a busy and profitable gift shop, a place where
people wanted to visit and a space for our artistic
community to share and grow.

To many artists and visitors it was a unique and
friendly home, a place to be proud of.

These are the changes:

Revenue from Art Sales is down substantially



Revenue from Art Sales 2018	\$10,074
Revenue from Art Sales 2019	\$4,420
Revenue from Art Sales 2020	\$8167

Revenue Down: \$1,907


and revenue from Gift Shop Store Sales is down



Sales in 2018 \$ 18,500
Sales in 2019 \$16,555
Sales in 2020 \$ 3776
revenue down \$14,724



and donations at the door are down



Donation 2018 \$4000
Donation 2019 \$2000
Donations 2020 \$500
down \$3500

AND fundraising is down

2018 - 12843
2019 - 17882
2020- \$ 4155
down \$8,688

The combination of COVID and the move to the school have contributed to these changes.



Revenue from membership 2018

\$9564 + \$1720 studio

Revenue from membership 2019

\$9635 + \$2135 studio



Revenue from membership 2020

\$6949 + 960 studio

Yes membership has dropped and the most asked question ***"When are you going back to the gallery?"***

The cost of utilities is up



2018 Total Heat Light, Utilities include WiFi and Phone and Security \$ 8101

2019 Total Heat Light, Utilities include WiFi and Phone and Security \$ 8281

2020 Total heat Light, utilities include WiFi and Phone **\$ 9880**

and increase of \$1779 in utilities plus an increase of \$1200 in Janitor services



Volunteer hours 2018: 7841 hours approx.

Volunteer hours 2019: 5200 hours approx.

Volunteer Hours 2020: 2500 hours approx.

With fewer volunteers, we are stretched thin to cover having the gallery open in hopes of more people visiting

Investment in the Machine Shop

- Lift \$96,000 and construction
- Accessible front door \$75,000 and construction
- New kitchen \$37,000 construction
- New fridge, stove, dishwasher and washer & dryer
 - \$7,000
- New & upgrade LED lighting system in classroom, studio & gallery
 - \$9,000
- New bathroom - accessible toilet and sink \$1,400
- Yearly regular maintenance and upkeep over 13 years @ \$5,000/year = 65,000
- **TOTAL \$303,000 of investment in our community**

How did we manage to survive COVID19-Pandemic ?

- We are a proven charitable and Not-for-profit organization with ongoing and continued support from the BC Arts Council and Canada Council for the Arts.
- Having had two active Canada Council Grants when the Pandemic hit we were automatically eligible for the Canada Council COVID Relief Funding. Our major Digital grant funding made us eligible for a one time **COVID Relief grant of \$25,000**. This allowed us to hire the additional staff we needed in late 2020.
- As we had a operating grant with the BC Arts Council, not only did we get automatic renewal to our operating grant during the pandemic but we were also eligible for the COVID Relief Funding from the BC Arts Council which gave us a total of \$49,000 which is allocated over 3 years (2020, 2021 & 2022) towards operating and staffing costs.

This money is running out and was a one time relief funding from the Federal and Provincial Government.



We hired staff to help us pivot to digital avenues (online gift shop, galleries, submission forms, events and programming etc.)

We have 3 incredible, well educated and brilliant staff who are keeping the arts council going. COVID taught us that we could no longer rely solely on volunteers, we needed to find people who understood the digital realm.

Wages increased from \$13,218 to \$34,439 plus.

Art is a Big Deal!



Economic impact of the arts - Economic Development region of Vancouver Island

Through more than **\$900 million** in direct economic activity, the arts contributes **\$675 million in GDP** and supports more than **20,000 jobs** (FTEs).

	Organizations	Artists	Tourism	Total
Direct Output (\$M)	174	401	335	910
Total GDP (\$M)	162	322	192	676
Total Employment (FTEs)	3,260	15,630	3,030	21,920
Total Labour Income (\$M)	139	249	138	526

Engaging the the community with
 free educational talks each month.

So far we have hosted over 120
 talks engaging over 8000 people

Art is a Big Idea!



LADYSMITH Art Market
 (AKA Arts on the Ave)
 2021

supports local artists, and
 businesses. Over 3,000
 people attended this event
 from all over the island.

**Arts on the Ave normally
 attracts 60+ artists and
 6000 visitors and is the
 3rd largest outdoor art
 market on Vancouver
 Island. If only 50% of
 visitors spent \$65 that's a
 whopping \$195,000
 THAT's a BIG DEAL**

We hired an educational director

The job was to create and fill classes.
It worked!

Cancelled classes are a thing of the past.
We are filling our education mandate.



From January to August 2021,
Snapshot of Education programs



In early 2020 we pivoted to online classes



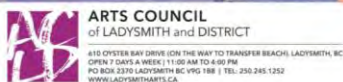
Every instructor received intense instruction on how to engage a class online and how to use the equipment

To keep people interested we launched a **"TODAY LET'S MAKE"**, a series of videos with more being created regularly on our **YouTube Channel**. We have had **12,170** views to date.

We hired a media coordinator

The power of social media spread our events, programming and more to new and existing viewers.

- Facebook followers 4,665 with over 20,000 monthly views
- Instagram grew from 237 to 1,007 followers
- Weekly Newsletter 3000 viewers/month



Ladysmith Fine Arts Show

- 2021 we went digital for this event
- Over 330 submissions
- 135 were juried into the show
- **Ladysmith Credit Union major Sponsor**
- We were the first arts council on VI to go online and virtual - **Third largest** Fine Arts Show on the Island
- We hosted an invitation only online opening with over 100 attending
- We gave away thousands of dollars to our artists.

It was a success!

We create community engagement through collaboration

Through creation we connected with community

Poppy Project - over 60 people made this happen
Easter Eggs - over 300 students made this happen
Hugs - over 23 Knitters knitted hugs for the trees in downtown Ladysmith
Halloween Art Bomb - and Selfie station --111 people attended
Monthly Exhibitions both online and in person, open to the public
ArtSea Lantern Festival over 50 people took part from our community
LOVE a celebration of the written word over 50 people took part
Ginger Bread Men - 303 elementary students and a bunch of teacher and parents
Pottery Project with the grade 1, 2, 3, and 4 students at Stz'uminus school
Photo Contest online in July - 50 people and hundreds of photos
Spring Art Tour up to 16 artists and 2000 people taking part over 3 days
Digital Innovation Group (DIG) - Two year grant \$212,000 grant Art Council of Ladysmith is the lead
Ladysmith Art Project engaged 2500 people

All these projects are through collaboration with other arts and non arts groups or Not-for-profits within our community with the Arts Council taking the lead.
 Estimated 8000 people engaged or more



The Arts Council of Ladysmith has strong relationships with:

Ladysmith Photography Club, Laff, Kinsmen, Ladysmith Downtown Business Association, the 5 art councils in the Cowichan Valley, Stz'uminus School, Ladysmith Secondary, Ladysmith Elementary, Ladysmith Festival of Lights, Ladysmith Legion, Ladysmith Celebration, Rotary, Fibre Artists, a rogue group of seniors, 25 other arts councils on VI & Gulf Islands - plus connections across Canada through DIG.

We are supported financially by: The Ladysmith Business Community, Kinsmen, Ladysmith Credit Union, BC Arts Council, BC Gaming, Canada Council For The Arts, our 215 members, Town of Ladysmith Grant in Aid, CVRD, private donors, Canada Summer Jobs, Arts BC all in various amounts.



Art Splash is an art class for those of different abilities
The class has met for over 9 years. This group meets every Tuesday to paint and to contribute to our community

Every Friday a group of up to 15 seniors meet in the gallery for a social, for many this is the only contact they have each week. They recently found a new home!

Every Tuesdays a group of up to 15 woman meet to create fibre art and gather in the gallery filling a creative and social need



Digital Innovation Group - Research Grant

The Arts Council of Ladysmith is leading the way. We applied for a grant from the Canada Council For The Arts, and we got it! Embarking on a two year study of the arts, the economic impact, facts, and more in our super region we were out to prove that **ART IS A BIG DEAL!** and contributes to the economic growth of our super region. We now have the evidence to prove it.

Check it out: <https://www.digarts.ca/>



The Digital Innovation Group presented our findings to the Vancouver Island Economic Summit to rave reviews and comments from many communities and economic groups on the island and across Canada

This was a BIG DEAL.



Challenges going forward

- Location: uncertain of our future from day to day, being far away from the downtown core and the inaccessibility for those wanting to visit on foot or find us closer to other activities and things to do
- Cost of operating at the school
- Difficulties in planning for the future with an uncertain future
- Attracting people to the gallery (school) members and visitors
- Funding for the future without help
- Retention of skilled staff and membership

Opportunities

- Further digitization of what we offer - is it working?
- Find new sources of revenue
- Find new location that is accessible for everyone
- Creating an incredible arts experience in Ladysmith for residence and visitor including FN partners
- Capital Campaign to give us hope for the future and to find a space

Our Choices

- If we are evicted from the school, we will have to make some hard decisions:
 - find retail space and pay rent
 - find office space and go digital only
 - close down completely and dissolve the organization
 - move the organization to another community
- Create a capital campaign to raise funds for the completion of the work at the Machine Shop - our preferred choice.

Here is the pickle

We are asking for your help



For the Arts Council to be sustainable while we work on the Capital Campaign for the machine shop we request a line item in the Town budget for three years for \$30,000 to cover loss of revenue. Questions?

STAFF REPORT TO COUNCIL

Report Prepared By: Donna Smith, Manager of Corporate Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: December 7, 2021
File No: 0550-01
Re: "Public Hearing Process Policy 01-0550-B"

RECOMMENDATION:

That Council adopt "Public Hearing Process Policy 01-0550-B", which sets out the procedures for Town of Ladysmith Public Hearings.

EXECUTIVE SUMMARY:

At the recommendation of the Committee of the Whole, Council directed staff to prepare "Public Hearing Process Policy 01-0550-B". This new policy clearly outlines the process that the Town follows before, during and after Public Hearings. The *Local Government Act* (the Act) regulates how Public Hearings must be held, and the Town is required to follow this legislation. The intent of the policy is to make the Town's process transparent and understandable to the public. The policy contains the non-legislated wording that was removed from the recently amended Council Procedure Bylaw and includes updated wording to address the newly permitted electronic Public Hearings.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2021-313	10/05/2021	That Council direct staff to: 2. Prepare amendments to "Council Procedure Bylaw 2009, No. 1666" as identified in the staff report dated September 28, 2021, including: d) Removing the section on Public Hearings and preparing a Public Hearing Policy;

INTRODUCTION/BACKGROUND:

Council recently passed amendments to its Procedure Bylaw, one of which was removing the section that dealt with non-legislated Public Hearing procedures. The Province does not require Public Hearing procedures to be included in council procedure bylaws because the Act clearly lays out the requirements for how Public Hearings must be held. However, it is common practice for municipalities to have a policy in place that outlines the process followed when conducting Public Hearings in accordance with the Act.

As staff committed to Council at previous meetings, the wording that was removed from the Procedure Bylaw has now been placed into the new policy along with updates to more clearly

reflect our processes. New wording has been added regarding electronic Hearings (now permitted under the Act) and how the public can attend, participate and/or submit their comments. The policy also outlines the process for receiving correspondence before, during and after a Public Hearing.

ALTERNATIVES:

Council can choose not to adopt “Public Hearing Process Policy 01-0550-B”.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

The *Local Government Act* sets out legislated requirements as to how a public hearing must be held. Municipalities are required to follow that legislation but may set up their own processes as long as they are in line with legislation.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

A Public Hearing process policy that is up to date and accurately reflects the Town’s processes provides transparency and a clear understanding of the process to the public.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Development Services staff reviewed the policy to ensure it accurately reflects our process.

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. Public Hearing Policy 01-0550-B

ATTACHMENT A

TOPIC:	Public Hearing Process Policy
POLICY NO.:	01-0550-B
APPROVED BY:	RESOLUTION NO.:
DATE:	
AMENDED:	

PURPOSE:

Public Hearings may be required by the *Local Government Act* to provide an opportunity for the public to submit verbal or written comments on Official Community Plan, zoning and, from time to time, other bylaws or permits. In order for this process to be conducted in a fair and equitable manner, Council has established the following process for holding public hearings and for receiving oral and written presentations.

POLICY:

Any person who believes their interest in property will be affected by a proposed bylaw has an opportunity to address Council at a Public Hearing in a timely and orderly fashion. Individuals may send their submissions prior to 12:00pm the day of the Hearing for inclusion as part of the record in one of the following ways:

Email: info@ladysmith.ca

Mail or drop off: Town of Ladysmith, 410 Esplanade Avenue
PO Box 220, Ladysmith, BC V9G 1A2

Other forms of submissions will not form part of the Public Hearing record.

PROCESS:

Prior to each Public Hearing the Corporate Officer shall prepare an agenda to outline the procedure to be followed and to include the proposed bylaw and any written submissions as laid out in the following table.

Meetings may be In Person or Electronic

The *Local Government Act* permits local governments to hold Public Hearings either in person or by electronic means. The Public Hearing Notice must clearly state the date, time and location of the meeting. If the Hearing is held by electronic means, the public must be advised how they can virtually attend and participate in the Hearing and be provided the option to attend in person the place the Hearing will be broadcast where they can hear or see and hear and participate in the Hearing.

ATTACHMENT A

Written Submissions:

Staff will manage written correspondence received (by mail, email, or hand delivery as noted in this policy) in relation to a proposed amendment being considered at a Public Hearing as follows:

Time received	Process
Correspondence received prior to the bylaw being considered for 1 st and 2 nd readings, or prior to receiving direction to proceed to Public Hearing.	<ul style="list-style-type: none"> • If addressed to staff, retained in file. • If addressed to Council, circulated to Council as general correspondence. • Does <u>not</u> form part of the Public Hearing record.
Correspondence received (as outlined in the policy) after 1 st and 2 nd readings but prior to the Public Hearing. Deadline for receipt of correspondence set at 12:00pm on the day of the Public Hearing.	<ul style="list-style-type: none"> • Compiled and made ready for public review at the Public Hearing. • Included in the Public Hearing agenda if received prior to the agenda printing deadline. • Included as a late agenda memo if received after the agenda printing deadline and prior to 12:00pm on the day of the Public Hearing. • Forms part of the official record which is available to the public and placed on the Town's website.
Correspondence received after 12:00pm on the day of the Public Hearing but before the close of the Public Hearing.	<ul style="list-style-type: none"> • For in-person Public Hearings, submissions must be provided in person prior to the close of the Hearing to be considered part of the formal record. • For electronic Public Hearings, written submissions must be sent via email or provided in person to the designated staff member in attendance at the designated place where the Hearing is broadcast prior to the close of the Hearing to be considered part of the formal record.
Correspondence received after the close of the Public Hearing.	<ul style="list-style-type: none"> • Correspondence is retained on file. • <u>Not</u> circulated to Council. • Does <u>not</u> form part of the Public Hearing record.

At the Public Hearing:

- The Chair will call the Public Hearing to order and describe the purpose and procedures of the Public Hearing.
- The Chair will inform the public that each speaker will be permitted to address the Hearing for a maximum of ten (10) minutes. All comments must be relevant to the issues at hand.

ATTACHMENT A

- The Chair will inform the public that the Hearing may be recorded and livestreamed and that names, addresses and any comments made, in addition to written submissions, will become part of the Public Hearing record.
- Staff will introduce the proposed amendment.
- The applicant will be given the first opportunity to address Council.
- The floor will then be open to anyone who wishes to speak to Council regarding the proposed amendment.
- Those who address Council will be asked to provide their name and address and to indicate whether they support or oppose the proposed amendment.
- No electronic presentations (eg. slides, PowerPoint) will be permitted from either the applicant or the public.
- Comments must be relevant to the issue at hand, succinct, and respectful of Council, Town staff, and other members of the public in attendance. When the permitted time for speaking expires, the person speaking must yield to the next speaker.
- Those in attendance at an in-person Public Hearing will refrain from applause or other expressions of emotion whether in favour of, or opposition to, any particular application or argument. Inappropriate language, outbursts or criticisms aimed at individuals or groups will not be permitted.
- Once everyone has had a chance to speak for the first time, the Chair will ask the Corporate Officer to report on written submissions which have been received as part of the record.
- Those in attendance at the Hearing who wish to speak again are permitted to present additional or new information.
- A speaker will not debate a point of view with another speaker but will seek clarification through the Chair.
- Prior to the close of the Public Hearing the Chair will call three (3) times to ask if anyone else would like to speak. Should no one express an interest in speaking the Chair will state that the Public Hearing is closed.

After the Public Hearing is Closed:

Once all submissions have been heard and the Public Hearing is closed, Council may consider the amendment at the Council meeting immediately following the Public Hearing (if applicable), at the next, or a specified meeting of Council, with or without request for further information from staff. No other submissions (mail, email, phone calls or in-person) from the public or the applicant regarding an amendment may be received by Council following the close of the Public Hearing.

STAFF REPORT TO COUNCIL

Report Prepared By: Sue Bouma, Administrative Coordinator/Deputy Corporate Officer
Reviewed By: Donna Smith, Manager of Corporate Services
Meeting Date: December 7, 2021
File No: 0550-01
RE: **2022 Council Meeting Schedule**

RECOMMENDATION:

That Council confirm the schedule of regular Council and Committee of the Whole meetings for 2022 as attached to the staff report dated December 7, 2021 and direct staff to advertise the schedule in accordance with Section 127 of the *Community Charter*.

EXECUTIVE SUMMARY:

Staff are requesting that Council confirm its 2022 meeting schedule and direct staff to publish the calendar as required under the *Community Charter*. A colour coded calendar is attached for Council's convenience. It includes regular Council meeting dates, Committee of the Whole (COW) meeting dates, statutory holidays and annual conference dates. Council may amend the meeting schedule at any point during the year.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2020-288	10/06/2020	That Council: 1. Remove the August 17, 2021 Regular Council Meeting date from the proposed schedule of Regular Council Meetings; and 2. Confirm the following schedule of Regular Council Meetings for 2021, and direct staff to advertise the schedule in accordance with Section 127 of the Community Charter: <i>[meetings were listed in original motion]</i> OPPOSED: Councillor Johnson

INTRODUCTION/BACKGROUND:

Council recently approved amendments to "Council Procedure Bylaw 2009, No. 1666" including:

- Regular Council meetings are held on the first and third Tuesday of each month, unless the meeting falls on a statutory holiday.
- No regular meetings will be held during the first week of January and only one meeting will be held in August.
- COW meetings are held the second Tuesday of every second month.

- Regular Council and COW meetings will be held at the Ladysmith Seniors Centre unless otherwise noted.

Exceptions to the above are identified in the following table:

January Council and COW Meetings	The January Council meetings have been moved to the second and fourth Tuesday, and the COW meeting has been moved to the third Tuesday.
August	The August Council meeting will be held on Tuesday, August 2.
September COW	The annual UBCM Convention is scheduled for the week of September 12-16, therefore the COW meeting has been moved to Tuesday, September 27.
New statutory holiday in September	The September statutory holiday “National Day for Truth and Reconciliation” has been added to the schedule. No meetings are impacted.
October	The second Council meeting in October has been moved forward one week, from October 18 th to October 25 th , due to the election. This will be the final meeting of the current Council.
Meetings held at Seniors Centre	Staff are hopeful that the required upgrades to the facility will be complete in spring 2022. Until that time, in accordance with Bylaw No. 1666, staff will ensure the public is aware that meetings will continue to be held in the City Hall Council Chamber unless otherwise directed by Council.

The Municipal Election is scheduled for Saturday, October 15, 2022. As in previous years, the current Council will meet following the election since there are often business items that need to be dealt with prior to the Inaugural Meeting on November 1.

In 2022, dates of annual conferences are as follows:

Association of Vancouver Island & Coastal Communities	April 1-3 (Victoria)
Federation of Canadian Municipalities	June 2-5 (Regina)
Union of BC Municipalities	September 12-16 (Whistler)

Throughout the year there may be a need for special meetings and Council, by resolution, can schedule meetings whenever required. Additionally, regular meetings may be cancelled or rescheduled throughout the year as required, provided that sufficient notice of the change in schedule is issued.

ALTERNATIVES:

Council can choose to amend the meeting schedule as specified by Council. Permanent changes such as changing the meeting to another day of the week requires an amendment to Bylaw No. 1666, which also requires a public notice period before the amendment is adopted.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

Staff will ensure notice provisions are followed as laid out in the *Community Charter*.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The *Community Charter* requires that local governments annually notify the public of the schedule of regular Council meetings before December 31st for the coming year. The notice will be published in two consecutive editions of the Ladysmith Chemainus Chronicle newspaper, and posted on our Town notice board, website and social media. The notice will also include reference to COW meetings.

Meetings may be cancelled or rescheduled throughout the year as required, provided that sufficient notice of the change in schedule is issued.

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. Proposed 2022 Council Meeting Schedule

2022

Town of Ladysmith Council Meeting Calendar

 Council Meeting	 AVICC Conference (Victoria)	 Local Gov't. Election
 Committee of the Whole Meeting	 FCM Convention (Regina)	 Inaugural Council Meeting
 Statutory Holiday	 UBCM Convention (Whistler)	

January

Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February

Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

March

Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April

Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May

Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June

Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

July

Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August

Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September

Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October

Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November

Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December

Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- Regular Council Meetings begin at 7:00pm on the first and third Tuesday of each month (exceptions in January, August and October).
- Committee of the Whole Meetings begin at 6:30pm on the second Tuesday of every second month (exceptions in January and August).
- Meetings will be held at City Hall, 410 Esplanade until renovations are complete at the Ladysmith Seniors Centre (630 2nd Avenue).
- Meetings are subject to change, so please contact City Hall to confirm.



STAFF REPORT TO COUNCIL

Report Prepared By: Camelia Copp, Revenue Accountant
Report Approve by: Erin Anderson, Director of Financial Services
Meeting Date: December 7, 2021
File No: 1820-01
RE: **Adjustment to Water Billing Account**

RECOMMENDATION:

That Council provide a bill adjustment in the amount of \$3,941.40 for billing account #0455000, due to a water leak.

EXECUTIVE SUMMARY:

The purpose of this staff report is to present to Council a request for a water bill adjustment due to a water leak. The dollar amount of the adjustment is greater than the \$3,000 authorized by the Director of Finance and requires the approval of Council to adjust the billing amount.

PREVIOUS COUNCIL DIRECTION:

In 2017, Council approved the following amendment to Section 39(3) of "Waterworks Regulation Bylaw 1999, No. 1298":

Where any account is rendered pursuant to this section, the Director of Finance, in estimating the account, shall consider previous billing periods when such meter was registering correctly, seasonal variations, changes in occupancy, and any other factors which, in the opinion of the Director, may affect the consumption of water. The maximum adjustment amount is \$3,000 per account.

INTRODUCTION/BACKGROUND:

Adjustments to water billing due to water breaks or leaks is permitted under Bylaw No. 1298. The adjustments are calculated using the consumption during the same period in the previous year as the baseline consumption.

Property owners are to repair the leak on their property within 45 days of notification of high consumption. The notification could be in the form of a notice placed at the property during the meter reading, a letter sent from the Town or the utility bill. Property owners can apply for one leak adjustment within a ten-year period.

Account #0455000 was notified by Town staff on Jun 15, 2021 of a higher than usual meter reading for the second quarter in 2021. The property owner stated he repaired the water leak located in the main water line some time in the middle of July. No receipts were provided with

the application and the owner advised he repaired the leak himself. Town staff confirmed through meter reads, that the consumption has returned to the previous levels. The adjustment amount is for the second and third quarter of 2021. The homeowner states he does not have an insurance policy.

ALTERNATIVES:

Council can choose to:

1. Not provide an adjustment to the water billing account.
2. Increase or lower the threshold amount delegated to staff.

FINANCIAL IMPLICATIONS:

Adjustments to water billing accounts affect the water revenues. To date in 2021, there were 53 water billing adjustments totaling over \$75k – the largest being \$11,758 and the smallest being \$154 and the average being \$1,428.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Citizens are encouraged to quickly repair any water leak when it is discovered. The incentive of a potential adjustment supports repairs made in a timely manner.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Public Works Utilities Department is involved in reading the meters, notifying property owners of high consumption and monitoring consumption until it returns to a normal range. Finance calculates the billing and any subsequent adjustments.

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

STAFF REPORT TO COUNCIL

Report Prepared By: Richard Frost, Manager of Facility Operations
Reviewed By: Chris Barfoot, Director of Parks, Recreation & Culture
Meeting Date: December 7, 2021
File No:
Re: RFP 2021-PRC-01 Transfer Beach Washroom Construction

RECOMMENDATION:

That Council award the contract for the renovations and upgrades to the Transfer Beach washrooms to Boston Construction Corp. in the amount of \$364,100 excluding GST.

EXECUTIVE SUMMARY:

In September, a Request for Proposals (RFP) was issued for renovations/upgrades to the Transfer Beach washrooms. This project is funded through a grant from the Tourism Dependent Communities Fund. The RFP closed on October 28, and three proposals were received, with one proposal not meeting the RFP requirements and the lowest priced proposal from Boston Construction Corp. being recommended.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2020-304	10/20/2020	That Council direct staff to submit an application for grant funding to support facility infrastructure upgrades at Transfer Beach through the Tourism Dependent Communities Grant and amend the 2020-2024 Financial Plan accordingly.

INTRODUCTION/BACKGROUND:

This project is intended to increase the overall capacity and efficiency of the Transfer Beach washroom amenities (additional toilets, urinals and sinks) by adding a universal washroom, efficient fixtures to help reduce water consumption, additional natural lighting (skylights), as well as updating the building envelope. This project will also increase the building's square footage to include a new program area for use during summer operations and improve the existing storage space.

Three proposals were received. One of the proposals did not meet the requirements of the RFP and therefore was not reviewed. The two remaining proposals are as follows:

1. Copcan Civil LP \$451,950.00
2. Boston Construction Corp. \$364,100.00

ALTERNATIVES:

Council could choose to fold this bid project and reissue the bidding documents, though there may be legal implications.

FINANCIAL IMPLICATIONS:

This project is funded through the Tourism Dependent Community Fund Grant. The Town received \$701,552 to be allocated as:

Transfer Beach washroom	\$408,000
Paved food truck pad & walkway	\$96,360
Park Amenities	\$27,192
Park Shelters	\$170,000

LEGAL IMPLICATIONS:

Per the Town's Purchasing Policy, Council must award bids over \$250,000.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Completing the upgrades will enhance the overall experience to those visiting Transfer Beach.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

This project will involve planning and project coordination with Infrastructure Services.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Ryan Bouma, Sr. Engineering Technologist
Reviewed By: Geoff Goodall, Director of Infrastructure Services
Meeting Date: December 7, 2021
File No:
Re: BC Transit Nanaimo-Cowichan Express Route – Bus Stop Location

RECOMMENDATION:

That Council approve the proposed BC Transit Nanaimo to Cowichan Express Route bus stop location in front of Bob Stuart Park on 1st Avenue.

EXECUTIVE SUMMARY:

BC Transit and the CVRD have proposed a bus stop location for a Nanaimo to Cowichan Express Route. The location is on 1st Avenue adjacent to Bob Stuart Park and next to the Tim Horton's drive-through exit. Staff worked with BC Transit and the CVRD to find an alternative stop location, but the proposed 1st Avenue location was the only acceptable location for BC Transit.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

BC Transit and the CVRD have been planning an Express Route that links Duncan to Nanaimo. The route would include approximately 7 round trips (14 stops) per day. BC Transit's primary concern for a stop location in Ladysmith was finding access on and off Highway 1. The bus will be large and there won't be much time available to travel through Town; therefore, BC Transit insisted on a location that required as little travel off the highway as possible.

BC Transit and the CVRD proposed the stop location to be adjacent to Bob Stuart Park on 1st Avenue, as shown in the following photo. This location is desirable to BC Transit as the bus can get on and off Highway 1 in both directions with relative ease. The bus would come off the highway and complete a 180° turn through the roundabout, then stop for travelers and continue on to the highway in the desired direction of travel.



Staff expressed concern to BC Transit about the proposed location due to current traffic volumes, vehicle movements, and sight lines. Staff proposed several alternatives, including:

1. The proposed Ludlow and Rocky Creek roundabout;
2. Transfer Beach Boulevard; and
3. The cul-de-sac at the northeast end of Symonds Street (staff's preferred location).

BC Transit were not in agreement with the proposed alternatives, but did acknowledge that the prospective Ludlow and Rocky Creek roundabout might be an option if there are driver conflicts at the proposed 1st Avenue stop location. Since that alternative is not currently available, BC Transit was only willing to use the 1st Avenue stop location or the Express Route service would not be provided.

In order to accommodate the stop location, some modifications to the boulevard are required. According to the CVRD contact, these modifications include:

1. Removal of one street tree and light pruning of two others;
2. Creating a custom pad with some modifications to either the roadway curb and/or sidewalk; and
3. Removing one surface electrical plug as paving the area would cover underground utilities.

ALTERNATIVES:

Council can choose to:

1. Request that BC Transit complete a traffic study, which would be subject to their timelines.
2. Deny the bus stop location and risk forfeiting the Express Route service.

FINANCIAL IMPLICATIONS:

The modifications to Town property will be done by Town staff and billed to CVRD, similar to other bus stop maintenance work in Town.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

It is anticipated that commuters and other transit users will benefit from the Express Route service, but congestion in the area may increase.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|---|
| <input type="checkbox"/> Complete Community Land Use | <input checked="" 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 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

STAFF REPORT TO COUNCIL

Report Prepared By: Geoff Goodall, Director of Infrastructure Services
Meeting Date: December 7, 2021
File No:
Re: **Tender Award: Watermain Replacement on Methuen Street, French Street, Kitchener Street and Parkhill Terrace**

RECOMMENDATION:

That Council award the tender for the watermain replacements on Methuen Street, French Street, Kitchener Street and Parkhill Terrace to David Stalker Excavating Ltd. in the amount of \$577,263.70 including GST.

EXECUTIVE SUMMARY:

Staff recently tendered the construction of the watermain replacements on Methuen Street, French Street, Kitchener Street and Parkhill Terrace. Five compliant bids were received and the lowest bid was from David Stalker Excavating Ltd. in the amount of \$577,263.70, including GST.

PREVIOUS COUNCIL DIRECTION

CS 2021- 333	10/19/2021	That Council: 1. Defer the Oyster Bay watermain construction project from the 2021 Capital Plan to the 2022 Capital Plan and re-budget accordingly; 2. Move the Kitchener Street watermain replacement project from the 2022 Capital Plan into the 2021 Capital Plan at a cost of \$165,000 with the funds to come from the Oyster Bay watermain project; 3. Add the replacement of the Parkhill Terrace watermain from Neville Street to the end of the street, to the 2021 Capital Plan at an estimated cost of \$100,000, with funds coming from the Water Reserve; and 4. Amend the 2021 to 2025 Financial Plan accordingly.
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INTRODUCTION/BACKGROUND:

Staff have completed the design and tendered the watermain replacements on Methuen Street, French Street, Kitchener Street, and Parkhill Terrace. The invitation to tender closed on November 26, 2021. This project is replacing three cast iron watermain and one AC line which had a major failure in 2021.

Five compliant tenders were received:

Tenderer	Total Tender (incl. GST)
Leuco Construction Inc.	\$680,000.74
Copcan Civil Ltd.	\$761,043.15
IWC Excavation Ltd.	\$795,019.52
Milestone Equipment Contracting Inc.	\$862,463.70
Stalker Excavating Ltd.	\$577,263.70

One non-compliant tender was received, but its cost was not lower than the lowest tender received.

ALTERNATIVES:

N/A

FINANCIAL IMPLICATIONS:

The project budget was approved by Council at \$632,129, which includes engineering and project management. The low bid meets this budget.

LEGAL IMPLICATIONS:

Per the Purchasing Policy, project bids over \$250,000 must be approved by Council.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

This project will cause disruption to residents on Methuen Street, French Street, Kitchener Street and Parkhill Terrace. Staff will ensure residents are notified of the project and kept up to date on project progress and anticipated interruptions.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Engineering staff will be involved in monitoring this project.

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 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:

☒ Infrastructure

☐ Community

☐ Waterfront

☐ Economy

☐ Not Applicable

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Jake Belobaba, RPP, MCIP, Christina Hovey, RPP, MCIP
Reviewed By: Allison McCarrick
Meeting Date: December 7, 2021
File No: 3900-13
Re: "Business Regulations and Licensing (Rental Units) Bylaw 2021, No. 2093" (Renovictions)

RECOMMENDATION:

That Council:

1. Give first, second and third reading to "Business Regulations and Licensing (Rental Units) Bylaw 2021, No. 2093";
2. Having considered sections 59(2) and 59(3) of the *Community Charter*, direct staff to:
 - a. Schedule a public hearing for Bylaw No. 2093; and
 - b. Provide notice of the hearing in two consecutive issues of the local newspaper;
3. Give first, second and third readings to "Affordable Housing Reserve Bylaw 2021, No. 2097";
4. Give first, second and third readings to "Ladysmith Ticket Information Utilization Bylaw 2002, No. 1457, Amendment Bylaw 2003, No. 2098";
5. Direct that, upon adoption of Bylaw No. 2093, any fees collected under section 71 of Bylaw No. 2093 be paid to affected tenants who would otherwise be eligible for compensation under section 68 of Bylaw No. 2093; and
6. Consider the additional policies for property record disclosure and inspections noted in the staff report dated December 7, 2021 and direct staff accordingly.

EXECUTIVE SUMMARY:

This report presents three bylaws for Council's consideration:

- Bylaw No. 2093 has been revised based on direction from the Committee of the Whole on November 9, 2021;
- Bylaw No. 2097 is an affordable housing reserve allowing funds to be set aside for affordable housing initiatives; and
- Bylaw 2098 is an amendment to the Ticket Information Utilization Bylaw that authorizes the issuance of tickets for certain contraventions of Bylaw No. 2093 in accordance with section 264 of the *Community Charter*.

Staff have also identified other potential policy options that are not included in the proposed bylaws but presented for Council consideration.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution
CW 2021-069	11/09/2021	That the Committee refer proposed "Business Regulations and Licensing (Rental Units) Bylaw 2021, No. 2093" back to staff to review and make the following revisions, to be presented at a future meeting of Council: <ul style="list-style-type: none"> • Change the application of Part 5 "Renovations and Demolitions" to buildings with three or more rental units and rooming houses; • Increase the 12 month tenancy payout to add a prorated amount based on duration of tenancy; • Remove the 3% vacancy rate clause exemption; • Review fines; and • Review renovation deficit clause.
CS 2021-341	10/19/2021	That Council direct staff to prepare a "renoviction" bylaw for Council consideration.

INTRODUCTION/BACKGROUND:

In market rental housing¹, rent increases for existing tenants are limited by the Province but there are no limits to rent increases between tenancies. Renovations are one of only two ways a landlord can evict a complying tenant². In areas where rental rates are escalating rapidly (usually as a result of low vacancy rates), landlords are sometimes accused of undertaking renovations simply to secure an eviction. Subsequently, the term "renoviction" is often used to describe evictions triggered by *unnecessary* renovations.

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 renovictions, becoming the first local government in BC to do so. 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 Appeal³. Other local governments have followed New Westminster's lead and have either adopted renoviction bylaws or are considering them.

On July 1, 2021 changes to the *Residential Tenancy Act*⁴ 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.

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

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

³ See: <https://www.canlii.org/en/bc/bcca/doc/2021/2021bcca176/2021bcca176.html>

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

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.

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.

On October 19, 2021, Council directed staff to bring forward to the Committee of the Whole, a bylaw to regulate renovictions. The first draft of Bylaw No. 2093 was presented to the Committee of the Whole on November 9, 2021. The Committee directed staff to review the fines and the "renovation deficit clause", remove the 3% vacancy rate exemption, change Part 5 of the bylaw to apply to buildings with three or more units and to increase the tenant payout clause by adding a prorated amount based on length of tenancy (see resolution CW 2021-069).

Staff have addressed the feedback from the Committee of the Whole through a number of changes to Bylaw No. 2093 and the addition of the two additional bylaws. Staff have also investigated additional options available to Council to address many of the concerns raised by the Committee of the Whole (See below).

REVIEW/CHANGES REQUESTED BY THE COMMITTEE OF THE WHOLE:

Review of fines (and fees and enforcement options)

Municipal bylaws are generally enforced in four ways:

- 1) Through the courts through prosecution under the *Offence Act*;
- 2) Through the courts through civil proceedings;
- 3) Through a ticketing process; or
- 4) Through corrective action undertaken by the municipality and billed to the owner.

Ticketing processes must be established by bylaw and have a maximum fine of \$1,000 (which can be issued for each day an offence occurs). For court proceedings under the *Offence Act*, fines, remedies and costs are determined by the court, however, municipalities can set minimum and maximum fine amounts and prison time under section 263(1) of the *Community Charter*. The allowable maximum fine under section 263(1) is \$50,000 and the maximum prison term is six months. Corrective action powers require a process by which the owner can appeal to Council.

Bylaw No. 2093 has been amended to set the minimum fine that can be collected under the *Offence Act* for contravening the bylaw at \$10,000 and the maximum fine of \$50,000. A court is not required to adhere to the minimum fine and can require a lower amount under section 88 of the *Offence Act*. The penalty of prison time has not been included in the Bylaw. Bylaw No. 2098 will amend the Town's Municipal Ticket Utilization Bylaw to allow tickets to be issued for specific contraventions under Parts 2, 3 and 4 of Bylaw No. 2093. Most of the fines are set at the maximum amount of \$1,000.

New rules in Section 7 of Bylaw No. 2093 have been added allowing the Town to undertake work to correct a contravention of the building and maintenance standards and to recover the cost from the owner if the owner fails to comply with an order to correct the contravention. An owner is entitled to have this decision reconsidered by Council and the costs can be recovered through taxation if the owner fails to pay.

It is important to note that the four bylaw enforcement methods noted above are not mutually exclusive. The Town can issue warnings or tickets for minor offences, or to invoke compliance for major offences, then proceed to court action to seek relief and/or stiffer penalties. For example, where a landlord has deliberately and wrongfully disconnected heat and hot water, the Town would likely first issue a warning, then a fine, then daily fines, then seek court remedies. If the situation had an element of urgency (e.g. it occurred during extremely cold weather) the Town could hire qualified professionals to make the repairs and bill the cost back to the owner.

Where a landlord fails to comply with the eviction requirements of the bylaw, section 71 of Bylaw No. 2093 also allows the Town to collect a business license fee equal to the amount in section 68 (c)—i.e. 12 months' rent plus one month for each year the tenant has lived in the unit. This payment is not a fine. It is a regulatory fee and subject to different rules than fines. The fee's purpose is to incentivize compliance with the bylaw and achieve the bylaw's intent of lessening impacts on tenants by levying an identical charge that the Town can transfer to the affected tenant. The Town's "natural person powers" allow this transfer (hence recommendation 5). Section 71, in combination with the recommended council resolution, not only prevents a landlord from avoiding the required tenant payout under 68(c), but also from redirecting those funds to the Town instead of the affected tenant⁵.

Review of renovation deficit clause

Section 76(f) of Bylaw No. 2093 is intended to provide an exemption for buildings where the cost of operating and upkeep has exceeded the rental income. Under this section, Council must apply a two part eligibility test, first determining if the "annual maintenance and operating costs" exceed annual rents, and then if the deficit will be remedied by the proposed renovations. This exemption application must be accompanied by a report from a qualified accountant. Subsequently, Bylaw No. 2093 does not have a renovation deficit clause, nor any exemptions based on, or influenced by, the cost of renovations or potential increases in rent.

"Annual maintenance and operating costs" include expenses such as utilities, gutter cleaning, heating system servicing and depreciation⁶ and specifically exclude one-time capital expenses and renovations. This means the cost of renovations, or major repairs cannot be factored into the operating deficit. Similarly, because the renovations are the only qualifying factor for correcting the operating deficit, rent increases and similar revenues must be excluded from the evaluation. The application of this rule is illustrated in the examples below.

Example 1: A 10-unit rental building has an extremely old and inefficient HVAC system and insulation and tenants typically use space heaters and portable air conditioners to make up for the poor quality of the insulation and HVAC system. The owner is paying, on average, \$5,500/month in utility costs plus other monthly expenses, like cleaning and overhead but only collecting \$6,000/month in rent. An engineering firm develops an HVAC and electrical system design that will significantly reduce energy consumption. However, there is no safe way to complete the renovations without vacating the entire building. An accountant evaluates the proposal and determines that the owner's utility costs will drop to only \$1,500/month, generating, at current rental rates an average monthly profit of \$4,000/month. This

⁵ i.e. preventing a landlord from forcing the Town to collect rather than paying the tenant so as to prevent the tenant from receiving the money.

⁶ Which would typically be calculated using a system such as Revenue Canada's Capital Cost Allowance (CCA).

renovation would qualify for an exemption, because the renovation remedies an operating deficit.

Example 2: The owner of a 70 year old, 5-unit rental building is proposing to complete an extensive renovation. Currently rents in the building range from \$600-800/unit totaling \$3,450/month. The owner pays approximately \$2,000/month in expenses. The owner is planning to consolidate the two top floor units to make a large penthouse suite, add an elevator, remove asbestos on the walls and replace the insulation, plumbing, wiring, fixtures, appliances and flooring. After the renovation, the owner's monthly expenses will drop to \$1,500/month due to energy savings. The cost of the renovation, which will be debt financed, is between \$500,000-800,000, and the owner recently paid \$1 million to purchase the property. The cost to pay out the tenants under Bylaw No. 2093, each of whom have lived in the building between 5-15 years, is \$73,000. The owner's accountant prepares a financial analysis indicating that the payback period for the proposed renovations, at current rental rates, is at least 70 years. However the payback period is only 8-12 years if rents can be increased to approximately \$2,500/unit/month (\$10,000/month total). This payback period increases to 9-14 years if the owner is required to pay the \$73,000 tenant payment required by the bylaw. This renovation would not qualify for an exemption, because the renovation does not remedy an operating deficit. Note also that the \$73,000 payout only increases the payback period of the renovation by 1-2 years.

Example 3: the owner of a 50 year old, 6-unit building pays monthly energy costs of \$3,000. The owner has owned the building for 25 years and monthly repair costs have increased in recent years to between \$1,000-\$2,000/month. The roof has begun to leak and the foundation needs major repairs. The cost of these repairs is \$80,000. The owner collects a total of \$6,000/month in rent and wants to upgrade each unit in conjunction with the roof and foundation repairs. The owner's accountant provides a report indicating that the owner can collect \$9,000/month in rent if the units are upgraded and use the additional rent to pay off the renovation costs. This renovation would not qualify for an exemption under section 76(f) (but might qualify under section 76(g)), because it is the eviction and subsequent rent increase—not the renovation—that remedies the operating deficit.

It is also important to note that the exemption and related conditions are not self-declared by the owner. The operating deficit exemption must be approved by Council, the owner bears the burden to prove the exemption applies and Council can impose conditions related to rents payable and alternative accommodation. In addition, the owner will have to demonstrate to the Rental Tenancy Branch that the renovation cannot be accomplished without vacating the units/building.

Remove 3% vacancy exemption

This exemption and related definitions has been removed from Bylaw No. 2093.

Application of Part 5 to properties with less than 3 units

Part 5 has been changed to apply to properties with 3 units or more. Similarly, Part 3 has also been changed to require a business license for property owners renting 3 or more units.

Tenant payout option increase

The payout option under 68(c) of Bylaw No. 2093 has been increased to a minimum payout of 12 months' rent plus one month's rent for each full year the tenant has rented the unit. For example a tenant currently

paying \$800/month rent who has rented a unit for 5 ½ years would receive \$14,400 (\$13,600 under the bylaw plus \$800 under the *Residential Tenancy Act*) and a tenant paying the same monthly rent who has rented their unit for 18 months, would receive \$10,400 (\$9,600 under the bylaw and \$800 under the *Residential Tenancy Act*). The rationale for this payment is to compensate the tenant for the inconvenience and cost associated with finding a new rental unit in what has become an extremely difficult rental market. Staff recommend the proposed method as it proved to be the most reasonable and practical. The underlying principle of the proposed method is that, unlike home owners, tenants do not build equity in their residence that can offset new housing costs when they leave. An evicted tenant whose rent was set 15 years ago will face a significantly higher jump in housing costs than one whose rent was set 2 years ago.

OTHER PROPOSED REGULATIONS:

Affordable housing reserve

Many municipalities have affordable housing reserves. If Bylaw No. 2097 is approved, the Town or any other party (e.g. developers through amenity contributions) can voluntarily deposit money into the reserve. Funds from the proposed reserve can be used to build or purchase affordable housing or emergency shelters or to cover the cost of seeking housing grants. The bylaw contemplates the possibility of a program for rental or homeowner subsidies. Future policies and bylaws (e.g. the OCP) can also redirect funds to the reserve.

Requirement to provide regulations to tenants

Staff have added a rule in section 17 of Bylaw No. 2093 requiring landlords to provide a copy of the bylaw and any supplemental information created by the Town, to their tenants. This was added recognizing that as a municipal bylaw, tenants may not be aware of it in the same way they are aware of the *Residential Tenancy Act*. If the proposed bylaw is adopted, staff will prepare clear bulletins to accompany the bylaw.

Carelessness/negligence exemption for condemned buildings removed

A clause in Bylaw No. 2093 that made an owner ineligible for the exemption for a condemned building if the owner, or a previous owner, was negligent or careless in the upkeep of the building has been removed. Buildings condemned by a qualified professional will be exempt from the requirements of the bylaw even if the building is condemned due to neglect. Staff have identified other possible policy options that may be more effective at preventing this scenario (see 'Other Available Options').

New exemption for renovations needed to bring a building up to Code

A new exemption has been added to Bylaw No. 2093 allowing Council to grant an exemption when a renovation is needed to bring a building into compliance with health and safety codes and cannot be completed without vacating the building. Policy options under 'Other Available Options', may help mitigate scenarios where this exemption may be needed.

Council conditions for exemptions

Rules in Bylaw No. 2093 have been changed to include factors that must be considered by Council when imposing conditions related to an exemption, (see sections 81-83 of the proposed bylaw).

OTHER AVAILABLE OPTIONS :

Staff undertook a preliminary investigation of additional policy options that would reduce enforcement challenges related to Bylaw No. 2093 and reduce risks for landlords who may, find themselves faced with

costly repairs. The policy options below would support both of these objectives and can be implemented in isolation or in combination. Should Council wish to see one or more of these regulations brought back for further consideration, Council can pass a resolution in accordance with Alternative 1 or 2.

Regular inspection and reporting requirements

Some municipalities, such as the District of North Cowichan⁷, have bylaws requiring landlords to regularly inspect their properties. The Town could adopt similar regulations requiring landlords to submit a yearly, predefined condition inspection checklist aligned with the building and maintenance standards of Bylaw No. 2093.

Pre-purchase inspections and/or disclosure of building permit and municipal records

Bylaw provisions could be drafted requiring sellers of residential property to provide or grant access to Town building permit records. This is common due diligence undertaken by buyers and some records are already available without owner consent⁸. A disclosure regulation would provide an opportunity for the buyer to identify potential issues with the property prior to purchasing.

Building inspections by a home inspector or qualified professional hired by the seller or buyer are another form of due diligence undertaken when real estate is sold. It may also be possible for the Town to create a requirement for buildings to be inspected prior to sale. Such a regulation could be adopted in conjunction with the disclosure regulation above and would have similar and complementary benefits.

Staff note the Province is considering a “cooling off period” and similar consumer protections for the sale of real estate⁹. It is not yet clear if the Provincial legislation will require inspections or record disclosure and no legislation has yet been tabled. Provincial legislation can take a year or more to pass.

ANALYSIS:

The proposed changes to Bylaw No. 2093 and staff’s review are expected to address the Committee’s feedback as are the additional regulations and bylaws provided for Council consideration.

The proposed regulations are not expected to deter investment from prospective landlords and there are exemption criteria in extenuating circumstances. In cases where the proposed bylaws are applied to properties, the applicable tenant protections have been changed to be more substantial.

It is recommended that Council consider the additional policies for property record disclosure and inspections noted above and direct staff accordingly.

ALTERNATIVES:

Council can choose to:

1. Give first, second and third readings to the proposed bylaws and direct staff to investigate the disclosure/inspection options noted in the report prior to adoption.
2. Direct staff to investigate the disclosure/inspection options noted in the report prior to giving readings to the proposed bylaws.
3. Give no further consideration to the proposed bylaws.
4. Give first, second and third readings to the proposed bylaws as amended.

⁷ The District requires these inspections through its [Nuisance \(Controlled Substance\) Bylaw](#).

⁸ This includes some zoning information and occupancy permits.

⁹ See: <https://news.gov.bc.ca/releases/2021FIN0070-002097>

5. Refer the proposed bylaws back to staff for further review, as specified by Council.

FINANCIAL IMPLICATIONS:

Enforcing bylaws requires Town resources including staff time, administration and in some cases prosecution costs. Staff expect enforcement action related to Bylaw No. 2093 to be manageable with existing resources. Staff expect enforcement of the building standards section of Bylaw No. 2093 to be largely complaint driven, requiring no additional funding for monitoring. The Town will be aware of potential renovations as soon as permit applications are made and can order compliance with the bylaw at that time.

Fines for contraventions of Bylaw No. 2093 under the proposed amendments to the Municipal Ticketing Utilization Bylaw are adequate to cover the average cost of issuing tickets for minor infractions. New requirements under Bylaw No. 2093 allowing the Town to take corrective action can be recovered as tax revenue. Court action to enforce the bylaw will likely have associated Town costs.

LEGAL IMPLICATIONS:

The proposed bylaws have 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. Staff are recommending a process that mirrors the public hearing process for rezoning amendments.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposed bylaws were referred to the Building, Bylaw, Finance and Fire Departments. The Building Department raised concerns about challenges related to enforcing Bylaw No. 2093. 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. Bylaw Services expressed concerns about the difference between fines under the proposed amendments to the Municipal Ticketing Utilization Bylaw when compared to fines for infractions for other bylaws. Many of the proposed fines for contraventions of Bylaw No. 2093 are the maximum amount (\$1,000) which is higher than fines for contraventions of other bylaws. The Town's lawyer has confirmed that fines need not be set in a comparative way, and the ticketing fines for contraventions of Bylaw No. 2093 can be any amount between \$1 and \$1,000. Council also has the option of amending any of these fines and proceeding with further consideration of the bylaw as amended (see Alternative 4).

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:

☐ Infrastructure

☒ Community

☐ Waterfront

☐ Economy

☐ Not Applicable

I approve the report and recommendations.

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

A. Bylaw No. 2093

B. Bylaw No. 2097

C. Bylaw No. 2098

ATTACHMENT A
“Business Regulations and Licensing (Rental Units) Bylaw 2021, 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.

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.

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 18, 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.

- 7) Where an *owner* has failed to comply with an order under section 5, the Council may:
 - a) order an owner to bring a rental unit that contravenes Part 4 of this bylaw, into compliance with standard specified in that part, within the timeframe specified in the order; and
 - b) if an owner has failed to comply with an order under subsection (a), fulfill the requirement at the expense of the owner and recover the costs incurred from the owner as debt payable under section 17(2) and Division 14 of Part 7 of the *Community Charter*.
- 8) An owner subject to an order under section 7 of this bylaw, may apply to Council for reconsideration and shall:
 - a) submit their request, in writing to the Corporate Officer; and
 - b) be given the opportunity to appear at the next available Council meeting and make submissions to Council.

Severability

- 9) 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

- 10) 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

- 11) 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.
- 12) 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 minimum fine of \$10,000 and a maximum fine of \$50,000 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.
- 13) Each day on which a person contravenes Part 4 or Part 5 of this bylaw constitutes a separate offence, whether or not the owner subsequently complies with the bylaw in respect of the tenancy in question.

14) 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

15) This Part applies to any property that:

- a) contains three 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

16) No person shall rent or have available for rental any *rental unit* unless the person holds a *business license* in good standing.

17) Every person to which this Part applies shall:

- a) maintain a current register containing the name and current address of every current and former tenant who has resided on the property and shall produce the register for review by the *Inspector* upon request;
- b) provide a copy of this bylaw, at the owner's cost, to every tenant, in the format required by and with any synopses and supplemental information as may be prepared by the Director of Development Services from time to time.

Part 4: Maintenance and Building Standards

Application

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

Responsibilities of Owner

19) 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

20) 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

21) All garbage and refuse shall be stored in proper receptacles and removed regularly and in accordance with any applicable regulations and bylaws.

22) 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.

- 23) 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.
- 24) 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

- 25) 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

- 26) 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.
- 27) 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

- 28) Exterior doors, and windows, skylights, and hatchways shall be maintained in good repair and weather tight.
- 29) Openings in exterior walls, other than doors and windows, shall be effectively protected to prevent the entry of rodents, insects or vermin.
- 30) 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*.
- 31) Every *rental unit* shall be provided with a means of ventilation and natural light.
- 32) All ventilation systems whether mechanical or natural, shall be maintained in good working order.
- 33) 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

34) 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

35) 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

36) Basement floor drains shall be maintained in good condition.

37) 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

38) 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.

39) Where floors are covered, the covering shall be maintained in a safe condition.

40) 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

41) 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

42) 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.

43) 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

44) All gas systems and appliances shall be maintained in safe working order and repair.

45) 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

46) 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*.

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

Electrical and Lighting Systems

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

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

Building Safety Features

50) 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.

51) 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

52) 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*.

53) 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

54) 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

55) 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.

- 56) For the purpose of section 55, 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

57) 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.

- 58) 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*.

- 59) *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

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

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

Laundry Facilities

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

63) All *rental units* must have unrestricted access to a *bathroom*.

64) *Bathroom* sinks, toilets and showers or bathtubs shall be provided at a ratio of one to ten occupants.

65) 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

66) This part does not apply to:

- a) any property containing fewer than three *rental units*;
- b) 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.; or
- c) 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* as amended or replaced from time to time.

67) The *Inspector* may require an owner who has provided a written determination under section 66(b) 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

68) An *owner* shall not evict or take any steps to 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 equal to 12 months the current rent for the rental unit plus one additional month's rent for each year the tenant has rented the rental unit

69) The regulation contained in section 68 is a term and condition of any business licence issued by the Town to an owner.

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

71) As a term and condition of an owner's *business licence*, the *Inspector* may levy a one-time regulatory fee in addition to the licence fee chargeable under the *Business Licence Bylaw* on any owner who contravenes section 68, in the amount that is equal to 12 months the current rent for the rental unit plus one additional month's rent for each year the tenant has rented the rental unit.

72) An owner may apply to Council for reconsideration of a levy issued by an *Inspector* under section 71 of this Bylaw.

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

74) For certainty, sections 68 to 73 of this Bylaw apply notwithstanding any provisions to the contrary in the *Business Licence Bylaw*.

Application for Exemption

75) An owner who is subject to section 68 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.

76) 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) the renovation will add at least 20% more rental units to the property;
- c) the renovation is being undertaken for the purpose of converting the rental unit to *social housing*;
- d) 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*;
- e) a *tenant* has refused to sign a tenancy agreement that complies with section 68;
- f) 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; or
- g) the purpose of the owner's renovation or repair plans is to bring the building into compliance with one or more provisions of Part 4 of the Bylaw, or another enactment respecting health or safety, and the renovation or repair plans cannot be safely implemented unless the building or portion is vacated.

77) An application under section 76(g) must be accompanied by a certification by an architect, professional engineer or qualified building code consultant that certifies that, after due consideration of all practical alternative approaches to the work, the implementation of the owner's renovation or repair plans requires that the owner's building be vacated in whole or in part.

78) Council may require an owner who has provided a certification under section 77 to pay the Town's cost in obtaining a second opinion from an architect, professional engineer or qualified building code consultant, as the case may be, on whether the implementation of the owner's plans requires that the owner's building or portion of the building be vacated.

79) Prior to considering an exemption under section 76:

- 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.

80) A notice under section 79:

- a) must state the following:
 - i) the time, date, and place where the matter will be in front of Council;
 - ii) if the matter is in front of Council using electronic or other communication facilities, the way in which the meeting is to be conducted by those means; and
- b) be mailed or otherwise delivered at least 10 days before the meeting to the owner and *tenants*.

81) Council may, in approving an application for an exemption under subsections 76(b), (c) or (d), impose conditions related to:

- a) the timing of renovations, demolitions, construction and related approvals; and
- b) the dates by which a rental unit must be vacated.

82) Council may, in approving an application for an exemption under subsections 76(e), (f), or (g) impose conditions related to:

- a) tenant compensation
- b) how tenant compensation shall be paid;
- c) the temporary accommodation of *tenants* during the renovation or repair, including location of temporary accommodation;
- d) rents payable during periods of temporary accommodation; and
- e) the timeframe in which renovations must be completed.

83) In imposing conditions under sections 81 and 82, Council must consider:

- a) The timing of renovations, construction demolition and evictions;
- b) the amount of time the proposed renovations are to take;
- c) the amount of rent payable at the time of application; and
- d) market rents and vacancy rates in the Town for similar units at the time of application.

READ A FIRST TIME on the	day of	,
READ A SECOND TIME on the	day of	,
PUBLIC HEARING HELD on the	day of	,
READ A THIRD TIME on the	day of	,
ADOPTED on the	day of	,

Mayor (A. Stone)

Corporate Officer (D. Smith)

ATTACHMENT B

TOWN OF LADYSMITH

BYLAW NO. 2097

A bylaw to establish a reserve fund to support affordable housing in Ladysmith

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

1. A reserve fund is established under the provisions of the *Community Charter* to be known as the "Affordable Housing Reserve".
2. Voluntary contributions from the community shall be deposited into this reserve where such contributions are expressly provided for the purpose of contributing to the Affordable Housing Reserve.
3. Funds collected or allocated under any bylaw shall be deposited into this reserve where such bylaw expressly provides that such funds are to be deposited into this reserve.
4. Council may direct that monies be allocated to the Affordable Housing Reserve.
5. Money set aside until required to be used, may be invested in the manner provided by the *Community Charter*.
6. Money set aside and any interest earned thereon shall be expended solely for:
 - a. Affordable housing projects undertaken by a non-profit society or government agency, including costs related to design, government approvals and construction.
 - b. The purchase of affordable housing or land on which affordable housing will be built, by a non-profit society or government agency.
 - c. The construction or operation of emergency housing or social housing operated by a non-profit society or government agency.
 - d. Renter or homeowner subsidies, incentives and rebates that reduce housing cost, where such programs are authorized under the *Community Charter*, *Local Government Act* or other enabling legislation, such as programs to subsidize rent or reduce homeowner energy costs.
 - e. The costs of preparing applications for grants and similar funding sources related to housing affordability including staff and consultant costs, and application fees.
 - f. The cost of preparing studies and reports related to housing affordability, homelessness and factors that contribute to homelessness and unaffordability.

7. This bylaw may be cited for all purposes as "Affordable Housing Reserve Bylaw 2021, No. 2097".

READ A FIRST TIME	on the	day of	, 2021
READ A SECOND TIME	on the	day of	, 2021
READ A THIRD TIME	on the	day of	, 2021
ADOPTED	on the	day of	, 2021

Mayor (A. Stone)

Corporate Officer (D. Smith)

ATTACHMENT C

TOWN OF LADYSMITH

BYLAW NO. 2098

A Bylaw to amend the Ticket Information Utilization Bylaw

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Town of Ladysmith Ticket Information Utilization Bylaw 2002, No. 1457”:

1. Amend “Schedule “1” by adding item 14 to Designated Bylaws as follows:

Designated Bylaws

14. “Business Regulations and
Licensing (Rental Units) Bylaw
2021, No. 2093”

Designated Bylaw Enforcement Officers

Building Inspector
Fire Chief
Bylaw Enforcement Officer

2. Add Schedule “15” which is attached to and forms part of this bylaw.

Citation

3. This bylaw may be cited for all purposes as “Town of Ladysmith Ticket Information Utilization Bylaw 2002, No. 1457, Amendment Bylaw 2021, No. 2098”.

READ A FIRST TIME	on the	day of	, 2021
READ A SECOND TIME	on the	day of	, 2021
READ A THIRD TIME	on the	day of	, 2021
ADOPTED	on the	day of	, 2021

Mayor (A. Stone)

Corporate Officer (D. Smith)

SCHEDULE 15

BYLAW NO. 1457

RE: "Business Regulations and Licensing (Rental Units) Bylaw 2021, No. 2093"

<u>OFFENCE</u>	<u>SECTION</u>	<u>FINE</u>
Failure to comply with an order	11(a)	\$1,000
Obstructing an inspector	11(b)	\$1,000
Failure to obtain a business license	16	\$500
Failure to maintain a register	17(a)	\$500
Failure to provide bylaw to tenant	17(b)	\$500
Failure to control pests	20	\$1,000
Improper garbage storage	21	\$1,000
Failure to provide garbage facilities	22	\$1,000
Inadequate garbage facilities/receptacles	23	\$1,000
Failure to clean garbage facilities/receptacles	24	\$1,000
Lack of structural integrity	25	\$1,000
Unmaintained exterior walls	26	\$1,000
Unmaintained external building features	27	\$1,000
Unmaintained doors/windows	28	\$1,000
Unmaintained openings	29	\$1,000
Inadequate latching/locking devices	30	\$1,000
Inadequate ventilation and light	31	\$1,000
Unmaintained ventilation system	32	\$1,000
Inadequate shower/bathtub ventilation	33	\$1,000
Unmaintained roof	34	\$1,000
Unsafe structure	35	\$1,000
Unmaintained basement floor drain	36	\$1,000
Unmaintained basement floor	37	\$1,000
Unmaintained floor	38	\$1,000
Unsafe floor covering	39	\$1,000
Inadequate bathroom floor covering	40	\$1,000
Unmaintained wall/ceiling	41	\$1,000
Unmaintained plumbing	42	\$1,000
Lack of running water	43	\$1,000
Unsafe gas appliance	44	\$1,000
Unsafe gas appliance venting	45	\$1,000
Unsafe/Inadequate heating	46	\$1,000
Unapproved heating device	47	\$1,000
Unmaintained electrical	48	\$1,000
Inadequate lighting	49	\$1,000
Inadequate fire resistance	50	\$1,000
Unmaintained fire protection systems	51	\$1,000
Unmaintained elevator: <i>Safety Standards Act</i>	52	\$1,000
Unmaintained elevator: Fixtures	53	\$1,000

Inadequate parking	54	\$500
Disconnected utilities	55	\$1,000
Inadequate ceiling height	57	\$1,000
Inadequate floor area: Rental Unit	58	\$1,000
Inadequate floor area: Bedroom	59	\$1,000
No access to Kitchen	60	\$1,000
Cooking facilities in bedroom	61	\$1,000
Unsafe washer	62	\$1,000
Unsafe dryer	63	\$1,000
No access to bathroom	64	\$1,000
Inadequate number bathroom fixtures	65	\$1,000
Inadequate privacy screens	66	\$1,000

TOWN OF LADYSMITH

BYLAW NO. 2091

A Bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

The Council of the Town of Ladysmith in open meeting assembled enacts that "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is amended as follows:

1. Schedule A – Zoning Bylaw Text is amended by adding a new subsection under subsection 10.f) in Site Specific Regulations under Section 11.2 – Downtown Commercial (C-2) zone:
 - “iii) Despite section 11.2.4(c), the *Floor Space Ratio* shall not exceed 1.7.
 - iv) Despite section 11.2.5(c), the minimum Rear *Parcel Line Setback* for a *Principal Building* is 2.6 metres.”

Citation

2. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 45) 2021, No. 2091".

READ A FIRST TIME on the	19 th	day of	October,	2021
READ A SECOND TIME on the	19 th	day of	October,	2021
PUBLIC HEARING HELD on the	16 th	day of	November,	2021
READ A THIRD TIME on the	16 th	day of	November,	2021
APPROVED by the Ministry of Transportation & Infrastructure on the	29 th	day of	November,	2021
ADOPTED on the	day of	,		

Mayor (A. Stone)

Corporate Officer (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2091

A Bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

The Council of the Town of Ladysmith in open meeting assembled enacts that "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is amended as follows:

1. Schedule A – Zoning Bylaw Text is amended by adding a new subsection under subsection 10.f) in Site Specific Regulations under Section 11.2 – Downtown Commercial (C-2) zone:
 - "iii) Despite section 11.2.4(c), the *Floor Space Ratio* shall not exceed 1.7.
 - iv) Despite section 11.2.5(c), the minimum Rear *Parcel Line Setback* for a *Principal Building* is 2.6 metres."

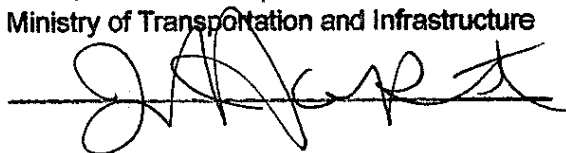
Citation

2. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 45) 2021, No. 2091".

READ A FIRST TIME on the	19 th	day of ,	October,	2021
READ A SECOND TIME on the	19 th	day of	October,	2021
PUBLIC HEARING HELD on the	16 th	day of ,	November,	2021
READ A THIRD TIME on the	16 th	day of ,	November,	2021
APPROVED by the Ministry of Transportation & Infrastructure on the				
	day of	,		
ADOPTED on the	day of	,		

Approved pursuant to section 52(3)(a) of
the *Transportation Act*

this 29th day of November 2021
Ministry of Transportation and Infrastructure



JAMIE LEIGH HOPKINS
A Commissioner for taking affidavits
within the Province of British Columbia
2100 Labieux Road, Nanaimo BC V9T 6E9

Mayor (A. Stone)

Corporate Officer (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2095

A Bylaw to Provide for the Borrowing of Money in Anticipation of Revenue

WHEREAS the Town of Ladysmith does not have sufficient money on hand to meet the current lawful expenditures of the municipality;

AND WHEREAS it is provided by Section 177 of the *Community Charter* that Council may, without the assent of the electors or the approval of the Inspector of Municipalities, provide for the borrowing of such sums of money as may be necessary to meet the current lawful expenditures of the municipality provided that the total of the outstanding liabilities does not exceed the sum of:

The whole amount remaining unpaid of the taxes for all purposes levied during the current year, provided that prior to the adoption of the annual property tax bylaw in any year, the amount of the taxes during the current year for this purpose shall be deemed to be 75% of the taxes levied for all purposes in the immediately preceding year.

AND WHEREAS the total amount of liability that Council may incur is seven million dollars (\$7,000,000);

AND WHEREAS there are no liabilities outstanding under Section 177;

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

1. The Council shall be and is hereby empowered and authorized to borrow upon the credit of the Town of Ladysmith an amount or amounts not exceeding the sum of seven million dollars (\$7,000,000).
2. The form of obligation to be given as acknowledgement of the liability shall be a promissory note or notes bearing the corporate seal and signed by the Mayor and the officer assigned the responsibility of financial administration of the municipality.
3. All unpaid taxes and the taxes of the current year when levied or so much thereof as may be necessary shall, when collected, be used to repay the money so borrowed.

Effective Date

4. This bylaw comes into effect January 1, 2022.

Citation

5. This bylaw may be cited for all purposes as "2022 Revenue Anticipation Borrowing Bylaw 2021, No. 2095".

READ A FIRST TIME on the	30 th	day of	November,	2021
READ A SECOND TIME on the	30 th	day of	November,	2021
READ A THIRD TIME on the	30 th	day of	November,	2021
ADOPTED on the		day of		

Mayor (A. Stone)

Corporate Officer (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2096

A Bylaw to amend the Waterworks Regulations

The Council of the Town of Ladysmith in open meeting assembled amends “Waterworks Regulations Bylaw 1999, No. 1298” as follows:

1. Delete Schedule “A” in its entirety and replace with the attached Schedule “A”.

Effective Date

2. The provisions of this bylaw shall become effective and be in force as of January 1, 2022.

Citation

3. This bylaw may be cited as Town of Ladysmith “Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2021, No. 2096”.

READ A FIRST TIME on the	30 th	day of November	, 2021
READ A SECOND TIME on the	30 th	day of November	, 2021
READ A THIRD TIME on the	30 th	day of November	, 2021
ADOPTED on the		day of	, 2021

Mayor (A. Stone)

Corporate Officer (D. Smith)

SCHEDULE "A"
TOWN OF LADYSMITH
"Waterworks Regulations Bylaw 1999, No. 1298"

1. METERED SINGLE UNIT DWELLING

Per billing period:

Base Rate, including consumption to 25 m ³	\$ 55.29	
Next 26 m ³ to 50 m ³	\$ 1.0060	per m ³
Next 51 m ³ to 75 m ³	\$ 1.1888	per m ³
Next 76 m ³ to 100 m ³	\$ 1.4629	per m ³
Next 101 m ³ to 125 m ³	\$ 1.9203	per m ³
Over 125 m ³	\$ 2.5604	per m ³
Over 200 m ³ (April to September only)	\$ 3.3285	per m ³

2. METERED SINGLE UNIT DWELLING WITH SUITE

Per billing period:

Base Rate, including consumption to 37.50 m ³	\$ 82.94	
Over 37.50 m ³	\$ 0.9144	per m ³

3. METERED SERVICE - all other users

Per billing period:

Base Rate, including consumption to 25 m ³	\$ 55.29	
Over 25 m ³	\$ 0.9144	per m ³

4. NON-METER SERVICE

Per billing period:	\$ 80.17	per unit
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5. BULK WATER RATE \$ 2.30 per m³

6. WATER SERVICE CONNECTION RATES

Where a service connection has not been previously provided to a parcel but where the Public Waterworks system front or abuts the parcel:

- (A) Up to a 25mm (4") service connection
including meter, meter box, meter setter,
check valves, shut-off valves and other related
appurtenances: \$3,000 per connection
- (B) Larger than 25mm (4") shall be: At cost but no less than
\$3,000 per connection

SCHEDULE "A" (cont.)

Where a service connection has been previously provided to a parcel:

- (C) Service connection including meter, meter box, meter setter, check valves, shut-off valves and other related appurtenances and is the requested size: \$100 per connection
- (D) Owner requested service modification including installation of a water meter, meter box, meter setter, check valves, shut-off valve and any other related appurtenances shall be: At cost, but no less than \$3,000 per connection

7. FINES

Every person who violates any provision of this bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine or to imprisonment for not more than 6 months, or both. \$2,000 per offence

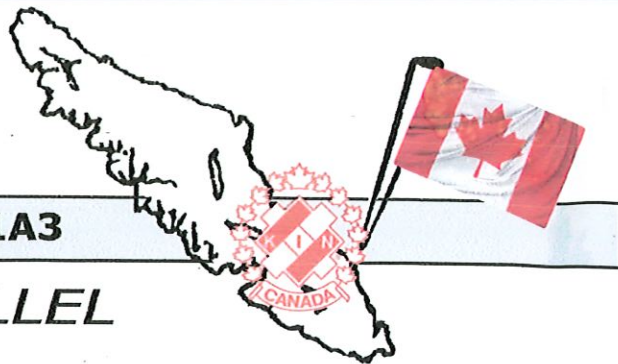
Each day that a violation of the provisions of this bylaw occurs, exist or is permitted to occur or exists, shall constitute a separate offense.

BYLAW STATUS SHEET November 16, 2021

		Status
2068	Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068 (1130 Rocky Creek Rd)	First and second readings, June 1, 2021. Public Hearing and third reading June 15, 2021. Conditions to be met prior to adoption.
2069	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069 (1130 Rocky Creek Rd)	First and second readings, June 1, 2021. Public Hearing and third reading June 15, 2021. MOTI approval received July 27, 2021. Conditions to be met prior to adoption.
2087	Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 68) 2021, No. 2087 (1260 Churchill)	First and second readings, October 5, 2021. Public Hearing and third reading November 2, 2021.
2088	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 44) 2021, No. 2088 (1260 Churchill)	First and second readings, October 5, 2021. Public Hearing and third reading November 2, 2021. MOTI approval required.
2089	Housing Agreement Bylaw 2021, No. 2089 (1260 Churchill)	First, second and third readings, October 5, 2021.
2091	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 45) 2021, No. 2091 (431 1 st Avenue)	First and second readings, October 19, 2021. Public Hearing and third reading November 16, 2021.
2095	2022 Revenue Anticipation Borrowing Bylaw 2021, No. 2095	First, second and third readings, November 30, 2021.
2096	Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2021, No. 2096	First, second and third readings, November 30, 2021.



Kin Canada
Kinsmen Club
of Ladysmith



P.O. Box 324, Ladysmith, B.C. V9G 1A3

ON THE 49TH PARALLEL

November 25, 2021

Mayor and Council
Town of Ladysmith
P.O. Box 220,
Ladysmith, B.C. V9G 1A2

Dear Mayor Stone and Council

The Ladysmith Kinsmen Club members are requesting that the Town write of letter of support in the Kinsmen Club's efforts in acquiring the old B.C. Hydro property at the end of Sixth Ave. and Methuen St.

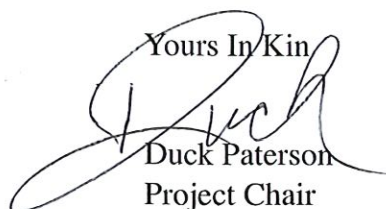
The local Kinsmen Club is forming an "affordable housing society" to endeavour to provide some affordable family housing for young local families.

We have talked (emailed) with B.C. Hydro and the club's idea has met with kind replies but there has been really nothing positive. The property has been left deserted for over 40 years and just sits there as somewhat of an eyesore for this long established neighbourhood. The site is .90 of an acre and could accommodate up to 13 units, according to Town staff. What the Kinsmen propose is a small four duplex development that would make it possible for eight young families to have a place they can call their own. The property is so close to schools, the community centre and pool and is one of the few areas of "old town" that folks can access downtown without having to go up or down one of our famous hills.

As council is undoubtedly aware, Ladysmith is sorely lacking in the affordable housing market, especially for young families and its the Kinsmen Club's goal to help fix this situation. It is hoped that a letter of support, from the Town of Ladysmith, will help this project move forward and together with Kinsmen and B.C. Hydro we can make some families dreams come true.

We wish to thank council for taking the time to consider this request and we look forward to your favourable response. If you have any questions, or need further information, please contact me at anytime.

Take Care.

Yours In Kin

Duck Paterson
Project Chair

November 29, 2021

To: Allison McCarrick <AMcCarrick@ladysmith.ca>

Subject: support for RJ proposal

Good afternoon Allison,

I am writing to request a letter of support from council in support of our Civil Forfeiture funding application. We are applying for funding to support a Restorative Justice in Education Resilient Youth project. We believe that the proposed services are well aligned with a growing need for increased youth programming, especially to help youth at risk. The approach proposed will introduce restorative principles and practices to local youth both in and out of the school system and we believe will go a long way to addressing the needs of our future adults in this community. Funding we receive from the Town will be included in the over all budget so we can dedicate full-time staff support for this project.

Below is a brief summary of the project.

The RESILIENT YOUTH Project introduces age appropriate circle processes and related activities to youth both in and out of the school system. Expected outcomes include:

- Knowledge of restorative problem solving tools
- Increased communication, relationship-building and resilience
- Less conflict due to healthier relationships
- Tools for conflict resolution, including knowledge of trauma and victimization
- Leadership development as youth engage in restorative problem solving activities

Please let me know if you need any further supporting text for the letter.

Thanks so much for your support.

Cheers

Karen

Karen Laing

Executive Director

Ladysmith Resources Centre Association

P: 250-245-3079 F: 250 245-3798

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www.lrca.ca

twitter.com/Ladysmithcares

Working on the traditional and unceded territory of the Stz'uminus People