

**THE COMMITTEE OF THE WHOLE**  
**AGENDA**  
**5:30 P.M.**

**Tuesday, March 12, 2024**  
**Ladysmith Seniors Centre**  
**630 2nd Avenue**  
**Pages**

**1. CALL TO ORDER AND ACKNOWLEDGEMENT**

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

Members of the public may attend meetings in person at the Ladysmith Seniors Centre or view the livestream on YouTube:

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

**2. AGENDA APPROVAL**

Recommendation

That the agenda for this March 12, 2024 Committee of the Whole meeting be approved.

**3. MINUTES**

**3.1 Minutes of the Committee of the Whole Meeting held January 16, 2024**

**4**

Recommendation

That the minutes of the Committee of the Whole Meeting held January 16, 2024 be approved.

**4. RCMP FAREWELL AND WELCOME**

Council will have the opportunity to say goodbye to Staff-Sergeant Tim Desaulniers and to welcome Corporal Tracy Dubnyk, the new Detachment Commander.

## 5. REPORTS

### 5.1 2024 Grant in Aid Requests 7

#### Recommendation

That the Committee:

1. Determine the amounts to allocate to various community groups based on their 2024 Grant in Aid requests; and
2. Recommend that Council approve the allocated amounts.

#### 5.1.1 New Business - Ladysmith Senior Improv Team - Grant in Aid Application 15

### 5.2 Permissive Tax Exemption Policy Discussion 21

#### Recommendation

That the Committee provide direction to staff regarding changes, if any, to the Permissive Tax Exemption Policy 05 1970 B.

### 5.3 Pavement Priorities 2024 29

#### Recommendation

That the Committee receive the staff report dated March 12, 2024 from the Director of Infrastructure Services, regarding 2024 paving priorities.

### 5.4 Protective Services Department Report 38

#### Recommendation

That the Committee receive the report dated March 12, 2024 from the Manager of Protective Services regarding the activities of the Protective Services Department.

## 6. COUNCIL SUBMISSIONS

### 6.1 Community Gardens at the Urgent Care Centre

Councillor Paterson has requested that the Committee discuss the possibility of creating community gardens at the Urgent Care Centre.

### 6.2 Discussion on Bylaw 1781 48

Councillor Stevens has requested that the Committee discuss repealing, "Town of Ladysmith Downtown Development Cost Charges Reduction Bylaw, 2011, No. 1781".

The following resolutions regarding Development Cost Charges are included to aid the Committee in their discussions of this agenda item:

- **CS 2019-239**  
That Council direct staff to prepare:
  - a) A Development Cost Charges (DCC) reduction bylaw affordable rental housing policy, including eligibility conditions that could be considered on an individual project basis.
  - b) A bylaw to repeal the current DCC reduction bylaw for not-for-profit rental housing (Bylaw 1804).
  - c) A bylaw to amend the Downtown DCC reduction (waiver) Bylaw 1781 to add a five year sunset clause.
  
- **CS 2019-366**  
That Council:
  - 1. Give first, second and third readings to Town of Ladysmith Not-for-Profit Rental Housing Development Cost Charges Reduction Bylaw, 2019, No. 2024;
  - 2. Direct staff to delay developing a policy to consider site-specific development cost charge reductions pursuant to Council resolution CS 2019-239 until a housing needs report in accordance with section Division 22 of the *Local Government Act* is received by Council; and
  - 3. Delay repealing Development Cost Charge Reduction Bylaw 1804 until a policy to consider development cost charge reductions pursuant to Council resolution CS 2019-239 is endorsed by Council.

### **6.3 Diversity, Equity and Inclusion Policy**

Councillor Stevens has requested that the Committee discuss a Diversity, Equity and Inclusion Statement Policy.

#### Recommendation

That the Committee recommend that Council direct staff, in consultation with all unionized and non-unionized employees, to develop a Diversity, Equity, and Inclusion Statement of Policy for the Town, and that regular and recurring training for staff and Council be a product of that policy.

## **7. NEW BUSINESS**

## **8. ADJOURNMENT**



## COMMITTEE OF THE WHOLE MEETING MINUTES

**Tuesday, January 16, 2024  
6:31 P.M.  
Ladysmith Seniors Centre  
630 2nd Avenue**

### **Council Members Present:**

Councillor Marsh Stevens, Chair  
Mayor Aaron Stone *via Zoom*  
Councillor Ray Gourlay  
Councillor Amanda Jacobson

Councillor Tricia McKay  
Councillor Duck Paterson  
Councillor Jeff Virtanen

### **Staff Present:**

Allison McCarrick *via Zoom*  
Erin Anderson  
Jake Belobaba  
Ryan Bouma

Trish McConnell  
Chris Geiger  
Sue Bouma *via Zoom*  
Andrea Hainrich *via Zoom*

---

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

Councillor Stevens, Chair, called this Committee of the Whole meeting to order at 6:31 p.m., and acknowledged with gratitude that it was being held on the unceded territory of the Stz'uminus First Nation.

## **2. AGENDA APPROVAL**

### **CW 2024-001**

That the agenda for this January 16, 2024 Committee of the Whole meeting be approved.

*Motion Carried*



### **3. MINUTES**

#### **3.1 Minutes of the Committee of the Whole Meeting held November 14, 2023**

##### **CW 2024-002**

That the minutes of the Committee of the Whole Meeting held November 14, 2023 be approved.

*Motion Carried*

### **4. REPORTS**

#### **4.1 Building Inspector's Report to December 31, 2023**

##### **CW 2024-003**

That the Committee receive the Building Inspector's Report for the months September to December 2023.

*Motion Carried*

#### **4.2 Coastal Animal Control Services Reports for August and September 2023**

##### **CW 2024-004**

That the Committee receive the Coastal Animal Control Services Reports for August and September 2023.

*Motion Carried*

#### **4.3 Ladysmith Fire/Rescue Reports for November and December 2023**

##### **CW 2024-005**

That the Committee receive the Ladysmith Fire/Rescue Reports for November and December 2023.

*Motion Carried*

#### **4.4 Occupational Health and Safety 2023 Year End Report**

##### **CW 2024-006**

That the Committee receive the 2023 Occupational Health and Safety year end report.

*Motion Carried*

#### **4.5 2023-2026 Strategic Priorities Update**

##### **CW 2024-007**

That the Committee receive the 2023-2026 Strategic Priorities Update dated January 16, 2024.

*Motion Carried*

### **5. COUNCIL SUBMISSIONS**

#### **5.1 Parkland Dedication**

##### **CW 2024-008**

That the Committee recommend that Council direct staff to prepare a report for a future Committee of the Whole meeting regarding the possibility of dedicating 1200 Christie Road, and road allowances at King Road and Gill Road as parkland.

*Motion Carried*

#### **5.2 Active Transportation**

##### **CW 2024-009**

That the Committee recommend that Council direct staff to prepare a report for a future meeting of Council on requiring subdivisions to allocate active transportation space.

*Motion Carried*

### **6. ADJOURNMENT**

##### **CW 2024-010**

That this Committee of the Whole meeting adjourn at 7:28 p.m.

*Motion Carried*

CERTIFIED CORRECT

---

Chair (Councillor M. Stevens)

---

Corporate Officer (S. Bouma)

## STAFF REPORT TO COMMITTEE OF THE WHOLE

**Report Prepared By:** Erin Anderson, Director of Finance  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** March 12, 2024  
**File No:** 1850-2024  
**Re:** 2024 Grant in Aid Requests

**RECOMMENDATION:**

That the Committee:

1. Determine the amounts to allocate to various community groups based on their 2024 Grant in Aid requests; and
2. Recommend that Council approve the allocated amounts.

**EXECUTIVE SUMMARY:**

The Town provides Grant in Aid (GIA) funding to various community groups. In 2023, Council approved a revised Grant in Aid Policy and Application which set a budget amount of \$62,813 with 90% of that amount (\$56,531) to be allocated during tonight's discussion. The requests received for 2024 total \$77,550, plus an additional \$400 in late applications.

**PREVIOUS COUNCIL DIRECTION:**

N/A

**INTRODUCTION/BACKGROUND:**

Each year, Council, on behalf of the Town of Ladysmith residents, provides grants for social, cultural, recreational, and special event services. The purpose of the GIA program is to assist organizations financially for a specific project, event, or service that benefits residents (see Appendix A – Grant in Aid Policy). Staff initially review the applications for completeness and follow up with the organization where necessary.

The following applications were received by the December 15, 2023 deadline:

Organization	Requested amount for 2024
Art Council of Ladysmith and District (Arts on the Avenue)	10,000
Cowichan Family Caregivers Support Society	3,000
Ladysmith and District Historical Society	10,000
Ladysmith and District Marine Rescue Society	3,500

Ladysmith Celebrations Society	10,000
Ladysmith Downtown Business Association	6,500
Ladysmith Family and Friends Society	2,500
Ladysmith Festival of Lights	10,000
Ladysmith Little Theater	2,800
Ladysmith Show and Shine	3,000
Old English Car Club Central Island Branch	750
Big Brothers Big Sisters Central Vancouver Island	3,000
<b>New Applications</b>	
Crisis Intervention & Public Information Society of Greater Victoria	2,500
Ladysmith Pride Society	10,000
<b>Late Applications</b>	
Ladysmith Lions Club (received Jan 10, 2024)	400

The following are areas that staff have identified where the respective applications do not align with the revised Grant in Aid Policy:

*Policy statement #2 -Preference will be given to organizations that are locally based and whose efforts are community based in nature.*

These organizations are not located directly in Ladysmith or in the immediate surrounding area:

- Cowichan Family Caregivers Support Society – though notes that 20% of families are within Ladysmith.
- Big Brothers Big Sisters Central Vancouver Island - though requests to work with School District #68.
- Crisis Intervention and Public Information Society of Greater Victoria – though requests to work with School District #68

*Policy statement #10 – GIA requests will be reduced by the value of the current service agreement, permissive tax exemption, in kind donation or waived rental fees.*

These organizations receive other funding from the Town:

- Ladysmith & District Historical Society (service agreement and permissive tax exemption for a total of \$44,760)
- Festival of Lights (permissive tax exemption for \$8,364)
- Ladysmith Family & Friends Society (reduced rents reported as \$40,000 in their financial statements)

*Policy Statement #18 – Amount of the GIA will be evaluated against the amount of fundraising revenue earned in the previous fiscal year.*

These organizations are requesting Grant in Aid funding more than their previous year fundraising amounts per their submitted application:

- Ladysmith Celebrations Society
- Ladysmith Downtown Business Association
- Ladysmith Little Theatre
- Old English Car Club
- Crisis Intervention & Public Information Society of Greater Victoria
- Ladysmith Pride Society – though this is a new organization

#### **ALTERNATIVES:**

The Committee could recommend that Council:

1. Choose to approve the amounts requested, modify the amount requested or deny the amount requested.
2. Further amend the Grant in Aid Policy as directed by Council.

#### **FINANCIAL IMPLICATIONS:**

The revised policy sets a specific amount for the Grant in Aid budget. For 2024, the total budget amount is \$62,813 with \$56,531 set aside for this deliberation. The requests received by the deadline amount to \$77,550.

There is an additional \$3,141 set aside for late applications and \$3,141 for waiving of fees. Should the Committee approve the Lion's Club application, the \$400 funding request will come from the late application funding allotment.

#### **LEGAL IMPLICATIONS:**

Authority to provide Grants in Aid is derived from s.176 1(c) of the *Local Government Act*:

*Subject to the specific limitations and conditions established under this or another Act, the corporate powers of a board include the following:*

*to provide assistance for the purpose of benefiting the community or any aspect of the community.*

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

Many community groups rely on GIA funding. Any changes to the funding could impact the services those organizations deliver.

#### **INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

With direction from Council, the Finance Department leads the GIA process. PRC generally facilitates the waiving of fees.

#### **ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |  |
|---|--|
| <input type="checkbox"/> Core Infrastructure                    | <input type="checkbox"/> Economy                   |
| <input type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership                |
| <input type="checkbox"/> Waterfront Area Plan                   | <input checked="" type="checkbox"/> Not Applicable |

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

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENTS:**

A. Grants in Aid Policy

B. Listing of 2024 Requests and 2023 Approvals

TOPIC:	Grant in Aid Program		
POLICY No.:	05 1850 A		
APPROVED BY:	Council	RESOLUTION No.:	CS 2013-266
ORIGINAL DATE:	2013.08.06	AMENDMENT DATE:	2023.07.18
AMENDED:	2016.11.21 (Resolution No. CS 2016-373); 2023.07.18 (Resolution No. CS 2023-184)		

## PURPOSE

The Grant in Aid program is designed to assist not-for-profit organizations in good standing with the Town of Ladysmith, the Registrar of Companies and with other community groups with projects or special activities, or to allow them to take advantage of development opportunities and events. In granting financial assistance to an organization for a discretionary Grant in Aid, the Council of the Town of Ladysmith will take into account the below objectives.

## POLICY

The primary purpose of a Grant in Aid is to provide financial assistance to an organization for a specific project or event or service that benefits the residents of the Town of Ladysmith.

1. The organization should be a registered Society or belong to a parent Society under the laws of British Columbia and/or Canada.
2. Preference will be given to organizations that are locally based and whose efforts are community based in nature.
3. The Council of the Town of Ladysmith will not grant monies for a 'for profit' organization.
4. Council will consider only one (1) application per Organization per year.
5. Funds must be used for the purpose for which they were requested. If the project or event is not completed, the Town of Ladysmith reserves the right to request the return of the grant.
6. By accepting Grant in Aid funds, the applicant agrees to acknowledge the support of the Town of Ladysmith in all print and publicity material related to the project including banners and signs on site during the event.
7. By accepting Grant in Aid funds, the applicant agrees to report to the Town, using the prescribed form, how the Grant in Aid monies were used. If a report is not received by the Town on or before December 31<sup>st</sup>, the organization shall be notified that they may be ineligible for further grant funding.
8. The maximum number of years an organization may receive a Grant in Aid is four (4) years with the first year funded at 100%, the second year funded at 75%, the third year funded at 50%, and the fourth year at 25%. Organizations must wait an entire year before re-applying for full funding.
9. The maximum funding request per organization is limited to \$10,000.
10. Grant in Aid requests will be reduced by the value of any current service agreement, permissive tax

exemption (municipal), in-kind donation or waived rental fees that the Organization receives before being presented for consideration.

## PROCEDURE

### Application Process

Each year, Council may establish a Grant in Aid budget equal to 0.8% of previous year municipal tax levy for Grant in Aid. Council may approve up to 90% of this funding for applications received by the deadline. A further 5% will be allocated to late applications and the remaining 5% will be allocated to waiving of fees.

1. The application deadline is December 15<sup>th</sup> each year for funding in the following year.
2. An organization applying for a Grant in Aid funding request must submit to the Finance Department complete information on the prescribed application form before the deadline to have its application considered.
3. The Finance Department will respond to organizations that have submitted an incomplete application. Failure to provide requested information before the agenda deadline will result in the application not being considered.
4. Grant in Aid applications received after December 15<sup>th</sup> may not be considered for funding in the following year. Further, the organization applying for the Grant in Aid must re-submit their application should they still be requesting financial assistance for the subsequent year.
5. Applications may be mailed to the following address:  
Town of Ladysmith  
PO Box 220  
Ladysmith, BC V9G 1A2  
or dropped off at City Hall: 410 Esplanade, Ladysmith, BC

### Evaluation Process

1. All compliant Grant in Aid requests will be presented to the Committee of the Whole for consideration.
2. The amount of the Grant in Aid provided will be evaluated against the amount of fundraising revenue earned in the previous fiscal year.
3. All decisions are final following ratification at the next Regular Meeting of Council.

### Payment

No Grant in Aid payment will be disbursed until after the adoption of the Financial Plan.

### Late Applications

Subject to budget, Council may allocate funding for extraordinary requests received after the deadline.

### Reporting Process

An organization must, using the form provided, report back to the Town by December 31<sup>st</sup> of the same



year funding was received regarding how the Grant in Aid monies were spent to support the organization's operations or event and provide evidence that the Town's funding was publicly acknowledged.

Reports may be mailed to the following address:

Town of Ladysmith

PO Box 220

Ladysmith, BC V9G 1A2

Or dropped off at City Hall: 410 Esplanade, Ladysmith, BC

## Attachment B

2024 GRANTS IN AID								
Packet Number	Organization	2024 GIA Requested	2023 GIA Received	Previous year total fundraising		Service Agreement (2023)	PTE (2023) municipal only	Other
1	Art Council of Ladysmith and District (Arts on Avenue)	10,000	7,000	14,718		-	-	-
2	Cowichan Family Caregivers Support Society	3,000	1,000	86,500		-	-	-
3	Ladysmith and District Historical Society	10,000	6,000	16,146		29,627	15,133	-
4	Ladysmith and District Marine Rescue Society	3,500	2,500	54,608		-	-	-
5	Ladysmith Celebrations Society	10,000	10,000	9,225		-	-	-
6	Ladysmith Downtown Business Association	6,500	5,000	4,678		-	-	-
7	Ladysmith Family and Friends Society	2,500	2,500	56,883	*	-	-	40,000
8	Ladysmith Festival Of Lights	10,000	10,000	20,397	*	-	8,364	-
10	Ladysmith Little Theater	2,800	2,500	-		-	-	-
11	Ladysmith Show and Shine	3,000	2,000	11,013		-	-	-
12	Old English Car Club Central Island Branch	750	600	-		-	-	-
13	Big Brothers Big Sisters Central Vancouver Island	3,000	1,500	7,210	*	-	-	-
14	Crisis Intervention and Public Information Society of Greater Victoria - New Applicant	2,500	-	-		-	-	-
15	Ladysmith Pride Society - New Applicant	10,000	-	-		-	-	-
	TOTAL	77,550				* staff adjusted amount to relect financial statements		

## TOWN OF LADYSMITH

GRANT-IN-AID APPLICATIONGENERAL INFORMATION

Each year, Council makes a limited number of grants to support social, cultural and recreational special events and services that are provided on behalf of residents of the Town of Ladysmith. The main purpose of the Town's Grants-in-Aid is to assist groups to organize themselves around community issues and projects. To be eligible for a grant, the applicant must be a not-for-profit organization, and must complete the attached application and include any necessary supporting documents prior to consideration.

Please read the revised Grant in Aid Policy prior to submitting your application.

Deadline to apply for the 2024 Grant in Aid is **DECEMBER 15<sup>th</sup>, 2023**.

Applications must be returned to the Town of Ladysmith on or before the deadline:

By mail:	Drop-off / courier:
Town of Ladysmith Grant in Aid program PO Box 220 Ladysmith, BC V9G 1A2	Town of Ladysmith Grant in Aid program 410 Esplanade Ladysmith, BC V9G 1A2

For specific questions, please contact:  
Erin Anderson, Director of Financial Services,  
250-245-6402



250.245.6400 / [info@ladysmith.ca](mailto:info@ladysmith.ca) / [www.ladysmith.ca](http://www.ladysmith.ca)  
410 Esplanade MAIL PO Box 220, Ladysmith, BC V9G 1A2

GET CONNECTED   

 cowichan



## Town of Ladysmith 2024 Grant in Aid Application

1. Details of the Organization	
Name of Organization	Ladysmith Senior Improv Team
Civic Address	
Mailing Address	
Phone	
Email	
Application Contact	
Society Number	School Dist. 68

2. Board Member Details	
President/Chairperson	
Phone & Email	
Treasurer	
Phone & Email	

3. Funding Request (maximum request is \$10,000)	
Total funds requested	\$5,000
Does your Organization currently receive: <ul style="list-style-type: none"> <li>• Permissive Tax Exemption? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>• Service Agreement funding? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>• Reduce rents or access to a facility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> </ul>	

Please use last page for additional information.



**4. Event or Project or Service**

Please describe your event, project or service

The school's Improv Team has won first place, across Canada, in the national online competition, over 30 other teams, and that entitles them to compete in the Canadian National Improv competition. The event is March 27 to 30 at the National Arts Centre in Ottawa.

Please describe how the Community will benefit from your event, project or service

The town can appreciate the work involved and the efforts these young people have put into the program and how improv has helped them in their growth. It gives them pride to see the community behind them and for the Town seeing how our youth can perform and achieve recognition on a national stage it is also a time of being proud.

Council has set our Strategic Priorities for this term. Please describe how your event, project or service will align with one or all of the Priorities, such as:

- considers climate change and has minimal impact on core infrastructure;
- employ strategies and actions that maintain a diverse community;
- support a vibrant downtown;
- creates opportunities for economic prosperity, environmental restoration, and cultural celebration;
- or
- shows leadership in building strong relationships with First Nations and support reconciliation.

Not sure if it fits into these exactly but as far as empowering youth to strive to achieve their best and to work to be leaders is an asset that should be important to every community. It does fit in with maintaining a diverse community as the team does have a variety of young adults from various atmospheres of life.

**5. Members of the Board and Employees**

Number of Board Members		# of members attending at last AGM	
Number of PAID employees		Total salary, wages & benefits budgeted	\$

Please use last page for additional information.

**6. Financial Information**

Please list all other grants (pending or approved) your organization has applied for:  
 Kinsmen have donated \$1,000. Madill \$500.00 FMI \$500.00 Mysty Valley Farms \$1,000  
 Asks still pending - Rotary, Eagles, Lions, Ladysmith Foundation, LDCU.  
 The teams expects to raise \$4,000+ from the March 7th Improv fundraiser

Total amount of fundraising earned from the prior year

\$

From your Society's last Annual General Meeting (AGM), please attach the following:

Budget (total local organization)

☒ Attached

Audited Financial Statements or Engagement Review

☐ Attached

Minutes from your last Annual General Meeting

☐ Attached

By signing this, I agree that I have read the Town's Grant in Aid policy, I understand that if approved my organization will report on how the funding was used and that the information included in this application is true and correct to the best of my knowledge.

**APPLICATION DUE: DECEMBER 15, 2023**

**OFFICE USE**

Date Application Received	
Amount Requested	\$
Prior year funding report Received	

The personal information on this form is collected under the general authority of the *Community Charter* and *Freedom of Information & Protection of Privacy Act* (FOIPPA) and is protected in accordance with FOIPPA. Personal information will only be used by authorized staff to fulfill the purpose for which it was originally collected or for a use consistent with that purpose. If you have any questions about the use and collection of this information, contact the Corporate Officer at 250.245.6417 or [foi@ladysmith.ca](mailto:foi@ladysmith.ca).

Please use last page for additional information.





# Ladysmith Secondary School

PO Box 190, 710-6<sup>th</sup> Avenue, Ladysmith, B.C. V9G 1A2 Telephone (250) 245-3043 Fax (250) 245-4333

February 28th, 2024

To Whom It May Concern,

Hello,

I am writing to celebrate the success of the Ladysmith Secondary School Improv team. This year, our seniors came together and through hard work placed first in the online Wildcard: competing against thirty teams from across Canada. This gives us the opportunity to compete in the Canadian Improv Games, National Tournament from March 27th to 31st. We will be travelling to Ottawa to perform at the National Arts Centre, Canada's Theatre.

You may remember last year when we placed first at the Island Regionals. And through the cumulative support of our community we were able to raise the funds necessary to travel to the Nationals in a very short time, winning third in Canada. This year we are in a similar position, and we ask for your support in our goal of competing in Ottawa again this year.

We are putting on a benefit show on March 7th, with a silent auction with items curated by donation. For private fundraising we have an online donation page with SchoolCashOnline, where a user can select the School and initiative of LSS Improv. This will generate a tax receipt. We are trying to meet our fundraising goal of \$16 000. Thank you for your consideration.

Sincerely,

Ladysmith Secondary Improv





# LADs IMPROV

**GOING TO  
NATIONALS!**



**benefit show  
MARCH 7TH  
THURS**



**DOORS - 6:30**

**SHOWS - 7:00**

**TICKETS - \$10**

**@ THE DOOR @ LADYSMITH  
ONLY, SECONDARY  
DONATIONS ACCEPTED SCHOOL**

**Our Ladysmith  
Secondary Improv  
team has earned a  
spot to compete in  
the Canadian  
Improv Games  
National  
Tournament in  
Ottawa at Canada's  
National Arts  
Centre!**

**Please support us  
at our benefit show!  
There will be a live  
silent auction!**

**Scan this QR code  
with your phone's  
camera to donate  
directly and receive  
a tax receipt!**

**You must select  
Ladysmith as the  
school and LSS  
Improv as the  
initiative!**



**Ladysmith  
Secondary School**



## **nationals dates**

**LADYSMITH PLAYS - MARCH 27TH  
WEDNESDAY**

**FINALS - MARCH 30**

**SA** Page 20 of 59





## STAFF REPORT TO COMMITTEE OF THE WHOLE

**Report Prepared By:** Erin Anderson, Director of Financial Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** March 12, 2024  
**File No:** 1970-04  
**Re:** Permissive Tax Exemption Policy Discussion

**RECOMMENDATION:**

That the Committee provide direction to staff regarding changes, if any, to the Permissive Tax Exemption Policy 05 1970 B.

**EXECUTIVE SUMMARY:**

Council requested that the Permissive Tax Exemption Policy be reviewed at a future Committee of the Whole meeting. In this report, staff have highlighted some areas in the current policy and, where available, suggested some changes to the current policy.

**PREVIOUS COUNCIL DIRECTION:**

CS 2023-208	2023-09-05	That Council review the Permissive Tax Exemption policy at a future Committee of the Whole Meeting. Motion Carried
-------------	------------	---

**INTRODUCTION/BACKGROUND:**

Each year, a Permissive Tax Exemption bylaw is presented to Council for consideration. The process begins with eligible property owners or occupiers making an application for exemption based on the existing Town policy. The requests are reviewed by staff and a bylaw is presented to Council for consideration. The bylaw is prepared based on eligibility and past practice. This bylaw must be adopted before October 31 each year to be included in the exemption by BC Assessment the following year.

The *Community Charter* allows for exemption under Sections 224 and 225. Exemptions are provided if the property or property owner meets specific conditions. These conditions include ownership, such as not for profit organizations or charitable organizations, and specific use, such as care homes and recreational organizations.

A tax exemption can be provided for a maximum term of 10 years. The Town has a few 10-year permissive tax exemption bylaws active currently:

Bylaw #	Term	Purpose
2053	2021 - 2032	LRCA/Senior's Centre, Boys & Girls Club <i>630 2<sup>nd</sup> Ave &amp; 200 High Street</i>
2123	2023 - 2032	Island Corridor Foundation <i>Railway properties &amp; old train station (Requirement to provide PTE)</i>
1979	2019 – 2028	Parking Lot Use: <i>26 Gatacre St 17 &amp; 25 Roberts St</i>

There are also revitalization tax exemptions that fall under the *Community Charter* Division 7, though they qualify based on a program bylaw not based on the Permissive Tax Exemption policy.

During the last PTE bylaw discussions in September, Council requested that Permissive Tax Exemption Policy 05 1970 B be reviewed at a Committee of the Whole meeting.

The Policy was last updated in 2019, effective for the 2020 tax year to amend the due date and the term to 4 years.

Based on previous year PTE deliberations, staff have identified specific areas that could be reconsidered.

### **Commercial activities**

Some current properties on the Permissive Tax Exemption bylaw are non-profit entities but provide a service similar to other business in Town. The Policy states that:

*Non-profit organizations conducting retail and/or commercial activity and charging rates or fees at market value are considered to be in competition with for-profit businesses and will not be eligible for tax exemption.*

There appears to be some inconsistency with the application of this section. The Legion does not receive a PTE for their commercial (bar) area as it is like other for-profit bars in the area even though they charge less for their products. The Healthcare Auxiliary (thrift store) does charge similar amounts for their products compared to the local bookstore and consignment shops though they receive a full PTE. Additionally, the housing offered by the LRCA at 314 Buller Street receives a full Permissive Tax Exemption though it charges market rates for at least 30% of the building. Staff request clarification on the application of this section.

Should the Committee wish to continue to exempt the Healthcare Auxiliary, it could consider adding a specific exemption for thrift stores. Please note this would then permit other future non-profit thrift store operators to be fully tax exempt as well.

Should the Committee wish to continue to exempt the LRCA, it could consider adding *“housing, regardless of the rents charged, managed by a non-profit society will be eligible for a permissive tax exemption.”* Should the Committee wish to make this change, other non-profit organizations would also be eligible for such an exemption. This could include at least four other properties in Town. Please note that the Ladysmith Senior Citizen Housing located at 207 Jamison Road and 101 1<sup>st</sup> Ave qualify for a permissive tax exemption due to the general statutory exemption outlined in *Community Charter section 220(1)(i)*<sup>1</sup> but their other property does not.

### **Restricting Exemptions to active properties**

Places of worship are statutorily exempt by BC Assessment for the building and the footprint the building sits upon; municipalities can grant the permissive tax exemption for the remainder of the property. Some of these properties have large, inactive areas. The Committee could restrict the exemption to a certain percentage of the land or direct staff to review the properties to determine if there is developable land and phase out the exemption for these specific areas to encourage housing. Should the Committee wish to make this change, it is unlikely that it could be implemented quickly due to the staff time required.

### **Restricting Exemption value to a percentage of budget**

Within the annual Financial Plan, there is a requirement to consider how much of the tax burden is passed from the PTE properties to the other taxpayers. Because of this tax shift, some municipalities have policies that cap the value of the municipal PTE. All the Town’s 2023 PTEs were valued at ~1.63% of the 2023 municipal taxes. If a similar cap was in place, potentially all properties on the PTE could see a proportional reduction in their exemption amount, especially if an additional property is exempted.

### **Alignment with the Council term**

As many of these properties do not change ownership or use from year to year, there could be a realignment of the exemption to coincide with the Council term. The current policy requires a comprehensive application for the first year and a short renewal for the following 3 years. Council could amend the policy so that the exemption is considered in the year following a new Council election and be in effect for the remainder of the term. This would reduce the requirement for the annual bylaw. Please note that the maximum exemption allowed is 10 years, and that the exemption expires if the property is sold or no longer conforms to the original use.

The next comprehensive evaluation is scheduled for July 2026 (effective for the 2027 tax year) though the first time this would be in front of a new Council term is July 2027, effective for the 2028 tax year.

---

<sup>1</sup> CC 220 (1)(i) *a building that was constructed or reconstructed with the assistance of aid granted by the Provincial government after January 1, 1947 but before April 1, 1974 and that is owned and used exclusively without profit by a corporation to provide homes for elderly citizens, together with the land on which the building stands;*

Should the Committee wish to align the review to the Council term, the Policy could be amended to include:

*Council approves a Permissive Tax Exemption bylaw once every four years in the second year of a Council's regular term. The bylaw is in effect for a four-year period.*

*Eligible new applications received between bylaw cycles may be presented individually to Council for consideration.*

**ALTERNATIVES:**

The Committee can choose to keep the current policy or provide direction to make amendments such as the changes outlined in this report.

**FINANCIAL IMPLICATIONS:**

Other property owners within the Town are impacted by every PTE provided. All of the other taxpayers in Ladysmith will pay more on their property taxes to make up for the exemption provided to the eligible organizations.

**LEGAL IMPLICATIONS:**

Permissive Tax Exemptions are permitted in the *Community Charter*.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Many organizations rely on receiving a PTE on an annual basis.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Finance leads the PTE process. Expertise from other departments may be required depending on the direction of the Committee.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |  |
|---|--|
| <input type="checkbox"/> Core Infrastructure                    | <input type="checkbox"/> Economy                   |
| <input type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership                |
| <input type="checkbox"/> Waterfront Area Plan                   | <input checked="" type="checkbox"/> Not Applicable |

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

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT(S):**

- A. Permissive Tax Exemption Policy (current)

TOPIC:	Permissive Tax Exemption Policy		
POLICY No.:	05 1970 B		
APPROVED BY:	Council	RESOLUTION No.:	2019-289
ORIGINAL DATE:	2012.08.07	AMENDMENT DATE:	
AMENDED:	2012-274		

## PREAMBLE

The Town of Ladysmith recognizes the significant value of volunteers, volunteer groups and agencies to the spiritual, educational, social, cultural, and physical well-being of the community. A permissive tax exemption is a means for Council to support organizations within the community that further Council's objective to enhance the quality of life while delivering services economically to the citizens of Ladysmith.

The Permissive Tax Exemption Policy is intended to provide clarity, consistency and certainty to the municipality, the public and prospective applicants.

## EXTENT, CONDITIONS, AND PENALTIES

Council may designate only a portion of land/improvements as exempted where the following circumstances exist:

1. A portion of the land/improvements is used by private sector and/or organization not meeting Council's exemption criteria.
2. The applicant already receives grant in aid from the municipality, provincial or federal government.
3. The applicant meets all eligibility criteria, however Council may at its discretion grant a partial exemption.

Council may impose conditions on the exempted land/improvements with the applicant organization, including but not limited to:

1. Registration of a covenant restricting use of the property.
2. An agreement committing the organization to continue a specific service/program.
3. An agreement committing the organization to have field/facilities open for public use for specific times or a total amount of time.
4. An agreement committing the organization to offer use of the field/facility to certain groups free of charge or at reduced rates.
5. An agreement committing the organization to immediately disclose any substantial increase in the organization's revenue or anticipated revenue (i.e. receives large operating grant from senior government).

Council may impose penalties on an exempted organization for knowingly breaching conditions of exemption, including but not limited to:

1. Revoking exemption with notice
2. Disqualifying any future application for exemption for specific time period
3. Requiring repayment of monies equal to the foregone tax revenue.

## PROCESS

Council will consider permissive tax exemption applications for 4 years. Organizations will be required to complete a Comprehensive Application. If the application is approved for the next tax year, the organization will be required to submit a short renewal application every year for the next 3 years. The renewal application is confirmation that ownership and use of property has not changed and will be reviewed and approved before a permissive tax exemption is granted.

Comprehensive Non-Profit applications must have the following information attached before consideration of a four-year permissive tax exemption:

1. Copy of last Registered Charity Information Return or Non-Profit Organization Information Return submitted to the CRA.
2. Copy of most current Audited Financial Statements or Financial Statements prepared by an Accountant.
3. Financial Budget (pro-forma Balance Sheet and Income Statement) for the current 12 months
4. Scale Drawing of Property, that includes buildings, parking lots, landscaping, playgrounds, fields, etc.
5. Copy of Lease Agreement if applicable

Applications with required supporting information must be submitted prior to July 31<sup>st</sup> of each year to be considered for the next permissive tax exemption year or cycle.

#### Additional Information

1. Council may request a presentation from applying organization.
2. The Town of Ladysmith may request additional information.
3. The Town of Ladysmith reserves the right to review records and/or property to verify information provided in support of application.
4. Successful applicants may be asked to publicly acknowledge the exemption.
5. Council may, at its discretion, reject any or all applicants in any given year.
6. This policy does not apply to permissive tax exemptions for revitalization, riparian, and other special exemption authority.

#### Eligibility Criteria

To be eligible for a permissive tax exemption an organization must comply with all of the eligibility criteria outlined below. The application forms and supporting documentation are an integral part of this policy. There is no obligation on the part of Council to grant permissive tax exemptions in any given year.

The applicant(s):

1. qualifies for an exemption under the provisions of the *Community Charter*, general authority for permissive exemptions. (Part 7, Division 7, Section 224).
2. and/or the property owner is in compliance with municipal policies, plans, bylaws, and regulations (i.e. business licensing, zoning).

3. is a Non-Profit Organization.

Tax exemptions will only be granted to organizations that are a Registered Charity or Non-Profit Organization. The intent of this requirement is to ensure that municipal support is not used to further activities of an organization or individual that, if not for its not-for-profit status would otherwise be considered business, i.e. an organization that is operating as a Non-Profit; although it charges market value for services available, and would be comparable in operations and perception to public as a For Profit Business.

Non-profit organizations conducting retail and/or commercial activity and charging rates or fees at market value are considered to be in competition with for-profit businesses and will not be eligible for tax exemption.

4. provides services or programs that are compatible or complementary to those offered by the Town of Ladysmith. When a service or program is offered by a non-profit group or club, the Community may benefit from a more cost-effective provision of services.

Services provided by an organization should fulfill some basic need, or otherwise improve the quality of life for residents of Ladysmith.

5. principal use of property meets Council's objectives. The "principal use of the property" refers to the use related directly to the principal purpose of the organization owning the property.

Permissive tax exemptions will be based on the principal use of the property, not on the non-profit or charitable services of the organization.

6. will provide benefits and accessibility to the residents for Ladysmith. Specifically, members of the public, within the appropriate age range, are able to join a club or organization and participate in its activities for a nominal rate or fee.

Ladysmith residents must be the primary beneficiaries of the organization's services. The services provided on the property must be accessible to the public. Council may at its discretion provide partial exemptions.

7. that provide liquor and/or meal services as their primary function and/or source of revenue will not be eligible for permissive tax exemption.

#### Administration

The Financial Services Department will review all applications for completeness and contact the applicant if additional information is necessary.

The Financial Services Department will prepare a summary report of applications and bylaw for presentation to Council the first week of October for approval and adoption prior to October 31st of each year.

A public notice will be placed in the local newspaper of proposed bylaw. The notice will include:

1. Property subject to bylaw
2. Description of the proposed exemption
3. Number of years the exemption will be provided
4. Estimate of the amount of taxes that would be imposed on the property if it were not exempt for the year of exemption and following 2 years.

Public notice will be in accordance with Section 94 of the *Community Charter*.

Organizations that have been approved for permissive tax exemption will be exempt for up to 4 years.

#### Late Application

Applications received after the deadline for submission will be held until the next scheduled October presentation to Council that meets the application due date. Applicants may, at that time, request Council to consider a refund of the Municipal portion of taxes paid for the property to be exempted the following year.

\*Council shall consider the granting of a Permissive Tax Exemption in relation to other funding requests by the same organization.



## STAFF REPORT TO COMMITTEE OF THE WHOLE

**Report Prepared By:** Ryan Bouma, Director of Infrastructure Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** March 12, 2024  
**File No:**  
**Re:** Pavement Priorities 2024

---

**RECOMMENDATION:**

That the Committee receive the staff report dated March 12, 2024 from the Director of Infrastructure Services, regarding 2024 paving priorities.

**EXECUTIVE SUMMARY:**

In preparation for the summer paving season, staff consider numerous factors to determine Town pavement replacement priorities. The Pavement Management Plan, which was created in 2015, has a “paving only” limitation to its ranking system, however it is used as the starting point. Other contributing factors, such as road classification, use, underground utilities, capital projects, complaints, and past costs are then reviewed and evaluated in conjunction with the plan to ensure the final list of paving priorities is balanced between what was outlined in the historical plan and what is practical and most effective today.

**PREVIOUS COUNCIL DIRECTION:**

N/A

**INTRODUCTION/BACKGROUND:**

Staff are preparing for summer paving, including making arrangements with our pavement contractor. Selecting areas of priority has been balanced using a variety of inputs, including the pavement management plan (top 25 priorities shown in the table below). The pavement management plan was developed circa 2015 with detail; however, the pavement conditions seem to have changed over time and the ranking no longer matches the visual assessments completed by staff. There have been areas recently affected by the winter weather that are in poor condition yet not on the top 25 list.

The ranking system was based solely on pavement condition, whereas staff evaluate pavement needs based on infrastructure condition, complaints, steep grades, and many other factors. It's also important to plan pavement replacement with potential capital replacement projects that are in the planning stages.

**PAVEMENT MANAGEMENT PLAN TOP 25 PRIORITIES**

Rank	Road	From Description	To Description
1	Walkem Road	Cloke Road	4th Avenue
2	6th Avenue	Roberts Street	Malone Road
3	6th Avenue	Malone Road	Gatacre Street
4	Buller Street	4th Avenue	3rd Avenue
5	Kitchener Street	6th Avenue	5th Avenue
6	Symonds Street	6th Avenue	5th Avenue / Cloke Road
7	Russell Road	Rothdale Road	Ridgway Place
8	Maplewood Way	Birchwood Road	Cedarwood Road
9	Dogwood Drive	Holland Creek / Stephenson Street	Gifford Road
10	Christie Road	4th Avenue	3rd Avenue
11	4th Avenue	Symonds Street	Walkem Road
12	4th Avenue Extension	Hambrook Street	Root Street
13	Belaire Street	4th Avenue Extension	Rigby Place
14	Russell Road	Hooper Place	Rothdale Road
15	4th Avenue Extension	Root Street	Belaire Street
16	Kitchener Street	5th Avenue	4th Avenue
17	6th Avenue	Gatacre Street	High Street
18	4th Avenue	Walkem Road	Christie Road / Cook Street
19	Buller Street	5th Avenue	4th Avenue
20	Dogwood Drive	Forward Road	1st Avenue / Methuen Street
21	Walkem Road	Stillin Drive	Cloke Road
22	Buller Street	6th Avenue	5th Avenue
23	Symonds Street	5th Avenue / Cloke Road	4th Avenue
24	4th Avenue Extension	Belaire Street	4th Avenue / Methuen Street
25	3rd Avenue	Kitchener Street	French Street

**EVALUATION OF RANKING**

Staff evaluated the top 25 priorities from the pavement management plan against other contributing factors. In order of rank, staff have the following comments:

1. This repair has been mostly completed as part of the sidewalk improvement in 2018.

2. 6<sup>th</sup> Avenue has aged water and storm infrastructure that should be replaced prior to pavement improvements. The watermain replacement is on the medium priority capital replacement list and likely to be replaced within 10 years.
3. 6<sup>th</sup> Avenue has aged water and storm infrastructure that should be replaced prior to pavement improvements. The watermain replacement is on the medium priority capital replacement list and likely to be replaced within 10 years.
4. This section of Buller Street is on a very steep grade with very poor pavement condition. Due to low traffic volumes and an aged watermain that has broken in the past, it is not a candidate until the watermain has been replaced. Staff are reviewing the water capital priority list to evaluate whether the watermain should be replaced next year to allow for paving.
5. A lack of complaints, flat grade, low traffic volumes, and existing aged infrastructure keep Kitchener from being a candidate.
6. Symonds is a busy collector in poor condition; however, preliminary results of the Stormwater Master Plan indicate the storm main will need to be replaced. A timeline and priority ranking of stormwater projects has not been created by the Town's consultant yet. Pavement replacement should be considered once those details are known.
7. Development in this area has improved the pavement condition.
8. A lack of complaints, flat grade, and low traffic volumes keep Maplewood from being a candidate.
9. Dogwood is a prime candidate for pavement replacement as the condition is poor, traffic volumes are among the highest in town, an abrupt grade change exists south of Stephenson, and existing infrastructure is generally in good condition.
10. This work was completed in the summer of 2023.
11. 4<sup>th</sup> Avenue is a busy collector and the utilities are in moderate condition. Pavement condition is moderate to poor, but other sections of 4<sup>th</sup> Avenue are worse.
12. The pavement condition is reasonable and traffic volumes decrease past the round-about. Although infrastructure is in reasonable condition, some upgrades to match recent upgrades on the rest of 4<sup>th</sup> Avenue should be completed prior to pavement.
13. Pavement condition is moderate, complaints are low in this area, and some aged infrastructure should be replaced, but traffic volumes are high.
14. Development in this area has improved the pavement condition.

15. This work was completed in the summer of 2023.
16. A lack of complaints, flat grade, low traffic volumes, and existing aged infrastructure keep Kitchener from being a candidate.
17. 6<sup>th</sup> Avenue has aged water and storm infrastructure that should be replaced prior to pavement improvements. The watermain replacement is on the medium priority capital replacement list and likely to be replaced within 10 years.
18. 4<sup>th</sup> Avenue is a busy collector and the utilities are in moderate condition. This section of 4<sup>th</sup> Avenue is being considered.
19. The lack of complaints, low traffic volume, and flat grade place this section of Buller much lower than the 3<sup>rd</sup> to 4<sup>th</sup> Avenue section.
20. Active transportation plans and ongoing development keep this section of Dogwood from being considered.
21. Construction of a sidewalk in 2019 included some paving, which improved the pavement condition.
22. The lack of complaints, low traffic volume, and flat grade place this section of Buller much lower than the 3<sup>rd</sup> to 4<sup>th</sup> Avenue section.
23. Symonds is a busy collector in poor condition. Although infrastructure is contained within the boulevard, preliminary results of the Stormwater Master Plan indicate the storm main will need to be replaced. A timeline and priority ranking of stormwater projects has not been created by the Town's consultant yet. Pavement replacement should be considered once those details are known.
24. This work was completed in the summer of 2023.
25. Lack of complaints and low traffic volumes in this area keep 3<sup>rd</sup> Avenue from being a candidate for pavement.

#### OTHER CANDIDATES

There were several other sections of road staff evaluated because of poor condition, complaints, or capital projects. These included:

26. *Symonds Street from 2<sup>nd</sup> Avenue to 4<sup>th</sup> Avenue* – The steep grade and high traffic volume combined with the poor pavement conditions make this section of road a candidate. The aged infrastructure, including a storm main that has been identified during the Stormwater Master Plan work, make it difficult to choose this section for 2024. Staff are

considering paving the north bound lane (downhill) to save money, focus on safety, and leave room to replace the storm main. The south bound lane could be paved at that time.

27. *Roberts Street from 2<sup>nd</sup> Avenue to 4<sup>th</sup> Avenue* – A watermain replacement is in design and planned for this spring/summer. Other utilities in the area are generally okay. Paving in combination with restoration work required for the capital project may be good value. The grade is steep, but complaints are low and the pavement condition is only moderate.
28. *Davis Road from Hall Road and ~100m west* – Infrastructure in this area is aged but sized correctly. The pavement is in poor condition, complaints are common, and the traffic volumes are among the highest in the town. Davis at Hall is a candidate for pavement replacement.
29. *Davis Road from Battie Road and ~50m south (Southbound Lane)* – Extensive alligator cracking was discovered after snow and ice clearing in January. This area is relatively small, but on a horizontal curve and will pothole soon. Traffic is high and utilities are generally not a concern.
30. *4<sup>th</sup> Avenue from Christie Road and ~100m northwest* – Extensive alligator cracking was discovered after snow and ice clearing in January. The utilities are in good condition and the grades are steep. This location is a candidate for pavement.

In summary of the above comments, a top 10 candidate list has been prepared by staff.

#### STAFF SELECTED TOP 10 PRIORITIES

Rank	Street	Comment
1	Buller Street - 4th to 3rd Avenue	Deferred until watermain replacement
2	Dogwood Drive - Stephenson Street	Selected
3	Davis Road - Hall Road and ~100m west	Selected
4	Davis Road - North Battie Drive	Selected
5	6th Avenue - Roberts Street to Malone Road	Should consider road improvements
6	6th Avenue - Malone Road to Gatacre Street	Should consider road improvements
7	Symonds Street - 2nd to 4th Avenue	Waiting for Stormwater Master Plan recommendations
8	4th Avenue - Christie Road and ~100m northwest	2025/2026
9	4th Avenue - Walkem Road to Christie Road	2025/2026
10	Symonds Street - 6th to 5th Avenue	Waiting for Stormwater Master Plan recommendations

#### COST ESTIMATES

In review of our contract rates, past costs, and understanding of the work involved, staff have estimated the expected costs for pavement work this summer. In general, pavement replacement costs are approximately \$700 per meter of road with a typical 8m road width. The

Town's budget allows for approximately \$110,000 of pavement renewal (patching/trenching is extra).

Staff are currently working with our as-and-when contractor to provide costs for five of the top candidates.

#### SELECTED REPLACEMENT CANDIDATES

With this level of cost estimating, staff expect that three replacement locations can be targeted with approximately 125 to 175m of total road length.

Based on the various criteria outlined above staff have planned Dogwood Drive at Stephenson (#9), Davis Road at Hall (#28), and Davis Road at Battie (#29) for pavement replacement. The intended areas are shown in the images below.

DOGWOOD DRIVE





DAVIS AND HALL ROAD



DAVIS AND BATTIE ROAD



**ALTERNATIVES:**

Council can choose to:

1. Provide direction to staff for pavement priorities.
2. Adjust the available funds available for pavement replacement.
3. Request more information from staff.

**FINANCIAL IMPLICATIONS:**

The Town's budget allows for approximately \$110,000 of pavement renewal.

**LEGAL IMPLICATIONS:**

N/A

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Road condition is a common complaint at Infrastructure Services.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

N/A

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |                                     |
|---|-------------------------------------|
| <input checked="" type="checkbox"/> Core Infrastructure         | <input type="checkbox"/> Economy    |
| <input type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership |



☐ Waterfront Area Plan

☐ Not Applicable

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

**Allison McCarrick, Chief Administrative Officer**

**INFORMATION REPORT TO COMMITTEE OF THE WHOLE**

**Report Prepared By:** Chris Geiger, Manager of Protective Services  
**Reviewed By:** Allison McCarrick, CAO  
**Meeting Date:** March 12, 2024  
**File No:**  
**Re:** Protective Services Department Report

---

**RECOMMENDATION:**

That the Committee receive the report dated March 12, 2024 from the Manager of Protective Services regarding the activities of the Protective Services Department.

**EXECUTIVE SUMMARY:**

This report captures the activities of the Protective Services Committee, January 1 to February 29, 2024.

**PREVIOUS COUNCIL DIRECTION:**

N/A

**DISCUSSION:**

The Protective Services Department reports on its activities and the activities of the members of the Protective Services Committee to the Committee of the Whole.

**Bylaw Compliance (Attachment A):**

In the first two months of 2024, Bylaw Compliance has seen 26 new cases. Fourteen cases are active as of February 29, 2024. Cases are concluded according to the following results:

- Compliance – subject of complaint has complied with bylaw.
- Enforcement – subject of complaint has not voluntarily complied, and further action was required, which may include letters and tickets.
- Legal Action – subject of complaint has not voluntarily complied, and file has been referred to a legal firm for action.
- No more action – inspection indicated that there are no infractions.
- Referred – the file was referred to another department for action.

Thank you to Development Services for the assistance with bylaw compliance while our Bylaw Compliance Officer has been away on leave.

### **Protective Services Committee:**

- The “after action” review of the Incident Command Post (ICP) that was set up for Festival of Lights was held on January 29, 2024. The event went well by all accounts. The ICP staff identified a few areas for improvement that have been shared with the Festival of Lights, principally concerning traffic control and communications, and the location of the fireworks will need to be carefully reviewed for future events.
- The Protective Services Committee has not met since the last report; there is an exercise being planned for late spring.

### **Fire Department Report (Attachment B):**

In general, incident responses are trending similar to 2023 data.

### **Royal Canadian Marine – Search and Rescue (Attachment C)**

Royal Canadian Marine Search and Rescue have responded to three missions thus far in 2024. They have partnered with Canadian Coast Guard/Regional Operations Centre as part of an Environmental Response pilot project, tasked to observe, assess, record and report possible oil/fuel spills within their response area. Since this project began in October 2023, they have responded to seven calls of this nature.

### **Ground Search and Rescue**

“Ladysmith Search and Rescue had a quiet year in 2023; we had 12 searches, down from 24 in 2022. Our members also participate in ongoing monthly training. We have a small group that goes around and teaches Adventure Smart to the youth of Ladysmith. We volunteer at Ladysmith Light up and have been a part of Light up since the very beginning.”

*Submitted by Tim Chadwick, Ladysmith Search and Rescue*

### **Citizens on Patrol**

Nothing to report.

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

**Allison McCarrick, Chief Administrative Officer**

### **ATTACHMENTS:**

- A. Bylaw Enforcement Report – Feb 29 YTD
- B. Fire Department Report – Feb 29 YTD
- C. RCM – SAR Report – 2023 YE; Feb 29 YTD



## BYLAW COMPLIANCE - STATISTICS

2024-01-01 - 2024-02-29

---

Total active cases	14
New cases - by file type	
Fire Prevention 1815	2
Noise Suppression 1478	2
Nuisance Abatement 1893	1
Other (e.g. neighbour issue, illegal dumping)	3
Property Maintenance 1894	4
Streets and Traffic 1309	12
Zoning 1860	2
	26
New cases - by source	
Outside Agency	1
Public	23
Staff	2
	26
Cases concluded - by result	
Compliance	10
NoMoreAction	1
Referred	7
	18

---

BYLAW OFFICER

---

DIRECTOR

March 6, 2024

Page 1 of 1



## *Ladysmith Fire / Rescue*

P.O. Box 760 Ladysmith, B.C. V9G 1A5

Phone: 250-245-6436 • Fax: 250-245-0917



### FIRE CHIEF'S REPORT

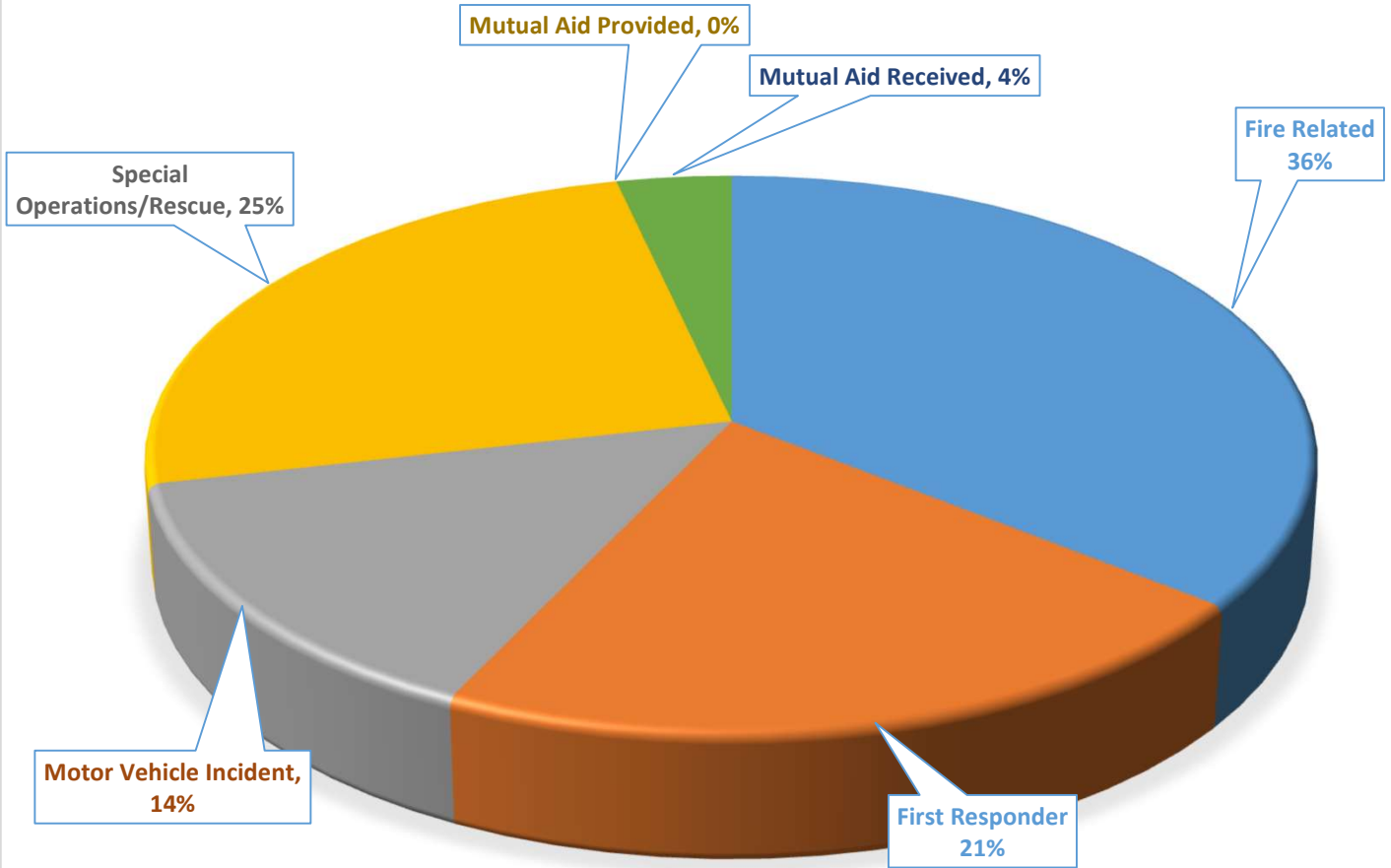
**MONTH: January 2024**

TYPE OF CALL OUT	J	F	M	A	M	J	J	A	S	O	N	D	YTD TOTALS	YTD 2023
Fire Related	10	0	0	0	0	0	0	0	0	0	0	0	10	10
Alarms Activated	2												2	7
Burning Complaint / Duty Officer	5												5	1
Outdoor Fire													0	0
Structure/Chimney	2												2	0
Vehicle Fire	1												1	2
First Responder	6												6	6
Motor Vehicle Incident	4												4	2
Special Operations/Rescue	7												7	2
Mutual Aid Provided													0	1
Mutual Aid Received	1												1	
<b>MONTH TOTALS (exc.. Practices)</b>	<b>27</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>27</b>	<b>21</b>
Practices (Totals for each Month )	5												5	
Training Hours	386												386	

APPROVED:

Fire Chief Chris Geiger

## JANUARY 2024 YTD TOTALS



■ Fire Related ■ First Responder ■ Motor Vehicle Incident ■ Special Operations/Rescue ■ Mutual Aid Provided ■ Mutual Aid Received

## ATTACHMENT B



# *Ladysmith Fire / Rescue*

P.O. Box 760 Ladysmith, B.C. V9G 1A5  
Phone: 250-245-6436 • Fax: 250-245-0917



## FIRE CHIEF'S REPORT

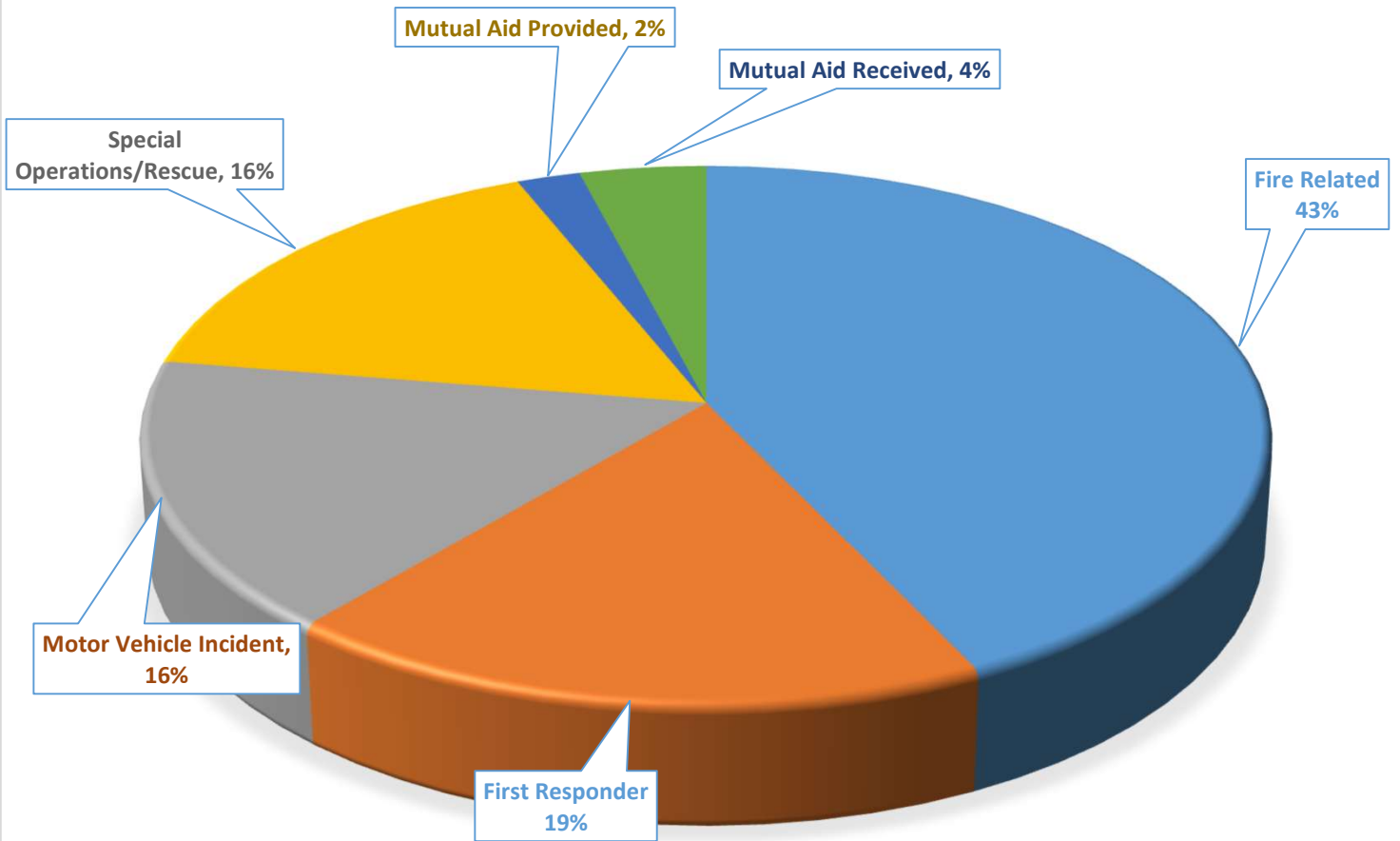
**MONTH: February 2024**

TYPE OF CALL OUT	J	F	M	A	M	J	J	A	S	O	N	D	YTD TOTALS	YTD 2023
Fire Related	10	11	0	0	0	0	0	0	0	0	0	0	21	16
Alarms Activated	2	4											6	9
Burning Complaint / Duty Officer	5	5											10	2
Outdoor Fire		1											1	1
Structure/Chimney	2	1											3	1
Vehicle Fire	1												1	3
First Responder	6	3											9	14
Motor Vehicle Incident	4	4											8	7
Special Operations/Rescue	7	1											8	5
Mutual Aid Provided		1											1	1
Mutual Aid Received	1	1											2	
<b>MONTH TOTALS</b> (exc.. Practices)	27	20	0	0	0	0	0	0	0	0	0	0	47	43
Practices (Totals for each Month )	5	4											9	
Training Hours	386	284											670	

APPROVED:

Fire Chief Chris Geiger

## FEBRUARY 2024 YTD TOTALS



■ Fire Related ■ First Responder ■ Motor Vehicle Incident ■ Special Operations/Rescue ■ Mutual Aid Provided ■ Mutual Aid Received



ATTACHMENT C  
**Protective Services Committee**  
**Sue Wisely, Station Leader**  
**RCMSAR Station 29 - Ladysmith**

Statistics for 2023 year end and  
Statistics YTD for Jan 1 – Feb 28, 2024:  
(Last report Nov 1<sup>st</sup>, 2023)

**Missions:**

37 missions total in 2023 (60 total hours, 240 total personal hours).

10 missions since last report, Nov 1<sup>st</sup> – Dec 31<sup>st</sup> 2023,

3 missions YTD 2024 (Jan 20<sup>th</sup>, Feb 1<sup>st</sup> & 15<sup>th</sup>), one of which was an EMCR tasking in Nanaimo for a possible PIW search, out of our normal response area.

Taskings are initiated from both JRCC & EMCR.

There is an expectation of call increase during the spring - fall boating season.

Since Oct 2023, Station 29 is part of an **Environmental Response pilot project partnered with CCG/ROC** to be tasked to observe, assess, record & report possible oil/fuel spills within our response area. Crew has had special training to relay on scene details to ER teams so that the correct assets are deployed sooner for damage control and clean-up. We expect to see more of these types of calls, there have been 7 environmental response calls since Oct 2023 when the pilot project began.

**On the Water Training:**

2023 total – 307 hours, divided over 103 sessions, each involving 3-5 crew members at a time.

2024 YTD - 24.5 hours, divided over 9 sessions, each involving 3-5 crew members at a time.

**Class Instruction:**

2023 total – 67 classroom sessions, involving 134 hours.

2024 YTD - 9 classroom sessions, involving total 16.5 hours.

**Monthly Station Meetings:**

2023 total – 12 held, involving approx. 24 hours

2024 YTD – 2 held, involving approx. 4 hours

**Vessel & Station Maintenance:**

2023 total – 91 sessions, involving approx. 1-2 hours each

2024 YTD – 10 sessions, involving approx. 1-2 hours each

Some recent **taskings of note since last report** :

**Nov 4th** – Disabled 27ft Power Vessel near Bare Pt, one occupant & 2 dogs.

**Nov 9th** – Environmental survey of derelicts/vessels of concern – report findings to ROC.

**Nov 19th** – Overdue boater – cell phone “pinged”, occupant in an open boat with mild hypothermia, tow and transfer to EHS.

**Dec 9<sup>th</sup>** – Disabled Power Vessel South of False Narrows drifting towards rocks.

**Dec 23<sup>rd</sup>** – EMCR – assist with search & recovery efforts in the Chemainus River Estuary

**Feb 1<sup>st</sup>** – EMCR – assist with search & recovery efforts in Nanaimo harbour/Millstone River

Member Roster – currently 28 active members

5 Coxswains

3 advanced crew members (one advanced crew member pursuing coxswain training)

6 full crew members

3 new crew actively working on their crew sign-offs

1 new crew student (fall 2023)

2 new member/recruits (spring 2024) following the intake procedures

8 supporting members

2024 Planning spring/summer Public Education & Community Events:

Emergency Preparedness Expo – May 2024

Pleasure Craft Safety Check service (9 newly trained PCSC members)

LYC Sail Past

Boating Safety Info Day @ Ladysmith Marina

July 31<sup>st</sup> fireworks display supervision

Community Marine Festivals

Parks & Recreation Kid’s camp Demonstrations

Summer Info, & Demonstration @ Transfer Beach

On-going recruitment program

Kids Don’t float program (children’s loaner PFDs) Kiosks:

- Ladysmith Marina
- Ladysmith’s Fisherman’s Wharf & Public Boat Ramp
- Oyster Bay Marina (formally LMS)
- Raven Point Marina
- **New @** Telegraph Harbour Marina, and **New @** Preedy Harbour Community Dock  
(pending to be in service Spring 2024)

All locations to be restocked this spring at the beginning of boating season

*Sue Wisely*

*Station Leader*

*RCMSAR 29 – Ladysmith*

*Cell # 604-375-0892*

[suewisely@shaw.ca](mailto:suewisely@shaw.ca)

**TOWN OF LADYSMITH**

**BYLAW NO. 1781**

**A Bylaw to Reduce Development Cost Charges for Developments With Low Environmental Impact in the Downtown Specified Area of the Town of Ladysmith.**

**WHEREAS** Council is permitted by Section 933.1 of the Local Government Act to waive or reduce a development cost charge by bylaw for a development that is designed to result in a low environmental impact;

**AND WHEREAS** Council recognizes that development within the Ladysmith downtown specified area is designed to result in a low environmental impact due in part to existing infrastructure, availability of and proximity to services, walkability of the downtown and reduced vehicle usage, and the associated reductions in greenhouse gas emissions;

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

**TITLE**

1. This bylaw may be cited as “Town of Ladysmith Downtown Development Cost Charges Reduction Bylaw, 2011, No. 1781”.

**ELIGIBLE DEVELOPMENT**

2. For the purposes of this Bylaw, any development that occurs within the Downtown Specified Area, which encompasses the lands shown within a heavy outline on Schedule A attached to and forming part of this Bylaw, is designed to result in a low environmental impact, and constitutes a class of eligible development for that purpose.

**REDUCTION**

3. The class of eligible development described in Section 2 will have the applicable Town of Ladysmith development cost charge amount payable reduced by 100%.

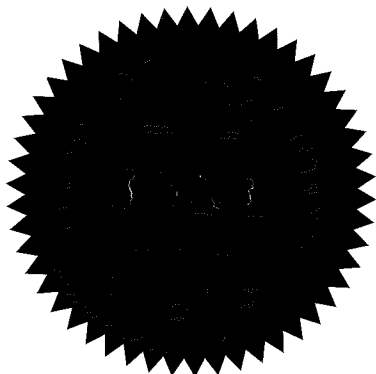
**SCHEDULE**

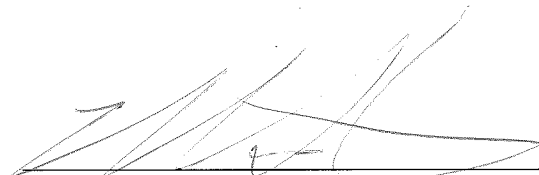
4. Schedule A – Downtown Specified Area is attached to and forms part of this Bylaw.


**SEVERABILITY**

5. If any part, paragraph or phrase in this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall continue in force.

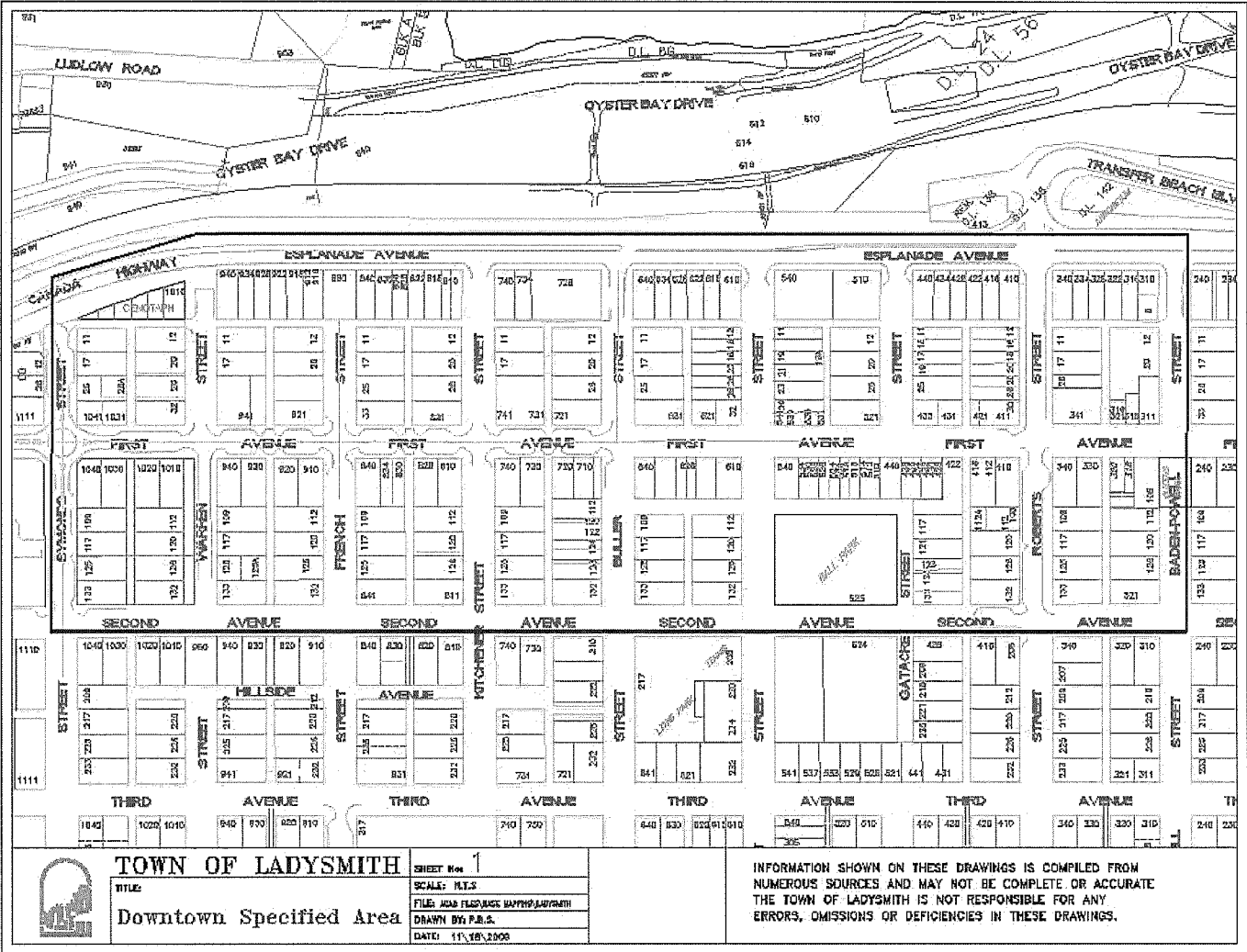
<b>READ A FIRST TIME</b> on the	4 <sup>th</sup>	day of	October,	2011
<b>READ A SECOND TIME</b> on the	4 <sup>th</sup>	day of	October,	2011
<b>READ A THIRD TIME</b> on the	4 <sup>th</sup>	day of	October,	2011
<b>ADOPTED</b> on the	17 <sup>th</sup>	day of	October,	2011



  
Mayor (R. Hutchins)

  
Corporate Officer (S. Bowden)

SCHEDULE A – DOWNTOWN SPECIFIED AREA



STAFF REPORT TO COUNCIL

**Report Prepared By:** Jake Belobaba, Director of Development Services  
**Meeting Date:** December 2, 2019  
**File No:** 3360-18-09  
**RE:** **DCC REDUCTION BYLAW: 314 BULLER STREET**

**RECOMMENDATION:**

That Council:

1. Give first, second and third readings to Town of Ladysmith Not-for-Profit Rental Housing Development Cost Charges Reduction Bylaw, 2019, No. 2024;
2. Direct staff to delay developing a policy to consider site-specific development cost charge reductions pursuant to Council resolution CS 2019-239 until a housing needs report in accordance with section Division 22 of the *Local Government Act* is received by Council; and
3. Delay repealing Development Cost Charge Reduction Bylaw 1804 until a policy to consider development cost charge reductions pursuant to Council resolution CS 2019-239 is endorsed by Council.

**EXECUTIVE SUMMARY:**

This report introduces a site-specific Development Cost Charge (DCC) reduction bylaw for the Ladysmith Resource Centre Association (LRCA) housing project at 314 Buller Street and provides a follow up on staff's work to implement Council's direction to prepare a policy for considering DCC reductions for affordable rental housing on a case-by-case basis.

**PREVIOUS COUNCIL DIRECTION**

Resolution	Meeting Date	Resolution Details
CS 2019-239	24-Jun-19	<p>That Council direct staff to prepare:</p> <ol style="list-style-type: none"> <li>a) A Development Cost Charges (DCC) reduction bylaw affordable rental housing policy, including eligibility conditions that could be considered on an individual project basis</li> <li>b) A bylaw to repeal the current DCC reduction bylaw for not-for-profit rental housing (Bylaw 1804).</li> <li>c) A bylaw to amend the Downtown DCC reduction (waiver) Bylaw 1781 to add a five year sunset clause.</li> </ol>
CS 2019-240	24-Jun-19	<p>That Council direct staff to prepare a project specific Development Cost Charges (DCC) reduction bylaw (100% waiver) for the 36-unit Ladysmith Resources Centre Association not-for-profit affordable rental housing development at 314 Buller Street.</p>

Resolution	Meeting Date	Resolution Details
MS 2019-034	10-Jun-19	That the Municipal Services Committee recommend to Council that staff be directed to prepare: <ol style="list-style-type: none"> <li>1. A Development Cost Charges (DCC) reduction bylaw affordable rental housing policy, including eligibility conditions that could be considered on an individual project basis.</li> <li>2. A bylaw to repeal the current DCC reduction bylaw for not-for-profit rental housing (Bylaw 1804).</li> <li>3. A bylaw to amend the Downtown DCC reduction (waiver) Bylaw 1781 to add a five year sunset clause.</li> </ol>
MS 2019-035	10-Jun-19	That the Municipal Services Committee recommend to Council that staff be directed to prepare a project specific Development Cost Charges (DCC) reduction bylaw (100% waiver) for the 36-unit LRCA not-for-profit affordable rental housing development at 314 Buller Street.
CS 2019-316	07-Oct-19	That Council support the proposal from the Cowichan Valley Regional District to apply for and administer grant funding from the Union of British Columbia Municipalities to prepare a Regional Housing Needs report on behalf of electoral areas and municipalities within the Cowichan Region.

#### **INTRODUCTION/BACKGROUND:**

Development Cost Reduction Bylaw 1804 was adopted by Council in May of 2012 and established a DCC reduction program for not-for-profit rental housing. In July of 2018, the Ladysmith Resource Centre Association (LRCA), applied to rezone 314 Buller Street to allow the construction of a 36 unit multifamily residential complex. The LRCA will retain ownership of the property and rent all of the units in the building. 24 of the units in the building will be rented at below-market rates. These arrangements are secured by way of a housing agreement approved by Council and registered on the title of the property.

Development Cost Charges (DCC's) are typically payable at time of building permit on each multifamily unit built. Bylaw 1804 reduces DCC's only for units subject to a housing agreement requiring units to be rented at rates that are less than market value. In the case of the LRCA building, only the 24 rented at a reduced price would be eligible. Since Bylaw 1804 was adopted, the LRCA project at 314 Buller is the first and only housing project to be eligible for a DCC reduction.

#### **PROPOSED BYLAW AND POLICY**

On June 24, 2019 Council directed staff to prepare a site-specific DCC reduction bylaw for the LRCA site that would waive DCC's for all 36 units. Development Cost Charge Reduction Bylaw 2024 has been prepared in accordance with Council's instructions.

Council also directed staff to develop a policy to allow DCC reductions for not-for-profit rental housing to be considered on a case-by-case basis. Staff note that the *Local Government Act* was recently amended to require all local governments in BC to prepare a housing needs report by 2022. The format and content of the report is prescribed in provincial regulations and the report must include information on estimated growth, housing types, affordability and other housing-related criteria. The CVRD recently offered to partner with the Town and other member municipalities to jointly obtain funding and prepare a regional housing needs report. Council accepted this offer on October 8<sup>th</sup> and work on this project is

underway. The information collected under the housing needs report will be invaluable in the preparation of the proposed DCC reduction policy. Staff are therefore recommending that the preparation of the policy be delayed, so the information in the housing needs report can be incorporated. In the interim, Bylaw 1804 may still be of use if an affordable housing project is proposed. Subsequently, staff are recommending delaying rescinding this bylaw until the new policy for DCC reductions is brought forward.

### **DISCUSSION**

Approving Development Cost Charge Reduction Bylaw 2024 is consistent with Council direction and will increase the amount of DCC's waived for the LRCA project from \$289,739 to \$401,177. Staff recommend approving the bylaw as drafted.

Developing an effective policy for site-specific DCC reductions for affordable housing necessitates an analysis of current housing needs and trends, such as the needs and trends identified in a housing needs report. To prevent duplication of effort, and to position the Town to be able to effectively align with local and regional housing policies developed after the housing needs report is complete, it follows that completing the policy review is best left until the housing needs report is complete, which will be no later than 2022. For the same reasons, rescinding Bylaw 1804 is not advisable at this time.

### **ALTERNATIVES:**

Council can choose to:

1. Not approve Development Cost Charge Reduction Bylaw 2024
2. Direct staff to prepare a site-specific DCC Reduction Policy for affordable housing before a housing needs report is received by Council.
3. Rescind Bylaw 1804 immediately
4. Some or all of the above

### **FINANCIAL IMPLICATIONS:**

As noted above the adoption of Development Cost Charge Reduction Bylaw is expected to increase the DCC waiver for the project at 314 Buller from \$289,739 to \$401,177. These funds would otherwise be payable and deposited into DCC reserves for later use to install/upgrade Town infrastructure.

### **LEGAL IMPLICATIONS:**

N/A

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

N/A

### **INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Finance and infrastructure services are aware of the proposed reductions and the reductions are not expected to compromise long-term infrastructure funding.

### **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        |



- ☒ Healthy Community  
☐ Not Applicable

- ☐ Local, Diverse Economy

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- ☐ Employment & Tax Diversity  
☐ Watershed Protection & Water Management  
☐ Communications & Engagement

- ☐ Natural & Built Infrastructure  
☐ Partnerships  
☒ Not Applicable

***I approve the report and recommendation(s).***

**Guillermo Ferrero, Chief Administrative Officer**

**ATTACHMENT(S):**

Previously reviewed

## TOWN OF LADYSMITH

### BYLAW NO. 2024

#### **A Bylaw to Reduce Development Cost Charges for Not-for-Profit Rental Housing on Lot A, (DD B92367) of Block 76, District Lot 56, Oyster District, Plan 703A—314 Buller Street**

---

**WHEREAS** Council is permitted by section 563 of the *Local Government Act* to waive or reduce a development cost charge, by bylaw, for not-for-profit rental housing, including supportive living housing;

**WHEREAS** Council wishes to provide for a reduction of a development cost charge for a not-for-profit rental housing project located at Lot A, (DD B92367) of Block 76, District Lot 56, Oyster District, Plan 703A—314 Buller Street (the “**Land**”);

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

#### **DEFINITIONS**

1. In this Bylaw:

**‘Eligible Development Housing Agreement’** means an Agreement under section 483 of the *Local Government Act* between the Town of Ladysmith and an owner of the Land.

**‘Not-for-profit rental housing’** means:

- a) One or more rental dwelling units:
  - i. that are operated as rental housing for tenants who are capable of independent living and meet eligibility criteria related to income, health or other similar criteria; and
  - ii. that are publicly owned or owned and operated by an incorporated not-for-profit organization.

#### **ELIGIBLE DEVELOPMENT**

2. For the purposes of this Bylaw, not-for-profit rental housing that meets the conditions in section 3 constitutes a class of eligible development.
3. To be eligible for the reduction in development cost charges, the not-for-profit rental housing shall meet the following conditions:
  - (a) be contained in a multi-family building on the Land with no more than 36 dwelling units
  - (b) be subject to an Eligible Development Housing Agreement, that:
    - i. is valid of a period of no less than 20 years;
    - ii. requires that 100% of the units to be rental units;
    - iii. requires that at least 24 of the units be rented at a rate that is equal to or less than the Housing Income Limit for Nanaimo, British Columbia, published from time to time by B.C. Housing.
4. A reduction of development cost charges granted under this Bylaw is subject to the condition that if at any time during the period of the Eligible Development Housing Agreement referenced in section 3, a dwelling unit no longer meets the definition of not-for-profit rental housing or no longer fulfills the conditions in section 3:
  - (a) it shall no longer be an eligible development under this Bylaw, and
  - (b) the owner of the land shall be liable for repayment of development cost charges in accordance with section 6.

**REDUCTION**

- 5. The Town of Ladysmith development cost charge will be reduced by 100% in respect of a dwelling unit that meet the definition of not-for-profit rental housing in this Bylaw and is part of an eligible development as defined in section 3.

**REPAYMENT**

- 6. The full amount of development cost charges that would have been payable on the date the building permit was approved, had the reduction not applied, plus interest at the rate of 3% per year calculated monthly since the date of the waiver compounded annually, shall immediately become due and payable to the Town for any and all dwelling units that no longer qualify as an eligible development under this Bylaw, as referenced in section 3.

**PERPETUAL WAIVER**

- 7. Once the period of the Eligible Development Housing Agreement has concluded, the development cost charges that would have applied to the original construction of the dwelling units that were part of the eligible development are thereafter waived in perpetuity and unconditionally.

**FURTHER DCCS PAYABLE**

- 8. Despite section 7, an applicant for further or additional development of the land in respect of which development cost charges have been waived under this Bylaw shall pay development cost charges that may be payable under a bylaw, as a result of such further or additional development during or after the term of the Eligible Development Housing Agreement, calculated in accordance with the bylaws applicable at the time of application for a development approval.

**SEVERABILITY**

- 9. If any part, paragraph or phrase in this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, that portion shall be severed and the remainder of this Bylaw shall continue in force.

**CITATION**

- 10. This Bylaw may be cited as “Town of Ladysmith Not-for-Profit Rental Housing Development Cost Charges Reduction Bylaw, 2019, No. 2024”.

<b>READ A FIRST TIME</b>	on the	th	day of	<MONTH>,	2019
<b>READ A SECOND TIME</b>	on the	th	day of	<MONTH>,	2019
<b>READ A THIRD TIME</b>	on the	th	day of	<MONTH>,	2019
<b>ADOPTED</b>	on the	nd	day of	<MOUTH>,	2019

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Director of Corporate Services (S. Bowden)

## TOWN OF LADYSMITH

### BYLAW NO. 2024

#### **A Bylaw to Reduce Development Cost Charges for Not-for-Profit Rental Housing on Lot A, (DD B92367) of Block 76, District Lot 56, Oyster District, Plan 703A—314 Buller Street**

---

**WHEREAS** Council is permitted by section 563 of the *Local Government Act* to waive or reduce a development cost charge, by bylaw, for not-for-profit rental housing, including supportive living housing;

**WHEREAS** Council wishes to provide for a reduction of a development cost charge for a not-for-profit rental housing project located at Lot A, (DD B92367) of Block 76, District Lot 56, Oyster District, Plan 703A—314 Buller Street (the “**Land**”);

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

#### **DEFINITIONS**

1. In this Bylaw:

‘*Eligible Development Housing Agreement*’ means an Agreement under section 483 of the *Local Government Act* between the Town of Ladysmith and an owner of the Land.

‘*Not-for-profit rental housing*’ means:

- a) One or more rental dwelling units:
  - i. that are operated as rental housing for tenants who are capable of independent living and meet eligibility criteria related to income, health or other similar criteria; and
  - ii. that are publicly owned or owned and operated by an incorporated not-for-profit organization.

#### **ELIGIBLE DEVELOPMENT**

- 2. For the purposes of this Bylaw, not-for-profit rental housing that meets the conditions in section 3 constitutes a class of eligible development.
- 3. To be eligible for the reduction in development cost charges, the not-for-profit rental housing shall meet the following conditions:
  - (a) be contained in a multi-family building on the Land with no more than 36 dwelling units
  - (b) be subject to an Eligible Development Housing Agreement, that:
    - i. is valid of a period of no less than 20 years;
    - ii. requires that 100% of the units to be rental units;
    - iii. requires that at least 24 of the units be rented at a rate that is equal to or less than the Housing Income Limit for Nanaimo, British Columbia, published from time to time by B.C. Housing.
- 4. A reduction of development cost charges granted under this Bylaw is subject to the condition that if at any time during the period of the Eligible Development Housing Agreement referenced in section 3, a dwelling unit no longer meets the definition of not-for-profit rental housing or no longer fulfills the conditions in section 3:
  - (a) it shall no longer be an eligible development under this Bylaw, and
  - (b) the owner of the land shall be liable for repayment of development cost charges in accordance with section 6.

**REDUCTION**

- 5. The Town of Ladysmith development cost charge will be reduced by 100% in respect of a dwelling unit that meet the definition of not-for-profit rental housing in this Bylaw and is part of an eligible development as defined in section 3.

**REPAYMENT**

- 6. The full amount of development cost charges that would have been payable on the date the building permit was approved, had the reduction not applied, plus interest at the rate of 3% per year calculated monthly since the date of the waiver compounded annually, shall immediately become due and payable to the Town for any and all dwelling units that no longer qualify as an eligible development under this Bylaw, as referenced in section 3.

**PERPETUAL WAIVER**

- 7. Once the period of the Eligible Development Housing Agreement has concluded, the development cost charges that would have applied to the original construction of the dwelling units that were part of the eligible development are thereafter waived in perpetuity and unconditionally.

**FURTHER DCCS PAYABLE**

- 8. Despite section 7, an applicant for further or additional development of the land in respect of which development cost charges have been waived under this Bylaw shall pay development cost charges that may be payable under a bylaw, as a result of such further or additional development during or after the term of the Eligible Development Housing Agreement, calculated in accordance with the bylaws applicable at the time of application for a development approval.

**SEVERABILITY**

- 9. If any part, paragraph or phrase in this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, that portion shall be severed and the remainder of this Bylaw shall continue in force.

**CITATION**

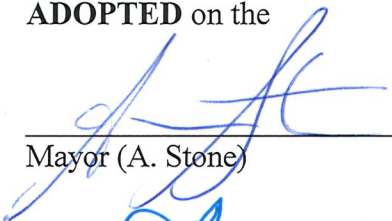
- 10. This Bylaw may be cited as “Town of Ladysmith Not-for-Profit Rental Housing Development Cost Charges Reduction Bylaw, 2019, No. 2024”.


**READ A FIRST TIME** on the 18<sup>th</sup> day of November, 2019

**READ A SECOND TIME** on the 18<sup>th</sup> day of November, 2019

**READ A THIRD TIME** on the 18<sup>th</sup> day of November, 2019

**ADOPTED** on the 4<sup>th</sup> day of February, 2020

  
\_\_\_\_\_  
Mayor (A. Stone)

  
\_\_\_\_\_  
Manager of Legislative Services (J. Winter)





## TOWN OF LADYSMITH

### BYLAW NO. 1804

#### A Bylaw to Reduce Development Cost Charges for Not-for-Profit Rental Housing

---

**WHEREAS** Council is permitted by section 933.1 of the Local Government Act to waive or reduce a development cost charge by bylaw for not-for-profit rental housing, including supportive living housing;

**WHEREAS** Council wishes to provide for a reduction of a development cost charge where the monthly rent for a not-for-profit rental housing unit is equal to or less than the figure calculated by multiplying the median housing income of the Town of Ladysmith by 2%, which is the equivalent of households within 80% of the median household income paying 30% of their household income annually toward the cost of housing;

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

#### DEFINITIONS

1. In this Bylaw:

***‘Eligible Development Housing Agreement’*** means an Agreement under section 905 of the *Local Government Act* between the Town of Ladysmith and an owner of land seeking a reduction in development cost charges.

***‘Not-for-profit rental housing’*** means one or more rental dwelling units:

- (a) that are operated as rental housing for tenants who are capable of independent living and meet eligibility criteria related to income, health or other similar criteria;
- (b) that are subsidized by the Province of British Columbia or by an incorporated not-for-profit organization; and,
- (c) that are publicly owned or owned and operated by an incorporated not-for-profit organization.

including, but not limited to, units within a development assessed as Class 3 for purposes of the *Assessment Act*.

#### ELIGIBLE DEVELOPMENT

2. For the purposes of this Bylaw, not-for-profit rental housing that meets the conditions in section 3 constitutes a class of eligible development.
3. To be eligible for the reduction in development cost charges, the not-for-profit rental housing shall meet the following conditions:
  - (a) there is an Eligible Development Housing Agreement for a period of not less than 20 years, requiring that the monthly rent charged for each individual dwelling unit shall not exceed the figure calculated by multiplying the median household income for the Town of Ladysmith, as reported by Statistics Canada in the most recent census, by 2%; and
  - (b) the owner submits an annual report to the Town of Ladysmith no later than January 15 of each year the Eligible Development Housing Agreement is in effect, confirming that each individual dwelling unit met the definition of not-for-profit rental housing as well as the eligibility criteria in section 3(a) for the previous calendar year.
4. A reduction of development cost charges granted under this Bylaw is subject to the condition that if at any time during the period of the Eligible Development Housing

Agreement referenced in section 3, a dwelling unit no longer meets the definition of not-for-profit rental housing or no longer fulfills the conditions in section 3:

- (a) it shall no longer be an eligible development under this Bylaw, and
- (b) the owner of the land shall be liable for repayment of development cost charges in accordance with section 6.

**REDUCTION**

- 5. The Town of Ladysmith development cost charge will be reduced by 100% in respect of a dwelling unit that meets the definition of not-for-profit rental housing in this Bylaw and is an eligible development as defined in section 3.

**REPAYMENT**

- 6. The full amount of development cost charges that would have been payable on the date the building permit was approved, had the reduction not applied, plus interest at the rate of 3% per year calculated monthly since the date of the waiver compounded annually, shall immediately become due and payable to the Town for a dwelling unit that no longer qualifies as an eligible development under this Bylaw, as referenced in section 3.

**PERPETUAL WAIVER**

- 7. Once the period of the Eligible Development Housing Agreement has concluded, being a period of not less than 20 years, the development cost charges that would have applied to the original construction of the dwelling units that were part of the eligible development are thereafter waived in perpetuity and unconditionally.

**FURTHER DCCS PAYABLE**

- 8. Despite section 7, an applicant for further or additional development of the land in respect of which development cost charges have been waived under this Bylaw shall pay development cost charges that may be payable under a bylaw, as a result of such further or additional development during or after the term of the Eligible Development Housing Agreement, calculated in accordance with the bylaws applicable at the time of application for a development approval.

**SEVERABILITY**

- 9. If any part, paragraph or phrase in this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, that portion shall be severed and the remainder of this Bylaw shall continue in force.

**CITATION**

- 10. This Bylaw may be cited as “Town of Ladysmith Not-for-Profit Rental Housing Development Cost Charges Reduction Bylaw, 2012, No. 1804”.

<b>READ A FIRST TIME</b> on the	7 <sup>th</sup>	day of	May,	2012
<b>READ A SECOND TIME</b> on the	7 <sup>th</sup>	day of	May,	2012
<b>READ A THIRD TIME</b> on the	7 <sup>th</sup>	day of	May,	2012
<b>ADOPTED</b> on the	22 <sup>nd</sup>	day of	May,	2012

  
\_\_\_\_\_  
Mayor (R. Hutchins)

  
\_\_\_\_\_  
Director of Corporate Services (S. Bowden)

