

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

**Tuesday, August 5, 2025
Ladysmith Seniors Centre
630 2nd Avenue**

Pages

1. OPEN MEETING 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 Council approve the agenda for this Regular Meeting of Council for August 5, 2025.

3. MINUTES

3.1 Minutes of the Public Hearing and Regular Meeting of Council held July 22, 2025

5

Recommendation

That Council approve the minutes of the Public Hearing and Regular Meeting of Council held July 22, 2025.

4. REPORTS

4.1 2025.06.27 Remedial Action - s.78 Request for Reconsideration - 324 Morgan Road

11

Recommendation

That Council:

1. Pursuant to section 78(3) of the *Community Charter*:
 - a. Provide an opportunity for the owner of Parcel A (Being a Consolidation of Lots A & B, See CA3693354) District Lot 42 Oyster District Plan EPP17717 (324 Morgan Road) to make representations to Council requesting that Council reconsider the Remedial Action Requirements imposed at the May 20, 2025 Council meeting;
 - b. Amend resolution CS 2025-133 by replacing item 2 (a)(v) with “Receive building permits for any buildings or structures found to be within the riparian area”; and
 - c. Confirm continued support for resolution CS 2025-133, as amended.

4.2 2026 Financial Plan (Budget) Discussions

51

Recommendation

That Council approve the following schedule to deliberate the 2026-2030 Financial Plan:

- September 2nd – Parks, Recreation & Culture – Operating & 2026 Capital and Direction;
- September 16th - Direction for Permissive Tax Exemptions;
- November 4th – Water & Sewer – Operating & Capital;
- November 25th – Introduction of General Operations;
- December 2nd – Introduction of General Capital Projects. Water & Sewer Rate Bylaws introduced; and
- December 16th - Anticipated adoption of Water & Sewer Rate Bylaws and early budget approvals.

4.3 Revitalization Tax Exemption – 440 1st Avenue

54

Recommendation

That Council:

1. Approve entering into a Revitalization Tax Exemption Agreement with First Avenue Freeholders Corporation for the property located at 440 1st Ave, folio 0204.000; and
2. Direct staff to amend “Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625” by adding a provision that no further applications will be considered after August 5th, 2025.

Recommendation

That Council:

1. Approve entering into a Revitalization Tax Exemption Agreement – Economic with Western Forest Products for the property located at 101 Gladden Road, folio 0904.000; and
2. Direct staff to amend the language in “Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807” to require an application to be received at the time of building permit.

5. BYLAWS

5.1 Bylaws for Introduction

- 5.1.1 “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw 2025, No. 2212” 103

Recommendation

That Council give first, second and third readings to “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw 2025, No. 2212”.

- 5.1.2 “Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964, Amendment Bylaw 2025, No. 2217” 106

Recommendation

That Council give first, second and third readings to “Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964, Amendment Bylaw 2025, No. 2217”.

5.2 Bylaws for Adoption

- 5.2.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2025, No. 2213" 107

Recommendation

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2025, No. 2213".

- 5.3 Bylaw Status Sheet 109

6. NEW BUSINESS

6.1 Grouhel Road Intersection - Councillor Gourlay

Recommendation

That Council direct staff to write a letter on behalf of Council to the Ministry of Transportation and Transit (MoTT), requesting that the Ministry undertake an assessment of the Grouhel Road/Trans-Canada Highway intersection and explore potential engineering improvements.

7. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during "Question Period" must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be related to items on the agenda.
- Questions must be brief and to the point. Each speaker may have up to three (3) minutes total for questions and responses.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

8. ADJOURNMENT



MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF COUNCIL

Tuesday, July 22, 2025

6:00 P.M.

Ladysmith Seniors Centre
630 2nd Avenue

Council Members Present:

Mayor Deena Beeston
Councillor Ray Gourlay
Councillor Amanda Jacobson

Councillor Tricia McKay
Councillor Duck Paterson
Councillor Jeff Virtanen

Council Members Absent:

Councillor Marsh Stevens

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot

Jake Belobaba
Nick Pescod
Hayley Young

1. CALL TO ORDER AND ACKNOWLEDGEMENT

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

2. AGENDA APPROVAL

CS 2025-184

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for July 22, 2025, as amended to include a public submission received after publication of the agenda for the following item:

- Item 3. Public Hearing - "Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2025, No. 2213."

Motion Carried

3. PUBLIC HEARING

Members of the public present: 3

3.1 Outline of the Public Hearing Process - Mayor Beeston

Mayor Beeston outlined the public hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw No. 2213.

She advised that staff would introduce the proposed bylaw amendments, followed by public submissions. She reminded the public that the content of submissions would be made public and form a part of the public record for the hearing, and that the function of Council at a public hearing is to listen rather than to debate the merits of the proposed bylaws, although they may ask clarifying questions.

She advised that once everyone had an opportunity to be heard, the public hearing would be closed and no further submissions or comments could be accepted by members of Council.

3.2 Introduction of Bylaw and Statutory Requirements – Director, Development Services

Jake Belobaba, Director of Development Services, introduced “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2025, No. 2213” as the subject of the public hearing. Bylaw 2213 applies to designated single-family dwelling properties within the R-1-A and C-1 zones within the Town of Ladysmith.

Mr. Belobaba confirmed that the purpose of Bylaw No. 2213 is to amend the Zoning Bylaw to permit Bed and Breakfast as an accessory use on the Small Lot A Zone (R-1-A) and Local Commercial (C-1) zones. The proposed amendment would allow Single Unit Dwelling property owners to operate bed and breakfast businesses for the short-term accommodation in the R-1-A and C-1 zones, provided that each business meets the Bed and Breakfast regulations contained in the Zoning Bylaw.

Mr. Belobaba confirmed the public hearing notification and engagement process. Notice of this public hearing was printed in the Ladysmith Chronicle on July 17, 2025, and posted on the Town’s website and community notice boards. A copy of the notice, the proposed bylaw, and background information were made available at the front counter of City Hall and Development Services and were available on the Town’s website

for the notice period. Staff in the Development Services office were available to respond to questions prior to the public hearing.

Mr. Belobaba advised that as of noon today, the Town had received one written submission relating to the proposed bylaw.

3.3 Submissions

3.4 Call for Submissions to Council (Three Times) - Mayor Beeston

Mayor Beeston called for submissions from the public.

Tim Low, 1359 Cedarwood Road, confirmed his submission had been received and reiterated his support for the proposed bylaw.

Mayor Beeston called for submissions a second time.

Mayor Beeston called for submissions a third and final time.

Mayor Beeston asked the Deputy Corporate Officer, H. Young, if any submissions had been received during the hearing. The Deputy Corporate Officer advised that no submissions had been received.

3.5 Declaration that the Public Hearing for Bylaw No. 2213 is Closed - Mayor Beeston

Hearing no comments and receiving no further submissions, Mayor Beeston declared the public hearing for Bylaw No. 2213 closed at 6:05 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

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

4.1 "Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2025, No. 2213"

CS 2025-185

That Council give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2025, No. 2213".

Motion Carried

5. MINUTES

5.1 Minutes of the Regular Meeting of Council held July 8, 2025

CS 2025-186

That Council approve the minutes of the Regular Meeting of Council held July 8, 2025.

Motion Carried

6. COMMITTEE MINUTES

6.1 Committee of the Whole - July 15, 2025

CS 2025-187

That Council direct staff to establish a local government bylaw dispute adjudication system under the *Local Government Bylaw Notice Enforcement Act*.

Motion Carried

CS 2025-188

That Council direct staff to prepare the following amendments to "Council Procedure Bylaw 2009, No. 1666":

- a. Implement various housekeeping amendments;
- b. Expand meeting conduct expectations to include attendees;
- c. Grant all Council members who voted on the prevailing side the right to bring a previously voted-on matter back for reconsideration within 30 days;
- d. Provide additional grounds for denying delegation requests; and
- e. Update language pertaining to legal matters.

Motion Carried

CS 2025-189

That Council direct staff to amend "Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964" to set the required minimum number of qualified nominators for a member of Council at ten, in accordance with section 86 (2)(a) of the *Local Government Act*.

Motion Carried

OPPOSED: Councillor Virtanen.

CS 2025-190

That Council direct staff to contact federal and provincial ministries with jurisdiction over the waters surrounding Ladysmith and encourage those ministries to work with the Royal Canadian Marine Search and Rescue regarding funding.

Motion Carried

OPPOSED: Councillor Paterson.

CS 2025-191

That Council direct staff to contact the local Island Health facility manager to discuss the community garden proposal and determine whether there is support to move the idea forward.

Motion Carried

OPPOSED: Councillor Paterson.

7. REPORTS

7.1 Special Occasion Licence Policy

CS 2025-192

That Council modify the Special Occasion Licence Policy to include the Holland Creek Fields as an additional permitted location within the hours of 11:00 am to 8:00 pm.

Motion Carried

8. BYLAWS

8.1 Bylaw Status Sheet

9. CORRESPONDENCE

9.1 Rotary Clubs of Ladysmith and Chemainus 15th Annual Charity Golf Tournament

CS 2025-193

That Council allocate \$350.00 to sponsor a hole at the 15th Annual Rotary Charity Golf Tournament on September 20, 2025 as requested in the correspondence received July 7, 2025, with the funding to come from Council public relations budget.

Motion Carried

10. QUESTION PERIOD

There were no questions from the public.

11. ADJOURNMENT

CS 2025-194

That this Regular Meeting of Council be adjourned at 6:26 p.m.

Motion Carried

CERTIFIED CORRECT

Mayor (D. Beeston)

Deputy Corporate Officer
(H. Young)

STAFF REPORT TO COUNCIL

Report Prepared By: Development Services
Meeting Date: August 5, 2025
File No: 4020-20 & 3800-20
Re: Reconsideration Submission: Remedial Action Requirements, 324 Morgan Road

RECOMMENDATION:

That Council:

1. Pursuant to section 78(3) of the *Community Charter*:
 - a. Provide an opportunity for the owner of Parcel A (Being a Consolidation of Lots A & B, See CA3693354) District Lot 42 Oyster District Plan EPP17717 (324 Morgan Road) to make representations to Council requesting that Council reconsider the Remedial Action Requirements imposed at the May 20, 2025 Council meeting;
 - b. Amend resolution CS 2025-133 by replacing item 2 (a)(v) with “Receive building permits for any buildings or structures found to be within the riparian area”; and
 - c. Confirm continued support for resolution CS 2025-133, as amended.

EXECUTIVE SUMMARY:

The purpose of this staff report is to provide the owner of 324 Morgan Road the opportunity to make representations to Council requesting reconsideration of the Remedial Action Requirements imposed on May 20, 2025, and to have staff provide Council with relevant information and options for Council decision. Council may confirm, amend or cancel the Remedial Action Requirements.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2025-133	2025-05-20	<p>That Council:</p> <ol style="list-style-type: none"> 1. Pursuant to section 57(3) of the <i>Community Charter</i>: <ol style="list-style-type: none"> a. Provide an opportunity for the owner to be heard regarding the Building Inspector’s recommendation to place a notice pursuant to section 57 of the <i>Community Charter</i> on title of Parcel A (Being a Consolidation of Lots A & B, See CA3693354) District Lot 42 Oyster District Plan EPP17717, (324 Morgan Road) as described in the Inspector’s May 20, 2025 report to Council;

Resolution	Meeting Date	Resolution Details
		<ul style="list-style-type: none"> b. Provide an opportunity for the Building Inspector to be heard, regarding the Building Inspector's recommendation to place a notice on title as described in the Inspector's May 20, 2025 report to Council; c. Confirm the recommendations of the Building Inspector as outlined in the Inspector's May 20, 2025 report to Council; and d. Direct the Corporate Officer to file a notice in the Land Title Office for the property legally described as 324 Morgan Road, in accordance with subsections 57(3)(a) and (b) of the <i>Community Charter</i>; <p>2. Pursuant to section 72 of the <i>Community Charter</i>:</p> <ul style="list-style-type: none"> a. Impose a Remedial Action Requirement on the owner of 324 Morgan Road to: <ul style="list-style-type: none"> i. Remove all shipping containers, including any containers altered to create buildings and containers supporting any buildings or structures; ii. Remove two of the three recreational vehicles from the property; iii. Have a Red Seal Plumber permanently decommission the plumbing systems servicing the recreational vehicles; iv. Restore the altered hillside adjacent to the Trans-Canada Highway Right-of-Way under the supervision of a geotechnical engineer; and v. Restore the riparian area under the direction of a Qualified Environmental Professional under the Riparian Areas Protection Act; b. Require completion of the remedial actions under recommendation under 2(a) within 120 days; c. Direct staff to advise the owner that they may request that Council reconsider the Remedial Action by providing written notice within 14 days of the date of the notice of the Remedial Action Requirement; and d. Direct staff to take action, if necessary, in accordance with Section 17 of the <i>Community Charter</i>, without further notice and at the owner's expense, if the Remedial Action under recommendation 2(a) is not completed. <p><i>Motion Carried.</i></p>

INTRODUCTION/BACKGROUND:

On May 20, 2025, staff presented a report to Council recommending that a Section 57 notice be registered with the Land Title and Survey Authority for 324 Morgan Road, due to ongoing construction, excavation, alterations and/or placement of structures on the property without required permits. At that meeting, Council approved the recommendation to register the Section 57 notice and voted to impose Remedial Action Requirements on the property owner.

The Section 57 notice serves to alert potential purchasers or other interested parties to the hazards and bylaw contraventions identified on the property. While the notice addresses hazards that primarily affect the property owner or occupants, the Remedial Action Requirements are intended to address hazards that may extend beyond the

property's boundaries. Below is a summary of such hazards identified in the May 20, 2025, staff report (see the May 20, 2025, Staff Report for full details):

- Several altered shipping containers, which are not permitted on the property, contain flammable materials without proper ventilation and are a fire and explosion risk. Due to this, and the fact the shipping containers are not permitted on residential properties, the shipping containers were ordered to be removed.
- Recreational vehicles (RVs) illegally parked and occupied on the property were serviced by unpermitted and uninspected plumbing systems which may have adverse health and environmental impacts. The Remedial Action ordered that two of the three RVs and all the subgrade plumbing systems be removed.
- Land excavation and construction works occurred on site without first obtaining the necessary steep slopes and riparian development permits. As a result, the development proceeded without essential environmental assessments to ensure slope stability, safety measures, and protections for the nearby riparian area. A Remedial Action Order was issued requiring a Geotechnical and Qualified Environmental Professional review of the development and land excavation works that have occurred.

Under Section 78 of the *Community Charter*, the property owner has the right to request reconsideration of the Remedial Action Requirements. Council must provide the owner with an opportunity to be heard if a request is made. Following this, Council may choose to confirm, amend, or cancel the requirements.

The owner of 324 Morgan Road has exercised their right to appeal Council's decision and has indicated they will appear before Council to present their case. Staff informed the owner of the opportunity to submit written materials in support of their appeal. The owner has provided a report, which is included as Attachment A.

Staff previously prepared a report for the July 8th Council meeting. However, on July 2nd, the property owner informed staff that they would be away for work for most of the summer and were uncertain about their return date. The owner requested this matter be postponed. Legal counsel recommended that the meeting be deferred to a later date to ensure the owner has a fair opportunity to address Council. Staff informed the owner that they may participate in the August 5th meeting in one of several ways: in person, virtually, through an appointed representative, or by submitting additional written comments, as outlined in the letter attached as Attachment B. As of the writing of this report, no further written submissions had been received for Council's consideration. The owner has been advised that additional written comments may be submitted until noon on August 5th.

ANALYSIS

Based on the language in the owner's report, and as clarified through email correspondence between staff and the owner, the owner is proposing that Council amend Remedial Action Requirements as shown in Table 1.

Table 1: Remedial Actions vs. Owner-Proposed Alternatives

Imposed Remedial Action Requirements (see Resolution CS 2025-133):	Owner's Recommendations for Consideration
i. Remove all shipping containers, including any containers altered to create buildings and containers supporting any buildings or structures;	The owner requests that: Council permits the shipping containers to remain in their current condition. The owner notes that similar containers are present on many properties throughout Ladysmith and believes this should be taken into consideration.
v. Restore the riparian area under the direction of a Qualified Environmental Professional under the Riparian Areas Protection Act;	The owner requests that: Council allows the riparian area to remain in its current state. The owner has expressed concern that the imposed requirements are unrealistic and financially burdensome, especially given their belief that a report would simply confirm there are no issues. Their belief is that the riparian area on their property is in better condition than those on neighbouring lots.
2(b) Require completion of the remedial actions under recommendation 2(a) within 120 days;	The owner requests that: Council agrees to extend the existing 120-day time limit, as the owner considers it unrealistic for any individual or business to meet.

Although the Remedial Action Requirements listed in Table 1 have not yet been addressed, the owner has shown a willingness to resolve some of the hazardous conditions. Several of the items in Table 2 appear to have been acted upon (but not resolved).

Table 2: Remedial Actions Projected to be Completed

Imposed Remedial Action Requirements:	Owners stated Remedial Actions:
ii. Remove two of the three recreational vehicles from the property;	The owner states that the RVs have been removed as required. However, their report argues that allowing full-time occupancy of RVs on the property would be mutually beneficial for the owner and the RV occupants, particularly those experiencing hardship.
iii. Have a Red Seal Plumber permanently decommission the plumbing systems servicing the recreational vehicles;	The owner reports that the plumbing has been decommissioned. However, they have expressed interest in installing a sani-dump for their personal RV. This is possible through proper permitting.
iv. Restore the altered hillside adjacent to the Trans-Canada Highway Right-of-Way under the supervision of a geotechnical engineer;	A Geotechnical Engineer has assessed the hillside and recommends allowing the existing vegetation to naturally regenerate on the exposed fill to promote root development and slope stabilization. While this passive approach does not guarantee the prevention of future movement, it is considered acceptable provided the owner installs physical barriers—such as rocks or bollards—to restrict vehicle access within 2 metres of the slope crest. The owner is also required to monitor the slope for signs of tension cracking or ground movement and to consult a Geotechnical Engineer if such signs are observed.

BYLAWS, REGULATIONS AND LEGISLATION CONSIDERATIONS:

If Council wishes to amend or cancel the Remedial Action Requirements, it is important to first consider the following bylaws and legislative requirements indicated in Table 3 below.

Table 3: Reconsideration Proposals and Applicable Regulations

Remedial Action Number	Owner's Recommendations for Consideration	Relevant Bylaws, Regulatory and Legislative Requirements
i.	That Council allow the containers to remain as they are existing today.	<ul style="list-style-type: none"> All six containers are modified into buildings or are supporting adjacent accessory structures. Without proper permitting, the containers are in violation of the <i>Building & Plumbing Bylaw</i> and the <i>Building Code</i>. Having shipping containers on the property is a violation of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860". Shipping containers are only permitted in industrial and institutional zones, with a maximum of three containers per parcel. 324 Morgan Road has six containers and is in a residential zone, where shipping containers are not allowed. Some on-site shipping containers are being used to store flammable materials, yet none appear to have necessary ventilation systems in place to mitigate the risk of explosion. Although this may not contravene specific provisions within the Town's bylaws, it is a well documented public safety concern. Council may wish to prioritize public safety over the preferences of the property owner in this matter. As advised by legal counsel (see Legal Implications), and in order to reduce the risk of harm and potential negligence claims, Council may exercise its authority under the <i>Community Charter</i> to require corrective action.
v.	That Council allow the riparian area to remain as it is existing today.	<ul style="list-style-type: none"> The "Official Community Plan Bylaw 2022, No. 2200" establishes the Riparian Development Permit Area (DPA 6), designated under Section 488(1)(a) of the <i>Local Government Act</i> to protect the natural environment, ecosystems, and biological diversity. The intent of DPA 6 is to ensure that the requirements of the <i>Riparian Areas Protection Act (RAPA)</i> and <i>Riparian Areas Protection Regulation (RAPR)</i> are met. DPA 6 requires that a development permit be obtained for any land/vegetation alteration or construction within the Riparian Assessment Area (RAA) determined by a qualified environmental professional (QEP) or surveyor. Section 12 of the provincial <i>RAPA</i> legislates that local governments must adopt zoning and land use bylaws that include riparian area protection provisions for residential, commercial or industrial development. The level of protection in such bylaws must meet or exceed the requirements established by legislation. The Town of Ladysmith regulates riparian development through the Zoning Bylaw (i.e., watercourse setbacks) and DPA 6 requirements. The subject property has not been

		<p>professionally surveyed by a surveyor or assessed by a QEP to identify which new structures have been constructed/placed or land/vegetation altered within the potential RAA. Until the RAA and Streamside Protection and Enhancement Area have been identified by a surveyor/QEP, it is unknown how much of the work undertaken at 324 Morgan Road falls within DPA 6.</p> <ul style="list-style-type: none"> • The <i>RAPR</i> requires that any development, including the alteration of soil, vegetation or construction/alteration of building or structure, is assessed by a QEP. A local government must not approve a riparian development unless it has received an assessment report by a QEP and has imposed, as a condition of the approval, that the development proceed as proposed in the report and complies with all its recommendations. This is done through the development permit process. Any buildings or structures that require a building permit and are found within a riparian area must be legalized through the building permit process; however, the building permits cannot be issued until applicable development permits have first been approved. • If it was determined that the works carried out at 324 Morgan Road killed fish within the federal government's jurisdiction (e.g., a fishery), the work may have occurred in contravention of the <i>Fisheries Act</i>. • An environmental protection covenant is registered on the property's title. It is the property owner's responsibility to preserve the Covenant Area in its natural state. Under the terms of the covenant, the owner must not construct any buildings or structures, cut, trim, or remove vegetation, place fill, dump materials, or create trails within the area. Any activity that could negatively impact the covenant area is strictly prohibited. Although a formal survey by a BC Land Surveyor has not been completed, GIS mapping suggests that portions of the area may have been altered in violation of the covenant's conditions.
2(b)	That Council extend the existing 120-day time limit.	<ul style="list-style-type: none"> • The <i>Community Charter</i> allows Council to specify the time by which the required actions must be completed. There are no regulations that prohibit the 120-day time limit from being amended. • If necessary, Council may extend the time for completing the required actions even after the time limit previously established has expired. • 77 days will have lapsed between the imposition of the remedial actions and the date the reconsideration request is heard on August 5th. If Council confirms the remedial actions, the owner will have 43 days remaining to comply with the requirements. Council may wish to consider granting an extension to the previously established timeline by amending recommendation 1(b).

In summary, granting the owner's requests may require Council to contravene Town bylaws and/or provincial/federal legislation. Subsequently, staff do not recommend agreeing to any of the owner's proposed alternatives in Table 1.

After consulting legal counsel, it was determined that resolution 2(a)(v) should be amended to clearly align with Council's authority under the Community Charter. While the current wording requires restoration of the riparian area by a Qualified Environmental Professional under the Riparian Areas Protection Act, section 73(2)(b) of the Charter limits Council's ability to impose remedial action to situations involving unsafe conditions or contraventions of provincial building regulations or applicable Town bylaws. Since the structures that are likely in the riparian area require building permits, which in turn require a development permit and QEP review, the revised wording maintains the original intent while ensuring compliance with the Charter. Although Remedial Action Requirements place a significant burden on the property owner, in staff's opinion, the risks to others are clear and require urgent attention. Staff do not recommend extending the 120-day deadline. However, Council can choose to extend this deadline.

ALTERNATIVES:

Following the owner's presentation, Council can choose to:

1. Amend all or some of the Remedial Action Orders, as specified by Council.
2. Rescind some or all the Remedial Action Orders, as specified by Council.
3. Defer the reconsideration hearing to a subsequent meeting of Council.
4. Direct that another course of action be taken.
5. Extend the 120-day deadline for compliance.

FINANCIAL IMPLICATIONS:

Costs for the Town to remove the hazards required by a Remedial Action Requirements can be recovered under sections 17 and 258 of the *Community Charter* if the owner fails to comply with the requirements.

LEGAL IMPLICATIONS:

Council has the authority to amend or rescind previously adopted Remedial Action Requirements. However, doing so may effectively endorse actions that contravene existing Town bylaws and provincial legislation. To proceed in compliance with Town bylaws, Council would need to amend or repeal the relevant bylaws through the formal adoption of new bylaws. Alternatively, disregarding the Town's own bylaw requirements is not recommended, as it undermines public trust, compromises the consistent application of regulations, and could set a problematic precedent, making it harder to enforce the bylaw later in the future. Staff also note that exempting the property from Town bylaws does not exempt the property from provincial regulations and much of the works constructed on the property contravenes both. For example, the shipping containers contravene zoning regulations but have also been modified so as to contravene the BC Building Code.

With respect to provincial legislation, particularly the *Riparian Areas Protection Act (RAPA)* and the *Riparian Areas Protection Regulation (RAPR)*, local governments are legally obligated to ensure compliance. If a property falls within a designated riparian area, the Town must require a development permit supported by a Qualified Environmental Professional (QEP) assessment. Failure to do so could expose the

municipality to enforcement action or prosecution by the Province for non-compliance with environmental protection laws. While the property owner is responsible for meeting the requirements in the *RAPA* and *RAPR*, where a local government makes a decision that is contrary to this legislation, the local government could be prosecuted under the provincial *Offence Act* or subject to a judicial review under the *Judicial Review Procedure Act*¹. If it was determined that the federal *Fisheries Act* has been contravened and the Town or its officials were considered to be responsible in part, the penalties (i.e., fines, imprisonment, remediation) under that regulation are much more significant than those that may be imposed under the *RAPA* or *RAPR*.

By upholding the previously approved Remedial Action Requirements, the Town mitigates its exposure to negligence claims. Liability may arise if the Town is aware of hazardous conditions and fails to act. Courts typically assess negligence based on whether the Town acted reasonably under the circumstances. Legal counsel has advised that it is generally safer for the Town to exercise its regulatory powers to address risks rather than ignore them.

With consideration to legal requirements, staff strongly recommend that Council not amend or rescind any Remedial Action Requirements that would conflict with provincial/federal legislation or Town bylaws.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Ministry of Water, Lands and Resource Stewardship's Registered Professional Biologist supports the Town in pursuing a Condition and Impact Assessment from the landowner to rectify *RAPR* concerns. The *RAPR* office supports that a Qualified Environmental Professional under the regulation author a Condition and Impact Assessment accounting for all unpermitted works within the RAA to meet Riparian Protection Standards for the purposes of bylaw compliance. The representative requested they be kept up to date with the compliance status for this property.

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 recommendations.

Allison McCarrick, Chief Administrative Officer

¹ The outcome of a judicial review could be that the local government's decision is nullified, stopped or prohibited, or that the local government be required by the province to do something to address the issue. A judicial review could also result in an injunction, a declaration, or both.

ATTACHMENT:

- A. Attachment A – Owners Request for Reconsideration
- B. Attachment B – Reconsideration Notice to Owner

322/324 MORGAN RD.



Morgan rd.

For those unfamiliar Morgan road is a small dead-end road only accessible south bound on the island hwy, located between north and south Davis rd. Morgan road being a very small neighbourhood consisting of only 14 properties my self owning 2 of them and 4 others undeveloped. Road traffic is limited to occupants and their visitors. Being virtually invisible to passers by travelling the hwy.

the following article will address the concerns brought on to me the city and my appeal to these requests while also addressing my own concerns with the way these matters are handled and treated.

Imposed remedial action.

remove two of the 3 recreational vehicles from the property

Remedial action completed.



Photos showing the RV's in question have been removed. My personal unit only remains.

My concerns

To some level I do agree with the towns action to have the rv's removed. With out proper care and attention these types of situations could end up with extra strain on utilities, and potentially lead to a situation where the neighbour hood 'curb appeal' is put into question. Although in my case I don't believe that to be the case.

My life is far different from the “normal”. I haven’t always lived in this area or even on the island, I live alone, and I work abroad. My business often takes me away from home for days to weeks to even months at a time. For you other home owners, you’ll understand that without being able to prove the existence of a competent person checking up on your residence in some policy cases daily, your home insurance is voided. As to for my entire stay at the address I have always had a care taker who could preform such duty. It may seem obvious to maybe turn to a family member or close friend to put this task upon but unfortunately I don’t have the luxury of any of mine living close by for it not to be a burden. As to why the care taker was the obvious choice.

given the circumstances of some families in the area where living is a struggle I feel my actions to employ a care taker solved not just my home insurance issue but also the living situation issue for a select few.



I just wanted to say Thank You Kade for providing us a safe place to raise our family after loosing our home due to a renoviction in Victoria. We were a happy little family providing foster care for high needs babies when we were renovicted. We lost our home and our job and had no where to go. We even had to declare bankruptcy and were left feeling very lost and desperate. Because of the current housing crisis we could not afford current rental rates. Living in a travel trailer with 2 teens and a dog was our only option. Living in our little trailer on your property allowed us to raise our kids somewhere, where we knew they were safe and secure each night. With Gord having Complex PTSD it was important for him to be safe too. Thank you for sharing your paradise with us! Connie

At least with that family there was a happy ending for them as during their time here allowed them to save enough money and time out their bankruptcy term to be able to afford their new home up island.

but not all of these stories have a happy ending for the families and individuals who have been pushed to the edge and are struggling. When they resort to rv living few take into count that the rv parks in the area don't allow full time occupancy, and rates skyrocket during the spring and summer months and are simply unaffordable.

I have been raised to help people within my means when I can for people in need. This again was an example of that while they also helped me. Everyone was winning.



Imposed remedial action.

have a red seal plumber cap at grade the sewer systems servicing the rv.

Remedial action completed.



Above is the before and after.

Below is the invoice from the redseal plumber.

OTB Installations
TQ #: 00098-PL-13

<https://link.waveapps.com/92ykrs-kyn6g8>



INVOICE

Plumbing Install Services

OTB INSTALLATIONS

3455 Whiting Way
Ladysmith, British Columbia V9G 1C3
Canada

Mobile: 250-618-0272
otbinstallations.vi@gmail.com

BILL TO

Kade Dwolinski
324 Morgan Road
Ladysmith, British Columbia V9G 1W6
Canada

778-549-9746
kade@live.ca

Invoice Number: 005

P.O./S.O. Number: Morgan Road

Invoice Date: May 3, 2025

Payment Due: May 17, 2025

Amount Due (CAD): \$0.00

Items	Quantity	Price	Amount
Sani Dump Cap Off Requested by owner Cap 2x 4" PVC RV Dump Drains at Grade	1	\$115.00	\$115.00

Subtotal: \$115.00

GST 5% (773985809RT0001): \$5.75

Total: \$120.75

Payment on May 10, 2025: \$120.75

Amount Due (CAD): \$0.00

Notes / Terms

Quotes are valid for 30 days. Prices are subject to change due to change of contract or delay of construction over 3 months.

Invoices will be sent in 2 stages. Following rough-in and project completion.

Payment due within 30 days of being invoiced by e-transfer or cheque.

20% due within 30 days of signing contract.

Late payment subject to 5% charge per month.

Fixtures, tubs, and showers will not be ordered without contractor and clients approval.

One year parts and labour warranty.

Thank you for choosing OTB Installations

Powered by  wave

Now don't let my compliance to the 2 above sections lead you to believe that I am ok with the cities decision to evict a very lovely family who was in need. I only did so, so that other people were not effected by these unreasonable requests, as for the sewer hook up as it was no longer needed I would have capped them myself.

why this topic strikes such a chord with me is because I am an avid outdoors man and motor sports enthusiast, these aspects of my life often take me west of my property into the mountains along forest service roads where I have to see the slums manifesting them selves along our beautiful trail systems, and next to our streams and rivers that hydrate our population And wild life. It seems unreasonable to think that my rvs which are feeding directly into the cities sewer system are the problem when hundreds of people living up on the hill are dumping their human and garbage waste into the rivers, creeks and the earth we the taxpayers below rely on. As previously stated I live alone am rarely home and own two serviceable properties, so having a small family staying with me in an rv is not adding any additional strain on our roads services.

Not to mention the garbage and waste they squatters are spreading they also are hunting illegally and harvesting trees illegally and no action is takin on them. Is it because properties like mine are low hanging fruit because I have something to loose? Or just lazy enforcement?

The sad part is this type of thing is because they people have no where else go, but then even worse part is that the officials do nothing about it and rather harass a tax paying member of society who just wants to be left alone.

I know that all of you reading this is aware of that issue, but I'm gonna remind everyone of the disaster that's going on up above our beautiful little town. Here are only a few examples of the many.



Hard to believe giving people a safe secure clean space that's properly serviced is not ok, but this nonsense is allowed to go on unchecked, I could go further into this topic but will restrain as to it would be getting off of my point. Even though this type of thing is an absolute disgrace to be allowed to not only continue but constantly grow.

Imposed remedial action.

Restore the altered hill side adjacent to the trans Canada hwy under supervision of a geotechnical engineer.

Remedial action completed.

please see the geotechnical report



GEOTECHNICAL MEMO

CLIENT:	Kade Dwolinsky <kade@live.ca>	DATE:	May 27, 2025
ATTN:		FILE NO.	25-1185
CC:		MEMO NO.	1
PROJECT:	Fill Slope Hazard		
LOCATION:	Near 324 Morgan Rd, Ladysmith		

SUBJECT:

As requested, Coast Geotechnical assessed the fill slope hazard with respect to the Town of Ladysmith (the Town)'s order of remedial action (2025-05-20).

BACKGROUND INFORMATION:

We understand from personal communication (2025-05-21) with Mark Van Vliet, Senior Building Inspector, at the Town, which received complaints of soil dumping and observed sloughing in 2024 (photos attached), that the Town has thus identified a hazardous condition in this area and requires a statement about slope safety. We understand from that communication that the Town is "not sure if this happened when [the client] were initially dumping the soil OR if this happened due to a large rain event."

We understand from personal communication (2025-05-21) with you that, several years ago, you graded the site with an excavator to provide a turnaround space for dump trucks, garbage trucks, and other loaded-axle vehicles. You indicated that you have observed no slope movement since its revegetation, including during the recent earthquakes.

We conducted a brief desktop study of available relevant background information to understand the context of the slope hazard. Based on the Town's Web Map (retrieved 2025-05-21), it appears that the fill slope is situated not on your property (324 Morgan Rd), but adjacent to a common driveway on neighbouring (326 & 330) properties and Trans-Canada Hwy right-of-way (under BC MOTI jurisdiction) at the toe. The footprint (from slope crest, along sides, to toe) was measured digitally at 250 m² (approx.) in area. We identified no elements at risk of life loss or property damage, such as buildings or pedestrian infrastructure.

OBSERVED SLOPE CONDITIONS:

Coast Geotechnical investigated the fill slope and hazard on-site on May 22nd, 2025, and made the following key observations:

- **Composition**—The fill slope surface was comprised of a mixture of sand, silt, gravel and cobbles with moderate cementation and dense (penetrated less than 75 mm by picket). We did not observe subsurface conditions in our exploration.
- **Vegetation**—The slope face was vegetated with grasses, flowers, and shrubs on the top half, and relatively young maple and coniferous trees on the middle and bottom half. Most trees were oriented straight up, yet a few trees (two mature deciduous and one young coniferous) exhibited slight to moderate pistol-butting near the slope toe.
- **Water/saturation**—most of the slope surface was dry (many days since a rain event), yet we found moderate groundwater seepage among horsetail vegetation at the bottom. The TCH roadside ditch at the slope toe conveyed a relatively small flow of stormwater.
- **Dimensions**—The fill slope area was generally consistent with our digital measurement. Above the

Coast Geotechnical

crest, the slope profile was flat/gently sloping at the top (garden), cut (1.5 m deep) and filled for a 6 m leveled pad for vehicle parking. Below the crest it slopes steeply (37°) over 12 m height, and gently (1.5 m over 6 m) down to the highway ditch, before a gentle (0.3 m over 6 m) road embankment up to the concrete barrier of the TCH. The thickness of fill over most of the slope was estimated to be 1-2 m. See attached field sketch for details on the steepest bare slope section.

- *Elements at risk & consequences*—We found no elements at risk of life loss or property damage. We observed that runoff from previous sloughing (assumed corresponding to early 2024 event) impacted the TCH roadside ditch with a relatively small volume (5-10 m³) of infill, which raised the open channel by less than 0.3 m and caused minor damming upstream.

DISCUSSION & CONCLUSIONS:

We assessed that the recent fill activity may have only marginally changed the slope stability from its previous condition. We found no significant evidence of recent (within the past year) sloughing or slipping. Pistol butting of a few trees at the bottom below the fill may indicate that the previous slope (underlying the fill) may have experienced instability for a brief period (decades ago) prior to recent filling.

We assessed that the fill slope is quasi-stable in the observed conditions with reasonable assumptions. We expect the fill slope was placed by side casting, or end-dumping which inherently results in soils oriented at their angle of repose which is their stable limit. Moderate cementation and dense compactness condition of the granular fill soil suggests moderately high strength in the fill soil mass. However, the fill slope steepness is greater than a reasonable long-term friction angle for most soils.

Moderate seepage at the bottom is an indicator of a zone of relative weakness, likely contributor to sliding, and delineator of its extent/depth. If the levelled surface at the top is continuously used by loaded vehicles, then this may contribute to slipping. High precipitation events (such as rain-on-snow) or moderate to high seismic events will likely trigger sloughing of this fill slope, like many slopes in the region. Revegetation (incl. maple trees) is evidence of re-stabilization of the slope surface, which is anticipated to reduce surface erosion and the likelihood of shallow sloughing.

Considering the angle of repose, seepage conditions, anticipated ongoing usage by loaded vehicles, and changes in climate and earthquakes, we assessed that there remains a relatively low risk of small-scale (less than 10 m²), localized landslips that may deposit fill soil near the TCH road embankment over the next 100 years. If the level of safety adopted by the authorities for this particular slope hazard is zero tolerance for any slope movement, then this risk, albeit low, may not be acceptable and remediation may still be required by their respective policies.

POSSIBLE REMEDIATION & EFFECTS:

Possible remediation may involve removing fill soil, reinstating natural/previous slope profile, and revegetating with native plants. Removing some (not all) of the fill soil may practically be achieved by an excavator (located at the levelled top surface) reaching down to maximum distance (typically 10 meters using a 300 series excavator). However, this activity would leave soils on the slope exposed and may trigger localized landslips of the similar magnitude and consequence as assessed in the observed conditions; therefore, this practical remedial effort may carry the same risk as if left undisturbed.

Another viable option is to allow the existing vegetation (i.e. maple trees & shrubs) to naturally propagate on the exposed fill slope, establishing root structure and stabilization; typically within 1 m depth. Although not a guarantee against movement, this passive approach may be just as likely to mitigate slope hazard as

Coast Geotechnical

an active approach in the assessed conditions.


We understand that the fill area was created to facilitate vehicle turnaround. To reduce the potential for slope movements triggered by heavy truck loading, it would be prudent to prevent wheel loading within 2 metres of the slope crest. This could be achieved by installing visible barriers, such as rocks, bollards, or fencing, to guide vehicles to maintain this setback. As a precaution, the client should also monitor the slope for signs of tension cracking or ground movement. If any such signs are observed, a geotechnical engineer should be consulted. This represents a practical mitigation measure that aligns with the assessed risk level and intended site use.

We trust that this meets your request and the Town's current requirements to address this slope hazard. Please contact us if you require clarification of the above or further assistance with this project.

Prepared by:

Reviewed by:

Nathaniel Tougas, PMP, P.Eng.
Geotechnical Project Engineer


Ben Schmidt, P.Eng.
Principal | Senior Geotechnical Engineer

ATTACHMENTS:

- Photos of sloughing (early 2024) by Mark @ Town of Ladysmith
- Photos of fill slope top by Kade Dwolinsky (2025-05-20)
- Photos of on-site slope assessment by NT@Coast Geotechnical (2025-05-22)
- Ladysmith Web Map of fill slope near 324 Morgan Rd
- Field sketch of Steepest Exposed Fill Slope Section

One take away that stands out in this report from me is in the possible remediation section, just so everyone understands a 300 series excavator weights about 80,000lbs.(more then 2 loaded garbage trucks) Now if it's permissible to put a machine of that magnitude on the edge of this slope that is running and vibrating and disturbing the ground without concern, what is it we are worried about?



The above photo shows the area in question being used as it was intended, to allow vehicles both large and small some where to turn around at the end of the dead end road and not to further erode the drive way of the property owners, And to stop situations like below from happening. As blocking a one way in one way out lane way is a serious concern in the event of an emergency



Imposed remedial action.

Restore the riparian area under the direction of a qualified environmental person.

Unrealistic.

This action recommendation like the others really feels to me as I'm being singled out and punished unjustly.

to have a individual with no experience or knowledge in the matter to tell me to get a environmental assessment done just to tell me there's nothing wrong and nothing to be done (I believe) To the tune 4600\$ plus applicable taxes just for an assessment is unrealistic. I played along with the request of the geotech which cost me 1600\$ for his time and report. Although the entire time we joked together about how ridiculous the request was based solely comparing the slop along side the entire road. And still I told Him just to do his job based on his findings. But I'll digress.

when taking a closer look at this "riparian" area it's very clear to me that the city is wanting me to play to a different set of rules then my neighbours to the north who also boarder the beautiful gully. So I went for a walk armed with a camera and range finder to show you what I mean.



My property marker located almost exactly 10m from the street

From standing in the 'stream' as it's hardly that, barely a trickle really as pictured below at the corner of my property where it flows through a large concrete culvert. (wonder how that got there with out disturbing the 'riparian' area)



Where the water sometimes passes under the hwy.

While continuing to walk down the Mostly dry creek bed I look to the north noticing how close the houses and their patios, garden sheds etc are to the edge so for arguments sake I shot some distances with my range finder



One of the houses/ patios on the north side of the gully



As shown 16m horizontally from the creek



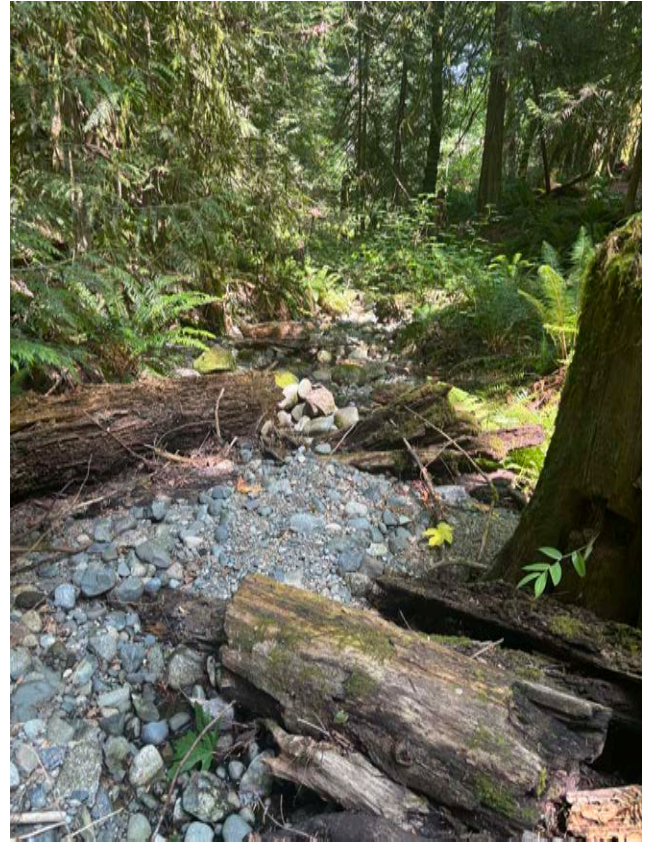
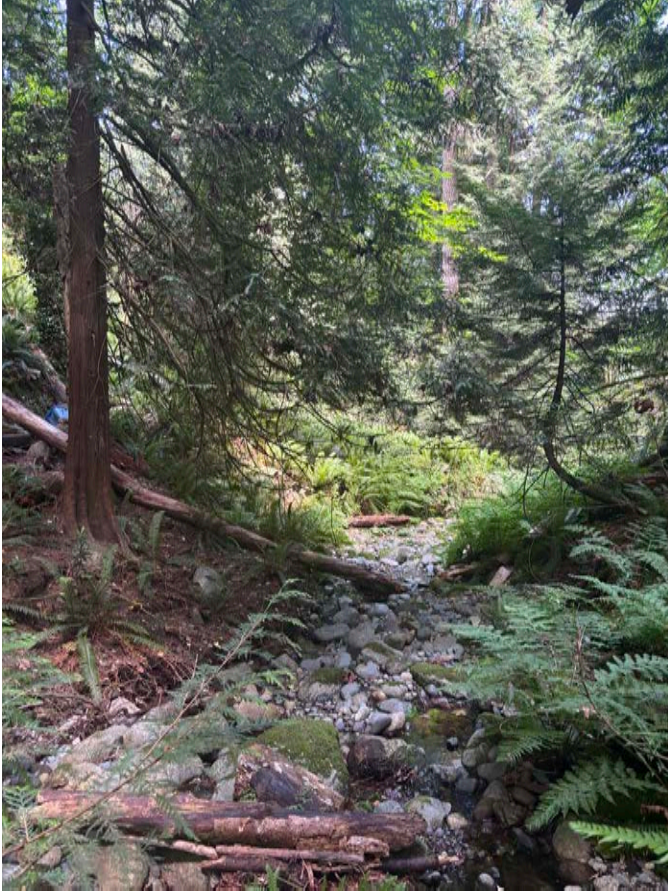
The same location view to the south to my property



The best shot I could get to edge of the gully bank. Over 3 times the distance

Clearly by the photos I'm so far from the creek barely any sky is even visible.

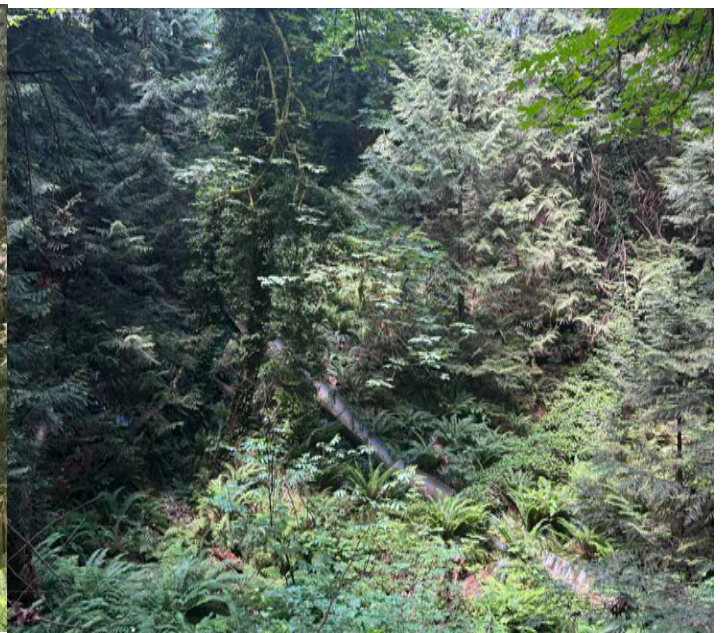
Pictured below are a few more shots of the creek. Now I'm not going to get into the definitions of what is or what isn't riparian, I'm not a QEP. What I do want to make clear is the comparison between my property where I'm being hassled and others who are not.



While I go out of my way to clean up the gully area from trash left by previous inhabitants and also chase off any homeless who try and make camp on my property. I can't say the same for the neighbours to the north who throw rubbish down the bank, and feel it's ok to send some makeshift half culvert ditch from the property directly into the creek bed as shown below



Caption



Make shift drainage shoot from the north side of the gully into the creek

Now just to be clear these examples are **NOT** complaints against anyone just a comparison. After having to go through this and deal with the bylaw and city councils I wouldn't wish this fate on my worst enemy. Having to fight for one's property and way of life while funding both sides is in my opinion the most tyrannical ordeal I have ever experienced.

Imposed remedial action.

Remove all shipping containers including those altered to create buildings or used to support structures.

This topic has to be the most controversial in my opinion, telling a human person that they are not allowed to own something. My containers are possessions, things that moving forward will come with me or be sold at my discretion and not the discretion of some committee who again as no experience with these transport and storage devices.

please see below a petition signed by the residing property owners of Morgan rd. Who all very clearly have no issues and If given the chance would want their own containers.

Shipping Containers On Morgan Rd

Petitioning the city of Ladysmith to adjust zoning to allow shipping container ownership and use on residential properties on Morgan Rd.

Petition Organizer	Contact number
Kade Dwolinsky	778-549-9746

We, the undersigned, endorse the statement purposed and willing share our information in support of this cause.

NAME	ADDRESS	SIGNATURE	COMMENT
Tannis McLaren	Redacted Morgan Rd	Redacted	
MEISSA KENDR	Redacted Morgan Rd	Redacted	
DAVID RAPoso	Redacted Morgan Rd	Redacted	
Zach Licastro	Redacted Morgan	Redacted	
K. Licastro	Redacted Morgan	Redacted	
Terry Green	Redacted Morgan	Redacted	
Melissa Marsden	Redacted Morgan Rd	Redacted	
Kevin Marsden	Redacted Morgan Rd	Redacted	
CHELA FOOLEE	Redacted Morgan Rd	Redacted	
TERRY BOYLE	Redacted Morgan Rd	Redacted	
Kade Dwolinks	Redacted Morgan Rd	Redacted	

while I was in attendance at the council meeting, I remember very distinctly a comment from one of the members in regards to shipping containers. "Containers aren't the look we are going for in this town" so I'm going to show this statements is false and again I'm just being the one singled out So on my way home I drove the major route through town, first ave, down dogwood then through Davis rd, just that one route, nothing rural just that one route and this is what I saw .



The first container I saw was when I walked out the door of the building the meeting was held. What do you know a shipping container.i had a good laugh. " not the look we are going for" and I'm sure we all recognize the red building in the back ground literally on the other side of the road.

As soon as we enter the town from the north what are the passers by greeted with? You guessed it, a big green shipping container.



Caption

Almost still in eye shot of the first container as we enter the town, another one is clearly visible in a field where children of the town play sports and other activities, if these actually did have a concern of exploding or catching fire why would it be here?



Is not that much further down the road as the patrons of this town and the towns visitors stop to pick up groceries. Again out in the open in plain view not one but 2 shipping containers.



Caption

Now I'll repeat myself several times to ensure that there is no confusion this is not in any way complaints against these devises. I believe containers are the most useful, adaptable affordable and safest vessels on the planet. And they must be if everything you have ever owned, bought, touched, wore and in a lot of cases even ate has spent its share of time in a shipping container.

If the council or certain members don't think containers are the look we are going for in the town then it again seems very hypocritical that other individuals or organizations are allowed to even advertise and promote the use of containers



What a great usage of a container! When my containers where in question they were deemed unsafe, one of the reasons was they stored motorized. Vehicles full of flammable liquids. Well last time I checked alcohol is a flammable liquid, I can't speak for every one but I have enjoyed several flaming sambucas.

So my drive continues and I come across this little gem. Again what a great idea for an addition. 4 20ft containers strategically placed and colour matched to the building right along the main drag of town.



To this point I have barley travelled a kilometre through town and have come face to face with 8 containers, there is barely that many buildings in that stretch of road. But my journey continues as we go through a more residential area and again clearly visible from the road are more and more and more examples. Again I'll stress if it is true that the look of town is why I can't have my containers. The council needs to open their eyes and take a better one.





I'll repeat this is not a complaint against these I'm just showing the view from my side of this situation that was brought to my door. And speaking of views I would like to share with you the street view of my property. As mentioned before I live at the end of a dead end road along a shared drive way with 2 other properties, half of which have containers of their own.



Only 5 humans drive past this point on a regular basis, only others are visitors and deliveries. Doesn't seem like an eyesore to me.

I can literally ramble on about how amazing shipping containers actually are and how safe and strong they are all day. Because they are, the simple fact that if there was a stronger safer cheaper better solution for storage and transport the world would use it. But there is not, the container is the best. Not only are they rated to have half of a million pounds on top of it, I like to use the throw a car analogy, if you throw a car at a house you will have a car in that house, throw a car at a shipping container and you may have a dent. Now that should seem obvious justifying its strength and use ability. So why even though as shown earlier containers are all over this town, does the city not want to utilize such a superior vessel? Other municipalities have adopted the usages of these in similar fashions. At schools, even as storage for emergency preparedness



Conclusions

since the day when six city vehicles pulled into my driveway with an armed police escort, which seemed extremely excessive considering there's only one of me. The threatening display of force could only have been deployed as an intimidation tactic which I didn't appreciate. Since that day when this fight has been brought to my door, it has only caused me stress on my mental wellbeing, stress financially, and the feeling of fear as to what may come ahead. I'll pose a question. What is there to gain from this imposed hardship on me? Who wins? Who comes out ahead? All I can see no one. All I can see are losers in this battle.

what has seemed to fall on deaf ears especially when it comes to my containers is that they belong to me. Much like my boat or my rv or other possessions. The containers will be going with me when I decide to move on from this property. Shipping containers are used for transportation and storage and that's what I use them for. I'll need to pack the house into something when I move what's the difference if I load it into a van trailer or shipping container then load that on a trailer? In my eyes nothing. Just like I will not be leaving my aluminum boat behind I won't be leaving my containers either. To another point. I built my boat, in my drive, It's 28ft long and has a cabin with a cuddly , it also stores around 2 hundred gallons of fuel on board below deck. Now aside from its shape it's very similar to a container and yet I'm "permitted" to store that on my properties with out issue and use in any way I see fit.

I've lived in this town for 8 years on this piece of dirt making it an oasis for me and my guests to enjoy, even if the town decision stands I find it very unrealistic to give only 3 months to take down what took one man years to put up. I find it increasingly unreasonable while sitting in on the council meeting listening to a plea for a round about that they couldn't make a decision on in side of a decade.

since I don't want this report to go on for ever I'll use this as a stopping point for now. All I ever wanted was just to be left alone. I'm not here asking for anything other than that. But here I am having to defend my home from a battle that was brought to my door. So this is just my next stand against the attack on my way of life, And I hope for reconsideration before this matter has to escalate further.

Attachment B

July 9, 2025

Our File: 3800-20 & 4020-20

Kade Dwolinsky
324 Morgan Road
Ladysmith, BC
V9G 1W6

VIA REGISTERED MAIL

Dear Kade Dwolinsky:

**RE: Section 78 - Remedial Action Requirement Reconsideration
324 Morgan Road
PARCEL A, PLAN EPP17717, DISTRICT LOT 42, OYSTER LAND DISTRICT. (BEING A
CONSOLIDATION OF LOTS A & B, SEE CA3693354)
PID : 029-296-641**

Notice is hereby given that, pursuant to section 78 of the *Community Charter*, Ladysmith Town Council will consider your request for reconsideration of the previously imposed Remedial Action Requirement at its Regular Meeting scheduled for **August 5, 2025 at 7:00 pm**. The meeting will be held at **630 2nd Avenue**. Your written request, along with relevant supporting information from staff, will be included in a report to Council for their consideration.

You will have the opportunity to present your case to Council either in person or virtually via telephone or video conference. If you are unable to attend, you may appoint an agent to speak on your behalf or submit additional written comments. Please notify the Town of your preferred method of participation **at least one week prior to the meeting** to allow for proper arrangements.

A copy of the report will be available for viewing on **August 1, 2025**, on the Town of Ladysmith website: <https://www.ladysmith.ca/>. If you disagree with any part of the report, the meeting will be your chance to explain your concerns and provide any other relevant input.

At its Regular Meeting held May 20th, 2025, Ladysmith Town Council voted to enact the following:

Pursuant to section 72 of the *Community Charter*:

A. Impose a Remedial Action Requirement on the owner of 324 Morgan Road to:

- i. Remove all shipping containers, including any containers altered to create buildings and containers supporting any buildings or structures;
- ii. Remove two of the three recreational vehicles from the property;
- iii. Have a Red Seal Plumber permanently decommission the plumbing systems servicing the recreational vehicles;
- iv. Restore the altered hillside adjacent to the Trans-Canada Highway Right-of-Way under the supervision of a geotechnical engineer; and
- v. Restore the riparian area under the direction of a Qualified Environmental Professional under the Riparian Areas Protection Act;



B. **Require completion** of the remedial actions within 120 days;

C. **That staff** advise the owner that they may request that Council reconsider the Remedial Action by providing written notice within 14 days of the date of the notice of the Remedial Action Requirement; and

D. **Direct staff** to take action, if necessary, in accordance with Section 17 of the *Community Charter*, without further notice and at the owner's expense, if the Remedial Action under recommendation 2(a) is not completed.

If you have any questions about the meeting, please contact Development Services at 250-245-6415.

Sincerely,

A handwritten signature in black ink that reads "Sue Bouma". The signature is written in a cursive, flowing style.

Sue Bouma
Manager of Corporate Services/Corporate Officer
Town of Ladysmith

STAFF REPORT TO COUNCIL

Report Prepared By: Financial Services
Meeting Date: August 5, 2025
File No: 1700 – 2026-2030
Re: 2026 Financial Plan (Budget) Discussions

RECOMMENDATION:

That Council approve the following schedule to deliberate the 2026-2030 Financial Plan:

- September 2nd – Parks, Recreation & Culture – Operating & 2026 Capital and Direction;
- September 16th - Direction for Permissive Tax Exemptions;
- November 4th – Water & Sewer – Operating & Capital;
- November 25th – Introduction of General Operations;
- December 2nd – Introduction of General Capital Projects. Water & Sewer Rate Bylaws introduced; and
- December 16th - Anticipated adoption of Water & Sewer Rate Bylaws and early budget approvals.

EXECUTIVE SUMMARY:

Each year, a new 5-year Financial Plan is drafted and presented to Council for approval. It is recommended that specific dates be scheduled to discuss the 2026-2030 Financial Plan. Even though the financial plan bylaw must be adopted before May 15, 2026, it is recommended to enter into budget discussions early in order to plan for capital projects and ensure utility rate bylaws are in place for January 1, 2026. Budget deliberations for Parks, Recreation & Culture are starting earlier due to the CVRD's Regional Recreation budget schedule.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

Staff will begin the process of preparing their department operational budgets which align with the Town's Strategic Plan. Staff have included a 2.5% inflationary increase, where applicable, on many goods, services and materials, which is in line with the Statistics Canada's Consumer Price Index released January 1, 2025.

Some items are already expected to be greater than CPI:

- CUPE 401 negotiated wage increase for 2026 is unknown at this time. A neighbouring municipality recently settled with a 5% wage increase in each of their contracts.

- CUPE 606 (fire department) negotiation for 2026 is unknown at this time.
- BC Hydro rate increasing by 3.75%
- RCMP per-member cost increase of 8.2% for the 8 members.

The budget is created based on existing service levels. Should Council wish to decrease the budget, service cuts will be necessary. Should Council wish to keep the budget at a set percentage increase, Council could provide a budget mandate at this time which staff will work towards.

Similarly to 2025, staff are working towards a mid-February date to present the 2026-2030 Financial Plan. Should the CVRD make cuts to the Regional Recreation budget, this date will be postponed, which will delay the Town's budget process and the Town's capital projects.

ALTERNATIVES:

Council can choose to defer budget discussions to April of 2026. This will impact the water and sewer rates revenues for 2026 and delay capital projects. The Financial Plan bylaw must be adopted before May 15, 2026.

That Council direct staff to present the 2026-2030 Financial Plan on April 14, 2026 and 21, 2026, with the related bylaws presented on May 5, 2026 and a special meeting scheduled for May 12, 2026.

Should Council wish to set a budget cap, an additional resolution could be:

That Council direct staff to present the 2026-2030 Financial Plan with a budget increase of no more than _____%.

Should Council wish to decrease the budget, specific services will need to be identified and reduced.

FINANCIAL IMPLICATIONS:

The Financial Plan (budget) determines all the revenues and expenses for the Town. It also sets the framework to charge property taxes.

The CVRD has discussed a 4% cap on their budget increases. As FJCC is a regionally significant facility and part of the Regional Recreation function of the CVRD, this cap may affect operations. The CVRD requires the FJCC budget be provided to them by September 5th, with the approval anticipated in February. Should the CVRD cut the FJCC Regional Recreation budget, a new Town of Ladysmith budget will be required to accommodate any changes.

LEGAL IMPLICATIONS:

The *Community Charter* requires that a municipality must adopt a Financial Plan prior to May 15.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The impact on property taxation is unknown currently. BC Assessment will provide the assessment roll towards the end of March. Citizens are encouraged to attend meetings and provide input during the budget deliberations.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The development of the Financial Plan starts and ends with Council. Department heads prepare their budgets to align with Council priorities. Finance summarizes the numbers and presents the budget to Council for discussion and direction.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Financial Services
Meeting Date: August 5, 2025
File No: 1970-04-25-01
Re: Revitalization Tax Exemption – 440 1st Ave

RECOMMENDATION:

That Council:

1. Approve entering into a Revitalization Tax Exemption Agreement with First Avenue Freeholders Corporation for the property located at 440 1st Ave folio, 0204.000; and
2. Direct staff to amend "Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625" by adding a provision that no further applications will be considered after August 5th, 2025.

EXECUTIVE SUMMARY:

The Town has received an application for the Revitalization Tax Exemption for the heritage program from the First Avenue Freeholders Corporation for 440 1st Ave.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

Tax Revitalization Programs are permitted under section 226 of the *Community Charter*. This section requires the municipality to establish a revitalization program bylaw that sets out goals and objectives of the program and the kinds of activities or properties that will be eligible for tax exemptions, as well as the amount, term and extent of the exemptions.

In 2007, the Town established the "Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No.1625". The purpose of this program is to maintain the Town's heritage theme and encourage investment within the Downtown Core without triggering increased taxation for commercial properties. Since that time, various owners have taken advantage of the program, most recently with the Temperance Group at 32 High Street.

The Town originally received an application for a revitalization tax exemption for 440 1st Ave in December of 2024, followed by payment for the Building Permit application in June of 2025. Staff reviewed the application and confirmed that the seismic upgrade meets the \$15,000 threshold value established in the bylaw and the property would be eligible for a 10-year exemption on the general assessment roll.

Should Council approve entering into an agreement with the owners of 440 1st Ave, staff will prepare the necessary bylaw amendment and advertisement before October 30th, per bylaw.

Staff also recommend that this is the final application to be received under this bylaw. The Official Community Plan actions the following:

Amend the DCC Bylaw and Revitalization Tax Exemption to incentivize growth in Priority Growth Areas. This would provide complementary benefits in other policy areas such as infrastructure, transportation, and housing.

ALTERNATIVES:

Council can choose to:

1. Provide the exemption and keep the bylaw status quo:

That Council approve entering into a Revitalization Tax Exemption Agreement – Heritage with First Avenue Freeholders Corporation for the property located at 440 1st Ave folio 0204.000.

2. Provide the exemption, not cancel the program but update the minimum value of work:

That Council:

1. *Approve entering into a Revitalization Tax Exemption Agreement with First Avenue Freeholders Corporation for the property located at 440 1st Ave folio 0204.000; and*
2. *Direct staff to increase the minimum threshold value in “Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625” from \$15,000 to \$150,000.*

FINANCIAL IMPLICATIONS:

The property assessment from BC Assessment lists the property at 440 1st Ave as:

	2024	2025
Class1-Residential	1,015,000	1,157,000
Class6-Business/Other	357,100	360,600
	<u>1,372,100</u>	<u>1,517,600</u>
Gross Taxes (total)	<u>\$12,546.38</u>	<u>\$14,196.73</u>
Gross Taxes (municipal)	\$5,974.38	\$6,517.08

The building permit for the renovations that qualify for the exemption was issued in 2025, meaning that the baseline assessment is 2024. Staff have requested that BC Assessment isolate the assessed value on the preserved heritage area in order to ensure that the entire building does not receive an exemption.

LEGAL IMPLICATIONS:

Under s.226 of the *Community Charter*, this property is eligible for a tax exemption based on 2(b)(ii) as it is already the subject of a heritage revitalization agreement (“Town of Ladysmith Heritage Revitalization Agreement Bylaw 2023, No. 2139”).

When presented at a future date, the amendment to the Revitalization Tax exemption bylaw will require the approval of 2/3 of Council to be adopted.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

n/a

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Planning and Building Departments have already been involved with this project. If approved, the Finance Department will lead the next steps in the Revitalization Tax Exemption process.

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|--|
| <input type="checkbox"/> Core Infrastructure | <input type="checkbox"/> Economy |
| <input checked="" 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:

- A. Application from First Avenue Freeholders Corp
- B. Revitalization Tax Exemption bylaw 1625 with sample agreement

REVITALIZATION TAX EXEMPTION PROGRAM APPLICATION

APPLICANT INFORMATION:

Name: First Avenue Freeholders Corp	Phone: (831) 227-2042
Address: PO Box 3261 Freedom CA USA	Cell:
Postal Code: 95019	Fax:
Email: Redacted	

OWNER INFORMATION:

Name: Redacted	Phone: Redacted
Address: Redacted	Cell:
Postal Code: Redacted	Fax:
Email: Redacted	

PROPERTY INFORMATION:

Civic Address: 440 1st Avenue Ladysmith

Legal Description:

CONSULTANT INFORMATION:

Name of Architect: WA Architects Ltd.	Phone: (604) 685-3529
Address: 950-1500 W Georgia Street Vancouver BC	Cell:
Postal Code: V6G 2Z6	Fax:
Name of Engineer: Celerity Engineering	Phone: (604) 375-0437
Address: 100 – 535 West 10th Avenue Vancouver BC	Cell:
Postal Code: V5Z 1K9	Fax:
Name of Contractor: Heatherbrae	Phone: (250) 585-0117
Address: #109-6596 Applecross Road, Nanaimo, BC	Cell:
Postal Code: V9V 0A4	Fax:



ATTACHMENT A

PROJECT INFORMATION:	
Present Use of Building:	Mix Residential
Project Timeframe:	2025-2026
PROJECT COST:	
Estimated Total Construction Cost:	11,379,203
Estimated Seismic/Building Code/Sprinkler/Facade Upgrade Cost:	284,000
APPLICATION REQUIREMENTS:	
Please attach the following:	
<input checked="" type="checkbox"/> Certificate of Title	
<input checked="" type="checkbox"/> Cover letter outlining scope of work	
<input checked="" type="checkbox"/> Scaled drawing(s) of proposed work (four sets).	
<input checked="" type="checkbox"/> A total construction cost estimate - itemized (preference is to be completed by an architect, engineer or building contractor). Receipts will be required at project completion to verify estimate accuracy.	
<input checked="" type="checkbox"/> Letter from professional structural engineer certifying seismic upgrading costs if applicable. The cost estimate should be based on the NRC-CNRC Guidelines for Seismic Evaluation of Existing Buildings.	
<input checked="" type="checkbox"/> Colour photographs of building exterior (where external building alterations proposed).	
<input checked="" type="checkbox"/> Colour sketch (where external building alterations proposed).	
<input checked="" type="checkbox"/> Material and colour samples (where external building alterations proposed).	
<input checked="" type="checkbox"/> Application fee of \$250.00 to be paid upon approval in principle of the project (Bylaw # 1752).	
The Town of Ladysmith reserves the right to decline approval of applications not in keeping with the Revitalization Tax Exemption Program guidelines.	
I, being the registered owner <input checked="" type="checkbox"/> or authorized agent <input type="checkbox"/> make this application.	
(If applicant is not the registered owner, a letter of authorization from the owner is required before the application can be processed)	
Signature of Applicant:	Date: 12/2/2024

Redacted

ATTACHMENT A



Engineers

December 3, 2024

Sarah Ramoure
c/o Robert Fung
Salient Group
225 – 209 Carrall Street
Vancouver BC V6B 2J2

Dear Sarah,

RE: Island Hotel – Heritage Façade Tax Exemption
440 1st Avenue, Ladysmith, BC

RJC No. VIC.136237.0001

1.0 Structural

We understand that as part of redeveloping the above-noted site, the owning group would like to apply for a tax exemption on work required to maintain and seismically improve the historic brick façade.

Heatherbrae Buildings, the general contractor for the proposed renovations, has provided the following cost estimates:

PROPOSED COST ESTIMATE		
Brick Restoration	\$	209,000
Cornice Restoration	\$	50,000
Tie Existing Façade to New Structure	\$	25,000
Total Fee	\$	284,000

RJC has reviewed Heatherbrae's cost estimates and believes they are accurate and comprehensive of the work required to repair and improve the historic façade of the Island Hotel.

ATTACHMENT A

Island Hotel – Heritage Façade Tax Exemption

440 1st Avenue, Ladysmith, BC



Please contact the undersigned if you have any questions.

Yours truly,

READ JONES CHRISTOFFERSEN LTD.

EGBC Permit to Practice No. 1002503

Aaron Post, P.Eng.

Project Engineer

ADP/sd

ATTACHMENT B

TOWN OF LADYSMITH



“Revitalization Tax Exemption Bylaw 2007, No. 1625”

*Consolidated Version as on October 13, 2015
(This consolidation is authorized by “Bylaw Revision Bylaw 2022, No. 2090”)*

*Consolidated for Convenience Only
This consolidation is not a legal document. Certified copies of the original bylaws should be
consulted for all interpretations and applications of the bylaws of this subject*

October 15, 2007

Includes Amendment Bylaw Nos.: 1664, 1838, 1892, 2181

ATTACHMENT B

TOWN OF LADYSMITH

BYLAW NO. 1625

A Bylaw to establish a revitalization tax exemption program.

WHEREAS the Council of the Town of Ladysmith may, for the purposes of maintaining our heritage theme and encouraging investment within the Downtown Core without triggering increased taxation, adopt a Bylaw pursuant to Section 226 of the *Community Charter* partially exempting eligible revitalized properties from taxation;

AND WHEREAS Council wishes to support the revitalization of the commercial and primarily commercial buildings in the Downtown Core and Downtown Mixed Use areas as defined in the Official Community Plan, as outlined in Schedule “A”,

AND WHEREAS Council wishes to support the revitalization of the properties listed in the attached Schedule “B” by exempting such land and buildings from municipal property taxes calculated on the increase in assessed value, from the base year, due to the revitalization,

AND WHEREAS the properties indicated in the attached Schedule “B” are subject to a Covenant under Section 219 of the *Land Title Act* that relates to the conservation of heritage property;

AND WHEREAS pursuant to Section 226(5)(a)(iii) of the *Community Charter*, the Bylaw under Section 226 may provide that in certain circumstances the owner of the land must repay the taxes exempted under the Bylaw and the owner of the eligible property to which this Bylaw applies has consented to the inclusion of such a provision in the exemption agreement;

AND WHEREAS Section 227 of the *Community Charter* requires that notice be provided of the creation of such a revitalization tax exemption, and such notice has been provided;

NOW THEREFORE, in open meeting assembled, Council of the Town of Ladysmith **ENACTS AS FOLLOWS:**

1. This bylaw may be cited for all purposes as “*Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625*”.
2. In this bylaw:

“Agreement” means a revitalization tax exemption agreement between the owner of a Parcel and the Town, in a format similar to the attached Schedule “C”;

ATTACHMENT B

“Commercial” means commercial use as defined in the Town of Ladysmith Zoning Bylaw 1995, No. 1160 as amended, consolidated or replaced from time to time;

“Council” means the council of the Town of Ladysmith;

“Parcel” means a legal parcel within the Revitalization Area upon which an owner proposes a Project;

“Primarily Commercial” means a commercial activity occupies main floor, alternate use of remainder of building may be considered at Council’s discretion;

“Project” means a revitalization project on a Parcel involving the construction of an alteration of an existing improvement;

“Revitalization Area” means the properties included in the Downtown Core and Downtown Mixed Use as defined in the Official Community Plan, as amended, consolidated or replaced from time to time, as shown on Schedule “A”, which is attached to and forms part of this Bylaw;

“Tax Exemption” means a municipal revitalization tax exemption pursuant to a Tax Exemption Certificate;

“Tax Exemption Certificate” means a revitalization tax exemption certificate issued by the Town pursuant to this Bylaw and pursuant to the provisions of Section 226 of the *Community Charter*, in the form attached as Schedule “D”, which is attached to and forms part of this Bylaw.

3. There is hereby established a revitalization tax exemption program under section 226 of the *Community Charter* for the issuance of Tax Exemption Certificates for the Parcels.
4. The terms and conditions upon which a Tax Exemption Certificate may be issued are as set out in this Bylaw, in the Agreement and in the Tax Exemption Certificate.
5. The amount of the annual Tax Exemption shall be equal to the municipal taxes payable on the increase in the assessed value of improvements on the Property, due to the revitalization between:
 - (a) the year before the commencement of construction of the Project, and
 - (b) the year following the year in which the tax exemption certificate is issued,subject to the maximum aggregate exemption prescribed by the formula in section 226 (5) (b) of the *Community Charter*.

ATTACHMENT B

6. In order for a Project to be considered by Council for an Agreement the Project must, at a minimum, have a construction value of at least \$15,000 and the land use into which the Project is intended to fit must be one of the uses permitted in the Town of Ladysmith Zoning Bylaw 1995, No. 1160 as amended, consolidated or replaced from time to time.
7. Subject to early cancellation of the Certificate as per section 9:
 - (a) If the Certificate is issued before October 30th of the current year, then the Tax Exemption will be available for the following calendar year;
 - (b) The maximum term of the exemption shall be 10 years and shall be calculated as follows:
$$\text{Term of exemption (\# of years)} = \frac{\text{Cost of seismic/building code/sprinkler/façade upgrade}}{\text{Estimated increase in municipal taxes due to revitalization}}$$
8. If an owner wishes Council to consider entering into an Agreement with the owner, the owner must apply to the Director of Financial Services in writing and must submit the following with the application:
 - (a) a certificate that all taxes assessed and rates, charges and fees imposed on the Parcel have been paid, and, where taxes, rates or assessments are payable by instalments, that all instalments owing at the date of application have been paid;
 - (b) a completed written application in a form prescribed by the Town and available in the office of the Director of Financial Services or Manager of Development Services;
 - (c) a description of the Project;
 - (d) a certificate from the owner's design professional in a form satisfactory to the Town's Director of Financial Services certifying that the construction value of the Project will exceed \$15,000.00; and
 - (e) a fee in the amount prescribed by the Town of Ladysmith "Fees and Charges Bylaw 2007, #1626", payable upon approval in principle of the Project.
9. If, pursuant to the terms and conditions specified in the Agreement or the Certificate, the Certificate is cancelled, the owner of the property for which the certificate was issued will remit to the Town an amount equal to the value of the exemption received after the date of the cancellation of the certificate.

ATTACHMENT B

10. The Director of Financial Services for the Town or her designate is the designated municipal officer for the purpose of Section 226 (12) in the *Community Charter*.

READ A FIRST TIME on the 17th day of September, 2007

READ A SECOND TIME on the 17th day of September, 2007

READ A THIRD TIME on the 17th day of September, 2007

ADOPTED on the 15th day of October, 2007

Mayor (R. Hutchins)

Acting Manager of Corporate Services (T. Kaul)

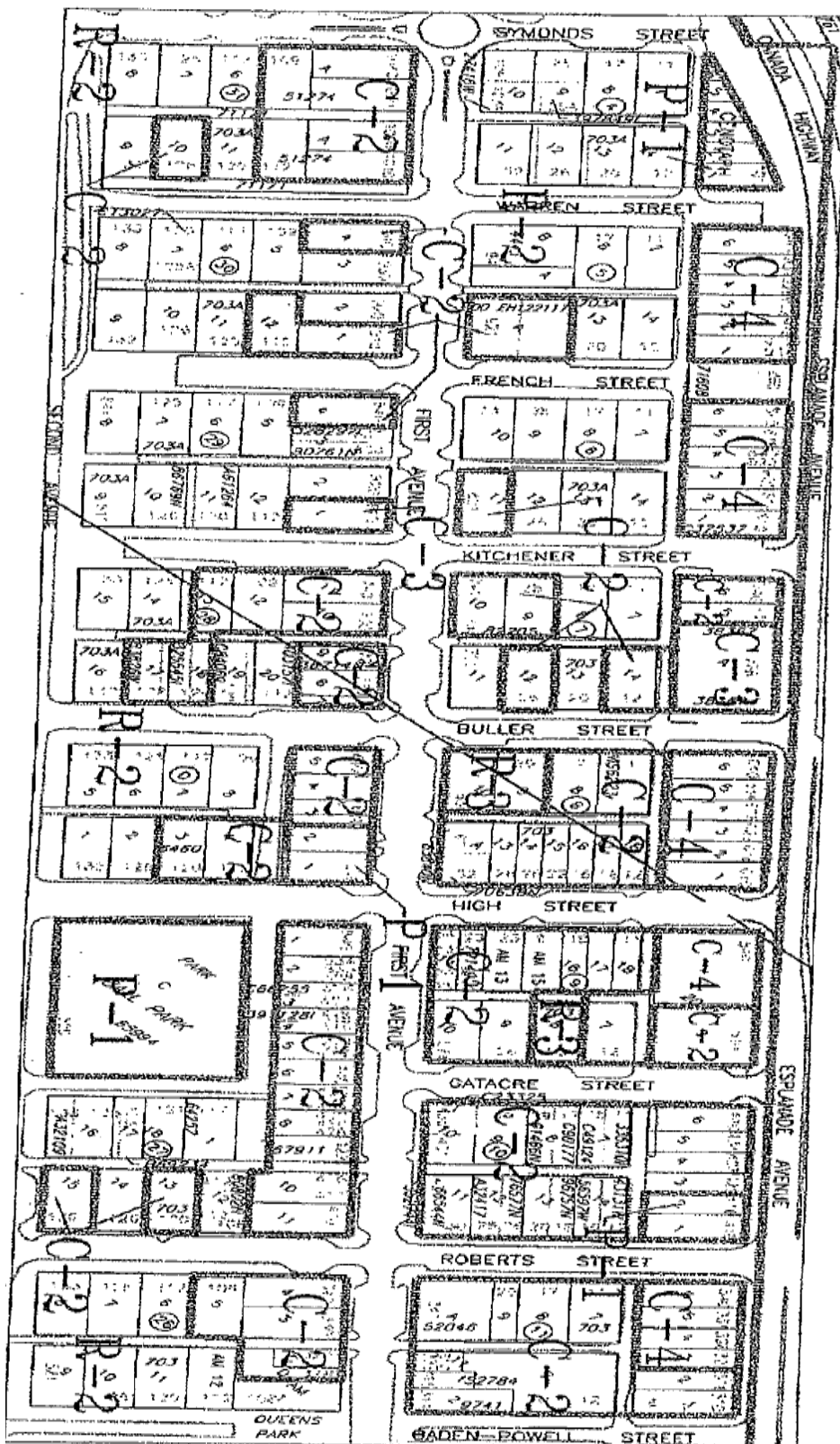
I hereby certify this to be a true and correct copy of "Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625".

Acting Manager of Corporate Services

ATTACHMENT B

Schedule "A"

REVITALIZATION AREA



ATTACHMENT B

Schedule "B"

REVITALIZATION TAX EXEMPTION PROGRAM

SCHEDULE OF ELIGIBLE PROPERTIES

Bylaw 2181

~~*Bylaw 1892*~~

~~*Bylaw 1838*~~

~~*Bylaw 1664*~~

Town of Ladysmith Bylaw No. 2181

Schedule "B"

Owner	Property Description
1639555 Alberta Ltd	341 1st Ave Lot A, District Lot 56, Plan VIP52046, Oyster Land District Folio 0126.000
Temperance Group Investments	32 High Street Lot A, Block B, District Lot 56, Plan VIP703, Oyster Land District, (DD 65840N), lying to the SE of a boundary parallel to & perpendicularly distant 64 ft from the s easterly boundary of said lot

ATTACHMENT B

Schedule "C"

REVITALIZATION TAX EXEMPTION AGREEMENT

THIS AGREEMENT dated for reference the__day of_____, 2007 is

BETWEEN:

(the "Property Owner")

AND:

TOWN OF LADYSMITH

410 Esplanade, PO Box
220 Ladysmith, BC
V9G 1A2

(the "Town")

GIVEN THAT:

- A. The Property Owner is the registered owner in fee simple of lands in the Town of Ladysmith at
[civic address] legally described as *[legal description]* (the "Property");
- B. Council has established a revitalization tax exemption program in the downtown area as defined as the properties within the boundary of the downtown core. The boundary of the revitalization area is described as the area between Esplanade Avenue and Second Avenue from Symonds Street to Baden-Powell Street;
- C. Council's objective in providing the commercial properties within the boundary of the downtown core as a revitalization area is to maintain our heritage theme and encourage investment within the Downtown Core without triggering increased taxation; and
- D. The Property Owner proposes to alter an existing improvement on the Property as described in Schedule "A" to this Agreement (the "Project") and has applied to the Town to partake in the revitalization tax exemption program in respect of this Project and the Town has agreed to accept the Project under the program;

ATTACHMENT B

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Property Owner and the Town covenant and agree each with the other as follows:

1. **The Project** – The Property Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, and, without limiting the generality of the foregoing, the Property Owner covenants to use its best efforts to ensure that the Project will:

(a)

(b)

(c)

2. **Operation and Maintenance of Project** – Throughout the term of the Tax Exemption the Property Owner must operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.

3. **Revitalization Tax Exemption** – Subject to fulfillment of the conditions set out in this Agreement and in the Bylaw, the Town will issue a revitalization tax exemption certificate (the “Certificate”) to the Property Owner entitling the Property Owner to a property tax exemption in respect of the Property (the “Tax Exemption”) in an amount and for the calendar years set out in this Agreement. The Certificate will be in the form attached to this Agreement as Schedule “B”.

4. **Conditions** – The following conditions must be fulfilled before the Town will issue a Certificate to the Property Owner:

- a) The Property Owner must provide the Town with a certificate from the Property Owner’s design professional (if applicable), in form and content satisfactory to the Town’s Director of Financial Services, certifying the actual cost to construct the completed Project.
- b) All property taxes, business licenses, and user fees must be paid in full before approval in principle is given and throughout the term of the agreement.

ATTACHMENT B

- c) The Property Owner must obtain a building permit from the Town for the Project and begin construction within one year of approval in principle;
- d) The Property Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict accordance with the building permit and the plans and specifications attached hereto as Schedule "A" and the Project must be inspected by the Town building inspector and certified complete, by no later than two years following approval in principle;
- e) The building alteration must be substantially underway within one year of the tax exemption approval in principle and completed within two years;
- f) The completed Project must substantially satisfy the performance criteria set out in Schedule "C" hereto, as determined by the Town's Manager of Development Services and Building Inspector;
- g) Variations from the original construction plan, bylaw infractions or poor quality work may result in rescinding of the tax exemption approval;
- h) In order to protect the interests of the community, a Heritage Conservation Covenant will be requested to be placed on the property to ensure the building's long term protection and use. (Include if applicable) Although not required, Heritage designation will also be encouraged. An example of a Heritage Conservation Covenant is attached as Schedule "D";
- i) Any changes or upgrades made to the structure of the building due to the improvements must comply with the BC Building Code and the Town's Sign and Canopy Bylaw. A complete guide to construction requirements for downtown development is available upon request;
- j) Upon completion of the work, final inspection and confirmation of adherence to all bylaws and receipt of all final invoices, *registration of a heritage conservation covenant* (include if applicable) and completion of an exemption agreement, the tax exemption bylaw shall be adopted by Council. An exemption certificate will then be issued and forwarded to the BC Assessment Authority.

ATTACHMENT B

5. **Calculation of Revitalization Tax Exemption** – The amount of the tax exemption shall be equal to the Municipal taxes payable on the amount of any increase in the assessed value of improvements on the Property, due to the revitalization, between:

- (a) the year before commencement of construction of the Project, and
- (b) the year following the year in which the tax exemption certificate is issued.

6. **Maximum Revitalization Tax Exemption** - The maximum municipal tax exemption shall not exceed the total cost of the improvements or the increase in municipal taxes payable due to the revitalization.

7. **Term of Revitalization Tax Exemption** – Subject to early cancellation of the Certificate under section 10:

- (a) If the Certificate is issued before October 30th of the current year, then the Tax Exemption will be available for the following calendar year;
- (b) The maximum term of the exemption shall be 10 years and shall be calculated as follows:

$$\text{Term of exemption} = \frac{\text{Cost of seismic/building code/sprinkler/façade upgrade (\# of years)}}{\text{Increase in Municipal Taxes Due to Revitalization}} \quad \text{Estimated}$$

8. **Compliance with Laws** – The Property Owner will construct the Project and, at all times during the term of the Tax Exemption, use and occupy the Property and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules, regulations, policies, guidelines, criteria or the like made under or pursuant to any such laws.

9. **Effect of Stratification** – If the Property Owner stratifies the Property under the *Strata Property Act* the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:

- a) The current and each subsequent tax year during the currency of this Agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or

ATTACHMENT B

- b) For the next calendar year and each subsequent tax year during the currency of this Agreement if the strata plan is accepted for registration at the Land Title Office after May 1.

10. **Cancellation** – The Town may in its discretion cancel the Certificate at any time:

- a) On the written request of the Property Owner; or
- b) Effective immediately upon delivery of a notice of cancellation to the Property Owner if at any time any of the conditions in the Exemption Certificate or the Exemption Agreement are not met.

11. **Repayment of Exempt Taxes** - During the term of the tax exemption bylaw, the tax exemption amount received by the owner must be repaid to the Town if the building is destroyed or altered without proper authorization from the Town (other than by a natural disaster), *or if the Heritage Conservation Covenant is rescinded by Council at the request of the owner* (include if applicable). In either of these circumstances, the exemption certificate will be cancelled. If such cancellation occurs, the owner of the property for which the certificate was issued will remit to the Town an amount equal to the total value of the exemption received.

12. **No Refund** – For greater certainty, under no circumstances will the Property Owner be entitled under or pursuant to this Agreement or under or pursuant to the revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.

13. **Notices.** Any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Property, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

14. **in the case of a notice to the Town, at:**

THE TOWN OF LADYSMITH
410 Esplanade, PO
Box 220 Ladysmith,
BC V9G 1A2

Attention:

Facsimile:

ATTACHMENT B

15. **in the case of a notice to the Property Owner, at:**

Attention:

Facsimile:

or at such other address or addresses as the party to whom such notice or other writing is to be given shall have last notified the party giving the same in the manner provided in this section.

Any notice or other writing sent in compliance with this section shall be deemed to have been given and received on the day it is given unless that day is not a Business Day, in which case the notice shall be deemed to have been given and received on the next day that is a Business Day. In this section, "Business Day" means any day other than Saturday, Sunday, any statutory holiday in the Province of British Columbia or any day on which banks generally are not open for business in Ladysmith, British Columbia.

16. **No Assignment** - The Property Owner may not assign its interest in this Agreement except to a subsequent owner in fee simple of the Property.

17. **Severance** - If any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

18. **Interpretation** - Wherever the singular or masculine is used in this Agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so required.

19. **Further Assurances** - The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.

20. **Waiver** - Waiver by the Town of a default by the Property Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.

21. **Powers Preserved** - This Agreement does not

- (a) affect or limit the discretion, rights or powers of the Town under any enactment (as defined in the *Interpretation Act*, R.S.B.C. 1979, c.206, on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Land;

ATTACHMENT B

- (b) affect or limit any enactment relating to the use or subdivision of the Property, or
- (c) relieve the Property Owner from complying with any enactment, including in relation to the use or subdivision of the Property, and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges application fees, user fees or other rates, levies and charges payable under any bylaw of the Town.

22. **References** - Every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.

23. **Enurement** - This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

Signed, Sealed and Delivered by
the TOWN OF LADYSMITH by its
authorized signatories:

Mayor:

Manager of Corporate Services:

Signed, Sealed and Delivered
by its authorized signatories:

Name:

Name:

ATTACHMENT B

Schedule "D"

REVITALIZATION TAX EXEMPTION CERTIFICATE

REVITALIZATION TAX EXEMPTION CERTIFICATE

Section 226 of the *Community Charter*, SBC 2003, c. 26

In accordance with the Town of Ladysmith Revitalization Tax Exemption Bylaw No. 1625 and in accordance with the Revitalization Tax Exemption Agreement dated for reference the _ day of _ 20 (the "Agreement") entered into between the Town of Ladysmith (the "Town") and (the "Owner"), the registered owner(s) of the property described below, this certificate certifies that the Property (as defined below) is subject to a revitalization tax exemption in an amount equal to the amount of any increase in municipal property taxes which would otherwise be payable as a result of any increase in the assessed value of improvements on the Property, due to the revitalization, (as hereinafter defined) between *[the calendar year before the commencement of construction of the project]* and *[the calendar year following the calendar year in which this Certificate is issued]* (the "Tax Exemption"), subject to the maximum aggregate exemption prescribed by the formula in Section 226 (5) (b) of the *Community Charter*.

The Property to which the Tax Exemption applies is in the Town of Ladysmith and is legally described as: PID_, Lot_, Block_, District Lot_, Plan (the "Property").

The Tax Exemption is for the _ calendar years commencing with the year__ and ending with the year_.

The Tax Exemption is provided on the following conditions:

- A. the Owner does not breach any covenant or condition in the Agreement and performs all obligations to be performed by the Owner set out in the Agreement;
- B. the Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Property without the transferee taking an assignment of the Agreement, and agreeing to be bound by it;

ATTACHMENT B

- C. the Owner, or a successor in title to the Owner, has not allowed the property taxes for the Property to go into arrears or to become delinquent;
- D. the Owner, or a successor in title to the Owner, does not apply to amend the Ladysmith Zoning Bylaw 1160, as amended, consolidated or replaced from time to time, to rezone the Property from its zoning to any other zone;
- E. the Property is not put to any use that is not permitted in the Downtown Core.

If any of these conditions are not met then the Council of the Town of Ladysmith may cancel this Revitalization Tax Exemption Certificate. If such cancellation occurs, the owner of the property for which the certificate was issued will remit to the Town an amount equal to the value of the exemption received after the date of the cancellation of the certificate.

STAFF REPORT TO COUNCIL

Report Prepared By: Financial Services
Meeting Date: August 5, 2025
File No: 1970-04-25-02
Re: Revitalization Tax Exemption – 101 Gladden Rd

RECOMMENDATION:

That Council:

1. Approve entering into a Revitalization Tax Exemption Agreement – Economic with Western Forest Products for the property located at 101 Gladden Road, folio 0904.000; and
2. Direct staff to amend the language in “Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807” to require an application to be received at the time of building permit.

EXECUTIVE SUMMARY:

The Town has received an application from Western Forest Products for the Revitalization Tax Exemption under the economic revitalization program for the Lumber Drying Kiln.

PREVIOUS COUNCIL DIRECTION:

CS 2019- 247	2019- 07-08	<p>That Council direct staff to amend the Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807 to include a 10 year exemption for the following conditions:</p> <ol style="list-style-type: none"> 1. Property owners must invest a minimum of \$2.5 million dollar in new construction improvements; 2. The municipal property tax exemption in years 1 through 5 will be 100% on the increased assessed value; 3. The municipal property tax exemptions in years 6 through 10 will decrease by 10% each year as outline in the staff report (Declining Exemption after 5 years – option B); and 4. The construction project must commence after July 1, 2019.
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INTRODUCTION/BACKGROUND:

Tax Revitalization Programs are permitted under section 226 of the *Community Charter*. This section requires the municipality to establish a revitalization program bylaw that sets out the goals and objectives of the program and the kinds of activities or properties that will be eligible for tax exemptions, as well as the amount, term and extent of the exemptions.

In 2016, the Town established the "Town of Ladysmith Revitalization Tax Exemption Bylaw – Economic Revitalization Bylaw 2012, No. 1807". The purpose of this program is to:

- Stimulate construction and alteration of buildings within Ladysmith; and
- Encourage new business investment in commercial and industrial used lands and, in turn, encourage new employment; and
- Promote a higher standard of urban design within business areas and employment areas in order to increase the attractiveness of these locations; and
- Generally reinforce the Town's commitment to economic revitalization.

The original bylaw allowed for an exemption for 5 years. In 2019, a further amendment extended it another 5 years providing \$2,500,000 was spent. There is currently one property (902 Ludlow Rd) receiving the 10-year exemption. Previously, one other property (1030 Oyster Bay Dr) took advantage under the 5-year program.

The application from Western Forest Products was received on July 16, 2025, noting the Saltair Continuous Dry Kiln as the qualifying project. The building permit for this work was applied for in 2023, valued at \$9.2 million, though staff are awaiting confirmation of final costs. This value would qualify for the 10-year exemption. The work was completed in 2024.

Western Forest Products believes their Kiln project meets the objectives of the bylaw because it:

- Stimulates building within Ladysmith;
- Uses industrial lands to add to the municipal tax base; and
- Demonstrates that long-term capital investments are made.

The intent of the bylaw is to encourage or incentivize economic investment in specific areas. Applications for projects that are complete are not providing an investment incentive. Since the assessed value on completed projects is already included in the assessment roll, decreasing this value due to a revitalization tax exemption will result in a tax increase for other owners. Staff are requesting direction to strengthen the language in the bylaw to remove the option to apply for an exemption after a project has commenced.

ALTERNATIVES:

Council can choose to:

1. Provide the exemption and keep the bylaw status quo:
That Council approve entering into a Revitalization Tax Exemption Agreement – Economic with Western Forest Products for the property located at 101 Gladden Road, folio 0904.000.
2. Provide the exemption, add an application deadline and direct staff to increase future thresholds:
That Council:

1. Approve entering into a Revitalization Tax Exemption Agreement – Economic with Western Forest Products for the property located at 101 Gladden Road, folio 0904.000;
 2. Direct staff to amend the language in Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807 to require an application to be received at the time of building permit; and
 3. Increase the 5-year exemption threshold to \$500,000 and the 10-year exemption to \$5,000,000.
3. Provide the exemption and add a sunset clause for this Bylaw:
- That Council:*
1. Approve entering into a Revitalization Tax Exemption Agreement – Economic with Western Forest Products for the property located at 101 Gladden Road, folio 0904.000;and
 2. Direct staff to amend the bylaw to add a sunset provision date of November 1, 2025.

FINANCIAL IMPLICATIONS:

Section 5 of the Bylaw states:

The maximum amount of the annual Tax Exemption shall be equal to the municipal portion of property taxes imposed under section 197(1)(a) of the Community Charter on that part of the Assessed Value calculated by deducting the Baseline Assessment from the current Assessed Value and multiplying the difference by the current municipal tax rate.

The property assessment from BC Assessment lists the property at 101 Gladden as:

	2022	2023	2024	2025
Class 4 - Major Industry	4,944,000	5,558,000	5,783,000	6,265,000
Class 5 - Light Industry	2,788,000	3,355,000	3,465,000	3,777,000
Class 6 - Business	1,226,600	1,581,900	1,625,800	1,820,100
Total	8,958,600	10,494,900	10,873,800	11,862,100
Gross taxes (all)	554,263	574,220	632,010	631,122
Gross municipal taxes	478,177	483,906	520,832	501,978

The building permit for the renovations that qualify for the exemption was issued in 2023, meaning that the baseline assessment is 2022.

Normally, the exemption is put in place at the same time as the building permit is issued and there is minimal impact to the Town financially. As this application is after the fact, there will be a financial impact as the Town has already received the 2024 and 2025 tax payments based on the increased assessment, which will now be adjusted back to the baseline assessment.

The Town's financial plan bylaw includes policy statements that further complicate an exemption. In accordance with the policy, the percentage of taxes collected from class 4 (major industry class) is targeted to decrease each year. Should Council approve the revitalization exemption, there will be minimal impact to class 4 as 11.3% of taxes will still be collected by this property class. As there are only 4 properties in this class, the other owners in this group will make up any difference unless the policy is amended. Class 5 & 6 properties will see a shift of approximately \$15,000 that other properties will need to absorb.

LEGAL IMPLICATIONS:

The Revitalization Agreement template is set by bylaw. If approved, staff will ensure the agreement is prepared and a tax exemption certificate is issued prior to the deadline of October 31, 2025 to be in effect for the 2026 tax year.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Planning and Building Departments have already been involved with this project. If approved, the Finance Department will lead the next steps in the Revitalization Tax Exemption process.

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:

- A. Consolidated Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807.

ATTACHMENT A

TOWN OF LADYSMITH



“Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807”

*Consolidated Version as on October 21, 2019
(This consolidation is authorized by “Bylaw Revision Bylaw 2022, No. 2090”)*

*Consolidated for Convenience Only
This consolidation is not a legal document. Certified copies of the original bylaws should be
consulted for all interpretations and applications of the bylaws of this subject*

September 17, 2012
Includes Amendment Bylaw Nos.: 2016

ATTACHMENT A

TOWN OF LADYSMITH BYLAW NO. 1807

A Bylaw to Establish a Revitalization Tax Exemption – Economic Program

WHEREAS Council may, by bylaw, establish a revitalization tax exemption program;

AND WHEREAS Council wishes to establish a revitalization tax exemption for economic revitalization in order to encourage the commercial and industrial redevelopment of those areas, identified in Schedule “A” of this Bylaw, which are experiencing challenges in attracting and retaining investment;

AND WHEREAS Council wishes that the following objectives of the program be established by this Bylaw:

- To stimulate construction and alteration of buildings within Ladysmith; and
- To encourage new business investment in commercial and industrial used lands and, in turn, encourage new employment; and
- To promote a higher standard of urban design within business areas and employment areas in order to increase the attractiveness of these locations; and
- Generally reinforce the Town’s commitment to economic revitalization.

AND WHEREAS Council has included within this Bylaw a description of the reasons for and objectives of the program and a description of how the program is intended to accomplish the objective, as required by the section 227 of the *Community Charter* and consider this bylaw in conjunction with the objectives and policies set out in section 165 (3.1)(c) of the *Community Charter* and in the Town’s financial plan.

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

Eligible Development

1. For the purposes of this Bylaw, any proposed development that occurs within the lands shown in coloured shading with assessment class of either Class 4 (Major Industry), Class 5 (Light Industry), or Class 6 (Business/Other) on Schedule A attached to and forming part of this Bylaw constitutes a class of eligible development for that purpose.
2. In this bylaw:

ATTACHMENT A

“Town of Ladysmith Revitalization Tax Exemption
– Economic Revitalization Bylaw 2012, No.1807”

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“Assessed Value”	means the most recent assessed value of the Parcel for land and improvement as determined by the BC Assessment Authority
“Baseline Assessment”	means the last published assessed value of the Parcel for land and improvements prepared by the BC Assessment immediately before the commencement of the Project;
“Commercial and Industrial Use”	means a Parcel classed by BC Assessment as Class 4, 5 or 6 and located within the Revitalization Area;
“Council”	means the council of the Town of Ladysmith;
“Parcel”	means a legal parcel within the Revitalization Area upon which an owner proposes a Project;
“Project”	means an eligible revitalization Project on a Parcel involving the construction or alteration of an existing improvement;
“Revitalization Area”	means those areas included with the areas shown shaded on Schedule “A”

ATTACHMENT A

“Tax Exemption” means a municipal revitalization tax exemption pursuant to a Tax Exemption Certificate;

“Tax Exemption Certificate” means a revitalization tax exemption certificate issued by the Town pursuant to this Bylaw and pursuant to the provisions of Section 226 of the Community Charter, in the form attached as Schedule “C”, which is attached to and forms part of this Bylaw.

3.

The Program is hereby established pursuant to the provisions of section 226 of the *Community Charter* which is intended to achieve its objectives by providing property tax relief to property owners who undertake eligible construction within the Revitalization Area.

4. The terms and conditions upon which a Tax Exemption Certificate may be issued are as set out in this Bylaw, in the Agreement and in the Tax Exemption Certificate.

Bylaw 2016

5. The maximum amount of the annual Tax Exemption shall be equal to the municipal portion of property taxes imposed under section 197(1)(a) of the *Community Charter* on that part of the Assessed Value calculated by deducting the Baseline Assessment from the current Assessed Value and multiplying the difference by the current municipal tax rate.

6. The Revitalization Tax Exemption shall not include an exemption from any parcel tax, local service tax or business improvement area tax payable in the designated area in which the Parcel is located.

Bylaw 2016

7. Council may provide a Tax Exemption under this Bylaw to an owner of eligible lands where:

a) The Parcel is the subject of a building permit for construction of a new building or improvement or alteration of an existing building or improvement having a project value, as determined by the building inspector, of \$200,000 (two hundred thousand dollars) or greater for the portion that is deemed the eligible Project;

b) The Project is for a use that:

- i. is one of the uses permitted in the applicable zone for the Parcel, as set out in the Town of Ladysmith Zoning Bylaw as amended from time to time;
- ii. is consistent with the future land use designation for the Parcel, as set out in the Official Community Plan Bylaw as amended from time to time; and
- iii. meets all other applicable Town policies and bylaws;

c) The owner of the Parcel enters into a Revitalization Tax Agreement with the Town substantially in the form attached to this Bylaw as Schedule “B”; and

d) The building permit was issued after July 1, 2019, and the Occupancy Permit is issued within two (2) years following the issuance of the building permit.

ATTACHMENT A

“Town of Ladysmith Revitalization Tax Exemption
– Economic Revitalization Bylaw 2012, No.1807”

Page 3

Bylaw 2016

8. This Bylaw does not apply to:

- a) a Parcel currently subject to another tax exemption from the Town; and
- b) a Parcel in respect of which there are property taxes in arrears.

Bylaw 2016

9. The maximum term of a Tax Exemption shall be:

- a) five (5) years for Projects valued greater than \$200,000 (two hundred thousand dollars) and less than \$2,500,000 (two million five hundred thousand dollars), at 100% of the maximum tax exemption calculated under Section 5; and
- b) ten (10) years for Projects valued greater than \$2,500,000 (two million five hundred thousand dollars) as follows:
 - i. Years 1 through 5 at 100% of the maximum tax exemption calculated under Section 5;
 - ii. Year 6 at 90% of the maximum tax exemption calculated under Section 5;
 - iii. Year 7 at 80% of the maximum tax exemption calculated under Section 5;
 - iv. Year 8 at 70% of the maximum tax exemption calculated under Section 5;
 - v. Year 9 at 60% of the maximum tax exemption calculated under Section 5; and
 - vi. Year 10 at 50% of the maximum tax exemption calculated under Section 5.

10. The Tax Exemption is attached to the Parcel and is transferrable to subsequent property owner within the term of the Agreement.

11. If an owner wishes Council to consider entering into an Agreement with the owner, the owner must apply to the Director of Financial Services in writing and must submit the following with the application:

- a) a certificate that all taxes assessed and rates, charges and fees imposed on the Parcel have been paid, and, where taxes, rates or assessments are payable by instalments, that all instalments owing at the date of application have been paid; and
- b) a completed written application in a form prescribed by the Town; and
- c) a description of the Project from the owner's design professional in a form acceptable to the Town, including details regarding the extent and value of the applicable portion of the Project certifying that the construction value of the Project will exceed \$200,000, which will be confirmed through the building permit process; and
- d) a fee in the amount prescribed by the Town of Ladysmith “Fees and Charges Bylaw 2007, No. 1644”, payable upon approval in principle of the Project.

12. Once the requirements established under this Bylaw and the Tax Exemption Agreement have been fulfilled, a Tax Exemption Certificate must be issued for the Parcel in the form attached as Schedule “C” attached to and forming part of this Bylaw.

ATTACHMENT A

“Town of Ladysmith Revitalization Tax Exemption
– Economic Revitalization Bylaw 2012, No.1807”

Page 4

13. A Tax Exemption Certificate issued for the Parcel is subject to the condition that all of the conditions set out in the Agreement continue to be met.
14. A Tax Exemption Certificate may be cancelled by Council if any of the conditions set out in the Agreement are not met.
15. During the term of the Bylaw, the tax exemption amount received by the owner must be repaid to the Town if the building is destroyed or altered without proper authorization from the Town (other than by a natural disaster) or if the use of the building on the Property is discontinued for a period of more than three (3) months. In either of these circumstances, the exemption certificate will be cancelled. If such cancellation occurs, the owner of the property for which the certificate was issued will remit to the Town an amount equal to the total value of the current year exemption received under this Agreement within 30 days of cancellation. If the amount is not paid within that 30 day period, any amount unpaid will bear interest at a rate of 1.0% per month, compounded annually.
16. The Director of Finance for the Town is designated the municipal officer for the purpose of section 226(13) of the *Community Charter*.

Citation

17. This Bylaw may be cited for all purposes as “Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No 1807”.

READ A FIRST TIME	on the	4 th	day of	September,	2012
READ A SECOND TIME	on the	4 th	day of	September,	2012
READ A THIRD TIME	on the	4 th	day of	September,	2012
ADOPTED	on the	17 th	day of	September,	2012

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

ATTACHMENT A

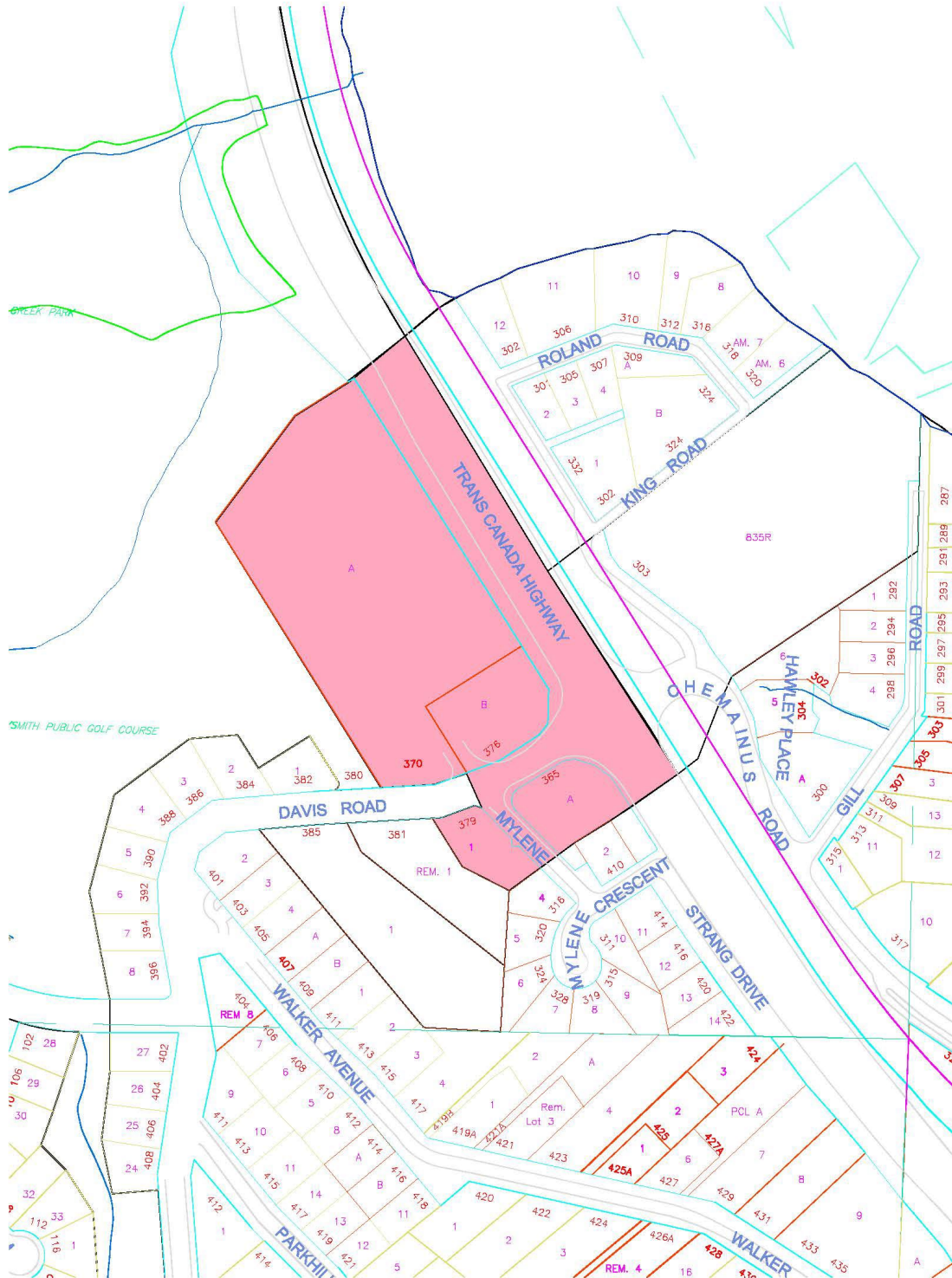
“Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807”
Schedule “A” – Designated Areas

Schedule A Designated Areas



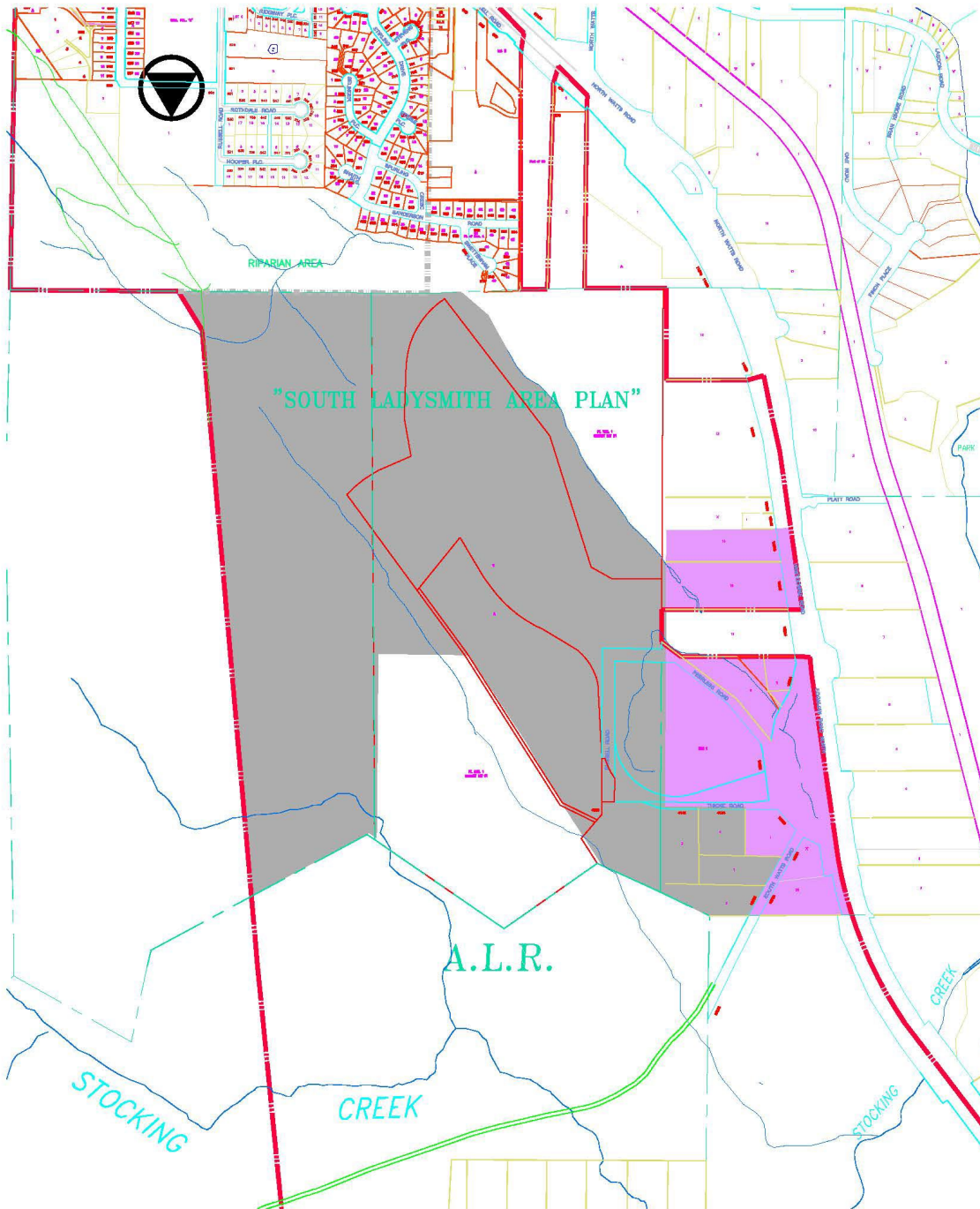
ATTACHMENT A

“Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807”
Schedule “A” – Designated Areas



ATTACHMENT A

“Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807”
Schedule “A” – Designated Areas



ATTACHMENT A

“Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807”
Schedule “B” – Revitalization Tax Exemption Agreement

Bylaw 2016

Schedule “B” Revitalization Tax Exemption - Economic Agreement

THIS AGREEMENT dated for reference the ____ day of _____, 20____ is

BETWEEN:

(the “Property Owner”)

AND:

TOWN OF LADYSMITH
410 Esplanade, PO Box 220
Ladysmith, BC
V9G 1A2

(the “Town”)

GIVEN THAT:

- A. The Property Owner is the registered owner in fee simple of lands in the Town of Ladysmith at *[civic address]* legally described as *[legal description]* (the "Property");
- B. Council has established a revitalization tax exemption program under the Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012 No. 1807, as amended (the “Bylaw”), under which the Property is included within the revitalization area; and
- C. This Agreement contains the terms and conditions respecting the granting of a municipal property tax exemption under the Bylaw;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Property Owner and the Town covenant and agree each with the other as follows:

1. In this Agreement, the following words have the following meanings:

“Assessed Value” means the most recent assessed value of the Parcel for land and improvement as determined by the BC Assessment Authority

“Baseline Assessment” means the last published assessed value of the Parcel for land and improvements prepared by the BC Assessment Authority

ATTACHMENT A

“Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807”
Schedule “B” – Revitalization Tax Exemption Agreement

	immediately before the commencement of the Project;
“Bylaw”	means Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012 No. 1807, , as amended.
“Commercial and Industrial Use”	means Parcel assessed as Class 4, 5 or 6 and located within the Revitalization Area;
“Council”	means the council of the Town of Ladysmith;
“Property”	means the lands legally described as

	;
“Project”	means an eligible revitalization Project on the Property involving the construction or an alteration of an existing improvement;
“Revitalization Area”	means a Parcel which is currently within a land use designation as indicated on Schedule “A”
“Tax Exemption”	means a municipal revitalization tax exemption pursuant to a Tax Exemption Certificate;
“Tax Exemption Certificate”	means a revitalization tax exemption certificate issued by the Town pursuant to this Bylaw and pursuant to the provisions of Section 226 of the Community Charter, in the form attached as Schedule “C”, which is attached to and forms part of the Bylaw.

1. **The Project** – The Property Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, and, without limiting the generality of the foregoing, the Property Owner covenants to use its best efforts to ensure that the Project will:
 - (a)
 - (b)
 - (c)
2. **Operation and Maintenance of Project** – Throughout the term of the Tax Exemption the Property Owner must operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.

ATTACHMENT A

“Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807”
Schedule “B” – Revitalization Tax Exemption Agreement

3. **Revitalization Tax Exemption** – Subject to fulfillment of the conditions set out in this Agreement and in the Bylaw, the Town will issue a revitalization tax exemption certificate (the “Certificate”) to the Property Owner entitling the Property Owner to a property tax exemption in respect of the Property (the “Tax Exemption”) in an amount and for the calendar years set out in this Agreement. The Certificate will be in the form attached to this Agreement as Schedule “B”.
4. **Conditions** – The following conditions must be fulfilled before the Town will issue a Tax Exemption Certificate to the Property Owner:
 - (a) The owner must obtain a building permit from the Town for the project on or before _____, 20____, and begin construction within one year on or before _____, 20____;
 - (b) The Property Owner must provide the Town with a certificate from the Property Owner’s design professional (if applicable), in form and content satisfactory to the Town’s Director of Financial Services, certifying the actual cost to construct the completed Project.
 - (c) All property taxes, business licenses, and user fees must be paid in full throughout the term of the Agreement.
 - (d) The Property Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict accordance with the building permit and the plans and specifications attached hereto as Schedule “B” and the Project must be inspected by the Town building inspector and certified complete on or before _____, 20____;
 - (e) The completed Project must substantially satisfy the performance criteria set out in Schedule “C” hereto, as determined by the Town’s Director of Development Services and Building Inspector;
 - (f) Variations from the original construction plan, Bylaw infractions or poor quality work may result in rescinding of the tax exemption approval;
 - (g) Any changes or upgrades made to the structure of the building due to the improvements must comply with all applicable bylaws;
5. **Calculation of Revitalization Tax Exemption** – the amount of the Tax Exemption shall be:
 - (a) during the taxation years _____ to _____, shall be equal to that part of the municipal portion of property taxes on that part of Assessed Value calculated by

ATTACHMENT A

“Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807”
Schedule “B” – Revitalization Tax Exemption Agreement

deducting the Baseline Assessment from the current Assessed Value and multiplying the difference by the current municipal tax rate;

- (b) if the Project is valued greater than \$2,500,000:
 - (i) for the taxation year 20__, 90% of the tax exemption provided under section 5(a);
 - (ii) for the taxation year 20__, 80% of the tax exemption provided under section 5(a);
 - (iii) for the taxation year 20__, 70% of the tax exemption provided under section 5(a);
 - (iv) for the taxation year 20__, 60% of the tax exemption provided under section 5(a); and
 - (v) for the taxation year 20__, 50% of the tax exemption provided under section 5(a).

6. **Term of Revitalization Tax Exemption** – provided the requirements of this Agreement, and of the Bylaw are met, the Tax Exemption shall be for the taxation years _____ to _____, inclusive for a maximum of 5 years for Projects valued less than \$2,500,000 or a maximum of 10 years for Projects valued greater than \$2,500,000. If the Certificate is issued before October 30th of the current year, then the Tax Exemption will be available for the following calendar year.

7. **Compliance with Laws** – The Property Owner will construct the Project and, at all times during the term of the Tax Exemption, use and occupy the Property and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules, regulations, or the like made under or pursuant to any such laws.

8. **Effect of Strata Property Act Subdivision** – If the Property Owner subdivides the Parcel under the Strata Property Act the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:

- (a) The current and each subsequent tax year during the currency of this Agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or
- (b) For the next calendar year and each subsequent tax year during the currency of this Agreement if the strata plan is accepted for registration at the Land Title Office after May 1.

ATTACHMENT A

“Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807”
Schedule “B” – Revitalization Tax Exemption Agreement

9. **Representations and Warranties** – The Owner represents and warrants to the Town that the Owner is the Owner of the Parcel for the purpose of property assessment and taxation.
10. **Cancellation** – The Town may in its discretion cancel the Certificate at any time:
 - (a) On the written request of the Property Owner; or
 - (b) Effective immediately upon delivery of a notice of cancellation to the Property Owner if at any time any of the conditions in the Exemption Certificate or the Exemption Agreement are not met.
11. **Repayment of Exempt Taxes** - During the term of the Bylaw, the tax exemption amount received by the owner must be repaid to the Town if the building is destroyed or altered without proper authorization from the Town (other than by a natural disaster) or if the use of the building on the Property is discontinued for a period of more than three (3) months. In either of these circumstances, the exemption certificate will be cancelled. If such cancellation occurs, the owner of the property for which the certificate was issued will remit to the Town an amount equal to the total value of the current year exemption received under this Agreement within 30 days of cancellation. If the amount is not paid within that 30 day period, any amount unpaid will bear interest at a rate of 1.0% per month, compounded annually.
12. **No Refund** – For greater certainty, under no circumstances will the Property Owner be entitled under or pursuant to this Agreement or under or pursuant to the revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.
13. **Notices.** Any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Property, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:
 - (i) in the case of a notice to the Town, at:

THE TOWN OF LADYSMITH
410 Esplanade, PO Box 220
Ladysmith, BC V9G 1A2

Attention: Director of Financial Services
Facsimile: 250-245-6411
 - (ii) in the case of a notice to the Property Owner, at:

Attention:
Facsimile:

ATTACHMENT A

“Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807”
Schedule “B” – Revitalization Tax Exemption Agreement

or at such other address or addresses as the party to whom such notice or other writing is to be given shall have last notified the party giving the same in the manner provided in this section.

Any notice or other writing sent in compliance with this section shall be deemed to have been given and received on the day it is given unless that day is not a Business Day, in which case the notice shall be deemed to have been given and received on the next day that is a Business Day. In this section, "Business Day" means any day other than Saturday, Sunday, any statutory holiday in the Province of British Columbia or any day on which banks generally are not open for business in Ladysmith, British Columbia.

14. **No Assignment** – The Property Owner may not assign its interest in this Agreement except to a subsequent owner in fee simple of the Property.
15. **Severance** - If any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

ATTACHMENT A

“Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807”
Schedule “B” – Revitalization Tax Exemption Agreement

16. **Interpretation** - Wherever the singular or masculine is used in this Agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so required.
17. **Further Assurances** - The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.
18. **Waiver** - Waiver by the Town of a default by the Property Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.
19. **Powers Preserved** - This Agreement does not
 - (a) affect or limit the discretion, rights or powers of the Town under any enactment (as defined in the Interpretation Act, R.S.B.C. 1979, c.206, on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Land;
 - (b) affect or limit any enactment relating to the use or subdivision of the Property, or
 - (c) relieve the Property Owner from complying with any enactment, including in relation to the use or subdivision of the Property, and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges application fees, user fees or other rates, levies and charges payable under any Bylaw of the Town.
20. **References** - Every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.
21. **Enurement** - This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

Signed, Sealed and Delivered by the
TOWN OF LADYSMITH by its
authorized signatories:

Mayor:

ATTACHMENT A

“Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807”
Schedule “B” – Revitalization Tax Exemption Agreement

Corporate Officer:

Signed, Sealed and Delivered by
by its authorized signatories:

Name:

Name:

ATTACHMENT A

“Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807”
Schedule “B” – Revitalization Tax Exemption Agreement

Appendix “A”
(Forms Part of Schedule B)
Map of Affected Parcel

ATTACHMENT A

Bylaw 2012, No. 1807
Schedule “B” – Revitalization Tax Exemption Agreement

Appendix “B”
(Forms Part of Schedule B)
Plans and Specifications for the Project

ATTACHMENT A

Bylaw 2012, No. 1807
Schedule “B” – Revitalization Tax Exemption Agreement

Appendix “C”
(Forms Part of Schedule B)
Performance Criteria for the Project

ATTACHMENT A

Bylaw No. 1807, 2012
Schedule "C" – Revitalization Tax Exemption Certificate

Bylaw 2016

Schedule "C" Revitalization Tax Exemption Certificate

Section 226 of the *Community Charter*, SBC 2003, c. 26

In accordance with the Town of Ladysmith Revitalization Tax Exemption Bylaw No. 1807, as amended (the "Bylaw"), and in accordance with the Revitalization Tax Exemption Agreement dated for reference the ___ day of _____, 20___ (the "Agreement") entered into between the Town of Ladysmith (the "Town") and

_____ (the "Owner"), the registered owner(s) of the property described below, this certificate certifies that the Property (as defined below) is subject to a revitalization tax exemption in an amount equal to:

1. For each of the taxation years 20__ to and including 20__, the municipal portion of property taxes imposed under section 197(1)(a) of the *Community Charter* on that part of the Assessed Value (as defined in the Bylaw) calculated by deducting the Baseline Assessment (as defined in the Bylaw) from the current Assessed Value and multiplying the difference by the current municipal tax rate;
2. For the taxation year 20__, 90% of the tax exemption provided under section 1 of this Certificate;
3. For the taxation year 20__, 80% of the tax exemption provided under section 1 of this Certificate;
4. For the taxation year 20__, 70% of the tax exemption provided under section 1 of this Certificate of this Certificate;
5. For the taxation year 20__, 60% of the tax exemption provided under section 1 of this Certificate;
6. For the taxation year 20__, 50% of the tax exemption provided under section 1 of this Certificate.

(the "Tax Exemption").

The Property to which the Tax Exemption applies is in the Town of Ladysmith and is legally

ATTACHMENT A

Bylaw No. 1807, 2012

Schedule "C" – Revitalization Tax Exemption Certificate

described as: _____,

CIVC ADDRESS: _____

PID _____

The Tax Exemption is provided on the following conditions:

1. the Owner does not breach any covenant or condition in the Agreement and performs all obligations to be performed by the Owner set out in the Agreement and Bylaw; and
2. the Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Property without the transferee taking an assignment of the Agreement, and agreeing to be bound by it; and
3. the Owner, or a successor in title to the Owner, has not allowed the property taxes for the Property to go into arrears or to become delinquent; and
4. the Property is not put to any use that is not permitted.

If any of these conditions are not met, then the Council of the Town of Ladysmith may cancel this Revitalization Tax Exemption Certificate. If such cancellation occurs, the Owner of the Property will remit to the Town an amount equal to the total value of the current year exemption received under this Certificate within 30 days of cancellation. If the amount is not paid within that 30 day period, any amount unpaid will bear interest at a rate of 1.0% per month, compounded annually.

TOWN OF LADYSMITH

BYLAW NO. 2212

A Bylaw to Amend "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309"

The Council of the Town of Ladysmith in open meeting assembled hereby amends "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309" as follows:

1. Replace Part X, 58(1) in its entirety with the following:

"The *Director of Development Services* may issue a *sidewalk patio permit* in the form prescribed in Schedule "G" to an applicant provided the applicant completes an application on a standard form provided for that purpose and pays the applicable application fee, as agreed upon from time to time and the applicant complies with the regulations and conditions set forth in Schedule "F."

2. Delete Schedule "E" in its entirety and replace with the attached Schedule "E".
3. Delete Schedule "G" in its entirety and replace with the attached Schedule "G".

Citation

4. This Bylaw may be cited for all purposes as "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw 2025, No. 2212".

READ A FIRST TIME on the _____ day of _____, 2025

READ A SECOND TIME on the _____ day of _____, 2025

READ A THIRD TIME on the _____ day of _____, 2025

ADOPTED on the _____ day of _____, 2025

Mayor (D. Beeston)

Corporate Officer (S. Bouma)

SCHEDULE "E"

FEES FOR SIDEWALK PATIO PERMITS

CLASSIFICATION		Charge Per Year
Approved Patio Area	Per metre ²	\$ 6.04
	Per Parking Stall	\$89.69

SIDEWALK PATIO PERMIT NO. _____
"Town of Ladysmith Streets and Traffic Bylaw 1988, No. 1309"

Pursuant to "Town of Ladysmith Streets and Traffic Bylaw 1988, No. 1309" permission is hereby granted to:

Name of Owner(s) of Land (Permittee):

Applicant:

Subject Property (Civic Address):

Legal Description:

In accordance with the attached Schedule "F" and the following additional terms and conditions:

1. The *permit* area approved by this *permit* is shown on the attached approved plans.
2. Construction details and furniture layout on the attached, approved plans must be completed and used, respectively.
3. No area other than the *permit* area may be used as a *sidewalk* patio.
4. Unless condition 11 expressly authorizes the permit area to be used for a sidewalk patio after November 1st, the permit area may only be used for a sidewalk patio between March 1st and October 31st of each year.
5. This *permit* automatically ceases if the permittee has his/her associated business licence or liquor licence suspended or revoked.
6. Unless condition 11 expressly authorizes the permit area to be used for a sidewalk patio after November 1st, the permittee will remove all sidewalk encumbrances by the 1st of November
7. The permittee will keep the *permit* area and associated improvements in a clean, tidy and safe condition during the term of the permit.
8. The permittee will keep the required third party liability insurance valid during the term of this permit.
Insurance Company: _____ Policy No. _____
9. This *permit* may be altered or revoked by the *Director of Development Services*, if for public safety reasons the *Director of Development Services* deems it necessary to alter or revoke it.
10. The *Director of Development Services* or any of the *Municipality's* employees or contractors may enter the *permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.
11. The permit area may also be used for a sidewalk patio between _____ and _____ of each year, including this calendar year, subject to any additional conditions of winter use required by the *Director of Development Services*.

 (*Director of Development Services*)

TOWN OF LADYSMITH

BYLAW NO. 2217

A Bylaw to amend

"Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964"

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to "Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964":

1. The following new section is inserted after Section 2 and the bylaw is renumbered accordingly:
3. **Nomination of Candidates - Required Number of Qualified Nominators:**
Pursuant to section 86(2)(a) of the *Local Government Act*, the Council hereby establishes that the minimum number of qualified nominators required for nomination to the office of Councillor shall be **ten (10)**.

Citation

2. This Bylaw may be cited for all purposes as "Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964, Amendment Bylaw 2025, No. 2217".

READ A FIRST TIME on the _____ day of _____, 2025
READ A SECOND TIME on the _____ day of _____, 2025
READ A THIRD TIME on the _____ day of _____, 2025
ADOPTED on the _____ day of _____, 2025

Mayor (D. Beeston)

Corporate Officer (S. Bouma)

TOWN OF LADYSMITH

BYLAW NO. 2213

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

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to "Town of Ladysmith Zoning Bylaw 2014, No. 1860":

1. Schedule A – Zoning Bylaw Text is amended by adding "Bed and Breakfast subject to Part 6, Section 6.7" as a permitted Accessory Use to the Single Dwelling Residential – Small Lot A Zone (R-1-A) and Local Commercial (C-1).

Citation

2. This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2025, No. 2213".

READ A FIRST TIME on the 8th day of July, 2025

READ A SECOND TIME on the 8th day of July, 2025

PUBLIC HEARING held on the 22nd day of July, 2025

READ A THIRD TIME on the 22nd day of July, 2025

APPROVED BY MINISTRY OF TRANSPORTATION AND TRANSIT on the 31st day of July, 2025

ADOPTED on the ____ day of ____, 2025

Mayor (D. Beeston)

Corporate Officer (S. Bouma)

TOWN OF LADYSMITH

BYLAW NO. 2213

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

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to "Town of Ladysmith Zoning Bylaw 2014, No. 1860":

1. Schedule A – Zoning Bylaw Text is amended by adding "Bed and Breakfast subject to Part 6, Section 6.7" as a permitted Accessory Use to the Single Dwelling Residential – Small Lot A Zone (R-1-A) and Local Commercial (C-1).

Citation

2. This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2025, No. 2213".

READ A FIRST TIME on the 8TH day of July, 2025

READ A SECOND TIME on the 8TH day of July, 2025

PUBLIC HEARING held on the 22ND day of July, 2025

READ A THIRD TIME on the 22ND day of July, 2025

APPROVED BY MINISTRY OF TRANSPORTATION AND TRANSIT on the ____ day of ____, 2025

ADOPTED on the ____ day of ____, 2025

Mayor (D. Beeston)

Corporate Officer (S. Bouma)

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

this 31st day of July, 2025
Ministry of Transportation and Infrastructure



BYLAW STATUS SHEET
August 5, 2025

Bylaw #	Description	Status
2131	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 54) 2022, No. 2131" (10940 Westdowne Rd.). Changes zoning from Rural Residential (RU-1) to Manufactured Home Park (MHP-1).	First and second readings, December 20, 2022. Public Hearing and third reading December 19, 2023. MoTT approval received January 15, 2024. Waiting on the applicant to meet the conditions of approval and provide the Town with documentation. Covenant can be completed once Town receives consolidated parcel confirmation.
2133	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 56) 2023, No. 2133". Allows convenience store at 1132-1142 Rocky Creek Rd.	First and second readings, January 10, 2023. Public Hearing required. MoTT approval required. Waiting on applicant to submit Development Permit per Council Resolution.
2161	"Official Community Plan Bylaw 2022, No. 2200, Amendment Bylaw 2023, No. 2161". To expand the mobile home park at 10940 Westdowne Road.	First and second readings, November 21, 2023. Second reading rescinded, second reading as amended, December 5, 2023. Public Hearing and third reading December 19, 2023. Waiting on the applicant to meet the conditions of approval and provide the Town with documentation. Covenant can be completed once Town receives consolidated parcel confirmation.
2173	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, No. 2173". To allow storage capabilities at 10910 Westdowne Road.	First and second readings, December 17, 2024. Public Hearing and third reading January 21, 2025. Waiting on the applicant to provide a Stormwater Management Plan and stormwater covenant retainer. MoTT requires a commercial access permit and driveway access improvements.
2213	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2025, No. 2213." To Allow Bed and Breakfast Use in Single Dwelling Residential Zones.	First and second readings, July 8, 2025. Public Hearing and third reading July 22, 2025. MoTT approval received July 31, 2025.