



## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

### **A G E N D A** **REGULAR MEETING OF COUNCIL**

Monday, July 6, 2009  
7:00 p.m.  
Esquimalt Council Chambers

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1. **CALL TO ORDER**

2. **LATE ITEMS**

3. **APPROVAL OF THE AGENDA**

4. **PRESENTATION**

- (1) Mark Salter, Environmental Advisory Committee, Acknowledgement of the Township of Esquimalt's Pesticide Free Commitment
- (2) Vancouver 2010 Torch Relay and DVD
- (3) Graeme Masterton and David Leather, BC Transit – Victoria Regional Rapid Transit

5. **MINUTES**

- (1) Minutes of the Regular Meeting of Council, June 15, 2009 Pg. 1 – 13

6. **PUBLIC INPUT (On items listed on the Agenda)**

*Excluding items which are or have been the subject of a Public Hearing.*

7. **STAFF REPORTS**

*Administration*

- (1) Reappointment to Parks and Recreation Advisory Committee, Staff Report No. ADM-09-030 Pg. 14
- (2) Appointment to Environmental Advisory Committee, Staff Report No. ADM-09-032 Pg. 14a
- (3) Request for Liquor Licence Amendment: Paisley Restaurant, Staff Report No. ADM-09-031 Pg. 15 – 16

*Parks and Recreation*

- (4) Japanese Garden in Esquimalt Gorge Park, Staff Report No. P&R-09-025 Pg. 17 – 20

*Engineering and Public Works*

- (5) Resource Recovery, Staff Report No. EPW-09-028 Pg. 21 – 25

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- Development Services* Pg. 26 – 38
- (6) Restriction of Hours for Convenience Store and Fast Food Restaurants, Staff Report No. DEV-09-039 Pg. 39 – 42
- (7) Use of 493 – 495 Grafton Street, Staff Report No. DEV-09-042 Pg. 43
- (8) PMD [Pacific Mobile Depot] Recycling at 800 Viewfield Road, Staff Report No. DEV-09-044
- 8. MAYOR’S AND COUNCILLORS’ REPORTS**
- (1) Report from Councillor Brame, Activities for April - June Pg. 44 – 45
- 9. REPORTS FROM COMMITTEES**
- (1) Minutes of the Centennial Celebrations Select Committee meeting, May 26, 2009 Pg. 46 – 49
- (2) Minutes of the Environmental Advisory Committee meeting, May 28, 2009 Pg. 50 – 53
- (3) Minutes of the Town Hall meeting, June 2, 2009 Pg. 54 – 59
- (4) Draft Minutes of the Esquimalt Parks and Recreation Advisory Committee meeting, June 18, 2009 Pg. 60 – 66
- 10. COMMUNICATIONS**
- (1) Letter from the Honorable Jim Karygiannis, MP, dated May, 2009, Re: Bill C-319 An Act to Amend the Motor Vehicle Safety Act (Speed Limiters) Pg. 67 – 71
- (2) Letter from Mayor Derek R Corrigan, City of Burnaby, dated June 4, 2009, Re: Local Government Liability in Building Construction Regulation Pg. 72 – 83
- (3) Letter from the Greater Victoria Bike to Work Society, dated June 16, 2009, Re: Letter of Appreciation for Bike to Work Week Sponsor Partnership Pg. 84
- (4) Letter from the Capital Regional District, dated June 18, 2009, Re: CRD Bylaw No. 3616, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 2, 200 Pg. 85 – 95
- (5) Letter from the Capital Regional District, dated June 24, 2009, Re: Regional Parks’ Land Acquisition Fund – Summary of 2008 Acquisitions Pg. 96 – 104
- (6) Letter from the Union of British Columbia Municipalities, dated June 29, 2009, Re: Local Government House Officially Opens Pg. 105
- 11. PUBLIC QUESTION AND COMMENT PERIOD**  
*Excluding items which are or have been the subject of a Public Hearing.*

12. **MOTION TO GO IN CAMERA**

- (1) Motion to go *In Camera* pursuant to Section 90 of the *Community Charter* to discuss the receipt of advice that is subject to solicitor-client privilege and information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*, pursuant to Section 90 (1) (l) and (j) and that the general public be excluded.

13. **ADJOURNMENT**



# **CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

## **MINUTES REGULAR MEETING OF MUNICIPAL COUNCIL TUESDAY, JUNE 15, 2009 7:00 P.M. COUNCIL CHAMBERS**

**PRESENT:** Mayor Barbara Desjardins  
Councillor Bruce McIldoon  
Councillor Alison Gaul  
Councillor Meagan Brame  
Councillor Donald Linge  
Councillor Randall Garrison  
Councillor Lynda Hundleby

**STAFF:** L. Hurst, I/Chief Administrative Officer  
B. Snyder, Director of Development Services  
S. Hartman, Director of Parks and Recreation  
P. Mulcahy, Manager of Human Resources  
J. Byron, Manager of Recreation  
C. Evans, Manager of Corporate Services

**MEMBERS OF  
THE PUBLIC**

**1. CALL TO ORDER**

Mayor Desjardins called the meeting to order at 7:00 p.m. She congratulated the Buccaneer Days Organizing Committee for the outstanding job. It was the best event ever and extremely well attended with perfect weather.

**2. LATE ITEMS**

There were 2 late items:

- (i) Request for Liquor Licence Amendment: Paisley Restaurant Staff Report No. ADM-09-029 to be added as item 10 (8)
- (ii) Report from Councillor Garrison Re: E & N Trail to be added as item 11 (1)

**3. APPROVAL OF THE AGENDA**

Moved by Councillor Brame, seconded by Councillor Hundleby, that the agenda be approved with inclusion of late items.  
The motion **CARRIED**.

**4. PRESENTATION**

- (1) Mayor's Introduction – Scott Hartman

Mayor Desjardins introduced the newly appointed Director of Parks & Recreation, Scott Hartman. Mr. Hartman is an experienced manager and consultant in the areas of sports, recreation, culture, tourism and economic development. He has over seven years experience managing in a local government recreational setting with the City of Kamloops and the Regional District of Comox-Strathcona. Mr. Hartman stated it was a pleasure to be back on the Island.

**5. MINUTES**

- (1) Minutes of the Regular Meeting of Council, June 1, 2009

The following change was noted:

P. 12 (6): Councillor Gaul was the Acting Mayor to receive the Parade Salute at Buccaneer Days (not Councillor Brame).

Moved by Councillor Brame, seconded by Councillor Garrison that the minutes of the Regular Meeting of Council, June 1, 2009 be adopted with changes noted.  
The motion **CARRIED**.

6. **PUBLIC INPUT (On items listed on the Agenda)**

*Excluding items which are or have been the subject of a Public Hearing.*

Mayor Desjardins invited public input.

Muriel Dunn of 793 Esquimalt Road thanked the Mayor for the Town Hall meeting to discuss police services held June 2<sup>nd</sup>, 2009 and enquired when the report of the meeting would be available. Mrs. Dunn added that it was wonderful for the community to have an opportunity to speak and this was the best forum yet.

The Mayor responded the minutes would be available at the next Council meeting July 6<sup>th</sup>, 2009. The OIC West Division has already implemented several measures including more police cars patrolling. The Mayor stated another Town Hall meeting will be scheduled in September as a follow up and statistics will be brought forward.

7. **PUBLIC HEARING**

**(1) HEARING – ZONING BYLAW AMENDMENT [NO. 184], 2009, NO. 2706 [934 AND 936 Craigflower Road]**

- (a) Notice of Hearing
- (b) Background Information – *Available for Viewing Separately*
  - Staff Report No. DEV-09-036

The Mayor convened the hearing at 7:10 p.m.

The Director of Development Services gave a brief overview of the project, a proposed 13 unit townhome in a Comprehensive Development Zone tailored to the specifics of the project. The transportation plan does not foresee any problems, parking meets bylaw requirements, and the architecture is a good fit for the area, borrowing character from the older homes in the area. The applicant will enter into a development agreement ensuring an amenity contribution.

Steve Copp, the applicant, of Stratford Business Group stated the development was a great opportunity for families, first time home buyers and empty nesters. Mr. Copp is a past President of the Canadian Home Builders Association, a certified green builder, and his designs have won numerous awards.

Herb Kwan, Architect, outlined the public consultation process held December 2, 2008, which was attended by 9 neighbours representing 5 homes. Seven provided comment sheets with 3 not in support, 3 in support with modifications and 1 in full support. Concern expressed was in the areas of development density, increase in vehicle traffic, and lack of green space for children.

Mr. Kwan stated the development density meets Official Community Plan guidelines for medium multi-use developments and the project will

be built to high standards. The traffic study report concluded insignificant impact on traffic in the area and the driveway meets safety ingress and egress requirements. There are two major public parks near the development and a small children's play area has been included into the design at the back.

Mayor Desjardins called 3 times for public input.

Russ Griffin of 937 Craigflower Road stated about six years ago a major fire destroyed his duplex [935-937] and Council of the day denied his application to increase density to a three-plex unless he put in an extra driveway to accommodate one vehicle. The duplex had won four design awards and 935 had won a design award from the Township of Esquimalt. Presently there are 4 vehicles leaving and entering the property and this 13 unit development will have parking for 26 cars plus visitor parking. Lampson Street dead ends into the proposed townhomes and is a major truck route with insufficient turning radius. Craigflower is a busy road. The design does not really suit the neighbourhood, it is not beautiful, the density doesn't fit in the streetscape, there is lack of green space, and the 10 sets of stairs going up can be seen from his property.

Pat Quinn of 935 Craigflower Road reiterated what Mr. Griffin said, adding that the development is based on inches with no real concern for the people who will live there. He added that the significant traffic increase will add to the already continuous hum of cars and it is foolish to add more vehicles.

Ed Pruitt of 20 Phillion Place supported the project stating it is a very good fit in the middle of this very diversified area of commercial and residential, on a couple of major bus routes and walking distance to downtown. Affordable housing is badly needed for middle income people, first time buyers, the elderly and those who otherwise could not afford to live here.

Linda George of 935 Craigflower Road opposed the project as the traffic is very intense, a truck rolled navigating a turn, cars speed, and it is not safe for children crossing the road. As well, it is foolish to put a bus shelter in the middle of the development.

Dale Wood of 1174 Greenwood Avenue spoke against the project and submitted a written comment. He expressed appreciation for municipal staff assistance in providing background information. Mr. Wood was concerned the traffic study was provided by the applicant rather than being at arms length and objective. He noted the project was eclectic, benefitting a larger neighbourhood such as Oak Bay, and does little to preserve the character of the area.

He stated people invest their life savings, raise families, and they need to be respected. The street is too busy with traffic, parents will need to escort their children across to the parks, the stairs are too long, the buildings are too high and encroach onto the front yard. If this project is approved, any opportunity to improve this intersection will be lost.

Mr. Wood was concerned with the expenditures for traffic improvement. Safety is compromised with no dedicated turning lanes and no pedestrian island refuge. He suggested lowering the height of the building by allowing semi underground / underground parking which will be more controlled, be safe and provide a children's covered play area. This will raise the quality of the development, raise the resale value, and increase the tax base.

The Mayor called a further three times for input. Hearing none, the Mayor adjourned the hearing at 7:40 p.m.

## 8. PUBLIC HEARING STAFF REPORTS

- (1) Rezoning and Development Permit, 934 and 936 Craigflower Road, [Lot B, Section 10, Esquimalt District, Plan 326] and [Lot PT 8, Section 10, Esquimalt District Plan 6650, lying southerly of a boundary parallel to and perpendicularly distant 120 feet from the northerly boundary of said lot], Staff Report No. DEV-09-041

Moved by Councillor Linge, seconded by Councillor Garrison

1. That Bylaw No. 2706, which would amend Zoning Bylaw No. 2050 by changing the zoning designation of 934 Craigflower Road and 936 Craiqflower Road [Lot B, Section 10, Esquimalt District, Plan 326 and Lot PT 8, Section 10, Esquimalt District, Plan 6650, lying southerly of a boundary parallel to and perpendicularly distant 120 feet from the northerly boundary of said lot] shown cross-hatched on Schedule 'A' of the amending bylaw from RD-3 [Two Family/ Single Family Residential] to CD No. 68 [Comprehensive Development District No. 68], be given **third reading and adoption**; and
2. That should Bylaw No. 2706 be adopted, Development Permit No. 15/2008 limiting the form and character of the proposed development as shown on the project data and site plans stamped "Received April 7, 2009", and architectural plans stamped "Received August 21, 2008"; prepared by Herbert H. Kwan Architect and the landscape plan prepared by Lombard North Group, stamped "Received August 21, 2008", not be approved, issued and registered on the titles of [Lot B, Section 10, Esquimalt District, Plan 326 and Lot PT 8, Section 10, Esquimalt District, Plan 6650, lying southerly of a boundary parallel to and perpendicularly distant 120 feet from the northerly boundary of said lot [934 Craigflower Road and 936 Craiqflower Road] until the applicant has had an opportunity to enter into a development agreement [i.e. Section 219 Covenant] that will



Discussion:

Council acknowledged the speakers who provided input on the development. Considerable discussion ensued on the proposed development with respect to location of homes in relation to street, stairwells, form and character, building height, parking, density with number of units, traffic and access to green space play areas.

The Director of Development Services advised the bus shelter could be located on the Tillicum side of the street or any other suitable location in the area.

Council was in general agreement that the development provided much needed affordable housing in Esquimalt, would be built to high standards, provided an appropriate transition between commercial and single family residential, and on balance add value to the community. Council stated it is important to preserve the green space on site for children.

Council noted that the Advisory Planning Commission supported the application subject to construction to “built green” standards.

Councillor Gaul was particularly concerned with the massing of the project for the site and could not support 13 units.

Question was called on the motion and it **CARRIED WITH COUNCILLOR GAUL OPPOSED.**

Staff Report DEV-09-41 provided three options following approval of the application. Once the applicant has registered a Section 219 Covenant providing for the community amenities offered, the Development Permit will be brought back to Council for approval.

**9. DELEGATIONS**

(1) Barry Hobbis, Victoria Harbour Ferry Co. Ltd.

Mr. Hobbis expressed his concerns regarding the proposed mega yacht marina and the tourism and safety impact of the proposed development on the west song pathway as it applies to Esquimalt community members. Mr. Hobbis stated he has operated in the community for twenty years. The Township of Esquimalt is a significant stakeholder in the community at large and a charter member of Victoria Harbour Ferry. He stated on any given day 51% of all movements in Victoria belong to the Victoria Harbour Ferry Co. Ltd. A mega yacht marina will choke the harbour off, prohibit the effective and safe use of the harbour by recreational users, such as kayakers, and impact airplane taxing on final approach and take off. The harbour is very well managed as it is now and everyone works together to keep it safe.

Mr. Hobbis stated Council can be part of the solution and urged them to step forward with other Councils to oppose the project on the safety issue. Mr. Hobbis noted the Chairman of the Greater Victoria Harbour Authority has stated his strong support for the marina and safety studies have not been done.

10.

## STAFF REPORTS

### *Administration*

- (1) Appointment of Directors and Officers, Deputy and Acting Appointments. Staff Report No. ADM-09-026

Moved by Councillor Hundleby, seconded by Councillor Brame:

1. That all appointments be rescinded effective June 1, 2009.
2. That the following persons be appointed to the positions indicated effective June 1, 2009 as amended:
  - Laurie Hurst - Interim Chief Administrative Officer
  - Barbara Snyder - Director of Development Services
  - Approving Officer
  - Scott Hartman - Director of Parks and Recreation Services
  - Gilbert Coté - Director of Engineering and Public Works
  - Mary Turner - A/Director of Financial Services
  - A/Collector of Taxes
  - Paul Nelson - Fire Chief
  - Emergency Program Coordinator
  - Carollyne Evans - Corporate Administrator
  - Head, Freedom of Information and Protection of Privacy
  - Bob Haveruk - Building Official
  - Business Licence Inspector
  - Bylaw Enforcement Officer
  - Alternate Secretary, Board of Variance (Bylaw No. 1855)
3. That the following persons be appointed to the deputy positions indicated effective June 1, 2009:
  - Gord Anderson - Deputy Fire Chief
  - Deputy Emergency Program Coordinator
4. That the following persons be appointed to act in the absence or incapacity of the incumbent in the positions indicated effective June 1, 2009:
  - Laurie Hurst - Acting Deputy Corporate Administrator
  - Gilbert Coté - Acting Deputy Chief Administrative Officer (in the absence of Laurie Hurst)
  - Acting Director of Development Services
  - Deputy Approving Officer
  - Barbara Snyder - Acting Deputy Chief Administrative

- Officer (in the absence of Gilbert Coté)
- Deputy Business Licence Inspector
- Andy Katschor - Acting Director of Parks and Recreation Services (in the absence of Scott Hartman)
- Trevor Kushner - Acting Director of Engineering and Public Works (in the absence of Gilbert Coté)

5. The following persons be appointed in the positions indicated effective June 1, 2009:

- Dan Jones - Bylaw Enforcement Officer
- Marie Letham - Secretary, Board of Variance (Required per Bylaw 1855)

(2) Times Colonist Experience Esquimalt Advertising Budget  
Staff Report No. DEV-09-027

Moved by Councillor Linge, seconded by Councillor Gaul that Council support the municipality purchasing a bottom banner ad space in the Times Colonist "Experience Esquimalt" feature by approving the spending of \$3,750 from the Contingency fund in 2009 and to approve a supplemental budget in 2010 of \$4,250, in order to enter a 12 month contract.

The motion **CARRIED**.

(3) Resolution to attend Conference – Councillor Brame, Staff  
Report No. ADM-09-028

Moved by Councillor Linge, seconded by Lynda Hundleby that Councillor Brame be authorized to attend the BC Summit of Municipal Leaders *Cities Fit for Children*, October 22-23, 2009, in Langley;

And further that the total conference costs including accommodation, per diem, meals, and travel not exceed \$1,000.

The motion **CARRIED**.

Council recommended that the conference would be beneficial for a staff person who works with youth to attend.

*Parks and Recreation*

(4) Emergency Funding for Desiccant Dehumidifier Wheel. Staff  
Report No. P&R-09-022

Moved by Councillor Linge, seconded by Councillor Brame that Council allocate emergency funding from the Capital Projects reserve fund for the immediate replacement of a wheel in the desiccant dehumidifier which services the Archie Browning Sports Centre.

The motion **CARRIED**.

*Engineering and Public Works*

- (5) Bus Shelters and Upgrade to Transit Stops, staff Report No. EPW-09-025

Moved by Councillor Brame, seconded by Councillor Linge that Council authorize funding the replacement of damaged bus shelters, the installation of benches at transit stops and sidewalk upgrading on Admirals Road by transferring funds for the budget allocation of \$37,500 which were earmarked for painting bike lanes on Esquimalt Road between Head Street and Admirals Road.

Discussion:

I/Chief Administrative Officer Laurie Hurst stated the sidewalk construction is scheduled for June 16<sup>th</sup> and a decision on reallocation of funds is needed. Councillor Garrison did not support waiving the painting of the bike lanes this year.

The motion **CARRIED WITH COUNCILLOR GARRISON OPPOSED.**

Moved by Councillor Linge, seconded by Councillor Brame that staff provide a report for Council on funding sources and opportunities for continuing the project of the bike lanes on Esquimalt Road between Head Street and Admirals Road.  
The motion **CARRIED UNANIMOUSLY.**

*Finance*

- (6) MFA Short-Term Borrowing – Admirals / Colville Project, Staff Report No. FIN-09-018

I/Chief Administrative Officer Laurie Hurst clarified the financial details of the shortfall and the request for short-term borrowing.

Moved by Councillor Linge, seconded by Councillor McIlldoon that Council approves an increase in short-term borrowing of \$300,000 to cover the funding shortfall for the Admirals/Colville project.

The motion **CARRIED.**

- (7) Council Policy Admin – 52, Staff Report FIN-09-019

Moved by Councillor Linge, seconded by Councillor Brame that Council adopt Policy No. ADMIN – 52 Local Grants – L'École Victor Brodeur.

The motion **CARRIED.**

- (8) Request for Liquor Licence Amendment: Paisley Restaurant Staff Report No. ADM-09-029

Mayor Barb Desjardins declared herself in conflict by virtue of her son's employment with Paisley Restaurant and left Council

Chambers. Councillor Linge also left Council Chambers, declaring himself in a conflict because of a professional relationship with the applicant. Councillor Ali Gaul took the Chair. Councillor Hundleby registered her concern that Council does not have time to go through the significant amount of material and discourages late items such as this coming forward.

Moved by Councillor Hundleby, seconded by Councillor Brame that Council defer to July 6, 2009 consideration of the recommendation to amend the licence of the Paisley Restaurant located at 880 B Esquimalt Road to permit patron participation entertainment until the consultation requirement of the application process is completed.

Discussion:

Councillors McIlldoon and Brame asked to hear from the applicant, John Graham. Mr. Graham stated the Pride event runs from June 28 to August 5 and he feels there have been many inefficiencies to getting this small change to his liquor licence. The Corporate Administrator advised the consultation process is not completed with comments from the police department still pending.

Question was called on the motion and it **CARRIED WITH COUNCILLORS GARRISON AND MCILDOON OPPOSED.**

Moved by Councillor McIlldoon, seconded by Councillor Garrison, that Council provide a letter of support to the applicant if an application is received for a permit for a one time event. The motion **CARRIED UNANIMOUSLY.**

The Mayor called a brief recess for 5 minutes from 9:07 p.m. to 9:12 p.m.

11.

**MAYOR'S AND COUNCILLORS' REPORTS**

- (1) Report from Mayor Desjardins, Activities for May and June

Moved by Councillor McIlldoon, seconded by Councillor Linge that the report from Mayor Desjardins on Activities for May and June 2009 be received.

The motion **CARRIED.**

- (2) Report from Councillor Garrison Re: E & N Trail

Councillor Garrison stated a decision on the phasing of the E&N Rail Trail will be made June 17 by the CRD Regional Parks Committee. Esquimalt is not represented on the Committee and the Township pays a significant amount in to the Parks function. Mayor Desjardins stated she is disappointed Esquimalt was not given the heads up and will relay that to the CRD.

Moved by Councillor Garrison, seconded by Councillor Gaul that Esquimalt Council support Alternative 1 for Phase One of the E&N Rail Trail in principle and request that the CRD Parks Committee get estimates for completing the Trail from Four Mile to the Thetis Interchange and explore funding alternatives to complete the trail to this point in Phase One.  
The motion **CARRIED**.

**12. REPORTS FROM COMMITTEES**

- (1) Draft Minutes of the Heritage Advisory Committee meeting, May 20, 2009

Moved by Councillor Garrison, seconded by Councillor Hundleby that the Draft Minutes of the Heritage Advisory Committee meeting, May 20, 2009, be received.  
The motion **CARRIED**.

- (2) Draft Minutes of the Advisory Planning Commission meeting, May 26, 2009

Moved by Councillor Garrison, seconded by Councillor Hundleby that the Draft Minutes of the Advisory Planning Commission meeting, May 26, 2009, be received.  
The motion **CARRIED**.

**13. COMMUNICATIONS**

- (1) Letter from the Greater Victoria Spirit Committee, dated June 1, 2009, Re: Letter of Appreciation for Local Grant.

Moved by Councillor Hundleby, seconded by Councillor Brame that the letter from the Greater Victoria Spirit Committee, dated June 1, 2009, Re: Letter of Appreciation for Local Grant be received.  
The motion **CARRIED**.

- (2) Letter from the District of Saanich, dated June 1, 2009, Re: Admirals Bridge Construction – Full Road Closure  
Moved by Councillor Hundleby, seconded by Councillor Brame that the letter from the District of Saanich, dated June 1, 2009, Re: Admirals Bridge Construction – Full Road Closure, be received.  
The motion **CARRIED**.

- (3) Letter from Letter from the Polaris Institute and Toxic Free Canada, received June 3, 2009, Re: Encouraging the Consumption of Tap Water Over Bottle Water.

Moved by Councillor Gaul, seconded by Councillor Brame that the letter from the Polaris Institute and Toxic Free Canada, received June 3, 2009, Re: Encouraging the Consumption of Tap

Water Over Bottle Water be referred to the to the Environmental Advisory Committee for their next meeting scheduled June 28, 2009.

The motion **CARRIED**.

- (4) Letter from Mayor Dean Fortin, City of Victoria, dated June 4, 2009, Re: Letter of Support for Johnson Street Bridge Infrastructure Funding.

Discussion:

It was noted that all municipalities compete for infrastructure funding dollars and question was raised how support for Victoria's application might affect Esquimalt's request. I/Chief Administrative Officer Laurie Hurst confirmed the official results for funding approvals has not been received yet. Council suggested a regional approach would not conflict with other proposals.

Moved by Councillor Gaul, seconded by Councillor Garrison that Council is pleased to provide a letter in full support of the City of Victoria's infrastructure funding application for replacement of the Johnson Street Bridge as the Bridge provides a vital regional service to the neighbouring municipalities;

And that the Township of Esquimalt requests a letter of support from the City of Victoria for its infrastructure funding application to upgrade the Archie Browning Sports Centre which is also of great regional significance.

The motion **CARRIED**.

**14. PUBLIC QUESTION AND COMMENT PERIOD**

Excluding items which are or have been the subject of a Public Hearing.

There were no questions or comments from the public.

**15. MOTION TO GO IN CAMERA**

- (1) Moved by Councillor Brame, seconded by Councillor Hundleby to go *In Camera* pursuant to Section 90 of the *Community Charter* to discuss negotiations and related discussions respecting the proposed provision of a municipal service and goals and objectives, pursuant to Section 90 (1) (k) and (l) and that the general public be excluded.

The motion **CARRIED**.

**16. ADJOURNMENT**

Moved by Councillor Brame, seconded by Councillor Hundleby that the meeting be adjourned at 10:32 p.m.

The motion **CARRIED**.

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MAYOR OF THE CORPORATION OF THE  
TOWNSHIP OF ESQUIMALT  
THIS 15<sup>th</sup> DAY OF JUNE, 2009

CERTIFIED CORRECT

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CAROLLYNE EVANS  
CORPORATE ADMINISTRATOR





## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Telephone (250) 414-7100 Fax (250) 414-7111

### STAFF REPORT

**DATE:** July 2<sup>nd</sup>, 2009 **REPORT NO.** ADMIN 09-030  
**TO:** Laurie Hurst, Chief Administrative Officer  
**FROM:** Carollyne Evans, Manager of Corporate Services  
**SUBJECT:** Reappointment to Parks and Recreation Advisory Committee

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#### RECOMMENDATION:


THAT Nick Brame be reappointed to the Parks and Recreation Committee as the Youth Liaison with the term ending December 31, 2009.

#### BACKGROUND:

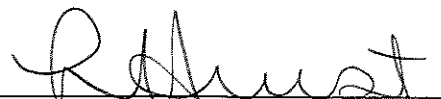
Nick Brame was appointed by Council as Youth Liaison on the Parks and Recreation Committee with a term end date of June 30, 2009.

The Chair of the Committee, Richard Fyfe, has confirmed by email dated June 26, 2009 that six of the seven members on the Committee (one was away) support the reappointment of Nick Brame to the Committee for the remainder of the year.

Submitted by:

  
Carollyne Evans  
Manager of Corporate Services

Approved for Council's consideration:

  
Laurie Hurst, CAO

Dated: July 2/09



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Telephone (250) 414-7100 Fax (250) 414-7111

## STAFF REPORT

**DATE:** July 3, 2009 **REPORT NO.** ADM – 09 -032  
**TO:** Laurie Hurst, Chief Administrative Officer  
**FROM:** Carollyne Evans, Manager of Corporate Services  
**SUBJECT:** APPOINTMENT TO ENVIRONMENTAL ADVISORY COMMITTEE

### RECOMMENDATION:

That Dianne Kleinman be appointed to the Environmental Advisory Committee due to the resignation of Committee member Jo-Lee Bertrand.

### BACKGROUND:

Dianne Kleinman has been interviewed by Council previously and is currently an alternate on the Access Awareness Committee and Advisory Planning Committee as well as in the "Other" category of the Centennial Celebrations Select Committee.

Dianne Kleinman has previously sat on the Environmental Advisory Committee and would be pleased to fill this vacancy.

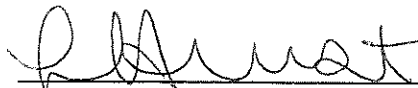
Mr. Bertrand's appointment expires December 31, 2010.

Submitted by:



Carollyne Evans  
Manager of Corporate Services

Approved for Council's consideration:



Laurie Hurst, CAO

Dated: July 3/09



## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Telephone (250) 414-7100 Fax (250) 414-7111

### STAFF REPORT

**DATE:** July 3, 2009 **REPORT NO.** ADMIN 09 - 031  
**TO:** Laurie Hurst, Chief Administrative Officer  
**FROM:** Carollyne Evans, Manager of Corporate Services  
**SUBJECT:** Request for Liquor Licence Amendment: Paisley Restaurant

---

#### RECOMMENDATION:

BE IT RESOLVED THAT:

1. The Council of the Township of Esquimalt does not recommend the issuance of the licence at this time for the following reasons:
  - (a) The potential for noise if the application is approved (*provide comments*).  
**Council has no comment.**
  - (b) The impact on the community if the application is approved (*provide comments*)  
**Council has no comment.**
  - (c) Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose (*provide comments only if the application is from a food-primary licence for an extension of hours of service past midnight or the addition of patron participation entertainment*)
    - (i) **From information from the Liquor Control and Licensing Branch and the Fire Department, it appears there are a number of outstanding issues related to this application that need to be rectified before the applicant can offer and benefit from the patron participation entertainment endorsement.**
  - (d) The views of residents (*describe the views of residents, the method used to gather the views and provide comments and recommendations with respect to the views. If the views of residents were not gathered, provide reasons*).  
**There were no comments from the public opposing the application.**
3. Council does not recommend the amendment of the licence at this time for the following reasons:
  - (i) **There are a number of outstanding issues related to this application from the Esquimalt Fire Department and Liquor Control and Licensing Branch. Once the issues are rectified, Council has no objection to the licence being amended in favour of the Paisley Restaurant.**

**BACKGROUND:**

Comment was received from Darrell McLean, OIC West Division, Victoria Police Department, suggesting that given the variety of outstanding issues with the Paisley Restaurant cited by the Liquor Control and Licensing Branch that the application from John Graham for an amendment to his licence to provide patron participation entertainment not be considered until these issues are rectified.

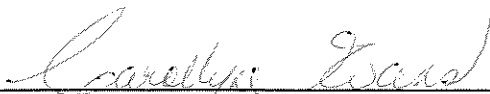
Additionally, the Fire Department requires the applicant to upgrade the kitchen suppression system, a major issue. Should the application be approved prior to the completion of this upgrade, the Fire Department will only permit a short time frame to lapse before an order is issued.

**Discussion:**

Council must provide either

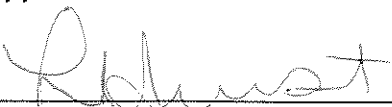
- a "no comment" resolution to LCLB, or
- a resolution, with reasons, recommending / not recommending the amendment to the licence within 90 days of receipt of application.

Submitted by:



Carollyne Evans  
Manager of Corporate Administration

**Approved for Council's consideration:**

  
Laurie Hurst, CAO

Dated: July 3/09



## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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1229 Esquimalt Road, Esquimalt BC V9A 3P1  
Telephone 250.414.7100 Fax 250.414.7111

### STAFF REPORT

**DATE:** June 29, 2009 **REPORT NO. P&R-09-024**  
**TO:** Laurie Hurst, Acting Chief Administrative Officer  
**FROM:** Scott Hartman, Director of Parks and Recreation Services  
Andy Katschor, Manager of Parks Services  
**SUBJECT:** Japanese Garden in Esquimalt Gorge Park  
エスクアイマルト ゴージパーク  
日本庭園

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### RECOMMENDATIONS

That Council receive this report as information.

### BACKGROUND

The original Japanese Garden was created in 1907 in Esquimalt Gorge Park and was the first Japanese Garden in North America. It was designed by the famous Japanese Garden designer Kashita, who later went on to design the Dunsmuir's Japanese Gardens at what is now Royal Roads and the Japanese Garden at Butchart Gardens.

The Gardens and Tea House (see attached photos) were maintained and operated by the Takata family. The popular garden and Teahouse drew residents from far and wide, to take Japanese tea. This popular destination thrived until 1941 when Canadian citizens of Japanese ancestry were sent to internment camps during the Second World War. The gardens were looted of its Japanese landscape features such as stone lanterns and significant Japanese Maples. Sadly, few elements of this great Japanese garden remain today.

The Township of Esquimalt has taken the first steps in recreating what was once North America's oldest Japanese Garden. The original ornamental stream has been refurbished and the construction of a traditional Japanese bridge has been completed. This year a Japanese entrance portal will be installed and a resident has offered to pay for a stone lantern from Japan as well as a large Japanese Maple. These are the first few steps in returning the spirit and soul of this important historical garden back to the community and to honour the spirit of the original Kashita/Takata gardens.

**June 29, 2009**  
**Report to Laurie Hurst, Acting Chief Administrative Officer**  
**Regarding Japanese Garden in Esquimalt Gorge Park**  
**Page 2**

An official opening ceremony is being planned.

Staff has been given approval from the Province of British Columbia's Office of Protocol to invite representatives of the Government of Japan. The Cultural Attaché at the Japanese Consulate has been contacted on having an envoy(s) attend the opening. There was a discussion on the possibility of inviting the Emperor of Japan on his upcoming visit to Canada. This visit was planned over a year in advance and there was no flexibility in the schedule. The Cultural Attaché said they were eager for the Consul General's attendance and that they would work on having the Japanese Ambassador from Ottawa participate.

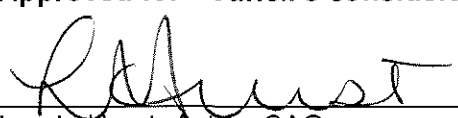
Several dates were discussed. The Consulate favours the weekend of October 24, 2009 as it ties in with the Japanese Cultural Festival that is held in the Esquimalt Recreation Centre every year.

We will receive confirmation of a suitable date after the Emperor's visit. We would then proceed with a letter of invitation from Mayor Barbara Desjardins and begin the detail planning of the ceremony.

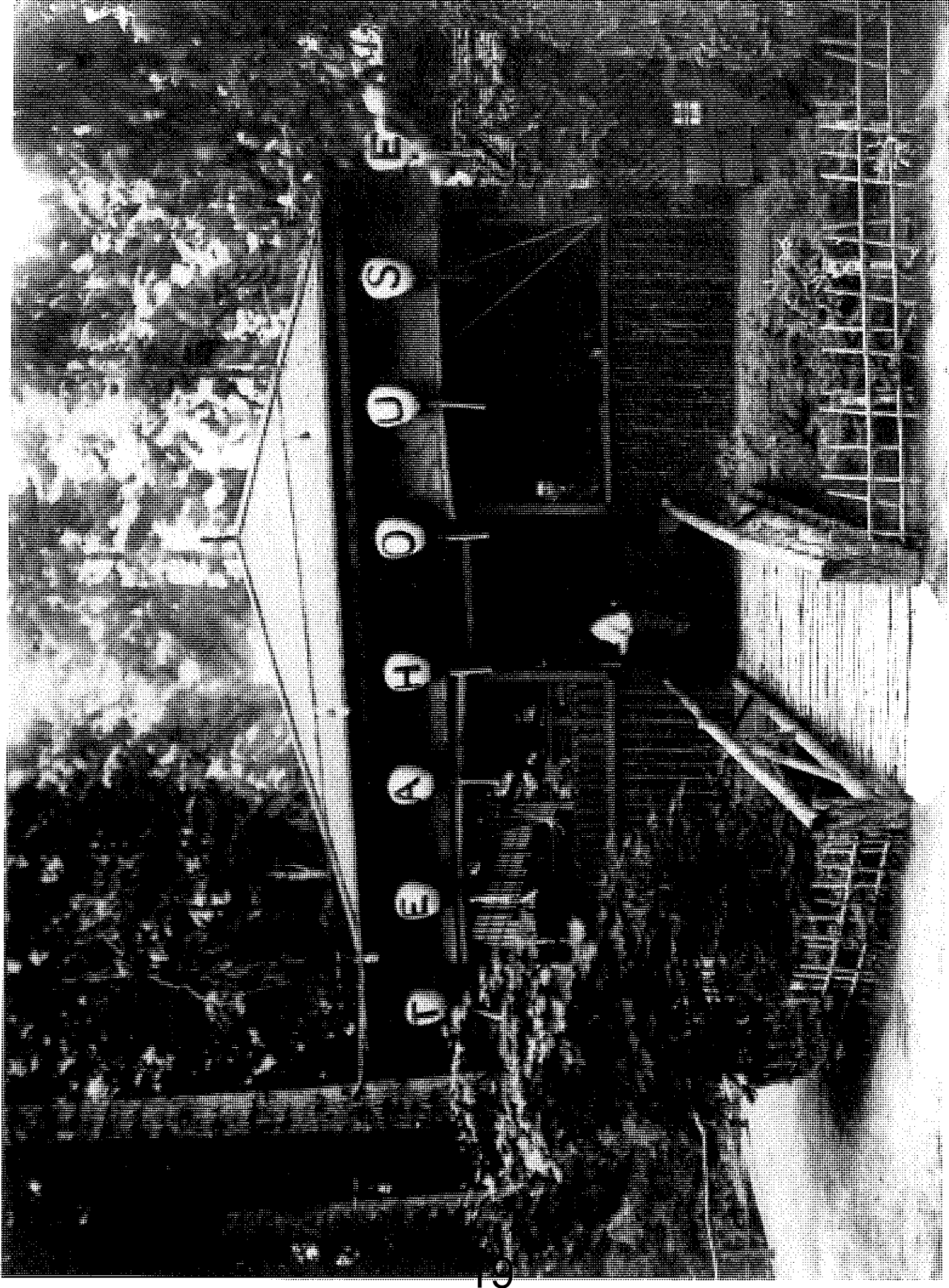
Staff has been providing update information to the Nikkei Society and the Japan Friendship Society, the two main Japanese cultural groups representing the Japanese Community on The Island.

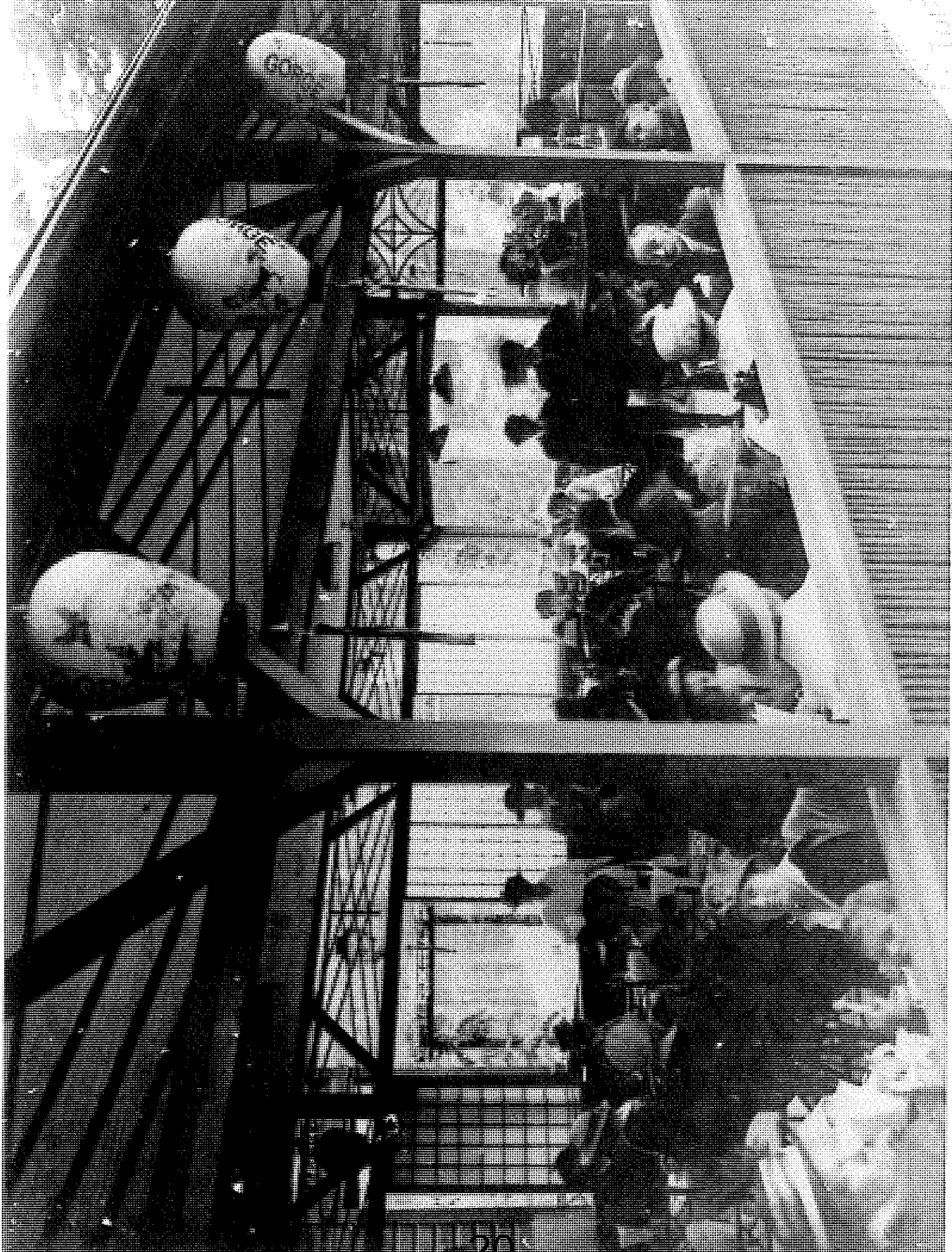
  
\_\_\_\_\_  
Andy Katschor  
Manager of Parks Services

  
\_\_\_\_\_  
Scott Hartman  
Director of Parks and Recreation Services

**Approved for Council's consideration:**  
  
\_\_\_\_\_  
Laurie Hurst, Acting CAO  
  
Dated: July 2/09

Attachments









## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1  
Telephone (250) 414-7100 Fax (250) 414-7111

### STAFF REPORT

**DATE:** July 2, 2009 **REPORT NO.** EPW 09-028  
**TO:** Laurie Hurst, Interim CAO  
**FROM:** Gilbert Coté, Director Engineering and Public Works  
**SUBJECT:** **Resource Recovery**

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#### RECOMMENDATION

1. That Council support the preparation of an infrastructure planning study to determine the feasibility of resource recovery from a potential sewage treatment facility including the reuse of reclaimed water and heat recovery; and
2. That Staff be authorized to submit an application for an Infrastructure Planning Grant.

#### BACKGROUND

The potential construction of a sewage treatment facility in Esquimalt offers opportunities to recover some of the resources from the treated effluent. The CRD has identified the following opportunities:

- Reuse of reclaimed water;
- Heat recovery;
- Phosphorous recovery;
- Pressure energy recovery;
- Waste-to-energy facilities with incineration;
- Biogas generation.

The reuse of reclaimed water and heat in the effluent has the highest potential of being recovered by a third party since such facilities are typically located off-site from the sewage treatment plant. Phosphorous, pressure energy recovery, biogas generation and waste-to-energy facilities are usually located within the sewage treatment plant facility and these activities would be best carried out by the plant operation.

The reuse of reclaimed water in Esquimalt is based on the assumption that an advanced secondary treatment plant will be constructed using membrane bioreactor (MBR) technology. This type of treatment provides a high quality effluent with very low turbidity. This is the same technology used at the Dockside Green sewage treatment facility. Technical reports by the CRD indicate that if a sewage treatment facility is constructed at McLaughlin Point, MBR technology would be a good candidate because of its low footprint.

Other secondary treatment technologies generally require that the effluent be filtered prior to being used for irrigation on public access lands such as parks and plying fields. There is no regulatory requirement that the effluent be filtered before discharge into the ocean and a Separate filtration facility may be required prior to reuse of reclaimed water if a technology other than MBR is used for sewage treatment.

The sum of \$25,000 was budgeted for studies related to sewage treatment. The sum of \$5,000 has already been spent leaving a balance of \$20,000. Infrastructure Planning Grants up to \$10,000 are available from the Provincial Government for integrated resource recovery feasibility studies. The deadline to apply for a grant is July 29, 2009.

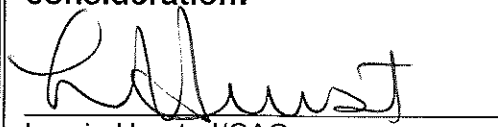
It is recommended by the Province that the application for grants be submitted with a work plan such as the project's terms of reference. To this effect the attached scope of work to be used in the Request for Proposal from the engineering consultant is attached.

The Strategic Plan adopted by Council includes exploring opportunities for green development including on-site sewage treatment or integrated resource management.

Submitted by,



Gilbert Coté, P.Eng.  
Director of Engineering & Public Works

<p><b>Approved for Council's consideration:</b></p>  <p>Laurie Hurst, I/CAO</p>
---

**Request for Proposal  
Resource Recovery – Esquimalt Village Centre  
Scope of Work**

**1. General**

The Township of Esquimalt is inviting proposal from engineering firms to carry out a feasibility study with Class D cost estimate for a system to recover high quality effluent and heat for use in municipal facilities and park in the Village Centre area. As demand grows, this system could be expanded to include private development.

**2. Scenarios**

The following two options should be examined for the feasibility study

*Scenario 1 – Membrane Bioreactor Plant (MBR) at McLaughlin Point*

With this scenario, it is assumed that the CRD will built a sewage treatment facility at McLaughlin point using MBR technology followed by UV disinfection. The effluent would have to be piped from the plant to the Esquimalt Village Centre area.

The reclaimed water would be used for (1) irrigation in Bullen Field and other adjacent municipal property (2) reuse within municipal buildings such as the Archie Browning Sports Centre, the Recreation Centre and the Municipal Hall. The heat in the reclaimed water would be extracted to heat municipal buildings

*Scenario 2 – Satellite MBR plant on Municipal property on Lyall Street*

With this second scenario, it is assumed that a small satellite MBR plant would be built on municipal property in the Village centre. The plant would be sized based on reuse opportunities. Heat could be extracted from the treated effluent or the screened raw sewage.

**3. Scope of Work**

a) Project Initiation

- Start-up meeting with municipal staff in the departments of Engineering and Public Works, Parks and Recreation including staff responsible for the operation and maintenance of municipal buildings and parks.
- Review existing plans of buildings and parks in the Village centre area including: Municipal Hall, Public Safety Building, Recreation Centre, Sports Centre, Bullen Field outdoor sport facility, Memorial Park
- Site visit of municipal buildings and parks with municipal staff responsible for operation and maintenance.

b) Identify opportunity for resource recovery

- Determine if reclaimed water can be used in any of the municipal buildings. Identify quantities and seasonal variation. Identify internal modification,

equipment, need for additional water treatment, etc that would be required in order to use reclaimed water.

- Determine how water can be used for irrigation in sports field, parks and landscaping around building including quantities, seasonal variations, need for additional water treatment.
- Determine if heat recovered from the treated effluent piped to the site or from screened raw sewage can be use to supplement existing heating sources or other energy requirements in the municipal buildings.

c) Technical Memorandum on Resource Recovery

- Prepare a technical memorandum outlining where and how reclaimed water and heat can be re-used.
- The technical memorandum to include a description of heat energy potential and a preliminary technology review of equipment required for heat recovery and how the heat and energy could be reused with existing system.
- The technical memorandum to include also a review of how much water can be reused for irrigation and internal use within the building, the regulatory requirements to reuse water (e.g. need for chlorination of effluent) and a description of the modifications that would be required to the internal plumbing/piping system of the building in order to reuse effluent.
- Meeting with municipal staff to review the technical memorandum

d) Preparation of infrastructure conceptual plans and layout

- Following approval of the technical memorandum, prepare concept plans of the infrastructure needed to convey the reclaimed water and heat from the source (i.e. the sewage treatment plant) to the point of use such as the building or park. The infrastructure includes but is not limited to (1) pump located at the sewage treatment plant, pipes, all piping to each building or park, storage tanks, high lift pump and if required, chlorination facility.

e) Preparation of Class D cost estimate

- Prepare a Class D cost estimate for the capital cost of the infrastructure needed to pump, convey, distribute, storage and treat the water and the heat from the sewage treatment plant to each point of use (building or park)
- Prepare a Class D cost estimate for the equipment and piping required inside each of the building for reuse of reclaimed water and heat.
- Prepare a Class D for the operation and maintenance of all the infrastructure and equipment needed for resource recovery of heat and water

f) Report

- Prepare final report incorporating the technical memorandum, layout plans, and cost estimate for capital and operating and maintenance.

4. **Schedule**

The study to be completed within three months of contract award

5. **Budget**

The budget for this study is \$30,000

6. **Additional Information**

During the preparation of the proposal, a telephone conference call will be arranged with key maintenance staff for the buildings and the parks in order to provide more information to the proponent on existing heating and mechanical systems of the municipal buildings.

Prepared by

Gilbert Coté, PEng  
Director of Engineering and Public Work

## STAFF REPORT

**DATE:** July 2, 2009 **REPORT NO.** DEV-09-039  
**TO:** Laurie Hurst, Interim Chief Administrative Officer  
**FROM:** Barbara Snyder, Director of Development Services  
**SUBJECT:** Restriction of Hours for Convenience Stores and Fast Food Restaurants

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### RECOMMENDATION

1. That Council consider regulating the opening hours for convenience stores and drive-thru restaurants [i.e. MacDonald's and A&W] to the hours of 5:00 am - 11:00 pm seven days a week; and
2. That the municipality, working with the Chamber of Commerce, create a campaign to discourage local merchants from selling drug paraphernalia and items used for drug-taking.

### FOR INFORMATION

At the regular meeting of Council held on April 20th, Inspector Les Sylven made a verbal report regarding the sale of products used in drug-taking. This report followed a television news feature that these products [glass pipes, brillo pads and baking soda] are readily available from a local convenience store. As a result of that report, staff were directed to investigate whether the sale of drug paraphernalia could be regulated; whether the business hours of stores selling such merchandise could be restricted; or if a Code of Conduct for Businesses should be developed.

Although the initial report was concerned with the sale of products in convenience stores we have also received complaints [letter attached] regarding MacDonald's restaurant at 1149 Esquimalt Road. Their recent change of business hours to a 24-hour opening has led to an increase in police calls as noted by Inspector Darryl McLean at the Special Committee of the Whole Meeting of May 25th.

#### Restriction of Business Hours

Staff contacted other municipalities within the Capital Region as well as several others on Vancouver Island to see what restrictions, if any, are in effect. Within the CRD, only Sidney restricts the hours of business for drive-thru restaurants.

*"3.22 Drive Thru Food Outlet: The drive thru component of a Class 1 restaurant shall not be open for business between the hours of 12 midnight and 6:00 a.m."*

The City of Nanaimo has designated a particular area of the city where opening hours are restricted to 6 am - 11 pm.

*"8.9.1 The hours of operation of all retail businesses within the area shaded on Schedule 'F' are restricted to the hours between 6:00 am and 11:00 pm."*

The City of Victoria has formed a Downtown Late Night Taskforce to investigate restricting hours and business licences and hopes to have recommendations ready for the fall of 2009.

In order to limit business hours for convenience stores or restaurants, Council would need to amend Business Licence and Regulation Bylaw No. 2482 to include a restriction similar to what is quoted above. However, our legal advisor has noted that convenience stores and restaurants that are currently open 24 hours should be given 6 months to adjust their operations as many would have signed leases and made staffing commitments based on a 24 hour business day.

If Council chooses to restrict business hours for all retailers in the area, it's suggested that the closing time be 12:00 midnight rather than 11:00 pm, otherwise Shoppers Drug Mart would also have to close at 11:00 pm.

#### Restriction of Sale of Drug Paraphernalia

Staff contacted Stephanie James of Young Anderson to discuss what measures Esquimalt could take to limit or prevent the sale of drug paraphernalia.

Although some municipalities have enacted bylaws to control sales, our legal advice is that it is beyond the jurisdiction of a municipality to regulate these products as this is considered an attempt to stiffen or supplement Criminal Laws which come under federal jurisdiction.

There are two categories of items associated with drug use, the obvious ones are things like roach clips, water bongs, hookahs and hash pipes but there are other items, such as brillo pads, baking soda, and cigarette papers that are sold for legitimate uses and will be difficult to regulate.

New Westminster's Business Bylaw contains the following:

#### *"23.2 (a) "Retail Stores*

*No person or individual carrying on the business of operating a retail store or other business shall set or offer for sale, trade, exchange or barter any drug paraphernalia, equipment, supplies, merchandise or any other thing which is designed, ordinarily used or intended to be used for the purpose of or in connection with the use, possession, production, cultivation, manufacture, import, export, storage, preparation or ingestion of cannabis or any other controlled substance, as defined in the Controlled Drugs and Substances Act S.C. 1996, c. 19, where the possession, trafficking, production, import or export of such controlled substance is prohibited by that Act."*

In June 2006, Langley City Council adopted a Drug Paraphernalia Bylaw to regulate the sale of drug paraphernalia as a crime prevention strategy. This initiative was developed in response to concerns expressed by the Downtown Langley Merchants Association and the local School District. A copy of Langley's bylaw is attached. Also attached are 1) a Public Announcement to business operators and 2) a Notice of Intention to the general public.

The terms of the Langley bylaw require retailers who sell any drug paraphernalia to keep a detailed record of purchases which is submitted to the RCMP on a daily basis [sample

log attached]. It's hard to imagine convenience store owners keeping a log book listing the packages of baking soda or brillo pads sold in a day and according to our legal advisor, only the list of products can be provided to the Police, not the names of the purchasers. In any case, for the types of material being considered, they would have been consumed by the time the Police received the log book.

Summary

Our legal advisor feels that Langley's bylaw and most others of this type would not stand up if challenged in Court. However, municipalities may choose to enact this type of bylaw to send a strong message to the community and hope it's never challenged or withdraw it if necessary [this option is not recommended].

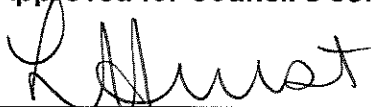
With regard to businesses, Section 8(6) of the Community Charter only gives municipalities the right to regulate businesses, not to prohibit or impose requirements. Regulating business hours would be in keeping with the intent of the Charter while prohibiting the sale of products would not be. Reducing business hours to avoid late or all-night openings may avoid having drug users gravitate to Esquimalt and may therefore decrease the number of police call outs.

It appears that a combination of training for youth [which is already happening], a campaign to discourage business owners from selling drug paraphernalia and other products used in drug-taking, and reduced operating hours for certain types of businesses is preferable to creating a bylaw which may be subject to challenges and difficult to enforce.

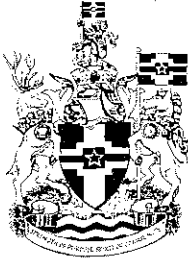
Respectfully submitted,



Barbara Snyder  
Director of Development Services

<p><b>Approved for Council's consideration:</b></p>  <hr/> <p>Laurie Hurst, I/Chief Administrative Officer</p> <p>Dated: <u>July 2/09</u></p>
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*City of Langley*

**THE CITY OF LANGLEY**  
*The Place To Be!*

**DRUG PARAPHERNALIA BYLAW NO. 2624**

A Bylaw to regulate Drug Paraphernalia Dealers in the City of Langley.

WHEREAS the unregulated possession and use of drug paraphernalia tends to foster drug crime and exacerbate the effects of crime on the community;

AND WHEREAS regulation of drug paraphernalia sales will foster crime prevention and mitigate the effects of crime on the community.

The Council of the City of Langley in open meeting assembled, enacts as follows:

- 1) This bylaw may be cited as the “Drug Paraphernalia Bylaw 2006, No. 2624”.
- 2) In this Bylaw

“business day”	means any calendar day, including any holiday, during which a dealer is open for business to one or more members of the public;
“dealer”	means a person to whom the City has issued a business licence, or who is obligated by a City bylaw to hold a business licence, for the purposes of selling drug paraphernalia;
“drug paraphernalia”	means all equipment, products, and materials of any kind which are used or designed for use in smoking, inhaling, ingesting, injecting, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, or introducing into the human body a controlled substance as defined in Schedules I, II, and III of the <i>Controlled Drugs and Substances Act</i> , SC 1996, c. 19, as may be amended from time to time, other than a controlled substance permitted under that Act. Without limiting the generality of the foregoing, drug paraphernalia includes pipes of any kind for the smoking of cannabis, including bonges and hookahs;

- “licence” means a licence to carry on a business, trade, profession, or other occupation issued under the *City of Langley Business Licence and Regulation Bylaw, 2004, No. 2564*;
- “picture identification” means one or more of the following that includes a photograph of the bearer:
- (a) Valid driver’s licence issued by a Canadian province or territory;
  - (b) Provincial identity card;
  - (c) Passport issued by a legitimate government;
  - (d) Certificate of Indian status issued by the Government of Canada;
  - (e) Certificate of Canadian citizenship issued by the Government of Canada; or
  - (f) Conditional release card issued by Correctional Services Canada.
- “premises” means any shop, store, or other place where a dealer carries on the business of selling drug paraphernalia;
- “property” means goods, chattels, wares, merchandise, articles, or things;
- “purchase” means to buy, barter, deal in, take in exchange, take in part payment, acquire, acquire on consignment, or receive;
- “RCMP” means the Officer in Charge at the Langley RCMP Detachment and includes their designate;
- “register” means the set of records referred to in Sections 4 through to 15, and where this Bylaw stipulates that a dealer has an obligation in connection with a register, the reference is to that register which the dealer is obliged, under Sections 4 through 15, to establish and maintain;

- 3) If a Court finds any provision or part of a provision of this Bylaw illegal or void, the remaining, provisions or parts of provisions will continue to have full force and effect.

### **DRUG PARAPHERNALIA DEALERS**

- 4) Every dealer in accordance with Sections 4 through to 15 must establish and maintain a written register of all buyers of drug paraphernalia.
- 5) Every dealer, immediately after the sale of any drug paraphernalia, must set out in the register in the English language, a record of the purchase, in chronological order by date of purchase. The record must include:
  - a) the name, residence, or street address, and birth date of the buyer;
  - b) confirmation of the identity of the buyer by way of picture identification including a complete description of the picture identification and name of the authority who issued it;
  - c) a complete description of the material purchased;
  - d) the price paid for the property; and
  - e) the date of the purchase.
- 6) Every dealer must:
  - a) maintain the register in the form attach to this Bylaw as Schedule “A”; and
  - b) record all information in the register in legible handwriting in ink.
- 7) A dealer must not amend, obliterate, deface, or erase any entry in the register or remove any page from the register, either wholly or partially or electronically or manually.
- 8) Every dealer, during business hours on business days must, when requested, produce the register for inspection by the RCMP or the Chief Licence Inspector.
- 9) The RCMP may remove a dealer’s register from the dealer’s premises at any time for inspection at the RCMP headquarters or for use as evidence in the Court.
- 10) Immediately upon return of the register taken under Section 9 to the dealer, the dealer must record in the register, in chronological order, under Section 6, every sale by the dealer of drug paraphernalia that occurred during the absence of the register.
- 11) Every dealer must:
  - a) subject to Section 9, keep on its premises the register, or any portion of the register, that contains any entry that is less than 24 months old;
  - b) keep the register within the Province of British Columbia, for seven years after the date of the last entry; and
  - c) if the dealer sells, leases, or otherwise disposes of the dealer’s business to any person, possession of the whole register must be transferred to such person, who then becomes the dealer for the purposes of this Bylaw.

- 12) Every dealer must deliver by hand or facsimile to the RCMP at the Langley RCMP Detachment between 8:30 a.m. and 10:30 a.m. on each business day of the dealer's business, a report consisting of an exact and legible photocopy of that portion of the register containing each entry of drug paraphernalia sold by the dealer that occurred during the period of time between 8:00 a.m. on the immediately preceding business day of the dealer and 8:00 a.m. on the business day the report is due, and signed by the dealer.
- 13) A dealer must not carry on the business of buying or selling drug paraphernalia except at the premises designated in the dealer's licence.
- 14) A dealer must not sell any drug paraphernalia to any person under the age of 19 years.
- 15) Every dealer, on demand by the RCMP during business hours on business days, must permit the RCMP to inspect:
  - a) any property in the dealer's premises;
  - b) the dealer's premises.

#### **DRUG PARAPHERNALIA DEALER'S LICENCE**

- 16) Every dealer of drug paraphernalia must hold a separate licence known as a Drug Paraphernalia Dealer's Licence.
- 17) Every application for a Drug Paraphernalia Dealer's Licence must be made to the City on the application form provided by the City.
- 18) The fee for a Drug Paraphernalia Dealer's Licence is \$1,000.00.
- 19) The RCMP has the authority to approve, suspend, cancel or refuse any Drug Paraphernalia Dealer's Licence issued or applied for under this Bylaw.
- 20) On approval by the RCMP of an application for a Drug Paraphernalia Dealer's Licence, and on payment of the fee, the City must issue a Drug Paraphernalia Dealer's Licence.
- 21) An appeal of the refusal, suspension or cancellation of the licence may be made to Council and the decision of Council shall be final.
- 22) A Drug Paraphernalia Dealer's Licence is valid for a period of one year from the date of issuance, but may be extended for such further periods, not exceeding one year, as the RCMP may determine.
- 23) The RCMP may authorize the issuance of a temporary Drug Paraphernalia Dealer's Licence for a determined period of less than one year.
- 24) Every drug paraphernalia dealer must, at all times, display a Drug Paraphernalia Dealer's Licence on their premises.

**OFFENCES AND PENALTIES**

- 25) Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of any of the provision so of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or who does any act which violates any of the provisions of this Bylaw, shall be guilty of an offence against this Bylaw and be liable to the penalties hereby imposed.
- 26) Every person who commits an offence against this Bylaw is punishable on conviction by a fine of not less than \$200.00 and not more than \$10,000.00 for each offence.
- 27) Every person who commits an offence of a continuing nature is liable to a fine not exceeding \$10,000.00 for each day such office is continued.

**EXEMPTION**

- 28) This Bylaw does not apply to licensed medical doctors, pharmacists, or owners of pharmacies.

**REPEAL AND ENACTMENT**

- 29) This Bylaw comes into force and takes effect on and after the date of the final passing thereof.

READ A FIRST AND SECOND TIME this eighth day of May, 2006

NOTICE given under Section 59 of the *Community Charter* on the nineteenth day of May, and twenty third day of May, 2006.

OPPORTUNITY for representations to Council provided under Section 59 of the *Community Charter* up to the twenty ninth day of May, 2006.

READ A THIRD TIME this twenty ninth day of May, 2006

Finally Adopted on the nineteenth day of June, 2006.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk





City of Langley

**CITY OF LANGLEY**

*"The Place to Be!"*

**EXPLANATORY MEMO  
BYLAW NO. 2624**

Bylaw No. 2624 will prohibit sales of drug paraphernalia to all persons under 19 years of age, and require recording and reporting to the RCMP of all other sales of drug paraphernalia. The bylaw can be expected to enhance crime prevention and mitigate the effects of crime on the community.

## **PUBLIC ANNOUNCEMENT**

May 17, 2006

Dear City of Langley Business Operators;

### **RE: DRUG PARAPHERNALIA**

Your business may be affected by proposed bylaws now before City Council.

Langley City Council has commenced consideration of proposed amendments to City of Langley Zoning Bylaw, 2100, 1996 and a new drug paraphernalia Business Regulation Bylaw. If adopted, it is expected that these bylaws will enhance crime prevention and mitigate the effects of crime on the community.

New sales of drug paraphernalia by businesses in all zones of the City will be prohibited in the proposed Zoning Bylaw amendments. Existing businesses presently selling drug paraphernalia will be regulated and required to record sales and report them to the RCMP on a timely basis under the Business Regulation Bylaw.

If it is your intention to make comment or submissions to the Council regarding the proposed bylaws, please watch your community newspaper for specific locations, times and details of public meetings and public hearings that will be held soon. The Public Hearing to consider written submissions and oral presentations for the Zoning Bylaw amendment is presently scheduled for May 29, 2006 at 7:00 p.m. at Langley City Hall, 20399 Douglas Crescent, Langley, BC.

If you wish to obtain a copy of the proposed bylaws, please attend the office of the City Clerk, Langley City Hall, 20399 Douglas Crescent, Langley, BC, between 8:30 a.m. and 4:30 p.m. Monday through Friday (excluding Victoria Day – Statutory Holiday).

Yours truly,  
CITY OF LANGLEY

Lisa M. Zwarn  
City Clerk





*City of Langley*

## THE CITY OF LANGLEY

### NOTICE OF INTENTION

#### **“Drug Paraphernalia Bylaw 2006, No. 2624” A Business Regulation Bylaw**

On May 29, 2006 at Council Chambers in Langley City Hall, 20399 Douglas Crescent, Langley BC at 7:00 p.m. City Council will hold a Public Hearing regarding zoning amendments regarding prohibition of drug paraphernalia sales in all zones.

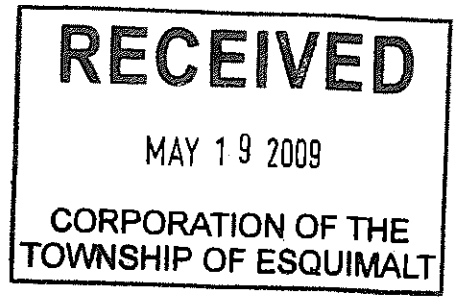
Some businesses already sell drug paraphernalia and will become lawfully non-conforming – IMMEDIATELY AFTER THE PUBLIC HEARING City Council will listen to representations from persons affected by the business regulation bylaw noted above. That bylaw is intended to regulate the sale of drug paraphernalia by the lawfully non-conforming businesses.

A copy of the “Drug Paraphernalia Bylaw 2006, No. 2624” may be inspected at the Administration Department, Langley City Hall, 20399 Douglas Crescent, Langley, B.C., from Wednesday, May 17, 2006 to Monday, May 29, 2006 between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday (excluding week-ends and statutory holidays).

**Lisa M. Zwarn**  
*City Clerk*

✓ Barb S.

May 15, 2009  
Head Office Victoria  
and  
Management Esquimalt Rd.



McDonalds,

Anything close to the disruptive noise I had to endure late night Mar 14 and I will call the police and demand your business be closed for the evening.

Ever since your lobby has gone to 24 hour the residents around you have been buried in litter and a intolerable amount of noise and language, most of which would make any sailor's eye's water.

You either control and look after your patrons or I will petition the city to close you.

I never welcomed you and will fight. My family having been here as law abiding tax payers for 50 years, Nothing compared to your stats. I've had to go to the city more than once over problems in the past 3 years.

Stephen Glover  
Property Manager  
1140 - 1148 Esquimalt Rd

C.C.  
Esquimalt Municipality  
:Attention the Mayor  
Delcie Cox Owner  
Victoria Police  
All tenants at 1140 +1148 Esquimalt Rd.



## STAFF REPORT

**DATE:** June 29, 2009 **REPORT NO.** DEV-09-042  
**TO:** Laurie Hurst, Interim Chief Administrative Officer  
**FROM:** Barbara Snyder, Director of Development Services  
**SUBJECT:** **USE OF 493-495 GRAFTON STREET**

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### RECOMMENDATION

That Council take no further action with regard to the use of 493-495 Grafton Street unless it can be proven that such use is in contravention of the terms of Zoning Bylaw No. 2050, or the condition of site does not comply with Maintenance of Property Bylaw No. 2180, or if there is illegal activity at this location.

### BACKGROUND

As a result of several complaints from residents of the Grafton/Lyall area regarding the use of the rental duplex at 493 - 495 Grafton Street, a report on the use of the dwelling unit was presented to Council on May 25th, 2009. At that meeting, it was

*“Moved by Councillor Garrison, seconded by Councillor Linge that Staff investigate further the status of the use of the property located at 493-495 Grafton Street as a business, rooming house or rest home, and that a Staff Report be prepared for Council, with legal opinion, clarifying the status.*”

#### 1. Use of the Property

The Director of Development Services and the Senior Planner, met with the lessees of 495 Grafton Street, Darrell Vanderhoek and Patricia Law, on site on June 18th, 2009 at 3:00 pm. The owners of the building were also invited but were out of the country, however, they have since contacted staff and their comments are provided in Section 3 below. Darrell and Patricia sublease the dwelling unit [i.e. the Neway Recovery House] to a maximum of four women at one time; they do not live in the residence themselves.

Staff were given a tour of the premises and met two of the residents who were inside at the time [another resident was present in the yard as we were leaving]. The Dwelling Unit is half of an older duplex with 2 bedrooms on the main floor. Each bedroom contains a set of queen size bunk beds; 2 residents occupy each room. According to Darrell and Patricia, who have previous experience leasing this type of accommodation, having tenants share a room is preferable during their recovery.

Additional beds and bags of donated clothing are stored in the basement; this area is not being used for accommodation and the beds will be transferred to another location. All beds were donated to NRH from a hotel chain which is why they are queen size; residents are not being asked to share beds.

The intent of Neway Recovery House [NRH] is to provide a safe, healthy place for women to recover from addictions and enter the mainstream of society. Residents are given clothing, food and shelter for the \$550 monthly rent; no treatment services are provided.

This is a structured living arrangement intended to get the residents to a point where they can become involved in the community, enter the work force and eventually rent their own accommodation. Residents must keep regular hours [there is a curfew] as they develop basic life skills such as cooking, housekeeping and yard work. At the time of the inspection, both the interior and exterior of the premises were clean and tidy.

To be accepted into NRH, the women must have been clean and sober for at least 5 days and be over the age of 19. A rigorous screening process is in place; a medical exam and interview are required prior to anyone being allowed to reside here. Women are referred to NRH from social agencies, they do arrive off the street in response to flyer or posters. Residents are evicted immediately if they do not remain clean and sober or if they engage in violence, threats or self-destructive behaviour. The length of stay varies from 3 months to a year.

The lessees are not operating NRH for profit, the intent is that the rents charged will cover operating costs. NRH also receives ongoing support [i.e. donations] from churches and other groups.

## 2. Legal Advice

Staff consulted with Bill Buholzer of Young Anderson regarding the use of this residence. He confirmed that a "dwelling unit" may, according to our bylaw definitions, be used by up to four unrelated persons for residential accommodation. Zoning Bylaw No. 2050 does not address the nature of the tenure arrangement of the four unrelated persons in a dwelling unit [and legally could not address this]. Mr. Buholzer notes that

- o four persons could pool their money and buy and occupy the unit as tenants in common;
- o they could pool their money and pay rent to an absentee owner;
- o one of them could rent the unit and charge the others for living there; or
- o a fifth person could rent the unit and sublet it to four others.

None of these scenarios would take the occupancy out of the permitted "dwelling unit" use category.

Whether any of these scenarios constitutes the conduct of a business requiring a business licence would depend on the wording of Esquimalt's Business Licence Bylaw and the definition of "business" in the *Community Charter* which refers to the carrying on of a commercial undertaking of any kind or the provision of services for gain or profit. Under most licensing bylaws, being an absentee landlord is not considered the conduct of a business requiring a business licence [notwithstanding that it does constitute the carrying on of a commercial undertaking].

Esquimalt's Business Licence and Regulation Bylaw No. 2482 defines a Business as:

***"Business means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit, this but does not include an activity carried on by the government, its agencies or government owned corporation or by a charitable, philanthropic or religious organization where the whole of the proceeds of the activity are used solely for charitable, philanthropic or religious purposes."***

The shared accommodation scenario permitted by the zoning regulations is not a boarding or rooming house use, whether or not the individual occupants share bedrooms or beds; it is a "dwelling unit" use. Mr. Buholzer has commented that this seems to be the case whether or not the residential accommodation is advertised as a "recovery centre". As noted above, NRH is not being operated for profit.

Mr Buholzer further noted that, if residents of the 'recovery centre' were to receive treatment on the premises requiring the presence of treatment personnel, or were confined on the premises, it may be an institutional use raising both zoning and business licensing issues. However, this does not appear to be the case. A residential use does not become an institutional use simply because a resident is recovering from an illness. If it did, many dwellings in residential areas would become the site of zoning contraventions when the occupier is simply discharged from hospital to recover at home from their illness or injury. The fact that the owner or lessee maintains the premises doesn't seem to him to change anything; all landlords are supposed to do that.

If more than four unrelated persons were living together, the Township could issue MTIs [if the proper bylaw had been enacted], prosecute the owner under the *Offence Act*, or seek an injunction.

### **3. Comments from Property Owner**

Guang- Ming [George] Chen, the registered owner of 493/495 Grafton Street phoned on June 29, 2009 to discuss the letter sent June 15th, 2009 regarding the use of the property and agreed to a telephone interview.

Asked whether or not he was aware that Darrell Vanderhoek and Patricia Law were subletting the property to 4 other individuals he respond that he was aware this was occurring and was supportive of it.

He further commented that:

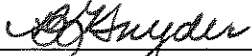
- as he has had numerous complaints from neighbours in the past, he was very careful in renting the residence. He asked the Lessees to investigate whether the municipality would object to them subletting the property prior to signing the lease agreement. He understood that they did investigate this possibility with municipal staff who indicated a maximum of 4 unrelated persons could reside together in a residence;
- he is very pleased with the current arrangement as the lease-holders/ tenants are maintaining the property both inside and outside, in a manner that meets/exceeds his expectations;
- he feels this arrangement is an improvement over his previous tenants who generated a number of complaints from the neighbourhood;
- he is very supportive of Darrell and Patricia securing the lease to 493 Grafton Street when that property becomes available in the future as they have proven to be excellent Lessees.

Mr. Chen indicated he would be in attendance at the July 6th Council Meeting to hear the discussion.

**SUMMARY**

It appears that the subletting of the dwelling unit at 495 Grafton Street to 4 unrelated individuals does comply with Zoning Bylaw No. 2050 and is not considered to be a Business requiring a Business License. The use of the property does not represent a rooming house or rest home.

Respectfully submitted,



Barbara Snyder  
Director of Development Services

**Approved for Council's consideration:**



Laurie Hurst, I/Chief Administrative Officer

Dated: June 30/09

## STAFF REPORT

**DATE:** July 2, 2009 **REPORT NO.** DEV-09-044  
**TO:** Laurie Hurst, Interim Chief Administrative Officer  
**FROM:** Barbara Snyder, Director of Development Services  
**SUBJECT:** PMD [PACIFIC MOBILE DEPOT] RECYCLING AT 800 VIEWFIELD RD.

### FOR INFORMATION

At the Regular Meeting of June 1st, 2009, Council received a report on the activities of Pacific Mobile Depot's recycling operation at 800 Viewfield Road [site of Monks Warehouse]. Neighbours had complained of rude language and noise from the employees during the day as well as undesirable persons rooting through the bins creating noise and an unsafe environment at night.

In response to the complaints, the owners of 800 Viewfield Road and the operators of PMD Recycling were contacted by the Bylaw Enforcement Official, Bob Haveruk. The operators of PMD were asked to minimize the noise associated with their facility by having staff open and close the bins more carefully, keep their voices down, use less rude language, and lock the containers at night. It was also suggested that the recycling bins be relocated to another part of the site further from the neighbouring residential buildings.

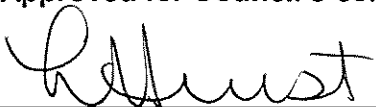
Since the original report to Council, the bins have been moved and no further complaints have been received from residents.

Police have been asked for a list of calls to the site since the original complaint. That information was not available in time to be included with this report but will be provided at the Council meeting.

Respectfully submitted,



Barbara Snyder  
Director of Development Services

<p><b>Approved for Council's consideration:</b></p>  Laurie Hurst, I/Chief Administrative Officer
<p>Dated: <u>July 2/09</u></p>





REPORT FROM COUNCILLOR BRAME

June	
2009	
1	Council Meeting
2	Town Hall Meeting of Policing
3	Arts, Culture and Special Events Committee Meeting
4	Olympic Torch Committee Meeting
6	Access Awareness Day – Proclamation
9	Esquimalt Chamber of Commerce Meeting
10	Access Awareness Committee Meeting
13	Parade Judge for Buccaneer Days Helped in Langos Booth for Chamber of Commerce
15	Youth Matters Committee Meeting Special Committee of the Whole and Council Meetings
17	Special Council Briefing
24	Joint Police Board Meeting Wrap up for Buccaneers Day
25	AGM for Esquimalt Neighbourhood House



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES  
CENTENNIAL CELEBRATIONS  
SELECT COMMITTEE

Tuesday, May 26, 2009  
6:30 P.M.

Wurtele Room, Esquimalt Municipal Hall

**PRESENT:** Councillor Don Linge  
Janet Jones, Chair  
Jennifer Parlee, Vice-Chair  
Karol Sanderson  
Sandy Rozon  
Dino Fiorin  
Sherri Robinson  
Marilyn Kraeker  
Bruce Devitt  
Celia Owen  
Diane Knight – Recording Secretary

**REGRETS:** Mayor Barbara Desjardins  
Joe Buczkowski  
Terry Eckstein  
Bob McKie

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1. **CALL TO ORDER**

Chair Janet Jones called the meeting to order at 6:30 pm.

2. **LATE ITEMS**

The following late item was introduced under Item 5. OLD BUSINESS  
(3) Mission Statement.

**APPROVAL OF AGENDA**

Moved by Dino Fiorin, seconded by Jennifer Parlee to approve the agenda as amended.  
The motion **CARRIED**.

3. **APPROVAL OF MINUTES OF APRIL 30, 2009**

Moved by Marilyn Kraeker, seconded by Celia Owen to approve the minutes of April 30, 2009 with the following change to the wording on Page 3, under Actions, second paragraph, third bullet to read:

“Bruce Devitt and Celia Owen offered to look after a shift at an information booth at Buccaneer Days – a schedule will be required”  
The motion **CARRIED**.

4. **OLD BUSINESS**

- (1) Buccaneer Days
- car signs

Signs have been made up for two cars: there are four magnetic car signs with the text "Remember 2012" and two "Chair, Centennial Celebrations Committee". The car carrying the Mayor will have two of the "Remember" signs and Dino Fiorin is providing another car to carry Janet Jones with "Remember" and "Chair" signs.

- booth and volunteers

A booth has been booked for the Centennial Committee and will be not be manned the entire time. Janet Jones will make up a schedule for attendance at the booth and circulate to group. The table will be set up the night before. Suggestions for handouts included: pictures from the past; sign up sheet for volunteers (it was determined that it was too early in the process to have this), a one page information sheet with the Mission Statement and a list of Committee members, and a fun facts sheet. Janet Jones and Jennifer Parlee will organize the information booth and create the handouts.

- register and arrange for vehicle for Buccaneer Days

Dino Fiorin will ensure that his car is registered for Buccaneer Days for the Chair.

Discussion took place regarding ideas for group and following are some ideas:

- Use a horse and buggy for next year's Buccaneer Days advertising.
- Dino Fiorin reported, as the military liaison, that he has met with the Base Commander and Cedric Steele regarding what ships will be here during 2012.
- Sandy Rozon will be the contact regarding the Queen's Own Rifles.
- It is a priority for this group to talk and form relationships and get others thinking about 2012.
- Janet Jones reported back on information about Royal Visits and the costs are very high. If we could find out if Royalty were here for some other celebration, we could contact them. Suggestions were made to research other visits within BC where Royals may be attending and also to find out when and where the Duke of Edinburgh awards are being held that year.
- Janet Jones noted that the Chair of the Oak Bay Celebrations Committee, John Herbert, was available to speak to this group if they wish.
- Sherri Robinson confirmed the following dates: Letters patent signed August 15, 1912, declaring incorporation on September 1, 1912; First nomination meeting held on Wednesday, September 12, 1912; Election was September 16, 1912 and the First Council meeting was held on September 23, 1912.
- Check into Bylaw for Fireworks.
- The suggestion was made to create a calendar of events. Marilyn Kraeker will contact Diane Knight with some examples.
- A special Tim Horton's coffee named for the Centennial.

(2) Committee Budget

The Chair reported that this year's Committee budget is \$3000 which can be rolled over to next year if not spent.

(3) Mission Statement

Discussion took place regarding a clear and simple Mission Statement for this group. After much discussion the following Statement was adopted.

Moved by Marilyn Kraeker, seconded by Karol Sanderson to adopt the following Mission Statement for the Centennial Celebrations Select Committee:

***“Esquimalt Centennial Celebrations will honour our past, celebrate our present and imagine our future”***

***Join us in 2012 for a year of fun-filled events and activities.”***

The motion **CARRIED.**

**5. NEW BUSINESS**

(1) Structure

Marilyn Kraeker developed and distributed a draft structure for review. The Structure showed the Chair, Vice Chair and what the various sub committees could be. The group reviewed the chart and designated members to roles and made some minor changes. A revised copy will be presented at the next meeting.

It was identified that the group focus and prioritize on which events they will work on. A budget has not yet been determined. Councillor Linge will look into whether the group can be responsible for their own budget funds.

(2) Communication

Communication between Committees of Council was stressed and the suggestion was made to draft a letter which could be sent to Committees of Council and other local groups/organizations asking them if they are planning a celebration of any kind in 2012.

Jennifer Parlee will serve as the liaison between the Centennial Committee and the Parks and Recreation Committee. Other members of this group were asked to serve as liaisons between their group and the Centennial Committee.

Chair Jones noted that the group needs more discussion and feedback about work to be done and to get input from those not attending this meeting, confirm which sub groups they wish to participate in and get feedback from Buccaneer Days. The group will then break for Summer and reconvene in the Fall.

She suggested that the group report back on progress made at the next meeting and then tasks can be assigned to work on over the summer.

(3) Public Consultation

Chair Jones raised the issue of public consultation with the community to receive input as to their ideas re Centennial celebration events. After a full round table discussion with input from all present, it was decided that this was not necessary as appointed members of the Committee represented the community as a whole and were mandated to make these decisions.

6. **NEXT MEETING**

The next meeting will be held on Tuesday, June 23 at 6:30 pm in the Wurtele Room.

7. **ADJOURNMENT**

Moved by Karol Sanderson, seconded by Celia Owen to adjourn the meeting at 8:50 pm.  
The motion **CARRIED**.

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Janet Jones, Chair  
This 23rd day of June, 2009



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES  
ENVIRONMENTAL ADVISORY COMMITTEE**

Thursday, May 28, 2009

7:15 p.m.

Wurtele Room, Municipal Hall

**PRESENT:** Edwin Hubert – Chair  
Mark Salter – Vice-Chair  
Councillor Randall Garrison  
Eileen Palmer  
Jo-Lee Bertrand (Departed at 9:17 p.m.)  
Larry Dill  
Beth Sobieszczyk

**STAFF:** Marlene Lagoa – Manager of Communications and Sustainability (Staff Liaison)  
Deborah Liske – Recording Secretary

**REGRETS:** Councillor Lynda Hundley

1. **CALL TO ORDER**

Chair Hubert called the meeting to order at 7:17 p.m.

2. **LATE ITEMS**

There were no late items.

3. **APPROVAL OF THE AGENDA**

Moved by Larry Dill, seconded by Jo-Lee Bertrand, that the agenda of the Environmental Advisory Committee meeting of May 28, 2009 be approved as presented.  
The motion **CARRIED**.

4. **MINUTES**

Moved by Eileen Palmer, seconded by Jo-Lee Bertrand, that the minutes of the Environmental Advisory Committee meeting of April 23, 2009 be approved as presented.  
The motion **CARRIED**.

5. **OLD BUSINESS**

(1) From the April 23, 2009 Environmental Advisory Committee meeting

(a) 2008 Year End Final Report

The committee reviewed and discussed the 2008 year end final report of the Environmental Advisory Committee.

Moved by Eileen Palmer, seconded by Beth Sobieszczyk, that the Environmental Advisory Committee 2008 year end final report be received and presented to Council.  
The motion **CARRIED**.

(b) Curb Paint

The Manager of Communications and Sustainability provided the committee with information about the paint utilized by the municipality for curb markings. It was noted that the municipality has utilized an environmentally friendly latex product in the past and discontinued its use due to the product being inferior and more expensive. The current alkyd product utilized has a longer lifespan and is more reasonably priced. It was further noted that the procedures involved in the cleanup of paint scrapings has been addressed.

Committee members discussed longevity differences between latex and alkyd paints and whether alternatives other than paint exist for marking curbs. Committee members also discussed the need to determine/develop more environmentally and sustainable alternatives to current practices.

Moved by Jo-Lee Bertrand, seconded by Mark Salter, that the Environmental Advisory Committee recommends that:

1. The Township of Esquimalt develop and implement an ethical sustainable procurement and disposal policy, and
2. The Environmental Advisory Committee be provided with the opportunity to provide input in to the development of the policy.

The motion **CARRIED**.

(c) Work Plan

(i) Sub-Committees and How They Relate to the 2009 – 2011 Strategic Plan

The committee discussed how the sub-committees related to the 2009 – 2011 strategic plan and determined items of focus.

The committee discussed at length the scope and depth of the sub-committees and how committee members wanted to proceed with the development and focus of the work plan.

In the time available, the committee was able to determine that the following subcommittees would focus on the noted items within their subcommittees:

Urban Landscape

- Local Food Security – Community Market (work with pocket market at Recreation Centre)
- Local Food Security – Network with regional food security groups
- Urban Forest Expansion

Pesticide Reduction

- Pesticide Education
- Bylaw Awareness & Compliance

Marine & Shoreline

- Green Boating / Marina's – Prepare report reviewing jurisdiction, environmental standards and compliance of Esquimalt's marina's
- OCP foreshore review
- Communicate with Gorge Waterway Society

Alternative Transportation

- Bus Service – Recommendations to encourage DND to promote carpooling
- Bike Lanes
- Pedestrian Charter – Implementation & safety concerns
- Promote Car Sharing
- Admirals Road

The committee will continue discussions on the development and focus of the remaining work plan subcommittees / items at the next meeting.

The committee discussed sustainability and greenhouse gas reduction initiatives.

The Manager of Communications and Sustainability noted the following:

- Will be reporting to the committee on a regular basis on the progress and actions of the municipality on corporate sustainability and greenhouse gas reduction initiatives.
- The provincial government has developed a community energy and greenhouse gas reduction emissions inventory and will provide a copy of the inventory at the next meeting.
- Is currently working on the development of a corporate greenhouse gas emissions inventory; will report back at a future meeting on the progress of the inventory development.

The committee discussed highlighting the great work of the municipal parks department in developing and implementing pesticide free initiatives in municipal parks. It was suggested that the committee present a certificate of achievement for creating pesticide free parks and green spaces within the Township of Esquimalt. It was further suggested that the presentation take place at the July 6<sup>th</sup> meeting of Council to coincide with the complete phase-in of the pesticide bylaw.

Councillor Garrison reported that the cross-town bus route along Bay Street into Esquimalt has been approved by BC Transit and will be implemented. It was also noted that the #14 Craigflower bus service and the UVIC route has also been increased.

This item will be discussed further at the next meeting.

(ii) Work Plan Finalization

This item was deferred to the next meeting.

**6. NEW BUSINESS**

(1) Buccaneer Days Planning

Committee members discussed preparations for the committee booth at Buccaneer days.

Mark Salter suggested that the municipality determine a day in October to host a waste free Wednesday.

Jo-Lee Bertrand departed the meeting at 9:18 p.m.

The committee continued discussion for the committee booth.

(2) Anti-Idling Awareness

This item was deferred to the next meeting.

(3) Composting

This item was deferred to the next meeting.

(4) Update on Gorge Discovery Centre

This item was deferred to the next meeting for discussion during update from subcommittees.



7. REPORT FROM STAFF LIAISON

No report.

8. COMMUNICATIONS

- (1) Letter from the Recycling Council of British Columbia, dated November 3, 2009, Re: Plastic Bags

This item was deferred to the next meeting.

9. COMMITTEE MEMBER ANNOUNCEMENTS / REPORTS

Councillor Garrison reported that discussions are taking place on how to proceed with the development of the E & N trail. Councillor Garrison also reported that Council has determined that there will be no additional garbage collection for homes with secondary suites other than is currently allowed under the bylaw.

10. ADJOURNMENT

The meeting adjourned at 9:36 p.m.

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Edwin Hubert, Chair

This 25<sup>th</sup> day of June, 2009



## Corporation of the Township of Esquimalt

# TOWN HALL MEETING

Tuesday, June 2, 2009

Esquimalt Municipal Hall – Council Chambers

7:00 p.m.

## MINUTES

**PRESENT:** Mayor Barbara Desjardins (Chair), Councillor Meagan Brame, Councillor Randall Garrison, Councillor Don Linge, Councillor Bruce McIlDoon, Councillor Alison Gaul

**REGRETS:** Councillor Lynda Hundleby

**GUESTS:** Chief Jamie Graham, Victoria Police Department  
Inspector Darrell McLean, West Division, Victoria Police Department

**STAFF:** Diane Knight, Executive Assistant (recorder)

### 1. CALL TO ORDER

Mayor Desjardins called the meeting to order at 7:05 p.m.

The Mayor advised that the purpose of the meeting is to get public input and have dialogue with the community regarding their concerns with policing in Esquimalt.

### 2. APPROVAL OF THE AGENDA

Moved by Councillor Linge, seconded by Councillor Brame that the agenda be approved.

The motion **CARRIED**.

### 3. Mayor Desjardins introduced Chief Jamie Graham, Victoria Police Department

Chief Graham gave a brief summary of his background. He started with the City of Victoria on January 1<sup>st</sup>, 2009 as the Chief Constable and has a contract with the Police Board for five years. He noted that there is a police audit underway which includes the relationship between Victoria and Esquimalt. A report with the outcome of the audit will be produced and will either justify or recommend changes to the current system. Policing is a community service. He commented on the Crime Free Multi Housing project, run by Constable Derek Tolmie, which has had great results in the community. They train management and residents of apartment buildings. He recommended that if residents have a concern with tenants in a housing unit to contact the Victoria Police Department.

The rationale behind Esquimalt paying more for their policing services is that Esquimalt has more crime than other local municipalities. Victoria's crime rate is one of the highest in Canada and there are approximately 70 cases per officer.

Inspector Darrell McLean, West Division, Victoria Police Department  
Inspector McLean gave a brief summary of his background and that he started with West Division on June 1, 2009. He looks forward to working with the community and invited residents to stop by the office or give him a call.

Mayor Desjardins reported on the decision to request an audit of police services in the municipality. The community has concerns with the quality of policing, the perception that there is slower service to Esquimalt and also, that there is minimal police presence in the community. The key concerns from Mayor and Council are: does the level of service correlate to the cost of service; is the current cost formula reasonable; and the need to review the governance model for the Police Board.

#### 4. PUBLIC INPUT

Lorne Newson – noted that he was in policing since 1954 and a resident since 1978. He is suspicious of the word audit and that if it is not done properly will tell exactly what it set out to do. He expressed concern as a taxpayer. When a municipality contracts with another municipality, it loses its sovereignty. The police are deserving of respect. What about amalgamation of policing, why not have an RCMP detachment here in Esquimalt.

Response: Esquimalt could enter into a contract with RCMP but recruitment for the RCMP is not going well. Possibly when new Solicitor General comes in. Esquimalt is currently not contracting out their police services. This may be a valuable option.

Paul Newcombe – noted that property taxes are up 5% and 24% is for policing. He commented that all the police vehicles seem large and must have high operating costs.

Response: Inspector McLean commented that post 1996 snowstorm, the department recruited 4 wheel drives to respond to emergencies, snowstorms, flooding and other natural disasters. Also, the average police officer is very tall. Because of high use of vehicles, safety issues, putting people inside the cars, costs for repairs, the larger vehicles are more practical. The Crown Victoria's are made specially for police, they are safer for officers, easy to repair and as they are bought in quantity, costs are a reasonable.

Vicki McGavich – Ms. McGavish remarked on the location of an escort service next to the consignment store on Craigflower Road. She thanked the police department on the way they handled the death of a boy last week. She feels the escort service is too close to a daycare facility. Police need to have consistency when dealing with these types of services in a community. She suggested that there needs to be a needle exchange and to have some disbursed in the community.

Dino Fiorin – Mr. Fiorin commented on the speeding, traffic safety on Old Esquimalt Road, as there are two schools there.

Response: information will be conveyed to the traffic division.

Brian Gray – Mr. Gray noted that he is one of two community representatives on the Policing in Esquimalt Advisory Committee. Residents want to see more police

presence, especially on Friday and Saturday nights. Officers spend a lot of time on writing up reports, most people are not aware how much time is spent on this. He suggested the audit could look at how much time is spent on paperwork and changing legislation.

Response: Inspector McLean suggested that the system would benefit from a drug court not a criminal court. He stressed the important role that paperwork serves in the legal system. As most patrol cars are now fitted with computers, officers can write up their paperwork much quicker.

Terry Fiorin – Mr. Fiorin reported on an incident where he called the police three times and there was limited response. He commended Constable Chantal Ziegler on a great job trying to clean up the beach and that he has noticed an increased police presence in Esquimalt.

Response: Chief Graham will look into this incident. Normally, the reason the response is not immediate is that the patrol car is busy dealing with another incident in another location. If residents call the police and there is no response or an unsatisfactory response, please contact either Inspector McLean or himself as this is not appropriate service.

Gloria Edwards – Ms. Edwards feels that the police service in Esquimalt is disappointing and that she usually sees them headed back to Victoria. She reported on an incident where she was not impressed with the police response to her request for help. She also noted an additional incident where the police did not even respond. She commented that the intent of the amalgamation was to increase the service to Esquimalt. Her concern is that there is no community involvement with police services and that Esquimalt does not have assigned officers on a regular basis for continuity. She noted that the attitude with Esquimalt being somehow inferior to Victoria is still common, officers should want to be in Esquimalt.

Muriel Dunn – remarked on speeding on Old Esquimalt Road. Another concern from the community is that the police station is only open from 9 – 5, Monday through Friday. She thanked the police for their efforts but the community wants police services available all the time.

Penny Campbell – Ms. Campbell voiced her appreciation for the police and what has been done and thank you to the SWAT team. She is concerned for her safety in Saxe Point Park and that there is no police presence there, she would like to see them there on a bike or a car. She stated the police do an amazing job but she would like to feel safe in Saxe Point Park.

Linda David – Ms. David is concerned that there is no police presence in Esquimalt/Gorge Park. There has been theft from numerous vehicles and on the weekends there are lots of parties. The crime rate is terrible in that area.

Response: Chief Graham reiterated that if residents do not feel they are getting good service, to contact Inspector McLean or himself.

The Mayor commented on the importance of recording calls made to the police to ensure that there is follow-up and to get a file number or some kind of record. If

residents are not satisfied with their police service, again contact Inspector McLean or Chief Graham.

Sheila Fiorin – Ms. Fiorin remarked on unsatisfactory police services and not getting anything resolved. The police suggested that she get involved with Block Watch. She noted a concern that policies are changing and suggested that the community needs help in knowing better ways of reporting and communicating with the Victoria Police and how to follow through when service has not been satisfactory. Ms. Fiorin also gave Kudos to the municipality by installing signs stating no public access from dawn to dusk at Fleming Beach.

Response: Chief Graham noted the importance of residents recording times and dates to report on poor service.

The Mayor suggested that the municipality may be able to facilitate communication by adding information about police reporting on the municipal website.

Sandy Rozon – Mrs. Rozon is a community representative on the Policing in Esquimalt Advisory Group. She hopes this group continues to meet. Mrs. Rozon reported that 911 calls were not being responded to because they were not serious enough. There is a need for more police presence in Esquimalt.

Response: Inspector McLean advised that the Policing in Esquimalt Advisory Group will continue to meet.

Terry Prentice – Mr. Prentice asked Inspector McLean what his vision of policing in Esquimalt was. He also asked Chief Graham his vision of policing in Victoria in the next five years and in the region. He also asked Mayor Desjardins about her vision for the Police Board in Esquimalt. He asked about coming to their offices to pick these up.

Response: Chief Graham advised that he would like to see the combined policing in Victoria and Esquimalt be the best it can make be, face the budget issue, deliver quality service, have dedicated officers and be the best police department in the country. He believes in the philosophy of community policing and working with the community to solve problems and that quality service is important.

Mayor Desjardins reported that she hoped to see the police provide the best service to the community. Inspector McLean stated that over the next three years, the Victoria Police Department will be providing better service to this community. He has heard loud and clear that Esquimalt residents expect more physical and visual presence in the community. He is excited to be working in the community and will be out and about communicating with residents.

Mayor Desjardins advised that she meets with Kathy Mick, Council Appointee to the Police Board, and Inspector McLean monthly to help address issues in the community. She noted that she does not support stores selling crack pipe paraphernalia in this community. She does not wish to provide opportunities to allow an increase in these situations.

Joe Richards – Mr. Richards reported on information from 2004. He had attended 30

years of Police Board meetings. He wanted to know when the police force was going to be up to speed and that more police are needed for Victoria. He wants Police Board meetings in public and hopes to see people at the Joint Police Board/Council meeting on June 24<sup>th</sup>. He reported that he was robbed and that it took the police an hour to get there. He does not feel safe in Esquimalt.

Response: Chief Graham stated that the full strength of the Police Department is 241.

John Lucas – he noted that the consensus of residents was that there is no police presence in Esquimalt. He would like to see cars patrolling, go slow, and take their time so that people in the community could wave them down. Let the residents know you are here.

Bob Campbell – do we have a core of officers assigned to Esquimalt?

Response: Inspector McLean reported that there are youth investigators and rotating support from Headquarters. West Division includes Burnside and Gorge corridor. He will try to meet or exceed your expectations. Chief Graham noted that the borders for West Division are flexible.

John Costos – Mr. Costos noted that many residents are policed by military police and asked whether this would factor into the police budget and what type of relationship does the Victoria Police Department have with the military police. He misses community policing.

Response: Inspector McLean advised that the military police do not impact the police budget and that they have an excellent working relationship with the military police.

Discussion took place regarding having a regional amalgamated police force.

Steve Brame – Mr. Brame requested information on what happens in the event of a natural disaster.

Response: Inspector McLean commented that the Victoria Police Department building is earthquake proof. The linking bridges may be lost in the event of a natural disaster. This location has the Mayor, Finance, and Fire as well as two marine response units. This community has to stand on their own two feet and be prepared to take care of themselves for 72 hours. The municipality will set up the EOC and delegate.

Campbell – how many patrol cars are assigned to Esquimalt? We need to have more units based in Esquimalt.

Response: Three patrol cars are based in Esquimalt.

Sandy Rozon – is there ever anyone in the police station at night?

Response: Inspector McLean noted that the K9 unit is based out of there and work evening shifts.

Mayor Desjardins thanked Chief Graham and Inspector McLean. She addressed the community saying that she had received input that can be taken to the Police Board and that the police have heard what the community is saying. She suggested having another Town Hall meeting in future. Members of Esquimalt Council were attending this meeting and have heard from the community. She requested that residents feel free to contact herself, Chief Graham or Inspector McLean with concerns.

**5. ADJOURNMENT**

Moved by Councillor Brame, seconded by Councillor Linge to adjourn the Town Hall Meeting at 9:10 p.m.  
The motion **CARRIED.**

---

MAYOR OF THE CORPORATION  
OF THE TOWNSHIP OF ESQUIMALT  
THIS DAY OF , 2009

CERTIFIED CORRECT:

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CAROLLYNE EVANS  
CORPORATE ADMINISTRATOR



Corporation of the Township of Esquimalt

# ESQUIMALT PARKS AND RECREATION ADVISORY COMMITTEE

JUNE 18, 2009

7:00 p.m.

Seniors Centre

Esquimalt Recreation Centre, 527 Fraser Street

## MINUTES

**Present:** Councillor B. McIldoon  
Councillor A. Gaul  
Richard Fyfe, Chair  
Geoff Murray, Vice Chair  
Willie MacGillivray, Community Representative  
Nick Brame, Youth Liaison

**Staff:** S. Hartman, Director of Parks and Recreation Services  
A. Katschor, Manager of Parks Services  
J. Byron, Manager of Recreation Services  
D. Henderson, Superintendent of Recreation.  
C. Weber, Secretary to the Director of Parks and Recreation Services

**Regrets:** Maureen Mitchell-Starkey, Community Representative  
Bob McKie, Community Representative

The meeting was called to order at 7:00 p.m.

### 1. APPROVAL OF AGENDA

Moved by Geoff Murray, seconded by Councillor Gaul that the Agenda for the Regular Meeting of the Parks and Recreation Advisory Committee of June 18, 2009 be approved with the inclusion of the Additional Agenda Items as follows:

- Following item 2., the Committee Chair will introduce the Director, Scott Hartman;
- After the introduction of the Director, there will be a Delegation – Tom Woods, regarding the July 1, 2009 Rugby Tournament.
- 5.(1) A report from Councillor Gaul regarding True Sport
- 5.(2) Plaque for Macaulay Point Park – Committee Chair, Richard Fyfe

The motion **CARRIED**.



**Esquimalt Parks and Recreation Advisory Committee Minutes**  
**Regular Meeting of June 18, 2009**  
**Page 2**

**2. MINUTES**

Moved by Geoff Murray, seconded by Councillor Gaul that the Minutes of the Regular Meeting of the Parks and Recreation Advisory Committee held on May 14, 2009 be approved.

The motion **CARRIED**.

The Committee Chair, Richard Fyfe, introduced and welcomed Scott Hartman, Director of Parks and Recreation Services.

**DELEGATION**

Tom Woods, member of the James Bay Athletic Association, addressed the Committee regarding the upcoming special rugby event – JBAA versus Ballymena RFC, which is being held in Bullen Park on July 1, 2009. Mr. Woods distributed a fact sheet on the event and also circulated an Economic Impact Assessment on the Rugby Canada Challenge that was held in Bullen Park on June 27 – 28, 2008. Mr. Woods also reported that 125 children signed up for the 1<sup>st</sup> Annual Esquimalt Parks and Recreation / JBAA Mini Rugby Blitz, and that this six week program was a huge success. Mr. Woods stated that the July 1<sup>st</sup> event will be heavily promoted and that a crowd of approximately 500 - 700 is expected.

**3. REPORTS**

(1) A report from the Manager of Recreation Services regarding Fees and Charges.

Dan Henderson, Superintendent of Recreation reviewed the report with the Committee Members.

- Councillor McIldoon requested that spare curling brooms be left for curlers to use in the event that the reception area is closed and broom rentals are not available.
- Councillor McIldoon suggested that the Fees and Charges Committee calculate rate increases after municipal tax increase have been determined.

Moved by Councillor McIldoon, seconded by Councillor Gaul to invite members of the public to ask questions regarding the 2009 Fees and Charges Report.

The motion **CARRIED**.

▪ **Margaret Varga, Victoria Figure Skating Club**

Ms. Varga reported that raising fees will be problematic for their group due to this time of recession, and that there is less ice time in Victoria as Raquet Club will be closing down.

- **Ed Gerhardt, Esquimalt Curling Club**
  - expressed concern at the 5% increase for adult curling fees (#28)
  - questioned \$450 fee for adult bonspiels as bonspiels can be either 40 teams, 24 teams or 16 teams (#31)
  - were concerned at first about League Shorty Fees (#32), however the Club is now happy with the \$10 fee per person with a minimum of 24 people
  - concerned about the additional curling storage space fee (#34)
  - the Club is concerned about the \$500 flat rate for advertising which was implemented last year
  
- **Dave Davies, Esquimalt Curling Club**
  - expressed concern about how Esquimalt Curling Club members were being treated at the Archie Browning Sports Centre
  - stated that a meeting was supposed to transpire at the end of the curling season with staff and that the Club was still waiting to hear about a meeting
  - reported that the rocks that were refurbished (which Esquimalt Curling Club paid half of) were returned for repair due to malfunction, and in the meantime Thompson Curling supplied replacement rocks which Curling Club members brought in and stored in Esquimalt with no assistance from the municipality
  - understood that funds from the 2009 Mayor's Golf Tournament would go towards new Curling Club score boards and asked if this had been done
  
- **Lee Davies, Esquimalt Curling Club**

Ms. Davies questioned the wording (*max. 20 hrs.*) under \$450/adult bonspiel and wanted to know if there would be an additional charge if the bonspiel goes over 20 hrs. Councillor Gaul indicated that it was not the Committee's intent to charge an additional fee for over 20 hrs., but rather using the 20 hrs. as an average, not a maximum
  
- **Marcel Fisher, Victoria Cougars Hockey Club**

Mr. Fisher indicated that the Club felt there are no major problems with the fees and charges increase, however did state that their Club would like to retain the locker rooms for the entire year. Mr. Fisher also stated that it would be beneficial to replace the sign at the north side of the building on Esquimalt Road.
  
- **Terri Cotton, Women's Hockey**

Ms. Cotton stated that she does not have a problem with the Esquimalt Curling Club not paying for storage space. Ms. Cotton also stated that, as a taxpayer, she would like to see the facility full and in use all the time.

## Esquimalt Parks and Recreation Advisory Committee Minutes

Regular Meeting of June 18, 2009

Page 4

Moved by Geoff Murray, seconded by Councillor Gaul that the following items be referred back to the Fees and Charges Committee for review, and to build in time for the interested users groups to attend the Fees and Charges Committee meeting to discuss their concerns with the Committee, and further that the Fees and Charges Committee prepare a report for the Parks and Recreation Advisory Committee:

- Fees and Charges Report numbers 28, 31, 32, 34
- \$500 flat rate for advertising
- \$450 bonspiel fee
- Wording of *maximum 20 hrs.* for bonspiels
- Victoria Cougars Hockey Club's request for retention of locker rooms for an entire 12 month period.

The motion **CARRIED**.

- (2) A report from the Superintendent of Recreation regarding Community Events Funding.

Moved by Councillor McIldoon, seconded by Willie MacGillvray that the recommendations in the report dated June 5, 2009 be approved as follows:

1. *That the application from the Victoria Brain Injury Society is approved for \$750 of funding from the 2009 Community Events Fund.*
2. *That the application from the Esquimalt Lantern Festival, via The West Bay Residents Association be approved for \$400 of funding from the 2009 Community Events Fund.*
3. *That the application from the Esquimalt Lantern Festival Society, via the Esquimalt Residents Association, is denied funds from the 2009 Community Events Fund.*

The motion **CARRIED**.

Councillor Gaul and Geoff Murray were opposed to the motion.

Moved by Councillor Gaul, seconded by Councillor McIldoon that the criteria for the Community Events Funding be referred back to staff to reevaluate and prepare a report for the October Parks and Recreation Advisory Committee meeting.

The motion **CARRIED**.

#### 4. DIRECTOR'S REPORT

- (1) At a Glance – May 2009 – Parks Services

- (2) The Manager of Parks Services reported:

- staff have been working with the Director of Development and Engineering to design an entrance pathway into Freeman Ken Hill Park
- staff promote the fact that our turf is pesticide free at events, and have put up signs when they are spraying environmentally friendly pesticides, and further will put educational information on the municipal website, as well as in the Active Living Guide
- is working with the Greater Victoria Rock Climbing Association and the Municipal Insurance Association to resolve insurance issues

## Esquimalt Parks and Recreation Advisory Committee Minutes

Regular Meeting of June 18, 2009

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- over the summer Parks staff will be flail mowing the blackberries off the Clifton Terrace entrance to Macaulay Point to increase the off leash area
  - Sioux Place repaving has started
  - Gardener 2 interviews are in progress
  - the washrooms at the Lacrosse Box on Lyall Street were vandalized, and a fire causing \$800 damage was started at the Saxe Point Park washrooms
  - a boulevard tree will be planted in the new sidewalk in front of Beans and Greens Restaurant on Admirals Road
- (3) At A Glance – May 2009 – Recreation Services
- (4) The Manager of Recreation Services reported:
- the Aquatic / Fitness Coordinator is working with the Lifesaving Society and VIHA to find options for a diving board as the existing diving board has been closed due to safety reasons
  - the Adult Programmer is assisting the Pickle Ball group in applying for a grant so that the group can access the outdoor lacrosse box for their sport
  - due to the problems and complaints at this time last year because of youth hanging around the teen centre on Youth Only Friday Nights, the Youth Liaison Officer from Victoria Police will assist staff assessing the outdoor areas
  - the Torch Committee has had their initial meeting and there is good community support
  - the Food Services Review Committee is scheduled to have their first meeting on June 22, 2009
  - should hear something on our application to the Building Canada Fund Application by the end of June
  - Cannon Design Feasibility Study has been completed, except for the seismic evaluation portion of the study
  - staff support the Victoria Cougars bid to secure the Keystone Cup in April 2010
- (5) Appoint one (1) Parks and Recreation Advisory Committee Member to the Access Awareness Committee. This item has been tabled until the September meeting.
- (6) The Orientation Tour and Strategic Planning session have been scheduled for Saturday, September 12, 2009. Agenda will be forwarded to the Committee Members prior to the event.

Moved by Geoff Murray, seconded by Councillor Gaul that the Director's Report be received and filed.

The motion **CARRIED**.

**5. COMMISSION DISCUSSION AND SUB-COMMITTEE REPORTS**

- (1) Councillor Gaul reported that she recently attended the Federation of Canadian Municipalities (FCM) Conference at Whistler, B.C. and will make a presentation to the Committee at the meeting in September regarding True Sport, a program committed to community sport. Councillor Gaul invited Committee Members to check out the True Sport website at [truesport.ca](http://truesport.ca) as she would like to receive feedback from the Committee Members. Councillor Gaul requested to be placed on the next Parks and Recreation Advisory Committee Agenda to make a formal presentation.
  
- (2) Richard Fyfe stated that he will report back to the Committee on the request from Lorraine O'Leary (great, great, granddaughter of Donald Macaulay) regarding the placement of a historical plaque at Macaulay Point Park.
  
- (3) Geoff Murray reported that he attended his first Gorge Waterway meeting and some of the topics discussed were:
  - Parks and Recreation staff are in discussion with the Gorge Waterway Initiative on a regional information sign project for the Gorge.
  - Infrastructure grant that Parks and Recreation Services was awarded will be used to renovate the Discovery Centre at Esquimalt Gorge Park.
  - Swans are being killed by the overhead lines over the Tillicum Bridge even though preventative measures have been taken.Geoff Murray also stated that he strongly supports the Lantern Festival and these types of community events.

Councillor Gaul reported that the Esquimalt Village Project will focus on site 1 which is the old municipal hall and old public works buildings which are adjacent to Town Square. Councillor Gaul also reported that she recently walked the Henderson chip trail and really liked the placement of work out equipment along the trail.

Councillor McIlldoon stated that he would like to see Parks and Recreation Services place advertising in local groups brochures.

Willy MacGillvray reported that the cement bench on the west side of Saxe Point Park is overgrown with snowberries.

**6. PUBLIC QUESTION PERIOD**

There were not questions from the public.

7. **ADJOURNMENT**

Moved by Willie MacGillivray, seconded by Councillor McIlldoon that the meeting be adjourned at 9:50 p.m.  
The motion **CARRIED**.

**CERTIFIED CORRECT**

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Scott Hartman  
Director of Parks and Recreation Services

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Chairperson, Esquimalt Parks and  
and Recreation Advisory Committee

RIDING OFFICE  
3850 Finch Avenue East  
Suite #206  
Scarborough, Ontario M1T 3T6  
Tel: 416-321-5454  
Fax: 416-321-5456

Agenda - July 6

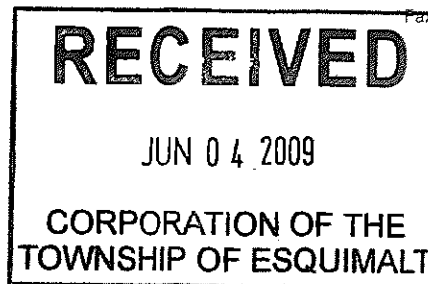


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House of Commons  
Ottawa, Ontario K1A 0A6  
Tel: 613-992-4501  
Fax: 613-995-1612

May 2009

Mayor Barb Desjardins  
The Corporation of the Township of Esquimalt  
1229 Esquimalt Road  
Esquimalt, British Columbia V9A 3P1



Dear Mayor Desjardins:

**Re: Bill C-319 An Act to amend the Motor Vehicle Safety Act (speed limiters)**

I am writing to seek your support for Private Member's Bill C-319 (formerly C-568), which received First Reading in the House of Commons on February 12, 2009.

Bill C-319 will amend the Motor Vehicle Safety Act to include prohibitions against the manufacture, importation, sale, lease, operation and release after repair of motor vehicles manufactured after January 1, 2010, if they are not equipped with a speed limiter that is engaged and set to a maximum speed that is not greater than 150 kilometres per hour.

According to Transport Canada, 2,889 Canadians died in vehicle collisions in 2006 (latest reporting year). Transport Canada also reports that speeding was involved in close to two-thirds of these accidents. The legislation would require all vehicles manufactured after January 1, 2010 to be equipped with speed limiters so vehicles cannot travel at more than 150 kilometres per hour. First responder vehicles or other vehicles used in emergencies would be exempt.

For your information, I have enclosed a copy of Bill C-319, *An Act to amend the Motor Vehicle Safety Act (speed limiters)*. The press release with respect to the Bill can be viewed at [http://karygiannismpp.com/spip/article.php?id\\_article=985](http://karygiannismpp.com/spip/article.php?id_article=985).

Should you require additional information on this matter, please do not hesitate to contact me at 416-321-5454, at the address above, or by email at [jim@karygiannismpp.com](mailto:jim@karygiannismpp.com).

**Working together we can stop the carnage on our streets and highways.**

Sincerely,

Jim Karygiannis  
Scarborough-Agincourt

HON. JIM KARYGIANNIS, M.P.  
SCARBOROUGH - AGINCOURT



**C-319**

Second Session, Fortieth Parliament,  
57-58 Elizabeth II, 2009

HOUSE OF COMMONS OF CANADA

**BILL C-319**

An Act to amend the Motor Vehicle Safety Act (speed limiters)

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FIRST READING, FEBRUARY 12, 2009

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MR. KARYGIANNIS

**C-319**

Deuxième session, quarantième législature,  
57-58 Elizabeth II, 2009

CHAMBRE DES COMMUNES DU CANADA

**PROJET DE LOI C-319**

Loi modifiant la Loi sur la sécurité automobile (limiters de  
vitesse)

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PREMIÈRE LECTURE LE 12 FÉVRIER 2009

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M. KARYGIANNIS



HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

**BILL C-319**

**PROJET DE LOI C-319**

An Act to amend the Motor Vehicle Safety Act  
(speed limiters)

Loi modifiant la Loi sur la sécurité automobile  
(limiteurs de vitesse)

1993, c. 16	Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:	Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte:	1993, ch. 16
	<b>1. The <i>Motor Vehicle Safety Act</i> is amended by adding the following after section 5:</b>	<b>1. La <i>Loi sur la sécurité automobile</i> est modifiée par adjonction, après l'article 5, de ce qui suit :</b>	
Definition of "speed limiter"	5.1 (1) In this section, "speed limiter" means a device mounted on a vehicle that, when engaged, electronically limits the maximum speed at which the vehicle is driven to the 10 speed set on the device.	5.1 (1) Dans le présent article, « limiteur de vitesse » s'entend d'un dispositif intégré dans un véhicule qui, lorsqu'activé, limite de façon électronique la vitesse maximale du véhicule à 10 un plafond préétabli.	Définition de « limiteur de vitesse »
Restrictions re manufacture, importation, sale and lease	(2) No person shall manufacture, import into Canada or sell or lease to another person a vehicle unless it is equipped with a speed limiter that is engaged and set to a maximum speed that 15 is not greater than 150 kilometres per hour.	(2) Il est interdit de fabriquer, d'importer, de vendre ou de louer un véhicule qui n'est pas muni d'un limiteur de vitesse activé et réglé à 15 une vitesse ne dépassant pas cent cinquante 15 kilomètres à l'heure.	Restrictions — fabrication, importation, vente et location
Duty of repairer	(3) No person who repairs or maintains a vehicle shall release the vehicle to another person unless the vehicle is equipped with a speed limiter that is engaged and set to a 20 maximum speed that is not greater than 150 kilometres per hour.	(3) La personne qui répare ou entretient un véhicule ne peut le remettre à un tiers que s'il est muni d'un limiteur de vitesse activé et réglé à 20 une vitesse ne dépassant pas cent cinquante 20 kilomètres à l'heure.	Obligation du réparateur
Restriction on operation	(4) No person who owns a vehicle or leases a vehicle from another person shall operate the vehicle or allow it to be operated by another 25 person unless it is equipped with a speed limiter that is engaged and set to a maximum speed that is not greater than 150 kilometres per hour.	(4) Le propriétaire ou le locataire d'un véhicule ne peut conduire celui-ci ou permettre qu'il soit conduit par un tiers que s'il est muni d'un limiteur de vitesse activé et réglé à 25 une vitesse ne dépassant pas cent cinquante kilo- mètres à l'heure.	Restriction — conduite d'un véhicule
Application	(5) This section applies to vehicles manu- factured on or after January 1, 2010 that are not 30 fire-fighting vehicles, ambulances, police vehi-	(5) Le présent article s'applique aux véhicu- les fabriqués à partir du 1 <sup>er</sup> janvier 2010, à l'exception des véhicules d'urgence — notam- 30	Application

cles or other vehicles that are used for the purpose of emergency or vehicles that belong to a class of vehicles that is exempted from the application of this section by regulation.

ment les véhicules de lutte contre les incendies, les ambulances et les véhicules de police — et des véhicules appartenant à une catégorie de véhicules exemptée par règlement.



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## SUMMARY

This enactment amends the *Motor Vehicle Safety Act* to include prohibitions against the manufacture, importation, sale, lease, operation and release after repair of motor vehicles manufactured after January 1, 2010 if they are not equipped with a speed limiter that is engaged and set to a maximum speed that is not greater than 150 kilometres per hour.

## SOMMAIRE

Le texte modifie la *Loi sur la sécurité automobile* afin d'y intégrer l'interdiction de fabriquer, d'importer, de vendre, de louer, de conduire ou de remettre après réparation un véhicule automobile fabriqué après le 1<sup>er</sup> janvier 2010 qui n'est pas muni d'un limiteur de vitesse activé et réglé à une vitesse maximale ne dépassant pas cent cinquante kilomètres à l'heure.

Laurie

✓ Agenda  
✓ C: Barb S.



CITY OF BURNABY  
OFFICE OF THE MAYOR  
DEREK R. CORRIGAN  
MAYOR

**RECEIVED**  
JUN 17 2009  
CORPORATION OF THE  
TOWNSHIP OF ESQUIMALT

04 June 2009

Mayor and Council  
Township of Esquimalt  
1229 Esquimalt Road  
Esquimalt, BC V9A 3P1

Dear Mayor and Council,

Burnaby City Council, at the open Council meeting held on 2009 June 01 received a comprehensive report from our City Solicitor prepared in response to Council's request for a review of the ongoing problems associated with municipal liabilities resulting from building construction regulation.

The report provides a detailed analysis of the recommendations arising from the Barrett Commission which included specific recommendations to address the inequity of the application of joint and several liability to municipalities. Particularly, the Commission found the discrepancy in treatment of municipal liability between the Local Government Act and the Vancouver Charter to be unacceptable.

The Commission's recommendations specifically support the position taken by both the UBCM and member municipalities in requesting the Provincial Government remove the joint and several liability of municipalities under the Local Government Act and provide the same protection to all municipalities that is afforded to the City of Vancouver under the Vancouver Charter.

I recognize that this issue has been before the Provincial Government for some time, but I believe we must continue to press for the necessary legislative changes in order to safe guard our municipalities and citizens from potentially devastating legal action.

Your continued support for this issue and petitioning of the Province and local M.L.A.'s would be greatly appreciated.

For your information, a copy of our staff report is herewith enclosed.

Very truly yours,

*Derek Corrigan*  
Derek R. Corrigan,  
Mayor

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**TO:** CITY MANAGER **DATE:** 2009 May 07

**FROM:** CITY SOLICITOR

**SUBJECT:** LOCAL GOVERNMENT LIABILITY IN BUILDING REGULATION

**PURPOSE:** To Provide Council with Information on the Ongoing Problems Facing the City in Litigation Arising out of Building Construction Regulation

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**RECOMMENDATION:**

1. **THAT** Council receive this report for its information.

**REPORT**

Council is aware that the City has over the last decade become increasingly involved as a defendant in civil legal actions relating to building construction.

This litigation typically involves buildings that have suffered damage from an alleged defect or defects in the design or construction of the building.

The City, like other municipalities in British Columbia, regulates the construction of buildings within its boundaries under its Building Bylaw. Standards of construction in B.C. are governed by the B.C. Building Code for all municipalities other than the City of Vancouver. The B.C. Building Code is mandated by the Province through a Provincial regulation. The Building Bylaw establishes the processes and procedures by which the City administers the Building Code. The Bylaw requires that the builder obtain a building permit from the City prior to commencing construction and occupancy approval prior to the occupancy of the completed building. As part of the regulatory process the Building Department carries out both a plan review prior to permit issuance and site inspections at a limited number of stages of construction as specified in the Bylaw.

For construction of buildings other than single family residences, the plan checker reviews the building plans for limited life safety related items. The plan checker is not an architect or engineer and relies on the registered professionals to ensure that the building design meets Building Code requirements. In this regard, the plan checker ensures that design drawings bear the registered professional's seal and relies on this and the letters of assurance from the registered professionals for all matters other than the limited life safety items.

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The building inspection process can best be described as a spot audit process. The building inspector performs the limited inspections mandated by the Bylaw which, again, focus on life safety issues. The registered professionals are responsible for the review of construction to ensure that the building meets the design and complies with the Building Code, and they must provide the City with letters of assurance that they have carried out that review. The City building inspector is not on site at all times (the inspector's presence is in fact very limited) and, again, the inspector is not an architect or engineer.

It should also be borne in mind that the Building Code establishes minimum standards for construction and that many Building Code requirements for complex structures are design or performance based, in that they set a construction goal and leave it to the registered professional to achieve that goal in the design. Building Department staff are not qualified, and should not be expected, to second guess the registered professional on such matters.

The most common type of construction problem giving rise to legal actions against the City in recent years is that commonly known as the "leaky condo". This typically involves a multi-family residential development constructed in the late 1980's or early 1990's that has suffered water ingress damage resulting from the failure of the building envelope to shed water (wind-driven rain in particular) and prevent its entry into the wall assembly.

The leaky condo problem is not, of course, confined to Burnaby, but has occurred in communities throughout the Lower Mainland and Vancouver Island.

By Order in Council on April 17, 1998, the Province appointed a Commission of Inquiry under former Premier Dave Barrett to investigate and report on the leaky condo crisis. The Commission held 29 public hearings and received more than 730 written submissions. It reviewed current legislation, considered a number of public and private reports, and considered approaches taken in other jurisdictions.

The Commission reported its findings in June 1998, and in its report made 82 recommendations.

In the opening part of its report, the Commission stated:

*"In addition to economic and climatic conditions, process and building science issues have led to a disintegration in the quality of construction. The building process has been undertaken in a largely unregulated, residential construction industry, driven to the lowest common denominator by ruthless, unstructured competition."*

The Commission found that, aside from climatic factors, the two major factors that had led to the problem were:

1. The Residential Building Process

- lack of developer and contractor responsibility – often facilitated through protective corporate structures
- lack of skills, training and qualifications for construction trade workers
- architects unable to maintain professional responsibility in translating designs into quality structures
- inability of municipalities to effectively monitor building quality
- lack of information from the builder to the strata council on building maintenance
- inadequate home warranty program

2. Building Science

- poorly interpreted building code
- application of building designs and use of new building materials without an understanding of how they would perform in the coastal climate
- lack of conventional wisdom among all parties involved in the process regarding the requirements for effective building

In relation to the roles of the various parties involved in the construction of these buildings, the Commission stated:

*“It is the Architect’s responsibility to ensure that the project’s design and construction substantially conform to the relevant building codes. It is the municipal inspector’s responsibility to ensure the code has not been violated. However, municipal officials approve plans for permit purposes and undertake minimal on-site inspections. Inspections do not cover building envelope design, but deal with foundations, sheathing, framing, insulation, and a final inspection for occupancy.”*

*“If it is not the municipality’s role to ensure the quality of construction, then whose is it, and what is the responsibility of the municipality’s inspection department? The ultimate responsibility for the quality of construction must rest with the developer/builder. The developer can then contract that responsibility to the professional architect or engineer.”*

*“It is the provincial government’s role to establish codes and standards, while it is the developer’s role to ensure that construction complies with standards. The registered professional (architect or engineer) has the responsibility of designing the building and ensuring field reviews are undertaken during construction. The role of the building official is to monitor the process.”*

The Commission found, however, that the general perception of the public as to the role and responsibilities of the municipal building inspector was quite different:

*“It should be noted, however, that regardless of what the role of municipalities has become, there has been an expectation on the part of the consumer and the development industry that code compliance was being enforced by municipal inspectors. Municipal inspectors were being regarded as the interpreters of the code.”*

*“It is apparent from the numerous statements and comments made to the Commission by frustrated and angry condo owners, that the role of local government, with respect to building inspection and plan checking, is widely misunderstood.”*

Unfortunately, the latter observation continues to reflect the situation. There is a general misunderstanding that prevails in the community that municipal building officials play a much greater role in the building process than they actually do, and that the issuance of an occupancy permit is in some sense not only a warranty by the municipality that the building complies in all respects with the Building Code, but confirmation that it is well built. As noted by the Barrett Commission, the role of the municipal building official is that of a monitor only. Building standards are the responsibility of the Province. The responsibility to ensure that the building design complies with Building Code requirements is that of the design professional and the responsibility to ensure that the building construction complies with the Building Code requirements and design is that of the developer and the registered professionals.

Perhaps the most important of the Barrett Commission’s recommendations that was instituted by the Province was the enactment of the *Homeowner Protection Act*. This legislation established:

1. a licensing system for residential builders
2. statutory warranties of quality and habitability applicable to new residential construction
3. a requirement for mandatory third party warranty policies on new residential construction



4. the creation of the Homeowner Protection Office to administer the licensing of residential builders and the third party warranty system, and to carry out research and education in the field of the B.C. residential construction industry.

While it is expected that this legislation will go a long way toward improving residential construction, the legislation was not retroactive and has no effect on pre-1998 residential construction, and in particular the multi-family residential developments constructed in the 1980's and early 1990's. These continue to be the main source of litigation involving municipalities.

While there was some sense of optimism among municipalities and their legal advisors at the time of the Barrett Commission Report that municipalities and their building departments would not generally be held responsible in the litigation that was beginning to flow from the crisis, and that municipalities would not be looked to share in the repair costs, the reality has been otherwise.

The first, and to date only, leaky condo lawsuit that has gone to trial in B.C. is that of *The Owners Strata Plan NW3341 v. Canlan Icesports et al*, a 2001 decision of the B.C. Supreme Court (now commonly referred to as the "Delta decision"). In that case the City of Delta was found contributorily negligent to the extent of 20% for the negligent design and construction of the building, but due to the principle of joint and several liability ended up, staff understand, paying the bulk of the reported \$3 million judgment for repair costs

A review of the facts in the Delta decision do indicate that the building department arguably made some operational errors, such as accepting design drawings that did not bear an architect's seal and were not in fact prepared by a professional architect. Some comfort has since been taken that, where the municipality did rely on architectural drawings, did obtain the letters of assurance of the registered professionals as required by the Building Code or (prior to the 1992 Building Code) by Building Department policy, and did perform the inspections mandated by its own building bylaw, its actions would be distinguishable from those considered in the Delta case, and the municipality would not be held liable.

However, certain comments and findings in the Delta decision have left a degree of uncertainty and concern for municipalities. The court pointed out that the opening preamble to the Delta building bylaw stated that it was "to make provision for the administration and enforcement of the said Building Code" (emphasis added), which was typical of local building bylaws at that time including Burnaby's former building bylaw (but not its current Building Bylaw). The reasons for judgment may suggest that if the stated purpose of the building bylaw is the enforcement of the Building Code, municipalities cannot, by policy, limit plan review and building inspections to certain aspects of Building Code compliance only, and that the municipality is responsible for ensuring complete Building Code compliance for all elements of the structure, including the sufficiency of performance based design elements of the structure (such as the building envelope).

It is open to argument that the mere inclusion of this wording in the preamble of the Bylaw does not preclude the municipality from making a legitimate policy decision to limit the scope of its plan review and building inspections, and to rely in other respects on the assurances of the registered professionals involved in the building design and construction. The Delta decision was not appealed and, to staff's knowledge, no other leaky condo lawsuit has since gone to trial in B.C.. There remains uncertainty in the law of the municipality's responsibilities and liabilities in this area.

In the area of construction litigation municipalities are particularly disadvantaged by two statutory provisions:

1. The application of joint and several liability under section 4 of the *Negligence Act*.

Under the principle of joint and several liability, a successful plaintiff can recover all or any portion of its damage award against any defendant found contributorily negligent regardless of the proportionate liability of that defendant. So if a municipality is found even 1% contributorily negligent, the plaintiff can recover its entire damage award from the municipality.

2. The 30 year ultimate limitation period under the *Limitation Act*.

The limitation period for bringing an action in respect of a leaky condo building is 6 years. However, the limitation period does not begin to run until the building owners become aware or ought reasonably to have become aware of the faulty building design/construction. This typically does not occur until the building starts exhibiting water ingress related problems and an engineer is retained to investigate and report on the problem. The leaky condo legal actions in Burnaby typically involve buildings constructed in the late 1980's and early 1990's.

As a result, when legal action is ultimately commenced it is often twenty years since the building was constructed. As the developer typically incorporates a separate company for each project, the development company likely no longer exists or, if it does, is inactive and without assets. Many of the contractors, subcontractors and suppliers may no longer exist to answer for their share of fault. The architect, if still in business, typically has only \$500,000 professional insurance.

After the passage of so much time, the municipality is often the only defendant of substance left. As a result the plaintiffs focus their efforts on establishing some degree of negligence, no matter how small, on the municipality.

The Barrett Commission recognized the inequity of the application of joint and several liability to municipalities, and recommended change:

*“Because of both a perceived and a real obligation on behalf of municipalities to carry out the enforcement of the Building Code, there are a significant number of litigation claims pending, naming the municipality as a defendant. Currently, municipalities are liable on a “joint and several” basis, for inspection activity that has not been properly carried out. This means that, in the absence of a developer (who may be protected by a numbered company, or who has gone bankrupt) and/or an architect or engineer with deep pockets, a municipality could be held financially responsible for all the costs related to a successful judgment. The City of Vancouver Charter was amended in 1995, by the Legislature, to eliminate all liability for inadequate inspection.*

*The Commission finds that the joint and several responsibility for municipalities is onerous. It also finds the discrepancy in treatment among municipalities unacceptable.*

***Recommendation #18: That the Municipal Act be modified to remove the joint and several liability of a municipality while retaining proportionate liability.***

***Recommendation #19: That the Vancouver Charter be amended to be compatible with the proportionate liability held by other municipalities.*** ”

The amendment to the *Vancouver Charter* that the Commission was alluding to is s.294(8), which provides:

*“S.294(8) The city, or any officer or employee thereof, in inspecting and approving plans or in inspecting buildings, utilities, structures or other things requiring a permit for their construction, has no legal duty, on which a cause of action can be based, to ensure that plans, buildings, utilities, structures or other things so constructed, comply with the by-laws of the city or any other enactment. The city, or any officer or employee thereof is not liable for damages of any nature, including economic loss, sustained by any person as a result of neglect or failure of the city or officer or employee thereof to discover or detect contraventions of the by-laws of the city or other enactment or from the neglect or failure, for any reason or in any manner, to enforce such a by-law or enactment or for any damage from a failure to recommend, or resolve to file a notice in the land title office pursuant to section 336D.* ”

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This section provides the City of Vancouver with a thorough immunity from liability arising out of its plan checking and building inspection functions in respect of bylaw compliance (the City of Vancouver is not bound to the B.C. Building Code, it has its own building bylaw containing a comprehensive building code).

At its regular meeting of March 23, 2009, Council received and adopted a report recommending submission of a number of resolutions to the UBCM and LMLGA for consideration at this years' conventions.

Among those resolutions was one requesting that the *Local Government Act* be amended to provide all B.C. local governments with statutory immunity similar to that provided to the City of Vancouver under s.294(8) of the *Vancouver Charter*:

*“WHEREAS all local governments, with the exception of the City of Vancouver, face considerable liability risk and are being financially penalized as a result of legislation which does not provide immunity for building permit and inspection processes;*

*AND WHEREAS it is unacceptable that all local governments in British Columbia are not offered the same liability protection through provincial legislation:*

***THEREFORE BE IT RESOLVED** that the UBCM recommend to the Provincial Government that the Local Government Act be amended to include blanket immunity from liability for approving building plans and inspecting buildings, similar to the Vancouver Charter (section 294, sub-section 8). ”*

Regarding this proposed resolution it was stated in the report:

*“Burnaby, in concert with the UBCM and its members, has worked consistently since 1985 to propose various legislative reforms to the Provincial Government as part of a “Liability Action Program.” One of the goals of this effort is to protect communities and all taxpayers from financial losses due, not to municipal liability, but to litigation affecting the construction industry. This ongoing effort has included several UBCM resolutions to include a review of joint and several liability as part of the Modernization Strategy. To date, there has been no substantial progress on the part of the Provincial Government to rectify this important matter that is continuing to have a direct and substantial financial impact on local governments and their citizens.*

*The progressive change to this legislation clearly established design professionals as being responsible for code compliance. No municipality should incur liability for its permitting process, which makes design professionals responsible for code compliance; and the inspection process, which serves as an auditing function to promote that compliance. Despite a UBCM resolution in 1996 which called on the Provincial Government to make a similar amendment to the Municipal Act, no action has been taken to ensure that all municipal governments in the province are afforded the same protection as currently in place for the City of Vancouver.*

*The matter was further delayed by the Provincial Government as it awaited the recommendations of the "Commission of Inquiry into the Quality of Condominium Construction in British Columbia" (Barrett Report), undertaken in 1998 by Commissioner Dave Barrett. In its final report, it was stated that "The Commission finds that the joint and several responsibility for municipalities is onerous. It also finds the discrepancy in treatment among municipalities unacceptable." Among the recommendations of the inquiry were that the Municipal Act be modified to remove joint and several liability while retaining proportionate liability and that the Vancouver Charter be amended to be compatible with the liability held by other municipalities.*

*The Barrett Report provided the Provincial Government with a wide range of recommendations and actions for implementation. The City of Vancouver adopted a report which objected to the recommendation of the Barrett Report to amend the Vancouver Charter. Instead, the City of Vancouver recommended that the Municipal Act be modified to provide the same liability protection as under the Vancouver Charter to all other municipalities in the Province. To date the Provincial Government has not implemented any actions regarding joint and several liability and further has not provided municipalities with the blanket liability protection, in respect to their permitting and inspection functions, as currently held by the City of Vancouver.*

*The Modernization Strategy, which was initiated in 2004, is being implemented by the Office of Housing and Construction Standards, to rationalize the regulation of the construction/housing industry. As previously discussed in Section 2.1 of this report, this strategy will not advance the UBCM resolution regarding joint and several liability. Based on the Provincial Government's refusal to advance the UBCM recommendations regarding this issue,*

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*Council requested that a further resolution be advanced calling for the protection of local government from any liability arising from their permitting and inspection functions.* ”

Fundamentally, there would appear to be no logical basis for providing one B.C. local government with such a critical safeguard without providing it to the others.

In respect of the ultimate limitation period of 30 years, the Ministry of the Attorney General issued a Green Paper in February 2007 entitled “Reforming British Columbia’s *Limitation Act*” which, amongst other things, raised the possibility of a reduction in the ultimate limitation period from 30 years to 10 years. The UBCM urged its members to submit a response to the Green Paper in support of this proposal and the City did so. The Province has yet to act on the Green Paper and the public response. There is some indication that the Province may be considering a 10 year limitation period in construction litigation as part of its Modernization Strategy for the building regulatory system.

In staff’s view, the reduction of the ultimate limitation period for building construction liability from 30 years to 10 years would operate to significantly reduce municipalities’ liability exposure in the area of building construction. The City should continue to support this legislative initiative.

As mentioned previously, only one leaky condo action including a municipality has proceeded to trial in B.C. The costs of litigating one of these actions can be staggering, given the number of parties involved, the complexity of the issues, the volume of documents, the number of lay and expert witnesses, and the number of counsel. With trials expected to stretch over months the legal and related trial costs can ultimately reach well over a million dollars. It should not therefore be surprising that these lawsuits have tended to settle without going to Court.

Discussions with other municipal solicitors and risk managers indicate that the general approach has been to settle these claims if a reasonable settlement contribution can be agreed upon, and avoid the cost, uncertainty and financial risk of proceeding to trial. While there seems to be a common desire to have another one of these lawsuits to go through to trial and on to appeal if necessary, to clarify the law, it appears that no one has yet been prepared to take this risk.

Perhaps the greatest legal inequity that arises in this litigation is that the developer, which owned and directed the construction project through a company incorporated solely for that purpose, and that reaped the profit on the sale of the finished units to the public, is generally not legally compellable to pay for the repair of its defective product.

Instead it is the registered professionals, construction contractor, sub-contractors and material suppliers, and local government that are being looked to. The ability of the design professionals, contractors, sub-contractors and suppliers to make any contribution of substance to a settlement often depends on whether they have insurance, which is increasingly becoming less often the case.

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The decrease in available insurance has had the adverse effect of the local government increasingly becoming the plaintiff's prime target in these lawsuits, making it more difficult for the municipality to extract itself from the litigation with little or no contribution to the settlement. As a major (and perhaps only) "deep pocket" defendant in these lawsuits there now seems to be an expectation that the local government will be a major contributor to a settlement regardless of whether there is any evidence of negligence against it. Ability to pay, rather than fault, now seems to be the prime consideration in this litigation.

While the Barrett Commission described the role of the local government in the construction process as monitor only, it now seems that the local government is expected to be a warrantor or insurer of the finished product as well.

It should also be borne in mind that the local government is the only player directly involved in the entire construction process that isn't there to make a profit, it is involved to provide some level of protection to the public through its limited role as monitor. Moreover, the local government is not the one that designs or constructs the building. The worst that can ever be said of it is that in its role as monitor it neglected to identify someone else's error. Strictly from a public policy perspective it is wrong that the local government should be left to shoulder the loss.

The ultimate solution to this problem must be legislative, local governments must be provided with a reasonable level of protection in performing their building regulatory role, and not be faced with shouldering the financial burden when a building suffers water or any other form of damage, whether through poor design or poor workmanship, in aspects of construction for which they rely upon the design professionals or for which they do not inspect.

Ideally, all municipalities would be given the same thorough statutory protection that Vancouver has under s.294(8) of the *Vancouver Charter*. However, even changing municipal liability exposure to several rather than joint and several in building construction or reducing the ultimate limitation period to ten years (or both) would go a long way towards easing this inequitable and onerous burden.

The City should continue to actively lobby the Province to implement these legislative reforms and encourage other B.C. local governments to do so as well.



Bruce Rose  
CITY SOLICITOR

BR:mka

Copy to Director Planning  
Chief Building Inspector

*Many Thanks!*  
To

Township of  
**ESQUIMALT**



June 16, 2009

Dear Mayor Desjardins & Council,

Thank you for being a sponsor partner of Bike to Work Week. 2009 enjoyed a tremendous turnout, with 7,229 riders from 623 workplace teams! This represents a growth of 18% over 2008 -- by far our most successful year to date! Included in this total are 1,041 first time commuters, many of whom will continue to enjoy the health & personal benefits of cycling!

The Bike to Work Week event would not have been possible without the valuable support from the Township of Esquimalt! Thank you for recognizing this valuable opportunity to nourish a healthy, vibrant community in Greater Victoria!

We look forward to working with you on future Bike to Work Week events!

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie Johnson".

Stephanie Johnson, Executive Director  
Greater Victoria Bike to Work Society

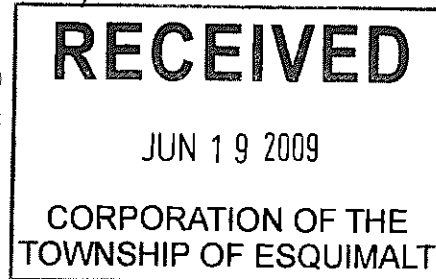




Capital Regional District  
625 Fisgard Street, PO Box 1000  
Victoria, BC, Canada V8W 2S6

T: 250.360.3000  
F: 250.360.3234  
www.crd.bc.ca

✓ Agenda - July 4 Laurie



June 18, 2009

Ms. Laurie Hurst  
Acting Chief Administrative Officer  
Township of Esquimalt  
1229 Esquimalt Road  
Esquimalt, BC, V9A 3P1

Dear Ms. Hurst:

**RE: CRD Bylaw No. 3616, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 2, 2009**

Enclosed please find a copy of CRD Bylaw No. 3616 at third reading. The purpose of Bylaw No. 3616 is to amend Bylaw No. 2884, *Arts and Culture Support Service Establishment Bylaw No. 1, 2001*, also enclosed, to include the Town of Sidney as a participant in the service. The enclosed staff report to the CRD Arts Committee, dated May 13, 2009, provides background information.

Please place CRD Bylaw No. 3616 on your next Council agenda with a request to give consent to the adoption of the bylaw in accordance with Section 801.4 of the *Local Government Act*.

This amendment does not change your municipality's requisition. The Bylaw does increase the amount of funding available to the Arts and Culture Support Service by virtue of the participation of the Town of Sidney.

For questions regarding the bylaw, please call Mr. Brian MacDonald, Corporate Services (360-3138).

Yours sincerely,

Carmen I. Thiel  
Corporate Officer  
Administration Dept.  
T 250.360.3128  
F 250.360.3130  
E cthiel@crd.bc.ca

Encl.

CAPITAL REGIONAL DISTRICT  
BYLAW NO. 3616

\*\*\*\*\*  
A BYLAW TO AMEND BYLAW NO. 2884, BEING "ARTS AND CULTURE SUPPORT SERVICE  
ESTABLISHMENT BYLAW NO. 1, 2001"  
\*\*\*\*\*

The Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Bylaw No. 2884, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001," is amended as follows:

- a) By adding "Sidney" to the sixth recital.
- b) By deleting Sections 2 and 3 in their entirety and substituting the following:

**"2. Boundaries**

The boundaries of the Service Area shall be the boundaries of the municipalities of Victoria, Saanich, Oak Bay, Esquimalt, Highlands, Metchosin, View Royal and Sidney.

**3. Participating Areas**

- (1) The municipalities of Victoria, Saanich, Oak Bay, Esquimalt, Highlands, Metchosin, View Royal and Sidney are the participating areas for this service.
- (2) In this bylaw, "**Group 1 Participating Areas**" in each year means the municipalities of Victoria, Saanich, Oak Bay, Esquimalt, View Royal and any other participating area that indicates in writing to the Regional District prior to October 31<sup>st</sup> in the prior year that it wishes to fully participate in annual grant funding costs subject to cost sharing under section 7(3)(c) for the service established by this bylaw."

2. This bylaw may be cited for all purposes as the "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 2, 2009".

CONSENTED TO BY AT LEAST TWO THIRDS of the City of Victoria, the District of Saanich, the District of Oak Bay, the Township of Esquimalt, the District of Highlands, the District of Metchosin, the Town of View Royal and the Town of Sidney.

READ A FIRST TIME THIS	10 <sup>th</sup>	day of	June	2009
READ A SECOND TIME THIS	10 <sup>th</sup>	day of	June	2009
READ A THIRD TIME THIS	10 <sup>th</sup>	day of	June	2009
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS		day of		2009
ADOPTED THIS		day of		2009

_____	_____
CHAIR	SECRETARY

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS                      day of                      2009

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 2884**

\*\*\*\*\*

**A BYLAW TO ESTABLISH THE GIVING OF  
ARTS AND CULTURAL GRANTS AS A SERVICE**

\*\*\*\*\*

**WHEREAS** under section 176(1)(c) of the *Local Government Act* the Capital Regional District may provide assistance for the purpose of benefiting the community or any aspect of the community;

**AND WHEREAS** there is a desire on the part of the municipalities which currently participate in the Greater Victoria Inter-Municipal Committee (“IMC”) to move activities of the IMC to the Capital Regional District and establish a service to carry out these same activities;

**AND WHEREAS** the participating municipalities of the IMC, being the City of Victoria, the District of Saanich, the District of Oak Bay and the Township of Esquimalt have established a Greater Victoria Arts Commission to provide advice on matters involving the arts within the Greater Victoria area and there is a desire to allow for the establishment of committees to provide advice to the Capital Regional District on these same matters;

**AND WHEREAS** the Board of the Capital Regional District considers it desirable to establish for the regional district a service to provide for the giving of assistance for the purpose of benefiting the community or an aspect of the community to be known as the “Arts and Cultural Support Service”;

**AND WHEREAS** the Board of the Capital Regional District wishes to proceed under section 796 of the *Local Government Act* to establish the service under Division 4.1 of Part 24 of the *Local Government Act*;

**AND WHEREAS** the Board of the Capital Regional District has obtained the consent of the Councils of the municipalities of Victoria, Saanich, Oak Bay, Esquimalt, Highlands and Metchosin;

**AND WHEREAS** under section 804(2)(g) of the *Local Government Act* with respect to a service established to provide assistance under section 176(1)(c) the cost of providing the service may be apportioned among the municipalities or electoral areas benefiting from the assistance, with the service area deemed to be all those areas and the Board of the Capital Regional District wishes to establish a service for the purpose of providing assistance with the cost of the service being apportioned among the municipalities or electoral areas benefiting from the assistance;

**NOW THEREFORE**, the Board of the Capital Regional District in open meeting assembled enacts as follows:

1. **Service**

The service hereby established is the provision of assistance in relation to the arts and culture for the purpose of benefiting the community or an aspect of the community to be known as the “Arts and Culture Support Service”.

2. **Boundaries**

The boundaries of the service area shall be the boundaries of the municipalities of Victoria, Saanich, Oak Bay, Esquimalt, Highlands and Metchosin.

3. **Participating Areas**

- (1) The municipalities of Victoria, Saanich, Oak Bay, Esquimalt, Highlands and Metchosin are the participating areas for this service.
- (2) In this bylaw, “**Group 1 Participating Areas**” in each year means the municipalities of Victoria, Saanich, Oak Bay, Esquimalt and any other participating area that indicates in writing to the Regional District prior to October 31<sup>st</sup> in the prior year that it wishes to fully participate in annual grant funding costs subject to cost sharing under section 7(3)(c) for the service established by this bylaw.

4. **Cost Recovery**

The annual cost of providing the service shall be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (b) fees and charges that may be imposed under section 797.2 of the *Local Government Act*;
- (c) revenues raised by other means authorized by the *Local Government Act* or another act;
- (d) revenue received by way of agreement, enterprise, gift, grant or otherwise.

5. **Maximum Requisition**

The maximum amount that may be requisitioned under sections 805 and 805.1 of the *Local Government Act* for the annual cost of the service shall be the greater of:

- (a) \$1,980,000; or
- (b) an amount equal to the amount that could be raised by a property value tax of \$0.102 per \$1,000 which, when applied to the net taxable value of land and improvements of the initial Group 1 Participating Areas (Victoria, Saanich, Oak Bay and Esquimalt) within the service area, would yield a maximum amount that may be requisitioned under sections 805 and 805.1(a) for the service.

6. **Minimum**

Each participant that gives notice under section 7(3) shall contribute a minimum of \$500 annually.

7. **Apportionment**

- (1) In this section the following words and phrases have the following meanings:
  - (a) **“class of property”** means class of property as defined in the Prescribed Classes of Property Regulation, B.C. Reg. No. 438/81 or similar enactment as it exists from time to time;
  - (b) **“converted assessed value”** for a municipality means the converted value, determined under paragraph 7(2) of:
    - (i) the assessed value under the *Assessment Act*, in the previous year, of lands and improvements taxed by the municipality for general municipal purposes in the previous year according to the assessment roll; and
    - (ii) the Crown value;
  - (c) **“Crown land”** means land and improvements owned by the Crown or an agent of the Crown in a previous year if the municipality received or is due to receive a grant in lieu of taxes, in respect of the year before the current year;
  - (d) **“Crown land value”** will be:
    - (i) in the case of Crown land other than Crown land owned by the British Columbia Hydro and Power Authority, the lesser of the assessed value under the *Assessment Act* for the previous year and the value which would result in a property tax equal to the grant in lieu of taxes if the land and improvements were not crown land, and

- (ii) in the case of Crown land owned by the British Columbia Hydro and Power Authority, the assessed value under the *Assessment Act* for the year before the previous year, and
  - (iii) in the case of Crown Land owned by the Government of Canada or by an agent of the Government of Canada, the value, in the year before the previous year, of land and improvements which would result in a property tax equal to the grant in lieu of taxes if the land and improvements were not Crown land.
- (e) “**non-specific grant costs**” means an amount that a participating area has indicated in writing to the Regional District prior to October 31 in any preceding year that it wishes to raise to have available to provide funding to a person or organization through the service established by this bylaw.
  - (f) “**population**” means the population for each municipality most recently published by the Province of British Columbia, Ministry of Finance and Corporate Relations.
  - (g) “**specific individual grant costs**” means the amounts which a participating area has indicated in writing to the Regional District that it wishes to raise to provide funding to a specified person or organization through the service established by this bylaw.
- (2) For the purpose of this part, the assessed value of land and improvements will be converted by adding together the products obtained by multiplying the assessed value for each class of property by the percentage set out below for the class:

Class of Property	Multiple
1	10 %
2	35 %
3	40 %
4	34 %
5	34 %
6	24.5%
7	30 %
8	10 %
9	10 %

- (3) The amount of the annual costs recovered by requisition in accordance with section 4(a) of this bylaw shall be apportioned among the participating areas as follows:
- (a) Specific individual grant costs shall be apportioned to:

- (i) Group 1 Participating Areas; and
- (ii) any other participating area where the participant indicated in writing to the Regional District prior to October 31 in the preceding year that it wished to participate in the making of specific individual grants,

in the amount which each such participating area is deemed to benefit from the assistance.

- (b) Non-specific grant costs shall be apportioned to:

- (i) Group 1 Participating Areas; and
- (ii) any other participating area where the participant indicated in writing to the Regional District prior to October 31 in the preceding year that it wished to participate in the making of non-specific grants,

in the amount which each such participating area is deemed to benefit from the assistance.

- (c) Annual grant funding costs shall be apportioned to Group 1 Participating Areas:

- (i) 50% on the basis of the converted assessed value of land and improvements; and
- (ii) 50% on the basis of population.

- (4) For the purposes of 7(3)(a) and (b), a participating area is deemed to benefit from assistance in the amount that the participant indicated in writing to the Regional District should be requisitioned for specific individual grants or non-specific grants or both.

8. **Voting**

On a vote of the Board of the Regional District in respect of the amount to be placed in the annual budget with respect to annual grant funding, each director representing a Group 1 Participating Area is entitled to five votes and each director representing any other participating area is entitled to one vote.

9. **Grants in Lieu of Taxes**

For the purpose of sections 807(1) to (3) of the *Local Government Act*, funds paid to the Regional District in respect of the service established by this bylaw will be held to the credit of the participant making the payment.

10. **Advisory Committee and Operation**

Without limiting the powers of the Regional District under the *Local Government Act*, the Board may establish one or more committees to:

- (a) advise the Board on matters regarding the service; and
- (b) manage the administration and operation of the service.

11. **Citation**

This Bylaw may be cited as “**Arts and Culture Support Service Establishment Bylaw No. 1, 2001**”.


READ A FIRST TIME THIS                    25th       day of            April                    2001.


READ A SECOND TIME THIS                25th       day of            April                    2001.

READ A THIRD TIME THIS                  25th       day of            April                    2001.

APPROVED BY THE INSPECTOR  
OF MUNICIPALITIES THIS                    12th       day of            June                    2001.

ADOPTED THIS                                27th       day of            June                    2001.

  
\_\_\_\_\_  
CHAIR

  
\_\_\_\_\_  
SECRETARY

FILED WITH THE INSPECTOR  
OF MUNICIPALITIES THIS                    3rd       day of            July                    2001.





Making a difference...together  
Corporate Services

REPORT TO THE CAPITAL REGIONAL DISTRICT ARTS COMMITTEE  
MEETING OF WEDNESDAY, 13 MAY 2009

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**SUBJECT** Adding Sidney as a Participant to the Arts and Culture Support Service

**PURPOSE**

The purpose of this report is to request that the Board approve Bylaw 3616 which adds Sidney as a participating area in the Arts and Culture Support Service.

**HISTORY**

The participants in 2001 were the four core municipalities as Group 1 (full participants) and Highlands and Metchosin as nominal participants (Group 2). In moving the arts service to the CRD in 2001, the four core municipalities indicated a desire to broaden the participation base to additional municipalities to expand in providing a more regional service.

The Town of View Royal became a Group 1 participant in the service, in 2008.

A letter dated April 15, 2009 has been received from the Town of Sidney advising that the Town Council has passed the following resolution at their April 14<sup>th</sup> meeting:

*That the Town become a non-Group 1 participant in the Arts and Cultural Support Service commencing in 2009 with an annual non-specific grant contribution of \$5,000.*

The Arts and Culture Bylaw, 3616 needs to be amended to add Sidney as a group 2 participant.

Sidney Council also indicated it would discuss becoming a full participant for 2010.

**ALTERNATIVES**

1. That Bylaw No. 3616, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 2, 2009" be introduced and read a first time, read a second time and read a third time.
2. Not approve Bylaw No. 3616 adding Sidney as a participant to the Arts and Culture Support Service.

**FINANCIAL IMPLICATIONS**

The amount of grant specified by the Town of Sidney in each year (a minimum of \$500) is the additional amount by which the service will benefit the community. This amendment adds \$5,000, at the sole cost of Sidney, to the 2009 budget.

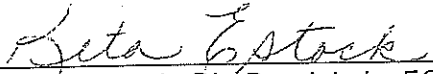
**SUMMARY**

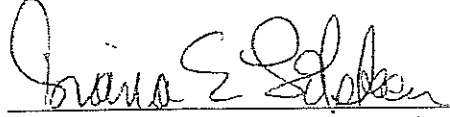
The Town of Sidney has passed a resolution to join the Arts and Culture Support Service commencing in 2009, as a group 2 participant, with potentially becoming a group 1 participant in 2010.


The full participants to the Arts and Culture Support Service are the municipalities of Victoria, Saanich, Oak Bay, Esquimalt and View Royal. Also contributing to the service is Metchosin and Highlands and Bylaw No. 3616 adds Sidney. Adding Sidney as a participant is in accordance with the initial goals of 2001.

**RECOMMENDATION**

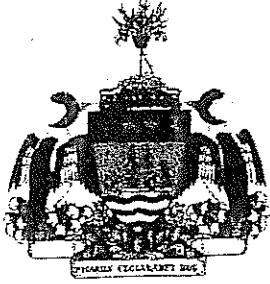
That Bylaw No. 3616, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 2, 2009" be introduced and read a first time, read a second time and read a third time.

  
Rita M. Estock, Dip Bus Admin, FCGA  
Sr. Manager Financial Services

  
Diana E. Lokken, Dip Bus Admin, CMA  
General Manager Concurrence

  
Kelly Daniels  
CAO Concurrence

Attachments (2)

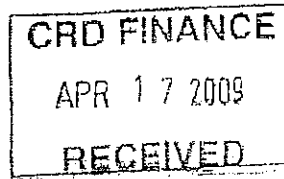


# TOWN OF SIDNEY

2440 Sidney Avenue, Sidney, British Columbia V8L 1Y7  
Phone: (250) 656-1184 Fax: (250) 655-4508  
email: townhall@sidney.ca Website: www.sidney.ca

Chief Administrative Officer Tel: (250) 656-1139 Fax: (250) 656-7056

April 15, 2009



Diana Lokken  
General Manager, Corporate Services  
Capital Regional District  
P.O. Box 1000  
Victoria, BC V8W 2S6

Dear Ms. Lokken:

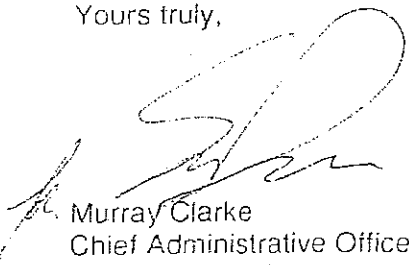
**Subject: CRD Arts and Culture Support Services**

Further to your letter dated March 6, 2009, please be advised that Town Council, at a meeting held on April 14, 2009, consider participation in the CRD's Arts Development Program and passed the following resolution:

1. That the Town become a non-Group 1 participant in the Arts and Cultural Support Service commencing in 2009 with an annual non-specific grant contribution of \$5,000; and
2. That funding from taxation be incorporated into the next Financial Plan amendment bylaw;
3. That Councillor M. Loveless be appointed as the Town's representative; and
4. That Council consider the option of the Town becoming a Group 1 participating member (contribution of \$121, 674) during the 2010 budget deliberations.

If you have any questions regarding this matter, please contact the Administration Department at 250-656-1139.

Yours truly,

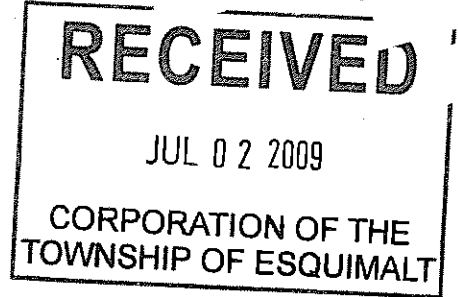
  
Murray Clarke  
Chief Administrative Officer/  
Corporate Administrator

/sd



Capital Regional District T: 250.360.3000  
 625 Fisgard Street, PO Box 1000, F: 250.360.3234  
 Victoria, BC, Canada V8W 2S6 www.crd.bc.ca

Agenda



June 24, 2009

Mayor Barbara Desjardins and Councillors  
 Township of Esquimalt  
 1229 Esquimalt Road  
 Victoria, BC V9A 3P2

Dear Mayor Barbara Desjardins and Councillors:

**RE: REGIONAL PARKS' LAND ACQUISITION FUND –  
 SUMMARY OF 2008 ACQUISITIONS**

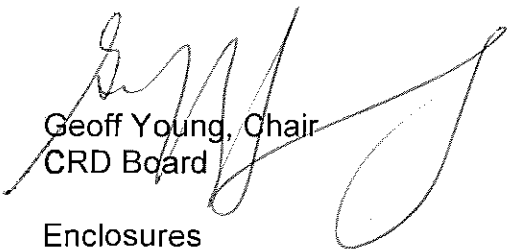
In 2000, the CRD Board established the CRD Parks Land Acquisition Fund. The 10-year fund generates approximately \$1,600,000 per year to purchase land for regional parks and trails as identified through a public consultation process and documented in the CRD Parks Master Plan.

The CRD Board has endorsed a motion that Regional Parks staff annually visit municipal councils and electoral area directors to report on the status of the Land Acquisition Fund.

Enclosed is *Bulletin 9, Land Acquisition Fund – Summary of 2008 Acquisitions*. This bulletin summarizes land acquisition revenue and expenditures in 2008, future land acquisition financial commitments and acquisitions made in 2008.

Regional Parks staff are available to attend one of your council meetings to make a presentation and answer questions on the status of the Land Acquisition Fund and recent acquisitions. Please contact Jeanette Mollin at 250.360.3344 or email [jmollin@crd.bc.ca](mailto:jmollin@crd.bc.ca) to arrange a time for Parks staff to attend a council meeting.

Yours truly,

  
 Geoff Young, Chair  
 CRD Board

Enclosures

pc: Christopher Causton, Chair, Regional Parks Committee

W:\PLANNING RESOURCE MANAGEMENT & DEVELOPMENT\Jeff Ward\Land Acq\2009\Land Acquisition Letters to Mayor & Council - FINAL mrg.doc  
 File: 470.01/1880.01

# Regional Parks Land Acquisition Fund

## Summary of 2008 Acquisitions



### Capital Regional District | Regional Parks



In April 2000, the Capital Regional District Board established the Regional Parks Land Acquisition Fund. The ten-year fund generates about \$1,700,000 per year to purchase land for regional parks and trails identified by the public and documented in the Regional Parks Master Plan. The Master Plan is a vision for the future of the regional parks and trails system.

The establishment of the fund was supported by the public in an opinion poll that was held in several municipalities during the 1999 municipal elections. The cost to property owners in the CRD for the fund in 2008 was \$1.92 per \$100,000 assessed residential property value, or \$10 per average residential household value.

Prior to 1999, Regional Parks purchased land by borrowing money. Regional Parks is still paying for these purchases. The total debt requisition in the 2008 Regional Parks budget was \$605,060. This debt will be paid off in 2012.

A summary of land acquisition revenue and expenditures from January 1 to December 31, 2008 is provided in the tables in this bulletin. A summary of the 2008 acquisitions is also provided.

(Left photo proposed Trans Canada Trail route)



**Table 1. Summary of 2008 Acquisitions**

Area	Year Acquired	Location	Area (Hectares)	Acquisition Value	Expenditures	
					Regional Parks' Contribution	Partners' Contribution
Trans Canada Trail - land dedication	2008	Juan de Fuca Electoral Area north of Sooke Hills Wilderness Regional Park Reserve	7.6	n/a	n/a	n/a
Mount Work Regional Park	2008	District of Highlands	130	\$4,332,000	\$500,000	\$3,832,000
<b>TOTAL</b>			137.6	\$4,332,000	\$500,000	\$3,832,000

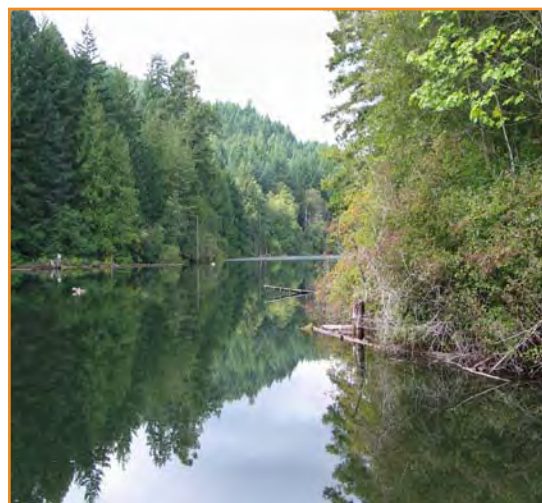
## 2008 Acquisitions

In 2008, Regional Parks acquired land in two areas: (1) two parcels of land were added to the west boundary of Mount Work Regional Park; and (2) a 3 kilometre strip of land north of Sooke Hills Wilderness Regional Park Reserve was added as a trail corridor for the proposed Trans Canada Trail link to the Cowichan Valley Regional District.

**Table 2. 2008 Land Acquisition Revenue and Expenditures**

2008 Revenue	
Prior Year Carry-over	\$ 83,922
Annual Requisition	\$ 1,663,530
Accrued Interest	\$ 2,226
<b>Total 2008 Revenue</b>	<b>\$ 1,749,678</b>
2008 Expenditures	
*Associated Land Acquisition Costs	\$ 1,882
Short-Term Loan Payment	\$ 1,552,530
Interest on Short-Term Loan	\$ 58,313
<b>Total 2008 Expenditures</b>	<b>\$ 1,612,725</b>
<b>Balance of 2008 Regional Parks Land Acquisition Fund (carry forward to 2009)</b>	<b>\$ 136,953</b>

\* This includes costs for land value appraisals, legal services, property taxes, surveying, acquisition negotiations, land title fees and development costs.

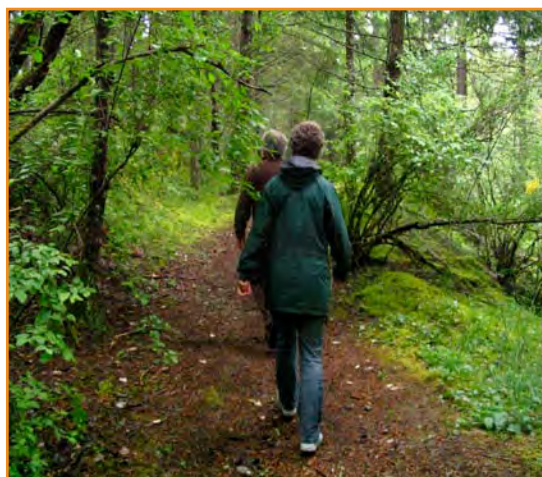


Durrance Lake - Mount Work

**Table 3. 2009 Land Acquisition Financial Commitments by Regional Parks**

2009 Revenue		2009-Year 10
Prior Year Carry-over	\$	136,953
Annual Requisition	\$	1,682,851
TLC Contribution for TimberWest Acquisition	\$	250,000
<b>Total 2009 Revenue</b>	<b>\$</b>	<b>2,069,804</b>
2009 Expenditures		
Proposed Acquisition Expenses	\$	20,000
Contribution to TLC for Purchase of Property in Highlands	\$	500,000
Principal-Long Term Debt (TimberWest Lands)	\$	847,470
Interest on Long Term Debt	\$	34,000
Transfer to Capital Reserve	\$	250,000
<b>Total 2009 Expenditures</b>	<b>\$</b>	<b>1,651,470</b>
<b>Estimated Funds Available for Parkland Acquisition</b>	<b>\$</b>	<b>418,334</b>

\*NOTE: Four residential lots have been listed for the past 18 months. There have been no sales to date.



Mount Work Trail

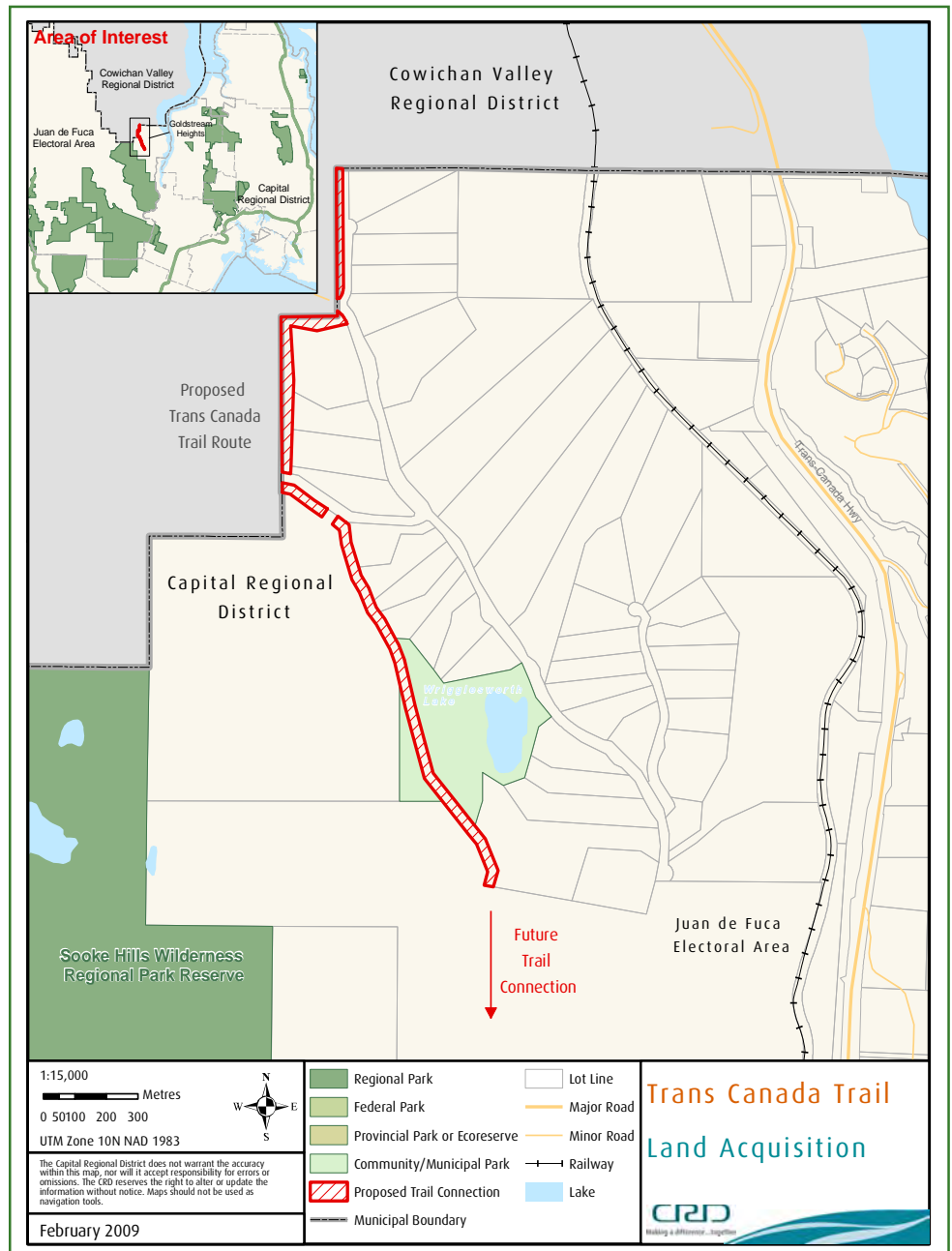


View from proposed TCT route

## Trans Canada Trail Addition

CRD Regional Parks acquired a 3 kilometre strip of land north of Sooke Hills Wilderness Regional Park Reserve as a trail corridor to help complete a Trans Canada Trail (TCT) link to the Cowichan Valley Regional District (CVRD). This corridor, acquired as part of the development of adjacent land, connects directly with land already secured in the CVRD for the trail. The linear strip of land varies in width from 20 to 40 metres to allow flexibility in building the trail through challenging terrain. The total area of the strip is 7.6 hectares. The amount of trail remaining within CRD to be acquired for a complete link to the CVRD is now only 750 metres.

The land acquired has spectacular views of Finlayson Arm, the Gulf Islands, Mount Baker and the Olympic Mountains. The route also passes through a CRD-owned parcel of land that contains Wigglesworth Lake, which is currently managed as a Juan de Fuca Electoral Area community park. Once all the land acquisition in the CRD and the CVRD is complete, design and engineering for the entire TCT on Southern Vancouver Island from Langford to Shawnigan Lake can begin. Construction of the trail would follow and this would be subject to budget approval.



## Land Acquisitions 2000 to 2008

Since the establishment of the Land Acquisition Fund in 2000, Regional Parks, with its partners, has purchased \$27,800,000 of land. Regional Parks has contributed \$17,250,000 (62%) and partners have contributed 10,550,000 (38%). The target established in the Land Acquisition Strategy for the financial contribution of Regional Parks and its partners to land acquisition was Regional Parks 65% and partners 35%. The total area purchased is 2958 hectares. The locations of the acquisitions are shown on the map.

### Land Acquisition Fund Status

Acquisitions 2000 - 2008



#### Acquisitions

- |  |  |   |
|--|--|---|
| <span style="color: red;">●</span> 2000    | <span style="color: orange;">●</span> 2003 | <span style="color: black;">○</span> 2006 |
| <span style="color: cyan;">●</span> 2001   | <span style="color: purple;">●</span> 2004 | <span style="color: black;">●</span> 2007 |
| <span style="color: yellow;">●</span> 2002 | <span style="color: green;">●</span> 2005  | <span style="color: brown;">●</span> 2008 |

■ Regional Park and Trail

1:445,000



Projection: Universal Transverse Mercator, Zone 10, North, North American Datum.

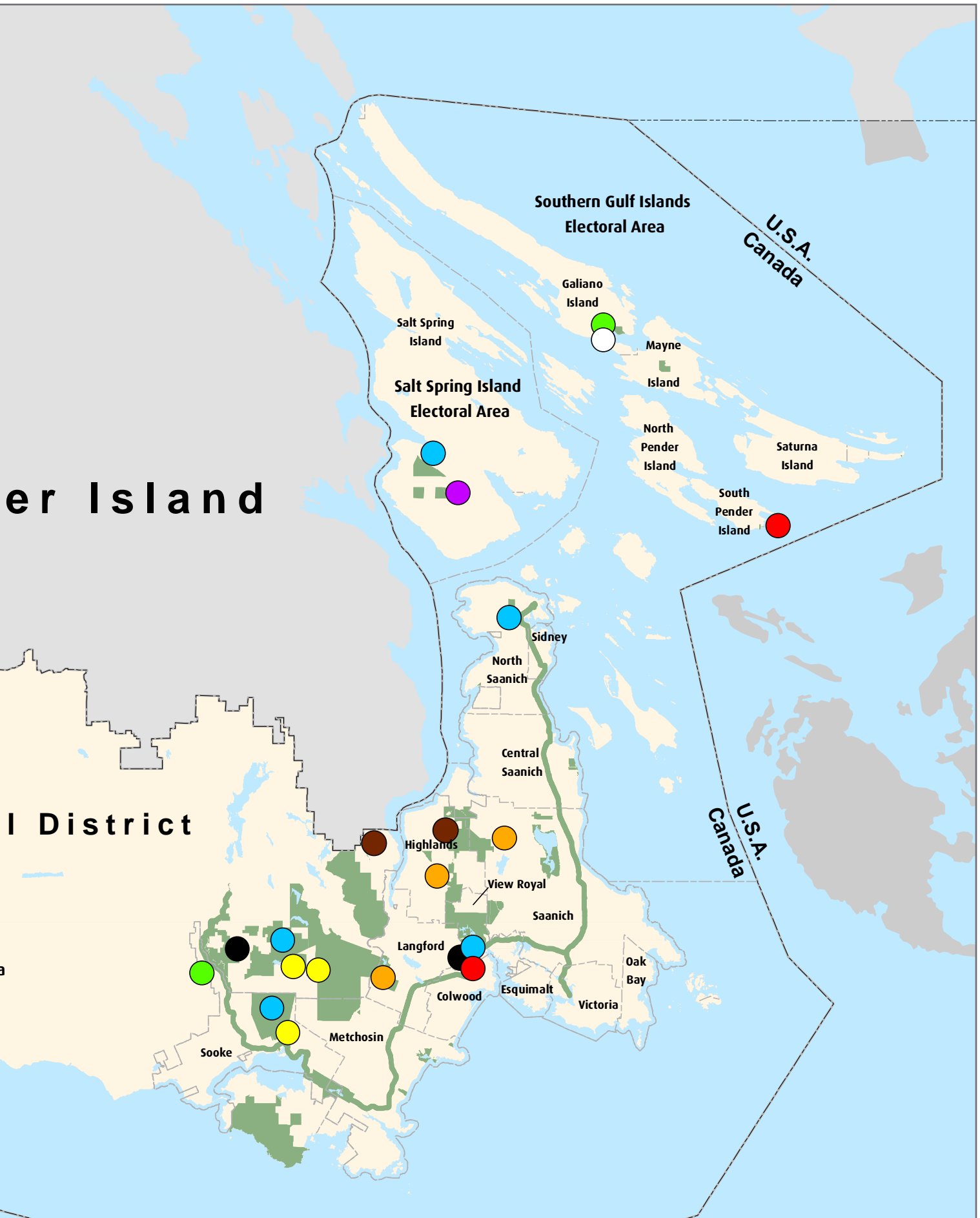
#### DISCLAIMER

The Capital Regional District does not warrant the accuracy within this map, nor will it accept responsibility for errors or omissions. The CRD reserves the right to alter or update the information without notice. Maps should not be used as navigation tools.

February 2009 | Acq\_2000\_2008\_Bulletin9.mxd | Parks GIS Services





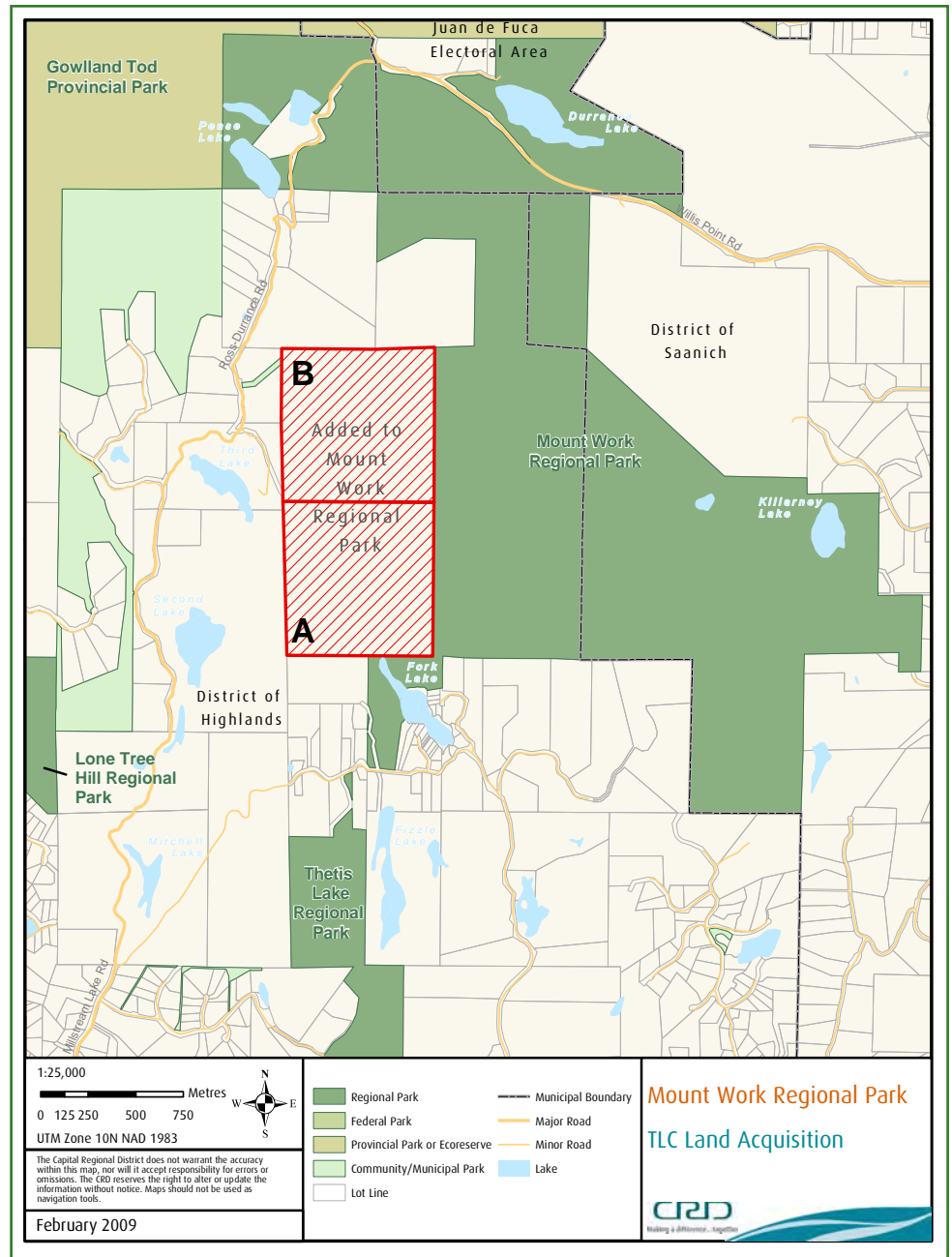




View from Mount Work

## Mount Work Addition

Two parcels of land were added to Mount Work Regional Park in 2008. Both parcels are located adjacent to the west boundary of the park. The total area acquired was 130 hectares and the value of the acquisition was \$4,332,000. One parcel (A), valued at \$2,200,000 was donated by The Land Conservancy of British Columbia (TLC) and the second parcel (B), valued at \$2,132,000 was acquired through a partnership that included the land owner, TLC and Regional Parks. The land owner contributed \$632,000, TLC \$1,000,000 and Regional Parks \$500,000.



The acquisition of these parcels is a major step forward in helping Regional Parks complete the west boundary of Mount Work Regional Park. Additional land is needed to complete the boundary. This land protects three types of forest - older second growth, old growth and open woodland - and provides a buffer to the existing parkland. A regional trail link is proposed through the land that was acquired. This trail would connect with the existing trail across the top of Mount Work and provide a circuit trail.

*Regional parks and trails protect our natural environment while giving us the means to remain in close touch with nature - and that is the essence of Regional Parks' vision.*



## Mount Work Media Event - August 2008

The CRD Board is pleased to partner with The Land Conservancy of BC to purchase another 65 hectares of land to become part of Mount Work Regional Park.

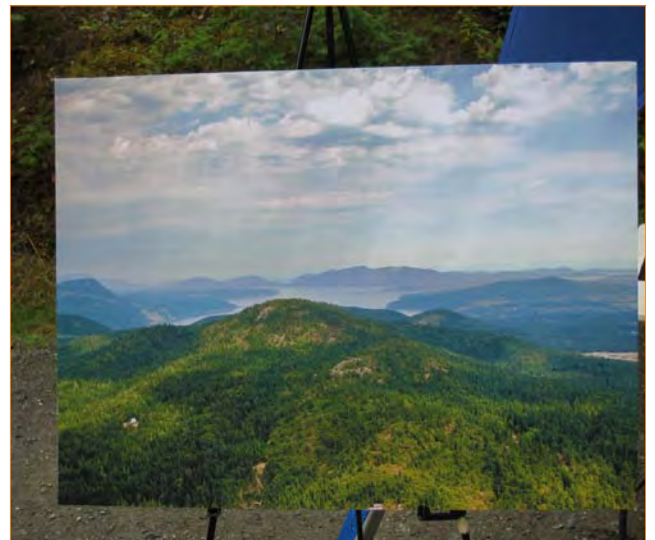
The property is located in the Highlands between Mount Work Regional Park and the Second Lake Property that was recently acquired by TLC, and connects the two creating a north south corridor from Thetis Lake Regional Park through Mount Work. This will significantly add to the continuity of public use parkland, protected green space and wildlife connectivity throughout the Highlands District.

The extension of Mount Work will go a long way toward increasing the region's ecological and recreational areas, while protecting sensitive habitat.

The acquisition is consistent with the CRD Regional Parks' Master Plan to protect endangered Garry Oak meadows, old-growth Douglas fir habitat, wetlands, intertidal zones and salmon-bearing streams, while giving greater access to the residents of the Capital Region.



Regional Parks Committee Chair, Christopher Causton



Aerial view of parkland addition

# Regional Parks Land Aquisition Fund

## Summary of 2008 Acquisitions



Mount Work in the background



### Partnership with The Land Conservancy of British Columbia (TLC)

Upon establishment of the Land Acquisition Fund in 2000, The Land Conservancy of British Columbia (TLC) made a commitment to be a major partner in the Regional Parks' land acquisition program. Since 2000, TLC has been a partner with Regional Parks in 12 of 20 acquisitions. TLC has contributed \$5,893,500 to assist Regional Parks with the acquisition of land.

For more information, or if you have any questions, please contact:

*Jeff Ward, Manager*  
Planning, Resource Management & Development  
Regional Parks  
490 Atkins Avenue, Victoria, BC V9B 2Z8  
T: 250.478.3344 F: 250.478.5416  
[www.crd.bc.ca/parks](http://www.crd.bc.ca/parks)



Making a difference...together

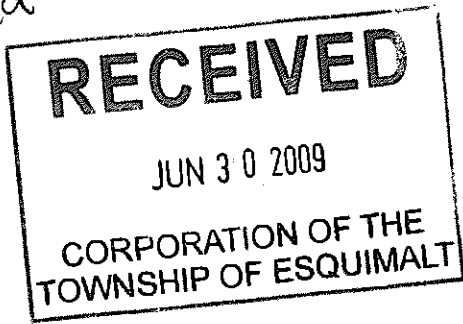
### Regional Parks

490 Atkins Avenue,  
Victoria, BC, Canada V9B 2Z8

250.478.3344  
[www.crd.bc.ca/parks](http://www.crd.bc.ca/parks)  
[crdparks@crd.bc.ca](mailto:crdparks@crd.bc.ca)

✓ Agenda

Laurie



TO: UBCM Members  
FROM: Chair Robert Hobson  
UBCM President  
DATE: June 29, 2009  
RE: LOCAL GOVERNMENT HOUSE OFFICIALLY OPENS

UNION OF  
BRITISH  
COLUMBIA  
MUNICIPALITIES

Suite 60  
10551 Shellbridge Way  
Richmond  
British Columbia  
Canada V6X 2W9  
604.270.8226  
Fax 604.270.9116  
ubcm@civinet.bc.ca

On behalf of the UBCM Executive, I am pleased to advise that the Union of BC Municipalities will be officially opening its new home in Victoria - *Local Government House* - on Tuesday July 14, 2009.

Members will recall it was at the 2005 UBCM Convention, on the occasion of our 100<sup>th</sup> Anniversary, that the Premier announced that the Province would donate a piece of property in Victoria to establish a permanent home for UBCM. For over 15 years, UBCM has leased office space from the Province, known as Municipal House, which has provided a temporary home for UBCM in the Capital.

Recognizing that UBCM's membership comprises many forms of local government, the UBCM Executive directed that the diversity of our members needed to be reflected in the name of the new Victoria building. The Province has been supportive of this direction and we are pleased that our new building will be called Local Government House.

Local Government House is a showcase. The new building is a LEED Gold Candidate. It is made exclusively of BC wood, including pine beetle wood, and other BC - produced materials have been utilized throughout its three floors. The building is truly a tribute to the best that BC has to offer.

While our Executive will be holding their July meeting in conjunction with the official opening, we want to advise members that the new building is open for business. As with our old offices, members are invited to visit the new building at 525 Government Street. This is your building and you are encouraged to use it - book our boardrooms, hold meetings or just stop by for a visit. We look forward to welcoming you in the near future.

925/001/Hobson/LGHO