



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

File 0550-06

February 13, 2013

NOTICE

**A REGULAR MEETING OF COUNCIL WILL BE HELD ON
MONDAY, FEBRUARY 18, 2013 AT 7:00 PM, IN THE
COUNCIL CHAMBERS, ESQUIMALT MUNICIPAL HALL,
1229 ESQUIMALT ROAD.**

**ANJA NURVO
CORPORATE OFFICER**



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Monday, February 18, 2013

7:00 p.m.

Esquimalt Council Chambers

1. **CALL TO ORDER**

2. **LATE ITEMS**

3. **APPROVAL OF THE AGENDA**

4. **MINUTES**

(1) Minutes of the Special Meeting of Council, February 4, 2013

Pg. 1 – 3

(2) Minutes of the Regular Meeting of Council, February 4, 2013

Pg. 4 – 13

5. **PRESENTATIONS**

(1) Queen's Diamond Jubilee Medals – Mayor Desjardins

(2) Heather Gillis, Chair, Heritage Advisory Committee and David Sudbury, Designer, Centennial Heritage Poster, Re: Poster / Banner in Celebration of National Heritage Week

(3) Pastor Paul Bergman, Harbourview Community Church, Update on Community Activities

(4) Alex Rueben, Executive Director, Industrial Marine Training and Applied Research Centre

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) Family Month Proclamation, Staff Report No. ADM-13-008

Pg. 14 – 16

RECOMMENDATION:

That Council approve the Proclamation as attached to Staff Report No. ADM-13-008 to proclaim February each year as Family month in the Township of Esquimalt.

Engineering and Public Works

(2) Regional Kitchen Scraps Strategy, Staff Report No. EPW-13-002

Pg. 17 – 22

RECOMMENDATION:

1. That the Township enters into the Capital Regional District Regional Kitchen Scraps Strategy, Funding Incentive program.

2. That staff be directed to enter into negotiations with the City of Victoria to determine costs and operational constraints associated with utilizing the City of Victoria's transfer station for kitchen scraps and garbage streams.

- (3) Garbage Collection Methodology – Curbside vs. Backyard, Staff Report No. EPW-13-003 Pg. 23 – 68

RECOMMENDATION:

1. That the collection of multi-stream waste streams be carried out from a curbside location with the type of containers to be determined through the 2013 budget discussions (early approval); and
2. That staff amend the Garbage Disposal Bylaw, 2006, No. 2630 to ensure that the Bylaw incorporates the requirements of the regional strategies and multi-stream waste stream collection; and
3. That staff does not develop a policy for dealing with age encumbered or mobility restricted individuals if the curbside collection methodology is adopted.

Development Services

- (4) Development Variance Permit, 963 Shearwater Street, Strata Lot A, Section 11, Esquimalt District, Strata Plan 1044, Staff Report No. DEV-13-006 Pg. 69 – 91

RECOMMENDATION:

That the application for a Development Variance Permit authorizing the following relaxation to Parking Bylaw, 1992, No. 2011, **be approved, and staff be directed to issue the permit and register the notice on the title** of Strata Lot A, Section 11, Esquimalt District, Strata Plan 1044 [963 Shearwater Street].

Parking Bylaw, 1992, No. 2011, Section 9(4) – Provision and Maintenance of Off-Street Parking and Loading Areas – an exemption from the requirement that Parking Spaces in Residential zones shall be located no closer to the Front Lot Line than the front face of the Principal Building.

- (5) Development Variance Permit, 854 Carrie Street, [Lot 11, Section 10, Esquimalt District, Plan 276], Staff Report No. DEV-13-007 Pg. 92 – 108

RECOMMENDATION:

That Development Variance Permit No. 07/2012 authorizing the following relaxation to Zoning Bylaw, 1992, No. 2050, **be approved, and staff be directed to issue the permit and register the notice on the title** of Lot 11, Section 10, Esquimalt District, Plan 276 [854 Carrie Street].

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback - a 2.0 metre reduction to the required 7.5 metre setback from the Front Lot Line [i.e. from 7.5 metres to 5.5 metres].

8. **MAYOR’S AND COUNCILLORS’ REPORTS**

9. **REPORTS FROM COMMITTEES**

- (1) Draft minutes from the Advisory Planning Commission meeting, January 15, 2013 Pg. 109 – 111
- (2) Draft minutes from the Heritage Advisory Committee meeting, January 16, 2013 Pg. 112 – 118

10. **COMMUNICATIONS**

- (1) Letter from Karen Felker, Honours and Awards Secretariat, dated January 28, 2013, Re: Order of British Columbia – 2013 Call for Nominations Pg. 119
- (2) Email from Duane Lecky, dated February 3, 2013, Re: New Speed Cushions on Old Esquimalt Road Pg. 120 – 121
- (3) Email from Sharon L MacKenzie, i2i Intergenerational Society of Canada, dated February 7, 2013, Re: Intergenerational Day Canada Pg. 122 – 124
- (4) Stewart McDonald Stuart Client Bulletin, Re: New Ruling on Conflict of Interest and Participation of Elected Officials on the Boards of Not for Profit Organizations – Court of Appeal finds an Indirect Pecuniary Interest Pg. 125 – 129

11. **PUBLIC QUESTION AND COMMENT PERIOD**

*Excluding items which are or have been the subject of a Public Hearing.
Limit of two minutes per speaker.*

12. **ADJOURNMENT**



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES
SPECIAL MEETING
OF MUNICIPAL COUNCIL
MONDAY, FEBRUARY 4TH, 2013

5:45 P.M.
WURTELE ROOM, MUNICIPAL HALL

PRESENT:

Mayor Barbara Desjardins
Councillor Megan Brame
Councillor Dave Hodgins
Councillor Lynda Hundleby
Councillor Robert McKie
Councillor Tim Morrison
Councillor David Schinbein

STAFF:

Laurie Hurst, Chief Administrative Officer
Jeff Miller, Director of Engineering & Public Works
Bill Brown, Director of Development Services
Anja Nurvo, Manager of Corporate Services/Recording Secretary

1. **CALL TO ORDER**

Mayor Desjardins called the Special Meeting of Council to order at 5:45 pm.

2. **LATE ITEMS**

The following was added to Item 4 Motion to go *In Camera*:

- Personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity; and
- The consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

3. **APPROVAL OF THE AGENDA**

MOTION: Moved by Councillor Brame/Councillor McKie:
That the Agenda be approved as amended.

CARRIED UNANIMOUSLY.

4. **MOTION TO GO *IN CAMERA***

MOTION: Moved by Councillor Brame/Councillor Hundleby:
That Council convene *In Camera* pursuant to Section 90 of the *Community Charter* to discuss:

- The acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- Negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;
- Personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity; and
- The consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

in accordance with Section 90 (1) (b), (e) and (k) and Section 90 (2) (b) of the *Community Charter*, and that the general public be excluded.

CARRIED UNANIMOUSLY.

5. **ADJOURNMENT**

MOTION: Moved by Councillor Hundleby/Councillor McKie:
That the Special Meeting of Council be adjourned at 5:46 pm.

CARRIED UNANIMOUSLY.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS DAY OF _____, 2013

CERTIFIED CORRECT:

ANJA NURVO, CORPORATE OFFICER

DRAFT



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, FEBRUARY 4, 2013
7:00 P.M.
COUNCIL CHAMBERS

PRESENT:

Mayor Barbara Desjardins
Councillor Meagan Brame
Councillor Dave Hodgins
Councillor Lynda Hundleby
Councillor Robert McKie
Councillor Tim Morrison
Councillor David Schinbein

STAFF:

Laurie Hurst, Chief Administrative Officer
Bill Brown, Director of Development Services
Anja Nurvo, Manager of Corporate Services
Louise Payne, Recording Secretary

OTHER:

Inspector Keith Lindner, VicPD West Division

1. **CALL TO ORDER**

Mayor Desjardins called the meeting to order at 7:00 pm. The Mayor reported that the flags were at half mast in recognition of the death of former Alderman Edward De Costa.

2. **LATE ITEMS**

The following changes to the Agenda were made:

- Deletion of Item 5(1) Presentation – Tammy Percival, Esquimalt Representative, Victoria Family Court and Youth Justice Committee;
- Deletion of Item 7(4) Staff Reports – Rezoning Application, 622 Admirals Road, Staff Report No. DEV-13-004; and
- Move Item 8(1) Report from Mayor Barbara Desjardins re: Review of Advisory Committees to follow Item 7(1) Submission of Resolutions to AVICC, Staff Report No. ADM-13-005.

3. **APPROVAL OF THE AGENDA**

MOTION: Moved by Councillor Hodgins/Councillor McKie:
That the Agenda be approved as amended.

CARRIED UNANIMOUSLY.

4. **MINUTES**

MOTION: Moved by Councillor Morrison/Councillor Brame:
That the following minutes be adopted as circulated:

- (1) Minutes of the Special Meeting of Council, January 21, 2013;
- (2) Minutes of the Regular Meeting of Council, January 21, 2013.

CARRIED UNANIMOUSLY.

5. **PRESENTATION**

- (1) Kluane Buser-Rivet, Victoria Youth Council

Ms. Buser-Rivet, coordinator for the Victoria Youth Council, made a presentation to Council on “How and Why to Start a Youth Council”, and answered questions from Council.

6. **PUBLIC INPUT**

Mark Salter, resident, expressed his appreciation for Ms. Buser-Rivet’s presentation, and his appreciation to Council for the changes proposed to the structure and operation of the Advisory Committees. He also expressed his support for the Federation of Canadian Municipalities’ “Cut My Commute” campaign, the Provincial Wood First Act and the Legion’s development proposal for 622 Admirals Road.

Carol Witter, resident, expressed concern with the proposed height guidelines in the draft West Bay Neighbourhood Urban Design Guidelines, suggesting a single maximum height for the commercial zone.

7. **STAFF REPORTS**

Administration

- (1) Submission of Resolutions to AVICC, Staff Report No. ADM-13-005

MOTION: Moved by Councillor Brame/Councillor Hodgins:
That Staff Report No. ADM-13-005 be received for information.

CARRIED UNANIMOUSLY.

MAYOR'S AND COUNCILLORS' REPORTS

8. (1) Report from Mayor Barbara Desjardins, Re: Review of Advisory Committees

Mayor Desjardins reviewed her report on process and review of Advisory Committees and answered questions from Council.

Council Comments:

- Committee budget should be included in their Work Plan and budget status report be included in their Year-End report;
- Emerging issues should be brought to Council by the Committee Chair for approval to add to Committee's work plan.

MOTION: Moved by Councillor Schinbein/Councillor McKie:
That Mayor Desjardins' report on a review of Advisory Committees be received; and that the recommendations in the Mayor's report be supported by Council.

CARRIED (Councillor Hodgins opposed).

STAFF REPORTS, Continued

7. (2) Council Advisory Committees: Revised Terms of Reference, Staff Report No. ADM-13-007

Mayor Desjardins pointed out that the revisions to the Terms of Reference of Advisory Committees are a "work in progress".

Council Comments:

- Terms of Reference are becoming clearer;
- Should review again in one year with input from Committees;
- Regular item on Committees' Agenda – Revisions to Terms of Reference – are they working?
- Challenge of Special Events and cultural activities *Staff advised that a separate report on Special Events will be prepared.*

MOTION: Moved by Councillor Morrison/Councillor Brame:
That Council:

- a) approve the revised Terms of Reference for Advisory Committees, being Council Policy Nos. ADMIN-47, ADMIN-48, ADMIN-50 and ADMIN-51; and
- b) approve the revised Council Policy No. ADMIN-45 Operational

Guidelines for Council Committees;
as attached to Staff Report No. ADM-13-007, with a review of Terms of Reference in one year, with input from the Advisory Committees on the revisions.

CARRIED (Councillor Hodgins opposed).

Development Services

- (3) Additions to the Esquimalt Community Heritage Register, Staff Report No. DEV-13-003

The Director of Development Services presented Staff Report No. DEV-13-003 and noted that the owner of 539 Lampson Street does not wish to be on the Community Heritage Register.

MOTION: Moved by Councillor Hodgins/Councillor Morrison:
That the following properties be added to the Esquimalt Community Heritage Register:

- 507 Head Street
- 820 Dunsmuir Road
- 948 Old Esquimalt Road
- 1211 Old Esquimalt Road

And that the Statements of Significance be approved as presented.

CARRIED UNANIMOUSLY.

- (4) Rezoning Application, 622 Admirals Road, [Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854], [Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854], [Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854], [Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except Part in Red on Plan 312 BL] , Staff Report No. DEV-13-004 – Staff Update

The Director of Development Services advised that a review of the draft Rezoning Bylaw for 622 Admirals Road proved it inadequate and that he hoped to provide Council with a revised Rezoning Bylaw for their February 18th, 2013 Regular meeting.

- (5) West Bay Neighbourhood Urban Design Guidelines – Referral to the Design Review Committee, Staff Report No. DEV-13-005

The Director of Development Services presented Staff Report No. DEV-13-005 and noted that the height and scale issue was ideal for the Design Review Committee's review. He added that these Committee meetings are open for public attendance but with no opportunity for public participation.

Mayor Desjardins advised that, as a resident of West Bay, she was not in a conflict of interest due to the general nature of comments on the West Bay Neighbourhood Urban Design Guidelines. Council provided their comments to the Director of Development Services.

MOTION: Moved by Councillor Hodgins/Councillor Brame:
That Council authorize staff to circulate the West Bay Neighbourhood

Urban Design Guidelines to the Design Review Committee for review and comments.

CARRIED UNANIMOUSLY.

8. MAYOR'S AND COUNCILLORS' REPORTS, Continued

- (2) Report from Mayor Barbara Desjardins Re: Proclamation – Family Month

Mayor Desjardins presented her report suggesting that February be proclaimed “Family Month” in Esquimalt, and answered questions from Council. A draft Proclamation will be reviewed at the next Council meeting.

MOTION: Moved by Councillor McKie/Councillor Brame:
That Council supports in principle that a Proclamation be drafted proclaiming the month of February, each year, as “Family Month” in Esquimalt.

CARRIED UNANIMOUSLY.

9. REPORTS FROM COMMITTEES

- (1) Draft Minutes from the Special Heritage Advisory Committee meeting, January 9, 2013

MOTION: Moved by Councillor Brame/Councillor Hodgins:
That the draft minutes from the Special Heritage Advisory Committee meeting held January 9, 2013 be received.

CARRIED UNANIMOUSLY.

- (2) Memorandum from the Heritage Advisory Committee, dated January 16, 2013, Re: 316 Anson Crescent and Macaulay Point

MOTION: Moved by Councillor Morrison/Councillor Hodgins:
That consideration of the memorandum from the Heritage Advisory Committee dated January 16, 2013 regarding 316 Anson Crescent and Macaulay Point be **tabled** until the Mayor has discussed this with DND's Base Commander.

CARRIED UNANIMOUSLY.

- (3) Memorandum from the Heritage Advisory Committee, dated January 16, 2013, Re: Heritage Advisory Committee 2012 Year End Report

MOTION: Moved by Councillor Hodgins/Councillor Schinbein:
That the memorandum from the Heritage Advisory Committee dated January 16, 2013 regarding the Heritage Advisory Committee's 2012 Year End Report be received.

CARRIED UNANIMOUSLY.

- (4) Memorandum from the Heritage Advisory Committee, dated January 16, 2013, Re: Esquimalt Postal Area

MOTION: Moved by Councillor Brame/Councillor Hodgins:
That the memorandum from the Heritage Advisory Committee dated January 16, 2013 regarding Esquimalt Postal Area be received; and
That Council direct staff to send a letter to the Chamber of Commerce requesting that they encourage Esquimalt businesses to use the Esquimalt postal area (as opposed to Victoria's) in their addresses.

CARRIED UNANIMOUSLY.

- (5) Memorandum from the Heritage Advisory Committee, dated January 16, 2013, Re: Heritage Foundation

MOTION: Moved by Councillor Hodgins/Councillor Hundleby:
That the memorandum from the Heritage Advisory Committee dated January 16, 2013 regarding the Heritage Foundation be received; and
That the Heritage Advisory Committee's memorandum be referred to staff for review and a report regarding budget, legal issues, etc.

CARRIED UNANIMOUSLY.

10. COMMUNICATIONS

- (1) Email from Bart Armstrong, dated January 9, 2013, Re: Rowland Bourke VC DSO, Former Esquimalt Resident

MOTION: Moved by Councillor Hundleby/Councillor Schinbein:
That the email from Bart Armstrong dated January 9, 2013 regarding Rowland Bourke VC DSO, former Esquimalt resident be received and referred to the Heritage Advisory Committee to provide a recommendation to Council.

CARRIED UNANIMOUSLY.

- (2) Email from the Federation of Canadian Municipalities (FCM), dated January 23, 2013, Re: FCM Launches New Cut My Commute Campaign

MOTION: Moved by Councillor Hodgins/Councillor Morrison:
That the email from the Federation of Canadian Municipalities (FCM) dated January 23, 2013 regarding FCM Launches New Cut My Commute Campaign be received; and
That Council supports FCM's "Cut My Commute" initiative which encourages senior levels of government to provide funding for local infrastructure projects; and
That staff be directed to look for opportunities to share the enhanced transportation opportunities throughout the community; and
That the email from FCM be referred to the Environmental Advisory Committee for comment.

CARRIED UNANIMOUSLY.

- (3) Letter from Mary Tracey, Wood WORKS! BC, received January 24, 2013, Re: Adopting Wood First Commitments in Support of the Provincial Wood First Act

MOTION: Moved by Councillor Brame/Councillor Hodgins:
That the letter from Mary Tracey, Wood WORKS! BC received January 24, 2013 regarding adopting Wood First commitments in support of the Provincial Wood First Act be received.

CARRIED UNANIMOUSLY.

- (4) Letter from June Parsons, BC Seniors Games Society, dated January 25, 2013, Re: Invitation to Host BC Seniors Games

MOTION: Moved by Councillor Brame/Councillor McKie:
That the letter from June Parsons, BC Seniors Games Society dated January 25, 2013 regarding an invitation to host the BC Seniors Games be received; and

That the letter be referred to the Parks & Recreation Advisory Committee and staff for recommendation to Council.

CARRIED UNANIMOUSLY.

- (5) January 30, 2013 Victoria News Article – New Fed Boundaries Drawn in West Shore, Saanich

MOTION: Moved by Councillor Morrison/Councillor Hundleby:

WHEREAS the Federal Redistribution Commission recently announced a new name for our area's electoral district as being Saanich-Juan de Fuca and has removed the longstanding reference to "Esquimalt" in the new name;

AND WHEREAS the Federal Redistribution Commission had originally proposed to maintain the reference to "Esquimalt" in the new electoral district's name prior to announcing the sudden change in name to Saanich-Juan de Fuca without any further opportunity for public feedback;

AND WHEREAS "CFB Esquimalt" has a major, long-standing presence within our federal electoral district and whereas CFB Esquimalt has significant local, regional, national and international importance;

AND WHEREAS "Esquimalt" has significant and established heritage status in the historical name of our area's federal electoral district since 1952 and thirteen election cycles;

AND WHEREAS "Esquimalt" is consistent with the longstanding name of our provincial electoral district (Esquimalt-Royal Roads) in addition to the federal district;

AND WHEREAS the current Esquimalt-Juan de Fuca's Member of Parliament has indicated the new name will create confusion with constituents and has proposed that **Esquimalt-Saanich-Sooke** to be a more appropriate new federal electoral district name in order to better reflect the geography of the new riding;

NOW THEREFORE BE IT RESOLVED that the Township of Esquimalt is opposed to the Federal Redistribution Commission's proposed new

name of Saanich-Juan de Fuca for the newly redistributed electoral district;

AND that the Township of Esquimalt supports the Esquimalt-Juan de Fuca Member of Parliament's proposal that the new name be changed to Esquimalt-Saanich-Sooke as a more appropriate name for the newly redistributed electoral district;

AND that the Township of Esquimalt's opposition to the name Saanich-Juan de Fuca and support for the name of "Esquimalt-Saanich-Sooke" be communicated urgently to the Federal Minister responsible for redistribution of electoral districts and Esquimalt-Juan de Fuca's Member of Parliament;

AND that the Township of Esquimalt seek the support of CFB Esquimalt in maintaining reference to "Esquimalt" in the newly redistributed electoral district name.

CARRIED UNANIMOUSLY.

11. RISE AND REPORT

Council Advisory Committees, Commission and Board Appointments

(1) At the Special *In Camera* meeting of Council held on December 17, 2012, Council passed the following resolution:

That the following persons be appointed to the Township of Esquimalt Council Advisory Committees and Commission as indicated effective February 1, 2013:

Advisory Planning Commission:

James Harada-Down	Term expires December 31, 2014
Lorne Argyle	Term expires December 31, 2014
Joy Palmeter	Term expires December 31, 2014
Mark Salter	Term expires December 31, 2013

Arts, Culture and Special Events Advisory Committee:

Maira Tait	Term expires December 31, 2014
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Environmental Advisory Committee:

Carole Witter	Term expires December 31, 2014
Michael Hill	Term expires December 31, 2014
Larry Dill	Term expires December 31, 2013

Heritage Advisory Committee:

Sherri Robinson	Term expires December 31, 2014
Dar Purewall	Term expires December 31, 2014
Heidi Bada	Term expires December 31, 2014

(appointed at the Special *In Camera* meeting on February 4, 2013)

Parks and Recreation Advisory Committee:

Celia Owen	Term expires December 31, 2014
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Willie McGillivray Term expires December 31, 2014
Peter Ryan Term expires December 31, 2013

- (2) At the Special *In Camera* meeting of Council held on January 21, 2013, Council passed the following resolution:

That the following persons be appointed to the Township of Esquimalt Council Advisory Committees as indicated, effective February 1, 2013:

Advisory Planning Commission Design Review Committee:

Carl Rupp Term expires December 31, 2013
Richard Iredale Term expires December 31, 2014
Zelig Alec Katz Term expires December 31, 2014
Wendy Kay Term expires December 31, 2014
Paul de Greeff Term expires December 31, 2014
Jill Singleton Term expires December 31, 2014
Paul Newcombe Term expires December 31, 2013
Cst. Kristin Greffard Non-Voting Resource

Environmental Advisory Committee:

Patrick O'Hara Term expires December 31, 2014

- (3) At the Special *In Camera* meeting of Council held on February 4, 2013, Council passed the following resolution:

That the Council of the Corporation of the Township of Esquimalt resolves that:

1. The Township will no longer fund "thewrongplan.ca" website or endorse the use of the Township's logo for campaigns either in favour or against McLoughlin Point;
2. Staff be directed to close "thewrongplan.ca" website immediately; and
3. Council rise and report on this resolution at the next regular Council meeting.

12. PUBLIC QUESTION AND COMMENT PERIOD

Heather Gillis, Chair of the Heritage Advisory Committee, thanked Council for their support of the Committee.

Muriel Dunn, resident, inquired why the Township of Esquimalt was pulling away from "thewrongplan.ca".

Mayor Desjardins advised that the website was outdated, and the Capital Regional District has applied for a rezoning application for McLoughlin Point and Council must go through the rezoning process without holding an opinion and with an open mind.

Muriel Dunn, resident, inquired about the use of "Esquimalt, BC".

Mayor Desjardins advised that Council was encouraging the business community to address their mail "Esquimalt, BC" as a way to highlight the community.

Lorne Argyle, resident, stated that the proposed sewage plant location at McLoughlin Point is the wrong plan.

13.

ADJOURNMENT

MOTION: Moved by Councillor Hodgins/Councillor Brame:

That the Regular Meeting of Council be adjourned at 9:05 pm.

CARRIED UNANIMOUSLY.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS DAY OF _____, 2013

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Council Meeting: February 18, 2013
Staff Report No. ADM-13-008

REQUEST FOR DECISION

SUBJECT: FAMILY MONTH PROCLAMATION

RECOMMENDATION:

That Council approve the Proclamation as attached to Staff Report No. ADM-13-008 to proclaim February each year as Family Month in the Township of Esquimalt.

RELEVANT POLICY:

This Request for Decision does not directly relate to a specific policy.

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to a specific strategic objective.

Submitted by: Writer

Aja Burt

Reviewed by: CAO

R. Hunt

Date:

Feb 8/13

STAFF REPORT

DATE: February 8, 2013 Report No. ADM-13-008
TO: Laurie Hurst, Chief Administrative Officer
FROM: Anja Nurvo, Manager of Corporate Services
SUBJECT: Family Month Proclamation

RECOMMENDATION:

That Council approve the Proclamation as attached to Staff Report No. ADM-13-008 to proclaim February each year as Family Month in the Township of Esquimalt.

BACKGROUND:

At the regular meeting of Council held on February 4th, 2013, Council reviewed Mayor Desjardins' Report entitled "Proclamation - Family Month." At that meeting, Council passed the following Resolution:

That Council supports in principle that a Proclamation be drafted supporting the month of February, each year, as "Family Month" in Esquimalt.

Attached is a draft Proclamation for Council's consideration.

ISSUES:

1. Rationale for Selected Option
The draft Proclamation attached incorporates the intention of previous similar Proclamations made by the Township of Esquimalt Council.
2. Organizational Implications
There are no organizational implications of the Proclamation; however, if the Township wishes to consider future special activities during Family Month, these could have staff and resource implications.
3. Financial Implications
There are no direct financial implications of this Proclamation.
4. Communication
If approved, in accordance with our usual practice, the Proclamation would be posted on the public notice board at Municipal Hall. It could also be posted at the Recreation Centre and on the Municipal Website as another means of advising the community about this initiative.

ALTERNATIVES:

1. That Council approve the Proclamation as attached to Staff Report No. ADM-13-008 to proclaim February each year as Family Month in the Township of Esquimalt.
2. That Council provide alternative wording and approve the Proclamation as amended, to proclaim February each year as Family Month in the Township of Esquimalt.
3. That Council not make a Proclamation regarding Family Month.

PROCLAMATION

“FEBRUARY AS FAMILY MONTH”

WHEREAS families in all of their diverse forms are the fundamental units of our society; and

WHEREAS families are our source of inspiration, strength, education and protection in society; and

WHEREAS families can extend beyond their own ancestry to networks of friends and supporters and can be defined by personal choice; and

WHEREAS families encourage personal growth and foster individuals who make fruitful contributions to our society at all levels; and

WHEREAS families make a significant contribution to supporting Healthy Communities; and

WHEREAS families are deserving of public policies that ensure the enhancement of their opportunities for security, growth and esteem;

THEREFORE I, Barbara Desjardins, Mayor of the Corporation of the Township of Esquimalt, do hereby proclaim the month of February each year as “Family Month” in the Township of Esquimalt, Province of British Columbia.

Barbara Desjardins, Mayor
Township of Esquimalt
February 18, 2013



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Council Meeting: February 18, 2013
Staff Report No. EPW-13-002

REQUEST FOR DECISION

SUBJECT: REGIONAL KITCHEN SCRAPS STRATEGY

RECOMMENDATION:

1. That the Township enters into the Capital Regional District Regional Kitchen Scraps Strategy, Funding Incentive program.
2. That staff be directed to enter into negotiations with the City of Victoria to determine costs and operational constraints associated with utilizing the City of Victoria's transfer station for kitchen scraps and garbage streams.

RELEVANT POLICY:

Garbage Disposal Bylaw, 2006, No. 2630

STRATEGIC RELEVANCE:

Waste Management (Engineering & Public Works Operational Strategic Goal)

Submitted by: Director, Engineering and Public Works

Reviewed by: CAO

Date: Feb 14, 2013

STAFF REPORT

DATE: February 13, 2013 Report No. EPW-13-002
TO: Laurie Hurst, Chief Administrative Officer
FROM: Jeff Miller, Director, Engineering and Public Works
SUBJECT: Regional Kitchen Scraps Strategy

RECOMMENDATION:

1. That the Township enters into the Capital Regional District Regional Kitchen Scraps Strategy, Funding Incentive program; and
2. That staff be directed to enter into negotiations with the City of Victoria to determine costs and operational constraints associated with utilizing the City of Victoria's transfer station for kitchen scraps and garbage streams.

BACKGROUND:

Over the past several years, the Capital Regional District (CRD) has been reviewing the waste streams entering Hartland Landfill. The result of these reviews has been the CRD drafting a strategy for the reduction of reusable waste entering the landfill. In using such a strategy, the region would see a number of benefits:

- Processing of reusable materials and returning them to a useful function
- Reduction in the production of greenhouse gases (GHG's) and leachate at the landfill
- Extension of Hartland Landfill's operational life

One aspect of the waste reduction strategy is the diversion of kitchen scraps from the landfill. Kitchen scraps are defined as waste that has been created due to activities within the kitchen during food preparation and consumption activities. It also includes inorganic components involved with these activities. The following list provides types of acceptable materials:

Food Waste

- Fruit and vegetable scraps
- Meat and meat by-products
- Dairy products
- Baked goods
- Cereal, grains, pasta, pizza
- Bones and egg shells
- Coffee grounds, filters and tea bags
- Nuts and shells
- Fats, oils and grease

Paper Products

- Soiled paper towels, tissues
- Soiled paper food packaging

- Soiled paper plates and cups

Other

- Houseplants, cut and dried flowers
- Certified compostable material such as wooden stir sticks and cutlery

Compostable bags

- Kitchen scraps maybe contained in compostable bags (BPI certified compostable or compostable paper bags). Only compostable bags will be accepted, all other bags and their contents will be considered contamination.

These types of materials represent approximately 30% of the waste stream entering Hartland Landfill. The Township produces on average 1,700 tonnes of waste material per year. Utilizing the 30% factor, the Township would be diverting approximately 510 tonnes of waste material from Hartland Landfill per year.

Yard and garden waste material is already banned from Hartland Landfill. Municipalities are responsible for the management of this material and it does not form part of the kitchen scraps strategy.

The regional kitchen scraps strategy is a multi-year program designed to allow municipalities to modify waste stream collection work processes. The program will begin in 2013 and end in 2015. In 2015, a landfill ban on kitchen scraps will be introduced.

The regional kitchen scraps strategy is structured as follows:

Year	Details
2013	<ul style="list-style-type: none"> • Program is introduced • Tipping rate at Hartland Landfill maintained at \$107 per tonne • Incentive plan is made available to haulers that separate household organics from garbage waste stream – rebate of \$20 per tonne • CRD administers an interim contracts for hauling of kitchen scraps (Super Save Disposal Inc.) and receiving/processing to Vantreight Farms • Municipalities to enter into agreements with the CRD (funding incentive program) • Acceptable locations for depositing household organics are either Hartland Landfill or City of Victoria transfer station (available only to municipal haulers) • CRD retains ownership of all GHGs reduction benefits that are associated with the diversion of kitchen scraps from the program
2014	<ul style="list-style-type: none"> • Tipping rate at Hartland Landfill maintained at \$107 per tonne • Funding incentive program is modified to include incentive and surcharge components • Incentive for separated loads = \$20 per tonne • Charge a 20% surcharge on garbage loads containing kitchen scraps • Interim contract with organics processor maintained
2015	<ul style="list-style-type: none"> • Funding incentive program ends • Ban on household organics instituted at Hartland Landfill • Fines for haulers who violate the ban

	<ul style="list-style-type: none"> • Municipalities responsible for entering into separate agreements for household organics processing
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The Public Works Department has been working with the CRD on the implementation of the strategy. In months leading up to this implementation, Public Works has been determining and carrying out evaluations on the possible impacts of a regional strategy, but was delayed in finalizing them due to uncertainty about the CRD strategy and when it would be implemented. With the implementation of the strategy in the fourth quarter of 2012, Public Works has been finalizing a response to this strategy and confirming how it will impact the Township.

ISSUES:

1. Rationale for Selected Option

This regional program is a step towards integrated resource management. By separating the household organics from the garbage waste stream a number of benefits are realized. These regional benefits include:

- The reuse of materials (previously considered to be waste) into useful and beneficial products.
- Lowering of GHG production at the Hartland Landfill
- Reduction in the production of leachate at Hartland Landfill (liability and management costs)
- Extension of Hartland Landfill’s operational life expectancy thus allowing additional time to explore new location(s) or waste to energy options

By participating in this initiative, the Township realizes a number of positive actions. These include:

- The Township is moving forward on one of its strategies in dealing with waste management issues and being a responsible municipality.
- Participating in this program allows the Township access to information on the activities surrounding a processing program. This will allow the Township to be prepared to either enter into a separate agreement with a processor or joint agreement with another municipality for the processing of organics in 2015.
- With implementing a kitchen scraps program, the Township will realize cost savings to garbage collection portion of the budget.

By not participating in this initiative, the Township will be exposed to a number of negative consequences. These include:

- Appearance of a municipality with little or no regard to waste management issues and their impact on the environment
- Increased operational costs due to the 20% surcharge planned in 2014 for non-separated loads to Hartland
- Increased costs due to fines that will be levied in 2015

The conclusion of staff is that participation in the Regional Kitchen Scraps Strategy will result in a number of positive aspects for the Township.

Another aspect this program offers is the possible use of the City of Victoria’s transfer station.

This transfer station is located in the City of Victoria's Public Works Yard. The distance to this location is substantially less than the distance to Hartland Landfill. Hartland Landfill is approximately 18 km from the Township (36 km round trip) and a round trip takes approximately one hour (includes dumping). The distance to the Victoria's Public Works Yard is approximately 5 km from the Township's Public Works Yard (10 km round trip) and a round trip would take approximately 30 minutes (including dumping). This would lower the gas consumption of the collection truck (i.e. GHGs,) and maintenance activities due to fact that the units would not have to travel as far to unload.

In order to carry out this option, staff will need to enter into negotiations with the City of Victoria to determine what costs would be associated with this option. These negotiations would allow the Township to determine if utilizing the City of Victoria's transfer station does indeed provide a positive benefit to the Township's waste management operations and budget.

2. Organizational Implications

The implementation of the agreement between the Township and the CRD will not pose any significant implications on the organization. The Director and Public Works Manager are members of a number of discussion and working groups that deal with these issues on a regional and municipal basis.

Negotiations with the City of Victoria will mainly see minor increases to the workloads of the Chief Administrative Officer, the Director, Engineering and Public Works and the Public Works Manager.

3. Financial Implications

The financial implications to the Township will vary depending on the year that is examined.

2013

- Ordering of one replacement garbage truck (funding for this unit was approved in the 2012 budget).
- Budget request for replacement of second garbage truck in 2013 budget (if request was approved both trucks would be purchased at the same time).
- The funding for the approved and requested replacement of the garbage trucks comes from the Machinery and Equipment Replacement Fund. The fund has been reviewed and it has sufficient funds for purchase of both of these units.
- No change in waste management operational costs (2013 budget value = \$446,286)

2014

- Based on the assumptions:
 - That tipping fees at Hartland Landfill are maintained at \$107 per tonne.
 - There are no changes in regional strategy with respect to incentive and surcharge components.
 - Delivery of replacement units by June of 2014.
 - Implementation of kitchen scraps and garbage collection waste streams in July.
 - The fund has been reviewed and it has sufficient funds for the purchase of these containers.

- The Township should see an approximate decrease in tipping fee costs in the range of \$15,000 to \$20,000.
- The range of savings is dependent on tonnage of material going to the landfill.
- Budget request for garbage and kitchen scrap containers in the 2013 budget.
- The funding for this budget request would be from the Community Works Fund.

2015

- Possible increase to garbage tipping fees. The order of magnitude of the increase would be in the range of \$5 to \$10 per tonne. The increase would be determined by the CRD based on operational and liability costs associated with the operation of the Hartland Landfill site.
- Fines for non-separated loads. The CRD has not yet set what the fine will be for this circumstance.
- Cost of entering into an agreement with an organics processor once the interim agreement is completed.

The 2013 operational budget is currently being prepared for budget review in the coming months. Waste collection and disposal is one of the core line items and resides in the Public Works budget. Utilizing the anticipated operational costs for 2013, the cost per house is \$123. With the implementation of the rebate and surcharge mechanism in 2014, the cost per house will range from \$101 to \$130. The final cost will be determined by the timing of implementation of the revised collection system.

4. Communication

With respect to this strategy, the CRD has begun to prepare an education campaign to inform the region's home owners of the upcoming program. The Township will take advantage of this campaign by incorporating this literature into the information that the Township makes available to the residents. This philosophy is similar to the recycling program.

The Township will also review what activities both Saanich and Victoria have implemented and utilize their past efforts to tailor a message and information for the Township's residents. This information will be available on the Township's web site and social media mediums. The Township will also be hosting an educational workshop for residents to attend to learn about the program.

ALTERNATIVES:

1. That the Township enters into the Capital Regional District Regional Kitchen Scraps Strategy, Funding Incentive program.
2. That the Township does not enter into the Capital Regional District Regional Kitchen Scraps Strategy, Funding Incentive program.
3. That staff be directed to enter into negotiations with the City of Victoria to determine costs and operational constraints associated with utilizing the City of Victoria's transfer station for kitchen scraps and garbage streams.
4. That staff do not enter into discussions with the City of Victoria about utilization of the transfer station.



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Council Meeting: February 18, 2013
Staff Report No. EPW-13-003

REQUEST FOR DECISION

SUBJECT: GARBAGE COLLECTION METHODOLOGY – CURBSIDE vs. BACKYARD

RECOMMENDATION:

1. That the collection of multi-stream waste streams be carried out from a curbside location with the type of containers to be determined through the 2014 budget discussions (early approval); and
2. That staff amend the Garbage Disposal Bylaw, 2006, No. 2630 to ensure that the Bylaw incorporates the requirements of the regional strategies and multi-stream waste stream collection; and
3. That staff does not develop a policy for dealing with age encumbered or mobility restricted individuals if the curbside collection methodology is adopted.

RELEVANT POLICY:

Garbage Disposal Bylaw, 2006, No. 2630

STRATEGIC RELEVANCE:

Waste Management (Engineering & Public Works Operational Strategic Goal)

Submitted by: Director, Engineering & Public Works

Reviewed by: CAO

Date: Feb 14, 2013

STAFF REPORT

DATE: February 13, 2013 Report No. EPW-13-003
TO: Laurie Hurst, Chief Administrative Officer
FROM: Jeff Miller, Director, Engineering and Public Works
SUBJECT: Garbage Collection Methodology – Curbside vs. Backyard

RECOMMENDATION:

1. That the collection of multi-stream waste streams be carried out from a curbside location with the type of containers to be determined through the 2014 budget discussions (early approval); and
2. That staff amend the Garbage Disposal Bylaw, 2006, No. 2630 to ensure that Bylaw incorporates the requirements of the regional strategies and multi-stream waste stream collection; and
3. That staff does not develop a policy for dealing with age encumbered or mobility restricted individuals if the curbside collection methodology is adopted.

BACKGROUND:

In the Township, Public Works is responsible for the collection and transportation of the solid waste materials from homes to the Hartland Landfill. To accomplish this task, two Full time employees (FTEs) are assigned to it. The collection crew works a 7.5 hour day. Complaints and issues are dealt with either at the Public Works Supervisor or Public Works Manager level. Collection and transportation of the waste material is accomplished by two, single compartment collection trucks. The trucks are either utilized as a primary collection vehicle or a backup vehicle.

Esquimalt's Garbage Disposal Bylaw, 2006, No. 2630 regulates garbage collection. The Townships current level of service is as follows:

- Collection of garbage every second week;
- Maximum of two, 25 kg (55 pounds) capacity containers;
- Backyard pickup with a hunt and seek aspect;
- Garbage collection is carried out for single family, duplex, triplex and fourplex homes. Generally structures that are larger than a fourplex home are not picked up by Public Works. These structures contract with private collection companies to manage their solid waste concerns;
- Collection of waste from waste receptacles at bus stops;
- Utilization of a small truck to pick up garbage from long driveways (47 locations);
- No garbage collection on statutory holidays (pickup days that fall on such days are carried over to the next day when both routes are picked up by utilizing the second truck and reassigning Public Works employees to collection activities);
- Garbage is transported from the Township to the Hartland Landfill. The Hartland Landfill

is located approximately 18 km (36 km round trip) from the Township. A roundtrip from

the Township to Hartland and back takes approximately 1 hour;

- The pickup of the garbage is modified semi-automated method. This type of pickup sees the collector wheel in a transfer cart, lift and dump the residential container into it and wheel it back to the collection truck. At the truck the transfer cart is then lifted and dumped into the back of the collection truck by mechanical means.

Each daily pickup route services approximately 360 residences. The total number of residences that waste is collected from is 3,631. These residences can be a single family homes, duplex, triplex or fourplex. Waste management activities for the larger, multi-family residences, commercial, industrial, and institutional locations are carried out by private contractors.

The residences that the Township is responsible for produce approximately 6 tonnes of waste material each pickup period. The Township produces approximately 1,700 tonnes of waste per year. See Appendix A for a map of collection routes and a copy of the Bylaw.

The Township is now at a point of change in how it will be carrying out garbage collection. Several factors are influencing this change and include:

- Capital Regional District (CRD) decision to implement a kitchen scraps ban at Hartland Landfill;
- Concerns with crew injuries;
- Work place violence.

As outlined in report EPW-13-002, Regional Kitchen Scraps Strategy, the CRD is in the process of implementing a program to divert kitchen scraps from Hartland Landfill. This change in acceptable waste will necessitate a review of how garbage is collected in the Township.

Another significant influence on how waste collection will be carried out is the concerns for worker safety. One of the Township's obligations under WorkSafe BC is providing our workers a safe working environment. By entering onto private property, Township staff is exposed to a number of hazards that need to be mitigated.

Staff members who carry out this work face increased chances of experiencing a variety of strains, sprains, soft tissue and slip/fall injuries. The chance of a worker experiencing one of these injuries is increased when workers:

- Traverse positive and negative grades (at times close to 18% grade) over both short and long distances;
- Travel on surfaces such as: asphalt, concrete, grass, gravel, moss covered surfaces;
- Go over or through obstacles including decks, stairs, narrow openings in retaining walls, gates and lifting garbage receptacles out of containment boxes;
- Lift heavy containers for transfer that are above the maximum weight limit
- Face danger of pet bites or attacks;
- Are exposed to loose garbage when transferring from the homeowner's containers to the transfer container;
- Are potentially exposed to sharps or blood borne pathogens.

Appendix B contains pictures to detail the various concerns.

Workplace violence is another influence on changing the style of waste collection. As each worker enters a property by themselves they are exposed to a number of possible actions without any support from other Township staff. Some of the possible threats that crews have encountered are:

- Verbal and physical intimidation when refusing to remove waste that does not meet the Bylaw requirements;
- Interruption of a crime in progress;
- Interruption of an embarrassing circumstance in a residence;
- Frightening of a resident;
- Accusations of damage to property or theft of property.

It should be noted that the industry standard of practice for private and other municipal waste collectors, in order to avoid putting their staff in situations where an injury or workplace violence incident could occur is that their staff does not enter onto private property.

The equipment utilized for waste collection has been evolving since the purchase of the Township's last garbage truck. The old method of "hands-on" is nearly extinct for garbage collection. This method is now associated with curbside sorting activities during recycling collection. The industry has been moving towards either semi-automated or automated pickup. This automation has removed the significant activity of lifting garbage into the truck which can cause minor and major injury to the individual carrying out the activity.

Semi-automated trucks are equipped with a hydraulic lifting arm that lifts garbage containers into the hopper. The driver is still required to bring the container to the truck, place it on the lifting arm and remove it from the arm. With semi-automated trucks, the driver must leave the cab of the truck in order to get the garbage into the hopper.

Automated trucks are equipped with a hydraulic lifting arm that reaches out to the curb and picks up the garbage container. This lifting arm will then dump the container and replace it on the side of the road. With automated trucks, the driver/arm operator does not leave the cab of the truck.

The Township currently uses a hybrid of the hands-on and semi-automated. The staff utilizes transfer containers to go into the backyard to pick up waste. They then transfer the waste from the resident container to the transfer container and then utilize the transfer container to take the refuse to the truck. The transfer container is then placed on a hydraulic lift to be emptied into the back of the garbage truck. Under the current method, workers are still exposed to heavy lifting activities that semi-automated and automated collection systems avoid. Appendix C has photos of the various collection types.

With the change to a two stream collection system (garbage and kitchen scraps), each stream will be contained in its own container. Each residence would require two containers. The current industry standard is to utilize a cart made from durable plastic and comes equipped with a lid that is attached to the body of the cart and can be latched close. The cart is moved around via two hard rubber/plastic wheels and a handle bar. The carts are available in a variety of sizes ranging from 80 litres to 180 litres. The carts will also be equipped with RFID tag that will allow that cart to be assigned to a specific residence and assist in the tracking of the carts. See Appendix C for pictures.

In October of 2012, Public Works carried out a survey to determine to what extent residents were utilizing either a curbside or backyard pickup location for their refuse containers. The results are detailed below.

Location	North Side	South Side	Average
Curbside	44% (821 homes)	32% (568 homes)	38% (1,389 homes)
Backyard	56% (1,027 homes)	68% (1,215 homes)	62% (2,242 homes)

The survey also looked at average time it takes to enter a backyard, empty out garbage containers into the transfer cart, and bring out to the truck. This time averaged 39.6 seconds. This time does not include the moving of the truck from each stop or the time to load the transfer container into the truck.

There are five methods of multi-stream waste collection that can be utilized. A brief description of the each of the methods is listed below with further discussion in Issues – Rationale for Selected Option section and Appendix D.

1. Backyard with no containers (used in our present single-stream system)
 - Waste bins are located in the backyard in a location that meets the requirements of the Bylaw;
 - Crews enter the backyard with the transfer cart and transfer from owner supplied bins to cart;
 - Owner bins do not leave backyard;
 - Transfer cart taken to truck for emptying;
 - Carts are loaded into the truck by hydraulic lifting arm.
2. Curbside with no containers
 - Owner supplied bins are placed on the curb side by the owner;
 - Crews will unload owner containers by dumping them into a receiving container on the truck;
 - Container is loaded into truck by hydraulic lifting arm;
 - Owner containers are left at the curb for owners to replace to backyard.
3. Full backyard with containers
 - Township supplied containers are located in the backyard in a location that meets the requirements of the Bylaw;
 - Crews enter the backyard and remove each container individually;
 - Containers are loaded into the truck by hydraulic lifting arm;
 - Crews return containers to backyard.
4. Modified backyard with containers
 - Township supplied containers are located in the backyard in a location that meets the requirements of the Bylaw;
 - Crews enter the backyard and remove each container individually;
 - Containers are loaded into the truck by hydraulic lifting arm;
 - Containers are left at the curbside for owner to return to backyard;
5. Curbside with containers
 - Township supplied containers are left at the curbside by the owner;
 - Crews empty container with either semi-automated or automated collection truck;
 - Containers are left at the curbside for owner to return to backyard.

ISSUES:**1. Rationale for Selected Option**

During the review of the methodologies for carrying out dual stream collection activities, Public Works has come to the conclusion that curbside collection would be the preferred method of waste stream collection. The type of containers that are utilized to contain the waste streams could either be owner supplied or Township supplied.

A curbside collection point was preferred for a number of reasons and includes:

- Mitigation of worker safety concerns (i.e. traversing slopes, entering private property, work place violence);
- Allowing the level of service to be maintained;
- That just under half of the Township already places containers at a curbside location.

Public Works preference would be that the Township supplies residents with containers. While there is a cost to purchase and maintain the containers, this expenditure will be balanced by dividends in improving worker safety and lowering of injury rates due to removal of the need to transfer refuse materials from containers to transfer carts. There are also other positives to this recommendation:

- The utilization of RFID technology to track container movement and assist in discussions with residents about whether or not a container was put out late for collection.
- Ability to offer different sizes of containers to residents depending on their requirements without concerns for worker safety if the containers are too heavy.
- Locking lids to keep animals and water out of the containers and to keep odors in.
- The lids are attached to the containers and, therefore, concerns about lids being lost or not being replaced will be eliminated.

2. Organizational Implications

The management and utilization of waste streams and their various components has been a concern of Council for a number of years. This concern has manifested itself in the Strategic Plan created by Council over the past several years.

Within the Strategic Plan for 2012, waste management was identified as an operational priority, recognizing it as an integral component. The proposed change in the collection methodology will allow this Strategic priority to be recognized and advanced. It also allows this goal to be carried out while minimizing financial impacts on the organization.

The curbside option allows:

- Current level of service to be maintained while maintaining current operational manpower levels.
- By reducing the idle time of the collection truck, there will be a reduction of greenhouse gas generation. This fact along with improved engine technology will assist the Township in achieving its goal of carbon neutrality.

If the recommendation is accepted for curbside service, the Garbage Disposal Bylaw, 2006, No.

2630 will need to be amended. Part of this amendment will include verification, clarification and/or additional information required for implementation of the Bylaw.

One of the components of the Bylaw will have to be a section concerning waste stream collection for elderly or individuals with disabilities. The preference of Public Works would be that all home owners would be responsible for depositing the wastes stream containers at the curb. This is also a common practice in the industry and can be seen in the recycling program. However, Public Works does recognize that residents of the Township are a varied group in their abilities to deal with such a requirement. If a clause is to be included in the Bylaw to accommodate this concern, further discussion would be required to finalize the details.

The work of implementing a collection methodology will be carried primarily through the Director of Engineering and Public Works, Public Works Manager and Communications Coordinator. The Manager of Corporate Services and the Chief Administrative Officer will also play roles in the implementation.

Public Works does not anticipate any significant impacts on workloads in order to carry out the implementation of a collection methodology.

3. Financial Implications

The management of waste material is a core activity within the Public Works budget. Funding for these activities is obtained through the collection of property taxes. For the 2013 budget, the budget amount has been set at \$446,286 (This cost has not been confirmed by the 2013 budget process and could be subject to change). The cost per household is anticipated to be \$123 in 2013. This budget line item includes the provision of two FTE's, two garbage trucks, fuel, maintenance and cost of tipping fees at Hartland Landfill. It does not include cost for recycling or composting items that are detailed in other line items within the 2013 budget.

The cost per household should remain relatively the same if curbside collection is adopted in 2013 and 2014. The cost per household will increase in future years due to liability cost issues/programs at Hartland Landfill, modifications to the Kitchen Scraps Strategy and changes in collective agreement wage rates.

4. Communication

With Council providing their decision on the type of collection methodology a communication plan will be developed.

The communication plan will include the following components:

- Notification to residents on the chosen collection methodology;
- Fact sheets detailing the background on changes in waste management strategies within the CRD and why change was necessary;
- Explanations on how the chosen collection methodology is being implemented and when;
- An educational open house to provide residents an opportunity to discuss the chosen collection methodology.

This information will be presented to the Township through a variety of mediums. The mediums will include web based information, social media and printed outlets.

ALTERNATIVES:

1. That the collection of multi-stream waste streams be carried out from a curbside location with the type of containers to be determined through the 2014 budget discussions (early approval).
2. That the collection of multi-stream waste streams be carried out from backyards with the types of containers to be determined through the 2014 budget discussions (early approval).
3. That staff amend the Garbage Disposal Bylaw, 2006, No. 2630 to ensure that the Bylaw incorporates the requirements of the regional strategies and multi-stream waste stream collection.
4. That staff does not develop a policy for dealing with age encumbered or mobility restricted individuals if the curbside collection methodology is adopted.
5. That staff develops a policy for dealing with age encumbered or mobility restricted individuals if the curbside collection methodology is adopted.

APPENDIX A

Collection Route Map

Bylaw

APPENDIX A COLLECTION ROUTE MAP

TOWNSHIP OF ESQUIMALT GARBAGE PICKUP MAP 2013

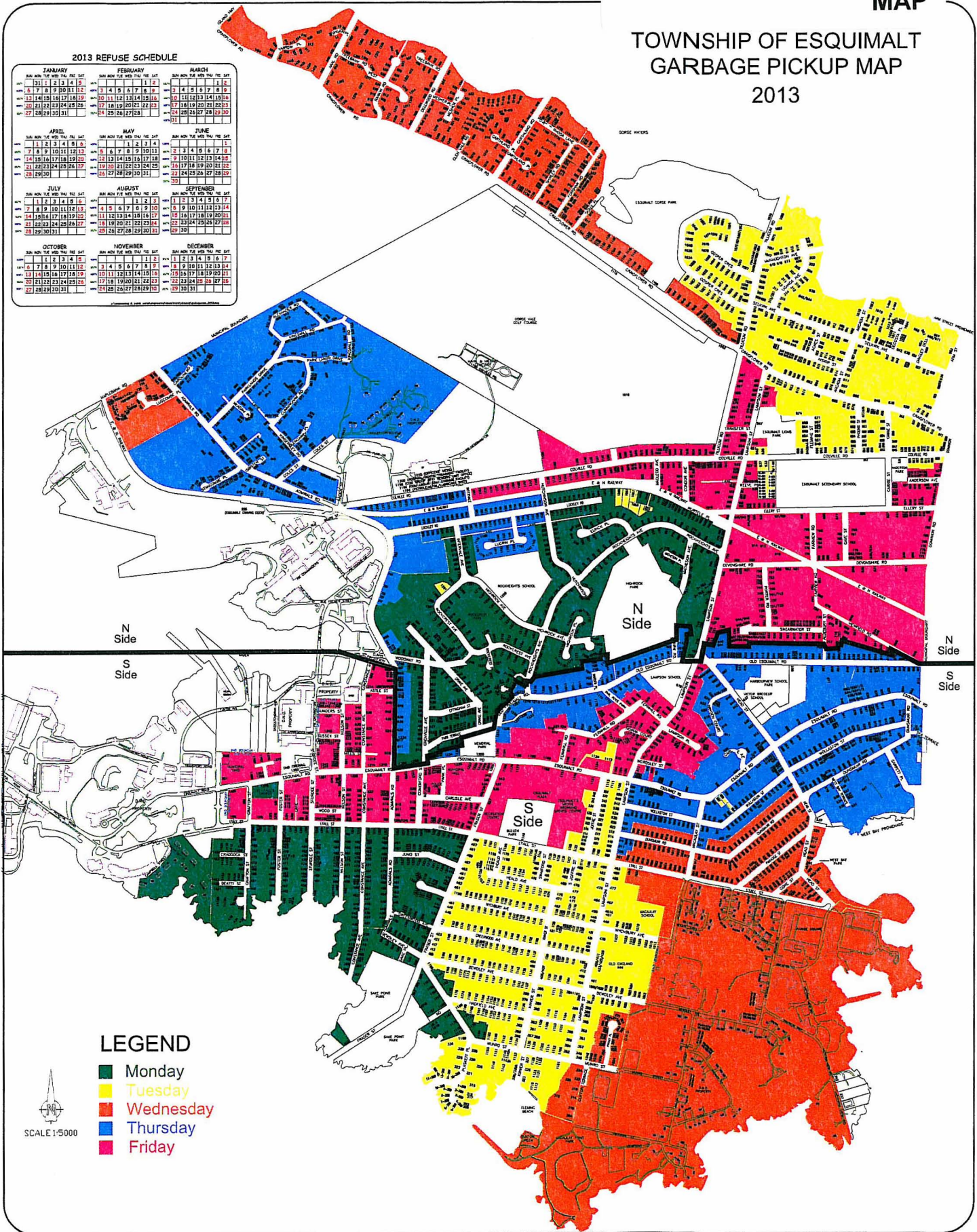
2013 REFUSE SCHEDULE

JANUARY							FEBRUARY							MARCH						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
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22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

APRIL							MAY							JUNE						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
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22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30						29	30	31					29	30	31				

JULY							AUGUST							SEPTEMBER						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
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29	30	31					29	30	31					29	30	31				

OCTOBER							NOVEMBER							DECEMBER						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
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22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2630

A Bylaw to regulate the collection and disposal of garbage and trade waste in the Municipality of Esquimalt.

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the "GARBAGE DISPOSAL BYLAW, 2006, NO. 2630".
2. In this Bylaw, the following definitions shall apply and have effect wherever the words or expressions are used:

(NOTE: Where Imperial units of measure are shown in brackets after metric units, these measures are for information only and do not form part of the bylaw.)

Church means a building set aside for public worship and exempt from taxation under the Municipal Act, and includes any church hall adjacent thereto.

Corrugated Cardboard means any containers and packaging, constructed with a layer of rippled paper material sandwiched between two or more sheets of smooth paper.

Directories means paper books containing, but not limited to, alphabetical or classified lists by name, address, telephone number or location, which are used and distributed primarily by telephone companies and real estate boards.

Dwelling Unit means any self-contained living unit, but shall not include hotel, motel, guest house or other living units operated for transient occupancy.

Garbage means all trade waste, house garbage, litter, paper, plastic materials, food scrap, rubbish and any noxious, offensive or unwholesome matter or substance. It does not include Yard and Garden Waste (as defined within this bylaw), hazardous waste, rocks, stumps or large metal objects. It also does not include any object that is too large to be enclosed in a regulation garbage receptacle as hereinafter defined.

Garbage Collector means any person or persons appointed from time to time by the Municipal Council or designated by the Municipal Engineer to collect and remove garbage.

Gypsum Board or Wall Board includes, but is not necessarily limited to new construction, off-cuts or scraps and old wall board that have been painted, covered in wallpaper, vinyl or ceramic tiles and is removed during renovation, and includes wallboard from demolition sites or wallboard associated with asbestos.

Hazardous Waste means gaseous, liquid and solid waste which, because of its inherent nature and quantity, requires special disposal techniques to avoid creating health hazards, nuisances or environmental pollution. Hazardous wastes are toxins or poisons, corrosives, irritants, strong sensitizers, flammables, explosives, infectious wastes, condemned foods and asbestos, sharps (hypodermic needles, etc.), animal excrement, soiled diapers and used personal hygiene products. Flammable wastes exclude plastics, paper, paper products and the like.

Municipal Engineer means the Director, Engineering and Public Works of the Corporation of the Township of Esquimalt or any other person authorized to act on his behalf.

Occupier means any person occupying any dwelling, habitation, place of residence or trade premises but does not include a boarder, roomer or lodger therein.

Paper Fibres means RECYCLABLE WASTE, including but not limited to, newspaper and inserts; office paper, including white and coloured ledger paper, computer paper, photocopy paper, writing pads, business forms, phone message notes, file folders, reports, envelopes, nonthermal fax paper, no carbon require (NCR) paper, calculator tape, 'post it' type notes, business cards, paper index cards; box board, including paper egg cartons, laundry and cereal boxes, junk mail; gift-wrapping paper and packing paper; magazines; catalogues; calendars; postcards; shredded paper; but **excluding** paperback and hardcover books; waxed paper; carbon paper; and materials which are impregnated with blood, grease, oil, chemicals, food residues or have polyethylene, polystyrene, foil or other non-paper liners or attachments or are contaminated with a material which will render the PAPER FIBRES not MARKETABLE.

Person includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the contract can apply according to law.

Regulation Garbage Receptacle means a watertight galvanised iron or rigid plastic receptacle, equipped with two handles set opposite to each other and a drip-proof cover, and having a capacity of not more than 130 litres (28 imperial gallons).

Tires means the outer pneumatic rubber covering of wheels of passenger vehicles, light service trucks and motorcycles with an inner diameter of less than 42 centimetres.

Trade Premises means any premises occupied and used as other than a dwelling unit, except churches.

Yard and Garden Waste means organic materials, substances or objects including, but not necessarily limited to, grass, lawn and hedge clippings, grass sod, flowers, weeds, leaves, vegetable stalks, shrubs, and shrub and tree branches less than 75 mm (3 inches) in diameter, but does not include:

- (a) invasive species plants set out in the Schedule to the Spheres of Concurrent Jurisdiction – Environment And Wildlife Regulation B.C. Reg. 144/2004;
- (b) morning glory, blackberry, wild mustard, ox-eye daisy, wild carrot, couch grass and poison hemlock;

- (c) plants or growing media that may have been identified by the Canadian Food Inspection Agency from time to time as infectious or potentially infectious and of which notice has been sent by the Capital Regional District or publicized by the Canadian Food Inspection Agency;
- (d) plant or tree material in municipal street sweepings, or
- (e) materials disposed of from inside the home, such as vegetable scrapings, fruit peelings, leftover food waste, house plants or floral arrangements.

3. Provision of Garbage Receptacles

- (1) Every *person* being the owner or *occupier* of lands or premises within the *Municipality* shall provide on and for such premises a sufficient number of *regulation garbage receptacles*, to contain all garbage from such land and premises and maintained for garbage purposes in accordance with the provisions of this Bylaw.
- (2) No *person* being the owner or *occupier* of any land within the Municipal limits of the Township of Esquimalt shall suffer or permit the accumulation upon lands or premises belonging to or occupied by him, of any animal or vegetable refuse (composting bins excluded), garbage, ashes, kitchen or trade refuse or other filth or offensive thing except in a suitable receptacle or receptacles.
- (3) No *regulation garbage receptacle* shall be filled beyond a point 50 mm (2 inches) from the top thereof or so that its gross weight exceeds 25 kg (55 pounds).
- (4) *Regulation garbage receptacles* are to be maintained in a clean and sanitary condition. They shall be kept in good repair and shall be replaced when they become unserviceable.
- (5) *Regulation garbage receptacles* are to be kept on the premises of the *occupier* at grade, so as to permit reasonable access to the *Garbage Collector*.
- (6) No liquid or free water shall be kept in or permitted to remain in or to accumulate in any garbage receptacle and receptacles shall, at all times, be kept securely covered with a drip-proof cover.
- (7) No *person* shall place any of the following materials or substances in a regulation garbage receptacle:
 - (a) clean corrugated cardboard boxes;
 - (b) clean corrugated cardboard packing materials;
 - (c) directories;
 - (d) gypsum board or wall board;
 - (e) hazardous waste, excluding animal excrement, soiled diapers and used personal hygiene products that are appropriately bagged and sealed;
 - (f) tires
 - (g) paper fibres as defined in this bylaw; or
 - (h) yard and garden waste.

- (8) No *person* shall deposit or permit to be deposited in or upon any land, street, road or highway within the Municipal limits of the Township of Esquimalt, or deposit or permit to be deposited on any foreshore or in waters adjacent to Municipal limits, any animal or vegetable refuse, ashes, garbage, kitchen, trade refuse or other filthy or offensive thing as aforesaid except with the permission in writing of the *Municipal Engineer* of the said Corporation of the Township of Esquimalt.

4. Collection of Garbage

- (1) In the case of a single family dwelling, duplex, triplex, fourplex, townhouse, and churches, the contents of one (1) *regulation garbage receptacle* per week for each self-contained dwelling unit therein or church shall be received and collected without an extra charge at the time of each regular collection.
- (2) In the case of an apartment building, the contents of one-half ($\frac{1}{2}$) *regulation garbage receptacle* per week for each self-contained dwelling unit therein shall be received and collected without an extra charge at the time of each regular collection.
- (3) In the case of trade premises, the contents of one-half ($\frac{1}{2}$) *regulation garbage receptacle* per week for each licensed business shall be received and collected without an extra charge at the time of each regular collection.
- (4) Payment for additional *regulation garbage receptacles* collected from any premises shall be by ticket or tickets issued for the purpose by the Municipality and previously purchased from the Municipality by the owner or occupier of the premises. The user charge for the collecting of additional *regulation garbage receptacles* shall be as shown in Schedule "A" attached.
- (5) Where a condition exists on a property which prevents the *Garbage Collector* from carrying out his duties by virtue of a hazard, potential danger, difficulty of access or other abnormal or dangerous condition, or where there is any other contravention of this Bylaw, the *Municipal Engineer* shall notify the owner or *occupier* of the condition and/or contravention that must be abated or rectified and may instruct that garbage collection service be discontinued until the condition and/or contravention is abated or rectified. Responsibility for disposal of garbage during discontinuance as aforesaid shall rest with the owner or *occupier*.
- (6) The owner(s) of any trade premises, apartment building, or townhouse complex may "opt out" of the Municipal collection system at any time, upon presentation of proof of alternative service to the *Municipal Engineer*. The owner(s) of any *trade premises*, apartment building, or townhouse complex may "opt in" to the Municipal collection system on not less than 30 days written notice to the *Municipal Engineer*.

5. Enforcement

The *Municipal Engineer* shall be responsible for the enforcement of the provisions of this Bylaw.

Every person who:

- (1) Violates or does any act or thing which violates any provision of this Bylaw;
- (2) Suffers or permits any act or thing to be done in violation or contravention of any of the provisions of this Bylaw;
- (3) Neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw

shall be deemed to have committed an offence under this Bylaw and shall be liable to the penalties prescribed by the *Offence Act*.

6. Repeal

Garbage Disposal Bylaw, 1993, No. 2374 and amendments thereto are hereby REPEALED.

Read a first time by the Municipal Council on the 1st day of May, 2006.

Read a second time by the Municipal Council on the 1st day of May, 2006.

Read a third time by the Municipal Council on the 1st day of May, 2006.

ADOPTED by the Municipal Council on the 15th day of May, 2006.

CHRIS CLEMENT
MAYOR

DONNA DUPAS
MUNICIPAL CLERK

SCHEDULE "A"

CHARGES FOR GARBAGE COLLECTION SERVICE

For the collection of the contents of each *regulation garbage receptacle*, beyond the number specified in Section 4 of this Bylaw, from any premises a charge of **\$2.00** to be prepaid by ticket purchased in sheets of four at a cost of **\$8.00**.

APPENDIX B

Positive grades

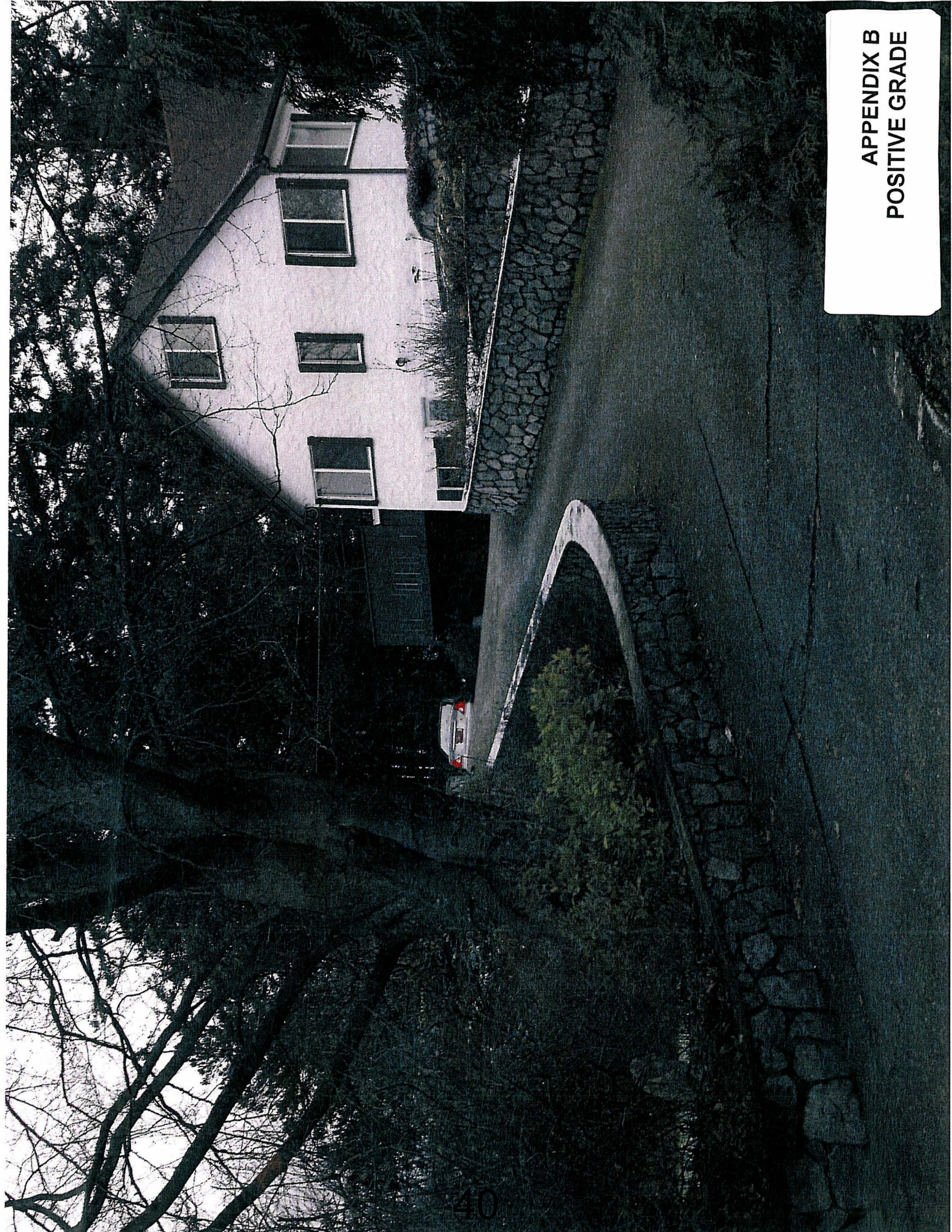
Negative grades

Travelled surfaces

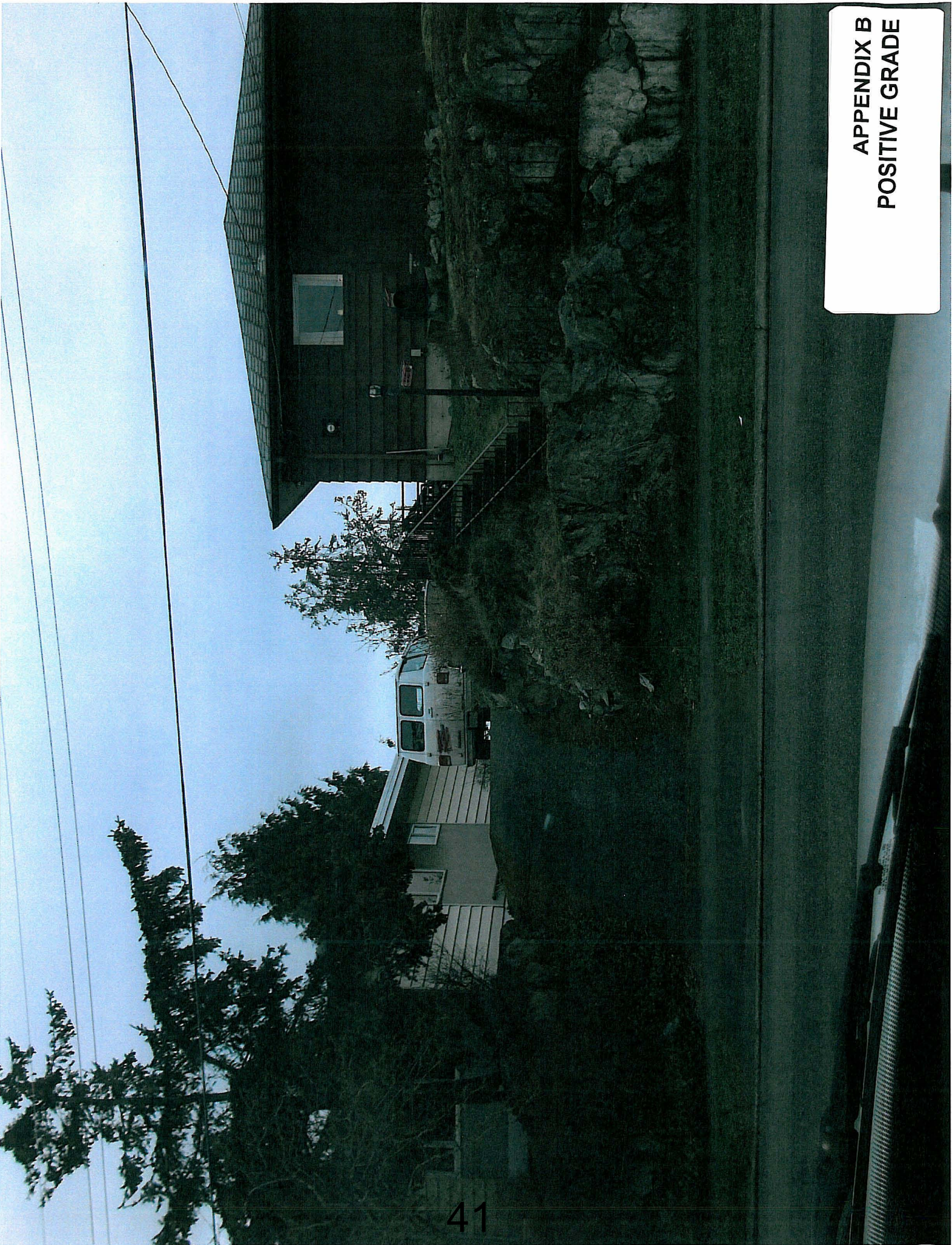
Container location

Hazards

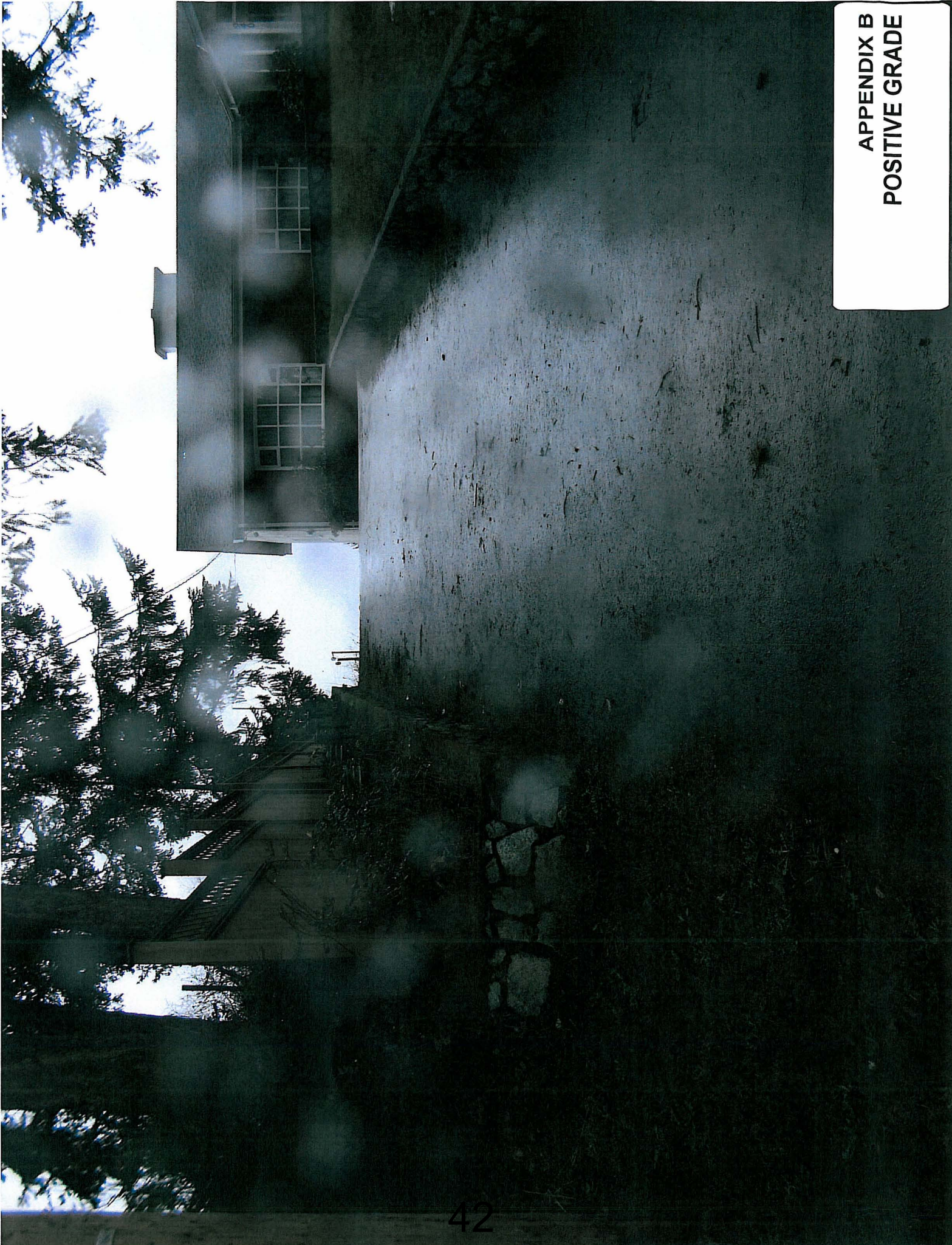
**APPENDIX B
POSITIVE GRADE**



**APPENDIX B
POSITIVE GRADE**



**APPENDIX B
POSITIVE GRADE**





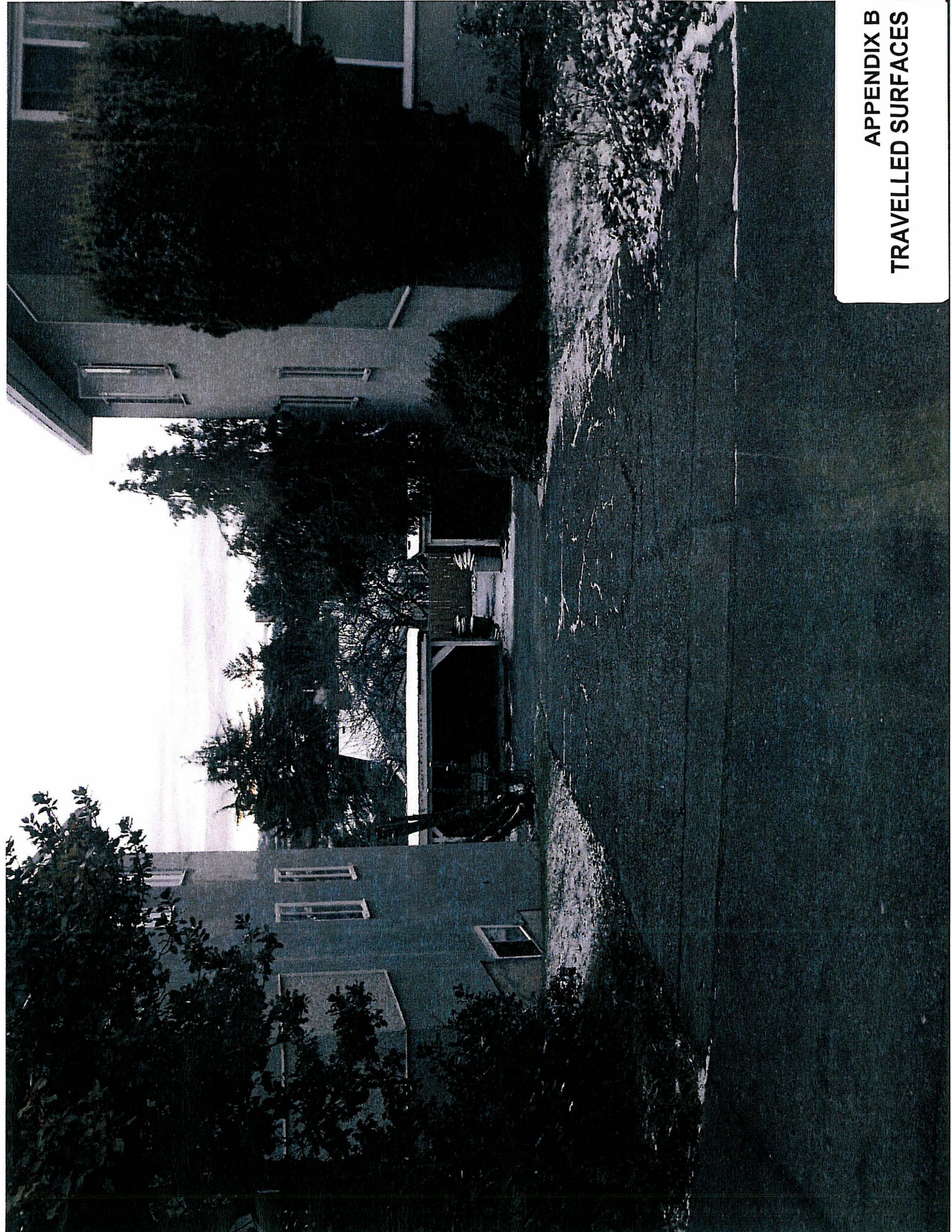
APPENDIX B
NEGATIVE GRADE



**APPENDIX B
NEGATIVE GRADE**



**APPENDIX B
NEGATIVE GRADE**



**APPENDIX B
TRAVELLED SURFACES**



**APPENDIX B
TRAVELLED SURFACES**



**APPENDIX B
TRAVELLED SURFACES**



**APPENDIX B
TRAVELLED SURFACES**



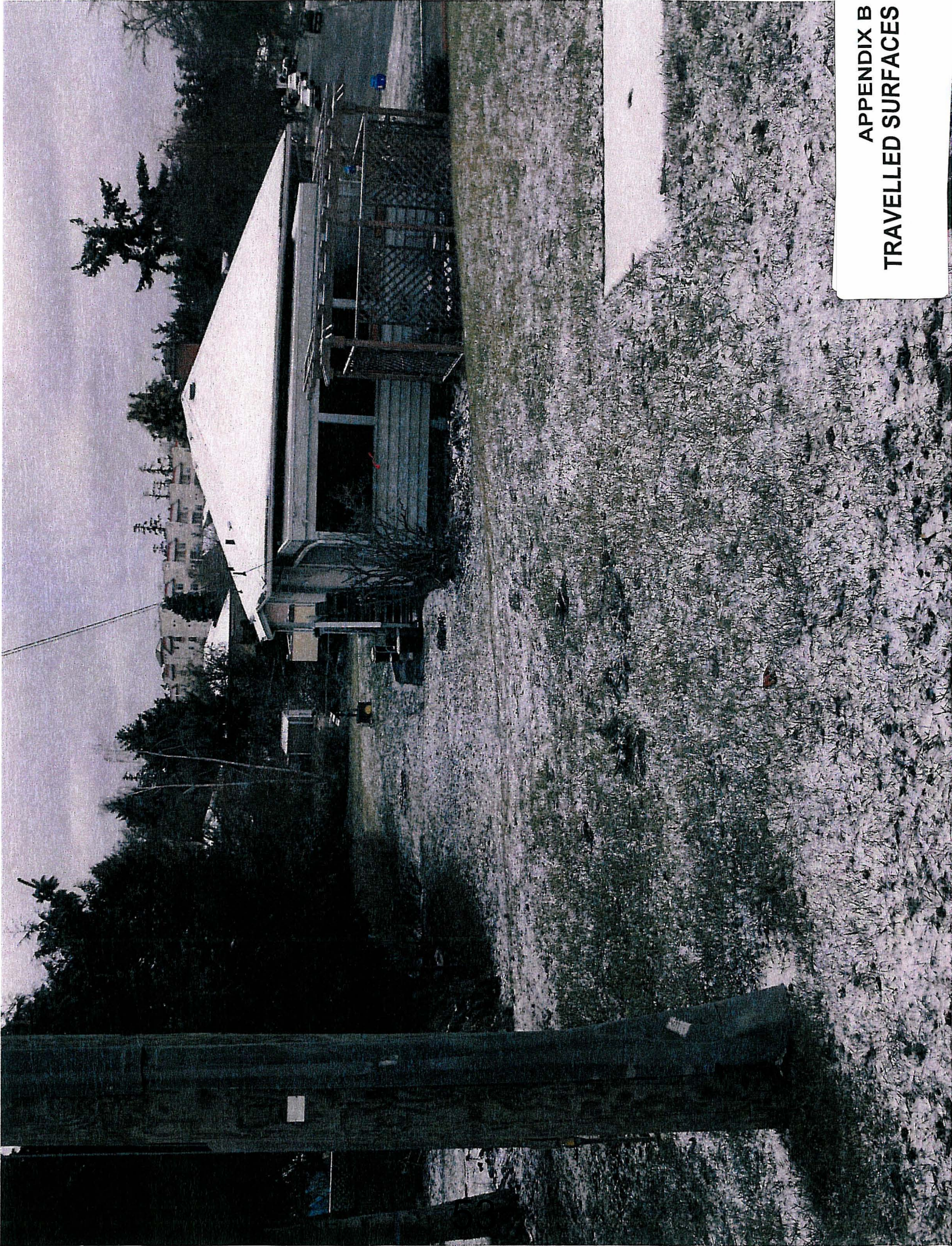
**APPENDIX B
TRAVELLED SURFACES**



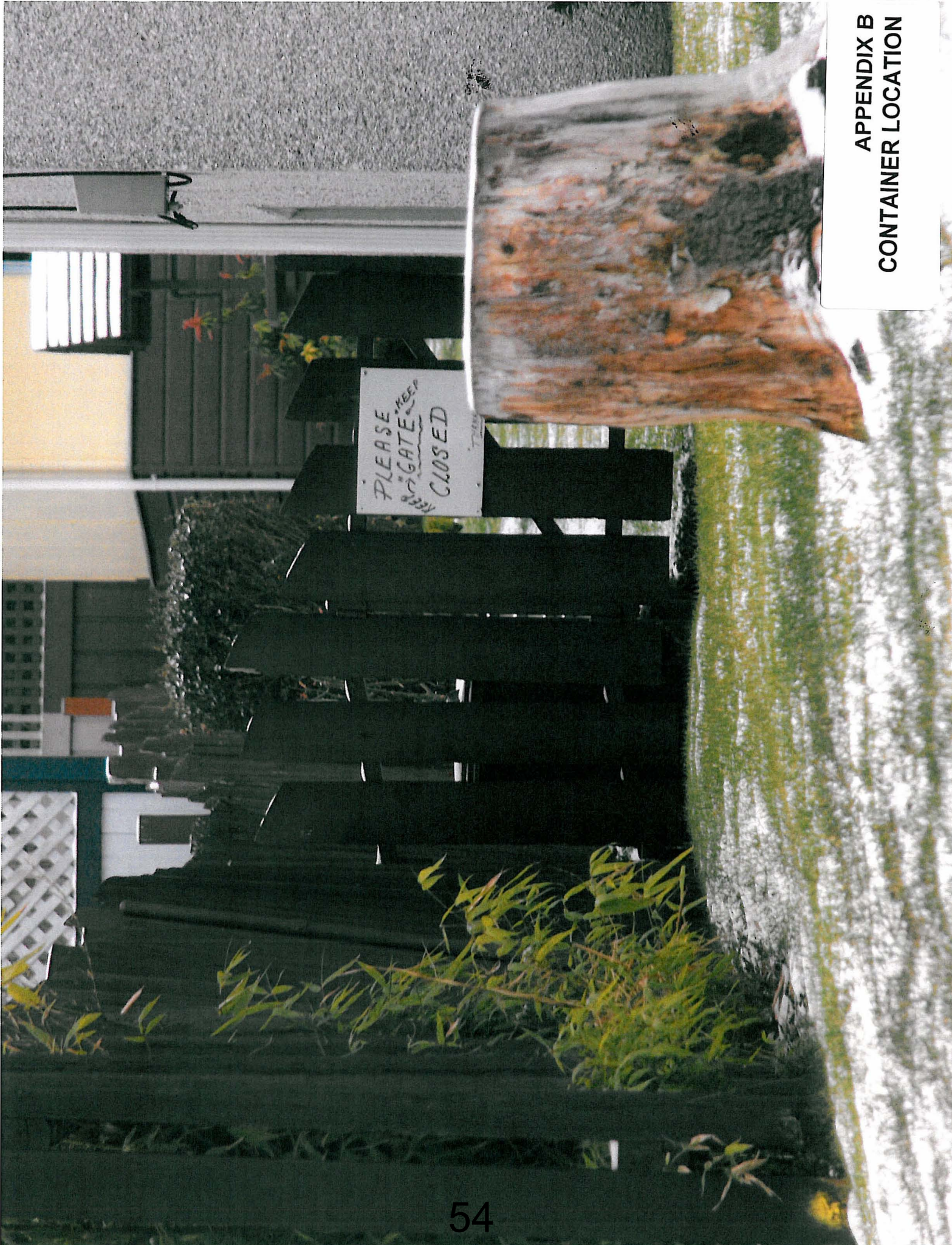
**APPENDIX B
TRAVELLED SURFACES**



**APPENDIX B
TRAVELLED SURFACES**



**APPENDIX B
TRAVELLED SURFACES**



APPENDIX B
CONTAINER LOCATION

**APPENDIX B
CONTAINER LOCATION**





**APPENDIX B
CONTAINER LOCATION**



**APPENDIX B
CONTAINER LOCATION**



**APPENDIX B
CONTAINER LOCATION**



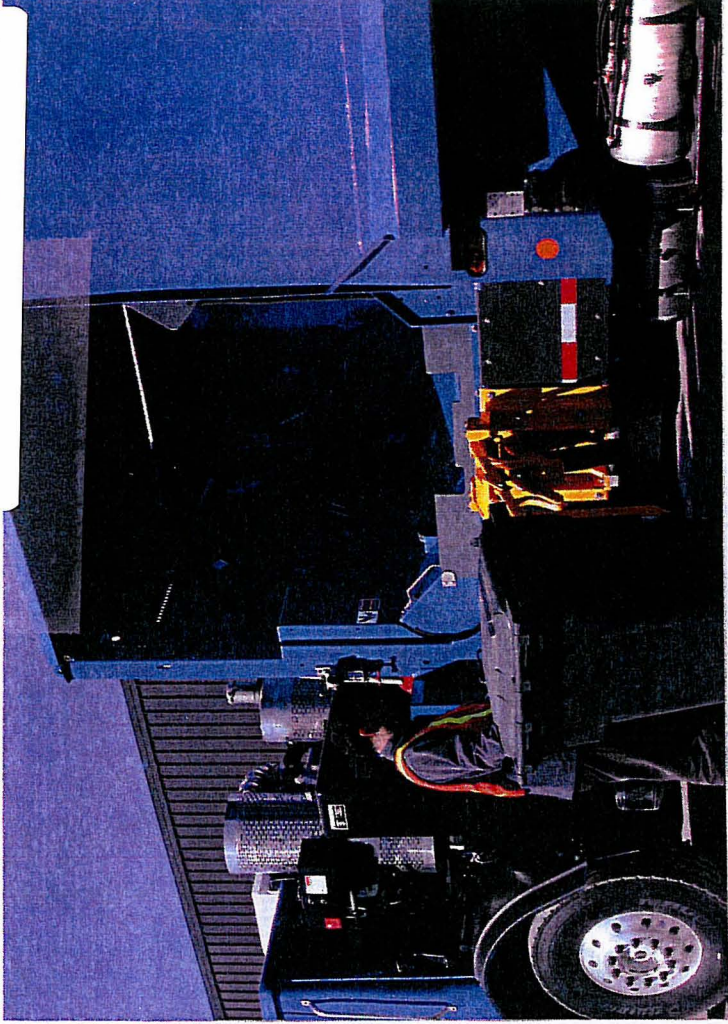
APPENDIX C

Types of refuse collection

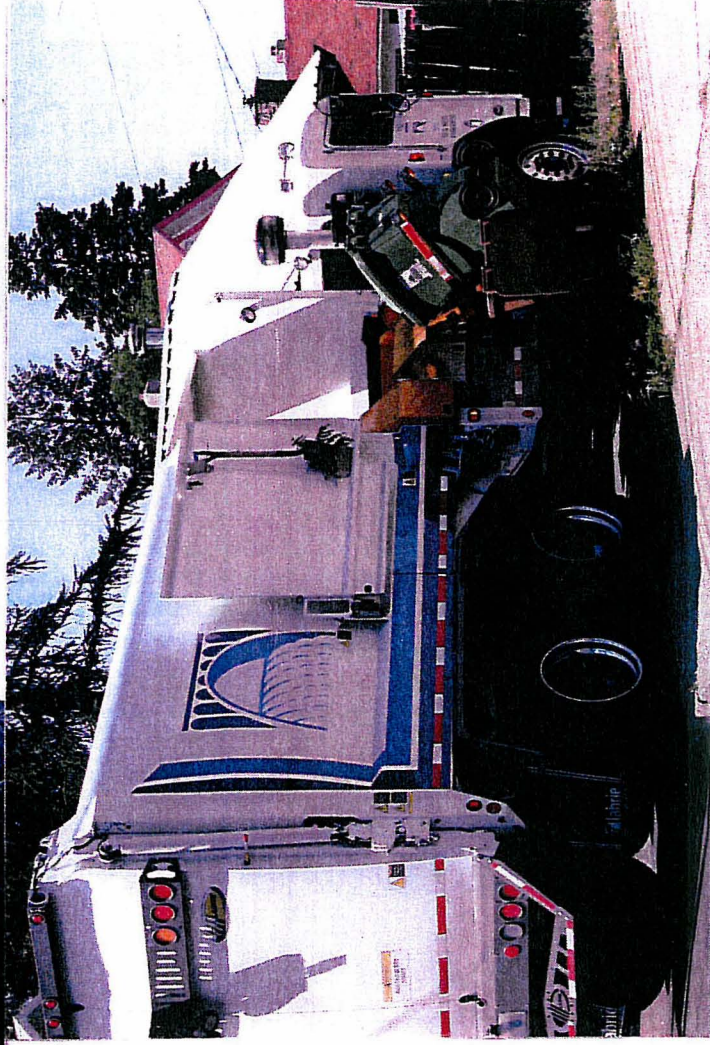
Township supplied container

APPENDIX C
TYPES OF REFUSE
COLLECTION

SEMI-AUTOMATED



HAND-THROWN



AUTOMATED

**APPENDIX C
TOWNSHIP SUPPLIED
CONTAINER**



APPENDIX D

Waste collection methodologies

Pros

Cons

In the main body of the report, the five methods of pickup were stated and briefly described. This section of the report will deal with these methodologies in greater detail in order to provide an understanding of the pros and cons of each one. The methods have been listed below for easy reference and are:

1. Backyard with no containers (used in our present single-stream system)
 - Waste bins are located in the backyard in a location that meets the requirement of the Bylaw
 - Crews enter the backyard with the transfer cart and transfer from owner supplied bins to cart
 - Owner bins do not leave backyard
 - Transfer cart taken to truck for emptying
 - Carts are loaded into the truck by hydraulic lifting arm
2. Curbside with no containers
 - Owner supplied bins are placed on the curb side by the owner
 - Crews will unload owner containers by dumping them into a receiving container on the truck
 - Container is loaded into truck by hydraulic lifting arm
 - Owner containers are left at the curb for owners to replace to backyard
1. Full backyard with containers
 - Township supplied containers are located in the backyard in a location that meets the requirements of the Bylaw
 - Crews enter the backyard and remove each container individually
 - Containers are loaded into the truck by hydraulic lifting arm
 - Crews return containers to backyard
2. Modified backyard with containers
 - Township supplied containers are located in the backyard in a location that meets the requirements of the Bylaw
 - Crews enter the backyard and remove each container individually
 - Containers are loaded into the truck by hydraulic lifting arm
 - Containers are left at the curbside for owner to return to backyard
3. Curbside with containers
 - Township supplied containers are left at the curbside by the owner
 - Crews empty container with either semi-automated or automated collection truck
 - Containers are left at the curbside for owner to return to backyard

The following Table will describe the various components of each of the methods. The following assumptions were made in this comparison:

- Only one staff member enters a property to get containers (garbage and kitchen scraps)
- That the average trip, one way, is 40 seconds
- Transfer of material from container to transfer cart is 10 seconds
- Time for loading the truck is the same for each method (15 seconds)
- Current collection methodology takes 100 seconds to accomplish
- Collection routes stay the same

Method	Backyard with no containers	Curbside with no containers	Full backyard with containers	Modified backyard with containers	Curbside with containers
Pickup of Waste Streams					
# of trips to do pickup	4	1	6	4	1
Time to transfer from bins to cart	20	20	0	0	0
Time per pickup (seconds)	160	0	240	160	0
Dump time (seconds)	30	30	30	30	30
Total truck idle time (seconds)	210	50	270	190	30
Can the route be completed without any changes?	No	Yes	No	No	Yes
Safety issues resolved	Staff continue to enter private property and have exposure to safety concerns	Risk of entering private property mitigated Staff still exposed to garbage during transfer activity	Staff continue to enter private property and have exposure to safety concerns	Staff continue to enter private property and have exposure to safety concerns	Risk of entering private property mitigated exposure to garbage during transfer activity mitigated
Handling of Waste Streams					
Method of removal from residence	Staff manually transfers from bin to transfer container	Staff manually transfers from bin to transfer container	Container with wheels	Container with wheels	Container with wheels

Handling of Waste Streams					
Safety issues resolved	Staff will either be lifting containers or handling garbage bags Risk of injury to worker have not been mitigated	Staff will either be lifting containers or handling garbage bags Risk of injury to worker have not been mitigated	Risk mitigated	Risk mitigated	Risk mitigated
Containers					
Location of containers	Containers remain in backyard	Containers remain on curbside	Containers remain in backyard	One container returned to backyard, one container remains on curbside	Two containers remain on curbside
Owner supplied containers	Yes Two for garbage One for kitchen scraps	Yes Two for garbage One for kitchen scraps	No	No	No
Implications	Home owners required to supply additional containers Variety of containers to handle	Home owners required to supply additional containers Variety of containers to handle	Cost implication to Township (2013 budget request) Township responsible for management and maintenance of containers	Cost implication to Township (2013 budget request) Township responsible for management and maintenance of containers	Cost implication to Township (2013 budget request) Township responsible for management and maintenance of containers

Equipment and Personnel					
Equipment	Two, split compartment garbage trucks (one has received budget approval, second one 2013 budget request) One half ton for long driveways	Two, split compartment garbage trucks (one has received budget approval, second one 2013 budget request)	Two, split compartment garbage trucks (one has received budget approval, second one 2013 budget request) One half ton for long driveways	Two, split compartment garbage trucks (one has received budget approval, second one 2013 budget request) One half ton for long driveways	Two, split compartment garbage trucks (one has received budget approval, second one 2013 budget request)
Changes in equipment	Modification of half ton to have separated box	None	Requires a purchase of a dedicated crew cab (addition to Fleet)	Requires a purchase of a dedicated crew cab (addition to Fleet)	None
Current staff level	2 FTE's	2 FTE's	2 FTE's	2 FTE's	2 FTE's
Can the method maintain current level of service?	No	Yes	No	No	Yes
Staff level needed to accomplish current level of service	5 FTE's	2 FTE's	5 FTE's	5 FTE's	2 FTE's

In order to maintain the current level of service with pickup of the current number of homes on each route, it would be necessary to change the crew size of the collection crew. This change would see the crew size increase from two to five. The additional crew members would include a dedicated driver and two additional collection staff. The number of garbage trucks would remain the same but due to the additional personnel it would be necessary to have a vehicle capable of transporting four crew members. This would require the purchase of an additional vehicle to this sub-fleet.

Another alternative would be to send two trucks, each with two men crews, each day. These trucks would function similar to the current methodology with the crew members alternating driving and pickup duties. The truck size would be probably lowered due to the necessity of only having to pick up half the number of homes. However, in order to carry out maintenance and

deal with statutory holidays, it would be necessary to purchase three vehicles. Two would be active each day and the other a spare. All three would be rotated through service to maximize their hours of work. This alternative would also increase the greenhouse gas production of the Fleet due to there being two vehicles on the road each collection day.

One alternative that was not explored was fully automated collection. Fully automated garbage collection would require both containers to be located at the curbside for pickup. This option was not pursued primarily because of the road layout in the Township.

There are 54 locations in Esquimalt that require the collection truck to back into or out. This number would be doubled if a fully automated truck was utilized. The truck would have to drive down, back up, turn around, drive down and back out in order to get both sides of these dead end locations. This would also double the time to do the work but substantially increases the amount of time the vehicle has to backup. While camera systems would provide assistance to the driver in performing this activity, Public Works has determined that a staff member directing the backup provides a higher level of safety for both for the Township and its residents.



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Council Meeting: February 18, 2013
Staff Report No. DEV-13-006

REQUEST FOR DECISION

SUBJECT: DEVELOPMENT VARIANCE PERMIT
963 Shearwater Street
Strata Lot A, Section 11, Esquimalt District, Strata Plan 1044

RECOMMENDATION:

That the application for a Development Variance Permit authorizing the following relaxation to Parking Bylaw, 1992, No. 2011, **be approved, and staff be directed to issue the permit and register the notice on the title** of Strata Lot A, Section 11, Esquimalt District, Strata Plan 1044 [963 Shearwater Street].

Parking Bylaw, 1992, No. 2011, Section 9(4) – Provision and Maintenance of Off-Street Parking and Loading Areas – an exemption from the requirement that Parking Spaces in Residential zones shall be located no closer to the Front Lot Line than the front face of the Principal Building.

RELEVANT POLICY:

Official Community Plan Bylaw, 2006, No. 2646
Zoning Bylaw, 1992, No. 2050
Parking Bylaw, 1992, No. 2011
Advisory Planning Commission Bylaw, 2012, No. 2792
Development Approval Procedures Bylaw, 2003, No. 2562

STRATEGIC RELEVANCE:

This Request For Decision does not directly relate to a specific strategic objective.

Submitted by: Writer *Tina Parker*

Reviewed by: CAO *Jeff W Miller*

Date: *Feb 14, 2013*

STAFF REPORT

DATE: February 13, 2012
TO: Laurie Hurst, Chief Administrative Officer
FROM: Trevor Parkes, Senior Planner
SUBJECT: **DEVELOPMENT VARIANCE PERMIT**
963 Shearwater Street
Strata Lot A, Section 11, Esquimalt District, Strata Plan 1044

RECOMMENDATION:

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BACKGROUND:

Context

Owner/Applicant: Paula McHale and Robert Peel

Property Size [2 strata lots combined]: Metric: 752.41 m² Imperial: 8099.14 ft²

Existing Land Use: Two Family Residential

Surrounding Land Uses:

North:	Two Family Residential
South:	Two Family Residential
West:	Two Family Residential
East:	Two Family Residential

Existing Zoning: RD-1 [Two Family Residential]

Existing OCP Designation: Single and Two-Unit Residential [No change required]

Purpose of the Application:

The owner has converted the existing garage into a combination multi-purpose room and storage space without obtaining a building permit, and without relocating the required parking

space to another area of the property. The owner is requesting a Development Variance Permit to authorize the parking situation that currently exists on site; which is one parking space in the front yard. Should a parking relaxation be approved by Council a Building Permit could be processed to ensure the completed works satisfy BC Building Code requirements.

Comments From Other Departments

The plans for this proposal were circulated to other departments and the following comments were received by the APC submission deadline:

Parks and Recreation: No concerns about one parking space in the driveway. Relocating the parking space to the north side of the building would require a tree permit for the removal of one western red cedar. This tree has been topped in the past, so, though it is a protected tree, its vigor has been compromised. Root damage to one Douglas fir located near the existing driveway could be avoided if an alternate driveway was built up, instead of digging down to create the base.

Engineering Services: Engineering staff foresee no impact on the engineering aspects of the property from the proposed change to the building.

Note: All projects are subject to compliance with the BC Building Code, Esquimalt Subdivision and Servicing Bylaw, Esquimalt Zoning Bylaw and other Regulations and Policies set by Council.

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of APC held on December 18, 2012. The applicant presented her application stating that the requested variance would not alter the functional parking on the site as the driveway has always been used as the primary parking space and that the spirit of the parking bylaw is being respected as the vehicle has been removed from the public street. The application was forwarded to Council with a **recommendation of approval.**

ISSUES:

1. Rationale for Selected Option

Zoning

When this duplex was originally constructed the floor area ratio was not maximized therefore there is sufficient lot area to allow for the additional living space that has been gained through the conversion of the garage.

Parking

Parking Bylaw, 1992, Bylaw No. 2011 requires that two parking spaces, each measuring 2.6 metres by 5.5 metres, be located behind the front face of the principal building [one for each side of the duplex]. This requirement was originally satisfied by incorporating single car garages into the design for each duplex unit. On the north side of the strata duplex there is sufficient space within the side setback of the building to accommodate the required parking space. A

new driveway extension could be installed from the existing driveway to the side of the building with minimal impact to the trees in the front yard [see comment from Parks Services]. While construction of a conforming parking space is achievable, it would require an increase to the hard-scaped area of the parcel, removal of a large tree and construction activity could negatively impact health of existing trees on the site if not carefully monitored.

Official Community Plan

Development Permit Guidelines:

The property is included within Development Permit Area No. 5 – Enhanced Design Control Residential. The building was built prior to the adoption of this development permit area. The construction that has occurred comprises less than 50% of the assessed value of the building so the work is exempt from the requirement for a development permit.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no financial implications.

4. Communication

The applicant canvassed the neighbourhood with a letter explaining her request for a Development Variance Permit [attached]. She indicated that several of the properties had tenants, and she was not able to contact all the owners. Staff have been provided with 18 response letters in support of this application.

The applicant has also secured a letter of support for the proposed relaxation from the registered owner of 961 Shearwater Street, the adjacent duplex unit [attached].

As this is a development variance permit application, notices were mailed to owners and occupiers of parcels within 50 metres [164 ft.] of the subject property on February 4, 2013 indicating that Council will be considering the requested development variance permit application on Monday, February 18, 2013. To date, no responses have been received from the public as a result of these notifications.

ALTERNATIVES:

1. Council **approve** the Development Variance Permit and direct staff to issue the permit and register a notice on the property title.
2. Council **deny** this application for a Development Variance Permit thereby requiring the reinstatement of the garage or the installation of an extension to the existing driveway to a new parking space located in the northern side yard setback.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

DEVELOPMENT VARIANCE PERMIT

NO. 08/2012

Owners: Robert Peel
Paula McHale
963 Shearwater Street
Victoria, BC V9A 4V3

Lands: Strata Lot A, Section 11, Esquimalt District, Strata Plan 1044

Address: 963 Shearwater Street, Esquimalt, B.C.

Conditions:

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit regulates the development of lands by varying the provisions of Parking Bylaw, 1992, No. 2011 as follows:

Parking Bylaw, 1992, No. 2011, Section 9(4) – Provision and Maintenance of Off-Street Parking and Loading Areas – an exemption from the requirement that Parking Spaces in Residential zones shall be located no closer to the Front Lot Line than the front face of the Principal Building.

3. The terms, conditions and covenants contained herein shall enure to the benefit of and be binding upon the Owners, their executors, heirs or administrators, successors and assigns as the case may be or their successors to title in the lands.
4. This Development Variance Permit is not a Building Permit.
5. This Permit lapses two (2) years after the date it is issued if the holder of the Permit does not substantially start any construction with respect to which the Permit was issued.
6. For the purposes of this Development Variance Permit, the holder of the Permit shall be the owner(s) of the lands.

ISSUED BY MUNICIPAL COUNCIL RESOLUTION ON THE ---- DAY OF -----,
2013

SIGNED THIS _____ DAY OF _____, 2013

Director of Development Services

Corporate Officer
Corporation of the Township
of Esquimalt



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100
Fax: (250) 414-7111

February 4, 2013

DEVELOPMENT VARIANCE PERMIT NOTICE

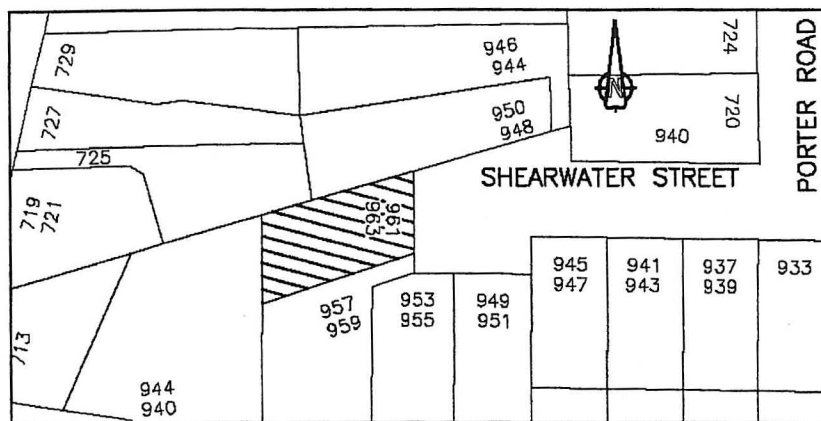
An application for a Development Variance Permit has been received from Paula McHale and Robert Peel, the registered owners of 963 Shearwater Street [Strata Lot A, Section 11, Esquimalt District, Plan VIS1044].

Purpose of the Application:

The owner has converted the existing garage into a combination multi-purpose room and storage space without obtaining a building permit, and without relocating the required parking space to another area of the property. The owner is requesting a Development Variance Permit to authorize the parking situation that currently exists on site; which is one parking space in the front yard.

Authorization of the following variance to Parking Bylaw, 1992, Bylaw No. 2011 is required:

Parking Bylaw No. 2011, Section 9(4) – Provision and Maintenance of Off-Street Parking and Loading Areas – an exemption from the requirement that “Parking Spaces in Residential zones shall be located no closer to the Front Lot Line than the front face of the Principal Building.”



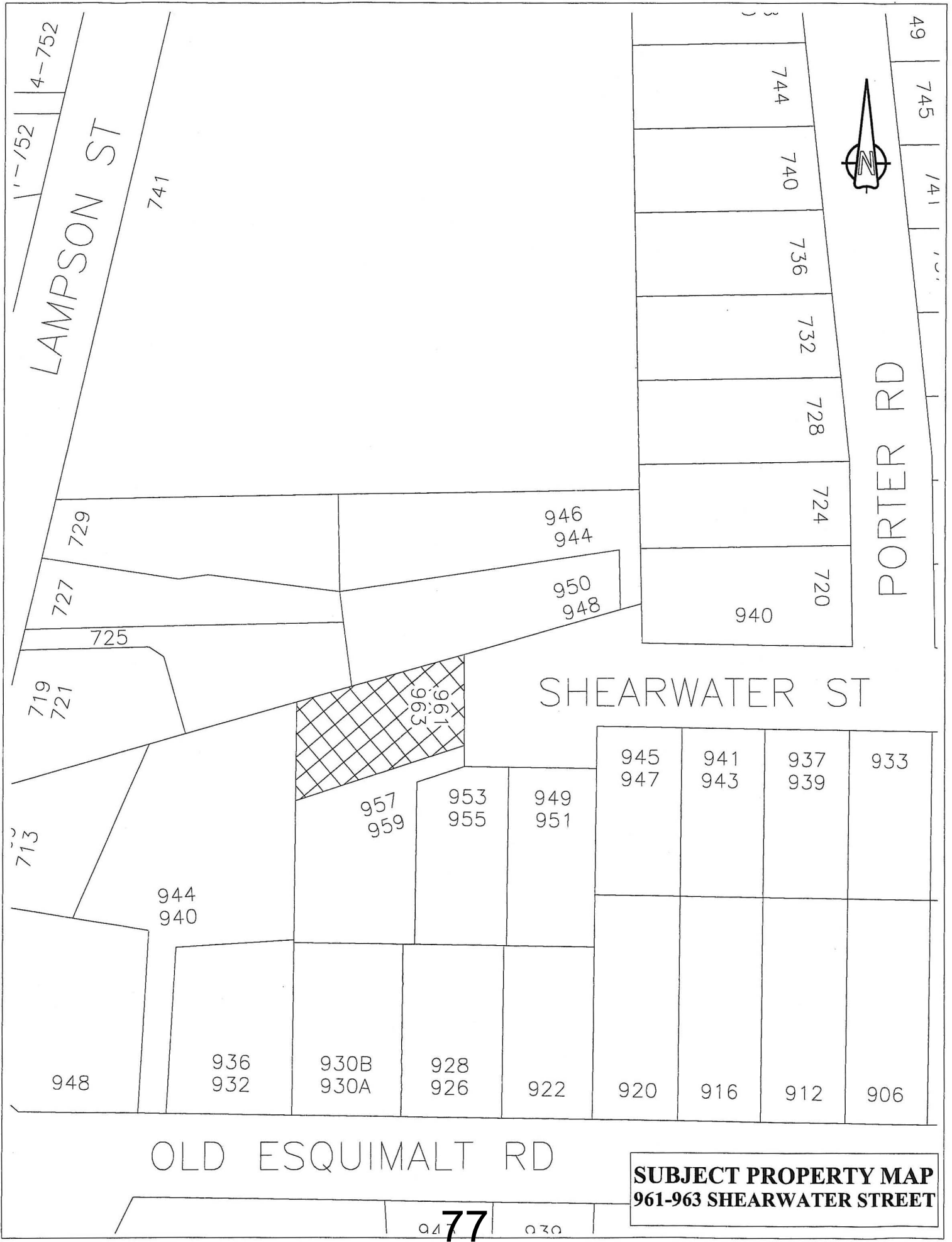
Site Location: Strata Lot A, Section 11, Esquimalt District, Plan VIS1044]. [963 Shearwater Street]

The Municipal Council will consider this application at **7:00 p.m., Monday, February 18, 2013, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt B.C.** Affected persons may make representations to Council at that time or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sundays, Statutory Holidays) until February 18, 2013.

**BILL BROWN,
DIRECTOR OF DEVELOPMENT SERVICES**

Personal information contained in communications to Council and its Committees is collected under the authority of the Community Charter and Local Government Act and will be used to assist Council members in decision making. Please note that your comments relating to this matter will form part of the Township's public record and may be included in a public agenda and posted on our website.



4-752

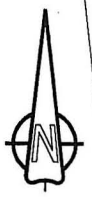
LAMPSON ST

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PORTER RD

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SHEARWATER ST

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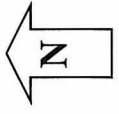
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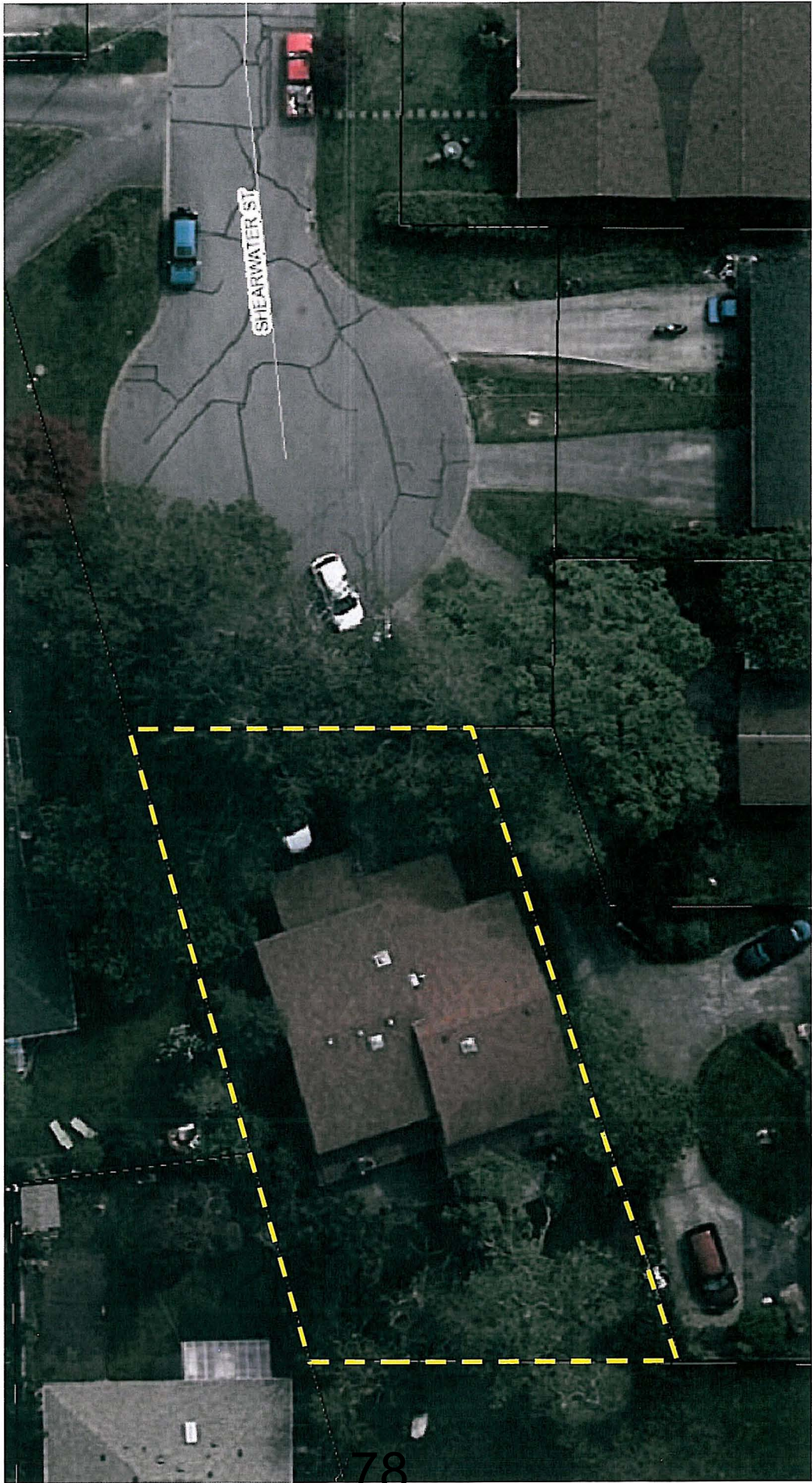
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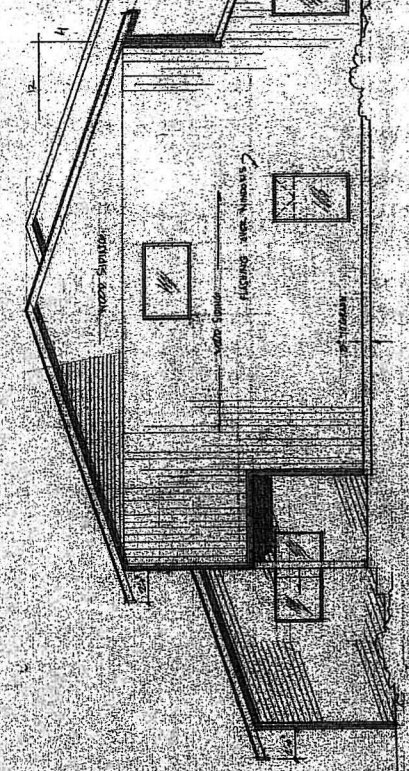
OLD ESQUIMALT RD

SUBJECT PROPERTY MAP
961-963 SHEARWATER STREET

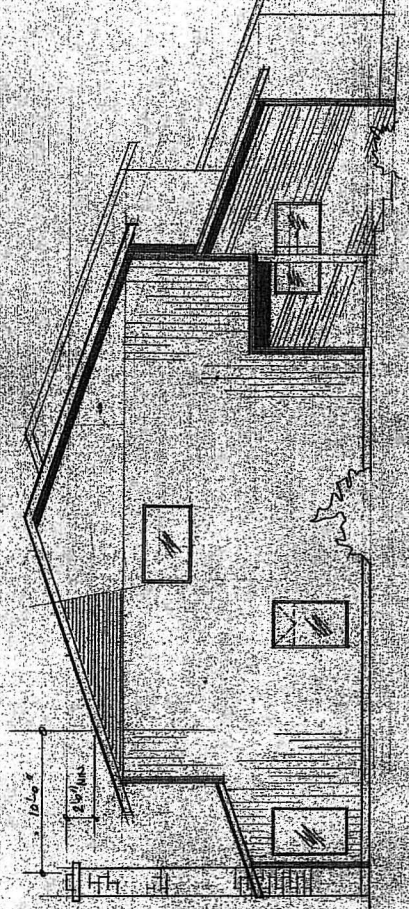


961/963 Shearwater Street

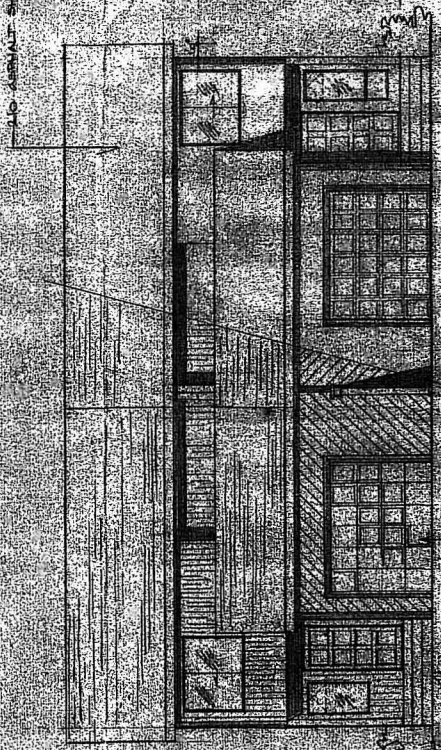




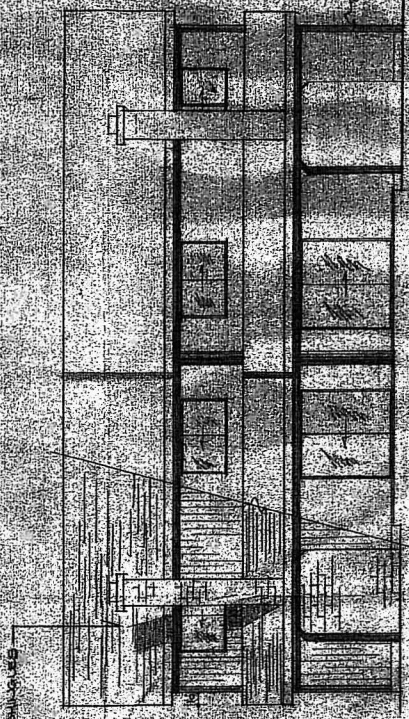
RIGHT ELEVATION



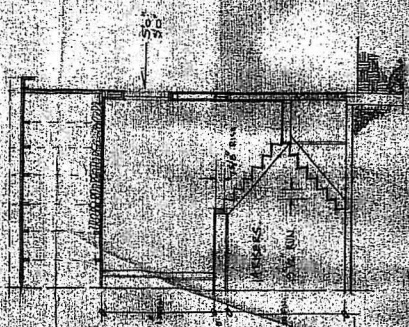
LEFT ELEVATION



FRONT ELEVATION



REAR ELEVATION



STAIR DETAIL



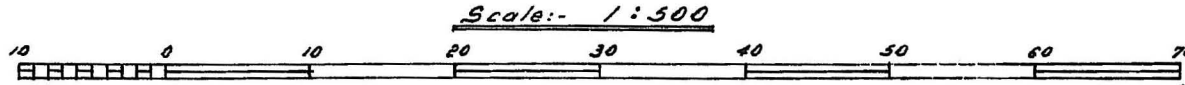
PROPOSED ELEVATION
 DATE: 11/11/11
 DRAWN BY: [Name]

02

**STRATA PLAN OF LOT 7, PLAN 34276,
SECTION 11, ESQUIMALT DISTRICT.**

STRATA PLAN NO 1044

Deposited and Registered in the
Land Title Office at Victoria, B.C.
this 4th day of NOV, 1981.



Distances are in Metres, unless otherwise indicated

Legend

Pt. Denotes Part
m² " square metres

Civic Address in the Municipality of Esquimalt,
961 - 963 Shearwater Street, Victoria B.C.

K100084
RE Hooper
JWB

David W. Ellis
DEPUTY Registrar.

NEW DEVELOPMENT CERTIFICATE

I, Michael Ereyde Claxton, of Victoria
British Columbia, land surveyor,
herby certify that the strata lots
represented on the strata plan of
Lot 7, Plan 34276,
Section 11, Esquimalt District,
constitute a new development and
have not, to the best of my knowledge
and belief, been previously occupied.

Claxton
B.C.L.S.

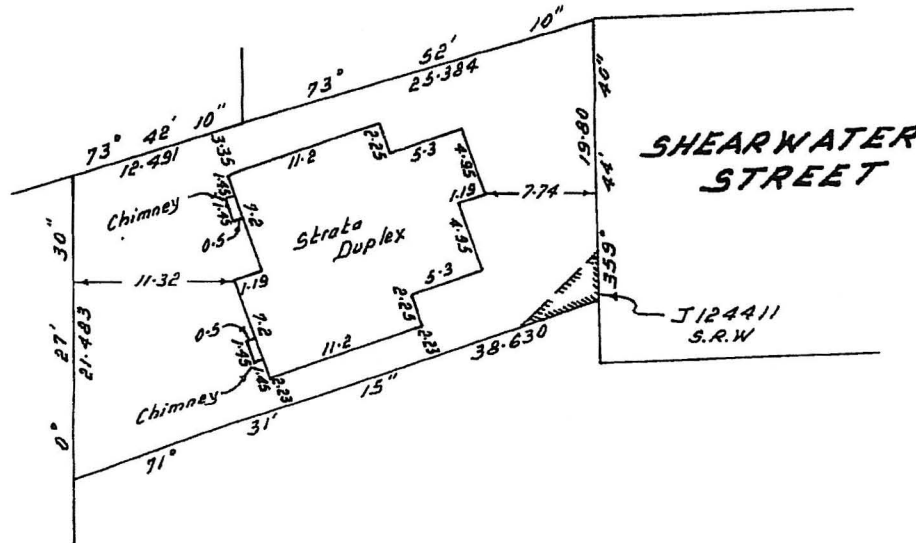
Dated at Victoria, B.C.
this 14th day of October, 1981.

This Plan lies within the
Capital Regional District.

I, Michael Ereyde Claxton, of Victoria,
a British Columbia Land Surveyor,
herby certify that the building
erected on the parcel described above
is wholly within the external boundaries
of the parcel.

Dated at Victoria, B.C.
this 14th day of October, 1981.

Claxton
B.C.L.S.



The address for service of documents
on the Strata Corporation is:-
c/o Pearlman & Lindholm,
736 Broughton Street,
Victoria, B.C.

Michael E. Claxton
B.C. Land Surveyor
822 Sevenoaks Road
Victoria, B.C. 479-2258.
File: 81-1635

80

963 Shearwater Street





RECEIVED
FEB 12 2013
CORP. OF TOWNSHIP
OF LESQUAMI
DEVELOPMENT & ENGINEERING SERVICES



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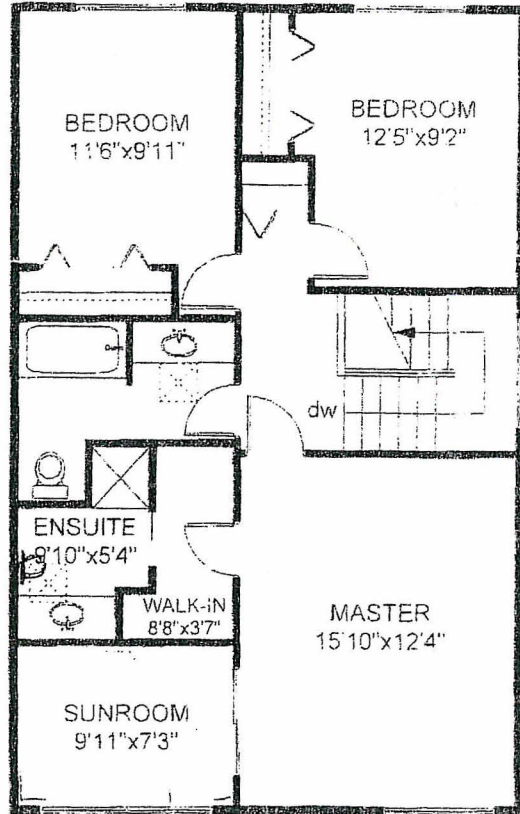
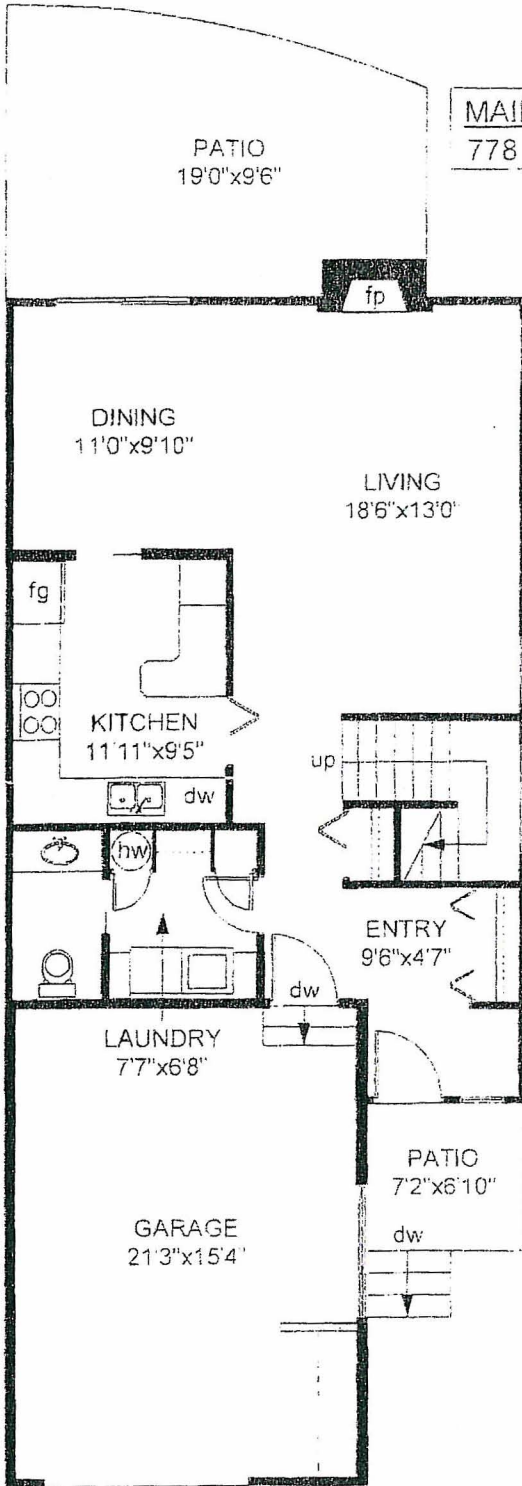
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CS SERVICES

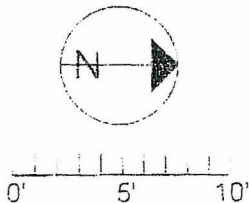
CS OF FBI

03

963 SHEARWATER STREET



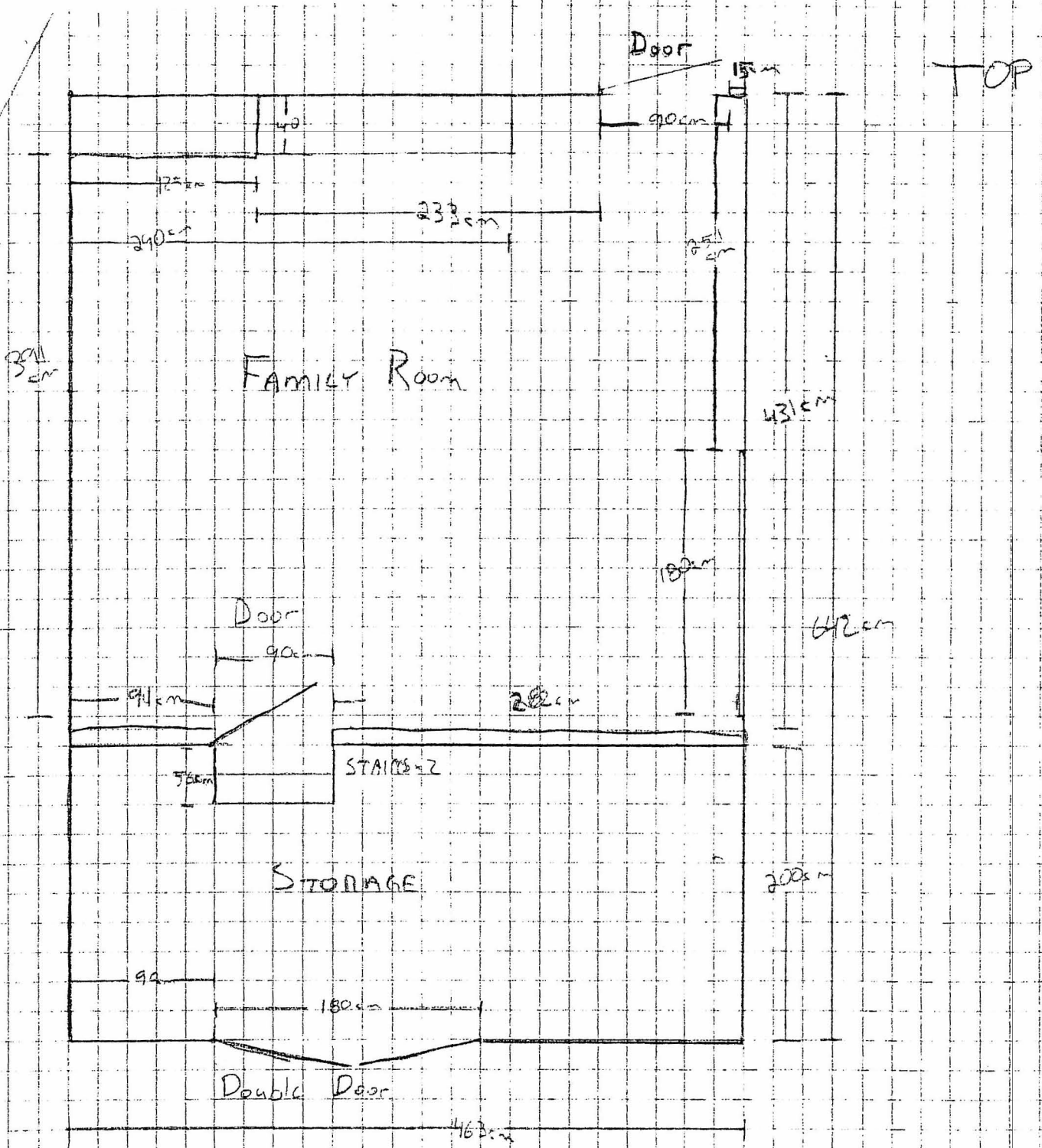
	FINISHED SQ. FT.	UNFINISHED SQ. FT.	TOTAL SQ. FT.
MAIN	778	0	778
UPPER	843	0	843
TOTAL	1621	0	1621
GARAGE	0	342	342
PATIOS	0	259	259



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FRED HIGLI OF NEWPORT REALTY

MEASURED ON: 01/08/09
DRAWING FILE: 06859

Tafe Measure VICTORIA B.C.
Ph. 883 5864
www.tafemeasure.com



Proposed
Renovation
to Garage
1 of 2

38. **TWO FAMILY RESIDENTIAL [RD-1]**

The intent of this Zone is to accommodate Two Family Dwelling Units on individual Parcels of land.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Two Family Residential
- (b) Home Occupation

(2) **Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 668.0 square metres.

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 18.3 metres, measured at the Front Building Line.

(4) **Floor Area Ratio**

- (a) For parcels 800.0 square metres in area and larger, the Floor Area Ratio for Two Family Dwellings shall not exceed 0.35.
- (b) For parcels under 800.0 square metres in area the Floor Area Ratio for Two Family Dwellings shall not exceed 0.4.

(5) **Floor Area**

The minimum Floor Area for the First Storey of a Principal Building shall be 88.0 square metres.

(6) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.
- (c) When developing a front to back Two Family Dwelling, the back Dwelling Unit shall be no higher than the highest point of the existing Dwelling Unit. A Two Family Dwelling is considered back to front if more than 75% of the floor area of the back Dwelling Unit is behind the rear wall of the front Dwelling Unit.

(7) **Building Width**

The minimum width of any Two Family Dwelling shall be 7.0 metres.

(8) **Lot Coverage**

- (a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(8.1) **Building Massing**

The second storey of any Two Family Dwelling shall be a maximum of 75% of the total floor area of the ground floor, including an attached garage.

(9) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3.0 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(c) **Garage Setback**

Detached and attached garages shall be set back a minimum of 1.5 metres from the front face of the Dwelling Unit.

(10) **Common Wall Requirements**

The common wall overlap between the habitable areas of the two Dwelling Units shall be not less than 50%.

(11) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2.0 metres behind the front face of the Principal Building.

(12) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).

(13) **Driveway Width**

The maximum width of a driveway surface on a Two Family Residential lot shall be a total of 5.5 metres. This applies to a double-wide driveway, or the combined width of two (2) single lane driveways serving a Two Family Dwelling.

961 Shearwater Street
Victoria, BC V9A 4V3

5 October 2012

Development Services Staff
Township of Esquimalt
1229 Esquimalt Road
Esquimalt, BC V9A 3P1



To whom it may concern,

Development Application – Parking Bylaw Variance at 963 Shearwater Street

I am the owner of 961 Shearwater Street, the opposite half of the strata-duplex owned by Robert Peel and Paula McHale at 963 Shearwater Street.

I have reviewed and discussed their plans with them, and toured the renovated area. I have no objections to either their renovation project or their intent to seek approval for a variance or exemption from the parking space requirements described in the Esquimalt Parking Bylaw.

If you have any questions, please contact me at ~~250-381-4973~~

Sincerely,

A handwritten signature in black ink, appearing to read "Lesley Dickinson", is written over the word "Sincerely,".

Lesley Dickinson

Dear Neighbour,

We own and reside at 963 Shearwater Street, the right-hand side of the brown duplex at the end of the cul-de-sac. Last summer, we undertook a renovation that converted 2/3 of our garage into a family room, as we were expecting our second child (who arrived in October) and wanted to reclaim what was previously underutilized space. The outside 1/3 of the former garage remains a bike garage and storage area. We did not seek a building permit for the project in advance, and we should have. After a visit from the bylaw officer, we submitted a building permit application in early September.

Unfortunately, we were surprised to learn that our permit had been denied and we were directed to return our garage to its original condition. In fact, our application was never actually reviewed or considered by the building inspectors, because the municipal planning department rejected it as it leaves us in violation of Esquimalt's Parking Bylaw #2011. The municipality had considered our garage to be our off-street parking space.

For our home, we are required to have one parking space (min 2.6m x 4.5m). There is no requirement to actually park there. Since we have a large driveway leading up to the house, more than twice as large as what the bylaw requires, it seems that this should meet the intent of the bylaw. You may have noticed we have been parking our white Subaru Outback Wagon on the driveway for the almost 4 years we have lived here. The problem is that the bylaw requires the parking space to be "1.5m behind the front face of the principal building." We had our northern property line surveyed and staked and do not have sufficient space to create an additional parking space that will meet the Parking Bylaw specifications.

We have applied to the Township of Esquimalt for a variance and will present to the Advisory Planning Committee (APC) on 18 December 2012. We are asking to be exempted from having to have the parking space, because our driveway provides more than adequate off-street parking and meets the intent of the bylaw. The APC will make a recommendation, and the final decision will be made by the Municipal Council. As part of the process, they will contact our neighbours to see if there are any objections to granting a variance.

We are asking you to consider signing the attached form letter (enclosed) that indicates that you do not object to us being granted a variance from the parking bylaw. For those of you who are renters, if you would also be willing to provide us with your landlords' contact information as well it would be very much appreciated. If I am leaving this in your mailbox because I missed you today, then please text, email or call me and I will be over to pick it up!

If you have any questions or would like any more details, please don't hesitate to get in touch with us. My (Paula) cel phone is ~~50-213-588~~ and email is ~~paula@victoria@hotmail.com~~

Our sincere thanks for your help and support, & Merry Christmas!



Paula McHale & Rob Peel
963 Shearwater Street



December 2012

Development Services Staff
Township of Esquimalt
1229 Esquimalt Road
Esquimalt, BC V9A 3P1

To whom it may concern,

Development Application – Parking Bylaw Variance at 963 Shearwater Street

I am aware of the garage renovations undertaken by Robert Peel and Paula McHale, owners/residents of 963 Shearwater Street. I have no objections to either their renovation project or their intent to seek approval for a variance from the parking space requirements described in the Esquimalt Parking Bylaw #2011.

If you have any questions, please contact me at _____

Additional Comments: _____

Sincerely,
(Signed)

Name: _____

Tenant / Owner

Address: _____





CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Council Meeting: February 18, 2013
Staff Report No. DEV-13-007

REQUEST FOR DECISION

SUBJECT: DEVELOPMENT VARIANCE PERMIT
854 Carrie Street
[Lot 11, Section 10, Esquimalt District, Plan 276]

RECOMMENDATION:

That Development Variance Permit No. 07/2012 authorizing the following relaxation to Zoning Bylaw, 1992, No. 2050, **be approved, and staff be directed to issue the permit and register the notice on the title** of Lot 11, Section 10, Esquimalt District, Plan 276 [854 Carrie Street].

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback - a 2.0 metre reduction to the required 7.5 metre setback from the Front Lot Line [i.e. from 7.5 metres to 5.5 metres].

RELEVANT POLICY:

Zoning Bylaw, 1992, No. 2050
Parking Bylaw, 1992, No. 2011
Advisory Planning Commission Bylaw, 2012, No. 2792
Development Approval Procedures Bylaw, 2003, No. 2562

STRATEGIC RELEVANCE:

This Request For Decision does not directly relate to a specific strategic objective.

Submitted by: Writer Teresa Parker

Reviewed by: CAO J. Miller

Date: Feb 14, 2013

STAFF REPORT

DATE: February 13, 2012 Report No. DEV-13-007
TO: Laurie Hurst, Chief Administrative Officer
FROM: Trevor Parkes, Senior Planner
SUBJECT: **DEVELOPMENT VARIANCE PERMIT**
854 Carrie Street
[Lot 11, Section 10, Esquimalt District, Plan 276]

RECOMMENDATION:

That Development Variance Permit No. 07/2012 authorizing the following relaxation to Zoning Bylaw, 1992, No. 2050, **be approved, and staff be directed to issue the permit and register the notice on the title** of Lot 11, Section 10, Esquimalt District, Plan 276 [854 Carrie Street].

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback - a 2.0 metre reduction to the required 7.5 metre setback from the Front Lot Line [i.e. from 7.5 metres to 5.5 metres].

BACKGROUND:

Context

Applicant: Doug Downs [Eagle Eye Restoration]
Owner: Loretta S. Adams
Property Size: Metric: 581 m² Imperial: 6254 ft²
Existing Land Use: Single Family Dwelling
Surrounding Land Uses: South: Single Family Residential
East: Multiple Family Residential
North: Multiple Family Residential
West: Single Family Residential
Existing Zoning: RS-1 [Single Family Residential] [No change required]

Purpose of the Application

The applicant is proposing to raise the home slightly to accommodate a new foundation and construct a large workshop/garage and secondary suite within the new basement. The proposal also involves a renovation of the main floor interior of the home, construction of a new deck at the rear of the building and replacement and modest expansion of the front porch.

Comments from Other Departments

The plans for this proposal were circulated to other departments and the following comments were received:

Parks Services: Tree protection required for the large coniferous specimen tree bordering the southern property line at the rear corner of the building.

Building Services: Construction must conform to BC Building Code 2006 and Municipal Building Code Bylaw, 2002, No. 2538. Applicant must address all issues contained within the Township Development Protocol and adhere to Noise Control Bylaw No. 2677.

Engineering Services: Engineering staff have completed a preliminary evaluation of Works and Services that would be required for the proposed renovation at 854 Carrie Street. Staff confirms that the proposal does not impact the engineering aspects of the property. The home owner would be responsible for costs associated with installing a new driveway over municipal property.

Development Services: Staff completed a detailed review which revealed that this proposal exceeded the RS-1 zone allowable 30% Lot Coverage by 1% [5.81 sq. m.] The applicant has agreed to remove the southern shed currently located on the property to reduce the Lot Coverage below the 30% maximum. Should this application for variance be approved, staff will require evidence that the shed has been removed prior to a Building Permit being issued.

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of APC held on January 15, 2013. Members complimented the applicant for the vision for the property and indicated it would be desirable to see this home improved as virtually all the other single family homes in this block have been revitalized. The application was forwarded to Council with a **recommendation of approval**.

ISSUES:

1. Rationale for Selected Option

Development Services has completed a comprehensive review of the proposal and note that proposed front setback reduction would result in the building being sited consistent with the majority of homes on this block of Carrie Street which also fail to meet the current RS-1 zone front setback requirement. Furthermore, the proposed proportions and character of the building are complimentary to the architecture of homes on the street therefore this revitalization would enhance the overall streetscape.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

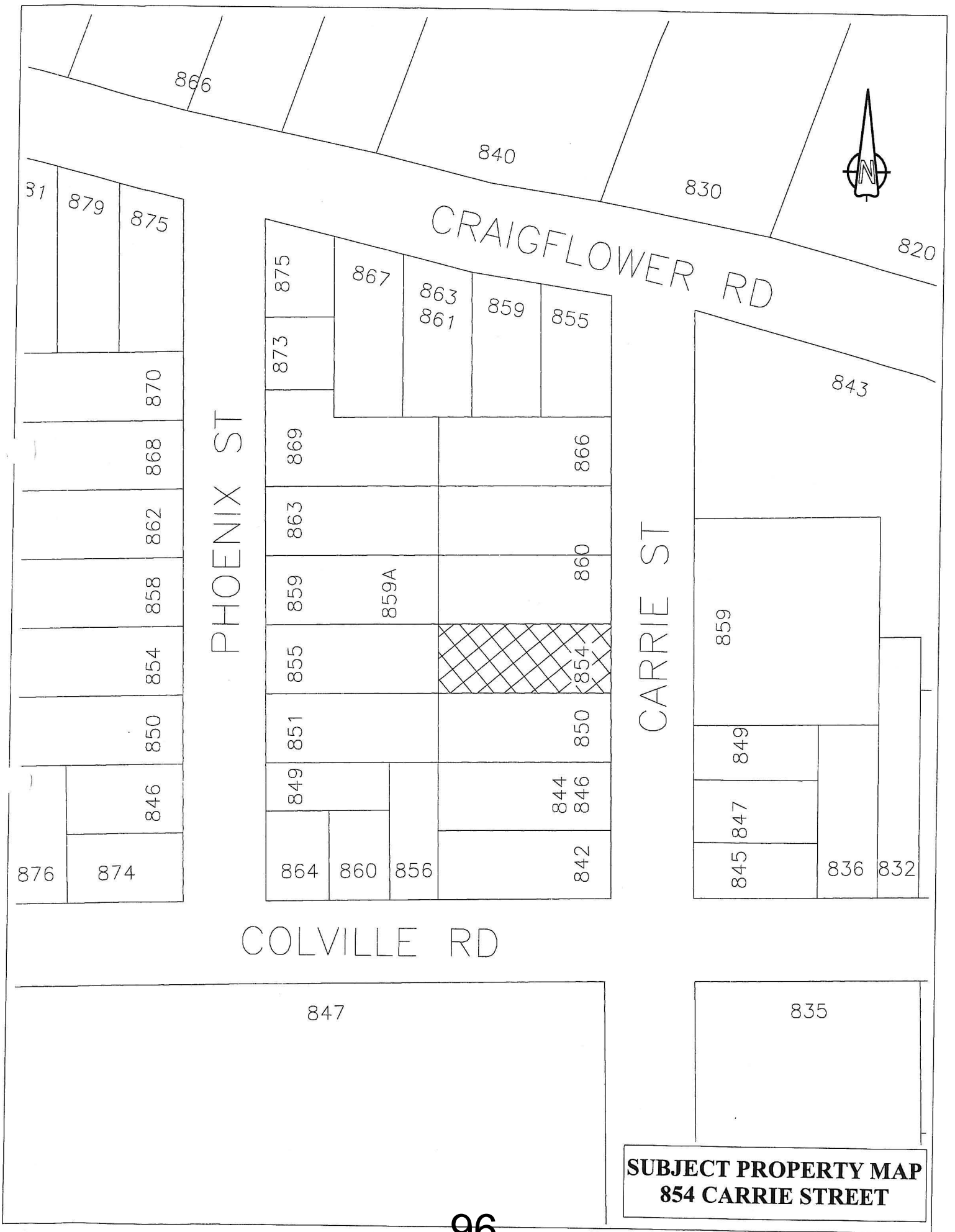
This Request for Decision has no financial implications.

4. Communication

As this is a development variance permit application, notices were mailed to owners and occupiers of parcels within 50 metres [164 ft.] of the subject property on February 4, 2013 indicating that Council will be considering the requested development variance permit application on Monday, February 18, 2013. To date, no responses have been received from the public as a result of these notifications.

ALTERNATIVES:

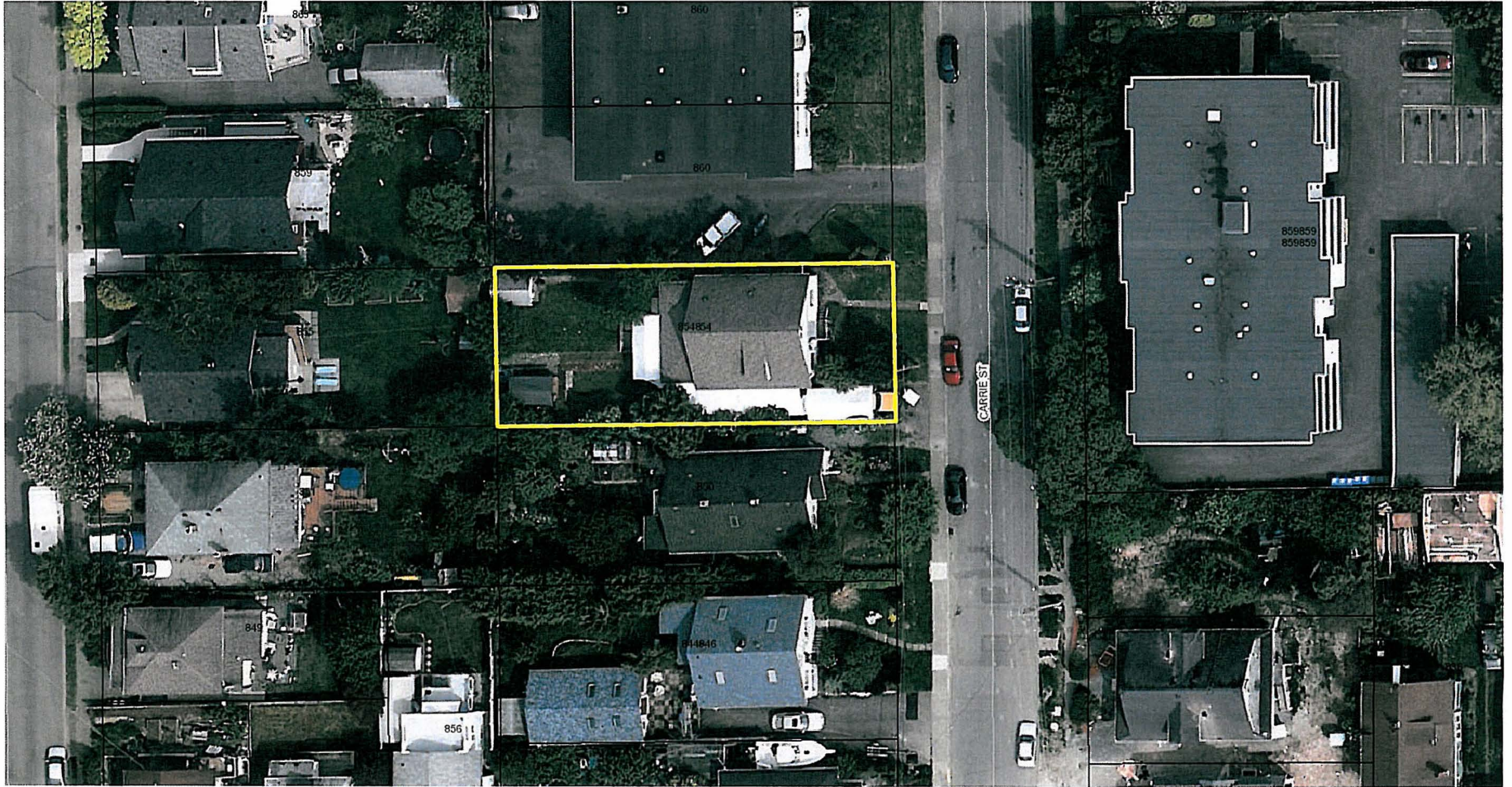
1. Council **approve** the Development Variance Permit and direct staff to issue the permit and register a notice on the property title.
2. Council **deny** this application for a Development Variance Permit thereby preventing the applicant from executing the proposed increase in height of the building and expansion of the front porch and stairs.




**SUBJECT PROPERTY MAP
854 CARRIE STREET**

854 Carrie Street

97



Subject Property Boundary: 



DIVISION 1 - RESIDENTIAL ZONES

34. SINGLE FAMILY RESIDENTIAL [RS-1]

The intent of this Zone is to accommodate Single Family Dwellings on individual Parcels of land.

(1) Permitted Uses

The following Uses and no others are permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) The keeping of no more than two (2) Roomers or Boarders
- (d) Secondary Suite: subject to the requirements of Section 30.6

(2) Parcel Size

The minimum Parcel Size for Parcels created by subdivision shall be 530.0 square metres.

(3) Minimum Lot Width

The minimum width of Parcels created by subdivision shall be 16.0 metres measured at the Front Building Line.

(4) Floor Area Ratio

The Floor Area Ratio shall not exceed 0.35.

(5) Floor Area

The minimum Floor Area for the First Storey of a Principal Building shall be 88 square metres.

(6) Building Height

- (a) No Principal Building shall exceed a Height of 7.3 metres.
- (b) No Accessory Building shall exceed a Height of 3.6 metres.

(7) Building Width

The minimum width for any Single Family Dwelling shall be 7.0 metres.

(8) Lot Coverage

- (a) All Principal Buildings, Accessory Buildings and Structures combined, shall not cover more than 30% of the Area of a Parcel.
- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of Parcel.

(9) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3.0 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(10) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2.0 metres behind the front face of the Principal Building.

(11) **Off Street Parking**

Off street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011 (as amended).



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100
Fax: (250) 414-7111

February 4, 2013

DEVELOPMENT VARIANCE PERMIT NOTICE

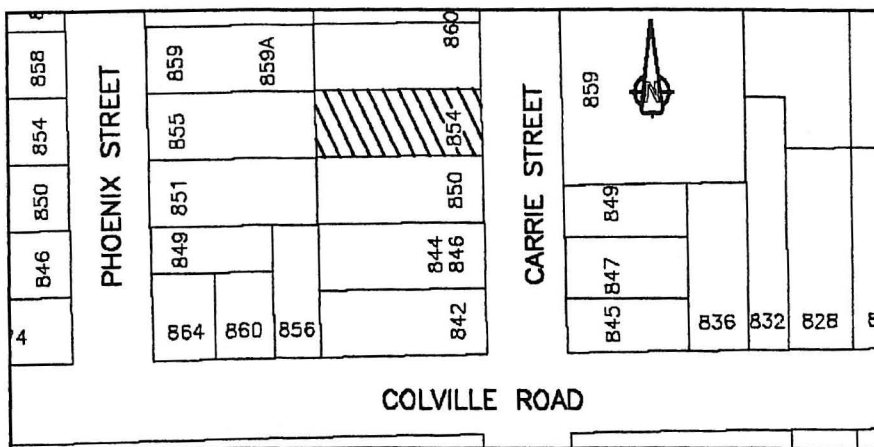
An application for a Development Variance Permit has been received from Doug Downs of Eagleye Restoration and Construction on behalf of L. Susan Adams the registered owner of 854 Carrie Street [Lot 11, Section 10, Esquimalt District, Plan 276].

Purpose of the Application:

The applicant is proposing to raise the home to accommodate a new foundation and construct a large workshop/garage and secondary suite within the new basement. The proposal also involves a renovation of the main floor interior of the home, construction of a new deck at the rear of the building and replacement and modest expansion of the front porch. The existing siting of the home does not conform to current zoning requirements therefore a variance is required to accommodate the home in its current location. The building would not be raised above the height limitations of the RS-1 [Single Family Residential] zone.

Authorization of the following variance to Zoning Bylaw, 1992, Bylaw No. 2050 is required:

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback - a 2.0 metre reduction to the required 7.5 metre setback from the Front Lot Line [i.e. from 7.5 metres to 5.5 metres].



Site Location: Lot 11, Section 10, Esquimalt District, Plan 276 [854 Carrie Street]

The Municipal Council will consider this application at **7:00 p.m., Monday, February 18, 2013, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt B.C.** Affected persons may make representations to Council at that time or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday (excluding Saturdays, Sundays, Statutory Holidays) until February 18, 2013.

**BILL BROWN,
DIRECTOR OF DEVELOPMENT SERVICES**

Personal information contained in communications to Council and its Committees is collected under the authority of the Community Charter and Local Government Act and will be used to assist Council members in decision making. Please note that your comments relating to this matter will form part of the Township's public record and may be included in a public agenda and posted on our website.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

DEVELOPMENT VARIANCE PERMIT

NO. 07/2012

Owners: Loretta S Adams
854 Carrie Street
Victoria, BC V9A 5R4

Lands: Lot 11, Section 10, Esquimalt District, Plan VIP276

Address: 854 Carrie Street, Esquimalt, B.C.

Conditions:

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit regulates the development of lands by varying the provisions of Zoning Bylaw, 1992, No. 2050 as follows:

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback - a 2.0 metre reduction to the required 7.5 metre setback from the Front Lot Line [i.e. from 7.5 metres to 5.5 metres].

3. Approval of this Development Variance Permit has been issued in general accordance with the survey plan prepared by Michael Claxton Land Surveying Inc, stamped “Received January 7, 2013”, and with the architectural plans provided by Core Drafting Services Inc., stamped “Received December 21, 2012”, all of which is attached hereto as Schedule ‘A’.
4. The terms, conditions and covenants contained herein shall enure to the benefit of and be binding upon the Owners, their executors, heirs or administrators, successors and assigns as the case may be or their successors to title in the lands.
5. This Development Variance Permit is not a Building Permit.

6. This Permit lapses two (2) years after the date it is issued if the holder of the Permit does not substantially start any construction with respect to which the Permit was issued.

7. For the purposes of this Development Variance Permit, the holder of the Permit shall be the owner(s) of the lands.

ISSUED BY MUNICIPAL COUNCIL RESOLUTION ON THE ---- DAY OF -----,
2013

SIGNED THIS _____ DAY OF _____, 2013

Director of Development Services

Corporate Officer
Corporation of the Township
of Esquimalt

B.C. Land Surveyor's Site Plan of
Lot 11, Plan 276,
Section 10, Esquimalt District,
For Application Purposes

Scale 1:250

All distances are in metres.
 Lot dimensions derived from registered plans.

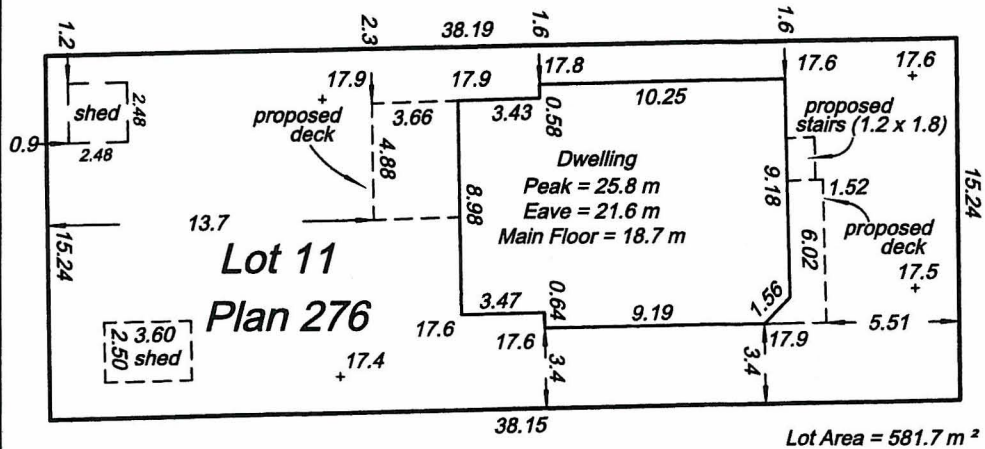
CIVIC ADDRESS: 854 Carrie Street, Victoria, B.C.

P.I.D. 004-399-692

LEGEND

Elevations derived by the Municipality of Esquimalt datum.

+ 20.0 denotes spot elevation



Carrie Street
 sidewalk
 gutterline
 O power pole

New building details referenced from
CORE DRAFTING SERVICES INC. drawings.

Proposed: main floor = 19.0 m
 upper floor = 21.71 m
 roof peak = 26.13 m

Michael
 Claxton
 9R4YTQ

Digitally signed by Michael
 Claxton 9R4YTQ
 DN: c=CA, cn=Michael
 Claxton 9R4YTQ, o=BC Land
 Surveyor, ou=Verify ID at
 www.juricert.com/LKUP.cfm?
 id=9R4YTQ
 Date: 2013.01.07 14:16:03
 -08'00'

THIS IS SCHEDULE A OF
 DEVELOPMENT VARIANCE
 PERMIT NO 07/2012
 CORPORATE OFFICER

This plan is prepared from
 unchecked field data.
 Check measurements prior to construction.

Michael Claxton
Land Surveying Inc.

B.C. & Canada Lands Surveyor
 Unit 80A 4223 Commerce Circle
 Victoria, B.C. V8Z-6N6
 Phone: 250-479-2258 Fax: 250-479-3831
 Email: surveys@hilbre.ca

File: 18910(site).DWG JC fb423
 January 7 2013

Offsets shown to exterior face of building.

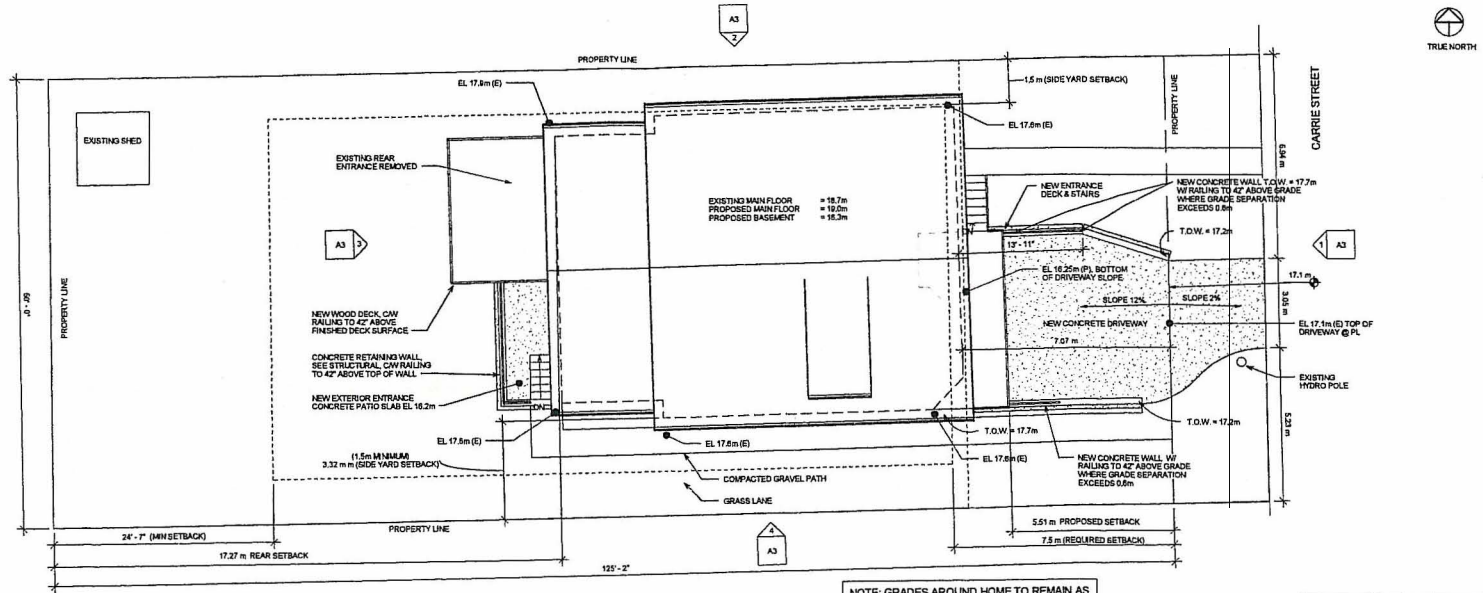
This document is for approval/discussion purposes only and not
 to be used for the re-establishment of property boundaries.

This plan was prepared for design purposes and is for the
 exclusive use of our client.

The signatory accepts no responsibility for any damages that
 may be suffered by a third party as a result of reproduction,
 transmission, or alteration to this document without consent of
 the signatory.

Field Survey: August 28, 2012

104



NOTE: GRADES AROUND HOME TO REMAIN AS EXISTING EXCEPT AT NEW DRIVEWAY AND BASEMENT EXTERIOR EXIT PATIO

1 Site
1:75

FLOOR AREAS		
NAME	AREA (m ²)	AREA (FT ²)
GARAGE AREA	68 m ²	726.8 ft ²
LOWER FLOOR AREA	67 m ²	725.5 ft ²
MAIN FLOOR AREA	133 m ²	1435.7 ft ²
UPPER FLOOR AREA	49 m ²	527.5 ft ²
Grand total	317 m ²	3410.5 ft ²

LOT COVERAGE
 LOT AREA = 592 m² (6327 sqft)
 BUILDING AREA = 155 m² (1678 sqft)
 LOT COVERAGE = 23.2% (25% ALLOWABLE)

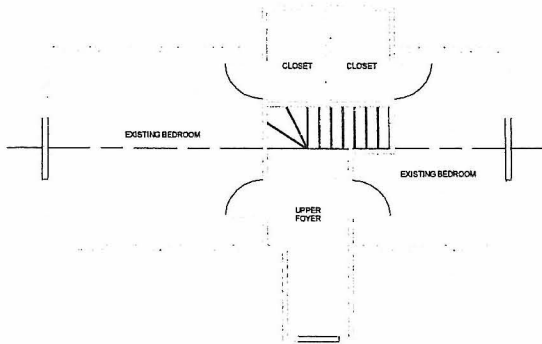
FLOOR AREA RATIO
 LOT AREA = 582 m² (6227 sqft)
 LIVING AREA = 183 m² (1967 sqft) (MAX & UPPER)
 FLOOR AREA RATIO = 31.5% (35% or 2180 sqft ALLOWABLE)
 NOTE: BASEMENT CEILING TO NOT BE MORE THAN 1.2m ABOVE EXTERIOR GRADE.



THIS IS SCHEDULE A OF
 DEVELOPMENT VARIANCE
 PERMIT NO 07/2012

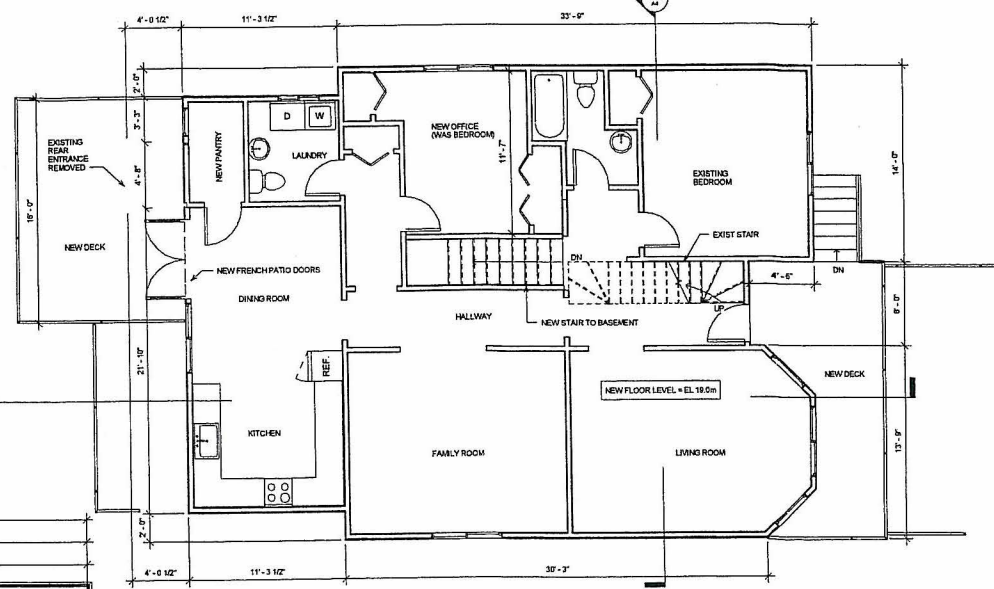
 CORPORATE OFFICER

Project Title: RENOVATION 854 Carrie St, Esquimalt, B.C.	Sheet Title: SITE PLAN
 CORE DRAFTING SERVICES INC. 847A Dunbrack Road Victoria, B.C. V8C 1C2 www.coredraft.com P (779) 440-8898 F (779) 440-8899 info@coredraft.com	Drawn By: VAS Scale: as shown Date: 2012-12-03 Project No: Drawing Number: A1



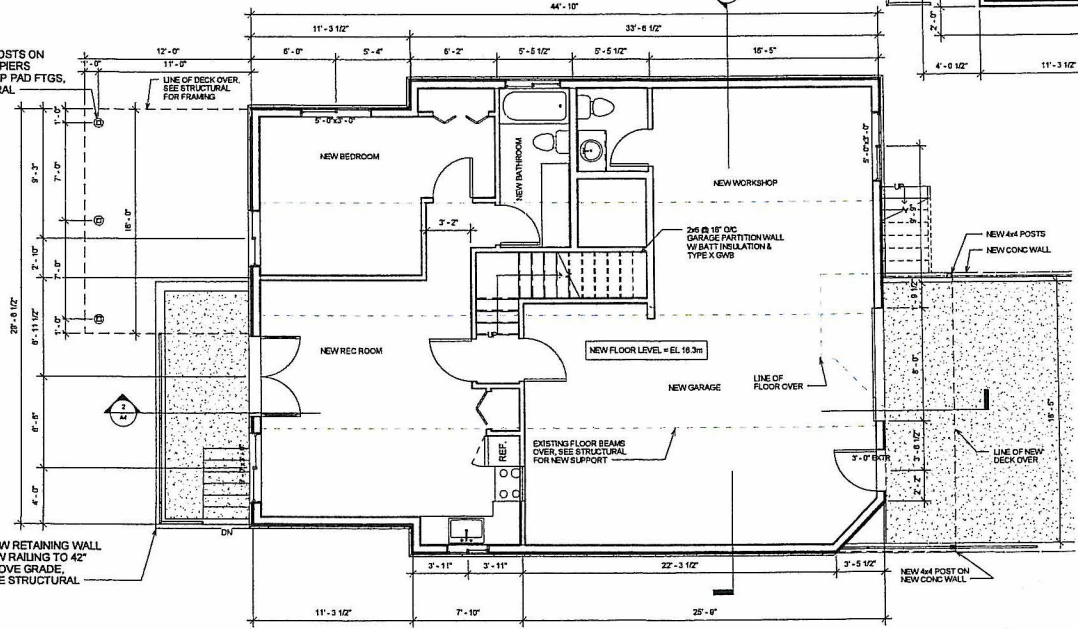
THERE IS NO PROPOSED CHANGES TO UPSTAIRS

3 UPPER FLOOR
1:48

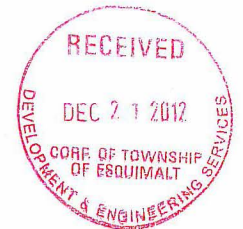


2 MAIN FLOOR
1:48

NEW 4x4 P.T. POSTS ON 8" DIAM. CONC PIER ON 24"x24"x36" DP PAD FTGS. SEE STRUCTURAL



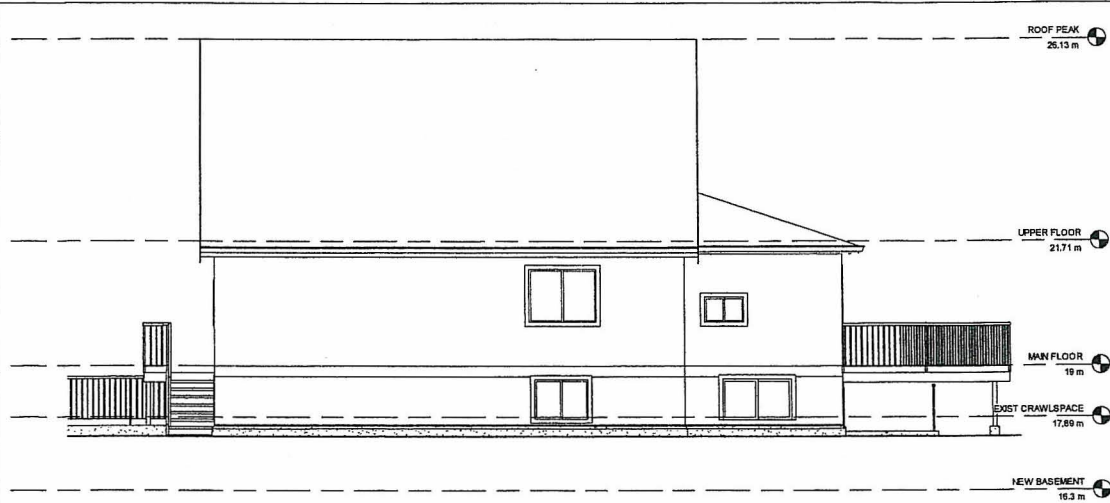
1 NEW BASEMENT
1:48



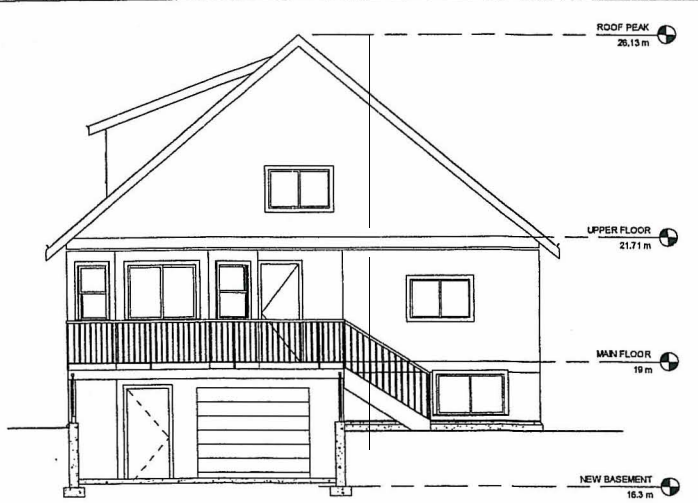
Project Title: RENOVATION 854 Carle St, Esquimalt, B.C.	Sheet Title: FLOOR PLANS
 6471 Douglas Road Victoria, B.C. V8Z 1C2 www.coredraft.com	7 (779) 440-5998 F (779) 440-5998 info@coredraft.com
Drawn By: Author	Scale: as shown
Date: 2012-12-03	Project No: A2

THIS IS SCHEDULE 'A' OF
DEVELOPMENT VARIANCE
PERMIT NO 07/2012

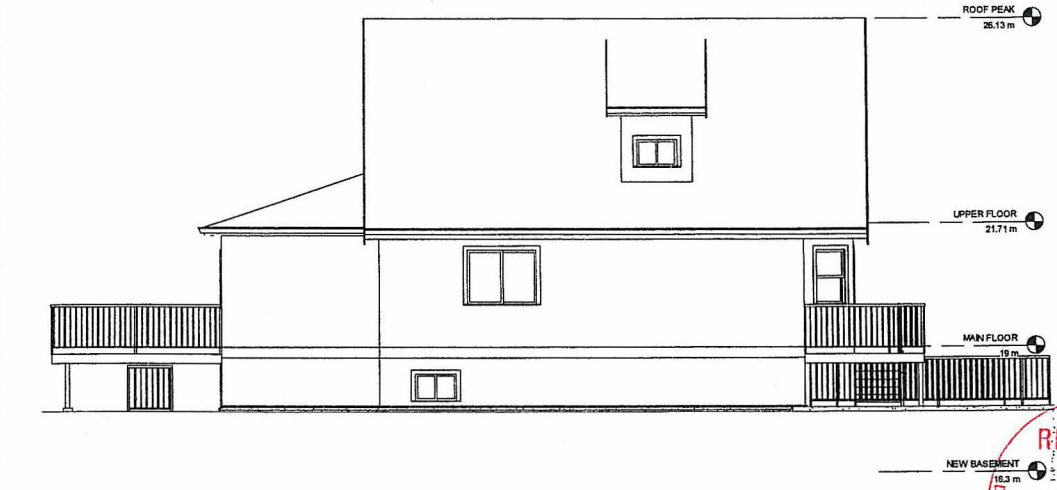
CORPORATE OFFICER



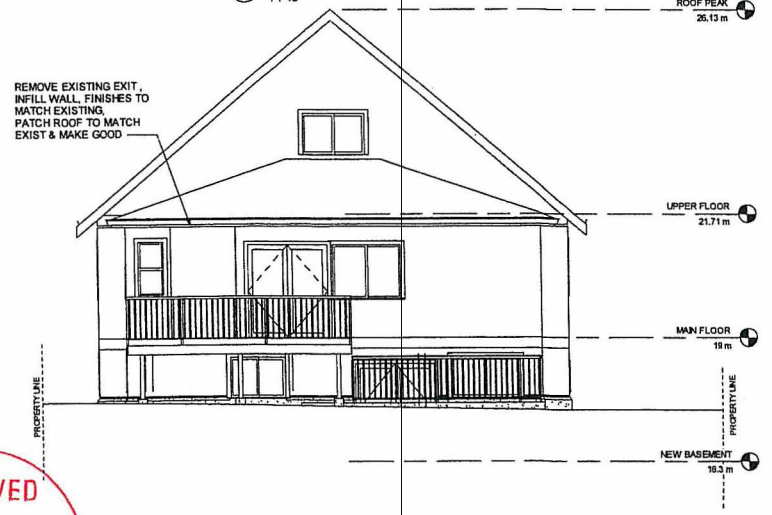
2 NORTH ELEVATION
1:48



1 EAST ELEVATION
1:48



4 SOUTH ELEVATION
1:48



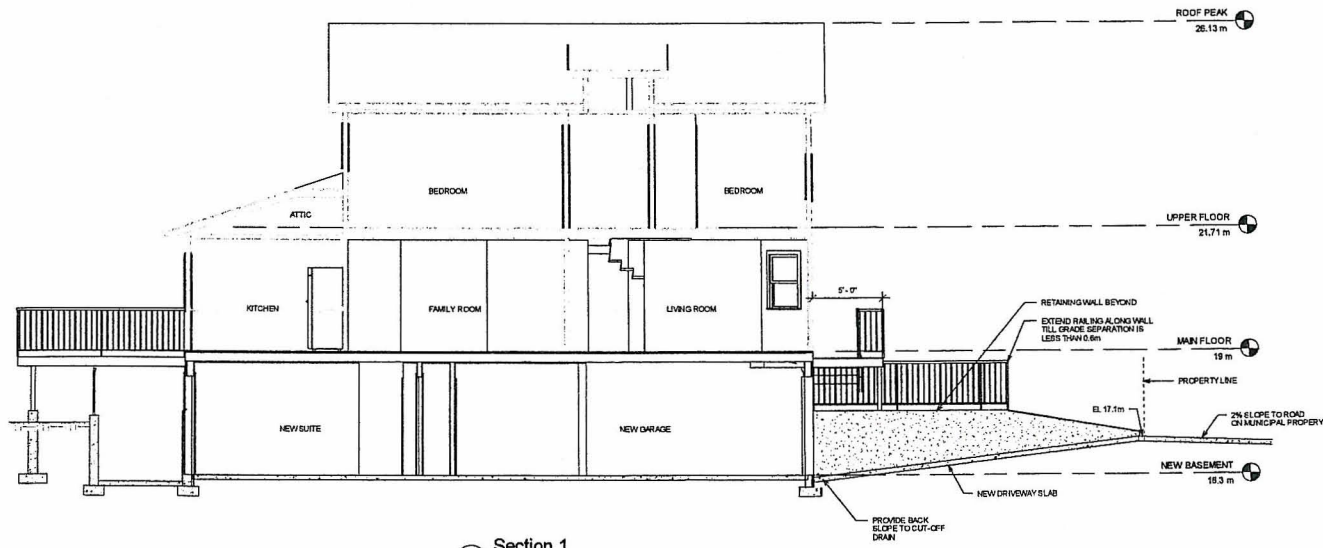
3 WEST ELEVATION
1:48

RECEIVED
DEC 21 2012
CORP. OF TOWNSHIP OF ESQUIMALT
DEVELOPMENT & ENGINEERING SERVICES

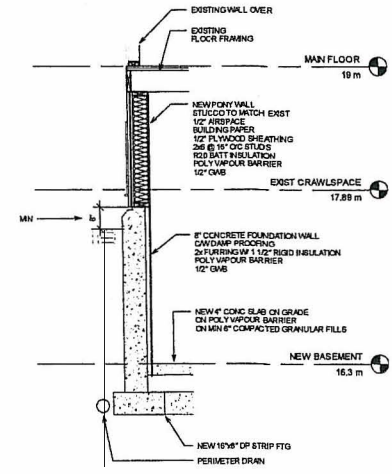
THIS IS SCHEDULE 'A' OF
DEVELOPMENT VARIANCE
PERMIT NO. 07/2012

CORPORATE OFFICER

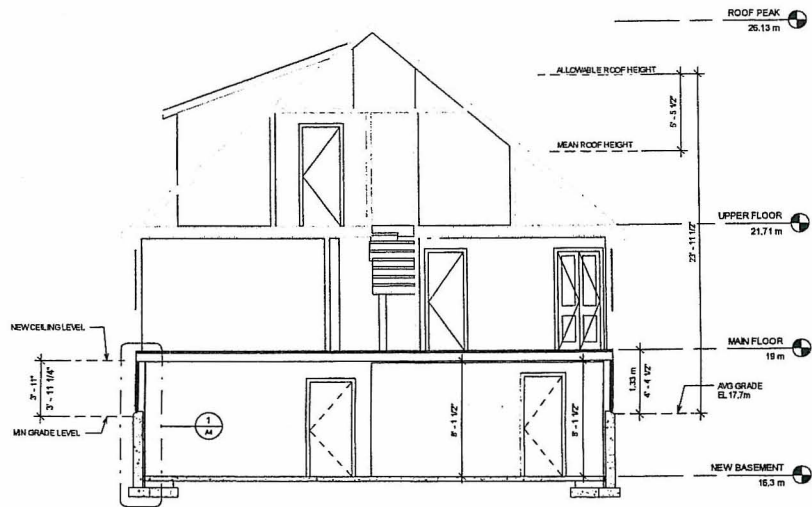
Project No: RENOVATION 854 Camie St, Esquimalt, B.C.	Sheet Title: ELEVATIONS
CORE DRAFTING SERVICES INC. 847A Douglas Road Victoria, B.C. V8Z 1C2 www.coredrafting.com	Drawn By: Author
P: 779 440 8800 F: 779 440 8848 info@csd.com	Scale: as shown
Date: 2012-12-03	Project No: A3



2 Section 1
1:48



1 BASEMENT SECTION
1:20



3 Section 2
1:48



Project Title: RENOVATION 854 Carrie St, Esquimalt, B.C.		Sheet Title: SECTIONS	
	Drawn By: Author	Scale: as shown	Drawing Number: A4
	Date:	Project No:	
617A Douglas Road Victoria, B.C. V8S 1Z1 www.zonedraft.com	P: (779) 442-8888 F: (779) 442-8888 info@zonedraft.com	2012-12-03	

THIS IS SCHEDULE 'A' OF
DEVELOPMENT VARIANCE
PERMIT NO 07/2012

CORPORATE OFFICER



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**ADVISORY PLANNING COMMISSION
MINUTES
HELD ON
JANUARY 15, 2013
ESQUIMALT COUNCIL CHAMBERS**

MEMBERS PRESENT:

Lorne Argyle	Blair Bouchier, A/Chair
James Harada-Down	Bill Lang
Joy Palmeter	Mark Salter

REGRETS:

Nick Kovacs, Heidi Bada, Paul Newcombe

STAFF LIAISON:

Trevor Parkes, Senior Planner

COUNCIL LIAISON:

Councillor Tim Morrison
Councillor David Schinbein

SECRETARY:

Marie Letham

I. CALL TO ORDER

The meeting was called to order by the Acting Chair at 7:00 p.m.

II. LATE ITEMS

There were no late items.

III. ADOPTION OF AGENDA

Moved Bill Lang, seconded by Lorne Argyle that the agenda be adopted as distributed.
The Motion **CARRIED UNANIMOUSLY.**

**IV. ADOPTION OF MINUTES – Regular Meeting held October 16, 2012
Regular Meeting held December 18, 2012**

Moved by Joy Palmeter, seconded by Lorne Argyle that the minutes of the Regular Meeting of the Advisory Planning Commission held October 16, 2012 be adopted as distributed.
The Motion **CARRIED UNANIMOUSLY.**

Moved by Lorne Argyle, seconded by Bill Lang that the minutes of the Regular Meeting of the Advisory Planning Commission held December 18, 2012 be adopted as amended.
The Motion **CARRIED UNANIMOUSLY.**

V. BUSINESS FROM MINUTES

There was no outstanding business from the Minutes.

VI. STAFF REPORTS

(1) **DEVELOPMENT VARIANCE PERMIT**
[Lot 11, Section 10, Esquimalt District, Plan 276]
854 Carrie Street

Trevor Parkes, Staff Liaison, advised the Commission that the applicant is proposing a substantial renovation to the existing house, including a secondary suite. The owner intends to lift the house, and as the front yard setback is existing, non-conforming, it is interpreted that the non-conformity is being extended, therefore a relaxation of the front yard setback is required.

Mr. Adams, owner, and application Doug Downs (Eagleye Restoration) were present. Doug Downs presented the application on the owners' behalf. The applicant explained the proposed renovations to the existing house, including a suite and a garage. He outlined the condition of the foundation and the owners' intent to lift the house. The existing house does not conform to the front yard setbacks and as it is the intent to raise the house, a variance is required, and requested. He concluded his remarks and advised that he would be happy to answer any questions from Commission members.

Bill Lang commented that he had visited the site and noted that that several houses on that street had been upgraded, two directly across from this one. He congratulated the owners in making improvements in this area.

In response to a question from a Commission member, regarding parking for the suite on site, Doug Downs responded that no additional parking was required for the secondary suite.

Trevor Parkes clarified this for the member, stating that the Secondary Suite Bylaw does not require an provision of an on-site parking space for the suite.

In response to a question from a Commission member, the applicant stated that the southern shed will be removed to comply with the RS-1 [Single Family Residential] zone, Lot Coverage requirement.

RECOMMENDATION:

Moved by Joy Palmeter, seconded by Lorne Argyle, that the Esquimalt Advisory Planning Commission [APC] resolves that the application for a Development Variance Permit authorizing the construction as shown on architectural plans provided by Core Drafting Services Inc., stamped "Received December 21, 2012" and sited as detailed on the survey plan prepared by Michael Claxton Land Surveying Inc., stamped "Received January 7, 2013, and including the following relaxation to Zoning Bylaw, 1992, No. 2050, for the proposed development located at Lot 11, Section 10, Esquimalt District, Plan 276 [854 Carrie Street], be forwarded to Council with a **recommendation of approval.**

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback - a 2.0 metre reduction to the required 7.5 metre setback from the Front Lot Line [i.e. from 7.5 metres to 5.5 metres].

The Motion **CARRIED UNANIMOUSLY.**

VII. **PLANNER'S STATUS REPORT**

963 Shearwater Street: [DVP to accommodate parking within the front setback]. The applicant was notified of APC recommendation of approval. As the applicant stated she possessed letters of support and a current survey of the property at the December 18th, meeting of APC, staff have requested these be provided prior to forwarding the application to Council for consideration.

622 Admirals Road: [Rezoning application for 12 storey, 152 unit mixed commercial and senior's care building]. Applicant notified of APC recommendation that prior to forwarding the application to Council for consideration, staff should require provision of the detailed parking study supporting your requested parking variances. The applicant is currently organizing this study and once presented and reviewed, the application will be forwarded to council for consideration.

VIII. COUNCIL LIAISON

Councillor Morrison advised Commission members that Council was working on the appointments to Committees and Commission and advised that all appointments will remain in effect until January 31st. He thanked the members for their patience.

IX. NEW BUSINESS

Large Projects Approved by Council

Commission members expressed concern about projects that go through Council processes and then there is no activity, asked if there were time limits on approvals.

Trevor Parkes advised the members that there are time limits associated with Development Permits, and Development Variance Permits. These permit expire two years from the date of issuance if not work has substantially commenced.

Rezoning, once approved by Council, remains with the property indefinitely, or until new zoning is request for the property.

Questions were asked about 521 Comerford Street and 856 Esquimalt Road (the Cambie)

Trevor Parks advised that 521 Comerford Street had applied for their building permit and it was ready for issuance. On the Cambie project, he advised that staff have not been approached by the the owner regarding next steps for this project. He suggested that, as this was a large scale project, financing and presale activity may be a difficult in the current economy.

Members expressed that it would be desirable if Council could consider whether owners have the financial backing for larger projects as part of the zoning approval process.

X. NEXT REGULAR MEETING

The next regularly scheduled meeting is February 19, 2013. The Chair was advised that this meeting may be rescheduled.

XI. ADJOURNMENT

On motion the meeting adjourned at 8:00 P.M.

A/CHAIR, ADVISORY PLANNING COMMISSION
THIS DAY OF _____, 2013

CERTIFIED CORRECT:

ANJA NURVO, CORPORATE OFFICER



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
HERITAGE ADVISORY COMMITTEE**

Wednesday, January 16, 2013

7:00 p.m.

Council Chambers, Municipal Hall

PRESENT: Heather Gillis – Chair
Dar Purewall – Vice Chair
Councillor Hodgins
Liz Dill
Sherri Robinson

STAFF: Karen Hay – Staff Liaison
Kim Maddin – Recording Secretary

REGRETS: John Willow
Councillor McKie
Catherine McGregor
David Coney

1. **CALL TO ORDER**

Chair Gillis called the meeting to order at 7:03 p.m.

2. **LATE ITEMS**

There were none.

3. **APPROVAL OF THE AGENDA**

Chair Gillis noted that she wished to discuss and clarify the motion on page 3 of the November 21 minutes under item **6. OLD BUSINESS**, 2. Macaulay Point, Work Point Inventory, and 316 Anson Crescent.

Moved by Councillor Hodgins and seconded by Sherri Robinson that the agenda of the Heritage Advisory Committee meeting of January 16, 2013 be approved as presented. The motion **CARRIED**.

4. **MINUTES**

Moved by Vice Chair Purewall and seconded by Liz Dill that the minutes of the Heritage Advisory Committee meeting of November 21, 2012 be approved as presented. The motion **CARRIED**.

5. **REPORT FROM THE CHAIR**

Chair Gillis met with the Mayor to discuss the Committee's concern with clarifying its role and with how the terms of reference fits in with the context plan, heritage policy, and relations with DND. They also discussed Memorial Park and the need to clarify

criteria for signage.

The Mayor had some thoughts about the Committee's concerns but she indicated that her priority is to meet with the Councillors first about their roles on the committees. Chair Gillis felt that some progress was being made.

6. **OLD BUSINESS**

(1) Lampson St. Memorial Trees

Karen Hay, Staff Liaison, circulated some information about an etched stone monument. One option was to purchase a rock and have it engraved; another is to attach a plaque to a rock. It was noted that brass plaques can be more susceptible to vandalism.

The Committee decided to pursue a quote for the cost of etching directly on a rock. Once the quote is received, then the Committee can forward to Council a motion of their recommendation and the cost.

It was noted the Legion will be doing a lot of projects to commemorate World War One in 2014, and that it might be worthwhile, once a quote is received, to contact them about possible interest in collaborating on this plaque. If the Township were to partner with them, it may be desirable to delay the monument installation until 2014.

Members suggested the following draft wording: 'These Elm trees were planted in 1917 to honour Esquimalt students killed in action in World War One'. (This was exclusive of any wording that the Township or a partner may wish to add.)

Moved by Sherri Robinson and seconded by Liz Dill that the Heritage Advisory Committee proceed with securing a quote for the etching of a description on the face of a stone commemorating the Lampson Street memorial trees.
The motion **CARRIED**.

(2) Macaulay Point, Work Point Inventory, and 316 Anson Crescent

Chair Gillis presented the Committee with a draft memo that outlined the Committee's outstanding issues and the motion made at the November meeting. It notes that the Committee would be prepared to write a draft letter to local MP's on behalf of Council.

It was noted that Heritage BC has advised that the Committee can prepare SOS's for Esquimalt properties outside its jurisdiction.

Jack Bates has volunteered to take Committee members on a tour of DND lands. Chair Gillis will send out an email with two different time options.

Moved by Liz Dill and seconded by Vice Chair Dar Purewall that when the Heritage Advisory Committee is next looking at preparing statements of significance, that it considers preparing one for Macaulay Point.
The motion **CARRIED**.

Moved by Liz Dill and seconded by Sherri Robinson that Jack Bates be allowed to speak to the Committee about the status of Anson Crescent.

The motion **CARRIED**.

Jack Bates noted that there is a possibility the Anson Crescent house will be moved, likely dates being either the end of the fiscal year (March) or the calendar year, and that there is an interested buyer.

- (3) Heritage Week 2013 - Good Neighbors – Heritage Homes and Neighbourhoods

Karen Hays, Staff Liaison, noted the Township now owns a large display board that could be used for this project and which could be put on display in the Recreation Centre.

Of 206 homes that were reviewed, 86 were selected and there have since been a few more added to the original list. Members wish to ensure that the Committee has gathered as many 100 year old homes as possible and that 100 year old houses of significance are not left off the list. It was recommended that members consult the 1912 directory.

A small sub-committee will work together to decide how to use the pictures to celebrate Heritage Week.

It was noted that a later step could be to use the house information that was gathered for SOS's.

- (4) Year End Report

Chair Gillis presented the draft year end report for review by the Committee.

Members suggested that the following be added:

- "Old Esquimalt Road" (was missing under SOS's that were registered)
- include next steps for Heritage Foundation Development
- one member attended the Heritage BC conference, and another member did six speaking engagements about Esquimalt and well as hosting cemetery tours
- David Sudbury's poster
- Updates to website

Moved by Liz Dill and seconded by Vice Chair Purewall that the draft Year End Report be submitted to Council after the suggested revisions are included.

The motion **CARRIED**.

7. **NEW BUSINESS**

- (1) Esquimalt Postal Area

It was noted that the Victoria postal area is being used by a number of Esquimalt businesses instead of the Esquimalt postal area. Many years ago the Committee worked to legitimize the use of Esquimalt in postal addresses. The Committee suggested that Council could contact the Chamber of Commerce to recommend they encourage their businesses to use the Esquimalt postal area.

Moved by Sherri Robinson and seconded by Vice Chair Purewall that the Heritage

Advisory Committee recommend Council send a letter to the Chamber of Commerce requesting they encourage Esquimalt businesses to use the Esquimalt postal area (as opposed to Victoria's) in their addresses.
The motion **CARRIED**.

8. **WORK PLAN ITEMS**

- (1) Heritage Register
(a) Status Update on Approved Statements of Significance for:
i. Old Esquimalt Road

Old Esquimalt Road was added to the Esquimalt Heritage Register on December 17. Both Vic News and the Times Colonist reported the addition.

- ii. 1211 Old Esquimalt Road

The SOS for 1211 Old Esquimalt Road was revised to remove the reference to the garage as it is actually located on a separate property.

- iii. 507 Head Street

Two revisions were made:

- the reference to a stained glass window as being original to the home was removed, as it was determined it had been a later addition.
- the reference to a brick foundation was removed as it is actually a river rock foundation.

- iv. 948 Old Esquimalt Road

There were no revisions – a motion has already been made to forward this SOS to Council.

Helen Edwards, consultant, has completed interviews with six of the seven property owners. One homeowner declined an interview and is not in support; this information will be included in the report to Council.

Moved by Liz Dill and seconded by Sherri Robinson that the Heritage Advisory Committee recommend the 1211 Old Esquimalt and 507 Head Street properties be added to the Heritage Register.

The motion **CARRIED**.

- (b) Status Update on Statements of Significance in progress:

- i. 1376 Esquimalt Road

In progress.

- ii. 1382 Esquimalt Road

In progress.

- iii. 539 Lampson Steet

Completed.

- iv. 820 Dunsmuir Road

Completed.

Moved by Sherri Robinson and seconded by Liz Dill that the Heritage Advisory Committee recommend that the statements of significance for 539 Lampson Street and 820 Dunsmuir Road be added to the Esquimalt Heritage Register.
The motion **CARRIED**.

- (2) Heritage Foundation
(a) Summary Report

Chair Gillis noted she would like to refer to the report as a “progress report” versus a “summary report”.

Vice Chair Purewall noted that the progress report includes the history of the development of the foundation up to 2013 and its current status.

Moved by Vice Chair Purewall and seconded by Sherri Robinson that David Sudbury be allowed to speak to the work that has been completed to date into the development of a Heritage Foundation.
The motion **CARRIED**.

David Sudbury reported that his input into the report was to simplify the steps. He noted that the scope of the Heritage Foundation mandate allows for possibilities and encourages the directors to specify their goals, while at the same time not being overly restrictive. He sees two options for securing funds: a grant/seed money approach or a hybrid approach that includes fundraising.

Members debated the merits of allowing the foundation to fundraise versus securing money without fundraising. It was noted that Victoria’s foundation is successful and they do not fundraise. However, there was concern about excluding the option of raising funds. Mr. Sudbury stated that the document allows this discussion to be taken on by future board members.

It was noted there was an expectation that some funds would be provided by the Township. The Committee and Council have indicated that heritage homes have value to the community; the funds would be an incentive to homeowners to designate their homes.

It was noted that in Burnaby, the properties acquired around Deer Lake were in part acquired by monies that were put aside from building development.

David Sudbury will provide some estimates of costs to run the foundation. Chair Gillis requested that members submit their input towards budgeting to Vice Chair Purewall.

Moved by Liz Dill and seconded by Sherri Robinson that the Heritage Advisory Committee accept the Heritage Foundation progress report and draft constitution and

submit these documents, based on the motion made on November 21st, to Council for their review and support.

The motion **CARRIED**.

- (b) Draft Constitution

Discussed above.

- (3) 2012 Centennial Celebration
 - (a) “Best of 100” – Slide Show

Discussed in **6. OLD BUSINESS**, 3. Heritage Week 2013 - Good Neighbors – Heritage Homes and Neighbourhoods.

- (4) Maintaining Public Awareness
 - (a) *Esquimalt Current*

There was no update.

- (b) Website Update

There have been some updates and adjustments to out-of-date information. The Heritage Policy and Heritage Context Plan are now available on the website under the Culture/Heritage tab.

- (c) Heritage Poster

The poster is almost ready to be published. Karen Hay, Staff Liaison, circulated samples and quotes for possible materials that the poster could be printed on.

Moved by Liz Dill and seconded by Councillor Hodgins that the Heritage Advisory Committee pay for printing of the poster on the cotton polyester backing option. The motion **CARRIED**.

- (5) Memorial Plaques and HAC’s role
 - (a) Criteria

A group of members met and created some criteria, however two of three members of the team were not present so discussion was deferred to the next meeting.

- (b) Proposed Plaques

There was concern raised over the length of time that has passed since the two plaque inquiries were made. However, some progress has been made as criteria are now in a draft stage.

- (6) HAC’s Terms of Reference clarification – policy, procedures, protocols, and roles

Discussed in **5. REPORT FROM THE CHAIR**.

9. **REPORT FROM STAFF LIAISON**

Karen Hay, Staff Liaison, reported that she attended the Heritage Commission in November and will provide details at a future date.

Ms. Hay noted that the next meeting may not be on the regular date. The new committees are being formed and a general orientation is being planned to replace the regular February meeting.

10. **COMMUNICATIONS**

(1) Heritage BC, Heritage Week posters

The recording secretary distributed the Heritage BC posters.

11. **COMMITTEE MEMBER ANNOUNCEMENTS/REPORTS**

A member noted that Molly Lambrick, resident and poster lady for the Centennial Celebrations, died today at the age of 94.

12. **NEXT MEETING**

The next regular meeting of the Heritage Advisory Committee will tentatively take place on February 20, 2013.

13. **ADJOURNMENT**

The meeting adjourned at 9:25 p.m.

Heather Gillis, Chair

This 20th day of March, 2013



Honours and Awards Secretariat

January 28, 2013

Her Worship Barbara Desjardins and Councillors
Mayor of the Township of Esquimalt
1229 Esquimalt Road
Esquimalt BC V9A 3P1

Dear Mayor and Councillors:

Re: Order of British Columbia ~ 2013 Call for Nominations

It is time once again to “call for nominations” for the Order of British Columbia, the Province’s highest award for excellence and outstanding achievement. Any person or group is welcome to nominate a deserving individual as candidate for appointment to the Order of British Columbia. I seek your assistance in informing your municipality about this opportunity to take part in the public recognition of its outstanding citizens. Could you bring this up at your next council meeting?

An independent Advisory Council chaired by the Chief Justice of British Columbia considers nominations to the Province’s highest award for excellence and outstanding achievement. Three hundred and thirty-one distinguished British Columbians have been honoured since 1990.

For your information, a report listing all of the recipients of the Order is available on our website <http://www.orderofbc.gov.bc.ca>. If you would like this report broken down by City/Town, please contact our office.

Nomination forms for the Order are available from the Honours and Awards Secretariat in Victoria, (250) 387-1616, on the website: <http://www.orderofbc.gov.bc.ca> or from the nearest Service BC Centre. Completed nominations must be received by the Secretariat by March 1, 2013 to be considered this year. Nominations received after this will automatically be forwarded for consideration next year.

Your continuing support of the Order of British Columbia is very much appreciated.

Yours sincerely,

Karen Felker
Coordinator

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input type="checkbox"/> CAO	<input type="checkbox"/> Mayor/Council	
<input type="checkbox"/>		
RECEIVED: FEB 07 2013		
Referred:		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

Telephone: 250 387-1616 Fax: 250 356-2814

4H
Kim Maddin

From: Laurie Hurst
Sent: February 5, 2013 8:38 AM
To: Kim Maddin
Subject: FW: Feedback from website for Mayor and Council

For login and processing, thanks.

Laurie Hurst, CGA
Chief Administrative Officer
Corporate Services
Township of Esquimalt
Phone: 1-250-414-7133
www.esquimalt.ca

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input type="checkbox"/> CAO	<input type="checkbox"/> Mayor/Council	
<input type="checkbox"/>		
RECEIVED: FEB 05 2013		
Referred:		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

-----Original Message-----

From: dlecky@shaw.ca [mailto:dlecky@shaw.ca]
Sent: February 3, 2013 6:18 PM
To: Mayor and Council
Subject: Feedback from website for Mayor and Council

This is information submitted via the Esquimalt website.

* Please reply within 2 business days. *

Duane
Lecky
dlecky@shaw.ca
(250) 380-3003
Highrock Place
Esquimalt
BC
V9A 4W1

Dear Mayor and Council:

This letter is in regards to the new speed cushions on Old Esquimalt Road, their danger, the lack of consultation, and the lack of notification. It also contains my offer to sit on a bicycle committee.

Twice a day, I ride my bike along the part of Old Esquimalt Road that just got the speed cushions. I live in the neighbourhood on Highrock Place. At this time of year, it is dark when I ride on my way to and from work. The speed cushions were a dangerous hazard to the safe passage of cyclists on the first day they were installed and continue to be problematic.

When I first encountered them it was on my way home from work in the dark and I road over it at full speed not knowing it was there. My bicycle seat was driven up into my body, my teeth smashed together and my helmet was knocked forward over my eyes. Since then I see that the signs have been erected, which can only be seen by not looking at the road surface. Sometime afterwards, white triangles were painted on the speed cushions. If I travel slowly enough I can now see the cushions before I hit them. Although I am now familiar with their location, they continue to be a hazard.

The speed cushions divert cyclists either into the middle of the road or into the grit at the side in order to avoid being jarred by them. The grit at the side is

only an option if (1) there are no cars parked at the side, or (2) the cyclist is not attempting to turn right onto Rockheights Avenue.

The speed cushions just up the hill from the intersection of Highrock Avenue and Old Esquimalt Road are badly placed. It is not possible to turn right safely at any speed above dead slow without going into the middle of the road. The turn cannot be navigated from the grit at the side. The turn cannot be reasonably navigated while passing over a cushion. The effect is to lead the cyclist towards making the turn from the middle of the road.

While all the speed cushions discourage cycling, the ones near the intersection with Highrock Avenue should be removed. If, for some legitimate reason, there must be speed cushions on this hill, they should be below, not above the intersection. In the meantime the cushion closest to the sidewalk, should be removed immediately before someone is injured. Proper consultation should be conducted with respect to the other two speed cushions near Highrock Avenue. There are three cyclists who live in my cloverleaf of cul-de-sacs and commute over Old Esquimalt Road daily. None of us were consulted about these speed cushions being installed. From the design and location of the speed cushions, it seems that no cyclists were consulted. These days, we attempt to make social decisions considering climate change, the promotion of health, and the popularity of cycling. The township should have a bicycle committee that can be called upon to consult in traffic matters. As a society we should be encouraging cycling, not discouraging it as these speed cushions do.

The decision made for this public road, which is legitimately used by our whole neighbourhood and others, was made without consultation with anyone but the people whose private land borders on this piece of public road. The rest of us also matter. As far as I am aware, no one was notified about the day these road hazards were installed. As indicated above, I live in the neighbourhood and travel the road twice a day, and I was not notified. I discovered their existence in the dark in an abrupt and hazardous way. The speed cushions, the location, the lack of consultation, and the lack of notification are all mistakes that need to be avoided in the future and rectified now.

To repeat an important point, the speed cushion closest to the sideway at the intersection of Old Esquimalt Road and Highrock Avenue should be removed immediately. Perhaps the others should be removed at the same time, but they do not create as big or immediate a danger.

A bicycle committee should be established. The committee would then be available for consultation as required. Since moving to Esquimalt I have seen two other changes that show the need for a bicycle committee. I would be happy to be part of such a committee.

I would also like to thank you all for the time you provide to the people of Esquimalt. I recognize that mistakes were made in the matter discussed above, but I also recognize and appreciate the time and care that you all give to the township.

Sincerely,
Duane Lecky

Kim Maddin

From: Anja Nurvo
Sent: February 8, 2013 3:19 PM
To: Kim Maddin
Subject: FW: An Invitation
Attachments: IG Day 2013 Letter to Mayor and Council.doc

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input checked="" type="checkbox"/> LCAD	<input checked="" type="checkbox"/> Mayor/Council	
<input type="checkbox"/> _____ Anja _____		
RECEIVED: FEB 08 2013		
Referred:		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

For mail log in please.

Anja Nurvo, BA, LLB
Manager of Corporate Services
Corporate Services
Township of Esquimalt
Phone: 1-250-414-7135
www.esquimalt.ca

From: Barb Desjardins [mailto:barb.desjardins@esquimaltcouncil.ca]
Sent: February 8, 2013 10:11 AM
To: Laurie Hurst
Cc: Anja Nurvo; Mayor and Council
Subject: FW: An Invitation

Not sure if staff received this. Please add this as communication to council agenda

Barbara Desjardins
Mayor
Township of Esquimalt
Phone: 1-250-414-7100
www.esquimalt.ca

Celebrating 100 years as a Township in 2012
www.esquimaltcentennial2012.ca

From: Sharon MacKenzie [mailto:igday.june1@gmail.com]
Sent: February 7, 2013 8:28 PM
To: Barb Desjardins
Subject: An Invitation

Dear Mayor and Council,

Please see the attached invitation sent to your community from i2i Intergenerational Society. (www.intergenerational.ca)

Thank you for your interest. We look forward to hearing from you at your earliest convenience.

Sincerely,
Sharon L. MacKenzie, Executive Director
Linda Totino, Executive Assistant

February 7, 2013
i2i Intergenerational Society of Canada
www.intergenerational.ca 1-250-308-7892

Dear Mayor and Council,

We would like to invite you to proclaim **June 1st** as **Intergenerational Day Canada** in your city.

This 4th **Intergenerational Day Canada** is a national initiative* created by adults and youth:

- to remind people of the importance of simple and respectful connecting between generations, and
- to raise awareness of the many benefits inter-generational connecting brings to education, health and community safety.
(www.intergenerational.ca)

Respectful and purposeful inter-generational connecting is a way to prevent isolation and mistreatment of older and younger generations. It effectively creates safer and more resilient communities. By breaking down ageism, we build all-age-friendly neighbourhoods.

Intergenerational Day Canada June 1st provides an easy opportunity to make a powerful statement about the value of intergenerational relations within your community. Last year Victoria, Kelowna, Calgary, Campbell River, and Williams Lake, to name a few, proclaimed this day. Vancouver has recently joined the list. As the number of Canadian cities acknowledging this focus day grows, the more vibrantly the message is heard across the nation.

A Proclamation (attached e.g., Victoria, BC) will encourage those within your community already involved in inter-generational activities to share and celebrate. As well, our organization will invite and assist others within your jurisdiction to build bridges of understanding between age groups. We will provide ideas on our website and through local media, and assist citizens in networking their ideas. There is no financial or other commitment requested from you. This is an awareness initiative only.

Please consider working towards a stronger Canada by:

1. proclaiming **June 1st** officially as **Intergenerational Day Canada** in your City,
2. allowing publication of this Proclamation in your local media and on the i2i website in order to build community and national awareness, and
3. sharing news of your Proclamation through word-of-mouth, newsletters and social media.

If your community would like to participate in any way, contact us, or check out the ideas for IG Day Canada at www.intergenerational.ca. Thank you for your consideration and support.

Sincerely,
Sharon MacKenzie, Executive Director
i2i Intergenerational Society of Canada

*Intergenerational Day Canada is acknowledged in the following government publications:

- PHAC document- Across the Generations—Respect All Ages
English- <http://www.intergenerational.ca/images/stories/pdfs/AcrossGenerationsEnglish.pdf>
French- <http://www.intergenerational.ca/images/stories/pdfs/AcrossGenerationsFrench.pdf>
- International Federation on Ageing/PHAC/International Network for the Prevention of Elder Abuse publication, Elder Abuse Awareness Teen Kit, Intergenerational Day, p. 20 <http://www.intergenerational.ca/images/stories/pdfs/Elder-Abuse-Awareness-Teen-Tool-Kit.pdf>

See attached Proclamation below.



CITY OF VICTORIA

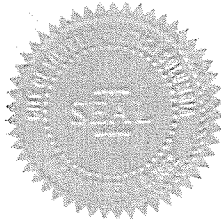
PROCLAMATION

"INTERGENERATIONAL DAY CANADA"

- WHEREAS *Intergenerational Day Canada is meant to raise awareness about the simplicity and power of intergenerational connections; and*
- WHEREAS *Intergenerational Day Canada will have its greatest strength as a reminder, an invitation for every individual to do something positive in bridging generations with the local community; and*
- WHEREAS *Intergenerational Day is a focus day, and does not require funding, time or extensive planning. Mostly it requires limited energy...how much effort does it take to smile at someone from a different generation?...with huge return.*

NOW, THEREFORE I do hereby proclaim the day of June 1st, 2012 as "INTERGENERATIONAL DAY CANADA" in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.

IN WITNESS WHEREOF, I hereunto set my hand this 24th day of May, Two Thousand and Twelve.



DEAN FORTIN
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA



STEWART McDANNOLD STUART
Barristers & Solicitors

Client Bulletin

JAN 2013

New Ruling on Conflict of Interest and Participation of Elected Officials on the Boards of Not for Profit Organizations – Court of Appeal finds an Indirect Pecuniary Interest

On January 11, 2013, the Court of Appeal overturned the B.C. Supreme Court decision in *Schlenker v. Torgrimson*, which had been a decision alleging that members of the Salt Spring Island Local Trust Committee were in conflict because of their participation on the boards of directors of not for profit organizations. Not only did the Court find that there was in fact a conflict of interest, but the Court found that it was in fact a pecuniary interest which would result in disqualification of an elected official from public office; although not the outcome in this case as the local trustees had not run for office in 2011.

The two members of the Salt Spring Island Local Trust Committee were active in environmental issues and participated in the incorporation of the Salt Spring Island Water Council Society and the Salt Spring Island Climate Action Council Society and sat on the board of directors of those organizations.

In September 2011, one of the elected officials moved and voted in favour of a resolution to dedicate \$4,000.00 to fund a project by which the Salt Spring Island Water Council Society would organize and run a workshop to raise awareness of water issues on Salt Spring Island. The other Committee trustee was present and voted in favour of the resolution, along with a third trustee.

A similar motion was adopted the following month to dedicate \$4,000.00 to the Salt Spring Island Climate Action Council Society for the purpose of providing a progress report on greenhouse gases.

During both meetings neither trustee disclosed that he or she was a director of the newly incorporated societies. A court application was brought against the trustees for a declaration that they had contravened the relevant provisions of the *Community Charter* that protected against participation in votes in which an elected official has a pecuniary interest. The respondents were successful in the B.C. Supreme Court and, as they did not run in the 2011 election, on the appeal they argued in the Court hearing the appeal that they were no longer office holders.

The Court of Appeal found, however, that a resolution of the issue would have practical utility as elected officials often seek legal guidance on whether they are in a conflict of interest and the clarification of the rules affecting councillors who hold directorships with not for profit societies would be invaluable.

The Court of Appeal noted that the object of the conflict of interest provisions in the *Community Charter* were to "prevent elected officials from having divided loyalties in deciding how to spend the public's money. One's own financial advantage can be a powerful motive for putting the public interest second but the same could also be said for the advancement of the cause of the non-profit entity, especially by committed believers in the cause, like the respondents, who as directors were under a legal obligation to put the entity first."

The Court of Appeal ruled that "by limiting the interest to a personal financial gain, the chambers judge's interpretation missed an indirect interest, pecuniary in nature, in the fulfillment of the respondents' fiduciary duty as directors." The Court of Appeal found this defeated the purpose and object of the conflict of interest legislation.

The Court adopted the test as that of the reasonably well-informed elector and concluded that a "reasonably well-informed elector on Salt Spring Island would conclude that the respondents'

interest as directors would influence their decision to authorize and pay for contracts with their societies.”

The Court noted that “the respondents themselves initiated the resolutions that directly benefited their Societies and then voted in favour of those resolutions, without disclosing that they were directors of the very Societies that were obtaining the benefit.”

The Court of Appeal rejected an argument that the conflict of interest provisions of the *Community Charter* should be interpreted narrowly, in favour of elected officials, because of the serious penalties that arise from engaging in conduct that involves a conflict of interest.

The Court analyzed the fiduciary duty that is attributed to directors of societies and concluded that directors of societies:

“have a fiduciary duty of loyalty to ‘act honestly and in good faith and in the best interests of the society’: s. 25(1)(a) of the Society Act. This fiduciary duty is the same duty that directors owe to corporations under the Business Corporations Act at s. 142(1)(a), which provides that directors of a company (defined as a corporation recognized as a company under that Act), when exercising the powers and performing the functions of a director of the company must act honestly and in good faith with a view to the best interests of the company, as well as the federal Canada Business Corporations Act under s. 122(1)(a), which provides that every director of a corporation in exercising their powers and discharging their duties shall act honestly and in good faith with a view to the best interests of the corporation.”

On the point that the respondents themselves were not benefited by their decisions, the Court noted as follows at paragraph 49:

“In several ways in the course of these reasons, I have endeavoured to make the point that so long as the ‘matter’ involves the expenditure of public funds and the respondents have ‘an interest’ in the matter which a well-informed elector would conclude conflicts

with their duty as councillors, it makes no difference that they put no money into their own pockets."

and at paragraph 50:

"As directors of the Societies, the respondents were under a fiduciary duty to put the Society's interests first. Directors of societies, by virtue of their position, have an indirect interest in any contract a society is awarded. When the respondents moved and voted in favour of resolutions that benefitted their Societies through the granting of contracts, arguably contracts the Societies might not have been awarded had the councillors not also been directors, their duties as directors to put the Society's interests first were in direct conflict with their duties as councillors to put the public's interests first. These circumstances encompass the mischief the legislation was aimed at, namely, a conflict of interest in deciding money resolutions. The public is disadvantaged by the conflict, whether the respondents derived any personal gain or not, because the public did not have the undivided loyalty of their elected officials."

The Court found that in the case of the Salt Spring Island trustees, the pecuniary conflict did not depend on a remote or tenuous connection or on speculation as in other previously decided cases "but on the solid footing of a fiduciary duty as discussed." The Court allowed the appeal and issued a declaration that "the respondents voted on questions contrary to s. 101 of the *Community Charter*."

S. 101 of the *Community Charter* involves situations where there is a direct or indirect pecuniary interest in a matter. The Court did not deal with the question of a non-pecuniary "common law" conflict of interest which had been dealt with at length by the chambers judge.

This decision should be a cause of concern to elected officials who are also directors of not for profit societies that serve the broader community interest. As a result of this ruling, a decision that involves the financial interests of the not for profit society may be

found to give rise to an indirect pecuniary conflict of interest on the part of an elected official and, accordingly, to create grounds for disqualification from office under s. 101(3) of the *Community Charter*. The Court did not address the question of mere membership in a society, but was concerned with persons who occupy roles as directors of the corporation. A situation that involved mere membership in the not for profit organization would have to be examined on its own facts to determine whether there was any basis for finding that the elected official owed any type of fiduciary duty to the society.

Also of concern is the finding that the phrase "a direct or indirect pecuniary interest" may mean more than "personal financial gain". In this case, the financial gain accrued to two separate third parties.

The Court did not address the issues of contravention of s. 101 of the *Community Charter* as a result of inadvertence or because of an error of judgment made in good faith.

Colin Stewart

2nd Floor, 837
Burdett Ave.
Victoria, British
Columbia
Canada V8W 1B3

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250.380.7744
FX:
250.380.3008
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logolaw@sms.bc.ca

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