



**AMENDED AGENDA  
COMMITTEE OF THE WHOLE  
MEETING OF THURSDAY, NOVEMBER 23, 2017, AT 9:00 A.M.  
COUNCIL CHAMBERS  
CITY HALL, 1 CENTENNIAL SQUARE  
Located on the traditional territory of the Esquimalt and Songhees People**

**APPROVAL OF AGENDA**

Page

**CONSENT AGENDA**

**READING OF MINUTES**

1. Minutes from the Meeting held October 26, 2017

9 - 28

**Late Item: Minutes**

[LATE 2017 10 26 COTW Minutes](#)

[Addenda]

**UNFINISHED BUSINESS**

2. Short Term Rental Business Regulations - Community Engagement  
Results Draft Short Term Rental Business Regulation Bylaw  
--C. Coates, City Clerk

29 - 182

*A report providing information and recommendations regarding the results of public consultation on the proposed business regulations as well as the draft Short Term Rental Business Regulation Bylaw.*

**Late item: Presentation**

**Recommendations: That Council: 1. Direct staff to report back to Council in Quarter 1 of 2018 with finalized short term rental business licence fees, in conjunction with the short term rental implementation plan; and; 2. Direct staff to bring forward the short term rental regulation bylaw in Quarter 1 of 2018 for introductory readings.**

[1 Report STR Reg Bylaw](#)

[2 Appendix A Short Term Rentals Business Regulation Engagement Summary](#)



[3 Appendix B Short Term Rental Business Regulation Open House Feedback](#)

[4 Appendix C STR Email Submissions Amended](#)

[5 Appendix D Draft STR Regulation Bylaw](#)

[6 Appendix E Zoning Amendment Bylaw Amendment Scheche D - STR](#)

[Late Presentation STR Business Regulations](#)

[Addenda]

3. Zoning Regulation Bylaw Amendment: Schedule D - STR Home Occupations 183 - 186

--J. Tinney, Director of Sustainable Planning and Community Development

*A report providing information and recommendations regarding a proposed update to the City's short term rental (STR) Schedule D, to permit STR in up to two bedrooms in any dwelling unit and occasionally in an entire dwelling unit if normally occupied by a long-term resident.*

**Recommendations: That Council direct staff to prepare amendments to the Zoning Regulation Bylaw, Schedule D - Home Occupations, to allow short term rental in up to two bedrooms in an occupied dwelling unit of any type and in entire principal residences on occasion when the normal resident is not present.**

[1 Report Zoning Amendment Bylaw Amendment Schedule D - STR](#)

4. Capital Regional District Art and Culture Support Service Establishment Bylaw 187 - 195

--C. Coates, City Clerk

*A report providing information and recommendations regarding the amended "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017".*

**Recommendations: That Council consent to the adoption of the CRD Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017" as amended.**

[1 Report CRD Arts and Culture Support Service Establishment Bylaw](#)

[2 Attachment A Minutes and COTW report from July 27, 2017](#)

[3 Attachment B CRD Report dated Oct 11, 2017](#)

[4 Appendix C - Bylaw 4127 with amendments underlined](#)

## LAND USE MATTERS

5. Community Garden Licence of Occupation 197 - 224  
--T. Soulliere, Director of Parks, Recreation and Facilities

*A report providing information and recommendations regarding the entering into new Licenses of Occupation for two existing community gardens, Rockland*



Woodland Garden and Montreal Street Community Garden, and one new community garden, Franklin Green.

**Late item: Presentation**

**Recommendation:** That Council authorize the Mayor and City Clerk to execute new Licences of Occupation for the following community gardens, subject to the publication of notices as required by the Community Charter: 1. Rockland Woodland Garden (1059 Craigdarroch Road) 2. Montreal Street Community Garden (155, 165, 175, 185 Montreal Street and 210 Dobinson Street) 3. Franklin Green (1045 Mason Street)

- [1 Report Community Garden Licences of Occupation](#)
- [2 Appendix A Community Gardens Policy Revised 2016](#)
- [3 Appendix B Franklin Green Commons Garden Location Map](#)
- [4 Appendix C Franklin Green Commons Garden Proposal](#)
- [5 Late Presentation Community Garden Licences](#)

[Addenda]

- |    |  |           |
|----|--|-----------|
| 6. | Heritage Alteration Permit Application No. 00224 for 700 Government Street (Downtown)<br>--J. Tinney, Director of Sustainable Planning and Community Development | 225 - 260 |
|----|--|-----------|

*A report providing information and recommendations regarding the proposal to repair and replace paving material along the Lower Causeway apron as part of the Lower Causeway Minor Improvements Project.*

**Late: Presentation**

**Recommendation:** That Council authorize the issuance of the Heritage Alteration Permit Application No. 00224 for 700 Government Street in accordance with: 1. Plans, date stamped November 7, 2017. 2. Development meeting all Zoning Regulation Bylaw requirements. 3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development. 4. Heritage Alteration Permit lapsing two years from the date of this resolution.

- [1 Report HAP 700 Government](#)
- [2 Attachment A Subject map](#)
- [3 Attachment B Aerial Photograph](#)
- [4 Attachment C Project Plans dated stamped Nov 7, 2017](#)
- [5 Attachment D Ltr from applicant, date stamped Nov 7, 2017](#)
- [6 Attachment E Structural Engineer Recommendation ltr, date stamped Aug 24, 2017](#)
- [7 Attachment F summary of history of repairs, date stamped Aug 24, 2017](#)
- [8 Attachment G Statement of significance](#)
- [9 Attachment H HAP Meeting minutes, Sept 12, 2017](#)
- [10 Late Presentation 700 Government Street COTW](#)



[Addenda]

7. Development Permit Application No. 000510 for 530 Michigan Street (James Bay) 261 - 366  
--J. Tinney, Director of Sustainable Planning and Community Development

*A report providing information and recommendations regarding a proposal to construct one four-storey residential building with 70 units; one five-storey residential building with 37 units; and seven townhouse units.*

**Late: Presentation**

**Recommendation:** *That Council authorize the issuance of Development Permit Application No. 000510 for 530 Michigan Street, in accordance with: 1. Plans date stamped October 13, 2017; 2. Development meeting all Zoning Regulation Bylaw requirements 3. The Development Permit lapsing two years from the date of this resolution.*

- [1 Report DP 530 Michigan](#)
- [2 Attachment A Subject Map](#)
- [3 Attachment B Aerial Map](#)
- [4 Attachment C Plans date stamped October 13, 2017 \(2\)](#)
- [5 Attachment D Ltr from applicant to Mayor and Council dated Aug 24, 2107](#)
- [6 Late Presentation 530 Michigan COTW](#)

[Addenda]

8. Market Rental Revitalization Study Project Update: Tenant Protections 367 - 433  
--J. Tinney, Director of Sustainable Planning and Community Development

*A report providing information and recommendations regarding the update to the Market Rental Revitalization Study and recommendations for a municipal role in maintaining rental tenant stability.*

**Late item:** *Report, attachments, and presentation*

**Recommendation:** *That Council: 1. Receive this Market Rental Revitalization Study Project Update for information; 2. Direct staff to: a. prepare a new Standards of Maintenance Bylaw and Tenant Relocation Policy based on the recommendations contained in this report; b. seek feedback on the above at the Market Rental Revitalization Study focus group sessions and return to Council with final drafts for approval by Q1 2018; c. examine the City's authority to further improve tenant stability through other legislative mechanisms.*

- [1 Late Report Market Rental Revitalization](#)
- [2 Late Attachment A MaRRS - Policy research](#)
- [3 Late Presentation MaRRS Project Update](#)

[Addenda]

**STAFF REPORTS**



9. Proclamation - National Homeless Persons' Memorial Day 435 - 442  
--C. Coates, City Clerk

[1 Report Proclamation National Homeless Persons'](#)

[2 Appendix A Proclamation](#)

[3 Appendix B Proclamations List](#)

## NOTICE OF MOTIONS

## NEW BUSINESS

10. **Not Required:** Consideration of Leave of Absence for Councillor  
Maddoff

[Addenda]

11. Consideration of an alternate Council appointee as the City's mediator  
for the CRD Regional Growth Strategy Mediation.

12. Resolution: Modernizing the BC Motor Vehicle Act 443 - 506  
--Councillor Ben Isitt

*A Council Member motion regarding Modernizing the BC Motor Vehicle Act*

**Recommendation:** *That Council (1) endorse the Road Safety Law Reform Group of British Columbia's Position Paper on Modernizing the BC Motor Vehicle Act and the resolution "Modernizing the BC Motor Vehicle Act"; (2) Request that the Mayor write to the BC Minister of Justice and Attorney General, copying the Premier, the Minister of Transportation, Members of the Legislative Assembly, and local governments in British Columbia, requesting favourably consideration; and (3) direct staff to forward the resolution to the Association of Vancouver Island and Coastal Communities and Union of BC Municipalities for consideration at the 2018 annual meetings of those associations: Resolution: Modernizing the BC Motor Vehicle Act: WHEREAS The Road Safety Law Reform Group of British Columbia and organizations including the City of Vancouver, British Columbia Cycling Coalition and Trial Lawyers Association of British Columbia have called on the Government of British Columbia to review and modernize the BC Motor Vehicle Act; AND WHEREAS modernization of this legislation is necessary to achieve the Government of British Columbia's "Vision Zero" plan to make BC's roads the safest in North America and eliminate road-related injuries and deaths by 2020; AND WHEREAS the Road Safety Law Reform Group has provided evidence-based recommendations for increasing safety for vulnerable road users, including children, seniors, people with disabilities, pedestrians and cyclists; THEREFORE BE IT RESOLVED THAT the Government of British Columbia review and modernize the BC Motor Vehicle Act, to increase safety for all road users and achieve the "Vision Zero" objective of making BC's roads the safest in North America and eliminating road-related injuries and deaths by 2020.*

[1 Report Modernizing the Motor Vehicle Act](#)



- [2 Attachment 1 Position Paper Modernizing the BC Motor Vehicle Act](#)
- [3 Attachment 2 Letter to Government of BC](#)
- [4 Attachment 3 Presentation Modernizing the Motor Vehicle Act](#)

## ADJOURNMENT OF COMMITTEE OF THE WHOLE

## CONVENE COUNCIL MEETING

### MOTION TO CLOSE THE NOVEMBER 23, 2017 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

- *Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- *Section 90(1)(e) 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;*
- *Section 90(2)(b) 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.*

## APPROVAL OF CLOSED AGENDA

## READING OF CLOSED MINUTES

1. Minutes from the meeting held October 26, 2017

## UNFINISHED BUSINESS

## CORRESPONDENCE

## NEW BUSINESS

2. Intergovernmental Relations  
--Councillor Alto
3. Land  
--P. Rantucci, Head of Strategic Real Estate
4. **Deferred to December 14, 2017**  
Legal Advice  
--T. Zworski, City Solicitor

[Addenda]

5. Appointment



--C. Coates, City Clerk

**CONSIDERATION TO RISE & REPORT**

**ADJOURNMENT**







**MINUTES OF THE  
COMMITTEE OF THE WHOLE MEETING  
HELD THURSDAY, OCTOBER 26, 2017, 9:00 A.M.**

**1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:00 A.M.**

**Committee Members Present:** Mayor Helps (Chair), Councillors Alto, Coleman, Isitt, Lucas, Thornton-Joe, and Young

**Attendance via**

**Conference Phone:** Councillors Loveday and Madoff

**Staff Present:**

J. Jenkyns – Acting City Manager; C. Coates – City Clerk; C. Havelka – Deputy City Clerk; P. Bruce – Fire Chief; S. Thompson – Director of Finance; J. Jensen – Head of Human Resources; J. Tinney – Director of Sustainable Planning & Community Development; T. Soulliere – Director of Parks, Recreation, & Facilities; F. Work – Director of Engineering & Public Works; B. Eisenhauer – Head of Engagement; T. Zworski – City Solicitor; A. Johnston – Senior Planner, Development Services; M. Betanzo – Senior Planner, Development Services; M. Angrove – Planner, Development Services; J. Karakas – Senior Urban Planner, Community Planning; C. Mycroft – Manager of Executive Operations; A.K. Ferguson – Recording Secretary

**Guests:**

Dr. M. Kristmanson - Chief Executive Officer, National Capital Commission; Dr. B. Dushenko – Adjunct Professor, Royal Roads University; Dr. H. Layton – Program Lead, Royal Roads University; A. Argyle – Student, Royal Roads University; B. Long – Student, Royal Roads University

**2. APPROVAL OF AGENDA**

**Motion:** It was moved by Councillor Alto, seconded by Councillor Coleman, that the Agenda of the October 26, 2017, Committee of the Whole meeting be approved.

CARRIED UNANIMOUSLY 17/COTW

**3. Presentation**

**3.1 National Capital Cities Commission**

Committee received a presentation from Dr. Kristmanson from the National Capital Commission. He provided information regarding the 50 year plan for Canada's Capital and how Canadians are assisting in the development of the plan.



### 3.2 CityStudio Presentation 'Graduate Certificate in Community Sustainable Development'

Committee received a presentation from Mr. Dushenko providing an overview of the Graduate Certificate, three executive summaries as well as three brief videos summarizing different areas of the program, 'Youth Engagement Framework', 'Launching Social Procurement', and 'Rethink of Centennial Square' were presented to Committee.

Committee discussed:

- More elaboration on the terms 'Circle the Square' and 'Rethink of Centennial Square'

*Councillor Isitt withdrew from the meeting at 9:36 am*

Committee discussed:

- Differences in the scale and population size of Victoria versus other cities.
- Possibility of relocating City Studio to Centennial Square.

*Councillor Isitt returned to the meeting at 9:39 am*

### 3.3 Sponsorship of 2019 International Ice Hockey Federation (IIHF) World Junior Hockey Championship

Committee received a report dated October 8, 2017, from the Director of Parks, Recreation and Facilities providing information and recommendations regarding a request for financial support from the City as it has been selected to co-host the 2019 IIHF World Junior Hockey Championship with Vancouver between December 26, 2018 and January 5, 2019.

Committee discussed:

- Possibility of contributing community ice time at the Save of Food Memorial Arena to lessen the City's monetary contribution.

**Motion:** It was moved by Councillor Isitt, that the motion be postponed until the receipt of information at tonight's Council meeting.

Failed due to no seconder 17/COTW

**Motion:** It was moved by Mayor Helps, seconded by Councillor Coleman, that Council approve up to \$70,000 in financial support associated with co-hosting the 2019 IIHF World Junior Championship with funding from 2017 surplus.

Committee discussed:

- How the event will benefit the community.
- The possibility of forwarding this matter to the CRD for their support of the event.

**Amendment:** It was moved by Mayor Helps, seconded by Councillor Thornton-Joe, that the motion be amended as follows:



That Council approve up to \$70,000 in financial support associated with co-hosting the 2019 IIHF World Junior Championship with funding from 2017 surplus **and direct Hockey Canada to seek funding from the CRD.**

**Amendment to the amendment:**

It was moved by Mayor Helps, seconded by Councillor Thornton-Joe, that the amendment be amended as follows:

That Council approve up to \$70,000 in financial support associated with co-hosting the 2019 IIHF World Junior Championship with funding from 2017 surplus **and direct ~~Hockey Canada~~ the organizing committee to seek funding from the CRD.**

On the amendment to the amendment:  
CARRIED UNANIMOUSLY 17/COTW

**Amendment to the amendment:**

It was moved by Councillor Isitt, seconded by Mayor Helps, that the amendment be amended as follows:

That Council approve up to \$70,000 in financial support associated with co-hosting the 2019 IIHF World Junior Championship with funding from 2017 surplus and direct ~~Hockey Canada~~ **the organizing committee** to seek funding from the CRD **for a total local government contribution of up to \$70,000.**

On the amendment to the amendment:  
CARRIED UNANIMOUSLY 17/COTW

**Amendment to the amendment:**

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that the amendment be amended as follows:

That Council approve up to \$70,000 in financial support associated with co-hosting the 2019 IIHF World Junior Championship with funding from 2017 surplus and direct ~~Hockey Canada~~ **the organizing committee** to seek funding from the CRD **and other municipalities** for a total local government contribution of up to \$70,000.

On the amendment to the amendment:  
CARRIED UNANIMOUSLY 17/COTW

On the amendment:  
CARRIED UNANIMOUSLY 17/COTW

**Main motion as amended:**

That Council approve up to \$70,000 in financial support associated with co-hosting the 2019 IIHF World Junior Championship with funding from 2017 surplus and direct the organizing committee to seek funding from the CRD and other municipalities for a total local government contribution of up to \$70,000.

On the main motion as amended:  
CARRIED UNANIMOUSLY 17/COTW

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Madoff, Lucas, Thornton-Joe, and Young

Against: Councillor Isitt



Committee recessed at 9:55am and returned at 10:00 am

#### 4. LAND USE MATTERS

##### 4.1 Update on Rezoning Application No. 000525 and Development Permit with Variances No. 00035 for 1201 Fort Street and 1050 Pentrelew Place, and associated Official Community Plan Amendment (Rockland)

Committee received a report dated October 18, 2017, from the Director of Sustainable Planning and Community Development with information and recommendations regarding the amended proposal for the Rezoning and Development Permit with Variances applications for 1201 Fort Street and 1050 Pentrelew Place, as well as the associated Official Community Plan Amendment, to allow a new site specific zone to allow for increased density and allow for construction of two multi-unit residential buildings and ten townhouses.

Committee discussed:

- How the Housing Reserve Fund contribution amount was decided upon.
- The potential for a burial site to exist on the grounds where the church once was located.
- How staff arrived at the numbers contained within the table of the report.
- The explanation of the term 'semi-public green space'.
- What could be built on the site, should the application not proceed.
- Properties in the area that are similar to what is proposed.
- Whether landscaping is mandated for the property.
- Potential for public seating in the northeast portion of the property.
- Potential for the continuation of the Pemberton trail through the south side of the property.
- Reasoning for the application not complying with the requirement for number of parking stalls.

##### **Rezoning Application No.00525 and associated Official Community Plan Amendment**

##### **Motion:**

It was moved by Councillor Lucas, seconded by Councillor Coleman, That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the *Local Government Act* and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00525 for 1201 Fort Street and 1050 Pentrelew Place, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:

1. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
  - a. Housing Agreement to ensure that a future strata corporation could not pass bylaws that would prohibit or restrict the rental of units to non-owners
  - b. Housing Agreement to ensure that ten percent of the approved unit count, being no less than ten units, be provided as affordable rental units on another site within the City of Victoria



- c. Statutory Right-of-Way of 1.86m along the Pentrelew Place frontage
  - d. Statutory Right-of-Way of 2.4m for the provision of a public pathway connecting Fort Street to Pentrelew Place
  - e. Statutory Right-of-Way of 2.4m for the provision of a future public pathway along the west side of the property
  - f. Section 219 Covenant for public realm improvements to Fort Street and Pentrelew Place
  - g. Section 219 Covenant for construction and maintenance of the public pathways.
2. Provision of a tree protection plan for the Bylaw protected trees that identifies the location of the tree roots, the location of proposed construction and site services in relation to the root system, and the driveway construction methodology, to the satisfaction of City staff.
  3. That Council determine, pursuant to section 475(1) of the *Local Government Act*, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed Official Community Plan Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
  4. That Council, having provided the opportunity for consultation with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required, pursuant to Section 475(1) of the *Local Government Act*.
  5. That Council, specifically consider whether consultation is required under Section 475(2)(b) of the *Local Government Act*, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
  6. That Council give first reading to the Official Community Plan Amendment Bylaw.
  7. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the *Local Government Act*, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
  8. That Council give second reading to the Official Community Plan Amendment Bylaw.
  9. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.



**Development Permit with Variances Application No. 00035**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00525, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00035 for 1201 Fort Street and 1050 Pentrelew Place, in accordance with:

1. Plans date stamped September 8, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. increase the maximum height for Building A from 12.00m to 21.42m
  - b. increase the maximum height for Building B from 12.00m to 15.11m
  - c. increase the maximum site coverage from 40% to 57.20%
  - d. reduce the Fort Street setback for Building A from 10.50m to 6.00m (to the building)
  - e. reduce the south setback for Building B from 9.00m to 4.67m
  - f. reduce the west setback for Building A from 10.7m to 4.00m (to the parkade structure)
  - g. reduce the west setback for Building B from 7.56m to 0.60m (to ground floor parking area and patio screen)
  - h. reduce the Pentrelew Place setback for Buildings C,D and E from 5.37m to 2.00m (to buildings) and 1.91m (to stairs)
  - i. reduce the required parking from 132 parking stalls to 121 parking stalls
  - j. reduce the required visitor parking from 12 stalls to 9 stalls.
3. Refinement of balcony materials on Buildings A and B to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution.

Committee discussed:

- Concerns with the massing on the Pentrelew Place frontage.
- Concerns with the roof decks on the townhouses remaining.

**Motion to Refer:**

It was moved by Councillor Isitt, seconded by Councillor Young, that the application be referred to staff to work with the applicant to address the following issues, and report to Committee of the Whole:

1. Revise the density, massing, height and setbacks of the building to south, to provide a more sensitive transition to the ground-oriented adjacent and nearby properties and mitigate concerns relating to overlook;
2. Revise the massing, height and visual appearance of the townhouses, and remove the rooftop decks, to provide a more sensitive transition to the Pentrelew Place frontage and nearby properties;



3. Revise the design and visual appearance of the driveway access on Pentrelew Place;
4. Consider fixtures for public use and enjoyment in the landscape plan for the greenspace bounded by the proposed pathway, Fort Street and the property to the east.

Committee discussed:

- Concerns with the referral motion not giving Committee any new information on the application.

**Amendment:** It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the motion be amended as follows:

That the application be referred to staff to work with the applicant to address the following issues, and report to Committee of the Whole:

1. Revise the density, massing, height and setbacks of the building to south, to provide a more sensitive transition to the ground-oriented adjacent and nearby properties and mitigate concerns relating to overlook;
2. Revise the massing, height and visual appearance of the townhouses, and remove the rooftop decks, to provide a more sensitive transition to the Pentrelew Place frontage and nearby properties;
3. Revise the design and visual appearance of the driveway access on Pentrelew Place;
4. Consider fixtures for public use and enjoyment in the landscape plan for the greenspace bounded by the proposed pathway, Fort Street and the property to the east.
5. **Demonstrate how the application is consistent with the objectives of Development Permit area 7b that encourage building that enhances the heritage character of the Fort Street corridor.**

Committee discussed:

- How the application does or does not conform to the heritage aspects of the neighbourhood.

**On the amendment:**  
CARRIED 17/COTW

**For:** Councillors Coleman, Isitt, Loveday, Madoff, Thornton-Joe, and Young  
**Opposed:** Mayor Helps, Councillors Alto, and Lucas

**Amendment:** It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that the motion be amended as follows:

That the application be referred to staff to work with the applicant to address the following issues, and report to Committee of the Whole:

1. Revise the density, massing, height and setbacks of the building to south, to provide a more sensitive transition to the ground-oriented adjacent and nearby properties and mitigate concerns relating to overlook;
2. Revise the massing, height and visual appearance of the townhouses, and remove the rooftop decks, to provide a more sensitive transition to the Pentrelew Place frontage and nearby properties;



3. Revise the design and visual appearance of the driveway access on Pentrelew Place;
4. Consider fixtures for public use and enjoyment in the landscape plan for the greenspace bounded by the proposed pathway, Fort Street and the property to the east **subject to CPTED principles**;
5. Demonstrate how the application is consistent with the objectives of Development Permit area 7b that encourage building that enhances the heritage character of the Fort Street corridor.

**On the amendment:**  
CARRIED 17/COTW

**For:** Mayor Helps, Councillors Alto, Coleman, Lucas, Thornton-Joe, and Young  
**Opposed:** Councillors Isitt and Madoff

**Amendment:** It was moved by Councillor Isitt, seconded by Councillor Young, that the motion be amended as follows:  
That the application be referred to staff to work with the applicant to address the following issues, and report to Committee of the Whole:

1. Revise the density, massing, height and setbacks of the building to south, to provide a more sensitive transition to the ground-oriented adjacent and nearby properties and mitigate concerns relating to overlook;
2. Revise the massing, height and visual appearance of the townhouses, and remove the rooftop decks, to provide a more sensitive transition to the Pentrelew Place frontage and nearby properties;
3. Revise the design and visual appearance of the driveway access on Pentrelew Place;
4. Consider fixtures for public use and enjoyment in the landscape plan for the greenspace bounded by the proposed pathway, Fort Street and the property to the east subject to CPTED principles;
5. Demonstrate how the application is consistent with the objectives of Development Permit area 7b that encourage building that enhances the heritage character of the Fort Street corridor;
6. **Consider a provision of a statutory right-of-way at the southern and south-western boundary of the property to provide for a future pathway connection toward the west.**

Committee discussed:

- Concerns with the amendment requiring too much from the applicant.

**On the amendment:**  
DEFEATED 17/COTW

**For:** Councillor Isitt, and Young  
**Opposed:** Mayor Help, Alto, Coleman, Loveday, Lucas, Madoff, and Thornton-Joe

**Motion to refer as amended:**

That the application be referred to staff to work with the applicant to address the following issues, and report to Committee of the Whole:



1. Revise the density, massing, height and setbacks of the building to south, to provide a more sensitive transition to the ground-oriented adjacent and nearby properties and mitigate concerns relating to overlook;
2. Revise the massing, height and visual appearance of the townhouses, and remove the rooftop decks, to provide a more sensitive transition to the Pentrelew Place frontage and nearby properties;
3. Revise the design and visual appearance of the driveway access on Pentrelew Place;
4. Consider fixtures for public use and enjoyment in the landscape plan for the greenspace bounded by the proposed pathway, Fort Street and the property to the east subject to CPTED principles;
5. Demonstrate how the application is consistent with the objectives of Development Permit area 7b that encourage building that enhances the heritage character of the Fort Street corridor.

CARRIED UNANIMOUSLY 17/COTW

*Committee recessed at 11:51 am and reconvened at 11:57 am*

*Councillor Alto was not present when the meeting reconvened.*

#### **4.2 Rezoning Application No. 00519 for 71 and 75 Montreal Street (James Bay)**

*Councillor Alto returned to the meeting at 11:58 am*

Committee received a report dated October 16, 2017, from the Director of Sustainable Planning and Community Development providing information and recommendations regarding the proposal to rezone the property located at 71 and 75 Montreal Street to a site specific zone to permit increased density and construction of 12 residential units.

*Councillor Loveday withdrew from the meeting via electronic participation at 12:07 pm*

Committee discussed:

- Ways to ensure that short-term vacation rentals will not be permitted.

#### **Motion:**

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00519 for 71 and 75 Montreal Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council, and a Public Hearing date be set by staff once the following conditions are met:

1. Preparation and execution by the applicant of a Housing Agreement to ensure that a future strata corporation could not pass bylaws that would prohibit or restrict the rental of units to non-owners to the satisfaction of City Staff.
2. Preparation and execution by the applicant of a section 219 covenant for sewerage attenuation to mitigate the impact of increased density, as required, to the satisfaction of City Staff.



Committee discussed:

- Looking at the vision for James Bay as a whole within a local area plan.
- Concerns of the community with parking and the number of units in the proposal.

*Councillor Isitt withdrew from the meeting at 12:13 pm*

Committee discussed:

- The development being more supportable with the reduction of units.

For: Mayor Helps, Councillors Alto, Coleman, Lucas, Thornton-Joe, and Young  
Against: Councillor Madoff

CARRIED 17/COTW

#### **4.3 Development Permit Application No. 000495 for 71 and 75 Montreal Street (James Bay)**

Committee received a report dated October 16, 2017, from the Director of Sustainable Planning and Community Development providing information and recommendations regarding the proposal to construct 12 ground-oriented residential units on the property located at 71 and 75 Montreal Street.

**Motion:** It was moved by Councillor Alto, seconded by Councillor Coleman, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000495 for 71-75 Montreal Street in accordance with:

1. Plans dated stamped August 16, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.”

For: Mayor Helps, Councillors Alto, Coleman, Lucas, Thornton-Joe, and Young  
Against: Councillors Madoff

CARRIED 17/COTW

#### **4.4 Rezoning Application No. 00540 for 608 Esquimalt Road (Victoria West)**

Committee received a report dated October 12, 2017, from the Director of Sustainable Planning and Community Development providing information and recommendations regarding the proposal to rezone the property located at 608 Esquimalt Road to a site-specific zone in order to permit the use of a storefront cannabis retailer.

**Motion:** It was moved by Councillor Coleman, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00540 for 608 Esquimalt Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered



by Council, and a Public Hearing date be set once staff receive proof of registration at the Land Titles Survey Authority of an executed Statutory Right-of-Way (SRW) of 2.03m on Esquimalt Road.

Committee discussed:

- The proposal being supportable as it is outside the downtown core.

For: Mayor Helps, Councillor Alto, Coleman, Lucas, Thornton-Joe, and Madoff  
Against: Councillors Young

CARRIED 17/COTW

#### 4.5 Downtown Public Realm Plan Adoption

Committee received a report dated October 8, 2017, from the Director of Sustainable Planning and Community Development providing information, recommendations, and the updated draft Downtown Public Realm Plan which has been updated to include comments and feedback following the Council workshop which took place July 13, 2017.

Committee discussed:

- Concerns with the removal of the existing trees within the Government Street mall.
- The designs of bus stops around the City and whether they will be incorporated into the plan.

**Motion:** It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council:

1. Approve the City of Victoria Downtown Public Realm Plan, 2017, to replace the City of Victoria Downtown Beautification Strategy and Kit-of-Parts, January 26, 1995.
2. Direct staff to amend the Subdivision and Development Services Bylaw to reference the Downtown Public Realm Plan to direct frontage improvements for development within the downtown.

Committee discussed:

- Whether there will be ongoing public consultation

**Amendment:** It was moved by Councillor Madoff, seconded by Councillor Coleman, that the motion be amended as follows:

That Council:

1. Approve the City of Victoria Downtown Public Realm Plan, 2017, to replace the City of Victoria Downtown Beautification Strategy and Kit-of-Parts, January 26, 1995.
2. Direct staff to amend the Subdivision and Development Services Bylaw to reference the Downtown Public Realm Plan to direct frontage improvements for development within the downtown.
3. **Maintain and restore all existing ceramic tile names throughout the downtown**



**Amendment to the amendment:**

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that the amendment be amended as follows:

That Council:

1. Approve the City of Victoria Downtown Public Realm Plan, 2017, to replace the City of Victoria Downtown Beautification Strategy and Kit-of-Parts, January 26, 1995.
2. Direct staff to amend the Subdivision and Development Services Bylaw to reference the Downtown Public Realm Plan to direct frontage improvements for development within the downtown.
3. **Maintain and restore all existing ceramic tile names throughout the downtown to the greatest extent possible.**

On the amendment to the amendment:

CARRIED UNANIMOUSLY 17/COTW

On the amendment:

CARRIED UNANIMOUSLY 17/COTW

**Amendment:** It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the motion be amended as follows:

That Council:

1. Approve the City of Victoria Downtown Public Realm Plan, 2017, to replace the City of Victoria Downtown Beautification Strategy and Kit-of-Parts, January 26, 1995.
2. Direct staff to amend the Subdivision and Development Services Bylaw to reference the Downtown Public Realm Plan to direct frontage improvements for development within the downtown.
3. Maintain and restore all existing ceramic tile names throughout the downtown to the greatest extent possible.
4. **That future planning and design work to be undertaken in the comprehensive redevelopment of Douglas Street include the consideration of retaining the iconic cluster lamps that significantly contributes to the gateway of the capital city.**

On the amendment:

CARRIED UNANIMOUSLY 17/COTW

Committee discussed:

- Ensuring the City can engage tourists in the plan
- Ensuring staff provide the plan to the public, so that it can be fully appreciated.

**Main motion as amended:**

That Council:

1. Approve the City of Victoria Downtown Public Realm Plan, 2017, to replace the City of Victoria Downtown Beautification Strategy and Kit-of-Parts, January 26, 1995.
2. Direct staff to amend the Subdivision and Development Services Bylaw to reference the Downtown Public Realm Plan to direct frontage improvements for development within the downtown.
3. Maintain and restore all existing ceramic tile names throughout the downtown to the greatest extent possible.



4. That future planning and design work to be undertaken in the comprehensive redevelopment of Douglas Street include the consideration of retaining the iconic cluster lamps that significantly contributes to the gateway of the capital city.

Main motion as amended:  
CARRIED UNANIMOUSLY 17/COTW

*Committee recessed at 1:00 pm and returned at 1:30 pm*

*Councillors Loveday and Madoff were present via electronic participation.*

## 5. STAFF REPORTS

### 5.1 Draft 2018 – 2022 Financial Plan

Committee received a report dated October 19, 2017, from the Director of Finance providing an overview of the Financial Plan which is scheduled to be presented in detail October 30, 31, and November 7, 2017.

Committee discussed:

- The potential for scheduling 3 sessions in January to discuss the public feedback.
- Outlining the revenue increases from leases that were below market and that have now been brought up to market.

**Motion:** It was moved by Councillor Coleman, seconded by Councillor Alto, that Council receive this report for information and further consideration on November 7, 2017.

CARRIED UNANIMOUSLY 17/COTW

*Councillor Lucas withdrew from the meeting at 1:44 pm due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.*

### 5.2 Single-Use Checkout Bag Reduction Program – Bag Regulation Strategy

Committee received a report dated October 23, 2017, from the Director of Engineering and Public Works providing information on banning single-use plastic bags and recommendations for the implementation of the draft Bylaw – Checkout Bag Regulation and roll out strategy.

*Councillor Isitt returned to the meeting at 1:46 pm*

**Motion:** It was moved by Councillor Isitt, seconded by Councillor Alto, that Council direct staff to:

1. Engage with stakeholders on the draft Checkout Bag Regulation Bylaw and report back to Committee of the Whole on December 14, 2017 with the following information:
  - a. A summary of bylaw key points/issues from business and community stakeholders,



- b. Any recommended changes to the bylaw; and
  - c. Communication, engagement and enforcement considerations and plan, including resource implications and recommendation.
- 2. Measure and report on the performance of the bag regulation program after one year in effect, using waste audits and retailer bag sales data, wherever possible, and analyze and review the complete program with improvement recommendations;
- 3. Include the development of a Single-Use Materials Management Plan in the ongoing development of the City's Sustainable Waste Management Strategy.
- 4. Work with the Province, RecycleBC and other institutions to develop a performance specification for the preferred sustainable reusable bag in order to help business and industry choose amongst options, and also influence bag design sustainability standards.

That Council:

- 5. Request the Mayor to write letters to each of the following key stakeholders to support regional consistency and a wise, renewed focus on waste avoidance programs:
  - a. To the CRD, and Provincial governments before December 2017 requesting support for the City's approach to single-use checkout bag regulations and the overall increased investment in innovative strategies with a focus on waste-prevention, and the required stewardship programs to drastically reduce single-use materials, including plastic bags;
  - b. To major food producers before January 2018, requesting increased efforts in the development and implementation of improved use/application of recyclable, sustainable and eco-benign packaging for food and household items; and
  - c. To the CRD and neighbouring municipalities by the 7<sup>th</sup> of November 2017 requesting feedback and/or support for the City's single-use checkout bylaw principles and rules.

Committee discussed:

- Timeline for the Bylaw to come to Council for first reading

**Amendment:** It was moved by Councillor Isitt, seconded by Mayor Helps, that the motion be amended as follows:

That Council direct staff to:

- 1. Introduce a bylaw for first reading no later than December 2017 to regulate checkout bags.**
- 2. Engage with stakeholders on the draft Checkout Bag Regulation Bylaw and report back to Committee of the Whole on December 14, 2017 with the following information:
  - a. A summary of bylaw key points/issues from business and community stakeholders,
  - b. Any recommended changes to the bylaw; and
  - c. Communication, engagement and enforcement considerations and plan, including resource implications and recommendation.



3. Measure and report on the performance of the bag regulation program after one year in effect, using waste audits and retailer bag sales data, wherever possible, and analyze and review the complete program with improvement recommendations;
4. Include the development of a Single-Use Materials Management Plan in the ongoing development of the City's Sustainable Waste Management Strategy.
5. Work with the Province, RecycleBC and other institutions to develop a performance specification for the preferred sustainable reusable bag in order to help business and industry choose amongst options, and also influence bag design sustainability standards.

That Council:

6. Request the Mayor to write letters to each of the following key stakeholders to support regional consistency and a wise, renewed focus on waste avoidance programs:
  - a. To the CRD, and Provincial governments before December 2017 requesting support for the City's approach to single-use checkout bag regulations and the overall increased investment in innovative strategies with a focus on waste-prevention, and the required stewardship programs to drastically reduce single-use materials, including plastic bags;
  - b. To major food producers before January 2018, requesting increased efforts in the development and implementation of improved use/application of recyclable, sustainable and eco-benign packaging for food and household items; and
  - c. To the CRD and neighbouring municipalities by the 7<sup>th</sup> of November 2017 requesting feedback and/or support for the City's single-use checkout bylaw principles and rules.

*Councillor Coleman withdrew from the meeting at 2:18 pm and returned at 2:19 pm*

Committee discussed:

- Ensure we give stakeholders enough time for feedback on the issue.

On the amendment:  
CARRIED 17/COTW

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Madoff, and Thornton-Joe,  
Opposed: Councillor Young

**Amendment:** It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that the motion be amended as follows:

That Council direct staff to:

1. Introduce a bylaw for first reading no later than December 2017 to regulate checkout bags.
2. Engage with stakeholders on the draft Checkout Bag Regulation Bylaw and report back to Committee of the Whole on December 14, 2017 with the following information:



- a. A summary of bylaw key points/issues from business and community stakeholders,
- b. Any recommended changes to the bylaw; and
- c. Communication, engagement and enforcement considerations and plan, including resource implications and recommendation.
3. Measure and report on the performance of the bag regulation program after one year in effect, using waste audits and retailer bag sales data, wherever possible, and analyze and review the complete program with improvement recommendations;
4. Include the development of a Single-Use Materials Management Plan in the ongoing development of the City's Sustainable Waste Management Strategy.
5. Work with the Province, RecycleBC and other institutions to develop a performance specification for the preferred sustainable reusable bag in order to help business and industry choose amongst options, and also influence bag design sustainability standards.

That Council:

6. Request the Mayor to write letters to each of the following key stakeholders to support regional consistency and a wise, renewed focus on waste avoidance programs:
  - a. To the CRD, and Provincial governments before December 2017 requesting support for the City's approach to single-use checkout bag regulations and the overall increased investment in innovative strategies with a focus on waste-prevention, and the required stewardship programs to drastically reduce single-use materials, including plastic bags;
  - b. To major food producers before January 2018, requesting increased efforts in the development and implementation of improved use/application of recyclable, sustainable and eco-benign packaging for food and household items; and
  - c. To the CRD and neighbouring municipalities by the ~~7<sup>th</sup> of November 2017~~ **31<sup>st</sup> of October 2017** requesting feedback and/or support for the City's single-use checkout bylaw principles and rules **and provide any comments to the City of Victoria no later than November 30, 2017.**

On the amendment:  
CARRIED UNANIMOUSLY 17/COTW

Committee discussed:

- Whether or not biodegradable doggie bags are still being used.

**Amendment:** It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that the motion be amended as follows:

That Council direct staff to:

1. Introduce a bylaw for first reading no later than December 2017 to regulate checkout bags.
2. Engage with stakeholders on the draft Checkout Bag Regulation Bylaw and report back to Committee of the Whole on December 14, 2017 with the following information:



- a. A summary of bylaw key points/issues from business and community stakeholders,
  - b. Any recommended changes to the bylaw; and
  - c. Communication, engagement and enforcement considerations and plan, including resource implications and recommendation.
3. Measure and report on the performance of the bag regulation program after one year in effect, using waste audits and retailer bag sales data, wherever possible, and analyze and review the complete program with improvement recommendations;
4. Include the development of a Single-Use Materials Management Plan in the ongoing development of the City's Sustainable Waste Management Strategy.
5. Work with the Province, RecycleBC and other institutions to develop a performance specification for the preferred sustainable reusable bag in order to help business and industry choose amongst options, and also influence bag design sustainability standards.

That Council:

6. Request the Mayor to write letters to each of the following key stakeholders to support regional consistency and a wise, renewed focus on waste avoidance programs:
  - a. To the CRD, and Provincial governments before December 2017 requesting support for the City's approach to single-use checkout bag regulations and the overall increased investment in innovative strategies with a focus on waste-prevention, and the required stewardship programs to drastically reduce single-use materials, including plastic bags;
  - b. To major food producers before January 2018, requesting increased efforts in the development and implementation of improved use/application of recyclable, sustainable and eco-benign packaging for food and household items; and
  - c. To the CRD and neighbouring municipalities by the 31<sup>st</sup> of October 2017 requesting feedback and/or support for the City's single-use checkout bylaw principles and rules and provide any comments to the City of Victoria no later than November 30, 2017.
  - d. **Forward the draft bylaw to the Accessibility Working group as part of the engagement process**

On the amendment:  
CARRIED UNANIMOUSLY 17/COTW

**Main motion as amended:**

That Council direct staff to:

1. Introduce a bylaw for first reading no later than December 2017 to regulate checkout bags.
2. Engage with stakeholders on the draft Checkout Bag Regulation Bylaw and report back to Committee of the Whole on December 14, 2017 with the following information:
  - a. A summary of bylaw key points/issues from business and community stakeholders,
  - b. Any recommended changes to the bylaw; and
  - c. Communication, engagement and enforcement considerations and plan, including resource implications and recommendation.



3. Measure and report on the performance of the bag regulation program after one year in effect, using waste audits and retailer bag sales data, wherever possible, and analyze and review the complete program with improvement recommendations;
4. Include the development of a Single-Use Materials Management Plan in the ongoing development of the City's Sustainable Waste Management Strategy.
5. Work with the Province, RecycleBC and other institutions to develop a performance specification for the preferred sustainable reusable bag in order to help business and industry choose amongst options, and also influence bag design sustainability standards.

That Council:

6. Request the Mayor to write letters to each of the following key stakeholders to support regional consistency and a wise, renewed focus on waste avoidance programs:
  - a. To the CRD, and Provincial governments before December 2017 requesting support for the City's approach to single-use checkout bag regulations and the overall increased investment in innovative strategies with a focus on waste-prevention, and the required stewardship programs to drastically reduce single-use materials, including plastic bags;
  - b. To major food producers before January 2018, requesting increased efforts in the development and implementation of improved use/application of recyclable, sustainable and eco-benign packaging for food and household items; and
  - c. To the CRD and neighbouring municipalities by the 31<sup>st</sup> of October 2017 requesting feedback and/or support for the City's single-use checkout bylaw principles and rules and provide any comments to the City of Victoria no later than November 30, 2017.
  - d. Forward the draft bylaw to the Accessibility Working group as part of the engagement process.

On the main motion as amended  
CARRIED 17/COTW

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Madoff, and Thornton-Joe

Opposed: Councillor Young

*Councillor Lucas returned to the meeting at 2:23 pm*

### **5.3 Work without permit – 2360 & 2370 Forbes Street/Bylaw Files #46560 & #46514**

Committee received a report dated September 25, 2017, from the City Clerk providing information regarding the condition of the properties located at 2360 and 2370 Forbes Street and recommendations for the filing of a notice on title with respect to work done without a permit to convert the properties from their approved uses as single family dwellings to their current uses as a single family dwelling with an additional self-contained dwelling unit, and a single family dwelling with accessory building containing an additional self-contained dwelling unit.

The Mayor asked the City Clerk to introduce the item and the process that is involved with Council's consideration. The City Clerk went on to provide context for the Section 57 Notice and overview of the issues relating to the properties located at 2360 & 2370 Forbes. The Mayor then asked whether the property owner or representative was present and no one came forward.



Committee discussed:

- The process the property owners would have to complete in order for the properties to come into compliance.

**Motion:** It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that Council direct the City Clerk to file a notice in the Land Title Office in relation to two properties located at 2360 Forbes Street, legally described as LOT 6, SECTION 75, VICTORIA, PLAN 811, and 2370 Forbes Street, legally described as LOT 7, SECTION 75, VICTORIA, PLAN 8111 indicating that resolutions relating to these properties have been made under the authority delegated pursuant to Section 57(3) of the Community Charter and the provisions of the Property Maintenance Delegation Bylaw, and advise that further information regarding these resolutions may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.

CARRIED UNANIMOUSLY 17/COTW

#### 5.4 Capital Regional District Board and Hospital Board Weighted Votes

Committee received a report dated October 18, 2017, from the City Clerk providing information and recommendations regarding correspondence received from the CRD highlighting the requirement to increase the voting strength of one of the Directors who currently has four votes for the CRD Board and Hospital Board.

**Motion:** It was moved by Councillor Young, seconded by Mayor Helps, that Council allocate the additional Capital Regional District and Hospital Board votes to the highest votes received at the general election.

**Amendment:** It was moved by Councillor Thornton-Joe, seconded by Councillor Isitt, that the motion be amended as follows:  
That Council allocate the additional Capital Regional District and Hospital Board votes to the highest votes received at the general election **for CRD Directors**.

On the amendment:  
CARRIED UNANIMOUSLY 17/COTW

**Amendment:** It was moved by Mayor Helps, seconded by Councillor Alto, the motion be amended as follows:  
That Council allocate the additional Capital Regional District and Hospital Board votes to the highest votes received at the general election for CRD Directors **other than the Mayor**.

On the amendment:  
DEFEATED UNANIMOUSLY 17/COTW

**Amendment:** It was moved by Mayor Helps, seconded by Councillor Alto, that the motion be amended as follows:  
That Council allocate the additional Capital Regional District and Hospital Board votes to the highest votes received at the general election for CRD Directors **on the CRD ballot**.

On the amendment:  
DEFEATED UNANIMOUSLY 17/COTW



**Amendment:** It was moved by Councillor Young, seconded by Councillor Isitt, that the motion be amended as follows:  
That Council allocate the additional Capital Regional District and Hospital Board votes to the highest votes received at the ~~general~~ election for CRD Directors.

On the amendment:  
CARRIED UNANIMOUSLY 17/COTW

Committee discussed:

- How the votes would carry over to the alternates.

**Motion to Extend:**

It was moved by Councillor Alto, seconded by Councillor Isitt, that the meeting be extended to 3:15 pm.

CARRIED UNANIMOUSLY 17/COTW

**Main motion as amended:**

That Council allocate the additional Capital Regional District and Hospital Board votes to the highest votes received at the election for CRD Directors.

On the main motion as amended:  
CARRIED UNANIMOUSLY 17/COTW

**Motion:** It was moved by Mayor Helps, seconded by Councillor Alto, that Items 14 and 15 be referred to next week's agenda.

**6. ADJOURNMENT**

**Motion:** It was moved by Councillor Coleman, seconded by Councillor Alto, that the Committee of the Whole meeting of October 26, 2017, be adjourned at 3:15 p.m.

CARRIED UNANIMOUSLY 17/COTW

CERTIFIED CORRECT:

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CITY CLERK

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MAYOR





## Committee of the Whole Report

### For the Meeting of November 23, 2017

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**To:** Committee of the Whole **Date:** November 16, 2017  
**From:** Chris Coates, City Clerk  
**Subject:** Short Term Rental Business Regulations – Community Engagement Results and Draft Short Term Rental Business Regulation Bylaw

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#### RECOMMENDATION

That Council:

1. Direct staff to report back to Council in Quarter 1 of 2018 with finalized short term rental business licence fees, in conjunction with the short term rental implementation plan; and,
2. Direct staff to bring forward the short term rental regulation bylaw in Quarter 1 of 2018 for introductory readings.

#### EXECUTIVE SUMMARY

On September 21, 2017, Council approved a proposed short term rental (STR) regulatory framework. Council further directed staff to engage with stakeholders on proposed business regulations contained in the framework to refine the proposed approach and to report back in Quarter 4 of 2017 with the bylaws required to enact the regulations.

During the month of October, staff informed the community of the proposed regulations through fact sheets, updates to the website, social media, and at an open house held October 30, 2017. Participants were invited to provide specific feedback on three components of the business regulations; (1) principal residence (2) business licence fees and (3) operating requirements, either at the open house, or through email submissions. The majority of feedback received was from STR operators or individuals employed in the industry.

Most of the feedback related to where short term rentals would not be allowed (i.e. prohibited in secondary suites and garden suites unless occupied by the principal resident) as well as the non-principal residence business licence fee of \$2,500 for STR's that can continue as a non-conforming use. Most open house participants felt that the operating requirements were reasonable.

No changes to principal residence or operating requirements are recommended. Permitting STR in the usual place where an individual makes their home (i.e. principal residence) is consistent with previous Council direction and City of Victoria housing policy. Operating requirements have been kept simple (i.e. posting a business licence number on advertisements) and are aligned with best practises for regulating STR.

Staff recommend finalizing business licence fees when the STR implementation plan including schedule, refined resourcing proposal and impacts to the financial plan is brought to Council for consideration in Quarter 1 of 2018. Aligning the business licence fees with the implementation plan



will allow staff to better estimate the required fees to cover the cost of the program. Additional analysis will also determine the most appropriate fee structure (e.g. a tiered system, flat fee or one-time administrative fee).

Should Council approve these recommendations, staff will report back in Quarter 1 of 2018 with final business licence fees and an implementation plan as well as the STR regulation bylaw for reading and adoption. The new rules would come into effect shortly after.

## PURPOSE

The purpose of this report is to provide Council with the results of public consultation on the proposed business regulations as well as a draft of the STR business regulation bylaw for consideration. Staff are also seeking Council approval to finalize the business licence fees in Quarter 1 of 2018 alongside the implementation plan prior to bylaw adoption.

## BACKGROUND

### Previous Council Direction

On September 21, 2017 Council approved a proposed STR regulatory framework. The regulatory framework included allowing STR in principal residences, subject to obtaining a business licence and complying with operating requirements.

Council also approved an enforcement strategy on September 14, 2017, which involves engaging a third party monitoring service to proactively identify STR addresses and non-compliant operators, and hiring new City staff, both temporary and permanent, to oversee the program, process new business licence applications, and pursue punitive action on non-complaint operators such as fines, licence revocation and court action.

This report responds to the following Council Motion from September 21, 2017:

*Direct staff to engage stakeholders on the proposed business regulations, and report back to Council in Q 4 of 2017 with the bylaws required to enact these regulations.*

### Communications and Engagement

During the month of October 2017, City staff informed the community, including neighbourhood, tourism and housing associations as well as STR operators and host platforms, of the proposed regulatory changes to STR, and to solicit feedback on those changes.

The following communications and engagement tools were used:

- STR webpage on the City's website
- Fact sheets
- Ads in local papers
- Stakeholder emails
- Social media
- Open House
- Feedback period for email submissions

Approximately 130 people attended the Open House, which was held on October 30, 2017. Attendees were asked to provide feedback on three components of the business regulations; (1) principal residence (2) business licence fees (3) operating requirements. Of the approximately 130 individuals in attendance at the open house, 68 self-identified as owners/operators of short term rentals and 22 identified as being employed in the short-term rental industry. The remainder did not



identify their affiliation with the topic. Staff also received over one hundred email submissions from stakeholders.

A summary of community engagement on the business regulations is included as Appendix A. Feedback from the Open House is attached as Appendix B. E-mail submissions are included as Appendix C.

A large volume of electronic feedback was also submitted directly to Council. These emails were shared with staff but have not been included in the engagement summary as they were not part of the consultation process on the proposed business regulations.

#### Draft STR Regulation Bylaw

The September 21, 2017 Committee of the Whole Report identified a proposed list of requirements that STR operators would need to adhere to. These requirements have been expanded upon and refined in the draft STR regulation bylaw, attached as Appendix D, and include:

- Proof of Principal Residence
- Business Licence Requirement
- Business licence fees (rates have not been finalized)
- Letter from Strata Councils (proof that the STR is not operating contrary to Strata Bylaws)
- Letter from property owners (proof of permission to operate STR for renters)
- Compliance with City Bylaws
- Business Licence numbers posted on all STR advertisements
- Responsible Person
- Penalties

A supplementary report, Zoning Bylaw Amendments - Schedule D, Home Occupations will be presented to Council on November 23, 2017. The Zoning Bylaw amendments, attached as Appendix E are required to permit STR in zoning per the regulatory framework (as home occupations and in principal residences in all dwelling types) and are consistent with the provisions identified in the above draft STR regulation bylaw.

### **ISSUES & ANALYSIS**

#### General Feedback on STR

Much of the feedback received was outside of the scope of the proposed business regulations but has been included in this report for context. Key themes included:

- Support for STR, including the ability to supplement income for operators and provide flexible accommodation for visitors
- A lack of understanding that entire unit STRs were never a permitted use outside of transient accommodation zones
- Frustration at the decision to remove STR as a permitted use in transient accommodation zones
- Concern that long term rentals in the City would not be increased with these proposed changes as the units are occupied on a part-time basis by operators, or their family and friends
- Concern around a lack of data to support decision making
- Concern around the cost and difficulty of enforcement
- Frustration with the lack of public consultation on the topic



Business Regulation FeedbackPrincipal Residency Requirement

- At the open house, 71 of 94 participants were opposed to the proposal for STRs in principal residences only
- Many attendees reported that they were currently operating STRs in dwelling units that were not their principal residences (e.g. in transient zones or in secondary suites)
- Most of the feedback suggests that principal residence should include secondary suites (e.g. basement, garden suite) if the operator lives on the property

Despite this feedback, no change to the principal residence requirement is recommended. Secondary suites and garden suites are permitted in zoning in Victoria in recognition of the need of infill rental housing. The Victoria Housing Strategy 2016-2025, which aims to improve housing affordability by increasing the supply and diversity of housing in the City, specifically identifies the removal of barriers to secondary suite and garden suite development as a way to increase the supply of long-term rental housing.

Earlier this year, through actions stemming from the Strategy, Council approved the removal of Schedule J – Secondary Suites, which contained restrictions limiting where secondary suites could be developed, as well as the removal of the rezoning requirement for garden suites for the express purpose of increasing the supply of long term rental housing in Victoria.

This recommendation is also consistent with previous Council direction to staff. In March 9, 2017, Council passed a motion prohibiting entire secondary suites (basement suites, garden suites) for use as short term rental.

Operating Requirements

- 41 of 56 open house participants agreed with the proposed operating requirements to post business licence numbers on all advertisements and comply with existing City bylaws
- In general, people felt that the requirements were reasonable and would not be overly difficult to achieve

No changes to operating requirements are recommended. Requirements are aligned with best practise for regulating STR (keep it simple and use business licence numbers to monitor compliance).

Business Licence Application and Fees

- 81 of 92 open house participants opposed the proposed business licence fees
- In particular, many felt that the \$2,500 non-principal residence fee was too high and punitive, referencing lower business licence fees for large hotels

The current proposed fee structure includes two tiers – one for principal residence (\$200) and one for non-principal residence (\$2,500). The latter only applies to legal non-conforming units.

The proposed fee structure was developed to (a) recover the costs of administering the program, (b) 'level the playing field' between STR operators and traditional accommodation providers (c) ensure that operators pay a fee commensurate with revenue generated (d) discourage casual operators.

Upon review, staff recommend further analysis before a final fee structure and rate is adopted. As part of the development of the implementation plan, staff are currently collecting additional data on the scale and scope of STR in Victoria. This information can be used to better estimate



how many existing STR's may be eligible for business licences under the new rules and the type of fees that can be expected.

In addition, based on community feedback, staff are considering alternative fee structures, including a flat fee that all STR operators would pay, regardless of unit type, a tiered structure based on number of rooms (existing licence fees are based on this model) or a one-time registration fee with a lower annual business licence fee to reflect the high start-up cost of the program, with lower operating costs. Staff will report back to Council on options in Q1 of 2018 following this analysis, in conjunction with the implementation plan.

## OPTIONS & IMPACTS

### **Option 1 (Recommended): Finalize business licence fees in Quarter 1 of 2018 in conjunction with the STR implementation plan prior to bylaw adoption**

Staff recommend aligning the finalization of the business licence fees with the implementation plan to ensure that business licence fees and the fee structure are set appropriately. This recommendation will delay the adoption of the business regulation bylaw to Quarter 1 of 2018 but will not affect the date at which the new rules will be enacted, currently scheduled for March 2018.

### **Option 2: Approve of \$200 and \$2,500 as the business licence fee structure and give first, second and third reading of the STR regulation bylaw in Quarter 4 (not recommended)**

Staff do not recommend this option based on the feedback received through the engagement process. Additional data on the scale and scope of STR in Victoria is currently being collected as part of the implementation plan that can be used to inform final fees and fee structure. Adoption of the bylaw in 2017 will not lead to quicker implementation as new staff and the third-party monitoring firm need to be retained prior to enactment of the new rules.

#### *Accessibility Impact Statement*

There are no impacts on accessibility associated with the recommendations contained in this report

#### *2015 – 2018 Strategic Plan*

This work is identified as a key priority in the Strategic Plan under Objective 6: Make Victoria More Affordable 2017 Actions: Strengthen policy and regulations related to Short Term Rentals.

#### *Impacts to Financial Plan*

On September 14, 2017 Council approved a resourcing strategy that anticipates an annual cost of approximately \$512,000, which includes third-party monitoring, three additional staff, a legal contingency fund and communication costs to widely broadcast the new rules, regulations and consequences of non-compliance. Staff will report back to Council in Quarter 1 of 2018 with an implementation plan including a schedule, further refined resourcing proposal and impacts to the financial plan. The objective in establishing this new regulatory regime is to achieve cost recovery from the licence fees and fines. Additional data will greatly assist in identifying the fees that could accomplish cost recovery, recognizing that it could be a challenge to fully recover costs as that is contingent on uptake of licences.

#### *Official Community Plan Consistency Statement*

The recommended approach aligns with the directions in the Official Community Plan of "Land Management and Development" and "Housing and Homelessness"



Respectfully submitted,



Shannon Jamison  
Legislative Planning Analyst



Chris Coates  
City Clerk

Report accepted and recommended by the City Manager:



Date:

Nov 16, 2017

**List of Attachments**

- Appendix A - STR Business Regulation Community Engagement Summary
- Appendix B - STR Business Regulation Open House Community Engagement Feedback
- Appendix C - STR Business Regulation Email Submissions
- Appendix D – Draft STR Business Regulation Bylaw
- Appendix E – CoTW Zoning Bylaw Amendments, Schedule D, Home Occupations





## Short Term Rental Business Regulations Engagement Summary

November 2017

The community was invited to provide feedback on proposed business regulations for short term rentals at an open house on October 30, 2017 and by email by November 3, 2017. Approximately 130 people attended the open house and over one hundred emails were received by staff.

Participants were asked to provide feedback, using a combination of dots and comments on three components of the business regulations (1) principal residence (2) business licence application and fees (3) operating requirements.

Of those in attendance at the open house, 68 self-identified as owners/operators of short term rentals and 22 identified as being employed in the short-term rental industry. The remainder did not identify their affiliation. The overwhelming majority of email submissions were from short term rental operators.

### General feedback

Much of the feedback received was outside of the scope of the proposed business regulations, particularly the feedback received by email.

Many people described the benefits of short term rentals: they supplement income, pay mortgages and help operators save for retirement. According to much of the feedback, short term rentals provide another flexible housing type for tourists and visitors to the City.

There was significant confusion and misunderstanding, both in email submissions and at the open house about where short term rentals are currently allowed. Many people did not understand that entire unit short term rentals have never been a permitted use outside of transient accommodation zones.

Many people felt that the change to remove short term rentals as a permitted use in transient accommodation zones was unfair. Operators in transient accommodation zones who had been operating lawfully before the zoning changes felt that they were being punished. We heard that many units are operated on a part-time basis as short term rentals and used by the operator at other times so these units would not be available for long term rentals. Many people appreciate the flexibility of renting their units on a short term basis.

There were concerns that the decisions being made are not based on data and that there has been limited opportunity for public consultation. Some people suggested looking to other cities, such as Seattle, to model that City's approach (where operators are permitted to have two short term rentals and revenues go into an affordable housing fund).

We heard a small amount of support for the City's efforts to make changes to short term rental business regulations to address housing shortages. However, most participants were not in favour of the City's approach. Participants did not feel that it was their responsibility to provide long-term housing for residents and believed that the proposed changes would be beneficial to the hotel industry but hurt Victoria's economy.

Lastly, many participants at the open house expressed concerns over the cost and difficulty of enforcing this industry.



## **Business Regulation Feedback**

### Principal Residence

- At the open house, 71 of 94 participants were opposed to the proposal for STRs in principal residences only.

Many participants felt that secondary suites, especially if the owner lives on the property, should be allowed for short term rentals. Several participants felt that property owners should have the right to choose how to use their properties as they see fit. Some expressed concern about the safety and practicality of renting out rooms in their homes.

### Business licence application and fees

- 81 of 92 open house participants opposed the proposed business licence requirements and fees.

Many felt that the \$2,500 non-principal resident fee was too high and punitive, referencing lower business licence fees for large hotels. Several participants suggested that existing business licence fees were reasonable. Some suggested that short term rentals should be subject to a tax (e.g. hotel tax) instead of a licencing fee. Others suggested that business licence fees should be based on the type of unit (e.g. studio, 1 bedroom) or be a percentage of income earned.

### Operating requirements

- 41 of 56 open house participants agreed with the proposed operating requirements.

In general, people felt that the requirements were reasonable and would not be overly difficult to achieve. Many participants stated that they already display their business licence and comply with City bylaws. Other participants asked questions around monitoring compliance and enforcement.



## Short Term Rental Business Regulation Feedback

**Date:** October 30, 2017

**Event Type:** Open House

**Location:** City Hall – Antechamber

**# of attendees:** 130

### Short term rentals will only be allowed in principal residences

#### Do you agree with this approach?

- Yes – 21
- Neutral or Not Sure – 2
- No – 71

#### Why or Why Not?

- A suite in someone's home is their residence to do with as they are comfortable.
- If a property is not your primary residence, it is a luxury!
- Thought – What about the family who has the kid who struggles and needs a place to live as an adult but with support but tries to live on their own but needs a place to come back to but the family cannot afford to carry the suite in the months he is not there? (true story)
- Council cannot even keep illegal operations out of the Mayor's own home.
- Currently enforcement is ineffective. What assurance is there that this plan will work?
- I am worried that we will see a lot of current "short term" rental properties go up for sale. Is Council worried?
- As an older traveler I want a private space!
- Need to grandfather; leave existing short-term rentals in place and start new rules going forward.
- Should remove all short term vacation rentals in condos!
- I am a tenant and rent a place to live. As an investment I bought a condo which is a STR. I would not be able to own a condo that is my retirement plan without renting it as an STR. My condo is too small for me to live in now which is why I STR it out.
- This plan is fair.
- No, I don't agree with this approach. It seems to be an approach to cover what the majority is currently doing.
- How are you going to enforce? Why not go after software platform?
- Proactive enforcement
- STR affects community, short term tenants often on holiday make noise and do not contribute to community.
- STR affects permanent tenants – see Harrison Hot Springs policy on this.
- As single parent, I need the income and flexible space of my garage/cottage, I have my parents visiting from Vancouver once a month and I rent it out STR other times.
- As a single parent of two girls, it is unsafe for me to have AIRBNB or other STR guest INSIDE my home. I need the income and want to be able to rent my garage/cottage (no kitchen) for STR. We use it for our own use for part of each month, so LTR cannot work.



- Many home-owner occupied STR spaces are in neighbourhoods. STR support local micro-economies.
- Maybe you should force the hotels to change their business model to accommodate the ever-evolving market. City Hall putting the onus on the homeowner.
- We pay enough property taxes already and anybody renting out a space in their own home needs the income.
- We use two non-transient STRs to offset costs of our long-term rentals such that two seniors on fixed incomes and three young families (13 people!) have no rent increase in 2 – 5 years. Without STR we must raise rents!
- They should be allowed anywhere in a principal residence. In the principal living area only is a silly artificial constraint.
- Definition of occasionally away? Principal residence?
- Personal property should have limited imposed restrictions on use motivated by short term political motives.
- Schedule “D” Home Occupations does not require shared kitchen and bath. Health issues, safety requires private unit.
- Who besides hotels/big business benefits from this initiative?
- People will not want to invest in Victoria anymore and this will affect jobs and economy of our city.
- This targets one of the very smallest business opportunities available to families that have just bought and need the extra income.
- As a senior on a fixed income, I used my house next door for visiting family and use STR to pay mortgage. This will be my income for old age. Do not stop STR.
- Some of the vacation rentals are owner’s secondary residences and they should not be taxed as a sole business.
- Why are you discouraging something that both benefits people who choose to stay in Airbnb and those who chose to host? It also helps people afford their homes. People don’t want to stay in hotels; that’s obvious.
- Needs effective enforcement.
- Three bedrooms please! So much easier for me.
- What is the evidence based data on which this decision was made?! DATA, DATA, DATA.
- “They want to treat rental housing, private-sector rental house as though it were a public utility. Well it’s not a public utility”...
- Separate suite should be allowed – YES! I agree.
- A small group of people who invested in Victoria should not be forced to bear the costs of a societal problem.
- It should be the City’s task to provide affordable housing to their citizens, not the task of a private home owner.
- Why is it better in a principle residence? It’s much more dangerous for a woman to have a stranger stay in her spare bedroom rather than in a separate rental unit. Why are you against us using our own rental properties we have paid a lot for?
- Separate suites should be included within a household. Too hard to regulate principal dwelling.
- AirBnB should be allowed in duplexes, triplexes, and suites.
- These changes are not going to help the long-term rental problem for the people who need it most. An average one bedroom transit zoned condo sells for almost \$400K. With all their fees and taxes they are going to need to rent a one bedroom for close to \$2,000 a month. Who can afford that?
- Property owners should have the right to decide the length a tenant or guest stays.
- Our STR has never been the cause of a problem in our neighbourhood. Leave us homeowners alone. First a business license, then what? More sewer fees? More water bill fees?



- As a pensioner, why should my STR be the instrument to fix the city social problem? I will never rent out for a long-term rental.

## Proposed business licence requirements & fees

### Proposed business licence fees

#### Do you agree with this approach?

- Yes – 10
- Neutral or Not Sure – 1
- No – 81

#### Why or why not?

- Now principal licence way overboard.
- Why don't you fine the illegal STR's to fund the bylaw enforcement?
- Why does Council feel they have the right to bully property owners into less desirable activities when both are legal?
- Too restrictive
- What recourse will exist for compliant STR's if/when enforcement fails?
- I pay PST, GST, MRDT. Is this a level playing field?
- Business licence going from \$100 or so to \$2,500? What is the rationale? Why should an \$80/night STR pay same as \$500/night hotel?
- Why not keep business licence fee as is and change/collect a fee like hotel tax as a percentage of nightly rate?
- Cleaner Hotel - \$13 hour; Short Term \$50 hour
- Principal residence fee of \$200 is too high from someone (renter) who is just gone one month/year and rent out for \$900 - \$1,000 – suggest \$50!
- Does Council want compliance? \$2,500 is expensive and will lead to more non-compliance. Excessive \$ is BULLYING!!!
- I assume this \$2,500 goes to affordable housing and not partilettes, right?
- \$2,500 licence fee is grossly unfair. Empress Hotel – 477 rooms pays \$2,485.
- Outrageous!
- How about asking for the four unit minimum to pay MRDT be removed and then all legal STR's will pay MRDT?
- Why is there misinformation coming out of City Hall?
- Licensing fees should be comparable and to scale, e.g. if the Empress Hotel pays \$2,480/year, why would a single micro-suite pay \$2,500? Also, there should be a sliding scale, e.g. a micro-suite that rents for \$79/night should not pay the same licensing fee as a three bedroom penthouse renting for \$1,000/night.
- I don't agree with a \$2,500 business license for these units – way too high!!
- Proposed regulations are too tight. My basement STR is unsuitable for LTR, but keeps my mortgage affordable.
- I should be paying a licence fee at same cost of January 2017 for \$115 – not \$2,500 to go forward.
- Will the current business application form be adapted to reflect the new changes, please?
- This fee structure is punitive and doesn't properly represent the issues.
- Money grab by City. Why raise the fee from \$115 to \$2,500 ABSURD!!!
- People won't want to invest in Victoria anymore; this will affect economy here.
- Name a municipality anywhere in the world that has increased vacancy by regulating Airbnb!!  
DATA



- I think regulating STR is fine. I think business license is fine. Increasing taxes to DOUBLE is steep enough.
- Hotel license \$5/room; Short Term Rental \$2,500?
- There is no rational to charge \$2,500 per unit. All rentals can be operated continuously. How much per room do downtown hotels pay for licensing?
- Why is it fair that one STR would pay the same business fee as the Empress?
- Is there legal recourse? It feels like a done deal.
- Why is there no data on the number of STR's in Victoria?
- Why does my 300 sq. ft. condo cost so much more than hotels?
- Should have to rezone like a B & B does. If approved, okay but prefer long term place to live.
- No data seems available to support regulating STR as an effective solution to reducing rental rates or increasing.
- Licensing fee should be scaled according to type and number of units.
- Why \$200 licence fee? Vancouver is \$49! Cash grab?
- Any other businesses in strata units required to have a strata permission letter? Business licences are not the business of a strata, strata bylaw enforcement is not the business of the City.
- Let's be fair!! \$500 maybe; not over.
- Principal residence \$200 fee/month too high for people who rent out one month (say \$900/month)
- The hotels do not pay \$2,500/room. Why should principal residence pay \$200? This is completely punitive which is not the purpose of licence fees.
- Non-principal use \$2,500 per year? If this is meant to be a deterrent it should be much higher. A condo downtown rental as STR will make this in one month.
- Licence amount does not fairly represent the income earned. Hotels have lower tax bracket on revenue earned and lower business licence fees. This does not make sense. Why are you penalizing the tax payers/owners of STR's?
- Why not take a percentage of income instead of a flat tax business licence of \$2,500. Not affordable to part time STVR.
- Do not agree. Why is government butting in on something that has worked well and is still working? Another tax and rules which are not needed. BUTT OUT!
- \$2,500 – the hotels do NOT pay \$2,500 a unit/room.
- \$2,500 is simply pettily punitive and very small-minded.
- This makes good sense. Licensing is needed and enforcement is needed. \$2,500 is not onerous if it is a full-time STVR.
- The City is using its large legal strength to attack a group of individuals who do not have the financial meant to fight. It is easier to do this than to fight large corporations (hotels, etc.). Attacking the weakest members.
- City does not have good data (second, separate comment added to sticky note “here here”).
- \$2,500 fee is much greater than what the hotels pay. GET REAL!!
- Fees are way too high. I agree that a more moderate system based on percentage of revenue is more palatable.
- This is ridiculously high amount, which discourages people from working legally with a business licence. Do hotels pay \$2,500 a room? Our tiny unit should not have to pay more than the Fairmont. These changes will not have any effect on affordable housing either.
- Non-principal use - \$2,500 license is punitive. Level playing field please. Same fees for everyone.
- Why do the hotels not give up space for “homeless” workers? Level all fees to equitable amount, e.g. \$200 P.A. for all residences.
- The licence fee is way too high. Hotels and businesses do not pay anything close to that amount. You are forgetting individuals. Not right!
- How will the City “police” this?
- Too much money.



- Three bedrooms please. Also, on more occasions than on vacation, e.g. six months of the year. Vacation too short for my economic situation.
- How about a one to two percent tax on short term rental income?
- Try Seattle's more moderate approach.
- I do not need a business licence to rent a spare room to a UVic student! Why the different rules?
- Licensing fee of \$2,500 out of whack with income generated. A money grab with no known benefits.
- Fee proposals are too high. The entire Empress Hotel business licence is \$2,480. One unit is \$2,500!!
- Do you charge business a licence fee based on their income? If not, then why short term rentals?
- \$2,500 is way too high.
- Absolutely hate this fee. We bought our condo with the understanding City anted STR here. WE also use it for such.
- Why aren't licence requirements applied equally to normal rentals as well as STR's?
- Fee for non-principal use is too high.
- The cost of licence will prohibit me from occasional rental.
- Feels like a tax grab.
- No, I do not agree. This is higher than hotels pay or any licence in Victoria per unit.
- Why do hotels pay so much less? Their profits usually go overseas.
- Don't make owning a home in Victoria more expensive and more taxed.
- Non-principal use fee justifications make it a tax. City cannot levy such a tax.
- Only impose a licence if a "defined" threshold volume is exceeded.
- Guests should pay the MRDT, not punish the host. The Business licence fee is punitive and it is not a tax.
- We hope to move to Victoria and live there until we find and buy our house, but \$2,500 is bull "poo".
- Registration (licensing) is essential for monitoring and tracking these businesses. Just like any other business.
- Will that money go toward affordable housing?
- Strata letter should not be required when the bylaw permit such usage. The bylaws copied should suffice.
- Fees way too high for single, one unit operator.
- \$2,500 is punitive! Where is your data?
- As you obviously want to collect more taxes, then in fairness to all taxpayers, everyone (short/long term) should pay for a business licence.
- For current STR operators with licenses, fully compliant with municipal bylaws and paying income tax on our income, the proposed imposition of a new licence fee rate of \$2,500 a year is a massive and punishing increase of 2500%. Why do Council members believe this is fair? It appears Council believes operators should bear the entire cost of monitoring and enforcement of the new bylaws. Is this true for other types of businesses in Victoria? Do all other types of business have fees that completely cover the City's monitoring and enforcement costs? As part of a more measured implementation plan, to be fair to the many current law-abiding STR operators, will Council please consider a gradual increase in licence fees? Even doubling or tripling fees to \$200-300 in year one (2018) would be a large increase. If it is fair to grandfather in current operators, it is similarly fair to avoid a huge licensing fee increase. (I wonder how this \$2500 rate compares with municipal licence fees to operate other kinds of small businesses.) Attached docs suggest third party monitoring, temp staff and added enforcement will cost about \$500K. At \$2500 each, the first 200 licence renewals will cover that cost. So the new fee rate looks to me like a cash grab on the backs of STR operators.



## Proposed Operating Requirements

These are intended to be simple to make it easy for people to follow the rules.

### Do you agree with this approach?

- Yes – 41
- No – 15

### Why or why not?

- I agree with compliance...but what are the “simple” criteria?
- I agree; fair play.
- Having a licence is fine. It is the cost that is too much.
- Banning is heavy-handed. Provide a service, family, hospital – why not allowing just as is? What about taxpayers?
- Should be pricier to deter every third house becoming a mini-hotel.
- Proposal too restrictive/add value to the rental market by renting to students eight months a year and rent three months of the year short term.
- Have you listened to the owner/operator of STR's??
- How do those who use Airbnb as the mechanism for their STR assure the business licence number is in our listing?
- What kind of cost will there be to monitor this?
- Hard to get compliance; who will monitor?
- To provide legal, level playing field.
- Already comply with all of this, STR renters are not noisy and obey rules.
- No need to change; too much control. Taxing and taking opportunities away from homeowners is heavy handed and unfortunate.
- \$500,000 for monitoring is one third of annual compliance budget.
- This is the only change I can agree with. We already display our licence number and adhere to all laws in running our Airbnb.
- Not if our licence is higher than hotels - \$2,500 – NO.
- No argument here.
- Active, effective not complaint driven enforcement.
- Of course! Let's be compliant! That's the whole point!
- Bureaucracy is NEVER the answer. EVER

### General Feedback

- So request received today for 29 days from a family of four doing home renos is not permitted? Where do they go? Should Victoria ban renovations? What about the 15 day reno?
- With the combo of buildings like Harbour Towers now changing to residential units and chopping STR's with a 95% full hotel system this past summer...how does this work?
- This has been the most insulting “public consultation” – you are not listening to homeowners!!! It is kind of like the Treaty Process.
- The lack of affordable housing is not the fault of STR owners – stop punishing them and figure out better solutions.
- Where is the research and data that shows that these changes will convert to more available long-term housing? I use my downtown condo mid-week to avoid commute from Sooke, and I won't be giving that up (using as STR on weekends).



- With 1,000 hotel rooms converted to condos in the last four years, where are people to stay in a 5% hotel vacancy rate in 2016.
- People will not want to invest their money in Victoria anymore. Will be a loss to economy and jobs.
- Where is the data that shows STR's are responsible for rental issues in Victoria?
- Banning STR's doesn't necessarily mean they will become long term rentals. Many don't want the potential hassles.
- Stopping my STR does not improve my income.
- How does stopping short term rentals provide accommodation options?
- If you want to provide equity, let's have an avenue for business licence and pay the hotel tax.
- A long term rental has far greater impact on neighbours, particularly if they are an inconsiderate tenant.
- STR in houses where the owners live should not be affected – including suites.
- No short term rental in residential zones. Otherwise reduce my property tax to compensate.
- STR is the only way I have been able to afford my home in this market. Please do not regulate it so heavily.
- If you want more low income housing; build it. Most condo sales in town are aimed at high end. Buy land and build.
- Will be taking none of this – looking at next election – votes for your proposed STR will not get my vote.
- AirBnB does nothing to build thriving community except being in affordable places for tourist to stay with families.
- Where is your data? PS – I don't run an STR.
- You are funding housing on the backs of people who bought in areas zoned for TA.
- There are only about 300 STR's in the Legal Zone with 50% of those never going back into the housing market as the owners use them. This small amount will not affect the housing market. The 3,500 units coming in 18 months will.
- I bought my condo for my retirement and I could not afford to have bought it without renting it as an STR. I have had long term tenants wreck my place in less than a year. Short term renters treat properties with more respect.
- Really well-intentioned, but really stupid! Do you really think the renters are anything but tourists?
- How does this provide short term rental options?
- Yes, good ideas for providing more short term rental options.
- Not equitable – where do hotels contribute?
- Why is the City supporting multi-nationals at the expense of small business and your electorate?
- One bedroom suites I manage will never be in the affordable housing pool. They would rent for \$1,600 unfurnished or \$1,800 furnished!!!
- I don't agree with this as it will increase the cost of housing.
- There are few people who will rent or purchase downtown condos as they are very expensive. Your reasoning is faulty on opening up rentals.
- The unit that I rent will never be low rental housing because I live in it. The issue is it is larger than two rooms.
- This really helpful to earn additional income. I am single, self-employed, am close to retirement, no pension, very large student debt. The income will definitely keep me from poverty as I age further.
- For the City to think that investors will become social housing advocates is past silly.
- The issue is low income housing STR's do not help or solve this problem. As owners, we would have been open to a \$5 - \$10 levy on all bookings put towards building low income housing. In Seattle they did it and it worked.
- I think that you will find the cost of rentals will go up with these proposed changes.



- STR provides accommodations for our community in the time of need.
- Ban any new hotel builds...create co-op STR opportunities to decentralize and not “quarantine” tourists to hotels.
- This is fair.
- Rental vacancies are not low, there are numerous rental buildings coming on market and then we will be flooded by renters which will bring our investments in property down.
- Changes penalize homeowners, support hotel operators, impose “Big Brother approach”, and blame short term rentals for housing situation.
- Short term rentals do not have negative impact on neighbours or neighbourhoods, they bring money to the communities from the people staying at the STR.
- It would be better to focus on other priorities? It will not help housing and will hurt tourism.
- Short term vacation properties (units bought to run as a business) are the issue. Not bedrooms for rent in people’s homes – there is a difference. Units removed from the market impact this “community”.
- When I bought my condo it was for the purpose of STR in a transient zone with “Any” type of rental allowed. The City has not right to change this.
- Let’s develop advocacy and work together to develop a workable solution that doesn’t feel like punishment o the one group of STR owners. We are all promoting this city and need to work in harmony.
- Many of the affected properties were built for short term rentals and don’t provide a good solution for long term.
- The City should work with owners in the transient areas to come up with solutions that would benefit everyone.
- Short term rentals have dramatic impact on rental stock availability and prices. Victoria is 60% renter market and we have less than 1% availability! This is a problem.
- I have recently renovated my basement as a purpose AirBnB without a stove/oven and with our laundry and storage room in the suite. It is not suitable as an LTR as we have to get in.
- The STR are the most respectable people. Never any problems for the neighbours. I have in past years had long term renters and encountered many problems.
- If we ever decide to put our STR to long term, it would be a premium/executive rental. We furnished it at a premium so our units wouldn’t help the housing crisis.
- Long term rentals that are available are not affordable...short term rentals if forced back into the long term rental pool will also remain unaffordable. Hmm – need to address THAT!
- STR can take away parking in residential streets.
- Where do visitors stay (affordably) when motels are being knocked down to build luxury condos? These proposed regulations will harm Victoria’s tourism industry.
- There are 3,000 rental units coming in 2018. Why not wait to see this effect?
- Changing the rules does not promote equity with punitive licence costs. Multi-unit buildings with transient zoning are being paralyzed by high fee for licence.
- Hotels are totally unaffordable! We charge \$67/night for our AirBnB – this allow families or low-moderate income folks to visit.
- There should be an ability to be “grandfathered” in for those with existing suites. We depend on our AirBnB to keep our house.
- It is not my responsibility to provide housing for long term renters. If you want that in the city, then develop apartment buildings for people to rent.
- Get proper facts; this is not correct thinking.
- Frankly they are part of the housing affordability continuum.
- The downtown AirBnB unit we have (and other have) will NEVER be “affordable housing”! If our basic monthly costs are \$2,400, do you think we are going to rent it out as a long term person for



let's say \$900/month and subsidize it ourselves by \$1,500/month?!! Heart of downtown areas are for tourist and people with good incomes.

- Read: I can be paid off.

## Where are they currently allowed?

### Comments/Notes from the Public

- Creating long term rental opportunities should not be the responsibility of private home owners. The burden should fall on local and provincial governments. Should be allowed secondary suite in primary residence!
- Separate living areas with private entry should be allowed.
- I do not want to share my home with long term tenants (in my separate suite). I want to be able to have friends and family stay there when visiting and be able to rent short term. I need the flexibility in my primary residence.
- Ridiculous! Proposed regulations too tight.
- I agree; separate living with private eating should be allowed.
- Our STR guests – many are families – want private space and their own kitchen and laundry – not sharing room (s) in a house!
- Whole buildings are pre-existing non-conforming – why are you demanding proof from individual owners?
- Short term rental if qualifies?? This sounds to me like expropriation of private property – forcing property owners to use private holdings according to new rules.
- You cannot use licence fees as a tax – Community Charter. Empress pays \$2,485.
- So if legal, non-conforming is allowed, why punish with \$2,500 fee?!?
- The City is so obviously being swayed by the hotel industry. STR's are filling a need for families, workers, visitors, and people here for non-vacation purposes.
- Too restrictive, fines are punitive, shared kitchen – get rid. Why not “grandfather” clause all for a period of time and collect DATA.
- Should be more relaxed.
- They should be allowed with tolerance of this niche market.
- In Holland they allow STR in owner's home; either suite or bedrooms...BUT only 40% of house.
- Yet another bone-headed attempt to address a real problem. Housing a huge issue, tied to poverty; not about visitors to Victoria looking for short term accommodation!!
- Rumour is your proposals have small homeowners paying more than hotels for the licence per room; how can this be?
- Neighbourhoods need STR to bring business to local businesses.
- ABSURD – it has worked well. Get actual facts before you do anything.
- Incentivize people to adjust housing to accommodate more people without 100% feeling of loss of privacy. Guest are well-behaved if secondary suite with owner in building. Flexibility.
- We need to allow owner-occupied use of suites and cottages for STR.
- My single family home in Victoria is unaffordable without STR.
- We rent our house out and live in the suite in the house. We have had tenants long term who had the audacity to put chickens on the front lawn in a very good neighbourhood. They also wrecked the house and we could not get them out. Since then, we have rented out to STR's and have welcomed many families who respectfully look after our home. Please do not stop STR's.
- Should be as many as they like.
- STR income is higher than LTR and creates incentive to push out LTR renting families out of city.
- This would allow a condo to be rented as STR, which is a much more suitable LTR than low ceiling basement without kitchen.
- This is fair.



- AirBnB and STR are all very full. Victoria's tourism needs us.
- Most garages/cottages are NOT acceptable as long term homes.
- They often do not have kitchen facilities and we need them for our own personal use occasionally.
- STR appear to add more vehicles parked on narrow residential streets, like many in our Fairfield area. Also changes the feel of safe neighborhood when strangers are constantly coming and going. Our lots are narrow and houses are close.
- We (STR's) are filling a need that hotels do not. Families and people who otherwise could not afford to visit our beautiful city. This is not good for tourism.

## **Recent zoning changes: Short term rental is no longer a permitted use in transient accommodation zones.**

### **Comments/Notes from the Public**

There were some comments on the map on this board:

- A map you can't read; how professional!!
- Be great if you could read the detail!
- We need it legible please.
- Illegible!

### **Additional Comments/Notes from the Public**

- No far enough, legal non-conforming makes sense for the individual unit. Why the entire building?
- Too restrictive in application. Favours the hotel industry.
- Should be an application and rezoning to offer neighbours some input.
- STR brings value to locals throughout Victoria – allow everywhere.
- City consultants and City staff told you this was a blunt, ineffective tool to use. So why?
- People cannot afford in this area because properties are being rented as vacations homes.
- Would like to see criteria here for qualifications.

### **Any other comments or feedback?**

- I do not see it as my responsibility to provide accommodation for the hospitality industry.
- All short term rentals in downtown condos should be stopped to release units for long term rentals.
- Too many vacation rentals in Chinatown.
- My AirBnB guests stay in my cottage for births of grandkids, cancer treatment, meeting locals, house hunting, graduate, job interviews, and family reunions.
- Making renting our place less affordable as an STR may leave as homeless. Ironically what you are trying to fix.
- I have addressed Council; I have emailed Council and Mayor, I have shown up tonight with the exception of Charlayne, no one has bothered to really reply. Sadly, only saw one Councillor here tonight.
- No more new hotels. Turn hotels into micro-apartments and create more "co-ops" hotels made of suites owned by individuals who can chose to live in their unit or not. Downtown are too expensive and prices go "up" and that is just the way it is. Decentralizing the profits helps community.
- People will not want to invest in Victoria which will affect our economy and also jobs.
- Homeowners should be also required to pay a nightly tax to the city as the hotels are required.



- This was a short-sighted policy trying to blame the housing problems on a handful of owners. The same City Councillors promoting this policy also shut down every development proposal which strives to add more units. We need more supply! Not more rules.
- Many STR's are not primary residence and not in interest or serve long term inhabitants nearby.
- Licensing staff inconsistent and appear opposed demanding document proof even where licences already in building!
- This does not make sense. What makes you think that homeowners want permanent tenants? The City should not be making this a homeowner problem.
- Thank you for having this forum. From listening to others I can tell it is an emotional issue. Again, my concern is that my home is here and going to be a long-term rental. It is set to help me with debt issues caused by doing an advanced degree at an advanced age.
- I do not believe there has been adequate consultation with stakeholders. When asked what and how City Hall has reached out, I was informed that inadequate consultations. Would be fair feedback because I wanted to write an email and was told I had until Friday! Not only is that not an adequate timeframe, you ran out of handouts.
- STR's bring good economy to the city in all aspects and the city has thrived from this; not only downtown, but in neighbourhoods too.
- Property owners' rights to choose are being taken away – long term/short term use, furnished/unfurnished.
- Why are homeowners outside transit zone being penalized by BIG BROTHER?
- The purchase cost and small size of most downtown units make them much too expensive for families. These units would almost never be used by lower income people as they are just too expensive.
- Have had no complaints from neighbours; only positive feedback.
- My two bedroom suite will never be long term, especially with the proposed changes to lease agreements. It will go to 30 days and sit empty when not in use by visiting friends and family, and Victoria will lose the 80-100K per year that goes into the local economy.
- Need more creative approaches this is going to negatively impact small business. One approach is to allow STR during summer and for student housing September to April. This both pressures tourism and small business and provides stable housing.
- My guest spend at restaurants, sports, rental, whale watching, they buy souvenirs, clothing, groceries – all local. They will not come here if the only option is \$350/night hotels.
- Did not have the email address to send feedback to on the handout. Obviously this is too rushed for City Hall too.
- My interest is multi-faceted. Governance – not data sought to respond to city wide interests in STR. Economic benefit to community as a whole – not just downtown!
- Why doesn't the City of Victoria follow Seattle's successful STR policy?
- Why are empty hotel beds not being used to counter the "homeless" situation in the City?
- Where are the facts and details to warrant a \$2,500 business licence?
- Where are the facts to say people that stay in STR's are a danger to other residents?
- This will hurt tourism...most cities in the world offer AirBnB in homes outside of downtown.
- How can possibly dictate what use I can have in my home – don't we pay enough taxes?
- It is wrong to expect people who have invested in Victoria to take losses to solve a societal problem.
- The September 21, 2017 public hearing was a FARCE. No Councillor was actually listening to the public. Council's decision was made in advance based on no DATA, made under pressure from the hotel industry.
- Homeowners are being used as scape goats and are being made responsible for the homeless problem.
- More nuanced approach with more rights for homeowners please.



- How does this improve long term rentals? As far as I can see, the only winners are government who keep charging fees.
- Fee for principal sublet - \$200/year is way too high for tenants who stay one month (say at \$1,000).
- City Planners and City Councillors – No vision over the last several years to address the housing “crisis”.
- You need proactive enforcement. Make the software platforms accountable.
- Is there a shortage of hotels?
- Exactly who are these “homeless” people that STR’s are purportedly affecting? Can they not live in Saanich and take a bus to work?
- Tourists want the B & B experience. As an elderly person, this is the only way I can afford to stay in my house.
- Set a threshold of time rented out to require a licence.
- Provincial government is stopping fixed term – with vacate clause, so anything longer than 30 days the homeowner (for secondary suite) has no control. This along with Residential Tenancy Act allows no flexibility for homeowners with suite in primary residence.
- Why are owners/operators of STR shouldering the blame for housing shortage? Where were the City Planners five to 10 years ago?
- What are the next steps? Please put them on the website; thanks.
- The City is supporting the big hotels and not the single house homeowner who is paying plenty of property tax already.
- Totally disagree with this approach!
- Trying to stop my short term rental will NOT help the housing crisis. My rental is 240 sq. ft., no parking and is not for long term use.
- What about people who make a living cleaning STR’s? They will suffer.
- This will result in me not renting long term, but keeping property for own use. Therefore, no help to shortage issue.
- Why are the property owners in Victoria expected to be the ones to provide housing? Why are the hotels not providing housing for their staff?
- City Council blames STR for housing “crisis” and homelessness and lacks vision and fortitude to address the real housing situation.
- You need to get proper facts and speak to owners to get data.
- STR in owner occupied units should be fully allowed. People don’t STR of suites on a whim. It is a pain and it is a lot of work.
- It is your job for affordable housing; not mine.
- Many STR operators have invested heavily in businesses and properties. The onerous \$2,500 fees proposed for some types of STR’s will bankrupt them.
- Layabouts is another name for the supposed “homeless”.
- There should be more protections for landlords to encourage long term tenancies.
- STR is one of the only ways that a lot of people can get into the housing market in Victoria. Don’t make ownership even harder!
- We are a local, small STR agency concerned about our future because of imposed bylaw changes. We require all of our properties to obtain a business licence, are located in a zoned transient areas, and abide by strata bylaws; but yet we are being punished with imposed fines of “proposed” \$2,500K!!
- I feel you have gone about this very wrong. I tried to do the right thing by purchasing in transient zone. If you need to licence the units, do it at a reasonable cost. You are simply trying to shut us down. We are not the cause of the housing shortage.
- Income made by STR staying in our community.



- There are no hotels in the hospital neighbourhood, cancer clinic, hospital, etc. Furnished rentals with flexible stays are needed.
- How will fees be collected? How will bylaw be enforced?
- We constantly monitor our condo building for AirBnB rental to stop them. We are not zoned transient.
- Where was that “Chicken S\*\*\*#& Ben Issite tonight? Afraid to face us who are “realists”?
- We will never use our STR for long term rentals. The BC Landlord Tenancy Act is too prohibitive and past experiences with long term renters have been AWFUL.
- Secondary suites in primary residence should be able to be licensed for STR.
- City Council bowed to pressure from hotel industry/Tourism Victoria. Has not demographics on who uses STR. Lacks data to support decision.
- Why is it the homeowner’s responsibility to provide rental accommodation for homeless individuals or “fix” the low vacancy rate?
- We will lose a significant amount of tourism income.
- Why did Council not enforce the non-compliant STVR and implement business licences for all instead of the “mass” enforcement and Bylaw change – not fair to us that ABIDE BY ALL THE RULES!
- The homeless issue is not a result of vacation rentals.
- What type of city do you want to live in? One that is run to represent tourists? Or one that is a rich community that looks out for the people who live here? I support the move to structure short term vacation rentals.
- City of Victoria, show me the proof that STR is the reason for the affordable housing crisis.
- If you are coming to have a family reunion and want all your family together in one house, what do you do – rent six room at a hotel? Come now!!!
- STR is used by family members coming for birth of baby, people going for hospital treatment. They need private space in cottage/suite.
- HST does not apply to income less than \$30K and the PST is not applicable on rentals. Generally more tax is collected as personal income. Hotel tax is not applicable as STR are not hotels.
- I understand that locals need housing but I only own one property (principal) and like the option of renting it out for a few weeks a year while I am on vacation. Victoria is expensive and this supplement of money would be enormous to my quality of life.
- Low income people would not afford my unit. This change would not help.
- Why not call Victoria what it is; a tax haven for residential properties as INVESTMENTS AND HOTELS.
- It is not our responsibility to fix the homeless problem or affordable housing.
- Why are the property owners expected to solve the housing shortage? Where are our tax dollars going and why is this our responsibility? If we own an STR unit.
- Greed drives downtown property purchases as revenue streams and DOES affect homelessness.
- Why 30 days? What about one week minimum?
- All levels of government should stay out of private homes. You have no right to tell me what I can do/not do in my home. Your tax system is inefficient – sort out your homeless issues - not by trying to force homeowners to fill in the gap. Force business to change to accept consumer demands.
- The changes will force the business underground.
- This has been the most frustrating “public consultation”. You are not listening and responding to nuanced needs of our community. It is just like oil companies “consulting” with First Nations.
- So short-sighted. We stay in AirBnB’s all over the world from Victoria to Buenos Aires. It is an amazing experience and people love it; it is so incredibly popular. Why discontinue it?
- Not private homes responsibility to provide housing.
- Why is it the responsibility of property owners to solve the City’s housing crisis?



- Interfering with my right to make a living and to exist – I don't have to become dependent on the system for financial assistance.
- Possible reasonable thoughts to consider: limit foreign ownership of units and STR's, tax and regulate STR's anywhere in the city, limit STR's in any one building, require neighbor consent, and don't blame STR's for rental shortages.
- If the proposed changes are passed, I would qualify for a STR in my one guest bedroom of my home. I would apply for a business licence. I have to ask though – that the form for this be tailored to this particular form of STR please.
- When setting amounts know that some website include refundable deposits as income to inflate fees; others do not. What some say is revenue is not accurate.
- AirBnB should apply to suites and not just a bedroom.
- This open house and dialogue should have happened year(s) ago. Perfectly timed with the upcoming election!
- Charge a \$10 a night booking fee and make money to build affordable housing.
- We rent the suite in the house we live in – part of the year. Hospital patients, visiting students other parts of the year. Provide a service.
- How can you outright ban. Not licence. We will leave our suite empty before we would rent out unfurnished.
- Why is it my responsibility to house hotel workers? Let the hotel house them!
- Can the City please provide some valid data to support these changes? NO HEARSAY.
- Has anyone thought about taking some of the ever-increasing empty retail space and turning it into housing? These are parts of Victoria that look like ghost towns with many empty store fronts, mall space, etc. Also, lots of empty space above retail downtown.
- This seems to help hotel and big business by taxing the small business – home operated business – SHAME on Council.
- What benefit will people looking for housing get from any fees collected?
- Most STR's area providing a little bit of extra income to keep us in our homes. The property taxes alone with sewer and water levies and street cleaning levies are all adding up to make it harder for us. Soon we are going to have to pay more for the bridge (that may never get completed) and the new sewage treatment scheme – we are being forced out of the city we love by these costs.
- The City could do a lot if they work with us instead of shutting us out.
- Short term rentals should be allowed in duplexes and triplexes.
- STR is just a small hotel or B&B. Should be more effort to create longer term rentals that are not 70% of your wage.
- The City required me to make many expensive change to my home and to bring up to today's codes. My suites will not become affordable housing once on the market. AirBnB has helped me and provides me insurance against bad tenants. A bad tenant would bankrupt me. Duplexes and triplexes should be allowed.
- Many STR's in non-transient zoning would love to have this industry properly regulated. Otherwise it will just go underground and become a risky, bad industry. We want fair regulation.
- Council choosing multi-national corporations over its own local citizens – thanks Victoria.
- Suites in homes where owners live should be able to be licenced.
- Some business people on Council would be good for the city.
- 200 legal transit vacation rentals in Victoria.
- So people who have invested their dollars to buy property will bear responsibility for Victoria's massive housing/poverty problem; wildly simplistic and WRONG.
- Maybe 1201 Fort St. development should be affordable rentals (over 95 suites) instead of luxury unaffordable condos rather than putting the burden on homeowners with suites.
- Why do this? It is not broken; it will not increase rentals; it will negatively affect tourism.
- Fine the illegal operators \$2,500 to fund the enforcement.



- Some of the Council must have interest in the transient zone; if they own condos there.

### Why are you here today

I am a short term rental host. My rental is			I am considering becoming a host	I am employed in the short-term rental industry	Other
In my home: 30	Not in my home: 36	Other: 2	7	22	2







**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 11:20 AM  
**To:** Legislative Services email  
**Cc:** Lisa Helps (Mayor)  
**Subject:** Airbnb / Home Sharing

City of Victoria,

Airbnb and home sharing is a detriment to the hotel industry in Victoria.

As a former personal information Harbour Towers Hotel & Suites, I know first-hand the impact that these unregulated businesses have had on our city.

Throughout 2016 — a year of booming numbers in Victoria's tourism industry — hotels saw a decline in occupancy rates (2-3% year over year), despite increases in visitor numbers. Airbnb is the platform that swallowed this growth.

Not only did private businesses suffer (including Harbour Towers, whose owners ultimately saw more return in a conversion to an apartment building amidst these record-breaking numbers), but the city and province suffers. Evading GST, PST and accommodation taxes, these unregulated home sharing businesses get an unfair advantage against traditional accommodation services, and governments miss opportunities to generate spend-based revenue.

I urge the city to immediately take action to regulate and tax home sharing businesses, before their share of the accommodation market becomes detrimental to the tourism industry.

Sincerely,

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 4:46 PM  
**To:** Legislative Services email  
**Subject:** Airbnb

To whom it may concern,

I am a 74 year old widow and have some spare room in my house. My husband passed away year 2000 and we had just been given the down payment from our son to invest in a home. We moved in 21 Aug 2000 and my husband past away  
personal information I was left with a mortgage and bills. I have had foreign students and worked as a Insurance broker, still in that field. I have no pension other than a small CPP and OAS.

I would hopefully be able to retire in a few years with a supplemental income from my Airbnb.

Airbnb provides a great service and I have had wonderful guests that have been been able to stay here for \$74/night this season and a bit more in the summer, compared to the hotel rates \$125 - \$500/night.

Respectfully

personal information

Sent from my iPad



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 3:13 PM  
**To:** Legislative Services email  
**Subject:** AirBnB Feed back from a single parent

Hi, I received an email in regards to feedback about AirBnb. I am a long term employed single parent who owns my own home. Yet I have struggled severely for years to keep mine and my sons head above water, We have lived on the personal information and have done our best to grasp at straws to not have to go there. To the point of personal information

My personal information and with all he has learned through this super awesome group he has set his personal information, now keep in mind we cannot afford food, his body has trained itself to not need lunches, he eats breakfast and dinner only. Yes his school has contacted me to say hey personal information

Only this year we have discovered AirBnB and just as I am thinking holy crap finally here's a ticket out of poverty, if I can just get my head above water this year I can then put the income towards the personal information he will need. But then just as quickly as I see a way out the rug appears to be getting pulled out and I feel as though someone want to stand on my head to ensure I sink.

So I am not sure it will help but that's my feedback on AirBnB. Obviously I would like it to stay, I do understand putting restrictions on people who have multiples and don't reside in them but for families grasping to stay afloat and finally feeling a weight being lifted making them suffer seem cruel.

Thank you for your consideration,

personal information



Virus-free. [www.avast.com](http://www.avast.com)



**Rob Gordon**

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**From:** personal information  
**Sent:** Friday, Nov 3, 2017 8:53 PM  
**To:** Legislative Services email  
**Subject:** Airbnb

Any crack down on full unit STRs should come with a BAN on building new hotels. We need more affordable housing built, more micro-aps/"adult dorms".

Lets decentralize the profits and keep them in this city with "co-op hotel"/airbnb friendly buildings. I've heard a lot of personal stories and there are some very good reasons people have turned to STR.

Because of my own building's fearmongering about safety re people staying WITH me renting out the spare room when we are not using it... I've been trying to find a roommate instead but no one wants to pay the price of a room at one of these expensive downtown condos!! I might be forced to move.

I know you can't change condo by-laws, but you can certainly set a tone... as you have already differentiating between whole unit STR and renting out a room in primary residences. But to meet demands of tourists and house them all I would suggest you strongly encourage Strata to relax on STR, just deal with repeat offenders-case by case, and they can sign up with Airbnb's new service which give everyone access to guest lists, and whole-building insurance, since they are worried about such things! [or any similar service who wants to offer that peace of mind]



**Rob Gordon**

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**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 1:07 PM  
**To:** Legislative Services email  
**Cc:** personal information  
**Subject:** Arbnb

Hello,

I am a longtime user of Arbnb worldwide and also know of friends who run Arbnbs. My rich experience using a Arbnb was much richer because I was able to integrate into the community, experienced local shops and businesses. But mostly I now can afford to travel and stay at these places because I am not paying for corporate accommodations.

This is list of many positives that Arbnbs bring to our community and I hope that my voice is heard in saying that if you apply restrictions to current Arbnbs you will suffocate the culture and local business Arbnb brings along with it.

1. Vistors around the world coming in local communities.
2. Investing in LOCAL communities rather than the corporate rich centre
3. Bringing in cultural diversity to local communities
4. Retired people being able to afford their homes because I can create income
5. For those people who have illegal suites that the city does not allow renters, this is a way for homeowners to afford their homes
6. Investing in LOCAL interactions rather than just the reguar tourist traps
7. It's LOCAL communities that are profiting rather than corporations
8. LOCALS are recommending their local businesses to go to rather that corporate businesses
9. This brings in more diversity, cultural experience and will attract more vistors to our beautiful city
10. A

Kind Regards,

H



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 12:21 PM  
**To:** Legislative Services email  
**Subject:** Argument in Favor of Condoshare @ Airbnb

I understand that some changes are being made for AirBnB in Victoria. As the host of a Condoshare (I live there and rent my spare room) I must say that Airbnb has massively improved my mental health and financial stability. It has permitted me to develop my career, improved my Social and <sup>personal information</sup> by freeing up time, and introduced me to contacts around the world.

The homeshare I believe is the original ideal of airbnb and restricting homeshares is short sighted. I understand how the system is being abused by large entities, please go after them. Not the individual who deserves the liberty to host travelers and make friends.

Sincerely  
personal information

Sent from my Huawei Mobile



**Rob Gordon**

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**From:** Bonnie Hardy <strollers@shaw.ca>  
**Sent:** Wednesday, Nov 1, 2017 12:04 PM  
**To:** Legislative Services email  
**Subject:** City of Victoria Airbnb

TO City of Victoria, 1 Centennial Square, Victoria BC

In 1997 after **personal information** Government Street with

3 bed and breakfast rooms. I Registered the Name: **A Downtown Strollers** with the city and was one of the First to Advertise on the web with Internet Vacations. Home Computers were just becoming popular and folks from around the world began flooding to Bed and Breakfasts in Victoria BC. Because of our location (3 blocks south of the Empress Hotel) we referred guests to many other Bed and Breakfasts until they too joined the web. Victoria, BC Canada became the Canadian version of British Bed and Breakfast stays. Most B&B couples were 40 to 70 years of age.

In December of 2005, Tragedy struck when my first **personal information** .) We had tried to petition a ban on the MU2 in Canada.)

The following years After **personal information** I no longer advertised my B&B, but I kept my license because over the years my 3 Alberta guests had become Friends and they continued to book with A Downtown Strollers whenever travelling to Victoria.

Last Year, the deck off my kitchen had rotted, & had to be replaced. Having no income other than my **personal information** I registered with Airbnb to earn the \$4,500 cost to replace that deck. My **personal information** first guests arrived Easter week April 17<sup>th</sup> and the last guests departed August 27<sup>th</sup>. I had earned sufficient funds to have my deck rebuilt.

If not for Airbnb I would have a Locked door off my 2<sup>nd</sup> story kitchen with no deck.

While doing Bed and Breakfast my Annual Website fee was \$1,200. Airbnb does the Advertising and deducts a portion for their advertising expenses per client. Without Airbnb's assistance I would still have a second story door going nowhere.

In past years Victoria Hotels have complained about Bed and Breakfasts. But I feel Victoria has that Old World Charm **Because of Bed and Breakfasts!** In **personal information**

~ Home Stays were prevalent in Britain, France and Spain then. If Victoria hotels are not competitive in Booking Guests allow them to transition to apartment Blocks.

I believe there is room for all ranges of accommodation ~ airbnb is a blessing allowing the younger generation to travel to Victoria too.

Sincerely Bonnie Hardy Business Licence #9636



**Rob Gordon**

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**From:** Alex Dagg <alex.dagg@airbnb.com>  
**Sent:** Thursday, Nov 2, 2017 1:38 PM  
**To:** Chris Coates; Lindsay Milburn; Shannon Jamison; Jonathan Tinney; Legislative Services email  
**Cc:** Patricia  
**Subject:** Committee of the Whole Report - Response from Airbnb

Good afternoon,

We are writing in response to the proposed short-term rental regulatory framework that Victoria City Council received on September 21, 2017.

Airbnb is pleased to see that Victoria is moving toward regulating home sharing and that the framework will legalize short-term rentals in all residential areas. We have reviewed the regulatory framework to change the *Zoning Regulation Bylaw* and we look forward to ongoing participation in this policy process and to continuing to share data and information about our community with city staff and council.

Airbnb is proud to represent a diverse community of hosts and guests who collectively make up our home sharing community. Airbnb connects people to unique travel experiences, in more than 65,000 cities and 191 countries.

Keeping our community safe, both online and offline, is one of the most important things we do. There have been more than 200 million guest arrivals in Airbnb listings to date, and negative incidents are extremely rare.

Even so, we're constantly working to improve our platform, our policies, and our protections, because even one incident is one too many. In fact, our Trust and Safety department has offices spanning the globe in San Francisco, Portland, Dublin, and Singapore. Our team is made up of engineers, 24/7 response agents, data scientists, product managers, designers, law-enforcement liaisons, crisis managers, and victim-advocacy specialists, in addition to policy, privacy, cybersecurity, insurance, and fraud experts—all working together to keep our community safe.

Hosting on Airbnb in Victoria helps everyday people afford to stay in their homes. As of September 1, 2017, the typical Victoria host shared space in their home for 56 nights per year and earned an annual income of \$9,400 on the platform, or about \$780/month. In the past 12 months, there have been 78,500 guest arrivals to Victoria on our platform, with an average length of stay of 3 days. The top five origin cities for Airbnb guests visiting Victoria are the neighbouring cities of Vancouver, Seattle, Calgary, and Victoria and Toronto.

Airbnb is transforming travel by allowing people to experience cities like a local, visit family members who may live in Victoria, and support neighbourhood businesses that would never see tourists otherwise. The Airbnb host community also supplements the available hotel stock during peak travel seasons and generate additional tourism revenue. This is particularly important in Victoria, since [tourists face a tight market for hotel rooms](#) (Times Colonist, January 2017). Paul Nurse, the chief executive of Tourism Victoria, noted earlier this year that the hotel occupancy rate was affected by reduced hotel room supply and the room rate was affected by inflation, contributing to a record year for tourism to Victoria ([Times Colonist, February 2017](#)).

At this time, we are somewhat discouraged by the Victoria council's indicated approach. There is a perceived inequity in that the new business license for primary-residence STR hosts is two times that of a traditional



business license in Victoria (\$200 versus \$100). With respect to business licenses, we support a simple, online process with a modest fee, that is commensurate with the typically casual nature of home sharing.

We are also concerned about the effects of excluding secondary suites from the framework. Families are diverse and change over time, as do their needs for the extra space in their homes, including secondary suites. We have hosts who use secondary suites to rent to university students only during semester months. We also have hosts who keep basement suites for the use of aging parents and adult children when they visit. As currently proposed, the bylaw would unfairly restrict the rights of Victoria residents based on a mistaken assumption these units would go into the permanent long-term rental market.

A positive component of this proposal is the ability of both renters and owners to home share. It is important that renters are able to participate in home sharing, so that they too have the ability to earn meaningful, supplemental income needed to pay the bills and afford to keep living in Victoria. However, the bylaw currently places additional burdens on renters to obtain a letter of permission, and unnecessarily inserts the city between tenants and landlords. In an intensely competitive rental market, the current draft will only chill the ability of renters to home share and place them at a further disadvantage compared to Victoria residents who own their homes.

We ask the City of Victoria to continue working collaboratively with platforms like Airbnb to design a more appropriate and straightforward regulatory system. We want to work with you to ensure the rules are fair and easy to comply with for all Victoria residents.

Sincerely,

--



Alex Dagg  
Public Policy  
Canada

[\(416\) 573-8193](tel:4165738193)

[#WeAccept](https://twitter.com/WeAccept)



**Rob Gordon**

**From:** City Life Suites <stay.citylifesuites@gmail.com>  
**Sent:** Thursday, Nov 2, 2017 4:05 PM  
**To:** Legislative Services email  
**Subject:** Direct Opposition to Proposed Changes / Short Term Rentals Victoria

To whom it may concern,

**We are writing this letter today to express our direct opposition to the proposed changes for short term rentals in Victoria. We strongly urge council not to proceed with the proposed new business regulations.**

Our background is as follows; we own a small local family owned short term rental agency in Victoria. We purchased this 11 year old existing business in February 2015, and relocated to Victoria from southern Saskatchewan. This agency is our only source of income. We work tirelessly to maintain a reputable agency and with the proposed new business regulations regarding short term rentals in Victoria, if passed, will have detrimental effects for our business.

We are a hands on agency and currently manage 15 properties in downtown Victoria. All of our properties are located in transient zoned buildings, all of our owners are required to purchase City of Victoria business licences annually, and we abide by the rental bylaws of our strata lots. According to documents presented on the City's website, we have legal non-conforming status with all of our properties. However, even though we have done everything required, we are extremely concerned that if council proceeds with the proposed rate fee increase of \$2500.00, our owners will sell, and we will be left with no business at all. You may think this is an exaggeration, but believe me, it is not. We feel councillors have put our business future in jeopardy. As small business owners, we work very hard to maintain a good reputation, a strong customer base, and a trustworthy environment. Mayor and councillors, you are putting our future at risk. In addition, we collect MRDT, PST & GST on all short term rental reservations and remit quarterly.

We wonder why council did not consider enforcing the non-compliant short term operators who a.) were operating in non-transient zoned areas of the city and b.) were operating without a licence? This approach would have been an acceptable starting point to cleanse the short term rental market, instead of "bringing down the hammer" on all short term rentals, lumping us into one large group even though we operate very differently.

We also wonder how the city enforced short term rental owners / operators to purchase business licences. After many conversations at the "open house" October 30th, we determined most were operating without business licenses. What enforcement was used to implement operators to purchase business licences? It does not seem like a very difficult task. All listings are available to the public on vacation rental platforms, contacting hosts is easy. Why was this not implemented before extreme action was taken? Or does council want to eliminate short term rentals completely?

Lastly, the city claims to be making these changes to short term rentals because of the concern for availability of housing for residents of Victoria. Would it not make more sense to enforce the short term rentals in **non** transient zoned areas of Victoria, introducing large sectors of availability for residential housing. In addition, enforce those owners who are currently operating short term rentals in transient zoned buildings/areas, to acquire a 2017 business licence by the end of this year. If owners do not comply at that time, they may then face a penalty. Council's proposal is penalizing all short term vacation rentals owners, even those who comply to all requirements (licence, transient zoned, strata bylaws). Lack of affordable housing is a very complex problem in most cities across the country. In our opinion, council's approach on proposing the new regulations will not solve this problem.

We hope mayor and councillors hear our appeal. Do not proceed with the proposed new business regulations. Do not implement the \$2500.00 licensing fee.

Sincerely,  
 Rod Carroll and Melissa Frank



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 City Life Suites Ltd.  
 Self-Catering Vacation Rentals in Downtown Victoria BC  
[Trip Advisor/FlipKey's Top Vacation Rental Victoria, BC 2011, 2012, 2013, 2014, 2015](http://www.citylifesuites.com)  
<http://www.citylifesuites.com>



<http://www.citylifesuites.co.uk/>

E-mail [stay@citylifesuites.com](mailto:stay@citylifesuites.com)

Phone 250-360-0774 Pacific Time

[Follow Us On FaceBook](#)



**Rob Gordon**

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**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 7:00 PM  
**To:** Legislative Services email; Lisa Helps (Mayor); Community Planning email inquiries; Victoria Mayor and Council; Business Licence; Public Hearings; Ben Isitt (Councillor)  
**Subject:** feedback regarding their proposed regulations on short-term rentals.  
**Attachments:** Marcia Freeman letter to city.docx

I am writing with feedback for the city's proposed regulations on short term rentals. Here are some of the points I would like to make:

Short term rentals are an affordable option for visitors to stay in the city of Victoria. I have had over 100 guests stay at my STR this year for an average stay of 3 nights, these people prefer to stay in a place they can call their own whilst they stay in the city. Some who needed to stay longer even checked out of hotels as they prefer being in a unit since it is more friendly and is more like being at home.

These people spend their money in the communities and visit the tourist attractions.

I bought my condo as an investment for what I call will be my old age home. I do not have a pension and the condo is too small for me to currently live in. I have experienced long term renters who have been much more of a problem, they have wrecked brand new carpets and painted walls and even broken an oven which wasn't very old. It had to be replaced. Because of this I switched to STR and visitors treat the place with respect and abide by the house rules they are given.

I have a business license which cost \$115.00 Jan 2017, to increase the cost of a new license to a rate of \$2500.00 would be absurd. STR's are small businesses (1 small unit) and we should not be penalized or have to pay a license fee at an



increase of 2200% . We bought units which were allowed transient rentals and we should not be punished.

STRs are worldwide and nowadays people expect to be able to stay at them whenever and wherever they go. People visiting Victoria will expect to be able to choose to stay at an STR or a hotel or hostel, people like choices and do not want to be told they can't choose what they would like to do.

I would like to travel in my own country more often, I would like to visit Vancouver more often but the affordability of staying in a hotel in Vancouver makes it unaffordable.... it is cheaper to go to the USA for a weekend than it is to go to Vancouver, that is sad as I want to support my country not the USA. If STR's were more available I would be able to go to Vancouver more frequently rather than maybe once a year.

With the new buildings that are going up in the city that are for rentals only <https://victoria.citifed.ca/rentals/>

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Victoria, BC New-Build Rental Listings | Citified Victoria ...

victoria.citifed.ca

Citified Victoria's rentals list is the only comprehensive database of new-build rental apartments and townhomes throughout metropolitan Victoria, Canada.

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These will provide a total of 644 units in the downtown core alone. There is no lack of places to rent in the city for long term renters.

If STR's are prevented or made hard to conduct legally then people will not invest in the numerous buildings currently being constructed in the city. This will cause job loss and will eventually lead to recession. Victoria is a booming city lets keep it that way.



The STR industry has created many jobs – this has also brought money to the city of Victoria and people have more money to spend here in the communities.

I ask the city to gather Data, do a study over the next 2 years to gather your facts. Read the stories from people who use STRs to stay in.

Please do not rush into making decisions about this industry when it is so apparent that the city does not have facts and when they have the facts they will then see what a benefit they are to our great city!

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 5:53 PM  
**To:** Legislative Services email  
**Subject:** Input on Home Sharing Legislation

Dear Sir/Madam -

My husband and I have been Airbnb hosts in the Langford area for the past four years.

It has been both an incredibly interesting and a financially helpful experience.

We have met and hosted people from many parts of the world - visiting as tourists - and we have also hosted guests who are visiting family in the area (e.g. at holiday times).

Royal Roads students often stay here during their residency periods.

Our suite is a part of our home - on the ground level and is self-contained. It was professionally renovated and is bright and clean and well-equipped.

While it is all of these things, I suspect it would be too small for anyone to rent long term.

We are also reluctant to rent long term as we want to have the flexibility to use our suite for our own visiting family and friends.

Having an Airbnb suite allows us to do that (as we simply block off the dates we need for ourselves).

The income (\$12-15,000 annually) allows us to cover most of the maintenance costs for our home.

We pay federal and provincial taxes on that income and would not object to paying for a business license, if the City of Langford required us to do so.

Home sharing has been a wonderful way to connect with people from other parts of our country and the world. We've had a chance to share a bit about our culture, and as well to learn about our guests' home countries. (Some times we have lots of contact - other times very minimal). It can make the world feel a little friendlier, frankly. And, the income allows us to stay in our own home, as we move into retirement.

Thank you for taking the time to read these comments.

personal information

Victoria, BC  
personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 11:31 AM  
**To:** Legislative Services email  
**Subject:** Letter regarding Short Term Rentals  
**Attachments:** City\_of\_Victoria\_letter\_in\_pdf.pdf

Good morning,

I am responding to the call for letters regarding our opinion regarding the City of Victoria's upcoming meeting Nov 18th regarding Short Term Rentals. Please find our letter attached. Thank you.

Paige

personal information



November 1, 2017

Legislative Services Department  
c/o City of Victoria

To whom it may concern:

We have been looking to purchase a condo in Victoria for the last 3 months. We are aware of the challenges Victoria faces surrounding Short Term Rental's and have been to the City recently to clarify what our position would be when we find the right unit to purchase. We currently live full time in Kelowna, BC and our city too has struggles with STR's, high rents, and low vacancy rates. In fact many larger cities have their own set of circumstances with the common problem of lack of affordable long term housing.

Our goal, as we near full retirement, is to be able to subsidize our mortgage with short term rentals when we are not staying in Victoria. Our numbers show that we would be renting it out approximately 60-70% of the time with the balance as personal use with the rentals declining over the years as we prepare for full retirement. Your goal of providing long term rentals would not be met with us as we would not rent our condo out at all if STR's were not allowed.

To make STR's onerous or prohibited is unfair on various levels.

- The proposed \$2,500 /year business license fee is extreme. For us it would trigger a situation where we wouldn't rent it at all.
- To disallow them altogether would again trigger a "no rent" policy for us
- To allow them only in single family homes would take away the opportunity for us as investors to purchase in Victoria and be able to enjoy our property when we choose.
- To charge STR's property tax at a 100% Commercial Rate is unfair. We agree that STR's should contribute to the City's coffers on the marketing done to attract tourism dollars. However there needs to be a sliding scale of some sort so that those that use them personally, as many do, are not lumped in with those that rent them out full time.

Not having STR's also will take away visitor dollars as many folks won't be able to afford to visit as the hotel rates in downtown Victoria are extremely high. In our exploring of Victoria as a potential investment recently, we stayed at both a hotel and an Airbnb. The Airbnb was half the hotel cost and absolutely comparable. Both experiences were excellent.

We live in a democratic society where everyone has opportunity. Home sharing or STR's is important to us to allow us to purchase a second home in Victoria, to

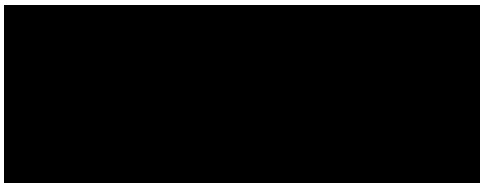


provide affordable and alternate accommodation to visitors who are budget conscious, and to help bring in more visitors to Victoria.

To disallow STR's to investors who have worked hard and invested carefully all their lives in order to retire and enjoy life as they see fit seems very backward indeed. We own rental properties in Kelowna and have seen many different types of tenants over the years. On many occasions, we have subsidized our tenants when we felt they were in difficult situations and needed a hand up thereby giving back to our community. We don't believe that we should have to subsidize people just for the sake of it. If the rent is too high or there are too few rentals available in the downtown core, then folks will have to look elsewhere, just like we did.

Many cities have had issues surrounding STR's and many have come up with great solutions. We ask that the City of Victoria hear what a growing number of people are saying and find a solution that works for everyone, not just the few.

Sincerely,





**Rob Gordon**

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**From:** personal information  
**Sent:** Friday, Nov 3, 2017 12:18 PM  
**To:** MAH.Minister@gov.bc.ca; SDPR.Minister@gov.bc.ca; TAC.Minister@gov.bc.ca; FIN.Minister@gov.bc.ca; Premier@gov.bc.ca; MCF.Minister@gov.bc.ca  
**Cc:** AG.Minister@gov.bc.ca; MCF.Minister@gov.bc.ca; CC.Minister@gov.bc.ca; Victoria Mayor and Council; EDUC.Minister@gov.bc.ca; CITZ.Minister@gov.bc.ca; carole.james.mla@leg.bc.ca; Marianne Alto (Councillor); Legislative Services email  
**Subject:** Fixed leases and good landlording

Dear Premier Horgan and Ministers:

I have included you in this communication because I believe that while some have a direct relationship to the issue at hand, there are likely unrealized connection to your portfolios arising from a more nuanced appreciation of the matter exemplified in the landlord-tenant communication that is forwarded below.

Kindly do me the courtesy of reading through as I hope it may inform a broader understanding of the interdependencies among issues currently seen and addressed as separate matters. And, I hope you will support my request for an alternative means to achieve the stated goal of ending fixed term lease abuses in a way that does not worsen certain situations.

Disclaimer: I am the landlord in this communication. I have redacted all identifying information of my tenant to respect privacy. Kindly respect that as well.

My personal situation is that I am a “small owner” who must hang onto property for my fast approaching old age. It will be my pension if and when I can pay down mortgages sufficiently. At the moment, though revenue is taxed as if in hand, in fact revenue goes to operations and the mortgage and my partner (past retirement age) and I struggle to earn money to pay tax so as to retain the property for the future. I use 2 short term rentals to offset rising costs so that long term tenants do not experience an annual rent increase (none in 2-5 years for two seniors on fixed incomes and three young families-a total of 13 people, babes to octogenarians).

Re fixed term leases: we use these religiously and do not raise rents annually or above the government set rate in a given year.

The fixed term lease provides an incentive to tenants who might otherwise make life uncomfortable for their in-building and next door neighbours (as has happened). In such as case, uncomfortable co-existence carries on forever, or an unpleasant and protracted eviction process must be pursued.

A fixed lease scenario permits mutual agreement three months before lease end (in our practice) and a new lease at the same rent or, when we must, as the government set rate for the year. By its very nature, it provides a natural coming together of landlord and tenant with opportunity to learn if anything needs attention, something many tenants are reluctant to do independently.

**Government does not have to end fixed leasing to achieve the goal of fair treatment of tenants.**

Our practice protects both tenants and landlords. A simple and effective alternative to ending fixed term leases would be to:



**Establish in law that if the current tenant is offered a new consecutive lease, any increase in rent must be identical to that government sets for month-to-month leases.**

Please focus on the outcome (a stop to abuses of the fixed lease) and implement the alternative approach described above.

I would be pleased to answer any questions that may arise or to discuss these matters if that would be helpful. Thanks for your attention to a constituent landlord who voted for your government. Please don't let me down.

Sincerely,

personal information

Begin forwarded message:

**From:** <redacted>

**Subject:** Re: Short term rentals

**Date:** November 3, 2017 at 8:17:23 AM PDT

**To:** personal information

Thanks John, I value all of your comments indeed.

<redacted>

On Nov 3, 2017 8:10 AM, personal information wrote:

Hi <redacted>

Quick note to acknowledge you[r] message to Council. Thx.

Pls. do know that when rents increase, we always do so using the amount government sets for month to month rentals. Our use of the fixed lease has been consistent because some tenants need that incentive to respect the tenant community they are part of. It is the only mechanism a landlord has other than an eviction process that is so hurtful to all. Unfortunately, the fixed term lease is going to disappear and then if a tenant causes difficulty for you or others, there will be little we can do about it.

It is true that it's a problem for us in that we fall behind every year, but we also truly value our little community and do everything we can to keep you and others with us.

Thanks again for supporting the STR concept. Easily 65% of our STR tenants have been Islanders and people on medical treatment at RJH, or families (from 7-8 countries) placing kids at school, university or for language study, pros and others on short term academic or work projects. Hotels cannot meet their needs without hardship. The remainder are people who, like us, specifically go to places where living like a local is an alternative to a hotel in a tourist zone. They shop locally supporting neighbourhood small businesses and would be lost to Victoria without STR.

I am arguing that Council actually study the issue and learn about the economic benefits and social well being that STR contributes—all while allowing us to support our long term tenants and provide accommodation for family that, previously, we could not welcome for gatherings (we don't have the necessary guest space).



Public policy should be made on a foundation of knowledge, not the kind of stuff the hotel industry has been saying, so we really appreciate your support.

Kind regards,  
personal information

On <redacted> wrote:

Honourable Mayor and Council Members:

With respect to the ongoing challenge of housing and rental shortages in Victoria, I am writing on behalf of both my landlords and myself. I am a Senior with fixed pension income. I live in the Oaklands community as a long term renter, in a suite with a fixed term Rental Agreement. While I wouldn't say my rent is cheap, it is doable, but only if it doesn't increase. To date, my landlords have not raised my rent in three years, because income from their short term rentals has been such, that it wasn't deemed necessary. On the other hand, I am an ideal, responsible tenant who is quiet, timely with rent, aware of increasing costs, so I keep utilities at a conservative use, and maintain my suite as if it were my own home, giving added value back to my landlords. So I speak for both - for my landlords, that they may continue to maintain their short term rentals. And for myself, I am appealing to City government to do away with fixed term rental contracts. I live in constant concern, knowing that when my current rental Agreement is up, my rent could be raised to any amount my landlord desires, which could exceed the current allowable percentage increase on regular Rental Agreements. If mine were raised more than the allowable amount, I would need to move out of Victoria, to seek affordable housing elsewhere. This would cause unlimited stress, not only due to personal information my doctor, community events involvement and much more. With respect to all parties, it is my earnest hope that mutually beneficial solutions can be reached for the peace of mind of all who are affected. Thank you.

<redacted>



**Rob Gordon**

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**From:** personal information  
**Sent:** Friday, Nov 3, 2017 9:50 AM  
**To:** Legislative Services email  
**Subject:** Hello to the City of Victoria,.pdf  
**Attachments:** Hello to the City of Victoria,.pdf

All the best, personal information  
Cell:



# Hello to the City of Victoria,

I understand you have made the decision to change zoning and the rules on Short Term Rentals in the City of Victoria.

As a business owner and resident I am uncertain of the true reasons for this. I do understand that you are having a housing issue but have other solutions been looked at as well? This issue of the housing appears to be more complex than just the Short Term Rentals.

The Short Term Rental market appears to bring upwards of over \$50 million dollars of tourism to the City of Victoria each year. The hotels are sometimes fully booked, or have an occupancy rate of over 90%. Tourists are looking for other means due to this. As well tourists often are looking for accommodations where they may have some additional room, a kitchen to cook or have the option to eat out. Additionally some tourists are not able to afford the costs for booking with hotels and are looking for more affordable accommodations. I wonder if the Short Term Rental market was taken completely away from the City of Victoria what the impact would be on tourism and then the after affects of where they spend their monies. Are you able to show to me a longitudinal study outlining the affects of this? Have you analyzed the data on this?



Many cities, one in particular, Toronto, welcomes the Short Term Rental market to its community.

With respect to being a home owner, we should be able to make our own choices on how we want to make use of our properties. With the Short Term Rental Market zoning being changed the City of Victoria is not allowing individuals to make their own choices of their properties.

Should instead you leave the zoning and do as you have institute the business license fees and possibly other items to ensure that all parties are maintaining their properties?

I hope the City of Victoria takes into consideration all the outlying factors with the Short Term Rental market.

Sincerely,

[REDACTED]

A concerned citizen



**Rob Gordon**

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**From:** personal information  
**Sent:** Friday, Nov 3, 2017 5:40 PM  
**To:** Legislative Services email  
**Subject:** Home sharing.

I work out of town and I live alone and pay taxes and proud of my city Victoria. I do Airbnb home sharing to help with the bills and only do that when I am away few days I'm a month. Before I moved to Victoria, I used to come to here lots and at so many occasions I could find accommodation as the whole city was full especially summer time. The. I decided to have my own and contribute to the city i love. Unfortunately, some people are not happy with the situation and want to regulate this situation. Not only speaking for myself. Life is hard in this town especially in winter time when business is down. All home owners are trying to do is help pay the bills which are high because of the same regulations that are in place. People are having a hard time making a living. Airbnb is a way to help low income people with houses supplement life with a little bit of cash for bills and groceries while living in the city they love and call home. The people proposing the regulations are in no need for a bit of. Change to help pay for food as they are well established. And most have special interests trying to leave all the rental market to hotels and they get paid by those managers for personal gain.

I have one question, give a list of 20 problems that Airbnb rentals and home sharing have done to the city besides being in more tourist and families who can't afford hotels to the city?

Almost none, because they are under the care of the home owner. Maybe the regulations should focus more on the homeless and the drug addicts who are using services like ambulance all the time when overdose happens and costing us taxes payers money which we pay and contribute to the city while the people you are turning a blind eye on are the problem and sucking the hell out of the economy day and night by having fire fighters and nurses busy and yet they are not contributing anything to the society!

There are over 30 new buildings being constructed in Victoria, no specific statistical data but I head only 5% will be for rentals. So if you wanna regulate something to make more housing for people in the city, maybe look at those new big buildings coming mg up as it is gonna be hard to go and tell someone who owns and pay tax what to do with his or her house, not even you would like that!

Don't destroy creativity if it's helping people and the economy because one day so and yet you do nothing about the homeless and drug addiction people sucking the system day and night!

Be productive for once and do the right thing. Old Canadians who have paid for the retirement and benefits all their lives can barely get an ambulance on time because they are busy with addicts who are just sucking the system.

That's a broken world you need to fix.

Don't start fixing house sharing that's not broken!!

And and hope you do the right thing.

personal information

Sent from my iPhone



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 9:23 AM  
**To:** Legislative Services email  
**Subject:** Home Sharing

Hello,

I am a part-time Victoria resident and part-time AirBnB host. My suite is in a building (The Palladian) currently designated transient for short-term stays, and I am hoping it stays that way.

Since I live in 2 different cities (and pay taxes in both) I think my situation is perhaps unique, but it is quite important to me that I recover my mortgage expenses for the 50% of the time when I'm not in my suite.

I also understand the concerns of both hoteliers and people trying to find long-term rentals in Victoria. As an AirBnB host, I would be willing to pay some sort of "hospitality" charge so that I am not just merely profiting unfairly. I would expect the fee to be reasonable.

AirBnB is not likely to go away. I have heard of many owners in buildings that are clearly designated "non-rental" listing their places on the site in defiance of their strata regulations and even AirBnB rules. I am also aware of owners who do not reside in Victoria and have no intention of doing so simply "scooping" up properties to run solely as AirBnB businesses. I am quite comfortable with cracking down on both of these kinds of owners.

Thanks,  
personal information  
Victoria/Calgary



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 9:09 AM  
**To:** Legislative Services email  
**Subject:** Home Sharing

As a retiree on a reduced, and fixed income, my wife and I wish to remain in our family home, but also want to enjoy travel. Home sharing allows us to do both. Rather than let our home sit “empty”, or pay someone to “house sit”, we find home sharing to be an excellent solution to maintain our quality of life and enjoy our retirement years.

This is our primary residence. We did not purchase this residence to generate income, but rather to live in for 90% of the year. We do not live in the downtown core, but in a residential neighbourhood. We offer accommodation that is not available in hotels.

It makes no sense to restrict home sharing for people like us.

Thank you.



**Rob Gordon**

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**From:** Laurie Ingalls <info@ultimatebnb.com>  
**Sent:** Thursday, Nov 2, 2017 10:29 PM  
**To:** Legislative Services email  
**Cc:** hello@airbnbmail.com  
**Subject:** Home Sharing and Short Term Rental

Dear Sir/Madam,

As you consider the issues surrounding the question of home-sharing and short-term rentals in the City of Victoria we would like to add our voice to the discussion.

Full Disclosure: In the past, the City of Victoria has recognized us on more than one occasion with their prestigious annual hospitality award as retail tenants in the Victoria Conference Centre. Presently we operate a 5-Star, fully licensed B & B in Greater Victoria that is located in our principal residence. So while we are not currently within the jurisdiction of the City of Victoria per se, we offer a credible point of view. In this writing we would like to present a number of important points not often discussed in the press coverage of this issue.

Our short-term rental accommodation, like so many others in Greater Victoria, offers a unique, highly valued guest experience. We have been told on more than one occasion our guests would not have visited Victoria had these options been unavailable. We offer a high-end vacation experience that includes quiet privacy with five-star amenities; a fully stocked and equipped chef's kitchen, hot-tub, private garden and access to our seasonal productive vegetable garden. Many of our guests have special dietary needs. The ability to cater to those needs is paramount in their decision to visit Greater Victoria over other options they may have.

These accommodations are not 'affordable housing'! They were never meant to be so. The high quality short-term rental offered by us and so many colleagues are often mistakenly represented as such. The point so often missed is that many of us in the home-sharing/short-term rental segment offer a product not currently on offer at local Inns and Hotels. There simply is no conflict. We offer a markedly different product and overall vacation experience. We are attracting an affluent and active clientele that contributes significantly to the local economy. But they don't want the 'executive' hotel accommodation while on holidays. That is something they experience while working. Our client seeks the quiet and privacy of a suburban residence. They seek some interaction with the 'locals'. The European wants a connection with Canada and with Canadians. More importantly, after having enjoyed a unique social experience getting to know 'real Canadians', these travelers are spreading the word amongst friends and colleagues back home.

Home-Sharing and Short-Term Rentals offer a unique and widely sought after vacation experience. If the decision is made to remove this option here in Victoria, travelers will



simply go elsewhere. The notion that this sector negatively impacts the affordable housing market is simply false. We, and many other property owners we have spoken with agree that our rental properties would be empty and sold if the short-term rental option is removed. Many of the folks who offer short-term rental are quiet, dedicated ambassadors for this area. The 5-Star rating system is a valuable industry standard that fosters very high standards. Hosts and owners strive to attain, preserve, and protect their coveted ranking with the end result that everyone in this area benefits from our burgeoning tourist industry.

Many participants in the short-term rental sector are retired or semi-retired and supplement their pensions and income by home-sharing. The side-benefits are enormous. They create purpose, physical activity, creative thought, entrepreneurial spirit and dedication that keeps them in their homes and off the health-care system. Later on that same secondary accommodation can house care-givers, keeping folks out of our expensive health-care institutions helping to relieve pressures on our already struggling health-care system..

These are but a few examples of the ways in which home-sharing and the short-term rental movement make palpable and marked contributions, not just to the region but to our social fabric. The narrow focus on just 'affordable housing' that so often monopolizes this conversation can often miss "the forest for the trees".

At the same time we (and others that we know) understand and concur with the notion of creating a level playing field. We're all for reasonable and responsible regulations and fair taxation. Let's start the conversation, take some time to get this right and create a win-win for all sides.

Thank-you for your time. We appreciate the opportunity to add to the discussion.

Warm regards,

Laurie Ingalls/Faye Wardrop

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UltimateBnB...could it be your 'ultimate getaway'?



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 9:52 AM  
**To:** Legislative Services email  
**Subject:** Home Sharing Feedback

City of Victoria,

Thank you for taking feedback regarding this important issue. My family has a legal suite in our home that we rent out for short and long term stays. While every situation is different, we believe there are many benefits for our family and area by having this unit.

As a stay at home mom, I manage the unit, including correspondence, finances, cleaning, and maintenance. It gives me a way to financially contribute to our family and show our children my skills and work ethic in a 'job'. Greater Victoria is an expensive place to live and our suite provides valuable income. And as with many, we have friends and family who live far away. By having a space that is not occupied full time, it means we have somewhere for our family to stay.

We host guests from around the world for stays of 3 days to 6 months and interact with them frequently, offering travel help and tips on the area and local businesses to enjoy. We live at the Vic West/Esquimalt border and bring tourists to an area outside of downtown and encourage them to visit businesses that tourists would normally miss. Our service is something that families appreciate and may not find in traditional accommodations that they can afford.

Lastly, having guests from many different places is wonderful for our children. They get to meet people from all walks of life and learn about different cultures. We develop relationships with our guests and have invitations to many places around the world. This is also a relationship that many travellers are looking for, that they cannot get in traditional accommodations. It also teaches our children to be conscientious and respectful to others in their everyday lives. It also means they need to be conscious of their noise level, which we really appreciate ☺.

There are so many benefits for our family to have the flexibility of short term rentals and we feel that we do it in a responsible and respectful way. Our suite is legal and safe, there is ample parking available on our street and we are bringing travelers to other parts of the area.

Thank you for considering our feedback as you develop legislation regarding home sharing and short term rentals.

Sincerely,  
 personal information

Sent from my iPhone



**Rob Gordon**

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**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 1:09 PM  
**To:** Legislative Services email  
**Subject:** Home sharing legislation

To Whom It May Concern,

I have a house in James Bay which has been extensively renovated into a luxury furnished suite. I use it part time when I'm downtown, and the remainder of the time it is rented short term via online sites. It is fully booked through the summer months with European families who are not interested in a hotel, but prefer a home environment with kitchen and laundry. In the past, I have rented suites and homes long term. I can tell you that should you legislate against me using my property for short term rentals, I would NEVER return to renting it as a residence to locals because of the terrible experiences with property abuse and damage. The RTA in BC is ridiculously in favour of the renter and Victoria is riddled with spoiled, entitled, disrespectful tenants who are not held responsible for their behaviour and actions. If you were to tour my furnished property you would quickly understand that disallowing it on short term rentals would only hurt the local tourism economy and would in no way aid in low income housing.

Low income housing doesn't belong in the downtown core of capital city which has an economy largely based on tourism. The demand for such housing is a reflection of the failure of the greater Victoria municipalities to amalgamate and provide effect rapid transit to lower cost neighbouring communities. This short-sightedness is really starting to cost Victoria dearly, as our reputation as a clean, safe city is in decline.

Sincerely,  
 personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Saturday, Nov 4, 2017 2:54 PM  
**To:** Legislative Services email  
**Subject:** home sharing through Airbnb

Good morning,

My husband and I live in Langford. A few years ago we opened our house to home sharing through Airbnb and it has been a rewarding experience for us. First of all its allowed us to meet people from all over the world and to show them the charms of our beautiful little city of Victoria. Its has also allowed us to make our house available to others when we are out of town.

The main benefit to our **visitors** is the comfort of staying in a real home that is fully furnished and private, well supplied with cooking facilities and a large array of appliances, reading material, linens, toys for children, and a quiet neighbourhood where they feel safe and comfortable.

The main benefit of Airbnb to our **community** is that that most of the people who visit our house would not be able to come at all if this kind of accommodation wasn't available. They are mostly families, often with children or senior parents, and they need multiple bedrooms to accommodate everyone - staying in a hotel would be prohibitively expensive. Also many visitors are here to cheer on a family member in a sports event, or to attend a family wedding - again something they might not be able to do if they had no option other than a hotel.

Except for the loss of business that might occur to the hotel/motel industry, Airbnb supplies many other benefits to the tourism industry These are people who are eating out in restaurants, taking tours, visiting gardens, whale watching, visiting the museums and IMAX, and discovering all the wonderful natural parks in the area. Many of our visitors have rebooked again for next year, and will bring new friends and family to show them the wonders of Victoria.

We report all our Airbnb earnings and pay taxes on the income. We also hire a local woman to help manage the business end, which keeps her employed through the slow summer months. So besides paying more taxes we are also assisting local employment.

I would urge the city authorities not to cater to the narrow concerns of the hotel/motel industry in making home sharing too regulated or difficult, but to take a larger view and see the expanded benefits to our whole community to the potential that Airbnb and other organizations provide.

Regards,

personal information

Victoria



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 12:33 PM  
**To:** Legislative Services email  
**Subject:** Home Sharing

Good day:

I would like to express my desire to continue to be able to utilize the 2 bedroom in our house for home sharing. My wife and I are retired and we used the Airbnb program to be able to offer our empty rooms on a short term basis to out of town guests. It was our experience that the people staying with us were only in Victoria because of the affordability of our home. If they had to rent hotel rooms at a far greater cost they would not have visited. When in Victoria however, they did spend money at restaurants, buses, bars and events. Some came for courses and some just needed a place to put their head down as they passed through.

My wife and I our retired, we made enough in revenue to cover our yearly strata cost, that is all. We enjoyed the company and I think represented our community in a positive light. By our reviews we did our job and more...

Our own experience visiting Vancouver, in order to take my wife personal information , made clear as to why people were staying with us. We stayed at a medium hotel on West Broad St and had to pay \$250.00 plus tax for a regular hotel room, and that was with the medical discount. The regular rate was \$350.00 per night plus tax making it a \$400.00 stay. we now understand why people liked our home, and it gives them more to spend in the community.

Please don't take away our ability to be ambassadors for the community.

Thank you,

personal information

Victoria BC

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 3:12 PM  
**To:** Legislative Services email  
**Subject:** Proposed short-term rental regulation

Dear Council,

Thank you for the opportunity to hear from the public before finalizing the proposed regulations. I am writing as a long-term resident of Victoria and a person directly affected by the proposed regulations.

I have been providing short-stays (minimum 4 days) in my home for a number of years now. I have been doing it through Airbnb as I find it a flexible, affordable and helpful service which I also use as a guest when I travel. I report all of my Airbnb income on my annual tax declaration and pay the associated provincial and federal taxes.

If the proposed regulations go ahead as written I will have to stop providing short-term stays. My guests and I share my house but they have their own kitchen and living space. This places me outside of the proposed rules.

I started doing this shortly after I lost my husband and found myself living in our family home on my own. This meant living in a space that was too big for just me and too expensive for just one income. I considered selling but this is our family home and when my

personal information lost their father, they needed and deserved to have the stability of knowing we still had our family home and all of the memories it represents.

I made the modest changes that were required to create a physical division between two autonomous living spaces. I chose to do short-term rentals rather than having a long-term renter for two reasons:

The first and most important was because I wanted to be able to control my calendar for when the space would be available to rent.

This allows me to block off periods in the calendar personal information and out-of-town family and friends come to visit so that I can accomodate them. (My living space is just one bedroom.)

The second reason is because I liked the idea of meeting different people and sharing my space with families who were seeking a home-away-from-home travel experience. I have not been disappointed, and neither have my guests.

People who come stay for between 4 and 10 days, on average. They are either older couples who come to Victoria usually to attend their son or daughter's university graduation, or alternatively, to settle them into university. One family recently came to celebrate their father's 100th birthday. He lives here in a care home and family from various places around the world all came to celebrate. I have also had several young families with a new baby who saved up to be able to have a little holiday away from their home up-island or from the States. They wanted a place that would tolerate a baby crying at night (I do) and where they could also bring their family dog. These are just a few examples. Everyone who comes falls in love with Victoria and loves being here in a neighbourhood rather than downtown. They shop for their groceries and supplies at the nearby neighbourhood mall and eat at neighbourhood restaurants. In the summer months, they love the Moss Street market for its organic products and local crafts.

I understand and support Council's desire to increase rental stock for people looking for long-term rental accomodation. I agree with the proposed approach to bring accountability to the downtown condominium developers and owners who do not see their place as their home, but rather a way to make money through hotel-type renting. However, impact of



the proposed regulations goes beyond this target group to include people like me, a homeowner, long-term resident and person who accommodates people in my own home. If I have to stop doing short-term rentals, I will. I don't know what that will do to help Council achieve their objective of increasing rental stock, as I will not rent out the space on a permanent long-term basis. As I noted above, I chose to do short-term rentals because it allows me to block off my calendar to be able to accommodate family and friends in my home. And I believe that shutting off options such as mine to people who travel to Victoria actually works against the interests of Council's efforts to build strong neighbourhoods and to encourage sustainable tourism.

I hope you will consider this perspective in your deliberations.

Sincerely,

personal information

Victoria, BC

personal information

2 Nov. 2017



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 10:04 AM  
**To:** Legislative Services email  
**Subject:** My personal STR story

Hello, This isn't the first time I've shared my STR situation, in fact I even shared it on my Application for Business Licence. However, I am sharing it here, again. Our STR is not a 100% commercial endeavour. It is, at most, used as STR 60% of the time and that percentage is and will continue to decrease dramatically as our personal use will increase in the coming year(s).

I am one of the lucky few who will be grandfathered for STR as I am at The Janion. I purchased my unit, years ago, with the aim to be using it as often as possible, personally, because I love the City of Victoria and want to be there as much as I can. I took a partner, in order to purchase, and she and her husband also aim to use it personally, as often as possible. She's from Victoria, has lots of family there

personal information

You are not taking people like us into account when you set your fees or ask BC Assessment to deem us Commercial Use. We aren't, at least not 100% of the time. We just rent our 300 square foot studio through AirBnB and HomeAway, when we aren't using it ourselves. If we didn't rent through AirBnB, we wouldn't suffer dramatically, financially, but the City of Victoria would. They'd lose out on the spending power and habits of all of the guests we host.

The solution can not be a one-size-fits-all, punitive approach, using inflated fees from law-abiding owners to finance the policing of others. The CRA does not view us as 100% Commercial. They view every night unoccupied, as well as the nights our partners and I actually are guests ourselves, as personal use. Which is completely fair. You are not being fair. You are not seeing, nor listening, to us and others like us. You've got blinders on.

We have purchased a Business Licence to the end of this year. We will await the CoV's final call on BL Fees and see if it's worth us taking one for 2018. I/we will fight to the bitter end any attempt to deem us Commercial, at least at a 100% level. Whatever happens, I can 100% guarantee you that punishing us for earning the right to purchase at The Janion and to use it personally, as well as provide temporary short-term accommodation to guests and visitors, will NOT result in our unit being offered up for long-term rental. It just won't. The City of Victoria will lose out and, so will we but not as much as the City and its coffers will.

You have heard these individual-owner stories from others, I know. You've had your Open House - though very few staffers or Council members chose to attend and truly listen - and you've had many similar views expressed. So, again, here I am reiterating, please reconsider. Do not treat everyone the same way. Look at the many different situations and, come up with a solution that is fair and in keeping with other levels of government and their views of STRs, from a tax/business standpoint.

Regards,

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 3:47 PM  
**To:** Legislative Services email  
**Subject:** New Business Regulations

Dear To Whom It May Concern:

We are writing this letter today to express our direct opposition to the proposed changes for short term rentals in Victoria. We strongly urge council not to proceed with the proposed new business regulations. We own one apartment, in a transient zoned building. We have a current 2017 City of Victoria business license, and have had a city business license since we started renting our apartment. We follow all bylaws of our strata lot pertaining to short term rentals. According to documents presented on the City's website, we have legal non-conforming status. Yet, even though we have followed all the municipal rules and regulations, the proposed fee of \$2500.00 per year is a punishing increase of 2500%. How does council think this is appropriate? It appears council believes fully compliant short-term rental owners should bear the entire cost of monitoring and enforcement of the new bylaw.

As part of a more measured implementation plan, to be fair to the many current law abiding Short Term Rental owners, will Council please consider a gradual increase in license fees? Even doubling fees to \$200 in year one (2018) would be a large increase. If it is fair to "grandfather" compliant short-term rental owners (legal non-conforming), it is similarly fair to avoid a huge licensing fee increase.

The City's documents suggest third party monitoring, temporary staff and added enforcement will cost approximately \$500,000.00. At \$2500 each, the first 200 license renewals, will cover that cost. The proposed licensing fee of \$2500.00 looks like a cash grab on the backs of Short Term Rental owners. It was stated that over 1500 short term rental listings appear in Victoria. If half of those are required to pay the proposed licensing fee, that would result in \$1,875,000.00 revenue for the City. In addition, we collect MRDT, PST & GST on all short-term rental reservations and remit quarterly.

Furthermore, why did council not consider enforcing the non-compliant short-term operators who a.) were operating in non-transient zoned areas of the city and b.) enforce short term rental owners operating without a license? This approach would have been an acceptable gradual start, instead of "bringing down the hammer" on all short-term rentals, lumping us into one large group even though we operate very differently.

Lastly, the city claims to be making these changes to short term rentals because of the concern for availability of housing for residents of Victoria. Would it not make more sense to enforce the short term rentals in non-transient zoned areas of Victoria, introducing large sectors of availability for residential housing! In addition, enforce those owners who are currently operating short- term rentals in transient zoned buildings/areas, to acquire a 2017 business license by the end of this year. If owners do not comply at that time, they may then face a penalty. Council's proposal is penalizing all short-term vacation rentals owners, even those who comply to all requirements (license, transient zoned, strata bylaws). Lack of affordable housing is a very complex problem in most cities across the country. In our opinion, council's approach on proposing the new regulations will not solve this problem.

Thank you for your time.

Sincerely,

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 4:35 PM  
**To:** Legislative Services email; Victoria Mayor and Council  
**Subject:** Proposed change to short term rental zoning for downtown Victoria

To the Mayor and the City Council

I would like to urge the City Council to postpone and re-evaluate the proposed re-zoning of the downtown core for STVR's.

I have read many of the submissions given by both sides as well as the report submitted to Council by the City officials to try and understand what motivated the City Council to move so swiftly on this issue?

Our immediate family consists of personal information . Between us, we own 4 condos in downtown Victoria, purchasing our first one in 2007. In the last 10 years, 3 of our family members have lived in these condos for between 3 and 7 years. We have also used them as STVR's and for longer term rentals. Currently, 2 are registered as STVRs and 2 have longer term tenants. My partner and I have (and still serve) on the strata councils of two separate buildings. I believe that my perspective has been gained through my experience as a **landlord, strata council member and tenant** in the downtown area of Victoria. I do not have the narrow perspective of just one stakeholder group.

My experience has been the following:

- **STVR tenants are quieter, more respectful of my properties and the strata rules than long term tenants and there is far less wear and tear on the property.**
- The "issues" of noise, damage, "increased security risks", etc. put forward by concerned persons are largely a prejudice and not borne out by experience. **90% of the complaints received on our strata councils were about long term tenants.**
- **The STVR tenants spend far more \$/day in our city than the "residents".** This might be obvious, but worth mentioning it for the benefit of Council who is serving the interests of **ALL** the stakeholders in Victoria. ie. that includes restaurants, retail outlets and other tourist businesses, not just "concerned citizens" and possibly hotels.
- when discussing the concerns of owners, tenants and other strata council members wrt STVRs, most of them are based more on feelings, prejudice and popular myths rather than facts and figures.

**Furthermore, our family travels to many parts of the world** and we very seldom use hotels; our primary accommodation is booking private, self contained accommodation through AirBnB. If a region has no private accommodation, we skip it and go somewhere else. We do not want to rent a room in someone else's house. We believe that many baby boomers and young professionals who are traveling feel this way. Feedback from our guests is that once they have stayed in self contained, private accommodation with a kitchen, they will never stay in hotels again. If Victoria stops offering this type of accommodation, tourists will choose another destination ..... they will not book hotels or rent a room in a house instead. There are always plenty of other destinations to choose from. If Victoria stops catering to this huge, fast growing sector of the tourist market, the whole city will lose out on tourist dollars. We canvassed a lot of our friends and guests, who said the same thing. **I believe we represent the fastest growing segment of the tourist market which is why AirBnB has blossomed and why the AirBnB market in downtown Victoria has grown so rapidly in recent years.**



I will not re-iterate the many points from both sides. However, I would like to make some observations on the process and the way the City has approached this issue. I was under the impression that the Council was there to serve the interests of ALL stakeholders in the City, not just specific groups. My observations are:

1. that the quality and scope of the pro-STVR group had a much wider perspective on the issues, were well supported by documented evidence and tried to address the needs of a wider group of stakeholders (see David Langlois, Michael & Karyn Allard, AirBnB and David Chard as examples).
2. The report to Council by the City officials appeared to address a very narrow view of the issues and based on some discussions and "experiences" of a number of other municipalities. The main focus seemed to be on whether STVRs were reducing inventory available to long term renters and driving up prices and whether they are competition to hotels. I saw virtually no hard statistics, surveys, etc. to support the findings of the report. There appeared to be no evidence that hotels were suffering negatively as STVRs appeal to a different type of tourist including "snowbirds". There was no attempt to look at creative options being considered by other cities, eg. Seattle. There was no analysis of the wider implications to other stakeholders like tourism, restaurants, retail, etc.
3. The submissions by the anti-STVR group <sup>personal information</sup> petitioners on the streets, community groups, etc.) were not supported by data, statistics, etc. In fact, they were often based on prejudice and/or perpetuating falsehoods based on rumour.

**In summary**, it appears to me that the City is reacting in a knee jerk, regressive fashion to a narrow group of vocal stakeholders creating negative publicity by using inflammatory language and accusations to guilt the City Council into feeling badly about the less advantaged. AirBnB, Uber, etc. are part of our new reality; we need to be creative in addressing these new realities, not reactive.

I am very disappointed that the Council would consider only the needs of a vocal minority group when the quiet, hard working majority, eg. local businesses, investors and taxpayers will be negatively impacted by such changes, not to mention loss of revenue to the City. With respect, this is Economics 101. For example, why not be creative and use some of the revenue generated by tourists to build affordable housing for the disadvantaged which would benefit everyone and the city as a whole?

**I believe the new regulations will not achieve their objectives because a lot of the newer buildings in downtown Victoria that have STVRs will still not be affordable for the low wage earners, even with the change in regulations. The net effect could be less \$ for the City (less tourists and low to no tourist growth due to a perception of Victoria being tourist unfriendly) and everyone is worse off. If STVR zoning is restricted to say 5 blocks of the inner harbour, the City will not lose tourists and there are still plenty of areas for long term renters to live in.**

Sincerely

<sup>personal information</sup>



**Rob Gordon**

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**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 8:30 PM  
**To:** Victoria Mayor and Council; Marianne Alto (Councillor); Chris Coleman (Councillor); Ben Isitt (Councillor); Jeremy Loveday (Councillor); Margaret Lucas (Councillor); Pam Madoff (Councillor); thornton-joe@victoria.ca; Geoff Young (Councillor); Legislative Services email; Community Planning email inquiries; Lisa Helps (Mayor); Business Licence  
**Subject:** Proposed Changes to Short Term Rentals

To whom it may concern,

We are writing this letter today to express our direct opposition to the proposed changes for short term rentals in Victoria. We strongly urge council not to proceed with the proposed new business regulations. We own one apartment, in a transient zoned building. We have a current 2017 city of victoria business license, and have had a city business licence since we started renting our apartment. We follow all bylaws of our strata lot pertaining to short term rentals. According to documents presented on the City's website, we have legal non-conforming status. Yet, even though we have followed all the municipal rules and regulations, the proposed fee of \$2500.00 per year is a punishing increase of 2500%. How does council think this is appropriate? It appears council believes fully compliant short term rental owners should bear the entire cost of monitoring and enforcement of the new bylaw.

As part of a more measured implementation plan, to be fair to the many current law abiding Short Term Rental owners, will Council please consider a gradual increase in license fees? Even doubling fees to \$200 in year one (2018) would be a large increase. If it is fair to "grandfather" compliant short term rental owners (legal non-conforming), it is similarly fair to avoid a huge licensing fee increase.

The City's documents suggest third party monitoring, temporary staff and added enforcement will cost approximately \$500,000.00. At \$2500 each, the first 200 license renewals, that will cover that cost. The proposed licensing fee of \$2500.00 looks like a cash grab on the backs of Short Term Rental owners. It was stated that over 1500 short term rental listings appear in Victoria. If half of those are required to pay the proposed licensing fee, that would result in \$1,875,000.00 revenue for the City. Is it the money council is after? In addition, we collect MRDT, PST & GST on all short term rental reservations and remit quarterly.

Furthermore, why did council not consider enforcing the non-compliant short term operators who a.) were operating in non-transient zoned areas of the city and b.) enforce short term rental owners operating without a licence? This approach would have been a acceptable gradual start, instead of "bringing down the hammer" on all short term rentals, lumping us into one large group even though we operate very differently.

Lastly, the city claims to be making these changes to short term rentals because of the concern for availability of housing for residents of Victoria. Would it not make more sense to enforce the short term rentals in non transient zoned areas of Victoria, introducing large sectors of availability for residential housing. In addition, enforce those owners who are currently operating short term rentals in transient zoned buildings/areas, to acquire a 2017 business licence by the end of this year. If owners do not comply at that time, they may then face a penalty. Council's proposal is penalizing all short term vacation rentals owners, even those who comply to all requirements (licence, transient zoned, strata bylaws). Lack of affordable housing is a very complex problem in most cities across the country. In our opinion, council's approach on proposing the new regulations will not solve this problem.

Yours very truly,  
 personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 9:30 PM  
**To:** Legislative Services email  
**Subject:** Proposed regulation on short term rental

Hello,

Thanks for working on making clear rules regarding the short term rental in Victoria.

I think it's really important for renters, home owners, and visitors if the rules are as clear and simple as possible as you have noted in the report.

I would also like to mention that there is also a possibility of being a STR AND provide long term rental. People are moving to Victoria for various reasons and various time. Some might provide STR during the summer months for tourists and switch to long term (6 to 9 months) rental to people who are just looking for a temporary accommodation before moving back home, or buying a home etc... When those STR will be charged with a \$2500 business licence fee they might not be willing to provide mid term (3/6/9 months) rental as they will need to recover the cost of their business licence.

Just my thoughts.

Again, I want to thank you for the diligent work your are doing and taking good practices into consideration when proposing new policy.



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 9:41 AM  
**To:** Legislative Services email  
**Subject:** Proposed regulations for short-term rentals in Victoria

It's absurd to shut down all short-term rentals in Victoria when we are seeing an upswing in tourism. Many people who want to visit this city cannot afford hotels or else want cooking facilities while they stay here. The citizens who offer STR accommodation to visitors provide an important alternative for visitors and people who are here for work, study, or medical reasons. I understand that the city wants to increase affordable long-term rentals in the city, however it's unlikely that this move will do much to achieve that goal. Most people who own short-term rentals cannot afford to offer rents less than market prices. And why should people who have invested in downtown Victoria take a financial loss to solve a societal problem? It's unfair to target a small group of owners who are simply trying to create a way to supplement their pension income or make their mortgage payments. The proposed license fee of \$2500 is cruel and punitive. I suggest the city look at ways to go after owners of multiple units and tax them or shut them down while allowing people who have invested in one additional STR to continue. Take a look at what Seattle has done. It's a much more nuanced approach that doesn't create hardship for individuals.

personal information

Victoria BC



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 11:31 AM  
**To:** Legislative Services email  
**Subject:** Proposed Regulations on Short Term Rentals

Good day,

I would like to provide my input supporting the ability for homeowners to list their units as short term rentals.

It makes the city more attractive to tourists due to the shortage and extreme pricing of hotels here, which contributes immensely to the local tourism economy. It also allows young or middle class people the chance at owning a home here in the Victoria area, given the very high real estate prices.

The hotels which generate hundreds of thousands or millions in revenue are upset because they are losing their monopoly as visitors have more options for experiencing this great city. However, individual homeowners should not have the opportunity to pay down their mortgages just so hotel owners can become wealthier while less tourists can afford to come here.

Modern travelers are increasingly using the sharing economy / short-term rentals. It would be a shame to take our city off of the list of potential destinations for these people.

At the same time, if the proposed legislation moves forward and legitimate hosts pay the appropriate fees and complete the appropriate paperwork, the city absolutely must shut down the hosts who are not in compliance.

Thank you for your consideration,

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 10:52 AM  
**To:** Legislative Services email  
**Subject:** proposed regulations on short-term rentals

Hello,

I am writing as a 10 year resident of the city of Victoria (previously Saanich). Renting my home (apartment) on Airbnb while I am away has allowed me to live debt free and spend at local shops while I am home.

The ability to rent my home has not changed my travel plans or travel spending habits, however because I have additional money coming in while I am away I do not have to spend as much time saving when I am not on vacation, allowing me to visit local restaurants, festivals and other events that I would not otherwise be able to. In addition since I started renting my home while away I have paid zero dollars in credit card interest. These factors combine to keep more of my dollars in the local economy.

If I were to purchase a house in the future (which I plan to do) the ability to rent out my living area while I was away would help pay down any mortgage and would be one of the largest factors in my choice to buy in a particular municipality.

As an economist I am appalled at the proposed regulations. The city limiting peoples' ability to make use of an underutilised asset is not the way of the future. Limiting this type of use will increase the demand for land that is already extremely high in this city. The exorbitant hotel rates in the summer months highlight this demand that the new regulations will only compound.

By all means restrict people from running a business. But a much better model to restrict this kind of use would be the one adapted by some other cities where the number of days a property can be rented is restricted to x days per month or per year.

Lastly, please do tax us! I have no issue with having to charge guests the same hotel tax rates that hotel guests have to pay. The obvious solution would be to have those taxes applied by airbnb and remitted to the city. Thus, there would be little administration cost to the city and everyone would be on a "level playing field".

Allowing airbnb rentals will keep more money in the community and less in the head offices of marriot, best western and the like.

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 8:08 PM  
**To:** Legislative Services email  
**Subject:** Proposed regulations on short-term rentals

Hello,

I am writing to express my concern that the regulations on short-term rentals will be amended to prohibit them in the city of Victoria. I am clearly not in favour of such an amendment.

I am a single mother who gleans about 50% of my income from rent. When I am not renting my suite, it is an ideal place for my out-of-town family and friends to stay. I come from a personal information and my house is small, so my rental space is very important to my family. Should I change my suite to a longer-term rental, I would greatly decrease my income, and have nowhere for my family to stay.

In addition to renting through airbnb, I am often booked by the Belfry Theatre to house their artists. The Belfry is an active, vibrant community resource and without the reasonable rents that I, and others, offer to them, they will not be able to afford the quality of artists that Victoria has come to know and admire. In addition, personal information and have come to rely upon the many connections I make through housing Belfry artists. My career is literally dependent upon the colleagues I meet through my rental situation.

In summary, should I *not* be able to rent short-term:

- I would lose up to 50% of my income
- I would have nowhere for my friends and family to stay when they visit Victoria
- I could no longer support the Belfry Theatre
- I would no long make significant career connections through the artists who stay in my suite.

I understand that housing is in short supply in Victoria, but I am also aware of the many housing development projects currently active in this city. Punishing hardworking people is not the answer.

I ask that you protect working people, professional theatre and keep short-term rentals in Victoria.

Many thanks,

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 11:08 AM  
**To:** Legislative Services email  
**Subject:** Proposed short term rental restrictions

Hello,

I am writing as a 10 year resident of the city of Victoria (previously Saanich). Renting my home on Airbnb while I am away has allowed me to pay down debt faster and have more money to spend at local shops.

The ability to rent my home has allowed me to pay down my mortgage faster than I otherwise would be able to. Which in turn allows me to spend less money on interest and more money in the local economy.

As an accountant I am appalled at the proposed regulations. The city limiting peoples' ability to make use of an underutilized asset is not the way of the future. Limiting this type of use will increase the demand for land that is already extremely high in this city. The exorbitant hotel rates in the summer months highlight this demand that the new regulations will only compound.

By all means restrict people from running a business. But a much better model to restrict this kind of use would be the one adapted by some other cities where the number of days a property can be rented is restricted to x days per month or per year.

Lastly, please do tax us! I have no issue with having to charge guests the same hotel tax rates that hotel guests have to pay. The obvious solution would be to have those taxes applied by airbnb and remitted to the city. Thus, there would be little administration cost to the city and everyone would be on a "level playing field".

Allowing airbnb rentals will keep more money in the community and less in the head offices of marriot, best western and the like.



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 9:51 PM  
**To:** Legislative Services email  
**Subject:** Regulating Airbnb

I like the general direction of your new by-laws, seeking to allow short-term rentals, but am concerned by a number of factors:

- The length of 'short-term' has different meanings to different people. I just took a parental leave from work and our family went travelling for 4 months. This would not qualify under your definition of less than 30 days, but certainly is regarded as short term to us as long-term home owners. We would not have been able to afford to travel if not for the income from renting our home. And our home would not have been in the 'normal' rental pool for only 4 months while we were gone.
- I am concerned that applying for a business license may come with overly-burdensome documentation (as cities tend to require). The city will shoot themselves in the foot through this approach, by reducing our cities hospitality for tourists.
- The costs associated with applying for your business licenses don't make sense. If a couple want to Airbnb their home for one weekend of the year, it won't be worth paying a \$200 business license fee. And a \$2500 fee for non-primary residences seems very high. Sounds like an under-handed cash grab, especially as this is already taxable income.

I think AirBnbs should be allowed with very little regulation. Homeowners do not need the local municipality to micro-manage their residential dealings. Certainly there are growing pains as the market gets used to new forms of accommodation for travellers, but the market will settle itself out over time and should be allowed to do so. If more rental housing is needed in the city, this should be purposefully built.

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Friday, Nov 3, 2017 11:00 AM  
**To:** Legislative Services email  
**Subject:** proposes legislation on short-term rentals

To Whom it May Concern,

I am writing to you in regard to recent proposed legislation on the subject of short-term rentals in the city of Victoria.

To give you a little background, my husband and I live in Mill Bay and are property owners in two condo buildings in the downtown area. We bought our first one about personal information with the idea of having a place to stay on our frequent trips into the city. We had always hoped to lend it out to family and friends when we weren't using it but became aware of the short term rental market through other owners in our building. We became aware that we were in a Transient Zone meaning we were legally allowed to use our property this way. We purchased our second personal information as we happened upon the perfect little unit and thought it a good investment and again, legally allowed to rent short term. We divide our time between the 2 units.

In light of recent developments on the subject of short-term rentals we felt we should add our comments to the debate.

While we understand there are challenges with management of the recent growth of the home-sharing industry, this trend towards shared economies continues to grow throughout the world and on many fronts, Uber and bike/car sharing are the first ones that come to mind. The internet has offered far-reaching changes to the global community and economy and this trend is just the latest offering.

We are in agreement with the city that there needs to be regulations put in place to address concerns that have arisen. We believe that trying to effectively close the door on this new and exciting trend seems short-sighted. After recently traveling extensively in Southeast Asia and Europe, I am impressed how cities around the world have embraced and managed this new way of doing things. While we are ardent defenders of the quaint, small town feel of Victoria, we recognize that to compete in the tourist market which is definitely a huge revenue source for the city, we have to keep up with these changes. People are traveling differently now, looking for a "local" experience that you can't get from a stay at a hotel.

We are very proud of the way we manage our 2 rental units. We take great pains to screen our guests, recognizing the potential impact to our neighbours. We have always operated within the rules of our strata and the city bylaws. The proposed changes would unfairly cause financial hardship to us and others like us who, in good faith entered into this investment. Being "grandfathered" in for the period of our ownership of these properties doesn't address the drop in resale value due to these new restrictions that would be put on new owners. I don't propose to fully understand the reasons behind the proposed changes but they seem to be "throwing the baby out with the bathwater" so to speak. We believe the vast majority of short-term rental owners are responsible, like-minded individuals who pay attention to the rights of their neighbour and work within the law.

I would respectfully suggest the following as a possible solution:

1. If the low vacancy rate in Victoria is the main issue behind these zoning/bylaw changes, invest the City of Victoria resources to effectively police those individuals who are operating outside the rules set out by the city. This seems a logical place to start and would undoubtedly free up many units into the long term rental market. This would also help address the concerns of property owners in areas that are not zoned appropriately.
2. If the fact that Airbnbs are not currently legally required to have business licences or pay appropriate taxes, come up with a system that is fair and equitable, given the fact that they are essentially operating as businesses. This



would allow for better monitoring as well as adding to the tax revenue for the city. This would also address concerns of the hotel lobby in the city that are likely feeling the inequities at play.

3. Establish a set of guidelines for operation of a short-term rental property, taking into consideration the rights of all interest groups: other owners, strata councils, hotels, the City of Victoria, etc.

Sincerely,

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Friday, Nov 3, 2017 2:36 PM  
**To:** Shannon Jamison; Thom Pebernat; Marianne Alto (Councillor); Legislative Services email  
**Cc:** Checked In Victoria; personal  
**Subject:** personal information 599 Pandora business license

Dear Mayor and Council, City of Victoria,

I ask you to please consider other methods for funding the campaign to regulate STR's other than by fining the legal operators who have done their due diligence by purchasing and operating in a legal way. Shutting down legal STR's in Victoria will not solve its housing crisis.

About half of the 300 legal STR units are owned by people like me, for use as vacation and later as retirement homes. I pay property tax, utilities, mortgage, insurance, management and cleaning fees, all of which go to companies and individuals in Victoria. There is little left over. If I am forced out, then perhaps my unit will have to be sold, leaving fewer potential 'affordable housing' options. Out of those housing options, are any of the high-end condos that can rent between \$1500-\$2500 really considered to be 'affordable housing'? According to CFAX, with the 3500 rental units coming on board in the next 18 months the vacancy rate will go to 4 – 5 %.

"Charging the business license fee of \$2500 will 'level the playing field.' With whom? Are the STR's making too much money? Does the city feel it needs more income to pay for tourism?

Before, the city of Victoria had great foresight when they included STR's in transient accommodations because it is a great way to travel for business people, film crews, families visiting relatives in the hospitals, families visiting elderly parents and families that cannot afford \$450/night with no kitchen.

STR's serve a valuable place in the market – cutting them out only helps the hotel chains that send their money out of Victoria. How about some fair competition? The people who own STR's include locals and others that have invested their hard earned dollars into a legal operation and now the city is trying to take that away from them. I am not rich, and not big corporation. I want to be able to live in Victoria when I retire, and this is the best way I can manage it. Please let people like me continue to contribute to Victoria until I am able to live there full time.

Yours truly



personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 10:58 AM  
**To:** Legislative Services email  
**Subject:** Re: Airb&b / short-term rentals

Dear Sir / Madam,

No one should argue that Airbnb is a great creation. It might have some impact on hotel industry and long-term rental market, but before we rush to interfere, we should give it a good thought.

If people like Airbnb better than hotels, we can bet it is not mainly because hotels are subject to GST/hotel room tax while Airbnb are not. Many articles and researches have already provided detailed analysis on this subject. Simply to put, Airbnb can provide the things which hotels cannot. It has much less to do with the taxes.

As to the impact on long-term rental market, first, a lot of Airbnb are the places which previously were not on the long-term rental market anyway. In most cases, if some landlords like the short-term rental than the long-term, it is not because the short-term may or may not generate more revenues. In fact, many other factors play more important roles in this choice making. Most Airbnb hosts can confirm that with you. In addition, we have to rely on the market force to work. If too many Airbnb on the market and become over-supply, many short-terms will go back to the long –terms; the long-term rental shortage will also attract more supplies (new developments and new landlords go into the rental market).

There is not much benefit economically to force Airbnb hosts to register and pay licence fees. It just creates “paper works” for every party involved. If this eventually leads to get Airbnb hosts pay GST / hotel room tax, I'm afraid it won't work without rewriting tax codes by the feds and the province. In order for a business to be subject to GST, its annual sales have to reach \$30,000. I double how many Airbnb hosts are able to collect \$30,000 annually. For the hotel room tax to work, likely a major change to the tax act is also required.

We should not waste our time to fight against Airbnb this great creation when we have so many other important things to deal with.

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 9:39 AM  
**To:** Legislative Services email  
**Subject:** RE: The City of Victoria is currently accepting feedback regarding their proposed regulations on short-term rentals.

I have a small (approx 425 sq ft) semi one-bedroom suite in my house (bedroom is partly open to living room area and there is no closet in bedroom). Due to the size of the suite, it is not suitable for couples or families. I have tried to rent out the suite for longer terms, ie. one-year, but had very poor responses (mainly due to size of suite). The suite, however, is perfect for a student or for short-term rental.

Due to the cost of purchasing a home in Victoria, I need income from my house and I rent out my suite with AirBnB in the summertime only and then rent to a University student full-time during the school-term of 9 months.

Based on proposed regulations in Vancouver, even though I own my house and live in it full-time, I would not be allowed to do the above rental arrangements. I would like the City of Victoria to consider my situation when proposing their regulations. I would like to see regulations in place where there is no owner living in the actual property on a full-time basis.

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 3:02 PM  
**To:** Legislative Services email  
**Subject:** Re: Why STR are good for the community

During the beginning on the internet being used as a business tool

personal information

During this process I became interested in knowledge management and cultures that are both innovative and deliver excellent services. I came to understand that "Intellectual Capital" was more important than money and physical assets to be successful in today's economy. Intellectual Capital is defined as Human Capital; Systems Capital and Relationship Capital which all flows into continuous innovation.

Recently I have met many of the STR owners and I have been impressed with their intelligence, effectiveness and efficiency. They are coming together in a collaborative manner and have the capacity to do something very special for the community. Unlike large companies there is a powerful synergy that is available for a group of interdependent groups.

I am confused why the council would want to have this group focused on competing against the city council rather than focused on common objectives that will allow Victoria to be excellent which in turn will attract both companies and tourists. I am totally confused why Tourism Victoria would be worried about "over tourism" while advertising they want to double the number of visitors to our city. Where will these people stay? What will they tell friends and family? How will businesses be able to employ citizens that need both a job and affordable housing?

Victoria citizens are interdependent not independent and "win-win" solutions that grow the city the right way involve innovative people who are vested in the community. People who own a unit downtown but live elsewhere in the Victoria area are now stakeholders who do more than visit downtown.

Bottom line is that STR's are a powerful use of intellectual capital in the total community. An engaged community is a powerful community that can compete in the next 20 years. An alienated community (and that represents a lot of people who do STR's that have attended meetings of the council and read stories) leaves us unable to leverage our assets of good weather etc. Will a person staying in Seattle come over to Victoria if there are a very limited number of STR's. Of course they won't and Seattle with their innovative win-win solution makes the proposed solution of Victoria city council look like an unimproved and unimaginative approach.

Please get out of the box and move forward with an understanding of the new economy.

Thank you

personal information



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**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 9:41 AM  
**To:** Legislative Services email  
**Subject:** short term rentals

I am writing about the proposed \$2500 license fee to operate a short term business. I purchased a unit in the Janion at 360sqft! This is certainly not large enough for a person to live in full time. This was purchased with the correct zoning in place knowing it would never rent out to a full time tenant and come close to covering it's costs. Once you add the mortgage, the strata the insurance and all the bills it just doesn't make sense! If the \$2500 license comes into affect this will drop the value of this very purpose built building that the municipality allowed! To allow such a building (without parking) and then to take away it's use, or not take it away but rather charge such astronomical fees, it makes the units not valuable to anyone, I won't be able to use it, or sell it but will have this debt of a few hundred thousand dollars that will almost instantly be cut in half. This is a mistake of city hall! Victoria allowed the building, and now you are working to take away it's use. As you know the units rent out for 99/nt and are vacant often. You can do the math, mortgage is 1000-1500 depending on the unit, then you have strata fees 200-300, then hydro, cable/internet and a parking pass of about 250/mnth to use outside parking, you add the licence and all of the sudden, we have several units for sale! Guess what, NO buyers! The equation just doesn't work. When you look at a permanent renter, they don't exist either, my unit at 360 sq ft is actually on the larget side, many are just under 300sqft and even at 360sqft, there is NO WAY someone could live in that space on a full time basis, especially without parking. The city allowed this building! To take away the ability to cover itself or come close to is a massive mistake on the city's part. To have the individual owners pay for that is unacceptable.

Kindly acknowledge receipt.

Regards,

personal information

Janiion Owner



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 6:22 PM  
**To:** Legislative Services email  
**Subject:** Short Term Rentals

We believe short term rentals is important to us as it provides a service to people who can't afford hotels, women who don't want to be in a hotel downtown and allows for more intimate exchange for foreigners and visitors to Victoria. Our space sits empty when the grandchildren are not visiting and helps with income supplement for homeowners who own their own home, especially those without pensions. We have stayed in Air BB short term rental around the world and prefer it to hotel stays - we get to meet locals and experience their home and lifestyles. Also few hotels have cooking facilities and having the option to cook or eat food in a short term rental is much healthier.

personal information

Sent from my iPhone



**Rob Gordon**

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**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 2:29 AM  
**To:** Legislative Services email; Victoria Mayor and Council; bmackenzie@timescolonist.com  
**Cc:** personal information  
**Subject:** Regulations on vacation rentals in Victoria

Please add my comments to the official record;

In regards to the new regulations brought forward by Council on September 21st, I feel that as a taxpayer that is dependant on the revenue from my Airbnb rental to pay my mortgage and my city taxes, I and hundreds others are being unfairly targeted by this legislation. I feel that the lobbying from big-name developers and hotel owners have been able to influence city council to bring these regulations forward that specifically target their competition. I feel this legislation is also a political move by certain politicians to give the "appearance" they are doing something to "address" the issue of rental availability. When really this is mostly just an effort to take a cut and make a cash grab from the vacation rental industry that is helping to fuel the popularity of Victoria as a tourist destination, and appease the big-name Mainland developers that help fund local election campaigns.

This legislation will hurt tourism in Victoria because there will no longer be an alternative for the thousands of would-be guests who can't afford the extremely-high pricing from the local downtown hotels, but want to visit Victoria and enjoy a small taste of luxury and spend the money they save instead at local restaurants and businesses, and tourism related activities.

I, like hundreds of other tax-paying residents here purchased my home in a location that was zoned transient and vacation rental-allowed specifically so that I would be able to afford to own a home in this amazing, beautiful city.

Unfortunately Victoria isn't able to supply me with the job in the field I work in here, so I like many others I must commute to the Mainland to earn an income to live and pay my mortgage and taxes.

This is very costly for me to commute back and forth, but it is worth it to be able to enjoy the lifestyle that attracted me to this amazing city I call home. The only thing that makes the costs associated with having to work outside this city affordable, is that I can let tourists come and enjoy my beautiful home in the time I'm away working. The money I collect helps to pay my mortgage and employs a local woman to manage and clean my apartment while guests are here and I'm away working.

These tourists have come from all over the world and leave with 5-star experiences of Victoria.

My home in one year so far has attracted over 50 guests from all over the world that have come here to this city as tourists and have spent their money at the local shops, pubs, stores and so forth.

Because I have a work schedule that only allows me to spend my weekends here, there is no chance I can have a tenant in place of my current, flexible home-sharing situation that Airbnb affords.

With these new regulations I will be forced to leave my prime location condo empty and vacant while I work. I will now face a struggle in the future to pay my mortgage expenses here, while also paying for temporary accommodation on the Mainland while I work there. Just so that the city politicians can say they're taking "steps" to make more housing available to local renters, while they are actually forcing me to leave my condo vacant, and there will no longer be 50+ guests from around the world bringing thousands of dollars to spend in the local economy.

As a new and permanent resident to this great and amazing city, I will be forever voting for councillors and mayoral candidates that did not support this misguided and unfair legislation. I have voted in every single-election I have been



eligible to do so in my life, including all civic elections. I will be hence forth rallying all of the 158 other strata owners in my building alone to remember NOT to vote for any politician who supported and helped pass these biased and unfair regulations. Not to mention to do what I can to help influence the thousands of other Victoria property owners affected by these impending laws.

With all due respect and sincerity,

personal information

Victoria, BC



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 11:34 AM  
**To:** Legislative Services email  
**Subject:** short - term rentals proposed changes.

the proposed changes and high fee would be very negative for everyone involved in a recreational property in victoria . the owner could not use his property as intended for recreational purposes from time to time if forced to minimum 30 day rental term , or forced to pay high fees so that the property could still be available for his use and stay in the rental market, so he would probably be forced to withdraw the unit from any rental .

this would have the following effects :

1. the owner is denied quiet enjoyment of his property for the purpose that he bought it .
2. the total number of places available for rent in victoria would be reduced ..... which is very opposite to the city's stated reason for the changes. currently, the unit is available for both short term or long term rental (more than 30 days), depending on the rental market, and is also available to the owner for his quiet enjoyment from time to time. the proposed changes and high fees would make that impractical.

3. the changes would cause economic harm to everyone involved, including :

recreational property owners are denied quiet enjoyment of their property and income from the property when not using it.

tourists who use short term rentals .... may be discouraged from visiting, or be forced to stay in less desirable accommodation.

management personnel who manage recreational property for owners get no management income from the property.

cleaning and other service staff get no income from the property.

city then gets no license fees at all from the property. province and federal government gets reduced income taxes from owner.

regards,

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 11:31 AM  
**To:** Legislative Services email  
**Subject:** short term rental

Dear council, first off I want to say you are all doing a horrible job. I know your citizens of Victoria but you are all out of tune. If you were a Symphony it would be a disgrace to those musicians that play together and practice together. I will not swear not call out names nor be disrespectful but I will say that Council you should all be embarrassed with how bad of a job you are doing.

Now the main and only focus besides above is about short term rentals. So here goes.

Council we have a huge housing crisis and in order to move forward we need to understand that this issue is just not Victoria it is EVERYWHERE world wide so in order to solve or fix this problem you need to think outside the box and think in REAL terms. Meaning Victoria is very expensive but on the world stage it is cheap. So how do we control it or even do we just let it roll out because we have a lot of people moving to the lower Island. We have tech companies moving to Victoria with big dollars that are increasing the rent rates and value rates something you Never talk about you just praise the fact they are coming to fort street. You never talk about why the rates are getting so high. For example Retirees from around the world with large sums of money are buying above price because they can also tech workers coming with large sums of money are buying up because it is still cheap. Now something that you rarely ever talk about the amount of students that come every year to Victoria that have mommy and daddy paying for rent, thousand of students are taking up houses full houses, condos, apartments at above asking price or even just the price but which is already high because the parents are paying. Force Uvic Royal Roads and Camousun to free up thousands Not hundreds but Thousand of rooms just by them building for students. Also be aware in terms of build out. Oak bay Gordon Head Saanich All need to have a cap of 5000 square feet of a house. Whistler did it we can do it. Anybody building a 5000 and above square feet house is Not going to rent out a room or a back cottage or a suite. They are private high members and they should not have to But the sheer size takes away from those that would build and rent out something. Another thing you never talk about it the fact that Victoria is just plain expensive and a sleepy town. So let people know it is expensive and going to get a lot more expense so if you need to move away too get ahead that is what needs to done. A lot of us have done that. Stop blaming and look at what your not fixing and you will see the lack of foresight is within you as a council. You approved the Hudson rentals so you should know that a one bedroom with parking with bills is \$2000.00 per month. Who can afford this but a tech or a retired or a professional. The high rate of rent has everything to do with A) Victoria is cheap on the world market B) Tech companies are moving here C) Retirees that have money are coming here D) Every year we have thousands of students that mommy and daddy are paying for rent this is the truly biggest one you have no idea how big this is E) houses being built bigger than 5000 square feet every room counts and these people don't rent out they don't need to but then don't give them the allowance to build a fortress either. Now one other big factor and a very big factor is the Hospitality Industry in Victoria. The amount of workers for this industry is HUGE. So tell the CEO of the tourism and Hospitality to start pushing companies for Full Time or tell him or her to go and hide for lack of courage. The majority of this workforce is working part time in the busiest time let alone the four months of quite time. So if your average worker in this industry is working two jobs just to barely meet a full time job how do you think they fit in the A) rental pool or B) the buying pool. Thats Right the main industry of Victoria the workers have NO chance. Don't blame anyone other than the industry itself. No benefits No nothing for the majority of workers in the money making scheme of the largest industry the Hospitality industry. Face that and talk about that. Truly I dare you to be truthful and say "Hey Victoria the Hospitality part time workers truly do NOT have a chance.



Start being bold you started it with the expensive rainbow paint job you did the tearing up the streets for bike paths that junkies use to ride their scooters. Those are bold moves council and you need to do the same for housing like hey All money making Schools you Now have to supply four thousand beds by tomorrow at a rate that will make them stay there and not enter the open market. That is what truly needs to be done. The project you Allowed at Yates and Johnson two towers by Chard is a joke. This proves how out of touch you are. So you approved one tower to have restrictions. mmmm making under \$100,000.00 per year first time owner. Are you crazy that number should have been under \$60,000.00 and the craziest part is after only TWO years they can sell it to anybody no restrictions. So the so called restriction building is only for two years. What a joke. You should have passed it only with a full restrictions of always making a certain amount. You failed at that and you passed it. What a joke. Please start taking care of Current tax payers start listening and realize that **TWO** of our biggest assets are killing the housing market in terms of affordability 1) the Hospitality industry getting away with large amounts of part time and low wages and 2) All of the University and Colleges are getting away with not helping out. I truly hope you think outside of the box and with the response you are getting you select two groups of twenty people and learn from them Why and How. Please get outside of your minds and into the communities minds. As a family man a Victoria downtown Business man and someone that is from a town that I can't afford to live (Sidney) and a tax paying citizen also someone that went to Camosun and works in the Hospitality Industry, someone that has four bikes and hates the bike lanes I am reaching out to you and saying the bigger picture does not look good but it is the new world and things get corrected when the Big things get fixed. Please take action towards listening because you all have a lot to learn. Yours truly  
personal information

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Monday, Nov 6, 2017 6:11 AM  
**To:** Legislative Services email  
**Subject:** Short term rental discussion

Thank you for the opportunity to provide comment. A greater time frame for responding would have been appreciated.

Our reasons for providing accommodation:

We enjoy meeting people of all ages and backgrounds

As retirees, the extra income has been instrumental in allowing us to maintain and upgrade this aging house

This home has been in the family and continuously occupied by family members personal information  
The suite which we rent out was built with the house in the personal information  
Has always been occupied by family members or students  
Proximity to UVic and Camosun means students have sought out the space, often by word of mouth  
Our primary occupants during the year are students renting anywhere from 6 weeks for course work or research time up to 8 months covering a full academic year  
We have offered our suite free of charge on several occasions to accommodate refugee arrivals  
We do not rent out the full house

Bottom line: we strongly submit that we are contributing to the pool of available affordable housing in a city that has a shrinking supply.

Thank you  
personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 2:53 PM  
**To:** Legislative Services email  
**Subject:** Short Term Rental Feedback

To whom it may concern,

I wanted to write in as a local small business owner and Victoria resident to share my option about the proposed regulations on short term rentals.

As someone who has lived in Victoria for the last 10 years, I very much SUPPORT the bylaw amendment that would shut down future short term rentals. The current rental market in Victoria is viewed by myself, many of my friends, family and community members as elitist, and a deterrent to making this city healthy, vibrant and inclusive. I've seen many leave this city on the premise that they could not find a long term rental to allow them to stay in Victoria, despite their love of this city.

This bylaw would be a step in the right direction towards providing housing for the many Victoria residents who are in need.

Kind regards,  
personal information

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personal information



**Rob Gordon**

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**From:** David Langlois <david@agentdavid.com>  
**Sent:** Friday, Nov 3, 2017 7:49 AM  
**To:** Lisa Helps (Mayor); Marianne Alto (Councillor); Chris Coleman (Councillor); Ben Isitt (Councillor); Jeremy Loveday (Councillor); Margaret Lucas (Councillor); Pam Madoff (Councillor); Charlayne Thornton-Joe (Councillor); Geoff Young (Councillor); Legislative Services email  
**Cc:** greatervictoriastr@gmail.com  
**Subject:** Short Term Rental Regulation  
**Attachments:** GVSTRA-Positions.pdf

Dear Mayor, Councillors and Staff,

The Greater Victoria Short Term Rental Alliance, GVSTRA, represents a significant group of short term rental owners in the City of Victoria. Please find attached our response to the proposed regulatory framework concerning short term rentals. We will be seeking direct meetings with Mayor and Council on this issue in the coming weeks as the city appears to be moving exceptionally quickly to implement what we consider to be a flawed regulatory regime, with little to no public consultation, or regard for property owners rights. We look forward to discussing this matter in a positive and constructive manner.

Best Regards,

David Langlois  
GVSTRA Committee  
personal information



**GVSTRA Positions Regarding Proposed STR Regulatory Structure:**

The Greater Victoria Short Term Rental Alliance is a group of concerned and engaged citizens who either own or operate short term rentals, (STRs), in the city of Victoria. GVSTRA has been formed in response to what we perceive to be an unwarranted attack on the legal business of providing STRs in the city of Victoria. The GVSTRA is committed to seeking solutions for the STR industry in the city of Victoria. The GVSTRA would like to work with the city to create meaningful solutions but recognizes that legal action towards the city may be the only option available should the city not wish to recognize the rights held by STR owners and operators. The GVSTRA is committed to political action in support of owners and operators of STRs.

<b>Proposed Regulatory Item</b>	<b>GVSTRA Position</b>
<b>Application form</b>	
1. Two items proving principal residence	1. No position
2. If a renter a letter from the owner...	2. No position
3. If in a strata, a letter from the strata council permitting STR use	3. Strong objection. The city has no jurisdiction with respect to strata bylaws. Strata corporations have no standing in the issuance of business licences. Does this rule apply equitably to all strata properties in the city?
<b>Supplementary Material</b>	No Objections
<b>Fees</b>	
1. Home share \$200	1. Objection. This business licence fee is out of step with those of other accommodation providers
2. Commercial \$2500	2. Strong Objection. There can be no justification for a 2000% licence fee increase.
<b>Operating Requirements</b>	
1. Display licence number	1. No Objection.
2. Adhere to city bylaws	2. No Objection.
<b>Communication and Engagement</b>	
1. No formal engagement process	1. Strongly object. Communication and engagement with ALL stakeholders group should be a priority in any regulatory development process, particularly with the stakeholder group most affected. Stakeholders include those who are or are interested in operating STR, not only those deemed by the City to be eligible under current bylaws.
<b>Enforcement Strategy</b>	
1. \$512,000 third party enforcement	1. Strong objection. Enforcement of existing zoning bylaws regarding STRs outside of now legal non-conforming zones is straightforward and such an extravagant course of action is unwarranted and unjustified.



### Application Form

The requirement that owners of strata units must seek a letter of permission from their respective strata councils to operate an already legal short term rental is strongly objected to. The city has no basis in law in which to compel an owner of private property to seek third party approval for what the owner holds to be a legal and legitimate use. As the City points out in it's FAQ's:

"My strata bylaws state that short term rentals are not permitted in the building.  
Can I still have a short term rental?"

No. You must comply with your strata bylaws regardless of the City regulations.  
The City is not responsible for nor able to enforce strata bylaws."

"The city is not responsible for nor able to enforce strata bylaws." Compliance to strata bylaws is a matter solely between an owner and their respective strata corporation. It is the position of the GVSTRA that this requirement exists solely to create a potential friction point between STR owners and their respective stratas, in furtherance of their goals to eliminate STRs from the city of Victoria.

### Fees

The current fee for a transient accommodation unit is between \$100 and \$120. Doubling the fee to \$200 for a home stay licence is on the face of it unreasonable. Raising an entire unit licence fee by 2000%-2500% is wholly indefensible.

"Staff recommend the proposed fee structure to:

- recover the costs of reviewing and issuing licence applications and renewals
- 'level the playing field' between STR operators and traditional accommodation providers, especially as changes to provincial sales tax legislation are expected to take time
- ensure that commercial operators pay a fee commensurate with revenue generated, (especially important in Victoria, which is unique amongst municipalities for transient accommodation considerations in zoning bylaws)
- discourage casual operators who are unwilling to pay to operate"

The city of Victoria's justification for the increase makes it plain that the city is proposing a tax on STRs that it has no right to levy. The city has no standing to "level the playing field" between one accommodation provider and another on the basis of provincial taxation policy and presumes a bias in favour of the traditional accommodation providers without a basis in evidence. Further a fee linked to revenue generated by a rental property must be considered a tax and not a fee.

To put this into perspective, a single unit at, for example, the Janion, of approximately 300 square feet would be charged a business licence fee of \$2500.00. At the same time the business licence fee for the entire Empress Hotel in 2017 was \$2480.00. The city has forecasted an average business licence cost of \$162 for 2017 for nearly 9000 licences. An STR licence would be more than 15 times the average.

It is clear from this proposed "fee" structure that the intent of the city is to not only "discourage casual operators who are unwilling to pay", but to discourage all operators with the threat of exorbitant, and in the view of the GVSTRA, illegal fees.



**Communications and Engagement**

Council and staff did not undertake any engagement with affected stakeholder group prior to proposing their regulatory framework. It is the hope of GVSTRA that feedback received concerning the proposed regulations be considered seriously and that amendments to the proposed framework be incorporated based upon received feedback. The fact that council chose to change the zoning of over 140 zones within the city in the span of less than three weeks with only one public hearing indicates that its practices in open and transparent governance are not consistent with its commitment to the public.

**Enforcement strategy**

According to city documents, the entire budget for bylaw & licencing services is approximately \$1,300,000.00. The city is proposing to increase this budget by \$512,000.00, or almost 40% to enforce land use and business licence bylaws with respect to STRs. Further, it is understood that the revenues to be gained from this surveillance of taxpayers will be less than the expenditure. The GVSTRA believes this to be outrageous fiscal policy.

The city has taken no steps to identify the actual number and composition of the STR inventory in Victoria. The city does not know how many single units exist that are employed as STRs. The city does not know how many STRs are homeshares. The city does not know how many STRs are used both by owners and rental occupants, making them available only on a part time basis. The city does not know how many STR units are operated on a full-time basis. The city does not know how many STR units are within the legal, now legal non-conforming, transient zones. The city does not know how many STR units are outside of the transient zones. The city has not evaluated the economic and social benefit of STR units. The city has conducted little to no due diligence in identifying where and what, or even whether, there is a problem in the operation of STRs.

The GVSTRA holds that implementing an enforcement strategy that has not yet identified or quantified the nature of the problem to which it will be applied is irresponsible. Proposing such an unfocused enforcement regime with a budget equivalent to almost 40% of the current bylaw & licencing services budget, and proposing it be done by an outside third party is fiscally irresponsible.

**Achieving Stated Policy Objectives of Availability and Affordability**

There is no clarity provided on the relationship between STR units inside or outside the transient zone in relation to the stated goal of increasing availability of housing, particularly affordable housing, in Victoria. The position is not based on evidence, a fundamental requirement in sound public policy.

Considerations are biased against taxpayers who seek to retain property assets in favour of those who seek rental accommodation without regard for the well being of owners hard pressed to maintain housing stock in light of ever-increasing costs and the realities of the marketplace.

It is a reality of the accommodation market that a segment of the population requires accommodation for short term periods (locum placements, term projects, medical treatment, school term start/finish, family events, etc.). The City is silent on how the legitimate needs of citizens and visitors will be met without hardship under the proposed regime. Similarly, the City has not presented analysis of data related to need for STR in the arts, academic, business and taxpaying constituent sphere. Indeed, the City has failed to identify the character and scope of STR from either the consumer or purveyor perspective.



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 2:05 PM  
**To:** Legislative Services email  
**Subject:** Short term Rental

Dear Council

I would like to have my voice heard in regards to the short term rental regulations.

This residence is my home to which I come to several times a year to enjoy. Until which time I am able to retire and settle there permanently.

I was able to renovate and beautified my century home and bring back to life this old lady, all because of short term rentals. Had we not taken the time to properly restore this residence, it most certainly would have been turned into a duplex, for which the land has been zoned.

I would like to be able to short term rent this home for several reasons; I want to maintain the property and house to excellent standards. I use my short term income to do this. I supply a home to families at a reasonable rate (some families can not afford Victoria hotel rates for an entire family) and then these families can enjoy Victoria. This in turn will also supply Victoria with tourism income. I also use a cleaning and yard maintenance company, so I use local businesses regularly.

There are many reasons to allow short term rental, with only one reason not to and that is to have more long term rentals.

I believe that only a small percentage of these homes will return to long term rentals, some will remain empty, as mine will. Some will be sold off to investors and/or builders who, in turn, will sell to investors.

Committing my house to a long term rental market negates the reasoning for renting my home short term, which is so I can spend time in Victoria myself.

Help us supply affordable rentals to your tourism industry and keep Victoria, Canadian and not an investment supply for wealthy foreign investors.

Thank you for your time!



**Rob Gordon**

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**From:** personal information  
**Sent:** Friday, Nov 3, 2017 2:37 PM  
**To:** Legislative Services email  
**Subject:** short term rentals.

this is to let you know that I disapprove of council' s plans to prohibit short term rentals in suites in houses and garden suites which are owner-occupied.  
this will not improve the long term rental market as these owners will not be amenable to renting out to long long term. many of the owners need these suites to accommodate their own family members or friends and do not wish to be involved in a landlord-tenant relationship.



**Rob Gordon**

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**From:** personal information  
**Sent:** Friday, Nov 3, 2017 10:34 AM  
**To:** Legislative Services email  
**Subject:** Short Term Rentals

To whom it may concern,

My wife and I recently purchased a pre-completion condo in downtown Victoria. After purchasing our first home with the minimum down payment and seeing how the value of our property increased, we began to worry how our daughter (turning 1 year old in a couple weeks), would be able to get into the market in 20+ years. My wife and I used some equity to purchase this condo, that will be completing in the fall of 2018, for our daughter to one day move into.

We purchased this after an immense amount of due diligence, and confirmation of city zoning and bylaws/uses of the building when it completes. From there we came up with a business plan, based off approved uses and the city's zoning to rent the unit short term - completely legally. We are both shocked at the city's decision to change zoning and no one can answer our questions about how this impacts buildings that are under construction but not yet complete. Our business plan was to use the transient zoning to run a short term vacation rental, that would be completely by the letter of the law with business licenses etc. If this zoning is not grandfathered to us, we will be devastatingly impacted. How the city can make such a change without considering those of us in this situation and still providing no answers is quite dumbfounding.

If those reading this could put themselves in our shoes, they would see how great of an impact this would have. The change in value is immense, and this was a long term plan from local Victoria citizens. We aren't wealthy citizens who have hoards of these types of rentals, but we came up with this plan to purchase just one and followed the city rules and zoning and are potentially being burnt by sweeping and abrupt changes and will in the end have a substantial financial impact on my family and I. I am lifelong Victorian, that I would hope my city has some concern for.

If I could draw a hypothetical comparison, I couldn't imagine a family coming up with a business plan to start a business (ex. restaurant, bakery) and after purchasing the property and once they begin to construct their kitchen, already having paid a substantial amount of money, being told by the city that the zoning no longer allows their intended use.

Please consider those of us that are in this situation and are worried about the long term ramifications on my family and I.

Thanks for reading,

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Friday, Nov 3, 2017 10:16 AM  
**To:** Legislative Services email; Lisa Helps (Mayor); Victoria Mayor and Council; Community Planning email inquiries; Business Licence; Public Hearings; Ben Isitt (Councillor)  
**Subject:** Short Term rentals

Hello

I am emailing you all to let you know that I am concerned about councils position on short term rentals. I have been a Realtor in the city for 11 years now and I have seen our market change a few times over those years. Right now we are in a rental crunch and the housing market has done a major up swing which, does add stress on our lower income citizens. I do understand that finding a solution for housing is very important and something that does have to be delt with. I do not however believe going after investors who have bought a property in the transit zoning area along with following the bylaws set by the strata. These people have followed the rules. I do believe that the Greater Victoria area needs to address illegal vacation rentals. Opening up of a basement suite in Saanich would help with student rentals or a whole house to house a local family. These are the issues that need to be addressed not attack investors whom played by your rules and pay the taxes.

I might also add that your solution is short sighted, we have a lot of rentals being built at the moment and this rental crunch is going to end and we are going to be left with vacant properties. Our city needs to come up with a healthy long term plan and not a knee jerk reaction.

I am also someone who loves to travel and my husband and I prefer to stay in a vacation rental condo or home as it lets us travel with family and friends as the cost goes down allowing everyone to afford the trip. The average hotel in Victoria cost over \$150 a night and when you have a large family the cost of getting 3 or more rooms is very expensive. Having vacation rentals does provide a healthy balance of choice for travellers. Our city relays and tourists spending money in and around Victoria, if we take affordable options away from travellers we will see less dollars being spent.

Vacation rentals provide an option for travellers , allow snowbirds to afford living in more then one place, gives options to people who have been displaced by home issues such as major water damage in condos, interim living between purchasing homes, short term living while moving to Victoria, a home to a someone who is getting divorced ... Short term rentals have a place in our city and my family has used them for all these reasons above. My cousins can't afford to stay in Victoria at a hotel with their kids, they book a condo with a kitchen for \$90 a night. My Grandmother was displaced from her condo for 4 months and she stayed in a condo in Humboldt valley giving her a place to land that made her feel at home where a hotel would not have worked, my

personal information

my mom needed a place furnished for 3 months before she could get her own place. Our city needs to look at the bigger picture and find a healthy balance.

personal information

Owner of personal information



personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Saturday, Nov 4, 2017 5:09 PM  
**To:** Legislative Services email  
**Subject:** Short term rentals

Dear Victoria City Council

We are writing to convey our concerns with the proposed Short Term Rental business licence and property tax changes.

We are new property owners in Victoria, and purchased such property with the intention of exploring the short term rental market. This investment property is intended on supplementing our retirement income, as well as supplemental income as we support our growing family. We have always found Victoria to be a welcoming and enjoyable city as a couple, and now as a family. We enjoy spending holiday time exploring the city, and wanted to share that experience with others through our Short Term Rental. We have often used Short Term Rental properties for our accommodations, as we find them more suitable, flexible and affordable for our family. We sincerely hope that City Council hears the concerns of Short Term Rental owners, and does not increase business licence and property tax rates, which would in the end impact the not only the owner, but the consumer.

We look forward to continue to enjoy time in Victoria.

personal information



**Rob Gordon**

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**From:**  
**Sent:** Friday, Nov 3, 2017 9:34 AM  
**To:** Legislative Services email; Lisa Helps (Mayor); Victoria Mayor and Council; Community Planning email inquiries; Business Licence; Public Hearings; Ben Isitt (Councillor)  
**Subject:** Short term rentals in Victoria BC  
**Attachments:** bottom.letterhead

Hi there

I am emailing you all to let you know that I am deeply concerned about councils position on short term rentals. We purchased downtown at the Era 728 Yates, in the transient zoning purposely for this as a legal short term rental. We wanted a legal suite that wasn't suitable for someone to live in, but would return a decent rate of return as an investment to supplement either of us not having a pension. The suite is 480 sq ft bachelor and not liveable for anyone but a transient person. Also I wanted to mention that a lot of our seniors in town are snowbirds which depend on this income to supplement their livelihood while they are down south or whatever the case. We have a tonne of these people in Victoria as I am sure you know! Go after the illegal short term rentals. We are fine with having a typical \$100 business license to operate this in Victoria. We pay taxes on this income, and it gives tourists another option to come visit our beautiful city at an affordable rate. The hotels are constantly booked solid throughout Victoria especially in the high season. Fair competition is a healthy thing for business and I hope you don't overlook the other side of the coin as we all love this city and want to find a solution.

All the best!

Sincerely

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Friday, Nov 3, 2017 11:34 AM  
**To:** Legislative Services email  
**Subject:** Short Term Rentals

Greetings all,

Our heritage condo renovation was completed & sold in early 2000 when city policy was to encourage development of short term rentals to support the tourism industry. Strata bylaws state short term rentals are permitted - part of the live/work units they were sold as. Many owners bought into this concept & utilize their property as occasional short term rentals others long term rentals & although long term rentals generate far more damage & costly problems for the strata owners both have coexisted. Likely our building does not conform to the use provisions of the Local Government Act & this proposed change of policy has generated a new hostile attitude towards us. How else can a business license that can be \$100 but in our case of \$2,500 be viewed? Most of us are single unit owners, not on par with accommodation business lobby groups. The report touts a simple approach to regulating STR's and simple approaches to complex issues appeal to simple minds. This report's recommendations around the broad-based approach to the housing crunch unfairly targets families seeking extra income to address housing affordability. Adding additional government levied costs only drives the final housing costs up in communities as the extra costs are passed onto end users. \$2,500 is an unreasonable licensing fee & is unfair to a large group of people who have engaged in the beginning of a shared community. The pull of going back to housing as it used to be is attractive but the reality of affordable housing means people have to find new ways to make ends meet. A more reasoned, measured solution to the licensing costs of STR is what the community of people living in Victoria need & the recommendations of the report to Council fall well short.

Regards,

personal information



**Rob Gordon**

**From:** personal information  
**Sent:** Friday, Nov 3, 2017 4:28 PM  
**To:** Victoria Mayor and Council; Legislative Services email  
**Subject:** Short Term Vacation Rentals - comments re your proposed changes

To the attention of Mayor Helps and the City Council,

I am writing to ask you to seriously reconsider the draconian changes you have recently proposed to make life harder for those of us working very diligently to provide wonderful short-term rental accommodation for guests to Victoria from Canada and around the world.

My husband and I, both in our sixties, took the calculated risk earlier this year to drain our home equity to allow us to get an expensive, small, short-term vacation rental unit in Chinatown, which will one day hopefully help us in a decade or so, as we have no pension plans. Since opening, we have poured hundreds of hours of our time and hard work (& 1000s of dollars) into ensuring our guests have a wonderful stay here in Victoria. Being honest, ethical people, we purposely chose an area that the City's website assured us allowed short-term vacation rentals as a permitted use, ensured that the building itself allowed them in the bylaws, and immediately purchased a business license before opening. Our very personal attention to our guests, our top notch furnishings, and the prime tourist location where our unit is situated have led to us having all 5-star reviews since day 1. Our guests have spent many, many thousands of dollars on restaurants, sightseeing, festivals, shopping, etc., and have all told us they would love to come back again to Victoria as they had such a great time in our centrally-located rental unit, and that they would tell their friends both about Victoria and about our accommodation. This is, I'm sure, precisely what you as the current leaders of this city would like to have happen!

Would those guests have stayed in hotels if it hadn't been for us? Perhaps a few, but many people want a personalized 'home-away-from-home' experience rather than a standardized hotel chain experience. Those staying longer or travelling continually greatly appreciate a washer/dryer for their clothes, and a kitchen, and a personal connection with residents like us. And then there is the financial reality that stops many people from coming to visit expensive cities like Victoria—the hotels are just too expensive for many, allowing little money left in the budget for sightseeing or eating out. Without alternative options like ours, many prospective tourists here would go elsewhere (Parksville, San Juan Islands, etc). This summer when I had an acquaintance from personal information visiting and our rental unit was not available, as most of the affordable hotels were full and those with available rooms were charging \$350-\$450 a night (!), he & his brother went and stayed in Campbell River instead! The only night he got to stay in Victoria was when I found him a nice Airbnb unit that was good value. Both hotels and Airbnbs get filled in high season especially—there are enough guests wanting to stay in Victoria that there is enough business for both hotels and rental owners to meet the need. Closing our services down will have unforeseen consequences on many local businesses who rely on the guests staying with rental owners such as ourselves.

Most people I've spoken with who are knowledgeable about short-term vacation rental units are shocked and perplexed why you as City Council would decide that those of us providing these services legally should be the only group targetted in the City for an approximately **2,174% increase** in the cost of a business license!! We have one little 539 sq ft one-bedroom unit—do the hotels pay \$2,500 per room?! Apart from important issues of fairness, I think that such a move would simply push people (out of financial necessity) into running their units secretly without business licenses, advertising on less well-known sites, as they can't afford to do otherwise. If you keep the business license at a reasonable amount for all short-term vacation rental units, such



as even the \$200 (already a huge jump from \$115) you proposed for home-based rentals, the vast majority of us will pay it, post our business license numbers on our web ads, etc and will continue to do everything legally.

We are also perplexed why you think you should discriminate against those of us renting let's say a one-bedroom unit where allowed downtown, charging us \$2,500, when someone renting a one- or two-bedroom suite in their house should pay \$200?? \$200 is more than an adequate amount for either group to pay, and we are both providing the exact same service, so why the discrimination? And in practice, it is much safer for hosts to not have total strangers sleeping in the bedroom next to their children, but to have dedicated apartment space where both hosts and guests can feel safe.

I realize that the issue of affordable housing is of concern to you and to all city councils across the world. These proposals were probably made in the hopes of freeing up more units for long-term housing. Unfortunately however, as with most complex issues in life, what seems like simple solutions often do not work out in actuality as hoped. As a realtor myself, the hard reality is: prices are largely based on "location, location, location". Units in the heart of the touristy areas of downtown—where most Airbnbs are located—will NEVER be "affordable housing! Units that cost owners \$400,000 - \$700,000 will NEVER be rented out for \$1,000 a month or less to those needing affordable housing—when the monthly costs of mortgage, condo fees, property taxes and insurance are on average between \$2000 - \$3000 a month for owners! And if we sell them, only wealthy people will be able to buy them. So even if you were to close down every downtown Airbnb, you would probably have almost zero additional "affordable housing". You need to look at other more effective means of providing affordable housing, rather than unrealistically expecting that we are personally going to subsidize other people's housing for units that we have paid a great deal for. The hard reality is actually, that as in every major city of the world, those with low-income jobs need to realistically live in less desirable, less central areas. Many of us would love to live in Oak Bay or the Uplands, but know that our income does not allow it. This is likewise the situation for downtown, where countless people would like to live.

I have many more comments—including about how you passed major zoning changes with no real public consultation except for one non-advertized meeting--but as I think your deadline is in 5 minutes, I need to close.

Thank you for considering these comments and those from the 100s who attended Monday's Open house, and we trust that you will do the fair thing in revising your proposed changes to be more fair and reasonable.

Sincerely,

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 11:38 AM  
**To:** Legislative Services email  
**Subject:** Short-term rentals

Hi there!

I was at the meeting on Monday at City Hall. It was impressive in that it was very well organized thank you for being on your collective game!

My husband & I own a suite in The Oriental (562 Yates St) and currently have an application in with your offices for a business license to continue operating our Airbnb business, which we started on July 1st, 2015. I understand that there is a very good chance that we will be allowed to continue pending a few additional pieces of information which we will be forwarding immediately.

We just want to table a couple of things about the proposed business license fees. While at first we balked at the proposed \$1500/year fee, upon further consideration we feel that a weightier fee might be good to weed out the operators who are not serious about their rental business. At the same time, if we are to pay more than the \$100/year business license that everyone else pays to operate in Victoria, we do want to ensure that this fee or at least a good portion of it finances public housing in some fashion (ie: creating more low income long term rentals, etc.).

We also want to add our voices to the alternate concept of a rental taxation rate rather than a hefty yearly fee that we can perhaps build into our fees as traditional hotels do. But again, we believe that ALL listings should be licensed and approved by the city. If we owners want to operate as businesses, then we should be prepared to legitimize.

Thank you!

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 5:16 PM  
**To:** Legislative Services email  
**Subject:** Short-term rentals

Dear Mayor & Council,

I am excited to call Victoria my new home away from home as I reside in Vancouver but now spend part of my time in your wonderful city. I like to plan out my future well in advance. My partner and I are keen to move to the island eventually and as part of this transition I was lucky enough to be one of the original purchasers of a Janion micro-loft back in 2013. This amazing project not only brought a beautiful building back to life, but also was strategically zoned for short-term rentals and was established many decades ago. This was critical for me, as I knew I would not be in Victoria full-time, but would offer me a vacation spot, as well as a place for my family to stay which would encourage them to come down island more often.

Instead of have it sit vacant most of the year, we could make it a viable situation by utilizing Airbnb while no one is there and help drive the booming tourism industry and pay our bills. Unfortunately the extremely aggressive attack on VRs is going to drive us to leave our suite vacant for 90% of the time as I am not willing to give up my planned vacation spot by renting it out long-term. Not only will I be losing money, the Victoria economy will be losing money directly as my staff that help me manage the property will also be out of work.

This plan seems to be an extreme measure designed to appease the big corporations who dominate the tourism accommodation sector in Victoria and I do not personally think it is in the best interest of residents or the city. I support regulation if done right and is able to strike logical balance, this proposed change unfortunately does not, it is effectively a ban.

Below is a letter from my Strata council which shares the sentiment from our Janion Community.

Thanks for your time,

personal information

Dear Mayor & Councillors,

We are writing to object to the recent downzoning of The Hotel Janion Building in Old Town,



Victoria and specifically, to proposed new regulations now being contemplated that will apply to Janion Owners who operate under the now grandfathered Transient Accommodation zoning.

In 2013, Janion owners purchased their units with the understanding that the 120 micro-loft units were zoned for residential AND vacation rental use. The design of the building itself was conceived specifically with Transient Accommodation use in mind and the average size of the units is below 300 square feet.

Since completion in December 2016, the building has been operating very successfully with a mix of full-time residents who rent or own their suites, part-time residents who operate their suites as VR accommodation when they are not in Victoria and a small number of suites that are operated as VR accommodation on a full-time basis.

Many Janion owners, including full-time residents, rely on income from vacation rental in order to pay their mortgages and meet other financial obligations. Owners purchased their Janion units in good faith, relying on zoning that had been in place since 1994. Buyers at the Janion were cognizant of the zoning and of neighbouring buildings with mixed condominium and transient uses such as the Victoria Regent and Delta Hotel and had no reason to suspect that the zoning was under threat of the downzoning that has taken place.

Provisions in the Local Government Act provide that the use is grandfathered, but it appears that the city is now going to use unreasonable annual licensing fees and bureaucracy to force an end to the VR use of our building. It is our understanding that each of our owners who wishes to obtain a business license will require a letter of approval from the Strata Council.

Please consider this letter as your official notification that the Strata Council approves of Transient Accommodation use of any of the Janion's 120 units and that no strata bylaws are being contemplated to forbid the use, which is widely supported in this building.

Transient Accommodation under Victoria's current Fees Bylaw is \$100.00 plus \$5.00 per room. We find that the proposed fee of \$2500.00 a year for a Business License is patently unfair, discriminatory and unreasonable and we ask that you reconsider taking a punitive approach.

The proceeds of licensing paid by owners operating legally should not be used to enforce against operators who have always been operating outside of zoning. One can only conclude that the exorbitant fee is another direct attack on our owners. We respectfully request that you reconsider.

Yours truly,  
Ken Hancock  
President EPS #3614  
Janion Strata Council

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personal information



personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 3:50 PM  
**To:** Legislative Services email  
**Subject:** Short Term Rentals

To whom it may concern,

I attended the Open House regarding proposed changes to the Short Term Rental Regulations. I would appreciate you adding this additional comment to your consultation process.

I understand the reasons for change in regulation, however the plan seems to focus on the individuals who run short term rentals on a high volume, multiple unit and high revenue basis. In such situations I can accept the need for expensive licensing. However, I feel there should be some flexibility for people who have secondary property and rent such out purely for cost recovery and primarily use the unit for their own enjoyment. We have been frequent visitors to this beautiful City and recently purchased our own unit. Our intent is to provide short term rentals on a minimal basis to recover our taxes, utilities and other associated costs. If I understand your proposal correctly, I will now be faced with a \$2500 license requirement. I feel that one cost for all owners, no matter what the size of the business, is unacceptable. Such will probably result in us not renting out the property, hence more accommodation availability issues for tourists. Already a challenging issue for the City.

As such, I would appreciate a licensing system that incorporates tiers or thresholds that are relative to rental durations or gross revenue levels.

Thank you for your consideration.

personal information

Sent from my iPad



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 3:36 PM  
**To:** Legislative Services email  
**Subject:** Short term rentals

As a single parent, this kind of Short term rental helps me save for property taxes.  
Implying that I need a business license is simply a money grab. Or maybe to fund the ridiculous bike lanes you putting in.  
I am against this proposal !

personal  
information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 9:58 AM  
**To:** Legislative Services email  
**Subject:** Short Term Rentals

Nov 1

City of Victoria

Re: Short Term Rentals

To Whom It May Concern,

Hosting guests from around the world in my home is important to my guests and to my livelihood.

My entire home rents to families, groups of people and business travellers.

It is very rewarding to provide a safe environment for families to gather, children, Mothers, fathers, grandparents, use my home as a place of uniting and sharing the family experience.

Sharing the neighbourhood is a wonderful way for guests to understand the environment that they would not experience staying at a local hotel. Its economical and allows people to be a part of the community for a short while.

The tourists staying spend money. Tourism is the life breath of our economy.

Hard to believe that there is a problem here.



I would very much like to hear what the downside of all this is, why are you opposed or even considering limiting this shared economy.

I will vigorously defend my right to provide accommodation to guest visiting our area.

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Saturday, Nov 4, 2017 5:09 PM  
**To:** Legislative Services email  
**Subject:** Short term rentals

Dear Victoria City Council

We are writing to convey our concerns with the proposed Short Term Rental business licence and property tax changes.

We are new property owners in Victoria, and purchased such property with the intention of exploring the short term rental market. This investment property is intended on supplementing our retirement income, as well as supplemental income as we support our growing family. We have always found Victoria to be a welcoming and enjoyable city as a couple, and now as a family. We enjoy spending holiday time exploring the city, and wanted to share that experience with others through our Short Term Rental. We have often used Short Term Rental properties for our accommodations, as we find them more suitable, flexible and affordable for our family. We sincerely hope that City Council hears the concerns of Short Term Rental owners, and does not increase business licence and property tax rates, which would in the end impact the not only the owner, but the consumer.

We look forward to continue to enjoy time in Victoria.

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 9:59 AM  
**To:** Legislative Services email  
**Subject:** STR proposal to ban

It seem to me it's very ironic that the stated goals on why your doing this takes away the very same tool that we used to solve those issues, and finally start a family. You can imagine how that makes us feel the position it puts us in.

Have a good day



**Rob Gordon**

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**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 10:17 PM  
**To:** Legislative Services email  
**Subject:** STR Regulations

My name personal information My wife and I purchased a property last year as a investment since a single family home was way too expensive.

My wife is a stay at home mom and she manages the condo through the AIRBNB app. This job has been proven to be a perfect chance for my wife to still be available for the family, but still giving her an opportunity to "contribute" to society again after almost 8 years of personal information

We were at the council meeting when it was decided that STR ruling would be changed. However we thought that the way the proposed changes were set out in an unfair way. We both understand that there are illegal units being rented out through the vacation rental websites and we are all for stopping those outside of the Transient Zoned areas as we did pay a premium on our unit in the Falls to acquire a properly zoned condo.

Also, a potential \$2500 license is steep considering that number what drastically dip into the potential profits we hope for. Why is it that businesses such as car dealerships and stores like Best Buy that generate millions in revenue are only subject to \$100 licenses and the Empress Hotel having multiple outlets being charged close to the \$2500 in annual fees, but they have hundreds of rooms to generate revenue.

I can tell you that I remit GST to the federal government on my unit and am happy to do so as it is my duty as a citizen of Canada. I am also happy to have the resort taxes and other fees applicable to be remitted. But again I thought that those fees were to assist The city in promoting itself to tourism, and if that is the case should STR's be marketed as such to be fair?

We believe in regulating this sector and we also agree on shutting down illegal suites, but the comments of certain councillors and members of the public stating that we need more units back on the rental market are looking down the wrong street. We hope you can see that if units can no longer operate profitably, those units WILL end up on the rental market but not at an affordable \$1100 per month. Owners will likely have rents of \$1700+ as those suites are located in the more upscale building in town and will likely be rented out fully furnished.

Should restrictions be placed by way of heavy fees the City is likely to see many units being put up for sale and then having to deal with available suites but not for rental but on the MLS listing with people who now have to deal with stricter and tighter lending rules for mortgages. Again, empty suites as not many people will be able to qualify for the mortgages. The people looking for affordable housing in downtown Victoria will still be looking. This is also not even mentioning the people who rely on the STR business to pay their mortgages. Foreclosure might be a word too early to mention but could easily be on the horizon.

Sent from my iPhone



**Rob Gordon**

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**From:** personal information  
**Sent:** Friday, Nov 3, 2017 11:41 AM  
**To:** Legislative Services email  
**Subject:** STR

Dear Folks:

You have asked for feedback on the proposed report and regulations regarding Short Term Rentals in Victoria (STR). I am happy to give you my feedback.

First I want to state who I am and what my interest is in STRs. My wife and I own a condo personal information Yates Street. We are a retired couple who currently reside in Burnaby. We have been attempting to move to Victoria on a permanent basis but needed to wait out our youngest son getting on his feet. We used to visit Victoria often and we spent a lot of time looking at real estate. Over the years the prices continued to rise and so we decided to buy the condo on Yates.

We like to try to visit for a week every month and the rest of the time we advertise our property as a STR via HomeAway (VRBO) and TripAdvisor. The ability to rent out to tourists allows us the ability to visit Victoria and soon to find a new home for ourselves in the city.

We don't seem to fit your two standards of license, this is not a permanent home yet, nor are we commercial. The cost of the license is punishment not a permit to operate a part time STR. What other businesses pay \$2500 annually to operate a part time, or for that matter, a full time business?

When we purchase our condo it was clear that the city was encouraging STR development in this building and that was a consideration to purchase at that time (2008) and now the city seems to want to 'kick' us in the teeth. How is this fair and to what purpose? I will not rent on a long term basis as we need it for our own use and only rent STR to defray our expenses, hardly a money maker, it is similar to folks who look for homes with a suite for a revenue helper - to make it affordable.

The \$2500 fee will take about 50% of our annual 'profit' from our renting. You have become a partner. What value to do you bring to the table?

Please reconsider this. There needs to be a middle ground.

Sincerely,

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Friday, Nov 3, 2017 4:28 PM  
**To:** Legislative Services email  
**Subject:** Vacation rentals

Hi ,

My wife and I recently purchased a small studio condo, at 599 Pandora Ave. We live in, and work from this studio. Our purpose for purchasing this condo is to have it as a primary residence, and rent it short term while we visit family from time to time. These family visits will be anywhere from two weeks, up to to months. The frequency of our family visits will likely increase as we step further away from working.

We will apply for appropriate licences, and of course, pay appropriate taxes, as we will have our condo managed by a reputable STR company, that has been in business for many years in Victoria. Our concern is that with the new proposed city bylaws, the building at 599 Pandora Ave, is not being grandfathered as legal non conforming, allowing STR's.

Prior to us purchasing this new condo, we had been living in a larger suite in 599 Pandora. The building was probably the leader in the STR industry in Victoria. At one time there were 22 suites(owned by the developers family) operating as STR's, along with several others. As a matter of fact, we learned to really embrace the industry, to the point persona

semi retirement income. This industry has become part of our informat

I guess the purpose of my letter is to show that we are an example of a proposed STR, that makes sense for everyone, and doesn't negatively affect housing in Victoria.

We look forward to applying for our licence, but will likely wait until one of our owners has acquired the legal nonconforming status for the building.

Thanks for listening, regards , personal information Sent from my iPad



**Rob Gordon**

**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 3:21 PM  
**To:** Legislative Services email  
**Subject:** When tenants are short term

Missing from the short term rental discussion is the fact that hotels do not meet the needs of short term tenants. That is a matter of cost, location and space requirements. The City's focus on an artificial "transient zone" may suit hotel owners—but it does not factor in the needs of short term tenants or the landlords who serve them.

From experience, 60-65% of STR tenants in neighbourhoods need accommodation for very specific purposes in proximity to that purpose. They often bring caregivers, or pets, or family members who cannot be left behind. They need accommodation in neighbourhoods and have as much right to that as any other citizen.

Typical stays support pre and post medical treatment prep/recovery. For example:

- A mother and daughter from Campbell River stayed to gain control of nerves before an operation at nearby RJH. Doctors had advised against the long drive home so post surgery, they have a peaceful respite—the stay totalled 12 nights.
- A less invasive medical treatment brought an artist from the Comox Valley with her mother. Their two stays of 4 nights served a similar purpose for consultation and a second post-op check-up.
- An open fridge for medications and place to prepare meals is critical, as is space that can place the patient in a quiet room with a caregiver nearby but in a separate space is important.
  - This type of tenancy is not compatible with room sharing in someone's private living space where the lack of privacy and sense of imposition adds stress, often embarrassment.
  - Comparable space in a hotel runs upwards of several hundred dollars/night, a serious burden to most (all?) and adds insult to injury when imposed by the City.

Other needs for short term tenancy include the following true examples:

- personal information respectively used the same property for their stay in Victoria—initially under 30 days, extended to two months while here.
  - Each prof needed proximity to UVIC and sufficient desk/table space for separate but related work, and each required a bedroom.
  - Their budget could not permit a hotel stay and shared living space was out of the question for these tenants.
- personal information . Short term tenancy in a neighbourhood whole unit means that they can approximate a family life—last time, a fiancée accompanied the dad whose stay in a "family space", picnics in the garden, private space for the couple and daughter, made meeting a new future step-mum successful. The little girl thinks of the house as "her time at dad's house" and we are holding her travel bag with toys and personal belongings in anticipation of next year's stay.
  - The City's proposal that this reunion take place in one or two bedrooms in some stranger's personal dwelling is ridiculous.
  - Knowing of children of divorced parents whose visits are painful stays in cramped hotel rooms—I that short term tenancy makes all the difference. The City proposal is heartless.
- personal information came expressly because they could find a short term tenancy that offered good separation of spaces that could accommodate such a larger group comfortably, conscious of weird jet lag and age related sleeping habits.
  - Shared personal space as required by the City cannot comfortably accommodate such a large, multigenerational group.
  - Comparable hotel space (easily 600-850/night for several rooms) would have meant not coming—I asked. Victoria would simply lose out.



- Families from Mexico, Korea, Japan, China and India, as well as Ontario, Northwest Territories and the Okanagan have accompanied children from age 6 to university age for language study or to settle into Victoria schools. Depending on the size and configuration of the family, they may choose a one bedroom with pull-out or a two-bedroom with pull-out and room for air mattresses. In all cases, they seek a kitchen for preparation of familiar foods, and often seek a specific configuration to support multi-generational needs. Stay are typically 5 - 14 days to settle children into a new experience in a new country, or a week or so where it is a BC family setting kids into residence or a rental.
  - Shared space in someone's "dwelling" simply cannot meet the needs of these short term tenants. If forced into hotels to place kids at university, Victoria would simply lose the business of a longer stay. Or, as in the case of Ontario STR tenants where the family stayed while the daughter studied at UVIC, they would not have come, or selected the course offered in a more welcoming Maritime university where a similar content was available—I asked.
  - Already hard-pressed by foreign student fees, travel costs, etc., hotel rooms are simply not an option. There are plenty of places to study English—Victoria would lose the business.

35-40% of STR tenants are "neighbourhood explorers" in Victoria for 3-60 days. These people do not want to stay near the Inner Harbour. They do not want the noise and bustle. They want to experience "local living". They tend to stay longer or come back often. They patronize very local shops, coffee spots, restaurants, community markets and fairs as part of feeling like a Victorian. They visit most of the usual tourist attractions, too, but choose not to stay in a tourist zone where every step reminds them they do not belong. They interact with their STR landlords as part of cultural exchange through food, sometimes music, always conversation. These people see STR owners as ambassadors and they chose destinations that enable the experience they want.

STR renters seek out personal information about the owner, looking for similarities in interests, in demographic (are they old/young like us? do they fit some other category that indicates acceptance of diversity? will we be safe and able to access the owners for local tips without sacrificing the privacy we need?). The usual websites are used by long and short term tenants now, so for some guests, it is a lease under the Residential Tenancy Act. For others, the reservation booking that comes with \$1 million in insurance per night.

On the flip side, STR tenants meet critical needs for Victoria taxpayers who find costs of maintaining property rising every year — an especially serious situation for those older Victorians who must count on the suite in their home or the still mortgaged second house bought as a hedge against old age. If your pension is not indexed—or if you are self-employed and bought a property for old age, STR is critical in getting to a lower mortgage so that you can have any personal income at all.

A long term suites can have features that make renting difficult (e.g. stairs). So, STR offsets mortgage and operational costs until the next long term tenant. That's just necessary to pay bills between long term tenants. And, some long term tenants benefit from STR units that offset costs such that rents do not increase every year.

Members of Council are spending tax dollars in order to harm taxpayers. And, they are breaking a bond of trust without understanding of the realities faced by both STR tenants and owners throughout the City.

Please reconsider and support your constituents who are small owners whose STR brings business to Victoria neighbourhoods while enabling young families to protect the greatest investment they will make and seniors to retain independence in their remaining years.

It should be quite possible to distinguish between the small owner and the corporate entity coupling up tens of condos, and it is high time neighbourhoods got fair treatment to benefit residents and tenants—long and short term.

Sincerely,  
personal information

Taxpayer  
Victoria, BC



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 9:21 AM  
**To:** Legislative Services email  
**Subject:** Why home sharing is important

I understand the City of Victoria is gathering information on why home sharing on sites such as airbnb is important. With the cost of living (whether you are renting or owning a home) sky rocketing in Victoria beyond what many families can afford, I personally could not keep my housing without renting my second bed room. I am was a single parent and personal information which is far more affordable for her. It's important to both of us that I maintain a bedroom for her because she comes home for the summers and Christmas. Therefore having a roommate is not an option for me because I need to keep a room for my daughter. Being able to rent out my secondary room furnished helps me to pay my rent. I could not have a room for my daughter on my income without being able to share my home with people looking for short term accommodation.

Thank you.

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 9:28 AM  
**To:** Legislative Services email  
**Subject:** STRs

I live in Los Angeles, CA, and visit Victoria about five times a year.

personal information

When I'm not visiting my Victoria condo, I rent it short-term, mostly on Airbnb.

It is not suitable to rent long-term, as I visit frequently.

I get small groups of students, snowbirds from Saskatchewan, families with kids, all kinds of people for whom a formal hotel is not suitable. If STRs were banned, it would sit empty.

I have cleaners and managers who would suffer, as I pay them \$150 per turnover.

And deeming these rentals "commercial use" is crazy. It's not commercial use when I rent it for 31 days, but is when I rent for 29 days? In both cases it's my personal property and my home.

Don't rush into this STR business without hearing from all affected.

The hotel industry saw what Uber did to Taxis and are fighting tooth and nail to ban them, citing "affordable housing" as the argument. Well, let's build more!

I urge you to move SLOWLY and LISTEN.

personal  
information



**Rob Gordon**

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**From:** personal information  
**Sent:** Thursday, Nov 2, 2017 11:00 PM  
**To:** Legislative Services email  
**Subject:** STVR

Dear Sir,

I am sure you have received many letters of concern regarding your proposed plans to legislate changes to the STVR existence so I will make it short.

I feel you totally misunderstand the situation of many downtown condo owners and are punishing us unjustly. We purchased our 300 square foot condo as a way to afford our retirement. We live up Island and my husband works in sales which requires him drive to Victoria periodically for his work. This condo seemed the answer to all our problems. He would have a place to stay while working and we could rent it out during the other times to help pay the mortgage. Our profit margins are slight but it affords us the opportunity to pay for our retirement if all goes well. We only rent part time and you want to charge us a full time rate that is higher than hotels.

I don't understand why we have to pay to police ourselves when nobody else has to. Some simple education would do just as well. We are not sucking money out of the community and stashing it in overseas accounts. We live on the Island, spend on the island and provide services for the Island. There are many strong beliefs that City Council is supporting the hotel industry who sends much of their profits out of the country.

Please understand that many of us are the little guys just trying to get ahead and work with us instead of punishing us.

Thank you

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Friday, Nov 3, 2017 11:40 AM  
**To:** Nancy Johnston  
**Cc:** Legislative Services email  
**Subject:** Submitting letter regarding proposed short term rental changes  
**Attachments:** letter regarding proposed short term rental changes.docx

Dear Nancy,

I would like to thank you for your time, I felt you listened and cared about my concerns and solutions. I am not sure how to format my letter so have sent it as the body of this email and as an attachment.

I think the proposed changes are too restrictive and believe my business model enhances all stakeholders' desires and values.

I offer affordable accommodation options to both students and tourists, through offering accommodation to students from Sept through May and BnB the other 3 months. I have also become an affordable alternative for my neighbour's visitors as their own homes are full. This enables me to keep rents reasonable for long term tenants and provides a way to save for capital cost like windows and roof.

I am a great ambassador for the city, I grew up in Victoria. I pay \$20.00 per hour for cleaning, above the living wage in hopes of putting pressure on larger industry counterparts which my understanding pay \$12.00 - \$13.00 per hour.

I believe small businesses create the character of our city and are more apt to support living wages and ecological foot prints. I support this by purchasing locally made and or grown supplies for guests, which also highlights the locally diversity for them.

Providing a BnB 3 mths per year had gratefully subsidized increasing expenses\* and has enabled me to save for capital costs like windows and roofs. I am of the understanding the cost to replace my roof today is aprox. \$30,000.00, which means I have to save for it.

The friend who introduced me to this Bnb concept of 3 months and 9 months is 75 years old and truly fears speaking up. She like me and most people I have met in this business live in multi unit homes because of affordability; unfortunately never felt able to support the mortgage and maintenance of a



single family dwelling.

I would like to suggest that a resident would have to prove two items to qualify for a 3 month license. They are a resident of Victoria and they have a tenancy agreement longer than 5 months in any given year. This will help ease rentals for students, accommodation cost for tourist, have we not all had a budget, and keep homes in good repair.

\*

Expense	In 2004	In 2016	% increase
Taxes	2,589.13	5780.46	123%
Water	531.39	1808.88	240%
Insurance	1294.00	3030.70	134%

Thank you for your time and consideration,  
 personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 5:43 PM  
**To:** Legislative Services email  
**Subject:** The Benefits of Airbnb

My husband and I have operated Airbnb from our home for close to five years in the City of Langford. We occupy the home ourselves and have two areas that we rent out on a nightly (two night minimum) basis through the Airbnb Website.

My husband and I are empty nesters; our children left to pursue their own education & careers after completing High School. We found the house empty and too big for just the two of us. As we enjoy travelling ourselves and we really enjoy meeting people from different parts of the world, we found it easy and natural to “open our house” to guests.

When you listen to the News on Victoria TV or the Paper, all you hear is about this awful “Airbnb Short Term Rentals” as if the people who are renting out properties are somehow heartless souls that are “exploiting the tourist industry by renting out a bare bones room for a high rental rate thus taking away revenue from the business tax base” OR “unfeeling about the people who are looking for long term rentals at an affordable price; we are exploiting short term rentals to maximize our own revenue”. That may be true of land owners who buy homes for the commercial reason of operating Airbnb,

Not all Airbnb Hosts are Landlords who are in the Business Just to Earn Money — They are Super Hosts

*Many Airbnb Hosts are simply very caring/sharing, proud citizens of the City of Victoria who have the capacity to give up a “piece of their own privacy” and welcome strangers into their home [we do not discriminate based on religion, nationality, ethnic, or sexual orientation].*

*We give Airbnb Guests who :*

*(1) Cannot afford to stay in hotels in the Victoria area at the high nightly rates charged during the high seasons. There are a lot of young adults that are travelling the world and they have to watch what they spend. There is also a lot of older people on fixed incomes who cannot afford the prices either.*

*(2) Are wanting to get to know Canadians and Canadian life/values. They cannot get that when they book a hotel room and then spend the evening alone in that room.*

*(3) Are staying in Victoria/Langford for another reason other than visiting. If they are here to seek medical treatment - they want a home base. If they are here to visit family who do not have enough room for them to stay - they want a home base. If they are here alone or are young - they want a couple who are older so that they can have a ‘friend’ to come home to.*

*We have had about 200 people visit us in our Langford home over the past five years. We have put ourselves into welcoming every one of them to our home, to our community, to our City. We have represented VICTORIA and its tourist sites; its visitor attractions; its restaurants; its festivals; its universities; its culture with pride and openness.*



*We have people that have become good friends and we still visit & communicate with. We have responded to the struggles of some of our guests by reducing our nightly rate or giving of ourselves. We know that the financial gain is secondary to the blessings that we are getting by creating an “Openness in our Own Home”.*

*I simply do not understand how the City of Victoria Council who support tourism; who support the rights of the individual; who support an open society; who support inclusiveness; who encourage the entrepreneurial spirit (we supplement our income); who love to hear praise of how welcoming we are —  
would not be proud and encouraging of house occupied Airbnb Hosts.*

personal information



**Rob Gordon**

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**From:** personal information  
**Sent:** Wednesday, Nov 1, 2017 1:19 PM  
**To:** Legislative Services email

I believe downtown Victoria is no longer attractive to tourists. People opening their homes presents a more pleasant picture of out town...ie fewer drug addicts, mentally challenged, and other homeless.

It makes it a more affordable for people who might otherwise not be able to afford to travel to a city such as Victoria.

It helps the home owners with the ever increasing costs of maintaining a home in Victoria.

Regards

personal information





November 14, 2017

Dear Mayor and Council  
City of Victoria

**Re. Importance of following through on the proposed Short-Term Vacation Rental Regulatory Framework**

Dear Mayor and Council,

Further to my address to Council on November 9, please accept this written submission outlining why it is vital for Council to follow through on its proposed Short-Term Vacation Rental (STVR) Regulatory Framework.

Council has already engaged in extensive stakeholder consultation and taken time to carefully consider this issue. On September 21, at Committee of the Whole, Council settled on an elegant and effective approach that required STVR hosts to obtain a business licence and permission from their strata or landlord.

This is a very strong model that would serve to reduce tension and friction between residents and visitors where housing stock is being used for commercial accommodation.

It is also a timely solution to an issue that urgently needs to be addressed. If the responsible jurisdiction does not enact and enforce regulations as planned, our available housing stock will continue to be swamped by very efficient short-term rental platforms. In contemplating your decision regarding the regulatory framework, we ask you to consider the following:

**Context**

Research repeatedly demonstrates that STVRs are creating housing shortages, driving up rental rates, inflating residential real estate prices, and undermining development in the mainstream, tax-contributing tourism and hospitality sector.<sup>1</sup>

Most recently, a comprehensive study by McGill University's School of Urban Planning<sup>2</sup> confirmed that alarming growth in conversion of housing stock to "de-facto hotels" via platforms such as Airbnb is not only undermining accessibility and affordability of housing in Montreal, Toronto, and Vancouver but also changing neighbourhoods in negative ways.

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<sup>1</sup> See CBRE Ltd, 13 September 2017. *An Overview of Airbnb and the Hotel Sector in Canada – Final Report*.

(<http://www.hotelassociation.ca/pdf/An%20Overview%20of%20Airbnb%20and%20the%20Hotel%20Sector%20in%20Canada/Full%20Report.pdf>)

<sup>2</sup> Wachsmuth, D. et al., (2017) *Short-term Cities: Airbnb's Impact on Canadian Housing Markets*. Available at <http://upgo.lab.mcgill.ca/airbnb>





The research highlighted the especially adverse impacts of single hosts with multiple STVR listings and proposed three regulatory principles:

1. One rental per host (to prevent commercial operators and property managers converting multiple properties to STVRs)
2. No full-time, entire-home STVRs (home-sharing should not be a full-time business)
3. Platforms must be responsible for compliance (listing platforms should ensure regulations are enforced).

### **Non-Traditional Stays**

Those opposed to regulating short-term rentals claim that the proposed regulations will prevent temporary stays such as locum placements or academic exchanges. This is simply not true. The provincial government makes a clear distinction between short-term and long-term rentals when it comes to PST and MRDT. After 30 days, a stay is exempt from PST and MRDT.

The City of Victoria's framework proposed the same 30-day distinction between short-term and long-term rentals. Therefore, if a landlord is focused on executive stays, locums, or academic exchanges — as many legitimate companies are — the 30 day definition is clear and it works. There is no need to water it down or amend the framework.

Tourism Victoria strongly supports the work Council has done on the regulatory framework, and we urge you to be wary about groups lobbying to divert attention, mislead or confuse. We have heard confusing and inaccurate commentary from these groups about enforcement, as well as statements about taxation that parse the intent of the rules and muddy the picture.

City staff put together a very robust framework to support a housing-first principle. Weakening the regulatory scheme or cutting corners on enforcement will result in lost housing opportunities for residents.

### **Social License**

The tourism industry relies on social license and, therefore, we urge the City to do everything within its means to prevent short-term vacation rentals from undermining the quality of life citizens are entitled to expect and enjoy in strata buildings and residential neighbourhoods. Council has made the right decision by requiring the approval of landlords or strata corporations before issuing a licence for a short-term rental.

Changing or qualifying this decision could create ill-will between residents and the tourism industry, as has happened in other destinations such as Barcelona and Venice as well as Banff, Lake Louise and Niagara Falls.





## Housing

Perhaps most importantly, council's decision was seen as a win in the fight against lack of affordable workforce housing options in our city. All industries need to be able to attract and keep quality employees. With Greater Victoria experiencing a profound housing crunch, the City of Victoria earned commendation for council's decision to curb short-term rentals. All evidence points to this being the right thing to do.

A recent article in *Harvard Business Review*<sup>3</sup> describes how Airbnb has undermined housing availability as well as social license in Paris, Lisbon, San Francisco, Reykjavik, and Joshua Tree, generating persistent socio-economic problems. Research reported by Skift<sup>4</sup> (the world's largest travel industry insights platform) confirms that focusing too much on quantity-tourism, driven by Airbnb's business model and strategy, has fueled a broad range of housing and social problems within communities, compromising quality of life for residents.

There are reports of STVRs undermining housing availability for workers in Whistler and Toronto<sup>5</sup>, and the problem is increasingly evident in Vancouver and the Lower Mainland as well as Victoria.

## Mega Hosts

Airbnb and similar STVR platforms claim to focus on hosts renting a spare room in their house. This is increasingly not the case. Analysis of Airbnb's Mega Hosts<sup>6</sup> — hosts with many listings, often more than 100 — confirms Airbnb is working strategically towards becoming a large-scale travel booking platform akin to Expedia.

Airbnb and its Mega Hosts collaborate very closely to build commercial opportunities. Airbnb has dedicated teams that work with property managers and cleaning services to bring large-scale hosts onto the platform.

Airbnb offers management tools<sup>7</sup> to help these hosts coordinate and rent large numbers of properties while synchronizing with Airbnb's systems<sup>8</sup>. Airbnb provides coaching and management support for these large hosts. In turn, the Mega Hosts profit from Airbnb's unfair competitive advantage arising from lack of regulation and taxation.

Airbnb's very deliberate strategic alignment with large-scale commercial hosts and property managers is a real and growing concern that works directly against housing availability.

<sup>3</sup> Slee, T. (2016) Airbnb Is Facing an Existential Expansion Problem.

Available at <https://hbr.org/2016/07/airbnb-is-facing-an-existential-expansion-problem>.

<sup>4</sup> Whyte, P. (2017) Amsterdam, Airbnb and the Very Real Problem of Overtourism.

<sup>5</sup> See <http://www.cbc.ca/news/canada/british-columbia/whistler-rentals-airbnb-housing-1.4149027> and <http://www.cbc.ca/news/canada/toronto/city-hall-air-bnb-rules-1.4155938>.

<sup>6</sup> O'Neill, S. (2017) *Airbnb Reverses Strategy in Return to Affiliate Partnerships With Big Players*.

Available at: <https://skift.com/2017/10/17/airbnb-reverses-strategy-in-return-to-affiliate-partnerships-with-big-players>.

<sup>7</sup> Skift Article 171016 - Airbnb Debuts New Tools for a Bigger Cut of Vacation Rental Industry.

Skift Article 171017 - Airbnb Reverses Strategy in Return to Affiliate Partnerships With Big Players.

<sup>8</sup> Ting, D. (2017) *Airbnb Debuts New Tools for a Bigger Cut of the \$138 Billion Vacation Rental Industry*.

Available at: <https://skift.com/2017/10/16/airbnb-debuts-new-tools-for-a-bigger-cut-of-the-138-billion-vacation-rental-industry>.





Whereas in 2012, 10 per cent of property managers in the U.S. used Airbnb, today the number is closer to 50 per cent and rising rapidly.

STVR platforms such as Airbnb are moving further and further from their original premise of facilitating rental of a spare room in a primary residence. The world's most prolific Airbnb owner has 881 properties in London and earns \$20 million per year.<sup>9</sup>

### **Mixed Messages from Platforms**

A representative of Phocuswright Travel, Tourism and Hospitality Research observed: "There's a message they're trying to convey – home sharing, travelling like a local, experience local culture, stay in a private home – but actually a growing per cent of (Airbnb's) listings are not really someone's home. It's a condo that is one of 1,000 others that look the same and are run by a hotel-like property management company with a front desk check-in."

Analysts have so far identified more than 100 hosts on Airbnb's site with more than 100 listings, including 39 hosts with more than 200 listings each. This is Airbnb's direction and other STVR platforms are following their lead.

In Victoria, some hosts have from 20 to 30 STVRs, which is equivalent to operating a mid-size hotel. It is clear that despite well-crafted public relations and advocacy, STVR platforms such as Airbnb and Vacation Rentals by Owner (VRBO) need to continuously attract and support new hosts in order to grow.

This moves them increasingly towards large-scale commercial operators, at high cost to local residents and legitimate businesses. Airbnb's business strategy is in major and direct conflict with efforts to reduce housing shortages.

### **Residential and Workforce Housing**

In August 2017, Chemistry Consulting surveyed<sup>10</sup> a broad range of businesses (n=250) in Greater Victoria to determine whether the shortage of housing is making it difficult to recruit and/or retain staff. Three in four businesses (76 per cent) confirmed the lack of rental housing is impacting ability to attract and retain staff, from entry level positions to senior management. For one third of these businesses, the housing shortage is also seriously undermining recruitment. Almost half of the businesses surveyed (47 per cent) attributed the shortage of workforce housing to increased short-term vacation rentals.

### **Impact on Commercial Operations**

There is currently a 16 per cent total sales tax on hotel rooms in Victoria. All levels of government will need to work together to align the short-term vacation rental industry in terms of equitable taxation. Any argument suggesting STVRs should be exempt is unfounded and nonsensical.

<sup>9</sup> [http://www.telegraph.co.uk/travel/news/airbnb-top-earnings-cities-landlords/?WT.mc\\_id=tmgliveapp\\_iosshare\\_AptSYICt4nc1](http://www.telegraph.co.uk/travel/news/airbnb-top-earnings-cities-landlords/?WT.mc_id=tmgliveapp_iosshare_AptSYICt4nc1)

<sup>10</sup> Report available at [http://www.chemistryconsulting.ca/factors\\_impacting\\_recruitment](http://www.chemistryconsulting.ca/factors_impacting_recruitment)





Short-term vacation rentals are increasingly a commercial leisure product operating in the grey economy. STVRs are not akin to children's clothes or other necessities, and do not warrant exemption from sales tax.

With more STVRs taking up housing stock, it's worth noting that hotels are also reporting an increasing decline in winter snowbird business.

### **Global View**

Victoria Council's decision is not only the right thing to do but it reflects the same concerns being addressed by jurisdictions around the world. Regulatory compliance has been achieved in many cases globally. In jurisdictions where taxation and regulations have been implemented, short-term vacation rental platforms such as Airbnb and VRBO have been able to adapt readily to policy requirements.

For example the City of London, United Kingdom, imposed a limit of 90 rental days per year on each STVR host along with a variety of taxes. As well, the platform, rather than host, is held to account. Airbnb adapted rapidly with some modifications to its coding, in order to keep doing business in one of the world's leading tourism cities. Leverage and terms should always remain with the regulator rather than with the company or platform. Vancouver has just approved <sup>11</sup> new short term rental regulations that stipulate only principal residences can be rented for less than 30 days.

### **Monitoring**

As I mentioned in an earlier address to Council, online tools have made monitoring STVRs simple. We don't need to argue about numbers and locations any more. There are online platforms which track listings and aggregate them quickly and accurately. To address the adverse impacts of short-term rentals on housing stock, Tofino uses online booking aggregators very effectively and efficiently to ensure they know who is renting and whether they comply with their regulatory program.

### **Provincial Role:**

Tourism Victoria continues to work closely with the Provincial Government on fair and forward-thinking approaches to provincial taxation on commercial accommodation, including STVRs. We have written Provincial Ministers asking for government help to level the field, tax-wise, specifically by:

1. Implementing PST and MRDT on all commercial rooms, including short-term rentals
2. Requiring all properties used for short-term rentals to pay Commercial Property Tax
3. Adjusting the MRDT system to incorporate the changing dynamics of the STVR industry.

<sup>11</sup> <http://vancouver.ca/news-calendar/council-approves-new-short-term-rental-regulations.aspx>





These measures will not only ensure STVR platforms are taxed and regulated appropriately as commercial businesses, but also remove the current incentives to operate in the grey economy.

It is equally imperative for the regulator to have the ability to enforce its rules. The City of Victoria decision reflects this. We strongly urge council to not back down in the face of efforts of a small group representing a special interest contrary to the public good. Enforcement is fundamental to ensuring that regulations do what they are designed to do and make measurable improvements to the quality of civic life.

After considering this issue since June 2016, Victoria City Council is poised to implement a progressive and innovative regulatory framework for Short-Term Vacation Rentals. Council has received significant input from all perspectives and staff have provided excellent policy based analysis. The Proposed Short-Term Rental Regulatory Framework, approved by the Committee of the Whole on September 21, is comprehensive, elegantly putting resident housing first.

This regulatory framework uses all available municipal policy levers to begin levelling the playing field with commercial accommodations. It also gives residents a clear signal about the visitor economy, online sharing-economy platforms and real-estate investors — all commercial activity, including short-term vacation rentals, must work in balance with the community and residents' needs, along with stated public policy priorities such as affordable housing. Tourism Victoria strongly supports this approach and urges Council to complete work on this file and move towards implementation.

Best regards,

Paul Nursey,  
President and CEO  
Tourism Victoria





## Statement on Commitment to Sustainability

Tourism Victoria's Vision Statement Reads: "Tourism Victoria will be internationally recognized as a leader in sustainable tourism development, ensuring Greater Victoria remains one of the top destinations in the world."

### What are Tourism Victoria's Current Efforts in Sustainability?

- Tourism Victoria has measured its own impact as an organization and is working diligently to reduce it through a series of internal initiatives.
- Tourism Victoria is a certified Green Business by the Vancouver Island Green Business Certification program.
- Tourism Victoria is a proud Gold Level Sponsor of the Vancouver Island Ecostar Awards.
- A central tenant of Tourism Victoria Strategy is to work on seasonality, spreading the business throughout the year.
- Tourism Victoria is one of the few Destination Marketing Organizations that pursues a yield strategy and not a volume strategy. Through segmentation, we are focused on attracting a better customer which spends more and connects with the community as opposed to simply attracting more travellers.
- Tourism Victoria's management team is having brave and difficult conversations with its members about the future and the need to operate responsibly and in a sustainable manner, whilst at the same time presenting a business plan which inspires investment in new, cleaner technology. This has inspired significant new investment.
- Tourism Victoria and three highly regarded partners have launched the IMPACT Sustainable Travel and Tourism Conference with the intent of it taking place each January in Victoria.

### What are Tourism Victoria's Planned Future Efforts?

- There is a global effort underway to develop a tested and repeatable methodology to fight "over-tourism." Tourism Victoria is watching how this model, currently in its infancy, develops.
- Tourism Victoria is working to develop a reliable, conservative and legitimate methodology to measure the economic impact in the community. Many economic impact models exaggerate contributions through induced and other indirect contributions. Work is underway but more work is required.
- In the medium term (3-5 years), Tourism Victoria will work with other progressive tourism leaders and academics to attempt to measure the carrying capacity of southern Vancouver Island from a tourism perspective. This will require research and modelling as well as government and citizen input. Tourism Victoria is currently researching best practices around the world.



# The Sharing Economy and Housing Affordability: Evidence from Airbnb

Kyle Barron\*      Edward Kung†      Davide Proserpio‡

October 5, 2017

## Abstract

We assess the impact of home-sharing on residential house prices and rental rates. Using a comprehensive dataset comprised of Airbnb listings from the entire United States, we regress zipcode level house prices and rental rates on the number of Airbnb listings, using fixed effects to control for permanent differences across zipcodes as well as arbitrary CBSA level time trends, and using an instrumental variable based on Google search interest for Airbnb to control for any remaining endogeneity. We find that a 10% increase in Airbnb listings leads to a 0.42% increase in rents and a 0.76% increase in house prices. Moreover, we find that the effect of Airbnb is smaller in zipcodes with a larger share of owner-occupiers, a result consistent with absentee landlords taking their homes away from the long-term rental market and listing them on Airbnb. We present a simple model that rationalizes these findings.

Keywords: Sharing economy, peer-to-peer markets, housing markets, Airbnb

JEL Codes: R31, L86

CAUSATION  
not  
correlation

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fore consistent with absentee landlords substituting away from the rental and for-sale markets for long-term residents and allocating instead to the short-term market.

## 6 Conclusion

Our results suggest that Airbnb growth can explain 0.27% in annual rent growth and 0.49% in annual house price growth from 2012 to 2016. The increases to rental rates and house prices occur through two channels. In the first channel, home-sharing increases rental rates by inducing some landlords to switch from supplying the market for long-term rentals to supplying the market for short-term rentals. The increase in rental rates through this channel is then capitalized into house prices. In the second channel, home-sharing increases house prices directly by enabling homeowners to generate income from excess housing capacity. This raises the value of owning relative to renting, and therefore increases the price-to-rent ratio directly.

Our paper contributes to the debate surrounding home-sharing policy. Critics of home-sharing argue that it raises housing costs for local residents, and we find evidence confirming this effect. On the other hand, we also find evidence that home-sharing increases the value of homes by allowing owners to better utilize excess capacity. In our view, regulations on home-sharing should (at most) seek to limit the reallocation of housing stock from the long-term to the short-term markets, without discouraging the use of home-sharing by owner-occupiers. One regulatory approach could be to only levy occupancy tax on home sharers who rent the entire home for an extended period of time, or to require a proof of owner-occupancy in order to avoid paying occupancy tax.

To summarize the state of the literature on home-sharing, researchers have found that home-sharing 1) raises local rental rates by causing a reallocation of the housing stock; 2) raises house prices through both the capitalization of rents and the increased ability to use excess capacity; and 3) induces market entry by small suppliers of short-term housing who compete with traditional suppliers (Zervas et al. (2017)). More research is needed, however, in order to achieve a more complete welfare analysis of home-sharing. For example, home-sharing may have positive spillover effects on local businesses if it drives a net increase in tourism demand. On the other hand, home-sharing may have negative spillover effects if tourists create negative amenities, such as noise or congestion, for local residents. Moreover, home-sharing introduces



an interesting new mechanism for scaling down the local housing supply in response to negative demand shocks—a mechanism that was not possible when all of the residential housing stock was allocated to the long-term market.

## References

- Chen, M. Keith, Judith A. Chevalier, Peter E. Rossi, and Emily Oehlsen, “The Value of Flexible Work: Evidence from Uber Drivers,” *NBER Working Paper 23296*, 2017.
- Edelman, Benjamin G and Michael Luca, “Digital discrimination: The case of airbnb.com,” *Harvard Business School Working Paper*, 2014.
- Edelman, Benjamin, Michael Luca, and Dan Svirsky, “Racial discrimination in the sharing economy: Evidence from a field experiment,” *American Economic Journal: Applied Economics*, 2017, 9 (2), 1–22.
- Einav, Liran, Chiara Farronato, and Jonathan Levin, “Peer-to-Peer Markets,” *Annual Review of Economics*, October 2016, 8, 615–635.
- Fradkin, Andrey, “Search frictions and the design of online marketplaces,” *Working Paper, Massachusetts Institute of Technology*, 2015.
- Gong, Jing, Brad N. Greenwood, and Yiping Song, “Uber Might Buy Me a Mercedes Benz: An Empirical Investigation of the Sharing Economy and Durable Goods Purchase,” *SSRN Working Paper*, 2017.
- Hall, Jonathan V. and Alan B. Krueger, “An Analysis of the Labor Market for Uber’s Driver-Partners in the United States,” *ILR Review*, 2017.
- Horna, Keren and Mark Merantea, “Is Home Sharing Driving Up Rents? Evidence from Airbnb in Boston,” *Journal of Housing Economics*, 2017.
- Horton, John J. and Richard J. Zeckhauser, “Owning, Using and Renting: Some Simple Economics of the “Sharing Economy”,” *NBER Working Paper 22029*, 2016.



**Amanda Ferguson**

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**Subject:** FW: Commits on Proposed Short Term Rentals Changes In Victoria

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**From:** [REDACTED]  
**Sent:** Friday, November 03, 2017 2:27 PM  
**To:** Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
**Cc:** Legislative Services email <LegislativeServices@victoria.ca>  
**Subject:** Commits on Proposed Short Term Rentals Changes In Victoria

Attention Mayor Helps and City Council,

My wife and I this year purchased a condo unit in the [REDACTED] building to use for a short term rental. We paid approximately [REDACTED] for this unit. This was quite expensive but we wanted to run a legal and above board short term rental and this unit was both zoned in the transient area and as well the strata allowed short term rentals.

The reason we decided on this venture is because we are both self-employed and have no pensions (other than government CPP) and hope to build some equity in the condo over the next 5 to 10 years at which time we hope to retire.

Before purchasing the unit we checked with the City Zoning and Strata to make sure there were no issues in operating this as a short term rental. Our purchasing decision was based on the expectation that we would be able to operate this business.

Once purchased we obtained our business license and purchased over \$12,000 of new furniture for the condo. We purchase all high end sheets, duvets, etc. to make this an above average accommodation in the heart of Victoria.

Since we have opened we have hosted dozens of guests (couples and families) from around the world who have come to Victoria to view the wonderful city and sites nearby. We have been very attentive hosts having obtained both Super Host and Business Host status and as well have received 5 star ratings for accommodation and service from every single guest who has stayed. We have not had one problem with guests or with the other Strata owners about our business or guests. So we are doing a great job and really making the guest's Victoria stay memorable.

These guests have decided to stay with us because we provide a superior quality accommodation and host services at quite a bit less cost than the local hotels charge. We always ask our guest why they have chosen to stay with us and invariably it is because of condo size, no charge parking, location, included patio, and multiple services like high speed internet, countless TV channels, coffee/tea, flowers, milk and cream, a full kitchen with every appliance and the list goes on.

These guests have spent thousands of dollars at the local downtown restaurants, shops, and various merchants. We purchase all our supplies locally from downtown sources. By providing a lower cost premium accommodation, our guests have money to spend in Victoria which is what we all want.



Recently we saw the published changes of the City and its intended changes to the short term rental. We also attended the open house and reviewed the comments.

The following seemed to be the justification presented in the information:

Council wants to return short term rentals to the housing pool to allow more family rentals

This sounds really good and makes some sense when taken out of context. However, in most cases the units being used for short term rentals (especially small condos like we have) will never be used for rentals for many reasons. Here are a few:

1. The high cost of purchase [REDACTED] means that the monthly cost for us is about [REDACTED] a month just to pay the mortgage and basic utilities. We also have to pay income tax on any revenues which is another 30% of the current costs. The condo is 540 sq. ft. with one small bedroom. This unit size is only suitable for 1 or 2 people and would never work long term for a family as any family will need 2 or more bedrooms. Secondly, no family and especially a young family could afford this and would likely live out of the downtown core where prices are cheaper and more suitable accommodation could be found.

A typical 2 bedroom rental in Victoria runs \$1500 to \$1800 a month. For us to rent in this market would mean that we would have to subsidize the rent by at least \$700 to \$1000 a month. This is obviously silly and no one would ever do this and nor could we ever afford to do that. So this really means our condo would never be used to provide rentals to families.

If your intention is to provide downtown rentals to wealth, high income single or couple then your proposal makes some sense. But for families the reasoning is faulty as it really is not affordable or doable by them.

2. It is not house or condo owners responsibility to provide low cost rental accommodation to families and individuals. If this is something that the current council wants to happen then the City should take a proactive action rather than loading this onto the short term rentals property owners.

You could perhaps consider the following:

- a) Set aside city owned property and designate it for low cost rental housing and sell at a reduced cost to developers.
- b) Provide property tax breaks to encourage developers to build low cost rental housing (It has to have some profit).
- c) Reduce the multiple and expensive business license fees to make building less expensive.

I am sure there are many more things that could be done by the City to reduce the construction costs of low cost rental units.

The lower cost development means lower rents and more families can afford it.

Short Term Rentals in Homes Versus Self-Contained Units

You are proposing to make it easier and a lower cost business license fee for people owning home who rent out one or two rooms.



And much more difficult for units fully designated for rental. It seems that this has not really been thought out.

A friend of ours who owns a home and rents a room for short term rental (due to financial necessity) is constantly worried about the people who come to stay. They are mostly unknown and she feels a lot of stress from the possibility of something happening to her or her son. In a self-contained condo like ours this can never happen as the guests are isolated in their own unit with no access to us or anyone else in the building. This is a lot safer situation for the hosts.

It would seem to me that a condo like ours would really be a better and safer situation for rentals. From this I don't understand the City's logic of differentiating the Primary Resident rentals and the standalone units. I would be very interested in hearing the City's comments and rationalization for this. We think both types of rentals should be treated the same as they provide the same service.

#### Proposed Business License Requirements

The Strata Letter requirement has the following serious problem:

1. Strata councils are voluntary and most people overworked. It seems like having strata councils having to provide to the City a letter is going to be very difficult. Additionally the strata can add a fee for this service. I don't think that the City has legislative authority or should be involved in decisions that are between property owners and the Strata. Likewise, I don't think Strata councils should be forced to do work that the City should be responsible for. Rather, a voluntary declaration by the licensee application should be sufficient. It seems to work in most other business requirements in the city. If there are problems the owners and Strata can sort it out themselves.

#### Proposed Business License Fees

We paid \$115 for our business license to operate our short term rental this year. We thought that was a reasonable fee. We also publish the fact we have a business license and include it in our advertising.

Your proposal of increasing our rental business license fee to \$2500 is absolutely unreasonable. There is no merit or reason to do this.

It is our understanding that the hotels pay an average of \$5 per room licensing fee in Victoria. It is our understanding that the maximum current business license is \$600 in Victoria. Where is the justification for such a high amount?

The statement "As the units can be operated as short term rental full time, the proposed fee is higher" makes no sense. The Principal Resident rentals can just as well operate full time and could have significant incomes if fully occupied during the year.

Do you charge a business license fee to any other business in Victoria based on their potential income or ability to operate year round?

You propose that Principal Residence pay \$200 which I think should be the same for both types of rentals as they provide basically the same service.

This fee should not be a tax grab but rather a fee amount base to pay reasonable cost recovery by the City.



Finally, let me ask this questions. Do you think the people who live in the high end area of Lansdowne should be forced to provide low rental accommodation for families? Your proposal suggests this is the same as the short term rental requirements proposed. In any city in Canada, people with more money buy more expensive houses and those of less income purchase houses at a lower cost which often is out of the more expensive city core.

It is highly unfair to put the rental policy on the heads of a very small proportion of short term rentals when there are thousands of longer term rentals that are not affected in anyway and do not require business Licensing because they are covered by the BC Tenancy Act. Just because you have jurisdiction for short term rentals does not mean you have to take draconian measures against this small group of business people in Victoria.

I have tried to be objective in my response here. However, I can't help having the following questions which I would like to know the answers to:

1. Why are the short term rentals being so unjustly treated? Is this based on lobbying from the hotel/motel group in Victoria who simply do not want any competition? Everyone knows competition drives down prices. Therefore allowing guests to come to Victoria instead of staying away provides to them the possibility of spending more money at local stores, merchants, or tourist sites.
2. Why was the recent proposed changes not advertised to us even though we had a short term business license? We found out about this reading it afterwards in the papers rather than being notified as we should have since we are the ones affected by the proposed changes.
3. Why did the Council vote goes against the recommendations of the City Staff?
4. Why did the zoning vote go ahead when so many of the City Councillors had recused themselves? Shouldn't this indicate further discussion and work were needed? A small special interest group in the Council should not have made such far reaching decisions without first having a Public Hearing to allow discussion and information dissemination by and to those affected.

Thank you for taking time to read my comments. I hope you will seriously consider these and not proceed with with these changes. I request that you take a step back and work with the rental community to work out a better strategy that protects the interest of the rental owners and promotes Victoria as a world class tourist location.

We are proud of the service and accomodation we provide to tourists but think these changes may cause us to reconsider continuing this. The City will suffer a revenue reduction and many people will just no longer come here but go to other Cities with more reasonable short term rental policies. This does not help families, the City, or us.

Sincerely,

██████████  
██████████







NO. XX-XXX

## SHORT TERM RENTALS REGULATION BYLAW A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to provide for the regulation of short term rentals including rentals in operator's principal residences where permitted under the Zoning Regulation Bylaw No. 80-159 and where permitted pursuant to section 528 of the *Local Government Act*.

### Contents

- 1 Title
- 2 Definitions
- 3 Licence Required
- 4 Power to Refuse a Licence
- 5 Licence Number to be Included in Advertising
- 6 Responsible Person
- 7 Offences
- 8 Penalties
- 9 Severability
- 10 Commencement

Pursuant to its statutory powers, including section 8(6) of the *Community Charter*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

### Title

- 1 This Bylaw may be cited as the "Short term Rental Regulation Bylaw".

### Definitions

- 2 In this Bylaw

"operator" means a person who rents out, or offers for rent, any premises for short term rental but does not include a person who acts as an intermediary between the short term rental tenant and the person who receives the rent;

"principal residence" means the usual place where an individual makes their home;

"responsible person" means a person designated by the operator as the primary contact under section 6.

"short-term rental" means the renting of a dwelling, or any part of it, for a period of less than 30 days and includes vacation rentals;



“strata corporation”, “strata council”, and “strata lot” have the same meaning as in the *Strata Property Act*.

### **Licence Required**

- 3
  - (1) A person must not operate a short term rental unless the person holds a valid licence issued under the provisions of this Bylaw and the Business Licence Bylaw.
  - (2) A person applying for the issuance or renewal of a licence to operate a short term rental must, in addition to meeting the requirements of the Business Licence Bylaw:
    - (a) make an application to the Licence Inspector on the form provided for that purpose;
    - (b) pay to the City the applicable licence fee prescribed under subsection (3);
    - (c) provide, in the form satisfactory to the Licence Inspector, evidence that:
      - (i) the person owns the premises where the short term rental will be offered, or
      - (ii) the owner of the premises where the short term rental will be offered has consented to their use as a short term rental;
    - (d) if the premises where the short term rental will be offered are located within a strata lot, provide a letter from the strata council confirming that provision of short term rental does not contradict any bylaws of the strata corporation or applicable provisions of the Strata Property Act;
    - (e) provide evidence, in the form satisfactory to the Licence Inspector, that the premises where the short term rental will be offered are occupied by the person as the principal residence; and
    - (f) provide the name and contact information for the responsible person in relation to the short term rental premises.
  - (3) The licence fee for purposes of subsection (2)(b) is:  
XXXX

### **Power to Refuse a Licence**

- 4 The Licence Inspector may refuse to issue a licence for a short term rental if, in the opinion of the Licence Inspector,
  - (a) the applicant has failed to comply with section 2; or
  - (b) the short-term rental operation would contravene a City bylaw or another enactment.



### **Licence Number to be Included in Advertising**

- 5 A person may offer to rent premises for rent as a short term rental if they include the business licence number in any advertising, listing, or promotion material that is intended to communicate availability of the premises for short term rental.

### **Responsible Person**

- 6 (1) A person may only operate a short term rental in premises other than their principal residence if they designate a responsible person who, at all times that the short term rental is operated, has access to the premises and authority to make decisions in relation to the premises and the rental agreement.
- (2) A person may only operate a short term rental if they ensure that the name and contact information of the responsible person is prominently displayed in the short term rental premises at all times when the short term rental is operated.
- (3) The operator may designate themselves as the responsible person.

### **Offences**

- 7 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the Offence Act if that person
- (a) contravenes a provision of this Bylaw;
- (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
- (c) neglects or refrains from doing anything required by a provision of this Bylaw;
- (2) Each instance that a contravention of a provision of this Bylaw occurs and each day that a contravention continues shall constitute a separate offence.

### **Penalties**

- 8 A person found guilty of an offence under this Bylaw is subject to a fine of not less than \$100.00 and not more than \$10,000.00 for every instance that an offence occurs or each day that it continues.



**Severability**

9        If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, it shall be severed from the Bylaw and the balance of the Bylaw, or its application in any circumstances, shall not be affected and shall continue to be in full force and effect.

**Commencement**

10      This bylaw comes into force on adoption.

READ A FIRST TIME the      day of	20
READ A SECOND TIME the	20
READ A THIRD TIME the	20
ADOPTED on the	20

CITY CLERK

MAYOR



**To:** Committee of the Whole    **Date:** November 1, 2017  
**From:** Jonathan Tinney, Director of Sustainable Planning & Community Development  
**Subject:** Zoning Regulation Bylaw Amendment: Schedule D – STR Home Occupations

Short Term Rental Business Regulations - Community Engagement Results Draft Short Term Rental **Page 173 of 506**



## ISSUES AND ANALYSIS

Council has provisionally approved a new STR regulatory framework that seeks to balance the benefits of STR (tourism expansion, income supplementation, and positive impacts to local business) while minimizing its negative impacts (effect on long-term housing availability, nuisance complaints). The crux of this framework is to allow STR only in normally occupied dwelling units (principal residences). This can be achieved by amending Schedule D - Home Occupations.

1. *Expand permitted STR use within occupied dwelling units from single family dwellings only to all housing types.*

STR is currently permitted as a home occupation in up to two bedrooms in single family dwellings (detached homes) only. Council had previously directed staff to open this use to residents in condominiums; however following public comment and review, it is evident that all residents of Victoria could benefit from operating STR in their homes, especially considering high housing costs are a universal concern, perhaps most so for those who do not own single family homes, and that STR can have a positive impact on offsetting these costs. For this reason staff recommend Council consider allowing an expansion of the use of STR in up to two bedrooms within an occupied home from single family dwellings to all housing types. Other housing types include duplexes, townhomes, multi-unit apartment buildings, condominiums, house conversions, and secondary and garden suites.

2. *Allow entire-unit STR in principally occupied dwelling units on occasion.*

The new STR regulatory framework proposes the use of STR in principal residences only; that is, in the home where the STR operator normally resides. In this way, STR can be used for income supplementation and visitors can access self-contained STR without impacting the long term rental housing market. The framework envisions this use in up to two bedrooms in principal residences as described above, as well as in entire principal residences on occasion when the normal occupant is not present. Therefore staff recommend amending Schedule D to also allow for the occasional use of entire principal residences as STR.

All STR operators would be subject to the specific rules and regulations of the STR business bylaw, including the requirement to provide verification that the operator normally occupies the dwelling unit where the STR will occur, to obtain a business licence, and to prove strata or landlord permission to operate where appropriate.

### *Parking Impacts*

The transient accommodation provisions in Section 11 of Schedule D state that one parking spot per bedroom be provided to visitors. It is recommended that Council consider not including this requirement for STR due to the fact that this provision would restrict many residents from accessing this use, especially those that live in multi-unit dwellings or secondary suites that do not require or provide parking for the normal resident. As part of STR business licence regulations, operators would be required to share parking information with guests, and to provide contact information to the City to efficiently deal with complaints.



## OPTIONS AND IMPACTS

### Option 1 – Approve the proposed changes (Recommended)

These changes will provide equitability for residents in homes of any type to offset their housing costs, and expand the availability of alternative tourism accommodation in a way that will not materially impact long-term housing availability.

### Option 2 – Decline the proposed changes

Not amending Schedule D as proposed will mean STR will only be available to residents in single family dwellings. It would also prevent the City's STR framework from moving ahead as approved as occasional use in principally occupied dwelling units would remain prohibited.

## ALIGNMENT WITH CITY OBJECTIVES

### *Accessibility Impact Statement*

There are no impacts to accessibility associated with the recommendations in this report.

### *2015 – 2018 Strategic Plan*

Amending this bylaw is directly aligned with several of Victoria's strategic objectives:

- #1 Innovate and Lead
- #3 Strive for Excellence in Planning and Land Use
- #5 Create Prosperity through Economic Development
- #6 Make Victoria More Affordable

### *Impacts to Financial Plan*

If the recommended changes are approved, there may be an increase in revenue due to more business licence fees collected, and at a higher rate than current fees (\$200 per year is proposed for principal residence STRs). The proactive enforcement of STR regulations are associated with cost implications, however the changes presented in this report were included in the calculation of estimated costs presented at Committee of the Whole on September 21, 2017 (approximately \$500,000 annually).

### *Official Community Plan Consistency Statement*

These updates to home occupation regulations are consistent with several objectives laid out in the Official Community Plan, particularly those in Section 14 – Economy:

- 14.5.3 Encourages and supports local ownership, business that use local resources, and social enterprise
- 14.11 Encourage and support economic activities that provide household sustaining jobs, and retain more community wealth in the community
- 14.31 Strengthen the appeal of Victoria to tourists and other visitors in ways that enhance the community including:
  - 14.31.4 Character areas in the Downtown and other neighbourhoods



## CONCLUSIONS

Expanding the use of STR in up to two bedrooms in a single family dwelling to dwelling units of any type throughout the City and allowing occasional use of entire-unit short term rental in principally occupied dwelling units will ensure residents can benefit from STRs in a way that does not impact the long-term rental housing market.

Respectfully submitted,



Lindsay Milburn  
Senior Planner, Housing Policy


Alt.



Jonathan Tinney, Director  
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager

Date:

  
Nov 15, 2017

## List of Attachments

1. Amendment Bylaw wording



# Short Term Rental Business Regulations

Community Engagement Results and Draft STR Bylaw



## Purpose

- Provide Council with the results of public consultation on the proposed business regulation as well as a draft of the STR business regulation bylaw
- Seek Council direction to finalize business licence fees in Quarter 1 of 2018



CoTW November 23, 2017 STR Business Regulations



## Previous Council Direction

- September 14, 2017 – Approved an enforcement strategy including hiring a third-party compliance monitoring service and new City staff
- September 21, 2017 – Approved a regulatory framework, allowing STR in principal residences, subject to obtaining a business licence and complying with operating requirements



CoTW November 23, 2017 STR Business Regulations

## Previous Council Direction

- Direct staff to engage stakeholders on the proposed business regulations, and report back to Council in Q 4 of 2017 with the bylaws required to enact these regulations



CoTW November 23, 2017 STR Business Regulations



## Community Engagement

- STR page on the City's website
- Fact sheets
- Ads in local papers
- Stakeholder emails
- Social media
- Open House
- Feedback period for email submissions



CoTW November 23, 2017 STR Business Regulations

## Community Engagement

### Principal residence

- Feedback suggested that secondary suites should be allowed as STR
- No change recommended
- Secondary and garden suites are an important supply of long-term rental housing
- Inconsistent with previous Council direction



CoTW November 23, 2017 STR Business Regulations



## Community Engagement

### Operating requirements

- Support for operating requirements
- No change recommended

**Mid Century Old Town Chicago Home**

Chicago, IL, United States ★★★★★ 27 reviews

Entire home/apt · 3 guests · 1 bedroom · 1 bed

**About this listing**

Stay in the heart of Chicago Old Town! This bright, cool & comfortable one bedroom & one bath is decked out in mid century modern furniture, exposed brick, new appliances & has a true city feeling! It comfortably sleeps two (3rd person can sleep on the couch), just 2 blocks to Lincoln Park, and 3 blocks to the famous Second City & stellar Old Town bars. Not to mention a quick 5 minute Uber ride to river north district!

License or registration number  
R17000013198  
[Learn about this field](#)



CoTW November 23, 2017 STR Business Regulations

## Community Engagement

### Business licence application and fees

- \$2,500 for non-principal residence (legal non-conforming units) is too high and punitive
- Based on community feedback and additional analysis, recommend finalizing fees and structure in Quarter 1 2018



CoTW November 23, 2017 STR Business Regulations



## Draft STR Bylaw

Includes:

- Principal residence
- Business licence and fees
- Letter from Strata Councils
- Letter from property owners
- Compliance with City Bylaws
- Advertisements
- Responsible Person
- Penalties



CoTW November 23, 2017 STR Business Regulations

## Options and Impacts

- Option 1 (Recommended): Finalize business licence fees in Quarter 1 of 2018 in conjunction with the STR implementation plan prior to bylaw adoption
- Option 2: Approve of \$200 and \$2,500 as the business licence fee structure and give first, second and third reading of the STR regulation bylaw in Quarter 4 (not recommended)



CoTW November 23, 2017 STR Business Regulations



## Recommendation

- Direct staff to report back to Council in Quarter 1 of 2018 with finalized short term rental business licence fees, in conjunction with the short term rental implementation plan
- Direct staff to bring forward the short term rental regulation bylaw in Quarter 1 of 2018 for introductory readings



CoTW November 23, 2017 STR Business Regulations



**To:** Committee of the Whole                                      **Date:** November 1, 2017  
**From:** Jonathan Tinney, Director of Sustainable Planning & Community Development  
**Subject:** Zoning Regulation Bylaw Amendment: Schedule D – STR Home Occupations

Zoning Regulation Bylaw Amendment: Schedule D - STR Home Occupations --J. Tinney, Director of Planning and Development **Page 183 of 506**



## ISSUES AND ANALYSIS

Council has provisionally approved a new STR regulatory framework that seeks to balance the benefits of STR (tourism expansion, income supplementation, and positive impacts to local business) while minimizing its negative impacts (effect on long-term housing availability, nuisance complaints). The crux of this framework is to allow STR only in normally occupied dwelling units (principal residences). This can be achieved by amending Schedule D - Home Occupations.

1. *Expand permitted STR use within occupied dwelling units from single family dwellings only to all housing types.*

STR is currently permitted as a home occupation in up to two bedrooms in single family dwellings (detached homes) only. Council had previously directed staff to open this use to residents in condominiums; however following public comment and review, it is evident that all residents of Victoria could benefit from operating STR in their homes, especially considering high housing costs are a universal concern, perhaps most so for those who do not own single family homes, and that STR can have a positive impact on offsetting these costs. For this reason staff recommend Council consider allowing an expansion of the use of STR in up to two bedrooms within an occupied home from single family dwellings to all housing types. Other housing types include duplexes, townhomes, multi-unit apartment buildings, condominiums, house conversions, and secondary and garden suites.

2. *Allow entire-unit STR in principally occupied dwelling units on occasion.*

The new STR regulatory framework proposes the use of STR in principal residences only; that is, in the home where the STR operator normally resides. In this way, STR can be used for income supplementation and visitors can access self-contained STR without impacting the long term rental housing market. The framework envisions this use in up to two bedrooms in principal residences as described above, as well as in entire principal residences on occasion when the normal occupant is not present. Therefore staff recommend amending Schedule D to also allow for the occasional use of entire principal residences as STR.

All STR operators would be subject to the specific rules and regulations of the STR business bylaw, including the requirement to provide verification that the operator normally occupies the dwelling unit where the STR will occur, to obtain a business licence, and to prove strata or landlord permission to operate where appropriate.

### *Parking Impacts*

The transient accommodation provisions in Section 11 of Schedule D state that one parking spot per bedroom be provided to visitors. It is recommended that Council consider not including this requirement for STR due to the fact that this provision would restrict many residents from accessing this use, especially those that live in multi-unit dwellings or secondary suites that do not require or provide parking for the normal resident. As part of STR business licence regulations, operators would be required to share parking information with guests, and to provide contact information to the City to efficiently deal with complaints.



## OPTIONS AND IMPACTS

### Option 1 – Approve the proposed changes (Recommended)

These changes will provide equitability for residents in homes of any type to offset their housing costs, and expand the availability of alternative tourism accommodation in a way that will not materially impact long-term housing availability.

### Option 2 – Decline the proposed changes

Not amending Schedule D as proposed will mean STR will only be available to residents in single family dwellings. It would also prevent the City's STR framework from moving ahead as approved as occasional use in principally occupied dwelling units would remain prohibited.

## ALIGNMENT WITH CITY OBJECTIVES

### *Accessibility Impact Statement*

There are no impacts to accessibility associated with the recommendations in this report.

### *2015 – 2018 Strategic Plan*

Amending this bylaw is directly aligned with several of Victoria's strategic objectives:

- #1 Innovate and Lead
- #3 Strive for Excellence in Planning and Land Use
- #5 Create Prosperity through Economic Development
- #6 Make Victoria More Affordable

### *Impacts to Financial Plan*

If the recommended changes are approved, there may be an increase in revenue due to more business licence fees collected, and at a higher rate than current fees (\$200 per year is proposed for principal residence STRs). The proactive enforcement of STR regulations are associated with cost implications, however the changes presented in this report were included in the calculation of estimated costs presented at Committee of the Whole on September 21, 2017 (approximately \$500,000 annually).

### *Official Community Plan Consistency Statement*

These updates to home occupation regulations are consistent with several objectives laid out in the Official Community Plan, particularly those in Section 14 – Economy:

- 14.5.3 Encourages and supports local ownership, business that use local resources, and social enterprise
- 14.11 Encourage and support economic activities that provide household sustaining jobs, and retain more community wealth in the community
- 14.31 Strengthen the appeal of Victoria to tourists and other visitors in ways that enhance the community including:
  - 14.31.4 Character areas in the Downtown and other neighbourhoods



## CONCLUSIONS

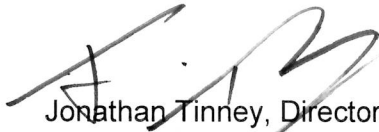
Expanding the use of STR in up to two bedrooms in a single family dwelling to dwelling units of any type throughout the City and allowing occasional use of entire-unit short term rental in principally occupied dwelling units will ensure residents can benefit from STRs in a way that does not impact the long-term rental housing market.

Respectfully submitted,



Lindsay Milburn  
Senior Planner, Housing Policy

Alt.



Jonathan Tinney, Director  
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:



Date:

Nov 15, 2017





## Committee of the Whole Report

### For the Meeting of November 23, 2017

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**To:** Committee of the Whole **Date:** November 9, 2017  
**From:** Chris Coates, City Clerk  
**Subject:** Capital Regional District Arts and Culture Support Service Establishment Bylaw

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#### RECOMMENDATION

That Council consent to the adoption of the CRD Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017" as amended.

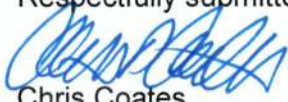
#### EXECUTIVE SUMMARY

At its meeting of July 27, 2017, Council consented to the adoption of the Capital Regional District Bylaw No. 4127 "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017". The minutes and Committee of the Whole report are included as Attachment A.


The Capital Regional District (CRD) received the required approval of 2/3 of participating municipalities for this bylaw and forwarded it to the Inspector of Municipalities for approval. The Inspector did not approve the bylaw as it was drafted due to uncertainty in the method of apportionment of funds for the new and existing participants. (Attachment B, CRD Report).

The CRD has provided an amended "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017" (Attachment C) that removes two paragraphs from the bylaw as recommended by Ministry staff. Council may wish to consider consenting to the proposed bylaw as amended.

Respectfully submitted,

  
 Chris Coates  
 City Clerk

Report accepted and recommended by the City Manager:

  
 Date: Nov 15, 2017

**Attachment A: Minutes and COTW report from July 27, 2017**

**Attachment B: CRD Report dated October 11, 2017**

**Attachment C: CRD Bylaw No. 4127 – amendments underlined**







2. Capital Regional District Arts and Culture Support Service Establishment Amendment Bylaw

Motion:

It was moved by Councillor Loveday, seconded by Councillor Madoff, that Council consent to the adoption of the Capital Regional District Bylaw No. 4127, Arts and Culture Support Services Establishment Bylaw.

Carried Unanimously





## Committee of the Whole Report For the Meeting of July 27, 2017

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**To:** Committee of the Whole **Date:** July 20, 2017  
**From:** Chris Coates, City Clerk  
**Subject:** Capital Regional District Arts and Culture Support Service Establishment  
Amendment Bylaw

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### RECOMMENDATION

That Council consent to the adoption of the Capital Regional District Bylaw No. 4127, Arts and Culture Support Services Establishment Bylaw.

### EXECUTIVE SUMMARY

Council considered the report attached as Appendix A at the June 15, 2016 Committee of the Whole Meeting and passed the following motion:

**"That Council postpone consideration of this matter until staff get more information from the CRD Arts Commission:**

**That Council advise the Capital Regional District that the City requests the Bylaw be amended to reduce the maximum Group 1 Participant contribution by the amount of the contributions of the Group 2 Participants."**

In further discussions with staff at the Capital Regional District (CRD) they have indicated that the intention behind creating a formal Group 2 funding level was to increase the amount of funds collected in the region for the Arts Service. Consenting to the adoption of the proposed CRD Bylaw would result in this growth of funds being contributed to the Service.

The financial impacts of reducing the City's contribution by the amount of the Group 2 Participants contributions would be very minor. The amount of the requisition is substantially below the cap established in the Service Establishment Bylaw.

In view of this clarification Council may wish to consider consenting to the adoption of the proposed Bylaw.



REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD  
MEETING OF WEDNESDAY, OCTOBER 11, 2017

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**SUBJECT**      **BYLAW NO. 4127 – ARTS AND CULTURE BYLAW AMENDMENT**

**ISSUE**

To consider amending Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017."

**BACKGROUND**

At its meeting of May 10, 2017, the Board of the Capital Regional District (CRD) gave three readings to Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017" (the "Bylaw"). The staff report that was before the Board on May 10, 2017 is attached to this report as Appendix A.

Following the May 10 meeting, the Bylaw was sent to the Inspector of Municipalities for approval and to the Councils of the participating municipalities for consent. The letters that the CRD received back from the Councils are attached as Appendix B. In order to be adopted, the Bylaw requires Inspector approval and the consent of 2/3 of the Participants.

The Bylaw has not been approved by the Inspector of Municipalities. Ministry staff cannot recommend approval of the Bylaw as it is currently drafted because the method of apportionment under the Bylaw is too uncertain. Ministry staff take the view that paragraphs 6(2)(c)(i) and (ii) are too subjective because the future participants of the service are not known and, accordingly, the apportionments for any new participant and for the existing participants is unknown. Ministry staff have recommended removing these two paragraphs from the Bylaw completely.

**ALTERNATIVES**

1. That third reading of Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017" be rescinded;
2. That Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017" be amended as shown in Appendix C.
3. That Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017" be given third reading as amended.

**IMPLICATIONS**

The Bylaw must receive approval of the Inspector of Municipalities in order to be adopted and it will not be adopted in its current form. There are no direct financial implications associated with the proposed amendments. The amendments are being recommended at the request of Ministry staff and remove uncertainty with respect to future apportionments.

**CONCLUSION**

The Ministry is unable to recommend that the Inspector approve Bylaw No. 4127 in its current form and has requested that it be amended as set out in Appendix C.

**RECOMMENDATION**

1. That third reading of Bylaw No. 4127, "Arts and Culture Support Service Establishment Bylaw







## APPENDIX C

CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4127\*\*\*\*\*  
A BYLAW TO AMEND BYLAW NO. 2884, BEING "ARTS AND CULTURE SUPPORT  
SERVICE ESTABLISHMENT BYLAW NO. 1, 2001"  
\*\*\*\*\*

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

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

- a) By adding to end of Section 2 "and the Southern Gulf Islands Electoral Area"
- b) By deleting Section 3 in its entirety and substituting the following:

"3. **Participating Areas:**

- (1) The Township of Esquimalt, District of Highlands, District of Metchosin, District of Oak Bay, District of Saanich, Town of Sidney, City of Victoria, Town of View Royal, and the Southern Gulf Islands Electoral Area are the participating areas for this service.
- (2) In this bylaw, "**Group 1 Participating Areas**" in each year means the Township of Esquimalt, District of Oak Bay, District of Saanich, City of Victoria, and the Town of View Royal.
- (3) In this bylaw, "**Group 2 Participating Areas**" in each year means the District of Highlands, District of Metchosin, Town of Sidney and the Southern Gulf Islands Electoral Area.

- c) By deleting Sections 6 and 7 in their entirety and inserting a new section 6:

"6. **Apportionment**

- (1) The amount of annual costs recovered by requisition in accordance with Section 4 (a) of this bylaw, shall be apportioned among the Participating Areas by dividing the costs into two equal parts, one part to be apportioned on the basis of population and one part to be apportioned on the basis of assessments and applying the formulae in Section 6 (2) below.
- (2) For the purpose of this section:
  - (a) **Group 1 Participants:**
    - (i) **Population** is the total population estimate as determined annually by the Regional Planning Services Department of the Capital Regional District, and



Bylaw No. 4127  
Page 2

- (ii) **Assessments** are the annual converted value of land and improvements in the Participating Areas.

(b) **Group 2 Participants** ~~(subject to Section 6 (2)(c) below):~~

- (i) **Population** is 30 % of the population estimate as determined annually by the Regional Planning Services Department of the Capital Regional District, and
- (ii) **Assessments** are 30% the converted value of land and improvements in the Participating Areas, or
- (iii) A greater percentage amount if indicated in writing by a Participating Area

(c) **Transitional provisions for ~~New and Existing~~ Group 2 Participants:**

- ~~(ii) New Participants are subject to 6 (2)(b) above except in the first year of participation their percentage is a minimum of 10% and in their second year of participation their percentage is a minimum of 20%~~

- ~~(iii) Participants contributing at less than 20% at the date of adoption of this bylaw, must contribute at a minimum percentage of 20% for 2018."~~

- ~~(iv)(i)~~ New Participants may withdraw from the Service within two years of joining provided that written notice that the Participant intends to withdraw is delivered to the CRD Corporate Officer on or before July 1<sup>st</sup> of the first or second year of membership to be effective as of January 1<sup>st</sup> the following year.

- ~~(v) Participants described in section 6 (2) (c)(ii) may withdraw from the Service within two calendar years of adoption of this bylaw provided that written notice that the Participant intends to withdraw is delivered to the CRD Corporate Officer on or before July 1<sup>st</sup> of the first or second year since adoption, to be effective as of January 1<sup>st</sup> the following year.~~

- d) By renumbering Section 8 to Section 7, by deleting Section 9 in its entirety, and by renumbering Sections 10 and 11, to Sections 8 and 9.

2. This bylaw may be cited for all purposes as the "Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017".

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Bylaw No. 4127  
Page 3

**CONSENTED TO BY AT LEAST TWO THIRDS** of the Councils of the Township of Esquimalt, District of Highlands, District of Metchosin, District of Oak Bay, District of Saanich, Town of Sidney, City of Victoria, Town of View Royal and the Southern Gulf Islands Electoral Area Director.

READ A FIRST TIME this 10<sup>th</sup> day of May 2017.

READ A SECOND TIME this 10<sup>th</sup> day of May 2017.

READ A THIRD TIME this 10<sup>th</sup> day of May 2017.

THIRD READING RESCINDED AND REREAD this day of 2017.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ADOPTED this <sup>th</sup> day of 2017.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER









## **Committee of the Whole Report**

### **For the Meeting of November 23, 2017**

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**To:** Committee of the Whole                      **Date:** October 18, 2017  
**From:** Thomas Soulliere, Director, Parks, Recreation and Facilities  
**Subject:** Community Garden Licences of Occupation

---

### **RECOMMENDATION**

That Council authorize the Mayor and City Clerk to execute new Licences of Occupation for the following community gardens, subject to the publication of notices as required by the Community Charter:

1. Rockland Woodland Garden (1059 Craigdarroch Road)
2. Montreal Street Community Garden (155,165,175, 185 Montreal Street and 210 Dobinson Street)
3. Franklin Green (1045 Mason Street)

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council approval to enter into new Licences of Occupation for three community gardens; two which already exist and one new garden.

The current Licence of Occupation for the Rockland Woodland Garden expired in May 2017. The Montreal St Garden was built in 1977 and does not currently have a licence of occupation. This fall, the City received a proposal from the North Park Neighbourhood Association to develop a new commons garden in Franklin Green. The term of each new agreement will be three years.

The Community Gardens Policy outlines the process for the creation and retention of community garden sites on City-owned lands. These gardens help facilitate positive community experiences, including educational and celebratory opportunities for citizens. Community associations play an active role in organizing events, providing signage and developing other place-making features.

### **PURPOSE**

The purpose of this report is to seek Council approval to enter into new Licences of Occupation for two existing and one new community garden.

### **BACKGROUND**

The City's Community Gardens Policy (Appendix A) outlines the process for the creation and retention of community garden sites on City-owned lands. When licence agreements with the City



are renewed, community gardens are required to amend their operating agreements in alignment with the current policy.

In March 2017, volunteers associated with the North Park Neighbourhood Association (NPNA) submitted an Expression of Interest for a commons garden at Franklin Green. Staff have worked with the volunteers to prepare the proposal in this City park space.

In August 2017, the NPNA was granted \$3,000 from the My Great Neighbourhood Grant to implement the proposed commons garden at Franklin Green. This grant was approved pending future Council approval of the proposed garden.

## ISSUES & ANALYSIS

### Rockland Woodland Garden

The Rockland Neighbourhood Association (RNA) oversees the Rockland Woodland Garden. The Woodland Garden is a commons garden focused on native plant gardening, which covers approximately 420 square metres and has existed since 2007. The RNA reports that approximately 8 regular gardeners volunteer in Woodland Garden, from March through October. Central School students also occasionally volunteer on-site and master gardeners events have been held in the garden.

### Montreal Street Garden

The Montreal Street Community Garden (also known as the James Bay Allotment Garden) has been in operation since 1977. It is the City's oldest allotment garden and currently has 54 individual plots. The Community Gardens Policy specifies that a community garden licence agreement must be held by a non-profit society. In order to comply with the revised policy, the Montreal Street Community Garden and the James Bay Neighbourhood Association (JBNA) developed a partnership agreement whereby the JBNA would oversee the new licence agreement.

### Franklin Green

The proposed project is located within a portion of Franklin Green, between the fence bordering the parking area at 1580 and 1518 Cook Street, and the paved pathway within the park. Existing programs in Franklin Green include a playground and a pickle ball court. The playground is located approximately 13 metres from the proposed garden. The proposed garden is anticipated to have an overall positive impact on the park by adding new features and activities which will draw more citizens to the park.

The proposed commons garden is approximately 110 square meters and includes a mix of native plants, pollinator plants, as well as culinary and medicinal herbs. The proposed garden also includes one interpretive sign and a seating area to encourage people to sit and enjoy the garden. When available, the proposed design, location and materials of the sign and the seating area will be reviewed by staff before installation.

Opportunities for public input on this proposal included:

- The North Park Neighbourhood Association (NPNA) spoke with or emailed all of the neighbours on the 1000 block of Mason St, including nearby residents, businesses and the church.
- A flyer describing the project was posted by the NPNA at nearby apartment buildings.
- An information board with an opportunity to submit feedback was installed at Franklin Green



for three weeks in late summer.

Results from these consultations indicate overall neighbourhood support for this proposal. Additional information on this proposal is included as Appendices B and C.

As there is an existing water service within the park, City support for the development of this new garden will include the installation of a quick coupler within the proposed garden area to allow for watering without hoses crossing existing pathways. Costs for this work would be covered under existing operational funds set aside to support community gardens.

#### *Accessibility Impact Statement*

There are no proposed changes to the layouts of the existing gardens at Rockland Woodland Garden and Montreal Street Community Garden. The Franklin Green commons garden will be located along the existing wheelchair accessible pathway, and will not impact overall park accessibility. A raised planter will provide an accessible gardening area.

#### *2015 – 2018 Strategic Plan*

Community gardens support Objective 8 (Enhance and steward public spaces, green spaces and food systems).

#### *Impacts to 2015 – 2018 Financial Plan*

There are no additional financial costs to the City in renewing the licence agreements for the existing community gardens in Rockland and James Bay.

Should Council approve entering into a new licence agreement for Franklin Green, the North Park Neighbourhood Association would be eligible to receive a Community Garden Volunteer Coordinator Grant in 2018. The current budget allocation under this Grant program is \$42,000 and would need to be increased by \$6,000 or alternatively, Council could choose to allocate a smaller amount to each neighbourhood to fit within the existing budget. This funding decision should be referred to the 2018 financial planning process.

#### *Official Community Plan Consistency Statement*

Community gardens help support goals identified in the Food Systems section of the Official Community Plan, including specifically Objective 17.5: Encourage food production activities in visible and suitable public places to foster a connection between people and the process of growing, harvesting and eating fresh produce.

### **CONCLUSIONS**

The community gardens described in this report align with the objectives identified by Council. Staff support the new Licences of Occupation for the existing Rockland Woodland Garden and Montreal St Community Garden and developing a new commons garden at Franklin Green, as outlined above.



Respectfully submitted,




Leigh Campbell  
Manager, Parks Planning and Design



Thomas Soulliere  
Director, Parks, Recreation and Facilities

Report accepted and recommended by the City Manager:

  
Date: Nov 17, 2017

**List of Attachments**

- Appendix A: Community Gardens Policy
- Appendix B: Franklin Green Commons Garden Location Map
- Appendix C: Franklin Green Commons Garden Proposal





## Community Gardens Policy (2016)

### What is a Community Garden?

The City of Victoria recognizes community gardening as a valuable community recreation activity that contributes to health and well-being, positive social interaction, neighbourhood building, food production, environmental education, habitat development, and connection to nature.

For the purposes of this policy, a community garden is a piece of land gardened collectively by members of the community, in partnership with a non-profit society.

Community gardening includes, but is not limited to, the following types of activities:

- Growing annual and perennial food plants, medicinal plants, and flowers
- Growing Indigenous, cultural and native plants
- Pollinator gardens and hobby beekeeping
- Permaculture projects
- Fruit and nut trees
- Demonstration farming
- Edible landscaping

### Types of Community Gardens

There are three main types of community gardens in Victoria:

1. **Commons Garden:** A commons garden is a communal garden area maintained and managed by community volunteers, where any harvest produced is available to the public.
2. **Allotment garden:** Allotment gardens consist of individual garden plots that are rented, maintained and harvested by individual member gardeners.
3. **Community Orchard:** A community orchard is a grove fruit or nut trees where a community organization is responsible for the care, maintenance and harvesting of trees, with food going to the community.

Community garden projects often include a mixture of these three types (for example, a garden may be a mixture of allotments and common garden areas.)

A community garden project may also have the following features:

- Compost bins, tool storage sheds, shared tools and other elements necessary for the operation of a community garden
- Educational opportunities to encourage the involvement of schools, youth groups, and citizens (who do not have assigned plots) in gardening activities
- Mechanisms for deer protection (tree fencing or perimeter fencing).



- Universal accessibility in garden design, to provide gardening opportunities to people with a variety of abilities.

#### **City support for community gardens**

The City of Victoria supports community gardens by working with non-profit societies and gardening organizations. Subject to available resources the City:

- Promotes community gardening and provide contact information to the public of existing community garden organizations (e.g. through the City of Victoria website).
- Provides a staff contact liaison for community garden projects.
- Provides access to information on the development and operation of community garden projects.
- Through City of Victoria grants, provides opportunities for funding to start, develop, and manage community gardens.
- Facilitates connections between project proponents and other potential partners.
- Assists interested groups in searching for suitable land for the development of community gardens.
- Where appropriate, assesses the suitability of City-owned land for food consumption and production through a Phase 1 Environmental Analysis (a historical search of the property to determine possible soil contamination from past land uses).
- Helps connect project proponents to appropriate landowner, if not the City of Victoria.
- Provides a municipal water hook-up and minimal fencing for new garden sites on City-owned land.
- Provides in-kind support where feasible (e.g. excess materials like compost and leaf mulch).

#### **Finding an appropriate site**

Appropriate sites for community gardens have the following features:

- Informed and supportive neighbours
- Year-round accessibility
- Good sun exposure (a minimum of 6 hours of sunlight per day)
- Easy access to municipal water
- Visible from surrounding uses to provide passive site surveillance
- Will not adversely impact other land uses

To assist with finding suitable land for community gardens, the City of Victoria has prepared an inventory of City-owned sites that may be suitable for future projects. This inventory can be viewed on the City's interactive mapping system 'VicMap', accessible from the City of Victoria website. Sites identified by the land inventory will still be subject to the public consultation requirements of this policy.

#### **Community garden projects on City-owned land**

The City of Victoria supports the creation of community gardens on City-owned land where neighbours have been consulted and are supportive, where a gardening group demonstrates an interest and commitment, and where the project meets the intent and objectives of this policy. Community garden projects on City-owned land will be subject to the following:



**A. Criteria for community garden projects**

Community garden projects on City-owned land will be operated by a non-profit society according to the following criteria:

1. Promotes urban agriculture, food production, education, and/or habitat enhancement.
2. Does not negatively impact surrounding land uses.
3. Is maintained to a minimum standard of aesthetics and orderliness. Year-round production is encouraged.
4. Expressions of art and creativity are welcomed and encouraged.
5. Operates at no cost to the City of Victoria, except through City of Victoria grants.
6. Provide public access to the garden at all times; locked gates are not permitted except through special approval from the City of Victoria.
7. The duration of a community garden is time-limited, according to the terms of the license agreement.
8. Groups are required to have liability insurance.
9. Produce grown on the site is not for private profit, unless through prior approval with the City of Victoria.
10. Contact information is posted on site for neighbours to support positive relationships.

**B. Public Consultation Process**

Community garden projects on City-owned sites are subject to a public consultation and approval process to ensure neighbours are informed and supported. Public consultation will be jointly facilitated by the City of Victoria and the proponent. Requirements for public consultation will be assessed on a case-by-case basis, determined by project size and anticipated project impact.

**C. License for use**

For community garden projects on lands owned by the City, a license of use agreement is required between the City of Victoria and the non-profit society for the purpose of developing and maintaining a community garden. Depending on site location, licenses may also be subject to Council approval.

License terms may vary based on project requirements. A standard license agreement for a community garden will be three (3) years. License agreements may be renewed for multiple terms providing the project continues to meet the criteria of this policy.

**D. User agreement between Non-profit Society and Garden Members**

The community garden organization and/or a neighbourhood association agrees to develop, manage and operate a community garden according to a user agreement with their members which specifies the terms of use, management responsibilities, user fees and access procedures which include the following:

- User agreement will not exceed three years, with an option to renew.
- Residents of the City of Victoria will be given priority for membership and the opportunity to garden.
- Participation must be made from a waiting list on a first-come, first-served basis.
- Membership in allotment gardens may not be restricted by neighbourhood.



- A list of regulations is developed for use of the site, and members are required to sign a contract indicating their compliance with regular maintenance and standards.
- Membership and use of the site can be revoked for non-compliance with the organization's bylaws and regulations.
- Pesticide use is not permitted on the site.
- Public access to the site is permitted and facilitated.

**Community garden projects on Private Lands**

The City of Victoria encourages the creation of community gardens on private lands where the project meets the intent and objectives of this policy and the vision of the Official Community Plan. The City of Victoria offers the following support for encouraging community gardens on private lands:

- Make connections between project proponents and potential funding partners.
- Help connect project proponents to appropriate landowners.
- Funding opportunities through City of Victoria grants.



## Appendix B: Franklin Green Commons Garden Location Map



Not to scale



Proposed Garden Location







## COMMUNITY GARDEN PROPOSAL FOR FRANKLIN GREEN

**Prepared For:** City of Victoria, Parks Department  
1 Centennial Square, Victoria, BC

**Prepared By:** Shan Marcus and Jessie Rucker  
1110 May Street Victoria, BC

### ***Project Description:***

This Community Commons Garden project seeks to combine food security initiatives with good design and organic land care practises to inspire and educate the public about the steps you can take to incorporate traditional foods and natural methods into your backyard. The project aims to include the following initiatives:

- **Native plant forage garden:** This effort is to bring awareness to the role that traditional food systems play in bringing food security to the region. Plant choices are based on these criteria:
  - Traditional food or medicinal crop
  - Nectar sources through 4 seasons
  - Ornamental value
- Our goal is to raise awareness about the value of traditional food systems, the plants, their uses and the culture connected to them. We seek to inspire people to eat the berries of these crops and learn how to identify these plants in their surroundings.
- The sizing of this garden would be approximately 70' x 15'
- The plants included in this area are:
  - Viburnum trilobum: Highbush Cranberry
  - Prunus virginiana: Chokecherry
  - Shepherdia canadensis: Soopolallie
  - Amelanchier alnifolia: Saskatoon
  - Vaccinium ovatum: Evergreen Huckleberry
  - Gaultheria shallon: Salal



- *Corylus cornuta*: Beaked Hazelnut
  - *Rosa nutkana*: Nootka Rose
  - *Camassia leichtlinii*: Great Camas
- **Pollinator gardens:** In recognition of the role that pollinators play in food security, we will be including native plants that are placed specifically to attract butterflies and bees as well as provide nectar and nesting spots for these insects. We will make our plant choices based on providing 4 season nectar as well as providing visual interest for park users. These areas will be no-till, meaning leaf litter will be left in place to provide nesting spots for bees.
  - This garden will be located within the overall Native Plant Forage garden.
  - The plants included in this area are:
    - *Anaphalis margaritacea*: Pearly Everlasting
    - *Lupinus polyphyllus*: Large Leaved Lupine
    - *Achillea Millefolium*: Yarrow
    - *Ribes sanguineum*: Red Flowering Currant
    - *Mahonia x media*: Oregon Grape
    - *Lonicera ciliosa*: Trumpet Honeysuckle
    - *Philadelphus lewisii*: Mock Orange
    - *Lilium columbianum*: Tiger Lily
    - *Eriophyllum lanatum*: Woolly Sunflower
    - *Dicentra formosa*: Pacific Bleeding Heart
  - **Herb gardens:** Our herb garden area is a part of the commons garden located in an easily accessible area. This area will encourage people to harvest herbs as needed or desired. The goal of this area is to provide access to quality herbs for a diversity of culinary, medicinal and tea drinking reasons.
  - Sizing of this garden would be approximately 4'x4' and about 2' high. The raised planter will be made of rough cedar 2x material.
  - This area will include some of the following herbs:
    - *Rosmarinus officinalis*: Rosemary
    - *Thymus*: Thyme
    - *Origanum vulgare*: Oregano
    - *Allium schoenoprasum*: Chives



- *Ocimum basilicum*: Basil
  - *Coriandrum sativum*: Coriander
  - Other miscellaneous herbs
- **Education:** This commons garden will have a single interpretive sign placed prominently within the garden. It will describe a bit about the project, project partners, funders and include an image of the plants with common and botanical name, pollinator value and culinary/medicinal value or traditional use.
  - Size of the sign will be approximately 48" W x 30" H and be printed on weather resistant, abrasion resistant material from a professional print shop. It will be mounted on cedar backing mounted on cedar 4x4s pounded into the ground. The sign will sit at a 45 degree angle so that people are able to read the sign then look around for the plants and so the sign does not obstruct the view of the garden.
  - When designed, the sign will be approved by the city before being installed.
  - Some examples of similar interpretive signs:







- **Seating area:** We will place a seating area made up of donated benches near the garden beds to encourage people to sit and enjoy the gardens. Our goal is that these benches encourage people who may be having lunch nearby to sit and enjoy their meal away from the street and pick up a coffee or snack at nearby cafes. We believe that these seating areas will positively affect the businesses on Mason Street.
- The North Park Neighbourhood Association has two benches which may be donated to the project. They will be affixed to movable concrete blocks. We do not currently have an image of these benches.

This project is a good fit for the North Park neighbourhood because:

- It will help to improve the streetscape in the Franklin Green Area
- It will draw tourists and the general public to the park and benefit neighbouring businesses such as Taco Justice, Yoka's, Mason Street Farm
- It will create more varied use in the park and bring community members together
- It will give children an opportunity to learn about native plants and traditional foods
- It will provide a buffer for air and noise pollution from Cook St. and the adjacent parking lot, and create a more inviting atmosphere in the park
- North Park can be an example to the citizens about practical tips on how to use native plants in an ornamental fashion, how to use traditional foods to increase food security in the city and how to use eco-friendly gardening to provide habitat for birds and pollinators



***Public Consultation:***

All of the neighbours on the 1000 block of Mason St., and also some who are near the street, were directly approached or contacted by email. Most liked the idea of the garden to have something more happening in the park, but two did not appreciate the idea and had concerns about watering and litter. Also, a posted flier about our project was left at two small apartment buildings in which only one person responded to it saying she was very supportive of a garden in Franklin Green.

In September 2017, the City put up an info board at Franklin Green describing the proposed project. While the sign was up, the City received three emails in support of the project, and one email expressing concerns about the project.

***Project Location:***

This area has been chosen because it has been identified as an underutilized area of the park.

Water could be accessed through a water line (underground) and a quick coupler installed within the garden by the City. The water could be turned on with a water key, but no standpipe would be installed.

A site plan is available below.

***Project Partners:***

As of now, the project partners are:

- North Park Neighbourhood Association Board
- Shan Marcus, independent landscaper

Groups we have consulted with or will consult for input on sustaining the project are Mason St. City Farm, Spring Ridge Commons, and Hultian Services Society.

Shan Marcus, independent landscaper, will donate 2-4 hours per month, as required to keep the area tidy with moderate pruning and check the irrigation system. Jessie, who lives on Mason St., will ensure the herb box has enough water each week. We will have small volunteer work sessions every season and Shan is enthusiastic about assisting with organizing volunteers.

The Community Spaces Committee of the North Park Association will oversee how care for the site is organized. Aside from sending notices to North Park Neighbourhood Association's membership and basic promotion with fliers on notice boards, we will consult with Mason St. City Farm, Spring Ridge Commons, and Saanich Native Plants as needed and also connect with these groups to entice volunteer help.



If the project needs to end, Shan, who is knowledgeable with transplanting shrubs, will remove the plants for donation to community establishments or individuals and then re-seed the space.

We hope to have other partners jump on board as the project begins to take shape and will make connections with nearby community groups to develop a volunteer base.

The garden installation will start in the late fall of 2017.

**WORKPLAN SCHEDULE:**

Day 1, Site and volunteer orientation/first stage of sheet-mulching with cardboard and leaf compost

Day 2, Plant large shrubs in native plant bed

Day 3, Build herb box, and start base for potential bench

Day 4, Place herbs into garden box/ pour concrete and anchor bench

Day 5, Plant smaller perennials in native plant space

Day 6, Install timed irrigation system and garden sign

Day 7, Tidy area

***Project Budget:***

The total project cost is estimated at \$7,340.00. Funds and resources to complete the project will be provided by the My Great Neighbourhood Grant received in August 2017 (pending Council approval of the proposed garden, the project would receive \$3,000.00), the applicants, and the City of Victoria Parks Department. A description of the project costs and where the funds and resources will come from is available below.

**Items to Purchase with Grant Funds**

Plants \$750.00

Mulch \$700.00

Concrete blocks/Lumber/Bolts \$400.00

Soil \$200.00

Irrigation \$400.00

Disposal \$150.00

Materials for volunteer orientation \$100.00 (i.e., making posters, buying juice)

Stakes and ties for trees/shrubs \$50.00

Social media set up 3 hrs @ \$50/hr \$150.00

Insurance rider \$100.00



Project retirement (if necessary) \$0

TOTAL FUNDS FROM MY GREAT NEIGHBOURHOOD GRANT: \$3,000.00

#### Items Provided by Applicant

112 volunteer hours for orientation/installation \$2,240.00 (at \$20 per hour)

Interpretive sign \$360.00

Lumber for raised bed \$200.00

Bench – donated \$200.00

17 hours of design, i.e., sign and irrigation \$340.00 (at \$20 per hour)

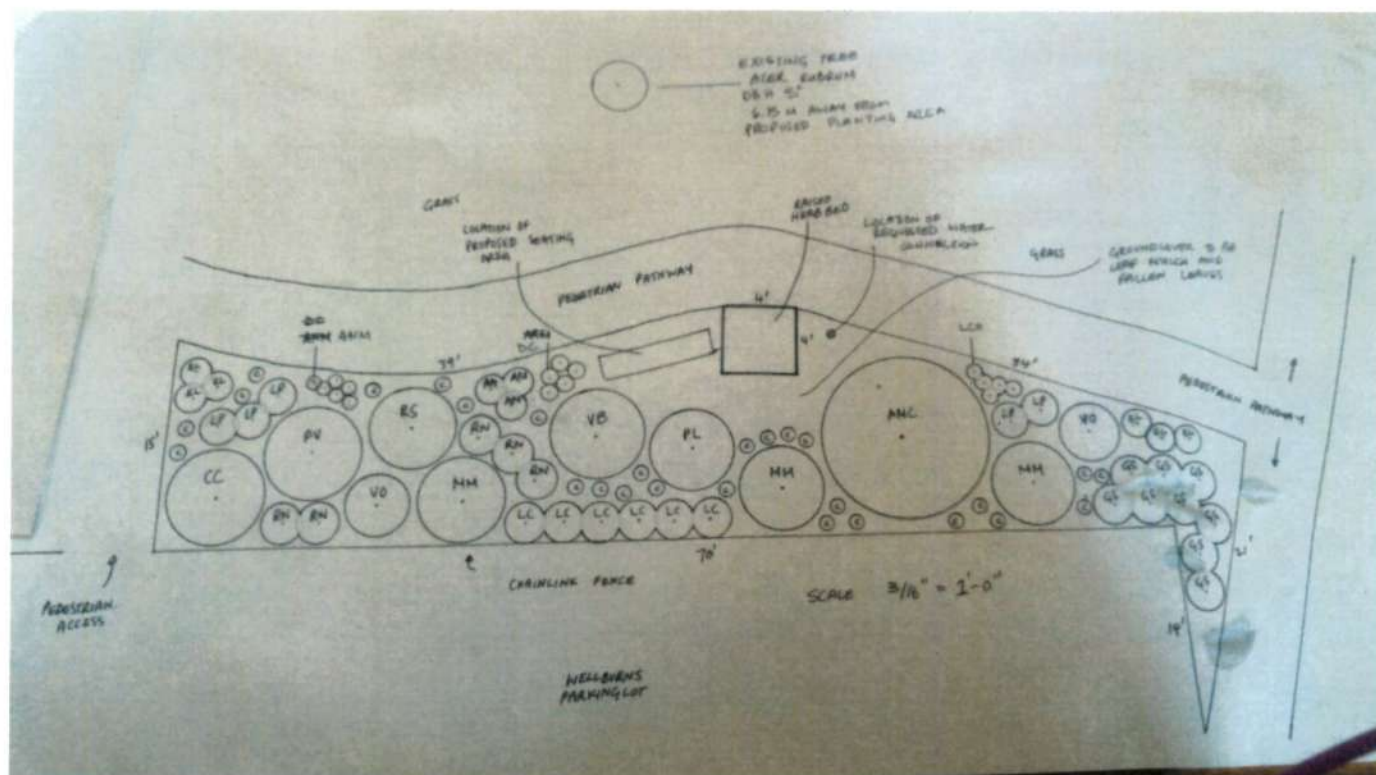
TOTAL CONTRIBUTION FROM APPLICANTS \$3,340.00

#### Items Provided by the City

Water connection \$1000.00

TOTAL CONTRIBUTION FROM PARKS: \$1000.00

#### **Site plan:**





**Planting plan:**

#	Size	Abbrev.	Botanical Name	Common Name
<b>Trees</b>				
1	3G	AMC	Amelanchier alnifolia	Saskatoon
1	3G	PV	Prunus virginiana	Chokecherry
<b>Shrubs</b>				
1	1G	PL	Philadelphus lewisii	Mock Orange
2	1G	VO	Vaccinium ovatum	Evergreen Huckleberry
9	1G	GS	Gaultheria shallon	Salal
1	3G	CC	Corylus cornuta	Beaked Hazelnut
5	1G	RN	Rosa nutkana	Nootka Rose
1	1G	RS	Ribes sanguenium	Red Flowering Currant
3	3G	MM	Mahonia x media	Oregon Grape
6	1G	LC	Lonicera ciliosa	Trumpet Honeysuckle
1	1G	VB	Viburnum trilobum	Highbush Cranberry
<b>Perennials</b>				
5	4"	DC	Dicentra formosa	Pacific bleeding heart
5	4"	LCO	Lilium columbianum	Tiger Lily
6	1G	EL	Eriophyllum lanatum	Wooly Sunflower
6	4"	ANM	Anaphalis margaritacea	Pearly Everlasting
5	1G	LP	Lupinus polyphyllus	Large Leaved Lupine
3	4"	AM	Achillea millefolium	Yarrow
<b>Bulbs</b>				
27	Seed	C	Camassia leichtlinii	Great Camas



Plant Choices for Native Plant  
pollinator and forage garden



*Ribes sanguineum*: Red Flowering Currant



*Lonicera ciliosa*: Trumpet Honeysuckle



*Mahonia x media*: Oregon Grape



*Amelanchier alnifolia*: Saskatoon





*Philadelphus lewisii*: Mock Orange



*Gaultheria shallon*: Salal



*Vaccinium ovatum*: Evergreen Huckleberry



*Corylus cornuta*: Beaked Hazelnut





*Rosa nutkana*: Nootka Rose



*Prunus virginiana*: Chokecherry



*Viburnum trilobum*: Highbush Cranberry



*Achillea millefolium*: Yarrow





Camassia leichtlinii: Great Camas



Eryophyllum lanatum: Woolly Sunflower



Lilium columbianum: Tiger Lily



Dicentra formosa: Pacific Bleeding Heart





*Anaphalis margaritacea*: Pearly Everlasting



*Shepherdia canadensis*: Soolopalie



*Lupinus polyphyllus*: Large Leaved Lupine







# Community Gardens

## Licences of Occupation

Committee of the Whole  
November 23, 2017



## Purpose

To seek Council approval for new licence agreements for three community gardens:

- 1) Rockland Woodland Garden (existing)
- 2) Montreal St Garden (existing)
- 3) Franklin Green Garden (new)

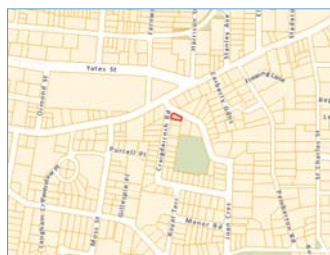


November 16, 2017: Community Garden Licences



## Rockland Woodland Garden

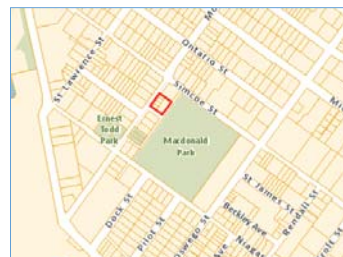
- Location: 1059 Craigdarroch Road
- Garden Type: Commons Garden focused on native plantings
- Size: 420 sq. meters
- Licence holder: Rockland Neighbourhood Association



November 16, 2017: Community Garden Licences

## Montreal Street Garden

- Location: 155,165,175, 185 Montreal Street and 210 Dobinson Street
- Garden Type: Allotment Garden
- Size: 2,360 sq. meters
- Licence holder: James Bay Neighbourhood Association



November 16, 2017: Community Garden Licences



## Franklin Green Garden

- Location: Franklin Green, 1045 Mason Street
- Garden Type: Commons  
Garden focused on pollinator & native plantings
- Size: 110 sq. meters
- Licence holder: North Park Neighbourhood Association



November 16, 2017: Community Garden Licences

## Franklin Green Garden



Proposed garden location outlined in red



November 16, 2017: Community Garden Licences



## Recommendation

That Council authorize the Mayor and City Clerk to execute new Licences of Occupation for the following community gardens, subject to the publication of notices as required by the Community Charter:

- 1) Rockland Woodland Garden (1059 Craigdarroch Road)
- 2) Montreal Street Community Garden (155,165,175, 185 Montreal Street and 210 Dobinson Street)
- 3) Franklin Green (1045 Mason Street)



November 16, 2017: Community Garden Licences





## Committee of the Whole Report For the Meeting of November 23, 2017

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**To:** Committee of the Whole **Date:** November 7, 2017  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** Heritage Alteration Permit Application No. 00224 for 700 Government Street

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### RECOMMENDATION

That Council authorize the issuance of the Heritage Alteration Permit Application No. 00224 for 700 Government Street in accordance with:

1. Plans, date stamped November 7, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution.

### LEGISLATIVE AUTHORITY

In accordance with Sections 617 and 618 of the *Local Government Act*, Council may issue a Heritage Alteration Permit which may be subject to terms consistent with the purpose of the heritage protection of the property, including: (i) conditions respecting the sequencing and timing of construction, (ii) conditions respecting the character of the alteration or action to be authorized, including landscaping and the siting, form, exterior design and finish of buildings and structures and (iii) security. Council may refuse to issue a Heritage Alteration Permit for an action that, in the opinion of Council, would not be consistent with the purpose of the heritage protection of the property.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Heritage Alteration Permit Application for the property located at 700 Government Street. The proposal is to repair and replace paving material along the Lower Causeway apron as part of the Lower Causeway Minor Improvements Project.

The following points were considered in assessing this Application:

- consistency with the *Official Community Plan* (OCP) to conserve the heritage value, character, significance and historic context, in the enhancement of the Inner Harbour



- consistency with the relevant guidelines of DPA 9 (HC): Inner Harbour to conserve the heritage value, character and significance of this area
- consistency with the relevant policies in the *Downtown Core Area Plan* (DCAP) to ensure improvements are sensitively integrated into the historic environment
- consistency with the *Standards and Guidelines for the Conservation of Historic Places in Canada* to conserve heritage value through protection, evaluation, maintenance and repair, and interventions that are compatible, subordinate, and distinguishable
- Statement of Significance to identify character-defining elements of the Lower Causeway.

The proposed temporary replacement of quartzite tiles along the Lower Causeway apron is consistent with relevant City policies and the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Staff recommend that Council authorize Heritage Alteration Permit No. 00224 for 700 Government Street.

## BACKGROUND

### Description of Proposal

The purpose of this report is to present Council with information, analysis and recommendations regarding a Heritage Alteration Permit Application for the property located at 700 Government Street.

On November 24, 2016, a Delegated Heritage Alteration Permit for the Lower Causeway Minor Improvements Project was approved for the repair and maintenance of the Lower Causeway that included pavement repairs and upgrades, refurbishment of mushroom lights, power washing existing concrete surfaces and resealing, causeway edge repair, bench replacement and directional lighting.

During the repairs it was determined by the applicant that the quartzite tile pavers along the causeway apron are in need of repair and upgrading. As described in the attached Summary of the History of Repairs to the Causeway Promenade (2010 to present), there have been continuous maintenance issues and safety hazards related to the lower deck pavement. The top concrete slab does not have adequate depth to protect reinforcing steel from exposure to chlorides. Due to this condition, topped with very thin 1/2" quartzite tiles, the rebar is popping up, the tile is cracking and deteriorating along the edges, and tripping and safety hazards are a concern.

Further assessments are being undertaken to determine the extent of future intervention. However, the rebar continues to deteriorate. The intent of this Application is to enable the repair and temporary replacement of the quartzite tile pavers with a thicker stamped concrete layer to protect the rebar from chlorides and stabilize the Lower Causeway apron until further intervention, as determined by the assessments, can occur. The original quartzite tiles are to be stored until their reinstallation is completed.

## ANALYSIS

The following sections provide a summary of the Application's consistency with the relevant City policies, regulations and the *Standards and Guidelines for the Conservation of Historic Places in Canada*.



## Official Community Plan

The Application is consistent with the OCP and DPA 9 (HC) Inner Harbour because it contributes to the following objectives:

- 4. (a) *To conserve the heritage value, special character and the significant historic buildings, features and characteristics in the Inner Harbour area.*
- 4. (c) *To enhance the Inner Harbour through high quality architecture, landscape and urban design that reflects the area's functions as a marine entry, working harbour and community amenity in scale, massing and character while responding to its historic context including heritage landmark buildings.*

## Development Permit Area (DPA 9 (HC): Inner Harbour)

The property is located within Development Permit Area 9 (HC), which is identified in the OCP and whose objectives include:

- 4. (b) *To conserve the heritage value, special character and the significant historic buildings, features and characteristics of this area.*

## Downtown Core Area Plan

The Application is consistent with the objectives and policies of the DCAP in relation to Historic Context which states:

- 3.75 *Support the protection and rehabilitation of heritage properties and ensure new infill development and improvements to the public realm are sensitively integrated into the historic environment.*

## Standards and Guidelines for the Conservation of Historic Places in Canada

The *Standards and Guidelines for the Conservation of Historic Places in Canada* include the following standards applicable to this Application:

- 1. *Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.*

The proposed temporary replacement (until the quartzite tile is reinstalled) of the causeway apron tile has minimal impact on the heritage value of the Lower Causeway. The spatial relationship between the pedestrian zone, gathering areas, and contemplative areas is not impacted.

- 2. *Conserve changes to an historic place that, over time, have become character-defining elements in their own right.*

The causeway apron repair and replacement conserves changes to the Lower Causeway that have been undertaken over time.

- 3. *Conserve heritage value by adopting an approach calling for minimal intervention.*



Repair and temporary replacement of the causeway apron surface materials is undertaking minimal intervention to address tripping and safety hazards until further intervention is undertaken.

6. *Protect and, if necessary, stabilize an historic place until any subsequent intervention is undertaken.*

The proposed repair and temporary replacement of quartzite tile pavers stabilizes the Lower Causeway apron until further intervention can occur to address the structural integrity of the existing reinforcement. Original quartzite tile will be stored for reinstallation once deck conditions are addressed.

7. *Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.*

Existing condition has been evaluated and the replacement of ½" quartzite tile pavers with a stamped concrete topping matching the pattern, colour, and texture of the existing tile is a minimal approach for replacement until subsequent intervention can occur and original quartzite tiles can be reinstalled.

8. *Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.*

The condition of the top reinforcement in the existing slab is currently not conducive to the replacement using the current ½" thick quartzite tile with surviving tile from other areas as the top concrete layer is not deep enough to provide necessary protection for reinforcement.

9. *Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection.*

The temporary replacement material for the apron quartzite tile will show a variation in finish and patina, which compatibility allows as it serves as the distinguishing factor. Repair would be identifiable on close inspection; however, replacement with a stamped concrete of similar colour and texture will be more apparent.

10. *Repair rather than replace character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exist, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.*

The temporary replacement material for the apron quartzite tile will closely match the texture, pattern and colour of the existing quartzite tile.

11. *Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.*



The proposed repair and replacement of the causeway apron does not radically change or have a negative impact on the character-defining elements, uses or spatial configurations, and is consistent with this guideline in the following ways:

- Compatible - use of similar but contemporary materials of a similar colour, texture, and pattern.
  - Subordinate - the Lower Causeway will continue to be prominent.
  - Distinguishable - replacement materials will be visually compatible and distinguishable and will not imitate, nor highly contrast with, the historic fabric of the Lower Causeway.
12. *Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.*

Temporary replacement material will enable the removal of such material to allow for interventions as identified by future assessment of the Lower Causeway.

### **Heritage Advisory Panel**

The Application was reviewed and declined by the Heritage Advisory Panel at its September 12, 2017 meeting (minutes attached). Some concerns included the lack of information about the long-term plan, the lack of information about the proposed interim materials, and the proposed method of patching being the same as that used in June, which has since failed.

### **Other Considerations**

#### Potential Safety Issue

Due to the tripping hazard caused by the lifting tiles, there is a degree of urgency to the proposal to undertake these interim repairs, as indicated in the applicant's letter dated November 7, 2017.

#### Failed Test Area

As per the applicant's letter dated November 7, 2017, the Greater Victoria Harbour Authority (GVHA) has made an effort to repair the adhesion of the tiles; however, these repairs were also temporary until GVHA could arrive at a longer-term temporary solution as outlined in this report and attached documents, which attributed to the failure of this patch.

### **CONCLUSIONS**

The Lower Causeway apron tile along the seawall edge is in serious need of repair and upgrading. The existing reinforcement is corroding and being forced upward through a very thin concrete layer and is resulting in the thin ½" quartzite tile cracking and separating from the base. Safety measures have necessitated a temporary repair of the apron with a thicker stamped concrete layer that would be similar to the existing tile in texture, colour and pattern to protect the rebar from further exposure to chlorides while further assessments of the Lower Causeway deck are undertaken prior to further intervention.

### **ALTERNATE MOTIONS**

That Council decline Heritage Alteration Permit Application No. 00224 for the property located at 700 Government Street.



Respectfully submitted,

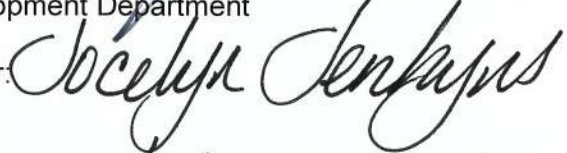


Merinda Conley  
Senior Heritage Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



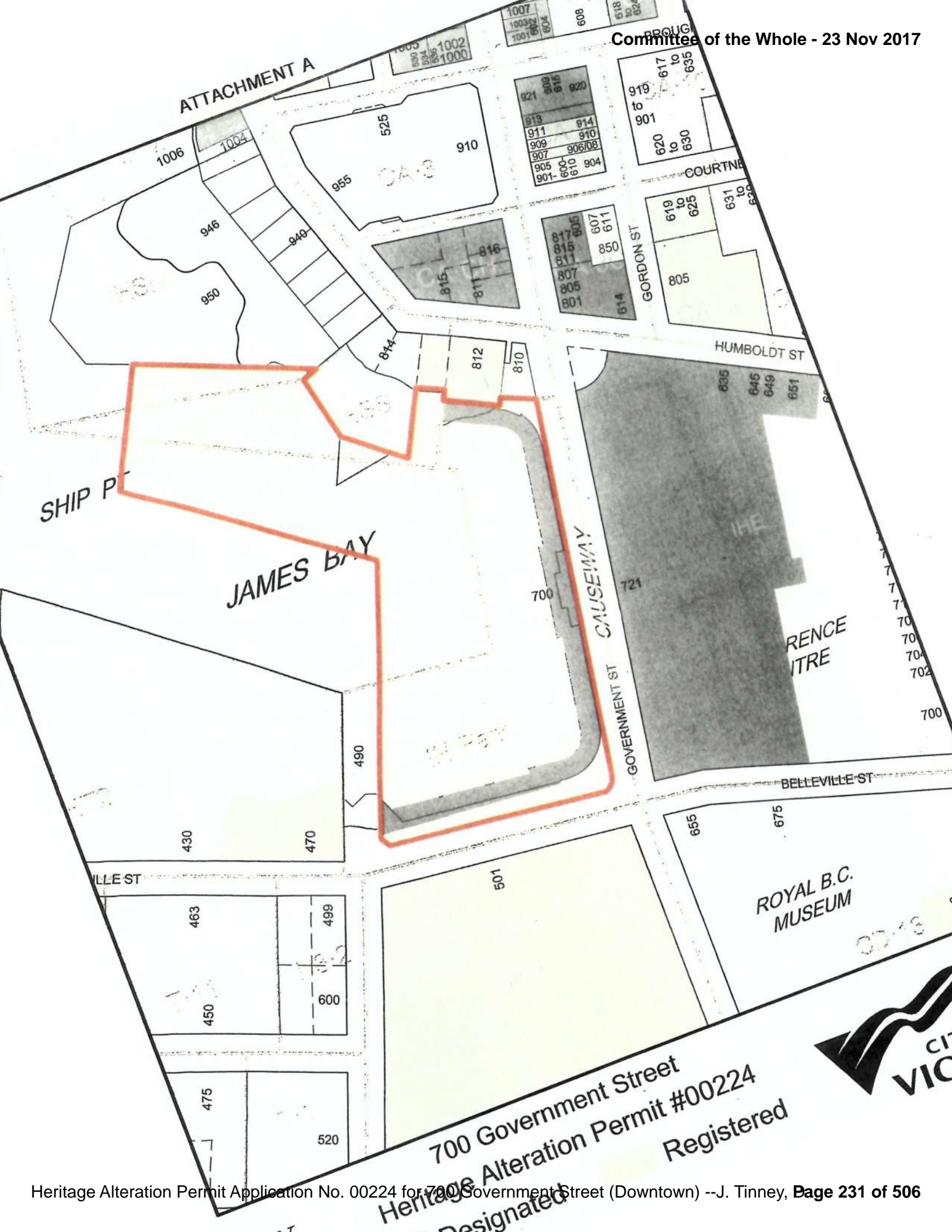
Date:

Nov 15, 2017

#### List of Attachments

- Attachment A - Subject map
- Attachment B - Aerial photograph
- Attachment C - Lower Causeway Improvements/Repair Project plans, date stamped November 7, 2017
- Attachment D - Letter from applicant, date stamped November 7, 2017
- Attachment E - Structural Engineer Recommendation letter, date stamped August 24, 2017
- Attachment F - Summary of the History of Repairs to the Causeway Promenade (2010 to present), date stamped August 24, 2017
- Attachment G - Statement of Significance
- Attachment H - Heritage Advisory Panel Meeting Minutes, September 12, 2017.





700 Government Street  
Heritage Alteration Permit #00224  
Registered











700 Government Street

Heritage Alteration Permit #00224



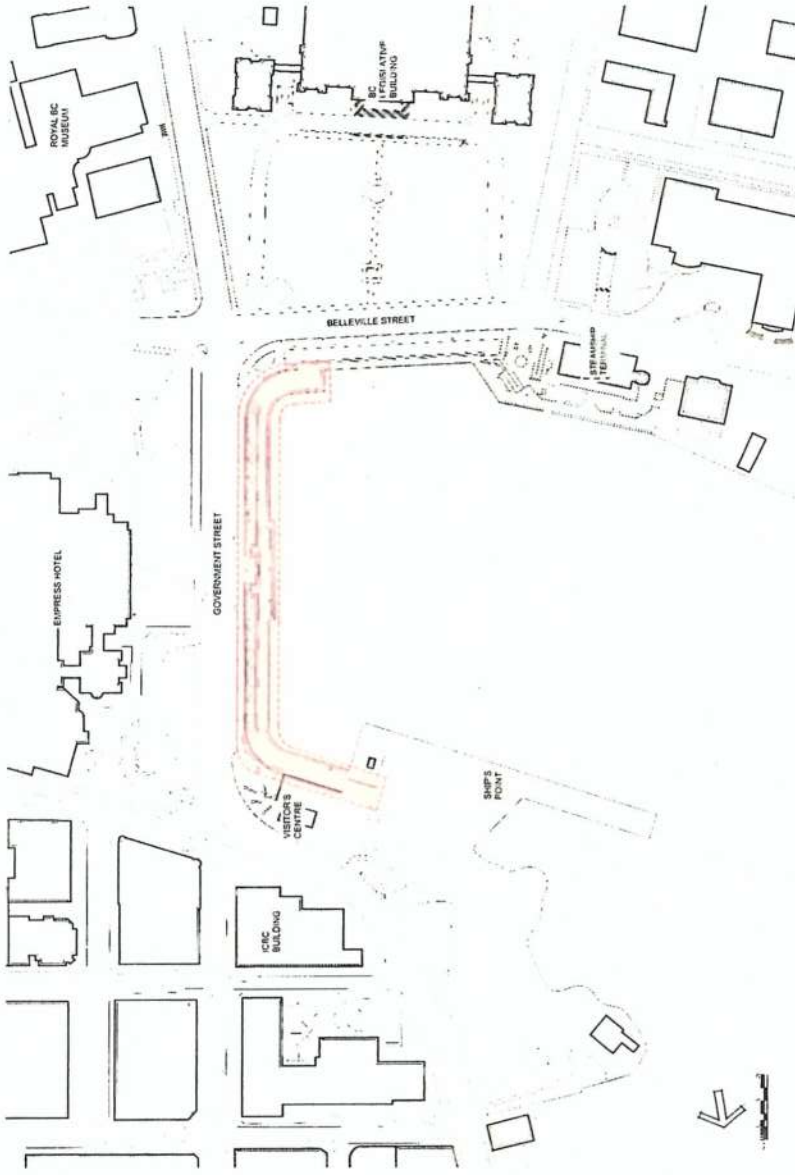






# LOCAL NEIGHBOURHOOD

For the purposes of this project, the "study area" is shown below in red and is defined as the area between the existing granite stone wall and the edge of the lower concrete promenade (at the water's edge). The horizontal limits of the study area is the northwest side of the promenade where the parking lot begins at Ship Point, all the way around to the southwest end of the CPR Steamship Terminal.

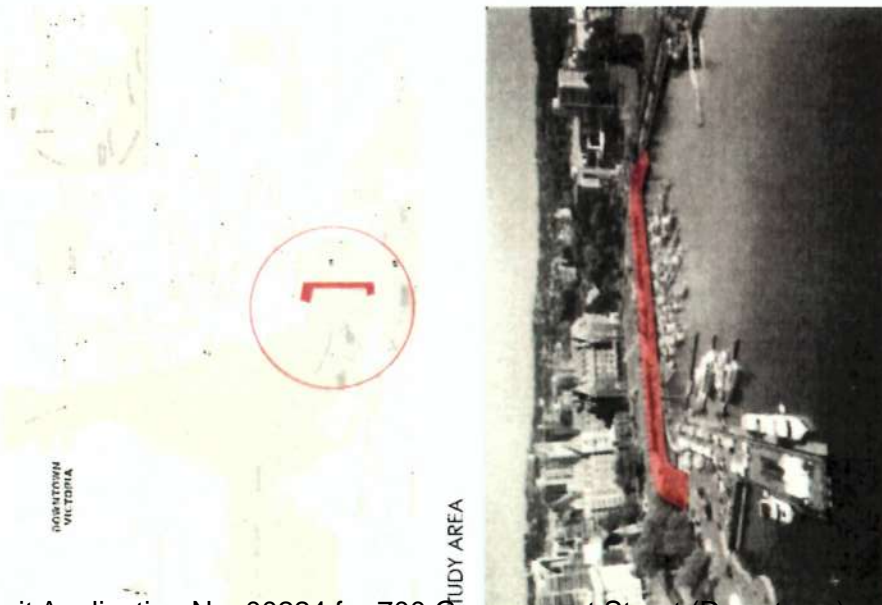


## INTRODUCTION

The Lower Causeway of the Inner Harbour in downtown Victoria, BC, is a remarkable and historic fabric; space iconic to the cultural experience of Victoria. The history, the popularity and the rich cultural experiences found in the Lower Causeway area arguably make it one of the most memorable and valuable places in all of Victoria and is often featured as the "heart" for tourism in Western Canada.

## CONTEXT

Located in the heart of downtown Victoria, the Lower Causeway is the "horsehoe" that sits directly west in front of the Fairmont Empress Hotel. The BC Parliament Building is located directly south, and the Visitor's Centre (home to Tourism Victoria), is located at the north gate-way.



## STUDY AREA



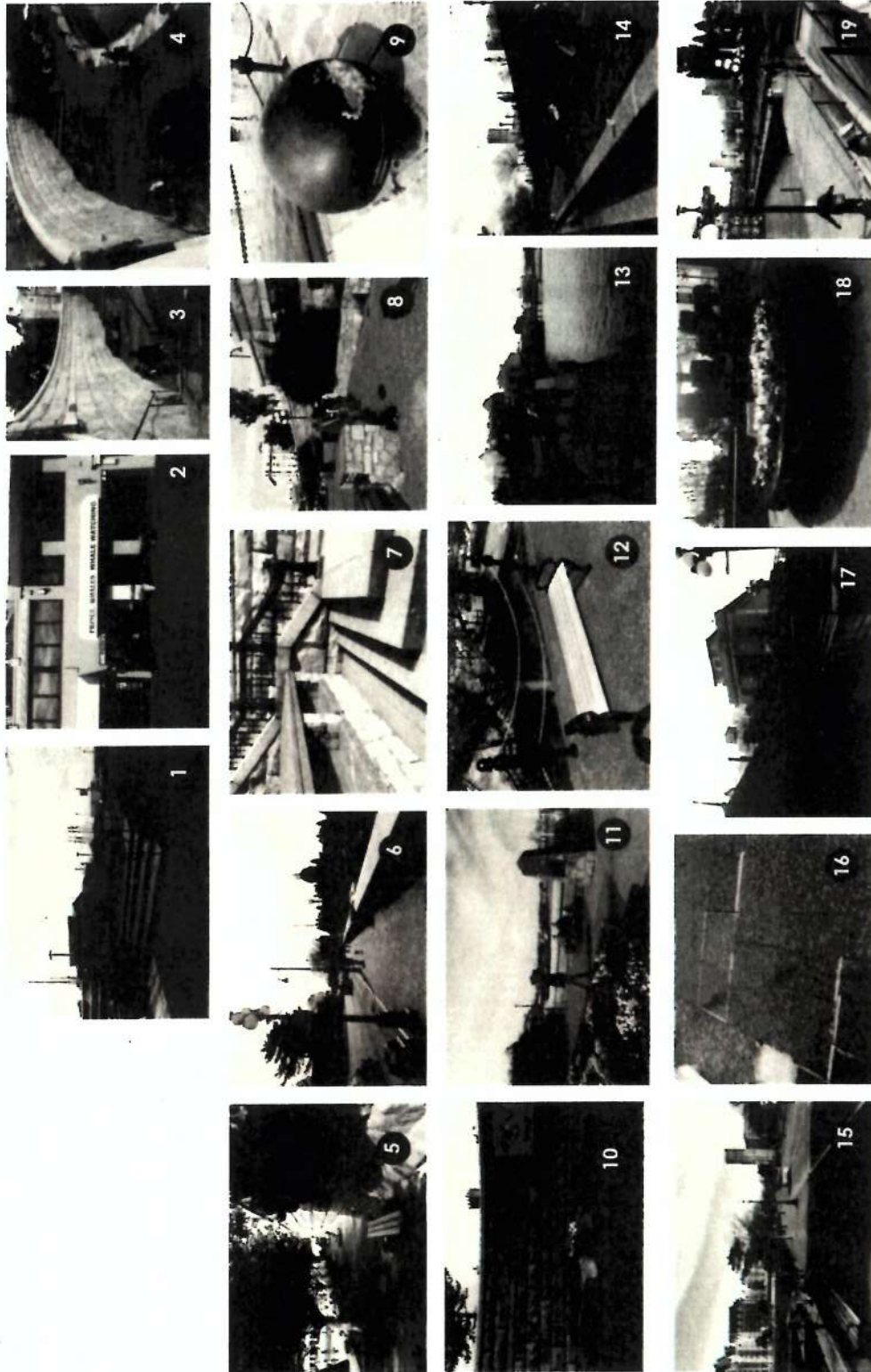




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City of Victoria  
NOV 07 2017  
Planning & Development Department  
Development Services Division

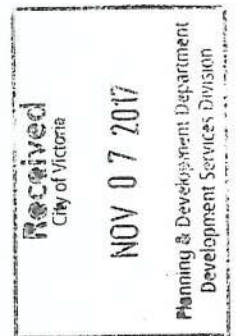


EXISTING CONDITIONS  
PHOTO INVENTORY



HERITAGE CAUSEWAY IMPROVEMENTS | HERITAGE ALTERATION PERMIT | 17.11.07 | GREATER VICTORIA HARBOUR AUTHORITY | STANTEC

Existing Site Photos | L-4







Lower Deck Section C-C' | L-11





## ATTACHMENT D



November 7, 2017  
File: 144316040

**ATTENTION: MAYOR LISA HELPS AND COUNCIL**

Sustainable Planning & Community Development  
1 Centennial Square  
Victoria, BC V8W 1P6

Dear Mayor Helps and Council,

**Reference: HAP Application - Victoria Lower Causeway Improvements Project – Temporary Lower Causeway Tile Replacement**

The following is a letter summarizing the proposal for the temporary repair to the Lower Causeway promenade tile edge, along Victoria's most widely used and important waterfront space.

Over the past few years, the existing paving, lighting, and furnishings on the concrete promenade of the Lower Causeway continue to age and show signs of deterioration. In addition to this, the area is growing in popularity and space continues to be a valuable commodity and as a result, very crowded, especially during peak hours. This application is focused on the temporary replacement of the existing tile edge located along the water perimeter of the lower causeway.

During recent upgrades and works along the "Welcome to Victoria" side of the causeway the Stantec team identified several areas of concern along the causeway edge which indicated deterioration of both the concrete structure and reinforcement. Further examination of the concrete deck below the tiles and the record drawings for the lower causeway, show that the concrete substrate is not adequate for direct installation of tiles as the steel reinforcing does not have adequate concrete cover. This has affected the adhesion of the tiles and many of the tiles have become loose or cracked. The GVHA has made an effort to repair this condition due to tripping and slipping hazards. However, these repairs were only a temporary solution until GVHA and Stantec could come up with a longer-term solution which is outlined in this letter and the attached documents.

Further study indicates the original quartzite tiles are also a very thin profile at only 3/8" which at 300mm wide x 600mm long unit sizes are highly susceptible to cracking in half and heaving. These paver sizes and thicknesses are not suitable for high traffic areas that also experience freeze/thaw cycles.

The combination of thin existing tiles and minimal concrete cover, means that there is not adequate space to properly replace the tiles. A repair treatment using concrete topping has been determined to be the best way to protect the deck reinforcing for the short term.

*Design with community in mind*





November 7, 2017

**MAYOR LISA HELPS AND COUNCIL**

Page 2 of 2

**Reference: HAP Application - Victoria Lower Causeway Improvements Project – Temporary Lower Causeway Tile Replacement**

Based on the engineering report prepared by Stantec (Attached) the GVHA has requested that a Heritage Alteration Permit (HAP) be submitted to allow temporary repair of this affected area until a full detailed study and conservation plan is completed. These repairs fall under current Canada 150 Funding which will expire in March 2018. Therefore, the GVHA believes this is the highest and best use of the remaining funding to maintain the integrity of the structure.

The Lower Causeway is designated by the City of Victoria and the Federal Government of Canada as a heritage site. The various elements that make up the heritage designation of this space have been identified in the enclosed submission of drawings.

The Stantec team is mindful of the historic and significant public space as a major component for the City's history. Our work includes careful documentation and research on the development of the space; its materials, colours, construction techniques and details that are present in the project.

The GVHA acknowledges the aesthetic intent of the tile edge design combined with the Mushroom lights to create a unique definition to the causeway. Subsequently the Stantec team proposes to maintain the existing bond pattern and lay topping as close to the existing coloration of the tile. The tiles will be removed and stored by the GVHA. This work will be completed in coordination of repairs to the existing "mushroom" lights which will have their "caps" removed and refurbished off site (metal of the dome smoothed out and repainted). The lights will also be upgraded with LED lights. Existing visual light temperature to be maintained to match the existing light temperature.

Both the GVHA and Stantec thank Mayor, Council and staff for their time and consideration in this matter and look forward to a positive outcome to this application.

**Regards,**

**STANTEC CONSULTING LTD.**

Nalon Smith, MBCSLA, CSLA, MLA

Team Lead, Landscape Architecture, British Columbia

1100-111 Dunsmuir Street Vancouver BC V6B 6A3

Phone: (604) 696-8370

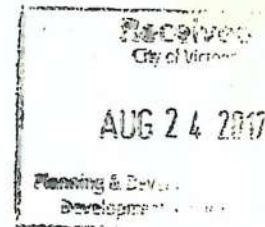
Cc: Simon Renvoize, GVHA; Sonterra Ross, GVHA; Mark Crisp, GVHA; Bryan Gallagher, Stantec

*Design with community in mind*





**Stantec Consulting Ltd.**  
400 - 655 Tyee Road  
Victoria BC V9A 6X5  
Tel: (250) 388-9161  
Fax: (250) 382-0514



May 4, 2017  
File: 144316040

**Attention: Simon Renvoize**

Project Manager  
Greater Victoria Harbour Authority  
100-1019 Wharf Street, Victoria BC, V8W 2Y9

Dear Mr. Renvoize,

**Reference: Inner Harbour Paving Replacement**

## Background

The Greater Victoria Harbour Authority (GVHA) has engaged Stantec to provide consulting services relating to an improvement/ repair project at the Victoria Inner Harbour lower causeway. While removing the existing concrete unit pavers on the south section of the lower causeway the contractor discovered that the existing slab top reinforcing was installed directly below the existing paving stones.



**Image 1: Top Reinforcing at Existing Slab. May 4, 2017**

Design with community in mind





May 4, 2017  
Simon Renvoize  
Page 2 of 4

### Reference: Inner Harbour Paving Replacement

Stantec Structural requested that the pavers directly north of the exposed area be removed down to the level of the existing concrete. After reviewing the entire exposed area, shown in image 1 above, and the existing 1973 drawings for the Inner Harbour lower causeway, Stantec determined that the top reinforcing in the existing slab has been installed without adequate concrete cover. This issue likely applies for the entire tile apron of the lower causeway. The structural detail for the existing causeway slab can be seen in the image below.

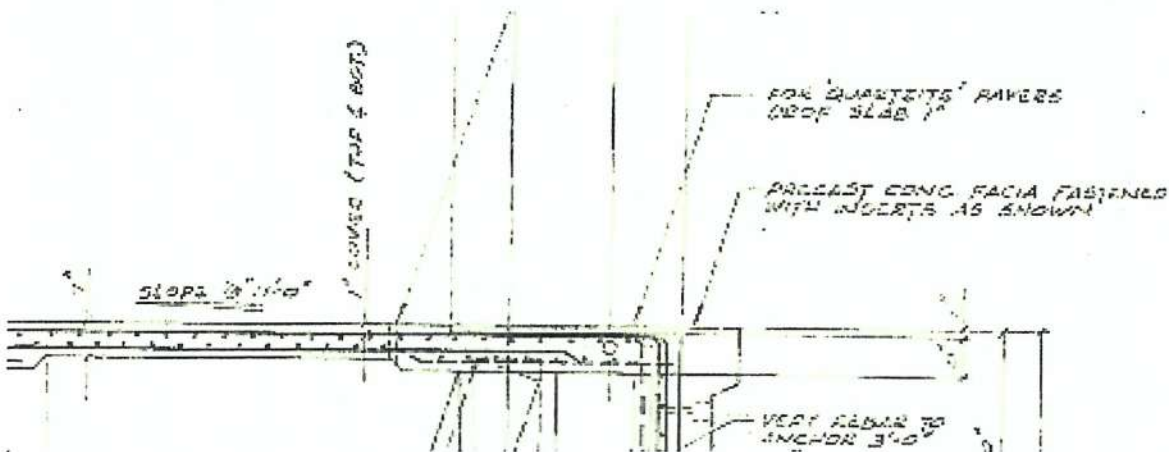


Image 2: Slab Detail 1973 Drawings (Courtesy of Public Works)

As can be seen in the detail above, the top reinforcing for the structural slab typically has 1" top cover and the pavers require a 1" slab depression, which reduces the concrete cover to zero. This matches what can be seen in the exposed location on site.

Concrete cover serves two purposes in a concrete slab, it allows the rebar to properly bond to the surrounding concrete and it protects the reinforcing from exposure to chlorides. Reducing the concrete cover to zero is not permitted in the current concrete code and would not have been permitted in the relevant codes and standards at the time of construction.

The GVHA have reported that the paving stones at the lower causeway have been a consistent maintenance issue. There is evidence of patching repairs in multiple locations on the causeway. In 2014, the GVHA undertook a paver replacement program. The GVHA used 1/2" pavers for the 2014 installation with a 1/2" layer of thin set mortar over the existing concrete. This installation relies on the thin set mortar to provide exposure protection to the existing reinforcing. Many of the 2014 pavers have now become un-bonded.

Design with community in mind





May 4, 2017  
Simon Renvoize  
Page 3 of 4

**Reference: Inner Harbour Paving Replacement**



**Image 3: Un-bonded 2014 Pavers and Existing "Mushroom" Light**

## Recommendation

The issues with the pavers at the lower causeway are most likely attributed to the original construction detail that was used in 1973. The 1" slab depression does not allow for installation of a 3/4" paver, which would fare better in this high traffic area than the 1/2" pavers that have been used. The top reinforcing in the concrete slab does not have adequate protection from chlorides and freeze thaw, and may be contributing to these tiles becoming un-bonded.

It is recommended that these pavers are removed and replaced with a concrete topping. A bonding agent such as Sikadur 32 Hi-Mod can be used to protect the existing reinforcing and to ensure a proper bond between the existing concrete and the new topping. As part of this replacement the "mushroom" light bases can be replaced with aluminum bases, as per details previously used by GVHA. Crack control details can be utilized at each side of the existing "mushroom" lights, to reduce concrete cracking.

It is recommended that GVHA discuss the concrete topping option with Stantec Landscape Architecture, Stantec Structural and the City of Victoria Heritage Department.

If you have any questions or concerns regarding this project, please contact Bryan Gallagher at 250-389-2383.

*Design with community in mind*





May 4, 2017  
Simon Renvoize  
Page 4 of 4

**Reference: Inner Harbour Paving Replacement**

Sincerely,  
**STANTEC CONSULTING LTD.**

Bryan Gallagher, P.Eng.  
Structural Engineer  
Phone: (250) 389-2383  
bryan.gallagher@stantec.com





HAP Application | Lower Causeway Improvements Project

Victoria Harbour | Lower Causeway Improvements Project



### Summary of the History of Repairs to the Causeway Promenade (2010 to present)

As referred to in GVHA's letter to the Mayor dated August 21, 2017 as part of the HAP application for the Lower Causeway, there have been continuous maintenance issues and safety hazards related to the Lower Deck pavement structure. Due to the condition and location of the existing rebar, the thin profile of the quartzite tiles (at a size of 300mm x 600mm) have continuously popped up, cracked in half, or deteriorated at the edges all causing tripping hazards that have required consistent repair. Below is a summary of the history of the repairs in the last seven years. The deterioration is getting exponentially worse as more of the rebar is exposed for repairs. Despite many efforts to redo sections of the seawall, even these newly installed sections are already failing.

ITEM	DATE	NOTE	EXPENDITURES
1.0	March 2010	Areas of quartz tile near to the entrance to the causeway crescent float (east side of causeway) and to both sides of the middle stairs from Government St. (down to causeway) were removed. Two different kinds of stamped concrete paving (screed) were installed.	
2.0	May 2010	Thirty blocks were re-fixed to Crescent Float wall after holding bolts to several of the blocks failed due to corrosion.	\$15,000 approx
3.0	August 2011	Initial study was undertaken at the east (lower) deck to review bonding failure of quartz slates. Some repairs were undertaken. Various health and safety issues with the public reported small trips, etc to GVHA.	
4.0	June 2012	Quartz slate continues to fail in more places. There are reports of degrading surfaces and mushroom light bases start to rust causing health and safety hazards. Minor repairs were undertaken by GVHA staff and noted as increasing in numbers.	
5.0	March 2013	The first of several meetings with the City of Victoria staff takes place to discuss unauthorised new screed repairs to the causeway in lieu of quartz tile. The knowledge of Heritage Status was first raised and the CoV staff explained that the repairs are not in keeping with Heritage status, and advised GVHA to put back Quartz tile. GVHA and the CoV agreed to share knowledge and work together to complete a appropriate repair.	
6.0	August 2013	The tile along the causeway edge was identified by CoV Heritage Consultant as Alta Quartzite with guillotined edges. The quarry source is Minira Skifer SA in Strandveien, Norway which was later confirmed by GVHA that is no longer produces this product. GVHA contacted multiple suppliers in BC and could not source this product or even produce a match, especially any products offering "guillotined edges".	
7.0	September 2013	A trial area of quartz tile refurbishment as agreed with CoV for a 50' length including refurbishment of the "mushroom lights" was	\$15,000.00



		undertaken using new bonding products . The existing quartz was carefully removed with about 25% waste, to be set aside and reinstalled. The deficiencies were made up from the last remaining set aside quartz tile held by GVHA. Refer to attached summary of refurbishment that took place.	
8.0	September 2013	A partial structural survey (underneath structure) was completed by Foreshore Technologies for \$2,300.00 which highlighted some corrosion of the deck structure.	\$2,300.00
9.0	February 2014	On-going various repairs to slate on the upper and lower levels of the east side of the causeway were undertaken by - Fivestar Contracting.	\$4,000.00
10.0	November 2014	A more intrusive study to confined spaces (not surveyed previously) under the causeway required a dive survey. The report highlighted corrosion and concrete degradation to piles and the underside of the deck structure	\$7,000.00
11.0	June 2015	Additional repairs to remove displaced quartz tiles (salvaged to GVHA's operations yard) and fill trip hazards with quickset compound day to day repairs carried out by GVHA staff.	\$2,000.00
12.0	May 2015	The GVHA seek match funding for the revitalisation and repairs to the Inner Harbour Causeway as part of Canada 150 funding initiative.	
13.0	June 2015	Stantec engaged to progress design for HAP, bid and manage the project for Canada 150 to include full quartz tile and mushroom light refurbishment.	\$30,000.00 in fees for first phase
14.0	July 2015	The GVHA gain match funding approval for \$250K sum towards the Canada 150 project.	
15.0	August 2016	Vertical facing blocks fell into ocean. Post to chain barrier requires new hardware due to corrosion of steel and were fixed due to Health and Safety concerns.	\$2,000.00
16.0	August 2016	Three chain post bases and corroded fixings were fixed.	\$500.00
17.0	May 2017	During construction of the concrete unit paver replacement in Phase A (south deck) a hole in the Causeway is discovered during construction, Engineer conducts survey.	\$3,500.00
18.0	May 2017	GVHA & Structural engineer meets with the City of Victoria Heritage Officer to show the problem with the structure prior to covering it with paving. The hole exposes severe corrosion of rebar due to poor detailing in the initial 1973 design.	
19.0	May 2017	Phase 1 (South Deck – in front of Welcome to Victoria flower bed) Lamp and Paving works completed by Contractor (Phase 1 of Canada 150).	\$160,000.00
20.0	May 2017	Phase 1 (South Deck – in front of Welcome to Victoria flower bed) Lamp and Paving works project closed by Consultant (Phase 1 of Canada 150).	\$35,000.00
21.0	June 2017	Three different mock-ups of the proposed cast in place options were presented as an alternative to the repair to the slate method. Refer to attached summary of options  Meeting with CoV and Structural Engineer rejected all solutions offered and including screed solution see Engineer summary to GVHA.	



22.0	June 2017	Repairs were made to the structure. Divers and a concrete contractor were required to complete the repair.	\$17,000.00
23.0	July 2017	GVHA meets with CoV staff and were advised to prepare a full HAP for the proposed material change needed for the repair from quartz tile to cast in place concrete solution.	
24.0	July 2017	A proposal for full structural and intrusive condition survey by Stantec and Goal Engineering is provided.	\$120,000.00
25.0	August 2017	HAP submission is in progress	\$7,000.00
26.0	August 2017	Tender drawings are under development and ready to post for tender	\$6,000.00
27.0	January 2018	Approximately \$250,000 remains from the Canada 150 match funding, however Construction has to be completed before March 2018 when the funding expires.	\$250,000.00







## STATEMENT OF SIGNIFICANCE

### LOWER CAUSEWAY 700 GOVERNMENT STREET

#### Description of Historic Place

The historic place is a wide, formally-designed section of the public promenade skirting the perimeter of Victoria's Inner Harbour. It comprises a quayside walkway flanked by a raised area of planting, incorporating treed seating areas, set against the rustic stone retaining wall of the older causeway.

#### Heritage Value

The heritage value of the lower causeway resides in its strategic role in the development of Victoria's urban environment, for the way it reflects the changing role of Victoria's urban environment, for its design, and its use.

Completed in 1974, the lower causeway was the key recommendation, and the most tangible outcome, of Arthur Erickson Architects' 1973 Inner Harbour Study, commissioned by and written in collaboration with the City of Victoria, to consider enhancing the living and working environment of the Inner Harbour as its role as a commercial port and industrial margin declined. This innovative study, the first to look at the entire shoreline of that area, provided design guidelines that could be used by the City to make the shoreline accessible to the public. The guidance is of interest for reflecting the spirit of the age, focusing on people, health and play rather than machines, commerce and work.

Designed by Vancouver architect and waterfront design specialist, Norm Hotson, while at Arthur Erickson's office, and one of the last major projects engineered by City of Victoria staff, the causeway is of significance as a piece of enduring 1970s urban design. Its popularity as an open-air market, tourist destination, and attractive urban park are testament to the success of its design.

The form of the lower causeway is of value for the way it reflects the principles underlying Erickson's architecture. Spatially, the provision of a dedicated pedestrian route away from the traffic along Government Street, the creation of areas for events and people watching, and the integration of contemplative spaces are characteristic of his landscape design at that time, as is the sculptural use of "sitting and walking" steps and tiers to define spaces. The trees and low hedges that provide shade and a windbreak, and the "mushroom lights" and contrasting paving material at the promenade edge to avoid the use of railings are of interest for the way they illustrate the architect's lateral thinking on design issues.

The lower causeway has become a significant public space at the heart of the city, used by workers and visitors, market stall-holders, musicians and artists.

#### Character-Defining Elements

- Waterside location
- Public access by boat and on foot
- The steps and tiers that create zones, including the pedestrian zone, gathering areas, and contemplative areas
- The absence of buildings and signage



- The integration with the fabric of the old stone causeway, including the visibility of the rustic stone revetment as a backdrop to the lower causeway seating, and the adaptive reuse of the old steamer steps to link new causeway to old
- Uninterrupted views along the lower causeway promenade and between the trees and stone face of the old causeway
- Trees in square planters shaped to permit views of the Inner Harbour from the benches on the lower causeway, and from the parapet of the stone causeway behind
- The curving of the causeway at the northeast and southeast corners
- The paving materials, including the exposed aggregate placed concrete, the quartzite pavers at the water's edge, and the slate pavers in the seating areas
- The universal, including the benches on the upper tier, the octagonal planters arranged in groups, the mushroom luminaires, and the lighting poles
- The careful positioning of elements throughout the lower promenade, including the alignment of trees, control joints and lighting poles, the centering of benches between the trees, the even spacing of the lighting, and step irons to the water.



**CITY OF VICTORIA  
HERITAGE ADVISORY PANEL  
MEETING MINUTES  
SEPTEMBER 12, 2017**

**7. 700 Government Street - Inner Harbour Causeway  
Heritage Alteration Permit No. 00224**

Attendees: Emily Dunlop, Stantec; Mark Crisp, Greater Victoria Harbour Authority (owner)

Merinda Conley provided a brief summary of the application, focusing on the Lower Causeway deck structure and tile replacement along the apron that is in line with the mushroom lights.

Emily Dunlop and Mark Crisp provided a PowerPoint presentation on the Lower Causeway area, providing information on replacement of the apron tiles. Information on additional work approved under a Delegated Heritage Alteration Permit, as well as further in-kind tile replacement and landscaping, was also provided.

Panel Comments and Questions

- To clarify, the proposal is to remove the loose quartzite material, clean up recesses and rebar and pour concrete; the top elevation of the new concrete layer would be the same as where the top of the quartzite tile is now; when the quartzite tiles are eventually replaced, the elevation would be 2" to 3" higher for drainage. Mark Crisp: Yes, that is correct.
- Comments from one Panel member:
  - On inspection, it was determined that 22% of tiles on each of the lower and upper decks have failed. A different mortar may be more suitable than the hard, brittle mortar currently being used.
  - As per the Standards and Guidelines, the applicant has failed to complete their investigation before doing the conservation. The proposed work is a temporary solution that could become permanent very easily. The underlying reinforced concrete is failing and needs to be dealt with before making other changes.
  - The replacement of stone involves an issue with bonding and not the rebar.
  - Replacement of material requires a sample board.
- What was the purpose of the Delegated Heritage Permit Application (DHP)?  
Merinda Conley: The application was for the refurbishment of the lights and replacement of in-kind tiles. At that time there was no issue with the quartzite tiles; however, the proposal is no longer maintenance and replacement in-kind as the proposed material is stamped concrete as a temporary measure, which is not in keeping with what was approved in the DHP. Panel: The proposed changes through the DHP should have come to the Panel for review regardless of the in-kind tile replacement because of the changes to the landscaping design, the addition of lighting and new benches. That does not equate to maintenance. Richard Linzey wrote the SOS for the Lower Causeway. The architect, Norman Hotson, working under Arthur Erickson, designed the edging in the light quartzite material on the Lower Causeway to reflect the light upwards and to avoid use of a handrail. When considering the preservation of materials, it is important to honour the architect's intention.
- Is there a question of authenticity as the concrete will be in the guise of stone? It was determined that this is acceptable as long as the colour and pattern of the original stone is respected.



- Even though there is a structural issue that requires attention, the proposal is altering the original materials, the landscape design, and the general design of the Lower Causeway, as described in its SOS. The causeway is a major urban space designed by one of Canada's best architects, Arthur Erickson. To ensure the causeway is preserved as a heritage-designated space, programming for the site could be shifted to the redevelopment of Ship Point.
- Currently a holistic solution is required for the tiles on the apron. This is a small incremental decision; the Panel would prefer to make a decision about the entire plan.

**Moved****Seconded**

That the Panel decline Heritage Alteration Permit Application No. 00224 due to the lack of information about the long-term plan, the lack of information about the proposed interim materials, and the proposed method of patching being the same as that used in June which has since failed.

**Carried** (Six in favour, three opposed)**Moved****Seconded**

That the applicant return to the Panel with a comprehensive design for the Lower Causeway including fascia panels, lighting and landscaping.

**Carried** (unanimous)



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# Heritage Alteration Permit Application for 700 Government Street (Lower Causeway)



## Location | Lower Causeway

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**Location** | Between Wharf and Belleville Street



**Design** | 1973 Inner Harbour Study – Arthur Erickson Architects

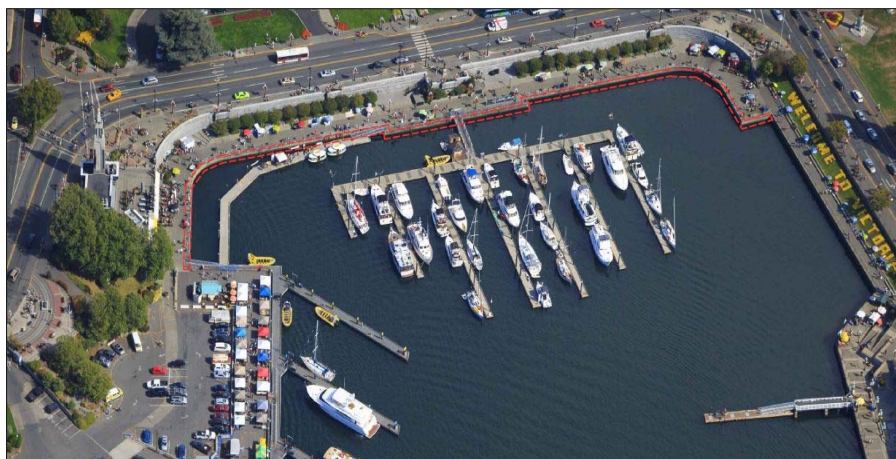




## DPA 9 (HC) | Inner Harbour Heritage Conservation Area

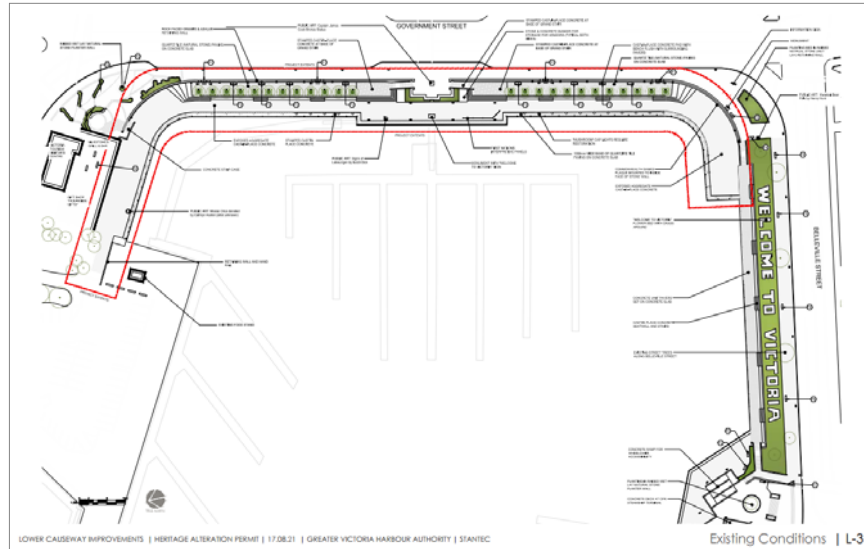


## Proposal | Repair and replace existing paving material along apron

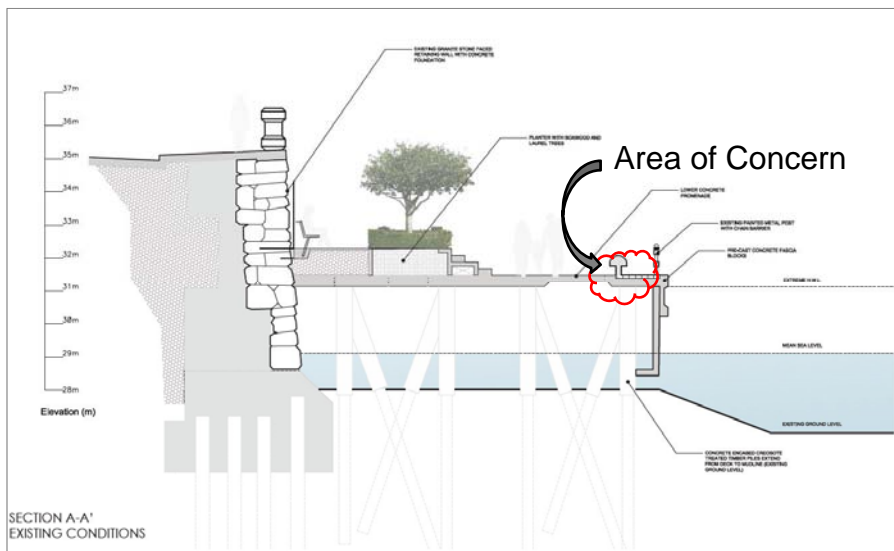




## Plan | Existing conditions of the Lower Causeway



## Existing Conditions | Lower level edge paving and lights





## Repairs Required | Lower level edge paving and mushroom lights



Unbonded quartz tile



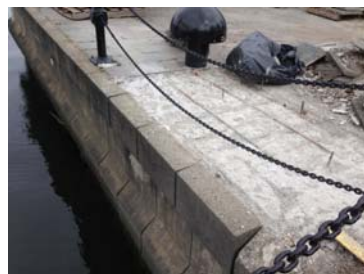
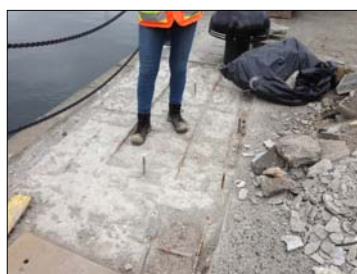
Previous repairs



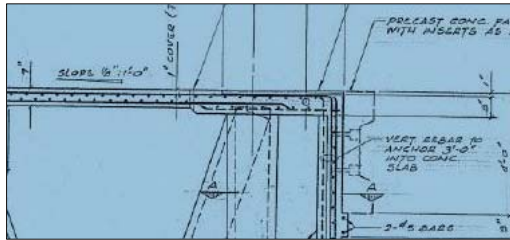
Damaged lights



## Repairs Required | Lower-level edge paving and mushroom lights





**Section Detail | 1973 Causeway construction**

The 1" slab depression does not allow for installation of a 3/4" paver, which would fare better in this high traffic area than the 1/2" pavers that have been used. The top reinforcing in the concrete slab does not have adequate protection from chlorides and freeze thaw, and may be contributing to these tiles becoming un-bonded.

**Engineer Summary | Paving and light bases****Stantec Engineering Summary**

The issues with the pavers at the lower causeway are most likely attributed to the original construction detail that was used in 1973. The 1" slab depression does not allow for installation of a 3/4" paver, which would fare better in this high traffic area than the 1/2" pavers that have been used. The top reinforcing in the concrete slab does not have adequate protection from chlorides and freeze thaw, and may be contributing to these tiles becoming un-bonded.

**Paving**

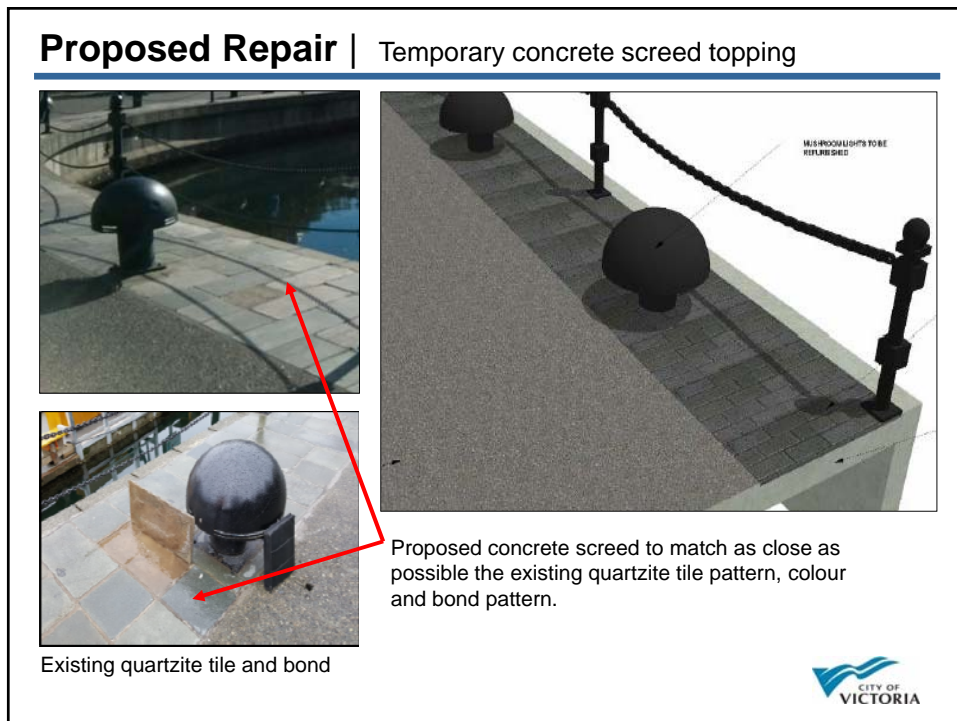
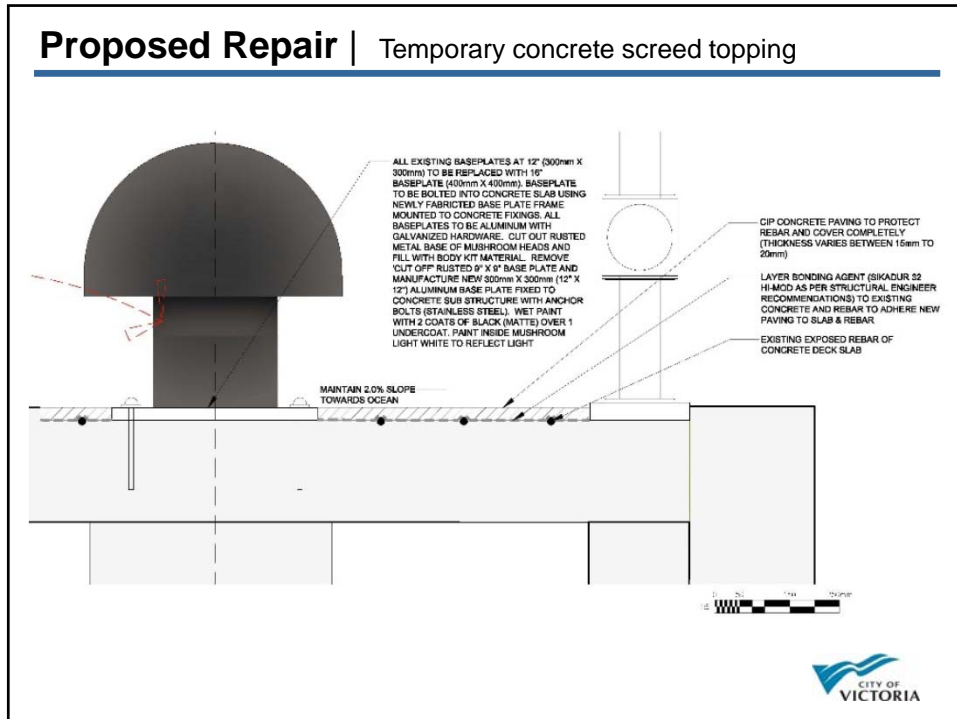
It is recommended that these pavers are removed and replaced with a concrete screed topping. A bonding agent such as Sikadur 32 Hi-Mod can be used to protect the existing reinforcing and to ensure a proper bond between the existing concrete and the new topping.

**Lights**

As part of this replacement the "mushroom" light bases can be replaced with aluminum bases, as per details previously used by GVHA. Crack control details can be utilized at each side of the existing "mushroom" lights, to reduce concrete cracking.

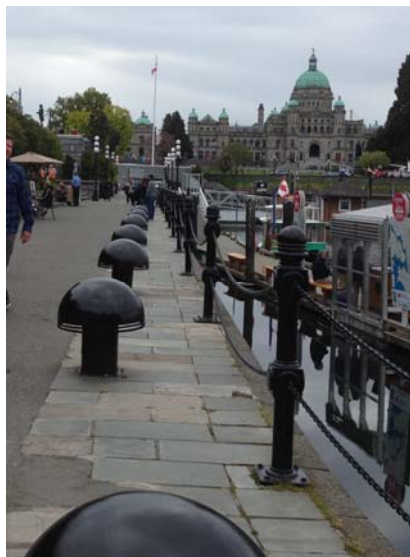
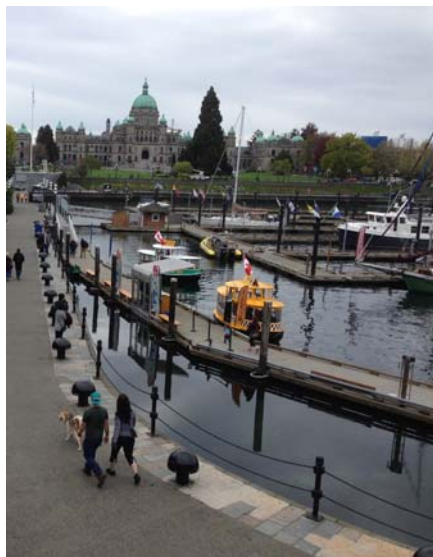








## Recommendation







## Committee of the Whole Report

For the Meeting of November 23, 2017

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**To:** Committee of the Whole **Date:** November 16, 2017

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Development Permit Application No. 000510 for 530 Michigan Street

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### RECOMMENDATION

That Council authorize the issuance of Development Permit Application No. 000510 for 530 Michigan Street, in accordance with:

1. Plans date stamped October 13, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. The Development Permit lapsing two years from the date of this resolution.

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*, 2012. A Development Permit may vary or supplement the *Zoning Regulation Bylaw*, but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping; and the siting, form, exterior design and finish of buildings and other structures.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 530 Michigan Street. The proposal is to construct one four-storey residential building with 70 units; one five-storey residential building with 37 units; and seven townhouse units.

The following points were considered in assessing this Application:

- consistency with the Capital Park Urban Design Guidelines (2015) with respect to the siting of buildings, the access provisions between buildings, the materials and finishes, and the sensitive transition to adjacent residential areas



- consistency with the James Bay Neighbourhood Plan in terms of phasing out surface parking lots and providing people oriented design, compatible with the James Bay neighbourhood
- consistency with the Master Development Agreement (MDA) covering the site; which includes requirements for housing, streets, permitted uses and floor space allocation
- no variances are requested.

## BACKGROUND

### Description of Proposal

This Development Permit Application is for the third and final phase of the Capital Park Project. The details of the three proposed buildings are as follows:

#### Details of Building C Design and Landscape:

- the largest of the three buildings proposed, Building C is a four-storey residential building containing 70 condominium units with a range of one, two, and three bedroom units
- a three-storey townhouse expression, in keeping with the rhythm and scale of the adjacent residential areas with a stepped back fourth storey
- street and rear facing raised garden terraces defining entryways and providing rear yard space
- predominantly red/brown brick cladding, broken-up with metal panel cladding around the extruded window architectural elements.

#### Details of Building D Design and Landscape:

- Building D is located in the centre of the three proposed buildings and is a five-storey, 37 unit residential building with a range of one, two, and three bedroom-plus-den units
- a modified townhouse expression along the Michigan Street elevation to maintain a residential scale and texture
- an architectural expression reflective of the office buildings on the north elevation, acting as a backdrop to the central plaza
- a sloped rooftop colonnade element, higher on the north elevation and sloping to the south to provide a consistently scaled plaza elevation without adding height to the residential side of the building
- predominantly brick cladding, dark brown and lighter taupe
- a large landscaped mid-block mini-park at the main south entrance fronting Michigan Street with angular berms and a robust planting palette.

#### Details of the Building E (Townhouses) Design and Landscape:

- Building E includes seven two-and-a-half and three-storey townhouses
- scale and massing designed to relate to the relocated heritage buildings on the block and adjacent residential buildings
- contemporary character expressed with traditional material including brick and metal cladding
- elevated front entries off of Michigan street accompanied by a layered planting plan
- rear yard private outdoor space separated from the phase 1 walkway by a large mounded planter and vegetation.



## Sustainability Features

As indicated in the applicant's letter dated August 25, 2017, the following sustainability features are associated with this Application:

- a permeable pedestrian circulation network
- a LEED Gold equivalent level of performance targeted but not secured through registration with the Canadian Green Building Council.

## Active Transportation Impacts

Active transportation impacts were assessed at the initial rezoning for the property and included the utilization of a previously underutilized central city location that, by virtue of its proximity to downtown and an existing residential area, supports active transportation efforts.

## Public Realm Improvements

Two access routes to the Central Plaza at either side of Building D are part of this proposal, which are identified within the Master Development Agreement (MDA). Additionally, a four metre wide section of the access to the West Courtyard, at the corner of Menzies and Michigan Street, will complete this access.

## Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

## Existing Site Development and Development Potential

The site is presently vacant as part of the overall Capital Park project, but formerly contained two heritage houses (since relocated), surface parking lots and commercial buildings that housed Provincial Government offices.

## Data Table

The following data table compares the proposal with the existing CD-2 Zone, Legislative Comprehensive District. The Application is fully compliant with the zone and no variances are requested in association with this Application.

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Zone Standard CD-2 (DA-LP-2C)</b>
Density (Floor Space Ratio) – maximum	1.84	N/A
Height (m) - maximum	17.30	17.50
Site coverage (%) - maximum	50	50
<b>Setbacks (m) – minimum</b>		
Build to line (Michigan Street)	3.07	3.0
Parking - minimum	132	114



Zoning Criteria	Proposal	Zone Standard CD-2 (DA-LP-2C)
Visitor parking (minimum) included in the overall units	11	11
<b>Bicycle parking stalls (minimum)</b>		
Class 1	125	125
Class 2	22	2

## ANALYSIS

The *Official Community Plan* (OCP) identifies this property within Development Permit Area (DPA) 12, Legislative Precinct, with the objective to enhance the area through high-quality architecture, landscape and urban design. The DPA enables Council to review and approve the character of the development including landscaping, siting, form, exterior design and finish of buildings and other structures.

The key guidelines related to this area are the *Capital Park Urban Design Guidelines, 2015*. The Development Permit plans closely match those submitted for the Rezoning Application and OCP Application approvals given by Council and the *Capital Park Urban Design Guidelines, 2015*. The proposal largely reflects the realization of these guidelines with little, if any, deviation from the initial concepts presented as part of the rezoning. In some cases, the proposal improves upon the design guidelines. For instance, the building separation between Buildings C and D and Buildings D and E is specified as five metres in the design guidelines, while the proposal has provided over 6 metres.

Key public amenities are also being realized as part of the Development Permit. This includes the mid-block mini park on Michigan Street in front of Building D, and the two walkways on either side of Building D connecting Michigan Street through to the Central Courtyard and Superior Street while maintaining the view through to the Parliament Buildings.

A Master Development Agreement also applies to this Application; however, the amenity contributions and conditions of development specified within the Agreement were completed in previous phases of the project.

## CONCLUSIONS

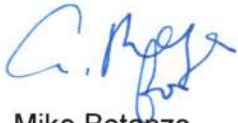
The proposed residential buildings at 530 Michigan and final phase of the Capital Park project fulfils the vision presented to the City as part of the rezoning for the overall project. The Application is based on and directly follows the Zoning Regulation Bylaw Amendment and Official Community Plan Amendment approved by Council on March 12, 2015. The building design and landscaping details are consistent with the *Capital Park Urban Design Guidelines, 2015*. Given the consistency of the Development Permit plans with the design guidelines, staff recommend that Council consider supporting this Application.

## ALTERNATE MOTION

That Council decline Development Permit Application No. 000510 for the property located at 530 Michigan Street.



Respectfully submitted,



Miko Betanzo  
Senior Planner - Urban Design  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

Nov 15, 2017

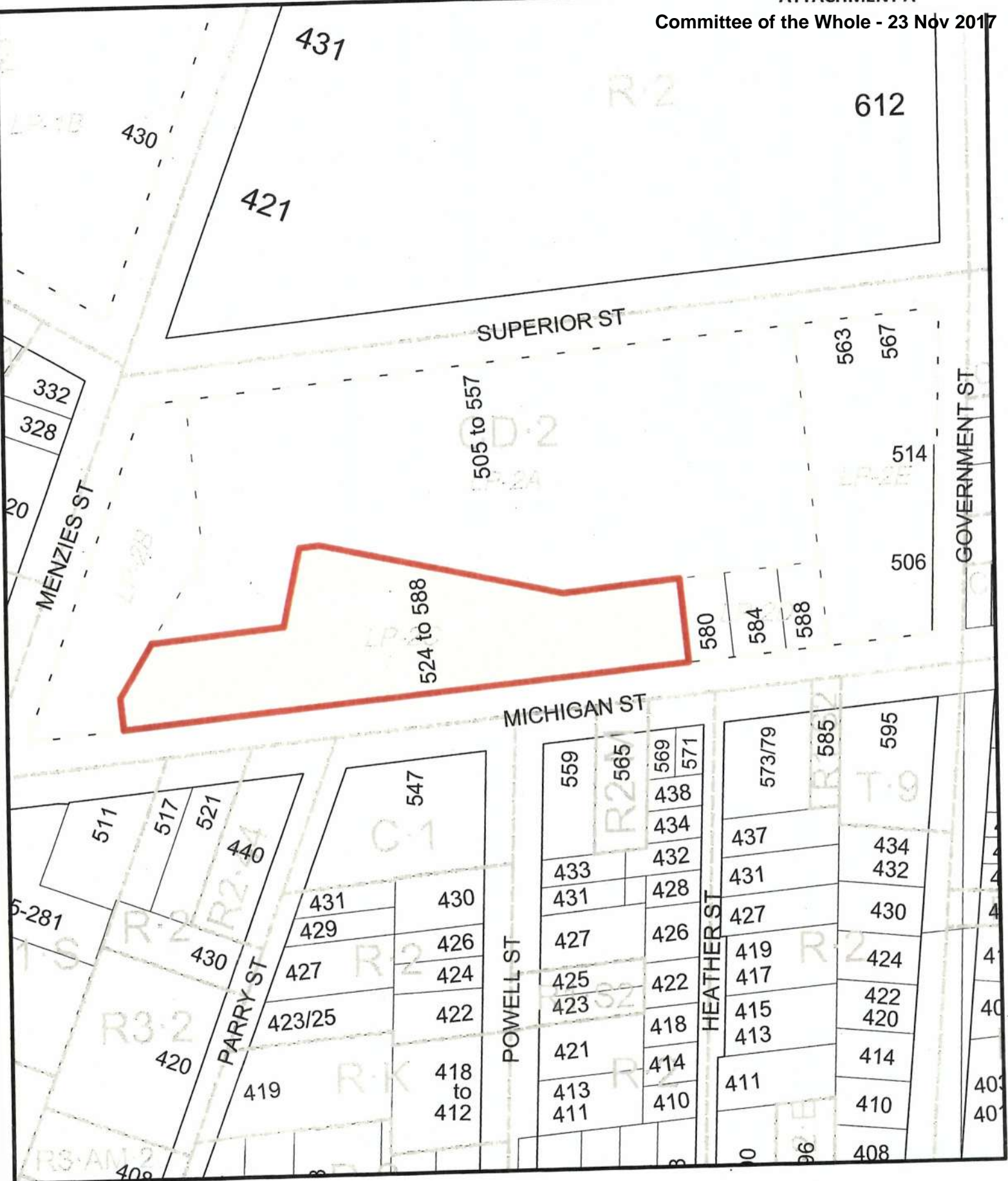
**List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped October 13, 2017
- Attachment D: Letter from applicant to Mayor and Council dated August 24, 2017.









530 Michigan Street

Development Permit #000510

Development Permit Application No. 000510 for 530 Michigan Street (James Bay) --J. Tinney, Director



CITY OF

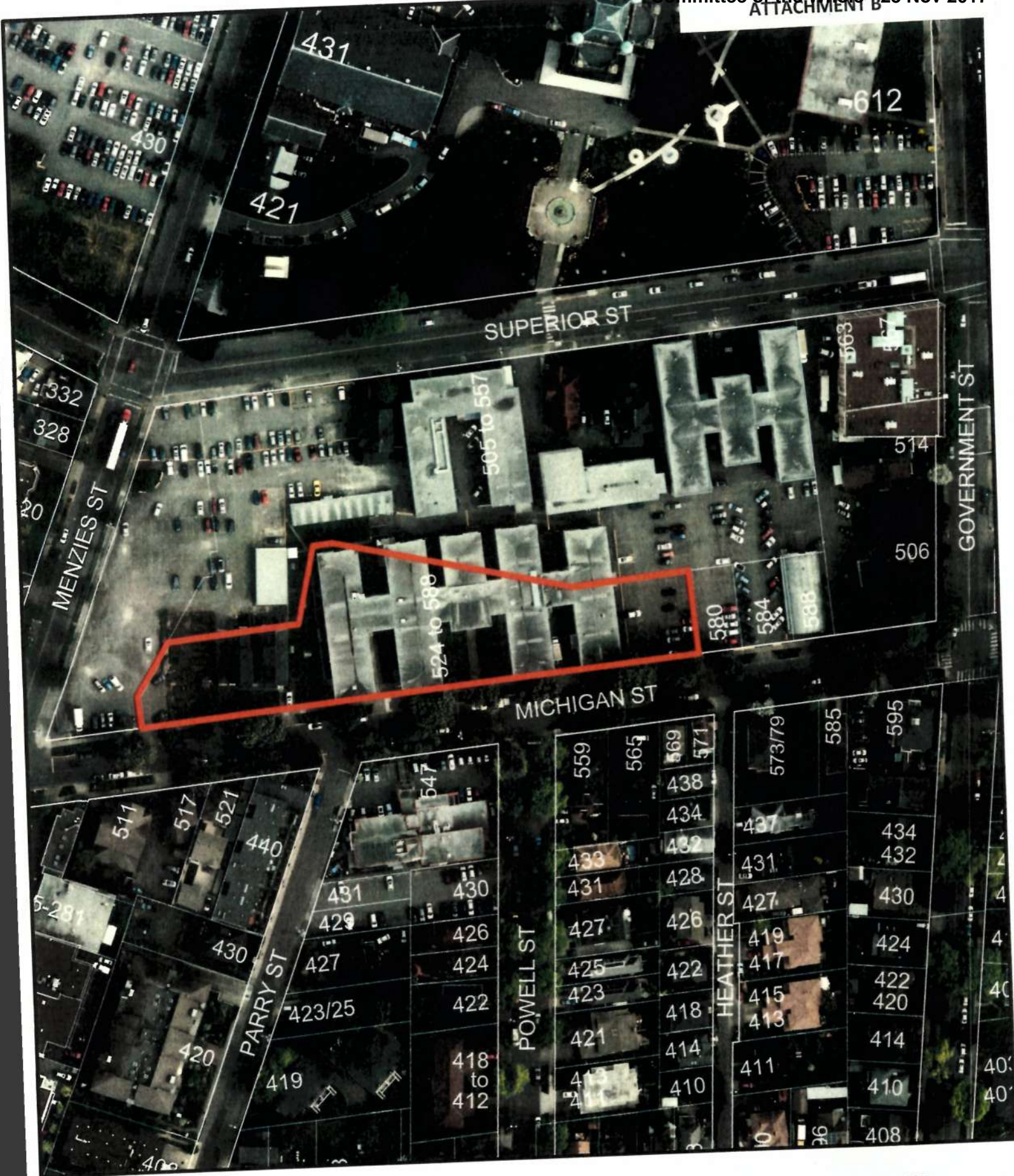
VICTORIA

Page 207 of 300









530 Michigan Street







## PROJECT LOCATION



## LEGAL ADDRESS

530 MICHIGAN STREET VICTORIA B.C. PID: 029-737-524  
LOT 3, DISTRICT LOTS 1732-1741 INCLUSIVE, VICTORIA CITY, PLAN EPP54040.

## PROJECT TEAM

## OWNERS

**CONCERT PROPERTIES LTD.**  
1180 Henthorn St, Vancouver, BC V6Z 2K5  
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604.688.9460  
concertproperties.com

**JAWL DEVELOPMENT CORPORATION**  
3350 Douglas St, Victoria, BC V8Z 3L1  
Contact: Roben Jawl  
250.414.4173  
jawldevelopment.com

## ARCHITECTS

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aendall@endall-elliott.com  
Taichi Azegami  
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taizegami@endall-elliott.com

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gbrumpton@pvlpartnership.com

## GEOTECHNICAL ENGINEER

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28 Crease Avenue, Victoria, B.C. V8Z 1S3  
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## STRUCTURAL ENGINEER

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Contact: Bruce Johnson

## MECHANICAL ENGINEER

**INTEGRAL GROUP**  
200 Granville St #180, Vancouver, BC V6C 1S4  
Contact: Goran Ostojic

## ELECTRICAL ENGINEER

**AES LTD.**  
1815 Blanshard St, Victoria, BC V8T 5A4  
Contacts: Sunny Chataurah  
Jay Singh

## CIVIL ENGINEER

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401 Garbois Rd #400, Victoria, BC V8T 2W1  
Contact: Stephen Childs

## CODE CONSULTANT

**GHL CONSULTANTS**  
409 Granville St #950, Vancouver, BC V6C 1T2  
Contact: David Graham

## TRAFFIC ENGINEER

**BUNT & ASSOCIATES ENGINEERING**  
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Contact: Jason Porter

## LEED CONSULTANT

**INTEGRAL GROUP**  
200 Granville St #180, Vancouver, BC V6C 1S4  
Contact: Kevin Welsh

## LAND SURVEYOR

**POWELL & ASSOCIATES**  
250 - 2950 Douglas Street, Victoria, BC V8T 4N4  
Contact: James Witting

## DRAWING LIST

## LANDSCAPE

AD 01 COVER  
AD 02 CONTEXT / LOCATION PLAN  
AD 03 EXISTING SITE PLAN WITH  
AD 04 SURVEY UNDERLAY  
AD 05 EXISTING STREETSCAPE IMAGES  
AD 06 PROPOSED SITE PLAN &  
AD 07 PROJECT INFORMATION TABLE  
AD 08 OVERALL P1 PARKADE PLAN &  
AD 09 PARKING INFORMATION TABLE  
AD 10 OVERALL P1 MEZZANINE PLAN  
AD 11 OVERALL LEVEL 1 PLAN  
AD 12 OVERALL LEVEL 2 PLAN  
AD 13 OVERALL LEVEL 3 PLAN  
AD 14 OVERALL LEVEL 4 PLAN  
AD 15 OVERALL LEVEL 5 PLAN  
AD 16 OVERALL PENTHOUSE LEVEL PLAN  
AD 17 OVERALL ROOF PLAN  
AD 18 OVERALL SITE ELEVATIONS  
AD 19 OVERALL SITE SECTIONS

A1 01 BUILDING C - LEVEL P1 PLAN  
A1 02 BUILDING C - LEVEL P1 MEZZANINE PLAN  
A1 03 BUILDING C - LEVEL 1 PLAN  
A1 04 BUILDING C - LEVEL 2 PLAN  
A1 05 BUILDING C - LEVEL 3 PLAN  
A1 06 BUILDING C - LEVEL 4 PLAN  
A1 07 BUILDING C - PENTHOUSE LEVEL  
A1 08 PARTIAL PLAN AND ROOF PLAN

A1 10 BUILDING C - NORTH & PARTIAL  
A1 11 NORTHWEST ELEVATIONS  
A1 12 BUILDING C - PARTIAL NORTHEAST & EAST  
A1 13 ELEVATIONS  
A1 14 BUILDING C - SOUTH & WEST  
A1 15 ELEVATIONS  
A1 16 BUILDING C - SECTIONS  
A1 17 BUILDING C - PARTIAL PLANS, ELEVATION,  
A1 18 MATERIALS & WALL SECTION

A2 01 BUILDING D & E - LEVEL P1 PLAN  
A2 02 BUILDING D & E - LEVEL P1 MEZZANINE  
A2 03 PLAN  
A2 04 BUILDING D & E - LEVEL 1 PLAN  
A2 05 BUILDING D & E - LEVEL 2 PLAN  
A2 06 BUILDING D & E - LEVEL 3 PLAN  
A2 07 BUILDING D - LEVEL 4 PLAN, BUILDING E -  
A2 08 ROOF PLAN  
A2 09 BUILDING D - LEVEL 5 PLAN  
A2 10 BUILDING D - PENTHOUSE LEVEL PLAN  
A2 11 BUILDING D - ROOF PLAN

A2 10 BUILDING D - NORTH & SOUTH  
A2 11 ELEVATIONS  
A2 12 BUILDING D - EAST ELEVATION & SECTION  
A2 13 BUILDING E - NORTH AND SOUTH  
A2 14 ELEVATIONS  
A2 15 BUILDING E - EAST ELEVATION &  
A2 16 SECTIONS  
A2 17 BUILDING D - PARTIAL ELEVATIONS &  
A2 18 MATERIALS  
A2 19 BUILDING D - PARTIAL PLANS & WALL  
A2 20 SECTIONS  
A2 21 BUILDING E - PARTIAL ELEVATIONS &  
A2 22 MATERIALS  
A2 23 BUILDING E - PARTIAL PLANS & WALL  
A2 24 SECTIONS

A3 01 3D MODEL OVERALL PERSPECTIVE VIEWS  
A3 02 3D MODEL BUILDING C  
A3 03 PERSPECTIVE VIEWS  
A3 04 3D MODEL BUILDING D  
A3 05 PERSPECTIVE VIEWS  
A3 06 3D MODEL BUILDING E  
A3 07 PERSPECTIVE VIEWS

A4 01 SHADOW ANALYSIS  
A4 02 CPTED / SAFETY & SECURITY PROVISIONS  
A4 03 WAYFINDING CONCEPT PLAN  
A4 04 LIGHTING CONCEPT PLAN

## SURVEY PLAN

## LANDSCAPE

LDP 0.09 COVER PAGE  
LDP 00.1 RENDERED PLAN & LEGENDS  
LDP 00.2 TREE MANAGEMENT PLAN

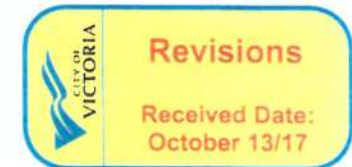
LDP 1.00 MATERIALS AND GRADING  
BUILDING C - LEVEL 1  
LDP 1.01 MATERIALS AND GRADING  
BUILDING C - LEVEL 2  
LDP 1.02 MATERIALS AND GRADING  
BUILDING D & E - LEVEL 1  
LDP 1.03 MATERIALS AND GRADING  
BUILDING D & E - LEVEL ROOF

LDP 2.00 PLANTING PLAN  
BUILDING C - LEVEL 1  
LDP 2.01 PLANTING PLAN  
BUILDING C - LEVEL 2  
LDP 2.02 PLANTING PLAN  
BUILDING D & E - LEVEL 1  
LDP 2.03 PLANTING PLAN  
BUILDING D & E - LEVEL ROOF

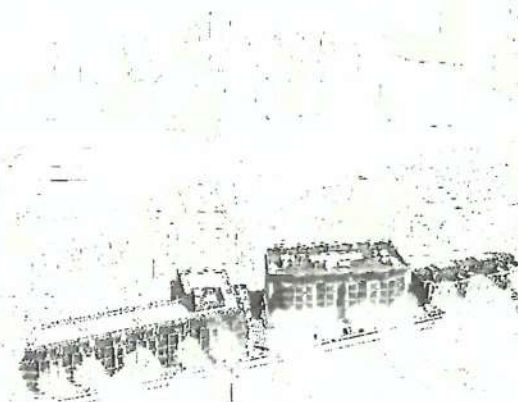
LDP 3.00 SECTIONS  
BUILDING C, D & E

## CIVIL

C.DP1 PROPOSED CURB ALIGNMENT  
& LANE MARKINGS  
C.DP2 CONCEPTUAL SITE SERVICING PLANS



REFER TO DEVELOPMENT PERMIT APPLICATION #000415 FOR  
PHASE 1 AND 2 OF CAPITAL PARK DEVELOPMENT



# CAPITAL PARK MIXED USE DEVELOPMENT PHASE 3

## LEGISLATURE COMPREHENSIVE DISTRICT DEVELOPMENT AREA LP-2C, VICTORIA, B.C.

530, 550, & 560 MICHIGAN STREET, VICTORIA B.C., CANADA ISSUED FOR DEVELOPMENT PERMIT APPLICATION : AUGUST 21, 2017

DEVELOPMENT PERMIT AMENDMENT 2017 10 13













MENZIES STREET - EAST SIDE  
N.T.S. ①



SUPERIOR STREET - SOUTH SIDE  
N.T.S. ②



MICHIGAN STREET - NORTH SIDE  
N.T.S. ③

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99 000-000-000-000 000-000-000-000  
100 000-000-000-000 000-000-000-000

**endall elliot**  
associates  
architecture urban design  
8100 Richards Street, Vancouver, BC, Canada V6A 3C1  
604.687.3008 www.endall-elliott.com

PROJECT  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPPK 1010  
TITLE  
EXISTING STREETSCAPE  
IMAGES

PROJECT No 2288 G  
DATE 07 August 2022  
SCALE NTS  
DRAWN BY  
REV No  
SHEET No

**A0.03**



OFFICE BUILDING A1

OFFICE BUILDING A2

DEVELOPMENT AREA LP-2A (NOT IN SCOPE)

CENTRAL PLAZA

WEST COURTYARD

SERVICE COURTYARD

EAST COURTYARD

RETAIL PAVILION

DEVELOPMENT AREA LP-2C

BUILDING C

BUILDING D

BUILDING E

DEVELOPMENT AREA LP-2D (NOT IN SCOPE)

SUPERIOR STREET

MICHIGAN STREET

1" = 30'

FOR BUILDINGS D AND E REFER TO DRAWINGS A2-01-A2-09

01-01-07

DRAWINGS A1-01-A1-07

514 GOVERNMENT STREET

506 GOVERNMENT STREET

SHARED SERVICE LANE

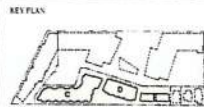
PROJECT No	77775
DATE	11 October 2017
SCALE	1:500
DRAWN BY	
CHECKED BY	
REV No	

A0.04



A0.05





01 REVISIONS LIST 2014.02.22  
02 REVISIONS LIST 2014.02.22  
03 REVISIONS LIST 2014.02.22

SEAL

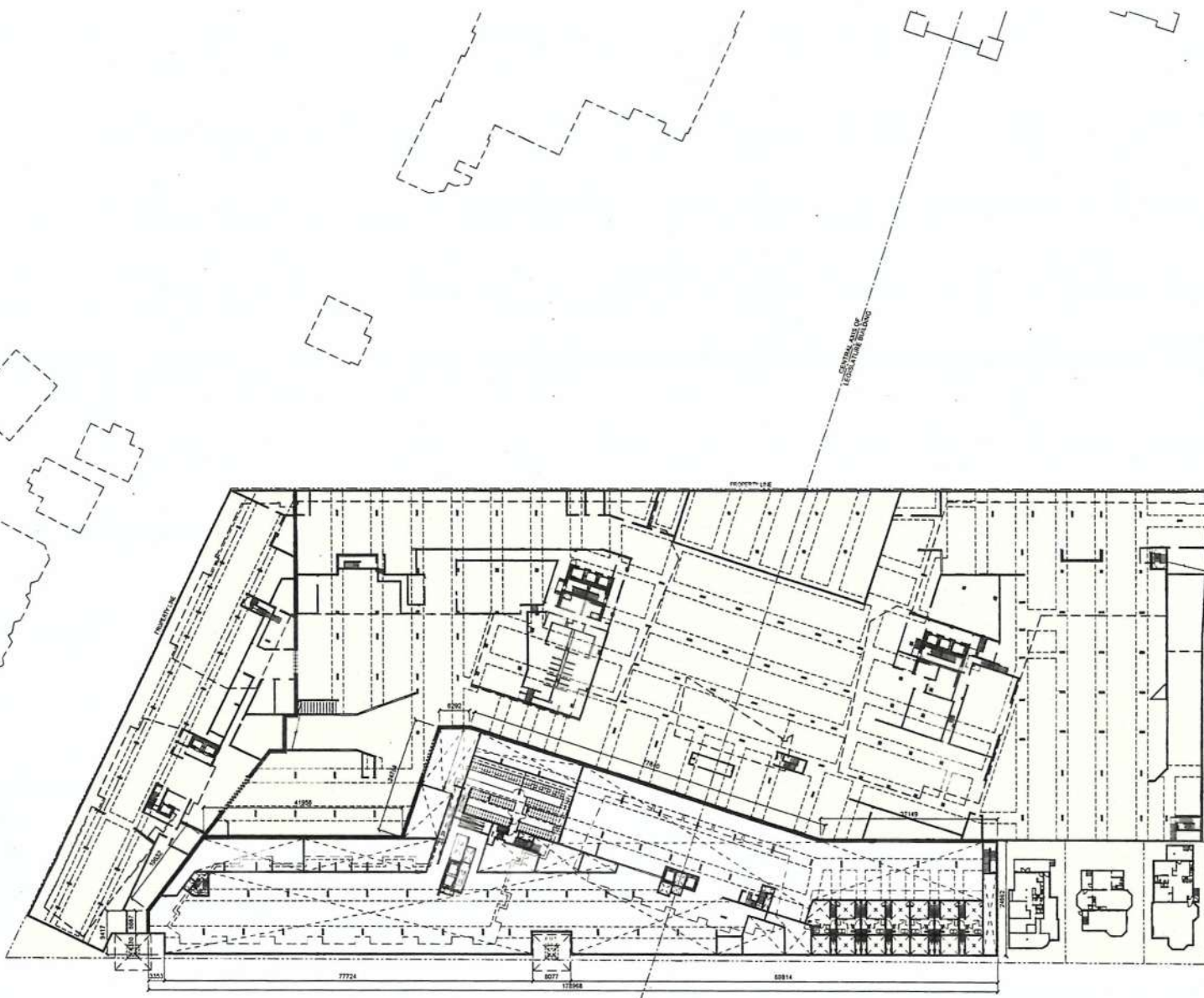
**endall elliot**  
associates  
architectural urban design  
9100 Kennedy Road, Vancouver, BC, Canada V6N 3C1  
TEL: 604.271.2622 FAX: 604.271.2623

PROJECT  
**CAPITAL PARK**  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP DC  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3 VICTORIA CITY. PLAN EPP54010

TITLE  
**OVERALL  
P1 MEZZANINE  
PLAN**

PROJECT No 3289  
DATE 17 August 2017  
SCALE 1:400  
DRAWN BY  
CHECKED BY  
REV No  
SHEET No

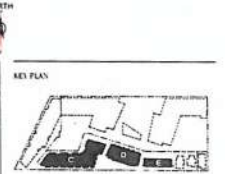
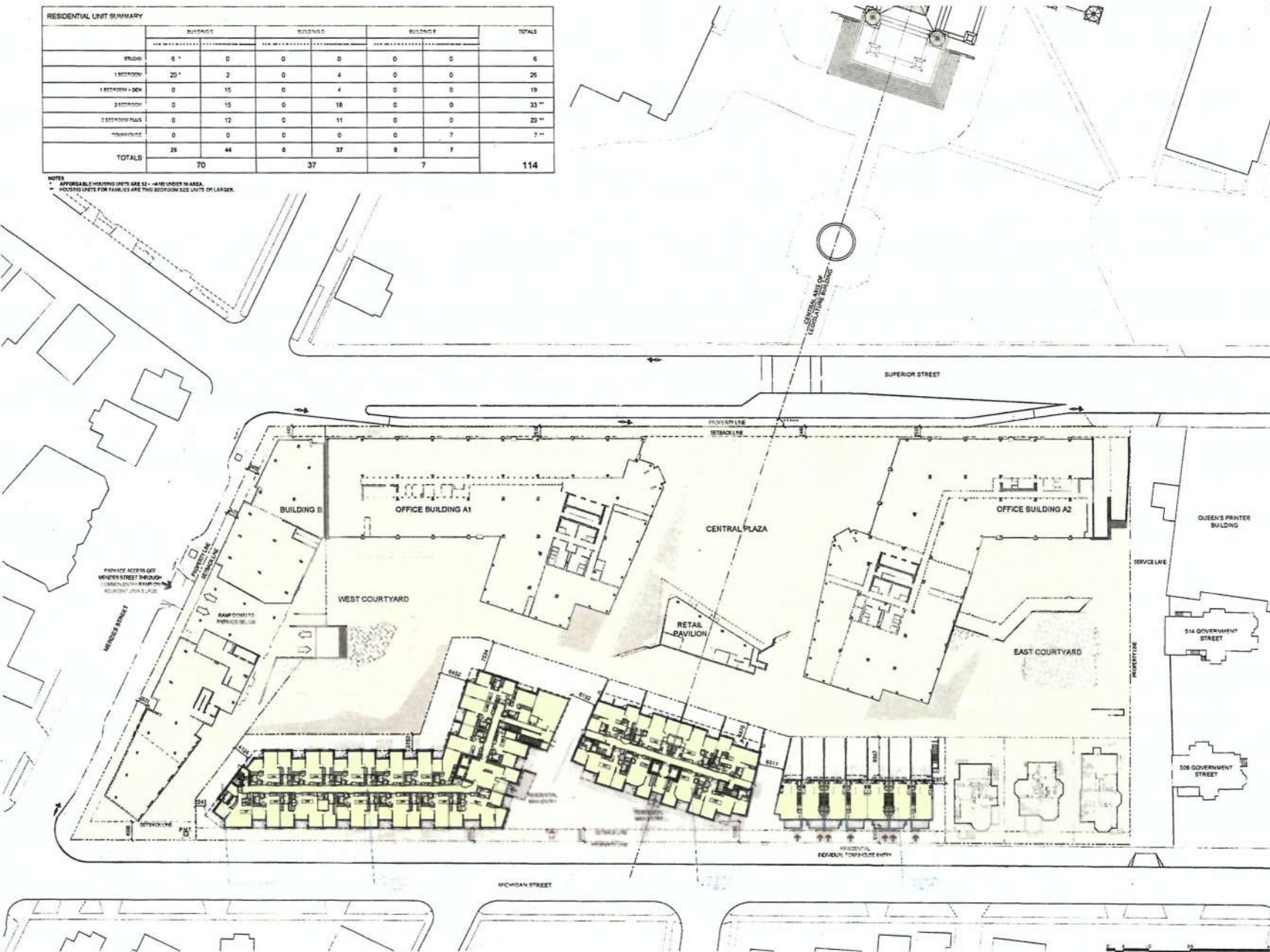
**A0.06**





RESIDENTIAL UNIT SUMMARY							
	BUILDING C		BUILDING D		BUILDING E		TOTALS
	100 SQ. FT. OR LESS	101 - 140 SQ. FT.	141 - 180 SQ. FT.	181 - 220 SQ. FT.	221 - 260 SQ. FT.	261 - 300 SQ. FT.	
STUDIO	6 "	0	0	0	0	0	6
1 BEDROOM	20 "	2	0	4	0	0	26
2 BEDROOM + DEN	0	15	0	4	0	0	19
3 BEDROOM	0	15	0	18	0	0	33 "
3 BEDROOM PLUS	0	12	0	11	0	0	23 "
PODHOUSE	0	0	0	0	0	7	7 "
TOTALS	26	44	0	37	0	7	114

NOTES:  
\* AFFORDABLE HOUSING UNITS ARE 52' - 64'0" UNDER IN AREA.  
\* HOUSING UNITS FOR FAMILIES ARE TWO BEDROOM SIZE UNITS OR LARGER.



01 SITE PLAN 2014.07.22  
02 PRELIMINARY DESIGN (LEVEL 1) 2017.05.21  
03 SAVED 2017.05.21  
SEAL

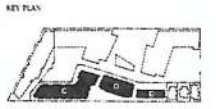
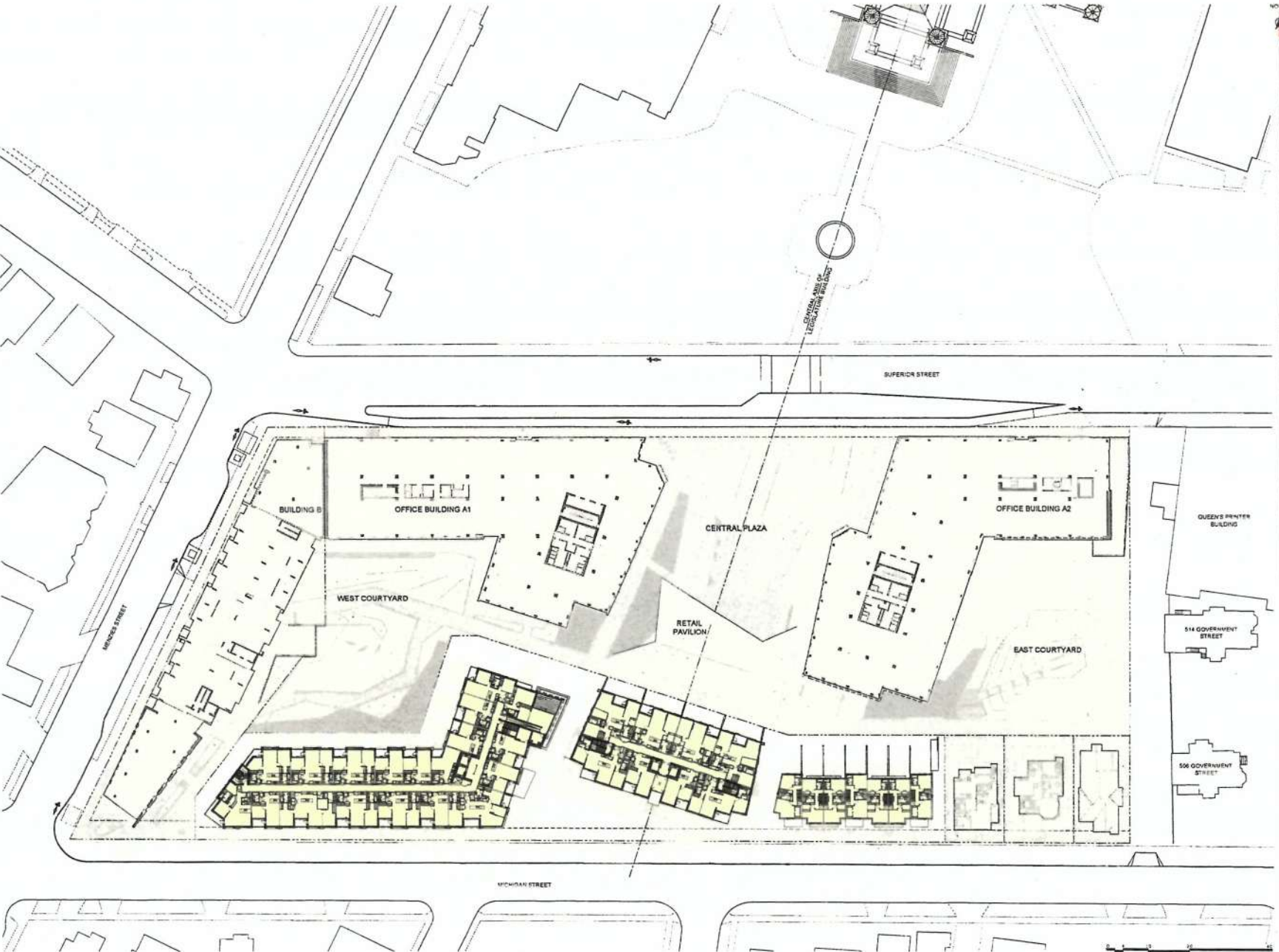
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8100 Roberts Street, Vancouver, BC, Canada V6H 3G1  
604.287.2038 www.endall-elliott.com

PROJECT  
**CAPITAL PARK**  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP 2C  
530 560 MICHIGAN ST VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPPS1040  
TITLE  
**OVERALL  
LEVEL 1 PLAN**

PROJECT No. 308 C  
DATE 12 October 2017  
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DRAWN BY  
CHECKED BY  
REV No  
SHEET No.

A0.07





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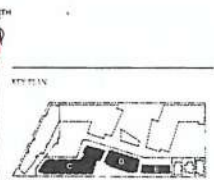
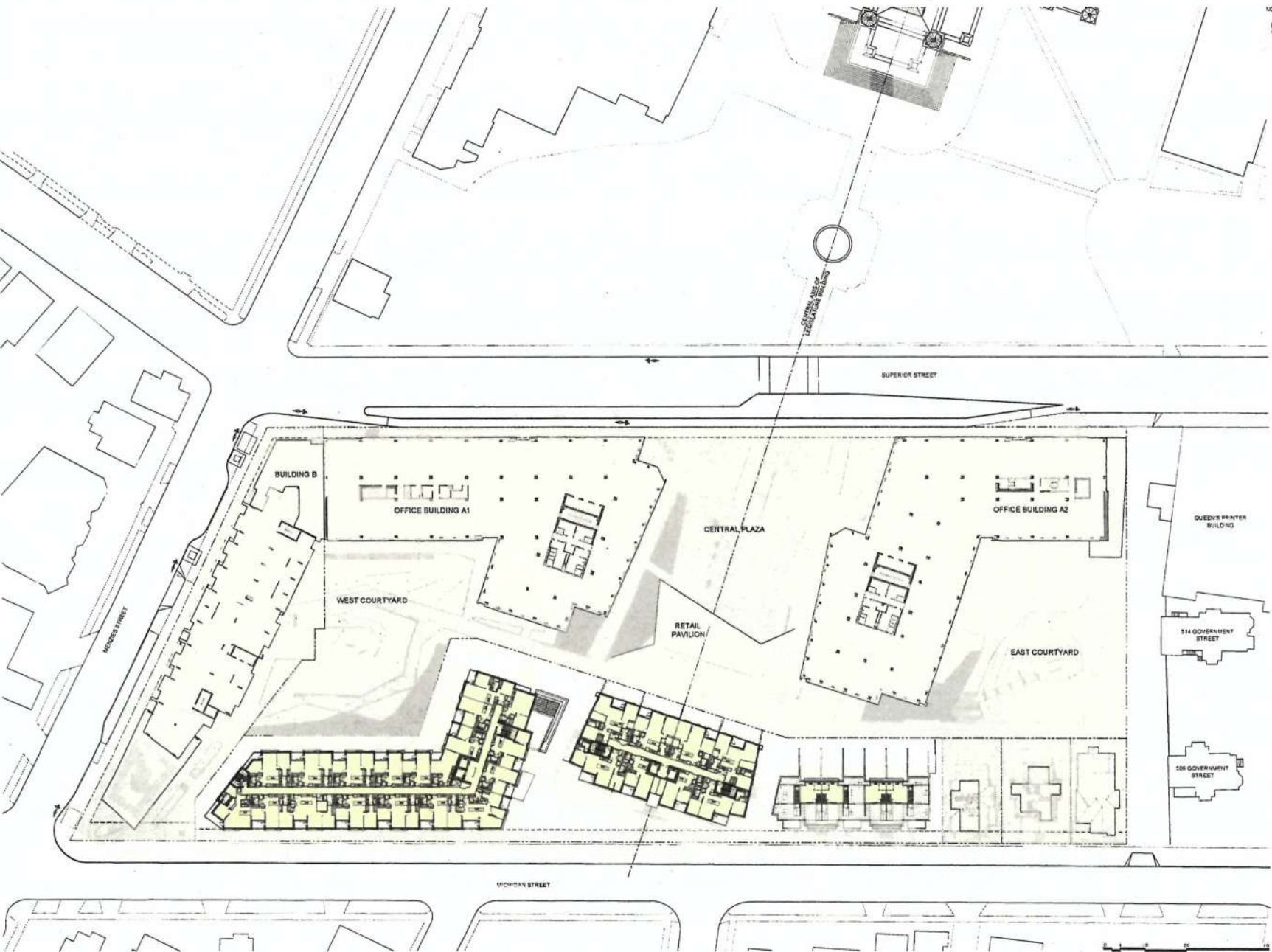
**endall elliot**  
associates  
architecture urban design  
5100 richards street, vancouver bc canada v6b 3c1  
1.604.687.3300 www.endall-elliott.com

PROJECT  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPPS 01010  
TITLE  
OVERALL  
LEVEL 2 PLAN

PROJECT No. 1000000000  
DATE 17 August 2017  
SCALE 1:400  
DRAWN BY  
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SHEET No.

A0.08





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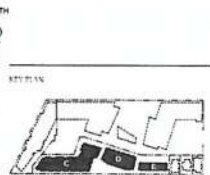
**endall elliot**  
associates  
architecture urban design  
9120 victoria street, victoria bc, canada v6b 3c1  
1-800-667-3378 www.eendall.com

PROJECT  
**CAPITAL PARK**  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP 2C  
530 540 MICHIGAN ST. VICTORIA B.C.  
LOT 3 VICTORIA CITY, PLAN EPP94040  
TITLE  
**OVERALL  
LEVEL 3 PLAN**

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DATE 17 August 2017  
SCALE 1:400  
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SHEET No. **A0.09**





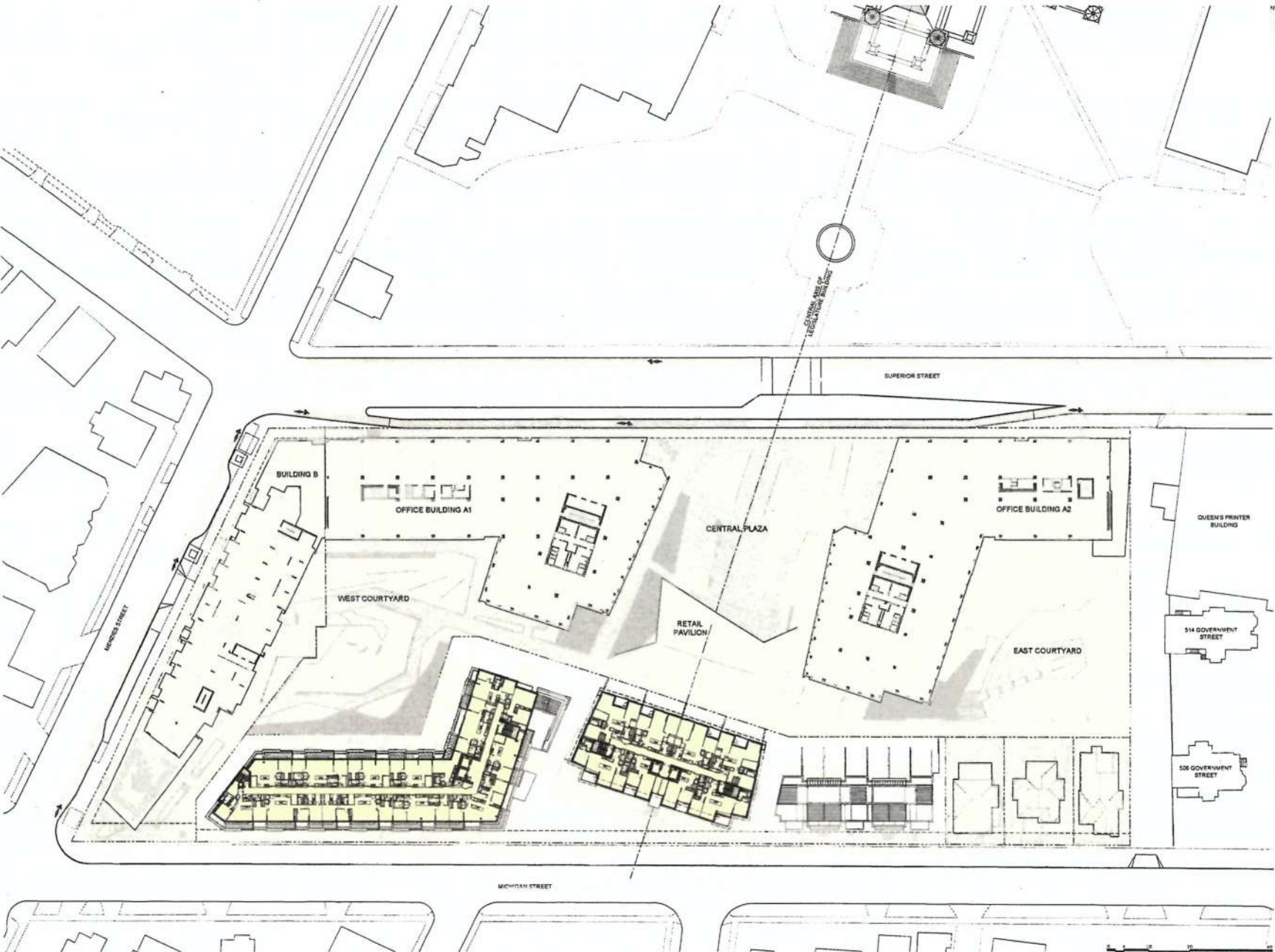
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**endall elliot**  
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 8100 melbourne street vancouver bc canada v6p 3c1  
 604.687.3300 www.endall-elliott.com

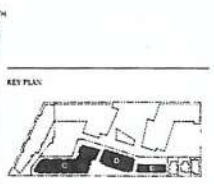
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**CAPITAL PARK**  
 LEGISLATURE COMPREHENSIVE DISTRICT  
 DEVELOPMENT AREA LP-2C  
 530 560 MICHIGAN ST. VICTORIA B.C.  
 LOT 3, VICTORIA CITY. PLAN EPPM 01011  
 TITLE  
**OVERALL  
 LEVEL 4 PLAN**

PROJECT No 1038 0  
 DATE 17 August 2017  
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**A0.10**







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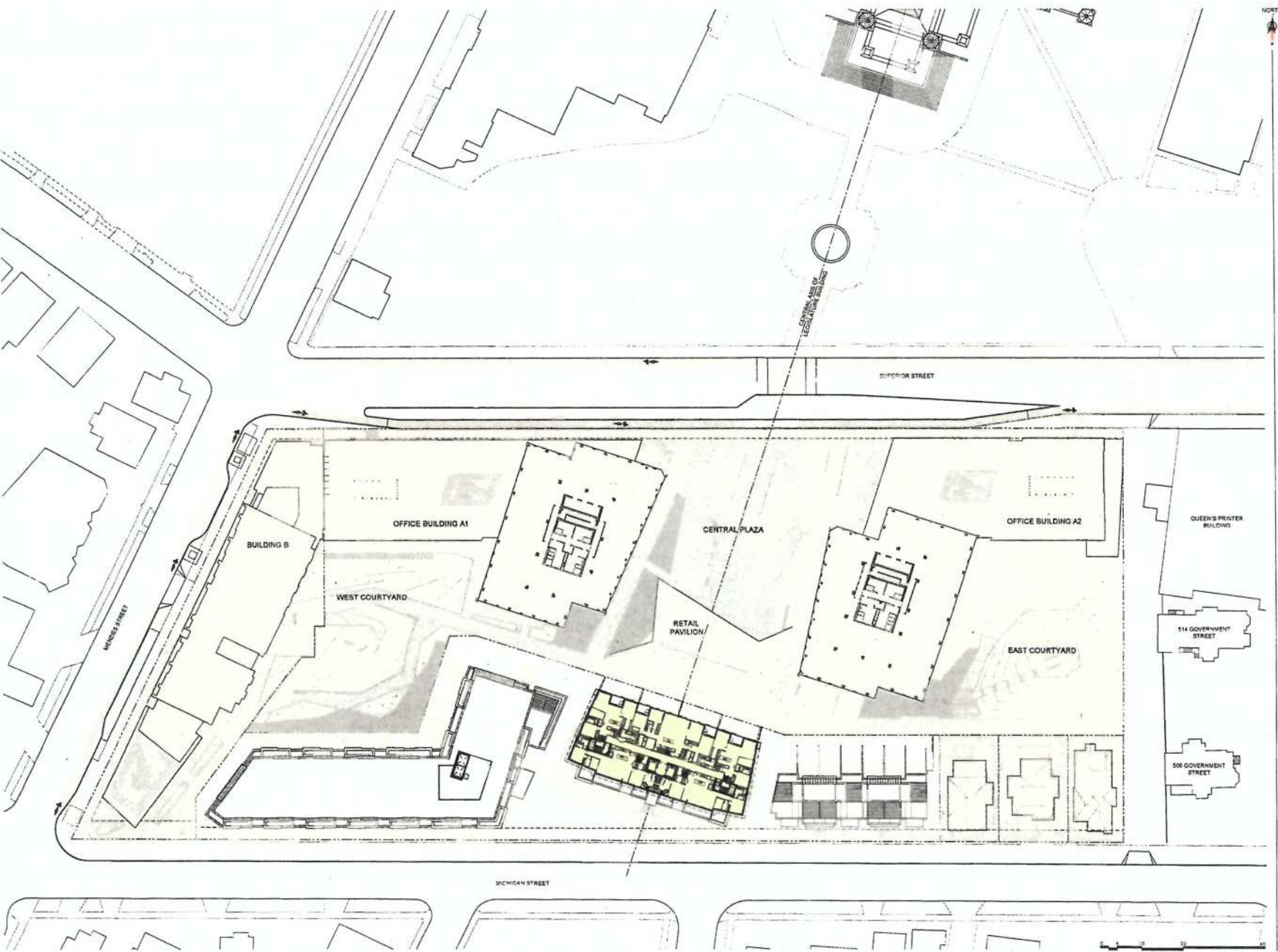
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 associates  
 architecture urban design  
 9100 richards street, vancouver, bc, canada v6n 3c1  
 604.687.3008 www.endall-elliott.com

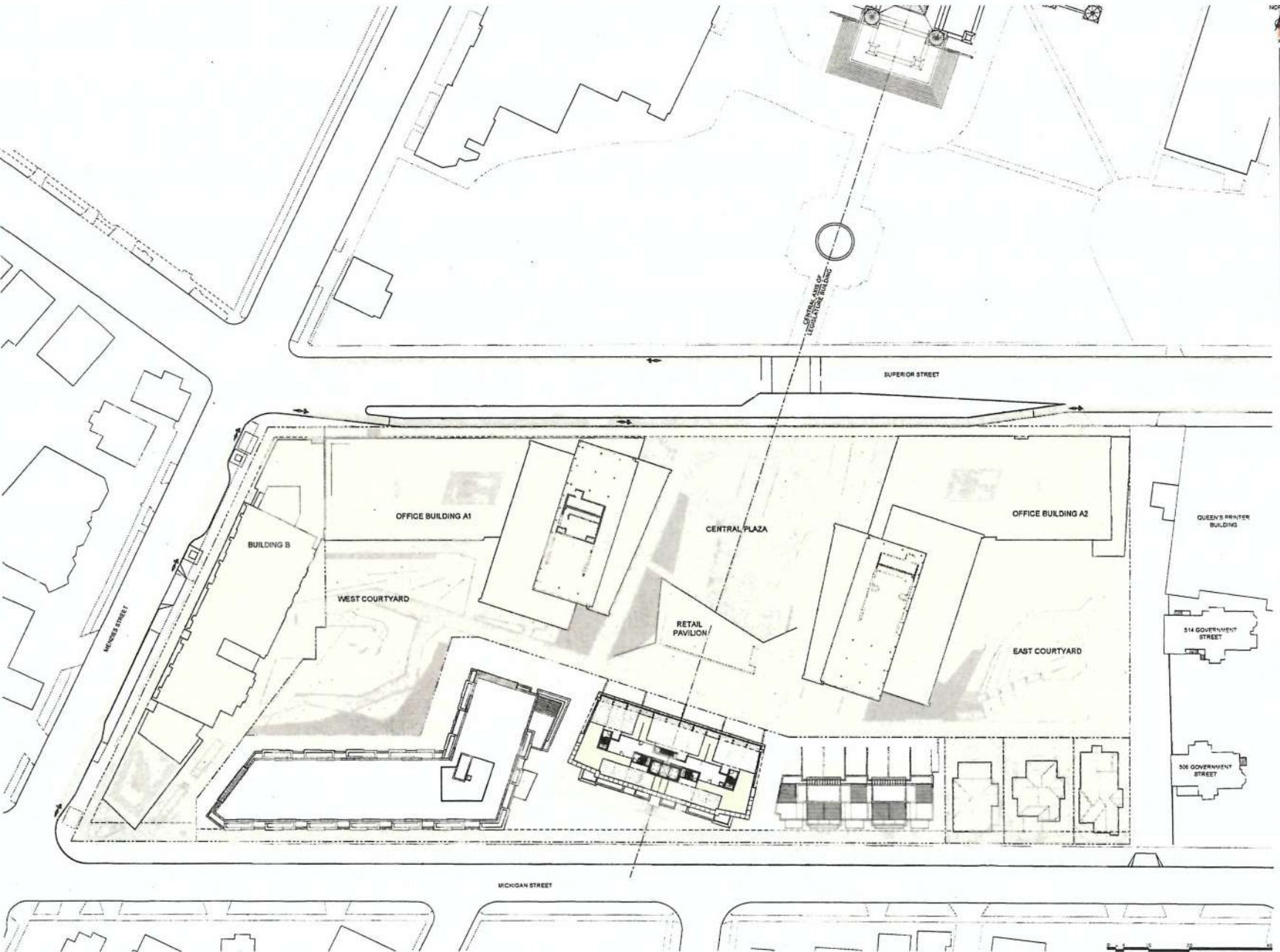
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 LOT 3, VICTORIA CITY, PLAN EPPH0001  
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PROJECT No 3384.9  
 DATE 17 August 2017  
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 REV No

SHEET No **A0.11**







**KEY PLAN**

**endall elliot**  
associates  
architecture urban design

9476 richards street victoria bc canada v8p 3c1  
604.687.3000 www.endall-elliott.com

**PROJECT**  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530 560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPP-01401

**TITLE**  
OVERALL  
PENTHOUSE LEVEL PLAN

**PROJECT No.** 17-0000  
**DATE** 17 August 2017  
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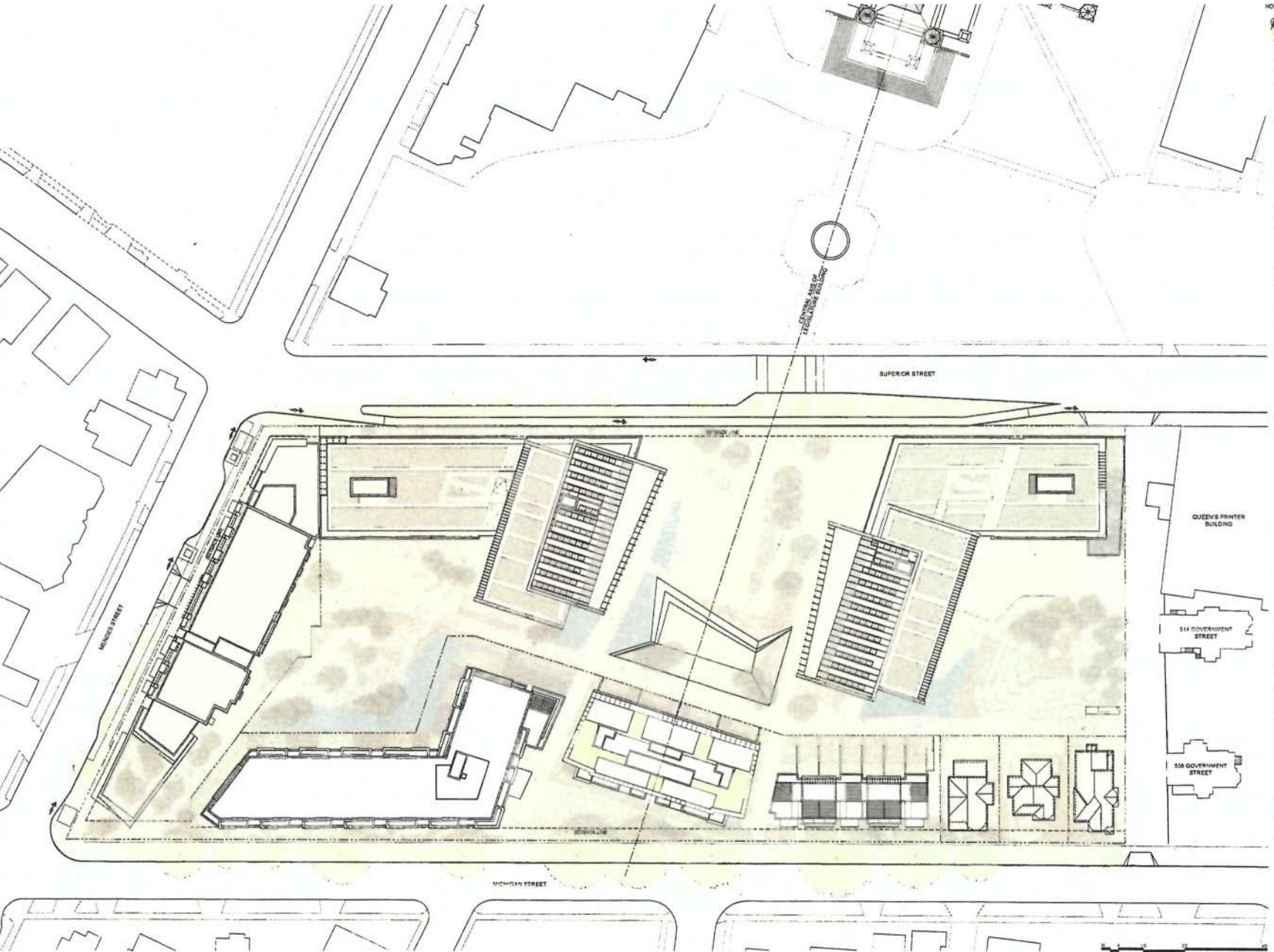
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**endall elliot**  
 associates  
 architecture urban design  
 9106 Richmond Street, Vancouver, BC, Canada V6P 3C1  
 1-800-687-3005 www.endall-elliott.com

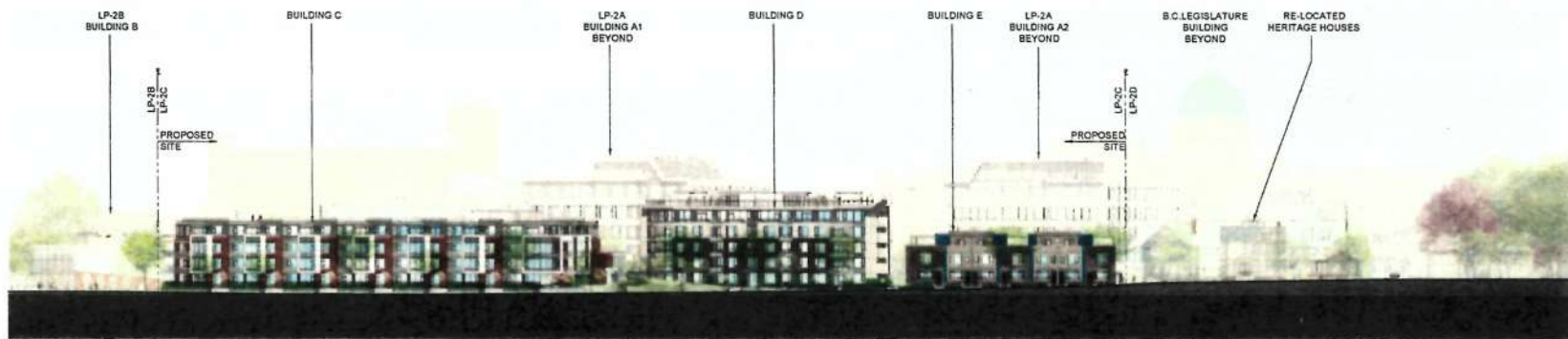
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 LEGISLATURE COMPREHENSIVE DISTRICT  
 DEVELOPMENT AREA LP 2C  
 530-560 MICHIGAN ST. VICTORIA, B.C.  
 LOT 3, VICTORIA CITY, PLAN EPP1111111  
 TITLE  
 OVERALL  
 ROOF PLAN

PROJECT No: 2016-08  
 DATE: 17 August 2017  
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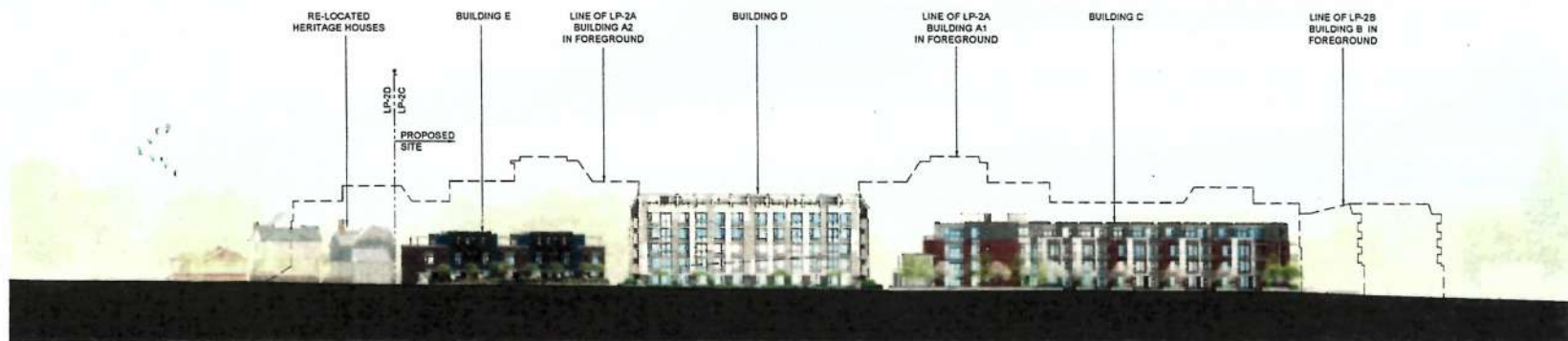
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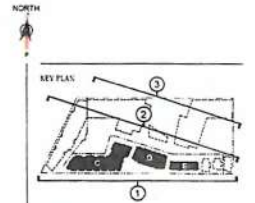
MICHIGAN STREET - SOUTH ELEVATION ①  
1:400



CENTRAL PLAZA - NORTH ELEVATION (BUILDINGS C, D & E) ②  
1:400



SUPERIOR STREET - NORTH ELEVATION ③  
1:400



BY: [Signature]  
DATE: 17 August 2017  
SCALE: 1:400

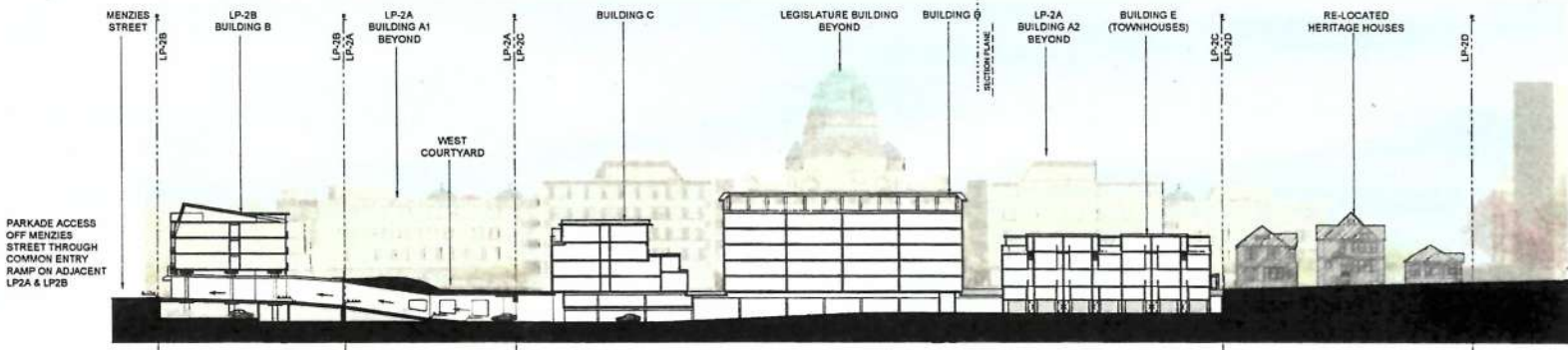
**endall elliot**  
associates  
architecture urban design  
9104 Ashcroft Street, Vancouver, BC, Canada V6P 3C1  
604.687.3008 www.endall-elliott.com

PROJECT  
**CAPITAL PARK**  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPP54040  
TITLE  
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ELEVATIONS**

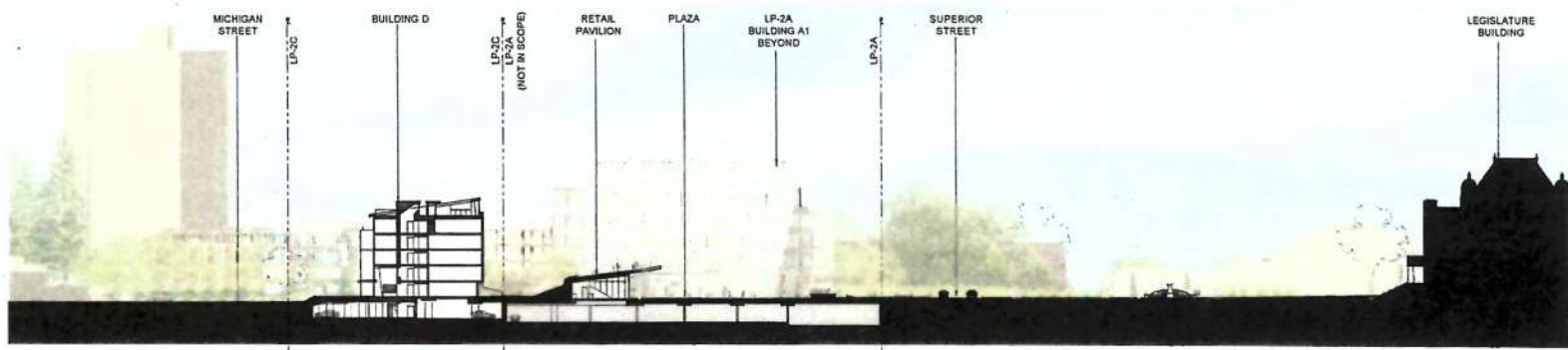
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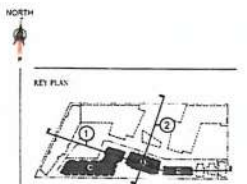




SITE SECTION LOOKING NORTH 1:400 ①



SITE SECTION LOOKING WEST 1:400 ②



BY: DEVELOPMENT APPLICATION  
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FOR: ED FOR

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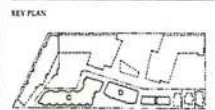
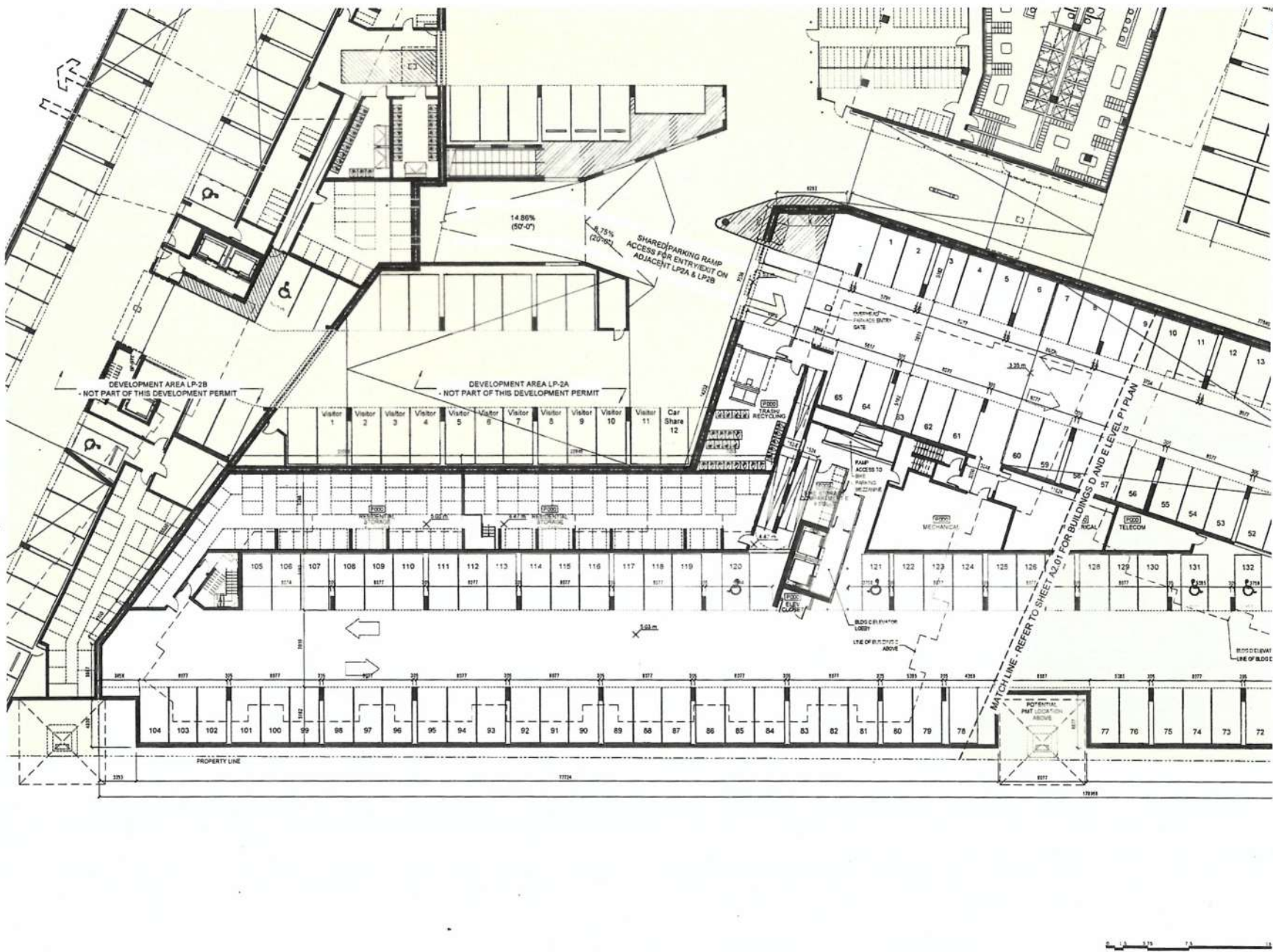
**endall elliot**  
associates  
architecture urban design  
8120 sports street, vancouver, bc, canada v6b 3c1  
1 604 687 3028 www.endall-elliott.com

PROJECT  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530 560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPP54010  
TITLE  
OVERALL SITE SECTIONS

PROJECT No: 11113  
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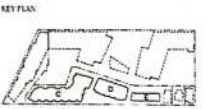
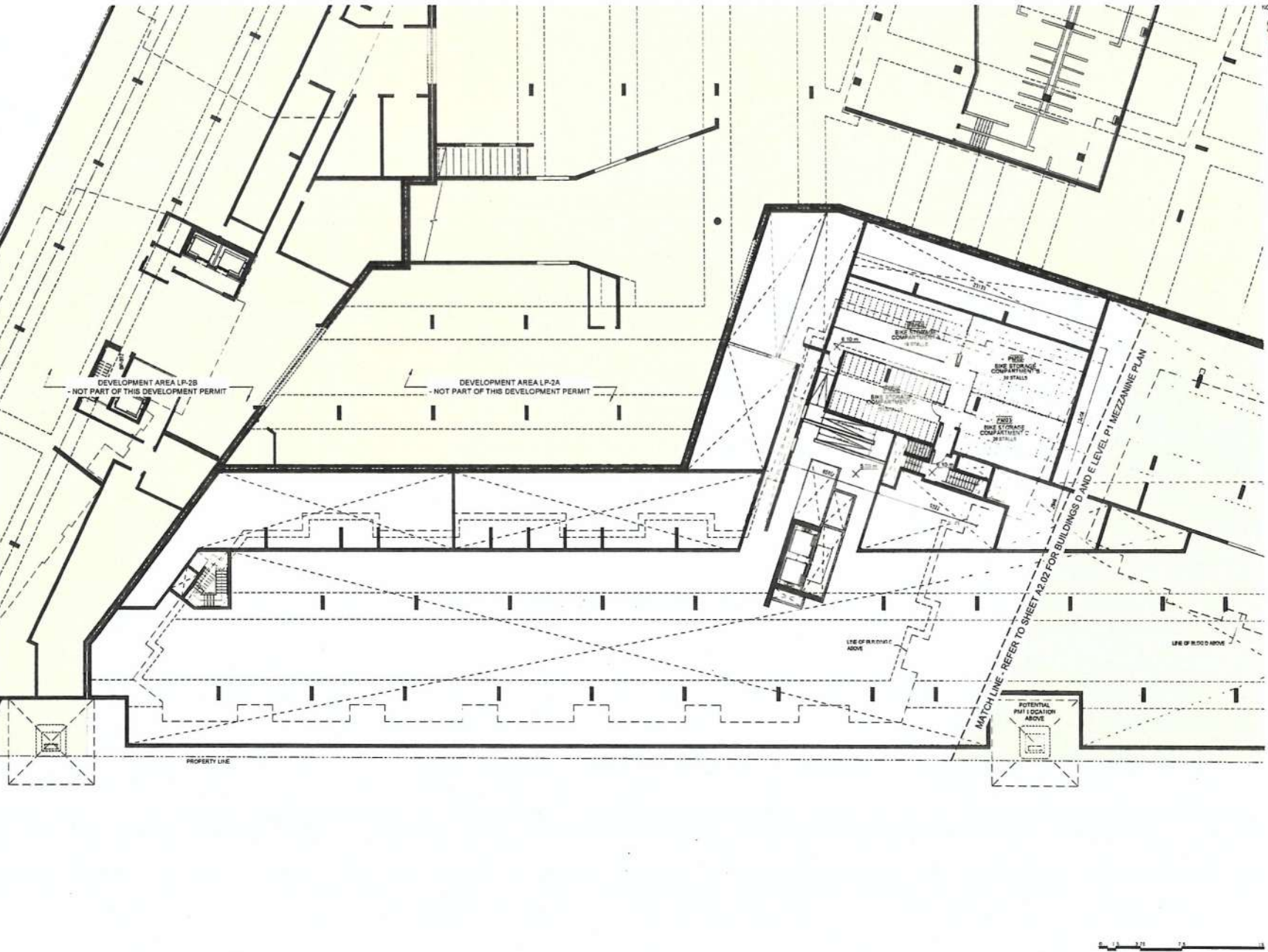
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604.677.3000 www.endall-elliott.com

PROJECT  
**CAPITAL PARK**  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP 2C  
530 560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPP54040  
TITLE  
**BUILDING C  
530 MICHIGAN ST.  
LEVEL P1 PLAN**

PROJECT No 2084-0  
DATE 11 October 2017  
SCALE 1:200  
DRAWN BY  
CHECKED BY  
REV No  
SHEET No

**A1.01**





SEAL  
PROJECT: APPLICATION 2014 01 21  
DATE: 2014 01 21  
DRAWN BY: J. Tinney  
CHECKED BY: J. Tinney  
REV: 01

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604.687.3108 www.endall-elliott.com

PROJECT  
**CAPITAL PARK**  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP 2C  
530-569 MICHIGAN ST. VICTORIA B.C.  
LOT 3 VICTORIA CITY, PLAN F10141011  
TITLE  
**BUILDING C  
530 MICHIGAN ST.  
LEVEL P1 MEZZANINE  
PLAN**

PROJECT No. 1100-01  
DATE 11/20/2013  
SCALE 1:150  
DRAWN BY  
CHECKED BY  
REV. No.  
SHEET No.

**A1.02**





01 EXISTING SITE PLAN 2014 07 22  
02 DEVELOPMENT DESIGN / VULNERABILITY 2017 06 29  
03 DMS

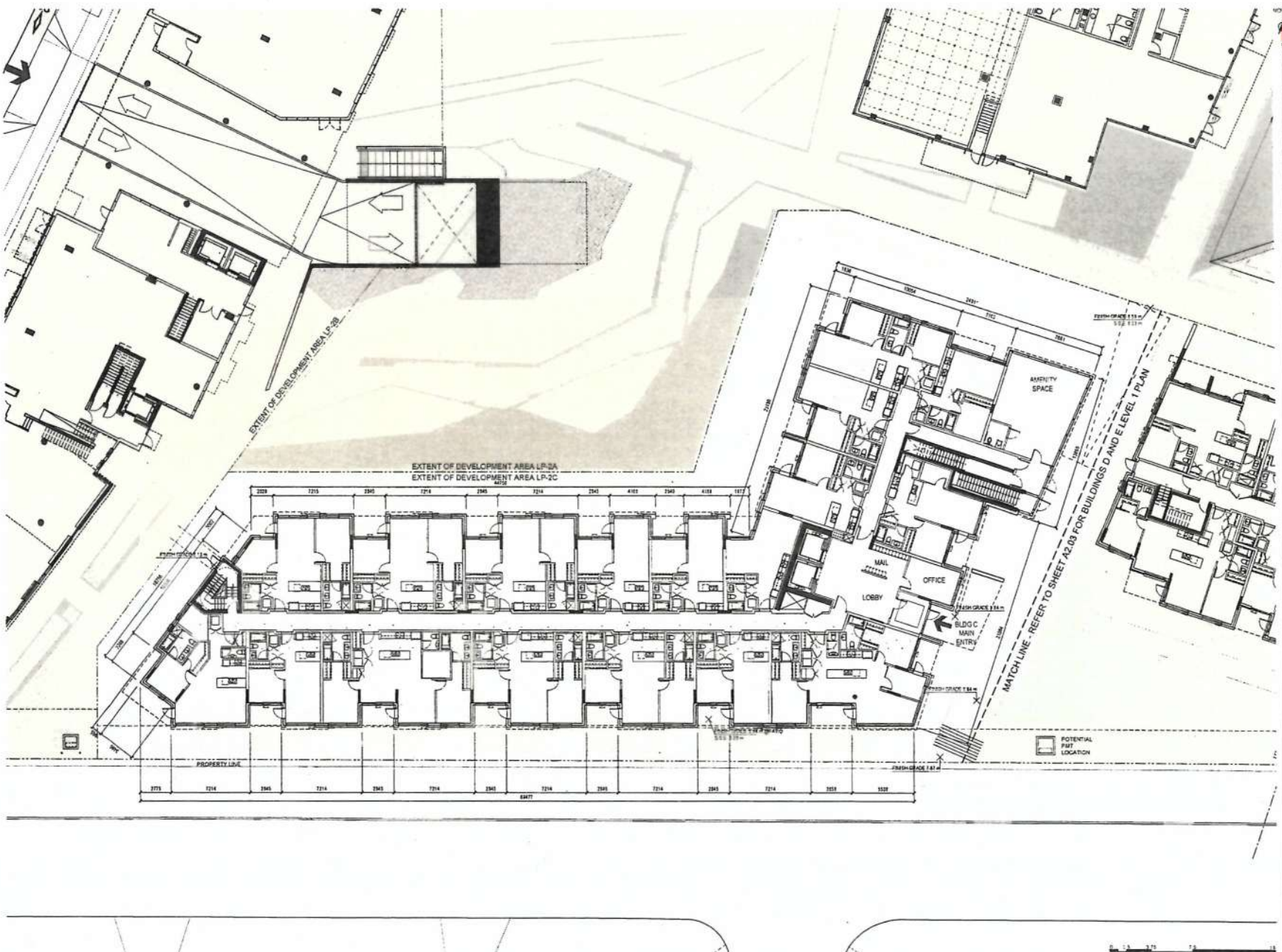
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architecture urban design

5100 Roberts Street, Vancouver, BC, Canada V6B 3C1  
604-687-2000 [www.endall-elliott.com](http://www.endall-elliott.com)

PROJECT  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST., VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPP540/10  
TITLE  
BUILDING C  
530 MICHIGAN ST.  
LEVEL 1 PLAN

REVISIONS No 1000-1  
DATE 17 August 2017  
SCALE 1:200  
DRAWN BY  
CHECKED BY  
REV No  
SHEET No

A1.03







01 SITE PLAN 2016.07.22  
02 DEVELOPMENT PERMIT APPLICATION 2017.06.14  
03 SCHEDULE 01  
SEAL

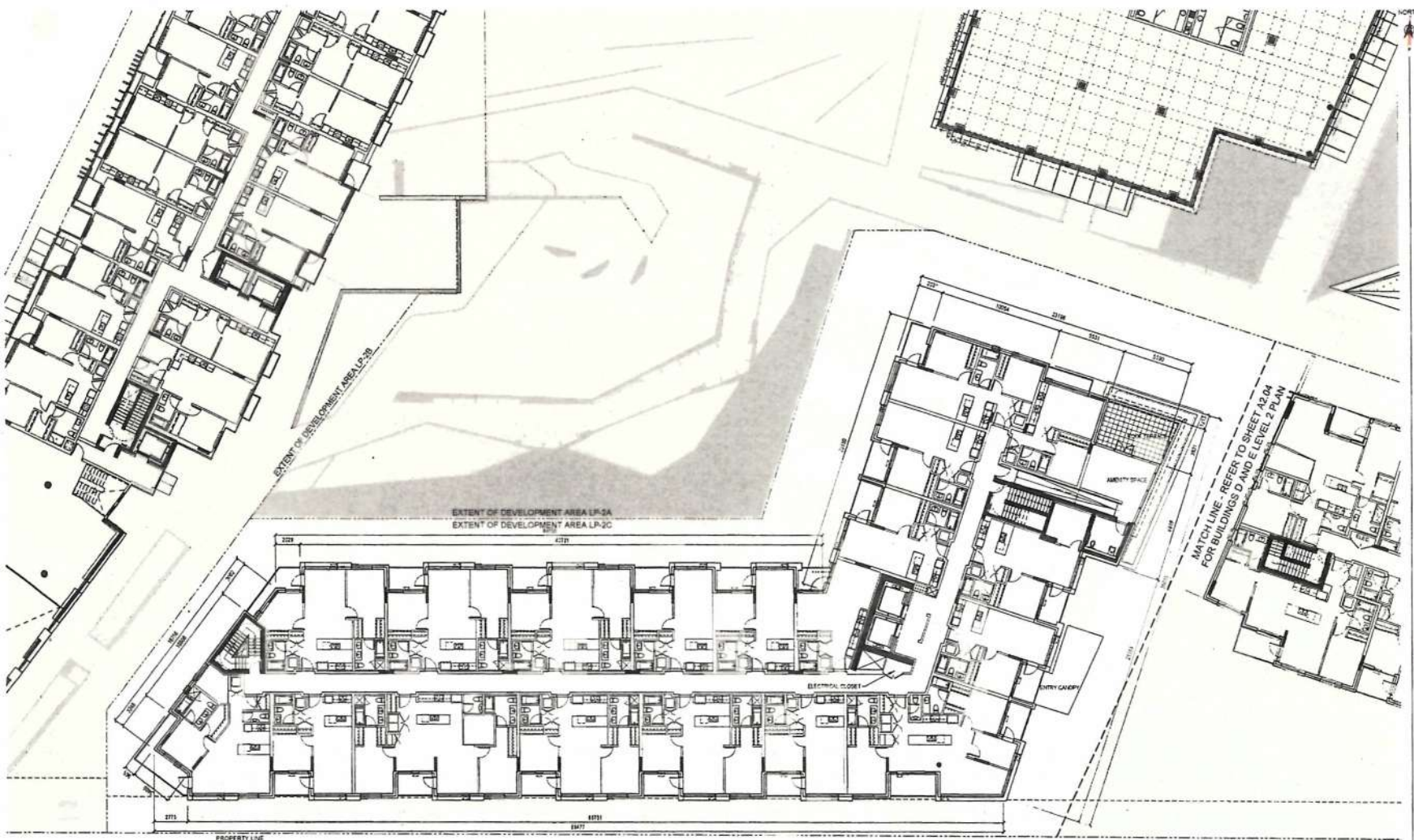
**endall elliot**  
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architecture urban design  
8406 Arbutus Street, Vancouver, BC, Canada V6B 3C1  
1.604.687.3038 www.endall-elliott.com

PROJECT  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530 560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPP54040  
TITLE  
BUILDING C  
530 MICHIGAN ST.  
LEVEL 2 PLAN

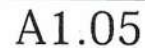
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DATE 17 August 2017  
SCALE 1:250  
DRAWN BY  
CHECKED BY  
REV. No.  
SHEET No.

A1.04

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01 EXISTING CONDITIONS 2016/07/22  
02 DEVELOPMENT PROPOSAL 2017/04/21  
03 530/535 P&I  
S&L

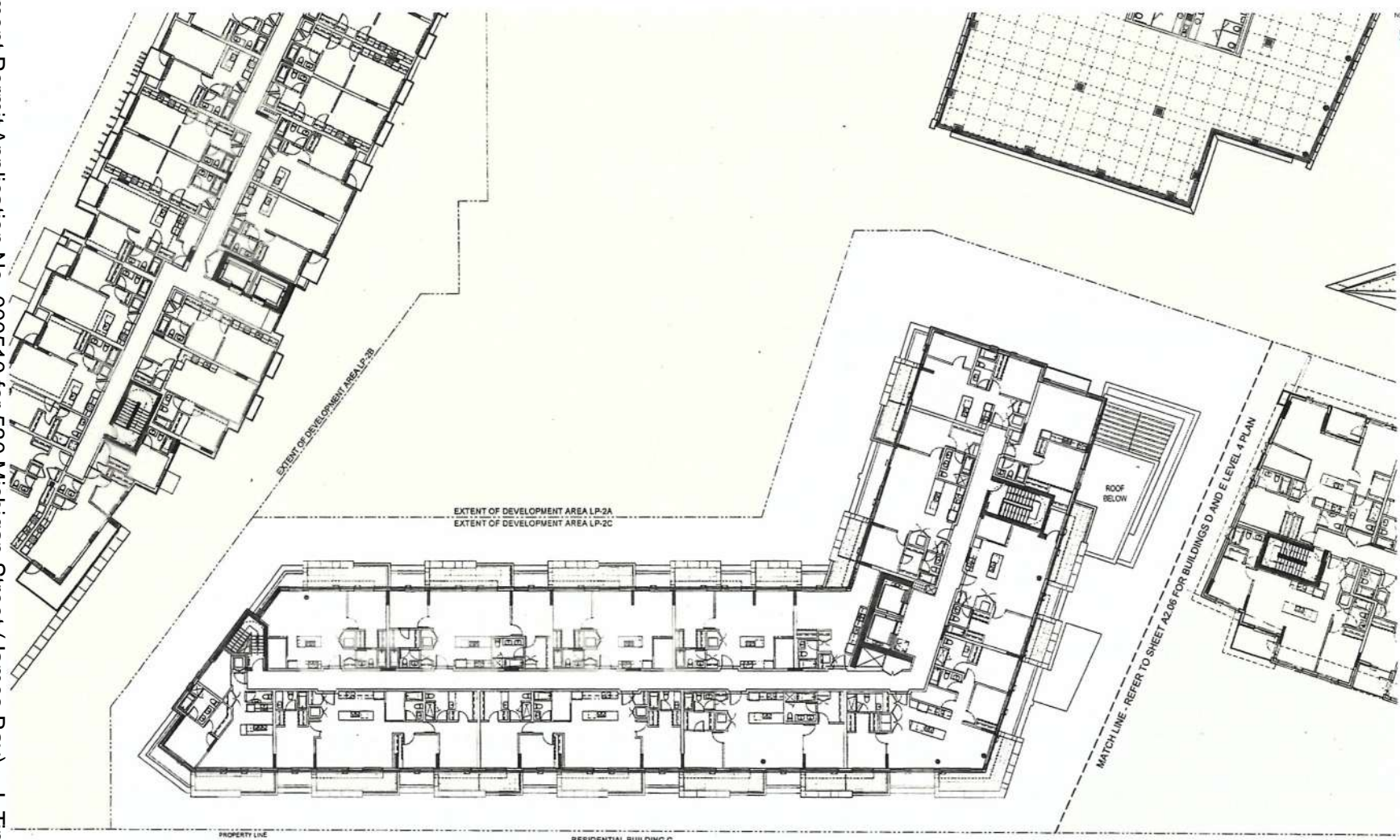
**endall elliot**  
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architecture urban design  
9100 Richards Street, Vancouver, BC Canada V6V 3K7  
604.687.2003 www.endall-elliott.com

LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY. PLAN EPP54010

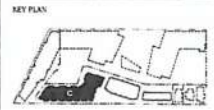
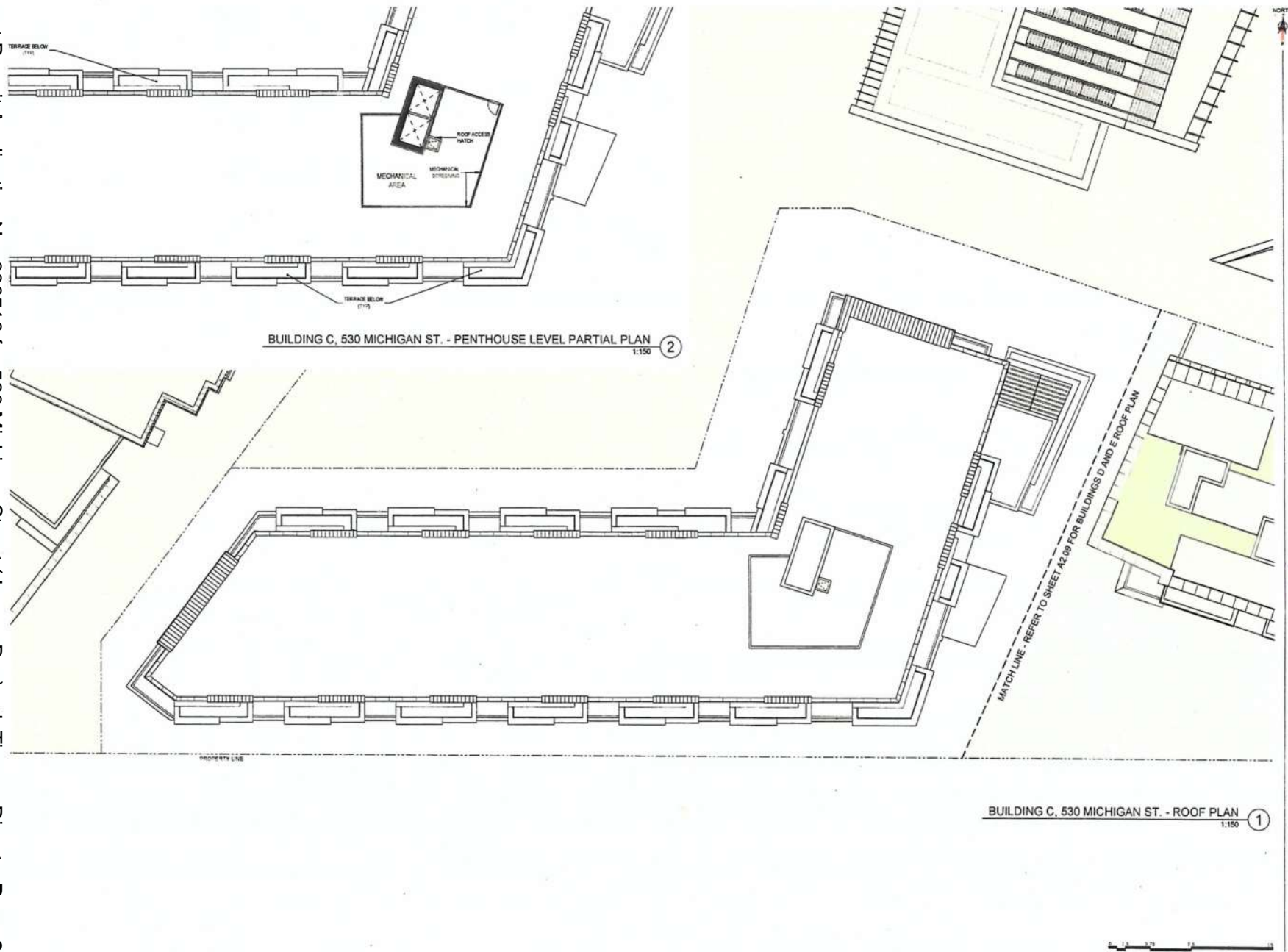
PROJECT  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY. PLAN EPP54010  
TITLE  
BUILDING C  
530 MICHIGAN ST.  
LEVEL 4 PLAN

PROJECT No. 3588-0  
DATE 17 April 2017  
SCALE 1:250  
DRAWN BY  
REV No  
SHEET No

A1.06







RE: DEVELOPMENT PERMIT APPLICATION  
DATE: 2017-08-23  
BY: J. TINNEY  
SEAL

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PROJECT  
**CAPITAL PARK**  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-550 MICHIGAN ST. VICTORIA, B.C.  
LOT 3, VICTORIA CITY, PLAN EPP54010  
TITLE  
**BUILDING C  
530 MICHIGAN ST.  
PENTHOUSE LEVEL  
PARTIAL PLAN AND  
ROOF PLAN**  
PROJECT No. 10015  
DATE 17 August 2017  
SCALE 1:150  
DRAWN BY  
CHECKED BY  
REV. No.  
SHEET No.

A1.07





BUILDING C - NORTH ELEVATION 1:150



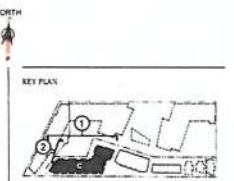
BUILDING C - PARTIAL NORTHWEST ELEVATION 1:150

MATERIAL KEY

- BRICK - RUNNING BOND
- BRICK - STACKED BOND
- PRECAST CONCRETE
- CONCRETE PLANTER WALL (SEE LANDSCAPE (TINNEY))
- PREFINISHED METAL FLASHING
- ALUMINUM WINDOW FRAME
- VISION GLASS

- INSULATED GLASS SPANDREL
- ALUMINUM FRAMED GLASS GUARDRAIL
- ALUMINUM FRAMED GLASS GUARDRAIL W/ SCREENED PATTERN
- FINISHING AND GATE - SEE LANDSCAPE
- PREFINISHED METAL PANEL CLADDING
- PREFINISHED VERTICAL METAL CLADDING
- METAL SCREEN

- METAL TRELLIS
- ARCHITECTURAL CONCRETE FINISH
- DECORATIVE WOOD PATTERN METAL SOFFIT WALL
- ACCENT CLADDING



01	REVISION, SITE PLAN	2014 07 22
02	REVISION, NORTH ELEVATION	2017 01 10
03	REVISION, PARTIAL NORTHWEST ELEVATION	2017 01 10

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604.687.3000 www.endall-elliott.com

PROJECT  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPP4 0114  
TITLE  
BUILDING C -  
530 MICHIGAN ST.  
NORTH & PARTIAL  
NORTHWEST ELEVATIONS

PROJECT No. 3284-0  
DATE 27 August 2017  
SCALE 1:150  
DRAWN BY  
CHECKED BY  
REV. No.  
SHEET No.

A1.10





BUILDING C - PARTIAL NORTHEAST ELEVATION ③  
1:150

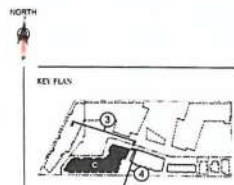


BUILDING C - EAST ELEVATION ④  
1:150

- MATERIAL KEY**
- ① BRICK - RUNNING BOND
  - ② BRICK - STACKED BOND
  - ③ PRECAST CONCRETE
  - ④ CONCRETE PLANTER WALL (SEE LANDSCAPE DRAWINGS)
  - ⑤ PREFINISHED METAL FLASHING
  - ⑥ ALUMINUM WINDOW FRAME
  - ⑦ VISION GLASS

- ⑧ INSULATED GLASS SPANDREL
- ⑨ ALUMINUM FRAMED GLASS QUADRANT
- ⑩ ALUMINUM FRAMED GLASS QUADRANT W/ SCREENED PATTERN
- ⑪ FENCING AND GATE - SEE LANDSCAPE
- ⑫ PREFINISHED METAL PANEL CLADDING
- ⑬ PREFINISHED VERTICAL METAL CLADDING
- ⑭ METAL SCREEN

- ⑮ METAL TRELLIS
- ⑯ ARCHITECTURAL CONCRETE FINISH
- ⑰ DECORATIVE WOOD PATTERN METAL SOFFIT WALL
- ⑱ ACCENT CLADDING



01	ARCHITECTURAL CONCEPT	2014.01.27
02	DEVELOPMENT PERMIT APPLICATION	2014.02.21
03	DRAWING	2014.02.21

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(250) 687-3000 www.endall-elliott.com

**PROJECT**  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP 2C  
530 560 MICHIGAN ST. VICTORIA B.C.  
LOT 3 VICTORIA CITY. PLAN EPP510140  
TITLE  
BUILDING C -  
530 MICHIGAN ST.  
PARTIAL NORTHWEST &  
EAST ELEVATIONS

PROJECT No. 3388 C  
DATE 12.14.2014  
SCALE 1:150  
DRAWN BY  
CHECKED BY  
REV. No.

SHEET No.

A1.11





BUILDING C - SOUTH ELEVATION ⑤  
1:150



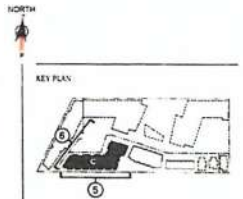
BUILDING C - WEST ELEVATION ⑥  
1:150

**MATERIAL KEY**

- ⑤ BRICK - RUNNING BOND
- ⑥ BRICK - STACKED BOND
- ⑦ PRECAST CONCRETE
- ⑧ CONCRETE PLANTER WALL (SEE LANDSCAPE DRAWINGS)
- ⑨ PREFINISHED METAL FLASHING
- ⑩ ALUMINUM WINDOW FRAME
- ⑪ VISION GLASS

- ⑫ INSULATED GLASS SPANDREL
- ⑬ ALUMINUM FRAMED GLASS QUADRANT
- ⑭ ALUMINUM FRAMED GLASS QUADRANT WITH SCREENED PATTERN
- ⑮ FENCING AND GATE - SEE LANDSCAPE
- ⑯ PREFINISHED METAL PANEL CLADDING
- ⑰ PREFINISHED VERTICAL METAL CLADDING
- ⑱ METAL SCREEN

- ⑲ METAL TRELLIS
- ⑳ ARCHITECTURAL CONCRETE FINISH
- ㉑ DECORATIVE WOOD PATTERN METAL SOFFIT WALL
- ㉒ ACCENT CLADDING



BY: ARCHITECT/DESIGNER/DATE: 2014.07.22  
 OF: APPROVED FOR DEVELOPMENT APPLICATION: 2014.05.21  
 SA: 1004.087.3003  
 SEAL

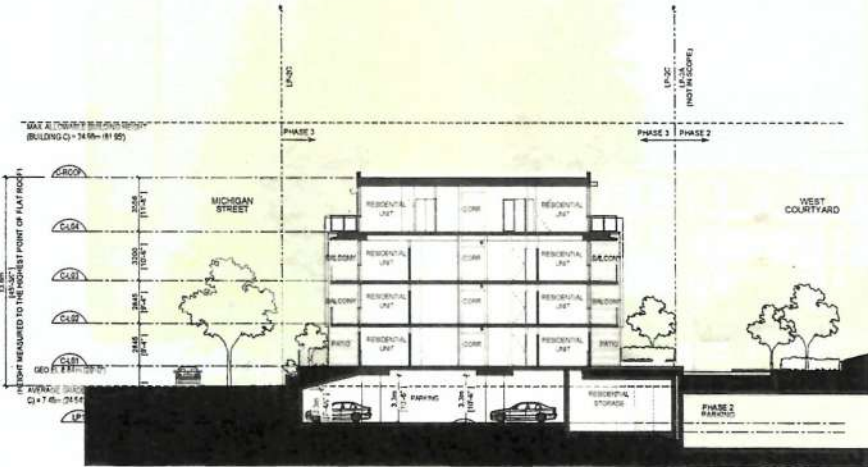
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 8100 denison street, vancoeur, bc, canada v6p 3c1  
 1 604 687 3003 www.endall-elliott.com

**PROJECT**  
 CAPITAL PARK  
 LEGISLATURE COMPREHENSIVE DISTRICT  
 DEVELOPMENT AREA LP 2C  
 530-560 MICHIGAN ST. VICTORIA, B.C.  
 LOT 3, VICTORIA CITY, PLAN EPP54640  
 TITLE  
 BUILDING C -  
 530 MICHIGAN ST.  
 SOUTH & WEST  
 ELEVATIONS

PROJECT No: 13446  
 DATE: 27.04.2014  
 SCALE: 1:150  
 DRAWN BY: JTT/STB  
 REV. No:  
 SHEET No:

**A1.12**

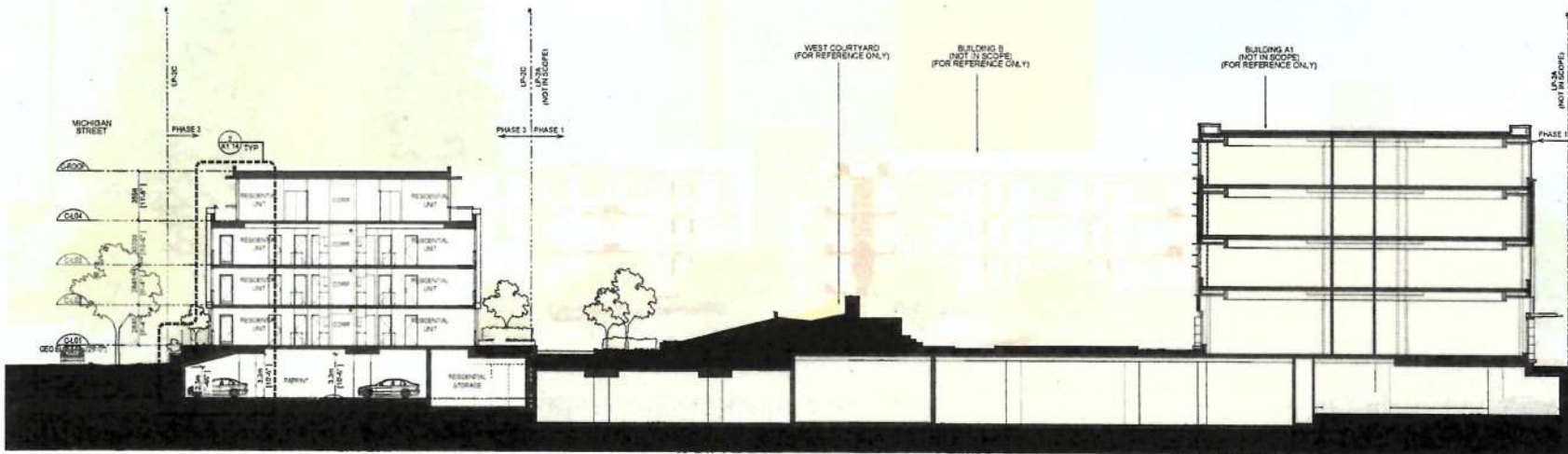




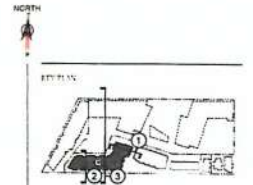
BUILDING C - SECTION LOOKING WEST ②  
1:150



BUILDING C - SECTION LOOKING SOUTHWEST ①  
1:150



BUILDING C - SECTION LOOKING WEST ③  
1:150



1. PRELIMINARY DEVELOPMENT 2014.07.22  
2. DEVELOPMENT PERMIT APPLICATION 2017.08.23  
3. DEVELOPMENT PERMIT APPLICATION 2017.08.23  
4. DEVELOPMENT PERMIT APPLICATION 2017.08.23

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PROJECT  
**CAPITAL PARK**  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPP444011  
TITLE  
**BUILDING C -  
530 MICHIGAN ST.  
SECTIONS**

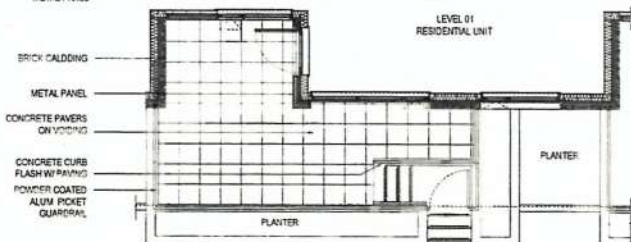
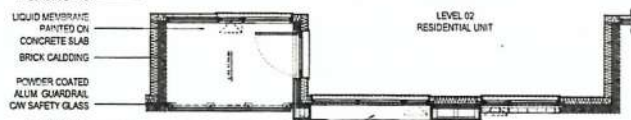
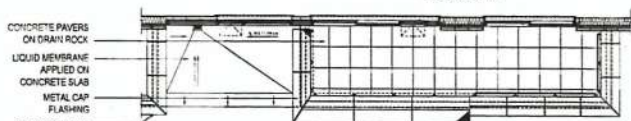
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DATE 11 October 2017  
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DRAWN BY J. Tinney  
REV No.  
SHEET No.

A1.13

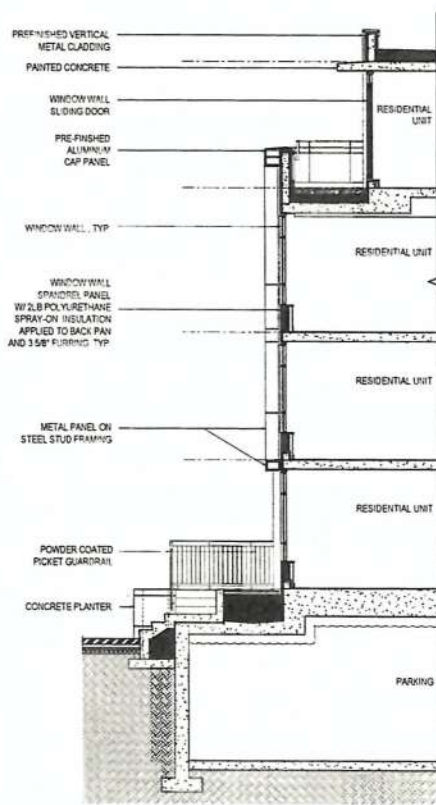




TYPICAL PARTIAL ELEVATION 1:50 ③



TYPICAL PARTIAL PLANS 1:50 ④



TYPICAL WALL SECTION 1:50 ②

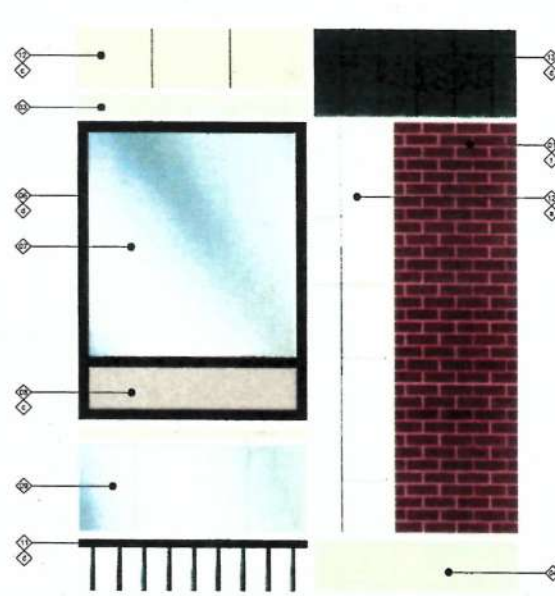
MATERIAL KEY

- BRICK - RUNNING BOND
- BRICK - STACKED BOND
- PRECAST CONCRETE
- CONCRETE PLANTER WALL (SEE LANDSCAPE DRAWINGS)
- PRE-FINISHED METAL FLASHING
- ALUMINUM WINDOW FRAME
- VISION GLASS
- INSULATED GLASS SPANDREL
- ALUMINUM FRAMED GLASS GUARDRAIL
- ALUMINUM FRAMED GLASS GUARDRAIL W/ SCREENED PATTERN

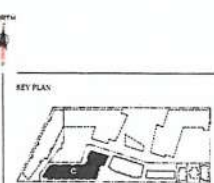
- FENCING AND GATE - SEE LANDSCAPE
- PRE-FINISHED METAL PANEL CLADDING
- PRE-FINISHED VERTICAL METAL CLADDING
- METAL SCREEN
- METAL TRELLIS
- ARCHITECTURAL CONCRETE FINISH
- DECORATIVE WOOD PATTERN METAL COFFIT WALL
- ACCENT CLADDING

COLOUR KEY

- WHITE
- LIGHT GREY
- MID GREY
- DARK GREY
- DARK BROWN
- BRICK RED
- DARK BLUE



MATERIAL PALETTE 1:50 ①



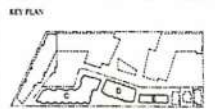
01 SITE PLAN  
02 DEVELOPMENT PERMIT APPLICATION  
03 MATERIAL PALETTE  
04 KEY PLAN

endall elliot  
associates  
architecture urban design  
1810 UNIVERSITY STREET, VANCOUVER, BC CANADA V6T 1C1  
TEL: 604.681.5558

PROJECT  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP 2C  
530 560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY. PLAN EPP34010  
TITLE  
BUILDING C  
530 MICHIGAN ST.  
PARTIAL PLANS,  
ELEVATION, MATERIALS  
& WALL SECTION  
PROJECT No. 3200-6  
DATE 18 October 2017  
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DRAWN BY  
CHECKED BY  
REV No  
SHEET No

A1.14





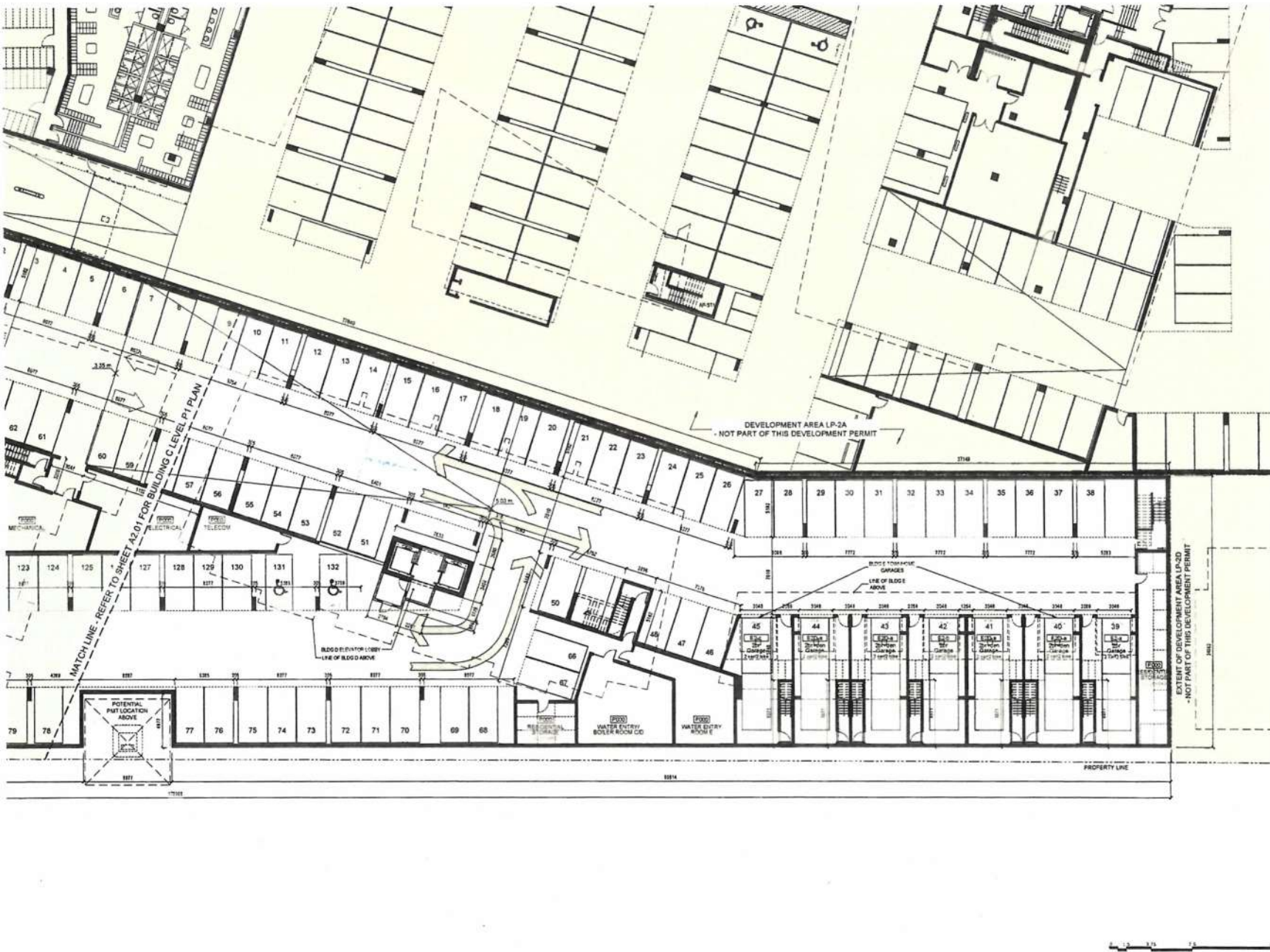
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99. DEVELOPMENT PERMIT APPLICATION  
100. DEVELOPMENT PERMIT APPLICATION

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604.687.3008  
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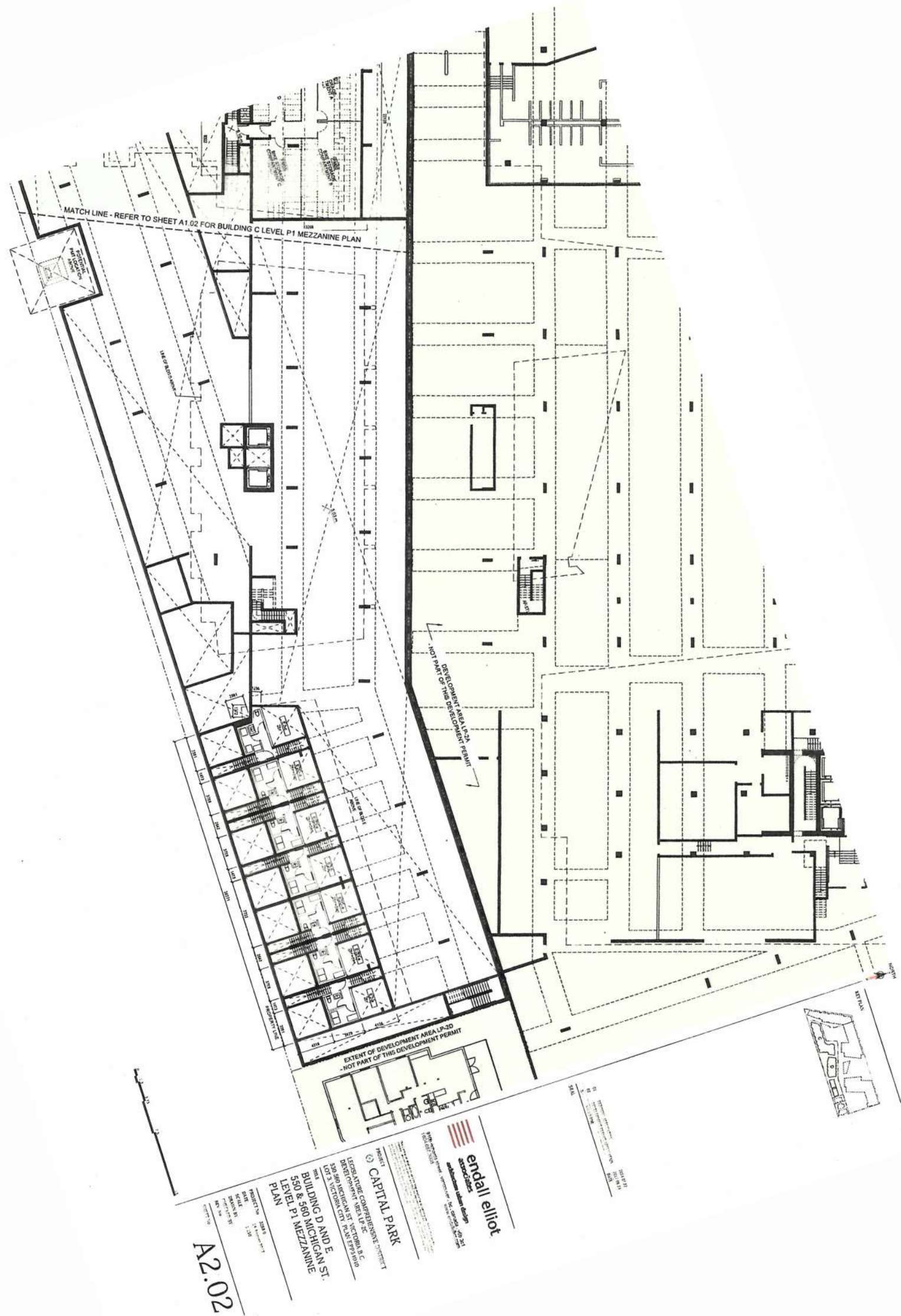
PROJECT  
**CAPITAL PARK**  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPPA1010  
TITLE  
**BUILDING D AND E  
550 & 560 MICHIGAN ST.  
LEVEL P1 PLAN**

PROJECT No. 2014-0  
DATE 23 November 2017  
SCALE 1:100  
DRAWN BY  
CHECKED BY  
REV. No.  
SHEET No.

**A2.01**





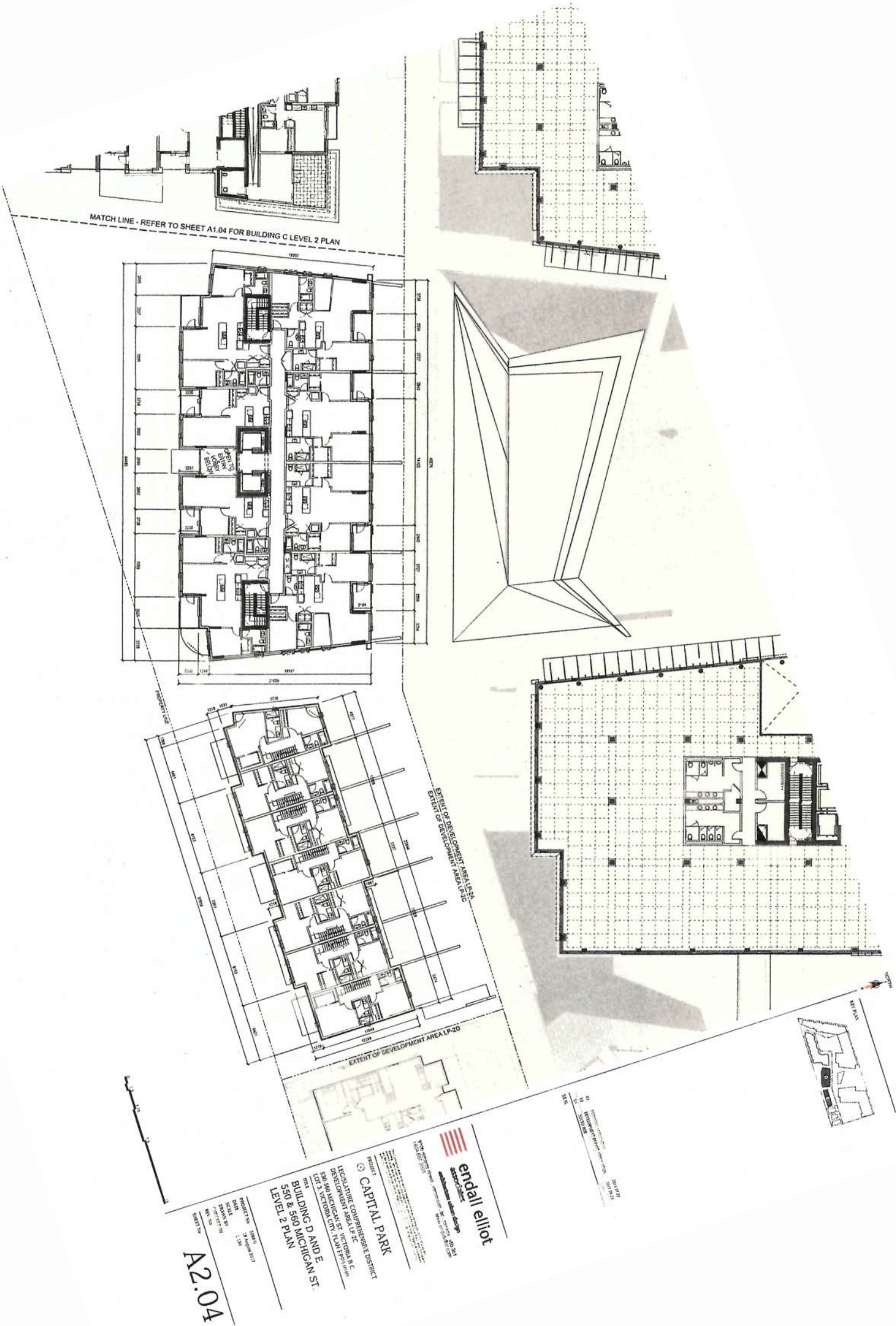




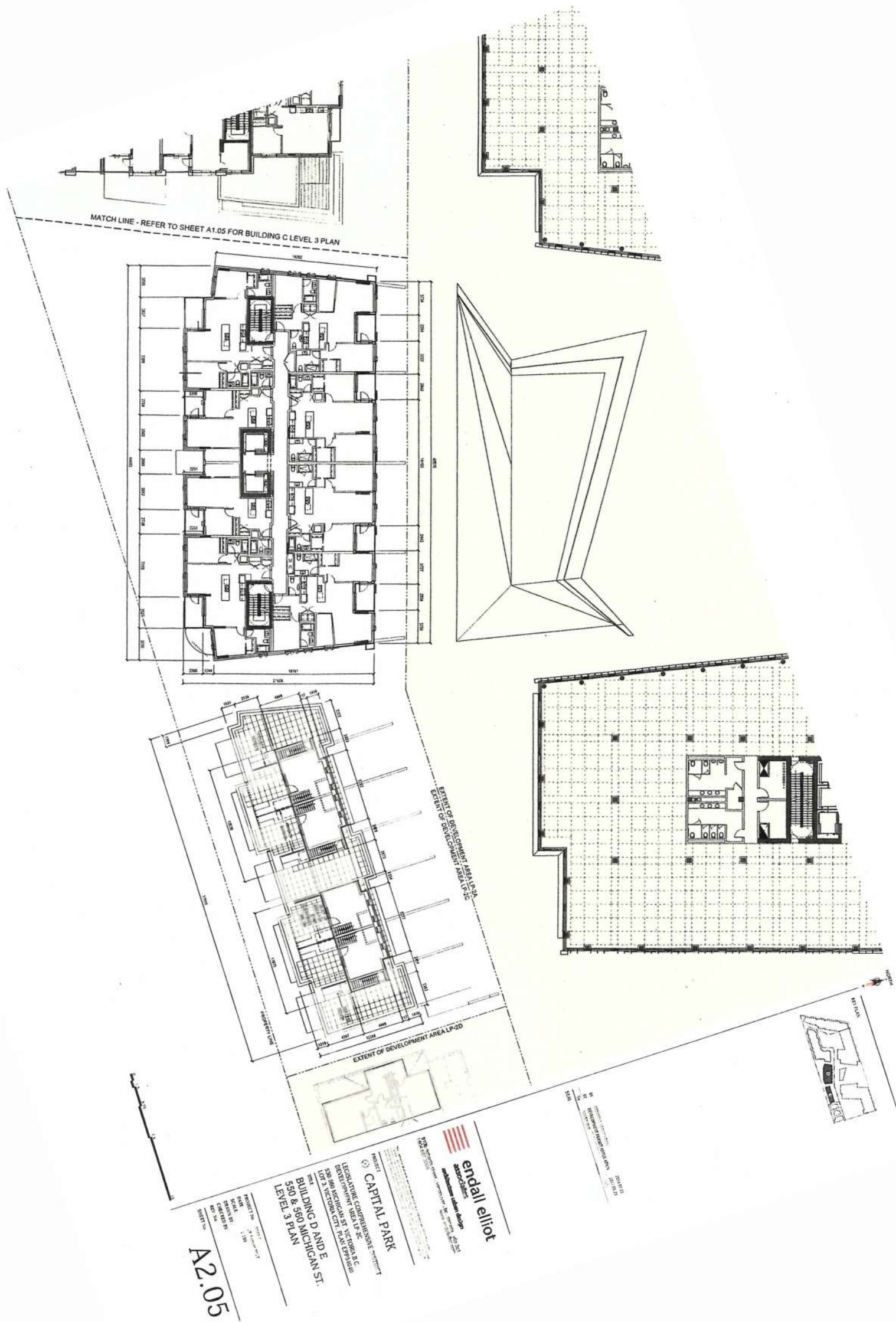


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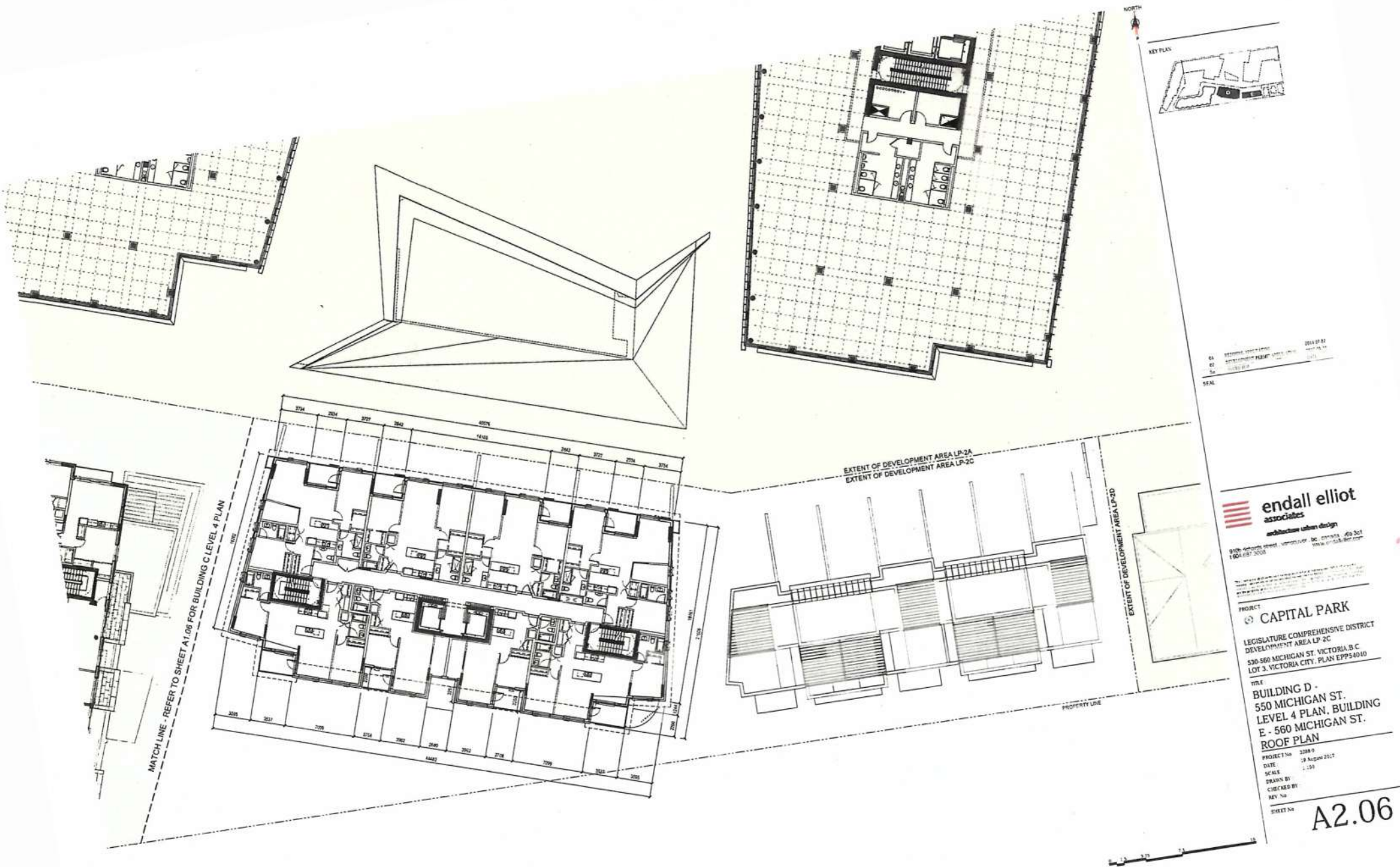




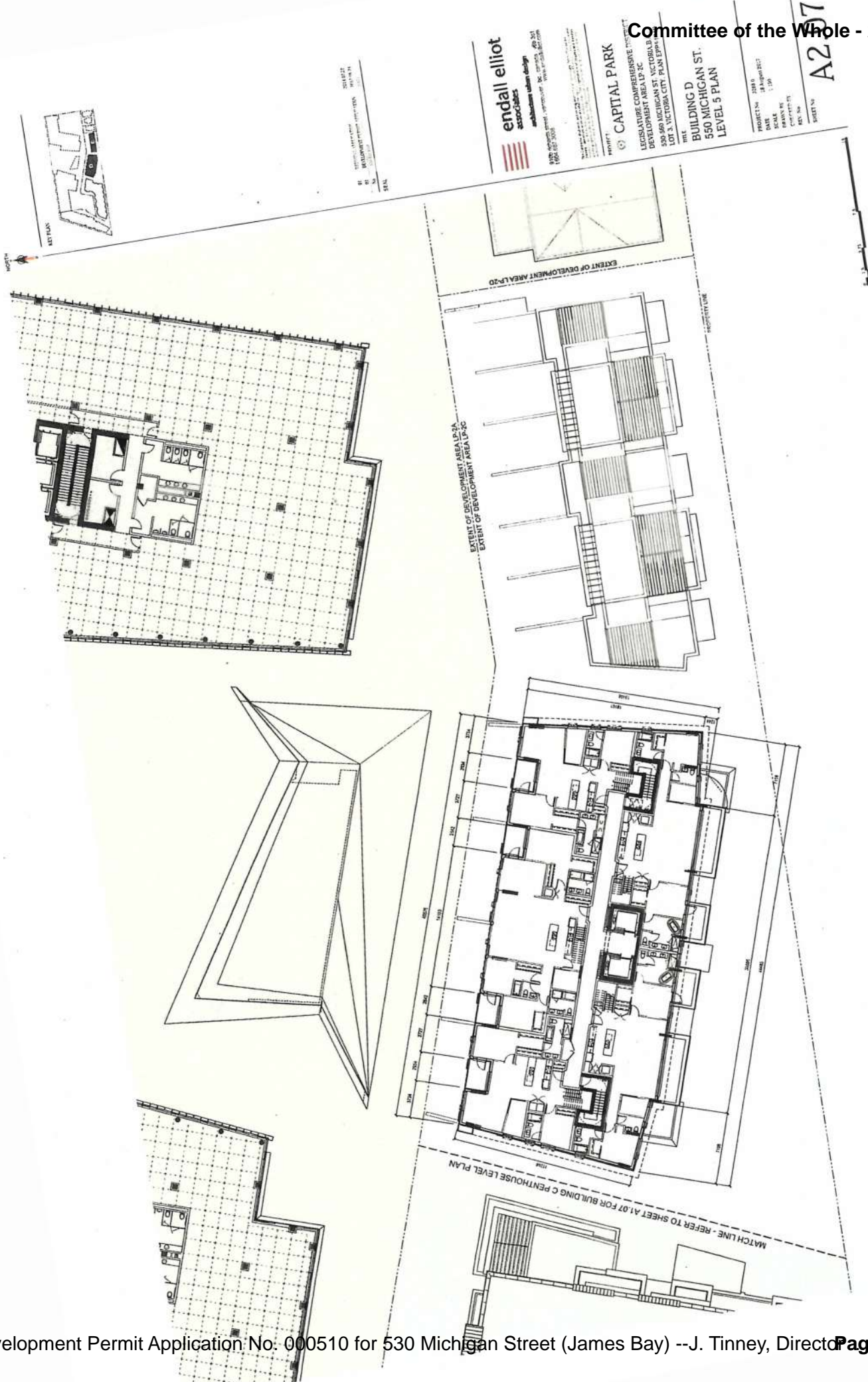








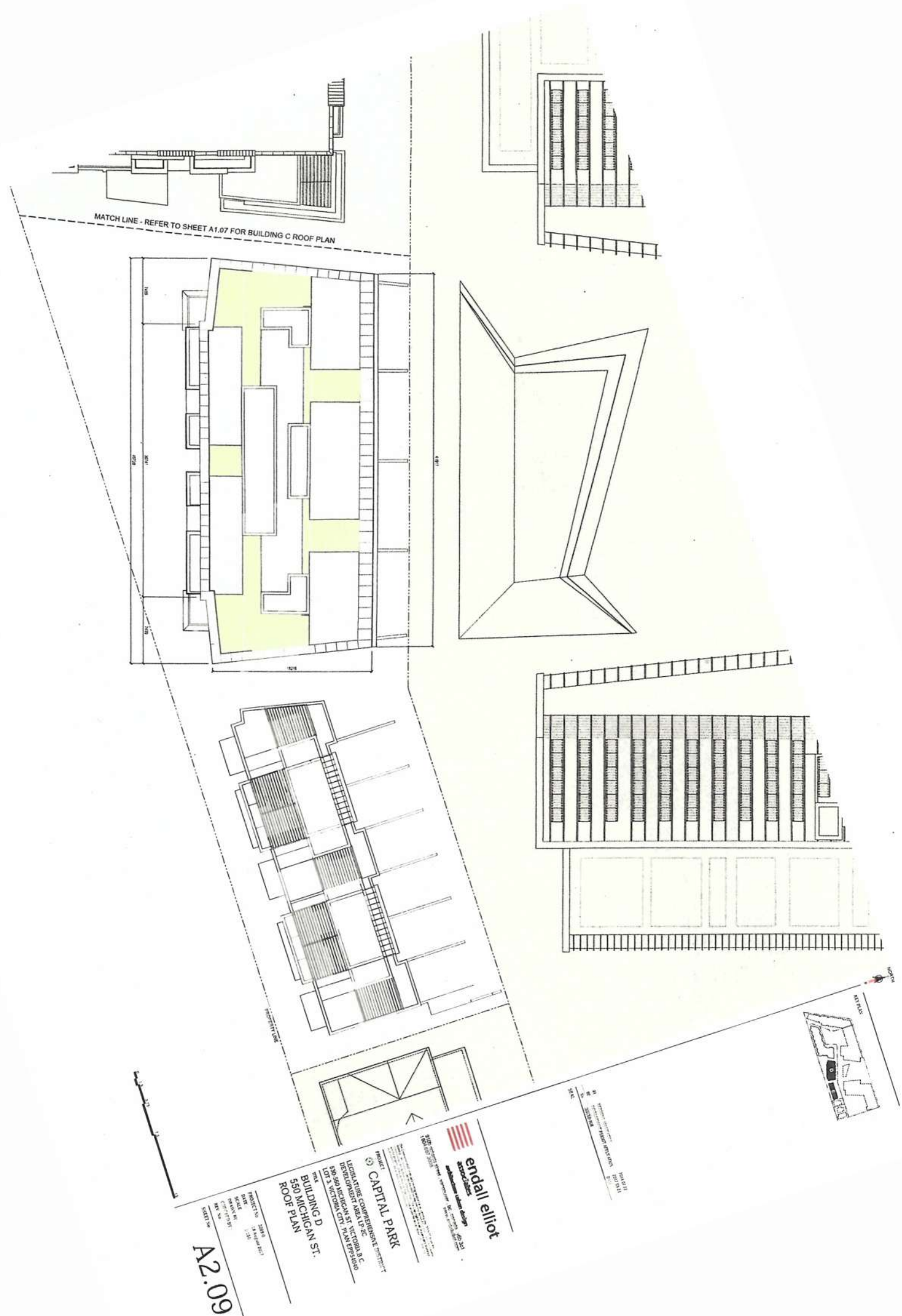
















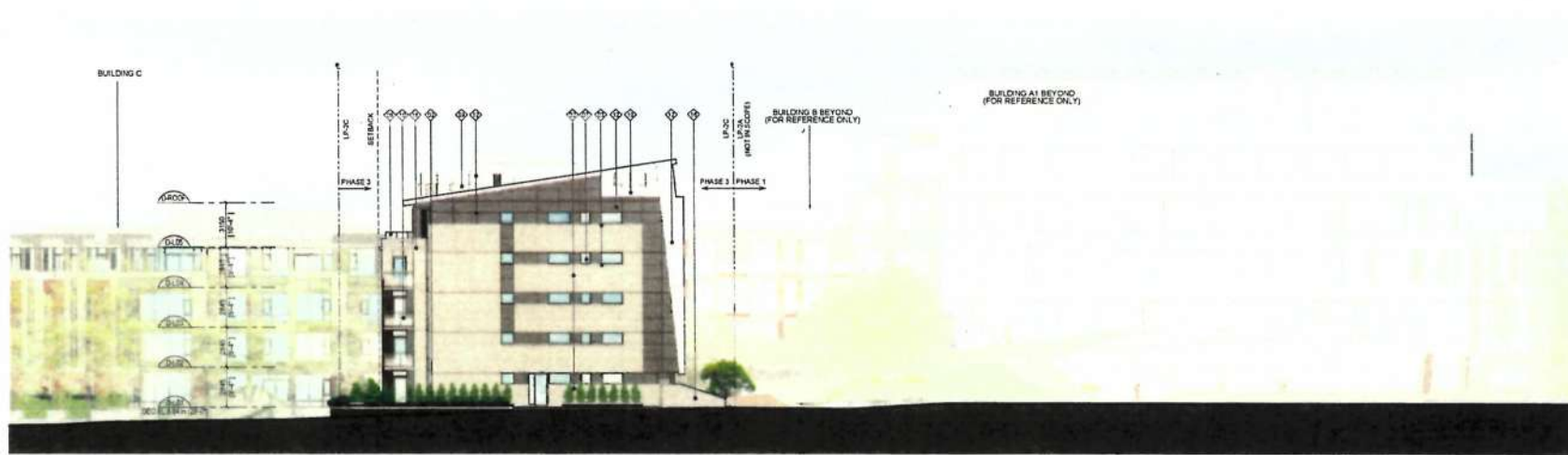
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**PROJECT** 1000 D  
**DATE** 10/10/2017  
**SCALE** 1:150  
**DRAWN BY** J. T. 10/10/2017  
**CHECKED BY** J. T. 10/10/2017  
**REV. NO.** 01  
**SHEET NO.** A2.10

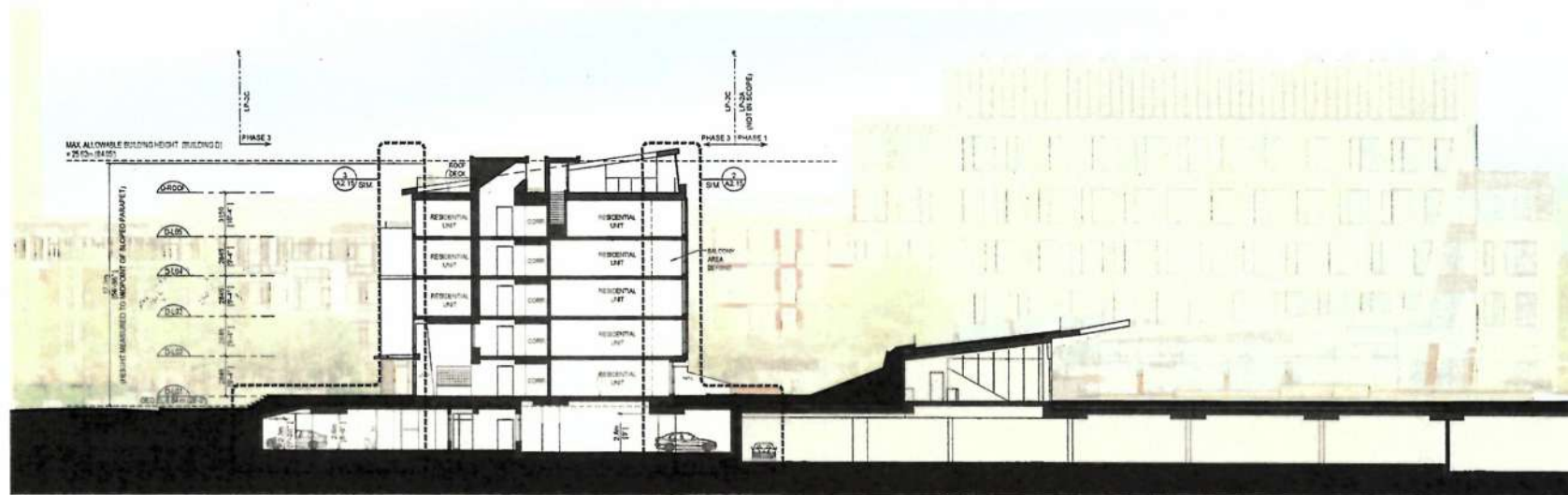
**BUILDING D - NORTH & SOUTH ELEVATIONS**  
550 MICHIGAN ST.  
NORTH & SOUTH  
ELEVATIONS  
LOT 3, VICTORIA CITY, PLAN EPP31010  
550 MICHIGAN ST. VICTORIA B.C.  
LEGISLATURE COMPREHENSIVE DISTRICT  
CAPITAL PARK

**KEY PLAN**  
NORTH  
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BUILDING D - EAST ELEVATION 1:150 3



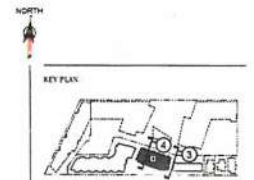
BUILDING D - TYPICAL NORTH/SOUTH SECTION LOOKING WEST 1:150 4

MATERIAL KEY

- BRICK - RUNNING BOND
- BRICK - STACKED BOND
- PRECAST CONCRETE
- CONCRETE PLANTER WALL (SEE LANDSCAPE DRAWINGS)
- PREFINISHED METAL FLASHING
- ALUMINUM WINDOW FRAME
- VISION GLASS

- INSULATED GLASS SPANDREL
- ALUMINUM FRAMED GLASS GUARDRAIL
- ALUMINUM FRAMED GLASS GUARDRAIL W/ SCREENED PATTERN
- FENCING AND GATE - SEE LANDSCAPE
- PREFINISHED METAL PANEL CLADDING
- PREFINISHED VERTICAL METAL CLADDING
- METAL SCREEN

- METAL TRELLIS
- ARCHITECTURAL CONCRETE FINISH
- DECORATIVE WOOD PATTERN METAL SOFFIT WALL
- ACCENT C/1 ADDING



1	2014.07.22
2	2014.07.22
3	2014.07.22
4	2014.07.22
5	2014.07.22
6	2014.07.22
7	2014.07.22
8	2014.07.22
9	2014.07.22
10	2014.07.22

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1.604.687.2000 www.endall-elliott.com

PROJECT  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP 2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPP610101  
TITLE  
BUILDING D -  
550 MICHIGAN ST.  
EAST ELEVATION &  
SECTION

PROJECT No. 2014-07  
DATE 11 October 2014  
SCALE 1:150  
DRAWN BY  
REV. No.  
SHEET No.

A2.11





BUILDING E - SOUTH ELEVATION

1:150

1



BUILDING E - NORTH ELEVATION

1:150

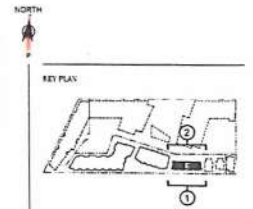
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MATERIAL KEY

- BRICK - RUNNING BOND
- BRICK - STACKED BOND
- PRECAST CONCRETE
- CONCRETE PLANTER WALL (SEE LANDSCAPE DRAWINGS)
- PREFINISHED METAL FLASHING
- ALUMINUM WINDOW FRAME
- VISION GLASS

- INSULATED GLASS SPANDREL
- ALUMINUM FRAMED GLASS GUARDRAIL
- ALUMINUM FRAMED GLASS GUARDRAIL W/ SCREENED PATTERN
- FENCING AND GATE - SEE LANDSCAPE
- PREFINISHED METAL PANEL CLADDING
- PREFINISHED VERTICAL METAL CLADDING
- METAL SCREEN

- METAL TRELLIS
- ARCHITECTURAL CONCRETE FINISH
- DECORATIVE WOOD PATTERN METAL SOFFITWALL
- ACCENT CLADDING



01	REVISIONS	2011.03.22
02	REVISIONS	2011.04.21
03	REVISIONS	2011.04.21

SEAL

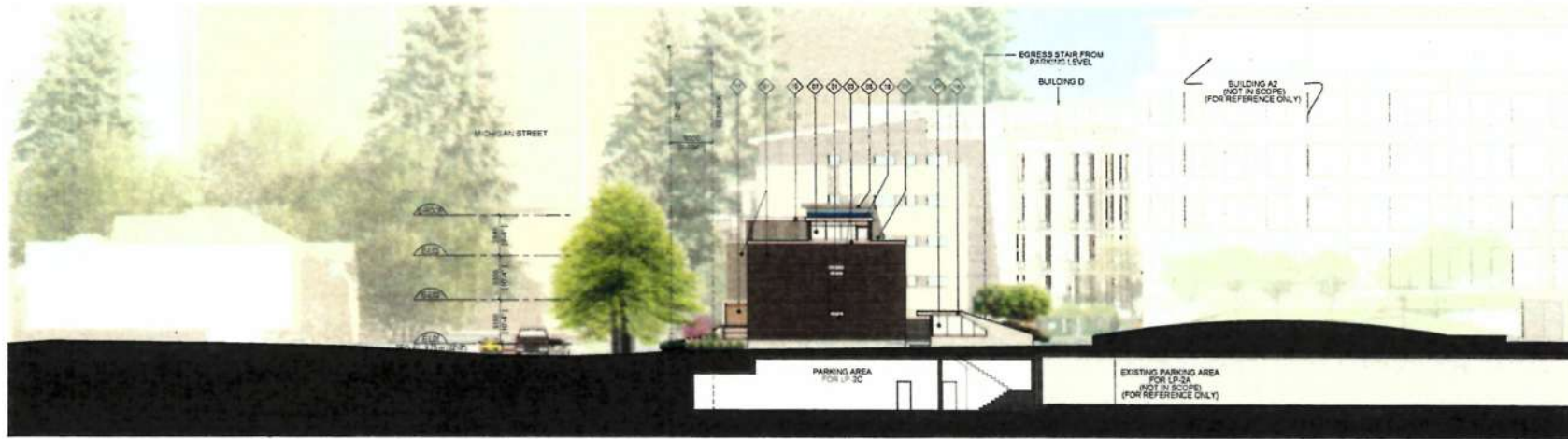
**endall elliot**  
associates  
architecture urban design  
9100-46th Street, Vancouver, BC, Canada V6A 3C1  
604-687-3003 www.endall-elliott.com

PROJECT  
**CAPITAL PARK**  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3 VICTORIA CITY PLAN EPPS1040  
TITLE  
**BUILDING E**  
**560 MICHIGAN ST.**  
**NORTH & SOUTH**  
**ELEVATIONS**

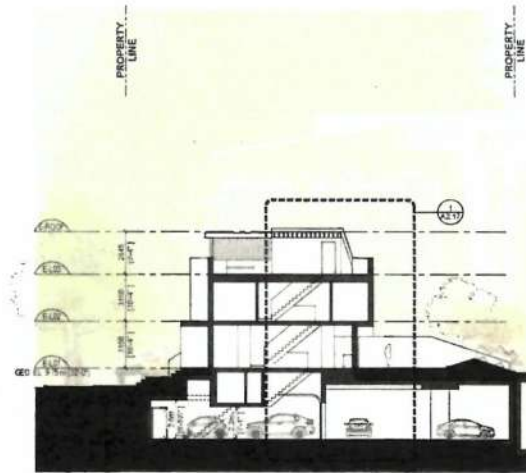
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DATE 18 August 2017  
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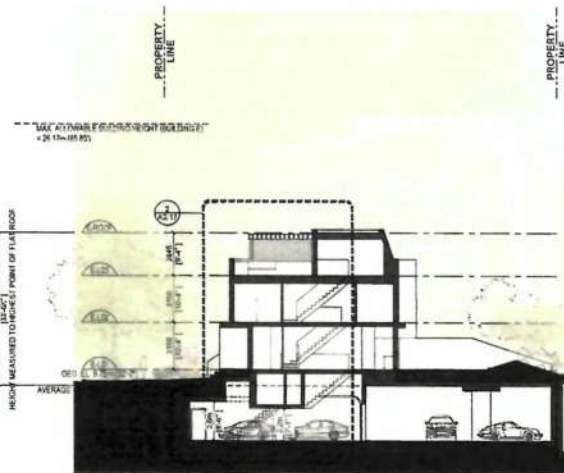




BUILDING E - EAST ELEVATION 1:150 ③



BUILDING E - TYPICAL NORTH/SOUTH SECTION LOOKING WEST 1:150 ⑥



BUILDING E - TYPICAL NORTH/SOUTH SECTION LOOKING WEST 1:150 ⑤



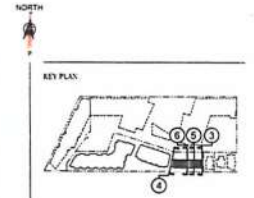
BUILDING E - WEST ELEVATION 1:150 ④

#### MATERIAL KEY

- BRICK - RUNNING BOND
- BRICK - STACKED BOND
- PRECAST CONCRETE
- CONCRETE PLANTER WALL (SEE LANDSCAPE DRAWINGS)
- PREFINISHED METAL FLASHING
- ALUMINUM WINDOW FRAME
- VISION GLASS

- INSULATED GLASS TRANSPARENT
- ALUMINUM FRAMED GLASS GUARDRAIL
- ALUMINUM FRAMED GLASS GUARDRAIL W/ SCREENED PATTERN
- FENCING AND GATE - SEE LANDSCAPE
- PREFINISHED METAL PANEL CLADDING
- PREFINISHED VERTICAL METAL CLADDING
- METAL SCREEN

- METAL TRELLIS
- ARCHITECTURAL CONCRETE FINISH
- DECORATIVE WOOD PATTERN METAL SOFFITWALL
- ACCENT CLADDING



1. DEVELOPMENT APPLICATION 2014 07 22  
2. DEVELOPMENT PERMIT APPLICATION 2017 10 12  
3. DEVELOPMENT PERMIT APPLICATION 2017 10 12  
4. DEVELOPMENT PERMIT APPLICATION 2017 10 12

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associates  
architecture urban design  
9100 Kennedy Street, Vancouver, BC, Canada V6N 3C1  
604.687.3000 www.endall-elliott.com

PROJECT  
**CAPITAL PARK**  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY. PLAN EPP-441610

TITLE  
**BUILDING E  
560 MICHIGAN ST.  
EAST ELEVATION &  
SECTIONS**

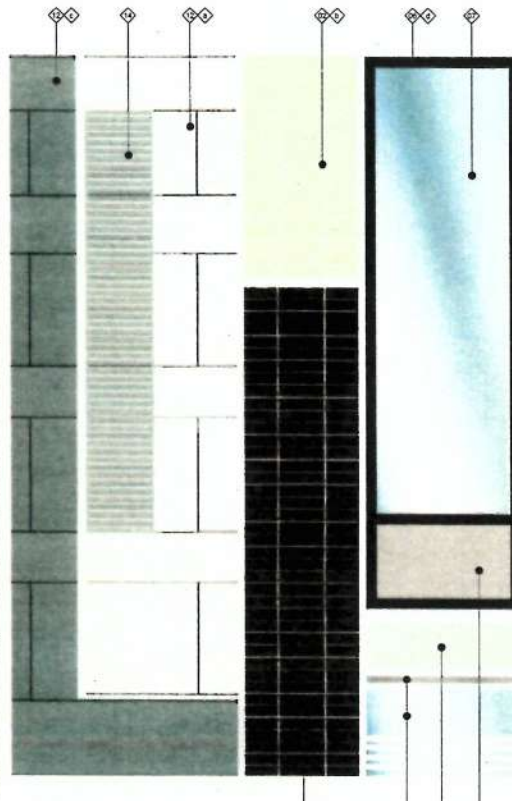
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DATE 11 October 2017  
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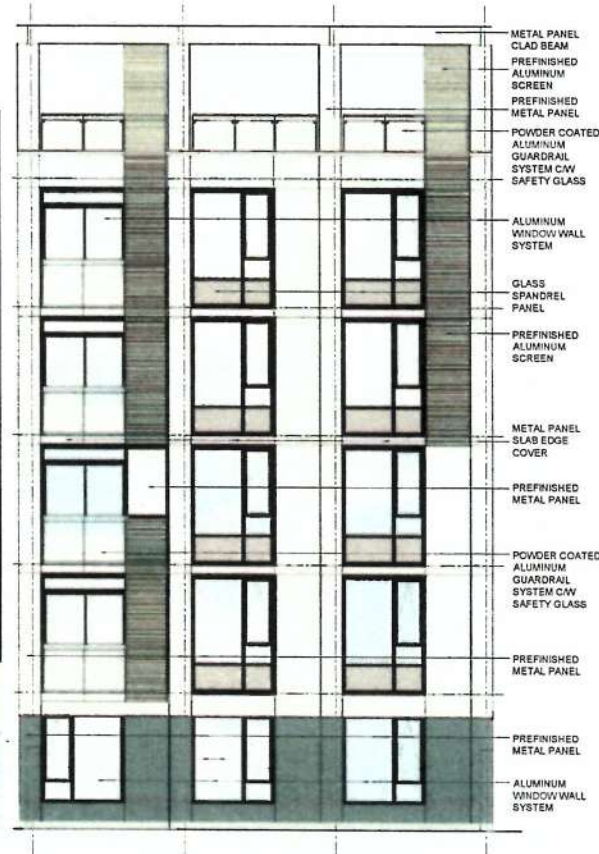




TYPICAL PARTIAL ELEVATION - SOUTH  
1:50 ③



MATERIAL PALETTE  
1:50 ②



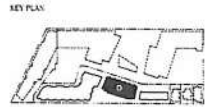
TYPICAL PARTIAL ELEVATION - NORTH  
1:50 ①

- MATERIAL KEY**
- BRICK - RUNNING BOND
  - BRICK - STACKED BOND
  - PRECAST CONCRETE
  - CONCRETE PLANTER WALL (SEE LANDSCAPE DRAWING)
  - PREFINISHED METAL FLASHING
  - ALUMINUM WINDOW FRAME
  - VISION GLASS

- INSULATED GLASS SPANDREL
- ALUMINUM FRAMED GLASS GUARDRAIL
- ALUMINUM FRAMED GLASS GUARDRAIL W/ SCREENED PATTERN
- FENCING AND GATE - SEE LANDSCAPE
- PREFINISHED METAL PANEL CLADDING
- PREFINISHED VERTICAL METAL CLADDING
- METAL SCREEN

- METAL TRELLIS
- ARCHITECTURAL CONCRETE FINISH
- DECORATIVE WOOD PATTERN METAL SOFFIT WALL
- ACCENT CLAD NG.

- COLOUR KEY**
- WHITE
  - LIGHT GREY
  - MID GREY
  - DARK GREY
  - DARK BROWN
  - BRICK RED
  - DARK BLUE



01 PRELIMINARY DESIGN  
02 DEVELOPMENT PERMIT APPLICATION  
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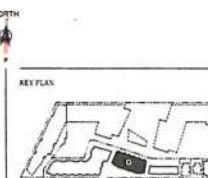
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associates  
architecture urban design  
9110 UNIVERSITY AVENUE, VANCOUVER, BC, CANADA V6P 3C1  
604.687.3079 www.endall-elliott.com

**PROJECT**  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY. PLAN EPP54040  
**TITLE**  
BUILDING D  
550 MICHIGAN ST.  
PARTIAL ELEVATIONS &  
MATERIALS

**PROJECT No.** 3289  
**DATE** 14 November 2017  
**SCALE** 1:50  
**DRAWN BY**  
**CHECKED BY**  
**REV.** No  
**SHEET No.**


A2.14





01	2017-2018	2017-2018
02	DEVELOPMENT PHASE	2017-2018
03	2017-2018	2017-2018


SEA



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910 Richards Street, Vancouver BC, Canada V6B 3G7  
1-604-687-3333

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**PROJECT**  
 **CAPITAL PARK**  
 LEGISLATURE COMPREHENSIVE DISTRICT  
 DEVELOPMENT AREA LP-2C  
 530-560 MICHIGAN ST. VICTORIA, B.C.  
 LOT 3, VICTORIA CITY, PLAN FPP51019

**TITLE**  
BUILDING D  
550 MICHIGAN ST.  
PARTIAL PLANS &  
WALL SECTIONS

PROJECT No. 3388 Q  
DATE 18 August 2017  
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DRAWN BY  
CHECKED BY  
REV. No.

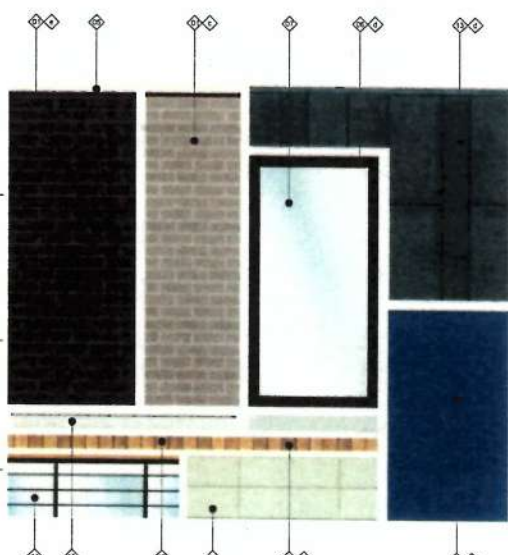
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A2.15





TYPICAL PARTIAL ELEVATION - SOUTH 1:50 ③



MATERIAL PALETTE 1:50 ②



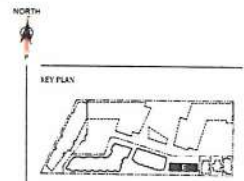
TYPICAL PARTIAL ELEVATION - NORTH 1:50 ①

- MATERIAL KEY**
- ◆ BRICK - RUNNING BOND
  - ◆ BRICK - STACKED BOND
  - ◆ PRECAST CONCRETE
  - ◆ CONCRETE PLANTER WALL (SEE LANDSCAPE DRAWINGS)
  - ◆ PREFINISHED METAL FLASHING
  - ◆ ALUMINUM WINDOW FRAME
  - ◆ VISION GLASS

- ◆ INSULATED GLASS SPANDREL
- ◆ ALUMINUM FRAMED GLASS GUARDRAIL
- ◆ ALUMINUM FRAMED GLASS GUARDRAIL W/ SCREENED PATTERN
- ◆ FENCING AND GATE - SEE LANDSCAPE
- ◆ PREFINISHED METAL PANEL CLADDING
- ◆ PREFINISHED VERTICAL METAL CLADDING
- ◆ METAL SCREEN

- ◆ METAL TRELLIS
- ◆ ARCHITECTURAL CONCRETE FINISH
- ◆ DECORATIVE WOOD PATTERN METAL SCOFF/WALL
- ◆ ACCENT CLADDING

- COLOUR KEY**
- ◆ WHITE
  - ◆ LIGHT GREY
  - ◆ MID GREY
  - ◆ DARK GREY
  - ◆ DARK BROWN
  - ◆ BRICK RED
  - ◆ DARK BLUE



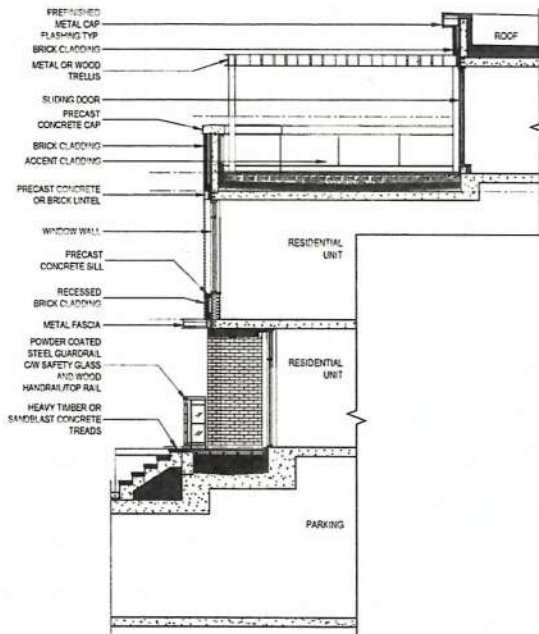
BY: [Signature] DATE: 11/14/2017  
 FOR: DEVELOPMENT PERMIT APPLICATION  
 SHEET: 314

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 1.800.667.3310 www.endall-elliott.com

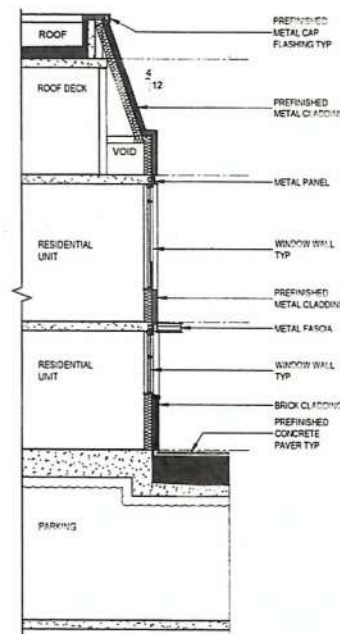
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**CAPITAL PARK**  
 LEGISLATURE COMPREHENSIVE DISTRICT  
 DEVELOPMENT AREA LP 2C  
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 LOT 3, VICTORIA CITY, PLAN EPP46100  
**TITLE**  
 BUILDING E  
 560 MICHIGAN ST.  
 PARTIAL ELEVATIONS &  
 MATERIALS  
**PROJECT No** 2229 D  
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**CHECKED BY**  
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**SHEET No**

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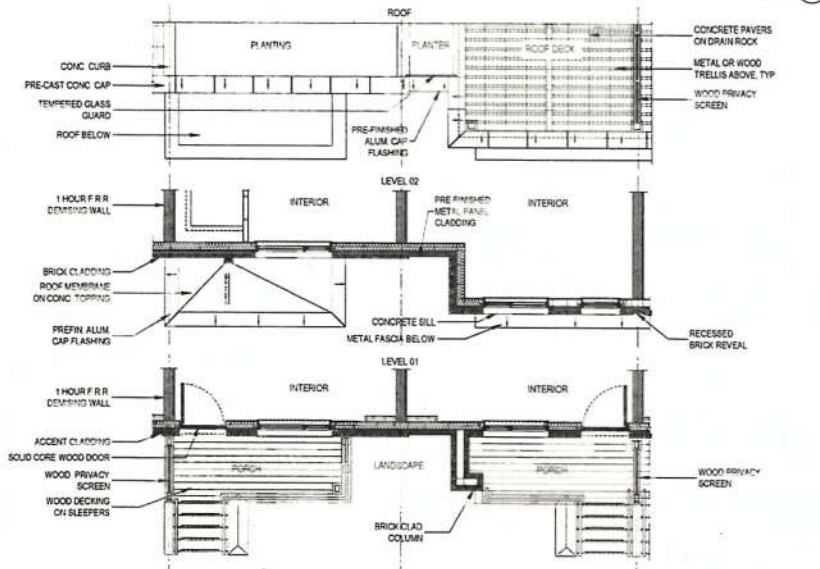




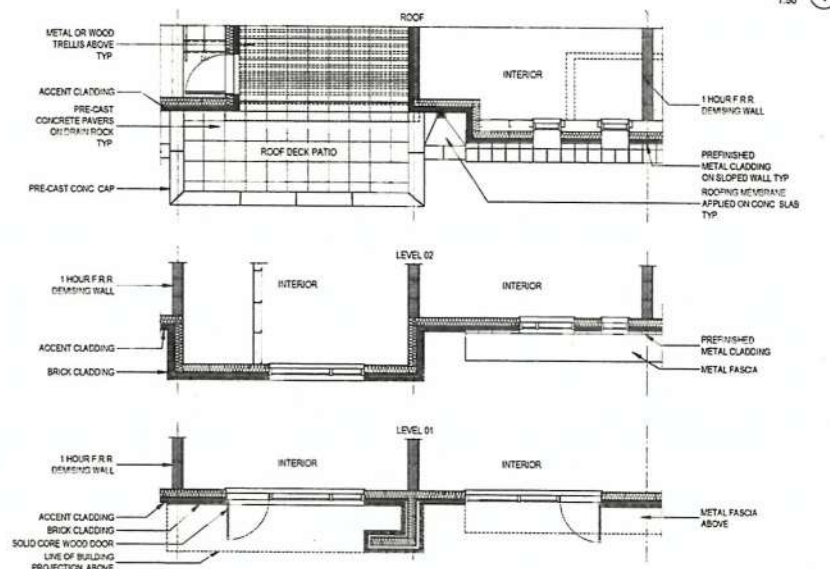
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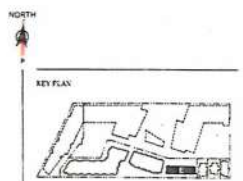
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TYPICAL PARTIAL PLANS - SOUTH 1:50 ④



TYPICAL PARTIAL PLANS - NORTH 1:50 ③



01	SECTION, LIFT PLAN	2014.07.22
02	SECTION, LIFT PLAN	2017.08.21
03	SECTION, LIFT PLAN	2017.08.21
04	SECTION, LIFT PLAN	2017.08.21

SEAL

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PROJECT  
**CAPITAL PARK**  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530 560 MICHIGAN ST. VICTORIA, B.C.  
LOT 3, VICTORIA CITY, PLAN EPP54040  
TITLE  
**BUILDING E  
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PARTIAL PLANS &  
WALL SECTIONS**

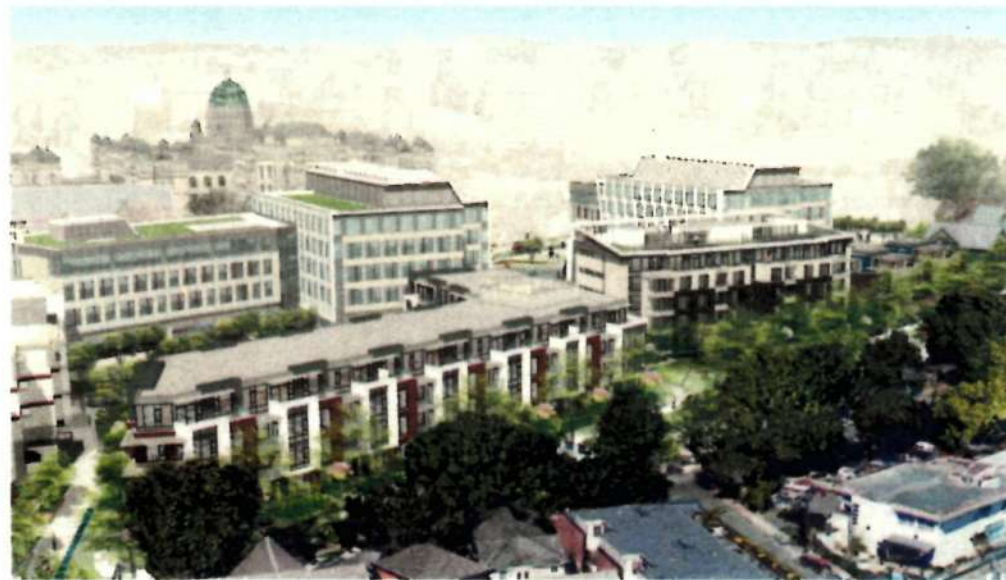
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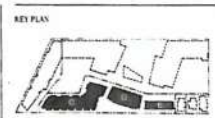




3D MODEL - OVERALL VIEW LOOKING NORTH  
N.T.S. ①



3D MODEL - OVERALL VIEW LOOKING NORTHEAST  
N.T.S. ②



REVISIONS  
BY: [Signature]  
DATE: [Date]  
BY: [Signature]  
DATE: [Date]

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1-800-887-2008 www.endall-elliott.com

PROJECT:  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPP34040  
TITLE:  
3D MODEL  
OVERALL PERSPECTIVE  
VIEWS

PROJECT No. 2269 D  
DATE: 14 November 2017  
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DRAWN BY:  
CHECKED BY:  
REV. No.

SHEET No. **A3.01**

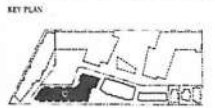




3D MODEL - BUILDING C VIEW LOOKING NORTHWEST  
N.T.S. 1



3D MODEL - BUILDING C VIEW LOOKING SOUTHEAST  
N.T.S. 2



01 SITE PLAN 2014 01 21  
02 DEVELOPMENT PERMIT APPLICATION 2017 05 21  
03 2017 05 21  
SEAL

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PROJECT  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530 560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPP34040  
TITLE  
3D MODEL  
BUILDING C  
PERSPECTIVE VIEWS

PROJECT No. 3500.0  
DATE 14 August 2017  
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SHEET No.

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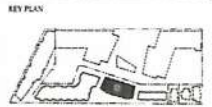




3D MODEL - BUILDING D VIEW LOOKING NORTH  
N.T.S. ①



3D MODEL - BUILDING D VIEW LOOKING SOUTH  
N.T.S. ②



BY	ENDALL ELLIOT ASSOCIATES	2014.02.27
BY	DEVELOPMENT PERMIT APPLICATION	2017.08.01
BY	SUBMITTED FOR	DATE

SEAL

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PROJECT  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPPH 0049  
TITLE  
3D MODEL  
BUILDING D  
PERSPECTIVE VIEWS

PROJECT No. 3389-0  
DATE: 18 August 2017  
SCALE: N.T.S.  
DRAWN BY:  
CHECKED BY:  
REV. No.

SHEET No.

A3.03

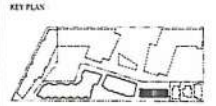




3D MODEL - BUILDING E VIEW LOOKING NORTH  
N.T.S. ②



3D MODEL - BUILDING E VIEW LOOKING SOUTHWEST  
N.T.S. ②



REVISIONS  
DATE  
BY  
REASON  
2017-05-21  
J.T.  
2017-05-21  
J.T.

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604.687.3008 www.endall-elliott.com

PROJECT  
**CAPITAL PARK**  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPPA-10-10  
TITLE  
3D MODEL  
BUILDING E  
PERSPECTIVE VIEWS

PROJECT No. 000510  
DATE 18 August 2017  
SCALE N.T.S.  
DRAWN BY  
CHECKED BY  
REV. No.  
SHEET No.

A3.04





9:00 AM



10:00 AM



11:00 AM



12:00 PM



1:00 PM



2:00 PM



3:00 PM



4:00 PM

MARCH/SEPTEMBER EQUINOX  
N.T.S. ①



9:00 AM



10:00 AM



11:00 AM



12:00 PM



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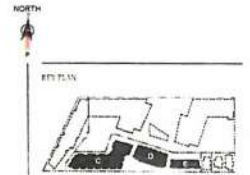


3:00 PM



4:00 PM

JUNE SOLSTICE  
N.T.S. ②



BY: STEPHEN L. LAMBERT 2017.07.27  
BY: DEVELOPMENT PERMIT APPLICATIONS 2017.08.21  
Scale: 1:1000 N.T.S.

SEAL

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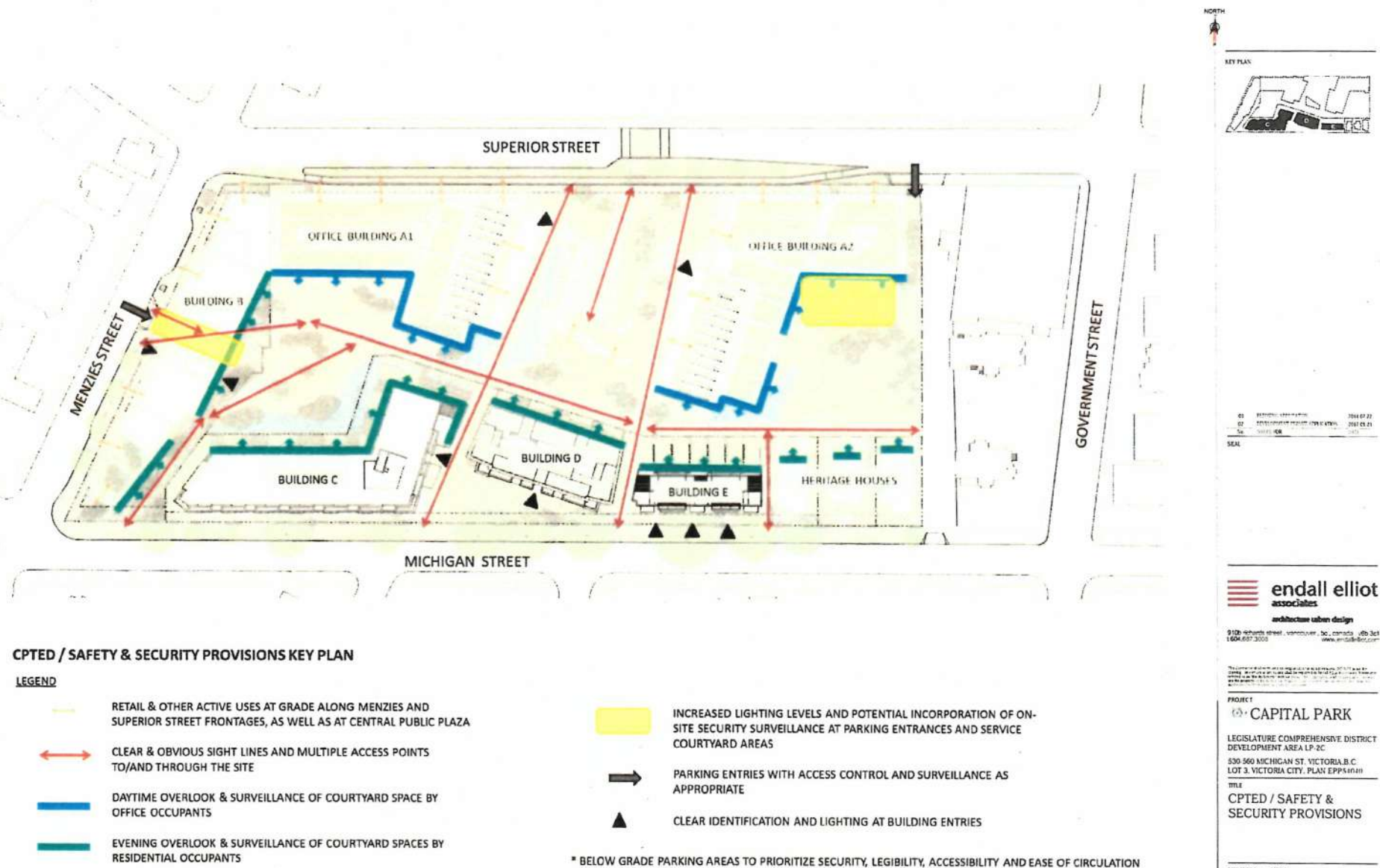
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PROJECT  
CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP 2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY. PLAN EPP 4481(1)  
TITLE  
SHADOW ANALYSIS

PROJECT No: 11111-11  
DATE: 18 November 2017  
SCALE: N.T.S.  
DRAWN BY:  
CHECKED BY:  
REV No:  
SHEET No:

A4.01





**KEY PLAN**

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associates  
architecture urban design

9120 - richmond street, vancouver, bc, canada v6b 3c1  
604.687.3003 www.endall-elliott.com

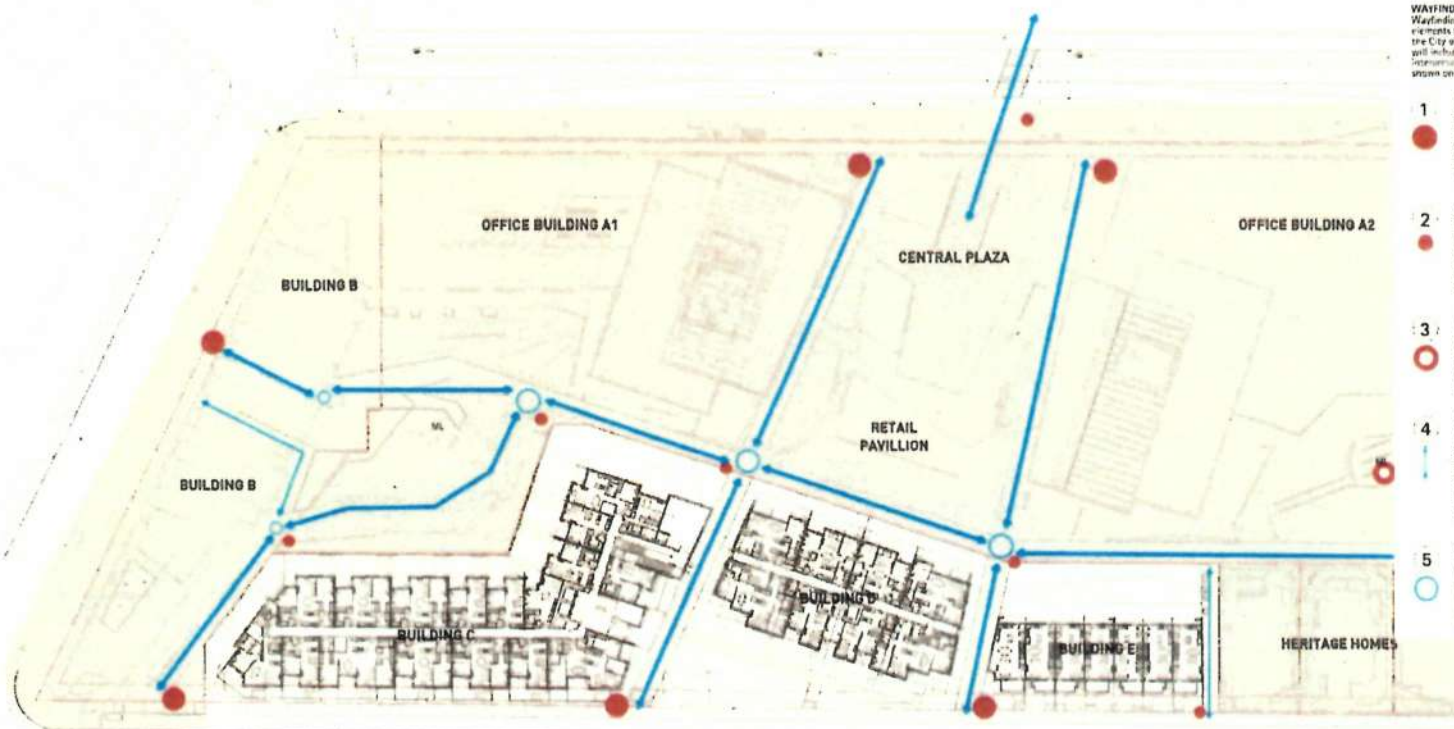
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CAPITAL PARK  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C  
530-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPP540141

**TITLE**  
CPTD / SAFETY & SECURITY PROVISIONS

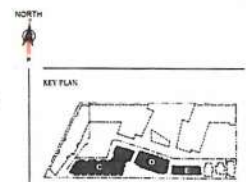
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**DATE** 14 August 2017  
**SCALE** N.T.S.  
**DRAWN BY**  
**CHECKED BY**  
**REV. No**  
**SHEET No**

**A4.02**





- WAYFINDING LEGEND**  
Wayfinding will be encouraged through various signage elements throughout the site and will give consideration to the City of Victoria Sign System. These wayfinding elements will include entry signage, wayfinding signage as well as interpretative signage. Potentially suitable locations are shown on the plan to the left.
- 1 ENTRY SIGNAGE**  
Entry signs will be located at the entry points of the site. The intent for the entry signs is to identify the project within the neighbourhood context, potentially include the project name, site map and supporting user information. Signage may either be the form of vertical markers and/or integrated into the ground plane.
  - 2 WAYFINDING SIGNAGE**  
Potentially suitable locations for pedestrian wayfinding elements will be identified at key nodes within the site and will be used to provide further site orientation. These may be in the form of vertical markers, fin signage affixed to light poles and/or signage integrated into the ground plane.
  - 3 INTERPRETATIVE SIGNAGE**  
Interpretative signage will be encouraged at prominent locations, and designed to amplify the main attributes of the site. Avoid free standing signage in favour of elements that are integrated in the ground plane, landscape walls and other landscape structures.
  - 4 PEDESTRIAN CIRCULATION ROUTE**  
A network of circulation routes provide universal access through the site and connections to the surrounding neighbourhood. The materiality of the ground plane will be consistent with all pathways in order to provide clear and identifiable routes. Long grain paving modules are designed to follow the direction of flow - offering both a desirable aesthetic treatment as well as a means for tactile wayfinding for the visually impaired.
  - 5 PEDESTRIAN CIRCULATION NODES**  
Pedestrian circulation nodes are indicated at the intersections of pedestrian circulation routes within the site. They become logical places for secondary wayfinding signage and seating. The directional grain of the paving treatment will shift at these locations to include the orientation of intersections pathways.



01	PRELIMINARY APPROVAL	2014-01-27
02	DEVELOPMENT PERMIT APPLICATION	2014-01-27
03	2015-01-08	2015

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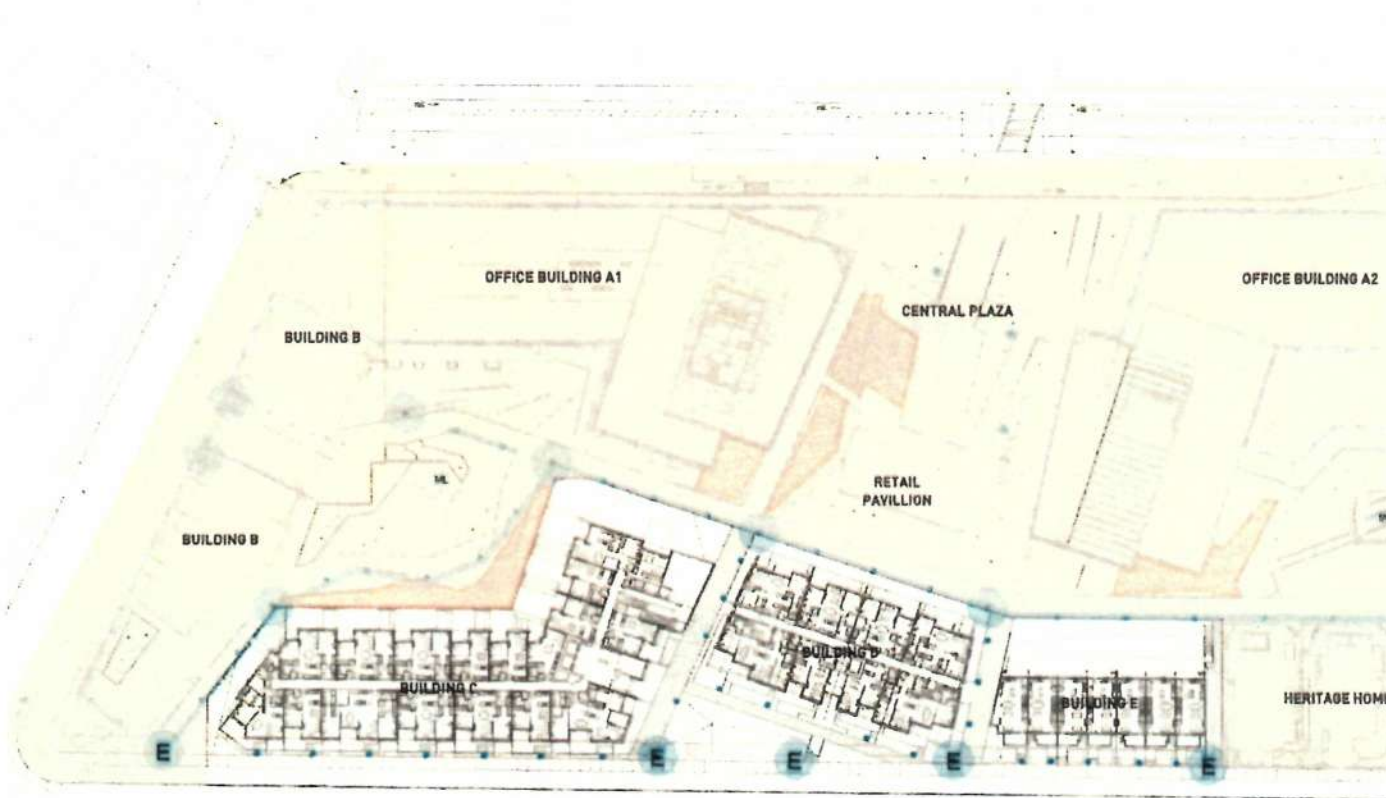
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**CAPITAL PARK**  
LEGISLATURE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP 2C  
570-560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPP51040  
TITLE  
**WAYFINDING  
CONCEPT PLAN**

PROJECT No: 20810  
DATE: 18 August 2017  
SCALE: N.T.S.  
DRAWN BY:  
CHECKED BY:  
REV: No

SHEET No  
**A4.03**







#### SITE LIGHTING CONCEPT PLAN

The lighting of the public realm looks to enhance the surrounding, to support safety and security, CPTED, and highlight featured design elements within the site. This is achieved through architectural accent lighting, feature way finding lighting, water feature lighting as well as accent lighting.

Information shown is conceptual and subject to design development in collaboration with building owner and future tenants. LED Certification requirements, and the Capital Park Urban Design Guidelines.

- 1 ARCHITECTURAL ACCENT LIGHTING**  
Building exterior lighting to be low level and minimalist, generally consisting of up and / or down lighting integrated with building facade, including canopies and/or soffit areas along the Super or, Mezzies and Central Plaza frontages. Potential "in ground" lighting, mounted flush to paving surface, will also be considered along the office building frontages as to the Central Plaza.

Soffit lighting at the parking entry area off of Mezzies Street and building lighting at the A2 Office Building reverse area will provide higher light levels to ensure the increased security in these areas.

- TYPE 1 - BUILDING CANOPY AND/OR SOFFIT LIGHTS

- 2 WAY-RETRIED LIGHTING**  
Upward facing and typical light standards, pathways within the site are illuminated with standard light levels to improve upon nighttime surroundings.

PROGRAMMED LOCATIONS FOR LIGHTING TO BE ADAPTED

- TYPE 1 - PEDESTRIAN STREET LIGHT
- TYPE 2 - LANDSCAPE POST
- TYPE 3 - LANDSCAPE LANTERN
- TYPE 4 - ENTRY LANTERN

- 3 WATER FEATURE LIGHTING**  
The lighting concept within the water features look to highlight the water display elements.

- TYPE 5 - UNDERWATER LED STRIP LIGHT
- TYPE 6 - SUBMERSIBLE ACCENT LIGHT

- 4 ACCENT LIGHTING**  
Lighting at a low light level, integrated into featured design elements within the landscape such as benches and featured walls. The intent of the lighting design will be to highlight these featured design elements.

- TYPE 7 - UP LIGHT AT FEATURE MATERIAL
- TYPE 8 - LED TAPE LIGHT
- TYPE 9 - FLUSH MOUNT ACCENT LIGHT

NORTH

KEY PLAN



01	REVISIONS	2014 02 22
02	DATE	2017 08 25
03	BY	ENDALL ELLIOT

SCALE

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associates  
architecture urban design

9100 Richmond Street, Vancouver, BC, Canada V6V 2G1  
Tel: 604.687.3000 www.endall-elliott.com

PROJECT  
**CAPITAL PARK**

LEGISLATIVE COMPREHENSIVE DISTRICT  
DEVELOPMENT AREA LP-2C

530 560 MICHIGAN ST. VICTORIA B.C.  
LOT 3, VICTORIA CITY, PLAN EPP5410 10

TITLE  
**SITE LIGHTING  
CONCEPT PLAN**

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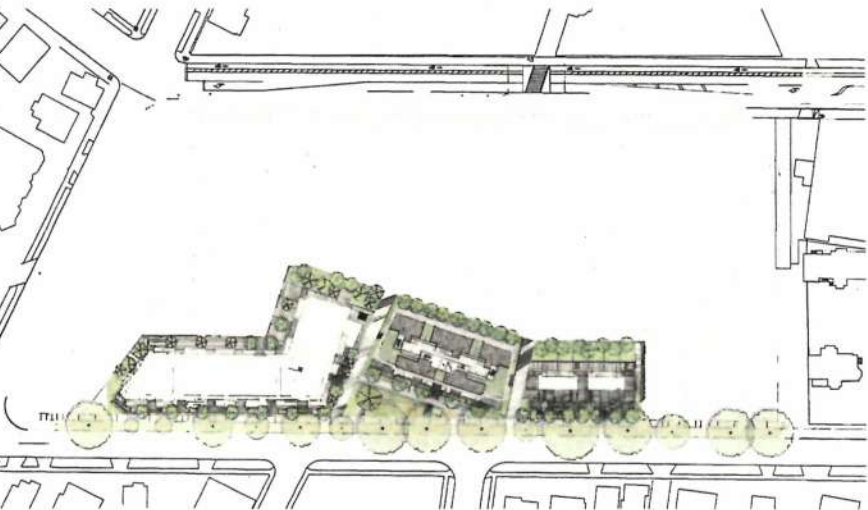






# CAPITAL PARK MIXED USE DEVELOPMENT - PHASE 3

530, 550, & 560 MICHIGAN STREET, VICTORIA B.C., CANADA  
LOT 3, DISTRICT LOTS 1732-1741 INCLUSIVE, VICTORIA CITY, PLAN EPP54040.



**PROJECT NAME**  
Capital Park Mixed Use Development Phase 3  
LEGISLATURE COMPREHENSIVE DISTRICT DEVELOPMENT AREA LP-3C, VICTORIA, B.C.

**CIVIC ADDRESS**  
530, 550, & 560 MICHIGAN STREET, VICTORIA B.C., CANADA

**LEGAL ADDRESS**  
530 MICHIGAN STREET VICTORIA B.C. PID: 029-737-324  
LOT 3, DISTRICT LOTS 1732-1741 INCLUSIVE, VICTORIA CITY, PLAN EPP54040.

**DRAWING CONTENTS**

LDP 0.00	COVER PAGE		
LDP 00.1	RENDERED PLAN	& LEGENDS	
LDP 00.2	TREE MANAGEMENT PLAN		
LDP 1.00	MATERIALS AND GRADING	BUILDING C	LEVEL 1
LDP 1.01	MATERIALS AND GRADING	BUILDING C	LEVEL 2
LDP 1.02	MATERIALS AND GRADING	BUILDING C & E	LEVEL 1
LDP 1.03	MATERIALS AND GRADING	BUILDING C & E	LEVEL ROOF
LDP 2.00	PLANTING PLAN	BUILDING C	LEVEL 1
LDP 2.01	PLANTING PLAN	BUILDING C	LEVEL 2
LDP 2.02	PLANTING PLAN	BUILDING C & E	LEVEL 1
LDP 2.03	PLANTING PLAN	BUILDING C & E	LEVEL ROOF
LDP 3.00	SECTIONS	BUILDING C, D & E	



12/01/2017 10:00 AM  
REV. 001  
REV. 002  
REV. 003

Capital Park Mixed Use  
Development Phase 3

530, 540, & 550 Michigan Street,  
Victoria B.C.  
Legislature Precinct, Lot 3, Victoria City,  
Plan EPP54040

COVER PAGE

DATE	12/01/2017	SCALE	1:750
PROJECT	12044		
REV	21 AUGUST 2017		
REVISION	12044 Plan 001		
CLIP	12-10-6		
DATE	12/01/2017		

LDP 0.00





PAVING LEGEND		SITE FURNISHING LEGEND		HARDSCAPE LEGEND	
KEY	DESCRIPTION	KEY	DESCRIPTION	KEY	DESCRIPTION
11	High-pressed Concrete Slab	11	Metal Gate	11	Concrete Wall
12	Concrete Unit Paver - Type 1	12	Refer to Architecture	12	Cast in Place
13	Concrete Unit Paver - Type 2	13	Privacy Screen	13	Refer to Architecture
14	Concrete Unit Paver - Type 3	14	Refer to Architecture	14	Concrete Wall with Stone Facing
15	Concrete Wood Decking	15	Guard Rail	15	Cast in Place
16	Refer to Architecture	16	Refer to Architecture	16	Refer to Architecture
17	CP Concrete	17	Landscaped Wood-Deck Bench	17	CP Concrete Stairs
18	CP Concrete	18	Refer to Architecture	18	Cast in Place
19	Maintenance Strip	19	Bike Rack - Loop Sign	19	Concrete Post
20	Crushed Gravel	20	21 Class 2 Bike Parking Spaces	20	Cast in Place
21	Concrete Pavers	21	Refer to Architecture	21	Refer to Architecture
22	Refer to Architecture	22	Hand Rail	22	Privacy Wall
			Refer to Architecture	23	Refer to Architecture

Class 2 bike parking stalls required : 21  
Class 2 bike parking stalls provided : 22

**PWL partnership**

330, 540 & 550 Michigan Street, Victoria B.C.  
Legislative Precinct, Lot 3, Victoria City, Plan EPP-4243

**CONC=RT**

### Capital Park Mixed Use Development Phase 3

**RENDERED PLAN & LEGENDS**

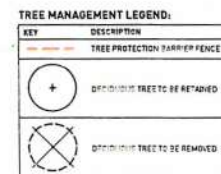
330, 540 & 550 Michigan Street, Victoria B.C.  
Legislative Precinct, Lot 3, Victoria City, Plan EPP-4243

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Project No: 17044  
Date: 21 AUGUST 2017  
Revision: 17044 Plan rev  
Drawing: 17-154  
Drawing: 17-154

LDP 00.1

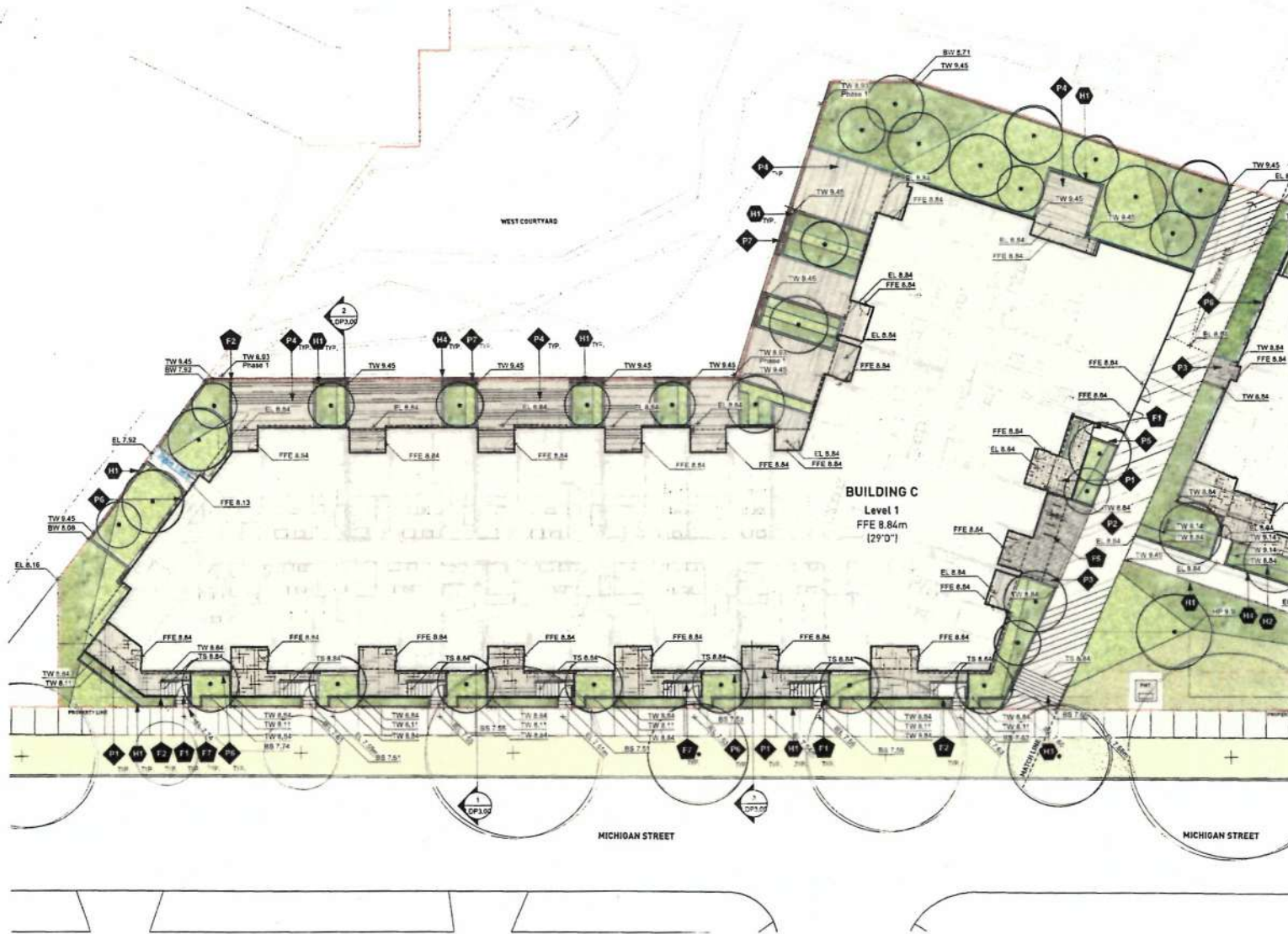




● TREE PROTECTION BARRIER FENCING DETAILS

LDP 00.2





**PWL partnership**

Professional Partnership of Professional Engineers, Architects, Planners, and Environmental Engineers

**capital effect**

**Jawi Properties Ltd.**

**CONC-RT**

530-540 Mich St, Victoria, BC V8V 1A5  
Tel: 250-383-1111  
Fax: 250-383-1112  
Email: info@capital-effect.com

**Capital Park Mixed Use Development Phase 3**

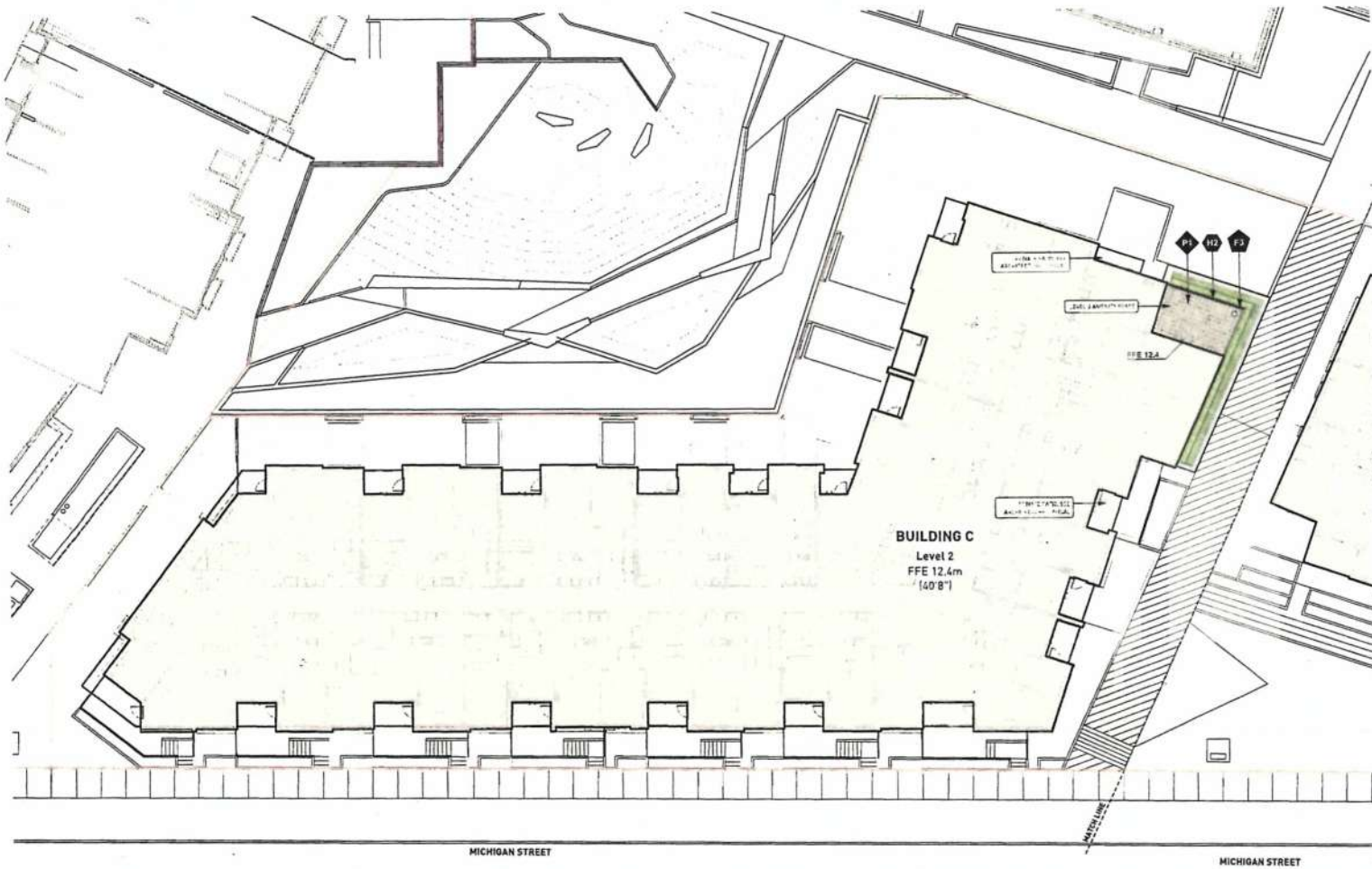
530, 540 to 560 Michigan Street,  
Victoria, B.C.  
Legislative Precinct (Lot 3) Victoria City,  
V8V 1A5 (2017.07.03)

**MATERIALS AND GRADING  
BUILDING C  
LEVEL 1**

DATE	17044
BY	21 AUGUST 2013
FILE NAME	17044 Plan.dwg
PLT FILE	17-15-4
TABLE	25/07

**LDP 1.00**



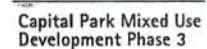


**PWL partnership**  
PWL Partnership & Development Services Inc.  
100 West 10th Street, Suite 100  
Winnipeg, MB R2S 1A8  
Tel: (204) 786-1111  
Fax: (204) 786-1112  
www.pwl.ca

**Javi Properties Ltd.**  
**CONCORT**

**OF RECORDS**  
NO. DATE DESCRIPTION  
01 1998 1st Floor Plan  
02 2000 2nd Floor Plan  
03 2001 3rd Floor Plan  
04 2002 4th Floor Plan  
05 2003 5th Floor Plan  
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530, 540 & 550 Michigan Street,  
Victoria B.C.  
Legislative Plannet, Lot 3, Victoria City,  
V1W 1E6 (Canada)

**MATERIALS AND GRADING  
BUILDING D & E  
LEVEL 1**



LDP 1.02





NO.	DATE	DESCRIPTION
1	10/01/2017	Issue 1.00
2	22/11/2017	Issue 1.03 - Final Plan

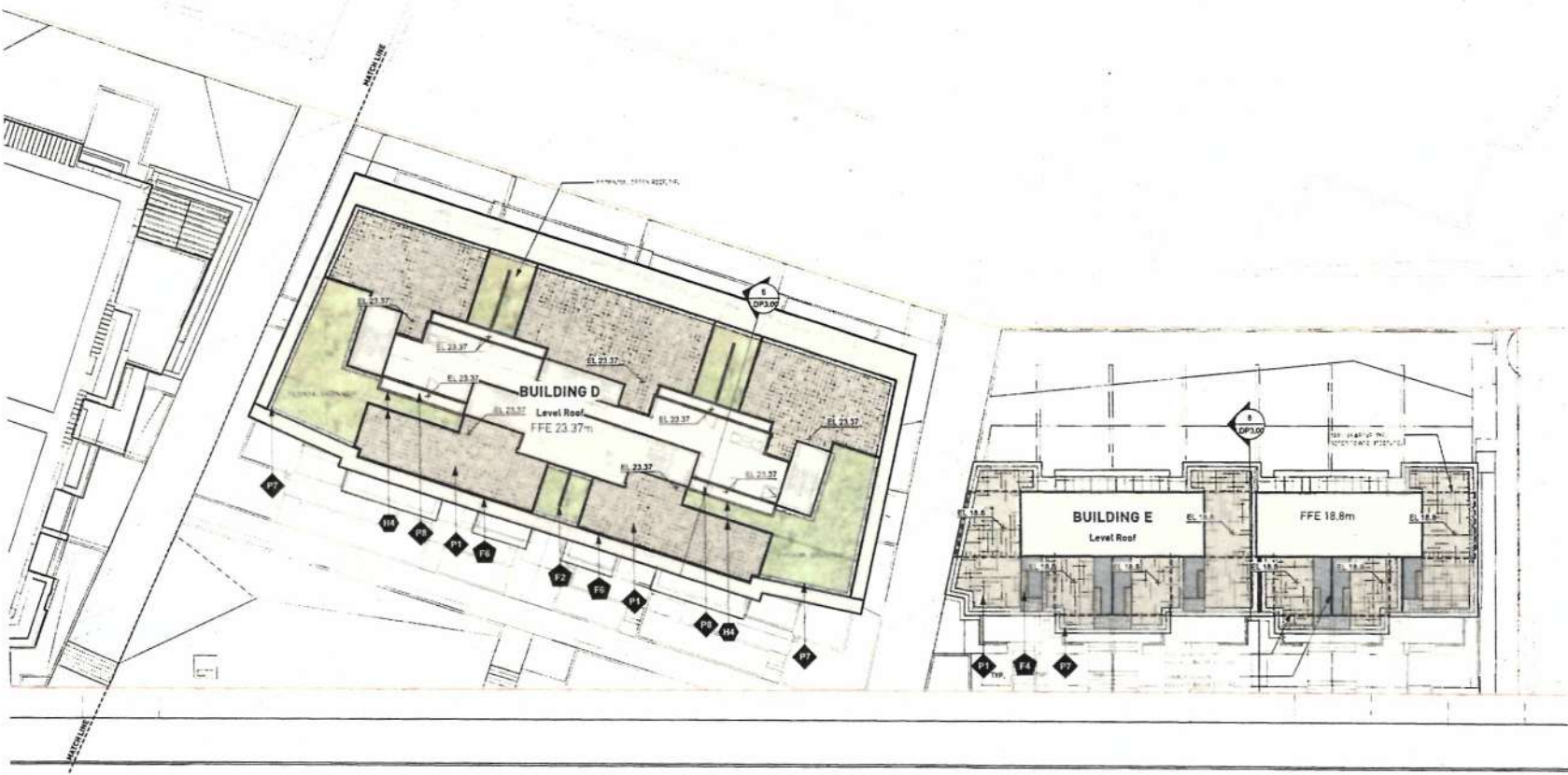
## Capital Park Mixed Use Development Phase 3

530, 540 & 560 Michigan Street,  
 Victoria B.C.  
 Legislative Assembly, East 2 Victoria City,  
 Plan EX-100-100

## MATERIALS AND GRADING BUILDING D & E LEVEL ROOF

PROJECT NO.	17044
DATE	21 AUGUST 2017
PROJECT	17044 Plan JWB
DATE	17-10-16
DESIGN	JWB
PROJECT	17044

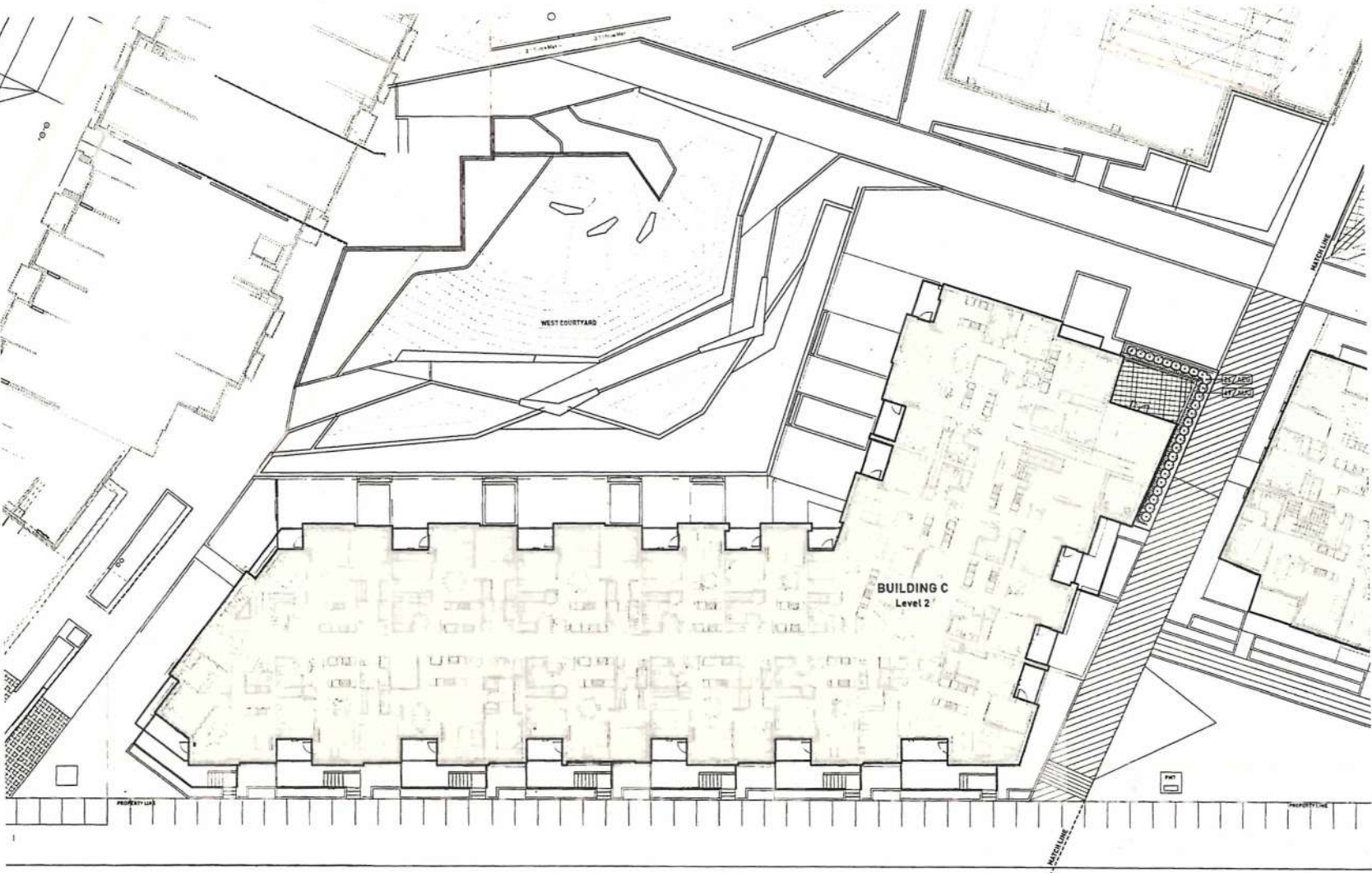
**LDP 1.03**











**Capital Park Mixed Use  
Development Phase 3**

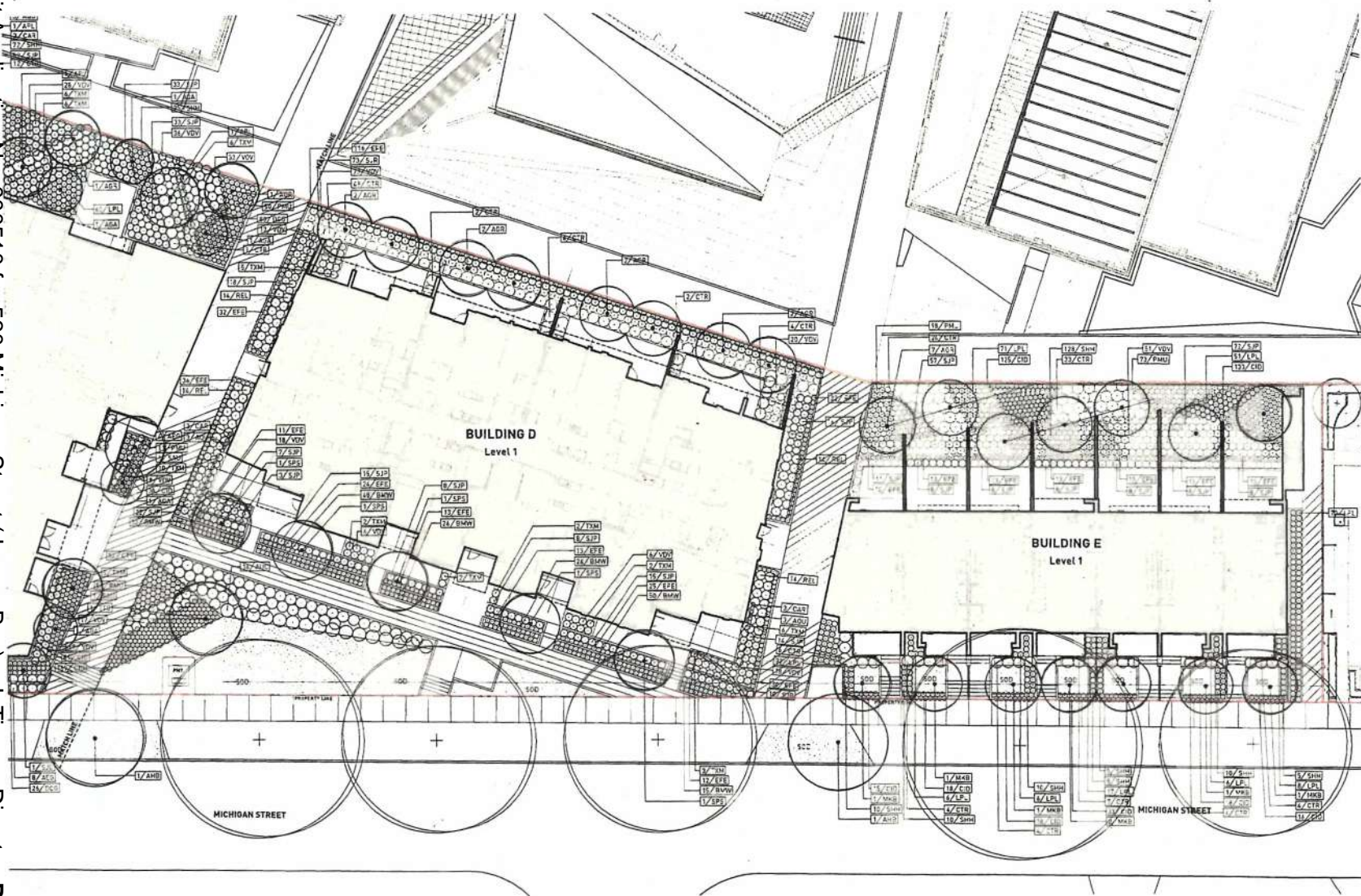
550, 540 to 560 Michigan Street,  
Victoria B.C.  
Legislative Process: Part 7, Victoria City,  
Plan 170044

**PLANTING PLAN  
BUILDING C  
LEVEL 2**

	SCALE 1:150
PROJECT NO.	17044
DATE	21 NOVEMBER 2017
REVISION	17044 Plan 1001
DATE	17-10-16
STATUS	REVISED

**LDP 2.01**





ML DATE	2017/01/01
ML DATE	2017/01/01

### Capital Park Mixed Use Development Phase 3

530, 540 & 560 Michigan Street,  
Victoria B.C.  
Legislative Proposal, Lot 3 Victoria City,  
Plan E01114-00

### PLANTING PLAN BUILDING D & E LEVEL 1

SCALE	1:150
DATE	2017/01/01
BY	21 AUGUST 2017
NO. 1011	1011-01-01
DATE	2017/01/01
BY	2017/01/01
NO. 1011	1011-01-01

LDP 2.02





530, 540 to 560 Michigan Street,  
Victoria B.C.  
Legislative Precinct, Lot 3 Victoria City,  
Plan 19774349

PLANTING PLAN  
BUILDING D & E  
LEVEL ROOF

1:150

17044

21 AUGUST 2017

17044 Plan JMS

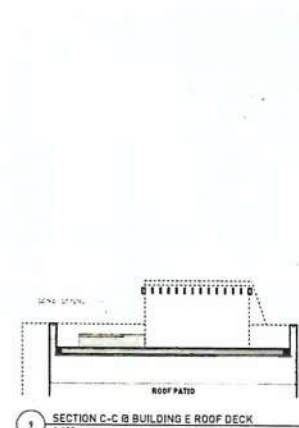
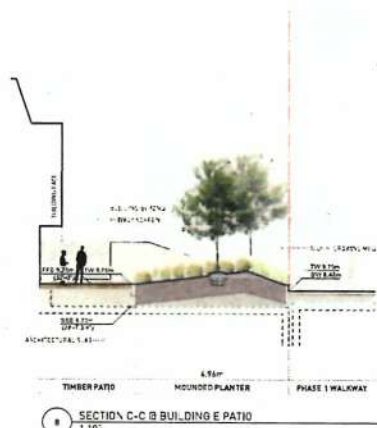
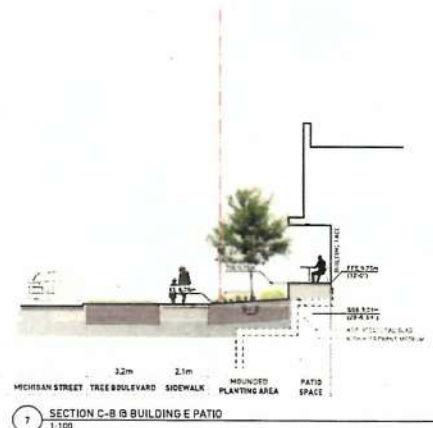
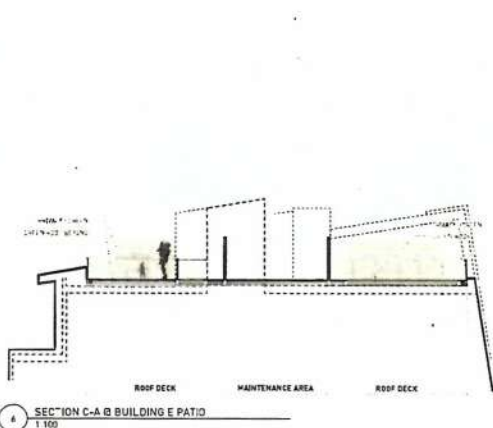
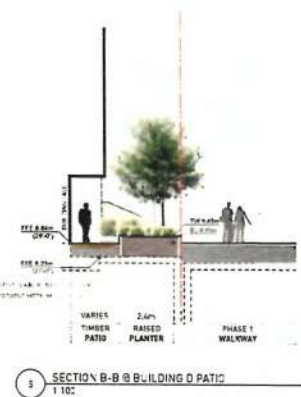
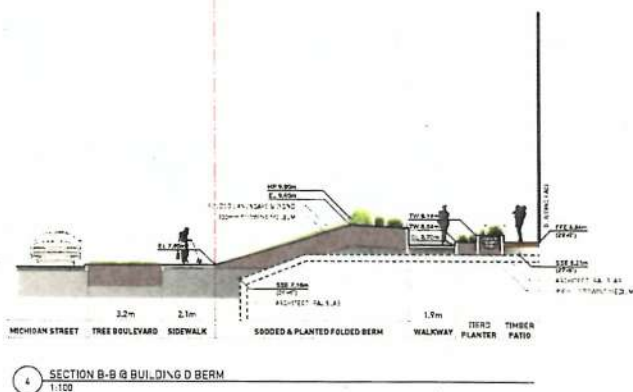
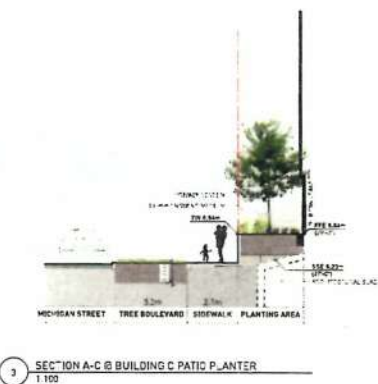
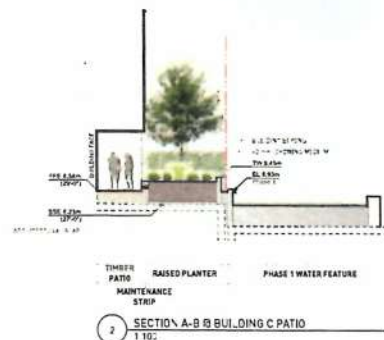
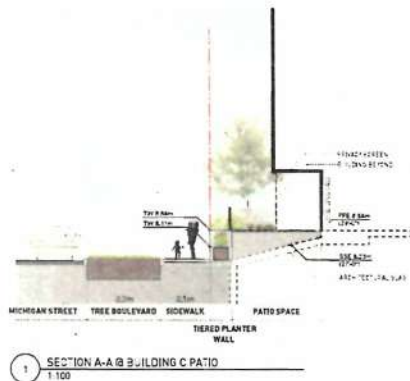
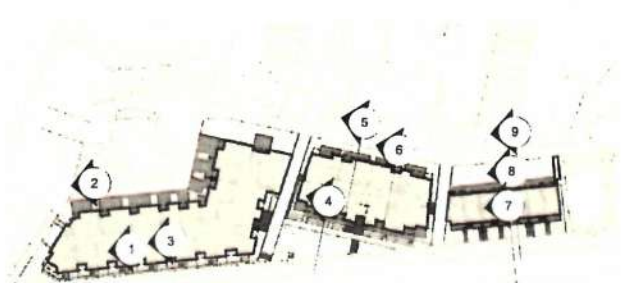
17-10-6

JMSF

JMSF

LDP 2.03





PWL partnership	
PWL Partnership Logo: A stylized logo consisting of three curved lines of varying lengths, suggesting a path or a stylized 'P'.	
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Capital Park Mixed Use Development Phase 3

SECTIONS	
530, 540 & 550 Michigan Street Victoria B.C. Legislative Assembly, East 3, Victoria City Plan: 00000000	
As Shown	
09 JUNE 2017	
15000	
15000	
15000	
15000	
15000	
15000	
15000	
15000	

LDP 3.00



# Jawl Development Corporation



Aug 24, 2017

City of Victoria  
1 Centennial Square  
Victoria, BC V8W 1P6

Attention: Mayor and Council



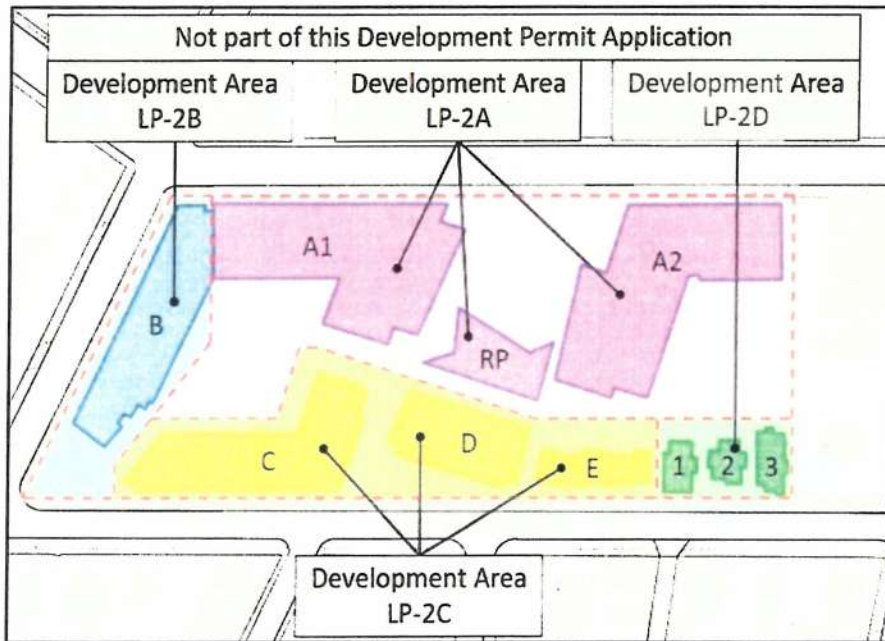
**Re: Development Permit Application for Development Area LP-2C, Legislature Comprehensive District  
– Capital Park, Victoria, BC**

## Introduction

Jawl Precinct Lands Corp and South Block (Concert) Ltd (collectively the "Applicant") are pleased to submit this letter and the enclosed documents in support of a Development Permit application for the third and final phase of the Capital Park mixed use development on the lands municipally described as 530, 550 and 560 Michigan Street, Victoria, BC and legally described as Lot 3 of Lots 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, and 1741 Victoria City, Plan EPP54040 (the "Site"). Located in the James Bay neighborhood, the overall Capital Park project sits on lands totaling 23,044 square meters (248,040 ft<sup>2</sup>) and is bordered by Superior Street, Menzies Street and Michigan Street. At its eastern edge, the Site is bordered by a land parcel owned by the Province of British Columbia (the "Province") on which is located the Queen's Printer and two heritage homes. Prior to commencement of construction of the first phases of the development in late 2015, the Site accommodated a number of surface parking lots, four commercial buildings accommodating Provincial Government offices and five unoccupied heritage houses.







The portion of the Capital Park project which is the subject of this Development Permit application is situated in Development Area LP-2C. Development Area LP-2C totals 5,677.8 m<sup>2</sup> in site area and is proposed to accommodate three residential buildings.

The LP-2A and LP-2B portions of the Site to the north and west of LP-2C were the subject of a previously approved Development Permit application. Buildings A1, B and the Retail Pavilion (RP) are currently under construction, and Office Building A2 is expected to

commence construction in the fall of 2017. Reconstruction of the three heritage houses relocated within Development Area LP-2D is complete and the houses are now occupied.

This Development Permit application is for the last three building components to complete the overall Capital Park project, and follows the Rezoning application (No. 00457) and concurrent Official Community Plan Amendment application submitted by the Applicant in connection with the Site on July 22, 2014 and subsequently approved on March 12, 2015. This application has been prepared in accordance with the prevailing zoning, the project's Master Development Agreement, and the Capital Park Urban Design Guidelines and no variances are being sought.

### **Description of Proposal**

The components of the Capital Park mixed use development which are the subject of this Development Permit application incorporate a total of 10,440 m<sup>2</sup> (112,375 ft<sup>2</sup>) of gross floor area and consist of the following primary components:

1. Building C is a four storey residential building containing 70 condominium units totaling 5,735 m<sup>2</sup> (61,726 ft<sup>2</sup>) in area, with a range of studio and 1 – 3 bedroom units. Situated along the western portion of the block with south facing frontage onto Michigan Street, this building also defines the southern edge of the west courtyard space being developed as part of the Phase 1 construction of Office Building A1 and the retail / residential Building B.
2. Building D is a five storey, 37 unit residential building with a range of 1 – 3 Bedroom + Den units totaling 3,887 m<sup>2</sup> (41,839 ft<sup>2</sup>) in area. Located midblock and fronting southwards onto Michigan Street, this building also defines the southern edge of the central plaza located opposite the Legislature Building and between the two office buildings A1 and A2.
3. Building E includes seven 2 ½ – 3 storey townhouse units totaling 818 m<sup>2</sup> (8,807 ft<sup>2</sup>) in area, and is situated between Building D to the west and the three recently restored heritage houses to the east. The townhouses are scaled to relate to the heritage houses and the lower scale residential neighbors on the opposite side of Michigan Street to the south.

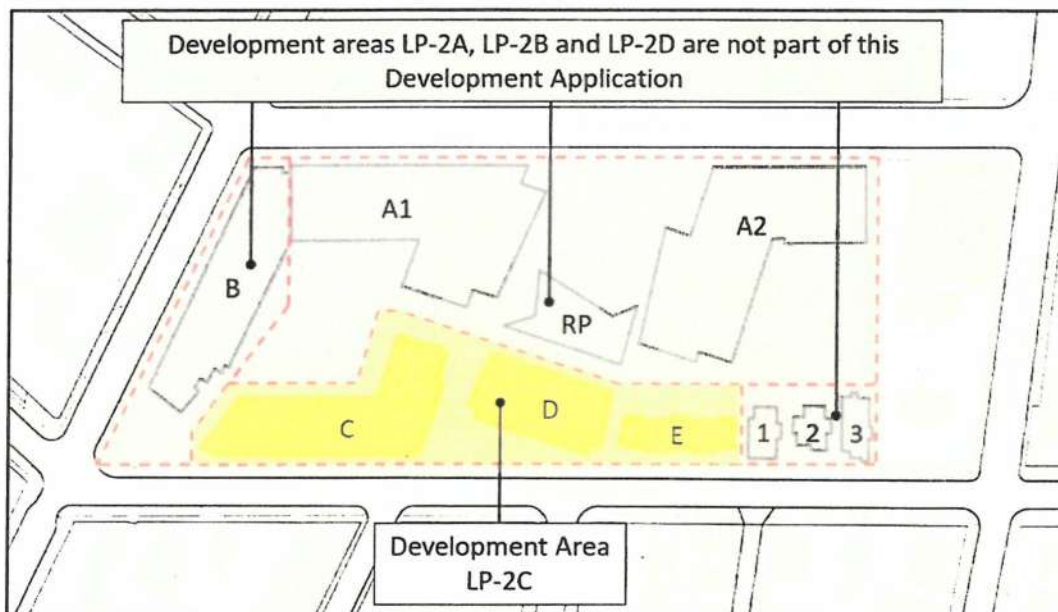


4. This Development Application proposes to build upon and further define the integrated network of pedestrian walkways, plazas, courtyards, and street frontage improvements of the overall Capital Park project which will link the Site with the surrounding community and establish an attractive, safe, and lively public realm. The completion of the southwest corner pedestrian passage way to the west courtyard situated between Buildings B and C, and the provision of the two pedestrian walkway extensions and triangular mini park at the foot of Parry and Powell Streets are key elements of this application and will enable the completion of public pedestrian connections through the overall Site as envisioned in the Capital Park Urban Design Guidelines.
5. All vehicular parking for Buildings C, D and E will be provided in a below grade parking structure accommodating a total of at least 132 spaces, exclusive of an additional 7 tandem spaces provided within secure private 2 car garages associated with the townhouse units in Building E. With shared access by way of the parking entry ramp off of Menzies Street, the single level structure will also provide for a secure bicycle parking mezzanine, garbage and recycling operations, and individual residential storage lockers.

Development Area LP-2C				
	Building C	Building D	Building E	Parking
Residential	5,735 m <sup>2</sup> (61,726 ft <sup>2</sup> )	3,887 m <sup>2</sup> (41,839 ft <sup>2</sup> )	818 m <sup>2</sup> (8,806.8 ft <sup>2</sup> )	132
Total	10,440 m <sup>2</sup> (112,372 ft <sup>2</sup> )*			132**

\* 10,440 m<sup>2</sup> (112,375 ft<sup>2</sup>) permitted under applicable zoning.

\*\* 114 minimum required under applicable zoning.



### **Design and Development Permit Guidelines**

In connection with the Rezoning application submitted in July of 2014 and approved in March of 2015, the overall design and development parameters for the Capital Park Site were established. The 2015 approvals also incorporated an OCP amendment allowing for the adoption of the Capital Park Urban Design Guidelines ("CPUDG") prepared by the Applicant's design team. This Development Permit application builds on the design directions set forth in the approved zone and in the CPUDG in a more detailed manner for the buildings and open spaces located in Development Areas LP-2C.



Foundational to the CPUDG were a number of guiding principles intended to serve as overarching themes which speak to the aspirations of the project and which informed the detailed urban design responses outlined in the document. These guiding principles for Capital Park are:

1. The project should respond in a sensitive and complementary way to the Site's unique context proximate to the Legislature and the James Bay neighborhood.
2. The project should facilitate an enhanced public realm that prioritizes public accessibility and permeability to and through the Site via an integrated network of welcoming and well-appointed plazas, courtyards and walkways.
3. The project should respect and enhance street level sight lines towards the Legislature from various approach angles and create new publicly accessible areas to enjoy this vista.
4. The project should prioritize forward thinking approaches to environmental and operational building performance.
5. The project's office space should be designed to market leading quality standards and meet the Province's long term needs.
6. The project's residential units should be designed to accommodate a range of unit types and resident profiles to ensure a healthy diversity of unit options in an attractive and highly livable setting.
7. The project's retail units should contribute to a dynamic street interface, particularly on Menzies Street, and contribute to an expanded array of retail offerings in the James Bay neighborhood.

As was the case for Phases 1 and 2 of the Capital Park project, the Applicant and its design team have been diligent in maintaining consistency with the principles noted above as well as the specific approved design directions in the formulation of the plans which form the basis of this Development Permit application.

### **Architectural Expression / Materials**



The urban design intent for Development Area LP-2C is to create a continuous edge of medium density residential uses along the north side of Michigan Street that is appropriate in scale and texture to the residential neighborhoods to the south. Furthermore, buildings are to be configured to allow for pedestrian



and visual access through the Site in approximate alignment with Parry and Powell Streets, and focused on the Legislature Building. The architectural expression and finish materials employed for the three buildings are intended to relate to other buildings in the surrounding neighborhood and to other building components of the overall Capital Park development.

### Building C

The 4 storey building C is the largest of the Michigan Street residential buildings and is compatible in scale with the 2 – 3 storey commercial and residential uses directly across the street. Together with the 'flat iron' retail building and plaza at the south end of building B, building C helps to frame the view from Menzies Street to the dome of the Legislature and creates a strong invitational gesture to the west courtyard space.



A 3 storey townhouse expression in keeping with the rhythm and scale of the quiet, tree lined residential street is proposed for Building C, and incorporates street facing raised garden terraces with low garden walls and individual entry gates. The fourth level is set back from the lower face of the building to diminish the perceived scale of the building and to allow for generous, outdoor terraces. The main entry lobby and residential amenity space are located along the Parry Street walkway through the Site, providing animation and overlook for the public walkway areas. Primary finish materials include red brown brick to complement the material, color and expression of development on the opposite side of Michigan Street, Building B to the west and Building D to the east. Metal panel cladding is used to frame the "vertical bay windows" at levels 2 and 3, as well as at level 4 to establish a distinct rhythm to the façade and to relieve the longer building frontage along Michigan Street.

### Building D



This 5 storey residential building, located between the north/south pedestrian walkways on the Parry and Powell Street alignments, is situated perpendicular to the Legislature's central axis and scaled to be consistent with office buildings A1 and A2 to better define the south edge of the central public plaza. The plan form of the building is therefore skewed in relation to the Michigan Street frontage, creating a strong



invitational gesture to the public pedestrian walkways through the Site and a triangular landscaped forecourt and pocket park between the Parry and Powell Street ends.

To alleviate the perceived height of Building D from the south and to maintain an appropriate residential scale and texture consistent with other buildings along Michigan Street, a modified "townhouse" expression with garden terraces and individual entry gates is incorporated on the south facing frontage. Furthermore, the uppermost level of the building has been set back from the primary south face of the building and allows for a low profile, articulated roof edge such that the upper level recedes when viewed from street level.

The north façade of Building D performs a critical role as a backdrop to the central public plaza, and will be highly visible from the Legislature grounds. Rather than assuming the appearance of a typical residential apartment building, this façade is intended to relate more closely to the expression of the A1 and A2 office building facades framing the central plaza. To simplify the more highly articulated expression normally associated with residential buildings, without compromising outdoor living spaces and the splendid views to the Legislature from the building, exterior balconies are recessed and potentially screened with glass guards and intermittent louvered panels.

To complement the materiality and expression of Building C to the west, brick is also used as the primary cladding material on the south, west and east faces of Building D, whereas the north façade is clad with prefinished metal panels and utilizes a regular window pattern to be more consistent with the expression of the flanking office buildings. A colonnaded structure at the roof level also contributes to a perception of scale more in keeping with the office buildings, and helps to screen the roof top terraces, roof top stair landings and roof top mechanical enclosures from view.

### Building E



This row of seven 2 – 2 ½ storey townhouses is scaled to relate to the height and proportion of the adjacent relocated and refurbished heritage houses, and to relate to the lower scale, predominantly single family residential neighbors across Michigan Street to the south.

The townhouse units have individual street facing entries with front entry porches and yards overlooking the street. Rear yards are also provided together with integrated landscaping to provide privacy measures and separation from the public walkway and office zones to the north. Each unit is provided with direct access to a private, secure garage located at the P1 parking level with space for two cars parked in a tandem arrangement.

Though distinctly contemporary in character, the townhouses are designed to reference the material, color and detail of neighboring residential buildings. Two different colours of brick will be used as the predominant exterior cladding material to differentiate the scale and proportion of individual unit frontages and to establish a more traditional sense of quality and durability for these homes.



### **Landscape Plan**

The relationship between the Capital Park Project Site, the surrounding context of the Legislature precinct and the neighbourhood of James Bay is a principal driver in informing the character and form of the landscape associated with Residential Buildings C, D and E. Consistent with the CPUDGs, the project seeks to convey a narrative which highlights the immediate and regional landscape, while creating a seamless integration of architecture and landscape as expressed in the 'folded landscape' aesthetic created in Phase 1 and Phase 2 of the Capital Park project. Angular berms, welcoming entrances, privacy screens / plantings, private decks, and a robust planting palette are used to provide a strong landscape typology, distinctive to the Capital Park project, while maintaining a strong relationship to the regional character.



### **Public Entrances and Private Patios**

The delineation of public and private space is a key element to the landscape design associated with residential Buildings C, D and E. Main walkways are noted with specialized surfacing and the architectural forms at the main entries are further marked with signature plantings and surface materials. Gates, screenings, plantings and a distinctive surface material are used within the private patios to ensure delineation between public and private spaces. The west courtyard lineal water feature to be completed as part of Phase 1's construction also serves to maintain privacy between public walkway areas and private patios on the north side of Building C.





### **Pedestrian Permeability and the Streetscape**

Achieving a permeable pedestrian circulation network is a fundamental aspect of the open space network for the project. Connecting the Legislature Precinct and the neighbourhood of James Bay, two north south connections are established through the site. The transition between Capital Park and the surrounding community is further expressed within the streetscape where the design of the Michigan Street frontage carefully considers the character of the existing streetscape, retains the existing street trees and provides a pedestrian environment that responds to the uses, textures and scale of the proposed buildings.

### **Landscape Materials**

The landscape character associated with the residential buildings is informed by a robust and inviting landscape material palette. Informed by the architectural character of the residential buildings, the main and private entrances are framed with concrete and brick walls. These walls create a strong sense of entry, and are softened with robust plantings which provide seasonal interest. Tree canopies within the project provide a comfortable human scale in contrast to the dramatic, specimen trees located along the street frontage. Planted berms, architectural privacy screens, and planted screenings help to provide separation between the residential units. To help facilitate the intended use of space, a variety of paving surface types are used throughout the project. These include cast in place concrete, concrete unit pavers and wood decking. Miscellaneous site furnishings including bike racks and selected seating elements further enhance the shared open space areas.

### **Transportation**

All vehicular parking for the overall Capital Park project is accommodated underground with access provided via two entry ramps (one off Menzies Street and another off Superior Street). All access to parking for Buildings C, D, and E is by way of the Menzies Street entry ramp shared with Buildings B and A1. Consistent with the terms of the CD-2 Zone, at least 132 parking spaces will be provided in connection with Buildings C, D, and E, in excess of the minimum rate of one stall / unit, inclusive of visitor parking.

The number of class 1 and class 2 parking spaces for bicycles is provided at an increased rate of 10% over the number otherwise required by the City of Victoria Schedule C guidelines. No less than 126 Class 1 spaces are to be located at the P1 mezzanine level below Building C, and 14 Class 2 bicycle parking spaces will be located in close proximity to the main entries to Building C and D.

### **Infrastructure**

The design team has consulted with City of Victoria staff to review existing City infrastructure locations and proposed services planned for Phase 3 of the Development. There are currently sanitary sewer, storm drain, water, hydro, communications and gas within the Michigan Street Right-of-Way. Preliminary locations for utility connections for Phase 3 have been identified and will be refined during the detailed design process.

Michigan Street frontage works associated with Phase 3 will be limited to replacement of the existing sidewalk, removal of existing driveways and replacement with grass boulevard and infill concrete curb. The extent of curb and gutter work beyond the replacement sections at old driveways would be confirmed during detailed design. One item of note is the City requirement that the existing street trees on the north side of Michigan Street be protected and retained. This requirement may dictate extent of curb replacement in some areas to limit impact to trees. The scope and extent of this work was established as per the MDA and as part of earlier Development Permit applications for the Site.



Provision for BC Hydro Service on Michigan Street was also coordinated as part of earlier phases of the Development and will require further refinement during detailed design with BC Hydro and communications companies

### Heritage

While there are no direct heritage building aspects to this Development Permit application, the re-location and rehabilitation of the existing heritage homes previously situated elsewhere on the Site were the subject of a separate application, and they are now completed and occupied in Development Area 2D directly to the east of Building E.

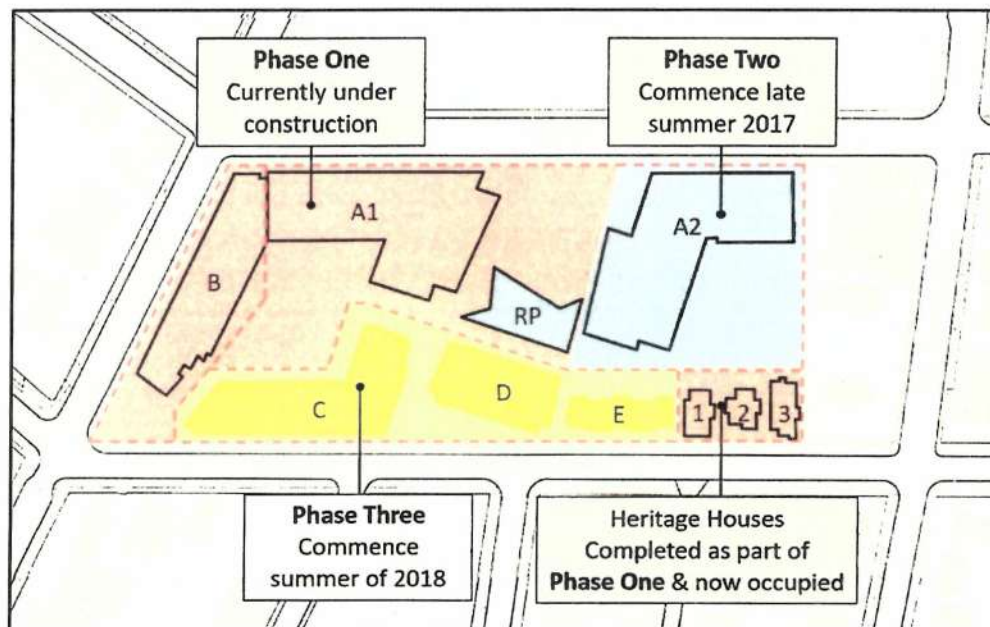
### Green Building Features

The Applicant and the design team are committed to incorporating leading green building principles into the project's design and long term operations. As with Phases 1 and 2, the three residential buildings that are part of the Phase 3 portion of the overall Capital Park project are under consideration to be registered with the Canadian Green Building Council's LEED program. A LEED Gold equivalent level of performance is targeted for Buildings C, D, and E through the utilization of design and construction strategies that include:

- High performance building envelope systems.
- Energy efficient lighting and electrical systems and controls.
- Specifically selected landscape materials that are adaptive and native to the area which require less intensive landscape maintenance.
- Water efficient plumbing fixtures.
- Bicycle storage facilities for building occupants.
- Low VOC interior finishes.

### Project Phasing

To accommodate interim use requirements for a portion of the Provincial Government occupancies originally located on the Site, a phased approach to the construction of Capital Park was necessary. The first phase of construction that includes the construction of Office Building A1, the Retail Pavilion, Building B and all associated parking is currently well underway and scheduled for occupancy in late 2017.





Phase 2 construction of the second Office Building A2 is scheduled to commence in the fall of 2017. As noted previously, three of the heritage houses originally situated on the property have been relocated and refurbished and are now occupied at the southeast corner of the Site. This Development Permit application for Buildings C, D and E is for the third and final phase of the overall Capital Park Project.

### **CD-2 Legislature Comprehensive District Zone**

In connection with Rezoning application (No. 00457) submitted by the Applicant on July 22, 2014, an updated zone for the Site was proposed and subsequently approved on March 12, 2015. This Development Permit application has been prepared so as to be in compliance with the terms of the approved zone in all respects. The details of zoning compliance with the updated CD-2 zone are specified in the project data table included in the drawing package submission. For clarity however, the floor space proposed in the buildings comprising this Development Permit application and the maximum permitted levels for the respective development areas in question are summarized in the table and diagram on page 3 of this letter.

### **Master Development Agreement**

In connection with Rezoning application (No. 00457) submitted by the Applicant on July 22, 2014, an updated Master Development Agreement (the "MDA") was proposed to spell out the basis on which the development of the Site would be permitted to proceed and this too was approved on March 12, 2015. This Development Permit Application has been prepared in accordance with the updated MDA and is in compliance with its terms and conditions as they relate to Development Area LP-2C.

### **Affordable and Family Housing**

The Master Development Agreement provides for the inclusion of both affordable housing and housing suitable for families in the residential components of the project. The following table summarizes the total number of housing units being provided in each of the Capital Park residential buildings which contribute towards the threshold requirements for affordable and family housing requirements set forth in the MDA.

	<b>Affordable Housing Units</b>	<b>Housing Units Suitable for Families</b>
<b>Total Units to be Provided On-Site per the MDA</b>	<b>51</b>	<b>61</b>
Units Provided in Residential Building B	40	7
Units Provided in 580 Michigan (Heritage House)	0	2
Units Provided in 584 Michigan (Heritage House)	2	2
Units Provided in 588 Michigan (Heritage House)	0	3
Units Provided in Residential Building C	26	27
Units Provided in Residential Building D	0	29
Units Provided in Residential Building E	0	7
<b>Total Units Provided On-Site</b>	<b>68 (17 more than req'd )</b>	<b>77 (16 more than req'd)</b>

The MDA defines housing suitable for families as being a housing unit that contains two or more bedrooms. With the completion of Buildings C, D and E as contemplated by this Development Permit Application, a total of 77 two and three bedroom units will be provided amongst the 7 residential buildings on the Capital Park site, 16 in excess of the MDA requirement.



The MDA defines Affordable Housing Units as housing units which meet one or more of the four criteria noted in Section 6.3 of the MDA. Among these criteria is the development of Small Market Units being a housing unit that is equal to or less than 52 m<sup>2</sup> in floor area. Residential Building B contains 40 units which fall under this size threshold. With 40 Affordable Housing Units within Building B nearing completion and 2 within the heritage house at 584 Michigan already completed, the remaining Affordable Housing Units are to be provided on the Site across the three residential buildings proposed for Development Area LP-2C. As itemized in the above table, the 26 Affordable Housing Units provided in Building C brings the total provided within the Capital Park project to 68, 17 in excess of the MDA requirement.

### **Project Benefits and Amenities**

The overall benefits and amenities presented by the Capital Park mixed use development were comprehensively described in connection with the July 2014 Rezoning application for the Site. The first phases of work which were the subject of a previous Development Permit application present the first opportunity for these community benefits to be realized. Upon completion, the build out of Development Areas LP-2A and LP-2B will see the addition of sustainably designed high quality office, retail and residential premises as well as the supporting and complementary open space network associated with these areas. At completion, these components of the Capital Park project will accommodate Provincial Government offices home to approximately 1,400 occupants, offer 53 housing units home to approximately 80 residents, and add animating retail amenities on the Menzies Street frontage as well as on the borders of the Superior Street Public Plaza. In addition to these benefits, the following amenities are provided for in the build out of Development Areas LP-2A and LP-2B:

- A 700 m<sup>2</sup> retail premises in Building B suitable for library use
- A fitness facility on the main level of Office Building A1
- 40 affordable housing units and 7 housing units suitable for families in Building B
- A well appointed large scale Public Plaza off of Superior Street with public access secured through a statutory right of way
- A \$150,000 public artwork included in the Superior Street Public Plaza
- A \$118,000 cash contribution to the City of Victoria
- A series of lanes, walkways, courtyards and plazas accessible to the public and designed to link the Site with the surrounding community
- Extensive sustainability infrastructure including extensive considerations supportive of alternative transport methods
- A high quality urban and architectural design which will contribute positively to the built environment of the James Bay community.

In addition to the list above, this application for Development Area LP-2C will provide for benefits and amenities that include;

- An additional 26 Affordable Housing Units in Building C and 63 more housing units suitable for families in Buildings C, D and E.
- Full completion of the integrated network of lanes, walkways, courtyards and plazas that link the Site with the surrounding community.
- A total of 114 residential units accommodating a variety of unit types and sizes within the James Bay area that contribute to the diversity and vitality of the neighborhood.



**Conclusion**

The Applicant and the design team are pleased to present this Development Permit application which would enable the third and final phase of the Capital Park project to commence. We are excited to continue the work on this dynamic mixed use community and to realize the benefits to the James Bay community and the City of Victoria that it affords. We have proceeded thoughtfully in the development of the Site and building designs for all of the Capital Park Development Areas so as to ensure a high quality response which respects the principles of the zone, the Capital Park Urban Design Guidelines and proceeds in accordance with the Master Development Agreement. We hope to be able to commence construction of this final phase of work in 2018.


We sincerely appreciate the time and effort put forth thus far by members of staff at the City of Victoria in assisting with a collaborative and expedited approach to the previous Development Permit applications as well as the July 2014 Rezoning application. We look forward to working with City staff and Council in connection with this application in the months ahead and are available as necessary to answer any questions or furnish additional information as required.

Sincerely,

**JAWL DEVELOPMENT CORPORATION**

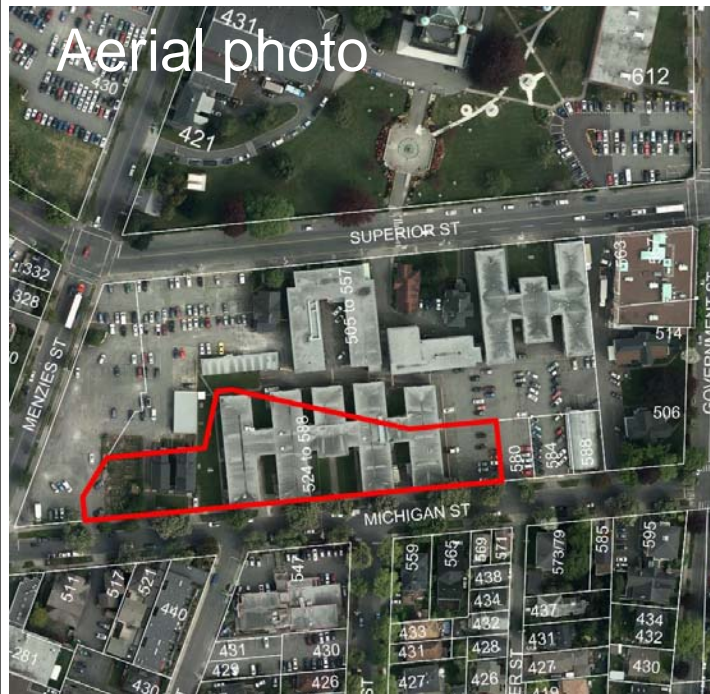
Per:   
Robert Jawl

**CONCERT REAL ESTATE CORPORATION**

Per:   
Brian McCauley



# Development Permit Application for 530, 550 and 560 Michigan Street





## Subject Site As Is



## Site Context





## Site Context



## Site Context

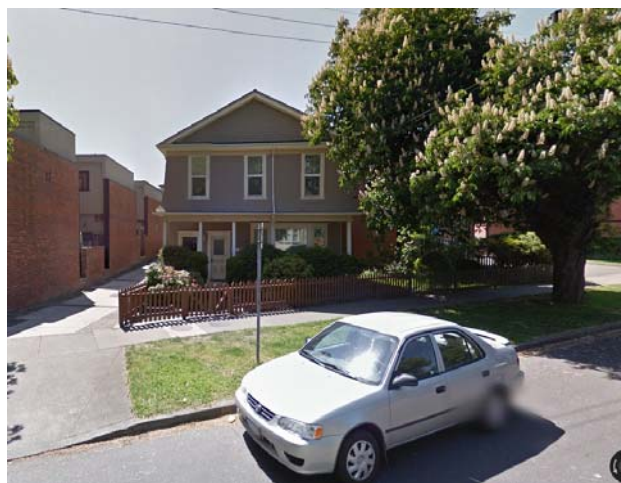




## Site Context



## Site Context

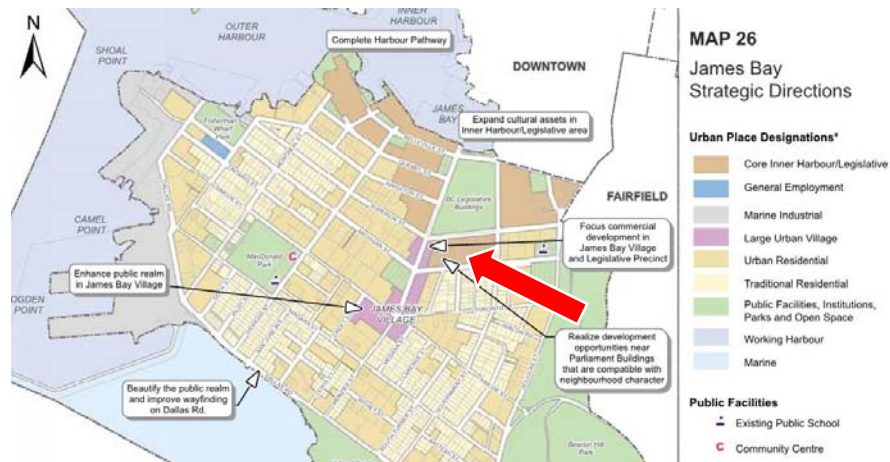




## Site Context

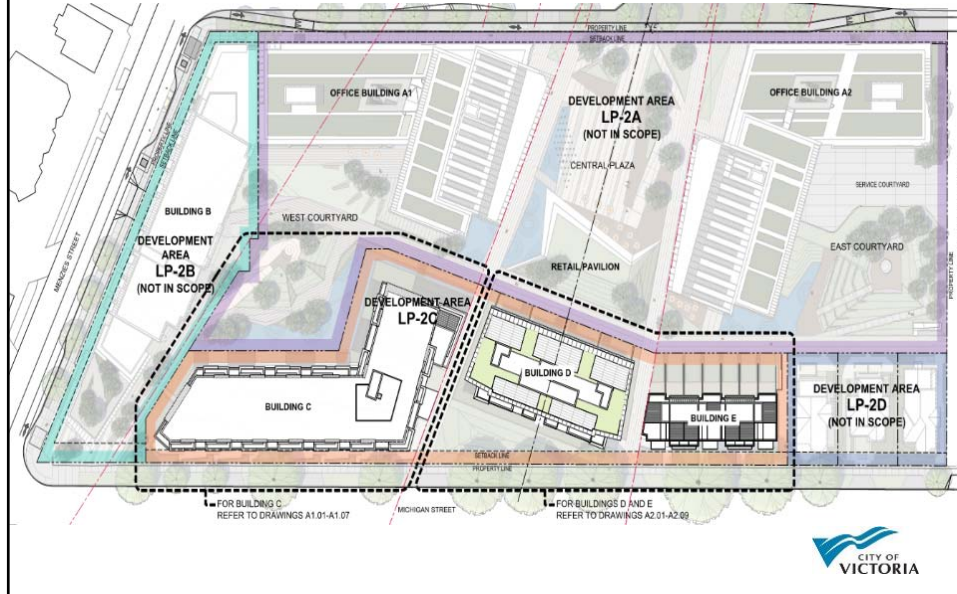


## OCP map

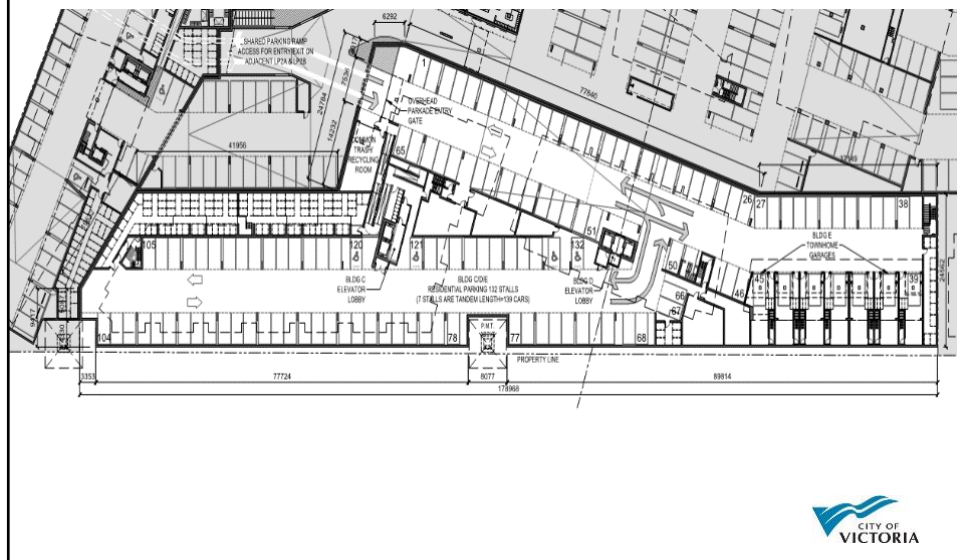




## Proposed Site Plan



## Building C,D,E – Parking Plan

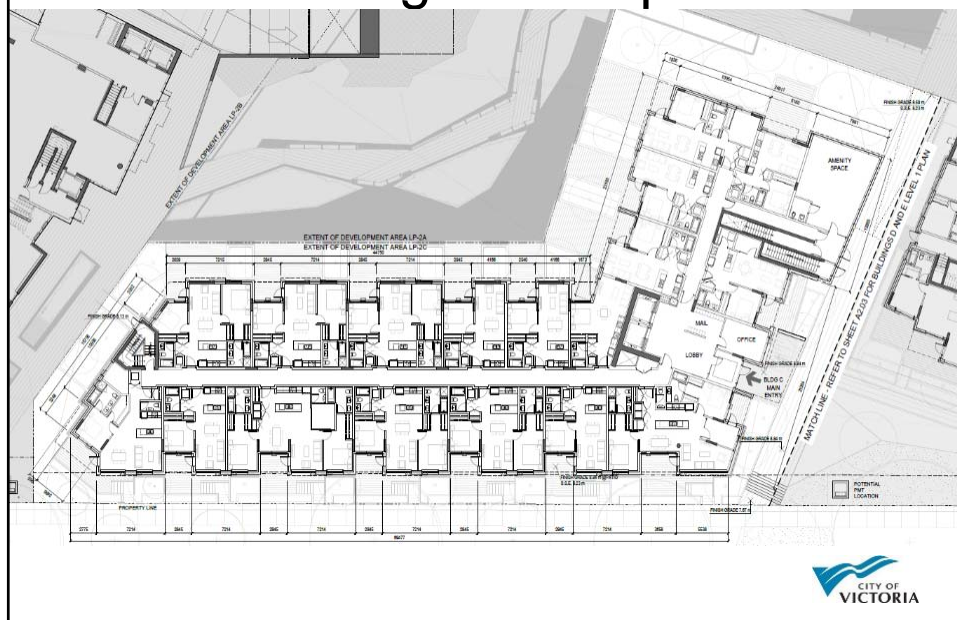




## Landscape Plans



## Building C Floorplan





## Front Elevation – Building C



## Rear Elevation – Building C





## East Elevation – Building C



## Building C – Rendering





# Building C – Rendering

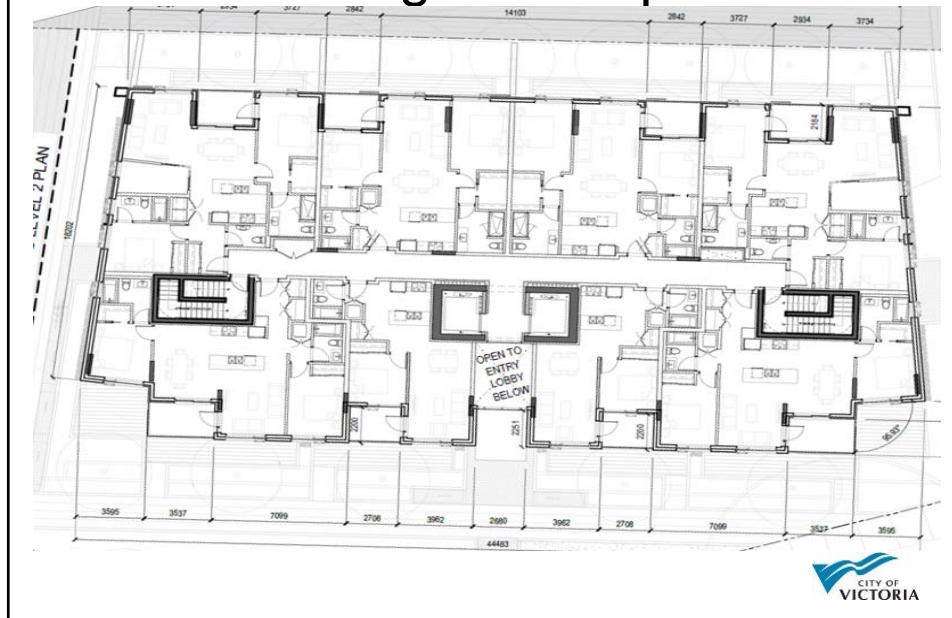


# Building C – Material Board





## Building D Floorplan



## Front Elevation – Building D





## Rear Elevation – Building D



## Side Elevation – Building D





## Building D – Rendering



## Building D – Rendering

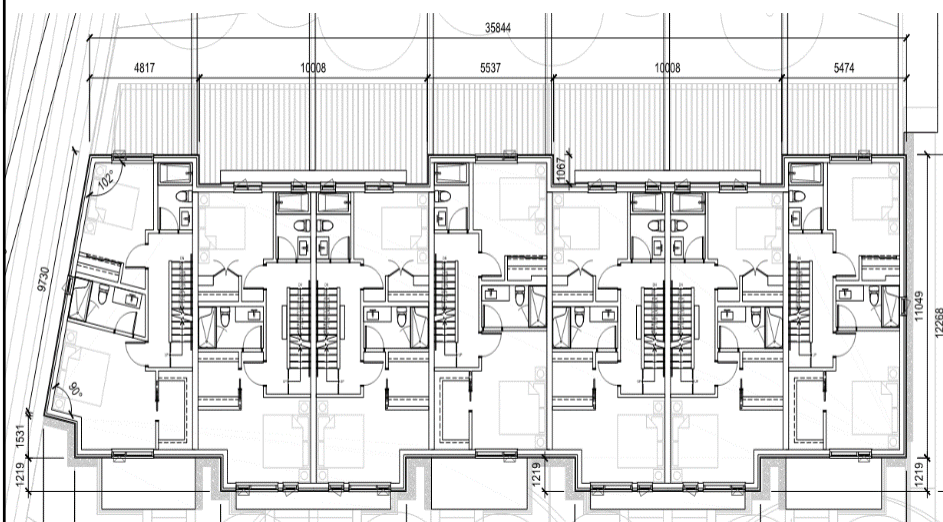




# Building D – Material Board



## Building E – Floorplan





## Front Elevation – Building E



## Rear Elevation – Building E





## Side Elevation – Building E



## Building E – Rendering

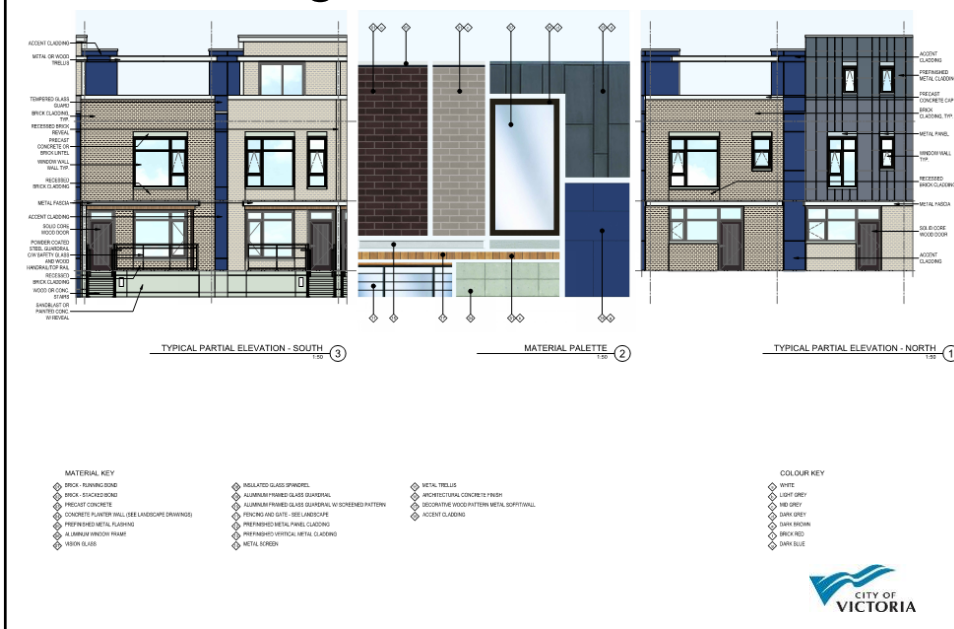




## Building E – Rendering



## Building E – Material Board





## Full Site Rendering







**Committee of the Whole Report  
For the Meeting of November 23, 2017**

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**To:** Committee of the Whole **Date:** November 17, 2017  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** **Market Rental Revitalization Study Project Update – Building Maintenance and Tenant Stability Measures**

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## RECOMMENDATIONS

That Council:

1. Receive this Market Rental Revitalization Study Project Update report for information
2. Direct staff to:
  - a. prepare a new Standards of Maintenance Bylaw and Tenant Relocation Policy based on the recommendations contained in this report;
  - b. seek feedback on the above at the Market Rental Revitalization Study focus group sessions and return to Council with final drafts for approval by Q1 2018
  - c. examine the City's authority to further improve tenant stability through other legislative mechanisms

## EXECUTIVE SUMMARY

The Market Rental Revitalization Study (MaRRS) is an examination of potential regulations, policy, and incentives to preserve and improve the existing stock of aging rental apartment buildings in the City of Victoria. One of the key objectives of the study is to fulfil an action in the Victoria Housing Strategy to protect existing rental stock by reviewing and updating the Property Maintenance Bylaw to improve tenant housing quality, and to examine the City's legislative authority for a municipal role in maintaining rental tenant stability. Following a substantial review of provincial tools and work in this area in other jurisdictions, staff recommend the best way to complete these actions is by developing a new standalone standards of maintenance bylaw and a new tenant relocation policy for use as a guidance tool in rezoning applications and general policy guidance for property owners pursuing redevelopment involving tenant displacement. Staff also recommend pursuing further legal analysis on solutions that may exist to supplement these actions under Victoria's regulatory powers in the Community Charter and other legislative documents. If Council approves of the approach recommended in this report, staff could seek feedback on the new bylaw and policy at MaRRS focus groups scheduled to take place in January 2018, and return with bylaws and policy ready for approval by Q1 2018.

## PURPOSE

The purpose of this report is to present Council with the first project update to the Market Rental Revitalization Study, including information, analysis and recommendations for a municipal role in maintaining residential building standards and rental tenant stability.



## BACKGROUND

The Market Rental Revitalization Study (MaRRS) was designed to achieve four supporting actions outlined in the Victoria Housing Strategy under the overarching action of "Protect existing rental stock." The study's role is to look at policies, regulations, and incentives to preserve Victoria's large stock of market rental housing developed between 1960 and 2000 that typically provides lower rental rates than newer purpose-built rentals, but may also be requiring significant upgrades for safety and liveability. Due to a confluence of factors such as a low rental vacancy rate, the cost of major capital repairs, lower rents, long-standing tenancies, and a rapid and marked increase in land values, tenants in these buildings are at risk of living in substandard housing conditions or losing their housing due to major repairs, redevelopment, or ownership changes.

This same stock of aging market rental housing has also been identified as being a major contributor to carbon emissions in the City, and with the assistance of a BC Hydro grant, MaRRS will also be examining how energy efficiency upgrades may be achieved in these buildings while still maintaining affordability. As well, earlier research commissioned by the City also identifies this stock as being particularly vulnerable to seismic impacts, and so MaRRS is thirdly looking at the feasibility of incorporating seismic upgrades in the regulations, policies, and incentives under consideration. A Request for Proposals was issued in summer 2017 to procure consultant support to complete this project; a consultant group consisting of RDH Consulting, the Community Social Planning Council and Skyline Engineering were the successful proponents.

Two of the four supporting action items in the Housing Strategy that fall under the MaRRS project are the subject of this project update: "Examine legislative authority for a municipal role in maintaining rental tenant stability", and "Review and update the Property Maintenance Bylaw to improve tenant housing quality." Updates with regard to energy efficiency and seismic upgrades will be forthcoming in future reports.

### Existing Regulations and Policy Gaps

In housing markets such as Victoria, where there is intense competition for rental units and therefore limited housing options available, tenants can be vulnerable to housing instability through substandard housing conditions or insecure tenancies. The Residential Tenancy Act (RTA) is provincial legislation that regulates residential tenancies in British Columbia. Under the Act, landlords are responsible for maintaining their rental units in a good state of repair. The Act also gives permission to landlords to issue a notice to end tenancy if work on the unit is required that necessitates the unit being vacant. However, there is some question as to whether the Act is sufficiently protecting tenancies in these instances. As a result, several municipalities in British Columbia have adopted supplementary policy and bylaws to improve tenant housing quality and housing stability beyond the measures identified in the RTA; the Victoria Housing Strategy identifies exploring whether the City of Victoria should follow suit as supporting action item.

## ISSUES AND ANALYSIS

### Property Maintenance

Victoria currently has a Property Maintenance Bylaw; however, its provisions are limited to external elements and the protection of neighbours and neighbourhood character (the stated purpose of the bylaw is to regulate, prohibit, and impose requirements in relation to refuse,



water accumulation, weeds, and graffiti or other 'unsightly conditions' on the property). There is no consideration in the current bylaw for the interior condition of a property or the health and safety of its occupants.

Through the Housing Strategy, Council has directed staff to prepare bylaw amendments to amend the Property Maintenance Bylaw to improve tenant housing quality. From the review of other jurisdictions' work in this area, as well as guidance provided by the province, a more common approach appears to be the establishment of a standalone standards of maintenance (SOM) bylaw that establishes standards for the interior of buildings including:

- impacts of leaks from plumbing or water ingress
- functioning heat and hot water
- pest control
- fire safety concerns such as alarm systems and means of egress
- integrity/functionality of housing elements such as doors, windows, sanitation facilities, electrical facilities, appliances, etc.

An overview of select cities' bylaws is contained in Attachment A – MaRRS Policy Research.

Because the current Property Maintenance Bylaw contains no provisions for the interior condition of a property or health and safety of occupants, and the province gives authority and guidance to municipalities to create SOM bylaws, staff recommend instead that Council consider creating a new standalone SOM bylaw for Victoria, rather than update the existing Property Maintenance Bylaw. In so doing, the City would have the ability to impose penalties on property owners who do not adhere to regulations and thus improve quality of housing for tenants. There would also likely be a positive impact on building upkeep and the retention of existing housing, as well as some mitigation around concerns of demolition by neglect. The Property Maintenance Bylaw could remain in effect so that the City could use both pieces of legislation to regulate the upkeep of residential property. (The City could also choose to repeal the Property Maintenance Bylaw with the implementation of a SOM bylaw in order to have only one municipal bylaw relating to property maintenance; however as the bylaws do not contain significant overlap in terms of general standards, this is not required or recommended.) It should be noted that a SOM bylaw would apply to all residential housing in the City, and not only rental properties.

#### *Content Considerations*

Based on the jurisdictional scan of typical components of a SOM bylaw as well as guidance provided by the Province, staff recommend Council consider the following for Victoria's SOM bylaw:

- Standards to regulate  
While some jurisdictions contain extensive lists of items subject to enforcement (see Attachment A), it is recommended that the City of Victoria keep its list minimal while still ensuring basic building standards are met in order to ensure maximum enforceability and in recognition of the City's available resources. Proceeding in this way also ensures that the intention of the implementation of this bylaw – to ensure housing habitability – is provided for without risking tenancies. Including more building-related concerns as some other municipalities do such as foundation issues, room sizes, ceiling heights, etc., would not only require additional staff resources to enforce (for example building inspection staff for technical building elements) but would also significantly increase the risk of housing loss should dwellings be found not to be in compliance, especially in instances of unauthorized suites, effectively defeating the purpose of establishing this bylaw. (Further consideration of unauthorized suites is noted below). The following



outlines the primary maintenance issues staff recommend including in the Victoria SOM bylaw:

Issue	Possible regulation
Impacts of leaks from plumbing or water ingress	All plumbing, including plumbing fixtures, drains, vents, water pipes, toilets and toilet tanks and connecting lines to the water and sewer system, shall be maintained in good working order and repair, free from leaks or other defects and protected from freezing.
Functioning heat and hot water	Every hand basin, bathtub, shower, and sink shall have an adequate supply of hot and cold running water and every toilet and toilet tank shall have an adequate supply of running water. Hot water shall be supplied at minimum temperature of 45C (113F) and a maximum of 60C (140F).
Pest Control	If pests have infested land, or any building or accessory building on it, the owner of the land must eliminate the infestation.
Fire safety concerns such as alarm systems and means of egress	Walls, floors and roof constructions, including fire protective closures, sprinkler systems, including fire alarm, and detection systems and other means of fire protection, shall be maintained so that they continue to provide the fire resistive properties and protection for which they were designed.
Integrity/functionality of housing elements such as doors, windows, sanitation facilities, electrical facilities, and appliances	Doors, windows, sanitation and electrical facilities and appliances identified in the Tenancy Agreement shall be maintained in good working order and repair

- Extending provisions to unauthorized suites

The province notes that the provision of an SOM bylaw would not need to imply that a rental unit has satisfied the requirements of other bylaws, and that the landlord could be required to maintain the unit to the state of repair identified in the bylaw without necessarily having to 'shut the unit down'. The importance of this is that like many other jurisdictions across BC, a significant number of rental units in the Victoria are unauthorized (illegal), and tenants could be concerned that reporting a complaint about maintenance issues in an unauthorized unit would put their housing at risk. In reality, while there would be no implied immunity from other bylaws or regulations, municipalities can ascertain compliance with one bylaw without proceeding with enforcement on the compliance of all bylaws.

- Enforcement

It is recommended that an SOM bylaw be used as a tool for complaints response only, rather than a basis for a proactive enforcement program. First, there is other legislation already in place that regulates these items, for example the Residential Tenancy, Fire Services, and Health Acts. Second, while the City currently does not have the resource capacity to proactively enforce these regulations, updating the bylaw and having it available for use by bylaw enforcement officers would create a useful tool for the City should tenants complain of health and safety concerns within residential properties. Regardless of the approach taken, there will be resource considerations, as the creation of new regulations, even if only enforced on a complaints basis, will mean an increased level of enforcement. Staff could report back on enforcement considerations when the new bylaw is presented.



## Tenant Protection and Relocation Policies

The renovation and redevelopment of properties frequently has the effect of displacing existing tenants. To address this, the Housing Strategy recommends examining the City's legislative authority for a municipal role in supporting rental tenant stability.

As outlined in Attachment A – MaRRS policy research, the Residential Tenancy Act may not provide adequate protection to tenants, such that redevelopment may lead to significant negative impacts as highlighted above. Several municipalities have therefore instituted local policies around tenant protections and tenant relocation in order to augment the protections offered by the RTA. A selection of tenant protection policies from other jurisdictions is also included in Attachment A.

Tenant protection measures tend to feature some common aspects such as:

- a prescribed amount of notice (time) given to tenants ahead of ending a tenancy
- a specific amount and type of compensation the landlord is to provide tenants (cash payout, free rent, covering moving expenses, etc.)
- the particulars of moving assistance the landlord is to provide to tenants (arranging for or covering moving expenses; locating alternative accommodations within specific guidelines; providing a coordinator or liaison to provide relocation assistance)
- the right of first refusal (the offer to return to the building once renovations or reconstruction is complete, sometimes with stipulations for the rent level to be paid)
- a template tenant relocation plan.

Despite the addition of policy in this area, the authority to enforce these measures is complex legislative terrain. The Local Government Act (LGA) and Community Charter contain legislative regulations that prohibit cities from creating special requirements to obtain building or development permits. Cities do have broader authority in the instance of rezoning applications, where Councils can consider public benefit as well as potential negative effects, however adherence to tenant protection policies and completion of tenant relocation plans cannot be requirements to obtaining rezoning approval, nor can they be expected to guarantee a Council's approval of these applications. A tenant relocation policy and plan should therefore be used for guidance in instances where redevelopment will impact existing tenancies.

Tenant protection policies outline basic minimum standards, however practice can often exceed what is outlined. According to City of Victoria planning staff as well as staff at several BC municipalities (City of North Vancouver, City of Burnaby, City of New Westminster),<sup>1</sup> in practice, developer applicants have often gone above and beyond the basic stated minimum guidelines set out in municipal policies and the RTA. Municipalities reported often seeing developers offer advanced notice to tenants and provide increased compensation, including going to lengths to assist tenants with suitable relocation. In the City of Victoria staff have received requests for policy guidance from applicants who are looking to relocate tenants where there is no requirement to do so. What can be determined from this is that despite the fact that there may be no legislative authority to enforce the adherence to tenant relocation policies, applicants often wish to voluntarily adhere to City policies, and as such, there appears to be good value in developing these types of policies. Therefore it is recommended that Council consider directing staff to develop a tenant relocation policy as a guidance document for applications and

<sup>1</sup> Telephone interviews of planning staff conducted by study consultant



reference for developers, and that the plan should include a template tenant relocation plan for distribution to property owners involved in tenant relocations.

Staff recommend Council consider including the following in Victoria's tenant relocation policy:

Protection Measure	Current (basic RTA)	Protection Measure
<b>Notice to tenants</b>	Two months' notice to end tenancy, after issuance of appropriate permits	Encouraged to give advanced notice prior to issuance of appropriate permits; two months' notice when permit issued
<b>Compensation</b>	Equivalent of one months' rent	Two months' rent
<b>Moving assistance (costs)</b>	None	Assistance scheduling a moving truck / company
<b>Moving assistance (relocation assistance)</b>	None	Tenants can request moving assistance (by Tenant Relocation Coordinator provided by developer/ property owner), to assist with finding alternative housing options
<b>Right of first refusal</b>	None	First right of refusal offered, but no measures to limit the cost of purchase/rent of new unit

Policy research has shown that a selection of municipalities have enacted stricter protection measures, however it is not recommended that Victoria take this approach for several reasons.

First, this policy will only apply to redevelopment scenarios, and cannot legally be applied in the instances of renovations requiring only building permits (including building permits for demolitions). There is a risk that creating requirements for redevelopment that are too onerous may push applicants to renovate or demolish instead, where these rules would not apply, and tenants would be evicted with no additional protections, as only the RTA requirements would apply. Moving from redevelopment to renovation or demolition would also have the added negative effect of a loss of potential new rental housing supply.

Next, a stated outcome of the MaRRS project is to create incentives to upgrade existing rental housing stock. The intention of the incentives is to encourage the revitalization of existing rental housing without negatively impacting tenancies (by avoiding evictions and preserving affordability). Tenant protections will therefore be increased when applicants have support from the City to upgrade housing while preserving tenancies.

Regardless of the approach taken, careful legal analysis of the final policy will be required to ensure the City acts within its authority in these matters; additionally, the tenant protection plan will be dependent on the options selected by Council, and therefore, staff require Council's decision on these recommendations before proceeding with this work.

### **Other Potential Tenant Protection Mechanisms**

Beyond an update to the Property Maintenance Bylaw and development of a tenant protection policy, there may be other mechanisms that could improve housing security for residential tenancies through the City's municipal authority in legislation such as the Community Charter, which gives municipalities the authority to enact regulations around building, land, and businesses. It may be possible for the City of Victoria to develop additional regulations that



landlords must adhere to when operating residential rental housing under these two categories. For example, landlords of multi-unit buildings are required to obtain a business licence and adhere to the regulations in the Business Regulation Bylaw when operating residential tenancies. It may be possible to develop business regulations that specifically consider tenant protections in the event of renovations or the termination of tenancies. This is a unique approach that has not been widely observed in other jurisdictions; therefore, careful legal analysis would be required to determine whether this is a feasible option. Council could consider directing staff to report back in a closed council meeting with options and recommendations on this approach for consideration.

### **Consultation and Feedback**

It is recommended that Council consider directing staff to seek feedback on a proposed SOM bylaw and tenant relocation policy before implementation. Staff will be conducting focus groups consisting of key housing stakeholders (landlords, property managers, developers, and tenants) as part of the MaRRS project in January 2018 and could request these groups provide feedback on the proposed new regulations and policy ahead of adoption. Staff could then return to Council with a draft SOM bylaw and tenant relocation policy informed by this feedback by Q1 2018.

### **OPTIONS AND IMPACTS**

**Option 1 (recommended):** Approve the recommendations put forth in this report by directing staff to:

- a. prepare a new Standards of Maintenance Bylaw and Tenant Relocation Policy based on the recommendations contained in this report;
- b. seek feedback on the above at the Market Rental Revitalization Study focus group sessions scheduled for January 2018 and return to Council with final drafts for approval by Q1 2018
- c. examine the City's authority to further improve tenant stability through other legislative mechanisms

**Option 2:** Council could chose to modify any of the recommendations in this report, for example adding additional standards to the SOM bylaw, repealing the Property Maintenance Bylaw, or approving stricter measures to be included in a tenant relocation policy. However any modifications to the recommendations could negatively impact the intention of these changes, and would also delay the expediency with which staff could implement new regulations.

#### *Accessibility Impact Statement*

There are no impacts on accessibility associated with the recommendations contained in this report.

#### *2015 - 2018 Strategic Plan*

The Victoria Housing Strategy and its associated work and resources is in direct alignment with Strategic Objective 6: "Make Victoria More Affordable". Staff's recommendation to explore unique options for tenant protection also fall under Strategic Objective 1: "Innovate and Lead".

#### *Impacts to Financial Plan*

The creation of a new SOM bylaw has enforcement considerations that may require additional resources; these will be dependent on the standards included and level of enforcement Council chooses to employ, and can be detailed when staff returns with a draft bylaw for adoption



following the collection of stakeholder feedback. The creation of a tenant relocation policy meanwhile is not anticipated to have any negative financial impacts.

*Official Community Plan Consistency Statement*

The MaRRS project supports OCP policies related to Section 13: Housing and Homelessness, including objectives 13(b): That housing affordability is enabled for housing types across the housing spectrum...and 13(c): That the existing supply of rental housing is expanded through regeneration.

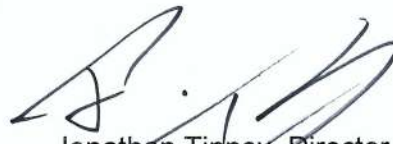
**CONCLUSIONS**

The City has several options to choose from when considering tenant stability measures. After extensive analysis of policy work in this area by other jurisdictions, guidance from the Province, and consideration of the City's legislative authority to enact policy in this area, staff recommend developing a new SOM bylaw and tenant relocation policy as the best options for improving tenant stability in Victoria. It is further recommend that Council consider directing staff to seek feedback on these new documents through the upcoming MaRRS focus groups scheduled for January 2018, and return to Council with a bylaw and policy ready for approval by Q1 2018.

Respectfully submitted,



Lindsay Milburn, Senior Planner  
Housing Policy



Jonathan Tinney, Director  
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:



Date: Nov 20, 2017

**List of Attachments:**

- Attachment A: MaRRS Policy Research



# Market Rental Revitalization Study (MaRRS)

Policy research on tenant protection policies and rental stock protection policies

Prepared by Stefanie Hardman, Community Social Planning Council

**November 16, 2017**



COMMUNITY SOCIAL PLANNING COUNCIL  
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## Contents

Background and Context.....	4
Market Rental Revitalization Study (MaRRS) .....	4
Measures to preserve market rental housing and protect tenants .....	5
Provincial and municipal policy context for tenant protection measures.....	6
BC Residential Tenancy Act (RTA).....	6
Municipal policies and tenant protection measures .....	8
Provincial policies around ending tenancies .....	9
Summary Chart of Provincial Policies .....	9
Municipal policies around tenant protection in case of demolition or renovation .....	10
Summary chart of municipal policies.....	11
Details of Municipal Policies.....	13
City of Vancouver .....	13
City of North Vancouver.....	15
District of North Vancouver .....	17
City of New Westminster .....	19
City of Burnaby.....	20
Tenant protection options for the City of Victoria .....	23
Residential rental dwelling condition bylaws .....	24
The Residential Tenancy Act and property maintenance .....	24
How Property Maintenance or Standards of Maintenance Bylaws can protect renters.....	25
Property Maintenance Bylaws in other municipalities .....	26
City of Vancouver .....	26





City of Toronto .....27

City of New Westminster .....28

City of North Vancouver.....29

City of Winnipeg.....29

City of Saskatoon .....30

BC Standards of Maintenance model bylaw .....32

Analysis and recommendations for next steps.....34

Appendix A: Details of provincial policies .....36

Appendix B: Tenant Plan Examples and Templates .....42

    City of Victoria’s Strata Titling Tenant Plan .....42

    City of Vancouver.....43



## Background and Context

### Market Rental Revitalization Study (MaRRS)

It is estimated that there are approximately 10,000 aging market rental units in the City of Victoria, making up nearly 25% of the City's total housing stock. With a proportionally high percentage of renters in the City (60% of the total population) and a vacancy rate of 0.5%, this stock is a vital component of the City's overall supply of affordable rental housing.

However, many of these buildings are facing major degradation due to age and/or deferred maintenance, and are vulnerable to loss due to redevelopment. A 2016 study commissioned by Landlord BC estimated that over 20,000 rental apartments in Greater Victoria – representing nearly half of the total building stock in the region – are due for major renovations or replacement by 2025, a proportion that is expected to be mirrored in the City of Victoria going forward.

The Market Rental Revitalization Study (MaRRS) is intended to explore measures to preserve the existing stock of affordable market rental units and also explore measures to protect tenants in the case of demolition, redevelopment, or renovation of existing units.

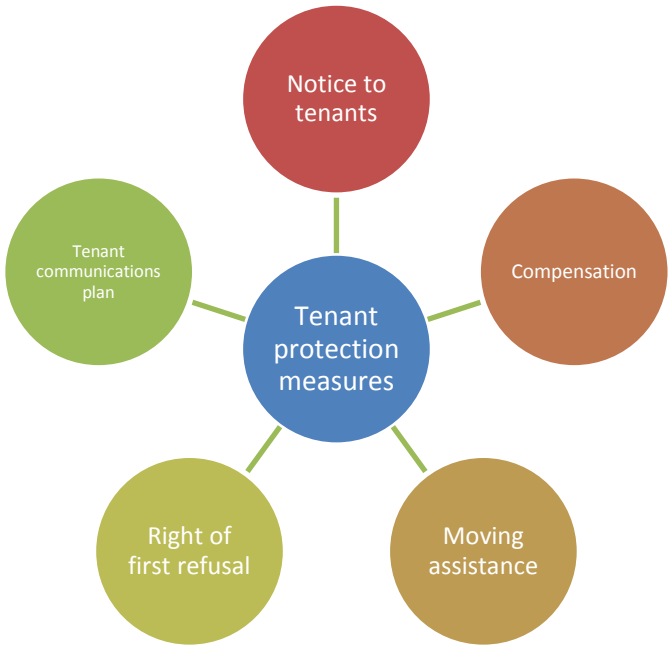
This report will examine two major policy areas that relate to the MaRRS project:

- Tenant protection measures
- Housing preservation measures

This report will contribute to an examination of the City of Victoria's municipal legislative authority to enact policies to better support tenant stability and effectively preserve market rental housing.



Measures to preserve market rental housing and protect tenants



**Measures to protect tenants**  
Tenant protection measures in jurisdictional review have been found to be comprised of some common elements.



**Measures to preserve existing rental housing stock**  
The illustrated measures are but a few options that can assist in the preservation of existing rental housing stock.



## Provincial and municipal policy context for tenant protection measures

### BC Residential Tenancy Act (RTA)

The [Residential Tenancy Act](#) (RTA) governs the relationship between landlords and tenants, setting out rules for tenancy. There are questions, however, about the sufficiency of protections afforded to tenants. Several municipalities in BC are enacting measures to augment and supplement the tenant protection measures in the RTA, particularly in the case of displacement due to demolition, conversion, and renovation activity.

The RTA outlines timelines, procedures, and conditions for ending tenancies in Part 4, "How to End a Tenancy." According to Section 49, Article 6:

"A landlord may end a tenancy in respect of a rental unit if the landlord has all the necessary permits and approvals required by law, and intends in good faith, to do any of the following:

- (a) demolish the rental unit;
- (b) renovate or repair the rental unit in a manner that requires the rental unit to be vacant;
- (c) convert the residential property to strata lots under the *Strata Property Act*;
- (d) convert the residential property into a not for profit housing cooperative under the *Cooperative Association Act*;
- (e) convert the rental unit for use by a caretaker, manager or superintendent of the residential property;
- (f) convert the rental unit to a non-residential use."

The RTA also sets out requirements for notice (amount of time) and compensation to tenants when ending a tenancy for the aforementioned reasons. The Province is currently exploring increasing the notice and compensation requirements, but as it stands a landlord is required to give two months' notice of ending tenancy and the equivalent of one months' rent as compensation. This falls short of the standards set by other provinces:

- In Ontario, a landlord is required to give 120 days' notice to end a tenancy and the equivalent of 3 months' rent, or with offer of another rental unit acceptable to the tenant. The tenant must also be offered the right of first refusal, to return to the building after the work is complete, at a rental rate no more than what the landlord could have charged if there has been no interruption in the tenancy.
- In Quebec, a landlord must give a tenant 6 months' notice to end the tenancy (or 1 month if the tenant is within 6 months of expiry of a fixed term lease. The landlord must compensate the tenant with an equivalent of 3 months' rent, plus paying for moving expenses.





### Renovations

Renovation activity may contribute to tenant instability and displacement, and there are few guidelines to mitigate the impact and little recourse for tenants who are displaced due to renovations. According to the terms of the RTA, a landlord may end a tenancy with the intention, in good faith, of “renovat[ing] or repair[ing] the rental unit in a manner that requires the rental unit to be vacant.”

One attempt at safeguarding against unwarranted eviction is the specification that property owners must have all of the necessary permits in place before evicting tenants, according to staff at the BC Residential Tenancy Branch.

While the guidelines on the RTA website suggest that tenants should only be displaced when necessary, and in the case of major construction. Major construction means demolition, conversion of the property, or major renovation that require the unit or building to be empty – however, specific guidelines for what is substantial enough to warrant eviction are not provided.

The Residential Tenancy Branch website urges that “when possible, renovations should be done without evicting the tenant” and suggests that measures be taken to avoid ending the tenancy, “for example, if the renovations require the unit to be vacant for a short period, the tenant could be relocated and later return to the unit at the same rent.”<sup>1</sup>

There remains, however, a lack of guidelines about what constitutes renovations substantial enough to justify ending a tenancy. According to the Residential Tenancy Branch, different arbitrators have ruled differently in cases relating to renovation.<sup>2</sup>

### Upcoming amendments to the RTA

The Province has recently announced it intends to change the loophole of fixed-term tenancies and the vacate clause, which allows landlords to bypass the annual rent control, leaving renters vulnerable to “unfair and unjustified rent increases,” according to Municipal Affairs and Housing Minister, Selina Robinson.

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<sup>1</sup> Government of British Columbia. Residential Tenancy Branch. “Two Month Notice to End Tenancy.” <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/ending-a-tenancy/landlord-notice/two-month-notice>

<sup>2</sup> Interview with Residential Tenancy Branch staff by consultant.





If passed, the amendments will restrict a landlord's ability to use a vacate clause in fixed-term tenancy agreements to certain circumstances only; and limit rent increases between fixed-term tenancy agreements with the same tenant to the maximum annual allowable amount (currently 2% plus inflation).<sup>3</sup>

According to the Director of Policy at the Residential Tenancy Branch, the Province is currently reviewing the RTA with a specific focus to examine if there are opportunities to increase notice and compensation for tenants facing eviction in the cases outlined in Section 49 of the RTA.

### **Municipal policies and tenant protection measures**

Several municipalities in BC (and beyond) have instituted local policies around tenant protection and relocation that augment the protections offered by the RTA, with specific attention towards renovation, demolition, and conversion. These policies are outlined within this document with the intention of providing the City of Victoria with options to explore for policies or guidelines augmenting the *Residential Tenancy Act* to improve rental tenant stability and/or protection for tenants.

Currently, the City of Victoria has a [Residential Strata Titling Policy](#) that sets out guidelines that relate to tenant protection in the case of the conversion of a rental building into strata units. This policy requests the applicant submit a Tenant Plan (see Appendix A), which provides information about the following: notice given to tenants about intent to convert; the type of choices offered to tenants that would allow them to continue to occupy their units; guidance for tenants to locate other housing; amount of monetary assistance offered, such as rent-free period or moving expenses; and a complete list of tenants in the building. The provisions in this policy apply only the case of conversion to strata. The policy is made possible because of specific authority granted to municipalities in the [Strata Property Act](#).

Similar types of provisions to the *Residential Strata Titling Policy*, and its request for a Tenant Plan, have been set out in policies and guidelines in other municipalities with regard to demolition and redevelopment. Most of these policies apply during the Rezoning application process, as a city's Council has the opportunity for broad discretion for Rezoning permits. When it comes to other types of work such as demolition and redevelopment without the requirement of rezoning, or renovations, opportunities for municipal intervention are not as straightforward.

<sup>3</sup> <https://news.gov.bc.ca/releases/2017MAH0010-001815>





## Provincial policies around ending tenancies

### Summary Chart of Provincial Policies

*In the case of eviction for renovation, demolition, or conversion*

Jurisdiction	Notice to tenants	Compensation	Moving assistance	Right of first refusal
<b>BC</b>	2 months'	Equivalent of 1 months' rent		
<b>Alberta</b>	Periodic: 1 year 180 days 3 months' notice			
<b>Saskatchewan</b>	2 months'	Compensation only when unit has not been used for stated purpose within a reasonable period of time		
<b>Manitoba</b>	Dependent on vacancy rate, tenancy agreement type, or if tenants have children who go to school (three months' minimum)	Pay for moving costs, up to \$500.	Landlord to pay for moving costs.	Yes, but must pay new rent level.
<b>Ontario</b>	120 days	Equivalent of 3 months' rent, or offer another rental unit acceptable to the tenant (for buildings with at least 5 units)		Yes, at a rent that is no more than what the landlord could have lawfully charged if there had been no interruption in the tenancy
<b>Quebec</b>	6 months' notice - or 1 month if within 6 months of expiry of fixed term	Equivalent of 3 months' rent, plus reasonable moving expenses	Landlord to pay for reasonable moving expenses	

\* See Appendix A for details of provincial policies





## Municipal policies around tenant protection in case of demolition or renovation

Several municipalities, in BC and across Canada, are instituting specific measures that apply to rental stock renovation, demolition, and conversion which provide additional protection to tenants beyond the provincial Residential Tenancies legislation.

Tenant protection measures tend to feature some common aspects:

- detailing the amount of notice given to tenants for ending a tenancy;
- the amount and type of compensation the landlord is to provide tenants (cash payout, free rent, covering moving expenses);
- the particulars of moving assistance the landlord is to provide to tenants (arranging for or covering moving expenses, locating alternative accommodations within specific guidelines);
- and the right of first refusal (the offer to return to the building once renovations or reconstruction is complete, sometimes with stipulations for the rent level to be paid).

There may be other requirements, such as types of documentation to submit to the municipality, or additional support for vulnerable tenants. These measures may be requirements or they may be guidelines. They may apply to certain types of rental stock (for example, more than a certain number of units within a building) and/or a certain type of development application (Rezoning Application; Heritage Alteration Permits).

Municipal authority to enforce these measures is complex legislative terrain, and it seems several municipalities in BC are considering what they can do at the municipal level to protect renters particularly in the case of renovation. There are more straightforward policy mechanisms available when considering Rezoning Applications, which often accompany redevelopment. The City of Victoria currently has tenant protection measures that apply to the conversion of residential rental stock to strata, in its Residential Strata Titling Policy, which was adopted in 1997. However, renovation activities remain elusive when it comes to tenant protection.

Most municipalities in the case studies explored within this report focus their tenant protection policies on rezoning, because rezoning applications provide for a public hearing and consideration of a variety of factors. Heritage properties also allow for more limits and considerations. When it comes to demolition, building, or renovation, however, municipalities seemingly have little legal authority to enforce measures that relate to tenant protection. The policies that apply to rezoning applications, however, can become an informal industry standard when it comes to development.





The tenant protection policies outline the basic minimum standards, and practice can often exceed what is outlined. In fact, according to planning staff at several BC municipalities (City of North Vancouver, City of Burnaby, City of New Westminster),<sup>4</sup> the practice often involves the developer applicant going above and beyond the basic, stated minimum guidelines set out in the municipal policies or the provincial Residential Tenancy Act when it comes to tenant assistance. Municipalities reported often seeing developers offer advanced notice to tenants prior to a development application, increased compensation beyond the minimum standards, and have gone to lengths to assist tenants with suitable relocation.

### Summary chart of municipal policies

Jurisdiction / Policy	Description / Policy Application	Notice to tenants	Compensation	Moving assistance	Right of first refusal
<b>City of Vancouver</b>  <i>Tenant Relocation and Protection Policy</i>	Required for rezoning or development permit  Tenant Relocation Plan • Required for all tenants who have lived in building for one year or more (voluntary for less than a year)	2 months' notice	Based on length of tenancy  • 2 months' rent for tenancies up to 5 years; • 3 months' rent for tenancies between 5 to 9 years; • 4 months' rent for tenancies over 10 years; and • 6 months' rent for tenancies over 20 years.	Moving expense compensation, depending of unit size  Tenant Relocation Coordinator finds 3 comparable options (and encourages more supports for vulnerable tenants)	Yes, and at a 20% discount below starting market rents  (For particular cases: where 1:1 replacement is required, or projects proposed secured market rental housing units)
<b>City of North Vancouver</b>  <i>Residential Tenant Displacement Policy (H18)</i>	Redevelopment or demolition of purpose-built rental (designated Level Four and higher in OCP)	Enhanced notice, prior to Demolition Permit  Two months' notice with demolition permit	Three months' rent	Tenant relocation coordinator to find 3 comparable options • not exceeding 10% above CMHC market average or 10% above tenants current rent amount (whichever is lower)	Yes, but particulars of unit size and rent amount to be negotiated by property owner and tenant
<b>District of North Vancouver</b>	Rezoning applications that require the demolition of more than	Enhanced notice, prior to Demolition Permit	Three months' rent	Tenant relocation coordinator to find 3 comparable options in	Can be offered – included in the Tenant Assistance Package and

<sup>4</sup> Telephone interviews of planning staff conducted by study consultant





	4 rental units  Voluntary	Two months' notice with demolition permit		the municipality or on the North Shore • Rent should be no more than 10% above current rent	contemplated as development permit application is being assessed, but no specific guidelines outlined
<b>City of New Westminster</b>  <i>Tenant Relocation Policy</i>	Required for Rezoning/Heritage Revitalization  Voluntary for Development or Demolition Permits	Three months' notice	Three months' rent	Property owner must provide Tenant Relocation Plan, but particular terms are not prescribed	
<b>City of Burnaby</b>  <i>Tenant Assistance Policy</i>	Demolition of six or more tenanted dwelling units	Three months' notice  Established communications plan with tenants	Three months' rent		An offer to be extended to secure unit in new housing development (rental or ownership), rental in another unit managed by the same applicant, or information on other accommodation options
<b>City of Coquitlam</b>	Developers must submit a Rental Housing Strategy with proposed options of relocating existing tenants before and after redevelopment	Two months (same as RTA)	One month's rent (same as RTA)		





## Details of Municipal Policies

### City of Vancouver

Jurisdiction & Policy	Element of policy	Details of policy
<b>City of Vancouver</b>  <i>Tenant Relocation and Protection Policy</i>	<b>Application of policy</b>	<p>These guidelines apply to the “primary” rental stock, where the purpose of the building is to operate rental housing in the long-term. This includes:</p> <ul style="list-style-type: none"> <li>• purpose-built market rental housing;</li> <li>• non-market or social housing;</li> <li>• buildings with rental units above commercial spaces; and</li> <li>• large multiple conversion dwellings with six or more units.</li> </ul> <p>• required for all redevelopment or renovation activity that results in tenant eviction, if the proposed project requires a rezoning or development permit.</p>
	<b>Requested documentation</b>	<p>Final Tenant Relocation Report, including:</p> <ul style="list-style-type: none"> <li>• Names of tenants;</li> <li>• Outcome of their search for alternate accommodation; and</li> <li>• A summary of the monetary value given to each tenant.</li> </ul> <p>- Tenant Relocation Application Form (Development Applications Involving Tenant Relocation)</p> <p>Tenant Impact Statement</p> <ul style="list-style-type: none"> <li>• In cases where tenants will not be permanently displaced as a result of rezoning of redevelopment</li> <li>• Notarized, including a declaration that tenancies will not be impacted as a result of proposed work</li> </ul>
	<b>Notice to tenants</b>	<ul style="list-style-type: none"> <li>• A minimum of 2 months’ notice to end tenancies after all permits are issued.</li> <li>• For rezonings, applicants are encouraged to communicate in writing with tenants at the start of the inquiry stage.</li> </ul>
	<b>Compensation</b>	<p>Financial compensation provided based on length of tenancy:</p> <ul style="list-style-type: none"> <li>• 2 months’ rent for tenancies up to 5 years;</li> <li>• 3 months’ rent for tenancies between 5 to 9 years;</li> <li>• 4 months’ rent for tenancies over 10 years; and</li> <li>• 6 months’ rent for tenancies over 20 years.</li> </ul> <p>Compensation can take the form of free rent, a lump sum payment, or a combination of both.</p> <p>Plus payment of moving fees: Arrangement for an insured moving company, <u>or</u>, a flat rate payout for moving expenses, depending on size of dwelling, as follows:</p>





		<ul style="list-style-type: none"> <li>• \$750 for bachelor and 1-bedroom households; and</li> <li>• \$1,000 for two or more bedroom households.</li> </ul>
	<b>Moving assistance</b>	<p>Moving expense compensation based on unit size:</p> <ul style="list-style-type: none"> <li>• \$750 for bachelor and 1-bedroom households; and</li> <li>• \$1,000 for two or more bedroom households.</li> </ul> <p>Tenants can request assisting finding new accommodations:</p> <ul style="list-style-type: none"> <li>• 3 options offered, comparable in unit type (unless otherwise agreed to);</li> <li>• All options should rent at no more than the CMHC average rents for the area – unless tenant's current rent is higher than average, then options provided at current rental rate;</li> <li>• All options in Vancouver, 1 in same neighbourhood (local planning area);</li> <li>• In West End, 2 options in same neighbourhood;</li> <li>• Where possible, options should be tailored to tenant (e.g. pet friendly, mobility considerations, smoke free, etc);</li> <li>• In cases involved vulnerable tenants, applicants are encouraged to offer additional supports: <ul style="list-style-type: none"> <li>• Vulnerable tenants may include seniors, persons with disabilities, tenants with low income, mental health issues, etc.</li> <li>• Additional supports have include hiring a housing consultant to assist with individual tenants, additional funds for moving expenses, and/or working with non-profit agencies to offer accommodation.</li> <li>• If tenant is low-income and currently paying significantly lower than CMHC avg rent, then provide at least 1 option within 10% of current rent.</li> </ul> </li> </ul>
	<b>Right of first refusal</b>	<p>Right of first refusal, at a 20 per cent discount below starting market rents (unless tenant's current rent is higher, then at that rate), will be offered in the following scenarios:</p> <ul style="list-style-type: none"> <li>• For projects where one-for-one replacement of rental units are required under the Rental Housing Stock ODP.</li> <li>• For projects proposing new secured market rental housing units</li> <li>• For projects proposing social housing, tenants offered right of first refusal (if tenant meets eligibility requirements)</li> </ul> <p>* Does not apply to projects where new units are not residential rental.</p>
	<b>Other requirements</b>	<ul style="list-style-type: none"> <li>• A Tenant Relocation Plan will be required for all redevelopment or renovation activity that results in tenant eviction, if the proposed project requires a rezoning or development permit. (Guidelines provide a list of the types of renovation activities that could result in tenant relocation.)</li> <li>• A Tenant Impact Statement will be required when tenants are not permanently displaced.</li> <li>• The Statement must be notarized and include a declaration that tenancies will not be ended as a result of the proposed work.</li> <li>• A Tenant Relocation Application Form must be submitted, although Tenant Relocation Plan only applies</li> </ul>





		<p>to eligible tenants.</p> <p>A Final Tenant Relocation Report but must submitted prior to the issuance of the occupancy permit. Includes:</p> <ul style="list-style-type: none"> <li>• Names of tenants eligible for the Tenant Relocation Plan;</li> <li>• Outcome of their search for accommodation; and</li> <li>• A summary of the monetary value given to each tenant (e.g. moving costs, rent, etc.).</li> </ul>
	<b>Particular conditions</b>	<p>Eligible tenants</p> <ul style="list-style-type: none"> <li>• All tenants, regardless of type of tenancy, who have lived in the building for one year or more at the time the rezoning or development permit application is opened – must be included in Tenant Relocation Plan</li> <li>• Tenants who have lived at the property for less than a year may voluntarily be included in the Tenant Relocation Plan</li> <li>• All tenants are subject to the RTA</li> </ul> <p>Special requirements apply when building is vacant at time of application.</p>

### City of North Vancouver

<b>Jurisdiction &amp; Policy</b>	<b>Element of policy</b>	<b>Details of policy</b>
<b>City of North Vancouver</b>  <i>Residential Tenant Displacement Policy (H18)</i>  (Approved November 16, 2015)	<b>Application of policy</b>	<p>Redevelopment, demolition of purpose-built rental (designated Level Four and higher in OCP)</p> <p>Voluntary</p>
	<b>Requested documentation</b>	<p>Submitted at time of Development Application:</p> <ul style="list-style-type: none"> <li>• Current Occupancy Summary               <ul style="list-style-type: none"> <li>- Number of occupied and vacant units</li> <li>- Type of tenancy for each tenant (e.g. periodic or fixed-term)</li> <li>- Start and end of tenancy for each tenant</li> <li>- Rent for each unit</li> <li>- Size of each unit</li> <li>- Number of bedrooms in each unit</li> <li>- Mobility or accessibility requirements and/or other housing supports required by a tenant</li> </ul> </li> <li>• Tenant Communications Plan               <ul style="list-style-type: none"> <li>- Outlines how tenants will be proactively engaged and notified of input opportunities throughout the development application process</li> <li>- Tenant resources, such as those offered through the Tenant Resource &amp; Advisory Centre, should be widely advertised to tenants</li> <li>- Notifications posted in conspicuous places of building</li> </ul> </li> </ul>





		<ul style="list-style-type: none"> <li>- Applicant to include a copy of all written correspondence to tenants</li> <li>• Documentation of all tenants who want to return to the new building</li> </ul>
	<b>Notice to tenants</b>	<p>Enhanced notice, prior to Demolition Permit</p> <p>Two months' notice with demolition permit</p>
	<b>Compensation</b>	<p>The applicant will compensate all tenants on a periodic tenancy (e.g. month-to-month) with three months' rent to assist tenants in securing alternative accommodations, as well as to compensate for moving expenses</p> <p>For tenants with fixed-term tenancies, the RTA stipulates how to end a fixed-term tenancy at an earlier date than specified, although the City recommends that the applicant provide a minimum of three months' rent compensation to fixed-term tenants as well.</p>
	<b>Moving assistance</b>	<p>The applicant will designate a Tenant Relocation Coordinator to aid tenants in finding up to three comparable rental units in the City of North Vancouver. The maximum rent for the new units found by the Tenant Relocation Coordinator will not exceed 10 percent above the average rent, by the number of bedrooms, in the City of North Vancouver as established by CMHC's Rental Market Report</p> <p>If the existing rent amount of a tenant exceeds the average rent levels in the City as recorded by CHMC, the Tenant Relocation Coordinator will find alternate units with rents no more than 10 percent above the tenant's current rent amount</p>
	<b>Right of first refusal</b>	<p>The applicant will provide all displaced tenants the first right of refusal to live in the new building.</p> <ul style="list-style-type: none"> <li>• The particulars of the unit, including rent amount, unit size, and number of bedrooms, will be negotiated between the property owner and individual tenants.</li> <li>• If the new building has units that are rented at below-market rents, it is the City's preference that these units are leased to tenants who were displaced from the original building.</li> <li>• The Tenant Relocation Coordinator must document all tenants who want to return to the new building and the status of their tenancy prior to the issuance of an occupancy permit.</li> </ul>
	<b>Experience of implementing and applying policy</b>	<p>The City of North Vancouver has approached its policy as having three integrated components: communication with tenants, including advanced notice prior to the granting of a development permit; compensation to all tenants currently living in the building regardless of time of tenure; and relocation assistance provided by a Tenant Relocation Coordinator.</p> <p>The City of North Vancouver has not received any complaints from developers about the policy, and in fact they have found that the developers often go above and beyond the minimum guidelines outlined in the policy. For example, developers may provide increased compensation to tenants based on their length of tenure in the building. Developers have also voluntarily provided additional compensation to assist with moving expenses, often based on unit size.</p> <p>The City of North Vancouver has found that the tight rental market can provide some challenges with</p>





		<p>regard to the relocation component. With an extremely low vacancy rate, it can be difficult to find alternative housing options that meet the policy rent level guidelines of no more than 10% of the CMHC market average (or the tenant's current rent, if it is higher than the market average).</p> <p>The City of North Vancouver attributes its success with this policy to communicating with the development community, to let them know this is a critical part of the rezoning process. Council highly values the impact on tenants when considering rezoning applications, and values tenant experiences expressed at the public hearing. If a developer wants their application to be approved, they know that ensuring tenants are taken care of is important, so they work to ensure they can do this in the best way possible.</p> <p>Tenants, however, may continue to feel that this policy is still not enough, particularly given that it is very difficult to find housing at a comparable rent level. The City of North Vancouver is attempting to address this side of the issue through a variety of policies focused on the supply side (such as density bonusing, and inclusionary zoning).</p> <p>The City of North Vancouver's council is interested in reviewing and enhancing the existing <i>Residential Tenant Displacement Policy</i> to have the policy reflect the standards by which the developers are currently operating.</p> <p>Staff capacity in enforcing the policy is a consideration of the City of North Vancouver, noting that it does take considerable time to collect and review the documents required.</p>
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### District of North Vancouver

Jurisdiction & Policy	Element of policy	Details of policy
<b>District of North Vancouver</b>  <i>Residential Tenant Relocation Assistance Policy</i>  (Approved Nov 2016)	<b>Application of policy</b>	<p>Development applicants (in the case of demolition or redevelopment) are to provide tenants with enhanced notice and assistance to find alternative accommodation</p> <p>Applicable to all rezoning applications that require the demolition of more than four rental units in an existing purpose built residential rental development or in a mixed use building containing more than four residential rental units</p> <p>Voluntary</p>
	<b>Requested documentation</b>	<p>Required to submit the following documents with Development Application:</p> <ul style="list-style-type: none"> <li>• Current Occupancy Summary               <ul style="list-style-type: none"> <li>- Number of occupied and vacant units</li> </ul> </li> </ul>





		<ul style="list-style-type: none"> <li>- Type of tenancy for each tenant (e.g. periodic or fixed term)</li> <li>- Start and end of tenancy for each tenant</li> <li>- Rent for each unit</li> <li>- Number of bedrooms of each unit</li> <li>- Mobility or accessibility features and/or other housing supports required by the tenantb</li> </ul> <ul style="list-style-type: none"> <li>• Tenants Assistance Package <ul style="list-style-type: none"> <li>- Extension of the notice period</li> <li>- Additional months of free rent</li> <li>- Assistance with moving expenses</li> <li>- Residency bonus for long time tenants</li> <li>- First right to rent in new building</li> <li>- Any rental discount for returning tenants</li> <li>- Any purchase discount for returning tenants wishing to become owners</li> </ul> </li> <li>• Tenant Communications Plan <ul style="list-style-type: none"> <li>- An outline of how tenants will be involved and notified of input opportunities throughout the rezoning and development process</li> <li>- Information on tenant resources, such as those from the Tenant Resource and Advisory Centre, should be made available to tenants</li> <li>- Notifications should be posted in conspicuous places in the building(s)</li> <li>- Applicant to provide to copies of all written correspondence and notifications to tenants and to municipal planning staff</li> </ul> </li> <li>• Tenant Relocation Coordinator (submit status report on tenants) <ul style="list-style-type: none"> <li>- Track units found for each tenant</li> <li>- Submit a status report on tenant relocation to planning staff prior to the issuance of a Demolition Permit and also prior to the issuance of an Occupancy Permit</li> </ul> </li> </ul>
	<b>Notice to tenants</b>	Enhanced notice, prior to Demolition Permit Two months' notice with demolition permit
	<b>Compensation</b>	Three months' rent
	<b>Moving assistance</b>	<p>Tenant Relocation Coordinator</p> <ul style="list-style-type: none"> <li>• Aid tenants in finding up to 3 comparable rental units in the municipality or on the North Shore</li> <li>• They should have regular hours, and hours posted in conspicuous place on site</li> </ul> <p>• Recommended max rent for new units should be no more than 10% above current rent (unless agreed to by tenant)</p>
	<b>Right of first refusal</b>	Can be offered and included in Tenant Assistance Package, but no specific guidelines outlined
	<b>Particular conditions</b>	States that "adherence to the policy does not guarantee development approval from Council"





## City of New Westminster

Jurisdiction & Policy	Element of policy	Details of policy
<b>City of New Westminster</b>  <i>Tenant Relocation Policy</i>  (Spring 2016) (Developed 2015)	<b>Application of policy</b>	<p>City Council is also committed to ensuring that tenants impacted by redevelopment and demolition are adequately notified and compensated and provided with assistance in finding new housing</p> <p>When they involve the demolition of 6 or more purpose-built rental units:</p> <p>→Required for Rezoning/Heritage Revitalization</p> <ul style="list-style-type: none"> <li>• The applicant's obligations only arise following Council approval of the Rezoning application or the Heritage Revitalization Agreement.</li> </ul> <p>→Voluntary for Development or Demolition Permits</p>
	<b>Requested documentation</b>	<p>In cases of Rezoning applications or Heritage Revitalization Agreements:</p> <ul style="list-style-type: none"> <li>• Tenant Assistance Plan, submitted as part of preliminary report to City's Land Use and Planning Committee</li> <li>• Submit evidence that the Tenant Assistance Plan has been communicated to the tenants, prior to the bylaw being forwarded for First and Second Readings</li> <li>• Demonstrate that the tasks in the Tenant Assistance Plan have been completed, prior to receiving a Demolition Permit</li> </ul> <p>Prior to the issuance of a Demolition Permit:</p> <ul style="list-style-type: none"> <li>• provide a signed letter indicating that all of the commitments within the Tenant Assistance Plan have been satisfactorily met, including: notice; compensation; and relocation assistance</li> </ul> <p>Tenant Assistance Plan must include:</p> <ul style="list-style-type: none"> <li>• A written commitment to provide at least three months' notice prior to eviction</li> <li>• A written commitment to provide compensation equal to or greater than the equivalent of three-months'</li> <li>• Documentation of the on-site applicable units, including the number of units (by bedroom type), rental rates, and existing vacancy rates</li> <li>• A strategy for assistance tenants in finding appropriate housing</li> <li>• A plan to guide communications between the applicant and the tenants</li> </ul>
	<b>Notice to tenants</b>	<p>Three months' notice</p> <p>Plan to guide communications between the applicant and the tenants, including notice of all consultation events related to the application</p>
	<b>Compensation</b>	Compensation equivalent to three months' rent





		<p>Amount does not vary based on demographic or length of residency</p> <ul style="list-style-type: none"> <li>• The City recognizes that some population groups may have more financial and logistical challenges – however, the process for determining which populations groups require more (&amp; how much) is highly subjective.</li> <li>• Furthermore, recording this additional information is time-consuming and challenging for the owner/developer, as some tenants may not feel comfortable in disclosing personal information.</li> <li>• It may also be difficult for the owner/developer to verify the authenticity of the information provided.</li> </ul>
	<b>Moving assistance</b>	<p>Yes, property owner must include a strategy for assisting tenants in finding appropriate housing in the Tenant Relocation Plan.</p> <p>There are no particular terms are set out with regard to what appropriate housing looks like, or how many options must be provided to the tenants, or the rent levels of the new housing.</p>
	<b>Experience of implementing and applying policy</b>	<p>The City of New Westminster has not yet applied this policy, since it was established in spring 2016. The policy was developed in consultation with advisory committees at the City, as well as Landlord BC and the Urban Development Institute (UDI).</p> <p>In developing the policy, the City of New Westminster was cautious about not wanted to put forth measures that might be too challenging to satisfy, according to planning staff. For example, there are no particular terms set out with regard to relocating tenants in appropriate housing, as different tenants have different needs, so the City wanted to allow for options as suitable.</p> <p>Although the City of New Westminster put forward a motion at UBCM for the Province to provide for the tenants right of first refusal, the City did not include this in their policy. Planning staff expressed that the only way they could see this being viable would be to allow an increase in density for the redevelopment.</p> <p>The City of New Westminster has placed an emphasis on connecting tenants with tenant advocacy resources, such as the Tenant Survival Guides created by the Tenant Resource and Advisory Centre (TRAC).</p> <p>The City of New Westminster sees their Tenant Relocation Policy as existing alongside other measures to support tenant stability, such as those that promote the creation of new market units like their Secured Market Rental and Family Friendly Housing Policies.</p>

### City of Burnaby

Jurisdiction & Policy	Element of policy	Details of policy
City of Burnaby	Application of policy	According to the Director of Planning, the “purpose of a City Tenant Assistance Policy is to provide





<p><i>Tenant Assistance Policy</i></p> <p>(May 2015)</p>		<p>information to applicants and tenants on the City's expectations in this regard, to ensure that a suitable range of resources and considerations are provided for tenants needing to relocate, as part of the City's review and approval of redevelopment applications comprising existing multi-family rental buildings." <a href="#">^</a></p> <p>Applies where a development application would involve six or more tenanted dwelling units within a multi-family building, and would include the anticipated demolition of the units, applicants must submit a Tenant Assistance Plan.</p>
	<b>Requested documentation</b>	<p>Tenant Assistance Plan must include:</p> <ul style="list-style-type: none"> <li>• a written commitment to exceed minimum requirements of BC RTA.</li> <li>• Documentation of units, including # and size, rental rates, and existing vacancy rates.</li> <li>• Communications plans with tenants.</li> </ul>
	<b>Notice to tenants</b>	<ul style="list-style-type: none"> <li>• Three months' notice</li> <li>• Communications plan with tenants</li> </ul>
	<b>Compensation</b>	Minimum of the equivalent of three months' rent
	<b>Moving assistance</b>	Compensation amount (of 3 months' rent) is meant to cover relocation expenses, utility reconnection, relocation costs
	<b>Right of first refusal</b>	<ul style="list-style-type: none"> <li>• An offer to interested tenants to secure any available rental housing unit in the new development, or in an off-site rental housing unit managed by the same applicant;</li> <li>• An offer to interested tenants to purchase an available housing unit in the new development; and</li> <li>• Information on other accommodation options for tenants to re-locate in the same area and/or other areas.</li> </ul> <p>No mention of rent levels.</p>
	<b>Experience of implementing and applying policy</b>	<p>For the City of Burnaby, the Tenant Assistance Policy came out of the anticipated Metrotown downtown redevelopment – an effort to increase the density in a neighbourhood consisting of largely three storey walkups. Many tenants had been living there for a long time, and as a result, rents were below market, so the City anticipated the need to support tenants in relocation. The scope of the policy was on improving the compensation, notice, and communication throughout the development process.</p> <p>The policy guidelines were based off the common practices developers were already using in the City of Burnaby. Planning staff noted that what is outlined in the policy is seen as the basic minimum, and as relatively conservative.</p> <p>Since the policy has been in place, the City of Burnaby has noted that developers often go above and beyond the minimum standards outlined in the policy. Some developers have provided additional compensation to tenants based on the number of years they have been living in the building.</p> <p>According to the minutes from the public hearing of one particular redevelopment (Rezoning Reference</p>





		<p>#15-26) by the developer Polygon in September 2016, tenants who have resided on the property for at least 3 years received additional compensation respective of their length of tenancy. Polygon offered:</p> <ul style="list-style-type: none"> <li>o \$600 per year for 3 to 5 years of residency within the building (an additional \$3,000 for a 5-year residency)</li> <li>o \$800 per year for 6 to 10 years of residency within the building (an additional \$8,000 for a 10-year residency)</li> <li>o \$1,000 per year for 11 or more years of residency within the building.</li> </ul> <p>In administering and applying the policy, the City of Burnaby staff said they encourage the developer to build the compensation expected into their project budget as soon as possible.</p> <p>On the tenant side, the City of Burnaby staff recognized that tenants who are being displaced from their homes may express distrust about the process, or may have a lot of questions about the process.</p> <p>The staff mentioned that they collapsed moving costs into the general compensation tenants receive for clarity of reporting.</p>
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## Tenant protection options for the City of Victoria

	<b>Current (basic RTA)</b>	<b>Moderate protection</b>	<b>Strengthened protection</b>
<b>Notice to tenants</b>	Two months' notice to end tenancy, after issuance of appropriate permits	Encouraged to give advanced notice prior to issuance of appropriate permits; two months' notice when permit issued	Advanced notice when development proponent is in application stage, and consideration of tenant plans in rezoning tenant applications; three months' notice when permit issued
<b>Compensation</b>	Equivalent of one months' rent	Two months' rent	Compensation based on length of tenancy, with no options below three months' rent
<b>Moving assistance (costs)</b>	None	Assistance scheduling a moving truck / company	Covering appropriate moving costs, and arranging moving company, if tenant desires
<b>Moving assistance (relocation assistance)</b>	None	Tenants can request moving assistance (by Tenant Relocation Coordinator provided by developer/ property owner), to assist with finding alternative housing options	Tenant Relocation Coordinator provided by developer/ property owner, to assist tenants with finding a specified number of alternative housing options at a specified rent level (in relation to the tenants' current rent, and/or in relation to market averages), and in same/desired neighbourhoods
<b>Right of first refusal</b>	None	First right of refusal offered, but no measures to limit the cost of purchase/rent of new unit	First right of refusal, with measures to limit the cost of purchase/rent of new unit





## Residential rental dwelling condition bylaws

### (Standards of Maintenance or Property Maintenance Bylaws)

Victoria's Housing Strategy 2016-2025's identifies the need to review and update the Property Maintenance Bylaw to improve tenant housing quality. Through the MaRRS study, the City of Victoria is seeking to explore how the Property Maintenance Bylaw can be updated to improve protections for renters in aging market rental apartment buildings.

A review of Victoria's current Property Maintenance Bylaw reveals that the bylaw provisions are concerned largely with the exterior of the building and cosmetic aspects of property maintenance, rather than with the internal of the building and dwelling units and with ensuring a safe and habitable living environment. Within the bylaw, there is an absence of particular key terms such as: tenants, health, safety, repair.

### The Residential Tenancy Act and property maintenance

The Residential Tenancy Act, which regulates the relationship between landlords and tenants in British Columbia, offers some regulations that relate to property maintenance.

Section 32 concerns "landlord and tenant obligations to repair and maintain" and sets out that. The landlord obligations are as follows:

- (1) A landlord must provide and maintain residential property in a state of decoration and repair that
  - (a) complies with the health, safety and housing standards required by law, and
  - (b) having regard to the age, character and location of the rental unit, makes it suitable for occupation by a tenant.

Section 33 relates to emergency repairs, which means repairs that are:

- (a) urgent,
- (b) necessary for the health or safety of anyone or for the preservation or use of residential property, and
- (c) made for the purpose of repairing
  - (i) major leaks in pipes or the roof,
  - (ii) damaged or blocked water or sewer pipes or plumbing fixtures,
  - (iii) the primary heating system,
  - (iv) damaged or defective locks that give access to a rental unit,
  - (v) the electrical systems, or
  - (vi) in prescribed circumstances, a rental unit or residential property.





### How Property Maintenance or Standards of Maintenance Bylaws can protect renters

Municipal property maintenance or standards of maintenance bylaws can allow local governments to require landlords to maintain a good state of repair for residential rental properties (which may include multi-unit buildings, secondary suites, detaches houses, and condominiums) which can ensure the health and safety of occupants, as well as neighbours. These bylaws can also be seen as a useful tool to preserve affordable rental housing stock by ensuring upkeep and preventing premature demolition.<sup>5</sup>

#### Enforcement:

The effectiveness of these bylaws depends on the ability to enforce them, and even if enforced well, they ensure for only the minimum standards.<sup>6</sup> Enforcement can present a challenge depending on municipal capacity and enforcement resources. Consideration may be given to whether they will be proactively enforced through inspection or be pursued on a complaints basis.

Metro Vancouver's review of "Measures to Promote the Preservation and Renewal of Existing Rental and Development of New Rental," found that when it comes to administering Standards of Maintenance Bylaws, "it can be cumbersome to get landlord compliance and fines are too low to cover municipal costs. Considering additional measures of enforcement including removal of business license, increasing fines can increase effectiveness."<sup>7</sup>

New Westminster, as one example, includes minimum maintenance standards for residential rental units within the *Business Regulations and Licensing (Rental Units) Bylaw*. Maintenance is enforced through the restriction or revocation of the business licence.

The following is a brief review of bylaws and policies that relate to standards of maintenance for residential rental buildings.

<sup>5</sup> Newton, R. (2009). *Municipal Strategies to Address Homelessness in British Columbia: Knowledge Dissemination and Exchange Activities on Homelessness*. Burnaby: Social Planning and Research Council of British Columbia.

<sup>6</sup> Canada Mortgage and Housing Corporation (2004). *Strategies to Preserve the Existing Rental Housing Stock in Greater Vancouver*. Ottawa, ON.

<sup>7</sup> Metro Vancouver. "Measures to Promote the Preservation and Renewal of Existing Rental and Development of New Rental"

[http://www.metrovancouver.org/services/regional-](http://www.metrovancouver.org/services/regional-planning/PlanningPublications/MeasurestoPromotethePreservationandRenewalofExistingRentalandDevofNewRental.pdf)

[planning/PlanningPublications/MeasurestoPromotethePreservationandRenewalofExistingRentalandDevofNewRental.pdf](http://www.metrovancouver.org/services/regional-planning/PlanningPublications/MeasurestoPromotethePreservationandRenewalofExistingRentalandDevofNewRental.pdf)





## Property Maintenance Bylaws in other municipalities

### City of Vancouver

Jurisdiction & Policy	Element of policy	Details of policy
<b>City of Vancouver</b>  <i>Standards of Maintenance Bylaw and the <a href="#">Rental Standards Database</a></i>	<b>Context / overview</b>	<p>Standards of Maintenance Bylaw includes, but is not limited to, the following areas:</p> <ul style="list-style-type: none"> <li>• inadequate heat and hot water</li> <li>• pest infestation</li> <li>• malfunctioning smoke alarms</li> <li>• trip hazards on stairs and hallways</li> <li>• leaks in pipes, sinks and roof</li> <li>• broken doors or windows</li> <li>• broken appliances</li> </ul> <p>The City of Vancouver has an online <a href="#">Rental Standards Database</a>. The online, searchable database makes available information that the City collects, including the building's owner, any outstanding work orders, or any property bylaw issues (fire safety, building safety, maintenance, and so on).</p>
	<b>Explanation / details</b>	<p>The City of Vancouver has an online <a href="#">Rental Standards Database</a>.</p> <p>The online, searchable database makes available information that the City collects, including the building's owner, any outstanding work orders, or any property bylaw issues (fire safety, building safety, maintenance, and so on).</p> <p>The initiative has two objectives, according to the City of Vancouver:</p> <ol style="list-style-type: none"> <li>1. To motivate landlords and operates to keep their residential properties in good condition; and</li> <li>2. To assist renters is making more informed decisions about rental properties in the city.<sup>8</sup></li> </ol> <p>The initiative helps fulfill Council's commitment, as outlined in the City of Vancouver's Housing and Homelessness Strategy (2012), to provide strong leadership and support to enhance housing stability, including for renters.</p>
	<b>Considerations for Victoria</b>	<p>If the City of Victoria is currently compiling a rental housing database, would there be interest and value in creating a public and searchable database that relates to the condition of these rental properties?</p>

<sup>8</sup> <http://council.vancouver.ca/20121031/documents/ptec3presentation.pdf>





## City of Toronto

Jurisdiction & Policy	Element of policy	Details of policy
<b>City of Toronto</b>  <i>By-Law for Apartment Buildings (2017)</i>	<b>Context / overview</b>	<p>To ensure better living standards for tenants, and increase ability to identify and take action against negligent landlords</p> <ul style="list-style-type: none"> <li>• Sets out concrete guidelines covering a range of issues, including maintenance, security, waste management, general cleanliness, essential repairs, and pest control. <a href="#">^</a></li> <li>• Landlords will also be required to keep detailed records of repairs, services, and tenant requests, with the 24-month logs used to ensure adherence to the new regulations <a href="#">^</a></li> <li>• In an effort to ensure effective long-term maintenance, landlords will also be required to have a state of good repair and capital plan, made available to the Municipal Standards and Licensing Committee <a href="#">^</a></li> </ul>
	<b>Explanation / details</b>	<p>The proposed bylaw sets out management standards for apartment building owners and operators by requiring them to:</p> <ul style="list-style-type: none"> <li>• Register annually with the City. Registration requires owners provide key information regarding their building and pay an annual fee.</li> <li>• Have a process for receiving and tracking tenant service requests.</li> <li>• Conduct regular inspections of the building for cleanliness and the presence of pests.</li> <li>• Take action when pests are detected.</li> <li>• Develop and maintain a number of operational plans related to cleaning, waste management and capital planning.</li> <li>• Use licensed contractors for mechanical systems repairs.</li> <li>• Have a notification board in a central location in the building to communicate key information to tenants.</li> <li>• Retain records relating to the operations of the building. <a href="#">^</a></li> </ul>
	<b>Enforcement</b>	<ul style="list-style-type: none"> <li>• Bringing greater oversight to landlord activity, the City will also be able to "conduct inspections, issue orders for compliance, take remedial action and take any other enforcement activities," the legislation notes. <a href="#">^</a></li> <li>• Fines, and certain special fines</li> <li>• The bylaw makes it an offence for an owner/operate to rent a unit to a new tenant if there are confirmed property standard order related to the unit <a href="#">^</a></li> <li>• Municipal Standards and Licensing Committee will also be tasked with "conducting routine site visits and pre-audits of all buildings to determine whether the buildings are in compliance with this and all other City by-laws." <a href="#">^</a></li> </ul>
	<b>Considerations for Victoria</b>	<p>Registration involves the collection of information such as details about the building (year built, materials used in construction, number of units and floors, elevators, parking structures, etc) which could be useful for the City of Victoria's rental housing inventory.</p>





## City of New Westminster

Jurisdiction & Policy	Element of policy	Details of policy
City of New Westminster  <i>Business Regulations and Licensing (Rental Units) Bylaw</i>	<b>Context / overview</b>	In the City of New Westminster, the minimum maintenance standards for residential rental units is outlined within the <i>Business Regulations and Licensing (Rental Units) Bylaw</i>
	<b>Explanation / details</b>	<p>Requirement of tenant register</p> <p>Licence allowable on conditions that there is:</p> <ol style="list-style-type: none"> <li>1. Proper tenant screening</li> <li>2. Ongoing and competent property management by: <ul style="list-style-type: none"> <li>• monitoring conduct of tenants and guests to prevent or abate nuisance behaviour</li> <li>• documenting all infractions of tenancy agreements</li> <li>• swiftly addressing breaches of tenancy agreements</li> <li>• maintaining the physical condition of residential property including the building exterior and interior, lighting, landscaping all in accordance with New Westminster Police Service Crime Prevention Through Environmental Design (CPTED) Report recommendations and City bylaws.</li> </ul> </li> </ol> <p>Minimum maintenance standards covers the following areas:</p> <ul style="list-style-type: none"> <li>• Pest control</li> <li>• Garbage, debris storage, and disposal</li> <li>• Structural integrity (including but not limited to: roofs, stairs, railings, porches, deck joists, rafters, beams, columns, foundations, floors, walls, and ceilings)</li> <li>• Foundations</li> <li>• Exterior walls</li> <li>• Doors, windows, and ventilation</li> <li>• Roofing</li> <li>• Stairs, balconies, and porches</li> <li>• Basements</li> <li>• Floors</li> <li>• Walls and ceilings</li> <li>• Plumbing and plumbing fixtures</li> <li>• Gas appliances and systems</li> <li>• Heating systems</li> <li>• Electrical systems and lighting</li> <li>• Interior fire and health safety hazards</li> <li>• Laundry facilities</li> <li>• Elevators</li> </ul>





		<ul style="list-style-type: none"> <li>• Parking or storage garages</li> <li>• Maintenance of services and utilities</li> <li>• Room sizes and ceiling heights</li> <li>• Food storage and cooking facilities</li> <li>• Sanitary facilities</li> </ul>
	<b>Enforcement</b>	Standards of maintenance enforced through business licence

### City of North Vancouver

Jurisdiction & Policy	Element of policy	Details of policy
<b>City of North Vancouver</b>  <i>Rental Premises Standards of Maintenance and Prevention of Nuisances Bylaw</i>	<b>Context / overview</b>	Operating under a business license for a residential property requires landlord to keep a tenant registry
	<b>Explanation / details</b>	Maintenance Standards (Part 3) -Structural integrity; foundations; exterior walls; exterior doors and windows; roofing; fire escapes, stairs, balconies, porches, and landings; basements; floors; interior walls and ceilings; plumbing and plumbing fixtures; gas appliances and systems; heating systems; electrical system; lighting and ventilation; cooking and refrigeration equipment; interior fire and health safety hazards; elevators; parking or storage garages  Part 4 – Lodging Houses (any building containing three or more units separately occupied) -Floor area minimums; facilities per sleeping units;
	<b>Enforcement</b>	Enforced on a complaints basis  Offences & Penalties (7) (d) "Any person who neglects or refrains from doing anything required to be done by any provision of this bylaw, commits an offence and upon summary conviction, may be subject to a maximum fine of \$10,000, six (6) months imprisonment, or both."  11. May impose conditions on business licence to require pro-active property management of the property management practices recommended by the North Vancouver Crime Free Multi-Housing Program (CFMH)
	<b>Considerations for Victoria</b>	Does Victoria require a tenant register?

### City of Winnipeg

Jurisdiction & Policy	Element of policy	Details of policy
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<b>City of Winnipeg</b> <i>Neighbourhood Liveability Bylaw</i>	<b>Context / overview</b>	Purpose: to develop and maintain safe, orderly, viable and sustainable communities and to promote and maintain the health, safety and welfare of residents  Part 1 – applicable to all properties, whether occupied or vacant (except streets and parks)
<b>Jurisdiction &amp; Policy</b>	<b>Element of policy</b>	<b>Details of policy</b>
<b>City of Winnipeg</b> <i>Standards for Maintenance of Residential Properties</i>	<b>Context / overview</b>	Guide for property owners, landlords, and tenants
	<b>Explanation / details</b>	Yards; exteriors and fences; interior conditions; heating and water; basement rooms; insects and rodents; fire pits; vehicles; providing rental accommodations in your home; landlord/tenant concerns (dangled by Residential Tenancies Branch)  Animals and Insects; Boulevards; Derelict Vehicles; Fire Burning; Garbage and Litter; Graffiti; Housing; Illegal Dumping; Illegal Temporary Signs; Noise; Posters and Handbills; Roadside Memorials; Smoking; Vacant Buildings Program; Yards

## City of Saskatoon

<b>Jurisdiction &amp; Policy</b>	<b>Element of policy</b>	<b>Details of policy</b>
<b>City of Saskatoon</b> <i>The Property Maintenance &amp; Nuisance Abatement Bylaw</i>	<b>Context / overview</b>	States that the purpose of the bylaw includes health, safety, and welfare of people.
	<b>Explanation / details</b>	(6) Dilapidated Buildings – prevent buildings from deteriorating into a state that is dangerous to public health or safety  <u>Duty to Maintain</u> Division 3 covers standards for the interiors of buildings • Floors and stairs; walls and ceilings; plumbing, heating, and mechanical standards; ventilation; electrical; light; egress; structural standards;  Division 4 – Additional Standards for Dwelling Units • Habitable environment; potable water; heating; sanitary facilities; ventilation; electrical facilities; kitchen facilities; fire safety standards
	<b>Enforcement</b>	The administration and enforcement of this Bylaw is hereby delegated to the General Manager, Fire and Protective Services Department for The City of Saskatoon.





		<ul style="list-style-type: none"> <li>• The Fire and Protective Services use the annual inspection of all residential properties with more than 4 units to ensure the standards of maintenance are being met. Properties are also expected when complaints are made.<sup>9</sup></li> </ul> <p><u>Details:</u> Inspection – carried out in accordance with section 324 of <i>The Cities Act</i> (Enforcement of City Law)</p> <p>Fine Levels 61 (2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction: (a) in the case of an individual, to a fine of not more than \$10,000; (b) in the case of a corporation, to a fine of not more than \$25,000; and, (c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.</p> <p>61.1 Notwithstanding subsection 61(2), the minimum penalty that may be prescribed on summary conviction shall be: (a) where a person contravenes any provision of this Bylaw for which a Notice of Violation may be issued pursuant to section 61.2: (i) for a first offence, \$250; (ii) for a second offence, \$500; and (iii) for a third or subsequent offence, \$750; and (b) where a person fails to comply with an Order to Remedy Contravention made pursuant to section 54 of this Bylaw: (i) for a first offence, \$500; (ii) for a second offence, \$750; and (iii) for a third or subsequent offence, \$1,000.</p>
	<b>How it can help protect rental stock / tenants</b>	Proactive enforcement (annual inspection with fire inspection) and clear standards to maintain health, safety, and welfare.
	<b>Considerations for Victoria</b>	Enforcement model, under Fire and Protective Services Department conducted alongside fire inspection.

<sup>9</sup> Community Social Planning Council (2012). *Affordable Housing for BC's Capital Region: Tools for the Future*.



## BC Standards of Maintenance model bylaw

The Government of British Columbia provides a template of a municipal Standards of Maintenance Bylaw.<sup>10</sup> The following are excerpts from the model bylaw:

- “Local governments will be able to use this bylaw to ensure that apartment buildings, secondary suites, houses and condominiums that are rented and any other types of rental housing meet minimum standards of comfort and safety.”
- “A standards of maintenance bylaw provides local government with the ability to meet the needs of tenants who live in unsafe and unhealthy accommodation due to poor building maintenance. The province has heard from many tenants who are frustrated by the sub-standard and deteriorating housing conditions in which they find themselves. The 1992 report of the Provincial Commission on Housing Options noted that while the location and extent of poor housing was generally well known to community organizations and local government officials, there was no mechanism to allow local officials to require improvements. Local governments also indicated an interest in using a standards of maintenance bylaw to expand their authority to maintain the affordable housing stock in their community and protect it from premature demolition. The Commissioners concluded that most municipalities would be willing to enact minimum maintenance standards bylaws if they had the authority to do so.”
- Before passing a standards of maintenance bylaw, council may wish to evaluate existing regulations and decide whether the standards of maintenance bylaw can complement other enforcement activities. For example, the Fire Services Act, the Health Act and other bylaw provisions provided by the Municipal Act (such as Section 932, Nuisances and Disturbances) provide other opportunities to regulate specific aspects of rental accommodation.
- Responsibility for administration: The model bylaw assumes that the building inspector will administer the bylaw.
  - It is suggested that a procedures manual be prepared which addresses such issues as the service of notice. These procedures could be adopted as policies of council but not be incorporated into the actual bylaw itself.
- Penalties and enforcement:
  - Municipalities will want to consider the utility of the methods they currently use to enforce bylaws and the resources they have available in order to determine which tools will work best.
    - The Offence Act (involves prosecution in court; max penalty \$2000)
    - Municipal tickets – by implementing a Municipal Ticket Authorization Bylaw

<sup>10</sup> [http://www.housing.gov.bc.ca/pub/htmldocs/pub\\_guide.htm](http://www.housing.gov.bc.ca/pub/htmldocs/pub_guide.htm)



- Licence Remedies – if the property owner has a business licence to rent accommodation, can suspend (or potential revoke) licence (under sec 513 of the Municipal Act)
  - Notice on Title – council may file notice in land titles office against the title of a property that does not comply
- Bylaw Contravention Notice
  - “Section 735 of the Municipal Act enables local government, by bylaw, to bring a building up to a standard specified in a bylaw where the building contravenes a bylaw. If this part of the Act is being used, the council must provide 30 days written notice to the owner, tenant or occupier of the real property. The owner, tenant or occupier of the real property have 10 days to make an appeal which would be heard in court where an order will be made.”
- Appeal process
  - Decide whether or not there should be a process for landlords or property owners to appeal a notice to comply with the bylaw. Options which may be included in the appeal process, like whether the process should :
    - consist of an appeal to Council;
    - consist of a set of maximum time frames in which the appeal will be considered (i.e. ... if submitted within 15 days of the serving of the Notice to Comply.);
    - include a list of reasons that may be considered valid for the appeal (i.e. the required works would exceed the standards of maintenance bylaw);
    - include a process for dismissing an appeal.
- Allowable Standards:
  - “The legislation is clear that a standards of maintenance bylaw can not set standards that exceed those in the current British Columbia Building Code. Municipalities have the ability to exceed the British Columbia Building Code when they adopt building standards bylaws; however, in the case of a standards of maintenance bylaw, the provincial standards apply.”





## Analysis and recommendations for next steps

### **Creating a Tenant Protection Policy is valuable even if it is voluntary and not legally enforceable in all cases.**

According to several municipalities in BC, even prior to the establishment of the policies, developers had often been voluntarily offering tenants enhanced notice, compensation, relocation assistance, and other measures. The established policies outline the basic minimum standards, and developers often voluntarily go above and beyond the stated provisions. A Tenant Protection Policy can offer guidelines and templates that outline best practices and facilitate property owners and developers to consider and care for the housing needs of tenants with ease. There are some cases where the City of Victoria would have broader authority to consider tenant protection measures, such as in the case of rezoning permits, as loss of housing and resulting tenant displacements are concerns in the public interest.

### **Updating the Property Maintenance Bylaw to include provisions that relate to health and safety for occupants can both contribute to enhanced protections for tenants as well as strengthen the opportunity to preserve existing rental stock in a good state of repair.**

Many municipals in BC and beyond have developed some type of property maintenance bylaws that concern the health and safety of occupants, some noting the particular cases of tenancy in various types of rental buildings. The particulars and details of the regulations within may vary in terms of content and specificity. Additionally, inspection and enforcement models may vary. However, the existence of standards of maintenance that relate to housing quality for occupants, including tenants, can play a crucial role in the protection of both tenants and rental housing.

### **There may be opportunities within the existing legislative framework, through the Community Charter, that provide for municipal authority to enforce both tenant protection policies as well as property maintenance standards.**

This approach will require further legal analysis in order to determine the feasibility of potential levers. The Community Charter gives municipalities the authority to enact regulations around building and land, as well as businesses. Examples do exist of regulating property maintenance standards through business licencing (see example of New Westminster, within this report). It may be possible to develop business regulations that relate to both to standards of Property Maintenance as well as business regulations that specifically consider tenant protections in the case of renovations or other activities that might result in terminating tenancy.

### **There may be a role for municipal advocacy and support within the existing Residential Tenancy Act framework.**

The Residential Tenancy Act is the existing legal framework that regulates tenancies in BC. There may be questions as to its efficacy in protecting tenants in all cases. However, in some cases, tenant housing instability and displacement may result simply from the lack of awareness of the existing regulations, or the tenants' limited time or resources to pursue their rights as granted by the RTA. In these cases,





rather than creating new municipal policies, regulations, or bylaws, which can be resource-intensive to develop and enforce, a more effective use of resources may be in supporting tenants in navigating the existing regulatory framework. The City of New Westminster, for example, places an emphasis on providing tenant resources and information to tenants. The City of Victoria may consider dedicating resources to tenant advocacy and support, whether it is funding an existing tenant advocacy group or developing an advocacy role within the City itself.



## Appendix A: Details of provincial policies

### British Columbia

Jurisdiction & Policy	Element of policy	Details of policy
<b>British Columbia</b>  <i>Residential Tenancy Act</i> <a href="#">^</a>	<b>Notice to tenants</b>	Landlord may give notice to end tenancy for reasons of landlord's use of property, including selling property, demolish, renovate, convert to strata (section 49). In this case, landlord must give <b>two months' notice</b> or end tenancy at the end of a fixed term. <a href="#">^</a>
	<b>Compensation</b>	<p>When a landlord ends a tenancy in accordance with section 49, the landlord must give the tenant the <b>equivalent of one month's rent</b> on or before the effective date of the landlord's notice. This is true even if the tenant pays rent for the last month. (Section 51, (1)) <a href="#">^</a></p> <p>The tenant must pay the rent for all or any part of the time they stay during the notice period; though, they may choose to keep the last month's rent in lieu of compensation. <a href="#">^</a></p> <p>If the tenant has already paid the last month's rent and chooses to give 10 days' written notice to leave before the effective date of the notice, the landlord must pay the tenant a pro-rated amount in addition to the required compensation equal to one-month's rent. The pro-rated amount is calculated on a daily basis. <a href="#">^</a></p> <p><b>Additional compensation:</b> If the rental unit isn't used for the reasons given in the notice within a reasonable period of time, the tenant may apply for <b>dispute resolution</b> and request compensation equal to two months' rent. At the hearing, the landlord should be prepared to show that the rental unit was used for the reasons given in the notice. <a href="#">^</a></p>
	<b>Moving Assistance</b>	
	<b>Right of First Refusal</b>	
	<b>Conditions</b>	<p>Landlord can end tenancy for landlord's use of property. <b>Section 49,</b></p> <p>(5) A landlord may end a tenancy in respect of a rental unit if</p> <ul style="list-style-type: none"> <li>(a) the landlord enters into an agreement in good faith to <b>sell</b> the rental unit,</li> <li>(b) all the conditions on which the sale depends have been satisfied, and</li> <li>(c) the purchaser asks the landlord, in writing, to give notice to end the tenancy on one of the following grounds: <ul style="list-style-type: none"> <li>(i) the purchaser is an individual and the purchaser, or a close family member of the purchaser, intends in good faith to occupy the rental unit;</li> <li>(ii) the purchaser is a family corporation and a person owning voting shares in the corporation, or a close family member of that person, intends in good faith to occupy the rental unit.</li> </ul> </li> </ul> <p>(6) A landlord may end a tenancy in respect of a rental unit if the landlord <b>has all the necessary permits and approvals</b> required by law, and intends in <b>good faith</b>, to do any of the following:</p>





		<p>(a) <b>demolish</b> the rental unit;</p> <p>(b) <b>renovate</b> or repair the rental unit in a manner that requires the rental unit to be vacant;</p> <p>(c) <b>convert</b> the residential property to strata lots under the Strata Property Act;</p> <p>(d) convert the residential property into a not for profit housing cooperative under the Cooperative Association Act;</p> <p>(e) convert the rental unit for use by a caretaker, manager or superintendent of the residential property;</p> <p>(f) convert the rental unit to a non-residential use.</p> <p>While the RTA itself does not specify this, the BC Residential Tenancy Branch's website directs that: <b>"When possible, renovations should be done without evicting the tenant.</b> For example, if the renovations require the unit to be vacant for a short period, the tenant could be relocated and later return to the unit at the same rent." <a href="#">^</a></p> <p><b>"Good faith requirement</b></p> <p>Good faith is an abstract and intangible quality that encompasses an honest intention, the absence of malice and no ulterior motive to defraud or seek an unconscionable advantage. A claim of good faith requires honesty of intention with no ulterior motive. The landlord must honestly intend to use the rental unit for the purposes stated on the Notice to End the Tenancy. This might be documented through:</p> <ul style="list-style-type: none"> <li>• a Notice to End Tenancy at another rental unit;</li> <li>• an agreement for sale and the purchaser's written request for the seller to issue a Notice to End Tenancy;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• a local government document allowing a change to the rental unit (e.g., building permit) and a contract for the work."<sup>11</sup></li> </ul>
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<sup>11</sup> Government of British Columbia (2012). Residential Tenancy Policy Guideline. Good Faith Requirement when Ending a Tenancy.



## Alberta

Jurisdiction & Policy	Element of policy	Details of policy
<b>Alberta</b>  <i>Residential Tenancies Act</i>	<b>Notice to tenants</b>	<p>Depends on type of tenancy agreement and reason for ending tenancy.</p> <p><b>Periodic tenancy:</b> If a landlord intends to do major <b>renovations</b> that require the rental premises to be vacant or the landlord intends to <b>convert</b> the premises to a condo unit, the landlord must give the tenant <b>one year's notice</b> to terminate the periodic tenancy, and no rental increases are allowed during that year. (Major renovations do not include painting, replacing floor coverings, or routine maintenance.)<sup>^</sup></p> <p><b>Monthly tenancy:</b> The landlord must give <b>3 months</b> of notice. <sup>^</sup></p>
	<b>Compensation</b>	
	<b>Moving Assistance</b>	
	<b>Right of First Refusal</b>	
	<b>Conditions</b>	

## Saskatchewan

Jurisdiction & Policy	Element of policy	Details of policy
<b>Saskatchewan</b>  <i>Residential Tenancies Act</i>	<b>Notice to tenants</b>	<p>Landlord's notice: landlord's use of property (section 60)</p> <p>Two months' notice <sup>^</sup></p>
	<b>Compensation</b>	<p>Compensation only when unit has not been used for stated purpose within a reasonable period of time</p> <p>Tenant's compensation: section 60 notice</p> <p>62 A tenant may apply for an order pursuant to section 70 for compensation from the landlord, or the purchaser, as applicable pursuant to section 60, for <b>compensation for the tenant's losses</b> resulting from both of the following circumstances:</p> <p>(a) the landlord has given the tenant notice to end a tenancy pursuant to section 60; and</p> <p>(b) either:</p> <p>(i) steps have not been taken to accomplish the purpose for ending the tenancy stated in the notice pursuant to section 60 within a reasonable period after the effective date of the notice; or</p> <p>(ii) the rental unit is not used for the purpose stated in the notice for at</p>





		least six months beginning within a reasonable period after the effective date of the notice. <sup>△</sup>
	<b>Moving Assistance</b>	
	<b>Right of First Refusal</b>	
	<b>Conditions</b>	Landlord may end a tenancy if selling, demolishing, renovating, converting the unit. Must have appropriate permits and approvals in place before giving notice. (section 60) <sup>△</sup>

## Manitoba

Jurisdiction & Policy	Element of policy	Details of policy
<b>Manitoba –</b> (Provincial) Residential Tenancies Branch  <a href="#">(Fact sheet – Giving Notice: Land's Own Use, Demolition, Renovation or Change of Use)</a>	<b>Notice to tenants</b>	<p><b>Dependent on vacancy rate, tenancy agreement type, or if tenants have children who go to school</b></p> <p><b>If the vacancy rate is:</b></p> <ul style="list-style-type: none"> <li>• less than 2.0 per cent, a landlord must give the tenant <b>five months'</b> notice to move</li> <li>• between 2.0 and 2.9 per cent, the landlord must give <b>four months'</b> notice</li> <li>• at 3.0 per cent or more, the landlord must give <b>three months'</b> notice</li> </ul> <p><b>If it's a fixed-term tenancy</b> (ex: a one-year lease), the notice must be given <b>three to five months</b> before the lease ends, depending on the current vacancy rate. For example, if the vacancy rate is 1.8 per cent and the tenant's lease ends on June 30, the landlord would need to give five months' notice on or before January 31.</p> <p><b>If tenants have children who go to a school</b> near the rental unit, they can stay in the rental unit <b>until the school year is over</b>. For example, if vacancy rate is 1.8 per cent and the lease ends on April 30, the landlord would give the tenant notice to end the tenancy by November 30. The tenant would not have to leave until June 30.</p>
	<b>Compensation</b>	Landlord to pay for tenants' <b>moving costs, up to \$500.</b>
	<b>Moving Assistance</b>	Landlord to pay for tenants' <b>moving costs, up to \$500.</b>
	<b>Right of First Refusal</b>	The <b>right of first refusal</b> belongs to any tenants who get a notice of termination (to move out) because of <b>renovations</b> . This means that when landlords end tenancy agreements because they plan to renovate a unit, the tenants have the right to rent the unit after the work is done. Before moving out, the <b>tenants must tell the landlords, in writing, that they want to have the right to move back into the unit</b> . If the renovations allow the landlord to increase the rent, the tenant can rent the apartment, but <b>must pay the new rent</b> .
	<b>Conditions</b>	





## Ontario

Jurisdiction & Policy	Element of policy	Details of policy
<b>Ontario</b>  <i>Residential Tenancies Act</i> recently amended through the <i>Rental Fairness Act (2017)</i> to offer stronger protections to tenants in a variety of buildings	<b>Notice to tenants</b>	Notice, demolition, conversion or repairs (Section 50) (1) A landlord may give notice of termination of a tenancy if the landlord requires possession of the rental unit in order to, (a) <b>demolish</b> it; (b) <b>convert</b> it to use for a purpose other than residential premises; or (c) do <b>repairs or renovations</b> to it that are so extensive that they require a building permit and vacant possession of the rental unit. 2006, c. 17, s. 50 (1).  (2) The date for termination specified in the <b>notice shall be at least 120 days</b> after the notice is given and shall be the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term. 2006, c. 17, s. 50 (2).
	<b>Compensation</b>	<ul style="list-style-type: none"> <li>Requires landlord to provide increased compensation (<b>equivalent of three months' rent</b>) for tenants evicted due to renovation, demolition, conversion compared to compensation for eviction due to landlord/family use (equivalent of one months' rent).</li> <li>Condition: applies to buildings with 5 or more rental units</li> <li>Landlord can also offer the tenant another <b>rental unit acceptable to the tenant</b> in lieu of compensation.</li> <li><b>No eviction before compensation.</b></li> </ul>
	<b>Moving Assistance</b>	
	<b>Right of First Refusal</b>	<ul style="list-style-type: none"> <li>Right of first refusal offered to tenants in case of repair or renovation</li> <li>Tenant must provide landlord with written notice before vacating the unit</li> <li><b>Rent control measure:</b> Landlord may charge no more for rent than what would have been lawfully charged if there had been no interruption in tenancy</li> </ul>
	<b>Conditions</b>	The province's regulatory framework has involved a <i>Condominium Act, 1998</i> which offers different provisions based on the type and age of building. The <i>Rental Fairness Act</i> attempts to offer stronger and more consistent protection for tenants of all types of buildings.

## Quebec


Jurisdiction & Policy	Element of policy	Details of policy
<b>Quebec</b>  <i>Civil Code of</i>	<b>Notice to tenants</b>	To divide, enlarge, or substantially change nature of dwelling: <ul style="list-style-type: none"> <li>fixed term lease: <b>6 months' notice</b> before expiry date of lease, or 1 month notice within the six month period</li> <li>undetermined term: 6 months' notice</li> </ul>





Quebec		<p>Notice must state reason for eviction and date of eviction</p> <p>Tenant can object to this division/enlargement (see conditions column).</p>
	<b>Compensation</b>	Landlord pay equivalent of <b>three months' rent, plus reasonable moving expenses</b> (Tenant can apply to court to change amount if they believe they warrant more)
	<b>Moving Assistance</b>	Landlord must pay reasonable moving expenses
	<b>Right of First Refusal</b>	
	<b>Conditions</b>	<p>The landlord can evict tenant to:</p> <ul style="list-style-type: none"> <li>• divide, enlarge, or substantially change nature of dwelling</li> </ul> <p>The tenant can apply to the court to refuse the division or enlargement within a period of one month. If the tenant does not file an application, he is assumed to have consented to the division, enlargement or change of destination. When an objection is raised by a tenant, the burden of proof is on the landlord to demonstrate that he has a valid reason for dividing, enlarging or changing the type of dwelling and that he can legally do so (article 1966 Civil Code of Quebec).</p>





**Corporation of the City of Victoria**  
Engineering Department, Land Development Section

**TENANT PLAN – STRATA TITLING**

Application No. \_\_\_\_\_

☐ Preliminary Application      ☐ Final Application

APPLICANT'S NAME (PRINT)		ADDRESS	PHONE # / FAX #
PROJECT ADDRESS		# EXISTING UNITS RENTED _____, OWNER OCCUPIED _____, VACANT _____	
# NEW UNITS IN PROJECT		# TOTAL PROPOSED STRATA UNITS	

EXPLAIN NATURE OF PROJECT AND REASON FOR STRATA TITLING:

EXPLAIN TYPES OF ASSISTANCE / OFFERED TO TENANTS:

☐ - Fixed Term Tenancy -

☐ - Option to Purchase -

☐ - Rental Assistance -

☐ - Alternative Rental -

☐ - Other -

TENANT INFORMATION (Please Print)			
TENANT'S SIGNATURE	PHONE #	UNIT #	DATE ACCEPTED
			DATE COMPLETED

NOTE: If the above space is insufficient use back of form.

FINAL / PRELIMINARY

APPLICANT'S CERTIFICATION

I, \_\_\_\_\_ confirm that the information contained in this form is correct to the best of my knowledge and certify to the City of Victoria that I will provide the tenant (s) with the assistance as accepted by the tenant as outlined on this TENANT PLAN.

Applicant's Signature (Confirming Offer Accepted) \_\_\_\_\_ Date \_\_\_\_\_

Applicant's Signature (Confirming Offer Completed) \_\_\_\_\_ Date \_\_\_\_\_

**NOTE: THIS TENANT PLAN CAN BE MADE AVAILABLE IN OTHER LANGUAGES UPON REQUEST.**

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Revised March 2004



City of Vancouver



## Development Applications Involving Tenant Relocation – Application Form

**This form must be submitted with your rezoning or development application.**

- |                |   |
|----------------|---|
| <b>Step 1:</b> | <b>Understand your rights and responsibilities as a landlord</b><br>Please review the documents in the <b>background</b> section pertaining to relocating tenants and the City's rental replacement policies. |
| <b>Step 2:</b> | Complete Section 1 – Declaration of Tenant Impact and determine the requirements of your application  |
| <b>Step 3:</b> | Complete application requirements   |
| <b>Step 4:</b> | Save and return the completed form to City Staff for Feedback by email to <a href="mailto:housing@vancouver.ca">housing@vancouver.ca</a>  |

### Background: Rights and Responsibilities of Landlord and Tenants

The rights and responsibilities of landlords and tenants is regulated by the Province and is set out in **the Residential Tenancy Act**:

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_02078\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_02078_01)

For more information, about the City's rental housing protection policies, please refer to the following documents:

Rental Housing Stock ODP: <http://vancouver.ca/files/cov/rate-of-change.pdf>

Tenant Relocation and Protection Policy: <http://vancouver.ca/files/cov/tenant-relocation-and-protection-policy.pdf>

Tenant Relocation and Protection Guidelines: <http://vancouver.ca/files/cov/tenant-relocation-and-protection-guidelines.pdf>

[Applicant Checklist for Projects Involving Tenant Relocation](#)

- [Rezoning Applications: http://vancouver.ca/files/cov/applicant-checklist-tenant-relocation-rezoning-process-2016.pdf](http://vancouver.ca/files/cov/applicant-checklist-tenant-relocation-rezoning-process-2016.pdf)
- [Development Permit Applications \(No Rezoning\): http://vancouver.ca/files/cov/applicant-checklist-tenant-relocation-development-permit-process-2016.pdf](http://vancouver.ca/files/cov/applicant-checklist-tenant-relocation-development-permit-process-2016.pdf)



COMMUNITY SOCIAL PLANNING COUNCIL  
research·insights·solutions

**Market Rental Revitalization Study (MaRRS)**  
**Policy Research (Nov 16, 2017)**

Page 43 of 53



Owners of **SRA designated properties** should refer to the SRA Bylaw for development and tenant protection requirements relevant to the SRA stock. [Learn more at http://vancouver.ca/srabylaw](http://vancouver.ca/srabylaw)

### Section 1: Declaration of Tenant Impact

Indicate how the work you are proposing will impact tenants.

Tenant Impact		Application Requirements
Work will require permanent relocation of Tenant(s)	<input type="checkbox"/> Y <input type="checkbox"/> N	If Yes, complete Sections 2 and 3
Work can be completed without requiring tenant relocation or displacement.	<input type="checkbox"/> Y <input type="checkbox"/> N	If Yes, complete Section 2 and submit a notarized <a href="#">Tenant Impact Statement</a> confirming that no tenants will be displaced as a result of the proposed work.



## Section 2: Rental Statistics

### A. Proposed Project Statistics

Date:		Applicant:		Owner:	
Phone:		Email:			
Building#:		Street:		City:	Postal Code:
Legal description of site:					
Proposed Permit # or Type:					
Current Zoning:		Proposed Zoning:			
Proposed Project (Describe):					
Does the proposed project have new or replacement rental units?		<input type="checkbox"/> Y <input type="checkbox"/> N			
Is this a proposed renovation of existing rental unit(s)?		<input type="checkbox"/> Y <input type="checkbox"/> N			
If No to both, please skip to section C: Existing Rental Units					

### B. Proposed new or renovated rental units:

Unit Type	Number	Average Size	Size Range	Initial Average Rents	Initial Rent Range
Studio	[[ ]]	[[ ]]	[[ ]]	[[ ]]	[[ ]]
1 bed	[[ ]]	[[ ]]	[[ ]]	[[ ]]	[[ ]]





Unit Type	Number	Average Size	Size Range	Initial Average Rents	Initial Rent Range
2 bed	[[ ]]	[[ ]]	[[ ]]	[[ ]]	[[ ]]
3 bed	[[ ]]	[[ ]]	[[ ]]	[[ ]]	[[ ]]
Other:	[[ ]]	[[ ]]	[[ ]]	[[ ]]	[[ ]]
Total	[[ ]]				

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## C. Existing Rental Units:

Unit Type	Total Number	Number Currently Occupied
Studio	[[ ]]	[[ ]]
1 bed	[[ ]]	[[ ]]
2 bed	[[ ]]	[[ ]]
3 bed	[[ ]]	[[ ]]
Other e.g. 4 bed+, housekeeping or sleeping units:	[[ ]]	[[ ]]
Total	[[ ]]	[[ ]]

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**D. Existing Tenants**

Please provide a rent roll of **all** existing tenants on site and supplementary information on any tenants with special circumstances (e.g. disabilities, seniors, etc...)

Name	Phone/Email	Unit#	Initial Move-In Date	Bedroom Type	Size of Unit	Existing Rent	Describe any Special Circumstances	For staff completion:	
								Eligible for Tenant Relocation Plan*	
								<input type="checkbox"/> Y	<input type="checkbox"/> N
								<input type="checkbox"/> Y	<input type="checkbox"/> N
								<input type="checkbox"/> Y	<input type="checkbox"/> N
								<input type="checkbox"/> Y	<input type="checkbox"/> N
								<input type="checkbox"/> Y	<input type="checkbox"/> N
								<input type="checkbox"/> Y	<input type="checkbox"/> N
								<input type="checkbox"/> Y	<input type="checkbox"/> N
								<input type="checkbox"/> Y	<input type="checkbox"/> N

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**\*Note to Staff:** A tenant is eligible for a Tenant Relocation Plan if they have been on site for at least 1 year prior to the date the rezoning or development permit application is submitted.





Section 3: Tenant Relocation Plan

Please complete the “Draft TRP Details” column in the following chart. The notes in the shaded column correspond to the expectations under the City’s rental housing protection policies and indicate both minimum requirements and typical scenarios encountered. Staff will assess the proposed Tenant Relocation Plan and provide comments during the application phase.

Insert New Column

Relocation Plan Components	Draft TRP Details (to be completed with Rezoning or DE application submission)	City Staff Comments (to be completed during Application Review)	FINAL/REVISED TRP
	Date:	Date:	Date:
<b>Describe existing project compared to new project</b> <b>Compensation Per Unit</b> <ul style="list-style-type: none"><li>2 months’ rent – tenancies up to 5 years</li><li>3 months’ rent – tenancies between 5 – 10 years</li><li>4 months’ rent – tenancies over 10 years</li><li>6 months’ rent for tenancies over 20 years</li></ul> <i>Compensation may take the form of free rent, lump sum, or combination of both, and should be issued the tenant(s) listed in the tenancy agreement.</i>	<ul style="list-style-type: none"><li>Existing units vs. new units</li><li>Existing rents vs. new rents</li><li>Existing unit mix vs. new unit mix</li></ul>	<ul style="list-style-type: none"><li></li></ul>	<ul style="list-style-type: none"><li></li></ul>



Relocation Plan Components	Draft TRP Details (to be completed with Rezoning or DE application submission)	City Staff Comments (to be completed during Application Review)	FINAL/REVISED TRP
	Date:	Date:	Date:
	•	•	•
<b>Moving Expenses</b> <ul style="list-style-type: none"> <li>An insured moving company may be hired by the applicant, with all arrangements and costs covered; or</li> <li>A flat rate of \$750 for bachelor and 1-bed; and \$1,000 for 2 or more bed units</li> </ul>	•	•	•

#### Notification

- A minimum of two months' notice to end tenancy must be provided once all permits are issued (eg all development, building, and demolition permits).
- A longer time frame may be offered.



Relocation Plan Components	Draft TRP Details (to be completed with Rezoning or DE application submission)	City Staff Comments (to be completed during Application Review)	FINAL/REVISED TRP
	Date:	Date:	Date:
<p><b>Assistance in Finding Alternate Accommodation</b></p> <ul style="list-style-type: none"> <li>Three options in Vancouver must be provided to the tenants, one of which must be in the same general area as their current home.</li> <li>Note for projects in the West End, <u>two</u> options should be provided in the same general area as their current home.</li> <li>All options must rent for no more than <u>CMHC average rents*</u> for the area unless otherwise agree to with the tenant (i.e. tenant may be looking for newer, bigger unit etc. and able to pay more for such).</li> </ul> <p><i>*See Tenant Relocation Plan Applicants' Checklist for listing of CMHC average area rents</i></p>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>



Relocation Plan Components	Draft TRP Details (to be completed with Rezoning or DE application submission)	City Staff Comments (to be completed during Application Review)	FINAL/REVISED TRP
	Date:	Date:	Date:
<b>First Right of Refusal</b> <ul style="list-style-type: none"> <li>Where starting rents are anticipated to be higher than what the tenant currently pays, provide a 20% discount off starting rents for any returning tenants</li> </ul> <p>Note: Right of First Refusal applies to projects where one-for-one replacement is required under the Rental Housing Stock ODP or if the project is proposing new secured market rental (e.g. Rental 100) . For projects proposing new or replacement social housing, tenants are to be offered Right of First Refusal provided they meet eligibility requirements.</p>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>



Relocation Plan Components	Draft TRP Details (to be completed with Rezoning or DE application submission)	City Staff Comments (to be completed during Application Review)	FINAL/REVISED TRP
	Date:	Date:	Date:
<b>Additional Support for Special Circumstances</b> <ul style="list-style-type: none"> <li>Describe any additional support or compensation to be provided to tenants with special circumstances (e.g. seniors, persons with disabilities, low income, etc...)</li> <li>Examples of support can include: <ul style="list-style-type: none"> <li>Hiring a relocation consultant</li> <li>Additional compensation</li> <li>Identifying at least one alternate accommodation option within 10% of the tenant's current rent</li> <li>Where a Building Manager is paying reduced rent in exchange for services, consider compensation at the same monthly rate as for a similar sized unit.</li> </ul> </li> </ul>	•	•	•

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FOR OFFICE USE ONLY:



<b>Staff Comments:</b>	
<b>Final Tenant Relocation Plan</b> <b>Approval Date:</b>	
<b>Approved by:</b>	







# Market Rental Revitalization Study

## Project Update

November 23, 2017



# Market Rental Revitalization Study (MaRRS)



Victoria Housing Strategy Annual Review  
November 16 2017



## Property Maintenance Bylaw Update

- Unsightly conditions
- No health and safety considerations



Victoria Housing Strategy Annual Review  
November 16 2017

## Standards of Maintenance Bylaw

- Interior conditions
- Unauthorized suites
- Enforcement



Victoria Housing Strategy Annual Review  
November 16 2017



## Relocation Policies

- Common components
- Authority to enforce
- Developers seeking guidance



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## Proposed Tenant Relocation Policy

- Core components
- Balanced approach



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## Focus Groups

- January 2018
- Landlord and tenant feedback



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## Additional Tenant Stability Mechanisms

- Business regulations
- Building/land regulations



Victoria Housing Strategy Annual Review  
November 16 2017



## Recommendations

That Council:

1. Receive this Market Rental Revitalization Study Project Update report for information
2. Direct staff to:
  - a. prepare a new Standards of Maintenance Bylaw and Tenant Relocation Policy based on the recommendations contained in this report;
  - b. seek feedback on the above at the Market Rental Revitalization Study focus group sessions and return to Council with final drafts for approval by Q1 2018
  - c. examine the City's authority to further improve tenant stability through other legislative mechanisms



Victoria Housing Strategy Annual Review  
November 16 2017









## Committee of the Whole Report For the Meeting of November 23, 2017

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**To:** Committee of the Whole **Date:** November 13, 2017  
**From:** Chris Coates, City Clerk  
**Subject:** Proclamation "National Homeless Persons' Memorial Day" December 21, 2017

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### RECOMMENDATION

That the *National Homeless Persons' Memorial Day Proclamation* be forwarded to the November 23, 2017 Council meeting for Council's consideration.

### EXECUTIVE SUMMARY

Attached as Appendix A is the requested *National Homeless Persons' Memorial Day Proclamation*. Council has established a policy addressing Proclamation requests. The policy provides for:

- A staff report to Committee of the Whole.
- Each Proclamation request requiring a motion approved at Committee of the Whole prior to forwarding it to Council for their consideration.
- Staff providing Council with a list of Proclamations made in the previous year.
- Council voting on each Proclamation individually.
- Council's consideration of Proclamations is to fulfil a request rather than taking a position.

A list of 2016 and 2017 Proclamations is provided as Appendix B in accordance with the policy. Consistent with City Policy, Proclamations issued are established as fulfilling a request and does not represent an endorsement of the content of the Proclamation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Chris Coates'.

Chris Coates  
City Clerk

Appendix A: Proclamation "National Homeless Persons' Memorial Day"  
Appendix B: List of Previously Approved Proclamations







**"NATIONAL HOMELESS PERSONS' MEMORIAL DAY"**

*WHEREAS December 21<sup>st</sup> is the first day of winter and the longest night of the year; and*

*WHEREAS the winter poses severe hardship for homeless, unsheltered and inadequately housed low-income women, men and children in Victoria; and*

*WHEREAS stigma towards people who are homeless in our community undermines homeless persons' efforts to fully participate in our community; and*

*WHEREAS reducing homelessness contributes to a better quality of life and a safer community for everyone; and*

*WHEREAS local, regional and national research has shown that adequate housing and a range of support services are integral to successful health promotion, and the well-being of individuals, families and the community; and*

*WHEREAS people who experience homelessness have poorer health, shorter life expectancy and often lack access to health services; and*

*WHEREAS in Article 25(1) of its Universal Declaration of Human Rights the United Nations has affirmed that housing is a human right; and*

*WHEREAS December 21<sup>st</sup> has been designated National Homeless Persons' Memorial Day by the US National Coalition for the Homeless, and is so recognized by cities around the world; and*

*WHEREAS December 21<sup>st</sup> falls within traditional seasons of generosity and sharing; and in these seasons of generosity Victoria residents are disposed to commit themselves to promoting compassion and concern for all our brothers and sisters, especially those who are homeless; and*

*WHEREAS the spirit of these traditional holiday seasons encourages charitable giving and provides an opportunity for a renewed commitment to end homelessness; and*

*WHEREAS in remembering those who have died on the streets, the cause of ending homelessness is kept urgent, as is Victoria's collective commitment to preventing any such deaths in the future;*

*BE IT RESOLVED THEREFORE, in recognition of the people who have died homeless in and around Victoria, that Victoria City Council hereby asks all our residents to take a moment of silence in remembrance on December 21<sup>st</sup>; and*

*BE IT FURTHER RESOLVED THEREFORE that Victoria City Council encourages our residents to support and participate in all local efforts to eliminate homelessness in our community.*

*NOW, THEREFORE I do hereby proclaim the day of December 21<sup>st</sup>, 2017 as "HOMELESS PERSONS' MEMORIAL DAY" on the TRADITIONAL TERRITORIES of the ESQUIMALT AND SONGHEES FIRST NATIONS in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

*IN WITNESS WHEREOF, I hereunto set my hand this 23<sup>rd</sup> day of November, Two Thousand And Seventeen.*

---

**LISA HELPS  
MAYOR  
CITY OF VICTORIA  
BRITISH COLUMBIA**

*Sponsored By:  
Victoria Committee to  
End Homelessness  
and Councillor Marianne Alto*







## Appendix B

Council Meetings	Proclamations
Jan. 14, 2016	BC Aware 2016: Be Secure, Be Aware Days" January 25 – February 5, 2016
Jan. 28, 2016	Eating Disorder Awareness Week - February 1 to February 7, 2016 Variety – The Children's Charity Week - February 8 to February 14, 2016 Black History Month 2016 – February 2016
Feb. 11, 2016	Darwin Day – February 12, 2016 Bullying Stops Here – Pink Shirt Day - February 26, 2016 Rare Disease Day – February 29, 2016 Health, Wellness & Sustainability Festival Day – February 27, 2016 Chamber of Commerce Week – February 15 – February 19, 2016
Feb. 25, 2016	Tibet Day – March 10, 2016
Mar. 3, 2016	Victoria Co-op Day - March 5, 2016
Mar. 10, 2016	World Plumbing Day – March 11, 2016 Purple Day for Epilepsy Awareness – March 26, 2016 World Poetry Day and National Poetry Month – March 21, 2016 and April 2016 World Kidney Day – March 10, 2016 International Day to Eliminate Racial Discrimination – March 21, 2016
Mar. 24, 2016	National Volunteer Week – April 10-16, 2016 Canadian Oncology Nursing Day - April 5, 2016 Project Management Day – April 15, 2016 Autism Awareness Day – April 2, 2016 Everyone Matters Day – April 12, 2016 International Transgender Day of Visibility – March 31, 2016 Canadian Cancer Society's Daffodil Month – April 2016 National Day of Mourning – April 28, 2016
Apr. 14, 2016	World Wish Day - April 29, 2016 Highland Games Week – May 17 – May 23, 2016 Earth Day Power Hour – 11:59 am – 12:59 pm the Friday preceding Earth Day – April 22, 2016 Child Abuse Prevention Month – April 2016
Apr. 28, 2016	National Missing Children's Month and Missing Children's Day – May 2016 Huntington Awareness Month – May 2016 Putting Investors First Month – May 2016 Brian Tumour Awareness Month – May 2016
May 12th, 2016	Parachute Safe Kids Week – May 30 to June 5, 2016 Public Works Week – May 15 to 21, 2016



	Kids Help Phone – Walk So Kids Can Talk Day – May 1, 2016
May 26th, 2016	Orca Awareness Month – June 2016 Intergenerational Day Canada – June 1, 2016 ALS Awareness Month (Lou Gehrig's Disease) – June 2016 National Tourism Week – May 29 to June 4, 2016 World Oceans Week – June 1 to June 8, 2016 World Oceans Day and Rivers to Oceans Week – June 8, 2016 and June 8 to June 14, 2016 Medical Marijuana Day – June 11, 2016 Brain Injury Awareness Month – June 2016 Built Green Day – June 8, 2016
June 9th, 2016	Sri Chinmoy Oneness – Home Peace Run – June 24, 2016 Men's Mental Health Awareness Day – June 14, 2016 World Refugee Day – June 20, 2016 Access Awareness Day – June 4, 2016
June 23rd, 2016	Pride Week – July 1 to July 10, 2016
July 28th, 2016	World Hepatitis Day – July 28, 2016
Aug. 25, 2016	Childhood Cancer Awareness Month – September 2016 Prostate Cancer Awareness Month – September 2016
Sept. 8, 2016	KidSport Week – September 10 – 17, 2016 Peace One Day – September 21, 2016 Literacy Month – September 2016
Sept. 22, 2016	Community Living Month – October 2016 Manufacturing Month – October 2016 Occupational Therapy Month – October 2016 Fire Prevention Week 2016 – October 9th to 15th, 2016 International Blasphemy Rights Day – September 30, 2016 (amended)
Oct. 13, 2016	World Mental Health Day – October 10, 2016 National Teen Driver Safety Week – October 16 to October 22, 2016 Waste Reduction Week – October 17 to 23, 2016
Nov. 10, 2016	UNiTE to End Violence Against Women Day – November 25, 2016
Nov. 24, 2016	Think Local Week – November 27 to December 3, 2016 HIV/AIDS Awareness Week – November 24 to December 1, 2016 World AIDS Day – December 1, 2016 Aboriginal AIDS Awareness Week – December 1 to December 5, 2016 Buy Local Week – November 28 to December 4, 2016 International Day of Persons with Diversabilities – December 3, 2016



	GivingTuesday – November 29, 2016 National Day of Remembrance and Action on Violence Against Women – December 6, 2016
Dec. 8, 2016	National Homeless Persons' Memorial Day – December 21, 2016 Year of Reconciliation - 2017
Jan. 12, 2017	BC AWARE 2017: Be Secure, Be Aware Days - January 30 - February 10, 2017
Jan. 26, 2017	Heart Month - February 2017
Feb. 9, 2017	Rare Disease Day - February 28, 2017 Chamber of Commerce Week - February 20-24, 2017
Feb. 23, 2017	Tibet Day - March 10, 2017 Victoria Co-op Day - February 25, 2017
Mar. 9, 2017	Purple Day for Epilepsy Awareness - March 26, 2017 Neighbour Day - May 7, 2017 World Kidney Day - March 9, 2017
Mar. 23, 2017	Canadian Oncology Nursing Day - April 4, 2017 Autism Awareness Day - April 2, 2017 World Hemophilia Day - April 17, 2017
Apr. 13, 2017	Parkinson's Awareness Month - April 2017 St. George Day - April 23, 2017 Human Values Day - April 24, 2017 Speech and Hearing Awareness Month - May 2017 Global Love Day - May 1, 2017 Child Abuse Prevention Month - April 2017 Earth Day - April 22, 2017
Apr. 27, 2017	Motorcycle Safety Awareness Month - May 2017 Putting Investors First Month - May 2017 Huntington Awareness Month - May 2017 Cruise Industry Day - May 2, 2017 Highland Games Week - May 16 - 22, 2017 Speech and Hearing Awareness Month - May 2017 - Revised
11-May-17	Intergenerational Day Canada - June 1, 2017
25-May-17	Victims and Survivors of Crime Week - May 28 to June 3, 2017 ALS Awareness Month - June 2017 Orca Awareness Month - June 2017 Parachute's Safe Kids Week - June 5 to June 11, 2017 Built Green Day - June 7, 2017



	Access Awareness Day - June 3, 2017 Doug Hudlin Awareness Day - June 11, 2017 National Tourism Week - May 28 to June 3, 2017
8-Jun-17	World Refugee Day - June 20, 2017
22-Jun-17	Pride Week - July 1 to July 9, 2017
27-Jul-17	World Hepatitis Day - July 28, 2017
10-Aug-17	Grandmothers to Grandmothers Day - September 10, 2017 Grandparents Raising Grandchildren Week - September 10 - 16, 2017 International Overdose Awareness Day - August 31, 2017
7-Sep-17	Prostate Cancer Awareness Month - September 2017 KidSport Week - September 9 - 16, 2017 International Day of Peace - September 21, 2017
21-Sep-17	Manufacturing Month - October 2017 Wrongful Conviction Day - October 2, 2017 Fire Prevention Week - October 8 to 14, 2017 Occupational Therapy Month - October 2017
5-Oct-17	International Deaf Week - September 18 - 24, 2017
12-Oct-17	None
26-Oct-17	CRPS - RSD Awareness Day
9-Nov-17	
23-Nov-17	
14-Dec-17	





**Council Member Motion**  
**For the Committee of the Whole Meeting of November 23, 2017**

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**Date:** November 17, 2017

**From:** Councillor Ben Isitt

**Subject:** Resolution: Modernizing the BC Motor Vehicle Act

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**Recommendation:**

That Council (1) endorse the Road Safety Law Reform Group of British Columbia's Position Paper on Modernizing the BC Motor Vehicle Act and the resolution "Modernizing the BC Motor Vehicle Act"; (2) Request that the Mayor write to the BC Minister of Justice and Attorney General, copying the Premier, the Minister of Transportation, Members of the Legislative Assembly, and local governments in British Columbia, requesting favourably consideration; and (3) direct staff to forward the resolution to the Association of Vancouver Island and Coastal Communities and Union of BC Municipalities for consideration at the 2018 annual meetings of those associations:

Resolution: Modernizing the BC Motor Vehicle Act

WHEREAS The Road Safety Law Reform Group of British Columbia and organizations including the City of Vancouver, British Columbia Cycling Coalition and Trial Lawyers Association of British Columbia have called on the Government of British Columbia to review and modernize the BC Motor Vehicle Act;

AND WHEREAS modernization of this legislation is necessary to achieve the Government of British Columbia's "Vision Zero" plan to make BC's roads the safest in North America and eliminate road-related injuries and deaths by 2020;

AND WHEREAS the Road Safety Law Reform Group has provided evidence-based recommendations for increasing safety for vulnerable road users, including children, seniors, people with disabilities, pedestrians and cyclists;

THEREFORE BE IT RESOLVED THAT the Government of British Columbia review and modernize the BC Motor Vehicle Act, to increase safety for all road users and achieve the "Vision Zero" objective of making BC's roads the safest in North America and eliminating road-related injuries and deaths by 2020.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ben Isitt".

Councillor Ben Isitt

**Attachments:**

1. Position Paper of the Road Safety Law Reform Group of British Columbia
2. Letter to Government of British Columbia







# Modernizing the BC *Motor Vehicle Act*

Position Paper  
of the  
Road Safety Law Reform Group  
of British Columbia

June 1, 2016

Endorsed by HUB Cycling, The British Columbia Cycling Coalition and the Trial  
Lawyers Association of British Columbia



## Executive Summary

The Road Safety Law Reform Group<sup>1</sup> is a British Columbian consortium of representatives from the legal community, cycling organizations and research institutions. We support the BC government's "Vision Zero" plan to make BC's roads the safest in North America and eliminate road-related injuries and deaths by 2020.

We seek to make roads safer for vulnerable road users—including pedestrians, cyclists and children—by advocating for evidence-based reforms that will modernize the province's rules of the road in accordance with the BC government's vision. We have identified 26 recommendations for changes to British Columbia's traffic legislation.

## Modernizing the Motor Vehicle Act

BC's *Motor Vehicle Act* (the "MVA" or the "Act"), as its name suggests, was written with motorists in mind. Rules for cyclists were largely confined to a section titled "Bicycles and Play-vehicles." The MVA was passed in 1957 and has changed surprisingly little since.

Changes to the Act are required if BC is to meet its "Vision Zero" road safety targets. Decades' worth of evidence has shown that cyclists and other vulnerable road users are not adequately protected by the nearly 60-year-old Act. The transportation environment has evolved since 1957. Cycling in particular has become an established and growing form of transportation, with significant and compounding environmental, economic and public health benefits. A quarter of BC residents now cycle weekly or daily and cycling is the fastest growing mode of transportation in Metro Vancouver.

With reform either recently completed or pending in Canada's two most populous provinces—Ontario and Quebec—British Columbia has an opportunity to capitalize on momentum. To achieve the safest roads in North America, BC too will need to align its laws with recommended cycling practices and promote behaviours that reduce collisions, injury and death.

## Research-Based Recommendations for Reform

The guiding principles and specific recommendations set out in this Position Paper are based on scientific and legal research, recognized best safety practices, and the experiences of BC road users. The City of Vancouver is not a formal member of the consortium but has participated informally in support of reforms aligned with the City's Transportation 2040 policy toward an inclusive, healthy, prosperous, and livable future. Similarly, TransLink, in their Regional Cycling Strategy, endorsed amending the Act to:

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<sup>1</sup> The Road Safety Law Reform Group is chaired by David Hay Q.C., and consists of:

- Erin O'Melinn - Executive Director HUB Cycling
- Kay Teschke - Professor, School of Population and Public Health, The University of British Columbia
- S. Natasha Reid - Lawyer
- Arno Schortinghuis - President of the British Columbia Cycling Coalition (BCCC)
- Colin Brander - Treasurer of the BCCC
- Richard Campbell - Third Wave Cycling
- Nate Russell - Lawyer



- clarify the distinct needs, rights and responsibilities of the different classes of road users,
- provide enhanced legal protection for vulnerable road users, and
- allow and clearly define conditions to implement road safety measures such as speed limits.

## Aims of Reform

Equality before the law is a guiding principle for law reform. This requires taking into account the *capabilities* and *vulnerabilities* of all road users, not only motorists. That legislation crafted in the 1950s fails to equally address vulnerable road users today is not surprising. It is, however, a good reason to look at meaningful reforms to the Act.

The aims of reform include the following, many of which are interdependent:

- clarifying the rights and duties of road users to improve understanding and compliance and reduce conflict between all road user groups,
- acknowledging the fundamental differences between road user groups' capabilities and vulnerabilities, and recognizing the increased risks faced by more vulnerable classes of road users,
- aligning the law with best practices for safer road use by vulnerable road users,
- reducing the likelihood of a collision involving a vulnerable road user,
- prioritizing enforcement of laws that target activities most likely to result in collisions, injuries and fatalities, and
- reducing the likely severity of injuries resulting from collisions involving vulnerable road users.

## Summary of Proposed Reforms

The proposed reforms are set out in five sections.

### Section 1: Change the Name of the Act

Section 1 recommends changing the name of the Act to one reflective of the law's essential purpose. Renaming the *Motor Vehicle Act* to the *Road Safety Act* would be a symbolic step in support of the BC Government's "Vision Zero" plan and increase public awareness by emphasizing safety.

### Section 2: Amend Rules of General Application

Section 2 addresses amendments to rules of general application, including:

- adopting appropriate classifications for different road user groups, and
- empowering (while reducing the burden upon) municipalities to set suitable speed limits within municipal boundaries.

### Section 3: Add Rules to Improve Cyclist Safety

Section 3 sets out amendments specific to driving and cycling behaviours. The proposed reforms include:

- a safe passing distance law,



- clarifying cyclist lane positioning at law,
- clarifying rights of way in commonly problematic situations, in particular where motorists turn across cyclist through-traffic; and
- clarifying when a cyclist may pass on the right.

**Section 4: Add Rules for Cyclist-Pedestrian Safety**

Section 4 is specific to cyclist-pedestrian interactions as they occur on sidewalks or in crosswalks.

**Section 5: Add Fines for Violations that Threaten Vulnerable Road Users**

Section 5 proposes amendments to the fines for violating MVA provisions that relate to vulnerable road users.

The proposed reforms would increase safety for vulnerable BC road users while promoting clarity, awareness and compliance with laws among all road user groups.



## Contents

Executive Summary .....	ii
Modernizing the Motor Vehicle Act.....	ii
Research-Based Recommendations for Reform .....	ii
Aims of Reform .....	iii
Summary of Proposed Reforms .....	iii
Section 1: Change the Name of the Act.....	iii
Section 2: Amend Rules of General Application.....	iii
Section 3: Add Rules to Improve Cyclist Safety .....	iii
Section 4: Add Rules for Cyclist-Pedestrian Safety .....	iv
Section 5: Add Fines for Violations that Threaten Vulnerable Road Users .....	iv
Introduction.....	2
Part I: The Case for Reform.....	4
A. BC Traffic Laws are Overdue for Modernization.....	4
Vulnerable Road Users Face Increased Risk .....	4
Safety Risks and Laws that Deter Cycling .....	5
Traffic has Changed.....	6
How the Act Stagnated .....	7
B. Guiding Principles for Legislative Reform .....	8
Part II: Recommended Reforms .....	10
1. Change the Name of the Act to be more Neutral.....	10
2. General Rules.....	10
Classification of Road Users.....	10
Definition of a Cycle.....	11
Motor Assisted Cycle.....	11
Due Care and Attention/Reasonable Consideration .....	14
Municipal Speed Limits.....	14
Default Speed Limit on Local Streets.....	15
3. Rules Relating to Motor Vehicle–Bicycle Interactions .....	16
“The same rights and duties as the operator of a vehicle” .....	16
Safe Passing Distance .....	17
“As far to the right as is practicable” .....	19
Passing on the Right .....	22



Rights of Way ..... 25

Roundabouts and Traffic Circles ..... 27

Red Traffic Arrows ..... 28

Rail Tracks and Cattleguards ..... 29

Following too closely..... 29

Riding Abreast ..... 32

Riding on or Astride the Seat..... 33

Signaling by the Operator of a Cycle..... 33

Seizure of Cycle..... 34

4. Rules Relating to Pedestrian-Cyclist Interactions ..... 35

    Sidewalks ..... 35

    Access to Cyclist or Pedestrian Controlled Traffic Signals..... 36

    Crosswalks ..... 37

5. Offences ..... 38

    Dooring ..... 38

    Obstruction of a Travel Lane Designated for the Use of Cycles ..... 41

Conclusion ..... 41



## Introduction

The *BC Motor Vehicle Act* (the “MVA” or the “Act”) was originally passed in 1957.<sup>2</sup> As the Act’s name suggests, it was written with motorists in mind. It reflected the transportation environment of its time. But we now know, with the benefit of decades of scientific evidence, that it does little to protect vulnerable road users such as cyclists and pedestrians on today’s roads.<sup>3</sup>

The BC government has set its “Vision Zero” plan to eliminate road-related injuries and deaths by 2020. For this to be accomplished, the MVA should be amended to protect vulnerable road users and encourage modes of transportation that yield environmental, economic and public health benefits, such as walking and cycling.

This position paper from the *Road Safety Law Reform Group*, a coalition of organizations seeking to make roads safer, contains evidence-based proposals for law reform.

An increasing number of British Columbians choose to cycle for transportation. Available data and anecdotal reports suggest the vast majority of cyclists are also motorists,<sup>4</sup> and most British Columbians ride bicycles at some point in their lives. Approximately 67% of adults in BC ride a bicycle at least once a year, 42% at least once a month and 25% at least once a week.<sup>5</sup> More would choose this option if the roads were safer for them.

The issue of MVA law reform interaction is therefore not a question of one group versus another, but about protecting British Columbians in the moments that they are vulnerable as road users, whether on foot or on a bicycle.

Other jurisdictions have modernized their laws to clarify the rights and responsibilities between motorists and cyclists, to align traffic laws with recommended cycling practices, and to ensure that the laws remain equitable for vulnerable road users. The time is right for BC to do the same.

The proposed reforms contained in this position paper have been developed following a review of the legislative history and jurisprudence, available scientific evidence, and the reported experience of BC road users. While the recommendations are in some cases

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<sup>2</sup> *Motor-vehicle Act*, SBC 1957 c. 39 now *Motor Vehicle Act*, RSBC 1996 c. 318

<sup>3</sup> British Columbia, Ministry of Health, *Where the Rubber Meets the Road*, (Office of the Provincial Health Officer, March 2016) [*Where the Rubber*]: <http://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/reports-publications/annual-reports/reducing-motor-vehicle-crashes-bc.pdf>

<sup>4</sup> Peter A. Cipton, et al. “Severity of urban cycling injuries and the relationship with personal, trip, route and crash characteristics: analyses using four severity metrics.” *BMJ open* 5.1 (2015): e006654: <http://bmjopen.bmj.com/content/5/1/e006654.full>. See also Robert G. Wyckham & Sarah K. Wongkee, *Cycling Safety Issues in North and West Vancouver*, (Norwest Cycle Club, October 2013), unpublished: <http://www.cnv.org/~media/2ACEC4C6349344EFAA1E86853547DB65.pdf>

<sup>5</sup> Andrea O’Brien, *British Columbia Cycling Coalition: Cycling Poll, 2013*, (NRG Research poll commissioned by BC Cycling Coalition, April 2013): <http://bccc.bc.ca/reports/bc-cycling-poll.pdf>



June 1, 2016

related to one another, the proposals may generally be viewed as capable of enactment  
on a stand-alone basis.



## Part I: The Case for Reform

### A. BC Traffic Laws are Overdue for Modernization

#### Vulnerable Road Users Face Increased Risk

British Columbia's traffic environment has changed significantly over 60 years, but the rules respecting people riding bicycles have not changed substantially since 1957 when the Act came into force with a section titled "Bicycle and Play-vehicles". That section established special rules for cyclists to be followed in addition to general rules of the road.<sup>6</sup> Bicycles are not considered "vehicles" under the Act, but someone operating a cycle has the same rights and duties as a driver of a vehicle. As this position paper discusses, the interaction between these sets of *special* and *general* rules creates confusion, risk and contradiction of best practices for cycling in traffic in some cases.

The risks caused by antiquated rules of the road are not the only factors of risk, of course. Infrastructure, geography and weather are also risk factors.<sup>7</sup> But legislated rules are man-made risks that can be remedied and made to apply immediately throughout BC. They complement infrastructure changes and educational programs to increase safety.

ICBC data shows that cyclists, pedestrians and motorcyclists face an inherently greater risk of death or injury in an accident with a motor vehicle relative to the motor vehicle's occupants.<sup>8</sup>

The BC Government's own BC Road Safety Strategy research, updated in January 2016, states that "pedestrians and cyclists are very vulnerable road users, and advances in safety for these groups are needed." The 2016 update acknowledges that "as a proportion of total serious injuries involving motor vehicle crashes, cyclists actually constitute an increasingly greater share."<sup>9</sup>

A review of the applicable legislation, the BC jurisprudence and the best available evidence illustrate both the challenges and opportunities for people bicycling in BC as their presence on the road increases.

A BC cyclist certainly faces higher likelihoods of injury and death than a BC motor vehicle occupant for the same distance travelled. In addition, a BC cyclist's risk of death is considerably higher than a cyclist in jurisdictions with more advanced policies.<sup>10</sup>

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<sup>6</sup> Section 166 of the 1957 *MVA* is now s. 183 of the *MVA*.

<sup>7</sup> British Columbia, Ministry of Public Safety and Solicitor General, *Moving to Vision Zero: Road Safety Strategy Update and Showcase of Innovation in British Columbia*, (RoadSafetyBC, January 2016), at 44 [*Moving to Zero 2016*]: <http://www2.gov.bc.ca/assets/gov/driving-and-transportation/driving/publications/road-safety-strategy-update-vision-zero.pdf>

<sup>8</sup> Refer to Part II, Section 2: General Rules, below.

<sup>9</sup> *Moving to Zero 2016*, at 44-45.

<sup>10</sup> Kay Teschke, et al. "Exposure-based traffic crash injury rates by mode of travel in British Columbia." *Can J Public Health* 104.1 (2013) [*Injury by Mode of Travel*]: e75-9.



Upgrades to infrastructure, while certainly an improvement to cycling safety as the City of Vancouver appears to have demonstrated,<sup>11</sup> are far from the only opportunity for improvement. For certain issues, law reform may be the sole means for change. In addition, infrastructure changes are best complemented by legal reforms that recognize their place in the road system.

The jurisprudence in BC reveals that modern best cycling practices are often at odds with legislation drafted nearly 60 years ago. This can place an unnecessary dilemma on cyclists who may choose to operate *either* according to safer cycling practices *or* to the letter of the law, but often not both. This disconnect also perpetuates the stigma that cyclists are “scofflaws” when they do not follow the rules of the road, rather than road users engaging in reasonable safe practices.<sup>12</sup>

When a claim for injuries arises, cyclists can be deprived of a remedy if they were contributorily negligent for violating a technical rule of the road even where they were operating according to acknowledged safer cycling practices. This is discussed further in the sections below.

### **Safety Risks and Laws that Deter Cycling**

Fear about safety is a key deterrent to Metro Vancouverites getting on their bicycles.<sup>13</sup> This unfortunate situation is self-perpetuating. Cyclists are safer the more of them share the road. Fewer cyclists means increased risk, which in turn adds to safety fears. The result is a sequence of reciprocal cause and effect in which fear and low cycling rates aggravate one another. What could be more safe for a greater number of people becomes less safe for fewer.

There is clear room for improvement. Cycling is not as safe in BC as it is in many countries that report higher cycling rates. The fatality rate for BC cyclists is estimated to be 2.6 per 100 million km, significantly higher than fatality rates in Germany, Denmark and the Netherlands, which report 1.7, 1.5, and 1.1 cyclist fatalities per 100 million km, respectively. Fatalities for cyclists are significantly higher than the estimated 1.0 per 100 million km fatality rate for motor vehicle occupants in BC.<sup>14</sup>

Cycling has gained legitimacy, the traffic environment has matured and safe cycling research has illuminated best practices. Fortunately, it will not entail extreme changes to improve the old laws.

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<sup>11</sup> Vancouver has numerous infrastructure programs and has seen an increase in cycling commuters but an otherwise stable number of annual collisions (i.e. an overall declining rate of collisions). See: City of Vancouver, *Cycling Safety Study, Final Report*, (January 2015) at 15 [*Vancouver Cycling Report 2015*]: <http://vancouver.ca/files/cov/cycling-safety-study-final-report.pdf>

<sup>12</sup> *Vancouver Cycling Report 2015*, *ibid.* at 2: “societal perceptions and attitudes towards cycling may discourage some people from cycling.”

<sup>13</sup> Meghan Winters, et al. “Motivators and deterrents of bicycling: comparing influences on decisions to ride.” *Transportation* 38.1 (2011): 153-168. See also *ibid.* at 3.

<sup>14</sup> *Injury by Mode of Travel*, *supra* note 9.



## Traffic has Changed

The key statutory provision governing cyclists today is s. 183 of the MVA. It is the indirect successor to s. 166 of the *Motor-vehicle Act*, SBC 1957 c. 39, which implemented the legislative framework still recognizable today. The rules set out in s. 183 have been carried forward from fragmented sources generally dating to the first half of the 20<sup>th</sup> century, a period when there were fewer than 200,000 total registered road vehicles in British Columbia, many likely foreign vehicles registered but not typically used within the province.<sup>15</sup> Yet cycling for transportation has changed significantly in the nearly 60 years since the statutory framework governing “bicycles and play-vehicles” first came into force under the MVA.

The number of motor vehicles on the province’s roads has exploded since that time: as of 2014, there were just over 3 million registered road vehicles in British Columbia, of which approximately 160,000 are “heavy” vehicles in excess of 4,500 kg.<sup>16</sup>

Cycling has also changed. “Travel to Work” data from Statistics Canada shows that cycling was fairly insignificant 40 years ago: less than 0.3% of Canadians reported cycling as their principal method of commuter transportation in 1976. In 1984 motorcycles and bicycles *combined* still only accounted for less than 0.4% of commuter transportation. Then cycling among commuters more than tripled over 20 years. In 2006 and also in 2011 about 1.3% of Canadians cycled to work.<sup>17</sup> A quarter of BC residents now cycle weekly or daily. Cycling is the fastest growing mode of transportation in Metro Vancouver.<sup>18</sup>

BC is more than typically bicycle-focused, with 2.1% of the workforce commuting by bike. The cities of Revelstoke, Victoria, and Oak Bay had the highest commuter cycling rates in the country in 2011, with 10 to 12% of commuters reporting cycling as their primary means for transport.<sup>19</sup> Several other BC cities have commuter cycling levels higher than the provincial average, including Courtenay (2.4%), Squamish, Kelowna and Penticton (all at 3.5%); Nelson (3.8%), Terrace and Smithers (both at 3.9%), Comox (4.2%), Vancouver (4.4%), Saanich (5.4%), Esquimalt (6.4%) and Whistler (8.1%).

Despite cycling’s growing place in BC transportation, it is not where it could be given the various benefits that cycling offers. Bicycling is underused for transportation in

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<sup>15</sup> Statistics Canada, “Motor vehicle registrations, by province”, tables T147-194: <http://www.statcan.gc.ca/pub/11-516-x/section/4147444-eng.htm>. For 1975, *Road Motor Vehicles, Registrations*; for 1960 to 1974, *The Motor Vehicle: Part III, Registrations*, annual issues 1960 to 1974; for 1948 to 1959, *The Motor Vehicle*, each annual issue; for 1945 to 1947, *The Motor Vehicle in Canada*, annual issues; for 1935 to 1946, *The Highway and Motor Vehicle in Canada*, annual issues; for 1904 to 1934, *The Highway and the Motor Vehicle in Canada*, 1934, table 6, pages 12-17; for 1903, *Ontario Ministry of Transportation and Communications*. Tables T147-194. Motor vehicle registrations, by province, 1903 to 1975

<sup>16</sup> Statistics Canada, “Motor vehicle registrations, by province and territory (Saskatchewan, Alberta, British Columbia)”: <http://www.statcan.gc.ca/tables-tableaux/sum-som/101/cst01/trade14c-eng.htm>

<sup>17</sup> These figures are from Statistics Canada’s 2006 Census and the 2011 National Household Survey.

<sup>18</sup> *Vancouver Cycling Report 2015*, *supra* note 10.

<sup>19</sup> Statistics Canada, “Commuting to work.” *National Household Survey (NHS), 2011*: [http://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-012-x/99-012-x2011003\\_1-eng.pdf](http://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-012-x/99-012-x2011003_1-eng.pdf)



Australia, Canada, Ireland, the United States, and the United Kingdom, constituting an estimated 1% to 3% of trips, compared with 10% to 27% of trips in Denmark, Germany, Finland, the Netherlands, and Sweden.<sup>18</sup> Safety is one of the most frequently cited deterrents to cycling: cyclist injury rates are higher in countries where cycling for transportation is less common.<sup>20</sup>

Navigating a roadway in BC is a dynamic exercise for all users but it can be a particularly challenging exercise by bicycle. It is not uncommon for cycling conditions to change frequently along a given route, as lane and shoulder widths change, road surfaces are cracked and patched, drainage gratings and utility access ports rise and sink, bike lanes (where they exist) come to an abrupt end or interruption, and all manner of large and small debris occupies the edge of the roadway. A person cycling in such dynamic conditions must evaluate and respond to the changing circumstances as best they can, all while taking into account dynamic vehicular traffic and parked cars. A cycling experience may not be at all comparable to a driving experience along the very same stretch of roadway.

Many cities throughout the province are making special efforts to increase cycling by providing designated cycling infrastructure, such as separated bike lanes along major streets, residential street bike routes and off-street bike paths. Some of this infrastructure, however, is not integrated into the Act and there is a disarticulation between the work municipalities are doing and the laws at the provincial level.

Cities are increasingly integrating measures designed to increase awareness and safety for cycle traffic into existing motorist and pedestrian infrastructure. Such measures include bike boxes, bike-specific traffic signals, and painting of high-conflict zone areas. Where these measures have no clear legal import or standing, the laws should be clarified.<sup>21</sup>

### **How the Act Stagnated**

The historic statutory framework approached cycling as a play-time activity rather than a mode of public transportation. Virtually all of the rules in s. 183 of the MVA significantly pre-date the modern urban and traffic environment.

A brief history of bicycle law in BC is as follows:

- In the late 1800s, a patchwork of provincial and municipal rules in Canada and the United Kingdom arose to address the presence of bicycles upon the roadways of horsemen and carriages. Some of the rules found in s. 183 of the MVA originated in this period, including rules requiring bicyclists to stay to the right and to use a bell or a lamp at night.

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<sup>20</sup> Kay Teschke et al., "Route infrastructure and the risk of injuries to bicyclists: a case-crossover study." *American Journal of Public Health* 102.12 (2012): 2336-2343.

<sup>21</sup> Further, the effectiveness of some measures has not been demonstrated or has even been contradicted. For example, research to date has tended to show that *sharrows* (road markings depicting double chevron lines over a bicycle icon) do not improve safety for cyclists. See M. Anne Harris, et al. "Comparing the effects of infrastructure on bicycling injury at intersections and non-intersections using a case-crossover design." *Injury Prevention* 19:5 (2013): 303-310.



- In 1913, cyclists became *de facto* road users in BC, when they were banned from provincial sidewalks.<sup>22</sup> Despite their relegation to the roadways, cyclists were not given any corresponding legislative status as vehicles.
- From the 1920s to 1940s, rules developed prohibiting cyclists riding two abreast, trailing on the back of vehicles or streetcars, carrying more than one rider, ride without due care, and to failing to remain and report at the scene of an accident.

The rules in s. 183 of the MVA—*other than* subsection 183(1) imposing the same rights and duties on cyclists as motorists—reflect historical rules prior to 1950. Those rules generally reflect two aims: to prohibit cyclists from playing carelessly in traffic and to mandate that they stay out of the way of legitimate traffic.

The 1957 MVA legitimized cycling on the province's roads but this also resulted in the blanket imposition that the same rights and duties designed for motorists be applied to cyclists. These rules had developed in relation to the streetcar and horse-and-carriage traffic of the earlier part of the 20<sup>th</sup> century. The blanket imposition of motorist rights and duties upon cyclists was neither designed nor intended to reflect or accommodate cycling-specific capabilities or vulnerabilities; it was simply expedient.

Since the enactment of the MVA in 1957 some reforms have been designed to alter the habits of motorists in other traffic contexts. Impaired driving laws are one obvious example, but the *yield to bus* provisions of 1998<sup>23</sup> and the newer distracted driving offences are more recent examples. All three of these examples are ones where a motorist's conduct is regulated to protect or accommodate other road users. The time is ripe for changes to the Act that would protect and accommodate vulnerable road users.

## B. Guiding Principles for Legislative Reform

The aims of reform include the following, many of which are interdependent:

- clarifying the rights and duties of road users to improve understanding and compliance by and reduce conflict between all road user groups,
- acknowledging the fundamental differences between road user groups' capabilities and vulnerabilities, and recognizing the increased risks faced by more vulnerable classes of road users,
- aligning the law with best practices for safer road use by vulnerable road users,
- reducing the likelihood of a collision involving a vulnerable road user,
- prioritizing enforcement of laws that target activities most likely to result in collisions, injuries and fatalities, and
- reducing the likely severity of injuries resulting from collisions involving vulnerable road users.

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<sup>22</sup> *Highway Act Amendment Act, 1913*, SBC 1913, c.29.

<sup>23</sup> *South Coast BC Transportation Authority Act 1998* SBC 1998 c. 30, s.111.



By clarifying rights and responsibilities, aligning the law with best practices and increasing safety, legislative reforms should also serve the goal of increasing cycling's mode share within the province.

The business case for increasing cycling's mode share is compelling and has been documented for over a decade.<sup>24</sup> Exchanging driving for cycling for transportation significantly reduces costs for individuals and governments. A Canadian study suggests that if active transportation rates across the country were to reach Victoria, BC levels, the economic benefit to the country would be \$7 billion annually.<sup>25</sup>

In order to meet the foregoing objectives, legislative reforms should be guided by the principle of equality under the law. Equality under the law is distinct from the application of the same law to disparate road user groups with vastly different capabilities and vulnerabilities relative to one another; it demands that the law take into account the capabilities and vulnerabilities of road users, both inherently and relative to one another.

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<sup>24</sup> Todd Alexander Litman, *Transportation Cost and Benefit Analysis: Techniques, Estimates and Implications (Second Edition)*, (Victoria Transport Policy Institute, 2009): <http://www.vtpi.org/tca/>

<sup>25</sup> Richard Campbell & Margaret Wittgens, *The Business Case for Active Transportation*, (Go for Green & Better Environmentally Sound Transportation, March 2004): [http://thirdwavecycling.com/pdfs/at\\_business\\_case.pdf](http://thirdwavecycling.com/pdfs/at_business_case.pdf)  
[http://thirdwavecycling.com/pdfs/at\\_business\\_case.pdf](http://thirdwavecycling.com/pdfs/at_business_case.pdf)



## Part II: Recommended Reforms

### 1. Change the Name of the Act to be more Neutral

#### Recommendation 1

The name of the legislation should be made neutral as between different classes of road users. *Road Safety Act* is recommended. Variations on *Traffic Act* are common in the existing legislative landscape.

#### Rationale

At its core, the purpose of the *Motor Vehicle Act* is to promote safe use of roads. Its name should reflect that objective, and not emphasize motorists in particular.

### 2. General Rules

#### Classification of Road Users

#### Recommendation 2

Section 119(1) of the MVA be amended to include the definition “vulnerable road user,” meaning a pedestrian, the operator of a cycle, or the operator of a motorcycle.

#### Rationale

The present MVA classification scheme is as follows:

- **vehicles:** includes all vehicles *other than* human powered vehicles (thereby excluding cycles), motor-assisted cycles, vehicles that run exclusively on rails, and self-propelled mobile equipment.
- **motor-vehicles:** sub-classes of vehicles.
- **motorcycles:** another sub-class of motor-vehicles defined in s. 1 of the Act (such as buses, emergency vehicles, industrial utility vehicles, golf carts, farm tractors, etc.).
- **cycles:** includes motor-assisted cycles.\*
- **pedestrians:** includes wheelchair users.\*

\* *Cycles* and *pedestrians* are defined in s. 119(1) only for the purposes of Part 3 of the Act.<sup>26</sup>

The present classification scheme fails to acknowledge the vulnerability of certain road users and provides no legislative mechanism to account for vulnerability or the differences in capabilities that may be associated with such vulnerability.

Traffic injury and fatality research supports that pedestrians, cyclists and motorcyclists be unified into a class of *vulnerable road users*, with sub-classes for each.

<sup>26</sup> See section 1 and subsection 119(1) of the *MVA*, which contain the definitions applicable for the purposes of the Act and for the purposes of Part 3 of the Act.



A 2015 City of Vancouver study analyzing ICBC data reported that although “vulnerable road users only accounted for approximately 3% of reported collisions in Vancouver between 2007 and 2012, these users accounted for approximately 80% of fatalities over this period.”<sup>27</sup>

Adding a definition for “vulnerable road user” acknowledges the scientific research, and allows for consideration of the particular capabilities and vulnerabilities of these road users relative to other classes of users.

## Definition of a Cycle

### Recommendation 3

The definition of “cycle” in s. 119(1) of the Act be amended to provide that a “cycle” means a bicycle, tricycle, unicycle, quadracycle, or other similar vehicle, including ones that are power-assisted and require pedaling for propulsion, but excludes any vehicle or cycle capable of being propelled or driven solely by any power other than muscular power.

### Rationale

The MVA currently defines a “cycle” in part by reference to what it is not: “a device having any number of wheels that is propelled by human power and on which a person may ride and includes a motor assisted cycle, but does not include a skate board, roller skates or in-line roller skates.” Further, a “vehicle” as defined by the MVA in section 1, excludes a “cycle.”

Prior to the introduction into the MVA of a definition for “cycles,” BC law tended to treat bicycles as “vehicles”.<sup>28</sup> The definition has been amended several times. In 1975, the term “cycle” replaced “bicycle”, expanding the definition to include human powered devices with any number of wheels. In 1995, skateboards, roller skates and inline skates were excluded from the definition of cycle.<sup>29</sup> In 2002, the definition of cycle was expanded to encompass “motor-assisted cycles”.<sup>30</sup>

Other jurisdictions have adopted definitions that avoid exclusions. The recommended definition is modeled on the definition of “cycle” adopted by the City of Toronto.

## Motor Assisted Cycle

### Recommendation 4

<sup>27</sup> *Vancouver Cycling Report 2015*, *supra* note 10 at 3.

<sup>28</sup> *Best v. Lefroy*, 1922 CarswellBC 150, 67 D.L.R. 455, and *R. v. Justin*, [1893] O.J. No. 52. Note that although cycles are not “vehicles”, an operator of a cycle is still governed by the rules of the road per section 183, discussed below, which extends the same rights and duties to operators of cycles as drivers of vehicles.

<sup>29</sup> SBC 1995 c. 43, s.9.

<sup>30</sup> SBC 2000 c. 16 s.4 (BCReg. 150/2002).



Alter the definition of “motor assisted cycle” at s. 1(d) of the Act by changing the *Motor Assisted Cycle Regulation*, BC Reg. 151/2002 to state that a motor-assisted cycle does not include a cycle which can be propelled by an auxiliary motor without the use of human muscular power. Weight limitations for motor-assisted cycles should also be considered. The classification and regulation of self-propelled electric two-wheeled vehicles should be studied to ensure safety objectives are met for this road user group.

### Rationale

“Motor assisted cycles” (“MACs”) were incorporated as a sub-class of “cycles” in 2002.<sup>31</sup> The *MVA* defines a MAC as a device with pedals or hand cranks for human power.<sup>32</sup> Section 182.1 of the *MVA* prohibits persons under 16 from operating a MAC and provides authority to ICBC to make regulations regarding device specifications (i.e. motor power), operator criteria and equipment.

The original reason for incorporating MACs into the *MVA* was to regulate electric-assist bicycles, sometimes called *pedelecs*, and to encourage people to commute by more environmentally friendly and healthy means.<sup>33</sup> Classification of a MAC as a “cycle” for the purposes of the *MVA* permitted their use of cycling infrastructure and required MACs to conform to the rules applicable to human-powered bicycles.

The central characteristic of an electric-assist bike is that the electrical power *assists* the cyclist: when pedaling stops, propulsion stops. The *Motor Assisted Cycle Regulation*, BC Reg 151/2002, contains the bulk of criteria for MACs, including power output and speed limitations. The *Regulation* does not, however, require the use of human power to propel the cycle. As such, the *MVA* and the *Regulation* are overbroad in classifying self-propelled electric two-wheeled vehicles as “cycles”.

There are safety risks associated with self-propelled two-wheeled vehicles (“E-bikes”) using infrastructure designed for traditional bicycles, which risks are not presented by electric-assist bicycles or *pedelecs* sharing traditional bicycle infrastructure. E-bikes may be significantly wider and heavier than *pedelecs*. The width and weight of *pedelecs* are comparable to the width and weight of a traditional bicycle: a typical *pedelec* weighs approximately 25 kg and has a normal width. Some E-bikes weigh in excess of 130 kg. Further, some scooter-style E-bikes have pedals protruding from an already wide body.

The width of some E-bikes is problematic due to the narrow traditional bicycle lanes and the absence of dual or passing lanes for bicycles. A heavy and wide-bodied E-bike sharing a separated bicycle path with traditional bicycles puts both users at risk.

The jurisprudence further muddies the legal landscape in respect of scooter-style E-bike vehicles. The *Regulations* require a MAC to have pedals, regardless of whether they are necessary for propulsion. But the pedals only make the E-bike wider, offering less clearance and safety. A scooter user who removes the pedals and improves safety by

<sup>31</sup> Section 182.1 of the *MVA* was added, along with a definition for “motor assisted cycle” at s.1 and a change to the definition of “cycle” at s. 119, via the *Motor Vehicle Amendment Act, 2000*, SBC 2000 c.16. This came into force on June 21, 2002 (BC Reg 150/2002). See also the *Motor Assisted Cycle Regulation*, BC Reg. 151/2002.

<sup>32</sup> Section 1, definition of “motor assisted cycle”, paragraph (a).

<sup>33</sup> British Columbia, Legislative Assembly, *Hansard*, (June 8, 2000) at 1415 (Ms. J. MacPhaill).



narrowing the body of the scooter actually transforms the scooter *back* into a motor vehicle, rendering it subject to licensing and insurance. This anomalous result was remarked upon by the BC Supreme Court:

Perhaps the regulations would benefit from a review. Judicial Justice Blackstone commented in her reasons on the uncertainty surrounding legal uses of MACs, mentioning her reading about related concerns in a Vancouver Province newspaper article. Although the MAC Regulation in my view is clear, given the possible validity of safety concerns relating to pedal placement, the increasing numbers of scooters of various kinds travelling public roads in BC communities and the fact there appears to be some uncertainty surrounding the legal definition of MACs, a review could benefit the public, and the operators of MACs in particular[...].<sup>34</sup>

BC regulations cap the power output of a MAC at 500 watts, approximately double that of other jurisdictions that have regulated MACs.

Electric-assist cycle regulations in Toronto and Europe require power-assisted cycles employ human power for propulsion:

- Toronto defines a bicycle to include a bicycle, tricycle, unicycle, and a power-assisted bicycle which weighs less than 40 kilograms and requires pedaling for propulsion (“pedelec”), or other similar vehicle, but excludes any vehicle or bicycle capable of being propelled or driven solely by any power other than muscular power.<sup>35</sup>
- The European Union defines “pedelecs” as “cycles with pedal assistance which are equipped with an auxiliary electric motor having a maximum continuous rated power of 0.25 kW, of which the output is progressively reduced and finally cut off as the vehicle reaches a speed of 25 km/h, or sooner, if the cyclist stops pedaling”<sup>36</sup>. The EU regulations further restrict the weight of pedelecs to no more than 40 kg.

The 50 states in the US have at least 47 different ways of regulating electric bikes and scooters.<sup>37</sup> Victoria, Australia, as of May 30, 2012, now has an additional category for e-bikes that meet the EU criteria with “pedelec” motor power output restricted to 200 watts.<sup>38</sup>

The recommendations propose that BC distinguish between *pedelecs* and *self-propelled cycles*. Pedelecs should have an auxiliary motor that cannot exclusively propel the cycle without human power. A MAC that is included as a “cycle” for the purposes of the Act should denote a cycle that requires pedaling in order to engage the power-assist. In addition, weight limitations on MACs should be considered. Finally, the classification

<sup>34</sup> *R. v. Rei*, 2012 BCSC 1028 at para. 21 (emphasis added).

<sup>35</sup> *Toronto Municipal Code*, ch. 886.

<sup>36</sup> Directive 2002/24/EC, Article 1 (h).

<sup>37</sup> <http://pedelec.com/taipei/lectures/pdf/USA.pdf>.

<sup>38</sup> *Road Safety Road Rules 2009*, S.R. No. 94/2009.



and regulation of self-propelled electric two-wheeled vehicles should be further studied to ensure that safety objectives are met for this road user group.

## Due Care and Attention/Reasonable Consideration

### Recommendation 5

The MVA be amended to clarify that all persons on a highway must pay due care and attention, all persons on a highway must operate with reasonable consideration for other persons on the highway, and in both cases, having regard to whether other persons on the highway are vulnerable road users. It should remain an offence for the operator of a motor vehicle to contravene the due care and reasonable consideration rules, as well as the rule prohibiting the operation of a motor vehicle at excessive speed for the conditions.

### Rationale

*Due care and attention* requirements are scattered throughout Part 3 of the Act:

- Section 144 prohibits the operator of a motor vehicle from driving without due care and attention, without reasonable consideration for other persons using the highway and at a rate of speed that is excessive for the road and weather conditions.
- Section 181 imposes additional rules specific to motorist interactions with pedestrians where the motorist has the right of way: the motorist must, *inter alia*, exercise due care to avoid collision with a pedestrian on the highway and observe proper precaution if the pedestrian is a child or apparently incapacitated.
- Subsection 183(14) prohibits the operator of a cycle from operating the cycle without due care and attention and reasonable consideration for others using the highway or the sidewalk, as the case may be.

The current due care and attention rules has gaps. For example, a child riding a bicycle is not clearly covered by s. 181.

The proposed amendment would clarify that all persons on a highway have a duty to pay due care and attention and give reasonable consideration to others using the highway—and that regard should be had where there are vulnerable road users.

## Municipal Speed Limits

### Recommendation 6

The MVA should be amended to empower municipalities to adopt a default speed limit for unsigned highways within municipal boundaries, by bylaw and posting of signs at the municipal boundary.

### Rationale

The default speed limit for highways under s. 146(1) of the MVA is 50 km/h. If a municipality wishes to reduce the speed limit on a particular street, it may do so under s. 146(6) and (7). However, the process is cumbersome: the municipality must pass a bylaw and erect signage on each street or block thereof to which the limit will apply.



The present system requires a municipality to commit substantial resources in order to adopt a municipal-wide default speed limit that differs from the provincially mandated 50 km/h.

50 km/h may not be appropriate for all municipalities. Heavily urbanized municipalities may benefit from lower default speeds. Municipalities should be empowered to adopt appropriate default speed limits without the necessity of signing every block. The MVA can be amended to provide municipalities with the power to adopt a default speed limit for highways within municipal boundaries by bylaw and erection of signage at municipal entry and exit roads.

### Default Speed Limit on Local Streets

#### Recommendation 7

A default provincial speed limit of 30 km/h for local (no center line) streets should be included in the MVA, with municipalities enabled to increase speed limits on local streets on a case-by-case basis by bylaw and posted signage.

#### Rationale

The province should adopt a reduced default speed limit for local streets without center lines (mainly residential streets). Enabling provisions would allow for higher speed limits on particular streets or portions thereof.

Local streets are the backbone of transportation networks in municipalities, providing access through our residential neighbourhoods. Traffic speeds on residential streets were the fourth top concern expressed in a survey of 4,020 Canadians conducted in 2013 by the Canadian Automobile Association.<sup>39</sup> A recent study measured driving speeds on several hundred randomly selected local streets and found that the 85th percentile was 37 km/h and the median 31 km/h, demonstrating that even 40 km/h on residential streets is widely found to be too fast for the conditions. A local street speed limit of 30 km/h would establish this guidance formally.<sup>40</sup>

It is well-established that lower vehicle speeds reduce collision risk. Drivers and other road users have more time to react and stopping distance is reduced. Injury severity in the event of a collision is reduced because force is exponentially reduced with lower speeds of impact.<sup>41</sup> These benefits accrue to all road users, including bicyclists, pedestrians, motorcyclists, and motor vehicle occupants. The BC Cycling Coalition has published some key statistics online.<sup>42</sup>

<sup>39</sup> <http://www.caa.ca/top-10-canadian-driver-safety-concerns/>.

<sup>40</sup> *Supra* note 19.

<sup>41</sup> World Health Organization, *World report on road traffic injury prevention*, (2004) at 78: <http://apps.who.int/iris/bitstream/10665/42871/1/9241562609.pdf>.

<sup>42</sup> British Columbia Cycling Coalition, *Slow Down and Save Lives – 30 is the New 50*, online: <http://www.bccc.bc.ca/slow-down-and-save-lives-30-is-the-new-50>.



Speed limits of 10 to 30 km/h are standard in residential neighbourhoods of northern European countries with overall traffic fatality rates one-half of rates in British Columbia. Lower default speed limits on local streets have other benefits too. They provide an incentive for motor vehicle traffic to move directly to collector and arterial streets, reducing neighbourhood traffic volume, noise and air pollution.

Providing for a 30 km/h default speed limit for local streets at the provincial level provides three related benefits:

1. it makes streets safer for everyone, including motorists,
2. it provides province-wide consistency with respect to expected speeds on such streets, and
3. it relieves municipalities of the financial burden of installing signs on each block of residential streets to indicate lower speed limits on local streets as opposed to arterials.

Based on the available evidence, and the exponential reduction of severe injuries from lower speeds, “Vision Zero” requires this recommended reform.

### 3. Rules Relating to Motor Vehicle–Bicycle Interactions

#### “The same rights and duties as the operator of a vehicle”

Subsection 183(1) of the MVA imposes motorists’ rights and duties on cyclists. The imposition of motorists’ rights and duties upon cyclists initially occurred with the passage of the 1957 Act. Although the rule has been renumbered several times, the content of the rule has not substantially changed.<sup>43</sup>

Subsection 183(1) is partly to blame for the elliptical and confusing structure of the Act in respect of cyclists. Although the operator of a cycle has the same rights and duties as the operator of vehicle, yet a cycle is not a “vehicle” according to section 1 of the Act.

More importantly, the rule fails to consider critical differences between motor vehicles and cycles, and as a result, imposes a system of rights and duties that may be inappropriate and unsafe in application to cyclists and that lead to inequitable results in the event a cyclist suffers injury.

Bicycles generally cannot accelerate as quickly as motor vehicles, typically operate between 10 and 40 km/h, and cannot stop as quickly. Although a cyclist has significantly less mass and less momentum than a motor vehicle, which means they may stop more quickly than a vehicle *if they fall onto the road surface*, bicycles must stay balanced and have less powerful brakes. Debris or road features such as cracks in the road surface, railway tracks and smooth metal construction plates, which pose no hazard for a motor vehicle, may pose a significant hazard to the operator of a cycle. A person cycling is extremely vulnerable relative to motor vehicles and also vulnerable (though not relatively so) in relation to potential collisions with other cyclists or pedestrians, all of which affect cycling behaviours.

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<sup>43</sup> The rule was initially enacted as s. 166 of the 1957 Act. In 1960, s. 166 was renumbered to s. 173, and in 1979 this critical section for cyclists became s. 185.



### Case Study

Joginder is cycling to work. There is only one road with twin lanes heading west out of her neighbourhood to take her downtown. As the road leaves the neighbourhood, the lanes separate—the right lane becomes the highway on-ramp and left lane passes underneath a highway overpass. The underpass lane is narrow and bounded by concrete supports and a raised median. In order to safely navigate the underpass lane, Joginder must move from the outside of the right lane to the middle of the left lane, requiring her to merge twice with vehicular traffic, at approximately the same time that drivers in both lanes are changing lanes depending on their destination and drivers in the right lane are accelerating to enter the highway. Many cyclists simply use the sidewalk to navigate the underpass, even though it is against the law.

In BC, there is no requirement for a driver to yield to a merging vehicle. The vehicle in the lane has the right of way and it is the merging vehicle that must execute the merge safely. The rule applies whether or not the merging vehicle is a vulnerable road user who may not be able to achieve vehicle speeds. On her bike, Joginder must rely on the voluntary goodwill of drivers to slow down enough to “let her in” in order to accomplish both merges safely, every day that she cycles to work. If a driver refuses to “let her in,” she may run out of road before she can merge safely, but if she slows down too much to avoid running out of road too quickly, no one will “let her in” at all.

Given the chance, Joginder will (cautiously and yielding to the rare pedestrian) run the red-light at the T-intersection in advance of the lane split, in order to seize a window of car-free space to safely make the lane changes without having to rely on the uncertain goodwill of drivers. While this maneuver is unquestionably safer, it is also illegal.

This illustration about merging with vehicular traffic is but one example of how the capabilities of bicycles relative to motor vehicles affects traffic behavior in an unequal manner. The jurisprudence suggests that the blanket rule in s. 183 most often operates to the detriment of cyclists. This is not a surprising result in light of the roads themselves and the rules of the road having been designed for motor vehicles. Numerous examples are set out in other sections, as they arise in respect of specific rules which are applied to cyclists on the basis of s. 183(1).

In order to achieve equality under the law, different road users’ capabilities and vulnerabilities must be taken into account. This includes the rules of the road that s.183(1) applies broadly, and in some cases without subtlety, to cyclists. To that end, rules designed for motorists but applied to cyclists should be modified as circumstances require to account for a cyclist’s relative capabilities and vulnerabilities.

### Safe Passing Distance

#### Recommendation 8

The MVA be amended to specify that a motor vehicle must leave at least 1 m between all parts of the vehicle (and any projecting objects) when passing a cyclist or other vulnerable road user at speeds of 50 km/h or less and at least 1.5 m at speeds in excess of 50 km/h.



## Rationale

A one metre safe passing distance for cyclists is recognized as a minimum safe passing distance.<sup>44</sup> Safe passing distances have been specified by over 27 jurisdictions in North America,<sup>45</sup> including Ontario<sup>46</sup> and Nova Scotia.<sup>47</sup> The city of Montreal released recommendations in September of 2015 for consideration by Québec; the recommendations included a 1 m safe distance law.<sup>48</sup>

A cyclist can do little to avoid a hit from behind, and an objective, easy to estimate minimum passing distance is better than a subjective standard of safe driving behavior for much the same reason that a maximum speed limit is.

Not only does the *MVA* not currently define a minimum passing distance for motorists overtaking cyclists, there is some confusion as to whether the language of s. 157 of the Act even applies to passing cyclists.

Section 157 states that an overtaking vehicle “must cause the vehicle to pass to the left of the *other vehicle* at a safe distance.” Bicycles, however, are not “vehicles” by definition under the Act at s. 1. The somewhat elliptical language and structure of the Act makes it unclear, but it is at best arguable that because a cyclist has the same rights as the operator of a vehicle, under s. 183(1), a cyclist has the right to be passed “at a safe distance.”

In any event, even where courts have accepted that motorists have an obligation to pass cyclists safely,<sup>49</sup> what constitutes as a *safe* passing distance remains unclear.

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## Case Study

Ms. Patterson’s car collided with Ms. Dupre’s bicycle while her car was trying to pass. Ms. Dupre, the plaintiff cyclist, testified that the car simply passed too closely and struck her handlebars. She was thrown from her bike and injured. Ms. Patterson, the defendant motorist, testified that she left “lots of clearance” when passing Ms. Dupre.

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<sup>44</sup> Rod Katz et al., *Amy Gillett Foundation submission to ACT Parliament Inquiry into Vulnerable Road Users*, (Amy Gillett Foundation, October 2013) [*Inquiry into Vulnerable Road Users*]: [http://www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0004/516496/42\\_Amy-Gillett-Foundation2.pdf](http://www.parliament.act.gov.au/_data/assets/pdf_file/0004/516496/42_Amy-Gillett-Foundation2.pdf). This is an excellent overview of the rationale for a one-meter overtaking rule in the context of an Australia campaign to legislate this distance.

<sup>45</sup> *Ibid.* In the US, 25 states set a minimum distance: 23 states have implemented a 3 ft (.91 meter) lateral distance rule for cars overtaking cycles; Pennsylvania requires 4 ft; and Virginia requires 2 ft. A further 19 states have no set distance requirement, but nonetheless dictate that drivers allow a safe distance when overtaking cyclists.

<sup>46</sup> In 2015 the Ontario Legislature passed the *Making Ontario’s Roads Safer Act* (full title, *Transportation Statute Law Amendment Act (Making Ontario’s Roads Safer)*, SO 2015 c.14) which brought a safe passing distance law into force on September 1, 2015.

<sup>47</sup> The Nova Scotia *Motor Vehicle Act* RSNS 1989, c. 293 was amended in 2010 to include a safe passing distance of 1 m: SNS 2010, c. 59, s. 10.

<sup>48</sup> See “Cycling Safety Recommendations: What the City Wants” *CBC News* (September 21, 2015), online: <http://www.cbc.ca/news/canada/montreal/cycling-safety-recommendations-what-the-city-wants-1.3237064>

<sup>49</sup> See *Dupre v. Patterson*, 2013 BCSC 1561. The Court did not consider the argument that a vehicle does not include a bicycle.



Defence counsel's case theory was that Ms. Dupre swerved and collided with the side of Ms. Patterson's car. The Court's remarks implicate the problems with subjective interpretations of drivers and the lack of clarity in the Act as to safe passing distance:

"I do not know what she means by 'lots of clearance.' What she believes is 'lots of clearance' may in fact be completely inadequate."

The judge found the motorist at fault and concluded the accident did not occur as a result of Ms. Dupre failing to ride as near as practicable to the right side of the highway.

There is a general consensus among those jurisdictions that have specified safe passing distances that 3 ft. (if imperial) or 1m (if metric) is an appropriate minimum distance.<sup>50</sup>

The proposed amendment would provide clarification that a motorist has a duty to leave a safe passing distance when passing a cyclist as well as definitive guidance on the minimum such distance. This avoids subjective assessments by motorist as to what constitutes a safe distance, and provide an objective standard for enforcement.

### **"As far to the right as is practicable"**

#### **Recommendation 9**

Amend s. 157 (2) of the MVA to exempt cyclists from a duty to give way to the right when a vehicle seeking to overtake the cyclist sounds its horn.

Section 183(2)(c) of the MVA should be amended to clarify that a cyclist shall ride as near as is safe to the right side of the right-most through-lane, except:

- when travelling with the normal flow of traffic on the highway,
- on a roadway with no center line,
- on a lane that is too narrow for a cycle and a vehicle to travel safely side by side within the lane,
- on a laned roadway on which traffic is restricted to one direction of movement, at which time a cyclist may ride as near as is safe to the left side of the left-most through-lane,
- if the right-most through-lane is obstructed by cycles or vehicles turning right and the cyclist first ascertains that the movement can be made with safety and without affecting the travel of any other vehicle,
- when overtaking and passing another vehicle or cycle proceeding in the same direction and first ascertains that the movement can be made with safety and without affecting the travel of any other vehicle,

<sup>50</sup> A 2003 study by the City of Toronto found that 12% of collisions occurred when motorists overtook cyclists: City of Toronto, *Bicycle/Motor-Vehicle Collision Study*, (Works and Emergency Services Department, 2003): [https://www1.toronto.ca/city\\_of\\_toronto/transportation\\_services/cycling/files/pdf/car-bike\\_collision\\_report.pdf](https://www1.toronto.ca/city_of_toronto/transportation_services/cycling/files/pdf/car-bike_collision_report.pdf). A separate analysis of overtaking maneuvers between motorists and cyclists showed that a one-metre distance is entirely in keeping with regular movements, and that the average passing distance on two-lane roads without bike lanes was 1.339 meters, while on four-lane roads without bike lanes it was 2.911 meters: Kushal Mehta, Babak Mehran & Bruce Hellinga, "An Analysis of the Lateral Distance Between Motorized Vehicles and Cyclists During Overtaking Maneuvers." *Transportation Research Board 94th Annual Meeting*. No. 15-2150. 2015.



- when preparing for a left turn at an intersection or into a road or driveway and first ascertains that the movement can be made with safety and without affecting the travel of any other vehicle, or
- if avoiding an obstruction on the highway that makes it unsafe to continue along the right side of the right-most through lane and the cyclist first ascertains that the movement can be made with safety and without affecting the travel of any other vehicle.

183(4) should be repealed.

### Rationale

Section 183(2)(c) of the MVA requires cyclists to ride as far to the right as “practicable” on a highway, however no explicit guidance is provided as to the meaning of “practicable” within the MVA.

While courts have determined what is “practicable” for non-cyclists<sup>51</sup>—For example s. 150 of the Act states that all vehicles must confine their course to the right hand half of the roadway if it is *practicable*—it is not as clear for cyclists. Traditionally, evidence will show what was practicable in the circumstances, although it may not be determinative of negligence.<sup>52</sup>

If, when applied to cyclists, the term “practicable” is intended to impose a duty to stay as far to the right as is safe for the cyclist, then that is not clear in the language. If the term could be interpreted as imposing a duty for cyclists to stay as far to the right as is physically possible given the topography of the highway, then the duty conflicts with safer cycling practices. The risk of *dooring*, for example, is increased when cyclists travel too far to the right. Doorings are the number one key safety issues for cyclists in Vancouver, according to the City, and the most common type of cycling collision with motor vehicles reported in Vancouver.<sup>53</sup>

It is not as clear for cyclists how the term “practicable” applies to them. There is already the distinction that cyclists need keep to the right of a *highway* (which includes the shoulder) whereas motorists to the more defined surface of the *roadway* (which does not include the shoulder).

Furthermore, what is “practicable” to an experienced cyclist may not be at all obvious to a person with insufficient cycling experience. Cyclists are likely to bear a disproportionate burden in bringing expert evidence to settle questions of what is “practicable” in relation to safer cycling practices.

Best cycling practice includes riding only so far to the right as removes the risk of collision with vehicular traffic travelling in the same direction while:

1. avoiding the “door zone” of parked cars,
2. avoiding debris or road surface conditions that may cause the cyclist to lose control (such as sharply recessed drainage gratings), and

<sup>51</sup> *Price v. Hunter*, 36 BCLR (3d) 304 and also *Tang v. Rodgers*, 2011 BCSC 123.

<sup>52</sup> *England (Next friend of) v. Hoffman*, [1976] B.C.J. No. 702.

<sup>53</sup> *Vancouver Cycling Report 2015*, at 106.

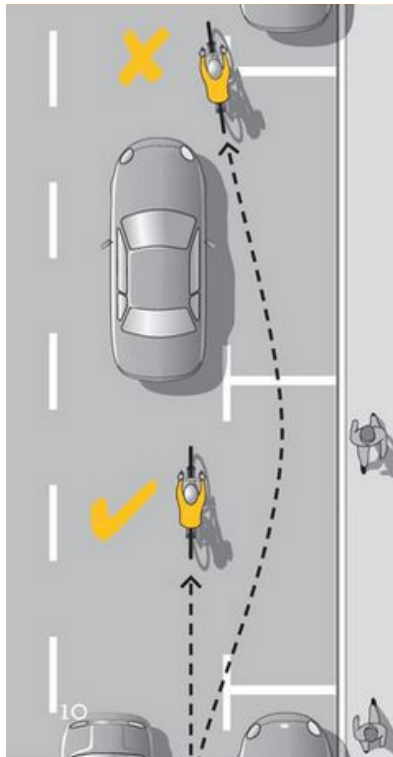


3. maintaining position within the natural line of sight of vehicle traffic so as to be seen.

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#### Case Study

Where parked cars are regularly spaced, cyclists should maintain lane positioning to the left of parked cars, within the natural sight-line of vehicular traffic travelling in the same direction, rather than swerving in and out between parked cars (note the lane positioning of the two cars that are in motion).



Where parked cars are infrequently spaced, cyclists should use the “checkmark” method of lane-positioning to maximize distance between themselves and vehicular traffic travelling in the same direction while ensuring they are riding within the natural sight-line of motorists where they might be in closer proximity/passed.

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The proposed amendments will clarify the practicable scenarios for staying to the right of vehicular traffic, and aligning the law with safer cycling practices.



If the amendments are adopted, a separate rule governing cyclist behavior when making left-hand turns is not required. The amendments will also clarify that cyclists are not required to yield by moving farther right than is safe in response to a honking motorist.

## Passing on the Right

### Recommendation 10

Amend the s. 158 of the MVA to clarify and expand when cyclists may pass on the right, by:

- clarifying s. 158 to state that when a cyclist travels to the left of parked vehicles in the right-most marked lane of a laned roadway, that this is an “unobstructed lane” where the cyclist is permitted to travel for the purposes of s. 158 (1)(b),
- exempting cyclists from the prohibition on using the shoulder at s.158 (2)(b), and
- adding exceptions to the general rule against passing on the right at s.158 (1)(a) to (c):
  - where the driver is a cyclist, and where the highway is free from obstructions and is of sufficient width for the cyclist to pass to the right of vehicular traffic,
  - where the driver is a cyclist, and there is space marked or lane designated for bicycle traffic,
  - where the driver is a cyclist using a sidewalk where cycling is permitted, and
  - where it is necessary for a cyclist to access a cyclist-controlled signal button.

### Rationale

Cyclists have the same rights and duties as motorists by reason of s. 183(1). This means they are subject to the s. 158 prohibition against passing on the right. Section 158 is substantially the same today as it was in 1957.<sup>54</sup> Three exceptions exist to the general *no passing on the right* rule:

- where the overtaken vehicle is signaling an intention to turn left,
- where the overtaking vehicle has its own separate, marked, unobstructed lane, and
- where the two vehicles are on a one-way street travelling in the same direction and the road is sufficiently wide for two lanes of travel (even if the lanes are not marked).

Even where an exception applies: subsection (2)(a) requires passing on the right only be attempted when it is “safe”; and under no circumstances can the shoulder be used according to subsection (2)(b). This last condition is particularly ironic for cyclists, given

<sup>54</sup> *Motor-Vehicle Act*, SBC 1957 c. 39, s. 141.



that at all other times cyclists are expected to use the right-most portion of the highway, which generally is a paved shoulder, under s. 183(2)(c).<sup>55</sup>

The law as presently written puts cyclists in some untenable positions.

Because cyclists are required to ride as far to the right as practicable they are typically lane-positioned to the right of vehicular traffic. This means that cyclists who wish to pass a stopped or slower moving motorist are, by law—and if there is no separate unobstructed lane on the right—effectively required to:

1. “take the lane”<sup>56</sup> behind the stopped or slowing vehicle, then
2. pass on the left, which will require either occupying the oncoming vehicle lane or merging with traffic travelling in the same direction in a further left lane.

These maneuvers can be dangerous, as the associated risks are rear-ending and full frontal collision.<sup>57</sup>

The jurisprudence complicates matters insofar as what constitutes an “unobstructed lane” of travel for a cyclist. If a cyclist is riding in the marked curb lane of a laned roadway, the case law says this is an “unobstructed lane” for the purposes of s. 158(1)(b), even if there are parked cars.<sup>58</sup>

However, a cyclist riding along to the right of stopped traffic in an unmarked lane with parked cars appears to be in breach of s. 158.<sup>59</sup> This is further complicated by the presence of marked bike lanes and *sharrows*, which have no clear legal import with respect to whether they are markings that create an “unobstructed lane” of travel for the purposes of s. 158 of the MVA.

If there is only a single lane of travel in one direction on a two-way street, the cases interpreting s. 158 require a cyclist to either wait for a stopped vehicle to continue moving, dismount and become a pedestrian to walk along the shoulder, or undertake a potentially risky passing maneuver in the oncoming lane.<sup>60</sup>

In recent years, s. 158 has been instrumental in findings of contributory negligence against cyclists. This includes defeating their actions entirely.<sup>61</sup>

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<sup>55</sup> Section 158’s interoperation with the definitions of “highway” at s. 1 and “roadway” at s. 119 create this oddity. A cyclist is required to ride as far to the right of the highway as practicable per s. 183(2)(c), and a shoulder is a part of a “highway”. Section 183(3) does not require a cyclist to drive on unpaved highway, but riding the paved shoulder is apparently required. Once on the paved shoulder, the cycle may not pass cars on the right, however, since being on the shoulder is leaving the roadway and prohibited by s. 158(2)(b) for passing maneuvers.

<sup>56</sup> See *MacLaren v. Kucharek*, 2010 BCCA 206.

<sup>57</sup> Moreover, under BC law, it is the driver merging who bears the duty of doing so safely – there is no requirement for other drivers to “let someone in.” This is particularly problematic for cyclists in urban environments with heavy traffic flows, who are reliant upon driver goodwill to merge safely on account of their extreme vulnerability to injury in any collision.

<sup>58</sup> *Jang v. Fisher*, 1990 CanLII 2147 (BCCA).

<sup>59</sup> *Kimber v. Wong*, 2012 BCSC 783. See also the Court’s remarks in *Dupre v. Patterson*, 2013 BCSC 1561.

<sup>60</sup> *Ormiston v. ICBC*, 2012 BCSC 665, reversed 2014 BCCA 276.

<sup>61</sup> Again, see *Ormiston v. ICBC*, 2012 BCSC 665, reversed 2014 BCCA 276.



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### Case Study

A van passed a cyclist on a divided rural road with one lane each direction. A little ways on, the van slowed down in its lane, almost coming to a stop. The cyclist—a youth—attempted to pass the van on the right using its lane rather than pass on the left in the lane for oncoming vehicles. As the cyclist was passing, the van unexpectedly maneuvered to the right, towards the unpaved shoulder. This forced the cyclist to the shoulder and off a steep embankment. The cyclist was severely injured. The van did not remain on scene and the driver was as only named as John Doe. At trial, the judge found the van to be 70% liable and the cyclist 30% liable: the driver should have checked for the cyclist, as the driver would have been aware of the cyclist's presence as a result of having just passed him. The trial judge observed<sup>62</sup>:

“It seems very odd to me to lump cyclists with motorists. Anyone with a passing knowledge of cycling and driving can appreciate that in certain situations a cyclist could safely perform maneuvers that are prohibited under the Motor Vehicle Act.”

“If he can't pass on the right then presumably he has to negotiate a pass on the left which would expose him to oncoming traffic, a much more dangerous move on this winding road than passing on the right.”

The trial judge also observed that the simple act of dismounting from his bicycle and walking it past the vehicle would have transformed the cyclists from a “motorist” to a pedestrian under the Act, permitting entirely different conclusions with respect to the duty owed by the driver.<sup>63</sup>

The BC Court of Appeal overturned the result and dismissed the cyclist's claim entirely. But the three-justice panel was not unanimous in doing so. Two justices found the cyclist to bear 100% liability on the basis that he had contravened the MVA rules against passing on the right. The third justice agreed with the trial judge that the van driver should have been alert for the cyclist, having just passed him before stopping the van.

The appellate justices did not agree on what was the proper analysis nor did they agree on the proper result. The case highlights the need for greater clarity in the law with respect to passing on the right.

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Where there is room to maneuver, passing on the right is at times the safest option for cyclists. The alternative requires taking a lane—an inherently more dangerous move in the urban environment—and then passing on the left where traffic is faster and collision with oncoming vehicles more likely.

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<sup>62</sup> *Ormiston v ICBC*, 2012 BCSC 665, paras. 30 and 31.

<sup>63</sup> Note, however, that a pedestrian on a highway must not walk with the direction of highway traffic, but against it on the extreme left (s. 182(2)).



Cyclists should always make the safest choice—and sometimes this will require stopping and waiting. But they should also have all of the safest options left open to them.

As it stands, cyclists choosing to pass a stopped car on an unmarked roadway can select between:

1. obeying the letter of the law and putting themselves in danger by taking a lane and passing on the left, or
2. adopting a safer cycling practice in contravention of the law which could prejudice them in the event of a collision.

There is another way that s.158 encourages unsafe choices. Because cyclists in marked unobstructed lanes have the legal right to filter in the right lane beside parked cars, this tends to encourage cyclists onto arterial routes that have more lanes. This puts cyclists on busy roads—where they have greater risk of injury—rather than local street routes with no marked lanes—where they have less risk of injury.<sup>64</sup>

Passing laws should be clarified for cyclists, and the allowances for passing on the right should be expanded in recognition of their natural lane positioning and vulnerability when trying to ensure a safe merge and pass on the left. The amendment would not reward careless behavior by cyclists, since the language of s. 158(2)(a) still requires any movement to pass must still be “made safely.”

### Rights of Way

Confusion over right of way contributes to collisions between cyclists and motorists. In a surprising 46% of reported motorist-cycle collisions in Vancouver City the right of way was inconclusive. Where it could be determined, the cyclist had the right of way in 93% of cases.<sup>65</sup>

The data is easily explained: by far, the most common type of collision involving right of way confusion was one in which the motorist was turning and the cyclist was travelling straight through an intersection (i.e., “right hooks” and “left crosses”). Collisions at traffic circles and sidewalk cycling collisions mid-block at driveways and end-of-block at intersections were also identified as common problem areas. Cyclists confirm these findings through their riding experiences.

### Recommendation 11

Sections 165, 166 and 167 of the MVA should be amended to provide that a motor vehicle must yield to a through-moving cycle or other vulnerable road user when turning. Portions of the right-hand turn rule requiring motorists to position their vehicle at the extreme right edge of the highway should be repealed, or alternatively amended to prevent doing so when it would obstruct the travel of a person operating a cycle.

<sup>64</sup> Teschke et al., *supra* note 19 cites the odds ratio of injury on local street routes with parked cars to be roughly half of the odds ratio of injury on major street routes with parked cars.

<sup>65</sup> Metro Vancouver News summarizes the data set out in the *Vancouver Cycling Report 2015*, *supra* note 10, here: <http://www.metronews.ca/news/vancouver/2015/05/12/vancouver-drivers-at-fault-in-93-of-collisions-with-bicycles-city-report.html>



## Rationale

Section 165 deals with the rules for motorists turning at intersections and reads closely to what it did in 1957.<sup>66</sup> Sections 166 and 167 deal with turning at places other than intersections. None of these three sections clarifies rights of way where motorists are turning across through-moving cycle traffic.

**Left cross:** A cyclist's right of way when travelling through an intersection is clear against a motorist turning left across the intersection. The problem is largely visibility. A cyclist is required by law to stay to the right of the roadway where they are potentially obscured from view by larger through-moving vehicles and are outside the natural sight area of the turning driver. The problem may be exacerbated if the cyclist is in technical breach for passing on the right while travelling straight through an intersection.

**Right hook:** The right of way of a cycle travelling through an intersection where a parallel motorist is turning right is less clear. Roadways designed exclusively for motor vehicles did not present this conflict, as right turn lanes for motorists were simply not constructed to the left of through-lanes. However, separated, marked and *de facto* cycle lanes are generally at the right edge of the roadway, placing cyclist through-traffic in conflict with right-turning motorists.

Further, s. 165(1) and s. 167(a) require a right-turning motorist to position their vehicle "as close as practicable to the right hand curb or edge of the roadway" before turning. Motorists tend to position themselves at the right edge of the roadway in anticipation of a right turn even when it cannot be made immediately. This positioning is often in direct conflict with cyclist traffic.

Cases in BC show cyclists often share liability for "right hook" and "left cross" collisions regardless of their right of way—albeit to a lesser degree in "left cross" cases and to a greater degree in "right hook" ones. The basis of cyclist liability is the application of the *dominant/servient* driver legal principle—an analytical principle developed for motorist-motorist interactions that can negate a cyclist's right of way in cyclist-motorist collisions.

The dominant/servient analysis applied to "left cross" situations has resulted in findings that through-moving cyclists are partly responsible for the collision by failing to take evasive action, keep a look out<sup>67</sup> or ensure they were not visually obscured from left-turning traffic.<sup>68</sup> Cyclists have little to no control over much of these factors, given that their legislated place is at the right edge of the road where they are cut off from view.

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<sup>66</sup> *Motor-Vehicle Act*, SBC 1957 c. 39, s. 148.

<sup>67</sup> *Pittman v Chia*, [1979] 3 A.C.W.S. 541 (BCSC), at para. 4: "The Plaintiff was an experienced bicyclist and it would not be asking too much of him to expect him to realize at all times that he faced the hazard of being imperfectly observed by motorists." Liability was apportioned 25% to the plaintiff.

<sup>68</sup> In *Hersh v. Stinson*, [1992] B.C.J. No. 1428 (SC) the cyclist plaintiff was found 50% at fault for not seeing the left turning vehicle which came across his lane to enter a driveway of a mobile home park; *Pacheco v. Robinson* (1993), 75 B.C.L.R. (2d) 273 (BCCA) reversed a finding by the trial court that the cyclist was contributorily negligent. See also *MacLaren v. Kucharek*, 2010 BCCA 206 rev'g 2008 BCSC 673 which involved a "left cross". In *Kimber v. Wong*, 2012 BCSC 783, the cyclist's statutory breach for passing on the right resulted in the effective denial of the right of way he would otherwise have as through-moving traffic against a vehicle turning left.



The same dominant/servient analysis in “right hook” cases has resulted in a high degree of liability apportioned to injured cyclists, especially where the cyclist is in technical breach of the prohibition against passing on the right. The dominant/servient driver analysis requires the through vehicle to be proceeding lawfully to avoid responsibility.<sup>69</sup> As discussed, many cyclists find that it is more dangerous to “take the lane” than to proceed in a more safe—albeit unlawful—manner.

The proposed reforms clarifying the duty to yield to through-traffic and removing the requirement for motorists to position their vehicles in conflict with cycle traffic will improve safety by targeting the problematic “left cross” and “right hook” scenarios while providing for more equitable outcomes in the event of injury or loss by a vulnerable road user in those scenarios.

## Roundabouts and Traffic Circles

### Recommendation 12

Subsection 150(3) of the MVA should be amended to provide that:

(a) The driver of a vehicle or cycle entering a roadway in or around a rotary traffic island or roundabout shall yield the right of way to traffic already on the roadway in the circle or approaching so closely to the entering highway as to constitute an immediate hazard; and

(b) The driver of a vehicle or cycle passing around a rotary traffic island or roundabout shall drive the vehicle in a counter-clockwise direction around the island or the center of the circle.

Further, standardized signage for rotary traffic islands and roundabouts that specifies the right of way should be adopted across the province.

### Rationale

Municipalities have shown greater interest in the use of traffic circles and roundabouts in recent years. This interest appears to reflect the desire to replace 2-way stop intersections with other traffic calming measures (traffic circles) and to maintain greater traffic flow as compared to 4-way stop and traffic light controlled intersections (roundabouts).

Notwithstanding increasing interest in traffic circles and roundabouts, s. 150(3) of the MVA, which governs such facilities, has essentially not changed since it appeared in the 1957 legislation as s. 136(3). Subsection 150(3) simply states the “driver of a vehicle passing around a rotary traffic island must drive the vehicle to the right of the island.” This is the sole legislative guidance presently provided in respect of traffic circles and roundabouts.

<sup>69</sup> In *Nelson v. Lafarge Canada Inc.*, 2013 BCSC 1552 a brisk moving cyclist was overtaking a truck when it turned right and dragged the cyclist with it. 65% liability was apportioned to the cyclist. *Kimber v. Wong*, 2012 BCSC 783, is a “left cross” case but illustrates the issue with being in technical breach and how this affects the dominant/servient driver analysis.



An Australian report<sup>70</sup> says that while roundabouts improve safety by reducing speed and conflict points, safety benefits do not always extend to cyclists. Dutch research has reported similar findings—while roundabouts reduce crashes between motor vehicles, they increase risk to cyclists (and pedestrians) unless carefully designed. Research concludes cycling on the edge in roundabouts is dangerous because it puts cyclists and drivers at oblique angles at the multiple entry/exit points of the roundabout.

One strategy to solve this problem is cycling in the center of the lane in single-lane roundabouts. “C1 Roundabout” is a new single-lane roundabout design concept which provides cues to cyclists to move to the middle of the lane, which is where drivers are most likely to look. Dutch research shows that for both single and multiple lane roundabouts, the safest design is a physically separate outer ring for pedestrians and cyclists. This is essentially a “protected” roundabout intersection design and provides the benefit of putting pedestrians and cyclists perpendicular to motor vehicles at crossings.

With respect to traffic circles, cyclists report difficulty safely navigating such infrastructure with vehicular traffic. Because of the speed differential between a cyclist and a driver approaching a traffic circle, which generally requires drivers to slow but does not impede cyclist speed, it can be difficult to determine who has the right of way. Oblique sight lines are also problematic as are sight-lines obscured by plantings in the center of the traffic circle.

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### Case Study

The City of Vancouver installed a traffic circle at the intersection of Pine Street and West 10<sup>th</sup> Avenue as part of the 10<sup>th</sup> Avenue bikeway project in 2004. The intention was to calm traffic and increase safety for cyclists along the 10<sup>th</sup> Avenue designated cycling route. It had the opposite effect: collisions substantially increased between 2005 and 2012, based on ICBC data. In the seven years prior to installation there were no reported collisions. In the seven years following installation there were 17 reported collisions. The traffic circle was removed for cyclist safety in 2013.

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Revisions to legislation should strive for consistency with safety-evidence-based roundabout designs and should clarify the rights of way in respect of both roundabouts and traffic circles. The proposed amendment would go some distance towards those aims, although future amendment may be required to the extent that evidence-based protected roundabout designs are implemented.

### Red Traffic Arrows

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#### Recommendation 13

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<sup>70</sup> Bob Cumming, “A bicycle friendly roundabout: designing to direct cyclists to ride where drivers look.” *Proceedings of the fourth Australian Cycling Conference* (2012): <http://www.australiancyclingconference.org/images/proceedings/acc-2012-proceedings.pdf>



The MVA be amended to provide for the use of red arrow traffic signals to signify when a right-turning vehicle is prohibited from turning.

### Rationale

Section 130 of the MVA provides for the use of green and yellow arrow signals.<sup>71</sup> In both cases, the signals indicate when turning traffic that otherwise has a green or yellow signal has the right of way because all through traffic is stopped. Red arrows could similarly be used to indicate when right-turning traffic must not proceed because through moving traffic, including cyclists in a through lane, have the right of way.

The rationale for this recommendation is the same rationale set out above in relation to clarifying rights of way as between cyclist through-traffic and turning motorist traffic. The use of red arrow traffic lights can provide additional assistance to road users, clarifying when a right-hand turning vehicle must stop.

## **Rail Tracks and Cattleguards**

### **Recommendation 14**

Subsection 185(7) of the MVA be amended to require motor vehicles to give cyclists space to safely cross streetcar, railway tracks or cattleguards:

185(7) Unless a special facility is provided to allow cyclists to cross the track or guard safely without using the normally travelled portion of a highway, it is unlawful to pass the operator of a cycle within 1.5 metre of a railway, streetcar tracks or cattleguard crossing of the highway. This prohibition shall at all times be posted with a sign in advance of such railway, streetcar track or cattleguard crossing and shall be effective from the location of said sign to a point 30 metres beyond the railway crossing.

### Rationale

Research shows that cyclists are especially at risk where streetcar or railway tracks are involved, with a 3-fold greater risk of injury.<sup>72</sup> The width of a typical road bicycle tire, at approximately 1 to 1.5 inches, is sufficiently narrow to be caught in the flangeways alongside track rails. The problem is acute in traffic environments with streetcar tracks integrated into roadways.

The recommendation proposes to give cyclists adequate space to safely navigate the roadway near tracks or crossings to reduce the risk of falls and collisions.

### **Following too closely**

### **Recommendation 15**

Subsection 162(1) of the MVA be amended to provide that a driver of a vehicle must not cause or permit the vehicle to follow another vehicle or cycle more closely than is

<sup>71</sup> British Columbia, Legislative Assembly, *Hansard*, (14 July 1987) at 2522 (Hon. Mr. Michael) — speaking to Bill 36, the *Motor Vehicle Amendment Act, 1987*.

<sup>72</sup> Kay Teschke et al., *supra* note 19.



reasonable and prudent, having due regard for the speed of the vehicles, the amount and nature of traffic on and the condition of the highway, and having regard to whether the vehicle or cycle is a vulnerable road user.

### Rationale

Subsection 162(1) of the MVA prohibits the operator of a motor vehicle from following another vehicle too closely, having regard to the traffic and road conditions. The rule has not substantively changed since it appeared in the 1957 legislation as s. 145(1).<sup>73</sup>

As a cycle is not a “vehicle,” the rule does not clearly apply to motor vehicles following bicycles.

A review of the jurisprudence indicates that the rule has operated against cyclists without regard to their differential capabilities and vulnerabilities, and in particular, without regard to both the increased stopping distance that might be necessary for a motor vehicle to avoid hitting a cyclist who falls onto the road and without regard for a cyclist’s inability to brake as quickly as a motorist.

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### Case Study 1

Mae-Lin is cycling to a friend’s house for a barbecue. She “takes the lane” along a narrow stretch of roadway. A car is following behind her, at a reasonable following distance for a motor vehicle travelling the same speed. Mae-Lin’s front wheel hits a stone and she wobbles and abruptly loses speed. The car rear-ends her.

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In the absence of special consideration for vulnerable road users, when a following vehicle collides with a leading vehicle, the court must be satisfied on a balance of probabilities that the collision did not occur because of the following driver’s negligence.<sup>74</sup>

A following driver has no special obligations under the MVA in relation to vulnerable road users. A review of the BC jurisprudence reveals that where a rear-ending involves two motor vehicles, the following vehicle is virtually always at fault unless the leading vehicle stops suddenly and unexpectedly or has stopped in a location that prevents the following vehicle from seeing the leading vehicle until it is too late.

The case law in respect of cyclist rear-endings is quite different and may involve situations where cyclists are merging and therefore servient vehicles, are coming from a far right lane of travel, and are perhaps attempting to clear multiple lanes in order to make a turn. Where cyclist rear-endings are concerned, the fact of the collision itself will give rise to questions about how a cyclist came to be in the way of a faster moving motor

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<sup>73</sup> Subsection (2) was changed to refer to metric (60 m instead of 200 ft.) with the *Motor-vehicle Amendment Act, 1977 (No. 3)*, SBC 1977, c.42. These provisions appeared as s. 153 in the 1960 revision, and later as s. 164 in the 1979 revision.

<sup>74</sup> *Titan Transport Ltd. v. Quik X Transportation Inc.*, [2007] 7 W.W.R. 536 (Man QB).



vehicle, and how the cyclist acquitted him or herself of the duties owed by servient drivers in the case of a lane merge.

In one recent case, the driver in the following vehicle struck the cyclist with the front driver side of the vehicle after the cyclist merged into the lane. The driver did not see the cyclist until collision was imminent, made no attempt to swerve and even gave no evidence at trial. Discovery transcript excerpts were read in by the plaintiff. The cyclist was dressed appropriately for visibility and had signaled, but was found to have been obscured from view. The Court found that, in light of the collision having occurred, it would need expert evidence to confirm the cyclist's judgment that it was safe to merge. In the absence of such evidence, the cyclist was found 100% liable.<sup>75</sup>

It was notable that the defendant was able to defeat the plaintiff's case without testimony or positive defense. At a time when the cost of litigation exceeds the means of the majority of British Columbians, the need to bring expert evidence is a significant additional burden that is borne by vulnerable road users, perhaps more so than for plaintiffs in motorist-motorist collisions where the exercise of good judgment is more established.

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### Case Study 2

Ferris is cycling to the office on Saturday to finish a report. He is on a long downhill when he is passed by a driver who then pulls in ahead of him and brakes for a pedestrian that has come around the corner and is approaching a crosswalk. Ferris brakes hard to avoid colliding with the back of the SUV but loses control of his bike and veers off the road, going over his handlebars. The Court decides that Ferris is fully liable for his injuries because, having the same rights and duties as the operator of a vehicle, he was prohibited from following too closely. The driver was able to stop; Ferris on his bicycle is subject to the same standard.<sup>76</sup>

As the foregoing case studies illustrate, the present state of the law may create inequity in two respects. Firstly, it fails to expressly provide that the status of a vulnerable road user should be taken into account—and a different following distance should apply—when a motor vehicle follows vulnerable road. Secondly, it fails to acknowledge that cycles often lack control over how closely they follow motor vehicles.

Cyclists often have little choice as to how closely motorists allow their vehicles to follow, to pass, or even to lead. A cyclist, whose duty is to travel as far as practicable to the right of the road, is often passed by motorists, and often in the same lane of travel. Difficulty arises where such a motorist's passing makes the cyclist the "following" vehicle, although the cyclist had no direct role to play in following the vehicle and becoming subject to s. 162. While a motorist is bound to overtake in safety (s. 159), once this has happened the cyclist is then not just at the mercy of the motorist's sudden action, but potentially liable for following too closely under s. 162.

The proposed amendment to s. 162 of the MVA addresses the scenario in which a motor vehicle is following a vulnerable road user. It requires that the motorist take the status

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<sup>75</sup> *Miles v. Kumar*, 2013 BCSC 1688.

<sup>76</sup> Adapted from *Rudman v. Hollander*, 2005 BCSC 1342.



of the lead vehicle or cycle into account when determining an appropriate following distance. The issue of lack of control over following distance by cycles is addressed by the proposed reform of the general rule applying motorist rights and duties to cyclists.

## Riding Abreast

### Recommendation 16

Paragraph 183(2)(d) be amended to permit cycles to be operated side-by-side where appropriate for cycling safety.

### Rationale

The original rule against riding abreast in the 1943 legislation made an exception for passing.<sup>77</sup> The present rule, set out in s. 183(2)(d), simply prohibits riding abreast of another person cycling on the roadway. The present rule is therefore both ambiguous as to whether a cyclist may pass another cyclist and contrary to safer cycling practices.

The rule has rarely been a litigation issue in BC. In the only known case, the defendant motorist attempted to apportion liability to an elderly cyclist. The defendant had pursued and harassed the cyclist riding abreast with his son. The defendant ultimately caused the cyclist to fall and suffer injury. The cyclists happened to have been in a designated use lane for cyclists only, and the Court rejected the defendant's argument and held "the legislature intended to only prohibit cyclists from riding abreast on parts of the highway that are used by vehicles, namely, in roadways."<sup>78</sup>

Cycling side-by-side in a lane may improve safety where they may be easier for motor vehicles to see and to safely pass, as opposed to a longer single-file line of cycles. In cases where the through-lane is not wide enough to allow a vehicle to safely pass, two cyclists may continue to hold their space side-by-side until the lane widens or a shoulder or bike lane emerges that is safe to cycle on.

In addition, cycling side-by-side provides more comfortable and safe riding circumstances to a parent riding with a child. The parent is able to monitor the child's cycling more easily than if riding in front of the child and communicate more easily than if riding in front of or behind the child.

Prior to 1943, cyclists were historically permitted to ride abreast in BC. Cyclists are allowed to ride two abreast in many jurisdictions around the world including:

- Ontario - <http://www.ottawabicycleclub.ca/road-safety>
- Europe - <http://momentummag.com/articles/abreast-of-reality/>
- US - Cyclists in 39 States are specifically allowed to ride two-abreast: <http://bicycling.com/blogs/roadrights/2010/04/15/two-by->

<sup>77</sup> The *Highway Act Amendment Act, 1943*, SBC 1943, c. 26 shoehorned s. 25B into the Act to prohibit riding abreast except for the purpose of passing. The prohibition was disassociated from horse racing provisions in the 1948 revision: *Highway Act*, RSBC 1948, c. 144, s.27.

<sup>78</sup> *Davies v. Elston*, 2014 BCSC 2435.



- [two/http://bicycling.com/blogs/roadrights/2010/04/15/two-by-two/](http://bicycling.com/blogs/roadrights/2010/04/15/two-by-two/)
- Oregon - <http://bikeportland.org/2011/06/07/bike-law-101-riding-two-abreast-54334><http://bikeportland.org/2011/06/07/bike-law-101-riding-two-abreast-54334>
  - Kansas - <http://stevetilford.com/?p=19826><http://stevetilford.com/?p=19826>
  - The UK - <https://www.gov.uk/rules-for-cyclists-59-to-82/overview-59-to-71><https://www.gov.uk/rules-for-cyclists-59-to-82/overview-59-to-71>
  - South Australia - [http://www.dpti.sa.gov.au/roadsafety/safe\\_road\\_users/cyclists](http://www.dpti.sa.gov.au/roadsafety/safe_road_users/cyclists)[http://www.dpti.sa.gov.au/roadsafety/safe\\_road\\_users/cyclists](http://www.dpti.sa.gov.au/roadsafety/safe_road_users/cyclists)

[http://www.dpti.sa.gov.au/roadsafety/safe\\_road\\_users/cyclists](http://www.dpti.sa.gov.au/roadsafety/safe_road_users/cyclists)The recommended amendment would provide for cyclists to ride abreast, allowing them to do so in order to pass and where it provides a safety benefit.

### **Riding on or Astride the Seat**

#### **Recommendation 17**

Paragraph 183(2)(f) be repealed as the provision no longer has application.

#### **Rationale**

The provision in paragraph 183(2)(f) appears to be another remnant of a bygone traffic age, addressing sidesaddle riding by women.

The provision is not known to have been considered or applied by BC courts.

The recommendation to repeal the provision is therefore of a house-keeping nature.

### **Signaling by the Operator of a Cycle**

#### **Recommendation 18**

Subsections 183(17) be amended to provide that the duty to signal applies only where traffic may be affected, to expand the manner in which cyclists may signal a turn, to repeal the requirement to signal a reduction in speed and provide an exception to the requirement to signal where signaling is unsafe, as follows:

(17) If traffic may be affected, a person operating a cycle on a highway must signify

(a) a left turn by doing either of the following:

(i) a left turn by extending the person's left hand and arm straight from the cycle, in the direction of the turn,

(ii) activating a flashing lighted arrow pointing to the left,

(b) a right turn by doing either of the following:

(i) extending the person's right hand and arm straight from the cycle, in the direction of the turn; or by

(ii) extending the person's left hand and arm out and upward from the cycle so that the upper and lower parts of the arm are at right angles,



(iv) activating a flashing lighted arrow pointing to the right.

(c) An operator of a cycle does not commit an offense if the person is operating a cycle and does not give the appropriate signal for a turn due to circumstances requiring that both hands be used to safely control or operate the cycle.

### Rationale

Under current s. 183(17), a cyclist is required to signal both turns and reductions in speed. There are no exceptions for cyclists for failing to signal, although there are exceptions for motorists failing to signal.

Cyclists use their hands to balance, to steer and to brake. Further, on North American bicycles, the front brake—which supplies approximately 75% of stopping power—is operated by the left hand, which is the hand generally used for signaling.

As cyclists use their hands to control the bicycle, and removing the hands could constitute a safety risk, there should be no requirement to signal unless traffic will be affected. Safe operation of the cycle should take precedence over the requirement to signal.

The proposed amendment would remove the blanket requirement to signal in favour of a requirement to signal where traffic will be affected. It would also eliminate the requirement to signal a reduction in speed, which may be dangerous for cyclists on account of the front brake being operated by the usual signaling arm and the delay that signaling may cause in stopping. Finally, an exception should be provided where it would be unsafe to remove hands from the bicycle.

### **Seizure of Cycle**

#### **Recommendation 19**

Subsection 183(15) be amended to remove the express authorization of seizure of a cycle and subsection 183(16) be repealed.

### Rationale

Subsection 183(15) of the Act expressly authorizes a Court to order that a cycle be seized where a person is convicted of *any* offence under the MVA. There are no such blanket impoundment provisions for motor vehicles. To the contrary, the preconditions for impounding a vehicle under the MVA are complex and specific, and generally require reason to believe that impoundment is the only way to ensure the vehicle will not be further used in contravention of the Act and at risk to public safety.

The impoundment process for a motor vehicle is regulated to ensure that the vehicle is appropriately stored and that the impoundment only operates for a limited period. The operator of a vehicle that is impounded has rights of review in respect of the impoundment and may even apply for early release of the vehicle on grounds of economic hardship.<sup>79</sup> In contrast, there is no regulation in respect of the seizure of a

<sup>79</sup> See section 251 of the *MVA* and Part 9, generally, which also provide a driver with rights of review in respect of an impoundment.



cycle, and no rights of review are afforded to the operator of a cycle although they may also experience economic hardships.

The recommendation to amend subsection 183(15) better aligns the treatment of motor vehicles and cycles under the Act by removing the blanket authority to seize a cycle for any contravention of the Act. In any case, whether it is a cycle, a motor vehicle or some other device at issue, the province's Courts have the inherent power to grant a seizure order where a Court is of the view that it is necessary to protect the safety of others. As such, in the unusual case in which there is reason to believe a cycle poses a significant safety risk to others, the Court is empowered to provide an appropriate remedy.

Subsection 183(16) expressly authorizes a peace officer to "enter any place or building in which the cycle is located." The provision is plainly problematic: on its face, it authorizes a peace officer to enter a dwelling in order to seize a cycle. Most people store their bicycles inside their homes or an accessory building on the same property, either for protection of property<sup>80</sup> or simply because they have no other alternative. Subsection 183(16) thus has potentially far-reaching constitutional implications.

The recommendation to repeal subsection 183(16) aligns the law with *Charter of Rights and Freedoms* principles prohibiting unreasonable search and seizure in order to protect places where persons have a high expectation of privacy, most notably, their homes.

## 4. Rules Relating to Pedestrian-Cyclist Interactions

### Sidewalks

#### Recommendation 20

The MVA should be amended to clarify when adult cyclists are permitted to ride on the sidewalk and to provide that children 12 and under and people with disabilities are permitted to ride on the sidewalk. Existing s. 183(2)(a) should be replaced as follows:

(a) must not ride on a sidewalk unless

(i) the person is aged 12 or under, or is a person of any age with a disability that prevents the person from safely operating a cycle on a highway,

(ii) authorized by a bylaw made under section 124 or otherwise directed by a sign or pavement marking,

(iii) directed by detour to use a sidewalk, or

(iv) a parallel bicycle facility is obstructed,

and where a cycle is lawfully operated on a sidewalk, the operator of the cycle must yield to any pedestrian using the sidewalk.

#### Rationale

<sup>80</sup> In Vancouver, bicycle thefts have outnumbered vehicle thefts since 2010 according to a Vancouver Sun article based on Vancouver Police Department data: Chad Skelton, "More bikes stolen in Vancouver than cars: City police struggle to stem the tide of one of the few crimes that is getting worse" *The Vancouver Sun* (21 March 2014):

<http://www.vancouversun.com/news/More+bikes+stolen+Vancouver+than+cars/9230502/story.html>.



The rule against cycling on sidewalks dates to the late 1800s. While the MVA maintains the historical general prohibition against riding on the sidewalk, the rule has been sufficiently altered by action at the municipal level to create considerable confusion.

While originally this rule presumably served pedestrian safety, within Metro Vancouver there are several examples of routes where cyclists are directed to use a sidewalk and prohibited from cycling on the highway. Bridges pose a particularly high degree of risk to cyclists, for example. Some municipalities have adopted “multi-use paths” to replace certain sidewalks where cycling on the particular roadway is especially dangerous.<sup>81</sup> These on-the-ground actions suggest that the historical rationale for the broad rule should be reconsidered in view of the risks in certain sets of circumstances, such as where the cyclist is a child or a parallel bicycle facility is obstructed.

The BC jurisprudence tends to show that cyclists who ride on the sidewalk will be found partly responsible in the event of a collision with a motorist, with breach of this rule playing an important part in the reasoning. In many cases, the factual circumstances suggest that the motorist had no expectation that a cyclist might be present on the sidewalk and took no precautionary measures specific to cyclists, such as looking where a cyclist would be rather than where a pedestrian would be.<sup>82</sup> In light of municipal action permitting cyclists on particular sidewalks, the general prohibition should be questioned. It continues to operate to the detriment of cyclists by condoning a level of care that is insufficient. Motorists ought to expect cyclists and pedestrians to be on sidewalks. The Act should acknowledge the due care and attention required to look for them.

A rule which clearly provides for cyclists to ride on sidewalks under appropriate circumstances, and which provides for children and people with disabilities to use sidewalks generally, will improve safety by providing clarity in the law and by contributing to the creation of a general expectation that cyclists might be riding on sidewalks.

### **Access to Cyclist or Pedestrian Controlled Traffic Signals**

#### **Recommendation 21**

Section 183 be amended to introduce a new subsection permitting the operator of a cycle to proceed beyond a stop line or to proceed onto a sidewalk to operate a cyclist or pedestrian controlled traffic signal, and where the operator of a cycle proceeds onto a

<sup>81</sup> For example, the City of North Vancouver is in the process of removing a sidewalk along West 3<sup>rd</sup> Street in order to install a multi-use path. The installation of the multi-use path is part of the City’s plan to provide AAA bike facilities. The location was deemed a high priority because of the danger posed to cyclists by the vehicle lane configurations. The multi-use path option was chosen over other possible cycling facilities as a result of insufficient road width to install on-road facilities.

<sup>82</sup> See *Hadden v. Lynch*, 2008 BCSC 295; *Deol v. Veach*, 2011 BCSC 1437; *Bradley v. Bath*, 2010 BCCA 10. In *Gregus v. Belisle*, [1992] B.C.J. No. 696 the judge held that the “purpose of s. 185(2)(1) of the Motor Vehicle Act is to prevent accidents from which the plaintiff cyclist is quite as likely or more likely to be hurt as the defendant, so the legislation has as its principal purpose the protection of the plaintiff. Where the plaintiff does not comply, then her unexcused violation is evidence of negligence.”



sidewalk to operate the signal, the operator of the cycle must yield to pedestrians lawfully on the sidewalk.

### Rationale

The MVA contains no rules governing access to pedestrian and cyclist controlled signals by the operator of a cycle. This is another area in which municipal action has overtaken provincial law: municipal streets now contain many cyclist controlled signals or pedestrian controlled signals which are placed on cycling routes and also intended for use by cyclists.

While the MVA contemplates pedestrian controlled traffic signals in section 133, access to a pedestrian controlled signal for a pedestrian has not been an issue since such signals are located on sidewalks. Access to signals for cyclists, on the other hand, can be problematic. Signals are often placed on the sidewalk at the far front and right edge of the roadway, which may be beyond a stop line or in a right turn lane. To operate the signal, cyclist may have to proceed past the stop line or adopt inappropriate lane positioning. Alternatively, the signal may be on the sidewalk and intended for use by both pedestrians and cyclists, requiring the cyclist to mount the curb and use the sidewalk to access the signal.

The recommendation is to provide access to cyclist and pedestrian controlled signals where they are commonly placed by municipalities, and to provide that a cyclist must yield to a pedestrian where the signal is on a sidewalk.

### **Crosswalks**

#### **Recommendation 22**

The MVA should be amended to clarify when cyclists can ride through a crosswalk and indicate that motorists must yield to cyclists if they are in a crosswalk marked by "elephant's feet" or otherwise indicated to be a cycle crossing or cycle-priority space, such as a bike box. To that end, paragraph 183(2)(b) should be amended as follows:

- (b) must not, for the purpose of crossing a highway, ride on a crosswalk unless
  - (i) authorized to do so by a bylaw made under section 124,
  - (ii) otherwise directed by a sign or pavement marking (e.g. "elephant feet"),
  - (iii) a trail which allows cycles crosses a highway by way of a crosswalk,
  - (iv) a detour directs cycles to use a crosswalk, or
  - (iv) a parallel bicycle facility is blocked, and in any such case,
  - (v) the operator of the cycle shall yield to pedestrians lawfully in the crosswalk or marked area, and
  - (vi) the operator of a vehicle shall yield to cycles and pedestrians lawfully in the crosswalk or marked area.

### Rationale

Paragraph 183(2)(b) of the MVA prohibits riding on a crosswalk unless authorized by bylaw or directed by a sign. The rule was introduced in 1985, concurrently with s.



124(1)(v) empowering municipalities to dictate how and when cyclists can ride on sidewalks and crosswalks.<sup>83</sup> The legislative language of the rule is directly parallel to the prohibition against riding on sidewalks.

In the courts, the prohibition is often considered in conjunction with s.183(2)(a) relating to sidewalks. Cyclist plaintiffs riding in crosswalks will be in technical breach, and will likely attract apportioned liability. Even if their general presence might be indistinguishable from a pedestrian, stroller etc. with respect to speed and visibility, they cannot expect the same deference that pedestrians would receive.<sup>84</sup>

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#### Case Study

The plaintiff cyclist was a 13-year-old boy that was struck by a truck while riding his bicycle onto a crosswalk. The trial judge found both parties equally at fault. The boy appealed, which appeal was dismissed. The Court of Appeal held that because of his breach of statute, they boy was not entitled to rely on having a right of way.<sup>85</sup>

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The rule against riding on crosswalks has made a commonly used safer cycling practice illegal. Where a cyclist cannot safely merge with traffic in order to execute a left-hand turn, safer cycling practice is to execute a “box turn”, where a cyclist wanting to take a left first almost clears the intersection in the right-most through-lane, before cutting into the intersecting street’s crosswalk and re-aligning position 90 degrees so as to proceed with through traffic from the intersecting street.

Notwithstanding that the practice is used as a safer alternative to merging with one or more vehicle lanes in order to execute a left-hand turn, the former amounts to a breach of the statute where the latter—although riskier—may not.

Municipal action in respect of bicycle crossings has overtaken the existing rule. Many cities now have “elephant’s feet” marking crosswalks to indicate where cyclists should ride to cross a street. Municipal signage on bike routes also direct cyclists to cross at certain crosswalks. Some municipalities have also installed painted “bike boxes” at intersections in order to allow cycles to safely navigate an intersection.

The proposed amendments modernize the law to clarify when cyclists may ride in crosswalks and provide for cyclists to yield to pedestrians when doing so. The amendment also clarifies that the operator of a vehicle must yield to both cycles and pedestrians who are lawfully in crosswalk or bike box type spaces marked for their use.

## 5. Offences

### Dooring

**Recommendation 23**

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<sup>83</sup> *Motor Vehicle (No. 2) (Amendment)*, SBC 1985, c.78 s.15.

<sup>84</sup> See for example, *Callahan v. Kim* [2012] B.C.J. No. 2248.

<sup>85</sup> *Bajkov v. Canil*, [1990] B.C.J. No. 145 (BCCA).



The MVA and Schedule 3 of the *Violation Ticket Administration and Fines Regulation* be amended to increase the fine for opening a vehicle door when it is not safe to do so from \$81 to \$368 and three demerit points.

### Rationale

Section 203 of the MVA currently prohibits opening a vehicle door on the side available to moving traffic unless and until it is reasonably safe to do so and prohibits leaving the door open for longer than necessary to load or unload passengers. Section 203 remains substantially the same form as its original equivalent in the 1957 Act.

Current fines fail to target one of the most frequent types of motorist-cyclist collisions and fail to reflect the seriousness of the risks posed to cyclists by a “dooring,” also known as the “door prize.”

Since 2003, the fine for contravening s. 203(1) has been set at \$81. For the 13 years before that, it was a mere \$50.<sup>86</sup> In contrast, the fine imposed on a cyclist for contravening *any* rule set out in s. 183 is \$109. When the fine was \$50, cycling offences attracted fines of \$75.<sup>87</sup> The penalty for distracted driving is currently \$368, more than quadruple the fine for “dooring.”

The small fines for unsafely opening a door into traffic still reflect the mild approbation one would expect for behaviour that primarily risks property damage and the offender’s own safety—for example opening a door into the path of another motorist.

The issue is, however, one of safety for cyclists. Cycling safety studies consistently demonstrate that “doorings” are one of the most frequent types of motorist-cyclist collisions. A 2015 study by the City of Vancouver identified doorings as the most common motorist-cyclist collision and placed dooring as the number one issue in relation to cycling safety in the City.<sup>88</sup> The majority of doorings were by driver-side vehicle occupants in parked cars on arterial roads without bikeways.

While a dooring can result in superficial injuries, a high-speed dooring or a dooring or near-dooring in which a cyclist is propelled into or must swerve into other vehicular traffic has resulted in hospitalizations and deaths in BC.<sup>89</sup> Doorings is a serious problem.

The relatively high rates of doorings are a predictable result of cyclists’ mandated position as far right as practicable on the roadway and the absence of driver training and awareness of the risks posed by the behaviour. Further, cyclists are sometimes forced to

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<sup>86</sup> *Violation Ticket Administration and Fines Regulation*, BC Reg 89/97, Schedule 3, as amended by BC Reg 384/2003.

<sup>87</sup> BC Reg 434/90. The older *Violation Ticket Fines Regulation* fined cycling without reasonable consideration at \$75, but opening a door unsafely was only \$50.

<sup>88</sup> *Vancouver Cycling Report 2015*, *supra* note 10.

<sup>89</sup> “Patricia Keenan, Kelowna cyclist, mourned after fatal crash into car door” *CBC News* (20 July 2015): <http://www.cbc.ca/news/canada/british-columbia/patricia-keenana-kelowna-cyclist-mourned-after-fatal-crash-into-car-door-1.3160089>; See also Kay Teschke et al., “Bicycling crash circumstances vary by route type: a cross-sectional analysis” *BMC Public Health* 14.1 (2014): 1205.



choose between the “lesser evil” of riding in the door zone as compared to riding in greater proximity to fast-travelling vehicular traffic.

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#### Case Study

Anming is travelling uphill on a designated bike route with no bike lane, on his way home from work. He is travelling at approximately 10 km/h, as fast as he can go given the grade. The road is a boulevard with two lanes on each side of a grassy median; cyclists “share” the outside lane with vehicular traffic. Rush hour traffic volumes mean that both lanes are usually full; the outside lane cannot regularly encroach on the inside lane. Typical traffic speeds are 50-65 km/h, depending on congestion and street parking is permitted. Anming knows that the outside lane will be motivated to squeeze by without changing lanes and that he has little chance of survival if rear-ended. He chooses to ride in the door zone of the parked cars – although there is a high likelihood of collision with a door, the severity of the resulting injuries from a rear-ending are unacceptable.

A dooring is assumed to be the “lesser evil” in some circumstances, deaths do occur as a result of dooring, which is one of the most frequent cycling injury circumstances.

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Ontario Bill 31, in effect as of September 1, 2015, provides for a fine of \$365 (including victim fine surcharge and court fees) plus three demerit points against a driver who “doors” a cyclist. Drivers who unsuccessfully contest the charge could be subject to a fine up to \$1,000 plus three demerit points, upon conviction.<sup>90</sup>

There are few reported legal cases relating to doorings; the paucity of jurisprudence likely reflects that such cases rarely get to trial. However, cyclists’ claims become uncertain when their injuries are of such severity that they cannot recall the event and cannot address the self-serving evidence of the uninjured defendant motorist.

The recommended amendments will align fines for conduct that puts vulnerable road users’ lives objectively at risk with fines for other behaviours that pose similar risks.

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<sup>90</sup> Bill 31 is now *Transportation Statute Law Amendment Act (Making Ontario's Roads Safer)*, SO 2015 c.14. Ontario Ministry of Transportation has information on this law online: [www.mto.gov.on.ca/english/safety/bill-31.shtml](http://www.mto.gov.on.ca/english/safety/bill-31.shtml).



## Obstruction of a Travel Lane Designated for the Use of Cycles

### Recommendation 24

Sections 153.1 and 153.2 of the MVA and Schedule 3 of the *Violation Ticket Administration and Fines Regulation* be amended to provide for a fine in respect of a contravention of section 153.1 or 153.2 of the MVA where the contravention is in relation to a designated use highway or lane that is designated for use by a class of vulnerable road user.

### Rationale

Sections 152.1 and 153.2 of the MVA provide for designating a highway or a lane on a highway for use by a particular class of road user, which may include the operator of a cycle. The *Violation Ticket Administration and Fines Regulation*,<sup>91</sup> which sets out fines for contraventions of the MVA in Schedule 3, prescribes no amount for a contravention of section 153.1 or 153.2.

Section 161 of the MVA provides that despite any other provision of the Act, if there is a traffic control device (this includes painted markings) on or over a highway designating a highway—but not a lane—for special use, no vehicle shall operate a vehicle on the highway except as permitted by regulation. The fine for contravention of section 161 is \$121.

As lanes rather than highways are designated for use by cycles, the Act and *Regulations* fail to prescribe any fine for obstructing a lane designated for use by cycles and there can be no enforcement against such behavior.

The danger posed where a designated cycle lane is obstructed is apparent: the operator of the cycle is forced to merge with vehicular traffic, sometimes abruptly. A merge is more safely accomplished the smaller the differential in speed between the merging bicycle and vehicular traffic, but this puts the cyclist in a “catch-22”: if they reduce speed to ensure they can stop before colliding with the obstruction, they may be unable to safely merge to go around the obstruction, but if they maintain or even increase speed to reduce the risks associated with the merge, they are at risk of colliding with the obstruction should vehicular traffic refuse to “let them in.” As the case studies presented in this Position Paper demonstrate, safely executing a merge with vehicular traffic can be both problematic and risky for cyclists.

The recommendation would clearly establish a set fine amount for obstructing a highway or lane designated for use by a vulnerable road user, which would in turn permit enforcement.

## Conclusion

The Road Safety Law Reform Group strongly recommends modernization of BC traffic laws to reflect modern traffic realities and to meet BC’s Vision Zero road safety objectives.

<sup>91</sup> BC Reg 89/97, Schedule 3, as amended by BC Reg 384/2003.



The recommendations set out in this Position Paper have been developed from scientific research, best practices for safer cycling and the experiences of BC road users.

The proposed reforms should be considered severable and capable of enactment on a stand-alone basis.

The proposed reforms should not be considered exhaustive, but rather, priority amendments to the existing legislative framework.

If adopted, the proposed reforms should increase safety for BC road users, provide clarity and promote compliance with BC traffic laws, and position vulnerable BC road users more equitably in the event of injury, loss or damage.

The BC Road Safety Law Reform Group is made up of the Trial Lawyers Association of BC, the British Columbia Cycling Coalition, HUB Cycling, and health researchers. These organizations represent approximately 50,000 supporters across B.C.







To: Minister of Justice, Attorney General: [JAG.Minister@gov.bc.ca](mailto:JAG.Minister@gov.bc.ca)  
Solicitor General: [PSSG.Minister@gov.bc.ca](mailto:PSSG.Minister@gov.bc.ca)  
Minister of Transportation and Infrastructure: [Minister.Transportation@gov.bc.ca](mailto:Minister.Transportation@gov.bc.ca)  
Superintendent of Motor Vehicles: [RoadSafetyBC@gov.bc.ca](mailto:RoadSafetyBC@gov.bc.ca), [Sam.MacLeod@gov.bc.ca](mailto:Sam.MacLeod@gov.bc.ca)  
Cc: Katherine.Kirby@gov.bc.ca, [action@bikehub.ca](mailto:action@bikehub.ca),

November 23, 2017

Re: Modernizing the BC Motor Vehicle Act

The City of Victoria supports the BC government's "Vision Zero" plan to make BC's roads the safest in North America and eliminate road-related injuries and deaths by 2020. We believe roads must be made safer for vulnerable road users—including people of all ages, walking and biking.

To accomplish this, we support modernizing British Columbia's traffic legislation, the Motor Vehicle Act (MVA). As its name suggests, the Act was written with motorists in mind. The MVA was passed in 1957 and has changed surprisingly little since, despite dramatic changes in our transportation infrastructure, vehicles and usage. Changes to the Act are required if BC is to meet its "Vision Zero" road safety targets.

Decades' worth of evidence has shown that cyclists and other vulnerable road users are not adequately protected by the nearly 60-year-old Act. The transportation environment has evolved since 1957 with significant growth in cycling for transportation.

With reform either recently completed or imminent in Canada's two most populous provinces—Ontario and Quebec—British Columbia is falling behind and has an opportunity to use the research and experience of its peer provinces to expedite changes. To achieve the safest roads in North America, BC too will need to align its laws with recommended cycling practices and promote behaviours that reduce collisions, injury and death.

The BC Road Safety Law Reform Group has made 26 recommendations for improvement in their [Position Paper to Modernize the BC Motor Vehicle Act](#). These include safe passing distances and safe neighbourhood speeds.

Opening the Motor Vehicle Act up for review is crucial for preventing vulnerable road user serious injury and death, providing justice for those impacted in road collisions, and removing barriers for cycling in BC.

Sincerely,

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Lisa Helps  
Mayor, City of Victoria







# Modernizing the BC Motor Vehicle Act

25 Recommendations listed in the Position  
Paper developed by the Road Safety Law  
Reform Group of British Columbia

Members of the Group include:

HUB Cycling

British Columbia Cycling Coalition

Trial Lawyers Association of British Columbia

health and safety researchers





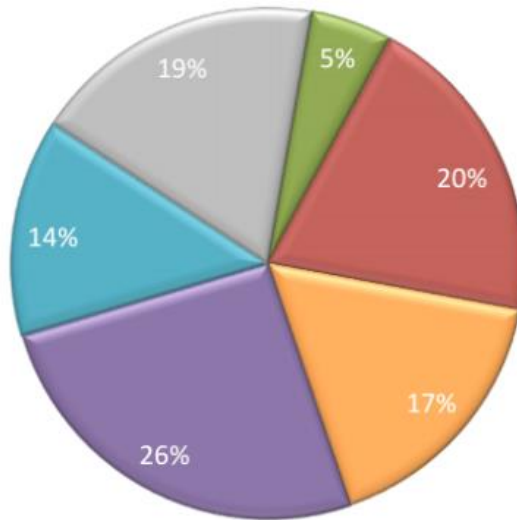
# Traffic has Changed

- The BC Motor Vehicle Act (the “MVA” or the “Act”) was originally passed in 1957, written with motorists in mind.
- Number of motor vehicles on our road has increased 1400% since the writing of the MVA + far heavier trucks now. Cycling has increased over 300% in that same time.



## BC Residents

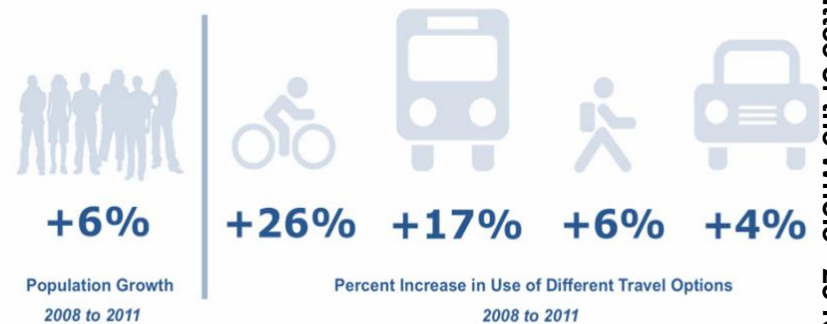
Q3. Which statement best describes you? I ride my bicycle...



- Daily (5 or more times/week)
- Weekly but not daily (2-4 times/week)
- Less than once a week but more than once a month (12-51 times/year)
- Less than once a month but at least once a year (1-11 times/year)
- Less than once a year
- Never / I don't ride a bicycle for any purpose

## Metro Vancouver Residents

Percentage Growth in Travel by Mode for Metro Vancouver

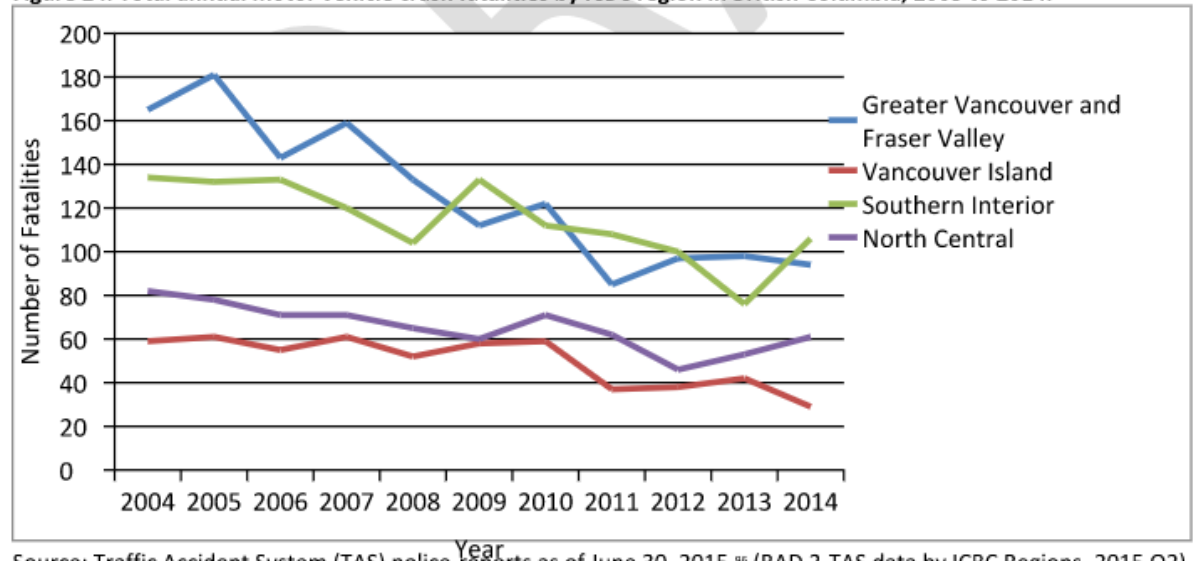


Data: 2011 Metro Vancouver Regional  
 Trip Diary Survey conducted by TransLink  
 Visit the Buzzer blog for more info at [buzzer.translink.ca](http://buzzer.translink.ca)



BC Road Safety  
 Strategy research,  
 January 2016:  
*“as a  
 proportion of  
 total serious  
 injuries  
 involving motor  
 vehicle crashes,  
 cyclists actually  
 constitute an  
 increasingly  
 greater share.”*

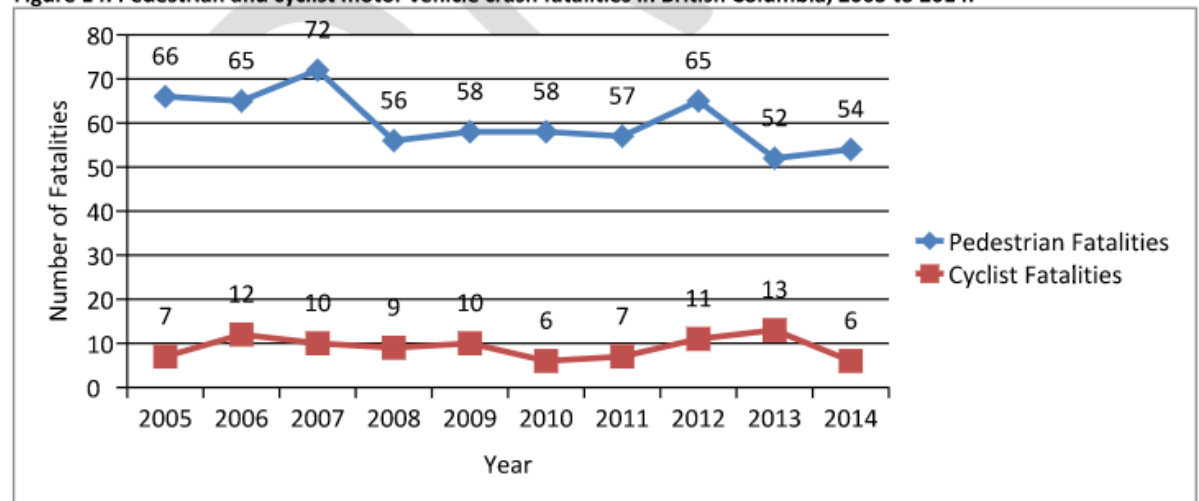
Figure 24. Total annual motor vehicle crash fatalities by ICBC region in British Columbia, 2005 to 2014.



Source: Traffic Accident System (TAS) police-reports as of June 30, 2015.<sup>96</sup> (RAD 2-TAS data by ICBC Regions\_2015 Q2). ICBC regions are: Lower Mainland, Vancouver Island, Southern Interior, North Central, and Unknown.

Figure 14 also shows that the number of pedestrian and cyclist crash fatalities has not demonstrated clear improvement over the last 10-year period.

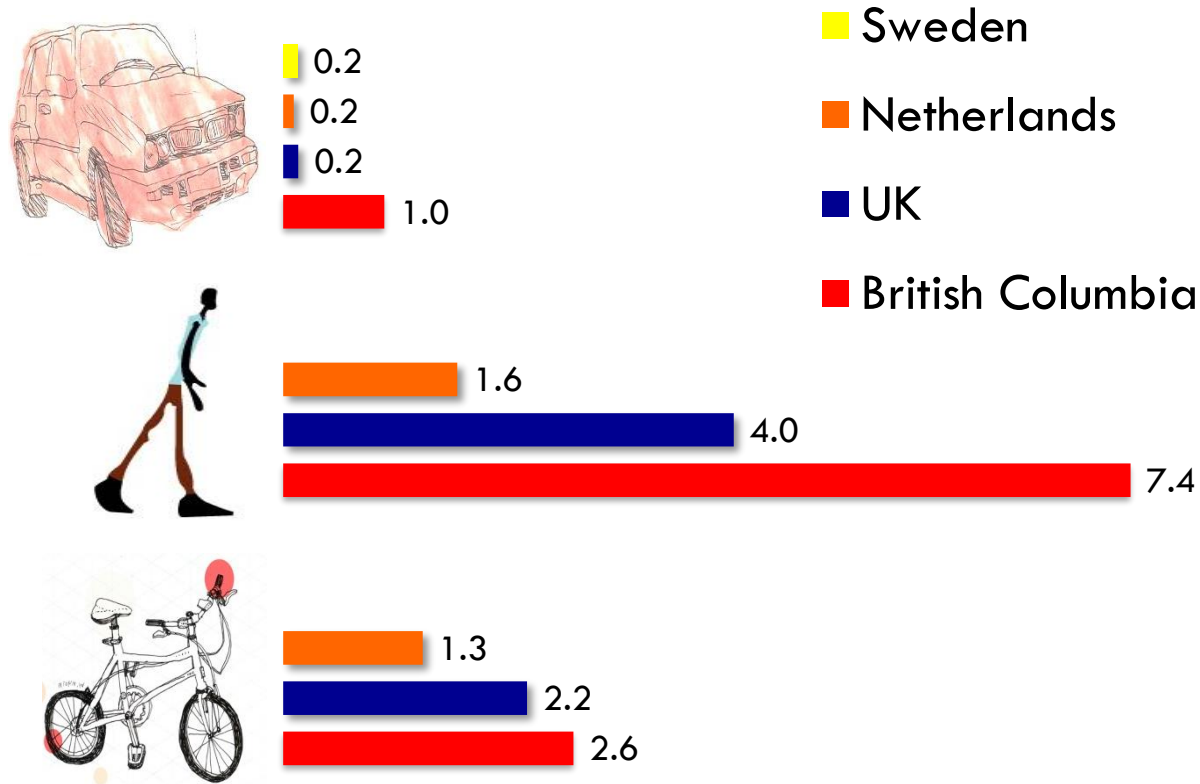
Figure 14. Pedestrian and cyclist motor vehicle crash fatalities in British Columbia, 2005 to 2014.



Source: Traffic Accident System (TAS) police-reports as of June 30, 2015.<sup>96</sup> (RAD 2-TAS data by ICBC Regions 2015 Q2). Discharge Abstract Database, British Columbia Ministry of Health. Data for 2005 to 2011 drawn from: RAD-E 2015-009.<sup>97</sup> Data for 2012 to 2014 drawn from: RAD-E 2015-004.<sup>98</sup>



# Deaths per 100 million km



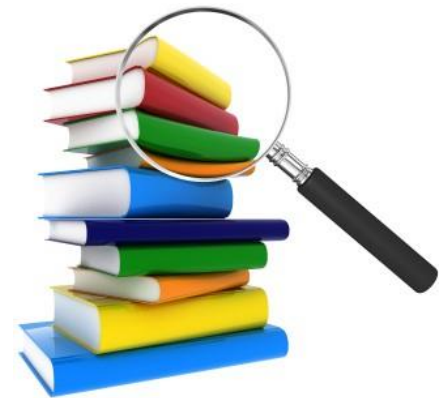
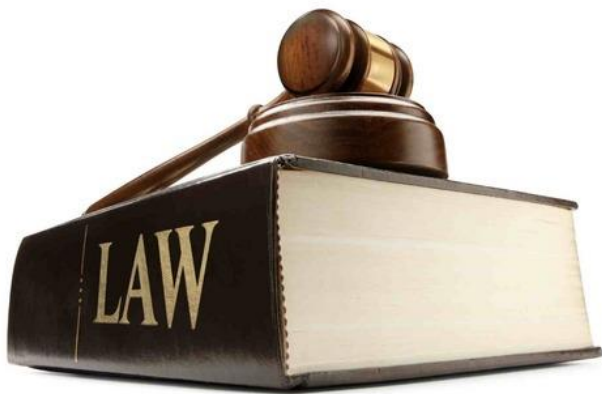
Flickr art: mitopencourseware, nyoin, Will Laren

Sources: Teschke et al., Can J Public Health, 2012; IRTAD, Road Safety Annual Report, 2013



# Research-Based Recommendations for Reform

The proposed reforms contained in this position paper have been developed following a review of the legislative history and jurisprudence, available scientific evidence, and case studies of BC road users.





# Aims of Reform

- clarifying the rights and duties of road users to improve understanding and compliance and reduce conflict between all road user groups,
- acknowledging the fundamental differences between road user groups' capabilities and vulnerabilities, and recognizing the increased risks faced by more vulnerable classes of road users,
- aligning the law with best practices for safer road use by vulnerable road users,
- reducing the likelihood of a collision involving a vulnerable road user,
- prioritizing enforcement of laws that target activities most likely to result in collisions, injuries and fatalities, and reducing the likely severity



# Example recommendations

- Lower default speed limit on local streets
- Increased dooring penalties
- Safe passing and following distance
- Indicate safer use of roundabouts & traffic circles
- Introduce penalty for obstruction of a bike lane
- Clarity on passing on the right as a cyclist



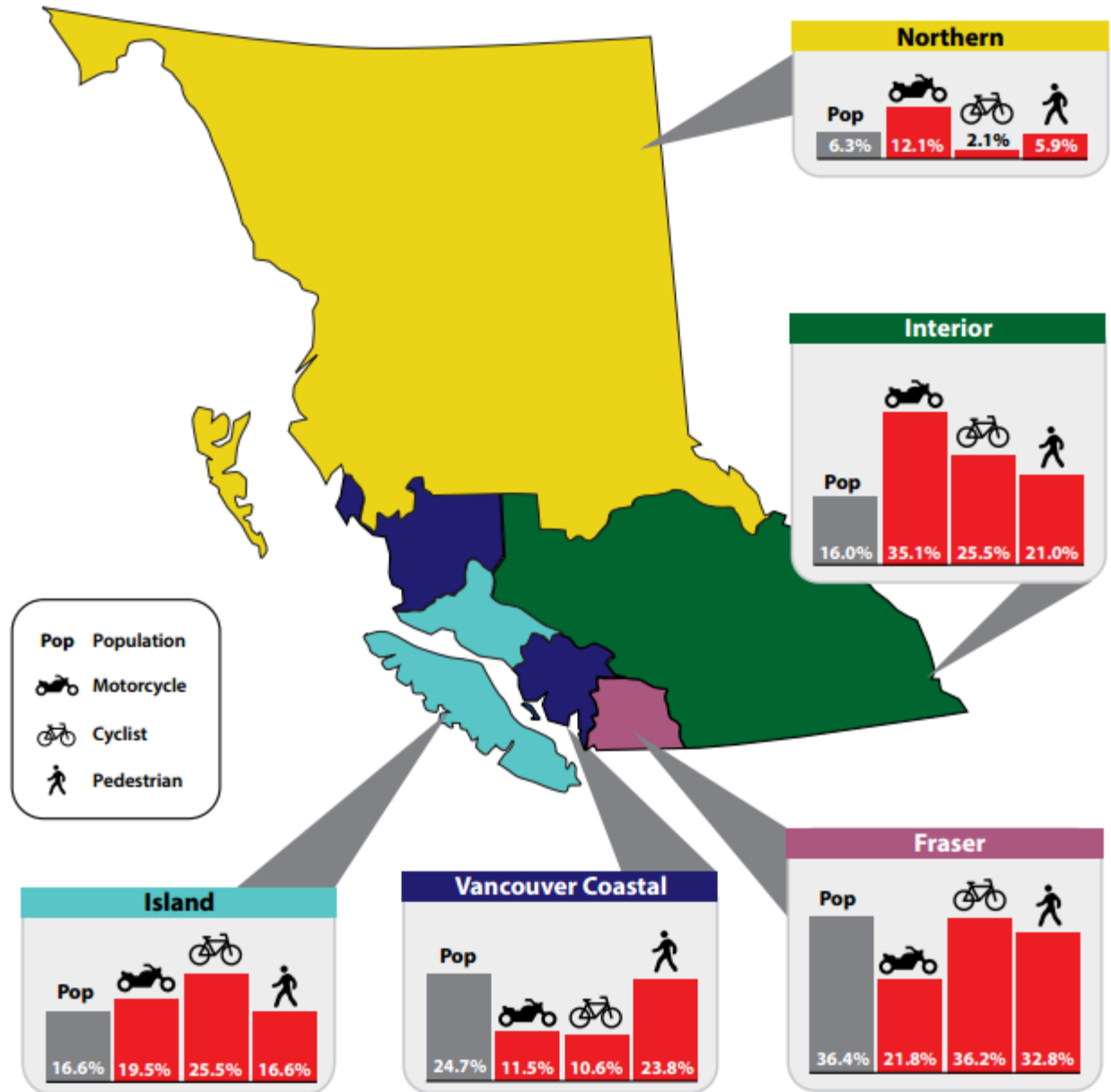
## Where the Rubber Meets the Road:

Reducing the Impact of Motor Vehicle Crashes on Health and Well-being in BC



Figure 4.3

Proportion of Population and Motor Vehicle Crash Fatalities, by Vulnerable Road User Type and Health Authority, BC, 2009-2013



PHO calls for reduced motor vehicle speeds, especially speeds of 30 km/h and less



# BC Needs to Catch Up

## DOORING PENALTIES

**ONTARIO:**

**UP TO \$1,000 +**

**THREE DEMERIT POINTS**



**BC:**

**\$81 +**

**TWO**

**DRIVER PENALTY POINTS**





# Full List of Recommendations

1. Change the Name of the Act to be more Neutral
2. General Rules
  - Classification of Road Users
  - Definition of a Cycle
  - Motor Assisted Cycle Due Care and Attention/Reasonable Consideration
  - Municipal Speed Limits
  - Default Speed Limit on Local Streets
3. Rules Relating to Motor Vehicle–Bicycle Interactions
  - “The same rights and duties as the operator of a vehicle”
  - Safe Passing Distance
  - “As far to the right as is practicable”
  - Passing on the Right
  - Rights of Way
  - Roundabouts and Traffic Circles
  - Red Traffic Arrows
  - Rail Tracks and Cattleguards
  - Following too closely
  - Riding Abreast
  - Riding on or Astride the Seat .
  - Signaling by the Operator of a Cycle
  - Seizure of Cycle
4. Rules Relating to Pedestrian-Cyclist Interactions
  - Sidewalks
  - Access to Cyclist or Pedestrian Controlled Traffic Signals
  - Crosswalks
5. Offences
  - Dooring
  - Obstruction of a Travel Lane Designated for the Use of Cycles



# Modernizing the BC Motor Vehicle Act

