



## REVISED AGENDA - SPECIAL VICTORIA CITY COUNCIL

Thursday, March 18, 2021, 6:30 P.M.

6TH FLOOR BOARDROOM, CAPITAL REGIONAL DISTRICT, 625 FISGARD STREET, VICTORIA, B.C.

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

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Council is committed to ensuring that all people who speak in this chamber are treated in a fair and respectful manner. No form of discrimination is acceptable or tolerated. This includes discrimination because of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or economic status. This Council chamber is a place where all human rights are respected and where we all take responsibility to create a safe, inclusive environment for everyone to participate.

Pages

- A. APPROVAL OF AGENDA
- B. READING OF MINUTES
- C. REQUESTS TO ADDRESS COUNCIL
- D. PROCLAMATIONS
- E. PUBLIC AND STATUTORY HEARINGS

Public and Statutory Hearings will be convened by electronic means as authorized by Ministerial Order No. M192:

"Local Government Meetings and Bylaw Process (COVID-19) Order No. 3"

To participate live at the hearing, phone 778-698-2440, participation code 1551794#

- You will be asked to state your name, and will then be placed on hold until it's your turn to speak.
- Please have your phone on mute or remain quiet when you join the call - any background noise or conversation will be heard in the live streamed meeting.
- When it is your turn to speak, staff will un-mute your call and announce the last 4 digits of your phone number.
- State your name, address and item you are speaking to.
- You will have 5 minutes to speak then will be cut off when the next speaker is connected.

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**\*E.1. 940 Caledonia Avenue & 953 and 963 Green Street: Temporary Use Permit Application No. 00017 and Development Permit with Variances Application No. 000591**

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*Addendum: Additional Correspondence and a Staff Update*

*Council is considering an application for a temporary housing proposal at Royal Athletic Park.*

**E.1.a. Opportunity for Public Comment & Consideration of Approval**

- Motion to approve temporary use permit
- Motion to approve development permit with variances

**F. REPORTS OF COMMITTEE**

**F.1. Report from the March 11, 2021 COTW Meeting**

**F.1.a. 749-767 Douglas Street: Rezoning Application No. 00746, Associated OCP Amendment, and Development Permit with Variances Application No. 000155 (Downtown)**

**F.1.b. Curbside Yard Waste Collection**

**F.2. Report from the March 18, 2021 COTW Meeting**

**F.2.a. Council Member Motion: Support for an Arts Hub Pilot Project**

**G. Short Term Rental Appeal**

**G.1. 1044 Belmont Avenue - Short Term Rental Appeal**

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*A report regarding the Short Term Rental Appeal for 1044 Belmont Avenue*

**H. BYLAWS**



## **H.1. Bylaw for Parks Amendment**

109

### **Adoption of:**

- Parks Regulation Bylaw No. 20-114

The purposes of this Bylaw is to amend the sheltering provisions of the Bylaw.

## **H.2. Bylaw for Tree Protection**

110

### **Adoption of:**

- Tree Protection Bylaw No. 21-035

The purposes of this Bylaw are to protect and enhance the urban forest by:

1. providing for protection and preservation of trees,
2. providing for the replacement of trees where tree removal is necessary, and
3. ensuring that lots that are being developed have sufficient tree canopy.

## **I. CLOSED MEETING**

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 part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- Section 90(1)(g) litigation or potential litigation affecting the municipality;
- Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

## **J. APPROVAL OF CLOSED AGENDA**

## **K. NEW BUSINESS**

### **K.1. Legal Advice - Community Charter Section 90(1)(i)**

### **K.2. Legal Advice/Litigation - Community Charter Section 90(1)(i) and 90(1)(g)**

## **L. ADJOURNMENT**

### **F.1.b Report from the March 4, 2021 COTW Meeting**

*Councillor Thornton-Joe withdrew from the meeting at 3:56 p.m. due to a potential non-pecuniary conflict of interest as she has been asked to sit on the Board of the Greater Victoria Coalition to End Homelessness.*

#### **F.1.b.a 940 Caledonia Avenue: Temporary Use Permit Application No. 00017 and Development Permit with Variances Application No. 000591 (North Park)**

**Moved By** Councillor Isitt

**Seconded By** Councillor Alro

1. That Council allocate \$61,866 from the remaining balance of the Restart Grant Funding, to fund the costs related to the installation of water and sewer services for the temporary transitional units and the removal of the units and capping of services when the temporary use permit expires.
2. That Council allocate \$110,000 from the 2021 Corporate Contingency Budget to contribute to the estimated 2021 operating costs, and further consider allocating \$105,000 as part of the 2022 Budget process to contribute to the estimated 2022 operating and closure costs for the temporary transitional housing operated by Our Place Society.
3. That Council authorize the City staff to consider, and if determined by staff to be eligible and advantageous to the City's overall ability to secure maximum grant funding, include the City costs for set-up and operating of the transitional housing project within any application made to the Province's Strengthening Communities' Services Program.

##### Temporary Use Permit Application No. 00017

1. 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 Temporary Use Permit Application No. 00017 for 940 Caledonia Avenue and 953 and 963 Green Street, in accordance with:
  - a. Plans date stamped February 11, 2021.
  - b. The Temporary Use Permit lapsing 18 months from the date of this resolution."
2. That a special Council meeting is scheduled on March 18, 2021 to allow for an Opportunity for Public Comment.

##### Development Permit with Variances Application No. 000591

1. 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 with Variance Application No. 000591 for 940 Caledonia Avenue and 953 and 963 Green Street in accordance with:
  - a. Plans date stamped February 11, 2021.
  - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

- i. relaxation to all of the impacted lots for setback requirements;
  - ii. relaxation to permit buildings over property lines;
  - iii. relaxation to permit more than one building on a lot;
  - iv. reduce the required number of parking spaces from five to nil.
- c. The Development Permit lapsing 18 months from the date of this resolution.”
- 2. That a special Council meeting is scheduled on March 18, 2021 to allow for an Opportunity for Public Comment.

**CARRIED UNANIMOUSLY**

DRAFT

*Councillor Thornton-Joe withdrew from the meeting at 10:20 a.m. due to a potential non-pecuniary conflict of interest as she has been asked to sit on the Board of the Greater Victoria Coalition to End Homelessness.*

**F.1 940 Caledonia Avenue and 953 and 963 Green Street: Temporary Use Permit Application No. 00017 and Development Permit with Variances Application No. 000591 (North Park)**

Committee received a report dated February 25, 2021 from the Director of Sustainable Planning and Community Development regarding the proposed Temporary Use Permit Application and Development Permit with Variances Application for the properties located at 940 Caledonia Avenue and 953 and 963 Green Street in order to permit temporary, purpose-built transitional housing on a portion of the Royal Athletic Park (RAP) parking lot for a period of 18 months and recommending that it move forward to an Opportunity for Public Comment.

*Committee recessed at 10:28 a.m. and reconvened at 10:31 a.m.*

**Moved By** Mayor Helps  
**Seconded By** Councillor Isitt

1. That Council allocate \$61,866 from the remaining balance of the Restart Grant Funding, to fund the costs related to the installation of water and sewer services for the temporary transitional units and the removal of the units and capping of services when the temporary use permit expires.
2. That Council allocate \$110,000 from the 2021 Corporate Contingency Budget to contribute to the estimated 2021 operating costs, and further consider allocating \$105,000 as part of the 2022 Budget process to contribute to the estimated 2022 operating and closure costs for the temporary transitional housing operated by Our Place Society.
3. That Council authorize the City staff to consider, and if determined by staff to be eligible and advantageous to the City's overall ability to secure maximum grant funding, include the City costs for set-up and operating of the transitional housing project within any application made to the Province's Strengthening Communities' Services Program.

**Temporary Use Permit Application No. 00017**

1. 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 Temporary Use Permit Application No. 00017 for 940 Caledonia Avenue and 953 and 963 Green Street, in accordance with:

- a. Plans date stamped February 11, 2021.
- b. The Temporary Use Permit lapsing 18 months from the date of this resolution."

2. That the recommendation be forwarded to the March 4, 2021 daytime Council Meeting and a special Council meeting is scheduled on March 18, 2021 to allow for an Opportunity for Public Comment.

**Development Permit with Variances Application No. 000591**

1. 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 with Variance Application No. 000591 for 940 Caledonia Avenue and 953 and 963 Green Street in accordance with:

- a. Plans date stamped February 11, 2021.
  - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    - i. relaxation to all of the impacted lots for setback requirements;
    - ii. relaxation to permit buildings over property lines;
    - iii. relaxation to permit more than one building on a lot;
    - iv. reduce the required number of parking spaces from five to nil.
  - c. The Development Permit lapsing 18 months from the date of this resolution.”
2. That the recommendation be forwarded to the March 4, 2021 daytime Council Meeting and a special Council meeting is scheduled on March 18, 2021 to allow for an Opportunity for Public Comment.

*Committee discussed the following:*

- *Appropriate use of parcel for current sheltering*
- *Providing necessary supports*
- *Operating costs for the project*
- *Building code specifics and exemptions*

**Motion to permit speakers:**

**Moved By** Mayor Helps

**Seconded By** Councillor Isitt

That external individuals be permitted to speak on this application.

**CARRIED UNANIMOUSLY**

*Committee discussed the following:*

- *Current and future residents of the space*
- *Risk and assessment process*
- *New units that may be identified by the province*
- *Ensuring safety for residents and the neighbourhood*
- *Correspondence received from the North Park Neighbourhood Association*
- *Noise and activity mitigation*

**On the main motion:**

**CARRIED UNANIMOUSLY**

*Committee recessed at 12:05 p.m. and reconvened at 12:12 p.m.*



## **Committee of the Whole Report**

### **For the Meeting of March 4, 2021**

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**To:** Committee of the Whole **Date:** February 25, 2021

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** **Temporary Use Permit Application No. 00017 and Development Permit with Variances Application No. 000591 for 940 Caledonia Avenue and 953 and 963 Green Street**

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### **RECOMMENDATION**

1. That Council allocate \$61,866 from the remaining balance of the Restart Grant Funding, to fund the costs related to the installation of water and sewer services for the temporary transitional units and the removal of the units and capping of services when the temporary use permit expires.
2. That Council allocate \$110,000 from the 2021 Corporate Contingency Budget to contribute to the estimated 2021 operating costs, and further consider allocating \$105,000 as part of the 2022 Budget process to contribute to the estimated 2022 operating and closure costs for the temporary transitional housing operated by Our Place Society.
3. That Council authorize the City staff to consider, and if determined by staff to be eligible and advantageous to the City's overall ability to secure maximum grant funding, include the City costs for set-up and operating of the transitional housing project within any application made to the Province's Strengthening Communities' Services Program.

### **Temporary Use Permit Application No. 00017**

1. 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 Temporary Use Permit Application No. 00017 for 940 Caledonia Avenue and 953 and 963 Green Street, in accordance with:  
  - a. Plans date stamped February 11, 2021.
  - b. The Temporary Use Permit lapsing 18 months from the date of this resolution."
2. That the recommendation be forwarded to the March 4, 2021 daytime Council Meeting and a special Council meeting is scheduled on March 18, 2021 to allow for an Opportunity for Public Comment.

## Development Permit with Variances Application No. 000591

1. 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 with Variance Application No. 000591 for 940 Caledonia Avenue and 953 and 963 Green Street in accordance with:

- a. Plans date stamped February 11, 2021.
  - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
    - i. relaxation to all of the impacted lots for setback requirements;
    - ii. relaxation to permit buildings over property lines;
    - iii. relaxation to permit more than one building on a lot;
    - iv. reduce the required number of parking spaces from five to nil.
  - c. The Development Permit lapsing 18 months from the date of this resolution.”
2. That the recommendation be forwarded to the March 4, 2021 daytime Council Meeting and a special Council meeting is scheduled on March 18, 2021 to allow for an Opportunity for Public Comment.

## **LEGISLATIVE AUTHORITY**

In accordance with section 493 of the Local Government Act, Council may issue a Temporary Use Permit. A Temporary Use Permit may allow a use not permitted by zoning, may specify conditions under which the temporary use may be carried on, and may allow and regulate construction of buildings and structures in respect of the use of which the permit is issued.

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 *Community Plan*. 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.

## **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Temporary Use Permit Application and Development Permit with Variances Application for the properties located at 940 Caledonia Avenue and 953 and 963 Green Street. The proposal is to permit temporary, purpose-built transitional housing on a portion of the Royal Athletic Park (RAP) parking lot for a period of 18 months. The proposal consists of approximately 30 single-occupancy tiny home units built from repurposed shipping containers. The variances are associated with setbacks, buildings over property lines and parking.

The following points were considered in assessing these applications:

- This proposal would provide comfortable and safe housing for people currently sheltering in parks.
- The *Official Community Plan*, 2012 (OCP) and *Downtown Core Area Plan*, 2011 (DCAP) encourage partnerships with other levels of government, private industry, and community organizations to maximize shared expertise and resources to provide innovative housing options and support for specific groups in core need. This proposal would not be

possible without strong partnerships, and the support and commitment of various stakeholder groups.

- The proposal continues to support the work being carried out by the Greater Victoria Coalition to End Homelessness which is encouraged in the DCAP.
- The applicant has worked with the housing operator and staff to ensure that the site layout and the design of each unit will be safe and secure, and meet the needs of the residents. Each unit would contain a single bed, small fridge, desk, side table and armoire.
- Meals would be delivered to the site and the residents would have access to washrooms with showers on site. Anawim Housing Society will provide laundry services as well as mental and physical health support services.
- The proposed site design would foster a sense of place on site by incorporating a communal courtyard area, community gardens, and public art, and providing opportunities for residents to learn new skills and participate in the community.
- The OCP Urban Place Designation of the subject properties is Core Residential, which supports residential uses on the subject properties.
- The subject properties are within the Residential Mixed-Use District in the DCAP. In this district, the DCAP encourages multi-residential development appropriate to the context and function of the neighbourhood. The DCAP supports building heights up to 15m (four or five storeys) and a density of 2:1 floor space ratio (FSR) at this location. The proposed height of each shipping container is approximately 3m (one storey) and the proposed density is 0.15:1 FSR.
- The subject properties consist of multiple lots (the site will not be consolidated) triggering setback variances and variances to permit more than one building on a lot and allow buildings to straddle property lines.
- A parking variance to reduce the required number of parking spaces from five to nil is required to facilitate this development. The transitional housing would be adjacent to a public parking lot, near frequent transit service and an all ages and abilities bicycle route on Vancouver Street.

## **BACKGROUND**

### **Rise and Report**

Council has approved a Rise and Report authorizing the Victoria Coalition to End Homelessness (Coalition) to apply for the Temporary Use Permit (TUP) Application in relation to up to 3344.50m<sup>2</sup> (36,000ft<sup>2</sup>) of the Royal Athletic Park parking lot at 940 Caledonia Avenue and 953 and 963 Green Street for temporary purpose-built transitional housing on the site, and that Rise and Report has been made public on the published daytime Council meeting agenda for March 4, 2021.

### **Description of Proposal**

The proposal is for temporary, purpose-built transitional housing at 940 Caledonia Avenue and 953 and 963 Green Street, a portion the Royal Athletic Park (RAP) parking lot, for a period of 18 months. The proposal would utilize approximately 2385m<sup>2</sup> of the existing parking lot and the remainder of the site would continue to function as surface parking. The proposal consists of



approximately 30 single-occupancy tiny home units built from repurposed shipping containers. Specific details include:

- ten shipping containers to be converted into 30 single-occupancy tiny home units constructed in two Phases (15 units per Phase)
- each unit is approximately 8m<sup>2</sup> (87ft<sup>2</sup>) and contains an individual covered entryway and small porch, a single bed, small fridge, desk with chair, side table and armoire
- two shared-washroom facilities consisting of toilets, sinks and showers
- one controlled entryway for residents located on the south east corner of the site
- an office for support staff located at the main entrance
- one shipping container to be used as flex space for residents and support staff
- four (three large and one small) storage units on site for janitorial and office supplies
- one enclosed garbage and recycling room
- a partially covered courtyard area consisting of four picnic tables and four community gardens
- small wood and metal planters to be affixed to side of units and contain hardy, drought tolerant plants
- murals to be painted on the exterior facades of the shipping containers facing the street
- potential programming space for public art installations on site along the Vancouver Street frontage
- exterior lighting to be installed at the main entrance, washroom and office areas, and above each unit entryway
- a covered bike storage area to accommodate 30 bikes
- two emergency vehicle access gates on the south east corner and northwest corner of the site
- driveway access on Caledonia Avenue
- seven new accessible parking spaces adjacent to the development and fronting Caledonia Avenue.

The proposed variances are related to:

- reducing setbacks
- reducing the required number of parking spaces
- allowing buildings to straddle property lines
- allowing more than one building on a lot.

## **Affordable Housing**

The applicant proposes the creation of 30 new residential units which would increase the overall supply of transitional housing in the area for a period of 18 months.

## **Sustainability**

The following environment and social sustainability features are associated with these applications:

- each unit will be fully heated, ventilated and insulated for optimal breathability and liveability
- four community gardens on site for residents to grow food
- addition of new planters throughout the site to be filled with hardy drought tolerant plants
- comfortable and safe housing with amenities, a meal program, mental and physical health support services, and a sense of community on site.

## Active Transportation

The applications propose to install 28 long-term and two short-term residential bicycle parking spaces with this development, which supports active transportation.

## Public Realm

No public realm improvements beyond City standard requirements are proposed in association with these applications.

## Existing Site Development and Development Potential

The site is presently a surface parking lot. Under the current R-2 Zone, Two Family Dwelling District, each lot could be developed as a public building or duplex with a density of 0.5:1 floor space ratio (FSR), or a single-family dwelling with a garden suite or secondary suite.

## Data Table

The following data table compares the proposal with the existing R-2 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing zone.

Zoning Criteria	Proposal	Zone Standard R-2 Zone
Site area (m <sup>2</sup> ) – minimum	3001.05	555
Density (Floor Space Ratio) – maximum	0.14:1 (combined site)	0.5:1 (duplex per lot)
Height (m) – maximum	3	11
Storeys – maximum	1	2.5
Site coverage (%) – maximum	14.1 (combined site)	40
Open site space (%) – minimum	65 (combined site)	n/a
<b>Setbacks (m) – minimum</b>		
Caledonia Street	7.5	7.5
Green Street	8.5	7.5
Vancouver Street	<b>4.26*</b>	3.5
West property line	8.29 and <b>0*</b>	3
East property line	<b>0*</b>	1.53
North property line – internal	<b>0*</b>	10.85

Zoning Criteria	Proposal	Zone Standard R-2 Zone
South property line – internal	0*	7.5
Combined side yards	0*	4.5
Buildings over property line	Yes*	No (General Regulation 19)
Parking – minimum	0*	5
Visitor parking included in the overall units – minimum	0	0
<b>Bicycle parking stalls – minimum</b>		
Long-term	28	1
Short-term	2	2

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on February 1, 2021 the applications were referred for a 30-day comment period to the North Park CALUC. At the time of writing this report, a letter from the CALUC had not been received.

In accordance with the City's *Land Use Procedures (LUP) Bylaw*, an Opportunity for Public Comment will be required for the Temporary Use Permit Application and the proposed variances associated with the Development Permit Application. A notice will be placed in the newspaper, mailed notice would be sent to owners and occupiers of adjacent properties and signs would be posted on the properties notifying the public of Council's upcoming consideration of the matters along with an invitation to the public to provide feedback on the applications.

In addition to the consultation requirements outlined in the LUP Bylaw, the applicant also consulted with the North Park Neighbourhood Association and gathered feedback from nearby residents as indicated in the applicant's letter dated January 29, 2021 (attached).

## ANALYSIS

### Official Community Plan

The OCP Urban Place Designation of the subject properties is Core Residential, which supports residential uses on the subject properties. The policies regarding height and design are further refined in the *Downtown Core Area Plan, 2011* (DCAP).

The *Official Community Plan, 2012* (OCP) encourages partnerships with other levels of government, private industry, and community organizations to maximize shared expertise and resources to provide innovative housing options, basic needs and support for specific groups in core need. This proposal would not be possible without strong partnerships, and the support

and commitment of various stakeholder groups. Meals would be delivered to the site and the residents would have access to washrooms with showers on site. Laundry services, and mental and physical health support services are available offsite.

The OCP encourages the development of transitional housing within proximity to the Urban Core and highlights the importance of flexible design features in new emergency shelters and transitional housing to adapt to the changing shelter and housing needs of residents. The site is located on the edge of the Urban Core and is in close proximity to amenities and services in the neighbourhood. The applicant has worked with the housing operator and staff to ensure that the site layout and the design of each unit will be safe and secure, and meet the needs of the residents.

### **Downtown Core Area Plan**

The subject properties are within the Residential Mixed-Use District in the DCAP. In this district, the DCAP encourages multi-residential development appropriate to the context and function of each neighbourhood. The DCAP supports building heights up to 15m (four or five storeys) and a density of 2:1 floor space ratio (FSR) at this location. The proposed height of each shipping container is approximately 3m (one storey) and the proposed density is 0.15:1 FSR.

With respect to community well-being, DCAP acknowledges that a sense of belonging influences many aspects of urban life, including crime rates and community safety.

### **North Park Neighbourhood Plan**

The *North Park Neighbourhood Plan, 1996* identifies the subject properties as a residential mixed-use district, which supports residential buildings up to four to six storeys.

### **Development Permit Area and Design Guidelines**

The OCP identifies these properties within Development Permit Area 3 (HC): Core Mixed-Use Residential. This DPA envisions mid-rise residential buildings at this location. Enhancing the area through a high quality of architecture, landscape and urban design that reflects the function of a major residential centre on the edge of a central business district in scale, massing and character is also encouraged for the Core Residential Area. The proposal complies with the applicable design guidelines, where possible.

The DCAP design guidelines encourage new buildings to relate well to public streets and sidewalks. The proposed site layout and the inward orientation of the units, which was designed in consultation with the housing operator, is necessary to minimize inward visibility into the development and to provide a safe environment for the residents. The blank facades facing the streets will provide opportunities for murals to be organized by volunteers in the community. The applicant is proposing generous setbacks from Green Street, Vancouver Street and Caledonia Avenue to ensure that the street trees are not impacted by the development. The shipping containers are intentionally set back 8m from the sidewalk at Vancouver Street to facilitate the potential for future programming opportunities, such as public art installations, that may be installed in partnership with the North Park Neighbourhood Association. Further discussion on this aspect of the design will need to occur between the Association and the City.

The design guidelines encourage prominent entryways that are clearly identifiable from the street and canopies and weather-protection for primary entrances. The applicant is providing one identifiable controlled entrance for residents at the south east corner of the site. Each unit

would have an awning above the entrance and a small front porch, which would enhance the residential character of these repurposed shipping containers.

From a landscaping perspective, the design guidelines encourage on-site open site space such as courtyards, and direct access or views from the residential dwelling units. The proposed site layout allows for a large, accessible courtyard area in the middle of the site. According to the applicant, the community gardens and bike repair space, located in the courtyard area, would be introduced in Phase 2.

Lastly, the design guidelines encourage waste facilities to be screened and located away from street faces and areas adjacent to sidewalks. The applicant is proposing a garbage and recycling enclosure for residents at the south west corner of the site that would be screened from Caledonia Avenue.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

The applicant is working with their consultants to minimize impacts on the public trees; however, more details on potential tree impacts resulting from the installation of site servicing (i.e., water and sewer services) and related works will be sorted out at the building permit stage.

### **Regulatory Considerations**

#### Term and Renewal of a Temporary Use Permit

The applicant is requesting a Temporary Use Permit (TUP) for 18 months. However, under s. 497(1) of the *Local Government Act*, Council has the authority to approve a one-time renewal of the TUP for up to another three years prior to the expiry date of the original TUP.

#### Parking Variance

The applicant is proposing to reduce the required number of parking spaces from five to nil. The applicant is providing 30 bicycle parking spaces on site (28 long-term and 2 short-term) while the requirement in Schedule C: Off-street Parking of the *Zoning Regulation Bylaw* is for three bicycle parking spaces (one long-term and two short-term). The transitional housing is adjacent to an all ages and abilities bicycle route on Vancouver Street, near frequent public transit service on Quadra Street and local transit service on Cook Street, and directly adjacent to a paid public parking lot operated by the City. For these reasons, the proposed parking variance is supportable.

#### Building over Property Lines and More than One Building Per Lot

Due to the circumstances of the site consisting of multiple lots with an arrangement of multiple buildings, further variances are required to allow the shipping containers to be located over property lines and in some instances to be arranged in a manner that results in more than one building on a lot. These variances are technical in nature to facilitate this development. In this instance, General Regulation 19 of the *Zoning Regulation Bylaw* would be amended to allow the requested variances.

## Setback Variances

The RAP parking lot consists of multiple lots that are zoned R-2, resulting in each individual lot having setback requirements. The proposed buildings would not comply with the setback regulations in the R-2 Zone, which is triggering multiple setback variances. The proposed setback variances are considered supportable as they are largely technical in nature and the applicant is retaining larger setbacks along the street frontages. Given the nature of the variances, it has been determined that rather than identify each individual setback variance associated with each impacted lot, which would be numerous, a simpler approach is to vary General Regulation 14(2)(b) of the *Zoning Regulation Bylaw*. This regulation states that buildings and structures in a zone must comply with the maximum and minimum requirements for floor area, floor space ratio, height, number of storeys, **setbacks**, and site coverage.

## **Other Considerations**

### Housing Operation Framework

BC Housing will be responsible for overseeing the intake of residents in the transitional housing development through a centralised placement process. Our Place Society will assist in this process and will be the housing operators for this development. While the residents are living in the transitional housing, the Society will work with each resident on developing a plan to obtain permanent housing. The plan would include determining their support needs, if any, in terms of mental and physical health, income security, addictions and treatment and employment.

Our Place Society would hire and provide staffing on site in partnership with the Greater Victoria Coalition to end Homelessness. The Society will provide 24/7 staffing with at least two employees during the day and two overnight (this could be one Our Place employee and a security guard). In the first six to nine months, there would be two outreach workers on site during the day and then, once the community is well established, staffing would be reduced to one outreach worker and one peer support worker. The Society has confirmed that meals will be delivered to the residents, no guests or pets would be permitted within the housing development, and there would be zero tolerance of violence and criminal activity. The controlled residential entryway (buzzer system) will provide surveillance through the location of the office and use of a camera.

### Relocation of Existing Residents at Royal Athletic Park Parking Lot

BC Housing is funding PEERS Resource Society to ensure all individuals currently sheltering at RAP parking lot and other local city parks have completed the housing application forms for relocation. BC Housing is cognizant of the proposed timeline for the construction of the temporary transitional housing at RAP parking lot, subject to Council's approval and will be preparing a transition plan for this site. BC Housing's intent is to focus on establishing housing plans for each of the individuals at RAP and have a transition plan by the end of February based on the individual needs of each resident at RAP.

## **Financial Implications**

The costs associated with the installation of the sewer and water services for the proposed temporary transition housing remain unfunded and would require a contribution from the City of up to \$50,000. When the TUP expires, the removal of the transitional units and capping of the

service connections is estimated to cost \$35,000 and the City has been asked to contribute \$17,500 towards these costs (half of the total costs).

Additionally, while BC Housing is providing sufficient operational funding to Our Place for 24/7 staffing and food, the costs associated with monthly utilities, custodial and maintenance remain unfunded and would require a funding contribution from the City estimated at \$110,000 in 2021 and \$105,000 in 2022 toward Our Place's operating costs and closure costs. The City may be able to claim recovery for some or all of these costs from a recently announced Provincial grant program called Strengthening Communities' Services Program related to projects focussed on addressing impacts of homelessness. It is recommended for Council's consideration that the City apply to this program if the City's costs associated with this project are eligible.

## **CONCLUSIONS**

The proposal to temporarily permit transitional housing in the RAP parking lot for a period of 18 months further advances several housing-related policies and objectives outlined in the OCP and DCAP. The applicant has complied with the design guidelines where possible to ensure the development fits in with the neighbourhood while meeting the needs of the housing operator and residents. A TUP would enable the relocation of the individuals currently sheltering in parks to temporary housing. Staff recommend for Council's consideration that the applications proceed to an Opportunity for Public Comment.

## **ALTERNATE MOTION**

That Council decline the Temporary Use Application No. 00017 and Development Permit with Variances Application for the properties located at 940 Caledonia Avenue and 953 and 963 Green Street.

Respectfully submitted,

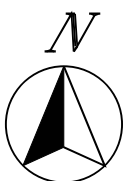
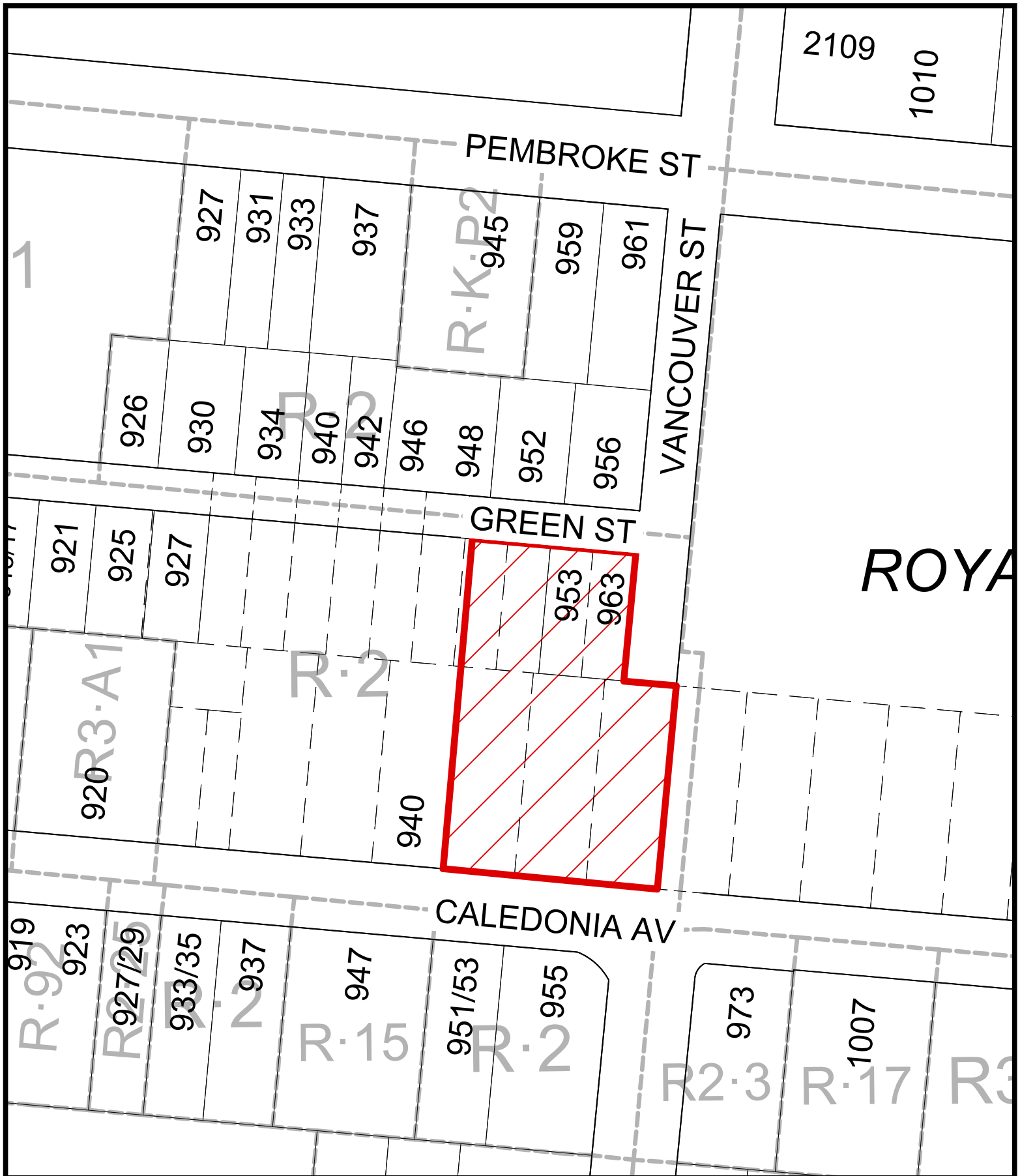
Leanne Taylor  
Senior Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

## **List of Attachments**

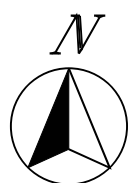
- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped February 11, 2021
- Attachment D: Letter from applicant to Mayor and Council dated February 11, 2021
- Attachment E: Letter from Our Place dated February 11, 2021
- Attachment F: Letter from BC Housing dated February 10, 2021
- Attachment G: Correspondence.



940 Caledonia Avenue  
Temporary Use Permit No.00017



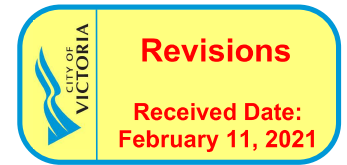




940 Caledonia Avenue  
Temporary Use Permit No.00017







# **Hey Neighbour** Temporary Emergency Housing Victoria, B.C.

## **Contacts**

### **Developer**

Aryze Developments Inc.  
1539 Fairfield Rd  
Victoria, BC  
V8S 1G9

### **Architect**

D'Ambrosio architecture + urbanism  
2960 Jurland Road  
Victoria, BC  
V8T 5K2  
T: (250) 384-2400

### **Landscape Architect**

Biophilia Design Collective Ltd.  
1608 Camosun St  
Victoria, BC  
V8T 3E6  
T: (250) 590-1156

### **Civil / Surveyor**

J.E. Anderson & Associates  
4712 Garford Avenue  
Victoria, BC  
V8Z 4B7  
T: (250) 727-2214

## **List of Drawings**

### **Architectural**

A0.0 Cover Sheet  
A0.1 Survey  
A0.2 Aerial Key Plan  
A1.0 Site Plan - Project Data  
A1.1 Phasing Plan  
A2.0 Container Floor Plans  
A2.1 Container Floor Plans  
A3.0 Container Elevations  
A3.1 Container Elevations  
A3.2 Container Street Elevations  
A4.0 Rendering  
A4.1 Rendering

### **Landscape**

L1.0 Landscape Site Plan

### **Civil**

C100 Conceptual Servicing Plan

### **Surveyor**

33154 Survey Plan

## **Issued for Development Permit / Temporary Use Permit**

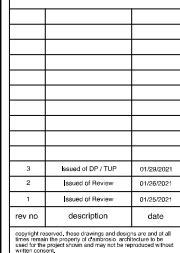
DAU PROJECT # 21-01 | January 29, 2021

Re-submitted on February 11, 2021

**ARYZE**

D'AMBROSIO  
architecture + urbanism





project name  
**Hey Neighbour**  
Temporary Emergency Housing  
940 Caledonia Ave

## Survey

project no.	21-01
drawing file	
date issued	January 22, 2021
scale	
drawn by	AC
checked by	FDA
revision no.	sheet no.



Notes:

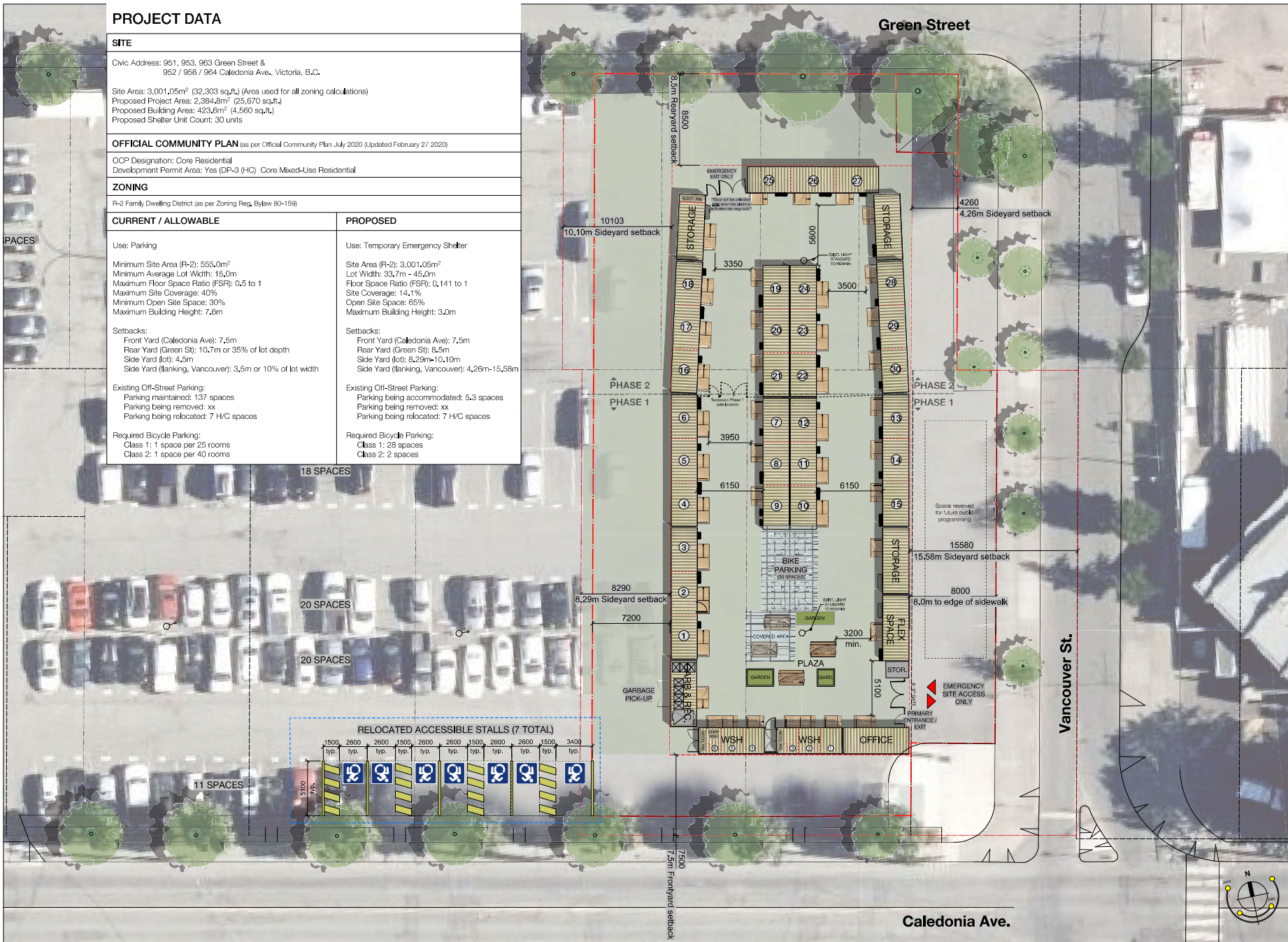
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project name  
**Hey Neighbour**  
Temporary Emergency Housing  
940 Caledonia Ave

project no.	21-0
drawing title	
date issued	January 22, 2021
scale	1:250
drawn by	AC
checked by	FDA
revision no.	sheet no.



SITE	
Civic Address: 951, 953, 963 Green Street & 952 / 958 / 964 Caledonia Ave., Victoria, B.C.	
Site Area: 3,001.05m <sup>2</sup> (32,303 sq.ft.) (Area used for all zoning calculations)	
Proposed Project Area: 2,384.2m <sup>2</sup> (25,670 sq.ft.)	
Proposed Building Area: 423.6m <sup>2</sup> (4,560 sq.ft.)	
Proposed Shelter Unit Count: 30 units	
OFFICIAL COMMUNITY PLAN (as per Official Community Plan July 2020 (Updated February 27 2020))	
OCP Designation: Core Residential	
Development Permit Area: Yes (DP-3 (HC)) Core Mixed-Use Residential	
ZONING	
R-2 Family Dwelling District (as per Zoning Reg. Bylaw 80-159)	
CURRENT / ALLOWABLE	PROPOSED
<p>Use: Parking</p> <p>Minimum Site Area (R-2): 555.0m<sup>2</sup></p> <p>Minimum Average Lot Width: 15.0m</p> <p>Maximum Floor Space Ratio (FSR): 0.5 to 1</p> <p>Maximum Site Coverage: 40%</p> <p>Minimum Open Site Space: 30%</p> <p>Maximum Building Height: 7.6m</p> <p>Setbacks:</p> <p>Front Yard (Caledonia Ave): 7.5m</p> <p>Rear Yard (Green St): 10.7m or 35% of lot depth</p> <p>Side Yard (lot): 4.5m</p> <p>Side Yard (flanking, Vancouver): 3.5m or 10% of lot width</p> <p>Existing Off-Street Parking:</p> <p>Parking maintained: 137 spaces</p> <p>Parking being removed: xx</p> <p>Parking being relocated: 7 H/C spaces</p> <p>Required Bicycle Parking:</p> <p>Class 1: 1 space per 25 rooms</p> <p>Class 2: 1 space per 40 rooms</p>	<p>Use: Temporary Emergency Shelter</p> <p>Site Area (R-2): 3,001.05m<sup>2</sup></p> <p>Lot Width: 33.7m - 45.0m</p> <p>Floor Space Ratio (FSR): 0.141 to 1</p> <p>Site Coverage: 14.1%</p> <p>Open Site Space: 65%</p> <p>Maximum Building Height: 3.0m</p> <p>Setbacks:</p> <p>Front Yard (Caledonia Ave): 7.5m</p> <p>Rear Yard (Green St): 8.5m</p> <p>Side Yard (lot): 8.22m-10.10m</p> <p>Side Yard (flanking, Vancouver): 4.26m-15.8m</p> <p>Existing Off-Street Parking:</p> <p>Parking being accommodated: 5.3 spaces</p> <p>Parking being removed: xx</p> <p>Parking being relocated: 7 H/C spaces</p> <p>Required Bicycle Parking:</p> <p>Class 1: 28 spaces</p> <p>Class 2: 2 spaces</p>



6	Reissued of DP / TUP	02/11/2002
5	Reissued of DP / TUP	02/08/2002
4	Issued of DP / TUP	02/06/2002
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1	Issued of Review	01/05/2002
rev no	description	date

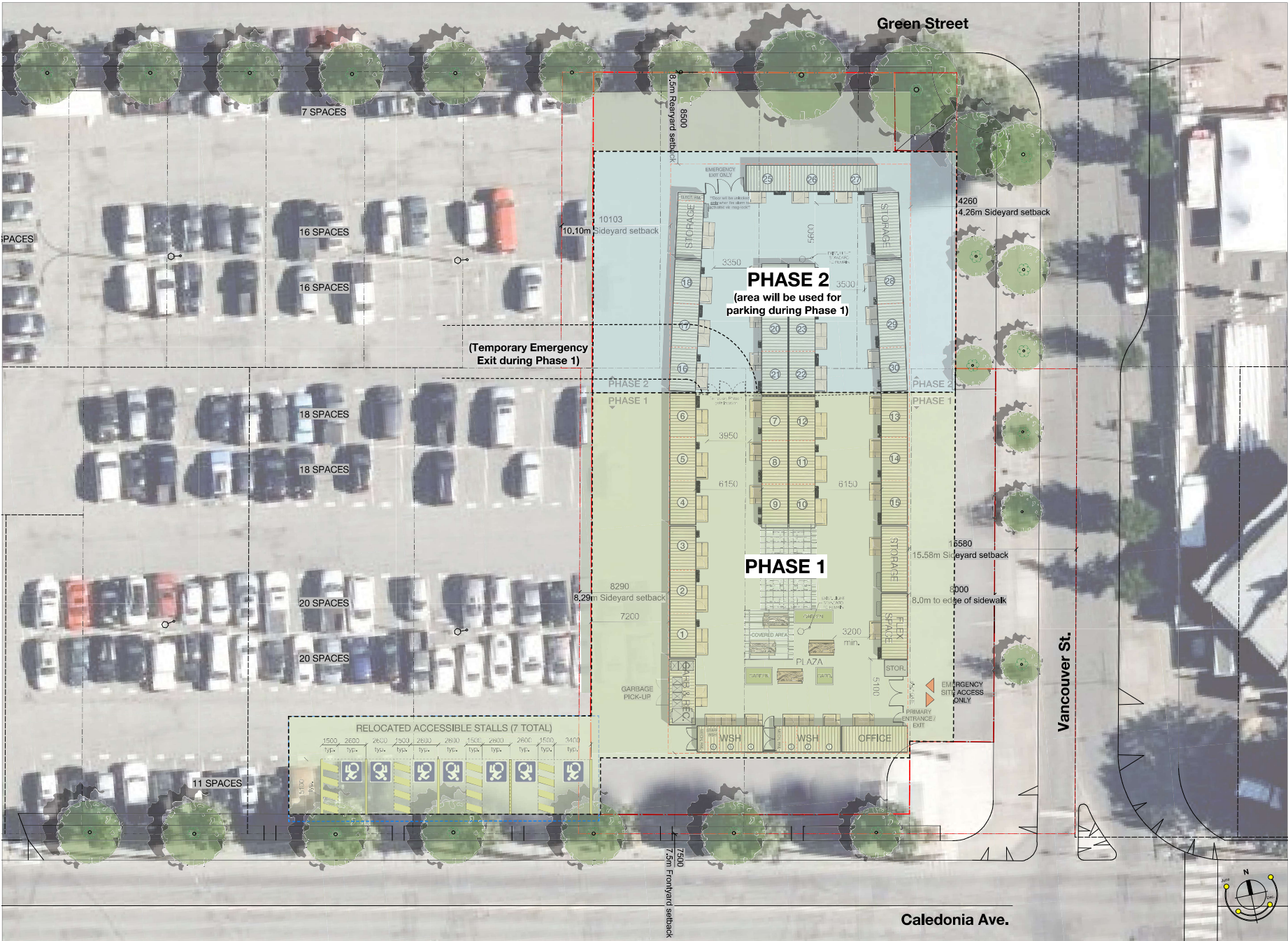
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project name  
**Hey Neighbour**  
Temporary Emergency Housing  
940 Caledonia Ave

## Site Plan

project no.	21-0
drawing title	
date issued	January 22, 202
scale	1:150
drawn by	AO
checked by	FD
revision no.	sheet no.





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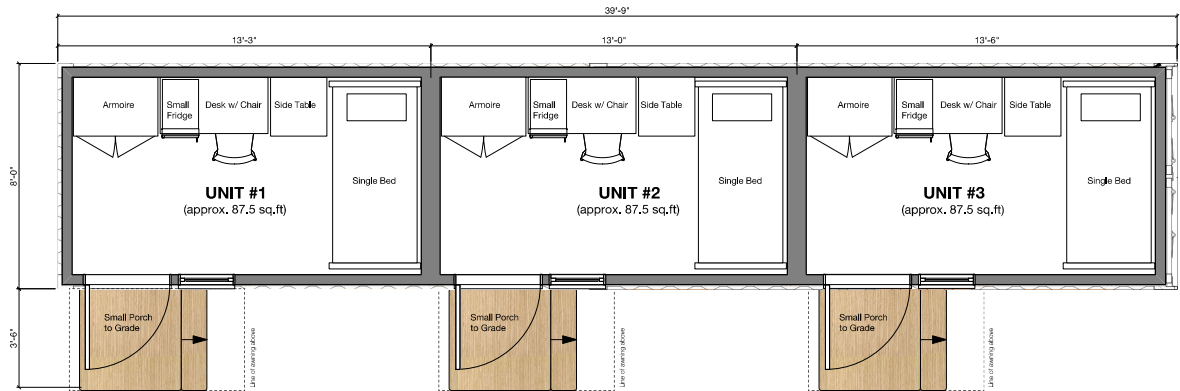
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2	Issued of Review	01/08/2021
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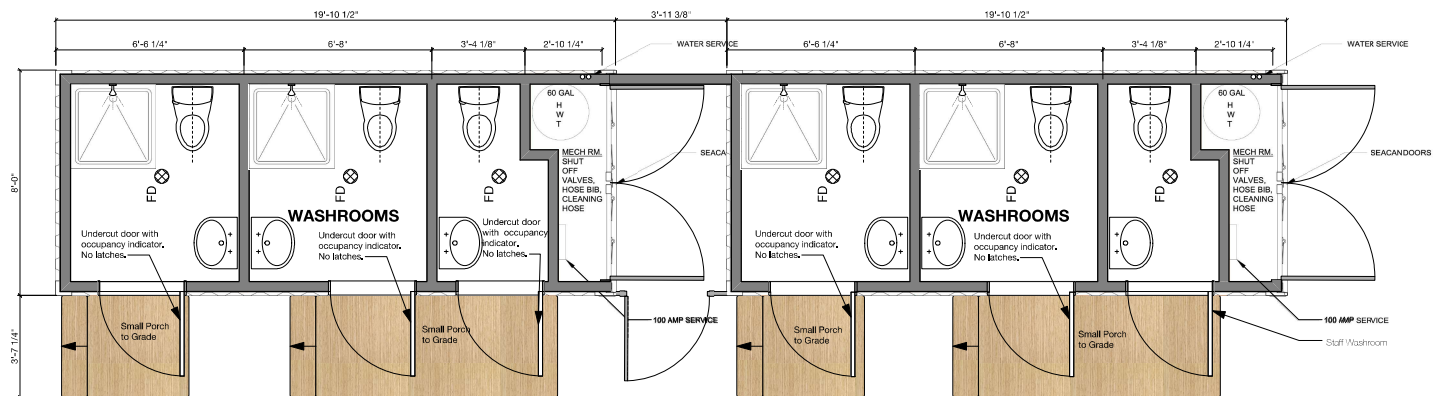
project name  
**Hey Neighbour**  
Temporary Emergency Housing  
940 Caledonia Ave

Phasing Plan

project no.	21-01
drawing title	
date issued	January 22, 2021
scale	1:150
drawn by	AC
checked by	FDA
revision no.	sheet no.
6	A1.1



1 CONTAINER PLAN - SLEEPING UNITS (TYPICAL)  
Scale 1/25



2 CONTAINER PLAN - WASHROOMS (TYPICAL)  
Scale 1/25

Notes:  
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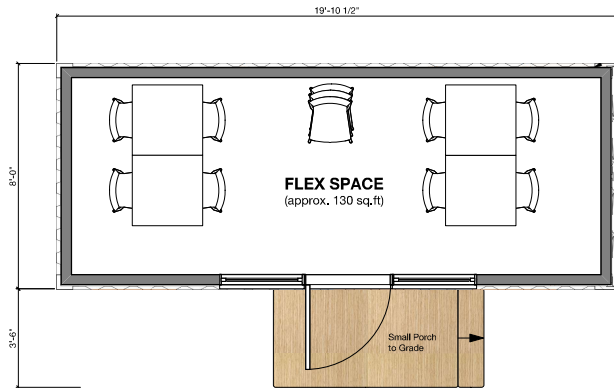


rev no	description	date
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4	Issued of DP / TUP	02/08/2021
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2	Issued of Review	01/28/2021
1	Issued of Review	01/25/2021

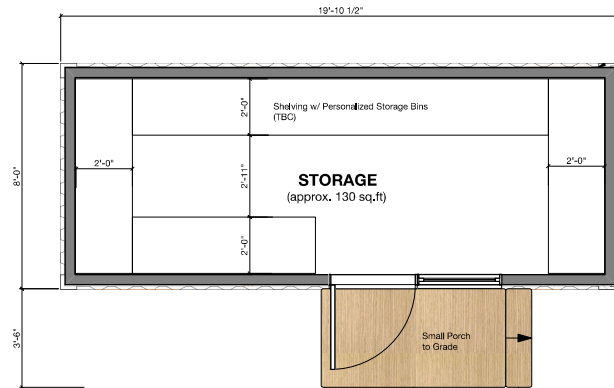
project name  
**Hey Neighbour**  
Temporary Emergency Housing  
940 Collection Ave

#### Container Floor Plans

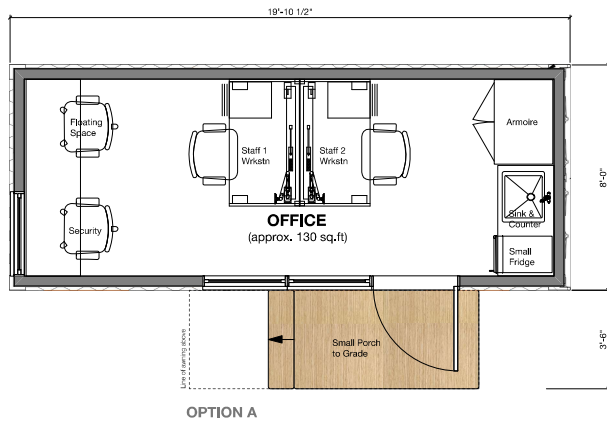
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drawing title	
date issued	January 22, 2021
scale	
drawn by	AC
checked by	FDA
revision no.	sheet no.



1 CONTAINER PLAN - FLEX SPACE  
Scale 1/25

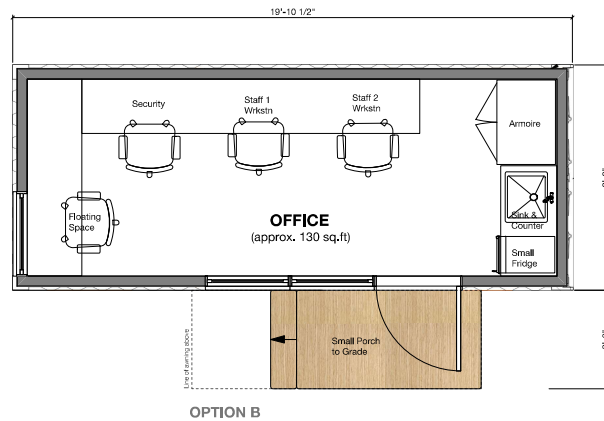


3 CONTAINER PLAN - STORAGE  
Scale 1/25



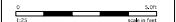
OPTION A

2 CONTAINER PLAN - OFFICE  
Scale 1/25



OPTION B

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rev no	description	date
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2	Issued of Review	01/08/2021
1	Issued of Review	01/05/2021

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project name  
**Hey Neighbour**  
Temporary Emergency Housing  
940 Colleton Ave

Container Floor Plans

project no.	21-01
drawing title	
date issued	January 22, 2021
scale	
drawn by	AC
checked by	FDA
revision no.	sheet no.

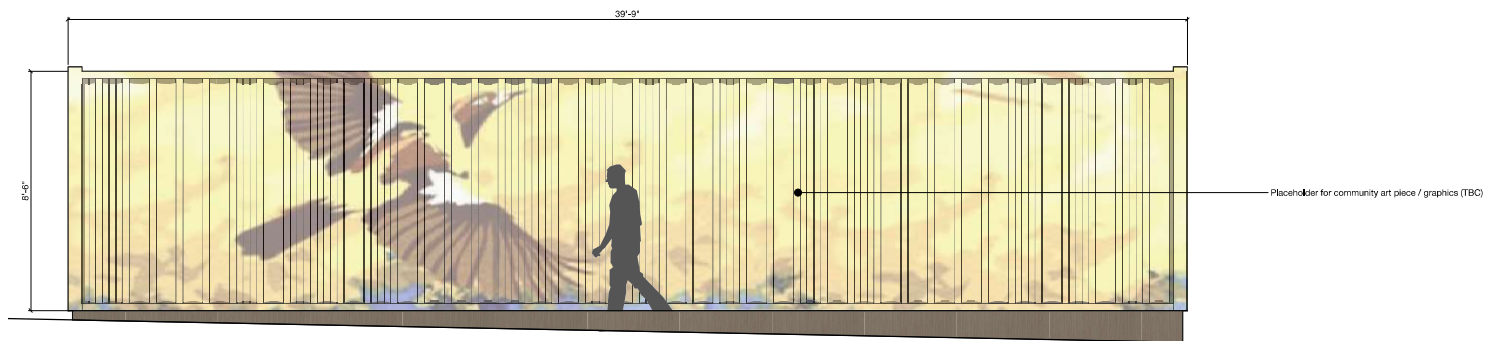
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A2.1





1 TYPICAL CONTAINER ELEVATION (SLEEPING UNITS) - INTERNAL  
Scale 1:25



2 TYPICAL CONTAINER ELEVATION (SLEEPING UNITS) - VANCOUVER STREET  
Scale 1:25

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0 3/16  
1/16 1/8 1/4 1/2 3/4 1  
Feet

rev no	description	date
3	Issued of DP / TUP	01/28/2021
2	Issued of Review	01/08/2021
1	Issued of Review	01/05/2021

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project name  
**Hey Neighbour**  
Temporary Emergency Housing  
940 Callerton Ave

Container Elevations

project no.	21-01
drawing title	
date issued	January 22, 2021
scale	
drawn by	AC
checked by	FDA
revision no.	sheet no.

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5	Revised of DP / TUP	02/08/2021
4	Issued of DP / TUP	02/08/2021
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2	Issued of Review	01/08/2021
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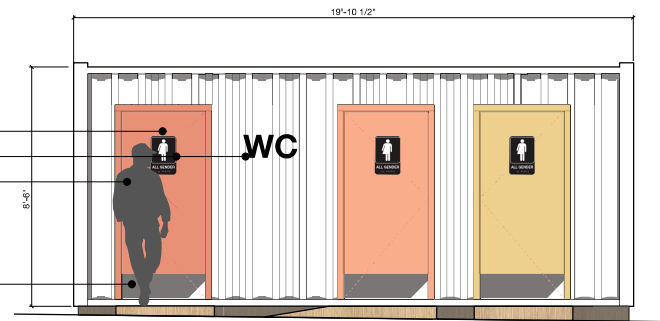
project name  
**Hey Neighbour**  
Temporary Emergency Housing  
940 Caledonia Ave

**Container Elevations / Sections**

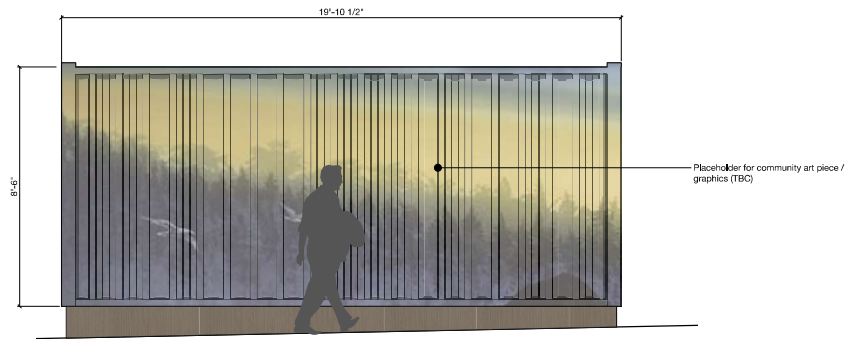
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drawing title	
date issued	January 22, 2021
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drawn by	AC
checked by	FDA
revision no.	sheet no.

6

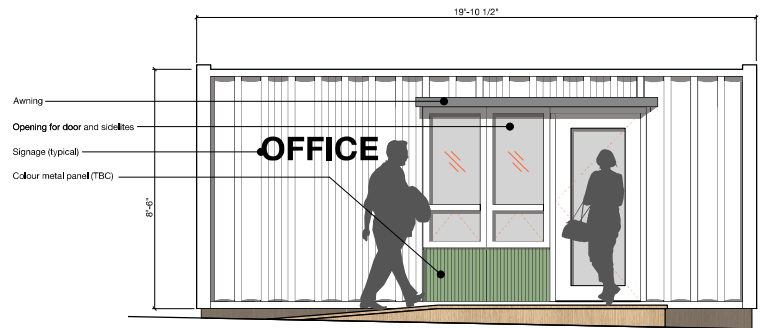
A3.1



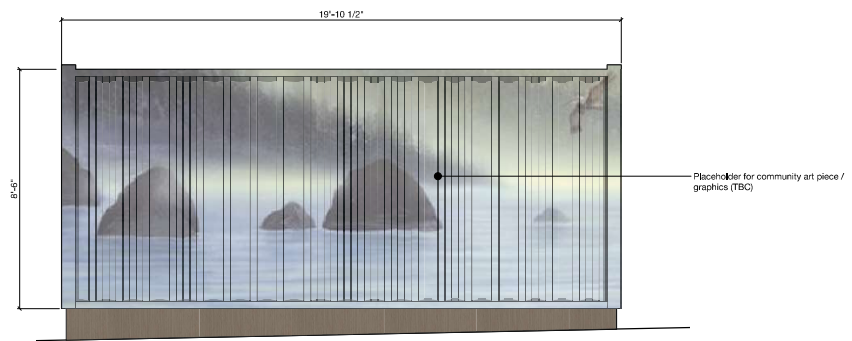
1 TYPICAL CONTAINER ELEVATION (WASHROOMS) - INTERNAL  
Scale 1:25



3 TYPICAL CONTAINER ELEVATION (WASHROOMS) - CALEDONIA AVE  
Scale 1:25



2 CONTAINER ELEVATION (OFFICE) - INTERNAL  
Scale 1:25

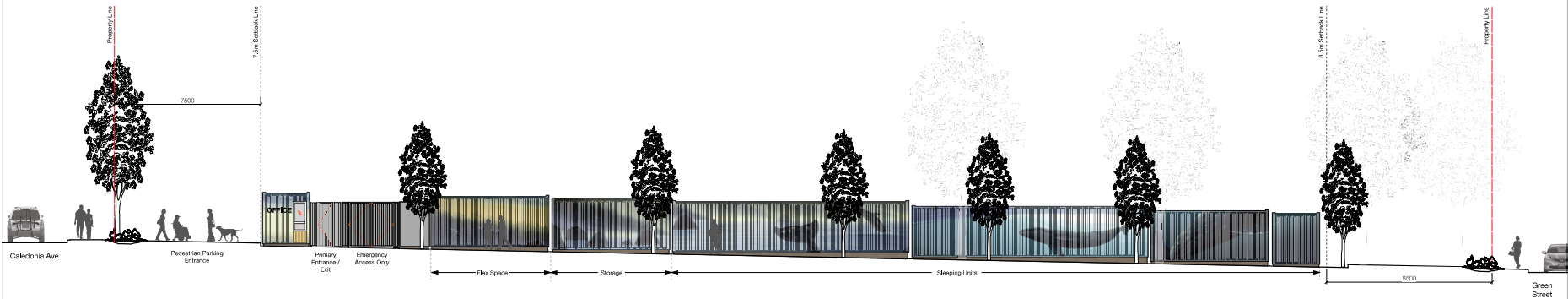


4 CONTAINER ELEVATION (OFFICE) - CALEDONIA AVE  
Scale 1:25

Notes:  
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1 CONTAINER ELEVATION INTERNAL (TYPICAL)  
Scale: 1:100



2 CONTAINER STREET ELEVATION @ VANCOUVER STREET  
Scale: 1:100



rev no	description	date
3	Issued of DP / TUP	01/08/2021
2	Issued of Review	01/08/2021
1	Issued of Review	01/05/2021

project name  
**Hey Neighbour**  
Temporary Emergency Housing  
940 Caledonia Ave

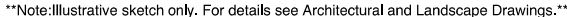
Container Street Elevations

project no.	21-01
drawing title	
date issued	January 22, 2021
scale	
drawn by	AC
checked by	FDA
revision no.	sheet no.

3

A3.2



[illegible]

3	Issued of DP / TUP	01/29/202
2	Issued of Review	01/26/202
1	Issued of Review	01/25/202

rev no	description	date
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project name  
**Hey Neighbour**  
Temporary Emergency Housing  
940 Caledonia Ave

Rendering - Aerial view  
from Caledonia Ave

project no.	21-0
drawing file	
date issued	January 22, 202
scale	
drawn by	AO
checked by	FDA
revision no.	sheet no.



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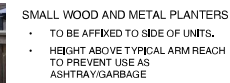
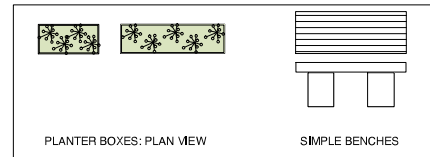
28



ADDRESS  
Caledonia and Vancouver St.  
Victoria BC

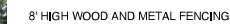
Bianca Bodley

REVISIONS:



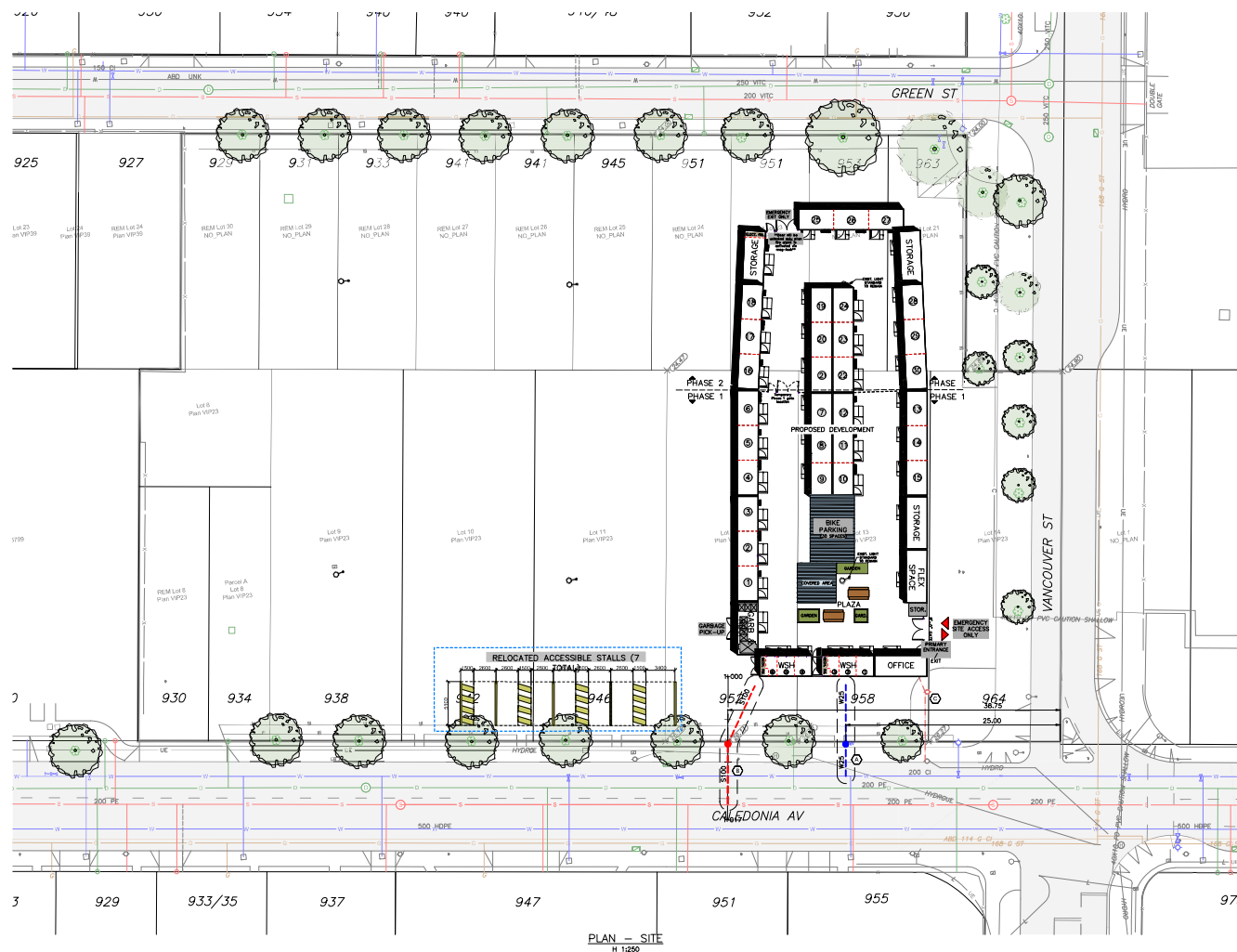
**HARDY DROUGHT TOLERANT PLANTS FOR SMALL PLANTERS:**

- CREEPING ROSEMARY
- MEXICAN DAISY

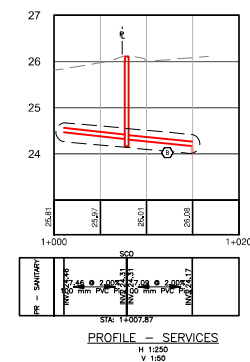


DATE: February, 2021





- CONSTRUCTION NOTES:
- ① CITY OF VICTORIA TO INSTALL 25mm WATER SERVICE.
  - ② CITY TO INSTALL 100mm SANITARY SERVICE.
  - ③ CONTRACTOR TO COORDINATE WITH UTILITIES AS REQUIRED. EXACT LOCATION TO BE CONFIRMED BY HYDRO.



940 CALEDONIA  
HEY NEIGHBOUR  
TEMPORARY EMERGENCY  
HOUSING  
SITE SERVICING

Scale horiz. 1:250    Scale vert. 1:50  
Sheet 1 of 1  
Eng. Project No. 33154



February 11, 2021

Mayor and Council  
City of Victoria  
1 Centennial Square  
Victoria, BC V8W 1P6

Re: Temporary Use Permit and Development Permit for 940 Caledonia Ave.

Mayor and Council,

This letter outlines the core content of our application for a Temporary Use Permit to build a transitional tiny home community at 940 Caledonia Avenue. We are requesting that 940 Caledonia Avenue be used as the site for this pilot project transitional tiny home community from March 2021 to September 2022, at the latest.

### **Project Overview**

Hey Neighbour: Making Room, a collaboration between Aryze Developments and the Greater Victoria Coalition to End Homelessness, is a transitional housing pilot project proposed for 940 Caledonia Avenue (the Royal Athletic Park parking lot). The proposed project includes 30 single-occupancy tiny home units built from repurposed shipping containers oriented in a private, enclosed community setting.

We are pursuing this proposal in support of the City of Victoria's March 31st deadline to ensure that everyone currently sheltering in parks is offered an indoor space so that 24/7 sheltering in parks can come to an end. All funds for the capital expenses of this project have been crowdfunded by the citizens of Victoria, along with contributions from local businesses and community organizations who seek to see some of our city's most vulnerable housed in safe, warm and secure conditions.

This community development will provide access to comfortable and safe housing, incorporate public art, and provide opportunities for residents to learn new skills and engage in social enterprises, like bicycle repair shops and community gardens, where they can share their talents and gifts, and participate in the community.

The community will be built in two phases. Phase 1 will include 15 homes and Phase 2 will see the final 15 homes be built. All auxiliary buildings will be a part of Phase 1, and gardening & bike repair space will be introduced in Phase 2.



Each unit in the community is approximately 87 sq. ft. and fully heated, ventilated and insulated for optimal breathability and livability. Designed to include a bed, side table, desk with chair, small fridge, and an armoire, all units are move-in ready and turn-key for the residents. Shared washroom and shower facilities will be located within the enclosed community, along with storage, flex space and on-site office space for the 24/7 operations staff. We are working on a partnership with the Anawim Housing Society to provide residents with access to shower and laundry services at their facility on 973 Caledonia.

The project details are as follows:

- Average Unit Size: 87 sq.ft.
- Single-occupancy 13'-3" tiny home units built inside 40ft x 8ft repurposed shipping containers (three units per seacan) with a 3'-6" small porch to grade with an overhead awning.
- Heated, insulated and ventilated for user comfort
- Include a window and door
- A monitored fire alarm system
- Intentionally setback 8m from the sidewalk at Vancouver Street to facilitate future programming opportunities in partnership with the North Park Neighbourhood Association

## **Site Design**

The formation of the sea can containers was intentionally designed to limit inward visibility to ensure a safe and exclusive environment for the residents. This enclosed design is balanced with community art incorporated throughout the exterior facades, adding beautification to a central location in the North Park neighbourhood.

A gated and controlled single entry/exit maintains security for the community along with a secondary emergency exit, and two emergency vehicle access points ensure the site remains accessible when required.

## **Transitional Affordable Housing**

Homelessness is not just what is visible on the street. It exists when individuals live in abandoned buildings, sleep under bridges, camp in parks, access emergency shelters, or couch surf.

The Canadian Observatory on Homelessness speaks to this range through the four kinds of homelessness identified in its definition, including people who are unsheltered, emergency sheltered, provisionally accommodated and insecurely housed. All of these living situations, from utterly homeless to precariously housed, put people at risk of poor physical, mental and social health.

According to the Canada Mortgage and Housing Company (CMHC) housing is considered to be affordable when a household spends less than 30% of its pre-tax income on adequate shelter. In addition, "the term 'affordable housing' can refer to any part of the housing continuum from temporary emergency

shelters through transitional housing, supportive housing, subsidized housing, market rental housing or market homeownership.”

Effectively addressing homelessness requires a range of approaches that are tailored to individual needs and are provided through a range of programs and services.

Our proposed project is purpose-built transitional housing with 24/7 on-site support, which means it is built to help its residents in gaining the stability, confidence and dignity to eventually seek out other housing options along the housing continuum.

### **Community Consultation**

Community consultation has been a key priority for the transitional tiny home community since day one. The project was envisioned in partnership with the Greater Victoria Coalition to End Homelessness, and immediately upon launching the crowdfunding campaign on December 8th, we shared project materials with the community members sheltering at Central Park. Once we met 50% of our funding goals, we began preliminary design discussions with Our Place, who are the intended operations provider for the project, along with a presentation at a North Park Neighborhood Association meeting to gather feedback from nearby residents.

In summary, this proposed project is intended to provide a comfortable and safe transitional housing solution for some of our city’s most vulnerable. By incorporating thoughtful design elements, we aim to provide optimum livability for the new residents, all in the name of operational success. We look forward to the opportunity to realize this pilot project, and to make a positive contribution to the North Park neighborhood and the city of Victoria as a whole.

Sincerely,



Jared James  
Development Manager  
ARYZE Developments



Kelly Roth  
Executive Director  
Greater Victoria Coalition to End Homelessness



February 11, 2021

Leanne Taylor  
Senior Planner  
Sustainable Planning and Community Development  
City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6

Dear Leanne,

Please find below an operational overview of how OPS would in broad terms, operate and manage the Hey Neighbour Tiny Home Town:

### **Intake and The Plan**

The intake of residents would be through the CAA process – the centralised placement process for homeless folk getting into housing and overseen by BC Housing – and we would have the right of veto. BC Housing understand and support our desire to have folk with relatively low acuity in the compound as well as folk who are committed to living in community while working on moving to a permanent housing solution.

Essentially from the moment anyone moves in they would begin their plan to move out. We will create a tailormade plan- The Plan - for each resident which will describe their path to permanent housing and what they need to get there – this would include ascertaining their support needs, if any, in terms of mental and physical health, income security, addictions and treatment and employment. BC Housing are hoping to provide each resident with a rent supplement to help make this happen.

### **Staffing and approach**

Staffing would be provided by Our Place in partnership with the Coalition, with Our Place hiring the staff. We intend to provide 24/7 staffing with at least 2 workers during the day and 2 overnight (this could be one Our Place worker and a security guard). Initially (first 6-9 months) there will be 2 outreach workers on during the day and then, once the community is well established, we would move to a model of 1 outreach worker and 1 peer support worker.

We understand that the provincial government is making monies available to Vancouver and Victoria (in total) health authorities to support folk moving in from camps so this may allow us, hopefully, to resource some health worker time at the compound.

We have had several conversations with the Coalition and we have agreed the culture of engagement which will be client centred (the clients will be at the centre of their plan and the source of their solutions, with the workers providing the support to actually make them happen) but within clear parameters and rules like no guests allowed, a single access point and zero tolerance of violence and criminality.

## **Design**

We met with ARYZE and were able to significantly influence the design in ways to make it safer and more comfortable for the residents.

There will be a shower, washroom and laundry block as well as a meeting room/common room and one or two smaller offices for private meetings.

There will be no hotplates in the units and all food will be delivered – there will be a heat up/cook station in the common room area. There will, however, be a small fridge in each unit.

There will be a staff washroom and storage space for janitorial and office supplies.

The entrance will be designed to maximise safety but without being overly institutional, so no Plexiglas.

There will be no overdose prevention site as it is anticipated that most users will use their units. We will provide a peer support safeguard program for this.

Once the draft designs are complete we will have further opportunities for input.

## **Safety and security**

The designer will ensure there are two ventilation points in the units, the front door/window and a ceiling fan (like a bathroom fan) with outside air access. This will certainly improve the ventilation, though not perfect. The units will also need to meet fire code and be subject to an inspection by the fire department. There will be caged hard wired smoke alarms in each unit.

The design will effectively be a metal courtyard which will make it hard to access for non residents. We have also agreed with the designer that there should be a single point of entry/exit which will allow us to strictly control who comes in. The front door will have a camera outside and be on a buzzer system to ensure that only residents and resident related staff can enter the compound.

I hope this information is what you require. If you require any further information or elucidation, please let me know.

Yours sincerely



Julian Daly,  
Chief Executive Officer



February 10, 2021

City of Victoria  
1 Centennial Square  
Victoria, BC  
V8W 1P6

BC Housing is pleased to confirm the funding of PEERS Resource Society to ensure all individuals currently sheltering at RAP parking lot and all of the city park sites have completed the housing application forms for relocation.

BC Housing is cognizant of the proposed timeline for the construction of the temporary transitional housing at RAP parking lot, subject to Council's approval and will be preparing a transition plan for this site. BC Housing's intent is to focus on establishing housing plans for each of the individuals at RAP and have a transition plan by the end of February based on the individual needs of each resident at RAP.

Yours truly,

A handwritten signature in black ink that reads "Hartman".

Heidi Hartman

Regional Director, Operations, Vancouver Island Region

Good morning Mayor & Council,

I am writing you today about the news report of Victoria Police seizing weapons in an abandoned tent at the temporary tent camp community at 940 Caledonia Ave. The weapons found by police were a baseball bat with nails in it and two replica firearms.

Please see the news report here: <https://www.cheknews.ca/wooden-bat-with-nails-among-weapons-seized-at-victoria-sheltering-area-744748/>

In my emails below, I outlined that the safety of my strata's residents and North Park residents was paramount. The possibility that homeless thugs could be in our neighbourhood with weapons such as these found by the police at the tent camp is very concerning to the safety of all nearby residents. Why would these homeless campers have these weapons? What would they be trying to do with them, fight each other?

What could be the result if one of these homeless campers decided to attack a North Park resident with one of these weapons? Or decided to make threats to residents while brandishing the firearm? Or decided to destroy property in the neighbourhood with the baseball bat with nails?

The answers to any of these questions would be horrible for the city, my strata's residents and the residents of North Park to find out.

**Therefore, I ask, if an abandoned tent can be used to store weapons, then do you think that a shipping container shelter can be used by the homeless campers to store weapons easily as well in the North Park neighbourhood for a longer period of time?**

I hope that you are all beginning to understand the type of homeless campers that could be living in these tent camps, and the proposed shipping container shelter at 940 Caledonia Ave, are not the type of homeless campers that should be living in any residential neighbourhood in Victoria at all.

Please reconsider putting the proposed shipping container shelters at 940 Caledonia Ave. The shelters will attract a violent group of homeless campers in the North Park neighbourhood. Please consider the proposed location 2100 to 2200 Government street between Pembroke street and Queens Ave for the shipping container shelters in my email below.

Thank you,

Adit Prasad  
Vice President  
Calais Strata 1007 Caledonia Ave

**From:** Adit Prasad [REDACTED]  
**Sent:** January 27, 2021 8:30 PM  
**To:** Lisa Helps (Mayor) <LHelps@victoria.ca>; Marianne Alto (Councillor) <malto@victoria.ca>; stephen.andrew@victoria.ca <stephen.andrew@victoria.ca>; sdubow@victoria.ca <sdubow@victoria.ca>; Ben Isitt (Councillor) <BIsitt@victoria.ca>; jloveday@victoria.ca <jloveday@victoria.ca>; spotts@victoria.ca <spotts@victoria.ca>; cthornton-joe@victoria.ca <cthornton-joe@victoria.ca>; gyoung@victoria.ca <gyoung@victoria.ca>  
**Cc:** mayor@victoria.ca <mayor@victoria.ca>; [REDACTED]  
[REDACTED] Victoria Mayor and Council  
<mayorandcouncil@victoria.ca>; [REDACTED]  
[REDACTED]

**Subject:** Homeless Death & Tiny Home Community on Caledonia Ave

Good evening Mayor & Council,

I am writing you today about the death of the 30 year old man at the homeless tent camp on the parking lot of Royal Athletic Park (940 Caledonia Ave) and how this man's death in the tent camp can affect the North Park Neighbourhood going forward if the tiny home shipping container community is built at 940 Caledonia Ave. This tent camp is across the street from my strata building on Caledonia Ave.

This death was very tragic and it was caused by a suspected drug over dose in his tent, according to CHEK News.

<https://www.cheknews.ca/hes-loved-calls-to-reopen-arena-shelter-grow-after-victoria-homeless-man-found-dead-738090/#:~:text=WatchFriends%20mourn%20after%20a,next%20to%20Royal%20Athletic%20Park.&text=Dawson%20says%20the%20man%2C%20who,and%20has%20about%2034%20tents.>

This tent camp has no full time onsite supports, so it's unknown if a full time outreach worker was there if his life could have been saved.

This homeless man's death at the tent camp raises the following concerns for the residents of my strata:

- 1) This man's body was found in his tent. If he were in a shipping container home he would likely have more privacy to perform his drug use compared to a tent (there is no full time outreach worker to stop him). We are concerned that these shipping container homes will be use for the homeless to privately consume drugs in our neighbourhood.
- 2) We do not want the North Park Neighbourhood to become known as a place where the homeless can come to hang out in the parking lot to buy and consume drugs (out in the open or inside shipping containers). Who will be there full time to stop that from happening?

3) We do not want to see scenes in the news of our neighbourhood looking like it is a drug haven for the homeless to enjoy unsupervised. This makes our neighbourhood look cheap, dirty and an undesirable place to live and own a home.

4) The safety of our strata residents and other North Park residents is paramount. We have a good working relationship with the Vic PD as well. A drug filled shipping container homeless community across the street from my strata does not seem like a safe idea for the neighbourhood residents.

As a strata, we do support the need for permanent housing solutions for the homeless and we accept and understand the situation of the homeless tent camp in the parking lot until March 31, 2021 as the city has proposed so that the homeless can camp on pavement rather than a wet park field. The North Park neighbourhood is doing its part for the city during this time of housing need for the homeless during the pandemic by accepting the temporary tent camp until March 31st.

Especially now that the Save on Foods Memorial Arena will once again (announced today) be used to house the homeless (approved by BC Housing), our neighbourhood is really accepting the needs of the homeless population. This project was very successful in 2020 and was barely noticeable on Caledonia Ave to the residents of my strata.

But, having shipping container housing in our neighbourhood until September 2022 will be detrimental for the reasons stated above.

As an alternative to the site of 940 Caledonia Ave, may I propose the site of 2100 to 2200 Government street between Pembroke street and Queens Ave that has wall art on the fencing, as the site for a shipping container transitional housing community for the homeless? The reasons that I believe that this is a good site are:

1) There is not much of an existing residential community in this area, or much local businesses except VI Brewery. Local residents will likely not be affected by whatever activities the homeless do in their tiny home community at this location.

2) A few years ago Mayor Helps proposed that this site should be used to build temporary housing for all of Victoria's temporary construction workers who were having a hard time finding housing in the city while they worked to build many new condo towers in the city. So, why not build the shipping container transitional tiny home community for the homeless at this site?

3) This site is large enough for more shipping container homes to be built if the city decides to do so to house the growing homeless population beyond 2022. I'm sure it can be supervised very well by outreach workers as needed, and the fencing helps to control who enters the site (prevent drug trafficking and likely usage).



**I hope that Counsellors and Mayor consider this alternative site. Please let me know your thoughts on this alternative site.**

Please see my email below for further information and concerns.

Thank you,

Adit Prasad  
Vice President  
Calais Strata 1007 Caledonia Ave

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**From:** Adit Prasad  
**Sent:** January 10, 2021 10:04 PM  
**To:** Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
**Cc:** mayor@victoria.ca <mayor@victoria.ca>; stephen.andrew@victoria.ca <stephen.andrew@victoria.ca>; [REDACTED]  
[REDACTED] April Lawrence  
[REDACTED]  
**Subject:** Reconsider Homeless Tiny Home Community on Caledonia Ave

Good evening City of Victoria Council,

I am writing to you all about my strata's concerns with the city's consideration to accept Aryze Developments' proposal to build 30 housing units by using repurposed shipping containers on the site of 940 Caledonia Ave, the Royal Athletic Park Parking lot. I understand that this site is proposed to be used for this transitional tiny home community from March 2021 to September 2022 and City of Victoria is working with the Greater Victoria Coalition to End Homelessness (GVCEH) and Aryze Developments to build this transitional housing for the homeless using repurposed shipping containers.

As a resident of the Calais Strata on the 1000 block of Caledonia ave, which is directly across from the entrance to Royal Athletic Park and adjacent to the parking lot, I am concerned about the choice of this location because of the safety and security of the owners of my strata building due to the homeless currently living in tents in the parking lot of Royal Athletic Park. Currently the sight of many large tents to provide shelter in the Royal Athletic Park Parking lot and wrapped in temporary fencing is quite an ugly look to our North Park neighbourhood. But we understand that this measure is truly temporary and accept this for the winter season.

My strata already has issues with homeless people committing vandalism of our recycling bins, breaking exterior property of our building such as lights and fences, breaking and entering into our resident's vehicles, refusing to leave our parking area and finding used drug needles on our

strata's property. We accept that is part of living in our vibrant, entertaining and sports filled neighbourhood.

We are concerned that this proposed longer term transitional housing for the homeless of using repurposed shipping containers at 940 Caledonia Ave will:

- 1) Only exacerbate the issues stated above by allowing the homeless residents to stay in the North Park neighbourhood longer and possibly commit property crimes on Caledonia Ave. They are still homeless regardless even if they live in a shipping container temporarily.
- 2) Be used by the homeless residents for the consumption, storage and sale of illegal drugs. We do not want to potentially see a city sponsored illegal drug complex in our neighbourhood, no matter how "pretty" the shipping containers look from the outside.
- 3) Remain at 940 Caledonia Ave even after the latest proposed date of September 2022. What guarantees can the city provide to North Park residents that more homeless people will not be housed in shipping containers at this site and possibly beyond 2022?
- 4) Affect fan attendance of Royals hockey games and Harbourcats baseball games (when they start to play again and fans are allowed to attend), and events at RAP. Our neighbourhood is known as the home of these great Victoria sports teams and RAP events, and the parking lot is used by people who come to the games and events. We would expect games and events to be back hopefully by 2022 with the viability of these teams and events.
- 5) Negatively affect bicycle parking at the covered bicycle lock up at the corner on Vancouver St at Caledonia Ave. It is possible that citizens that bike in the neighbourhood would not feel safe locking their bike up at that bicycle parking spot for fear of the homeless residents stealing their bikes/bike parts. The city spent a lot of money building this bike lock up shelter a few years ago, and now with Vancouver street as dedicated bike traffic only, it would look bad if citizens are afraid to use the bike lock up or even riding their bikes on Vancouver street pass the shipping container shelters for fear of being accosted by the homeless campers.

6) Negatively affect the perception of the North Park neighbourhood as a safe place to live long term, and to buy a home, and sell it at a fair market price. We don't want to see our property values decrease because of this shipping container homeless shelters in our neighbourhood. We don't want the city to turn North Park into a homeless shelter ghetto.

**I ask all Counsellors and Mayor to please cancel the plan to turn the site of 940 Caledonia Ave into the shipping container transitional tiny home community for the homeless for the reasons that I've stated above.**

The residents of my strata are not against homeless people living in repurposed shipping containers as transitional housing, as this will help with their mental and physical well-being. But we really don't want this transitional housing in our neighbourhood.

As an alternative to the site of 940 Caledonia Ave, may I propose the site of 2100 to 2200 Government street between Pembroke street and Queens Ave that has wall art on the fencing, as the site for a shipping container transitional housing community for the homeless? The reasons that I believe that this is a good site are:

1) There is not much of an existing residential community in this area, or much local businesses except VI Brewery. Local residents will likely not be affected by whatever activities the homeless do in their tiny home community at this location.

2) A few years ago Mayor Helps proposed that this site should be used to build temporary housing for all of Victoria's temporary construction workers who were having a hard time finding housing in the city while they worked to build many new condo towers in the city. So, why not build the shipping container transitional tiny home community for the homeless at this site?

3) This site is large enough for more shipping container homes to be built if the city decides to do so to house the growing homeless population beyond 2022.

I hope that Counsellors and Mayor consider this alternative site.

Also, I would like to remind all Counsellors and Mayor that the newly elected Counsellor, Stephen Andrew, ran his election campaign on a platform that included ending 24/7 camping in parks by homeless people. **Stephen Andrew won the by-election by over 3,000 votes compared to the 2nd place candidate, and presumably, many Victorians agree with Mr. Andrew's stand on ending 24/7 camping in parks by homeless people. All Counsellors and Mayor should consider this by-election result as a very clear and**

**strong message from Victorians.** The idea of ending 24/7 camping in parks by homeless people can be applied to not allowing homeless people to live in shipping container transitional tiny homes in Royal Athletic Park's parking lot for many months. The parking lot at 940 Caledonia Ave is still part of Royal Athletic Park.

Thank you all for your consideration and I look forward to hearing from all Counsellors and Mayor on this very important issue.

Adit Prasad  
Vice President  
Calais Strata



City of Victoria  
1 Centennial Square  
Victoria BC V8W 1P6

February 9, 2021

**RE: NPNA Comments on TUP No. 00017 and DP Application No. 00591 / 940 Caledonia Ave**

Dear Mayor and Council,

I'm writing today on behalf of the North Park Neighbourhood Association (NPNA) regarding the Temporary Use Permit (TUP) and Development Permit Applications for 940 Caledonia Avenue.

The NPNA appreciates being involved in early conversations regarding this project and having the opportunity to provide input. This letter is to reiterate some of the points we have made in the past and to respond to the proposed site plans and elevations. In addition to the land use/design comments below, we would also like to reiterate the importance of proactive engagement with the community/neighbours to ensure the success of this project. As suggested previously, a good neighbour agreement and working group (consisting of City staff, the developer, both housed and unhoused residents, and any service providers involved) is desirable to address and manage issues as they begin/before they arise. We would like to reiterate our request for a designated City staff member who can be a point of contact for the NPNA/neighbourhood as the project develops.

Below you will find our land use/design comments:

- The siting/location of the village looks appropriate as it minimizes impact and exposure to nearby residents. The NPNA appreciates that previous comments were taken into account and the proposed village is stepped back from Vancouver Street, allowing for future programming. The NPNA is interested in activating that space with food trucks and other place-making initiatives and the proposed site plan would allow for this.
- The proposed elevations also look appropriate. The NPNA supports having murals on the exterior walls, especially along the longest, public-facing side facing Vancouver Street. The NPNA supports commissioning a local artist(s) (from North Park or Hillside-Quadra), preferably someone from an equity-seeking group such as someone with lived experience with homelessness.
- The single point of entry/exit is supportable to minimize the comings/goings of people not residing in the tiny home village. Our hope is that this design, in combination with an

**North Park Neighbourhood Association**  
**Box 661, 185-911 Yates Street**  
**Victoria, BC**  
**V8Y 4Y9**  
[coordinator@npna.ca](mailto:coordinator@npna.ca)



experienced operator, will minimize negative impacts on the surrounding neighbourhood (such as late-night noise and opportunistic criminal activity).

We would also like to flag both the construction/setup process and eventual occupancy. As we are all aware, there are currently individuals living in the RAP parking lot in tents. The NPNA would like to emphasize that this process needs to be carefully considered to ensure a safe and smooth transition for those currently living in tents and for those who will move into the tiny homes. This will require ongoing communication and cooperation between the City, the developer, the third-party operator, and current and future residents. The NPNA would appreciate being kept up to date on what this process will look like.

Thank you,

Eleni Gibson

Land Use Planning Advisor, North Park Neighbourhood Association

Cc: North Park Neighbourhood Association Board  
City of Victoria Sustainable Planning and Community Development  
Sarah Murray, Executive Director, North Park Neighbourhood Association

North Park Neighbourhood Association  
Box 661, 185-911 Yates Street  
Victoria, BC  
V8Y 4Y9  
[coordinator@npna.ca](mailto:coordinator@npna.ca)

### Key points:

- The NPNA strongly recommends that every single one of the current residents at 940 Caledonia have a destination/housing plan secured before the shipping container village construction begins.
- The NPNA would like to see the current residents at 940 Caledonia be prioritized for a shipping container home if they are interested.
- Inclusion of on-site laundry services
- Maximizing parking availability in the parking lot is not the goal of this project. As such, we would propose that the village be shifted to the west, allowing for eventual use of the space adjacent to the Vancouver pedestrian/bike corridor for placemaking, be that food trucks, or a "flex" space with outdoor seating, a community art installation, pop-up art workshops or music.
  - We acknowledge that this will not be included in the original design or build, and the NPNA would happily work with Aryze or the operator to help incorporate community gathering space and placemaking elements at 940 Caledonia along Vancouver Street when the time is right.

### Displacement of existing tenants of 940 Caledonia

- Question: There are 34 tents plus a warming tent in the parking lot right now exactly where the diagram shows the shipping containers.
  - There are a lot of questions right now about who will get these shipping container homes. How is tenant selection taking place, how is this being communicated, and how are expectations being tempered and accurate information being conveyed?
  - **The NPNA strongly recommends that every single one of the current residents at 940 Caledonia have a destination/housing plan secured before the shipping container village construction begins.**
  - **The NPNA would like to see the current residents at 940 Caledonia be prioritized for a shipping container home if they are interested**
    - The folks at 940 Caledonia have created a community, they are working together, they attend weekly meetings and contribute to supporting the community through clean team, maintenance, park liaison roles, and food distribution.
    - These are North Park residents, and we do not want them displaced again
    - There residents at 940 Caledonia also have developed relationships with the larger community and us with them. We all know each other, there is mutual respect and kindness and friendships. There is value in transitioning those who want to stay in North Park into the Tiny Home community.

- How will the shipping container community be built in a way that does not displace the folks living in these tents. Some of whom have moved 3, 4, or 5 times already and have mental health and hoarding difficulties.
  - The structures and platforms that the roughly 50 people at 940 Caledonia are living in are not portable. The pallet & plywood platforms and the tents & tarps are all attached with screws, nails, and tuck tape. They physically cannot just be dragged elsewhere in the parking lot.
- How long will there be both tents and shipping containers at 940 Caledonia?

## Laundry

- **On site laundry would provide residents with a more dignified and convenient way to access laundry services** taking into consideration Anawim's limited capacity, and the possibility that Tuesday night laundry at LaundroLounge will not be continuing past February.
  - Co-locating the laundry facilities with the washrooms & shower and close to the office for easier installation, access to power, and security/oversight of the machines and laundry schedule.

## Location within parking lot:

- We like the setbacks on Caledonia and Greene and the concentration along Vancouver closest to rap so have fewer homes close/adjacent.
- **Maximizing parking availability in the parking lot is not the goal of this project. The NPNA would like to see the village be shifted to the west, allowing for eventual use of the space adjacent to the Vancouver pedestrian/bike corridor for placemaking, be that food trucks, or a "flex" space with outdoor seating, a community art installation, pop-up art workshops or music.**
  - Having a "community corridor" running along Vancouver would go a long way to making some of the neighbours feel safer getting around North Park, walking their dogs, walking with kids, and commuting. Vancouver is going to be a main corridor soon for active transportation, and it is also one of the main ways to get to Central Park.

## Location of the entrance

- The proposed entrance/exit is located in the south east corner. With the bike lanes nearly completed on Vancouver Street, is this the best entrance/exit from a fire & paramedic perspective?
- NPNA recommends that Aryze speaks with Sarah Webb about the entrance/exit placement and impact on the bike lanes



## Tiny Home Project

I'll start with saying that it is a great innovative idea for housing that is needed. I may not think it is the best location especially now that it was announced that Our Place would be running it. I still think the Pandora property that the city owns is a better place for it. My issue is the community consultation process that is proposed for this project.

The parking lot is supposed to be cleared out of campers by March 11th to turn it into a construction site for the tiny homes. The application states that the neighbours may get to comment possibly on the 18th. How can you think that this is acceptable? Construction has already begun and then the neighbours concerns will be heard. That is where my neighbours and my frustrations come from. All along Green street right beside this project none of my neighbours have been approached by anyone, not the city, developers or even the North Park Neighbourhood Association. To say that because the NPNA accepts this does not meet the immediate neighbours concerns when no one was consulted or asked about any concerns they may have. I have never seen a development process done this way anywhere in the city.

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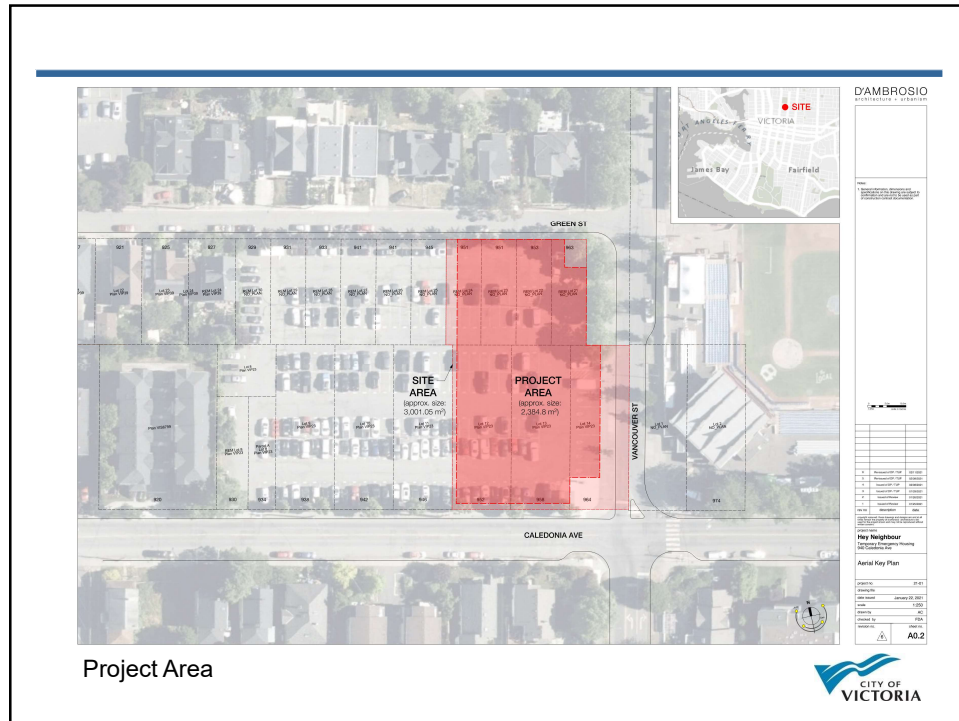
Temporary Use Permit  
and  
Development Permit with Variances Applications  
for  
940 Caledonia and 953 and 963 Green Street



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### Neighbourhood Context

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Properties to the north



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### Neighbourhood Context

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Properties to the south



6



### Neighbourhood Context



Royal Athletic Park to the east



7

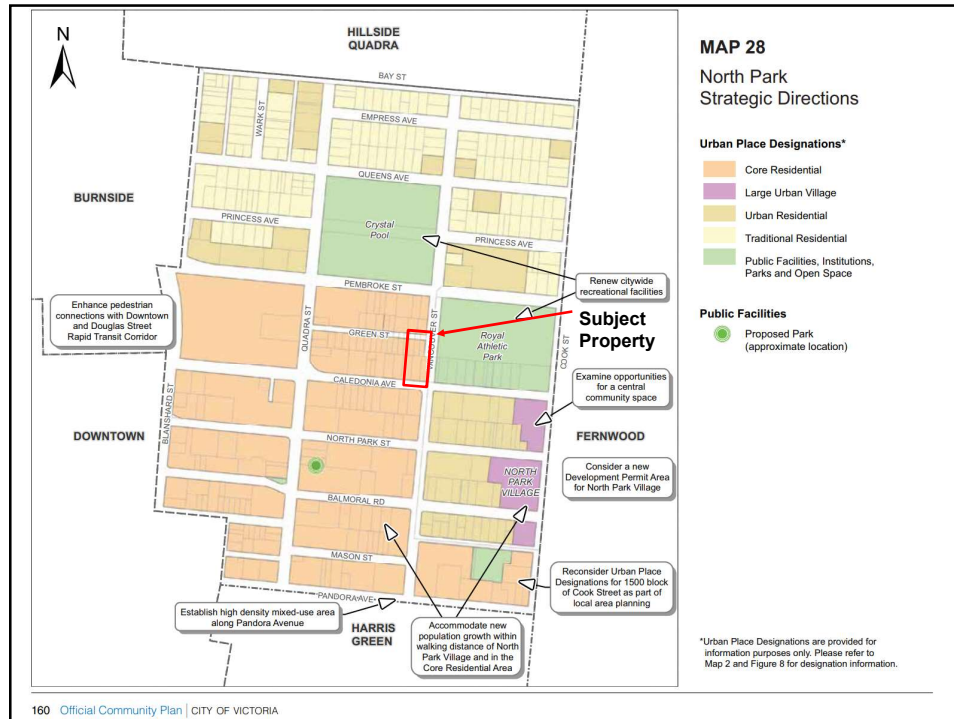
### Neighbourhood Context



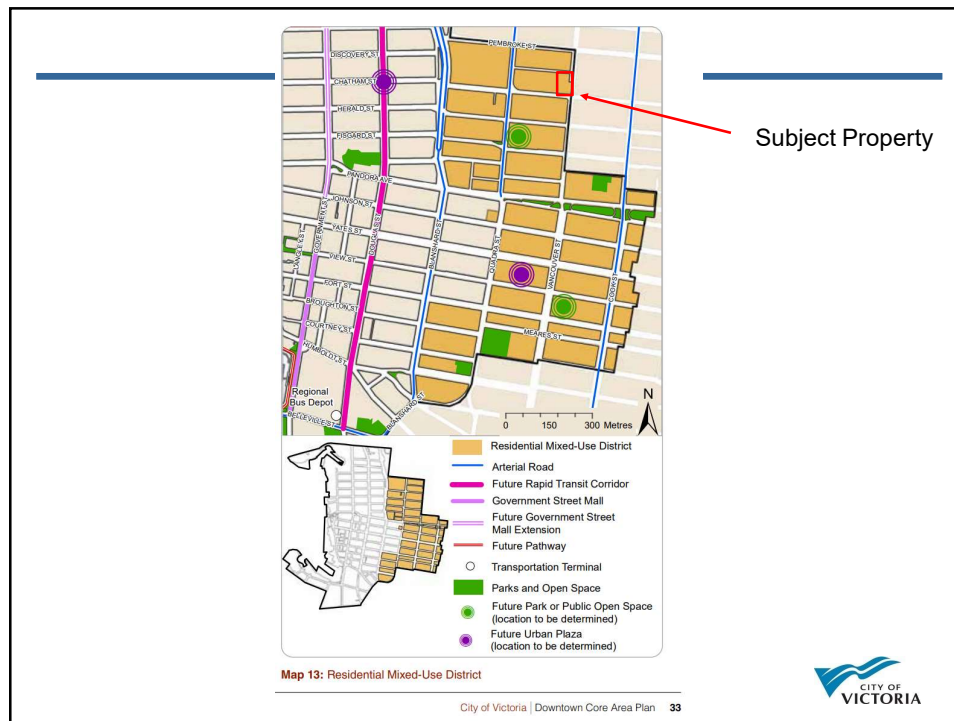
Properties to the west



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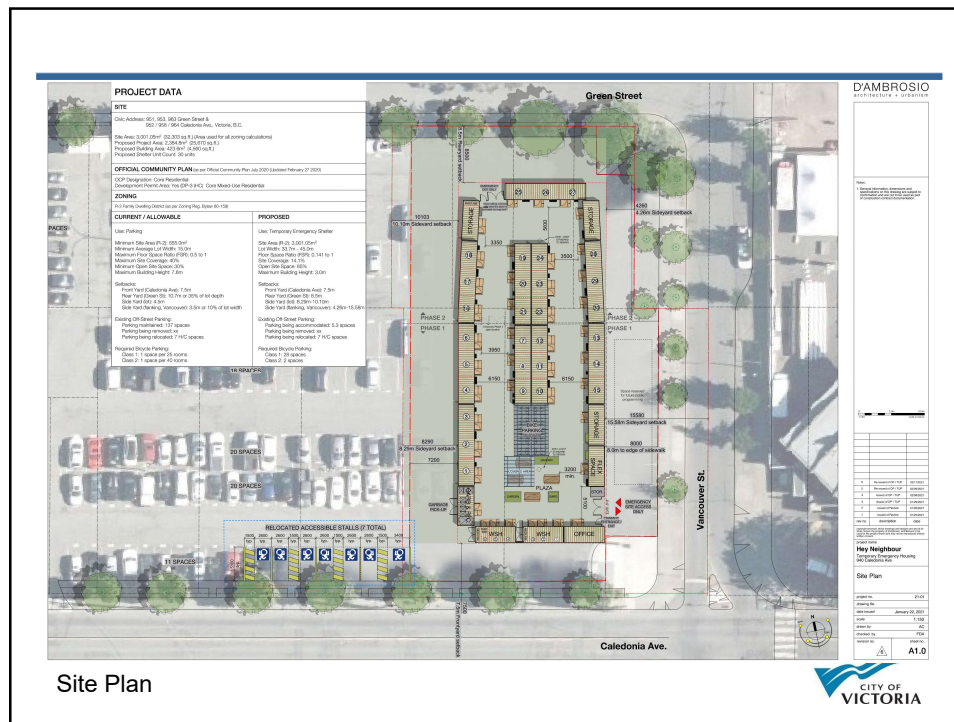


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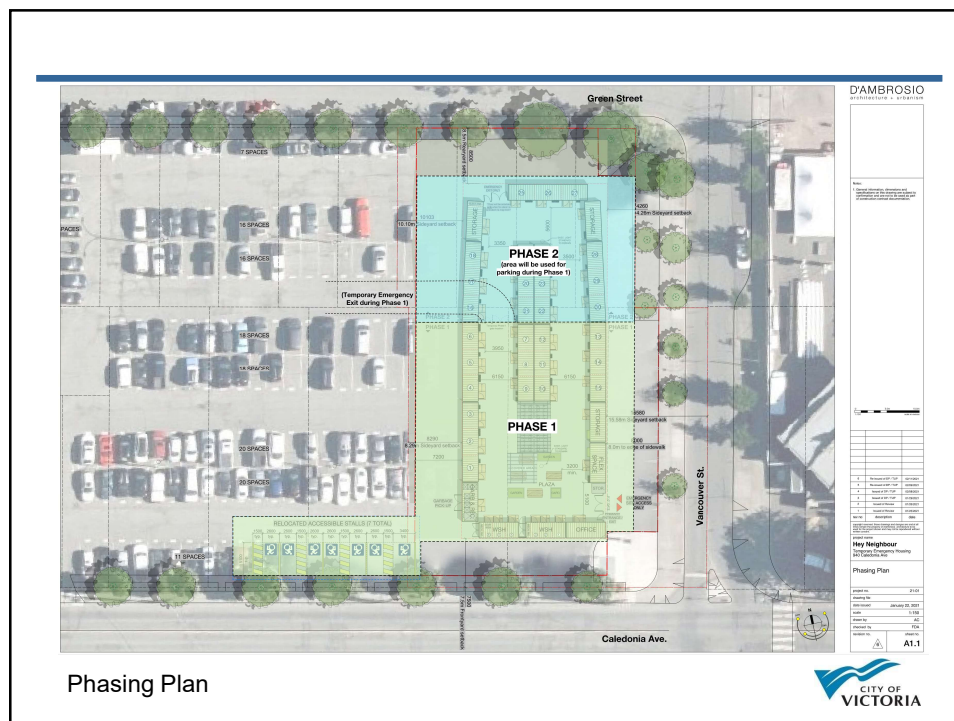


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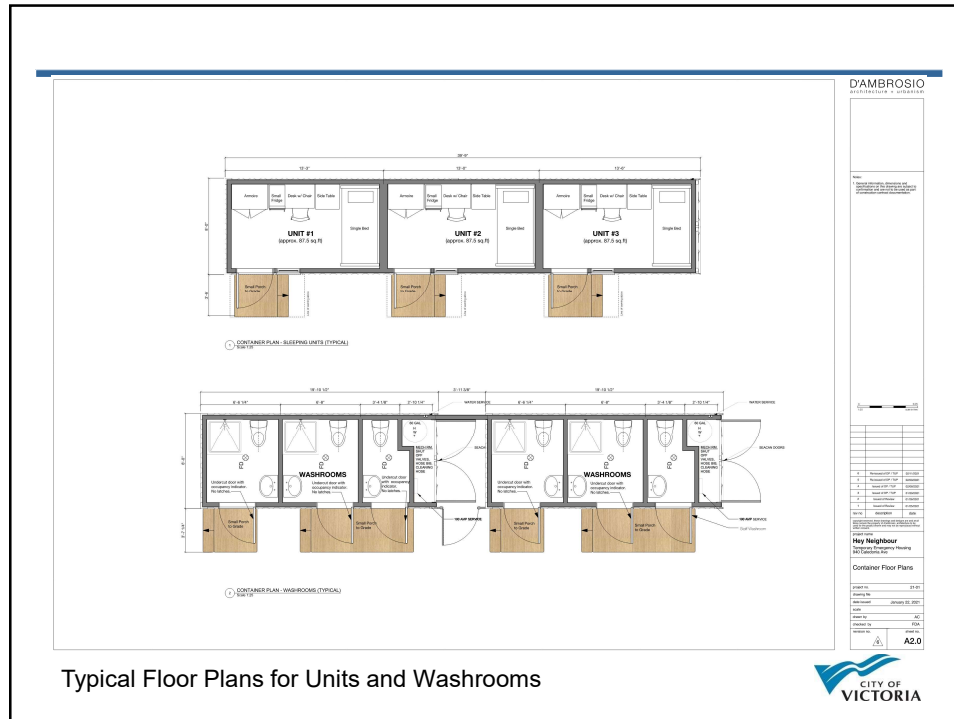


## Site Plan



## Phasing Plan

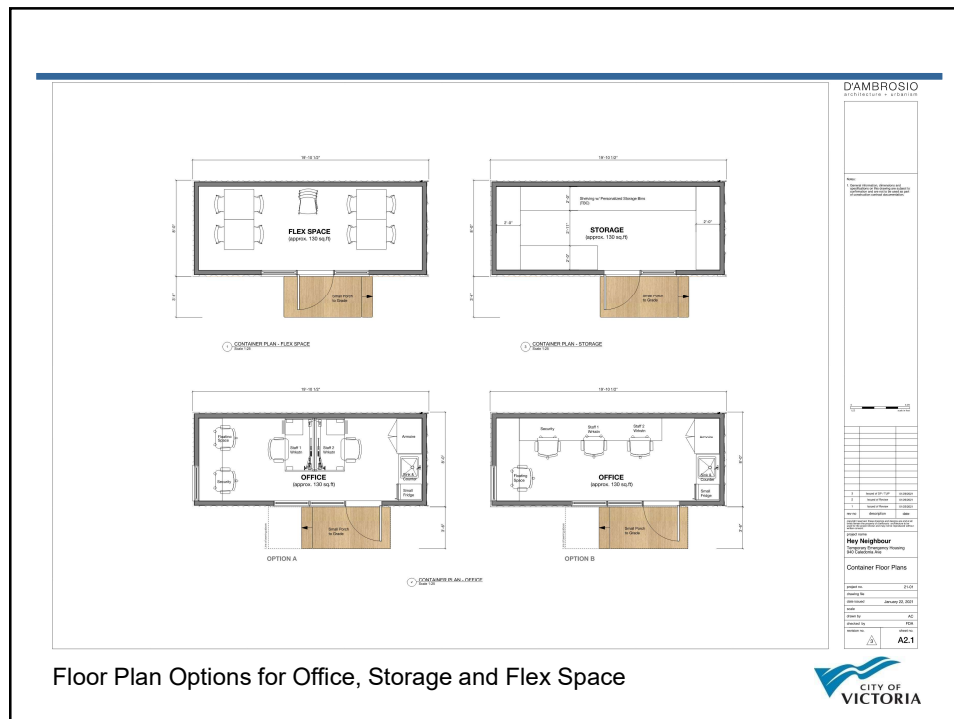
12



Typical Floor Plans for Units and Washrooms



13

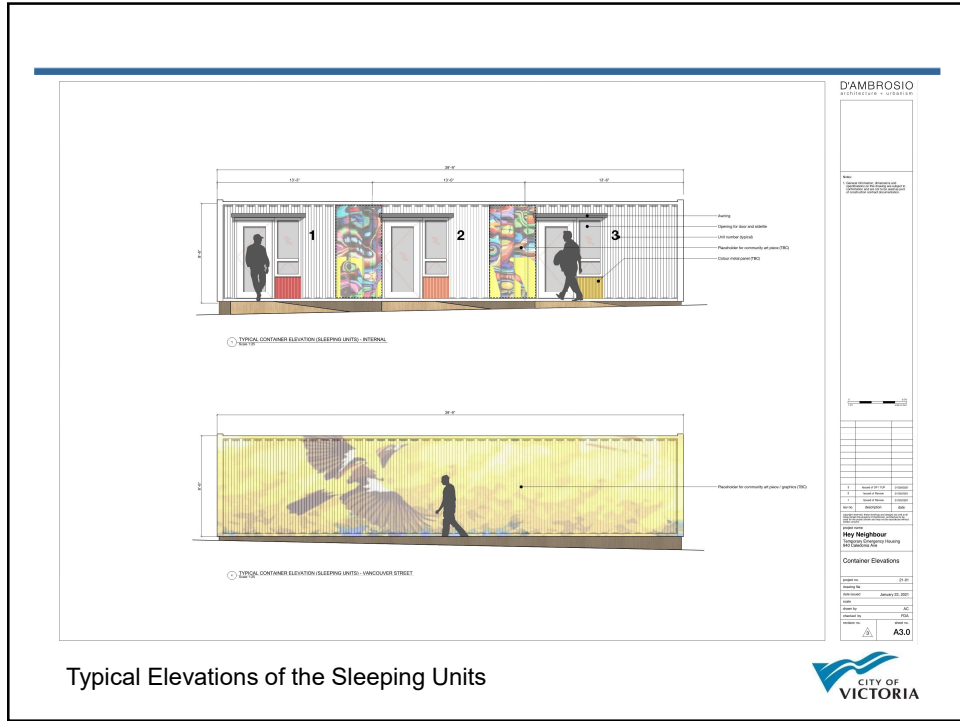


Floor Plan Options for Office, Storage and Flex Space



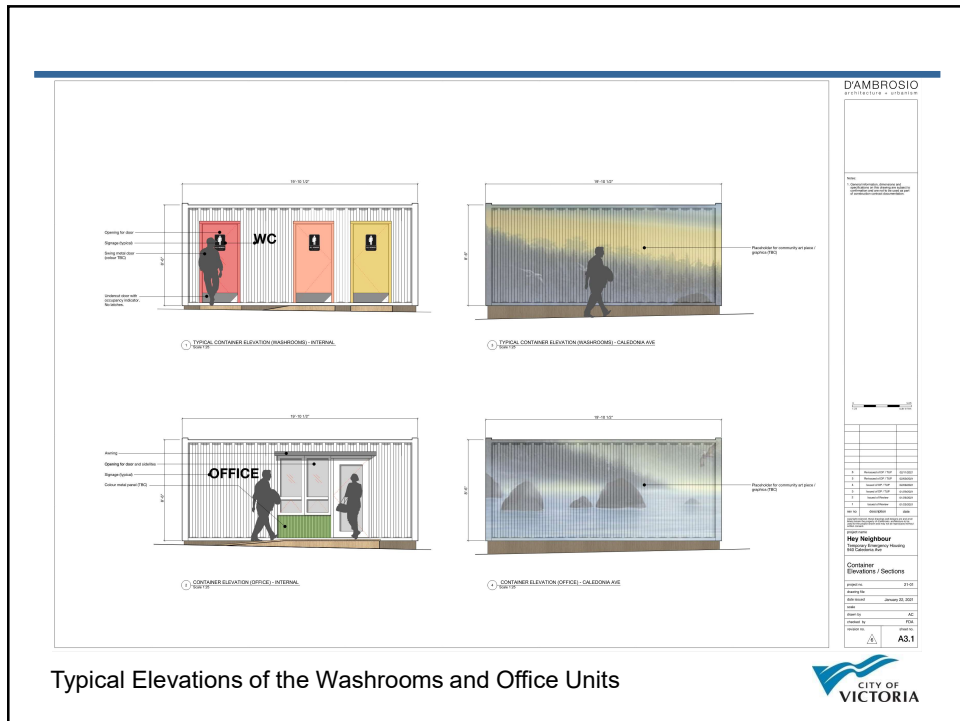
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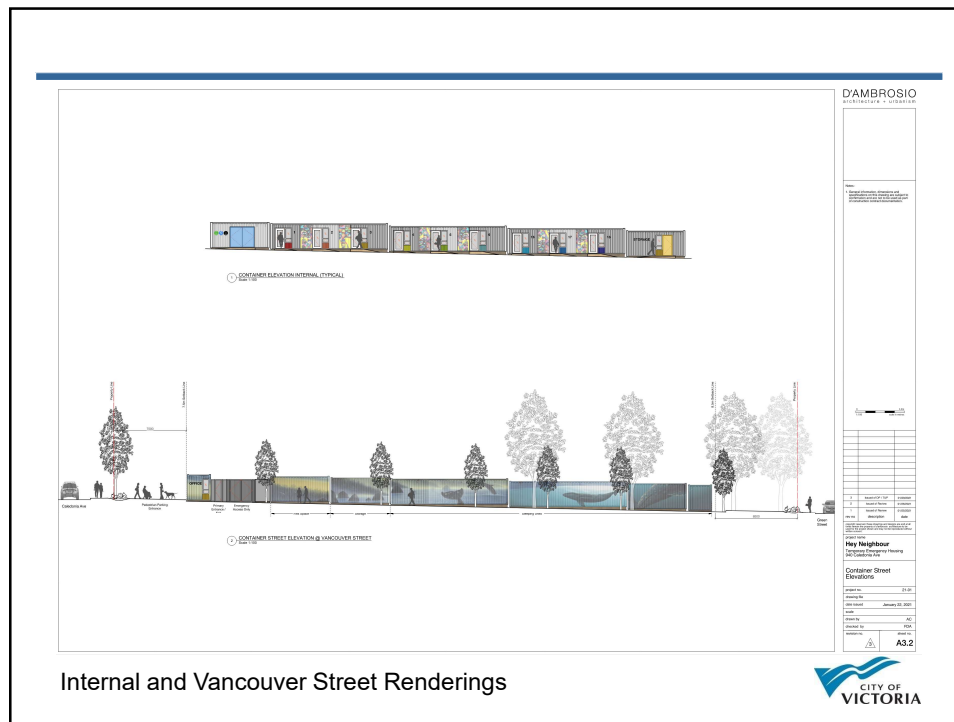
Typical Elevations of the Sleeping Units

15



Typical Elevations of the Washrooms and Office Units

16



- **\$61,866** from the remaining balance of the Restart Grant Funding for the installation of water and sewer services and the removal of the units and capping of services when the temporary use permit expires
- **\$110,000** from the 2021 Corporate Contingency Budget to contribute to the estimated 2021 operating costs
- **\$105,000** as part of the 2022 Budget process to contribute to the estimated 2022 operating and closure costs.



## Madison Heiser

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**From:** Victoria Mayor and Council  
**Sent:** Monday, March 8, 2021 2:06 PM  
**To:** Public Hearings  
**Subject:** Fw: container homes at RAP

---

**From:** Daniel Ferguson [REDACTED]  
**Sent:** March 5, 2021 4:36 PM  
**To:** Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
**Subject:** container homes at RAP

Dear Mayor and Council,

The container homes project at Royal Athletic Park has my enthusiastic support. I live in North Park a few blocks away. I donated to the project, and am so happy that the total funding goal has already been reached.

Please move the project forward as quickly as possible, to house people who really need it, and also to serve as a model and learning experience about how effective a project like this can be. Certainly it won't be without challenges, but it's better than what we've got now.

Thanks for your time,  
Daniel Ferguson  
V8T1A3

## Madison Heiser

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**From:** Victoria Mayor and Council  
**Sent:** Monday, March 8, 2021 2:06 PM  
**To:** Public Hearings  
**Subject:** Fw: Sea Container shacks

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**From:** Michael Muret [REDACTED]  
**Sent:** March 5, 2021 11:23 AM  
**To:** Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
**Subject:** Sea Container shacks

Dear Mayor and Council,

I am concerned about the plans to experiment with converting rusted sea containers into shelters. I think there are too many health and environmental risks with the idea.

Environmentally, sea containers are basically steel, which can be recycled. Unfortunately the paint on them is toxic and needs to be scraped off. What kind of insulation will be used? If it is spray foam, that will be difficult to remove when the time comes to recycle the containers. Nobody wants those to end up in our landfill (which is more of a land pile right now).

During the summer, those containers will absorb heat just like a car in the sunshine. Somebody who falls asleep during the day with the windows shut might never wake up, either from heat exhaustion or suffocation.

If a neighbour starts a fire, which is very common with homeless shelters, the toxins in the paint and the flammability of the floors and walls will quickly overwhelm the occupants, like when a van catches fire in Beacon Hill Park.

I assume there will be electricity inside each unit and will be inspected to code.

If the building inspector and fire department says they are safe, and if an insurance company underwrites them, then my concerns will have been met. But if any of those professionals have objections, then the project must be stopped and no occupancy may occur.

Thanks for your attention.

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Michael Muret  
1987 Fairfield Road  
[REDACTED]

## Madison Heiser

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**From:** Christian J. Stewart [REDACTED]  
**Sent:** Tuesday, March 9, 2021 10:05 AM  
**To:** Public Hearings  
**Cc:** Lisa Helps (Mayor); [REDACTED] Sarah Potts (Councillor); Victoria Mayor and Council; Marianne Alto (Councillor)  
**Subject:** Public Input from VICTORIA HARBOURCATS Into Proposed RAP Mini-Home Development, 940 Caledonia

Dear Mayor and Council:

### **RE: Public Hearing, March 18, 2021 - Mini-Home Development, RAP Parking Lot, 940 Caledonia**

Please accept the following as formal written input from the Victoria HarbourCats Baseball team regarding the proposed mini-home development that you are intending to build in the parking lot of Royal Athletic Park, our home stadium since our inception in 2013.

The Victoria HarbourCats are the City's top summertime sports entertainment, drawing (in 2019) close to 80,000 people to our games at Royal Athletic Park and, to date, over 400,000 fans over our seven years of play since 2013. This adds a considerable positive economic and social benefit to the City, as well as the North Park neighbourhood and surrounding businesses.

Other than a small flower shop right next door to our office, the park and our office, just a half-block up Vancouver St., are the closest business operations to the proposed mini-home development and as such, while we are supportive in general of solutions to the homeless situation in the City, **we stand in opposition to the development in this location** for a number of reasons, as detailed below.

**1. Parking in General** - Many of our fans rely on this lot to park when they come to our games. These are fans who are, commonly, elderly, or with large families, who cannot walk, cycle or take public transportation to the games, and wish to have a close and safe spot to park when they arrive. Street parking is limited, and with new road configurations, and the elimination of on-street parking along Vancouver Street and other areas for bike lanes, road configuration, etc. this becomes less and less available every day. This parking lot is generally full on game nights and the elimination of any spots here, we feel, will have a negative impact on the number of people that come to our games;

**2. Handicapped Parking** - The proposed location of the tiny homes takes over the handicapped spots allocated in the lot, which are closest to the stadium. Yes, we assume that these will be moved, and assigned to other spots, but that means any handicapped folks that come to our games, now have to park further away from the stadium;

**3. Safety and Security (Fans)** - This development will give many fans an excuse to not come to our games because they are fearful of parking their cars in the lot, lest there be damage or break-ins, or simply because they are fearful for their own personal safety having to walk by the development. Yes, we know 24 hour security is proposed to be in place, and the likelihood of this is slim, but we have already had fans saying that they are not going to come to games if this development proceeds. This is not acceptable to us;

**4. Safety and Security (In General)** - Over the past two years, with the increase in homeless camping in the City in general and more specifically in Central Park and the RAP lot, we have, sadly, seen an increase in crime and petty vandalism at both the park and our office. In 2019, our park and various food trucks in it, were broken into on at least six occasions. This compared to ZERO incidents in the years previous. Over the last few months, our office has been the site of graffiti and damage to windows has occurred, along with other nuisance items such as urination on our steps and

littering. We have also been verbally assaulted on many occasions, when we ask people to please move away from our office doors. We feel this will continue with the new development where proposed;

**5. Our Steps Used for Drug Use and Purchase** - Related to the above, over the last year, with the encampment at Central Park and now at RAP, our office front steps at 1814 Vancouver, which for security reasons are well lit, have become a convenient and frequent location for drug sales, drug use, both injection and smoking and other such activities. We installed video cameras recently and have video evidence of many of these activities. It would seem that those in the encampment who wish to do such activities, use our steps to escape the eyes of whatever security is in place at the encampment. Cleaning up needles and other drug paraphernalia and other litter left behind by these individuals has been almost a daily occurrence. Also, with the road currently closed off, our section of Vancouver Street is effectively a dead-end and those who use our steps know that with decreased traffic flow going by, they have fewer prying eyes watching what they are doing. VicPD has been of great assistance in trying to make more frequent passes, but their resources and time are limited and again, we feel this kind of activity will not decrease with the new development in the RAP lot;

**6. Foul Balls** - The proposed development is in an area of the parking lot that sees frequent foul balls hit into it when we play. Cars parked here have, in the past, suffered damage as a result. We cannot control this and as such, we would have a concern that residents of this development could be hit and injured when our games are on. We don't feel that this has been considered when selecting this location.

As mentioned in my opening, the Victoria HarbourCats are an important fixture at Royal Athletic Park and in the North Park neighbourhood. Our fans provide significant economic benefit to us of course, but also the City (parking, concession revenues) and other businesses in the park (food trucks, other vendors) and the neighbourhood. Doing anything that could adversely impact the number of fans that come to our games causes great concern for us, especially given the hardships that COVID has caused including the cancellation of our 2020 season and the possibility of a cancelled or limited season in 2021.

While we want to be as supportive as possible, we respectfully request that the City search out an alternative site for this development, where the impact on surrounding neighbours and businesses will be significantly less.

I am happy to meet with anyone on council or on the development team to discuss these issues further, or to answer any additional questions that you may have.

Thank-you.

Sincerely,



Mr. Christian J. Stewart, M.Sc.  
Assistant General Manager, Ticketing and Media  
VICTORIA HARBOURCATS BASEBALL CLUB  
101-1814 Vancouver Street  
Victoria, BC V8T 5E3





## Madison Heiser

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**From:** John Berry [REDACTED]  
**Sent:** Sunday, March 14, 2021 3:13 PM  
**To:** Public Hearings  
**Subject:** Public Hearing - Temp Use Permit 00017 & Dev Permit 000591

Having reviewed the Applications via the city's Development Tracker, and the input of the NPNA, I support the applications, on the condition that the residents of the temporary housing receive 24/7 support and security.

Thank-you,  
John Berry  
A-929 Caledonia Ave.  
[REDACTED]

## Madison Heiser

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**From:** Adit Prasad [REDACTED]  
**Sent:** Tuesday, March 16, 2021 2:39 PM  
**To:** Public Hearings  
**Subject:** Public Hearing - Proposed Tiny Home Community 940 Caledonia Ave

Good afternoon City Council,

***Please add this email to the March 18th, 2021 Public Hearing on the proposed tiny home community at 940 Caledonia Ave. My strata council is against the proposed site of 940 Caledonia Ave as the location of this tiny home community.***

Thank you,

**Adit Prasad  
Vice President  
Calais Strata 1007 Caledonia Ave**

Hello City of Victoria Council,

I am writing to you all about my strata's concerns with the city's consideration to accept Aryze Developments' proposal to build 30 housing units by using repurposed shipping containers on the site of 940 Caledonia Ave, the Royal Athletic Park Parking lot. I understand that this site is proposed to be used for this transitional tiny home community from March 2021 to September 2022 and City of Victoria is working with the Greater Victoria Coalition to End Homelessness (GVCEH) and Aryze Developments to build this transitional housing for the homeless using repurposed shipping containers and that Our Place Society will manage the proposed shipping container community for the homeless at 940 Caledonia Ave.

As a resident of the Calais Strata on the 1000 block of Caledonia Ave, which is directly across from the entrance to Royal Athletic Park and adjacent to the parking lot, I am concerned about the choice of this location because of the safety and security of the owners of my strata building due to the homeless currently living in tents in the parking lot of Royal Athletic Park. Currently the sight of many large tents to provide shelter in the Royal Athletic Park Parking lot and wrapped in temporary fencing is quite an ugly look to our North Park neighbourhood. But we understand that this measure is truly temporary and accept this for the winter season.

**My strata council is against the proposed site of 940 Caledonia Ave as the location of this tiny home community.**

My strata already has issues with homeless people committing vandalism of our recycling bins, breaking exterior property of our building such as lights and fences, breaking and entering into our resident's vehicles, refusing to leave our parking area and finding used drug needles on our strata's property. We accept that is part of living in our vibrant, entertaining and sports filled neighbourhood. **The residents of my strata are not against homeless people living in repurposed shipping containers as transitional housing, as this will help with their mental and physical well-being;** but we are concerned about these homes in our neighbourhood, as follows.

We are concerned that this proposed longer term transitional housing for the homeless of using repurposed shipping containers at 940 Caledonia Ave will:

- 1) Only exacerbate the issues stated above by allowing the homeless residents to stay in the North Park neighbourhood longer and possibly commit property crimes on Caledonia Ave. They are still homeless regardless even if they live in a shipping container temporarily.
- 2) Be used by the homeless residents for the consumption, storage and sale of illegal drugs. We do not want to potentially see a city sponsored illegal drug complex in our neighbourhood, no matter how “pretty” the shipping containers look from the outside.
- 3) Remain at 940 Caledonia Ave even after the latest proposed date of September 2022. What guarantees can the city (or Our Place Society) provide to North Park residents that more homeless people will not be housed in shipping containers at this site and possibly beyond 2022? And that the site will no longer be in existence by September 2022?
- 4) Affect fan attendance of Royals hockey games and Harbourcats baseball games (when they start to play again and fans are allowed to attend), and events at RAP. Our neighbourhood is known as the home of these great Victoria sports teams and RAP events, and the parking lot is used by people who come to the games and events. We would expect games and events to be back hopefully by late 2021 or 2022 with the viability of these teams and events.
- 5) Negatively affect bicycle parking at the covered bicycle lock up at the corner on Vancouver St at Caledonia Ave. It is possible that citizens that bike in the neighbourhood would not feel safe locking their bike up at that bicycle parking spot for fear of the homeless residents stealing their bikes/bike parts. The city spent a lot of money building this bike lock up shelter a few years ago, and now with Vancouver street as dedicated bike traffic only, it would look bad if citizens are afraid to use the bike lock up or even riding their bikes on Vancouver street pass the shipping container shelters for fear of being accosted by the homeless campers.
- 6) Negatively affect the perception of the North Park neighbourhood as a safe place to live long term, and to buy a home, and sell it at a fair market price. We don't want to see our property values decrease because of this shipping container homeless shelters in our neighbourhood. We don't want the city to turn North Park into a homeless shelter ghetto.
- 7) Negatively affect Anawim House, the alcohol recovery home and good neighbour to my strata building, because of the potential for alcohol and drug use at the shipping container community could involve residents of Anawim House and their residents could become disruptive to my strata.

**How will Our Place Society address and manage these concerns should and when they arise in the North Park neighbourhood? Will Our Place Society's 24 hour on site support services be able to handle these concerns?**

As you are likely aware, on January 26, 2021, a 30 year old man died at the homeless tent camp at 940 Caledonia Ave. This death was very tragic and it was caused by a suspected drug over dose in his tent, according to [CHEK News](#).

This homeless man's death at the tent camp raises the following concerns for the residents of my strata with the proposed shipping container community:

- 1) This man's body was found in his tent. If he were in a shipping container home he would likely have more privacy to perform his drug use compared to a tent. We are concerned that these shipping container homes will be use for the homeless to privately consume drugs in our neighbourhood.
- 2) We do not want the North Park Neighbourhood to become known as a place where the homeless can come to hang out in the parking lot to buy and consume drugs (out in the open or inside shipping containers). **Potentially clients of Our Place Society's Pandora Ave location coming over to the 940 Caledonia Ave to hang out and potentially buy and consume drugs, perhaps become violent and cause disturbances.**
- 3) We do not want to see scenes in the news of our neighbourhood looking like it is a drug haven for the homeless to enjoy unsupervised. This makes our neighbourhood look cheap, dirty and an undesirable place to live and own a home. Shipping containers give shelter for the homeless residents to potentially engage in prostitution, which would be very undesirable on Caledonia Ave for the neighbourhood residents.
- 4) The safety of our strata residents and other North Park residents is paramount. We have a good working relationship with the Vic PD as well. A drug filled shipping container homeless community across the street from my strata does not seem like a safe idea for the neighbourhood residents.

**How will Our Place Society address and manage these concerns should and when they arise in the North Park neighbourhood? Will Our Place Society's 24 hour on site support services be able to handle these concerns?**

As you are likely aware as well, on February 17, 2021 Victoria Police seized weapons in an abandoned tent at the temporary tent camp community at 940 Caledonia Ave. The weapons found by police were a baseball bat with nails in it and two replica firearms, please see the [CHEK News](#) report of this incident.

The safety of my strata's residents and North Park residents is paramount. The possibility that homeless thugs could be in our neighbourhood with weapons such as these found by the police at the tent camp is very concerning to the safety of all nearby residents. Why would these homeless campers have these weapons? What would they be trying to do with them, fight each other? What could be the result if one of these homeless campers decided to attack a North Park resident with one of these weapons? Or decided to make threats to residents while brandishing the firearm? Or decided to destroy property in the neighbourhood with the baseball bat with nails?

The answers to any of these questions would be horrible for Our Place Society, the city, my strata's residents and the residents of North Park to find out.

If an abandoned tent can be used to store weapons, then do you think that a shipping container shelter can be used by the homeless campers to store weapons easily as well in the North Park neighbourhood for a longer period of time?

I believe that you understand the some of the homeless people that could be living in the proposed shipping container shelter at 940 Caledonia Ave, are not the type of homeless campers that should be living in any residential neighbourhood in Victoria at all.

How will Our Place Society address and manage these concerns should and when they arise in the North Park neighbourhood? Will Our Place Society's 24 hour on site support services be able to handle these concerns?

I understand that the homeless people that would live at the proposed shipping container shelters will all be approved by BC Housing; therefore, these residents may be deemed respectable and safe enough to live in the North Park neighbourhood. Therefore, these homeless residents would likely be easier for Our Place Society to manage on a day to day basis compared to the clientele currently at the Pandora Ave location. However, having walked by Our Place Society's Pandora Ave location many times, I have the following concerns about how your management of the proposed 940 Caledonia Ave site may be conducted:

1) Many clients of Our Place Society's Pandora Ave location essentially camp in front of the Our Place Society building all day and night, spill out on to Pandora Ave, and make a mess of Pandora Ave. How will Our Place Society's management prevent these issues with new (and existing) clientele on Caledonia Ave? **The site of 940 Caledonia Ave cannot be turned into how Our Place Society's Pandora Ave location looks like almost everyday.** I understand what Our Place Society is asked to deal with at your Pandora Ave location is intense and challenging; but the visual look of that cannot happen on Caledonia Ave.

2) Since Caledonia Ave is a more residential neighbourhood compared to Pandora Ave, residents like the neighbourhood to be reasonably quiet at night while sleeping. We do hear various yells on the avenue at night; but accept it as usually one-off incidents of living in our neighbourhood. Will Our Place Society's proposed management of the site ensure that noise from the shipping container community is kept to a minimum? Potential cries for help in the night will be dealt with swiftly by your 24 hour on-site staff?

Thank you for reading these concerns, I look forward to your responses.

Adit Prasad

Vice President  
Calais Strata 1007 Caledonia Ave

Sent from [Outlook](#)

## Madison Heiser

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**From:** Legislative Services email  
**Sent:** Wednesday, March 17, 2021 8:17 AM  
**To:** Public Hearings  
**Subject:** FW: Temporary Use Permit - 940 Caledonia - Transitional Housing

**From:** J Snead [REDACTED]  
**Sent:** Tuesday, March 16, 2021 5:47 PM  
**To:** Legislative Services email <LegislativeServices@victoria.ca>  
**Subject:** Temporary Use Permit - 940 Caledonia - Transitional Housing

To Jocelyn Jenkins, City Manager, City of Victoria

and Chris Coates - City Clerk, City of Victoria

Given that the Community Charter requires elected officials who have an interest in a matter, that constitutes conflict of interest, to declare their conflict, and further requires a council member who may be in a potential conflict to withdraw from any discussions and voting in relation to that matter, can you please advise why Mayor Lisa Helps has not recused herself from the deliberations and voting on the Temporary Use Permit at 940 Caledonia for Transitional Housing?

The following facts indicate that it may be inappropriate for the Mayor to be influencing and voting on the decision before City Council:

1. The transitional housing project is sponsored by the Greater Victoria Coalition to End Homelessness, where the Mayor is Co- Chair of the Board.
2. The fundraising initiative for the project was characterized as a collaboration between Aryze, the Greater Victoria Coalition to End Homelessness, and Mayor Lisa Helps.

Also could you please advise how it is that the contract for the initiative, valued at \$500,000 was awarded to Aryze directly without a transparent, competitive bid process usually required by a publicly funded organization? Usually consultants engaged by a government organization to advise on projects are precluded from bidding on those projects as they would have an unfair advantage in the tendering process.

thank you

Jennifer Snead

Victoria, BC

## Madison Heiser

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**From:** Andrew Johnston [REDACTED]  
**Sent:** Wednesday, March 17, 2021 6:40 PM  
**To:** Public Hearings  
**Subject:** Temporary Use Permit Application No. 00017 and Development Permit with Variances Application No. 000591

Mayor Helps and members of council,

Thank you for providing the public with the opportunity to comment on Temporary Use Permit Application No. 00017 and Development Permit with Variances Application No. 000591.

Our names are Leah and Andrew Johnston and we live on Green Street immediately across the street from the subject properties.

We are writing to express our support for these applications. We encourage council to approve them so that this transitional tiny home community may proceed.

Should this initiative move forward, we encourage council to work closely with the North Park Neighborhood Association (NPNA). Working closely with the NPNA can assist council and City staff in quickly identifying and addressing any issues that may arise as this community takes shape.

Thank you for your attention to this matter. We look forward to having the Tiny Home Transitional Community in our neighbourhood.

Andrew and Leah Johnston



## Madison Heiser

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**From:** Jeremy Schmidt [REDACTED]  
**Sent:** Thursday, March 18, 2021 12:27 PM  
**To:** Public Hearings  
**Subject:** temporary housing proposal at Royal Athletic Park

Hi,

I write in support of the Hey Neighbour project that I believe is on the agenda for one of the council meetings later today. I donated to the initiative as soon as it launched. I think it is a tasteful, respectful, and compassionate opportunity to provide a safe and secure transition for those who are unhoused in our city. I think that a lot of thought has gone into planning it, those involved strike me as highly capable and credible, and it's a great quick win solution to tackle our immediate challenges that have arisen with the pandemic.

Thanks,  
Jeremy Schmidt  
160 Wilson St  
Victoria BC

## Madison Heiser

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**From:** Jodi Sigsworth [REDACTED]  
**Sent:** Thursday, March 18, 2021 1:58 PM  
**To:** Public Hearings  
**Subject:** 940 Caledonia sea canisters



to me



Dear City Council,

I'm here today to ask you to rethink your proposed sea canister tiny homes for RAP parking lot.

I'm here to tell you how the past almost 3 months of "un-housed neighbours" at our front doors with their drug addicted mental health issues, has affected the mental health and wellbeing of all of us "housed neighbours". I'm here to ask you to stop calling this a "homeless crisis". It is a crisis of addiction, trauma, mental health and instability. And if you think it is compassionate to give them tents, bring them food, provide warming tents and let them carry on with the sad existence of drug abuse, violence, mental health outbursts, criminal behaviour and living in squalor, I ask you, where is the compassion? All of this "good doing" that everyone seems to think they are doing, is not good. We are enabling a situation to perpetuate and rise to epidemic proportions. I do not see this as compassionate.

Almost every conversation I have had with my neighbours over the past several months has had to do with your camp outside of our houses. Several of us now have security cameras. I have emailed city hall over this several times, I've told you what we live with on a daily basis. A once quiet street turned into a hive of activity. Constant drug dealers up and down Green St at all hours of the night. Loud music and violent outbursts. Several overdoses, one of whom died. Reckless behaviour like getting extremely high and driving a car out of the parking lot trying to get onto Green St. only to get stuck in the bushes...thankfully! Theft and fear. One neighbour's girlfriend was followed and she ran back into the house because she was so scared. Several of us have been yelled at, I've been called a bitch, for doing nothing but walking down my street. We've had car windows broken and cars broken into, ladders and other tools have been stolen. We listen to violent

domestic disputes, we watch as people can hardly stand up because they are so high, we watch them fling toilet paper all over the street and scream as they're tripping out. And you think we should feel safe? Happy maybe??? How would you feel if trauma was at your front door every day?

If you think we are privileged, NIMBY humans that lack compassion and understanding, this is so not true. We are a neighbourhood that cares deeply. We all have our personal experiences and places that we have come from and ultimately are trying to create good, happy, positive lives for ourselves. I grew up with an alcoholic father and a mother who threw dishes. I was witness to violent outbursts on a regular basis. My father once broke my brother's finger during a beating while I hid outside under a table in fear that I would be next, my mother was hysterical. I was not raised with privilege, I was raised in borderline poverty. I do my best to create beauty and joy for my adult life. When I have to witness the trauma in front of my house, it makes me sad, very sad. It makes me frustrated with the societies we have created. The fact that we can let good people slip through the cracks into this life of addiction on the street, the fact that this is even an option for them, is despicable. And it's hard, every day for us who bear witness to some of our societies worst problems. Do we feel safe? Happy? NO we do not. It hurts us to, because every day I feel the pain of those who struggle to just barely stay alive.

Our tax payers dollars are paying for these Band-Aid solutions that politicians have been coming up with for years now. Has anyone noticed that the Band-Aids aren't working? I'd like to see my tax dollars paying for true compassion. Paying for real solutions. And please, stop calling this a pandemic issue. This has nothing to do with covid19 and if you think it does then you haven't been paying attention to this crisis that has been on the rise for 30 years now.

You plan to put sea canisters in the parking lot to house them for a further year and ½. Has anyone taken note of Our Place? Of the congregation of humans that accumulate in places like Rock Bay Landing? Do you really think you'll be able to create this idealistic community that has no violence, drug deals and outbursts, where not a single soul except the ones who live there are around? You propose the sea canisters will be monitored by someone from Our Place 24/7. Just like the 24/7 security you provided to the tent camp? When I called the police to report drug deals they told me it wasn't an emergency and to call the other line. Do you think some sort of magic is going to happen because of sea canisters? You say they won't be allowed to have visitors and these rules will be enforced. Enforced by who? What I see every day is that there is no enforcement. I read it in our local paper, people get arrested, charged and let go with court dates. By law officers are scared of these people and their violent tendencies. So you want to continue to inflict this on our neighbourhood? For a year ½?

I am asking you to care for those of us who are doing our best to keep our heads above the water every day in our neighbourhoods. I am asking you to recognize how much stress is added to our lives because of these camps. I am telling you about all the sleepless nights many of us have because of the noise, the loud music the domestic disputes and drug induced outbursts. I am asking you please to stop the enabling Band-Aids. I am asking you to initiate real change, real solutions. Myself and many others have emailed you for several months now giving solutions for THIS PANDEMIC. I know you have looked around the world and seen what other cities and countries are doing. Many have come way closer to solving these issues than we have. We need to implement real solutions.

If you can crowd fund \$500,000.00 in such a short period of time for some sea canisters, how about you send out a mass alert to the public to fund some real solutions. There is a lot of money in this town, people with millions of dollars, corporations with so much money, ask them to help. It's all just a big charitable write off for them anyhow. For over ten years now I've been making monthly donations to Mustard Seed and the Pivot Legal Society, and I'm not someone with a lot of extra money to spare. Surely people with more can give more. But PLEASE I ask you, please don't put sea canisters in RAP. It will not solve anything and will only continue disrupting our peace and cause fear and sadness.

I didn't want to participate in this meeting this evening because I am already exhausted by this experience. I have to focus on this crisis every day. I've been writing emails almost weekly. It takes so much energy to care, so much frustration. They say we need to speak up if we want change, use your voice. Well I have been, and I'm tired now. This is my final plea. If we indeed live in a democratic society, now is the time to prove it.

Sincerely,

Jodi

## Madison Heiser

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**From:** Katie Fillion [REDACTED]  
**Sent:** Thursday, March 18, 2021 12:31 PM  
**To:** Public Hearings; Sarah Murray, NPNA Executive Director; [REDACTED]  
**Subject:** Support for tiny homes at 940 Caledonia

Hello,

I live directly across the street (937 Caledonia) from the proposed tiny home village at 940 Caledonia.

I fully support the project and I am looking forward to getting to know my new neighbours.

The flooding situation at Central Park this winter was heartbreaking and the tiny home village is a bright spot in an otherwise difficult year for folks sheltering in North Park.

I am grateful to the city for providing the land, to the folks at Aryze for the incredibly generous and creative work they are doing, and to the service providers and other organizations that are supporting this project.

I am also grateful to the unhoused folks who spent the winter at 940 Caledonia — they were kind neighbours and worked so hard to turn a terrible situation into a success. I'd also like to show appreciation for the good people at Peers — their hard work with the warming tent and their care and kindness was an incredible thing to see.

The tiny home village is a step in the right direction, let's get these folks indoors without further delay.

Katie Fillion  
937 Caledonia Ave

## Madison Heiser

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**From:** Madison Heiser  
**Sent:** Thursday, March 18, 2021 4:47 PM  
**To:** Public Hearings  
**Subject:** FW: Update: 940 Caledonia Temporary Use Permit

**From:** Karen Hoesel [REDACTED]  
**Date:** March 18, 2021 at 3:33:48 PM PDT  
**To:** Councillors [REDACTED]  
**Cc:** Directors [REDACTED], Leanne Taylor [REDACTED], Ryan Morhart [REDACTED]  
**Subject:** Update: 940 Caledonia Temporary Use Permit

Good afternoon Mayor and Councillors,

Council recently considered the Temporary Use Permit application for 940 Caledonia Avenue and 953 and 963 Caledonia at the Committee of the Whole meeting on March 4. In anticipation of the Opportunity for Public Comment this evening, I wanted to share additional information staff received yesterday.

At the COTW meeting, in both the presentation and the report and attachments, this project was described as being constructed and occupied in two phases, with the first 15 units in phase 1 being occupied while phase 2 is under construction. Staff have since received an update from Our Place, the operator, that their preference is to move all the residents into the transitional housing when the project is fully completed. According to Our Place, moving residents in two phases would be very difficult operationally as well as difficult and disruptive for new residents. Given this feedback, a high-level construction timeline has been provided by Aryze. The timeline, included below, shows that Phase 2 will be completed by the end of April at which time all the 30 residents can move in.

### Caledonia Site Works

- |  |  |
|--|--|
| • Phase 1 container foundations construction:              | March 22 - 26  |
| • Underground utilities, sewer, water & hydro connections: | March 22 - 26  |
| • BC housing washroom delivery:                            | March 25   |
| • Phase 1 containers delivery:                             | March 29 - 30  |
| • Phase 1 containers power:                                | March 30 - 31  |
| • Phase 2 containers completion:                           | April 30 (ideally fabrication happens at Capital Iron) |

Staff have been advised by the applicant team that they will update Council on this timeline in their presentation at the Opportunity for Public Comment this evening. As this approach is different from what was anticipated at the time of COTW, I hope this information may be of benefit to you in advance of this evening's meeting.

**Karen Hoesel**  
Director | Sustainable Planning & Community Development





## **Council Report**

**For the Meeting March 18, 2021**

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**To:** Council **Date:** March 3, 2021  
**From:** Chris Coates, City Clerk  
**Subject:** Short Term Rental Business License Appeal for 1044 Belmont Avenue

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### **RECOMMENDATION**

That Council receive this report for information and either uphold or overturn the Licence Inspector's denial of a business licence for the short-term rental unit at 1044 Belmont Avenue.

### **EXECUTIVE SUMMARY**

This report presents documents from an Appellant and the City's Licence Inspector for Council's consideration under the Short-term Business Licence Appeal Process Policy.

The Short-term Rental Regulation Bylaw establishes a short-term rental business licence and fee, eligibility for short-term rental business licence, the Licence Inspector's authority to refuse a licence, conditions for refusing a licence, operating requirements, offences, and penalties. The Bylaw is attached as Appendix A.

Each year short-term rental operators apply for a short-term rental business licence and a Licence Inspector determines whether to issue a licence or not. If an application is not compliant with the City's requirements for short-term rental units, a Licence Inspector may deny a business licence. In this instance, the Licence Inspector notifies the applicant of this decision and advises them how to seek Council's reconsideration as established under section 60(5) of the Community Charter. The City Clerk's Office coordinates the appeal process.

The Short-term Business Licence Appeal Process Policy contains for a process for an Appellant to seek an opportunity to be heard by Council for a denied business licence in accordance with the Community Charter, section 60(5). The Policy is attached as Appendix B. This policy establishes terms and conditions for reconsideration by Council, required documentation to submit as a part of the appeal process, next steps following Council's decision, and other matters.

The Policy establishes the following process:

1. An applicant may start an appeal by submitting a request to the City Clerk
2. The City Clerk replies to an Appellant to acknowledge the request
3. An Appellant makes a written submission (Appendix C)
4. The Licence Inspector makes a written submission in response to the Appellant (Appendix D)
5. An Appellant may also make a written submission in response to the Licence Inspectors reasons for denial of the License. (Appendix E)

6. Once this process is complete, the City Clerk's Office informs the Appellant and Licence Inspector of the date that Council will consider the appeal
7. The City Clerk's Office consolidates these documents and submits them to Council for Council to determine whether the License Inspector's denial of the License is upheld or overturned.

Council's role is to review this information and to either grant or deny an appeal. Denying an appeal means a Licence Inspector will not issue a short-term rental business licence. Granting an appeal means that the Licence Inspector will issue a short-term rental business licence as soon as practicable.

In this instance the operators at 1044 Belmont Avenue of a short-term rental unit was denied a license and has exercised the Community Charter right to have council reconsider the matter. The submissions of both the operator and the License Inspector are attached as appendices as noted above.

Respectfully submitted,

Chris Coates  
City Clerk

#### **Report accepted and recommended by the City Manager**

#### **Attachments**

Appendix A: Short-Term Rental Regulation Bylaw  
Appendix B: Short-term Rental Business Licence Appeal Process Policy  
Appendix C: Appellant's Submission  
Appendix D: Licence Inspector's Response to Appellant's Submission  
Appendix E: Appellant's Response to the Licence Inspector

**SHORT-TERM RENTAL 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 vacation rentals in operators' 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	Transition Provisions
11	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 carry on business as a short-term rental operator 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; and
  - (e) provide, in the form satisfactory to the Licence Inspector,
    - (i) evidence that the premises where the short-term rental will be offered are occupied by the operator as their principal residence; or
    - (ii) 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:
- (a) \$150 where the short-term rental is offered in the operator's principal residence; or
  - (b) \$1,500 for all short-term rentals that do not qualify under paragraph (a).

### **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 3; 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 only if a valid business licence number is included 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 designated 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 ensures 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 be the responsible person except when subsection (5) applies.
- (4) The responsible person must be able to attend at the short-term rental premises within two hours of being requested to do so.
- (5) If a person who operates a short-term rental in their principal residence is going to be away during the term of the short-term rental, they must designate a responsible person and comply with this section.

### **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 be 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.

### **Transition Provisions**

- 10 (1) In the calendar year that this bylaw is adopted only, the fee payable under section 3 shall be prorated by 1/12 for each month in that year prior to the adoption of this bylaw, including the month the bylaw is adopted.
- (2) Any operator who, at the time of adoption of this bylaw, holds a valid licence for a short-term rental under the Business Licence Bylaw shall be credited with amount paid for that licence towards the fee payable under section 3.

### **Commencement**

- 11 This bylaw comes into force on adoption.

READ A FIRST TIME the **22<sup>nd</sup>** day of **February** 2018

READ A SECOND TIME the **22<sup>nd</sup>** day of **February** 2018


READ A THIRD TIME the **22<sup>nd</sup>** day of **February** 2018

ADOPTED on the **8<sup>th</sup>** day of **March** 2018

**“CHRIS COATES”**  
CITY CLERK

**“LISA HELPS”**  
MAYOR



	<b>COUNCIL POLICY</b>	
	No.1	Page 1 of 2
<b>SUBJECT:</b> Short-Term Rental Business Licence Appeal Process Policy		
<b>PREPARED BY:</b> Monika Fedyczkowska		
<b>AUTHORIZED BY:</b> Council		
<b>EFFECTIVE DATE:</b> April 23, 2020		<b>REVISION DATE:</b>
<b>REVIEW FREQUENCY:</b> Every 3 years		

## A. PURPOSE

The purpose of the Short-Term Rental Business Licence Appeal Process Policy [the Policy] is to establish a process for applicants for short-term rental business licences to have Council reconsider a Licence Inspector's decision to reject their application in accordance with section 60 of the Community Charter.

## B. DEFINITIONS

Appellant means "an applicant for a short term rental business licence who is appealing a decision by a Licence Inspector to Council"

City Clerk means "the City Clerk and delegates"

Council means "the Council of the City of Victoria"

Short-term Rental Business Licence means "a business licence established under the Short-term Rental Regulation Bylaw"

## C. POLICY STATEMENTS

Under the Community Charter, section 60(5), if a municipal officer or employee exercises authority to grant, refuse, suspend, or cancel a business licence, the applicant or licence holder who is subject to the decision is entitled to have Council reconsider the matter.

Applicants must apply for a new short-term rental business licence each year.

## D. PROCEDURES

### 1. Appeal Procedure

- a. An Appellant may start an appeal by submitting a request for an appeal to the City Clerk within 30 days after receiving notice from a Licence Inspector of a decision to reject the short-term rental business licence.
- b. The City Clerk must reply to the Appellant to acknowledge the request for an appeal and explain the appeal process.
- c. An Appellant must make a written submission to the City Clerk within 14 days. A written submission may include:
  - i. Reasons that Council should grant the appeal to issue a short-term rental business licence
  - ii. Any supporting documents

- d. A Licence Inspector must submit a document to the City Clerk responding to the Appellant's written submission. The Licence Inspector's document must include:
  - i. Reasons for refusing to issue a short-term rental business licence
  - ii. Any supporting documents
- e. An Appellant must provide a written submission in response to a Licence Inspector's response to the City Clerk within 7 days
- f. A Licence Inspector must prepare a report for Council that includes:
  - i. Reference(s) to relevant City Bylaw provisions
  - ii. Direction to Council on what they should/should not consider, and
  - iii. The following documents:
    - 1. The Appellant's business licence application
    - 2. The letter from a Licence Inspector giving notice of refusal to issue a business licence
    - 3. The Appellant's request to the City Clerk to appeal the refusal
    - 4. The City Clerk's acknowledgment of the request
    - 5. The Appellant's written submission and any supporting documents
    - 6. The Licence Inspector's written response and any supporting documents
    - 7. The Appellant's written response to the Licence Inspector's response
- g. The City Clerk will inform the Appellant of the date that Council will consider the appeal.

## 2. Council's Decision

- a. Council may grant or deny an appeal by a majority vote.
- b. Council will provide reasons for a decision, which may be accomplished by way of the rationale by Council members during deliberation preceding a vote if not included specifically in the motion of Council.
- c. If Council grants an appeal, a Licence Inspector must issue the relevant business licence as soon as practicable.
- d. If Council denies an appeal, an Appellant may not make a new business licence application for a business for 3 months, unless Council unanimously votes to allow an Appellant to apply for a short-term rental business licence sooner than 3 months.

## E. REVISION HISTORY

## Christine Havelka

---

**Subject:** FW: Short term rental application - 1044 Belmont Ave

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**From:** Sandra and Doug Fraser <  
**Sent:** January 26, 2021 3:46 PM  
**To:** Legislative Services email <[LegislativeServices@victoria.ca](mailto:LegislativeServices@victoria.ca)>  
**Subject:** Short term rental application - 1044 Belmont Ave

Dear Madam/Sir,

We were most distressed to learn that, after 20 years, our short term rental permit was not going to be renewed.

Before we retired to Victoria in 2001 I visited City Hall and was assured that we could operate a short term rental, before purchasing our home. We do not have pensions aside from the government OAS and CPP and rely on our home to supplement our income. Depriving us of this will impact highly negatively on our quality of life.

Our neighbours are very happy with our presence, thanking us for maintaining a pretty garden, and using our accommodations when they do not have enough space for their visitors. We receive top reviews for our cleanliness and hospitality. Last spring my husband power washed the sidewalk from Maud to Fort, to ensure no one would slip on moss.

We have been a resource for the Royal Jubilee Hospital, frequently hosting the families of patients. It is not practical for us to convert to long term rental, as we like to close off the suite from time to time, either to accommodate our own friends and family from across the country and world, or to upgrade and refurbish.

My husband is 80 years old and I am 77. We are too old to start looking for other occupations. We have been good and contributing members of society, volunteering at Government House and supporting the arts.

We understand that there have been changes made to City ordinances but would you ask to please consider using the "grandfather clause" to enable us to continue running our small business.

Many thanks,

Sincerely,  
Douglas and Sandra Fraser

Sandra and Doug Fraser  
Tudor Cottage

## **Business Licence (Short-term Rental) Appeal re 1044 Belmont Ave**

### **Submission of the Licence Inspector**

#### **I. Introduction**

1. This is an appeal from the decision of the Licence Inspector to refuse to issue a business licence to Sandra and Douglas Fraser for the operation of a short-term rental at 1044 Belmont Avenue.
2. The business licence was denied pursuant to section 4(b) of the *Short-term Rental Regulation Bylaw*, which states:
  4. *The Licence Inspector may refuse to issue a licence for a short-term rental if, in the opinion of the Licence Inspector,*  
...  
*(b) the short-term rental operation would contravene a City bylaw or another enactment.*
5. The appeal is brought pursuant to section 60(5) of the *Community Charter*, which requires that an applicant for a business licence has the right to have a staff decision to refuse such licence reconsidered by Council.
6. On a reconsideration such as this, Council can apply its own judgment and may either uphold the decision to refuse the licence or grant the licence.

#### **II. Facts**

7. The appellants own the property at 1044 Belmont Avenue. The property is zoned R1-A (single family dwelling). Short-term rentals are not a permitted use under this zone.
8. The owners of the property have created a self-contained unit on the upper level. [See attached photos]
9. The unit consists of a living room, a kitchen with dinning area, two bedrooms, and two bathrooms. There is a shared entrance to the building, and two separate entrances for the upper and lower units. The guests have no access to the appellants' home (lower unit).
10. The appellants have rented the entire upper unit as a short-term rental since at least October 2002. Since 2012, the appellants have accepted over 149 short-term rental bookings via Airbnb, and possibly more with various other platforms such as HomeToGo. Attached is a copy of the Airbnb listing as well as the HomeToGo listing.

11. The appellants applied for and received a business licence to operate a short-term rental in 2018, 2019 and 2020. The licence was granted on the basis of the appellants' representation that the short-term rental was offered in the appellants' principal residence.
12. An inspection of the premises on January 8, 2021 revealed that the upper unit is operating as a self-contained dwelling and is not part of the appellants' principal residence.
13. On January 21, 2021, the Licence Inspector advised the appellants that their application for a short-term rental licence has been refused because short-term rental of a self-contained dwelling did not comply with applicable zoning.

### III. Relevant Regulations

14. The City regulates short-term rentals through the *Short-term Rental Regulation Bylaw* and through provisions of the zoning bylaws. In relation to the property, the relevant zoning bylaw is the *Zoning Regulation Bylaw*, which states, in part:

17 ...

(4) *Without limiting the generality of subsection (1), short-term rentals, whether as a principal or accessory use, are prohibited in all zones except*

(a) *where they are expressly permitted subject to regulation applicable in those zones;*

(b) *rental of no more than two bedrooms in a self-contained dwelling unit, as home occupation, provided that:*

(i) *the self-contained dwelling unit is occupied by the operator of the short-term rental; and*

(ii) *short-term rental complies with all regulations in Schedule D as if it were a transient accommodation.*

15. A self-contained dwelling unit is defined in the *Zoning Regulation Bylaw* as "a suite of rooms in a building designed for occupancy of one family which has a separate entrance, and kitchen and bathroom facilities."

### IV. Argument

16. When short-term regulations were initially introduced, the City was flooded with applications of business licences. In an effort to encourage compliance with regulations, these applications were processed very quickly and were not always fully screened. More careful reviews and inspections have been conducted as part of 2020 application process. Due to the COVID-19 pandemic, many properties were not inspected until 2021. Therefore, the fact that the

appellant was issued a short-term rental business licence in 2018, 2019 and 2020 is not an indication that a 2021 licence should also be issued.

17. Although the appellants reside in the house at 1044 Belmont Ave, the premises that are rented as a short-term rental are not part of her principal residence, because the upper unit is being offered and advertised as an independent self-contained dwelling unit. The appellant advertises the unit as “2bdrm/2bth fully equipped apartment occupying entire top floor of charming home” on Airbnb. [Matched Property Listing Attached]
18. It is clear that the upper unit at 1044 Belmont Ave is being offered as a self-contained dwelling unit: it has its own entrance, a kitchen, and separate bathrooms – it meets the requirements of the definition of “self-contained dwelling unit” in the *Zoning Regulation Bylaw*.
19. For all these reasons, the Licence Inspector submits that the appellants’ application for a short-term rental business licence had to be refused as it contravened the *Zoning Regulation Bylaw*.
20. One of the objectives of the City’s regulations of the short-term rentals was to address the problem of self-contained dwelling units being diverted from the housing market to a vacation rental market. This is the rationale behind the provisions of the zoning bylaw which limit short-term rentals to bedrooms within self-contained units rather than entire self-contained units.
21. The property at 1044 Belmont Avenue is an example of a self-contained dwelling unit that has been lost to the regular housing market in the past, contrary to the intent behind City regulations, which prohibit rental of entire self-contained dwelling units as short-term rentals.
22. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 1044 Belmont Avenue upheld.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**



Dated: February 17, 2021

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Shannon Perkins, Manager of  
Bylaw Services






January 8, 2021  
12:57 PM









TIME STAMP 

January 8, 2021

1:00 PM







**January 8, 2021  
1:00 PM**

**TIME STAMP** 



January 8, 2021  
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January 8, 2021  
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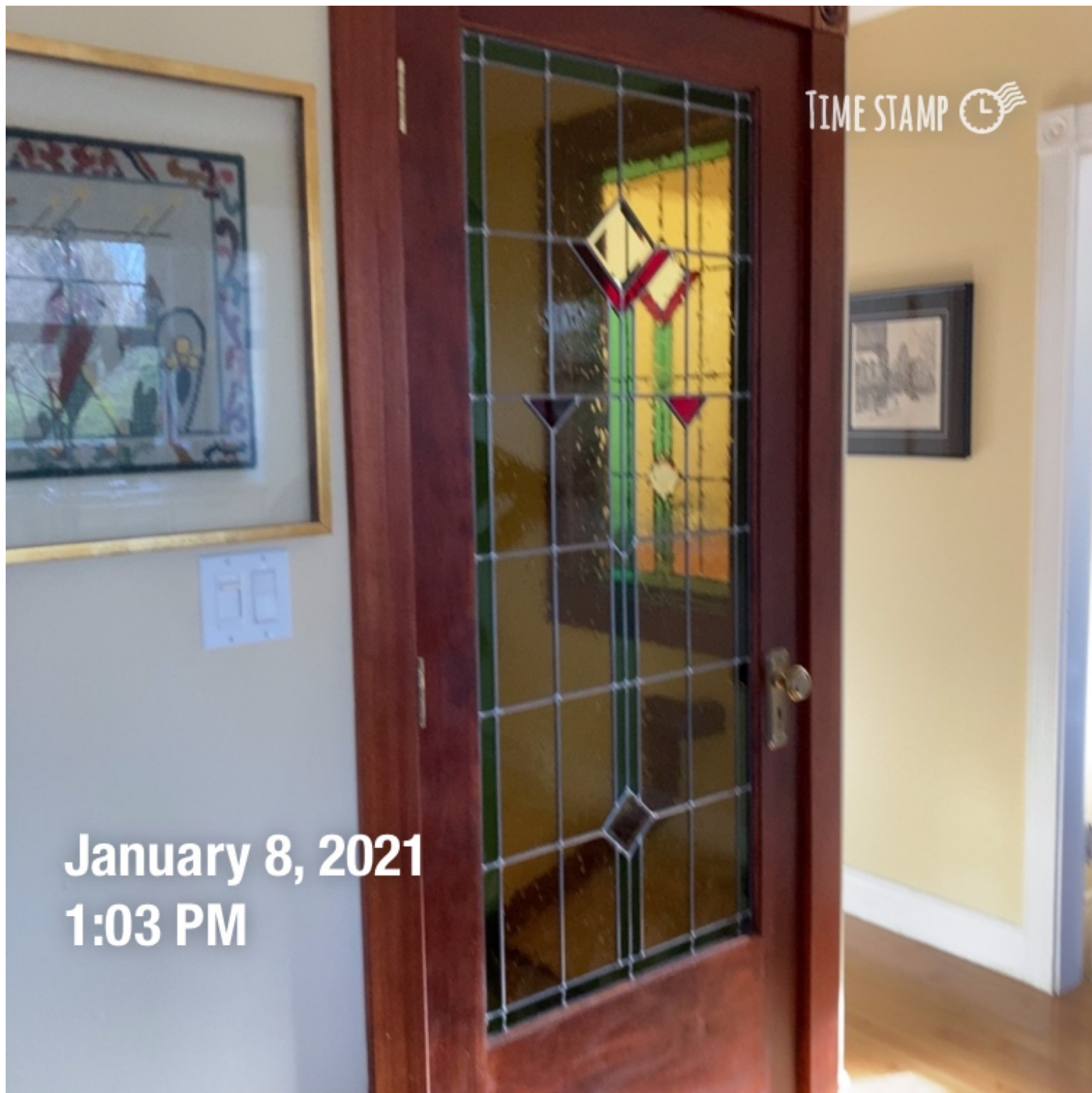
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**January 8, 2021  
1:02 PM**





**January 8, 2021  
1:03 PM**





Start your search



Become a host



# Tudor Cottage

★ 4.76 (149) · Superhost · [Victoria, British Columbia, Canada](#)

↑ Share    ♥ Save



Show all photos

## Entire guest suite hosted by Sandra

6 guests · 2 bedrooms · 3 beds · 2 baths



🏠 Entire home

You'll have the guest suite to yourself.

🌟 Enhanced Clean

## Add dates for prices

★ 4.76 (149)

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest	




Photos


Amenities

Reviews


Location

- 


Enhanced Clean

This host committed to Airbnb's 5-step enhanced cleaning process. [Learn more](#)
- 

Self check-in

Check yourself in with the keypad.
- 

Cancellation policy

Add your trip dates to get the cancellation details for this stay.
- 

House rules

This host doesn't allow smoking. [Get details](#)


In the historic Rockland area of Victoria, this charming home and garden offers the most comfortable accommodations on a quiet street, close to all amenities. Newly remodelled bathrooms offer a spa experience and the kitchen is completely equipped. Second bedroom can be made up with either two twin beds or one king, and the sitting room sofa converts to a double bed.

The space


2bdrm/2bth full... [read more](#)

[Contact host](#)

### Sleeping arrangements

- 

Bedroom 1

1 king bed
- 

Bedroom 2

2 single beds

Add dates for prices

★ 4.76 (149)

CHECK-IN

Add date

CHECKOUT

Add date

GUESTS

1 guest

▼

Check availability

 [Report this listing](#)



Photos

Amenities

Reviews

Location

- Enhanced Clean

This host committed to Airbnb's 5-step enhanced cleaning process. [Learn more](#)
- Self check-in

Check yourself in with the keypad.
- Cancellation policy

Add your trip dates to get the cancellation details for this stay.



### About this space

In the historic Rockland area of Victoria, this charming home and garden offers the most comfortable accommodations on a quiet street, close to all amenities. Newly remodelled bathrooms offer a spa experience and the kitchen is completely equipped. Second bedroom can be made up with either two twin beds or one king, and the sitting room sofa converts to a double bed.

#### The space

2bdrm/2bth fully equipped apartment occupying entire top floor of charming home with wonderful garden, close to centre in historic Rockland, located on a quiet street but just steps from shopping, transit and a park with tennis courts and playground.

#### Guest access

The guests have use of our lovely front garden.

### Sleeping arrangements

Bedroom 1

1 king bed

Bedroom 2

2 single beds

Photos

Amenities

Reviews

Location

- Free parking on premises
- Wifi
- Cable TV
- Washer
- Hangers
- Kitchen
- TV
- Dedicated workspace
- Iron
- Carbon monoxide alarm

Show all 23 amenities

Select check-in date

Add your travel dates for exact pricing

February 2021							March 2021						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6		1	2	3	4	5	6
7	8	9	10	11	12	13	7	8	9	10	11	12	13
14	15	16	17	18	19	20	14	15	16	17	18	19	20
21	22	23	24	25	26	27	21	22	23	24	25	26	27
28							28	29	30	31			

Clear dates

Add dates for prices

★ 4.76 (149)

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest	

Check availability

Report this listing

Photos

Amenities

Reviews

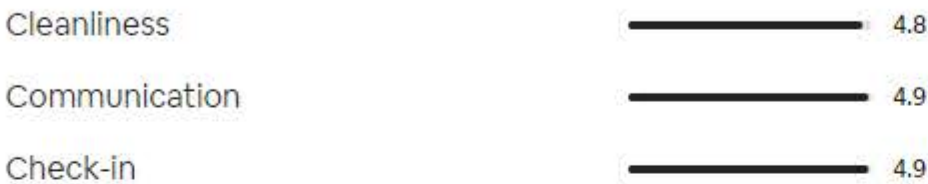
Location

Add dates for prices

★ 4.76 (149)

Check availability

★ 4.76 (149 reviews)



Leslie

January 2021

Fabulous accommodations great location lovely hosts. Couldn't do better!



Elizabeth

January 2021

Beautiful spot and perfect accommodation.



Mary

November 2020

The Tudor Cottage is a charming and comfortable place to stay. The hosts are friendly and very accommodating. Thanks for everything!



Ryan

October 2020

It was in a easy to access location to both downtown and the highway. They were very accommodating with our trailer that we had to park in their lot.



Debbie

October 2020

We had a lovely stay in this gorgeous two bedroom suite. The sea is within walking distance, about 2km away. The home is spacious and clean and we had everything we needed.



Naomi

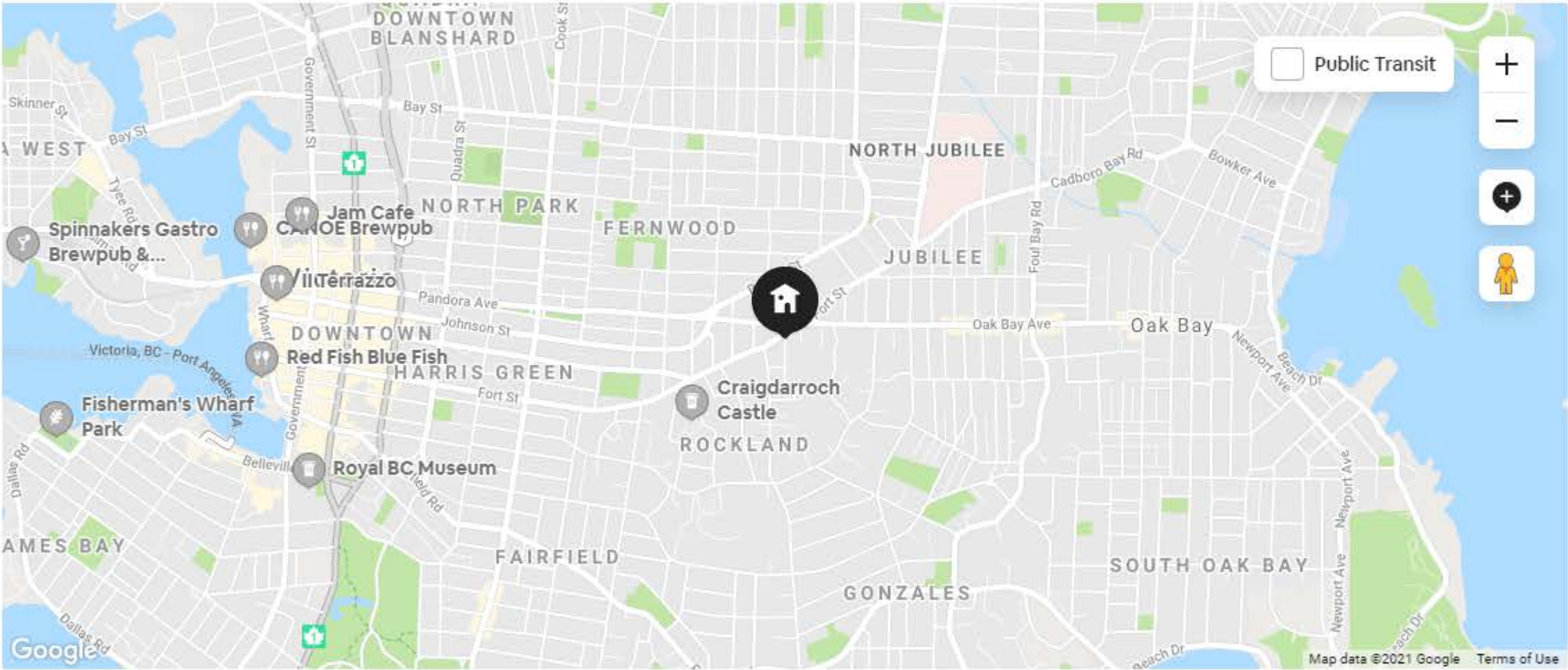
September 2020

Lovely space above Sandra's home with use of the front courtyard and walking distance to everything you could need. Short drive to lovely beaches and great cafes. Public transport right outside the door!

Show all 149 reviews



Location



Victoria, British Columbia, Canada

We are surrounded by heritage homes with lovely gardens, and close to the Governor's residence and Craigdarroch Castle, both open to the public.

More about the location

Photos

Amenities

Reviews

Location

Add dates for prices

★ 4.76 (149)

Check availability



Hosted by Sandra

Joined in August 2011

★ 149 Reviews

♥ Identity verified

🏆 Superhost

Retired, gardener, love to cook

During your stay

We are always available if our guests need anything and often find a few minutes to chat in the garden, but our guests may be as private as they wish.


Sandra is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Response rate: 100%

Response time: within an hour







Contact host



To protect your payment, never transfer money or communicate outside of the Airbnb website or app.





Things to know

House rules

-  Check-in: Flexible
-  Checkout: 11:00 a.m.
-  Self check-in with keypad
-  No smoking
-  Pets are allowed
-  Long-term stays (28 days or more) are allowed

Show all >

Health & safety

-  Committed to Airbnb's enhanced cleaning process. [Learn more](#)
-  Airbnb's social-distancing and other COVID-19-related guidelines apply
-  No carbon monoxide alarm
-  Smoke alarm

Show all >

Cancellation policy

Add your trip dates to get the cancellation details for this stay.

[Add dates](#) >

## Christine Havelka

---

**Subject:** FW: Licence Inspector Response - Short term rental Appeal- 1044 Belmont Ave

**From:** Sandra and Doug Fraser <

**Sent:** February 24, 2021 5:22 PM

**To:** Christine Havelka <chavelka@victoria.ca>

**Subject:** Re: Licence Inspector Response - Short term rental Appeal- 1044 Belmont Ave

Dear Madams/Sirs,

We have read the Submission from the Licence Inspector denying our short term rental licence and do not contest any of the facts presented.

We just need to reiterate that we have operated as a licensed vacation rental since 2001, firstly as a Bed and Breakfast. But after I was diagnosed with celiac disease it became more and more difficult and injurious to my health to prepare daily breakfasts, so we adjusted the facilities so that guests could prepare their own.

We have always operated in good faith.

We trust you will continue to allow us to do so.

Yours sincerely,

Sandra and Douglas Fraser

Sandra and Doug Fraser

Tudor Cottage

**PARKS REGULATION BYLAW, AMENDMENT BYLAW (NO. 10) AMENDMENT BYLAW**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this bylaw is to set the repeal of the temporary daytime sheltering during the pandemic provisions to May 1, 2021.

**Contents**

- 1 Title
- 2 Amendments
- 3 Commencement

Under its statutory powers, including sections 8(3)(b) and (h), and 62 and 64 of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the “Parks Regulation Bylaw, Amendment Bylaw (No. 10)” Amendment Bylaw.

**Amendments**

- 2 Section 4 of Bylaw No. 20-102, the Parks Regulation Bylaw, Amendment Bylaw (No. 10), is amended by repealing subsection (2) and replacing it with the following new subsection (2):

“(2) Section 3 comes into force on May 1, 2021.”.

**Commencement**

- 3 This Bylaw comes into force on adoption.

READ A FIRST TIME the                      **11**      day of                      **March**                      2021

READ A SECOND TIME the                      **11**      day of                      **March**                      2021

READ A THIRD TIME the                      **11**      day of                      **March**                      2021

ADOPTED on the                                      day of                                      2021

CITY CLERK

MAYOR



NO. 21-035

**TREE PROTECTION BYLAW**

**A BYLAW OF THE CITY OF VICTORIA**

The purposes of this Bylaw are to protect and enhance the urban forest by:

- (a) providing for protection and preservation of trees,
- (b) providing for the replacement of trees where tree removal is necessary, and
- (c) ensuring that lots that are being developed have sufficient tree canopy.

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Under its statutory powers, including sections 8(3)(c), 16, 17, and 258 of the *Community Charter* and section 527 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

## **PART 1 – INTRODUCTION**

### **Title**

- 1 This Bylaw may be cited as the “Tree Protection Bylaw”.

## Definitions

### 2 In this Bylaw:

#### “arborist”

means a person holding a current certification of ISA Certified Arborist issued by the International Society of Arboriculture;

#### “arboricultural best practice”

means practices in accordance with the most current version of the American National Standards Institute (ANSI) Publication, “American National Standard for Tree Care Operations - Tree, Shrub, and Other Woody Plant Management - Standard Practices” and the companion “Best Management Practices” Series of the International Society of Arboriculture;

#### “building envelope”

means that part of a lot on which the primary building may be sited under the setback regulations of the City’s zoning bylaws, as varied by a development permit, a development variance permit, or a heritage alteration permit;

#### “cut or cutting”

means knocking down, dismantling, or piercing, any or all parts, of any tree including its roots, but does not include shearing or trimming of branches less than 10 cm in diameter;

#### “damage or damaged”

means any action which is likely to cause negative impacts to the health or structural integrity of a tree;

#### “DBH”

stands for “diameter at breast height” and means:

- (a) for a tree having a single trunk at 1.4 metres above the existing grade, the diameter of the trunk measured at 1.4 metres above the existing grade,
- (b) for a tree having two or more stems at 1.4 metres above the existing grade, the cumulative total of the diameter of the three largest stems measured at 1.4 metres above the existing grade, and
- (c) for a hedge, the diameter of the largest stem measured at 1.4 metres above the existing grade;

#### “development related”

means any of the following applications:

- (a) rezoning,
- (b) subdivision,
- (c) development permits or temporary use permits associated with a new building or an

addition to an existing building, or

- (d) development variance permits, heritage alteration permits, or building permits associated with:
  - (i) demolition, blasting, or construction of a principal building, or
  - (ii) construction of an accessory building or an addition to an existing building that is greater than 10 square metres, excluding deck, patio and balcony areas,
 but does not include any application related to only change of use, interior works, plumbing or electrical permits, or exterior material replacement;

**“Director”**

means the City’s Director of Parks, Recreation and Facilities or that person’s designated representative;

**“hazard tree”**

means a tree that has, in the opinion of a TRAQ arborist:

- (a) a high or extreme TRAQ risk rating, or
- (b) an imminent likelihood of failure;

**“hedge”**

means a row of five or more trees of consistent size and form planted less than 1.25 metres apart from one another on centre;

**“hedge length”**

means the longest distance from the drip line of one tree or shrub within a hedge to the drip line of another that can be measured along a horizontal plane;

**“lot”**

means a parcel of land;

**“protected tree”**

means any of the following:

- (a) a hedge that contains any single stem with a DBH over 30 cm,
- (b) a tree with a DBH over 30 cm,
- (c) Garry Oak (*Quercus garryana*), Arbutus (*Arbutus menziesii*), Pacific Yew (*Taxus brevifolia*) or Pacific Dogwood (*Cornus nuttallii*) over 50 cm in height,
- (d) a replacement tree,
- (e) a tree that is protected by a restrictive covenant in favour of the City,
- (f) a tree that is on a slope where the slope grade is greater than 33% over 10 metres, or
- (g) a tree that is within 15 metres of the natural boundary of a watercourse;

“protected root zone”

- (a) means the area of land surrounding the trunk of a protected tree that contains the bulk of the critical root system of the tree, as defined on a plan prepared by an arborist, that the Director approves, or
- (b) where a plan within the meaning of subsection (a) of this definition has not been prepared and approved, means the area of land surrounding the trunk of a protected tree contained within a circle having a radius which is calculated by multiplying the DBH of the tree by 18;

“prune, pruning or pruned”

means the selective shearing or trimming of living or dead branches equal to or larger than 10 cm in diameter;

“remove, removing or removed”

means to saw or chop down, kill or otherwise withdraw a tree by any means;

“replacement tree”

means a tree that will or has been planted on a lot to:

- (a) replace trees removed or irreparably cut, pruned or damaged on the same lot pursuant to this Bylaw, or
- (b) achieve the tree minimum on a lot;

“retained tree”

means a protected tree that:

- (a) according to a tree permit, an owner intends to retain or has retained on a lot, or
- (b) according to this Bylaw, an owner must retain in its existing location on a lot;

“shared tree”

means a tree with any part of its trunk or trunk flare crossing a property line, including where the adjacent property is a highway, park, or other City-owned property;

“specimen tree”

means a tree that is greater than 60 cm DBH and in good health and structure, but does not include:

- (a) English Holly (*Ilex aquifolium*), Tree of Heaven (*Ailanthus altissima*), Lombardy Poplar (*Populus nigra*), or
- (b) any species of tree that is a regulated invasive plant or unregulated invasive plant of concern in British Columbia as declared by the Province or the Invasive Species Council of BC;

“topping or topped”

means reducing overall tree size using internodal incisions without regard for health or

structural integrity and includes re-topping of previously topped trees;

“TRAQ arborist”

means an arborist who holds the International Society of Arboriculture’s Tree Risk Assessment Qualification (TRAQ);

“tree”

means a self-supporting, perennial, woody plant that has a trunk or stem and a root system;

“tree minimum”

means the minimum number of trees required per lot, as specified in Schedule “F”;

“tree permit”

means a Tree Protection Bylaw Tree Permit/Record in the form prescribed for that purpose by the Director and issued by the Director pursuant to this Bylaw;

“Tree Reserve”

means a fund established by the City that is used to plant trees on public and private lands to replace tree canopy lost, and for the promotion and stewardship of a healthy tree canopy in the City.

### **Application of Bylaw**

- 3 (1) All provisions of this Bylaw apply to individual trees in a hedge, except only to the extent that any such provision specifically excepts, excludes, or exempts a hedge.
- (2) This Bylaw does not apply to the cutting, pruning or removal of a tree undertaken by or on behalf of:
  - (a) the City, on park, highway or land owned or held by the City, or
  - (b) the City, for the purpose of installing, repairing, or maintaining public works or services.
- (3) Works or services referred to in subsection (2)(b), other than emergency repairs, must be reviewed and approved by the Director before they are carried out.

## **PART 2 – PROHIBITIONS**

### **Prohibitions**

- 4 (1) No person shall cut, damage, prune or remove any protected tree, or cause or allow any protected tree to be cut, damaged, pruned or removed, unless:
  - (a) permitted by this Bylaw, and
  - (b) the activity is carried out strictly in accordance with the terms of any issued tree permit and this Bylaw.

- (2) No person shall fail to comply with the requirements of this Bylaw.
- (3) No person shall fail to comply with the terms and conditions of a tree permit.
- (4) No person shall alter, falsify, or otherwise misrepresent any information on or for a tree permit or application.
- (5) Without restricting the generality of subsection (1), any of the following actions is deemed to constitute damage pursuant to that subsection:
  - (a) poisoning, burning, or pruning in a manner not in accordance with arboricultural best practice, including removal of more than 25% of the tree's total live foliage or bud bearing branches or limbs,
  - (b) topping, unless the tree in question has been previously topped and regenerative growth has a high likelihood of failure due to weak branch attachment, excessive branch elongation and end weight, or the formation of extensive decay or cavities that cannot be mitigated other than by re-topping the tree,
  - (c) raising or lowering the grade within the protected root zone,
  - (d) shearing, harming or undermining the roots of the tree growing within the protected root zone,
  - (e) placing fill, building materials, asphalt, or a building or structure, or storing or stockpiling of organic material within a protected root zone,
  - (f) operating, staging or parking trucks, backhoes, excavators, mini-excavators, hydro-excavators, mechanical trenchers or other heavy equipment within a protected root zone,
  - (g) denting, gouging, drilling, harming, or affixing anything to the branches or the trunk of a tree,
  - (h) removing bark from a tree,
  - (i) depositing concrete, washout, or other liquid or chemical substances harmful to the health of a tree in a protected root zone,
  - (j) removing soil from a protected root zone,
  - (k) conducting blasting operations within a protected root zone,
  - (l) conducting blasting or excavating operations outside of a protected root zone that would harm roots or disturb soil inside a protected root zone, or
  - (m) doing anything that would cause the tree to die.

### **PART 3 – TREE PERMITS AND DEVELOPMENT RELATED APPLICATIONS**

#### **Applications for Tree Permits**

- 5 (1) The owner of a protected tree wishing to cut, prune, or remove the tree must apply for and obtain a tree permit.



- (2) The owner of a lot wishing to plant a replacement tree must apply for and obtain a tree permit.
- (3) The Director may waive the requirement to obtain a tree permit pursuant to subsection (1) when:
  - (a) only pruning is proposed on the lot and a utility permit has been approved by the Director of Engineering and Public Works that addresses the protection and mitigation requirements for protected trees on the lot, or
  - (b) the only work proposed on the lot is site servicing, blasting or demolition, and no construction or site disturbance will occur within 5 metres of a protected root zone.
- (4) An owner may delegate the authority to apply for a tree permit on behalf of the owner to an agent in writing.

### **Development Related Applications**

- 6 (1) Any applicant for a development related application must provide to the Director all information specified in section 11 concurrently with making the development related application.
- (2) Any applicant for a development related application that would permit construction or site disturbance must apply for a tree permit concurrently with providing the information pursuant to subsection (1).
- (3) The Director may waive the requirement to provide the information pursuant to subsection (1) in either of the following circumstances:
  - (a) the development related application is for a subsequent phase of a project that is unchanged, meaning that:
    - (i) within the previous two years, all the information was provided pursuant to subsection (1) at an earlier stage of the development,
    - (ii) the known conditions of the site and the trees on the site are unchanged,
    - (iii) the plans for the site and the trees on the site are unchanged, and
    - (iv) the ownership of the site is unchanged; or
  - (b) the development related application is a building permit for demolition or blasting on a subsequent phase of a project that is unchanged besides the new requirement for demolition or blasting, meaning that:
    - (i) within the previous two years, all the information was provided pursuant to subsection (1) at an earlier stage of the development,
    - (ii) the known conditions of the site and the trees on the site are unchanged,
    - (iii) aside from the proposed demolition or blasting, the plans for the site and the trees on the site are unchanged, and
    - (iv) the ownership of the site is unchanged.

### **Pruning Trees**

- 7 (1) The Director may issue a tree permit to prune a protected tree if the Director is satisfied

that the pruning will not cause negative impacts to the health or structural integrity of a tree.

- (2) In addition to the circumstances prescribed in subsection (1), the Director may issue a tree permit to prune a hedge if the Director is satisfied that the pruning is necessary to maintain clearance or uniform shape, and the negative impacts to the health or structural integrity of the hedge are minimized.

### **Cutting or Removing Trees**

- 8 The Director may issue a tree permit to cut or remove a protected tree if the Director is satisfied that at least one of the following applies:
  - (a) it is a hazard tree and the risk cannot be mitigated other than by cutting or removing the tree,
  - (b) it is dead, or more than 50% of its crown is dead,
  - (c) it is of a species that is a regulated invasive plant or unregulated invasive plant of concern in British Columbia as declared by the Province or the Invasive Species Council of BC,
  - (d) the trunk of the tree is located within the building envelope of the lot and cutting or removal of the tree is necessary for the purpose of constructing a building, an addition to a building, or construction of an accessory building,
  - (e) the trunk of the tree is located outside the building envelope of the lot but the tree will be critically impacted by the footprint of the construction of a building or addition to a building within the building envelope, and it is not possible to modify or relocate the construction on the lot in order to retain or avoid cutting the protected tree,
  - (f) it will be critically impacted by the footprint of one of the following installations or constructions, and it is not possible to modify or relocate the installation or construction on the lot in order to retain or avoid cutting the protected tree:
    - (i) a utility service,
    - (ii) a driveway, or
    - (iii) an off-street parking area that is required under a City zoning bylaw,
  - (g) it is located within the required construction access, and the construction access cannot be modified in order to retain or avoid cutting the protected tree,
  - (h) it is causing or will in the near future cause structure or infrastructure damage that cannot be mitigated other than by cutting or removing the protected tree,
  - (i) it is growing above a built substructure, patio or rooftop and it is necessary to cut or remove the protected tree in order to carry out repairs to the structure over which it is located, or
  - (j) cutting or removing it is required or permitted under any of the following provisions of the City's bylaws:

- (i) section 112(2) of the Streets and Traffic Bylaw, or
- (ii) section 4, 6, or 7 of the Trees and Insect Control Bylaw.

### **Requirements for Tree Permits**

- 9 (1) The Director may not issue a tree permit unless:
- (a) the Director has approved any document or information that was required as part of the application,
  - (b) if there are any retained trees on the lot, tree protections have been installed and the Director has approved of them, all in accordance with sections 18(2)(a) and (b),
  - (c) the applicant has paid the permit fee in accordance with section 23,
  - (d) the applicant has provided any security required in accordance with section 24, and
  - (e) all other conditions of this Bylaw have been met.
- (2) The Director may include conditions regarding the pruning, cutting, removal, replacement or retention of a tree in a tree permit, and the tree permit holder and the owner must comply with those conditions.
- (3) Without limiting the generality of subsection (2), the Director may, as a condition of a tree permit:
- (a) require that cutting, pruning, or removal be conducted under the supervision of an arborist, and
  - (b) if it is a development related tree permit, require that no tree removals occur until a building permit is issued for building construction.
- (4) The amount of time for which a tree permit is valid is as follows:
- (a) for a permit on a development related application, the first of
    - (i) one year from the date that the final occupancy permit is issued for the lot, and
    - (ii) five years from the date of issuance; and
  - (b) for all other permits, one year from the date of issuance.
- (5) The issuance of a tree permit, the acceptance of plans and other supporting documents submitted for a permit, and the making of inspections by the City shall not relieve the owner from full responsibility for complying with this Bylaw.

### **Contents of Tree Permit Applications**

- 10 (1) An application for a tree permit must be made in the form prescribed for that purpose by the Director, and must include all of the following:
- (a) the address and legal description for the lot or lots,
  - (b) if the applicant is not the owner, confirmation in writing that the applicant is acting on behalf of the owner and as agent for the owner,

- (c) if the application is for removal of a protected tree that is a shared tree, written consent from the adjacent property owner,
  - (d) if the application is for cutting or removal of a protected tree, the justification for such action under section 8, and
  - (e) a description and site plan that identify any trees to be cut, pruned, removed, retained, and replaced on the site.
- (2) In addition to the requirements listed in subsection (1), the Director may require the applicant to provide any of the following documents:
- (a) an arborist report, if, in the Director's opinion, it is necessary based on the nature, extent, siting, or impact of any tree cutting, pruning, removal, retention, or replacement,
  - (b) an arborist report from a TRAQ arborist confirming that a tree is a hazard tree, if the application entails removal or cutting of a hazard tree and, in the Director's opinion, the report is necessary to confirm whether the tree is a hazard tree,
  - (c) a tree management plan, if, in the Director's opinion, it is necessary based on the nature, extent or siting of any retained trees, and
  - (d) a replacement tree plan, if, in the Director's opinion, it is necessary based on the nature, extent or siting of any replacement trees.

### **Information Required for Development Related Applications**

- 11 (1) An applicant for a development related application must provide the Director with all of the following information in the form prescribed for that purpose by the Director:
- (a) the information specified in sections 10(1)(a) – (e),
  - (b) subject to subsection (3), a tree management plan and tree survey in accordance with Schedule "B",
  - (c) subject to subsection (3), an arborist report in accordance with Schedule "C",
  - (d) if replacement trees are required by this Bylaw, a replacement tree plan in accordance with Schedule "E", and
  - (e) if the application involves tree removals within 15 metres of a watercourse or on slopes greater than 33% grade over 10 metres, a survey prepared by a BC Land Surveyor that identifies top-of-bank or top of ravine bank, along with watercourse setbacks and geotechnical setbacks on the ground.
- (2) In addition to the requirements listed in subsection (1), for development related applications the Director may require the applicant to provide any of the following documents:
- (a) a letter from an arborist confirming that tree protection barriers have been installed in accordance with Schedule "D", if tree protection barriers are required,

- (b) a lot grading and servicing plan, if, in the Director's opinion, it is necessary based on the grade, topography, tree location, or other requirements of the site, and
  - (c) a letter of assurance, in the form prescribed for that purpose by the Director, from the arborist and the owner to the City in accordance with Schedule "G", if, in the Director's opinion, it is necessary based on site preparation or construction related activities occurring in a protected root zone.
- (3) The Director may waive the requirements to provide the documents listed in subsections (1)(b) and (c) if there are no protected trees on the site or adjacent to the site that may be impacted by the proposed work.

### **Amendments and Extensions to Tree Permits**

- 12 (1) A tree permit holder may apply to the Director for an amendment or extension of their tree permit before the date that the permit expires.
- (2) The Director may extend or modify the tree permit upon written request of the permit holder, if:
- (a) the permit holder has provided any additional information required by the Director in accordance with this Bylaw and the Director has approved such information,
  - (b) the applicant has paid the permit fee in accordance with section 23, and
  - (c) all other conditions of this Bylaw have been met.
- (3) If the Director extends or modifies a tree permit, all terms and conditions set out in the original tree permit shall apply to each extension or modification of the permit, except as expressly amended or modified by the extension or modification form.
- (4) If circumstances on the site or requirements pursuant to this Bylaw have changed significantly, or it is impractical to extend or modify a permit, the Director may require the permit holder to apply for a new tree permit.

### **Director's Powers with Respect to Permits**

- 13 (1) The Director may do any of the following if a proposed activity would endanger the health or life of a tree:
- (a) refuse to issue, amend or extend a tree permit;
  - (b) issue, amend or extend a tree permit subject to conditions;
  - (c) issue, amend or extend a tree permit to allow a tree to be cut, pruned, removed, retained or replaced.
- (2) The Director may refuse a tree permit if:
- (a) the applicant failed to comply with the requirements of this Bylaw,
  - (b) the cutting, pruning, removal, retention or replacement would create a hazard to an adjacent property,



- (c) the tree permit would contravene another City bylaw or a provincial or federal enactment,
  - (d) the applicant has failed to prove that the standards and requirements of this Bylaw or the tree permit can effectively be met, or
  - (e) the tree permit would be in conflict with a restrictive covenant in favour of the City.
- (3) The Director may suspend or cancel a tree permit if:
- (b) the permit holder or the owner failed to comply with a term or condition of the tree permit, or
  - (c) the permit holder or the owner failed to comply with this Bylaw.

### **Application for Reconsideration**

- 14 (1) An applicant that is subject to a decision of the Director to grant, refuse, suspend, or cancel a tree permit, or to impose conditions on the granting of a tree permit, is entitled to apply to Council to have the decision reconsidered.
- (2) An application for reconsideration must be made in writing to the City Clerk within 30 days of being notified in writing of the decision of the Director under this Bylaw.
- (3) There is no charge for an application for reconsideration.
- (4) A reconsideration under this section is limited to the most recent decision of the Director to grant, refuse, suspend or cancel, and does not extend the time limit to reconsider an earlier permit decision.

### **Emergency Cutting, Pruning or Removal**

- 15 (1) Despite any other provision in this Bylaw, a person may cut, prune, or remove a protected tree or the limb of a protected tree before applying for a tree permit if the tree or limb is in such imminent danger of failing that there is not time to obtain a tree permit prior to the failure.
- (2) A person who has cut, pruned, or removed a tree pursuant to subsection (1) must:
- (a) on the next business day from the date of cutting, pruning, or removing, apply for a tree permit in accordance with the requirements of this Bylaw, and provide the Director with a photograph or video depicting the state of the tree prior to the cutting, pruning or removal; and
  - (b) thereafter, promptly take all action necessary pursuant to this Bylaw to obtain such tree permit.
- (3) A person who has cut, pruned, or removed a tree pursuant to subsection (1) must not remove the trunk, limbs, roots or other remains of the tree from the site until an arborist employed by the City has visited the site and the Director has determined whether the emergency cutting, pruning or removal was justified.

- (4) Any tree that is removed pursuant to this section, regardless of the Director's determination under subsection (3), must be replaced in accordance with section 20, security for which must be provided in accordance with section 25.
- (5) For clarity, it is a violation of this Bylaw to cut, prune, or remove a protected tree or the limb of a protected tree before applying for a tree permit if the tree or limb is not in imminent danger of failing as described in subsection (1).

### **Removing Hazardous Trees**

- 16 (1) Owners and occupiers of a lot must cause any tree or shrub on the lot to be pruned, cut or removed, if the Director considers that the tree or shrub is:
- (a) a hazard to the safety of persons;
  - (b) likely to damage public property; or
  - (c) seriously inconveniencing the public.
- (2) The Director may notify the owner or occupier of a lot that the City will take, at the owner's or occupier's expense, the action required under subsection (1) if the owner or occupier does not take that action within 5 days of receiving the notice.
- (3) The City may enter a lot and undertake, at the owner's or occupier's expense, the work referred to in subsection (1) if the owner or occupier does not undertake or complete that work.

## **PART 4 – ACTIONS ON SITE**

### **Site Requirements**

- 17 (1) The tree permit holder must clearly identify with a mark of paint or tape each protected tree to be removed.
- (2) Public notice of a tree permit in the form prescribed for that purpose by the Director must be posted:
- (i) on the lot for which the permit has been issued, in a location visible to the public and facing the street,
  - (ii) at least 24 hours prior to the commencement of any cutting, pruning, or removal of a protected tree, and
  - (iii) remain posted on the lot until the completion of all work related to the cutting, pruning, or removal of protected trees on that lot.
- (3) A person cutting, pruning, or removing a tree must dispose of the tree parts in accordance with provincial and City enactments and requirements.

### **Tree Protection Requirements**

- 18 (1) A person cutting, pruning, removing, retaining or replacing a tree must do so in accordance with arboricultural best practice.
- (2) No construction, development-related activities or site disturbance may commence within 5 metres of a protected root zone until:
- (a) one of the following tree protections has been installed to protect the tree and all existing trees on the street fronting the lot on which the construction is to take place:
    - (i) tree protection barriers in accordance with Schedule “D”, or
    - (ii) alternative protective measures approved by the Director;
  - (b) the Director has approved of the tree protection installed pursuant to paragraph (a); and
  - (c) a tree permit has been issued related to the construction or site disturbance.
- (3) The tree protection installed pursuant to subsection (2)(a) must remain in place in the manner approved by the Director until all construction is completed and a final occupancy permit is issued by the City, or when the Director approves removal of the tree protection in writing.
- (4) If a tree protection installed pursuant to subsection (2)(a) is removed, altered or damaged, the owner must restore it so that it is returned to the standards approved by the Director.
- (5) Despite subsection (3), a tree protection installed pursuant to subsection 2(a) may be temporarily removed or relocated in order to allow work to be done within or near a protected root zone if the applicant has, prior to such removal or relocation, provided the Director with:
- (a) an arborist report or arborist memo setting out the reasons and proposed duration for such removal or relocation, and
  - (b) a letter of assurance that the arborist will be onsite and supervising all such work, and thereafter the applicant will restore the tree protection as it was prior to removal, and may only remove or relocate the tree protection in accordance with the approved report or memo, and at those time during which the applicant’s arborist is onsite and supervising all such work,
- and the Director is satisfied that the tree will survive and be safe to retain.

## **PART 5 – URBAN FOREST PRESERVATION MEASURES**

### **Pruning, Cutting, Damaging and Removing Protected Trees in Violation of Bylaw**

- 19 (1) If a protected tree is significantly damaged in violation of this Bylaw, and the tree will survive and be safe to retain, the Director may:
- (a) require that the owner have mitigation work completed by an arborist, if mitigation of

the damage may improve the health or structure of the tree; or

- (b) retain 50% of any security amount that was provided for the tree and place it in the Tree Reserve, if the Director is not satisfied that mitigation of the damage can improve the health or structure of the tree.
- (2) If a protected tree is removed or damaged in violation of this Bylaw, and the tree will not survive or is not safe to retain, the Director may retain the full security amount that was provided for the tree, and such money shall be placed in the Tree Reserve.
- (3) The Director may require the owner to submit an impact assessment report by an arborist detailing observed or suspected damage and mitigation options for a protected tree if the Director requires further information on any of the following:
  - (a) whether a protected tree was significantly damaged in violation of this Bylaw;
  - (b) whether a protected tree that was damaged will survive or be safe to retain; or
  - (c) whether mitigation of the damage can improve the health of the protected tree.
- (3) When a protected tree has been cut, pruned, damaged or removed in violation of this Bylaw, the trunk, limbs, roots and other remains of the tree shall not be removed from the lot until an investigation and assessment by the Director is complete and the removal is expressly authorized by the Director.
- (4) Notwithstanding any of the requirements of this section, an owner that cuts, prunes, damages or removes a tree in violation of this Bylaw remains subject to penalties pursuant to this Bylaw.

### **Replacing Trees Removed**

- 20 (1) The owner of a lot must plant replacement trees in accordance with this section for every protected tree that is removed from the lot.
- (2) For each protected tree that is removed that is a hedge, the owner of the lot must plant:
  - (a) one replacement tree of any species described in Part 1 of Schedule “E” per 4 metres of hedge length or part thereof removed,
  - (b) another hedge of the same hedge length that is likely to flourish on the site and is acceptable to the Director, or
  - (c) where it is not possible to plant in accordance with the requirements of either paragraph (a) or paragraph (b) due to grade, topography, tree location, soil depth, or other requirements of the site, the Director may permit the owner to plant two replacement trees of species described in Part 2 of Schedule “E” per 4 metres of hedge length or part thereof removed that are likely to flourish on the site and are acceptable to the Director.
- (3) For each protected tree that is removed that is growing in soil with a depth of less than 1 metre above a built structure, the owner of the lot must plant one replacement tree of a species described in Part 3 of Schedule “E”, in accordance with specifications regarding soil volume.

- (4) For each protected tree that is removed that is not of a variety described in subsection (2) or (3), the owner of the lot must plant:
  - (a) one replacement tree of a species described in Part 1 of Schedule “E” that is likely to flourish on the site and is acceptable to the Director, or
  - (b) where it is not possible to plant a replacement tree of the species described in Part 1 of Schedule “E” due to grade, topography, tree location, soil depth, or other requirements of the site, the Director may permit the owner to plant two replacement trees of the species described in Part 2 of Schedule “E” that are likely to flourish on the site and are acceptable to the Director.
- (5) A tree that is not a protected tree on the same lot may count as a replacement tree under subsection (2) or (4), provided that it is not possible to plant another tree elsewhere on the lot, and the tree:
  - (a) is in good health,
  - (b) is of a species specifically described in Part 1 or Part 2 of Schedule “E”,
  - (c) is likely to have a height at maturity of greater than 10.0 metres, and
  - (d) is growing in a location that does not conflict with any existing or proposed building, addition to a building, underground utility service, driveway, off-street parking, or construction access.
- (6) Every owner required to plant a replacement tree must plant the replacement tree on the same lot as that from which the protected tree was removed.
- (7) For the purposes of subsections (1) - (4), if the applicant provides evidence to the Director that a lot cannot accommodate any of the replacement trees required on the lot either in accordance with the requirements of Part 4 of Schedule “E” or without compromising arboricultural best practice, and the Director is satisfied of the same, then:
  - (a) if the tree or hedge that is being replaced was removed in accordance with the Bylaw and was a hazard tree, the applicant is not required to provide cash-in-lieu to the City for the replacement tree that cannot be accommodated, or
  - (b) for any other tree or hedge that is being replaced, the applicant must provide to the City \$2000.00 cash-in-lieu for each replacement tree that cannot be accommodated, and such money shall be placed in the Tree Reserve.

### **Development Related Tree Permits – Achieving Tree Minimum**

- 21 (1) If an owner of a lot is applying for a building permit and a tree permit pursuant to a development related application, they must ensure that the lot will achieve at least the tree minimum once all replacement trees are planted.
- (2) In order to satisfy subsection (1), if a lot will not achieve at least the tree minimum after planting all replacement trees required pursuant to section 20, the owner must plant additional replacement trees in order to achieve at least the tree minimum on the lot.



- (3) For the purposes of subsections (1) and (2), if the applicant provides evidence to the Director that a lot cannot accommodate any of the replacement trees required on the lot pursuant to this section either in accordance with the requirements of Part 4 of Schedule “E” or without compromising arboricultural best practice, and the Director is satisfied of the same, the applicant must provide to the City \$2000.00 cash-in-lieu for each replacement tree that cannot be accommodated, and such money shall be placed in the Tree Reserve.
- (4) For the purposes of this section only, the number of trees on a lot are determined as follows:
  - (a) each specimen tree is counted as three trees,
  - (b) each protected tree that is not a specimen tree is counted as one tree,
  - (c) any tree that forms part of a hedge is not counted, and
  - (d) any tree that is a hazard tree, dead, or has more than 50% of its crown dead is not counted.
- (5) In order to achieve the tree minimum, for each replacement tree required, the owner must plant:
  - (a) one replacement tree of any species described in Part 1 of Schedule “E” that is likely to flourish on the site and is acceptable to the Director, or
  - (b) where it is not possible to plant a replacement tree of the species described in Part 1 of Schedule “E” due to grade, topography, tree location, soil depth, or other requirements of the lot, the Director may permit the owner to plant two replacement trees of the species described in Part 2 of Schedule “E” that are likely to flourish on the site and are acceptable to the Director.
- (6) Notwithstanding subsection (1), if an owner is applying for a building permit for demolition only, the owner does not need to meet the tree minimum on the lot.

### **Requirements for Planting and Maintaining Replacement Trees**

- 22 (1) Every owner required to plant a replacement tree must plant it by the following deadline:
  - (a) for a development related tree permit application, the first of
    - (i) one year from the date that the final occupancy permit is issued for , and
    - (ii) five years from the date of tree permit issuance; or
  - (b) for any other tree permit application, one year from the date of tree permit issuance.
- (2) Every owner required to plant a replacement tree must plant and maintain each replacement tree in accordance with arboricultural best practice, the tree permit, any tree replacement plan required, the requirements of Part 4 of Schedule “E”, and the latest edition of the CNLA/CSLA “Canadian Landscape Standard”.
- (3) If any replacement tree does not survive for one year from the date of planting, the Director may take one of the following actions:

- (a) require the owner to replace the tree within 6 months and maintain it for a further period of one year,
  - (b) if the replacement tree was required in a tree replacement plan, the Director may plant a new replacement tree on the lot in accordance with the tree replacement plan within 6 months and require the owner to maintain it for a further period of one year, or
  - (c) retain all security held by the City for that replacement tree, and such money shall then be used for the planting of a tree on another site to replace the tree canopy lost.
- (4) If any owner fails to plant or maintain a replacement tree when required to do so by this Bylaw or a tree permit, the City can do so at the owner's expense.

## **PART 6 – FEES & SECURITY**

### **Permit Fee**

- 23 (1) An application for a tree permit must be accompanied by the fee prescribed by Schedule "A".
- (2) A fee pursuant to subsection (1) is not refundable.

### **Security – General**

- 24 (1) Where replacement trees or retention of protected trees are required as a condition of a tree permit, for the purpose of ensuring the performance of the requirements, the applicant must provide to the City security in the form of cash or letter of credit for each tree to be replaced or retained in the amount specified in sections 25 and 26.
- (2) The total amount of security provided for any tree permit pursuant to subsection (1) shall not exceed \$50,000.00 per development site.

### **Security for Replacement Trees**

- 25 (1) Subject to subsection (2), the amount of security required for the provision, installation and maintenance of replacement trees, as may be required by this Bylaw, shall be:
- (a) for development related tree permit applications:
    - (i) \$2,000.00 per replacement tree of a species described in Part 1 or Part 3 of Schedule "E",
    - (ii) \$1,000.00 per replacement tree of a species described in Part 2 of Schedule "E", and
    - (iii) \$2,000.00 per 4 metres of hedge length when the replacement tree is a hedge;
  - (b) \$0 per tree when cash-in-lieu is being provided;
  - (c) \$0 per tree when, in accordance with section 20(7)(a), the removed tree or hedge is

- not being replaced; and
  - (d) for all other tree permits, \$350.00 per tree or 4 metres of hedge length being provided as replacement.
- (2) Where an existing tree on the lot is counted as a replacement tree in accordance with section 20(5), the amount of the security required pursuant to this Bylaw for such replacement tree is 50% of the applicable amount from subsection (1).

### **Security for Retained Trees**

- 26 (1) The amount of security required for the protection of retained trees as may be required by this Bylaw, shall be:
- (a) \$10,000.00 per retained specimen tree, when the tree permit is development related,
  - (b) \$2,500.00 per retained protected tree that is not a specimen tree, when the tree permit is development related,
  - (c) \$2,500.00 per 4 metres of retained hedge length, when the tree permit is development related, and
  - (d) \$0 for all other tree permits.
- (2) Notwithstanding subsection (1), if a retained tree has no risk of being damaged by the proposed site disturbance, construction, or other action, and the Director is satisfied of the same, the amount of security required for that tree is \$0.

### **Release of Security**

- 27 (1) Subject to subsection (5), the City will release the security provided by the tree permit applicant for any replacement trees under this Bylaw by:
- (a) subject to subsection (2), releasing 50% of the security to the tree permit applicant upon the applicant providing written confirmation, in a form prescribed for that purpose by the Director, of the planting of the replacement tree, and
  - (b) releasing the remainder of the security to the tree permit applicant upon the applicant providing written confirmation, in a form prescribed for that purpose by the Director, that the replacement tree has been successfully maintained for at least one year after planting.
- (2) Where an existing tree on the lot was counted as a replacement tree in accordance with section 20(5), no security shall be released pursuant to subsection (1)(a).
- (3) For the purposes of subsection (1)(b), if the Director required a replacement tree plan as part of the tree permit application, the written confirmation must be provided by the applicant's arborist or landscape architect.
- (4) Subject to subsection (5), the City will release the security provided for any retained trees under this Bylaw to the tree permit applicant once all of the following conditions are satisfied:

- (a) all construction on the site is completed,
  - (b) a final occupancy permit for the lot has been issued by the City, if applicable, and
  - (c) the applicant's arborist has provided a report, including photographs, monitoring dates and supervision memos as evidence, to the satisfaction of the Director confirming that the retained trees have not been damaged in violation of this Bylaw and have been properly protected and maintained in accordance with this Bylaw and the tree permit.
- (5) The City may transfer any remaining security amount to the Tree Reserve if all of the requirements for release of security have not been satisfied within the lesser of:
- (a) two years from the date that all construction on the site is completed,
  - (b) two years from the date that a final occupancy permit for the lot has been issued, and
  - (c) five years from the date of issuance of the tree permit.
- (6) Notwithstanding any of the requirements of this section, if at any time an owner fails to comply with a provision of this Bylaw or a tree permit:
- (a) the City may take any required action or plant any replacement tree on the applicant's behalf, and the City may recover from the security provided the cost to the City of such action or planting, and if the cost to the City is more than the amount of security held by the City, then the City may recover the outstanding amount in accordance with this Bylaw; and
  - (b) the City may draw upon the security provided and transfer the amount into the Tree Reserve for the purpose of planting a tree on another site to replace the tree canopy lost.
- (7) Any trees planted through the use of money from the Tree Reserve may be planted on the same lot from which the tree canopy loss suffered or on a different lot in the City, and the tree may not be planted until a future cycle of City tree plantings.

## **PART 7 – GENERAL**

### **Inspections and Assessments**

- 28 (1) The Director or a City employee authorized by the Director may enter at all reasonable times on any property to make an assessment or inspection for any purpose under this Bylaw.
- (2) A person must not prevent or obstruct, or attempt to prevent or obstruct, an entry authorized under subsection (1).

### **Stop Work Orders**

- 29 (1) If any protected tree is being pruned, cut or damaged without a permit, contrary to a permit, or contrary to this Bylaw, a bylaw officer or the Manager of Urban Forest Services

may post a Stop Work notice in the form prescribed by the Director ordering the cessation of:

- (a) the pruning, cutting or damaging work, and
- (b) any work within the protected root zone of the affected tree.
- (2) Every person who fails to comply with any order or notice issued by a bylaw officer or the Manager of Urban Forest Services, or who allows a violation of this Bylaw to continue, contravenes this Bylaw.
- (3) The owner of a lot on which a Stop Work notice has been posted, and every other person having knowledge of the Stop Work notice shall immediately cease all tree pruning, cutting and damaging activity and all work within the protected root zone of the affected tree, and shall not resume until all applicable provisions of this Bylaw have been complied with and the Stop Work notice has been rescinded by a bylaw officer or the Manager of Urban Forest Services.

### **Recovery of Costs and Fees from Real Property Taxes**

- 30 The costs of fees and actions taken by the City under this Bylaw will be collected by the City in the same manner as real property taxes, and will be added as arrears of taxes if unpaid by December 31 in the year in which the costs are incurred.

### **Offences**

- 31 (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 day that a contravention of a provision of this Bylaw continues is a separate offence.

### **Penalties**

- 32 Except as prescribed in the ticket bylaw,
- (a) subject to subsections (b) and (c), the minimum penalty for an offence under this Bylaw is a fine of not less than \$500.00, and not more than \$50,000.00, per tree;
  - (b) any person who commits an offence under this Bylaw that results in the loss of a protected tree is subject to a fine of not less than \$5,000.00, and not more than \$50,000.00, per tree;
  - (c) any person who commits an offence under this Bylaw that results in the loss of a specimen tree is subject to a fine of not less than \$10,000, and not more than \$50,000, per tree.



### Severability

- 33 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.

### Consequential Amendments to Ticket Bylaw

- 34 Bylaw No. 10-071, the Ticket Bylaw is amended as follows:

- (a) In the table of contents, by inserting the following new entry directly after “Schedule LL - Tree Preservation Bylaw Offences and Fines”:

“Schedule LL.1 - Tree Protection Bylaw Offences and Fines”.

- (b) In Schedule A, Bylaws and Enforcement Officers, by inserting the following new row immediately before current row 43, and renumbering all subsequent row numbers accordingly:

43	Tree Protection Bylaw	Bylaw Officer
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- (c) By inserting directly after Schedule LL the Schedule LL.1 attached to this Bylaw as “Appendix 1”.

## PART 8 – REPEAL, TRANSITION, COMMENCEMENT

### Definitions in Relation to this Part

- 35 In this Part:

“land use change” means: rezoning with an associated development permit; building permit; development permit; temporary use permit; development variance permit; heritage alteration permit; or board of variance order;

“tree plan” means a site plan, landscape plan, tree management plan or arborist report provided pursuant to the Tree Preservation Bylaw No. 05-106.

### Amendment to Tree Preservation Bylaw No. 05-106

- 36 The Tree Preservation Bylaw No. 05-106 is amended by striking out section 25 entirely and replacing it with the following:

“25. If the City received an application for any of the following on or before October 24, 2019, the Tree Preservation Bylaw as it was on the day before adoption of the Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082 applies to that application: rezoning with an associated development permit; building permit; development permit; temporary use permit; development variance permit; heritage alteration permit; or board of variance order.”

## **Repeal**

37 The Tree Preservation Bylaw No. 05-106 is repealed.

## **Transition Provisions**

- 38 (1) Subject to subsections (2) and (5), the Tree Preservation Bylaw No. 05-106 applies to any complete application for a land use change received by the City before July 1, 2021 that includes a tree plan, until a final occupancy permit is issued.
- (2) This Bylaw applies to any change to an approved tree plan that is made after July 1, 2021, but only with respect to the trees that, in the opinion of the Director, are being impacted by the proposed change.
- (3) For certainty, nothing in subsection (2) is intended to require that the entire site is reassessed for compliance with this Bylaw.
- (4) For certainty, nothing in subsection (1) or (2) is intended to modify or extend any tree permit or land use change approval beyond the time that it would lapse or expire but for those subsections.
- (5) Notwithstanding any contrary provision in the Tree Preservation Bylaw No. 05-106, on or after July 1, 2021, an applicant may elect to have their land use change application processed in accordance with this Bylaw by notifying the Director in writing, in which case, this Bylaw applies to that application.
- (6) The election under subsection (5) is final and irrevocable.

## **Repeal of Transition Provisions**

39 Sections 35, 36 and 38 of this Bylaw are repealed.

## **Commencement**

40 This Bylaw comes into force on July 1, 2021, except sections 37 and 39, which come into force on July 1, 2026.

READ A FIRST TIME the 11th day of March 2021

READ A SECOND TIME the 11th day of March 2021

READ A THIRD TIME the 11th day of March 2021

ADOPTED on the

day of

2021

CITY CLERK

MAYOR

**SCHEDULE “A”**  
**TREE PERMIT APPLICATION FEES**

<b>Row #</b>	<b>Tree Permit</b>	<b>Fee</b>
1	To only cut or remove any of the following trees: i. a hazard tree ii. a tree that is dead or has more than 50% of its crown dead iii. a tree that is a regulated invasive plant or unregulated plant of concern	No fee
2	For emergency cutting or removal only	No fee
3	To prune a tree only	No fee
4	To plant any replacement trees to meet tree minimum only	No fee
5	To undertake exploratory digging for the purposes of an arborist report only	No fee
6	To cut or remove as required by Streets and Traffic Bylaw or Trees and Insect Control Bylaw	No fee
7	To extend or modify a permit only	\$50
8	To work in the protected root zone of the tree only, including excavation for development, utility installation, irrigation installation and landscape installation	\$50
9	For any other tree permit, the fee is determined as follows:	
10	i. For a lot that is less than or equal to 2,000m <sup>2</sup> in size	\$50
11	ii. For a lot that is between 2000m <sup>2</sup> and 4000m <sup>2</sup> in size	\$100
12	iii. For a lot that is equal to or larger than 4,000m <sup>2</sup>	\$250 per 4,000m <sup>2</sup>

## SCHEDULE “B”

### TREE SURVEY AND TREE MANAGEMENT PLAN REQUIREMENTS

#### A. Tree Survey

- 1 The purpose of the tree survey is to accurately locate the position of the trees on or adjacent to a property to establish ownership and to accurately establish the protected root zones of all trees and tree protection requirements for tree retention during development. It provides a clear visual of where buildings and infrastructure are located and where new buildings could be best sited to minimize negative impacts to trees suitable for retention. It is also useful to show phased tree protection fencing and mitigation that may differ between demolition and construction. **The tree survey should be used as the base for the tree management plan.**
- 2 The tree survey must comply with the following requirements:
  - (a) It must be based on a legal survey of the lot, completed by a registered BCLS surveyor, and can be added to the Site Plan for Existing Site as required by Development Services.
  - (b) It must include all of the following trees:
    - (i) Protected trees on the subject lot,
    - (ii) Retained trees on the subject lot,
    - (iii) Protected trees on adjacent properties with protected root zones or tree canopies extending onto the subject lot, or that would otherwise require tree protection, and
    - (iv) Trees on municipal frontage and any other municipal trees that may be impacted.
  - (c) It must indicate the existing trees in (b) with a scaled circle to represent the trunk and the reference ID located directly adjacent to the trunk. The canopy outline shall be indicated with a fine, dotted-line circle and the protected root zone shall be indicated with a bold, solid-line circle.
  - (d) It must include a sufficient number of elevation points so that areas where cuts or fills are required can be identified on future grading plans and the tree management plan.
  - (e) It must include the location and type of all existing utilities above and below grade entering or immediately adjacent to the subject site.
  - (f) It must include the existing and proposed legal description, property lines, rights-of-way, easements, location of trees, base grades of trees, grades at property lines, principal and accessory building footprints, walkways, patios, retaining walls (top and toe of grade), fences, driveways, sidewalks, curbs, natural features, rock outcrops, existing services (water, storm and sanitary sewer lines, hydro, telephone, cable, internet and gas lines, and any existing service kiosks and boxes).
  - (g) It must include all areas and trees protected by a restrictive covenant in favour of the City, indicating the purpose of the covenant and the land title registration number.
  - (h) It must have all dimensions in metric and include a title block with north arrow, bar scale, date, surveyor's seal and company name, and a legend to identify symbols.



- (i) It must date any revised plans.
  - (j) It must be provided in hard copy or pdf format and be of a scale to permit detailed information to be legible when printed in 11 x 17 format, including labels.
- 3 The BC Land Surveyors provide sample survey plans that may be a useful reference.

**B. Tree Management Plan**

- 1 The purpose of submitting the tree management plan is to show the location of trees along with their canopy spread and protected root zones in relation to proposed changes, so potential impacts can be analyzed and trees can be identified as retained or removed. Additionally, the tree management plan is used to show where tree protection fencing, arborist supervision, ground protection or other mitigation measures are required.
- 2 The tree management plan must comply with the following requirements:
  - (a) It must be prepared by a TRAQ arborist.
  - (b) It must be prepared with the tree survey as its basis and include the location of all inventoried trees.
  - (c) It must show all proposed changes including buildings, landscaping, hardscaping, and frontage works.
  - (d) It must show trees to be removed, indicated with a bold X through the survey point. The canopy outline shall be indicated with a fine, dotted-line circle and the protected root zone shall be indicated with a dashed-line circle.
  - (e) It must show trees to be retained, indicated at the survey point with a scaled circle to represent the trunk. The canopy outline shall be indicated with a fine, dotted-line circle and the protected root zone must be indicated with a bold, solid-line circle.
  - (f) It must show any works requiring arborist supervision or tree protection recommendations, and indicate the location where they apply.
  - (g) It must include a title block with north arrow, scale, date and company name, and a legend to identify symbols, all dimensions in metric.
  - (h) It must identify all inventoried onsite trees with unique, sequential reference ID numbers, in accordance with the arborist report and any corresponding development application plan information (e.g. engineering, architectural, landscape drawings).
  - (i) It must identify offsite trees in reports and plans as 'Offsite' trees with unique numbers (OS-##), and municipal frontage trees with unique numbers (M-##).
  - (j) It must date all plans and revisions.
- 3 The applicant must provide the arborist with up-to-date drawings and inform the arborist of any details for proposed changes to plans throughout the different stages of the development, including but not limited to rezoning, subdivision, development permit, and building permit demolition, excavation and construction.

## SCHEDULE “C”

### ARBORIST REPORT REQUIREMENTS

#### Arborist Report Information

- 1 The purpose of the arborist report is to provide the necessary information to determine suitable trees for preservation, and to prescribe tree protection and mitigation measures, including the definition of specific areas and activities requiring arborist supervision.
- 2 The arborist report must be prepared by a TRAQ arborist in accordance with the City’s Terms of Reference for an Arborist Report for Development.
- 3 The arborist report must comply with the following requirements:
  - (a) It must include the following information:
    - (i) Name of arborist and company, address, phone number and email,
    - (ii) Proof of professional liability insurance,
    - (iii) Arborist ISA certification number and confirmation of TRAQ,
    - (iv) Name and contact information of client,
    - (v) Address of property, and
    - (vi) Date of site visit and date of when report was submitted, with any revisions to the report dated.
  - (b) It must include all of the following trees:
    - (i) Protected trees on the subject lot,
    - (ii) Replacement trees on the subject lot,
    - (iii) Protected trees on adjacent properties with protected root zones or tree canopies extending onto the subject lot, or that would otherwise require tree protection, and
    - (iv) Trees on municipal frontage and any other municipal trees that may be impacted.
  - (c) It must include unique, sequential reference IDs for all inventoried trees that correspond to the tree management plan. Onsite trees shall have a physical tag number affixed to the trunk, which will be the reference ID. For untagged trees, the following prefixes will be used: offsite (OS-##), and municipal (M-##).
  - (d) It must include a description of proposed work and, when applicable, proposed development on the lot including all hardscape, landscape, hydrology and grade changes, all proposed frontage work, and all underground and overhead utility services.
  - (e) It must include recommendations for tree protection and mitigation measures for all project phases, including demolition, site excavation, site preload, construction, project and material staging, servicing, landscaping, grading, or any site disturbance. Recommendations must treat all trees as being retained for all phases prior to the issuance of the building permit for construction and tree removal permit regardless of whether they are planned to be removed. They must include:

- (i) Tree protection fencing locations,
  - (ii) Specific activities and areas when arborist supervision is required,
  - (iii) Site access routes,
  - (iv) Material storage areas,
  - (v) Any pruning that may be required to provide clearance,
  - (vi) Post-construction tree care measures, and
  - (vii) Other necessary mitigation measures.
- (f) It must include a list of other consulting agency documents that inform the tree assessment, including the version and date of such documents (e.g. lot layout plans, servicing plans, biologist reports).
- (g) It must include a tree inventory table, providing information on each tree identified pursuant to subsection (b), which shall include the following columns:
- (i) Tree ID,
  - (ii) species,
  - (iii) bylaw status (bylaw, non-bylaw, municipal),
  - (iv) DBH (cm),
  - (v) PRZ (m radius from trunk),
  - (vi) canopy spread (diameter and m from trunk),
  - (vii) structural condition (poor, fair, good),
  - (viii) health condition (poor, fair, good),
  - (ix) retention suitability (suitable, unsuitable),
  - (x) species tolerance to disturbance (poor, moderate, good),
  - (xi) remove or retain,
  - (xii) specific reason for removal, if applicable, and
  - (xiii) comments (including prune or cut), and location.
- (l) It must include site photos that:
- (i) capture the context of inventoried trees on the site,
  - (ii) capture individual trees when there are specific considerations or conditions of concern for that tree that are addressed in the arborist report,
  - (iii) are labelled as numbered figures with captions describing any numbered tree tags, direction of photo, and description of what it is pictured, and
  - (iv) are marked up with tree tag numbers for each tree if multiple trees are shown,
- (m) It must include a tree impact summary table counting the total number of trees, the

number of trees to be removed, the number of trees being planted or replaced, and the number of existing non-protected trees that are being counted as replacements as shown in the example below:

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	
<b>Tree Status</b>	<b>Total # of Protected Trees</b>	<b># of Trees to be REMOVED</b>	<b># of NEW or REPLACEMENT Trees to be Planted*</b>	<b># of EXISTING Non-protected Trees Counted as Replacements</b>	<b>NET CHANGE (A-B+C+D)</b>
Onsite trees					
Offsite trees					
Municipal trees			N/A	N/A	
<b>Total</b>					

\* Sufficient soil volume to support the proposed new or replacement trees must be provided on site and demonstrated by the calculations made in Schedule E (g). If soil volume is insufficient, replacement trees will not be permitted.

- (n) It must include a summary table counting replacement trees required, tree minimum, and calculating cash-in-lieu amounts, as shown in the example below:

	<b>Count</b>	<b>Multiplier</b>	<b>Total</b>
<b>ONSITE Minimum replacement tree requirement</b>			
A. Protected trees removed		X 1	A.
B. Replacement trees proposed per Schedule "E", Part 1		X 1	B.
C. Replacement trees proposed from Schedule "E", Part 2		X 0.5	C.
D. Replacement trees proposed per Schedule "E", Part 3		X 1	D.
E. Total replacement trees proposed (B+C+D) <i>Round down to nearest whole number</i>			E.
F. Onsite replacement tree deficit (A-E) <i>Record 0 if negative number</i>			F.
<b>ONSITE Minimum trees per lot requirement (onsite trees)</b>			
G. Tree minimum on lot*			G.
H. Protected trees retained (other than specimen trees)		X 1	H.
I. Specimen trees retained		X 3	I.
J. Trees per lot deficit (G-(B+C+H+I)) <i>Record 0 if negative number</i>			J.
<b>OFFSITE Minimum replacement tree requirement (offsite trees)</b>			
K. Protected trees removed		X 1	K.
L. Replacement trees proposed per		X 1	L.

Schedule "E", Part 1 or Part 3			
M. Replacement trees proposed from Schedule "E", Part 2		X 0.5	M.
N. Total replacement trees proposed (L+M) <i>Round down to nearest whole number</i>			N.
O. Offsite replacement tree deficit (K-N) <i>Record 0 if negative number</i>			O.
<b>Cash-in-lieu requirement</b>			
P. Onsite trees proposed for cash-in-lieu <i>Enter F. or J., whichever is the greater number</i>			P.
Q. Offsite trees proposed for cash-in-lieu <i>Enter O.</i>			Q.
R. Cash-in-lieu proposed ((P+Q) X \$2,000)			R.

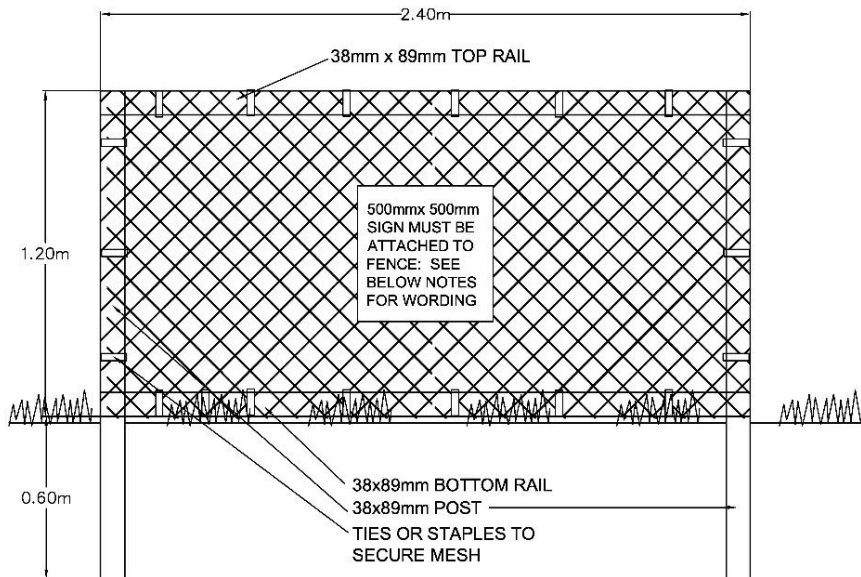
\* Refer to Schedule "F"

- (o) It must include the signature of the arborist.
  - (p) It must either:
    - (i) be dated within one year of the tree permit application date, or
    - (ii) have a covering letter from the original author stating that they have visited the site and the conditions and recommendations contained in the original report remain valid.
  - (q) Any revisions or amendments to an existing arborist report must be made to the original report and all changes identified.
- 4 Where the original arborist report submitted to the City is incomplete or inaccurate, the Director may:
- (a) retain the services of an independent arborist or other professional to review an arborist report, and
  - (b) the cost of the independent arborist report must be paid by the owner prior to issuance of the tree permit.

## SCHEDULE "D"

### TREE PROTECTION BARRIER REQUIREMENTS

- 1 The requirements for tree protection barriers are as follows:
  - (a) The barrier must be placed around the outside of the protected root zone of the tree, or as approved by the Director; and
  - (b) The barrier must meet the following specifications:
    - (i) it must have a minimum height of 1.2 m,
    - (ii) 38 mm x 89 mm timbers must be used for vertical posts, top and bottom rails (in rocky areas, metal posts (T-bar or rebar) drilled into rock will be accepted), and cross-bracing (in an "X"),
    - (iii) spacing between vertical posts must be a maximum of 3.0 metres on center,
    - (iv) the structure must be sturdy with vertical posts driven firmly into the ground,
    - (v) there must be continuous plastic mesh high visibility screening (e.g. orange snow fencing), and
    - (vi) it must have visible all weather 500 mm x 500 mm signage on it with the wording "Warning – Tree Protection Area".
- 2 Below is an example showing an acceptable barrier:





## SCHEDULE "E"

### REPLACEMENT TREE REQUIREMENTS

#### A. Replacement Tree Plan

- 1 The purpose of the replacement tree plan is to show where new trees will be planted on site as replacements for protected trees. It must identify all protected trees that are to be retained, and the species and location of all proposed replacement trees.
- 2 The replacement tree plan must:
  - (a) Be prepared by an arborist or landscape architect.
  - (b) Show trees to be retained.
  - (c) Show the location and species of proposed replacement trees consistent with the requirements in Schedule E, Part 4 Siting.
  - (d) Include a title block with north arrow, bar scale, date and company name, and a legend to identify symbols.
  - (e) Date all plans and revisions.
  - (f) Define connected areas of soil where tree roots could reasonably grow as 'Planting Areas'. A Planting Area is defined by the estimated extent of connected soil volume on or adjacent to the lot. Where there is a barrier to root growth between two areas of soil, then each area of soil would be a separate Planting Area. Each Planting Area must be assigned a unique number.
  - (g) Include a table as shown in the example below calculating the estimated soil volume that will be provided for each Planting Area.

				Replacement Trees Proposed			Soil Volume Required (m <sup>3</sup> )			
Planting Area ID	Area (m <sup>2</sup> )	Soil volume multiplier*	A. Estimated soil volume	B. #Small	C. # Medium	D. #Large	E. Small	F. Medium	G. Large	Total **
Onsite										
Planting Area X										
Offsite (excluding City property)										
Planting Area OSA X										
Calculation Instructions							E	F	G	Total
Calculation							If B=1, Bx8 If B>1, Bx6	If C=1, Cx20 If C>1, Cx15	If D=1, Dx35 If D>1, Dx30	E+F+G

\* On ground (excluding exposed bedrock): use 1, On structure: use depth of soil, On soil cells: use 0.92, On structural soil: use 0.2

\*\* Total must not exceed A. If Total exceeds A, then the number or size of proposed replacement trees must be reduced.

B. Part 1 – Replacement species acceptable for 1:1 replacement

Genus	Species	Cultivated Variety	Common Name	Class	Size
Abies	nordmanniana		Nordmann fir	Conifer	Large
Abies	balsamea		Balsam fir	Conifer	Medium
Abies	fraseri		Fraser fir	Conifer	Medium
Abies	concolor		White fir	Conifer	Medium
Acer	macrophyllum		Big Leaf maple	Deciduous	Large
Acer	saccharum		Sugar maple	Deciduous	Large
Acer	miyabei	Rugged Ridge	Rugged Ridge maple	Deciduous	Medium
Acer	rubrum	Armstrong	Armstrong maple	Deciduous	Medium
Acer	rubrum		Red maple	Deciduous	Medium
Acer	saccharum	Legacy	Legacy sugar maple	Deciduous	Medium
Acer	truncatum	Crimson Sunset	Pacific Sunset maple	Deciduous	Medium
Aesculus	indica		Indian horse chestnut	Deciduous	Medium
Aesculus	X carnea	Briotii	Red horse chestnut	Deciduous	Medium
Alnus	rubra		Red alder	Deciduous	Large
Arbutus	menziesii		Arbutus	Broadleaf evergreen	Medium
Betula	nigra	Dura Heat	Dura Heat birch	Deciduous	Medium
Calocedrus	deccurens		Incense cedar	Conifer	Large
Carpinus	betulus	Fastigiata	Pyramidal hornbeam	Deciduous	Medium
Castanea	mollissima		Chinese chestnut	Deciduous	Medium
Catalpa	bignonioides		Southern catalpa	Deciduous	Large
Catalpa	speciosa		Northern catalpa	Deciduous	Medium
Celtis	occidentalis		Common hackberry	Deciduous	Medium
Cercidiphyllum	japonicum		Japanese katsura tree	Deciduous	Medium
Cladrastis	kentukea		American yellowwood	Deciduous	Medium
Cladrastis	kentukea	Perkins Pink	Perkins Pink American yellowwood	Deciduous	Medium
Cornus	nuttallii		Pacific dogwood	Deciduous	Medium
Corylus	colurna		Turkish filbert	Deciduous	Medium
Cryptomeria	japonica		Japanese cedar	Conifer	Large
Cupressus	nootkatensis		Yellow cedar	Conifer	Large
Fagus	sylvatica	Asplenifolia	Fern leaved beech	Deciduous	Large
Fagus	sylvatica	Pendula	Weeping beech	Deciduous	Large
Fagus	sylvatica		European beech	Deciduous	Large
Fagus	sylvatica	Riversii	Riversii beech	Deciduous	Medium
Fraxinus	americana	Autumn Purple	Autumn Purple white ash	Deciduous	Large

Genus	Species	Cultivated Variety	Common Name	Class	Size
Fraxinus	latifolia		Oregon ash	Deciduous	Large
Fraxinus	pennsylvanica		Green ash	Deciduous	Large
Fraxinus	americana	Autumn Applause	Autumn Applause ash	Deciduous	Medium
Ginkgo	biloba	Princeton Sentry	Princeton Sentry ginkgo	Deciduous	Large
Ginkgo	biloba		Maidenhair tree	Deciduous	Large
Gleditsia	triacanthos		Honey locust	Deciduous	Medium
Gleditsia	triacanthos	Shademaster	Shademaster locust	Deciduous	Medium
Gymnocladus	dioicus		Kentucky coffeetree	Deciduous	Large
Gymnocladus	dioicus	Espresso	Espresso coffeetree	Deciduous	Large
Juglans	nigra		Black walnut	Deciduous	Large
Juglans	regia		English walnut	Deciduous	Large
Larix	decidua		European larch	Deciduous conifer	Large
Liquidambar	styraciflua		Sweetgum	Deciduous	Large
Liquidambar	styraciflua	Worplesdon	Worplesdon sweetgum	Deciduous	Large
Liriodendron	tulipifera	Arnoldii	Arnold tulip tree	Deciduous	Large
Liriodendron	tulipifera		Tulip tree	Deciduous	Large
Magnolia	accuminata	Yellow Bird	Yellow Bird magnolia	Deciduous	Medium
Magnolia	kobus		Kobus magnolia	Deciduous	Medium
Malus	fusca		Pacific crabapple	Deciduous	Medium
Metasequoia	glyptostroboideis		Dawn redwood	Deciduous conifer	Large
Nyssa	sylvatica		Tupelo	Deciduous	Medium
Ostrya	virginiana		Ironwood	Deciduous	Medium
Picea	abies		Norway spruce	Conifer	Large
Picea	orientalis		Oriental spruce	Conifer	Large
Pinus	densiflora		Japanese red pine	Conifer	Medium
Pinus	thunbergii		Japanese black pine	Conifer	Medium
Pinus	contorta	Contorta	Shore pine	Conifer	Medium
Populus	tremuloides		Quaking aspen	Deciduous	Medium
Pseudotsuga	menziesii		Douglas fir	Conifer	Large
Quercus	garryana		Garry oak	Deciduous	Large
Quercus	robur		English Oak	Deciduous	Large
Quercus	bicolor		Swamp white oak	Deciduous	Large
Quercus	coccinea		Scarlett oak	Deciduous	Large
Quercus	dentata		Japanese Emperor oak	Deciduous	Large
Quercus	macrocarpa		Bur oak	Deciduous	Large
Quercus	phellos		Willow oak	Deciduous	Large

Genus	Species	Cultivated Variety	Common Name	Class	Size
Quercus	rubra		Red oak	Deciduous	Large
Quercus	frainetto		Hungarian oak	Deciduous	Medium
Quercus	robur	Fastigiata	Pyramidal English oak	Deciduous	Medium
Robinia	pseudoacacia		Black locust	Deciduous	Large
Robinia	pseudoacacia	Frisia	Golden Black Locust	Deciduous	Medium
Salix	lasiandra		Pacific willow	Deciduous	Medium
Styphnolobium	japonicum		Japanese pagodatree	Deciduous	Large
Taxodium	distichum		Baldcypress	Deciduous conifer	Large
Tilia	cordata		Little leaf linden	Deciduous	Large
Tilia	americana			Deciduous	Large
Ulmus	americana	Brandon	Brandon elm	Deciduous	Medium
Ulmus	parvifolia		Lacebark elm	Deciduous	Medium
Zelkova	serrata	Green Vase	Green Vase zelkova	Deciduous	Medium
Zelkova	serrata		Japanese zelkova	Deciduous	Medium

Or another species acceptable to the Director that has a height at maturity of greater than 10.0 m

C. Part 2 – Replacement species acceptable for 2:1 replacement

Genus	Species	Cultivated Variety	Common Name	Class	Size
Acer	davidii		David's maple	Deciduous	Small
Acer	truncatum		Shangtung maple	Deciduous	Small
Acer	griseum		Paperbark maple	Deciduous	Small
Chitalpa	tashkentensis		Chitalpa	Deciduous	Small
Cornus	kousa	Satomi	Satomi dogwood	Deciduous	Small
Cornus	X Venus	Venus	Venus dogwood	Deciduous	Small
Crataegus	douglasii		Black hawthorn	Deciduous	Small
Davidia	involucrata		Hankerchief tree	Deciduous	Small
Frangula	purshiana		Cascara	Deciduous	Small
Koelreuteria	paniculata		Goldenraintree	Deciduous	Small
Maackia	amurensis		Amur mackia	Deciduous	Small
Magnolia	x Galaxy		Galaxy magnolia	Deciduous	Small
Magnolia	grandiflora	Victoria	Victoria magnolia	Broadleaf evergreen	Small
Oxydendrum	arboreum		Sourwood	Deciduous	Small
Parrotia	persica		Persian ironwood	Deciduous	Small
Parrotia	persica	Ruby Vase	Ruby Vase persian Ironwood	Deciduous	Small

Genus	Species	Cultivated Variety	Common Name	Class	Size
Phellodendron	amurense		Amur cork tree	Deciduous	Small
Pistacia	chinensis		Chinese pistache	Deciduous	Small
Prunus	sargentii		Sargent's cherry	Deciduous	Small
Quercus	ilex		Holly oak	Broadleaf evergreen	Small
Sorbus	x hybridia		Oakleaf mountain ash	Deciduous	Small
Stewartia	pseudocamellia		Japanese stewartia	Deciduous	Small
Styrax	obassia		Fragrant snowbell	Deciduous	Small
Taxus	brevifolia		Pacific yew	Deciduous	Small

Or another species acceptable to the Director that has a height at maturity of less than 10.0 m

**D. Part 3 – Replacement species acceptable for 1:1 replacement for trees above structures**

**Where the soil volume available on structure is 6.0 m<sup>3</sup> per tree or more:**

Genus	Species	Cultivated Variety	Common Name	Class
Acer	griseum		Paperbark maple	Deciduous
Chitalpa	tashkentensis		Chitalpa	Deciduous
Cornus	kousa	Satomi	Satomi dogwood	Deciduous
Cornus	X Venus	Venus	Venus dogwood	Deciduous
Crataegus	douglasii		Black hawthorn	Deciduous
Maackia	amurensis		Amur mackia	Deciduous
Magnolia	x Galaxy		Galaxy magnolia	Deciduous
Magnolia	grandiflora	Victoria	Victoria magnolia	Broadleaf evergreen
Oxydendrum	arboreum		Sourwood	Deciduous
Parrotia	persica		Persian ironwood	Deciduous
Parrotia	persica	Ruby Vase	Ruby Vase persian Ironwood	Deciduous
Sorbus	x hybridia		Oakleaf mountain ash	Deciduous
Styrax	obassia		Fragrant snowbell	Deciduous
Taxus	brevifolia		Pacific yew	Deciduous

**In addition to the previous species, where the soil volume available on structure is 10.0 m<sup>3</sup> per tree or more:**

Genus	Species	Cultivated Variety	Common Name	Class
Acer	davidii		David's maple	Deciduous
Koelreuteria	paniculata		Goldenraintree	Deciduous
Malus	fusca		Pacific crabapple	Deciduous
Phellodendron	amurense		Amur cork tree	Deciduous

Genus	Species	Cultivated Variety	Common Name	Class
Quercus	ilex		Holly oak	Broadleaf evergreen

**In addition to the previous species, where the soil volume available on structure is 15.0 m<sup>3</sup> per tree or more:**

Genus	Species	Cultivated Variety	Common Name	Class
Acer	miyabei	Rugged Ridge	Rugged Ridge maple	Deciduous
Magnolia	accuminata	Yellow Bird	Yellow Bird magnolia	Deciduous
Magnolia	kobus		Kobus magnolia	Deciduous
Pinus	densiflora		Japanese red pine	Conifer
Pinus	thunbergii		Japanese black pine	Conifer
Pinus	contorta	Contorta	Shore pine	Conifer

Or, for any of the above soil volumes, another species acceptable to the Director that is likely to flourish in the soil volume provided on the structure

**E. Part 4 – Requirements for siting, soil volume, timing of planting, and size of stock**

**Siting**

- 1 Replacement trees must be planted:
  - (a) At least 2.0 m away from a building foundation wall,
  - (b) At least 1.0 m away from any property line of a lot, above and underground utility, driveway or other paved surface, and
  - (c) In a location approved by the Director.
- 2 Every replacement tree must be spaced from existing trees and other replacement trees in accordance with the table below to ensure the best chance of survival of the replacement and existing trees.

Row #	Tree Size	Min spacing
1	Small tree (Schedule “E”, Part 2)	2.0 m
2	Medium tree (Schedule “E”, Part 1)	4.0 m
3	Large tree (Schedule “E”, Part 1)	6.0 m

**Soil volume**

- 3 The applicant must demonstrate that appropriate soil volume will be provided for any



replacement tree in accordance with the recommended targets in Schedule “E”, Parts 1, 2 and 3 or as approved by the Director.

Row #	Tree Size	Min soil volume (m <sup>3</sup> )	Shared or irrigated soil volume (m <sup>3</sup> )
1	Small tree (Schedule “E”, Part 2)	8.0	6.0
2	Medium tree (Schedule “E”, Part 1)	20.0	15.0
3	Large tree (Schedule “E”, Part 1)	35.0	30.0

- 4 Soil volume shall be calculated as:
  - (a) On ground: Surface area (Length x Width) of connected pervious x 1
  - (b) On structure:
    - (i) Soil: Volume of soil (Length x Width x Depth)
    - (ii) Soil cells: Volume of soil cell installation (Length x Width x Depth) x 0.92
    - (iii) Structural soil: Volume of structural soil (Length x Width x Depth) x 0.2
- 5 Replacement trees must meet the applicable plant condition and structure requirements set out in the latest edition of the CNLA/CSLA “Canadian Landscape Standard” and the CNLA “Canadian Nursery Stock Standard”.

### Timing of planting

- 6 Replacement trees must be planted during the suitable local planting seasons generally defined as fall (September – November) and spring (February – April).
- 7 Despite section 6, where planting must occur outside of the prescribed time periods, then a strategy for ensuring the trees are watered (in the summer) and appropriately cared for must be included as part of the tree permit application.

### Size of stock

- 8 Replacement trees must be:
  - (a) For sites of development related tree permits, a minimum of 6.0 cm caliper at time of planting for deciduous trees, and a minimum of 2.0 m in height for coniferous trees, or
  - (b) For all other sites, a minimum 4.0 cm caliper or 10 gallon pot size for deciduous trees, and a minimum of 1.5 m in height for coniferous trees, except for the tree species *Arbutus menziesii*, which must be contained in a #5 pot when acquired from a nursery or a landscaper-supplier, or
  - (c) Despite the above subsections, replacement trees may be of a comparable size approved by the Director if obtaining the above sizes is not possible.

**SCHEDULE “F”**  
**MINIMUM NUMBER OF TREES REQUIRED PER LOT**

The number of trees required per lot is determined by lot area as follows:

<b>Row #</b>	<b>Area (m<sup>2</sup>)</b>	<b>Trees Required</b>
1	<300	1
2	300 - 499	2
3	500 - 699	3
4	700 - 899	4
5	900 - 1099	5
6	1100 - 1299	6
7	1300 - 1499	7
8	1500 - 1699	8
9	1700 - 1899	9
10	1900 - 2099	10
11	2100 - 2299	11
12	2300 - 2499	12
13	2500 - 2699	13
14	2700 - 2899	14
15	2900 - 3099	15
16	3100 - 3299	16
17	3300 - 3499	17
18	3500 - 3699	18
19	3700 - 3899	19
20	3900 - 4099	20
21	4100 - 4299	21
22	4300 - 4499	22
23	4500 - 4699	23
24	4700 - 4899	24
25	4900 - 5099	25
26	5100 - 5299	26

27	5300 - 5499	27
28	5500 - 5699	28
29	5700 - 5899	29
30	5900 - 6099	30
31	6100 - 6299	31
32	6300 - 6499	32
33	6500 - 6699	33
34	6700 - 6899	34
35	6900 - 7099	35
36	7100 - 7299	36
37	7300 - 7499	37
38	7500 - 7699	38
39	7700 - 7899	39
40	7900 - 8099	40
41	8100 - 8299	41
42	8300 - 8499	42
43	8500 - 8699	43
44	8700 - 8899	44
45	8900 - 9099	45
46	9100 - 9299	46
47	9300 - 9499	47
48	9500 - 9699	48
49	9700 - 9899	49
50	9900 - 10099	50
51	>10099	<p>The following formula applies, rounded to the nearest integer:</p> $\frac{\text{Lot area (m}^2\text{)}}{200}$

**SCHEDULE “G”**  
**LETTER OF ASSURANCE REQUIREMENTS**

- 1 The purpose of the letter of assurance is to list and describe the specific areas or activities requiring arborist supervision as prescribed in the arborist report and confirm that the arborist and owner agree that the arborist will be onsite to supervise these specific areas or activities. An arborist must be onsite for activities described in the arborist report, whenever work occurs in or around the protected root zone of a protected tree and when a tree protection barrier is removed.
- 2 The letter of assurance must be from the arborist and the owner to the City, and state that the arborist will perform or supervise work in specific areas or activities described in the arborist report, and may include, but is not limited to, specifications regarding:
  - (a) pre-construction treatment of trees, including root and branch pruning,
  - (b) in-construction tree protection measures including mulching, ground protection, irrigation and decompaction treatments,
  - (c) regular on-site inspections during construction, and reporting any violation of this Bylaw to the Director,
  - (d) restorative landscape treatment, including soil renovation,
  - (e) selection and planting of any replacement trees required under this Bylaw, and
  - (f) a post-construction inspection of the site.
- 3 The letter of assurance must include statements confirming that the arborist will prepare:
  - (a) Site supervision memos that document each arborist supervision visit, including what was supervised, any damage observed, and photos showing the site before work starts, during work and after work is completed for each area or activity listed in the letter of assurance,
  - (b) Impact assessments detailing observed or suspected damage and mitigation options if required by the Director, and
  - (c) A post-construction report upon completion of all construction that confirms all supervision visits, impact assessments and mitigation works were completed in accordance with the approved arborist report, letter of assurance, or impact assessment, certified correct by the arborist and supported by site supervision memos, for submission in a timely manner to the Director.
- 4 The letter of assurance must include a statement acknowledging that it is the owner’s responsibility to coordinate the arborist to be on-site per the letter of assurance requirements and that failure to follow any requirements in the letter of assurance is considered a violation of the tree permit for the site.
- 5 The letter of assurance must be signed by the arborist and owner.

**[END OF TREE PROTECTION BYLAW]**

**APPENDIX 1****Schedule LL****Tree Protection Bylaw  
Offences and Fines**

Item #	Column 1 – Offence	Column 2 – Section	Column 3 – Set Fine	Column 4 – Fine if paid within 30 days
1	Cut/damage/prune/ remove tree in conflict with Bylaw	4(1)	\$1,000.00	\$850.00
2	Cut/damage/prune/ remove tree in conflict with tree permit	4(1)(b)	\$1,000.00	\$850.00
3	Not comply with Bylaw	4(2)	\$1,000.00	\$850.00
4	Not comply with tree permit	4(3)	\$1,000.00	\$850.00
5	Alter/falsify/ misrepresent information on tree permit/application	4(4)	\$300.00	\$250.00
6	Fail to obtain tree permit to cut/prune/ remove	5(1)	\$300.00	\$250.00
7	Fail to obtain tree permit for replacement	5(2)	\$300.00	\$250.00
8	Fail to provide information to Director	6(1)	\$300.00	\$250.00
9	Fail to apply for tree permit for construction or disturbing site	6(2)	\$300.00	\$250.00
10	Fail to comply with tree permit conditions	9(2)	\$1,000.00	\$1,000.00
11	Fail to provide evidence of emergency	15(2)(a)	\$1,000.00	\$850.00
12	Fail to take action to obtain tree permit	15(2)(b)	\$300.00	\$250.00
13	Removal of tree remains before Director's determination	15(3)	\$175.00	\$125.00
14	Fail to replace tree removed in emergency	15(4)	\$750.00	\$750.00
15	Cut/prune/remove when tree is not failing	15(5)	\$1,000.00	\$1,000.00
16	Fail to prune/cut/ remove when required by Director	16(1)	\$175.00	\$125.00
17	Fail to identify trees for removal	17(1)	\$250.00	\$200.00

18	Fail to post public notice as required	17(2)	\$150.00	\$125.00
19	Fail to dispose of tree parts as required	17(3)	\$125.00	\$75.00
20	Fail to cut/prune/remove/retain/replace tree in best practice	18(1)	\$750.00	\$650.00
21	Construction/site disturbance without tree protection	18(2)(a)	\$750.00	\$650.00
22	Construction/site disturbance without Director approval	18(2)(b)	\$750.00	\$650.00
23	Construction/site disturbance without tree permit	18(2)(c)	\$750.00	\$650.00
24	Fail to leave tree protection in place	18(3)	\$750.00	\$650.00
25	Fail to restore tree protection	18(4)	\$750.00	\$650.00
26	Fail to do mitigation work when required	19(1)(a)	\$1,000.00	\$850.00
27	Removal of tree remains without authorization	19(3)	\$400.00	\$350.00
28	Fail to plant replacement	20(1)	\$750.00	\$750.00
29	Fail to plant replacement on same lot	20(6)	\$750.00	\$750.00
30	Fail to achieve tree minimum	21(1)	\$750.00	\$750.00
31	Fail to plant replacement in time	22(1)	\$300.00	\$250.00
32	Fail to plant/maintain in accordance with requirements	22(2)	\$750.00	\$750.00
33	Fail to replace/maintain as required	22(3)(a)	\$750.00	\$750.00
34	Prevent/obstruct inspection	28(2)	\$500.00	\$500.00
35	Fail to comply with order/notice/Bylaw	29(1)	\$500.00	\$450.00
36	Activity when Stop Work notice effective	29(3)	\$500.00	\$450.00