



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, July 8, 2021

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

Due to the COVID-19 Pandemic, public attendance at Council Meetings is not permitted. This meeting may be viewed on the City's webcast at www.victoria.ca

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Addenda: Report and Amended Bylaw

A report recommending:

- **Rescind third reading of:**
 - Land Use Procedures Bylaw, Amendment Bylaw (No. 13) No. 21-055
- **Amend:**
 - Land Use Procedures Bylaw, Amendment Bylaw (No. 13) No. 21-055
- **Give third reading as amended to:**
 - Land Use Procedures Bylaw, Amendment Bylaw (No. 13) No. 21-055

- Adoption of:
 - Parks Regulation Bylaw, Amendment Bylaw (No. 16) No. 21-068

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A letter from the District of Saanich regarding the Chinese Canadian Museum.

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A letter from UBCM regarding Victoria Resolutions.

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A letter from Langford regarding the Crisis Prevention Hotline.

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A letter from Saanich regarding CARIP.

I. NEW BUSINESS

I.1. Report Back - STR Appeal for 1044 Belmont

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A report back to Council presenting documents from the Appellant and the City's Licence Inspector for Council's consideration in response to Council's request for more information on the prior use of 1044 Belmont Avenue.

I.2. Report Back - STR Appeal for 906 Fairfield

124

A report back to Council presenting documents from the Appellant and the City's Licence Inspector for Council's consideration in response to Council's request for more information on the ability to convert the unit into a rental space at 906 Fairfield Road.

*J. CLOSED MEETING

MOTION TO CLOSE THE July 8, 2021 COUNCIL MEETING TO THE PUBLIC

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

Section 90(1) A 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)(c) labour relations or other employee relations;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

Section 90(2) A part of a council meeting may be closed to the public if the subject matter being considered relates to one or more of the following:

Section 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

K. APPROVAL OF CLOSED AGENDA

L. READING OF CLOSED MINUTES

L.1. Minutes from the closed meeting held June 24, 2021

M. UNFINISHED BUSINESS

N. CORRESPONDENCE

O. NEW BUSINESS

*O.1. Legal Advice - Section 90(1)(i)

*O.2. Intergovernmental Relations - Community Charter Section 90(2)(b)

O.3. Employee Relations - Community Charter Section 90(1)(c)

P. CONSIDERATION TO RISE & REPORT

Q. ADJOURNMENT



MINUTES - VICTORIA CITY COUNCIL

June 10, 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

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Andrew, and Councillor Young

PRESENT ELECTRONICALLY: Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

STAFF PRESENT: J. Jenkyns - City Manager, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, P. Bellefontaine - Director of Engineering & Public Works, K. Hoese - Director of Sustainable Planning and Community Development, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, A. Johnston - Planner, AK Ferguson - Council Secretary, C. Kingsley - City Clerk, G. Milne – Head of Strategic Operations.

B. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Alto

Seconded By Councillor Andrew

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

D. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Alto

Seconded By Councillor Young

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

D.1 Anna Barford: New report on devastating amount of Scrubber Washwater being dumped in the ocean

Outlined why Council should take interest in the amount of scrubber washwater being dumped in the ocean.

D.2 Bob Brash: Advocacy for Forest Industry

Outlined why Council should advocate for the Forest Industry.

D.3 Daniel Powell: Renaming Trutch Street

Outlined why Council should rename Trutch Street.

F. PUBLIC AND STATUTORY HEARINGS

F.1 1210 Topaz Avenue: Development Variance Permit Application No. 00264

The Council of the City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 1210 Topaz Avenue for the purpose of varying certain requirements of the Zoning Regulation Bylaw namely: reducing the rear and side yard setbacks and a one stall parking variance resulting from the expansion of the main entrance and the kitchen.

F.1.a Opportunity for Public Comment

Alec Johnston (Senior Planner): Advised that the application is for additions to a non-conforming public building, Sikh Temple, including the kitchen and common areas.

Mayor Helps opened the opportunity for public comment at 6:54 p.m.

Eleni Gibson (Applicant): Provided information regarding the application.

Council recessed from 7:04 p.m. until 7:09 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed application.

Mayor Helps closed the opportunity for public comment at 7:09 p.m.

Moved By Councillor Dubow

Seconded By Councillor Isitt

That Council authorize the issuance of Development Variance Permit Application No. 00264 for 1210 Topaz Avenue, in accordance with:

1. Plans date stamped April 23, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the rear yard setback from 18.3m to 8.58m;
 - ii. reduce the east side yard setback from 4.97m to 2.19m; and
 - iii. reduce the number of vehicle parking from 36 stalls to 35 stalls.

3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

F.2 1177-1185 Fort Street and 1043-1045 Linden Avenue: Rezoning Application No. 00731

To rezone the land known as 1177-1185 Fort Street & 1043-1045 Linden Avenue from the R3-AM-2 Zone, Mid-Rise Multiple Dwelling District, to the C1-FH2 Zone, Fort Street Commercial Heritage 2 District, to permit the existing commercial uses on-site within the existing heritage designated building.

F.2.a Public Hearing & Consideration of Approval:

Alec Johnston (Senior Planner): *Advised that the application is to rezone the property to permit the current uses following the termination of its Land Use Contract.*

Mayor Helps opened the public hearing at 7:10 p.m.

Nigel Banks (Applicant): Provided information regarding the application.

Council recessed from 7:18 p.m. until 7:23 p.m. to provide an opportunity for members of the public to call to speak live.

Charles Isherwood (Amblewood Drive): Expressed his support for the application.

Bob June (Rockland Neighbourhood Association): Expressed his support for the application.

Mayor Helps closed the public hearing at 7:26 p.m.

Moved By Councillor Andrew
Seconded By Councillor Alto

That the following bylaw **be given third reading**:

- Zoning Regulation Bylaw, Amendment Bylaw (No. 1252) No. 21-043

CARRIED UNANIMOUSLY

Councillor Isitt recused himself at 7:29 p.m. due to a non-pecuniary conflict of interest as a family member lives within close proximity to the next application.

Councillor Potts recused herself at 7:29 p.m. due to a non-pecuniary conflict of interest as she lives within close proximity to the next application.

F.3 415 and 435 Michigan Street: Rezoning Application No. 00637 and Development Permit with Variances Application No. 00055

To rezone the land known as 415 and 435 Michigan Street from the R3-H Zone, High-Density Dwelling District, to the R-102 Zone, Michigan Multiple Dwelling District, to permit construction of an approximately four-storey multiple dwelling building containing approximately 24 dwelling units and to retain the two existing multiple dwelling rental buildings on site.

F.3.a Public Hearing & Consideration of Approval

Alec Johnston (Senior Planner): *Advised that the application is to rezone the property to construct 24 ground-oriented housing units. The proposal requires variances for the use, number of buildings on a site, front yard setbacks, site coverages, open site spaces, accessory building location and size and number of parking stalls.*

Mayor Helps opened the public hearing at 7:30 p.m.

Andrew Brown, Peter Huggins, Deane Strongitharm (Applicants): Provided information regarding the application.

John Swindells (Michigan Street): Expressed opposition to the application.

Paul Banman (Michigan Street): Expressed opposition to the application.

Zsuzsa Palfy (Michigan Street): Expressed opposition to the application.

Claudia Knoglinger (Menzie's Street): Expressed support for the application.

Jordan Teyke (Montreal Street): Expressed support for the application.

Joyce Sky (Dallas Road): Expressed support for the application.

Shannon West (Battery Street): Expressed support for the application.

Dennis Sky (Dallas Road): Expressed support for the application.

Neil Stubbs (Michigan Street): Expressed opposition to the application.

Bill Appledorf (Michigan Street): Expressed opposition to the application.

Resident (Michigan Street): Expressed support for the application.

Resident (Michigan Street): Expressed opposition to the application.

Marianne Tustinov (Michigan Street): Expressed opposition to the application.

Council recessed from 8:22 p.m. until 8:27 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed bylaw.

Council discussed the following:

- *How disturbances to tenants will be mitigated during construction.*
- *How tenants will be compensated for their loss of amenities.*
- *Impacts of the development on the pool.*
- *Whether Council can consider previous inconveniences to tenants during construction of the property.*
- *The loss of the mature trees and the size of the new plantings which will replace them.*
- *Whether fees will be associated with bike parking and visitor parking.*

Mayor Helps closed the public hearing at 8:51 p.m.

Moved By Mayor Helps

Seconded By Councillor Young

That the following bylaw **be given third reading:**

- Zoning Regulation Bylaw, Amendment Bylaw (No. 1253) No. 21-044

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Dubow

CARRIED (6 to 1)

Moved By Councillor Alto

Seconded By Councillor Young

That the following bylaw **be adopted:**

- Zoning Regulation Bylaw, Amendment Bylaw (No. 1253) No. 21-044

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Dubow

CARRIED (6 to 1)

Moved By Councillor Alto

Seconded By Councillor Young

That the following bylaw **be adopted:**

- Housing Agreement (415 and 435 Michigan Street) No. 21-045

CARRIED UNANIMOUSLY

Moved By Councillor Young

Seconded By Councillor Alto

Development Permit with Variances

That Council authorize the issuance of Development Permit with Variances Application No. 00055 for 415 and 435 Michigan Street, in accordance with:

1. Plans date stamped June 4, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the number of buildings permitted on one lot from one to three;
 - ii. reduce the front setback to buildings from 15m to 5.5m;
 - iii. reduce the front setback to canopies on a building from 12m to 5m;
 - iv. reduce the front setback to stairs on a building from 12m to 2.0m;
 - v. increase the site coverage from 14% to 23.6%;
 - vi. reduce the open site space from 40% to 31%;
 - vii. reduce the number of parking spaces (not visitor) from 221 to 130;
 - viii. reduce the number of parking spaces (visitor) from 22 to 11;
 - ix. permit accessory buildings in the side yard;
 - x. increase the floor area for an accessory building from 37m² to 54m².
3. Revised plans addressing inconsistencies in the project data table.
4. The Development Permit lapsing two years from the date of this resolution."

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Dubow

CARRIED (6 to 1)

Council recessed at 9:21 p.m. and returned at 9:27 p.m.

Councillor Isitt and Councillor Potts returned to the meeting at 9:27 p.m.

F.4 1475 Fort Street: Development Permit with Variance Application No. 00120

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 1475 Fort Street, in Development Permit Area 7B (HC), for purposes of constructing a four-storey residential building.

F.4.a Opportunity for Public Comment & Consideration of Approval

Alec Johnston (Senior Planner): *Advised that the application is to construct a four story residential building.*

Mayor Helps opened the opportunity for public comment at 9:30 p.m.

Josh Hayes (Applicant): Provided information regarding the application.

Council recessed due to a technical issue at 9:39 p.m. and returned at 10:15 p.m.

The applicant continued their presentation.

David Laks (Rendell Street): Expressed support for the application.

Barbara Bolli (Pemberton Road): Expressed opposition to the application.

Carolina Ashe (Pemberton Road): Expressed opposition to the application.

Vanessa Dingley (Pemberton Road): Expressed opposition to the application.

Bob June (Rockland Neighborhood Association): Expressed opposition to the application.

Alan Morton (unknown): Expressed opposition to the application.

Barry Willimott (St. Charles Street): Expressed opposition to the application.

Verna Stone (Fort Street): Expressed opposition to the application.

Moved By Councillor Andrew
Seconded By Councillor Young

That the meeting be extended until 12:00 a.m.

CARRIED UNANIMOUSLY

Gillian Lawson (Pemberton Road): Expressed opposition to the application.

Jeremy Smith (Wilson Street): Expressed support for the application.

Ann Peter (unknown): Expressed oppositions to the application.

Council recessed from 11:21 p.m. until 11:27 p.m. to provide an opportunity for members of the public to call to speak live.

Alisse Carson (Victoria): Expressed support for the application.

Elle Hall (Songhees Road): Expressed support for the application.

Justine Gagnon (Inwood Road): Expressed support for this application.

Casper Davis (Pemberton Road): Expressed opposition to the application.

Vincent Turner (St. Charles Street): Expressed opposition to the application.

Dee Hoyano (St. Charles Street): Expressed opposition to the application.

Council discussed the following:

- *The reasoning for the application being a Development variance.*
- *Concerns with the loss of the trees on the site.*
- *Whether there are legal agreements with VIHA for below market rents*
- *The unit mix of the building.*
- *How many trees on the property are bylaw protected.*
- *Whether VIHA tenants are in the building currently.*
- *What the height of the new tree plantings will be*

Moved By Councillor Andrew
Seconded By Councillor Dubow

Motion to extend the meeting until 12:45 a.m.

CARRIED UNANIMOUSLY

Council discussed the following:

- *Whether removing parking stalls could preserve trees*

Mayor Helps closed the opportunity for public comment at 12:15 a.m.

Moved By Mayor Helps
Seconded By Councillor Potts

That Council authorize the issuance of Development Permit with Variance Application No. 00120 for 1475 Fort Street in accordance with:

1. Plans date stamped April 30, 2021
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the vehicle parking from 45 stalls to 26 stalls;
 - ii. reduce the visitor parking from 3 stalls to 2 stalls;
 - iii. increase the building height from 12 metres to 12.92 metres;
 - iv. reduce the front setback from 10.5 metres to 1.81 metres (entrance canopy) and 3.53 metres (building);
 - v. reduce the rear setback from 6.46 metres to 3.96 metres;
 - vi. reduce the east side yard setback from 6.46 metres to 3.05 metres (balconies and entrance canopy) and 4.93 metres (building);

- vii. reduce the west side yard setback from 6.46 metres to 3.86 metres (balconies) and 5.75 metres (building);
 - viii. increase the site coverage from 40 percent to 47 percent;
 - ix. allow for an accessory structure to be located in the front yard rather than the rear yard.
3. Final plans generally in accordance with the plans date stamped April 30, 2021 with the following revisions:
- i. changes to the panhandle driveway to comply with the Highway Access Bylaw and BC Building Code requirements, to the satisfaction of the Director of Engineering and Public Works
 - ii. Relabel the proposed bylaw replacement trees to ensure replacement trees are provided on site, to the satisfaction of the Director of Parks, Recreation and Facilities
4. The Development Permit lapsing two years from the date of this resolution.”

Amendment:

Moved By Councillor Isitt

Seconded By Councillor Dubow

That Council refer the matter to staff to work with the applicant on a revised proposal that addresses concerns relating to setbacks and tree removal.

FOR (4): Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, and Councillor Young

OPPOSED (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, and Councillor Potts

DEFEATED (4 to 5)

On the main motion:

FOR (4): Mayor Helps, Councillor Alto, Councillor Loveday, and Councillor Potts

OPPOSED (5): Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, and Councillor Young

DEFEATED (4 to 5)

Moved By Councillor Alto

Seconded By Councillor Andrew

That the meeting be extended until 1:15 a.m.

CARRIED UNANIMOUSLY

M. NEW BUSINESS

M.1 Council Member Motion: Reconsideration of Public Hearing 1250 Dallas Road

Council received a Council Member Motion dated June 7, 2021 from Councillor Andrew regarding the proposed reconsideration of the Public Hearing for 1250 Dallas Road that was defeated by Council on May 27, 2021.

Council discussed:

- *Whether it is possible to refer this matter to June 17th Council to follow due to the late hour.*

Moved By Councillor Andrew

Seconded By Councillor Alto

That Council reconsider its decision of the public hearing of 1250 Dallas Road and reschedule a new hearing.

Motion to Refer:

Moved By Councillor Andrew

Seconded By Councillor Alto

That this matter be referred to June 17, 2021 Council (to follow COTW)

CARRIED UNANIMOUSLY

O. ADJOURNMENT

Moved By Councillor Andrew

Seconded By Councillor Alto

That the Council meeting adjourn.

TIME: 12:52 a.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

June 24, 2021, 1:17 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

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY: Councillor Andrew

ABSENT: Councillor Isitt

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Kingsley - City Clerk, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhower - Head of Engagement, K. Hoese - Director of Sustainable Planning and Community Development, A. Meyer - Assistant Director of Development Services, A. Hudson - Assistant Director of Community Planning, C. Havelka - Deputy City Clerk, L. Van Den Dolder - Assistant City Solicitor, J. O'Connor - Deputy Director of Finance, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, M. Sandhu - Head of Service Innovation & Improvement, G. Milne - Head of Strategic Operations, M. Cittone - Senior Planner, P. Bellefontaine - Director of Engineering & Public Works, G. Diamond - Committee Secretary

B. APPROVAL OF AGENDA

Moved By Councillor Loveday
Seconded By Councillor Alto

That the agenda be approved.

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.1 Minutes from the daytime meeting held May 20, 2021

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That the minutes from the Daytime Council meeting held May 20, 2021 be adopted.

CARRIED UNANIMOUSLY

C.2 Minutes from the daytime meeting held June 3, 2021

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That the minutes from the daytime meeting held June 3, 2021 be adopted.

CARRIED UNANIMOUSLY

C.3 Minutes from the daytime meeting held June 10, 2021

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That the minutes from the daytime meeting held June 10, 2021 be adopted.

CARRIED UNANIMOUSLY

E. UNFINISHED BUSINESS

E.1 Letter from Minister of Forests, Lands, Natural Resource Operations and Rural Development

Council received a letter dated June 2, 2021 from the Minister of Forests, Lands, Natural Resource Operations and Rural Development regarding a plan to modernize forest policy.

Moved By Councillor Loveday
Seconded By Councillor Potts

That the letter be received for information.

Motion to refer:

Moved by Councillor Loveday
Seconded by Councillor Potts

That this item be referred to the July 8, 2021 daytime Council meeting.

CARRIED UNANIMOUSLY

F. REPORTS OF COMMITTEE

F.1 Committee of the Whole

**F.1.a Report from the June 10, 2021 COTW Meeting
F.1.a.a 425-475 Simcoe Street: Rezoning Application No.00773
(James Bay)**

Moved By Councillor Potts
Seconded By Councillor Young

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00773 for 425- 475 Simcoe Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY

**F.1.a.b External Grant Review Committee - Report on Strategic Plan
Grant Applications Allocations**

Councillor Loveday withdrew from the meeting at 1:21 p.m. due to a non-pecuniary conflict of interest with the following item, as his partner works with one of the applicants.

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

1. That Council
 - a. Approve the External Grant Review Committee's recommendations for grant awards for the Strategic Plan Grant program.
 - b. Adopt the External Grant Review Committee's recommendations regarding improvements to the Application Form as outlined in their report dated June 10, 2021.
 - c. Direct staff to report back to Council before the November 2022 opening of applications, with an analysis of the 2019, 2020, and 2021 Strategic Plan grants under the objective 'Health, Wellbeing and a Welcoming City' with proposed sub-categories for Council's consideration.
 - d. Direct staff to report back before the November 2022 opening of applications, with proposed metrics to evaluate the way in which programs support the City's equity goals.
 - e. That Council direct staff to report back as part of the 2022 budget considerations on the implications and potential funding source for increasing the Strategic Plan grants.

- f. That Council direct staff to do an analysis of Strategic Plan grant submissions from 2019 through 2021 and recommend to Council a proposed grant cap for Council's consideration.
- g. That Council direct staff to report back on a funding mechanism for the Greater Victoria Cross Guards Association as part of the 2022 financial planning process and request that the Mayor write to the School Board chair asking for consideration of a co-funded program.
- h. Allocate one seat on the Committee to an Indigenous member and direct staff to report back to Council with recommendations for committee composition that reflect the City's equity values.
- i. That Council invite the Victoria Foundation to present its Unravelling report and principles for trust-based philanthropy for Council and staff's consideration for the Strategic Plan Grant process going forward.

CARRIED UNANIMOUSLY

F.1.a.c Council Member Motion: Trutch Street

Councillor Loveday returned to the meeting at 1:23 p.m.

Moved By Councillor Loveday

Seconded By Councillor Thornton-Joe

That Council:

- 1. Direct staff to report back at the next triennial update on implications of changing the name of Trutch Street to Truth Street, including a municipal grant and/or other assistance to offset administrative costs incurred by the approximately 60 households that would be impacted by this address change.
- 2. Invite comments from the City Family and the Songhees and Esquimalt Nations on this proposed change, to be considered at the next triennial update, and on any cultural or ceremonial work that would take place as part of the renaming process.
- 3. Invite comments on this proposed change, to be considered at the next triennial update, from current residents of Trutch Street and the Fairfield Gonzales Community Association.

CARRIED UNANIMOUSLY

F.1.a.d Council Member Motion: Beacon Hill

Moved By Councillor Thornton-Joe

Seconded By Councillor Young

That Council:

1. Direct staff to report back on options to improve access to facilities and amenities in Beacon Hill Park for those with mobility impairments while minimizing the impact of motor vehicle traffic on the public enjoyment of the Park.

CARRIED UNANIMOUSLY

F.1.b Report from the June 24, 2021 COTW Meeting

F.1.b.a Bastion Square 2021 Project Funding

Moved By Councillor Thornton-Joe

Seconded By Councillor Young

That Council:

1. Authorize staff to release \$93,000 from the Bastion Square Market Fund to the BSRA for improvement projects in 2021.

CARRIED UNANIMOUSLY

F.1.b.b Council Member Motion: Federation of Canadian Municipalities Anti-racism and Equity Committee Application

Moved By Councillor Dubow

Seconded By Councillor Young

BE IT RESOLVED that Council of the City of Victoria, British Columbia endorse Councillor Sharmarke Dubow to apply to the FCM Anti-racism and Equity Committee, Standing Committee Application for non-Board Members; and,

BE IT FURTHER RESOLVED that Council assume all reasonable costs associated with Councillor Sharmarke Dubow attending FCM's committee meeting if successful.

CARRIED UNANIMOUSLY

G. BYLAWS

G.1 Bylaw for Amendment to Land Use Procedures Bylaw

Moved By Councillor Alto

Seconded By Councillor Young

That the following bylaw **be given first, second, and third readings:**

- Land Use Procedures Bylaw, Amendment Bylaw (No. 13), No. 21-055

CARRIED UNANIMOUSLY

G.2 Bylaw for Parks Regulation Amendment No. 16

Councillor Loveday withdrew from the meeting at 1:28 p.m. due to a previously declared conflict of interest.

Moved By Councillor Thornton-Joe

Seconded By Councillor Young

That the following bylaw **be given first, second, and third readings:**

- Parks Regulation Bylaw, Amendment Bylaw (No. 16), No. 21-068

FOR (5): Mayor Helps, Councillor Alto, Councillor Andrew, , Councillor Thornton-Joe, Councillor Young

OPPOSED (2): Councillor Dubow, Councillor Potts

CARRIED (5 to 2)

G.3 Bylaw Adoption: 1177-1185 Fort Street and 1043-1045 Linden Avenue: Rezoning Application No. 00731

Councillor Loveday returned to the meeting at 1:29 p.m.

Moved By Councillor Alto

Seconded By Councillor Loveday

That the following bylaw **be adopted:**

- Zoning Regulation Bylaw, Amendment Bylaw (No. 1252), No. 21-043

CARRIED UNANIMOUSLY

H. CORRESPONDENCE

H.1 Letter from the Mayor of the District of Squamish

Council received a letter dated June 9, 2021 from the Mayor of Squamish regarding the Truth and Reconciliation Commission Call to Action 75.

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the correspondence dated June 9, 2021 from the Mayor of Squamish be received for information.

CARRIED UNANIMOUSLY

H.2 Letter from Minister Eby, Attorney General and Minister Responsible for Housing

Council received a letter dated June 16, 2021 from the Attorney General and Minister Responsible for Housing regarding City of Victoria Supportive Housing Projects.

Councillor Thornton-Joe withdrew from the meeting at 1:31 p.m. due to a non-pecuniary conflict of interest with the following item as she is on the board of one of the organizations that will be managing one of the sites.

Moved By Councillor Alto

Seconded By Councillor Potts

That the correspondence dated June 16, 2021 from the Attorney General and Minister Responsible for Housing be received for information.

Council discussed the following:

- *Concerns with some of the statements made in the letter*

Amendment:

Moved By Councillor Young

That the City respond to Minister Eby that the City does not express support for BC Housing bypassing rezoning and would like you to go through the normal process to allow for citizens to express their views on these projects.

FAILED DUE TO NO SECONDER

On the motion:

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts
OPPOSED (1): Councillor Young

CARRIED (6 to 1)

I. CLOSED MEETING

Moved By Councillor Potts

Seconded By Councillor Dubow

MOTION TO CLOSE THE JUNE 24, 2021 COUNCIL MEETING TO THE PUBLIC

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

Section 90(1) A 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)(c) labour relations or other employee relations;

Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

Section 90(2) A part of a council meeting may be closed to the public if the subject matter being considered relates to one or more of the following:

Section 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED UNANIMOUSLY

J. APPROVAL OF CLOSED AGENDA

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the agenda be approved.

CARRIED UNANIMOUSLY

K. READING OF CLOSED MINUTES

K.1 Minutes from the closed meeting held May 20, 2021

Moved By Councillor Thornton Joe

Seconded By Councillor Alto

That the minutes from the closed meeting held May 20, 2021 be adopted.

CARRIED UNANIMOUSLY

K.2 Minutes from the closed meeting held June 3, 2021

Moved By Councillor Thornton Joe

Seconded By Councillor Alto

That the minutes from the closed meeting held June 3, 2021 be adopted.

CARRIED UNANIMOUSLY

K.3 Minutes from the closed meeting held June 10, 2021

Moved By Councillor Thornton Joe

Seconded By Councillor Alto

That the minutes from the closed meeting held June 10, 2021 be adopted.

CARRIED UNANIMOUSLY

L. NEW BUSINESS

L.1 Employee Relations – Community Charter Section 90(1)(c)

Council discussed an employee relations matter.

The discussion and motion were recorded and kept confidential.

L.2 Intergovernmental Negotiations – Community Charter Section 90(2)(b)

Council discussed an intergovernmental negotiations matter.

The discussion and motion were recorded and kept confidential.

L.3 Land Use Matters – Community Charter Section 90(1)(e)

Council discussed a land use matter.

The discussion and motion were recorded and kept confidential.

L.4 Land Use Matters – Community Charter Section 90(1)(e)

Council discussed a land use matter.

The discussion and motion were recorded and kept confidential.

P. ADJOURNMENT

Moved By Councillor Alto

Seconded By Councillor Dubow

That the Council meeting be adjourned at 2:48 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

June 24, 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

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY: Councillor Andrew, Councillor Loveday, Councillor Potts

ABSENT: Councillor Dubow, Councillor Isitt

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, T. Soulliere - Director of Parks, Recreation & Facilities, C. Kingsley - City Clerk, T. Zworski - City Solicitor, B. Eisenhauer - Head of Engagement, P. Bellefontaine - Director of Engineering & Public Works, K. Hoese - Director of Sustainable Planning and Community Development, A. Meyer - Assistant Director of Development Services, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, P. Rantucci – Head of Strategic Real Estate, M. Heiser - Council Secretary

A. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

B. POETRY READING

The Youth Poet Laureate, James Summer, read a poem dedicated to the Youth and the LGBTQ+ community.

D. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

D.1 Ron Thaler: Proposed Change to Harris Green Zoning Requirement, proposed by Deane Strongitharm/City Spaces Ltd.

Outlined why Council should decline the development application proposed by Deane Strongitharm/City Spaces Ltd.

D.3 Philip MacKellar: Housing Affordability

Outlined why Council should advocate and implement reforms and policies to improve housing affordability within the municipality and across the CRD.

D.2 JC Scott: Sidewalk Patios and Building Shadows

JC Scott did not speak at this time.

F. PUBLIC AND STATUTORY HEARINGS

F.1 2020 Annual Report

Council received the Annual Report providing a summary of the 2020 financial and operational activities for the City of Victoria. The report contains achievements, departmental reports, the audited financial statements as well as other financial and statistical information to assist citizens in understanding the City of Victoria's performance in 2020.

Mayor Helps opened the public hearing at 6:50 p.m.

Council recessed from 6:50 p.m. until 6:55 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak.

Mayor Helps closed the public hearing at 6:55 p.m.

F.1.a Opportunity for Public Comment & Consideration of Approval

Moved By Councillor Young

Seconded By Councillor Alto

That Council approve the 2020 Annual Report.

CARRIED UNANIMOUSLY

F.2 2440 and 2448 Richmond Road: Rezoning Application No. 00722 and Development Permit with Variances Application No. 00159

Zoning Regulation Bylaw, Amendment Bylaw (No. 1248) - No. 21-023:

To rezone the land known as 2440 and 2448 Richmond Road from the R1-B, Single Family Dwelling District, to the R-100 Zone, Richmond Road Multiple Dwelling District, to permit a three-storey building on each lot.

Development Permit with Variances Application No. 00159

The Council of the City of Victoria will also consider issuing a development permit for the land known as 2440 and 2448 Richmond Road, in Development Permit Area 16: General Form and Character for the purposes of approving the exterior design and finishes for a multi-unit buildings (one per lot), as well as landscaping.

F.2.a Public Hearing & Consideration of Approval

Alison Meyer (Assistant Director of Development Services): Advised that the application is for the development of two new three-storey multi-unit residential buildings.

Mayor Helps opened the public hearing at 6:58 p.m.

Cam Pringle (Applicant): Provided information regarding the application.

Council recessed from 7:04 p.m. until 7:09 p.m. to provide an opportunity for members of the public to call to speak live.

Jacqueline Foley (Richmond Road): Expressed concerns for the application due to road access and setbacks located on the south of the proposal.

No further persons called in to speak to the proposed application.

Council discussed:

- *Proposed statutory right away no longer being a requirement*
- *Renderings of setbacks from property line*

Mayor Helps closed the public hearing at 7:18 p.m.

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the following bylaw be given third reading:

1. Zoning Regulation bylaw, Amendment Bylaw (No. 1248) No. 21-023

Council discussed:

- *Consideration of neighbours' requests and concerns and actions taken to address them*
- *Support noted from the CALUC*

CARRIED UNANIMOUSLY

Councillor Alto withdrew from the meeting at 7:27 p.m.

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the following bylaws be adopted:

1. Zoning Regulation bylaw, Amendment Bylaw (No. 1248) No. 21-023
2. Housing Agreement (2440 and 2448 Richmond Road) No. 21-024

CARRIED UNANIMOUSLY

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

Development Permit with Variances Application No. 00159

That Council authorize the issuance of Development Permit with Variance Application No. 00159 for 2440 and 2448 Richmond Road, in accordance with:

1. Plans date stamped January 20, 2021;
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - 2440 Richmond Road
 - i. reduce the number of residential vehicle parking stalls from 9 to 7;
 - ii. reduce the side setback (south) from 4.00m to 3.22m;
 - iii. reduce the side setback (north) from 4.00m to 1.70m.
 - 2448 Richmond Road
 - i. reduce the number of residential vehicle parking stalls from 9 to 7;
 - ii. reduce the side setback (south) from 4.00m to 1.70m;
 - iii. reduce the side setback on a flanking street (north) from 6.00m to 3.01m.
3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

F.3 2740 and 2742 Fifth Street: Rezoning Application No. 00709 and Development Variance Permit No. 00236

Zoning Regulation Bylaw, Amendment Bylaw (No. 1216) - No. 21-058:

To rezone the land known as 2740 & 2742 Fifth Street from the R-2 Zone, Two Family Dwelling District, to the R2-38 Zone, Fifth Duplex District, to permit a new single family dwelling to the rear of the existing duplex.

Development Variance Permit Application

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 2740 & 2742 Fifth Street for the purpose of varying certain requirements of the Zoning Regulation Bylaw, namely: reducing the rear yard setback from 3.0m to 1.20m to allow for the construction of a new single family dwelling to the rear of the existing duplex.

F.3.a Public Hearing & Consideration of Approval

Alison Meyer (Assistant Director of Development Services): Advised that the application is for a new single family dwelling in the rear yard of the existing duplex.

Mayor Helps opened the public hearing at 7:30 p.m.

Aneesa Blake and Reed Cassidy (Applicant): Provided information regarding the application.

Gordon Kemp (Quadra Street): Expressed concerns for the application due to the loss of privacy, associated property value, and some degree of direct sunlight.

Jill Sharpe (Fifth Street): Expressed support for the application due to the sensitive density encouraged in the City of Victoria.

Council recessed from 7:49 p.m. until 7:54 p.m. to provide an opportunity for members of the public to call to speak live.

No further persons called in to speak to the proposed application.

Council discussed:

- *Potential loss of sunlight*
- *Neighbouring property concerns*

Mayor Helps closed the public hearing at 8:01 p.m.

Moved By Councillor Young

Seconded By Councillor Thornton-Joe

That the following bylaw be given third reading:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1216) No. 21-058

Council discussed:

- *Adjacent high-density buildings*
- *Setback proposed for property line*
- *Rental covenant for proposal*

CARRIED UNANIMOUSLY

Moved By Councillor Young

Seconded By Councillor Thornton-Joe

That the following bylaws be adopted:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1216) No. 21-058
2. Housing Agreement (2740 and 2742 Fifth Street) Bylaw (2021) No. 21-059

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe

Seconded By Councillor Young

Development Variance Permit Application No. 00236

That Council authorize the issuance of a Development Variance Permit Application for 2740 and 2742 Fifth Street, in accordance with:

- a. Plans date stamped May 4, 2020.
- b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the rear yard setback from 3.0m to 1.20m.
- c. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

Councillor Alto returned to the meeting at 8:08 p.m.

F.4 819-823 and 825/827 Fort Street: Development Permit with Variance Application No. 00169

Development Permit with Variance Application No. 00169

The Council of the City of Victoria will consider issuing a Development Permit with Variance for the land known as 819-827 Fort Street, in Development Permit Area 7B(HC): Corridors Heritage, for purposes of increasing the number of residential units and minor alterations to the exterior of the building.

F.4.a Opportunity for Public Comment & Consideration of Approval

Alison Meyer (Assistant Director of Development Services): Advised that the application is to make changes to the previously-approved plans with a parking variance.

Mayor Helps opened the opportunity for public comment at 8:09 p.m.

The applicant did not provide a presentation regarding the application.

Council recessed from 8:10 p.m. until 8:15 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed application.

Council discussed:

- *Parking minimums and maximums for residential provisions*

Mayor Helps closed the opportunity for public comment at 8:18 p.m.

Councillor Loveday withdrew from the meeting at 8:18 p.m.

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That Council authorize the issuance of Development Permit with Variance Application No. 00169 for 819-823 and 825/827 Fort Street, in accordance with:

1. Plans date stamped March 9, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the vehicle parking from 80 stalls to 57 stalls.
3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

Councillor Loveday returned to the meeting at 8:20 p.m.

F.5 900-912 Vancouver Street and 930-990 Burdett Avenue: Development Permit with Variance Application No. 00164

Development Permit with Variance Application No. 00164

The Council of the City of Victoria will consider issuing a Development Permit with Variance for the land known as 900-912 Vancouver Street and 930-990 Burdett Avenue, in Development Permit Area 14: Cathedral Hill Precinct, for purposes of constructing a temporary classroom building and associated landscaping.

F.5.a Opportunity for Public Comment & Consideration of Approval

Alison Meyer (Assistant Director of Development Services): Advised that the application is to build a classroom building. The proposal requires a variance to reduce the vehicle parking by 8 stalls.

Mayor Helps opened the opportunity for public comment at 8:21 p.m.

The applicant did not submit a presentation regarding the application.

Council recessed from 8:22 p.m. until 8:27 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed application.

Mayor Helps closed the opportunity for public comment at 8:29 p.m.

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

That Council authorize the issuance of Development Permit with Variance Application No. 00164 for 900-912 Vancouver Street & 930-990 Burdett Avenue, in accordance with:

1. Plans date stamped May 11, 2021.

2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. Reduce the vehicle parking from 97 stalls to 73 stalls.
3. Registration of legal agreements on the property's title to secure the following:
 - i. the removal of the modular classroom building within five years of Council approval of Development Permit with Variance Application No. 00164, to the satisfaction of the Director of Sustainable Planning and Community Development; and
 - ii. a 1.5 metre Statutory Right-of-Way adjacent to Rockland Avenue to the satisfaction of the Director of Engineering and Public Works.
4. Final plans generally in accordance with the plans date stamped April 27, 2021 with the following revision:
 - i. amend the site plan to include a statutory right-of-way along a portion of the Rockland Avenue frontage to accommodate a future sidewalk, to the satisfaction of the Director of Engineering and Public Works
 - ii. amend the parking layout to accommodate the statutory right-of-way along Rockland Avenue.
5. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

G. REQUESTS TO ADDRESS COUNCIL

G.2 JC Scott: Sidewalk Patios and Building Shadows

Outlined why Council should make Victoria more livable for the citizens who already live here by making sidewalk and street patios more permanent where applicable.

M. NEW BUSINESS

M.1 Council Member Motion: Reconsideration of Council Motion on Development Permit with Variance Application for 1475 Fort Street

Council received a Council Member Motion dated June 17, 2021 from Mayor Helps regarding the proposed reconsideration of a Council Motion in which Council declined a proposal for a 32-unit rental building at 1475 Fort Street.

Moved By Mayor Helps
Seconded By Councillor Alto

That Council refer the proposal back to staff to work with the applicant to reduce the size of the building footprint in order to retain as many trees as practicable while still creating a viable rental housing project.

Council discussed:

- *Previously proposed and defeated referral motion*

- *Proposed tree removal*
- *Proposed next steps should this direction be approved*

Amendment:

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That Council refer the proposal back to staff to work with the applicant to reduce the size of the building footprint in order to retain as many trees as practicable, **lessening the impact of variances required on setbacks and to improve the secure privacy for adjacent neighbours** while still creating a viable rental housing project.

Amendment to the amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Andrew

That Council refer the proposal back to staff to work with the applicant to reduce the size of the building footprint in order to retain as many trees as practicable, **consider increasing the setbacks to lessening the impact of variances required on setbacks and to** ~~and to further improve the secure privacy for adjacent neighbours~~ while still creating a viable rental housing project.

CARRIED UNANIMOUSLY

On the amendment:

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council refer the proposal back to staff to work with the applicant to reduce the size of the building footprint in order to retain as many trees as practicable, consider increasing the setbacks to lessen the impact and to further secure privacy for adjacent neighbours while still creating a viable rental housing project.

FOR (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Potts, Councillor Loveday

OPPOSED (2): Councillor Thornton-Joe, Councillor Young

CARRIED (5 to 2)

O. **ADJOURNMENT**

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the Council meeting adjourn.

TIME: 8:54 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



June 2, 2021

VIA EMAIL: lhelps@victoria.ca

Lisa Helps, Mayor
City of Victoria

Re: Modernizing Forest Policy

Dear Mayor Helps:

Yesterday, the Premier and I shared a plan to modernize forest policy with the release of an intentions paper - www.gov.bc.ca/modernforestpolicy. This work aligns with our continued efforts to implement the recommendations of the Old Growth Strategic Review and improve forest management through the *Forest and Range Practices Act*. I would like to update you on this work and our next steps.

Intentions Paper

Plans to modernize forest policy as outlined in the Intentions Paper stem from what we heard from Indigenous peoples, local governments, industry, stakeholders and the public in forestry-focused engagement initiatives over the past three years including the *Forest and Range Practices Act* Improvement Initiative, the Old Growth Strategic Review, Coast Forest Sector Revitalization, and Interior Forest Sector Renewal. Three principles emerged from these engagements to guide our work including a focus on strengthening sector diversity, enhancing sustainability and stewardship, and ensuring ongoing support of the forest sector, what we have called strengthening the social contract.

There are 20 policy intentions laid out in this paper with several directly connected to what we heard from community leaders. This includes ensuring the voices of your communities are considered in decisions, like tenure disposition, where our government brought in Bill 22 in 2019 on this topic and seek to make further improvements. Other topics include the need to prioritize greater access to community tenures if local jobs, particularly in manufacturing, can be demonstrated. I also want to highlight our intention to provide statutory decision makers with discretion in permit approvals if the forest management proposed as part of a permit could put forest values at risk of damage, and to have community perspectives considered in tenure replacement decisions. There is much to be excited about it in these intentions and I hope you will take the time to review them.

Page 1 of 3



Old Growth Strategic Review

In 2019, my predecessor appointed a two-person panel to engage Indigenous and non-Indigenous communities, industry, and stakeholders on what a new path forward on managing old growth could include. They visited 45 communities, held over 200 meetings with close to 800 people, and received over 300 written submissions and more than 18,000 survey responses. The report they submitted in Spring 2020, along with the insight which informed it is included on our website at [Old Growth Forests - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/land/oldgrowth/oldgrowthforests.htm).

The report and its 14 recommendations are complex and over the next two years policy options and implementation decisions will be developed into a new Old Growth Strategy for British Columbia. The immediate priorities are recommendations #1 and #6, that is to work with Indigenous Nations on a government-to-government basis, to identify if and where any further timber harvesting deferrals are needed where old growth is at a very high and near-term risk of irreversible biodiversity loss. Attached in Appendix 1 is a high-level roadmap for how the ministry plans to sequence the work on the recommendations going forward.

What's Next

Over the next several weeks, ministry staff will connect with you on a series of virtual town halls we would like to have you join. I have asked my Parliamentary Secretary Roly Russell to host these town halls as part of his role to hear from you on modernizing forest policy and how it affects your communities.

After several initiatives to better understand where we should start our modernization effort, I am pleased we are advancing this work. The experiences and insights your government can bring to the table on behalf of your community are most welcomed. I hope you can participate.

Sincerely,



Katrine Conroy
Minister

Enclosure

pc: Roly Russell, MLA, Parliamentary Secretary for Rural Development
Brian Frenkel, President, UBCM
Craig Sutherland, ADM, Coast Area
Sharon Hadway, Regional Executive Director, West Coast Region

Appendix 1:

Given the breadth and scope of the report, the province is recommending a phased approach to addressing the recommendations over the next two years. The diagram below illustrates recommendations #1, 5, 6, and 7 under the heading “Immediate Measures”. The center column titled “Elements Required for Change” outlines recommendations #2, 4, 9, 13, 14 which set up a framework of key changes and policy shifts that support change. The third column titled “The New Old Growth Strategy” are recommendations #3, 8, 10, 11, and 12 which are critical to implementing change.

Old Growth Strategic Review – The Path Forward



Modernizing **Forest Policy** in British Columbia

*Setting The Intention and Leading
the Forest Sector Transition*



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Introduction:

The Need to Modernize B.C.'s Forest Policy

FORESTS ARE ESSENTIAL to our identity as British Columbians. We are deeply connected to them. They anchor ecosystems critical to the wellbeing of many species of plants and animals, including ourselves, today and in the future.

To ensure future generations enjoy and benefit from our forests, as we have done, now is the time to make sustainable choices. We must do so collectively and transparently.

More than 50,000 British Columbians work directly in the forest industry. Many more benefit indirectly. B.C. forest products are in demand all over the world. Last year, they made up 29 per cent of B.C.'s total exports, equal to \$11.5 billion. In a global marketplace demanding more innovative goods, our forests provide a high-value, renewable resource.

These same forests are also essential to a healthy environment, biodiversity, capturing carbon and filtering drinking water. They are a legacy to be cherished by future generations.

The forestry sector faces monumental challenges. These put the future of our forests at risk, threatening the future of many communities. B.C.'s forestry policy framework, put in place nearly two decades ago, is inadequate to address today's challenges.

The future of forestry affects us all, for generations to come. The current situation demands action. This paper sets out how we intend to address this and they are:

➤ **Sustainability.** Our timber supply is decreasing, and we need new ways to manage our forests. This includes sustainability of our old growth forests and protecting those important stands and ecosystems that support a wide range of plants and animals, and some species at risk. *Appendix A outlines this in more detail. B.C. will continue to be a world leader in providing sustainable forest products. We need forest policies able to adapt to an ever-changing environment.

➤ PAPER SCOPE

This intentions paper looks at who manages forests and how they do so. It seeks to describe how a stable forest sector — creating quality economic growth and good-paying, sustainable jobs — can also conserve forest stands in the public interest. We recognize these goals do not exist in isolation from one another. Our forests sequester carbon, filter drinking water, and nurture biodiversity for which we are recognized around the world. These are critical roles. They will always be fundamental to broader land management decisions.



Climate change is one reason for devastating wildfires and the mountain pine beetle epidemic. Conservation requires further land-use protections. Policy changes are needed to enhance stewardship while addressing ecosystem health and resilience.



- **Reconciliation.** We need to increase economic and land management opportunities for Indigenous Peoples. Doing so aligns with the Declaration on the Rights of Indigenous Peoples Act and advances the well-being of Indigenous communities. It also reduces uncertainty and strengthens confidence in the industry.
- **People and Communities.** For decades, the forest sector has provided good-paying jobs supporting families in many B.C. communities. As these communities strive to become more resilient, we see an opportunity to work with them to better consider their interests.

Local access to fibre can support diversified manufacturing, focused on value rather than volume. Local communities should be engaged in discussions about wildfires, local employment, and sustainable management of the forests that surround us, nurture us, and provide us with bountiful resources.

- **Competitiveness.** Forest products are globally traded. They are desired for their lower carbon footprint, are produced sustainably in the province, and are verified by third-party forest certification organizations. We must continue to be competitive on the global stage, keeping in mind those who invest in B.C. and provide good-paying jobs.
- **Fairness for British Columbians.** The forests are owned by British Columbians. We need to ensure they receive fair returns on their asset.

Over the past few years, government has asked what should be done, and what should be considered. We have experienced the market for selling lumber at the bottom and the top of the cycle during the last few years. The cycle is responsible for changes in dialogue and perspective. We have solicited regional and provincial perspectives as we sought opinions on a new forest policy. Some discussions generated more robust ideas than others. We have listened carefully and now is the time to act.

This paper sets out our vision for a forest sector that is diverse, competitive, and focused on sustainability. It puts people first. It has been drafted with an understanding of the crucial necessity of working with Indigenous peoples. This is our plan to modernize forest policy in British Columbia. The steps we take in the months ahead, outlined here, are intended to achieve this vision.

Vision for the future of the forest sector and our forests

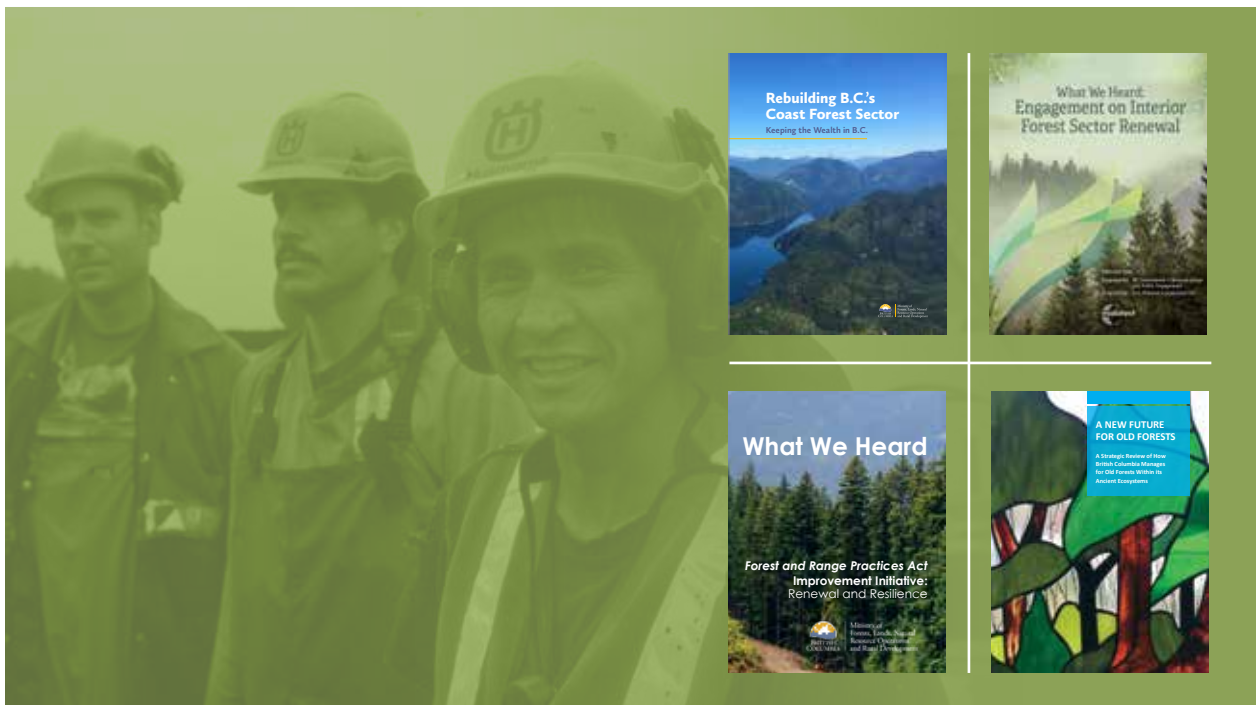
B.C.'S FORESTS ARE WOVEN INTO THE FABRIC OF OUR PROVINCE'S CULTURE.

They are where we live. They are where we play.
They are where we work.

Forestry provides good-paying jobs for British Columbians. Forest companies spend billions on services, transportation and equipment provided by other B.C. companies. Despite a declining timber supply, following years of intense wildfires and mountain pine beetle devastation, as well as changing land-use interests on the coast, forestry remains a major economic sector, integral to people in communities across the province.

The wellbeing of the sector affects everyone in B.C. now and for generations to come. What we do next is important. The decisions taken to modernize forest policy need to reflect the interests of those involved in the sector today, as well as those who will have a role tomorrow.

The vision set out here is the result of listening to many groups. Since 2017, our government has initiated several conversations. We have engaged Indigenous governing bodies, industry, local governments, labour, environmental groups, and the general public, seeking opinions on what forest management and the future of our forest sector should look like. These conversations have included meetings with organizations. We also conducted broader canvasses such as the *Coast Forest Sector Revitalization* and the *Interior Forest Sector Renewal initiatives*, the *Forest and Range Practices Act Improvement Initiative* and the *Old Growth Strategic Review*. Reviews of key issues for workers, such as contractor sustainability, have also informed our plan to support quality jobs into the future.





Vision for the future of the forest sector and our forests

➔ HOW WE GOT HERE

The government has listened to many. We have talked to:

- Indigenous Peoples whose inherent rights are connected to their respective territories since time immemorial
- Forest companies of all sizes with world-class know-how for harvesting timber
- Contractors of all kinds, from surveyors marking out a site, to road builders and harvesters, to tree planters starting the cycle anew
- Manufacturers making a living turning fibre into useful products
- Workers earning wages to support families
- Rural communities looking to grow, flourish and retain skilled workers, while benefiting from the ecosystem goods and services of the surrounding forests
- Environmental groups who want to ensure proper forest management and the protection of B.C.'s old growth forests
- The general public, who are affected by decisions on forest management, whether they work in the industry or not



All these groups share similar goals, despite their different roles. They see a future with greater opportunity for diverse groups to participate in the industry. A future where larger and smaller tenure holders have more than one economical place to sell their wood, and where fibre flows onto the market with a certainty of supply over time. A future where our forests are stewarded in environmentally sustainable ways. A future where there is clarity in the rules, and clear, predictable expectations on how to stay within them with strengthened compliance and enforcement. A future where Indigenous peoples are more involved than they are today.

Thanks to innovations, the industry can use more of each log in new, environmentally sustainable ways. Numerous lower-carbon footprint products have been created for many uses, from buildings to clothing to personal protective equipment. Companies have developed positive business partnerships directly with Indigenous peoples and with their support have increased their utilization of fibre, helping reduce wildfire risk to communities.

Government policy has also not evolved quickly enough to adapt to the impacts of climate change on our forests. Out-of-control wildfires affect us all, and smoke and ash impact human and ecosystem health. Tragically, homes and lives are lost. Wildfires are a natural part of forest ecosystems, yet decades ago we reduced their occurrence wherever possible with “no broadcast burning” and rapid-wildfire response. Wildfire suppression must now be accompanied by wildfire prevention and mitigation approaches and investments in the use of prescribed fire to help manage forests and reduce the risk of wildfire to communities. Building on our recent investments, such as the Community Resiliency and BC FireSmart programs, we must continue to work in collaboration with Indigenous partners, who have been using fire as a stewardship

Vision for the future of the forest sector and our forests

tool since time immemorial, to integrate Indigenous knowledge and support the re-establishment of traditional burning practices.

An industry needing to mechanize and automate to remain competitive has resulted in steady job losses in forestry communities. These communities are vital to local and provincial economies and need to see themselves better reflected in forestry opportunities. In many cases, sawmills built at a time of higher fibre availability have closed. Surviving mills compete for scarce logs to avoid curtailment or permanent closure.

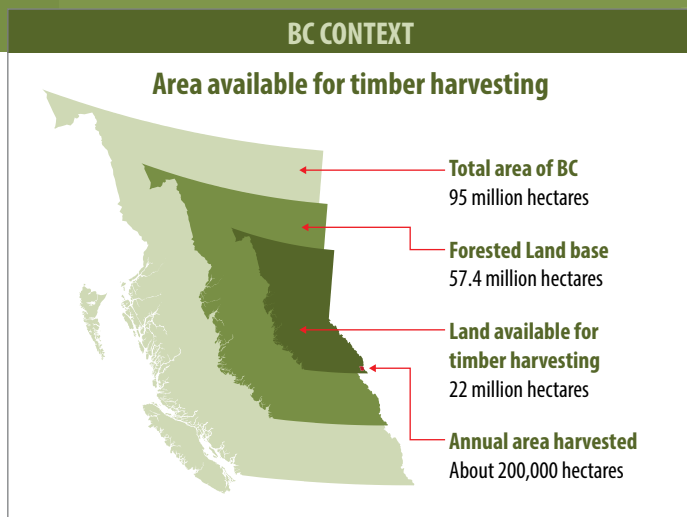
Despite the mill closures, hastened in 2019 when markets were weak, there is an overcapacity in B.C.'s traditional manufacturing facilities, such as sawmills and paper mills, relative to supply.

B.C. needs to derive greater value from the timber we harvest and fibre we produce. While prices for many forest products are high today, they will inevitably fluctuate. We need a more diversified sector that goes beyond being more efficient within existing management models. To do so, an evolution is needed from a largely commodity-based sector to a more diversified one. This will involve creating innovative new products, in turn generating new opportunities to take those products to a global market. Each step in this process adds value and generates economic opportunities for British Columbians.

The forest sector must better reflect local and Indigenous values, complement and encourage higher-value products, and creates jobs in local communities.



The Need for Fibre



TENURE IS THE MECHANISM by which companies gain access to Crown land with the intended goal being access to fibre (timber).

Ensuring clear, predictable access to fibre is key to maintaining investor confidence. Competitively priced fibre is the starting point in a supply chain leading to manufacturing, which can include traditional wood products like dimensional lumber and paper, as well as value-added products like mass timber, remanufactured goods and innovative bioeconomy products. By working with Indigenous peoples to ensure our forest sector incorporates

their interests as rights holders, we also encourage investment by reducing uncertainty for the industry.

There is a pressing need to change the way we manage tenure. Of about 57.4 million hectares of forested land in B.C., half is either protected – meaning it cannot be harvested – or restrictions are in place limiting harvest for numerous reasons. Other forests are uneconomical to manage, due to factors like geography and distance from the nearest mills. Only 36% of B.C.'s forests currently are considered both legal and economical to harvest. Almost all the available forests are already under tenure, which limits government's ability to attract new entrants into the industry.

Our mid- and long-term timber supply is declining due to several factors. The Interior's mid-term timber supply has been severely impacted by the [mountain pine beetle](#) infestation (1999-2015), as well as large wildfires in 2017 and 2018, which together burned approximately 7% of the provincial timber inventory.

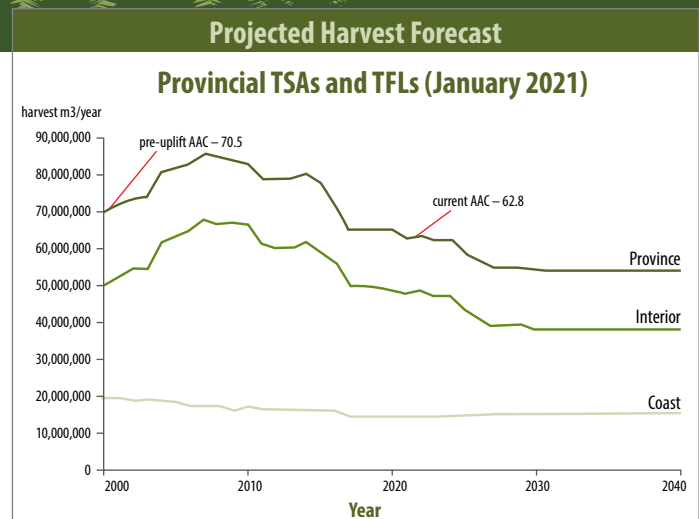


The Allowable Annual Cut (AAC) for Timber Supply Areas and Tree Farm Licensees was once as high as 85 million cubic meters (m³) per year at the height of the pine beetle salvage in 2007 but has since declined to 63 million m³ per year. It is anticipated to further decline to 56 million m³ by 2026.

On the coast, timber supply has changed to reflect important environmental priorities.

Non-timber forest values, such as protecting wildlife habitat and managing community watersheds, collaborative land use planning establishing protected areas, and ecosystem-based management in places like the Great Bear Rainforest, have all allowed B.C. to have an active forest sector while managing for biodiversity in a decentralized and distributed fashion across British Columbia.

We are committed to act on the 14 recommendations of A New Future for Old Forests: A Strategic Review of How British Columbia Manages for Old Forests Within its Ancient Ecosystems in collaboration with Indigenous leaders, labour, industry, and



environmental groups. A renewed old-growth strategy will balance the need to support and protect workers with the need for additional deferrals of old-growth to protect species at risk, key species habitat and enhancing biodiversity. B.C.'s fibre supply will likely see more reductions as a result.

British Columbians deserve a forest sector founded on today's values, where reconciliation is long lasting and meaningful, where communities can see and experience a stronger link between how their local forests are managed, and where manufacturers can better access fibre for their value-added facilities.



Reconciliation

OUR GOVERNMENT was elected with a clear mandate to make Indigenous reconciliation a priority. The 2019 *Declaration on the Rights of Indigenous People Act* (Declaration Act) created a path forward that respects the human rights of Indigenous peoples while introducing better transparency and predictability in the work we do together.

The purpose of the Declaration Act is to provide a process, over time, to work with Indigenous peoples to implement the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration). The intentions reflected here represent steps to ensure Indigenous peoples are meaningful partners in B.C.'s forest sector. This is not the end of the work. It is a step forward. We have much more to do in the years to come.

As the province works government-to-government with Indigenous governing bodies, interest in forest tenure and fibre is frequently expressed. Indigenous peoples want to play a greater role in the forest sector and in forest management. The province's ability to support this through existing legislation and policy tools is limited. Enabling the opportunity for shared decision-making agreements to be negotiated and implemented, government-to-government, will be part of this work.



Guiding Principles

WE WILL FULFILL OUR VISION for the future of the forest sector and our forests based on three principles we have heard repeatedly from partners, stakeholders and communities. We will also fulfill our commitment to collaborate and cooperate with Indigenous peoples by:

- 1. INCREASING FOREST SECTOR PARTICIPATION**
- 2. ENHANCING STEWARDSHIP AND SUSTAINABILITY**
- 3. STRENGTHENING THE SOCIAL CONTRACT**



1. INCREASING FOREST SECTOR PARTICIPATION

We often hear that access to fibre on public land (via tenure) is a critical component to a successful business. Although some businesses operate successfully without forest tenure, purchasing fibre as they require it, we have heard more organizations want an opportunity to manage forest tenure. However, due to existing tenure commitments, and limited flexibility in the existing forest tenure framework, there is not much flexibility or room for new entrants in the forest sector.

Many Indigenous communities have sought greater access to forest tenure in their traditional territories to create economic opportunities for their communities. They also want a greater say over forest activities occurring in their region, and those with forest tenure are managing complex social concerns from their community. Modernizing forest management will create opportunities for partnerships with Indigenous peoples, as well as providing predictability across the sector.

One of our goals is to increase and diversify forest sector participation, to be accomplished over the next several years, to include:

- ***BC Timber Sales (BCTS) provincial allocation:*** BCTS will continue to ensure competitive market-based pricing for forest tenures. We will further strengthen the AAC assigned to BCTS. We will also look for additional opportunity to strengthen value-added forest manufacturing through their Category 2 registrant program.
- ***Indigenous Nations participation:*** Through government-to-government discussions that consider the inherent rights, range of interests and values expressed by Indigenous peoples, our goal is to increase the amount of replaceable forest tenure held by Indigenous peoples to 20% from the current level of approximately 10%. We are also mindful of separate efforts occurring within the formal treaty process, and through business partnerships and sales of tenure between Indigenous Nations and forest companies.
- ***Increased community participation:*** As rural communities strive to define their economic future, the province will review tenure options to communities with a clear plan to manage local forests for forestry, keeping the fibre moving for manufacturing and keeping jobs within communities.

Guiding Principles

This is a multi-year vision and will not be accomplished overnight. It will be implemented over years, allowing for adjustments in the business cycle. In the end, tenure holders will gain increased clarity and predictability on future tenure decisions.

POLICY INTENTIONS:

➤ **Creating future tenure opportunities:**

Enhance the legal mechanisms to allow tenure to be redistributed for harvesting purposes, encouraging diversification in the forest sector. Reasons to redistribute tenure, connected to our goals, include:

- » As a component of an Indigenous Nation treaty or negotiated agreement;
- » Maintaining B.C.'s strong market-pricing system, through the BC Timber Sales program; and
- » As part of a community's vision for economic resilience and local employment.

➤ **Providing clarity on compensation:**

Establish a clear framework laying out where and under what circumstances compensation for lost harvesting rights will apply. Changes will be designed around the nature of the tenure agreement between government and the licensee to provide for a systematic and equitable approach in compensation calculations.

➤ **Creating flexibility when forest licences**

need to be reduced: The province employs a Chief Forester, who sets the sustainable harvest rate, the Annual Allowable Cut (AAC). In some situations, such as when the timber supply is decreasing, the Chief Forester will determine the AAC needs to be reduced to maintain a sustainable harvest rate. This means that the harvest volume allocated through licences in the area must be reduced to maintain a sustainable harvest rate. Current policy uses a proportionate reduction method where all tenure holders (excepting very small ones) experience a similar percentage decrease to their licence. However, this method does not allow for government to consider a number of important elements in our changing environment, such as the unique pressures faced by small operators, or Indigenous or other local community interests. Given this, we plan to introduce a more flexible approach.

➤ **Revising tenure disposition considerations:**

Build on the success of 2019's Bill 22 in addressing tenure concentration and public-interest considerations when a tenure transfer or change of control occurs. This could include a review of impacts of the transfer or change of control to the local economy, including the proposed changes to the regional wood manufacturing sector if a mill is indefinitely curtailed resulting from the proposed transaction, and the interests of local Indigenous peoples.

Guiding Principles



➤ **Enhancing revenue oversight for log exports:**

When logs are exported off provincial lands, a fee-in-lieu of manufacturing domestically is charged. To better ensure the province receives these fees, we plan to add the ability to audit and assess fee-in-lieu of manufacture payments, like our ability to audit and assess stumpage payments.

➤ **Evolving BC Timber Sales (BCTS) policy for maximum sales restrictions:**

BCTS sells about 10-12 million m³ of Crown timber annually through competitive auction. This timber is available to businesses registered in the program. Current limitations to participating businesses limit any entity to holding no more than three timber sale licence (regardless of size) at any time. The system functions well with respect to its primary purpose (setting and

establishing a competitive and market-based price for timber), but license holders are not all the same. (For example, an entity holding three timber sale licence of 5,000 m³ is treated the same as one holding three of 50,000 m³). The province will consider an alternate approach to allow for more sale opportunities at smaller volumes to smaller or value-added manufacturers.

These steps, taken over several years, will increase the tenure opportunities for Indigenous peoples and improve fibre access on the open market. The focus will be on supporting value-added manufacturers, including those producing remanufactured and engineered wood products, as well as emerging businesses using wood fibre in new, innovative products.

Guiding Principles



2. ENHANCING STEWARDSHIP AND SUSTAINABILITY

Over a dozen forms of tenure have been developed over the years to allow access to timber. This diversity in tenures also reflects the needs and interests of tenure holders, whether they are large or small operators, Indigenous peoples, communities, or individuals. Many of the large forest tenures are replaceable (meaning they can be renewed), providing forest companies with a long-term supply of timber.

Regardless of the form of tenure, there is an expectation Crown land be managed sustainably. Many of the instruments that exist for forest managers were not envisioned at a time of declining timber supply and these need improvements to maximize the ability of the province to ensure harvest levels are sustainable on the ground.

It is not enough to rebalance tenure opportunities. We need to find ways to improve the use of fibre in the most sustainable, responsible, and transparent way possible. One way to do this is to fine tune existing tools that help direct harvest more evenly on the landscape.

When the Chief Forester determines an AAC, it is based on the harvest of a forest profile (taking into account, for example, species, minimum volume, distance from mill, slope) and if not harvested to the intent of that profile, can make the AAC unsustainable over time. When a tenure is issued, the public has a reasonable expectation that it will be harvested. In some cases, licensees do not use the full AAC of their tenure. When this happens, it results in reduced economic activity and missed opportunities to benefit from the forest sector.

Tenure holders also need to demonstrate that the profiles expressed in the AAC are reflected in their harvest choices. Sound forest management provides the public confidence that the resource is being harvested and managed responsibly. Having the tools to take firm, decisive action when that social contract is broken is critical to moving industry toward a more sustainable future.



Guiding Principles

POLICY INTENTIONS:

➤ **Committing to implementing further deferrals of old growth forests:**

Government's vision to modernize forest policy complements the ongoing work implementing recommendations out of the strategic review *A New Future for Old Forests*. As a first step, in September 2020, we announced the harvesting deferral of 196,000 hectares of old growth in nine separate areas. To give context, this is equivalent to an area of approximately 480 Stanley Parks. In addition, government also enacted the Special Tree Protection Regulation, protecting up to 1,500 exceptionally large, individual trees. This important work will continue, and we are committed to engaging with Indigenous leaders, industry, labour, environmental groups and communities to further identify potential additional deferral areas. *Appendix A provides more information on this important work.*

- **Continuing to improve the Forest and Range Practices Act:** Our government initiated a multi-phased improvement initiative with the Forest and Range Practices Act in 2018. We engaged with interested Indigenous peoples to understand where they sought improvements and have been working on changes to our legislative framework since. The Forest and Range Practices Act ensures forest values are considered, managed and conserved; we have heard this is important to British Columbians and we intend to move forward with changes like the proposed tactical planning approach of 'Forest Landscape Plans' to better incorporate those values and ensure Indigenous peoples can be involved at the start of the forest planning process. We also plan to better link forest management with fire management through this work.

- **Re-integrating prescribed and cultural fire into forest management:** Forests are a conservation resource and an economic resource, as well as a source of wildfire fuel. Climate change creates the conditions for more frequent and intense wildfires, including mega-wildfires like those triggering widespread evacuations. Wildfires have disrupted local economies and led to an unplanned loss of habitat, including old-growth forests. Fire is a natural process and important for ecosystem health and habitat value. The ministry will work in cooperation, coordination and collaboration with Indigenous partners and stakeholders to re-integrate prescribed and cultural fire as a core part of our forest management toolkit.
- **Advancing apportionment:** Apportionment is a discretionary decision on how the minister would like to divide the AAC in a Timber Supply Area (TSA) among the various tenure types. As government proceeds with rebalancing tenure opportunities, we will be looking to improve the apportionment process so that decisions can be made in a timely way which considers harvest sustainability, the interests of local Indigenous peoples and other stakeholders.
- **Reviewing the cut control process:** Current cut control requirements do not require a tenure holder to:
- » use all of their AAC;
 - » access timber consistent with the intentions of the Chief Forester (including profile instructions for the types of timber harvested or partitions made to determine where harvest occurs); or
 - » fulfill a licence's management plan.

Guiding Principles

As a result, the intention of sustainable harvest within the AAC may not be realised as less-desirable parts of the AAC can be under-utilized in favour of higher value timber. Specifically, in B.C.'s interior, cut control "crediting" has been used for years to encourage the salvage of lower-quality fibre by not attributing for that harvesting to a tenure holder's AAC. This approach was helpful when salvaging timber damaged by the mountain pine beetle but does not address new challenges such as a declining mid-term timber supply. We plan to review how cut control is designed and implemented, so as to make improvements, such as encouraging tenure holders to utilize their AAC in a way that honours the intended harvest profile.

➤ **Improving accountability in tenure management:** Holding a tenure on Crown land puts the holder in a position of public trust. We see an opportunity to strengthen that accountability. Tenure holders employ various tenure management strategies to support their operations at both a cutting authorization level and tenure management level. Examples include licence subdivisions and consolidations, cut control attributions, licence extensions or cut block splitting at a permit level. Although these strategies are often used for legitimate forest management reasons, at times they may not be in the public interest. Our government intends to consider the tools available to decision makers in both monitoring and reporting on tenure agreements to ensure these strategies are employed in the public interest.

➤ **Increasing discretion in authorizing activities:** Currently, when statutory decision makers issue cutting permits or road permits (authorizations to harvest timber or build roads), they have minimal discretion to refuse a permit.

There are instances when a permit request submitted is in stark contrast to the public or Indigenous interests, but these decision makers have limited ability to do anything about it. We will explore options to provide discretion in authorization decisions based on important forest values, such as water, wildlife and Indigenous heritage. Decision makers need to be able to reject authorizations, or to approve an authorization with conditions, if there are concerns the permit could irreparably impair other forest values.

➤ **Supporting silviculture management and innovative investments:** One way to maximize limited timber supply is to increase silviculture investments, helping stands grow back faster and healthier. Licensees are required to replant within a few years of harvest and steward these young trees until they reach a state of "free growing." The Province spends over \$20 million annually on additional silviculture enhancements beyond the "free growing" obligations of the tenure holders. However, investments are not monitored to ensure the resulting trees are harvested at an optimum time to take advantage of the investment. We will consider limits on timber harvest until provincial silviculture investments have optimized harvest opportunity in consideration of risk and other values. This can include activities like commercial thinning, or any innovative forest practices that may be advanced pursuant to recommendation 12 within the Old Growth Strategic Review report.

Together, these measures will lead to more sustainable harvest practices by establishing clear expectations for licensees, and better alignment with environmental and Indigenous stewardship values.

Guiding Principles



3. STRENGTHENING THE SOCIAL CONTRACT

Ensuring a vibrant forest sector is not simply a matter of good processes around distribution and extraction. Supporting local communities by ensuring the growth of good jobs and long-term economic opportunities remains a key priority. It will make B.C. stronger in the years to come.

Forest products are a global commodity, though we must not focus solely on those dynamics while ignoring the economics of local communities. B.C.'s forest sector will continue to export billions

of dollars of forest products into the global market; our government is committed to doing much more than that.

We need to transition from a high-volume structure to one of high value. This does not mean abandoning our world-class lumber and pulp industry. It means supporting local manufacturing and taking steps to capture value at every step in the production chain. The goal is to ensure local communities, including Indigenous communities, have opportunities to benefit from the resources coming from their own backyards. B.C. will promote greater use of our wood products and encourage diversification in the industry. To do this, we need to maximize B.C.'s benefit in terms of jobs and value from our resources.

The value-added sector has enormous potential, and already has a firm foundation on which to build. Specialty wood products range from custom lumber and millwork, to finishing and siding, to cabinets and furniture, as well as musical instruments, mass timber in building construction, and new emerging bioproducts such as biomaterials, biochemicals, and bioplastics.



Guiding Principles

Despite these opportunities, B.C. is not realizing the full value and potential for jobs from its forest resources, in part because the existing value-added sector in British Columbia cannot get access to the fibre supply it needs. In other words, innovative, B.C.-based firms cannot get access to all the timber they could use to produce value-added goods.

Strengthening the social contract includes laying the foundations for good-paying jobs in B.C. that meet the needs of working families, while ensuring policy reform supports and protects those jobs through time. Many rural communities have experienced significant social and economic change in recent years. They still want to realize the economic benefit generated by forestry, in ways that recognize the values of local citizens.

POLICY INTENTIONS:

➤ **Modernizing tenure replaceability**

conditions: While licensees require certainty to make business decisions, we intend to ensure replaceable tenures demonstrate a clear commitment to sustainability and sound management. So-called evergreen tenures, which must by law be renewed, date back to the 1960s, when considerations around Indigenous partnerships, forest sustainability and climate change were very different. We will revisit the criteria and expectations for tenure replacement, which we expect to include licence performance on a range of public interest considerations as part of the replacement process. In essence, we are looking for holders of replaceable tenures to find creative ways to partner and grow the industry, inclusive of Indigenous interests, while maintaining the long-term stability industry needs to thrive.

➤ **Increasing fibre access for value-added domestic manufacturers:**

In support of our vision to diversify manufacturing and increase value, we intend to:

- » Work with value-added sector representatives for traditional remanufacturing products, mass timber, and with new entrants on innovative (including bioeconomy) products to understand what and where the province can act to support competitive value-added businesses.
- » Advance a process to minimize the burning of slash piles created after timber harvesting, so this fibre is available for manufacturing, and that reduced emissions benefit our climate as part of CleanBC.
- » Develop a program for timber sales with a focus on the value-added sector.

➤ **Promoting the use of wood and mass timber:**

The Wood First Act requires wood to be used as a primary building material in public sector buildings (with limited exemptions). Having a good sense of what “primary” means in practice has not yet occurred. We will be improving our legislative framework to ensure wood, mass timber and emerging biomass-based materials, such as biomaterials, are more clearly a priority in public buildings. This work will be promoted as part of B.C.’s mass timber action plan and CleanBC.

➤ **Revising area-based tenure-specific pricing policy:**

Currently there is a disparity between stumpage rates applied to Woodlot Licences, Community Forest Agreements, and First Nation Woodland Licences issued to Indigenous communities. We will harmonize the rate structures, consistent with our market-based pricing system, while being mindful that smaller tenure ownership is impacted by economies of scale.

Guiding Principles

➤ **Strengthening compliance and enforcement:**

The public has a right to know which licensees are fulfilling the public's trust, and which are not. When there are violations, penalties need to be sufficient that they act as a deterrent and not merely treated as the "price of doing business." We intend to reinforce our ability to address issues around poor practices and behaviour. This includes public reporting of infractions and reviewing existing fine and penalty amounts to ensure effective enforcement commensurate to the nature of the violation.

➤ **Protecting good jobs:**

Forestry is not just about high-level, abstract concepts like tenure and timber harvesting rights. It is fundamentally about the workers and communities the sector supports. Due to the nature of the forest industry, tenure conditions can span many decades, but many of the people they employ are smaller contractors, truckers, and logging companies. Our government intends to complete the Contractor Sustainability Review with amendments to the Timber Harvesting Contract and Subcontract Regulation. These amendments will conclude the work done in collaboration with representatives of the forest contracting and large tenure-holder communities. It is important that hard-fought rights to wages and working conditions endure through time. We will also support the Ministry of Labour in advancing their Industrial Inquiry Commission as previously announced to review contract retendering in the forest sector, within the context of Indigenous interests reflected in this paper.

When combined, these measures will ensure that long range planning supports the aspirations of forest companies, workers, and communities.



Conclusion



WE RECOGNIZE that, taken together, these intentions represent significant change that is appropriate and necessary. While we expect to see immediate tangible improvements quickly, the full vision will not be realized overnight. By their nature, forests are a slow-growing, renewable resource. Forest management likewise takes place over multiple years, reflecting the nature of the resource it is designed to govern. However, just as having the right combination of soil nutrients, precipitation and sun ensures a healthy forest, so too will having the right management tools and vision ensure a diverse, sustainable forest sector for today and for generations to come.



Appendix A – Actions to address old growth recommendations

GOVERNMENT'S VISION to modernize forest policy complements its ongoing work to implement the independent panel's recommendations on old growth forests.

On Sept. 20, 2020, the Province announced it was taking a new, holistic approach to managing old growth, informed by the independent panel report, *A New Future for Old Forests*.

As a first step, B.C., in collaboration with Indigenous Nations, immediately deferred the harvesting of 196,000 hectares of old growth in nine areas. This is equivalent to roughly 480 Stanley Parks. Government also enacted the *Special Tree Protection Regulation* to protect up to 1,500 exceptionally large, individual trees and one hectare surrounding each tree.

The Province also committed to engaging with Indigenous leaders, environmental groups, labour, industry and communities to build a plan to protect B.C.'s ancient forests for future generations and this work is underway. Since Sept. 2020, government has taken the following actions:

- As a first step government engaged with the First Nations Leadership Council to discuss the report and begin work on the approach for recommendation number one "engaging the full involvement of Indigenous Leaders and organizations to review the report and work with the Province on any subsequent policy or strategy development and implementation." Since the report's release, government has met with several Indigenous Nations and organizations to work together on recommendations and we will continue to reach out to more Nations.

- Building on the government's announcement in 2020 to defer 196,000 hectares of old-growth forests from harvesting, work is underway with Indigenous leaders and in consultation with stakeholders to identify potential additional deferral areas, to discuss land stewardship of these forests, and assess the potential economic impacts.
- More detailed information on the status of old growth conditions and trends and compliance with existing targets (recommendations five and seven) are in development through the *Forest and Range Evaluation Program*. More information will be released in the summer and autumn months of 2021. Regular updates and all available old growth information are online at: www.gov.bc.ca/oldgrowth
- Given the breadth and scope of the report, the province is recommending a phased approach to addressing the recommendations over the next two years. The diagram below illustrates recommendations numbered 1, 5, 6, and 7 under the heading "Immediate Measures". The center column titled "Elements Required for Change" outlines recommendations numbered 2, 4, 9, 13, 14 which set up a framework of key changes and policy shifts that support change. The third column titled "The New Old Growth Strategy" are recommendations numbered 3, 8, 10, 11, and 12 which are critical to implementing change.

Old Growth Strategic Review – The Path Forward

MAY 2020 - ONGOING

IMMEDIATE MEASURES

- » Commitment to partnership with Indigenous Nations
- » Deferral of old growth at risk of irreversible loss
- » Better public data
- » Compliance with current standards

2021 – ONGOING

ELEMENTS REQUIRED TO SUPPORT CHANGE

- » Prioritize ecosystem health
- » More inclusive governance
- » Framework for setting and managing targets
- » Transition plans: local and provincial
- » Transition support for communities

2023 – ONGOING

THE NEW OLD GROWTH STRATEGY

- » Three zone management
- » Funds for monitoring and evaluation
- » Updated biodiversity targets and guidance
- » Better inventory and classification
- » More innovative practices

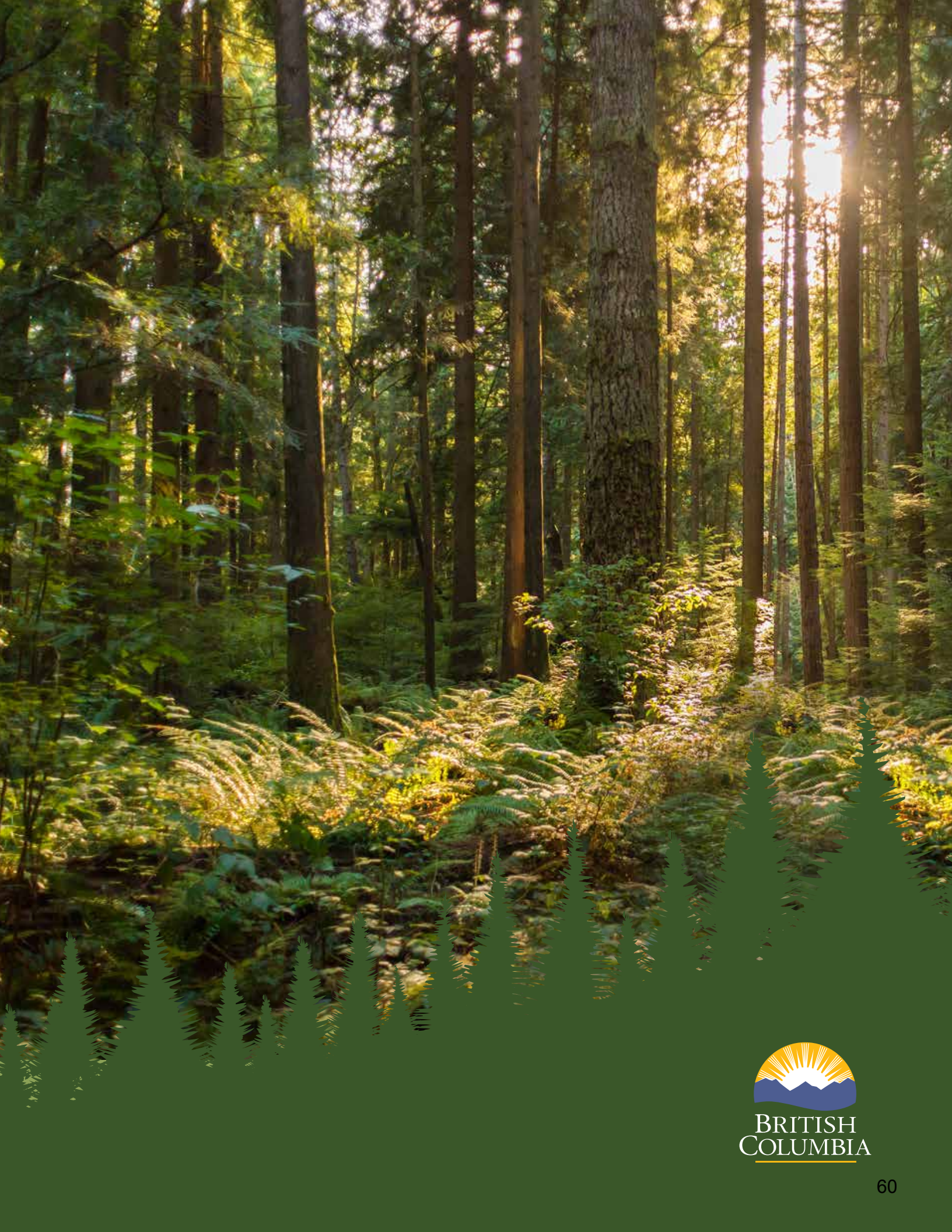
Government's timeline and path to implementing all 14 recommendations in collaboration with Indigenous Nations, communities, and stakeholders (as seen above) can be found at: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/forestry/stewardship/old-growth-forests/old_growth_path_forward.pdf



FACTS ABOUT OLD GROWTH IN B.C.:

- While the vast majority of old growth in B.C. – 10 million hectares – is protected or not economical to harvest, government is taking action to change current forest management practices in response to the Old Growth Strategic Review. These changes will better support the effective implementation or achievement of the stated and legislated public objectives for old forests.
 - There are 13.7 million hectares of old growth in the province. This is equivalent to an area more than four times the size of Vancouver Island.
 - Old growth makes up about 23% of B.C.'s forests
 - Currently, only 27% of the old growth in BC is legal and economical to harvest.
 - Characteristics of old growth can include tree species, tree age, tree size, surrounding forest structure, ecological function, and historical disturbance. While characteristics vary, old-growth forests tend to have more diverse plant and animal life than younger forests.
 - Old-growth ecosystems support a wide range of plants and animals, from mosses and liverworts to large mammals and some species at risk. These forests also provide habitat for many birds, mammals, and amphibians.
- Many species at risk are found within old growth stands and much of this is already protected including:
 - » Over 1 million hectares of old growth protected to support Northern Goshawk recovery
 - » Over 400,000 hectares of old growth protected to support Marbled Murrelet recovery
 - » Over 450,000 hectares of protected Spotted Owl habitat which includes over 147,000 hectares of old growth
 - » Over 1 million hectares protected to support Fisher recovery
 - » And over 6.5 million hectares of caribou habitat protected which includes 1.5 million hectares of old growth.





- Skip to main content
- Skip to footer

British Columbia News

Old growth harvesting deferred in Fairy Creek, Walbran areas

<https://news.gov.bc.ca/24654>

Wednesday, June 9, 2021 2:40 PM

Victoria - The Province is honouring the request of the Pacheedaht, Ditidaht and Huu-ay-aht First Nations and deferring old-growth harvesting in the Fairy Creek watershed and central Walbran areas in their territories.

This action is consistent with government's commitments to reconciliation and to protecting old-growth forests.

"Reconciliation with Indigenous peoples and protecting the environment are top priorities for our government. We believe they must go hand in hand," said Premier John Horgan. "That's why we're pleased to approve the request from three First Nations to defer old-growth logging on their territory — including in the Fairy Creek watershed. The first step in protecting old growth must be respecting Indigenous peoples' land-management rights in their territories."

The deferrals follow a request made by the Pacheedaht, Ditidaht and Huu-ay-aht First Nations, who issued the Hišuk ma čawak Declaration on June 7, 2021. The deferrals protect all old growth in the Fairy Creek watershed and the central Walbran area – spanning over 2,000 hectares – for two years while the First Nations title holders build resource-stewardship plans for their lands.

"True reconciliation means meaningful partnerships, listening to Indigenous peoples and trusting their stewardship of their territories," said Katrine Conroy, Minister of Forests, Lands, Natural Resource Operations and Rural Development. "This is a step in the right direction, but we know there is more work to do. Our government is doing the hard, but necessary, work to build a plan that protects B.C.'s old growth forests for future generations."

In 2019, government committed to aligning its policies, legislation and actions with the United Nations Declaration on the Rights of Indigenous Peoples through the Declaration on the Rights of Indigenous Peoples Act.

In 2020, government committed to adopting all 14 recommendations of the independent panel on old growth, beginning with the immediate deferral of nearly 200,000 hectares of old-growth forests. Government has committed to continued consultations with Indigenous peoples on further deferrals of old-growth forests.

Learn More:

Old-growth forests and B.C.'s new approach to managing them: www.gov.bc.ca/oldgrowth
(<http://www.gov.bc.ca/oldgrowth>)

B.C. Declaration Act: <https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/united-nations-declaration-on-the-rights-of-indigenous-peoples>
(<https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/united-nations-declaration-on-the-rights-of-indigenous-peoples>)

B.C.'s new vision for forest policy: www.gov.bc.ca/modernforestpolicy (<http://www.gov.bc.ca/modernforestpolicy>)

A backgrounder follows.
Lindsay Byers

Press Secretary
Deputy Communications Director
Office of the Premier
Lindsay.Byers@gov.bc.ca
778 678-5539

Ministry of Forests, Lands,

Natural Resource Operations
and Rural Development
Media Relations
250 213-8172

Backgrounders

Government honours First Nations request for deferrals

In response to the Hišuk ma c'awak Declaration and deferral request issued June 7, 2021, by the Chiefs of the Pacheedaht, Ditidaht and Huu-ay-aht First Nations, the Government of British Columbia has deferred old-growth logging for two years in the Fairy Creek and central Walbran areas while the Nations prepare their resource-stewardship plans for these areas.

Under these deferrals, all old growth – approximately 2,034 hectares – in the Fairy Creek watershed and central Walbran area will be protected.

- The Fairy Creek watershed is 1,199 hectares in size and includes approximately 884 hectares of old forest.
- The central Walbran area (west of Lake Cowichan) is 1,489 hectares, of which approximately 1,150 hectares is old forest.

Maps of the deferral areas in the Fairy Creek watershed and central Walbran area are available here:

https://news.gov.bc.ca/files/FairyCreek_Walbran_map.pdf

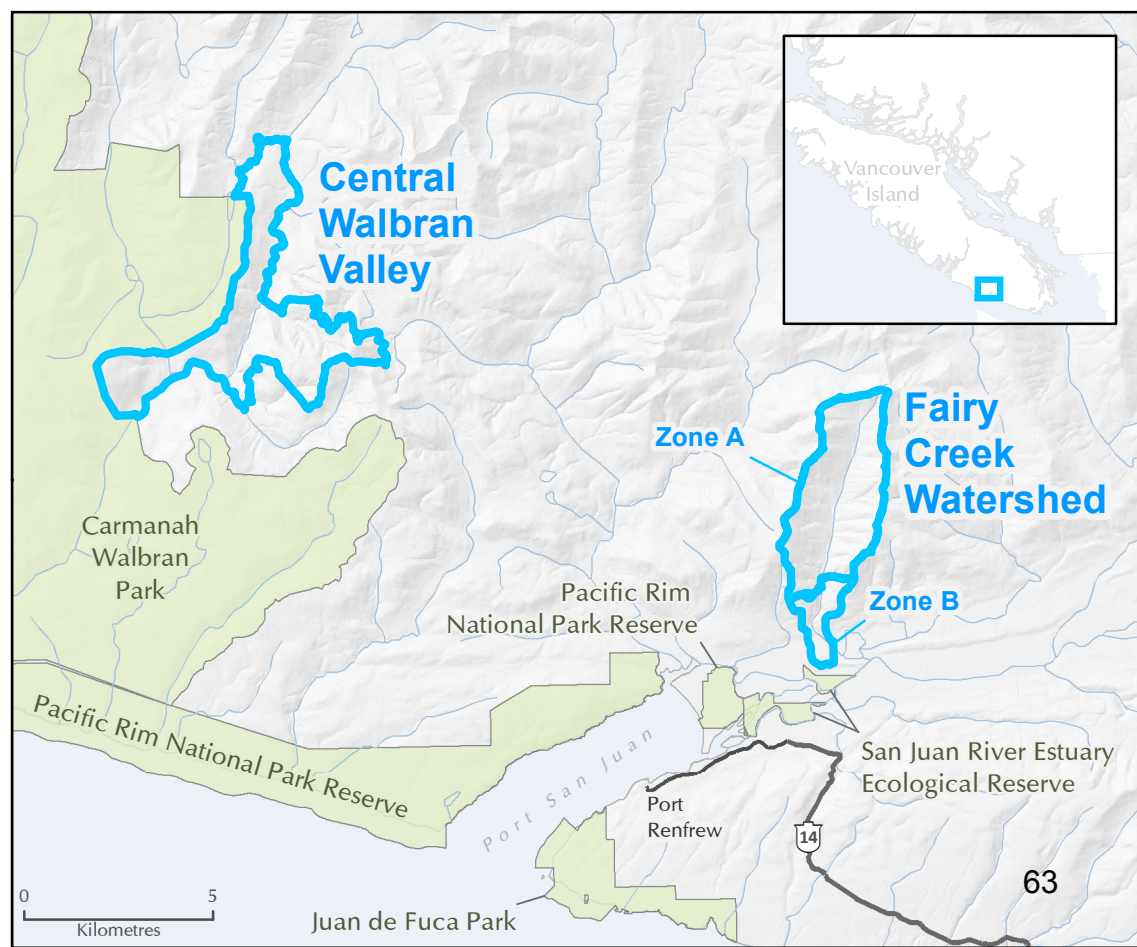
(https://news.gov.bc.ca/files/FairyCreek_Walbran_map.pdf)

The Fairy Creek deferral areas are identified as zone A and zone B. All harvesting in zone A is suspended, including all old-growth areas and an additional 145 hectares of second-growth forest, with two exceptions: removal of trees already on the ground and to harvest trees for Indigenous cultural purposes. In zone B, forestry activities are suspended in all identified old-growth stands, with limited exceptions for safety, environmental and personal uses (firewood).

These latest deferrals are in addition to the nearly 200,000 hectares of old growth – an area nearly double the size of Metro Vancouver – that government protected in September 2020.

In accordance with the request from the Huu-ay-aht, Ditidaht and Pacheedaht First Nations, tenure holders in the Fairy Creek watershed and the central Walbran area will be able to harvest timber in areas not identified as old growth.

New road construction activities will be suspended within identified old growth areas in the central Walbran and Fairy Creek watershed as part of the deferrals. For existing roads in these areas, government and the three Nations expect tenure holders to carry out necessary maintenance to make sure roads are safe and that there is an appropriate level of environmental protection.



COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD June 17, 2021

For the Council meeting of July 8th, 2021, the Committee recommends the following:

E.1 2316 Howard Street - Development Permit with Variances

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 Variance Permit Application No. 00262 for 2316 Howard Street, in accordance with:

1. Plans date stamped April 21, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 reduce motor vehicle parking from one stall to nil.
3. The Development Variance Permit lapsing two years from the date of this resolution.”

F.1 T1 Update

1. That Council receive this report for information.
2. That Council direct staff to report back as part of the 2022 budget process on options and implications of installing a play feature in the downtown.
3. That Council direct staff to report back on the budget implications in 2022 for the development and implementation of anti-racism training for all city staff, beginning with Council and senior management.
4. That Council direct staff to report back on the hiring of consultants for the anti-racism training, at the T2 report.
5. That Council direct staff to report back on the implications in the 2022 budget of creating an internship program at the City for under-represented populations.

F.2 Options for Processing Kitchen Scraps Originating in Victoria

That Council direct staff to:

1. Continue hauling kitchen scraps to existing composting facilities on Southern Vancouver Island.
2. Continue to work with the CRD to monitor opportunities for regional organics processing with enhanced environmental benefits, and report back to Council on the progress of these discussions by Q2 2022.

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD June 24, 2021

For the Council meeting of July 8, 2021, the Committee recommends the following:

F.1 Future Housing Needs and Gaps in Official Community Plan Capacity

That Council:

1. Receive this report on Victoria's future housing needs and gaps in Official Community Plan capacity for information and to inform future City policy initiatives.
2. Update Phase 2 of Village and Corridor Planning to include Oaklands, the eastern portion of the Hillside Avenue Corridor and the Shelbourne Street Corridor (areas originally approved for Phase 3), in addition to the planned process for Stadacona Village, Oak Bay Ave Village, Jubilee Village and related corridors (areas originally approved for Phase 2).
3. Update Phase 3 of Village and Corridor Planning to consider additional opportunities to add capacity along the Fairfield Road Corridor and the Skinner Street Corridor in addition to the planned process for the James Bay area (originally approved for Phase 3).
4. Direct staff to report back to Council with a proposed comprehensive planning process for the Douglas Street Corridor as part of the Official Community Plan Annual Review 2022 (the 10-year review that will be reported to Council in 2023).

F.2 2022 Draft Budget Update

That Council:

1. Direct staff to develop a draft 2022 Financial Plan for Council's consideration in October 2021 that:
 - a. Provides for continued services and service levels
 - b. Provides options for mitigation strategies that build on those used in 2020 and 2021 that could achieve a lower tax increase including:
 - i. Vacancy management
 - ii. Travel, conference and training budget savings
 - iii. Capital budget property tax funding reallocation to operating budget
 - iv. Use of remaining Restart Grant (if UBCM grant application for Strengthening Communities is successful)

Motion arising:

That staff report back on the implications of adding the Our Place funding request for storage and extended hours as part of the annual budget.

F.4 North Park Neighbourhood Association Funding Request for Use of Royal Athletic

That Council award a \$9,985.22 grant to the North Park Neighborhood Association fund the cost of hosting programs and events at Royal Athletic Park in 2021 and encourage the NPNA to engage with the VIRCs, the Intercultural Association, and the Muslim Association Mosque.

F.5 Project Plan for Central Library Feasibility Study

That Council approve the proposed project plan for the Central Library Feasibility Study as detailed in this report.



1715 Government Street, Victoria, BC
V8W 1Z4

June 24, 2021.

Dear Mayor, Council and City Parks Department,
Re: Support for free community access at Royal Athletic Park

On behalf of the Downtown Residents Association (DRA), I am writing in support of North Park Neighbourhood Association's request that free community access to Royal Athletic Park be provided.

Through partnering with non-profits and community groups Royal Athletic Park has the potential to provide opportunities for accessible economic development. RAP is a great venue to host free food security and craft markets, community fitness classes, arts performances, and concerts. However, as it is currently operated, it is very difficult for small scale community groups to use RAP. The minimum booking cost for Royal Athletic Park is just over \$300.00, and the Parks Department is unable to provide any leniency on this under the current Fees & Services Bylaw.

Royal Athletic Park is currently underused and operates at a deficit without providing sufficient benefit to the community. According to the annual report, Royal Athletic Park was booked 25% of the year in 2019 (92 bookings). This means that for 75% of the year the largest greenspace in North Park sat completely empty. RAP is considered an open-air stadium for sports games and events. However, this *alone* does not meet the needs of the community. The North Park and immediately surrounding communities are made up of some of the least affluent and most diverse residents in the city. Despite this fact, none of the city owned facilities (Save on Foods Memorial Arena, Crystal Pool, Royal Athletic Park) are free and accessible to the community.

There is a significant shortage of accessible green space in North Park. The 2012 Official Community Plan recommends that another park be added to the North Park neighbourhood. Currently, North Park falls significantly below the city average of 3.16 hectares of park space per 1000 residents. North Park is at 1.23 *including* Royal Athletic Park.

The need for increased green space is going to be felt more acutely in the next 20 years as increased density adds to the number of North Park residents. However, with increased pressure and urgency to address the housing crisis, dedicating valuable land to green space has its challenges and will become increasingly financially unfeasible. As a greenspace deficient neighbourhood as well as a neighbourhood without a community centre, providing free community access to Royal Athletic Park would immediately improve North Park's access to both. Two problems could be ameliorated in one step.

As a neighbourhood association, the DRA shares many of the same concerns and issues as challenge North Park. I am asking Mayor and Council to reimagine how Royal Athletic Park can serve North Park, an equity deserving neighbourhood, by making RAP freely accessible and available to book through a park permit when not in use for sports or special events.

Sincerely,

Sandra Severs
President
Downtown Residents Association



Council Report

For the Meeting of July 8, 2021

To: Council **Date:** June 30, 2021

From: Karen Hoes, Director, Sustainable Planning and Community Development

Subject: **UPDATE: Pre-Application Community Consultation During the COVID-19 Pandemic**

RECOMMENDATION

That Council:

1. Rescind third reading of the Land Use Procedures Bylaw, Amendment Bylaw (No.13) 21-055 (the "**Bylaw**");
2. Amend section 2(c) of the Bylaw by inserting the following words as indicated with underlining for illustrative purposes only:
 - (a) If a state of local or provincial emergency has been declared or public health order or guidance issued in the City and in-person participation in a Community Meeting is inconsistent with the declaration, order, guidance, or is impractical,
3. Give third reading to Land Use Procedures Bylaw, Amendment Bylaw (No.13) No. 21-055, as amended.

EXECUTIVE SUMMARY

On June 29, 2021, the Province of British Columbia indicated that the provincial state of emergency would be lifted end of day on June 30, 2021, coinciding with the end of Step 2 of the provincial Restart Plan. Step 3, which began on July 1, 2021, still limits indoor organized gatherings to a maximum of 50 people or 50% of venue capacity, whichever is greater. Therefore, at this time, it is still not possible to hold in-person Community Meetings associated with the pre-COVID Community Association Land Use Committee (CALUC) processes, in a manner that adheres to public health orders as the pre-COVID processes did not limit or monitor the number of attendees. As a result, staff are recommending amendments to the bylaw to ensure that the alternate approach to pre-application consultation, including posting plans on the development tracker, inviting submission of on-line comment forms and use of virtual meetings, remain in place for the interim.

There may be opportunities to further adapt the processes in response to the recent Provincial changes; however, that will take some time and dedicated staff resources. The province has stated that the earliest start date for Step 4, when large, organized gatherings will have increased capacity, would be September 7, 2021, which may further impact processes. Another report

seeking Council's direction regarding options for maintaining aspects of the virtual processes post COVID, is currently under preparation and will be presented to Committee of the Whole in July.

In response to this, staff are recommending that Council rescind the third reading of Land Use Procedures Bylaw, Amendment Bylaw (No. 13). No. 21-055, that received first readings by Council on June 24, 2021, and give third reading to the attached amendment which has been revised to add public health orders to section 8A(a). This would result in the alternate approach to the pre-application community consultation during the pandemic remaining in place at this time.

Respectfully submitted,

Rob Bateman
Senior Process Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 13)

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the *Land Use Procedures Bylaw* to require applicants to post development application signs on the site to notify the public of input opportunities prior to the submission of a development application and to participate in a community meeting where the Community Association Land Use Committee elects to host a meeting by electronic participation in place of an in-person community meeting during the COVID-19 pandemic.

Contents

1. Title
2. Amendments
3. Effective Date

Under its statutory powers, including Part 14 of the *Local Government Act*, 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 “LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 13)”.

Amendments

2. The Land Use Procedures Bylaw No. 16-028, 2016 is amended:
 - (a) in section 6(b), by striking out “.” and replacing it with “; and”;
 - (b) by adding the following new subsection 6(c) immediately after subsection 6(b):

“(c) post signage in accordance with Schedule C-1 of this Bylaw.”
 - (c) by striking out section 8A(a) and replacing it with:

“(a) If a state of local or provincial emergency has been declared or public health order or guidance issued in the City and in-person participation in a Community Meeting is inconsistent with the declaration, order or guidance, or is impractical,

 - i. Council or the Director may require the applicant to submit plans for the proposed development to the City to post online for public comment to the applicable CALUC not less than 30 days and not more than six months in advance of the application submission date, and
 - ii. a CALUC may elect to host a Community Meeting by electronic participation and if it does so, the applicant or its authorized designate must participate in such Community Meeting not more than six months in advance of the application submission date and comply with sections 6(b) and (c).”

- (d) by inserting Schedule C-1 attached at Appendix 1 to this Bylaw immediately after Schedule C.

Effective Date

3. This Bylaw comes into force on adoption.

READ A FIRST TIME the **24th** day of **June** 2021

READ A SECOND TIME the **24th** day of **June** 2021

READ A THIRD TIME the **24th** day of **June** 2021

RESCINDED THIRD READING the day of 2021

AMENDED the day of 2021

READ A THIRD TIME the day of 2021

ADOPTED on the day of 2021

CITY CLERK

MAYOR

Appendix 1

Schedule C-1

PROCEDURES FOR SIGN POSTING – PRE-APPLICATION PUBLIC INPUT

1. The City shall determine the specifications, format, and content of the sign or signs, and provide the specifications to the applicant or the applicant's agent.
2. The applicant shall, at its sole expense:
 - (a) prepare the sign or signs in accordance with the specifications provided by the City;
 - (b) post the sign or signs on the subject property for 30 consecutive days and no longer than 35 days, with such period of time to be calculated starting from the same day the plans are posted online by the City for public input;
 - (c) post additional signs if required by the City;
 - (d) maintain the sign or signs on the subject property for the duration of the notice period under section 1.
3. The applicant shall post the sign or signs in a prominent location, clearly visible from the street, and on the site that is subject to the application. The City shall determine the required number and location of the sign or signs, taking into account the configuration of the site and visibility to the public.

PARKS REGULATION BYLAW, AMENDMENT BYLAW (NO. 16)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Parks Regulation Bylaw* to temporarily prohibit all sheltering activity in Beacon Hill Park to allow the park to recover from intensive sheltering activity during the COVID-19 pandemic.

Contents

- 1 Title
- 2-3 Amendments
- 4 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. 16)”.

Amendments

- 2 Bylaw No. 07-059, the Parks Regulation Bylaw, is amended in section 16A(2)(b) by inserting, immediately after clause (xvi), the following as the new clause (xvi.1):

“(xvi.1) Beacon Hill Park,”.

- 3 Bylaw 07-059, the Parks Regulation Bylaw, is amended in section 16A(2)(b) by repealing clause (xvi.1).

Commencement

- 4 (1) This Bylaw, except section 3, comes into force on adoption.
- (3) Section 3 comes into force two years after adoption of this Bylaw.

READ A FIRST TIME the **24th** day of **June** 2021

READ A SECOND TIME the **24th** day of **June** 2021

READ A THIRD TIME the **24th** day of **June** 2021

ADOPTED on the

day of

2021

CITY CLERK

MAYOR



The Corporation of the District of Saanich | Mayor's Office

770 Vernon Avenue Victoria BC V8X 2W7 | T 250-475-5510 | F 250-475-5440 | www.saanich.ca

Sent via email: mayor@victoria.ca

June 22, 2021

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

Dear Mayor Helps and City of Victoria Council:

Re: Chinese Canadian Museum

On June 14, 2021, Saanich Council considered a Report to Council and resolved as follows:

"That Council direct Mayor Haynes to write on behalf of Council to the City of Victoria, the Provincial Government and the Victoria Chinatown Museum Society to see how Saanich could be involved in supporting the creation of a Chinese Canadian Museum in Victoria."

As we know, the City of Victoria is known to have the oldest Chinatown in Canada. In parallel, Saanich is home to one of the largest Chinese populations in the region, and has a long history of contribution in agriculture and business in the Chinese community. Saanich would like to know how to be involved in supporting the creation of a Chinese Canadian Museum in Victoria.

A link to the memo from the June 14 meeting can be found [here](#). The meeting minutes are available [here](#) on our website.

Yours Sincerely,

Fred Haynes
Mayor

c:

The Honourable George Chow, Minister of State for Trade
The Honourable Melanie Mark, Minister of Tourism, Arts, Culture and Sport
District of Saanich Council
Saanich Arts, Culture, and Heritage Advisory Committee

THE CORPORATION OF THE TOWNSHIP OF SPALLUMCHEEN

4144 Spallumcheen Way, Spallumcheen, BC V0E 1B6
Phone: 250-546-3013 • Fax: 250-546-8878 • Toll Free: 1-866-546-3013
Email: mail@spallumcheentwp.bc.ca • Website: www.spallumcheentwp.bc.ca



June 11, 2021

File No. 5500-05

BC Hydro
PO Box 8910
Vancouver, BC
V6B 4X3

Dear BC Hydro

Re: Residential Rate Review

Please be advised that at the Monday, June 7, 2021 Township of Spallumcheen Committee of the Whole Meeting, the following resolution was passed:

"...THAT the Township of Spallumcheen Council direct staff to write a letter to BC Hydro and the Union of British Columbia Municipalities requesting that the consultation period for the Residential Rate Review be extended by reopening the survey to allow more residents an opportunity to submit comments due to the changes in the E-plus incentive that has been a program that has supported Township residents who have dual heat sources and no opportunity to natural gas as an additional heat source due to the rural nature of the Township."

Please consider reopening the survey to allow an extended period for consultation. Township residents, as well as residents of other similar rural municipalities, need an opportunity to participate in the Residential Rate Review. Many areas of Spallumcheen are unable to access natural gas services meaning the impacts of a rate change could negatively impact our residents and make heat unaffordable.

Thank you for your attention to this matter. If you have any questions in this regard, please contact the undersigned.

Respectfully,

Cindy Graves
Corporate Officer

cc. UBCM Member Municipalities

June 22, 2021

Mayor Lisa Helps
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor Helps:

Re: 2021 Resolution(s)

UBCM confirms receipt of the attached resolution(s) endorsed by your Council and submitted directly to UBCM by the June 30 deadline.

The resolution(s) will be included in UBCM Resolutions Book for the 2021 UBCM Convention in September.

If you have any questions, please contact Jamee Justason, Resolutions and Policy Analyst at 604.270.8226 ext. 100 or jjustason@ubcm.ca.

Yours truly,



Brian Frenkel
UBCM President

Enclosure

Inclusion of Allied Health Workers to Help Combat the Opioid Crisis

Victoria

Whereas the opioid crisis and mental health challenges affect at least 1 in 5 BC residents and has been compounded by the COVID-19;

And whereas evidence shows that access to upstream services such as counselling related specialties and physical/occupational therapy decreases opioid use and/or provides better health intervention outcomes, but these are not accessible to many residents as they are not covered and are much too expensive through fee for services;

And whereas communities are currently struggling to meet the needs of our residents, between funding of community programs and increased mental health calls for first responders, which already comprise between 20-30% of local government expenditures and are not often the most appropriate service to support people in crisis:

Therefore be it resolved that UBCM request that the Province expand access to and funding for allied health professionals, particularly mental health counselling specialties and physical/occupational therapy related specialties, through expansion of team-based care through not-for-profit delivery including community health centres, available to all BC residents regardless of their immigration status and income, throughout the province;

And be it further resolved that the Province increase support and funding for Peer Navigators as part of the BC Mental Health and Addictions Strategy.

Convention Decision:

Provincial Support for TRC, MMIWG2S and UNDRIP

Victoria

Whereas local governments in British Columbia are integral for the implementation of the Truth and Reconciliation Commission (TRC) of Canada Calls to Action, Murdered Indigenous Women, Girls and Two-Spirit People, (MMIWG2S) Calls for Justice, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) but have the least resources to do the work meaningfully;

And whereas local governments are committed to advancing truth, justice, and reconciliation, and understanding that each Aboriginal community has different and diverse histories, making local context and consultation critical to meaningful action:

Therefore be it resolved that UBCM call on the Province of British Columbia to provide support and equitable access to funding for trauma-informed, Indigenous-led education, training, and policy guidance for local governments and associated law enforcement and emergency services to implement municipal-specific recommendations from the TRC, MMIWG2S, and UNDRIP

Convention Decision:

2021/06/29

E-Mail: Patty.Hajdu@parl.gc.ca

The Honourable Patty Hajdu
Federal Minister of Health
House of Commons
Ottawa, ON, K1A 0A6

Dear Ms. Hajdu,

RE: Support for 988, A 3-Digit Suicide and Crisis Prevention Hotline

This letter is written to advise that, Council, at its June 21, 2021, Regular Council Meeting passed the following motion supporting the Federal government's proposed National three-digit suicide and crisis line initiative:

Whereas the covid-19 pandemic has had a significant impact on the mental health of Canadians; and

Whereas persons in crisis need quick and easy access to crisis intervention services; and

Whereas Parliament has unanimously passed legislation to provide a 3-digit number to access these services from anywhere in Canada; and

Whereas the United States is intending to initiate a similar service using the same 3-digit number thereby creating access to these services from anywhere in North America;

Therefore, Council directs staff to send a letter to the local Member of Parliament, local Member of the Legislative Assembly, the Federal Minister of Health, the Canadian Radio and Television Commission and local area municipalities to express the City of Langford's support of this initiative.

We look forward to the implementation of this initiative.

Sincerely,



Stew Young,
Mayor

EC: Honourable John Horgan, MLA Langford-Juan de Fuca john.horgan.mla@leg.bc.ca

Alistair MacGregor, Cowichan-Malahat-Langford, Alistair.macgregor@parl.gc.ca

Mr. Ian Scot, CEO Canadian Radio-Television and Telecommunications Commission
iscott@telesat.com

Local Area Municipalities





The Corporation of the District of Saanich | Mayor's Office

770 Vernon Avenue Victoria BC V8X 2W7 | T 250-475-5510 | F 250-475-5440 | www.saanich.ca

June 29, 2021

Sent via email

To British Columbia Municipal Elected Officials:

Re: UBCM Resolution on a Replacement B.C. Climate Action Revenue Incentive Program

This letter will confirm that Council, at their meeting held June 21, 2021, considered a report on a Union of British Columbia Municipalities (UBCM) resolution on a replacement B.C. Climate Action Revenue Incentive Program and resolved as follows:

“That:

- 1. WHEREAS the Ministry of Municipal Affairs announced in May 2021, without consultation, the cancellation of the Climate Action Revenue Incentive Program (CARIP) without identifying any new consistent, non-competitive funding for the development, implementation or administration of local government climate action programs, undermining the ability of local governments to participate in climate action initiatives;*

AND WHEREAS 187 local governments in British Columbia have voluntarily signed onto the Climate Actin Charter and by doing so have been able to access CARIP funding;

AND WHEREAS under the CleanBC Plan, the Province of British Columbia recently amended the Climate Change Accountability Act to include a sectoral GHG emissions reduction target of 59 to 64% below 2007 levels by 2030 for buildings and communities, requiring the development and implementation of comprehensive climate action initiatives and regulatory programs by local governments; and

THEREFORE BE IT RESOLVED that UBCM ask the Ministry of Municipal Affairs and the Ministry of Environment and Climate Change Strategy to replace CARIP with a new, consistent, non-competitive funding program

commencing in the 2022 fiscal year, informed by engagement with local governments and that provides them with equivalent or better funding, enabling them to be effective and accountable partners with the Province in achieving Provincial and local government climate goals and targets.

2. *Council direct staff to share this report and resolution with the Capital Regional District Board of Directors and other British Columbia municipal elected officials, seeking support for the resolution in advance of the UBCM conference in September 2021.”*

The report dated June 3, 2021 can be found [here](#) and the June 21, 2021 meeting minutes will soon be available on our [website](#).

Sincerely,

A handwritten signature in blue ink, appearing to read "F. Haynes", with a horizontal line drawn underneath the signature.

Fred Haynes
Mayor

cc: Saanich Council
Sharon Hvozdzanski, Director of Planning



Council Report For the Meeting July 8th 2021

To: Council **Date:** June 24, 2021
From: Curt Kingsley, City Clerk
Subject: Report Back: Short Term Rental Business License Appeal for 1044 Belmont Avenue

RECOMMENDATION

That Council:

1. receive this report for information;
2. reconvene the hearing; and,
3. either uphold or overturn the License Inspector's denial of a business license for the short-term rental unit at 1044 Belmont Avenue.

EXECUTIVE SUMMARY

This report back to Council presents documents from the Appellant and the City's Licence Inspector for Council's consideration in response to Council's request for more information on the prior use of 1044 Belmont Avenue. This Short-Term Business Licence Appeal initially came to Council at the March 18, 2021 Council meeting where Council passed the following motion:

That Council adjourn the hearing subject to receiving information as to the prior use of the property with respect to it being a regular Bed and Breakfast.

The Licence Inspector has submitted a written response (Attachment A) which was forwarded to the appellant. The appellant has provided a written response to the Licence Inspector (Attachment B). The original report and minutes from March 3, 2021 have been attached for information (Attachment C).

With this information, staff respectfully submits the above recommendation.

Respectfully Submitted:

Curt Kingsley
City Clerk

Susanne Thompson
Deputy City Manager/Chief Financial Officer

Report accepted and recommended by the City Manager

Attachments

Appendix A: Licence Inspector's Response to Council's Request for Information

Appendix B: Appellant's Response to the Licence Inspector's Submission

Appendix C: Report and Minutes from March 18, 2021

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

Submission of the Licence Inspector

During the daytime Council Meeting on March 18th, Council reviewed the appeal for 1044 Belmont Ave. At this time, Council passed the following motion:

"That Council adjourn the hearing subject to receiving information as to the prior use of the property with respect to it being a regular Bed and Breakfast. "

1. The appellants first obtained a business licence for the property at 1044 Belmont Avenue on October 16th 2002.
2. From October 2002 to December 2018, the appellants held a Bed & Breakfast Licence.
3. In 2019 and 2020, the appellants held a short-term rental business licence.
4. In their response to the Licence Inspector's Report, the appellants explained that they "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."
5. While the appellants were issued a bed and breakfast licence based on the application submitted, Schedule D of *the Zoning Regulation Bylaw* stipulates that:

11 Subject to the following requirements, where any building is used as a single family dwelling, up to two bedrooms may be used for transient accommodation as a home occupation.

11 (6) Transient accommodation is restricted to no more than two bedrooms and cannot occupy an entire self-contained dwelling unit.

6. Inspections are not performed during the review of Bed and Breakfast applications. The 2021 STR inspection revealed that the property at 1044 Belmont Ave contains two self-contained dwelling units, and as such, the appellants were never eligible for the bed and breakfast licence held from 2002-2018.
7. 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: June 8, 2021

A handwritten signature in black ink, appearing to be 'Shannon Perkins', written in a cursive style.

Shannon Perkins, Manager of
Bylaw Services

Christine Havelka

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

From: Sandra and Doug Fraser

Sent: June 18, 2021 1:54 PM

To: Christine Havelka <chavelka@victoria.ca>

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

Hello Christine,

We have had a chance to look at the Submission of the Licence Inspector and have the following comments:

Point 1: We obtained our business licence earlier than she states. My records show a payment in March, 2002, and every January subsequent to 2020.

Point 5: We did follow the requirements exactly when first obtaining our licence - we rented two bedrooms and there was a sitting room upstairs. Guests came downstairs to our dining room table for breakfast daily.

It was only a few years after being diagnosed with Celiac disease that I realized I could no longer prepare daily breakfasts, as it was detrimental to my health to handle the wheat flour necessary for the bread, scones and muffins served. (In those days there were no comparable alternatives). At that time, we installed the kitchen upstairs and added a glass door to provide a measure of privacy. We had no idea we were contravening any regulations - we just needed to protect my health while maintaining a livelihood.

We respectfully request that we be allowed to maintain our ability to rent for fewer than 30 days. We provide a valuable resource to patients of the Royal Jubilee and their families, who come for a few days or weeks for treatment.

Respectfully submitted,

Sandra and Doug Fraser
Tudor Cottage

On Jun 9, 2021, at 10:49 AM, Christine Havelka <chavelka@victoria.ca> wrote:

Hello Sandra and Doug,

In order to reconvene the appeal hearing with a report back to Council, please note:

At the March 18, 2021 Council meeting, Council passed the following motion:

"That Council adjourn the hearing subject to receiving information as to the prior use of the property with respect to it being a regular Bed and Breakfast. "

The Licence Inspector has responded to Council's request for information, as attached.

The process now is for you to respond to the Licence Inspector's attached report, should you wish to do so. Please send the response to me by June 23, 2021.

Your response, as well as the License Inspector's response, will be included in the report back to Council. The hearing will be reconvened and considered by Council at the July 8, 2021 Daytime Council meeting.

Please let me know if you have any questions.

Kind regards,

Christine

From: Sandra and Doug Fraser [REDACTED]
Sent: March 24, 2021 11:32 PM
To: Christine Havelka <chavelka@victoria.ca>
Subject: Re: Licence Inspector Response - Short term rental Appeal- 1044 Belmont Ave

Hello Christine,

I finally found the video of the meeting where my appeal was discussed, and heard that they required information from staff (or me) about licensing.

I operated a licensed B & B from May, 2001. I paid my licence fee every year. I offered bed and breakfast until my health was comprised. At that point, we added a tiffany glass door to the upstairs and made it a private space for guests to tend for themselves. That occurred somewhere around 2006 or 2007.

One of the councillors suggested there was no urgency to their reaching a decision, but I have been forbidden to rent out short term until a decision is reached, so it is impacting on our lives.

I would ask them to reconsider and grandfather in our ability to host on a short term basis, as I was permitted to do so when we bought the house.

thank you,

Sandra and Doug Fraser
Tudor Cottage

DEFATED (3 to 6)

On the main motion:

That Council direct staff to:

1. Bring forward amendments to the Solid Waste Bylaw (No. 12-086) to enable curbside comingled organics (kitchen scraps and yard waste) collection.
2. Initiate service changes and user outreach to transition from backyard to curbside garbage and comingled organics collection.

FOR (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Potts, Councillor Thornton-Joe, Councillor Young, Councillor Loveday

OPPOSED (2): Councillor Isitt, Councillor Dubow

CARRIED (7 to 2)

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

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

Moved By Councillor Andrew

Seconded By Councillor Loveday

1. That Council supports Theatre SKAM's proposal to operate an "Arts Hub" pilot project primarily focused on the performing arts.
2. And that Council grant \$40,000 in one time funding from the City's contingency budget and \$20,000 in annual funding for a period of 5 years from new assessed revenue, to achieve the City's goals of setting up an Arts Hub in downtown Victoria, and to help make Theatre SKAM's proposal financially viable.
3. That Council receive a written report annually.
4. Include in the annual report the benefits to BIPOC, LGBTQIA+ and visual/cultural minority groups and people with disabilities who received funding

CARRIED UNANIMOUSLY

G. Short Term Rental Appeal

G.1 1044 Belmont Avenue - Short Term Rental Appeal

Council received a report dated March 3, 2021 from the City Clerk regarding the Short Term Business License Appeal for 1044 Belmont Avenue. The City Clerk and Mayor outlined the appeal process policy.

Council discussed the following:

- *Clear evidence of a self-contained unit in advertisement*
- *Unit in contravention of the bylaw as presented*
- *Zoning permissions for land use*

- *Personal circumstances of the landowners*

Motion to adjourn the hearing:

Moved By Councillor Thornton-Joe

Seconded By Councillor Potts

That Council adjourn the hearing subject to receiving information as to the prior use of the property with respect to it being a regular Bed and Breakfast.

FOR (8): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Dubow, Councillor Andrew, Councillor Potts, Councillor Thornton-Joe, Councillor Loveday

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

H. BYLAWS

H.1 Bylaw for Parks Amendment

Moved By Mayor Helps

Seconded By Councillor Andrew

That the following bylaw **be adopted**:

1. Parks Regulation Bylaw No. 20-114

Council discussed the following:

- *Completion date for housing in development*
- *Clarity on transition period in April*
- *Provincial Heath Officer advice*

Motion to postpone:

Moved By Councillor Isitt

Seconded By Councillor Dubow

That consideration of this matter be postponed until the Council meeting of April 8, 2021 to receive information from BC Housing regarding indoor housing options.

FOR (4): Councillor Isitt, Councillor Dubow, Councillor Potts, Councillor Loveday

OPPOSED (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Thornton-Joe, Councillor Young

DEFEATED (4 to 5)

On the main motion:

That the following bylaw **be adopted**:

1. Parks Regulation Bylaw No. 20-114



Council Report

For the Meeting March 18, 2021

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

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 **22nd** day of **February** 2018


READ A SECOND TIME the **22nd** day of **February** 2018

READ A THIRD TIME the **22nd** day of **February** 2018

ADOPTED on the **8th** day of **March** 2018

“CHRIS COATES”
CITY CLERK

“LISA HELPS”
MAYOR

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

From: Sandra and Doug Fraser <
Sent: January 26, 2021 3:46 PM
To: Legislative Services email <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


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
1:01 PM



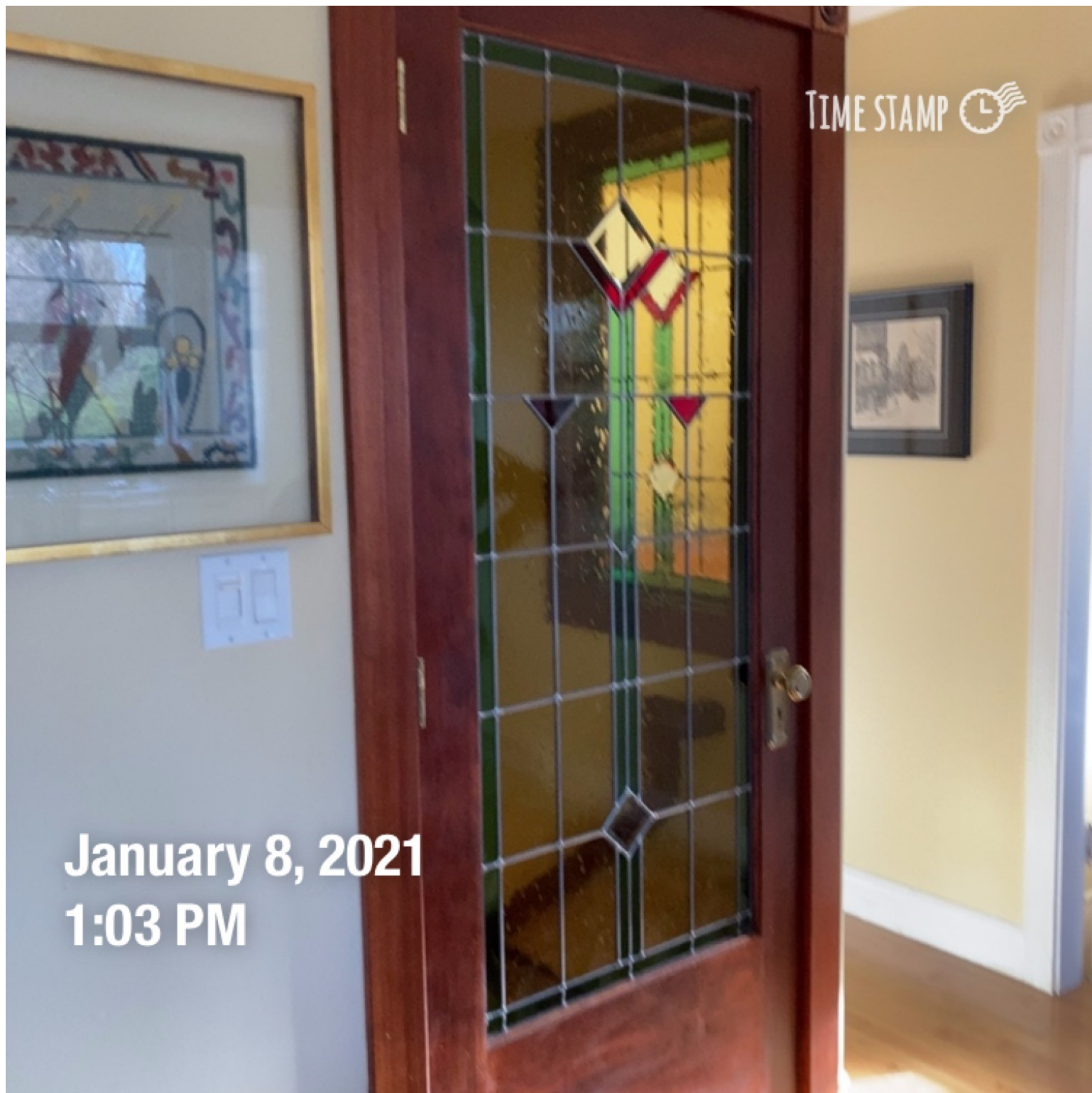




January 8, 2021
1:01 PM



**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

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
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

- 🅑

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.



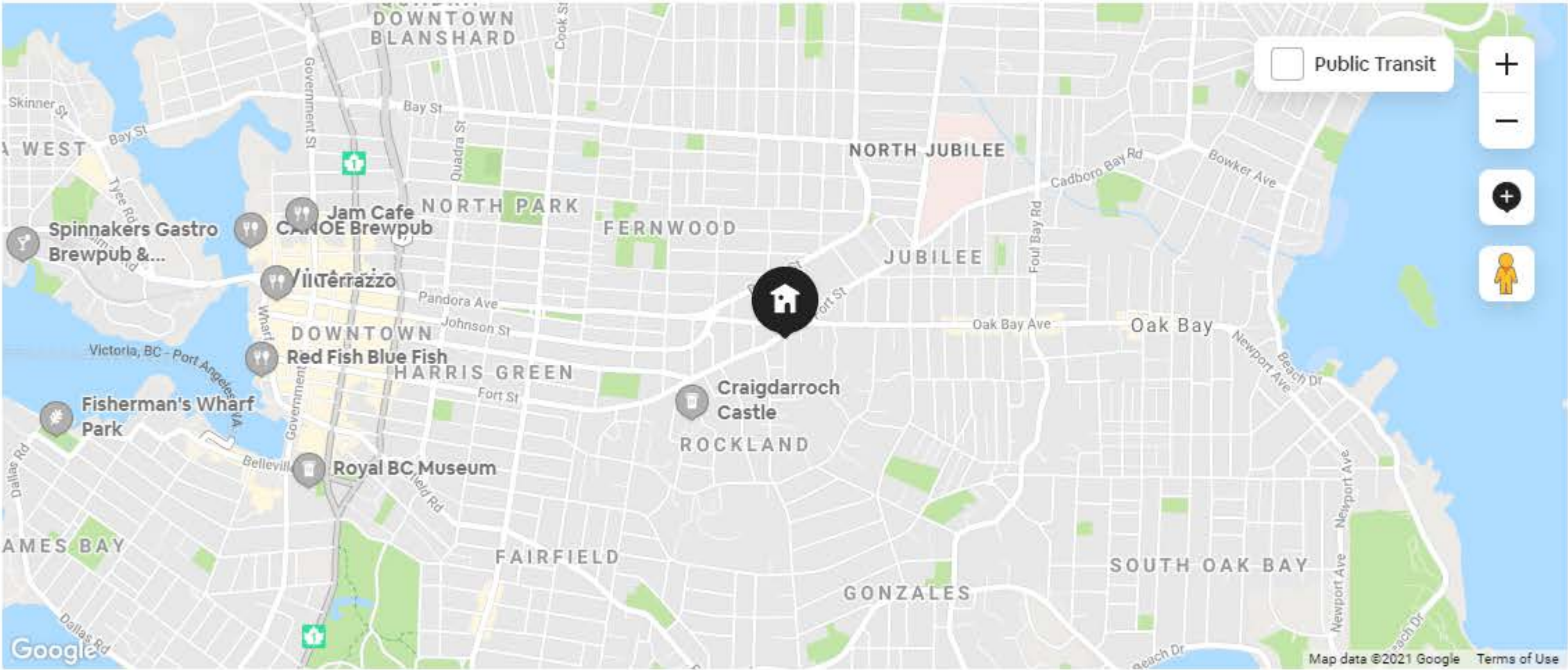
Naomi

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

Sydney Stoltz

From: Sydney Stoltz
Sent: July 7, 2021 2:16 PM
To: Sydney Stoltz
Subject: FW: 1044 Belmont Ave Appeal - LATE ITEM JULY 8 CTF

Importance: High

From: Sandra and Doug Fraser
Sent: July 6, 2021 10:38 PM
To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>
Subject: 1044 Belmont Ave Appeal

Dear Ladies and Gents,

We understand this issue will be raised at your meeting on Thursday and do wish to emphasize the following points:

- From 2001 we operated as a fully paid licensed and complying bed and breakfast for a number of years, until my diagnosis of Celiac disease made this hazardous to my health. Just breathing in the flour used to bake bread, muffins, scones, etc., was causing my body distress. We realized that for my health, we had to make certain changes, and so made the necessary changes to our home so that our guests could prepare their own breakfasts. We did this in good faith, having no idea that we were contravening any regulations.
- We do provide a valuable service in our community, frequently hosting the families of patients at the Royal Jubilee.
- My husband is almost 81 and I am 77 - too old to look for alternative ways of earning a livelihood.
- We are contributing members of society I volunteer as a Friend of Government House and currently serve as the treasurer. I volunteer at Jazz Fest and for 12 years served as treasurer of the Celiac Association in Victoria. My husband power washed the sidewalk on Belmont from Fort to Maud, removing moss and making it safer for passing pedestrians.
- I am seeking an exception as a responsible accommodation of my disability, to allow us to continue operating our short term rental.

Respectfully submitted,

Sandra and Doug Fraser
Tudor Cottage



Council Report

For the Meeting July 8th 2021

To: Council **Date:** June 24, 2021
From: Curt Kingsley, City Clerk
Subject: Report Back: Short Term Rental Business License Appeal for 906 Fairfield Road

RECOMMENDATION

That Council:

1. receive this report for information;
2. reconvene the hearing; and,
3. either uphold or overturn the License Inspector's denial of a business license for the short-term rental unit at 906 Fairfield Road.

EXECUTIVE SUMMARY

This report back to Council presents documents from the Appellant and the City's Licence Inspector for Council's consideration in response to Council's request for more information on the prior use of 906 Fairfield Road. This Short-Term Business Licence Appeal initially came to Council at the December 10, 2020 Council meeting where Council passed the following motion:

That staff report back on the ability to convert the unit into a rental space specific to the installation of a kitchen and stove and that the matter be adjourned until the report back is received.

The Licence Inspector has submitted a written response (Attachment A) which was forwarded to the appellant. The appellant did not provide a written response within the requested time. The original report and minutes from December 10, 2020 have been attached for information (Attachment B).

With this information, staff respectfully submits the above recommendation.

Respectfully Submitted:

Curt Kingsley
City Clerk

Susanne Thompson
Deputy City Manager/Chief Financial Officer

Report accepted and recommended by the City Manager

Attachments

Appendix A: Licence Inspector's Response to Council's Request for Information

Appendix B: Report and Minutes from December 10, 2020

Business Licence (Short-term Rental) Appeal re 906 Fairfield Rd

Submission of the Licence Inspector

1. The application for a short-term rental business licence for 906 Fairfield Rd was denied upon review by the licence inspector, as it is believed to be a self-contained dwelling unit.
2. On December 10, 2020 Council considered a report from the City Clerk regarding the appeal of the Licence Inspector's denial of the Short-Term Rental Business License for 906 Fairfield Road (report and minutes attached as Appendix 1) and made the following motion:

That staff report back on the ability to convert the unit into a rental space specific to the installation of a kitchen and stove and that the matter be adjourned until the report back is received.

3. As it pertains to the short-term rental business licence appeal and based on the evidence presented in the initial submission of the Licence Inspector, the unit is believed to be a self-contained suite, albeit not a legal one.
4. 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." A kitchen is not defined in the *Zoning Regulation Bylaw*.
5. While Planning has provided a response to the motion, it is not applicable in the context of this appeal. If Council believes the unit is not a self-contained dwelling unit, the appeal should be granted. If Council does believe this is a self-contained dwelling unit, the Licence Inspector's decision should be upheld.
6. This is Planning's response:

Sustainable Planning and Community Development staff have reviewed the matter and advise that an additional unit would require a rezoning. The property is in the R1-S2 Zone, Restricted Small Lot (Two Storey) Dwelling District, which only allows one self-contained dwelling unit (single family dwelling). Additionally, any exterior changes that occurred without permit, after the heritage designation was put in place, would require a Heritage Alteration Permit.

In terms of construction feasibility, staff were unable to obtain plans, and are not able to assess whether the space would lend itself to a configuration that would meet the requirements of the BC Building Code, provided that the necessary zoning and heritage regulations were adhered to.

7. The decision to deny the business licence at 906 Fairfield Rd was not based on whether it is believed to be a legal dwelling unit, but rather that it is a self-contained dwelling unit in which someone could reside without any interaction with the appellants.
8. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 906 Fairfield Rd upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: June 8, 2021

A handwritten signature in black ink, appearing to be 'Shannon Perkins', written in a cursive style.

Shannon Perkins, Manager of
Bylaw Services

Excerpt of the minutes from the December 10, 2020 daytime Council meeting

H.1.c Short Term Rental Business License Appeal for 906 Fairfield Road

Council received a report dated December 2, 2020 from the City Clerk regarding the Short Term Business License Appeal for 906 Fairfield Road. The City Clerk and Mayor outlined the appeal process policy.

Council discussed the following:

- *Upholding of inspector's findings*
- *How the unit presents as a home*
- *Potential conversion of unit and utilities*

Moved By Councillor Potts

Seconded By Mayor Helps

That staff report back on the ability to convert the unit into a rental space specific to the installation of a kitchen and stove.

Councillor Dubow withdrew from the meeting at 3:20 p.m.

Amendment:

Moved By Mayor Helps

Seconded By Councillor Thornton-Joe

That staff report back on the ability to convert the unit into a rental space specific to the installation of a kitchen and stove **and that the matter be adjourned until the report back is received.**

CARRIED UNANIMOUSLY

On the main motion as amended:

That staff report back on the ability to convert the unit into a rental space specific to the installation of a kitchen and stove and that the matter be adjourned until the report back is received.

CARRIED UNANIMOUSLY



Council Report

For the Meeting December 10, 2020

To: Council **Date:** December 2, 2020
From: Chris Coates, City Clerk
Subject: Short Term Rental Business License Appeal for 906 Fairfield Road

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 906 Fairfield Road.

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. The Appellant did not submit a final response to the Licence Inspector.
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 operator at 906 Fairfield Road 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: Licence Inspector's Report Submission

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 **22nd** day of **February** 2018


READ A SECOND TIME the **22nd** day of **February** 2018

READ A THIRD TIME the **22nd** day of **February** 2018

ADOPTED on the **8th** day of **March** 2018

“CHRIS COATES”
CITY CLERK

“LISA HELPS”
MAYOR

	COUNCIL POLICY	
	No.1	Page 1 of 2
SUBJECT: Short-Term Rental Business Licence Appeal Process Policy		
PREPARED BY: Monika Fedyczkowska		
AUTHORIZED BY: Council		
EFFECTIVE DATE: April 23, 2020		REVISION DATE:
REVIEW FREQUENCY: 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: 906 Fairfield - License Inspector response to appeal

From: Nadia Tatlow <
Sent: August 3, 2020 9:15 PM
To: Christine Havelka <chavelka@victoria.ca>
Cc:
Subject: Re: 906 Fairfield - License Inspector response to appeal

Hello Christine,

We would like to appeal this.

Airbnb's definition of 'kitchenette' and 'private suite' and the categories that we have to choose from/select in order to advertise on their website appear not to NOT have been designed in consultation with City of Victoria's new interpretation.

Our short term rental is in fact a room in our house, in accordance with the zoning of our 1889 heritage home--the upstairs is in fact a master bedroom.

Please advise on the next steps.

Thank you,

Nadia Tatlow
(250) 216-0019
nadiatatlow@gmail.com

On Thu, Jul 30, 2020 at 3:06 PM Christine Havelka <chavelka@victoria.ca> wrote:

Good afternoon,

Attached is the response from Bylaw Services to your appeal for your Business Licence for a Short Term Rental, that was denied.

In keeping with the attached appeal policy, please respond by **August 4, 2020** if you would like to make a final submission in support of your appeal.

After that date, Bylaw Services will compile all the documentation and bring a report to Council's Committee of the Whole meeting where Council will consider your appeal. When a date for that meeting has been determined, we will advise you and provide you with the report.

At this time of the COVID pandemic, public access is not permitted open Council meetings, but meetings are webcast and can be watched at www.victoria.ca

Best regards,

Christine Havelka

Deputy City Clerk / Manager of Legislative Services

Legislative Services

City of Victoria

1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0346 **C** 250.532.2394



Christine Havelka

Subject: FW: 1031193 Application Follow-Up - 906 Fairfield
Attachments: Short-Term Rental Business Licence Appeal Process Policy (1).pdf

From: Nadia Tatlow <
Sent: June 19, 2020 11:42 AM
To: str@victoria.ca
Cc: James M <
Subject: Re: 1031193 Application Follow-Up

Hi Celine,

Can you please introduce me to the legislative services team?

We need to move this forward as I have not heard anything for almost 4 months now.

Thank you

On Jun 15, 2020, at 9:43 AM, Nadia Tatlow <> wrote:

Thanks Celine.

I spoke to Kim on the phone right after we received the rejection letter so that was my last communication with your team. She was going to start the appeal process and be in touch (that was back in Feb).

Let me know if you're able to get an update on that -- we would like to get this sorted as soon as possible.

Thank you!

Nadia Tatlow

On Mon, Jun 15, 2020 at 8:38 AM str@victoria.ca <str@victoria.ca> wrote:

Hi Nadia and James,

Kim is out of the office today, but has there been any further correspondence with regards to your account? Last I can see is that the rejection letter was issued. As the appeal process goes through Legislative Services, I would not know what step you are at, but I don't believe any appeals have been completed as of yet.

Please advise and I will be happy to look into it.

Thank you,

Celine Kobenter

Bylaw Coordinator, Bylaw and Licensing Services

Legislative and Regulatory Services Department

City of Victoria

1 Centennial Square, Victoria BC V8W 1P6

TEL 250.361.0726 FAX 250.361.0205

From: Nadia Tatlow <

Sent: June 13, 2020 2:04 PM

To: str@victoria.ca; James M <

Subject: Re: 1031193 Application Follow-Up

Hi Kim,

Hope you are well.

We are still waiting for our business license to be issued.

Has there been any progress?

Thanks,

On Feb 3, 2020, at 11:31 AM, Nadia Tatlow < wrote:

Hi Kim,

We've received your letter and we were very surprised!

Our Airbnb is not a self-contained suite, it is a master bedroom/bathroom in our primary residence. It is not appropriate or equipped for long-term rental.

What are our next steps to ensure your team understands this?

Thank you,

Nadia Tatlow

From: "str@victoria.ca" <str@victoria.ca>

Date: January 31, 2020 at 11:53:24 AM PST

To: "jlmccracken87@gmail.com"

<jlmccracken87@gmail.com>

Subject: 1031193 Application Follow-Up

January 31, 2020

James McCracken

Nadia Tatlow

906 Fairfield Rd

Victoria BC V8V 3S5

Re: 906 Fairfield Avenue

The City has completed a review of your short-term rental licence application for the property located at 906 Fairfield Ave.

Your 2020 application has been rejected due to non-compliance with City bylaws, including Schedule D of the Zoning Regulation Bylaw, which provides that a short-term rental cannot occupy an entire self-contained dwelling unit, except occasionally while the operator is away.

You are directed to cease offering and operating short-term rental at the above referenced property immediately. Please be aware that operating a short-term rental in contravention of City bylaws 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.

If you choose to convert your rental to long term (30 days plus) a short-term rental licence is not required. If you elect this option, please apply for a property business licence.

<https://www.victoria.ca/EN/main/business/permits-licences/business-licences.html>

You may appeal the decision to deny your short-term rental licence to City Council by submitting a written request to appeal within 30 days of the date of this letter to the City Clerk at 1 Centennial Square.

If you have any questions, contact our office at 250.361.0726.

Regards,

Kim Ferris
Bylaw Officer/Business Licence Inspector
Legislative & Regulatory Services Department
City of Victoria
1 Centennial Square, Victoria B.C. V8W 1P6



July 27, 2020

McCracken, James
Tatlow, Nadia
906 Fairfield Rd
Victoria BC V8V 3S5

Legislative and
Regulatory Services
Department

Bylaw and Licensing
Services Division

1 Centennial Square
Victoria BC V8W 1P6

Re: Short-Term Rental Business Licence Appeal – 906 Fairfield Rd

Your 2020 application was rejected due to non-compliance with City bylaws, including Schedule D of the Zoning Regulation Bylaw, which provides that a short-term rental cannot occupy an entire self-contained dwelling unit, except occasionally while the operator is away.

Per Schedule A of the Zoning Bylaw:

“Self-contained Dwelling Unit” means a suite of rooms in a building designed for occupancy of one family which has a separate entrance, kitchen and bathroom facilities.

You advertise the unit as “[...] luxuriously appointed guest suite. Featuring a pleasant private entranceway through a tranquil garden, the suite’s slanted ceilings lend character to the open-plan space.”, as shown in the attached copy of the description of your AirBnb listing.

You also advertise a kitchenette (attached).

We consider a kitchen to be a place to prepare food. The removal of kitchen items does not qualify you to offer a self-contained dwelling unit.

An inspection conducted on January 30 confirmed these findings. For these reasons, your 2020 application for a short-term rental business licence was rejected.

A handwritten signature in black ink, appearing to read "Kim Ferris".

Regards,

Kim Ferris
Bylaw Officer/Business Licence Inspector
Legislative & Regulatory Services Department
City of Victoria
1 Centennial Square, Victoria B.C. V8W 1P6

To Contact

Telephone: **250.361.0726**
E-Mail: **str@victoria.ca**

Fax: **250.361.0205**
Web: **www.victoria.ca**

plus

Downtown Modern Heritage with Spa Bathroom



TAKE A TOUR

2 guests 1 bedroom 1 bed 1 bath



"A luxurious Victorian heritage home experience awaits!
We love the character updates and spa bathroom"

plus
ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews
<https://www.airbnb.ca/?logo=1>

\$31 /night

Check availability

2 guests 1 bedroom 1 bed 1 bath

Luxuriate in the swish spa bathroom with claw-foot tub and steam shower in this luxuriously appointed guest suite. Featuring a pleasant private entranceway though a tranquil garden, the suite's slanted ceilings lend character to the open-plan space.



"A luxurious Victorian heritage home experience awaits! We love the character updates and spa bathroom featuring marble from a local quarry. We hope you love it as much as we do!"

Hosted by James

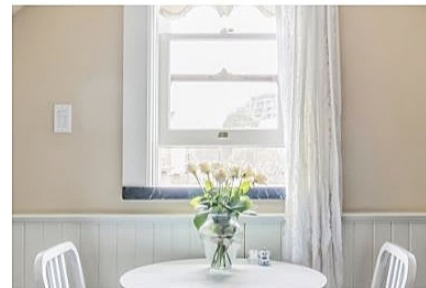
Tour this guest suite



Living room



Bedroom - Queen bed



Kitchenette



Full bathroom

Explore all 17 photos



ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night

Check availability

View all rooms

Living room

Indoor fireplace, Netflix



plus ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night Check availability

View all rooms



plus ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night [Check availability](#)

View all rooms

Bedroom

Queen bed, Indoor fireplace, Netflix

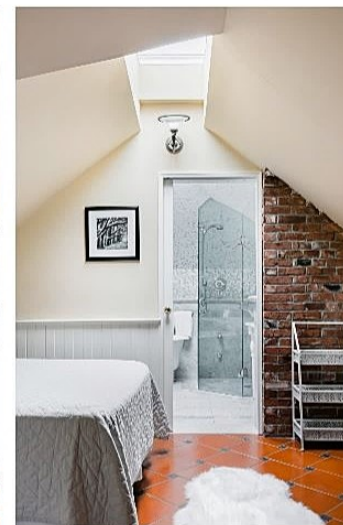
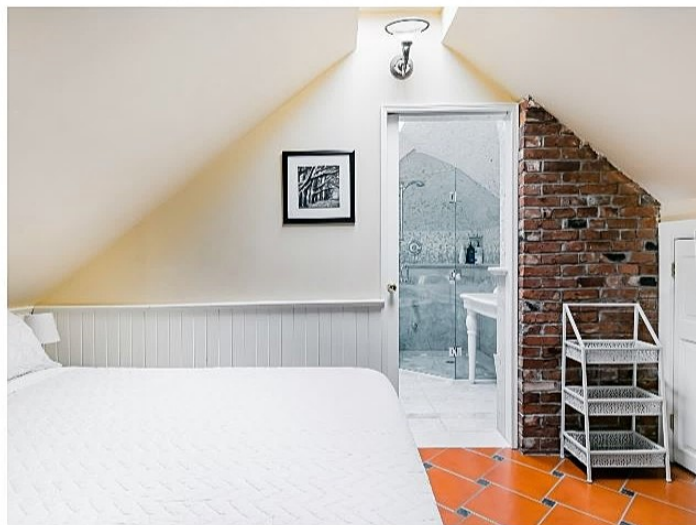


plus ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night

Check availability

View all rooms



plus ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night Check availability

View all rooms

Kitchenette

Mini fridge, Coffee

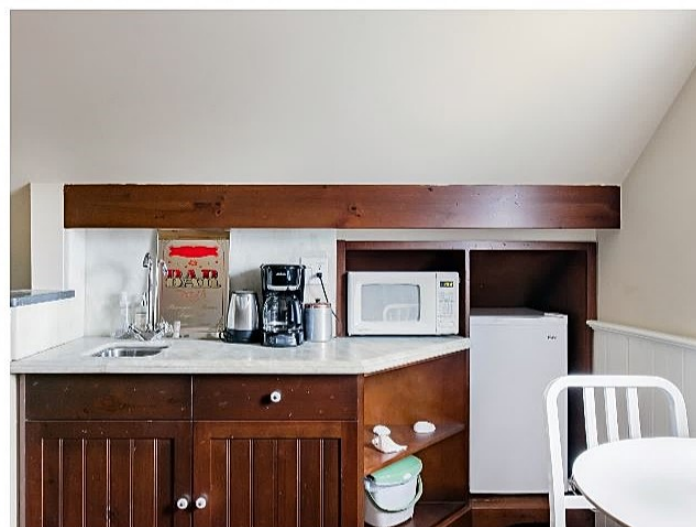


plus ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night

Check availability

View all rooms



Full bathroom

Heated floors, Walk-in shower, Soaking tub, Steam shower

 **ENTIRE GUEST SUITE IN VICTORIA**
★ 4.87 293 reviews

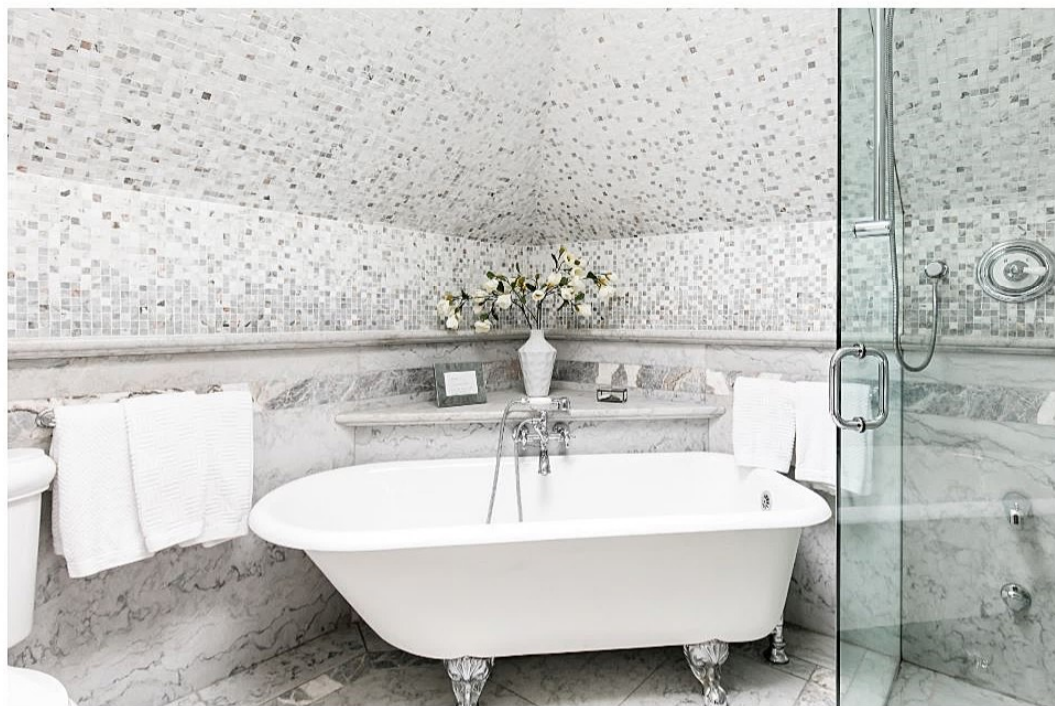
\$31 /night

Check availability

View all rooms

Full bathroom

Heated floors, Walk-in shower, Soaking tub, Steam shower



plus ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night

Check availability

\$31 /night [Check availability](#)

Business Licence (Short-term Rental) Appeal re 906 Fairfield Road

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 Nadia Tatlow and James McCracken for the operation of a short-term rental at 906 Fairfield Rd.
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 906 Fairfield Road. The property is zoned R1-S2 (restricted small lot). Short-term rentals are not a permitted use under this zone.
8. The owners of the property have created a self-contained unit in the attic of the property. This work was done without a permit by previous owners. [See attached photos]
9. The attic suite consists of a living room/bedroom, a separate bathroom and a kitchenette/dining area. It has a separate entrance from outside with keypad for self-entry. There is an interior staircase with a locked door separating the suite and the rest of the house, and there is no access provided for guests to the remainder of the house. [See attached photos]
10. The kitchenette area includes a counter with cabinets, a sink, small fridge, a microwave oven, a coffee maker, a kettle, and other essentials. [See attached photos]
11. The appellant has rented the entire unit as a short-term rental since at least June 2017. Since that time, the appellant has accepted over 306 short-term rental bookings, with stays as short

as 2 days. Attached is a report from Host Compliance detailing information about the short-term rental activity at the property.

12. The appellants applied for and received a business licence to operate a short-term rental in 2018 and 2019. The licence was granted on the basis of the appellants' representation that the short-term rental was offered in the appellants' principal residence.
13. An inspection of the premises on January 30th, 2020 revealed that the unit is operating as a self-contained dwelling and is not part of the appellants' principal residence.
14. On January 31st, 2020, the Licence Inspector advised the appellant that his 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

15. 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.*

16. 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." A kitchen is not defined in the bylaw. However, the Oxford English Dictionary defines "kitchen" as "a room where food is prepared and cooked".

IV. Argument

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

18. Although the appellants reside in the house at 906 Fairfield Road, the premises that are rented as a short-term rental are not part of their principal dwelling unit because the unit is being offered and advertised as an independent self-contained dwelling unit. The appellant advertises the unit as 'luxuriously appointed guest suite, featuring a private entranceway' on Airbnb. [Matched Airbnb Property Listing Attached]
19. It is clear that the attic suite at 906 Fairfield Road is being offered as a self-contained dwelling unit: it has its own entrance from outside, a kitchenette with space to prepare and cook food, and separate bathroom – it meets the requirements of the definition of "self-contained dwelling unit" in the *Zoning Regulation Bylaw*.
20. The appellants appears to rely on the absence of a full kitchen; however, the unit has been prepared to operate independently as a self-contained suite with no access to the appellants' dwelling unit, and not as two bedrooms in their principal dwelling unit, as required by Schedule D of the *Zoning Regulation Bylaw*.
21. For all these reasons, the Licence Inspector submits that the appellant's application for a short-term rental business licence had to be refused as it contravened the *Zoning Regulation Bylaw*.
22. 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.
23. The property at 906 Fairfield Road 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.
24. Therefore, the Licence Inspector submits that this appeal should be dismissed and the decision to refuse a short-term rental business licence for 906 Fairfield Road upheld.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: November 25, 2020



Shannon Perkins, Manager of
Bylaw Services

Rental Unit Record

906 Fairfield Road, Victoria, BC, Canada

Removed X
Identified ✓
Compliant X

PRINT

Listing(s) Information

VRBO - 321.1102334.1650495

Flipkey - 8821207

Airbnb - 18510487



Matched Details

Analyst CDZT

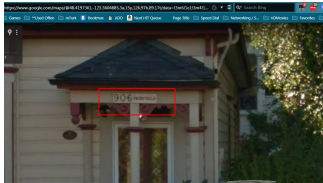
Explanation

Exterior matches in street view. The Victoria BC records and map confirm the location and address and show Area-Jurisdiction-Roll 01-234-03-199-019.
<http://prntscr.com/k23uj9>

Listing Photos



Matching 3rd Party Sources

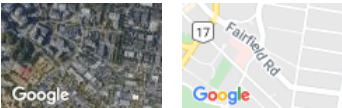
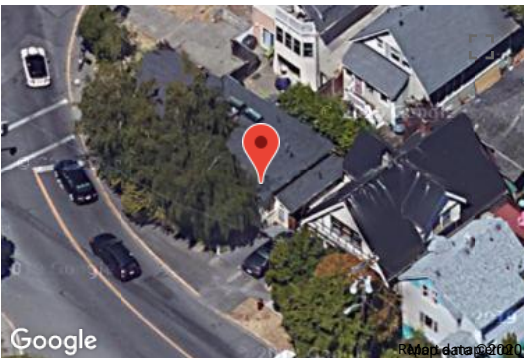


BC, Can... Search

Same exterior. #906 is visible on the photo and in street view.

City Name Match

Rental Unit Information



Identified Address

906 Fairfield Road, Victoria, BC, Canada

Identified Unit Number

None

Identified Latitude, Longitude

48.419616, -123.360192

Parcel Number

0123403199019

Owner Address

906 Fairfield Rd, Victoria
Victoria, BC V8V 3S5, CA

Timeline of Activity

View the series of events and documentation pertaining to this property

- X Listing air18510487 Removed September 6th, 2020
- Listing air18510487 Reposted April 8th, 2020
- X Listing air18510487 Removed


Listing Details

Listing URL	— https://www.vrbo.com/1102334
Listing Status	● Inactive
Host Compliance Listing ID	— hma321.1102334.1650495
Listing Title	— Downtown Victoria - Modern Luxury Heritage
Property type	— House
Room type	— Entire home/apt
Listing Info Last Captured	— Dec 23, 2018
Screenshot Last Captured	— Dec 26, 2018
Price	— \$91/night
Cleaning Fee	— \$75

Information Provided on Listing

Contact Name	— Not provided
Latitude, Longitude	— 48.420363, -123.358805
Minimum Stay (# of Nights)	— 2
Max Sleeping Capacity (# of People)	— 2
Max Number of People per Bedroom	— 2.0
Number of Reviews	— 4
Last Documented Stay	— 07/2018

Listing Screenshot History

 View Latest Listing Screenshot



























August 0

September 0










October 0

April 2nd, 2020

-  2 Documented Stays
March, 2020
-  5 Documented Stays
February, 2020
- Listing air18510487 Reposted
February 10th, 2020
- ✕ Listing air18510487 Removed
February 7th, 2020
-  6 Documented Stays
January, 2020
-  12 Documented Stays
December, 2019
-  9 Documented Stays
November, 2019
-  12 Documented Stays
October, 2019
-  11 Documented Stays
September, 2019
- Listing air18510487 Reposted
September 8th, 2019
- ✕ Listing air18510487 Removed
September 8th, 2019
- Listing air18510487 Reposted
September 5th, 2019
- ✕ Listing air18510487 Removed
September 5th, 2019
- Listing air18510487 Reposted
September 3rd, 2019
- ✕ Listing air18510487 Removed
September 2nd, 2019
-  16 Documented Stays
August, 2019
- Listing air18510487 Reposted
August 30th, 2019
- ✕ Listing air18510487 Removed
August 30th, 2019
- Listing air18510487 Reposted
August 24th, 2019
- ✕ Listing air18510487 Removed
August 24th, 2019
- Listing air18510487 Reposted
August 16th, 2019
- ✕ Listing air18510487 Removed
August 15th, 2019
-  13 Documented Stays
July, 2019
-  12 Documented Stays
June, 2019
-  8 Documented Stays
May, 2019
-  9 Documented Stays

- April, 2019
-  8 Documented Stays
March, 2019
 -  9 Documented Stays
February, 2019
 -  8 Documented Stays
January, 2019
 -  9 Documented Stays
December, 2018
 -  Listing hma321.1102334.1650495 Removed
December 27th, 2018
 -  Listing fli8821207 Identified
November 28th, 2018
 -  5 Documented Stays
November, 2018
 -  11 Documented Stays
October, 2018
 -  12 Documented Stays
September, 2018
 -  12 Documented Stays
August, 2018
 -  10 Documented Stays
July, 2018
 -  Listing hma321.1102334.1650495 Identified
July 10th, 2018
 -  Listing air18510487 Identified
July 10th, 2018
 -  7 Documented Stays
June, 2018
 -  10 Documented Stays
May, 2018
 -  11 Documented Stays
April, 2018
 -  Listing fli8821207 Removed
April 25th, 2018
 -  8 Documented Stays
March, 2018
 -  Listing hma321.1102334.1650495 Reposted
March 2nd, 2018
 -  8 Documented Stays
February, 2018
 -  Listing hma321.1102334.1650495 Removed
February 20th, 2018
 -  6 Documented Stays
January, 2018
 -  5 Documented Stays
December, 2017
 -  8 Documented Stays
November, 2017
 -  8 Documented Stays
October, 2017
 -  7 Documented Stays

September, 2017

-  12 Documented Stays
August, 2017
-  Listing fli8821207 First Crawled
August 4th, 2017
-  Listing fli8821207 First Activity
August 4th, 2017
-  Listing air18510487 First Crawled
August 1st, 2017
-  13 Documented Stays
July, 2017
-  4 Documented Stays
June, 2017
-  Listing hma321.1102334.1650495 First
Crawled
June 23rd, 2017
-  Listing hma321.1102334.1650495 First
Activity
June 23rd, 2017
-  Listing air18510487 First Activity
June 16th, 2017

plus

Downtown Modern Heritage with Spa Bathroom



TAKE A TOUR

2 guests 1 bedroom 1 bed 1 bath



"A luxurious Victorian heritage home experience awaits!
We love the character updates and spa bathroom"

plus
ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews
https://www.airbnb.ca/?logos=1

\$31 /night

Check availability

2 guests 1 bedroom 1 bed 1 bath

Luxuriate in the swish spa bathroom with claw-foot tub and steam shower in this luxuriously appointed guest suite. Featuring a pleasant private entranceway though a tranquil garden, the suite's slanted ceilings lend character to the open-plan space.



"A luxurious Victorian heritage home experience awaits! We love the character updates and spa bathroom featuring marble from a local quarry. We hope you love it as much as we do!"

Hosted by James

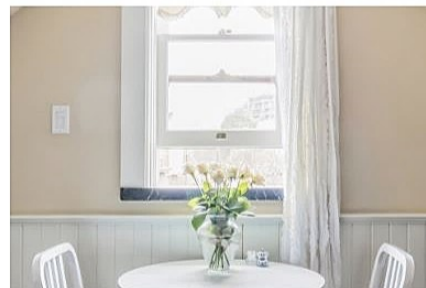
Tour this guest suite



Living room



Bedroom · Queen bed



Kitchenette



Full bathroom

Explore all 17 photos



ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night

Check availability

View all rooms

Living room

Indoor fireplace, Netflix



plus ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night Check availability

View all rooms



plus ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night

Check availability

View all rooms

Bedroom

Queen bed, Indoor fireplace, Netflix

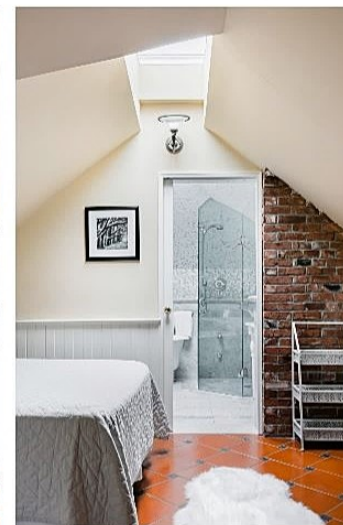
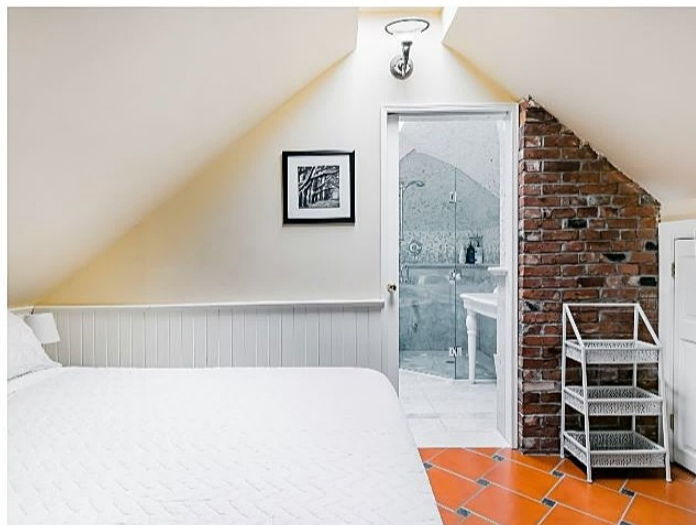


plus ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night

Check availability

View all rooms



plus ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night

Check availability

View all rooms

Kitchenette

Mini fridge, Coffee

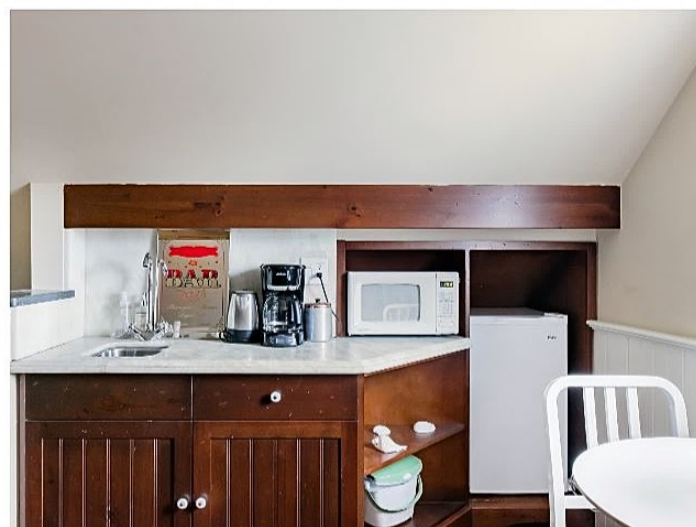


plus ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night

Check availability

View all rooms



Full bathroom

Heated floors, Walk-in shower, Soaking tub, Steam shower

plus ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night

Check availability

View all rooms

Full bathroom

Heated floors, Walk-in shower, Soaking tub, Steam shower



plus ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night

Check availability

View all rooms



plus ENTIRE GUEST SUITE IN VICTORIA
★ 4.87 293 reviews

\$31 /night [Check availability](#)





TIME STAMP 



January 30, 2020 1:52 PM

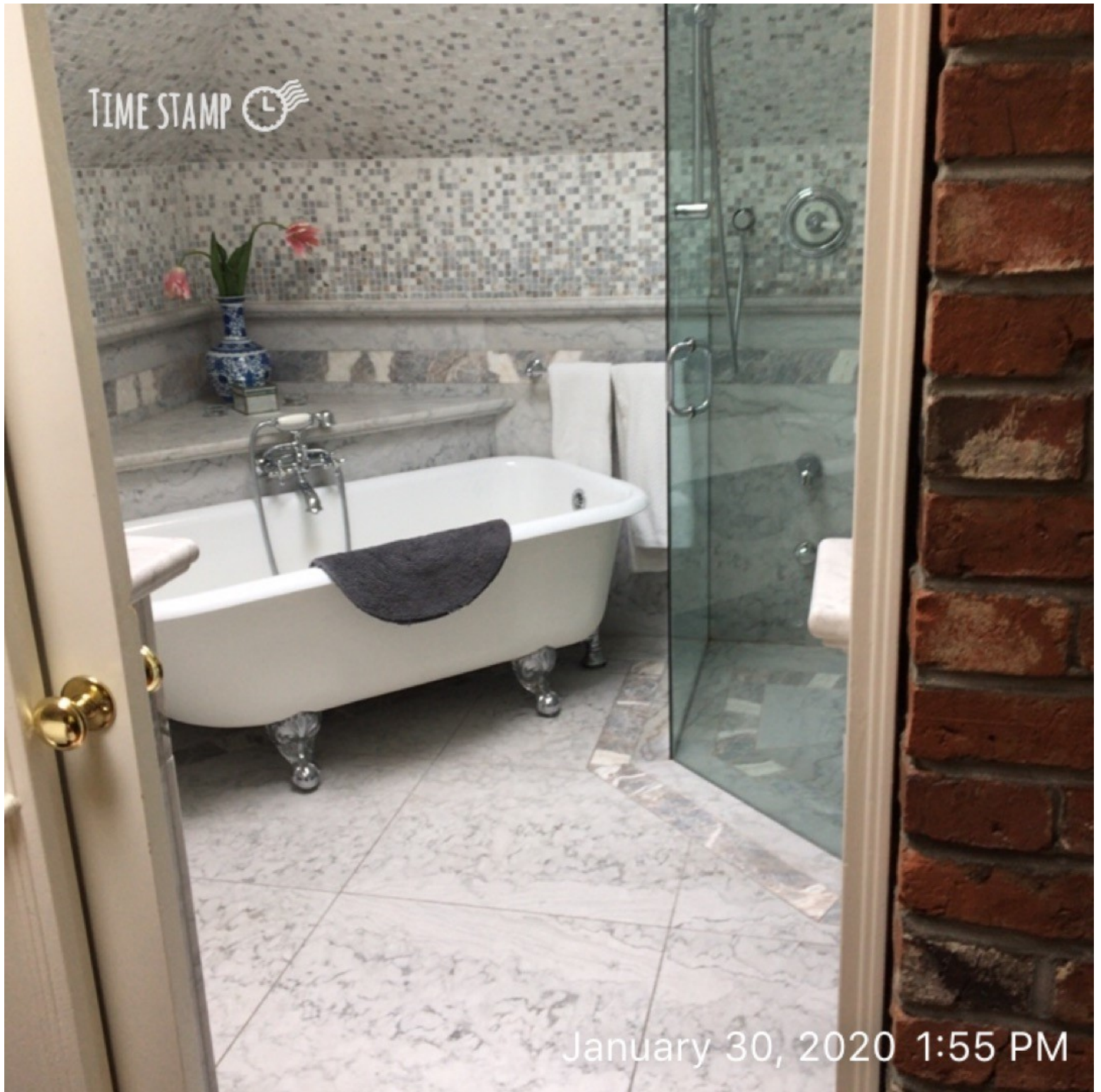
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January 30, 2020 1:53 PM



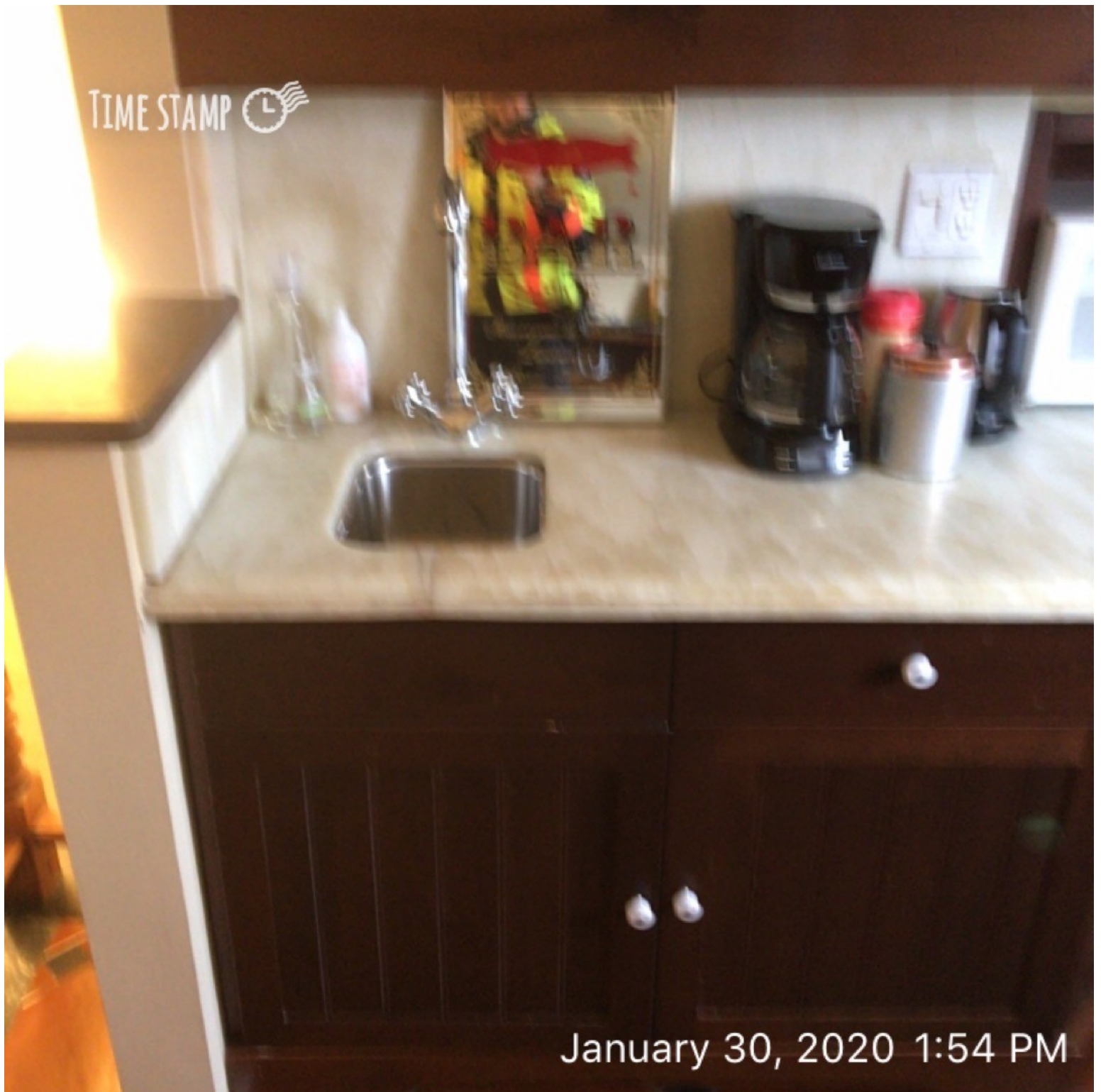








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January 30, 2020 1:54 PM

