



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, July 29, 2021

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

To be held immediately following the Committee of the Whole Meeting

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

Pages

- A. CONVENE COUNCIL MEETING
- B. APPROVAL OF AGENDA
- C. CLOSED MEETING

MOTION TO CLOSE THE JULY 29, 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)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

Section 90(1)(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(1)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

Section 90(1)(g) litigation or potential litigation affecting the municipality;

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

Section 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view

of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

Section 90(1)(m) a matter that, under another enactment, is such that the public may be excluded from the meeting;

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;

D. APPROVAL OF CLOSED AGENDA

E. READING OF CLOSED MINUTES

F. UNFINISHED BUSINESS

G. NEW BUSINESS

G.1. Appointment - Community Charter Section 90(1)(a)

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

G.3. Land - Community Charter Section 90(1)(e)

G.4. Labour Relations, Law Enforcement, Litigation, Negotiations - Community Charter Section 90(1)(c), (f), (g), (k)

G.5. Matter Under Another Enactment - Community Charter Section 90(1)(m)

G.6. Legal Advice/Litigation - Community Charter Section 90(1)(g) and 90(1)(i)

G.7. Legal Advice - Community Charter Section 90(1)(i)

G.8. Intergovernmental Negotiations - Community Charter Section 90(2)(b)

H. CONSIDERATION TO RISE & REPORT

I. OPEN MEETING

J. READING OF MINUTES

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Addendum: New Item

L. REPORTS OF COMMITTEE

L.1. Committee of the Whole

L.1.a.	Report from the July 15, 2021 COTW Meeting	16
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[Link to the July 15, 2021 COTW Agenda](#)

- L.1.a.a. 931 Redfern Street: Development Variance Permit Application No. 00265 (Gonzales)
- L.1.a.b. 903, 911, 1045 Yates, 910 View and 1205 Quadra: Rezoning App. No. 00730 for 903, 911, 1045 Yates, 910 View and 1205 Quadra and Associated OCP Amendment, Development Permit with Variances App. No. 00150 for 1045 Yates (London Drugs) (Harris Green)

L.1.b.	Report from the July 29, 2021 COTW Meeting	
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Placeholder for Time Sensitive Motions

- *L.1.b.a. Council Member Motion: Emancipation Day

Addendum: New Item

M. BYLAWS

M.1.	<u>Bylaw for 11 Chown Place: Victoria Housing Reserve Fund Application</u>	23
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A report recommending:

1st, 2nd and 3rd readings of: Housing Agreement (11 Chown Place) Bylaw

The purpose of this Bylaw is to authorize an agreement to ensure that the proposed four-storey, multi-unit residential building provides specified levels of affordability on the lands known as 11 Chown Place, Victoria, BC.

M.2. Bylaw for Solid Waste Bylaw Amendments for Curbside Comingled Organics Collection 35

- **Adoption of:**
 - Solid Waste Bylaw, Amendment Bylaw (No. 10) No. 21-063

To amend the Solid Waste Bylaw to enable comingled organic materials collection and require curbside collection of solid waste.

N. NEW BUSINESS

N.1. Council Member Motion: Solid Waste Bylaw Amendment 39

A Council Member Motion regarding a proposed amendment to the Solid Waste Bylaw to permit the resumption of solid waste collection services for the James Bay Child Care Society.

O. CORRESPONDENCE

O.1. Letter from the Canadian Wildlife Service 54

A letter from the Acting Regional Director, Canadian Wildlife Service – Pacific Region regarding the Victoria Harbour Migratory Bird Sanctuary.

***O.2. Letter from the Minister of Environment and Climate Change Strategy** 57

Addendum: New Item

A letter regarding an update on the use of anticoagulant rodenticides in B.C.

P. ADJOURNMENT



MINUTES - VICTORIA CITY COUNCIL

July 8, 2021, 12:00 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,
Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor
Young

PRESENT
ELECTRONICALLY: Councillor Isitt, Councillor Thornton-Joe

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager /
Director of Finance, T. Zworski - City Solicitor, T. Soulliere - Director
of Parks, Recreation & Facilities, B. Eisenhauer - Head of
Engagement, K. Hoese - Director of Sustainable Planning and
Community Development, Lucina Baryluk - Senior Planner, 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, J. Biem – Assistant City Solicitor, Carrie
Moffatt – Assistant City Solicitor, C. Kingsley - City Clerk, G. Milne –
Head of Strategic Operations, S. Stoltz - Committee Secretary

B. APPROVAL OF AGENDA

Moved By Councillor Alto
Seconded By Councillor Potts

That the agenda be approved.

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.1 Minutes from the evening Council meeting held June 10, 2021

Moved By Councillor Alto
Seconded By Councillor Dubow

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

CARRIED UNANIMOUSLY

C.2 Minutes from the daytime Council meeting held June 24, 2021

Moved By Councillor Alto

Seconded By Councillor Dubow

That the minutes from the daytime meeting held June 24, 2021 be adopted.

CARRIED UNANIMOUSLY

C.3 Minutes from the evening Council meeting held June 24, 2021

Moved By Councillor Alto

Seconded By Councillor Dubow

That the minutes from the evening meeting held June 24, 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 Isitt

Seconded By Councillor Loveday

That the letter be received for information.

CARRIED UNANIMOUSLY

F. REPORTS OF COMMITTEE

F.1 Committee of the Whole

F.1.a Report from the June 17 COTW Meeting

F.1.a.a 2316 Howard Street - Development Permit with Variances

Councillor Isitt recused himself at 3:20 p.m., due to a non-pecuniary conflict of interest, as a former coworker lives nearby.

Moved By Councillor Andrew

Seconded By Councillor Alto

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:
 - i. reduce motor vehicle parking from one stall to nil.
3. The Development Variance Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

F.1.a.b

T1 Update

Councillor Isitt returned at 3:20 p.m.

Moved By Councillor Andrew
Seconded By Councillor Dubow

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.

CARRIED UNANIMOUSLY

F.1.a.c

Options for Processing Kitchen Scraps Originating in Victoria

Moved By Councillor Andrew
Seconded By Councillor Young

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.

CARRIED UNANIMOUSLY

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

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

Moved By Councillor Potts
Seconded By Councillor Alto

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).

CARRIED UNANIMOUSLY

F.1.b.b 2022 Draft Budget Update

Councillor Young requested that the following motions be considered separately.

Moved By Councillor Alto
Seconded By Councillor Potts

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)

CARRIED UNANIMOUSLY

Motion arising:

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

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

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow
Councillor Loveday, Councillor Potts, Councillor Thornton-Joe

OPPOSED (3): Councillor Andrew, Councillor Isitt,
Councillor Young

CARRIED (6 to 3)

F.1.b.c

**North Park Neighbourhood Association Funding
Request for Use of Royal Athletic**

Moved By Councillor Potts

Seconded By Councillor Dubow

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.

CARRIED UNANIMOUSLY

F.1.b.d

Project Plan for Central Library Feasibility Study

Moved By Councillor Dubow
Seconded By Councillor Alto

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

CARRIED UNANIMOUSLY

F.1.c Report from the from the July 8 COTW Meeting

F.1.c.a Appointment of two Bylaw Officers

Moved By Councillor Andrew
Seconded By Councillor Alto

That Council approve the appointment of Sonya Chohan
1. As a Bylaw Officer pursuant to section 2(a) of the Inspection Bylaw (06-061); and
2. As a Business Licence Inspector for the City of Victoria

CARRIED UNANIMOUSLY

Moved By Councillor Andrew
Seconded By Councillor Alto

That Council approve the appointment of Cheryl Smith
1. As a Bylaw Officer pursuant to section 2(a) of the Inspection Bylaw (06-061); and
2. As a Business Licence Inspector for the City of Victoria

CARRIED UNANIMOUSLY

G. BYLAWS

G.1 Bylaw for Land Use Procedures Bylaw, Amendment Bylaw

Moved By Councillor Isitt
Seconded By Councillor Young

That Council:

1. Rescind third reading of the Land Use Procedures Bylaw, Amendment Bylaw (No.13) 21-055 (the "Bylaw").

CARRIED UNANIMOUSLY

Moved By Councillor Isitt
Seconded By Councillor Potts

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.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt
Seconded By Councillor Young

3. Give third reading to Land Use Procedures Bylaw, Amendment Bylaw (No.13) No. 21-055, as amended.

CARRIED UNANIMOUSLY

Councillor Isitt recused himself at 3:29 p.m. due to a conflict of interest as he will be volunteering with the Together Against Poverty Society, which is participating in litigation regarding the following item.

Councillor Loveday recused himself at 3:29 p.m. due to a conflict of interest because his partner works at the Together Against Poverty Society, which is participating in litigation regarding the following item.

G.2 Bylaw for Parks Regulation Bylaw, Amendment Bylaw No. 16

Moved By Councillor Andrew
Seconded By Councillor Young

That the following bylaw **be adopted**:

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

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

OPPOSED (2): Councillor Dubow Councillor Potts

CARRIED (5 to 2)

*Councillor Isitt returned to the meeting virtually at 3:31 p.m.
Councillor Loveday returned to the meeting at 3:31 p.m.*

H. CORRESPONDENCE

H.1 Chinese Canadian Museum - from Saanich

Council received a letter from the District of Saanich dated June 22, 2021 regarding the Chinese Canadian Museum.

Moved By Councillor Andrew

Seconded By Councillor Alto

That this letter be received for information.

CARRIED UNANIMOUSLY

H.2. BC Hydro Request - from Spallumcheen

Council received a letter from the Township of Spallumcheen dated June 11, 2021 to BC Hydro and the Union of British Columbia Municipalities regarding the consultation period for the Residential Rate Review.

Moved By Councillor Andrew

Seconded By Councillor Alto

That this letter be received for information.

CARRIED UNANIMOUSLY

H.3. Victoria Resolutions - from UBCM

Council received a letter from UBCM dated June 22, 2021 regarding Victoria Resolutions.

Moved By Councillor Andrew

Seconded By Councillor Alto

That this letter be received for information.

CARRIED UNANIMOUSLY

H.4. Crisis Prevention Hotline - from Langford

Council received a letter from Langford dated June 29, 2021 regarding the Crisis Prevention Hotline.

Moved By Councillor Andrew

Seconded By Councillor Alto

That this letter be received for information.

CARRIED UNANIMOUSLY

H.5. CARIP - from Saanich

Council received a letter from Saanich dated June 29, 2021 regarding CARIP.

Moved By Councillor Andrew
Seconded By Councillor Alto

That this letter be received for information.

CARRIED UNANIMOUSLY

I. NEW BUSINESS

I.1 Report Back - STR Appeal for 1044 Belmont

Council received a report back from the City Clerk dated June 24, 2021 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.

Moved By Councillor Alto
Seconded By Councillor Dubow

That this report be received for information.

CARRIED UNANIMOUSLY

Moved By Councillor Andrew
Seconded By Councillor Young

That Council uphold the License Inspector's denial of a business license for the short term rental unit at 1044 Belmont Avenue

CARRIED UNANIMOUSLY

I.2 Report Back - STR Appeal for 906 Fairfield

Council received a report back report back from the City Clerk dated June 24, 2021 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.

Moved By Councillor Potts
Seconded By Councillor Alto

That this report be received for information.

CARRIED UNANIMOUSLY

Moved By Councillor Andrew
Seconded By Councillor Alto

That Council uphold the License Inspector's denial of a business license for the short-term rental unit at 906 Fairfield Road.

FOR (7): Mayor Helps, Councillor Andrew, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, Councillor Young

OPPOSED (2): Councillor Loveday, Councillor Potts

CARRIED (7 to 2)

J. CLOSED MEETING

Moved By Councillor Potts

Seconded By Councillor Loveday

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;

CARRIED UNANIMOUSLY

K. APPROVAL OF CLOSED AGENDA

Moved By Councillor Andrew

Seconded By Councillor Potts

That the agenda be approved.

CARRIED UNANIMOUSLY

L. READING OF CLOSED MINUTES

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

Moved By Councillor Alto
Seconded By Councillor Potts

That the minutes from the closed meeting held June 24, 2021 be adopted.

CARRIED UNANIMOUSLY

M. NEW BUSINESS

M.1 Legal Advice - Section 90(1)(i)

Council discussed a legal matter.

The discussion and motion were recorded and kept confidential.

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

Council discussed an intergovernmental negotiations matter.

The discussion and motion were recorded and kept confidential.

M.2 Employee Update

This item was deferred to the July 15, 2021 closed meeting.

N. ADJOURNMENT

Moved By Councillor Potts
Seconded By Councillor Alto

That the Closed Council Meeting be adjourned at 4:39 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



CITY OF VICTORIA

PROCLAMATION

“GIVE A SHOT MONTH”

WHEREAS About three quarters of the world’s population is still unvaccinated and unvaccinated people are over-represented in developing nations. More contagious variants of Covid will continue to arise in these populous, unvaccinated nations and spread to the rest of the world, especially in light of loosening travel restrictions. Their future is our future, and our future is their future; and

WHEREAS The federal government recently committed to matching all donations to the UNICEF GIVE A VAX campaign (unicef.ca/giveavax). The global GAVI Alliance (GAVI.org) GAVI a co-leader of COVAX, the global effort on equitable access to COVID-19 vaccinations, is also running a donation campaign, and

WHEREAS Recognizing with gratitude our having received Covid-19 vaccinations, we need to be aware of and support vaccination initiatives such as those of UNICEF and GAVI, in developing nations,

NOW, THEREFORE *I do hereby proclaim the Month of August, 2021 as “GIVE A SHOT MONTH” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this 29th day of July, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
RITA COSHAN
COMMUNITY MATTERS
TORONTO



CITY OF VICTORIA

PROCLAMATION

“NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS DAY”

WHEREAS *Polycystic kidney disease (PKD) causes abnormal cysts to develop and grow in the kidneys and the enlargement of cysts causes kidney function to decline. It equally affects men, women and children – regardless of geography or ethnic origin; and*

WHEREAS *the PKD Foundation of Canada is the only national charitable organization dedicated to fighting PKD, a progressive, life-threatening genetic disease, through programs of research, advocacy, education, support and awareness in order to discover vital treatments and a cure for PKD and improve the lives of all it affects; and*

WHEREAS *on Sunday, September 26th, a virtual Walk to END PKD will take place nationwide to honour PKD patients and their friends & families fundraising for clinical research and fellowships, which will benefit all PKD patients, including many Victoria residents.*

NOW, THEREFORE *I do hereby proclaim September 4, 2021 as “NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS DAY” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this 29th day of July, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
Keara Johnson
PKD Foundation
of Canada



CITY OF VICTORIA

PROCLAMATION

“WRONGFUL CONVICTION DAY”

WHEREAS *the loss of one’s freedom due to a wrongful conviction has far-reaching and devastating consequences which not only affects the innocent individual’s life but also affects the quality of life of their families and has a harmful effect on society as a whole; and*

WHEREAS *wrongful convictions question the integrity and fairness of the criminal justice system and unless corrected undermines societies trust in their criminal justice system; and*

WHEREAS *Wrongful Conviction Day is a global movement dedicated to advocating for innocent individuals who have been wrongly convicted of a crime they did not commit. The implementation and recognition of this day is the start to reaching a broader audience regarding the importance surrounding miscarriages of justice. A proclamation will assist to advocate, educate, and create awareness around those miscarriages of justice in hope for reform to minimize the effect it could have on another individual.*

NOW, THEREFORE *I do hereby proclaim October 2nd, 2021, as “WRONGFUL CONVICTION DAY” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this 29th day of July, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
International Wrongful
Conviction Day Committee



CITY OF VICTORIA

PROCLAMATION

**“COMMEMORATION OF THE BICENTENNIAL OF
THE INDEPENDENCE OF THE REPUBLIC OF PERU DAY”**

WHEREAS, *This July 28th, the Republic of Peru commemorates 200 years of their National independence, an emblematic date to highlight its millennial culture, great biodiversity and its current path to ensure the welfare of its inhabitants; and*

WHEREAS, *For 77 years Peru and Canada has been continuously forging close ties of friendship and cooperation, and the bilateral relationship built through this time by both nations shows special bonds and shared visions regarding values, principles and objectives; and*

WHEREAS, *Canada and Peru have a long-standing commitment to multilateral cooperation and democratic institutions which have strengthened our bilateral relations and given a shared understanding of the Latin American region as a whole; and*

WHEREAS, *This is an important milestone for Peruvian community in the City of Victoria, being significant to underscore Canada’s friendship and its commitment with the development of this valuable Latin American partner*

NOW, THEREFORE *I do hereby proclaim July 28th, 2021 as “COMMEMORATION OF THE BICENTENNIAL OF THE INDEPENDENCE OF THE REPUBLIC OF PERU DAY” on the HOMELANDS of the Lekwungen speaking **SONGHEES AND ESQUIMALT PEOPLE** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE** of **BRITISH COLUMBIA**.*

IN WITNESS WHEREOF, *I hereunto set my hand this 28th day of July, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
EMBASSY OF PERU
TO CANADA

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JULY 15, 2021

For the Council meeting of July 29, 2021, the Committee recommends the following:

E.4 931 Redfern Street: Development Variance Permit Application No. 00265 (Gonzales)

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. 00265 for 931 Redfern Street, in accordance with:

1. Plans date stamped May 6, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the minimum front setback from 7.5m to 3.23m
 - ii. reduce the minimum rear setback from 9.1m to 3.64m
 - iii. reduce the minimum south side setback from 2.6m to 1.93m
 - iv. reduce the combined side yards setback from 5.4m to 4.53m.
3. Final Plans to be generally in accordance with the plans date stamped May 6, 2021, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution.”

E.2 903, 911 & 1045 Yates, 910 View and 1205 Quadra: Rezoning App. No. 00730 for 903, 911 & 1045 Yates, 910 View and 1205 Quadra and Associated OCP Amendment, Development Permit with Variances App. No. 00150 for 1045 Yates (London Drugs) (Harris Green)

REZ No. 00730 for 903, 911 and 1045 Yates St, 910 View St and 1205 Quadra and Associated OCP Amendment

That Council instruct staff to prepare the necessary Official Community Plan (OCP) Amendment Bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00730 for 903, 911 and 1045 Yates Street, 910 View Street and 1205 and 1209 Quadra Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1.
 - a. That at least 15% of the units, with at least one-third in the first phase of the development, achieve the median income of affordability in the city's housing affordability strategy.
 - b. revise the unit mix to reflect more 2-3 bedroom units for all phases
 - c. That the public plaza be mostly park-like green space and that a Development Permit for the plaza be submitted now with an expiration timed with the proposed build out of phase 2.
 - d. 5% accessible units across all phases of the development
 - e. That at least 450 square metres be designated for childcare
 - f. That noise mitigation be in place for all rooftop equipment
2. Minor plan revisions as detailed in concurrent Development Permit with Variances Application No. 00150.
3. Incorporation of the following additional design guidelines within the "900-Block Yates and 1045 Yates Urban Design Manual" to the satisfaction of the Director of Sustainable Planning and Community Development:
 - a. to ensure the design of the roof top mechanical structures contribute positively to the urban skyline in terms of visually interesting shapes and high-quality materials
 - b. to limit the number of towers to no more than three on the 900 block of Yates Street
 - c. to incorporate a minimum 2.5m setback from the fifth floor of the podium on Vancouver Street
 - d. to include the requirement for a mini-plaza no less than 100m² on the corner of Yates Street and Cook Street finished with high quality, durable materials
 - e. to provide specific reference to the requirement for wind mitigation interventions at the corner of Yates and Quadra Streets and other affected areas as identified in the updated Wind Study
 - f. to include the requirement for public art within the main plaza
 - g. to include standards for interim landscaping.
4. Updates to the Pedestrian Wind Study to reflect the proposal in relation to building heights, to the satisfaction of the Director of Sustainable Planning and Community Development.
5. Updates to the Tenant Assistant Plan including further details related to information and communication with existing tenants to the satisfaction of the Director of Sustainable Planning and Community Development.
6. Confirmation from BC Hydro that the relocating of services underground is not supported to the satisfaction of the Director of Sustainable Planning and Community Development.
7. Preparation of the following legal agreements, executed by the applicant, in a form satisfactory to the City Solicitor, to:

- a. Secure the rental units in perpetuity to the satisfaction of the Director of Sustainable Planning and Community Development.
- b. Secure the provision of the two-bedroom, three-bedroom and townhouse units generally in accordance with the Plans dated June 15, 2021, and a minimum of 23 units within Phase 1 as affordable in perpetuity and allocated to median income households as defined in the Victoria Housing Strategy to the satisfaction of the Director of Sustainable Planning and Community Development.
- c. Restrict strata titling of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
- d. Secure in perpetuity the provision and maintenance of a public plaza no less than 1600m² in size (minimum value to be verified by a Quantity Surveyor or other registered professional) centrally located on the 900 block between Yates and View Streets, which shall incorporate a high quality public art installation valued at no less than \$350,000, all of which will be provided concurrently with the construction of Phase 3 to the satisfaction of the Director of Sustainable Planning and Community Development.
- e. Secure the provision of a daycare of approximately 185m² for a minimum period of 10 years to the satisfaction of the Director of Sustainable Planning and Community Development.
- f. Secure the provision of a minimum of four Energized Electric Vehicle Outlets (charging stations) plus a minimum of 90 stalls (subject to consultation with BC Hydro) with the necessary infrastructure to be converted to Energised Electric Vehicle Outlets in the future (EV Ready) to the satisfaction of the Director of Sustainable Planning and Community Development.
- g. Secure a Statutory Right of Way (SRW) for unobstructed public access over the plaza and an SRW of 0.9 metres along the Quadra Street frontage; terms and conditions to the satisfaction of the Director of Engineering and Public Works.
- h. Secure TDM measures for Phase 1 including three shared vehicle parking stalls, three shared vehicles, 169 car share memberships, and long term, end of trip facilities, and an equivalent provision for subsequent phases to be determined to the satisfaction of the Director of Engineering and Public Works.
- i. Secure the design, supply and installation of the City's Downtown Public Realm Plan and Streetscape Standards (DPRP), specifically the 'New Town District', including furnishings, materials, sidewalk scoring patterns, basalt banding and decorative heritage pedestrian lights, within the public plaza as well as along the Quadra Street, Yates Street, Vancouver Street, Cook Street and View Street frontages, to the satisfaction of the Director of Engineering and Public Works.
- j. Secure the detailed design, supply, and installation of a new traffic signal, with all associated hardware (poles, bases, junction boxes, conduits,

loops, etc.) and software, at the intersection of Cook Street and View Street and in cooperation with adjacent concurrent developments to the satisfaction of the Director of Engineering and Public Works.

- k. Secure required traffic signal upgrades at the Yates Street and Cook Street intersection and required hardware (poles, bases, junction boxes, conduits, loops, etc.) and software upgrades to adjacent existing traffic signals that may be required as a result of lane configuration changes, as determined by City Engineering staff, to the satisfaction of the Director of Engineering and Public Works.
 - l. Secure upgrades to the existing mid-block crosswalk, as necessary on the 900 block of Yates Street, to the satisfaction of the Director of Engineering and Public Works.
 - m. Secure the design and installation of the two-way protected bike lane on Yates Street as detailed on the plans for the concurrent Development Permit with Variances Application No. 00150.
 - n. Secure the provision of soil cells to achieve recommended soil volumes for all new street trees along the municipal frontage of Yates and View Streets to the satisfaction of the Director of Parks, Recreation and Facilities.
 - o. Secure City of Victoria standard tree guards for all street trees in grates to the satisfaction of the Director of Parks, Recreation and Facilities.
 - p. Secure the provision and installation of the proposed boulevard rain gardens on Yates Street and View Street, to the satisfaction of the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities.
 - q. Secure the design, provision and installation of a stormwater management infiltration system along the municipal frontages of Quadra Street, Yates Street, Vancouver Street, Cook Street and View Street for treatment of road water runoff, to the satisfaction of the Director of Engineering and Public Works.
 - r. Secure requirement of a geotechnical report prior to application for a Building Permit including the implementation of recommendations from a qualified geotechnical engineer for City property surrounding the development site to the satisfaction of the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities.
8. That Council determine, pursuant to section 475(1) of the Local Government Act that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.

- a. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
 - b. That Council specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
 - c. That Council give first reading to the Official Community Plan Amendment Bylaw.
 - d. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
 - e. That Council give second reading to the Official Community Plan Amendment Bylaw.
 - f. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
9. That Council authorize the following encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted:
 - a. excavation encroachments in the City property during construction for the parkade walls, at the fee of \$750 plus \$25 for each square metre of excavation face supported with anchor rods or shoring, with form and contents satisfactory to the City's solicitor and the Director of Engineering and Public Works.
 - b. anchor-pinning in the City right-of-way, with form and contents satisfactory to the City Solicitor and the Director of Engineering and Public Works.

Development Permit with Variances Application No. 00150 for 1045 Yates

That, subject to minor plan revisions to address the following:

- a. Further consideration of the design of the roof top structures including a reduction in height (with variance updated accordingly) and enhancements to the form and finishes to ensure consistency with the guidelines to the

satisfaction of the Director of Sustainable Planning and Community Development.

- b. Incorporation of 2m guardrails on the roof terrace and any other wind mitigation measures that are recommended in the updated Pedestrian Wind Study to the satisfaction of the Director of Sustainable Planning and Community Development.
- c. Further consideration of the design of the public seating area at the intersection of Yates and Cook Street to ensure this space contributes positively to a vibrant streetscape experience to the satisfaction of the Director of Sustainable Planning and Community Development.
- d. Clarification of the window treatment along Yates and Cook Streets to ensure the proportion of clear glazing creates an active street edge and is consistent with the guidelines to the satisfaction of the Director of Sustainable Planning and Community Development.
- e. Further consideration to enhance the appearance of the west elevation and that practical maintenance can be achieved for the climbing vine system to the satisfaction of the Director of Sustainable Planning and Community Development.
- f. Clarification of the design of the garage doors on View Street to the satisfaction of the Director of Sustainable Planning and Community Development.
- g. Corrections to the paving patterns and street furnishings consistent with the Downtown Public Realm and Streetscape Plan to the satisfaction of the Director of Engineering and Public Works.
- h. Clarification of the details on the preliminary Utilities Plan to the satisfaction of the Director of Engineering and Public Works.
- i. Submission of an updated and corrected preliminary Electrical Plan to the satisfaction of the Director of Engineering and Public Works.
- j. Corrections to the road and curb alignment and lane configuration on View Street with associated updates to the traffic simulation models, to the satisfaction of the Director of Engineering and Public Works.
- k. Incorporation of additional building setback from the property line along Cook Street to ensure a minimum distance to any protrusion (including balconies) is no less than 1 m and greater than 1 m wherever possible to the satisfaction of the Director of Parks, Recreation and Facilities.
- l. Corrections to the landscape plan (or other relevant plan) to show all proposed trees to be removed and retained as well as proposed soil volumes for all new trees in beds and grates along Yates and View Streets to the satisfaction of the Director of Parks, Recreation and Facilities.
- m. Confirmation of whether CREST would be required to occupy equipment on the roof level for a new communication transmission site, to the satisfaction of the Fire Chief.
- n. Corrections to plans to ensure the compliance with the BC Building Code.

And that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00730, if it is approved, consider the following motion:

“That subject to receipt of a letter from the Ministry of Environment confirming that the landowner has met the requirements of Section 557(2) of the Local Government Act with respect to contaminated sites that Council authorize the issuance of Development Permit with Variances Application No. 00150 for 1045 Yates Street in accordance with:

1. Plans date stamped June 15, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements except for the following variances:
 - i. Increase the maximum number of storeys from 20 to 21
 - ii. Increase the maximum height from 60m to 68.51m
 - iii. Increase the maximum height allowed for rooftop structure from 5.0m to 9.46m
 - iv. Reduce the required number of residential vehicle parking stalls from 316 stalls to 268 stalls
 - v. Reduce the required number of residential visitor parking, commercial retail and daycare stalls from 117 stalls to 77 stalls
 - vi. allow for 28 short term bicycle stalls to be located further than 15m of a public entrance
3. Final plans to be generally in accordance with plans date stamped June 15, 2021.
4. The Development Permit lapsing two years from the date of this resolution.”



Council Report

For the Meeting of July 29, 2021

To: Council **Date:** July 19, 2021
From: C. Kingsley, City Clerk
Subject: 11 Chown Place: Victoria Housing Reserve Fund Application

RECOMMENDATION

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

1. Housing Agreement (11 Chown Place) Bylaw (2021) No. 21-060

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 21-060.

The issue came before Council on September 10, 2020 where the following resolution was approved:

Victoria Housing Reserve Fund Application Update: 11 Chown Place (Burnside)

That Council revise the Victoria Housing Reserve Fund (VHRF) grant approved on January 9, 2020 for a 58-unit housing project at 11 Chown Place by rescinding Section 3 of the original motion and replacing it with a revised Section 3 to require that the grant is subject to:

1. The execution of a Housing Agreement, in the form satisfactory to the City Solicitor, to secure 35 new (one bedroom) units to be dedicated for seniors (55+) for a period of 60 years as follows:
 - a. 11 units for very low income level;
 - b. 13 units for low income level;
 - c. 11 units for median income level.

Respectfully submitted,

Curt Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments:

- Bylaw No. 21-060

HOUSING AGREEMENT (11 CHOWN PLACE) BYLAW A BYLAW OF THE CITY OF VICTORIA



HOUSING AGREEMENT
(Pursuant to section 483 of the *Local Government Act*)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square
Victoria, B.C. V8W 1P6

(the "City")

AND:

THE GORGE VIEW SOCIETY
S0004996
11 Chown Place
Victoria, B.C. V9A 1H5

(the "Owner")

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 11 Chown Place, Victoria, B.C. and legally described as:

PID: 005-066-999
LOT A (DD 270373I), SECTION 10 AND 11, VICTORIA DISTRICT, PLAN 11749

(collectively, the "**Lands**").
- D. The Owner has applied to the Victoria Housing Reserve Fund for a grant to subsidize the construction of affordable rental units geared to households with very low, low and median income within the Development, and as a condition of receiving the grant, has agreed to enter into this housing agreement with the City to secure the affordability of the units;
- E. The Owner also intends to enter into an operating agreement with BC Housing as a condition of receiving funding from BC Housing, for a 60 year term to operate the Development as affordable and market housing in accordance with that agreement;
- F. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the

Owner to provide low income rental housing, and that all Dwelling Units within the Development on the Lands will be used and held only as rental housing.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

1.0 DEFINITIONS

1.1 In this Agreement:

"**Affordable Units**" has the meaning ascribed in section 4.1;

"**BC Housing**" means the British Columbia Housing Management Commission;

"**Business Day**" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;

"**Deep Subsidy Income**" means the household income threshold established for Deep Subsidy Units as determined by BC Housing from time to time based on Income Assistance amounts or similar very low income thresholds;

"**Deep Subsidy Unit**" means a Dwelling Unit that is designated as a deep subsidy unit in accordance with Article 4.0 of this Agreement;

"**Development**" means the new building consisting of residential housing and related facilities to be constructed on the Lands;

"**Director**" means the City's Director of Sustainable Planning and Community Development or their designate;

"**Dwelling Units**" means any or all, as the context may require, of the 58 self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "**Dwelling Unit**" means any of such residential dwelling units located on the Lands;

"**HILs**" means the annual Housing Income Limits that are determined from time to time by BC Housing to be the maximum Income to occupy each RGI Unit depending on the number of bedrooms in the RGI Unit. The parties agree that for 2021, the HILs for Victoria are: 1 bedroom = \$44,500, 2 bedroom = \$59,500, 3 bedroom = \$78,500 and 4+ bedroom = \$84,500;

"**Immediate Family**" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;

"**Income**" means the total income before tax from all sources for each Non-owner;

"**Income Assistance**" means financial assistance for shelter and support provided under the *Employment and Assistance Act* or *Employment and Assistance for Persons with Disabilities Act* to a person in financial need who has no other resources and meets other specified criteria, which assistance is administered and paid by the Government of British Columbia;

"**Low Income**" means Income at or below the HILs;

"**Non-owner**" means a person other than a Related Person or the Owner;

"**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 10.3;

"**Public Housing Body**" means a public housing body as prescribed in the *Residential Tenancy Act*;

"**Related Person**" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:
 - (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
 - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner; and

"**RGI Unit**" means a Dwelling Unit that is designated as a rent geared to income (RGI) unit in accordance with Article 4.0 of this Agreement;

"**Senior**" means a person aged 55 years or older;

"**Strata Plan**" means a strata plan filed in respect of the Lands or any subdivide portion thereof pursuant to the *Strata Property Act*;

"**Subdivided Parcel**" has the meaning ascribed to that term in section 6.3;

"**Tenancy Agreement**" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act; and

"**Victoria Housing Reserve Fund**" means the fund established by the City to fund housing projects.

2.0 TERM

- 2.1 The term of this Agreement shall be for a period of 60 years beginning on the date the City issues an occupancy permit for the Development.

3.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS

- 3.1 The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing, and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.

4.0 AFFORDABLE HOUSING

- 4.1 The Owner covenants and agrees that a total of:

- (a) 11 Dwelling Units shall be designated as Deep Subsidy Units and shall only be occupied and used as Deep Subsidy Units; and
- (b) 24 Dwelling Units shall be designated as RGI Units and shall only be occupied and used as RGI Units.

(the Deep Subsidy Units and RGI Units are collectively referred to as the "**Affordable Units**").

- 4.2 The Owner further covenants and agrees that:

- (a) the Affordable Units shall be operated by the Owner or a Public Housing Body;
- (b) each of the Deep Subsidy Units shall be rented to and occupied by a Senior who is a Non-owner with an Income that does not exceed the Deep Subsidy Income;
- (c) each of the RGI Units shall be rented to and occupied by a Senior who is a Non-owner with an Income that does not exceed the Low Income; and
- (d) monthly rent for the Affordable Units shall not exceed the maximum rent determined by BC Housing from time to time.

5.0 RENT ADJUSTMENTS

- 5.1 During the term of the tenancy, the monthly rent payable by the Non-owner(s) of the Dwelling Units may be increased only by the amount permitted under the *Residential Tenancy Act* and any other applicable legislation.

6.0 SUBDIVISION

- 6.1 **Subdivision Generally.** If the Lands are subdivided at any time hereafter either under the provisions of the *Land Title Act* or under the *Strata Property Act*, or under other similar legislation enacted from time to time, then upon the deposit of a plan of subdivision, a Strata Plan, or similar plan as the case may be, subject to section 6.2:

- (a) the rights and benefits of this Agreement herein granted will be annexed to and run with each of the new parcels, lots or other subdivided parcels and areas so created; and
- (b) the burdens, obligations, agreements and covenants contained in this Agreement will continue to be noted on each of the new parcels, lots or other subdivided parcels and areas so created.

6.2 Subdivision by Strata Plan. If the Lands, or any portion thereof, are subdivided by a Strata Plan:

- (a) the existence of this Agreement and the City bylaw authorizing and enacting it will be noted on the title of each individual strata lot and noted on the common property sheet;
- (b) the Owner will cause the strata corporation or the strata corporations created by the deposit of a Strata Plan to be obliged to perform and observe the Owner's applicable covenants in this Agreement, solely at the expense of the strata lot owners; and
- (c) the liability of each strata lot owner for the performance and observance of the Owner's covenants herein will be in proportion to the unit entitlement of his, her or its strata lot as established by the Strata Plan,

provided that, if the Lands are first subdivided by air space plan and then one or more of these parcels are further subdivided by Strata Plan, the easements and covenants registered concurrently with the air space plan may designate the air space parcel or the remainder, and therefore each strata lot owner and/or the strata corporation, responsible to perform and observe the Owner's covenants in this Agreement.

6.3 Release of Notice. For certainty, if the portion of the Lands containing the Development is subdivided and any of the parcels created as a result of such subdivision do not contain any of the Dwelling Units (the "**Subdivided Parcel**"), the owner of such Subdivided Parcel may apply to the City to release the Notice (as defined in section 6.1) from title to the Subdivided Parcel. The City agrees to execute and deliver a release of this Housing Agreement from title to the Subdivided Parcel, provided however that: (a) the City will have no obligation to execute any such release until a written request therefor from the owner of the Subdivided Parcel has been received by the City, which request will include the form of release in registerable form; (b) the cost of preparation of such release and the cost of registration of same in the Land Title Office will be paid by the Owner; and (c) the City will have a reasonable time within which to execute such release and return the same to the Owner for registration.

7.0 REPORTING

7.1 The Owner covenants and agrees to provide to the Director, within thirty (30) days of the Director's written request, a report in writing confirming that:

- (a) all Affordable Units are being rented to and occupied by Senior Non-owners or are vacant;
- (b) rent levels for the Dwelling Units are in accordance with this Agreement; and
- (c) all other requirements of this Agreement are being complied with, along with such other information as may be reasonably requested by the Director from time to time.

7.2 The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

- 7.3 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

8.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 8.1 Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

9.0 LIABILITY

- 9.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.
- 9.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

10.0 GENERAL PROVISIONS

- 10.1 **NOTICE.** If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

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

Attention: Director of Sustainable Planning and
 Community Development
 Email: khoese@victoria.ca
 Fax: 250-361-0386

in the case of the Owner, addressed to:

Gorge View Society
 11 Chown Place
 Victoria, B.C., V9A 1H5

Attention: Operations Manager
 Email: gorgeview@shaw.ca

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

10.2 TIME. Time is of the essence of this Agreement.

10.3 BINDING EFFECT. This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

10.4 WAIVER. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

10.5 HEADINGS. The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.

10.6 LANGUAGE. Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.

10.7 LEGISLATION. Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

10.8 EQUITABLE REMEDIES. The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

- 10.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 10.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 10.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 10.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 10.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 10.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 10.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 10.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 10.17 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.
- 10.18 EFFECTIVE DATE.** This Agreement is effective as of the date of the signature of the last party to sign.
- 11.0 PRIORITY AGREEMENT**
- 11.1** British Columbia Housing Management Commission (the "**Existing Chargeholder**") is the registered holder of a charge by way of Mortgages and an Assignment of Rents against

the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA9142392, CA9142393 and CA9142394, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF
VICTORIA by its authorized signatory:

Karen Hoesle, Director of Sustainable Planning and Community Development

Date signed: _____

THE GORGE VIEW SOCIETY (S0004996) by
its authorized signatories:

David King

Mike McAuley

Date signed: _____

AS TO PRIORITY:

**BRITISH COLUMBIA HOUSING
MANAGEMENT COMMISSION**

by its authorized signatory(ies):

Print Name: MICHAEL PISTRIN, MVP ASSET STRATEGIES

Print Name: ARMIN AMBRIA, AVP-DEVELOPMENT STRATEGIES

Date signed: _____

THE CORPORATION OF THE CITY OF VICTORIA by its authorized signatory:

Date signed: _____

~~David King~~

Mike McAuley

Date signed: July 12, 2021

AS TO PRIORITY:
BRITISH COLUMBIA HOUSING
MANAGEMENT COMMISSION
by its authorized signatory(ies):

Print Name: _____

Print Name: _____

Date signed: _____

SOLID WASTE BYLAW, AMENDMENT BYLAW (NO. 10)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Solid Waste Bylaw* to:

1. Enable comingled organic materials collection; and
2. Require curbside collection of solid waste.

Contents

- 1 Title
- 2 Definition
- 3-10 Amendments
- 11 Consequential Amendments to Ticket Bylaw
- 12 Commencement

Under its statutory powers, including sections 8(2), 8(3)(a) 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 “SOLID WASTE BYLAW, AMENDMENT BYLAW (NO. 10)”.

Definition

- 2 “Bylaw” means the Solid Waste Bylaw No. 12-086.

Amendments

- 3 The Bylaw is amended in section 2 as follows:
 - (a) under the definition of “garbage bin” at paragraph (a) by striking out “plastic” and replacing it with “wheeled, standardized”,
 - (b) by repealing the definition of “kitchen scraps bin”,
 - (c) by inserting the following new definitions directly after the definition of “occupier”:
 - ““organic materials”
 - means kitchen scraps and yard waste;
 - “organic materials container”

means a wheeled, standardized container issued by the City to a residential unit for the containment of organic materials to be collected by the City;”,

- (d) under the definition of “solid waste” by deleting “kitchen scraps” and replacing it with “organic materials”,
 - (e) under the definition of “yard waste” at paragraph (b) by inserting “soil, sod, and those” immediately after “excludes”.
- 4** The following sections and Schedules of the Bylaw are amended by deleting “bin” wherever it appears and replacing it with “container”:
- (a) section 2;
 - (b) the explanatory title to section 8;
 - (c) sections 8 to 18 inclusive;
 - (d) section 20;
 - (e) section 24;
 - (f) Schedule A; and
 - (g) Schedule C.
- 5** The Bylaw is further amended in section 3(3) by striking out “recyclable materials, or yard waste” and replacing it with “or recyclable materials”.
- 6** The following sections of the Bylaw are amended by striking out “kitchen scraps” wherever it appears and replacing it with “organic materials”:
- (a) section 8;
 - (b) section 10;
 - (c) section 15;
 - (d) section 16(c);
 - (e) section 16(g);
 - (f) section 17(2);
 - (g) section 20; and
 - (h) section 22.
- 7** The Bylaw is further amended in section 15 by striking out “into a” and replacing it with “into an”.
- 8** The Bylaw is further amended in section 16 as follows:
- (a) By repealing section 16(d)(iii) and replacing it with:

“are located in accordance with section 16A between 7:00 a.m. and 4:30 p.m. on collection days.”,
 - (b) In section 16(e) by inserting “enter onto private property,” immediately following “required to”, and
 - (c) By repealing section 16(f) and substituting the following section:

“(f) Notwithstanding subsections (d)(iii), (e), and (i), the City may collect solid waste at and return an empty solid waste container to any location on a residential property at the written request of an occupier who requires assistance, which collection and return shall be at the discretion of the Director;”.

- 9 The Bylaw is further amended by inserting the following new section immediately after section 16:

“16A The occupier of any residential property that receives collection services under this Bylaw:

- (a) Shall, on the designated collection day, place the solid waste container in front of the residential property as close to the curb as possible, or where there is no curb, as close to the roadway as possible;
- (b) Shall place the solid waste container so as not to interfere in any way with the ordinary and safe travel of vehicles, pedestrians or cyclists; and
- (c) Shall not place the solid waste container where property damage is likely, or contact will be made by the solid waste container with any object, including, but not limited to fire hydrants, vehicles, street signs, branches, utility poles, or wires.”.

- 10 The Bylaw is further amended in section 26 by striking out “areas” and replacing it with “area”.

Consequential Amendments to Ticket Bylaw

- 11 Bylaw No. 10-10-71, the Ticket Bylaw is amended at Schedule FF.1 as follows:

- (a) By adding the following new row immediately below the row where Column 1 reads “Fail to bag kitchen scraps”:

Improper placement of solid waste containers	16A (b)	\$150.00	\$125.00
--	---------	----------	----------

- (b) By striking out “bin” wherever it appears and replacing it with “container”; and
- (c) By striking out “Improper disposal of kitchen scraps” and replacing it with “Improper disposal of organic materials.”

Commencement

- 12 This Bylaw comes into force on September 13, 2021.

READ A FIRST TIME the **22nd** day of **July** 2021

READ A SECOND TIME the **22nd** day of **July** 2021

READ A THIRD TIME the **22nd** day of **July** 2021

ADOPTED on the day of 2021

CITY CLERK

MAYOR



**Council Member Motion
For the Council Meeting of July 29, 2021**

Date: July 23, 2021
From: Councillor Ben Isitt
Subject: Solid Waste Bylaw Amendment

Background:

Council has received a request from the James Bay Child Care Society for the continuation of solid waste collection services, which they received for a period of several decades prior to 2021.

Due to a technical defect in the City of Victoria Solid Waste Bylaw 12-086, City staff advised the society that they were ineligible to receive solid waste collection services following completion of the redevelopment of the facility earlier this year.

It is therefore recommended that Council approve an amendment to the Solid Waste Bylaw to permit the resumption of solid waste collection services for the James Bay Child Care Society.

Recommendation:

That Council amend the Solid Waste Bylaw 12-086 by adding a new section 4B: "The City may collect solid waste from non-residential properties where it is practical to so do, including but not limited to child care centres and community centres."

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ben Isitt", written over a light blue horizontal line.

Councillor Isitt

Attachment:

1. City of Victoria Solid Waste Bylaw 12-086



SOLID WASTE BYLAW

BYLAW NO. 12-086

This consolidation is a copy of a bylaw
consolidated under the authority of
section 139 of the *Community Charter*.
(Consolidated on March 13, 2015 up to
Bylaw No. 15-019)

This bylaw is printed under and by
authority of the Corporate Administrator
of the Corporation of the City of Victoria.

NO. 12-086

SOLID WASTE BYLAW

A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaws No. 13-051, 13-093 and 15-019)

The purpose of this Bylaw is to establish and maintain a system for the collection of solid waste.

Under its statutory powers, including sections 64 and 194 of the *Community Charter* and other enabling powers, the Municipal Council of The Corporation of the City of Victoria enacts as follows:

- 1 This bylaw may be cited as the "SOLID WASTE BYLAW".

Definitions

- 2 In this bylaw,

“account”

means an account with the City for one or more residential units, or for a residential property, with respect to solid waste collection services;

“account holder”

means either an occupier or an owner that maintains an account with the City;

“animal”

means any member of the animal kingdom, other than a human being;

"appliance"

means a device or instrument, usually electrical, which is used to perform a household task, and includes air conditioners, clothes washers, clothes dryers, dishwashers, freezers, hot water tanks, microwave ovens, ovens, ranges, refrigerators, and stoves;

“City”

means The Corporation of the City of Victoria;

“construction waste”

- (a) means waste resulting from or produced by the alteration, renovation or construction of residential structures such as buildings, houses, sheds, garages, driveways, and other related improvements; and

- (b) includes any waste associated with the construction trades;

"corrugated cardboard"

means any Kraft paper board product, consisting of rippled Kraft paper inserts and liners, that is free of contaminants such as blood, grease, oil, chemicals, food residue, and wax;

"Director"

means the Director of Engineering and Public Works, or a City employee designated by the Director of Engineering and Public Works;

"garbage"

- (a) means ash, refuse and other noxious, offensive or unwholesome matter that is discarded and normally associated with the use of a residential property; and
- (b) includes plants that are identified by the Capital Regional District as invasive species; but
- (c) excludes construction waste, kitchen scraps, prohibited waste, recyclable materials, and yard waste;

"garbage bin"

- (a) means a plastic bin issued by the City to a residential unit for the containment of garbage to be collected by the City; and
- (b) includes a spacesaver bin issued by the City to a residential property with more than one residential unit;

"kitchen scraps bin"

means a plastic bin issued by the City for the containment of kitchen scraps to be collected by the City;

"kitchen scraps"

- (a) means organics, described by the Capital Regional District from time-to-time as being acceptable material for kitchen scraps collection, and includes:
 - (i) raw or cooked food waste such as fruit, vegetables, meat, fish, giblets, bones, dairy products, butter, mayonnaise, eggshells, breads, cereals, grains, pasta, pizza, baked goods, candies, coffee grounds, solidified fats and grease, baking ingredients, herbs, spices, nuts, and shells of nuts;

- (ii) compostable paper products such as soiled paper towels, soiled tissues, soiled paper food packaging, used paper cups, used paper plates, flour bags, sugar bags, coffee filters, tea bags; and
- (iii) household plants and dead flowers; but
- (b) excludes yard waste, garbage, recyclable materials, plastic bags, food wrappers, food containers, cotton pads, cotton swabs, cotton balls, dairy cartons, dental floss, rubber bands, bandages, gauze, diapers, baby wipes, sanitary hygiene products, condoms, dryer sheets, lint, cigarette butts, vacuum bags and their contents, human feces, pet and animal feces, and any material described by the Capital Regional District from time-to-time as not acceptable for kitchen scraps collection;

"occupier"

means

- (a) the owner(s) of a residential property if they occupy a residential unit within their residential property; or
- (b) the adult occupant(s) of a residential unit within a residential property, which is not occupied by an owner of the residential property;

"owner"

means the registered owner in fee simple of a residential property;

"prohibited waste"

includes

- (a) explosive material, radioactive substances, hazardous waste, petroleum products, and industrial chemical waste;
- (b) furniture, appliances, motor vehicle tires, motor vehicle bodies, and farm tools or equipment;
- (c) anything that is on fire or is smouldering;
- (d) dead animals, or parts thereof, including:
 - (i) road kill, wildlife, or pets; but
 - (ii) excludes what is considered food waste by the Director at his or her sole discretion acting reasonably; and
- (e) any other matter that is so considered by the Director at his or her sole discretion;

“recyclable materials”

means materials collected by the Capital Regional District, as part of its Blue Bag and Blue Box programs, and includes corrugated cardboard, newspaper, mixed paper products, rigid plastic packaging, rigid plastic containers, plastic and metal lids, glass bottles and jars, aluminum and tin cans, poly-coated cartons and containers, pizza boxes, foil and foil plates;

“residential property”

means a property within the City limits that is used for residential purposes, and includes single-family homes, duplexes, townhouses, multi-family apartments, condominiums, and co-ops;

“residential unit”

means a self-contained dwelling unit within a residential property with separate living, cooking and sleeping facilities;

“solid waste”

means garbage and kitchen scraps;

“solid waste bins”

means garbage bins and kitchen scraps bins;

“spacesaver garbage bin”

- (a) means a garbage bin that the Director may, at his or her discretion, issue to a residential property with more than one residential unit in lieu of smaller garbage bins;

“yard waste”

- (a) means plant trimmings resulting from or produced by the landscaping or maintenance of lawns and gardens, and includes leaves, grass trimming, plants, small brush, hedge clippings, small tree limbs, dry seed pods, and Christmas trees; but
- (b) excludes plants that are identified by the Capital Regional District as invasive species.

City’s Responsibilities

- 3 (1) The City is responsible for the collection of solid waste from residential properties.
- (2) The City is not responsible for the collection of any type of waste other than solid waste.

- (3) The City is not responsible for the collection of construction waste, prohibited waste, recyclable materials, or yard waste.
- 4 Subject to section 5, a residential property that contains less than four residential units shall have its solid waste collected by the City.

Alternative Collection Services

- 5 An owner of a residential property with a mixed commercial use may arrange to have its solid waste collected by a private waste removal company.
- 6 An owner of a residential property with four or more residential units may arrange to have its solid waste collected by a private waste removal company.
- 7 Where an owner pursuant to section 5 or 6 makes alternate arrangements for its solid waste to be collected by a private waste removal company, the owner shall:
 - (a) provide the City with written notice of the alternative arrangement at least two months prior to the commencement of any solid waste collection by the private waste removal company; and
 - (b) ensure that any solid waste is collected by the private waste removal company at least 25 times per year, at regularly intervals, occurring approximately every two weeks.

Solid Waste Bins

- 8 Subject to section 9, a residential unit within the City limits will be issued one garbage bin and one kitchen scraps bin by the City.
 - (1) An account holder may elect to be issued a garbage bin of 80 litres, 120 litres, or 180 litres in size. Where the City does not receive notice of an account holder's election, the account holder will be issued a 120 litre bin.
 - (2) The only available size for a kitchen scraps bin is 120 litres.
- 9
 - (1) The occupiers of residential property with more than one residential unit can jointly request that the City issue a 240 litre spacesaver bin in lieu of two 120 litre garbage bins or three 80 litre garbage bins, which issuance is at the sole discretion of the Director.
 - (2) Each residential unit sharing a spacesaver garbage bin may have a separate account with the City, but will share the bin.
- 10
 - (1) An occupier must at all times ensure that any solid waste to be collected by the City is securely contained in the appropriate solid waste bin, save and except any extra garbage as provided for under section 24.

- (2) An occupier must ensure that:
 - (a) only garbage is placed into the garbage bin issued to their residential unit; and
 - (b) only kitchen scraps are placed into the kitchen scraps bin issued to their residential unit.
- 11 An occupier must at all times maintain a solid waste bin issued to their residential unit so that:
 - (a) it is operable;
 - (b) it is clean and sanitary;
 - (c) its lid is securely fastened to prevent access by an animal; and
 - (d) its lid is securely fastened so that solid waste cannot spill out or otherwise escape.
- 12 Solid waste bins shall, at all times, remain the property of the City.
- 13 (1) No person shall place anything other than solid waste into the appropriate solid waste bin.
- (2) No person shall place construction waste, prohibited waste, recyclable materials, or yard waste into a solid waste bin.
- 14 No person shall place any damp or wet garbage into a garbage bin unless the garbage is drained, securely wrapped and sealed, so as to not leak.
- 15 No person shall place kitchen scraps into a kitchen scraps bin unless the kitchen scraps are securely contained in a paper bag or a compostable bag meeting ASTM Standard No. D6400.

Solid Waste Collection Services by the City

- 16 Subject to section 7, solid waste collection services by the City shall be provided as follows:
 - (a) The City shall collect solid waste from residential properties at least 25 times per year;
 - (b) The City's solid waste collections shall occur at regular intervals occurring approximately every two weeks, with the exception of statutory holidays;
 - (c) The City shall collect the contents of one garbage bin and one kitchen scraps bin for a residential unit during a collection, save and except any extra garbage as provided for under section 24;

- (d) The City will only collect solid waste bins that:
 - (i) have their lids securely fastened;
 - (ii) do not exceed the weight limit marked on the lid of the bin; and
 - (iii) are placed in a position, at ground level, that is easily accessible to City employees between 7:00 a.m. and 4:30 p.m. on collection days.
- (e) City employees are not required to climb stairs, open gates, or access enclosed areas to collect solid waste;
- (f) Notwithstanding subsections (d)(iii) and (e), the City may collect solid waste at any location on a residential property at the written request of an occupier who requires assistance, which collection shall be at the discretion of the Director;
- (g) Kitchen scraps that cannot be reasonably contained in a secured kitchen scraps bin will not be collected by the City;
- (h) Subject to section 24, garbage that cannot be reasonably contained in a secured garbage bin will not be collected by the City;
- (i) Solid waste bins will be left by City employees at the curb after collections, and an occupier must retrieve them from the curb by the end of the collection day; and
- (j) Collections will not occur during any work stoppage of City employees resulting from a strike, lockout, or other industrial dispute.

Fees

- 17 (1) An account holder shall pay to the City the fees set out in Schedule "A" of this Bylaw.
- (2) An account holder shall pay the fees for one garbage bin and one kitchen scraps bin for each residential unit in his or her account.
- 18 When a solid waste bin requires repair or replacement, an account holder shall pay the fees outlined in Schedule "C" of this Bylaw for the repair or replacement.
- 19 (1) Where the fees for an account have not been duly paid, the Director may, after providing thirty (30) days notice to the account holder, cease solid waste collection service to any residential units that the account corresponds to.
- (2) Until paid, the account is a lien or charge on the residential property in which the residential unit is contained.
- (3) The account becomes delinquent if unpaid on December 31 of the year in which the account was levied, and is considered to be taxes in arrears with interest at

the prescribed rate referred to in section 245 of the *Community Charter* accrued from January 1 of the following year.

Exemptions

- 20 The Director, at his or her sole discretion, may exempt an owner of the following residential property, that has more than one residential unit, from the requirement for one garbage bin and one kitchen scraps bin to be issued to each residential unit within their residential property:
- (a) a single-family home with a secondary suite;
 - (b) a boarding house;
 - (c) a single-family home with light-housekeeping rooms; and
 - (d) any other similar residential property identified by the Director from time-to-time at his or her sole discretion.

Disposal Sites

- 21 All garbage that is collected and removed from within the City limits shall be deposited at a landfill operated by the Capital Regional District, or another landfill or disposal site designated by the Director.
- 22 All kitchen scraps that are collected and removed from within the City limits shall be deposited at a compost facility designated by the Capital Regional District, or another compost facility or disposal site designated by the Director.
- 23 An occupier of a residential property for which the City provides solid waste collection:
- (a) may also dispose of yard waste at the City's disposal site located at 417 Garbally Road on any Saturday during the designated operating hours, or at another site designated by the City for the disposal of yard waste;
 - (b) [Repealed]
 - (c) an occupier shall load the yard waste into the truck or trailer designated for that purpose as directed by the City's attendant at the disposal site;
 - (d) must not dispose of kitchen scraps, prohibited waste or recyclable materials at the City's disposal site;
 - (e) may only dispose of one pickup truck load or two car loads per day at the City disposal site; and
 - (f) may authorize a contractor to dispose of their yard waste by providing the contractor with a letter of authorization acceptable to the Director.

- 24 An occupier may have extra garbage, in excess of the garbage bin issued to their residential unit, collected if:
- (a) the extra garbage is contained in a secured plastic bag not weighing more than 15 kg when filled;
 - (b) the extra garbage is placed near the garbage bin for which service is provided under section 16; and
 - (c) a ticket purchased in the amount set out in Schedule "C" is affixed to each bag containing extra garbage.
- 25 Waste of any type that is associated with a business must not be disposed of at any City disposal site.

Public Garbage Receptacles

- 26 No person shall deposit solid waste from a residential property or a business into a City garbage receptacle located in a public areas.

Offence

- 27 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the *Offence Act* if that person:
- (a) contravenes a provision of this Bylaw;
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
 - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

- 28 Bylaw No. 91-236, the "Garbage and Recycling Bylaw", is repealed.

Consequential Amendments to Other City Bylaws

- 29 Bylaw No. 04-040, the Administration Fees Bylaw, is amended by deleting in Schedule A "Garbage and Recycling Bylaw" immediately after "Water Works, Sewer User Charge or" and replacing it with "Solid Waste Bylaw."
- 30 Bylaw No. 06-061, the Inspection Bylaw, is amended by deleting in section 3(h) "Garbage and Recycling Bylaw" and replacing it with "Solid Waste Bylaw."
- 31 Bylaw No. 10-072, the Consolidation Authorizing Bylaw, is amended by deleting in Schedule A "Garbage and Recycling Bylaw, No. 91-236" and replacing it with "Solid Waste Bylaw, No. 12-086."

READ A FIRST TIME the	22nd	day of	November	2012
READ A SECOND TIME the	22nd	day of	November	2012
READ A THIRD TIME the	22nd	day of	November	2012
ADOPTED on the	13th	day of	December	2012

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“DEAN FORTIN”
MAYOR

Schedule “A”**Solid Waste Bylaw**

The fees for the collection of solid waste from each residential unit by size of bin under Section 17 are:

Size	2015 Annual Fee
80 Litre Bin	\$191.76
120 Litre Bin	\$207.00
180 Litre Bin	\$228.48

Schedule “B”

Solid Waste Bylaw

[Repealed]

Schedule “C”**(Solid Waste Bylaw No. 12-086)**

The fees or costs for a change in the size, or to replace lost bins, or to repair damaged bins are:

Change of Bin Size	\$30.00 per request
Lost or Damaged Bin	Actual cost of replacement or repair of a bin
Extra Garbage Tickets	\$4.00 each
Compostable Bags	\$10.00 plus tax per roll



June 10, 2021

Canadian Wildlife Service
Pacific & Yukon Region
5421 Robertson Road
RR1, Delta, BC
V4K 3N2

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

RE: City of Victoria By-law No. 11-044 within the Victoria Harbour Migratory Bird Sanctuary

To City of Victoria Mayor Lisa Helps and Council;

I am writing to you with respect to the issue of sanctioned off-leash dog areas within the Victoria Harbour Migratory Bird Sanctuary (VHMBS).

A portion of the VHMBS lies within the City of Victoria boundaries. Certain federal regulations apply in the migratory bird sanctuary, including subsection 5(1) of the *Migratory Bird Sanctuary Regulations*, which states, “no person who owns a dog or cat shall permit the dog or cat to run at large in a migratory bird sanctuary”.

For more information on the *Migratory Bird Sanctuary Regulations* and *Migratory Birds Convention Act* please see:

- <https://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 1036/index.html>
- <https://laws-lois.justice.gc.ca/eng/acts/M-7.01/>

For clarity, subsection 5(1) of the *Migratory Bird Sanctuary Regulations* requires an owner to have continuous and effective control of their animal within a migratory bird sanctuary by restraining or constraining it to ensure that the dog or cat is not capable of disturbing, harassing, harming or killing a migratory bird, their eggs, or their nest. Typical ways to restrain or control an animal include: a leash, transport carriage or cage, attaching them to a static object, holding tightly on the animal's collar, or holding the animal in the owner's arms. Effective control, or lack thereof, will be assessed on a case by case basis by a Wildlife Enforcement Officer.

Coastal areas are important for wildlife and used by birds for migration stopovers, wintering sites, and breeding, foraging and roosting locations. Dogs can cause disturbance to birds that results in displacement, reduced foraging rates, nest abandonment, increased alert behaviours, and even increased mortality. Many bird species within the VHMBS are facing population-level stressors and even widespread declines. Eleven birds species that are also highly susceptible to dog disturbance are species at risk listed under the Schedule 1 of the federal *Species at Risk Act* and/or red/blue/yellow listed under provincial legislation.

Over the past few years Environment and Climate Change Canada (ECCC) has received numerous complaints from the public regarding the negative interaction of off-leash dogs with migratory birds within Migratory Bird Sanctuaries in the greater Victoria area. To gain a further understanding of the extent of and impacts related to this issue, and to better inform compliance promotion needs, the Canadian Wildlife Service (CWS) of ECCC has recently undertaken a study of the impacts of dogs to migratory birds within the Victoria Harbour, Shoal Harbour and Esquimalt Lagoon Migratory Bird Sanctuaries. CWS intends to finalize this study and make it publically available in the next year. In the interim, and with the interest of working with municipalities on next steps, CWS would be pleased to circulate a confidential draft version of this report to the City of Victoria for review and comment.

The public complaints and recent study both highlight the inconsistency between the City of Victoria Bylaw No.11-044 and Subsection 5 (1) of the MBSR. The MBSRs continue to apply despite local by-laws; however, portions of City of Victoria Bylaw No.11-044 counter to the purposes of subsection 5(1) of the MBSRs and create confusion for the local public. As such, we request that changes be made to the bylaws to address the inconsistency between the City of Victoria Bylaw No. 11-044 and subsection 5(1) of the MBSR.

We understand that the City of Victoria Council is discussing how to proceed with respect to dogs off leash. We would appreciate being apprised of the results of your discussions. In particular, we would request that that you indicate what steps, if any, Victoria would propose to take to rectify the inconsistency between the bylaw and section 5(1) of the MBSR.

My staff look forward to working with the City staff to craft a collaborative path forward that will provide clarity, reduce conflict, and align our regulations to the extent possible.

Thank you for your time and attention on this matter.

Ian Parnell

Acting Regional Director, Canadian Wildlife Service – Pacific Region
Environment and Climate Change Canada
5421 Robertson Road, Delta, BC, V4K 3N2
[REDACTED]

Cc. Ken Brock, Manager, Conservation Planning and Stewardship, Canadian Wildlife Service;
Ailish Murphy, Head, Protected Areas – Pacific Region, Canadian Wildlife Service;
Erin Roberts, Habitat Officer, Protected Areas – Pacific Region, Canadian Wildlife Service.
Justin Ziola, Wildlife Officer- Wildlife Enforcement Directorate - Pacific & Yukon Region

Attached: Map of the Victoria Harbour Migratory Bird Sanctuary

Attachments



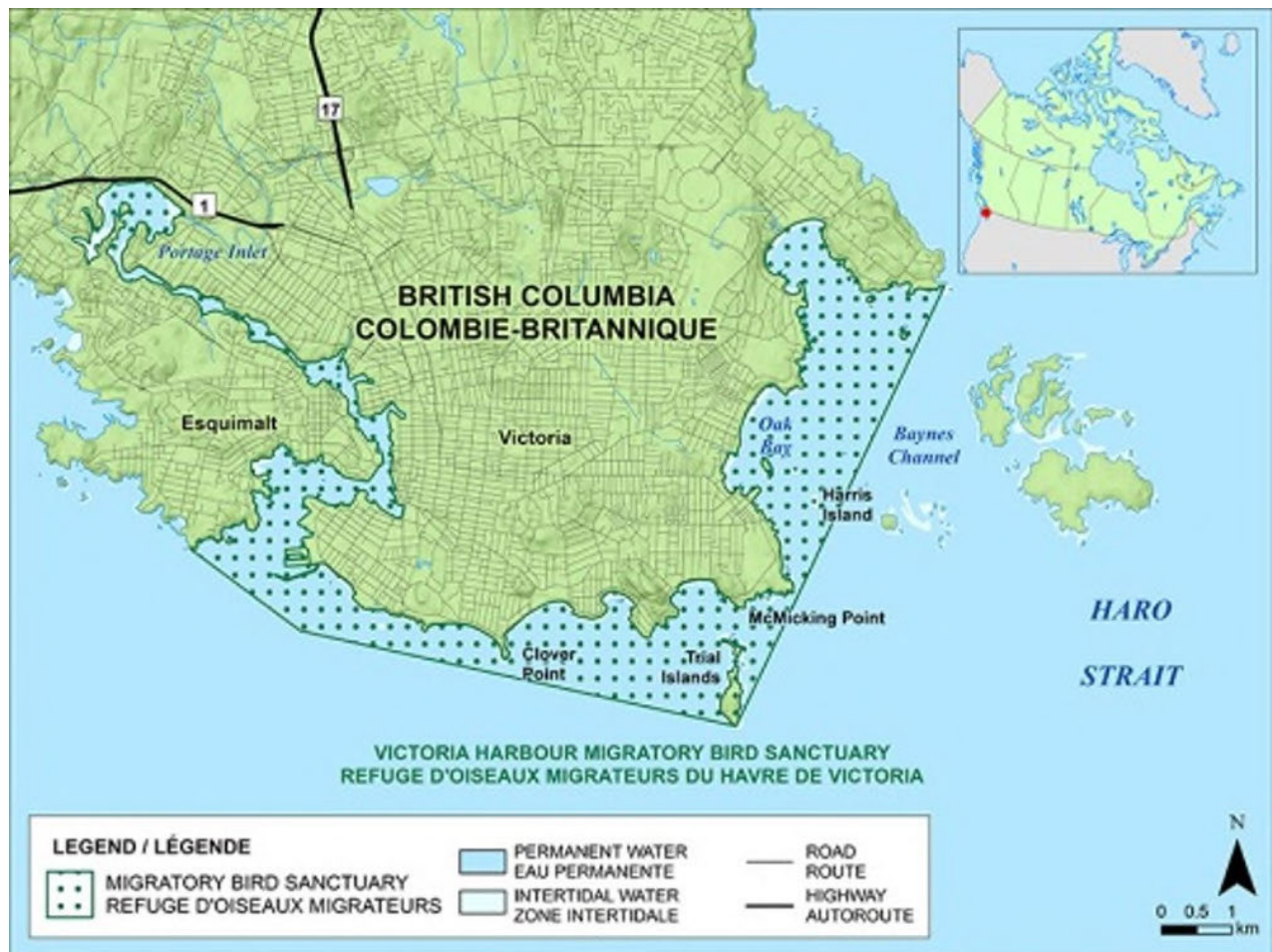


Figure 1. Location of the Victoria Harbour Migratory Bird Sanctuary

From: Legislative Services email
Subject: FW: Rodenticide Ban- JULY 29 CTF

From: Mary Polak <ENV.Minister@gov.bc.ca>
Date: Wednesday, July 21, 2021 at 1:15 PM
To: "Lisa Helps (Mayor)" <LHelps@victoria.ca>
Subject: Rodenticide Ban

Reference: 372621

July 21, 2021

Her Worship Mayor Lisa Helps
and Councillors
City of Victoria
Email: mayor@victoria.ca

Dear Mayor Helps and Council:

I am writing to provide an update on the use of anticoagulant rodenticides in B.C. Since my last correspondence to you on this topic, Ministry of Environment and Climate Change Strategy staff have worked with me to develop a plan to improve how rodenticides are regulated in B.C.

As you may know, rodenticides are evaluated and registered for use by Health Canada. In B.C., they are further regulated under the *Integrated Pest Management Act* (IPMA) and Regulation (IPMR), administered by the Ministry of Environment and Climate Change Strategy. I acknowledge that several municipalities have requested a ban on anticoagulant rodenticides in B.C., and I am pleased to announce I have signed a Minister's Order, created under Section 8 of the IPMA, which bans the use of certain rodenticides to prevent wildlife poisonings.

The Minister's Order, effective July 21, 2021, bans the sale and use in B.C. of second-generation anticoagulant rodenticides (SGARs) that contain brodifacoum, bromadiolone or difethialone as the active ingredient. The Minister's Order will be in place for 18 months while ministry staff undertake a science review to better understand the risks of SGARs to wildlife and determine mitigation methods. Recommendations to amend the IPMR may be made based on the outcome of the science review. Exemptions to the ban are being provided for essential services and agricultural operators. This initiative forms part of the work undertaken by my ministry to mitigate unintended wildlife poisonings from rodenticide use in B.C.

In addition to imposing a temporary ban on the use of SGARs, ministry staff are taking action to address risks associated with the use of rodenticides, including:

- Conducting compliance inspections of vendors and users to ensure the products are only being used by certified operators for essential services and that an integrated pest management approach is being utilized prior to pesticide use;

- Raising awareness with rodenticide users on the impacts of misusing rodenticides with an emphasis that prevention is the only long-term strategy;
- Coordinating with Indigenous Peoples, local government, and provincial and national wildlife experts;
- Developing education materials for the public and agricultural operators to better manage rodents as part of an integrated pest management program;
- Updating materials used by individuals intending to become certified to apply or sell rodenticides; and
- Making recommendations for a long-term solution, including potential regulatory amendments.

Details of the ban, including a recorded presentation, are available at www.gov.bc.ca/RodentIPM. We will also be offering a series of live informative webinars on the Minister's Order. Please visit www.gov.bc.ca/RodentIPM for registration instructions.

If you have any questions about the Minister's Order temporarily banning the sale and use of SGARs, please direct them to BC.IPM@gov.bc.ca.

Thank you again for taking the time to express your concern regarding rodenticide use and participating in our efforts to protect wildlife.

Sincerely,

George Heyman
Minister