



## REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, September 23, 2021

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

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 access to Council Meetings is not permitted. This meeting may be viewed on the City's webcast at [www.victoria.ca](http://www.victoria.ca)

Pages

**A. CONVENE COUNCIL MEETING**

**B. APPROVAL OF AGENDA**

**C. READING OF MINUTES**

C.1. Minutes from the daytime meeting held September 9, 2021 1

\*C.2. Minutes from the daytime meeting held September 16, 2021 7

*Addendum: New Item*

**D. PROCLAMATIONS**

D.1. "Manufacturing Month" - October 2021 16

D.2. "Waste Reduction Week" - October 18 to October 24, 2021 17

D.3. "Fire Prevention Week" - October 3 to October 9, 2021 18

D.4. "Childhood Cancer Awareness Month" - September 2021 19

**E. UNFINISHED BUSINESS**

**F. REPORTS OF COMMITTEE**

**F.1. Committee of the Whole**

F.1.a. Report from the September 9, 2021 COTW Meeting 20

[Link to the September 9, 2021 COTW Agenda](#)

F.1.a.a. Encroachment Agreement



- F.1.a.b. Council Member Motion: Council Liaisons for the IDPAD Committee
- F.1.a.c. 903 Collinson Street: Development Variance Permit No. 00273 (Fairfield)
- F.1.a.d. Presentation: Victoria Foundation
- F.1.a.e. Presentation: Ending Violence Association of BC
- F.1.a.f. 1124 Vancouver Street, 941 and 953 View Street: Rezoning Application No. 00718 and Development Permit with Variances Application No. 00133 (Harris Green)
- F.1.a.g. 137 Robertson Street: Rezoning Application No. 00723 and Development Permit with Variances Application No. 00181 (Gonzales)
- F.1.a.h. 749-767 Douglas Street: Rezoning Application No. 00746, Development Permit with Variances Application No. 000155 and associated Official Community Plan Amendment (Downtown)
- F.1.a.i. Permissive Tax Exemptions
- F.1.a.j. Natural Areas Restoration Program
- F.1.b. Report for the September 23, 2021 COTW Meeting

*Placeholder for time sensitive motions*

## G. BYLAWS

### G.1. Bylaw for 1120-1128 Burdett Avenue

27

A report recommending:

- 1st and 2nd readings of:
  - Zoning Regulation Bylaw 2018, Amendment Bylaw (No. 1257) No. 21-069
- 1st, 2nd and 3rd readings of:
  - Housing Agreement (1120 Burdett) Bylaw (2021) No. 21-070

The application is ready to proceed to Public Hearing and proposes to increase the density and allow for a five-storey residential rental building.

## **G.2. Bylaw for 121 Menzies Street**

45

A report recommending:

- **1st and 2nd readings of:**
  - Heritage Designation (121 Menzies Street) Bylaw, No. 21-038
- **1st, 2nd, and 3rd reading of:**
  - Housing Agreement (121 Menzies Street) Bylaw (2021), No. 21-037

The application is ready to proceed to Opportunity for Public Comment and proposes a 10 unit conversion of the existing house.

## **G.3. Bylaw for Heritage Tax Exemption for 727 Yates**

56

**Adoption of:**

- Tax Exemption (727 Yates Street) Bylaw, No. 21-042

To assist in the preservation and rehabilitation of the heritage building located at 727 Yates Street known as the “Hall Block”, including the seismic upgrading of the heritage building, by exempting a portion of the land from a portion of municipal property taxes for 10 years.

## **G.4. Bylaw for the Council Procedures Bylaw**

59

**Adoption of:**

- Council Procedures Bylaw, Amendment Bylaw (2021) No. 21-074

The amend the Council Procedures Bylaw to enable current practices to continue after the expiry of Ministerial Order M192

## **\*G.5. Bylaw for the Animal Responsibility Bylaw**

63

***Addendum: New Item***

A report recommending:

- 1st, 2nd and 3rd readings of:
  - Animal Responsibility Bylaw, Amendment Bylaw (No. 3) Amendment Bylaw No. 21-092

To bring forward bylaw amendments necessary to remove Gonzales Beach from the designated off-leash areas within the Animal Responsibility Bylaw to align with federal regulations within the Victoria Harbour Migratory Bird Sanctuary (“VHMBS”).

## H. NEW BUSINESS

- H.1. Business Licence Hearing - Revocation of a business licence: John Mueller dba I-Tow Group 66

*A report regarding evidence and information in support of a recommendation to revoke a business licence #8014 issued to John Mueller dba I-Tow Group.*

## I. CORRESPONDENCE

- I.1. Letter from the City of Langley 275

*A letter from the City of Langley regarding the Appointment of Directors to Regional District Board.*

- I.2. Letter from the Regional District of Mount Waddington 281

*A letter from the Regional District of Mount Waddington regarding a donation for the Village of Lytton.*

- I.3. Letter from the Minister of Children and Family Development 283

*A letter from the Minister of Children and Family Development regarding Foster Family Month.*

## J. CLOSED MEETING

### MOTION TO CLOSE THE SEPTEMBER 23, 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(2) A part of a council meeting may be closed to the public if the subject matter being considered relates to one or more of the following:

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

K. APPROVAL OF CLOSED AGENDA

L. READING OF CLOSED MINUTES

M. UNFINISHED BUSINESS

N. CORRESPONDENCE

O. NEW BUSINESS

O.1. Employee Relations - Section 90(1)(c)

O.2. Land & Intergovernmental Relations - Section 90(1)(e) and Section 90(2)(b)

O.3. Appointment - Section 90(1)(a)

P. CONSIDERATION TO RISE & REPORT

Q. ADJOURNMENT



## MINUTES - VICTORIA CITY COUNCIL

September 9, 2021, 3:40 P.M.

**COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC**

**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**

**PRESENT:** Mayor Helps in the Chair, Councillor Andrew, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

**PRESENT ELECTRONICALLY:** Councillor Alto, Councillor Dubow

**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, J. Jensen - Head of Human Resources, K. Hoese - Director of Sustainable Planning and Community Development, A. Meyer - Assistant Director of Development Services, C. Havelka - Deputy City Clerk, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, P. Bellefontaine - Director of Engineering & Public Works, . Biem – Assistant City Solicitor, C. Kingsley - City Clerk, G. Milne – Head of Strategic Operations S. Stoltz - Committee Secretary

**A. CONVENE COUNCIL MEETING**

**B. APPROVAL OF AGENDA**

**Moved By** Councillor Andrew

**Seconded By** Councillor Thornton-Joe

That the agenda be approved.

**CARRIED UNANIMOUSLY**

**C. READING OF MINUTES**

**C.1 Minutes from the daytime meeting held August 5, 2021**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

That the minutes from the daytime meeting held August 5, 2021 be approved.

**CARRIED UNANIMOUSLY**

**C.2 Minutes from the daytime meeting held September 2, 2021**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

That the minutes from the daytime meeting held September 2, 2021 be adopted.

**CARRIED UNANIMOUSLY**

**D. PROCLAMATIONS**

**D.1 "National Forest Week" - September 19 to 25, 2021**

**Moved By** Councillor Loveday

**Seconded By** Councillor Andrew

That the following proclamation be endorsed:

1. "National Forest Week" - September 19 to 25, 2021

**CARRIED UNANIMOUSLY**

**D.2 "Dyslexia Awareness Month" - October 2021**

**Moved By** Councillor Andrew

**Seconded By** Councillor Thornton-Joe

That the following proclamation be endorsed:

1. "Dyslexia Awareness Month" - October 2021

**CARRIED UNANIMOUSLY**

**E. REPORTS OF COMMITTEE**

**E.1 Committee of the Whole**

**E.1.a Report from the September 9, 2021 COTW Meeting**

**E.1.a.a Council Member Motion: FCM Green Municipal Fund  
Application for Municipal Impact Investment Fund Feasibility  
Study**

**Moved By** Councillor Loveday

**Seconded By** Councillor Dubow

That Council:

1. Request the mayor to write a letter of support for the MaRS Discovery District's application to the Federation of Canadian Municipalities (FCM) Green Municipal Fund (GMF) for funding for a feasibility study to explore the

creation of a Municipal Impact Investment Fund (MIIF) in Canada.

2. Subject to the MaRS Discovery District receiving funding from the FCM GMF, that the City allocate up to \$22,500 to the feasibility study from the 2021 contingency budget and participate in the study as part of exploring options for financing of the City's recently adopted Corporate Energy and Emissions Management Plan (CEEMP).

**CARRIED UNANIMOUSLY**

**F. NEW BUSINESS**

**F.1 1306-1330 Broad Street, 615-625 Johnson Street and Parts of 622 and 630 Yates Street: Update Report for Rezoning Application No. 00699 and Heritage Alteration Permit with Variances Application No. 00018**

Council received an update report dated August 26, 2021 from the Director of Sustainable Planning and Community Development regarding the Rezoning Application and Heritage Alteration Permit with Variances Application for 1306-1330 Broad Street, 615-625 Johnson Street and Parts of 622 and 630 Yates Street.

**Moved By** Mayor Helps  
**Seconded By** Councillor Andrew

Heritage Alteration Permit with Variances Application No. 00018

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. 00699, if it is approved, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit Application with Variances No. 00018 for 1306-1330 Broad Street, 615-625 Johnson Street and parts of 622 and 630 Yates Street, in accordance with:

1. Plans, date stamped February 5, 2020, the Conservation Plan for the Duck's Carriage Factory at 615-625 Johnson Street, date stamped November 6, 2019, and the Conservation Plan for the Duck's Building at 1314-1324 Broad Street, date stamped November 6, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. reduce the number of required parking spaces from 34 to 18
  - b. increase the maximum height from 15m to 18.9m
  - c. reduce the required number of short-term bicycle parking stalls on site from 9 to 0.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The applicant providing further design details of the heritage interpretation program to the satisfaction of the Director of Sustainable Planning and Community Development.
5. Minor plan amendments to address text errors on the plans to the satisfaction of the Director of Sustainable Planning and Community Development.

6. Heritage Alteration Permit lapsing two years from the date of this resolution.

*Council discussed:*

- *The need to protect heritage aspects of Victoria's downtown, and the economic and cultural benefits of doing so*
- *Seismic code requirements*

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Potts

That Councillor Andrew be allowed to speak on the subject a second time.

**CARRIED UNANIMOUSLY**

**On the main motion:**

FOR (8): Mayor Helps, Councillor Andrew, Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young  
OPPOSED (1): Councillor Isitt

**CARRIED (8 to 1)**

#### **H. CLOSED MEETING**

**Moved By** Councillor Andrew

**Seconded By** Councillor Potts

**MOTION TO CLOSE THE SEPTEMBER 9, 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)(d) the security of the property of the municipality;*

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

**CARRIED UNANIMOUSLY**

#### **I. APPROVAL OF CLOSED AGENDA**

**Moved By** Councillor Andrew

**Seconded By** Councillor Thornton-Joe



That the closed agenda be approved.

**Amendment:**

**Moved By** Councillor Loveday

**Seconded By** Councillor Potts

To add minutes to the consent agenda.

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Andrew

To add a new item M.3. Land - Community Charter Section 90(1)(e) to the agenda.

**CARRIED UNANIMOUSLY**

On the agenda:

**CARRIED UNANIMOUSLY**

**J. READING OF CLOSED MINUTES**

**J.1 Minutes from the closed COTW meeting held August 5, 2021**

**Moved By** Councillor Loveday

**Seconded By** Councillor Potts

That the minutes from the closed COTW meeting held August 5, 2021 be approved.

**CARRIED UNANIMOUSLY**

**J.2 Minutes from the closed COTW meeting held September 2, 2021**

**Moved By** Councillor Loveday

**Seconded By** Councillor Potts

That the minutes from the closed COTW meeting held September 2, 2021 be approved.

**CARRIED UNANIMOUSLY**

**M. NEW BUSINESS**

**M.1. Land - Community Charter Section 90(1)(e)**

*Council discussed a land use matter. The discussion was recorded and kept confidential.*

**M.2. Security of Municipal Property - Community Charter Section 90(1)(d)**

*Council discussed a security matter. The discussion was recorded and kept confidential.*

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

*Council discussed a land use matter. The discussion was recorded and kept confidential.*

**M.4. Employee Relations - Community Charter Section 90(1)(c)**

*This item was deferred to the evening Closed Council meeting.*

**O. ADJOURNMENT**

**Moved By** Councillor Young

**Seconded By** Councillor Loveday

That the Closed Council Meeting be adjourned at 5:00 p.m.

**CARRIED UNANIMOUSLY**

---

CITY CLERK

---

MAYOR



## MINUTES – SPECIAL VICTORIA CITY COUNCIL

September 16, 2021, 2:36 P.M.

**COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC**

**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**

**PRESENT:** Mayor Helps in the Chair, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe

**PRESENT ELECTRONICALLY:** Councillor Andrew (arrived at 2:42 p.m.), Councillor Dubow

**ABSENT:** Councillor Young

**STAFF PRESENT:** J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Kingsley - City Clerk, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, K. Hoese - Director of Sustainable Planning and Community Development, C. Havelka - Deputy City Clerk, D. Atkinson - Acting Fire Chief, R. Tooke - Manager, Sustainability, Assets and Support Services, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, G. Milne – Manager of Strategic Operations, D. Newman - Assistant Director, Facilities and Construction Management, A. Cusack – Senior Planner – Housing Policy, P. Bellefontaine - Director of Engineering & Public Works, G. Diamond – Council/Committee Secretary

### **B. APPROVAL OF AGENDA**

**Moved By** Councillor Alto

**Seconded By** Councillor Loveday

That the agenda be approved.

#### **Amendment:**

**Moved by** Councillor Dubow

**Seconded by** Councillor Alto

That the Closed Council agenda be amended to add the following item under sections 90(1)(f) and 90(2)(b) of the Community Charter:

**M.1 Law Enforcement and Intergovernmental Negotiations – Community Charter Section 90(1)(f) and Community Charter Section 90(2)(b)**

**CARRIED UNANIMOUSLY**

On the main motion as amended:

**CARRIED UNANIMOUSLY**

**C. READING OF MINUTES**

**C.1 Minutes from the evening meeting held July 15, 2021**

**Moved By** Councillor Alto  
**Seconded By** Councillor Potts

That the minutes from the evening meeting held July 15, 2021 be adopted.

**CARRIED UNANIMOUSLY**

**C.2 Minutes from the evening meeting held August 5, 2021**

**Moved By** Councillor Alto  
**Seconded By** Councillor Potts

That the minutes from the evening meeting held August 5, 2021 be adopted.

**CARRIED UNANIMOUSLY**

**C.3 Minutes from the evening meeting held September 9, 2021**

**Moved By** Councillor Alto  
**Seconded By** Councillor Potts

That the minutes from the evening meeting held September 9, 2021 be adopted.

**CARRIED UNANIMOUSLY**

**E. REPORTS OF COMMITTEE**

**E.1 Committee of the Whole**

**E.1.a Report from the September 2, 2021 COTW Meeting**

**E.1.a.a VicPD Q2 Community Safety Report Card**

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Alto

That Council receive the report for information.

**CARRIED UNANIMOUSLY**

**E.1.a.b737 Belton Avenue: Development Permit with Variances  
Application No. 00162 (Victoria West)**

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Loveday

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00162 for 737 Belton Avenue, in accordance with:

1. Plans date stamped June 8, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the front yard setback from 6.0m to 4.0m to the building face and from 6.0m to 0.58m to the stairs
  - ii. permit vertical supports on a porch roof that projects into the front yard setback
  - iii. reduce the rear yard setback from 6.0m to 3.34m
  - iv. increase the site coverage from 40% to 40.16%.
3. Revised Arborist Report, Tree Management Plan and landscape plan to the satisfaction of the Director of Parks, Recreation and Facilities.
4. The Development Permit lapsing two years from the date of this resolution.”

**CARRIED UNANIMOUSLY**

**E.1.a.c Council Member Motion: Conference Request – Canadian Capital Cities Organization Annual Meeting and Conference in Whitehorse, Yukon, from September 19 through 22, 2021.**

**Motion to postpone:**

**Moved by** Councillor Alto

**Seconded By** Councillor Thornton-Joe

That consideration of this item and item E.1.a.d. be postponed until the February 24, 2022 Council meeting as the conference has been postponed.

**CARRIED UNANIMOUSLY**

That Council authorizes the attendance and associated costs for Councillor Alto to attend the Canadian Capital Cities Organization annual meeting and conference to be

held in Whitehorse, Yukon, from September 19 through 22, 2021.

The approximate cost for attending is:

Conference Registration Fee	\$300.00
Travel to/from Whitehorse, Yukon	\$478.01
Accommodation (3 nights)	\$674.10
Incidentals	\$100.00
Carbon footprint calculation	\$72.00
<b>Estimated total cost</b>	<b>\$1624.11</b>

**E.1.a.d Canadian Capital Cities Organization Annual Meeting and Conference in Whitehorse, Yukon, from September 19 through 22, 2021.**

*Consideration of this item was postponed until the February 24, 2021 Council meeting in the previous motion.*

That Council authorizes the attendance and associated costs for Councillor Young to attend the Canadian Capital Cities Organization annual meeting and conference to be held in Whitehorse, Yukon, from September 19 through 22, 2021.

The approximate cost for attending is:

Conference Registration Fee	\$300.00
Travel from Vancouver to Whitehorse to Victoria	\$763.83
Accommodation (3 nights)	\$584.00
Incidentals	\$200.00
Carbon footprint calculation	\$70.50
<b>Estimated total cost</b>	<b>\$ 1918.33</b>

**E.1.a.e 235 Russell Street: Development Permit with Variances Application No. 00163 (Victoria West)**

*Councillor Andrew arrived at 2:42 p.m.*

**Moved By** Councillor Loveday  
**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 Permit with Variance Application No. 00163 for 235 Russell Street, in accordance with:

1. Plans date stamped July 13, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the number of loading stalls from 1 to nil
  - ii. reduce the number of vehicle parking stalls from 20 to 14
  - iii. increase the distance between the main entrance and the short term bicycle stalls from 15m to 19.13m.
3. The Development Permit lapsing two years from the date of this resolution.”

**CARRIED UNANIMOUSLY**

**E.1.a.f Rental Business Licensing Bylaw**

*Councillor Isitt withdrew from the meeting at 2:43 p.m. due to a non-pecuniary conflict of interest as he is a member of a professional association related to this item.*

The Director of Sustainable Planning and Community Development provided a correction related to the Rental Tenancy Act process to end tenancies.

**Moved By** Councillor Loveday  
**Seconded By** Councillor Alto

1. That Council refer recommendation #1: *Suspend development of a Rental Business Licensing Bylaw given changes to the provincial Residential Tenancy Act (RTA) designed to prevent evictions carried out to renovate or repair a rental unit that came into effect on July 1, 2021, and this report to the Renters' Advisory Committee and direct staff to bring this report to Council in 4 months and look at what other municipalities are doing.*  
 That Council direct the Director of Sustainable Planning and Community Development to:
2. Monitor the implementation of the provincial legislative updates and report back to Council in the fall of 2022 on its efficacy and whether future City initiatives to further enhance protections for tenants are needed;
3. Facilitate public awareness and access to information regarding RTA requirements on repair and renovations of rental housing;
4. Undertake tenant capacity-building and outreach activities regarding RTA requirements on repair and renovations of rental housing.
5. That Council direct staff to engage with municipalities that have renovation bylaws to discern ways to strengthen a municipal approach that the City of Victoria could take.

**Amendment to replace #1, add a new #2 and strike out #5:**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Dubow

1. That council direct staff to report back with an updated bylaw to augment and fill the gaps in the Provincial legislation, with an aim of providing displaced tenants with assistance during renovations and preserving affordability when the renovated unit is ready for occupation
2. And that council direct staff to send the drafted bylaw to the Renters Advisory Committee.
1. ~~That Council refer recommendation #1: Suspend development of a Rental Business Licensing Bylaw given changes to the provincial Residential Tenancy Act (RTA) designed to prevent evictions carried out to renovate or repair a rental unit that came into effect on July 1, 2021, and this report to the Renters' Advisory Committee and direct staff to bring this report to Council in 4 months and look at what other municipalities are doing.~~

That Council direct the Director of Sustainable Planning and Community Development to:

2. Monitor the implementation of the provincial legislative updates and report back to Council in the fall of 2022 on its efficacy and whether future City initiatives to further enhance protections for tenants are needed;
3. Facilitate public awareness and access to information regarding RTA requirements on repair and renovations of rental housing;
4. Undertake tenant capacity-building and outreach activities regarding RTA requirements on repair and renovations of rental housing.
5. ~~That Council direct staff to engage with municipalities that have renovation bylaws to discern ways to strengthen a municipal approach that the City of Victoria could take.~~

**On adding #1 and #2:**

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

OPPOSED (1): Councillor Andrew

**CARRIED (6 to 1)**

**On striking #5:**

FOR (4): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Thornton-Joe

OPPOSED (3): Councillor Dubow, Councillor Loveday, Councillor Potts



**CARRIED (4 to 3)**

**On the main motion as amended:**

1. That Council direct staff to report back with an updated bylaw to augment and fill the gaps in the Provincial legislation, with an aim of providing displaced tenants with assistance during renovations and preserving affordability when the renovated unit is ready for occupation.
2. And that Council direct staff to send the drafted bylaw to the Renters Advisory Committee.

That Council direct the Director of Sustainable Planning and Community Development to:

3. Monitor the implementation of the provincial legislative updates and report back to Council in the fall of 2022 on its efficacy and whether future City initiatives to further enhance protections for tenants are needed;
4. Facilitate public awareness and access to information regarding RTA requirements on repair and renovations of rental housing;
5. Undertake tenant capacity-building and outreach activities regarding RTA requirements on repair and renovations of rental housing.

**CARRIED UNANIMOUSLY**

**E.1.a.g The City of Victoria Corporate Energy and Emissions Management Plan**

*Councillor Isitt returned to the meeting at 3:03 p.m.*

**Moved By** Mayor Helps

**Seconded By** Councillor Loveday

That Council:

- a. Adopt the directions as outlined in the City of Victoria Corporate Energy and Emissions Management Plan (Appendix A) to support implementation of the Climate Leadership Plan.
- b. Request that the Police Board endorse targets and actions identified in the Municipal Operations section of the City's Climate Leadership Plan.
- c. Request that the Police Board adopt the directions outlined in the City of Victoria Corporate Energy and Emissions Management Plan (Appendix A) to support implementation of the of the Climate Leadership Plan.

**CARRIED UNANIMOUSLY**

**E.1.b Report from the September 16, 2021 COTW meeting  
E.1.b.a Animal Responsibility Bylaw - Amendments**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Potts

That Council instruct the Director of Parks, Recreation and Facilities to bring forward bylaw amendments necessary to remove Gonzales Beach from the designated off-leash areas within the Animal Responsibility Bylaw to align with federal regulations within the Victoria Harbour Migratory Bird Sanctuary ("VHMBS").

**CARRIED UNANIMOUSLY**

**G. CORRESPONDENCE**

**G.1 Letter from the Mayor of the City of Langford**

Council received a letter dated August 19, 2021 from the Mayor of the City of Langford regarding support for the City of Victoria in response to a letter regarding the release of violent and/or repeat offenders who are awaiting charge disposition.

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Alto

That the correspondence dated August 19, 2021 from the Mayor of the City of Langford be received for information.

**CARRIED UNANIMOUSLY**

**H. CLOSED MEETING**

**Moved By** Councillor Potts  
**Seconded By** Councillor Loveday

**MOTION TO CLOSE THE SEPTEMBER 16, 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)(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(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**

**H. CLOSED MEETING**

Council, by unanimous consent, considered the following motion:

That the closed agenda be approved.

**CARRIED UNANIMOUSLY**

**M. NEW BUSINESS**

**M.1 Law Enforcement and Intergovernmental Negotiations – Community Charter Section 90(1)(f) and Community Charter Section 90(2)(b)**

Council discussed a law enforcement and intergovernmental negotiations matter.

The discussion was recorded and kept confidential.

**P. ADJOURNMENT**

**Moved By** Councillor Alto  
**Seconded By** Councillor Potts

That the Council meeting be adjourned at 3:32 p.m.

**CARRIED UNANIMOUSLY**

---

CITY CLERK

---

MAYOR



## CITY OF VICTORIA

# PROCLAMATION

### **“MANUFACTURING MONTH”**

- WHEREAS** *Manufacturing makes a significant contribution to British Columbia’s economy and the prosperity of its citizens; and*
- WHEREAS** *Victoria is home to 200 manufacturers with many leading innovation in sectors such as machinery, food manufacturing and metal products; and*
- WHEREAS** *In British Columbia, manufacturing is the third largest contributor to the provincial economy generating \$53 billion in value-added output - equivalent to 6.9% of BC’s gross domestic product; and*
- WHEREAS** *Over 58.8% of the province’s exports are manufactured goods; and*
- WHEREAS** *The provincial government is committed to partnering with manufacturers to develop a multi-year growth strategy to support the sector in meeting its staffing needs and to expand exports; and*
- WHEREAS** *Manufacturing provides well-paying, high-skilled employment opportunities to 165,800 employees paying 13% above the average wage; and*
- WHEREAS** *Canadian Manufacturers & Exporters (CME) and partner organizations are presenting events, and planning communications through the month of October to heighten the profile of manufacturing and reinforce that manufacturing professions and skilled trade occupations are inspiring and rewarding careers; and*
- WHEREAS** *It is important to remember manufacturing matter; everything each citizen encounters on a daily basis was created, designed, developed and produced by a manufacturer.*
- NOW, THEREFORE** *I do hereby proclaim October 1<sup>st</sup> to October 31<sup>st</sup>, 2021 as “**MANUFACTURING 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 23<sup>rd</sup> day of September, Two Thousand and Twenty-One.

---

**LISA HELPS**  
**MAYOR**  
**CITY OF VICTORIA**  
**BRITISH COLUMBIA**

**Sponsored by:**  
**Jennifer Tsang**  
**Canadian Manufacturers & Exporters**



## CITY OF VICTORIA

---

### PROCLAMATION

#### **“WASTE REDUCTION WEEK”**

**WHEREAS** *As a municipality, we are committed to conserving resources, protecting the environment and educating the community; and*

**WHEREAS** *We recognize the generation of solid waste and the needless waste of water and energy resources as global environmental problems and endeavor to take the lead in our community toward environmental sustainability; and*

**WHEREAS** *Municipal governments have an important role to play in promoting waste reduction, reuse, recycling, composting and other conservation measures; and*

**WHEREAS** *Communities, businesses and organizations across Canada have committed to working together to raise awareness of these issues during Waste Reduction Week in Canada.*

**NOW, THEREFORE** *I do hereby proclaim October 18<sup>th</sup> to October 24<sup>th</sup>, 2021, as “**WASTE REDUCTION WEEK**” 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 23<sup>rd</sup> day of September, Two Thousand and Twenty-One.*

**LISA HELPS**  
**MAYOR**  
**CITY OF VICTORIA**  
**BRITISH COLUMBIA**

**Sponsored by:**  
**Recycling Council of British Columbia**



## CITY OF VICTORIA

# PROCLAMATION

### **“FIRE PREVENTION WEEK”**

- WHEREAS** *The 2021 fire prevention theme for this period is “Learn the Sounds of Fire Safety!”; and*
- WHEREAS** *Fire losses in Canada, despite marked improvement, remain unacceptably high in comparison with those of other industrialized nations thereby necessitating improved fire prevention measures; and*
- WHEREAS** *The needless loss of lives and property as a result of fire could be significantly reduced or eliminated by individual and community fire prevention programs; and*
- WHEREAS** *Most fires are caused by human carelessness and are both predictable and preventable if individuals are knowledgeable about fire prevention and safety; and*
- WHEREAS** *The members of the Fire Service and other public agencies in combining their talents and efforts can ensure a successful fight against those conditions that cause fire; and*
- WHEREAS** *Each citizen must earnestly desire to provide a fire-safe place in which to live and work by eliminating those fire hazards that cause the loss of life, property, employment, and the resources by which we exist; and*
- WHEREAS** *The local efforts of the Fire Service are supported by the activities of organizations such as Fire Prevention Canada, the Council of Canadian Fire Marshals and Fire Commissioners, the Canadian Association of Fire Chiefs, the Provincial Fire Chiefs Associations, and various associations of firefighters, fire instructors, and fire prevention officers.*
- NOW, THEREFORE** *I do hereby proclaim the week of October 3<sup>rd</sup> to October 9<sup>th</sup>, 2021, as “**FIRE PREVENTION WEEK**” on the HOMELANDS of the Lekwungen speaking **SONGHEES AND ESQUIMALT PEOPLE** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE of BRITISH COLUMBIA**. I call upon the citizens of Victoria to participate in fire prevention activities at home, work, and school. I also call upon all public information agencies to actively participate in a coordinated effort to provide effective fire prevention programs, which will instil in the minds of each citizen, those fire safety practices which will reduce the loss of life and property damage caused by fire.*
- IN WITNESS WHEREOF**, *I hereunto set my hand this 23<sup>rd</sup> day of September, Two Thousand and Twenty-One.*

---

**LISA HELPS**  
**MAYOR**  
**CITY OF VICTORIA**  
**BRITISH COLUMBIA**

**Sponsored By:**  
**The Victoria Fire Department**



## CITY OF VICTORIA

# PROCLAMATION

### **“Childhood Cancer Awareness Month”**

**WHEREAS** *Childhood Cancer is the number one disease killer of children in Canada, killing more children between the ages of one and twenty than Asthma, Diabetes, Cystic Fibrosis and AIDS combined. Every two minutes a child is diagnosed with cancer around the world every year.*

**WHEREAS** *Every year more than 1700 children are diagnosed with Cancer in Canada;*

**WHEREAS** *Every year in Canada over 300 children under the age of 20 years will lose their lives to Cancer; and*

**WHEREAS** *Of the children who survive their initial cancer most will develop lifetime side effects and are much more likely to develop another form of malignant cancer; and*

**WHEREAS** *The mental health of children and youth with cancer including their families should be paramount, and support attainable; and*

**WHEREAS** *Our children are our most precious resource and are truly valued by all peoples of British Columbia.*

**NOW, THEREFORE** *I do hereby proclaim the month of September 2021, as “**CHILDHOOD CANCER AWARENESS 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 23<sup>rd</sup> day of September, Two Thousand and Twenty-One.*

**LISA HELPS**  
**MAYOR**  
**CITY OF VICTORIA**  
**BRITISH COLUMBIA**

**Sponsored By:**  
**Island Kids Cancer Association**

**COMMITTEE OF THE WHOLE REPORT**  
**FROM THE MEETING HELD SEPTEMBER 9, 2021**

For the Council meeting of September 23, 2021, the Committee recommends the following:

**G.3 Encroachment Agreement**

That Council approve the City entering into an encroachment agreement to allow for a minor encroachment as detailed in this report for a parkade structure within the public right-of-way adjacent to 1720 Fairfield Road, on terms and in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

**I.2 Council Member Motion: Council Liaisons for the IDPAD Committee**

That Council:

1. Assign Councillor Dubow and Mayor Helps as Council Liaisons to the City of Victoria International Decade of People of African Descent (IDPAD) Advisory Committee.

**F.3 903 Collinson Street: Development Variance Permit No. 00273 (Fairfield)**

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. 00273 for 903 Collinson Street in accordance with:

1. Plans date stamped August 5, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, Schedule C, except for the following variance:
  - a. Reduce the minimum distance from the parking stall to a street from 1.0m to 0.34m.
3. The Development Variance Permit lapsing two years from the date of this resolution.”

**D.1 Presentation: Victoria Foundation**

Direct staff to explore principles of Trust Based Philanthropy as part of the City's Strategic Plan Grant process in 2022 and report back to Council with proposed amendments and implications as part of the regular continuous improvement process that happens each year.

**D.2 Presentation: Ending Violence Association of BC**



That Councillors and staff members of the City of Victoria receive trauma-informed training with orientation training.

**F.1 1124 Vancouver Street, 941 and 953 View Street: Rezoning Application No. 00718 and Development Permit with Variances Application No. 00133 (Harris Green)**

Rezoning Application No. 00718 for 1124 Vancouver Street, 941 and 953 View Street

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00718 for 1124 Vancouver Street, 941 and 953 View 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. Minor plan revisions as detailed in concurrent Development Permit with Variances Application No. 00133.
2. Preparation of the following legal agreements, executed by the applicant, in a form satisfactory to the City Solicitor, to secure:
  - a. the rental tenure in perpetuity and to ensure a future strata cannot restrict the rental of units to the satisfaction of the Director of Sustainable Planning and Community Development
  - b. the provision of two car share vehicles, two car share stalls, 162 car share memberships and a 16 bike stall surplus in excess of the minimum requirements of the Zoning Regulation Bylaw to the satisfaction of the Director of Sustainable Planning and Community Development
  - c. the provision of an on-street Level 2 electric vehicle charging station to the satisfaction of the Director of Engineering and Public Works
  - d. the electrification of 16 parking stalls within the parkade capable of powering J1772 SAE connectors to the satisfaction of the Director of Sustainable Planning and Community Development
  - e. the design and installation of a boulevard rain garden on View Street, to the satisfaction of the Director of Engineering and Public Works
  - f. the streetscape improvements along the development frontages on View Street and Vancouver Street as per the Downtown Public Realm Plan 'New Town' District specifications and Bicycle Master Plan, including the provision and installation of furnishings, materials and one decorative pedestrian light, as approved by the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities.

Development Permit with Variances Application No. 00133 for 1124 Vancouver Street, 941 and 953 View Street

That, subject to plan revisions to address the following:

- a. Revisions to the residential entrances to better meet the design guidelines for durable materials, to the satisfaction of the Director of Sustainable Planning and Community Development.
- b. Further consideration to the programming of the rooftop amenity space to provide appropriate weather and sun protection, to the satisfaction of the Director of Sustainable Planning and Community Development.
- c. Allocating two underground parking stalls for car share use, to the satisfaction of the Director of Sustainable Planning and Community Development.
- d. Minor corrections to the technical specifications of the curbside charging station on View Street and accurate reflection of the as-built bike lane along Vancouver Street, to the satisfaction of the Director of Engineering and Public Works.
- e. Confirmation that BC Hydro has approved the proposed power supply to the development, to the satisfaction of the Director of Engineering and Public Works.
- f. Correction to planting list to reflect the landscape plan, to the satisfaction of the Director of Parks, Recreation and Facilities.
- g. Corrections to the Preliminary Servicing Plan, to the satisfaction of the Director of Engineering and Public Works.

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and concurrent with consideration of Rezoning Application No. 00718, if it is approved, that Council consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00133 for 1124 Vancouver Street, 941 and 953 View Street in accordance with:

1. Plans date stamped August 16, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reducing the required residential vehicle parking from 85 to 30;
  - ii. reducing the required visitor stalls from 16 to 14.
3. Final plans to be generally in accordance with plans date stamped August 16, 2021.
4. The Development Permit lapsing two years from the date of this resolution.”

**F.2 137 Robertson Street: Rezoning Application No. 00723 and Development Permit with Variances Application No. 00181 (Gonzales)**

Rezoning Application No. 00723 for 137 Robertson Street and 1848 Hollywood Crescent

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00723 for 137 Robertson Street and 1848 Hollywood Crescent, 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. Revisions to the plans date stamped May 18, 2021 to increase the amount of softscape around the building, confirm the proposed setback to Robertson Street and adjust the location of the proposed bicycle parking.
2. Preparation and execution of legal agreements in a form satisfactory to the City Solicitor to secure the provision of one carshare membership per dwelling unit.

Development Permit with Variances Application No. 00181 for 137 Robertson Street and 1848 Hollywood Crescent

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.00723, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00181 for 137 Robertson Street and 1848 Hollywood Crescent, in accordance with:

1. Plans date stamped May 18, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the vehicle parking from three stalls to two stalls;
  - ii. increase the number of storeys from two and a half to three;
  - iii. increase the height from 7.6m to 8.03m;
  - iv. allow for roof decks;
  - v. reduce the front yard setback from 7.5m to 3.22m;
  - vi. reduce the rear yard setback from 7.5m to 3.20m
  - vii. permit an accessory building to be located in the side yard rather than the rear yard;
  - viii. reduce the side yard setback for an accessory building from 0.6m to 0.2m;
  - ix. reduce the building separation distance between an accessory building and the principal building from 2.4m to 0.3m.

3. Registration of legal agreements on the property's title to secure the provision of one carshare membership per dwelling unit, 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.”

**F.4 749-767 Douglas Street: Rezoning Application No.00746, Development Permit with Variances Application No. 000155 and associated Official Community Plan Amendment (Downtown)**

That subject to minor plan amendments to illustrate the landscaping approach for the Humboldt Street Plaza and to update the seating, ramping and curb alignment changes on the Douglas Street frontage, that Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No.00746 for 749-767 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation of legal agreements, executed by the applicant, in a form to the satisfaction of the City Solicitor to secure:
  - i. statutory right-of-way along Humboldt Street to accommodate public vehicle turn-around movements;
  - ii. off-site public furniture maintenance agreement to secure the ongoing maintenance of unique street furniture over a period of ten years;
  - iii. statutory right-of-way along Douglas Street to include seating and weather protection of a sufficient size and area to accommodate anticipated transit demand on this future rapid bus corridor and station and 5.5m clear pedestrian passage;
  - iv. statutory right-of-way to secure the through block access path proposed along the east property boundary;
  - v. public realm improvements as indicated on the plans dated June 17, 2021 (including tree grates, soil cells, and revised Douglas Street frontage and Humboldt Plaza landscaping);
  - vi. sustainability and active transportation features identified in the staff report and as committed to by the applicant, including provision of a minimum of 94 BC Transit EcoPasses for a three-year period;
  - vii. commitment to achieve Step Code 3 of the British Columbia Building Code.
  - viii. commitment to ensuring public access to the building lobby.
2. That Council give first reading to the Official Community Plan Amendment Bylaw.

3. 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.
4. That Council give second reading to the Official Community Plan Amendment Bylaw.
5. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
6. That Council authorize the Mayor and City Clerk to execute encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works for anchor-pinning in the City Right-Of-Way.
7. That the north facing sign be lowered to mitigate intrusion into the Douglas Street view corridor.
8. That the applicant continue to work to address potential bird collisions.
9. That the applicant consider recognition of the history of the site, including the former steam laundry and the ethno-cultural history of the facility on the subject parcel.

Development Permit with Variances Application No. 000155

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.00746, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 000155 for 749-767 Douglas Street, in accordance with:

1. Plans date stamped June 17, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. Reduce the interior southwest setback from 4.5m to 0m;
  - b. Reduce the interior southeast side yard setback from 4.5m to 4.0m;
  - c. Increase the height to 53m;
  - d. Relax the requirement for a 1:5 setback ratio from Douglas Street and Humboldt Street;
  - e. Reduce the required number of vehicle parking stalls from 205 to 116.
3. The Development Permit lapsing two years from the date of this resolution.”

**G.1 Permissive Tax Exemptions**

That Council:

1. Approve all applications for a permissive property tax exemption detailed in Table 2 for the 2022 tax year.
2. Direct staff to prepare a 2022 permissive property tax exemption bylaw for Council's consideration at the September 23, 2021 Council meeting.
3. That Council approve the application from the Royal Canadian Legion Trafalgar Pro Patria Legion Branch for a full exemption on their Class 6 assessment for 2022, subject to staff providing more detail on the class 6 and class 8 portions of the property and the parking lot, at the September 23rd Council Meeting, and to include 3 years of financial statements.

## **G.2 Natural Areas Restoration Program**

1. That Council receive this report for information on the restoration of natural areas in Beacon Hill Park, Cecelia Ravine Park, Topaz Park and Stadacona Park.
2. That Banfield Park be included among the list of City Parks receiving special attention for restoration of natural areas.
3. That the City's Natural Areas Restoration Program be guided by the following considerations:
  - a. Application of traditional land management practices in partnership with Lekwungen people; and
  - b. Climate change mitigation and adaptation.



## Council Report

For the Meeting of September 23, 2021

---

**To:** Council  
**From:** C. Kingsley, City Clerk  
**Subject:** 1120-1128 Burdett Avenue: Rezoning Application No. 00734 and Development Permit with Variance No. 00146

---

### RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw 2018, Amendment Bylaw (No. 1257) No. 21-069

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

1. Housing Agreement (1120 Burdett) Bylaw (2021) No. 21-070

### BACKGROUND

Attached for Council's initial consideration are copies of the proposed Bylaws No. 21-069 and 21-070.

The issue came before Council on May 13, 2021 where the following resolution was approved:

**1120-1128 Burdett Avenue: Rezoning Application No. 00734 and Development Permit with Variances Application No. 00146 (Fairfield)**

**Rezoning Application No. 00734**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00734 for 1120, 1124 and 1128 Burdett Avenue, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Plan revisions to include three new boulevard trees to the satisfaction of the Director of Parks, Recreation and Facilities.
2. Preparation and execution of legal agreements, in a form satisfactory to the City Solicitor, for the following:
  - a. to secure all of the dwelling units in the building as rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development
  - b. to secure a minimum of thirteen two-bedroom and three three-bedroom units within the building, to the satisfaction of the Director of Sustainable Planning and Community Development

- c. to restrict strata titling of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
3. Discharge of all legal documents from past development proposals not attributable to the current proposal to the satisfaction of City staff.

Development Permit with Variances Application No. 00146

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. 00734, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00146 for 1120, 1124 and 1128 Burdett Avenue, in accordance with:

1. Plans date stamped October 8, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. increase the site coverage from 40% to 53%
  - ii. reduce open site space from 50% to 44%
  - iii. reduce the rear yard setback from 10m to 5.87m (to building) and 5m (to balconies)
  - iv. reduce the west side yard setback from 6.0m to 3.5m (to building) and 2.5 (to balconies)
  - v. reduce the east side yard setback from 6.0m to 3.75m (to building) and 2.9m (to balconies)
  - vi. reduce the parking requirement from 47 stalls to 40 stalls.
3. The Development Permit with Variances lapsing two years from the date of this resolution.”

Respectfully submitted,

Curt Kingsley  
City Clerk

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

**List of Attachments:**

- Bylaw No. 21-069
- Bylaw No. 21-070.



A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R3-AM-4 Zone, Mid-Rise Multiple Dwelling (Burdett) District, and to rezone land known as 1120, 1124 and 1128 Burdett Avenue from the R1-B Zone, Single Family Dwelling District, and the R3-AM-1 Zone, Mid-Rise Multiple Dwelling District to the R3-AM-4 Zone, Mid-Rise Multiple Dwelling (Burdett) District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1257)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 3 – MULTIPLE DWELLING ZONES by adding the following words:

“3.111 R3-AM-4, Mid-Rise Multiple Dwelling (Burdett) District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.110 the provisions contained in Schedule 1 of this Bylaw.
- 4 The following lands, which are shown hatched on the map attached as Schedule 2, are removed from the R1-B Zone, Single Family Dwelling District, and the R3-AM-1 Zone, Mid-Rise Multiple Dwelling District, and placed in the R3-AM-4 Zone, Mid-Rise Multiple Dwelling (Burdett) District:
  - (a) 1120 Burdett Avenue, legally described as PID: 000-188-778 Lot 11, Fairfield Farm Estate, Victoria City, Plan 392
  - (b) 1124 Burdett Avenue, legally described as PID: 006-975-020 Parcel B (DD 177944I) of Lot 12, Fairfield Farm Estate, Victoria City, Plan 392
  - (c) 1128 Burdett Avenue, legally described as PID: 000-049-891 Parcel A (DD 81442I) of Lots 12 and 13, Fairfield Farm Estate, Victoria City, Plan 392
- 5 The Zoning Regulation Bylaw is amended by adding the following lands to Schedule N – Residential Rental Tenure Properties:
  - (a) 1120 Burdett Avenue, legally described as PID: 000-188-778 Lot 11, Fairfield Farm Estate, Victoria City, Plan 392
  - (b) 1124 Burdett Avenue, legally described as PID: 006-975-020 Parcel B (DD 177944I) of Lot 12, Fairfield Farm Estate, Victoria City, Plan 392
  - (c) 1128 Burdett Avenue, legally described as PID: 000-049-891 Parcel A (DD 81442I) of Lots 12 and 13, Fairfield Farm Estate, Victoria City, Plan 392

READ A FIRST TIME the                      day of                      2021

READ A SECOND TIME the                      day of                      2021

Public hearing held on the                      day of                      2021

READ A THIRD TIME the                      day of                      2021

ADOPTED on the                      day of                      2021

CITY CLERK

MAYOR

## PART 3.111 – R3-AM-4 ZONE, MID-RISE MULTIPLE DWELLING (BURDETT) DISTRICT

### 3.111.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the R-2 Zone, Two Family Dwelling District, subject to the regulations set out in Part 2.1 of the Zoning Regulation Bylaw
- b. Multiple dwelling

### 3.111.2 Lot Area

- a. Lot area (minimum) 1600m<sup>2</sup>

### 3.111.3 Community Amenities

As a condition of additional density pursuant to Part 3.111.4, the following community amenity must be provided:

- a. The lands in this Zone being subject to a registered housing agreement ensuring all dwelling units built in this Zone will be occupied pursuant to residential rental tenure.
- b. Registration of a Section 219 Covenant securing a minimum of thirteen two-bedroom and three three-bedroom dwelling units within any building constructed in this Zone.
- c. Registration of a Section 219 Covenant restricting strata titling of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.

### 3.111.4 Floor Space Ratio

- a. Floor space ratio where the amenities have not been provided pursuant to Part 3.111.3 (maximum) 0.5:1
- b. Floor space ratio where the amenities have been provided pursuant to Part 3.111.3 (maximum) 1.9:1

### 3.111.5 Height, Storeys

- a. Principal building height (maximum) 16.5m
- b. Storeys (maximum) 5

**PART 3.111 – R3-AM-4 ZONE, MID-RISE MULTIPLE DWELLING (BURDETT)  
DISTRICT****3.111.6 Setbacks, Projections**

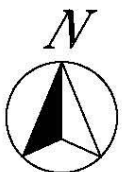
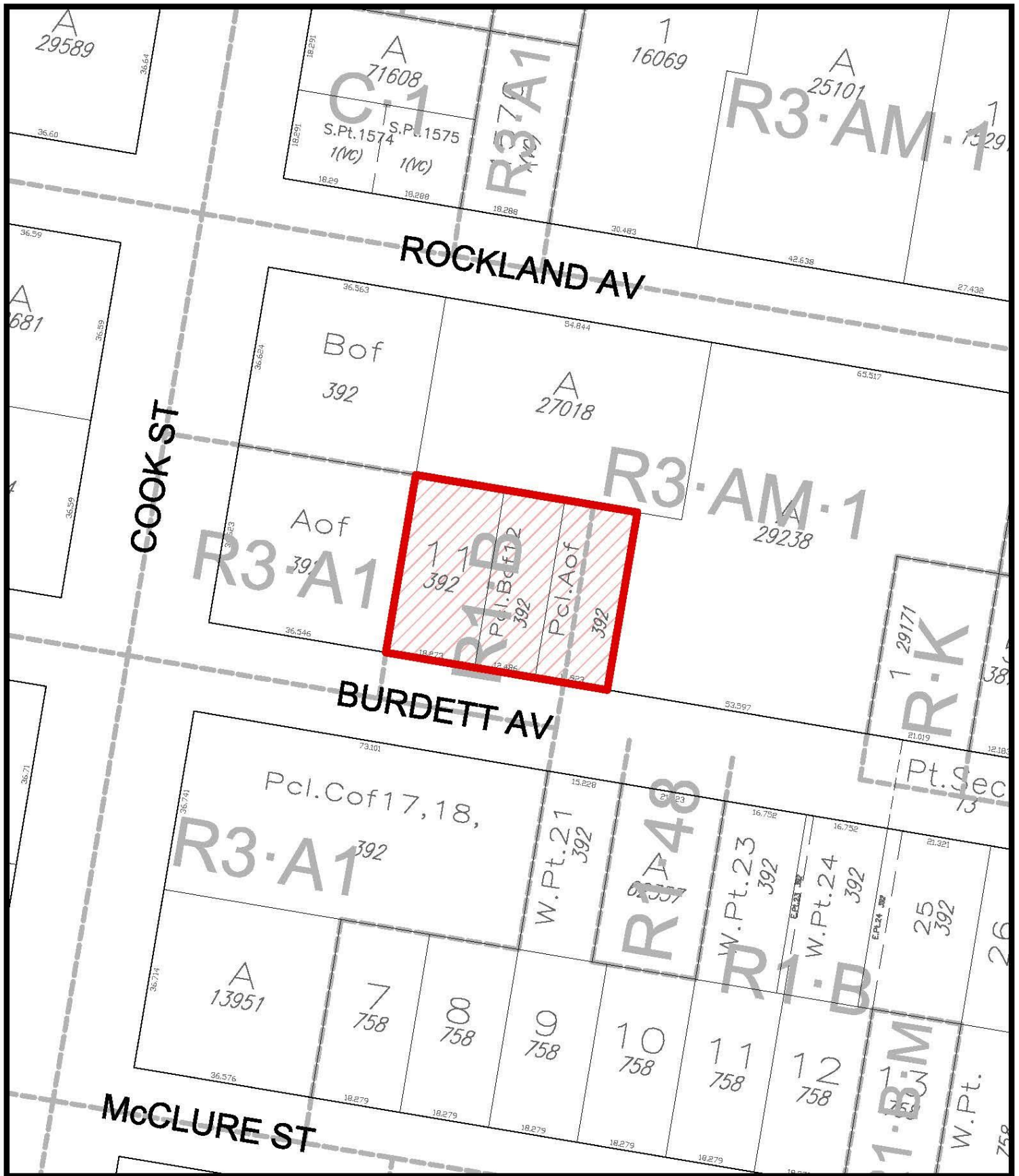
- |  |       |
|--|-------|
| a. <u>Front yard setback</u> (minimum)                               | 4.0m  |
| b. <u>Rear yard setback</u> (minimum)                                | 10.0m |
| c. <u>Side yard setback</u> from interior <u>lot lines</u> (minimum) | 6.0m  |

**3.111.7 Site Coverage, Open Site Space**

- |                                     |     |
|-------------------------------------|-----|
| a. <u>Site Coverage</u> (maximum)   | 40% |
| b. <u>Open site space</u> (minimum) | 50% |

**3.111.8 Vehicle and Bicycle Parking**

Subject to the regulations in Schedule “C”



1120, 1124, and 1128 Burdett Avenue  
Rezoning No.00734





**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:

**EMPRESA PROPERTIES LTD. Inc. No. BC12912168**

#204 – 655 Tyee Road  
Victoria, B.C. V9A 6X5

(the "**Owner**")

AND:

**CANADIAN IMPERIAL BANK OF COMMERCE**

Commercial Sales and Service Centre  
595 Bay Street, Suite 500  
Toronto, Ontario M5G 2C2

( "**CIBC** ")

AND:

**CANADIAN WESTERN BANK**

1201 Douglas Street  
Victoria, B.C. V8W 2E6

( "**CWB** ")

**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*.

{00078429;1}

- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with the civic addresses of 1120 Burdett Avenue, 1124 Burdett Avenue and 1128 Burdett Avenue, Victoria, B.C. and legally described as:

1120 Burdett Avenue:  
PID: 000-188-778  
Lot 11, Fairfield Farm Estate, Victoria City, Plan 392

1124 Burdett Avenue:  
PID: 006-975-020  
Parcel B (DD 177944I) of Lot 12, Fairfield Farm Estate, Victoria City

1128 Burdett Avenue:  
PID: 000-049-891  
Parcel A (DD 81442I) of Lots 12 and 13, Fairfield Farm Estate, Victoria City, Plan 392

(collectively, the "**Lands**").

- D. The Owner has applied to the City to rezone the Lands to permit a 5-storey 42 unit apartment building within the Development in accordance with this Agreement.
- E. 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 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:

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

"**Development**" means the new 42-unit building consisting of residential housing and related facilities on the Lands;

"**Dwelling Units**" means any or all, as the context may require, of the 42 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;

"**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;

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

{00078429:1}



"**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 8.3;

"**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;

"**Strata Corporation**" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.

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

## **2.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS**

- 2.1** The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing in perpetuity, 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.

## **3.0 NO RESTRICTIONS ON RENTALS**

- 3.1** The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

## **4.0 REPORTING**

- 4.1** The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Development, within thirty (30) days of the Director's written request, a report in writing confirming that:

- (a) all Dwelling Units are being rented to Non-owners or are vacant, and
- (b) all other requirements of this Agreement are being complied with by the Owner and the Development,

along with such other information as may be requested by the Director from time to time.

**4.2** 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.

**4.3** 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.

## **5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE**

**5.1** 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.

## **6.0 LIABILITY**

**6.1** The Owner agrees to indemnify and save 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.

**6.2** 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.

## **7.0 PRIORITY AGREEMENT**

**7.1** CIBC, as the registered holder of charges by way of a mortgage and an assignment of rents against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA4774575 and CA4774751, respectively, 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.

**7.2** CWB, as the registered holder of charges by way of a mortgage and an assignment of rents against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA8115038 and CA8115039, respectively, 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.

{00078429:1}

## 8.0 GENERAL PROVISIONS

### 8.1 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  
Fax: 250-361-0386  
Email: khoese@victoria.ca

and in the case of the Owner, addressed to:

Empresa Properties Ltd.  
#204 – 655 Tyee Road  
Victoria, BC V9A 6X5

Attention: Karl Robertson  
Fax: 250-381-1181  
Email: k Robertson@empresaproperties.com

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

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.

### 8.2 TIME. Time is of the essence of this Agreement.

### 8.3 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

{00078429:1}

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.

- 8.4 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.
- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 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
- 8.9 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.
- 8.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 8.11 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.
- 8.12 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.
- 8.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 8.14 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

{00078429:1}

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.

**8.15 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.

**8.16 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.

**8.17 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.

**8.18 EFFECTIVE DATE.** This Agreement is effective as of the date of the signature of the last party to sign.

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

City:

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

\_\_\_\_\_)  
Karen Hoese, Director of Sustainable  
Planning and Community Development )

Date signed: \_\_\_\_\_ )

Owner:

**EMPRESA PROPERTIES LTD.**

by its authorized signatory(ies):

  
 Print Name: Karl Robertson

Date signed: July 5, 2021

CIBC:

**CANADIAN IMPERIAL BANK OF COMMERCE**

by its authorized signatory(ies):

\_\_\_\_\_  
 Print Name: \_\_\_\_\_

\_\_\_\_\_  
 Print Name: \_\_\_\_\_

Date signed: \_\_\_\_\_

CWB:

**CANADIAN WESTERN BANK**

by its authorized signatory(ies):

\_\_\_\_\_  
 Print Name: \_\_\_\_\_

\_\_\_\_\_  
 Print Name: \_\_\_\_\_

Date signed: \_\_\_\_\_

{00078429:1}

Owner:

**EMPRESA PROPERTIES LTD.**

by its authorized signatory(ies):




Print Name: Karl Robertson

Date signed: July 5, 2021

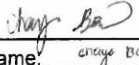
CIBC:

**CANADIAN IMPERIAL BANK OF COMMERCE**

by its authorized signatory(ies):



Print Name: Tanner Rybachinsky



Print Name: Cheryl Bain

Date signed: July 19, 2021

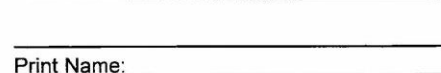
CWB:

**CANADIAN WESTERN BANK**

by its authorized signatory(ies):



Print Name: \_\_\_\_\_



Print Name: \_\_\_\_\_

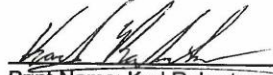
Date signed: \_\_\_\_\_

{00078429:1}

Owner:

**EMPRESA PROPERTIES LTD.**

by its authorized signatory(ies):



Print Name: Karl Robertson

Date signed: July 5, 2021

CIBC:

**CANADIAN IMPERIAL BANK OF COMMERCE**

by its authorized signatory(ies):

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date signed: \_\_\_\_\_

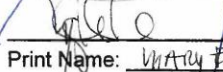
CWB:

**CANADIAN WESTERN BANK**

by its authorized signatory(ies):


Sean T. Tiernay  
Mgr Commercial Accounts

Print Name: \_\_\_\_\_


Print Name: MARY FUENFELTER AND-BDDate signed: July 16/2021

{00078429:1}





## Council Report

For the Meeting of September 23, 2021

---

**To:** Council **Date:** September 16, 2021  
**From:** C. Kingsley, City Clerk  
**Subject:** **121 Menzies Street: Development Variance Permit Application No. 00194 and Heritage Designation Application No. 000162**

---

### RECOMMENDATION

That the following bylaw be given first and second readings:

1. Heritage Designation (121 Menzies) Bylaw No. 21-038

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

1. Housing Agreement (121 Menzies Street) Bylaw (2021) No. 21-037

### BACKGROUND

Attached for Council's initial consideration are copies of the proposed Bylaws No. 21-038 and 21-037.

The issue came before Council on August 5, 2021 where the following resolution was approved:

#### **121 Menzies Street - Development Variance Permit Application No. 00194 and Heritage Designation Application No. 000162 Update Report**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following updated motion:

#### **Development Permit with Variance Application No. 00194**

"That Council authorize the issuance of Development Permit with Variance Application No. 00194 for 121 Menzies Street in accordance with:

1. Plans date stamped May 26, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. decrease the dwelling unit floor area (minimum) from 33.00m<sup>2</sup> to 14.79m<sup>2</sup>;
  - ii. locate the parking in the front yard;
  - iii. locate accessory buildings in the side yard;
  - iv. increase total site coverage from 40% to 42.30%;
  - v. increase the height of one accessory building from 3.50m to 4.41m;
  - vi. decrease the rear setback of an accessory building from 0.60m to 0.50m;
  - vii. decrease the side setback of accessory buildings from 0.60m to 0.40m;

- viii. decrease the separation space between an accessory building and a principle building from 2.40m to 1.0m;
- ix. increase the rear yard site coverage for an accessory building from 25.00% to 29.80%;
- x. increase the combined floor area for an accessory building from 37.00m2 to 41.61m2.

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

**Heritage Designation Application No. 000162**

That Council consider this updated motion with respect to Heritage Designation Application No. 000162:

“That Council give first and second reading of Heritage Designation Bylaw (Bylaw No. 21-038) be for Heritage Designation Application No. 000162 for 121 Menzies Street.”

Respectfully submitted,

Curt Kingsley  
City Clerk

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

**List of Attachments:**

- Bylaw No. 21-038
- Bylaw No. 21-037.



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

BETWEEN:

**THE CORPORATION OF THE CITY OF VICTORIA**  
#1 Centennial Square  
Victoria, BC V8W 1P6  
(the "City")

OF THE FIRST PART

AND:

**GORDON DONALD OSBORNE**  
121 Menzies Street  
Victoria, BC V8V 2G4  
(the "Owner")

OF THE SECOND PART

AND:

**ROYAL BANK OF CANADA**  
10 York Mills Road, 3<sup>rd</sup> Floor  
Toronto, ON M2P 0A2  
(the "Existing Chargeholder")

OF THE THIRD PART

**WHEREAS:**

- A. 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*.
- B. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 121 MENZIES STREET, Victoria, BC and legally described as:  
  
PID: 008-674-477  
Lot 27, Section 11, Beckley Farm, Victoria City, Plan 753  
  
(collectively, the "Lands");
- C. The Owner has applied to the City to rezone the land from the current R1-B, Single Family Dwelling District, to a site specific zone to permit 10 housing units including a Caretaker's Suite within the Development in accordance with this Agreement.
- D. The City and 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 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 the agreement (the "**Agreement**"), the parties agree each with the other as follows:

**1.0 In this Agreement:**

**"Caretaker Suite"** means a dwelling unit occupied by a person employed by the Owner to manage the lands

**"Development"** means development and use of the land for a 10-dwelling unit House Conversion;

**"Dwelling Unit"** means any of such residential dwelling units located on the lands;

**"Non-owner"** means a person other than the Owner and other than a member of the Owner's Immediate Family, who occupies a Dwelling Unit for residential purposes;

**"Owner"** includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 7.3; and

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

**1.1 In this Agreement:**

- (a) reference to any enactment includes any regulations, order or directives made under the authority of that enactment; and
- (b) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

**2.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS**

2.1 The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing including a Caretaker Suite in perpetuity, and for the 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.

**3.0 REPORTING**

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

- (a) all Dwelling Units are being rented to Non-owners;

Along with such other information as may be requested by the Director from time to time.

3.2 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.

3.3 The Owner acknowledges that it is with the City's sole discretion to consent or not to consent to modification of the Agreement and that such consent may be withheld for any reason.

#### **4.0 NOTICE TO BE REGISTERED IN THE LAND TITLE OFFICE**

4.1 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 and interest in the Lands after registration of the Notice.

#### **5.0 PRIORITY AGREEMENT**

5.1 The Existing Chargeholder, as the registered holder of a charge by way of a Mortgage and Assignment of Rents against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA3815432 and CA3815433, 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 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.

#### **6.0 LIABILITY**

6.1 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 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.

6.2 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 Lands are encumbered by and affected by this agreement.

#### **7.0 GENERAL PROVISIONS**

##### **7.1 NOTICE.**

If sent as follows, notice under this Agreement is considered to be received:

(a) Seventy-two (72) hours after the time of its mailing (by registered mail) or faxing;  
and

(b) On the date of delivery if hand-delivered,

to the City;

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

Attention: Director of Sustainable Planning and  
Community Development  
Fax: 250-361-0386

to the Owner:

Gordon Osborne  
121 Menzies Street  
Victoria, BC V8C 2G4

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

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

(c) Notice sent by the impaired service is considered to be received on the date of delivery, and

(d) 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.

## **7.2 TIME.**

Time is of essence of this Agreement.

## **7.3 BINDING EFFECT.**

This Agreement will ensure 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 and interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands with respect only to that portion of the Lands of which the Owner had an interest.

## **7.4 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.

## **7.5 HEADINGS**

The headings in this Agreement are inserted for the convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.



#### **7.6 LANGUAGE**

Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or feminine or the body corporate or politic as the context so requires.

#### **7.7 EQUITABLE REMEDIES**

The Owner acknowledges and agrees that the 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.

#### **7.8 CUMULATIVE REMEDIES**

No remedies under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

#### **7.9 ENTIRE AGREEMENT**

This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

#### **7.10 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.

#### **7.11 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.

#### **7.12 LAW APPLICABLE**

This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

#### **7.13 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, license 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) Relieves 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,

#### 7.14 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.

#### 7.15 COUNTERPARTS

This Agreement may be executed in counterparts and delivered by facsimile or 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 on and the same Agreement.

#### 7.16 EFFECTIVE DATE

This Agreement is effective as of the date of the signature of the last party to sign.

**IN WITNESS WHEREOF** the parties here to 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 signatories:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date signed:

owner(s)


Gordon D. Osborne  
Gordon Osborne

Print Name: Gordon Donald Osborne

Date signed: April 30/19

ROYAL BANK OF CANADA

by its authorized signatories:



Print Name: Karl Darius

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date signed: April 30, 2019

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to designate the exterior of the building located at 121 Menzies Street to be protected heritage property.

Under its statutory powers, including Section 611 of the *Local Government Act*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the “HERITAGE DESIGNATION (121 MENZIES STREET) BYLAW”.
2. The building located at 121 Menzies Street, legally described as PID: 008-674-477, Lot 27, Section 11, Beckley Farm, Victoria City, Plan 753, is designated to be protected heritage property.

READ A FIRST TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

READ A SECOND TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

Public Hearing Held on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

READ A THIRD TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

CITY CLERK

MAYOR

**TAX EXEMPTION (727 YATES STREET) BYLAW**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to assist in the preservation and rehabilitation of the heritage building located at 727 Yates Street known as the “Hall Block”, including the seismic upgrading of the heritage building, by exempting a portion of the land from a portion of municipal property taxes for 10 years.

**Contents**

- 1 Title
- 2 Definitions
- 3 Tax exemption
- 4 Delegation of signing authority
- 5 Coming into force

Under its statutory powers, including section 225 of the *Community Charter*, the Council of the Corporation of the City of Victoria enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the “TAX EXEMPTION (727 YATES STREET) BYLAW”.

**Definitions**

- 2 In this Bylaw,

“Heritage Building”

means the heritage building on the Land commonly known as the “Hall Block”;

“Improvements”

means all of the Heritage Building’s improvements that exist at any time during the 10-year period that section 3 is in effect;

“Land”

means the land, including its Improvements, located at civic address 727 Yates Street in Victoria, British Columbia, and legally described as:

PID: 031-179-291  
LOT 1 VICTORIA CITY PLAN EPP101059.

**Tax exemption**

- 3 (1) If the conditions of the tax exemption agreement #21-042 attached at Schedule “A” to this Bylaw are fulfilled, 9.08% of the assessed value of the Land is exempt from property taxes imposed under section 197(1)(a)

of the *Community Charter* for a period of 10 consecutive calendar years, beginning either:

- (a) in the calendar year following the year this Bylaw comes into force on or before October 31; or
- (b) in the second calendar year following the year this Bylaw comes into force after October 31.

#### **Delegation of Signing Authority**

- 4** The Director of Sustainable Planning and Community Development is authorized to execute the tax exemption agreement substantially in the form attached at Schedule "A" to this Bylaw.

#### **Coming into force**

- 5** This Bylaw comes into force on the later of the following dates:
- (a) the day the City issues an occupancy permit for the Improvements on the Land; and
  - (b) January 1, 2022.

READ A FIRST TIME the	<b>15<sup>th</sup></b>	day of	<b>July</b>	2021
READ A SECOND TIME the	<b>15<sup>th</sup></b>	day of	<b>July</b>	2021
READ A THIRD TIME the	<b>15<sup>th</sup></b>	day of	<b>July</b>	2021
ADOPTED by at least 2/3 of all members of the Council on the		day of		2021

CITY CLERK

MAYOR

Schedule "A"  
Tax Exemption Agreement #21-042

## **COUNCIL PROCEDURES BYLAW, AMENDMENT BYLAW**

### **A BYLAW OF THE CITY OF VICTORIA**

The Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

#### **Title**

1. This bylaw may be cited as the “Council Procedures Bylaw, Amendment Bylaw (2021) No. 21-074”.

#### **Amendments**

2. The Council Procedures Bylaw No. 16-011 is amended as follows:

- (1) Section 7 is repealed and replaced with the following section:

- “7
- (1) Council must establish and the City Clerk must make available to the public a schedule of the date, time and place of regular Council meetings.
  - (2) The City Clerk must give notice of the availability of the schedule referred to in subsection (1), at least once a year in accordance with section 94 and 127 of the *Community Charter*.”
  - (3) At least 48 hours before a regular Council meeting, the City Clerk must give advanced public notice of the date, time and place of that meeting by
    - (a) posting the agenda at the public notice board at City Hall,
    - (b) delivering copies of the agenda to each of the member of Council, and
    - (c) leaving copies of the agenda at a public counter at City Hall for the purpose of making the agenda available to members of the public.”

- (2) Section 9 is repealed and replaced with the following section:

- “9
- (1) For the purposes of this section, electronic participation in a meeting means participation by use of electronic, telephone, or other communication facilities that
    - (a) enable the meeting’s participants to hear and speak with each other, and
    - (b) enable the public to hear the participation of Council members during the part of the meeting that is open to the public.
  - (2) Two members of Council may participate electronically in a Council meeting if:

- (a) at least 24 hours before the meeting those members notify the City Clerk of their intention to participate electronically, and
  - (b) A majority of the members of Council are physically present at the meeting.
- (3) Notwithstanding subsection (2), the Mayor may authorize more than two Council members to participate electronically provided that:
- (a) a state of emergency has been declared and in person participation in the Council meeting would be inconsistent with the declaration; or
  - (b) in the Mayor's opinion extra-ordinary circumstances exist that make it unsafe or impractical for Council members to physically participate in a meeting.

and for clarity, subsection 2(b) does not apply to a meeting authorized by this section.

- (4) Written material at a meeting at which there is electronic participation, if that material is presented to the meeting without being included in either the agenda package or late agenda items sent to the members participating electronically must be audibly read into the record.
  - (5) A member, who is participating electronically in the voting on a matter, must vote by audibly stating that they vote in favour or oppose.
  - (6) If there is an interruption in the communications' link to a member who is participating electronically, the other Council members may
    - (a) decide on a short recess until it is determined whether or not the link can be re-established, or
    - (b) continue the meeting and treat the interruption in the same manner as if a member who is physically present leaves the room."
- (3) Section 15 is repealed and replaced with the following section:
- "15 (1) Particular business at a regular Council meeting must be listed on the agenda and taken up in the following order, unless Council resolves otherwise or there are no matters under an item for consideration at that meeting:
- (a) Approval of Agenda;
  - (b) Reading of Minutes;
  - (c) Requests to address Council (maximum 6 requests);
  - (d) Proclamations;



- (e) Public and statutory hearings (including third reading or adoption of bylaws and approval of permits where applicable after each hearing);
  - (f) Requests to address Council;
  - (g) Unfinished Business;
  - (h) Reports of Committee;
  - (i) Notice of Motions;
  - (j) Bylaws;
  - (k) Correspondence;
  - (l) New Business;
    - (i) Late items;
  - (m) Question Period;
  - (n) Closed meeting, if required;
  - (o) Adjournment.
- (2) Council may proceed with a particular item of business at a regular Council meeting in the absence of the Council member in whose name the item is listed on the agenda only if that member has given written permission for another Council member to proceed with that business.
  - (3) Prior to each Council meeting the City Clerk must prepare an agenda setting out all items for consideration at that meeting, noting in short form a summary for each item on the agenda.
  - (4) The deadline for submissions by the public to the City Clerk of items for inclusion on a Council meeting agenda is 11:00AM on the day before the meeting.
  - (5) Council must not consider any matters not listed on the agenda unless introduction of the late item is approved by Council at the time allocated on the agenda for such matters.
  - (6) If the Council makes a resolution under subsection (5), information pertaining to the late items must be distributed to the members."
- (4) Subsection 28(1) is repealed and replaced with the following subsection:
    - "(1) Only by an affirmative vote of 2/3 of the Council members present may a daytime Council meeting continue after 4:30PM, or an evening Council meeting continue after 11:00PM."

- (5) Section 40 is repealed and replaced with the following section:

**“Adjournment of Committee of the Whole meetings**

- 40 (1) Regular Committee of the Whole meetings must adjourn at 2:00PM unless a motion for continuation is approved by 2/3 of the members present.
- (2) A motion for continuation under subsection (1) must establish a specific time for the adjournment of the Committee of the Whole meeting.”

- (7) Subsection 42(2)(b) is repealed and replaced with the following subsection:

“(b) section 7 [*Schedule and public notice of meetings*];”

READ A FIRST TIME the	<b>5<sup>th</sup></b>	day of	<b>August</b>	2021
READ A SECOND TIME the	<b>5<sup>th</sup></b>	day of	<b>August</b>	2021
READ A THIRD TIME the	<b>5<sup>th</sup></b>	day of	<b>August</b>	2021
RESCIND THIRD READING the	<b>2<sup>nd</sup></b>	day of	<b>September</b>	2021
AMENDED the	<b>2<sup>nd</sup></b>	day of	<b>September</b>	2021
READ A THIRD TIME AS AMENDED	<b>2<sup>nd</sup></b>	day of	<b>September</b>	2021
ADOPTED on the		day of		2021

CITY CLERK

MAYOR



## **Council Report**

**For the Meeting of September 23, 2021**

---

**To:** Council **Date:** September 20, 2021  
**From:** Thomas Soulliere, Director of Parks, Recreation and Facilities  
**Subject:** Animal Responsibility Bylaw, Amendment Bylaw (No. 3) Amendment Bylaw No. 21-092

---

### **RECOMMENDATION**

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

- Animal Responsibility Bylaw, Amendment Bylaw (No. 3) No. 21-092

### **BACKGROUND**

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 21-092.

The issue came before Council on September 16, 2021 where the following resolution was approved:

That Council instruct the Director of Parks, Recreation and Facilities to bring forward bylaw amendments necessary to remove Gonzales Beach from the designated off-leash areas within the Animal Responsibility Bylaw to align with federal regulations within the Victoria Harbour Migratory Bird Sanctuary ("VHMB").

Bylaw No. 21-092 will come into force upon adoption.

The Canadian Wildlife Service will be stepping up education and enforcement efforts over the coming months. Staff will work with Canadian Wildlife Service on updated signage, education and outreach to provide clarity for the public on the location of dogs off-leash areas and the impact that off-leash dogs can have on migratory bird habitat and species at risk.

Respectfully submitted,

Thomas Soulliere  
Director

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

### **List of Attachments**

- Bylaw No. 21-092



READ A THIRD TIME the                      day of                      2021

ADOPTED on the                      day of                      2021

CITY CLERK

MAYOR



## Council Report

### For the Meeting of September 23, 2021

---

**To:** Council **Date:** September 16, 2021  
**From:** Shannon Perkins, Manager, Bylaw Services  
**Subject:** Revocation of a business licence – John Mueller dba I-Tow Group

---

### RECOMMENDATION

That Council revoke the business licence number #8014 issues to John Mueller dba I-Tow Group.

### EXECUTIVE SUMMARY

The City regulates businesses operating in Victoria through the issuance of business licences pursuant to its *Business Licence Bylaw* and specific regulations of certain specific businesses. John Mueller dba I-Tow Group is licenced to operate a tow truck business.

The City has received numerous complaints about the operations of I-Tow Group. Upon investigation it was determined that Mr. Mueller has been operating in contravention of the City's *Towing and Immobilizing Companies Bylaw*. A prosecution for the bylaw contraventions resulted in a guilty plea and an order directing Mr. Mueller to take steps to bring his operations into compliance with the bylaw. Further inspections have revealed that Mr. Mueller has failed to comply with the court order and continues to operate in a manner inconsistent with the City's bylaws.

Mr. Mueller's actions expose the public to the risk of excessive towing charges and abusive business practices. Therefore, on July 29, 2021, the Manager of Bylaw Services, in her role as the Licence Inspector, suspended the business licence pursuant to section 15(2) of the *Business Licence Bylaw* and is recommending that Council revoke the business licence pursuant to section 15(1) of the *Business Licence Bylaw*.

Mr. Mueller has a right to appear, either in person or by an agent, before Council to make representations or evidence. Council must consider submissions made on behalf of the licence holder before making its decision.

Revocation of a business licence requires a vote of at least two thirds of all Council members.

## PURPOSE

The purpose of this report is to present evidence and information in support of a recommendation to revoke a business licence #8014 issued to John Mueller dba I-Tow Group.

## BACKGROUND

The City regulates businesses operating in Victoria and, under the *Business Licence Bylaw* (Appendix A), every person carrying on a business, trade, or profession, is required to have a business licence. In addition, certain businesses are regulated through specific business regulation bylaws, including the *Towing and Immobilizing Companies Bylaw* (Appendix B).

One of the purposes of business regulation is protection of the public, minimizing nuisances and misleading business practices. In the context of the *Towing and Immobilizing Companies Bylaw*, Council has enacted specific regulations to prevent potential abuses and misleading business practices by imposing restrictions on towing (section 5) and charging of fees (section 8 and Schedule A). To ensure transparency and accountability, the bylaw also requires towing vehicles to be identifiable through display of business name and telephone number (section 16).

Failure to comply with City bylaws may result in prosecution and may also lead to a suspension or revocation of a business licence. A person may not lawfully operate a business in Victoria without a valid municipal business licence.

Specifically, section 15 of the *Business Licence Bylaw* authorizes revocation of a business licence if the operator is liable for contravention of a City bylaw related to the operation of the business in the last two years.

## ISSUES & ANALYSIS

### Public Complaints

On September 27, 2019 City of Victoria, Bylaw Services received a complaint from a member of the public about I-Tow. The complainant advised their vehicle was towed from a private lot on Cook Street. The complainant did not take exception to the tow, he realized he parked in contravention of the sign, however, it was the fact that they were denied the ability to retrieve their car that same day and was charged fees in excess of what was allowed under the schedule in the Towing and Immobilizing Bylaw, specifically a fuel surcharge of \$21.42.

*As a result of this complaint, the following charges were brought against Mr. Mueller:*

#### Count 1

On or about September 20, 2019, JOHN MUELLER dba 1-TOW GROUP, charged fees other than or greater than the prescribed fee for towing of a motor vehicle that was improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and immobilizing Companies Bylaw No. 11-033.

#### Count 2

On or about September 20, 2019, JOHN MUELLER dba I-TOW GROUP, failed to ensure an employer or agent of the towing company was available 24 hours per day to release a vehicle, contrary to Section 12(1)(a) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

### Count 3

On or about September 20, 2019, JOHN MUELLER dba I-TOW GROUP, failed to immediately release a vehicle upon payment of the applicable towing and storage fees, contrary to Section 12(1)(d) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

On the November 20, 2019, City of Victoria Bylaw Services received another complaint against I-Tow. The complainant advised they parked their vehicle in a parking lot located on Store Street and when they came back, their vehicle was missing. They had no idea where it went and could not find no posted signs indicating what Towing company to call. They saw a unmarked red tow truck towing another vehicle away and stopped the driver to ask where their vehicle was. When they retrieved their vehicle from I-Tow impound lot, they were charged a fuel surcharge of \$21.42.

*As a result of this complaint, the following charges were brought against Mr. Mueller:*

### Count 4

On or about November 15, 2019, JOHN MUELLER dba I-TOW GROUP, failed to have a business name and telephone number painted or otherwise permanently affixed to the sides of a vehicle used to carry on the business of towing or immobilizing improperly or unlawfully parked vehicle contrary to Section 16 of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

### Count 5

On or about November 15, 2019, JOHN MUELLER dba I-TOW GROUP, charged fees other than or greater than the prescribed fee for towing of a motor vehicle that was improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

On November 23<sup>rd</sup>, 2019 City of Victoria Bylaw Services received another complaint against I-Tow by a member of the public about his vehicle being towed from the same parking lot on Store Street. The complainant said the lot was not properly signed by the tow company and there was a fuel surcharge on the invoice.

*As a result of this complaint, the following charges were brought against Mr. Mueller:*

### Count 6

On or about November 23, 2019, JOHN MUELLER dba I-TOW GROUP, charged fees other than or greater than the prescribed fee for towing of a motor vehicle that was improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

### Count 7

On or about November 23, 2019, JOHN MUELLER dba I-TOW GROUP, failed to prominently display a schedule of the fees which may be charged at each place of business and each lot where vehicles towed for being improperly or unlawfully parked are stored, contrary to Section 8(6) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.



## **Bylaw Investigation / Towing and Immobilization Companies Bylaw Compliance**

On December 18, 2019, as a result of mounting complaints about the towing practices of I-Tow, police and bylaw conducted joint surveillance on the Store Street parking lot. A number of violations were observed and as a result, the following additional charges in a *Sworn Information* (Appendix C) were brought against Mr. Mueller as follows:

### Count 8

On or about December 18, 2019, JOHN MUELLER dba 1-TOVV GROUP, failed to issue a proper written receipt including time and location of when and where a vehicle was connected to a towing vehicle, contrary to Sections 13(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

### Count 9

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP failed to have a business name and telephone number painted or otherwise permanently affixed to the sides of a vehicle used to carry on the business of towing or immobilizing improperly or unlawfully parked vehicles, contrary to Section 16 of the City of Victoria Towing and immobilizing Companies Bylaw No. 11- 033.

### Count 10

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to maintain a sign at a storage lot owned or operated by the towing company that clearly and legibly states that there is no charge for the first hour of storage of a vehicle that was towed for being improperly or unlawfully parked, contrary to Section 10(2) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

### Count 11

On or about December 18, 2019, JOHN MUELLER dba I-TOVV GROUP, charged fees other than or greater than the prescribed fee for towing of a motor vehicle that was improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

### Count 12

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, charged fees other than or greater than the prescribed fee for towing of a motor vehicle that was improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

### Count 13

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to have a business name and telephone number painted or otherwise permanently affixed to the sides of a vehicle used to carry on the business of towing or immobilizing improperly or unlawfully parked vehicles, contrary to Section 16 of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11- 033.

### Count 14

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to prominently display a schedule of the fees which may be charged at each place of business and each lot where vehicles towed for being improperly or unlawfully parked are stored, contrary to Section 8(6) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

#### Count 15

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to issue a proper written receipt which includes the time and location of when and where a vehicle was connected to a towing vehicle, contrary to Section 13(1)(b) and (c) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

#### Count 16

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to have a business name and telephone number painted or otherwise permanently affixed to the sides of a vehicle used to carry on the business of towing or immobilizing improperly or unlawfully parked vehicles, contrary to Section 16 of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

#### Count 17

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, charged fees other than or greater than the prescribed fee for towing of a motor vehicle that was improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

#### Count 18

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to prominently display a schedule of the fees which may be charged at each place of business and each lot where vehicles towed for being improperly or unlawfully parked are stored, contrary to Section 8(6) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

#### Count 19

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to issue proper receipt including time and location of when and where a vehicle was connected to a towing vehicle, contrary to Section 13(1)(b) and (c) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

#### Count 20

On or about December 19, 2019, JOHN MUELLER dba I-TOW GROUP, charged fees other than or greater than the prescribed fee for towing of a motor vehicle that was improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

The documentation in support of these charges can be found in the *Disclosure Package #1* (Appendix D).

### **Court Appearance**

On April 9, 2021, Mr. Mueller made a court appearance to answer to the charges. Mr. Mueller plead guilty to counts 4, 6, 8, 10 and 15 (*Record of Conviction Appendix E*).

Mr. Mueller and the City then entered into a *Consent Order* (Appendix F) intended to address issue of compliance with City regulations moving forward.

## Provincial Court Order

To summarize, the Provincial Court Order required Mr. Mueller to do the following:

1. Within 6 months, pay fines in the amount of \$1250 to the City of Victoria
2. Within 30 days properly mark the name and telephone number of his business on each of his tow vehicles
3. Within 30 days, prominently display a schedule of fees at each place of business and each lot where towing occurs
4. Within 30 days, prominently display at the storage lot a sign stating no charge for the first hour
5. Within 30 days provide proof to the City of Victoria that the terms of the order were complied with
6. For one year, maintain compliance with the Towing and Immobilizing Companies bylaw

To date, Mr. Mueller has not fully complied with the court order as discussed below.

## Bylaw Investigation / Court Order Non-Compliance

### Affidavit

Conditions of the Court Order required Mr. Mueller to provide evidence of compliance by way of an affidavit. On May 7, 2021 an *Affidavit* (Appendix G) was received from Mr. Mueller and was found to be unsatisfactory as it did not establish compliance with the requirements to mark the tow trucks and erect proper signage at each of the tow lots he serviced and at all places of business as required.

### Investigation

Bylaw Services initiated an investigation to verify compliance with the Court Order. Evidentiary documents can be found in the *Disclosure Package #2* (Appendix H.1 to H.15) for details of this investigation.

On July 2, 2021 Bylaw Officers attended to 675 Wilson Street, the address registered with the City of Victoria, but there was no indication a tow company was being operated from this address.

And online search of I-Tow lead to 1924 Store Street. There were I-Tow business signs but no other indication an active business was occurring. A schedule of fees was displayed but not prominently or clearly and the fees were not in compliance with Schedule A of the *Towing and Immobilizing Companies Bylaw*

On July 14 2021 a Bylaw Officer observed a tow truck owned by John Mueller operating in the McDonalds parking lot at 980 Pandora Avenue. The markings on the tow truck were not in compliance with the *Towing and Immobilizing Companies Bylaw* or the Court Order The name on the truck was VSS however John Mueller does business as I-Tow, his business licence is in that name as well as issued receipts and most business signs.

On July 14, 2021 a *Notice of Inspection* (Appendix I) for July 19, 2021 was emailed to Mr. Mueller.

On July 15<sup>th</sup>, 2021 Bylaw Officers spoke to Mr. Mueller by telephone and were advised his new place of business was now 760 Queens Avenue. Officers attended to the Queens address with

the purpose of serving a notice of inspection, however no one was on site to serve. Mr. Mueller was advised of the inspection date on a subsequent phone call.

It was verified by Bylaw Officers that 760 Queens is zoned "C1-N-Q" and towing does not qualify as a permitted use under the *Zoning Regulation Bylaw* (Appendix J) and the use of the property as such is an offence under s. 16(1).

### Inspection

On July 19 officers returned to 760 Queens for the purpose of conducting a business licence inspection, however, there were no tow trucks or staff on site. Mr. Mueller was contacted by phone and indicated he would not be attending for the purpose of the inspection, referred the officers to his lawyer and claimed harassment. Photos were taken from the outside of the property only.

Signage was present but was not compliant with the court order or *Towing and Immobilizing Companies Bylaw* in the following ways:

1. The fees sign was partially blocked and not clearly visible and not prominently displayed.
2. The fees were inconsistent with Schedule A of the bylaw
3. Inspection of the tow fleet did not occur as they were not present

### **Police Investigation**

On July 23, 2021 the Victoria Police responded to a complaint to McDonalds at 980 Pandora Street for a dispute between an I-Tow driver and another person. The dispute was in relation to whether a drop fee should be paid in relation to a tow.

Police noted a tow truck with the letters VSS and a phone number 250-383-1155 – there were no markings indicating that the tow truck was being operated by I-Tow. The signs in the lot indicated I-Tow patrolled the lot and displayed a different number 250-383-4869. There were 5 I-Tow signs on the lot, 3 with the 1924 Store Street address, 1 with a 515 Pembroke address and another with 675 Wilson Street. None of the addresses were the current correct address of 760 Queens Avenue. None of the signs contained the towing and storage fees. The business activity at this location with this vehicle were in contravention of the provincial court order and the towing and immobilization bylaw.

### **Notice of Suspension**

Based on the growing number of new violations of the provincial court order and the *Towing and Immobilizing Companies Bylaw*, pursuant to section 15 (2)(c) and (d) of the *Business Licence Bylaw* Mr. Mueller's business licence was suspended pending an application to council to revoke the business licence under section 15(1). (*Notice of Suspension* Appendix K)

### **New Charges**

14 new charges were sworn against Mr. Mueller (*Sworn Information #2* Appendix L) and a trial date has been set for September 27, 2021.

As a result of continued and persistent non-compliance with the *Towing and Immobilizing Companies Bylaw* and the Provincial Court Order, the Licence Inspector believes that there continues to be a significant risk that Mr. Mueller, dba I-Tow Group, will engage in misleading business practices to the detriment of members of the public. Therefore, the Licence Inspector has suspended his business licence and is recommending to Council that it revoke business licence #8014.

Before making its decision, Council must give Mr. Mueller an opportunity to be heard and must consider any information or evidence that he may present in response to this report. A vote of at least two thirds of all Council members (i.e., at least six affirmative votes) is required to revoke a business licence.

## OPTIONS & IMPACTS

### Option 1 – Revoke the Business Licence (recommended)

Revocation of a business licence is a serious step as it effectively prohibits a person or a company from operating in Victoria. It may result in significant financial losses and, potentially, in inability to fulfil existing contracts or obligations. Therefore, it is not something to be done lightly.

In the present case, Mr. Mueller dba I-Tow Group has demonstrated a disregard for City bylaws and has overcharged owners of vehicles towed. Despite a prosecution for bylaw contraventions and entering into a consent order, he has continued to operate in contravention of City bylaws. This behaviour suggests that there is a significant risk that he will again engage in misleading and inappropriate business practices that place members of the public at risk.

Revocation of the business licence is authorized by the *Business Licence Bylaw* because Mr Mueller was liable, within the last two years, of contravention of a City bylaw regulating the conduct of his business, namely the *Towing and Immobilizing Companies Bylaw*.

### Option 2 – Do Not Revoke the Business Licence

Council may chose not to revoke the business licence and give Mr. Mueller dba I-Tow Group another chance to bring his business operations into compliance with the City's business regulations.

This is a valid option if Council is of the opinion that either the contraventions of the bylaw were not sufficiently serious to justify revocation of the licence or that the risk to the public is not significant.

A decision not to revoke a business licence at this time does not preclude a possibility of future prosecution or other action (including a new recommendation for business licence revocation) if the business continues to operate in contravention of the bylaws.

## CONCLUSIONS

In conclusion, Mr. Mueller dba I-Tow has committed multiple violations of the *Towing and Immobilizing Companies Bylaw* which contain rules set in place by Council for the protection of the public against unscrupulous business practices. Despite best efforts of the Bylaw Office to motivate Mr. Mueller to come into compliance with the laws, he seems determine to do the

opposite. For these reasons, it is recommended that Council immediately revoke Mr. Mueller's business licence #8014.

Respectfully submitted,

Shannon Perkins  
Bylaw Manager

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

### **List of Attachments**

Appendix A	Business Licence Bylaw
Appendix B	Towing and Immobilizing Companies Bylaw
Appendix C	Sworn Information #1
Appendix D	Disclosure Package #1
Appendix E	Record of Conviction
Appendix F	Court Order
Appendix G	Mueller Affidavit
Appendix H	Disclosure Package #2
H.1	Tempest File_I-Tow
H.2	Photograph_980 Pandora_I-Tow Signage_Goldsmith_20210910
H.3	Photographs_760 Queens Ave_Compound_LUNDIN_20210716
H.4	Statement_Goldsmith_John Mueller_I-Tow_210907 x2 CFS 179133
H.5	Email_to I-Tow-Business license and 2 attachments_Goldsmith_20210907
H.6	Photographs_1924 Store Street_I-TOW_Goldsmith_210702
H.7	Photographs_980 Pandora Ave_I-Tow Truck_Lockhart_20210714
H.8	Photographs_760 Queens Ave_Inspections Photos_Lundin_20210719
H.9	Photographs_515 Chatham St_I-Tow Signage_Goldsmith_210704
H.10	Photographs_515 Chatham Street_Goldsmith_210718
H.11	Photographs_675 Wilson Street_Goldsmith_210702
H.13	Statement_Goldsmith & Lundin_John Mueller_I-Tow_210719_CFS 179133
H.14	Statement_Goldsmith_John Mueller_I-Tow_210720 & 210729 Notice of Inspection
H.15	Notice of Inspection I-Tow Towing Group 1924 Store Street_ including 2 email
H.16	PoliceFile_980 Pandora_July23
Appendix I	Notice of Inspection
Appendix J	Zoning Regulation Bylaw
Appendix K	Notice of Suspension
Appendix L	Sworn Information #2



## **BUSINESS LICENCE BYLAW**

### **BYLAW NO. 89-071**

This consolidation is a copy of a bylaw  
consolidated under the authority of  
section 139 of the *Community Charter*.  
(Consolidated on July 1, 2015 up to  
Bylaw No. 14-101)

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

NO. 89-071

**BUSINESS LICENCE BYLAW****A BYLAW OF THE CITY OF VICTORIA**

(Consolidated to include Bylaws No. 89-185, 90-004, 90-093, 90-222, 92-014, 92-095, 93-014, 93-086, 93-122, 93-135, 94-026, 95-029, 95-077, 95-097, 95-113, 96-003, 98-006, 98-044, 99-042, 01-070, 01-092, 01-152, 02-111, 03-109, 04-117, 08-097, 10-074, 10-084, 13-011 and 14-101)

to consolidate the provisions for the licensing and regulation of businesses and to provide for voluntary penalties and the issuing of tickets.

PURSUANT to the powers vested in it by the Victoria City Act, 1919 as amended, by the Municipal Act R.S.B.C. 1979, c.290, and other powers thereunto enabling, the Municipal Council of The Corporation of the City of Victoria enacts as follows:

- 1 This Bylaw may be cited as the “BUSINESS LICENCE BYLAW.”
- 2
  - (1) This bylaw is subject to the provisions of the Interpretation Bylaw, 1974.
  - (2) In this bylaw,
 

“automatic teller machine” means a device that

    - (a) is linked to a financial institution’s account records, and that is able to carry out transactions that include account transfers, deposits, cash withdrawals, balance inquiries, payments of amounts owed, or other financial transactions, and
    - (b) is not located in the same building as offices of the financial institution that owns the device;

“financial institution” means a bank, credit union, or trust company.
- 3 No provision of this bylaw shall depend for its validity on any other provision of this or of any other bylaw, it being Council’s intention that, notwithstanding that one or more of the provisions of this or of any other bylaw may be invalid, as many as possible of the provisions of this bylaw shall remain in force and effect, as though such invalid provision or provisions were never enacted.
- 4 No person shall carry on any of the trades, businesses, professions, occupations, callings, employments or purposes set out in the Schedule of Fees attached to and forming part of this bylaw, unless:
  - (a) he holds a valid and subsisting licence for that purpose, issued under the provisions of this bylaw or of another bylaw of the City enacted for that purpose;



- (b) he had paid in advance to the City the licence fee prescribed in this bylaw, and if no licence fee is prescribed in this bylaw then such licence fee as may be prescribed in another bylaw having application;
  - (c) he displays such licence in a conspicuous place on the premises, if any, to which the licence applies.
- 6 Except as otherwise provided by bylaw, each licence shall be in writing, shall be issued by the Licence Inspector, and shall identify the licensee and the nature of the business authorized.
- 7 An application for a licence shall be made in writing on a form prescribed by the Licence Inspector.
- 8
  - (1) Before issuing any licence, the License Inspector may require evidence to his reasonable satisfaction that the applicant has complied with any and all applicable bylaws, regulations and statutes, and may require the applicant to give full particulars of all convictions of any offences recorded against the applicant anywhere in Canada during the two years immediately preceding the date of application.
  - (2) The License Inspector may also obtain a report from any police force on the applicant's criminal record, and no liability for defamation shall attach to the City or any of its employees or to any member of any police force for communicating such information in good faith, whether or not the information is accurate.
  - (3) The Licence Inspector may issue or renew a business licence for a business that holds a Liquor Primary or Liquor Primary Club Licence issued under the Liquor Control and Licensing Regulation, B.C. Regulation No. 244/2002, only if the applicant for the business licence
    - (a) enters with the City into a Good Neighbour Agreement, in the form attached as Schedule B to this bylaw, that includes the conditions set out in paragraph (b); and thereby
    - (b) agrees that the applicant will:
      - (i) ensure that noise emissions from the business do not disturb the neighbourhood and comply with the City's bylaws dealing with the regulation of noise,
      - (ii) ensure that the business does not play amplified music, between 11:00 p.m. and the business' closing time, outside of the building where the business is located,
      - (iii) post a sign at the entrance of the place of business advising of the dress code, if any, the admission fee and the identification requirements in connection with permitted entry to the business,
      - (iv) require on-duty employees to wear distinctive identification badges displaying an identification number,

- (v) maintain a list that fully identifies all employees by name and identification number,
  - (vi) employ security personnel to patrol the outdoor areas of the place of business, to monitor the activity of patrons in those areas, particularly at closing time, and to ensure orderly dispersal of patrons as they leave the place of business,
  - (vii) employ reasonable screening measures to ensure that patrons entering the business premises are at least 19 years of age and that no weapons or illegal drugs are brought onto the business premises,
  - (viii) not permit patrons to carry or consume alcoholic beverages in areas that are not licensed for that purpose, including the outdoor areas of the place of business,
  - (ix) when requested, allow those patrons who have consumed liquor at that place of business the use of one of the business' telephones, free of charge, for the purpose of telephoning a taxi or other transportation,
  - (x) each night after the business closes, inspect its outdoor areas and ensure that they are free of litter, garbage and broken glass,
  - (xi) ensure that at all times the queue of patrons waiting for entry into the place of business does not impede or obstruct pedestrian traffic along a sidewalk or interfere with access or egress to another place of business,
  - (xii) immediately remove all graffiti that is placed from time to time on the exterior of the building in which the business is located.
- (4) The requirements set out in subsection (3)(b) are conditions that the applicant must comply with throughout the term of its business licence and any renewal term.
- 9 Until the contrary is proved a person shall be deemed to carry on a trade, business, profession, occupation, calling, employment or purpose without a valid and subsisting licence if he performs a single transaction which is normally performed only by persons engaged in the trade, business, profession, occupation, calling, employment or purpose.
- 10 (1) Except as otherwise expressly provided in this bylaw every licence shall be valid for a term of one year, commencing on the 16<sup>th</sup> day of January and terminating on the 15<sup>th</sup> day of January next, provided that if a licence is issued after the 16<sup>th</sup> day of January in any year it shall be valid only until the 15<sup>th</sup> day of January next, but the full licence fee shall nevertheless be payable.
- (2) A person who holds a licence under this bylaw must renew the licence and pay the annual licence fee on or before January 15 for as long as that person continues to operate the business.

- (3) If a licence is renewed after February 15, the licence holder must pay to the City a late fee of \$25 in addition to the applicable annual licence fee.
  - (4) Subsection (3) does not apply to licence holders described under paragraphs 10(a) and (d), 11, 12 and 14 in the Schedule of Licence Fees.
- 11
- (1) No licence shall be transferable from one person to another, and no refund shall be payable in respect of a licence on the grounds that the holder of such licence has ceased to carry on business before its expiry.
  - (2) Notwithstanding subsection (1) a licence under paragraph 18 in the Schedule of Licence Fees shall, if in good standing, be transferred from one person to another, upon written application of the transferor and the transferee.
- 12
- Any person holding a licence shall be entitled, on written application duly made to and approved by the Licence Inspector, to change his place of business, subject to compliance with any bylaws of the City relating to the location, nature, condition, or approval of the premises to be used or occupied for it, or to any other bylaws relating to the application for or subject matter of the licence, but no person shall be entitled to carry on business at two or more locations at the same time under one licence.
- 13
- Any License Inspector, any person designated by the Director of Finance and any Police Officer may at any reasonable time enter upon any premises for the purpose of ascertaining whether the provisions of this bylaw are being complied with, and provided that the Inspector, Police Officer or other designated person produces proper identification when asked, no person shall hinder, delay or obstruct him.
- 14
- Notwithstanding anything contained in this bylaw the Council may, by unanimous vote of all the members present, refuse in any particular case to grant the request of the applicant for a licence under the provisions of this bylaw.
- 15
- (1) In addition to any power of refusal or revocation of licences vested in it by the preceding section or by any other law, the Council may by the votes of at least two thirds of all its members refuse to issue a licence or may revoke a licence already issued on the grounds that:
    - (a) not more than two years before such refusal or revocation, the applicant for or holder of the licence as the case may be;
      - (i) was convicted anywhere in Canada of an offence involving dishonesty;
      - (ii) was convicted, found guilty of or liable for any contravention or offence relating to the conduct of a business similar to that which the licence relates;

- (iii) was convicted, found guilty of, or liable for any contravention or offence, in Victoria, against this bylaw or against any bylaw authorizing the issuance of a business licence or regulating the conduct of a business; or
  - (b) the applicant for or holder of the licence in his application for a licence, was guilty of misrepresentation, nondisclosure or concealment of any material fact, relating to the subject matter of the licence or required to be stated in, the application.
  - (c) In this section “applicant” or “holder” includes the director of a corporation and partner of a firm.
- (2) A Licence Inspector may suspend a licence for a reasonable length of time if the holder of that licence
  - (a) is convicted of an offence indictable in Canada;
  - (b) is convicted of an offence under any municipal bylaw or statute of British Columbia in relation to the licensed business or the land or building named in the licence;
  - (c) has, in the opinion of the Licence Inspector, been guilty of gross misconduct that
    - (i) is related to the licensed business or the land or building named in the licence; and
    - (ii) warrants the suspension of the licence;
  - (d) no longer meets the lawful requirements for carrying on the licensed business or for the land or building named in the licence; or
  - (e) has, in the opinion of the Licence Inspector,
    - (i) conducted the licensed business or performed a service in a particular manner; or
    - (ii) sold, offered for sale, displayed for sale or distributed to a person actually or apparently under the age of 16 years anything;
 

that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of 16 years.
- (3) Sections 513(2) to (4) of the Municipal Act (B.C.) apply to an appeal from a decision to suspend a licence under subsection (2).

- 16 Before any of the powers under the preceding two sections are exercised by the Council, written notice shall be given to the applicant for or holder of the licence, as the case may be, stating briefly any allegation or factor which the Council will consider, and inviting the applicant or holder to appear in person or by agent before the Council at the time and place stipulated in the notice, to make representations with or without the production of evidence in support thereof.
- 17 The proceedings conducted pursuant to the preceding section shall be open to the public unless at the request of the applicant for or holder of the licence the Council resolves to exclude the public, but the Council may deliberate in private before making its decision.
- 18 If the applicant for or holder of the licence does not appear in person or by agent at the time appointed pursuant to Section 16 the Council may proceed in his absence.
- 19 No refund shall be made in respect of any part of the fee paid for a licence that has been revoked.
- 20 Where the Council has refused a licence pursuant to Section 14 or 15 no fresh application for the same licence shall be entertained within three months after such refusal except with the unanimous consent of the members of Council present.
- 21 The provisions of this bylaw apply, to the extent that they are consistent, to any other bylaw enacted by virtue of the powers conferred on the City by the provisions of Section 18 of the Victoria City Act, 1919, as amended.
- 22 The amount of the licence fee payable to the City for a licence shall be as stipulated in the Schedule of Licence Fees, unless a licence fee is payable pursuant to the provisions of another bylaw.
- 23 [Repealed]
- 24
  - (1) Before issuing a business licence pursuant to paragraph 21 of the Schedule of Licence Fees, where an applicant is applying for such licence for the first time, the Licence Inspector, as a condition of issuing the licence, may require the applicant to furnish a letter of credit or bond in the amount of \$500.00, the return of which shall be conditional upon the applicant carrying on the business continuously for at least six months from the date of issuance of the business licence.
  - (2) Where any person has been required to furnish a letter of credit or bond pursuant to this section, such security shall be returned to that person when the person has carried on business continuously within the City for six months from the date of issuance of the business licence.
- 25
  - (1) No person shall carry on any trade, business, profession, occupation, calling, employment or purpose mentioned in this bylaw on any street, sidewalk, public place or public square unless such person is expressly permitted to do so by any other bylaw of the City.

- (2) For the purposes of this section, "the carrying on of any trade, business, profession, occupation, calling, employment or purpose" includes any advertising by means of handbills, pamphlets, circulars, leaflets or other printed, typed or written materials.
- 26 (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.
- 27 [Repealed]
- 28 Upon the request of a Bylaw officer or a Police Officer, any person who is carrying on business on any street, sidewalk, public place or square shall identify himself or herself and provide his or her permanent address.
- 29 [Repealed]
- 30 [Repealed]
- 31 Bylaw No. 80-195, the "Business Licence Bylaw" and all amendments are repealed.
- 32 A business licensed under the *Liquor Control and Licensing Act* must not sell, or offer for sale, alcoholic beverages at a retail price of less than \$3.00 per Standard Serving, inclusive of taxes.
- 33 For the purpose of section 32, the minimum price of an alcoholic beverage containing a fraction of one Standard Serving is to be calculated pro rata.
- 34 For the purpose of section 32, a Standard Serving is:
- (a) 1 fluid ounce of spirits having an alcoholic content of 17% or more, served on its own or in a mixed beverage;
  - (b) 5 fluid ounces of wine having an alcoholic content of 1.5% or more;
  - (c) 12 fluid ounces of beer, cider, or a cooler, having an alcoholic content of 1.5% or more.

Passed and received third reading by the Municipal Council the **8<sup>th</sup>** day of **June** 1989.

Reconsidered and adopted by the Municipal Council the **22<sup>nd</sup>** day of **June** 1989.

**"M. JOHNSTON"**  
CITY CLERK

**"E. SIMMONS"**  
ACTING MAYOR

**SCHEDULE OF LICENCE FEES**

<u>Classification of Business</u>		License Fee (per annum, unless otherwise stated) \$
1.	A person carrying on the business of selling newspapers by hawking	25.00
2.	A hawker, selling original paintings, drawings, sketches or etchings only	300.00
3.	A hawker, selling arts and crafts only	5.00
4.	Any designated area hawker, as defined in the Street Vendors Bylaw	300.00
5.	Any other hawker, and any peddler	250.00
6.	(1) A person, who, in person or by telephone, either on his own behalf or as agent for another, sells or solicits or takes orders for the sale, by retail, of goods, wares or merchandise to be supplied by any person resident or doing business outside the City,	300.00
	(2) Where orders for cosmetics, health food products, kitchenware, costume jewellery, or household cleaning products are solicited in the home of a prospective purchaser at a gathering attended by more than one prospective purchaser	100.00
7.	Any person selling property by auction (except Crown officers, sheriffs and bailiffs)	300.00
8.	A person carrying on the business of a hospital for profit	280.00
9.	A person carrying on the business of a school for profit	30.00
10.	A person owning or keeping a cab, carriage, cart, wagon, dray, truck, motor car, automobile, or other conveyance or vehicle for hire, other than a school bus for which no license is required	
	(a) if a limousine with a driver, for each limousine	140.00
	(b) if any other conveyance or vehicle with a driver, including a taxi within the meaning of the Taxi Bylaw, for each conveyance or vehicle	140.00
	(c) if conveyances or vehicles without drivers, per business location	500.00



(d)	if a pedicab carriage, per pedicab	140.00
(e)	if a moped, motor cycle or bicycle rental business, per business location	60.00
11.	Except as provided in Clause 12, any person who transports passengers in a vehicle, or other conveyance, other than a vessel or a passenger bus service on a fixed route between a place in the City and a place outside the City, for each vehicle or other conveyance	140.00
12.	Any person who transports passengers in a horse drawn vehicle for special events only	140.00
13.	Any person carrying on the business of a passenger bus service on a fixed route in the City or between any place in the City and any place outside the City, per business location	280.00
14.	Any person who transports passengers in a vessel, for each vessel	140.00
15.	Any person carrying on the business of a steamship company	140.00
16.	Any person carrying on any airline business with or without flight arrivals or departures within the City of Victoria	280.00
17.	A transient trader, as defined in the <u>Victoria City Act, 1919</u> , s.18(1)(v)	1,000.00
18.	Subject to Clause 19, a person letting individual rooms, suites of rooms, or lodgings for hire, either in a hotel, rooming house, apartment house, lodging house or elsewhere, and whether or not board or meals are supplied to the occupants thereof	\$100.00, plus \$5.00 for each room let or available for letting
19.	Any persons who	
(a)	have 2 or fewer rooms or suites for rent in a dwelling unit where the dwelling unit is occupied by its owner, the dwelling unit remains as a single legal title, and the interval at which rent is payable on the suite or rooms is one month or longer, or	
(b)	let a room or suite of rooms under a registered lease with an initial or renewal term of 99 years or more	
	are not required to take out or hold a license under Clause 18.	

20.	Each person carrying on the business calling or profession of accountant, architect, insurance adjuster, public stenographer, real estate agent, barrister, solicitor, physician, surgeon, medical practitioner, or specialist, engineer, land surveyor, optometrist, refractionist, dentist, dental surgeon, osteopath, chiropractor, faith-healer, mental-healer, or other healer of human diseases or ailments, or veterinarian, whether as principal, partner or employee, for each person	100.00
21.	Any person carrying on flower sales from outside premises in which the business of government liquor sales is conducted, but not on any sidewalk, boulevard, or street, for each business	100.00
22.	Any person carrying on the business of an amusement centre, including billiard hall, bowling alley or dance club	60.00
23.	Any person carrying on the business of a barber or hairdresser	100.00
24.	Any person carrying on the business of a bingo hall	280.00
25.	Any person carrying on the business of a radio or television broadcasting station	250.00
26.	Any person carrying on the business of a dealer in secondhand or used motor vehicles and motor vehicle repairs	200.00
27.	Any person carrying on the business of a dealer in new automobiles or in both new and used automobiles shall also be entitled to carry on the business of selling automobile accessories, gasoline, oil and supplies and repairing automobiles or motor cars without another license	500.00
28.	Any person carrying on the business of a casino	280.00
29.	Any person carrying an the business of catering	60.00
30.	Any person carrying on the business of a laundry or dry cleaners	100.00
31.	Any person carrying on the business of stockbroker, commodity trader, auto broker or investment dealer	200.00
32.	Any person carrying on the business of a credit union	280.00
33.	Any person carrying on the business of a day care centre	30.00
34.	Any person carrying on a retail business which includes 10 or more distinctive line or class of goods, wares or merchandise	3,000.00
35.	[Repealed]	

36.	Selling beverages for consumption in the place where the beverages are sold	
(a.1)	licensed liquor primary business, as defined under B.C. Regulation 244/2002, located inside the Downtown Area shown on the map in Schedule C	\$300 plus \$7 per each unit of licensed liquor primary person capacity
(a.2)	licensed liquor primary business, as defined under B.C. Regulation 244/2002, located outside the Downtown Area shown on the map in Schedule C	\$300 plus \$6 per each unit of licensed liquor primary person capacity
(a.3)	licensed liquor primary clubs, as defined under B.C. Regulation 244/2002, and licensed cultural facilities operated by a not for profit society:	
(i)	\$100 for licensed liquor primary person capacity not over 299,	
(ii)	\$200 for licensed liquor primary person capacity of 300 to 599,	
(iii)	\$400 for licensed liquor primary person capacity of 600 to 899,	
(iv)	\$800 for licensed liquor primary person capacity of 900 or more.	
(b)	B.C. food primary licensed business, as defined under B.C. Regulation 244/2002	100.00
(c.1)	licensed food primary business with a lounge endorsement, as defined under B.C. Regulation 244/2002, located inside the Downtown Area shown on the map in Schedule C	\$200 plus \$7 per each unit of licensed liquor primary person capacity
(c.2)	licensed food primary business with a lounge endorsement, as defined under B.C. Regulation 244/2002, located outside the Downtown Area shown on the map in Schedule C	\$200 plus \$6 per each unit of licensed liquor primary person capacity
37.	Any person carrying on the business of a liquor store	280.00
38.	Any person carrying on the business of a railway office	140.00

39.	Any person carrying on the business of a rental service including the rental of chattels	60.00
40.	Any person carrying on the business of a social club which offers games of chance	150.00
41.	Any person operating any theatre, or motion picture theatre	
	(a) where the seating capacity is less than 975	500.00
	(b) where the seating capacity is more than 975	500.00
42.	Any person carrying on the business of a tug boat company	280.00
43.	Any person carrying on the business of a wholesale or wholesale and retail merchant or trader	200.00
44.	Any person carrying on the business of a bank	
	(a) for the first business location	1,000.00
	(b) for each additional business location	700.00
45.1	Any person owning or operating any lawful automatic vending or slot machine	
	(a) for each washer or dryer, per machine	11.00
	(b) for any other vending machine	15.00
45.2	Despite section 45.1, any person having possession or control of a lawful automatic or slot machine, or any other machine, that dispenses lottery tickets for sale to a customer or for subsequent sale by a vendor to a customer: for each machine	100.00
45.3	Any person having possession or control of an automatic teller machine: for each machine	700.00
46.	Each person carrying on any of the trades, businesses, professions, occupations, callings, employments, or purposes mentioned in Section 18(1) of the Victoria City Act, 1919 but not expressly mentioned in this Schedule, for each enterprise	100.00
47.	Each person carrying on any business not otherwise mentioned in this Schedule, for each such business	100.00
48.	Any person carrying on the business of a laundromat in a commercial location	100.00
49.	Any person carrying on the business of a trust company	700.00

50.	Any person carrying on the business of an insurance company	280.00
51.	Any person carrying on a bicycle courier business, as that business is defined in the Bicycle Courier Bylaw	150.00
52.	Any person carrying on the business of a street entertainer, as defined in the Street Vendors Bylaw	25.00
53.	Any person carrying on an outdoor market business that, for a fee, permits individuals to use or occupy a space, table or booth outdoors on public property for the purpose of retail marketing of goods or services	100.00
54.	Any person carrying on the business of teletheatre wagering that involves betting on horse races from a remote location where the live races are shown electronically on a screen	280.00

**Schedule B**  
**Liquor-Primary Business Good Neighbour Agreement**

WHEREAS representatives of the Corporation of the City of Victoria (the "City"), Victoria Police Department (the "Police Department"), and the owners, \_\_\_\_\_ of the liquor-primary business, \_\_\_\_\_ (the "Liquor-Primary Business"), located at \_\_\_\_\_, Victoria, B.C., recognize that liquor licensed establishments have a civic responsibility beyond the legislated requirements of the Liquor Control and Licensing Act to control the conduct of their patrons; and

WHEREAS the City, the Police Department and the Liquor-Primary Business agree that in recognizing this principle, the following measures will be implemented by the Liquor-Primary Business, up to the opening for business and will continue to be in effect at all times; and

WHEREAS the City of Victoria Business Licence Bylaw, s. 8(3)(b) imposes certain conditions with which the holder of a business licence for a Liquor-Primary Business ) must comply;

Conditions of license (as provided under City of Victoria Business Licence Bylaw No. 89-71)

1. As there is recognition that the Liquor-Primary Business exists within proximity of transient & residential accommodations and other commercial buildings, the Liquor-Primary Business undertakes to ensure that noise emissions do not disturb the neighbourhood and comply with the City of Victoria Noise Bylaw.
2. The Liquor-Primary Business will not play amplified music outside of the building after 23:00h.
3. The Liquor-Primary Business will post a sign at the entrance to the licensed premises advising of the identification requirement and any dress code or admission fee.
4. The Liquor-Primary Business staff shall wear distinctive identification badges displaying an identification number at all times while on duty in the licensed premises, and the manager shall at all times maintain a list identifying every staff member by name and identification number.
5. The Liquor-Primary Business shall employ staff or security personnel to patrol the external area and to monitor the activity of patrons immediately outside the Liquor-Primary Business, particularly at closing time, to ensure orderly dispersal.
6. The Liquor-Primary Business staff shall make every reasonable effort to scrutinize patrons as they enter to ensure that all patrons are at least 19 years of age and that no weapons or items of contraband are brought into the Liquor- Primary Business.
7. Patrons shall not be allowed to carry open beverages or to consume them in areas that are not licensed for such purpose including outside of the Liquor- Primary Business.
8. Patrons of the Liquor-Primary Business who have consumed liquor shall be allowed free use of a telephone for the purposes of calling a taxi or other transportation, if requested.

9. The Liquor-Primary Business' staff shall undertake to inspect the outside of the premises each night after closing to ensure that there is no litter, garbage or broken glass left in the area around the Liquor-Primary Business.
10. The Liquor-Primary Business shall ensure at all times that the line-up into the business does not impede or obstruct pedestrian traffic along the sidewalk or interfere with access or egress to another place of business.
11. The Liquor-Primary Business agrees to remove immediately all graffiti placed from time to time on the property that is owned or leased by the Liquor-Primary Business.

Other terms and conditions of this Good Neighbour Agreement

12. The Liquor-Primary Business staff shall monitor the conduct of all patrons within the Liquor-Primary Business and terminate alcoholic beverage service to persons exhibiting signs of intoxication.
13. The Liquor-Primary Business shall support and cooperate with Victoria City Police in Licensed Premises Checks and any crime prevention initiatives for liquor-licensed establishments.
14. When incidents occur that require police involvement, all Liquor-Primary Business staff shall cooperate with police members and shall not impede or obstruct the investigation in any way.
15. There shall be no tolerance for criminal activity within the Liquor-Primary Business, and police will be consulted should a "criminal element" become present.
16. The Liquor-Primary Business and Victoria City Police agree to meet a minimum of once every calendar year to discuss issues and concerns.
17. The Liquor-Primary Business agrees to support the hiring of qualified people from the community when appropriate.
18. The Liquor-Primary Business recognizes its role within the community, and agrees to work with the City, its departments and any task forces to resolve mutual concerns.
19. Any proposed changes to these guidelines will first be discussed and be resolved with Victoria City Police and/or the City.
20. Nothing contained or implied herein shall prejudice or affect the City's rights and powers in exercise of its functions pursuant to the *Local Government Act* and the rights and powers of the City under all of its public and private statutes, bylaws, and regulations, all of which may be as fully and effectively exercised in relationship to the Lands and the Premises as if this agreement had not been entered into.

The City and the Liquor-Primary Business recognize that participation in this agreement is a condition of the City Business Licence and that its success is based on licensee compliance. The Liquor-Primary Business recognizes that should non-compliance with the terms of the agreement arise, or if complaints to the Victoria Police Department regarding negative community impacts are in the opinion of the Corporate Administrator attributable to the Liquor-Primary Business, the City

will provide written notice to the Liquor-Primary Business of such impacts or non-compliance. The Liquor-Primary Business shall have 30 days from receipt of the Notice in which to address and correct the negative impacts specified in the Notice to the satisfaction of the Corporate Administrator, in his or her sole discretion. If, upon the expiry of the thirty (30) day period, the negative impacts specified in the Notice have not been addressed and corrected to the satisfaction of the Corporate Administrator, this matter will be brought to the attention of City Council with a recommendation that the Business Licence be suspended or revoked, as the evidence of noncompliance warrants.

WHEREAS the Liquor-Primary Business has entered into this agreement, the City and Victoria City Police commend them for their recognition of their civic responsibilities and their commitment to fostering a good working relationship with the City and their neighbours.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, at Victoria, B.C.

\_\_\_\_\_  
Liquor-Primary Business

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Liquor-Primary Business

\_\_\_\_\_  
Corporate Administrator

\_\_\_\_\_  
Victoria City Police



Schedule C – Map of Downtown Zone



Note: Shaded areas are within the Downtown Zone.

## **TOWING AND IMMOBILIZING COMPANIES BYLAW**

### **A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to consolidate, update and clarify the regulations that apply to towing companies and immobilizing companies.

#### ***Contents***

1	Title
2	Definitions
3	Business licence required
4	Restrictions on advertising
5	Restrictions on towing
6	Restrictions on immobilizing
7	Exemption from Sign Bylaw
8	Fees
9	Early release of vehicles
10	Storage lots
11	Restrictions on dogs
12	Releasing vehicles
13	Receipt required
14	Providing a daily list to police
15	Restrictions on attending at motor vehicle accidents
16	Business name and telephone number on vehicles
17	Offence and penalties
18	Repeal

Under its statutory powers, including section 8(6) of the *Community Charter* and section 124(1)(g) of the *Motor Vehicle Act*, the Council of The Corporation of the City of Victoria enacts the following provisions:

#### **Title**

- 1 This Bylaw may be cited as the "TOWING AND IMMOBILIZING COMPANIES BYLAW".

#### **Definitions**

- 2 In this Bylaw:

"connected to a towing vehicle"

means fastened to a L-bar on a wheel lift truck, a J-hook on a sling truck or tilt bed truck or to any other similar apparatus on a towing vehicle normally used for fastening to another vehicle for the purpose of towing it;

"immobilize"

means to prevent movement of a vehicle by use of a wheel lock or other device designed to be attached or affixed to a parked vehicle;

"immobilizing company"

means any person who carries on the business of immobilizing vehicles;

"parking lot"

means a place other than a street that is used for the parking of one or more vehicles but does not include a place where parking is accessory to a single family or two family dwelling;

"towing company"

means any person who carries on the business of towing vehicles.

**Business licence required**

- 3
- (1) A person must not carry on the business of towing vehicles unless that person holds a valid licence issued under the provisions of the Business Licence Bylaw.
  - (2) A person must not carry on the business of immobilizing vehicles unless that person holds a valid licence issued under the provisions of the Business Licence Bylaw.
  - (3) The Business Licence Bylaw applies to the issuing, renewing, suspension, cancellation and revocation of a business licence for the operation of a towing company or immobilizing company.

**Restrictions on advertising**

- 4
- A person carrying on the business of towing or immobilizing vehicles must not display on its vehicles, storage lots, advertising, or any other place a statement that states or implies that its business is in any way endorsed by the City of Victoria or the Victoria Police Department.

**Restrictions on towing**

- 5
- A towing company must not
- (a) tow a vehicle for being improperly or unlawfully parked on a parking lot unless a clearly visible and legible sign containing the following information is posted in a conspicuous place on the parking lot:
    - (i) a warning to the effect that improperly or unlawfully parked vehicles will be towed at the owner's expense;
    - (ii) the name and telephone number of the towing company and the address at which the vehicle will be stored;

This bylaw may or may not contain the latest amendment(s). It is provided for convenience only and should not be used in place of the actual bylaw. The latest version can be obtained from Legislative Services, City Hall, (250) 361-0571.

- (iii) the towing and storage fees that will apply,
- (b) without lawful authority, tow a validly parked vehicle from a parking lot,
- (c) tow a vehicle from a parking lot for failure to obtain a parking ticket from a ticket dispenser unless the ticket dispenser is
  - (i) in sound working order, and
  - (ii) supplied with parking tickets,
- (d) tow a vehicle from a parking lot for failure to purchase sufficient parking time from a parking meter unless the meter is in sound working order,
- (e) tow a vehicle from a parking lot because the purchased parking time has expired unless at least 15 minutes have elapsed since the time of expiry, or
- (f) tow a vehicle because of the failure of the owner or operator to pay the total charges for towing or storing the vehicle at a previous time.

### **Restrictions on immobilizing**

#### **6 An immobilizing company must not**

- (a) immobilize a vehicle for being improperly or unlawfully parked on a parking lot unless a clearly visible and legible sign containing the following information is posted in a conspicuous place on the parking lot:
  - (i) a warning to the effect that improperly or unlawfully parked vehicles will be immobilized at the owner's expense;
  - (ii) the name and telephone number of the immobilizing company;
  - (iii) the immobilizing fees that will apply,
- (b) without lawful authority, immobilize a validly parked vehicle on a parking lot,
- (c) immobilize a vehicle on a parking lot for failure to obtain a parking ticket from a ticket dispenser unless the ticket dispenser is
  - (i) in sound working order, and
  - (ii) supplied with parking tickets,
- (d) immobilize a vehicle on a parking lot for failure to purchase sufficient parking time from a parking meter unless the meter is in sound working order,
- (e) immobilize a vehicle on a parking lot because the purchased parking time has expired unless at least 15 minutes have elapsed since the time of expiry, or
- (f) immobilize a vehicle because of the failure of the owner or operator to pay the total charges for immobilizing the vehicle at a previous time.

### **Exemption from Sign Bylaw**

- 7** The requirements of the Sign Bylaw do not apply to a sign posted on a parking lot if the sign only displays the information listed in section 5(a) or 6(a).

### **Fees**

- 8**
- (1) If a vehicle is towed for being improperly or unlawfully parked, a towing company must not charge the owner or operator of the vehicle any fees for the release of the vehicle other than or greater than those prescribed in Schedule A for towing and storage plus any applicable taxes.
  - (2) If a vehicle is immobilized, an immobilizing company must not charge the owner or operator of the vehicle any fees for the release of the vehicle other than or greater than those prescribed in Schedule A for immobilizing plus any applicable taxes.
  - (3) Subsection (1) does not apply if
    - (a) a vehicle is towed into the city from outside the city, or
    - (b) a vehicle is towed at the request of the Chief Constable or a person authorized by the Chief Constable.
  - (4) A towing company must reduce the fees prescribed in Schedule A by at least 50% if the owner or operator of a vehicle produces to the towing company a parking ticket that was valid at the time, but was not visibly displayed in the vehicle and there was a requirement to do so, when the towing company started to tow the vehicle.
  - (5) An immobilizing company must reduce the fees prescribed in Schedule A by at least 50% if the owner or operator of a vehicle produces to the immobilizing company a parking ticket that was valid at the time, but was not visibly displayed in the vehicle and there was a requirement to do so, when the immobilizing company started to immobilize the vehicle.
  - (6) A towing company that tows improperly or unlawfully parked vehicles must prominently display a schedule of the fees which may be charged pursuant to this Bylaw at
    - (a) each place of business, and
    - (b) each lot where vehicles towed for being improperly or unlawfully parked are stored.

### **Early release of vehicles**

- 9**
- (1) If an owner or operator of a vehicle parked on a parking lot reaches the vehicle after it has been connected to a towing vehicle and before it has been removed from the parking lot, the towing company must

- (a) before removing the vehicle, allow the owner or operator a period of fifteen minutes in which to pay the early release fee prescribed in Schedule A, and
  - (b) if the early release fee is paid within the fifteen minute period, immediately release the vehicle.
- (2) If an owner or operator of a vehicle parked on a parking lot reaches the vehicle after it has been immobilized but before the immobilizing company leaves the parking lot, the immobilizing company must
  - (a) before leaving the parking lot, allow the owner or operator a period of fifteen minutes in which to pay the early release fee prescribed in Schedule A, and
  - (b) if the early release fee is paid within the fifteen minute period, immediately release the vehicle.

### **Storage lots**

- 10
  - (1) If a vehicle is towed for being improperly or unlawfully parked, a towing company must not tow the vehicle to a storage lot that is outside a 5 km radius from Victoria City Hall without the vehicle owner's prior consent.
  - (2) A towing company must maintain at each of its storage lots a clearly visible and legible sign stating that there is no charge for the first hour of storage of a vehicle that was towed for being improperly or unlawfully parked.
  - (3) A towing company must maintain lighting in sufficient quantity to make all vehicles on a vehicle storage lot clearly visible from the entrance of the lot.

### **Restrictions on dogs**

- 11 A towing company must not have a dog in a towing company office when a customer is present.

### **Releasing vehicles**

- 12
  - (1) A towing company that tows improperly or unlawfully parked vehicles must
    - (a) ensure an employee or agent of the company is available 24 hours per day to answer telephone calls and release vehicles,
    - (b) ensure an employee or agent of the company is present at the storage lot to accept payment and release a vehicle within 30 minutes of receiving a telephone call from the owner or operator of the vehicle requesting its release,
    - (c) in addition to cash, accept at least one major credit card and debit as forms of payment of towing and storage fees, and

- (d) immediately release a vehicle upon payment of the applicable towing and storage fees.
- (2) An immobilizing company must
  - (a) ensure an employee or agent of the company is available 24 hours per day to answer telephone calls and release vehicles,
  - (b) ensure an employee or agent of the company attends to accept payment and release a vehicle within 30 minutes of receiving a telephone call from the owner or operator of the vehicle requesting its release,
  - (c) in addition to cash, accept at least one major credit card and debit as forms of payment of immobilizing fees, and
  - (d) immediately release a vehicle upon payment of the applicable immobilizing fees.

### **Receipt required**

- 13** (1) A towing company must issue a written receipt, including the following information, to a person who pays towing or storage fees:
- (a) the name, or the identification number issued by the company, of the person who towed the vehicle;
  - (b) the time when the vehicle was connected to the towing vehicle;
  - (c) the location where the vehicle was connected to the towing vehicle;
  - (d) the fees for towing or storing the vehicle;
  - (e) damage to the vehicle reported, at the time the fees are paid, by the person paying the fees.
- (2) An immobilizing company must issue a written receipt, including the following information, to a person who pays immobilizing fees:
- (a) the name, or the identification number issued by the company, of the person who immobilized the vehicle;
  - (b) the time when the vehicle was immobilized;
  - (c) the location where the vehicle was immobilized;
  - (d) the fees for immobilizing the vehicle;
  - (e) damage to the vehicle reported, at the time the fees are paid, by the person paying the fees.

### **Providing a daily list to police**

- 14** Between the hours of 12:00 noon and 4:00 pm each day, a towing company must deliver to the Victoria Police Department a list containing a description and the vehicle licence number of each vehicle in the custody of the towing company at 9:00 am of that day.

### **Restrictions on attending at motor vehicle accidents**

- 15** A person must not attend at the scene of a motor vehicle accident for the purpose of soliciting vehicle towing business unless the person is asked to attend at the scene by a police officer or by the owner or operator of a disabled vehicle.

### **Business name and telephone number on vehicles**

- 16** A vehicle used to carry on the business of towing or immobilizing improperly or unlawfully parked vehicles must have the business name and telephone number painted or otherwise permanently affixed on each side of the vehicle in characters that are
- (a) not less than ten centimeters in height, and
  - (b) clearly legible and visible at all times.

### **Offence and penalties**

- 17**
- (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) The minimum fine for a contravention of any provision of this Bylaw is \$250.00.
  - (3) Each day that a contravention of a provision of this Bylaw occurs or continues constitutes a separate offence.



## **Repeal**

**18** Bylaw No. 92-188, the Towing Companies Bylaw, is repealed.

READ A FIRST TIME the	<b>9<sup>th</sup></b>	day of	<b>June,</b>	2011.
AMENDED the	<b>25<sup>th</sup></b>	day of	<b>August,</b>	2011.
READ A SECOND TIME the	<b>25<sup>th</sup></b>	day of	<b>August,</b>	2011.
AMENDED the	<b>13<sup>th</sup></b>	day of	<b>October,</b>	2011.
READ A THIRD TIME the	<b>13<sup>th</sup></b>	day of	<b>October,</b>	2011.
ADOPTED on the	<b>27<sup>th</sup></b>	day of	<b>October,</b>	2011.

**“ROBERT G. WOODLAND”**  
CORPORATE ADMINISTRATOR

**“DEAN FORTIN”**  
MAYOR

**Schedule A**

**Maximum towing, storage, immobilizing and early release fees**

<b>Description</b>	<b>Maximum Fee</b>
1. Towing (s. 8(1))	
(a) No dolly or sling required	\$85
(b) Dolly or sling required	\$119.00
2. Storage (s. 8(1))	
(a) First calendar day	First hour free, then \$2.25 per hour to a maximum of \$20.50
(b) Subsequent calendar days	\$20.50 per day or portion of a day
3. Immobilizing (s. 8(2))	\$85
4. Early Release (s. 9)	\$45

**FORM 2**

**(Offence Act)**

**INFORMATION**

**CANADA  
PROVINCE OF BRITISH COLUMBIA**

This is the information of Bobby Bains, Bylaw Officer, of the City of Victoria, in the Province of British Columbia (the "Informant").

The informant says that he has reasonable and probable grounds to believe and does believe that:

**Count 1**

On or about September 20, 2019, JOHN MUELLER dba I-TOW GROUP, charged fees other than or greater than the prescribed fee for towing of a motor vehicle that was improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

**Count 2**

On or about September 20, 2019, JOHN MUELLER dba I-TOW GROUP, failed to ensure an employer or agent of the towing company was available 24 hours per day to release a vehicle, contrary to Section 12(1)(a) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

**Count 3**

On or about September 20, 2019, JOHN MUELLER dba I-TOW GROUP, failed to immediately release a vehicle upon payment of the applicable towing and storage fees, contrary to Section 12(1)(d) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

**Count 4**

On or about November 15, 2019, JOHN MUELLER dba I-TOW GROUP, failed to have a business name and telephone number painted or otherwise permanently affixed to the sides of a vehicle used to carry on the business of towing or immobilizing improperly or unlawfully parked vehicles, contrary to Section 16 of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 5

On or about November 15, 2019, JOHN MUELLER dba I-TOW GROUP, charged fees other than or greater than the prescribed fee for towing of a motor vehicle that was improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 6

On or about November 23, 2019, JOHN MUELLER dba I-TOW GROUP, charged fees other than or greater than the prescribed fee for towing of a motor vehicle that was improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 7

On or about November 23, 2019, JOHN MUELLER dba I-TOW GROUP, failed to prominently display a schedule of the fees which may be charged at each place of business and each lot where vehicles towed for being improperly or unlawfully parked are stored, contrary to Section 8(6) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 8

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to issue a proper written receipt including time and location of when and where a vehicle was connected to a towing vehicle, contrary to Sections 13(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 9

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP failed to have a business name and telephone number painted or otherwise permanently affixed to the sides of a vehicle used to carry on the business of towing or immobilizing improperly or unlawfully parked vehicles, contrary to Section 16 of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 10

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to maintain a sign at a storage lot owned or operated by the towing company that clearly and legibly states that there is no charge for the first hour of storage of a vehicle that was towed for being improperly or unlawfully parked, contrary to Section 10(2) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 11

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, charged fees other than or greater than the prescribed fee for towing of a motor vehicle that was improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 12

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, charged fees other than or greater than the prescribed fee for towing of a motor vehicle that was improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 13

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to have a business name and telephone number painted or otherwise permanently affixed to the sides of a vehicle used to carry on the business of towing or immobilizing improperly or unlawfully parked vehicles, contrary to Section 16 of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 14

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to prominently display a schedule of the fees which may be charged at each place of business and each lot where vehicles towed for being improperly or unlawfully parked are stored, contrary to Section 8(6) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 15

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to issue a proper written receipt which includes the time and location of when and where a vehicle was connected to a towing vehicle, contrary to Section 13(1)(b) and (c) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 16

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to have a business name and telephone number painted or otherwise permanently affixed to the sides of a vehicle used to carry on the business of towing or immobilizing improperly or unlawfully parked vehicles, contrary to Section 16 of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 17

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, charged fees other than or greater than the prescribed fee for towing of a motor vehicle that was improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 18

On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to prominently display a schedule of the fees which may be charged at each place of business and each lot where vehicles towed for being improperly or unlawfully parked are stored, contrary to Section 8(6) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

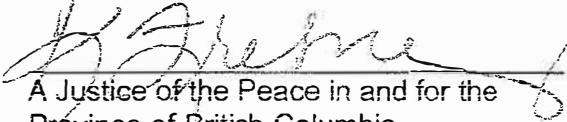
Count 19


On or about December 18, 2019, JOHN MUELLER dba I-TOW GROUP, failed to issue proper receipt including time and location of when and where a vehicle was connected to a towing vehicle, contrary to Section 13(1)(b) and (c) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 20

On or about December 19, 2019, JOHN MUELLER dba I-TOW GROUP, charged fees other than or greater than the prescribed fee for towing of a motor vehicle that was improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

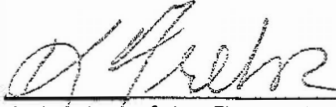
**SWORN (OR AFFIRMED) BEFORE ME**  
at the City of Victoria, in the Province of  
British Columbia, this 11th day of  
March 2020

  
A Justice of the Peace in and for the  
Province of British Columbia

  
BOBBY BAINS

 SUMMONS TO ISSUE,

  
CONFIRMED

  
A Justice of the Peace in and for the  
Province of British Columbia

## INDEX

### **Disclosure Documents**

---

	<b>TAB</b>
I-Tow Invoice – Dated September 20, 2019.....	<b>1</b>
Letter to Barrie Cockle (Bylaw Enforcement Officer) from Complainant – Dated September 27, 2019.....	<b>2</b>
Bylaw Services Request for Service (Call No. 139038) – Dated October 2, 2019.....	<b>3</b>
Letter to President of I-Tow from Complainant – Dated October 2, 2019.....	<b>4</b>
Sole Proprietorship Summary For I-TOW GROUP – Dated October 10, 2019.....	<b>5</b>
I-Tow Invoice – Dated November 15, 2019.....	<b>6</b>
Bylaw Services Request for Service (Call No. 141383) – Dated November 15, 2019..	<b>7</b>
Email to Bobby Bains (Bylaw Officer) from Complainant – Dated November 20, 2019	<b>8</b>
City of Victoria – Licencing Information re: Licence No. <b>S. 22</b> – Dated November 21, 2019.....	<b>9</b>
Bylaw Services Request for Service – Call Number 141785 – Dated November 23, 2019.....	<b>10</b>
I-Tow Invoice – Dated November 23, 2019.....	<b>11</b>
I-Tow Invoice – Dated December 18, 2019.....	<b>12</b>
I-Tow Invoice No. 000181 – Dated December 18, 2019.....	<b>13</b>
I-Tow Invoice No. 000182 – Dated December 18, 2019.....	<b>14</b>
I-Tow Invoice – Dated December 19, 2019.....	<b>15</b>
Vehicle Registration and Licencing Inquiry – Licence No. <b>S. 22</b> Dated January 13, 2020.....	<b>16</b>
Vehicle Registration and Licencing Inquiry – Licence No. <b>S. 22</b> – Dated January 13, 2020.....	<b>17</b>
Licensing Information – Licence Number <b>S. 22</b> – Dated January 13, 2020.....	<b>18</b>

Vehicle Registration and Licencing Inquiry – Licence No. S. 22 – Dated January 13, 2020.....	19
City of Victoria – Towing Questions to Complainant and Responses.....	20
City of Victoria – Towing Questions to Complainant and Responses.....	21
City of Victoria – Towing Questions to Complainant and Responses.....	22
City of Victoria – Towing Questions to Complainant and Response.....	23
City of Victoria – Towing Questions to Complainant and Responses.....	24
City of Victoria – Towing Questions to Complainant and Responses.....	25
Photograph and Notation re: Unmarked Tow Truck – Received February 5, 2020.....	26
Photograph of Truck – Licence Plate No. JS. 22 .....	27
Photograph of unmarked Tow Truck.....	28
Photo 1 of I-Tow Parking Sign – Capital Iron, Mark's & Valhalla Pure Outfitters.....	29
Photo 2 of I-Tow Parking Sign – Capital Iron, Mark's & Valhalla Pure Outfitters.....	30
Parking sign for Capital Iron, Mark's and Valhalla Pure Outfitters.....	31
Photograph of I-Tow truck parked next to I-Tow Parking Sign.....	32
Photograph of I-Tow truck towing vehicle (Dodge Caravan).....	33
Photograph of vehicle being towed (Kia Rondo) Licence No. S. 22 .....	34
Photograph of vehicle being towed (Mazda 3) .....	35
VicPD Community Services Division Surveillance Report – File No. 2019-53804.....	36
VicPD Community Services Division Surveillance Report – File No. 2019-53804.....	37
VicPD Community Services Division Surveillance Report – File No. 2019-53804.....	38



# i-TOW 383-iTOW

Central Dispatch Phone 250-383-ITOW (4869)

675 WILSON STREET V9A 3H3

BILLING ORDER # \_\_\_\_\_  
BILLED TO \_\_\_\_\_

S. 22

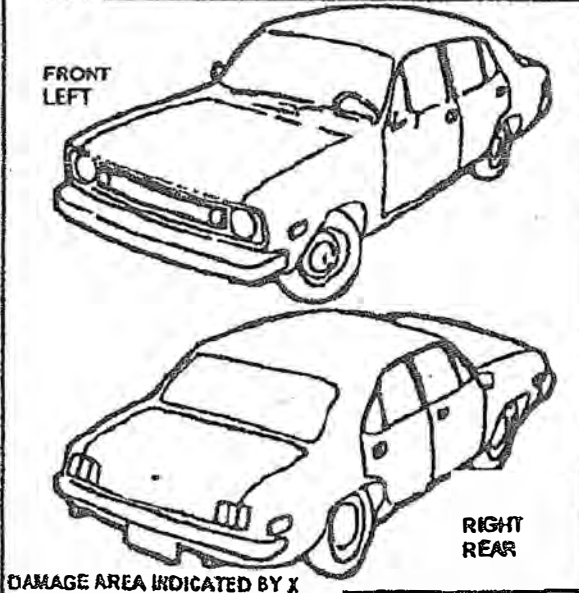
CARD CHARGES  
☐ CHARGE ☐ DEBIT ☐ MASTER ☒ VISA ☐ PGD ☐  
 EXPIRES \_\_\_\_\_

DESCRIPTION  
 VIN # \_\_\_\_\_  
 MAKE Toyota COLOUR Silver  
 LICENCE \_\_\_\_\_ PROV STATE BC  
 2 DR ☐ 4 DR ☒ OTHER 5  
 REGISTERED OWNER  
 NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_

KEY TAG ☐ YES ☐ NO ☒ OPEN ☐ LOCKED ☐ REL ☒ FEL ☒

PROPERTY \_\_\_\_\_

DATE \_\_\_\_\_



DAMAGE AREA INDICATED BY X

NOT RESPONSIBLE FOR WEAK OR DEFECTIVE BUMPERS

CONTROL  
 TOL CL AM TIME PM AL AM TIME PM CL 9:55 AM PM

DATE Sept 20th 2019  
 TRUCK # 03 DRIVER 39 Job # \_\_\_\_\_

SERVICE  
 REPORTED TO \_\_\_\_\_ AM PM

MVA ☐ BY-LAW ☐ 4-6 ☐ BADGE # \_\_\_\_\_  
 PI ☒ BAILIFF ☐ 7-9 ☐ PC \_\_\_\_\_

NAME \_\_\_\_\_

REASON NPD

FROM Oxford Falls

TO Lot #1

\_\_\_\_\_ 85 20

AXLES ☐ DRIVE SHAFT ☐ RE ☐ RE & RE ☐

TRANSLIST ☐ TRAILER ☐ COILS ☒ 34 00

SECOND TOW \_\_\_\_\_

CHARGES PAID OUT \_\_\_\_\_

RECOVERY \_\_\_\_\_ FSC 21 42

STORAGE \_\_\_\_\_

DATE & TIME RELEASED 12/21/10:20 AM PM 20 50

SUBTOTAL 160 92

GST 8 05

TOTAL 168 96

1. As owner, agent or tenant of above premises I hereby give authorization to impound above mentioned vehicle and hold for storage and towing fees.

AUTHORIZATION \_\_\_\_\_

2. In the event that payment is not made for services rendered forthwith or in the event that payment is made by a cheque which is returned N.S.F. then and in such case I hereby authorize and instruct TOW GROUP to pick up the said vehicle and hold same until payment of all of further charges and storage fees are paid.

AUTHORIZATION \_\_\_\_\_ CUSTOMER'S SIGNATURE \_\_\_\_\_

EXTRA COPY

STREET / VICTORIA/ BC/ [REDACTED]

September 27, 2019

Barrie Cockle - By-Law Enforcement Officer  
City of Victoria  
Pandora Street Office

Delivered by hand

Dear Mr. Cockle

Thank you for speaking with me on Wednesday. As you know, I have some concerns about the towing fees charged to me. My vehicle was towed according to the receipt for payment from I-Tow (copy attached) at 9:55 pm on Friday, September 20<sup>th</sup>. It was towed from the Oxford Foods lot behind the store located at the corner of Cook and Oxford Streets. I acknowledge that the signs clearly indicate the 1-hour parking is the limit for vehicles parking in the lot. Even though the store closes at 8:00 pm, I expect that for unknown reasons the store want its lot clear even when it is not in use. I will take up this policy with Oxford Foods.

But I acknowledge that I am liable for the fine.

I was able to find the name of the towing company and the list of charges. They specified the amount of the towing fine, the hourly and daily storage charges, and the drop fee.

I called the number listed and was informed that the car had been impounded. I wanted to come and retrieve it, I was asked by the representative if I had been drinking. I answered in the affirmative. (I work as a musician and in the course of the evening, I will take a beer) He therefore said that my car would not be released until 9:00am the next morning when somebody would be there. I believe that the towing company is in breach of Section 12 (1) and (2) of the Towing By-Law. Clearly, no one was at the office and the decision to hold a vehicle based on the state of the owner is not within the purview of the Towing Company. Holding my

vehicle overnight was purely for the convenience and the economic advantage of the towing company. The charge is illegitimate and should be refunded

I also reviewed the charges on my receipt and discovered that I was charged for dollies. I drive a 2012 Prius V Hybrid which qualifies as a small car. I can see no compelling reason why dollies would be needed to tow it. I suspect that the tow driver saw a chance to get a quick buck. This charge is illegitimate and should be refunded.

Finally, there is a sum of \$24.42 identified as FSC. I see no provision for such a fee in Schedule A of the by-law. Accordingly, this charge is unauthorized and should be refunded.

In conclusion, I cite what I think are three breaches of the Towing By-law. If your investigation concludes that I am right, please let me know. If you are not in a position to help me collect any over-payment, then I will reluctantly use the small claims option available to me.

Why would I bother? In the end, I do not like the predatory nature of the towing business. And I despise merchants in an urban environment who would keep a parking lot unoccupied when they are not in business in the evening. Heck, they could install parking meters and make some money.

After your investigation, any help you can give me would be most appreciated.

Yours truly,

S. 22

Q WHAT TIME DID YOU CALL -

A 1030 P.M. CALLED 1-TOW TO PICK UP. FINISHED 10:15 P.M.

I BEG TO LEAVE IT TO YOU IMMEDIATELY

DOLLY EVERYTHING






## BYLAW SERVICES REQUEST FOR SERVICE

Call Number: 139038  
Entered By: DAWNA BEACH  
Assigned To: BOBBY BAINS  
Follow Up:  
Bring Forward:

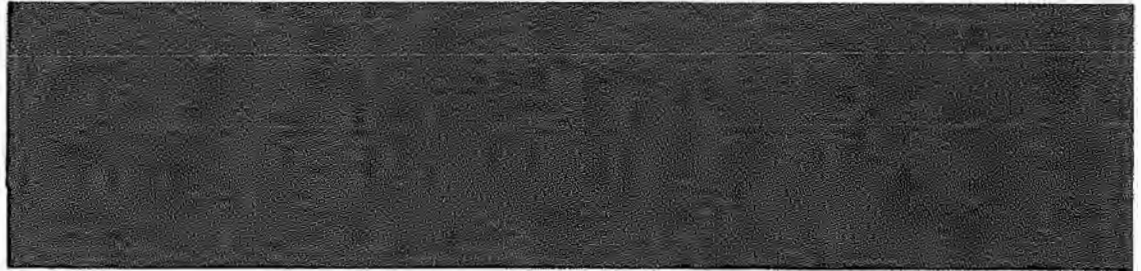
Oct 2, 2019  
Oct 2, 2019

Class: PUBLIC OTHER  
Problem: OTHER  
Priority: NORMAL

<b>LOCATION</b> I-TOW  OXFORD FOODS  271 COOK ST	<b>REQUESTOR</b> S. 22  Phone 1:  Phone 2:  Email: 
<b>CALL DETAIL</b> I-Tow may be in violation of Towing Bylaw - see letter attached	
<b>INSTRUCTIONS</b>	

Email Reference #280451

3 X MTI - ISSUED



NEW IN.  
CFS# 139038

COPY <sup>5</sup> FYI.

STREET / VICTORIA/ BC/ [REDACTED]

October 2, 2019

The President,  
I-Tow  
675 Wilson St.  
Victoria, BC V9A 3H3

Your Company towed my vehicle from the Oxford Foods lot behind the store located at the corner of Cook and Oxford Streets on the evening of Friday, Sept. 20<sup>th</sup>, 2019. According to the receipt for payment from I-Tow (copy attached) the time of the tow was 9:55 pm. I acknowledge that the signs clearly indicate the 1-hour parking is the limit for vehicles parking in the lot. Even though the store closes at 8:00 pm, for unknown reasons the store want its lot clear even when it is not in use. I will take up this policy with Oxford Foods.

But I acknowledge that I am liable for the fine.

I was able to find the name of the towing company and the list of charges. They specified the amount of the towing fine, the hourly and daily storage charges, and the drop fee.

My mobile call log indicates that I made 5 calls to your office. Two were at 10:29 were quickly disconnected and 3 at 10:37, the last of which was answered. I was informed that the car had been impounded. I wanted to come and retrieve it. I was asked by the representative if I had been drinking. I answered in the affirmative. (I work as a musician and in the course of the evening, I will take a beer) He therefore refused to release my car until 9:00am the next morning when somebody would be there.

I was concerned about the total amount of the charges. I therefore consulted with Mr. Barry Cockle of the City of Victoria By-Law enforcement office.

After speaking with him, I conclude that the towing company is in breach of Section 12 (1) and (2) of the Towing By-Law.

*"12 (1) A towing company that tows improperly or unlawfully parked vehicles must*

*(a) ensure an employee or agent of the company is available 24 hours per day to answer telephone calls and release vehicles,*

*(b) ensure an employee or agent of the company is present at the storage lot to accept payment and release a vehicle within 30 minutes of receiving a telephone call from the owner or operator of the vehicle requesting its release,*

*(c) in addition to cash, accept at least one major credit card and debit as forms of payment of towing and storage fees, and*

*(d) immediately release a vehicle upon payment of the applicable towing and storage fees."*

With a total of 5 calls made, it is reasonable to assume that no-one was actually in the office contrary to Section 12. (a). Moreover, the decision to hold a vehicle based on the state of the owner is not within the purview of the Towing Company. Any decision about my state to drive is not mandated to the Towing Company by the towing by-law. Upon speaking with me, you were required to release the vehicle to me within 30 minutes. (Section 12. (b) Holding my vehicle overnight was purely a way to pick-up extra money for the towing company. The charge is illegitimate and should be refunded

I also reviewed the charges on my receipt and discovered that I was charged for dollies. I drive a 2012 Prius V Hybrid which qualifies as a small car. There is no compelling reason why dollies would be needed to tow it. It was in the middle of the lot. The tow driver saw a chance to get a quick buck. This charge is illegitimate and should be refunded.

Finally, there is a sum of \$24.42 identified as FSC. There is no provision for such a fee in Page 9. Schedule A of the by-law. Accordingly, this charge is unauthorized and should be refunded.

In conclusion, your company has breached the Towing By-law 3 times. Accordingly, I expect your company or Oxford Foods to rebate to me the sum of \$79.72 by October 14, 2019.

If I receive no payment, then I will use the Small Claims Court option available to me. If your driver, your CEO and a senior executive of Oxford Foods has the desire to spend a morning in a settlement conference, then go ahead. But the smart thing is to send me the money and I covenant that I will never again patronize or park at Oxford Foods.

I hope my position is clear.

S. 22

[REDACTED]



**BC Registry  
Services**

Mailing Address:  
PO BOX 9431 Stn Prov Govt.  
Victoria BC V8W 9V3  
www.bcregistryservices.gov.bc.ca

Location:  
2nd Floor 940 Blanshard St.  
Victoria BC  
1 877 526-1526

## Sole Proprietorship Summary

For

**I - TOW GROUP**

**Date and Time of Search:**

October 10, 2019 08:57 AM Pacific Daylight Time

**Currency Date:**

September 30, 2019

### ACTIVE

**Registration Number:**

FM0624080

**Name of Sole Proprietorship:**

I - TOW GROUP

**Registration Date:**

January 09, 2014

**Business Start Date:**

January 01, 2014

**Nature of Business:**

towing [NAICS-N/A]

### ADDRESS INFORMATION

**Business Address:**

735 CHESTERLEA RD  
VICTORIA BC V8X 3R3

**Mailing Address:**

735 CHESTERLEA RD  
VICTORIA BC V8X 3R3

### PROPRIETOR INFORMATION

**Individual or Company Name:**

mueller, john allen

**Residential Address:**

735 CHESTERLEA RD  
VICTORIA BC V8X 3R3

### SUBMITTING PARTY INFORMATION

**Name:**

mueller, john allen

**Mailing Address:**

735 CHESTERLEA RD  
VICTORIA BC V8X 3R3



# **1-800-383-ITOW**

Central Dispatch Phone 250-383-ITOW (4869)

675 WILSON STREET V9A 3H3

**BILLING**

ORDER # \_\_\_\_\_

BILLED TO **S. 22** \_\_\_\_\_

ADDRESS \_\_\_\_\_

CASH ☐ CHARGE ☐ ICBC ☐ PDG ☐

CARD CLAIMS DEBIT ☐ MASTER ☐ VISA ☐

**DESCRIPTION**

VIN # \_\_\_\_\_

MAKE **S. 22** COLOUR **SILVER**

LICENCE **S. 22** PROV STATE **BC**

2DR ☐ 4DR ☒ OTHER \_\_\_\_\_

REGISTERED OWNER \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

KEY TAG ☐ YES ☐ NO ☒


OPEN ☐ LOCKED ☒

REL ☒ FEL ☒

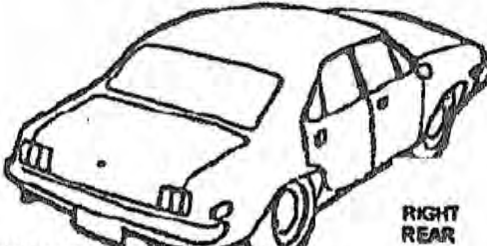
PROPERTY \_\_\_\_\_

DATE \_\_\_\_\_

FRONT LEFT



RIGHT REAR



DAMAGE AREA INDICATED BY X

**CONTROL**

DATE **Nov 13 2019**

TRUCK # \_\_\_\_\_ DRIVER **SS** Job # \_\_\_\_\_

**SERVICE**

REPORTED TO \_\_\_\_\_ AM PM

MAA ☐ BY-LAW ☐ 4-6 ☐ GADGE # \_\_\_\_\_

P1 ☒ BAKUP ☐ 7-8 ☐ PC \_\_\_\_\_

NAME \_\_\_\_\_

REASON **NPD**

FROM **From Prince George**

TO **Lot #1**

85	90
34	60
21	92
140	90
7	02
147	92

1. An owner, agent or tenant of above provides 1 hour's prior authorization to transport above mentioned vehicle and hold for storage and towing fees.

AUTHORIZATION \_\_\_\_\_

2. In the event that payment is not made for services rendered forthwith or in the event that payment is made by a cheque which is returned N.S.F. then and in such case I hereby authorize and instruct ITOW GROUP to pick up the said vehicle and hold same until payment of all of above charges and storage fees are paid.




AUTHORIZATION \_\_\_\_\_

NOT RESPONSIBLE FOR WEAK OR DEFECTIVE BUMPERS CUSTOMER'S SIGNATURE

## BYLAW SERVICES REQUEST FOR SERVICE

Call Number: 141383  
Entered By: DUSTIN MILLER Nov 15, 2019  
Assigned To: BYLAW SERVICES Nov 15, 2019  
Follow Up: A follow up is required.  
Bring Forward:

Class: PUBLIC OTHER  
Problem: OTHER  
Priority: NORMAL

LOCATION	REQUESTOR
I-TOW	S. 22
	Phone 1:  Phone 2:  Email: 

### CALL DETAIL

I had a vehicle towed, and was reading through Bylaw No. 11-033 for towing and immobilizing I believe Section 16 was lacking on truck #3 from i-Tow which operates out of 675 Wilson Street. I was also charged a 'fuel surcharge cost' of \$21.42 which is not a prescribed fee outlined in Schedule A <48.43237938451412,-123.38933814323036>

### INSTRUCTIONS

Automatically assigned by web form.

Email Reference # 268005

**Bobby Bains**

---

**From:** [REDACTED]  
**Sent:** November 20, 2019 1:26 PM  
**To:** Bobby Bains  
**Subject:** I -tow

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Here's truck #3 again today at 13:20

Its just got VSS 250 383 1155 in light grey rather small text.  
Which appears to stand for Victoria Super Service Towing when I google search.

Should be better/correct truck labeling in my opinion..

12

11.03.01 JB9534 VIN 3GDKC34F22M110950

21NOV2019



L I C E N C I N G

LICENCE NUMBER JB9534

REGISTRATION NUMBER 01330386

EFFECTIVE DATE 04MAR2019

EXPIRY DATE 03MAR2020

TERMINATION DATE

C U R R E N T V E H I C L E D E S C R I P T I O N

VEHICLE IDENTIFICATION NUMBER 3GDKC34F22M110950

MODEL YEAR 2002

MAKE GMC

MODEL 2WHDR

STATUS

COLOR RED

BODY STYLE WRECKER

FUEL DIESEL

NET WEIGHT(KG) 2664

GROSS WEIGHT(KG)

4319

DISPLACEMENT

R E G I S T E R E D O W N E R

MUELLER PAULA

MUELLER ZACHARY JOHNATHAN

735 CHESTERLEA RD

VICTORIA BC V8X 3R3

\*UNMARKED

RED TOW TRUCK

VSS?

MUELLER FAMILY (I-TOW)



**Bobby Bains**

**From:** Bylaw Services  
**Sent:** November 23, 2019 8:47 PM  
**To:** Bylaw Services  
**Subject:** Fwd: BUSINESS LICENCE BYLAW Call number: 141785  
**Attachments:** TEMPESTLIVE CALL\_NUMBER 141785.TDGL

This file is to be assigned to Bobby Bains - we will be initiating a project early next week.

Shannon  
 Get Outlook for iOS

**From:** noreply@victoria.ca <noreply@victoria.ca>  
**Sent:** Saturday, November 23, 2019 5:10:02 PM  
**To:** Bylaw Services <BylawServices@victoria.ca>  
**Subject:** BUSINESS LICENCE BYLAW Call number: 141785

## BYLAW SERVICES REQUEST FOR SERVICE

<b>Call Number:</b> 141785 <b>Entered By:</b> S. 22 <b>Assigned To:</b> BYLAW SERVICES <b>Follow Up:</b> A follow up is required. <b>Bring Forward:</b>	<b>Class:</b> BUSINESS LICENCE BYLAW <b>Problem:</b> FAIL TO COMPLY WITH LICENCE CONDITIONS <b>Priority:</b> NORMAL	<b>Nov 23, 2019</b> <b>Nov 23, 2019</b>
---	---	--

I-TOW IMPOUND LOT, 675 WILSON ST, VICTORIA	S. 22
	Phone 1: <span style="background-color: black; color: black;">[REDACTED]</span> Phone 2: <span style="background-color: black; color: black;">[REDACTED]</span> Email: <span style="background-color: black; color: black;">[REDACTED]</span>

I was charged a \$21.42 fuel surcharge for my car to be released from the impound lot at 675 wilson st. This is not in compliance with the rates laid out in Schedule A of the Towing and Immobilizing Companies Bylaw. They may also not be in compliance with Section 8(6) (a) and (b) where there are no signs in place stating the fees for a tow.

Automatically assigned by web form.

Email Reference #290287

control
option
command
command
option

**Sale**

PROPERTY: UNRECORDED

DATE: 11/25/17

AMOUNT: 147.40

TOTAL: 147.40

## TOW 383-TOW

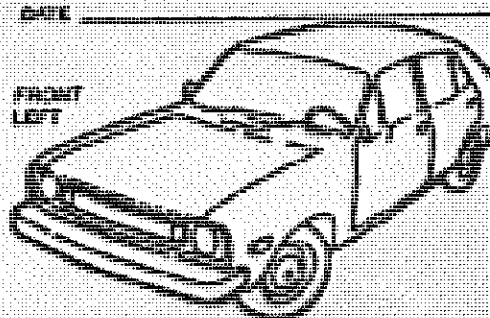
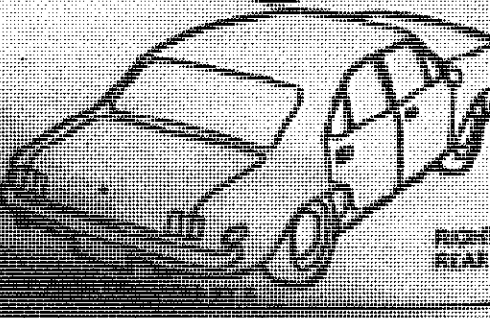
Dispatch Phone 250-355-TOW (8583)

**5 WILSON STREET V9A 3H3**

DATE <u>NOV 23 2017</u>	
TIME <u>11:25 AM</u>	
SERVICE <u>REPAIR</u>	
MA <input type="checkbox"/>	BY <input type="checkbox"/>
PL <input type="checkbox"/>	DR <input type="checkbox"/>
MAKE <u>VW</u>	
MODEL <u>BEETLE</u>	
YEAR <u>1998</u>	
TO <u>11/25/17</u>	
FROM <u>11/25/17</u>	
MILEAGE <u>110</u>	
FUEL <u>110</u>	
OIL <u>110</u>	
TIRE <u>110</u>	
WAX <u>110</u>	
WASH <u>110</u>	
TOTAL <u>147.40</u>	

PROPERTY NO

DATE 11/25/17

FRONT LEFT

FRONT RIGHT

TRAVELING <input type="checkbox"/>	TOWED <input type="checkbox"/>	STOLEN <input type="checkbox"/>
REASON FOR TOW <u>110</u>		
CHARGES PAID OUT <u>110</u>		
REMARKS <u>110</u>		
STORAGE <u>110</u>		
SUBTOTAL <u>110</u>		
GST <u>110</u>		
TOTAL <u>110</u>		

1. No money, sign or form of money provided for towing services shall be accepted unless the vehicle is towed to a place of safety and held for storage and towing fees.

2. In the event that payment is not made for towing services rendered for a vehicle or for the amount that payment is made by a third party to the towing company, the towing company shall be responsible for the payment of all of its towing charges and storage fees.

3. In the event that payment is not made for towing services rendered for a vehicle or for the amount that payment is made by a third party to the towing company, the towing company shall be responsible for the payment of all of its towing charges and storage fees.

WEAK OR DEFECTIVE BUMPERS

CUSTOMER'S SIGNATURE



# I-TOW 383-I-TOW

Central Dispatch Phone 250-383-I-TOW (4869)

675 WILSON STREET V9A 3H3

Victoria, B.C.

DATE

DEC 19 / 2019

S. 22

NAME

ADDRESS

P.O. NO.		CHARGE	CASH	CR. CARD	CHEQUE
LICENCE	COLOUR	YEAR	MAKE	MODEL	
	Black		EDGE	VAN	
TOWED FROM	SERVICED AT		COST		
<input type="checkbox"/> Flag Pond	<input type="checkbox"/>				
TOWED TO	<input type="checkbox"/> F.E.L.		85		
<input type="checkbox"/> LOT #1	<input type="checkbox"/> R.E.L.				
<input type="checkbox"/> EXTRA KM	KM @	/KM			
<input type="checkbox"/> TRAVEL TIME	HR @		/HR		
<input type="checkbox"/> RECOVERY TIME					
<input type="checkbox"/> WAITING TIME					
<input checked="" type="checkbox"/> DOLLIES	<input type="checkbox"/> AXLES		34		
<input type="checkbox"/> REMOVE DR. SHAFT	<input type="checkbox"/> DISCON. LINKAGE				
<input type="checkbox"/> WHEEL LIFT	<input type="checkbox"/> SLING LIFT				
<input type="checkbox"/> CARRIER	<input type="checkbox"/> STINGER				
<input type="checkbox"/> CHANGE WHEEL	<input type="checkbox"/> SERVICE LABOUR				
<input type="checkbox"/> JUMP START	<input type="checkbox"/> LOCKOUT				
<input type="checkbox"/> STORAGE					
<input type="checkbox"/> OTHER	* FSC		15.44		
SUB-TOTAL			137.44		
G.S.T.			6.97		
865 864 748 RT					
TOTAL			144.41		
ABOVE RECEIVED IN GOOD ORDER					
DRIVER	TRUCK NO.				
35	00				

Not responsible for weak or defective bumpers.

In the event that payment is not made for services rendered forthwith or in the event that payment is made by a cheque which is returned N.S.F. then and in such case I hereby authorize and instruct VICTORIA I-TOW GROUP to pick up the said vehicle and hold same until payment of all of his/her charges and storage fees are paid.

AUTHORIZATION

CUSTOMER'S SIGNATURE

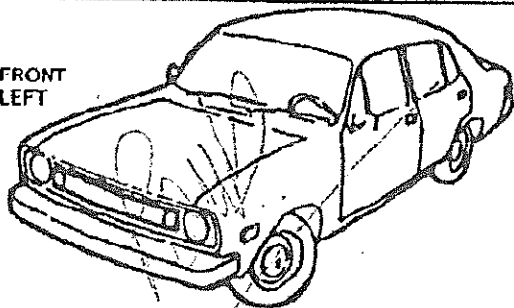
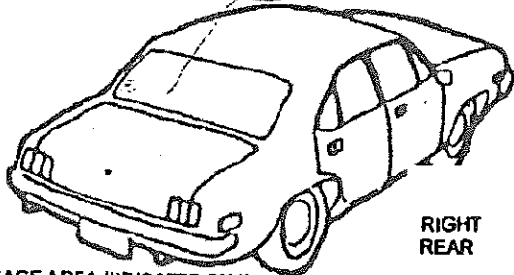
INVOICE.

# 16 I-TOW 383-I-TOW

Central Dispatch Phone 250-383-I-TOW (4869)

675 WILSON STREET V9A 3H3

000101

BILLING		CONTROL			
S. 22 BILLED TO ADDRESS CASH <input type="checkbox"/> CHARGE <input type="checkbox"/> ICBC <input type="checkbox"/> PDG <input type="checkbox"/> CARD DEBIT <input type="checkbox"/> MASTER <input checked="" type="checkbox"/> VISA <input type="checkbox"/> CLAIM # _____ EXPIRES _____		DATE <u>DEL 19/2019</u> TRUCK # <u>03</u> DRIVER <u>59</u> Job # _____			
DESCRIPTION VIN # _____ MAKE <u>KIA</u> COLOUR <u>WHITE</u> S. 22 LICENCE _____ PROV <u>BC</u> STATE _____ 2 DR <input type="checkbox"/> 4 DR <input type="checkbox"/> OTHER _____ REGISTERED OWNER NAME _____ ADDRESS _____		SERVICE REPORTED TO _____ AM PM MVA <input type="checkbox"/> BY-LAW <input type="checkbox"/> 4-6 <input type="checkbox"/> BADGE # _____ P.I. <input checked="" type="checkbox"/> BAILIFF <input type="checkbox"/> 7-9 <input type="checkbox"/> PC _____ NAME _____ REASON _____ FROM <u>FRAG FOND</u> TO <u>LOT 7</u>			
KEY TAG <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> LOCKED <input checked="" type="checkbox"/> REL <input type="checkbox"/> FEL <input type="checkbox"/> PROPERTY _____ DATE _____		AXLES <input type="checkbox"/> DRIVE SHAFT <input type="checkbox"/> RE <input type="checkbox"/> RE & RE <input type="checkbox"/> TRANS LINK <input type="checkbox"/> TRAILER <input type="checkbox"/> DOLLIES <input checked="" type="checkbox"/> 34 0 SECOND TOW CHARGES PAID OUT RECOVERY FSC 18 14 STORAGE DATE & TIME RELEASED _____ AM PM SUBTOTAL 18 43 GST 6 37 TOTAL 144 37			
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">             FRONT LEFT         </div> <div style="text-align: center;">             RIGHT REAR         </div> </div> DAMAGE AREA INDICATED BY X		1. As owner, agent or tenant of above premises I hereby give authorization to impound above mentioned vehicle and hold for storage and towing fees. AUTHORIZATION _____ 2. In the event that payment is not made for services rendered forthwith or in the event that payment is made by a cheque which is returned N.S.F. then and in such case I hereby authorize and instruct I TOW GROUP to pick up the said vehicle and hold same until payment of all of higher charges and storage fees are paid. AUTHORIZATION _____ CUSTOMER'S SIGNATURE _____			

NOT RESPONSIBLE FOR WEAK OR DEFECTIVE BUMPERS



S. 22

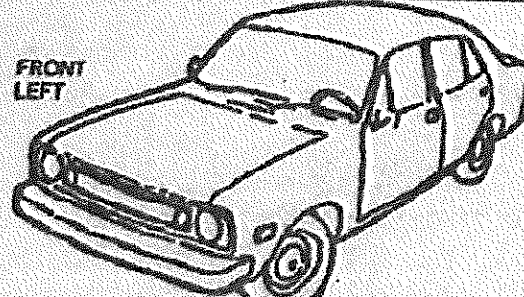
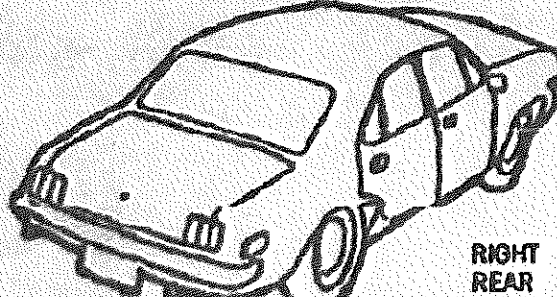
MAZDA 3

S. 22

O2 What were the fees ch.

**i-TOW 383-iTOW**  
Central Dispatch Phone 250-383-iTOW (4869)  
675 WILSON STREET V9A 3 H3

000182

<p>ORDER # _____</p> <p>VEHICLE TO <b>S. 22</b></p> <p>ADDRESS _____</p> <p>CASH <input type="checkbox"/> CHARGE <input type="checkbox"/> ICSC <input type="checkbox"/> PDG <input type="checkbox"/>          CARD <input type="checkbox"/> DEBIT <input type="checkbox"/> MASTER <input type="checkbox"/> VISA <input type="checkbox"/>          CLAIM # _____ EXPIRES _____</p> <p>DESCRIPTION _____</p> <p>MAKE <b>MAZDA</b> COLOUR <b>Grey</b>  <b>S. 22</b> PROV _____          LICENSE STATE <b>BC</b>          2DR <input type="checkbox"/> 4DR <input type="checkbox"/> OTHER <b>3</b>          REGISTERED OWNER _____          NAME _____</p> <p>ADDRESS _____</p> <p>KEY TAG <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> LOCKED <input checked="" type="checkbox"/> REL <input type="checkbox"/> FEL <input type="checkbox"/></p> <p>PROPERTY _____</p> <p>DATE _____</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">               FRONT LEFT         </div> <div style="text-align: center;">               RIGHT REAR         </div> </div> <p>DAMAGE AREA INDICATED BY X</p>	<p>CONTROL _____</p> <p>DATE <b>DEC 18 / 2017</b></p> <p>TRUCK # <b>03</b> DRIVER <b>99</b> Job # _____</p> <p>SERVICE _____</p> <p>REPORTED TO _____ AM <input type="checkbox"/> PM <input type="checkbox"/></p> <p>MVA <input type="checkbox"/> BY-LAW <input type="checkbox"/> 4-0 <input type="checkbox"/> BADGE # _____          PI <input checked="" type="checkbox"/> BARIFY <input type="checkbox"/> 7-0 <input type="checkbox"/> PC _____</p> <p>NAME _____</p> <p>REASON _____</p> <p>FROM <b>Phong Pond</b></p> <p>TO <b>LOT 1</b></p> <p>AXLES <input type="checkbox"/> DRIVE SHAFT <input type="checkbox"/> RE <input type="checkbox"/> REARS <input type="checkbox"/></p> <p>TRANS LINK <input type="checkbox"/> TRAILER <input type="checkbox"/> DOLLY <input checked="" type="checkbox"/> <b>34</b></p> <p>SECOND TOW _____</p> <p>CHARGES PAID OUT _____</p> <p>RECOVERY _____</p> <p>STORAGE _____</p> <p>DATE &amp; TIME RELEASED _____ AM <input type="checkbox"/> PM <input type="checkbox"/></p> <p style="text-align: right;">SUBTOTAL <b>137.44</b>          GST <b>6.71</b>          TOTAL <b>144.15</b></p> <p>1. As owner, agent or tenant of above premises I hereby give authorization to transport above mentioned vehicle and hold for storage and towing fees.</p> <p>AUTHORIZATION _____</p> <p>2. In the event that payment is not made for services rendered herewith or in the event that payment is made by a cheque which is returned N.E.P. then and in such case I hereby authorize and instruct i-TOW GROUP to pick up the said vehicle and hold same until payment of all of further charges and storage fees are paid.</p> <p>AUTHORIZATION <b>Wally Lewis</b></p> <p style="text-align: right;">CUSTOMER'S SIGNATURE _____</p>
---	--



S. 22

DEC-19-2019

18

INVOICE.



383-iTOW

Central Dispatch Phone 250-383-ITOW (4869)

675 WILSON STREET V9A 3H3

## BILLING

ORDER # \_\_\_\_\_

BILLED TO \_\_\_\_\_

ADDRESS \_\_\_\_\_

CASH ☐ CHARGE ☐ ICBC ☐ PDG ☐

CARD ☐ DEBIT ☐ MASTER ☐ VISA ☐

CLAIM # \_\_\_\_\_ EXPIRES \_\_\_\_\_

DESCRIPTION \_\_\_\_\_

VIN # \_\_\_\_\_

MAKE Toyota COLOUR Grey

LICENCE S. 22 PROV BC STATE \_\_\_\_\_

2 DR ☐ 4 DR ☐ OTHER 2-Runner

REGISTERED OWNER \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

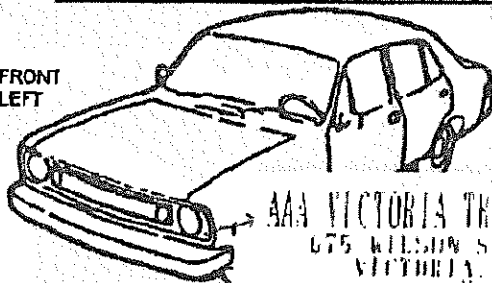
KEY TAG ☐ YES ☐ OPEN ☐ REL ☐

NO ☐ LOCKED ☐ FEL ☐

PROPERTY \_\_\_\_\_

DATE \_\_\_\_\_

FRONT LEFT



AAA VICTORIA TRANSPORT A  
675 WILSON STREET  
VICTORIA, BC  
V9A 3H3

Ph#? (250) 383-1155

12/20/2019

10:27

Sale

Trans #: 1 Batch #: 51

FID: 9022882A

MID: 014500

MASTERCARD Contactless

AMOUNT:

\$55.75

APPROVED

Resp:  
Code:AP  
016612

THANK YOU!  
CUSTOMER COPY

## CONTROL

DATE Dec 20 2019

TRUCK # \_\_\_\_\_ DRIVER 50 Job # \_\_\_\_\_

## SERVICE

REPORTED TO \_\_\_\_\_ AM PM

MVA ☐ BY-LAW ☐ 4-S ☐ BADGE # \_\_\_\_\_

PI ☐ BAILIFF ☐ T-B ☐ PC \_\_\_\_\_

NAME \_\_\_\_\_

REASON Link OffFROM From Pump Out

TO \_\_\_\_\_

AXLES ☐ DRIVE SHAFT ☐ RE ☐ RE & RE ☐TRANS LINK ☐ TRAILER ☐ DOLLIES ☐

SECOND TOW \_\_\_\_\_

CHARGES PAID OUT \_\_\_\_\_

RECOVERY \_\_\_\_\_

FSC

STORAGE \_\_\_\_\_

AM PM

SUBTOTAL 42.00GST 2.77TOTAL 44.77

and or terms of above premises I hereby give authorization to  
to mentioned vehicle and hold for storage and to

ION \_\_\_\_\_

I that payment is not made for services rendered forthwith or in  
payment is made by a cheque which is returned N.S.F. then and  
herby authorize and instruct I TOW GROUP to pick up the said  
id same until payment of all of further charges and storage less

ION \_\_\_\_\_

EFFECTIVE BUMPERS

CUSTOMER'S SIGNATURE

19

①

14.49.38

VEHICLE REGISTRATION AND LICENCING INQUIRY

13JAN2020

===== L I C E N C I N G I N F O R M A T I O N =====

LICENCE NUMBER **S.22** REGISTRATION NUMBER **S.22**  
EFFECTIVE DATE 30OCT2019 EXPIRY DATE 29JAN2020 TERMINATION DATE

--- - - C U R R E N T V E H I C L E D E S C R I P T I O N -----

VEHICLE IDENTIFICATION NUMBER **S.22**  
MODEL YEAR 2017 MAKE DODGE MODEL GCRVN STATUS  
COLOR BLACK BODY STYLE 4 DOOR STATIONWAGON FUEL GASOLINE  
NET WEIGHT (KG) 1965 GROSS WEIGHT (KG) DISPLACEMENT

----- R E G I S T E R E D O W N E R -----

**S.22**



VEHICLE #1

Black DODGE CARAVAN



14.50.21 VEHICLE REGISTRATION AND LICENCING INQUIRY 13JAN2020

===== L I C E N C I N G I N F O R M A T I O N =====

S.22 S.22  
LICENCE NUMBER REGISTRATION NUMBER  
EFFECTIVE DATE 26JUL2019 EXPIRY DATE 25JUL2020 TERMINATION DATE

===== C U R R E N T V E H I C L E D E S C R I P T I O N =====

S.22  
VEHICLE IDENTIFICATION NUMBER  
MODEL YEAR 2012 MAKE KIA MODEL RONDO STATUS  
COLOR WHITE BODY STYLE 4 DOOR STATIONWAGON FUEL GASOLINE  
NET WEIGHT (KG) 1608 GROSS WEIGHT (KG) DISPLACEMENT

===== R E G I S T E R E D O W N E R =====  
S.22

VEHICLE #S

WAT KIA RONDO

\* EMAILED RESPONSE BACK.

15.00.46 GC688X VIN JTEBU5JR8J5560324

13JAN2020

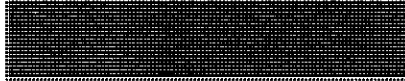
----- LICENSING INFORMATION -----  
S.22 S.22

LICENCE NUMBER ~~XXXXXX~~ REGISTRATION NUMBER  
EFFECTIVE DATE 21JAN2019 EXPIRY DATE 20JAN2020 TERMINATION DATE

----- CURRENT VEHICLE DESCRIPTION -----

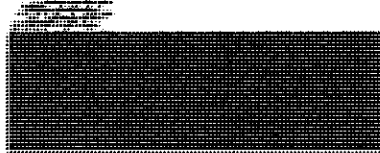
VEHICLE IDENTIFICATION NUMBER  
MODEL YEAR 2018 MAKE TOYOTA MODEL 4RUNR STATUS  
COLOR GREY BODY STYLE 4 DOOR STATIONWAGON FUEL GASOLINE  
NET WEIGHT (KG) 1950 GROSS WEIGHT (KG) DISPLACEMENT

----- REGISTERED OWNER -----  
S.22



VEHICLE # 9 - CST. GODY LADNER  
STATEMENT -

4-RUNNER  
GREY



22

14.51.10

VEHICLE REGISTRATION AND LICENCING INQUIRY

13JAN2020

4

----- L I C E N C I N G I N F O R M A T I O N -----

LICENCE NUMBE S. 22 REGISTRATION NUMBER S. 22  
EFFECTIVE DAT 19 EXPIRY DATE 31OCT2020 TERMINATI

----- C U R R E N T V E H I C L E D E S C R I P T I O N -----

VEHICLE IDENTIFICATION NUMBER S. 22  
MODEL YEAR 2007 MAKE MAZ L MZDA3 STATUS  
COLOR GREY BODY STYLE FOUR DOOR SEDAN FUEL GASOLINE  
NET WEIGHT (KG) 1221 GROSS WEIGHT (KG) DISPLACEMENT

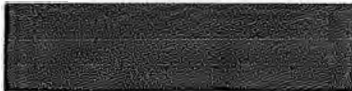
===== R E G I S T E R E D O W N E R =====

S. 22



VEHICLE #4

GREY MAZDA 3





STATEMENT :

DEC -19-2019

①

## Towing Questions:

## Restrictions on Towing

## 5(b) – Was the vehicle unlawfully parked?

Parking While Shopping at Capital Iron, Marks and Valhalla Pure Outfitters

Q. Were you shopping at these locations while parked?

A. Yes I was shopping at these locations, the tow company swears I was shopping at value village. I had a bag in hand from one of the above mentioned stores

## Fees

## 8(1) – Fees charged in excess of schedule A

Q. What were the fees charged?

→ A. 55.75 charged to my credit card

→ Bill of sale showing 47.25 given to me when I went back once talking to police officer tow truck driver then proceeded to hand me \$8.10 CASH

Q. Can you provide a copy of the invoice? ✓

A. Yes ✓

## 8(6) Fees to be prominently displayed at place of business?

Q. Did you pick up your vehicle from a lot?

→ \* A. No I caught them hooking my truck up and demanded they drop it. I was then charged 55.75 and the tow truck driver refused to provide me a receipt (neither for my CC or bill of sale) I was immediately pulled over by Victoria police once I left the parkinglot stating this company is under investigation for fraud. At this point the owner of the tow company pulled up in his personal vehicle and started video taping the police officer

Q. If so what was the location of the lot?

A. N/A

Q. Did you see a schedule of fees prominently displayed? No the officer has told me they have been charging people different amounts. I had to go back to the parkinglot once talking to the police officer and demand my receipts

## → \* 9(1)(b) Early Release

Q. Did you intercept the vehicle before it was towed away?

→ A. Yes

(2)

Q. Was the tow truck hooked up to your vehicle? Yes. Back wheels on ground. The towing diagram shows my vehicle needs to be SPECIFICALLY dollied (ie: all 4 wheels off of ground) I can provide the towing schematic from my owners manual. They would have caused damage to my newer (2018) vehicle had I not caught them prior to towing

A.

Q. What was the fee charged for release?

A. yes

Q. Was an invoice provided?

A. Tow truck driver refused to provide me a copy of invoice from either my bill of sale or mastercard transaction. Once discussing the situation with police I went back and demanded receipts as previously mentioned I was given \$8.10 cash back and the tow driver said "every other company charges this fuel surcharge so I shouldn't even be giving it back to you" 55.75 charged to my CC and a bill of sale for 47.25

→ (THIS MATH DOES NOT ADD UP) I called mastercard and had charges reversed as they were fraudulent

Q. Can you provide a copy?

Yes I will attach photos to this email

#### Storage Lots

**10(1) Tow Lot must not be outside 5 km from city hall**

Q. Where did you pick up your vehicle?

A.

#### Releasing Vehicles

**12(1)(a) Answering the phone 24/7**

Q. Did you call the tow company and did someone answer the phone?

A.

**12(1)(b) Show up within 30 minutes**

Q. How long did it take for a staff member to arrive on the lot to release vehicle?

A.

#### Receipt Required

**13(1)(a-e)**

- a) Name, ID number by company, of person who towed the vehicle
- b) Time when connected
- c) Location
- d) Fees



(3)

## e) Damage report

Q. Were you issued an invoice for payment?

→ A. I had to go back and demand I be given a copy of both receipts after talking to the police officer

Q. Can you provide a copy? Yes see attached photos



## Towing Questions:

### Restrictions on Towing

#### 5(b) – Was the vehicle unlawfully parked?

Parking While Shopping at Capital Iron, Marks and Valhalla Pure Outfitters

**Q.** Were you shopping at these locations while parked?

**A.** *yes, was shopping at Capital Iron*

### Fees

#### 8(1) – Fees charged in excess of schedule A

**Q.** What were the fees charged?

**A.** *the driver included a 'fuel surcharge' on the bill*

**Q.** Can you provide a copy of the invoice?

**A.** *yes*

#### 8(6) Fees to be prominently displayed at place of business?

**Q.** Did you pick up your vehicle from a lot?

**A.** *yes*

**Q.** If so what was the location of the lot?

**A.** *675 Wilson St, Esquimalt*

**Q.** Did you see a schedule of fees prominently displayed?

**A.** *No, neither displayed on storage lot, or at Capital Iron parking lot*

#### 9(1)(b) Early Release

**Q.** Did you intercept the vehicle before it was towed away?

**A.** *no*

**Q.** Was the tow truck hooked up to your vehicle?

**A.** *n/a*

**Q.** What was the fee charged for release?

**A.** *\$119 + GST + a fuel surcharge of \$21.42 which also had GST added*

**Q.** Was an invoice provided?

**A.** *yes*

Q. Can you provide a copy?

*yes*

#### Storage Lots

**10(1) Tow Lot must not be outside 5 km from city hall**

Q. Where did you pick up your vehicle?

*A. 675 Wilson, complies with 5km rule*

#### Releasing Vehicles

**12(1)(a) Answering the phone 24/7**

Q. Did you call the tow company and did someone answer the phone?

*A. yes they answer phone*

**12(1)(b) Show up within 30 minutes**

Q. How long did it take for a staff member to arrive on the lot to release vehicle?

*A. yes a member arrived within 30 minutes*

#### Receipt Required

**13(1)(a-e)**

- a) Name, ID number by company, of person who towed the vehicle**
- b) Time when connected**
- c) Location**
- d) Fees**
- e) Damage report**

Q. Were you issued an invoice for payment?

*A. yes*

Q. Can you provide a copy?

*A. yes*



## STATEMENT

①

## Towing Questions:

## Restrictions on Towing

## 5(b) – Was the vehicle unlawfully parked?

Capital Iron/ Marks and Valhalla Pure Outfitters...please circle

Q.1 Were you shopping at these locations while parked?

A. Yes

## Fees

## 8(1) – Fees charged in excess of schedule A

Q.2 What were the fees charged?

A. \$147.44 total. (including a Fuel Surcharge of \$21.42.)

Q.3 Can you provide a copy of the invoice?

It has since been damaged but I have  
A a photocopy.

8(6) Fees to be prominently displayed at place of business?

Q.4 Did you pick up your vehicle from a lot?

A. Yes, 675 Wilson St

Q.5 If so what was the location of the lot?

A. 675 Wilson St

Q.6 Did you see a schedule of fees prominently displayed?

Don't recall

9(1)(b) Early Release

Q.7 Did you intercept the vehicle before it was towed away?

A. No

Q.8 Was the tow truck hooked up to your vehicle?

A. No

Q.9 What was the fee charged for release?

A. N/a

Q.10 Was an invoice provided?

A. ~~Yes~~ N/a

Q.11 Can you provide a copy?

N/a

Storage Lots

10(1) Tow Lot must NOT be outside 5 km from city hall

Q.12 Where did you pick up your vehicle?

6.75 Wilson St

A.

### Releasing Vehicles

#### 12(l)(a) Answering the phone 24/7

Q.13 Did you call the tow company and did someone answer the phone?

A. Yes

12(l)(b) Show up within 30 minutes → yes

Q.14 How long did it take for a staff member to arrive on the lot to release vehicle?

A 20 minutes. Tow truck driver (maybe 23 yrs old) called him. He admitted to not doing any pre-trip inspection as is normal for I-Tow.

### Receipt Required

#### 13(l)(a-e)

- a) Name, ID number by company, of person who towed the vehicle
- b) Time when connected
- c) Location
- d) Fees
- e) Damage report

Q.15 Were you issued an invoice for payment?

A. Yes.

Q.16 Can you provide a copy?

A. Yes, only photo



**Towing Questions:****Restrictions on Towing****5(b) – Was the vehicle unlawfully parked?****Parking While Shopping at Capital Iron, Marks and Valhalla Pure Outfitters**

Q. Were you shopping at these locations while parked?

A. Technically no, I accidentally parked in a numbered stall

**Fees****8(1) – Fees charged in excess of schedule A**

Q. What were the fees charged?

A. \$85 towing fee, \$34 for dollies, \$18.44 FSC

Q. Can you provide a copy of the invoice?

A. Yes

**8(6) Fees to be prominently displayed at place of business?**

Q. Did you pick up your vehicle from a lot?

A. Yes

Q. If so what was the location of the lot?

A. 675 Wilson street

Q. Did you see a schedule of fees prominently displayed?

No

**9(1)(b) Early Release**

Q. Did you intercept the vehicle before it was towed away?

A. No, I didn't see it being towed away. I was walking out of a store with my newborn and realized my vehicle wasn't in the parking lot

Q. Was the tow truck hooked up to your vehicle?

A. I believe so, but I didn't see it being towed

Q. What was the fee charged for release?

A. I'm not sure. It's not clear on the invoice

Q. Was an invoice provided?

A. Yes

Q. Can you provide a copy?

Yes

#### Storage Lots

**10(1) Tow Lot must not be outside 5 km from city hall**

Q. Where did you pick up your vehicle?

A. 675 Wilson street

#### Releasing Vehicles

**12(1)(a) Answering the phone 24/7**

Q. Did you call the tow company and did someone answer the phone?

A. Yes

**12(1)(b) Show up within 30 minutes**

Q. How long did it take for a staff member to arrive on the lot to release vehicle?

A. I went to the office immediately when I arrived at the lot

#### Receipt Required

**13(1)(a-e)**

- a) Name, ID number by company, of person who towed the vehicle
- b) Time when connected
- c) Location
- d) Fees
- e) Damage report

Q. Were you issued an invoice for payment?

A. Yes

Q. Can you provide a copy?

A. Yes

## STATEMENT

## Towing Questions

## Restrictions on Towing

5(b) – Was the vehicle unlawfully parked?

Parking While Shopping at Capital Iron, Marks and Valhalla Pure Outfitters

Q. Were you shopping at these locations while parked?

A. I went in to Capital Iron but I did not buy anything.

## Fees

8(1) – Fees charged in excess of schedule A

Q. What were the fees charged?

A. They charged me \$146

Q. Can you provide a copy of the invoice?

A. yes

8(6) Fees to be prominently displayed at place of business?

Q. Did you pick up your vehicle from a lot?

A. yes

Q. If so what was the location of the lot?

A. I picked up my car at on Willson ave

Q. Did you see a schedule of fees prominently displayed?

9(1)(b) Early Release There was no fees to see.

Q. Did you intercept the vehicle before it was towed away?

A. when I went to the parking lot I noticed two men watched me and I was worried that they were going to steal my purse, so I crossed the street so that I would not have to go by them.

Q. Was the tow truck hooked up to your vehicle?

A. no

Q. What was the fee charged for release?

A. \$146

Q. Was an invoice provided?

A. yes

## STATEMENT

Q. Can you provide a copy?

Storage Lots

10(1) Tow Lot must not be outside 5 km from city hall

Q. Where did you pick up your vehicle?

A willson ave

Releasing Vehicles

12(1)(a) Answering the phone 24/7

Q. Did you call the tow company and did someone answer the phone?

A I thought that my car was stolen and was wondering around and not knowing what to do. Went to Capital Iron and they said that it probably was towed. phoned my husband and he said look around for a name of the towing place. I got my husband to pick me up and just went down to the lot. Found out where the lot was on my GPS

12(1)(b) Show up within 30 minutes

Q. How long did it take for a staff member to arrive on the lot to release vehicle?

A. When I got there, there were two men in their trucks

Receipt Required

13(1)(a-e)

- a) Name, ID number by company, of person who towed the vehicle
- b) Time when connected
- c) Location
- d) Fees
- e) Damage report

Q. Were you issued an invoice for payment?

A they gave me an invoice

Q. Can you provide a copy?

A yes I kept the copy



Q4: Does it be prominently displayed at place of business?

Q4: Did you pick up your vehicle from a lot?

A: Yes

Q5: If so, what was the location of the lot?

A: 675 Wilson Street



Q6: Do you see a vehicle of this prominently displayed?

(No)

9(1)(b) Early Release

Q7: Did you inspect the vehicle before it was towed away?

A: No



Q8: Will there be a lock up in your vehicle?

A: N/A

Q9: Will you be the owner for storage?

A: N/A

Q10: Will you be provided?

A: N/A

Q11: Other people's cars?

N/A

Storage Lots

(i) Tow Lot must NOT be outside 5 km from city hall

Q12: Where do you put up your vehicle?

675 Wilton Street ✓



# Leaving Vehicle

12(1)(a) Answering the phone 247

Q10 Did you call the tow company and did someone answer the phone?

A Yes

12(1)(b) Show up within 10 minutes

Q11 How long did it take for the tow company to arrive on site to tow vehicle?

A 20 minutes

A

Receipt Required → A. No Receipt

12(1)(a-e)

- a) Name, ID number by company, of person who towed the vehicle
- b) Time when connected
- c) Location
- d) Fees
- e) Damage report



Q.15 Were you issued an invoice for payment?

A YES

Q.16 Can you provide a copy?

A Yes ill attach it ✓



S. 22

EMailed PIC  
ON  
FEB 5-2020  
RE \* UNMARKED  
TOW TRUCK





They're at it again with unmarked tow car

S. 22

Managing Broker





43

S. 22

S. 22







**PARKING ONLY WHILE SHOPPING AT**  
**Capital Iron, Mark's**  
**& Valhalla Pure Outfitters**

**LIMIT ONE HOUR**

**ALL OTHER USE SUBJECT TO TOW AWAY AT VEHICLE OWNER'S EXPENSE**  
**i-TOW 250-383-4869 675 Wilson St.**

**Numbered spaces are reserved Monday through Friday**



**CUSTOMER  
PARKING**

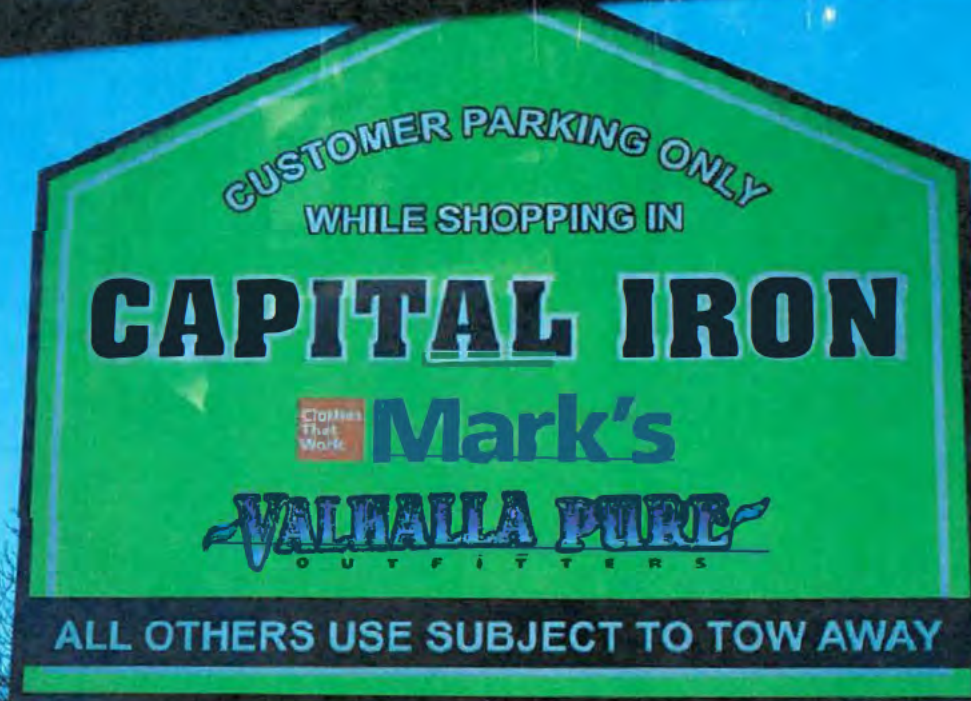
ONLY WHILE SHOPPING  
AT  
Capital Iron  
Mark's  
Valhalla Pure Outfitters  
LIMIT ONE HOUR

**ALL OTHER USE SUBJECT  
TO TOWAWAY**

**NOTICE**

**I-TOW**  
CALL 800-551-4TOW (4869)







SIGN →



CUSTOMER PARKING

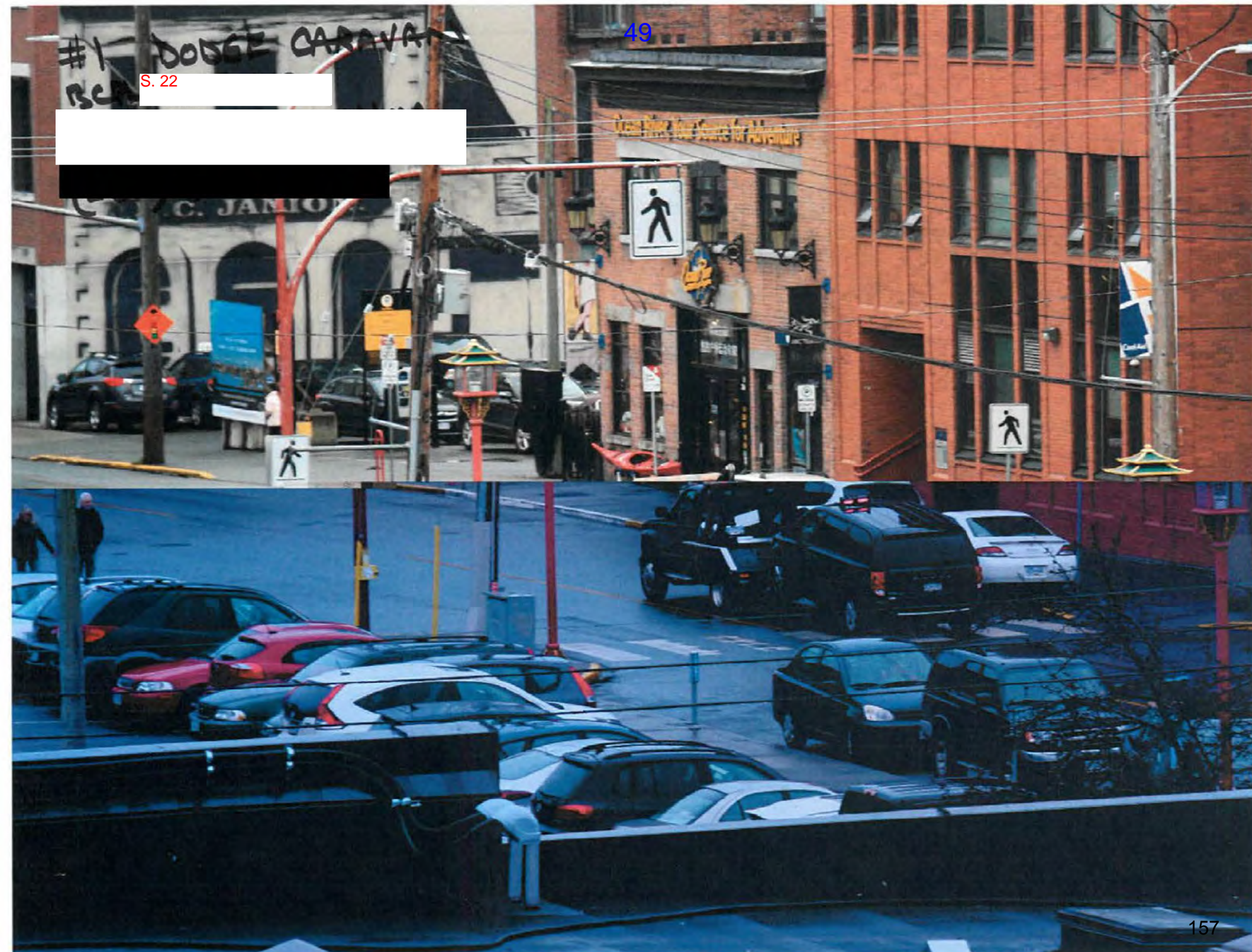
only while shopping  
AT

- CAPITAL IRON
- MARK'S
- VALHALLA ARE OUT FITS

The City of Victoria recognizes the rights and freedoms of all people and respects the dignity of all people.











50

#2 KIA RONDO  
BCA#

S. 22

S. 22

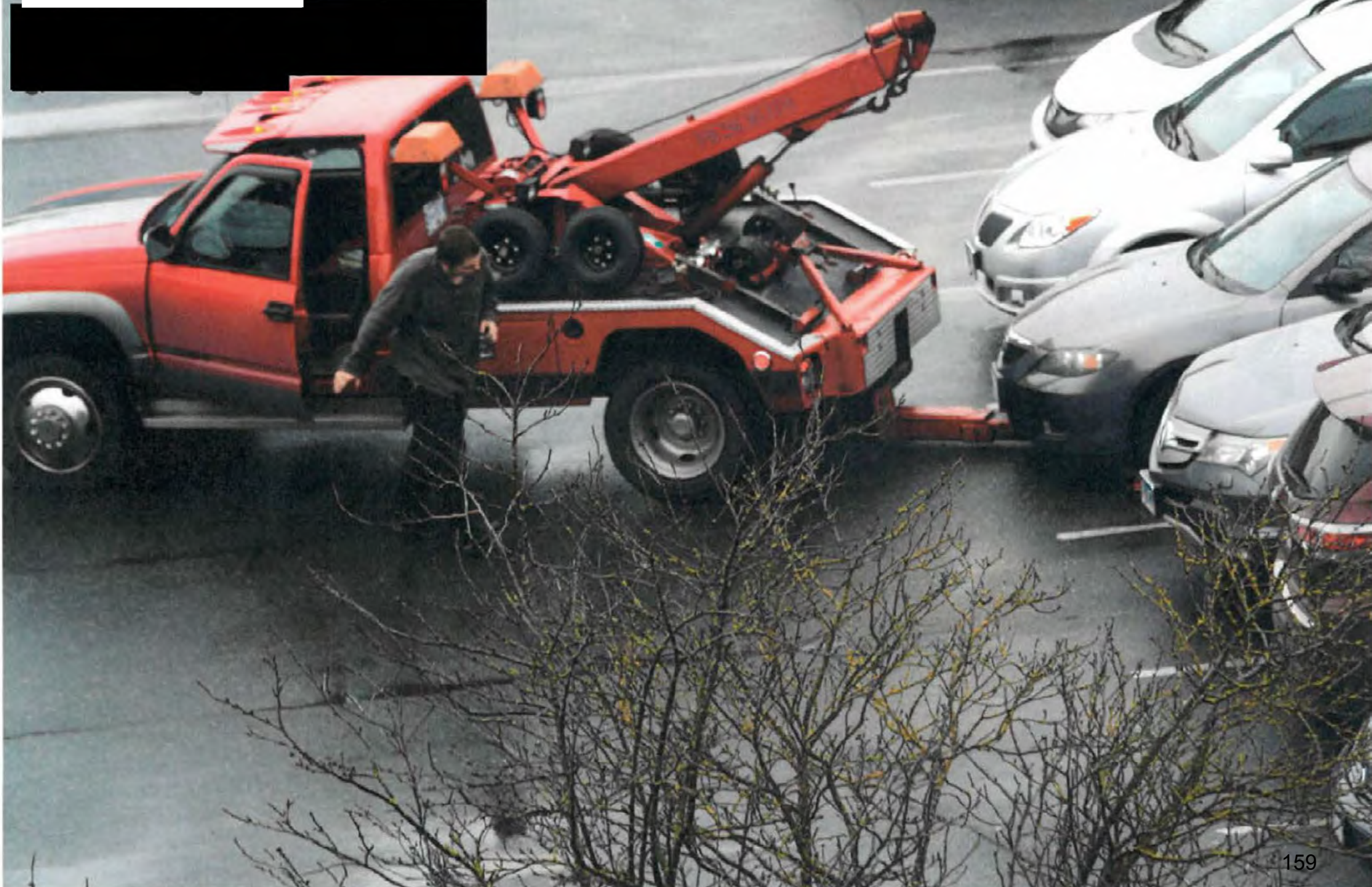


# 4  
Bc Pl. #

MAZDA 3

S. 22

51  
VIC PD  
(#19-53804)







**Community Services Division  
SURVEILLANCE REPORT**

<b>TARGET:</b>			
<b>TARGET RESIDENCE(S):</b>			
<b>TARGET VEHICLE(S):</b>			
<b>VIC PD FILE #:</b>	2019- 53804	<b>Project:</b>	
<b>Originating Agency</b>	Victoria PD	<b>Date / Day</b>	
<b>SURVEILLANCE TEAM:</b>		<b>FILE COORDINATOR:</b>	Wishnow, C.
1)	LAPIERRE (OP)	8)	
2)	B/D GAINS (OP)	9)	
3)	O'NEILL	10)	
4)	STANGER	11)	
5)	B/D ODLAN	12)	
6)	B/D PERKINS	UCO	
7)	MENICHOL	CC	
<b>Master Surveillance Notes</b>		<b>Road Boss</b>	<b>Supervisor</b>

<b>DATE:</b>	<b>SURVEILLANCE SUMMARY</b>

<b>TIME:</b>	<b>ACTIVITY:</b>
1000	Blk Ford - By black tow truck - #3 Row
1021	Red tow truck - white SUV - Dollys on front - son of MUELLER
	2nd - Linda Henry 15 114 Baldemith
1027	Black tow truck #6 Lane
	Blk Dodge Curves - No Dollys
1047	Ontario Plate - ML AM - 4410 Prospect
1054	(Ontario)
	S. 22
	Red truck line #5 backing up to white SUV
	Loaded from front - No Dollys
	Red truck pulling white SUV west into lower P-Lot
	2011 Dodge Journey, Colours here S. 22
	3-138 Ontario
1105	Red truck dropped white SUV Ontario Plate
	Lower P-Lot
1109	Red tow truck #2 Lane Kri (Body sedan)
	Black tow truck #4 S. 22 (Black sedan)

1109 HRS  
S. 22  
S. 22

## VICTORIA POLICE DEPARTMENT

## SURVEILLANCE REPORT - Page 2

TIME:	ACTIVITY:
→ 1114	2007 murder case - Holly Irving Red tow truck removing - <u>no Holly</u> ✓ KX 74-466 S. 22
1118	Black tow truck left with - Dallye
1130	White Dodge PU → scouting vehicle LP: S. 22
1141	White PU driver marking 1185 → Long hair, woman Employee 2001 Dodge white - D. K. H. H.
1201	Red tow truck in plot - AZ lane San. Zachary LP - Red S 2011 Red Focus Red - William VV 1201 Red truck east End same
1201	RED RAIN - occurring at 1201 hrs
1221	- POSSIBLE VICTIM / FEMALE / BLONDE HAIR / RED QUIT / BLUE JEANS / WHITE SHIRT LOOKING E SIGN TO CALL TRUCKING COMPANY? - PYS TAKEN
1232	- POSSIBLE VICTIM - FEMALE WITH KINK / GREEN <del>TOUGHER</del> / BLACK CAR BLUE JEANS / RED SHIRT - CALLING TRUCK COMPANY? LOI LAPIERRE 736-1111 1412 hours
1412	Black Black & Red into lot S. 22
1414	Red tow truck local red PU. Black tow truck loading Nissan
1419	Dark Sharon & Devon on Pembroke. Observed no markings on passenger side of black tow truck





Community Services Division  
SURVEILLANCE REPORT

<b>TARGET:</b>			
<b>TARGET RESIDENCE(S):</b>			
<b>TARGET VEHICLE(S):</b>			
<b>VIC PD FILE #:</b>	2019-53804	<b>Project:</b>	
<b>Originating Agency</b>	Victoria PD	<b>Date / Day</b>	
<b>SURVEILLANCE TEAM:</b>		<b>FILE COORDINATOR:</b> Wickham, L.	
1)	LAPIERRE (OP)	8)	
2)	B/O BAINS (OP)	9)	
3)	O'NEIL	10)	
4)	STRINGER	11)	
5)	B/O DOLAN	12)	
6)	B/O PERKINS	UCO	
7)	M. NICHOL	CC	
Master Surveillance Notes		Road Box	Supervisor

<b>DATE:</b>	<b>SURVEILLANCE SUMMARY</b>

<b>TIME:</b>	<b>ACTIVITY:</b>
1000	Blk Ford - S. 22
1021	Red tow truck - By black tow truck - #2 Row
	Red tow truck - white SUV up S. 22
	Dollison front - son of MUELLER
	S. 22
1027	Black tow truck #5 lane
	Blk Dodge Journey - No Dolls
1054	2017 Dodge Journey - M. A. M. - 491A Prospect
	S. 22 (Ontario)
	S. 22
	Red truck lane #5 backing up to white SUV
	Loaded from front - No Dolls
	Red truck pulling white SUV west into lower
	PLOT
	2017 Dodge Journey - M. A. M. - 491A Prospect
	S. 22
1105	Red truck dropped white SUV Ontario Plate
	lower PLOT
1109	Red tow truck #2 lane 2K Body sedan
	Black tow truck #4 S. 22
	Black sedan

## VICTORIA POLICE DEPARTMENT

## SURVEILLANCE REPORT - Page 2

TIME:	ACTIVITY:
1114	2007 Mazda 6.1L Red tow truck removing - No Dollys HK 74-5411 S. 22
1118	Black tow truck left with - Dollys
1130	White Dodge PU → scooting vehicle LP:
1141	White PU driver mucking tires → Long hair, cushion Employee 2001 Dodge White - S. 22
1201	Red tow truck in PLAT - AZ Long San. Zachary LP - S. 22 Red S
1206	2016 Ford Focus Red - Exit with red Ford Focus
1201	BOBBY BAINS - OBSERVATIONS @ 1211 HRS:
1221	- POSSIBLE VICTIM / FEMALE / BLONDE HAIR / RED COAT / BLUE JEANS / WHITE SHOES WORKING SIGN TO CALL TRAINING COMPANY? - PICS TAKEN
1232	- POSSIBLE VICTIM - FEMALE WITH KANK / GREEN TOP / BLUE JEANS / BLACK COAT BLUE JEANS / BROWN BOOTS - CALLING TOW COMPANY? L. LAPIERRE Observations 1412 hours
1412	Both Black & Red into Lot
1414	Red tow truck land red PU. S. 22
1419	Black tow truck loading Nissan Shannon & Devon on Pembroke Observed no markings on passenger side of black tow truck



Community Services Division  
SURVEILLANCE REPORT

<b>TARGET:</b>			
<b>TARGET RESIDENCE(S):</b>			
<b>TARGET VEHICLE(S):</b>			
<b>VIC PD FILE #:</b>	2019-53804	<b>Project:</b>	
<b>Originating Agency</b>	Victoria PD	<b>Date / Day</b>	
<b>SURVEILLANCE TEAM:</b>		<b>FILE COORDINATOR:</b>	Winkler
1)	LAPIERRE (OP)	8)	
2)	B/D BAINS (OP)	9)	
3)	O'NEILL	10)	
4)	STANGER	11)	
5)	D/O DOLAN	12)	
6)	B/O PERKINS	UCO	
7)	McNICHOL	CC	
<b>Master Surveillance Notes</b>		<b>Read Box</b>	<b>Supervisor</b>

<b>DATE:</b>	<b>SURVEILLANCE SUMMARY</b>

<b>TIME:</b>	<b>ACTIVITY:</b>
1000	Blk Ford - S. 22
1021	Red tow truck - white SUV - #2 lane By black tow truck - #2 lane
	Dollys on front - son of MUELLER S. 22
	2nd lane - S. 22 15-119 Baldamuth
1027	Black tow truck #5 lane S. 22
	Blk Dodge Calumet - No Dollys
1054	2017 Dodge S. 22 - 4801 Prospect
	(Continued) (O'NEILL)
	Red truck lane #5 backing up to white van
	Loaded from front - No Dollys
	Red truck pulling white SUV west into lower
	PLOT S. 22
	2011 Dodge Journey Calumet Lee 2
	3-138 Ontario
1105	Red truck dropped white SUV Ontario Plate
	lower PLOT
1109	Red tow truck #2 lane 1st Body sedan S. 22
	Black tow truck #4 S. 22 Black sedan

## VICTORIA POLICE DEPARTMENT

## SURVEILLANCE REPORT - Page 2

TIME:	ACTIVITY:
1114	2007 Mazda grey Holly Irving Red tow truck removing - A/O Holly's KX 74-546 S. 22
1118	Black tow truck left with - Dollys
1137	White Dodge PU → scouting vehicle CP S. 22
1141	White PU driver marking tires → Long hair, Caucasian Employee 2001 Dodge - White - Ontario S. 22
1201	Red tow truck in plot - #2 lane Son - Zachary CP - S. 22 Aed S Zach Paul Focus Red - William VJ
1206	Ex. 1 with red Ford Focus
1207	BOBBY BAINS - OBSERVATIONS @ 1211 HRS:
1221	- POSSIBLE VICTIM / FEMALE / BLONDE HAIR / BLK CAT / BLUE JEANS / LIGHT SWEATER LOOKING @ SIGN TO CALL TOWING COMPANY? - PICS TAKEN
1232	- POSSIBLE VICTIM - FEMALE WITH KAT / GREEN <del>TOUGUE</del> / BLACK CAT / BLUE JEANS / BROWN PANTS - CALLING TOW COMPANY?
1412	CSF LAPIERRE Observations 1412 hours Both Black & Red into Lot
1414	Red tow truck load red PU. S. 22
1419	Black tow truck loading Nissan
1419	Shannon & Devon on Pembroke. Observed no markings on passenger side of black tow truck

## File Number 179540

### File Options:

[New Search](#)

[Back to Search Results](#)

[Enter your file number](#)

Documents

Participants

Charges

Appearances

**Sentences/Disp.**

Releases

Appr. Date	Doc Ref	Accused	Cnt #	Count	Lesser/Incl. Finding
09-Apr-2021	179540-1	<u>MUELLER, JOHN Allen</u>	4	BLW 000 Municipal Bylaw Offence	G
09-Apr-2021	179540-1	<u>MUELLER, JOHN Allen</u>	6	BLW 000 Municipal Bylaw Offence	G
09-Apr-2021	179540-1	<u>MUELLER, JOHN Allen</u>	15	BLW 000 Municipal Bylaw Offence	G
09-Apr-2021	179540-1	<u>MUELLER, JOHN Allen</u>	10	BLW 000 Municipal Bylaw Offence	G
09-Apr-2021	179540-1	<u>MUELLER, JOHN Allen</u>	8	BLW 000 Municipal Bylaw Offence	G





No.: 179540-1  
Victoria Registry

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

AND:

JOHN MUELLER dba I-TOW GROUP

ORDER

BEFORE THE HONOURABLE

FRIDAY, THE 9th DAY

JUDGE

OF APRIL 2021

THIS APPLICATION coming on for hearing before me at Victoria, BC, on Friday, April 9, 2021, and upon hearing Andrew W. Buckley, counsel for the Corporation of the City of Victoria, and Hans Doebling, counsel for John Mueller dba I-TOW Group;

**THIS COURT ORDERS that:**

1. Within six months of the Order of this Court, John Mueller doing business as I-TOW Group shall pay to the City of Victoria a fine of \$250.00 for each of the five counts to which a guilty plea has been entered, for a total fine of \$1,250.00.
2. Within 30 days of the Order of this Court, John Mueller doing business as I-TOW Group paint or otherwise permanently affix his business name and telephone number in characters that are not less than ten centimeters in height and clearly legible and visible at all times on each side of any vehicle used by him or his business to carry on the towing or immobilizing of improperly or unlawfully parked vehicles within the geographic boundaries of the City of Victoria, in accordance with s. 16 of the City of Victoria Towing and Immobilizing Companies Bylaw;


3. Within 30 days of the Order of this Court, Mr. Mueller prominently display a schedule of the fees which may be charged pursuant to the City of Victoria Towing and Immobilizing Companies Bylaw at each place of business, and each lot where vehicles towed for being improperly or unlawfully parked are stored, in accordance with s. 8(6) of the City of Victoria Towing and Immobilizing Companies Bylaw;


4. Within 30 days of the Order of this Court, Mr. Mueller prominently display at each of his storage lots a clearly visible and legible sign stating that there is no charge for the first hour of storage of a vehicle that was towed for being improperly or unlawfully parked, in accordance with s. 10(2) of the City of Victoria Towing and Immobilizing Companies Bylaw;

5. Within 30 days of the Order of this Court, Mr. Mueller provide to counsel for the City of Victoria a duly executed affidavit confirming that each of the above requirements have been satisfied and appending photographic evidence to the affidavit confirming same;

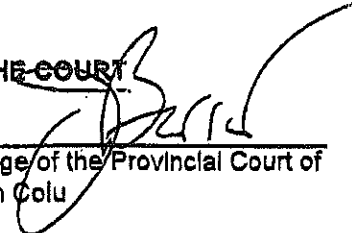
6. For a period of one year from the date of the Order of this Court, Mr. Mueller ensure and maintain compliance with the City of Victoria Towing and Immobilizing Companies Bylaw, including, without limitation, sections 8, 10, 13 and 16.

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Andrew W. Buckley  
Counsel for the Corporation of  
the City of Victoria

  
\_\_\_\_\_  
Hans Doehring  
Counsel for John Mueller dba I-Tow Group

**BY THE COURT**

  
\_\_\_\_\_  
A Judge of the Provincial Court of  
British Columbia

File #202925

Victoria

In the Provincial Court of British Columbia

In the Matter of

Regina

And

John Mueller carrying on business as I-Tow Group

**AFFIDAVIT**

I John Mueller of 735 Chesterlea Road, Victoria, make oath and say:

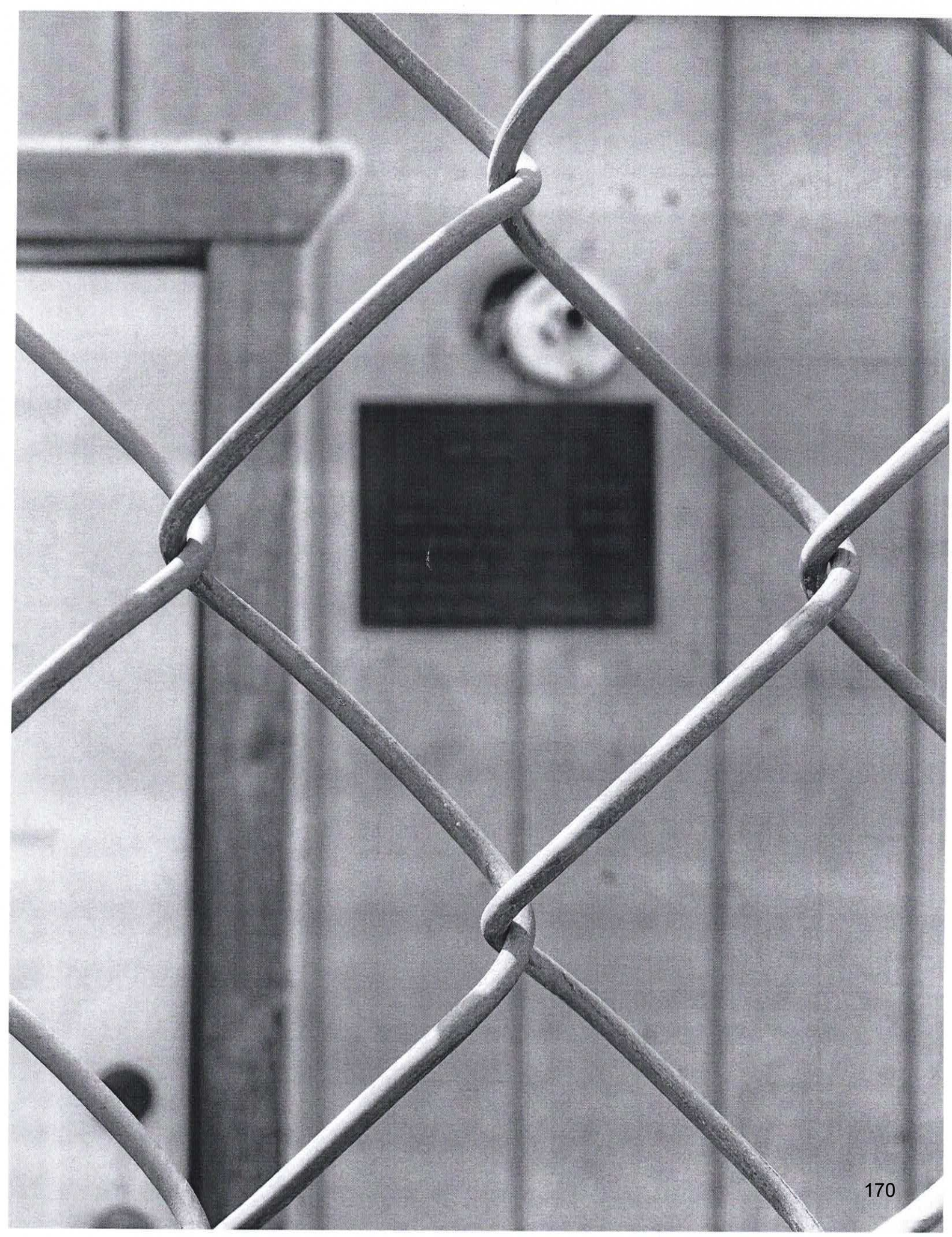
1. Attached hereto are photos of signs posted at parking lots relative to my towing business in compliance with Victoria towing bylaw
1. I have provided my counsel with the sum of \$150.01 in accordance with the agreement reached with counsel for Victoria respecting this matter.
2. I make this affidavit in compliance with the Court Order in this Action.

Sworn before me this 7<sup>th</sup> day )  
Of May 2021, in the )  
Municipality of North Saanich )  
British Columbia )

Hans JR Doehring, Commissioner for  
Taking oaths in and for the Province of  
British Columbia

  
John Mueller







## CITY OF VICTORIA TOWING RATES

### Towing and Storage:

Description	Fee
No dolly or sling required	\$85.00
Dolly or sling required – additional \$34.00	\$119.00
Storage fees as follows:	\$2.25 per hour to a maximum of \$20.50; first hour of storage is free
Early release – without specialized equipment	\$45.00



File #202925

Victoria

In the Provincial Court of British Columbia

In the Matter of

Regina

And

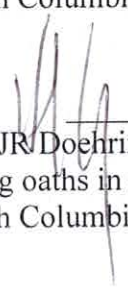
John Mueller carrying on business as I-Tow Group

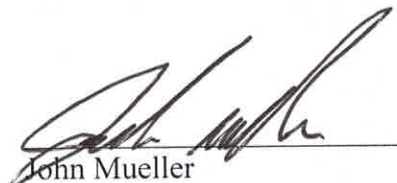
**AFFIDAVIT**

I John Mueller of 735 Chesterlea Road, Victoria, make oath and say:

1. Attached hereto are photos of my truck with showing name and telephone number used to tow in my business in compliance with Victoria towing bylaw.

Sworn before me this 8<sup>th</sup> day )  
Of June 2021, in the )  
Municipality of North Saanich )  
British Columbia )

  
\_\_\_\_\_  
Hans JR Doehring, Commissioner for  
Taking oaths in and for the Province of  
British Columbia

  
\_\_\_\_\_  
John Mueller





## REQUEST FOR SERVICE DETAIL

**Workgroup** BYLAW SERVICES**Call** 179133 Jul 5, 2021 3:39 PM**Status** ASSIGNED Jul 5, 2021 3:40 PM**Follow up** NO **Internal** NO**Class** BUSINESS LICENCE BYLAW**Problem** FAIL TO COMPLY WITH LICENCE CONDITION**Priority** NORMAL **Reference** PRIORITY 2**Bring Forward** Sep 24, 2021 **Repeat**

Location	Requestor
JOHN MUELLER DBA I-TOW GROUP 760 QUEENS AVE	CHRIS GOLDSMITH

**Call Detail**

I-TOW Court ordered compliance with Business Licence and Towing and Immobilizing Companies Bylaw

Workflow	Date	Name1	Name2	File No
ENTERED	Jul 5, 2021 3:39 PM	CHRIS GOLDSMITH		
ASSIGNED	Jul 5, 2021 3:40 PM	CHRIS GOLDSMITH		
EMAIL	Jul 5, 2021 3:40 PM	<cgoldsmith@victoria.ca> BUSINESS LICENCE BYLAW Call number: 179133		
NOTE	Jul 10, 2021 6:38 AM	CHRIS GOLDSMITH		
ATTENDED 675 WILSON				
July 2, 2021- 01:50 PM- BO 1005 GOLDSMITH and BO 1003 LUNDIN attended 675 Wilson Street. GOLDSMITH and LUNDIN observed no signage for I-Tow Towing Group, or indication I-Tow Towing Group is doing business on the property. Six (6) photos taken (see attached).				
NOTE	Jul 10, 2021 6:39 AM	CHRIS GOLDSMITH		
ATTENDED 1924 STORE ST				
July 2, 2021- 01:57 PM- BO 1005 GOLDSMITH and BO 1003 LUNDIN attended 1924 Store Street. GOLDSMITH and LUNDIN observed signage "I-TOW 250-383-4869, 1924 Store Street," as well as a small plastic white sign labelled "City of Victoria Tow Rates." GOLDSMITH and LUNDIN also observed a black and red sign on a small out building believed to be the main office labelled "City of Victoria Tow Rates," and that the first hour is free. A sign saying "I-Tow reserved for Jack," was also observed.				



NOTE Jul 10, 2021 6:40 AM CHRIS GOLDSMITH  
OBSERVED I-TOW SIGNAGE AT 515 CHATHAM STREET

July 4, 2021- 07:28 AM- BO 1005 GOLDSMITH attended the area of 515 CHATHAM Street. An I-Tow Towing sign was located in the parking lot. The signage contained the name and phone number of the company, as well as fees for Basic impound rate, daily storage, hourly and drop charge. The address appeared to have been taped over and read 1924 Store St.

---

NOTE Jul 13, 2021 10:02 AM CHRIS GOLDSMITH  
EMAIL TO I-TOW

July 13, 2021- see attached-"Good Morning,

Please find the attached notice of inspection letter for I-Tow Towing Group at 1924 Store Street, Monday, July 19th, 2021, at 1:30pm. The purpose of this inspection is to confirm that the property and the activity conducted upon this property comply with the court order, city bylaws and document the conditions.

Attached is a notice of inspection letter and court order.

Thank you,"

---

NOTE Jul 14, 2021 2:12 PM AMY ACHESON  
ATTENDANCE/BUSINESS LOCATION UPDATE

Attended 1924 Store Street on 21/07/14 at approx. 1250 hours with BO SMITH. ACHESON could not visually locate the ITOW GROUP facility/yard. Asked an employee from Capital Iron if they knew where the ITOW Group was located. Capital Iron employee Kyle pointed out an empty fenced off area where ITOW Group was located. Kyle explained that ITOW Group had their lease run up at the end of June 2021 and moved out a few weeks ago.

ACHESON took a photo of the the empty yard, which is in attachments.

---

NOTE Jul 17, 2021 12:59 PM TINA LOCKHART  
OBSERVED I-TOW TRUCK IN OPERATION

July 14, 2021 @ 10:50 am BO LOCKHART observed a black tow truck hooking up an vehicle in the parking lot of the McDonalds at 980 Pandora Avenue. The black tow truck had BC PL# RD 1617, and did not appear to have signage except for a small VSS 250-383-1155 on the side. While BO LOCKHART was taking photos the driver approached the marked City of Victoria Bylaw Services Vehicle and asked why BO LOCKHART was taking photos. BO LOCKHART responded that the vehicle does not have the business name posted on the vehicle in contravention of the City's Towing and Immobilizing Companies Bylaw. The driver who refused to identify himself stated it is on the vehicle and BO LOCKHART asked where it was, and the driver responded it was the VSS. BO LOCKHART asked what VSS stands for and the driver responded "Victoria Super Service". The driver stated I-Tow and two other companies amalgamated and are under Victoria Super Service. Photographs taken see attachments

---

NOTE Jul 18, 2021 12:45 PM CHRIS GOLDSMITH  
I-TOW SIGNAGE AT 515 CHATHAM STREET

July 18, 2021- 07:08 AM- BO 1005 GOLDSMITH attended the area of 515 CHATHAM Street. An I-Tow Towing sign was located in the parking lot. The signage address remains 1924 Store St. There appeared to be no change from the signage when it was observed on July 4, 2021, despite the business relocating. Two (2) photos taken (see attached).

NOTE Jul 18, 2021 1:33 PM DANNY LUNDIN

ATTENDANCE- JULY 16th 2021-

Attended NEW location of I-TOW yard at 760 Queens Ave in Victoria B.C to serve MUELLER, John with an inspection notice, BO LUNDIN then called Mr. MUELLER to come out and meet on site to hand his the inspection notice. MUELLER than got a little defensive over the fact that were setting a date and time for the inspections. MUELLER that added that he is suing the City Of Victoria for the years of harassment he has endured trying to run a business in Victoria, MUELLER than said he will not accept the Notice by hand and wanted the Notice to go to his Lawyer. No name was given regarding his Lawyer but a phone number was. The emailed copy was sent to MUELLER through the current email of I-TOW@shaw.ca on the 17th of July 2021 at 1500 hrs of the day.

[REDACTED]

---

NOTE Jul 19, 2021 3:09 PM DANNY LUNDIN

ATTENDANCE for I-Tow Inspection- JULY 19th 2021- 130pm.

Attended 760 Queens Ave for a set inspection at 760 Queens Ave at 1330hrs of the day. Arrived on site at 1312pm of the day along with my partner BO GOLDSMITH to prepare for inspection. On site at exactly 1330pm to start the inspection, Mr Mueller was not on site at the time of the set inspection and the I Tow fleet was not on location to participate in the inspection - GOLDSMITH phoned MUELLER regarding the inspection, MUELLER then spoke to GOLDSMITH on the phone regarding the inspection will have to go through the lawyer to obtain entry to the location. GOLDSMITH then listen to MUELLER's concerns and then ended the call with MUELLER, During that call MUELLER said GOLDSMITH can contact his lawyer and he will come down to the yard. End of conversation.

---

NOTE Sep 5, 2021 9:00 AM ANDREW DOLAN  
REVIEWED FILE - NEW BF DATE REQUIRED.

---

NOTE Sep 7, 2021 3:22 PM CHRIS GOLDSMITH  
ATTENDED LOCATION

September 7, 2021- See attached statement for narrative.

---

NOTE Sep 7, 2021 3:37 PM CHRIS GOLDSMITH  
EMAIL TO I-TOW (1 OF 2)

September 7, 2021- see attached- "Good Afternoon John Mueller,

As discussed on the phone this afternoon, please find the attached copy of the letter I attempted to deliver to you at 760 Queens St today.

In accordance with the Business Licence Bylaw a hearing has been scheduled for you or your agent to appear virtually via electronic participation before Victoria City Council. Please be advised that the hearing has been scheduled for the Council meeting of Thursday, September 23, 2021, at 2:00 p.m. at the City of Victoria, City Hall, 1 Centennial Square.

Please see the attached letter for additional details.

Please note that you or your agent must be in attendance at the virtual Hearing in order for Council to consider the appeal. Legal representation at the virtual Hearing is permitted. A copy of the procedures for this hearing is enclosed for your information."

---

NOTE Sep 7, 2021 3:38 PM CHRIS GOLDSMITH  
EMAIL TO I-TOW (2 OF 2)

September 7, 2021- "Should you have any questions regarding your appeal please contact Legislative Services at legislativeservices@victoria.ca or at 250.361.0571.

Thank you,"



NOTE Sep 10, 2021 3:52 PM CHRIS GOLDSMITH  
I-TOW SIGNAGE AT 980 PANDORA ST


September 10, 2021- BO 1005 GOLDSMITH attended 980 Pandora and observed I-Tow signage. See attached narrative for detail.

---




**CUSTOMER  
PARKING ONLY  
90 Minutes**

**DRIVERS WALKING OFF  
THE LOT WILL BE  
TOWED IMMEDIATELY  
AT OWNERS EXPENSE**

**Service by** 

**- 250-383-4869**

**51-760 QUEENS AVE** 

**NOTICE**

**ILLEGALLY PARKED VEHICLES  
IMPOUNDED AT OWNER'S EXPENSE**

**I-TOW**

**51-760 QUEENS AVE**

**250-383-ITOW(4869)**

BASIC IMPOUND RATES \$85 DAILY STORAGE \$20.50 HOURLY \$2.25 DROP CHARGE \$45



**CUSTOMER  
PARKING ONLY  
90 Minutes**

DRIVERS WALKING OFF  
THE LOT WILL BE  
TOWED IMMEDIATELY  
AT OWNERS EXPENSE

Service by **I-TOW**  
250-383-4869  
760 QUEENS AVE

**NOTICE**  
ILLEGALLY PARKED VEHICLES  
IMPOUNDED AT OWNER'S EXPENSE

**I-TOW**  
760 QUEENS AVE  
250-383-ITOW(4869)

BASIC IMPOUND RATES \$85 DAILY STORAGE \$20.00 HOURLY \$2.25 DROP CHARGE \$45



**CUSTOMER  
PARKING ONLY  
90 Minutes**

**DRIVERS WALKING OFF  
THE LOT WILL BE  
TOWED IMMEDIATELY  
AT OWNERS EXPENSE**

**Service by** 

**250-383-4869**

**760 QUEENS AVE**





**CUSTOMER  
PARKING ONLY  
90 Minutes**

**DRIVERS WALKING OFF  
THE LOT WILL BE  
TOWED IMMEDIATELY  
AT OWNERS EXPENSE**

**Service by L-TOW  
250-383-4869**

**760 QUEENS AVE**

**THE YOGIS**  
bosa4rent.com

**BOSA RENT**

**THE CREATIV**  
bosa4rent.com

**save on foods**





**CUSTOMER  
PARKING ONLY  
90 Minutes**

**DRIVERS WALKING OFF  
THE LOT WILL BE  
TOWED IMMEDIATELY  
AT OWNERS EXPENSE**

Service by **L-TOW**  
**250-383-4869**  
**51760 QUEENS AVE**





Jul 16, 2021 at 3:33:34 PM  
300° NW

### CITY OF VICTORIA TOWING RATES

#### Towing and Storage:

Description	Fee
No dolly or sling required	\$85.00
Dolly or sling required – additional \$34.00	\$119.00
Storage fees as follows:	\$7.25 per hour to a maximum of \$20.50; first hour of storage – free
Early release – without specialized equipment	\$45.00



Jul 16, 2021 at 3:33:29 PM

77° E



**BYLAW OFFICER STATEMENT**

<b>Officer Rank/Number/Rank</b>	Goldsmith/Bylaw Officer/1005
<b>Date</b>	Friday, September 10, 2021
<b>Time</b>	8:05 AM
<b>Subject</b>	John MUELLER (I-TOW)
<b>File</b>	179133

On Friday, September 10, 2021 , 8:05 AM BO 1005 GOLDSMITH, VBLS was working in full uniform, on regular patrol duties with BO 942 TSCHRITTER. GOLDSMITH and TSCHRITTER attended 980 Pandora Avenue to check if I-Tow Towing signs remained in the area.

On arrival five I-Tow Towing signs were located in the parking lot. Four signs were labeled "Customer Parking only, 60 minutes, Drivers walking off the lot will be immediately towed at owners expense, Service by I-Tow 250-383-4869." Another sign was labelled "NOTICE, Illegally parked vehicles impounded at owner's expense, I-Tow 250-383-ITOW (4869), Basic Impound Rates \$85, Daily Storage \$20.50, Hourly \$2.25, Drop Charge \$45". All signage contained the address 760 Queens Ave and appeared to have been added. The address had been taped over with blue tape and white lettering.

It is unclear if the lot is actively being used by I-Tow.

GOLDSMITH took photos of the signage on his City of Victoria issued Iphone. Five (5) photos were taken (see attached).

BO 1005 Chris GOLDSMITH

**BYLAW OFFICER STATEMENT**

<b>Officer Rank/Number/Rank</b>	Goldsmith/Bylaw Officer/1005
<b>Date</b>	Tuesday, September 7, 2021
<b>Time</b>	2:30 PM
<b>Subject</b>	John MUELLER (I-TOW)
<b>File</b>	179133

On Tuesday, September 7, 2021, 01:30 PM BO 1005 GOLDSMITH, VBLS was working in full uniform, on duty with BO 1004 ACHESON. GOLDSMITH and ACHESON attended 760 Queens St to deliver a letter titled **Re: Hearing re:Business Licence Denial for 760 Queens Avenue Business Licence #8014** from Christine HAVELKA (see attached).

On arrival, GOLDSMITH observed the gate which accesses the north parking area of the building was closed and locked. No towing vehicles were present in the area, or were behind the gate. Signage was present on the front which said "I-TOW 250-383-4869," in orange lettering which was approximately 2 feet by 2 feet. A large grey and white dog was observed behind the fencing. GOLDSMITH called out and there was no response, no persons appeared to be present in the area.

At 2:34 PM GOLDSMITH called 250-383-4869. The person answered "Dispatch," GOLDSMITH recognized the voice to be John MUELLER. MUELLER asked who was calling and GOLDSMITH advised he was calling from Victoria Bylaw Services and was present to deliver a letter to him. MUELLER advised there was no one present at 760 Queens as he was no longer doing business in Victoria. MUELLER advised GOLDSMITH to go through his lawyer. GOLDSMITH asked if there was a place the letter could be left, MUELLER said "No." GOLDSMITH then ended the call. GOLDSMITH was not able to deliver the letter and returned with it to the Bylaw Office.

GOLDSMITH took photos of the area on his City of Victoria issued Iphone of the yard from the front entrance of the property. Three (3) photos were taken (see attached).

BO 1005 Chris GOLDSMITH



**Legislative and  
Regulatory  
Services  
Department**

Legislative Services

#1 Centennial Square

Victoria

British Columbia

V8W 1P6

Tel (250) 361-0571

Fax (250) 361-0348

[www.victoria.ca](http://www.victoria.ca)

August 26, 2021

Mr. John Mueller dba I-Tow Group  
760 Queens Avenue  
Victoria, BC

Mr. Mueller,

**Re: Hearing re: Business Licence Denial for 760 Queens Avenue,  
Business Licence #8014**

---

This letter is in response to the Licence Inspector's suspension of business licence #8014 as outlined in the Licence Inspector's letter dated July 29, 2021. In accordance with the *Business Licence Bylaw* a hearing has been scheduled for you or your agent to appear virtually via electronic participation before Victoria City Council.

Please be advised that the hearing has been scheduled for the Council meeting of **Thursday, September 23, 2021, at 2:00 p.m.** at the City of Victoria, City Hall, 1 Centennial Square. Due to Covid-19, public attendance at Council meetings is not permitted. A link to the meeting will be sent to you with instructions on joining the meeting.

Please note that you or your agent must be in attendance at the virtual Hearing in order for Council to consider the appeal. Legal representation at the virtual Hearing is permitted. A copy of the procedures for this hearing is enclosed for your information.

Should you have any questions regarding your appeal please contact Legislative Services at [legislativeservices@victoria.ca](mailto:legislativeservices@victoria.ca) or at 250.361.0571.

Yours truly,



Christine Havelka  
Deputy City Clerk

Enclosure

C: S. Perkins, Manager of Bylaw and Licensing Services  
T. Zworski, City Solicitor

**From:** [Chris Goldsmith](#)  
**To:** ["itow@shaw.ca"](mailto:itow@shaw.ca)  
**Cc:** [Danny Lundin](#); [Tina Lockhart](#)  
**Bcc:** [Shannon Perkins](#)  
**Subject:** Business Licence Hearing: I-Tow Towing Group  
**Date:** September 7, 2021 3:35:00 PM  
**Attachments:** [image001.gif](#)  
[image002.png](#)  
[image003.gif](#)  
[image004.gif](#)  
[image005.gif](#)  
[Letter\\_2021\\_09\\_23 Letter re Business Licence Hearing date Goldsmith\\_20210907.pdf](#)  
[Letter\\_Hearing procedures - Business Licence Goldsmith\\_20210907.pdf](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)

---

Good Afternoon John Mueller,

As discussed on the phone this afternoon, please find the attached copy of the letter I attempted to deliver to you at 760 Queens St today.

In accordance with the *Business Licence Bylaw* a hearing has been scheduled for you or your agent to appear virtually via electronic participation before Victoria City Council. Please be advised that the hearing has been scheduled for the Council meeting **of Thursday, September 23, 2021, at 2:00 p.m.** at the City of Victoria, City Hall, 1 Centennial Square.

Please see the attached letter for additional details.

Please note that you or your agent must be in attendance at the virtual Hearing in order for Council to consider the appeal. Legal representation at the virtual Hearing is permitted. A copy of the procedures for this hearing is enclosed for your information. Should you have any questions regarding your appeal please contact Legislative Services at [legislativeservices@victoria.ca](mailto:legislativeservices@victoria.ca) or at 250.361.0571.

Thank you,

**Chris Goldsmith**

Pronouns: he, him, his

Bylaw Officer

Bylaw and Licensing Services

City of Victoria

1 Centennial Square, Victoria BC V8W 1P6

**T 778.747.0538 F 250.361.0205**



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

---

**From:** Chris Goldsmith

**Sent:** July 13, 2021 9:52 AM

**To:** 'itow@shaw.ca' <itow@shaw.ca>

**Cc:** Danny Lundin <dlundin@victoria.ca>; Tina Lockhart <tlockhart@victoria.ca>

**Subject:** Notice of Inspection- I-Tow Towing Group 1924 Store Street

Good Morning,

Please find the attached notice of inspection letter for I-Tow Towing Group at 1924 Store Street, Monday, July 19th, 2021, at 1:30pm. The purpose of this inspection is to confirm that the property and the activity conducted upon this property comply with the court order, city bylaws and document the conditions.

Attached is a notice of inspection letter and court order.

Thank you,

Chris Goldsmith  
Bylaw Officer  
Legislative & Regulatory Services Department  
City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6

**T** 778.747.0538    **F** 250.361.0205





## HEARING PRACTICE AND PROCEDURE

In open session of a meeting of Council:

1. The Mayor opens the hearing and asks City Clerk to introduce the item and the process involved with Council consideration.
2. City Clerk to provide context for the hearing and overview of issues specific to the matter before Council (Bylaw Services Manager will be on hand to respond to technical matters if necessary).
3. Mayor asks if the appellant or representative is present and wishes to address Council on the matter.
4. Once the appellant and staff have presented their information and questions have been answered, the Mayor will close the hearing.
5. Council gives consideration to the issues presented and may deliberate in a closed meeting before making their decision.
6. Council declares its decision in its minutes and a copy of those minutes will be mailed to the appellant in a letter.

Jul 2, 2021 at 13:58:16





Jul 2, 2021 at 13:57:28





Jul 2, 2021 at 13:57:20





Jul 2, 2021 at 13:57:22





Jul 2, 2021 at 13:57:24





Jul 2, 2021 at 13:58:39





Jul 2, 2021 at 13:58:33





















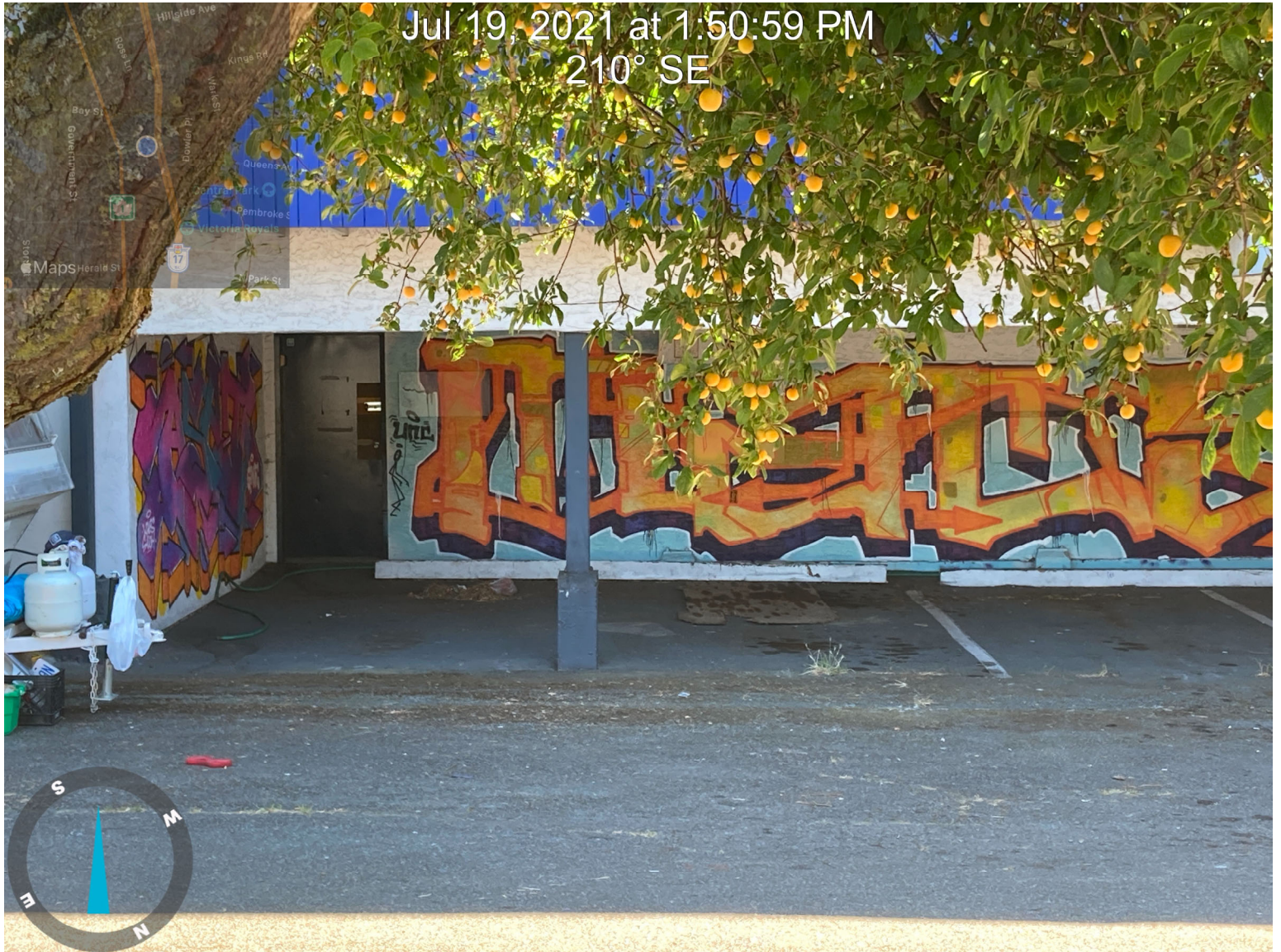


Jul 19, 2021 at 1:30:16 PM  
333° NW





Jul 19, 2021 at 1:50:59 PM  
210° SE





Jul 19, 2021 at 1:52:11 PM  
235° SE





Jul 19, 2021 at 1:35:07 PM  
4° N





Jul 19, 2021 at 1:33:32 PM  
197° S





Jul 19, 2021 at 1:51:51 PM  
239° SE









Jul 19, 2021 at 1:31:21 PM  
75° E





Jul 19, 2021 at 1:31:26 PM  
110° E



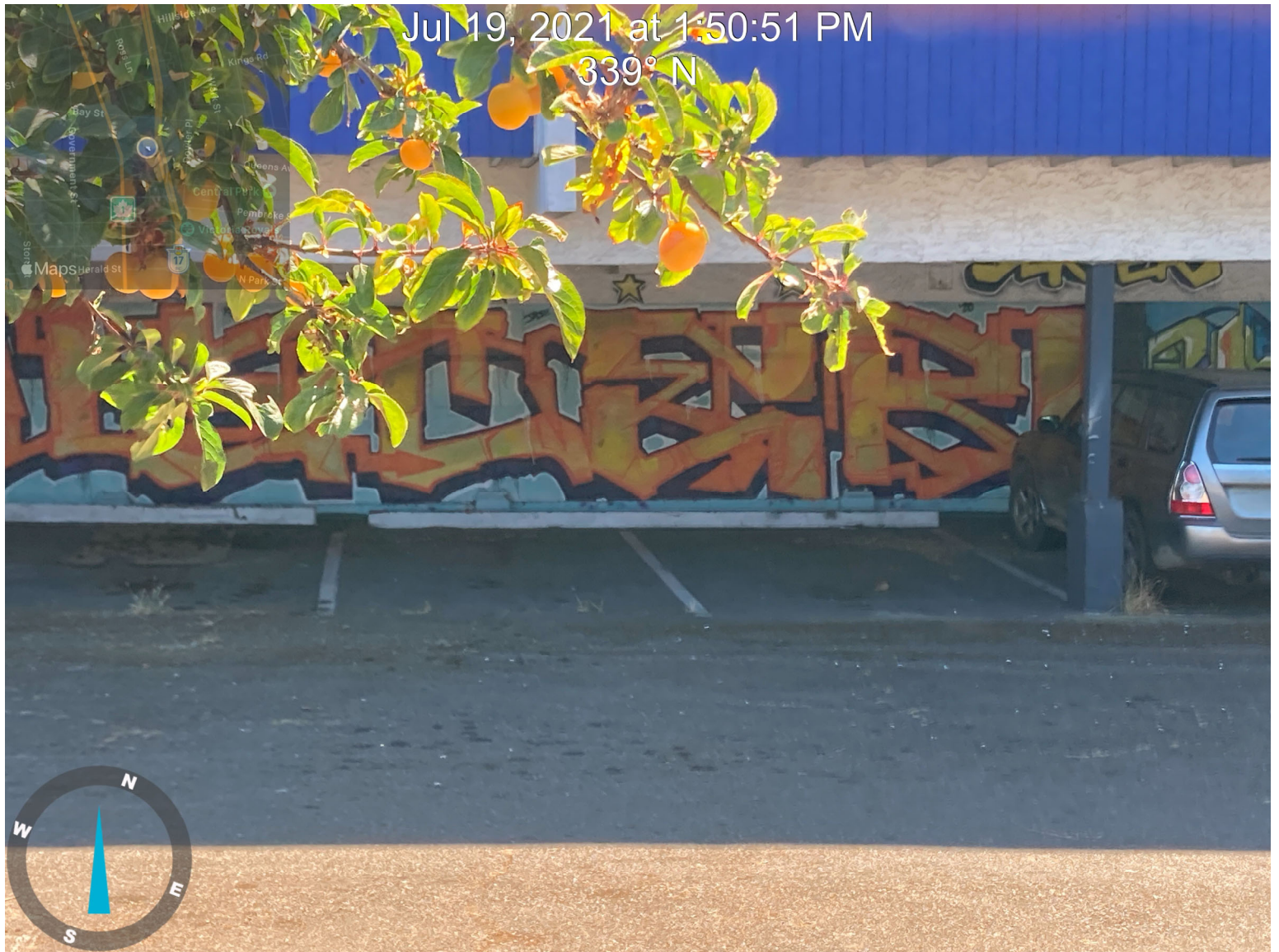


Jul 19, 2021 at 1:31:41 PM

88° E









Jul 19, 2021 at 1:50:19 PM  
203° SE









Jul 19, 2021 at 1:33:33 PM  
195° S





Jul 19, 2021 at 1:33:33 PM  
197° S





Jul 19, 2021 at 1:33:55 PM  
205° SE



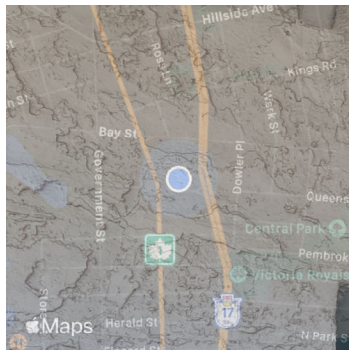


Jul 19, 2021 at 1:34:16 PM  
94° E





Jul 19, 2021 at 1:34:43 PM  
103° E





Jul 19, 2021 at 1:34:55 PM  
103° E







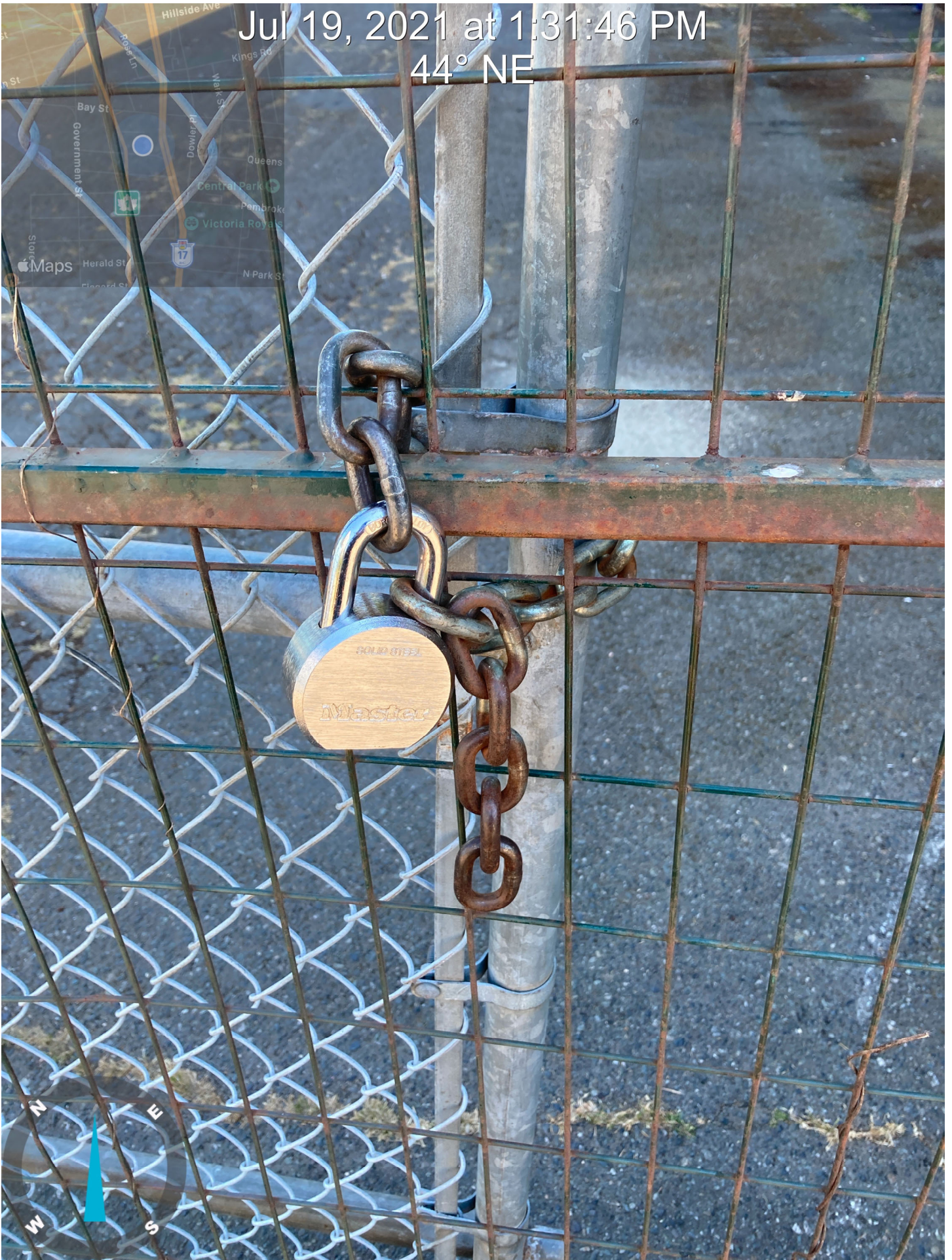


Jul 19, 2021 at 1:33:31 PM  
196° S



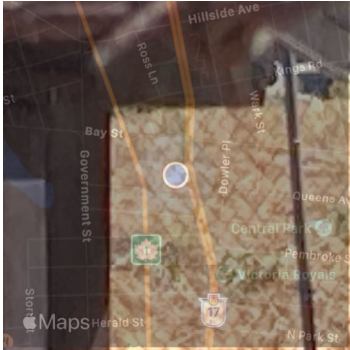


Jul 19, 2021 at 1:31:46 PM  
44° NE





Jul 19, 2021 at 1:51:27 PM  
173° S









Jul 19, 2021 at 1:33:13 PM  
103° E





Jul 19, 2021 at 1:51:14 PM  
231° SE





Jul 19, 2021 at 1:33:32 PM  
196° S





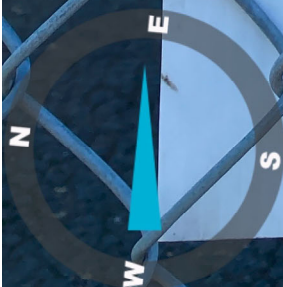
Jul 19, 2021 at 1:31:35 PM

84° E

### CITY OF VICTORIA TOWING RATES

#### Towing and Storage:

Description	Fee
No dolly or sling required	\$85.00
Dolly or sling required – additional \$34.00	\$119.00
Storage fees as follows:	\$2.25 per hour to a maximum of \$20.50; first hour of storage – free
Early release – without specialized equipment	\$45.00









Jul 4, 2021 at 07:28:25





Jul 4, 2021 at 07:28:19





**24 HOUR**  
**RESERVED PARKING**  
— TOW AWAY ZONE —

**REMOVE**

# NOTICE

ILLEGALLY PARKED VEHICLES  
IMPOUNDED AT OWNER'S EXPENSE

## I-TOW

1924 STORE ST

**250-383-ITOW(4869)**

BASIC IMPOUND RATES \$85 DAILY STORAGE \$21.50 HOURLY \$2.25 DROP CHARGE \$45







Jul 2, 2021 at 13:50:24





Jul 2, 2021 at 13:50:08





Jul 2, 2021 at 13:49:26





Jul 2, 2021 at 13:49:55





Jul 2, 2021 at 13:50:01





Jul 2, 2021 at 13:49:25





### **Officer Statement of Amy Acheson**

On Wednesday, July 14, 2021, at approximately 12:40pm, Bylaw Officer Amy ACHESON was working in full uniform in the 1900 Block of Store Street in Victoria, B.C. ACHESON was working in partnership with Bylaw Officer Cheryl SMITH. ACHESON was to attend 1924 Store Street, which is the business location of I-Tow Towing Group and hand deliver a Notice of Inspection to a Manager or the business Owner Mr. John MUELLER.

ACHESON did a visual scan of the surrounding buildings and fencing, looking for the address 1924 Store Street or the business name I-Tow Towing Group. ACHESON could not find any indicators that I-Tow Towing Group was in the vicinity. According to ACHESON's GPS map, she was in the right location at 1924 Store Street.

ACHESON and SMITH walked over to a nearby building and ACHESON knocked on the door. ACHESON was met by a Capital Iron employee who introduced himself by the name of Kyle. ACHESON asked Kyle if he knew where the I-Tow Towing Group facility was located. Kyle told ACHESON that I-Tow Towing Group previously used a fenced yard behind Capital Iron, and pointed in the direction of the water. ACHESON asked if Kyle would mind pointing out the I-Tow Towing Group yard.

ACHESON followed Kyle toward the water and observed a grey chain link fence with barbed wire at the top. Kyle pointed to the empty fenced space and said "this is where ITOW was". Kyle then went on to explain to ACHESON that I-Tow Towing Group was leasing the space and the lease agreement expired at the end of June 2021. Kyle elaborated and said I-Tow Towing Group moved out of the space a couple weeks ago. ACHESON asked Kyle if he knew where I-Tow Towing Group went and he said he did not.

ACHESON thanked Kyle for his help and took a timestamped photograph of the empty yard.

ACHESON and SMITH left the area of 1924 Store Street and took no further action on this file on this date.

Amy Acheson

A handwritten signature in black ink, appearing to be 'Amy Acheson', written over a horizontal line.



<b>Officer Rank/Number/Rank</b>	LUNDIN 1003 Bylaw Officer
<b>Date</b>	July 19 <sup>th</sup> 2021
<b>Time</b>	1330pm
<b>Subject</b>	Mueller, John
<b>Location</b>	760 Queens Ave
<b>File</b>	179133

On Monday, July 19, 2021, 01:30pm BO LUNDIN, VBLS was working on full uniform, on duty with BO GOLDSMITH # 1005. LUNDIN and GOLDSMITH attended 760 Queens Ave to commence an inspection of I-TOW Towing Group to solidify that the tow yard at 760 Queens Ave is in compliance with Provincial Court Order and City Of Victoria Bylaws at this time.

Arrived at the front gate of 760 Queens to find the Main Gate to the compound was closed and locked with a security lock. There was no fleet on site at the time of inspection, signage on the fence of the entrance had "I-Tow 250-383-4869. Another sign with the City Of Victoria Towing rate" was also displayed don the entrance. LUNDIN took Photos of the entrance and the displayed signage.

At 1:37pm called the number posted, went to MUELLER directly, MUELLER did pick up. GOLDSMITH then spoke to MUELLER regarding the expected attendance of MUELLER and Fleet on site. MUELLER told GOLDSMITH that he spoke to BO LUNDIN regarding going through his lawyer for the inspection. GOLDSMITH then continued to talk to MUELLER as LUNDIN took 28 photos of the property for the collection of documentation. LUNDIN and GOLDSMITH went to the adjacent property before leaving the site and took more photos for the files.

Three vehicles were on site at the time of inspection, photos were taken of those vehicle. A camper trailer was also on the site at the time of inspection, photos were taken of that as well.



**BYLAW OFFICER STATEMENT**

<b>Officer Rank/Number/Rank</b>	Goldsmith/Bylaw Officer/1005
<b>Date</b>	Monday, July 19, 2021
<b>Time</b>	01:30 PM
<b>Subject</b>	John MUELLER (I-TOW)
<b>Location</b>	760 Queens Ave.
<b>File</b>	179133

On Monday, July 19, 2021, 01:30 PM BO 1005 GOLDSMITH, VBLS was working in full uniform, on duty with BO 1003 LUNDIN. GOLDSMITH and LUNDIN attended 760 Queens St to conduct an inspection of I-Tow Towing Group to confirm that the property and the activity conducted on it comply with Provincial Court Order and City Bylaws.

On arrival, GOLDSMITH observed the gate which accesses the north parking area of the building was closed and locked. No towing vehicles were present in the area, or were behind the gate. Signage was present which said "I-TOW 250-383-4869." A sign, "City of Victoria Towing Rates" was also present.

At 01:37 PM GOLDSMITH called 250-383-4869. The person answered "Dispatch," GOLDSMITH asked for John MUELLER, the person said, "speaking." GOLDSMITH advised MUELLER that he was a City of Victoria Bylaw Officer and was outside the I-Tow lot at 760 Queens Ave for an inspection. MUELLER said no one is at the office unless the business requires it. MUELLER said he had spoken to LUNDIN and directed all communication to be through his lawyer on Friday (July 16, 2021). MUELLER said we could call his lawyer and he would come and GOLDSMITH and LUNDIN could inspect. GOLDSMITH asked MUELLER if he was refusing the inspection, MUELLER said he's "not refusing anything," but he was suing the city for harassment and he never received any notice of inspection. GOLDSMITH advised MUELLER he heard his concerns and ended the call.

Three vehicles were observed in the yard, and a camping trailer were observed in the towing yard. No vehicles which appeared to be related to towing were observed.

BO 1005 Chris GOLDSMITH



**BYLAW OFFICER STATEMENT**

<b>Officer Rank/Number/Rank</b>	Goldsmith/Bylaw Officer/1005
<b>Date</b>	Thursday July 29, 2021
<b>Time</b>	01:30 PM
<b>Subject</b>	John MUELLER (I-TOW)
<b>Location</b>	760 Queens Ave.
<b>File</b>	179133

On Thursday July 29, 2021, 01:28 PM BO 1005 GOLDSMITH, VBLS was working in full uniform, on duty with BO 945 SLEIGHTHOLME. GOLDSMITH and SLEIGHTHOLME attended 760 Queens St to attempt personal service of a letter on John MUELLER doing business as I-Tow Towing Group. The letter is notification of immediate suspension of MUELLER's business licence under s. 15 (2)(c ) and (d) of the *Business Licence Bylaw*.

On arrival, GOLDSMITH observed the gate which accesses the north parking area of the building was closed and locked. No towing vehicles were present in the area, or were behind the gate. Signage was present which said "I-TOW 250-383-4869." A sign, "City of Victoria Towing Rates" was also present.

GOLDSMITH and SLEIGHTHOLME were then approached by an unknown male who was speaking into a cell phone and walking a medium sized brown and black dog. The male approached GOLDSMITH and SLEIGHTHOLME and could be heard speaking into the phone "they're here right now." GOLDSMITH advised officers were here to speak with "John" regarding his business licence and provide him with a letter. The male advised he was speaking to John MUELLER by phone and that all MUELLER wanted all communication from the city to go through his lawyer and that he would not speak to GOLDSMITH or SLEIGHTHOLME. The male refused to identify himself and said "I just work here I have nothing to do with that." The male provided SLEIGHTHOLME with the lawyer's name and contact information.

The male is approximately 50 years of age, light complexion, 5'10", thin build with dark brown/grey hair, goatee facial hair, with many tattoos on his hands and neck, with tanned skin.

The male entered the gated area and GOLDSMITH and SLEIGHTHOLME departed the area.

BO 1005 Chris GOLDSMITH



#### **BYLAW OFFICER STATEMENT**

<b>Officer Rank/Number/Rank</b>	Goldsmith/Bylaw Officer/1005
<b>Date</b>	Tuesday, July 20, 2021
<b>Time</b>	12:00 PM
<b>Subject</b>	John MUELLER (I-TOW)
<b>File</b>	179133

On June 25, 2021, BO Goldsmith was assigned the file regarding John MUELLER doing business as I-Tow Group. The purpose of the file was to confirm compliance with the provincial court order requiring compliance with s.16, 8(6) and 10(2) of the *Towing and Immobilizing Companies Bylaw*. GOLDSMITH reviewed previous files, read the consent order and towing and *Towing and Immobilizing Companies Bylaw*. GOLDSMITH reviewed city records which included John MUELLER's business license for I-Tow Towing Group and past files regarding I-Tow. GOLDSMITH was aware of the requirements for compliance and that the City of Victoria believed MUELLER was not in compliance with requirements of marking of the towing vehicles under s.16 and display of schedule of fees specified under s.8(6) of the *Towing and Immobilizing Companies Bylaw*.

On July 2, 2021, at 1:50 PM- BO 1005 GOLDSMITH and BO 1003 LUNDIN attended 675 Wilson Street in full uniform and a marked City of Victoria Bylaw Services vehicle. Prior to attending, GOLDSMITH had checked City records which showed 675 Wilson as the business location for I-Tow Towing Group. GOLDSMITH and LUNDIN observed no signage for I-Tow Towing Group, or indication I-Tow Towing Group is doing business on the property. There appeared to be no towing vehicles or indications that I-Tow was doing business at the location. GOLDSMITH took six photos with his City of Victoria issued Iphone.

At 1:57 PM GOLDSMITH and LUNDIN then proceeded to 1924 Store Street. GOLDSMITH had searched I-Tow on google search, the search showed 1924 Store Street as the location for I-Tow.

On arrival GOLDSMITH and LUNDIN observed a chain-link fence surrounding a number of vehicles. A small tan colored out building was inside the fence. Attached to the fence was signage reading "I-TOW 250-383-4869" in orange lettering which was approximately 2 feet by 2 feet. The phone number is the same listed for MUELLER's business licence for I-Tow Towing Group. The sign said "1924 Store Street," beneath "I-TOW." GOLDSMITH observed another sign which was the same size and with the same font was observed which said "I-Tow reserved for Jack," was also observed. GOLDSMITH observed a plastic white approximately standard letter paper size sign (8 x 14 inches) labelled "City of Victoria Tow Rates." The photo taken by GOLDSMITH did not capture the rates displayed or details and GOLDSMITH did not observe if the sign was compliant with s. 8 (6) of the *Towing and Immobilizing Companies Bylaw*. GOLDSMITH and LUNDIN also observed a black and red sign on a small out building believed to be the main office labelled "City of Victoria Tow Rates," and that the first hour is free. This sign did include rates consistent with *Schedule A* of the *Towing and Immobilizing Companies Bylaw* but did not contain the entire fee schedule. It did not appear that the business was compliant with s. 8 (6). Although detail regarding the white 8 x 14 inch sign was not captured in the photograph GOLDSMITH took, the fee schedule was partially blocked by the chain link fencing, not clearly visible and therefore not displayed prominently. It could not be confirmed if the business was compliant with s.16 as no tow vehicles were



present. The property was compliant with section s.10 (2) as sign stating the first hour was free was observed and captured in the photograph labelled photograph\_1924 Store Street\_I-TOW-Goldsmith\_210702(6).jpg.

On July 4, 2021- 07:28 AM- BO 1005 GOLDSMITH attended a parking lot in the area of 515 CHATHAM Street. The parking lot containing a sign is located just to the west of 515 Chatham St. An I-Tow Towing sign was located in the parking lot. The signage contained the name and phone number of the company, as well as fees for Basic impound rate, daily storage, hourly and drop charge. The address appeared to have been taped over and read 1924 Store St.

At this time the signage appeared to be compliant with the restrictions on towing vehicles in s.5(a)(ii) of the *Towing and Immobilizing Companies Bylaw* as the address of the signage was 1924 Store St.

On Tuesday July 14, 2021 at 9:42 AM GOLDSMITH emailed John MUELLER a notice of inspection and copy of the provincial court order requiring MUELLER to comply with the *Towing and Immobilizing Companies Bylaw*. Both were contained in the email as attachments. The inspection was scheduled for 1924 Store Street on Monday, July 19th, 2021, at 1:30pm. The email, titled "Notice of Inspection- I-Tow Towing Group 1924 Store Street," was sent to [itow@shaw.ca](mailto:itow@shaw.ca) which is the email listed in MUELLER's business licence for I-Tow Towing Group. The body of the email read:

"Good Morning,

Please find the attached notice of inspection letter for I-Tow Towing Group at 1924 Store Street, Monday, July 19th, 2021, at 1:30pm. The purpose of this inspection is to confirm that the property and the activity conducted upon this property comply with the court order, city bylaws and document the conditions.

Attached is a notice of inspection letter and court order.

Thank you,"

On July 18, 2021 at 7:08 AM GOLDSMITH attended the area of 515 CHATHAM Street with the intention of confirming if the signage had been changed to reflect the new business location at 760 Queens Street. GOLDSMITH had spoken to LUNDIN and confirmed that I-Tow Towing had moved to 760 Queens St. On arrival an I-Tow Towing sign was located in the parking lot. The parking lot containing the sign is located just to the west of 515 Chatham St. The signage address remained 1924 Store St. There appeared to be no change from the signage when it was observed on July 4, 2021, despite the business relocating. Two photos taken using GOLDSMITH's City of Victoria issued Iphone.

The signage was not compliant with the restrictions on towing vehicles detailed in s.5(a)(ii) of the *Towing and Immobilizing Companies Bylaw* as the address of the signage was 1924 Store Street and does not reflect the address where the vehicle would be stored. Had a vehicle been towed from this lot it would be an offence under s.5.



On Monday, July 19, 2021, 01:30 PM BO 1005 GOLDSMITH, VBLS was working in full uniform, on duty with BO 1003 LUNDIN. GOLDSMITH and LUNDIN attended 760 Queens St to conduct an inspection of I-Tow Towing Group to confirm that the property and the activity conducted on it comply with Provincial Court Order and City Bylaws. There had been no response to the notice of inspection email sent by GOLDSMITH, GOLDSMITH was aware of efforts to deliver a notice of inspection by LUNDIN.

On arrival, GOLDSMITH observed the gate which accesses the north parking area of the building was closed and locked. No towing vehicles were present in the area, or were behind the gate. Signage was present on the front which said "I-TOW 250-383-4869," in orange lettering which was approximately 2 feet by 2 feet. GOLDSMITH observed a plastic white approximately standard letter paper size sign (8 x 14 inches) labelled "City of Victoria Tow Rates." The sign did not comply with the requirements of s. 8 (6). The fee schedule was partially blocked by the chain link fencing, not clearly visible and therefore not prominently displayed. Additionally part of the sign is labelled "Early Release-without specialized equipment- \$45.00" Schedule A of the *Towing and Immobilizing Companies Bylaw* shows "Early Release- \$45.00" and makes no mention of specialized equipment. It could not be confirmed if the business was compliant with s.16 as no tow vehicles were present. The property was compliant with section s.10 (2) as the plastic "City of Victoria Tow Rates" sign did specify "first hour of storage – free" (although this was partially obstructed by the chain link fence).

At 01:37 PM GOLDSMITH called 250-383-4869. Up until this point there had been no persons present in the area or any indication MUELLER would be attending the inspection. The person answered "Dispatch," GOLDSMITH asked for John MUELLER, the person said, "speaking." GOLDSMITH advised MUELLER that he was a City of Victoria Bylaw Officer and was outside the I-Tow lot at 760 Queens Ave for an inspection. MUELLER said no one is at the office unless the business requires it. MUELLER said he had spoken to LUNDIN and directed all communication to be through his lawyer on Friday (July 16, 2021). MUELLER said we could call his lawyer and he would come and GOLDSMITH and LUNDIN could inspect. GOLDSMITH asked MUELLER if he was refusing the inspection, MUELLER said he's "not refusing anything," but he was suing the city for harassment and he never received any notice of inspection. GOLDSMITH advised MUELLER he heard his concerns and ended the call.

Three vehicles were observed in the yard, and a camping trailer were observed in the towing yard. No vehicles which appeared to be related to towing were observed. LUNDIN took photos of the area on his City of Victoria issued Iphone of the yard from the front entrance and an adjacent property. No tow vehicles were with present it could not be confirmed if MUELLER was compliant with s.16 of the *Towing and Immobilizing Companies Bylaw*.

GOLDSMITH later check city computer records and noted the property to be zoned "C1-N-Q." Towing does not qualify as a permitted use under the *Zoning Regulation Bylaw* and the use of the property as such is an offence under s. 16(1). Based on the observations of both the 1924 Store Street property and 760 Queens Street property, John MUELLER doing business as I-Tow Towing Group was not compliant



with the provincial court order, specifically section 8 (6) of the *Towing and Immobilizing Companies Bylaw*.

BO 1005 Chris GOLDSMITH



**From:** [Chris Goldsmith](#)  
**To:** ["itow@shaw.ca"](mailto:itow@shaw.ca)  
**Cc:** [Danny Lundin](#); [Tina Lockhart](#)  
**Bcc:** [Shannon Perkins](#)  
**Subject:** Notice of Inspection- I-Tow Towing Group 1924 Store Street  
**Date:** July 13, 2021 9:52:09 AM  
**Attachments:** [image001.gif](#)  
[image002.png](#)  
[image003.gif](#)  
[image004.gif](#)  
[image005.gif](#)  
[Court Order John Mueller ITOW ORDER Goldsmith 210710.pdf](#)  
[Letter Mueller John Notice of Inspection Goldsmith 20210713.docx](#)

---

Good Morning,

Please find the attached notice of inspection letter for I-Tow Towing Group at 1924 Store Street, Monday, July 19th, 2021, at 1:30pm. The purpose of this inspection is to confirm that the property and the activity conducted upon this property comply with the court order, city bylaws and document the conditions.

Attached is a notice of inspection letter and court order.

Thank you,

Chris Goldsmith  
Bylaw Officer  
Legislative & Regulatory Services Department  
City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6

**T 778.747.0538 F 250.361.0205**







No.: 179540-1  
Victoria Registry

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

AND:

JOHN MUELLER dba I-TOW GROUP

ORDER

BEFORE THE HONOURABLE

FRIDAY, THE 9th DAY

JUDGE

OF APRIL 2021

THIS APPLICATION coming on for hearing before me at Victoria, BC, on Friday, April 9, 2021, and upon hearing Andrew W. Buckley, counsel for the Corporation of the City of Victoria, and Hans Doebling, counsel for John Mueller dba I-TOW Group;

**THIS COURT ORDERS that:**


1. Within six months of the Order of this Court, John Mueller doing business as I-TOW Group shall pay to the City of Victoria a fine of \$250.00 for each of the five counts to which a guilty plea has been entered, for a total fine of \$1,250.00.


2. Within 30 days of the Order of this Court, John Mueller doing business as I-TOW Group paint or otherwise permanently affix his business name and telephone number in characters that are not less than ten centimeters in height and clearly legible and visible at all times on each side of any vehicle used by him or his business to carry on the towing or immobilizing of improperly or unlawfully parked vehicles within the geographic boundaries of the City of Victoria, in accordance with s. 16 of the City of Victoria Towing and Immobilizing Companies Bylaw;



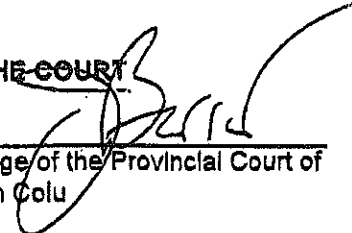
3. Within 30 days of the Order of this Court, Mr. Mueller prominently display a schedule of the fees which may be charged pursuant to the City of Victoria Towing and Immobilizing Companies Bylaw at each place of business, and each lot where vehicles towed for being improperly or unlawfully parked are stored, in accordance with s. 8(6) of the City of Victoria Towing and Immobilizing Companies Bylaw;
4. Within 30 days of the Order of this Court, Mr. Mueller prominently display at each of his storage lots a clearly visible and legible sign stating that there is no charge for the first hour of storage of a vehicle that was towed for being improperly or unlawfully parked, in accordance with s. 10(2) of the City of Victoria Towing and Immobilizing Companies Bylaw;
5. Within 30 days of the Order of this Court, Mr. Mueller provide to counsel for the City of Victoria a duly executed affidavit confirming that each of the above requirements have been satisfied and appending photographic evidence to the affidavit confirming same;
6. For a period of one year from the date of the Order of this Court, Mr. Mueller ensure and maintain compliance with the City of Victoria Towing and Immobilizing Companies Bylaw, including, without limitation, sections 8, 10, 13 and 16.

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Andrew W. Buckley  
Counsel for the Corporation of  
the City of Victoria

  
\_\_\_\_\_  
Hans Doehring  
Counsel for John Mueller dba I-Tow Group

BY THE COURT

  
\_\_\_\_\_  
A Judge of the Provincial Court of  
British Columbia



July 13, 2021

John Mueller  
1924 Store Street  
Victoria, B.C  
V8T 4R4

Notice of Inspection  
1924 Store Street

Dear John Mueller

This letter is formal notice of the City of Victoria's intention to conduct a compliance inspection of the business I-Tow Towing Group at 1924 Store Street on Monday, July 19<sup>th</sup>, 2021, at 1:30pm. The purpose of this inspection is to confirm that the property and the activity conducted upon this property comply with the court order, city bylaws and document the conditions.

This is an important matter, your attendance is required to ensure that all areas of the property are accessible and available for inspection at this time. Authority to conduct such an inspection is contained in Section 16(6) of the *Community Charter of BC*. Please ensure all I-Tow fleet vehicles are on site at the start time of inspection, vehicles will not be kept long and will be able to resume regular duties shortly after the start of the inspection.

This inspection should take approximately 60 minutes. Thank you in advance for your cooperation in this matter. If you have any questions or concerns regarding this inspection, please do not hesitate to contact me at by email at [cgoldsmith@victoria.ca](mailto:cgoldsmith@victoria.ca) or by Phone at **778-747-0538** prior to the inspection date and time.

Regards,

Chris Goldsmith

Bylaw Officer 1005, Bylaw & Licensing Services  
Legislative and Regulatory Services Department

City of Victoria 12 Centennial Square

Victoria, BC V8W 1P7









VSS 250 383-1155

FIRST TO GO  
GLASS LTD.  
RESIDENTIAL • AUTO GLASS • INSURANCE CLAIM  
EMERGENCY SERVICE























## Shannon Perkins

---

**From:** Pannekoek, Stephen <Stephen.Pannekoek@vicpd.ca>  
**Sent:** July 24, 2021 6:40 PM  
**To:** Shannon Perkins  
**Subject:** RE: I-TOW  
**Attachments:** 20210723\_141139.jpg; 20210723\_141128.jpg; 20210723\_141117.jpg; 20210723\_141113.jpg; 20210723\_141110.jpg; 20210723\_141059.jpg; 20210723\_141148.jpg

On July 23rd, 2021 at around 1400 hours Cst Pannekoek responded to the McDonalds at 980 Pandora St for the report of the driver of an I-Tow tow truck threatening someone in the parking lot while he was trying to tow a person away.

Cst Pannekoek had been previously been made aware that there was a court order involving I-Tow and was instructed by Victoria Bylaw to obtain any photos of I-Tow trucks towing vehicles. Cst Pannekoek arrived on scene to find an I-Tow truck back up behind a Toyota 4-Runner bclp: [REDACTED] with its tow bar down but not touching the tires of the Toyota. No L-bars were connected to the 4-runner as required to meet the definition of "connected to a towing vehicle" as defined in the tow bylaw NO.11-033. Cst Pannekoek noted that there were no names on the tow truck showing it belonged to I-Tow. Just the letters VSS low down and a phone number of 250-383-1155. There were signs around the parking lot showing I-Tow patrolled the lot and listed a phone number of 250-383-4869. The 5 signs had various different addresses for the pickup address of the tow yard including 3 with an address of 1924 Store St, 1 with an address of 515 Pembroke, 1 with an address of 675 Wilson St. Nothing on the signs matched the information on the tow truck. Photos taken of all visible signs. Later on after most parties had left the owner of I-Tow arrived with new address stickers for the signs.

Cst Pannekoek noted that the tow bylaw NO. 11-033 section 5 stated that a towing company must not tow a vehicle unless signs were posted with certain information. Missing from these signs were the following:  
Section 5(a)(ii) - the address of where the vehicle would be towed. Addresses on the signs were all incorrect at the time of the tow and the owners return to ehr vehicle.  
Section 5(a)(iii) - the towing and storage fees that will apply.

Cst Pannekoek spoke with the Registered owner of the Toyota, [REDACTED] said she had parked there and walked across to the Save on Foods to pick something up then planned on going to the McDonalds to get some food. [REDACTED] said she routinely did this. [REDACTED] said as she returned to her vehicle she saw the tow truck backing up to her car. She went to the driver who said she had to pay a drop fee. [REDACTED] paid the drop fee (photo of receipt taken). Cst Pannekoek later noted that the time when the vehicle was connected to the towing vehicle was absent from the tow receipt per section 13(1)(b) of the city tow bylaw NO. 11-033.

Cst Pannekoek took photos of how the vehicles were parked in relation to each other and both [REDACTED] and the tow driver said that was how the vehicles were parked at the time of the drop fee. [REDACTED]

[REDACTED]

Statement and photos forwarded to the director of Victoria Bylaw.

Concluded,



Cst Stephen Pannekoek Badge #469  
Victoria Police  
Community Services Division  
Traffic Section

---

**From:** Shannon Perkins <sperkins@victoria.ca>  
**Sent:** July 23, 2021 4:28 PM  
**To:** Pannekoek, Stephen <Stephen.Pannekoek@vicpd.ca>  
**Cc:** Rutherford, Alex <Alex.Rutherford@vicpd.ca>  
**Subject:** I-TOW

Hello Stephen,

Good to hear from you today and thank you for calling re ITOW bylaw violations.

Could you please forward me your statement and any other officer involved statements as well as photos taken as soon as possible please? It would also be helpful in your statement to outline the file that Cst. Rutherford had as well?

We are hoping to have this information to the lawyer in the next day or two so we can move forward with our next court process.

Regards,  
Shannon

**CAUTION:** This email originated from outside of the Victoria Police Department. Do not click links or open attachments unless you recognize the sender and know the content is safe.



July 13, 2021

John Mueller  
1924 Store Street  
Victoria, B.C  
V8T 4R4

Notice of Inspection  
1924 Store Street

Dear John Mueller

This letter is formal notice of the City of Victoria's intention to conduct a compliance inspection of the business I-Tow Towing Group at 1924 Store Street on Monday, July 19<sup>th</sup>, 2021, at 1:30pm. The purpose of this inspection is to confirm that the property and the activity conducted upon this property comply with the court order, city bylaws and document the conditions.

This is an important matter, your attendance is required to ensure that all areas of the property are accessible and available for inspection at this time. Authority to conduct such an inspection is contained in Section 16(6) of the *Community Charter of BC*. Please ensure all I-Tow fleet vehicles are on site at the start time of inspection, vehicles will not be kept long and will be able to resume regular duties shortly after the start of the inspection.

This inspection should take approximately 60 minutes. Thank you in advance for your cooperation in this matter. If you have any questions or concerns regarding this inspection, please do not hesitate to contact me at by email at [\*\*cgoldsmith@victoria.ca\*\*](mailto:cgoldsmith@victoria.ca) or by Phone at **778-747-0538** prior to the inspection date and time.

Regards,

Chris Goldsmith

Bylaw Officer 1005, Bylaw & Licensing Services  
Legislative and Regulatory Services Department

City of Victoria 12 Centennial Square

Victoria, BC V8W 1P7



**A BY- LAW**

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the Community Charter.

(Consolidated on October 17, 2019 up to Bylaw No.19-074)

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

To define the zones into which the City of Victoria is divided, and to regulate and control the uses of lands and buildings therein.

The Municipal Council of the Corporation of the City of Victoria enacts as follows:

**INTRODUCTION AND GENERAL REGULATIONS**

1. This bylaw may be cited as the "Zoning Regulation Bylaw".
2. The "Interpretation Bylaw, 1974" applies to this bylaw, and unless the context requires otherwise, the words and phrases between inverted commas in Schedule "A" have, throughout this bylaw, including Schedule "A", the meanings assigned to them in Schedule "A".
3. Pursuant to the provisions of Section 716 of the Municipal Act the City is divided into zones.
4. The zones are known by the abbreviations and the corresponding names appearing in the Table of Contents at the beginning of Schedule "B".
5. Each parcel or area of land presently contained within each zone by virtue of the provisions of any bylaws of the City, enacted before the adoption of this bylaw, shall remain in such zone until such time as it is removed therefrom by a subsequent bylaw of the Council, each of such bylaws to be known as a "rezoning bylaw".
6. Immediately after the adoption of this bylaw the Director shall prepare a map, to be known as the "Zoning Map", depicting the said zones and showing which lands are included within each zone, which map shall during office hours be available for inspection by the public.
7. A person may obtain a copy of the Zoning Map, certified correct by the Director, by paying to the City a reasonable fee as may be prescribed by the Director.
8. In all civil and criminal judicial proceedings a copy of the Zoning Map, purporting to be certified as aforesaid, shall be prima facie evidence of the location of each zone and of the lands included therein as at and since the date of the certificate, without proof of the signature or appointment of the Director.
9. Whensoever any land is removed from one zone into another by a rezoning bylaw the Director shall, forthwith after the adoption of such bylaw, replace the Zoning Map with a fresh Zoning Map, reflecting the rezoning effected by such bylaw, and shall certify and date it, provided that if more than one rezoning bylaws are adopted on the same day one new Zoning Map reflecting all such rezonings, shall suffice.
10. The provisions of Sections 6, 7 and 8 apply to the fresh Zoning Map created pursuant to the preceding section.



11. The boundary between two zones divided by a street or railway is a line along the centre of such street or railway, which shall ipso facto be adjusted if and when such street or railway is widened or narrowed, so as to remain in the centre.
12. Whenever any land, fronting on a street or railway, is removed from one zone and placed into another that half of the street or railway upon which it fronts shall ipso facto also be so removed and rezoned.
13. Unless expressly designated otherwise, the surface of all water is within the same zone as the nearest land to it within the City boundaries.
14. (1) Within each zone the use of land, including the surface of water, and of buildings and the size, shape and siting of buildings are regulated and controlled by the regulations contained within the part of Schedule "B" applicable to such zone.
- (2) Without limiting the generality of subsection (1):
  - (a) no land, building or structure in a zone shall be used for any purpose other than a use that is stated to be a permitted use within the part of Schedule "B" applicable to that zone, or that is otherwise expressly permitted under these general regulations;
  - (b) buildings and structures in a zone, and the use of all buildings and structures, must comply with the maximum and minimum requirements for floor area, floor space ratio, height, number of storeys, setbacks, site coverage, and with all other requirements that are specified within the part of Schedule "B" applicable to such zone, including the provisions of any other schedule to this bylaw that are incorporated by reference into that part; and
  - (c) all parcels of land created by subdivision within a zone must have the minimum site area and lot width that is specified within the part of Schedule "B" applicable to such zone, including the provisions of any schedule to this bylaw that are incorporated by reference into that part.
- (3) As an exception to subsection (1) and subsections (2)(b) and (c), and despite any other provision of Schedule "B", the regulations contained in sections 1 to 6 inclusive of Schedule "H" – Panhandle Lot Regulations apply to all panhandle lots created by subdivision in a residential zone after July 10, 2009, with the intention that panhandle lots created by subdivision in a residential zone after July 10, 2009, and buildings and structures on those panhandle lots, must comply with the maximum and minimum requirements for site area, lot width, floor area, height, number of storeys, setbacks, site coverage, accessory buildings and with all other requirements that are specified within sections 1 to 6 inclusive of Schedule "H"
15. Except where regulations as to the provision of off-street parking or loading space are expressly contained within the regulations applicable to a particular zone such regulations as are contained in Schedule "C" apply to all buildings and zones specified in Schedule "C".
16. (1) A person must not use or occupy, or allow or permit another person to use or occupy, land or a building in contravention of this Bylaw.
- (2) Land may be used for a public or private park if it is not clear whether that land is in a zone established for the purposes of this Bylaw.



- 17 (1) Subject to the preceding section, where a particular use of land or buildings is expressly authorized in one zone, such use is prohibited in all zones where it is not also expressly authorized.
- (2) Without limiting the generality of subsection (1), liquor retail stores, whether as a principal or accessory use, are prohibited in all zones except where expressly permitted under this bylaw.
- (3) Without limiting the generality of subsection (1), storefront cannabis retailer, whether as a principal or accessory use, is prohibited in all zones except where expressly permitted under this bylaw.
- (4) Without limiting the generality of subsection (1), short-term rentals, whether as a principal or accessory use, are prohibited in all zones except
- (a) where they are expressly permitted subject to regulations applicable in those zones;
  - (b) rental of no more than two bedrooms in a self-contained dwelling unit, as home occupation, provided that:
    - (i) the self-contained dwelling unit is occupied by the operator of the short-term rental; and
    - (ii) short-term rental complies with all regulations in Schedule D as if it were transient accommodation.”
18. Where part only of a lot is contained within a zone, the regulations, if any, applicable in that zone to the use of land and buildings, to the size, shape and sitings of buildings, and to off-street parking and loading space shall all be complied with within the boundaries of that part of the lot as though that part constituted the entire lot, and as though the remainder of the lot did not exist, provided that the restrictions imposed by this section shall not apply to:
- (a) a use of land or buildings; or
  - (b) the size, shape or siting of buildings; or
  - (c) the provision of off-street parking or loading space, if:
    - (i) the regulation in question is the same in both or all zones into which the lot is divided, and
    - (ii) it applies to a use which is permitted in both or all such zones, and
    - (iii) the regulations, if any, applicable to such use in respect of size, shape and siting of buildings and in respect of off-street parking and loading space do not differ in the zones into which the lot is divided.
19. Not more than one building other than an accessory building shall be erected or used on one lot, unless the regulations applicable in a particular zone expressly permit otherwise, and no building shall be erected partly on one lot and partly on another.
20. Subject to the provisions of Section 722 of the Municipal Act, no person who owns or occupies any land, building or any part thereof shall use or permit the use of such land or building or any



part thereof or erect or add to or alter any building on any such land except in the manner expressly authorized by the applicable provisions of this bylaw.



21. (1) No building permit shall be issued for any construction unless such proposed construction conforms to the applicable provisions of this bylaw.
- (2) Despite the restrictions on density contained in this Bylaw, a building may be constructed before another building on the same lot is demolished, such that during the period of construction, the total density of buildings on that lot is greater than that otherwise permitted under this Bylaw, but only if a restrictive covenant is registered in favour of the City requiring the demolition of the other building when construction of the new building is complete.
22. Subject to the provisions of Section 722 of the Municipal Act, no license relating to any premises shall be issued under the provisions of the Trades Licence Bylaw, unless the Director certifies that the use of the premises for the proposed business does not appear to conflict with the provisions of this bylaw.
23. No information verbally given by any officer or servant of the City as to the zoning status of any land or building shall be deemed to be a representation giving rise to a cause of action against such officer or servant or against the City.
24. Any bylaw enacted pursuant to the provisions of Section 717 of the Municipal Act for the sole purpose of designating land as a development permit area and any rezoning bylaw shall be deemed to be an amendment to this bylaw even though in form it does not purport to be so.
25. References within a Part of Schedule "B" to this bylaw to "Sections" shall be deemed to be references to Sections of such Part.
26. (1) Except where regulations as to the provision of off-street parking or loading space are expressly contained within the regulations applicable to a particular zone such regulations as are contained in Schedule "C" apply to all buildings and zones specified in Schedule "C".
- (2) The provisions of Schedule "D" apply to home occupations to the extent indicated therein.
27. (1) In the case of an irregular lot the provisions of this bylaw applicable to setback requirements shall be interpreted as though the street line or street frontage were that side of the largest rectangle that can be inscribed within the boundaries of the lot, which is, on average, nearest to the street, provided that nothing herein affects the provisions of the Subdivision Bylaw relating to irregular lots.
- (2) Notwithstanding the provisions of subsection (1), for any panhandle lot the street line or street frontage may be the lesser side of the largest rectangle which can be inscribed within the boundaries of the lot.
28. If, by any provision of this bylaw, a lot, having a minimum total area as required by this bylaw, is also required to have a minimum average width, such latter requirement shall, in respect of any irregular lot having more than the minimum requisite total area be deemed to have been complied with if, within its total area, there is a lesser area, equal to not less than the minimum total area applicable to the lot, and if such lesser area by itself satisfies the requirement as to average width.
29. The Director is charged with the responsibility of administering this bylaw.
30. Any person who contravenes any provision of this bylaw is guilty of an offence and liable, on conviction, to the penalties for offences prescribed by the Offence Act.



31. No provision of this bylaw depends for its validity on the validity of any other provision.
32. Subject to the provisions of Section 5, the Zoning Regulation Bylaw, 80-12 and all its amendments are repealed, provided that nothing herein contained shall be construed as repealing any bylaw enacted pursuant to the provisions of Section 717 (3) of the Municipal Act.
33. (1) A person must not use or occupy land for the purpose of a Casino – Class 2.  
(2) A person must not use or occupy land for the purpose of an All-Night Dance Club or a Dance Club.
34. Not implemented (Accessible housing)
35. A Regulations Table for a particular Zone under Part B establishes the category and method of regulating the density, siting, size, and dimensions of uses, land, buildings, and other structures that are subject to this Bylaw.
36. A cistern is permitted in any zone, subject to the regulations in Schedule “K”.
37. The illustrations and diagrams in Schedule “A” of this bylaw are for illustrative purposes only and do not form part of this bylaw, and in the event of any discrepancy or inconsistency between the text of Schedule “A” and an illustration or diagram in Schedule “A”, the text shall prevail.
38. Where a use is permitted in one zone subject to the regulations in another zone, the regulations in the other zone do not form part of or a condition of the permitted use.
39. If a parcel or area of land is subject to regulations in more than one zone, subject to a contrary intention appearing, the most restrictive regulation applicable shall apply in the event of a conflict.
40. Unless regulations applicable to a particular zone expressly provide otherwise with respect to outdoor features, the regulations applicable to site coverage, setback and height of accessory buildings within that zone apply to outdoor features above 0.6m in height from natural grade or finished grade, whichever is lower, as though they are accessory buildings.
41. Unless a regulation expressly provides otherwise, regulations applicable to site coverage and setback of outdoor features do not apply to outdoor features which are 0.6m or lower in height from natural grade or finished grade, whichever is lower.
42. Small-scale commercial urban food production is permitted in all zones, provided it is not noxious or offensive to neighbours or the general public by reason of emitting odor, noise or artificial lighting, and is subject to the regulations contained in Schedule “L”.
43. A rooftop greenhouse is not to be included in the calculation of total floor area, height or number of storeys, except when located on a lot which contains:
  - (a) a single family dwelling;
  - (b) an attached dwelling;
  - (c) a semi-attached dwelling;
  - (d) a house conversion; or
  - (e) a multiple dwelling containing fewer than four self-containing dwelling units.



44. A rooftop greenhouse must not exceed:
- (a) 3.65m in height; or
  - (b) 28m<sup>2</sup> or 50% of the building's roof area, whichever is less.
45. Notwithstanding any other provision of this Bylaw, dwelling units located on lots listed in Schedule "N" may only be occupied pursuant to residential rental tenure. Amended March 28, 2019  
Bylaw 19-029
46. Notwithstanding Sections 40 and 41, on waterfront lots occupied by residential uses, setback regulations that apply to principal buildings also apply to garden suites, accessory buildings, outdoor features and retaining walls that are located between the principal building and the property boundary with the waterfront. Amended Feb 27, 2020  
Bylaw 20-002
47. For the purposes of this Bylaw, an air space parcel is deemed to be part of the same lot as the parcel at ground level. Amended Mar 12 & 26, 2020  
Bylaw 20-029 and 20-053

Passed and given third reading by the Municipal Council the 18th day of December A.D. 1980.

Public hearing held the 29th day of January A.D. 1981.

Reconsidered and adopted by the votes of not less than two-thirds of the members of the Municipal Council present on the 29th day of January A.D. 1981.

CITY CLERK

MAYOR

Amending Bylaw – 17-084 adopted Sept 21/17 - (Section 17(4) added)

**Amending Bylaw 16-024 in process**

Amended Sept 8/16 Bylaw 16-16-058 - (Sections 17(3))

Amended Sept 8/16 Bylaw 16-16-064 - (Sections 42 and 43)

Amended Jan 28/16 Bylaw 16-004 - (Sections 40 and 41)

Amended Apr 16/15 Bylaw 15-018 – (Section 36)

Amended Mar 26/15 Bylaw 15-001 – (Sections 37 & 38)

Amended Mar 24/11 Bylaw 11-015 – (Sections 14 & 36)

Amended Sept. 8/05 Bylaw 05-91 – (Sections 16 & 21)

Amended Mar 27/03 Bylaw #03-34 – (Section 33)

Amended Feb 4/99 Bylaw #98-80 – (Sections 7, 9 & 22)

Amended March 28, 2019 Bylaw #19-029 - (Section 45)

Amended February 27, 2020 Bylaw #20-002 - (Section 46)

Amended March 12, 2020 Bylaw #20-029 – (Section 46)

Amended March 26, 2020 Bylaw #20-053 – (Section 47)

W:\ZONING BYLAW\general\_regs.doc



July 29, 2021

Mr. John Mueller dba I-Tow Group  
760 Queens Avenue  
Victoria, BC

**Re: Immediate Suspension of City of Victoria Business Licence #8014**

Mr. Mueller,

I am in receipt of the following information:

1. That you failed to comply with a required business licence inspection on July 19<sup>th</sup>, 2021 in contravention of section 13 of the *Business Licence Bylaw* and section 6 of the April 9<sup>th</sup> *Provincial Court Order No. 179540-1*.
2. That you are currently in contravention of section 16(1) of the *Zoning Regulation Bylaw* and section 4(a) of the *Business Licence Bylaw* by operating a tow company business at 760 Queens Avenue, Victoria, BC.
3. That you are currently in contravention of section 8(6) of the *Towing and Immobilizing Companies Bylaw* section pertaining to displaying a schedule of fees as well as section 3 of the April 9<sup>th</sup> *Provincial Court Order No. 179540-1*.
4. That on July 23<sup>rd</sup>, 2021 you contravened sections 5(a)(ii) and (iii) of the *Towing and Immobilizing Companies Bylaw* pertaining to display of signs at 980 Pandora and section 6 of the April 9<sup>th</sup> *Provincial Court Order No. 179540-1*.
5. That on July 23<sup>rd</sup>, 2021 you contravened section 16 of the *Towing and Immobilizing Companies Bylaw* and section 6 of the April 9<sup>th</sup> *Provincial Court Order No. 179540-1* as it relates to business markings on tow vehicles.
6. That on July 23<sup>rd</sup>, 2021 you contravened section 13(1)(b) of the *Towing and Immobilizing Companies Bylaw* and section 6 of the April 9<sup>th</sup> *Provincial Court Order No. 179540-1* pertaining to issuing a written receipt.

Pursuant to section 15 (2)(c) and (d) of the *Business Licence Bylaw* I am suspending your business licence #8014 effective immediately pending an application to council to revoke your business licence under section 15(1). This means you are to immediately cease all towing operations in the City of Victoria.

The matter will be scheduled for a September Council Meeting, and you will receive notification pursuant to section 16. You will be invited to appear in person or by agent before the Council at the time and place stipulated in the notice, to make representations with or without the production of evidence in support thereof.

If you have any questions pertaining to this notice, please direct those to my attention by way of email or written correspondence as this is a legal matter and all communications should be properly documented.

Sincerely,



Shannon Perkins  
Manager, Bylaw Services  
City of Victoria



**FORM 2**

**(Offence Act)**

**INFORMATION**

**CANADA  
PROVINCE OF BRITISH COLUMBIA**

This is the Information of Shannon Perkins, Bylaw Officer, of the City of Victoria, in the Province of British Columbia (the "Informant").

The informant says that she has reasonable and probable grounds to believe and does believe that:

**Count 1**

On or about July 14, 2021, JOHN MUELLER dba I-TOW GROUP, in the City of Victoria in the Province of British Columbia, failed to have its business name and telephone number painted or otherwise permanently affixed to the sides of a vehicle used to carry on the business of towing or immobilizing improperly or unlawfully parked vehicles, contrary to Section 16 of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

**Count 2**

On or about July 14, 2021, JOHN MUELLER dba I-TOW GROUP, in the City of Victoria in the Province of British Columbia, failed to have its business name and telephone number painted or otherwise permanently affixed to the sides of a vehicle used to carry on the business of towing or immobilizing improperly or unlawfully parked vehicles, contrary to Term 2 and Term 6 of the Provincial Court Order made April 9, 2021 and filed May 5, 2021 in Docket No. 179540-1 of the Victoria Registry.

**Count 3**

On or about one or more dates between July 14, 2021 and July 20, 2021, JOHN MUELLER dba I-TOW GROUP, in the City of Victoria in the Province of British Columbia, did use or occupy the land or a building at the civic address of 760 Queens Avenue, Victoria, British Columbia in contravention of the City of Victoria Zoning Regulation Bylaw No. 80-159, contrary to Section 16(1) of the City of Victoria Zoning Regulation Bylaw No. 80-159.

**Count 4**

On or about July 19, 2021, JOHN MUELLER dba I-TOW GROUP, in the City of Victoria in the Province of British Columbia, did hinder, delay or obstruct a Licence Inspector or other designated person from ascertaining whether the provisions of the City of Victoria Business Licence Bylaw



No. 89-071 were being complied with, contrary to Section 13 of the City of Victoria Business Licence Bylaw No. 89-071.

Count 5

On or about July 19, 2021, JOHN MUELLER dba I-TOW GROUP, in the City of Victoria in the Province of British Columbia, failed to prominently display a schedule of the fees which may be charged pursuant to the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033 at each place of business and each lot where vehicles towed for being improperly or unlawfully parked are stored, contrary to Section 8(6) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 6

On or about July 19, 2021, JOHN MUELLER dba I-TOW GROUP, in the City of Victoria in the Province of British Columbia, failed to prominently display a schedule of the fees which may be charged pursuant to the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033 at each place of business and each lot where vehicles towed for being improperly or unlawfully parked are stored, contrary to Term 3 and Term 6 of the Provincial Court Order made April 9, 2021 and filed May 5, 2021 in Docket No. 179540-1 of the Victoria Registry.

Count 7

On or about July 23, 2021, JOHN MUELLER dba I-TOW GROUP, in the City of Victoria in the Province of British Columbia, charged fees other than or greater than the prescribed fee for the release of a motor vehicle that was towed for being improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 8

On or about July 23, 2021, JOHN MUELLER dba I-TOW GROUP, in the City of Victoria in the Province of British Columbia, charged fees other than or greater than the prescribed fee for the release of a motor vehicle that was towed for being improperly or unlawfully parked contrary to Section 8(1) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033, contrary to Term 6 of the Provincial Court Order made April 9, 2021 and filed May 5, 2021 in Docket No. 179540-1 of the Victoria Registry.

Count 9

On or about July 23, 2021, JOHN MUELLER dba I-TOW GROUP, in the City of Victoria in the Province of British Columbia, failed to have its business name and telephone number painted or otherwise permanently affixed to the sides of a vehicle used to carry on the business of towing or immobilizing improperly or unlawfully parked vehicles, contrary to Section 16 of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 10

On or about July 23, 2021, JOHN MUELLER dba I-TOW GROUP, in the City of Victoria in the Province of British Columbia, failed to have its business name and telephone number painted or otherwise permanently affixed to the sides of a vehicle used to carry on the business of towing or immobilizing improperly or unlawfully parked vehicles, contrary to Term 2 and Term 6 of the



Provincial Court Order made April 9, 2021 and filed May 5, 2021 in Docket No. 179540-1 of the Victoria Registry.

Count 11

On or about July 23, 2021, JOHN MUELLER dba I-TOW GROUP, in the City of Victoria in the Province of British Columbia, towed a vehicle for being improperly or unlawfully parked on a parking lot in the absence of a clearly visible and legible sign posted in a conspicuous place on the parking lot containing the address at which the vehicle will be stored and the towing and storage fees that will apply, contrary to section 5(a) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 12

On or about July 23, 2021, JOHN MUELLER dba I-TOW GROUP, in the City of Victoria in the Province of British Columbia, towed a vehicle for being improperly or unlawfully parked on a parking lot in the absence of a clearly visible and legible sign posted in a conspicuous place on the parking lot containing the address at which the vehicle will be stored and the towing and storage fees that will apply, contrary to Term 6 of the Provincial Court Order made April 9, 2021 and filed May 5, 2021 in Docket No. 179540-1 of the Victoria Registry.

Count 13

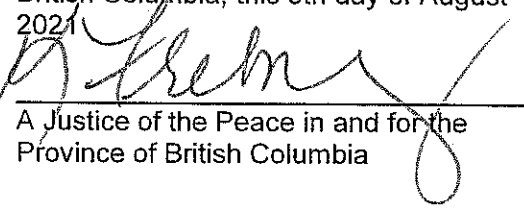
On or about July 23, 2021, JOHN MUELLER dba I-TOW GROUP, in the City of Victoria in the Province of British Columbia, failed to issue a written receipt including the time when the vehicle was connected to the towing vehicle, contrary to Section 13(1)(b) of the City of Victoria Towing and Immobilizing Companies Bylaw No. 11-033.

Count 14

On or about July 23, 2021, JOHN MUELLER dba I-TOW GROUP, in the City of Victoria in the Province of British Columbia, failed to issue a written receipt including the time when the vehicle was connected to the towing vehicle, contrary to Term 6 of the Provincial Court Order made April 9, 2021 and filed May 5, 2021 in Docket No. 179540-1 of the Victoria Registry.

**SWORN BEFORE ME**

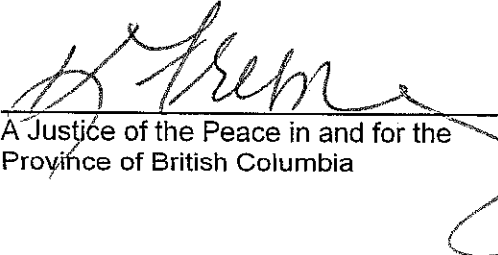
at the City of Victoria, in the Province of  
British Columbia, this 5th day of August  
2021

  
A Justice of the Peace in and for the  
Province of British Columbia

  
SHANNON PERKINS

SUMMONS TO ISSUE

CONFIRMED

  
A Justice of the Peace in and for the  
Province of British Columbia



September 15, 2021

Honourable Josie Osborne  
Minister of Municipal Affairs

VIA Email: MAH.Minister@gov.bc.ca

Dear Minister:

**Re: Appointment of Directors to Regional District Board**

---

The following resolution was passed by the Metro Vancouver Regional District Board at its July 30, 2021 meeting:

*That the MVRD Board request the Ministry of Municipal Affairs to amend the Local Government Act in section 198 [appointment and term of office for municipal directors], as necessary to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board*

Metro Vancouver's background report to this motion, entitled "Municipal Director Appointment Process", is attached for reference.

At its September 13, 2021 Regular Council meeting, the Council for the City of Langley passed the following resolution:

WHEREAS the Local Government Act sets out the procedure for the appointment of directors to the regional district board;

WHEREAS section 198 of the Local Government Act states: After the first appointment under section 41 (2) (e) [first board for regional district], each municipal director is to be appointed at pleasure by the council from among its members and that the Local Government Act does not stipulate any criteria in making those appointment decisions;

WHEREAS the appointment of directors to the regional district board under the Municipal Act (now Local Government Act) was changed after 2000 to "at the pleasure of Council" and that there have been no criteria constraining municipal council's appointment decision since 1965;

WHEREAS the governance structure of regional districts has been lauded as a model structure that provides for "a regional federation of autonomous partners, representing both municipal and non-municipal territory and allows each Regional District to tailor most of its individual functions, both regionally and sub-regionally, to its own evolving needs. The Regional District legislation was designed to promote inter-municipal cooperation, to provide services to non-municipal urban fringe or rural communities, and to stimulate consensus-based planning and co-ordination across regions;"<sup>1</sup>

WHEREAS regional districts are "part of the municipal system not separate from it. The regional district does not sit over the municipalities with the municipal units serving the region. Rather it is the reverse: the regional district exists to further the interests of its municipal members;"<sup>2</sup>



WHEREAS the current section 198 of the Local Government Act provides ability, accountability, autonomy, and a democratic process for each municipal council to appoint the director to the regional board that best represents the views of majority of council on regional-scale services matters;

WHEREAS the Metro Vancouver Regional District is a federation of 21 municipalities, one Electoral Area and one Treaty First Nation that collaboratively plans for and delivers regional-scale services;

WHEREAS the Metro Vancouver Regional District Board, at its July 30, 2021 meeting, passed a resolution to request the Ministry of Municipal Affairs to amend the Local Government Act in section 198 [appointment and term of office for municipal directors], as necessary to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board;

WHEREAS Metro Vancouver Regional District Board has not outlined the impetus and rationale for the proposed amendment to section 198 of the Local Government Act;

WHEREAS the proposed resolution passed by the Metro Vancouver Regional Board to amend the Local Government Act to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board would affect all regional district boards in BC and that a broad consultation with all local governments in BC is necessary and required to consider this amendment;

THEREFORE, BE IT RESOLVED THAT the Ministry of Municipal Affairs conduct a broad consultative process in partnership with the Union of British Columbia Municipalities, Lower Mainland Local Government Association, and all local governments in BC to solicit feedback with tangible and objective rationale to support the amendment to section 19 of the Local Government Act to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board; and that this motion be forwarded to Honourable Josie Osborne, Minister of Municipal Affairs, and all municipal councils in BC.

Yours truly,  
CITY OF LANGLEY



Kelly Kenney  
Corporate Officer

Cc BC Municipalities

Enclosure

*Footnotes in Resolution:*

1 40 Years: A Regional District Retrospective Summary of Proceedings, Local Government Knowledge Partnership, Ministry of Community & Rural Development, Local Government Management Association of British Columbia, 2009,  
<https://www.uvic.ca/hsd/publicadmin/assets/docs/LGI/RetrospectiveMar2009/Summary.pdf>

2 A Primer on Regional Districts in British Columbia, Ministry of Community Services, 2006,  
[https://www.regionaldistrict.com/media/28095/Primer\\_on\\_Regional\\_Districts\\_in\\_BC.pdf](https://www.regionaldistrict.com/media/28095/Primer_on_Regional_Districts_in_BC.pdf)



---

To: MVRD Board of Directors

From: Mayors Committee

Date: July 9, 2021

Meeting Date: July 30, 2021

Subject: **Municipal Director Appointment Process**

---

**MAYORS COMMITTEE RECOMMENDATION**

That the MVRD Board request the Ministry of Municipal Affairs to amend the *Local Government Act*, in section 198 [appointment and term of office for municipal directors], as necessary to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board.

---

At its July 9, 2021 meeting, the Mayors Committee considered the attached report titled "Municipal Director Appointment Process", dated June 18, 2021. The committee discussed seeking a statutory amendment to the provisions in the *Local Government Act* to require the appointment of the Mayor or designate as the municipal director on the regional district board. The Committee subsequently adopted the recommendation as presented above in underline style.

This matter is now before the Board for its consideration.

**Attachment**

"Municipal Director Appointment Process", dated June 18, 2021

46632665



To: Mayors Committee

From: Chris Plagnol, Corporate Officer

Date: June 18, 2021

Meeting Date: July 9, 2021

Subject: **Municipal Director Appointment Process**

---

### **RECOMMENDATION**

That the Mayors Committee receive for information the report dated June 18, 2021, titled “Municipal Director Appointment Process”.

---

### **EXECUTIVE SUMMARY**

BC’s regional districts are each governed by a board of directors which is composed of municipal directors, Treaty First Nations directors, and electoral area directors representing their local jurisdictions. As set out in the *Local Government Act*, the electoral area director is elected to the board, while the other directors are appointed. The decision to appoint rests with the municipal council or the treaty first nation governing body. The Act does not stipulate any criteria in making those appointment decisions, such as the Mayor should be the default appointment. To do so would require a statutory amendment to the *Local Government Act*.

### **PURPOSE**

To outline the process and procedures related to the appointment of municipal directors to the Metro Vancouver board.

### **BACKGROUND**

At its meeting of May 26, 2021, the Mayors Committee discussed the process by which directors, particularly Mayors or their designates, are appointed to the regional district board, and adopted the following resolution:

*That the Mayors Committee direct staff to review the process and procedures for Mayor or their designate and Director appointments and report back.*

This report provides for the committee’s consideration information on the municipal director appointment process.

### **REGIONAL DISTRICT GOVERNANCE**

The 27 regional districts in BC are modeled as a federation composed of municipalities, electoral areas, and Treaty First Nations, each of which has representation on the regional district board. The board is the governing body of the regional district, and is ultimately responsible for the services provided and the actions taken. This board is composed of one or more directors appointed from each member municipal council and each Treaty First Nation governing body, and of one or more directors elected from each electoral area, based on the population of the jurisdiction represented.



### **Metro Vancouver's Boards**

In Metro Vancouver's case, the MVRD board represents 21 municipalities, one Electoral Area and one Treaty First Nation, composed of 40 directors as follows:

- 38 municipal directors
- 1 treaty first nation director
- 1 electoral area director

It is important to note that in addition to the MVRD Board, Metro Vancouver is also governed by 3 other boards. The *GVS&DD Act* provides that the GVS&DD board comprises those persons who are directors for each jurisdiction within the GVS&DD on the MVRD board, together with the electoral area director. The *GVWD Act* contains a similar provision. Finally, the *MVHC Articles of the Company* stipulate that the directors for the MVHC board will mirror those appointed to the MVRD board.

### **Appointment Process**

The *Local Government Acts* sets out the procedure for the appointment of directors. For municipal directors, section 198 of the Act states:

After the first appointment under section 41 (2) (e) [*first board for regional district*], each municipal director is to be appointed at pleasure by the council from among its member.

There is a significant phrase in this section and that is that each municipal director is to be appointed at pleasure by the council from among its members. This means that the decision to appoint (or remove) municipal directors rests entirely with the municipal council (as does the appointment of Alternate Directors, which is not addressed in this report). The Act does not stipulate any criteria in making those appointment decisions, such as the Mayor or Mayor's designate should be the default appointment, followed by councillors.

Since 1965, the *Municipal Act* (now *Local Government Act*) stipulated that municipal directors were appointed annually (after 2000, this provision was changed to "at the pleasure of council"). And since 1965, there have been no criteria constraining municipal council's appointment decision.

Electoral area directors and treaty first nation directors follow different provisions. The electoral area director is directly elected for a four-year term until the next general local election, as set out in section 199 of the Act. The treaty first nation director is appointed by the nation's governing body and does not follow the "at pleasure" provision described above, but rather the term is set in accordance with section 254 of the Act.

If the MVRD Board wishes to make changes to the appointment process presented above, the next step would be to seek legislative change to the *Local Government Act*. In this case, the statutory change would affect all regional district boards in BC. The Ministry would have to consider the effect of this more global change, and may restrict this provision to Metro Vancouver only and/or conclude that the same amendment is appropriate for other regional district boards.



## **ALTERNATIVES**

This is an information report. No alternatives are presented.

## **FINANCIAL IMPLICATIONS**

Directors appointed to the regional district board are remunerated in accordance with the Remuneration Bylaw. The process to appoint directors to the board does not affect the remuneration budget.

## **CONCLUSION**

The process to appoint directors (municipal directors, treaty first nation directors, and electoral area directors) to regional district boards is prescribed by the *Local Government Act*. While the electoral area directors are directly elected to the boards, the municipal directors and treaty first nation directors are appointed by their municipal council and governing body respectively. The Act does not stipulate that the municipal director appointment must be the Mayor or the Mayor's designate. As such, to introduce any appointment selection criteria for municipal directors would require a statutory amendment. This information is brought forward for the committee's information.

46272792





# Regional District of Mount Waddington

PO Box 729 2044 McNeill Road, Port McNeill, BC V0N 2R0

Telephone (250) 956-3161 Fax (250) 956-3232

Web-site: [www.rdmw.bc.ca](http://www.rdmw.bc.ca) Email: [info@rdmw.bc.ca](mailto:info@rdmw.bc.ca)

File No. 310.01

August 27, 2021

By e-mail to BC Local Governments

Dear Regional District Chairs and Boards, Mayors and Councils:

The people of the Regional District of Mount Waddington (RDMW) are independent, resilient, and compassionate. Although we may be a little geographically and politically isolated, we are caring, and community oriented. When trouble befalls one of our friends, we show up to help.

The Village of Lytton suffered a catastrophic loss this summer. The RDMW would like to remind the population of Lytton and the Thompson-Nicola Regional District that they do not stand alone in their time of need.

To help Lytton rebuild, the Electoral Area Directors of the RDMW will contribute one dollar for every person in their representative areas. In doing so, the Electoral Area Directors of the RDMW wish to challenge all other local governments to make a similar gesture.

This is a time for solidarity and the rebuilding of community, lives, and dreams. The Regional District of Mount Waddington is honoured to contribute.

Sincerely,

Andrew Hory  
Chair and Area B Director

Sandra Daniels  
Area A Director

James Furney  
Area C Director

Rod Sherrell  
Area D Director



BC CLIMATE ACTION  
COMMUNITY  
SINCE 2012

INCORPORATED JUNE 13, 1966

MUNICIPALITIES: VILLAGE OF ALERT BAY, VILLAGE OF PORT ALICE, DISTRICT OF PORT HARDY, TOWN OF PORT MCNEILL  
ELECTORAL AREAS: "A" (BROUGHTON ARCHIPELAGO, SOINTULA / MALCOLM ISLAND, MAINLAND); "B" (COAL HARBOUR, HOLBERG, QUATSINO, WINTER HARBOUR);  
"C" (FORT RUPERT, HYDE CREEK, TSULQUATE); "D" (CORMORANT ISLAND, TELEGRAPH COVE, WOSS)



**Regional District of Mount Waddington**

VILL001 VILLAGE OF LYTTON

DATE 27-Aug-2021

CHEQUE NO.

3956

DATE	INVOICE #	DESCRIPTION / VOUCHER NO.	AMOUNT
27-Aug-2021	VILLAGE OF LYTTON	VILLAGE OF LYTTON - COMMUNITY REBUILD DONA LYTTON	3,413.00

TOTAL

3,413.00

THIS DOCUMENT CONTAINS SECURITY FEATURES

SEE DETAILS ON REVERSE

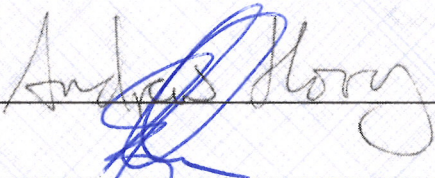
**REGIONAL DISTRICT OF MOUNT WADDINGTON**P.O. BOX 729, PORT McNEILL, BC V0N 2R0  
TEL: 250-956-3301 FAX: 250-956-3232CANADIAN IMPERIAL BANK OF COMMERCE  
P.O. BOX 340, PORT McNEILL, BC V0N 2R0

003956

DATE 20210827  
Y Y Y Y M M D D

PAY Three Thousand Four Hundred Thirteen AND 00/100 Dollars

\$\*\*\*\*\*3,413.00

TO THE  
ORDER OF**VILLAGE OF LYTTON**380 Main Street  
PO Box 300  
Lytton BC V0K 1Z0  
\_\_\_\_\_

⑈003956⑈ ⑆07040⑈010⑆ 77⑈00814⑈



**From:** [Legislative Services email](#)  
**To:** [Legislative Services email](#)  
**Subject:** FW: SEPT 23 CTF - FW: Letter from the Honourable Mitzi Dean, Minister of Children and Family Development  
**Date:** Friday, September 17, 2021 9:20:12 AM  
**Attachments:** [image001.png](#)

---

**From:** MCF Info MCF:EX [REDACTED]  
**Sent:** September 10, 2021 11:38 AM  
**To:** Public Service Centre - Internet email <[publicservice@victoria.ca](mailto:publicservice@victoria.ca)>  
**Subject:** Letter from the Honourable Mitzi Dean, Minister of Children and Family Development

**VIA E-MAIL**  
Ref: 262443

Her Worship Mayor Lisa Helps and Council  
City of Victoria  
E-mail: [publicservice@victoria.ca](mailto:publicservice@victoria.ca)

Dear Mayor Helps and Council:

I am pleased to announce that October will once again be declared Foster Family Month in British Columbia. This marks the 31<sup>st</sup> year of celebrating the caregivers who have stepped up time and time again when they are needed most. As a caregiver, they have accepted a vital role in the lives of the children they care for and an important role in the fabric of the communities where they live.

I wish to express my gratitude for the time, love, and energy that these foster families have given to the young people in British Columbia. Every day, these incredible caregivers work hard to ensure that the young people in their care are provided with a safe and healthy home and are cared for and nurtured in times of personal and global uncertainty. Their dedication to improving the lives of some of our province's most vulnerable children and youth is recognized and honoured as an integral part of the young person's journey.

Please join me in celebrating October as Foster Family Month to show those in your community how important the role of a foster caregiver is. I encourage you to celebrate foster families for the selfless work they do for the children, youth, and families of British Columbia.

On behalf of the Government of British Columbia, thank you for your continued support in recognizing extended family and foster caregivers.

Sincerely,

Mitzi Dean  
Minister of Children and Family Development

*Sent on behalf of the Minister by:*





**Client Relations Branch**

*Executive Operations*

*Ministry of Children and Family Development*

**This communication and any accompanying document is confidential and is intended solely for the addressed recipient(s). If you received this e-mail message in error, please delete the e-mail and any attachments and contact the Client Relations Branch, Ministry of Children and Family Development at: [REDACTED]**