



## REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, October 28, 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

Pages

|          |   |   |
|----------|---|---|
| A.       | CONVENE COUNCIL MEETING   |   |
| B.       | APPROVAL OF AGENDA  |   |
| C.       | READING OF MINUTES  |   |
| D.       | REQUESTS TO ADDRESS COUNCIL   |   |
| E.       | PROCLAMATIONS   |   |
| E.1.     | <u>"Colour the World Orange Day" - November 1, 2021</u>   | 1 |
| E.2.     | <u>"Respiratory Therapy Week" - October 24 to October 30, 2021</u>  | 2 |
| E.3.     | <u>"Indigenous Disability Awareness Month" - November 2021</u>  | 3 |
| E.4.     | <u>"Rising Economy Week 2021" - November 22 to November 25, 2021</u>  | 4 |
| F.       | REPORTS OF COMMITTEE  |   |
| F.1.     | <u>Committee of the Whole</u>   |   |
| F.1.a.   | Report from the October 14, 2021 COTW Meeting   | 5 |
|          | <u>Link to the October 14, 2021 COTW Agenda</u>   |   |
| F.1.a.a. | Development Variance Permit Application No. 00274 for 3130 Jutland Road and 496-498 Cecelia Road (Burnside Gorge) |   |
| F.1.a.b. | Council Meeting Schedule for 2022   |   |
| F.1.a.c. | Rezoning Application No. 00769 for 941 Fullerton Avenue (Victoria West)   |   |
| F.1.a.d. | CRD Regional Transportation Priorities  |   |

**F.1.b. Report from the October 28, 2021 COTW Meeting**

*Placeholder for time-sensitive motions*

**\*F.1.b.a. 431 Parry Street: Development Variance Permit No. 00235 (James Bay)**

*Pending approval at the October 28, 2021 COTW meeting.*

**G. BYLAWS**

**G.1. Bylaw for Victoria Subdivision and Development Servicing Bylaw, Amendment Bylaw (No. 4)**

6

**Adoption of:** Victoria Subdivision and Development Servicing Bylaw, Amendment Bylaw (No. 4), No. 21-097

The purpose of this Bylaw is to amend the Victoria Subdivision and Development Servicing Bylaw to clarify requirements regarding highway works and services.

**\*G.2. Bylaw for Business Recovery from Pandemic Bylaw Amendment Bylaw (No. 2)**

7

- **Adoption of:**
  - Business Recovery from Pandemic Bylaw Amendment Bylaw (No.2), No. 21-095

The purpose of this bylaw is to amend the Business Recovery from Pandemic Bylaw to extend the duration of that bylaw and impose time limits for new applications or applications for extensions and renewals.

**H. CORRESPONDENCE**

**\*H.1. Letter from the Minister of Mental Health and Addictions**

9

***Addendum: New Item***

*A letter from the Minister of Mental Health and Addictions regarding the use of police resources for individuals apprehended under the Mental Health Act (the Act).*

**\*H.2. Letter from the Mayor of the District of North Saanich**

12

***Addendum: New Item***

*A letter from the Mayor of the District of North Saanich regarding the Release of Violent and/or Repeat Offenders.*

**I. CLOSED MEETING**

**MOTION TO CLOSE THE OCTOBER 28, 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)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*

**J. APPROVAL OF CLOSED AGENDA**

**K. READING OF CLOSED MINUTES**

**L. UNFINISHED BUSINESS**

**M. NEW BUSINESS**

**\*M.1.     Legal Advice - Community Charter Section 90(1)(i)**

**\*M.2.     Legal Advice - Community Charter Section 90(1)(i)**

***Addendum: New Item***

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

**N. CONSIDERATION TO RISE & REPORT**

**O. ADJOURNMENT**



## CITY OF VICTORIA

# PROCLAMATION

### **"COLOR THE WORLD ORANGE DAY"**

**WHEREAS** *Color The World Orange is an annual event held the first Monday of November to spread awareness of CRPS/RSD, a debilitating nerve condition characterized by continuous, intense, burning pain that is out of proportion to the severity of the original injury. It ranks as the most painful condition on the McGill Pain Index. There is no cure; and*

**WHEREAS** *Complex Regional Pain Syndrome (CRPS) also known as Reflex Sympathetic Dystrophy (RSD) is a nerve disorder that causes chronic pain; and*

**WHEREAS** *The symptoms CRPS/RSD are often described as burning that is out of proportion to the severity of the initial injury and can include swelling and extreme sensitivity to touch; and*

**WHEREAS** *Members of the CRPS/RSD community will spread awareness of this condition in November during CRPS/RSD Awareness Month; and*

**WHEREAS** *On November 1, 2021 members of the CRPS/RSD a community will celebrate the Eighth Annual Color The World Orange day to shine a light on this poorly understood pain disorder.*

**NOW, THEREFORE** *I do hereby proclaim November 1st, 2021 as "**COLOR THE WORLD ORANGE DAY**" on the HOMELANDS of the Lekwungen speaking **SONGHEES AND ESQUIMALT PEOPLE** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE of BRITISH COLUMBIA**.*

**IN WITNESS WHEREOF**, *I hereunto set my hand this 28<sup>th</sup> day of October, Two Thousand and Twenty-One.*

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

**Sponsored By:**  
**Trudy Winder, CRPS Community**



## CITY OF VICTORIA

---

### PROCLAMATION

#### **“RESPIRATORY THERAPY WEEK”**

**WHEREAS** *Respiratory Therapists are highly trained professionals providing care in the hospital and community and;*

**WHEREAS** *Respiratory Therapists use their expertise in the assessment and management of respiratory diseases to help members of the community breathe easier and;*

**WHEREAS** *Respiratory Therapists have provided care on the front lines of the pandemic and been instrumental in managing supplies and protocol for COVID 19.*

**NOW, THEREFORE** *I do hereby proclaim the week of October 24<sup>th</sup> – October 30<sup>th</sup>, 2021 as “RESPIRATORY THERAPY 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 28<sup>th</sup> day of October, Two Thousand and Twenty-One.*

---

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

**Sponsored By:**  
**Michelle Conville**  
**Cansleep Services**



## CITY OF VICTORIA

# PROCLAMATION

### **“INDIGENOUS DISABILITY AWARENESS MONTH”**

**WHEREAS** *The City of Victoria is committed to the ideal of an inclusive society based on respect and understanding where Indigenous (First Nation, Inuit Métis) peoples living with disabilities and the significant contributions they provide are celebrated and valued; and*

**WHEREAS** *Indigenous peoples across British Columbia and Canada experience a disability rate higher than Canada's non-Indigenous population and often face unique barriers and discrimination that impacts their ability to fully participate in the social and economic opportunities available within our city and province; and*

**WHEREAS** *The City of Victoria is committed to upholding and safeguarding the principles outlined in the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), including full and effective participation and inclusion in Society and equality of opportunity; and*

**WHEREAS** *By proclaiming the month of November as Indigenous Disability Awareness Month (IDAM), the City of Victoria wishes to join urban and rural Indigenous and non-Indigenous communities, provinces, disability organizations, individuals living with disabilities and their families across British Columbia and Canada, in recognizing and celebrating this diverse and important segment of our society.*

**NOW, THEREFORE** *I do hereby proclaim November 1<sup>st</sup> to November 30<sup>th</sup>, 2021, as “INDIGENOUS DISABILITY 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 28<sup>th</sup> day of October, Two Thousand and Twenty-One.*

---

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

**Sponsored By:**  
**Neil Belanger**  
**Indigenous Disability Canada**  
**B.C. Aboriginal Network on Disability Society**



## CITY OF VICTORIA

# PROCLAMATION

### **“RISING ECONOMY WEEK 2021”**

**WHEREAS** *A regional, united approach is vital to strengthening Southern Vancouver Island’s economic future, Rising Economy Week is a key British Columbia event in drawing us together to collaborate and RISE (Resilient, Innovative, Sustainable and Equitable) as a region on our path to economic and social prosperity; and*

**WHEREAS** *Rising Economy Week 2021 (November 22-25) is designed as an informative, inspiring, and purpose-driven way to unite our region in the face of the ongoing economic challenges to create the conditions for long-term prosperity; and*

**WHEREAS** *The not-for-profit South Island Prosperity Partnership — an alliance of 10 local governments, 9 First Nations, 3 post-secondary institutions, 9 industry associations and non-profits, 5 Chambers of Commerce and over 30 major employers — will bring together regional audiences with thought leaders and participants from BC, Canada and the world to tackle some of the key challenges and opportunities of our time, such as the pandemic, climate change and the race to net zero, housing affordability, the indigenous economy, the blue economy, the war for talent, educational reform and innovation.*

**NOW, THEREFORE** *I do hereby proclaim the week of November 22<sup>nd</sup> – 25<sup>th</sup> as “**RISING ECONOMY 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 28<sup>th</sup> day of October, Two Thousand and Twenty-One.*

---

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

**Sponsored By:**  
**South Island Prosperity Partnership**

**COMMITTEE OF THE WHOLE REPORT**  
**FROM THE MEETING HELD OCTOBER 14, 2021**

For the Council meeting of October 28, 2021, the Committee recommends the following:

**G.1 Development Variance Permit Application No. 00274 for 3130 Jutland Road and 496-498 Cecelia Road (Burnside Gorge)**

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. 00274 for 3130 Jutland Road and 496-498 Cecelia Road in accordance with:

1. Survey plan date stamped September 9, 2021, and landscape plan date stamped December 17, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. reduce the continuous soft landscaping area between a surface vehicle parking area and adjacent lot used primarily for residential purposes from 1m to 0.38m on proposed Lot B.

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

**H.3 Council Meeting Schedule for 2022**

That Council approve the 2022 Committee of the Whole and Council meeting schedule attached to this report and make it available to the public as required under Section 127 of the Community Charter.

**G.2 Rezoning Application No. 00769 for 941 Fullerton Avenue (Victoria West)**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00769 for 941 Fullerton Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

**H.1 CRD Regional Transportation Priorities**

That Council:

1. Receive this report for information.
2. Endorse the creation of a CRD Transportation Advisory Committee (TAC) and;
3. Direct staff to work with municipal, electoral area, and agency partners through the TAC to advise on regional transportation matters requiring coordination and reporting through the CRD Transportation Committee.



**VICTORIA SUBDIVISION AND DEVELOPMENT SERVICING BYLAW, AMENDMENT BYLAW (NO. 4)**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to amend the *Victoria Subdivision and Development Servicing Bylaw* to clarify requirements regarding highway works and services.

**Contents**

- 1 Title
- 2 Amendments
- 3 Commencement

Under its statutory powers, including section 15(d) of the *Community Charter* and section 506(1) and 506(8) of the *Local Government Act*, 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 “Victoria Subdivision and Development Servicing Bylaw, Amendment Bylaw (NO. 4)”.

**Amendments**

- 2 Bylaw No. 12-042, the Victoria Subdivision and Servicing Bylaw, is amended in section 17 by inserting the following new subsection immediately after subsection (3):

“(4) The owner must construct or reconstruct, in accordance with the standards established under section 11 of this bylaw, all portions of the highways that are immediately adjacent to the lands under development, up to the center line of the highway, where the Director of Engineering determines that the construction or reconstruction is directly attributable to the development, including but not limited to, as applicable, those items listed in subsection (3).”.

**Commencement**

- 3 This Bylaw comes into force on adoption.

|                        |                        |        |                |      |
|------------------------|------------------------|--------|----------------|------|
| READ A FIRST TIME the  | <b>21<sup>st</sup></b> | day of | <b>October</b> | 2021 |
| READ A SECOND TIME the | <b>21<sup>st</sup></b> | day of | <b>October</b> | 2021 |
| READ A THIRD TIME the  | <b>21<sup>st</sup></b> | day of | <b>October</b> | 2021 |
| ADOPTED on the         |                        | day of |                | 2021 |

CITY CLERK

MAYOR

**BUSINESS RECOVERY FROM PANDEMIC BYLAW AMENDMENT BYLAW (NO. 2)**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this bylaw is to amend the Business Recovery from Pandemic Bylaw to extend the duration of that bylaw and impose time limits for new applications or applications for extensions and renewals.

Under its statutory powers, including sections 8(3), 35(11), 36, 38, and 154(1) of the *Community Charter* and sections 488-491 of the *Local Government Act*, 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 “Business Recovery from Pandemic Bylaw Amendment Bylaw (No. 2)”.

**To amend the bylaw by deleting section 2 and replacing it with the following:**

2. The Business Recovery from Pandemic Bylaw No. 20-072 is amended
- (a) in section 3 by adding the following as a new subsection (3):
- “(3) This Bylaw applies only if an application for
- (a) a permit or authorization under this Bylaw that relates to a business activity that requires a liquor licence is received by the City no later than October 31, 2021; or
- (b) a permit or authorization under this Bylaw that relates to a business activity that does not require a liquor licence.”,
- (b) by adding the following as a new section 3A immediately after section 3:
- “Extension of Existing Permits**
- 3A A permit or authorization issued under sections 4 or 5 of this Bylaw that was valid and in effect on October 14, 2021 is hereby extended until October 31, 2022 on the same terms and conditions as before.”
- (c) in section 13(2) by deleting “October 31, 2021” and replacing it with “October 31, 2022”,

**Commencement**

- 3 This bylaw comes into force on adoption.

|                        |           |        |                |      |
|------------------------|-----------|--------|----------------|------|
| READ A FIRST TIME the  | <b>14</b> | day of | <b>October</b> | 2021 |
| READ A SECOND TIME the | <b>14</b> | day of | <b>October</b> | 2021 |

|                                  |           |        |                |      |
|----------------------------------|-----------|--------|----------------|------|
| AMENDED ON the                   | <b>14</b> | day of | <b>October</b> | 2021 |
| READ A THIRD TIME AS AMENDED the | <b>14</b> | day of | <b>October</b> | 2021 |
| ADOPTED on the                   |           | day of |                | 2021 |

CITY CLERK

MAYOR



1204442

October 6, 2021

Via email: [mayorandcouncil@victoria.ca](mailto:mayorandcouncil@victoria.ca)

Their Worship Lisa Helps  
Mayor of the City of Victoria  
1 Centennial Square  
Victoria BC V8W 1P6

Dear Mayor Helps:

Thank you for your letter of April 7, 2021, addressed to the Honourable Mike Farnworth, Minister of Public Safety and Solicitor General, and copied to me, in relation to the use of police resources for individuals apprehended under the *Mental Health Act* (the Act). I apologize for the delayed response.

Thank you for identifying the problem and presenting constructive solutions. The interface of public safety, police resources, mental health, and addictions is a priority for our government and is reflected in several of the mandate letter instructions given to me by the Premier. We are working on solutions and across government we feel the urgency of the situation in communities, particularly because of the impacts of the pandemic. You can read our ministry's mandate letter in full here: <https://news.gov.bc.ca/files/MMHA-Malcolmson-mandate.pdf>.

You requested that "special constable status" be given to Island Health security staff to take custody of patients apprehended under the Act upon arrival at the hospital. As well, you requested that Island Health take responsibility for ensuring that patients in custody who have left the hospital unescorted are returned to custody as required. Finally, you requested that Island Health find alternative ways to return patients home following mandated mental health and or addiction treatment.

The ministries of Public Safety and Solicitor General (PSSG) and Mental Health and Addictions (MMHA) are working in collaboration on mental health related issues involving police. The Ministry of Health is also working with MMHA on broader issues associated with crisis intervention and emergency response.

Here's what I've learned about ways to advance your suggestions:

...2

PSSG has advised that hospital security personnel are licensed security workers trained to maintain safety and security of hospital premises. PSSG considers it a patient safety requirement that police remain with patients apprehended under the Act until they can be assessed by a physician. PSSG also advises that the issues around special provincial constable appointments are complex, involve multiple ministries, legislation, and liability issues. There is no immediate plan to issue special provincial constable appointments to hospital security personnel, however, it may well be a recommendation of the Special Committee on Reforming the *Police Act*.

The committee is examining the role of police with respect to complex social issues, including mental health and addictions, and may recommend changes to the *Mental Health Act*. For further information on the Special Committee please see the following link:

<https://www.leg.bc.ca/parliamentary-business/committees/42ndParliament-1stSession-rpa>

In terms of “finding alternative ways to return patients home following mandated mental health and or addiction treatment,” some patients receiving involuntary psychiatric treatment are authorized under the Act to leave the hospital if the leave is longer than 14 days. In those cases, hospital staff or a community physician continue to have responsibility for the treatment, care, health, and safety of the patient while on leave. A specific *Mental Health Act* form must be completed and signed by the attending physician outlining the conditions of leave, including transition support to help the patient return and re-establish themselves safely within their home.

To minimize police wait times with involuntarily apprehended patients in emergency departments in 2018, the ministries of Health and Public Safety developed a provincial toolkit to help health authorities and police agencies develop local protocols/agreements. The provincial toolkit includes tools to minimize police wait times and ensure a smooth transition from police custody to health care services for persons detained under the Act in emergency departments.

The toolkit is available on the Ministry of Health website:

<https://www2.gov.bc.ca/assets/gov/health/managing-your-health/mental-health-substance-use/police-interface-report.pdf>

In addition, MMHA has been in contact with Kelly Reid, the Interim Executive Director of the Vancouver Island Health Authority (Island Health) who is responsible for the management of mental health and substance use services. Mr. Reid advised that a Joint Greater Victoria Police Partnership Committee was established five years ago with representatives of the Saanich, Victoria, and Esquimalt police departments, the RCMP, and Island Health to address emergency department police wait times with patients detained under Section 28 of the Act. A joint protocol and various tools were developed and police wait times were reduced over time. Since the onset of the COVID-19 pandemic, this committee has not met. Mr. Reid indicated that the committee will be reconvening in the fall and welcomes participation from additional participants from the region to explore options to minimize police wait times in hospital emergency departments and address issues concerning involuntary patients under the *Mental Health Act*. Mr. Reid can be reached at [Kelly.Reid@viha.ca](mailto:Kelly.Reid@viha.ca).

I hope that one of those three pathways is helpful in the near term, while we continue to work on police resources and mental health services. Thank you for bringing this important issue to my attention.

Best wishes,



Sheila Malcolmson  
Minister

pc: Honourable Mike Farnworth, Minister of Public Safety and Solicitor General  
Honourable Adrian Dix, Minister of Health  
Kelly Reid, Interim Executive Director, Mental Health and Substance Use Services,  
Vancouver Island Health Authority



*Office of the Mayor*

September 28, 2021

Via email: [AG.Minister@gov.bc.ca](mailto:AG.Minister@gov.bc.ca)

Honourable David Eby  
Attorney General and Minister Responsible for Housing  
PO Box 9044 Stn Prov Govt  
Victoria, BC V8W 9E2

Dear Minister Eby:

**Re: Support for City of Victoria re: Release of Violent and/or Repeat Offenders**

At the regular Meeting of Council held on September 20, 2021, the District of North Saanich Council passed a resolution in support of the letter to you from Mayor Helps, City of Victoria dated July 9, 2021 regarding the release of violent and/or repeat offenders while awaiting charge disposition.

The District of North Saanich shares the concern that in response to COVID-19 physical distancing requirements some individuals charged with violent offences and/or with past criminal convictions are being released into the community on a promise to appear or given restrictive behaviour conditions rather than being held in custody while awaiting charge disposition. While COVID-19 continues to be a public health concern, we agree that this practice may create an increased risk to local communities and overall public safety, as well as overextending our police resources.

We fully support the request of Mayor Helps and ask the Province to provide assistance with this important matter.

Sincerely,

Geoff Orr  
Mayor

cc: Sidney/North Saanich RCMP  
Capital Region District Municipal Councils