



MINUTES - COMMITTEE OF THE WHOLE

September 2, 2021, 9:00 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

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

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

PRESENT ELECTRONICALLY: Councillor Dubow (*arrived at 9:07 a.m.*), Councillor Isitt

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Kingsley - City Clerk, T. Soulliere - Director of Parks, Recreation & Facilities, J. Jensen - Head of Human Resources, K. Hoese - Director of Sustainable Planning and Community Development, D. Manak – Chief Constable, Victoria Police Department, C. Havelka - Deputy City Clerk, L. Van Den Dolder - Assistant City Solicitor, C. Moffatt – Assistant City Solicitor - K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, G. Milne – Manager of Strategic Operations, L. Taylor - Senior Planner, M. Angrove - Planner, L. Berndt – Manager, Energy and Climate Action, S. Young – Climate & Environmental Sustainability Specialist, M. Fedyczkowska - Legislation & Policy Analyst, J. Paul - Assistant Director of Engineering, P. Bellefontaine - Director of Engineering & Public Works, G. Diamond – Council/Committee Secretary

A. APPROVAL OF AGENDA

Moved By Councillor Thornton-Joe

Seconded By Councillor Loveday

That the agenda be approved.

Amendment:

Moved By Councillor Loveday

Seconded By Councillor Thornton-Joe

Consent Agenda:

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

- C.2 Minutes from the meeting held July 22, 2021
- C.3 Minutes from the meeting held July 29, 2021
- G.3 Proclamation: National Forest Week - September 19 to 25, 2021
- G.4 Proclamation: Dyslexia Awareness Month - October 2021
- F.1 737 Belton Avenue: Development Permit with Variances Application No. 00162 (Victoria West)
- I.2 Council Member Motion: Conference Request - Canadian Capital Cities Organization Annual Meeting and Conference in Whitehorse, Yukon, from September 19 through 22, 2021.
- I.3.1 Canadian Capital Cities Organization Annual Meeting and Conference in Whitehorse, Yukon, from September 19 through 22, 2021.

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

B. CONSENT AGENDA

Moved By Councillor Alto
Seconded By Councillor Potts

That the following items be approved without further debate

CARRIED UNANIMOUSLY

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

Moved By Councillor Alto
Seconded By Councillor Potts

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

CARRIED UNANIMOUSLY

C.2 Minutes from the meeting held July 22, 2021

Moved By Councillor Alto
Seconded By Councillor Potts

That the minutes from the COTW meeting held July 22, 2021 be adopted.

CARRIED UNANIMOUSLY

C.3 Minutes from the meeting held July 29, 2021

Moved By Councillor Alto
Seconded By Councillor Potts

That the minutes from the COTW meeting held July 29, 2021 be adopted.

CARRIED UNANIMOUSLY

G.3 Proclamation: National Forest Week - September 19 to 25, 2021

Committee received a report dated August 17, 2021 from the City Clerk regarding the proclamation for National Forest Week - September 19 to 25, 2021.

Moved By Councillor Alto
Seconded By Councillor Potts

That the National Forest Week Proclamation be forwarded to the September 9, 2021 Council meeting for Council's consideration.

CARRIED UNANIMOUSLY

G.4 Proclamation: Dyslexia Awareness Month - October 2021

Committee received a report dated August 17, 2021 from the City Clerk regarding the proclamation for Dyslexia Awareness Month – October 2021.

Moved By Councillor Alto
Seconded By Councillor Potts

That the Dyslexia Awareness Month Proclamation be forwarded to the September 9, 2021 Council meeting for Council's consideration.

CARRIED UNANIMOUSLY

F.1 737 Belton Avenue: Development Permit with Variances Application No. 00162 (Victoria West)

Committee received a report dated August 20, 2021 from the Director of Sustainable Planning and Community Development regarding a proposal to construct a new single family dwelling on a small lot. The variances are related to reducing the front and rear yard setbacks and increasing the site coverage.

Moved By Councillor Alto
Seconded By Councillor Potts

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

I.2 Council Member Motion: Conference Request - Canadian Capital Cities Organization Annual Meeting and Conference in Whitehorse, Yukon, from September 19 through 22, 2021.

Committee received a Council Member Motion dated August 27, 2021 from Councillor Alto regarding the Canadian Capital Cities Organization Annual Meeting and Conference in Whitehorse, Yukon.

Moved By Councillor Alto
Seconded By Councillor Potts

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
Estimated total cost	\$1624.11

CARRIED UNANIMOUSLY

I.3.1 Canadian Capital Cities Organization Annual Meeting and Conference in Whitehorse, Yukon, from September 19 through 22, 2021.

Committee received a Council Member Motion dated September 1, 2021 from Councillor Young regarding the Canadian Capital Cities Organization Annual Meeting and Conference in Whitehorse, Yukon.

Moved By Councillor Alto
Seconded By Councillor Potts

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
Estimated total cost	\$ 1918.33

CARRIED UNANIMOUSLY

D. Presentations

D.1 VicPD Q2 Community Safety Report Card

Committee received a presentation from the Chief Constable of the Victoria Police Department regarding the 2021 Q2 Community Safety Report Card.

Moved By Councillor Thornton-Joe
Seconded By Councillor Young

That Council receive the report for information.

Councillor Dubow arrived at 9:07 a.m.

Committee discussed the following:

- *The reasons for longer response times and the types of calls being responded to*
- *That calls to parks and supportive housing are a significant number of calls*
- *How VicPD engages with local media to provide important information to the public*
- *VicPD is proactive in knowing who prolific offenders are and when they are released so they can be monitored*
- *A return to work coordinator position is being explored by the Police Board*
- *How VicPD assesses risk in regards to protests and how they work with protesters*

CARRIED UNANIMOUSLY

Committee recessed at 10:50 am and reconvened at 10:55 a.m.

Councillor Isitt was not present when Committee reconvened.

F. LAND USE MATTERS

F.2 235 Russell Street: Development Permit with Variances Application No. 00163 (Victoria West)

Committee received a report dated August 19, 2021 from the Director of Sustainable Planning and Community Development regarding a proposal to construct a new four-storey industrial warehouse building. The variances are related to reducing the vehicle parking stalls, eliminating the loading stall and increasing the distance between the main entrance and the short term bicycle parking stalls.

Moved By Councillor Andrew

That Council decline Development Permit with Variances Application No. 00163 for the property located at 235 Russell Street.

FAILED DUE TO NO SECONDER

Moved By Mayor Helps

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. 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.”

Committee discussed the following:

- *The lack of industrial vacancy in the city*
- *Curb space can be managed in order to accommodate potential future loading vehicles*

CARRIED UNANIMOUSLY

G. STAFF REPORTS

G.1 Rental Business Licensing Bylaw

Committee received a report dated August 18, 2021 from the Director of Sustainable Planning and Community Development regarding an update on new provincial legislation designed to improve protections for tenants (in effect as of July 1, 2021), provide recommendations regarding the previously initiated Rental Business Licensing Bylaw in light of this new legislation, and propose new actions that the City can take to further strengthen tenant protections.

Moved By Mayor Helps

Seconded By Councillor Young

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

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;
2. Monitor the implementation of the provincial legislative updates and report back to Council in the fall of 2023 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.

Councillor Isitt returned to the meeting at 11:38 a.m.

Committee discussed the following:

- *RTA does not protect affordability between tenancies*
- *That a parallel system to the province may be confusing to tenants and landlords*
- *The opportunities for further engagement with tenants*

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

2. Monitor the implementation of the provincial legislative updates and report back to Council in the fall of ~~2023~~ **2022** on its efficacy and whether future City initiatives to further enhance protections for tenants are needed;

CARRIED UNANIMOUSLY

Motion to refer:

Moved By Councillor Loveday

Seconded By Councillor Andrew

That Council refer this report to the Renters' Advisory Committee and direct staff to bring this report and the draft bylaw to Council in 4 months.

Amendment:

Moved By Councillor Dubow

Seconded By Councillor Alto

That Council refer this report to the Renters' Advisory Committee and direct staff to bring this report and the draft bylaw to Council in 4 months **and look at what other municipalities are doing.**

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Alto

Seconded By Councillor Andrew

That Council refer this report to the Renters' Advisory Committee and direct staff to bring this report ~~and the draft bylaw~~ to Council in 4 months and look at what other municipalities are doing.

FOR (3): Councillor Alto, Councillor Andrew, Councillor Young

OPPOSED (6): Mayor Helps, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe

DEFEATED (3 to 6)

Amendment:

Moved By Mayor Helps

Seconded By Councillor Alto

That Council refer **recommendation #1 and** this report to the Renters' Advisory Committee and direct staff to bring this report and the draft bylaw to Council in 4 months and look at what other municipalities are doing.

CARRIED UNANIMOUSLY

Amendment to add #5:

Moved By Councillor Loveday

Seconded By Councillor Dubow

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 undertake

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe

OPPOSED (2): Councillor Andrew, Councillor Young

CARRIED (7 to 2)

Amendment:

Moved By Councillor Isitt

5. That Council direct staff to engage with municipalities that have ~~renovation~~ **renter protections** bylaws to discern ways to strengthen a municipal approach that the City of Victoria could undertake

FAILED DUE TO NO SECONDER

On the amended number 1 and number 2 through 5 as amended:

That Council refer recommendation #1 and this report to the Renters' Advisory Committee and direct staff to bring this report and the draft bylaw 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 undertake.

CARRIED UNANIMOUSLY

Committee recessed at 12:30 p.m. and reconvened at 1:15 p.m.

G.2 The City of Victoria Corporate Energy and Emissions Management Plan

Committee received a report dated August 20, 2021 from the Director of Engineering and Public Works regarding the proposed City of Victoria Corporate Energy and Emissions Management Plan, the purpose of which is to set the City on a path to achieving the CLP GHG emissions reductions and renewable fuel targets by establishing short-term initiatives that build momentum and lay the groundwork for further reduction actions to be implemented post-2030.

Motion to extend:

Moved By Councillor Loveday

Seconded By Councillor Thornton-Joe

That the meeting be extended to 3:30 p.m.

CARRIED UNANIMOUSLY

Moved By Councillor Loveday

Seconded By Councillor Potts

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.

Committee discussed the following:

- *That budget implications will be considered in detail during Capital Plan discussions*
- *The asphalt plant is nearing end-of-life and is currently undergoing a safety assessment*

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe
 OPOSED (2): Councillor Andrew, Councillor Young

CARRIED (7 to 2)

I. NEW BUSINESS

I.1 Council Member Motion: Animal Welfare and the Animal Responsibility Bylaw

Committee received a Council Member Motion dated August 30, 2021 from Councillor Andrew and Councillor Thornton-Joe regarding Animal Welfare and proposed amendments to the Animal Responsibility Bylaw.

Moved By Councillor Andrew
Seconded By Councillor Thornton-Joe

1. The City Solicitor prepare the following amendments to the Animal Control Bylaw:

Animal Welfare

- a. To add language that stipulates no animal shall be allowed to ingest opioids, narcotics or recreational drugs other than those prescribed by a veterinarian.
- b. To require any person that administers Naloxone or other treatment to block the results of opioids to report such incident to Animal Control and the BCSPCA.

Seizing and Impounding Animals

- c. To provide Animal Control officers with the ability to seize animals suspected of ingestion of narcotics, recreational drugs or opioids and deliver them to a veterinarian for evaluation and treatment.

Or, in the alternative:

Any animal where in the opinion of the Animal Control Officer or Bylaw Officer any provision under the Animal Control Bylaw has been contravened.

2. That council request a report from Animal Control through the Manager of Bylaw Services to inform council of that status of Animal Control and animal welfare together with recommendations to council.

Committee discussed the following:

- *The BC SPCA's role in suggesting changes to animal control laws*

- *The roles of the province and federal government in this realm*

Motion to refer as emergency addition to Strategic Plan:

Moved By Councillor Thornton-Joe

Seconded By Councillor Andrew

That staff report back at the next meeting with a short report on the implications of adding this item to the Strategic Plan.

Moved By Councillor Isitt

Seconded By Councillor Loveday

Motion to go into a closed Committee of the Whole meeting at 2:43 p.m.

MOTION TO CLOSE THE SEPTEMBER 2, 2021 COMMITTEE OF THE WHOLE MEETING TO THE PUBLIC

That Committee 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)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED UNANIMOUSLY

Closed Meeting – Legal Advice – Community Charter Section 90(1)(i)

Committee discussed a legal matter.

The conversation was recorded and kept confidential.

The open Committee of the Whole meeting reconvened at 3:00 p.m.

Motion to refer:

Moved By Councillor Thornton-Joe

Seconded By Councillor Andrew

That the matter be referred to next week to give Councillors more time to explore solutions.

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

OPPOSED (5): Mayor Helps, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Young

DEFEATED (4 to 5)

Motion to refer as an emergency addition to Strategic Plan:

FOR (2): Councillor Andrew, Councillor Thornton-Joe

OPPOSED (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Young

DEAFEATED (2 to 7)

Motion to refer:

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That this matter be referred to the next triannual update to request a short report from staff on the implications of adding this work to the Strategic Plan.

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

OPPOSED (5): Mayor Helps, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Young

DEFEATED (4 to 5)

On the main motion:

FOR (2): Councillor Andrew, Councillor Thornton-Joe

OPPOSED (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Young

DEFEATED (2 to 7)

J. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved By Councillor Alto

Seconded By Councillor Young

That the Committee of the Whole Meeting be adjourned at 3:21 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR