



## MINUTES - VICTORIA CITY COUNCIL

October 14, 2021, 11:38 A.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 Andrew, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY: Councillor Dubow, Councillor Isitt

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Kingsley - City Clerk, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, K. Hoese - Director of Sustainable Planning and Community Development, D. Atkinson - Acting Fire Chief, A. Meyer - Assistant Director of Development Services, C. Havelka - Deputy City Clerk, L. Van Den Dolder - Assistant City Solicitor, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, D. Newman – Assistant Director of Facilities and Construction Management, S. Webb – Manager of Sustainable Transportation and Development, R. Kenny – Assistant Director of Transportation, G. Milne – Head of Strategic Operations, M. Angrove - Planner, P. Bellefontaine - Director of Engineering & Public Works, G. Diamond – Committee Secretary

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

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

That the agenda be approved.

#### **Amendment:**

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

That the Letter from the Regional District of Mount Waddington be added to the agenda.

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

**CARRIED UNANIMOUSLY**

**D. CLOSED MEETING**

**D.1 MOTION TO CLOSE THE OCTOBER 14, 2021 CTFCOTW MEETING TO THE PUBLIC**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Andrew

MOTION TO CLOSE THE OCTOBER 14, 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)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

**CARRIED UNANIMOUSLY**

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

Council discussed a legal matter.

The discussion was recorded and kept confidential.

**E. OPEN MEETING**

*The open meeting reconvened at 12:34 p.m.*

*Council recessed at 12:35 p.m. and reconvened at 1:20 p.m.*

**F. UNFINISHED BUSINESS**

**F.1 Reconsideration of a portion of Council Motion on Rental Business Licensing Bylaw**

Council received a request by the Mayor for reconsideration of a matter that was heard at the September 16, 2021 Council meeting.

*Councillor Isitt withdrew from the meeting at 1:22 p.m. due to a non-pecuniary conflict of interest with the following item as he is articling with an author of the report.*

*Council discussed the following:*

- *That no renovations have occurred since the province brought in the new legislation*
- *The current costs of rent in the City of Victoria*
- *That the lack of a current legal framework makes drafting a bylaw difficult*

**Original motion:**

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

1. 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;
2. Facilitate public awareness and access to information regarding RTA requirements on repair and renovations of rental housing;
3. Undertake tenant capacity-building and outreach activities regarding RTA requirements on repair and renovations of rental housing.

**Amendment to add new 1 and 2:**

**Moved By** Mayor Helps

**Seconded By** Councillor Young

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.

**Amendment to the amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Alto

1. That Council 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 report back to Council in one year on the effectiveness of the provincial legislation in preventing evictions.**

2. That Council advocate to the Province to allow local governments to have the authority to require tenant protections such as the application of the City's Tenant Assistance Policy at the issuance of Building Permits and Development Permits where tenant relocation is required.

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.

FOR (2): Councillor Andrew, Councillor Young

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

### **DEFEATED (2 to 6)**

#### **Amendment to the amendment:**

1. That Council 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 report back to Council in three months on the effectiveness of the provincial legislation in preventing evictions.**
2. That Council advocate to the Province to allow local governments to have the authority to require tenant protections such as the application of the City's Tenant Assistance Policy at the issuance of Building Permits and Development Permits where tenant relocation is required.

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**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

That Councillor Loveday be permitted to speak again

### **CARRIED UNANIMOUSLY**

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

That Councillor Dubow be permitted to speak again

**CARRIED UNANIMOUSLY**

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

That Councillor Potts be permitted to speak again

**CARRIED UNANIMOUSLY**

**On the amendment:**

1. That Council 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 report back to Council in three months on the effectiveness of the provincial legislation in preventing evictions.
2. That Council advocate to the Province to allow local governments to have the authority to require tenant protections such as the application of the City's Tenant Assistance Policy at the issuance of Building Permits and Development Permits where tenant relocation is required.

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.

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

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

**CARRIED (5 to 3)**

**Amendment to add number 6:**

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

6. That Council direct staff to report back with an approach within municipal regulatory authority to fill gaps in the provincial regulatory approach.

FOR (5): Councillor Alto, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe

OPPOSED (3): Mayor Helps, Councillor Andrew, Councillor Young

**CARRIED (5 to 3)**

**Amendment to add number 7:**

**Moved By** Councillor Potts

**Seconded By** Mayor Helps

7. That this matter be referred to the Renters' Advisory Committee.

**CARRIED UNANIMOUSLY**

**On the number 1:**

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

OPPOSED (2): Councillor Dubow, Councillor Loveday

**CARRIED (6 to 2)**

**On the number 2:**

**CARRIED UNANIMOUSLY**

**On the number 3:**

**CARRIED UNANIMOUSLY**

**On the number 4:**

**CARRIED UNANIMOUSLY**

**On the number 5:**

**CARRIED UNANIMOUSLY**

**On the number 6:**

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

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

**DEFEATED (5 to 3)**

**On the number 7:**

**CARRIED UNANIMOUSLY**

**G. PROCLAMATIONS**

**G.1 "Economic Abuse Awareness Day" - November 26, 2021**

*Council recessed at 2:31 p.m. and reconvened at 2:35 p.m.*

*Councillor Isitt returned to the meeting at 2:35 p.m.*

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

That the following proclamation be endorsed:

1. "Economic Abuse Awareness Day" - November 26th, 2021

**CARRIED UNANIMOUSLY**

**G.2 "Respiratory Therapy Week" - October 24 - October 30, 2021**

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

That the following proclamation be endorsed:

1. "Respiratory Therapy Week" - October 24 to October 30, 2021

**CARRIED UNANIMOUSLY**

**G.3 "Small Business Month" - October 2021**

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

That the following proclamation be endorsed:

1. "Small Business Month" - October 2021

**CARRIED UNANIMOUSLY**

**H. REPORTS OF COMMITTEE**

**H.1 Committee of the Whole**

**H.1.a Report from the October 14, 2021 COTW Meeting**

**H.1.a.a Build Back Victoria Update**

**Moved By** Councillor Andrew  
**Seconded By** Councillor Alto

That Council receive this report for information and:

1. That Council direct the City Solicitor to bring forward amendments to the Business Recovery from Pandemic Bylaw

- (#20-072) to extend its validity to October 31, 2022 with new applications connected to a liquor licence only be considered until October 31, 2021, and all existing Build Back Victoria permit holders be rolled over until October 31, 2022.
2. Direct the Director of Engineering & Public Works, Director of Sustainable Planning and Community Development, and City Solicitor to bring forward interim changes to the Sidewalk Café Regulation Bylaw (#16-038) to incorporate lessons learned from Build Back Victoria.
  3. Direct staff to prepare resource considerations to introduce a pilot and establish an on-going Mobile Vending Business Licence and associated permit program as part of the 2023 Financial Planning Process
  4. That council direct staff to include work to streamline the application process for sidewalk applications as a part of this project while providing for proper consideration of accessibility.
  5. That the Sidewalk Café bylaw be renamed the Patio bylaw.
  6. That the City write to the province requesting an extension of their program to October 2022 to align with their program

**CARRIED UNANIMOUSLY**

**H.1.a.ab Letter from the Regional District of Mount Waddington**

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

That the City of Victoria endorses a regional contribution to the Lytton Fire Relief efforts and requests that the Mayor write to the CRD to ask that a contribution to the Lytton Fire Relief be considered in the CRD 2022 budget and report back at the October 28, 2021 COTW meeting on the decision of the CRD.

**CARRIED UNANIMOUSLY**

**I. BYLAWS**

**I.1 Bylaws and Update Report for 1230 Grant Street, 1209, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue: Rezoning Application No. 00715, Associated OCP Amendment, and DP No. 000567**

*Mayor Helps withdrew from the meeting at 2:38 p.m. due to a pecuniary conflict of interest as she lives near the property in question.*

*Councillor Potts assumed the Chair at 2:39 p.m.*

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



That the following bylaws **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1234) No. 21-064
2. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 36) No. 21-065

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Alto

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

1. Housing Agreement (1230 Grant Street, 1209-1215, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue) Bylaw (2021) No. 21-066
2. Vining Street and North Park Street Road Closure and Dedication Removal Bylaw, 2021 No. 21-067

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Alto

**Seconded By** Councillor Loveday

That Council direct staff to deliver notice of its intention to the following operators or utilities or transmission or distribution facilities or works that Council considers will be affected by the closure: Telus, BC Hydro, Shaw, and Fortis.

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

Development Permit Application No. 000567

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 Application No. 000567 for 1230 Grant Street, 1209-1215, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue, in accordance with:

1. Plans date stamped May 28, 2021.
2. The Development Permit lapsing two years from the date of this resolution.”

**CARRIED UNANIMOUSLY**

**I.2 Bylaw for Permissive Tax Exemption**

*Mayor helps returned to the meeting at 2:46 p.m.*

**Moved By** Councillor Alto

**Seconded By** Councillor Andrew

That the following bylaw **be adopted**:

1. Tax Exemption (Permissive) Bylaw, 2022 No. 21-079

**CARRIED UNANIMOUSLY**

**I.3 Bylaw for Business Recovery from Pandemic Bylaw**

**Moved By** Councillor Isitt

**Seconded By** Councillor Dubow

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

- Business Recovery from Pandemic Bylaw Amendment Bylaw (No.2) No. 21-095

**Amendment:**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

**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 requiring a liquor licence is received by the City no later than October 31, 2021; or
- (b) a permit or authorization under this Bylaw 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”,

**CARRIED UNANIMOUSLY**

Moved By Councillor Alto  
Seconded By Councillor Isitt

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

- Business Recovery from Pandemic Bylaw Amendment Bylaw (No.2) No. 21-095

**CARRIED UNANIMOUSLY**

**J. NEW BUSINESS**

**J.1 Short Term Rental Business License Appeal for 408 Superior Street**

Council received a report dated September 14, 2021 from the City Clerk regarding an appeal of the License Inspector's denial of a business license for the short-term rental unit at 408 Superior Street.

*Councillor Potts withdrew from the meeting at 2:51 p.m. due to a non-pecuniary conflict of interest as she lives in close proximity to the property in question.*

*Mayor Helps provided a background on the Short Term Rental Business License Appeal process.*

*The City Clerk introduced the appeal and the recommended motion.*

*Council deliberated the appeal based on the evidence provided by the appellant and information provided by the License Inspector.*

**Motion:**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Young

That the decision of the Licence Inspector to deny a business license for the shorter term rental unit at 408 Superior Street be upheld.

FOR (3): Mayor Helps, Councillor Isitt, Councillor Young  
OPPOSED (5): Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Thornton-Joe

**DEFEATED (5 to 3)**

**K. CLOSED MEETING**

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

**MOTION TO CLOSE THE OCTOBER 14, 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)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*

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

**CARRIED UNANIMOUSLY**

**L. APPROVAL OF CLOSED AGENDA**

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

That the closed agenda be approved.

**Amendment:**

Consent Agenda:

- M.1 - Minutes from the closed meeting held September 23, 2021
- P.2. - Land - Community Charter Section 90(1)(e)

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

**CARRIED UNANIMOUSLY**

**M. CONSENT AGENDA**

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

That the following items be approved without further debate

**CARRIED UNANIMOUSLY**

**M.1 Minutes from the closed meeting held September 23, 2021**

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

That the minutes from the closed meeting held September 23, 2021 be approved.

**CARRIED UNANIMOUSLY**

**P.2. Land - Community Charter Section 90(1)(e)**

*Council discussed a land use matter.*

*The discussion was recorded and kept confidential.*

**P. NEW BUSINESS**

**P.1. Appointment - Community Charter Section 90(1)(a)**

*Council discussed an appointment matter.*

*The discussion was recorded and kept confidential.*

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

*Council discussed a land use matter.*

*The discussion was recorded and kept confidential.*

**P.4. Legal Advice - Community Charter Section 90(1)(i)**

*Council discussed a legal matter.*

*The discussion was recorded and kept confidential.*

**R. ADJOURNMENT**

**Moved By** Councillor Alto  
**Seconded By** Councillor Andrew

That the Closed Council meeting be adjourned at 3:49 p.m.

**CARRIED UNANIMOUSLY**

---

CITY CLERK

---

MAYOR