

January 12, 2022

Mrs Janine Grace  
855 Maddison Street  
Victoria, B.C. V8S 4C3

Mayor & Council – City of Victoria (by email)

Dear Mayor and Council

**Re: Development Variance Permit (DVP) Application No: 00271  
Glenlyon Norfolk School – 801 Bank Street**

As the lead signature, I am writing on behalf of the Gonzales community that supported the petition opposing the ongoing expansion of GNS.

The residents of this community continue to sit by and observe GNS disregard the City rules that are in place for all businesses and residents to follow. They are now applying for a variance of a variance. How can this happen?

An application to the BOV for five extra classrooms and a tent was filed in June 2020. This was opposed by the community and subsequently denied. The next move was to have a resolution passed at the Council level to allow school applications for modular classrooms to be prioritized during Covid. This was passed in early August 2020. August 19, 2020 saw GNS apply under this resolution. The only school to apply under this resolution.

The reason for this request was Covid-19 and the “requirements set out by the Ministry of Education to prepare and submit a Health and Safety plan demonstrating compliance with a rigorous set of guidelines and protocols to support the safe operation of full time in class instruction in September” To achieve this goal the extra five classrooms and tent were claimed by GNS to be “essential”.

This was approved by Council on October 22, 2020 and it was agreed that the three-year period would commence on this date. It is noted on the latest application letter their Architect incorrectly uses January 2021 as the date granted.

Work on the site commenced immediately without a building permit in place. Excavation, underground services were installed and backfilled, structural base for the tent was installed, the portable classroom was placed and the ramp was completed. Is it correct for the community to assume the work was not reviewed by the Consultant or inspected by the City, and therefore the problem they are trying to rectify now with this new variance application was brought about by GNS proceeding without the required permits and inspections in place?

Mysteriously the number of classrooms was reduced from five to only one. How did GNS meet those rigorous requirements of the Ministry of Education that they claimed to be “essential” that they required all 5 classrooms? Is it correct for the residents to assume that GNS did not really need all the classrooms to meet the rigorous requirements of the Ministry of Education? Was it a requirement of the City for GNS to prove their need by sharing their plan?

Early January 2021 saw GNS staff and students using the modular classroom with still no permit in place. When complaints were made by the community, a stop work order was finally placed on the site on January 20<sup>th</sup>, 2021 after the gym steel structure and exterior membrane fabric had commenced. This brought about a split in their application for two permits. GNS continued to fully utilize the classroom.

The City allowed GNS to carry on with the completion of the steel structure and complete enclosure of the exterior to lock up construction stage, using the position it was required for safety rather than limit the work to that required to safely secure the work performed up to the point of issuance of the stop work order. Allowing this significant amount of work to continue undermined the requirements of the stop work order. Are stop work order recipients regularly granted such allowances?

The non-compliance of the City requirements of a Building Permit to be in place before commencing the project is an example of how GNS manage to wiggle their way to get exactly what they want, all at the expense of this community and the integrity of the system that is in place for all of us to follow. There should not be a rule for one and a different rule for others. GNS has owned these structures for years (They were moved from the Junior school in Oak Bay) and therefore blaming the error on the contractor and the manufacturer is a rather questionable way of getting around their choices of working in contravention of the City of Victoria requirements. If accurate construction documents had been provided to the contractor, a BP had been issued in a timely manner and surveys performed before concrete had been poured for the gym, and the height of the classroom cribbing supports been confirmed before placing the classroom building would this new DVP application be unnecessary?

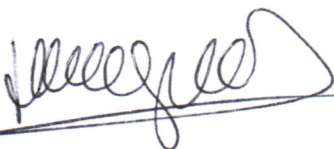
If this project was so critically important for the school year why did GNS not have their application for the BP in place ready for submission upon DVP approval, similar to their proactive action to have their contractor ready to start work as soon as the DVP was approved?

Even though the Gonzales OCP may recognize the importance of schools and their role in creating a complete community, GNS is a commercial enterprise school that is not an integral part of the Gonzales Community. The majority of their student population are from outside of this community as can be seen on a daily basis by the large number of vehicles, including buses that transport their children in and out of the Gonzales community.

The integrity of the building process is the key to a good relationship between a residential community and a local business. From our observation it appears GNS is receiving preferential treatment which is unfair to the immediate residential neighbourhood. The protection of the Gonzales Community needs to be ensured by the City and Council. Do businesses operate under different rules than residents when applying for a building permit?

Only you have the power to correct this behaviour by requiring GNS to comply with the first variance and not granting this application.

Sincerely

A handwritten signature in black ink, appearing to read 'M. [unclear]', written over a horizontal line.

January 11, 2022

John Myles  
1802 Richardson Street  
(corner of Richardson and Maddison Streets)  
Victoria, V8S 1S1

City of Victoria Mayor and Council (m [REDACTED] a.ca)  
Chris Mundstock - GNS Board Chair [REDACTED]  
Karen Hoese - Director of Sustainable Planning & Community Development Planning  
(khoese@victoria.ca)  
Ryan Morhart - Manager, Building & Inspections (rmorhart@victoria.ca)

Re: Development Variance Permit (DVP) Application No. 00271

To All Noted Above,

I appreciate in your senior positions you may not be able to keep up with the detailed activities of individual projects. I trust the points outlined in this letter may help explain why there continues to be frustration within the community towards Glenlyon Norfolk School (GNS) as it continues to carry on with its agenda while disregarding due process required by the City and expected by the community. It would appear the City has supported these activities of GNS, intentionally or otherwise.

The real issue that this DVP application raises is not the relatively small increases in building height being requested between the earlier Approved DVP No 00248 and this current DVP application; but, rather the disregard for due construction process by GNS and bylaw enforcement by the City.

It would appear that the time sensitive priority for issuance of permits instructed by the City to staff and GNS's passionate request to attain additional space for Covid safety as soon as possible lapsed at the approval of DVP No. 00248. Now we are witnessing the consequences. GNS has attained occupancy of the two buildings with little consequence for poor behavior. It will likely be almost half of the lifespan these buildings on the site before the Building Department closes the BP files on this project.

Is it reasonable that the community can expect similar behavior from GNS and the City on future projects if the status quo stays the same?

It is my expectation that the City will approve this DVP application. Before you do so I suggest you consider the following two recommendations:

(1) SET A SCHEDULE TO REVISE THE CURRENT ZONING BYLAW FOR THE GNS PROPERTY:

- (1) Instruct staff to prepare a site specific zoning bylaw for the GNS property including a realistic time line for it to be implemented.
- (2) The current Residential R1-B zoning for the GNS site is not acceptable for a property of this size and building density. What option does GNS have but to keep applying for DVP's each time it plans to expand its building area? Case in point, the previous DVP was under the guise of Accessory Buildings intended to address putting a shed like structure in a residential back yard not five classrooms and a gym expansion at a large school.

- (3) A site specific zoning designation for the GNS site would assist GNS in their master planning and provide the community a greater level of understanding as to what can be expected in the future.

(2) REQUIRE A DETAILED REPORT ON THE CONSTRUCTION OF THIS PROJECT

- (1) The report should include, but not limited to, input from all the parties involved and address at least the following list of questions that seem to have contributed to the unorthodox construction process of this project:
  1. For such a high priority project identified by GNS and the City why did it take 9 weeks for GNS to make a Building Permit application after DVP approval, yet its contractor started work almost immediately?
  - 2) Why did GNS have to revise their BP application several times before receiving a BP on what should have been a very straightforward BP application for a project of this size and complexity?
  - 3) Once a BP application was received by the City, why did it take 15 weeks to receive the BP for the Classroom building and 17 weeks for the Gym building?
  - 4) Why did the City allow construction to commence knowing no BP permit was in place? City staff were questioned while construction work was proceeding.
  - 5) Why was the Classroom building occupied for over 12 weeks without even a BP issued?
  - 6) Why was the Stop Work Order applied only to the Gym building?
  - 7) At the time the Stop Work Order was placed on site it would have been apparent the Classroom building was occupied without a BP. Why was an Order to vacate occupancy of the Classroom building not included at the same time?
  - 8) Why was the Building Permit split into two applications almost immediately after receiving the Stop Work Order that was applied only to the Gym building?
  - 9) When were the building suppliers shop drawings reviewed complete with comments from the Consultants? It would be highly unusual that shop drawings would be out by 0.38 meters (15 inches) in height on a one storey steel structure building with exterior fabric skin. A foundation poured at the wrong elevation is a more likely scenario for the overheight buildings.
  - 10) What did the Consultant's required field review reports cover with regard to work being performed with no BP in place? Was the City notified accordingly?
  - 11) Did the Consultant submit its Schedule C Letter of Assurance and other required documentation to the City prior to occupancy of the Classroom building? If documentation was received by the City why was occupancy not denied?
  - 12) What approval did GNS receive from the Consultant and the City prior to occupying both the classroom and then the Gym building? When?
  - 13) Why did GNS allow its Contractor to proceed with construction, particularly when GNS was responsible for obtaining the BP and therefore knew work was proceeding with out a BP issued?
  - 14) Why did the Contractor not reschedule the installation of the Gym steel structure and exterior fabric until GNS obtained a building permit?
  - 15) Are there timely surveyors reports confirming that the elevation of concrete foundation/slab formwork and wood cribbing elevations for the classroom building were set at elevations shown on the construction/BP documents?
  - 16) Is it reasonable for the Consultant to blame the increased building heights were due to inaccurate information from two separate building suppliers? It is unusual that they both would have gotten their building heights wrong. Are the two building suppliers and contractor aware they are being implicated for

- causing the building elevation mistakes or is this possibly a deflection of responsibility from GNS/Consultant?
- 17) With building heights such a critical part of the DVP application why were heights not confirmed by GNS while the buildings were erected at its junior school campus?
  - 18) Why after the City placed a Stop Work Order when approximately only 30% of the structural steel and exterior fabric of the gym building installed, was GNS not limited to perform only enough work to temporarily secure the construction to date? Rather the City allowed GNS to carry on with the completion of the steel structure and exterior fabric walls, complete with exterior doors while a Stop Work Order was in place? Was the extent of the work proposed by the GNS appointed engineer questioned by the City?
  - 19) Why is GNS advertising the Gym structure for rent on their website when this contravenes the DVP No. 00248 agreement? Point in fact, the gym was used as a polling station in the last federal election during a school day.
  - 20) Why have the two additional non-permitted accessory buildings on site not been addressed? Both GNS and the City stated this would be addressed at the time of the BP application for the temporary buildings.
  - 21) Why has it taken 24 weeks, almost half a year, from the time of this current DVP application was submitted to the City to make it to Council for consideration?

Another issue that has also frustrated the community is the emphatic position GNS was stating at the Board of Variance application and again at the DVP No. 00248 application for the need for 5 classrooms and the gym structure only to drop 4 classrooms almost immediately after the DVP was approved. Yet another project where what is shown to the community is not what is actually constructed.

I do hope the City Council, Staff and GNS take a detailed look at what has gone on with the roll-out of this project with the expectation to be able to improve performance on future projects.

In closing, I would request Council table further readings of this DVP until Council has received an acceptable detailed written explanation regarding the unorthodox process of these BP's and that the explanation is posted for public review before scheduling further readings to emphasize the importance for due process to be followed. Otherwise, status quo will likely prevail.

Sincerely,

John Myles