



TOWN OF LADYSMITH

A Regular Meeting of the
Council of the Town of Ladysmith
will be held in Council Chambers at City Hall on

MONDAY, JULY 5, 2010
at 7:00 p.m.

AGENDA

Page

CALL TO ORDER

1. EXECUTIVE SESSION

In accordance with Section 90(1) of the *Community Charter*, the first part of the meeting will be held *In Camera* to consider the following items:

- discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*]
- 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

2. RISE AND REPORT

3. AGENDA APPROVAL

4. PUBLIC HEARINGS

- 4.1. Zoning Bylaw Amendment
Town of Ladysmith Zoning Bylaw No. 1160, Amendment Bylaw (No. 82), 2008,
No. 1727
Accessory Buildings 1 - 8
- 4.2. Official Community Plan Amendment and Rezoning Application
Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment
Bylaw (No. 33), 2010, No. 1729 9 - 16
- Town of Ladysmith Zoning Bylaw, 1995, No. 1160, Amendment Bylaw (No. 83),
2010, No 1730

5. MINUTES

Adoption of the following minutes:

- 5.1. June 21, 2010

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| 6. BYLAWS (OCP / ZONING) | |
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| 6.2. Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 33), 2010, No. 1729 May be read a third time and adopted. | 9 - 16 |
| 6.3. Town of Ladysmith Zoning Bylaw, 1995, No. 1160, Amendment Bylaw (No. 83), 2010, No. 1730 May be read a third time and adopted. | 12 - 16 |
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| 7. COUNCIL COMMITTEE REPORTS | |
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| 7.2. <u>Councillor S. Bastian</u> Advisory Planning Commission; Protective Services Committee; Youth Advisory Committee | |
| 7.3. <u>Councillor J. Dashwood</u> Liquid Waste Management Committee; CVRD – Community Safety Advisory Committee; Downtown Business Association | |
| 7.4. <u>Councillor S. Arnett</u> Economic Development Commission; Parks, Recreation & Culture Commission; Chamber of Commerce | |
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| 7.7. <u>Councillor L. Evans</u> Heritage Revitalization Advisory Commission; Community Health Advisory Committee; Social Planning Cowichan – Affordable Housing Directorate | |
| 7.8. <u>Councillor B. Whittington</u> Vancouver Island Regional Library Board; Advisory Design Panel; Environment Commission; Ladysmith Early Years | |

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| 8. STAFF / ADVISORY COMMITTEE REPORTS | |
| 8.1. Development Cost Charge Bylaw Review – Rate Options and Rebates for Developments with Low Environmental Impact | 23 – 40 |
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| <u>Staff Recommendation:</u> That Council receive the report. | |
| 9.2. British Columbia / Yukon Command, Royal Canadian Legion Request to purchase advertisement in the annual Military Service Recognition Book | 125 |
| <u>Staff Recommendation:</u> That Council consider whether it wishes to purchase a one-tenth page advertisement in the annual Military Service Recognition Book for a total cost of \$250.00. | |
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TOWN OF LADYSMITH

BYLAW NO. 1727

A bylaw to amend "Town of Ladysmith Zoning Bylaw, 1995, No. 1160"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the zoning bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- A. The text of "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby further amended as follows:
- (1) Section 4.0 "Definitions" is amended by adding the following:
 - (a) Adding a new definition immediately following the definition of 'aquaculture':

"Attic or roof space: means the space between the roof and the ceiling of the top storey."
 - (b) Adding a new definition immediately following the definition of 'derelict vehicle':

"Dormer: means framing which projects from a sloping roof, providing an internal access in the roof space."
 - (2) Section 5.0 "General Regulations" is amended by:
 - (a) Deleting the first sentence of section 5.5 (4) and replacing it with the following:

"5.5 (4) Despite the setback regulations in each zone, an accessory building shall comply with the setback requirements in (a) and (b) below."
 - (b) Deleting section 5.5 (5).
 - (c) Deleting section 5.6 (2) and replacing it with:

"5.6 (2) Unless otherwise specified in the regulations for each zone, no accessory building or structure shall exceed 7.5 metres in height."
 - (3) Section 7.0 "Urban Rural Residential Zone (UR-1)" is amended by adding:
 - (a) "7.2 (2.1) The height of an accessory building or structure shall not:
 - (a) exceed 5.0 metres measured from the top of the slab to the highest point of the building or structure; except where the roof pitch is less than 4:12, then the maximum height shall be 3.5 metres;

- (b) exceed one storey; and
 - (c) include an attic or roof space greater than 1.5 metres in height measured from the ceiling of the storey below to the highest point of the building.”
 - (b) “7.2 (2.2) The maximum gross floor area of an accessory building shall not exceed 50 square metres.”
 - (c) “7.2 (2.3) An accessory building or structure shall not include dormers of any type.”
- (4) Section 8.0 “Suburban Residential Zone (R-1)” is amended by adding:
- (a) “8.2 (2.1) The height of an accessory building or structure shall not:
 - (a) exceed 5.0 metres measured from the top of the slab to the highest point of the building or structure; except where the roof pitch is less than 4:12, then the maximum height shall be 3.5 metres;
 - (b) exceed one storey; and
 - (c) include an attic or roof space greater than 1.5 metres in height measured from the ceiling of the storey below to the highest point of the building.”
 - (b) “8.2 (2.2) The maximum gross floor area of an accessory building shall not exceed 50 square metres.”
 - (c) “8.2 (2.3) An accessory building or structure shall not include dormers of any type.”
- (5) Section 9.0 “Medium Density Urban Residential Zone (R-1-A)” is amended by adding:
- (a) “9.2 (2.1) The height of an accessory building or structure shall not:
 - (a) exceed 5.0 metres measured from the top of the slab to the highest point of the building or structure; except where the roof pitch is less than 4:12, then the maximum height shall be 3.5 metres;
 - (b) exceed one storey; and
 - (c) include an attic or roof space greater than 1.5 metres in height measured from the ceiling of the storey below to the highest point of the building.”
 - (b) “9.2 (2.2) The maximum gross floor area of an accessory building shall not exceed 50 square metres.”
 - (c) “9.2 (2.3) An accessory building or structure shall not include dormers of any type.”
- (6) Section 10.0 “Urban Residential Zone (R-2)” is amended by adding:

- (a) "10.2 (2.1) The height of an accessory building or structure shall not:
 - (a) exceed 5.0 metres measured from the top of the slab to the highest point of the building or structure; except where the roof pitch is less than 4:12, then the maximum height shall be 3.5 metres;
 - (b) exceed one storey; and
 - (c) include an attic or roof space greater than 1.5 metres in height."
 - (b) "10.2 (2.2) The maximum gross floor area of an accessory building shall not exceed 50 square metres."
 - (c) "10.2 (2.3) An accessory building or structure shall not include dormers of any type."
- (7) Section 11.0 "Residential Zone (R-2-A)" is amended by deleting 11.2 (5) and replacing it with:
- (a) "11.2 (5.1) The height of an accessory building or structure shall not:
 - (a) exceed 5.0 metres measured from the top of the slab to the highest point of the building or structure; except where the roof pitch is less than 4:12, then the maximum height shall be 3.5 metres;
 - (b) exceed one storey; and
 - (c) include an attic or roof space greater than 1.5 metres in height measured from the ceiling of the storey below to the highest point of the building."
 - (b) "11.2 (5.2) The maximum gross floor area of an accessory building shall not exceed 50 square metres."
 - (c) "11.2 (5.3) An accessory building or structure shall not include dormers of any type."
- (8) Section 15.0 "Mobile Home Park Zone (MP-1)" is amended by adding:
- (a) "15.2 (4.1) The height of an accessory building or structure shall not:
 - (a) exceed 5.0 metres measured from the top of the slab to the highest point of the building or structure; except where the roof pitch is less than 4:12, then the maximum height shall be 3.5 metres;
 - (b) exceed one storey; and
 - (c) include an attic or roof space greater than 1.5 metres in height measured from the ceiling of the storey below to the highest point of the building."
 - (b) "15.2 (4.2) The maximum gross floor area of an accessory building shall not exceed 50 square metres."
 - (c) "15.2 (4.3) An accessory building or structure shall not include dormers of any type."

CITATION

(2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 82), 2008, No. 1727".

READ A FIRST TIME on the 7th day of June , 2010

READ A SECOND TIME on the 7th day of June , 2010

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

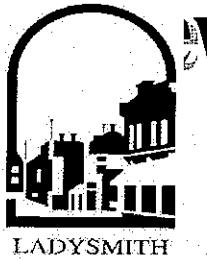
on the day of , 2010

READ A THIRD TIME on the day of , 2010

ADOPTED on the day of , 2010

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: June 2, 2010
File No: 3360-10-02

Re: **BYLAW 1727 – REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**

RECOMMENDATION(S):

That Council gives first and second reading to Bylaw 1727 cited as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 82), 2008, No. 1727", and that a public hearing be scheduled for Bylaw 1727.

PURPOSE:

The purpose of this report is to present Bylaw 1727 to amend the Zoning Bylaw to clarify setback regulations, and limit the floor area and height of an accessory building in residential zones, as directed by Council, and to provide input from the Advisory Planning Commission.

INTRODUCTION/BACKGROUND:

At its meeting held April 19, 2010, Council directed that staff prepare a bylaw to amend the Zoning Bylaw as follows:

- (1) clarify setback regulations for accessory buildings in residential zones as outlined in section 5.5.
- (2) limit the height of an accessory building in residential zones to one storey (5.0m), and
- (3) limit the maximum combined gross floor area of an accessory building in residential zones to 50m².

Council also directed that staff refer the proposed amendment to the Zoning Bylaw regarding the regulation of accessory buildings to the APC for input concurrent with bylaw preparation by staff.

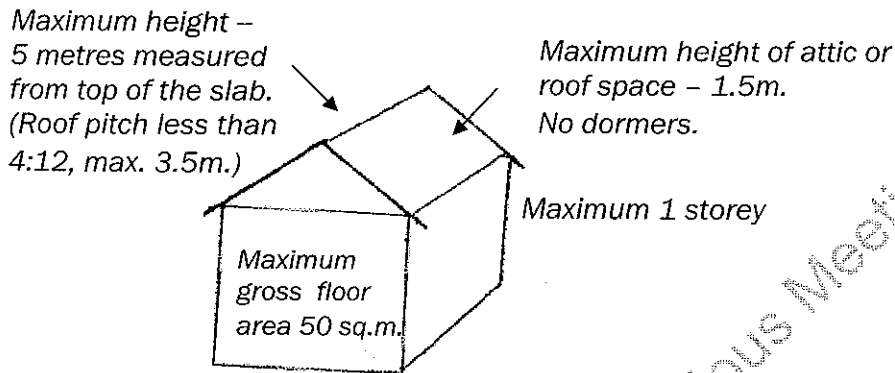
SCOPE OF WORK:

Bylaw 1727 proposes to amend the Zoning Bylaw by amending the following sections:

1. "Definitions" to add new definitions for "attic or roof space" and "dormer".
2. "General Regulations" to clarify setback regulations for accessory buildings, and
3. "Residential Zones" to limit the height and floor area of an accessory building. The following zones are proposed to be amended as single family residential use is a permitted use – UR-1, R-1, R-1-A, R-2, R-2-A, and MP-1.

The terms of the draft regulation are as follows and are illustrated below:

- Maximum building height – regulated for pitched and non-pitched roofs. Limited to one storey.
- Maximum attic or roof space height – to limit the creation of a second storey within an attic or roof space. No dormers for the same reason.



ALTERNATIVES:

The Council provide additional direction regarding the regulation of accessory buildings in residential zones.

FINANCIAL IMPLICATIONS: N/A

LEGAL IMPLICATIONS:

A public hearing on Bylaw 1727 is required to be held. Legal counsel has reviewed the draft bylaw.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

At its meeting held May 11, 2010, the APC considered the Council direction regarding regulations for accessory buildings in residential zones.

The APC provided the following recommendation to Council.

It was moved, seconded and carried that the Advisory Planning Commission concurs with Council's recommended new regulations for accessory buildings in residential zones:

- (1) *setback regulations for accessory buildings in residential zones as outlined in section 5.5,*
- (2) *limit the height of an accessory building in residential zones to one storey (5.0m), and*
- (3) *limit the maximum combined gross floor area of an accessory building in residential zones to 50m².*

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Building Inspector has reviewed the draft bylaw.

RESOURCE IMPLICATIONS:

Processing rezoning applications is a core function of the Development Services Department. Processing this application is within available staff resources.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design is a strategic direction of the Town's Strategic Plan. Council has provided direction to staff regarding amending current regulations for accessory buildings in residential zones.

SUMMARY:

A bylaw has been prepared to amend the Zoning Bylaw to include regulations for accessory buildings, as directed by Council. The APC has considered Council's direction and concurs with it as a balanced approach. It is recommended that Council proceed with consideration of Bylaw 1727.

I concur with the recommendation.

Ruth Malli, City Manager

ATTACHMENTS:
Bylaw 1727

Report Reviewed at a Previous Meeting

Re: Bylaw 1727 – Regulations for Accessory Buildings in Residential Zones

From Cathy Gilroy

Received via e-mail June 7, 2010

Reference: The amendment refers to the process of measuring the height of an accessory building from the top of the slab.

Problem: There is no provision in the bylaw which regulates the position or height of a slab. Under the zoning and building bylaws the height of all structures is determined by the 4 corner average measurement taken from the ORIGINAL natural, undisturbed grade. And that (under bylaw 1119 page 6- 6.2.27) the permit application shall include "a survey of the building site by a registered provincial surveyor" prior to excavation.

Bylaw 1995 1160: Definitions:

Height: - means the vertical distance from the natural grade level or the surface of water at high water, to the highest point of a structure.

Bylaw 1119 Building and Plumbing Bylaw: Definitions:

"Grade" (as applying to the determination of building height) means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground. (See First Storey).

Question 1: Why the change in measurement from average grade to slab when there is no direction on slab placement or height, thereby negating any meaningful control in the actual height of the structure when measured from grade?

Question 2: What measures are in place to prevent a land owner from building up the grade with fill to any desired height then placing the slab on the newly created grade?

TOWN OF LADYSMITH

BYLAW NO. 1729

A bylaw to amend "Official Community Plan Bylaw, 2003, No. 1488"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Official Community Plan Bylaw, 2003, No. 1488".

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) Schedule "A" - "Town of Ladysmith Community Plan" is amended as follows:
 - (i) Map 1 "Land Use" is amended by placing:
 - (a) "Mobile Home Park Residential" on a portion of Lot 1, District Lot 108, Oyster District, Plan VIP73133, (proposed Lot 4) as shown on Schedule 1 to this Bylaw.
 - (b) "Multi-Family Residential" on a portion of Lot 1, District Lot 108, Oyster District, Plan VIP73133, (proposed Lots 2 and 3) as shown on Schedule 2 to this Bylaw.
 - (ii) Map 2 "Development Permit Areas" is amended by placing "Multi-Family Residential Development Permit Area (DPA 4)" on a portion of Lot 1, Plan VIP73133, District Lot 108 (proposed Lots 2 and 3) as shown on Schedule 2 to this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 33), 2010, No. 1729".

READ A FIRST TIME on the 7th day of June, 2010

READ A SECOND TIME on the 7th day of June, 2010

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

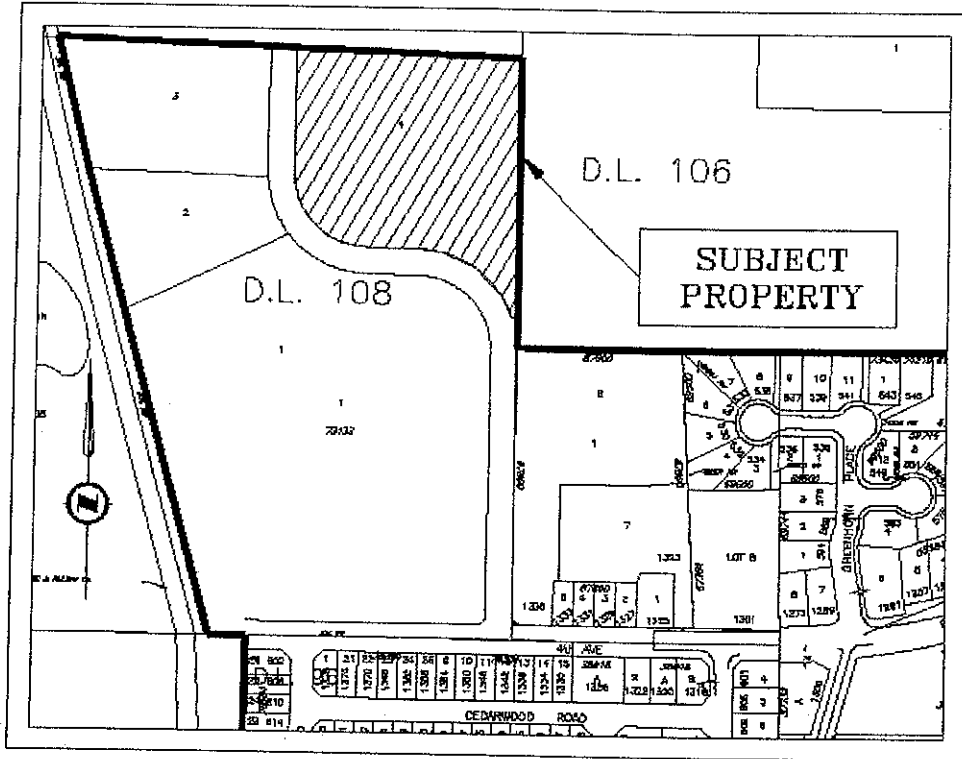
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READ A THIRD TIME on the day of

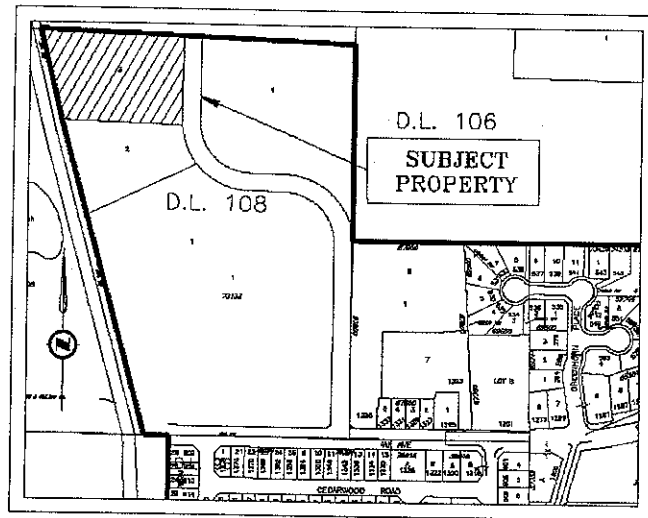
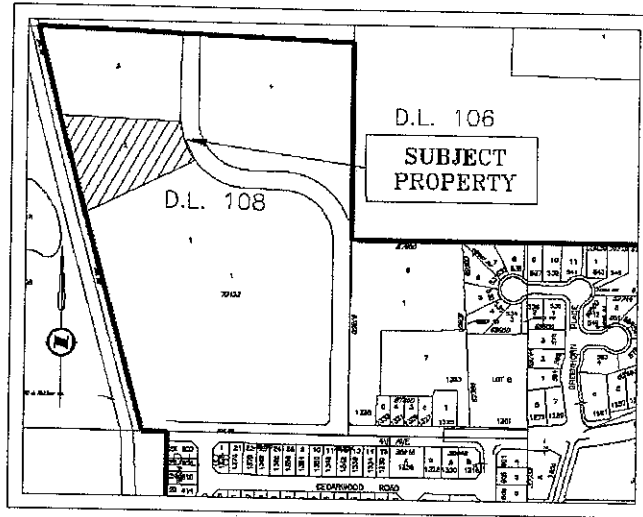
ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



BYLAW 1729 - SCHEDULE 2



TOWN OF LADYSMITH

BYLAW NO. 1730

A bylaw to amend "Town of Ladysmith Zoning Bylaw, 1995, No. 1160"

WHEREAS pursuant to the Local Government Act, the Municipal Council is empowered to amend the zoning bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) The text of "Town of Ladysmith Zoning Bylaw 1995, No.1160" as amended is hereby further amended as follows:
 - (a) By deleting the legal description stated in section 13.1(d) and replacing it with the following: "proposed Lot 2 and 3 of Lot 1, District Lot 108, Oyster District, Plan VIP73133".
 - (b) By adding the following site specific regulation to Section 13.0 Medium Density Residential Zone: "13.2 (4)(b) Despite 13.2(4) The maximum number of dwelling units permitted on proposed Lot 3 of Lot 1, District Lot 108, Oyster District, Plan VIP73133 is 48 units."
 - (c) By deleting section 15A.2(5) from the Manufactured Home Park (MHP-1) Zone and replacing it with the following:
"Three percent of the gross parcel area shall be provided as common recreational activity area(s) and shall be located so as to be connected to the internal road or path network."
 - (d) By deleting section 15A.2 (6) from the Manufactured Home Park (MHP-1) Zone.
- (2) 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby amended by placing:
 - (a) Manufactured Home Park Zone (MHP-1) on a portion of Lot 1, District Lot 108, Oyster District, Plan VIP73133 (proposed Lot 4) as shown on Schedule 1 to this Bylaw.
 - (b) Medium Density Residential Zone (R-3-A) on a portion of Lot 1, District Lot 108, Oyster District, Plan VIP73133 (proposed Lots 2 and 3) as shown on Schedule 2 to this Bylaw.

CITATION

- (3) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No.83), 2010, No. 1730".

READ A FIRST TIME on the 7th day of June, 2010

READ A SECOND TIME on the 7th day of June, 2010

PUBLIC HEARING held pursuant to the provisions of the Local Government Act

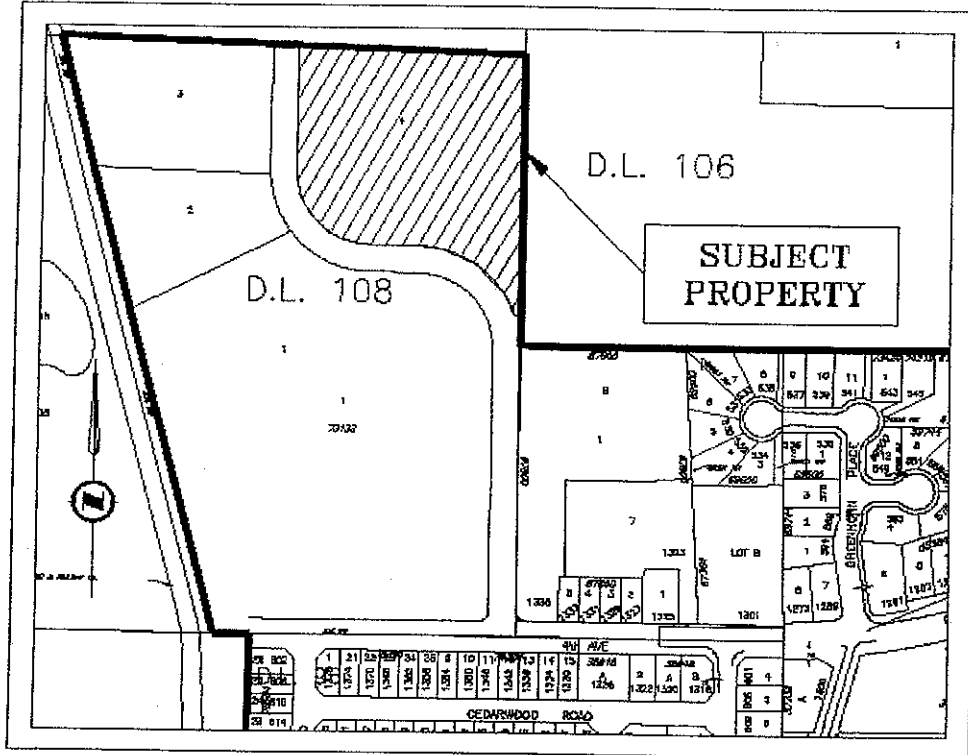
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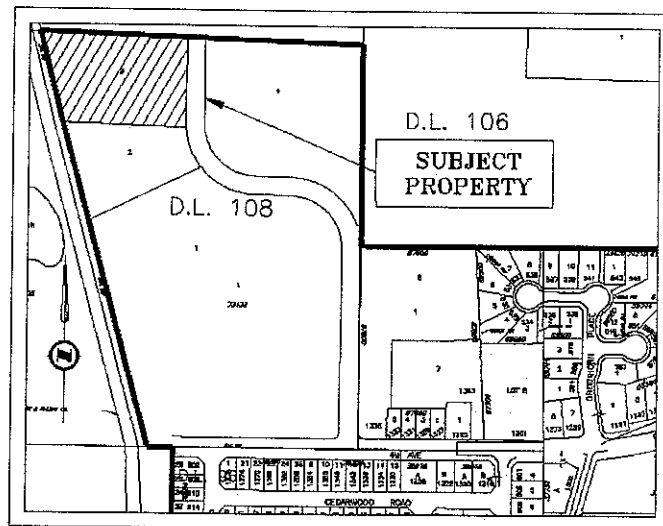
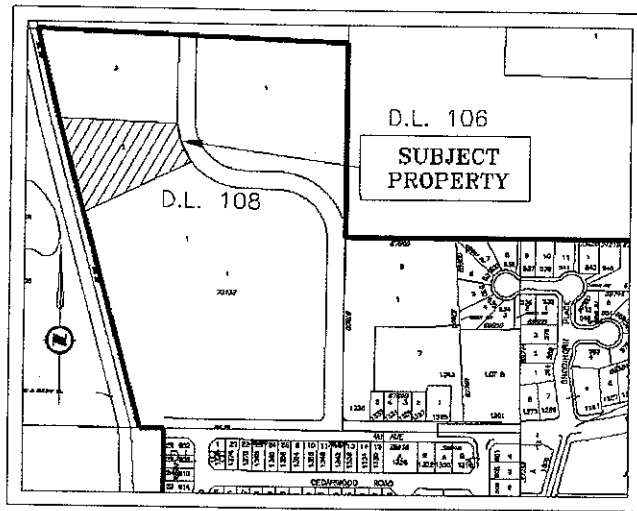
ADOPTED on the

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



BYLAW No. 1730 – SCHEDULE 2





Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: June 1, 2010
File No: 3360-10-03 and 3360-10-04

Re: OFFICIAL COMMUNITY PLAN (OCP) AMENDMENT & REZONING APPLICATION
Proposed Lots 2, 3 and 4 - Lot 1, D.L. 108, Oyster District, Plan VIP73133

RECOMMENDATION(S):

That Council give first and second reading to Bylaw 1729 cited as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.33) 2010 No. 1729" and Bylaw 1730 cited as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 83), 2010 No.1730" and that a public hearing be scheduled for Bylaw 1729 and 1730.

PURPOSE:

The purpose of this report is to present Bylaws 1729 and 1730 which propose to redesignate and rezone the residential portions of District Lot 108.

INTRODUCTION/BACKGROUND:

In May 2010 Council passed a motion directing staff to prepare a bylaw to amend the Zoning Bylaw to:

- Rezone proposed Lot 2 to Medium Density Residential (R-3-A);
- Rezone proposed Lot 3 to Medium Density Residential (R-3-A) with a site specific amendment to permit a density of 44 units per hectare (a total of 48 units); and
- Rezone proposed Lot 4 to Manufactured Home Park (MHP-1)."

SCOPE OF WORK:

Bylaw 1729

Bylaw 1729 proposes to amend the Official Community Plan by designating proposed Lot 4 as 'Mobile Home Park Residential'. Bylaw 1729 also proposes to designate proposed Lots 2 and 3 as 'Multi-Family Residential' and place the 'Multi-Family Residential Development Permit Area (DPA4) on proposed Lots 2 and 3.

Bylaw 1730

Bylaw 1730 proposes to amend the Zoning Bylaw by applying the Manufactured Home Park Zone (MHP-1) to proposed Lot 4. Also, Bylaw 1730 proposes to apply the Medium Density Residential Zone (R-3-A) to proposed Lots 2 and 3 with a site specific amendment permitting 48 residential units on proposed Lot 3.

Three housekeeping amendments to the MHP-1 Zone are also included in Bylaw 1730. One housekeeping amendment relates to buffering from Haul Road, as the mobile home park is now proposed to be located on the east side of District Lot 108

buffering from Haul Road for a future multi-family development can be achieved through design considerations at the development permit stage.

ALTERNATIVE:

That Council proceed no further with Bylaw 1729 and 1730.

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS:

A public hearing is required to be held.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notification regarding the public hearing would be sent to the neighbours of District Lot 108 and would be published in the local newspaper

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Director of Public Works and Director of Parks, Recreation, and Culture for review and comment.

RESOURCE IMPLICATIONS:

Processing rezoning applications is a core function of the Development Services Department. Processing this application is within available staff resources.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design is a Council strategic direction.

SUMMARY:

It is recommended to give first and second reading to Bylaw 1720 and Bylaw 1730 and to hold a public hearing.

I concur with the recommendation.

R. Malli

Ruth Malli, City Manager

ATTACHMENTS:

Bylaw 1729

Bylaw 1730



LADYSMITH

TOWN OF LADYSMITH
MINUTES OF A REGULAR SESSION OF COUNCIL
MONDAY, JUNE 21, 2010 - 7:00 P.M.

PRESENT:

Mayor Rob Hutchins
Councillor Lori Evans

Councillor Steve Arnett
Councillor Duck Paterson

Councillor Jillian Dashwood
Councillor Bruce Whittington

STAFF PRESENT:

Pat Durban
Joanna Winter

Sandy Bowden

Joe Friesenhan

CALL TO ORDER

Mayor Hutchins called the meeting to order at 7:00 p.m.

AGENDA APPROVAL

2010-273

It was moved, seconded and carried that the agenda be adopted as circulated.

MINUTES

2010-274

It was moved, seconded and carried that the Council minutes of June 7, 2010 be adopted as circulated.

**BYLAWS (OCP /
ZONING)**

Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 30), 2010, No. 1708

2010-275

It was moved, seconded and carried that Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 30), 2010, No. 1708 be adopted.

Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No.79), 2010, No. 1709

2010-276

It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No.79), 2010, No. 1709 be adopted.

**STAFF / ADVISORY
COMMITTEE REPORTS**

**Tourism BC – Community Tourism Opportunities 2010 to
2011**

2010-277

It was moved, seconded and carried that Council endorse the Ladysmith activities within the Tourism Cowichan “Community Tourism Opportunities” proposal to Tourism BC for Ladysmith tourism promotion with an estimated gross expenditure of \$16,000 and an approved claim limit of \$8,050.

Purchase of Self-Contained Breathing Apparatus Air Packs

2010-278

It was moved, seconded and carried that Council authorize the purchase of ten SCBA Air Packs from Acklands-Grainger Inc. in the amount of \$39,426.68 plus applicable taxes, and that Council waive the Purchasing Policy regarding this purchase.

Proposed Bylaw Amendments – Harmonized Sales Tax

2010-279

It was moved, seconded and carried that Council direct staff to proceed with the proposed bylaw amendments to incorporate the application of the Harmonized Sales Tax (HST) on various Town administered fees and charges.

2010-280

It was moved, seconded and carried that Council write a letter to the Premier of BC objecting to the imposition of the Harmonized Sales Tax on municipal recreational services due to the increased financial burden on the citizens of Ladysmith for activities related to health and wellness.

Special Occasion Licence Requests

2010-281

It was moved, seconded and carried that Council write a letter to the Premier of BC objecting to the imposition of the Harmonized Sales Tax on municipal recreational services due to the increased financial burden on the citizens of Ladysmith for activities related to health and wellness.

Ladysmith Playfield Turf Contract

2010-282

It was moved, seconded and carried that Council endorse the revised Turf Inc. contract for the provision of artificial turf and a maintenance program at District Lot 108 for the total maximum guaranteed price, excluding applicable taxes, in the amount of \$520,117.39, and that the Mayor and Corporate Officer be authorized to sign the contract.

Quotes for Supplies for Ladysmith Playfield Construction

2010-283

It was moved, seconded and carried that Council accept the recommendation from Herold Engineering Ltd. for the supply of the following for the construction of the Ladysmith Playfields at District Lot 108:

1. Fencing: Northwest Fencing – \$77,689.00 plus applicable taxes
2. Nailer Board & Anchor Bolts: Windsor Plywood – \$5,755.27 plus applicable taxes
3. Pipe: Corix – \$46,143.02 plus applicable taxes

Fire Chief's Report for May, 2010

2010-284

It was moved, seconded and carried that the Fire Chief's report for May 2010 be received.

2010-285

It was moved, seconded and carried that staff be directed to investigate options for advising motorists about the stop sign at Fourth Avenue and Roberts Street.

Councillor Dashwood was requested to ask the members of the Protective Services Committee if they believe measures should be taken to improve emergency vehicle warning at the intersection of Fourth Avenue and Roberts Street.

Building Inspector's Report for May, 2010

2010-286

It was moved, seconded and carried that the Building Inspector's report for May 2010 be received.

Trolley Report for May, 2010

2010-287

It was moved, seconded and carried that the Trolley Report for May 2010 be received.

CORRESPONDENCE

David Street et al, Ladysmith Secondary School

2010-288

It was moved, seconded and carried unanimously that the Town of

Ladysmith contribute \$250.00 to Ladysmith Secondary School in the form of a grant-in-aid to enable individual students to attend the B.C. provincial Mainstage Event in Kamloops for the cast and crew of *Mulan*, and that a letter of congratulations and best wishes be sent to the school.

BYLAWS

Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2010, No. 1732

2010-289 It was moved, seconded and carried that Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2010, No. 1732 be read a first, second and third time.

Town of Ladysmith Freedom of Information Bylaw 1994, No. 1138, Amendment Bylaw 2010, No. 1733

2010-290 It was moved, seconded and carried that Town of Ladysmith Freedom of Information Bylaw 1994, No. 1138, Amendment Bylaw 2010, No. 1733, be read a first, second and third time.

Town of Ladysmith Subdivision Control Bylaw 1994, No. 1115, Amendment Bylaw 2010, No. 1734

2010-291 It was moved, seconded and carried that Town of Ladysmith Subdivision Control Bylaw 1994, No. 1115, Amendment Bylaw 2010, No. 1734 be read a first, second and third time.

UNFINISHED BUSINESS South End Chlorinator

2010-292 It was moved, seconded and carried that Council award the tender for the upgrade of the South End Chlorinator to KJ Electric for the low tender price of \$59,756.77 plus applicable taxes being low tender, and that the funds for the project come from the 2010 Water Utility Budget.

QUESTION PERIOD

R. Johnson asked whether the Town was still receiving revenues from commercial signs at the Community Centre.

R. Johnson asked about the status of the Shoa Development property and any additional requests for height variances in Phase One.

ADJOURNMENT

2010-293 It was moved, seconded and carried that the Regular Meeting of Council be adjourned at 7:33 p.m.

Mayor (R. Hutchins)

CERTIFIED CORRECT

Corporate Officer (S. Bowden)

DRAFT

Town of Ladysmith

COMMITTEE REPORT



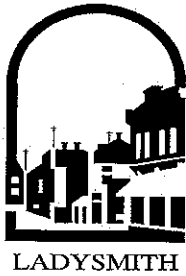
LADYSMITH

To: Mayor and Council
From: Councillor D. Paterson, Chair
Date: May 20, 2010
File No: 0550-20

Re: GOVERNMENT SERVICES COMMITTEE - June 21, 2010

At its meeting on June 21, 2010 the Government Services Committee recommended to Council the following:

1. That the Ladysmith Annual Water Report be received.
2. That staff be directed to prepare the bylaws to require that all new single family residences in the Town of Ladysmith be made solar hot water ready.
3. That all submissions received for Tender #218.066.0304 Waste Water Treatment Plant Upgrade - Biosolids Phase 2 be rejected.
4. That staff be requested to report back to Council as soon as possible with options for proceeding with Phase Two of the Waste Water Treatment Plant, and that the options include, but not necessarily be limited to, design-build, postponing installation of the Autothermal Thermophilic Aerobic Digesters (ATADs) component until a later phase, and alternatives to installing the ATADs.
5. That Council authorize the construction of a lake on the Ladysmith Golf Course for the purpose of irrigating both the Golf Course and the Holland Creek Ball Park, after consultation with the Executive of the Ladysmith Golf Course Society.
6. That Council request Western Forest Products to take measures consistent with those in other Vancouver Island communities to prevent debris from entering Ladysmith Harbour from the log dump operation.
7. That Council direct staff to review, investigate and report back to Council regarding the possibility of the Town acquiring James Dunsmuir's railway carriage.
8. That staff be requested to review the existing Animal Control Bylaw and report back to the next Government Services Committee meeting regarding the possibility of allowing the raising of hens in appropriate residential zones within the Town of Ladysmith.
9. That staff be directed to install Children at Play signs around the Ladysmith Little League Ball Fields.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: June 30, 2010
File No:

Re: DEVELOPMENT COST CHARGE (DCC) BYLAW REVIEW – RATE OPTIONS & REBATES FOR DEVELOPMENTS WITH LOW ENVIRONMENTAL IMPACT

RECOMMENDATION(S):

That Council provide direction to staff regarding:

- (1) Preferred DCC rate option
- (2) Preferred DCC rebate option for developments with low environmental impact
- (3) Proceeding with stakeholder consultation – September 2010.

PURPOSE:

The purpose of this report is to provide DCC Rate options for the consideration of Council. The rate options have been updated based on direction received in November, 2009 and updated project lists.

INTRODUCTION/BACKGROUND:

The current DCC Bylaw was adopted in 2000. Project costs have doubled since that time.

In November 2008, Council provided direction on proposed new DCC rates, including maintaining the 1% assist factor on all DCCs, including Waterfront DCC projects and the introduction of reduced DCC rates for downtown development (a “green” option). Since that time, project cost lists have been updated and the consultant has further examined “green” options for DCC rebates, based on new approaches introduced by the Province in Bill 27.

In November 2009, a presentation was provided by the DCC Consultant to Government Services Committee regarding revised rate options and a rebate option for developments with low environmental impact (Bill 27).

Updated DCC rate options are presented in the attached memos. The updated project list is also attached to this report.

SCOPE OF WORK:

The next steps in the bylaw review process are:

- Council direction on preferred rates and green rebate option (July 2010)
- Stakeholder consultation (September 2010)
- Bylaw preparation and readings (October/November 2010)
- Provincial approval (TBD)

Once direction has been finalized by Council, two bylaws would be prepared. The first bylaw would establish the DCC rates; it requires approval by the Province (Inspector of Municipalities). The specific terms of the rebate related to a reduction in current water use/sewer flow standard would be outlined in a separate bylaw.

The June 29, 2010 consultants' memo presents six rate options. In summary, they are:

- Option 1 - All projects included (Highest DCC rates)
- Option 2 - No South Ladysmith¹ projects
- Option 3 - Waterfront roads included
- Option 4 - Waterfront roads included, no South Ladysmith
- Option 5 - No waterfront
- Option 6 - No waterfront, no South Ladysmith (Lowest DCC rates)

ALTERNATIVES:

That Council provide additional direction on the new DCC rates and "green" rebate options.

FINANCIAL IMPLICATIONS:

The collection of DCCs based on current project costs is an important element of the Town's wise financial management (Strategic Direction A). Rates were last updated in 2000.

Current rates are shown in the table below.

| Land Use | | Roads | Sanitary Serer | Water | Storm Drainage | Parks | Total |
|--------------------------|----------------------------|-----------|----------------|---------|----------------|---------|-----------|
| Single Family | Per dwelling unit | \$3460.36 | 503.56 | 2694.96 | 467.73 | 1758.15 | \$8884.77 |
| Small lot Single Family | Per dwelling unit | \$3114.32 | 453.20 | 2425.47 | 420.96 | 1758.15 | \$8172.11 |
| Multi Family Residential | Per dwelling unit | \$2768.29 | 402.85 | 2155.97 | 280.64 | 1406.52 | \$7014.27 |
| Commercial | Per m2 of gross floor area | \$17.30 | 1.06 | 5.66 | 0.98 | | \$25.00 |
| Industrial | Per m2 of gross floor area | \$5.19 | 0.50 | 2.69 | 0.47 | | \$8.86 |

LEGAL IMPLICATIONS:

The adoption of the new DCC Bylaw establishing rates requires approval of the Inspector of Municipalities.

¹ South Ladysmith Projects means 'Water Main & Meters' and 'Sanitary Sewer Main and 2 lift stations' - Farrell Road from Sterling Drive to S. Watts Rd

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The stakeholder review process would include notice to the development community, an advertisement in the local newspaper, and posting on the Town's website.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

All departments have been involved in the development of the proposal.

RESOURCE IMPLICATIONS:

The cost of the DCC Bylaw Review project is included in the Financial Plan for 2010.

ALIGNMENT WITH STRATEGIC PRIORITIES:

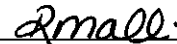
Effective land use planning and community design is Strategic Direction B, including developing green initiatives such as including green incentives in the DCC bylaw.

The completion of the DCC Bylaw Review is one of Council's Top 25 strategic priorities.

SUMMARY:

One of Council's Top 25 strategic directions is the DCC Bylaw review. This report provides an update on options for new DCC rates given previous Council direction, updated project costs and the introduction of additional "green" options.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

- DCC Project List
- Memo dated November 10, 2009 regarding DCCs for Developments with Low Environmental Impact, prepared by Sherry Hurst, Leftside Partners Inc., and Allan Neilson-Welch, Neilson-Welch Consulting Inc.
- Memo dated June 29, 2010 regarding DCC Update – Rate Options prepared by Sherry Hurst, Leftside Partners Inc., and Allan Neilson-Welch, Neilson-Welch Consulting Inc.

TOWN OF LADYSMITH - DEVELOPMENT COST CHARGE ESTIMATES

Road DCC Projects & Cost Estimates

| Project | Cost | Comments & Description | Benefit Factor | DCC Recoverable | Municipal Responsibility |
|--|---------------------|---|----------------|---------------------|--------------------------|
| 1 Roberts St. from 2nd to 4th Ave | \$600,000 | Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage. | 67% | \$397,980 | \$202,020 |
| 2 Walkem Rd. from 4th. Ave to 628 Walkem Rd. | \$775,000 | Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage. | 67% | \$514,058 | \$260,943 |
| 3 South Davis Rd. from Hall Rd. to South Battie Dr. | \$700,000 | Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage. | 67% | \$464,310 | \$235,690 |
| 4 4th Ave. & 4th Ave ext. Alderwood Rd. to Belaire St. | \$3,900,000 | Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage. | 67% | \$2,586,870 | \$1,313,130 |
| 5 Dunsmuir Cres. From Malbone Rd. to 6th. Ave. | \$650,000 | Includes curb & gutter, sidewalk, traffic calming, landscaping and storm drainage. | 67% | \$431,145 | \$218,855 |
| 6 Malone Rd. from Mackie Rd. to Sivers Plc. | \$190,000 | Includes sidewalk, traffic calming, and landscaping | 67% | \$126,027 | \$63,973 |
| 7 6th. Ave. from Methuen St. to Symonds St. | \$1,700,000 | Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage. | 67% | \$1,127,610 | \$572,390 |
| 8 Symonds St. from 2nd. to 4th. Ave. | \$1,200,000 | Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage. | 67% | \$795,960 | \$404,040 |
| 9 Buller St. from Esplanade Ave. to 4th. Ave. | \$1,140,000 | Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage. | 67% | \$756,162 | \$383,838 |
| 10 High St. 2nd. To 3rd. Ave. | \$310,000 | Includes curb & gutter, sidewalk, traffic calming, landscaping street lights, and storm drainage. | 67% | \$205,623 | \$104,377 |
| 11 2nd. Ave Retaining Wall from French St. pass Warren St. (Length 140.0m) | \$320,000 | Based on Duncan Engineering Design | 100% | \$212,256 | \$107,744 |
| 12 Waterfront | \$1,700,000 | Based on Herold Engineering Design & Estimate | 100% | \$1,683,000 | \$17,000 |
| 13 Dogwood-Belaire to Stephenson | \$1,000,000 | Calculated 25% higher than year 2000 estimate | 67% | \$663,300 | \$336,700 |
| 14 DL 108 road access | \$230,000 | Includes curb & gutter, sidewalk, traffic calming, landscaping and storm drainage. | 67% | \$152,559 | \$77,441 |
| 15 Collectors/downtown sidewalks & blvds | \$250,000 | landscaping, street lighting, blvd improvements | 67% | \$165,825 | \$84,175 |
| 16 Bicycle infrastructure | \$500,000 | bike lanes (on and off road) | 67% | \$331,650 | \$168,350 |
| 17 Russell Road - Ballou to Hooper | \$400,000 | Includes curb & gutter, sidewalk, traffic calming, landscape, street lights and storm drainage | 67% | \$265,320 | \$134,680 |
| 18 First Avenue | \$1,533,750 | Includes curb & gutter, sidewalk, traffic calming, landscape, and storm drainage | 67% | \$1,017,336 | \$516,414 |
| Totals | \$17,098,750 | | | \$11,896,991 | \$5,201,759 |

DCC COST ESTIMATES

Water DCC Projects & Cost Estimates

| Project | Cost | Comments & Description | Benefit Factor | DCC Recoverable | Municipal Responsibility |
|--|---------------------|---|----------------|--------------------|--------------------------|
| 1 Farrell Rd. from Sterling Dr. to South Waits Rd. | \$740,000 | Includes main line, fittings, service line and water meters | 100% | \$732,600 | \$7,400 |
| 2 Craig Rd end to Russell Rd. | \$375,000 | Approx 750m of 300mm pipe | 80% | \$297,000 | \$78,000 |
| 3 Distribution Network Improvement Projects | \$1,600,000 | Includes main line, fittings, service line and water meters | 40% | \$633,600 | \$966,400 |
| 4 Waterfront Infrastructure | \$1,300,000 | Upgrade of all 100mm pipes approx. 4800m Calculated 25% higher than year 2000 estimates | 100% | \$1,287,000 | \$13,000 |
| 5 Water Supply Improvement | \$8,912,500 | Water improvements up to 18,000 population. The option for long term supply. With present population of 8,100 suggested DCC portion is 55% (18000-8100)/18000 | 55% | \$4,852,856 | \$4,059,644 |
| Totals | \$12,927,500 | | | \$7,803,056 | \$5,124,444 |

Stormwater DCC Projects & Cost Estimates

| Project | Cost | Comments & Description | Benefit Factor | DCC Recoverable | Municipal Responsibility |
|---|--------------------|---|----------------|--------------------|--------------------------|
| 1 3rd. Ave from Roberts St. to Flume Line | \$260,000 | Includes main line, manholes, catch basin and service lines | 67% | \$172,458 | \$87,542 |
| 2 Flume Line from 4th. Ave. to 1st. Ave. | \$260,000 | Includes main line, manholes, catch basin and service lines | 67% | \$172,458 | \$87,542 |
| 3 Stillin Dr. Easement from Symonds St. to Walkem Rd. | \$380,000 | Lining 750 mm Trunk Main | 67% | \$252,054 | \$127,946 |
| 4 DL108 storm sewer (on 4th access) | \$72,000 | | 67% | \$47,758 | \$24,242 |
| 5 Bayview Ave. from Dogwood Dr. to TCH | \$320,000 | Includes main line, manholes, catch basin and service lines | 67% | \$212,256 | \$107,744 |
| 6 Waterfront Infrastructure | \$1,175,000 | Calculated 25% higher than year 2000 estimate | 100% | \$1,163,250 | \$11,750 |
| Totals | \$2,467,000 | | | \$2,020,234 | \$446,766 |

DCC COST ESTIMATES

Sanitary Sewer DCC Projects & Cost Estimates

| Project | Cost | Comments & Description | Benefit Factor | DCC Recoverable | Municipal Responsibility |
|---|---------------------|--|----------------|--------------------|--------------------------|
| 1 Farrell Rd. from Stirling Dr. to South Watts Rd. | \$1,100,000 | Includes main line, manholes, service line and two lift stations | 100% | \$1,089,000 | \$11,000 |
| 2 Lining old line from Strathcona to lane near Cenotaph | \$250,000 | | 100% | \$247,500 | \$2,500 |
| 3 Waterfront | \$850,000 | Calculated 25% higher than year 2000 estimate | 100% | \$841,500 | \$8,500 |
| 4 Sewage Treatment Upgrade [Secondary Treatment] | \$13,900,000 | For 15,000 Population (\$4.5 grant accounted for) | 46% | \$6,330,060 | \$7,569,940 |
| 5 Sewage Treatment Upgrade (beyond 15,000 pop) | \$4,000,000 | Extra to buildout for 30,000 Population | 0% | \$0 | \$4,000,000 |
| Totals | \$20,100,000 | | | \$8,508,060 | \$11,591,940 |

Parks Acquisition and Improvement DCC Projects & Cost Estimates

| Project | Cost | Comments & Description | Benefit Factor | DCC Recoverable | Municipal Responsibility |
|--|---------------------|---------------------------|----------------|--------------------|--------------------------|
| P1 Rocky Creek Trail | \$240,000 | | 90% | \$213,840 | \$26,160 |
| P2 Holland Creek Community Park/School | \$300,000 | | 90% | \$267,300 | \$32,700 |
| P3 108 Playing Field | \$5,000,000 | | 90% | \$4,455,000 | \$545,000 |
| P4 FJCC/High School Fields | \$1,000,000 | | 90% | \$891,000 | \$109,000 |
| P5 Aggie | \$1,350,000 | | 90% | \$1,202,850 | \$147,150 |
| P6 Golf course | \$90,000 | | 90% | \$80,190 | \$9,810 |
| P7 Beach Access Points | \$30,000 | | 90% | \$26,730 | \$3,270 |
| P8 New Holland Creek Trails | \$500,000 | | 90% | \$445,500 | \$54,500 |
| P9 DL 146 (Lot A) | \$200,000 | | 90% | \$178,200 | \$21,800 |
| P10 Neighbourhood Park | \$100,000 | | 90% | \$89,100 | \$10,900 |
| P11 Waterfront Park | \$1,500,000 | | 90% | \$1,336,500 | \$163,500 |
| P12 Russell Road (2 fields) | \$750,000 | | 90% | \$668,250 | \$81,750 |
| Totals | \$11,060,000 | DCC COST ESTIMATES | | \$9,854,460 | \$1,205,540 |



MEMO

TO: FELICITY ADAMS, MANAGER OF DEVELOPMENT SERVICES

**FROM: SHERRY HURST, LEFTSIDE PARTNERS INC.
ALLAN NEILSON-WELCH, NEILSON-WELCH CONSULTING INC.**

DATE: NOVEMBER 10, 2009

RE: DCCS FOR DEVELOPMENTS WITH LOW ENVIRONMENTAL IMPACT

The Town of Ladysmith's review of its DCC program and the corresponding rates has always had, as one of its primary objectives, the goal of ensuring that costs are allocated fairly among land uses, and that inherent in the rates is recognition of the lower infrastructure costs and impacts of higher density developments. The proposed approach, already endorsed by Council, is therefore based upon the following "green" principles, which are consistent with the Ladysmith community vision as articulated through its recent vision process:

- Rates that vary not only by land use, but by density – the use of various residential lot types (single-family, small lot, multi-family) encourages more compact, and higher density projects through lower per unit costs for higher density projects (commensurate with the lower infrastructure impacts of higher density development).
- Area specific policy for the downtown core – consistent with the Town's OCP, the DCC recognizes the reduced impact of development in the downtown area, due to a combination of the higher densities permitted, the walkability of the downtown core, the trolley service, and the mix of land uses and services available in the downtown that eliminate the need for multiple vehicle trips.

During the DCC review process, the Province passed new legislation – Bill 27 – that amended the *Local Government Act*, enabling municipalities to waive or reduce development cost charges for developments that are designed to have a "low environmental impact."

The ability to waive or reduce development cost charges introduces a wrinkle into the relationship created when DCCs are established. Ideally, developments that have lower impacts on infrastructure should already be paying lower development charges. The reason this is not always the case is because even though one development uses less water, or eliminates all stormwater run-off, the infrastructure planned for the Town has already been sized and designed to deal with average anticipated loads, flows or volumes. Two or three developments opting for a greener approach do not necessarily affect the cost of the works of the infrastructure needed by the greater community. So in many cases, only if the standards of the works planned by the City – the width of roads, the size of trunk sewer and water, etc. – are changed, will cost savings be realized by the Town. Accordingly, any waiving of the applicable DCC for a development with a lower environmental impact, would in fact be unrelated to the actual cost of the infrastructure for which the Town is levying the DCC. In other words, waiving or further reducing the development cost charge related to any one particular development due to its green approach, simply requires the waived amount to be recovered through other means by the Town. This scenario shifts the burden from the developer onto existing taxpayers. All

leftside partners inc.

NEILSON-WELCH
CONSULTANTS TO GOVERNMENT



DCCs are supported in part by existing taxpayers through the "municipal assist" factor. However, in the past it has been the Town's policy to keep the assist factor to the minimum contribution allowable in the legislation, which is 1%.

There are, however, specific components of the Town's DCC program where a development with a low environmental impact is more likely to have a corresponding reduction in the cost to the Town. The Town of Ladysmith's DCC program includes upgrades to water storage capacity, as well as sanitary sewer treatment. In both these instances, if individual developments use significantly less water than the anticipated average, and generate significantly less sewer flows, this will make more efficient use of the existing infrastructure, and delay the need for upgrades. Put differently, this will allow for a greater number of developments to be accommodated, and the associated DCCs collected, before the capacity upgrades are required. A reduction of the DCC to those developments that can demonstrate a significant reduction in water use or sewer flows, should therefore be entitled to reductions in the cost of that portion of the DCC program. The cost or burden of such reductions would not be borne by existing taxpayers, but instead are offset by cost savings in the system. These types of reductions are therefore in keeping with the fairness, relative impact and user pay principles upon which the DCCs are based, and represent an opportunity to provide some incentives for developers to build greener projects without shifting the burden to taxpayers.

PROPOSED APPROACH

DCCs are based upon averages, and by definition, averages take into account the fact that some users will have a higher impact, and others lower. Accordingly, minimal reductions in water usage will likely be offset by others who use slightly more than the average. Reduced DCC rates should therefore only apply to projects that achieve significant reductions in water usage and sewer flows, so that they have a meaningful impact on the average. A 50% reduction from the current water usage standard for any given land use has been selected through discussions with the Town's staff. By reducing water consumption by 50%, this should also have a significant impact on the resulting sewage flows, although not necessarily to a corresponding amount (i.e. staff estimate that a 50% water reduction would translate into a 30% reduction in sewage flows). This percentage reduction could be altered based on review of the bylaw at a later date to determine whether the target was achievable, and the reward of sufficient incentive, for developers within the Town. Furthermore, the Town can obtain feedback on the reduction target during its stakeholder DCC review meeting planned as the next step in the DCC review process.

It is anticipated that the reduced rates would be provided at the time of building permit for most uses, or at the subdivision approval stage for single family uses. Applicants would submit engineering reports that calculate and provide details of anticipated water savings through a variety of measures planned in the development, including (but not limited to) low-flow fixtures, greywater recycling, use of rain barrels, or other innovative approaches. Single family subdivisions will have to provide assurances, such as covenants, that the resulting homes and homeowners will comply with the water reduction strategy in order to receive the discounted DCC rates.

The following rates therefore encompass the approach and land use categories already endorsed by Council, combined with the sewer/water reductions referenced above. In addition, although already brought before Council at a previous date, the option of removing the waterfront costs that are a part of the current DCC program, is once again provided, due to the significance of changes since the last time Council reviewed the rates.

leftside partners inc.

NEILSON-WELCH
CONSULTANTS TO GOVERNMENT



Option 1

The rates resulting from the approach explained above are as follows. This option includes waterfront infrastructure costs in the DCC program.

| Land Use | Unit | Roads | Sanitary | Water | Storm | Parks | Total |
|-------------------------------|--|---------|----------|---------|---------|---------|----------|
| Single Family Residential | per dwelling unit | \$3,837 | \$3,352 | \$3,935 | \$1,038 | \$4,942 | \$17,104 |
| Small Lot Single Family | per dwelling unit | \$3,453 | \$2,095 | \$2,459 | \$467 | \$4,448 | \$12,923 |
| Multi-Family Residential | per dwelling unit | \$2,348 | \$1,862 | \$2,186 | \$281 | \$3,954 | \$10,631 |
| Downtown Multi-Family | per dwelling unit | \$1,645 | \$1,862 | \$2,186 | \$225 | \$3,954 | \$9,872 |
| Commercial | per m ² of gross floor area | \$81.39 | \$5.59 | \$6.56 | \$3.89 | \$0.00 | \$97.42 |
| Downtown Commercial | per m ² of gross floor area | \$46.51 | \$3.35 | \$3.93 | \$2.33 | \$0.00 | \$56.13 |
| Industrial | per m ² of gross floor area | \$27.03 | \$4.79 | \$5.62 | \$3.34 | \$0.00 | \$40.77 |
| Institutional - Care Facility | per bed | \$862 | \$1,164 | \$1,366 | \$138 | \$2,471 | \$6,002 |
| Institutional | per m ² of gross floor area | \$56.29 | \$12.65 | \$14.85 | \$8.17 | \$0.00 | \$91.95 |

The reduced rates for developments that use 50% less than water than the Town's design standards are as follows:

| Land Use | Unit | Proposed DCC Rate | Rebate | Reduced Rates |
|-------------------------------|--|-------------------|---------|---------------|
| Single Family Residential | per dwelling unit | \$17,104 | \$2,094 | \$15,010 |
| Small Lot Single Family | per dwelling unit | \$12,923 | \$1,308 | \$11,614 |
| Multi-Family Residential | per dwelling unit | \$10,631 | \$1,163 | \$9,468 |
| Downtown Multi-Family | per dwelling unit | \$9,872 | \$1,163 | \$8,709 |
| Commercial | per m ² of gross floor area | \$97.42 | \$3.49 | \$93.94 |
| Downtown Commercial | per m ² of gross floor area | \$56.13 | \$2.09 | \$54.04 |
| Industrial | per m ² of gross floor area | \$40.77 | \$2.99 | \$37.78 |
| Institutional - Care Facility | per bed | \$6,002 | \$727 | \$5,275 |
| Institutional | per m ² of gross floor area | \$91.95 | \$7.90 | \$84.05 |

Option 2

Option 2 is based on the same rationale as referenced above, but excludes costs associated with infrastructure for the waterfront. The total combined cost of these projects is \$5,025,000. The following explanation of the rationale for including and for excluding the waterfront costs was provided to Council in July of last year, but given the subsequent changes, staff felt it was prudent to confirm Council's approach.

Pros/Cons

A reasonable argument can be made on both sides of the issue on whether to include or remove the waterfront infrastructure costs. There is no "right" or "wrong" approach. The rationale for excluding these costs can be summarized as follows:

- The waterfront represents a distinct area where the extension of services serve primarily the developers, and not the greater public. The costs should therefore be borne directly by the benefiting developers, and not growth in general;



- As a comparison, the extension of trunk services for the Holland Creek development are not included in the current or proposed DCC program due to the limited benefit to residents other than the immediate neighbourhood. The same policy can apply to the waterfront;
- It is anticipated that a developer would front-end the service extensions/upgrades to facilitate development in the waterfront area, and recover the costs from adjacent developers through latecomer agreement;
- Given the uncertainty about the development that will ultimately occur here, a new land use scheme is likely to emerge, necessitating new servicing estimates as well as an associated comprehensive financing strategy. If DCCs are to be collected, they should be based on updated estimates, land uses and financing mechanisms determined at that time.

To elaborate, the waterfront can be viewed as essentially a “greenfield” (or in this case brownfield) development. In a greenfield situation, often the services are required prior to the development occurring, so that there is rarely sufficient DCC revenue from the associated development to finance the service extension. The local government often resorts to borrowing to pay for the project, and only in limited situations can they recover the interest charges through the DCC. Therefore developers are often expected to front end the cost of extending services and recover funds through a latecomer’s agreement that requires other developers to pay their share as they proceed. As a comparison, it is notable that the Town’s DCC program does not include extensions of trunk services through the Holland Creek neighbourhood – another greenfield development. The requirement that an owner/developer front end the costs and recover them through a latecomer agreement is a common approach in an area where it is anticipated that there are one or two major landowners/developers that have the financial resources to front-end the costs, that the profit in developing that area is substantial enough to warrant the front end costs, and lastly, where there is realistic expectation of recuperating some of the costs from other developers/landowners.

Another argument in favour of removing these costs is the idea that when a new plan and agreement comes forward with the key players involved in the waterfront lands (Town, Province, etc.), the services planned for the area will have to be re-evaluated in that context, and a comprehensive strategy for financing completed. A combination of approaches – latecomer agreements, development works agreements, DCCs, etc. may be used to facilitate the required services. If changes are needed to the Development Charges program to reflect any new strategy, they could be made at that time.

Some of the arguments for the flip side – to keep the waterfront infrastructure costs in the DCC are summarized as follows:

- Consistency – these costs have been included in the DCC since 2000, and developers have been paying toward these projects. Nothing has changed at this point, so it is equitable to treat new growth the same as growth has been treated since 2000. The projects can always be removed when new information comes available, and alternate servicing needs and/or financing strategies are clear;
- Including the costs in the DCC program, despite the uncertainty, provides flexibility for the Town should they want or need to proceed with these projects prior to significant development occurring in this area (e.g. to encourage development or access/develop Town lands), particularly if no developers are willing or able to front end the costs due to other cost uncertainties (environmental clean-up), financial resources, or the risk of recovering the cost from other developers;



- An example of this type of project currently included in the DCC program is the cost to extend services up to the proposed business park in South Ladysmith. The idea is that the Town wants to encourage economic development, and to effectively market the land a basic level of services (and an associated timeline to develop) is expected. A similar argument could be made for the waterfront;
- Including the costs does not preclude a developer from front-ending the cost and receiving a rebate. The rebate typically only forms a small portion of the full cost;
- The waterfront, unlike a typical greenfield development, is a public place and a public amenity, and the costs to provide access and to develop should be shared by growth on a larger scale than just the immediate developers.

Given the uncertainty regarding the costs and land uses, and the appropriate financing approach for the area, it may be better to continue collecting DCCs for the waterfront projects (as the Town currently does), providing flexibility to the Town by having some funds in place in the event that infrastructure upgrades are required. Again, this would be consistent with the past practice. The current situation could remain status quo until an alternate plan is clear or proposed, at which time the DCC could be amended (to either increase the cost accordingly, or remove them altogether if some other financial arrangement is made). In the meantime, the Town has been collecting funds in the event that it is necessary for the Town to construct any of the services identified in the DCC.

Council should be aware that excluding the costs from the DCC may limit the use of the Town's land or other properties on the waterfront where the Town may want to encourage development, particularly if no developer is willing or able to front end the servicing costs. This is why, as part of the DCC program, the Town has included the costs of extending services to (but not within) the proposed business park in South Ladysmith.

If waterfront infrastructure costs are included in the DCC program and a developer does front end some of the costs, that developer would be eligible for a rebate of some but not all associated costs. Rebates can only be extended to the maximum that would apply to the specific development proposed by a developer. An example would be if a developer paid the \$1,700,000 costs to upgrade the road in the waterfront area, and was planning to build 200 multi-family units. The only rebate the developer would be eligible for would be the road DCC that applies to the property – which is proposed at approximately \$1,500 per unit, or \$300,000.

The last point is that it can be argued that the waterfront development is not a typical greenfield development. It is not a residential enclave that benefits only the local neighbourhood. The waterfront is intended as a much more public place, and indeed, a public amenity. In this sense, access to and development of this area is of a wider benefit, and the costs should therefore be shared accordingly.

The DCC rates that would result if \$5,025,000 of waterfront infrastructure was removed from the DCC program are as follows:



| Land Use | Unit | Roads | Sanitary | Water | Storm | Parks | Total |
|-------------------------------|--|---------|----------|---------|--------|---------|----------|
| Single Family Residential | per dwelling unit | \$3,182 | \$2,896 | \$3,237 | \$349 | \$4,942 | \$14,606 |
| Small Lot Single Family | per dwelling unit | \$2,864 | \$1,810 | \$2,023 | \$157 | \$4,448 | \$11,302 |
| Multi-Family Residential | per dwelling unit | \$1,947 | \$1,609 | \$1,798 | \$95 | \$3,954 | \$9,403 |
| Downtown Multi-Family | per dwelling unit | \$1,364 | \$1,609 | \$1,798 | \$76 | \$3,954 | \$8,801 |
| Commercial | per m ² of gross floor area | \$67.50 | \$4.83 | \$5.39 | \$1.31 | \$0.00 | \$79.03 |
| Downtown Commercial | per m ² of gross floor area | \$38.57 | \$2.90 | \$3.24 | \$0.79 | \$0.00 | \$45.49 |
| Industrial | per m ² of gross floor area | \$22.41 | \$4.14 | \$4.62 | \$1.12 | \$0.00 | \$32.30 |
| Institutional - Care Facility | per bed | \$715 | \$1,006 | \$1,124 | \$47 | \$2,471 | \$5,362 |
| Institutional | per m ² of gross floor area | \$46.68 | \$10.93 | \$12.21 | \$2.75 | \$0.00 | \$72.57 |

Based on the above rates, the following reduced rates would be in effect for developments that could demonstrate 50% or greater reduction in water consumption over the Town's design standards:

| Land Use | Unit | Proposed DCC Rate | Rebate | Reduced Rates |
|-------------------------------|--|-------------------|---------|---------------|
| Single Family Residential | per dwelling unit | \$14,606 | \$2,094 | \$12,513 |
| Small Lot Single Family | per dwelling unit | \$11,302 | \$1,308 | \$9,994 |
| Multi-Family Residential | per dwelling unit | \$9,403 | \$1,163 | \$8,240 |
| Downtown Multi-Family | per dwelling unit | \$8,801 | \$1,163 | \$7,638 |
| Commercial | per m ² of gross floor area | \$79.03 | \$3.49 | \$75.54 |
| Downtown Commercial | per m ² of gross floor area | \$45.49 | \$2.09 | \$43.40 |
| Industrial | per m ² of gross floor area | \$32.30 | \$2.99 | \$29.31 |
| Institutional - Care Facility | per bed | \$5,362 | \$727 | \$4,635 |
| Institutional | per m ² of gross floor area | \$72.57 | \$7.90 | \$64.67 |

Option 3

Option 3 provides an option that includes some of the waterfront costs. All options include parkland in the waterfront area. However, based on the argument made above that the waterfront is intended as a more public place than the typical development, then the road costs – access to this “public amenity” – should also be included in the DCC program. Accordingly, storm water, sanitary sewer and water costs are left to be borne by the developers who will benefit directly from the provision of these services. This option results in the following rates:

| Land Use | Unit | Roads | Sanitary | Water | Storm | Parks | Total |
|-------------------------------|--|---------|----------|---------|--------|---------|----------|
| Single Family Residential | per dwelling unit | \$3,837 | \$2,896 | \$3,237 | \$349 | \$4,942 | \$15,261 |
| Small Lot Single Family | per dwelling unit | \$3,453 | \$1,810 | \$2,023 | \$157 | \$4,448 | \$11,891 |
| Multi-Family Residential | per dwelling unit | \$2,348 | \$1,609 | \$1,798 | \$95 | \$3,954 | \$9,804 |
| Downtown Multi-Family | per dwelling unit | \$1,645 | \$1,609 | \$1,798 | \$76 | \$3,954 | \$9,081 |
| Commercial | per m ² of gross floor area | \$81.39 | \$4.83 | \$5.39 | \$1.31 | \$0.00 | \$92.92 |
| Downtown Commercial | per m ² of gross floor area | \$46.51 | \$2.90 | \$3.24 | \$0.79 | \$0.00 | \$53.43 |
| Industrial | per m ² of gross floor area | \$27.03 | \$4.14 | \$4.62 | \$1.12 | \$0.00 | \$36.91 |
| Institutional - Care Facility | per bed | \$862 | \$1,006 | \$1,124 | \$47 | \$2,471 | \$5,509 |
| Institutional | per m ² of gross floor area | \$56.29 | \$10.93 | \$12.21 | \$2.75 | \$0.00 | \$82.18 |

leftside partners inc.

NEILSON-WELCH
CONSULTANTS TO GOVERNMENT



The reduced rates for projects with 50% water consumption reductions, based on Option 3, would therefore be as follows:

| Land Use | Unit | Proposed DCC Rate | Rebate | Reduced Rates |
|-------------------------------|--|-------------------|---------|---------------|
| Single Family Residential | per dwelling unit | \$15,261 | \$2,094 | \$13,168 |
| Small Lot Single Family | per dwelling unit | \$11,891 | \$1,308 | \$10,583 |
| Multi-Family Residential | per dwelling unit | \$9,804 | \$1,163 | \$8,641 |
| Downtown Multi-Family | per dwelling unit | \$9,081 | \$1,163 | \$7,918 |
| Commercial | per m ² of gross floor area | \$92.92 | \$3.49 | \$89.43 |
| Downtown Commercial | per m ² of gross floor area | \$53.43 | \$2.09 | \$51.33 |
| Industrial | per m ² of gross floor area | \$36.91 | \$2.99 | \$33.92 |
| Institutional - Care Facility | per bed | \$5,509 | \$727 | \$4,782 |
| Institutional | per m ² of gross floor area | \$82.18 | \$7.90 | \$74.28 |

CONCLUSION

The approach to low environmental impact DCC rates referenced in this memo is based on the guiding principles of benefiter pays, fairness and equity that guide the DCC best practices. Council may still choose to reduce DCCs further, recognizing that doing so shifts a portion of the infrastructure cost to the existing tax base. This may be a commitment Council is willing to make in order to encourage some greener developments, or a way of supporting some pilot projects, consistent with other objectives or Town policies. However, if Council wants to pursue this option, it is suggested that Council consider such reductions in the context of a larger strategy that also evaluates some other complementary tools, such as revitalization tax exemptions, that can be used (and indeed may be more flexible) to encourage green infrastructure and behaviour. Notably bylaws to waive or reduce DCCs can be considered and passed independently of the main DCC bylaw that sets the rates, and can therefore be done at any time without triggering reconsideration of the underlying bylaw, or the Ministry and Inspector of Municipalities review and approval process. This provides Council with greater flexibility to review and adjust these reductions.



MEMO

TO: FELICITY ADAMS, DIRECTOR OF DEVELOPMENT SERVICES

FROM: SHERRY HURST, LEFTSIDE PARTNERS INC.
ALLAN NEILSON-WELCH, NEILSON-WELCH CONSULTING INC.

DATE: JUNE 29, 2010

RE: DCC UPDATE – RATE OPTIONS

The Town of Ladysmith is continuing with a review and update of its development cost charges. Most recently the Town has adjusted proposed rates due to increases in cost estimates for items in its development cost charge program such as sanitary sewer upgrades. This memo outlines the implications of those changes, and highlights some options for Council's consideration. Council's direction on preferred rates will enable the DCC review to proceed to a stakeholder consultation meeting prior to the preparation of a new DCC bylaw.

As part of the preparation of new DCCs, Council previously provided guidance on issues such as a continued commitment to use a 1% assist factor, the introduction of rates that recognize lower impacts of higher density developments in the downtown core, as well as a new institutional DCC. In addition, Council is contemplating providing DCC rebates for developments that require 50% less water than typical developments. At this stage of the review, the most recent estimates and the resulting rates need to be examined. Some of the considerations Council is required to take into account, as per the *Local Government Act*, include whether the charges:

- are excessive in relation to the capital cost of prevailing standards of service,
- will deter development,
- will discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land, or
- will discourage development designed to result in a low environmental impact.

These considerations are particularly relevant given the dramatic change in costs from the last update of the DCCs, which occurred more than 10 years ago. Accordingly, this memo provides some options for Council.

OPTIONS

The following outlines some policy considerations for two projects that staff and Council have identified as projects that Council may want to consider excluding from the DCC project list. The rationale for including or excluding the specific projects is discussed, and the resulting rates are shown at the end to enable a comparison of the rate impacts. It is useful to remember that there are no "right" or "wrong" answers – the options have been selected because a strong rationale can be made for each alternative.



Waterfront

Council has previously discussed whether to include the infrastructure projects required to facilitate development on Ladysmith's waterfront. The option is repeated here for Council to confirm an approach. The total combined cost estimate of the waterfront infrastructure projects, not including a waterfront parks (which is included in all the options) is \$5,025,000. This translates into \$4,974,750 to be raised through DCCs. Notably, waterfront project costs are included in the existing DCC program.

A reasonable argument can be made on both sides of the issue on whether to include or remove the waterfront infrastructure costs. The rationale for excluding these costs can be summarized as follows:

- The waterfront represents a distinct area where the extension of services serves primarily the developers, and not the greater public. The costs should therefore be borne directly by the benefiting developers, and not growth in general;
- As a comparison, the extension of trunk services for the Holland Creek development are not included in the current or proposed DCC program due to the limited benefit to residents other than the immediate neighbourhood. The same policy could apply to the waterfront;
- It is anticipated that a developer would front-end the service extensions/upgrades to facilitate development in the waterfront area, and recover the costs from adjacent developers through a latecomer agreement; and,
- Given the uncertainty about the development that will ultimately occur here, a new land use scheme is likely to emerge, necessitating new servicing estimates as well as an associated comprehensive financing strategy. If DCCs are to be collected, they should be based on updated estimates, land uses and financing mechanisms determined at that time.

To elaborate, the waterfront can be viewed as essentially a "greenfield" (or in this case brownfield) development. In a greenfield situation, often the services are required prior to the development occurring, so there is rarely sufficient DCC revenue from the associated development to finance the service extensions. The local government often resorts to borrowing to pay for the project, and only in limited situations can they recover the interest charges through the DCC. Therefore developers are often expected to front-end the cost of extending services and recover funds through a latecomer's agreement that requires other developers to pay their share as they proceed. As a comparison, it is notable that the Town's DCC program does not include extensions of trunk services through the Holland Creek neighbourhood – another greenfield development. The requirement that an owner/developer front end the costs and recover them through a latecomer agreement is a common approach in an area where it is anticipated that there are one or two major landowners/developers that have the financial resources to front-end the costs, that the profit in developing that area is substantial enough to warrant the front end costs, and finally, where there is a realistic expectation of recuperating some of the costs from other developers/landowners.

Another argument in favour of removing these costs is the idea that when a new plan and agreement comes forward with the key players involved in the waterfront lands (Town, Province, etc.), the services planned for the area will have to be re-evaluated in



that context, and a comprehensive strategy for financing completed. A combination of approaches – latecomer agreements, development works agreements, DCCs, etc. may be used to finance the required services. If changes are needed to the development cost charges program to reflect a new strategy, they could be made at that time.

Some of the arguments for the flip side – to continue to include the waterfront infrastructure costs in the DCC are summarized as follows:

- Consistency – these costs have been included in the Town’s DCC program since 2000, and developers have been paying toward these projects for 10 years. Nothing has changed at this point, so it is equitable to treat new growth the same as growth has been treated for the past 10 years. The projects can always be removed when new information becomes available, or if it becomes clear that alternate servicing needs or financing are required;
- Including the costs in the DCC program, despite the uncertainty, provides flexibility for the Town should they want or need to proceed with these projects prior to significant development occurring in this area (e.g. to encourage development or access/develop Town lands), particularly if no developers are willing or able to front-end the costs due to other cost uncertainties (environmental clean-up), financial resources, or the uncertainty of recovering the cost from other developers;
- The provision of some basic infrastructure to this area may assist in promoting the development of the property, which will result in a broader benefit to the Town;
- Including the waterfront infrastructure costs in the DCC does not preclude a developer from front-ending the cost and receiving a rebate. The rebate typically only forms a small portion of the full cost; and,
- The waterfront, unlike a typical greenfield development, is a public place and a public amenity, with benefits that extend beyond the local neighbourhood. Therefore the costs to develop and provide access to these lands should be shared by growth on a larger scale rather than just the immediate developers.

If waterfront infrastructure costs are included in the DCC program and a developer does front-end some of the costs, that developer would be eligible for a rebate of some but not all associated costs. Rebates can only be extended to the maximum that would apply to the specific development proposed by a developer. An example would be if a developer paid the \$1,700,000 cost to upgrade the road in the waterfront area, and was planning to build 200 multi-family units. The only rebate the developer would be eligible for would be the road DCC that applies to the property – which is proposed at approximately \$2,500 per unit, or \$500,000.

Waterfront – Roads Only

This option includes some of the waterfront costs, and excludes others. Based on the argument made above that the waterfront is intended as a more public place than the typical development, then both the park and the road costs – the public amenity portion and the access to it – could be included in the DCC program. Accordingly, storm water, sanitary sewer and water costs are left to be borne by the developers who will benefit directly from the provision of these services. The waterfront road cost estimate is \$1,700,000 (\$1,683,000 of which is eligible to be recovered by DCCs). This means that the remaining \$3,325,000 of waterfront infrastructure costs would be excluded.



South Ladysmith

Another option is to consider whether to exclude the cost of infrastructure extensions to service an area of South Ladysmith intended for future industrial development. Staff initially identified \$1,840,000 in water and sanitary improvements in the DCC program to encourage industrial development and economic growth for the Town. As an unserved industrial area, it is difficult to compete with serviced lots in industrial parks in other communities. Having trunk services to an industrial or business park is often considered a minimum requirement to encourage investment. Few industrial users are seeking unserved sites, or have the time to invest in extending trunk services. Furthermore, latecomer agreements can be risky if industrial lots are not in high demand, and there is no certainty when or if the first developer will recuperate his costs from subsequent developers. This may limit the ability to use a combination of front-ending and latecomer agreements to finance an extension of these trunk services.

The arguments for inclusion and exclusion are similar to those expressed in relation to the waterfront infrastructure costs. In this instance, there is not the rationale that this area represents a public amenity, but instead it can be argued that industrial and economic growth is a benefit to the entire community through the provision of jobs and tax revenues. The key reason for including the project is that the benefits will accrue to growth, and therefore it makes sense that the cost is recovered from growth. Furthermore, promoting industrial and economic growth may be an objective of the Town, and this is one method of recovering the funds to promote industrial growth.

The main reason to consider excluding the project is that the infrastructure will be of direct benefit to a select group of industrial users, rather than the larger community. It is therefore not equitable that these costs be shared amongst all growth. However, that is the nature of many water, sewer and storm upgrades – they are of primary benefit to those who will connect to or use that service in that location – and therefore that argument could be made for many of the infrastructure upgrades itemized on the DCC program. DCCs, as a tool, rely upon a certain amount of averaging, both of costs and benefits. It is difficult to identify where growth will occur over the next 20 years, so the projects included in a DCC program are intended to support a variety of types of growth in locations throughout the municipality. Each development will benefit from some, but not all, of the infrastructure upgrades within the DCC program.



IMPACTS

The impacts of the rates and options discussed above are shown as follows:

- Option 1 – All projects included
- Option 2 – No South Ladysmith
- Option 3 – Waterfront roads included
- Option 4 – Waterfront roads included, no South Ladysmith
- Option 5 – No waterfront
- Option 6 – No waterfront, no South Ladysmith

| Land Use | Unit | Option 1 | Option 2 | Option 3 | Option 4 | Option 5 | Option 6 | Existing |
|-------------------------------|---------------------------|----------|----------|----------|----------|----------|----------|----------|
| Single Family Residential | per dwelling unit | \$18,238 | \$17,259 | \$16,412 | \$15,432 | \$15,782 | \$14,802 | \$8,885 |
| Small Lot Single Family | per dwelling unit | \$13,602 | \$12,990 | \$12,580 | \$11,968 | \$12,013 | \$11,401 | \$8,172 |
| Multi-Family Residential | per dwelling unit | \$11,149 | \$10,605 | \$10,329 | \$9,784 | \$9,943 | \$9,399 | \$7,014 |
| Downtown Multi-Family | per dwelling unit | \$10,169 | \$9,615 | \$9,375 | \$8,831 | \$9,126 | \$8,582 | \$7,014 |
| Commercial | per m ² of GFA | \$119.36 | \$117.73 | \$114.90 | \$113.26 | \$100.09 | \$98.45 | \$25.00 |
| Downtown Commercial | per m ² of GFA | \$78.37 | \$77.39 | \$75.69 | \$74.71 | \$65.82 | \$64.84 | \$25.00 |
| Industrial | per m ² of GFA | \$45.90 | \$44.50 | \$42.07 | \$40.67 | \$37.63 | \$36.23 | \$8.86 |
| Institutional - Care Facility | per bed | \$6,481 | \$6,141 | \$5,993 | \$5,653 | \$5,818 | \$5,477 | \$0 |
| Institutional | per m ² of GFA | \$107.56 | \$103.87 | \$97.88 | \$94.18 | \$88.05 | \$84.35 | \$0.00 |

NEXT STEPS

After Council has reviewed the options and provided direction, the next step will be a stakeholder meeting to discuss the proposed rates and changes with the development community. Typically stakeholder and community consultation is conducted outside of summer months, to ensure stakeholders are available.

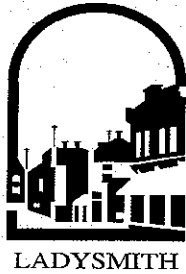
| Land Use | Nanaimo ¹ | Parksville | Qualicum Beach ² | Lantzville | Option 1 | Option 6 |
|--|----------------------|------------|-----------------------------|------------|----------|----------|
| Single Family Residential | \$16,060 | \$21,810 | \$19,110 | \$15,913 | \$18,238 | \$14,802 |
| Small Lot Single Family | \$16,060 | \$21,810 | \$19,110 | \$15,913 | \$13,602 | \$11,401 |
| Multi-Family Residential ³ | \$9,610 | \$16,035 | \$14,738 | \$11,207 | \$11,149 | \$9,399 |
| Downtown Multi-Family ³ | \$0 | \$16,035 | \$13,804 | \$11,207 | \$10,159 | \$8,582 |
| Commercial | \$83.66 | \$127.85 | \$114.16 | \$102.02 | \$119.36 | \$98.45 |
| Downtown Commercial | \$0.00 | \$127.85 | \$114.16 | \$102.02 | \$78.37 | \$64.84 |
| Industrial | \$21.35 | \$89.98 | \$62.03 | \$39.65 | \$45.90 | \$36.23 |
| Institutional - Care Facility ⁴ | \$5,856 | \$10,140 | \$8,481 | \$5,042 | \$6,481 | \$5,477 |
| Institutional | \$83.66 | \$131.75 | \$121.16 | \$255.89 | \$107.56 | \$84.35 |

¹ Nanaimo has a mobile home rate of \$9771.21 per hook-up, and a campground rate of \$2409.22 per campground

² Qualicum Beach has an additional industrial or commercial rate for Airport lands of \$74.39 per m²

³ 100m² used as an average multi-family unit size for comparison where a per m² rate is used

⁴ 70 m² used as an average care facility unit size for comparison where a per m² rate is used (this is not the average room size, but rather the building size including common areas, divided by the number of rooms)



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: June 30, 2010
File No: 6520-20

Re: DISPOSITION OF CROWN LAND – HOLLAND CREEK AREA

RECOMMENDATION(S):

That Council provide the following comments to the Province regarding ILMB application 1413401.

- The Town of Ladysmith will require, upon subdivision or development of the land, the dedication of a 20 metre right-of-way through Lot 103 to provide for (1) a collector road to connect Dogwood Drive to the subject lands and lands beyond; and (2) a trunk water main and sewer trunk mains, as identified in the Holland Creek Local Area Plan. The Town strongly encourages the Crown to require the dedication of this right-of-way prior to the Crown grant to Thuy'she'num Property Management Limited Partnership.
- The Town has a statutory right-of-way (L21783) registered over District Lot 103 (009-474-251) and Block 192 (009-438-319) for water supply purposes.
- The property is zoned 'F-1 Zone - Primary Forestry' and residential development is not a primary permitted use. The minimum parcel size is 20 ha. A review of the Holland Creek Local Area Plan will be required prior to Council's consideration of a rezoning proposal for the lands.

PURPOSE:

The purpose of this report is to advise Council of a Crown land Referral Request received from the Province for a Crown grant for residential purposes. The application is by Thuy'she'num Property Management Limited Partnership (a company of SFN). The lands are located within the Holland Creek Area Plan (HCAP) and are currently under woodlot licence to the SFN.

The 57 hectare area of land includes a portion of District Lot 103, a portion of Block 192, and Lot 1, District Lot 103, Plan 34532 (which includes an existing dedicated road). A map showing the subject lands is attached to this report.

INTRODUCTION/BACKGROUND:

The review of the Holland Creek Area Plan is on Council's Top 25 strategic priorities. The subject lands are located within this area.

The current Holland Creek Area Plan includes two accesses – Dogwood Avenue connector via access over Heart Creek and Colonia Drive connector via a bridge over Holland Creek. Water and sewer mains are expected to be located within the right of way. Road and servicing will be a developer's cost.

An adjacent private land owner (MPH Holdings) applied to the Province in 2008 for a road access from Dogwood Drive to relocate the existing, but un-constructed, road right-of-way and continue it to connect to DL110. The MPH file is 1413072.

SCOPE OF WORK:

The response to the Referral Request is due 30 calendar days from the date sent. The date sent is June 30, 2010.

ALTERNATIVES:

That Council provide additional comments for the consideration of the Province in its approval process.

FINANCIAL IMPLICATIONS:

The development of a road and provision of servicing will be at the cost of the developers of the Holland Creek Area lands.

LEGAL IMPLICATIONS:

The road dedication and provision of services is required for subdivision or development of the lands within the Holland Creek Area.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

A notice regarding the Crown grant application was published in the local newspaper and comments can be provided to July 24, 2010.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Director of Public Works and the Approving Officer have provided input on the recommendation.

RESOURCE IMPLICATIONS: N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

The review of the Holland Creek Area Plan is one of Council's Top 25 strategic priorities.

SUMMARY:

The Province has provided a referral of a Crown grant application to the Town. Road access and servicing are public interests of the Town.

I concur with the recommendation.

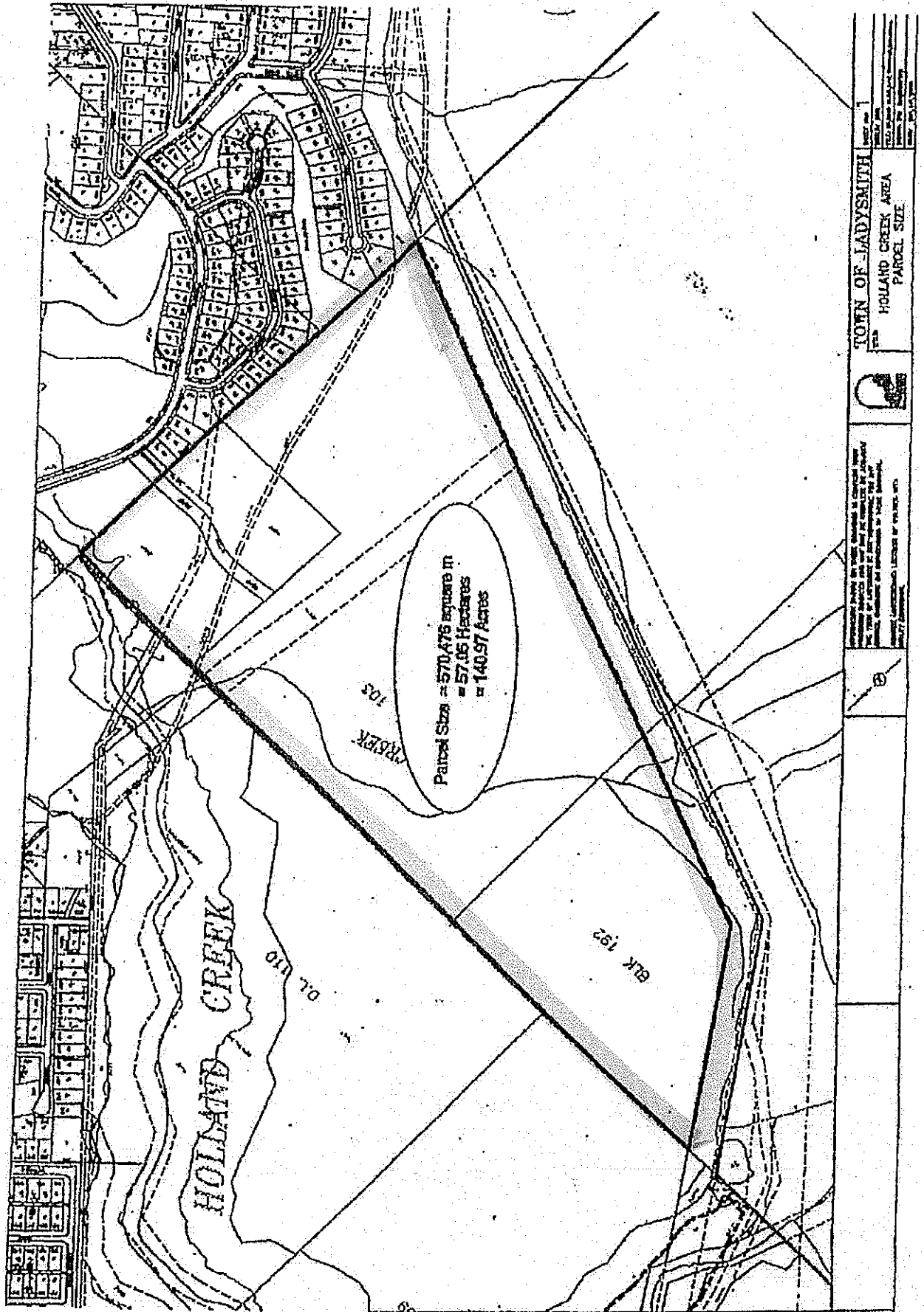


Ruth Malli, City Manager

ATTACHMENTS:

Map of subject lands – Land File No. 1413401

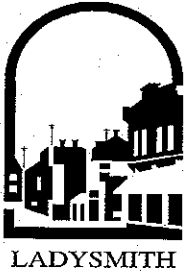
HOLLAND CREEK LANDS



| | |
|--------------------|----------------------|
| TOWN OF LADYSMITH | Scale 1:500 |
| HOLLAND CREEK AREA | Sheet No. 103 |
| PARCEL SIZE | Area, 570,476 sq. m. |



Information shown on this plan is derived from the original survey and is not intended to be used for any purpose other than the purpose for which it was prepared. The Town of Ladysmith is not responsible for any errors or omissions in this plan. ANY SURVEYING LICENSEE OR PROFESSIONAL ENGINEER'S SIGNATURE.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: June 30, 2010
File No:

Re: STRATA CONVERSION APPLICATION - 218 BAYVIEW AVENUE

RECOMMENDATION(S):

Option 1:

That Council consider no further a strata conversion application for 218 Bayview Avenue.

Option 2:

That Council provide preliminary approval to convert 218 Bayview Avenue to strata title units, subject to:

1. Staff and the applicant working towards a Housing Agreement Bylaw (s. 905, LGA) to secure in general terms (1) on-going rental, (2) maximum rental increases, and (3) including an accessible unit, as defined by the BC Building Code, in the renovation of the building.
2. The applicant providing the following information and commitments, in a form acceptable to the Town:
 - a) The immediate payment of a non-refundable processing fee of \$200 per unit up to \$2,500.
 - b) Notarized declaration regarding notice to current tenants.
 - c) Written report from a registered architect or engineer, in a form acceptable to the building inspector, that the building is of reasonable quality for its age, including reference to the state of repair, general workmanship, and whether the building substantially complies with applicable bylaws and the Building Code.
 - d) Written report from an electrical engineer stating that all the electrical works have been upgraded to current electrical code standards and a letter from the Provincial Electrical Inspector verifying and confirming the contractor's report.
 - e) Written report from the Fire Chief stating that each unit has been inspected and the building and each unit meets the Fire Department's requirements and applicable Provincial and Town bylaw regulations, including consideration of the installation of a fire sprinkler system.
 - f) Written report from the gas inspector stating that a gas inspection has been completed and approval received.
 - g) Preparation of a s. 219 Restrictive Covenant to secure (1) no change to the tenants' leases as part of the strata conversion; (2) right of first refusal for current tenants to purchase their suite, at a minimum 10%

discount to the market value; (3) \$25,000 contribution to the Town's community amenity fund prior to final plan approval.

3. That upon completion of the above items to the satisfaction of the Town within 18 months of Council's approval, unless an extension is granted upon request of the owner,
 - a) Preparation of a building strata plan, including dimensions, strata lots, limited common property and common property, in accordance with the provisions of the *Strata Property Act*.
 - b) Registration of the building strata plan.

PURPOSE:

The purpose of this report is to present a preliminary application for strata conversion of an existing 44 unit rental building located at 218 Bayview Avenue. The proposal is attached to this report.

INTRODUCTION/BACKGROUND:

The *Strata Property Act* (section 242) provides for the approval for conversion of previously occupied buildings. The approving authority is the municipal council. If a person wishes to deposit a strata plan for a previously occupied building, the proposed strata plan must be submitted to the approving authority for consideration of approval or refusal. The legislation provides items that must be considered, including:

- The priority of rental accommodation over privately owned housing in the area;
- Any proposal for the relocation of persons occupying a residential building
- The life expectancy of the building
- Project major increases in maintenance costs due to the condition of the building, and
- Any other matters that in its opinion, are relevant.

Other local governments have established policies and administrative processes for the conversion of previously occupied buildings to strata title units. For example, in Nanaimo strata conversions are not considered when the rental vacancy rate is below three percent and in Saanich the rate used is four percent. A specific rental vacancy rate is not collected for Ladysmith; however, it is known that there are limited rental apartment units available in Ladysmith.

A report was recently completed by Social Planning Cowichan regarding affordable housing in the CVRD. 2006 Census data is the latest available information. In summary, 19% of Ladysmith households are renters. 44% of these renters paying more than 30% of their household income on rent which is considered to be core housing need. Average gross payment for rented dwellings is reported to be \$662. Rental vacancy rates for Ladysmith are not collected.

SCOPE OF WORK:

If Council wishes to consider this strata conversion proposal, staff could be directed to undertake further investigation with regard to securing a supply of on-going rental

housing. The applicant has provided a preliminary package outlining steps to be undertaken to preserve rental units in this building. As the applicant is eager to receive a decision from Council, staff has provided a series of recommendations for Council to consider to address building code, fire safety and affordable housing issues as a starting point for discussion purposes.

ALTERNATIVES: Two options are provided to Council.

FINANCIAL IMPLICATIONS:

Staff is recommending a non-refundable fee of \$200 per unit up to \$2,500 which is the fee used by the District of North Cowichan and the City of Duncan.

The applicant advises that Generation Properties has completed many stratification projects where required work costs were secured by letter of credit or bond with the Town, so that signatures on the plan can occur immediately. This approach would enable the company to do the improvements sooner, by coordinating sales. Staff has not had the opportunity to consider the implications of such an approach.

LEGAL IMPLICATIONS:

Legal counsel has provided a template policy which is attached to this report.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

It is recommended that the applicant would be required to provide information to the tenants as shown on the attached forms. This process is modeled on the process used by the City of Nanaimo.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The review of proposals for strata conversion would involve Development Services (policy, development permit), Public Works (building inspection and engineering) and the Approving Officer (plan approval), and the Fire Chief. The Fire Chief has expressed a strong interest in fire safety upgrades being undertaken in this building.

RESOURCE IMPLICATIONS:

Strata conversion applications will take staff resources and the proposed fee is expected to off-set costs.


ALIGNMENT WITH STRATEGIC PRIORITIES:

Affordable housing is important to the community.

SUMMARY:

A strata conversion proposal has been received. The applicant has provided a proposal which is attached to this report.

I concur with the recommendation.



Ruth Mall, City Manager

ATTACHMENTS:

- s. 905 Local Government Act
- Letter and attachments dated June 24, 2010 prepared by Generation Properties Inc.
- Forms – notice to tenants and declaration
- Applications for Conversion to Strata Title – Policy and Guidelines (template policy)

Local Government Act

Housing agreements for affordable and special needs housing

905 (1) A local government may, by bylaw, enter into a housing agreement under this section.

(2) A housing agreement may include terms and conditions agreed to by the local government and the owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions respecting one or more of the following:

(a) the form of tenure of the housing units;

(b) the availability of the housing units to classes of persons identified in the agreement or the bylaw under subsection (1) for the agreement;

(c) the administration and management of the housing units, including the manner in which the housing units will be made available to persons within a class referred to in paragraph (b);

(d) rents and lease, sale or share prices that may be charged, and the rates at which these may be increased over time, as specified in the agreement or as determined in accordance with a formula specified in the agreement.

(3) A housing agreement may not vary the use or density from that permitted in the applicable zoning bylaw.

(4) A housing agreement may only be amended by bylaw adopted with the consent of the owner.

(5) If a housing agreement is entered into or amended, the local government must file in the land title office a notice that the land described in the notice is subject to the housing agreement.

(6) Once a notice is filed under subsection (5), the housing agreement and, if applicable, the amendment to it is binding on all persons who acquire an interest in the land affected by the agreement, as amended if applicable.

(7) On filing under subsection (5), the registrar must make a note of the filing against the title to the land affected but, in the event of any omission, mistake or misfeasance by the registrar or the staff of the registrar in relation to the making of a note of the filing,

(a) neither the registrar, nor the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

(a.1) neither the assurance fund nor the Land Title and Survey Authority of British Columbia, as a nominal defendant, is liable under Part 19.1 of the *Land Title Act*, and

(b) neither the assurance fund nor the minister charged with the administration of the *Land Title Act*, as a nominal defendant, is liable under Part 20 of the *Land Title Act*.

(8) The Lieutenant Governor in Council may prescribe fees for the filing of notices under subsection (5), and section 386 of the *Land Title Act* applies in respect of those fees.



June 24, 2010

Town of Ladysmith
132C Roberts Street
Ladysmith, British Columbia
V9G 1A4

Attention: Town Council
Felicity Adams, Director of Development Services
Patrick Durban, Director of Parks, Recreation & Culture

Dear Sirs & Mesdames:

Re: Strata Conversion of 218 Bayview Avenue, Ladysmith, BC

Please accept this letter as our formal application for the conversion of the above noted property to strata titles. Generation Properties Inc. has an accepted agreement of purchase and sale for this property, with the specific right to convert the property prior to closing with the current owner, subject to the Town of Ladysmith's approval. Such consent by the registered owner is included in this package.

As requested, the following information is attached:

1. Property address – *218 Bayview Avenue, Ladysmith, British Columbia.*

Legal description - Lot A, District Lot 56, Oyster District, Plan 26708, PID #002-406-497

2. Copy of the certificate of title.

See attached.

3. Site survey.

See attached.

4. Number of units in the building

44 suites, comprising of 3 bachelor units, 17 one-bedroom units and 24 two-bedroom units.

5. Sizes of units (# of bedrooms)

Bachelor units average approximately 400 square feet, one-bedroom units approximately 625 square feet and two-bedroom units approximately 825 square feet. Exact sizes will be determined by the finalized strata plan, upon approval by the Town.

Vancouver Island Office, P.O. Box 220, Crofton, British Columbia, CANADA V0R 1R0 | Phone: 250.416.0200 | Fax: 250.416.0292

Extraordinary Lifestyles, Superior Investments.

6. Current monthly rental cost.

Rental costs range from \$500 to \$750 per month, depending on size, upgrades and tenant tenure.

7. Current building vacancy rate.

Currently, there are two units vacant.

8. Tenure of current residents (months/years in the building) – There is a wide range of tenures, as follows:

| | | |
|-----------|-----------|------------|
| 1992 – 1 | 1996 – 1 | 2000 – 2 |
| 2002 – 1 | 2001 – 1 | 2004 – 3 |
| 2005 – 2 | 2007 – 1 | 2008 – 1 |
| 2009 – 10 | 2010 – 19 | Vacant – 2 |

The majority of the occupants are recent, making this a transient building with limited long-term tenancies.

9. Proposals by the owner/developer for the on-going tenancy of persons who may be affected by the proposed conversion to demonstrate that the conversion would not adversely affect the rental vacancy rate in the municipality.

See attached and item #16 below.

10. The life expectancy of the building.

In its current state and without major upgrades, the life expectancy of the building is about 10 years. With the conversion and upgrade program detailed by Generation Properties, the life expectancy of the building will be 50+ years, and with ongoing preventative maintenance and replacements, the building will be around indefinitely. A full engineered reserve fund study will be made available to potential purchasers and tenants wishing to purchase their strata lot, upon conversion. This study breaks down all major components in detail, and suggests a payment structure to ensure funds are available when required to replace those components.

11. Proposed up-grades to the building and cost implications for tenants.

*See attached up-grades. There are **NO** cost implications for tenants. The tenants will be consulted to assist in the renovation process, especially for in-suite repairs, but also for replacements of balconies and windows/doors.*

*As of today's date, we are anticipating spending in excess of **Eight Hundred Thousand (\$800,000.00) Dollars** on the renovation of 218 Bayview Avenue. This budget will allow us to bring the building up to "like new" standards, and provide the tenants with a much nicer suite in which to live and call their home.*

All of the renovation costs, with the exception of appliances, will be spent through local trades, pouring the majority of the renovation funds into the local economy.

12. If the applicant is not the owner, the application must be accompanied by the written consider.

See attached

Also enclosed are a group of supporting documents, detailing the conversion statistics, the affect on tenancies and rental rates and letters from tenants who resided in buildings where strata conversions, like this one, were completed.

13. *CMHC Vacancy rate and average rental statistics & discussion. See attached*

14. *Property tax implications & a proposed "affordable housing" fund. See attached.*

15. *Photographs of previous strata conversion projects, including interior and exterior "before & after" photos. See attached*

16. *Letters from tenants who resided in other buildings that were stratified by Generation Properties, who were tenants prior to the stratification/renovation, and remained after renovations. See attached*

17. *Letter from Rob Conway, planner with the Cowichan Valley Regional District, former planner with the District of North Cowichan. See attached.*

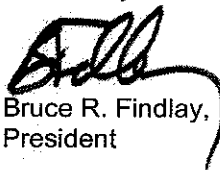
18. *Green initiatives.*

The state of the earth is very important to us, and as such we are doing what we can to come up with affordable "green" initiatives. Some of those include replacing the old single-pane aluminum windows with high-efficiency double-pane units, replacing the light fixtures with low-energy fixtures and bulbs, replacing or rebuilding the 37-year-old boiler system with higher-efficiency parts, etc. Creating a building that has efficient components is critical to the future viability of this building, and we will ensure these changes are completed after conversion.

Based on the application package, we would request that the Council of the Town of Ladysmith, at the July 5th Council Meeting, provide preliminary approval to convert 218 Bayview Avenue to strata titles, subject to certain documents being provided to Town staff, such as a code report and a draft strata plan.

I trust you will find the foregoing satisfactory and look forward to presenting our application to Council on July 5th.

Yours truly,



Bruce R. Findlay, BBA
President

Item #2

Date: 25-Jun-2010
Requestor: (PA84333)
Folio:

TITLE SEARCH PRINT
DUNFERMLINE ENTERPRISES
TITLE - FB91680

Time: 13:25:58
Page 001 of 002

VICTORIA LAND TITLE OFFICE TITLE NO: FB91680
FROM TITLE NO: ES14716

APPLICATION FOR REGISTRATION RECEIVED ON: 29 AUGUST, 2007
ENTERED: 05 SEPTEMBER, 2007

REGISTERED OWNER IN FEE SIMPLE:
D.D. 218 BAYVIEW APARTMENTS LTD., INC.NO. BC0799615
5310 EXPLORER DRIVE
MISSISSAUGA, ON
L4W 4J6

TAXATION AUTHORITY:
TOWN OF LADYSMITH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 002-406-497
LOT A, DISTRICT LOT 56, OYSTER DISTRICT, PLAN 26708

LEGAL NOTATIONS:

NOTICE OF INTEREST, BUILDERS LIEN ACT (S.3(2)), SEE FB137024
FILED 2008-01-15

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS

M76300
REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A 52726G SECTION 172(3)
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

EASEMENT

EF99076 1992-07-31 15:13
REMARKS: PART ON PLAN VIP54806; APPURTENANT TO
LOT 1, PLAN 48601

MORTGAGE

FB96125 2007-09-10 13:34
REGISTERED OWNER OF CHARGE:
GE CANADA REAL ESTATE FINANCING HOLDING COMPANY
INCORPORATION NO. A0066605
FB96125

ASSIGNMENT OF RENTS

FB96126 2007-09-10 13:34
REGISTERED OWNER OF CHARGE:
GE CANADA REAL ESTATE FINANCING HOLDING COMPANY
INCORPORATION NO. A0066605
FB96126

Date: 25-Jun-2010
Requestor: (PA84333)
Folio:

TITLE SEARCH PRINT
DUNFERMLINE ENTERPRISES
TITLE - FB91680

Time: 13:25:58
Page 002 of 002

MORTGAGE

FB300021 2009-09-22 09:30

REGISTERED OWNER OF CHARGE:

GE CANADA REAL ESTATE FINANCING HOLDING COMPANY
INCORPORATION NO. A0066605

FB300021

ASSIGNMENT OF RENTS

FB300022 2009-09-22 09:30

REGISTERED OWNER OF CHARGE:

GE CANADA REAL ESTATE FINANCING HOLDING COMPANY
INCORPORATION NO. A0066605

FB300022

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Item #3

richard j. wey
B.C. Land Surveyor

The Oakville - Suite 106, 8717 Inira Street
Sidney, B.C. V8L 3A3
Telephone (604) 666-8155

In the matter of:

Lot A, District Lot 56, Oyster District,
Plan 26708

Client: Garry Barsalou

I have inspected the existing building shown at 219 Bayview Road
and hereby certify that the said structure is situate with respect
to nearby boundaries as shown on the sketch below.

This document is prepared for mortgage and municipal purposes only.

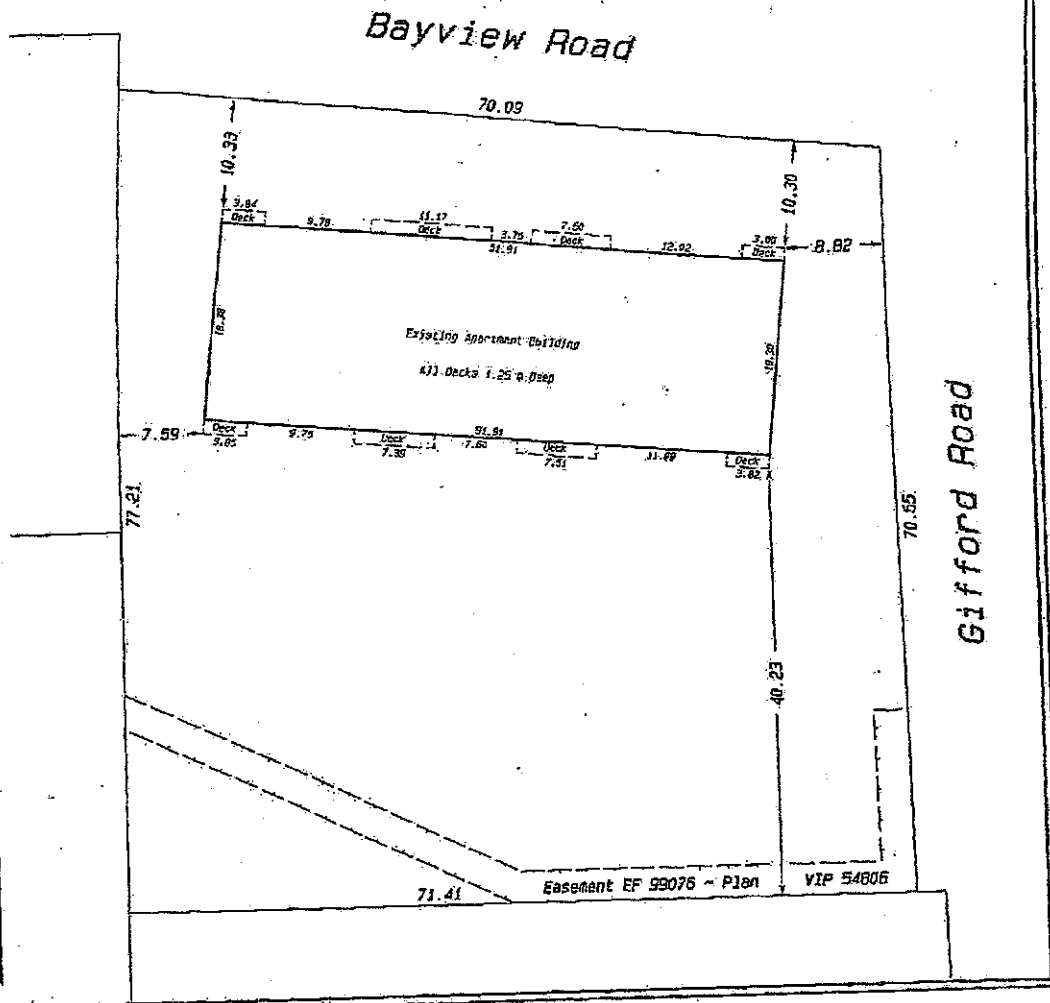
Dated this 8th day of July, 1993

 B.C.L.S. ©

This document is not valid unless originally signed and sealed.

Distances shown are in metres.

Scale = 1:500



Item #9

Effect on Current Residents

With the conversion of 218 Bayview Avenue in Ladysmith, BC, to strata titles, there is some effect on the current residents living in the building. The majority of the changes are positive, as follows:

1. **ALL tenant leases will be honoured** and maintained; our program requires tenants to be in place and paying rent, and as such, we **NEVER** evict tenants for the stratification, renovations or sale of units to the open market. **NEVER**. As developers, we are very cognizant of the fact that maintaining a current tenant is three-times more efficient than trying to find a new tenant. The only time a tenant is evicted in our buildings is for cause, as defined in the *Residential Tenancies Act (British Columbia)*.
2. **ALL suites within the building will be renovated to "like new" standards**. The up-grade list is included elsewhere in this package, but to summarize, the building will be receiving a much-needed facelift to ensure its life expectancy becomes indefinite. For the renovations in-suite, we use a "holding tank" process, which involves the understanding and cooperation of the tenants. Essentially, we pack up and move tenants (up to 4 separate units at a time) into adjacent suites within the building, at our cost, including moving their phone, cable and internet connections. They will be within those holding units for approximately one month while their unit is being renovated from top to bottom. When completed, the tenants are packed up and moved back into the brand-new suite, again at our cost. **No changes to the tenants' leases occur as part of the renovation** – we always honour their rent and their terms completely.
3. **The Town of Ladysmith's rental vacancy rate will NOT change because of the strata conversion**. As we do not evict tenants, no tenant is required to leave the building, and as such, no vacancy issues arise from the stratification or renovation process.
4. **First right of refusal**. As part of our sales program, we provide tenants in the suites the FIRST right to purchase their suites, at a substantial discount to the market value. We believe that tenants should become owners of real estate, if they can, and we try our best to provide them with the opportunity to do that, through discounts and access to seasoned mortgage brokers. In this case, **tenants will be offered at least a 10% discount on the market value of the units**.
5. **Rental increases**. While we sell the units to investors, we take an active part in overseeing the management operation of the building into the future. In this case, should the conversion be successful, we will be keeping one unit for our balance sheet and be involved in the Strata Council. Rent increases are a fact of life in rental living in Canada, and while we do not gouge renters in increases, we do have to ensure that additional costs incurred with operating the building are covered, such as heating increases, insurance rates rising, etc. However, we ensure the rental increases are within those legislated by the Province of British Columbia.
6. **Affordable housing incentive**. As developers, we are always aware and concerned about the need for affordable housing. As detailed above, we are offering units at a discount to the market for current tenants. As well, we are enclosing a proposal to set up an "affordable housing" fund. This proposal is detailed further within this package.

Item #11

**218 Bayview Avenue
Ladysmith, BC**

RENO SHEET

Proposed renovations (as required) are to include:

In Suite

Complete paint of all walls, ceilings, doors & closets, patching and repairs
New good quality carpet & underpad in all living areas, and vinyl flooring in kitchen and bathroom
New cabinets & countertops in kitchen and bathroom
New updated lighting & decora switches/plugs throughout
New blinds throughout
New baseboards
New plumbing fixtures & handsets , as required
Repairs as required

Common Areas

New windows throughout
New patio sliding doors throughout
New high-quality vinyl decking
New balcony railings and glass panels
New complete exterior painting
Exterior stucco & cedar siding repairs (possible full replacement, depending on costs)
New building awnings & signage
New common area lighting
Landscape improvements to shrubs and grounds
Asphalt repairs & repainting (as required)
Other repairs as required

Item #12

June 14, 2010-06-15

Town of Ladysmith
Box 220
Ladysmith, British Columbia
V9G 1A2

Attention: Development Services

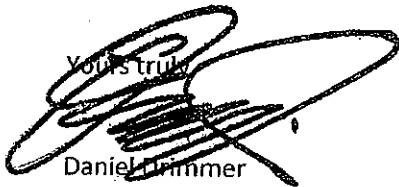
To Whom It May Concern:

Re: 218 Bayview Avenue, Ladysmith, British Columbia

The undersigned is the registered owner of the above captioned property in Ladysmith. We are in contract to sell the property to Generation Properties, and as such, provide this letter of authorisation for Generation Properties to apply for the conversion of the building to strata lots.

Thank you.

Yours truly



Daniel Dimmer
D.D. 218 Bayview Apartments Ltd.

Item #13

CMHC Vacancy Rates & Average Market Rents

Attached you will find an analysis of the CMHC reported vacancy rates and market rents from 2002 to 2010 for the cities of Duncan / North Cowichan and Nanaimo. Unfortunately, due to the small size of the rental universe in the Town of Ladysmith, no specific data is provided; as such, we have to extrapolate from these two numbers with some weight on an average.

As shown, the vacancy rates are on the upswing compared to the last few years, in both Duncan and Nanaimo. These rates are shown for illustrative purposes only, to show that vacancy rates have sometimes very little to do with rental increases in certain cities and provinces.

The table on rental rates is quite interesting to note, showing a steady increase from 2002 through to 2010. Duncan shows an average rental increase of approximately 27% while Nanaimo shows an average of about 30%. This means that an average 2-bedroom unit has increased approximately 30% from its 2002 rental rate, resulting in an average of about \$705 in Duncan and \$775 in Nanaimo.

The table at the bottom, outlined in a box, shows three projects located in the Cowichan Valley – two in Duncan and one in Chemainus. Two projects (Lockwood & Crystal Creek) were apartment-to-strata conversions, undertaken by the Bruce Findlay, the president of Generation Properties; one project (Shaughnessy) was already stratified, but run as an apartment building. (A letter from Rob Conway, planner with the CVRD, details the conversion processes through his letter included elsewhere in this application package).

The information illustrated in the box clearly shows that, while the conversions were done on all three buildings, extensive renovations completed (over \$1,100,000.00), rental increases essentially matched the market rent increases, as detailed by CMHC above. The conversion to strata units does not artificially inflate rental rates or price the units out-of-the-market; what it does is **provide like-new units for affordable rental rates**. This information is real and trackable, and available for perusal by Council, if required.

Stratifying apartment buildings, the way Generation Properties completes the process, is a great way to guarantee GOOD quality rentals at affordable rates, while ensuring buildings are renovated and maintained for the long-term. There is no downside to this stratification from the Town of Ladysmith's point of view.

**CMHC Rental Market Reports
Vacancy Rates & Average Rents**

| Vacancy Rate | Fall 2002 | Fall 2003 | Fall 2004 | Fall 2005 | Fall 2006 | Fall 2007 | Fall 2008 | Fall 2009 | Spring 2010 |
|----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|----------------|
| <i>Duncan / N.Cowichan</i> | | | | | | | | | |
| Bachelors | 11.4 | 11.4 | 5.9 | 4.3 | 1.4 | - | 1.5 | 8.6 | - |
| 1-Bedrooms | 7.2 | 8.3 | 4.9 | 1.9 | 2.1 | 2.7 | 3.5 | 4.9 | 3.1 |
| 2-Bedrooms | 15.2 | 9.0 | 2.0 | 1.1 | 2.0 | 1.4 | 1.8 | 6.7 | 4.6 |
| <i>Nanaimo</i> | | | | | | | | | |
| Bachelors | 1.3 | 1.6 | 4.2 | 0.5 | 6.2 | 1.5 | 1.4 | 1.5 | 3.1 |
| 1-Bedrooms | 3.8 | 0.4 | 0.8 | 1.2 | 0.8 | 0.8 | 0.7 | 2.8 | 3.8 |
| 2-Bedrooms | 3.7 | 2.1 | 1.4 | 1.5 | 2.0 | 1.1 | 1.5 | 4.4 | 4.8 |

| Average Rents | | | | | | | | | | Increase 2002 - 2010 |
|----------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------------------|
| <i>Duncan / N.Cowichan</i> | | | | | | | | | | |
| Bachelors | 401 | 407 | 416 | 420 | 433 | 448 | 472 | 506 | 509 | 26.93% |
| 1-Bedrooms | 455 | 563 | 463 | 484 | 494 | 548 | 569 | 587 | 602 | 32.31% |
| 2-Bedrooms | 569 | 572 | 577 | 591 | 604 | 638 | 669 | 696 | 705 | 23.90% |
| <i>Nanaimo</i> | | | | | | | | | | |
| Bachelors | 388 | 396 | 408 | 446 | 455 | 460 | 495 | 509 | 509 | 31.19% |
| 1-Bedrooms | 490 | 504 | 518 | 543 | 563 | 581 | 614 | 629 | 636 | 29.80% |
| 2-Bedrooms | 592 | 601 | 629 | 658 | 682 | 700 | 750 | 768 | 773 | 30.57% |

| Projects Completed in the Cowichan Valley | | | | | |
|---|------------|------------------|-----------------|----------|----------------------------|
| | | Original Rent | Current 2010 | Increase | Renovation Budget /unit |
| Shaughnessy (2001) | | | | | |
| Duncan | 1-Bedrooms | 500 | 650 | 30.00% | \$9,050 |
| | 2-Bedrooms | 565 | 750 | 32.74% | |
| Lockwood (2002) | | | | | |
| Chemainus | Bachelors | 385 | 495 | 28.57% | \$8,950 |
| | 1-Bedrooms | 450 | 595 | 32.22% | |
| | 2-Bedrooms | 525 | 700 | 33.33% | |
| Crystal Creek (2003) | | | | | |
| Duncan | 3-Bedrooms | 698 | 895 | 28.22% | \$18,400 |

Item #14

Proposed Affordable Housing Fund

With the conversion of 218 Bayview Avenue in Ladysmith, BC, to strata titles, the increase in value from a property tax assessment point of view for the building is substantial. The building, as an apartment complex, is currently assessed at \$2,006,000, and is subject to taxes totaling \$14,788.33 in 2010. Of that \$14,788.33, a portion is direct to schools (\$4,665.35), leaving \$10,122.98 for the Town's usage.

With stratification of the property, and the re-sale of the strata units, based on the BC Assessment Office's mandate for fair market assessments, the strata-titled assessments should increase to over \$6,000,000. This increase in assessment will result in an increase of property taxes to ~\$43,750.00, with the Town's portion anticipated at ~\$30,000.00. (Note that, by stratifying this property, the school system also sees an increase in funding of ~\$9,000.00 as a direct result of this process).

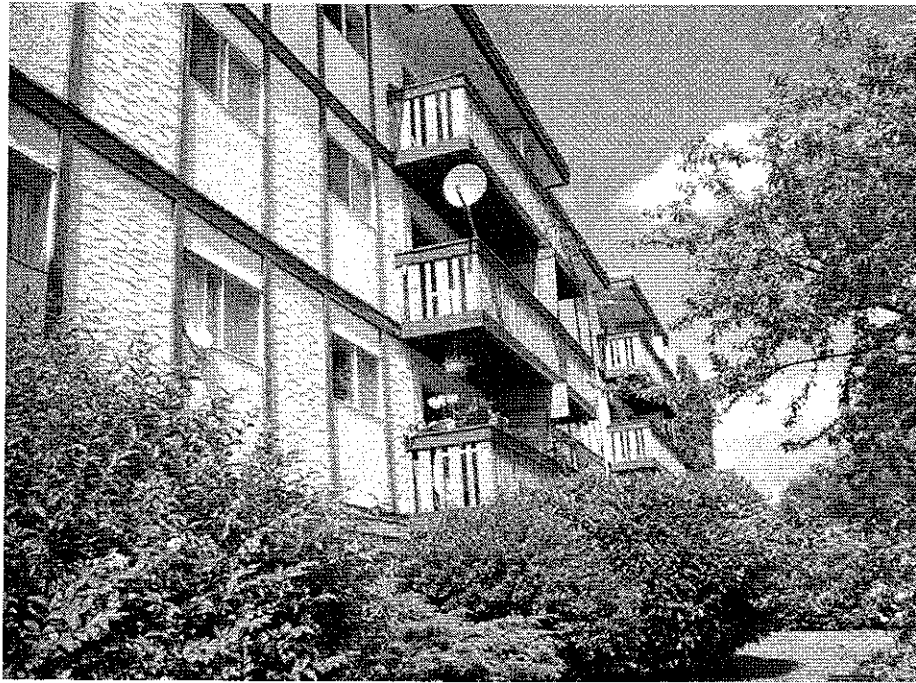
As discussed in the "Affect on Current Residents" section, as developers we are always aware and concerned about the need for affordable housing. While we can offer certain incentives to tenants to purchase their units, it is difficult for us to offer lower rates than the current market rents, due to the ever-increasing costs of maintaining and operating apartment / condominium buildings. What we CAN do is provide some incentive for the municipalities to more readily assist their citizens in being able to afford the rents in those communities.

Our proposal:

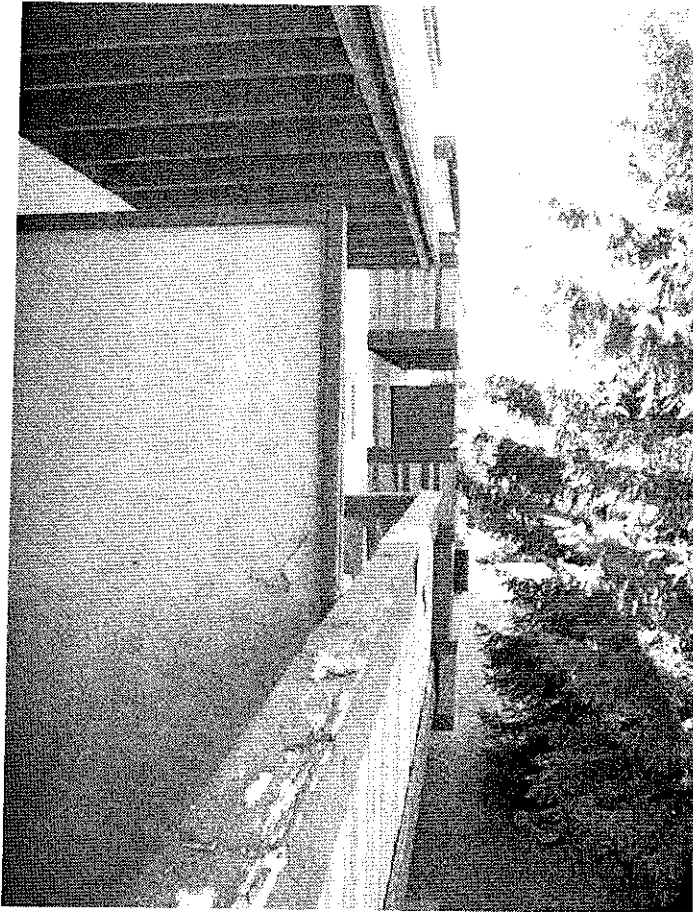
1. Upon the successful stratification and sellout of the property at 218 Bayview Avenue, we would place **Twenty-Five Thousand (\$25,000.00) Dollars** into an Affordable Housing Fund, to be administered by either the Town of Ladysmith, or an independent society reporting to the Town Council.
2. We would suggest the property tax differential (i.e. the \$30,000 above less the \$10,122.98 current tax) created by stratifying 218 Bayview Avenue be placed annually into this fund, to ensure it continues to grow and be maintained into the future. In the first year, over **Forty-Five Thousand (\$45,000.00) Dollars** would be available for residents who qualify.
3. Create a qualification process, based on income levels, family situation and need, and provide a certain level of rental subsidy from the Affordable Housing Fund on a monthly basis, subject to approval. We would suggest \$25 to \$50 per month be made available for low-income rental qualifiers. Based on a usage of 10% of Ladysmith renters, the fund usage would be ~\$27,000 per year.
4. In order to maintain and build on the Affordable Housing Fund, we suggest the Town Council implement a development strategy to require **ALL** developers to deposit a certain percentage of any development project's cost into the Fund prior to development approval being provided. This will ensure the Fund is always sustained.

Item #15

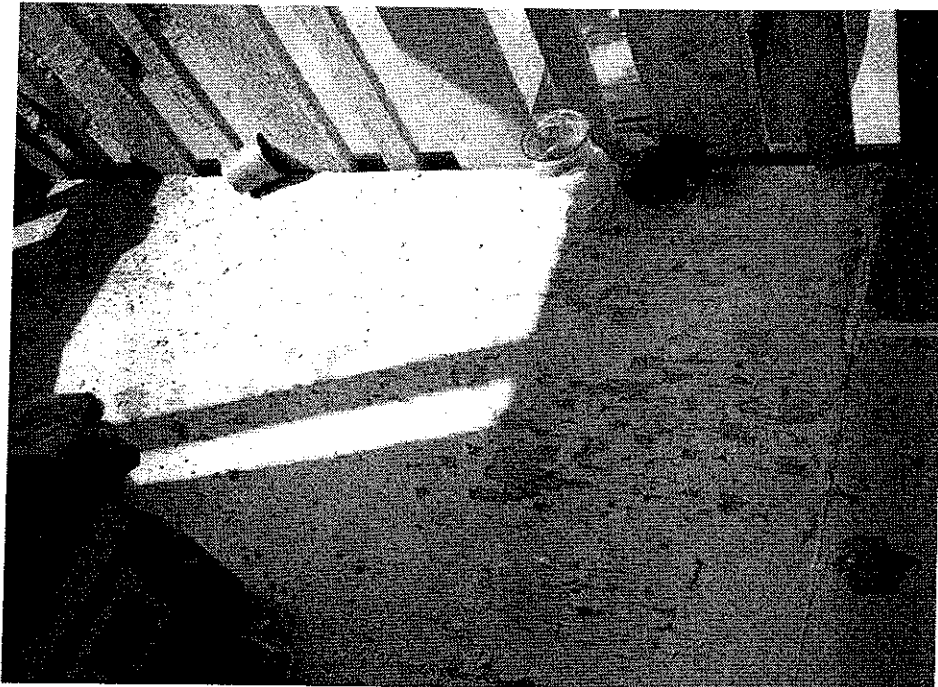
Exterior Photos



With our exterior renovations, the entire look of the building will be transformed to 2010 standards, including new paint, aluminum balcony railings, glass balcony pickets, new windows, new patio doors and potentially new siding (depending on cost). All of this can be done if strata approval is provided.

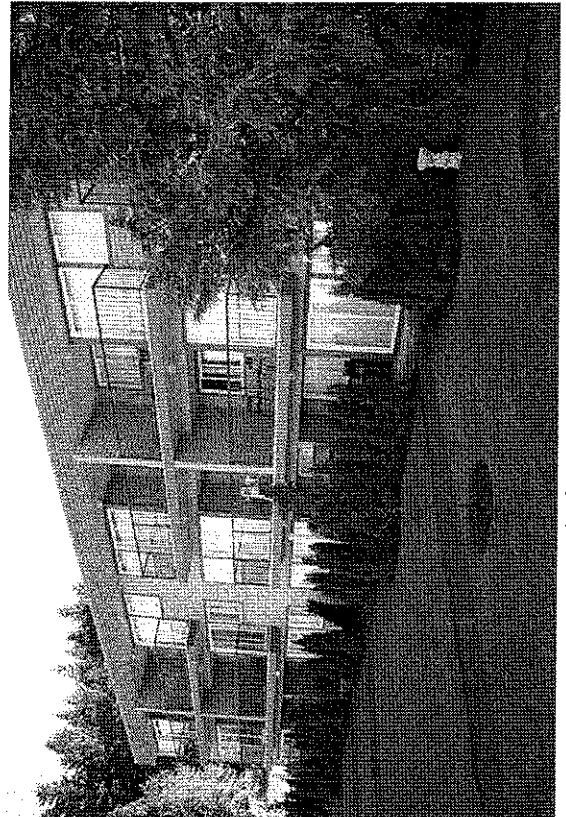


Typical Balcony (Notice paint deterioration)



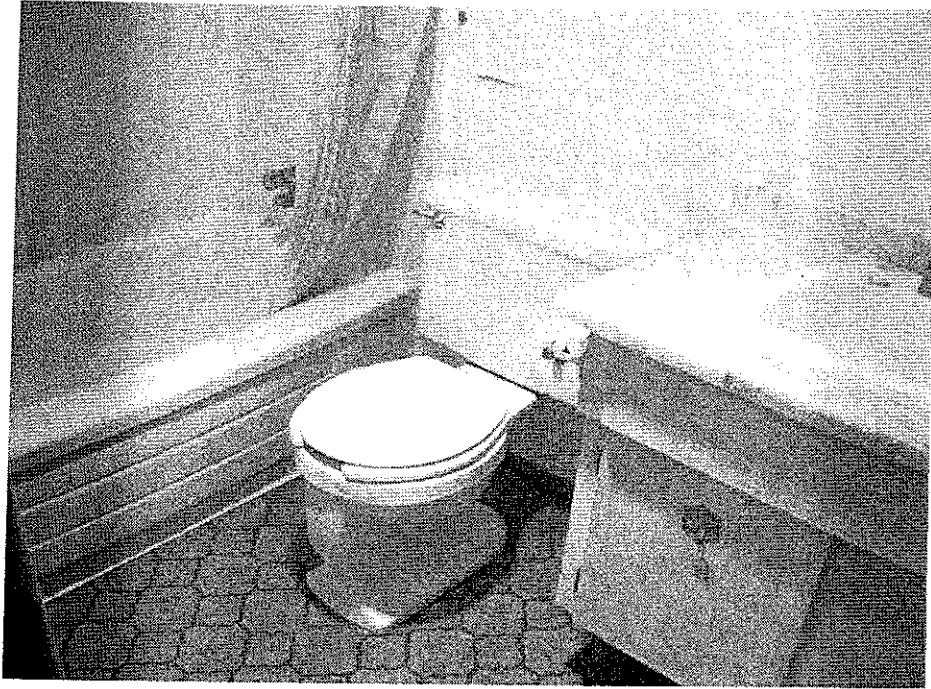
Typical Balcony

The balconies need attention soon. Complete balcony replacement can be done through conversion.

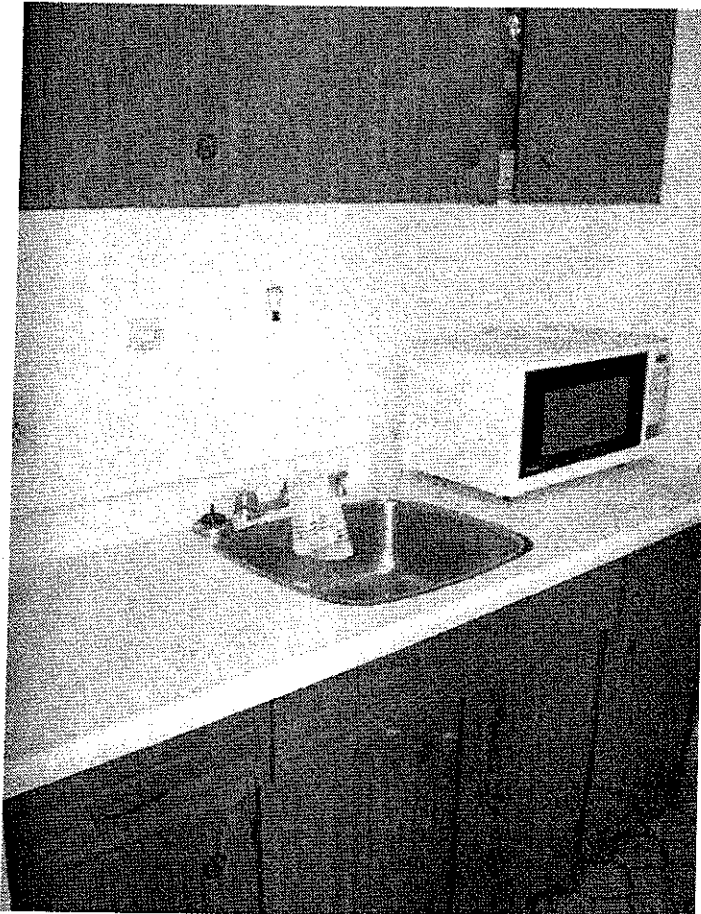


Typical Exterior Renovation

Current Condition of Units



Typical Bathroom Condition

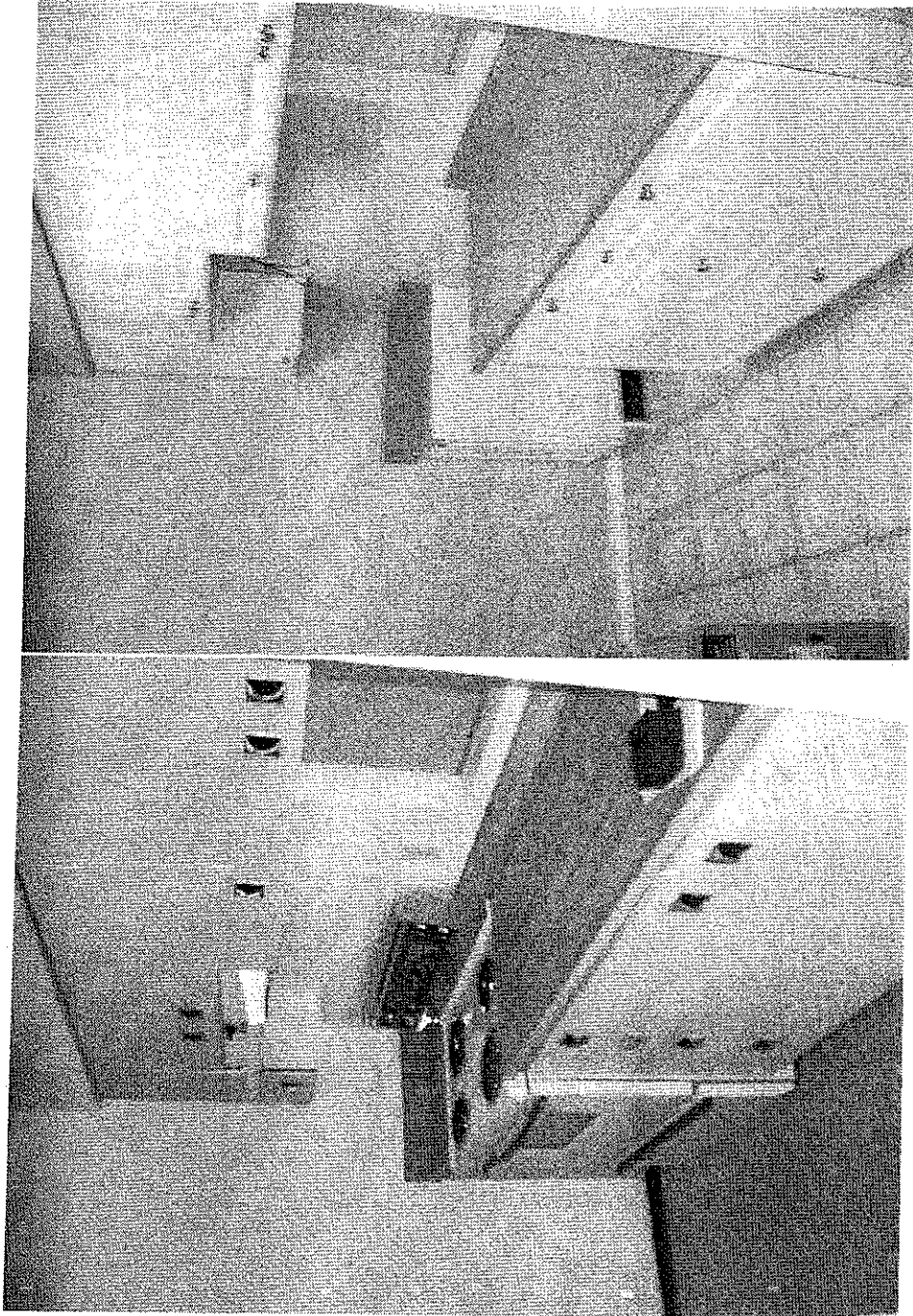


Typical Kitchen Condition

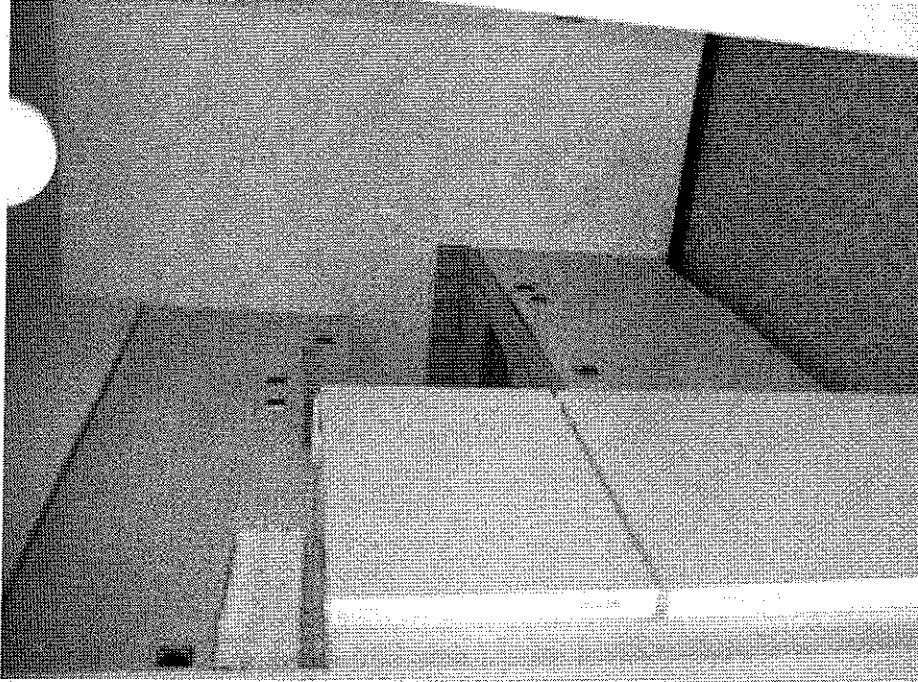
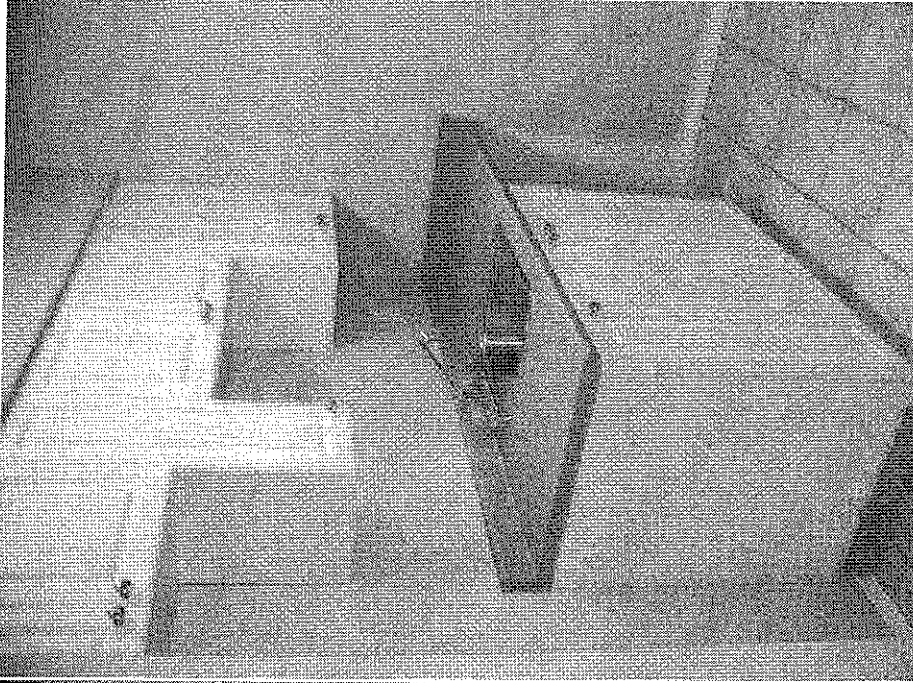


Typical Kitchen Condition

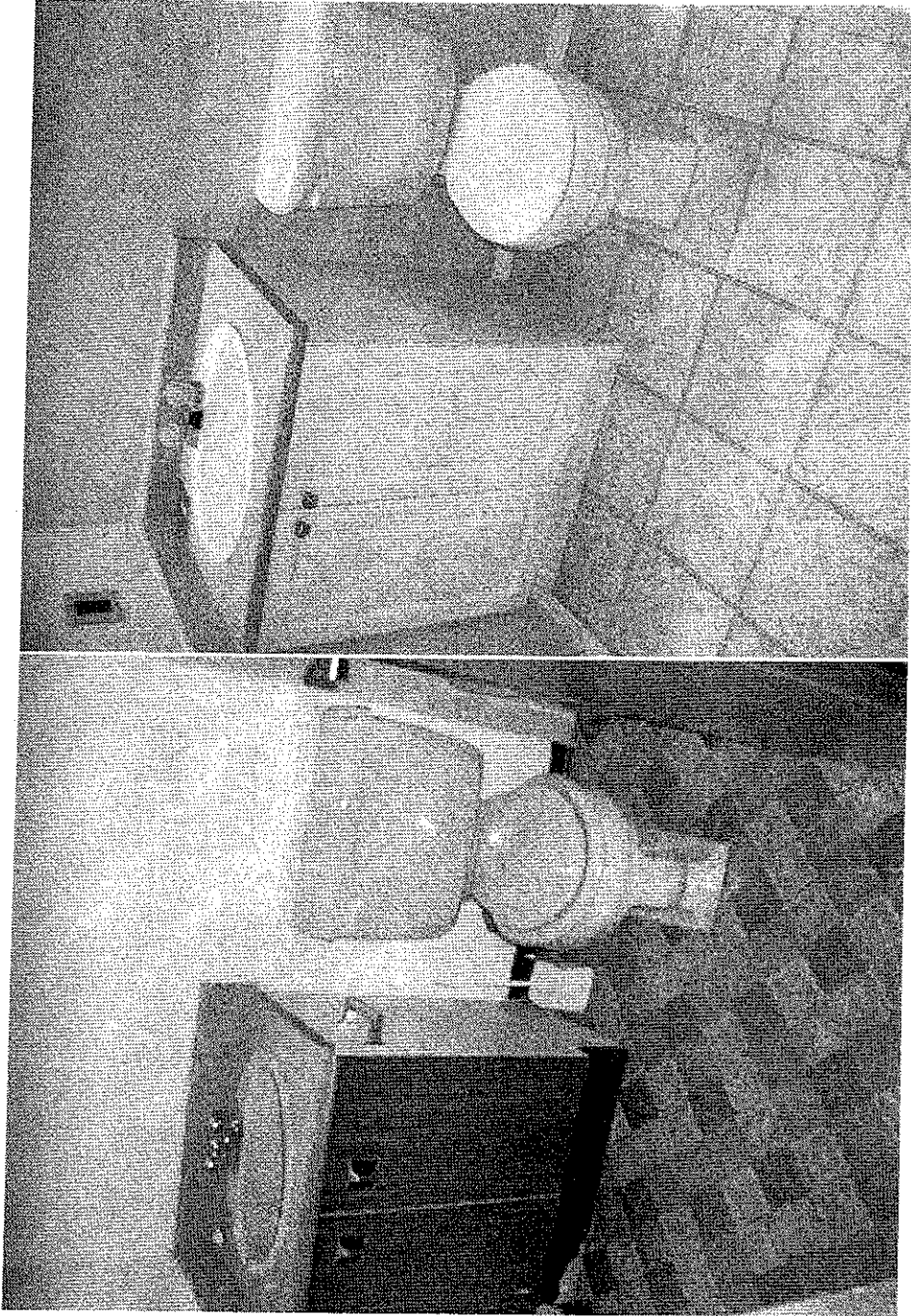
Interior Photos "Before & After"



Typical Kitchen Renovations



Typical Kitchen Renovations



Typical Bathroom Renovations

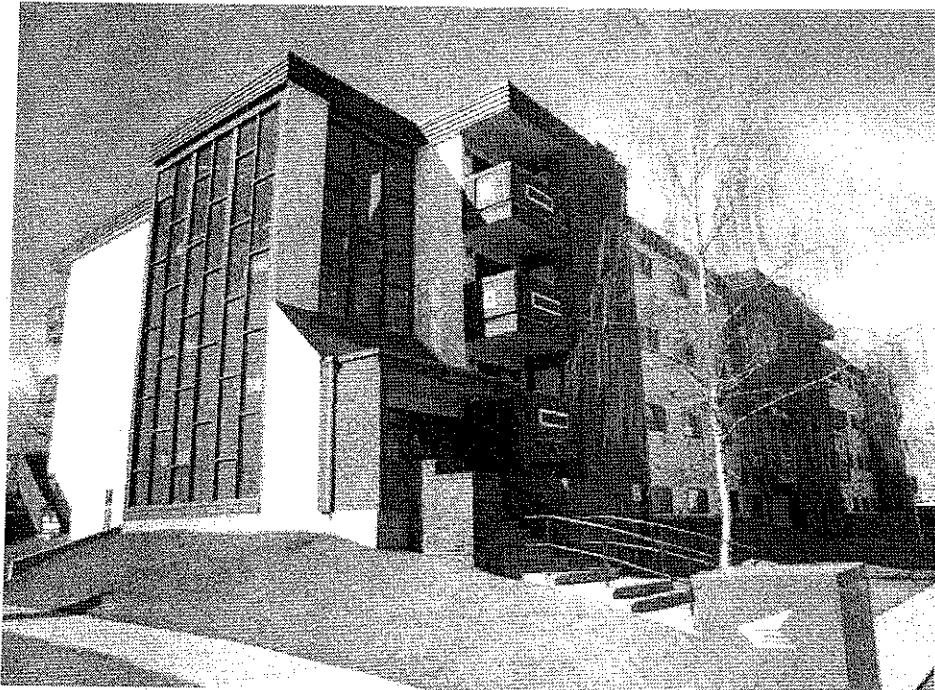


Typical Bathroom Renovations

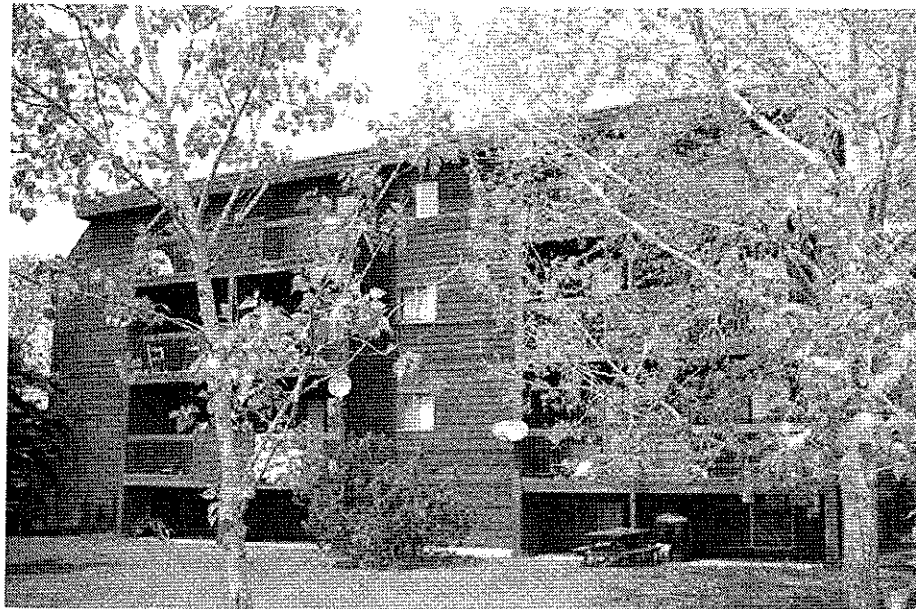
Previous Projects



The Brownstone
11 & 13 Brown's Court
Charlottetown, Prince Edward Island



Parke Avenue Square
7108, 7124 & 7140 Parke Avenue
Red Deer, Alberta



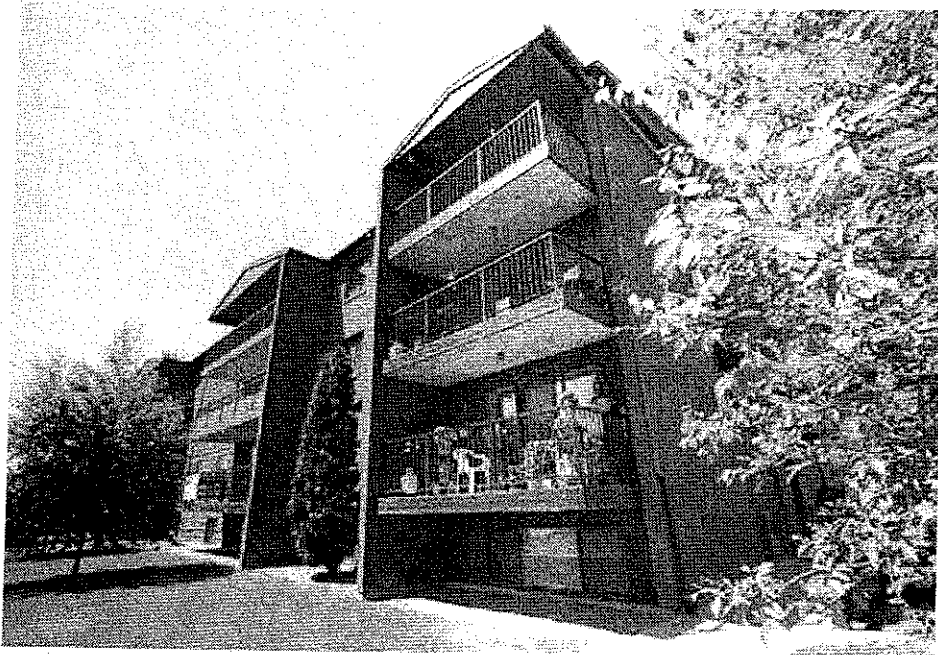
City Gate
5418 – 52nd Street
Camrose, Alberta



Edgewater Estates
250 Hemlock Street
Ucluelet, British Columbia



Edgewater Estates
24 Suffolk Street
Riverview, New Brunswick



The Citadel
130A – 2nd Street N.E.
Medicine Hat, Alberta

Item #16

ECHO PARK ESTATES APARTMENT COMPLEX

17 4110 Kendall Ave
Port Alberni BC
V9Y5J1
Phone 250 7234532

June 21, 2010

TO WHOM IT MAY CONCERN:

Bruce Finley was involved in the renovation of our Townhouse Complex here in Port Alberni.

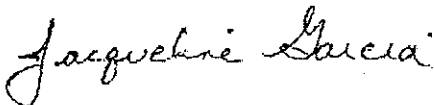
The renovations started in 2001 and 60 units were renovated. They were originally built in the early 60's and not much had been done since then.

Some of the things that were changed were the Kitchens and bathrooms. The bathrooms had olive green or yellow suites in them, some were mismatched, cracked, chipped etc. They were replaced with white suites, new countertops and nice white tiles.

The kitchens had small apartment sized appliances also in green or brown. The washer and dryer were in the kitchen as well leaving little to no counter space. (PS I lived here then so I can speak from experience.) A dishwasher was unheard of. There was a small storage room off the entry hall and that is where the washer/dryer has been relocated leaving room for full sized appliances and a built in dishwasher. Another wall cabinet was added in what was empty space and it is now a much more functional kitchen. A proper stove fan vented outside instead of back into the kitchen, new linoleum, fresh paint, and new countertops making it a pleasure to work in there. Living rooms and bedrooms were given new carpeting, window treatments and fresh paint as well.

This complex was quite run down and the clientele showed it with lots of parties etc. Since the renovation were completed, I am pleased to say, our clientele has improved. We have a few seniors, many young families (we are right next door to an elementary school) and quite a few tenants who lived here for many years that have returned. One of our tenants has lived here for over 30 years.

Signature



Jacqueline Garcia, Manager of Echo Park Estates



To whom it may concern:

Re: Generation Properties Renovation Program

My name is Erin Ilve Greenwood and I live in suite 32 at Edgewater Estates, which is located in the City of Moncton, New Brunswick. After Generation Properties took over the building there was concern among the tenants, having heard that the building had been converted, that the company would be evicting tenants, however, I was pleased to learn that this was not the case, and instead they would be implementing a renovation program that would vastly improve the suite in which I reside.

Generation Properties renovation program for my suite was comprehensive, professional and timely. The renovations have definitely improved the living conditions in my, and everyone else's, suite in the building. During the renovation I was never asked to leave, and Generation Properties even offered to pay to move me into a holding suite while the renovations to my suite were being conducted.

Overall, I can say that I am very pleased with the renovations that Generation Properties has completed on my suite, and the overall way that they are working to improve the quality of my apartment/condo building.

Regards,

A handwritten signature in cursive script that reads 'Erin Ilve Greenwood'.



To whom it may concern:

Re: **Generation Properties Renovation Program**

My name is Chris Tracey and I live in suite 17 at Edgewater Estates, which is located in the City of Moncton, New Brunswick. After Generation Properties took over the building there was concern among the tenants, having heard that the building had been converted, that the company would be evicting tenants, however, I was pleased to learn that this was not the case, and instead they would be implementing a renovation program that would vastly improve the suite in which I reside.

Generation Properties renovation program for my suite was comprehensive, professional and timely. The renovations have definitely improved the living conditions in my, and everyone else's, suite in the building. During the renovation I was never asked to leave, and Generation Properties even offered to pay to move me into a holding suite while the renovations to my suite were being conducted.

Overall, I can say that I am very pleased with the renovations that Generation Properties has completed on my suite, and the overall way that they are working to improve the quality of my apartment/condo building.

Regards,

A handwritten signature in black ink, appearing to read "Chris Tracey".



To whom it may concern:

Re: Generation Properties Renovation Program

My name is Carole LeBlond and I live in suite #19 at Edgewater Estates, which is located in the City of Moncton, New Brunswick. After Generation Properties took over the building there was concern among the tenants, having heard that the building had been converted, that the company would be evicting tenants, however, I was pleased to learn that this was not the case, and instead they would be implementing a renovation program that would vastly improve the suite in which I reside.

Generation Properties renovation program for my suite was comprehensive, professional and timely. The renovations have definitely improved the living conditions in my, and everyone else's, suite in the building. During the renovation I was never asked to leave, and Generation Properties even offered to pay to move me into a holding suite while the renovations to my suite were being conducted.

Overall, I can say that I am very pleased with the renovations that Generation Properties has completed on my suite, and the overall way that they are working to improve the quality of my apartment/condo building.

Regards,

Carole LeBlond



To whom it may concern:

Re: Generation Properties Renovation Program

My name is Mark Colvin and I live in suite 277 at Edgewater Estates, which is located in the City of Moncton, New Brunswick. After Generation Properties took over the building there was concern among the tenants, having heard that the building had been converted, that the company would be evicting tenants, however, I was pleased to learn that this was not the case, and instead they would be implementing a renovation program that would vastly improve the suite in which I reside.

Generation Properties renovation program for my suite was comprehensive, professional and timely. The renovations have definitely improved the living conditions in my, and everyone else's, suite in the building. During the renovation I was never asked to leave, and Generation Properties even offered to pay to move me into a holding suite while the renovations to my suite were being conducted.

Overall, I can say that I am very pleased with the renovations that Generation Properties has completed on my suite, and the overall way that they are working to improve the quality of my apartment/condo building.

Regards,

A handwritten signature in cursive script, appearing to read 'Mark Colvin', written in black ink.



To whom it may concern:

Re: Generation Properties Renovation Program

My name is ADAM DINEWALL / Cassandre and I live in suite 411 at Edgewater Estates, which is located in the City of Moncton, New Brunswick. After Generation Properties took over the building there was concern among the tenants, having heard that the building had been converted, that the company would be evicting tenants, however, I was pleased to learn that this was not the case, and instead they would be implementing a renovation program that would vastly improve the suite in which I reside.

Generation Properties renovation program for my suite was comprehensive, professional and timely. The renovations have definitely improved the living conditions in my, and everyone else's, suite in the building. During the renovation I was never asked to leave, and Generation Properties even offered to pay to move me into a holding suite while the renovations to my suite were being conducted.

Overall, I can say that I am very pleased with the renovations that Generation Properties has completed on my suite, and the overall way that they are working to improve the quality of my apartment/condo building.

Regards,

Cassandre
thor - Downs



To whom it may concern:

Re: Generation Properties Renovation Program

My name is Christina LeBlanc and I live in suite 51 at Edgewater Estates, which is located in the City of Moncton, New Brunswick. After Generation Properties took over the building there was concern among the tenants, having heard that the building had been converted, that the company would be evicting tenants, however, I was pleased to learn that this was not the case, and instead they would be implementing a renovation program that would vastly improve the suite in which I reside.

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Overall, I can say that I am very pleased with the renovations that Generation Properties has completed on my suite, and the overall way that they are working to improve the quality of my apartment/condo building.

Regards,

A handwritten signature in cursive script, appearing to read 'Christina LeBlanc', written over a faint horizontal line.



To whom it may concern:

Re: Generation Properties Renovation Program

My name is Sara Olson and I live in suite 21 at Edgewater Estates, which is located in the City of Moncton, New Brunswick. After Generation Properties took over the building there was concern among the tenants, having heard that the building had been converted, that the company would be evicting tenants, however, I was pleased to learn that this was not the case, and instead they would be implementing a renovation program that would vastly improve the suite in which I reside.

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Overall, I can say that I am very pleased with the renovations that Generation Properties has completed on my suite, and the overall way that they are working to improve the quality of my apartment/condo building.

Regards,

Sara Olson



To whom it may concern:

Re: Generation Properties Renovation Program

My name is SHERI POLNY and I live in suite 303 at City Gate, which is located in the City of Camrose, Alberta. After Generation Properties took over the building there was concern among the tenants, having heard that the building had been converted, that the company would be evicting tenants, however, I was pleased to learn that this was not the case, and instead they would be implementing a renovation program that would vastly improve the suite in which I reside.

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Overall, I can say that I am very pleased with the renovations that Generation Properties has complete on my suite, and the overall way that they are working to improve the quality of my apartment/condo building.

x *Sheri Polny*
Regards,



To whom it may concern:

Re: Generation Properties Renovation Program

My name is Stephen Warner and I live in suite 201 at City Gate, which is located in the City of Camrose, Alberta. After Generation Properties took over the building there was concern among the tenants, having heard that the building had been converted, that the company would be evicting tenants, however, I was pleased to learn that this was not the case, and instead they would be implementing a renovation program that would vastly improve the suite in which I reside.

Generation Properties renovation program for my suite was comprehensive, professional and timely. The renovations have definitely improved the living conditions in my, and everyone else's, suite in the building. During the renovation I was never asked to leave, and Generation Properties even offered to pay to move me into a holding suite while the renovations to my suite were being conducted.

Overall, I can say that I am very pleased with the renovations that Generation Properties has completed on my suite, and the overall way that they are working to improve the quality of my apartment/condo building.

Regards,

Stephen Warner



To whom it may concern:

Re: Generation Properties Renovation Program

My name is Robert Longmuir and I live in suite 404 at City Gate, which is located in the City of Camrose, Alberta. After Generation Properties took over the building there was concern among the tenants, having heard that the building had been converted, that the company would be evicting tenants, however, I was pleased to learn that this was not the case, and instead they would be implementing a renovation program that would vastly improve the suite in which I reside.

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Overall, I can say that I am very pleased with the renovations that Generation Properties has completed on my suite, and the overall way that they are working to improve the quality of my apartment/condo building.

Regards,

A handwritten signature in black ink, appearing to read 'Robert Longmuir', with a horizontal line extending to the right.



To whom it may concern:

Re: Generation Properties Renovation Program

My name is KEN TORPE and I live in suite 205 at City Gate, which is located in the City of Camrose, Alberta. After Generation Properties took over the building there was concern among the tenants, having heard that the building had been converted, that the company would be evicting tenants, however, I was pleased to learn that this was not the case, and instead they would be implementing a renovation program that would vastly improve the suite in which I reside.

Generation Properties renovation program for my suite was comprehensive, professional and timely. The renovations have definitely improved the living conditions in my, and everyone else's, suite in the building. During the renovation I was never asked to leave, and Generation Properties even offered to pay to move me into a holding suite while the renovations to my suite were being conducted.

Overall, I can say that I am very pleased with the renovations that Generation Properties has completed on my suite, and the overall way that they are working to improve the quality of my apartment/condo building.

Regards,

A handwritten signature in cursive script that reads 'Ken Torpe'.



To whom it may concern:

Re: Generation Properties Renovation Program

My name is Candice Phillips-Wolley and I live in suite 204 at City Gate, which is located in the City of Camrose, Alberta. After Generation Properties took over the building there was concern among the tenants, having heard that the building had been converted, that the company would be evicting tenants, however, I was pleased to learn that this was not the case, and instead they would be implementing a renovation program that would vastly improve the suite in which I reside.

Generation Properties renovation program for my suite was comprehensive, professional and timely. The renovations have definitely improved the living conditions in my, and everyone else's, suite in the building. During the renovation I was never asked to leave, and Generation Properties even offered to pay to move me into a holding suite while the renovations to my suite were being conducted.

Overall, I can say that I am very pleased with the renovations that Generation Properties has completed on my suite, and the overall way that they are working to improve the quality of my apartment/condo building.

Regards,

Candice Phillips-Wolley

Item #17

June 25, 2010

To Whom It May Concern

Re: Bruce Findlay / Strata Conversions of Apartment Buildings

As a former planner with the District of North Cowichan, I was involved in the conversion of two apartment buildings to strata units, working with Bruce Findlay as developer, or the developer's agent. Both properties, one located at Truesdale Road in Duncan and one at Pine Street in Chemainus, were older apartment / townhouse projects. The applications I dealt with involved the stratification, renovation and sale of individual units to tenants, first time home buyers, investors and others. The developer advised that no tenants would be evicted during their process and to my knowledge this commitment was honoured.

The developer invested in significant upgrades to the buildings and the stratification process was reasonably completed in accordance with the granted approvals. The buildings that underwent conversion were improved, and in my opinion resulted in needed upgrades to the housing stock and a net benefit to the respective communities.

Yours truly,


Rob Conway, MCIP



TOWN OF LADYSMITH

NOTARIZED DECLARATION OF OWNERS

**FOR STRATA CONVERSION OF A PREVIOUSLY OCCUPIED
RESIDENTIAL BUILDING**

We/I, the undersigned, are the Registered Owners of the property and buildings located at

(address)

Which we intend to convert to strata title ownership.

For the purposes of making our application for approval by the Town of Ladysmith, We/I hereby declare:

- a) That the existing tenants of occupied units have been given written notice of the intent to strata convert the building into strata lots, together with the date of the notice.
- b) That notices have been posted in conspicuous places in the building, advising of the intent to convert the rental units into Strata Lots.
- c) That the number of units occupied at the date of the above notices is _____.
- d) That each person occupying a unit in the building has been provided with prospective sale prices, example management fees and a copy of the declaration of the building quality.

Date of Declaration: _____

Signature of Owners: _____

Witnessed: (Name & Date) _____

APPLICATIONS FOR CONVERSION TO STRATA TITLE POLICY AND GUIDELINES

1.0 INTRODUCTION

Under Section 242 of the *Strata Property Act* of British Columbia, the [Council/Board] is the approving authority for conversion of previously occupied buildings into strata lots.

The following information and guidelines outline the various factors, both statutory and policy matters, which the [Council/Board] will take into consideration in reviewing an application for converting a previously occupied building into strata lots. The guidelines are designed to ensure that the building which is to be converted into strata lots substantially complies with the building code, and other relevant bylaws of the municipality and that the interests of any existing tenants are protected.

2.0 STATUTORY CONSIDERATIONS

Strata Property Act

2.1 Under Section 242 of the *Strata Property Act* the approving authority [Council/Board] is to consider the following in making its decision:

- (a) the priority of rental accommodation over privately owned housing in the area;
- (b) the proposals of the owner/developer for the relocation of persons occupying the building;
- (c) the life expectancy of the building; and
- (d) projected major increases in maintenance costs due to the condition of the building.
- (e) any other matters that, in its opinion, are relevant.

2.2 The [Council/Board], by resolution, may with respect to a specified type of previously occupied building

- (a) delegate its powers and duties under section 242 to the approving officer or another person; and
- (b) impose limits on the exercise of the powers and performance of the duties of that person.

2.3 The approving authority or its delegate may:

- (a) approve the strata plan, or attach terms and conditions to the approval; or
- (b) refuse to approve until terms and conditions are met.

- 2.4 The decision of the approving authority is final and may not be appealed.

Real Estate Act

- 2.5 The applicant should also note the requirement under subsection 69(7) of the *Real Estate Act* that a complete and current report be prepared and signed by a registered architect or engineer or by any other person acceptable to the Superintendent of Real Estate as to the age, physical condition, and state of repair of each building, its heating, plumbing, electrical fixtures and equipment, elevators, roof, drainage and the general condition and repair of the structure and of its foundations.
- 2.6 Subsection 69(8) of the *Real Estate Act* also requires the report to be accompanied by a certificate setting out the qualifications of the person making the report and other information. Applicants for conversion of a building to strata lots are advised to seek qualified advice with respect to these requirements.

Residential Tenancy Act

- 2.7 Applicants should also note the requirements of subsections 38(4) to (7) and section 39 of the *Residential Tenancy Act* with respect to notice and compensation to tenants for reasonable moving expenses and additional expenses (i.e. increased rent).

3.0 DECISION GUIDELINES

- 3.1 For the [Council/Board] to give favourable consideration to an application for converting a previously occupied building to strata title ownership:
- (a) The applicant must demonstrate that the conversion would not adversely affect the rental vacancy rate in the community or municipality.
 - (b) The interests of all tenants must be adequately respected in the conversion process, and
the building must substantially comply with
 - (c) the applicable bylaws of the municipality or regional district, and
 - (d) the BC Building Code.
- 3.2 Without limiting its authority or discretion, the [Council/Board] may refuse an application
- (a) where in [Council/Board]'s opinion there appears to be an intent to circumvent these guidelines, or the interests of the rental tenants were not adequately respected in the change of occupancy.
 - (b) the building is non-conforming as to use or a regulation of the Zoning Bylaw.
 - (c) where the needs of disadvantaged or special needs tenants residing in the affected building are not provided for.

- 3.3 The [Council/Board] may approve an application, refuse it, or refuse to approve it until conditions imposed by the [Council/Board] are met.
- 3.4 Conditions imposed by the [Council/Board] must be fulfilled within one year from the date of the approval in principle. Thereafter a new application shall be required to be submitted to the CAO or other designated officer.
- 3.5 The decision of the [Council/Board] on any application is final and where an application is refused, no similar application will be considered until after one year from the date of the refusal has elapsed.

4.0 APPLICATION PROCEDURE

- 4.1 Prior to filing the application for strata conversion, the applicant should contact the Building Inspector at the municipal/regional district office to discuss whether development and building permit applications are first required for change of use, alterations or additions to the building. An applicant must secure any required permits before submitting a conversion application.
- 4.2 The applicant should submit a conversion application to the following office/officer of the municipality/regional district:
- 4.3 The application shall include the following:
- (a) A letter stating the property address and legal description of the site and providing the names and mailing addresses of the persons occupying the building, together with the proposals by the owner/developer for the relocations of persons who may be affected by the proposed conversion. If the applicant is not the owner, the application must be accompanied by the written consent signed by the owner.
 - (b) A site plan, drawn to scale of at least 1/16-inch to one foot (1:200 in metric), including a northpoint and an indication of the scale, and showing:
 - (i) The location and dimensions of the site boundaries and the area of the site;
 - (ii) Adjoining street names;
 - (iii) The location, size, shape and siting (including setbacks) of all existing and proposed buildings or additions, including accessory buildings; and
 - (iv) The location and dimensions of all off-street parking and loading spaces, manoeuvring aisles and access driveways from streets and lanes.
 - (c) Floor plans, drawn to a scale of at least 1/8-inch to one foot (1:100 in metric), including a northpoint and an indication of the scale, and showing:

- (i) The dimensions of all rooms and halls, and all outside dimensions including balconies and decks; and
 - (ii) The areas of the building designated as strata lots, common property and limited common property.
- (d) A notarized declaration stating:
- (i) That each person occupying the building has been given written notice of the intent to convert the building to the strata lots under the *Strata Property Act* together with the date of notice;
 - (ii) The number of units occupied on the date of the notice;
 - (iii) That notices have been posted in conspicuous places in the building, advising of the intent to convert the building into strata lots under the *Strata Property Act*; and
 - (iv) That each person occupying a unit in the building has been provided with prospective sale prices, sample management fees and a copy of the declaration of the building quality outlined in (e).
- (e) A written report from a registered architect or engineer, in a form acceptable to the Building Inspector, that the building is of a reasonable quality for its age, including reference to the state of repair, general workmanship and whether the building substantially complies with applicable bylaws and the Building Code.
- (f) A written report from an electrical engineer stating that all the electrical works have been upgraded to current electrical code standards and a letter from the Provincial Electrical Inspector verifying and confirming the contractor's report.
- (g) A written report from the Fire Department stating that each unit has been inspected and the building and each unit meets the Fire Department's requirements and applicable Provincial and local government bylaw regulations.
- (h) A written report from the Gas Inspector stating that a gas inspection has been completed and approval received.
- (i) A letter from the Ministry of Transportation and Highways, if applicable, stating that they have no objection to the application.
- (j) A non-refundable processing fee of \$_____ plus \$_____ for each unit proposed for conversion, payable to the municipality/regional district.

4.4

If the [Council/Board] grants approval in principle to the application, the applicant may then engage a British Columbia Land Surveyor to prepare strata plans in accordance with the provisions of the *Strata Property Act*. The strata plans are to be forwarded to the (local government office) for execution.

- 4.5 Before the strata plans are signed, the applicant must comply with the conditions imposed by the [Council/Board]. Once signed, the Building Department will retain one set of paper prints for the record, and return all remaining copies to the applicant for deposit with the Registrar at the Land Title Office.

Applications take a minimum of eight to ten weeks to process. For further information regarding these guidelines please contact the Planning Department.

PART 14 - LAND TITLES

Effect of deposit of strata plan

- 239 (1) Land may be subdivided into 2 or more strata lots by the deposit of a strata plan in a land title office.
- (2) The strata lots created by the deposit of a strata plan may, subject to this Act, devolve or be disposed of in the same manner and form as any land the title to which is registered in a land title office.
- (3) Despite any other provision of this Act, a strata lot may not be subdivided by the deposit of a strata plan that, under section 2, would establish a strata corporation.

Title requirements for deposit of strata plan

- 240 Title to the land shown on the strata plan must be registered in the name of the person applying to deposit the plan, and the land shown on the strata plan must be shown as
- a single parcel on a subdivision plan, reference plan or air space plan deposited in a land title office,
 - separate parcels, if the parcels are separated only by a highway, dike, stream or right of way,
 - separate parcels that share a common boundary, if the parcels form part of a phased strata plan as set out in a Phased Strata Plan Declaration in the prescribed form, or
 - separate parcels separated by land not owned by the person applying to deposit the strata plan, if an approving officer is satisfied that the strata plan would result in a viable development of benefit to the community.

Endorsement of nonoccupancy

- 241 (1) If a strata plan includes a building that has not been previously occupied, the plan must be endorsed by a British Columbia land surveyor certifying that the building has not been previously occupied.
- (2) The endorsement must be dated not more than 180 days before the date the strata plan is tendered for deposit.

Approval for conversion of previously occupied buildings

- 242 (1) For the purposes of this section, "approving authority" means
- the municipal council of the municipality if the land is located in a municipality,
 - the regional board of the regional district if the land is located in a regional district but not in a municipality and is not Nisga'a Lands,
 - the Nisga'a Village Government if the land is located within Nisga'a Village Lands, or
 - the Nisga'a Lisims Government if the land is Nisga'a Lands other than Nisga'a Village Lands.

Section 242

- (2) If a person applying to deposit a strata plan wishes to include in the strata plan a previously occupied building, the person must submit the proposed strata plan to the approving authority.
- ✓ (3) The approving authority may
- (a) approve the strata plan, or approve the strata plan subject to terms and conditions, or
 - (b) refuse to approve the strata plan, or refuse to approve the strata plan until terms and conditions imposed by the approving authority are met.
- ✓ (4) The decision of the approving authority under subsection (3) is final and may not be appealed.
- ✓ (5) The approving authority must not approve the strata plan unless the building substantially complies with the following:
- (a) the applicable bylaws of the municipality or regional district;
 - (b) applicable Nisga'a Government laws;
 - (c) the British Columbia Building Code referred to in the Building Regulations of British Columbia.
- ✓ (6) In making its decision, the approving authority must consider
- (a) the priority of rental accommodation over privately owned housing in the area,
 - (b) any proposals for the relocation of persons occupying a residential building,
 - (c) the life expectancy of the building,
 - (d) projected major increases in maintenance costs due to the condition of the building, and
 - (e) any other matters that, in its opinion, are relevant.
- (7) If the approving authority approves the strata plan without terms and conditions, an authorized signatory of the approving authority must endorse the plan in accordance with the regulations.
- (8) If the approving authority approves the strata plan subject to terms and conditions, an authorized signatory of the approving authority must endorse the plan in accordance with the regulations once the terms and conditions have been met.
- (9) The endorsement must be dated not more than 180 days before the date the strata plan is tendered for deposit.
- (10) The approving authority may, by resolution, with respect to a specified type of previously occupied building,
- (a) delegate to an approving officer or other person designated in the resolution the exercise of the powers and performance of the duties of the approving authority under this section, and
 - (b) impose limits or conditions on the exercise of the powers and performance of the duties delegated by the resolution.

- (11) This section does not apply to a strata plan that includes a previously occupied building if the person applying to deposit the strata plan is the government or the Crown in right of Canada.

Approval of bare land strata plan

- 243 (1) Before a person applies to deposit a bare land strata plan, the person must obtain the approval of an approving officer.
- (2) If the approving officer approves the bare land strata plan, the approving officer must endorse the approval on the bare land strata plan in accordance with the regulations.
- (3) An approving officer must not approve a bare land strata plan unless it complies with the regulations.

Strata plan requirements

- 244 (1) A strata plan must
- (a) show the boundaries of the land included in the strata plan and, except in the case of a strata lot in a bare land strata plan, show the location of the buildings,
 - (b) contain a description sufficient for the registrar to identify the title to the land included in the strata plan,
 - (c) show the boundaries of the strata lots in accordance with section 68, and distinguish the strata lots by numbers or letters in consecutive order,
 - (d) show the area in square metres of each strata lot, including the areas and spaces referred to in subsection (2), if they are part of a strata lot,
 - (e) comply with regulations, if any, made by the Surveyor General,
 - (f) be endorsed by a British Columbia land surveyor with an endorsement that
 - (i) buildings shown on the strata plan are within the external boundaries of the land that is the subject of the strata plan, or
 - (ii) appropriate and necessary easements or other interests exist to provide for access to any parts of the building that are not within the boundaries,
 - (g) be signed by
 - (i) the person applying to deposit the plan under section 240, and
 - (ii) each holder of a registered charge on all or part of the land included in the strata plan,unless, in the registrar's opinion, the interests of persons who have not signed are not adversely affected by the deposit of the plan,
 - (h) be endorsed by an approving officer
 - (i) if it is a phased strata plan, under sections 224 and 225,
 - (ii) if it is a bare land strata plan, under section 243, or

-
- (c) any certificate of approval for the proposal that is issued in accordance with section 65 (6) by an approving officer or by the appropriate approving authority,
 - (d) a copy of any relevant management agreement,
 - (e) a copy of any agreement, instrument or other record setting out or evidencing any rights and obligations of the owner of the shared interest in land forming part of any parcel of land, in relation to other owners of interests, shared or otherwise, in the same parcel of land, and
 - (f) records the superintendent requires to support any statement of fact, proposal or estimate set out in the prospectus.
- (6) In giving a certificate, referred to in subsection (1) (a), (2) (a), (3) (a), (4) (a) or (5) (a), that requires reference to foreign law, a solicitor may rely on the opinion of a person qualified in that foreign law who is acceptable to the superintendent.
- (7) Every prospectus submitted to the superintendent
- (a) under section 61 for a subdivision relating to the conversion of one or more buildings by means of a cooperative corporation or strata plan, or
 - (b) under section 62 relating to an intended sale or offering for sale of a shared interest in land that contains one or more buildings
- must be accompanied by a complete and current report prepared and signed by a registered architect or engineer, or by any other person, acceptable to the superintendent, as to the age, physical condition and state of repair of each building, its heating, plumbing, electrical fixtures and equipment, elevators, roof, drainage and its general condition and repair of the structure and of its foundations.
- (8) Every report required under subsection (7) must be accompanied by a certificate stating all of the following:
- (a) the address and occupation of the person making the report;
 - (b) the qualification of that person;
 - (c) whether or not the report is based on personal examination and knowledge;
 - (d) the date of the examination;
 - (e) if the report is not based on personal examination and knowledge, the source of the information contained in the report;
 - (f) any interest that the person may have, either directly or indirectly, in the matters reported on.
- (9) Every report under subsection (7) must be made available for inspection by the public.
-

Section 70

- (10) In the case of a phased strata plan,
- (a) the developer must file with the original prospectus required under section 61 the particulars prescribed by the superintendent in respect of the first phase of the development,
 - (b) the developer must amend the original prospectus by filing the particulars prescribed by the superintendent before commencing each successive phase of the development, and
 - (c) the developer must not sell, or lease, or offer for sale or lease, or knowingly assist in the sale or lease or offering for sale or lease of, a strata lot in a phase until the amended prospectus under paragraph (b) is accepted and filed by the superintendent.

Investigation by superintendent

- 70 (1) The superintendent may, before accepting the prospectus for filing, cause to be made any investigation of the subdivision, shared interests in land or time share interests the superintendent sees fit.
- (2) The reasonable and proper costs of the investigation must be borne by the developer.

Investigation by council

- 71 (1) The council, on the request of the superintendent, must make the investigation referred to in section 70 through any of its members or officers or through any person authorized by the council, its chair or its secretary.
- (2) The reasonable and proper expenses incurred by the council, including reasonable and proper charges for the time of council employees in connection with the investigation, together with whatever fee may be set by regulation, must be paid to the council by the developer.

Changes affecting prospectus

- 72 (1) If a change occurs with regard to any of the matters set out in any prospectus
- (a) that would have the effect of rendering a statement in the prospectus false or misleading, or
 - (b) that brings into being a fact or proposal which should have been disclosed in the prospectus if the fact or proposal had existed at the time of the filing,
- the developer must immediately notify the superintendent in writing and must file an amendment to the prospectus or a new prospectus as the superintendent may direct.
- (2) Sections 61, 62, 63, 69, 70 and 71 apply to the amendment or new prospectus.

Section 38

- (b) that is a family corporation that
 - (i) at the time of the giving of the notice of the end of the tenancy agreement, has a reversionary interest in the residential premises exceeding 3 years, and
 - (ii) holds not less than 1/2 of the full reversionary interest;

“purchaser” means

- (a) an individual who, or
 - (b) a family corporation that has agreed to purchase at least 1/2 of the full reversionary interest in residential premises.
- (2) The landlord may give a notice of the end of the tenancy agreement to the tenant under subsection (7) if
- (a) the landlord enters into an agreement in good faith with a purchaser for the sale of residential premises occupied under a tenancy agreement and any conditions precedent in the sale agreement have been satisfied,
 - (b) the purchaser, or in the case of a purchaser that is a family corporation, a person owning voting shares in the family corporation, intends in good faith that he or she or his or her spouse or a child or parent of his or hers or of his or her spouse will occupy the residential premises, and
 - (c) the purchaser requests in writing that the landlord give the tenant of the premises a notice of the end of the tenancy agreement.
- (3) If
- (a) a landlord, or
 - (b) in the case of a landlord that is a family corporation, a person owning voting shares in the family corporation,
- intends in good faith that he or she or his or her spouse or a child or parent of his or hers or of his or her spouse will occupy residential premises occupied under a tenancy agreement, the landlord may give a notice of the end of the tenancy agreement to the tenant under subsection (7).
- (4) If a landlord intends in good faith to occupy or use residential premises for the purpose of
- (a) demolition,
 - (b) converting it into a strata lot under the *Strata Property Act*,
 - (c) converting it into residential premises described in section 3 (2) (b),
 - (d) entering into a tenancy agreement for a term exceeding 20 years,
 - (e) converting it, for not less than 6 months, into a use other than residential premises occupied under a tenancy agreement,
 - (f) converting it into caretaker’s premises for not less than 6 months, or

- (g) renovation, if vacant possession of the residential premises is necessary to conduct and perform the renovation,
and the landlord has obtained whatever permits and approvals are required by law to demolish, convert or renovate the residential premises, the landlord may give a notice of the end of the tenancy agreement to the tenant, with the applicable notice period under subsection (7), (8) or (10).
- (5) Before applying to convert or before converting residential premises into a strata lot under the *Strata Property Act* or into residential premises described in section 3 (2) (b), a landlord must give notice of the application or intention to each tenant who occupies the premises on the date of application or the forming of the intention and to each prospective tenant who will first occupy the premises after the conversion.
- (6) A landlord must not enter into a tenancy agreement for a term exceeding 20 years before the landlord gives notice of intention to enter into the tenancy agreement to each tenant or prospective tenant who occupies the rental unit under an existing tenancy agreement, if any, and to each tenant or prospective tenant who will first occupy the rental unit under the proposed tenancy agreement.
- (7) A notice of the end of the tenancy agreement under this section must be at least 2 months to be effective on the later of
- (a) the last day of an ensuing rental payment period, or
 - (b) if the tenancy agreement has a predetermined expiry date, the predetermined date.
- (8) If a landlord in good faith intends to demolish residential premises and the municipality within which the premises are located has, by bylaw, established a notice period of at least 2 and not more than 6 months, that period is, despite subsection (7), the minimum notice period for the purposes of the notice.
- (9) For the purposes of subsection (8), “municipality” includes
- (a) the City of Vancouver, and
 - (b) in respect of any electoral area that is not itself a municipality, the regional district within which the electoral area is located.
- (10) Despite subsections (7) and (8), if a landlord gives a notice of the end of the tenancy agreement under this section respecting a manufactured home pad in circumstances other than where the tenant is renting a manufactured home and the manufactured home pad under a single tenancy agreement, the period of notice must be at least 12 months.
- (11) On the end of a tenancy agreement under subsection (10), the landlord must pay to the tenant the amount of the tenant’s actual and reasonable moving expenses, up to a maximum prescribed amount, without delay, after
- (a) the tenant vacates the premises, and
 - (b) the landlord receives a written account of those expenses.

Section 39

Compensation respecting section 38 notices

- 39 (1) A court may make an order under subsection (2) if a tenant who has vacated residential premises after being given a notice of the end of the tenancy agreement under
- (a) section 38 (2) establishes, on application, that the purchaser or, in the case of a purchaser that is a family corporation, a person owning voting shares in the family corporation, his or her spouse or a child or parent of his or hers or of his or her spouse did not occupy the premises as a residence for a period of at least 6 months beginning within a reasonable time after the effective date of the notice of the end of the tenancy agreement,
 - (b) section 38 (3) establishes, on application, that the landlord or, in the case of a landlord that is a family corporation, a person owning voting shares in the family corporation, his or her spouse or a child or parent of his or hers or of his or her spouse did not occupy the premises as a residence for a period of at least 6 months beginning within a reasonable time after the effective date of the notice of the end of the tenancy agreement, or
 - (c) section 38 (4) or (8) establishes, on application, that the landlord did not actually occupy or use the residential premises for a specified and permitted purpose or the required period of time.
- (2) In the circumstances referred to in subsection (1), a court may order that the purchaser, in a matter under section 38 (2), or the landlord, in a matter under section 38 (3), (4) or (8),
- (a) pay the tenant's actual and reasonable moving expenses to his or her new accommodation, and
 - (b) compensate the tenant for additional expenses incurred or which may be incurred by the tenant including, for a period up to 12 months, any increased rent or portion of it that the tenant was obliged or may be obliged to pay.
- (3) The court must not make an order under subsection (2) if the purchaser or landlord, as the case may be, establishes that he or she intended, in good faith, at the time of giving the notice of the end of the tenancy agreement, to occupy the premises for the purpose specified in the notice.
- (4) If a landlord gives notice for a reason specified in section 38 (4) with a notice period specified in section 38 (7) or (8), the landlord must pay to the tenant the greater of
- (a) the tenant's actual and reasonable moving expenses to the new accommodation up to a maximum equal to one month's rent, or
 - (b) if proceedings are brought under subsections (1) and (2), the amount ordered by the court.
- (5) An application under subsections (1) and (2) must be brought no later than 9 months after the effective date of the notice of the end of the tenancy agreement.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works
Date: June 28, 2010
File No:

Re: ACCESSORY BUILDING – 123 FORWARD ROAD

RECOMMENDATION(S):

It is recommended that Council identify a conflict between the maximum gross floor area permitted under Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 82), No. 1727 and the application for a building permit at 1232 Forward Road submitted by Rob and Gayla Hunter, received on June 22, 2010; and,

It is recommended that Council withhold the building permit for an accessory building at 1232 Forward Road.

PURPOSE:

To obtain Council decision for an accessory building at 123 Forward Road

INTRODUCTION/BACKGROUND:

At the regular Council Meeting on June 7, 2010, Council gave first and second reading to Amendment Bylaw 1727, Accessory Buildings. Pursuant to the Local Government Act, any application for an accessory building received prior to final adoption of the bylaw must come before Council for approval.

On June 22, an application was received for an accessory building at 123 Forward Road. The application meets the requirements of the present bylaw but does not meet the requirements of the proposed bylaw.

SCOPE OF WORK:

The proposed bylaw amendment allows for a total of 538 square feet or 50 square metres for an accessory building. The attached application requests an accessory building that is 1008 square feet or 93.6 square metres. The application meets the height requirements of the amendment bylaw.

ALTERNATIVES:

1. Council can choose to withhold the building permit
2. Council can choose to approve the application as received

3. Council can choose to approve the application subject to altering the plans to meet the proposed bylaw amendment

FINANCIAL IMPLICATIONS:

LEGAL IMPLICATIONS:

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

RESOURCE IMPLICATIONS:

ALIGNMENT WITH STRATEGIC PRIORITIES:

SUMMARY:

Council has given first and second reading to Amendment Bylaw 1727, Accessory Buildings. The Local Government Act requires that all applications received between introduction and adoption must go to Council. An application was received for an accessory building at 123 Forward Road which meets the requirements of the present bylaw but does not meet the requirements of the proposed amendment bylaw.

I concur with the recommendation.



Ruth Malji, City Manager

ATTACHMENTS:

Application for Accessory Building.



**TOWN OF LADYSMITH
BUILDING PERMIT APPLICATION, Bylaw No. 1119 (Schedule A)**

1727
JUNE 7
RECEIVED
June 22/07

Return Application to Public Works:

330 - 6th Avenue
P.O. Box 220
Ladysmith, BC V9G 1A2
250 245-6445

| | | | |
|--|--------------|---------------------------|-----------------------------|
| Address of Project: 123 FORWARD R.D. | | Legal Description: | |
| Applicant Name: ROB & GAYLA HUNTER | | | |
| Mailing Address: P.O. Box 82 LADYSMITH B.C. | | | Postal Code: V9G 1A1 |
| Phone: 250-245-3960 | Cell: | Fax: | |
| Property Owner Name: SAME | | | Phone: |
| Mailing Address: SAME AS ABOVE | | | Postal Code: |
| Contractor Name: | | | |
| Mailing Address: | | | Postal Code: |
| Phone: | Cell: | Fax: | |

Application is made to: Please Check ALL Applicable Boxes

| | | | |
|--|--------------------------------------|---|--------------------------------------|
| <input checked="" type="checkbox"/> Construction New | <input type="checkbox"/> Renovate | <input type="checkbox"/> Relocate | <input type="checkbox"/> Demolish |
| <input type="checkbox"/> Addition | <input type="checkbox"/> Single Unit | <input type="checkbox"/> Multiple Unit | <input type="checkbox"/> # of Units |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial | <input type="checkbox"/> Institutional | <input type="checkbox"/> Residential |
| <input checked="" type="checkbox"/> # Of Storeys ONE | <input type="checkbox"/> Sign | <input type="checkbox"/> Other (please describe): | |
| Service Type | <input type="checkbox"/> Water | <input type="checkbox"/> Storm | <input type="checkbox"/> Sanitary |

Proposed Use:

| | | | |
|---|---|------------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Accessory | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Other (please describe): | | |

| | | | |
|--------------------------------|--|--|--|
| Construction Details | Square Footage +00 964 | Value | No. of Parking Stalls 3 STALL GARAGE |
| Number of Bedrooms: N/A | Number of Bathrooms: 0 | | |
| Type of Framing: | <input type="checkbox"/> Masonry | <input checked="" type="checkbox"/> Wood | <input type="checkbox"/> Structural Steel |
| Heating System: | <input type="checkbox"/> Gas | <input type="checkbox"/> Oil | <input checked="" type="checkbox"/> Electric |
| Sewage Disposal: | <input type="checkbox"/> Public Communal | <input type="checkbox"/> Public | |
| Water Supply: | <input type="checkbox"/> Public | <input type="checkbox"/> Well | |

Damage Deposit Refund will be Payable to:

| | | |
|----------------------------------|--|------------------------------|
| Name ROBERT F. HUNTER. | Mailing Address P.O. Box 82 LADYSMITH B.C. V9G 1A1 | Phone 250-245-3960 |
|----------------------------------|--|------------------------------|

In consideration of the granting of this permit, I/We agree to release and indemnify the Town of Ladysmith, its Council Members, employees and agents from and against all liability, demands, claims, causes of actions, suits, judgments, losses, damages, costs, expenses of whatever kind which I/we or any other person, partnership or corporation of my/our/their respective heirs, successors, administrator or assignees may have or incur in consequence of or incidental to the granting of this permit or any inspection, failure to inspect, certification, approval, enforcement or failure to enforce the Town of Ladysmith Building Bylaw or the British Columbia Code and I/we agree that the Town of Ladysmith owes me/us no duty of care in respect of these matters.

I HAVE READ THE ABOVE AGREEMENT, THE RELEASE AND THE INDEMNITY AND UNDERSTAND THEM. The person signing this application form, if not the owner, acknowledges that this signature is as agent for the owner and that he is authorized to bind the owner who is deemed to know of and understand the contents of this form.

Signature of Owner or Authorized Agent: R. F. Hunter

Internal Use Only

| | | | | |
|---------------------|-----------------------|-----------------------|----------|-----------------|
| Date: | Site Address: | Permit No: | | |
| Permit Fees: | | Square Footage | @ | \$ Value |
| | Main Floor | | | |
| | Second Floor | | | |
| | Basement/ Crawl Space | | | |
| | Garage | | | |
| | Other | | | |

Building Construction Value: \$ _____

FEES

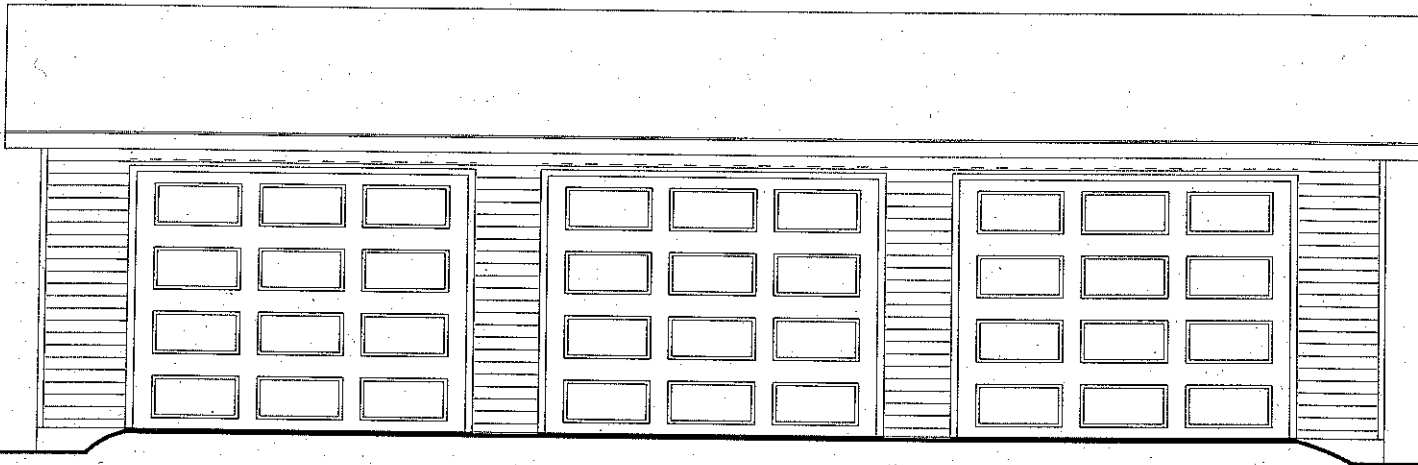
| | | | |
|-----------------------|---------------------------|----------------|---|
| Plumbing Fees: | Number of Fixtures: _____ | @ \$12.00 each | Total \$ <small>*Insert total under plumbing permit below</small> |
|-----------------------|---------------------------|----------------|---|

| | CODE | FEE \$ AMOUNTS |
|---|------------------------------------|-----------------------|
| Permit Fee (New/Demo etc.) | BLDG001 | |
| *Plumbing Permit | BLDG005 | |
| Damage Deposit | BLDG002 | |
| Organic Composting Bins | BLDG014 | |
| Driveway Access | BLDG004 | |
| Water Inspection Fee | BLDG111 | |
| Sewer Inspection Fee | BLDG121 | |
| Storm Drain Inspection Fee | BLDG101 | |
| Demolition Permit | BLDG003 | |
| Sign Permit | BLDG010 | |
| Water Connection Fee - Residential | SUB0003 | |
| Sewer Connection Fee - Residential | SUB0004 | |
| Storm Connection Fee - Residential | SUB0005 | |
| Other Charges: | | |
| Water Meter Charge | Refer to Accounting Technician | |
| Relocate Tree | Refer to Accounting Technician | |
| Lawn Sprinkler Installation | BLDG005 | |
| DCC's: | Refer to Accounting Technician | |
| | → | \$ |
| Amenity Fund | | |
| Parking Variance (Reserve) | | |
| Site Inspection Fees: | | |
| Private Water Line | Refer to Accounting Technician | |
| Septic Infill | Refer to Accounting Technician | |
| Misc/other _____ | Refer to Accounting Technician | |
| Other Charges: Manager of Finance Initial _____ | TOTAL FEES/CHARGES \$ _____ | |



STANDARD GARAGE

36' X 28'



538

1008



Home
building centre

0440512

Standard Garage

36' X 28'

Standard Package Includes:

All framing materials, engineered roof trusses, asphalt shingles, sectional steel overhead doors, windows, insulated walk-in doors with locksets, and all hardware. Cutting and assembly required. □
(picture may not be exactly as shown)

Concrete not included. Check with local building official prior to construction.

Shown with optional vinyl siding, rain goods and soffit and fascia packages.

Plans are in accordance to National Building Code Requirements

Special Drawings and approvals to suit local municipal by-law remain the responsibility of the owner

These plans could show components or product that may not be included in your material package.

Product may vary due to regional availability. See local dealer for details.

WE'VE GOT YOUR LUMBER.®

ROOF TO BE VENTED TO 1/300 OF ATIC AREA

FRONT ELEVATION

* DRIP CAP FLASHING ABOVE ALL EXT. WINDOW & DOOR OPENINGS WITH (OPTIONAL) SIDING APPLICATIONS.

RIGHT ELEVATION

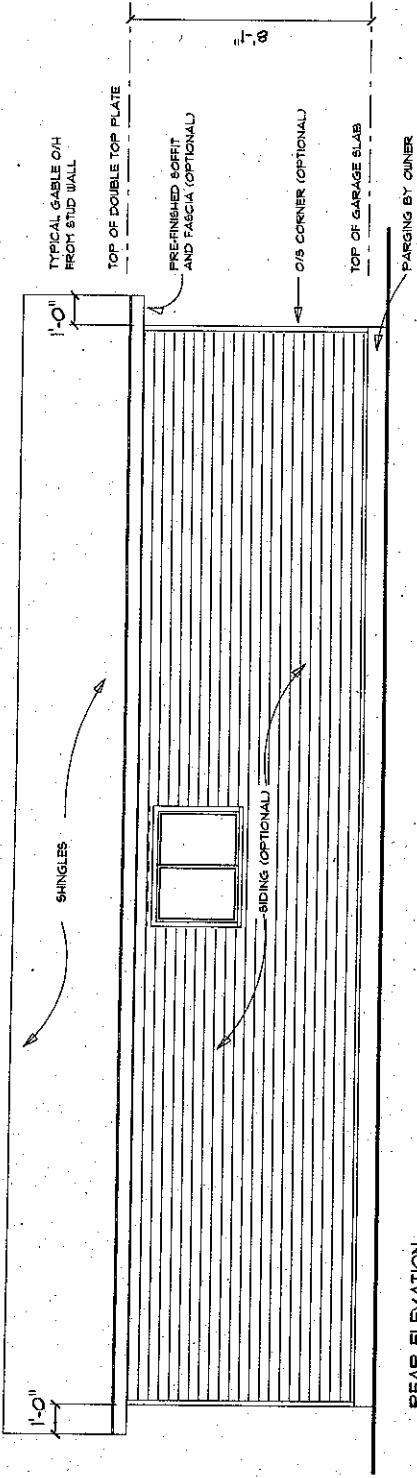
GRADE LINES TO BE DETERMINED ON SITE BY OWNER

GRADE LINES TO BE DETERMINED ON SITE BY OWNER

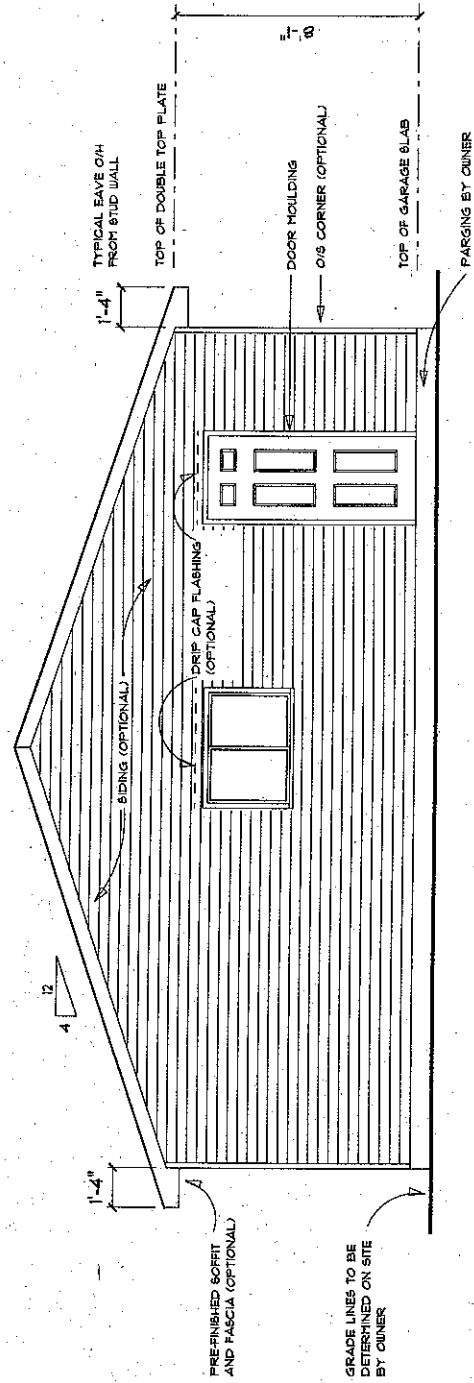
116

| | | | |
|---|------|--|---------|
| REVISIONS | DATE | PROJECT NUMBER | 0440512 |
| | | SHEET NUMBER | 1 |
| <p>A DETAIL NUMBER B SHEET NUMBER - WHERE DETAIL REQUIRED C SHEET NUMBER - WHERE DETAILED</p> | | <p>Home building centre</p> <p>THIS DESIGN AND SPECIFICATION DRAWING IS THE PROPERTY OF HOME HARDWARE STORES LIMITED AND IS NOT TO BE COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION</p> | |
| <p>NOTES</p> <ul style="list-style-type: none"> 1. MATCH TO OTHER DRAWINGS. 2. MATCH TO OTHER DRAWINGS. 3. MATCH TO OTHER DRAWINGS. 4. MATCH TO OTHER DRAWINGS. 5. MATCH TO OTHER DRAWINGS. | | <p>FRONT & RIGHT ELEVATIONS</p> | |
| <p>MODEL: THREE DOOR GARAGE 36' X 28'</p> | | <p>CHECKED BY:</p> | |
| <p>CUSTOMER:</p> | | <p>SCALE: NOT TO SCALE</p> | |
| <p>STORE:</p> | | <p>DATE: FEBRUARY 2004</p> | |
| <p>DATE:</p> | | <p>DATE:</p> | |

04.33 PTH 4002 '02 Rev.00

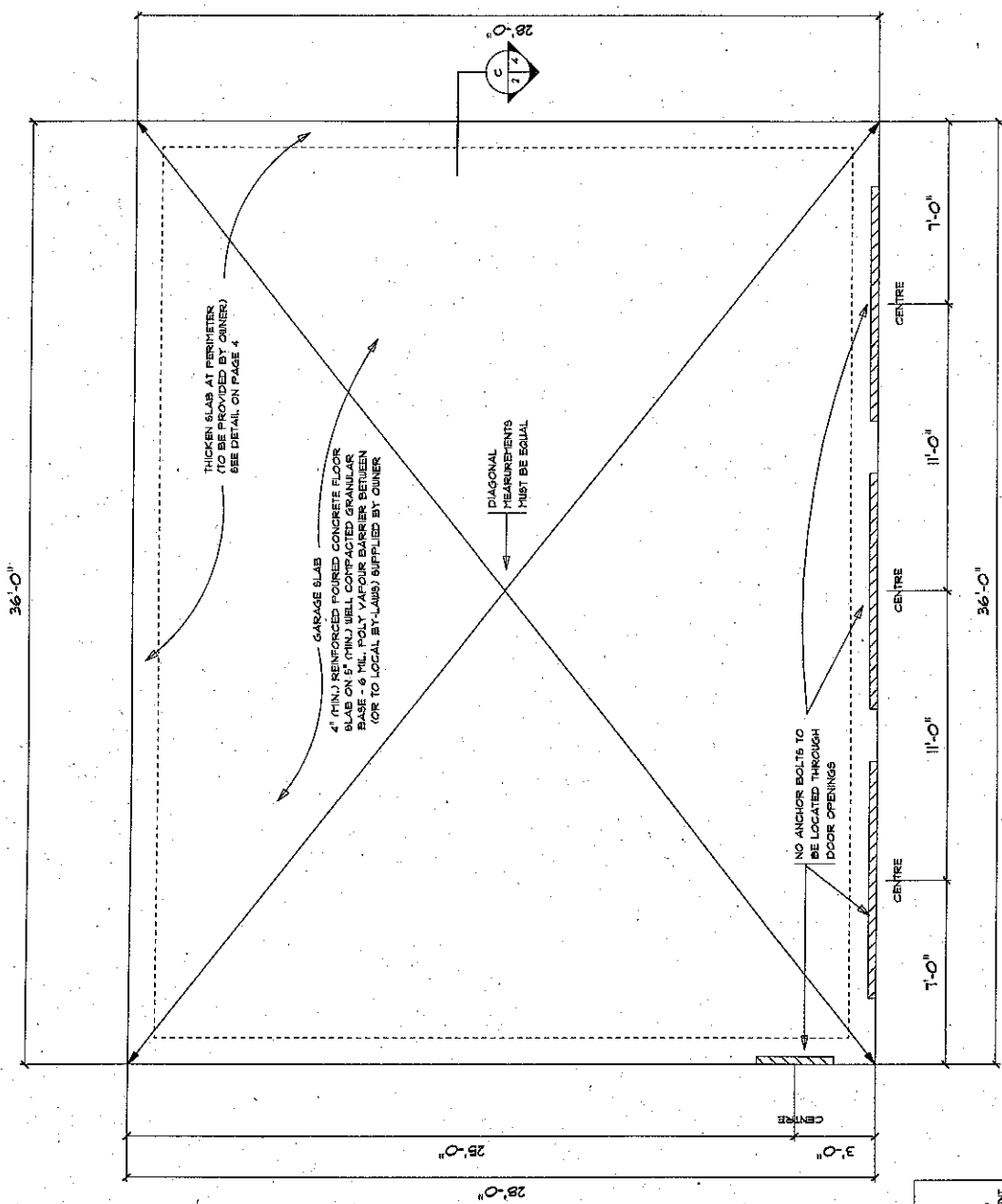


REAR ELEVATION



LEFT ELEVATION

| | | | |
|---|--|--|---------------------------|
| REVISIONS DATE | MODEL THREE DOOR GARAGE 36' X 28' | DRAWINGS REAR & LEFT ELEVATIONS | PROJECT NUMBER 0440512 |
| | | | SHEET NUMBER 2 7 |
| CUSTOMER STORE | | | |
| SCALE NOT TO SCALE | | THIS DRAWING AND CONSTRUCTION DRAWINGS ARE THE PROPERTY OF HOME HARDWARE STORES LIMITED AND IS NOT TO BE LOANED OR REPRODUCED WITHOUT WRITTEN PERMISSION | |
| DATE FEBRUARY 2004 | | CHECKED BY DATE | |
| NOTES A DETAIL NUMBER WHERE DETAIL REQUIRED B SHEET NUMBER WHERE DETAIL REQUIRED C SHEET NUMBER WHERE DETAILED NOTES WHERE DETAILED * RETURN TO: 10000 HWY 101, UNIT 101, MISSISSAUGA, ONTARIO L4V 1V1 ** 2004 HOME HARDWARE STORES LIMITED | | DRAWN BY | |



LUMBER NOTES:

- ALL STRUCTURAL (LOAD BEARING) FRAMING LUMBER USED FOR STUDS, PLATES, JOISTS, RAFTERS, LINTELS & BUILT-UP BEAMS SHALL BE GRADE STAMPED: SPRUCE-PINE-FIR (S-P-F)
- 2 OR BETTER, 5-DRY OR LUMBER OF EQUAL OR BETTER QUALITIES.

CONCRETE NOTES:

- CONCRETE SHALL BE DESIGNED, MIXED, PLACED, CURED AND TESTED IN ACCORDANCE WITH CAN3-A438-1.
- CONCRETE CONSTRUCTION FOR HOUSING AND SMALL BUILDINGS, AFTER 28 DAYS UNREINFORCED CONCRETE SHALL HAVE A COMPRESSIVE STRENGTH OF NOT LESS THAN
- (1.) 32 MPa (4650 psi) WITH 5 TO 8% AIR ENTRAINMENT FOR GARAGE AND CARPORT FLOORS AND ALL EXTERIOR FLATWORK.
- (2.) 25 MPa (3600 psi) FOR FLOOR-ON-GRADE WHERE NO DAMPROOFING IS PROVIDED.
- (3.) 15 MPa (2200 psi) FOR ALL OTHER APPLICATIONS.
- OR AS SPECIFIED BY LOCAL BUILDING CODE AND/OR BY-LAWS.

DESIGN LOADS:

ROOF LOADS:

- LIVE LOAD = 45 PSF
- DEAD LOAD = 15 PSF
- TOTAL ROOF LOAD = 60 PSF

SOIL BEARING CAPACITY:

- MINIMUM ALLOWABLE SOIL BEARING CAPACITY TO BE 15 KPa (10.9 psi).

IMPORTANT NOTE

NOTE: HARDWARE STORES LIMITED DOES NOT ASSUME LIABILITY FOR ANY ERRORS OR OMISSIONS ON THIS PLAN UNLESS SUBMITTED IN WRITING TO CONSTRUCTION WITH THE BLUEPRINT PRELIMINARY INSPECTION OF CONSTRUCTION.

NOTE: HARDWARE STORES LIMITED SHALL NOT BE RESPONSIBLE FOR ANY DEVIATIONS FROM THESE DRAWINGS ADVISED BY ANY BUILDING OFFICIAL DURING CONSTRUCTION. FURTHER, ANY SUCH DEVIATION OR CHANGES TO THESE PLANS NULLIFY ANY RESPONSIBILITY THAT NOTE: HARDWARE STORES LIMITED MAY HAVE WITH RESPECT TO THIS PLAN.

NOTE: HARDWARE STORES LIMITED SHALL NOT BE RESPONSIBLE FOR ANY DEVIATIONS FROM THESE DRAWINGS, REBATE OF THESE DRAWINGS ARE STRICTLY PROHIBITED.

BUILDING CONTRACTOR TO VERIFY ALL DIMENSIONS BEFORE PROCEEDING. ALL CONSTRUCTION SHALL COMPLY WITH PART 8 OF THE NATIONAL BUILDING CODE OF CANADA.

GARAGE FOUNDATION PLAN

- ALL CONCRETE FOUNDATION WORKS & REINFORCING TO BE RESPONSIBILITY OF OWNER & MUST COMPLY TO LOCAL BUILDING CODES.

PROJECT NUMBER
0440512

SHEET NUMBER
3 | 7



FOUNDATION PLAN

CHECKED BY

SCALE NOT TO SCALE

DATE FEBRUARY 2004

DRAWN BY

MODEL THREE DOOR GARAGE 36' X 28'

CUSTOMER

STORE

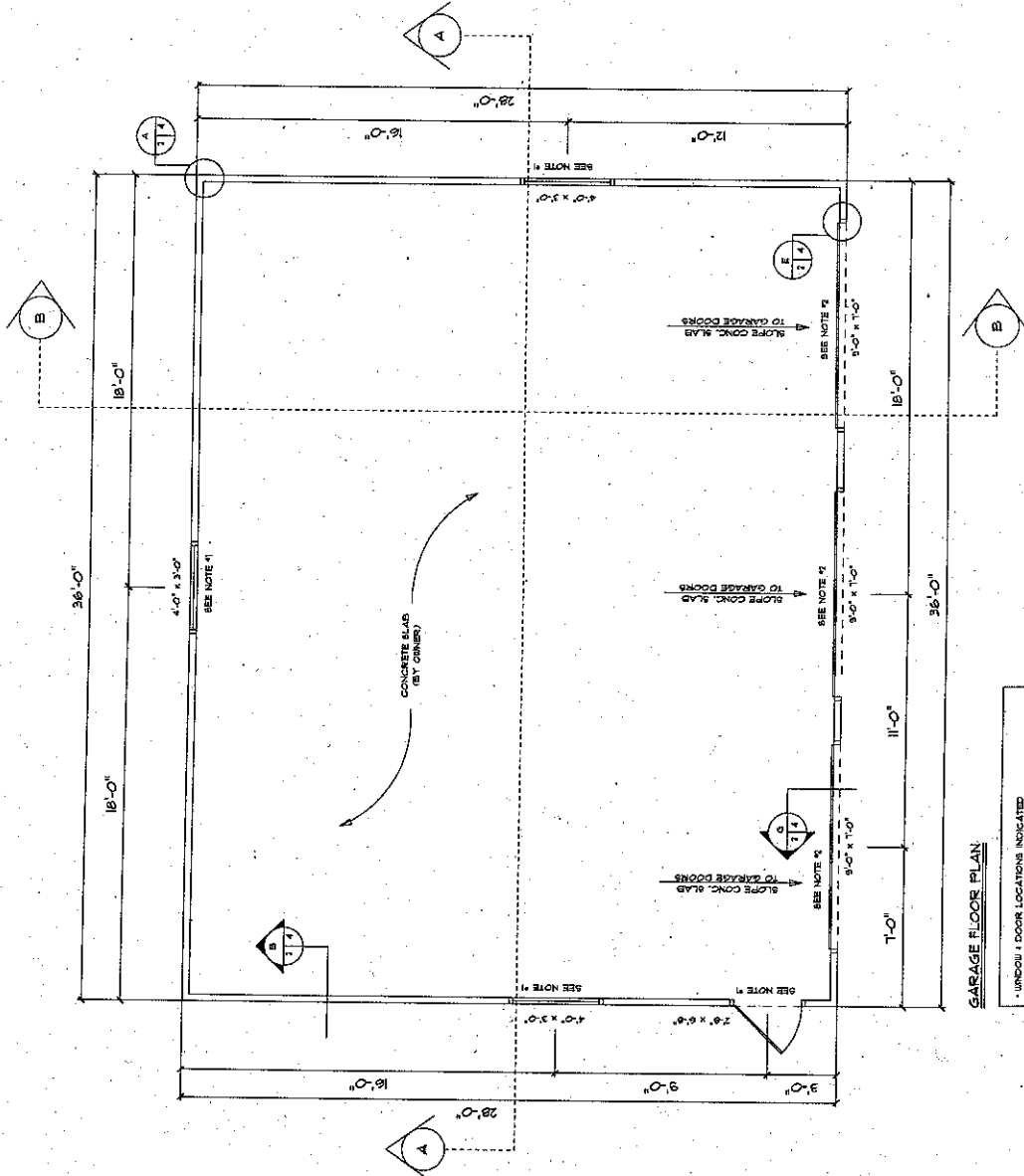
DATE

DETAIL NUMBER

SHEET NUMBER - WHERE DETAIL REQUIRED

NOTES

- PLAN SET TO ACCORDANCE TO ALL LOCAL
- APPROVALS AND APPROVALS TO ALL LOCAL
- APPROVALS AND APPROVALS TO ALL LOCAL
- APPROVALS AND APPROVALS TO ALL LOCAL
- APPROVALS AND APPROVALS TO ALL LOCAL



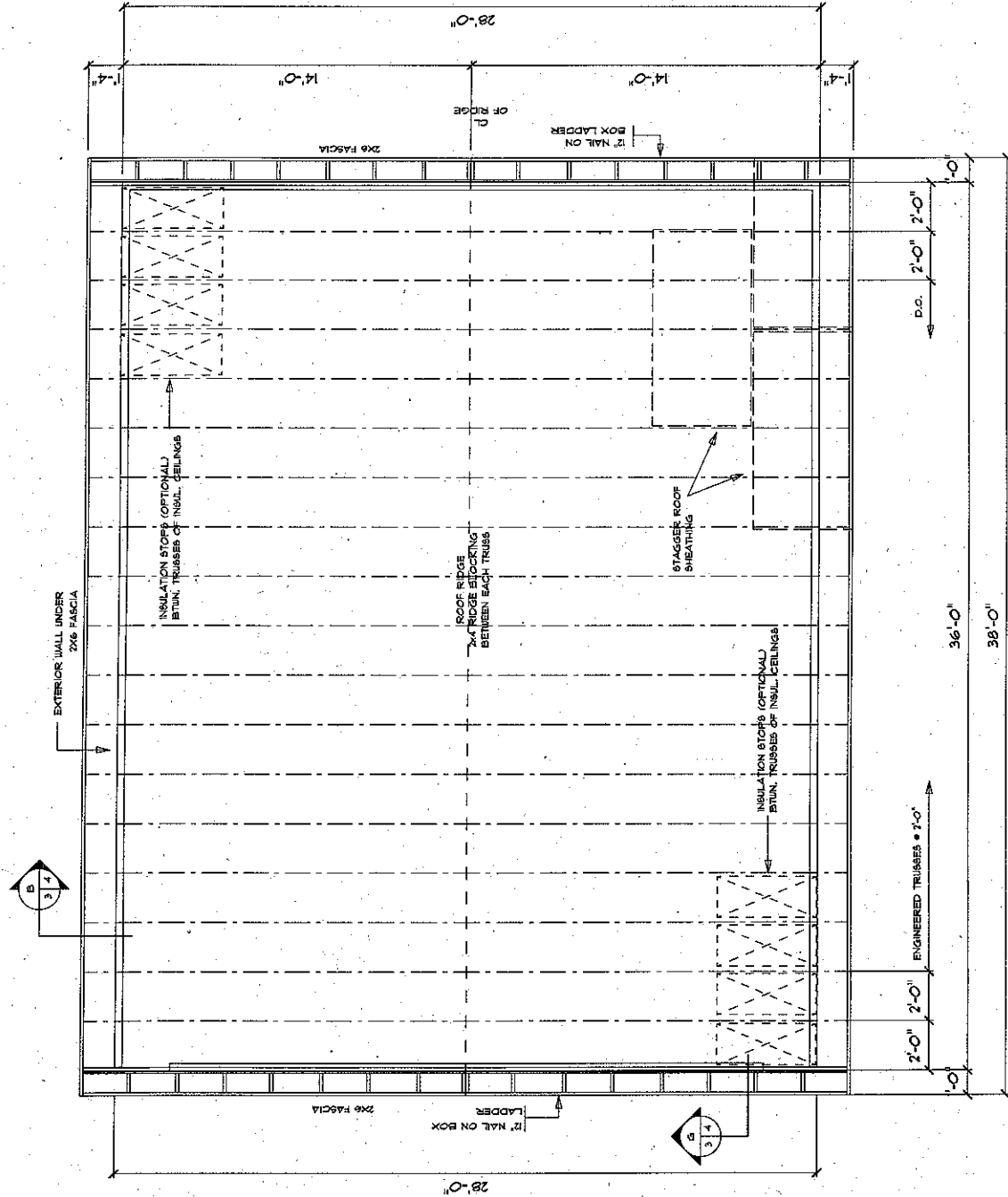
GARAGE FLOOR PLAN

UNLESS DOOR LOCATIONS INDICATED ARE AS SHOWN, LOCATIONS OWNERS TO VERIFY ALL WINDOW / DOOR ROUGH AND OPENINGS ETC.

- NOTES:**
1. 3 PLY 2X40 LITE.
 2. 3 PLY 1 1/2" x 8 1/2" USE ENGINEERED WOOD LITE.

| | | | | | |
|---|--|---|------------------------------|----------------------------------|--------------------------|
| REVISIONS REVISION 1 DATE FEB 2007 | A B C NOTES WHERE DETAIL REQUIRED WHERE DETAIL REQUIRED WHERE DETAILED | MODEL THREE DOOR GARAGE 36' X 28' | DRAWING FLOOR PLAN | PROJECT NUMBER 0440512 | SHEET NUMBER 4 |
| | | | | | |

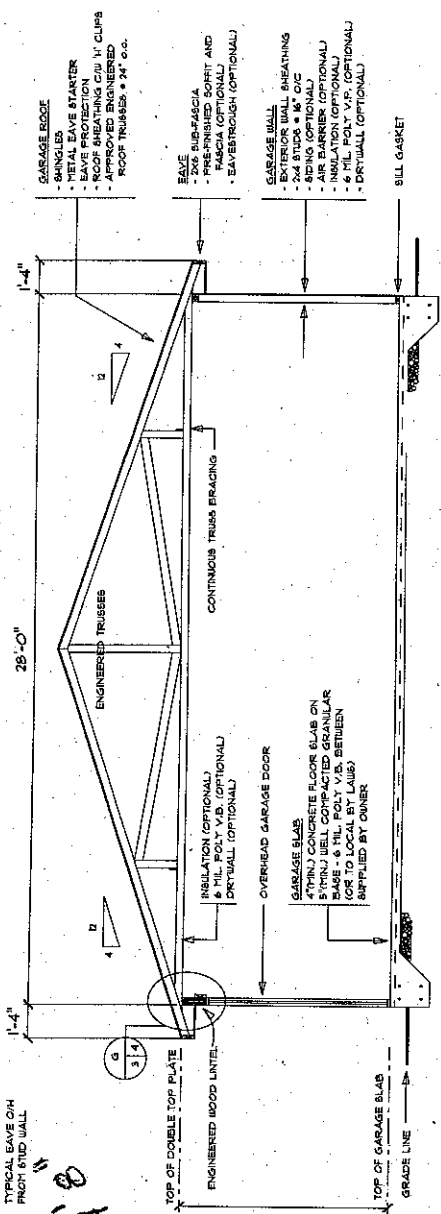




ROOF TRUSS LAYOUT

- CEILING ACCESS (MIN. 20" X 28")
- 2 X 4 BLOCKING IN TRUSSES AND RAFTERS OR PLY CLIPS ARE REQUIRED
- FOR ROOF BREATHING SUPPORTS ON ALL 24" O.C. SPACING OF RAFTERS
- NEVER CUT A TRUSS TO OBTAIN SPACE.

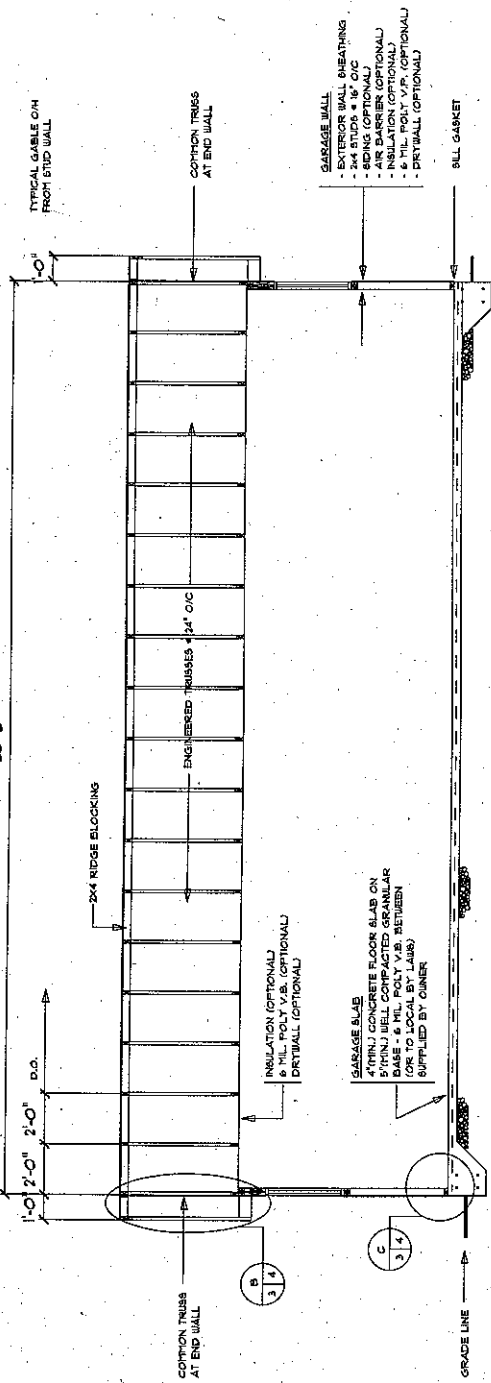
| | | |
|--|----------------|-------------------|
| | PROJECT NUMBER | 0440912 |
| | SHEET NUMBER | 5 7 |
| THE DESIGN AND CONSTRUCTION DRAWING IS THE PROPERTY OF HOME HARDWARE STORES LIMITED AND IS NOT TO BE COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION | | |
| THREE DOOR GARAGE 36' X 28' | DRAWING | ROOF TRUSS LAYOUT |
| | CHECKED BY | |
| SCALE | NOT TO SCALE | |
| DATE | FEBRUARY 2004 | DATE |
| DRAWN BY | | |
| MODEL | | |
| CUSTOMER | | |
| STORE | | |
| A DETAIL NUMBER B SHEET NUMBER - WHERE DETAIL REQUIRED C SHEET NUMBER - WHERE DETAILED | REVISIONS DATE | |
| NOTES • NATIONAL CODE REQUIREMENTS • MATERIALS AND METHODS TO BE USED • CHECKED BY THE NATIONAL QUALITY ASSURANCE BOARD | | |



CROSS SECTION A-A

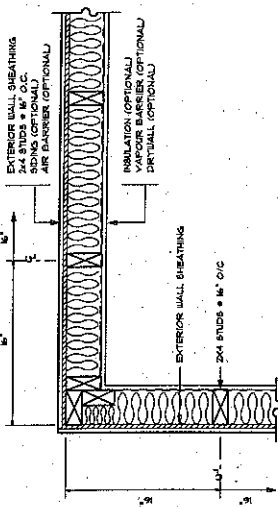
* ALL CONCRETE FOUNDATION WORKS & REINFORCING TO BE RESPONSIBILITY OF OWNER & MUST COMPLY TO LOCAL BUILDING CODES

$$\begin{array}{r} 14 \\ \times 4 \\ \hline 12 \end{array}$$

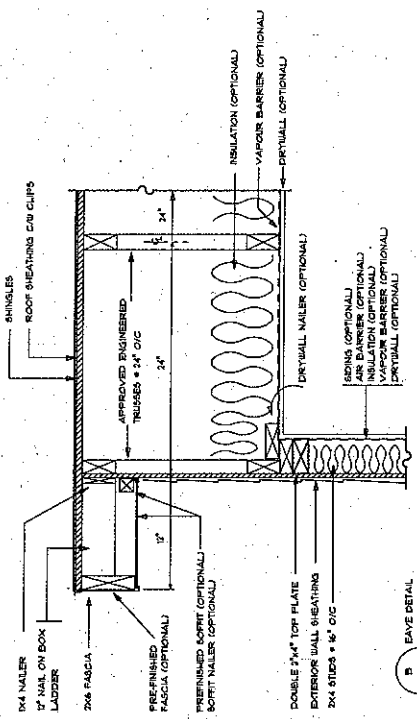


CROSS SECTION B-B

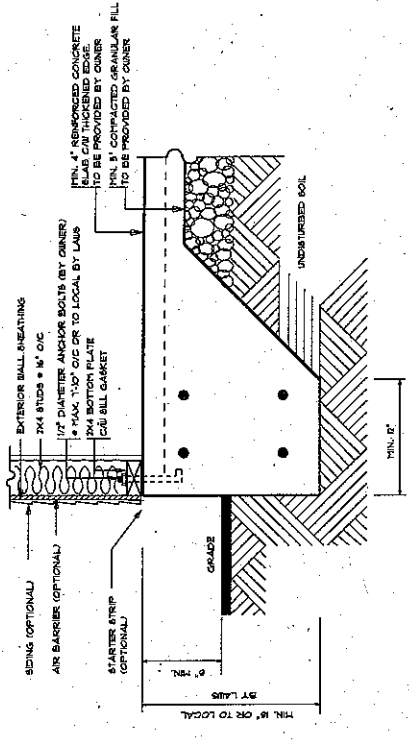
| | | | | | | |
|---|------|---|---|---------------------------|---|-----------------------|
| REVISIONS | DATE | DETAIL NUMBER A SHEET NUMBER - WHERE DETAIL REQUIRED B SHEET NUMBER - WHERE DETAILED C SHEET NUMBER - WHERE DETAILED | MODEL THREE DOOR GARAGE 36' X 28' | DRAWING CROSS SECTIONS | PROJECT NUMBER 0440512 | SHEET NUMBER 6 7 |
| | | | | | | |
| NOTES | | SCALE NOT TO SCALE | DATE FEBRUARY 2004 | DATE | THIS DESIGN AND IDENTIFICATION DRAWING IS THE PROPERTY OF HOME HARDWARE STORES LIMITED AND IS NOT TO BE COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION | |
| <p>1. ALL CONCRETE FOUNDATION WORKS & REINFORCING TO BE RESPONSIBILITY OF OWNER & MUST COMPLY TO LOCAL BUILDING CODES</p> <p>2. ALL MATERIALS TO BE APPROVED BY THE LOCAL AUTHORITY</p> <p>3. ALL MATERIALS TO BE SUPPLIED BY OWNER</p> | | DATE FEBRUARY 2004 | DATE | | | |



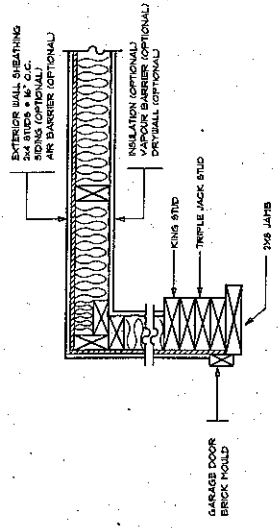
A CORNER WALL DETAIL
SCALE: N.T.S.



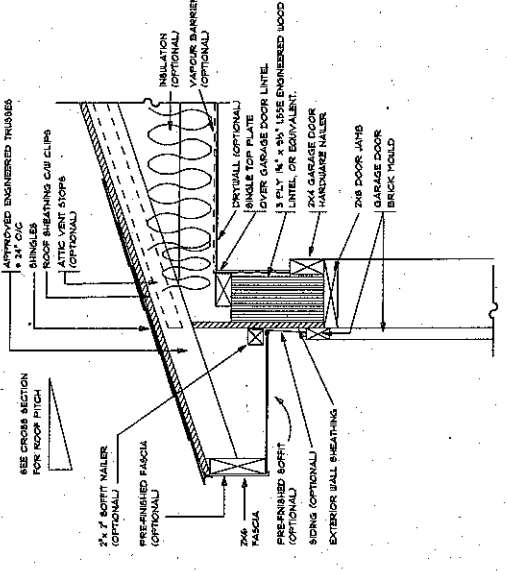
B EAVE DETAIL
SCALE: N.T.S.



C FOUNDATION WALL DETAIL
SCALE: N.T.S.



E SKT SECTIONAL GARAGE DOOR DETAIL
SCALE: N.T.S.



F RSE CROSS SECTION FOR ROOF PITCH
SCALE: N.T.S.

| | | | | | | | | |
|-----------|------|--|----------|-------------------|------------|---------------|----------------|---------|
| REVISIONS | DATE | DETAIL NUMBER - SHEET NUMBER - WHERE DETAIL REQUIRED | MODEL | THREE DOOR GARAGE | DRAWING | DETAILS | PROJECT NUMBER | 0440912 |
| | | NOTES | CUSTOMER | 36' X 26' | SCALE | NOT TO SCALE | SHEET NUMBER | 7 |
| | | | STORE | | DATE | FEBRUARY 2004 | | |
| | | | | | DRAWN BY | | | |
| | | | | | CHECKED BY | | | |



COASTAL ANIMAL CONTROL SERVICES OF BC LTD

2202 Herd Rd. Duncan, BC. V9L 6A6

(250) 748-3395

TOWN OF LADYSMITH POUND REPORT
May 2010

RECEIVED
JUN 15 2010

| Disposition of Impounded Dogs | Current Month | 2010 Totals | |
|---|----------------------|--------------------|----------|
| Stray dogs impounded | 1 | 6 | |
| Stray dogs claimed | 1 | 6 | |
| Stray dogs put up for adoption | 0 | 0 | |
| Stray dogs euthanized | 0 | 0 | |
| Stray livestock / cats | 0 | 0 | |
| Other (RCMP request pick up) | 1 | 1 | |
| Calls Received and Investigated | 8 | 29 | |
| Aggressive dogs | 1 | 2 | |
| Dogs at large | 6 | 15 | |
| Noise (barking) complaints | 0 | 9 | |
| Other non specific dog related calls | 1 | 3 | |
| Wildlife / livestock / cats | 0 | 0 | |
| After hour call outs | 2 | 4 | |
| Monthly Pound and Board Fees Collected | \$105.00 | \$795.00 | |
| Impound fees | \$50.00 | \$550.00 | |
| Daily board fees | \$55.00 | \$245.00 | |
| Tickets issued | 0 | 0 | |
| Unlicenced dog | \$0 | \$0 | |
| Dog at large | \$0 | \$0 | |
| Dangerous dog at large | \$0 | \$0 | |
| Habitually noisy | \$0 | \$0 | |
| | | | |
| Licencing Statistics | Tags | 4 | 13 |
| | Revenue | \$140.00 | \$350.00 |

Judi Burnett

CAS Summary of Service Calls, Ladysmith

8 calls in total

01-May-10 to 31-May-10

| Issue | Call # | Received | Type | Completed |
|-------------------|--------|-----------|------|-----------|
| Aggressive | | 1 | | |
| | 765 | 17-May-10 | Dog | |
| At large | | 5 | | |
| | 766 | 21-May-10 | Dog | 25-May-10 |
| | 764 | 17-May-10 | Dog | 17-May-10 |
| | 762 | 13-May-10 | Dog | 17-May-10 |
| | 761 | 13-May-10 | Dog | |
| | 760 | 07-May-10 | Dog | 25-May-10 |
| Confined | | 1 | | |
| | 763 | 13-May-10 | Dog | 17-May-10 |
| Other | | 1 | | |
| | 767 | 31-May-10 | Dog | |



British Columbia/Yukon Command The Royal Canadian Legion "Military Service Recognition Book" *"Recognizing the Veterans of British Columbia and the Yukon"*

TOWN OF LADYSMITH
BOX 220
LADYSMITH, BC V9G 1A2
Attn: RUTH MALLI

JUN 29 2010

Your Reply Today Will Help Our Veterans Tomorrow!

Thank you for your participation. Your support enables us to publish our Annual **Military Service Recognition Book** to help identify and recognize the many brave **Veterans** of British Columbia and the Yukon who have served their country so well .

This annual publication goes a long way to help the Legion in their job as the **"Keepers of Remembrance"** so that none of us forget the selfless contributions made by our **Veterans**.

Equally important, is that the proceeds raised are also used by the Legion to improve services to **Veterans** and the more than 150 communities served by the Legion throughout BC and the Yukon.

The Legion is recognized as one of Canada's largest community service organizations, as they are an integral part of the communities in which they reside. This project ensures the Legion's continued success in providing these very worthwhile services.

Date: Apr/29/2010

Ad Size: 1/10 Page

Ad Cost: \$ 238.10

Sponsor: \$ 0.00

GST: \$ 11.90

TOTAL: \$ 250.00

Authorized By: RUTH MALLI

Thank you again for your support!



"Lest We Forget"

G.S.T. #R107933913

PLEASE MAKE CHEQUE PAYABLE TO:
**BC/YUKON COMMAND
THE ROYAL CANADIAN LEGION
(BC/Y RCL)**
P.O. BOX 5555
VANCOUVER, BC V6B 4B5
Tel. Toll Free: 1-800-964-9074

To pay on-line, via personal internet banking, just key in the word "LEGION", select BC/YUKON COMMAND, and then enter your personalized account number.

BCCL01730374

Send the lower portion with your contribution, pay at any major financial institution OR pay "on-line" via your personal internet banking.

Pledge Amount: \$ 250.00

Pledge Date: Apr/29/2010

2502456400 TOWN OF LADYSMITH

430 B



B C C L 1 0 B 8 0 2 0 5 1

**BC/YUKON COMMAND
THE ROYAL CANADIAN LEGION**
P.O. BOX 5555
VANCOUVER, BC V6B 4B5

Return this portion in the envelope provided.

Method of Payment

Pay at your Bank

Or send this notice back in the envelope provided

Cheque

Visa

MasterCard

Amount Authorized

Name on Card: _____

Card No. _____/_____/_____/_____

Expiry Date ___/___ Signature: _____

E-Mail Address _____

125

30318 9001

96

TOWN OF LADYSMITH

BYLAW NO. 1732

A bylaw to amend "Ladysmith Fees and Charges Bylaw 2008, No. 1644"

WHEREAS the Town Of Ladysmith has adopted and wishes to amend the "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644".

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Schedules 1, 2 and 3 be amended to include the following:

Note: All fees are subject to applicable taxes

2. This bylaw may be cited for all purposes as "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2010, No. 1732".

READ A FIRST TIME on the 21st day of June, 2010

READ A SECOND TIME on the 21st day of June, 2010

READ A THIRD TIME on the 21st day of June, 2010

ADOPTED on the _____ day of _____, 2010

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

TOWN OF LADYSMITH

BYLAW NO. 1733

A Bylaw to amend "Bylaw for the Administration of the Freedom of Information and Protection of Privacy Act 1994, No. 1138".

WHEREAS the Town Of Ladysmith has adopted and wishes to amend the "Town Of Ladysmith Freedom of Information and Protection of Privacy Act Bylaw 1994, No. 1338",

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Section 5 of "Bylaw for the Administration of the Freedom of Information and Protection of Privacy Act Bylaw 1994, No. 1138" is amended as follows and as noted in bold text:

5.0 **FEES**

An applicant making a request shall pay to the municipality the fees (*plus any applicable taxes*) set out in Schedule "A" for the purpose of:

2. This Bylaw may be cited for all purposes as "Town of Ladysmith Freedom of Information Bylaw 1994, No. 1138, Amendment Bylaw 2010, No. 1733".

READ A FIRST TIME on the 21st day of June, 2010

READ A SECOND TIME on the 21st day of June, 2010

READ A THIRD TIME on the 21st day of June, 2010

ADOPTED on the _____ day of _____, 2010

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

TOWN OF LADYSMITH

BYLAW NO. 1734

A bylaw to amend "Town Of Ladysmith Subdivision Control Bylaw 1994, No. 1115"

WHEREAS the Town Of Ladysmith has adopted and wishes to amend the "Town of Ladysmith Subdivision Control Bylaw 1994, No. 1115",

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Part III Section 4.05 subsection (n) of the "Town of Ladysmith Subdivision Control Bylaw 1994, No. 1115" is hereby amended as follows and as noted in bold text:

Note: All fees are subject to applicable taxes

2. This bylaw may be cited for all purposes as "Town of Ladysmith Subdivision Control Bylaw 1994, No. 1115, Amendment Bylaw 2010, No. 1734".

READ A FIRST TIME on the 21st day of June, 2010

READ A SECOND TIME on the 21st day of June, 2010

READ A THIRD TIME on the 21st day of June, 2010

ADOPTED on the _____ day of _____, 2010

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)