



TOWN OF LADYSMITH

SCHEDULE FOR MONDAY, NOVEMBER 7, 2011

COUNCIL CHAMBERS, CITY HALL

- 6:30 p.m. PUBLIC DIALOGUE WITH COUNCIL**
- *This monthly dialogue session will occur prior to the first Council meeting of each month*
 - *Attendees are requested to sign a “sign in” sheet at the session*
 - *This session does not form part of the Regular Council Meeting*
 - *Notes may be taken to reflect the general discussion and points raised, including queries for which a response was not provided during the session. Notes **do not** form part of regular Council minutes*
 - *The imposition of a time limit for speakers is at the discretion of the Chair*
- 7:00 p.m. REGULAR COUNCIL MEETING (FOLLOWED BY EXECUTIVE SESSION)**
-

REGULAR COUNCIL MEETING AGENDA

Page

CALL TO ORDER

- 1. AGENDA APPROVAL**
- 2. MINUTES**
 - 2.1. Minutes of the Regular Council Meeting held on October 17, 2011** 1 - 5
- 3. BYLAWS (OCP / ZONING)**

None
- 4. DELEGATION**
 - 4.1. A.S. (Gus) Armstrong, Ladysmith Citizens on Patrol** 6 - 7

Request for financial support to assist Ladysmith Citizens on Patrol to acquire a patrol van.
- 5. PROCLAMATIONS**

None:
- 6. DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS**
 - 6.1. Development Variance Permit Application – 10910 Westdowne Road** 8 - 13

Lot 15, D.L. 72, Oyster District, Plan 8793, Except Part in Plan 895RW

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6.2. Official Community Plan and Zoning Bylaw Amendment Application: 11 & 17 Warren Street Lot 7 & 8, Block 5, D.L. 24, Oyster District, Plan 703A (Pabla)	14 – 28
7. COUNCIL COMMITTEE REPORTS	
7.1. Mayor R. Hutchins Cowichan Valley Regional District; Heritage Revitalization Advisory Commission; Trolley Committee; Liquid Waste Management Committee	
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7.2. Councillor S. Bastian Parks, Recreation and Culture Commission; Community Health Advisory Committee; Youth Advisory Committee	
7.3. Councillor J. Dashwood Liquid Waste Management Committee; Trolley Committee; Chamber of Commerce; Ladysmith Early Years Partnership	
7.4. Councillor S. Arnett Government Services Committee; Advisory Planning Commission; Environment & Economic Development Commission	
7.4.1. Government Services Committee Recommendations	32
7.5. Councillor D. Paterson Protective Services Committee; Celebrations Committee; Festival of Lights	
7.5.1. Protective Services Committee Recommendation: <i>The Protective Services Committee recommends to Council that the Town of Ladysmith facilitate the establishment of the Bar Watch Program within the Town of Ladysmith.</i>	33 - 40
7.6. Councillor L. Evans Parks, Recreation and Culture Commission; Protective Services Committee, Social Planning Cowichan Affordable Housing Directorate	
7.7. Councillor B. Whittington Vancouver Island Regional Library Board; Advisory Design Panel; Environment & Economic Development Commission; Ladysmith Downtown Business Association	
8. STAFF / ADVISORY COMMITTEE REPORTS	
8.1. Draft Policy – Strata Conversion of a Previously Occupied Building	41 – 45
8.2. Community Recreation Program Grant Application	46 – 49
9. CORRESPONDENCE None	

10. BYLAWS

Page

- 10.1. Town of Ladysmith Garbage, Recyclables and Organics Collection Bylaw (2005) No. 1588, Amendment Bylaw (2011) No. 1783**
May be adopted.

50 – 51

The purpose of Bylaw 1783 is to make housekeeping amendments to the Garbage, Recyclables and Organics Collection Bylaw to clarify proper containers for disposing of waste, and establish appropriate fines.

11. NEW BUSINESS

12. UNFINISHED BUSINESS

- 12.1. Bylaw Enforcement Policy – Secondary Suites within a Single Family Dwelling**

52 - 57

At the Regular Meeting of September 6, 2011, Council passed resolution 2011-377:

That an enforcement policy be prepared regarding secondary suites in the Town of Ladysmith based on:

- *Highest priority – suites not meeting basic life safety requirements*
- *Medium priority – new complaints received after the adoption of Bylaw 1774*
- *Lower priority – complaints received after the adoption of Bylaw 1774 about newly constructed suites with a building permit*

The draft policy is attached for Council's consideration, together with the original staff report from the September 6 meeting.

13. QUESTION PERIOD

- There will be allotted a maximum of 15 minutes for questions.
- The Question Period will be comprised of two parts. The first part is reserved for questions directly related to items which appear on the agenda. If there is time remaining, questions during the second part can be on a matter of public interest under the jurisdiction of the Town.
- Each questioner will be allowed to ask one question plus a follow-up question related to the answer. If after all questioners have been heard and there is still time remaining, a questioner who has already spoken can ask one additional question plus a follow-up question related to the answer.
- Questions must be truly questions and not statements of opinions. Questioners are not permitted to make a speech.
- Questioners must avoid personal references; insinuations; violent, offensive or disrespectful remarks about another person; and unparliamentary language.
- Questions shall be addressed to the Chair.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

14. EXECUTIVE SESSION

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

- 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
- labour relations or other employee relations
- negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public

ADJOURNMENT



LADYSMITH

MINUTES OF A MEETING OF COUNCIL OF THE
TOWN OF LADYSMITH
HELD IN COUNCIL CHAMBERS AT CITY HALL ON
OCTOBER 17, 2011

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins
Councillor Jillian Dashwood
Councillor Bruce Whittington

Councillor Steve Arnett
Councillor Lori Evans

Councillor Scott Bastian
Councillor Duck Paterson

STAFF PRESENT:

Ruth Malli
Pat Durban

Sandy Bowden
Joanna Winter

Erin Anderson

CALL TO ORDER

Mayor Hutchins called the meeting to order at 7:05 p.m.

AGENDA APPROVAL

Mayor Hutchins requested Council's consideration of the following addition to the agenda:

- 7.3 Autothermal Thermophilic Aerobic Digesters
- 10.1 State of the Island Economic Summit

2011-439

It was moved, seconded and carried that the agenda for the Regular Meeting of Council for October 17, 2011 be adopted as amended.

MINUTES

2011-440

It was moved, seconded and carried that the minutes of the Regular Meeting of Council held October 4, 2011 be approved as circulated.

DELEGATIONS

D. Parhar and C. Parhar

Continuation of Hearing – Business Licence Application for Island Pacific Transport Ltd.

Town's Counsel Kristen Morley was in attendance to moderate the hearing. She provided information regarding several questions that had arisen during the course of the first part of the hearing on September 6, 2011. Counsel reminded Council that the purpose of this hearing is to determine whether or not Council wishes to uphold the Town's original decision not to approve the business licence application by Island Pacific Transport. It is not the purpose of this hearing to try and resolve the zoning issues regarding the property.

K. Morley pointed out that the definition of 'legal non-conforming building' is contained in Section 911 of the Local Government Act.

Discussion ensued, after which C. Parhar left the meeting.

2011-441

It was moved, seconded and carried that the discussion regarding the business licence application by Island Pacific Transport be referred to the *in camera* session of Council following the Regular Council meeting.

**STAFF / ADVISORY
COMMITTEE REPORTS**

Government Services Committee Recommendations (Meeting of October 4, 2011)

Housekeeping Amendments to the Waste, Recyclables and Organics Collection Bylaw

2011-442

It was moved, seconded and carried that staff be directed to proceed with preparing a bylaw to amend Town of Ladysmith Garbage, Recyclables and Organics Collection Bylaw 2005, No. 1588.

Giant Hogweed

2011-443

It was moved, seconded and carried that staff be requested to investigate and report back regarding the eradication of Giant Hogweed in the Town of Ladysmith.

Intersection at Colonia and Malone

2011-444

It was moved, seconded and carried that staff be requested to investigate the feasibility of a four-way stop, roundabout, or other traffic calming measure at the intersection of Colonia Drive and Malone Road and a three-way stop or other traffic calming measure at the intersection of Dunsmuir Crescent and Colonia Drive.

2011-445

It was moved, seconded and carried that staff be requested to investigate the safety of intersections at Christie Road and Fourth Avenue, Cemetery Hill, and, Walkem Road and Cloke Road.

2011-446

It was moved, seconded and carried that staff be requested to investigate the installation of stop sign warning notices north and southbound approaching the intersection of Fourth Avenue and Roberts Street.

Awards

2011-447

It was moved, seconded and carried that funds be set aside in the 2012 budget for an awards display case at the Frank Jameson Community Centre.

- Concerns Regarding Recent Filming in Ladysmith**
- 2011-448 It was moved, seconded and carried that correspondence from D. Phan expressing concerns about the effect on business of filming in Ladysmith be referred to staff for review and recommendation, in consultation with the Ladysmith Downtown Business Association, and the Parks, Recreation and Culture Commission.
- Town Hall Meeting – I-Clicker Results**
- 2011-449 It was moved, seconded and carried that the recorded audience response from the July 19, 2011 Town Hall meeting regarding the Liquid Waste Management Plan be referred to the Liquid Waste Management Committee for inclusion in the Public Consultation Report for the Liquid Waste Management Plan.
- 2011-450 It was moved, seconded and carried that staff be requested to prepare a report regarding options to amend the Animal Control Bylaw to permit chickens in backyards.
- 2011-451 It was moved, seconded and carried that the question of the licensing of cats be referred to a January 2012 meeting of Council.
- 2011-452 It was moved and seconded that a feasibility study be carried out on the establishment of a recreational vehicle park in the waterfront area.
- Amendment**
- 2011-453 It was moved, seconded and carried that resolution 2011-452 be amended to replace the words "...in the waterfront area" with "...in the Town of Ladysmith".
- Original motion carried as amended.
- Chamber of Commerce Visitor Information Centre Lease**
- 2011-454 It was moved, seconded and carried that the agreement to support the operation of the Ladysmith Visitor Information Centre at 411B First Avenue be renewed, providing \$35,000 towards rent, for one year commencing January 1, 2012, with an option to renew for an additional year.
- Autothermal Thermophilic Aerobic Digesters**
- 2011-455 It was moved, seconded and carried that Council receive the report from Acuren Group Inc. regarding the results of testing on the Autothermal Thermophilic Aerobic Digesters in the Town's Waste Water Treatment Plant; and that staff be authorized to go to tender for the supply of a centrifuge and include its installation

in the existing contract with Knappett Inc. for work being carried out on the Waste Water Treatment Plant; and that staff be authorized to include the construction of a Sodium Hypochlorite storage area in the Knappett contract.

CORRESPONDENCE

**S/Sgt. Roger Plamondon, Ladysmith RCMP Detachment
Quarterly Mayor's Report – July – September 2011**

2011-456

It was moved, seconded and carried that the Ladysmith RCMP Detachment quarterly Mayor's report for the period July to September 2011 be received.

BYLAWS

Town of Ladysmith Permissive Tax Exemption Bylaw 2011, No. 1775

2011-457

It was moved, seconded and carried that Town of Ladysmith Permissive Tax Exemption Bylaw 2011, No. 1775 be adopted.

Town of Ladysmith Permissive Tax Exemption Bylaw 2011, No. 1776

2011-458

It was moved, seconded and carried that Town of Ladysmith Permissive Tax Exemption Bylaw 2011, No. 1776 be adopted.

Town of Ladysmith Development Cost Charges Reduction Bylaw 2011, No. 1781

2011-459

It was moved, seconded and carried that Town of Ladysmith Development Cost Charges Bylaw 2011, No. 1781, be adopted.

Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2011, No. 1782

2011-460

It was moved, seconded and carried that Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119 Amendment Bylaw 2011, No. 1782, be adopted.

Town of Ladysmith Garbage, Recyclables and Organics Collection Bylaw (2005) No. 1588, Amendment Bylaw (2011) No. 1783

2011-461

It was moved, seconded and carried that Town of Ladysmith Garbage, Recyclables and Organics Collection Bylaw (2005) No. 1588, Amendment Bylaw (2011), No. 1783 be read a first, second and third time.

NEW BUSINESS

State of the Island Economic Summit

Councillor Arnett agreed to bring information back to Council regarding proceedings at the Vancouver Island Economic Summit, and encouraged members of Council to attend.

QUESTION PERIOD

M. Peterson, Ladysmith Chronicle, announced that he will be leaving his position as editor. Council thanked him for his

contributions to the newspaper and the community and wished him success in his new career.

R. Johnson suggested that the Economic Development Commission and the Heritage Revitalization Advisory Commission be consulted regarding filming in Ladysmith.

EXECUTIVE SESSION

2011-462

It was moved, seconded and carried at 8:18 p.m. that Council retire into Executive Session after a two-minute recess, to consider the following items:

- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

ARISE AND REPORT

Council arose from Executive Session with report on the following item:

- Based upon the evidence presented by the Town and Mr. Parhar in the hearings held on September 6 and October 17, 2011, due to the structure on the site that is in contravention of the zoning bylaw, the Town's original decision to deny a business licence to Island Pacific Transport is upheld.

ADJOURNMENT

2011-463

It was moved, seconded and carried that this meeting of Council be adjourned at 10:00 p.m.

Mayor (R. Hutchins)

CERTIFIED CORRECT

Corporate Officer (S. Bowden)



OCT 31 2011

Ladysmith
Citizens On Patrol
PO Box 280
320 Sixth Ave
Ladysmith, BC V9G 1A2

October 31st, 2011

Mayor and Council
Town of Ladysmith
410 Esplanade PO Box 220
Ladysmith, BC V9G 1A2

ACQUISITION OF PATROL VAN FOR LADYSMITH CITIZENS ON PATROL

The LADYSMITH Citizens on Patrol are requesting assistance from the Town of LADYSMITH. Our group consists of volunteers who perform a myriad of tasks requested by the town and the RCMP, as well as various groups and associations. Our main purpose is weekend patrols around various sections of Ladysmith which are prone to activities of a questionable nature. Examples are Transfer Beach at night, downtown business district, 6th avenue's recreational and educational venues, various children's parks and more recently the patrolling in and around Forrest Field. We also make sure to include the South Davis area as well as the Diamond district, that in the past, was a dumping ground for unwanted trash.

You have all seen the LADYSMITH COPs at major events like Ladysmith Days, Festival of Lights, the Olympic Torch parade, and various Transfer Beach activities. You also might have seen us most weeks doing SPEEDWATCH (Radar speed detection equipment donated by ICBC) on various streets and school areas throughout the town. If and when a disaster strikes, LADYSMITH COPs can be called upon to direct traffic (certified) and to do other tasks requested by the town or RCMP. It is in everyone's interest to keep this team viable.

The lease on our previous patrol vehicle has lapsed and we have no one to pick up a lease on another one. We need a properly equipped patrol van to continue our responsibilities. At the moment, our ranks are depleting



for many reasons, the most important ones are natural attrition and lack of visibility due to lack of a properly designated patrol vehicle. The patrol vehicle properly marked and equipped advertises our presence to both "The good and the bad guys".

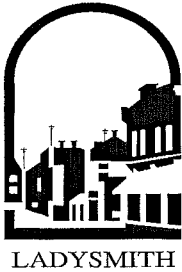
We are currently using the Director of Public Works vehicle for our night time/week end patrols following a recent agreement with the Town. This does not meet our requirements, or those of RCMP Community Policing for activities in the daytime, such as speed watch, house security inspections, attendance at special civic events, etc. LCOP and RCMP Community Policing both agree that the above vehicle would meet all our requirements if it were dedicated full time to them and be outfitted with suitable decals.

Should that not be an option, we have had preliminary negotiations with Laird Wheaton in Nanaimo for the purchase of a similar vehicle to the one we previously used, at a cost of \$10, 450.

We respectfully request that the Town of Ladysmith either dedicate the vehicle we are currently using to LADYSMITH Citizens on Patrol/RCMP Community Policing, or purchase on our behalf the vehicle from Laird Wheaton.

Thanking you in advance.

A.S. Armstrong
Co-ordinator
250-245-7032
angus_armstrong@telus .net



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: November 2, 2011
File No: 3090-11-01

Re: Development Variance Permit Application – 10910 Westdowne Road
(Lot 15, D.L. 72, Oyster District, Plan 8793, Except Part in Plan 895RW)

RECOMMENDATIONS:

THAT Council approve Development Variance Permit (DVP) 3090-11-01, to permit a variance to Section C - 4.05(f) and 4.05(g) of the Subdivision Control Bylaw No. 1115 to allow the property at 10910 Westdowne Road (Lot 15, District Lot 72, Oyster District, Plan 8793, Except Part in Plan 895RW) to be subdivided into two lots subject to approval and registration of a covenant that states the following:

- a) to postpone the required connection to the water supply until prior to issuing a building permit for either of the proposed two lots; and
- b) to postpone the required connection to the sanitary sewer system until within two years of the sanitary sewer being available to either of the proposed two lots.

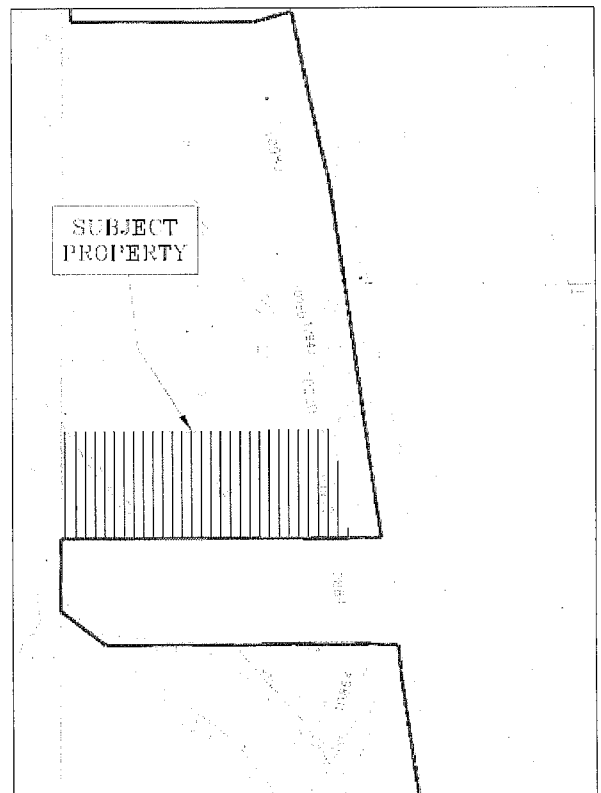
And subject to Vancouver Island Health Authority confirmation that the property conforms to the Public Health Act; and authorize the Mayor and Corporate Officer to sign DVP 3090-11-01.

PURPOSE:

To consider a development variance permit application to vary Subdivision Control Bylaw No. 1115 for the purpose of allowing the subject property to be subdivided into two parcels pursuant to s.922(1)(b) of the Local Government Act.

INTRODUCTION/BACKGROUND:

The subject property is 2.1 hectares (5.1 acres) in size and is located in the south of Ladysmith at 10910 Westdowne Road. The owner of the property wishes to subdivide the land into two lots. To permit the subdivision the applicant is requesting two variances to the Town of Ladysmith Subdivision Control Bylaw No. 1115. Section C (4.05) of the Subdivision Bylaw requires that every lot created by subdivision be connected to the Town water system and sanitary system. The subject property is currently serviced by well and septic field.



At the September 19, 2011 meeting Council directed staff to proceed with statutory notification for the proposed variances.

SCOPE OF WORK:

The subject property currently contains a house and garage and the remainder of the land is mainly forest with a cleared area around the house and garage. The proposed subdivision layout for the two lots is shown in Figure B. The proposed lots are each 1.05 hectares in size.

The subject property is designated as 'Commercial' in the South Ladysmith Area Plan. The subject property is zoned "Service Commercial" (C-3) according to Zoning Bylaw 1180. The C-3 zone in Bylaw 1180 permits parcels that are not served by community water or sewer to be subdivided into a minimum lot size of 0.8 hectares. The applicant wishes to utilize this provision in Bylaw 1180, however a variance to the Town's Subdivision Control Bylaw is required. The Subdivision Control Bylaw requires that all properties be connected to the water supply and sanitary sewer system as a condition of subdivision approval.

Water Supply

Water service is available to be extended to the two proposed lots. It has been estimated that a 6" water line is required to be extended 217 metres for the proposed subdivision, and the estimated cost for this work is \$46,000. The applicant is requesting that the water line extension/connection be required at time of building permit for either of the new lots, and that the waterline extension/connection not be required at time of subdivision.

Sanitary Sewer System

At this time the sanitary sewer connection is not available within close proximity to the subject property. The applicant is requesting that the sanitary sewer be required within 2 years of the service being available.

The two proposed commitments i) require waterline extension/connection at time of building permit and ii) require sanitary sewer within two years of it being available; may be secured by a covenant registered on the certificate of title as a condition of the Development Variance Permit as recommended.

ALTERNATIVES:

To not support development variance permit 3090-11-01.

FINANCIAL IMPLICATIONS; n/a

LEGAL IMPLICATIONS:

The *Local Government Act* enables Council to vary subdivision regulations through the issuance of a development variance permit. This is a discretionary decision of Council.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Town of Ladysmith notice regarding the DVP application was sent to neighbouring properties on September 28, 2011. At the date of this report no inquiries were received about the DVP application.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The subdivision Preliminary Layout Approval that was issued by the Approving Officer requires that a variance be approved by Council as a condition of subdivision approval. The Director of Public Works supports the proposed variances.

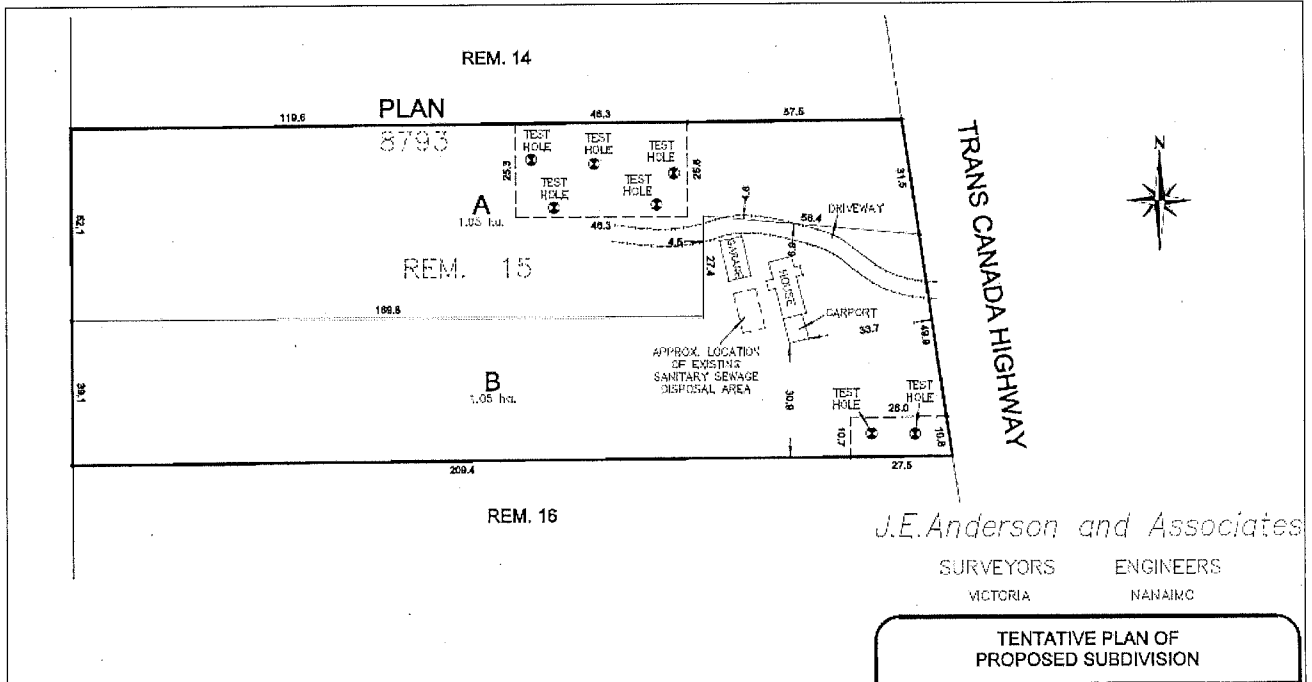


Figure B: Proposed Subdivision Plan for 10910 Westdowne Road

RESOURCE IMPLICATIONS:

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

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT: n/a

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

A development variance permit application has been received to vary the Subdivision Control Bylaw No. 1115 for the purpose of allowing the subject property to be subdivided into two parcels. Statutory notification was completed and no objections to the proposed variances were received.

I concur with the recommendation.


 Ruth Malli, City Manager

ATTACHMENTS:
 DVP 3090-11-01

TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT 3090-11-01
DATE: November 7, 2011

TO:	Bonita Tolley
ADDRESS:	10910 Westdowne Road, RR2 Ladysmith, B.C. VOR 2EO

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:

Lot 15, District Lot 72, Oyster District, Plan 8793, Except Part in Plan 895RW
PID: 003-558-398 (10910 Westdowne Road)

3. Section C - 4.05 (f) "Water System Requirements" of Bylaw No. 1115 "A bylaw to regulate the servicing of subdivisions, as amended, is varied for the subject property as follows:

From: Every lot created by a subdivision shall be connected to a suitable point on the Town water system through a complete and fully operational system of watermains, water meters, valves, valve chambers, hydrants and other appurtenances provided by the Applicant, in accordance with Schedule E.

To: Every lot created by a subdivision shall be connected to a suitable point on the Town water system through a complete and fully operational system of watermains, water meters, valves, valve chambers, hydrants and other appurtenances provided by the Applicant, in accordance with Schedule E of Bylaw 1115 prior to a building permit being issued on either of the two proposed lots shown in Schedule A.

4. Section C - 4.05 (g) "Sanitary Sewer System Requirements" of Bylaw No. 1115 "A bylaw to regulate the servicing of subdivisions, as amended, is varied for the subject property as follows:

From: Every lot created by a subdivision shall be connected to a suitable point on the Town sanitary sewer system through a complete and fully operational system of mains, manholes, necessary pumping stations and other appurtenances provided by the Applicant, in accordance with Schedule E.

To: Every lot created by a subdivision shall be connected to a suitable point on the Town sanitary sewer system through a complete and fully operational system of mains, manholes, necessary pumping stations and other appurtenances provided by the Applicant, in accordance with Schedule E of Bylaw 1115 within two years of the sanitary sewer system being available to the land at Lot 15, District Lot 72, Oyster District, Plan 8793, Except Part in Plan 895RW.

5. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
6. The following plans and specifications are attached:
 - a) Schedule A - Proposed Subdivision Plan for Lot 15, District Lot 72, Oyster District, Plan 8793, Except Part in Plan 895RW
7. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZING RESOLUTION passed by Municipal Council on the _____ day of _____, 20 11.

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

I HEREBY CERTIFY that I have read the terms and conditions of the Development Variance Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with Bonita Tolley other than those contained in this permit.

Signed

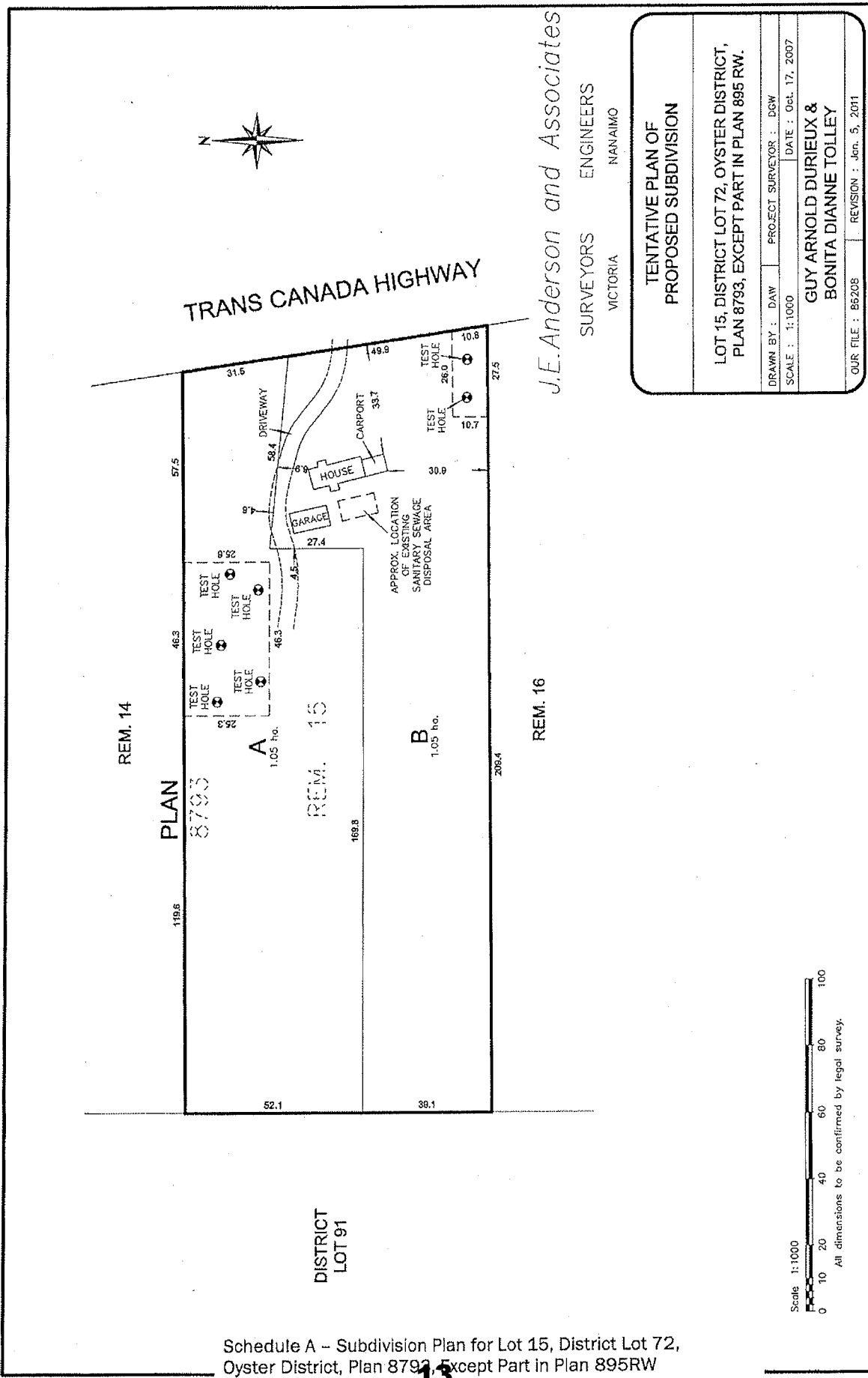
Witness

Title

Occupation

Date

Date



REM. 14

PLAN 8793

A
1.05 ha.
REM. 15

B
1.05 ha.

REM. 16

TRANS CANADA HIGHWAY



DISTRICT LOT 91

Schedule A - Subdivision Plan for Lot 15, District Lot 72, Oyster District, Plan 8793, Except Part in Plan 895RW
DVP 3090-11-01 Maureen Pilcher & Assoc. Inc.

J.E. Anderson and Associates
SURVEYORS ENGINEERS
VICTORIA NANAIMO

TENTATIVE PLAN OF PROPOSED SUBDIVISION

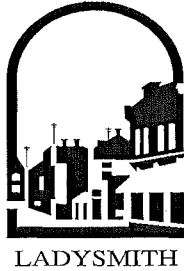
LOT 15, DISTRICT LOT 72, OYSTER DISTRICT, PLAN 8793, EXCEPT PART IN PLAN 895 RW.

DRAWN BY : DAW PROJECT SURVEYOR : DGW
SCALE : 1:1000 DATE : Oct. 17, 2007

GUY ARNOLD DURIEUX & BONITA DIANNE TOLLEY

OUR FILE : 85208 REVISION : Jan. 5, 2011





Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: November 2, 2011
File No: 3360-09-01

Re: OCP AND ZONING BYLAW AMENDMENT APPLICATION: 11 & 17 Warren St.
Lot 7 and 8, Block 5, DL 24, Oyster District, Plan 703A (Pabla)

RECOMMENDATION:

That Council accepts the land use agreement (covenant) prepared for rezoning application 3360-09-01 and authorizes the Mayor and Corporate Officer to execute the documents.

PURPOSE:

The purpose of this report is to present the land-use agreement (covenant) for OCP amendment and rezoning application 3360-09-01 (to permit a three storey building with 14 residential apartments and one commercial space at 11 and 17 Warren Street).

INTRODUCTION/BACKGROUND:

At the April 2011 meeting Council directed staff to prepare a land use agreement (covenant) to secure the amenities and commitments related to OCP amendment and rezoning application 3360-09-01.

SCOPE OF WORK:

The attached land use agreement (covenant) contains the following commitments from the developer:

- A performance bond (1% of construction costs) to secure the commitment that the building will meet the ASHRAE energy performance standard;
- A contribution of \$14,000 towards the Town's community amenity fund;
- The December 2010 Ellins Architect Inc. site plan and building elevation drawings for 11 and 17 Warren Street (which includes indoor bicycle storage);
- The commitment to installing a permeable parking area and landscaping with primarily native species; and
- A commitment to no restrictions on the renting of the residential units.

If supported by Council the covenant shall be registered on the certificate of title for 11 and 17 Warren Street.

ALTERNATIVES: none

FINANCIAL IMPLICATIONS n/a

LEGAL IMPLICATIONS

If supported by Council the covenant shall be registered on the certificate of title for 11 and 17 Warren Street and will bind future land-owners. If Bylaw 1753 and 1754 are not adopted by December 31, 2011, the covenant is nullified.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

The covenant implements conditions agreed to as part of the rezoning application.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS: none

RESOURCE IMPLICATIONS

Processing OCP and rezoning amendment applications and associated land-use agreements is a core function of the Development Services Department. Processing this application is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The land-use agreement (covenant) requires development features that are encouraged in the Visioning Report.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY

It is recommended that Council support the land-use agreement (covenant) to secure amenities and commitments in relation to OCP amendment and rezoning application 3360-09-01.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Draft Covenant

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 13 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

--

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Mary Lynn Shiels, Legal Assistant for
 BRIAN J. SENINI LAW CORPORATION
 30 FRONT STREET, P.O. BOX 190
 NANAIMO BC V9R 5K9

File No. 211130; TOL File: 3360-09-01
 Tel: (250) 754-1234
 File Type: Rezoning Covenant

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
 [PID] [LEGAL DESCRIPTION]

SEE SCHEDULE

STC? YES

3. NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION

Covenant
Priority Agreement

over CA483655

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms D.F. No.

(b) Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

TOWN OF LADYSMITH

410 ESPLANADE, P.O. BOX 220

LADYSMITH

V9G 1A2

BRITISH COLUMBIA

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date		
Y	M	D
11		

Transferor(s) Signature(s)

 Satpal Pabla, as to an undivided
 99/100th interest

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y	M	D
11		
11		
11		

Transferor signature:

Avtar Singh Pabla, as to an undivided
1/100th interest

Transferor Signature:
(AS TO PRIORITY)

THE TORONTO-DOMINION BANK by
its duly authorized signatories:

Name:

Name:

Transferee Signature:

TOWN OF LADYSMITH by its duly
authorized signatories:

Robert Hutchins - Mayor

Sandy Bowden - Director of Corporate
Services

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM E

SCHEDULE

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

008-552-363 LOT 7, BLOCK 5, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 703A

STC? YES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

008-552-410 LOT 8, BLOCK 5, DISTRICT LOT 24, OYSTER DISTRICT, PLAN 703A

STC? YES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

STC? YES

**LAND TITLE ACT
FORM E**

SCHEDULE

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. TRANSFEROR(S):

SATPAL PABLA AND AVTAR SINGH PABLA (AS TO GRANT OF COVENANT)
AND THE TORONTO-DOMINION BANK (AS TO GRANT OF PRIORITY)

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Transferors, Satpal Pabla and Avtar Singh Pabla (hereinafter collectively called the "Owners") are the registered owners in fee simple of the two parcels of land described in Item 2 of the General Instrument - Part 1 (hereinafter called the "Lands").
- B. The Transferor, The Toronto-Dominion Bank (hereinafter called the "Mortgagee"), is the holder of Mortgage charge CA483655 and has agreed to grant priority over its charge in favour of this Agreement.
- C. The Transferee (hereinafter called the "Town") is a municipality duly incorporated under the laws of the Province of British Columbia.
- D. The Town has adopted Official Community Plan Bylaw 2003, No. 1488.
- E. The Town has adopted Town of Ladysmith Zoning Bylaw 1995, No. 1160 (hereinafter called the "Zoning Bylaw").
- F. The Council of the Town is considering the adoption of Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 36), 2011, No. 1753 (hereinafter called the "OCP Amendment Bylaw") and Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 86), 2011, No. 1754 (hereinafter called the "Zoning Amendment Bylaw") and, acknowledging that it is in the public interest that the development and use of the Lands be limited, and that certain development requirements which the Owners have freely offered be secured by agreement, and the Owners wish to grant and have agreed to enter into this Covenant and to register it against the title to the Lands as a covenant and indemnity under Section 219 of the *Land Title Act*.
- E. Section 219 of the *Land Title Act* provides that a covenant, whether of a negative or a positive nature, in respect of:
 - (a) the use of land or the use of a building on or to be erected on land;
 - (b) that land is to be built on in accordance with the covenant;
 - (c) that land is not to be built on or subdivided except in accordance with the covenant;
 - (d) that land is not to be used, built on or subdivided;
 - (e) that separate parcels of land are not to be sold or transferred separately;
 - (f) that land or specified amenities be protected, preserved, conserved, maintained, enhanced, restored or kept in its natural or existing state,

may be granted in favour of the municipality and may be registered as a charge against the title to that land.

WITNESS THAT for and in consideration of the premises and the payment of ONE DOLLAR (\$1.00) by the Town to the Owners and the covenants herein contained and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, the parties hereto covenant and agree with the other as follows:

1. Covenant Restricting Building and Use

- 1.1 The Owners covenant and agree that, notwithstanding broader or greater uses permitted in the Zoning Bylaw or other regulations of the Town, the Lands shall not be built upon or used except in strict accordance with this Covenant.

2. Conditions Subsequent

- 2.1 Should the OCP Amendment Bylaw and the Zoning Amendment Bylaw, or bylaws of substantially similar content, not be adopted by the Council of the Town on or before **December 31, 2011**, this Covenant shall be nullified and of no further force and effect.
- 2.2 In the event of nullification of this Covenant pursuant to Section 2.1, and upon request by the Owners to the Town, the Town shall provide the Owners with a registrable form of discharge of this Covenant. The Owners shall be responsible for registering the discharge of this Covenant at the Victoria Land Title Office. The Owners shall also be responsible for all costs associated with the discharge of this Covenant.

3. Building and Land use Restrictions

- 3.1 The Owners covenant and agree that any construction on the Lands must satisfy the following requirements:
 - (a) any building constructed on the Lands must meet the ASHRAE 90.1 (2004) Energy Performance Standard. The purpose of the ASHRAE 90.1 (2004) standards is to provide minimum requirements for the energy efficient design of buildings.
 - (b) to secure the commitment provided for in subsection 3.1(a), the Owners shall provide to the Town, concurrent with any application for a building permit, a Letter of Credit that is 1% of the total construction costs of the building to be constructed on the Lands;
 - (c) any building constructed on the Lands must be substantially constructed in accordance with the December 2010 Ellins Architect Inc. site plan and building elevation drawings, reduced copies of which are attached hereto and marked as Pages 12 and 13;
 - (d) any building constructed on the Lands must include indoor bicycle storage for eleven bicycles;
 - (e) any development of the Lands must include the installation of a permeable vehicle parking area, together with landscaping consisting primarily of native species; and
 - (f) there shall be no restrictions on the rental of any Dwellings constructed on the Lands.
- 3.2 The Owners further covenant and agree that the Town shall not be obliged to issue a Certificate of Occupancy for any Dwelling constructed on the Lands until the matters provided for in Section 3.1 have been completed to the satisfaction of the Town.

4. Community Amenity Fund

4.1 The Owners covenant and agree to pay the sum of \$14,000.00 to the Community Amenity Fund of the Town concurrent with any application for a building permit to construct any building on the Lands. The Owners further covenant and agree that the Lands shall not be built upon, no building permit may be applied for and the Town is not obliged to issue any building permit in respect of the Lands until the Owners have paid this Community Contribution which they have offered and committed to pay without expectation of credit towards other fees, charges, deductions or other requirements of the Town.

5. Withholding of Permits

5.1 The Owners covenant and agree that the Town may withhold development permits, building permits and occupancy permits as necessary to ensure compliance with the covenants in this Covenant, and the issuance of such a permit, certificate or license does not act as a representation or warranty by the Town that the covenants of this Covenant have been satisfied.

6. No Exemption From Jurisdiction

6.1 Nothing contained or implied herein shall prejudice or effect the rights and the powers of the Town, in the exercise of its functions under any public or private statutes, bylaws, order and regulations, all of which may be fully and effectively exercised in relation to the Lands as if this Covenant had not been executed and delivered by the Town.

6.2 The construction of any works or services required to be provided by this Covenant shall not confer any exemption or right of set-off from dedication, development cost charges, connection charges, application fees, user fees or any other fee or charge of whatever nature as may be required as part of subdivision or other processes.

7. Indemnity

7.1 The Owners shall release, discharge, indemnify and save harmless the Town, its officers, employees, contractors and agents at all times from all loss, damages, actions, suits, claims, demands, costs, expenses, fines and liabilities of any nature whatsoever whether known or unknown, at law or in equity, for which they become liable, incur or suffer by reason of any personal injury, death, loss of or damage to property, deprivation or economic loss:

- (a) arising out of the restrictions or requirements of this Covenant;
- (b) arising directly or indirectly from a breach or non-performance of this Covenant by the Owners or their agents, contractors, licensees or invitees;
- (c) arising directly or indirectly from the exercise by the Owners of any rights to use and develop the Lands pursuant to this Covenant or in the fulfilling of its obligations pursuant to this Covenant; or
- (d) arising directly or indirectly from any intentional act, or from any omission, default or negligence of the Owners or their agents, contractors, licensees or invitees in the use and development of the Lands.

8. Interest in Land and Enurement

- 8.1 This Covenant shall charge the Lands pursuant to Section 219 of the *Land Title Act* and the burden of all the covenants herein shall run with the Lands and charge the Lands and every parcel into which the Lands may be subdivided.
- 8.2 This Covenant shall enure to the benefit of the Town and be binding upon the parties hereto and their respective heirs, executors and assigns.
- 8.3 No liability for any breach of this Covenant occurring after a person has ceased to be an owner of the Lands shall attach to that person.

9. Legal Fees

- 9.1 The Owners shall pay the legal fees of the Town in connection with the review and registration of this Covenant. This is a personal covenant only.

10. Donative Intent

- 10.1 The Owners acknowledge that the Town or its officials, employees or agents, has not stated, held out or implied any expectation or requirement that the covenants must be provided in order for the Owners' rezoning application to be approved, but rather the Owners hereby express their intention to voluntarily donate the covenants in this Covenant to the Town, and be bound by them, without any expectation of payment or reward of any kind. The Owners further release, waive and forever discharge the Town from and against any claims, actions, or causes of action, whether based in contract, tort or equity, for damages, deprivation or losses, or for the recovery of costs incurred, whether known or unknown, in connection with the provision of these voluntary covenants.

11. Approvals

- 11.1 Wherever in this Covenant the approval of the Town is required, or some act or thing is to be done to the satisfaction of the Town, it shall require the approval or satisfaction, as the case may be, of the Director of Development Services or the Council:
 - (a) such provision shall not be deemed to have been fulfilled or waived unless the approval is in writing signed by the Director of Development Services or the Council, and no prior approval and no condoning, excusing or overlooking by the Town or the Director of Development Services or the Council on previous occasions when such approval or satisfaction was required shall be taken to operate as a waiver of the necessity for such approval or satisfaction wherever required by this Covenant;
 - (b) such approval may be given on terms and conditions, and security may be required to be posted to ensure compliance with the terms and conditions of any approval given; and
 - (c) the discretion of the Director of Development Services or the Council shall be contractual only, and shall not be subject to public law duties, and the principles of procedural fairness and the rules of natural justice shall have no application.

12. **Non-enforcement**

12.1 The Owners and the Town agree that the enforcement of this Covenant shall be entirely within the discretion of the Town and that the execution and registration of this Covenant against the title to the Lands shall not be interpreted as creating any duty on the part of the Town to the Owners or to any other person to enforce any provision or the breach of any provision of this Covenant.

13. **Miscellaneous**

No Derogation

13.1 Nothing contained or implied herein shall limit or affect the Town's rights and powers in the exercise of its functions pursuant to the *Community Charter* and the *Local Government Act*, or any other enactment, and all such powers and rights may be fully exercised in relation to the Lands as if this Covenant had not been granted by the Owners.

Priority

13.2 The Owners shall do or cause to be done all things necessary to obtain priority for this Covenant over all charges and encumbrances which are registered against title to the Lands in the Land Title Office save before registration of this Covenant, and except charges which have been granted to the Town.

Further Acts

13.3 The Owners shall do and cause to be done all things and shall execute and cause to be executed all plans, documents and other instruments which may be necessary to give proper effect to this Covenant.

Performance at Cost of Owners

13.4 Wherever the Owners request that something be done or is obliged or required to do or cause to be done any act, matter or thing, such act, matter or thing shall be done by the Owners at their sole expense.

Entire Agreement

13.5 This Covenant is the entire agreement between the parties and the Town has made no representations, warranties, guarantees, promises, covenants or agreements, (oral or otherwise) to or with the Owners in relation to the subject matter of this Covenant other than those expressed in writing in this Covenant.

Amendment

13.6 No amendment to this Covenant shall be valid unless made in writing and executed by the parties.

Interpretation

13.7 Wherever the singular or masculine is used in this Covenant, the same shall be construed as meaning the plural or the feminine or the body corporate or politic where the context so requires.

13.8 Wherever the expression "Owners" is used herein it shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

Severance

13.9 All provisions of this Covenant are to be construed as independent covenants and should any section, or lesser portion of this Covenant be held invalid or unenforceable by a Court of competent jurisdiction, that portion shall be severed and the invalidity or unenforceability of such section or portion shall not affect the validity of the remainder, which shall remain binding on the Owners and shall charge the Lands.

Joint and Several Liability

13.10 In the case of more than one person acting together as Owners, the grants, covenants, conditions, provisos, agreements, rights, powers, privileges and liabilities of the Owners under this Covenant shall be construed and held to be several as well as joint.

14. **Time**

14.1 Time is of the essence of this Covenant.

15. **Counterparts**

15.1 This Covenant may be executed in one or more counterparts which together shall be deemed to constitute one Covenant in writing.

16. **Execution**

16.1 As evidence of their agreement to be bound by the above terms, each Owners has executed and delivered this Covenant.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Covenant has been duly executed and delivered by the parties executing the Form C (Page 1) and the Form D (Page 2) attached hereto.

CONSENT AND PRIORITY AGREEMENT

GIVEN THAT **THE TORONTO-DOMINION BANK** (the "Mortgagee") is the holder of a Mortgage registered against the Lands under No. CA483655, the Mortgagee covenants and agrees with the parties hereto as follows:

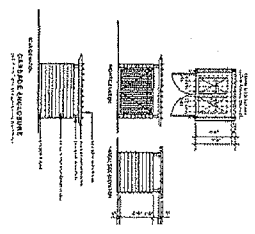
1. The Mortgagee consents to the granting and registration of this Agreement and the Mortgagee agrees that this Agreement binds its interest in and to the Lands.
2. The Mortgagee grants to the Transferees priority for this Agreement over all of the right, title and interest of the Mortgagee in and to the Lands and the Mortgagee postpones its Mortgage and all of its right, title and interest thereunder to this Agreement as if this Agreement had been executed, delivered and registered prior to the execution, delivery and registration of its Mortgage.

IN WITNESS WHEREOF the Mortgagee hereby acknowledges that this Consent and Priority Agreement has been duly executed and delivered by its execution of the Form D (Page 2) attached hereto.

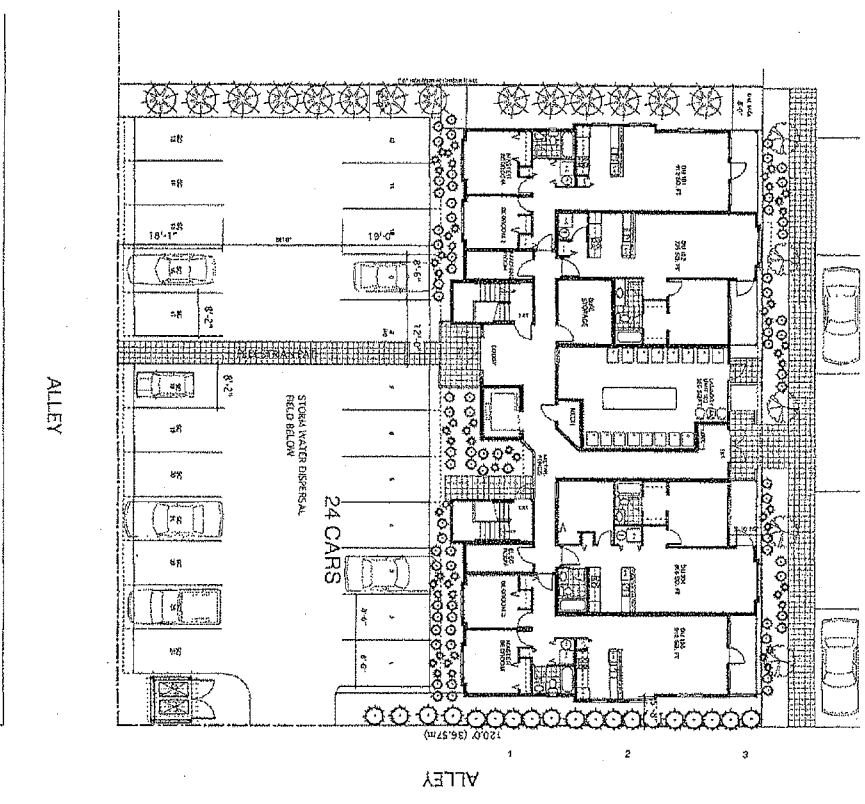
SITE STATISTICS

1 COMMERCIAL UNIT & 14 RESIDENTIAL APARTMENTS
 1st FLOOR COMMERCIAL AND RESIDENTIAL
 2ND FLOOR COMMERCIAL AND RESIDENTIAL
 3RD FLOOR RESIDENTIAL
 4TH FLOOR RESIDENTIAL
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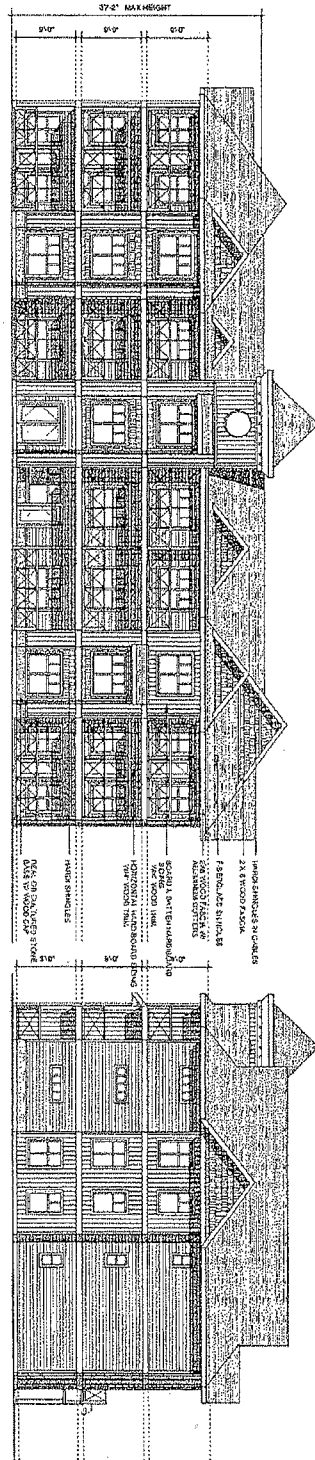
CIVIL ADDRESS: 11 WARREN STREET, LADYSMITH, B.C.
 ZONE: C-2 GENERAL COMMERCIAL
 LOT AREA: 1030 SQ.M. (148189 SQ.FT.)
 LOT COVERAGE: PROPOSED: 72% (1478 SQ.FT.)
 PROPOSED: 47% (1008 SQ.FT.)
 VARIOUS HEIGHTS: PROPOSED: 15.3 M (50.4 FT.)
 PROPOSED: 12.2 M (40.0 FT.)
 BUILDING HEIGHT: PROPOSED: 15.3 M (50.4 FT.)
 PROPOSED: 12.2 M (40.0 FT.)
 PARKING: REQUIRED: 15 PER DWELLING + 0.2 PER 1 DU FROM VISITOR (11+1)
 PROPOSED: 26 CARS FROM 148 SQ.M OF COMMERCIAL (4)
 32 CARS IN PARKING LOT 9 CARS ON WARREN STREET
 31 CARS PROPOSED



SITE PLAN WITH SCHEMATIC LANDSCAPE
 1:0" = 1'-0"

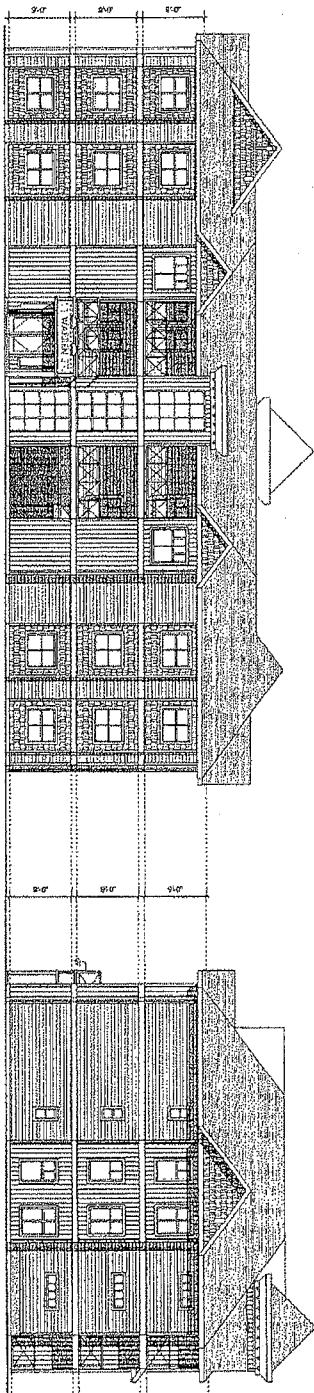


PROJECT NO. 2000-04	DATE: DEC. 2010	SCALE: AS SHOWN	DRAWING NO.
<p>WARREN STREET LADYSMITH, B.C.</p> <p>ellins architect inc. 1111 W. BROADWAY, SUITE 100 VANCOUVER, B.C. V6C 2E1 TEL: 604.681.1111 WWW.ELLINSARCHITECT.COM</p>			
OWNER: JEC, INC.	DATE: DEC. 2010	SCALE: AS SHOWN	DRAWING NO.



FRONT ELEVATION
SCALE: 1/8"=1'-0"

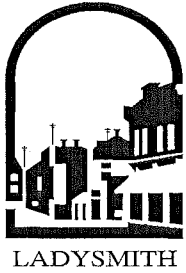
SIDE ELEVATION
SCALE: 1/8"=1'-0"



REAR ELEVATION
SCALE: 1/8"=1'-0"

SIDE ELEVATION
SCALE: 1/8"=1'-0"

<p>WARREN STREET LADYSMITH, B. C.</p>	
<p>elijahs architect inc. 1000-1000-1000 1000-1000-1000</p>	
<p>DRAWING NO. 2004-05</p>	
<p>DATE: DEC 2010</p>	
<p>SCALE: AS NOTED</p>	
<p>PROJECT: DAWSON, B.C.</p>	
<p>AS 0</p>	



Town of Ladysmith

COMMISSION REPORT

To: Mayor and Council
From: Heritage Revitalization Advisory Commission
Date: October 27, 2011
File No:

Re: HERITAGE BUILDING PLAQUES

RECOMMENDATION:

That Council endorse the heritage building plaque design recommended by the Heritage Revitalization Advisory Committee and direct staff to proceed with notification to the seven eligible building owners to advise them of the opportunity to receive a building plaque and to obtain interest from the owner in receiving the building plaque.

BACKGROUND / HISTORY:

At its meeting held January 13, 2011, the members of the Heritage Revitalization Advisory Commission (HRAC) began discussion about the creation of Heritage Plaques for buildings in Ladysmith. The HRAC decided to focus its attention to buildings that are included on the Town's Community Heritage Register.

The members have been working on the building research and design of the building plaques since early 2011 and have a final design to recommend to Council.

The seven eligible buildings include:

- 320 Gatacre Street (St. John's Anglican Church)
- 410 First Avenue (Ladysmith Trading Company)
- 422 First Avenue (Travellers Hotel)
- 436 First Avenue (Nicholson Block)
- 440 First Avenue (Island Hotel)
- 512 First Avenue (Mainstreet Building)
- 530 First Avenue.

ANALYSIS:

The plaque project flows from the recommended priorities in the Heritage Strategic Plan. The focus of strategy 9 is to raise public awareness and appreciation of Ladysmith's Heritage, and further, action 9.4 is to create and maintain an interpretive history program. Funding for the project is included in the budget for Heritage Strategic Plan implementation.

The design of the plaque includes the following elements:

- the building construction date
- the building name (if applicable, and optional if building owner prefers)
- the building address
- a short description of the history of the building
- a photo, provided by the Ladysmith and District Historical Society, including its date or timeframe
- the Town logo
- the logo for the “Canada’s Historic Places” as these buildings are included in the Canadian register

While the plaque design displays the current Town logo, sign manufacturing will await a decision regarding its redesign.

The HRAC made the following resolution at its June 9, 2011 meeting, and the final design was accepted at the October 6, 2011 meeting.

It is recommended to Council that on completion and approval of the building plaque design by the HRAC, that the Town send letters to the 7 private building owners to secure their interest in the building plaque.

Should Council support the recommendation, the building owners will be presented with a letter outlining the project, as well as a copy of the proposed plaque for the specific building.

ATTACHMENTS:

Sample Plaque – Design

1909

Nicholson Block, 436 First Avenue

Lorem ipsum dolor sit dela amet, consectetuer elit. Praesent aliquam, justo convallis luctus rutrum, erat nulla fermentum diam, at nonummy quam ante ac quam. Maecenas urna puruas, mentum id, molestie in, commodo poritor, felis. Nam blandit quam ut lacus. Quisque risus quis.

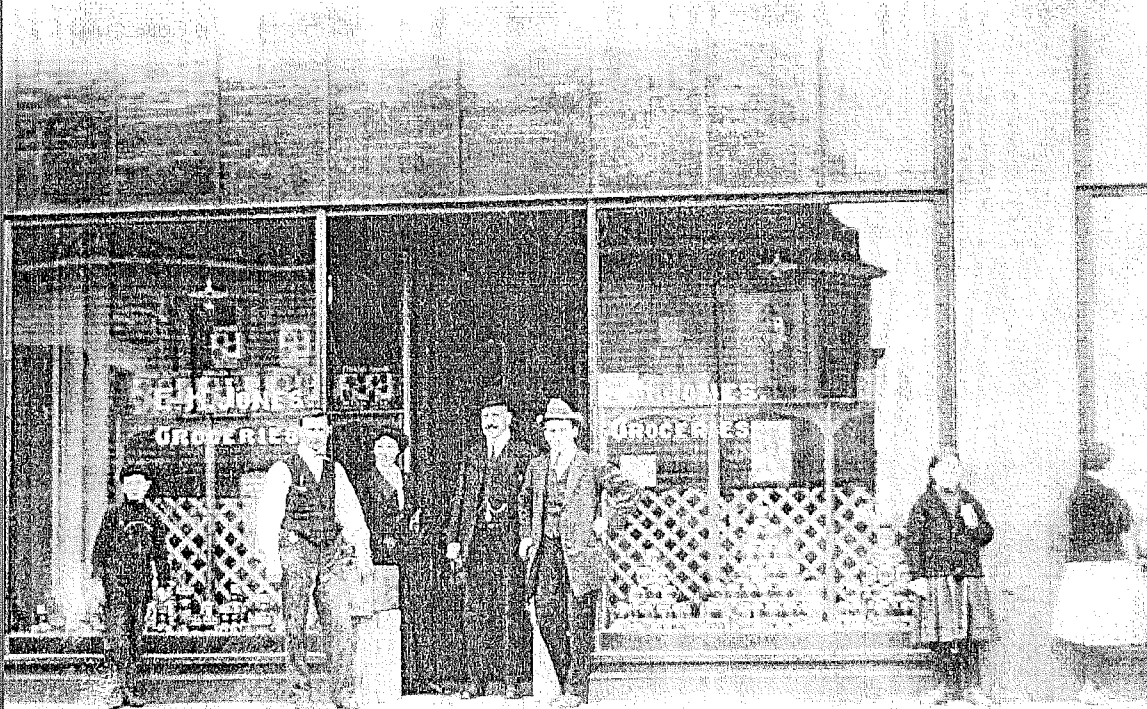


PHOTO: 1909, LADYSMITH & DISTRICT HISTORICAL SOCIETY



Heritage by the Sea

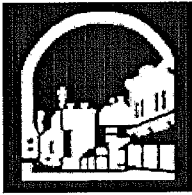


Canada's
Historic Places

Lieux patrimoniaux
du Canada

Town of Ladysmith

COMMITTEE REPORT



LADYSMITH

To: Mayor and Council
From: Councillor S. Arnett, Chair
Date: October 19, 2011
File No: 0550-20

Re: GOVERNMENT SERVICES COMMITTEE - October 17, 2011

At its meeting on October 17, 2011 the Government Services Committee recommended to Council the following:

1. That the recommendations from the Office of the Ombudsman regarding best practices in closed Council Meetings be referred to staff to report back with recommendations for improving best practices with respect to closed Town of Ladysmith Council meetings.
2. That a letter of support be written to L. Gourley of the Mid-Island Sustainability and Stewardship Initiative for the proposed 'Green Gateway to Vancouver Island' initiative.
3. That Laurie Gourley be invited to make a presentation to Council at an upcoming Government Services Committee regarding the Mid-Island Sustainability and Stewardship Initiative.
4. That staff be requested to investigate options for increasing parking availability in the vicinity of Aggie Hall.
5. That the matter of publicizing the location of public washrooms in the Town of Ladysmith be referred to the Public Washroom Task Force of the Chamber of Commerce, the Ladysmith Downtown Business Association and the Town of Ladysmith.
6. That Councillors Arnett and Bastian be requested to reconvene the Public Input Task Force in order to develop recommendations for guidelines and protocol for the monthly Council-Public Dialogue session.
7. That staff be requested to review the bylaws governing third party signage for possible contradictions and to report back to Council.
8. That the Trolley Committee be requested to develop a program to encourage reading and children's literacy on the Ladysmith trolley, in partnership with Ladysmith Family and Friends.
9. That the Protective Services Committee be requested to investigate traffic calming options for the 100 Gatacre Street Alley.
10. That consideration be given to making the 100 Gatacre Alley one-way from Second Avenue to the parking lot



CITY OF NANAIMO

BAR WATCH

RECOMMENDATIONS:

1. That Council authorize the City and the RCMP to endorse and actively support the efforts of Nanaimo's nightclubs to develop and operate a Downtown Nanaimo Bar Watch Society and Program; and,
2. that such support include the expectation, expressed through the *Good Neighbour Agreement*, that all existing and future nightclubs in Downtown Nanaimo/town centre locations participate in Nanaimo's Bar Watch Program.

BACKGROUND:

The *City of Nanaimo Liquor Control Strategy*, adopted by Council in early 2003, contained the following recommendation:

- *THAT Council work with Staff, the RCMP and the nightclub businesses to establish a Bar Watch Program designed to penalize, through warnings and denied entry to nightclubs, persons who are acting uncivilly.*

The text of the *Strategy* (Chapter 5) refers to the Bar Watch Program that operates in the community of Barrow-in-Furness in the UK. The Barrow program is very similar in nature to the Bar Watch Program that is operated by nightclub establishments in Downtown Vancouver. The Barrow program also bears similarity to the program that existed in the late 1990s in Downtown Victoria.

This report provides an overview of Bar Watch for Council's consideration. The overview relies heavily on the Vancouver experience which, it is believed, could be replicated in Downtown Nanaimo.

OVERVIEW:

The points below describe Bar Watch:

- *Purpose ?* The purpose of Bar Watch is to promote the safety and security of patrons in downtown licensed establishments. More specifically, Bar Watch exists to discourage and, ultimately, prevent patrons from engaging in unlawful and uncivil behaviour that endangers other patrons, staff and police within member establishments, and that impugns the establishments' good reputations in the community.

- *Impetus ?* The impetus for establishing Bar Watch appears to differ by community. In Barrow, Bar Watch was established in response to the unlawful drug-related activities that were occurring within the city's bars. In Vancouver, the Program was put into place initially to combat the gang presence that was escalating in downtown nightclubs. In Victoria, rowdiness and related types of uncivil behaviour associated with nightclub patrons created the need for Bar Watch.

It is worth noting that the specific problems which gave rise to the various Bar Watch initiatives have not, in every case, remained the key focus as programs have evolved over time. In Vancouver, for instance, the need to deal with rowdiness and similar types of uncivil behaviour has eclipsed, to some extent, Bar Watch's original emphasis on gangs.

- *Participants ?* There are several parties involved in a successful Bar Watch Program, including:
 - the nightclub establishments that operate and own the program
 - the local police who sponsor and actively support the program
 - other municipal departments that support the program
 - provincial liquor license inspectors who support the program and work with its members

In Vancouver's Bar Watch, the membership consists almost entirely of downtown nightclubs. All types of licensed establishments within and outside of the downtown core, however, are eligible to apply for membership.

- *How it Works ?* In the Vancouver program, each participating establishment is required to install a video camera (CCTV) at its entrance, alongside of posted Bar Watch signs. Patrons entering the club are informed by the signs that they are entering an establishment that participates in the Bar Watch Program, and that Bar Watch is sponsored by the Vancouver Police Department. Patrons are advised that they are being taped and that such tapes will be turned over to the Vancouver Police Department in response to a subpoena. Patrons are also informed that a strict dress code is in effect, which includes a no-gang-colour policy. The clear message given to patrons entering a Bar Watch establishment is that unlawful and uncivil behaviour will not be tolerated.

In addition to the CCTV and signs located at the entrance to the participating premises, Bar Watch members alert each other and the police of potential problems. For example, a nightclub that ejects or refuses entry to an individual who has been acting abusively will inform other clubs and the police of the action taken. A description of the person will be provided so that all parties can be "on the lookout". This communication among members and the police has led several observers to draw parallels between Bar Watch and the more familiar Neighbourhood Watch.

- *Governance and Organization ?* Vancouver's Bar Watch is governed by a non-profit Bar Watch Society, established under BC's *Societies Act*. In keeping with the requirements of the legislation, the Society has a Board of Directors and key officers (e.g., President, Treasurer, Secretary). The Society has a set of bylaws (drawn from the template provided in the legislation) which sets out voting procedures, meeting arrangements and other basic governance and organizational details (copy attached). The Society has one part-time paid staff member (Secretary), who receives an honorarium of \$150 per month.

- *Meetings ?* Vancouver's Bar Watch Society meets once per month at a participating member's establishment. Representatives of the Vancouver Police Department attend every meeting to discuss topics of mutual interest, provide information and answer questions. Education has become an important part of the Police Department's involvement in Bar Watch. In past meetings, police officers have delivered educational seminars on topics such as the appropriate use of force in dealing with unruly patrons.

Provincial liquor license inspectors frequently attend Bar Watch meetings, as do representatives of the City's Fire Department and other divisions. License inspectors may discuss with the group the requirements of license holders under the province's new liquor laws. Fire fighters may outline to the group the types of safety concerns that the Fire Department investigates during its regular inspections.

- *Commitment ?* Each participating establishment in Vancouver's Bar Watch pays annual dues of \$1,000 to cover legal fees, sponsorship commitments and administration fees. Each establishment is also, as suggested earlier, required to purchase, operate and maintain a CCTV at its entrance. In addition to these items, participating establishments are required to sign a Bar Watch agreement (copy attached), which is similar in nature to a Good Neighbour Agreement (which the establishments must also sign).

The police and other city departments are not members of Bar Watch, but are active supporters of the Program. The Vancouver Police Department actually serves as a sponsor of Bar Watch ? this sponsorship lends added credibility and clout to the program. The ongoing and active support of all relevant departments, especially the police, is critical to Bar Watch's success.

It is worth noting that, to date, participation in Vancouver's Bar Watch Program has been voluntary for licensed establishments. Twenty-five establishments, almost all of which are downtown nightclubs, are presently involved. The Bar Watch Secretary reports that the City of Vancouver is considering a business license bylaw amendment that would make involvement in Bar Watch mandatory for all new nightclubs in the downtown core.

LESSONS LEARNED:

Interviews conducted with individuals who are familiar with the existing Vancouver program and the defunct Victoria program point to a key finding: Bar Watch works best when the participating establishments take ownership of the program. The support of the local police and other city departments is critical, to be sure. The police and/or City Hall, however, are not the best bodies to run the program. Like Neighbourhood Watch, Bar Watch needs to be a participant-driven effort ? facilitated and supported by the police, but operated and owned by the stakeholders that the program exists to serve.

The importance of member ownership can be illustrated by comparing the Bar Watch experience in Vancouver to that in Victoria. In Vancouver, the program is owned and operated by the establishments that the program is intended to serve. The Vancouver Police Department and the City of Vancouver actively support Bar Watch, but do not belong to the society which governs the program. In Victoria, a Bar Watch program was initiated in 1998 by the Victoria Police Department. Police ownership over the program meant that no Bar Watch Society was established, and no champions for the initiative stepped forward from the various nightclubs. Victoria's program effectively died in 2001 when the Police Department decided to reassign the officers who had been instrumental in promoting the initiative.

CONCLUSION:

The Vancouver experience demonstrates that Bar Watch can be an effective program for nightclub establishments. Through Bar Watch, establishments are better able to protect the safety and well-being of their patrons, to eliminate or reduce occurrences of unlawful and uncivil behaviour, and to promote the industry's image in the community. The Vancouver experience – and that of Victoria – also demonstrates that a successful Bar Watch effort requires ownership by the establishments themselves. Police and city support is important, but ownership must rest with the nightclubs.

RECOMMENDATIONS:

1. That Council authorize the City and the R.C.M.P. to endorse and actively support the efforts of Nanaimo's nightclubs to develop and operate a Downtown Nanaimo Bar Watch Society and Program; and,
2. that such support include the expectation, expressed through the *Good Neighbour Agreement*, that all existing and future nightclubs in Downtown Nanaimo town centre locations participate in Nanaimo's Bar Watch.

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CITY OF NANAIMO GOOD NEIGHBOUR AGREEMENT

WHEREAS the City of Nanaimo ("the City"), the RCMP Nanaimo Detachment ("the RCMP") and the Owners of _____ ("the Licensed Establishment") (collectively "the Parties") recognize that liquor licensed establishments have a civic responsibility, beyond the requirements of the *Liquor Control and Licensing Act*, to control the conduct of their patrons;

WHEREAS the Licensed Establishment wishes to demonstrate to the citizens of Nanaimo its desire to be a responsible corporate citizen; and

WHEREAS the Parties wish to promote Nanaimo as a vibrant, safe and attractive community for the enjoyment of everyone, including residents, visitors, businesses and their workers.

NOW THEREFORE the Licensed Establishment agrees with the City and the RCMP to enter into this Good Neighbour Agreement, the terms and conditions of which follow:

Noise and Disorder

1. The Licensed Establishment shall undertake to ensure that noise emissions from the Establishment do not disturb surrounding residential developments and neighbourhoods, as provided by the City of Nanaimo *Noise Bylaw*.
2. The Licensed Establishment shall undertake to monitor and promote the orderly dispersal of patrons immediately outside of the Establishment, particularly at closing time, and to discourage patrons from engaging in behaviour that may disturb the peace, quiet and enjoyment of the neighbourhood.
 - 2.1. In cases where the presence of employees does not facilitate an orderly dispersal of patrons, staff shall contact the RCMP to request assistance in dealing with any persons or crowds.

Criminal Activity

3. The Licensed Establishment shall not tolerate any criminal activity within the Establishment.
 - 3.1. The Establishment shall make every reasonable effort to scrutinize patrons as they enter the building to ensure that no items of contraband, including weapons and controlled substances, are brought onto the premises.

Minors

4. The Licensed Establishment shall not allow any person under the age of 19 into the Establishment.
 - 4.1. The Establishment shall check two pieces of identification for any person who appears to be under the age of 25; one piece must be picture identification and may be a driver's licence, a government identification card or a passport.

Sale and Consumption of Alcohol

5. While it is recognized that there may be occasional price reductions or promotions for specific alcoholic beverages, the Licensed Establishment shall offer no deep discounts (i.e., "cheap drinks") or across-the-board discounts.
 - 5.1. When offering price reductions and promotions, the Establishment shall be particularly mindful of its legal and moral obligation to refuse service to persons who may, based on appearance or amount of alcohol consumed, be intoxicated.
6. The Licensed Establishment shall not allow patrons to carry or consume open beverages in areas that are not licensed for such purposes, including areas outside of the Establishment.

Entertainment

7. Stripping and exotic dancing shall only be permitted as forms of entertainment in the Licensed Establishment if the Establishment's zoning allows for such forms.
8. If stripping and exotic dancing are permitted, as per the Establishment's zoning, the Establishment shall ensure that advertisements are not offensive to the community.

On-Duty Employees

9. Each on-duty employee of the Licensed Establishment shall wear a clearly visible nameplate showing his or her first name and/or employee number.
10. The Licensed Establishment shall maintain a work schedule showing each on-duty employee and shall make the work schedule available to the RCMP, upon request.

Cleanliness

11. The Licensed Establishment shall assign staff to inspect the outside of the premises each night after closing to ensure that there is no litter, garbage, broken glass or other foreign objects associated with the Establishment left within the general area of the Establishment.
12. The Licensed Establishment shall undertake to remove, as soon as is practicable, any graffiti from the building's exterior.

Other Agencies and Programs

13. The Licensed Establishment agrees to work with the City and its departments, including the RCMP, to resolve any concerns that arise with respect to the operation of the Establishment.
 - 13.1. The Licensed Establishment agrees to attend a formal meeting, as required, with the City and the RCMP to discuss issues and concerns.
14. The Licensed Establishment shall demonstrate complete support for the RCMP and its members.
 - 14.1. When incidents occur which require RCMP involvement, all staff of the Licensed Establishment shall cooperate fully with RCMP members, and shall not impede or obstruct members in performing their duties.
15. The Licensed Establishment shall participate as an active member in the local Hospitality Industry Liquor Licensing Advisory Committee (HILLAC).
16. If the Licensed Establishment is a nightclub located within the downtown core, the Establishment will be strongly encouraged to participate in the Nanaimo Bar Watch Program.
17. The Licensed Establishment shall support programs which aim to eliminate occurrences of drinking and driving.
 - 17.1. A free telephone shall be available to patrons for the purpose of contacting a taxi or arranging other transportation from the Establishment.
 - 17.2. Non-alcoholic beverages shall be provided at prices which are below those set for alcoholic beverages.

Amendment and Transferability

18. Any proposed changes to the terms of the Good Neighbour Agreement shall be discussed and resolved among the Parties.

Enforcement

19. Obtaining a business license is contingent upon accepting and signing this Agreement; notwithstanding this fact, the parties recognize that the success in reaching the objectives of the Good Neighbour Agreement is largely dependent upon each establishment's willingness to make a concerted effort to support and adhere to the principles outlined in the Agreement.
 - 19.1 Any failure on the part of the Licensed Establishment to comply with the terms outlined herein will result in the following:
 - (a) the City will attempt to resolve the matter by requesting a meeting with the licensee.

- (b) If the matter is not satisfactorily resolved during a meeting, the City will provide a written warning. The letter will clarify what action is needed in order for the licensee to comply with the terms of the agreement. The letter will also specify how much time will be provided for the licensee to comply. The length of time will depend on the nature of the infraction.
- (c) Continued non-compliance may be brought to the attention of City Council, which may in turn require the owners of the Establishment to attend a "show cause" hearing related to the suspension or termination of their Business Licence.

It should be noted that a "show cause" hearing would only be used when all other reasonable attempts to gain compliance have failed.

- 20. Nothing contained or implied in this Good Neighbour Agreement shall prejudice or affect the City's rights and authorities in the exercise of its functions pursuant to the *Community Charter* and *Local Government Act*, as amended, and the rights and powers of the City and the RCMP under provincial and federal statutes and regulations, and City bylaws.

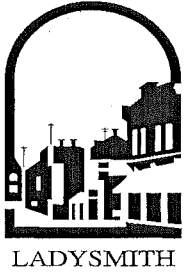
Signed this _____ day of _____, 2003 in Nanaimo, British Columbia.

 [name of Principal]
 [name of Licensed Establishment]

 Mayor G. R. Korpan
 City of Nanaimo

 [rank and name of OIC]
 Nanaimo Detachment, RCMP

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Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: November 1, 2011
File No: 3300-20

Re: DRAFT POLICY: STRATA CONVERSION OF A PREVIOUSLY OCCUPIED BUILDING

RECOMMENDATION(S):

That Council endorse the draft Strata Conversion Policy.

PURPOSE:

The purpose of this report is to provide a draft policy for the consideration of Council regarding the strata conversion of a previously occupied building.

INTRODUCTION/BACKGROUND:

At its meeting held February 7, 2011, Council provided the following direction to staff.

It was moved, seconded and carried that staff be requested to develop a strata conversion policy.

The *Strata Property Act* (section 242) provides for the approval for conversion of previously occupied buildings. The buildings could be residential or non-residential (e.g. commercial or industrial). The approving authority is the municipal council or its delegate. 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 approving authority must not approve the strata plan unless the building substantially complies with the applicable bylaws of the municipality and the BC Building Code.

The legislation also 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.

Town of Ladysmith Zoning Bylaw 1995, No. 1160 (s. 5.14) includes regulations regarding the minimum standard for the conversion of duplexes to strata title units.

SCOPE OF WORK:

In preparing the draft policy, staff reviewed the *Strata Property Act*, policies from other communities, and the process that was recently undertaken as part of the consideration of the strata conversion of 218 Bayview Avenue. In addition, staff considered other types of potential strata conversion requests such as:

- Mixed-use building located in the downtown
- Newly constructed and occupied residential rental units
- Residential duplex.

In addition, rental housing statistics reported by CMHC were reviewed. Rental housing statistics are not collected for Ladysmith; the closest reported community is the Duncan-North Cowichan CA. While the Rental Market Report is published twice per year, CMHC recommends that the Town use the Fall edition of this Report as it provides the most complete and thorough collection of rental market data. The next report from CMHC is expected in December 2011. The current rental vacancy rates for this area are (Fall 2009 & 2010):

3+ units	Fall 2009	Fall 2010	Average
Apartment	6.1%	3.6%	4.8%
Townhouse	4.9%	6.9%	5.9%

The draft policy states that strata conversion of residential units would not be considered when the rental vacancy rate is at or below 3%. This is the same vacancy rate used by the City of Nanaimo. The 2006 Census provides some insights into the number of residential rental units in Ladysmith (610). Applying a threshold of a 3% rental vacancy rate before the consideration of a residential rental strata conversion would provide for 18 available units and a 4% rental vacancy rate is 24 units.

ALTERNATIVES:

- Increase the threshold for the rental vacancy rate.
- Not permit the strata conversions of residential rental units in buildings with three or more units.

FINANCIAL IMPLICATIONS:

There is an application fee for strata conversion applications.

LEGAL IMPLICATIONS:

The Strata Property Act provides the authority to Council and this is a discretionary decision.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

If Council wishes to consider the strata conversion of residential rental units, the draft policy provides for input from tenants.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Senior Management team has provided input into the development of the policy.

RESOURCE IMPLICATIONS:

The Building Inspector, Planning staff, and the Approving Officer can be involved in a strata conversion application. Significant staff resources can be required.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Strategy #1 Complete Community Land Use includes reference to “increasing the diversity of housing across the community including affordable housing and secondary suites.”


ALIGNMENT WITH STRATEGIC PRIORITIES:

Council has requested that staff develop a strata conversion policy.

SUMMARY:

A draft policy is provided for the consideration of Council. The draft policy is intended to address residential and non-residential strata conversion applications.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Draft Strata Conversion Policy.



TOWN OF LADYSMITH
POLICIES AND PROCEDURE MANUAL

TOPIC:	Strata Conversion Policy	
APPROVED BY:	Council	DATE:
RESOLUTION #:		
<i>(Amended)</i>		
<u>Purpose:</u>		
The purpose of the strata conversion policy is to outline when and how the Approving Authority may consider the strata conversion of a previously occupied building.		
<u>Scope:</u>		
This policy applies to the strata conversion of a previously occupied building under the <i>Strata Property Act</i> . Council is the Approving Authority under the <i>Act</i> , unless that authority has been delegated to the approving officer or another person.		
<u>Policy:</u>		
<ol style="list-style-type: none"> 1. The strata conversion of a previously occupied residential rental building of 3 or more residential units will not be considered when the relevant rental vacancy rate (townhouse or apartment) for the Duncan-North Cowichan CA has been at or below 3 percent as reported in the CMHC Rental Market Report – BC Highlights (Fall edition) for the two most recent reporting periods. 2. All residential units may be required to have a fire sprinkler system installed. 3. All units may be required to have an individual water meter installed. 4. Pursuant to Section 242 of the Strata Property Act, a strata conversion must not be approved unless the building substantially complies with all current applicable bylaws and the British Columbia Building Code. 4. The approving authority will consider: <ul style="list-style-type: none"> • The priority of rental accommodation over privately owned housing in the area • Any proposals of the owner / developer for the relocation of tenants • The life expectancy of the building • Projected major increases in maintenance costs due to the condition of the building • Compliance with the Bylaws of the Municipality (e.g. Zoning Bylaw) • Compliance with current development approvals (municipal and other agencies) • Requirement for an independent Building Code review • Requirement for tenant notice of the proposed application (e.g. declaration, tenant meeting) • Contribution to overall community benefit • Terms and conditions of an approval • Other matters that, in its opinion, are relevant, such as: <ul style="list-style-type: none"> - Provisions for the on-going residential tenancy of persons who may be affected by the proposed strata conversion to demonstrate that the conversion would not adversely affect the rental vacancy rate in the municipality. - Housing Agreement to require rental accommodation at a maximum rental rate - On-going commitment that residential rental will not be prohibited by the future strata council bylaws - The opportunity for existing residential rental tenants to purchase their unit below market rates - Fire protection and tenant safety - Proposed up-grades to the building and cost implications for tenants 		

TOPIC:	Strata Conversion Policy	
APPROVED BY:	Council	DATE:
RESOLUTION #:		
<i>(Amended)</i>		
Procedure:		
Application review will comprise these general steps.		
<ol style="list-style-type: none"> 1. Step 1 -- Application Review <ul style="list-style-type: none"> • Letter of request received. • Report prepared and presented to the Approving Authority. • The Approving Authority will evaluate the application and determine if it may proceed to Step 2 by specifying preliminary terms and conditions for the conversion. • The applicant will provide written acceptance of the preliminary terms and conditions. 2. Step 2 – Meeting Terms and Conditions <ul style="list-style-type: none"> • Reports and documents are prepared by the applicant. • Staff will review the material submitted by the applicant. • The Approving Authority will consider the reports and either grant approval; grant approval with additional conditions based on the information received in Step 2; or not grant approval. • Terms and conditions are met. 3. Step 3 – Approval <ul style="list-style-type: none"> • All requirements, including any building upgrades, have been completed. • The Approving Authority is authorized to endorse the strata conversion plans. 		

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Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Pat Durban, Director of Parks, Recreation & Culture
Date: November 2, 2011
File No:

RE: COMMUNITY RECREATION PROGRAM GRANT

RECOMMENDATION(S):

That staff be authorized to prepare a grant application, under the Community Recreation Program, for funding to complete the DL108 Sportsfield Complex, which would include two baseball fields, lighting, clubhouse/change rooms/concession building, walking/exercise path and parking.

PURPOSE:

To prepare an application for sufficient funds to complete the DL108 Sportsfield Complex.

INTRODUCTION/BACKGROUND:

The Town of Ladysmith recently completed Phase I of the DL108 Sportsfield Complex, which included an artificial turf playfield, lighting, washroom, change rooms, playground and temporary parking.

The total project includes two ballfields, lighting, clubhouse/change rooms/concession building, walking/exercise path and parking, which can only be completed when funding opportunities become available.

The Province has committed \$30 million to the funding program with no limit on the amount to be requested and funding for up to 80% of the project cost.

It is estimated at this point that to complete the DL 108 Playfield Project will be in the range of \$3 million and therefore the recommendation is to prepare a more detailed cost estimate, as this will be a requirement for the application.

SCOPE OF WORK:

To prepare a final design for the DL108 Sportsfield playfield will require input from consultants, Town staff and the Playfield Task Force and subject to grant approval, will also require consultants, contractors, Town staff and others to construct the facilities.

ALTERNATIVES:

To await further funding opportunities or sources, to consider other Recreation projects or not to proceed with this project at this time.

FINANCIAL IMPLICATIONS:

The program will require funding from other sources, which may include contributions from the Town.

LEGAL IMPLICATIONS:

Not applicable

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

To complete the playfield complex in a timely manner would be of significant benefit to the community both on a recreational and economic scale.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Significant interdepartmental cooperation and coordination will be required.

RESOURCE IMPLICATIONS:

Town staff and forces will be required.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

This project would align with the Town's sustainable vision.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The completion of this project is one of the Town's strategic priorities.

SUMMARY:

The opportunity to access grant funding for this project is paramount to completing the construction of the facilities in a timely manner.

ATTACHMENTS:

Ministry of Community, Sport and Cultural Development Circular
DL108 Sportsfield Complex layout

I concur with the recommendation



Ruth Malli, City Manager



Ministry of Community,
Sport and Cultural
Development

Local Government Infrastructure
and Finance Branch
PO Box 9838 Stn Prov Govt
(4th Floor - 800 Johnson Street)
Victoria, BC V8W 9T1

CIRCULAR

Circular No. 11:15
ARCS File #: 195-20

October 21, 2011

To: All Mayors in Council; Chief Administrative Officers;
Corporate Officers and Financial Officers

Re: Community Recreation Program - Application Intake

The Province of British Columbia will provide \$30 million in funding to communities to give B.C. families greater access to recreational infrastructure so they can enjoy the benefits of increased physical activity and community involvement.

The program aims to invest in those capital projects that make communities healthier, more active places in which to live.

The Local Government Infrastructure and Finance Branch will be partnering with the Ministry of Community, Sport and Cultural Development's Sports Branch, and the Ministry of Health – Chronic Disease/Injury Prevention and Built Environment Branch for their expertise and knowledge.

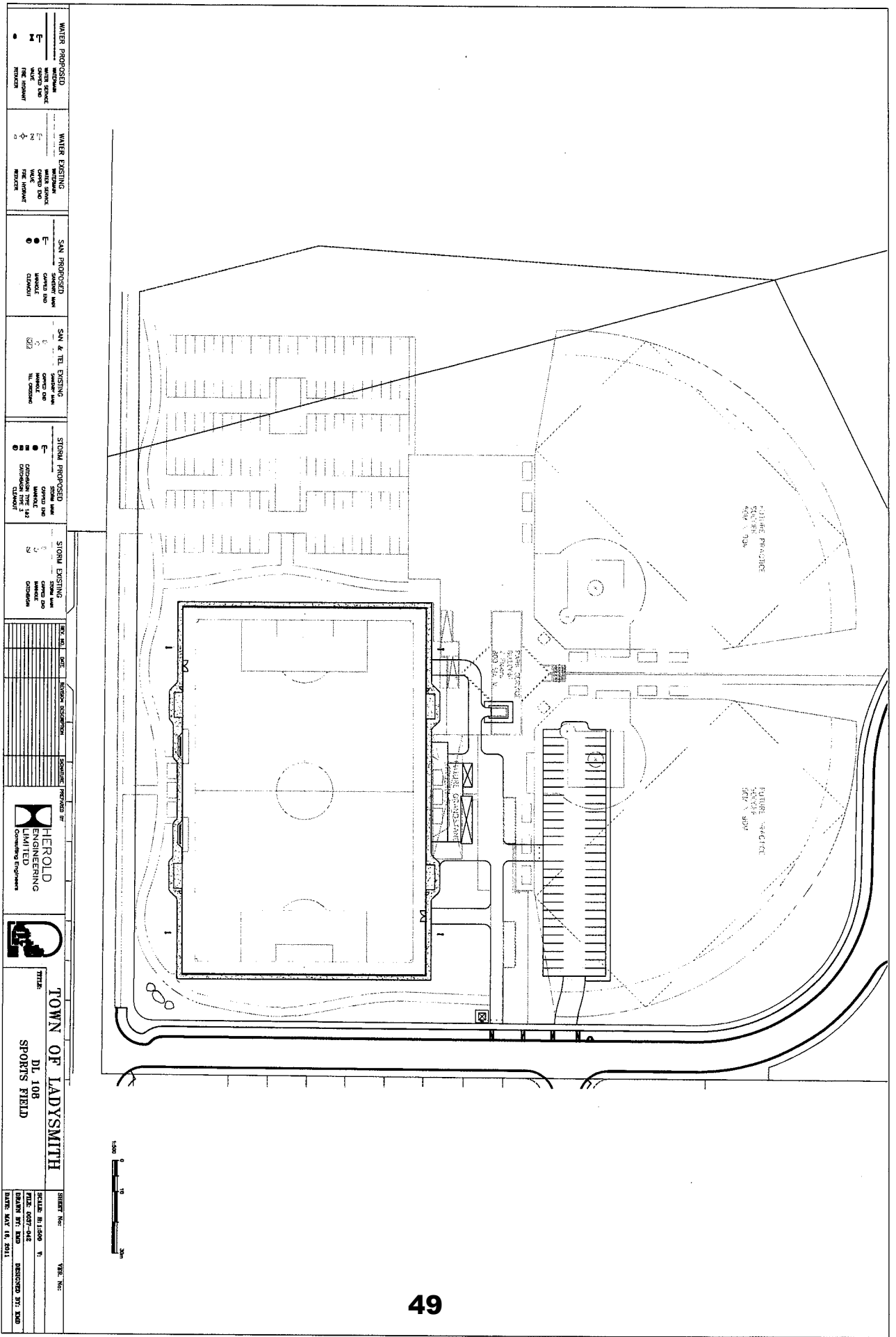
Applications for this program may be submitted between October 21, 2011 and December 28, 2011. For an application package, please go to the website:
http://www.cscd.gov.bc.ca/lgd/infra/infrastructure_grants/community_recreation_program.htm.

Municipalities may submit **one** application, regional districts may submit up to **three** applications for funding.

If you need further information about the Community Recreation Program, please contact the Local Government Infrastructure and Finance Branch, Ministry of Community, Sport and Cultural Development by telephone at: 250-387-4060 or email: Infra@gov.bc.ca.

Original signed by:

Renée Audy
A/Director
Infrastructure and Engineering



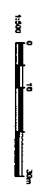
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NO.	DATE	REVISION DESCRIPTION	SCALE	PREPARED BY

HEROLD ENGINEERING
Consulting Engineers

TOWN OF LADYSMITH
DL 108
SPORTS FIELD

SHEET NO.:	DATE:
SCALE: 1/8" = 1'-0"	DESIGNED BY: JTB
FILE: 0027-042	DATE: MAY 16, 2011



TOWN OF LADYSMITH

BYLAW NO. 1783

A Bylaw to Amend the Town of Ladysmith Garbage, Recyclables and Organics Collection Bylaw (2005) No. 1588

The Council of the Town of Ladysmith, in open meeting lawfully assembled hereby enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "Ladysmith Garbage, Recyclables and Organics Collection Bylaw (2005) No. 1588 Amendment Bylaw (2011) No. 1783".

2. AMENDMENTS

The "Ladysmith Garbage, Recyclables and Organics Collection Bylaw (2005) No. 1588" is hereby amended as follows:

(a) Delete Section 20.5 and replace it with the following:

A 10% penalty shall be added to any unpaid current water / sewer / garbage charges no less than 30 days from the billing date and the due date selected shall be clearly indicated on the utility billing.

(b) Delete Section 13(i) in its entirety.

(c) Delete Schedule "B" (Fine Schedule) and replace it with the attached Schedule "B".

READ A FIRST TIME	on the	17 th	day of October,	2011
READ A SECOND TIME	on the	17 th	day of October,	2011
READ A THIRD TIME	on the	17 th	day of October,	2011
ADOPTED	on the		day of	2011

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

SCHEDULE B

The following fines are prescribed for the purposes of this Bylaw:

OFFENCE	SECTION	FINE
Fail to dispose of garbage in accordance with the Bylaw	4.1	\$100
Fail to provide for garbage collection	7.2	50
Unacceptable material in container	12.1	100
Fail to use suitable garbage container	13(a)	50
Fail to use suitable recycling container	13(b)	50
Fail to remove containers	13(g)	50
Improper use of recycling container	14.1	50
Place recycling bin on Town property	14.2	50
Damage/tamper with recycling bin	14.3	100
Scavenging from recycling container	16.1	50
Scavenging from recycling bin	16.2	50



TOWN OF LADYSMITH
POLICIES AND PROCEDURE MANUAL

TOPIC: Bylaw Enforcement Policy -- Secondary Suites with a Single Family Dwelling	
APPROVED BY: Council	DATE:
RESOLUTION #:	
<i>(Amended)</i>	
<p><u>Purpose:</u> The purpose of this bylaw enforcement policy is to provide policy guidance for enforcement action pertaining to secondary suites within a dwelling unit.</p> <p><u>Scope:</u> This policy applies to enforcement of local Bylaws and the Building Code.</p> <p><u>Policy:</u></p> <ol style="list-style-type: none"> 1. Only complaints received in writing will be investigated by the Town. 2. Secondary suites are required to meet the land use regulations for secondary suites contained in the Zoning Bylaw, e.g. one only, maximum size, parking. 3. As a means to manage potential demand with available resources, Council has established the priority for bylaw enforcement as described in Table 1. 4. The Policy to Guide Enforcement described in Table 2 provides an overview of Town standards and requirements for secondary suites. 5. The first step in achieving compliance with local Bylaws and the Building Code is voluntary compliance. 6. Where work on the secondary suite has been completed without a building permit, the Building Inspector may recommend to Council that a Section 57 Notice is placed on the Title (pursuant to the Community Charter). 7. Where an owner is unwilling to take the required action on a secondary suite, Council will review the matter and may approve a removal order for the secondary suite to be removed from the building (pursuant to the provisions of the Local Government Act and the Community Charter). 8. The removal of a suite will require a statutory declaration signed by all owners on the Certificate of Title when the following work is completed and inspected by the Building Inspector: <ul style="list-style-type: none"> • Permanent removal of cooking facilities (cooking appliance(s), hood fan) and wiring for the stove, including outlet and wiring back to the electrical panel, and • Locking doors between the suite and the main dwelling unit. 	

TOPIC: Bylaw Enforcement Policy -- Secondary Suites with a Single Family Dwelling	
APPROVED BY: Council	DATE:
RESOLUTION #:	
<i>(Amended)</i>	

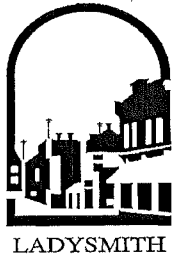
Table 1 -- Priority for Enforcement

Higher Priority for Enforcement	New complaints or known suites not meeting basic life safety requirements.
Medium Priority for Enforcement	New complaints received after the adoption of Bylaw 1774.*
Lower Priority for Enforcement	Complaints received after the adoption of Bylaw 1774 about newly constructed suites with a building permit.*
*The Building Inspector may create working guidelines for dealing with building standard enforcement issues which are not basic life safety requirements. The guidelines may be updated from time to time.	

Table 2 – Policy to Guide Enforcement

Standard	New Secondary Suite in a New Single Family Dwelling	New Secondary Suite in an Existing Single Family Dwelling	Existing Secondary Suite within an Existing Single Family Dwelling
Building Code Compliance	Required	Required	New work -- required. Work done without a permit: -Section 57 Notice or other bylaw enforcement action. -See Table 1 for Priority for Enforcement
Building Permit Required for work requiring a building permit	Required	Required	Required. Fee waived for five years following adoption of Bylaw 1774.
Must not exceed maximum permitted size	Required	Required	Required
Must meet minimum requirements for on-site parking	Required	Required	Required

09 - 4020 - A



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: September 1, 2011
File No: 3760-02

Re: SECONDARY SUITES: ENFORCEMENT POLICY AND IMPLEMENTATION

RECOMMENDATION(S):

1. That Council directs that an enforcement policy regarding secondary suites be prepared based on:
 - a) Highest priority – Suites not meeting basic life safety requirements
 - b) Medium priority – New complaints received after the adoption of Bylaw 1774
 - c) Lower priority – Complaints received after the adoption of Bylaw 1774 about newly constructed suites with a building permit.
2. That Council directs that the Building and Plumbing Bylaw 1994, No. 1119 be amended to waive building permit fees for five years for new work to an existing secondary suite requiring a building permit, following the adoption of Bylaw 1774.
3. That Council confirms that user fees (wastewater, water, garbage/recycling/organic waste collection) will be applied to a secondary suite and any required bylaw amendments to facilitate this direction be prepared.

PURPOSE:

The purpose of this report is to seek direction from Council regarding a policy to guide enforcement for in-home secondary suites and direction regarding secondary suite implementation.

INTRODUCTION/BACKGROUND:

At its meeting held June 20, 2011, Council provided the following direction to staff.

It was moved, seconded and carried that the phased implementation of secondary suite policy and regulation, through the creation of:

Phase 1

- (a) *zoning regulations for in-home secondary suites consistent with the secondary suite regulations in the BC Building Code;*
- (b) *relaxed standards for the approval of existing in-home secondary suites;*
- (c) *advisory design guidelines for in-home suites;*
- (d) *land use (OCP) policy to support detached secondary suites (coach houses and ground-oriented cottage suites) and*

Phase 2

- (e) *new regulations and design standards for detached secondary suites within the scope of work for the Zoning Bylaw project.*

SCOPE OF WORK:

Staff explored the creation of relaxed building standards for existing secondary suites; however, because of concurrent authority (where local governments and the provincial government share an interest in regulating activities) Provincial approval is required and it has been determined that the Town is unlikely to get such approval. The provincial Building Standards Branch advises that in its opinion secondary suites building standards are not unique to individual municipalities. There has not been any request from a municipality for unique standards approved. Any relaxed building standards would therefore be established through the Building Code and be applicable province-wide.

Staff therefore approached this direction from the perspective of enforcement policy which is within the jurisdiction of the Council. If secondary suites are approved as a permitted land use within a single family dwelling (proposed Bylaw 1774), and there are bylaw complaints received regarding existing secondary suites or new suites, policy direction regarding enforcement priorities is appropriate.

A high level of community acceptance of existing secondary suites was identified during the public consultation process, and supported by the public as long as health and safety standards are not compromised. As such, the Building Inspector/Bylaw Enforcement Officer and the Fire Chief were asked to consider what could be considered as higher, medium and lower priorities for enforcement from a life safety perspective. The draft Policy to Guide Enforcement is attached to this report.

ALTERNATIVES:

That Council direct staff to research additional policy issues.

FINANCIAL IMPLICATIONS:

Suites are currently charged an additional \$13 per dwelling unit per month user rate for each of sewer and garbage. Water is charged based on the "All Others" base rate plus consumption.

A building permit is based on the value of the cost and type of construction. By waiving the permit fee for a five year period for improvements to existing secondary suites, it provides an incentive for home owners to undertake improvements. A longer time period (e.g. five years) helps to manage the potential impact on staff resources from an influx of applications if the fee reduction was for a shorter time period.

LEGAL IMPLICATIONS:

Council may develop policy guidance for bylaw enforcement purposes. Legal Counsel reviewed the policy direction.

The Community Charter provides for a "Section 57 Notice" that building regulations have been contravened which is registered against the title of the property on the direction of Council. Other bylaw enforcement remedies are also available.

The process of consideration for a Section 57 Notice involves a recommendation from the Building Inspector. The process requires notice to the Owner who is provided the opportunity to address Council. If the Council confirms the building inspector's recommendation, a Notice is registered on the title of the property. There are also provisions for the removal of Notices when the contravention has been remedied.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

During the secondary suites community consultation process, alternate standards for existing suites were discussed with the public. Residents were supportive as long as health and safety standards are not compromised. There was a high level of support (81%) for the legalization of existing secondary suites in the results of the telephone survey. The enforcement of community standards was also identified as important by the public.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Building Inspector/Bylaw Enforcement Officer and the Fire Chief provided direction on the enforcement approach.

RESOURCE IMPLICATIONS:

The Policy will be prepared by the Corporate Services Department with the input of other Department staff.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Complete community land use is the first of eight pillars in the Ladysmith sustainability strategy. The Green Building strategy encourages the retrofit of existing buildings to reduce environmental impacts.


ALIGNMENT WITH STRATEGIC PRIORITIES:

Undertaking a secondary suites policy and regulations study with community involvement is a Council priority. Effective land use planning and community design are strategic directions.

SUMMARY:

Council has previously provided direction to staff to develop alternate standards for existing secondary suites located within a single family dwelling. A policy to guide enforcement for secondary suites is recommended.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

"Draft Policy to Guide Enforcement".

ATTACHMENT 1

DRAFT			
Policy to Guide Enforcement – Secondary Suites			
Standard	New Secondary Suite in a New Single Family Dwelling	New Secondary Suite in an Existing Single Family Dwelling	Existing Secondary Suite within an Existing Single Family Dwelling
Building Code Compliance	Required	Required	For new work requiring a building permit.
Building Permit Required for work requiring a building permit	Required	Required	Required. Fee waived for five years following adoption of Bylaw 1774.
Secondary suite proposed/exists	Full Building Code compliance	Full Building Code Compliance	Work done without a permit: Section 57 Notice or other bylaw enforcement action. See Table 1 for Policy Guide to Enforcement
Must not exceed maximum permitted size	Required	Required	Required
Must meet minimum requirements for on-site parking	Required	Required	Required

TABLE 1	
Secondary Suite Within a Single Family Dwelling	
Enforcement of Compliance with the Building and Plumbing Bylaw	
Higher Priority for Enforcement	Suites not meeting basic life safety requirements.
Medium Priority for Enforcement	New complaints received after the adoption of Bylaw 1774.*
Lower Priority for Enforcement	Complaints received after the adoption of Bylaw 1774 about newly constructed suites with a building permit.*
	*The Building Inspector may create working guidelines for dealing with building standard enforcement issues which are not basic life safety requirements. The guidelines may be updated from time to time.