



TOWN OF LADYSMITH

A REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON
MONDAY, JULY 7, 2014
7:00 p.m.

AGENDA

CALL TO ORDER 7:00 p.m.

1. AGENDA APPROVAL
2. MINUTES
 - 2.1. Minutes of a Regular Meeting of Council held Monday, June 16, 2014 1
 - 2.2. Minutes of the Special Meeting of Council held Monday, June 23, 2014 7
3. DELEGATIONS – None
4. PROCLAMATIONS – None
5. DEVELOPMENT APPLICATIONS
 - 5.1. Development Permit Application – 11 High Street (Trevor Ivens English Steakhouse Ltd.) 10
Lot 17 & 18, Block 9, District Lot 56, Oyster District, Plan 703
 - 5.2. Covenant CA3656639 – Holland Creek Place (Kolk) 17
Lot A, District Lot 43, Oyster District, Plan EPP12594
 - 5.3. Official Community Plan Amendment and Rezoning Application 19
1148, 1150 and 1156 TransCanada Highway (KD Gold Enterprises Ltd.)
Lot 9, 10, 11, 12, 13, D.L. 139, Oyster District, Plan 7217
6. BYLAWS – OCP / ZONING - None
7. COMMITTEE REPORTS
 - 7.1. Mayor R. Hutchins
Cowichan Valley Regional District; Stocking Lake Advisory Committee;
Community Health Advisory Committee/Interagency Group
 - 7.2. Councillor B. Drysdale
Municipal Services Committee; Protective Services Committee; Heritage
Revitalization Advisory Commission

- 7.3. **Councillor J. Dashwood**
Advisory Design Panel; Cowichan Valley Regional District Community Safety Advisory Commission; Social Planning Cowichan; Social Planning Cowichan Affordable Housing Directorate; Ladysmith Early Years Partnership; Ladysmith Chamber of Commerce
- 7.4. **Councillor G. Horth**
Advisory Planning Commission; Parks, Recreation and Culture Commission; Liquid Waste Management Committee; Ladysmith Downtown Business Association
- 7.5. **Councillor D. Paterson**
Protective Services Committee; Parks, Recreation and Culture Commission; Festival of Lights
- 7.6. **Councillor G. Patterson**
Youth Advisory Committee; Liquid Waste Management Committee
- 7.7. **Councillor S. Arnett**
Stocking Lake Advisory Committee; Vancouver Island Regional Library Board; Celebrations Committee

8. STAFF REPORTS – None

9. BYLAWS – None

10. CORRESPONDENCE

- 10.1. **Stephen Hunt, United Steelworkers.....28**
Request for Resolution in Support of the “Stop the Killing and Enforce the Law” Campaign for Worker Safety

Staff Recommendation

That Council consider whether it wishes to pass a resolution expressing its support for the United Steelworkers “Stop the Killing and Enforce the Law” campaign for worker safety as outlined in the correspondence from Stephen Hunt of the United Steelworkers dated June 16, 2014.

- 10.2. **Kendra-Ann E. Van Shaik30**
RCMP Victim Services in Ladysmith

Staff Recommendation

That Council consider whether it wishes to advise Kendra-Ann Van Shaik of its strong support for the RCMP Ladysmith Victim Services Program and provide details of the Town’s financial contributions; and reiterate Council’s concern to the Directors of Cowichan Valley Regional District Areas G and H over the lack of financial support for this valuable program.

11. NEW BUSINESS

12. UNFINISHED BUSINESS

12.1. Ladysmith and District Credit Union History Book

Council will recall that at the June 16, 2014 Council meeting, staff were requested to provide Council with recommendations for ways the Town could assist the Ladysmith and District Credit Union with sales of its book *Ladysmith: Our Community. Our Credit Union. A History.*

The following recommendations are presented to Council for consideration:

That in addition to offering the book for sale at City Hall, staff be directed to:

- a) include information about the book on the Town's website;
- b) promote the book and sales locations in the next edition of "Ladysmith Links"; and
- c) issue a media release regarding the Town's support for the Credit Union in selling the book

13. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during "Question Period" must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- 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. CLOSED MEETING

In accordance with sections 90(1) and 90(2) 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
- 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

- a request under the *Freedom of Information and Protection of Privacy Act*, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

15. RISE AND REPORT

16. ADJOURNMENT



TOWN OF LADYSMITH
MINUTES OF A MEETING OF COUNCIL
MONDAY, JUNE 16, 2014
COUNCIL CHAMBERS, CITY HALL
CALL TO ORDER 6:20 P.M.
CLOSED MEETING 6:21 P.M.
REGULAR MEETING 7:00 P.M.

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins	Councillor Steve Arnett	Councillor Jillian Dashwood
Councillor Bill Drysdale	Councillor Duck Paterson	Councillor Glenda Patterson

COUNCIL MEMBERS ABSENT:

Councillor Gord Horth

STAFF PRESENT:

Ruth Malli	Sandy Bowden	Felicity Adams
John Manson	Clayton Postings	Joanna Winter

CALL TO ORDER

Mayor Hutchins called this Regular Meeting of Council to order at 6:20 p.m.

CLOSED MEETING

CS 2014-215

Moved and seconded at 6:21 p.m.:

That Council retire into Closed Session in order to consider the following items:

- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose
- 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

Motion carried.

REGULAR MEETING

Councillor Hutchins called the Regular Meeting of Council to order at 7:02 p.m.

AGENDA APPROVAL

CS 2014-216

Moved and seconded:

That the agenda for the Regular Council Meeting of June 16, 2014 be approved as amended by the following additions:

- 12.1 - Boat Basin
- 12.2 - TimberWest Dryland Sort
- 13.1 - Derelict Vessels

Motion carried.

MINUTES

CS 2014-217

Moved and seconded:

That the minutes of the Special Meeting of Council held Monday,

June 2, 2014 be approved.

Motion carried.

DELEGATIONS

John de Leeuw, Ladysmith and District Credit Union Presentation of the Book *Ladysmith: Our Community. Your Credit Union. A History*

John de Leeuw presented members of Council with the new book produced by the Ladysmith and District Credit Union to mark the 60th anniversary of its founding. Proceeds of the book will go to the Ladysmith and District Historical Society for the Ladysmith Archives.

Council congratulated J. de Leeuw and the Credit Union on the quality of the book and for all the contributions the Credit Union has made to the community over the past 60 years.

Moved and seconded:

CS 2014-218

That copies of the Ladysmith and District Credit Union book *Ladysmith: Our Community. Your Credit Union. A History* be offered for sale at City Hall and that staff report back to Council with recommendations on ways the Town can further assist with book sales.

Motion carried.

Ron Dale, Kim Judson Random Acts of Kindness Initiative

R. Dale and K. Judson spoke to Council about their initiative to encourage the Ladysmith community to show its heart through random acts of kindness and requested Council's support.

Moved and seconded:

CS 2014-219

That Council refer the request for Town of Ladysmith support for the Random Acts of Kindness Initiative to staff to develop recommendations for Council on ways that the Town can promote and support the initiative.

Motion carried.

REPORTS

New and Updated Zoning Bylaw

Staff were requested to clarify any restrictions on parking recreational vehicles on properties.

Moved and seconded:

CS 2014-220

That Council direct staff to refer OCP Amendment Bylaws 1859 and 1861 to Stz'uminus First Nation and OCP Amendment Bylaw 1859 to Nanaimo-Ladysmith School District #68 pursuant to s. 879 of the *Local Government Act*; and

That Council direct staff to schedule a public hearing for the new and updated Zoning Bylaw and Development Permit Area

Guidelines, including Bylaws 1858, 1859, 1860 and 1861, on July 14, 2014, assuming these Bylaws are given consideration for first and second reading prior to July 2, 2014.

Motion carried.

Parks, Recreation and Culture Annual Fees and Charges Review

Moved and seconded:

CS 2014-221

That Council refer the following proposed amendments to Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2013, No. 1835, to the Parks, Recreation and Culture Commission meeting scheduled for June 18th, 2014, for review and comment:

- Increase Admission and Pass fees by three percent effective September 1, 2014 for Adult, Youth, Child, Family and Senior (continue no charge for children under three or seniors over eighty);
- Increase Facility Rental fees by four percent effective September 1, 2014;
- Increase Sport Field light rates by nine percent September 1, 2014;
- Add Aggie and FJCC sport field lighting to fees and charges schedule at half the rate of Forrest Field lights;
- Establish fees for adult use of the sports fields;
- Add a special event & park permit fee for the non-facility areas of the parks;
- Standardize facility room rental rates to ensure consistency of like facilities; and,

That Council direct staff to update the Fees & Charges policy to change the existing User Classifications to Adult, Youth, Child, Senior and Family and to update the age ranges.

Motion carried.

Roadway Directional Signage for Forrest Field and Frank Jameson Community Centre

Moved and seconded:

CS 2014-222

That Council direct staff to transfer \$4,200 from appropriated equity for roadway directional signage for Forrest Field and Frank Jameson Community Centre, and amend the 2014 to 2018 Financial Plan accordingly.

Motion carried.

BYLAWS

Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2014, No. 1863

Moved and seconded:

CS 2014-223

That Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2014, No. 1863 be read a first, second and third time.

Motion carried.

Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2014, No. 1864

Moved and seconded:

CS 2014-224

That Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2014, No. 1864 be read a first, second and third time.

Motion carried.

CORRESPONDENCE

**Rita Balboni, Ladysmith Community Gardens Society
Proposed Change to Zoning Bylaw to Permit Beehives in the Town of Ladysmith**

Moved and seconded:

CS 2014-225

That Council refer to staff the letter from the Ladysmith Community Gardens Society requesting bylaw changes to permit the keeping of bees in Ladysmith for review and development of recommended amendments to relevant Town bylaws.

Motion carried.

**Katie and Moses Heffring
Safety Concerns at North Davis Road and TransCanada Highway**

Moved and seconded:

CS 2014-226

That Council refer the correspondence from Katie and Moses Heffring regarding pedestrian safety at the intersection of North Davis Road and the TransCanada Highway to staff for investigation and to develop a recommendation.

Motion carried.

**Joe Barry, Cowichan Valley Regional District
CVRD Bylaw No. 3816 – Cowichan Valley Hospice Society**

Moved and seconded:

CS 2014-227

That Council consents to the adoption of CVRD Bylaw No. 3816 – Cowichan Valley Hospice Society Annual Financial Contribution Service Establishment Bylaw, 2014.

Motion carried.

**Rhona Martin, Union of British Columbia Municipalities
Community Works Fund Agreement**

Moved and seconded:

CS 2014-228

That Council approve the execution of the Community Works Fund Agreement for 2014 to 2024 with the Union of British Columbia Municipalities and authorize the Mayor and Corporate Officer to sign the agreement.

Motion carried.

Adam and Margaret Seymour

Request for Town Sponsorship of the Stz'uminus Canoe Festival for 2014

CS 2014-229

Moved and seconded:

That Council provide a grant-in-aid of \$1,000 to the Gordon Peacock Society for the 2014 Stz'uminus Canoe Festival.

Motion carried.

NEW BUSINESS

Appointment of Town of Ladysmith Representative to Cowichan Valley Regional District Emergency Management Committee

Council requested staff to clarify Cowichan Valley Regional District expectations with respect to the role of a Ladysmith representative on the Cowichan Valley Regional District Emergency Management Committee and referred the matter to an upcoming meeting of Council.

Ladysmith Boat Basin

Council requested staff to investigate traffic and parking issues at the Ladysmith Boat Basin.

TimberWest Dryland Sort

Council requested staff to investigate the use of water for dust control measures at the dryland sort.

UNFINISHED BUSINESS

Derelict Vessels

Council reiterated its ongoing frustration with respect to the lack of action by federal and provincial governments to resolve the issue of derelict and abandoned vessels in the Ladysmith Harbour.

QUESTION PERIOD

Council confirmed that the vessel that recently caught fire in Ladysmith Harbour is currently on provincial land.

Staff advised that reports on the Ladysmith Harbour are on the Town's website.

It was suggested that the Town consider permitting one-night camping on Town-owned property and setting Woods Island aside as a reserve in the new and updated Zoning Bylaw.

CLOSED MEETING

CS 2014-230

Moved and seconded at 8:19 p.m.:

That Council retire into Closed Meeting after a two minute recess.

Motion carried.

RISE AND REPORT

Council rose from Closed Meeting at 9:56 with report on the following item

- A reduction of \$100,000 in the list price of the Town-owned property on Christie Road to \$499,000

ADJOURNMENT

CS 2014-231

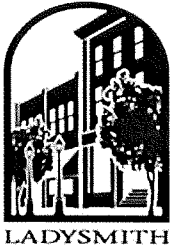
Moved and seconded:
That this meeting of Council adjourn at 9:57 p.m.
Motion carried.

CERTIFIED CORRECT:

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Subject to Adoption



TOWN OF LADYSMITH
MINUTES OF A MEETING OF COUNCIL
MONDAY, JUNE 23, 2014
COUNCIL CHAMBERS, CITY HALL
CALL TO ORDER 4:30 P.M.

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins Councillor Steve Arnett Councillor Gord Horth
Councillor Bill Drysdale Councillor Duck Paterson Councillor Glenda Patterson

COUNCIL MEMBERS PRESENT:

Councillor Jillian Dashwood

STAFF PRESENT:

Ruth Malli Sandy Bowden Felicity Adams
Clayton Postings Erin Anderson

CALL TO ORDER Mayor Hutchins called this Regular Meeting of Council to order at 4:30 p.m.

AGENDA APPROVAL

CS 2014-231 *Moved and seconded:*
That the agenda for the Special Council Meeting of June 23, 2014 be approved as amended by the following addition:

- CVRD Emergency Management Committee Appointment

Motion carried.

REPORTS

CS 2014-232 **Upper Section of Transfer Beach Park**
Moved and seconded:
That:

- a) Council consider the following recommendation relating to the upper Transfer Beach area (above de Koninck Way) and refer the recommendation to Parks, Recreation and Culture Commission meeting scheduled for June 25, 2014 for comment:

Request staff to review the upper Transfer Beach area and develop, through consultation with stakeholders, a plan to manage the various uses in this area such as dogs off leash, access to the Horseshoe Club area, camping, pathways and usage during major/special events.

- b) Council consider directing staff to install a painted crosswalk from upper beach area to lower beach area across de Koninck Way in accordance with the Municipal Insurance Association's risk control survey report.

Motion carried.

2015 / 2016 Municipal Policing Contract

Moved and seconded:

CS 2014-233

That Council:

- a) Direct staff to include the calculations of the 2015/16 costs for the Royal Canadian Mounted Police in the 2015-2019 Financial Plan.
- b) Direct the City Manager to work with the Royal Canadian Mounted Police Detachment to provide Council with further information for a request for an increase in contract strength.

Motion carried.

New and Updated Zoning Bylaw

Moved and seconded:

CS 2014-234

That Council receive the staff report dated June 23, 2014 from the Director of Development Services for information and proceed with the appropriate readings of the referenced bylaws.

Motion carried.

BYLAWS

Town of Ladysmith Area G and Area H Land Use Regulations Repeal Bylaw 2014, No. 1858

Moved and seconded:

CS 2014-235

That Town of Ladysmith Area G and Area H Land Use Regulations Repeal Bylaw 2014, No. 1858 be read a first and second time.

Motion carried.

Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 43), 2014, No. 1859

Moved and seconded:

CS 2014-236

That Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 43), 2014, No. 1859 be read a first and second time.

Motion carried.

Town of Ladysmith Zoning Bylaw 2014, No. 1860

Moved and seconded:

CS 2014-237

That Town of Ladysmith Town of Ladysmith Zoning Bylaw 2014, No. 1860 be read a first and second time.

Motion carried.

Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 44), 2014, No. 1861

Moved and seconded:

CS 2014-238

That Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 43), 2014, No. 1861 be read a first and second time.

Motion carried.

Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2014, No. 1863

CS 2014-239 *Moved and seconded:*
That Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2014, No. 1863 be adopted.
Motion carried.

Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2014, No. 1864
Moved and seconded:
CS 2014-240 That Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2014, No. 1864 be adopted.
Motion carried.

NEW BUSINESS **Statement of Financial Information for the Fiscal Year Ended December 31, 2013**

Moved and seconded:
CS 2014-241 That Council approve the Statement of Financial Information for the fiscal year ended December 31, 2013.
Motion carried.

Appointment of Town of Ladysmith Representative to Cowichan Valley Regional District Emergency Management Committee
Moved and seconded:
CS 2014-242 That Council appoint Councillor Bill Drysdale to serve as Town of Ladysmith representative on the Cowichan Valley Regional District Emergency Management Committee.
Motion carried.

QUESTION PERIOD Rob Johnson inquired about the following:

- Scheduling of today's Special Council meeting
- Availability of full Council agenda package at the Library
- \$81,000 grant to the Ladysmith Maritime Society
- Bylaw No. 1861 reference to "sustainable west coast town"
- Budget implications for accrued vacation liability
- Possible leasing of DL651 by the Town

ADJOURNMENT
Moved and seconded:
CS 2014-243 That this meeting of Council adjourn at 5:00 p.m.
Motion carried.

CERTIFIED CORRECT:

Corporate Officer (S. Bowden)

Mayor (R. Hutchins)



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: July 2, 2014
File No: 3060-14-04

Re: **DEVELOPMENT PERMIT APPLICATION – FOX & HOUNDS (11 HIGH STREET)**
Lot 17 & 18, Block 9, District Lot 56, Oyster District, Plan 703
(Applicant - Trevor Ivens English Steakhouse Ltd.) (Owner – Trevor Paul Ivens)

RECOMMENDATION:

That Council issue Development Permit 3060-14-04 to permit alterations to an existing building on Lot 17 & 18, Block 9, District Lot 56, Oyster District, Plan 703 (11 High Street);

AND THAT the Mayor and Corporate Officer be authorized to sign the Development Permit.

PURPOSE:

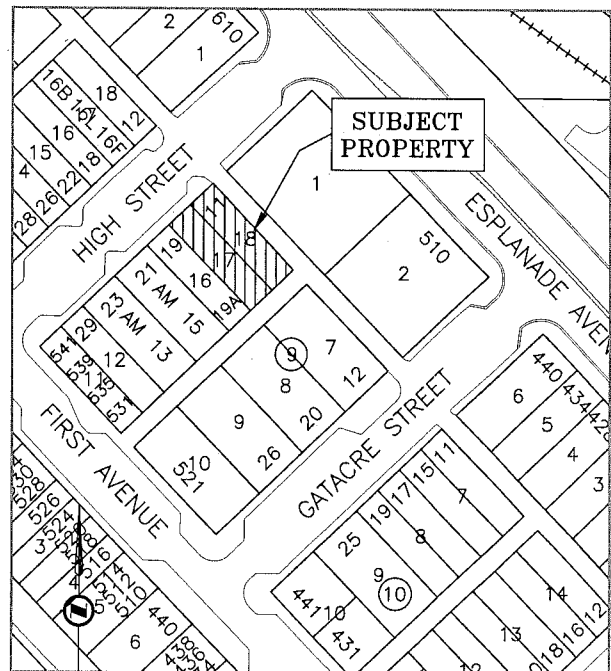
The purpose of this staff report is to present for Council's consideration a Development Permit application for a pub-style restaurant on the subject property shown in the map below.

INTRODUCTION/BACKGROUND:

The applicant is proposing minor exterior alterations to the existing building at 11 High Street for the purpose of opening a pub-style restaurant with 80 seats. The upper floor will be used as a residence and office.

SCOPE OF WORK:

The current stage of this application is the consideration by Council of the development permit. The subject property falls within Development Permit Area 2 – Downtown (DPA 2), and Development Permit Area 4 – Multi-Family Residential (DPA 4). The purpose of the development permit area is to provide guidelines for the form and character of commercial and multi-family development in the downtown area. The objectives are: (1) to ensure that redevelopment is compatible with the form, scale, and character of the



downtown, (2) to strengthen the downtown as the primary commercial focus of the Town, and (3) to realize the heritage, economic, cultural, and architectural potential of this area.

Relevant DPA guidelines are:

- *The use of appropriate exterior finishing materials and handcrafted signage of professional quality shall be encouraged.*

The applicant is proposing minor changes to the building façade that respect the existing style of the building. The colour scheme will not be changed. Proposed changes include:

- Reduction of the size of the existing front windows with additional siding in the same red paint colour
- Adding a window on the east end of the front façade
- Adding five evenly spaced windows on the first floor (east façade)
- Window trim design and colour will be consistent with existing windows

The applicants will use the same finishing materials and colours to maintain consistency with the current building design. The hardi-plank material and paint colour will be the same as the existing siding.

The proposed signage is of high quality and adheres to Bylaw 1176 (Sign & Canopy Bylaw). Signage includes a hand-crafted projecting sign and large fascia sign. Signage will be front-lit by gooseneck lighting.

- *Exterior storage, service and refuse areas shall be landscaped and should be fenced and buffered so as to minimize intrusions on adjacent uses.*

Exterior refuse containers will be located at the rear of the lot, but will not be located in the side or rear laneway. Refuse areas will be screened with existing screening.

Zoning Bylaw

The subject property is zoned General Commercial (C-2), and the proposed use of the building is consistent with the C-2 zone permitted uses.

A restaurant use requires the provision of 1 stall per 5 seats, thus 16 parking stalls are required for the restaurant. The residence and office on the upper level also require the provision of 2 parking stalls, for a total of 18 required parking stalls. The building has a parking credit of 18 stalls due to the building size and the past retail use. One parking stall is required to be located on site for the residence. The Development Permit includes an allowance for the small car standard.

ALTERNATIVES

To not issue Development Permit 3060-14-04 for reasons related to the Development Permit Area guidelines.

FINANCIAL IMPLICATIONS

This project may be eligible for the Heritage Revitalization Tax Exemption program (\$15,000 minimum expenditure).



The 5-year Financial Plan includes \$36,505 in 2018 to create a "gateway entrance" to High Street at this location.

LEGAL IMPLICATIONS

A development permit is required prior to alteration of the building on this property.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

On June 19, 2014 the Heritage Revitalization Advisory Commission reviewed the proposed façade modifications and signage and the following motion was passed:

It was moved, seconded and carried that the Heritage Revitalization Advisory Commission approve the proposed signage and façade renovations for "The Fox and Hounds" at 11 High Street.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application was referred to the Infrastructure Services Department for consideration, and support was given for the proposal. The Parks Department has recently improved the sidewalk planter adjacent to the development.

RESOURCE IMPLICATIONS:

Processing development permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Visioning Report encourages new commercial and restaurant uses in the downtown to integrate and "fit" within their context as complementary buildings, with appropriate building materials, adding to the vitality of the downtown. In the downtown, the conservation of buildings and character is essential to maintaining the overall identity of Ladysmith.

The proposed façade changes are consistent with the Sustainability Visioning Report.

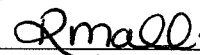
ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design are strategic Council directions.

SUMMARY:

It is recommended that Council support Development Permit 3060-14-04 as proposed.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Development Permit 3060-14-04

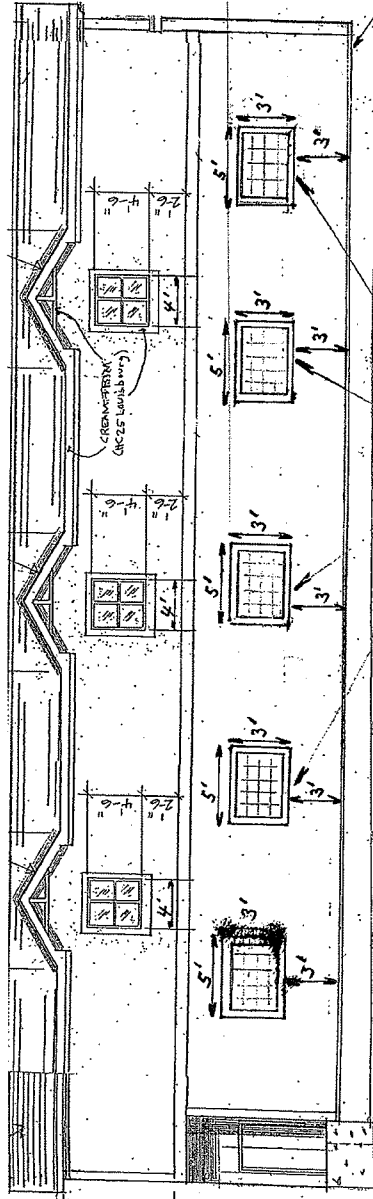
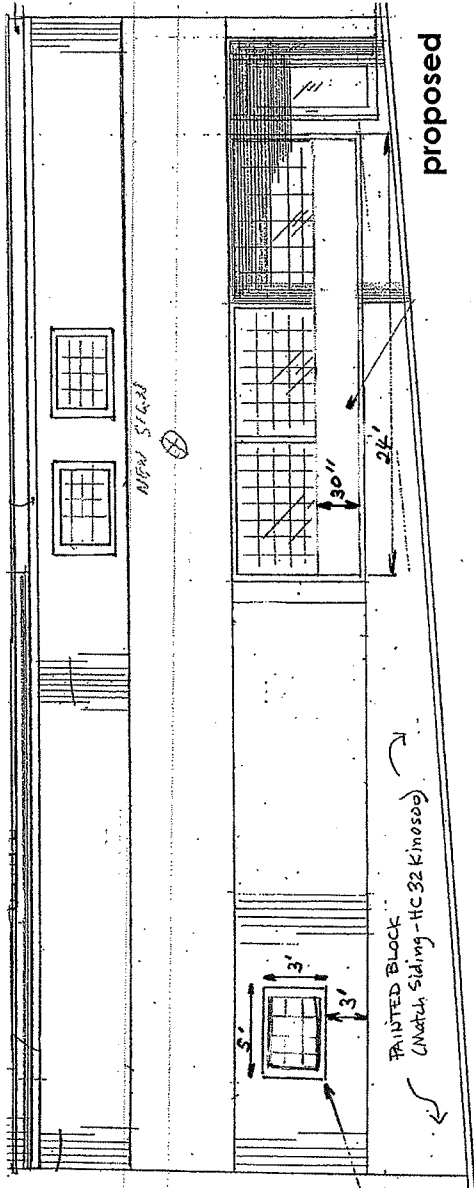


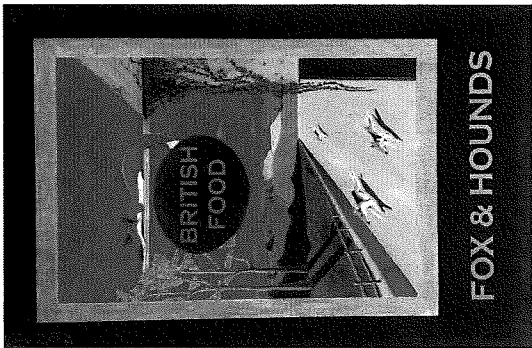


Front (north) facade



Side (west) facade





projecting sign detail



- * Fascia sign - stained wood background, centred over entrance
- * Goose-neck lighting over fascia sign
- * Projecting sign - Fox & Hounds sign

Schedule B - Signage
 Development Permit 3060-14-04
 Trevor Paul Ivens
 Fox & Hounds - 11 High Street
 July 7, 2014

TOWN OF LADYSMITH
DEVELOPMENT PERMIT 3060-14-04
(Section 920 *Local Government Act*)

DATE: July 7, 2014

To: Trevor Ivens English Steakhouse Ltd. (APPLICANT)
Trevor Paul Ivens (OWNER & PERMITTEE)

Address: 13710 Hill Road
Ladysmith, BC
V9G 1G7

1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This 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 17
Block 9
District Lot 56
Oyster District
Plan 703
PID# 005-202-191

Lot 18
Block 9
District Lot 56
Oyster District
Plan 703
PID# 005-202-213

Civic Address – 11 High Street
(referred to as the “Land”)

3. This Permit has the effect of authorizing the alteration of land or a building or structure on land designated in the Official Community plan under section 919.1(1)(d), subject to the condition, requirements and standards imposed and agreed to in section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw No. 1160.

5. The Permittee, as a condition of the issuance of this Permit, agrees to :
- (a) the exterior design and finish of the building as follows:
 - Schedule A: Façade, Fox & Hounds – 11 High Street, July 7 2014.
 - Schedule B: Signage, Fox & Hounds – 11 High Street, July 7 2014.
 - Exterior refuse storage will be located on the property, and will not be located in the laneways surrounding the building. Refuse areas will be screened.
 - (b) One parking stall (minimum 2.5m in width and 5.5m in length) is required on the Land.
6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.927 of the *Local Government Act*, and upon such filing, the terms of this Permit **(3060-14-04)** or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the Permittee does not substantially start any construction permitted by this Permit within **one year** of the date of this Permit as established by the approval date, this Permit shall lapse.
8. The plans and specifications attached to this Permit are an integral part of this Permit.
9. This Permit prevails over the provisions of the Bylaw in the event of conflict.
10. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.

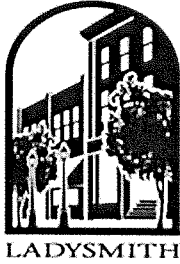
AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH
ON THE DAY OF 2014.

MAYOR

CORPORATE OFFICER

OWNER SIGNATURE

PLEASE PRINT NAME



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: June 10, 2014
File No: 3360-13-05

Re: Holland Creek Place – Covenant CA3656639 - Kolk
Subject Property: Lot A, District Lot 43, Oyster District, Plan EPP12594

RECOMMENDATION:

That Council not require the construction of a walkway from Lot A, District Lot 43, Oyster District, Plan EPP12594 to the sidewalk on Dogwood Drive due to desired tree retention and long term maintenance implications.

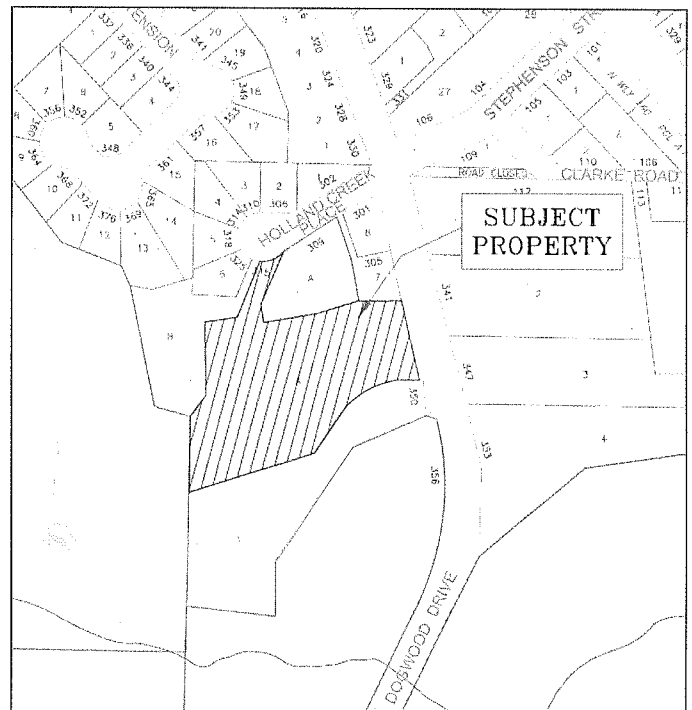
INTRODUCTION/BACKGROUND:

The development of the eight strata lots on the subject property requires the construction of a pathway for the use of residents of the development, pursuant to a covenant with the Town. Staff have been working with the landowner towards possible designs for the walkway.

PURPOSE:

The purpose of this staff report is to obtain Council direction regarding the construction of a walkway from the subject property across the town boulevard to the sidewalk on Dogwood Drive. Staff have reviewed the possible construction alternatives for the walkway and recommend that the walkway not be constructed for the following reasons:

- The proposed lot configuration for the subdivision does not allow the walkway to be located in a convenient location due to the steep topography of the boulevard area.
- Trees would need to be removed, and it is preferred to leave the trees in place on the Town boulevard area.
- The long term maintenance costs for the walkway will outweigh the overall benefit of the walkway.
- The future residents of the subject property are able to access the sidewalk on Dogwood Drive by Holland Creek Place.



ALTERNATIVES:

To require the construction of a walkway from the subject property to the sidewalk on Dogwood Drive.

FINANCIAL IMPLICATIONS:

The proposed walkway is on Town boulevard, thus the long term maintenance costs of the walkway will be the Town's responsibility.

LEGAL IMPLICATIONS:

The enforcement of Covenant CA3656639 is at the discretion of Council.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The development is in its early stages, there are no residents to consult, other terms of the covenant would be fulfilled.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposed construction alternatives for a walkway were reviewed by Infrastructure Services staff and by the Director of Parks, Recreation and Culture. They have recommended that a walkway not be constructed.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

The intention of the proposed walkway was to improve the pedestrian orientation of the Town. However, tree protection in the boulevard area is aligned with the Visioning Report.

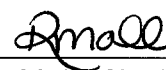
ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

It is recommended that Council not require the construction of a walkway from Lot A, District Lot 43, Oyster District, Plan EPP12594 to the sidewalk on Dogwood Drive.

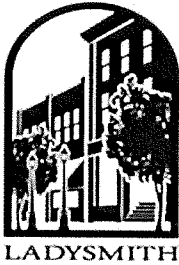
I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

none



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: July 2, 2014
File No: 3360-14-02

Re: Official Community Plan Amendment and Rezoning Application: 1148, 1150 and 1156 Trans Canada Hwy. (KD Gold Enterprises Ltd.)
Subject Properties: Lot 9, 10, 11, 12, and 13, D.L. 139, Oyster District, Plan 7217

RECOMMENDATIONS:

1. That Council direct staff to prepare bylaws to:

- Amend the Official Community Plan and the Zoning Bylaw to permit highway service commercial use, including motor vehicle sales, as a principal use on 1148 and 1150 Trans Canada Highway (Lots 9 and 10, D.L.139, Oyster District, Plan 7217);
- Amend the Zoning Bylaw to permit one accessory dwelling unit; with a maximum size of 90m² of gross floor area (or 40% of the total gross floor area of the principal building whichever is less) at 1156 Trans Canada Hwy (Lots 11, 12, and 13, D.L.139, Oyster District, Plan 7217);

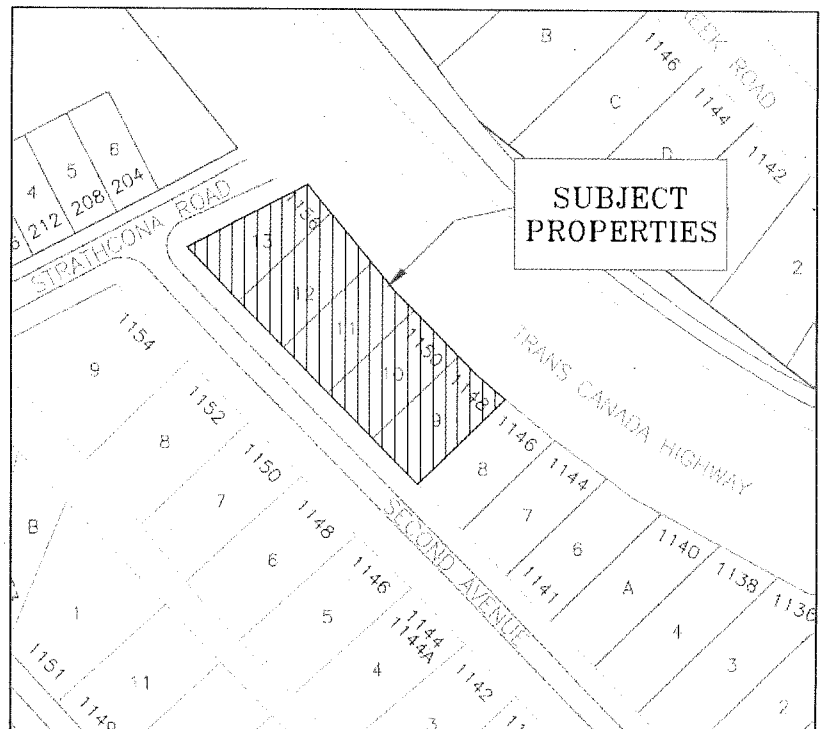
And the following land use matters be secured as follows:

(a) Prior to the adoption of the Zoning Bylaw amendment bylaw:

- Consolidation of Lots 9 and 10 into one lot and Lots 11, 12, and 13 into one lot; and
- Registration of a reciprocal easement between the parcels with a condition that the Town would approve an amendment or release of the easement.

(b) As part of the Development Permits for the two development sites:

- No tree removal on the bank located between Second Avenue and the base of the slope on lots 11, 12, and 13, except as needed to install one retaining wall with a maximum height of 1.5 metres at the base of the slope, or as deemed necessary in a report by a qualified arborist;
- No driveway access from Second Avenue to the subject properties;
- Close or relocate the Strathcona



Road driveway access to a safer location as approved by the Director of Infrastructure Services; and

- Any Trans Canada Highway driveway access for each of the development sites be designed and constructed to be a right-in / right-out to the standards required by the Ministry of Transportation.

2. That Council direct that the consideration of the continuation of the Esplanade boulevard and sidewalk design standard along the portion of the Trans-Canada Highway from Strathcona Road to First Avenue be referred to the Master Transportation Plan project.

INTRODUCTION/BACKGROUND:

The applicant is proposing to amend the Official Community Plan and Zoning Bylaw to permit highway service commercial use and motor vehicle sales at 1148 and 1150 Trans Canada Hwy (Lots 9 and 10). While designated for multi-family residential use, these properties are suitable for the consideration of highway service commercial use given their location along an arterial highway, traffic volumes and highway traffic noise. The site is currently vacant and used vehicles for sale have been located there for many years. The applicant is also proposing to amend the Zoning Bylaw to permit an accessory dwelling unit at the rear of the existing building located at 1156 Trans Canada Hwy (Lots 11, 12, and 13) which is a highway/service commercial-zoned property available for redevelopment.

At its meeting held May 12, 2014 Council passed the following resolution regarding the application:

THAT Council has considered S.879 of the *Local Government Act* (consultation during an OCP amendment) and determines that for Official Community Plan amendment application 3360-14-02 the following consultation is to be undertaken:

- Staff referral to the Advisory Planning Commission for review and comment;
- Referral to Stz'uminus First Nation and the Ministry of Transportation;
- Applicant to host a neighbourhood information meeting as required by the Development Procedures Bylaw.

PURPOSE:

The purpose of this staff report is to seek direction from Council to work with the applicant and prepare bylaws to:

- Amend the Official Community Plan and the Zoning Bylaw to permit highway service commercial use and motor vehicle sales on 1148 and 1150 Trans Canada Highway (Lots 9 and 10, D.L.139, Oyster District, Plan 7217); and
- Amend the Zoning Bylaw to permit one accessory dwelling unit at 1156 Trans Canada Hwy (Lots 11, 12, and 13, D.L.139, Oyster District, Plan 7217).
- Address the land use matters confirmed by Council.

SCOPE OF WORK:

Future Midas site (Lots 11-13):

This site is currently developed with a building containing service bays and a suite. The applicant intends to purchase the property for a Midas business. The building will be improved for this use; a Commercial (DPA3) Development Permit will be required. A sign permit has been issued for new Midas signage.

Future used car sales site (Lots 9-10):

This site is currently vacant and no development of this site is planned at this time. The site consists of a series of three benches with an elevation difference of 3 to 4 metres across the site. In addition, there is about a 3 metre grade difference between this site and the rear of the adjacent Midas parcel. A grading plan has not been provided. The bank located between Second Avenue and this site is also treed. The developed residential parcel to the south is landscaped to the property line. The Town's new landscape buffer requirements would apply.

The current stage of this rezoning application is to seek direction from Council to prepare bylaws to amend the Official Community Plan and Zoning Bylaw and to address land use matters.

Official Community Plan (OCP)

1148 and 1150 Trans Canada Highway are designated as Multi-Family Residential in the OCP and the applicant is proposing that they be designated 'Highway Commercial' and that Development Permit Area 3 – Commercial (DPA 3) be applied to the lands.

The three lots that comprise 1156 Trans Canada Hwy. are designated as 'Highway Commercial' and fall within Development Permit Area 3 – Commercial (DPA 3). Permitting an accessory dwelling unit will not require an amendment to the OCP.

The following OCP policies relate to the proposed development:

Provide an adequate supply of land in appropriate locations to support industrial and commercial economic activity (Section 3.5.2(9)). Commercial development is directed principally to the downtown core and the south end (Coronation Mall), with complementary commercial areas provided to serve the mixed use waterfront as well as local neighbourhoods.

- Redevelopment of lots 11, 12 and 13 could enhance unused commercial land.
- Zoning lots 9 and 10 to permit highway commercial use would be introducing new commercial land to the Town.

Ladysmith will encourage high quality site and building design (Section 3.2.1)

- A development permit will be required prior to site and building improvements for any proposed commercial uses.

Promote comprehensive planning and site design that balances ecological and economic considerations (Section 3.2.2 (4)).

- To ensure the stability of the slope at the rear of the five subject properties it is recommended that no trees be removed from the slope.

To ensure that new Highway Commercial development and the redevelopment of existing uses that occurs in Ladysmith is compatible with the existing development (Section 3.8.5 - DPA 3).

- To maintain a visual and noise buffer, and to ensure the continued enjoyment of residential uses on Second Avenue, it is recommended that the trees on the slope at the rear of the subject properties be maintained.

Zoning Bylaw

1148 and 1150 Trans Canada Highway are zoned R-2. The applicant is proposing that these two lots be zoned C-3 to permit highway service commercial uses including motor vehicle sales as a principal use.

The three lots at 1156 Trans Canada Hwy are zoned C-3 and permit a gas bar, service station, and convenience store. Currently an unoccupied residential suite is in the rear of the existing building onsite. The applicant would like to legalize the accessory dwelling unit and has intentions to improve the building and update the unit. The dwelling unit is currently 69m² (740ft²) in size. It is recommended the maximum size of the accessory dwelling unit be not more than 90m² of gross floor area, and not exceed 40% of the total gross floor area of the principal building. This size is the same as a caretaker dwelling unit or a secondary suite within a single unit dwelling.

In order to facilitate future land use approvals and ensure that these properties are developed as though they are single entities (as required by the MOT covenant), it is recommended that the applicant/owner consolidate lots 9 and 10 as one lot; and lots 11, 12 and 13 as one lot for the following reasons:

- There is a covenant on the certificate of title of the five subject properties. The covenant is between the landowner and the Ministry of Transportation (MOT) for the purpose of restricting the number of different properties applying to access the Trans Canada Highway. The covenants require that lots 9 and 10 be bound together as if a single parcel of land, and that lots 11, 12 and 13 be bound together as if a single parcel of land.
- Also the building at 1156 Trans Canada Hwy straddles lots 11 and 12, which does not allow the building to meet required property line setbacks, unless the lots are consolidated.

Highway Frontage Considerations

The Ministry of Transportation is limiting and closing driveways accessing directly onto the highway. As noted above, these properties are considered as two development sites with a maximum of two highway accesses. Recent multiple family residential redevelopments have had access redirected to Second Avenue and pedestrian improvements were not required along Trans Canada Highway. Town of Ladysmith staff met with the Ministry of Transportation staff onsite to review transportation safety and the proposed uses for the lands. The staff at MOT are not requiring boulevard improvements. The Town's Bicycle Plan directs cycling traffic off of the TCH to Second Avenue. The applicant is interested in creating a suitable landscape edge along the frontage of the new Midas business; if this is within the highway right-of-way it will require approval by MOTI to ensure that it meets their landscape standards.

By closing (or relocating) the driveway from Strathcona Road there will be additional boulevard area to be landscaped. As this area is Town boulevard, it is not a subject of the development permit but rather the *Subdivision and Development Servicing Bylaw* landscaping standards. It is preferred that existing healthy mature trees are retained.

ALTERNATIVES:

That Council not support moving forward with all or part of the rezoning application for the subject five properties.

An additional land use matter (pedestrian access) to be secured prior to the adoption of the amendment bylaw for the rezoning application: That Council require the applicant to provide approximately \$10,000 for sidewalk construction along the Trans Canada Highway frontage and \$5000 for sidewalk construction along the Strathcona Road frontage (see *interdepartmental involvement/implications* section).

FINANCIAL IMPLICATIONS:

Council may wish to consider the financial implications of the continuation of a sidewalk along the TransCanada Highway at this location, as there is limited future opportunity to obtain additional developer contributions for a new sidewalk.

The properties that are currently zoned C-3 (Lots 11-13) are within the Revitalization Area covered by the Economic Revitalization Tax Exemption Program (minimum building improvement construction value of \$200,000 as determined through the building permit process). The redevelopment for the Midas business may be eligible for this program depending on the value of the improvements. An application and agreement with the Town is required.

LEGAL IMPLICATIONS:

A public hearing will be required to be held.

The Ministry of the Environment has issued a letter to the environmental consultant working for the owner advising that approvals are suspended for the site as identified in section 40 of the Environmental Management Act (zoning of land, development permit or development variance permit, removal of soil, demolition permit) until the proponent has obtained a legal instrument or other approval from the Ministry or the Town has received approval from the Ministry that it can approve the application.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The application has been referred to the Stz'uminus First Nation for review and comment. The applicant will be required to hold a neighbourhood information meeting.

At its meeting on June 19, 2014 the Advisory Planning Commission passed the following motions:

The Advisory Planning Commission (APC) recommends support for the proposal to amend the Zoning Bylaw to permit one residential suite on the property legally described as lots 11, 12, and 13 District Lot 139, Oyster District, Plan 7217 subject to the suite meeting all the requirements of the B.C Building Code, and subject to environmental approvals being in place prior to residential use of the property.

The Advisory Planning Commission (APC) recommends that lots 9 and 10, District Lot 139, Oyster District, Plan 7217 remain zoned for residential use.

In addition the APC made the following general comments regarding the application:

APC Comments	Response
Highway traffic and safety concerns with regard to the access points for the subject properties.	The Ministry of Transportation is the approving authority for access permits to the Trans Canada Hwy.
Safety concerns regarding the Highway and Strathcona Road intersection point.	The Director of IS recommends that the applicant close or relocate the Strathcona Road driveway access to a safer location.
The proposal could do more to align with the Sustainability Visioning Report.	Requiring the protection of trees on the steep bank at the rear of the property adds to application's alignment to the Visioning Report.
Comments regarding the site contamination and questions regarding the status of the site clean-up and required environmental approvals.	The owner of the lands is working with the Ministry of Environment regarding Site Decommissioning and environmental approvals.
Questions regarding how lots 9 and 10 would be graded, and that buffering should be provided for adjacent residential properties.	A development permit will be required prior to a new commercial development on the land. Tree retention and landscaping can provide buffering for adjacent residential uses.
Livability of a suite within the same building as a service station. The suite should meet the requirements of the B.C. Building Code.	Renovations to the proposed residential suite will meet the requirements of the B.C. Building Code.
Will this application set a precedent, such that other owners of C-3 zoned parcels will apply to amend the zoning bylaw to permit a suite?	Council has the ability to refuse or support future applications for residential suites on commercial properties.
The subject properties are part of the gateway to Ladysmith and should be landscaped and designed with extra care for this reason.	On-site landscape and buffering considerations will be addressed as part of the development permit process. Landscaping in the town boulevard areas will be guided by the Subdivision and Development Servicing Bylaw at the building permit stage. Landscaping within the highway right-of-way requires approval by MOT.
It may be wise to take advantage of this opportunity to improve commercial land at the gateway to Ladysmith.	A new Midas business is proposed for lots 11, 12 and 13. A used car lot is proposed for lots 9 and 10.
Would like to avoid creating an unattractive commercial strip along the Trans Canada Highway in Ladysmith. Would like to ensure the character of Ladysmith is maintained even along the Highway.	A development permit is required for new development and can ensure that the design of the sites meets the DP guidelines.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Infrastructure Services Department for review and comment. The Director of Infrastructure Services recommends the following:

- That the driveway access from Strathcona Road be closed or relocated to a safer location (a recent traffic count indicated 1100 vehicles daily at this intersection);
- That there be a reciprocal access agreement between the two development sites to allow for greater circulation options when Lots 9-10 are developed;
- That the existing easement for the sewer line be replaced with a right-of-way;
- That any unused water or sewer services be disconnected;
- That the Trans Canada Highway driveway access points be right-in/right-out designed to Ministry of Transportation standards;

- That Council consider whether the sidewalk/boulevard standard that was established on the Trans Canada Highway between First Ave and Methuen when the Highway was upgraded should be continued along this section of highway frontage between Strathcona Road and First Avenue. The cost of this 1.5 metre wide sidewalk along the entire TCH frontage of the subject five properties is approximately \$10,000. The section that exists along Esplanade Avenue was negotiated during the Highway upgrade project and the Town shares maintenance responsibilities with MOT. (The Bicycle Plan directs cycling traffic off of the TCH to Second Avenue.) Council may also wish to consider if the sidewalk should be extended along the Strathcona Road frontage, at an additional cost of \$5,000.

At time of building permit the unused water and sewer services can be disconnected, and the sewer line easement replaced with a right-of-way.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT

The applicant has completed a Sustainable Development Checklist and indicates that the proposal is consistent with the Visioning Report in the following ways:

- The residential suite will allow for affordable housing for 1-2 people.
- Additional commercial businesses in the Town allow for additional services and additional employment opportunities;
- The subject properties will be improved and an existing building refurbished;
- A low flush toilet will be placed in the suite;
- New landscaping plants will be installed.

It is also recommended that the applicant retain the trees on the steep bank at the rear of the property.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

Staff is seeking Council direction regarding the preparation of bylaws and to address associated land use matters regarding an application to amend the Official Community Plan and Zoning Bylaw to permit highway service commercial use and motor vehicle sales at 1148 and 1150 Trans Canada Highway; and to amend the Zoning Bylaw to permit an accessory dwelling unit at 1156 Trans Canada Highway.

I concur with the recommendation.

Ruth Malli

Ruth Malli, City Manager

ATTACHMENTS:

Highway Service Commercial (C-3) Zone – excerpt from proposed Bylaw 1860

11.3. HIGHWAY SERVICE COMMERCIAL (C-3)

The purpose of the Highway Service Commercial Zone is to accommodate commercial Uses that serve the needs of the travelling public.

1. Principal Uses

- a) *Gas Bar.*
- b) *Service Station.*
- c) *Convenience Store.*

2. Accessory Uses

- a) *Retail Sales, limited to motor vehicle parts and accessories.*
- b) *Motor Vehicle Sales or Rental, accessory to Service Station Use.*

3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 892.0 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 24.38 metres.

4. Size and Density of the Use of Land, Buildings and Structures

- a) The maximum *Gross Floor Area* for any one commercial *Use* is 500.0 square metres.
- b) The *Floor Space Ratio* shall not exceed 0.5.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 75.0 percent.

5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* shall exceed a *Height* of 12.0 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres.
- c) No *Principal Building* or *Structure* located on a *Parcel* within this *Zone* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	4.5 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

- d) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (m²) as shown in the Table below, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M ²	MINIMUM SETBACK >10.0 M ²
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

6. Landscaping and Screening

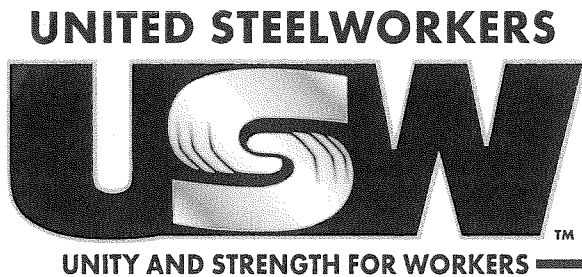
- a) *Landscaping* and *screening* shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

7. Parking and Loading

- a) Off-street parking and loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

8. Site Specific Regulations

- a) On the *Parcel* legally described as Lot B, Plan 45624, District Lot 118, Land District 43 (26 Symonds Street), *Motor Vehicle Body Shop* is a permitted *Principal Use*.
- b) On the *Parcel* legally described as Lot 12 and 13, District Lot 139, Oyster District, Plan 7217 (1152 TransCanada Highway), *Motor Vehicle Body Shop* is permitted as an *Accessory Use* to a *Service Station Use*, provided that the *Finished Floor Area* of the shop does not exceed 33.0 percent of the *Gross Floor Area* of the *Service Station*.



District 3

Western Provinces and Territories

Stephen Hunt
District Director

June 16, 2014

JUN 19 2014

Dear Mayor and Councillors,

In 2004, the House of Commons came together in historic fashion to unanimously pass the Westray Act. The legislation came in response to the horrific Westray coalmine explosion in Nova Scotia that killed 26 miners on May 9, 1992, and after a strong lobby campaign by the United Steelworkers to demand "No More Westrays".

The legislation was intended to hold corporate executives, directors and managers criminally responsible for workplace deaths. Ten years later, approximately 10,000 Canadians have been killed on the job, yet not one corporate executive has faced a single day in jail.

In response to this shameful record, our union has launched a campaign to "Stop The Killing and Enforce The Law", which asks provincial, territorial and federal governments to work together to ensure that workplace deaths are taken seriously and that, where warranted, the Westray Law is enforced.

As part of this campaign, we are asking City Councils to pass resolutions expressing their support for proactive action to protect workers. Though not an area of municipal responsibility, we recognize you as community leaders and this is a community issue. There is no place in Canada that has not been touched by workplace deaths, and your voices are needed to encourage senior levels of government to take steps to enforce the Westray Law.

Already communities across Canada have endorsed the enclosed resolution, including Toronto, Sudbury, St. Sault Marie, Hamilton in Ontario, Nanaimo, Burnaby, Lake Cowichan, New Westminster, Port Alberni, Mission in British Columbia, and Flin Flon in Manitoba.

I respectfully request that your council consider adding its voice by passing this resolution, and sending it to your provincial municipal association. In doing so, you will be sending a message to senior levels of government that it is time to work together to Stop the Killing, and Enforce the Law.

We would be pleased to have a representative from our union make a presentation to your council to provide additional information. Please contact Health & Safety Coordinator Ron Corbeil at 604-683-1117 or rcorbeil@usw.ca to schedule.

Thank you for your consideration.

Sincerely,

Stephen Hunt
Director

SH/BW/dl
encl.

copy: Scott Lunny, Assistant to the Director
Ron Corbeil, USW D3 Health & Safety Coordinator
USW Staff Reps

our ref: 1920-100 Westray

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union



SAMPLE RESOLUTION

Enforce the Westray Amendments to Canada's Criminal Code

WHEREAS it has been more than two decades since the Westray mine disaster in Nova Scotia and a decade since amendments were made to the Criminal Code of Canada to hold corporations, their directors and executives criminally accountable for the health and safety of workers; and

WHEREAS police and prosecutors are not utilizing the Westray amendments, and not investigating workplace fatalities through the lens of criminal accountability; and

WHEREAS more than 1,000 workers a year are killed at work

THEREFORE BE IT RESOLVED that this Council support a campaign to urge our federal/provincial/territorial government to ensure that:

- Crown attorneys are educated, trained and directed to apply the Westray amendments;

- Dedicated prosecutors are given the responsibility for health and safety fatalities;

- Police are educated, trained and directed to apply the Westray amendments;

- There is greater coordination among regulators, police and Crown attorneys so that health and safety regulators are trained to reach out to police when there is a possibility that Westray amendment charges are warranted.

June 11, 2014

Dear Honourable Mayor and Members of City Council,

I am writing this letter with heartfelt appreciation and gratitude to Carla Sampson and her team at RCMP Victim Services in Ladysmith. Without their commitment and collaboration, many of the students and families of Ladysmith Secondary School (LSS) may have had very different outcomes. In working closely with RCMP Victim Services – especially with the 24/7 support offered – crucial information and correspondence was able to get to the administrator, counsellors and myself in a very timely manner. This allowed us to put interventions in place quickly, thus helping students/families work through some very difficult situations. To date, RCMP Victim Services has offered assistance to students/families affected by (but not limited to): missing person(s), sudden death, suicide, assault/bodily harm, domestic violence, sexual assault, historical abuse.

It has just come to my attention that some services offered by RCMP Victim Services may be cut due to budget restraints. This is of great concern to me and other members of staff at LSS as we know what a difference has been made by being able to access these services. Without these services in place, it would have greatly affected not only the students/families directly involved, but also the LSS community as a whole. Ladysmith has the rare good fortune of still being a small community; however the flip side of this is that incidents that may be isolated in larger towns or cities are much more felt throughout the community. That being said, the discreet and professional manner with which Carla Sampson and her team deal with matters, has allowed many situations to be dealt with in a way that limits the panic and stress that can quickly spread in a high school environment.

Knowing that RCMP Victim Services is able to offer assistance to our students/families at ANY time is of huge piece of mind. While most of the collaboration that has been done up to this point has involved students from LSS, all Ladysmith schools are able to collaborate with RCMP Victim Services. In fact, following a sudden death of a child on Christmas Day, the parents were able to contact the school (in Nanaimo) by way of the partnership already in place between myself and RCMP Victim Services. This was also the case when there was a sudden death of a child in Duncan who had close ties to students in Ladysmith elementary schools.

At a recent Public Forum, Carla Sampson addressed the Board of Trustees of the Nanaimo-Ladysmith Public Schools (School District 68), describing the invaluable partnership which has been formed between RCMP Victim Services and Ladysmith Schools. As soon as the meeting was adjourned, at least one Trustee made his way immediately to Carla and thanked her for sharing, as well as for the aid that she and RCMP Victim Services offers to Ladysmith Public Schools and their students, families, and staff. He further stated he wished that it was like that throughout the school district.

In my work as a Child, Youth & Family Support Worker in Nanaimo-Ladysmith Public Schools, I have the opportunity to engage and share with colleagues as well as other community members, both in Ladysmith and elsewhere. When I have spoken of the way RCMP Victim Services in Ladysmith works, I have heard repeatedly that it does not work the same way in other communities (such as Nanaimo) but wished it did. Recently, I was invited to address a group in Ladysmith to discuss what my work consists of and what other agencies I work with; a significant part of this will include the relationship/work with RCMP Victim Services.

It is unfortunate that poverty, crime, and trauma are such a reality for so many children and families in this day and age. In accordance to Maslow's Hierarchy of Needs, children's physiological and safety/security needs must be met before the beneficial aspects of education can occur. Without the services that RCMP Victim Services offers, I fear some of our students may have 'fallen through the cracks'. Despite the supports our schools have in place, there are some areas that we do not have the knowledge or resources to fill; RCMP Victim Services offers many of these.

Please don't hesitate to contact me if you have any questions or need more information.

Most Sincerely,

Kendra-Ann E. Van Shaik

Kendra-Ann Van Shaik, BA CYC, CCOA
Child, Youth & Family Support Worker (CYFSW)
Nanaimo-Ladysmith Public Schools (SD68)
Cell:(250)714-2412 or (250)713-3869