



# 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, JANUARY 17, 2011  
at 7:00 p.m.

## AGENDA

Page

### CALL TO ORDER

#### 1. AGENDA APPROVAL

#### 2. MINUTES

Adoption of following minutes:

2.1. Regular Meeting – January 10, 2011

1 - 8

#### 3. PUBLIC HEARING

None

#### 4. BYLAWS (OCP / ZONING)

4.1. Lot 1, DL 146, Oyster District, Plan VIP79719 (Oak Development Ltd.)  
Referred from the Council meeting of January 10, 2011

9 - 11

#### 5. DELEGATIONS

None

#### 6. PROCLAMATIONS

Mayor Hutchins has proclaimed February 23<sup>rd</sup>, 2011 as “Pink Shirt Day” in the Town of Ladysmith, to raise awareness of the need to confront bullying

#### 7. DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS

None

#### 8. STAFF / ADVISORY COMMITTEE REPORTS

8.1. Strata Conversion Application – 218 Bayview Avenue

12 - 19

8.2. Aggie Hall Building Signage

20 - 22

**9. CORRESPONDENCE**

- 9.1. Dean Benson, Ladysmith Health Care Auxiliary  
Confirmation of a donation up to \$6,000 for a trolley stop shelter**

**23**

Staff Recommendation:

*That Council consider whether it wishes to accept a donation of up to \$6,000 from the Ladysmith Health Care Auxiliary for a trolley stop shelter bearing the Ladysmith Health Care Auxiliary logo to be located at the Lodge on Fourth trolley stop.*

**10. NEW BUSINESS**

**11. UNFINISHED BUSINESS**

None

**12. QUESTION PERIOD**

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 must relate strictly to matters which appear on the Council agenda at which the individual is speaking
- 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

**13. EXECUTIVE SESSION**

In accordance with Section 90(1) of the *Community Charter*, the first 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

**14. RISE AND REPORT**

**ADJOURNMENT**



LADYSMITH

TOWN OF LADYSMITH  
MINUTES OF A REGULAR MEETING OF COUNCIL  
MONDAY, JANUARY 10, 2011 - 7:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

**COUNCIL MEMBERS PRESENT:**

Mayor Rob Hutchins	Councillor Steve Arnett	Councillor Scott Bastian
Councillor Jillian Dashwood	Councillor Lori Evans	Councillor Duck Paterson
Councillor Bruce Whittington		

**STAFF PRESENT:**

Sandy Bowden	Felicity Adams	Chris Trumpy
Joanna Winter		

**CALL TO ORDER** Mayor Hutchins called the meeting to order at 6:00 p.m.

**EXECUTIVE SESSION**

**2011-001** It was moved, seconded and carried that this meeting retire into Executive Session at 6:01 p.m.

Mayor Hutchins called the Regular Session of Council to order at 7:00 p.m.

**AGENDA APPROVAL**

**2011-002** It was moved, seconded and carried that the agenda be adopted as circulated.

**MINUTES**

**2011-003** It was moved, seconded and carried that the Minutes of the Regular Council Meeting of December 20, 2010 be adopted as circulated.

**2011-004** It was moved, seconded and carried that the minutes of the Special Council Meeting of December 22, 2010 be adopted as amended, noting the presence of Councillor Bastian and the absence of Councillor Arnett.

**BYLAWS  
(OCP / ZONING)**

**2011-005** It was moved, seconded and carried that Russ Jackson be invited

to address Council on the matter of his application for rezoning.

2011-006

It was moved, seconded and carried that OCP and Zoning Bylaw amendment application 3360-10-05 be referred to the January 17, 2011 Regular Session of Council.

**DELEGATION**

**Gerry Yellowlees, Hahlay Buck, Duck of Edinburgh's Award**

Mayor Hutchins presented Hahlay Buck with the Duke of Edinburgh's Bronze Level Award Certificate. Mayor Hutchins and Council congratulated Ms Buck and thanked Mr. Yellowlees for his volunteer work on the program.

**PROCLAMATIONS**

Mayor Hutchins proclaimed:

- The month of February 2011 as "Heart Month" in the town of Ladysmith
- March 21<sup>st</sup> to 25<sup>th</sup>, 2011 as "Co-operative Education Week" in the Town of Ladysmith

**DEVELOPMENT PERMITS  
AND DEVELOPMENT  
VARIANCE PERMITS**

**Hazard Lands Development Permit - 325 Chemainus Road**

2011-007

It was moved, seconded and carried that Development Permit 3060-10-14 be issued for the construction of a garage at 325 Chemainus Road (Lot 5, District Lot 42, Oyster District, Plan 4853), and that the Mayor and Corporate Officer be authorized to sign the Development Permit.

**COUNCIL COMMITTEE  
REPORTS**

**Mayor Hutchins**

Mayor Hutchins spoke about the recent fire at the Ladysmith Community Marina and asked Fire Chief Ray Delcourt to provide Council with a brief overview of the event. Council congratulated the members of Ladysmith Fire Rescue for their hard work in controlling the fire and preventing significant further damage.

**Councillor Arnett - Government Services Committee Recommendations**

2011-008

It was moved, seconded and carried that Council support the implementation of the Sustainable Development Checklist, and that staff be directed to prepare an amendment to the Development Procedures Bylaw (No. 1667) to include the 'Sustainable Development Checklist' in the application procedure process.

2011-009

It was moved, seconded and carried that the Sustainable Development Checklist be amended to incorporate 'natural areas' in Item 1 of the Checklist.

- 2011-010** It was moved, seconded and carried that the expenditure of up to \$20,000 be authorized for the removal, limbing, or topping of the dead trees in Gourlay Janes Park in 2010, with the funds to come from unallocated surplus, and that the Financial Plan be amended accordingly.
- 2011-011** It was moved, seconded and carried the expenditure of up to \$20,000 be authorized for improving the Ladysmith Cowichan Valley Trail, with the funds to come from the Cowichan Valley Regional District, and that the Financial Plan be amended accordingly, and that as appropriate, the signage include directions to Ladysmith attractions such as the waterfront, community marina and downtown.
- 2011-012** It was moved, seconded and carried that the establishment of an additional full-time permanent Utility Operator position in the Water and Sewer Department be authorized.
- 2011-013** It was moved, seconded and carried that staff be directed to conduct a trolley ridership study during the months of January and February, and July and August 2011, and that the trolley driver be requested to record the number of riders collected at each stop and for each scheduled route.
- 2011-014** It was moved, seconded and carried that the investigation of the feasibility of establishing a Transit Authority, or partnering with the Cowichan Valley Regional District Transit Authority, be authorized, in order that the Town may charge a fare for trolley passengers.
- 2011-015** It was moved, seconded and carried that staff be requested to draft a policy regarding trolley rentals.
- 2011-016** It was moved, seconded and carried that the request for a trolley stop at Campers' Corner be denied for safety reasons, and that a new stop be installed on Thicke Road.
- 2011-017** It was moved, seconded and carried that the trolley stop on Cloke Road be maintained in order to serve the residents of La Rosa Gardens, until a through route is established on Cook Street.
- 2011-018** It was moved, seconded and carried that a letter of thanks and appreciation be sent to the members of Ladysmith Fire Rescue for their efforts regarding the annual Christmas Parade.
- 2011-019** It was moved, seconded and carried that the correspondence from Barbara Steele regarding the Gas Tax Agreement Regionally Significant Projects be received.

- 2011-020 It was moved, seconded and carried that Councillors Evans and Dashwood be requested to meet with the Ladysmith Seniors Centre Society to determine if there are recommendations contained in the City of Duncan Age Friendly Seniors Safety Project Report that are applicable to Ladysmith, and to report back to Council.
- 2011-021 It was moved, seconded and carried that a copy of the City of Duncan Age Friendly Seniors Safety Project Report be provided to the Community Health Advisory Committee and that Councillor Bastian be requested to discuss the report's recommendations with the Committee.
- 2011-022 It was moved, seconded and carried that the correspondence from the Union of B.C. Municipalities regarding the Canadian Federation of Independent Business Municipal Spending Report be received for information.
- 2011-023 It was moved, seconded and carried that staff be requested to develop a public awareness campaign to discourage the public from smoking outdoors at Light Up and other public events at which large numbers of people are present.
- 2011-024 It was moved, seconded and carried that Councillors Dashwood and Evans be appointed to represent Council at the Regional Affordable Housing Workshops on January 19 and 24, 2011.
- 2011-025 It was moved, seconded and carried that organizers of major public events be requested to provide more extensive information in all publicity and promotional materials regarding the prohibition of dogs on First Avenue during such events, and that signs be posted at the perimeter of the 'no dogs zone' during public events.
- 2011-026 It was moved, seconded and carried that staff be requested to schedule a neighbourhood meeting for area residents regarding the proposed Bicycle Plan and improvements for the Bayview Connector.
- 2011-027 It was moved, seconded and carried that Council endorse the recommendation of the Public Washroom Task Force that Town visitor maps include a 'WC' logo to mark locations of washrooms that are available for use by the public in the Downtown area.
- 2011-028 It was moved, seconded and carried that Council send a letter of thanks to the members of the Downtown Ladysmith Public Washroom Task Force.

2011-029

#### **Town of Ladysmith Question Period Guidelines**

It was moved and seconded that the following guidelines be adopted for Question Period during Council meetings:

- Persons wishing to address Council during "Question Period" must be either Town of Ladysmith residents or non-resident property owners.
- Individuals must state their name and address for identification purposes.
- Questions must relate strictly to matters which appear on the Council agenda at which the individual is speaking.
- 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.

#### **Amendment**

2011-030

It was moved, seconded and carried that the first bulleted item in Motion 2011-029 be amended to read as follows:

- Persons wishing to address Council during "Question Period" must be Town of Ladysmith residents, non-resident property owners or business operators.

**Resolution 2011-029 carried as amended.**

2011-031

It was moved, seconded and carried that the matter of adding a public input period related to Town business prior to the start of a Council meeting be brought forward to a future Government Services meeting for discussion by Council, and that staff be requested to bring examples from other jurisdictions.

#### **Councillor Paterson**

Councillor Paterson expressed concern about the lack of volunteer leadership and participation in the Ladysmith Celebrations Society, stating more volunteers must be recruited to ensure that the event will continue.

#### **Councillor Evans**

Councillor Evans expressed appreciation to the Working Committee of the Affordable Housing Directorate of Social Planning Cowichan for their development of an Affordable Housing Strategy for the Cowichan Region.

**STAFF / ADVISORY  
COMMITTEE REPORTS**

**Towns for Tomorrow Grant Application**

The City Manager recommended that the Town submit one application for funding through the Province of BC Towns for Tomorrow program as it is anticipated the program will be over-subscribed, and it is also understood no more than one application per community would be approved.

2011-032

It was moved, seconded and carried that applications be submitted to the Towns for Tomorrow grant program for funds to support the proposed Fire Hall upgrade project and for funds to support hydraulic energy recovery in the Town's water supply system, in an amount not to exceed \$375,000 for each application, and that the application for funding to support the Fire Hall upgrade project be given the highest priority unless it is not feasible to apply for funding through this program.

**Potential 'Towns for Tomorrow' Grant Application - Ladysmith Playfields Phase II**

2011-033

It was moved, seconded and carried that an application not be submitted to the Towns for Tomorrow grant program for funds to support Phase II of the Ladysmith Playfield project.

**Ladysmith Golf Club - Request for Loan**

2011-034

It was moved and seconded that Council not provide a low interest loan to the Ladysmith Gold Club.

**Amendment**

2011-035

It was moved, seconded and carried that motion 2011-034 be amended to read that Council not provide a low interest loan to the Ladysmith Gold Club *at this time*.

Resolution 2011-035 carried as amended.

**CORRESPONDENCE**

2011-036

**Isabelle Ouelette, Ladysmith and District Historical Society**

It was moved, seconded and carried that staff be requested to prepare a report for the February 7 Council Meeting on the request from the Ladysmith and District Historical Society for funding to support the operation of the Ladysmith Archives contained in the correspondence dated December 14, 2010, and that staff also be requested to explore the feasibility of a fee for service contract for the operation of the Ladysmith Archives.

2011-037

**J.E. Barry, Cowichan Valley Regional District**

It was moved, seconded and carried that without 100 per cent participation from all communities and areas in the Cowichan



Valley Regional District, the Town of Ladysmith decline to participate in the proposed funding formula for the Cowichan Sportsplex as outlined in the letter from J.E. Barry dated December 23, 2010.

Councillor Arnett declared a conflict of interest with the following item and excused himself from the meeting.

**Doug Bell, Ladysmith Maritime Society**

2011-038

It was moved, seconded and carried that staff be requested to prepare a report for the January 17, 2011 Council meeting on the request for cost-sharing outlined in the correspondence from the Ladysmith Maritime Society dated October 12, 2010.

Councillor Arnett rejoined the meeting.

**NEW BUSINESS**

At the suggestion of Councillor Evans, it was agreed that Council would send a letter of condolences to Comox City Council on the recent passing of Councillor Ray Crossley.

**QUESTION PERIOD**

It was agreed that R. Johnson would be provided with an explanation regarding the agreements between DL 2016 Holding Corporation and the Town of Ladysmith at a later date.

**EXECUTIVE SESSION**

It was moved, seconded and carried that the Regular Session of Council be adjourned at 9:00 p.m. and that the Executive Session be reconvened.

**RISE AND REPORT**

The Executive Session of Council rose with report on the following items at 9:15 p.m.

- Council reappointed Glenn Popenko and Lorena Mueller to the Parks, Recreation and Culture Commission with their respective terms to end on June 30, 2012
- Council reappointed Evelyn Kaatz to the Advisory Planning Commission, with a term to end on June 30, 2012
- Council reappointed Peter Blumel to the Heritage Revitalization Advisory Commission, with a term to end on June 30, 2010
- The remaining vacancies on the Parks, Recreation and Culture Commission, the Heritage Revitalization Commission and the Advisory Design Panel will be advertised.
- A letter will be sent to Cathy Gilroy in response to her letter

dated November 9, 2010, based on information provided to Council in the staff reports from the Director of Corporate Services dated November 18, 2010 and January 5, 2011

**ADJOURNMENT**

2011-039

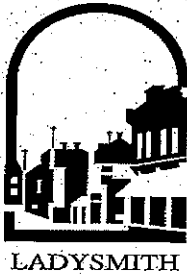
It was moved, seconded and carried that this meeting of Council be adjourned at 10:00 p.m.

\_\_\_\_\_  
Mayor (R. Hutchins)

**CERTIFIED CORRECT**

\_\_\_\_\_  
Corporate Officer (S. Bowden)

Subject to Adoption



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: January 5, 2011  
File No: 3360-10-05

Re: OFFICIAL COMMUNITY PLAN (OCP) AMENDMENT & REZONING APPLICATION  
Subject Property: Lot 1, DL 146, Oyster District, Plan VIP79719 (Oak Development Ltd.)

RECOMMENDATION(S):

Option 1

That Council proceed no further with OCP and Zoning Bylaw Amendment application 3360-10-05.

Option 2

That Council request that the applicant revise the proposed lot layout for OCP and Zoning Bylaw amendment application 3360-10-05 such that the frontage of the lots and the average lot size is similar to the requirements of the existing small lot zone (MP-1).

Option 3

That Council direct staff to proceed with OCP and Zoning Bylaw Amendment application 3360-10-05 as presented by the applicant, with no revisions to the lot layout.

PURPOSE:

The purpose of this report is to seek Council direction regarding an application from Oak Developments Ltd. to rezone the subject property to permit 13 strata lots.

INTRODUCTION/BACKGROUND:

The Official Community Plan (OCP) designates the property as 'Multi-Family Residential' and the applicant is requesting to designate the property as 'Single Family Residential'. The property is zoned 'Medium Density Residential' (R-3-Å) and the applicant is requesting a small lot single family residential zone.

The property was previously re-zoned to multi-family residential use in 2000 as part of a larger comprehensive planning study for the Rocky Creek area when the lands were still owned by the Crown.

The property was previously re-zoned to multi-family residential use in 2000 as part of a larger comprehensive planning study for the Rocky Creek area when the lands were still owned by the Crown.

The subject property is located at the corner of Fourth Avenue and Christie Road and is 0.5 hectares in size. The highest point of the land is along Fourth Avenue and it

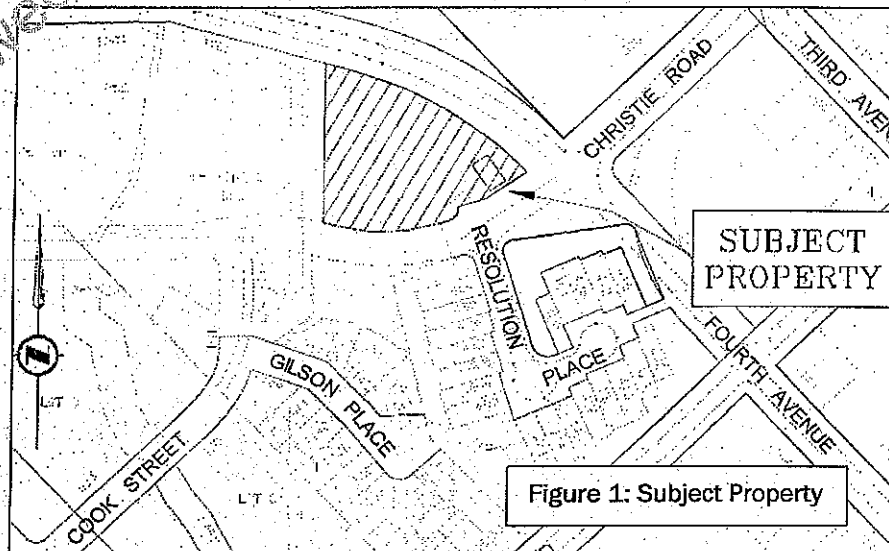


Figure 1: Subject Property

slopes down towards Christie Road. Vehicle access to the site would be from a new road and would be across from the Resolution Place access.

The applicant is proposing 13 single family bare land strata lots as shown in Figure 2. The proposed lots are narrow in character and range in size from 300m<sup>2</sup> to 400m<sup>2</sup> (with frontages 4.5 metres to 10.5 metres in width). The internal cul-de-sac would be a strata road.

Council previously referred the application to the Advisory Planning Commission (APC).

#### SCOPE OF WORK:

The applicant has requested that the OCP amendment and rezoning application be considered by Council as proposed, see Figure 2.

The recommendation of the APC is that if the subject property is rezoned for single family residential use, the lot areas should meet the current MP-1 small lot zone. The MP-1 zone minimum lot area is 372m<sup>2</sup> (4004ft<sup>2</sup>). Staff has also recommended to the applicant similar improvements to the site layout.

To facilitate the development as proposed by the applicant the OCP would need to be amended by designating the subject property as single family residential. Amendments to the Zoning Bylaw would also be required to permit a lot size smaller than the current small lot zone (MP-1) and a narrower lot frontage.

When the property was zoned for multi-family residential use in 2000, consideration would have been given to the best use of the land. Given the lot configuration, topography, road layout, and traffic analysis undertaken as part of the earlier planning study, not changing the zoning is an option that Council may wish to consider.

The development as proposed may result in parking issues if new residents have more than one vehicle, as the road width and lot frontages will be narrower than other existing small lot subdivisions. Smaller lots and narrower frontages are most effective where rear lane access provides for off-street parking or shared parking facilities can be provided. The recommended improvements to the site layout are a means to address this potential issue.

ALTERNATIVES: Three options have been provided.

FINANCIAL IMPLICATIONS: n/a

#### LEGAL IMPLICATIONS:

There are two covenants on the title of the subject property registered with the Town of Ladysmith in 2000. One covenant deals with amenity contributions. The other covenant limits the development of the subject property to 12 townhouse units. Both covenants would need to be respected and/or amended as part of the OCP amendment and rezoning process. Also, if the application proceeds a public hearing would be required.

#### CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

At its October 12<sup>th</sup>, 2010 meeting the Advisory Planning Commission passed the following motion:

*It was moved, seconded and carried that the Advisory Planning Commission recommends that Council support the application to designate Lot 1, D.L. 146, Oyster District, Plan VIP7910, as 'Single Family Residential' in the Official Community Plan; but the Commission recommends a minimum lot*

size of 372m<sup>2</sup> and a maximum of 12 residential units for the proposed development.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The application has been referred to the Director of Public Works and to the Subdivision Approving Officer for review and comment. The Director of Public Works supports the location of the proposed access to the site.

**RESOURCE IMPLICATIONS:**

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

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

The applicant is committing to constructing energy efficient homes with an EnerGuide rating of 80.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

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

**SUMMARY:**

Oak Development Ltd. has applied to rezone to permit 13 single family homes on lot 1, DL 146, Oyster District, Plan VIP79719. Staff is seeking Council direction regarding the development proposal.

I concur with the recommendation.

*Ruth Malli*

Ruth Malli, City Manager

**ATTACHMENTS:**

"None".

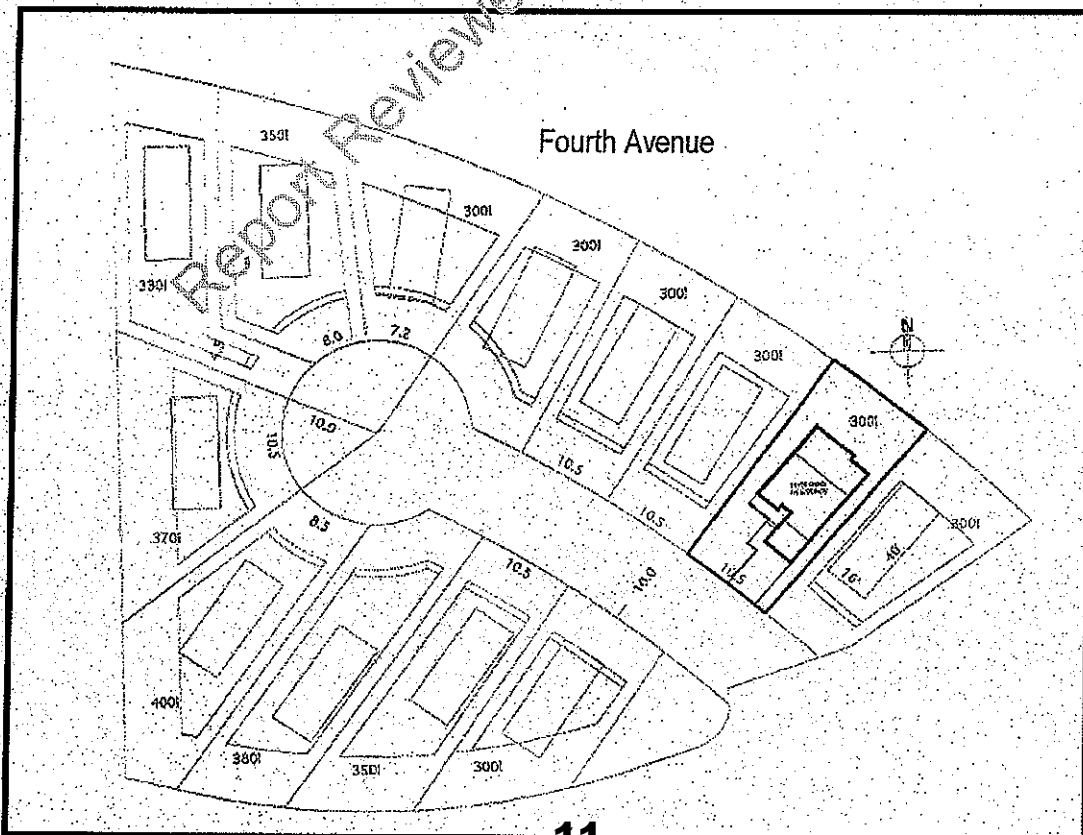


Figure 2: Site Layout (as proposed by applicant)



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: January 12, 2011  
File No: 3300 20 (218 Bayview Ave.)

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Re: Strata Conversion Application - 218 Bayview Avenue  
Generations Properties Inc.

RECOMMENDATION(S):

1. That Council not support the request for the Town to accept a 125% bond, letter of credit, or cash-in-lieu for the \$137,300 value of remedial measures identified in the Building Code Compliance Report for 218 Bayview Avenue by Curtis Paxton Miles, Architect, dated December 2010.
2. Given the recommendation of the Fire Chief, that Council consider requiring the installation of a fire sprinkler system at 218 Bayview Avenue, Ladysmith as a condition of strata conversion approval.

PURPOSE:

The purpose of this report is to update Council on the progress of the strata conversion application for 218 Bayview Avenue and to seek Council direction regarding the applicant's request to bond for the required strata conversion Building Code remedial measures.

INTRODUCTION/BACKGROUND:

In June 2010 Generations Properties Inc. applied for a strata conversion of the 44 residential units at 218 Bayview Avenue. In August 2010 Council passed a motion providing preliminary approval to convert 218 Bayview Avenue to strata units subject to conditions.

It was moved, seconded and carried that Council provide preliminary approval to convert 218 Bayview Avenue to strata title units, subject to:

1. Staff and the applicant working towards a Housing Agreement Bylaw (s. 905, LGA) to secure in general terms (1) on-going rental, (2) maximum rental increases, and (3) including an accessible unit, as defined by the BC Building Code, in the renovation of the building.  
*Status: approved by Council; to be registered.*
2. The applicant providing the following information and commitments, in a form acceptable to the Town:
  - a) The immediate payment of a non-refundable processing fee of \$200 per unit up to \$2,500.  
*Status: \$2500 has been received.*

- b) Notarized declaration regarding notice to current tenants.  
*Status: to be provided.*

- c) Written report from a registered architect or engineer, in a form acceptable to the building inspector, that the building is of reasonable quality for its age, including reference to the state of repair, general workmanship, and whether the building substantially complies with applicable bylaws and the Building Code.

*Status: The Architect's Building Code review report states that several building renovations and updates need to be completed prior to the building substantially complying with the BC Building Code. The Architect has provided a cost estimate for the remedial work. Once the remedial work has been completed, a final report would be provided that confirms that the building substantially complies with the BC Building Code and the other terms required by this Council resolution.*

- d) Written report from an electrical engineer stating that all the electrical works have been upgraded to current electrical code standards and a letter from the Provincial Electrical Inspector verifying and confirming the contractor's report.

*Status: in process.*

- e) Written report from the Fire Chief stating that each unit has been inspected and the building and each unit meets the Fire Department's requirements and applicable Provincial and Town bylaw regulations, including consideration of the installation of a fire sprinkler system.

*Status: The Fire Chief's report provides that the building be brought up to meet the current BC Building Code requirements for the fire alarms system, emergency lighting, exit lighting, fire extinguishers, fire hose stations, and that a revised fire safety plan be prepared.*

*With regards to consideration of the installation of a fire sprinkler system, the Fire Chief recommends that for life safety that it is a high priority that Council require the building to be sprinklered.*

*Under the Strata Property Act Council has a broad power to impose conditions that, in its opinion, are relevant. A fire sprinkler system could be required.*

- f) Written report from the gas inspector stating that a gas inspection has been completed and approval received.

*Status: to be provided.*

- g) Preparation of a s. 219 Restrictive Covenant to secure (1) no change to the tenants' leases as part of the strata conversion; (2) right of first refusal for current tenants to purchase their suite, at a minimum 10% discount to the market value; (3) \$25,000 contribution to the Town's community amenity fund prior to final plan approval.

*Status: approved by Council ~~13~~ to be signed and registered.*

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

*Status: to be provided once conditions have been met.*

#### SCOPE OF WORK:

##### ***Remedial Work – Bond Request***

A list of the BC Building Code required remedial work for the 218 Bayview Avenue building, with associated costs, is attached in Schedule A. The applicant is requesting that Council accept a bond, letter of credit or cash-in-lieu for 125% of \$137,000 so that the BC Building Code works can be completed after strata approval.

Under the legislation, a strata plan must not be approved by Council for a building that does not substantially comply with the BC Building Code.

The applicant has indicated that he intends to finance the completion of the remedial and other work through the sale of the strata units. Strata units cannot be created without the registration of a strata plan.

While there is provision in the Strata Property Act for Council to approve the application subject to terms and conditions, staff do not recommend this approach. The applicant has advised staff that the work will commence if the bond approach is not supported by Council as the funding is available to undertake the remedial work.

##### ***Sprinkler System - Fire Chief Recommendation***

The technical (code) building review established for the purposes of the application of the Building Code that the building is three storeys. However, the Fire Department treats the building as four storeys for its fire planning purposes as the building functions as four storeys on the ground.

Council has the authority to extend the sprinkler bylaw that applies to the Downtown to other areas of the Town.

Staff has learned that other island communities have required the installation of sprinklers through the strata conversion process. For example, a three storey building in Ucluelet was required to have sprinklers installed in the common corridors as a part of a strata conversion application (also undertaken by this applicant).

A local contractor has estimated the cost to fully sprinkler the building to be under \$150,000.

#### ALTERNATIVES:

That Council consider supporting the approach of accepting a bond for the non-fire safety requirements (i.e. remedial items 8 & 10), and direct the applicant to prepare



an agreement for review by the Town's solicitor, at the cost of the applicant, to remove liability from the Town if the work is not completed.

FINANCIAL IMPLICATIONS:

Bonding is accepted for works that cannot be completed due to weather, e.g. road paving in the winter months. The Town does not bond for works on private property.

LEGAL IMPLICATIONS:

The Town's legal counsel does not recommend that Council accept the bond approach. The risks to the Town are high if the owner defaults on the work. Upgrading a privately owned rental building is not the Town's role.

The Town could potentially be left with dealing with tenants who are not the Town's tenants, individual strata owners if the units are sold, and a strata corporation. As well, unknown building code items that have not been accounted for at this point could emerge through the renovation process. Builder's lien registration is also a potential risk.

If the strata units do not sell or take years to sell and the remedial work is not done the municipality would be at risk. The individual strata unit owners, or the strata corporation once formed, could be looking to the Town for action.

Using a bond approach creates a precedent for the future if other strata conversion proposals are considered by Council.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

A tenant meeting was held on July 28, 2010. There will be no change to tenant leases. Tenants will have the right of first refusal to purchase strata units at a 10% discount to market rates.

The applicant/building owner suggests that tenants will be inconvenienced if the work takes place. The work can be managed to minimize disruption to tenants.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Building Inspector has been working closely with Development Services staff with regards to the subject application. The Fire Chief has reviewed fire safety aspects.

RESOURCE IMPLICATIONS:

If Council supports an approach to bonding, there are further agreements to be reviewed and brought to Council. If the work was defaulted, there would be issues to be addressed.

Once the conditions established by Council in its August 3, 2010 resolution have been satisfied, the applicant can prepare the building strata plan for approval by the Town and registration with the Land Title Office.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

N/A

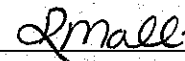
**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The requirement for a sprinkler system at 218 Bayview Avenue aligns with Strategic Direction F - "A Safe and Healthy Community".

**SUMMARY:**

The new building owner of 218 Bayview and applicant for a strata conversion is working through Council's requirements in order to achieve strata plan approval. These conditions are not yet met. Staff does not recommend a change to Council's previous direction.

I concur with the recommendation.



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Ruth Malli, City Manager

**ATTACHMENTS:**

- Architect's Cost Estimate – Remedial Measures for 218 Bayview Ave.
- Letter dated January 6, 2011 from Bruce Findlay, President, Generation Properties Inc.
- Report from the Fire Chief dated January 10, 2011

## Cost Estimate -- REMEDIAL MEASURES

1. 110V Hard wired smoke detectors in each suite -----	\$13,000
2. A heat rise detector system in the Janitor Storage room, Stairs and Corridors -----	\$600
3. Install fire dampers at all outlet grilles of corridor pressurization system. -----	\$3,500
4. Additional layer of 5/8" type X gyproc to the existing 1/2" gyproc to the interior face and ceiling of the Janitors Storage/Work room on the main floor as well as the Laundry Room, Storage Room and Electrical Room -----	\$2,700
5. Remove the existing door and replace with a solid core door in a steel frame in the Main floor Janitor room -----	\$400
6. Add door closures (or spring loaded hinges) to all suite doors and upgrade all existing door closures leading to stair shafts -----	\$3,100
7. Install and interconnect to all ( non-suite) Smoke and Heat rise detectors and automatic sprinkler system (in storage room) - and new annunciation Panel. -----	\$4,000
8. Install new Vinyl Windows and rated at A3, B3, C3. Install new sliding Patio Vinyl framed doors -----	\$80,000
9. Upgrade boilers -----	underway
10. Install new 60mil Vinyl Deck to all balconies. Repair wood guards and fascia as required -----	\$30,000
TOTAL -----	\$137,300



# Ladysmith Fire / Rescue

P.O. Box 760 Ladysmith, B.C. V9G 1A5  
Phone: 250-245-6436 • Fax: 250-245-0917



Attn: Mayor and Council Town of Ladysmith.

January 10, 2011

**Re: Seaview Manor 218 Bayview Avenue Ladysmith B.C.**

Please be advised that after viewing the results of the report from Herold Engineering Limited regarding building height I understand that the building does meet the classification as a three storey structure when the building was constructed under the applicable Building Code of that time. With respect to building height and number of storeys, the building would therefore substantially comply with the Building Code.

In regards to Fire & Life Safety issues I recommend that the building be brought up to meet the current BC Building Code requirements for the Fire Alarms System, Emergency lighting, Exit Lighting, Fire Extinguishers, Fire Hose stations and revised Fire Safety Plan. Note that the Fire Alarm System must be signed and sealed by a consultant and verified by an independent alarm company.

I also recommend that for life safety that it is a high priority that council require that the building be sprinklered.

Yours Sincerely

Ray Delcourt Ladysmith Fire Chief



January 6, 2011

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

**Attention: Town Council**

Dear Sirs & Mesdames:

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

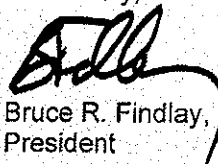
Pursuant to the preliminary approval granted by the Town of Ladysmith at its regular Council meeting in August 2010, Generation Properties has been working diligently with the Town staff to complete the conditions required for final approval and execution of the strata plan.

In working with staff, we have come to an agreement on the Building Code compliance, based on a report by our architect. In that Code report some remedial repairs were detailed to bring the building up to substantial compliance with the current BC Building Code, as required by the Town's strata approval. The work involved is quite intrusive and destructive and, as such, we are formally requesting that the strata approval provided by the Town be amended to permit Generation to place with the Town a bond, letter of credit or cash-in-lieu for the amount of those remedial repairs, rather than requiring the repairs to proceed prior to strata plan execution.

By permitting bonding, the Town will allow Generation to plan the work as units are vacated, and to relocate tenants remaining to facilitate work requirements, as well as to minimize the inconvenience to tenants resulting from unnecessary work being performed during inclement weather. This is in the best interest of everyone involved. Given the timeline to date, we are formally requesting that this be brought to a Council vote on Monday, January 10<sup>th</sup> at its regular Council meeting. Bonding is a normal occurrence in strata conversions, and we have been involved in 6 in BC alone where funds were placed in trust for code work such as this. We believe staff has researched this in North Cowichan, Port Alberni, Ucluelet, Vernon and Cranbrook. All project upgrades went smoothly and the funds in trust released back to the company.

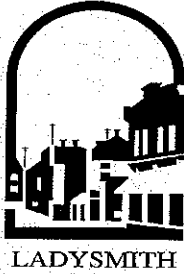
If bonding is not permitted, Generation will have no choice but to move forward immediately with the intrusive work, including opening up external walls to replace windows and patio doors, along with drywall work and other destructive renovations, all while tenants remain in their suites. We hope the Town will agree this is not the best course of action, and permit Generation to bond the remedial repairs immediately to allow for execution of the strata plan. We look forward to Council's decision.

Yours truly,

  
Bruce R. Findlay, BBA  
President

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

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Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: January 12, 2011  
File No: 810-20 (Aggie Hall)

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Re: AGGIE HALL BUILDING SIGNAGE

RECOMMENDATION(S):

That Council direct staff to:

- work with the Aggie Hall building tenants (Ladysmith Air Cadets and Ladysmith Family and Friends) to develop a plan for building directional and interpretative signage for Aggie Hall;
- refer the proposal to the Heritage Revitalization Advisory Commission for review and comment; and,
- present the proposal to Council for review and consideration of cost sharing for this initiative.

PURPOSE:

The purpose of this report is to present a request from the Ladysmith Air Cadets for Aggie Hall building signage.

INTRODUCTION/BACKGROUND:

The Ladysmith Air Cadets have presented a preliminary inquiry providing two options for building signage for the Aggie Hall. Proposal A would be signage just for the Air Cadets and Proposal B would be joint signage with the Town. The Air Cadet Sponsoring Committee would provide funding for its share of signage.

Building and interpretative signage for the Aggie Hall has been on the Town's agenda for some time. The Town's Signage Plan (2000) includes recommended signage for Aggie Hall; the Town's Heritage Plan (2008) includes reference to building name interpretative plaques; and the Town's Tourism Signage Audit (2008) recommends building identification signage for Aggie Hall.

There are two community group tenants at Aggie Hall and many community events are held there. The building lacks appropriate signage to interpret its historical past and to direct residents and visitors to the activities in the building. Aggie Hall is on the Town's Community Heritage Register.

SCOPE OF WORK:

The scope of work would include staff working with representatives from the Ladysmith Air Cadets and Ladysmith Family and Friends to determine signage needs. Once the signage is designed (using the Signage Plan, Visioning Report and the Sign Bylaw), a cost estimate could be provided to determine affordability for the partners.

ALTERNATIVES:

That Council not support a joint venture and direct staff to work with the Air Cadets on its signage Proposal A.

FINANCIAL IMPLICATIONS:

There will be costs to the Town if it participates in an Aggie Hall signage joint venture. Once costs are known, a proposal would be presented to Council for review and funding.

LEGAL IMPLICATIONS: N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Improving signage at Aggie Hall will assist with way-finding and telling the history of the building. The Heritage Revitalization Advisory Commission would be able to provide recommendations about interpretative signage based on the completed Statement of Significance for Aggie Hall.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Department of Parks, Recreation and Culture would also be involved.

RESOURCE IMPLICATIONS:

Staff time would be required to work on a proposal.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:


The preferred Town character identified in the Visioning Report includes "history and heritage made visible in its contemporary landscape". Signage that provides "honesty to solid materials and evident craftsmanship" are preferred in the downtown.

ALIGNMENT WITH STRATEGIC PRIORITIES: N/A

SUMMARY:

The Ladysmith Air Cadets has presented two proposals for building signage at Aggie Hall. Staff recommends that a joint opportunity be pursued with the building tenants.

I concur with the recommendation.

  
\_\_\_\_\_  
Ruth Malli, City Manager

ATTACHMENTS:

Letter from the Air Cadet Sponsoring Committee.



257 RCACS Sponsoring Committee  
Squadron #257 Parallel Ladysmith  
P.O. Box 1253  
Ladysmith B.C. V9G 1A8

December 4, 2010

Mayor and Council  
Town of Ladysmith  
P.O. Box 220  
Ladysmith, B.C.  
V9G 1A2

JAN 10 2011

Dear Mayor Hutchins and Members of Town Council,

Re: Signage on the Agricultural Hall

My name is Fred Thatcher and I am the Chair of the Air Cadet Sponsoring Committee. As you are aware, we occupy the lower section of the Agricultural Hall which is quarters for the local Air Cadet Squadron and utilize the upper hall for drill and sports. I would like to make a preliminary inquiry regarding signage on the outside of the Agricultural Hall and have two proposals for your consideration:

Proposal A)

We would like to attach two signs to the exterior of the hall. One sign would be located on the east end of the hall (facing the roundabout) and one on the side facing Symonds St. and the 49<sup>th</sup> Parallel Grocery. This signage would display our crest and depict the hall as the home of the historic Ladysmith Air Cadet Squadron. This would of course conform to any local bylaws, design guidelines and be posted in a manner to be displayed permanently, but could be removed. The Squadron would assume all costs.

Proposal B)

This would be the same as A, only as a joint venture with the Town of Ladysmith to include the "Agricultural Hall" designation on the sign, with input from Town staff. This proposal would have costs shared with the Town.

I submit this for your next council meeting via Julie Tierney, Ladysmith Parks, Recreation and Culture for discussion and look forward to the opportunity to present a delegation from the Squadron at your earliest convenience.

Thank you for taking the time to consider this request.

Fred Thatcher  
Chair, 257 RCACS Sponsoring Committee  
250-754-7079  
fredthatcher@shaw.ca

**TO LEARN**

**TO SERVE**

**TO ADVANCE**





**LADYSMITH HEALTH CARE AUXILIARY**

P.O. Box 1151

LADYSMITH, British Columbia, V9G 1A8

November 29, , 2010

Mayor Rob Hutchins

Town of Ladysmith

Box 220

Ladysmith, BC

V9G 1A2

JAN 11 2011

Dear Rob,

On behalf of the Ladysmith Health Care Auxiliary, I am pleased to advise that we are very pleased with the location for our bench at the Trolley Stop at the Lodge on 4<sup>th</sup>. As for the bus shelter, our membership voted last meeting to pledge up to \$6,000.00 for a bus shelter with our logo on it.

As soon as you have documentation as to the exact cost for the shelter, please submit and we will send a cheque covering up to \$6,000.00 for this structure.

We look forward to having this completed in the very near future.

Yours truly,

Dean Benson

President