



# TOWN OF LADYSMITH

## SCHEDULE FOR COUNCIL MEETINGS

### MONDAY APRIL 2, 2012

### COUNCIL CHAMBERS, CITY HALL

**6:30 p.m. PUBLIC DIALOGUE WITH COUNCIL**

- *This monthly dialogue session will occur the first Monday of each month from 6:30 p.m. to 6:55 p.m.*
- *Attendees are requested to sign a “sign in” sheet at the session*
- *This session does not form part of the Regular Council Meeting*
- *Notes may be taken to reflect the general discussion and points raised, including queries for which a response was not provided during the session. Notes **do not** form part of regular Council minutes*
- *The imposition of a time limit for speakers is at the discretion of the Chair*

**7:00 p.m. REGULAR COUNCIL MEETING, FOLLOWED BY EXECUTIVE SESSION**

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<b>A G E N D A</b>	
<b>CALL TO ORDER (7:00 P.M.)</b>	
<b>1. AGENDA APPROVAL</b>	
<b>2. MINUTES</b>	
2.1. Minutes of the Regular Meeting of Council held March 19, 2011	1 - 4
<b>3. PUBLIC HEARING</b>	
None	
<b>4. BYLAWS (OCP / ZONING)</b>	
None	
<b>5. DELEGATIONS</b>	
None	
<b>6. PROCLAMATIONS</b>	
6.1. Mayor Hutchins has proclaimed the week of May 20 to 26, 2012 as “National Public Works Week” in the Town of Ladysmith, with the theme of “Public Works: Creating a Lasting Impression”	

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<b>7. DEVELOPMENT APPLICATIONS</b>	
7.1. Rezoning Application – 320 – 4 <sup>th</sup> Avenue Extension (Lot 5, District Lot 56, Oyster District, Plan 965, except part in Plan 31211)	<b>5 – 10</b>
7.2. Strata Conversion of a Previously Occupied Building – 9 White Street (Lot A, District Lot 56, Oyster District, Plan VIP87173)	<b>11 – 17</b>
<b>8. COUNCIL COMMITTEE REPORTS</b>	
8.1. Mayor R. Hutchins Cowichan Valley Regional District; Ladysmith Chamber of Commerce	
8.2. Councillor B. Drysdale Heritage Revitalization Advisory Commission; Protective Services Committee; Trolley Committee	
8.3. Councillor J. Dashwood Trolley Committee; Ladysmith Early Years Partnership; Social Planning Cowichan Affordable Housing Directorate	
8.3.1. Trolley Committee Recommendations – March 23, 2012 Meeting	<b>18</b>
8.4. Councillor G. Horth Advisory Planning Commission; Liquid Waste Management Committee; Ladysmith Downtown Business Association	
8.5. Councillor D. Paterson Protective Services Committee; Parks, Recreation and Culture Commission; Festival of Lights	
8.6. Councillor G. Patterson Community Health Advisory Committee; Youth Advisory Committee; Liquid Waste Management Committee	
8.7. Councillor S. Arnett Government Services Committee; Advisory Design Panel; Parks, Recreation and Culture Commission; Vancouver Island Regional Library Board; Celebrations Committee	
8.7.1. Government Services Committee Recommendations – March 19, 2012 Meeting	<b>19</b>
<b>9. STAFF / ADVISORY COMMITTEE REPORTS</b>	
9.1. 2012 – 2016 Financial Plan Deliberations	

**10. CORRESPONDENCE**

**10.1. Clayton Balabanov, Go Taxi  
Sustainable Transportation/Ladysmith Trolley**

**20 - 22**

Staff Recommendation

That Council consider if it wishes to refer the correspondence from Clayton Balabanov of Go Taxi dated March 7, 2012, regarding the Ladysmith Trolley, to staff for review and recommendation.

**11. BYLAWS**

**11.1. Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment  
Bylaw 2012, No. 1799**  
May be adopted.

**23 - 24**

*The purpose of Bylaw 1799 is to establish sewer rates for 2012.*

**11.2. Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment  
Bylaw 2012, No. 1800**  
May be adopted.

**25 - 26**

*The purpose of Bylaw 1800 is to establish water rates for 2012.*

**12. NEW BUSINESS**

**13. UNFINISHED BUSINESS**

None

**14. 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

## **15. EXECUTIVE SESSION**

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

### **Item One**

90(1)(e) 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

90(1)(j) Information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*

90(1)(k) Negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public

### **Item Two**

90(1)(e) 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

### **Item Three**

90(1)(e) 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

### **Item Four**

90(1)(a) 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

## **16. RISE AND REPORT**

## **ADJOURNMENT**



**MINUTES OF A MEETING OF COUNCIL OF THE  
TOWN OF LADYSMITH  
HELD IN COUNCIL CHAMBERS AT CITY HALL ON  
MONDAY, MARCH 19, 2012**

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**COUNCIL MEMBERS PRESENT:**

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

**COUNCIL MEMBERS ABSENT**

Councillor Gord Horth

**STAFF PRESENT**

Ruth Malli	Sandy Bowden	Erin Anderson
John Manson	Joanna Winter	

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**CALL TO ORDER**

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

**AGENDA APPROVAL**

**CS 2012-074**

It was moved, seconded and carried that the agenda for the Regular Session of Council for March 19, 2012 be approved as circulated.

**MINUTES**

**CS 2012-075**

It was moved, seconded and carried that the minutes of the Regular Meeting of Council held March 5, 2012 be approved as circulated.

**DELEGATIONS**

**Jolynn Green, Community Futures Central Island**

J. Green gave Council a presentation regarding Community Futures Central Island and the services they provide to support small business start-up, growth and development in Ladysmith and area.

Council thanked Ms. Green for her informative presentation.

**Ron Dale, Ladysmith Japan Relief Committee**

R. Dale presented information to Council regarding his upcoming trip to Japan to present funds raised to help in earthquake and tsunami relief effort for the Sendai region.

Specifically, Mr. Dale requested the following support from Council and the Town of Ladysmith:

- A grant in aid in the amount of \$500
- A sign identifying Ladysmith (in English and Japanese) to mount on a playground fence in the community of Natori
- Materials about Ladysmith
- A letter of introduction from Mayor Hutchins
- Investigation of the possibility of developing a further relationship with the community of Natori

Council thanked Mr. Dale for his presentation and agreed to consider his requests.

#### **PROCLAMATIONS**

Mayor Hutchins proclaimed the month of April 2012 to be "Canadian Cancer Society Daffodil Month" and Daffodil Day on April 27, 2012 in the Town of Ladysmith.

#### **STAFF / ADVISORY COMMITTEE REPORTS**

##### **2012-2016 Financial Plan**

The City Manager made a presentation on the proposed capital component of the Financial Plan.

Council responded to citizens' questions regarding:

- The Bayview connector
- Proposed upgrades to the Zoning Bylaw
- Demand for 'hazmat' trained fire/rescue workers
- Trade-in value on the 1986 Fire Rescue vehicle
- Whether consideration has been given to privatizing the Community Centre and leasing Public Works vehicles
- The cost of the cameras for the RCMP detachment
- Whether participation in different sports in the Town is increasing or declining
- Budget figures for the operation of the trolley

##### **Contract Award – Purchase of Fire Rescue Vehicle**

CS 2012-076

It was moved, seconded and carried that, upon the successful completion of the alternate Approval Process, the contract for the purchase of a new fire rescue vehicle be awarded to Safetek Emergency Vehicles in the amount of \$446,000 plus applicable taxes.

##### **Water and Sewer Rate Bylaw Amendments**

CS 2012-077

It was moved, seconded and carried that the staff report regarding the proposed amendments to Bylaws 1799 and 1800 to set water and sewer rates be received.

**Strategic Community Investment Funds**

CS 2012-078

It was moved, seconded and carried that the Town of Ladysmith be authorized to enter into a new agreement with the Province of British Columbia to ensure that the Town continues to receive Strategic Community Investment Funding for 2012 to 2014.

**CORRESPONDENCE**

**Heath Slee, Union of British Columbia Municipalities**

**Province of British Columbia Response to UBCM Resolution 2011 B129**

CS 2012-079

It was moved, seconded and carried that the Town of Ladysmith write to the Premier, Minister of Environment, Minister Forests, Lands and Natural Resource Operations, and Minister of Health requesting a response to part one of Union of British Columbia Municipalities Resolution 2011 B129, calling for a provincial program to facilitate local government acquisition of watershed and adjacent lands for those local governments with water systems on privately owned land.

**BYLAWS**

**Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2012, No. 1799**

CS 2012-080

It was moved, seconded and carried that Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2012, No. 1799 be read a first, second and third time.

**Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2012, No. 1800**

CS 2012-081

It was moved, seconded and carried that Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2012, No. 1800 be read a first, second and third time.

**EXECUTIVE SESSION**

CS 2012-082

It was moved, seconded and carried at 8:24 p.m. that Council retire into Executive Session after a three minute recess to consider the following items in accordance with Section 90(1) of the Community Charter:

Item 1: 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

Item 2: 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

Item 3: 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

Item 4: 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

#### ARISE AND REPORT

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

- Resolution No. CE 2012-056 – That the four applications to represent the Town of Ladysmith on the Nanaimo Airport Commission Board of Directors be forwarded to the Nanaimo Airport Commission for their consideration and selection of a candidate.

#### ADJOURNMENT

CS 2012-083

It was moved, seconded and carried that this meeting of Council be adjourned at 10:08 p.m.

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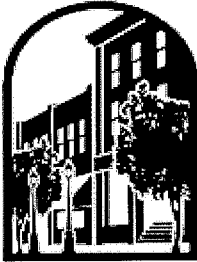
Mayor (R. Hutchins)

#### CERTIFIED CORRECT

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Corporate Officer (S. Bowden)





LADYSMITH

## Town of Ladysmith

### **STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: March 28, 2012  
File No: 3360-11-02

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Re: Rezoning Application 320 4<sup>th</sup> Ave. Extension  
(Lot 5, District Lot 56, Oyster District, Plan 965, except part in Plan 31211)

#### RECOMMENDATION(S):

1. That Council directs staff to prepare a bylaw to amend Zoning Bylaw No. 1160 to permit a clustered development of 20 single family homes on the property legally described as Lot 5, District Lot 56, Oyster District, Plan 965, except part in Plan 31211 (320 4<sup>th</sup> Ave. Extension).
2. That Council directs staff to work with the applicant towards land-use agreements for the proposed development at 320 4<sup>th</sup> Ave. Extension, as follows:
  - (a) *Driveway access easements shall be provided for 316 and 324 Fourth Avenue Extension.*
  - (b) *A conservation covenant shall be provided to protect natural vegetation on a two metre wide area adjacent to the western property boundary.*
  - (c) *A portion of land, containing a section of the Holland Creek Trail, be provided to the Town of Ladysmith.*
  - (d) *A covenant be registered on title that provides a commitment to:*
    - *An amenity contribution of \$8000 (to be submitted prior to issuing a building permit for the first home on the property).*
    - *Tree protection measures as recommended by a certified arborist.*
    - *Homes shall be built to an Energuide 80 energy efficiency standard.*
    - *Stormwater shall be managed onsite.*
    - *At the time ten homes are constructed, the following site features must be completed (as shown on the site plan):*
      - i. *A common area 520m<sup>2</sup> in size,*
      - ii. *A pedestrian path for strata residents to access the Holland Creek Trail, and*
      - iii. *A minimum of 6 visitor parking stalls.*

#### PURPOSE:

The purpose of this staff report is to seek direction from Council to prepare a bylaw to amend the Zoning Bylaw to facilitate a proposed development at 320 4<sup>th</sup> Ave. Extension.

**INTRODUCTION/BACKGROUND:**

The applicant is proposing an amendment to the Zoning Bylaw to permit 20 detached units within a comprehensive development. The units are intended to be clustered through-out the development site with access by way of a strata road.

At a February 6, 2012 meeting Council directed staff to refer rezoning application 3360-11-02 to the Advisory Planning Commission and the Advisory Design Panel. The applicant also held a neighbourhood information meeting.

**Table 1: Summary of Rezoning Application – 3360-11-02**

	<i>Current</i>	<i>Proposed</i>
<i>OCP</i>	Single Family Residential	Single Family Residential
<i>HCAP</i>	Single Family Residential	Single Family Residential
<i>Zoning</i>	R-1 “Suburban Residential”	Comprehensive Development Zone
<i>Density:</i>	approximately 11-12 lots	20 residential strata units

**SCOPE OF WORK:**

The current stage of this rezoning application is to seek direction from Council to prepare a bylaw to amend the Zoning Bylaw, and to seek direction regarding land-use agreements for the proposed development.

***Proposed Amendments to the Zoning Bylaw 1160:***

It is proposed that the lands be zoned as a “Comprehensive Development Zone” with regulations to ensure that:

- A maximum of 20 residential units that meet an Energuide 80 energy efficiency standard.
- The location of buildings and structures generally complies with the Site Plan (prepared by Delinea Design Consultants Ltd. dated January 16, 2012.)
- Buildings are setback 6 metres from the property lines;
- The maximum height of buildings is 9 metres;
- No secondary suites are permitted;
- General landscape guidelines are included; and.
- The minimum lot size is 1.2 hectares (approximately – exact area to be confirmed).

Action 6 of the ‘Community Energy Plan’ (2008) recommends that re-zoning applications are an opportunity to encourage energy efficiency in new developments. As a community amenity, the applicant is committed to constructing homes that achieve an energy efficiency rating of EnerGuide 80, to assist the community in achieving its greenhouse gas reduction targets. With the current R-1 zoning the applicant could achieve approximately 12 single family lots. The rezoning of this property could be considered a density for amenity scheme where up to 20 units would be permitted if built to an energy efficiency standard of Energuide 80.

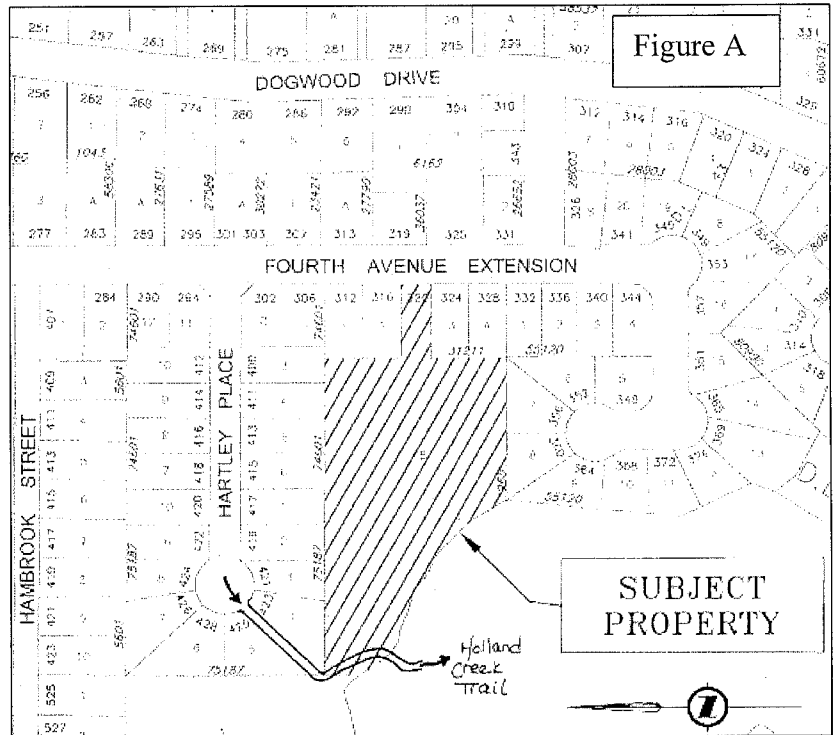
**Proposed Land Use Agreements:**

The following commitments have been confirmed by the applicant and supported by staff:

- Driveway access easements for 316 and 324 Fourth Avenue Extension.
- A conservation covenant to protect natural vegetation on a two metre wide area adjacent to the western property boundary.
- The portion of the Holland Creek Trail that weaves onto the subject land be provided to the Town of Ladysmith.
- Homes shall be built to an Energuide 80 energy efficiency standard.
- An amenity contribution of \$8000.
- Tree protection as recommended by a certified arborist.
- Onsite stormwater management.
- At the time ten homes are constructed the following site features must be completed (as shown on the site plan):
  - i. A common area 520m<sup>2</sup> in size,
  - ii. A pedestrian path for strata residents to access the Holland Creek Trail, and
  - iii. A minimum of 6 visitor parking stalls.

The above stated commitments will be secured prior to final reading of an amending bylaw.

A staff review of the public access to the Holland Creek Trail in this neighbourhood revealed that a public access exists adjacent to the subject property, as shown in Figure A. The applicant will construct an internal pedestrian path so that strata residents can access the Holland Creek trail. Staff does not recommend providing a second public access at this location given the nature of the proposed development.



**ALTERNATIVES:**

That Council not proceed with Zoning Bylaw Amendment application 3360-11-02.

**FINANCIAL IMPLICATIONS; N/A**

**LEGAL IMPLICATIONS:**

A public hearing will be required to be held. The applicant has held two neighbourhood meetings prior to the public hearing.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

At its meeting on February 13, 2012 the Advisory Planning Commission passed the following motion:

*It was moved, seconded and carried that the Advisory Planning Commission recommends support for zoning amendment application 3360-11-02, with the following conditions:*

- i. That the site plan presented be part of the comprehensive development zone for the property;*
- ii. That a minimum lot size of 1.2 hectares be part of the comprehensive development zone;*
- iii. That the Energuide 80 commitment be secured by a bond or other means to ensure compliance; and*
- iv. That secondary suites not be permitted in the proposed development.*

The applicant is agreeable to integrating the APC's comments into the proposed Zone and land-use agreements.

At its meeting on February 13, 2012 the Advisory Design Panel passed the following motion:

*It was moved, seconded and carried that the Advisory Design Panel recommends that Council approve the zoning change for application #3360-11-02 (320 4<sup>th</sup> Avenue Extension).*

In addition the applicant has held two neighbourhood information meetings (April 2011 and March 15, 2012). Approximately 19 residents attended the March 15<sup>th</sup> meeting. The applicant reports that:

*Most people attending the meeting were interested to see the changes made since our Public Information Meeting of last year (2011-April-27). As expected, there were a few neighbours who are still concerned regarding the form of the proposed development (multi-family), however most attendees expressed appreciation that we had taken their concerns into account after the first public meeting – and they were pleased to see the changes made to the proposal (no duplexes, greater setbacks, retention of significant trees etc.)*

#### INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Engineering Department and to the Director of Parks, Recreation and Culture for review and comment. Their comments have been integrated into the development proposal. The final design for the internal strata road will require review at the building permit stage to ensure fire protection capacity to proposed units 1 to 6.

#### 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:

In general the proposed development is consistent with the Visioning Report.

#### ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

A 20 unit comprehensive housing development is proposed for 320 4<sup>th</sup> Avenue. It is recommended to direct staff to prepare a bylaw to amend the Zoning Bylaw and to continue working towards land use agreements.

I concur with the recommendation.

*R. Malli*

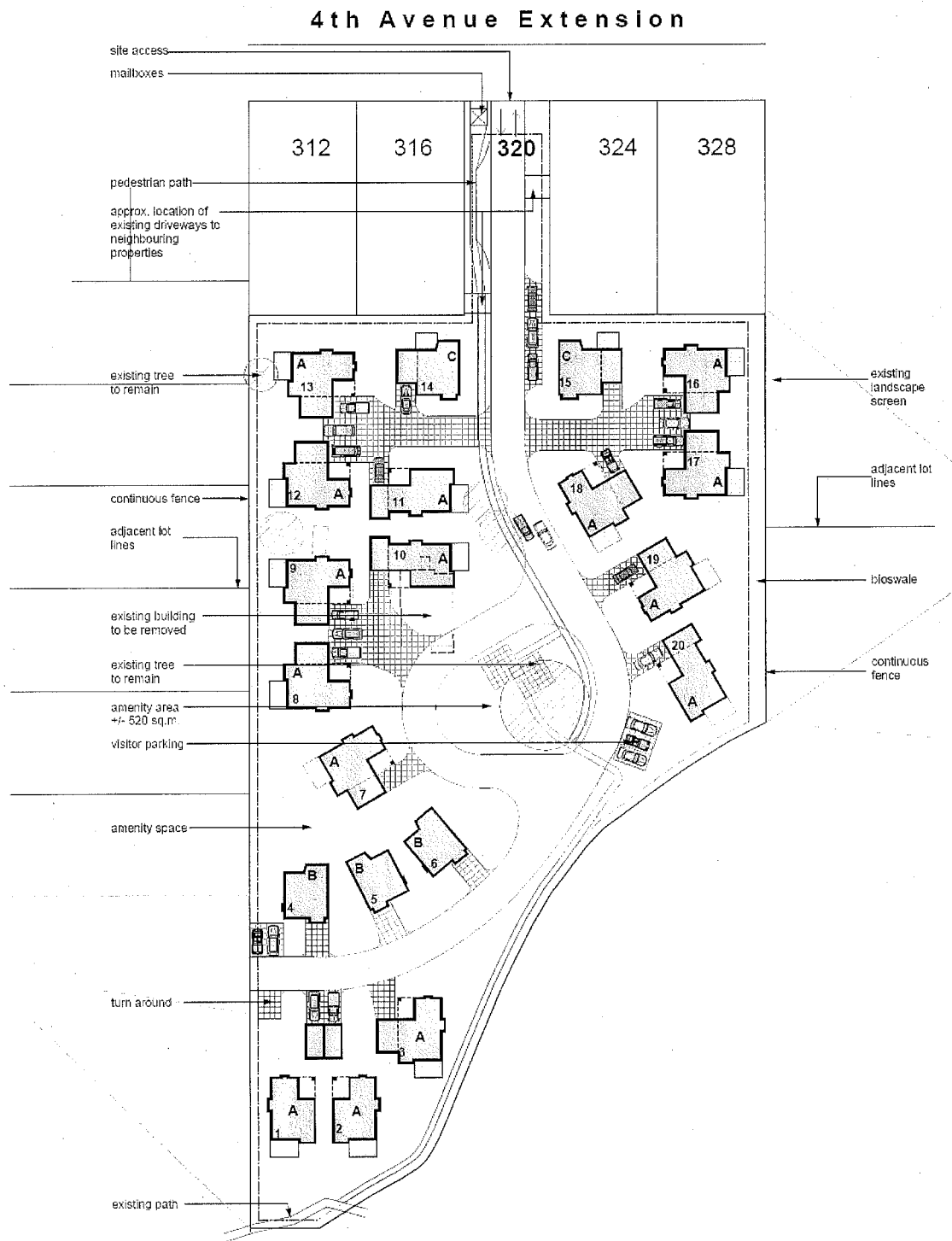
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Ruth Malli, City Manager

ATTACHMENTS:

Schedule A: Site Plan

Schedule A: Site Plan – 320 4<sup>th</sup> Avenue Extension



 **site plan**  
scale: 1:200 metric



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: March 26, 2012  
File No: 3300-02 (9 White Street)

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Re: STRATA CONVERSION OF A PREVIOUSLY OCCUPIED BUILDING – 9 WHITE STREET (Lot A, District Lot 56, Oyster District, Plan VIP87173)

RECOMMENDATION(S):

That Council determines that the strata conversion application for 9 White Street may proceed to step 2 of the application review process upon the applicant's written acceptance of the following preliminary terms and conditions:

- Completion of the landscape plan installation required by DP 09-09 prior to strata conversion approval.
- Entering into an agreement and provision of security for the completion of the lane on the full length of the west boundary of Lot A to the satisfaction of the Director of Infrastructure Services.
- At the cost of the applicant, preparation of discharge documents for covenant FB125840 and registration in the Land Title Office, if executed by the Town.
- Evidence that covenant FB326694 will be discharged by the Home Owner Protection Office and that the buyer will be provided with the industry standard 2-5-10 homeowner's protection warranty.

PURPOSE:

The purpose of this staff report is to present an application for the strata conversion of previously occupied buildings located a 9 White Street.

INTRODUCTION/BACKGROUND:

Under the *Local Government Act*, Council is the approving authority for the strata conversion of a previously occupied building unless that authority has been delegated. Council adopted a Strata Conversion Policy in November 2011 (attached) which outlines the policy considerations and procedures for the review of such applications.

The development consists of three separate buildings containing 11 townhouse units as follows:

	# of bedrooms/unit	Rental Status	Current Occupancy
Duplex	3	Previously rented	One unit occupied
Triplex	3	Previously rented	Vacant
Sixplex	3	Never rented or occupied	Vacant

The Town's Strata Conversion Policy prohibits strata conversion of residential rental units when the rental vacancy rate is at or below 3%. The rental vacancy rate for the last two CMHC reporting periods for townhouse units is 6.9% and 7.9% respectively.

Council considered a rezoning of this property in 2007; the units were anticipated to be strata units at that time. Subsequently the developer made a decision to not register a strata plan at the outset. As the duplex and triplex units have been rented (previously occupied), the approval of Council is now required.

The strata conversion must not be approved unless the building substantially complies with all current applicable bylaws of the municipality and the BC Building Code.

SCOPE OF WORK:

This application is currently at Step 1 of the 3 step application review process. The review of the proposal resulted in the following matters requiring attention by the applicant.

*Compliance with development approvals:*

- At the time of the rezoning application for this multi-family residential development, traffic and access to the lane were raised by neighbouring residents. As part of the development permit conditions the applicant agreed to eliminate lane access to the site, to provide a yellow curb in the lane to discourage parking in the lane, and to provide 'no parking' signage in the lane. These were terms at the development permit/building permit stage, but they have not yet been fully met.
- The landscape plan has not been completed.

*Charges on Title:*

(1) Town of Ladysmith Covenant FB125840

- Covenant anticipated 11 residential strata lots.
- No subdivision or construction unless \$1000 per unit paid to the credit of the Town's Amenity Fund (\$11,000) and \$4,000 per each of the first 6 dwelling units (\$24,000).
- Finance confirmed that payments have been made.
- Would need to be discharged.

(2) Home Owner Protection Office Covenant FB326694

- Covenant stipulates Rental Purposes.
- No selling of the units for a period of 10 years from the date that the first Dwelling Unit was occupied and no use other than for Rental Purposes.
- Requires removal by NPO.
- The applicant provided evidence that the developer has made application for registration with National Home Warranty to provide each buyer with the industry standard 2-5-10 homeowners' protection warranty.

ALTERNATIVES:

That Council not approve the strata conversion application.



FINANCIAL IMPLICATIONS:

The creation of 11 strata lots may have a positive impact on the property taxes paid depending on the individual strata lot property assessments. There will also be an additional 10 parcel tax payers. The financial impact of these additional property tax payers would not be realized in this budget year.

LEGAL IMPLICATIONS:

The strata conversion must not be approved unless the building substantially complies with all current applicable municipal bylaws and the BC Building Code.

There are two covenants registered on the title of the property which would require discharge. One covenant is held by the Town and the other is held by the Homeowner Protection Office.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Ten of the eleven units are currently vacant.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Approving Officer, Building Inspector, Director of Infrastructure Services and Director of Financial Services have been involved in the review of the application.

RESOURCE IMPLICATIONS:

The application fee for the consideration of strata conversion applications is intended to cover the cost of staff time. Any reports or legal costs are the responsibility of the applicant.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

SUMMARY:

A strata conversion application for previously occupied rental units has been received. Council is the approving authority for such applications.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Strata Conversion Policy.  
Strata Conversion Policy Checklist



**TOWN OF LADYSMITH**  
**POLICIES AND PROCEDURE MANUAL**

<b>TOPIC:</b>	<b>Strata Conversion Policy</b>	
<b>APPROVED BY:</b>	Council	<b>DATE:</b> November 7, 2011
<b>RESOLUTION #:</b>	2011-482	
<i>(Amended)</i>		
<u>Purpose:</u>		
The purpose of the strata conversion policy is to outline when and how the Approving Authority may consider the strata conversion of a previously occupied building.		
<u>Scope:</u>		
This policy applies to the strata conversion of a previously occupied building under the <i>Strata Property Act</i> . Council is the Approving Authority under the <i>Act</i> , unless that authority has been delegated to the approving officer or another person.		
<u>Policy:</u>		
<ol style="list-style-type: none"> <li>1. The strata conversion of a previously occupied residential rental building of 3 or more residential units will not be considered when the relevant rental vacancy rate (townhouse or apartment) for the Duncan-North Cowichan CA has been at or below 3 percent as reported in the CMHC Rental Market Report – BC Highlights (Fall edition) for the two most recent reporting periods.</li>   <li>2. All residential units may be required to have a fire sprinkler system installed.</li>   <li>3. All units may be required to have an individual water meter installed.</li>   <li>4. Pursuant to Section 242 of the Strata Property Act, a strata conversion must not be approved unless the building substantially complies with all current applicable bylaws and the British Columbia Building Code.</li>   <li>4. The approving authority will consider: <ul style="list-style-type: none"> <li>• The priority of rental accommodation over privately owned housing in the area</li> <li>• Any proposals of the owner / developer for the relocation of tenants</li> <li>• The life expectancy of the building</li> <li>• Projected major increases in maintenance costs due to the condition of the building</li> <li>• Compliance with the Bylaws of the Municipality (e.g. Zoning Bylaw)</li> <li>• Compliance with current development approvals (municipal and other agencies)</li> <li>• Requirement for an independent Building Code review</li> <li>• Requirement for tenant notice of the proposed application (e.g. declaration, tenant meeting)</li> <li>• Contribution to overall community benefit</li> <li>• Terms and conditions of an approval</li> <li>• Other matters that, in its opinion, are relevant, such as: <ul style="list-style-type: none"> <li>- Provisions for the on-going residential tenancy of persons who may be affected by the proposed strata conversion to demonstrate that the conversion would not adversely affect the rental vacancy rate in the municipality.</li> <li>- Housing Agreement to require rental accommodation at a maximum rental rate</li> <li>- On-going commitment that residential rental will not be prohibited by the future strata council bylaws</li> <li>- The opportunity for existing residential rental tenants to purchase their unit below market rates</li> <li>- Fire protection and tenant safety</li> <li>- Proposed up-grades to the building and cost implications for tenants</li> </ul> </li> </ul> </li> </ol>		

## TOWN OF LADYSMITH

TOPIC:

Strata Conversion Policy

Page 2 of 2

Procedure:

Application review will comprise these general steps.

1. Step 1 – Application Review
  - Letter of request received.
  - Report prepared and presented to the Approving Authority.
  - The Approving Authority will evaluate the application and determine if it may proceed to Step 2 by specifying preliminary terms and conditions for the conversion.
  - The applicant will provide written acceptance of the preliminary terms and conditions.
  
2. Step 2 – Meeting Terms and Conditions
  - Reports and documents are prepared by the applicant.
  - Staff will review the material submitted by the applicant.
  - The Approving Authority will consider the reports and either grant approval; grant approval with additional conditions based on the information received in Step 2; or not grant approval.
  - Terms and conditions are met.
  
3. Step 3 – Approval
  - All requirements, including any building upgrades, have been completed.
  - The Approving Authority is authorized to endorse the strata conversion plans.

**STRATA CONVERSION POLICY CHECKLIST**

	<b>POLICY</b>	<b>COMMENTS</b>
1.	The strata conversion of a previously occupied residential rental building of 3 or more residential units will not be considered when the relevant rental vacancy rate (townhouse or apartment) for the Duncan-North Cowichan CA has been at or below 3 percent as reported in the CMHC Rental Market Report – BC Highlights (Fall edition) for the two most recent reporting periods.	The townhouse rental vacancy rate is above 3%.  October 2010 – 6.9% October 2011 – 7.9%
2	All residential units may be required to have a fire sprinkler system installed.	None required at time of Building Permit (2010) as the property is located outside the Sprinkler Bylaw area and BC Building Code did not require. No difference between occupancy if rental or strata units.
3.	All units may be required to have an individual water meter installed.	Units are individually metered.
4.	Pursuant to Section 242 of the Strata Property Act, a strata conversion must not be approved unless the building substantially complies with all current applicable bylaws and the British Columbia Building Code.	Building complies with Building & Plumbing Bylaw and Zoning Bylaw. Development Permit landscaping conditions are outstanding.
5.	The approving authority will consider:	
	The priority of rental accommodation over privately owned housing in the area	Developer intends to file a Rental Disclosure Statement with the Superintendent of Real Estate, to permit the developer to continue Renting Phase 1 (Duplex) and Phase 2 (Triplex) for a period of 15 years. Reported rents \$1450/mo.
	Any proposals of the owner / developer for the relocation of tenants	One unit is currently rented.
	The life expectancy of the building	New building.
	Projected major increases in maintenance costs due to the condition of the building	New building.
	Compliance with the Bylaws of the Municipality (e.g. Zoning Bylaw)	Building complies with Building & Plumbing Bylaw and Zoning Bylaw. Development Permit landscaping conditions are outstanding.
	Compliance with current development approvals (municipal and other agencies)	DP 09-09: Outstanding landscape installation; lane curb.
	Requirement for an independent Building Code review	Not recommended as new building.
	Requirement for tenant notice of the proposed application (e.g. declaration, tenant meeting)	One unit currently rented.

**STRATA CONVERSION POLICY CHECKLIST**

	<b>POLICY</b>	<b>COMMENTS</b>
	Contribution to overall community benefit	N/A
	Terms and conditions of an approval	See recommendation
	Other matters that, in its opinion, are relevant, such as:	
	Provisions for the on-going residential tenancy of persons who may be affected by the proposed strata conversion to demonstrate that the conversion would not adversely affect the rental vacancy rate in the municipality.	N/A.
	Housing Agreement to require rental accommodation at a maximum rental rate	Not proposed.
	On-going commitment that residential rental will not be prohibited by the future strata council bylaws	15 year term proposed for Duplex and Triplex Unit
	The opportunity for existing residential rental tenants to purchase their unit below market rates	Only one unit is rented.
	Fire protection and tenant safety	Fire hydrant on the street and property; building exiting is in place. No common entrance or exit.
	Proposed up-grades to the building and cost implications for tenants	None proposed.
	Town of Ladysmith Covenant FB125840	<ul style="list-style-type: none"> <li>• Covenant anticipated 11 residential strata lots.</li> <li>• No subdivision or construction unless \$1000 for per unit to the Town's Amenity Fund (\$11,000) and \$4,000 per each of the first 6 dwelling units (\$24,000).</li> <li>• Finance confirmed that payments have been made.</li> <li>• Would need to be discharged.</li> </ul>
	Home Owner Protection Office Covenant FB326694	<ul style="list-style-type: none"> <li>• Covenant stipulates Rental Purposes.</li> <li>• No selling of the units for a period of 10 years form the date that the first Dwelling Unit was occupied and no use other than for Rental Purposes.</li> <li>• Requires removal by NPO.</li> <li>• The applicant provided evidence that the developer has made application for registration with National Home Warranty to provide each buyer with the industry standard 2-5-10 homeowners' protection warranty.</li> </ul>



Town of Ladysmith

**COMMITTEE REPORT**

To: Council  
From: Trolley Committee  
Date: March 23, 2012  
File No:

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Re: RECOMMENDATIONS FROM THE MARCH 22<sup>ND</sup> TROLLEY COMMITTEE MEETING

RECOMMENDATION(S):

The following recommendations were adopted at the March 22<sup>nd</sup> Trolley Committee meeting and are presented for Council's consideration:

*It was moved, seconded and carried that it be recommended to Council that advertising rates for advertising on the outside of the trolley be reduced by 30% (i.e. from \$300 and \$350 to \$210 and \$245 respectively).*

*It was moved, seconded and carried that it be recommended to Council that the trolley advertising program include one free month to advertisers who commit to four or more months of advertising on the outside of the trolley.*

*It was moved, seconded and carried that it be recommended to Council that advertising rates for clients who reserve two or more advertising panels on the outside of the trolley be reduced by \$50 per month per panel.*



Town of Ladysmith  
**COMMITTEE REPORT**

To: Mayor and Council  
From: Councillor S. Arnett, Chair  
Date: March 20, 2012  
File No: 0550-20

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Re: GOVERNMENT SERVICES COMMITTEE - March 19, 2012

At its meeting on March 19, 2012 the Government Services Committee recommended to Council the following:

1. That the correspondence from Sandra Taylor, received February 20, 2012, requesting installation of a sidewalk on the east side of Davis Road between Davis Road Elementary School and Hall Road, be referred to staff for review and recommendation, including discussion with School District #68 regarding cross walk supervision and other pedestrian safety measures.
2. That the request from the Ladysmith Branch of the Royal Canadian Legion, dated February 16, 2012, for Permission Property Tax Exemption in 2013 be referred to staff for review and recommendation.
3. That the Ministry of Transportation and Highways be requested to install advanced turn signals southbound at the intersection of Roberts Street and the TransCanada Highway, and northbound at the intersection of First Avenue and the Trans Canada Highway in order to ensure the safety of residents of and visitors to the Town of Ladysmith.
4. That the following policing priorities for 2012-2013 be endorsed:
  - Property crime reduction
  - Prolific offenders
  - Police visibility
  - Traffic
  - Community Policing

Text of an e-mail received from  
Clayton Balabanov, Go Taxi

March 7, 2012

Ladysmith Mayor and Council

"GoTaxi!" is a big part of our town's transportation infrastructure. Our license from the Passenger Transportation Board of BC (PTB) allows our taxis to pick up passengers in an area that extends from near the intersection of the Trans-Canada Highway and Cedar Road, to South of Crofton. Our drop-off area is anywhere in BC. We are committed to improving transportation in Ladysmith; our Ladysmith drivers live in Ladysmith. Unlike some taxi companies the owner and drivers of GoTaxi! all live in the territory – we are "local".

When the Ladysmith Shuttle was started, the effect on our business was minimal; this demonstrates that there is a need for a service that extends beyond what we can currently offer the citizens of Ladysmith. What some want/need is transportation within Ladysmith for about \$2 per trip, and some service to surrounding areas. Given the current operating losses of the Shuttle, perhaps it is time to look at another less costly public mobility alternative.

The tax burden for the Shuttle is budgeted at \$142,190 or \$6.00 to \$12.00 per passenger trip. It costs the taxpayers close to \$500 every day the shuttle operates. All taxis are required by law to have a meter in the car and to charge the passengers exactly what is on the metre. Our current rate is \$2.45 per Km including HST plus a \$2.45 flag; the > \$6.00 subsidy added to the \$2.00 Shuttle fare makes it less expensive to offer the residents of Ladysmith a fast convenient taxi ride rather than walking and waiting for an environmentally negative shuttle.

The Ladysmith Shuttle is very attractive and has an impressive route, within two or three blocks from most areas in the town, but stops are much further apart, and the two hour schedule obviously discourages many people. Traveling from Ladysmith Intermediate to Coronation Mall could be a challenge.

1,066 people used the trolley in January, with a daily average ridership of 41. The trolley used 1,987 litres of fuel, but fare revenue for the month was only \$800.96.

We can offer on-demand 24/7 door-to-door convenient service for a lot less money and a lot less pollution.

An immediate solution is to utilize our existing service; passengers would pay the driver a \$1 or \$2 "trolley" fare, and we would bill the Town of Ladysmith for the balance of the fare within the boundaries of Ladysmith. This would result in two things happening fairly quickly – the ridership would rise sharply, and the cost to taxpayers would go down.



The next step - a more sustainable solution that will be very beneficial to the residents of Ladysmith and gain the town high green marks is to go electric.

We are planning to acquire a Nissan LEAF all electric car for our taxi fleet. If Ladysmith were to sponsor a DC Fast charge station, and would underwrite the car financing, we would supply the Town of Ladysmith with zero emission all electric transportation service and reduce the tax burden to Ladysmith residents.

We are willing to apply to PTB to allow us to charge a flat fee of \$2.00 (\$1.00 for seniors) within the boundaries of Ladysmith, Monday to Saturday between the hours of 08:00 and 18:00. With the electric car it is possible to complete in excess of 120 door-to-door trips per ten-hour day compared to less than 100 people stop-to-stop carried on the Shuttle on a busy day, or the average of 41 carried in January. We also have a wheelchair equipped taxi that will serve, at the same cost, persons who are restricted to a wheelchair. We can do that for a daily fee of \$250; approximately one-half the current cost to the taxpayers for the Shuttle. Better service, less money, less environmental damage – zero emissions.

The charging station(s) would have the added advantage in helping to attract visitors with electric cars to Ladysmith and encouraging Ladysmith residents to purchase electric cars. Nanaimo currently has at least four charging stations; a Ladysmith charging station would encourage Nanaimo residents to visit Ladysmith in their electric cars. A Level I charging station runs on 120 Volts and can give a zero to full charge in about 20 hours; that charger is included with the car and plugs into a normal household outlet. A Level II charger runs on 220 Volts and 30 Amps; this unit costs up to \$2,500 to install and will give a car with a dead battery a full charge in about seven hours. The Level III fast charger can take a car from zero charge to 80% in less than one-half hour. The cost of this unit has recently fallen to under \$10,000; the installation requires three-phase 440 Volt service at 125 Amps.

Our objective is to give residents of Ladysmith viable, convenient, sustainable, environmentally positive mobility. We have a Nissan LEAF on hold in Vancouver for us, if an agreement can be reached in the very near future the all-electric service could be put into place very quickly. The normal waiting time for this equipment is three to six months.

My suggestion:

1. Immediately suspend the operation of the Ladysmith Shuttle.
2. Contract with GoTaxi! to supply transportation to Ladysmith temporarily using existing equipment.
3. Offer GoTaxi! a loan guarantee to assist in the purchase of one new Nissan LEAF using the car as collateral. This should be done while the car is still available.
4. Install one or more Level II charging stations available to the public. (A big benefit to nearby merchants.) Units are available for immediate delivery.

5. Negotiate with one or more Ladysmith service stations to assist in the installation of one or more CHAdeMO Level III charging stations. Is the Co-op considering that installation already?

Sincerely,

Clayton Balabanov

Office: 250-324-2236

Cell: 250-533-9104

**TOWN OF LADYSMITH**

**BYLAW NO. 1799**

A bylaw to amend the Sanitary Sewer Rates Bylaw 1999, No. 1299 of the Town of Ladysmith.

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**WHEREAS** pursuant to the *Community Charter*, The Municipal Council may, by bylaw, regulate, prohibit and impose requirements in relation to municipal services:

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

**Amendment**

1. Schedule "A" of "Sanitary Sewer Rates Bylaw 1999, No. 1299" is hereby replaced with the attached Schedule A.
2. The provisions of this bylaw shall become effective and be in force as of the 1st day of April 2012.

**Citation**

3. This bylaw may be cited as "Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2012, No. 1799".

<b>READ A FIRST TIME</b> on the	19 <sup>th</sup>	day of	March,	2012
<b>READ A SECOND TIME</b> on the	19 <sup>th</sup>	day of	March,	2012
<b>READ A THIRD TIME</b> on the	19 <sup>th</sup>	day of	March,	2012
<b>ADOPTED</b> on the		day of	,	2012

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Mayor (R. Hutchins)

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Director of Corporate Services (S. Bowden)

## Town of Ladysmith

"Sewer Rates bylaw 1999, No. 1299, Amendment Bylaw 2012, No. 1799

**Schedule of Rates**

<b>CLASSIFICATION</b>		<b>Sewer Rental Charge Per Month</b>
<b>Residences or Apartments:</b>	Single Family Two Family Multi-Family, including apartment units	\$14.00 \$14.00/unit \$14.00/unit
<b>Motels &amp; Auto Courts:</b>	Premises of owner or operator For each rental unit	\$14.00 \$ 2.16
<b>Mobile Home Parks:</b>	Public rest rooms and/or service rooms For each mobile home with sewer connection	\$14.00 \$14.00
<b>Hotels:</b>	Owners or managers quarters Per apartment for rent Per room for rent	\$14.00 \$14.00 \$ 2.16
<b>Beer Parlours, Pubs, Licensed Cabarets &amp; Lounges:</b>	For each separately licensed area	\$30.24
<b>Cafes, Restaurants &amp; Dining Rooms</b>		\$30.24
<b>Offices, Shops and Stores:</b>	(per office, shop & store unit not otherwise specified)	\$14.00
<b>Store(s) and Suite(s) combined:</b>	Per store unit Per suite	\$14.00 \$14.00
<b>Store(s) and Office(s) combined:</b>	Per store unit Per office unit	\$14.00 \$14.00
<b>Office Building:</b>	Per office unit	\$14.00
<b>Laundry or Laundromat</b>		\$48.60
<b>Service Stations and Garages:</b>	Without car wash With car wash	\$14.00 \$32.40
<b>Public or Social Club with licensed bar</b>		\$30.24
<b>Church Hall, Public Hall or Lodge Room</b>		\$10.80
<b>Hospitals - per bed</b>		\$ 6.48
<b>Schools - per classroom, auditorium or office</b>		\$14.00

**TOWN OF LADYSMITH**

**BYLAW NO. 1800**

A bylaw to amend the Water Services Rates of the Town of Ladysmith.

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WHEREAS pursuant to the *Community Charter*, The Municipal Council may, by bylaw, regulate, prohibit and impose requirements in relation to municipal services:

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

**Amendment**

1. Schedule "A" of "Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2010, No. 1726 is hereby replaced with the attached Schedule A.
2. The provisions of this bylaw shall become effective and be in force as of the 1st day of April 2012.

**Citation**

3. This bylaw may be cited as "Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2012, No. 1800".

**READ A FIRST TIME** on the 19<sup>th</sup> day of March, 2012  
**READ A SECOND TIME** on the 19<sup>th</sup> day of March, 2012  
**READ A THIRD TIME** on the 19<sup>th</sup> day of March, 2012  
**ADOPTED** on the day of , 2012

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Mayor (R. Hutchins)

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Director of Corporate Services (S. Bowden)

SCHEDULE "A"

TOWN OF LADYSMITH

"Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2012, No. 1800"

**SCHEDULE OF RATES**

<p>1. <b><u>Metered Service (Quarterly) for Each Individually Metered Single Family Dwelling Unit</u></b></p>	<p>\$22.00 base rate per quarter                  \$0.50/m<sup>3</sup> for next 26 m<sup>3</sup> to 50 m<sup>3</sup>                  \$0.60/m<sup>3</sup> for next 51 m<sup>3</sup> to 75 m<sup>3</sup>                  \$0.75/m<sup>3</sup> for next 76 m<sup>3</sup> to 100 m<sup>3</sup>                  \$1.00/m<sup>3</sup> for next 101 m<sup>3</sup> to 125 m<sup>3</sup>                  \$1.35/m<sup>3</sup> for &gt;126 m<sup>3</sup></p>
<p>2. <b><u>Metered Service (Quarterly) for All Other Users</u></b></p>	<p>\$22.00 base rate per quarter (includes up to 25 cubic meters) and \$0.45/cu.m. for any use over 25 cubic meters</p>
<p>3. <b><u>Non-Metered Service (Quarterly)</u></b></p>	<p>\$39.00 flat rate, per unit, per quarter</p>
<p>4. <b><u>Service Connection Rates</u></b></p> <p>.1 Where a service connection has not been previously provided to a parcel but where the Public Waterworks System fronts or abuts the parcel:</p> <p>(a) 19 mm (3/4") service connection including meter, meter box, meter setter, check valves, shut-off valves and any other related appurtenances ....</p> <p>(b) larger than 19 mm (3/4") shall be at cost but not less than ..</p> <p>.2 Where a service connection has been previously provided to a parcel:</p> <p>(a) and that service connection includes a meter, meter box, meter setter, check valves, shut-off valves and any other related appurtenances and is the requested size ....</p> <p>(b) any upgrading of that service in size including installation of a water meter, meter box, meter setter, check valves, shut-off valves and any other related appurtenances shall be at cost, but not less than ....</p>	<p>\$2,400.00</p> <p>\$2,400.00</p> <p>\$ 100.00</p> <p>\$2,400.00</p>