



# 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, JUNE 1, 2015  
Call to Order 6:30 p.m.  
Closed Meeting 6:31 p.m.  
Regular Open Meeting 7:00 p.m.

## AGENDA

CALL TO ORDER 6:30 p.m. in order to retire immediately into Closed Session.

### 1. CLOSED SESSION

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

- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality
- litigation or potential litigation affecting the municipality

### 2. RISE AND REPORT

### 3. AGENDA APPROVAL

### 4. MINUTES

- 4.1. Minutes of the Regular Meeting of Council held May 4, 2015.....1 - 5
- 4.2. Minutes of the Special Meeting of Council held May 11, 2015 .....6 - 8

### 5. PROCLAMATIONS

- 5.1. Mayor Stone has proclaimed June 6, 2015 as **Access Awareness Day** in the Town of Ladysmith as a day of individual and group action to promote positive ways of building accessibility together to create accessible and inclusive communities for all citizens. ....9
- 5.2. Mayor Stone has proclaimed June 6, 2015 as **National Health and Fitness Day** in the town of Ladysmith to celebrate and promote the importance and use of local health, recreational, sports and fitness facilities. .... 10

- 5.3. Mayor Stone has proclaimed June 20 and 21, 2015 as **Be a Home Town Tourist Weekend** in the Town of Ladysmith to encourage local residents to become acquainted with their community and to become supporters and ambassadors of local businesses and attractions. .... 11

**6. DEVELOPMENT APPLICATIONS**

- 6.1. **Development Variance Permit Application 3090-15-01– Marrington (325 Gatacre Street) ..... 12 - 22**  
**Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A**

Staff Recommendation:

That Council

1. Consider issuing a Development Variance Permit (3090-2015-01) to vary the height, size and siting for a coach house dwelling located within an existing accessory building on Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A (325 Gatacre Street);
2. Authorize the Mayor and Corporate Officer to sign the Development Variance Permit.

- 6.2. **Development Permit Application 3060-15-06, 325 Gatacre Street (Marrington)..... 23 - 27**  
**Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A**  
Subject to Council’s approval of DVP 3090-15-01 (Agenda Item 6.1)

Staff Recommendation:

That prior to Council’s consideration of Coach House Intensive Residential Development Permit 3060-15-06 (325 Gatacre Street) the applicant will be required, pursuant to the Development Permit Area 10 Design Guidelines, to amend the application and provide a site plan that includes:

- Building Character and Design
  - Frosting or otherwise obscuring the windows on the east side (second storey) to discourage overlook.
- Accessibility and Livability
  - A continuous unobstructed pathway with a minimum width of 90cm from Gatacre Street to the coach house dwelling entrance.
  - Landscaping in the space between the side of the coach house dwelling and the lane to enhance the lane.
  - Motion detecting lighting on the building to increase the safety of the lane.
- Landscaping
  - A screened area or structure for on-site coach house dwelling garbage and recycling.
  - A cedar hedge to define the at-grade amenity area for the coach house dwelling resident (minimum 1.2 metres in height at installation).

**7. COMMITTEE REPORTS**

**7.1. Mayor A. Stone**

Cowichan Valley Regional District; Advisory Design Panel; Heritage Revitalization Advisory Commission; Stocking Lake Advisory Committee; Community Health Advisory Committee/Interagency Group

**7.2. Councillor R. Hutchins**

Liquid Waste Management Committee; Protective Services Committee; Stocking Lake Advisory Committee; Chamber of Commerce

**7.3. Councillor C. Henderson**

Community Health Advisory Committee/Interagency Group; Ladysmith Early Years Partnership; Social Planning Cowichan – Affordable Housing Directorate; Youth Advisory Committee

**7.4. Councillor D. Paterson**

Parks, Recreation and Culture Commission; Protective Services Committee; Festival of Lights Committee

**7.4.1. Recommendation from the Parks, Recreation and Culture Commission (Code of Conduct) ..... 28 - 31**

Commission Recommendation:

That Council consider adopting the “Appropriate Behaviour Policy/Code of Conduct” as recommended by the Parks, Recreation and Culture Commission.

**7.4.2. Recommendation from the Parks, Recreation and Culture Commission (Use of Showers at Frank Jameson Community Centre) .....32**

Commission Recommendation:

That Council consider not supporting the shower-only fee at Frank Jameson Community Centre as recommended by the Parks, Recreation and Culture Commission.

**7.5. Councillor J. Friesenhan**

Liquid Waste Management Committee; Parks, Recreation and Culture Commission

**7.6. Councillor C. Fradin**

Community Safety Advisory Commission; Advisory Planning Commission; Liquid Waste Management Committee; Ladysmith Downtown Business Association

**7.7. Councillor S. Arnett**

Municipal Services Committee; Vancouver Island Regional Library Board; Stocking Lake Advisory Committee; Celebrations Committee

**8. CORRESPONDENCE**

- 8.1. Peter Ronald, Local Government Program Services  
2015 Asset Management Planning Program – Grant Approval and Terms  
and Conditions ..... 33 - 36**

Staff Recommendation:

That Council accept with appreciation the grant from the 2015 Asset Management Planning Program for Phase I (Assessment) in the amount of \$10,000, and amend the Financial Plan accordingly.

- 8.2. Peter Harrison, Destination British Columbia  
Confirmation of Community Tourism Opportunities Funding .....37**

Staff Recommendation:

That council accept with appreciation the grant from the Destination BC Community Tourism Opportunities Program in the amount of \$8,400 and amend the Financial Plan accordingly.

**9. NEW BUSINESS**

- 9.1. Ladysmith Downtown Business Association Liability Insurance Coverage –  
Old Tyme Christmas Event ..... 38 - 40**

The Ladysmith Downtown Business Association (LDBA) has requested assistance from the Town in acquiring liability insurance for public events such as the annual Old Tyme Christmas event. This coverage is available through the Municipal Insurance Association under its Associate Member Program on the condition that the associate member is providing a service for the local government. In this case, the service provided by the LDBA focuses on the promotion of the Town of Ladysmith and assisting local businesses in establishing themselves within Ladysmith. The LDBA must enter into a Service Provider Agreement with the Town (see attached). The annual fee for this additional insurance coverage is \$250 for which the LDBA is responsible. In order to proceed with this request, the Town is required to:

- Adopt a resolution authorizing the Town to enter into a Service Provider Agreement with the LDBA
- Execute a Service Provider Agreement signed by both parties
- Process payment of the \$250 annual premium

Staff Recommendation:

That Council authorize the execution of a Service Provider Agreement between the Town of Ladysmith and the Ladysmith Downtown Business Association for the provision of promotional services and assisting local businesses in establishing themselves within Ladysmith, and that the Ladysmith Downtown Business Association be required to pay the \$250

annual fee for the additional liability coverage provided by the Municipal Insurance Association of BC.

**9.2. Grant Application – Canada 150 Community Infrastructure Program..... 41 - 43**

The Federal Government recently announced a grant program, Canada 150 Community Infrastructure Program, available for municipalities to apply for funding to support community infrastructure projects such as community centres, cultural centres and museums, parks, recreational trails, recreational and tourism facilities, cenotaphs and docks. The program provides funding of 50 per cent up to a maximum of \$500,000 total federal funding (including gas tax funds). The projects cannot start, nor any costs be incurred, until after April 1, 2016 and must be completed before March 31, 2018. The deadline to apply is June 17, 2015.

Staff have reviewed the projects and recommend applying for funds to support the Machine Shop Repairs project. This project is included in the 2015-2019 Capital Plan. In 2015, \$20,000 of taxation funding was set aside to analyze and prioritize the necessary repairs. This work will continue and will not be part of the grant funding. In the Capital Plan beginning in 2016, \$250,000 over 4 years was allocated to begin repairs with funding from grants. It is this work that would be eligible for grant funding, though the timeline must be expedited.

Staff Recommendation:

That Council direct staff to apply for the Canada 150 Infrastructure Program for grant funding of a maximum of \$500,000, to cover up to 50 per cent of the costs to repair the Machine Shop, with the remaining funding sources to come from taxation or other grant programs.

**10. UNFINISHED BUSINESS**

**11. QUESTION PERIOD**

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during “Question Period” must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

**12. RISE AND REPORT**

**13. ADJOURNMENT**



**TOWN OF LADYSMITH**  
**MINUTES OF A REGULAR MEETING OF COUNCIL**  
**MONDAY, MAY 4, 2015**  
**COUNCIL CHAMBERS, CITY HALL**  
**7:00 P.M.**

**COUNCIL MEMBERS PRESENT:**

Mayor Aaron Stone  
Councillor Joe Friesenhan  
Councillor Duck Paterson

Councillor Steve Arnett  
Councillor Carol Henderson

Councillor Cal Fradin  
Councillor Rob Hutchins

**STAFF PRESENT:**

Ruth Malli  
Joanna Winter

Erin Anderson

John Manson

**CALL TO ORDER**

Mayor Stone called this Regular Council Meeting to order at 7:00 p.m. and acknowledged the traditional territory of the Stz'uminus First Nation.

**AGENDA APPROVAL**

**CS 2015-171**

*Moved and seconded:*

That the agenda for the Regular Council Meeting of May 4, 2015 be approved with the following additions to New Business:

- 9.1 Ladysmith Search and Rescue
- 9.2 Ladysmith Yacht Club
- 9.3 Transfer Beach Playground Fundraiser
- 9.4 Watershed Round Table Meeting
- 9.5 Gatacre Street Storm Main Update
- 9.6 Community Clean-up Days
- 9.7 "Shore to Shore" Sculpture by Luke Marston

*Motion carried.*

**MINUTES**

**CS 2015-172**

*Moved and seconded:*

That the minutes of the Regular Meeting of Council held April 20, 2015 be approved.

*Motion carried.*

**CS 2015-173**

*Moved and seconded:*

That the minutes of the Public Hearing and Special Meeting of Council held April 27, 2015 be approved.

*Motion carried.*

**2015 - 2019 FINANCIAL  
PLAN DELIBERATIONS**

**CS 2015-174**

Town of Ladysmith Financial Plan Bylaw 2015, No. 1878

*Moved and seconded:*

That Town of Ladysmith Financial Plan Bylaw 2015, No. 1878 be read a first, second and third time.

*Motion carried*

**Town of Ladysmith Tax Rates Bylaw 2015, No. 1879**

*Moved and seconded:*

**CS 2015-175**

That Town of Ladysmith Tax Rates Bylaw 2015, No. 1879 be read a first, second and third time.

*Motion carried.*

**Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2015, No. 1873**

*Moved and seconded:*

**CS 2015-176**

That Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2015, No. 1873 be read a first, second and third time.

*Motion carried.*

**Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2015, No. 1874**

*Moved and seconded:*

**CS 2015-177**

That Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2015, No. 1874 be read a first, second and third time.

*Motion carried.*

A question from a member of the public regarding new water rates compared to the most recent utility bill was referred to staff for a response.

**COMMITTEE REPORTS**

*Moved and seconded:*

**CS 2015-178**

That the Town write a letter of gratitude and congratulations to RKM Cranes for their generous assistance in putting up and taking down decorations for the Festival of Lights.

*Motion carried.*

*Moved and seconded:*

**CS 2015-179**

That the Town write a letter of appreciation to the Ladysmith Sportsmen's Club for their recent Community Cleanup and commitment to the natural environment.

*Motion carried.*

**Municipal Services Committee Recommendation**

*Moved and seconded:*

**CS 2015-180**

That Council direct staff to enter into a two-year agreement with Ladysmith Family and Friends (LaFF) for the provision of a Family Resource Program using Town of Ladysmith facilities, with an option to renew for two years.

*Motion carried.*

**BYLAWS**

**Town of Ladysmith 2014 Audited Financial Statements Bylaw**



2015, No. 1880

CS 2015-181

*Moved and seconded:*

That Town of Ladysmith 2014 Audited Financial Statements Bylaw 2015, NO. 1880 be read a first, second and third time.

*Motion carried.*

**NEW BUSINESS**

**Ladysmith Search and Rescue**

*Moved and seconded:*

CS 2015-182

That Council send a letter of congratulations and appreciation to Ralph Carlson and Stu Chadwick for their long service to the community of 50 years each in Ladysmith Search and Rescue.

*Moved and seconded:*

CS 2015-183

That Council send a letter to Ladysmith Yacht Club congratulating the organization for 30 successful years in their community, and for its contribution to marine tourism and economic development.

*Motion carried.*

Councillor Paterson declared a conflict of interest with the following item and left the room.

*Moved and seconded:*

CS 2015-184

That the Town contribute \$200 to the cost of the Transfer Beach Playground community fundraising dinner to be allocated from the Public Relations fund.

*Motion carried.*

Councillor Paterson returned to the meeting.

**Community Watershed Management Meeting**

Council was reminded of the upcoming Community Watershed Management meeting at the Aggie Hall on Wednesday, May 20 at 7:00 p.m. The Town is a co-sponsor of the event, along with the Stz'uminus First Nation and a citizens group.

**Gatacre Street Water Main and Storm Drain Replacement**

Staff provided a report on the status of the Gatacre Street water main and storm water replacement project and schedule.

**Community Clean-up Days**

*Moved and seconded:*

CS 2015-185

That Council send a letter of appreciation to the organizers of the Ladysmith Community Clean-up for their commitment and hard work.

*Motion carried.*

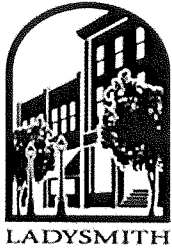
- CS 2015-186** **Luke Marston 'Shore to Shore' Sculpture**  
*Moved and seconded:*  
That Council send a letter of congratulations to sculptor Luke Marston on the dedication of his sculpture 'Shore to Shore' in Stanley Park.  
*Motion carried.*
- UNFINISHED BUSINESS**
- CS 2015-187** **Notice of Motion – Councillor Henderson**  
*Moved and seconded:*  
That Council consider developing a bylaw to protect areas of land that may be subject to flooding, erosion or land slip in order to protect both development and natural systems from potentially hazardous conditions.
- AMENDMENT**
- CS 2015-188** *Moved and seconded:*  
That resolution CS 2015-184 be amended to read as follows:  
That Council direct staff to prepare a report on a bylaw to protect areas of land that may be subject to flooding, erosion or land slip in order to protect both development and natural systems from potentially hazardous conditions.  
*Amendment carried.*  
  
*Motion as amended carried.*
- CS 2015-189** *Moved and seconded:*  
That Council direct staff to provide background and previously produced materials relating to a Town of Ladysmith Tree Bylaw for the Town of Ladysmith at an upcoming meeting of the Municipal Services Committee.  
*Motion carried.*
- CLOSED MEETING**
- CS 2015-190** *Moved and seconded:*  
That Council retire into Closed Session at 7:50 p.m. to consider the following item:
- the acquisition, disposition or expropriation of land or improvements if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.
- Motion carried.*
- RISE AND REPORT** Council rose from Closed Session at 8:52 p.m. without report.
- ADJOURNMENT**
- CS 2015-191** *Moved and seconded:*  
That this meeting of Council adjourn at 8:53 p.m.  
*Motion carried.*

CERTIFIED CORRECT:

\_\_\_\_\_  
Mayor (A. Stone)

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

Subject to Adoption



**TOWN OF LADYSMITH**  
**MINUTES OF A SPECIAL MEETING OF COUNCIL**  
**MONDAY, MAY 11, 2015**  
**COUNCIL CHAMBERS, CITY HALL**  
**4:00 P.M.**

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**COUNCIL MEMBERS PRESENT:**

Mayor Aaron Stone	Councillor Steve Arnett
Councillor Cal Fradin	Councillor Joe Friesenhan
Councillor Carol Henderson	Councillor Rob Hutchins (entered at 4:05 p.m.)
Councillor Duck Paterson	

**STAFF PRESENT:**

Ruth Malli	Sandy Bowden	Joanna Winter
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**CALL TO ORDER**

Mayor Stone called this Special Council Meeting to order at 4:01 p.m. and acknowledged the traditional territory of the Stz'uminus First Nation.

**AGENDA APPROVAL**

**CS 2015-192**

*Moved and seconded:*  
That the agenda for the Special Council Meeting of May 11, 2015 be approved with the following addition:  
Correspondence – Request for Trolley Donation from Ladysmith Tour de Rock Committee.  
*Motion carried.*

**2015 – 2019 FINANCIAL  
PLAN DELIBERATIONS**

**CS 2015-193**

**Town of Ladysmith Financial Plan Bylaw 2015, No. 1878**  
*Moved and seconded:*  
That Town of Ladysmith Financial Plan Bylaw 2015, No. 1878 be adopted.  
*Motion carried*

**CS 2015-194**

**Town of Ladysmith Tax Rates Bylaw 2015, No. 1879**  
*Moved and seconded:*  
That Town of Ladysmith Tax Rates Bylaw 2015, No. 1879 be adopted.  
*Motion carried.*

**CS 2015-195**

**Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2015, No. 1873**  
*Moved and seconded:*  
That Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2015, No. 1873 be adopted.  
*Motion carried.*

**Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2015, No. 1874**  
*Moved and seconded:*

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**CS 2015-196**

That Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2015, No. 1874 be adopted.  
*Motion carried.*

**CORRESPONDENCE**

**Cheryl Onciul, for Kinsmen Club of Ladysmith  
Request to Support Grant application for the Transfer Beach  
Playground**

*Moved and seconded:*

**CS 2015-197**

That Council:

1. Advise the Kinsmen Club of Ladysmith that it supports a proposed partnership between the Town of Ladysmith and the Kinsmen Club as outlined in the e-mail from the Club dated April 30, 2015, for the sole purpose of securing funding through the Farm Credit Corporation AgriSpirit Fund to replace the playground structure at Transfer Beach; and
2. Direct staff to work with the Club to establish the details of this arrangement.

*Motion carried.*

**Elaine Wilkinson and Lindy Skutnik, for Ladysmith Tour de  
Rock Committee  
Request for Trolley Donation**

*Moved and seconded:*

**CS 2015-198**

That Council waive the trolley rental fee for a June 2015 Cowichan Valley wine tour fundraiser for Ladysmith Tour de Rock, as requested by the Tour de Rock Committee in their correspondence dated April 30, 2015.

*Motion carried.*

**BYLAWS**

**Town of Ladysmith 2014 Audited Financial Statements Bylaw  
2015, No. 1880**

*Moved and seconded:*

**CS 2015-199**

That Town of Ladysmith 2014 Audited Financial Statements Bylaw 2015, No. 1880 be adopted.

*Motion carried.*

**NEW BUSINESS**

**Role of the Town of Ladysmith in Social Enterprise**

*Moved and seconded:*

**CS 2015-200**

That Council direct staff to investigate ways to incorporate social enterprise concepts into the Town's purchasing policy.

*Motion carried.*

**CLOSED MEETING**

*Moved and seconded:*

**CS 2015-201**

That Council retire into Closed Session at 4:18 p.m. to consider the following items:

- the acquisition, disposition or expropriation of land or improvements if the council considers that disclosure

could reasonably be expected to harm the interests of the municipality

- Law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment.

*Motion carried.*

**RISE AND REPORT**

Council rose from Closed Session at 5:04 p.m. without report.

**ADJOURNMENT**

**CS 2015-202**

*Moved and seconded:*

That this meeting of Council adjourn at 5:05 p.m.

*Motion carried.*

CERTIFIED CORRECT:

\_\_\_\_\_  
Mayor (A. Stone)

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

Subject to Adoption

# Access Awareness Day 2015 Proclamation

WHEREAS: Accessibility and inclusion is essential for ensuring that all community members have equity in opportunities, and the ability to fully participate in community life; and,

WHEREAS: Accessibility affects all aspects of community life—physical, social and economic including employment, transportation, recreation, housing, and other opportunities; and,

WHEREAS: We all have a role to play in ensuring that our communities are as accessible and inclusive as possible.

## THEREFORE BE IT RESOLVED:

The citizens of Ladysmith recognize the importance of ensuring that people with disabilities have equitable access to the opportunities that are important to them and live in an accessible community.

I, Aaron Stone, Mayor/Chairperson of Ladysmith, do hereby proclaim Access Awareness Day—Saturday, June 6, 2015 in Ladysmith a day of individual and group action to promote positive ways of building accessibility together to create accessible and inclusive communities for all of our citizens.

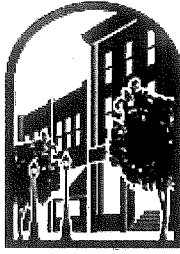
In witness whereof I hereunto set my hand this 1<sup>st</sup> day of June 2015.

Mayor/Chairperson of



 Accessability is Working

 **sparc bc**  
people. planning. positive change.



LADYSMITH

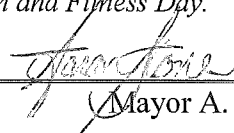
TOWN OF LADYSMITH

## PROCLAMATION

### NATIONAL HEALTH AND FITNESS DAY

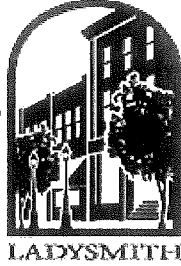
- WHEREAS:** *The Parliament of Canada wishes to increase awareness among Canadians of the significant benefits of physical activity and to encourage Canadians to increase their level of physical activity and their participation in recreational sports and fitness activities;*
- AND WHEREAS:** *It is in Canada's interest to improve the health of all Canadians and to reduce the burden of illness on Canadian families and on the Canadian health care system;*
- AND WHEREAS:** *Many local governments in Canada have public facilities to promote the health and fitness of their citizens;*
- AND WHEREAS:** *The Government of Canada wishes to encourage local governments to facilitate Canadian's participation in healthy physical activities;*
- AND WHEREAS:** *Canada's mountains, oceans, lakes, forest, parks and wilderness also offer recreational and fitness opportunities;*
- AND WHEREAS:** *Canadian Environment Week is observed throughout the country in early June, and walking and cycling are great ways to reduce vehicle pollution and improve physical fitness;*
- AND WHEREAS:** *Declaring the first Saturday in June to be National Health and Fitness Day will further encourage Canadians to participate in physical activities and contribute to their own health and well-being;*
- AND WHEREAS:** *The Government of Canada wishes to encourage the country's local governments, non-government organizations, the private sector and all Canadians to recognize the first Saturday in June as National Health and Fitness Day and to mark the day with local events and initiatives celebrating and promoting the importance and use of local health, recreational, sports and fitness facilities;*

**THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim June 6, 2015 as National Health and Fitness Day.*

  
\_\_\_\_\_  
Mayor A. Stone

May 25, 2015





TOWN OF LADYSMITH

## PROCLAMATION


### BE A HOMETOWN TOURIST WEEKEND

**WHEREAS:** *Ladysmith, Cassidy, Cedar, South Nanaimo, Saltair and Chemainus comprise a community renowned for its natural beauty, waterfront, friendly people, arts, history and festivals; and*

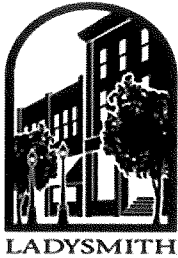
**WHEREAS:** *There is an opportunity to encourage local residents to become acquainted with their community and in so doing become supporters and ambassadors of local businesses and attractions; and*

**WHEREAS:** *This is the fifth consecutive year for this popular event;*

**THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim June 20 & 21, 2015 to be "Be a Hometown Tourist Weekend" in the Town of Ladysmith, British Columbia.*

  
\_\_\_\_\_  
Mayor A. Stone

June 15, 2015



Town of Ladysmith

**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: May 26, 2015  
File No: 3090-15-01

Re: Development Variance Permit Application – Marrington (325 Gatacre Street)  
Subject Property: Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A

**RECOMMENDATION(S):**

That Council consider issuing a Development Variance Permit (3090-15-01) to vary the height, size, and siting for a coach house dwelling located within an existing accessory building on Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A (325 Gatacre Street).

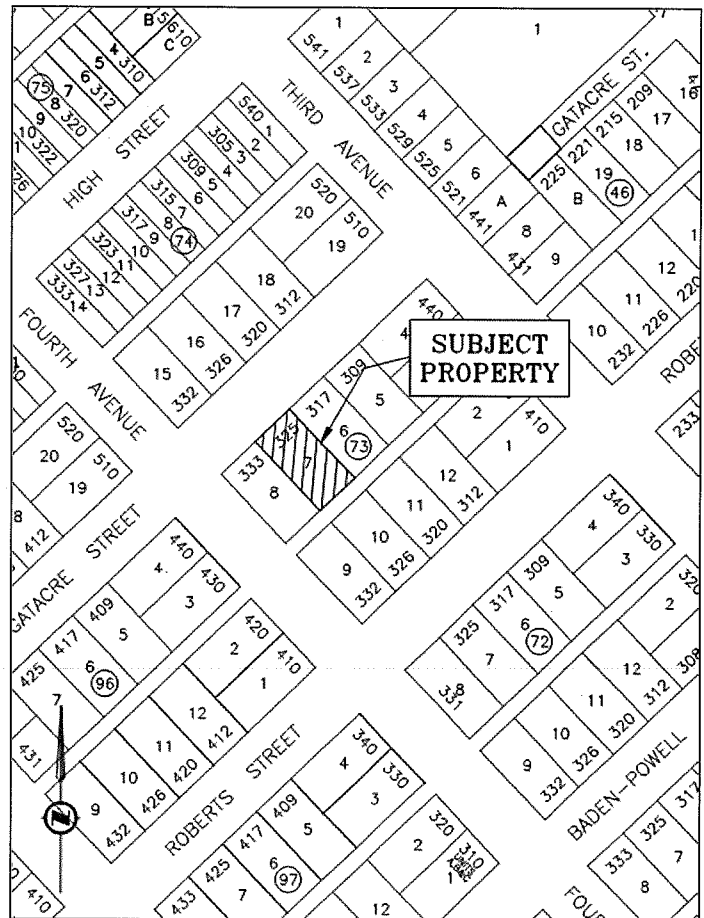
AND THAT the Mayor and Corporate Officer be authorized to sign the Development Variance Permit.

**PURPOSE:**

The purpose of this staff report is to obtain Council direction regarding a development variance permit application for the siting, height and floor area of a proposed coach house dwelling in an existing two-storey accessory building located at 325 Gatacre Street.

**INTRODUCTION/BACKGROUND:**

The applicants, April and Stephen Marrington, are requesting variances for the height, siting, and floor area of a proposed coach house in the second storey of an existing accessory building at 325 Gatacre Street. Currently a single unit dwelling, gazebo, and accessory building are located on the property. To permit a coach house dwelling in the second storey of the accessory building the applicants are requesting a variance for: 1) the maximum permitted floor area for a coach house building; 2) the maximum height for a coach house building; and 3) the required distance between the coach house and the principal dwelling.



At its meeting held April 20, 2015 Council directed staff to proceed with statutory notice for development variance permit application 3090-15-01.

**SCOPE OF WORK:**

The current stage of this application is to seek Council's decision on the proposed Development Variance Permit.

The subject property is zoned 'Old Town Residential (R-2)' and is 669m<sup>2</sup> in size. The dwelling was renovated and the accessory building was constructed in 2007. The accessory building is 6.93 metres in height (as determined by a height survey) and has a floor area of 66.9m<sup>2</sup> (720ft<sup>2</sup>), which was a permitted height and size for accessory buildings in 2007. The accessory building meets the siting requirements of Zoning Bylaw 2014, No. 1860.

To construct a coach house dwelling in the second storey of the accessory building the applicant is requesting three variances:

- 1) To vary the maximum permitted floor area of a proposed coach house dwelling from 60m<sup>2</sup> (645.8 ft<sup>2</sup>) to 66.9m<sup>2</sup> (720ft<sup>2</sup>);
- 2) To vary the maximum permitted height of a proposed coach house dwelling from 6.6 metres to 6.93 metres; and
- 3) To vary the minimum distance between a proposed coach house dwelling and principal dwelling from 6 metres to 3.13 metres.

If the development variance permit application is successful, a coach house development permit and building permit will be required.

**Table 1: Proposed Variances for Coach House – 325 Gatacre Street**

	Zoning Bylaw 2014, No.1860	Proposed	Proposed Variance
Coach house floor area	60m <sup>2</sup> maximum	66.9m <sup>2</sup>	6.9m <sup>2</sup> (74ft)
Coach house height	6.6m maximum	6.93m	0.33m (1ft)
Required distance between coach house and principal dwelling	6m	3.13m	2.87m (9.4ft)

**ALTERNATIVES:**

To not support DVP application 3090-15-01

**FINANCIAL IMPLICATIONS:**

None



### LEGAL IMPLICATIONS:

The *Local Government Act* enables Council to vary zoning regulations, except use and density regulations, through the issuance of a development variance permit. This is a discretionary decision of Council. Public notification is required.

### CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Town of Ladysmith notice regarding Development Variance Permit application 3090-15-01 was sent to neighbouring properties (within 60 metres of the subject property) on April 22, 2015. At the time of writing this report the Town had received four written submissions and one verbal submission by phone (all from residents and property owners within 60 metres). The four written submissions are included with tonight's meeting agenda. In summary, the comments are:

- One letter does not support the proposed variances in principle and mentions a loss of privacy with the second storey windows at the rear of the building overlooking a rear yard.
- Three letters and one verbal submission supports the proposed variances for the following reasons:
  - One letter supports the variances as it allows for densification and affordable housing in Ladysmith,
  - Two letters expressed support for the proposed variances and expressed appreciation for the renovations and improvements made to the land and buildings on the property,
  - One verbal submission has no objections to the proposed variances but feels the chainlink fence is not in character with the old town residential neighbourhood. Suggests that the chainlink fence should be softened or removed.

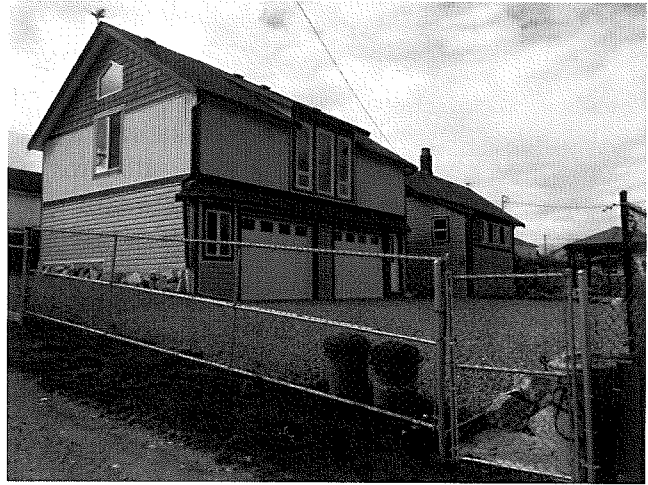


Figure 1: Accessory building at 325 Gatacre St., view from lane.

The Coach House Development Permit guidelines recommend a window at the rear of a coach house building on a lane to allow for eyes on the lane to improve lane safety. The chainlink fence at the rear is a full sliding gate to permit vehicle access to the garage. Council may consider imposing logically connected conditions in its consideration of the DVP application.

### INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Development Variance Permit application 3090-15-01 has been referred to the Infrastructure Services Department. There are no servicing issues.

### RESOURCE IMPLICATIONS:

Processing Development Variance Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The applicant completed a 'Sustainable Development Checklist' and indicates that the proposed coach house dwelling adds to the diversity of housing in the area, increases density in the Town's existing neighbourhoods, creates affordable housing, and states the accessory building was built to an Energuide 80 standard.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

Council may consider approving a Development Variance Permit to vary the height, siting, and floor area of a proposed coach house in the second storey of an existing accessory building at 325 Gatacre Street.

I concur with the recommendation.



---

Ruth Malli, City Manager

ATTACHMENTS:

Public Submissions (4)  
DVP form 3090-15-01

Within Circulation Area

RECEIVED  
APR 27 2015

April 27, 2015

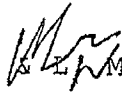
Your file # DVP 3090-15-01

Council of the Town of Ladysmith

Re: NOTICE OF DEVELOPMENT VARIANCE PERMIT:  
325 Gatacre Street.

Please be advised we have no objection  
whatever to the variance application  
requested.

Now this property is rather elegant, old  
stylish and well maintained.

VM  Matthews

Within Circulation Area

RECEIVED  
Apr. 28 2015

**Patricia & David Smith**

**Ladysmith, BC**

**April 28, 2015**

**Attention: Council of the Town of Ladysmith**

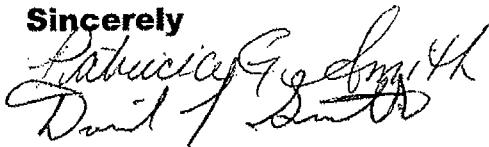
**Re: Notice of Development Variance Permit:  
DVP 15-01 (325 Gatacre Street) Lot 7  
Block 73, District Lot 56, Oyster District  
Plan 703A, PID:008-700-168  
Your file # DVP 3090-15-01**

**We wish to inform you of our thoughts regarding the above mentioned permit.**

**April and Stephen Marrington are good neighbors. We appreciate living across the street from people who keep such a nice property, which in turn brings value to our street, and new life to Old Town Ladysmith.**

**We have no objection to them being granted a variance.**

**Sincerely**



**Patricia G, Smith  
David L, Smith**

## Diane Webber

---

**From:** Lisa Brinkman  
**Sent:** April 29, 2015 11:31 AM  
**To:** Diane Webber  
**Subject:** FW: Variance of 325 Gatacre, Ladysmith

Within Circulation Area

Lisa Brinkman MCIP, RPP  
Planner  
Town of Ladysmith – Development Services  
Box 220-132C Roberts Street  
Ladysmith, BC V9G 1A2  
250.245.6410

---

**From:** Chuck Forrest  
**Sent:** April 29, 2015 10:33 AM  
**To:** Lisa Brinkman  
**Subject:** Variance of 325 Gatacre, Ladysmith

I, Charles Forrest of Ladysmith, do support the variance request of 325 Gatacre, Ladysmith.

I do not wish to see more families on the street due to previous illogical decisions on the coach house issue. For a family to immigrate into Ladysmith, invest a considerable amount of money, follow all of the bylaws and building codes available at the time and yet be penalized for not having the foresight to anticipate much harsher restrictions than in-house suites. The town has spent considerable funds to advertise their desire of densification and affordable housing and yet in practice are browbeaten by some of the NIMBYS in town.

Please review this application carefully. These structures need not sit empty while enterprising have followed your rules and yet are being punished for not being clairvoyant.

Chuck Forrest



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)



Within Circulation Area

May 11, 2015 at 9:45 am

In response to the notice of development variance permit for

DVP 15-01 (325 Gatacre St.)

Lot 7, block 73, district lot 56, Oyster District, plan 703A

PID: 008-700-168

I live at right next door to the LARGE garage at 410 3<sup>rd</sup> Avenue and know what it feels like to have my privacy taken without any regard to how I felt. The accessory building in question has already driven away a young family who lived directly across the alley. The loss of privacy due to a large window that faced their back yard made their dream home into a home that they sold for much less than the purchase price. I feel that allowing owners to vary the size of these dwellings that were built without regard to the bylaws at the time put residents like me in a terrible position as our property values decrease and our quality of lives are affected.

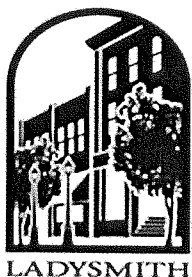
I also know that the accessory building next to me has had the owner living there for the last five years and has not been enforced due to many different reasons and has cost tax payers. The accessory building at 325 Gatacre does not affect my property value, however, I worry that allowing this variance request will only cause the neighbours and the Town of Ladysmith future issues as it is clear that the main goal is to live within the accessory building, similar to the situation in the accessory building at 410 3<sup>rd</sup> Avenue. In my opinion the town needs to take a stand. If anything this may decrease the tax dollars that are spent by TOL to monitor, enforce and respond to complaints in the future.

My issue is not with the owners but with the simple fact that bylaws are there for a reason and I feel that the TOL must respond to this particular situation in the same way that they did with 410 3<sup>rd</sup> Avenue, please do not set a precedent that can cause further concerns for the town staff.

My family and I are opposed to approving the variance request for 325 Gatacre.

Regards,

Aaron Lafontaine, Noelle Fetchko



# TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 920 Local Government Act)

FILE NO: 3090-15-01

DATE:

---

Name of Owner(s) of Land (Permittee): April Marrington and Stephen Marrington

Applicant: April Marrington and Stephen Marrington

Subject Property (Civic Address): 325 Gatacre Street

---

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

**Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A – PID: 008-700-168  
(325 Gatacre Street)**

3. Section 6.5 “Coach House Regulations” in the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”, as amended, is varied for the subject property as follows:

**From:**

**Part 6.5 (b) A Coach House Dwelling, where permitted in this Bylaw, shall satisfy all of the following conditions: ii) “Shall not exceed a Gross Floor Area of 60 square metres.”**

**To:**

**Part 6.5 (b) A Coach House Dwelling, where permitted in this Bylaw, shall satisfy all of the following conditions: ii) “Shall not exceed a Gross Floor Area of 66.9 square metres.”**

**AND**

From:

Part 6.5 (b) A Coach House Dwelling, where permitted in this Bylaw, shall satisfy all of the following conditions: (iii) "Shall not exceed a *Height* of: 1) 6.6 metres where a *Coach House Dwelling* is located in the second storey of an *Accessory Building*; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 5.7 metres."

To:

Part 6.5 (b) A Coach House Dwelling, where permitted in this Bylaw, shall satisfy all of the following conditions: (iii) "Shall not exceed a *Height* of: 1) 6.93 metres where a *Coach House Dwelling* is located in the second storey of an *Accessory Building*; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 5.7 metres."

AND

From:

Part 6.5 (b) A Coach House Dwelling, where permitted in this Bylaw, shall satisfy all of the following conditions: (v) "Shall not be located closer than 6.0 metres to the *Principal Dwelling*, as measured between the foundations of each."

To:

Part 6.5 (b) A Coach House Dwelling, where permitted in this Bylaw, shall satisfy all of the following conditions: (v) "Shall not be located closer than 3.13 metres to the *Principal Dwelling*, as measured between the foundations of each."

4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit.
5. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE DAY OF 20 .

---

Mayor (A. Stone)

---

Corporate Officer (S. Bowden)

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

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



## Town of Ladysmith

### **STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: May 26, 2015  
File No: 3060-15-06

---

Re: Development Permit Application 3060-15-06, 325 Gatacre Street (Marrington)  
Subject Property: Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A

#### RECOMMENDATION(S):

Subject to Council's approval of DVP 3090-15-01 which is on the Council agenda earlier tonight:

That prior to Council's consideration of Coach House Intensive Residential Development Permit 3060-15-06 (325 Gatacre Street) the applicant will be required, pursuant to the DPA 10 Design Guidelines, to amend the application and provide a site plan that includes:

#### Building Character and Design

- Frosting or otherwise obscuring the windows on the east side (second storey) to discourage overlook.

#### Accessibility and Livability

- A continuous unobstructed pathway with a minimum width of 90cm from Gatacre Street to the coach house dwelling entrance.
- Landscaping in the space between the side of the coach house dwelling and the lane to enhance the lane.
- Motion detecting lighting on the building to increase the safety of the lane.

#### Landscaping

- A screened area or structure for on-site coach house dwelling garbage and recycling.
- A cedar hedge to define the at-grade amenity area for the coach house dwelling resident (minimum 1.2 metres in height at installation).

#### PURPOSE:

The purpose of this staff report is to present for Council's consideration a Coach House Intensive Residential Development Permit application for 325 Gatacre Street.

#### INTRODUCTION/BACKGROUND:

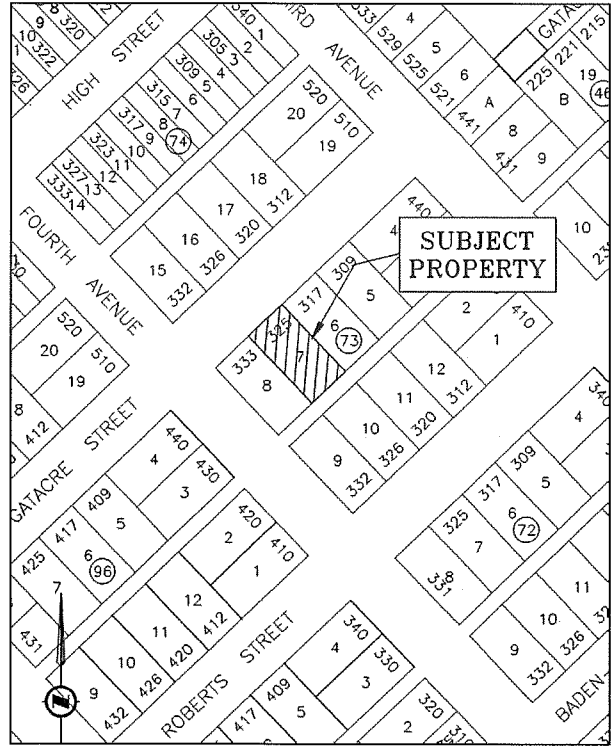
Currently a single unit dwelling, two-storey accessory building and gazebo are located on the property. The applicant has submitted a development permit application to permit the issuance of a building permit for a coach house dwelling unit in the second storey of the accessory building. A development variance permit application is also being considered for the siting, floor area, and height of the proposed coach house.

### SCOPE OF WORK:

The subject property falls within the 'Coach House Intensive Residential Development Permit Area' (DPA 10). The objective of DPA 10 is to establish good neighbour design standards and livability, as well as encourage building character and sustainable design for coach house dwellings. The coach house dwelling proposal has been reviewed in relation to the DPA 10 guidelines and Zoning Bylaw requirements.

#### *Building Character and Design*

- The building exists and external changes to it are not proposed. The massing of the accessory building was legal at the time it was constructed. A DVP is under consideration for size and height.
- While the existing accessory building is higher than the dwelling onsite, it is in scale with the other properties in the neighbourhood. It has a pitched roof.
- The building design and materials are harmonious with the design and materials of the principal residential building.
- There are no windows on the west side (second storey). The windows on the east side (second storey) could be frosted or otherwise obscured as they are full-length and cause overlook. (See Figure 1) The immediate neighbour to the east has indicated no objection to the proposal through the DVP notification process.
- The building has no upper level balcony.



#### *Accessibility and Livability*

- A delineated pathway with a minimum width of 90cm should be provided from Gatacre Street to the coach house entrance to provide a clear entry to the coach house dwelling similar to the pathway to the primary residence.
- The address for the coach house will be placed so that it is visible from Gatacre St.
- The proposed coach house entry faces the side yard and is accessible from the lane. The second storey windows facing the lane provide for "eyes on the lane".
- The space between the lane and the building is permeable (gravel), but is not attractively landscaped to enhance the lane.
- Motion detecting light could be placed on the building to increase the safety of the lane.

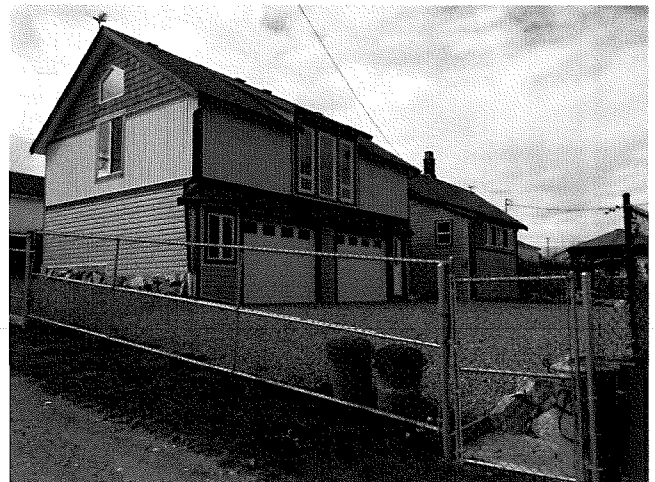
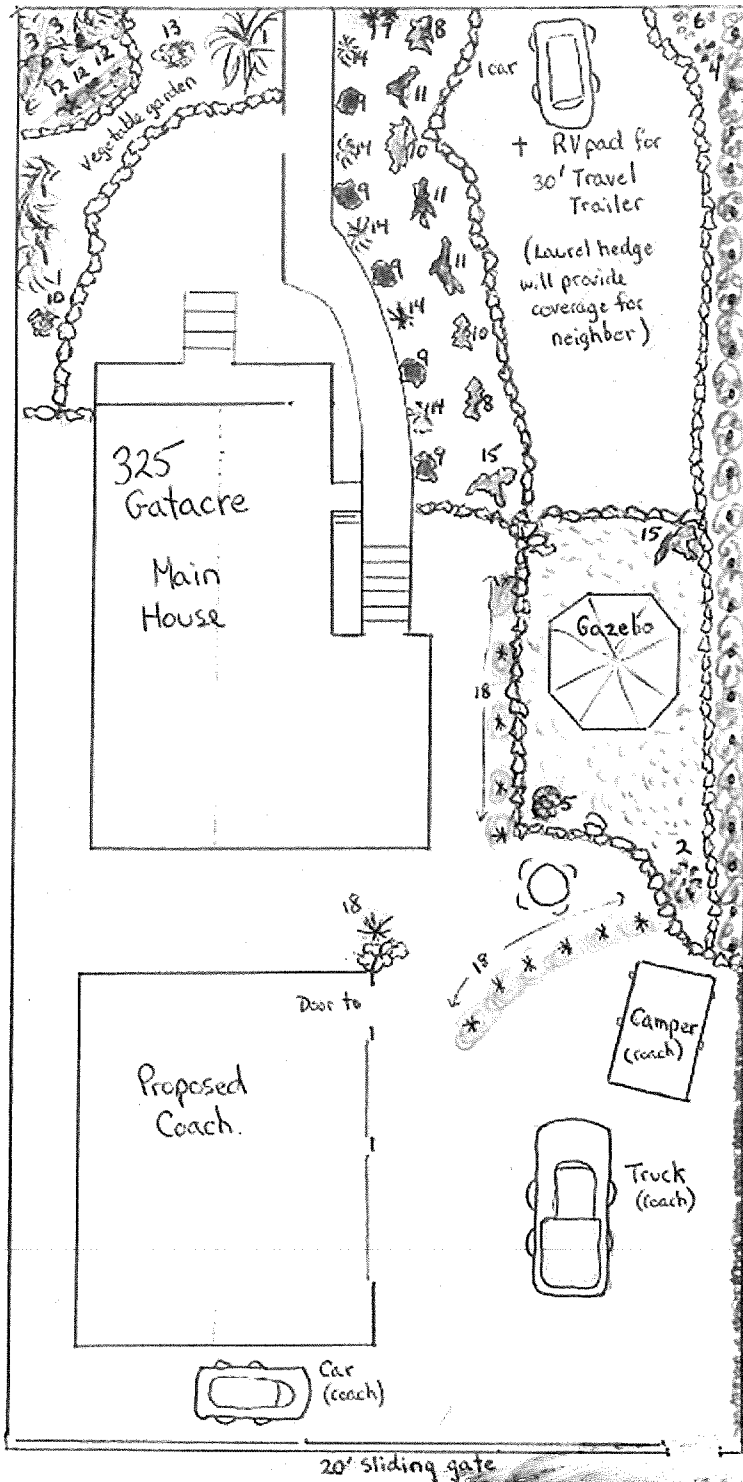


Figure 1: Proposed Coach House Dwelling (second storey) - 325 Gatacre Street (view from lane)

Figure 2: Site Plan with landscaping – 325 Gatacre Street.



2 different aggregate used w/ decorative rocks

Trees (Planted)

- 1 Western Red Cedar
- 2 Split leaf Maple
- 3 Lilac
- 4 Huckleberry
- 5 Tree Rose
- 6 Quince Japonica

Shrubs (Planted)

- 7 Pink Blueberry
- 8 Pieris Japonica
- 9 Box wood
- 10 Evonymus
- 11 Juniper
- 12 Rhododendron
- 13 Nesting Spruce
- 14 Cypress
- 15 Varigated Juniper

Hedging (Planted)

- 16 Laurel
- 17 Ivy-varigated - slow grow

Grass

Proposed for further privacy.

- 18 Emerald green Cedar  
Would add privacy from Main house and Parked Vehicles.

Private Area for Proposed Coach house

$14 \times 35 = 490 \text{ sq/} 45 \text{m}^2$

(90sq or 7.5m required)



BC CLIMATE ACTION COMMUNITY 2013

cowichan



### *Landscaping*

- The rear of the property and side yard has chain-link fencing. Wood fencing, landscaping or neither is more common along the lane in the immediate area. The types of permitted fence material are not specified in the DPA 10 guidelines.
- Additional landscaping has been proposed to define the at-grade outdoor amenity space (gazebo) for the coach house inhabitants as the amenity space is not immediately adjacent to the coach house. (see Figure 2 which was provided by the applicant in response to questions about on-site landscaping)
- A screened area or structure for garbage and recycling must be provided.
- The parking area for the coach house is gravel.

### *Energy and Water Conservation*

- The applicant indicates that the accessory building meets the Energuide 80 energy efficiency standard.

### *Summary*

An objective of the DPA 10 guidelines is to create livability for all residents, including the new coach house inhabitants and neighbours. This livability should apply now and in the future. As the application is for an accessory building conversion to a coach house dwelling, obscuring the second floor windows and changes to the amenity space are items that can be modified to meet the guidelines for a coach house dwelling in an existing building.

The applicant has indicated that the materials used for the yard and fencing have been selected as durable and to minimize required maintenance. It is the recommendation of staff that, if Council approves the Development Variance Permit application, there should be some changes to the proposal in response to the guidelines before the Development Permit is considered by Council.

The recommended changes and development permit conditions include:

- Frosting or otherwise obscuring the windows on the east side (second storey) to discourage overlook. (Guideline 1f)
- A continuous unobstructed pathway with a minimum width of 90cm from Gatacre Street to the coach house dwelling entrance. (Guideline 2a)
- Place address numbers for the coach house dwelling such that the address is clearly visible from Gatacre Street. (Guideline 2c)
- Place motion detecting lighting on the building to increase the safety of the lane. (Guideline 2d(v))
- Landscaping in the space between the side of the coach house dwelling and the lane to enhance the lane. (Guideline 2d(iv))
- A screened area or structure for on-site coach house dwelling garbage and recycling. (Guideline 3e)
- A cedar hedge to define the at-grade amenity area for the coach house dwelling resident (minimum 1.2 metres in height at installation) so as to be distinct from the yard for the primary residence. (Guideline 3g)



ALTERNATIVES:

That Council does not consider the Development Permit application 3060-15-06 as the associated Development Variance Permit was not approved.

FINANCIAL IMPLICATIONS: None.

LEGAL IMPLICATIONS:

A development variance permit and development permit is required prior to issuance of a building permit to construct the coach house dwelling in the existing accessory building.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Development Permit applications do not require statutory notice. However, as a result of the statutory notice for the associated development variance permit application, input was received regarding the windows on the second storey of the rear wall causing overlook, and the character of the chain-link fencing at the rear.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposal for a coach house dwelling on the subject property was referred to the Infrastructure Services Department for review. They have no servicing issues with the proposal.

RESOURCE IMPLICATIONS:

Processing development permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The applicant completed a 'Sustainable Development Checklist' and indicates that the proposed coach house dwelling adds to the diversity of housing in the area, increases density in the Town's existing neighbourhoods, creates affordable housing, and states the accessory building was built to an Energuide 80 standard.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

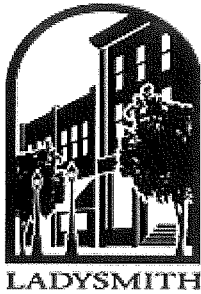
SUMMARY:

The owners of 325 Gatacre Street have applied for a Coach House Intensive Residential Development Permit. The proposal has been reviewed utilizing the DPA 10 guidelines. Its consideration is subject to Council first approving the associated development variance permit application. If the development variance permit application is approved it is recommended that the applicant submit a revised site plan to address the staff recommendations in this report.

I concur with the recommendation.



Ruth Malli, City Manager



Town of Ladysmith

**COMMISSION REPORT**

To: Council  
From: Parks, Recreation and Culture Commission  
Date: May 27, 2015  
File No:

---

Re: APPROPRIATE BEHAVIOUR POLICY / CODE OF CONDUCT

RECOMMENDATION:

THAT Council consider the following recommendation from the Parks, Recreation and Culture Commission:

THAT Council consider adopting the Appropriate Behaviour Policy and Code of Conduct.

INTRODUCTION/BACKGROUND:

Council will recall that at its meeting held April 20, 2015, it referred the matter of Appropriate Behaviour Policy and Code of Conduct to the Parks, Recreation and Culture Commission for review and to provide feedback to Council.

ANALYSIS:

At its meeting of May 27, 2015, the Commission discussed the Appropriate Behaviour Policy and Code of Conduct as well as options for signage to be posted within the recreation facilities. The Commission agreed that the following direct and point form wording for the sign is preferred; however it was considered that possibly the addition of "welcome" should be added:

Parks, Recreation & Culture Code of Conduct for all Persons

1. I am responsible for and will control my actions at all times  
or I will leave the facility
2. I will treat all others and this facility with respect
3. I will interact in this facility in a safe and courteous manner

Failure to comply with this code of conduct may result in your immediate expulsion from this facility and/or limitations on your ability to enjoy its use.

STAFF COMMENTS:

None.

ATTACHMENTS:

Sample Code of Conduct Sign  
Appropriate Behaviour Policy

## Sample Sign



### **Parks, Recreation & Culture Code of Conduct for all Persons**

- 1. I am responsible for and will control my actions at all times or I will leave the facility**
- 2. I will treat all others and this facility with respect**
- 3. I will interact in this facility in a safe and courteous manner**

Failure to comply with this code of conduct may result in your immediate expulsion from this facility and/or limitations on your ability to enjoy its use.



**TOWN OF LADYSMITH**  
**POLICIES AND PROCEDURES MANUAL**

<b>TOPIC:      Appropriate Behaviour – Code of Conduct – Recreation Facilities</b>	
<b>APPROVED BY:</b>	<b>DATE:</b>
<b>RESOLUTION #:</b>	

**Policy**  
Access to facilities or programs may be denied to customers who violate facility rules, engage in inappropriate, abusive, undesirable or dangerous behaviour, conduct solicitation for personal or business gain, contravene a Town of Ladysmith bylaw or commit criminal acts on Town of Ladysmith property. Any such action shall be treated as “inappropriate behaviour” under this policy.

**Rationale**  
The Town of Ladysmith values the safety and security of visitors and staff, and the protection of personal and public property at Town of Ladysmith recreation facilities.

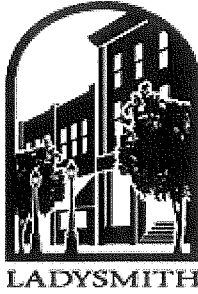
Town of Ladysmith staff and the RCMP work together to prevent, monitor, and respond to any potential risks. Inappropriate, abusive, undesirable, dangerous or criminal behaviour will not be tolerated. Anyone engaging in inappropriate behaviour will be asked to leave the facility and may have facility privileges suspended indefinitely through the Appropriate Behaviour Policy. Individuals may be charged by the RCMP under the Criminal Code of Canada.

**Procedures**

1. When any inappropriate behaviour is displayed, staff (2 if possible) will ask the individual or group of individuals to cease the inappropriate behaviour. If the individual or group is disrespectful or continues or resumes the behaviour, staff will ask them to leave and escort them from the facility. *No child(ren) nine (9) years of age or under will be asked to leave unless accompanied by their parent/guardian or police. If incidents involve youth ten (10) years of age or above, staff will attempt to contact the parents/guardian by phone. This attempt or contact will be recorded on the incident form for future reference.*

2. If the individual(s) is/are abusive or refuse to leave, staff will call the RCMP if warranted, and report the details. (i.e. causing a disturbance, intimidating staff/public).
3. An Incident Form is to be completed, dated, and signed by the staff member involved and submitted to the Director.
4. Facility, reception, program, and maintenance staff have the ability to temporarily suspend access. Longer suspensions must be authorized by the Director.
5. If the suspension involves a period beyond twenty-four hours, formal notice is hand-delivered or sent by registered mail to the individual's residence.
6. If it is known the suspended person has an account in the department program software, staff must enter an alert text in program registration such as: ***"Doe, John has received a facility suspension from location for the period of date length. Staff initials and date"***
7. Copies of the incident reports must be forwarded to supervisors and the Director.
8. Once the suspension has expired, the record of the suspension must be recorded in the secure drive on the suspension tracking form by the Director or designate.
9. Where the conduct may present a significant risk to public safety (e.g. violent or sexual misconduct) this information will be shared with the RCMP, who may advise to further notify the providers of municipal recreation services in the region.

Consideration of an appeal made by the offender should be directed to the Director of Parks, Recreation and Culture.



Town of Ladysmith

**COMMISSION REPORT**

To: Council  
From: Parks, Recreation and Culture Commission  
Date: May 27, 2015  
File No:

---

Re: SHOWER ONLY FEE AT FRANK JAMESON COMMUNITY CENTRE

RECOMMENDATION:

THAT Council consider the following recommendation from the Parks, Recreation and Culture Commission:

THAT Council consider not supporting the shower only fee at Frank Jameson Community Centre.

INTRODUCTION/BACKGROUND:

Council will recall that at its meeting held November 3, 2014, it referred the matter of low-barrier showers to the Parks, Recreation and Culture Commission for consideration and to make a recommendation to Council.

ANALYSIS:

At its meeting of May 27, 2015, the Commission discussed options for a shower only fee as well as alternative locations for residents and visitors showering in Ladysmith. The Commission agreed that an alternative location would be preferred.

STAFF COMMENTS:

None.

ATTACHMENTS:

None.

# Local Government Program Services

...programs to address provincial-local government shared priorities



Administration provided  
by UBCM

Funding provided by  
Province of B.C.



For program  
information, visit the  
Funding Programs  
section at:

[www.ubcm.ca](http://www.ubcm.ca)

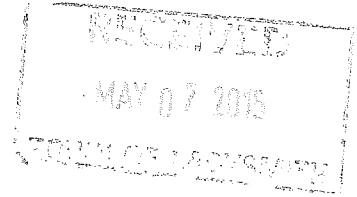
LGPS Secretariat

Local Government House  
525 Government Street  
Victoria, BC, V8V 0A8

E-mail: [lgps@ubcm.ca](mailto:lgps@ubcm.ca)  
Phone: (250) 356-2947

May 4, 2015

Mayor Stone and Council  
Town of Ladysmith  
PO Box 220  
Ladysmith, British Columbia, V9G 1A2



## Re: 2015 Asset Management Planning Program - Grant Approval and Terms & Conditions

Dear Mayor and Council,

Thank you for submitting an application for the 2015 Asset Management Planning grant program.

I am pleased to inform you that the Evaluation Committee has approved funding for your project, *Asset Management - Phase 1 Assessment*, in the amount of \$10,000.00.

As outlined in the Program & Application Guide, grant payments will be issued when the approved project is complete and UBCM has received and approved the required final report and financial summary.

The Ministry of Community, Sport & Cultural Development has provided funding for this program. The general Terms & Conditions for this grant are attached. In addition, in order to satisfy the terms of the contribution agreement, we have the following requirements:

- (1) The funding is to be used solely for the purpose of the above named project and for the expenses itemized in the budget that was approved as part of your application;
- (2) The funds must be matched in cash or in-kind;
- (3) All project activities must be completed within 12 months and no later than April 29, 2016;
- (4) The Final Report Form is required to be submitted to UBCM within 30 days of project end date and no later than May 31, 2016.
- (5) Any unused funds must be returned to UBCM within 30 days following the project end date.

On behalf of the Evaluation Committee, I would like to congratulate you for responding to this opportunity to advance asset management in your local government.

If you have any questions, please feel free to contact Local Government Program Services at (250) 356-2947 or by email at lgps@ubcm.ca.

Sincerely,

A handwritten signature in black ink, appearing to be 'PR', written over a horizontal line.

Peter Ronald  
Programs Officer

cc: *Erin Anderson, Director of Financial Services, Village of Ladysmith*

*Enclosure*





## Local Government Program Services

# General Funding Terms & Conditions

*The purpose of these Terms and Conditions is to provide basic information on the administration of Local Government Program Services (LGPS) grants. For specific information regarding the terms and conditions of each funding program, please refer to the Program & Application Guide.*

### 1. Definitions

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- **Approved Applicant** - In general, LGPS grants are awarded to local governments (regional districts and municipalities). However, under some programs, other organizations, such as First Nations and aboriginal organizations or boards of education, can be the approved applicant. The approved applicant is the primary contact for UBCM and is responsible for overall grant management.
- **Approved Partner(s)** - Are organizations that contribute directly to the approved project, are identified in the application and are approved by UBCM. Possible partners include, but are not limited to, boards of education, health authorities, First Nations or aboriginal organizations, non-profit organizations and local governments (other than the applicant).
- **Approved Project** - Is the activity or activities described in the application and approved by UBCM.
- **Cash Expenditures** - Are direct costs properly and reasonably incurred and paid for with money by the approved applicant or approved project partners for the development or implementation of the approved project. For example, catering and consultant fees can be cash expenditures.
- **In-Kind Expenditures** - Are the use of resources of the approved applicant or approved project partner for the development or implementation of the approved project. For example, the use of meeting rooms owned by the applicant or approved partner can be an in-kind expenditure.
- **Program & Application Guides** - Are the application and program materials prepared by UBCM to describe the program and assist applicants in completing and submitting an application. All Program & Application Guides are available at [www.ubcm.ca](http://www.ubcm.ca).

### 2. Eligible & Ineligible Costs

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Eligible costs, including cash and in-kind expenditures, are direct costs properly and reasonably incurred by the approved applicant or approved partners in the development or implementation of the approved project. To be eligible, these costs must be outlined in the detailed budget submitted by the approved applicant as part of the application process and be approved by UBCM. Requests to change the budget must be made to UBCM, in writing, by the approved applicant (see below). Please see the Program & Application Guide for specific notes regarding eligible and ineligible costs.

### 3. Post-Approval Terms

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#### Notice of Approval

UBCM will inform approved applicants by letter and a specified percentage of the approved grant amount will be forwarded upon approval. The balance will be paid on satisfactory completion of the project and receipt of all final reporting requirements.

#### Applicant Responsibilities

LGPS grants are awarded to approved applicants. When collaborative projects are undertaken, the approved applicant remains the primary organization responsible for the grant. Due to this, the approved applicant is the primary contact for UBCM and is responsible for:

- Ensuring that approved activities are undertaken as outlined in the approved application and within the required timeline,
- Providing proper fiscal management of the grant and approved project (see below), and

- Submitting progress and/or final reports, using UBCM forms where available, as required by the Program & Application Guide (see below).

#### **Accounting Records**

Acceptable accounting records must be kept that clearly disclose the nature and amounts of cash and in-kind expenditures incurred during the development or implementation of the approved project. Financial summaries are required to be submitted as part of the final report and must be signed by a representative of the approved applicant (or as required in the Program & Application Guide). In all cases, the final project expenditure must be net of any rebates (such as HST) that the approved applicant or approved partner is eligible to receive.

#### **Changes to or Cancellation of Approved Project**

Approved applicants need to advise UBCM, in writing, of any significant variation from the approved project as described in the approved application, including any major changes to:

- Start or end dates
- Cash and in-kind expenditures or matching funds (when required)
- Project purpose, goals, outcomes or milestones
- Project partners

UBCM's approval may be required in advance for such changes. If an approved project is cancelled, the approved applicant is responsible for ensuring any grant monies that have been advanced are returned to UBCM within 30 days, or as outlined in the Program & Application Guide.

### **4. Reporting Requirements**

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#### **Submission of Reports**

Approved applicants are required to submit progress and final reports as outlined in the Program & Application Guide. When UBCM forms are available, they are required to be used. Please note the following when submitting a report:

- When completing a UBCM report form please ensure that each question is answered and that all attachments are complete. Follow any sample templates that UBCM provides.
- When a report form is not required, please ensure that each required component, as outlined in the Program & Application Guide, is addressed in your report and that all attachments are complete.
- Unless specifically requested, please do not bind reports or submit in binders or folders.
- When submitting electronically, submit all documents as Word or PDF files.
- All digital photos or images should be submitted, by e-mail or on CD, as JPEG files.
- When you are ready to submit your report, please e-mail it directly to lgps@ubcm.ca or mail/fax it to Local Government House: 525 Government Street, Victoria, BC, V8V 0A8 or Fax: (250) 356-5119

#### **Extensions and Outstanding Reports**

In order for an approved project to continue past the approved end date – or for a final report to be submitted after the established deadline – approved applicants must contact LGPS and request *and be granted* permission for an extension.

Approved applicants that do not request extensions and have outstanding reports may forfeit the final payment of their grant and may not be eligible to apply to future LGPS programs until reports are received.

### **5. Recognition of Funding and Funders**

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Approved applicants should contact UBCM for more information on recognizing funding and for information on the appropriate use of logos. Please contact Paul Taylor, Relationships & Communications Advisor, at (250) 356-2938 or ptaylor@ubcm.ca.

# Destination British Columbia™

Wednesday, April 29, 2015

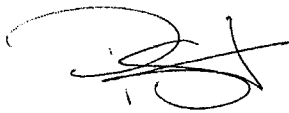
Dear Felicity:

I am pleased to advise you that Ladysmith has been approved for funding up to the amount of \$8,400 through the **Community Tourism Opportunities** (CTO) program. Destination BC is pleased to be a partner with over 125 communities around the province to implement tourism marketing and development activities.

As you are aware, your approved funding is coordinated on behalf of Destination BC by Tourism Vancouver Island. Your regional community contact, Jody Young, will be in touch shortly regarding the specifics of your community's proposal. In the meantime, if you have any program questions, please do not hesitate to contact Jody or me.

We are delighted to work in partnership with you on your community's tourism initiatives and would like to wish Ladysmith the best in the successful implementation of your plans.

Sincerely,



Peter Harrison  
Director, Destination Development & Co-op Marketing

## Joanna Winter

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**From:** Sandy Bowden  
**Sent:** May 26, 2015 9:08 AM  
**To:** Joanna Winter  
**Subject:** Open Agenda Item June 1st Council

Please add the following under "New Business":

### **Ladysmith Downtown Business Association Liability Insurance Coverage – Old Tyme Christmas Event**

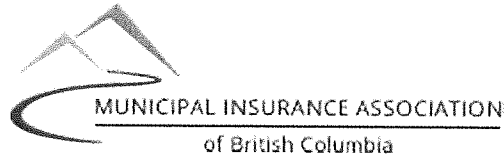
The Ladysmith Downtown Business Association (LDBA) has requested assistance from the Town in acquiring liability insurance for public events such as the annual Old Tyme Christmas event. This coverage is available through the Municipal Insurance Association under its Associate Member Program on the condition that the associate member is providing a service for the local government. In this case, the service provided by the LDBA focuses on the promotion of the Town of Ladysmith and assisting local businesses in establishing themselves within Ladysmith. The LDBA must enter into a Service Provider Agreement with the Town (see attached). The annual fee for this additional insurance coverage is \$250 for which the LDBA is responsible. In order to proceed with this request, the Town is required to:

- Adopt a resolution authorizing the Town to enter into a Service Provider Agreement with the LDBA
- Execute a Service Provider Agreement signed by both parties
- Process payment of the \$250 annual premium

#### Staff Recommendation:

That Council authorize the execution of a Service Provider Agreement between the Town of Ladysmith and the Ladysmith Downtown Business Association for the provision of promotional services and assisting local businesses in establishing themselves within Ladysmith, and that the Ladysmith Downtown Business Association be required to pay the \$250 annual fee for the additional liability coverage provided by the Municipal Insurance Association of BC.

Thanks.



## SERVICE PROVIDER AGREEMENT

This Service Provider Agreement (the "Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and in between:

The **Town of Ladysmith** (the "Local Government") and

The **Ladysmith Downtown Business Association** (the "Service Provider").

The Service Provider agrees to provide the following services for or on behalf of the Local Government:

- Promote the Town of Ladysmith through the hosting of community events, such as the "Old Tyme Christmas" event.
- Assist local businesses in establishing themselves within Ladysmith.

The term of the Agreement is perpetual commencing the 2<sup>nd</sup> day of June, 2015.

While providing the agreed service, the Service Provider agrees to comply with: all applicable laws, rules and regulations; the practices, procedures and policies of the Local Government; and any special instructions given to the Service Provider by representative(s) of the Local Government.

The Local Government agrees to obtain commercial general liability insurance coverage from the Municipal Insurance Association of British Columbia (MIABC) naming the Service Provider as an Additional Named Insured entitled to full coverage in the amount of \$5,000,000 with respect to third party liability claims arising from the provision of the agreed service. The Service Provider agrees to carry its own statutory worker's compensation insurance and automobile liability insurance, if appropriate.

The Service Provider agrees to indemnify, defend and hold harmless the Local Government, its agents, servants, employees, trustees, officers and representatives from any liability, loss or damage which the Local Government may suffer as a result of any claims, demands, costs, actions, causes of actions, or judgments, including legal fees, asserted against or incurred by the Local Government arising out of, during, or as a result of the provision of services outlined in the Agreement except such liability, loss, or damage which is the result of, or arising out of, the sole negligence of the Local Government or that is covered by the MIABC liability insurance policy.

The Service Provider agrees to be responsible for any and all deductible amounts including any claim expenses incurred and policy premium payments.

The Local Government reserves the right to terminate this Agreement and the associated commercial general liability insurance coverage provided to the Service Provider by the MIABC at any time upon written notification to the Service Provider of the termination.

**ON BEHALF OF THE TOWN OF LADYSMITH**

*Aaron Stone*  
\_\_\_\_\_  
Name

*Mayor*  
\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*Sandy Bowden*  
\_\_\_\_\_  
Name

*Director of Corporate Services*  
\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**ON BEHALF OF THE LADYSMITH DOWNTOWN BUSINESS ASSOCIATION**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## Canada 150 Community Infrastructure Program

The Canada 150 Community Infrastructure Program is part of Canada 150 Celebrates, the Government of Canada's celebration of our country's 150<sup>th</sup> anniversary. Through investments in community infrastructure, the Government of Canada will invest in projects that celebrate our shared heritage, create jobs, and improve the quality of life for Canadians.



Under the theme ***Giving back to Canada: shaping the future, leaving a lasting legacy and giving a gift to Canada***, the Canada 150 Community Infrastructure Program will invest \$150 million over two years to support projects that rehabilitate existing community facilities across Canada. These projects will ensure a lasting legacy as a result of Canada 150 and strengthen communities from coast to coast to coast.

Western Economic Diversification Canada (WD), on behalf of the Government of Canada, will deliver the Canada 150 Community Infrastructure Program in Western Canada. WD will invest in projects that rehabilitate or improve cultural and community infrastructure, which will help communities realize long-term growth and vibrancy in the years to come.

**Applications in Western Canada will be accepted from Tuesday, May 19<sup>th</sup>, 2015 until Wednesday, June 17<sup>th</sup>, 2015 @  
1:00 p.m. Pacific Standard Time  
2:00 p.m. Mountain Standard Time  
3:00 p.m. Central Standard Time.**

Those interested in applying to the Canada 150 Community Infrastructure Program are strongly encouraged to review the following, which includes important details on eligibility, application requirements and program priorities:

- Applicant Guide and Instructions ([HTML](#) | [PDF](#))
- [Frequently Asked Questions \(FAQS\)](#)

Canada 150 Community Infrastructure Program Application Form:  
(Applicants are strongly encouraged to apply on-line)

- [On-Line Form](#)
- [PDF](#)
- [HTML](#)

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## Eligible Activities

As the objective of this program is to ensure a lasting legacy resulting from Canada 150, in Western Canada (Manitoba, Saskatchewan, Alberta, British Columbia), strong preference will be given to projects that are undertaking meaningful upgrades to existing cultural and community facilities; upgrades that will provide long-term benefits to a community, will be viewed with pride by a community, and are recognized as a lasting legacy from Canada 150.

Examples of the type of community infrastructure that can be supported include:

- Community centres (including legions);
- Cultural centres and museums;
- Parks, recreational trails such as fitness trails, bike paths and other types of trails;
- Libraries;

- Recreational facilities including local arenas, gymnasias, swimming pools, sports fields, tennis, basketball, volleyball or other sport-specific courts or other types of recreational facilities;
- Tourism facilities;
- Docks;
- Cenotaphs; and,
- Other existing community infrastructure for public benefit.

Eligible projects must meet the following criteria:

- The amount of funding being requested under the Canada 150 Community Infrastructure Program cannot exceed 50% of the total costs of a project, up to a maximum of \$500,000.
- The maximum contribution from ALL Government of Canada sources (including the Canada 150 Community Infrastructure Program and other sources such as the Gas Tax Fund) cannot exceed 50% of the total costs of a project;
- Be for the rehabilitation, renovation, or expansion of existing infrastructure for public use or benefit;
- Be community-oriented, non-commercial in nature and open for use to the public and not limited to a private membership;
- Be for facilities located in Western Canada (British Columbia, Alberta, Saskatchewan, Manitoba); and,
- Be materially complete by **March 31, 2018**.
  - A project is considered to be materially complete when a substantial part of the improvement is ready for use or is being used for the purposes intended; costs for activities such as parking, paving, landscaping, exterior/interior finishes are potentially excluded from the definition of substantial completion.

In addition, an applicant must:

- Submit a fully complete application form by **June 17, 2015** (and all mandatory attachments) and,
- Be available for follow-up from **June – August 2015**.

## Eligible Organizations

Eligible applicants include:

- A local or regional government established under provincial or territorial statute;
- A public sector body that is wholly owned by an eligible applicants listed above;
- A not-for-profit entity;
- A provincial or territorial entity that provides municipal-type services to communities, as defined by provincial or territorial statute (including school boards); and,
- A First Nation government, including a Band or Tribal Council or its agent (including wholly-owned corporation) on the condition that the First Nation has indicated support for the project and for the legally-designated representative to seek funding through a formal Band or Tribal Council resolution, or other documentation from Self-governing First Nations.

In addition, eligible applicants must:

- Directly own the infrastructure assets, facility or land which are being renovated or have a long-term lease in place (with permission from the owner to undertake renovations); and,
  - If you have a long-term lease in place please attach to your application proof that you have permission from the owner to undertake renovations.
- Be Incorporated.

## Funded Projects



It is critical that applicants submit a complete application form that clearly shows how their project meets the elements listed above. Incomplete applications will not be deemed eligible.

First, each application will be assessed to determine if it meets the eligibility criteria.

Further, in Western Canada, preference will be given to projects that meet the following criteria:

- Projects that will rehabilitate existing cultural and community facilities that will leave a meaningful lasting legacy resulting from Canada 150;
  - *As the objective of this program is to ensure a lasting legacy resulting from Canada 150, in Western Canada (Manitoba, Saskatchewan, Alberta, British Columbia), strong preference will be given to projects that are undertaking meaningful upgrades to existing cultural and community facilities; upgrades that will provide long-term benefits to a community, will be viewed with pride by a community, and are recognized as a lasting legacy from Canada 150.*
- Projects where the funding from sources other than the Canada 150 Community Infrastructure Program is confirmed or intended. Funding will only be considered confirmed or intended if written proof is provided; and,
- The applicant has strongly demonstrated an ability/capacity to complete the project by the fall of 2017.

## Application Process

In Western Canada the Canada 150 Community Infrastructure Program will be delivered through a Call for Proposals process where applicants will have 30 days from the beginning of the application period to submit their application.

**Applicants are strongly encouraged to apply online. Please follow [this link](#) to complete your application online.**

Applications will not be accepted outside of the application period. Saved applications that have not been submitted prior to the end of a deadline period will not be assessed by Western Economic Diversification Canada.

Western Economic Diversification Canada will be accepting applications to the Canada 150 Community Infrastructure Program from:

**Tuesday, May 19<sup>th</sup>, 2015 until Wednesday, June 17<sup>th</sup>, 2015.**

The online application portal will close at **1:00 p.m. Pacific Standard Time/2:00 p.m. Mountain Standard Time/3:00 p.m. Central Standard Time on Wednesday, June 17<sup>th</sup>, 2015.**

Date Modified: 2015-05-20